

ILAG 2001

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International Legal Aid Group

Randi Youells
Why Legal Services
Have to Change

Melbourne
Australia
13-16 July

Why Legal Services Have to Change

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May 2001

" Hold fast to dreams--For if dreams die--Life is like a broken-winged bird--- That cannot fly--Hold fast to dreams--For when dreams go-- Life is a barren field-Frozen with snow"--Langston Hughes

Within the last quarter century, the provision of legal services to low-income people in the United States has changed dramatically. Twenty-five years ago when I started my legal services career in a rural Midwestern state in the USA, computers were virtually unheard of in the legal community. Typewriters with "correctable tape" were the latest innovative marvel. Educational presentations on cutting edge issues of the law were made in person using blackboards and microphones. Clients came to *us* and we were accustomed to and comfortable with that. After all, we possessed the requisite knowledge. If a client had a legal problem she got in her car--or on the bus--and came to our office. When she arrived on our doorstep, she spoke English. Society as a whole tended to like and respect us as lawyers and we were generally comfortable in our own skin. On a personal level, most of us were at a stage in life where all things were possible. One and one really did equal 2---not 22 or 222 or negative 2 as we learned later it

could mean. Life in legal services was an adventure. We had no doubts that we could change the world. We truly believed that we would live forever, that we were doing "God's" work (and that everyone knew it and appreciated us for it) and that poverty and injustice would be eradicated in our lifetimes.

That world no longer exists. As we have grown older, we have learned that all things are not possible; that 1+1 might not equal anything at all; that we won't live forever; and that the lives of low-income people would not be any better in 2001--and in some instances would be much worse--than they were in 1976. In the last quarter-century, we have also borne witness to a transformation of historic proportions within the community of legal aid. The outside world is rushing down a super-information highway toward a global village where information is instantly available on a worldwide web of databases. Our clients have changed. They are much more diverse in gender, culture and ethnicity. They are both younger and older. They have problems scheduling visits to a legal services office because they often work. The common practice of keeping offices open only during conventional work hours does not fit into their lives or meet their needs. Their legal needs have grown more complex as the law has changed creating new rights and responsibilities for children, victims of domestic violence, immigrants, to name a few groups. Clients have become more assertive with much higher expectations. They are demanding that we meet their diverse needs. They do not passively accept what we choose to give them and when we choose to give it. And they have grown increasingly suspicious of the legal and judicial

systems. Public confidence in the legal system has turned to cynicism. Justice is seen as being the province of the people who can pay for it. Lawyers in general are accused of pricing themselves out of the reach of ordinary citizens. And legal services lawyers stand accused of reneging on our promise to deliver both better access and higher quality. Our funding continues to fluctuate. Some years we go up. Other years we go down. And the delivery system that was so comfortable for us twenty-five years ago--defined primarily by small community-based legal aid offices—is being transformed into a system defined by broader communities of justice.

These challenges, changes and attitudes have shaken us to the very core of our collective being. The confidence with which we practiced "legal services law" twenty-five years ago has given way to rigidity and a reluctance to change. Dealing with the kinds of change that we witnessed over the last quarter-century requires creative thinking and an eagerness to adapt. There are no simple solutions. We have been asked to explore, understand and respond to extraordinary significant demographic changes among our clients and client communities; we have been required to incorporate cultural and linguistic differences into our delivery systems; we have been confronted with the need to operate efficiently and effectively with declining resources to respond to overwhelming client demand; and we have been required to adapt to and use changing technologies (such as computers, T-1 lines, websites and Voice Over IP technology) to deliver critical services to low income people. Not all of us have been able to adapt.

The good news is that a broad understanding of what is required in this new world of legal services is growing and a new enthusiasm for getting things done is evident. A new paradigm for how to achieve our goals of access to justice and quality legal services is on the horizon as we create delivery models focused on the combined assets of the equal justice community rather than on the individual assets of individual legal aid programs; models that look at the strengths of our community as opposed to our deficits, challenges and weaknesses; and models that prepare for the future in lieu of dwelling on the past. This is not to say that everyone within the legal services community in the United States is on board with this new paradigm. There are plenty of people who believe that the whole point of legal services is not to change, is to be a "constant" in a changing world, a kind of gold standard of quality and consistency at a time when the values of the justice system are fluctuating widely. People like this tend to look back to the legal services world of the past with yearning and nostalgia. They are not optimistic about the future. To them legal services is loaded with symbolic meaning, a kind of "holy icon", and a last bastion against the forces of injustice and inequality. Any change is almost bound to be for the worse.

I personally don't think that *all* of the pessimist's fears are unfounded. I believe that legal services advocates and staff around the world do need to act to protect those values we hold dear and which have longed defined our community--a commitment to justice and equality, the valuing of diversity, a

pledge to quality--and we need to do so boldly and with passion. But I am going to argue in this paper that legal services has to continue to change and change radically if it is to remain relevant and viable in this "brave new world". Although our ideals and ideas are as compelling as ever (and will perhaps become even more compelling in the future) they are sometimes blurred by wishful thinking and sentimentality.

Over the last several years, the legal services community in the United States, under the leadership of Legal Services Corporation President John McKay, has pursued a fundamental review of our delivery system---the most far-reaching and challenging we have ever undertaken. The objective has been to create coordinated and integrated equal justice communities, which live up to the values and ideals that legal services programs were initially created to protect but which also make sense in this new and ever-changing environment. These justice communities must address some of the justified criticisms of the pessimists head-on but they also have to deliver efficient, effective, full, equal and high-quality services to our clients and client communities. To meet these very ambitious goals, there can be no topics of discussion that we can or should ignore.

