

LEGAL SERVICES CORPORATION

STATE PLANNING

A FIVE-YEAR OVERVIEW





President

John N. Erlenborn

Board of Directors

Frank B. Strickland
Atlanta, GA
Chairman

Lillian R. BeVier, **Vice Chair**
Charlottesville, VA

Michael McKay
Seattle, WA

Robert J. Dieter
Boulder, CO

Thomas R. Meites
Chicago, IL

Thomas A. Fuentes
Lake Forest, CA

Maria Luisa Mercado
Galveston, TX

Herbert S. Garten
Baltimore, MD

Florentino A. Subia
El Paso, TX

David Hall
Stoughton, MA

Ernestine P. Watlington
Harrisburg, PA

Office of Programs

Randi Youells
Vice President for Programs

Michael Genz
Director, Office of Program Performance

3333 K Street, NW 3rd Floor
Washington, DC 20007-3522
Phone 202.295.1500 Fax 202.337.6797
www.lsc.gov

State Planning: A Five-Year Overview

Introduction

The Legal Services Corporation (LSC) launched State Planning in 1995 to resolve serious deficiencies in the national legal services delivery system. The project soon languished in the tumultuous wake of Congressionally-imposed funding cuts and restrictions on certain services and activities. Then in 1998, to help programs cope with significant funding and policy changes, LSC revived the initiative and achieved a critical infusion of new ideas, funds and partners into the national legal services community.

State planning transformed LSC from funding agency to reformer and equity partner capable of effecting large-scale reorganization, consolidation and change.

Through state planning, LSC hoped to ameliorate the plight of thousands of clients denied access to civil justice. It aimed to radically revise the way legal services programs operated, moving them from a marginal role in a state's justice community to a centerpiece function that delivered services in a linked collaboration with other stakeholders. At the same time, state planning also transformed LSC from funding agency to reformer and equity partner capable of effecting large-scale reorganization, consolidation and change. In the space of five years, state planning achieved its initial goals and more. Opponents have become allies, resources have grown dramatically, and technology is not only integrated into the daily life of legal services programs, but has spawned innovative improvements. Finally and in varying degrees, state planning helped legal services programs clarify and strengthen their participation their state's equal justice efforts.

Backdrop

LSC is a private, non-membership, nonprofit corporation in the District of Columbia. Eleven voting members, appointed by the President with the advice and consent of the Senate, compose its Board of Directors. By law the Board is bipartisan: no more than six members can be of the same political party.

Congress created LSC in 1974 to address the “need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances.”¹ Today, LSC and its grantees play a central role in providing low-income Americans with access to legal assistance and information concerning critical civil legal problems. LSC is guided by its Congressionally-mandated mission “to provide high quality legal assistance to those who would otherwise be unable to afford adequate legal counsel.” This mission is especially vital when LSC’s budget is juxtaposed against the most recent national study on the legal needs of the indigent estimating that approximately 80 percent of low-income Americans do not have access to an attorney when faced with a serious situation where a lawyer’s assistance could make a difference. LSC does not itself provide civil legal assistance to eligible clients, but distributes federal funds to grantees to every state and territory and charges them with the responsibility of providing civil legal assistance to low-income people in their service area. Today, LSC funds organizations in every state as well as in Puerto Rico, the Virgin Islands, Guam, American Samoa and Micronesia.

The history of federally funded legal services is marked by years of support and expansion, followed by those in which survival was in deep doubt. During parts of this period, LSC actively lobbied for the abolition of federally funded legal services for indigent Americans. As a result, many LSC grantees grew to distrust LSC and fine-tuned a practice of ignoring, if not actively resisting its initiatives and directives. Isolation was not limited to LSC’s relationships with its grantees. Individual programs also operated in a vacuum. It was not uncommon for legal services staff in a state not to know staff at other LSC-funded entities in the same state. Work and training collaborations rarely occurred. LSC programs in the same state often competed against one other for scarce resources. The marginalization of legal services programs extended beyond LSC entities, and many programs maintained only limited and superficial relationships with law firm and judicial colleagues. Nationally, the legal services delivery system was equally fragmented, marked particularly with strong disagreements among program leaders on whether and how to change the divisive and self-defeating status quo.

State Planning Roll Out

Into this rocky and complex environment, LSC launched state planning. Anticipating severe federal cuts in program funding, in 1995 LSC sent a letter to each grantee asking them to review existing systems and consider any changes that would improve and streamline the provision of services. LSC also offered to help strategize on how to stretch dollars so that all low-income clients in the state would have equal access to effective assistance. Grantee reaction was uneven. One or two programs crafted new civil legal services systems that reflected the changing times. Several forged partnerships with the judiciary and the private bar to strengthen local bases of support, while others

¹ Public Law 93-355; Public Law 95-222.

aggressively sought out alternative funding sources. A few embraced the new technology, and explored how computers and related innovations could improve access and enhance quality. Perhaps not surprisingly, the majority did nothing.

By 1997 the legal services situation was more fragile. Declining federal funds could barely keep outdated delivery systems running. Outmoded infrastructures combined with recent federal restrictions on essential activities left programs unable to meet many eligible clients' urgent legal needs. Even assuming that most providers recognized the importance of investing in complicated technology, most lacked the experience required to make appropriate decisions and ensure that staff used these technological resources effectively. Grantees were being told to diversify funding bases and lessen their dependency on diminishing LSC dollars, shocking many program directors who saw themselves as lawyers, not rainmakers. Demographic changes in client neighborhoods created new challenges for providers who were faced with the need to incorporate cultural and linguistic differences into their programs. Although all grantees operated with fewer dollars than was thought essential, many operated at wildly inefficient levels. Of greatest concern, however was the unevenness throughout the country of the quality of legal services. Quite naturally all of these problems combined to undermine morale and innovation, and many creative, energetic staff sought other employment. Longtime legal services supporters were pessimistic about whether the national delivery system could recapture the vibrancy of its early years.

The need to change how the national legal services delivery system functioned was tremendous, but the obstacles to change were even greater. Threats to the survival of legal services over long periods of time undercut grantee efforts to set long-term goals. Reduced federal funds plus the checkered relationship between "the field" and LSC meant any call for change was seen as a threat. Clients and client communities, whose understanding of the American legal system was colored by the constant adversity besetting their legal services programs, had grown cynical about the federal commitment to civil legal services for poor people.

In September 1997, the LSC Board of Directors hired John McKay to serve as President. President McKay was committed to establishing confidence in the permanence and professionalism of legal services. Recognizing that a central purpose of LSC is to "insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to both urban and rural areas,"² McKay announced his intent to create a national legal services delivery system grounded in fundamental concepts of fairness and the rule of law, and dedicated to providing efficient, effective and high-quality services to vulnerable Americans.

While state planning initially aimed to increase client access, it has come to encompass a variety of activities undertaken as part of the reengineering of the civil legal services delivery system.

² LSC Act of 1973.

The highest priority for President McKay and the LSC Board was to improve access to legal services by low-income persons and to ensure that each state's civil legal services delivery system was both of high quality *and* efficient. Since less than 20 percent of more than 43 million low-income Americans eligible for legal services can secure legal assistance when faced with a civil legal problem, it was clear that new ways were needed to enable the delivery system to respond effectively to client needs, regardless of who the individual is or where in the state one lives. While state planning initially aimed to increase client access, it has come to encompass a variety of activities undertaken as part of the reengineering of the civil legal services delivery system.

In January 1998, the Legal Services Corporation (LSC) issued Program Letter 98-1, which built upon and expanded on earlier letters issued in 1995.³ The central message of Program Letter 98-1 was that LSC, in the exercise of its statutory responsibility to “insure that grants and contracts are made so as to promote the most economical and effective delivery of legal services to persons in both urban and rural areas,”⁴ would require its grantees to engage in broad based planning to develop in each state a “comprehensive, integrated statewide delivery system” through which civil legal services could be provided to indigent residents. It was made clear that this planning project was to include, at a minimum, all LSC grantees in a state, bar organizations, law schools, the judiciary, IOLTA programs, client eligible persons and other providers of similar or related services to present and potential indigent clients.

LSC Program Letter 98-1 set forth seven subject areas that state planning was to cover including: enhancing client access; efficiently delivering high quality legal assistance; effectively using technology to expand access and enhance services; promoting client self-help and preventive legal education and advice; managing legal work and training staff; coordinating and collaborating with the private bar; developing additional resources to support legal services delivery; and streamlining their state's legal services delivery configuration so as to enhance services, reduce client barriers and provide high quality products. The seventh of these — and the one that has received the most negative attention around the country — was:

Where there are a number of LSC-funded programs and/or the presence of very small programs, how should the legal services programs be configured within the state to maximize the effective and economical delivery of high quality legal services to eligible clients within a comprehensive, integrated delivery system?

Grantees were required to submit a state plan covering all seven elements by October 1 of that year (1998).

³ See Appendix A for Program Letters 98-1, 98-6, 2000-7 and 2002-3.

⁴ 42 USC 2996f(a)(3)

Program Letter 98-1 was quickly augmented by Program Letter 98-6. Read in tandem, these two program letters challenged LSC grantees to reassess their practices and policies, restructure their legal services systems, and reallocate and build on legal services dollars to construct a system that depended on the smooth functioning of many interlocking pieces. Grantees were to expand their horizons from "what's best for the clients in my service area" to "what is best for clients throughout the state." While it seems logical now, the consideration of the needs of low income people on a statewide basis and meeting them with coordinated comprehensive responses was not only revolutionary in the late 1990's legal services world, but could not have been contemplated — much less achieved — without several developments that began years earlier. First, the last quarter of the twentieth century saw the creation of a number of advocacy organizations, not funded by LSC, including advocates for immigrants, children, victims of domestic violence and homeless people. These *boutique* organizations existed in every state but, in the main, operated outside of the LSC-funded system. A central tenet of state planning is that the legal services delivery system cannot be LSC-centric. Contributions of non-LSC providers are essential to the broader legal services delivery system.

Second, in the mid-1990's, Congress required LSC to set up a process for dispersing grant funds on a competitive basis. Until then, federal money distributed by LSC was given to programs annually, and required only a *pro forma* application process. Generally, the same programs were funded each year without much thought given to the quality and purpose of their work. LSC oversight focused primarily on determining whether recipients followed federal regulations governing record keeping, provision of services and organizational structure rather than quality of services, board leadership and the professionalism of the legal work. Under the new competition rubric, LSC sought and received proposals replete with substantive information on the applicant. Competition also allowed LSC to look at the quality of an applicant's efforts on behalf of clients, and compare and contrast it with that of other nonprofit applicants serving similar populations in the state.

Third, a monumental social and technological transformation was underway, although legal services clients and, for the most part, legal services programs were not participants. The race down a super-information highway toward a global village where information is instantly available bypassed low-income people and their advocates. Even as the legal profession, including the courts, geared up for computers, e-filing and internet research, legal services programs and poor clients remained marginalized by poverty, culture and language barriers. And that was a concern to many equal justice leaders.

Finally, over the past 25 years there has been a vast change in immigration and cultural patterns, and legal services clients became more diverse. Clients are different from what they were in 1976. Many work full-time; they live in suburbs and other venues outside the central city. Their opportunities to visit a legal aid office and even talk to a lawyer on the phone are limited by workplace environments. Immigration trends have brought novel legal issues and clients who may not speak English very well. New

laws and federal programs affecting legal services clients have emerged, such as those protecting youth and children or addressing concerns of homeless people, while others have totally changed or disappeared, such as AFDC.

