

Legal Services Corporation

Technologies That Should Be in Place in a Legal Aid Office Today

April 2015

Legal Services Corporation Baselines: Technologies That Should Be in Place in a Legal Aid Office Today (Revised 2015)

In LSC's Strategic Directions 2006-2010, adopted by the LSC Board of Directors in January 2006, LSC committed to "develop a strategic vision for technology" as part of its commitment to enhancing the quality of civil legal services. As a major part of that vision, LSC defined the technology capacities that its grantees should have in place or have available to them through a vendor or a partner by issuing *Technologies That Should Be in Place in a Legal Aid Office Today* (also referred to as the *LSC Baselines*) in November, 2008. The document was drafted at an LSC-sponsored conference of technology experts from the private bar, foundations, the judiciary, academia, Interest on Lawyers' Trust Account programs, and LSC-funded programs.

Five years later, at the National Legal Aid and Defender Association (NLADA) Technology Section meeting during the 2013 Equal Justice Conference, a project was proposed to update the *LSC Baselines: Technologies That Should Be in Place in a Legal Aid Office Today*. Following that meeting, LSC's Technology Initiative Grant program staff began working with the NLADA Technology Section. We invited a group of legal aid stakeholders from both LSC-funded and non LSC-funded organizations to a half-day meeting in Jacksonville, Florida, in January 2014. We engaged <u>Idealware</u>, a nonprofit organization that provides impartial and accessible resources about software to help nonprofits make smart software decisions, as a consultant. Idealware coordinated input leading up to the stakeholders meeting, including posting the original *Baselines* for public comment and through a community webinar in January, 2014 hosted by NLADA. Laura Quinn, Idealware's Executive Director, facilitated the detailed review of the 2008 baselines by those attending the meeting in Jacksonville.

Idealware reviewed all of the input from the legal aid community and the stakeholders meeting and provided proposed revisions to the *Base-lines* document. LSC and the NLADA Technology Section worked together to review the suggested edits and to make further modifications, and provided a draft of the revised Baselines for stakeholders' review and input in May 2014. Following a two-month comment period, LSC and the NLADA Technology Section made final revisions and clarifications to the document.

The technology capacities described in these Baselines are intended for any legal aid office that provides a full range of legal services.

We extend our appreciation to the co-chairs of the NLADA Technology Section - Alison Paul, Executive Director of Montana Legal Services Association and Jeff Hogue, Community Relations and Operations Coordinator for LegalServer - and to all of the Baselines pre-conference attendees listed below:

Peter Campbell, Chief Information Officer, Legal Services Corporation
GwenDaniels, Director of Technology Development, Illinois Legal Aid Online
Eric Fong, IT Director, Legal Aid Foundation of Chicago
Molly French, Technology Unit Manager, Colorado Legal Services
Craige Harrison, Managing Attorney, Utah Legal Services
Ronké Hughes, formerly Supervising Attorney, Intake, Legal Services of Northern Virginia; now Program Counsel, Legal Services
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Guy Lescault, Consultant, Georgia Bar Access to Justice Commission Jeff Been, Executive Director, Legal Aid Society of Louisville Steve McGarrity, Associate Director, Community Legal Services Jimmy Midyette, Director of Technology, Florida Legal Services Mike Monahan, Director, Pro Bono Project, Georgia State Bar/Georgia Legal Services Pat Muller, IT Director, South Carolina Legal Services Rachel Perry, Data Analysis Consultant Brian Rowe, National Technology Assistance Project Director, Northwest Justice Project Kristin Verrill, Practice Innovation Manager, Atlanta Legal Aid Society

LSC will use this document as a resource for its regular review of grantee program quality assessments. We will post this document to the LSC website and review and update it regularly. For easy reference, a summary of the most significant changes to the Baselines since they were first published in 2008 is provided below.

We intend these Baselines to provide helpful guidance to grantees, as well as other legal aid offices, on the use of technology to provide highquality legal services to clients. I hope they are helpful to you.

James J. Sandman President, Legal Services Corporation April, 2015

Summary of Significant Updates to the 2008 Baselines

Some of the major updates to the Baselines cover the emergence of new technologies since the Baselines were originally released in 2008, including mobile technologies used by both clients and advocates, cloud computing, new security concerns for networks and data, knowledge management strategies, social media, and the use of web and video conferencing systems. The most significant updates are summarized by section below:

• Overall Program Capacity:

- Technology planning should be integrated into the overall strategic planning of the program (including an annual review of the technology plan).
- Programs should consider the benefits and risks of cloud services as useful alternatives to self-hosted applications and servers, including for backup of data and disaster preparedness.
- Programs should have at least 2 full-time equivalent technology staff or consultants for every 100 staff to maintain the program's technology and support program staff on its use.

• Management of Client and Case Data - Case Management System:

• Programs should have the technological capacity to check for data integrity, ideally in an automated way (which ensures that integrity checks are performed regularly and uniformly), to reduce staff time and the risk of human error.

• Production and Supervision of Legal Work - Case Management System & Document Production:

- Programs should have a strategy for using the case management system to facilitate and expedite intake and case handling, such as phone routing, online intake routing, securely exchanging data with partner online intake tools, and future compatibility with electronic filing systems.
- Advocates should be able to generate simple forms and letters from the case management system.
- Programs should develop a strategy to automate forms and pleadings that staff and pro bono advocates use routinely that includes management of forms from a central location, with a system to assure that forms and pleadings are updated for legal sufficiency. Staff should receive training in the use of the automated documents.