So this is a kind of status report, a summary of emerging themes and ideas. It's mainly about the legal services delivery system in the United States but I hope it will seem relevant to legal services providers in other countries

because all over the world, legal services programs and staff are facing similar issues and similar battles.

Harnessing Technology

In April 2001, the Legal Services Corporation (hereinafter LSC) facilitated a conference entitled "Creating Client-Centered State Communities of Justice". This conference brought together clients and client advocates from throughout the United States to converse *"openly and frankly about the challenge of functioning as a client-centered legal services system; to consider the challenges and opportunities that arise in building and maintaining client-centered legal services; to improve our understanding of how legal services programs can respond more directly to clients' needs; and to identify ways in which clients and client groups can work in partnership with programs"*. Several papers developed for this conference focused on technology and how it can be harnessed to improve the delivery of legal services to low-income clients. Tim Watson, a Program Counsel with LSC, developed a paper that demonstrated that the digital divide within the United States--the gap between middle and low-income families in their knowledge of, access to, and use of the Internet and other technologies--was rapidly closing (see Watson, Tim. "Technology for Legal Services Clients", March 2001.) Mr. Watson observed that since the legal services client population will have increasing access to the new information technologies and the

Internet, technologies to serve clients, and to disseminate community legal information and self-help information need to be more widely used by legal services programs throughout the United States.

While it is certainly true that many legal services programs have begun to use technology to improve services to the client population--in fact LSC has granted over 11 million dollars in earmarked technology funds in the last two years-- it is equally true that many have been reluctant to radically transform their delivery system to accommodate these new resources. Our biggest problem has not been the lack of dollars or a lack of access by clients to emerging technologies but indeed has been the traditional structure of legal services delivery within the United States and staff resistance to rethinking assumptions about how we define the provision of legal services.

Three criticisms of technology in the legal services environment stand out:

1. It will depersonalize and dehumanize our contact with our clients and client communities;
2. It will diminish the role of federally-funded legal services programs;
3. It will be used ultimately to reduce funding for legal services and cut the number of programs throughout the country.

A favorite theme of legal services staff--especially those of us from the baby boomer generation who are uncomfortable with technology and suspicious of

delivery systems that embrace hotlines and/or centralized intake and advice-- is that the use of technology and technological innovations to change how we deliver essential services to low-income people will dehumanize us and our relationships with our clients and client communities. But how do we reconcile a belief that a personal "hands-on" relationship with clients is a bedrock value with the knowledge that many of our potential clients never seek us out? If the statistics are correct and the legal services programs in the United States are reaching only 1 out of 5 eligible clients (and I have no reason to believe that they are not correct) then the whole argument about the importance of our connections with our clients and client communities is rather spurious. If 80% of the people who need our services never see us or hear from us, how can we argue that we are personally connected to them? And how can we assert that it is better to be "personally connected" to 20% of our eligible clients if it means that 80% of the eligible client population goes unserved. I propose that it is better to be "connected" in some fashion or another with as many of our potential clients as possible, using all available mechanisms, than it is to have a personal relationship with 20% of our clients at the expense of everyone else. Further, I suggest that this need for "personal connection" with clients and client communities may grow out of our own needs and desires--the need to be respected, the need to bond with other humans, the need for professional and personal validation-- as opposed to the needs and desires of our clients. And we ought to seriously question the appropriateness of obtaining personal psychic rewards at the expense of our clients and their critical legal problems. Moreover, I would argue that we can, as many

programs are proving every day, have both "high tech" and "high touch". Indeed, more "high tech" may allow us to have more "high touch". Technology, if properly used, can make legal services more personal to and relevant for our clients because it can be tailored to their individual needs and expectations and can link them with services and resources previously unavailable to them. A perfect example of this is a project in South Carolina, which is creating a virtual legal aid office in every county of the state including 23 counties that do not have legal services offices. Each of these virtual law office workstations will offer self-help videos and clinics and real-time video conferencing between staff and clients. Video-conferencing is "high tech"; face-to-face contact between people who may otherwise never have interacted is "high touch".

Another unspoken fear of legal services advocates is that technology will reduce their role in the provision of services. Ironically, the reverse is true. Technology can elevate rather than diminish the importance of legal services lawyers. It can free lawyers to do what they do best-- practice law and go to court. They can assist clients in those venues where a lawyer's presence is essential rather than taking time to give them information that they can more easily get electronically on their own--often in their own homes or communities. Legal services lawyers will be free at least to return to those heady days of the late sixties and early seventies when we defined our roles in terms of our successes as advocates in the judicial process.

If we use all of the technologies available to us, legal services lawyers will have a different role but it will not be a lesser role. In an age when information doubles every half-decade we can begin to empower our clients to learn how to acquire and utilize all of the legal information that is now or will become available to them and, in turn, let staff attorneys help clients in forums for which a law license is an essential element. And perhaps most important of all, technology may help to end that long simmering conflict within the legal services community as to whether it is better to help many individual clients with day-to-day legal questions and concerns or help fewer clients dramatically improve their lives and move up and out of poverty. Both are important. And both depend on accurate and accessible information.

Finally, fears that the transformation of the delivery of legal services made possible by emerging technologies will be used to reduce the number of legal services lawyers or funding for legal services or salaries for legal services lawyers because of the reduced importance of their role are rather silly. Surely we must realize that when we are currently serving only 1 out of 5 eligible clients, no one--at least no one with a conscience--could persuasively argue that we need fewer legal services dollars and fewer legal services lawyers. And those passionate advocates of full-range legal services, many of whom fear that technology will trivialize the provision of legal services to website hits, must understand that in the final analysis, technology will promote our collective ability to deliver a full range of legal services.

Technology will free our best asset, our staff, to do what they do best, and what they do best is practice law.

