

Strategic Advocacy for Lasting Results (SALR)

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Under "Items of Note"

Targeting efforts to enhance performance

Evaluate current capacity

Identify strategies

Implement



Strategic Advocacy for Lasting Results (SALR) Toolkit

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November 2012

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INTRODUCTION

NLADA is very excited to present this toolkit that is a result of the Civil Division's latest initiative, Strategic Advocacy for Lasting Results (SALR) Initiative: Peers Helping Peers. This initiative provides something that no other organization provides – confidential, peer-based assistance to legal services programs to help them develop or expand their capacity to achieve broad-based results in all of aspects of their work and, in particular, to achieve lasting, systemic change for clients and low-income communities. SALR provided direct technical assistance to two member programs that were seeking to strengthen their systemic advocacy efforts and services. Five programs applied and two pilot sites were selected for 2012 to engage with a group of peer advocacy assistance providers and NLADA staff. A very engaged Advisory Committee of 25 legal services leaders provided invaluable input into the development and launch of the project.

In preparation for these site visits, Camille Holmes Wood, Chuck Greenfield and Lydia Watts visited five organizations that have highly performing strategic advocacy efforts underway and that are within easy travel distance from DC. The programs we visited are:

- Community Legal Services, Philadelphia
- Legal Aid Justice Center, Charlottesville, VA
- Legal Aid Society of DC, Washington, DC
- Legal Aid Bureau of MD, Baltimore, MD
- The coalition of legal services providers in CT, hosted by Greater Hartford Legal Aid and facilitated by Steve Eppler-Epstein of Connecticut Legal Services

We cannot thank these agencies/law firms enough for opening their doors and sharing their wisdom with the NLADA team. The enclosed “Building Blocks of Successful Strategic Advocacy” was developed following those site visits, drawing on the insights and information each agency/law firm shared with us. In addition, when these agencies/law firms referenced policies or documents that they use in the administration of their strategic advocacy efforts, we asked that they share those. All of these documents are attached in the Appendices. Additionally, other documents that were gathered through research or provided by a peer advocacy assistance provider are attached in the Appendices, with all due credit to the original authors. This is a work in progress, so please feel free to contact Lydia Watts, Esq., Director of Quality and Program Enhancement at l.watts@nlada.org with any documents, revisions or additions that you believe would add value to this toolkit.

BUILDING BLOCKS of SUCCESSFUL STRATEGIC ADVOCACY

Information contained herein was gathered by Lydia Watts, Camille Holmes Wood and Chuck Greenfield of NLADA through site visits and other research.

An Organizational Culture that Supports Strategic Advocacy

- Whose responsibility is strategic advocacy?
- Hire well – identify this passion and commitment; making it an expectation from hiring; “Hire really smart people and get out of their way” (though ED has the reins to some degree); Look for people who can describe experiences as being collaborative and self-starting; look for an “edge”
- How advocates internalize the goals of the program
- Why new advocates think it is ok to engage in strategic advocacy
- Involving new advocates in strategic work.
- In collective bargaining agreement at CT Legal Services – more senior attorneys are required to do more complex litigation.
- Encourage and support desire – allow them to pursue actions (within reason); “file that appeal”.
- Fellows are required to do some advocacy as part of their projects – hiring of fellows.
- Time allowed to do it (attend community meetings, juggle casework to allow for advocacy when heats up). Recognition that strategic advocacy takes time and need to adjust other work to reflect this.
- Recognition of/celebrate success – in Biweekly newsletter – “what’s going on”, acknowledge at meetings, email to entire staff about victory, positive feedback, annual awards for staff; send articles around if staff quoted.
- Human Rights Framework: Article 25 sums up what we do as legal aid lawyers. An aspirational framework/this is how our clients should be treated.
- Create an atmosphere even in time of scarcity that abundance is right around the corner, it is coming. A sense of stability. We will be here tomorrow.
- Community Lawyering – bring the community’s lawyer. Fact gathering, data, system analysis, advocacy, strategizing .

Leadership that is Committed to Strategic Advocacy¹

- Organizational policies that encourage strategic advocacy.
- No cult of personality – so everyone is the face of the organization, can represent on their issue(s).
- Management will “back you up” – not worried about fall out with funders or board, clients needs are paramount – AND know we pursue cases smartly and carefully – are respected.
- Empowering staff to make decisions and take risks.
- Loyalty to staff.
- Transparency/communication is very important.
- Not having to run issue/strategy past ED, not a bureaucratic process.
- ED who has a good relationship/rapport with Board, and does not involved board with systemic advocacy efforts². Board members either don't care or don't want to know (due to a possible conflict). Board-approved to allow staff to explore new areas of work without board approval → if see something that needs to be done, let's talk about it.
- Really read LSC regulations to see what can and cannot do. See what want to do 1st, then read regulations carefully, consult with CLASP/NLADA for advice. Don't default to NOT doing because of restrictions. Create a culture of default to do better than being scared off from any advocacy due to restrictions.

Supervisory Staff that is Committed to Strategic Advocacy

- Supervisors are modeling engaging in systemic advocacy, since many are leaders of systemic efforts.
- Hire and train supervisors that allow for:
 - Self determination of staff they supervise
 - Give them decision-making power
 - Have a sense of righteousness

¹ Leadership development and support through agency – from top position through supervisory positions – is incredibly important to the success of strategic advocacy efforts... and certainly to a shift toward doing strategic advocacy.

² One caveat: that not involving the board is a lost opportunity to connect with the board members/private bar and identify resources that they could bring to the table.

- That will have their staff member's back
- Will give small reinforcements to the staff.
- If staff perceive advocacy as additional work there will be resistance. This work has to be accommodated – say this and act consistent with that statement. Consider creating specialized unit who are the litigation unit – co-counsel cases with direct rep attorneys so no silos.
- Empower all staff to be identifying trends (i.e., intake workers and paralegals).
- The 3 things that matter most to staff: Opportunity, reasonable pay, manager who supports their work.
- Professional development to pursue novel claims.
- Thorough preparation of less experienced staff (i.e., in speaking to the media).
- Training of all staff on documenting time (review regularly – every 2 weeks – for duplication, lack of consistency, what is missed), process to collect attorneys' fees; build this into culture. Consider a clear approach to appellate court work.
- Use experts in field regarding affirmative litigation – politics of cases, how to respond to defendant's threats, when to go to that action, vetting of named plaintiffs, preparing plaintiffs for deposition.

Planning – Intuitive or Process-Oriented

- Brainstorm with staff. Ask them about what frustrates them about high volume/repeat cases, which will tap into their outrage/passion. Ask them to submit their ideas/upsets on paper first and then brainstorm from there.
- HAVE TO BE OPPORTUNISTIC and seize issues that come up – particularly if no one else is addressing that issue. Small things turn into big over time – stick-to-itiveness.
- Engage consistently and regularly with connecting with other organizations, participate in Task Forces, etc.
- Need to be flexible in strategic advocacy goals and objectives.
- How this inter-relates to strategic planning. Is there a way to plan more strategically? While not squelching culture or create a top down approval? Can do systemic advocacy with agenda, but harder to do.
- Creativity – no roadmap – have to create infrastructure when none existed.

