

Response to the Legal Services Corporation  
Request for Input Regarding its 2011-2015 Strategic Plan  
Submitted by 39 Leaders in the Legal Services Community (listed below)

March 2011

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As many executive directors, managing attorneys, and senior attorneys who have worked their entire careers serving the needs of low income people move on to a well-deserved retirement, legal services organizations are experiencing the departure of their most experienced staff. Over the next few years, as the economy recovers from the recession and the leaders in legal services continue to age into their 60s and 70s, the need to replace that leadership will become even more acute. The future of the legal services community depends upon our ability – both individual programs and the legal services community together – to replace those leaders with talented, committed, and well-trained advocates, managers and leaders.

Unfortunately, we have not positioned ourselves well to face this transition. Legal services salaries are far below that of other public interest salaries, and recent studies have shown that these low salaries hinder our ability to recruit and retain the leaders of tomorrow. Without staff that are talented, well-trained and committed to our work, the quality of legal services programs will decline.

Salaries among legal services programs is an important issue today and for the future. The Legal Services Corporation's next strategic plan should include a focus on increasing salaries for legal services attorneys, with the goal to ensure that programs provide high quality legal services in the future.

**Current State of Salaries.** In its biennial study, the National Association of Law Placement (NALP) found once again that legal services programs' salaries continue to be well below that of other public interest and government attorney salaries. In 2010, the median starting salary for legal services attorneys was 20 percent lower than the starting salary for prosecutors and nine percent

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lower than for public defenders.<sup>1</sup> The salary situation is even worse for legal services attorneys with more experience. A fifteen year veteran of legal services makes 30 percent less than a prosecutor and 21 percent less than a public defender.<sup>2</sup> This discrepancy has only gotten worse over the years.

**Impact of Low Salaries.** Recent studies about retention and recruitment<sup>3</sup> have found that legal services programs are experiencing a high turnover rate, which will become even greater in the next few years. The studies also found that although legal services attorneys leave for a variety of reasons, the number one reason is low salaries. The most recent study found that one-third of the attorneys hired by California legal aid programs in 2005 – 2008 had left by July 2008. In addition, half of the remaining attorneys indicated that they planned to leave their positions in the next three years. The study found that salary was the predominant reason these attorneys have left or will leave.<sup>4</sup>

**LSC's role.** The responsibility to respond to this crisis rests primarily with legal services programs. The leaders of these organizations, both the management and boards, must recognize that low salaries are a barrier to building and continuing strong programs. However, funders, especially large funders, have an important role in meeting this challenge. Frequently, legal services programs feel pressure from funders to serve more clients and turn out more numbers, even when

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<sup>1</sup> NALP's 2010 *Public Sector and Public Interest Attorney Salary Report*, which found that the starting salary for legal services attorneys was \$42,000, compared to \$45,700 for public defenders and \$50,000 for local prosecutors. See also "Legal Services Salaries in Context: New Data Paint a Bleak Picture" by Steve Grumm, *Management Information Exchange Journal*, v. XXIV No 3, Fall 2010, page 29.

<sup>2</sup> See NALP Study cited above. Salary for a 15+ year attorney in legal services was \$71,171 compared to \$86,018 for a public defender and \$92,870 for a local prosecutor.

<sup>3</sup> *Shaping the Future of Justice: Effective Recruitment and Retention of Civil Legal Aid Attorneys in California*, April 2010, available at [www.CALegalAdvocates.org](http://www.CALegalAdvocates.org); *The Quest for the Best: Attorney Recruitment and Retention Challenges for Florida Civil Legal Aid*, September 2007, available at [www.flabarfdn.org](http://www.flabarfdn.org). *Investing in Justice: A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys*, November 2006, available at [www.chicagobarfoundation.org](http://www.chicagobarfoundation.org).

<sup>4</sup> See *Shaping the Future of Justice*. See also "California's Attorney Recruitment and Retention Report: Results Can Be Helpful for Other Legal Aid Organizations" by Kelly Carmody, *Management Information Exchange Journal*, v. XXIV No 3, Fall 2010, page 24.