• Intake and Telephone Advice - Telephone Systems:

- If the program does telephone call backs, it should look at technology systems that facilitate an efficient callback system.
- Telephone systems should provide recorded information to callers while waiting on hold or after hours.
- General intake should consider online intake as well as more traditional means of application for services.
- Legal Information for Low Income Persons: We have added a baseline and references to resources regarding the provision of information in a user-friendly, accessible way for clients, including through the use of mobile-optimized content and social media.

- Support for Pro Bono and Use of Private Attorneys: This section has been revised based on recommendations in LSC's October 2012 Report of the Pro Bono Task Force.
- Security: This section includes updated baseline recommendations regarding backups, disaster recovery, social media policies, and policies for mobile devices and remote access. A new section on cloud computing has been added to address the need for policies addressing staff use of personal cloud technologies, as well as issues to consider when deciding what services might best be moved to the cloud.
- **Training and Technology:** New baselines have been added on providing training and support for advocates on the use of technology in light of updates to the ABA Model Rules of Professional Conduct, and on the use of new web and video conferencing tools to provide effective training.
- **Development/Fundraising**: The Fundraising and Marketing section has new recommendations regarding online donations, tracking donors, and using social media for outreach and fundraising, because more legal aid programs are engaging in soliciting donations from individuals and fundraising using new technologies.

TECHNOLOGIES THAT SHOULD BE IN PLACE IN A LEGAL AID OFFICE TODAY

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
OVERALL PROGRAM CAPACITY	Planning	 Technology planning should be on- going and integrated into the overall planning of the program for effective service delivery. Technology planning should include an assessment of the program's cur- rent needs and capacities in an ef- fort to effectively position the pro- gram to incorporate new technologi- cal advances as they evolve. Technology plan should be reviewed and updated as needed every year. Programs should consider the bene- fits and risks of cloud services as useful alternatives to self-hosted ap- plications and servers for the organi- zation, including for backup of data and disaster preparedness. 	 Technology should serve the mission and vision of the legal aid program, ra- ther than inadvertently defining or shaping that mission and vision. It is essential, therefore, that technology planning be part of a broader planning process that is itself strategically fo- cused to identify the most significant issues facing the low income communi- ties served by the program and to make deliberate choices about the best means to respond. (ABA Civil Stand- ards, Standards 2.1 and 2.2.) In that context, the legal aid provider should consider how technology will most ef- fectively assist it to respond to the low income communities it serves. Programs should consider periodically (every 3-5 years) engaging an inde- pendent technology consultant, with expertise with nonprofit and/or legal services organizations, to audit their technology systems (e.g., systems administration, database system, net- work system, communication system, case management system, financial management system, security system) and recommend improvements that promote efficiency, effectiveness, and optimize performance. An independent consultant can help an organization understand the value and importance of technology upgrades and the return 	 ABA Standards for the Provision of Civil Legal Aid, Stand- ard 2.10 on Effective Use of Technology. TechSoup's Introduction to Technology Planning for Non- profits See the <u>overview of technolo-</u> gy use by LSC grantees. NTEN's Nonprofit Technology Staffing & Investments Report Managing Technology to Meet Your Mission Microsoft Nonprofit Digital As- sessment Tool LSNTAP Webinar: Technology Baselines Resources ABA Committee on Disaster Response and Preparedness – Resources for Lawyers & Law Firms

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OVERALL PROGRAM CAPACITY	Planning (cont'd)		 on investment through greater efficiency and performance. Programs should consider forming a Technology Committee with representatives from various staff levels and departments to periodically review and assess the program's use of technology and to help plan future enhancements. LSC Performance Criteria: Performance Area One. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs. Criterion 1, Criterion 2. Performance Area Two. Effectiveness in engaging and serving the low-income population throughout the service area. Criterion 1. Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population 1.a., Criterion 1.b. Performance Area Four. Effectiveness of governance, leadership and administration. Criterion 3, Criterion 4, Criterion 6. 	
	Budgeting	 Adequate funds should be budgeted by the Board of Directors for: 1. the ongoing maintenance and upgrade of hardware and soft- ware; 2. the personnel/consultants neces- sary to support and maintain the system; and 3. training in the use of technology. 	 The organization should develop a plan as to how it will fund or fundraise for necessary technologies. LSC Performance Criteria: <u>Performance Area Three</u>. Effectiveness of legal representation and other pro- gram activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b. 	 <u>NTEN's Nonprofit Technology</u> <u>Staffing & Investments Report</u> <u>Justifying A Tech Budget to</u> <u>Your Nonprofit Board</u> <u>A Strategic Approach to IT</u> <u>Budgeting – how organizations</u> <u>can align technology spending</u> <u>with their overall mission and</u> <u>goals</u>

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	Budgeting (cont'd)	 Technology costs should be consid- ered in the budget of every project, program, and initiative. 	Performance Area Four. Effectiveness of governance, leadership and admin- istration. Criterion 3, Indicator (appro- priate resources to establish/maintain technological infrastructure). Criterion 7.	 <u>LSNTAP Webinar - Calculating</u> <u>ROI of Tech Projects</u>
	Personnel	 The organization should have at least 2 full-time technology staff or consultants per 100 full-time equivalent employees sufficient to: Maintain equipment and networks; Maintain databases and software; Support and train program staff in the use of equipment and networks; Maintain basic knowledge of trends in technology security, nonprofit purchasing options, and technology best practices; Adequate staffing or consultant time to maintain (or contribute content) to the statewide website and any program website. 	 All three of these aspects, planning, budgeting and personnel, are important; however appropriate consideration of personnel is often overlooked or taken too lightly. It is important to consider the personnel required to maintain the system and provide training to persons who will use it. An important ingredient of having "personnel" to support technology is the support of upper level management. Without support from senior management, many technology strategies will fail. Support is important in the form of a willingness to stand behind the integration of the technology into the operation of the law firm and the expenditure of funds for staff to support it and to train staff in its use. Having adequate personnel does not necessarily mean having permanent and paid staff. Implementation, maintenance and support of technological capacities can be outsourced to a professional organization or to a legal services organization that takes on such a role on a statewide, regional, or national basis. 	 <u>NTEN's Nonprofit Technology</u> <u>Staffing & Investments Report</u> <u>LSNTAP Webinar: Technology</u> <u>Baselines Resources</u>