Despite all of the advances in technological innovation that many legal services programs have made within the last three years, we in the United States legal services community still exist in the dark ages. We do not make use of the full range of resources available to us to deliver information and services to our clients and to those potential clients who never walk in our door. And unfortunately, slow incremental change, our favorite course of action, will no longer work. Our time is short as broader societal changes are occurring at ever accelerating speeds. We need nothing less than to transform how we harness technology in each of our communities of justice to reach and serve our clients.

Thinking the Unthinkable—Measuring Our Performance and Eliminating

Our “Weakest Links”

As a by-product of a recent TV game show, the phrase "You are the weakest link---Good-bye" is resonating in American popular culture. I personally like it--it's cute and it's catchy. But it has also caused me to give serious thought to our "weakest links" within the legal services delivery system. How do we identify them? How do we encourage them to improve and meet the standards commonly expected of high quality legal services providers? And if improvement becomes impossible, how do we eliminate them from the legal

services delivery system? Conversely, how do we objectively identify our "strongest links"? How do we reward them for their quality? And how do we make others want to emulate them?

For the entire period of time that I have been associated with legal services, and probably even longer, the legal services community has operated under the assumption that because we are doing "God's" work everyone understands or should understand the value of what we do. This assumption has prevailed even in the face of tremendous evidence to the contrary. In November 2000, A National Message for Civil Legal Aid, prepared for the Open Society Institute by Belden Russonello & Stewart, cited the finding that only "13% of Americans say they know that a program of government-funded civil legal aid exists and can also offer a name that comes reasonably close to describing civil legal aid." And the opposition we have faced over the years in Congress and in other forums further demonstrates that many people do not understand who we are or the value of what we do.

Fortunately, we are in a position to begin to do something about our reputation and lack of visibility. The Russonello study lays out an action plan as to how the legal services community can make itself better known and understood through a broad-based publicity and education campaign. However, in order to effectively communicate our story we have to be able to describe and define it and do so more broadly than by the use of "soundbite" vignettes featuring individual case histories. We must be able to define it

nationally in terms of outcomes for our clients. For too long, we have tried to define our work by counting our closed cases. Simply counting closed cases makes what we do look easy and undemanding. It trivializes complex and exacting lawyering by reducing the provision of legal services to numbers. Therefore, we must begin to describe our story in terms of the change we have brought in the lives of our clients and their communities.

Developing the capacity to describe our story in terms of impact upon our clients' lives is not the only reason we need measurable performance criteria. We need to be in a position to objectively track our performance. It is no longer defensible to be unclear about how we are doing in terms of our performance as a national legal services delivery system. Earlier in this paper I suggested that certain values have long defined the legal services delivery system within the United States and that one of our most cherished values has been and continues to be a commitment to quality. Unfortunately, at the same time that we have held ourselves out as the champions of quality, we have also long tolerated the existence of legal services programs that we know are functioning below appropriate levels. That reality has been one of our dirty little secrets. It has also been our "Achilles" heel in that it has allowed our adversaries—the people who oppose the very idea of federally funded legal services—to chip away at our financial and political support.

If we are truly committed to maximizing our scarce resources while improving the quality of our services we need to know how every component within our

delivery system is functioning. Performance standards will give us that information. Once the information is collected, it must then be coordinated and synthesized at the national level to allow a full analysis of how each federally funded program compares with the others and with national standards. Results must be publicly disclosed. Our clients, our funders, our stakeholders, our supporters and the general public should all know how the legal services program in their local area measures up against all of the other legal services programs throughout the United States.

But we shouldn't stop there. Once the information has been gathered and analyzed and once we have concrete objective information we can use to measure the performance of each legal service program, we then need to shed ourselves of our "weakest links". Programs that do not meet our commonly-accepted standards of performance should be given a finite period of time in which to improve themselves and the national community and other legal services providers must commit themselves to allocating time and resources to help failing programs. However, programs that cannot or will not meet our community's standards of quality in a defined and limited period of time should be defunded. They are our "weakest link". I know that sounds harsh and I am acutely aware of the fact that many of my friends and colleagues within the legal services community in the United States will disagree with me. They will argue that definitions of quality can vary. They will argue that a blanket invitation to defund "failing" programs can and will be used by the adversaries of legal services to put us out of business. They

will argue that every legal services program is doing the best they can with their limited resources. They will argue that the defunding of a program should only occur in the most drastic of circumstances; i.e. malfeasance or misappropriation of funds or bad fiscal management. To them I would simply respond that the failure of a federally-funded legal services program to provide quality legal services to clients and/or the failure of a program to meet commonly accepted performance standards, which are being met and in many cases exceeded by many other legal services programs in our country must, if we are to continue to preserve quality as a cherished ideal, be considered a “drastic circumstance” equal to malfeasance or misappropriation of funds. The alternative is to abandon our commitment to quality as one of our core values and admit to ourselves and others that in the final analysis quality doesn’t matter to us nearly as much as does preservation of the status quo.

Embracing Change

Earlier in this paper I noted that during the last few years the American legal services community has pursued a reengineering of our delivery system that has resulted in fundamental and widespread change across the country. Federally-funded legal services programs have been challenged to work with other interested parties to develop equal justice communities that address the identified needs of low-income persons in the present—regardless of where they live or who they are—while ensuring that the civil legal needs of future

generations of low-income persons can be efficiently and effectively addressed. In many states this "state planning" initiative has resulted in a reduction in the number of programs funded with federal legal services dollars although the dollars themselves have recently increased.

