



# **LEGAL SERVICES CORPORATION**

Board Approved 1/29/00

# **STRATEGIC DIRECTIONS 2000 - 2005**

**January 28, 2000**

## LSC Strategic Directions 2000 - 2005

### Present Situation

Twenty-five years ago, our government made a pledge to help ensure that all persons have access to America's civil justice system by enacting legislation that created the Legal Services Corporation. Over the past quarter century, the Legal Services Corporation (LSC) has helped millions of poor citizens solve important, sometimes life-threatening, legal problems. Despite the success of LSC and its many contributions to access to justice for low income Americans, its achievements are overshadowed by the fact that so many in our society continue to suffer injustice and are unable to gain access to a lawyer for critical legal assistance. Until all members of our society are afforded that access, this promise of our government will continue to be unfulfilled. LSC is committed to promoting a *new vision of legal services* that will achieve the goal of bringing legal services to those currently denied access to the justice system.

Traditional public sector approaches to dealing with complex access to justice issues have involved heavy emphasis on channeling federal funds to local service organizations and measuring their effectiveness by counting such things as numbers of clients served and numbers of cases closed. Recent government reform initiatives have suggested that all government programs must shift from emphasizing volume of activity to emphasizing those activities that lead to significant outcomes and impact for persons served.

Approximately 40 million Americans living below the poverty line are eligible for some level of civil legal assistance. Of those needing legal assistance, it is estimated that less than one out of four have access to a lawyer, whether for timely advice, brief legal assistance or for extended direct representation. Although the LSC mission is clear, its ability to adequately address the needs of those requiring legal assistance has, in recent years, been constrained by these factors:

**1. Insufficient resources have been put forth to fully understand the access problem and to build financial support at all levels to effectively address it.**

- There is not currently an up-to-date, reliable study of the emerging and changing legal needs of the low-income population. Such an assessment is necessary to guide planning efforts.
- While recent federal appropriations for LSC have garnered wide bipartisan support, too many in Congress appear to fundamentally question the federal role in assuring access to justice for people in poverty.
- Many states and local governments do not invest adequate funds in support of civil legal services.
- Private, charitable, *pro bono* and other contributions vary widely among States and programs, and are not sufficient to meet the burden imposed by inadequate governmental investment.

## **2. LSC has not asserted the leadership role required to steward a nation-wide effort.**

- LSC has not developed the means to effectively describe or quantify the practical outcomes of federal legal services funding in the lives of poor people. This limits LSC's ability to be as effective as it might be in fostering a stronger national commitment to providing federal funds in direct support of our nation's promise of *equal justice under law*.
- Throughout the national legal services community there has not been a strategic or focused effort to develop new leadership, provide training, foster necessary organizational change or address important issues of diversity. The absence of new leadership has inhibited our ability to remain knowledgeable and relevant to the legal needs of increasingly diverse client communities.
- The availability and quality of services provided by LSC-funded organizations varies greatly from program to program, resulting in uneven services to clients.

Factors cited above suggest that LSC must provide strong, visionary leadership in the equal justice community to ensure that these challenges can be addressed. Such leadership should complement local initiatives by providing guidance and resources that encourage use of innovative approaches to significantly extend the reach of all programs and to ensure that legal service programs continue to be responsive to the needs of low-income clients.

### **LSC Strategic Direction**

Over the next five years, LSC will develop and implement initiatives to ensure that a dramatically increased number of persons have access to the American civil justice system and that they receive quality services that result in just outcomes. Attaining this goal requires a coordinated effort by LSC, other funding sources, state and local bar associations, the courts, other organizations, and grantees to adjust policy, practices, and resources to ensure that more people have access to quality, client-centered, results-oriented legal services. Through this coordinated effort, LSC will help improve the lives of poor persons and ensure continued public confidence in the American system of justice.

Over the next five years, LSC will use its national leadership position to engage in a *multi-year effort* to address issues of access, availability, and quality of relevant, responsive, client-centered legal assistance and representation throughout the United States.

Over the next five years, LSC's performance will reinforce a bipartisan consensus regarding the importance of federally funded legal services for low-income people. LSC will encourage and support the establishment of comprehensive and integrated civil legal services delivery systems, coordinated statewide to provide all eligible low-income persons the legal assistance appropriate to their critical legal needs. In so doing, LSC will utilize its grant making and regulatory authority to promote expanded effective and efficient state and local legal services to low income persons.

## Strategic Goals

LSC will achieve its vision by accomplishing two major strategic goals. Because the goals are broad and affect most aspects of legal services administration, all the strategies we identify serve to contribute to both goals.