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OVERALL PROGRAM CAPACITY	Personnel (cont'd)		 LSC Performance Criteria <u>Performance Area Three</u>. Effective- ness of legal representation and oth- er program activities intended to benefit the low-income population in the service area. Criterion 1.a. <u>Performance Area Four</u>. Effectiveness of governance, leadership and ad- ministration. Criterion 3, Indicator (appropriate resources to estab- lish/maintain technological infrastruc- ture). 	
MANAGEMENT OF CLIENT AND CASE DATA	Case management system	 The following capacities, including reporting features and access to client and case data, should be available in real time in all offices: Capture and retain client eligibility, case type, and other appropriate data at intake; Securely back up data in standardized data formats and, if required, move data to alternate systems; Screen applicants for eligibility and appropriate case type; Perform immediate conflict check; Enter and edit information in the CMS in real time; Securely and ethically transfer client and case data electronically to and from other service providers, provided that they have the appropriate technologies; 	 Aggregated data provided at intake can be a source of insight into patterns of issues facing low income communities and can be useful to program planning. Ethical obligations require conflict checks. LSC Performance Criteria: <u>Performance Area Three</u>. Effectiveness of legal representation and other pro- gram activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b. LSC Regulations, 45 CFR Chapter 16 1610—Use of non-LSC Funds, Trans- fers & Program Integrity. 1611—Financial Eligibility. 1626—Alien Eligibility. 1630—Cost Standards. LSC Act, 42 USC § 2996 et. seq. § 1006(b)(3). §2996e(b)(3) (relating to professional responsibilities) § 1007(d), § 2996f(d)—Program evaluation § 1008, § 2996g—Records and re- ports 	 <u>LSTNAP's Case Management</u> <u>Resources</u> <u>LSNTAP's Case Reporting vs.</u> <u>Case Management</u> <u>Case Management Systems</u> <u>and Outcomes Tracking</u> Idealware's <u>A Few Good Case</u> <u>Management Tools</u>

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MANAGEMENT OF CLIENT AND CASE DATA	Case management system (cont'd)	 Generate reports and extract meaningful data (consistent with applicable privilege and ethical considerations) for strategic planning, program evaluation, reporting to LSC, responding to LSC requests for information, and other purposes, including comparison reports and running historical data; Ability to assign the appropriate funding source to cases and activity records; Allow the end user to easily configure various aspects of the CMS software application (e.g. any changing requirements on outcomes and reporting, adding/deleting data fields as needed); Have the technological capacity to check for data integrity, ideally in an automated way (which ensures that integrity checks are performed regularly and uniformly), to reduce staff time and the risk of human error. 	 § 1009(c), § 2996h(c)—Audits § 1010, § 2996i—Financing. Accounting Guide for LSC Recipients, particularly Chapters 2 and 3 § 509(h), Pub. L. 104-134 (access to data) CSR Handbook (2017 revision) II—Key Definitions III—Case Management Systems IV—Reporting Requirements V—Documentation Requirements VI—Types of Case Services VII—Referrals VIII—Case Definitions and Closure Categories IX—Legal Problem Categories and Codes X—Private Attorney Involvement Cases 	

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PRODUCTION AND SUPERVISION OF LEGAL WORK	Case management system	 Record case notes electronically including facts, advice and services offered, with deadlines. Generate simple forms and letters from the case management system. Generate reports and extract meaningful data for case planning and organizational planning. Provide remote access to the system, including databases as needed. Have a strategy for using the case management system to facilitate and expedite intake and case handling, such as phone routing, online intake routing, securely exchanging data with partner online intake tools, and future compatibility with electronic filing systems. 	 Many features of case management software rely on consistent use by everyone in the office. Remote supervision, for instance, cannot readily be accomplished unless the case handler being supervised has entered notes into the system for remote review. Group calendaring depends upon full use of the system. Full utilization, however, requires training and support and that the advocates using the system understand and experience the benefits of the system. ABA Standard 5.4 on Case Files LSC Performance Criteria: Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b. CSR Handbook (2017 revision) I—Key Definitions III—Case Management Systems V—Documentation Requirements VI—Types of Case Services VIII—Case Definitions and Closure Categories IX—Legal Problem Codes Categories and Codes X—Private Attorney Involvement Cases 	 <u>ABA Standards for the Provision of Civil Legal Aid</u>, (Standard 5.4) 2013 TIG Conference presentation: <u>How to Pull Your Case</u> <u>Management System Out of</u> the 80's in Three Easy Steps
PRODUCTION AND	Calendaring	 A calendaring/tickler function for deadlines and appointments that can 	• The program-wide calendaring system is intended to provide calendaring for	Idealware's <u>Comparing Google</u>