From 1998 on, LSC made participation in statewide civil legal services delivery systems a condition of its funding. In partnership with other members of the legal and advocacy community, grantees were expected to meet the most compelling needs of eligible clients, ensure the highest and most strategic use of available resources, and maximize the opportunity for clients throughout the state to receive timely, effective and appropriate legal services. Grantees were told to help create statewide delivery systems that:

- Identified and addressed the most important legal needs of eligible clients, as determined by appropriate needs assessments, taking into account the diversity of persons and needs in the state and its various communities;
- Provided low-income persons throughout the state broad and equal access to legal services regardless of such obstacles as disability, geographical isolation, culture and language;
- Provided high quality legal services to clients throughout the state, regardless of regional distinctions in demography, the economy, or the presence or absence of other local resources to provide or support the provision of legal services to low income persons;
- Encouraged innovation in the delivery of legal services accompanied by appropriate assessment of results;
- Minimized duplication of capacities and administration and made the best use of resources available to the delivery system as a whole and its component parts; and
- Had the capacity and flexibility to respond effectively to new client needs and other changes affecting the delivery of legal services to the poor.

In addition to program letters and other written directives, LSC also engaged in planning by pledging to become an active *equity* partner in each state's activities. Experienced staff, committed to a strategy of planned change, helped state justice communities with all aspects of planning. LSC publicly highlighted promising practices of visionary grantees, and at LSC Board meetings, local events and national conferences showcased exemplary planning efforts. Internally LSC calibrated units so that every programmatic effort advanced state planning, and redirected discretionary funds toward state planning technical assistance projects to help states with particularly challenging

aspects of planning. Grant-award decisions and visits to assess program quality focused on the efficacy of statewide systems and collaborative efforts. Grantees were required to invite representatives from all key stakeholders involved in the delivery of services to the low-income population in each state to form a state planning oversight group, and submit periodic planning reports to LSC.

LSC reinforced planning with a fourth program letter, issued in 2000, requiring grantees to evaluate their planning activities. In essence, Program Letter 2000-7 required states to evaluate the progress they had made in developing a service delivery system that provides relative equity in the ability of clients throughout the state to access services; relative equity in the capacity of the system to meet the legal needs of clients; relative equity to serve client communities in all their diversity; and relative equity in the investment of resources (federal, state, private and in-kind/*pro bono*) throughout the state. Program Letter 2000-7 required state planning bodies to report to LSC on the extent to which a comprehensive, integrated client-centered legal services delivery system had been achieved; the extent that intended outcomes of a comprehensive, integrated and client-centered legal services delivery system had been achieved, including but not limited to service effectiveness, quality, efficiency, equity in terms of client access; the involvement by members of the private bar in the legal lives of clients; the status of client-community empowerment; and whether the best organizational and human resource management configurations were being used.

States were asked to respond to LSC with specific details concerning the states' efforts and effectiveness in evaluating and implementing elements of their state plans. States were asked to address very specific areas of evaluation and improvements in the integration and expansion of services.⁵ In this way LSC hoped to not only understand the changes that planning had brought to each state, but to allow grantees and their partners a glimpse of how their initial plans had achieved the mark or pointed to new challenges and concerns. Responses reflected the ability of programs to judge their efforts over time and the seriousness with which they had approached the call to restructure the state's civil legal services delivery system. To allow LSC and individual states make more refined and complex assessments of a given state's progress in state planning, LSC subsequently inaugurated a comprehensive state planning evaluation instrument. Designed by leaders from legal services programs around the country, in partnership with LSC and other national organizations, the instrument sets out the standards for state justice communities and contains criteria that will allow LSC to analyze and make conclusions about the civil legal services delivery system within each state. The instrument will reveal the strengths of each state justice community and state legal services delivery system, establish benchmarks against which further progress can be measured and gather data on which to base comparisons of state delivery systems.

⁵ In 2002, LSC issued yet another program letter, Program Letter 2002-3, that covered state planning. This program letter centered almost exclusively on configuration.

State Planning Achievements

State planning has been successful beyond our best hopes. It is important to remember that “state planning” is really only about five years old. In the five years since the promulgation of Program Letter 98-1, 32 statewide delivery systems have been created or improved so that each will be able to serve every eligible client in a

Statewide delivery systems have been created or improved so that each will be able to serve every eligible client in a state, despite existing geographic, cultural and physical barriers.

state, despite existing geographic, cultural and physical barriers. In the past five years, relatively equal levels of high quality client representation in the urban, suburban and rural areas in each state are being achieved through appropriate use of technology, self-help materials, private attorneys, new intake systems and multi-cultural staff to reach underserved clients. There is now a high degree of involvement and commitment on the part of private attorney, the judiciary and the community-at-approximately 42 states. Most states now have a configuration of legal services providers that makes sense given the need for programs to operate efficiently and effectively, the need for federally-funded programs to minimize their administrative costs so that scarce dollars could be diverted to direct client services, and the need to end turf wars among and between federally-funded legal services programs. These states benefit from statewide delivery system in which federally-funded legal services providers coordinate their work with other people and organizations within a state including groups historically considered funding "competitors" (other non-profit organizations and non-LSC legal services programs) or "unlikely partners" (judges, legislators, bar leaders).⁶ And states are learning how to carefully use existing resources to expand direct client services and a planned effort to bring additional and diverse non-federal resources into the state's legal services delivery system.

Reconfiguration

Resistance to state planning usually centered on LSC's call to examine and modify existing delivery systems. Programs challenged this aspect of planning, and accused LSC of trying to do away with small programs and create single grantee systems in each state. While this was not planning's purpose, it is equally true that oftentimes the smallest programs were the least effective and most set in traditional approaches. They

⁶ For example, LSC technology grants support 49 statewide websites that are an indispensable resource throughout the state justice community giving lawyers, advocates, social service organizations integrated, and collaborative online resources, and expanding client access to justice.

were frequently the cause of the uneven quality of services throughout the country. LSC exerted pressure on stakeholders to undertake unvarnished studies of each LSC grantee in their state and make the difficult decision about how best to serve clients in their areas and in the state as a whole. It was not unusual that this required merging two or more programs and creating larger, stronger organizations that used a merger's synergism to improve client services, relations with stakeholders, funding opportunities and incorporate technological advances into their *modus operandi*.

Congress mandated a system of competition for federal funds in 1996, replacing presumptive refunding with a process that allowed LSC to condition grants on demonstrable progress in planning, the strength of their application and the quality of their work on behalf of clients, allowing LSC to use competition as a way of assessing performance and structuring mergers of weak organizations with more effective competitors. Over the course of state planning's implementation (1997 to 2004), and in conjunction with state planners, the number of LSC grantees will have dropped from 261 in 1997 to 138 carefully selected legal services providers, while the quality of services to clients has uniformly improved.⁷ (See the charts in the appendix for more detailed information.)

	Calendar Year BFG 2004 Service Areas	Calendar Year BFG 1997 Service Areas	Service Area Changes
Totals	138	261	-123
Service area reductions as a percentage ==>			-47%

State Planning's Legacy

Over the last five year and in a surprisingly brief period of time, state planning completely transformed the national civil legal services delivery system. Since 1998, LSC has initiated and overseen a remarkable structural reconfiguration of LSC programs to make delivery systems more powerful and effective. In many states, legal service staff coordinate work on behalf of their clients. They enjoy

The most enduring legacy of the state planning initiative, at least in terms of its first five years, has probably been its success in fostering cooperation among stakeholders.

⁷ See Appendix B for maps and charts illustrating changes. Henry L. Woodward, General Counsel, Legal Aid Society of Roanoke Valley points out in "Restructuring of the Legal Aid Society of Roanoke Valley – A Review of the First Year" "Client service did not suffer from the transition and has improved in absolute numbers and in numbers of extended representation cases." See MIE Journal (Summer 20001) pp 7 – 12, at 12.

expanded opportunities to improve skills and benefit from the expertise of many more colleagues. Client outcomes have improved. There is greater access to services and increased use of telephone and computer intake, allowing clients to more easily communicate with advocates from locales throughout the state. Programs are seeing an infusion of non-LSC resources, many from new funders and unexpected local sources such as state legislators, bar associations and foundations. Enhanced private bar engagement in the delivery of legal services, better training and support for advocates, and faster program response to emerging legal needs not only serves clients better but gives staff a greater satisfaction in their work.

The most enduring legacy of the state planning initiative, at least in terms of its first five years, has probably been its success in fostering cooperation among stakeholders. In 1998, 10 states had designated state planning bodies dedicated to strengthening legal services. Today, over 45 states have such bodies. An essential function of these groups is establishing public-private coalitions to maximize grantees' ability to leverage their federal investment. For example, in 2001, the engagement of judges, legislators and private bar members helped spawn appropriations for legal services in 25 states totaling \$68.5 million – almost three times more than states appropriated in 1997. Meanwhile, private bar campaigns quadrupled their fundraising from \$5.3 million in 1997 to \$23.6 million in 2001.

Ten years ago the private bar was either an adversary or a somewhat disfavored cousin in the legal services family. Like families with unsavory members, legal services programs tolerated pro bono delivery models because they were required and not as a way of augmenting client services. Today, in most parts of our country the partnership between legal services programs and the private bar are deep and true. Private lawyers have learned first hand about the critical work LSC programs perform for poor residents of their communities. In turn, grantees see the vital role private attorneys play in assuring that no client goes unserved. Ten years ago, a judge was someone a legal services lawyer saw behind the bench in court. Today judges from all levels, including chief justices of state supreme courts, speak out in support of quality legal services for poor people, and have been instrumental in ramping up pro bono efforts and bar association contributions to LSC programs.

State planning has also made tremendous strides in expanding access for the fastest-growing client subgroup - non-English speakers. LSC works closely with groups like the African-American Project Directors Association to promote inclusion and multi-cultural competency in state delivery systems. Today legal services advocates are increasingly bilingual; more than 22 percent of staff in LSC-funded programs reports that they speak more than one language. And this number has grown continuously since 1999. LSC state planning technical assistance funds and technology assistance funds have brought self-help, multilingual computer kiosks allowing Native Americans living on reservations, and Vietnamese and Spanish immigrants in California enforce their legal rights without speaking a word of English.

Indicators of Success

Significant changes have occurred in each state. Through publications such as *Building State Justice Communities* and reports from conferences, LSC has documented many of these. Below are some highlights from the past few years. This does not represent the complete landscape nor does it begin to sketch out the new world state planning has created in each state's justice community. Rather the indicators listed here, under headings reflecting state planning goals, give a glimpse into some of the creative projects and ideas that have transformed our legal services communities.

Designated State Planning Bodies

LSC state planning has institutionalized on-going, inclusive high level state planning in most states. State planning is an indispensable component of our grantees' interaction with other advocates, the legal profession, state agencies, clients and funding sources. State planning is now so thoroughly integrated into the fabric of the legal services community that SPAN (a joint project of the ABA and NLADA) observed "state-level partnerships among the bar, the courts, legal services providers, and other stakeholders to improve and expand access to civil justice are flourishing across the country."^{8[2]} SPAN defines a state planning body as:

an active Access to Justice Commission or a similar entity—a formal state-level body dedicated to expanding and improving civil legal assistance in the state, composed of appointed representatives of the bar, the judiciary, and providers. Some include other stakeholders as well: legislators, state officials, clients, business and labor leaders, and representatives of law schools, community agencies and faith-based organizations. Typically these bodies were created by state Supreme Court rule. This group includes well-established entities ...and more recent ones....

