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**AMERICAN BAR ASSOCIATION**

**Standing Committee on Legal Aid  
and Indigent Defendants**

321 N. Clark Street  
Chicago, Illinois 60654-7598  
[www.abalegalservices.org](http://www.abalegalservices.org)

**Chair**

Lora Livingston  
261st Judicial District Court  
P.O. Box 1748  
Austin, TX 78767  
[lora.livingston@co.travis.tx.us](mailto:lora.livingston@co.travis.tx.us)

**Members**

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Austin, TX

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Boston, MA

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Drucilla Stender Ramey  
San Francisco, CA

**Board of Governors Liaison**  
David Bienvenu  
New Orleans, LA

**Committee Counsel**  
Terry Brooks  
312-988-5747  
[terry.brooks@americanbar.org](mailto:terry.brooks@americanbar.org)

**Associate Counsel**  
Bev Groudine  
312-988-5771  
[bev.groudine@americanbar.org](mailto:bev.groudine@americanbar.org)

**Assistant Counsel**  
Tori Jo Wible  
312-988-5753  
[tori.wible@americanbar.org](mailto:tori.wible@americanbar.org)

**Dir., Resource Ctr. for ATJ**  
April Faith-Slaker  
312-988-5748  
[april.faitth-slaker@americanbar.org](mailto:april.faitth-slaker@americanbar.org)

**Attorney/Project Director**  
Geoff Burkhart  
312-988-5102  
[geoffrey.burkhart@americanbar.org](mailto:geoffrey.burkhart@americanbar.org)

February 26, 2016

Ms. Rebecca Fertig Cohen  
Legal Services Corporation  
3333 K Street NW  
Washington, DC 20007

Via e-mail: [LSCStrategicPlan@lsc.gov](mailto:LSCStrategicPlan@lsc.gov)

Re: 2012-2016 Strategic Plan Goals

Dear Ms. Cohen:

The American Bar Association, through its Standing Committee on Legal Aid and Indigent Defendants (SCLAID), submits these comments on LSC Strategic Plan 2012-2016, whether the current goals remain suitable and timely, and if new goals should be implemented, as requested in 81 Fed. Reg. 3837 (January 22, 2016).<sup>1</sup>

LSC's current goals are:

- 1. Maximize the availability, quality, and effectiveness of the civil legal services that LSC's grantees provide to eligible low-income individuals*
- 2. Become a leading voice for access to justice and quality legal assistance in the United States*
- 3. Ensure superior fiscal management*

The ABA believes that these goals remain suitable and timely, and will take this opportunity to comment on a few of LSC's initiatives for achieving them.

One of the initiatives for achieving the first goal found in the current strategic plan is the development of meaningful performance standards and metrics. SCLAID believes that LSC's current Performance Criteria, which incorporate portions of the ABA's Standards for the Provision of Legal

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<sup>1</sup> Neither these comments nor the decision to file them should be interpreted to reflect the views of any judicial member of the American Bar Association. No judicial member has participated in the adoption of or endorsement of the positions set forth in these comments.

*Ms. Rebecca Fertig Cohen*  
*February 26, 2016*  
*Page 2*

Aid while taking into account restrictions imposed by Congress on the use of LSC funds, provide the necessary performance standards that LSC should continue to utilize in meeting its first goal. These criteria properly describe the full range of types of legal representation essential for quality legal assistance, and should continue to serve as the basis for LSC's quality and effectiveness improvement efforts.

As to the development of metrics, SCLAID supports the approach that LSC has taken regarding grantee measurement of outcomes. Specifically, LSC's approach of providing a tool kit of various methods for measuring outcomes of extended representation cases while not imposing any single method, recognizes the variety among grantees and the need for each to decide which method of measuring outcomes is best given its specific circumstances. Requiring that programs indicate how each has used the outcome data collected to better serve clients, while not requiring that the actual outcomes be reported, demonstrates a sensitivity to grantees' concerns that we appreciate and support.

Enhancing private bar involvement is included in the current plan as a means of achieving Initiative Three of Goal 1 (Provide legal practice and operational support to improve measurably the quality of civil legal services to the poor). The ABA recognizes that LSC has made strides in this effort by implementing a number of the recommendations of its Pro Bono Task Force, including promulgating new PAI regulations and establishing and awarding Pro Bono Innovation Grants. We do recommend that the new strategic plan reflect LSC's increased focus on pro bono as a means of serving the legal needs of those living in poverty and include the organized bar and the private bar among the important stakeholders in the community with whom LSC engages.

The ABA certainly supports the goal of ensuring superior fiscal management. However, time spent by a grantee in gathering and explaining documents that demonstrate its compliance with the LSC statute and regulations results in time spent away from serving clients who are in grave need of legal assistance. Therefore, we ask that LSC seek to achieve a balance between the requirements of grantee documentation of compliance and the goal that grantees provide effective and quality legal services to eligible individuals.

The ABA appreciates the opportunity to present these comments.

Sincerely,



Jacquelynne J. Bowman

cc: Paulette Brown, ABA President