Although most of us understand that the world in general and the world in which legal services operates is changing, there has been much less agreement about whether legal services should change too. Many of us within legal services have found ourselves caught between passionate traditionalists who are desperate to reassert the primacy of "traditional" legal services and a growing number of people who are marching to a different drum. At times the debate has become personally ugly and long-term legal services supporters who have joined the ranks of "change agents" have come under heavy criticism and personal attack for their activities. Recently, one person whose opinion I value and whom I deeply respect said that the state planning initiative pursued by LSC was nothing less than the ultimate moral test for the legal services community and that many of us had failed that test. She believes that the reduction in the number of legal services programs throughout the United States that occurred as part of the reengineering of the delivery system has been misguided and that those legal services advocates who had actively participated in this reengineering had betrayed the very ideals that had made the legal services community vibrant. When I observed that the concept of "betrayal" was very strong in its negative connotations,

she responded that she could think of no other word that would so accurately and effectively portray her point of view.

This journey of change that the American legal services community has pursued for the last several years has been a controversial journey and it should probably come as no surprise that some of us feel betrayed by others of us. Behind the idea of “traditional” legal services lie some of our oldest and dearest ideas about what legal services should be all about—local control, “high-touch” connections with our clients, a refusal to accept funding that may have “strings” attached or could deter us from pursuing our “core mission”, a reluctance to compromise our ideals in the face of political opposition. But the problem has been and continues to be that the whole question of what is and what is not our core mission—and what is and is not valuable within the American legal services delivery system-- is itself up for debate. There is certainly an active coterie of individuals who believe that what we call “traditional” legal services is our one true religion and that it is the duty of legal services advocates and supporters to defend it to the death. But for other legal services advocates and supporters, and probably for a large majority of our current and potential clients, “traditional” legal services should be just one component of a world-class legal services delivery system. These people see themselves as realists and not as traitors. They believe that the traditionalists are caught in a time warp.

For me, the most serious problem that we currently face may not be the changes themselves but may be the fact that that we have allowed our differences of opinion on where, when and how to change to divide us. Change has always been a part of the world of legal services. In fact, our history is one marked more by change than it has been marked by constancy. In the seventies we passionately debated the value of impact work versus service work. We argued over the need for class action lawsuits. Some of us saw class actions as a legitimate tool in the arsenal of strategies available to us to zealously represent poor people. Others of us believed that class actions enraged and empowered our adversaries and operated more to assuage the professional egos of legal services advocates than they did to advance the rights of low-income clients. We debated whether it was more difficult provide services to the urban poor than it was to provide services to the rural poor and we tried to link funding to that debate. We clashed over funding formulas in general. We argued over the practice of accepting local dollars tied to particular client groups or legal issues. Some of us believed that legal services programs had to expand their funding base and seek out alternative sources of funding. Others were concerned that by accepting earmarked local funding we diluted our capacity to provide quality legal services to our core client groups. In fact I have been around so long I can remember a passionate debate over whether legal services providers should accept federal dollars to serve senior citizens. Twenty-five years later, it is almost a tenet of faith that legal services programs must seek out and accept other federal funds to expand the delivery of legal services to senior citizens.

As I think about our last quarter-century it becomes obvious that differences of opinion as to where we are going and how we should get there have long defined American legal services. We are and have been a community that believes in equal justice and we have accepted the fact that we have divergent and diverse views as to how we define equal justice and how we make it real. What is different now is that the tone and tenor with which we conduct our debates has become strident and personal. Rather than accepting differences of opinion and philosophy as part of the rich tapestry of legal services life, we denigrate our opposition. We attack each other's motives, philosophies, communication styles and political beliefs. I fear that the possibility that we will destroy ourselves is much greater than any danger that the changes we are witnessing will destroy us.

Largely as part of the outgrowth of "state planning" we have recently spent significant time and energy within the American legal services community discussing how to survive and manage change. These are important discussions to have. However, we need to spend more time and energy discussing how to create additional change. In the final analysis, change is a sign of hope. During the eighties and again most recently in the mid-nineties, those of us operating within the United States legal services community did not expend any time or energy discussing "change" because we were too busy trying to survive. Now that we have finally begun to achieve broad non-partisan support for our important work, we are once again hopeful for the

future. We must now turn our attention to instituting those changes that will be necessary to the provision of comprehensive and high-quality services and that are relevant to the way clients live now and will live in the future.

I will end this essay with the poem with which I began:

" Hold fast to dreams--For if dreams die--Life is like a broken-winged bird--- That cannot fly---Hold fast to dreams---For when dreams go--- Life is a barren field--- Frozen with snow"--Langston Hughes

It is a simple poem but a meaningful one in terms of the worldwide legal services community. Our work is and has long been the work of dreamers and change agents. Our movement was forged on the anvil of great societal changes and our early leaders were the facilitators of that change. We did not pursue change for its own sake. Rather, we pursued change to further our dreams of justice and equality. Our dreams transcended then--and transcend today--our individual needs and desires and connect us with the hopes, contributions, and sacrifices of our clients and society at large. And perhaps most importantly, despite our history of challenges and problems, our dreams remain intact. If we are going to continue to be in a position to realize our dreams we must remain open to trying something new--to taking risks--to being innovative. Our clients are counting on us.

Appendix

TECHNOLOGY INITIATIVE GRANTS

2000

Legal Services Corporation

Pursuant to a request from the Board, the purpose of this compilation is to provide descriptions of the activities funded in 2000 by the Technology Initiative Grant Program in the Office of Program Performance. What we learn from these activities will repay the investment many times over, and the systems we develop will play a major role in advancing the Board's goals of increased client access and efficient service delivery. The design of these activities -- and the collaboration it often requires -- have both enhanced, and been enhanced by, the Corporation's emphasis on state planning efforts.

If you have need for more information, please do not hesitate to contact the technology unit in the Office of Program Performance.