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SUPERVISION OF LEGAL WORK		 be viewed by appropriate staff. Program-wide electronic calendaring system. 	 program events, not for each individual's appointments, which should be separately available through an electronic calendaring function. However, court and other important dates should be on a shared calendar, whether program-wide or office-wide. ABA Standard 5.3 on Maintenance of Records 	<u>Apps to Microsoft Outlook</u>
	Document production	 Effective use of productivity software such as word processing, spread-sheets, and presentation software and training in their use. Develop a strategy to automate forms and pleadings that staff and pro bono advocates use routinely that includes management of forms from a central location, with a system to assure that forms and pleadings are updated for legal sufficiency. Staff should receive training in the use of the automated documents. Provide technology tools to assist staff in working collaboratively on the production of large projects, such as major briefs and pleadings. Capability of creating PDF documents as well as converting them to editable files. Capability for electronic filing of pleadings when required or allowed by court systems. 	 Several factors affect the degree to which document assembly software is useful to advocates and is used by them. Advocates must be fully trained in its use The content needs to be accurate and kept up-to-date and responsive to the needs of the advocate in serving clients. Consider as part of document assembly the effective use of substantive law software, such as child support calculation tools, and bankruptcy filing tools. LSC Performance Criteria: Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b. 	 LawHelp Interactive LawHelp Interactive Resource Center A2J Author® Community Site 2019 Innovations in Technolo- gy Conference: The Future of Document Assembly ABA Legal Technology Re- source Center's FYI: Document Assembly See the Forms resources from the Self-Represented Litigation Network Principles and Best Practices For Access Friendly Court Elec- tronic Filing

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PRODUCTION AND SUPERVISION OF LEGAL WORK	Timekeeping	Electronic timekeeping is available and utilized.	 LSC Performance Criteria: <u>Performance Area Four</u>. Effectiveness of governance, leadership and admin- istration. Criterion 3. LSC Regulations, 45 CFR Chapter 16 1635—Timekeeping 1610—Use of non-LSC funds, transfers of LSC funds, program integrity (sub- recipient timekeeping) 1614—Private Attorney Involvement (PAI documentation of time) 1630—Cost standards and procedures (general documentation of time related to costs) (1630.3(d) personnel activity reports) CSR Handbook (2017 revision) § 2.5— Who Can Provide Legal Assistance 	
	Supervision	 Data to support the supervision of legal work, including case lists and activity, are available to supervisors and management. As necessary, remote access to case files for review by supervisors. 	 ABA Standard 6.4 on Review of Representation LSC Performance Criteria: Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b. CSR Handbook (2017 revision) § 2.5-Who Can Provide Legal Assistance 	<u>Challenges and Strategies for</u> <u>Remote Supervision</u>
	Online legal research	 Online tools for conducting legal re- search using up-to-date primary sources, including laws, regulations and cases, available from every ad- vocate's desktop with staff training 	 <u>ABA Standard 6.6 on Providing Ade- quate Resources for Research and In- vestigation</u> LSC Performance Criteria: 	 Some <u>Bar associations</u> provide free access to <u>Fastcase</u>, an online legal research service Statewide websites supported

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		 regarding its use. Access to statewide materials, including forms and pleadings, legal education materials, brief banks, and topical email lists. 	Performance Area Three. Effectiveness of legal representation and other pro- gram activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b.	 by Pro Bono Net and Urban Insight support access to statewide materials: www.lawhelp.org www.probono.net/stateweb sites/ http://openadvocate.org/dl aw/
RECORDS MANAGEMENT	Electronic records	 Filing of all electronic records, retaining them in accordance with the program's defined retention policies, assuring their accessibility and properly disposing of them when appropriate. Potential records in question include: All data files associated with program software; Email messages; Instant messaging (where used); Transcribed or recorded telephone messages and conversations. Policies that govern permissions or access rights to electronic files, including the right to view, edit, move or rename files. For LSC grantees, the records management system must be compliant with LSC and all other legal requirements in the maintenance of 	 Records management should be under- taken with an awareness of the grow- ing convergence between records management (all records), case man- agement (data associated with a case or matter) and knowledge manage- ment (specific content that needs to be identified and made accessible on de- mand) Instant messaging is an increasingly important means of interacting about legal work in law offices and may in- volve information and analysis relevant to a case. Such messages need to be made a part of the electronic case file. LSC Performance Criteria: <u>Performance Area Four</u>. Effectiveness of governance, leadership and admin- istration. Criterion 3. LSC Act, 42 USC § 2996 et. seq. § 1006(b)(3),. § 2996e(b)(3) (relat- ing to professional responsibilities) § 1007(d), § 2996f(d)—Program 	 See for example: <u>National Archives' Toolkit for</u> <u>Managing Electronic Records</u> <u>Microsoft's Messaging Records</u> <u>Management strategy still</u> <u>evolving</u> <u>ARMA Standards/Best Practic-</u> <u>es for Information Governance</u> <u>ABA's FYI: Records Manage-</u> <u>ment/Document Retention</u>

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RECORDS MANAGEMENT	Electronic records (cont'd)	records, including the confidentiality of client records and access for LSC reporting and reviews.	 evaluation § 1008, § 2996g—Records and reports § 1009(c), § 2996h(c)—Audits § 1010, § 2996i—Financing. § 509(h), Pub. L. 104-134 (access to data)§ 509(h), Pub. L. 104-134 (access to data) CSR Handbook (2017 revision) Chapter III—Case Management Systems Dec 8, 1997 Program Letter— Recordkeeping (listing major regulatory recordkeeping requirements and providing some reporting forms). Accounting Guide for LSC Recipients, particularly Appendix II, Description of Accounting Records (Retention time for Nonprofit Records) 	