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funding is flat or decreasing. Without specific authorization and encouragement from the Legal Services Corporation and other funders, many legal services managers will use increases in funds to hire more staff instead of giving raises that are necessary both to reduce turnover and provide salaries at levels that adequately compensate staff that stay. Leadership from LSC could change that. LSC could be a leader among other funders, highlighting the need for LSC funded programs to pay competitive salaries, in order to maintain and build quality programs. LSC has taken an important leadership role on the issue of loan repayment. This is a logical extension of that valuable work.

LSC has many tools at its disposal to demonstrate this leadership, including the Office of Program Performance Quality Assessment visits and the LSC Performance Criteria. Using these tools to highlight the need for competitive salaries could have great impact on legal services programs. In addition, LSC could leverage its leadership role among legal services funders to create a culture among LSC funded programs and their larger funders that not only encourages, but expects that quality programs pay competitive salaries. By including the salary issue in its strategic plan, LSC can raise the visibility of this important issue.

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**Submitted by:**

Kelly Carmody  
Principal  
Carmody and Associates

Catherine Carr  
Executive Director  
Community Legal Services

Colleen M. Cotter  
Executive Director  
The Legal Aid Society of Cleveland

Steven Grumm  
Director of Public Service Initiatives  
National Association for Law Placement

John Tobin  
Executive Director  
New Hampshire Legal Assistance

Silvia R. Argueta  
Executive Director  
Legal Aid Foundation of Los Angeles

Ramon Arias  
Executive Director  
Bay Area Legal Services

John Bouman  
President  
Sargent Shriver National Center on Poverty  
Law

Paul Doyle  
Director, Legal Assistance for the Poor/  
Law Student Assistance Grant Programs  
Florida Bar Foundation

Neal S. Dudovitz  
Executive Director  
Neighborhood Legal Services of Los Angeles  
County

Daniel K. Glazier  
Executive Director  
Legal Services of Eastern Missouri

Robert Glaves  
Executive Director  
Chicago Bar Foundation

Robert Gross  
Legal Services Consultant

Devon Lee Lomayesva  
Executive Director  
California Indian Legal Services

Jean A. Lastine  
Executive Director  
Central Minnesota Legal Services

Angela M. Lloyd  
Executive Director  
Ohio Legal Assistance Foundation

Gregg Lombardi  
Executive Director  
Legal Aid of Western Missouri

Andrea E. Loney  
Executive Director  
South Carolina Legal Services

Ken MacIver  
Executive Director  
Merrimack Valley-North Shore Legal Services

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Norman P. Metzger  
Executive Director  
Indiana Legal Services

Anita Santos-Singh  
Executive Director  
Philadelphia Legal Assistance Center

Lillian M. Moy  
Executive Director  
Legal Aid Society of Northeastern New York

Antone G. Singsen, III  
Consultant

Kevin C. Mulder  
Executive Director  
Legal Aid of Western Ohio

William T. Strouse  
Executive Director  
New Mexico Legal Aid

Nikole Nelson  
Executive Director  
Alaska Legal Services Corporation

Gary A. Taylor  
Executive Director  
Legal Aid Services of Oklahoma

Michael T. O'Connor  
Executive Director  
Prairie State Legal Services

César Torres  
Executive Director  
Northwest Justice Project

Dave Pantos  
Executive Director  
Legal Aid of Nebraska

Deirdre Weir  
Executive Director  
Legal Aid and Defender Association

Barbara J. Prager  
Executive Director  
Coast to Coast Legal Aid of South Florida

Diana C. White  
Executive Director  
Legal Assistance Foundation of  
Metropolitan Chicago

Alison Paul  
Executive Director  
Montana Legal Services

John E. Whitfield  
Executive Director/General Counsel  
Blue Ridge Legal Services

Robert V. Racunas  
Executive Director  
Neighborhood Legal Services Association

Adrienne Worthy  
Executive Director  
Legal Aid of West Virginia

Connie L. Rakowsky  
Executive Director  
Legal Advice and Referral Center

Ernesto Sanchez  
Executive Director  
Idaho Legal Aid