John McKay, President

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PROJECT CATEGORIES

MODEL TECHNOLOGY PROJECTS - \$1,471,186 committed

Integrated, organized statewide model program:

- seamless intake and referral
- statewide web site
 - pro se information and pleadings
 - advocate tools - brief banks, forms
 - referral to resources for clients
- integration with court systems, electronic filing
- statewide technology support
- statewide training program for all staff

INNOVATION PROJECTS - \$2,070,129 committed

- Create new technology structure in a state to enhance client access to pro se and legal information
- Special consideration for partnerships with state court systems

INTEGRATION PROJECTS - \$608,450 committed

Advance the integration of delivery systems.

Examples:

- coordinated statewide technology plan
- statewide seamless intake
- pro bono network development
- model statewide web site integrating access, pro bono, pro se, and advocate tools, to be used as a template nationwide
- development of model for integrating electronic filing into legal services and pro se practice

Special consideration for partnerships with state court systems

(Total of \$4,149,765 committed)

GRANTEES BY CATEGORY

MODEL:

Arizona – *DNA, People’s Legal Services*
Hawaii - *Legal Aid Society of Hawaii*
New Jersey - *Middlesex County Legal Services Corporation*
South Carolina - *Legal Services Agency of Western Carolina*

INNOVATION:

California - *Bay Area Legal Aid and Legal Aid Society of Orange County*
Florida - *Central Florida Legal Services, Inc.*
Indiana - *Legal Services Organization of Indiana*
Iowa - *Legal Services Corporation of Iowa*
Kentucky - *Cumberland Trace Legal Services, Inc.*
Maine - *Pine Tree Legal Assistance*
Maryland - *Legal Aid Bureau*
Michigan - *Legal Aid of Western Michigan*
Minnesota - *Southern Minnesota Regional Legal Services*
New York - *Legal Aid Society of Northeastern New York*
Oregon - *Legal Aid Services of Oregon*
Pennsylvania - *Lehigh Valley Legal Services*
Texas - *Texas Rural Legal Aid, Inc.*
West Virginia - *West Virginia Legal Services Plan, Inc.*

INTEGRATION:

Arkansas - *Center for Arkansas Legal Services*
Colorado - *Colorado Legal Services*
Mississippi - *North Mississippi Rural Legal Services*
New Mexico - *Community and Indian Legal Services of Northeastern New Mexico*
New York - *Legal Aid Society of Northeastern New York*
North Carolina - *Legal Services of North Carolina, Inc.*
North Dakota - *Legal Assistance of North Dakota, Inc.*
Ohio - *Ohio State Legal Services Association – 2 grants*
South Dakota - *East River Legal Services South Dakota*
Texas - *Legal Services of North Texas*
Vermont - *Legal Services Law Line of Vermont*

WHAT THE TECHNOLOGY INITIATIVE GRANT PROGRAM WILL MEAN TO *CLIENTS* . . .

- Faster, seamless intake
 - More access to advocates with less travel
 - More uniform access
 - More self-help information in more formats
 - More self-help legal forms
 - More assistance with self-help issues
 - Increased court assistance
 - Advocates who are better trained & better informed
 - Increased Pro bono involvement
 - More knowledge about using technology
 - Efficient use of resources
-

TYPES OF TECHNOLOGY APPLICATIONS FUNDED

Web-site Development

- Self-help information and legal forms
- Instructional videos
- Pro Bono information

Self-Help

- Court-assisted Work Stations
- Instructional videos
- Legal forms
- Community Legal Education

Video-conferencing

- Lawyer-client
- Advocates (training)

Systems Integration

- Wide Area Networks
- Case Management Systems
- Voice Over IP (VOIP)*

Intake Systems

- Statewide
- Regional

GRANTEES IN THE “MODEL STATE” CATEGORY

Legal Aid Society of Hawaii

\$462,085

This technology project, totaling almost \$800,000, will improve access to justice for remote clients.

- By using video-capable workstations on remote islands, clients can have face-to-face interviews with legal aid attorneys.
- Self-help materials, volunteer lawyers, translators, and service agencies will be included on a web site accessible by clients.
- The project will train state library personnel to use the library system’s Internet computers to help clients access the web site.

This project will be a model for other states where geographical barriers or vast distances prevent access to justice.

Middlesex County Legal Services Corporation – *New Jersey*

\$267,970

This project will enhance self-help and improve communications in the New Jersey legal aid system. By using T-1 lines¹ and enhancing the hardware in the statewide WAN (wide area network), clients and lawyers will use Voice Over IP (VOIP) technology to use computer workstations to see and speak to one another through internet connections. Clients will be able to watch instructional video clips about the legal system. Images and voices will be sharp and clear, and long-distance charges will be substantially reduced.

This project will also employ and evaluate a centralized technical support helpdesk with remote diagnostic and repair capability.

Legal Services Agency of Western Carolina – *South Carolina*

\$501,600

This \$1.8 million statewide technology project, entitled “Partners for Justice,” will set up a virtual legal aid office in every county of the state, including 23 counties that do not have legal services offices. Each of these virtual law office workstations will consist of computer, monitor, scanner, printer, microphone, and video camera. These virtual law offices will offer self-help videos and clinics and real-time video-conferencing between staff and client. Clients will be able to obtain court

¹ T-1 lines and, to a lesser degree, DSL lines allow more information to travel through a line in any given instant by allowing transmissions in a greater range, or band, of frequencies. (Hence we have the term *broadband*.)

pleadings from the clinics or the project's web site. The virtual law offices will be housed in churches, municipal offices, elementary schools, boys' clubs, law firms, shelters, and funeral homes.