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KNOWLEDGE MANAGEMENT	Pleading and brief banks, and other electronically stored data and infor- mation	 Store and retrieve sample pleadings, briefs, motions and other documents based on content. Program staff use an effective method for finding documents by search or logical browsing, and can purge documents. Findability may be based on a document management system or content-searchable email lists, wikis, or shared folders. Electronic access to internal forms and procedures. Program-wide accessible and searchable contacts management system. Electronic access to practice guides. 	 Effective knowledge management requires adequate staff time to identify appropriate content for inclusion in the system and to tag it appropriately for easy accessibility. Staff who produce the materials that become part of the knowledge to be made available need to be committed to identifying and submitting documents, such as briefs and pleadings. To that end, there should be appropriate training and visible support for the system from the program's senior management. Consider how technology can be used to institutionalize knowledge of key employees (what they know, what they do, specialized skills, etc.) Programs may use the contacts management system to store information on contacts, such as pro bono and PAI attorneys, courts, judges, and adversarial counsel. LSC Performance Criteria: Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 1.a., Inquiry Area re: knowledge management strategy. Performance Area Four. Effectiveness of governance, leadership and administration. Criterion 3. 	 Legal Aid Toolkit: Knowledge Management ABA's FYI: Records Management/Document Retention ABA Legal Technology Resource Center FYI: Paperless Office TechnologyScanners, OCR, PDFs, and Document Management Software

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INTAKE AND TELEPHONIC ADVICE	Telephone systems	 Programs should monitor call volume and craft a strategy as to how it will address issues around excess demand to provide information over the phone to callers. Call routing by language, substantive and/or geographic area. Ability to serve persons with speaking or hearing disabilities through access to TTY or relay Technology to review busy signals, wait times, dropped calls, etc. If the program does telephone call backs, it should look at technology systems that facilitate an efficient callback system. Provide recorded information to caller while waiting on hold or after hours. General intake should consider online intake as well as more traditional means of application for services. 	 Telephone systems should be designed to meet the needs of relevant client populations. This includes language proficiency and sensory impairment issues, as well as consideration of difficulties seniors may have with automated attendant systems, the cultural differences that may deter new immigrants from understanding automated advice, etc. If exploring a new telephone system, consider a VOIP system with the capacity to transfer calls between offices and to accommodate intake by remote staff or volunteers. LSC Performance Criteria: Performance Area Two. Effectiveness in engaging and serving the low-income population throughout the service area. Criterion 1. Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b. Program Letter 02-4—Characteristics of a Telephone Intake, Advice and Referral System LSC Regulations, 45 CFR § 1624—Disability Discrimination. LSC Act, 42 USC § 2996 et. seq. § 1006(b)(6), § 2996e(b)(6), (related to languages other than English). § 1007(a)(2)(C), § 2996f(a)(2)(C) (related to special needs populations). Program Letter 04-2—Limited English Proficiency. 	 Legal Aid Toolkit: Online Triage and Intake Legal Aid Toolkit: Call Center Technology LSC Innovations in Technology Conference 2018: Hotlines - The Next Generation Hotline Outcomes Assessment Study

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INTAKE AND TELEPHONIC ADVICE	Electronic desk manual	 Readily available, centrally located, and easily updated electronic guide for intake workers to provide appro- priate information, advice or refer- ral. 	 This could be built into a case man- agement system or be available on a shared drive. 	
	Case management system	 See Case Management System ca- pacity section above. 	 LSC Performance Criteria: <u>Performance Area Two</u>. Effectiveness in engaging and serving the low-income population throughout the service ar- ea. Criterion 1. See Considerations in Case Manage- ment System capacity section above. 	 See links above regarding case management systems.
LEGAL INFORMATION FOR LOW INCOME PERSONS	Legal Information via Websites and Social Media	 Programs should collaborate in providing a statewide website with the following features: Current information regarding the program and its services; Accurate and current community legal education/pro se related materials and referral information written in plain language; Capacity to serve persons with limited English proficiency; Website designed and maintained in compliance with Section 508 of the Rehabilitation Act of 1973 as amended. LSC programs' participation in the website is in compliance with LSC restrictions 	 TIG grants require content maintenance protocol with periodic reviews The program should assure that the program's content on the statewide website is up-to-date and accurate. To that end, the program needs to assure that resources are dedicated to the writing and updating of web content, including assuring that it is written in simple language that can be understood by persons using the website. To the extent possible, a program should be certain that the content of websites to which it refers people is accurate and up-to-date. For frequently used websites, it may wish to confirm that the website has quality control measures and spot check the contents. Pleadings and other forms for use by pro se litigants should be developed as much as possible in partnership with the courts in which they will be used. 	 Statewide websites supported by Pro Bono Net and Urban In- sight support access to statewide materials: www.lawhelp.org www.probono.net/statewebsit es/ http://openadvocate.org/dlaw/

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LEGAL INFORMATION FOR LOW INCOME PERSONS	Legal Information via Websites and Social Media (cont'd)	 In addition to general legal information available on a statewide website, the organization itself should have a compelling web presence that includes: Description of what services the program offers; How to contact the program; How to apply for services. Organization should have a strategy as to whether and how it should use social media to reach out to potential clients and the low income community. Should an organization use social media for outreach or legal information, it should have a policy to govern its proper use. 	 The program should also have a policy regarding whether it records and protects the confidentiality of information provided by users of websites and kiosks in the course of preparing self help pleadings and other documents LSC Performance Criteria: Performance Area Two. Effectiveness in engaging and serving the low-income population throughout the service area. Criterion 2. Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 3. 2020 LSC Grant Terms and Conditions: 8. Statewide Website Obligations. LSC Regulations, 45 CFR § 1624– Prohibition against discrimination on the basis of handicap. LSC Act, 42 USC § 2996 et. seq. § 1006(b)(6), § 2996e(b)(6) (relating to languages other than English). § 1007(a)(2)(C), § 2996f(a)(2)(C) (relating to special needs populations). Program Letter 04-2–Limited English Proficiency. 	

