

LEGAL SERVICES CORPORATION

Suggested List of Priorities for LSC Recipients

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: This notice sets out a suggested list of priorities adopted by the Legal Services Corporation's ("LSC" or "Corporation") Board of Directors on May 20, 1996, pursuant to a Fiscal Year ("FY") 1996 appropriations act requirement. The list is intended to be considered by LSC recipients when setting their own priorities for the provision of legal assistance.

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SUPPLEMENTARY INFORMATION: Public Law 104-134, the omnibus legislation that includes the FY 1996 appropriation for the Legal Services Corporation, contains two modifications of current law relating to grantees' allocation of priorities in the use of resources. The governing boards of grantees are directed to set specific priorities in writing, pursuant to the Legal Services Corporation Act and the Corporation's priority-setting regulation, of the types of matters and cases to which they will devote time and resources, and their staffs must sign written agreements not to undertake cases or matters other than in accordance with these specific priorities except in emergency situations [Section 504 (a)(9)]. The Corporation itself is directed to promulgate a suggested list of priorities that local boards of directors may use in setting their local priorities [Section 504 (c)]. Accordingly, the following suggested list of priorities has been adopted by the Board at its meeting on May 20, 1996.

A one-third reduction in funding for the Legal Services Corporation for FY 1996 requires that the Corporation's grantees exercise the utmost care in making the difficult and, at times, painful decisions as to the types of cases they can accept and the nature of the service they will provide. While the ultimate decision in these matters rests with the local program—which must develop its own priorities within the context of the circumstances in its own community, in consultation with the client community, subject to applicable legislative and regulatory restrictions—the Corporation expects each program to respond to the most compelling and critical needs of its eligible clients and to leverage its resources in order to compensate to the greatest degree possible for the inevitable reduction in client service resulting from this cut in funding. In meeting this crisis, each program must continue to maintain a high level of professionalism and quality in the delivery of legal services and in the observance of ethical standards.

To this end, and in response to the direction of Congress, the Corporation's Board of Directors has identified the following suggested priorities to help guide local legal services programs as they strive to continue to provide high quality, effective legal services to members of their communities. It has formulated this response in the context of the existing pattern of individual cases being handled nationwide, the largest category of which involves family matters, in which the client base is disproportionately comprised of women and children. Hence, a principal focus by the Board of Directors is in the context of the family. Recognition is given, however, to other critical case needs comprising the everyday problems encountered by our eligible clients.

Suggested List of Priorities

Support for Families: The cohesiveness of the family is not only a time-honored value fundamental to our American way of life, but also the undergirding of the stability of our American society. Programs should take cognizance of the vulnerability of American families to problems requiring legal assistance for their resolution. The Corporation suggests that programs place a high priority on those cases in which legal assistance supports the integrity, safety, and well-being of the family.

Preserving the Home: Preservation of the home is essential to the well-being of every person. The loss of housing through uninhabitability, eviction, or

foreclosure can precipitate exposure to physical and medical risks in crowded shelters or the streets, disruption of the schooling of young children, loss of employment, and the splintering of families whose members may be dispersed in seeking alternate shelter. Enabling families to avoid loss of their home should be an important priority for grantees, as should assistance to those families or individuals who have become homeless.

Of equal importance is the assurance that families can be safe and secure in their places of residence. This is of particular concern in public housing complexes where crime and violent behavior put many families at risk. Legal assistance to tenant associations or other groups of eligible clients seeking to ameliorate the condition of a dangerous environment contributes to family well-being and should be a priority where appropriate. The Corporation also encourages grantees to give a high priority to representation of individual families threatened by unsafe or unhealthy conditions in both public and private rental housing.

Help may also be needed when physical harm to family living quarters is caused by natural disaster, such as flood, earthquake, fire, and hurricane. Programs are urged to respond to the needs of clients in such emergencies and, when appropriate, to cooperate in joint endeavors with the Federal Emergency Management Agency. Funds may be available through special appropriations, which programs can use to provide emergency services to clients in matters such as relocation, repair of housing, filing for benefits, and dealing with insurance, contractors, and creditors.

Maintaining Economic Stability: Families must be economically viable in order to survive. The Corporation encourages programs to give high priority to cases in which the family's source of income is at risk.

For the working poor, those seeking to avoid dependency and find a route out of poverty, the loss of a job may trigger a plummet into abject poverty, possibly leading to the loss of housing and access to health care, and even to the breakup of the family. The prevention of unemployment may obviate a sequence of far greater legal activity, and should therefore be a high priority for legal services programs. In addition to matters directly involving employment law, other cases may fall into the category of potentially preventing joblessness, for example, consumer cases relating to the tools of a worker's trade or to an automobile which is needed to transport the worker to the

site of the job. A category of the working poor whose legal needs should not be overlooked in setting priorities are family farmers, who are especially vulnerable to the vagaries of weather and markets.