⁸ SPAN Report: Access to Justice Partnerships, State by State, Summary (April 2003).

INDICATORS OF SUCCESS

- ***Designated State Planning Bodies***
- ***Increased Resources for Legal Services***
- ***Increased Access to a Full Range of Legal Services***
- ***Insuring High Quality Client-Centered Legal Services***
- ***Establishing Relative Equity***
- ***Achieving Integration, Coordination and Collaboration***
- ***Developing Leadership and Supporting Diversity***
- ***Informing, Educating and Creating Support for Legal Services***

Building a state justice community demands continuous effort. The vigor and success of such an enterprise requires considerable attention along with dedicated resources and leadership. The benefit for clients and their advocates, however, is well worth the investment.

One of the newest designated state planning bodies is the Alabama Access to Justice Commission, comprised of representatives from legal services programs, state and local bar associations, the Alabama Supreme Court and local courts, the IOLTA program and law schools. Financial and staff support from the Alabama Law Foundation supplements existing state bar resources. The Commission has embraced two goals to achieve by 2007 — annual doubling the number of clients helped and increasing legal services by four million dollars. Already the Commission's work has so raised awareness of unmet civil legal needs that the incoming state bar president has pledged to make increasing legal aid for poor people one of his legacies.

Created by the Arkansas Bar Association, the Arkansas Access to Justice Working Group recently petitioned the state supreme court to establish a permanent Access to Justice Commission of 15 members, appointed by the Supreme Court, the state bar and the governor. This high profile group is charged with devising a strategic plan for statewide delivery of civil legal services and educating the state's residents about the importance of equal access to justice and of the problems many face in gaining effective access to the civil justice system.

We agree that challenges continue to be complex even for well-established state planning bodies. But state justice communities demand much more than the formation of a state planning entity. At the request of the incoming state bar president, the Louisiana state justice community has undertaken a diversity and leadership training to deepen stakeholders' understanding of the vital role inclusion and cultural competence play in attaining high quality service and equal access. Guided by visionary leadership and staff, Louisiana is also moving to build partnerships across regional lines that will open up funding avenues and lead to innovative projects targeting poor people in the southeast quadrant of the country.

In Oregon, planners realized that a sophisticated and costly survey of client communities was necessary to design a delivery system that would effectively serve the present and future needs of the states' poorest residents, particularly new Americans and those with nontraditional legal problems. Bold and innovative assessment instruments were developed and implemented. The state must now turn to the more demanding task of amending current protocols and structures to meet newly discovered demands.

The Texas Access to Justice Commission was created by the Texas Supreme Court in 2001. Its membership includes three judges, two Texas State Bar Board members, representatives from the legal services programs in the state along with (in *ex officio* capacity) a state senator, state representative and the governor's general counsel. The Commission soon realized its first legislative success, the dedication of \$2.5 million

annually for two years that allowed legal services programs to expand access for victims of crime. The Commission continues to seek legislative appropriation funds for legal services programs despite a troubling economic downturn. Commission members were instrumental in the state bar's creation of an opt-out format for members' Access to Justice Contribution, an effort that generated more than a million dollars in one year. Even as it maintains its catalyst role, the Commission faces new challenges, including implementing a statewide survey of clients' legal needs, finding funds for loan repayment programs for poverty law advocates, and expanding access for self-represented litigants. It must also help the state justice community weather significant changes in its delivery system stemming from the reconfiguration of historical LSC grantees' boundaries and the installation of sophisticated internet-based intake systems.

Washington State's equal justice community, one of the first in the country to establish a state planning oversight body and boldly address configuration problems, is facing what members perceive to be the highest level of fiscal uncertainty in years. Cuts in state funding and IOLTA have resulted in the loss of millions of dollars for justice initiatives; new legislation failed and costs for the provision of legal services to an increasingly diverse community are mounting. Nonetheless planners have maintained if not deepened their commitment to expanding access and providing the highest quality services to all who need them. The state will close the year by releasing a plan, based on the strong commitment of its Access to Justice Board and Washington's Judicial Information Service, to achieve the highest degree of coordination in meeting the technological needs of the justice system to increase meaningful access for poor people. A summit, the culmination of a year-long effort, will produce an action plan to open up courthouses and their components via technology to self-represented litigants, low income clients and their advocates. Even as the AJT Board embarks on this enormous undertaking, it is also carefully examining the current delivery system for how it must pursue new directions and structures to accommodate both the rocky financial landscape and how technology is changing day-to-day program operations.

State planners must be open to changing systems to accommodate unexpected events, problematic and fortunate. Ohio has been a model for illustrating how planning oversight and development must be incorporated into the everyday work of the justice community. As new issues and concerns arise, the Ohio designated state planning body does not shy from placing them on their agenda. Now configuration of LSC and non-LSC programs is on the table again even though the state examined its delivery system some time ago and significantly restructured it. Planners are also reviewing and considering changes in how the state approaches resource development, delivery of services and enhancing pro bono efforts. Ohio has learned that as client communities and needs evolve, new resources are found and planners must be alert to ways in which their communities of justice must adapt to new challenges. Two years ago, a commentator noted that "how programs are structured, how various providers are coordinated and integrated into an effective whole, and ultimately how civil legal assistance for low-

income persons is provided, will be dependent as much on actions taken at the state as on the national level.”⁹ Ohio is fulfilling this prophecy.

Increased Resources for Legal Services

As stakeholders deepen their understanding of the role that legal services work plays in the well-being of their communities, resources for it have increased across the nation. State planners’ creativity in developing novel approaches to address emerging legal needs and changing client demographics has moved traditional program-by-program fundraising techniques to a coordinated statewide level that lowers costs, raises impact and produces more dollars.

The New Mexico legislature established a Civil Legal Services Fund by adding a \$25 fee on all civil filings. In May, 2002, the Fund awarded its first two year grants of \$2.4 million to civil legal services providers in the state. Last year, the Pennsylvania legislature passed an Access to Justice Act which created a filing fee surcharge expected to generate \$3.8 million. So widespread was the realization that legal services programs improved the state’s quality of life that the bill passed the Pennsylvania House by a vote of 189-8. A subcommittee of the Virginia Planning Assembly, the Funding Planning Committee, spearheaded the implementation of an action item in Virginia’s State Plan to double the existing filing fee surcharge of \$2 per case. While the state’s legal services programs have received state general revenue appropriations for over twenty years, the filing fee surcharge had never been increased.

For over 20 years, the Florida Bar Foundation and the Florida Project Directors Association tried unsuccessfully to obtain state funding for legal services. As state planning activities increased and emphasis on statewide considerations of client and funding needs grew, a legislative strategy emerged that reflected planners’ recent statewide perspectives. It was instrumental in passage of a bill appropriating two million dollars for legal services projects around the state. Similarly in Mississippi, as statewide planning efforts focused more and more on statewide solutions, the state legislature took notice and created the Civil Legal Assistance Fund. Planners anticipate that the legislature will authorize a \$5 civil court filing fee surcharge and direct the funds it generates to legal services programs.

Under the aegis of the New Hampshire Bar Foundation, three legal services programs in the state merged their fundraising initiatives into a single statewide Campaign for Legal Services. The goal is to increase participation as well as to increase the amount of individual donations. Over \$500,000 has already been pledged or raised, and planners anticipate reaching their goal of \$750,000 by the close of 2003.

⁹ “Civil Legal Assistance – Five Years Later,” Alan Houseman, Management Information Exchange Journal 23 – 33, at 24 (Fall 2000), adding that with state planning, “the legal services community has begun a long overdue transformation of its structure and work into a new and more effective civil legal assistance system.”

Increased resources does not just mean money. Community engagement and support broadens political acceptance for and recognition of the critical nature of our programs' efforts on behalf of the poorest people in our country. For example, the California legislature has enacted a law requiring all firms that have contracts with the state for over \$50,000 to engage in pro bono work. In Indiana an enhanced volunteer pilot has engaged staff to recruit, train and organize recognition events for attorney and non-attorney volunteers. As a result volunteer participation has risen dramatically, with one small project producing 269 pro bono attorneys, 50 intake specialists, four support staff, three attorney assistants, three Spanish translators and three law students. The project has also allowed legal services programs to expand intake beyond traditional working hours and accommodate schedules of the working poor. Such community involvement has also increased donations.

Increased Access to a Full Range of Legal Services

Equal access to justice is grounded in fairness and a belief that the states have an affirmative responsibility to assure that everyone has the opportunity to seek the redress of their grievances within the legal system. Program Letters 98-1 and 98-6 instructed LSC grantees to address specific questions related to access within the context of state planning: What are the major barriers a low-income person faces in gaining access to justice in the state? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventive legal education and advice, and enhance self-help opportunities for low-income persons? State justice communities juggle competing demands for scarce resources. While expanding access most frequently involves constructing and expanding telephone intake and internet systems that target clients and self-represented litigants, each state justice community must also consider the rising need for attorney representation in discrete legal matters, extended representation in complex matters and legislative and administrative advocacy. Partnerships have been as worthwhile as increased funds to planning bodies that are seeking to coordinate responses and build on the synergism of joint projects as they strive to attain the vision of their state plan's promise of full access and effective services.

State agency practices and procedures enormously affect access to justice for low-income people. As much as its formal policies, a state agency's culture can influence how well poor people obtain just resolutions for legal emergencies. Since 1999, Maine has been improving state government procedures affecting the legal rights of Mainers, especially low-income people, through the work of a task force, a partnership with state agencies, the court and legal services providers. The task force identifies best practices and publicly commends state offices with the best Web site, most responsive telephone services, and most user-friendly application process. Currently, the task force is drafting training materials for supervisors that not only discuss current laws, but contain suggestions for best practices including improved customer service.

The Judicial Council or policy-making body for the California state courts has set access to justice as the first of six planning priorities. To that end, it has adopted an access protocol directing the courts to seek comment from the legal services community

before implementing any new initiatives to ensure there is not undue interference with access. As part of the protocol, the Council must expressly consider the impact of proposed rules, forms, and other actions on low and moderate income litigants, identify and address existing barriers to access, and seek to prevent actions, rules, standards, and forms adopted by the Judicial Council from creating additional barriers to participation by low- and moderate-income litigants.

Up to 40 percent of eligible callers to Utah Legal Services (ULS), a statewide program, did not speak with an advocate because ULS was unable to re-contact them after taking a message, or the client failed to keep a scheduled appointment for a telephonic or in-person interview. Resolved to reduce this number by having each prospective client speak with a knowledgeable advocate on the first call, the program installed advanced telephone technologies and now operates a successful centralized intake system based on cooperative partnerships around the state. “Lost” clients have markedly diminished over the past two years and most callers receive immediate and high quality legal assistance, and staff forge relationships with experts and resources heretofore unknown or unavailable.

Last year Arkansas launched the Arkansas Legal Services Partnership (ALSP) to accelerate collaboration and achieve the goals of state planning by developing statewide legal education materials and piloting a statewide *pro se* divorce kit. Three existing websites will be folded into one that informs the public about legal services, legal rights and responsibilities and is a data repository and other informational resource for legal services advocates. Historically each legal services organization prepared its own educational and *pro se* kits. Now the new materials will be used by all legal services groups and available on the new website.

In an unprecedented statewide collaboration to increase access, the Illinois State Bar Association in conjunction with legal services programs and educators established the Illinois Technology Center for Law & the Public Interest (ITC). Designed to offer important information via the internet to both the public and to legal aid advocates, the ITC furthers two state planning goals: increasing access for clients and improving coordination among providers. Through its public web site (www.illinoislawhelp.org), ITC provides a wide range of law-related resources such as a searchable directory to the most likely source of legal assistance, a comprehensive library of self-help information, and interactive multimedia presentations that walk a client through solutions to common legal problems.

