

# THE WORK OF THE LEGAL SERVICES CORPORATION

Submitted by  
Helaine M. Barnett  
President  
Legal Services Corporation  
3333 K Street, NW  
Washington, DC  
U.S.A.

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## *Description of Legal Services Corporation*

In 1974, the United States Congress established the Legal Services Corporation (LSC). In the Declaration of Purpose section of the LSC Act, Congress found that:

(1) there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievance;

(2) there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel;

(3) providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice;

(4) for many of our citizens, the availability of legal services reaffirmed faith in our government of laws;

(5) to preserve its strength, the legal services program must be kept free from the influence of or use by it of political pressures; and

(6) attorneys providing legal assistance must have full freedom to protect the best interests of their clients in keeping with the Code of Professional Responsibility, the Canons of Ethics and the high standards of the legal profession.

Today, more than thirty years since its inception, and almost 130 years since the first legal aid program was begun in New York City, LSC has become the primary funder of civil legal services for poor Americans and a national leader in the American civil legal justice system. It enjoys strong bipartisan support in Congress and the support of the current administration, under President George W. Bush.

Under the LSC Act, LSC operates as a private, non-profit corporation although it was created and is entirely funded by Congress. LSC's mission is to promote equal access to the justice system and improve opportunities for low-income people throughout the United States and its territories by making grants to programs for the provision of high-quality civil legal assistance to those who would be otherwise unable to afford legal counsel. LSC does not provide legal services directly. Rather, it provides grants to independent local programs<sup>1</sup> selected through a system of competition.

LSC is headed by an eleven-member Board of Directors nominated by the President of the United States and confirmed by the U.S. Senate. By law, the Board is bipartisan; no more than six members may be of the same political party. The current Chair of LSC's Board of Directors is Frank B. Strickland. The Board chooses the President; LSC's current President is Helaine M. Barnett. LSC's office is in Washington, DC and has approximately 100 staff.

The LSC Act describes who may be represented with LSC funds and the types of cases that may be undertaken by a grantee. Grantees' clients must be low-income<sup>2</sup> and

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<sup>1</sup> The terms "programs", "recipients", "grantees" are used interchangeably throughout this Paper to refer to programs which provide civil legal assistance to the eligible poor which are funded by LSC.

<sup>2</sup> Low income is defined as below 125% of the federal poverty guidelines, which are revised each year by the Office of Management and Budget and then published by the U.S.

U.S. citizens or lawful aliens. LSC grantees may not handle criminal cases with LSC funds, nor may they accept fee-generating cases that private attorneys are willing to accept on a contingent fee basis. (See *Regulatory Oversight* section below.) Pursuant to the LSC Act, federal regulations adopted by LSC limit the types of cases that grantees may undertake and the categories of clients who grantees may represent.

### ***LSC Grantees, Clients and Cases***

In calendar year 2005, LSC distributed \$316.6 million (of its \$335.3 appropriation) in grant awards to 140 programs. These programs serve every county in the United States and its territories including American Samoa, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, Micronesia, and the District of Columbia. LSC's largest award to a grantee is \$15 million to Puerto Rico Legal Services; the smallest award is \$293,000 to U'Unai Legal Services Clinic in American Samoa.

LSC grantees are independent entities which are governed by their own boards of directors. These boards of directors set program priorities, which determine the types of cases that grantees will handle, subject to restrictions set by Congress. Pursuant to federal regulations, a majority of each local board is appointed by local bar associations. One-third of each local board is composed of client-eligible representatives appointed by client groups. Each board hires an Executive Director, who is the chief operating officer responsible for the overall administration and supervision of the program staff and operations.

The clients helped by LSC grantees are as diverse as the nation, encompassing all races, ethnic groups, and ages. More than two-thirds of LSC's clients are women, many with children. Ten percent of LSC grantees' clients are senior citizens. Legal services

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Department of Health and Human Services. Currently, a family of four can have a gross annual income of no more than \$24,188.

clients include the working poor, former welfare recipients, veterans, Native Americans, migrant farm workers, immigrants, family farmers, people with disabilities, and victims of natural disasters. A growing number of clients do not speak English or speak English as a second language. Many clients were formerly of moderate means but became poor as a result of family tragedy, illness, or sudden unemployment. Federally funded legal services programs help thousands of Americans each year restore their economic independence through advocacy within the U.S. civil justice system, consistent with LSC's statutory mandate.

