



strong case management

well-trained workforce

peer review and learning

adequate resources

accessible services

community partnerships

involved clients

consistent outcomes

A QUESTION OF QUALITY

It is not enough merely to offer legal services. In an era of scarce resources, advocates must assure the provision of high-quality help. Introducing the **QUALITY MATRIX**, a new service model to help providers (and funders) get the most bang for their legal aid buck.

The American legal services community teems with diverse views, passionately held and energetically debated. On some issues, however, consensus is broad and deep. We all agree that legal aid programs exist to provide assistance to clients without the financial resources to get the legal help they need. We agree that the assistance advocates provide must be of high quality. And we agree that our clients deserve the best that our profession requires—namely, advocacy that is competent, zealous, and diligent (the obligation of every lawyer, as codified in the American Bar Association’s Model Rules and Model Code.) “Legal assistance” is a misnomer if it does not give the help-seeker a reasonable chance to obtain a fair outcome in our civil justice system.

However, the question becomes more complex when we begin to think about what constitutes “quality” in legal services. Our profession suggests that a law-school degree and bar passage can prepare attorneys to practice law, but those who have practiced for many years know too well that a bare-bones legal education does not assure skill and competence. Similarly, our profession’s ethical codes and values do not resolve this issue; after all, what does it mean to be competent, zealous, and diligent when scores of needy clients are in the waiting room reminding us that we have far too few resources to serve all those with important legal needs?

Lawyers sometimes assert that “quality” legal representation cannot be defined because it is so dependent on context, suggesting we needn’t worry about our inability to define quality because “we know it when we see it.” Not only is this view illogical—How can we “know” when we “see” something that defies definition?—it is a potentially harmful cop-out given current budgetary realities. We are operating in an age in which our funders require evidence that we are making the highest and best use of the resources

we do have as a condition of continued funding.

Besides, other professions have made progress in defining quality. In doing so, they have been able to act in systematic ways to produce and assure it. Health care professionals, among others, have tackled the quality problem forthrightly. The Institute for Healthcare Improvement reports the findings of its broad-based movement to improve the quality of health-care delivery at www.ihl.org. We know of no similar effort under way in the law. That is why we, as legal services professionals, have a unique opportunity to begin an important conversation about the definition of quality “legal care.”

If other professions can do it, we can surely do the same. We can begin to identify indicators of quality. We can make quality an important national agenda item. And we can begin to hold ourselves accountable to the criteria and standards that emerge from our discussion, for the sake of the tens of millions of Americans who rely on us for justice.

WELCOME TO THE MATRIX

To start a conversation that will move a quality agenda, we need to unpack its possible meanings. Fortunately, there is now a large body of literature that points to a variety of indicators of quality, including some commonly accepted standards for civil legal services delivery (such as the ABA Standing Committee on Legal Aid and Indigent Defendants Standards and LSC Performance Criteria).

Rather than trying to debate and assess whether one approach is superior to others, we have begun to think broadly about indicators that make up what we will call a “quality matrix.” We doubt that there is a single, undisputed best approach to achieving quality. Alternatively, if we hone in on quality from a number of perspectives, we may find that powerful synergies emerge that will allow staff, management, and funders to evaluate and validate quality from a broad base.

Here, then, is our first attempt to identify the core components of a “quality matrix” for legal services providers:

GOOD CASE MANAGEMENT SYSTEMS. Such systems make it easy for advocates to document case activity and client contacts, to avoid administrative duplication, to keep important client information up to date, to secure client documents and funds, to move cases in a

PEER REVIEW AND LEARNING. In a quality program, systems should be instituted for peer assessment and review of casework. Managers are actively involved in case review, using the process as a tool for developing enhanced approaches to case-handling. Training and skills development is multifaceted—and includes internal and external workshops, as well as the use of experts from other programs. A consistent seminar agenda ensures that all staff stay current on policy changes and developments in major areas of client service.

SUFFICIENT RESOURCES TO SUPPORT EXCELLENT PRACTICE. Even staff with appropriate skills cannot produce quality service without access to funds to support case-handling needs (e.g. experts, depositions), online research, adequate libraries, translation services for clients who do not speak English, and administrative support. Therefore, resource development is a critical aspect of a quality legal services program.