The Corporation also suggests that programs accord a high priority to cases involving parental responsibility for the support of their children. In light of recent legislative attention to this issue, the rate of success in obtaining child support from absent parents makes such representation an ever more efficient and cost-effective use of legal time.

For workers who have lost their jobs or become disabled or those who are otherwise unable to obtain employment, representation in cases involving eligibility for benefits to which they have a claim may be the only way to preserve a source of income for the family.

Other legal matters may threaten basic economic stability and therefore merit high priority. For example, a family entrapped by a fraudulent scheme may be forced into bankruptcy if it has no recourse to legal assistance.

Safety, Stability and Health: Domestic violence threatens the security and stability of families at all economic levels. The physical abuse of women, frequently mothers of children in the household, as well as neglect and harm to children themselves, calls for heightened awareness and a fast response by the justice system. The intervention of legal service lawyers in obtaining judicial remedies, such as orders of protection, can be life-saving. Every program should endeavor to offer that vital assistance.

Representation in legal separation or divorce may also be essential to sustain what remains of a viable family structure, especially as it relates to regularization or clarification of the custody of children. Programs should also consider representation where dissolution of the marital relationship is the result of abandonment or other compelling circumstances; applying their own assessment of priorities to take cognizance of the exigencies of each situation.

Representation in cases involving access to health care may also be essential to preserve the security and stability of families, and should be accorded an appropriate priority.

Populations with Special Vulnerabilities: While the Corporation encourages programs to focus prime attention on providing support for families, this cannot and should not be to the exclusion of assistance to individuals living outside a family context. This is particularly true with

respect to the growing numbers of elderly individuals in our population who are among the most vulnerable, particularly as their capacity to make independent and informed judgments diminishes. In addition to assurance of access to basic needs of life—food, shelter and medical care—they often require remedies against the unscrupulous who take unfair advantage in their dealings with them.

Programs should also pay particular attention to other similarly vulnerable individuals within their service areas who, in addition to being in a marginal economic status, are less capable of fending for themselves by reason of difference in language, cultural and educational backgrounds, disability, or other special problems of access to legal assistance or special legal needs.

The Delivery of Legal Services: Apart from the focus on substantive issues or client populations, the Corporation expects its grantees to give attention to matters relating to the nature or method of delivery of legal services. The sharp reduction in funding will necessarily cause programs to turn away an increasing number of eligible clients needing assistance. Before the FY 1996 reduction, it had been estimated that only a fraction of the legal needs of low-income clients were being met, perhaps as little as twenty percent. In some of our programs, the turn-away rate of those who sought assistance was over fifty percent. The Corporation understands that a one-third budgetary cut may well, in a given program, translate into a reduction in service capability greater than one-third, as staff and fixed commitments do not yield to simple proportionate reductions. It is therefore essential that each program consider methods by which it can stretch its resources in an effort to compensate in part for the substantial loss in capacity.

To this end, the Corporation urges programs to make maximum use of available technology in screening, researching and responding to client needs. Because the Corporation can offer no assistance with acquisition of equipment, we suggest programs consider discrete fundraising projects for this purpose. Centralized intake through hotlines and computerized networks can facilitate referrals and brief service and result in more efficient use of lawyer time. Similarly, community legal education, *pro se* representation and other forms of self-help can reduce the need for legal intervention, enabling programs to conserve their resources for matters most requiring a lawyer's help.

The Corporation recommends that programs place a high priority on activities designed to involve the entire community in sharing the responsibility for facilitating access to justice. Special attention should be accorded to the involvement of the private bar in the provision of *pro bono* client representation. Although increased *pro bono* services will not make up for the effects of the current cutbacks in funding for the Corporation, involvement of the private bar represents an important supplement to direct service by Corporation grantees. In addition to *pro bono* representation, the private bar can provide assistance in relevant substantive areas of law, training for staff and volunteers, and both direct financial support and assistance with fundraising. Law schools and other law-related entities can also make unique contributions. The community at large, including clients, religious and civic groups, community service agencies, and business enterprises and organizations should also be included in efforts to broaden each program's outreach effort.

Conclusion: The Legal Services Corporation recognizes that different communities have different needs and will respect the autonomy of every grantee to make decisions that reflect the resources available to it and the demographics and particular circumstances of its client populations. In some communities, issues not touched upon here may be of grave concern to clients and worthy of being accorded a high priority. Nevertheless, we expect that each grantee will give careful consideration to the issues that have been identified here as priorities from the Corporation's nationwide perspective.

Dated: May 23, 1996.

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General Counsel.

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