Most cases handled by LSC grantees are in the areas of family law, housing, income maintenance, and consumer.<sup>3</sup> Last year, LSC programs closed more than 900,000 cases on behalf of low-income clients. The largest category is family law cases, many of which involve legal services to victims of domestic abuse. This legal work may include securing protective orders and obtaining orders regarding custody, visitation, marital separation and divorce. Other cases typically handled by legal services lawyers within these broad areas include cases dealing with evictions, access to affordable and safe housing, foreclosures, access to necessary health care, debt collection, protection of consumer rights, and claims for public benefits such as social security, unemployment compensation, disability insurance, food stamps and public assistance.

Most legal services cases are resolved rapidly and out of court. Often, legal advice, a referral, or a letter or phone call solves the legal problem. At other times, litigation may be necessary. Unfortunately, because of the high demand for services, grantees are often unable to provide representation to all clients involved in litigation. Many of these clients will receive only legal advice or brief service. Frequently, cases in litigation are resolved

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<sup>3</sup> LSC collects information on cases that its grantees undertake through its Case Reporting System (CRS).

through negotiated settlements. Last year, less than 14 percent of grantees' cases closed were resolved by court or administrative agency decisions.

Direct representation is only part of the work of LSC's grantees. LSC also uses a "matters" reporting system to measure services provided to the low-income community and the productivity of LSC grantees. Matters are the kinds of assistance rendered by LSC grantees that fall short of the official definition of a case but nonetheless constitute help for clients seeking justice. Examples of "matters" include assistance through self-help clinics, community legal education sessions, staffing courthouse help desks, and maintaining statewide legal aid websites. LSC grantees handle over four million matters annually.

Legal services programs leverage federal funds by involving private attorneys in the delivery of legal services through volunteer pro bono work. LSC requires its grantees by regulation to devote an amount equal to at least 12½ percent of the grantees' LSC grant for the involvement of private attorneys in the delivery of legal services to eligible clients. Legal services programs involve private attorneys in the full range of services to clients including: direct representation of cases in the program's priority areas, community legal education, community economic development, and pro se assistance. Last year private attorneys were involved in closing more than 100,000 cases.

Private attorneys' involvement with LSC grantees has not only provided a valuable service to clients but also strengthened the partnership between LSC, its grantees and the private bar. Throughout the country, bar associations are major supporters of LSC grantees and are actively involved in efforts to increase grantee funding and improve the civil justice system for the poor.

Since its inception, LSC has recognized the unique needs of Native Americans and has provided special funding

to programs serving Native Americans. In 2005, LSC awarded \$8.8 million to 27 such programs serving members of tribes living on or near reservations across America. In the early days of LSC's existence, because most tribes were desperately poor, Native American legal aid programs played a significant role in assisting nascent tribal governments with building their legal infrastructures, including the drafting of tribal codes, statutes, and constitutions. Seeking federal recognition for tribes was a high priority for legal aid programs during the 1960's and 1970's. Today, while a few programs are still involved in tribal recognition work, Native American grantees represent clients on a variety of legal issues unique to the client's status as a Native American such as Indian Child Welfare Act cases and cases involving an individual's status as a tribal member.

Recognizing the unique needs of the migrant farmworker client population, LSC has required states to develop special legal assistance projects for legal services to migrant farmworkers. Funding for these projects is allocated from the total LSC funding for the state and is based on the state's migrant poverty population. In 2005, migrant projects received \$10.4 million in LSC funding. These projects represent migrant farmworkers on issues relating to their work as farmworkers such as, wage claims, health and safety issues, and migrant housing issues.

### ***Grant Making and Grants Management***

LSC's congressional appropriation requires that grants be awarded through a competition based system.<sup>4</sup> Applicants for LSC funding apply for funds to provide civil legal services to particular geographic areas, called "service areas." A service area may consist of a single state or territory, or several counties within a state. Competition for service areas occurs at least once every three

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<sup>4</sup> Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub.L. 104-134, 110 Stat. 1321, § 503(a) (1) (1996), as reincorporated annually thereafter in LSC's appropriation.

years. Grant amounts are based on the poverty population within the service area. Grantees currently receive \$8.42 for every poor person in their service area. Pursuant to the LSC Act and regulations, LSC will not give any preference to current or previous grantees in the competitive grants process.

The purposes of the competitive grants system are to:

- (a) Encourage the effective and economical delivery of high quality legal services to eligible clients that is consistent with the LSC Performance Criteria and the American Bar Association Standards for Providers of Civil Legal Services to the Poor through an integrated system of legal services providers;
- (b) Provide opportunities for qualified attorneys and entities to compete for grants and contracts to deliver high quality legal services to eligible clients;
- (c) Encourage ongoing improvement in providing high quality legal services to eligible clients;
- (d) Preserve local control over resource allocation and program priorities; and
- (e) Minimize disruptions in the delivery of legal services to eligible clients within a service area during a transition to a new provider.