California’s I-CAN!, a web-based legal services kiosk, offers convenient, effective access to vital legal services. Developed by the Legal Aid Society of Orange County, I-CAN! creates properly formatted pleadings, provides court tours, and educates users on the law and how to pursue their matter. I-CAN! software facilitates completion and filing of forms for answers to governmental complaints regarding parental obligations, domestic violence restraining orders, orders to show cause, earned income tax credits, fee waivers, license denial reviews; paternity petitions, small claims matters and unlawful detainers. Users access the program for free on any computer connected to

the internet and through kiosks in courthouses, legal aid offices, community centers, women's shelters, and libraries. It serves hard to reach groups such as rural communities and individuals with limited or no English proficiency as some modules can be accessed in Spanish and Vietnamese. Partnerships with the courts, local government agencies, libraries and legal services organizations mean that I-CAN! modules are stationed in San Diego, Sacramento, Sonoma County and Imperial County.

Insuring High Quality Client-Centered Legal Services

One of the primary goals of the LSC Act is to insure and provide high quality legal services to poor persons, while the ABA Code of Professional Responsibility directs that legal services be client centered. Such services occur only with careful planning, sophisticated legal management structures, skilled advocacy and training, and diverse partnerships that combine to support high quality service even when it is unpopular to do so. Achieving this goal also means that many resources must be obtained and utilized in most effectively. When designing delivery systems to meet this end, planning considers the available and potential resources in the context of existing and new client needs.

Legal need studies are useful not only in identifying the critical concerns of low income persons and allocating resources accordingly, but also for developing strategies to obtain resources and meet growing needs. Statewide, high level partnerships formed early on with the judiciary, bar, social services agencies, law schools and client groups prior to conducting a legal needs study, increase buy-in, improve the quality of the process and ensure the success of short and long term strategies. Legal needs studies conducted in Oregon and Washington have found data useful to both designers of state delivery systems and legislators. In Montana, a similar effort is underway building on the Oregon and Washington models. And recently, the Vermont Supreme Court surveyed low income people and members of the justice system and legal profession, and learned that 75 percent of Vermont's low-income residents face their legal problems without help. An action plan with recommendations to the Vermont Supreme Court in three areas — direct legal services, pro bono services, and pro se assistance — is underway.

Once legal needs are understood, staff must be trained to meet them appropriately and in a coherent statewide fashion. To achieve this, California planners organized 60 training sessions for legal services representatives, court personnel, pro bono program staff, pro bono attorneys and others. Over 350 participants met to learn and begin or expand collaborations. The success of the first effort prompted planners to schedule another for 2005.

Establishing Relative Equity

Relative equity, the phrase and principles, were articulated by LSC first in Program Letter 2000-7 and later institutionalized in Program Letter 2002-3 setting forth configuration standards. Relative equity's hallmarks include:

- Providing low income persons throughout the state broad prompt and *relatively equitable* access to legal services regardless of obstacles such as, *geographical isolation* as well as physical or mental disability, age, race, gender, sexual orientation.
- Promoting relative equity in the availability of the full range of client service capacities.
- Insuring relatively equal access to resources, expertise, information and experience necessary to provide high quality legal services consistent with state and national standards.
- Providing relative equity in the investment of civil equal justice resources (federal, state, private and in-kind) throughout the state.
- Promoting shared urban-based private capacity with rural and isolated clients.

For planners, the push to make access more equally available to all poor residents of a given state most often involves efforts to enlarge capacities for legal services in rural communities and among groups of people for whom a lack of proficiency in English creates an insurmountable barrier. Programs around the country have attacked this problem in different ways, but most activities require stakeholders to find new partners, new venues and staff with cultural experiences that parallel those of the target population.

An array of stakeholders helped Utah Legal Services establish an outreach center in collaboration with students from Brigham Young University Law School. The outreach project opened on the Ute Indian tribe's Uintah & Ouray reservation and so one component of the training involved sensitizing the law students to the tribe's culture and history. The Ute Tribal Court had no protective order statute, and so ULS staff and BYU students first helped the Court enforce other existing statutes against abusers. Ultimately, the project was so successful that the Tribal Council has adopted protective order provisions. Now ULS staff and BYU students regularly appear in Tribal Court representing victims. Participation in the project involved a 500 mile round trip commute to the isolated reservation during one semester, and over a dozen students made it on an almost weekly basis. Student engagement has increased and they now act as guardians *ad litem* for Ute children. The project's collaborative roots are reflected in its funding base, also — a joint effort of ULS, BYU, the Tribal Court and Utah Office of Crime Victim Reparations.

One result of community cooperation in Maryland is a multi-lingual public legal information website providing access to those with limited English proficiency. Information on legal rights, responsibilities and resources is posted in Spanish, Korean, Chinese, Russian, Tagalog and Haitian Creole. The site is the collective product of ten legal services providers and is funded in part by LSC technical grants.

Inspired by the ABA model for school-based legal assistance, Rhode Island Legal Services instituted an outreach project at an elementary school, enhancing the school's Child Opportunity Zone (COZ), established in 1994. The COZ is an area within the school that houses a school-based health center; adult literacy service and other community resources designed to prepare children for school. The legal services component gives the Cape Verdean community legal assistance in Portuguese and Creole at their children's school.

In the same spirit, stakeholders in Indiana have established a special center for Spanish speaking clients. Advocates there have become expert in legal areas that affect poor Latinos, particularly migrants. Outreach goes deep into the community through churches and other venues where clients gather. Publicity spots on Spanish language radio and television programs also ensure that a wide group of potential clients is aware of the Center. In partnership with the Mexican Consulate, faith-based organizations, the Supreme Court and private bar, trainings in substantive areas of law and cultural considerations are on-going. LSC funds helped the state justice community launch Indiana's first statewide Spanish language legal services telephone hotline.

Achieving Integration, Coordination and Collaboration

Integrated and coordinated approaches are critical to systemic change and equity of access for clients. Clients are better served and all programs in a state are more effective, economical and efficient when stakeholder resources are strategically combined to ensure that the most vulnerable have access to justice. Effective coordination improves the efficient use of resources, minimizes duplication and facilitates the appropriate division of labor. Several states have shown themselves to be models of integrated legal work, resource development and deployment, and staff training and support

In 2000, Washington planners began replicating their statewide planning model at the regional level. In turn this led to a focus on strategies for addressing substantive client legal needs and allocation of resources at the local level. The process required three major regional justice conferences, an ongoing collaboration in the Seattle-King County region, and increased cooperation among the various providers of free legal services in the geographically vast agricultural regions of the state. The regional planning processes have helped young leaders emerge, as new voices articulated regional service delivery principles and goals. Regional planning has also leveraged new resources and local support for the advocacy efforts of participating organizations

The Tennessee State Plan for Equal Justice calls for the Tennessee Alliance for Legal Services (TALS) to coordinate six substantive law task forces. Thus the Consumer and the Housing taskforces initiated joint work on predatory mortgage lending practices. Concurrently, the Tennessee General Assembly established a Joint Study Committee on Predatory Lending, TALS and members of the legal aid community were asked to work assist the Committee analyze the current law and identify clients willing to describe its effects on them. Legal Aid attorneys and TALS have responded to legislative requests for comments on draft legislation and the impact of current laws on the state's residents. New legislation is expected this year.

Developing Leadership and Supporting Diversity

Immigration has not only changed the workforce in our country, and enlivened our communities with new food, music, languages and ideas; it has also influenced the roles and expectations for legal services programs. Recognizing this, state justice communities have moved rapidly to become as diverse and multi-cultural as the communities they serve. LSC challenged each state to examine ways in which it should change to meet the overwhelming needs of disenfranchised populations, many of whom speak English less than proficiently. A renewed commitment to inclusion has marked the planning process in most states.

Increasingly, legal services programs are discovering that offering loan repayment assistance to their attorneys is an attractive recruitment tool. The enormous burden of school loan repayments bars many new lawyers from sustaining a career in public interest law or from entering the field altogether. Some LSC grantees and IOLTA programs are pursuing the loan repayment or other cash incentive efforts designed to help new lawyers balance law school debt with poverty law careers. To this end, the South Carolina Centers for Equal Justice has adopted a loan forgiveness program that is further enhanced by aggressive efforts to recruit staff from national venues rather than from in-state only, as was the former practice of the state's legal services programs. This has resulted in the hiring and retaining of several talented minority attorneys with views and experiences that invigorate the practice of poverty law.

Last year the state's IOLTA provider, the Legal Services Center of Virginia, conducted a diversity assessment of its grantees' delivery systems, comparing staff and leadership to client communities. Then, LSCV committed itself and its grantees (LSC and non-LSC) to a year of diversity study and devised an agenda for quarterly trainings to which each program has promised to send staff. The goal is to raise sensitivity and commitment to inclusion, and promote a realization of how beneficial diversity is to staff morale, to client services and satisfaction, and to program leadership. Trainings are underway and participants have been pivotal in helping their organizations expand multi-cultural competence.

Prompted by a similar realization, Legal Services of Oklahoma (LASO), in conjunction with the Oklahoma Bar Association (OBA), hosted a day long study of barriers to access that occur when diversity concerns are overlooked. *Defining Diversity: with Liberty and Justice for All* brought together the talents of many legal organizations and advocacy groups along with state and local government agencies in a first ever meeting of more than 150 people to raise awareness and examine internal and external diversity issues. Attendees included judges and members of the state legislature. Evaluations showed positive results. One non-lawyer wrote "I was seated with a group of other people from the community who were not lawyers and we all commented we had no idea the bar association was this concerned and this compassionate." The conference is considered the first phase of an on-going project, with another planned for 2004.

Approaching this challenge from another angle, the Washington State Northwest Justice Project and Columbia Legal Services are tackling diversity through staff workgroups. Teams are charged respectively with educating colleagues about ways of incorporating diversity into the workplace, creating and implementing strategies for expanding services to diverse populations and fostering a safe haven for staff to examine and resolve workplace diversity concerns.

Informing, Educating and Creating Support for Legal Services

No goals can be successfully achieved or sustained without broad community support. Increasingly planners see the role of sophisticated communications campaigns to inform, educate and create support for legal services among all constituents.

Iowa, Texas and Pennsylvania were selected to participate in the Pilot States Project, an initiative of the ABA, LSC and NLADA. In 2000, the ABA commissioned a public opinion study that surveyed attitudes toward civil legal aid. Results revealed that almost 90% of the public supports the principle of legal aid but the work and existence of programs is hardly known. Only 13 percent of the public realizes that civil legal aid programs exist and can name one. Thus the Pilot States Project was launched to develop a statewide communications strategy framework in several states, form replicable models for equal justice leaders elsewhere, and encourage branding consistency for civil legal aid on a statewide and national basis. These states will craft strategies that will lead to greater recognition for their work and stronger visibility for clients and their issues. Already Iowans have seen more publicity on legal services efforts in print media, and lawmakers are learning how legal services programs benefit constituents of all economic levels.