Coalition-Building

- Drawing on expertise of those outside the legal field.
- “Get out of the office”; get to know caseworkers; engage in community education efforts.
- Meet with people in community and get lawyers to talk about the organization/talk about what we do, be proud of who we are.
- Partnerships/coordination with other legal services providers, community groups, other organizations, government agencies, leaders, etc.
- Not just going to other organizations when need help, must have ongoing relationships.
- Take part in national networks/back-up centers, monthly conference calls, statewide advocacy organizations/coalitions; other legal services providers; other advocacy groups that may have more lobbying/advocacy resource (i.e., ACLU).
- Pay attention to cutting edge legal issues across county, be a part of national organizations/national support network, listservs→ make yourself attached to it, need to be involved in it; these are resources to help with these issues/ when issues come up locally, it will “ring a bell” with your staff.
- Send people to the trainings/national network.
- Collaborate with other units within your organization; non-legal staff may have great connections with ally organizations. Get introduced to the community early on.
- Once reach out to other communities (i.e., immigrant communities to build your coalition), have to be willing to deal with the issues that may percolate up and then do the work that is important to those communities.
- Working with state legislature, county boards of supervisors, city councils, Congress.
- Working with administrative agencies.
- Membership on commissions, boards, etc.
- Think about other allies to bring in – i.e., professors, reporters, if possible, a “deep throat”.
- Host Community Events – teen poetry contest, Thanksgiving with immigrant coalitions, etc.
- Trust and faith in other organizations, don’t need to take lead always, share credit.
- 5 or 6 legal services task forces about legal issues: to identify issues, to achieve consensus on shared issues so legal services org is speaking in one voice. Quarterly meeting and monthly

phone calls or monthly meetings. Rotate chairs, minute taker, getting speakers. Soft requirement to attend unit meetings for CLS staff.

- If an organization has no history of collaboration, start small/organize about a particular issue that is of interest to client community; connect with social services groups – break into that structure somehow.

Identifying Issues/Racial Equity Lens

- LISTEN TO CLIENTS – they will tell you what they need (i.e., issue of juvenile vs. adult process did not make sense to clients).
- Learn how to identify the symptoms of larger problems – see the broader context, not just for the individual clients, but for the community. Then see the patterns of symptoms/legal issues that are coming into your office.
- Be aware of corporate infringement on non-private, non-public space – people who are in this space are seen as less than human³. Shift strategy and approach to theme of imbalance of power.
- Intake/ID case issues – in a small office, there is a communication flow/attorneys sometimes do intake; hear about cases coming in and what is being rejected. May need to be more deliberate in a larger office.
- Use interns and students for “Court Watch” and see issues daily through Court-based/Attorney of Day projects, which increases understanding of issues, and data can be gathered .
- Consider race equity when evaluating issues. Use of Racial Disparities– done strategically/where it will work, and with recognition and discussion about how to talk about race (i.e., Legal Aid Justice Center on p. 17 in Don’t Throw Away The Key shows that at every discretionary level, disproportionate % of African Americans).
- Effective use of data (FOIA state data) to support claims, including finding the most persuasive data; In CT they have an intranet to share data across programs (with walls to protect client confidentiality).
- Quasi-empirical studies (i.e., Law student pulled every 100th case from housing court and got data from entire cases; called 50 towns and found out what happens with property in eviction cases; shop at rent-to-own stores versus regular stores to see difference in disclosures about costs).

³ See John Powell’s work

- Data from CT Statewide Legal Services (SLS) that does intake for entire state; they can find clients to fit what looking for; spot issues/representatives from every one of SLS's units go into task force meetings.

Recognize Legal Aid's Unique Role in Advocacy

- Legal aid does advocacy work better than anyone else because we are informed by individual clients, real people's experience; have credibility when have caseload because see the issues happening in real time; people on ground to inform the advocacy effort.
- Bring an array of different skill sets that is not all lawyering – creative uses of a combination of skill sets; different ways of advocating/engaging (e.g. social media, websites, computer programs (petitions), videos, Facebook).
- Be an agency that works well with others. Have INTEGRITY when issues come up, don't throw "systems people" under the bus publically. AND have reputation that you will bring legal actions if changes do not happen and clients are not being served well. FIGHT HARD with INTEGRITY even if on opposite sides, they will RESPECT YOU. Develop a reputation of being intelligent, respectful, well-informed, truthful.

Support to Staff/Resources Needed

- Staff appreciate an organization that gives one the capacity to grow over time/flexibility; that encourages one to bring up a new idea/project and take on new responsibilities.
- Less likelihood of burning out because job is different from day-to-day; there is a variety of cases to work on AND need to feel like making a systemic difference or would go crazy with the flood of cases in which rights are routinely denied.
- NOT TAKING EVERY CASE THAT IS COMING IN THE DOOR, organization knows that this will have an impact on case numbers.
- Supervisors give help in managing caseload, allow for a temporary stop in giving cases/ transfer cases if something big and time sensitive comes up.
- Need infrastructure to serve clients. Consider co-counseling with firms – then regularly review those agreements. Who is the "go to" person for what issues.
- Help staff see that there is a pendulum swing across the history of legal services, that the field will grow again and that staff attorneys could be a part of that /build excitement.
- Honor staffs' needs such as: allowing a flexible work schedule/ p-t accommodated/not requiring face time.

- Recognize the financial pressures and do whatever is possible to make pay scale equitable and comparable to other similar organizations (local prosecutors and defenders).
- Need resources to support advocacy efforts (litigation expenses, to implement LEP access within the organization (i.e., a budget)).
- Measure what you do, impact you have.

Strategic Use of the Media/Communications

- Effectively involving the media.
- Use of media, op-ed to improve perceptions of poor people.
- Blog, sharing comments.
- Share client stories directly with elected officials or through collaboration/coalition.
- One pagers developed through coalition – distributed through meetings with council members.
- Media strategy could get legislature to fix problem without legal services organization having to take action.
- Frame your communications: i.e., Frame your work as human rights work, we are a human rights organization in: court work; legislation; fundraising; grantwriting.

Policymakers

- Contract lobbyist at legislature all the time when it is in session. Monitoring, and individual lobbying of legislators. Need infrastructure in place to jump on opportunities in legislature.
- Testify before legislative body, regularly be seen on witness lists, gain credibility, become “go-to” person for legislators; comment on regulations and then follow up on comments – will hold them accountable. We are engaged. We are paying attention.
- Leadership on rules committees/bar committees, have tenacity in representing the needs of the poor on those committees.
- Admin advocacy with AG when consumer issues at play.
- State budget advocacy, influencing tax policy – maybe done through existing agency/coalition.

- LARC in CT - guides legal services programs in lobbying, draft legislation, testify, organize other people's testimony, some monitoring, organize coalitions on issues, rapid reaction to things that happen unexpected issues in legislature.
- First step for an LSC-funded org who has not done this yet: identify organizations in your area that are doing advocacy for their constituents (e.g. tenants, women, DV); meet with these organizations; it is permissible to say how an issue will affect your clients; ask them to request your input (an email request is fine/does not require a letter); monitor issues/attend bill hearings – all OK with LSC.

Measuring Success

- How to you measure success in strategic advocacy?
- Illustrate impact by telling our story; raising public awareness.
- Developing indicators of success has been the biggest challenge
 - Anecdotal evidence of link between advocacy and outcome
 - Training of education advocacy to organizations/professionals who interface with kids e.g. social workers – did this affect educational stability, which equals success for foster kids/special education needs. Grad student at UVA – post training end, 6 month follow up for those who were trained to ask how many kids did you use this info to help?
- Use examples of successful strategic advocacy efforts

**Standard 2.6 on Achieving Lasting Results for Low Income
Individuals and Communities**

From the ABA STANDARDS FOR THE PROVISION OF CIVIL LEGAL AID, August 2006.

Standard 2.6 on Achieving Lasting Results for Low Income Individuals and Communities

STANDARD 2.6 ON ACHIEVING LASTING RESULTS FOR LOW INCOME INDIVIDUALS AND COMMUNITIES

STANDARD

A provider should strive to achieve both clients' objectives and lasting results that respond to the low income communities' most compelling legal needs.

COMMENTARY

General considerations

The effectiveness of a provider can be measured by the tangible, lasting results of its efforts on behalf of its clients and the low income communities it serves. Each provider should strive to accomplish meaningful results in all of the legal assistance activities it undertakes. Lasting results can be achieved in several ways: by favorably resolving individual legal problems; by teaching low income persons how to address the legal problems that they face; by improving laws and practices that affect low income persons; and by assisting members of the low income community to become economically self-sufficient.