45 C.F.R. §1634.1.

LSC's Office of Program Performance developed the competitive grants system and the instrument through which grant applications are made (i.e., the Request for Proposals (RFP)) with a focus on providing

high quality client-centered legal services. (See *LSC Quality Initiative* section below.)

The competitive grants process and the grants management process have evolved into useful tools for grantee capacity building, for identifying areas for further improvement, and for increasing coordination within the legal services delivery system. LSC looks to the competitive grant process to 1) collect information necessary to determine the capacities of individual legal services programs; 2) remain informed about the quality of legal services delivery throughout the country; 3) identify best practices that can be replicated by other grantees; and 4) communicate LSC's expectations regarding quality standards, practices, and outcomes for the low-income community.

Applications for the grant provide extensive information about the applicants' proposed delivery systems. LSC staff evaluate the grant applications based on the ABA Standards for the Providers of Civil Legal Services to the Poor and the LSC Performance Criteria and make funding recommendations to the LSC President who makes the final funding decision. LSC may also conduct an on-site evaluation of an applicant. LSC funding is awarded to those applicants demonstrating the best capacity to deliver high quality client-centered legal services consistent with quality standards, LSC regulations and policies, and applicable laws.

The LSC competitive grants process is fully automated. This automation allows LSC to more efficiently review and analyze information on legal needs, response strategies, administrative and management systems as well as to identify strengths and weaknesses in the delivery system. Information pertaining to the competitive grants process, including a copy of the RFP, is available at [www.ain.lsc.gov](http://www.ain.lsc.gov).

After award of the grants, LSC provides "feedback letters" to grant recipients. Feedback letters address the potential strengths and weaknesses of the proposed delivery strategy based on a review of the

grant application. The feedback letters are intended to improve program performance and to improve the quality of future grant applications.

LSC oversees the work of its grantees in a variety of ways. One method is through an on-site evaluation of the quality of a grantee's performance. Depending on the size of the grantee, these evaluations may be conducted by two to four members of the LSC staff and last from three to five days. On-site grantee quality evaluation visits are preceded by extensive document requests. Included in these requests are grantee policy manuals and legal writing samples. During the field visit, the evaluation team interviews grantee management staff, administrators, casehandlers, board members, community and social service agency staff, bar leaders, members of the private bar and judges. On-site program evaluations end with an exit interview where the reviewers present preliminary findings. Following the on-site visit, the grantee receives an extensive written assessment. It is not uncommon for the assessment to recommend steps the grantee should take to improve performance and to require follow-up reports from the grantee. LSC typically makes 12 to 15 program evaluation visits each year.

Besides these on-site grantee evaluations to review in depth the quality of the grantee's performance, LSC conducts other forms of on-site reviews. These on-site reviews may be to evaluate a specific concern LSC has about a grantee's performance, to gauge progress on a specific issue identified during a prior on-site evaluation, or to evaluate the effectiveness of the grantee's delivery system when the service area has been expanded. Further, to assist grantees improve performance, LSC provides on-site technical assistance. In recent years, grantees have most often requested technical assistance to improve ways clients access their services, such as the use of telephone intake and advice systems. LSC will conduct approximately 25 of these types of on-site evaluations or technical assistance visits during the year.

Another way LSC monitors the work of its grantees is through special grant conditions. Although grants are typically awarded for a three year term, they may be awarded for shorter terms where there are unresolved issues. All grants are subject to an annual renewal. At either the initial grant award stage or at the grant renewal stage, LSC may impose special grant conditions on a grantee that require the grantee to file progress reports on resolving issues, such as the integration of expanded services areas. Sometimes the grant conditions require the grantee to take corrective action to improve performance in a specific area. Special grant conditions most often require that the grantee file periodic reports during the grant year on the corrective action taken to date. LSC will discuss these corrective action reports with the grantee. In addition to monitoring special grant conditions, LSC staff maintains close communications with all grantees during the year to help monitor the activities of its grantees and the quality of services provided.

From time to time, LSC issues Program Letters to its grantees to give guidance in a particular area. The most recent Program Letter provided guidance for LSC's grantees on the provision of legal services to individuals with Limited English Proficiency (LEP). An increasing number of grantees' clients throughout the country do not speak English well, if at all. In order to better serve eligible clients and comply with federal civil rights requirements, grantees need to expand their service strategies and procedures to include communities with limited English proficiency.

### **Regulatory Oversight**

Besides overseeing the quality of grantees' work, LSC's Office of Compliance and Enforcement (OCE) is responsible for ensuring that congressionally-mandated restrictions and other regulations are adhered to by its grantees. LSC's responsibilities include reviewing compliance by grantees with the LSC Act and regulations.