In Pennsylvania, merely branding of the *Pennsylvania Legal Aid Network* has allowed the entire state justice community to enjoy the goodwill accrued by Pennsylvania's legal aid programs. Additionally it has allowed those involved to construct consistent messages based on an amalgam of their materials. Communication collaborations highlighted the importance of the messenger as well as the message, as all too often a spokesperson's inexperience undermines effectiveness. To ensure that legal aid advocates are skilled sources for reporters and convey powerful and persuasive messages to funders, two-day training was held involving role-playing for media encounters and funder meetings. Since the development of its communications framework, Pennsylvania advocates have seen more opportunities to advance their positive message through television coverage, published op-ed pieces, statewide honors, development of shared materials and a focused effort to garner media attention throughout the state.

Conclusion

When the LSC Board of Directors approved *Strategic Directions 2000-2005*, it placed state planning squarely on the table as LSC’s primary tool for improving access to justice within its recipient community.¹⁰ Since its revitalization five years ago, state planning — a strategic initiative of national dimension — realized its goal. Civil legal services delivery systems in every state are now more capable of meeting the legal needs of this century’s clients, more efficient at turning novel technologies to this purpose, and far better poised to “provide equal access to the system of justice in our Nation for individuals who seek redress of grievances.”

In just five years, state planning realized its goal. Civil legal services delivery systems in every state are now more capable of meeting the legal needs of clients, more efficient at turning novel technologies to this purpose, and far better poised to “provide equal access to the system of justice in our Nation for individuals who seek redress of grievances.”

The effort has been extraordinarily difficult and challenging. At times, tension between LSC and the field rose dramatically. Learning curves existed, especially with technology innovations and with short-lived ramifications. Mergers demanded more time and attention than affected programs and LSC anticipated. But successes were soon visible and energized the state planning process, inspiring further work.

The steadfast support of several key national organizations was critical to state planning’s accomplishments. The American Bar Association, particularly through its Standing Committee on Legal Aid and Indigent Defendants and the Commission on Interest on Lawyer Trust Accounts, was a dedicated partner. Success would not have occurred without the significant involvement of the National Legal Aid and Defender Association. We could not have achieved our goals in five years, and perhaps not at all, without their commitment. The Center for Law and Social Policy, particularly through its leadership, was equally engaged. We are grateful to each of these essential partners, and appreciate their commitment to the promise of state planning — a national legal services delivery system grounded in fundamental concepts of fairness and the rule of law, and dedicated to providing efficient, effective and high-quality services to vulnerable Americans.

¹⁰ “The State Planning Initiative embodies LSC’s primary strategy for increasing access to and availability of services throughout the United States.” LSC Board of Directors, *Strategic Directions: 2000 – 2005* (January 28, 2000), page 5.

The true beneficiaries of LSC's state planning initiative are the low-income people seeking access to civil justice who cannot afford adequate legal representation, including those who need help with domestic violence, wrongful eviction, consumer fraud, denial of benefits, and child custody disputes. As illustrated in this report, state planning has ameliorated geographic inequities by redrawing program boundaries to fit today's client communities. It strengthened client access to program offices by encouraging grantees to establish service environments built around client schedules, such as introducing evening and weekend hours for working clients. State planning's emphasis on using technology to connect clients with programs created opportunities for clients to enter the legal services delivery system through shelters, churches, libraries, courthouses and other public spaces. State planning underlined the need for programs to consider the legal, linguistic and cultural needs of new Americans for whom our country remains the Promised Land, but where language and customs can interfere with realizing the promise of justice.

It is widely acknowledged that the need to restructure an organization or delivery system is often triggered from the outside. Left to their own devices, organizations strive for stability and continuity. Before LSC placed the issues of revision, consolidation and change squarely on the table, few states had undertaken a principled evaluation of the civil equal justice delivery system's capacity to meet the full spectrum of client needs. With the inauguration of state planning, LSC catalyzed fundamental changes in the delivery of critical civil legal services to the poorest people in our society and reinforced the rule of law in our nation.

For our clients, those who seek our assistance today, tomorrow, next week, next month and next year, justice is what we make it. It is no better than our efforts and dedication. And, while that is a wonderful gift, it is also a terrifying, awe-inspiring and humbling responsibility.

State Planning:

A Five-Year Overview

APPENDIX A

PROGRAM LETTER 98-1

To: All LSC Program Directors

From: John A. Tull
Vice President, Programs

Date: February 12, 1998

Subject: State Planning

Summary

This Program Letter calls upon all LSC recipients to participate in a state planning process to examine, *from a statewide perspective*, what steps should be taken in their states to develop further a comprehensive, integrated statewide delivery system. State planners should evaluate whether all programs are working in a coordinated fashion to assure that pressing client needs are being met, that sufficient capacities for training and information sharing exist, that programs are moving forward together on technology, and are collaborating to increase resources and develop new initiatives to expand the scope and reach of their services.

In states with a number of LSC-funded programs and/or the presence of very small programs, a key question to be answered is whether the current structure of the state delivery system, and specifically the number of programs, constitutes the most effective and economical way to meet client needs throughout the state.

The state planning process should develop a report to be submitted to LSC on or before October 1, 1998. We will be guided by your recommendations when making our funding decisions for FY 1999 and beyond.

Background

1995 Program Letter. In July 1995, in anticipation of Congressional action on LSC's 1996 appropriation, we asked recipients in each state to participate in the development of a plan for the design, configuration and operation of LSC-funded programs in the state. In view of

Program Letter No. 98-1
February 12, 1998

potential LSC funding cuts and Congressional restrictions on client services, we were especially concerned that recipients work closely with other stakeholders (e.g., state and local bar associations, IOLTA funders, the judiciary, client groups, non-LSC-funded programs, and others with an interest in legal services) to develop an integrated delivery system to address client needs. A subsequent August 1995 Program Letter outlined the issues and criteria the state planning process should address. Included were integration of LSC-funded programs into a statewide legal services system; advisability of consolidation of programs; consideration of efficient intake and provision of advice and brief service; appropriate use of technology; engagement of pro bono attorneys; and development of additional resources.

Responses to Changes in Laws Affecting Clients and LSC Recipients. Much has occurred since August 1995. Fundamental changes have been made in laws and programs affecting eligible clients -- changes which have increased clients' need for legal information, advice, and representation. At the same time, LSC appropriation measures have resulted in deep funding cuts for many programs, elimination of LSC funding of national and state support entities, and dramatic changes in the range of services LSC recipients are permitted to perform. In response, many states have initiated planning processes, developed new partnerships to leverage resources, expanded funding sources, implemented new technologies, and launched innovative methods for serving clients.

Efforts to develop and strengthen comprehensive delivery systems in order to improve and expand client services continue in many states. Equal Justice Commissions, Bar sponsored committees, and organizations of legal services providers continue to explore ways to maximize services in a changed and changing environment. LSC supports these ongoing state efforts and encourages others.

1998 Grant Decisions. In the 1998 LSC grant competition, we determined that grants in several states that were eligible for three year funding should be made for a shorter period. For North Carolina, grants were made for one year. For New York, New Jersey, Pennsylvania and Virginia, grants were made for two years. The decision to award grants for a shorter period was made for two reasons: (1) to encourage recipients in these states to develop further their plans for a comprehensive, integrated statewide delivery system; and, (2) concern that the number of LSC-funded programs in these states may not constitute the most economical and effective configuration for delivering legal services to the low-income community.

1998 Program Letter. This Program Letter calls upon all recipients to re-examine and adjust as necessary their state delivery plans in order to further improve and expand legal services to eligible clients within the state.

A Comprehensive, Integrated Statewide Delivery System.

**Program Letter No. 98-1
February 12, 1998**

In re-evaluating delivery plans, recipients should examine the progress they have made in the past two and one half years in developing a comprehensive, integrated statewide delivery system. Careful planning and coordination is necessary to insure that pressing legal needs do not go unmet and that resources are used wisely and economically. States must continue to innovate and develop new strategies and alternative delivery models to make the most of scarce resources -- to reach more clients, and to provide higher quality services through enhanced use of information technology; centralized intake systems providing advice, brief services, and referrals; expansion of community legal education, pro se, and other methods promoting client self-help; better coordination with volunteer private attorneys; and other, similar initiatives requiring substantial resources and expertise to undertake.

There are many ways for states to achieve these goals. Many excellent models exist of statewide fundraising, integrated technology, statewide and regional hotlines, pro se projects, taskforces and training. Recipients should evaluate which approaches will work best in their states to achieve an even stronger, more effective system for addressing client needs.

Recipients must also examine how the present configuration of programs, and specifically the number of programs, impacts upon the overall effectiveness of the state delivery system. In this regard, it is especially important that each participant look at client services, not from the view of just one city, or one county, or one program, but from a statewide perspective.

What Is Required by This Letter

In the past two and one half years, several states have undertaken extensive processes to evaluate their delivery systems and have implemented, or are in the process of implementing, many state planning recommendations. Additionally, some states have ongoing planning processes involving a wide variety of stakeholders in the civil justice system. We do not intend such states to repeat past, or supplant current processes. Instead, we ask recipients to either work within ongoing processes or develop new ones appropriate to the situation in each state. In either case, we hope recipients and other stakeholders will view this process as an opportunity to join together to strengthen the delivery system and improve and expand services to clients.

In this context we call upon each LSC-funded program to share responsibility for ensuring that a statewide planning process, whether ongoing or to be initiated, addresses the questions discussed further below. For each question state planners should:

- **assess the strengths and weaknesses of the current approach;**
- **establish goals to strengthen and expand services to eligible clients; and**
- **determine the major steps and a timetable necessary to achieve those goals.**

**Program Letter No. 98-1
February 12, 1998**

A report should be submitted to LSC on or before October 1, 1998.¹ If a state has recently developed a plan which addresses the substance of one or more of the following questions, for those questions, the state need only report on the pertinent section(s) of that plan.

In exceptional cases, it may not be possible for a state planning process to fully address all of the following questions. In such cases, recipients should contact the LSC staff member responsible for their state.

The questions to be addressed are:

- 1. How are intake and delivery of advice and referral services structured within the state? What steps can be taken to ensure a delivery network that maximizes client access, efficient delivery, and high quality legal assistance?**
- 2. Is there a state legal services technology plan? How can technological capacities be developed statewide to assure compatibility, promote efficiency, improve quality, and expand services to clients?**
- 3. What are the major barriers low-income persons face in gaining access to justice in the state? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventive legal education and advice, and enhance self-help opportunities for low-income persons?**
- 4. Do program staff and pro bono attorneys throughout the state receive the training and have access to information and expert assistance necessary for the delivery of high quality legal services? How can statewide capacities be developed and strengthened to meet these needs?**
- 5. What is the current status of private attorney involvement in the state? What statewide efforts can be undertaken to increase the involvement of private attorneys in the delivery of legal services?**
- 6. What statewide financial resources are available for legal services to low-income persons within the state? How can these resources be preserved and expanded?**
- 7. Where there are a number of LSC-funded programs and/or the presence of very small programs, how should the legal services programs be configured**

¹ LSC will provide guidance at a later date on the format for this report.

**Program Letter No. 98-1
February 12, 1998**

within the state to maximize the effective and economical delivery of high quality legal services to eligible clients within a comprehensive, integrated delivery system?

1. Intake and the Provision of Advice and Brief Services.

How are intake and delivery of advice and referral services structured within the state? What steps can be taken to ensure a delivery network that maximizes client access, efficient delivery, and high quality legal assistance?

A successful intake system is critical to effective and comprehensive delivery of legal services. Over the past two years many programs have instituted centralized telephone intake and delivery systems which provide high quality advice and brief service assistance, and promptly refer clients whose problems require more assistance to program case handlers or other resources. In a number of states, statewide or regional systems, using advanced telephone and computer technology, have consolidated these functions in one location where trained, experienced staff provide prompt access for clients and minimize the risk of multiple referrals or loss of clients. These systems improve the quantity and quality of advice, brief service and referral assistance while increasing the number of extended service cases which can be handled by the program.