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LEGAL INFORMATION FOR LOW INCOME PERSONS	Mobile Technology for clients	 Ability to provide information to cli- ents who use mobile devices, such as through mobile compatible web- sites, mobile apps, or SMS text mes- saging. 	• Information websites must be designed for easy access by, and interaction with, mobile devices by providing in- formation in smaller, simplified sec- tions that are readable on a smartphone screen.	• The <u>LSC Report of The Summit</u> on the Use of Technology to <u>Expand Access to Justice's</u> vi- sion and implementation plan for mobile technologies.
			 Studies have shown that read and re- sponse rates on SMS text messaging are significantly higher than other plat- forms, including email, making this technology critical to an organization's mobile strategy. 	<u>Final Reports Page for Suc-</u> <u>cessful TIG Funded Projects</u>
			LSC Performance Criteria:	
			<u>Performance Area Two</u> . Effectiveness in engaging and serving the low-income population throughout the service ar- ea. Criterion 2	
			Performance Area Three. Effectiveness of legal representation and other pro- gram activities intended to benefit the low-income population in the service area. Criterion 3	
	Community legal education	 Community legal education presen- tations are supported by effective use of technology, such as online 	<u>ABA Standard 3.6 on the Provision of</u> <u>Legal Information</u>	 ShareLawVideo – see webinar on the LSNTAP YouTube chan- nel.
		conferencing, videos, and other ap-	LSC Performance Criteria:	
		propriate technologies.	<u>Performance Area Two</u> . Effectiveness in engaging and serving the low-income population throughout the service ar- ea. Criterion 2	<u>Learn the Law Classrooms</u>
			Performance Area Three. Effectiveness of legal representation and other pro- gram activities intended to benefit the low-income population in the service area. Criterion 3	

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
SUPPORT FOR USE OF PRIVATE ATTORNEYS	Support for program efforts to accept, refer and track pro bono and PAI cases	 Programs should have the following technology in place to support their pro bono and PAI programs: A website that may include such features as allowing pro bono lawyers and other case handlers to review available cases and volunteer, posting of training and resource materials, and calendars of training opportunities; A case management system that will track referred cases, time spent on those cases and work accomplished, and automate oversight of pro bono and PAI cases to promote timely case closure; A strategy to share client and case data securely with volunteers using electronic means. 	 LSC Performance Criteria: Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b., and Criterion 3 are applicable LSC Regulations, 45 CFR Part 1614—Private Attorney Involvement. CSR Handbook (2017 revision) Chapter X—Private Attorney Involvement Cases 	 LSNTAP webinar recordings: <u>Innovations in Technology- Enabled Pro Bono</u> (2014) LSC Pro Bono Innovations <u>Fund</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
SUPPORT FOR USE OF PRIVATE ATTORNEYS	Direct sup- port for vol- unteer attor- neys and other volun- teer case handlers	 Program provides assistance and support in pro bono and PAI repre- sentation, which may include auto- mated documents, pleadings and brief banks. Program provides volunteer attor- neys and other case handlers with training and resource materials through the use of technology, such as web conferencing, video confer- encing and hosted online trainings. One way to provide these re- sources for volunteers would be to use a statewide website sec- tion dedicated to support for pri- vate attorneys and other case handlers. 	 The extent to which private attorneys and others are able to avail themselves of technologically supported assistance is obviously a function of the degree to which they have technological capacity to do so, a factor that varies consider- ably by location and size of office. LSC Performance Criteria: <u>Performance Area Three</u>. Effectiveness of legal representation and other pro- gram activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b., and Criterion 3 are applicable. 	 Statewide websites supported by Pro Bono Net and Urban In- sight support access to statewide materials: www.lawhelp.org www.probono.net/statewebsit es/ http://openadvocate.org/dlaw/ http://openadvocate.org/webs ites/
SECURITY	Firewalls, antivirus, anti-spam, and anti- spyware applications, backup and appropriate policies regarding use of data and computers	 Operating systems, antivirus software, and other software applications have the most current patches and definition updates. Maintain backup and recovery systems pursuant to grant assurances, including off-site backups. Security policies and procedures for protecting client and case data, sensitive personal and personnel data, and all communications from loss or unauthorized intrusion. Server equipment should be kept in a secure environment with appropriate ventilation and cooling. 	 A legal aid organization has a significant amount of confidential information, both about its clients and its operations. As more of client and operational data is stored electronically, the risk of outside intrusion into the program's network increases as does the potential damage of such an intrusion. There are a variety of potential risks: Direct hacking into the program's network; Potential loss or improper access to portable technology, such as laptops, tablets, mobile phones and flash drives; 	 <u>ABA Techreport 2019: Cyber-security</u> <u>Legal Aid Technology Toolkit:</u> <u>Information Security</u> <u>LSNTAP Webinar Recordings</u> <u>on Cyber Security</u> <u>LSC OIG Results of Infor-mation Technology Vulnerabil-ity Assessments</u> <u>TechSoup - Security Resources for Your Nonprofit or Library (Additional link)</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
SECURITY (cont'd)	Firewalls, antivirus, anti-spam, and anti- spyware applications, backup and appropriate policies regarding use of data and computers (cont'd)	 Disaster recovery plan (that includes periodic testing) for mission critical technology systems. Technology is included as part of the organization's disaster plan. Policies regarding the use of the Internet and social media. Policies to ensure the security and integrity of passwords. Policies regarding the retention and deletion of data. If an external instant messaging system is used to communicate confidential client data, encrypt it. Policies for security of tablets, mobile devices, flash drives, and laptops including remote wipe and/or encryption. (See Mobile for Staff Use) Where a program allows remote working, programs should have policies in place for security, data integrity, and data storage in remote workspaces. 	 Inappropriate use of the web by staff who may access high risk websites, exposing the firm to malicious software. A program should have policies, procedures and systems in place to help avoid such losses. Legal aid law offices that use instant messaging should either encrypt the instant messaging or create internal instant messaging or create internal instant messaging systems so that employees do not rely on external systems with attendant security and privacy issues It is possible to outsource some responsibility for assuring the security level of a provider's information technology and communication system is adequate. Programs may have an outside firm conduct a security audit every year. LSC Performance Criteria. Performance Area Four. Effectiveness of governance, leadership and administration. Criterion 3. LSC Act § 1006(b)(3), 42 USC § 2996e(b)(3) (relating to professional responsibilities). Accounting Guide for LSC Recipients (particularly Chapter 3-6 Fraud Prevention) 	 ABA Committee on Disaster Response and Preparedness – Resources for Lawyers & Law Firms