The legal problems of individual clients often involve the most basic issues of survival. Problems that merely inconvenience persons who have an economic cushion can have enormous long-term consequences for low income persons and can disrupt every aspect of their lives. An unlawful delay or termination of social security benefits may leave a low income person with no money for food, medicine, shelter or utilities. Unlawful repossession of a car may mean a low income person cannot get to work or to necessary medical care. The provider should be able to respond quickly with high quality assistance that favorably resolves these individual problems in a substantial percentage of cases.

Strategic focus

A provider should establish a clear focus for its legal work and for what it seeks to accomplish for and with its clients. Having a strategic focus starts with making intentional choices about what legal work it will undertake, how it will deploy its resources and how it will deliver service.¹ The provider should know what it hopes to accomplish with its legal work so that it can measure if it is successfully achieving desired results for clients.

There are a number of ways in which a provider may maintain a strategic focus that enhances the results achieved for clients. It calls for deliberative decision-making and intentionality at all levels of the provider regarding what the program's legal work is intended to accomplish. At a program level, the provider may set broad goals for its legal work, such as protecting low income persons' access to shelter, or fostering the stability and safety of the family. Many providers set

¹ See ABA Standards for the Provision of Civil Legal Aid (2006): Standard 2.1 (on Identifying Legal Needs and Planning to Respond); Standard 2.2 (on Delivery Structure).

Standard 2.6 on Achieving Lasting Results for Low Income Individuals and Communities

broad priorities that provide the basis for making more specific choices about the acceptance of legal work and the focus in broad substantive areas affecting its clients.

The focus of legal work undertaken by a provider is sharpened if the provider deliberately identifies the broadly stated results it seeks to achieve in major substantive areas, or through its projects or specialty units. Thus, a domestic violence unit might identify an objective in its work to be to help its clients find and retain a safe environment in which to live. Identifying a longer term goal than simply obtaining a protective order focuses the unit on more long term results and provides a basis for measuring the success of the work in terms of those results.

In each individual case, the client sets the objective and the practitioner representing the client has a responsibility to pursue that objective.² In addition, some providers establish benchmarks regarding what the provider deems to be the most desirable, realistic outcome in cases of a certain type. The benchmarks might vary among offices based on what is realistic, given local circumstances. Experience suggests that setting benchmarks for results in recurring cases tends over time to improve the results achieved.

All types of legal assistance should accomplish results for clients of the provider. A clear strategic focus on the intended results forms the basis for a periodic evaluation of the success of the efforts, and provides the basis making appropriate adjustments, as necessary. In community economic development, for instance, it is important that the provider clearly articulate the objectives intended for the work. The provider should know whether the intended outcome of the work is to create jobs, housing or goods and services, and if a goal is to foster client self sufficiency and independence. Strategies that employ various forms of limited assistance, such as advice lines, community legal education and assistance to pro se litigants should also be examined to determine the degree to which those who are assisted learn how to help themselves and accomplish meaningful results with the assistance offered.³

When a provider engages in a periodic evaluation of its operation, it should measure the degree to which it is accomplishing meaningful results for its clients. A provider that has clear objectives for its work has a solid basis for a meaningful assessment of the results it achieves.⁴

Systemic advocacy

In the course of serving its clients, a provider is likely to identify laws, policies and practices that have a detrimental effect on low income persons and that deter it from accomplishing desired results. It will also encounter the efforts of others to change policies and laws in ways that harm the interests of low income persons. A provider should engage, when appropriate, in advocacy that addresses such systemic problems. Advocacy to accomplish systemic change is called for when an issue is likely to recur, affects large numbers of clients and is unlikely to be resolved

² See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 7.2 (on Client Participation in the Conduct of Representation).

³ See ABA Standards for the Provision of Civil Legal Aid (2006): Standard 3.4 to 3.4-2 on various forms of limited representation; Standard 3.5 (on Assistance to Pro Se Litigants); Standard 3.6 (on Provision of Legal Information).

⁴ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 2.11 (on Provider Evaluation).

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favorably for individual clients on a one-on-one basis. Advocacy is appropriate to defend the status quo when proposed changes will erode the rights of low income persons or harm the interest of low income communities.

Systemic advocacy involves many potential strategies, some of which are relatively low cost and others of which may be costly and long-term:

- ***Non-representational strategies.*** There are a number of ways outside of direct legal assistance to clients in which a provider may achieve systemic results for the low income community it serves. It might, for instance, participate in bar and judicial committees to improve the accessibility of the courts to low income persons.
- ***Systemic impact in individual cases.*** At times, representation in any individual case may have a result which has an impact beyond the interests of the parties, including in matters that are appealed. Systemic advocacy is generally based on a deliberate strategy, however, that targets an offending law, policy or practice. A provider may, therefore, deliberately focus representation in many individual cases on a particular policy or practice, with an eye to bringing attention to a particular issue and to compel a change over time.
- ***Informal intervention.*** It is not uncommon for a practice that is harmful to clients to result from a failure of an agency to apply the law as it is intended or from it establishing procedures that limit low income persons' access to services offered by the agency. A legal aid provider that is attentive to patterns of decision-making by administrative agencies may be able to identify misapplications of the law or procedures that limit access and bring about a change in the practice by intervening informally with higher placed officials in the agency.
- ***Working with coalitions.*** A provider might work with a coalition of organizations to address policy issues that affect the low income population.⁵ Not all systemic advocacy is adversarial. Providers working with community economic development, for instance, often find that forming alliances with other interests is the most successful way to bring about fundamental economic changes that positively affect a low income community.
- ***Media advocacy.*** To help create a climate that is favorable to change, some systemic advocacy involves a media strategy that seeks to inform the general public or the low income community of harmful or unfair policies and practices.
- ***Affirmative litigation.*** There are many laws, policies and practices that if unchallenged, rule out positive resolution of clients' legal problems. Sometimes they involve laws that on their face are detrimental to the interests of low income persons. Other times, a law or policy, even one designed to protect the interests of the poor, may not be applied uniformly or consistently in accordance with its terms. Sometimes laws and policies that are favorable to clients' interests are challenged in litigation and need to be defended. To challenge an unfavorable law or to enforce or defend a favorable one on behalf of clients may require complex litigation, sometimes involving complex statutory or constitutional questions.

⁵ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 3.2 (on Legislative and Administrative Advocacy).

Standard 2.6 on Achieving Lasting Results for Low Income Individuals and Communities

- *Legislative and administrative advocacy.* Some systemic change can only be accomplished by seeking a legislative change or a change in agency policies, rules, regulations and practices of general application. In addition, many proposed changes in statutes and administrative rules will, if adopted, significantly harm the interests of low income persons and call for advocacy to oppose such changes.⁶

Some legal aid providers concentrate their efforts on broad challenges to legal problems confronting many clients. Such efforts can be the most cost-efficient way to utilize the limited resources available to meet the legal needs of low income persons. Repetitive representation of individuals to obtain a limited remedy that does not ultimately resolve a recurring legal problem can be costly and time-consuming. Representation that addresses the basic cause of such legal problems may, on the other hand, ultimately expend fewer resources with more lasting benefits for large numbers of low income persons.

Nevertheless, some systemic representation requires a substantial commitment of resources. A decision to undertake costly systemic advocacy should be made deliberately by the provider and the client, taking into consideration the potential for success; the resources necessary to proceed, balanced against the potential benefit or risk; and the provider's priorities.

All providers should be alert to areas in which they can have a positive impact on policies and practices that have a detrimental impact on the low income communities they serve. Not all providers are organized, however, to undertake complex—and potentially costly—representation that involves broad constitutional challenges, or to engage in administrative and legislative advocacy. Even for those that are able to, resource limitations will preclude undertaking every major case which is presented.

A provider that does not engage in costlier forms of systemic advocacy should, nonetheless, assure that its practitioners undertake adequate research and investigation to advise and counsel their clients regarding the options open to them under the law, and to refer them to other sources of representation, if necessary. The provider should participate in regional and statewide systems to help assure that all types of representation are available and to be aware of the appropriate place to refer clients it is unable to assist.⁷

⁶ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 3.2 (on Legislative and Administrative Advocacy).

