Legal Services Corporation
America's Partner For Equal Justice

PROGRAM LETTER 02-3

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TO: **All LSC Program Directors**

FROM: **Randi Youells _____**
Vice President for Programs

DATE: **January 22, 2002**

RE: **STATE PLANNING CONFIGURATION STANDARDS**

On November 17, 2001, the LSC Board of Directors adopted the Report of the LSC Task Force to Study and Report on Configuration of Service Areas. The Board action codifies LSC's standards for reconfiguration of service areas and amends LSC's review process for configuration decisions. This Program Letter formally adopts and presents the attached configuration standards adopted by the LSC Board. As provided therein:

> "these standards shall guide the state planning process on reconfiguration and shall serve as the criteria for decisions by LSC. Under these guidelines, LSC will exercise its statutory responsibility to insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas."

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STATE PLANNING CONFIGURATION STANDARDS

Final Task Force Report – Board Approved

November 2001

LEGAL SERVICES CORPORATION

STATE PLANNING CONFIGURATION STANDARDS

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I. PREFACE

This document-- Legal Services Corporation State Planning Configuration Standards -- presents in one place a comprehensive compilation of the standards LSC recipients and Designated State Planning Bodies (DSPB's)[1] should consider and that the Legal Services Corporation will use in considering the configuration of a state's legal services delivery system.[2]

Determination of the most appropriate configuration of programs in a given state is a part of the broader state planning process and cannot be divorced from consideration of the overall goals of the state delivery system, the state's past performance, current status, and progress towards and plans for achieving those goals. The Legal Services Corporation expects its grantees in each state and territory to work with one another and with a broad spectrum of other equal justice stakeholders[3] to develop comprehensive, integrated statewide civil legal services delivery systems which are responsive to the most compelling needs of eligible clients and client communities, ensure the highest and most strategic use of all available resources, maximize the opportunity for clients throughout the state to receive timely, effective and appropriate legal services in the present and in the future, and operate efficiently and effectively.[4]

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[1] A "Designated State Planning Body" is an entity that has been established and charged with responsibility for coordinating state legal services delivery planning. Such planning entities are generally composed of an array of civil equal justice delivery stakeholders, including but not limited to representatives from the state bar association, state IOLTA funding entity, staffed legal services programs (LSC and non-LSC), the pro bono community, client organizations, clients and others with an interest and commitment to effective delivery of civil legal services to poor and vulnerable people in the state.

[2] For LSC's policies regarding internal review of configuration recommendations, *see Legal Services Corporation Reconfiguration Review Process, September 21, 2001.*

[3] State planning processes, including the participants, will vary from state to state, and LSC does not require the same process or participation in each state. However, LSC continues to encourage broad civil equal justice stakeholder participation at the state level and expects its grantees to do the same.

[4] For a fuller articulation of these goals, see LSC Program Letters 98-1, 98-6, and 2000-7, and *Strategic Directions 2000-2005*, adopted by the LSC Board of Directors on January 28, 2000.

While LSC will continue to utilize a variety of approaches, LSC views service area configuration as a key structural component of a comprehensive set of strategies employed to promote the creation and sustainability of comprehensive, integrated state civil equal justice communities. LSC has and will continue to require its grantees and encourage DSPB's to critically examine the degree to which the configuration of LSC grantees in any given state promotes these ends.

The determination of the configuration that will best serve clients throughout a particular state ultimately involves a balancing of factors and the application of judgment to a host of considerations. Each state is different, and in a number of states, intra-state regions differ significantly as well. Some standards relevant to decisions affecting configuration can, in context, suggest different conclusions, depending upon the state or geographic region involved. Each state's configuration must be viewed on the totality of the circumstances.

LSC values the judgments of designated state planning bodies that have addressed the question and will normally give great weight to those judgments that have been developed through an inclusive, thoughtful, and client-centered process. LSC will only adopt a different configuration based upon good and substantial reasons clearly articulated in writing and tied to the specific standards enumerated herein.

These standards shall guide the state planning process on reconfiguration and shall serve as the criteria for decisions of LSC. Under these guidelines, LSC will exercise its statutory responsibility to insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas.[5]

II. LSC's Statutory Responsibility

LSC operates under a statutory mandate to make funding decisions that maximize the effective and economical delivery of high quality legal services to eligible clients throughout the state within a comprehensive, integrated delivery system. This duty can be effectively carried out through a process that recognizes the importance of creating enduring capacities at the state level to support legal services delivery systems.

In some states, it may be possible to develop and implement statewide initiatives to improve service delivery, increase resources and enhance the

[5] Legal Services Corporation Act, Section 1007(a)(3).

capacity of the system to meet the civil legal needs of low-income people throughout the state without altering service areas or historical relationships. In other states, the very development and implementation of such initiatives may require reconfiguration of organizational relationships and service areas.