State planners should evaluate the current status of intake and delivery of advice and referral services within the state and develop strategies for improvement. Consideration should be given to developing regional and statewide intake and delivery systems which:

- Are client-centered, providing ease of access to legal services and prompt, high quality assistance or referral;
- Use specialization to enhance case evaluation and provision of advice, brief service and referral assistance;
- Make effective use of technology; and
- Provide oversight and follow-up to ensure high quality legal services and client satisfaction.

2. Effective Use of Technology.

Is there a state legal services technology plan? How can technological capacities be developed statewide to assure compatibility, promote efficiency, improve quality, and

Program Letter No. 98-1
February 12, 1998

expand services to clients?

Within individual programs, effective use of technology can reduce the cost and substantially enhance the quality of services. Collectively, technology can dramatically improve the capacity of staff throughout the state to quickly exchange and share information, improving their ability to stay current with the law, develop legal strategies, write briefs and otherwise serve clients. In the past two years, many programs have significantly increased their technological capacities. On a statewide level, programs have used new technologies to establish E-mail communication with all legal services staff throughout the state; to connect with other service providers; to exchange information with private attorneys participating in PAI efforts; to establish centralized brief/pleadings/forms/manuals/ information banks; to create resource centers for information on state law and policy developments; and to establish unified case management systems which allow for data collection and outcome measures. New technologies involving the Internet and advanced telephone and computer applications have also been used to provide legal and program resource information to clients.

Improving and staying current with technology is costly and makes it all the more important that states take a unified approach and develop a technology plan that will maximize collective capacity while minimizing cost. A state technology plan should establish reasonable goals and set forth steps to:

- Assure that all programs have networked computer access for all staff; integrated case management; computerized timekeeping; E-mail and the ability to electronically transfer documents; computerized financial management systems; and technological support;
- Develop or improve compatible technological capacities which will allow all staff, *statewide*, to communicate with each other, share information, and take advantage of other efficiencies made possible by computerization; and
- Use new technologies to provide legal and program resource information to clients and other interested persons.

3. Increased Access to Self-Help and Prevention Information.

What are the major barriers low-income persons face in gaining access to justice in the state? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventive legal education and advice, and enhance self-help opportunities for low-income persons?

Pro se, community legal education and access to courts efforts have great potential to

Program Letter No. 98-1
February 12, 1998

address many of the legal needs of low-income persons. Programs in many states utilize these methods to increase legal information available to the public, empower clients to advocate on their own behalf, and increase access to the courts for all low-income people. Given the intensive effort required to implement such strategies, and the influence state laws and rules have on such initiatives, often these results can be realized more easily by coordinated state level efforts. In several states, for example, collaboration with state bar committees and state judicial administrations has resulted in rule changes, publication of pro se oriented materials and more accessible court systems. Likewise, the development of self-help and community legal education materials has benefited from concerted statewide efforts involving a variety of organizations working to make justice more accessible.

State planners should evaluate the status of pro se, community legal education, and access efforts in their state and determine what steps should be taken statewide to enhance their effectiveness in meeting client needs. Consideration should be given to:

- Statewide coordination and/or production of pro se and community education materials, such as brochures in multiple languages, videos, cable-access TV programs, and projects designed to take advantage of new technologies such as computerized pro se programs and the world wide web; and
- State level initiatives, including efforts with bar associations, the judiciary and other interested parties to increase access to the courts.

4. Capacities for Training and Access to Information and Expert Assistance.

Do program staff and pro bono attorneys throughout the state receive the training and have access to information and expert assistance necessary for the delivery of high quality legal services? How can statewide capacities be developed and strengthened to meet these needs?

In the last two years several states have developed new or strengthened existing capacities to ensure that staff and pro bono attorneys throughout the state receive necessary training and have access to information and expert assistance essential for the delivery of high quality legal services. These states employ a variety of methods to provide staff and pro bono attorneys with training on substantive law and skills development, practice manuals and related poverty law materials, information on poverty law developments and strategies, and co-counseling for less experienced staff and pro bono attorneys. Communication, planning and ongoing discussion concerning major legal needs, poverty law developments, effectiveness of approaches, and commonalities in legal work, helps ensure productive use of resources. The use of new technologies has helped maximize the effectiveness of these efforts.

Program Letter No. 98-1
February 12, 1998

State planners should evaluate current capacities for the provision of training and related services essential for the delivery of high quality legal services. Planners should:

- Assess how a statewide approach can address the needs for these services of staff and pro bono attorneys throughout the state; and
- Determine the steps necessary to provide these services as effectively and efficiently as possible.

5. Engagement of Pro Bono Attorneys.

What is the current status of private attorney involvement in the state? What statewide efforts can be undertaken to increase the involvement of private attorneys in the delivery of legal services?

In the past two years, several states have been successful in enlisting or re-enlisting the state Bar, the judiciary and others in developing and supporting private attorney involvement throughout the state. These efforts have helped local private attorney involvement programs expand participation rates and the range and types of services available to clients. State planners should evaluate the current status of private attorney involvement in the state and consider how statewide strategies can increase engagement of pro bono attorneys and benefit clients throughout the state, including areas of the state with lower private attorney involvement.

Consideration should be given to:

- Renewed efforts to involve the Bar, the judiciary and other leaders in the legal community in promoting private attorney involvement;
- Providing greater opportunities for attorney participation in a full spectrum of legal work, including advice and brief service, negotiation, administrative representation, pro se classes, transactional assistance, and simple and complex litigation;
- Providing greater opportunities for attorneys to assist programs with training, co-counseling and mentoring staff; and
- Providing greater opportunities for law schools, corporate counsel, government attorneys, and other professionals to engage in pro bono activities.

6. Development of additional resources.

Program Letter No. 98-1
February 12, 1998

What statewide financial resources are available for legal services to low-income persons within the state? How can these resources be preserved and expanded?

In the past two years, many programs have increased the resources available to them through innovative grant projects, local fundraising and other efforts. Even more dramatic, however, are the increases programs have received in many states through collective development and/or expansion of statewide revenues such as state appropriations, filing fee surcharges, state fundraising campaigns, state bar dues checkoffs and direct state bar grants. Whether new or expanded, these revenues have almost always been the product of thoughtful planning with programs and other stakeholders working together.

State planners should evaluate the possibilities for further statewide resource development and develop a statewide strategy to preserve, build, and/or create new financial and non-financial resources in their state. Since program efforts to build such statewide resources are more successful when many stakeholders participate, it is especially important for planners to involve a variety of community leaders in these efforts.

7. Configuration of a Comprehensive, Integrated Statewide Delivery System.

Where there are a number of LSC-funded programs and/or the presence of very small programs, how should the legal services programs be configured within the state to maximize the effective and economical delivery of high quality legal services to eligible clients within a comprehensive, integrated delivery system?

In most states, the present delivery structure reflects national funding decisions made in the 1970's. In many states, those decisions were not determined by analyses of what delivery structure would yield the most economical and effective services to clients throughout the state. Moreover, those decisions were made before such major developments in legal services delivery such as IOLTA funding, private attorney involvement, law school clinical programs, hotlines, the emergence of other civil legal aid providers, and restrictions on recipients' non-LSC funds; and before the information revolution and the opportunities it presents with personal computers, E-mail, sophisticated telephone technology, and the Internet. In light of developments over the past twenty-five years, and especially since 1995, it is time to take a fresh look and re-evaluate those structures.

Re-evaluation is particularly critical in states with a number of LSC-funded programs and/or the presence of very small programs. States with many programs often suffer from uneconomical and inefficient redundancy of effort, or no effort at all, in technology, training, fundraising, and development of client services such as intake, advice and referral systems or client education materials. Similarly, small programs often lack the resources necessary to develop proper staff supervision or appropriate specialization, or to acquire current technology

Program Letter No. 98-1
February 12, 1998

necessary for maximum effectiveness.

In addition, while individual programs may excel, a large number of programs or the presence of small programs may result in unnecessary diversion of the state's resources from client services to administrative overhead. Each program, no matter how large or small, must devote significant resources to A-133 audits, state and federal tax and wage reports, funding applications, recordkeeping, personnel policies, purchase and maintenance of technology and equipment, and other administrative tasks. Experienced and accomplished lawyers spend time on program administration when they could be using their talents to represent clients, train or mentor new lawyers and otherwise lead their program's legal work.

Where these conditions exist, state planners must consider whether consolidation of programs would make better use of resources available in the state.

There is no magic number of programs or a single delivery model that fits all states. In some states, a statewide LSC provider makes the most sense; in others, a regional approach or other configuration may be appropriate. Each state must examine what configuration, *from a statewide perspective*, maximizes services and benefits for *clients throughout the state*. Factors to be considered include:

- Size, complexity, cultural and ethnic diversity/homogeneity of client population.
- Geographic, physical, and historical distinctions and affinities within the state.
- Variation in local client needs and ability to respond and set priorities accordingly.
- Assessments of programs' performance and capacity to deliver effective and efficient legal services in accordance with LSC and other professional criteria.
- Ease and efficiency of client access to services and opportunities for improvement.
- Capacity to efficiently and effectively conduct community legal education, pro se and outreach activities.
- Level, uniformity, and plans for further development of technological capacity.
- Current levels of private bar involvement and potential for expansion.
- The availability of training, expert assistance, and information about legal developments.
- Current funding sources and potential to expand resources available to all programs.
- Cultural and ethnic diversity of program leadership and management.
- Relative costs associated with fiscal and administrative responsibilities and potential savings in management, board and administrative costs.

In making grants for FY 1999 and beyond, we will look closely at each state where there is currently a number of LSC-funded programs and/or the presence of very small programs to

Program Letter No. 98-1
February 12, 1998

assess whether careful consideration has been given to consolidation of LSC programs. We hope, and have faith, that in these states, this planning process will result in plans for merger and consolidation of programs and integration of services on a broader scale than we have previously seen, and that each state's plan will result in a configuration that is efficient and effective in providing access to justice for the state's low-income clients.

Questions

LSC staff will be contacting recipients to discuss this Program Letter. In the meantime, if you have questions, please contact the LSC staff member responsible for your state.

PROGRAM LETTER 98-6
July 6, 1998
STATE PLANNING CONSIDERATIONS

Introduction

On February 12, 1998, the Corporation issued Program Letter 98-1 calling upon all LSC recipients to participate in a state planning process to examine, from a statewide perspective, what steps should be taken in their states to further develop a comprehensive, integrated statewide delivery system. The Letter poses seven questions recipients are to address in their planning processes and requests recipients to submit a report to LSC on or before October 1, 1998. Many recipients have asked LSC to provide further guidance and additional information about how the state planning process will affect LSC grant decisions. Recipients have also inquired about the format for the October 1 report. This Program Letter responds to these requests.

State Planning Considerations

The attached *State Planning Considerations* have been developed to provide recipients and other stakeholders with more information about statewide goals, capacities and approaches recipients should consider in their planning processes. A number of other sources of information that may assist state planners and upon which these *Considerations* draw are referenced in the *Planning Considerations*. We hope these *Planning Considerations* will help states develop effective plans to strengthen their delivery systems and services to clients. We encourage recipients with any questions about the *State Planning Considerations* or planning process to contact the LSC staff member responsible for their state.

How the State Planning Process Will Affect LSC Grant Decisions

The Corporation is directed under the LSC Act 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.”¹ The state planning process will provide information that helps LSC exercise this statutory responsibility.