⁷ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 2.3 (on Participation in Statewide and Regional Systems).

Thirteen Principles for Effective Advocacy

By Florence Wagman Roisman, Rutgers Law Review 2011

THIRTEEN PRINCIPLES FOR EFFECTIVE ADVOCACY

*Florence Wagman Roisman**

John Payne was a powerful, creative, effective advocate for racial and economic integration and justice. He also was a renowned, respected expert in the fields of land use and constitutional law. His extraordinary combination of action and scholarship made him a central figure in the seminal, prophetic development of the *Mount laurel* doctrine, rooted in litigation and then restricted by legislative, agency, and executive action. He had played a vital role in the development of the doctrine, and then his scholarly writing—wise, prescient, persevering, and ever faithful to fundamental principles—called every actor to maintain the integrity of the constitutional principle *Mount Laurel* had established.¹

What I offer here as a tribute to him is a speech I gave to legal services advocates, reflecting a perspective gained in decades of legal services work.² I have organized this into thirteen principles; all are related to one another, but I discuss them separately to make them more clear. Perhaps they all can be captured in these maxims:

Think big,
Be greedy,
Be unreasonable,
Be creative, and

* William F. Harvey, Professor of Law, Indiana University School of Law—Indianapolis. I am grateful to Miriam Murphy and Richard Humphrey, of the Ruth Lilly Library at the Indiana University School of Law—Indianapolis, to Research Assistants Ravinder Singh Deol and Victoria Leigh, and to Faculty Assistants Mary R. Deer and Faith A. Long, for invaluable assistance in the preparation of the speech and article.

1. See, e.g., John M. Payne, *Reconstructing the Constitutional Theory of Mount Laurel II*, 3 WASH. U. J.L. & POL'Y 555 (2000); John M. Payne, *Fairly Sharing Affordable Housing Obligations: The Mount Laurel Matrix*, 22 W. NEW ENG. L. REV. 365 (2000); John M. Payne, *Lawyers, Judges, and the Public Interest*, 96 MICH. L. REV. 1685 (1997).

2. I delivered this speech to Legal Services New York City (LSNYC) on January 10, 2008. For inviting me to give the talk, I am grateful to Andrew Scherer and Raun Rasumussen, who then were, respectively, the Executive Director and Chief of Litigation and Advocacy of LSNYC.

Be strategic.³

These suggestions all relate to relief. When a group of us put together the first federal litigation manual, we started with the principle that “relief is what a lawsuit is all about”⁴ When we did training for legal services lawyers, we always said: think about relief first.⁵ Writing a proposed order is not just a technical requirement; it’s a crucial way of focusing attention on the central point of a lawsuit. Proposed relief should be reviewed periodically, whether in litigation or in any other form of advocacy, throughout the representation.

The first principle is: Expand the client’s expectations; enlarge the client’s vision of what’s possible. Not unreasonably, clients often don’t expect much from the legal system. We all know that when a client comes in with a writ of execution for an order of eviction and says that what she wants is just a few more days in which to move, we have to expand her sense of what’s possible, to make her understand that she may be able to fight the eviction altogether, may be able to require that the home be put into decent condition, may be able to secure a rent rebate or damages. Often we are able to establish new rules in defending garden-variety service cases—as happened with the cases establishing the implied warranty of habitability,⁶ the

3. For other expressions of this perspective, see Florence Wagman Roisman, *The Lawyer as Abolitionist: Ending Homelessness and Poverty in Our Time*, 19 ST. LOUIS U. PUB. L. REV. 237 (2000), reprinted in REPRESENTING THE POOR AND HOMELESS: INNOVATIONS IN ADVOCACY 21 (Sidney D. Watson ed., 2001); Florence Wagman Roisman, *Aggressive Advocacy*, XVII MANAGEMENT INFORMATION EXCHANGE 21 (2003) (reprinting the keynote speech given at the June 23, 2002, national Legal Aid and Defender Association (NLADA) Litigation and Advocacy Directors Conference at Snowbird, Utah, available at <http://indylaw.indiana.edu/instructors/roisman/utah.pdf> (last visited Apr. 1, 2011)); Florence Wagman Roisman, *Using International and Foreign Human Rights Law in Public Interest Advocacy*, 18 IND. INT’L & COMP. L. REV. 1 (2008), presented at the National Legal Aid and Defender Association’s 2006 Litigation and Advocacy Directors Conference.

4. FEDERAL PRACTICE MANUAL FOR LEGAL SERVICES ATTORNEYS 2 (Michael R. Masinter ed., 1989) (crediting Luther Granquist of the Legal Aid Society of Minneapolis). For a history of legal services’ federal litigation manuals, see Florence Wagman Roisman, *Foreword to FEDERAL PRACTICE MANUAL FOR LEGAL AID ATTORNEYS* xi (Jeffery S. Gutman, ed., 2d ed. 2004), available at http://www.lsnr.net/special/Federal_Practice_Manual_2004.pdf.

5. Roisman, *supra* note 4, at xii (discussing federal litigation training).

6. See *Javins v. First Nat’l Realty Corp.*, 428 F.2d 1071 (D.C. Cir.), cert. denied, 400 U.S. 925 (1970). For a full discussion of *Javins*, see Richard H. Chused, Saunders (a.k.a. Javins) v. First National Realty Corporation, 11 GEO. J. ON POVERTY L. & POL’Y 191 (2004). A shorter version appears in PROPERTY STORIES 121 (Gerald Korngold & Andrew P. Morriss eds., 2004).

doctrine of retaliatory eviction,⁷ the due process rights of tenants in public and subsidized housing,⁸ and consumer rights.⁹

The second principle is: Look for common elements in the problems you're addressing. John Bouman, a brilliant benefits lawyer who is the president of the Sargent Shriver National Center on Poverty Law, has spoken and written about the intricate connections between service work and impact work, and the ways in which service work informs and shapes law reform efforts.¹⁰ If all of the tenants in a building are being evicted, if you want to stop displacement from a neighborhood, then you want to address the elements that are common to all of the individual situations for which you want to provide remedy.

The third principle is: Assess the extent to which various forms of prejudice or discrimination are underlying causes of the problems you're trying to solve. This is partly because identifying such discrimination may make additional legal tools available. For example, years ago we litigated a case in which we tried to stop a landowner from evicting all the residents of a development, which the owner said it was doing in order to rehab the buildings and turn them into "luxury" units.¹¹ Based only on the fact that most of the tenants were Black or Latino, we argued that the displacement violated the Fair Housing Act. We had planned to make a case of disparate racial and ethnic impact, but the judge held, erroneously, that we would have to prove intentional racial discrimination. In the course of discovery into the owner's marketing, advertising, and other plans, we realized that we had strong evidence of intentional

7. See *Edwards v. Habib*, 397 F.2d 687 (D.C. Cir. 1968), *cert. denied*, 393 U.S. 1016 (1969).

8. See *Escalera v. N.Y.C. Hous. Auth.*, 425 F.2d 853 (2d Cir. 1970); *Caulder v. Durham Hous. Auth.*, 433 F.2d 998 (4th Cir. 1970); *Carter v. Md. Mgmt. Co.*, 835 A.2d 158, 164-65 (Md. 2003) (holding that good cause for eviction is required in Low Income Housing Tax Credit developments); NATIONAL HOUSING LAW PROJECT, HUD HOUSING PROGRAMS: TENANTS' RIGHTS § 14/2 (3d ed. 2004) [hereinafter HUD HOUSING PROGRAMS] (discussing the evolution of due process rights); NATIONAL HOUSING LAW PROJECT, RHCDS (FMHA) HOUSING PROGRAMS: TENANTS' AND PURCHASERS' RIGHTS, ch. 14 (2d ed. 1995) [hereinafter RHCDS (FMHA) HOUSING PROGRAMS] (discussing the requirements for housing programs of the U.S. Department of Agriculture). For a summary, see Florence Wagman Roisman, *The Right to Remain: Common Law Protections for Security of Tenure: An Essay in Honor of John Otis Calmore*, 86 N.C. L. REV. 817, 831 (2008).