CONSISTENTLY STRONG OUTCOMES FOR CLIENTS. Helping our clients achieve meaningful access to the civil justice system is our ultimate goal and the reason legal services programs exist. Sometimes this involves fending off a potentially adverse situation, other times it means securing positive outcomes for our clients, and still others it means simply affording our clients an opportunity to give voice to the grievances they experience. It is not unusual for a quality legal aid program to accomplish all of these goals simultaneously. Increasingly, programs are seeking to document the impact their services have on clients’ lives; indeed, many legal services providers are doing pioneering work in this realm.

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timely fashion, to document the outcomes of legal work, and to provide the reports and data required by funders.

HIGHLY COMPETENT STAFF. In a quality legal services program, management endeavors to hire and retain a core of experienced advocates, while less-experienced staff receive training, mentoring, and supervision by more experienced attorneys. A quality program offers support for ongoing professional development, and employee performance is regularly evaluated in light of qualitative and quantitative service goals. Weaknesses are promptly addressed so that staff members have every opportunity to meet high performance standards.

COMMON APPROACH FOR MEASURING OUTCOMES. While efforts to document the ultimate impact of service on our clients should be encouraged, we can all do something even easier. We should embark on a common effort to document the legal outcome achieved when representation is concluded. While this will not completely identify the benefits of service, such information will offer a foundation upon which other measures can be calculated and determined. Over time, these measured outcomes, combined with other key indicators, will allow profiles of office performance to emerge in a program’s main areas of practice. This outcome information will then be the subject of discussion, comparison, and efforts to improve.

CLIENT SATISFACTION. Quality programs measure

□ By Jeanne Cham and Randi Youells
□ Illustration by Big Sesh Studios

client satisfaction using a wide variety of tools, including inputs, surveys, focus groups, and information from secondary reporters such as community service agencies.

THE EXPANDED MATRIX

Most of the initial categories of our quality matrix are familiar and widely discussed in legal services literature. However, the inclusion of more cutting-edge, quality components may be essential to effectively maximizing scarce resources.

Thus, other components of our legal services quality matrix include:

CLIENT CHOICE AND INVOLVEMENT.

The 1974 statute authorizing the creation of the Legal Services Corporation states that the “availability of legal services has reaffirmed faith in our government and laws.” Indeed, the legal services community has long cherished the goal of client empowerment. A quality provider will offer services in such a way that clients feel more confident in their ability to use our legal system. Some clients, however, for a variety of reasons are reluctant to utilize the services of a legal aid office. High-quality programs recognize that reality and develop alternative ways to reach clients. Using the services of the private bar has demonstrable benefits, including giving clients some choice in their provider.

COMMUNITY PARTNERSHIPS AND SUPPORT. This component of the quality matrix involves a program’s willingness and ability to partner with other legal services, social services, and justice providers to create an integrated, coordinated, and comprehensive legal services delivery system that benefits clients.

A DIVERSE WORKFORCE. Quality providers aspire to have a diverse staff from top professional positions to support staff. This requires effective recruitment and retention policies. Staff diversity is particularly important where the clientele served is particularly diverse.

ACCESSIBILITY. Quality programs provide all prospective clients an equal opportunity to access assistance. Despite the fact that legal services may not ultimately be provided in a given instance, quality providers take steps to reasonably ensure that all those requesting assistance are dealt with promptly, courteously, and offered whatever advice, referrals, or other information that may be of value.

EFFICIENT AND COST-EFFECTIVE USE OF RESOURCES. Clients should get the help they need delivered in the most cost-effective and efficient way. If a client has a straightforward legal need, the skill and experience of the advocate should be appropriate to the need. Experienced and skilled staff should be working on the more complex and demanding cases and projects. If assisted pro se services or the services of a lay advocate can meet a client’s needs, office staffing and resource allocation should reflect this. Effective use of program resources



also involves coordination with all of the legal services providers in the area. The national legal services community now has a diverse funding base, and while this diversity offers opportunities, it also requires greater coordination in order to assure the most effective use of all available resources.

BEST PRACTICES AND COMPARATIVE PEER REVIEW. In our system of decentralized and highly diverse providers, great ideas and approaches to quality can be in place in one office and unknown in another. A program that pushes for high quality needs to know what its peer programs are accomplishing and be open to adopting approaches that have proven successful elsewhere. Such exchanges of “best practices” are critically important to achieving a high-quality legal services system.