¹ Legal Services Corporation Act, Section 1007(a)(3).

1. Competition

a. Duration of grants

The state planning process will provide information that helps LSC determine the duration of grants for service areas in the 1999 competition, i.e., service areas that are eligible for grants of up to three years commencing January 1, 1999.

In the 1998 LSC grant competition, we determined that grants in several states that were eligible for three year funding would be made for a shorter period. The decision to award grants for a shorter period was made for two reasons: (1) to encourage recipients in these states to develop further their plans for a comprehensive, integrated statewide delivery system; and (2) concern that the configuration of LSC-funded programs in these states did not constitute the most economical and effective structure for delivering legal services to the low-income community.

As with the 1998 competition, LSC will take into account state delivery plans and configuration of programs in determining the duration of grants for service areas now being competed. Where LSC believes states need to further develop their plans for a comprehensive, integrated statewide delivery system or where LSC remains concerned about the configuration of LSC-funded service areas, grants will be made for less than three years.

b. Service areas

1. 1999 Competition

The state planning process will *not* affect decisions about the number, size or configuration of service areas in competition this year.

2. 2000 and Future Competition Years

Information received through the planning process will affect future decisions regarding the most appropriate number, size and configuration of LSC-funded service areas to be competed for the year 2000 and beyond. This includes service areas that become scheduled for those years because of one or two year grant awards made in the present 1999 competition.

2. Grant Renewals

The state planning process will *not* affect decisions about the number, size or configuration of service areas up for renewal *or* the duration of grant renewals, i.e.,

previously made multi-year awards which are now up for renewal. Decisions on renewal of these grants will continue to be based upon a showing of the renewal applicant's continued ability "to perform the duties required under the terms of its grant."²

Format for the October 1 Report

The attached *Instructions for State Planning Reports* provide information about the structure and format of the reports due at LSC on or before October 1, 1998. Please contact the LSC staff member responsible for your state if you have any questions.

² 45 CFR 1634.11.

INSTRUCTIONS FOR STATE PLANNING REPORTS

Please submit reports to the Office of Program Operations on or before October 1, 1998. Reports should be no longer than 35 pages and should contain the name and telephone number of a contact person(s). The report should:

- A. Briefly describe the state planning process and participants.
- B. Address the following areas in the order presented. In addressing each area, please consider LSC's *State Planning Considerations* and:
- **assess the strengths and weaknesses of the current approach;**
 - **establish goals to strengthen and expand services to eligible clients; and**
 - **determine the major steps and a timetable necessary to achieve those goals.**

1. Intake, Advice and Referral

How are intake and delivery of advice and referral services structured within the state? What steps can be taken to ensure a delivery network that maximizes client access, efficient delivery, and high quality legal assistance?

2. Technology

Is there a state legal services technology plan? How can technological capacities be developed statewide to assure compatibility, promote efficiency, improve quality, and expand services to clients?

3. Access to the Courts, Self-help and Preventive Education

What are the major barriers low-income persons face in gaining access to justice in the state? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventive legal education and advice, and enhance self-help opportunities for low-income persons?

4. Coordination of Legal work, Training, Information and Expert Assistance

Do program staff and pro bono attorneys throughout the state receive the training and have access to information and expert assistance necessary for the delivery of high quality legal services? How can statewide capacities be developed and strengthened to meet these needs?

5. Private Attorney Involvement

What is the current status of private attorney involvement in the state? What statewide efforts can be undertaken to increase the involvement of private attorneys in the delivery

of legal services?

6. Resource Development

What statewide financial resources are available for legal services to low-income persons within the state? How can these resources be preserved and expanded?

7. System Configuration

How should the legal services programs be configured within the state to maximize the effective and economical delivery of high quality legal services to eligible clients within a comprehensive, integrated delivery system?³

³ States with only one LSC-funded program need not answer this question.

PROGRAM LETTER 2000-7

TO: All LSC Program Directors

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

DATE: December 13, 2000

RE: STATE PLANNING AND PERFORMANCE MEASURES
*(Building A Stronger Foundation: A Framework for Planning and
Evaluating Comprehensive, Integrated and Client-Centered State
Justice Communities)*

Program Letters 98-1 and 98-6 launched LSC's most recent state planning activities approximately three years ago. Pressured by funding shortfalls and the changing needs of clients and concerned with enhancing system efficiency, effectiveness and the ability to meet clients' legal needs, legal services programs throughout the United States were challenged by these two program letters to become actively engaged in a process of reassessing their delivery practices and policies, restructuring their legal services delivery systems and reallocating their legal services dollars. Essentially, LSC Program Letters 98-1 and 98-6 asked grantees to look at their roles in a new way -- to expand their horizons from what's best for the clients in my service area to what is best for clients throughout the state. Using this new lens, programs were asked to report on how they would coordinate and integrate their work in seven important areas -- enhancing client access, efficiently delivering high quality legal assistance; effectively using technology to expand access and enhance services; promoting client self-help and preventive legal education and advice; coordinating legal work and training staff; coordinating and collaborating with the private bar; developing additional resources to support legal services delivery; and designing a legal services delivery configuration that enhanced client services, reduced barriers and operated efficiently and effectively.

On January 28, 2000, the LSC Board of Directors approved LSC's 5-year Strategic Direction Plan.¹ This document commits LSC to dramatically enhance the impact of Legal Services programs throughout the nation by improving access to legal services among eligible persons while enhancing the quality of the services delivered. The Plan highlighted LSC's State Planning Initiative as the primary strategy for expanding access to and availability of services throughout the United States.

Over the course of the last three years, many states have begun to develop comprehensive and integrated legal services delivery systems that:

- 1) recognize that state justice communities must be broader than just LSC-funded grantees to include both LSC-funded and non-LSC funded sectors of the legal services delivery system, and
- 2) provide a continuum of services that encompasses individual representation, extended representation, advice, pro se advocacy, preventative education, community involvement and support, and the use of technology to expand essential services to all low-income persons within a state.

These are exciting developments. However, it continues to be apparent that in many states and territories, the legal services delivery system remains a fragmented set of disconnected services. In many states we continue to find a wide divergence in the availability of services, client access capabilities and civil equal justice resources. This stands in stark contrast to our expectation that the statewide delivery system be constructed and maintained to provide for: (a) relative equity of client access to the civil legal services delivery system throughout the state; (b) 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; (c) relative equity in the capacity to serve client communities in all of their diversity; and (d) relative equity in the investment of civil equal justice resources (federal, state, private, and in-kind/pro bono) throughout the state.

A hallmark of an integrated delivery system is its flexibility to deploy resources in geographic or substantive areas so that quality of services is improved, funds are increased and outcomes for clients are expanded in areas where they are weak. In this context, then, relative equity considers the system's various capacities throughout the state, from region to region, and directs necessary resources to locales where

¹ To download a copy, go to http://www.lsc.gov/pressr/pr_pi.htm.

improvement of any sort is required to assure that all low-income people in the state have similar degrees of access to the full spectrum of equal justice services.

In this program letter we are announcing three strategies to advance LSC's efforts to create comprehensive integrated, coordinated, client-centered state justice communities in each state:

- 1) The creation of a team within LSC specifically assigned responsibility for state planning;
- 2) A period of self-evaluation by and in each state justice community, with an evaluation report to be issued to LSC at the end of the evaluation period; and
- 3) The linking of state planning with the development of new performance measurement tools.

The information received from the field on the State Planning Process and Program Letters 98-1 and 98-6 after publication of these two documents in the Federal Register and input derived from more than two years of on-site engagement by LSC staff and consultants in the field were instrumental in the development of these strategies.

The Creation of a State Planning Team within LSC

LSC's Strategic Plan emphasizes that LSC's State Planning Initiative is our primary strategy for expanding access to and availability of services throughout the United States. To stress the importance of this effort and to facilitate the development of state justice communities, LSC will create a planning team to coordinate our state planning activities. This team will be directly attached to and supervised by the LSC Vice-President for Programs.

A Period of Self-Evaluation by and in Each State Justice Community

We are in a period of significant transition moving from an LSC-centric legal services model to comprehensive, integrated and client-centered state justice communities. We acknowledge that the journey is not over and that significant effort remains to ensure that comprehensive justice communities exist and function within every state and territory. As we move forward with our efforts, we must remain conscious of the need to address several questions of fundamental relevance. These include:

- 1) **To what extent has a comprehensive, integrated client-centered legal services delivery system been achieved in a particular state?**
- 2) **To what extent have intended outcomes of a comprehensive, integrated and client-centered legal service delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients; and client-community empowerment?**
- 3) **Are the best organizational and human resource management configurations and approaches being used?**

We believe that the next several months are an appropriate time to try to begin to answer these questions. We have been involved in state planning activities for approximately three years, and LSC believes that states need a period of introspection about where they have been and where they are going. Moreover, we can all acknowledge that self-evaluation is a worthwhile and important part of our planning for the creation of comprehensive, integrated, client-centered legal services delivery systems within each state. We are, accordingly, requiring our grantees and requesting that other state planners begin a period of evaluation of their planning efforts and activities over the last three years using the above questions as a framework for the evaluation report. These self-evaluations will inform each state justice community and LSC of what has worked, what has not worked and why, what obstacles stand in planners path, and what steps and support might assist each state to better achieve a comprehensive, integrated, client-centered delivery system that delivers upon the promise of equal justice for all.

Evaluations can be performed by state planners themselves or by outside consultants hired to perform this task. We ask that a single evaluation report for each state be submitted to LSC on or before July 1, 2001 unless LSC has granted your state an extension of time in which to file the report. Please submit your extension requests no later than May 15, 2001, to Robert Gross, Senior Program Counsel for State Planning at LSC. Reports should be no longer than 30 pages (not more than 10 pages single-spaced for each area of inquiry) and should contain the name and telephone number of a contact person(s). Attachments will be accepted as long as they provide additional information that clarifies a particular issue or area of inquiry as identified in the body of the report. The report should assume that the effort to create state justice communities is ongoing and that we do not expect that you have completed your work. Self-evaluation reports should be a candid and honest assessment of the progress that

each state has made in creating a comprehensive, integrated and client-centered delivery system as well as of the work that remains to be done. Reports should address the following issues in the order presented:

To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved in a particular state?

Areas of exploration include:

- 1) What are the important issues that impact upon low income people within your state? How is your state responding to these issues?
- 2) What are the components of the delivery system?
- 3) Has this system created mechanisms to assess its performance in relationship to commonly-accepted external guides such as the ABA Standards for Providers of Civil Legal Services to the Poor, the LSC Performance Criteria or some other set of objective criteria? What is the protocol for undertaking system performance review and when was a review last undertaken?
- 4) Does your statewide system work to ensure the availability of equitable legal assistance capacities to clients -- regardless of who the clients are, where they reside or the languages they speak? How does your system ensure that clients have equitable access to necessary assistance including self-help, legal education, advice, brief service, and representation in all relevant forums? Please describe what steps you anticipate taking to ensure equitable access in the coming years.
- 5) How does the legal service delivery system employ technology to provide increased access and enhanced services to clients throughout the state? What technological initiatives are currently underway and how will they support the integrated statewide delivery system?
- 6) How has the legal service delivery system expanded its resources to provide critical legal services to low income clients including hard to reach groups such as migrant farmworkers, Native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants and the rural poor?