9. See *Williams v. Walker-Thomas Furniture Co.*, 350 F.2d 445 (D.C. Cir. 1965).

10. John Bouman, Keynote Speech at the Norman Amaker Midwest Public Interest Law Retreat (Feb. 25, 2004) (outline on file with Florence Wagman Roisman and John Bouman); see also, John Bouman, *The Power of Working with Community Organizations: The Illinois FamilyCare Campaign—Effective Results Through Collaboration*, 38 CLEARINGHOUSE REV. 583 (2005).

11. *Brown v. Artery Org., Inc.*, 654 F. Supp. 1106 (D.D.C. 1987).

racial and ethnic discrimination—strong evidence that the way in which the owner went about the evictions and rehab work was heavily influenced by the owner's desire to replace the tenants of color with white, non-Hispanic people. In the decades since that litigation, study and experience have persuaded me that usually when there is a disparate racial or ethnic impact, there was intentional racial or ethnic discrimination motivating the action.¹²

I understand that displacement and gentrification are enormous problems for your clients. When the people who are being displaced disproportionately are people of color, I think it would be very useful to brainstorm about potential Fair Housing Act claims. Housing-related actions with disparate impact on racial or ethnic groups or women are highly vulnerable to Fair Housing Act claims, and the statute has a powerful mandate to government agencies to act "affirmatively to further" not only non-discrimination, but integration.¹³

In their very important book, *American Apartheid: Segregation and the Making of the Underclass*, Douglas Massey and Nancy Denton write that "racial residential segregation is the principal structural feature of American society responsible for the perpetuation of urban poverty and represents a primary cause of racial inequality in the United States."¹⁴ In 2002, *Clearinghouse Review* had a special double issue on race and poverty, offering many articles about how to attack problems at the intersection of race and poverty. In my own article in that issue, I wrote that

housing advocates should look closely at every predominantly white community that has good schools, employment opportunities, security, and other public and private facilities and services and ask two questions: what keeps poor people of color out of that community, and what would be the most effective way to get poor people of color into that community?¹⁵

12. See Elizabeth K. Julian & Michael M. Daniel, *Separate and Unequal—The Root and Branch of Public Housing Segregation*, 23 CLEARINGHOUSE REV. 666 (1989).

13. See 42 U.S.C. § 3608(d), (e) (2006); see also Florence Wagman Roisman, *Affirmatively Furthering Fair Housing in Regional Housing Markets: The Baltimore Public Housing Desegregation Litigation*, 42 WAKE FOREST L. REV. 333, 353-88 (2007); *United States ex rel. Anti-discrimination Ctr. of Metro N.Y. v. Westchester Cnty.*, 495 F. Supp. 2d 375 (S.D.N.Y. 2007).

14. DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* viii (1993). See also John O. Calmore, *A Call to Context: The Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty*, 67 FORDHAM L. REV. 1927, 1955 (1999) ("When race and space are synergistically involved with poverty, race-neutral or color-blind poverty practice is naively wrong-headed.")

15. Florence Wagman Roisman, *Housing, Poverty, and Racial Justice: How Civil Rights Laws Can Redress the Housing Problems of Poor People*, 36 CLEARINGHOUSE

We also should be advancing prohibitions on discrimination on such bases as source and amount of income.¹⁶ And we should be arguing for expansion of Fourteenth Amendment protections, using state constitutional provisions, and making full use of statutory protections.¹⁷

The fourth principle is: Use human rights discourse. What we know as “civil rights” began as part of human rights discourse and then got diverted into the narrower, more specific, stream by re-baiting that identified “human rights” with communism.¹⁸ We should re-link our anti-racist, anti-poverty work to human rights work.

Andy has been a pioneer in this respect.¹⁹ Even the current Supreme Court majority—the majority of the Roberts-Alito court—has shown its willingness to consider human rights doctrine.²⁰ Justice Breyer has said:

Neither I nor my law clerks can easily find relevant comparative material on our own. The lawyers must do the basic work, finding, analyzing, and referring us to, that material. I know there is a chicken and egg problem. The lawyers will do so only if they believe the courts are receptive. By now, however, it should be clear that the chicken has broken out of the egg. The demand is there.²¹

REV. 21, 26-27 (2002).

16. See *State, Local and Federal Statutes Against Source of Income Discrimination*, POVERTY & RACE RESEARCH ACTION COUNCIL, http://www.prrac.org/pdf/Source_of_Income_Summary.pdf (last visited Apr. 4, 2011).

17. See Helen Hershkoff, *State Courts and the “Passive Virtues”: Rethinking the Judicial Function*, 114 HARV. L. REV. 1833 (2001); Helen Hershkoff, *Positive Rights and State Constitutions: The Limits of Federal Rationality Review*, 112 HARV. L. REV. 1131 (1999); William J. Brennan, Jr., *State Constitutions and the Protection of Individual Rights*, 90 HARV. L. REV. 489 (1977); Helen Hershkoff, *Transforming Legal Theory in the Light of Practice: The Judicial Application of Social and Economic Rights to Private Orderings*, in *COURTING SOCIAL JUSTICE: JUDICIAL ENFORCEMENT OF SOCIAL AND ECONOMIC RIGHTS IN THE DEVELOPING WORLD* 268, 294-99 (Varun Gauri & Daniel M. Brinks eds., 2008).

18. See generally CAROL ANDERSON, *EYES OFF THE PRIZE: THE UNITED NATIONS AND THE AFRICAN AMERICAN STRUGGLE FOR HUMAN RIGHTS, 1944-1955* (2003); MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2000).

19. See, e.g., Maria Foscarinis et al., *The Human Right to Housing: Making the Case in U.S. Advocacy*, 38 CLEARINGHOUSE REV. 97 (2004).

20. See, e.g., Florence Wagman Roisman, *Using International and Foreign Human Rights Law in Public Interest Advocacy*, 18 IND. INT'L & COMP. L. REV. 1, 4-13 (2008); Martha F. Davis, *Human Rights in the Trenches: Using International Human Rights Law in “Everyday” Legal Aid Cases*, 41 CLEARINGHOUSE REV. 413, 413-15 (2007); Connie de la Vega, *Using International Human Rights Law in Legal Services Cases*, 22 CLEARINGHOUSE REV. 1242, 1244 (1989); Connie de la Vega, *Protecting Economic, Social and Cultural Rights*, 15 WHITTIER L. REV. 471, 479 (1994).

21. Stephen J. Breyer, *The Supreme Court and the New International Law*,

Legal services advocates should be talking human rights talk to the courts and other decision-makers, and to the public.

The fifth principle is: Consider many different forms of relief. Litigation—individual, group, or class; federal or state; aggressive or defensive—is only one form of advocacy available to us. Others include:

Legislative and agency work,
Media and other public relations work,
Public education,
Use of the internet, and
Direct action.

Think about *why* your clients are suffering, what has to change in order to end or at least alleviate that suffering, and how to make those changes. Ask who has to do what, and what and who influences those people. Decision makers are very much influenced by what's around them—by T.V., the press, and the internet—by the zeitgeist.

We've seen two recent instances of the "power of the press." The first was with respect to the unsatisfactory work of immigration judges. Several federal courts of appeals expressed concern about how immigration judges were handling their cases, but it wasn't until the media gave prominence to those complaints that action was taken to improve the conduct of the immigration judges.²²

The second illustration involves the egregious delays in deciding disability cases. A front page story in the *New York Times* evoked almost immediate improvement.²³

With respect to what we in legal services used to call "multi-

Address at the Ninety-Seventh Annual Meeting of the American Society of International Law, Washington, D.C. (April 4, 2003), available at www.supremecourt.gov/publicinfo/speeches/view speeches.aspx?Filename=sp_04-04-03.html; see also Ruth Bader Ginsburg & Deborah Jones Merritt, *Affirmative Action: An International Human Rights Dialogue*, 21 CARDOZO L. REV. 253 (1999); Editorial, *A Respect for World Opinion*, N.Y. TIMES, Aug. 2, 2010, at A22 (endorsing Justice Ginsburg's views).