***1. By 2004, LSC will dramatically increase the provision of legal services to eligible persons.***

Anticipated Outcomes

- Increased numbers of clients receiving legal services appropriate to the legal issues they encounter.
- Expanded relevancy of the delivery system to the most pressing needs of low-income clients, with clients themselves taking a leading role in this effort.
- Increased perception among low-income individuals that they have recourse if they face serious or dangerous circumstances and require civil legal information, counseling, or representation.
- Increased public perception of the legal justice system as successful in providing equal justice consistent with the ideals of the U.S. Constitution and American democracy.
- Expansion of federal funding and other public and private resources dedicated to meeting the civil legal needs of eligible low-income clients.

***2. By 2004, LSC will ensure that eligible clients are receiving appropriate and high-quality legal assistance.***

Anticipated Outcomes

- Expanded range and improvement in the quality of services provided by legal services programs.
- Greater consistency in the quality of legal services programs.
- Significant beneficial results for low-income clients, as determined by outcome measurements.

Discussion

In choosing the first goal, LSC acknowledges responsibility to provide some measure of information or assistance to eligible persons who need it while maintaining the ability to provide

extensive legal representation where necessary. The objective is to provide a full continuum of legal assistance that dedicates resources in a manner that is responsive to the nature, quality and intensity of a client's legal need. This can be accomplished by investing in capacity to provide some level of service to virtually all low-income persons who seek it and need it, and by increasing the system's capacity for full representation through the increase of financial and volunteer resources. These initiatives will be carried out consistent with LSC's vision of a national system of integrated and comprehensive civil legal services delivery systems, coordinated statewide, and as such, will require continued emphasis on the State Planning Initiative throughout the planning period.

The second goal underscores LSC's recognition that it is not sufficient to provide legal services to low-income people without producing good results. Legal services programs should provide the means for recipients to successfully resolve immediate problems. This can be accomplished through defining qualitative expectations for effective client service, taking steps to ensure that grantees meet these expectations and developing the means to evaluate the impact that legal services programs have on clients' lives.

## LSC Strategies

### Programmatic Strategies

The concepts outlined in this strategic plan position LSC to provide the leadership required to address these issues. It contains three separate but highly integrated initiatives: (1) state planning to integrate, coordinate and increase resources available for civil legal assistance in every state and territory; (2) enhanced and strategic utilization of technology by LSC programs to improve access and delivery to clients; (3) ensuring quality and accountability through programmatic oversight.

#### **(1) State planning to integrate, coordinate and increase resources available for civil legal assistance in every state and territory.**

- Through the State Planning Initiative, LSC seeks to facilitate the creation and maintenance of comprehensive and integrated civil legal services delivery systems, coordinated statewide. These systems will be designed to provide high quality representation on the most important legal problems faced by eligible low-income clients.
- The State Planning Initiative embodies LSC's primary strategy for increasing access to and availability of services throughout the United States. Chartered in 1995 through a series of program letters, the State Planning Initiative has evolved through ongoing engagement by Corporation staff with national and state legal services planners.

Successful implementation of the State Planning Initiative during the strategic planning period will achieve the following:

- Identifying the most important issues involving the delivery of legal services in each of the 50 states, the territories and the District of Columbia.
- Identifying the capacity of existing programs as well as the adequacy of existing funding levels to address issues of access and quality.
- Expanding legal capacity through coordination with other legal services providers throughout the state.
- Recommitment to the provision of legal services in Indian Country and to migrant workers; special populations with disproportionate levels of poverty and access to justice needs.
- Developing the financial and programmatic capability to reach more clients within the state with a wider range of services than ever before.

*Near Term Implications*

- Broad agreement by the civil justice community, including the courts and IOLTA programs, on the values, purposes and objectives of the State Planning Initiative.
- LSC has internal capacity and expertise to support meaningful planning and plan implementation consistent with the values, purposes and objectives of the State Planning Initiative.
- LSC's grant making and regulatory authority promotes expanded, effective and efficient state and local legal services to low income persons.

**(2) Greatly expanded use of technology by LSC programs to improve access and client service delivery.**

The nature and substance of client legal needs spans the continuum of services ranging from information concerning legal rights and responsibilities to full scope extended direct representation. While some people need extended legal assistance in order to address their legal needs, a large number of eligible clients are effectively assisted by access to useful and timely information, by simple advice from an attorney or by help in bringing their own court actions or defending themselves in court.