Restrictions, enacted by Congress in 1996, prohibit LSC grantees from, among

other things, filing or litigating class action lawsuits, engaging in most types of lobbying, seeking or receiving attorneys' fees, litigating on behalf of prisoners, or representing undocumented aliens.<sup>5</sup> Furthermore, grantees may not conduct restricted work with their non-LSC funds. LSC has implemented these restrictions by regulation and monitors its grantees closely to ensure strict compliance. LSC will not hesitate to take strong and decisive action when grantees fail to comply with the law or LSC regulations. Sanctions have been and will be imposed where necessary and appropriate, up to and including termination of the program's LSC grant.

LSC's regulatory oversight also includes on-site grantee reviews to ensure that all congressional restrictions on LSC-funded programs are enforced. LSC selects programs for on-site review based on a number of criteria, including complaints of non-compliance, referrals from the Office of the Inspector General, or a significant change in client service activities. LSC has the authority to conduct random compliance reviews as well. LSC routinely provides technical assistance and onsite trainings and helps its grantees develop corrective action plans as a proactive measure to help address a potential compliance issue. Last year, LSC conducted 22 on-site compliance reviews as well as a number of special investigations. LSC also provides training on compliance and regulatory issues for new Executive Directors

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<sup>5</sup> Two lawsuits have challenged these restrictions: *LASH et. al. v. LSC* and *Velazquez et. al. v. LSC*, also cited as *Dobbins et al v. LSC*. The primary argument in these cases was that these restrictions violated the First Amendment rights of LSC grantees, their lawyers and their clients. With one exception regarding welfare reform litigation, the restrictions were upheld as facially constitutional so long as grantees have adequate alternative avenues for free speech. Most recently in the *Dobbins* case, the U.S. District Court for the Eastern District of New York, while upholding the constitutionality of the restrictions, struck down LSC's implementation of the private funds restriction. The *Dobbins* case is on appeal to the U.S. Court of Appeals for the Second Circuit.

and provides training as well for the staff of grantees. Last year, LSC conducted seven such training sessions.

LSC is experimenting with a protocol for a visit to grantees conducted by both staff from OPP and staff from OCE and will evaluate its effectiveness by the end of this year.

In addition to being responsible for overseeing compliance, OCE responds to public complaints; approves major expenditures of funds by LSC grantees; conducts accountability training; and provides follow-up to certain findings and recommendations contained in grantees' audited financial statements.

Finally, LSC requires that each grantee be audited annually by an Independent Public Accountant (IPA). The IPA reviews grantee compliance with LSC regulations and congressional restrictions. IPAs report any evidence of non-compliance to the Inspector General, who in turn refers the findings to LSC for follow-up and resolution.

### ***Technology Initiative Grants Program***

The effective utilization of new technologies has been one of LSC's key strategies to serve more clients efficiently in an era of diminishing financial resources. The Technology Initiative Grant program (TIG) was developed in response to the significant unmet need for civil legal services for low-income people and the availability of a new resource -- the communication and information capacities produced by the technological revolution.

Congressional funding for the TIG program began in 2000 and has provided LSC with a remarkable opportunity to explore new ways to serve eligible persons and to help build legal aid programs' capacities. TIG grants have supported projects to develop, test and replicate technologies that improve client access to quality legal assistance in the full range of legal services. LSC has

partnered with state courts, bar associations, other legal services providers, and major U.S. technology companies in support of its TIG awards.

In funding TIG, Congress emphasized technological innovations that would improve services in the areas of pro se and client legal education. However, the program's impact has been even broader. Effective and efficient pro se and client legal education require a sound technological infrastructure, which is comprised of software, hardware, and personnel components. The infrastructure capacities required to markedly improve pro se and community education have the potential to directly and indirectly enhance the effectiveness and efficiency of programs' and states' entire legal services delivery systems.

### ***Legal Information Website Grants.***

Given the capacities of the Internet, websites are among the most cost-effective ways to provide clients and those helping them -- legal services advocates, volunteer lawyers, the courts and social service providers -- with access to essential legal information and the ability to appropriately use that information. To ensure state justice communities have access to effective and efficient website capacities as economically as possible, TIG funded the development of two statewide website templates that states can adapt to meet their particular needs. Forty-eight states, DC, Guam, Puerto Rico, and the Virgin Islands are developing websites using these templates.

Early in the TIG program's existence, some in the legal services community expressed concern that many low-income clients would have difficulty using online resources because they cannot afford a home computer. But the increasing availability of publicly assessable Internet terminals at courthouses, shelters, and public libraries has lessened that concern. A recent study by the Bill & Melinda Gates Foundation reports that 95 percent of libraries offer public access to the Internet, and 14 million people use these library Internet terminals. Low-income families, the report stated, are especially likely

to take advantage of library-based Web resources. LSC has invested roughly \$3 million in the last two years so that every state may have a comprehensive legal services website where individuals in need of legal assistance can access important legal materials.