Other funders include the state's LSC programs, the South Carolina Bar, and the South Carolina Bar Foundation.

DNA – People's Legal Services – *Arizona and region*

\$246,925

This project, entitled "Computers That Speak of the Law,"² employs high-speed satellite connections and broadband lines to communicate with kiosks in remote offices in Utah, Arizona, and New Mexico -- all served by this Native American program. These kiosks will have touch-screen capability and will consist of monitor, computer, printer, and web camera. By touching symbols and text in Navajo, Hopi, and English, users and clients will select, view, and print community legal education information, pro se forms, and social services information from the project web site. DNA will create digital video, audio and text files containing *pro se* and community legal education resource materials, and will transmit this information, including updates and additions, to all offices simultaneously through the remote server in northern Arizona. Users will have access to this important information without having to speak to advocates, and they will become familiar with the uses of technology in the process.

² Translated from the Navajo: Naalkidi bee haz'aanii yaa halne'

GRANTEES IN THE "INNOVATION" CATEGORY

Bay Area Legal Aid - California

\$175,235

This LSC program, also known as BayLegal, was formed on January 1, 2000 through the merging of three existing programs. They were presented with the formidable task of combining five intake systems, three case management systems, two word processing applications, two Web sites, and four e-mail systems. In the Communications Unification And Support Project (CUSP) they will:

- expand the existing wide area network to include other regional offices
- reconfigure their database technology so that one database server will be available throughout the WAN, using software that will allow communications with individual workstations by reducing the amount of processing at the workstations themselves
- unify word processing software and legal documents
- create a document production system that will allow advocates and clients throughout the region to use networked computer terminals to easily access forms and information, and
- train staff to use these new systems.

Central Florida Legal Services, Inc.

\$176,925

This "Legal Helpline" project will demonstrate whether or not the use of an outside company to provide the phone system and operators for the intake function is more efficient than other centralized intake approaches, hotlines, or traditional methods. In this project, three legal services recipients serving 22 counties will contract with a national hotline operator, Tele-Lawyer, to provide intake and routing. By "out-sourcing" this function, the projects will forego the usual staff and equipment expenses associated with the startup and operation of a hotline or centralized intake system. When clients call in on the Helpline, Tele-Lawyer operators will complete the intake process and then transfer eligible clients to a designated duty office in the three programs. It is anticipated that the wait-time for clients will be dramatically reduced. Tele-Lawyer will also act as an application service provider for the project; it will store and manage the case management data of the project on its own server. All advocates in the three participating LSC programs can access the database.

Cumberland Trace Legal Services, Inc. - Kentucky

\$101,600

This LSC program is the result of a merger in which a smaller contiguous program was absorbed. In order to unify case acceptance and client services, CTLS will integrate intake and case management in the new 34 county service area by establishing a wide area network (WAN), combining databases, and setting up a centralized intake unit using a toll-free service. They will reconfigure their database

technology so that one database server will be available throughout the WAN, using software that will reduce the amount of processing at the users' workstations. Operations will be improved by increasing the speed with which local offices can access data and route cases and thus better serve clients.

Legal Aid Services of Oregon

\$175,959

This pro se online information project is designed to complement the state's Online Court Forms And Electronic Filing Project. In this addition, pro se litigants who access the state's centralized web site in marriage dissolution cases will link to a legal services web site containing specific substantive legal information about the court forms on the central state site. This information, which will be developed for this project, will assist pro se litigants in completing the forms. Fifteen workstations will be set up in legal services offices and in the offices of collaborating social services providers in communities throughout Oregon.

Legal Aid Bureau - Maryland

\$48,925

In conjunction with the Maryland Legal Assistance Network (MLAN), this project will equip ten sites with legal self-help stations to increase client access to self-help materials online and telephonic advice through the MLAN hotlines, as well as to the existing on-site pro se project staff. Each self-help station will consist of computer, modem, heavy-duty telephone, and printer. Clients will have access to the wide variety of legal information, self-help information, and court forms that are already available in the Maryland statewide legal aid community. This project includes a substantial staff training component and a circuit-riding part-time consultant to work with the sites.

Legal Aid Society of Northeastern New York

\$176,600

This project, entitled LawHelp, will improve access to self-help information and to information concerning the availability of legal services and community agencies by creating a database that will be accessible through a web site. Clients, courts, legal service providers, and social services organizations can conduct targeted searches for legal information, referral information, and other services by ZIP code, legal issue, and eligibility criteria. Clients will locate services and needed information in a much shorter period of time, referrals can be made faster, and more information will be available. Clients will be able to download and print self-help information and pro se materials. Participating organizations will be responsible for maintaining their own information on the site. Law help is a joint venture of New York's Legal Aid Society, United Way of New York, private foundations, and the New York Community Trust. The total project budget is \$400,000.

Legal Aid Society of Orange County – California

\$176,600

This project, entitled I-CAN (Interactive Community Assistance Network), is an ambitious multi-partner project designed to make the most useful pro se information available through a web site and through Internet interactive self-help kiosks. Clients accessing this multi-lingual system will view video clips explaining the law, complete court forms on screen, and then electronically file them in a variety of proceedings, including domestic violence, unlawful detainers, and paternity actions. I-CAN will also be tied into the legal system's provider community to expedite access and referral. The system is expandable and could eventually reach all of California's 6 million poor people. In its initial phase, the system will employ five high-speed computers as servers and four touch-screen kiosks. Total project funding is \$694,000. Participating partners include the Public Interest Clearinghouse and the California Commission on Access To Justice.