22. See Rachel Swarns, *U.S. May be Mishandling Asylum Seekers, Panel Says*, N.Y. TIMES, Feb. 8, 2007, at A17; Nina Bernstein, *Immigration Judge is Reassigned to a Desk Job*, N.Y. TIMES, Mar. 13, 2007, at B1; Julia Preston, *Wide Disparities Found in Judging of Asylum Cases*, N.Y. TIMES, May 31, 2007, at A1; Nina Bernstein, *Judge Who Chastised Weeping Asylum Seeker Is Taken Off Case*, N.Y. TIMES, Sept. 20, 2007, at B1; see also Linda Kelly Hill, *Holding the Due Process Line for Asylum*, 36 HOFSTRA L. REV. 85, 103-09 (2007) (describing the unacceptable intemperance displayed by immigration judges towards asylum seekers).

23. Erik Eckholm, *Disability Cases Last Far Longer as Backlog Rises*, N.Y. TIMES, Dec. 10, 2007, at A1.

forum advocacy," it's edifying to consider how the battle against the death penalty is being conducted. Opponents are using academic reports, state legislatures, state courts, and media.²⁴ They are making incremental changes—securing prohibitions of capital punishment for juveniles²⁵ and for people who are mentally retarded.²⁶ The death penalty is enduring death by a thousand cuts.²⁷

The sixth principle is: Look for structural remedies; try to create change that isn't just a band-aid but makes it less likely that precisely the same kind of problem will arise for other people. This is true for individual service work, as well as for what's been called "impact litigation" or "policy work." In the landlord-tenant and consumer areas, for example, some of the most important "impact" work has been done in the context of defending individual service cases—in cases such as *Williams v. Walker-Thomas*²⁸ and a host of landlord-tenant cases, including those that involve the implied warranty of habitability,²⁹ retaliatory eviction,³⁰ and the due process rights of tenants in public and subsidized housing.³¹

24. See Ken Armstrong & Steve Mills, *The Failure of the Death Penalty in Illinois*, CHI. TRIB., Nov. 14, 1999, at 1 (the Governor imposed a moratorium on capital punishment in Illinois due to reporting which stated that at least twelve innocent men were sent to death row); *Chicago Tribune Emery A Brownell Media Award*, NLADA CORNERSTONE, Fall 2000, at 8, available at www.nlada.org/DMS/Documents/998323598.89/Fall%202000%20%20Cornerstone%20Final.pdf (Ken Armstrong and Steve Mills, reporters at The Chicago Tribune, won the Emery A. Brownell Media Award, for which they were nominated by Marshall Hartman, Illinois State Deputy Appellate Defender). The authors have also received or been finalists for other numerous awards such as the George Polk Award, the Thurgood Marshall Journalism Award, and the Goldsmith Investigative Reporting Prize. See *Previous Winners of the George Polk Awards*, LONG ISLAND UNIVERSITY, <http://www.liunet.edu/About/News/Polk/Previous.aspx#1999> (last visited Apr. 4, 2011); *Thurgood Marshall Journalism Award Winners*, DEATH PENALTY INFORMATION CENTER, <http://www.deathpenaltyinfo.org/thurgood-marshall-journalism-awards> (last visited Apr. 4, 2011); *Investigative Reporting Prize*, HARVARD KENNEDY SCHOOL, http://www.hks.harvard.edu/presspol/prizes_lectures/goldsmith_awards/investigative_reporting.html (last visited Apr. 4, 2011).

25. *Roper v. Simmons*, 543 U.S. 551, 578 (2005) (barring capital punishment for juveniles).

26. *Atkins v. Virginia*, 536 U.S. 304, 320-21 (2002) (barring capital punishment for people who are mentally retarded).

27. At the time of this speech, the use of lethal injections was being challenged, but the Supreme Court rejected that challenge in *Baze v. Rees*, 553 U.S. 35, 61-62 (2008) (upholding lethal injections as a manner of execution).

28. *Williams v. Walker-Thomas Furniture Co.*, 350 F.2d 445 (D.C. Cir. 1965).

29. See *Javins v. First Nat'l Realty Corp.*, 428 F.2d 1071 (D.C. Cir.), cert. denied, 400 U.S. 925 (1970).

30. See *Edwards v. Habib*, 397 F.2d 687 (D.C. Cir. 1968), cert. denied, 393 U.S. 1016 (1969).

31. See *supra* note 8.

The *Jiggetts* litigation is a wonderful example of this kind of advocacy.³² And *Jiggetts* teaches another lesson, too—that what looks like slight relief may turn out to be much bigger than was thought. When *Jiggetts* first was decided, some people said, “well, this isn’t a big deal, because the legislature can frustrate all relief simply by changing the statute.” This was true—but the legislature didn’t do that. Similarly, in many cases, one might win “just” a temporary restraining order or preliminary injunction, which looks like only temporary relief, but the temporary restraining order or preliminary injunction may in fact turn into permanent relief.

Unless things have changed since I used to do landlord-tenant work, one of the big challenges for people who are doing eviction defense is figuring out where clients can live if the eviction defense is unsuccessful. In this regard, we want to be thinking about how to gain admission to developments that can provide decent housing to clients—which often means developments financed by the Low Income Housing Tax Credit (LIHTC) program. Great litigation in this regard is being done by the Fair Housing Justice Center, South Brooklyn Legal Services, and the law firm of Relman & Dane. The Court House Apartments case involves housing in New York’s 80/20 program;³³ that same kind of litigation, challenging more onerous requirements for disabled poor people of color than for market-rate tenants, could be brought with respect to LIHTC developments.³⁴

It is important also to challenge impediments to admission to well-served neighborhoods. New developments in neighborhoods of opportunity should be subject to inclusionary requirements.³⁵

The seventh principle is, explicitly: Be unreasonable. The society in which we live is brutal, primitive, inhumane. What is considered “reasonable” is to deny to many people decent housing, a sound education, good health care, and other necessities.

The “mainstream” values property over people. When we challenge the mainstream, we have to take ourselves out of our intellectual and social environment, to change the fundamental rules to which we’re accustomed.

What the “mainstream” offers is choices that are unacceptable—

32. *Jiggetts v. Grinker*, 553 N.E.2d 570 (N.Y. 1990).

33. *Woodard v. Court House Apts., Two Trees Mgmt.*, 1:07-cv-04215-BMC-KAM (E.D.N.Y. filed Oct. 10, 2007) (dismissed with prejudice on July 24, 2008).

34. See Elizabeth K. Julian, *Recent Advocacy Related to the Low Income Housing Tax Credit and Fair Housing*, 18 J. AFFORDABLE HOUS. & CMTY. DEV. L. 185 (2009) (arguing that programs like LIHTC are undermined by a lack of protection for the civil rights of low-income people of color).

35. See Florence Wagman Roisman, *Opening the Suburbs to Racial Integration: Lessons for the 21st Century*, 23 W. NEW ENG. L. REV. 65, 77-85 (2001) (discussing inclusionary requirements in Massachusetts, New Jersey, and elsewhere).

for example, either segregated subsidized housing or none at all.³⁶ We should not accept the choices; our choice should be: “none of the above.” We ourselves must—and we must encourage others to—think “outside the box.” Give yourselves quiet time to expand your thinking, to get away from the dominant discourse, to be greedy and unreasonable.

We should recognize that it will be difficult to achieve substantial relief, that we’ll be pushing uphill with a powerful boulder on our hands, challenging the mainstream, the status quo. Be unreasonable; be greedy.