Other TIG grants have supported the creation of sites specifically designed to assist self-represented litigants by offering downloadable self-help materials, referrals to legal and social services providers, and other useful links. Some state websites offer video and audio tours of local courthouses. In 2004, Montana Legal Services Association and Iowa Legal Aid were awarded a grant to pioneer a “virtual legal assistance” feature that allows clients to receive help navigating the *pro se* site through a real-time online discussion with a trained volunteer.

Grants to Improve Programs’ Effectiveness and Efficiency. TIG funding for increased connectivity, case management system upgrades, and intake tools has allowed many LSC grantees facing budget cuts to do more with less. New case management systems integrate data from grantees’ multiple offices, from newly merged program, or from multiple grantees in a state, thereby enhancing the efficiency of operations from the intake process to case supervision.

In addition, the TIG program has supported a range of initiatives to help providers learn from and assist one another. Targeted online training has provided directors and staff with the technical expertise to implement new technology systems effectively. TIG has funded projects that allow grantee staff to collaborate by convening online meetings, where they can share resources and feedback on legal issues without leaving their offices. In Tennessee, LSC funded an online system that allows legal services lawyers to give case research assignments to law students, who get course credit while providing valuable assistance to understaffed legal aid offices. These relatively inexpensive projects enhance the services that LSC grantees are able to provide.

Projects Partnering with Courts. Legal aid programs have partnered with many state courts for TIG funded projects to create *pro se* forms and other legal education materials. In an effort to help self-represented litigants navigate their way through the court system, LSC is funding “document assembly” systems that allow users to log online and fill out court forms and pleadings by answering simple questions presented in a basic interview format. Each system will tailor its online court forms to be consistent with the state’s case law and jurisdictional rules. Some states, such as Idaho, are pioneering systems that will offer bilingual options, allowing users to fill out the forms in Spanish while printing forms to be filed in court in English.

Future Uses of Technology in the Delivery of Legal Services. The legal services community has just begun to tap the vast potential that the effective use of websites and related technologies offers to increase the quality and quantity of services. A range of technologies now in development or soon to be widely implemented will provide for substantial increases in the scope, volume, and quality of LSC grantees’ services. Among these, “LiveHelp” will allow clients to receive “chat” or telephone assistance in locating appropriate information or completing forms on the web. Incorporating multimedia formats – e.g., audio, video, text, and animation – into the web site templates will enable all groups, especially those with limited literacy or inexperience using computers and websites, to effectively capitalize on the resources available through web sites and related technologies.

Other technologies will enhance grantees’ operational effectiveness and efficiency. Using a special technology that provides a standard to allow different data sources to communicate, LSC grantees will be able to establish systems through which they can refer clients to other programs without manually re-entering data. This special technology will also pave the way for grantees to work with courts on filing court documents electronically. The increasing quality and use of advocate web sites and other technologies enhance the abilities of legal services

advocates to access necessary legal materials and data base systems, improve communications with fellow advocates, and increase outreach and services to clients in their communities. On-line training has the promise to cost-effectively provide high quality web-based training to advocates, managers and administrative staff members.

These technologies build on and extend the systems previously developed through TIG-supported initiatives. They, in turn, will provide the foundations for future TIG-initiatives that support the on-going development, adaptation and implementation of technologies that will enable LSC grantees to continuously increase the quality and quantity of the services they provide their client communities.

### ***Adequacy of LSC Funding***

Unfortunately, LSC's funding over the years has not kept up with the rate of inflation. LSC's current appropriation of \$330.8 million, in real dollars, is equivalent to less than half the federal legal aid investment in 1980, when some programs briefly achieved a "minimum access" goal of two lawyers per 10,000 eligible clients. It would take an appropriation of more than \$683 million today to equal 1980 funding, adjusted for inflation. The most significant actual reduction in LSC funding came in 1996, when Congress reduced LSC's budget from \$400 million to \$278 million, requiring the layoff of more than 900 attorneys and the closure of some 300 legal aid offices nationwide.

With the decline in federal funding in the face of increasing demand for services, LSC encourages its grantees to leverage the federal dollars and seek additional sources of funding. Non-LSC funding sources include state and local governments, IOLTA (Interest on Lawyer Trust Accounts) programs, other federal sources, bar associations, charitable organizations, foundations, corporations and individual donors. Last year, funding for LSC programs from those non-LSC sources totaled \$350 million. However, LSC remains the largest single source of funding of its grantees.