Legal Services Corporation of Iowa

\$176,600

This project will develop the Iowa legal aid web site, fund a technology advocate position for the state, and create a hybrid network that will connect all of the legal services providers in the state. The web site will provide legal information to the state's low-income residents and will also serve the needs of the legal services community, including volunteer attorneys. This grant will directly tackle the problem of the digital divide by hiring a technology advocate who will be charged with the responsibility of expanding access to the Internet for low income Iowans. Through the hybrid network, the nine regional offices of the Legal Services Corporation of Iowa and the Legal Aid Society of Polk County will be connected through a wide area network (WAN). Additional connections of the Polk County Volunteer Lawyer Project and the Iowa State Bar Association will be achieved through virtual private network connections. By improving the ability of more providers to work more closely together, we can provide our clients with improved access to available services. These connections go through the Internet, but are made secure with equipment and software that encrypts the data to insure the privacy of client information.

Legal Aid of Western Michigan

\$176,925

This project is a collaborative effort among several Michigan legal aid providers: Legal Aid of Western Michigan, Legal Services of Northern Michigan, the Michigan Poverty Law Project, and the Michigan State Bar foundation. It will set up workstations in 35 community sites in remote areas served by Legal Services of Northern Michigan. Each workstation will consist of computer, scanner, and digital video camera. Clients will access a web site in order to review and download useful legal information, including substantive pro se materials developed pursuant to this grant. Clients can also

carry on direct conversations with advocates and will have the ability to send legal documents and other papers to advocates through scanners and associated software. The legal services providers collaborating in this grant will also conduct a study of pro se initiatives in the state through the bar foundation.

Legal Services Organization of Indiana

\$176,925

LSOI is the entity resulting from the merger of four LSC-funded programs. This grant project, totaling \$444,000.00, will integrate the operations of the nine legal services offices with a new case management system (CMS) and statewide phone system. More importantly, the phone system and CMS will be directly linked to the IOLTA-funded pro bono program and the Pilot Hotline Project, and the intake screens will be available to other service agencies assisting clients in the application process. These linked programs and agencies will have access to legal information and self-help information for the clients. The CMS software will reside on a group of servers (server farm) that will operate on the principle of immediate data replication between servers. This will speed up access and provide failure redundancy. Access to the CMS by remote stations will also be improved through the use of Citrix software that limits the amount of processing performed by workstations, depending instead upon the more powerful and much faster database software in the server farm. Operation of the server farm will be outsourced, although the equipment itself will be purchased by LSOI. This is a unique approach and worthy of study.

Lehigh Valley Legal Services – Pennsylvania

\$99,670

This project creates a partnership between legal services organizations and courts to create Family Law Help Desks. At the courthouse, court clerk personnel will help pro se litigants access an open (non-protected) website repository of pro se manuals, commonly used forms, self-help information, and procedures in support, custody, divorce, and abuse cases. The web site can be accessed by anyone using the Internet. The forms will be developed, or converted to electronic form, as part of this grant project. Forms that are downloaded will contain codes to allow tracking through the court system. Both end users and the court will evaluate the project. These Family Law Help Desks will first be established in Carbon and Lackawanna Counties. The model will then be used in five additional judicial districts in northeastern Pennsylvania. This project is a cooperative effort of the grantee, the Court of Common Pleas of Carbon County, the Family Court of Lackawanna County, Pennsylvania Legal Services, and the Association for Children for Enforcement of Support Inc. It is particularly noteworthy for the courts' involvement and economic commitment.

Pine Tree Legal Assistance – Maine

\$116,925

This project creates the HelpMeLaw web site, which will combine information from multiple web sites in the state of Maine. This web site will be a dual portal to information for both advocates and clients. Volunteers from a statewide group of senior citizens (CyberSeniors) will encourage and train clients to access the web site in schools and public libraries. The web site will contain interactive court pleadings, local community resources, live audio video conferencing between client and attorney, and legal education materials. The latter will be multilingual and will include legal primers, community legal education materials, and streaming (moving video – as opposed to still shots) instructional videos on such subjects as court proceedings and directions to the courtroom. Advocates will use passwords for access to pleadings and other documents, a statewide legal services calendar, and training materials, including streaming video presentations of recent training events.

Southern Minnesota Regional Legal Services

\$176,925

This Statewide Portal Project, which will serve half the state, will expand the probono.net/mn web site for advocates' side of the portal, and will also create a client side. Content for both sites will be transferred from existing sites, and new content will be solicited from collaborative partners. Member organizations can have pages and will provide distributed input -- adding directly to the database containing the content for their sections of the site. A unique feature of the client side will be live online interactivity concerning requests for information by those accessing the site. Clients will be able to type in questions at the web site and have them answered by law students and legal services staff. There will be a dedicated Spanish section, and accessibility by disabled and literacy-impaired will be designed into the site. Trained law student volunteers will "coach" potential users in libraries and rural areas. This project has a strong evaluation component and builds on goals identified in the state plan.

Texas Rural Legal Aid, Inc.

\$96,714

The grantee will develop and host the National Migrant Network Project -- a single case management system for use by all migrant advocates nationwide. This system will address the special concerns of migrant advocacy, in which the legal problems of the clients go beyond state boundaries and require a high degree of coordination among advocates for farm workers. The existing intra-state DOS-based case management system, including documents and forms, will be converted to a current operating system. It will be installed in a thin-client server, i.e., a powerful high-speed computer that is accessed by workstations that do little processing themselves. Since almost all processing takes place in the server, communications to the workstations consist primarily of screen commands and images – allowing for high-speed transmission. Connections will be through a virtual private network (in

which transmissions occur over the Internet through proprietary encryption hardware and software) and by traditional Internet service provider dial-up. This system will allow linkups between multiple clients in a single case and multiple parties. It will allow for the easy generation of database information concerning case activities, courts, case transfers, registered and unregistered farm labor contractors, and witness lists.