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
SECURITY (cont'd)	Cloud Computing	 Programs should have policies addressing staff use of program-controlled cloud services and staff use of personal cloud services accounts not controlled by the program. Programs moving applications or data to the cloud should consider terms of use, privacy policy, data ownership, security, and data portability. 	 Organizations should consider what computing services could be hosted in the cloud rather than managed in- house. For example, some programs find it more cost effective to move their email hosting or case manage- ment system to a cloud based service, eliminating the need to maintain and secure complex in-house servers, par- ticularly for programs with limited IT staffing resources. 	 <u>ABA Techreport 2019: Cloud</u> <u>Computing</u> <u>ABA Techreport 2019: The</u> <u>Power of Private Cloud</u> LSNTAP webinar recording, <u>Email Encryption in Office 365</u> <u>Increase Your Nonprofit's Se-</u> <u>curity Using the Microsoft</u> <u>Cloud</u> TechSoup article: <u>What are</u> <u>the Benefits and Drawbacks of</u> <u>Cloud Computing?</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
SECURITY (cont'd)	Mobile for Staff Use	 Organizations should establish policies to govern the use of organization-owned mobile equipment. Organizations should establish policies to govern when employees can bring their own devices (BYOD) and what they can do with them. Policies should address who may access what services, level of support, remote wipe, cloud-based backups, and termination/revocation. 	 Providing mobile access to work systems and information is inevitable in a modern law office. Fortunately, effective use of mobile provides greater work flexibility and can boost firm productivity. Regardless of whether a program adopts a BYOD policy or furnishes staff with program-owned mobile devices, a mobile use policy is necessary to protect important information systems and data. Mobile policies should at least ensure that: Devices are protected with at least a four-digit numerical PIN, if not a more complex password; An administrator can remotely wipe any mobile device used for work purposes; System access and work data stored on the device can both be easily removed when an employee leaves the program; Acceptable use is clearly defined and includes rules on downloading native apps and viewing websites. 	 LSNTAP BYOD policies info- graphic Challenges of Bringing Your Own Devices to Work Achieving a BYOD (Bring-Your- Own-Device) Strategy That Works for You