### ***Measuring the Justice Gap***

Despite best efforts to seek additional sources of revenue, demand for services is much greater than grantees' resources. LSC is working to document the current imbalance as precisely as possible. The last national survey on the legal needs of low and moderate income Americans was conducted by the American Bar Association (ABA) in 1994. That study found that about 80 percent of the civil legal needs of poor Americans were unmet. Various state studies have been conducted since then, all with somewhat different numbers, but all confirming the fact that the majority of the civil legal needs of the poor are unmet.

Even though LSC does not advocate another national study because it would be too costly and time consuming, LSC recognizes the need for a new initiative in this area. This year, LSC launched an initiative in conjunction with the ABA's Standing Committee on Legal Aid and Indigent Defendants (SCLAID) and the National Legal Aid and Defender Association (NLADA) to document what is referred to as "the justice gap." The plan is a multi-faceted approach to collecting relevant data. We are measuring declinations, analyzing recent state legal needs studies, comparing the numbers of legal aid lawyers to lawyers available to the general public and analyzing available data on the number of low-income unrepresented persons who were in court or administrative forums for selected types of cases. It is hoped that these approaches, when seen together, will provide a more complete picture of the unmet need for legal services.

First is the measure of declinations – those that LSC grantees are unable to serve or unable to serve fully. LSC collected data for a two-month period from LSC programs across the country on the number of potential eligible clients they must turn away due to lack of resources and cases where the programs are able to provide some level of services, but less service than what the client actually needs. LSC asked that each program count the numbers of persons who called for help with civil cases that were not assisted or not

fully assisted. This method has the advantage of counting actual potential clients who have real legal problems rather than projecting theoretical numbers of legal needs based on surveys. But, precisely because grantees only counted those who contacted them for help, it is recognized that the data does not accurately account for all of the unmet need. Some people with legal needs don't contact legal services offices either because they are not aware of legal services, or because they think that the program can't help them – either because of the program's priorities or limited resources. Some potential clients may not know that the problem they are facing has a legal remedy.

LSC is also collecting current data on the number of attorneys in a state as a percentage of the total population of the state as compared to the number of legal services attorneys available to serve the population of the state eligible for federally-funded legal services. Third, LSC is engaging in an analysis to extrapolate from the nine recent state legal needs studies since 2000 to determine if a common picture of need emerges from these studies despite methodological differences. Finally, LSC, the ABA and NLADA will attempt to collect data from states on low income self represented litigants by type of case.

### ***LSC Quality Initiative***

The LSC Act requires LSC to ensure that the programs it funds are of the highest quality and meet professional standards. Quality is difficult to define. It necessarily encompasses many concepts. Quality includes a program's various capacities, the processes it follows, and the outcomes it achieves -- including both the results for individual clients and the extent it is successful in securing outcomes which "assist in improving opportunities for low-income persons," as the LSC Act provides. LSC's challenge is to determine how to best define quality, how to measure quality, and how to best ensure that its grantees provide—and their increasingly diverse clients receive—high quality legal services.

In the last 20 years there have been major changes in the delivery of legal services in the United States. LSC funded programs have undergone major realignment. In 1998 LSC, as the major federal funder of civil legal services, funded 262 programs. Many of these programs were quite small, serving only one or a very few counties. Through LSC's past encouragement of consolidations, LSC today funds 140 programs. During this period, delivery systems changed remarkably. Many of the changes in delivery mechanisms resulted from changes in technology. With technology, services can be provided more efficiently and new options for providing services have opened, such as telephone advice and counsel services, the delivery of services over the Internet, and video conferencing.

While LSC has always used some form of definition of quality to make funding decisions and to evaluate grantees' performance, in the summer of 2004 LSC began a major initiative engaging the legal services community in an effort to better define and measure quality legal services.

LSC has held a series of "Conversations on Quality" in which leaders in the legal services community provide guidance and input to the President of LSC as to how to define quality, how to measure quality, and what is the role of a funder to inspire and foster improved quality in the legal services provided by its grantees to eligible clients. These conversations are helping LSC frame a specific quality agenda to improve the quality of services to clients.

*LSC Performance Criteria.* A major focus of LSC's quality initiative is the reassessment of its Performance Criteria, which were written in 1993. The LSC Performance Criteria provide a framework upon which LSC grantees attempt to model their services. The Criteria call for: effectiveness in identifying and targeting a program's resources; effectiveness in engaging and serving the client community; effectiveness of legal representation and other program activities intended to benefit its clients; and effectiveness of administration

and governance. LSC uses the Performance Criteria in every aspect of LSC's quality review work. As noted above, they are used for making funding decisions. LSC's Request for Proposals cites the relevant Criteria for each topic on which information is requested. The grant application evaluation guidelines that LSC reviewers use to rate grant applications are based on and cite to the Criteria with respect to each topic. Similarly, during LSC on-site reviews of grantee programs, LSC seeks to determine the extent to which the performance of a grantee meets, or is actively striving to meet, the Criteria.