West Virginia Legal Services Plan, Inc.

\$38,100

To our knowledge, this project will be the first in the country to allow clients to apply for legal services while visiting the statewide web site. Clients will provide information about their eligibility and their legal matters by answering questions on the web. Their answers will generate self-help materials and automatically link them to self-help materials on the state Supreme Court's web site. The information entered by the client will be routed to the appropriate office and start their application for legal services. The grantee will set up a statewide on-line question and answer format for generation of self-help material and the opening and routing of cases. This project includes a strong staff training component and includes a campaign for raising client community awareness of this tool. It is a collaborative effort that follows the state plan. Users will provide end-of-session evaluations about the pluses and minuses of the question screens.

GRANTEES IN THE "INTEGRATION" CATEGORY

Center for Arkansas Legal Services

\$21,600

The Center will place pro se information on its web site. This process will include canvassing the state for existing pro se information and forms, compiling existing forms and information or drafting new ones where necessary, designing the content for presentation on the site, and converting the word processing format to HTML -- hypertext markup language.

North Mississippi Rural Legal Services

\$21,600

This program will create a statewide web site by using a template that will be developed by another Technology Initiative grantee. The template will include all of the essential elements for a statewide web site, including a friendly protocol for clients to access pro se and legal information and forms. (See Ohio State Legal Services Association, below.)

Colorado Legal Services

\$71,600

This project will set up a WAN (wide area network) among the state's legal aid providers using a variety of high-speed lines and traditional dial-up connections. The creation of this network is an essential step in the state plan, which includes a recent reconfiguration into one program. Central database servers will be used for concentrated processing that will eliminate the need for bulky data transfers to and from workstations. This is being set up to improve clients' access to legal services. Once the system is completely implemented, it will mean that cases can be opened and handled much faster. Other benefits will include unified case management and increased statewide staff connectivity.

Community and Indian Legal Services of Northeastern New Mexico

\$71,925

This is another project to set up a WAN (wide area network) in order to fully integrate a service area that has been created by virtue of a reconfiguration. Processing will be confined primarily to a central database server, which will house the case management software. Existing databases, including one written in an outdated computer format, will be combined. The elimination of primary

processing at the workstation level will eliminate the need for bulky data transfers to and from the server. High-speed lines will be used where available. This network will improve program wide staff communications and speed up case opening and handling.

East River Legal Services -- South Dakota

\$71,600

In this project law students at the University of South Dakota law school will be trained to do telephone intake for the grantee and Black Hills Legal Services. Reviews of applications for services will take place by videoconferencing between the service providers and the law students. Purchases will include communications bandwidth (high-speed lines), computer workstations for three law students, and three multipoint videoconferencing systems. Operating hours for the law school intake unit will be in the evening for maximum accessed by clients. The great distances of this sparsely populated state will be traversed digitally by both advocates and clients.

Legal Aid Society of Northeastern New York

\$71,600

This project, Community Legal Education with an Edge, is a cooperative venture between the grantee, the Western New York Law Center, and Greater Upstate Law Project Inc. the purpose of the project is to create standards for categorizing community legal information and "marking up" this information in an XML format. XML stands for extensible markup language. The standards created by this project, particularly in the XML format, can be used by legal services providers across the nation to provide quality legal information and self-help information to clients.

Legal Services of North Carolina, Inc.

\$71,600

Central Carolina Legal Services will be the initial site for this pilot project to create an Internet accessible case management system (CMS) using a customized version of an existing commercial legal case management package --LegalFiles. This CMS will be accessible statewide by all legal services providers and will speed up case opening and handling. As the system develops, information from existing case management systems will be added. Purchases include bandwidth -- high-speed lines -- and database servers for the case management system. This project can provide valuable information concerning this commercial package, its applicability to legal services, and the process of customizing a commercial package for legal services use.

Legal Assistance of North Dakota, Inc.

\$21,600

This program will create a statewide web site by using a template that will be developed by another Technology Initiative grantee. The template will include all of the essential elements for a statewide web site, including a friendly protocol for clients to access pro se and legal information and forms. (See Ohio State Legal Services Association, below.) This site will include a public information area, a secure area for advocates, and a special area for Indian law and other Native American information.

Legal Services Law Line of Vermont

\$13,550

This is a joint venture between the grantee, Vermont Legal Aid, the Vermont Bar Association, and other providers and entities having an interest in the state's equal justice system. The project will create a statewide legal services web site and will borrow heavily from knowledge gained in the development of other sites. The site will include forms and information for pro se litigants and links to other useful sites. It will also house a brief bank for legal services advocates.

Legal Services of North Texas

\$71,600

The grantee will create a statewide web site with “self-directed” pro se materials to help with eviction defense and appeal, small claims, powers of attorney, basic real estate transactions, and other needs, and will expand existing web sites to include community education material for the general public.

Ohio State Legal Services Association

\$48,100

The Domestic Violence Computer Pilot Project (DVCP) will develop a web-based court preparation and tutorial system designed to increase client access to and successful navigation through the courts by providing online pro se assistance and educational resources to domestic violence victims and the lay advocates and shelter staff who assist them. Domestic violence victims and will be able to access the site and tutorial from three locations. Shelter staff and victims advocates will receive training concerning use of the site.

Ohio State Legal Services Association

\$70,000

This grantee will create a website that can be used as a template for other Technology Initiative grantees building web sites. The site will centralize legal information and expertise on poverty law issues in Ohio. This project has the dual goals of (a) increasing the number of clients who receive legal assistance, community legal education, and access to pro se information and forms, and (b) to increase collaboration among legal services and related programs. The site will include interactive practice pages and online problem questionnaires.