BREATHING LIFE INTO THE MATRIX

Legal services providers and those who fund their work each have essential, if different, roles in ensuring quality. In a nutshell, while funders can set the framework for quality, providers make it real. In the final analysis, quality must be designed and validated at the local level. But while funder and provider roles are different, they are also interdependent. Funders provide money to legal services but are generally not involved in the day-to-day provision of assistance. They normally do not have direct control over the quality of services provided by their recipients. However, using their financial resources to support and influence advocates, funders can impact the quality question by:

- Directing grantees to focus on a definable, quality agenda;
- Insisting that providers evaluate themselves (looking to the components of the quality matrix);
- Developing standards for funding a quality infrastructure (e.g., use of technology, a baseline case reporting system, a best practices exchange and reporting system);
- Sponsoring objective, credible research on delivery and quality approaches so that programs have better information and a better basis for choosing service approaches;

ALTHOUGH THE PAST IS BEYOND OUR CONTROL, WE CAN WRITE A DIFFERENT FUTURE IN THE YEARS AHEAD—A FUTURE IN WHICH EVERY CLIENT WHO COMES TO US GETS THE VERY BEST WE HAVE TO OFFER.

- Promoting and supporting intra-program consultation around best practices (e.g., where a program has developed a good system of performance review, ask staff from that program to consult with other programs);
- Investigating and making available to grantees information and approaches that have worked in other fields;
- Investigating and reporting to providers on the best research tools, online services, and case management systems, and wherever possible, by negotiating best prices from those vendors preferred by providers;
- Challenging programs to integrate multiple aspects of the quality matrix into their work and evaluating provider progress on their quality agenda;
- Documenting which components of the quality matrix are most valued by high-performing programs, and based on program-validated experience, assisting other grantees in incorporating similar approaches;
- Assuring providers that honestly assessing and addressing weaknesses will be viewed positively and will result in support and assistance.

While the funder’s role is important, it is obvious that only providers can produce quality service. Resources, support, and framework from funders is essential, but without genuine support at the program level for an active, quality-focused agenda, it will be difficult to achieve broad-based program quality.

The ultimate goal is for funders and providers to work together to continually elaborate and refine the quality matrix—to breathe life into it. Particular program needs, client demographics, and other factors will make some categories of the matrix more valuable to some programs than others. All components of the quality matrix need not be present to have a high-performing program, but many components will be in operation in most quality legal aid operations.

The matrix itself is no more than a tool, reminding us that quality has many aspects and helping us maintain a balance among its important components. For example, if a program chooses to focus on efficiency—defined as low operating costs or a low cost-per-case—it might decide to eliminate neighborhood outreach offices or provide only hotline advice services. This approach would neglect client needs for more extended service and might negatively impact quality goals of equity and access. At the other extreme, a program that defines quality by putting a high premium on staff experience and competency might find out that it is hard to operate an economically efficient legal services program. A mix of better-paid, experienced staff with less-experienced, well-supervised staff might offer

both competence and cost-effectiveness consistent with a range of client needs.

The key would seem to be balance. Providers must be mindful of the broad parameters of the quality matrix while choosing the priorities on which to focus—and against which they are willing to be evaluated. Funders must understand that managers at the program level make decisions every day that will impact, positively or negatively, their ability to address components of the quality matrix.

In the final analysis, the pursuit of a quality agenda is best understood not as a “goal” for which there can be found universal agreement but as a way of redefining the agenda. By laying out a quality agenda, the funder indicates its aspirational priorities. But achieving these priorities—bringing them from aspiration to reality—can only be realized by providers as part of a process in which the balance of emphasis among matrix components shifts over time.

QUALITY CONCLUSIONS

Achieving high quality throughout the legal services delivery system will not be easy. Obviously, in a system in which only 20 percent of our client base is served, additional resources are essential. But the case for more funding can be better made by demonstrating that we are using every dime of what is currently available in the most efficient and effective way. We must be able to demonstrate that we are acting as wisely as any corps of advocates can, given current constraints, in delivering high-quality services to as many clients as possible. With solid documentation of our current activities, we can know a lot more about who is being turned away. Then we will have information on what might have been accomplished with additional resources—crucial data to present to potential funders.

In issuing a call for a national conversation on quality within the legal services community, we are acutely aware that our current challenges and past history may conspire to undermine the acceptance of the funder/provider partnerships and the provider/provider collaborations crucial to driving higher quality. Let’s be mindful of this reality as a way to keep it from happening.

Although the past is beyond our control, we can write a different future in the years ahead—a future whose history will reflect expansion, effectiveness, efficiency, and most importantly, high quality. A future in which every client who comes to us gets the very best we have to offer. ■

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