LSC is currently working with a group of national leaders in the delivery of civil legal services to the poor to revise the Criteria to appropriately reflect today's legal services environment and to best achieve high quality, effective and client-centered representation. The goal is to consider how the Criteria are affected by, among other things, certain emerging realities in the low-income population, including the increase in clients with limited English proficiency, the effects of technology on the delivery of legal services, and the concepts of limited representation and discrete task or "unbundled" representation. LSC expects to complete this project by the fall of 2005.

ABA Standards for Providers of Civil Legal Services to the Poor. Included in the performance measures that LSC uses are the American Bar Association (ABA) Standards for Providers of Civil Legal Services to the Poor. The Standards are designed principally to guide organizations providing civil legal assistance to the poor, regardless of the organization's method of delivery or source of funds. Some of the Standards focus principally on the responsibilities of provider organizations, such as the Standards for internal systems and procedures, provider effectiveness, and governance. Others, such as the standards on representation functions, address the role of the practitioner who actually represents indigent clients. The ABA Standards are used much the same way as the LSC Performance Criteria are used.

The ABA Standards, adopted in the 1960's, were last revised in 1986. In

December 2004 the ABA, through its Standing Committee on Legal Aid and Indigent Defenders, began an effort to update and revise the Standards. The LSC President was appointed to serve on the Task Force revising the ABA Standards and testified at the first public hearing on the Standards, identifying areas where the Standards need to be brought up to date and modified to reflect changes that have occurred in the last 20 years and reaffirming that the client-centered principles on which the Standards were built – high quality, competent and effective representation, client participation, and responsiveness to client needs – are as important today as when the Standards were first written.

LSC's Leadership and Diversity Initiative Project. Another aspect of LSC's Quality Initiative is its work on leadership and diversity. As a part of this work, LSC is planning a national project on mentoring to help develop the next generation of diverse leaders in legal services programs. LSC believes that mentoring can be an important component in leadership development and can help develop a younger more diverse corps of leaders. Maintaining high quality in LSC programs now and in the future requires developing leadership skills in LSC program staff who have the potential to be future leaders in the legal services community.

In order to better serve the clients of LSC's programs, LSC recognizes that the pool of potential future leaders must be diverse, well trained, and skillful.

LSC Resource Initiative. Another principal means by which LSC encourages high quality legal services is to serve as a clearinghouse to promote best practices and to facilitate the sharing of innovative ideas and strategies among its grantees. To accomplish this, LSC launched a unique library in cyberspace (<http://www.lri.lsc.gov>) where advocates can learn of the inventive work of other grantees.

The LSC Resource Library is divided into seven discrete sections: substantive practice areas, diversity, legal work management, pro se representation,

technology, intake, and state delivery systems. The site includes project descriptions, training manuals, and tool kits. To avoid duplication, the website links to several other websites and existing sources of information. The website also includes announcements and conference opportunities available to the legal services community.

The site contains important suggestions for providers serving a growing population of clients with limited English proficiency, as well as strategies for the delivery of legal services in rural areas where geographic barriers pose challenges to advocates.

Outcomes Measurements. Quality may be enhanced by focusing on the outcomes achieved for clients by grantees. Outcome measurements not only serve as a self-evaluation method of an LSC grantees' effectiveness but also may be used by LSC and its grantees to make an even more compelling case to governmental and other funders. LSC has sponsored several conferences to engage practitioners from LSC-funded programs, who have designed and are implementing outcomes measurement efforts, in a discussion of ways to measure performance and outcomes in furtherance of LSC's focus on quality. Conference participants provided many helpful recommendations on ways to refine current practices, to gather useful information, and to train and assist programs in measuring the achievement of their articulated goals. Participants encouraged the collection of "good stories" as one way to disseminate information on successful results for clients. LSC will be developing future strategies for measuring outcomes based on the input it received at these conferences.

### ***Other Special Projects***

Loan Repayment Assistance Program Pilot Project. The burden of law school debt, which in the United States now averages around \$80,000 per law graduate, discourages many recent graduates from considering a career in legal services, where

the starting salary nationally is around \$37,000 a year.