I’ll offer a small, personal example of this. I recently wanted to write an article that would promote security of tenure for tenants in privately-owned housing, to advance the notion that tenants should not be evicted except on a showing of good cause. I myself—a tenant advocate for forty years, considered by many to be a “radical” (whatever that means)—had a huge amount of trouble wrapping my own mind around the notion that a landlord should not be able to evict a tenant when the landlord’s only reason for doing so is that the landlord could make more money by putting the property to another use. I really had to steep myself in the New Jersey and European and other conceptual systems to beat down the idea that a landowner’s desire to make money is more important than a tenant’s desire to maintain a homeplace.³⁷

We need to push for new doctrines:

*to insist on a sounder interpretation of the Fourteenth Amendment, making poverty a suspect classification and such rights as housing, fundamental rights;

*to develop the jurisprudence and expand the breadth of the Thirteenth Amendment;³⁸ and

36. See *Gautreaux v. Romney*, 448 F.2d 731 (7th Cir. 1971) (holding that the discriminatory practices of the U.S. Department of Housing and Urban Development violated the Due Process Clause of the Fifth Amendment); see also Arnold R. Hirsch, *Searching for a “Sound Negro Policy”: A Racial Agenda for the Housing Acts of 1949 and 1954*, 11 HOUS. POL’Y DEBATE 393 (2000) (discussing the legislative history of the 1949 Housing Act, when “liberals” defeated a proposal to ban segregation in public housing because they recognized that the ban had been proposed in order to defeat public housing altogether. New York Congressman Vito Marcantonio supported the ban).

37. See Roisman, *supra* note 8; see also Lucie E. White, *To Learn and Teach: Lessons From Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699, 750 n.185 (1988) (stating that we need a paradigm shift, an “abnormal discourse” that puts homelessness and poverty beyond the pale).

38. See Florence Wagman Roisman, *Constitutional and Statutory Mandates for Residential Racial Integration and the Validity of Race-Conscious, Affirmative Action to Achieve It*, in THE INTEGRATION DEBATE 67, 77-79 (Gregory D. Squires & Chester Hartman eds., 2010).

*to use state constitutions as a basis for protecting more people, following suggestions made in Helen Hershkoff's pathbreaking articles.³⁹

When we make these arguments and lose, we must keep making them. The NAACP and other civil rights lawyers attacked racially restrictive covenants for decades, losing most of the cases until *Shelley v. Kraemer* and *Hurd v. Hodge*.⁴⁰ The battle against the death penalty has been slow and incremental.⁴¹ We're in this struggle for the long haul.⁴² Another way of putting this principle is: do the thing that's scary.⁴³

The eighth principle is: Support progressive groups and individuals whenever you see them acting against perceived injustices and claiming entitlements. One never knows what individual or group protest is going to spark effective change. Rosa Parks wasn't the first African-American to refuse to move to the back of a bus;⁴⁴ Montgomery wasn't the first city where Blacks had tried to mount a boycott of segregated buses.⁴⁵ But the presence of swift legal aid for Mrs. Parks and the Montgomery bus boycott helped to make Montgomery a crucial source of new movement. It was vitally important that Fred Grey and Clifford Durr had established relationships with Mrs. Parks and E.D. Nixon, head of the local NAACP. Because of these established relationships, they were

39. See *supra* note 17.

40. *Shelley v. Kraemer*, 334 U.S. 1 (1948); *Hurd v. Hodge*, 334 U.S. 24 (1948).

41. See *supra* text accompanying notes 24-27.

42. The Right has been arguing to restore *Lochner* and eliminate footnote 4 of *Carolene Products*. See, e.g., Letter from José Juárez & Holly Maguigan, Co-Presidents of the Society of American Law Teachers, to the Honorable Arlen Specter and the Honorable Patrick Leahy (Mar. 22, 2005) (on file with author) (discussing the views of Judge Janice Rogers Brown). These seem like fruitless arguments, but the Right has learned that perseverance pays. Who would have thought that the doctrine of *Brown v. Board* could be undermined as it has been in *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701 (2007)? See *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701, 803 (2007) (Stevens, J., dissenting) ("The Court has changed significantly since it decided *School Comm. of Boston* in 1968. It was then more faithful to *Brown* and more respectful of our precedent than it is today. It is my firm conviction that no Member of the Court that I joined in 1975 would have agreed with today's decision."); see generally, STEVEN M. TELES, *THE RISE OF THE CONSERVATIVE LEGAL MOVEMENT* (2008).

43. "Let us never forget how eternal slavery looked at the time John Brown was hanged, and how soon afterwards Union soldiers were on the march." PATRICIA SULLIVAN, *DAYS OF HOPE: RACE AND DEMOCRACY IN THE NEW DEAL ERA* 272 (1996) (quoting Charles Houston, *BALTIMORE AFRO-AMERICAN*, Sept. 11, 1948).

44. See *Morgan v. Commonwealth of Virginia*, 328 U.S. 373, 374-75 (1946); see also PHILIP HOOSE & CLAUDETTE COLVIN: *TWICE TOWARD JUSTICE* (2009) (detailing the story of an Alabama woman who refused to follow bus segregation rules).

45. See TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63*, at 120-23, 127-31 (1989).

trusted when immediate action was called for after Mrs. Parks's arrest.⁴⁶ Michael McCann, who has studied how social change happens, has written that liberating movements "most often evolve incrementally through a series of more limited local struggles over quite concrete, often trivial ends [T]hey often provide rehearsals of opposition that prepare the way for bolder challenges in more propitious moments."⁴⁷

The ninth principle is: Pay special attention to young people. We can teach them, and they can teach us. Their energy and low tolerance for oppression will bring new boldness to our advocacy, and they should be enabled to stand on our shoulders and not have to reinvent the wheels on which we've been spinning.

The tenth principle is: Be collaborative. With respect to any issue, ask who else cares about this issue. Who else might benefit from the kind of relief we're seeking for our clients?

Your colleagues produced a good illustration of this in *Jiggetts*, making use of the fact that landlords, as well as tenants, benefit when the tenants receive housing subsidies. Public housing authorities as well as tenants benefit when more money is provided by HUD. State and local agencies, as well as clients, benefit when federal agencies provide money for social services—for example, when children who are in foster care receive SSI.

Ask these questions also within your program—linking those who do service and impact work, and across areas of specialization. Ask this with respect to other programs and organizations in the city, the state, the region, and nationally.

Take advantage of training and other conferences. Meeting people is very important.⁴⁸ To take a personal example, I have learned many valuable lessons from my longstanding relationships with Andy, Raun, Chip Grey, Steve Banks, Scott Rosenberg, and many others whom I met at Legal Services or related conferences or meetings.

The eleventh principle is: Educate, educate, educate. Recognize that what you know, what is obvious to you, is not obvious to others, is not known by others. Tell the stories of your clients, and people who are like your clients. Tell your family (especially those who keep wondering when you are going to "get a real job"). Tell your friends, judges, students, and the public—through op-ed articles, letters to

46. *Id.* See also JOHN A. SALMOND, *THE CONSCIENCE OF A LAWYER: CLIFFORD J. DURR AND AMERICAN CIVIL LIBERTIES, 1899-1975*, at 171-77 (1990); *OUTSIDE THE MAGIC CIRCLE: THE AUTOBIOGRAPHY OF VIRGINIA FOSTER DURR* 278-81 (Hollinger F. Barnard ed., 1990).

