

AMERICAN BAR ASSOCIATION

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

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March 15, 2011

Mattie Cohan, Senior Assistant General Counsel
Office of Legal Affairs
Legal Services Corporation
3333 K Street, NW
Washington, DC 20007

Re: Request for Comments with Respect to Strategic Planning

Dear Ms. Cohan:

I write to submit the comments of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants (SCLAID)¹ in response to the Legal Services Corporation's request for comments on proposed strategic planning. SCLAID supports the Legal Services Corporation engaging in strategic planning at this time. Although there is much in the 2006-2010 Strategic Directions document that remains useful and relevant, the process of strategic planning will be productive for top leadership and the Board of Directors to undertake. Many of the goals, strategies and performance measures discussed in the earlier documents might well be reframed and reprioritized. None is obsolete. However, given the current environment, you may wish to give different import to various elements of the prior plan.

With respect to consideration of the GPRA memo, while not mandatory for the Legal Services Corporation, we suggest that LSC follow the GPRA protocol. The requirements of having a strategic plan that includes a mission statement, general goals and objectives, a limited number of long-term, outcome-focused performance goals, with targets, descriptions of strategies to achieve the goals, an assessment of external risks, relevant past evaluations and a schedule for future evaluations, will serve LSC well. This strategic plan can and should form the basis for the Corporation's future budget request and plans for allocating resources (within the mandates of the statutory framework).

¹ The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, therefore, should not be construed as representing the policy of the American Bar Association.

You requested feedback with respect to whether performance measures should be incorporated into your strategic planning. LSC should carefully construct performance measures that are both meaningful and achievable.

LSC's strategic planning presents an especially complex challenge. LSC must plan to meet its statutory mandate of assuring justice by providing careful guidance to its grantees. At the same time, LSC's planning and resulting performance measures should recognize and honor the local needs and carefully crafted response of its grantees.

SCLAID will not use its comments to dictate the shape or look of the plan. We respectfully suggest some large planks that you might consider as the basis for your long term and near term goals, objectives, strategies and, ultimately, your performance measures.

Achieving Justice For All Through High Quality Civil Legal Assistance.

As stated by the (current, and apt) LSC Mission, this should be the principal goal for the Corporation. Some of the strategies to consider are to: continue the quality initiative, continue to emphasize diversity within the grantee community, support a revitalized mentoring and leadership development program, broadly support and encourage access to justice for all, especially the burgeoning LEP community, encourage grantees to recruit and retain the best and brightest attorneys by supporting higher salaries, continue the Corporation's loan repayment assistance program and explore how the Legal Services Corporation can support training and back-up services within the community. The LSC should support its grantees in developing effective outcome measurements so that they -- and LSC -- can better tell the story of their work. It is important to enhance how LSC uses the data that LSC grantees develop while not placing unwarranted burdens on the grantees themselves. We suggest that the most effective outcome measures should be developed by grantees themselves -- with LSC serving as a clearinghouse of best practices and past learning.

In considering the effectiveness and efficiency of efforts in a particular jurisdiction, LSC may find guidance in two relevant ABA policies. Both are attached in PDF format, and are available on the ABA's web site:

- ABA Principles of a State System for the Delivery of Civil Legal Aid, available at: <http://www.americanbar.org/content/dam/aba/migrated/legalservices/sclaid/downloads/06A112B.authcheckdam.pdf>
- ABA Standards for the Provision of Civil Legal Aid, available at: <http://www.americanbar.org/content/dam/aba/migrated/legalservices/sclaid/downloads/civillegalaidstds2007.authcheckdam.pdf>

An important foundation for the ability to continue to do good work is effectively communicating to the Congress, the media and the public the importance and effectiveness of such work. Therefore, LSC may wish to pursue as an important strategy steps to enhance public awareness and support for the work of LSC grantees.

Legal Services Corporation as a National Leader in Promoting High Quality Civil Legal Assistance.

LSC serves as the principal national leader of and catalyst for civil legal assistance efforts. In furtherance of its leadership role, LSC may consider strategies including

1. Supporting the development of other public funding. This could include communicating with other agencies of the federal government, especially with respect to issues facing grantees. Among the issues that bear exploration with other agencies are the importance of preserving the attorney-client relationship, the ability to use LSC funds with greater flexibility as matches to other federal grants, and the burdensome databases and unique reporting modalities that each agency requires.
2. Continuing a leadership role with other important stakeholders such as state access to justice commissions, the judiciary, IOLTA organizations, law schools and, in particular, private attorneys.
3. Forging partnerships with private attorneys throughout the country. While ensuring a robust staff delivery system is LSC's primary role, its leadership with respect to leveraging increased pro bono is crucial. We think that the Corporation should recognize local variations in pro bono and other crucial elements of the delivery system, while ensuring that LSC grantees devote time and resources to leveraging pro bono and to enlisting private bar support for the legal aid system. This is but one way the Corporation can exert leadership in this arena. SCLAID stands ready to collaborate with you on this measure in more detail.

The Corporation should also continue to serve as an incubator and clearinghouse for innovation with respect to the delivery of high quality civil legal assistance. Strategies to implement this will be continued effective use of LSC's website and staff to offer an array of useful resources (through maintenance and expansion of the LSC Resource Information) system, and continued use of specialized grants to stimulate and support innovative approaches to high quality delivery of legal services are just a few strategies.

LSC Operations are Above Reproach.

LSC's strategic plan must articulate the Corporation's commitment to and responsibility for regular review of LSC's goals and performance measures. The strategic plan must enhance LSC's accountability. LSC's operations should be a model of efficiency and effectiveness, and should model the best practices the Corporation wishes its grantees to engage in. For example, LSC'S internal emphasis on diversity and professional development training should continue.

We hope that the strategic planning process will provide the Corporation with an opportunity to enhance collaborations and efficiencies within LSC itself. To the extent that different departments within LSC engage in similar activity (for example, OCE and the OIG on grantee compliance), we hope that the strategic plan would decrease such inefficient duplication of effort.

Of course, a strategic plan is only as good as its implementation and acceptance by the institution involved. We hope that the LSC will develop a mechanism for familiarizing staff and the programs that it funds with the plan and the steps LSC will take toward implementation.

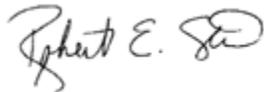
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We hope these general comments are helpful to you. If LSC wishes, SCLAID will be happy to elaborate upon our comments or to otherwise collaborate further with LSC as planning proceeds.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert E. Stein". The signature is written in a cursive, somewhat stylized font.

Robert E. Stein, Chair

Enclosures