LSC's FY2005 appropriation contained a provision "to allow LSC to spend up to \$1,000,000 from a carryover fund balance for a law school student loan repayment pilot program in fiscal year 2005." In working toward the establishment of such a program, LSC created a Loan Repayment Assistance Program (LRAP) Task Force to determine how LSC could best help its grantees to recruit and retain attorneys who have substantial law school debt. The Task Force was comprised of individuals who have extensive experience with, and knowledge of, LRAP. The Task Force assisted in the design of an LRAP Pilot Program that will be beneficial to grantees in hiring and retaining attorneys with substantial law school debt. LSC announced the initiation of the Pilot Program on May 18, 2005.

### *State Justice Community Initiative.*

LSC has asked its grantees to engage in statewide planning and to help coordinate the delivery of legal services within each state. The purpose of this planning and coordination effort was to have each state re-evaluate its entire delivery system and identify where changes are needed, with the primary goal being an improved statewide legal services delivery system for clients.

In many parts of the country, the result of this initiative was that LSC grantees began working with other state stakeholders –such as, state and local bar associations, the judiciary, law schools, and non-LSC funded providers of legal services to the poor –in ways that they never had before. These cooperative efforts among stakeholders, when taken together, resulted in significant, positive changes for low-income clients throughout the country, including the development of additional resources for civil legal services, new and more efficient ways of providing legal information and advice, alternative ways to serve the rural poor, and more effective and economical structures to assure equal justice to a greater number of low-income people.

One of the more striking developments in building and strengthening state justice communities over the years has been the growing number of states with Access to Justice commissions or similar entities. These entities are formal statewide bodies dedicated to expanding and improving civil legal assistance in their states. They are typically composed of representatives of the bar, the judiciary, legal services providers—including LSC-funded providers—and other key stakeholders. The role of the Access to Justice Commissions is generally to bring together representatives of key institutions involved in improving and expanding access to civil justice for low-income people. These commissions seek to identify goals and objectives and the steps necessary to achieve them, and to oversee and coordinate the implementation of those activities. Currently nearly every state has some organized entity actively engaged in supporting, improving, and expanding access to justice.

#### **Other LSC Offices**

To give a complete picture of LSC functions and staff, LSC also has an Office of Government Relations and Public Affairs (GRPA) and an Office of Legal Affairs (OLA). GRPA is responsible for overseeing LSC's annual congressional appropriations process and for managing LSC's communications and requests for information from Congress, the Executive Branch, the media, and the general public. The office coordinates the production of LSC's *Annual Report*, its annual budget request, and its *Fact Book*. GRPA also publishes a magazine entitled *Equal Justice* on matters of interest three or four times each year.

OLA serves as in-house counsel and chief legal advisor to LSC. As the General Counsel, OLA carries out traditional "lawyer" functions, including negotiating, drafting and reviewing legal instruments such as contracts, settlement agreements and releases. OLA represents LSC's interests in litigation, directly or through retention and oversight of outside counsel. The office is also responsible for interpreting statutory requirements and

drafting regulations for public comment and for consideration by the LSC Board.

LSC has a Chief Administrative Officer who oversees and coordinates the work of the offices that manage financial services, human relations, information technology, and administrative services.

LSC also has an Office of Inspector General (OIG) that operates under the United States Inspector General Act. It is not part of LSC management. The OIG's mission is to assist management in identifying ways to promote efficiency and effectiveness in the operations of LSC and its grantees and to prevent waste, fraud, and abuse. In addition to the mission shared by all OIGs, Congress, beginning in the FY96 appropriation, directed that the primary tool for ensuring grantee compliance with legal requirements was to be annual grantee audits conducted by independent public accountants under guidance developed by the OIG, thus adding participation in compliance and oversight to the role of the OIG.

#### **Conclusion**

Equal justice under law is an ideal cherished by Americans. With the creation of LSC over 30 years ago, the U.S government made a pledge to help ensure that all persons have access to America's civil justice system. In November of 2004, LSC commemorated three decades of promoting equal access to justice. It invited the executive directors of all 140 grantees to gather under one roof for the first time for a special 30th Anniversary Celebration in Washington, D.C. The directors were joined by hundreds of leaders from the broader equal justice community to mark the passage of the LSC Act by Congress in 1974. ABA President Robert Gray and the Chief Judge of the State of New York Judith Kaye were the keynote speakers of the event. Five LSC leaders spanning the decades recounted the highlights of the national legal services program dating back to the 1960s, when federally funded legal services operated out of the Office of Economic Opportunity (OEO). Senators Hillary Rodham Clinton (D-NY) and Pete Domenici (R-NM) set video greetings

that praised LSC for its long history of service. President George W. Bush extended his best wishes in writing, stating:

For three decades, LSC has helped fund legal assistance for low-income individuals in need. Through your programs, your organization has contributed to a fair and effective judicial system and advanced the ideals that make our country strong. I applaud your commitment to upholding the principles of opportunity and equal justice for all. Your efforts help make our country a more hopeful place