- 7) What steps have been implemented within the legal services delivery system and among client communities to identify and nurture new leaders? Do the existing leaders reflect the diversity within the state and within client communities that your delivery system serves? Do your state's equal justice leaders reflect the gender, race, ethnic and economic concerns of important but sometimes overlooked groups within your state? Does the leadership provide opportunities for innovation and experimentation; does it support creative solutions to meet changing needs; are new ideas welcomed; are clients nurtured as leaders? Has the leadership been given sufficient authority and resources to implement needed changes?
- 8) What do you envision will be your next steps to achieve a client-centered integrated and comprehensive delivery system within your state or territory? How will clients be actively involved in the determination of these next steps?
- 9) What has been the greatest obstacle to achieving a statewide, integrated, client-centered delivery system and how was that obstacle overcome or, alternatively, how do you plan to overcome that obstacle?
- 10) Has any benefit-to-cost analysis been made in terms of creating a comprehensive, integrated and client-centered legal services delivery system in your state? If yes, what does your analysis show?
- 11) What resources, technical assistance and support would help you meet your goals?

To what extent have intended outcomes of a comprehensive, integrated client-centered legal service delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?

Areas of exploration include:

- 1) In terms of the issues impacting upon low-income persons within your state, what strategies have you designed to address these issues and how do you plan to measure your future success in addressing your objectives?

- 2) Has the legal services delivery system expanded access and services through coordination with providers throughout the state? Can this be quantified?
- 3) Has the quality of services provided by the legal services delivery system improved. How?
- 4) Since 1998, has there been improvement in the relative equity of client access throughout the state for all low income clients regardless of who they are, where in the state they reside, what languages they speak, their race/gender/ national origin, or the existence of other access barriers? How is this equity achieved?
- 5) Since 1998, has there been improvement in the relative equity in terms of the availability of the full range of civil equal justice delivery capacities throughout the state? What mechanisms have been developed to ensure such relative equity is achieved and maintained? Since 1998, has there been improvement in the relative equity in the development and distribution of civil equal justice resources throughout the state? Are there areas of the state that suffer from a disproportionate lack of resources (funding as well as in-kind/pro bono)? If so, is there a strategy to overcome such inequities?
- 6) Does this legal services delivery system operate efficiently? Are there areas of duplication?
- 7) Has the system expanded the way it involves private lawyers in the delivery of essential services to low-income persons? Does the system effectively and efficiently use the private bar to deliver essential services to low income people?

Are the best organizational and human resource management configurations and approaches being used?

Areas of exploration include:

- 1) For calendar year 2001, what is the current configuration of programs (LSC and non-LSC) that deliver services to low income clients -- i.e., what are the components (size, areas of responsibility, governance) of the delivery system? What are the funding sources and levels for each of these components of the delivery system?

- 2) Since October 1998, what other configurations and/or approaches have been seriously explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?
- 3) Is there any identifiable duplication in capacities or services in the state? How many duplicative systems -- accounting systems, human resources management systems, case management systems, etc. -- currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?
- 4) Since October 1998, what innovative service delivery systems/mechanisms/initiatives been adopted in the state? Have any been explored and then rejected?

Linking State Planning with the Development of New Performance Measurement Tools

Simultaneously with these self-evaluations, LSC will proceed to contract with a private research firm to formally evaluate legal services delivery systems in a selected number of states. LSC plans to select several states that we believe are at important stages of the planning-implementation process for an outside evaluation. If your state is chosen, you will not have to do the self-evaluation discussed in this program letter. Moreover, LSC will provide discretionary grants and/or technical assistance to assist with and help defray any in-kind program costs associated with this project.

The purpose of these evaluations will be to determine whether or not the delivery model in use in the state has effectively implemented the concepts and principles of a comprehensive, integrated and client-centered legal services delivery system. LSC will study the relationship between the structure of the delivery system and desired outcomes as articulated by the selected states in prior planning documents. The findings of these formal evaluations -- together with the material presented in the self-evaluations -- will assist LSC and other interested stakeholders in understanding how best to conceptualize, design and deliver comprehensive, integrated and client-centered legal services. We will use this information to begin to develop new performance measurement tools.



PROGRAM LETTER 02-3

President
John N. Erlenborn

Board of Directors
Douglas S. Eakeley
Roseland, NJ
Chairman

LaVeeda M. Battle
Birmingham, AL
Vice Chair

Hulett H. Askew
Atlanta, GA

John T. Broderick, Jr.
Manchester, NH

John N. Erlenborn
Issue, MD

Edna Fairbanks-Williams
Fairhaven, VT

F. Wm. McCalpin
St. Louis, MO

Maria Luisa Mercado
Galveston, TX

Nancy H. Rogers
Columbus, OH

Thomas F. Smegal, Jr.
San Francisco, CA

Ernestine P. Watlington
Harrisburg, PA

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."

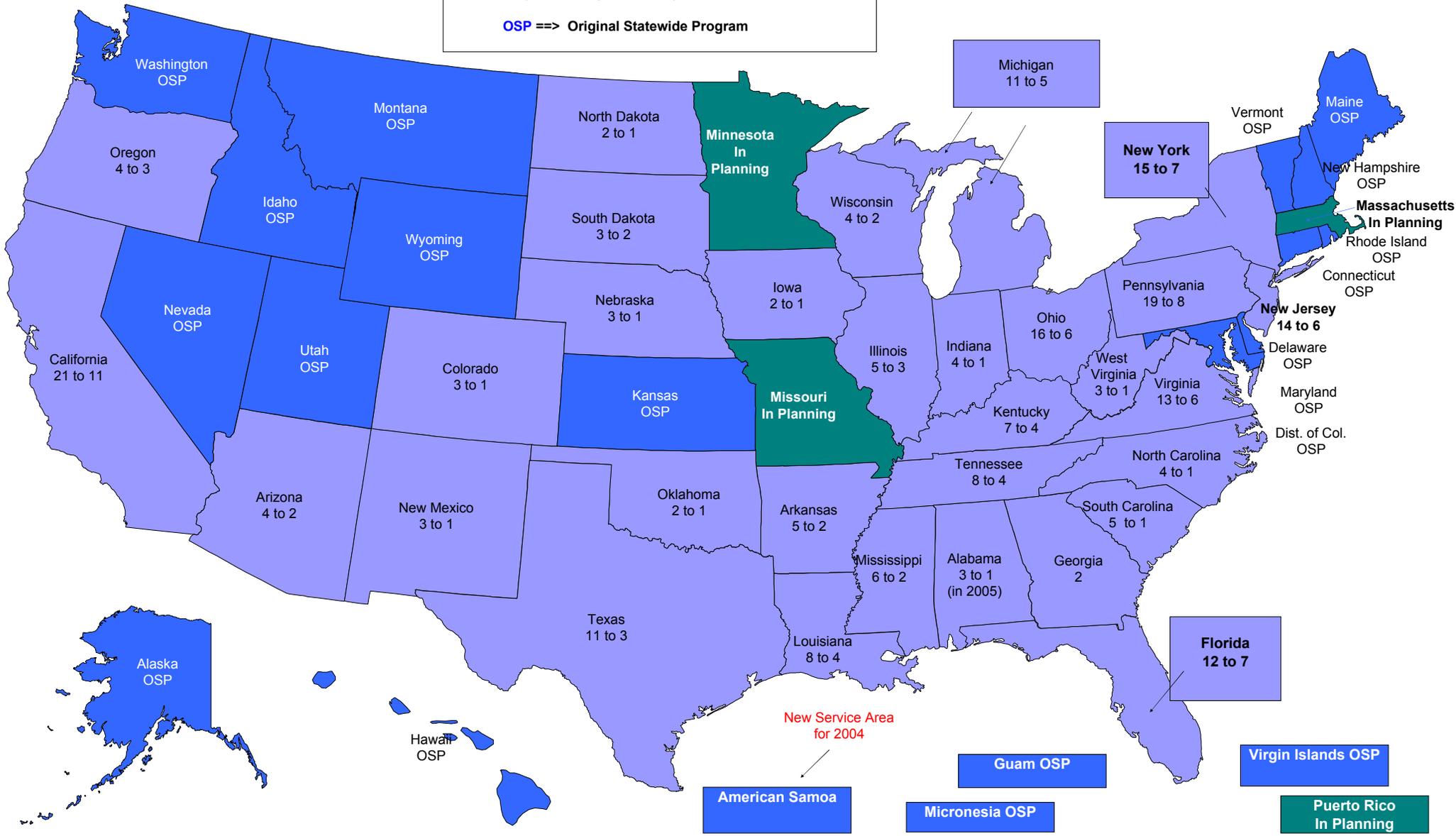
State Planning:

A Five-Year Overview

APPENDIX B

Basic Field General Service Areas Affected by Mergers and Consolidations - 1997 to 2004

In Planning ==> Merger Planning in Process
OSP ==> Original Statewide Program



Legal Services Corporation
 Basic Field General (BFG) Service Areas Affected by Mergers and Consolidations - 1997 to 2004

Updated: November 7, 2003

	State	A	B	C
		Service Area Changes		
		Calendar Year 2004 BFG Service Areas	Calendar Year 1997 BFG Service Areas	Service Area Changes
1	Alabama (in 2005)	1	3	-2
2	Arizona	2	4	-2
3	Arkansas	2	5	-3
4	California	11	21	-10
5	Colorado	1	3	-2
6	Florida	7	12	-5
7	Georgia	2	2	0
8	Illinois	3	5	-2
9	Indiana	1	4	-3
10	Iowa	1	2	-1
11	Kentucky	4	7	-3
12	Louisiana	4	8	-4
13	Michigan	5	11	-6
14	Mississippi	2	6	-4
15	Nebraska	1	3	-2
16	New Jersey	6	14	-8
17	New Mexico	1	3	-2
18	New York	7	15	-8
19	North Carolina	1	4	-3
20	North Dakota	1	2	-1
21	Ohio	6	16	-10
22	Oklahoma	1	2	-1
23	Oregon	3	4	-1
24	Pennsylvania	8	19	-11
25	South Carolina	1	5	-4
26	South Dakota	2	3	-1
27	Tennessee	4	8	-4
28	Texas	3	11	-8
29	Virginia	6	13	-7
30	West Virginia	1	3	-2
31	Wisconsin	2	4	-2
	Subtotal	100	222	-122

	State	D	E	F
		Original Statewide Programs (OSP)		
		Calendar Year 2004 BFG Service Areas	Calendar Year 1997 BFG Service Areas	Service Area Changes
32	Alaska	1	1	OSP
33	American Samoa	1	N/A	N/A
34	Connecticut	1	1	OSP
35	Delaware	1	1	OSP
36	Dist. of Col.	1	1	OSP
37	Guam	1	1	OSP
38	Hawaii	1	1	OSP
39	Idaho	1	1	OSP
40	Kansas	1	1	OSP
41	Maine	1	1	OSP
42	Maryland	1	1	OSP
43	Micronesia	1	1	OSP
44	Montana	1	1	OSP
45	Nevada	1	1	OSP
46	New Hampshire	1	1	OSP
47	Rhode Island	1	1	OSP
48	Utah	1	1	OSP
49	Vermont	1	1	OSP
50	Virgin Islands	1	1	OSP
51	Washington	1	1	OSP
52	Wyoming	1	1	OSP
	Subtotal	21	20	OSP's

	State	A	B	C
		Merger Planning in Process		
53	Missouri	4	6	-2
54	Massachusetts	6	6	0
55	Minnesota	5	5	0
56	Puerto Rico	2	2	0
	Subtotal	17	19	N/A

Totals	138	261	-123
Service area reductions as a percentage ==>			-47%