

## Richard Sloane

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**From:** Richard Zorza <richard@zorza.net>  
**Sent:** Tuesday, July 10, 2012 9:49 AM  
**To:** Richard Sloane  
**Cc:** Jim Sandman  
**Subject:** Comments on Draft Strategic Plan  
**Attachments:** comments.DOC; ATT00001.htm

Please find attached.

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July 10, 2011

Richard L. Sloane  
Chief of Staff and Special Assistant to the President, Legal Services Corporation  
3333 K Street, NW  
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Dear Sir:

The following are my comments on the Proposed Strategic Plan for the Legal Services Corporation. While I have a number of consulting and institutional relationships, I am submitting these comments on my own behalf.

In summary, I believe that the overall directions envisioned by the Proposed Strategic Plan are excellent. I incorporate by reference my blog post on the subject, which appears at <http://accesstojustice.net/2012/06/19/draft-lsc-strategic-plan-available-comments-requested-by-july-11/>.

In particular, let me repeat from the blog the following specific items that I highlighted for my readers as most important for the future, and which I urge should be retained in the final version of the Plan.

1. The introductory language grounds LSC in a broad access definition: "*The Legal Services Corporation (LSC) was founded on a shared American ideal: access to justice regardless of one's economic status.*" (p. 1).
2. Prominence is given to technology and informational services: "*promoting the development and implementation of technologies that maximize the availability of legal information and assistance.*" (p. 3).
3. There is a general recognition the efficiency must be increased through innovation: "*LSC's approach to improving quality must be focused on promoting innovation that accomplishes more with fewer resources.*" (p. 3)
4. The commitment to work with other federal agencies and private foundations to broaden the funding base is a major and overdue shift in direction. (p. 3).
5. The commitment to fiscal responsibility is critical for credibility. (p.4 ).
6. The Best Practices component is dynamic and seen as the basis for collaboration: "*This will also include the identification of those federal agencies that are most involved in the types of legal issues that LSC grantees handle for their clients so as to facilitate coordination with these agencies to better streamline responsiveness to the needs of clients*" (p. 5).
7. The commitment to performance measures is revolutionary. It includes: "*Outcome metric(s): Evaluating how a grantee organization's delivered legal services translate into identified benefits for individual clients, as well as other societal benefits and governmental savings.*"

*Efficiency metric(s): Evaluating the cost-effectiveness of a grantee organization's activities by measuring how invested federal grant dollars translate into an amount of legal services delivered.*

*Needs Assessment metric(s): Ensuring that grantees effectively assess the needs of eligible clients in their service areas, establish priorities reflecting such assessment in a manner consistent with the Legal Services Corporation Act and LSC regulations, and evaluate their effectiveness in meeting those priorities." (p. 6).*

8. There's a commitment to online data collection to minimize the burden on grantees. (p.7)
9. For the first time ever, there is a willingness to provide true performance incentives, even within the context of legislative field grant allocation formula. *"When clear, evidence-based standards of performance are established, LSC will seek to provide performance incentives to grantees outside these funding formulas."* (p.7)
10. Specific rewards are suggested: *"LSC certification as a top-performing organization; Invitation to special LSC recognition programs; Increased access to funds or projects generated through LSC's own advancement efforts; Ability to compete for special grant programs that LSC may administer."* (p. 7.) Note particularly that last one. As I see it, such programs might be funded sources other than Congress.
11. Corrective possibilities are suggested for programs that are identified as sub-par: *A special review by LSC or peers; Required professional development activities (such as training); Implementation of specific quality or efficiency processes; Enhanced program oversight requirements; Suggested changes in staffing or program focus; or, Other actions permitted by applicable law and corresponding regulations.* (p.7)
12. Various forms of training and support, most notably, as far as I am concerned, training for boards, executive director mentoring, and collaboration tools. (pp. 8-9)
13. The long-overdue establishment of a communications strategy, including perhaps most crucially, the making of a business case for funding: *"Gather and analyze broad, nationwide data on the results achieved in civil legal services cases as the starting point for a strong economic analysis; Conduct research on the best methods for quantifying the cost savings realized by the outcomes achieved; and, Create a research-backed case for the investment in civil legal services that shows the value of current expenditures and reasonable estimates of the public value that would be created by increased funding – a projected marginal value for legal aid dollars."* (p. 11).
14. Understanding that efforts must be made to influence the overall philanthropic community. (p.11).
15. An Internal Advancement Office to support fundraising for: *"Research projects; Fellowships created for new lawyers and senior lawyers to serve in legal services programs; Create appropriate public service announcements and public education materials; Launch of an honorary auxiliary board; launch of a national alumni association; and, Other pilot projects and initiatives."* (p.12).
16. Risk Assessment. As part of broader management initiatives, a coordinated effort to identify areas of risk in financial management and controls for the field. (p .15).

Obviously I particularly hope that these aspects of the Draft Strategic Plan survive the comment and redrafting process.

In addition, please permit me to make a number of suggestions designed to strengthen and add additional force to the elements of the Plan, and particularly to enhance the chances of its successful implementation.

1. Make a commitment to develop timelines. This is an ambitious Plan, and rightly so. The creation of timelines, particularly in potentially controversial areas such as the use of outcome measures for incentives and remedial actions, would make it much harder for inertia to prevent the implementation of these important ideas. Moreover, having a timeline would help ensure the momentum remained with the implementation of the Plan, even in possible times of unavoidable future leadership transition.
2. Make More Explicit LSC's Commitment to Creating Leadership Institutions on Issues of Access to Justice. The Plan is excellent in its articulation of the need for LSC to become a "leading voice" in this area. I make more explicit that LSC would encourage the organizations with which it partners in this work to create stronger integrated national leadership roles and groupings in this area. I have personally urged moving towards the creation of a national access to justice Commission or equivalent body, modeled on the bi-partisan, multi-constituency model that has been so successful in so many states. While I understand the political complexities, I believe that they can and must be overcome, and that LSC can show true leadership in helping to move such an idea forward.
3. Expand Discussion of Staffing issues. I would encourage inclusion of additional discussion of staffing realignment, particularly at the most senior level, to "bake in" these changes. In particular I believe that there is need for a Chief Information Officer to take leadership of the information strategy.
4. Consider Use of Refunding Process to Incentivize Best Practices. It has been my experience that putting grantees on notice of LSC's intent to request information on, and consider effectiveness in, particular aspects of their activities, has a significant impact on grantee planning processes long before the actual refunding application is due. The competition process can be used to underline the importance of compliance with expectations such as those relating to Best Practices, outcome measures and program Board development. I draw attention to the OMB circular on evidence based practices, blogged about here: <http://accesstojustice.net/2012/05/31/nyt-blog-on-omb-memo-the-dawn-of-the-evidence-based-budget-implications-and-ideas/>.

Thank you for the opportunity to comment. I do, of course, stand ready to help in any way that I can with these excellent changes.

Sincerely,

Richard Zorza, Esq.