Existing and emerging technologies present opportunities to create new efficiencies in the delivery of certain types of legal services, while allowing for greater consistency in the quality of services provided. At the same time, the strategic utilization of technology can free internal program resources currently dedicated to less intensive client legal assistance and allow its

redirection to areas requiring greater time commitments such as extended direct client representation. Across the nation, a number of LSC's grantees have developed innovative programs that employ information technology to provide more services to a larger number of people with fewer resources than ever before.

- Technologically sophisticated intake, advice and referral systems can substantially expand the number of clients receiving some level of legal services appropriate to their needs.
- Computerized and web-based self-help programs can provide consistent and quality information and assistance to a much greater number of persons. Currently, because of resource limitations and the application of case acceptance criteria, they would otherwise not receive legal assistance.
- Technology can be applied in ways that make it easier for attorneys to represent clients from significant distances through teleconferencing and other uses of technology; improve legal research and information gathering capacities; improve supervision; and expand training opportunities.
- Technology can be applied in ways that foster new or expanded linkages with the courts, legal services attorneys, private pro bono attorneys, and others working to provide legal representation of clients on high priority needs.

LSC will promote state planning for technology by ensuring that it remains a central component of the State Planning Initiative, sharing information about successful technology applications, coordinating technology initiatives with other funders, and offering other forms of technical assistance to state planners. LSC will use the FY 2000 technology/*pro se* grants to support projects such as technologically innovative *pro se* projects, model intake systems, and web based community education projects, assessing them for effectiveness and efficiency and, where appropriate, replicating them. LSC will seek continuing funding for these grants and the initiatives they support.

#### Near Term Implications

- Statewide technology plans required as part of the State Planning Initiative.
- Technology and *Pro Se* initiative grants awarded by LSC.
- Working with grantees, LSC has developed and disseminated replicable models for the effective and efficient use of technology.
- State Technology Planning Manual developed and disseminated.

### **(3) Ensuring quality and accountability through programmatic oversight.**

That the legal services provided must be of high quality is at the heart of the Legal Services Corporation Act. Similarly, ensuring accountability through programmatic oversight is one of the Act's principal requirements. Through a competitive grantmaking process, which involves careful consideration of over 200 elements in each grant application, LSC makes grants only to qualified applicants, which have demonstrated the ability to meet numerous statutory and regulatory requirements. Ensuring high quality legal services can best be addressed by:

- Improving the grants management process to utilize the information received to provide standards based feedback to programs.
- Undertaking regular visits to programs to ensure consistent program quality and compliance with LSC regulations.
- Developing new information systems that provide more accurate and useful information about the work programs perform which can be used for both evaluation and grants management.
- Working with grantees in each state to develop systems and procedures to ensure that legal services program staff receive appropriate training and that the work in each state is performed in a coordinated manner.
- Working with grantees and planners in each state to promote leadership training, including local board training and development, and to promote client board member participation and training.

In 1998 and 1999, audits by the General Accounting Office (“GAO”) and the LSC OIG disclosed problems related to case service reporting by over a dozen grantees. The problems included non-compliance with two key regulations governing client eligibility. As a result, LSC Management has recognized the need to examine its current methods of grantee oversight, and to play a more active role in assessing grantee compliance with statutory and regulatory requirements.

#### Near Term Implications

- LSC will develop methods that will be used to assess program quality, to ensure that case handling staff are well trained and that the legal work among programs is coordinated and of high quality.
- LSC will undertake a series of program evaluation performance pilot projects that are intended to provide 1) an in-depth understanding of the unique issues facing each program; 2) more relevant and accurate reporting to LSC of program activity and resource utilization; 3) performance measures that describe and project program success; 4) information that will lead to an improvement of the overall effectiveness and efficiency of service delivery.



- LSC will design a new management information system to obtain more complete and accurate information about the quality and level of work performed by each grantee and about outcomes achieved for clients.
- LSC's performance standards will include criteria for ensuring that grantees have effective administrative systems in place and that clients receive quality assistance. LSC will provide regular feedback to programs and applicants on the quality of their applications.
- LSC will review the competitive grantmaking process, the performance standards applicable to LSC grantees, and LSC's statutory and regulatory compliance requirements for efficiency, unnecessary duplication and implications for the delivery of high quality, appropriate legal services.
- The provision of training and assistance is a key component of on-site visits to grantees. LSC will increase the amount of training and assistance provided through on-site visits, and increase the frequency and scope of training sessions.
- LSC will support technological applications to assist programs' ability to detect and correct regulatory compliance problems, many of which involve the routine recording of client eligibility information.
- LSC will seek additional funds to increase the presence of LSC staff in the field.
- LSC will seek congressional reauthorization of the Legal Services Corporation Act.

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