III. Configuration Standards

In making a determination as to whether the configuration of LSC-funded providers set out in the state plan will maximize the effective and economical delivery of high quality legal services to eligible clients throughout the state within a comprehensive, integrated delivery system, both in the present and in the future, LSC will review the strategies outlined in the state plan against the following standards:

1. The Configuration of LSC-Funded Program Will Maximize Access for Clients Throughout the State

a. Area of Inquiry-- Does the configuration of programs within the state facilitate the development and sustainability of a delivery network that, within financial resources and subject to appropriate priority decisions under 45 C.F.R. 1620, provides low-income persons throughout the state, to the extent reasonably possible, broad, prompt, and relatively equitable access to the legal services it furnishes regardless of such obstacles as physical or mental disability, age, geographical isolation, race, gender, sexual orientation, culture, or language?

b. Area of Inquiry--Does the configuration of programs within the state take into account the socio-cultural and economic affinities in place that are most relevant to the legal issues facing low-income clients and client communities?

c. Area of Inquiry-- Does the configuration of programs within the state take into account the geographic, physical, and historical distinctions and affinities within the state or territory of most relevance to clients and their communities?

2. The Configuration of LSC-Funded Programs Will Maximize Effective Legal Services to Clients Throughout the State.

a. Area of Inquiry-- Does the configuration of programs within the state, within financial resources and subject to appropriate priority

decisions under 45 C.F.R. 1620, promote relative equity in the availability of the full range of client service capacities necessary to meet the full continuum of client legal needs regardless of where in the state clients live?

b. Area of Inquiry--Does the configuration of programs within the state enhance opportunities to attract attorneys and paralegals who can provide expertise, skills, cultural relevancy and cultural competencies necessary to address the most pressing legal needs of clients?

c. Area of Inquiry--Does the configuration of programs promote the likelihood that all providers will have relatively equal access to the resources, expertise, information and experience necessary to provide high quality legal services consistent with state and national standards of provider performance?

d. Area of Inquiry--Does the configuration of programs facilitate the efficient statewide coordination of legal work and provide an efficient means of establishing and maintaining a statewide capacity to provide training, monitor developments, disseminate relevant information and provide expert assistance necessary for the delivery of high quality assistance?

e. Area of Inquiry--Does the configuration of programs within the state facilitate the ability of legal services providers to coordinate their efforts to expand client access to the courts, enhance self-help opportunities for low-income persons, and provide effective, culturally relevant, systematic and comprehensive outreach and preventive legal education and advice to the client-eligible population in the state?

f. Area of Inquiry-- Does the configuration of programs within the state take into account the location and configuration of governmental, judicial, human services and other relevant regional delivery planning areas in the state?

g. Area of Inquiry--Does the configuration of programs within the state facilitate the ability of legal services providers and other civil equal justice partners to coordinate their research and their efforts to stay abreast of developments in the delivery of legal services?

h. Area of Inquiry--Does the configuration of programs within the state facilitate efforts to secure new funding for, and where appropriate allocate current funding to new projects and experimental models for serving clients or strengthening system capacities?

i. Area of Inquiry--Does the configuration of programs within the state facilitate uniform and consistent approaches to accountability to clients, client communities and funders?

3. The Delivery System Will Be Designed and Configured to Make the Highest and Best Use of Available Resources.

a. Area of Inquiry--Does the configuration of programs within the state facilitate the coordination of resource development efforts to maintain existing resources and to generate and leverage additional resources, including such efforts as unified approaches to major potential public sources, liaison with and maintenance of existing statewide resources, and coordinated technical assistance for local fundraising?

b. Area of Inquiry--Does the configuration of programs within the state provide, to the extent reasonably possible, relative equity in the investment of civil equal justice resources (federal, state, private, and in-kind/pro bono) throughout the state?

c. Area of Inquiry--Does the configuration of programs within the state facilitate the coordination of efforts and a capacity to utilize new and emerging technology to promote efficiency, coordinate and collaborate with other entities, improve quality and expand services to clients regardless of where they reside or other access barriers they experience?

d. Area of Inquiry--Does the configuration of programs within the state maximize the potential for effective and efficient administration and minimize the potential for duplication of capacities, services, systems and/or administration?

e. Area of Inquiry--Does the configuration of programs within the state facilitate strong coordination and collaboration with, and a high degree of involvement in services to low-income clients by, the private bar throughout the state? Will it maintain and enhance state and local bar relations? Will it promote, where appropriate, the sharing of urban-based private capacity with the needs of rural and isolated clients?

4. The Delivery System Will Be Designed and Configured to Respond Effectively and Efficiently to New and Emerging Client Needs and Other Changes Affecting the Delivery of Legal Services to the Poor.

a. Area of Inquiry-- Does the configuration of programs within the state enhance the likelihood of achieving the intended goals and objectives of a comprehensive, integrated and client-centered legal services delivery system including, but not limited to service effectiveness/quality; full range of legal services to address most pressing legal needs of eligible clients; efficiency; equity and ease in terms of client access; greater involvement by members of the private bar in the legal lives of clients; and client-community empowerment?

b. Area of Inquiry--Does the configuration of programs within the state facilitate efficient, ongoing assessment of demographic trends, changes in laws and public programs affecting low-income persons?

c. Area of Inquiry--Does the configuration of programs within the state operate to ensure that there is a regular review of system capacities and resources throughout the state and adjustments in their deployment to respond to new and emerging client needs, legal trends and other changes affecting the delivery of legal services to the poor?

d. Area of Inquiry--Does the configuration of programs within the state operate to ensure within available resources that all components of the delivery system have sufficient resources and support to adjust to changes in client needs, staff or funding?

e. Area of Inquiry-- Does the configuration of providers within the state promote the system's ability and capacity to develop, nurture, promote, recruit and retain strong and effective staff and leaders who are diverse and culturally competent?