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
TRAINING	Training and technology	 Assessment of organization-wide and individual technology training needs. Training and support for all person- nel in the use of appropriate sys- tems, software and security best practices. As organizations develop new tools for clients, staff should be adequately trained to provide sup- port on these tools. Ongoing training for IT staff to lev- erage existing and new technology. Train IT on existing policies for tech- nology use and ABA ethical stand- ards on technology. Effective use of technology to deliver training, including, where appropri- ate, screen casting, video on- demand training, web chat and web conferencing, and hands on/in- person training. Set technology standards for new hires and incorporate technology training as part of an employee ori- entation process. 	 Grantees are encouraged to take advantage of national training venues for legal services and non-profits ABA Model Rules of Professional Conduct. See Rules (and Comments) 1.1, 1.4, 1.6 and 4.4 LSC Performance Criteria. Performance Area One. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs. Criterion 2. Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. Criterion 1.a., Criterion 1.b. Performance Area Four. Effectiveness of governance, leadership and administration. Criterion 3, Criterion 4, Criterion 6. 	 <u>Assessing Ethics and Technol-ogy</u> <u>Free online software classes and tutorials available at GCFLearnFree.org</u>
	Use of tech- nology to de- liver training on substan- tive law, le- gal skills, and administra- tive policies and proce- dures	 Technologically supported skills, substantive, and administrative training, such as access to on- demand training packages, including webinars and other online trainings, DVDs and podcasts. 	 LSC Performance Criteria: <u>Performance Area One</u>. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting re- sources to address those needs. Crite- rion 2. <u>Performance Area Three</u>. Effective- ness of legal representation and other 	Building Bridges: An Introduc- <u>tion to Video Conferencing for</u> <u>the Legal Services Community</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
	Use of tech- nology to de- liver training on substan- tive law, le- gal skills, and administra- tive policies and proce- dures (cont'd)		program activities intended to benefit the low-income population in the ser- vice area. Criterion 1.a., Criterion 1.b. Performance Area Four. Effectiveness of governance, leadership and admin- istration. Criterion 3, Criterion 4, Cri- terion 6. <u>CSR Handbook</u> (2017 revision) Chapters II—X	
COMMUNICATION	Email, email lists, and other techno- logically sup- ported com- munication methods	 Universal capacity to communicate through program provided email accounts. Policy for proper use of email and other electronic communication tools. Email lists by substance and administrative function, as appropriate. Develop and use collaborative work environment tools such as blogs, wikis, real-time group editing tools, and web conferencing for internal and external communication. 	 Increased use of technologies, such as Wikis, blogs, instant messaging and collaborative work spaces as well as email give rise to issues regarding privacy expectations. The program should have clear policies that govern appropriate use of such technologies and notify employees and others of the degree to which the information shared in them is private LSC Performance Criteria: <u>Performance Area Three</u>. Effectiveness of legal representation and other pro- gram activities intended to benefit the low-income population in the service area. Criterion 1.a., Inquiry area re: knowledge management strategy <u>Performance Area Four</u>. Effective- ness of governance, leadership and administration. Criterion 3, Cri- terion 6. 	 Collaboration Tools for Foun- dations has tools and infor- mation relevant to any non- profit Idealware article <u>Getting</u> <u>Started with Broadcast Email</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
ADMINISTRATION	Internal communica- tion mecha- nisms	 An internal communication mechanism for communications to staff (email, email lists, blogs, web conferencing). Have a system for tracking technology issues. 	 Technology can help facilitate internal program communications and depending on the setup of an organization a variety of tools could be considered, including an intranet using tools such as a Google site, SharePoint site or WordPress site. Email lists, instant messaging, web conferencing and video conferencing tools can also help enhance and facilitate internal communications. For tracking technology issues, a program might consider implementing help desk software to accomplish this, but other tools/systems using spreadsheets or collaborative documents might be better suited, depending on the size and distribution of technology responsible staff. 	 <u>5 Nonprofit Tech Solutions for Improving Internal Communication</u> <u>A Few Good Online Conferencing Tools</u>
ADMINISTRATION	Human re- sources management	 Maintain all appropriate personnel records electronically, including: Payroll; Timekeeping; Benefits administration. Maintain confidentiality of personnel data. Advertise positions and accept applications electronically. Generate appropriate and necessary personnel reports. 	 Personnel, procedural and administrative manuals can be made available and constantly updated on a Wiki. The ease with which staff members can obtain information such as available health benefits or remaining vacation days of sick leave can impact on their receptivity to other forms of technology. LSC Performance Criteria: Performance Area Four. Effectiveness of governance, leadership and administration. Criterion 3, Criterion 4. 	See Idealware, <u>http://www.idealware.org/arti</u> <u>cles/keeping-track-your-</u> <u>people-power-hr-and-</u> <u>technology-nonprofit-world</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
	Accounting	 Accounting systems should have the capacity to manage these functions: General ledger, payables, receivables and fixed assets; Payroll; Maintain client trust accounts; Track and report budgeting and expenditures; Generate all needed internal and external reports. 	 To the extent that such opportunities exist, program management should seek to have its administrative personnel attend pertinent technology training and become involved in support networks that address the use of technology in program administration. LSC Audit Guide for Recipients and Auditors Accounting Guide for LSC Recipients LSC Act § 1006(b)(3), 42 USC § 2996e(b)(3), (relating to professional responsibilities). LSC Act § 1010, 42 USC § 2996i—Financing. LSC Performance Criteria: Performance Area Four. Effectiveness of governance, leadership and administration. Criterion 3, 4 and 7. LSC Regulations, 45 CFR Chapter 16 1630—Cost Standards and Procedures. LSC Performance Criteria: Performance Area Four. Effectiveness of governance, leadership and administration. Criterion 3, 4 and 7. 	 <u>A Few Good Accounting Packages</u> <u>Software Usage by LSC Grantees</u>
	Grant maintenance	 Grant maintenance system that can track each grant, including: information on grant require- ments, restrictions and commit- ments; tracking of expenditures and ac- 	 LSC Performance Criteria: <u>Performance Area Four</u>. Effectiveness of governance, leadership and admin- istration. Criterion 3, 4 and 7. <u>LSC Regulations, 45 CFR Chapter 16</u> 	 See TechSoup's article <u>The</u> <u>Basics of Grant and Prospect</u> <u>Research</u> <u>TechSoup's Choose the Right</u> <u>Donor Management Software</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
		 tivities; management of reimbursables; indirect cost calculations; control of expenditures against budget; generation of reports and track- ing of deadlines. Maintenance of contact information. 	 1610—Use of non-LSC Funds, Transfers & Program Integrity. 1630—Cost Standards and Procedures. LSC Act § 1010, 42 USC § 2996i—Financing. Accounting Guide for LSC Recipients 	 For detailed reviews of fund- raising databases, see the Idealware report <u>A Consumers</u> <u>Guide to Donor Management</u> <u>Systems.</u>
DEVELOPMENT AND FUNDRAISING	Fundraising and market- ing	 In addition to general legal information available on a statewide website, the organization itself should have a compelling web presence that includes: Description of what services the program offers; Information about volunteer and donation opportunities, as appropriate; Ability to donate online; Use of a modern content management system to enable staff to quickly and easily update it; Website should be hosted offsite. Organization should have a strategy as to whether and how it should use social media to reach out to potential supporters, volunteers, and donors. Should an organization use social media for outreach, it should have a policy to govern its proper use. 	 LSC Performance Criteria: <u>Performance Area Four</u>. Effectiveness of governance, leadership and admin- istration. Criterion 3, Criterion 4. <u>LSC Regulations</u>, 45 CFR § 1610.5 (Notification). 	 See TechSoup's article <u>The</u> <u>Basics of Grant and Prospect</u> <u>Research</u> TechSoup's <u>Choose the Right</u> <u>Donor Management Software</u> For detailed reviews of fund- raising databases, see the Idealware report <u>A Consumers</u> <u>Guide to Donor Management</u> <u>Systems.</u>

Purpose served	What should be in place	Needed capacities or functions	Important Considerations	Useful websites, re- sources and other tools
DEVELOPMENT AND FUNDRAISING	Fundraising and market- ing (cont'd)	 Electronically track the contact information, donation and contact history for each individual donor, if the organization has individual donors. Ability to generate reliable reports of donors that meet specific criteria, such as interests and giving history. Generation of letters, reports, and other appropriate documents. 		