47. MICHAEL W. McCANN, *RIGHTS AT WORK: PAY EQUITY REFORM AND THE POLITICS OF LEGAL MOBILIZATION* 307 (1994).

48. See Roisman, *supra* note 3, at 249 & n.60, 250.

the editor, the internet, on blogs; talk at your place of worship (if you worship). As appropriate, you might take as your theme the “covenant to overcome poverty” adopted by the National Council of Churches and other religious leaders, declaring that “[j]ust as some of our religious forebears decided no longer to accept slavery or segregation, we decide to no longer accept poverty and its disproportionate impact on people of color.”⁴⁹

These may seem small things to do—though they’re difficult. (I think that speaking to one’s family may be the most difficult kind of advocacy—and sometimes we shouldn’t do it.) In those conversations, I think we need to be rather as Howard Zinn, quoting Wendell Phillips, described the abolitionist leader Angelina Grimke, who exhibited “serene indifference to the judgment of those about her.”⁵⁰

In support of the importance of doing such things, I would cite Gandhi, who has been quoted as saying: “almost everything you do will seem insignificant, but it is important that you do it.”⁵¹ I would cite also William Lee Miller’s wonderful book, *Arguing About Slavery*, in which he said—citing John C. Calhoun—that:

If there is a constant drumbeat of moral argument . . . eventually it begins to have its effect, even upon those who initially reject the argument A group of people, a culture, certainly has many ideas on the same topic, diverse and contradictory, simultaneously present. Argument and persuasion, and the changing of the cultural atmosphere, can elevate one idea and subordinate another.⁵²

We’ve seen dramatic changes in our lifetimes—the end of apartheid, the fall of communism, the denigration of smoking, and now reactions to climate change. And we’ve certainly seen the strong beginnings of shifts with regard to race and with regard to the position of women in society. There is every reason to believe that there can be such a major societal shift with regard to poverty and inequality, if people like us work hard to make that change happen. To quote Gandhi again: “We must be the change we wish to see.”⁵³

49. Gustave Niebuhr, *Christian Groups Urge a Vast, Coordinated Attack on Poverty*, N.Y. TIMES, Feb. 17, 2000, at A18; see also *Covenant to Overcome Poverty – NCCCUSA Story*, WORLDWIDE FAITH NEWS (Feb. 16, 2000, 8:10 AM), <http://www.wfn.org/2000/02/msg00111.html>.

50. Howard Zinn, *Abolitionists, Freedom-Riders, and the Tactics of Agitation*, in *THE ANTISLAVERY VANGUARD: NEW ESSAYS ON THE ABOLITIONISTS* 417, 432 (Martin Duberman ed. 1965).

51. *Mahatma Gandhi Quotes*, THINK EXIST, http://thinkexist.com/quotes/mahatma_gandhi/3.html (last visited Apr. 4, 2011).

52. WILLIAM LEE MILLER, *ARGUING ABOUT SLAVERY: THE GREAT BATTLE IN THE UNITED STATES CONGRESS 507–08* (1996).

53. THE YALE BOOK OF QUOTATIONS 299 (Fred R. Shapiro, ed. 2006).

The twelfth principle is: Take the long view. Be impatient in your advocacy, but patient in assessing the results of your advocacy.

A sense of history is very important for this. It's true that we don't like today's Supreme Court or its doctrine as well as we liked the Court and its doctrine in the 1960's, but it's also true that we like today's Court and doctrine much more than the Court and doctrine of a hundred years ago. A hundred years ago, there were race riots in Springfield, East St. Louis, Chicago, and many other places. *Plessy v. Ferguson* was the governing doctrine.

Fifty years ago, there were no civil rights acts of 1964, 1965, or 1968; no Titles II, VII, VIII, or IX; no Voting Rights Act; no ADA; no food stamp, Medicare, Medicaid, etc., programs.

The federal courts are conservative, but so were they well through the 1950s, when much important change was made. There were few very progressive people who sat on the Supreme Court before the 1950s. You've had a few in the New York State courts, but not a huge number.

The big challenge—part of what makes our work hard and professionally gratifying—is to convince judges and other decision-makers who start out unsympathetic to us and our clients. I began in legal services in 1967, in D.C. We had a great federal court of appeals, but very bad local courts—and we legal services lawyers had nowhere near the extent or sophistication of legal services advocates today.

Part of what helps is to squeeze in time for some reading that will provide perspective on your work and your life. I am sure that most of you are trying to find time for what's already in your life—starting, but not ending, with family and work, not to mention entertainment and exercise. It probably sounds bizarre for me to be urging you to add something to your schedule. But I do think it's healthy—indeed, essential—to read things that provide context for your work. I do think we all should read fiction and poetry, but I think we also should read the important books of history and social science that help us to understand the problems we're addressing professionally.

The thirteenth and final principle is: Persevere. Everything worth doing takes time—a great deal of time. Think about the campaign to establish a right to counsel in civil cases—when did Andy write the first of those articles about a civil *Gideon*?⁵⁴ Think about *Jiggetts*, and Steve Banks's work on behalf of homeless people.⁵⁵ The

54. See Andrew Scherer, *Gideon's Shelter: The Need to Recognize a Right to Counsel for Indigent Defendants in Eviction Proceedings*, 23 HARV. C.R.-C.L. L. REV. 557 (1988).

55. See, e.g., Julie Bosman, *Shortage of Beds for Homeless in City*, N.Y. TIMES, Dec.

Gautreaux litigation in Chicago has marked its fortieth anniversary and is still actively in litigation.⁵⁶

There are prospects for success. There are reasonably progressive political figures in New York State and the city. Nationally, the prospects are even better, with the recent increase in the minimum wage and the likelihood of progressive victories in November.

I want to conclude by suggesting that what was true for ending slavery in the United States, and then for ending *de jure* racial segregation in the United States, is true also for ending *de facto* segregation and grievous poverty in the United States. I quote from William Lee Miller's book, *Arguing About Slavery*. He tells us that, "[t]hinkers and statesmen and leaders and realistic politicians of all stripes and attachments believed that American slavery could not be ended—not by deliberate human action."⁵⁷

* * *

[In 1836 t]he support for abolition was minuscule; the abolitionist orators were being stoned and mobbed even in the North; the poll results (if polls had existed in those days) would have shown very meager support for trying to abolish slavery even in the District of Columbia, and overwhelming detestation personally for those obnoxious abolitionists, who tried to force people to think about subjects they did not want to think about. They didn't have any support.⁵⁸

* * *

Certainly the abolitionists after 1831 would be subjected to the most severe and insistent and constant derogation, of every kind, which to some extent continued into history-writing in the twentieth century.⁵⁹

* * *

For slavery to be ended there had to be some individual human

9, 2009, at A32.

56. See generally LEONARD S. RUBINOWITZ & JAMES E. ROSENBAUM, *CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA* (2000).

57. MILLER, *supra* note 52, at 15.

58. *Id.* at 120-21.

59. *Id.* at 182; see also *id.* at 143 ("Almost everybody denounced the abolitionists; it was a politically safe position.").

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beings who did what they did. . . . [T]here were some people—a very small number, on the margin of society, condemned and harassed—who nevertheless made it the first order of their life's business to oppose American slavery, and to insist that it was a grotesque evil that should be eliminated, and . . . in a little over thirty years, it was.⁶⁰

You all are the “small number” of people, harassed if not also condemned, who make it “the first order of” your life's business to end poverty and invidious discrimination.

Go to it!

60. *Id.* at 513; see also DON E. FEHRENBACHER, *SLAVERY, LAW, AND POLITICS: THE DRED SCOTT CASE IN HISTORICAL PERSPECTIVE* 9 (1981) (stating that the eighteenth century anti-slavery movement “failed . . . not because its supporters lacked *sincerity*, but rather because they lacked the *intensity* of conviction that inspires concentrated effort and carries revolutions through to success”).

Building Successful Broad-Based Advocacy: The “Top 16” Most Important Factors for Program Leaders

By Hannah Lieberman, MIE Special Feature: Managing the Mission: The Legal Services Anti-Poverty Agenda in the Second Decade of the 21st Century



Building Successful Broad-Based Advocacy: The “Top 16” Most Important Factors for Program Leaders

By Hannah Lieberman¹

As demand for assistance escalates and program resources shrink in the current economy, it is more critical than ever for legal services programs to make strategic choices to maximize their impact for low-income persons and communities. Achieving results that both attain the goals of individual clients and improve the lives of others in similar circumstances is not just the responsibility of a handful of aggressive program lawyers.² Program leaders, particularly executive directors, need to create and maintain a culture in which maximizing the impact of all program work is a basic expectation. Their stewardship includes ensuring program capacity to foster and support consistent broad-based advocacy. This article presents four legal services leaders’ views³ of the critical elements for creating an organization whose work is aimed at achieving true “access to justice” — resolving the most dire problems facing individuals, obtaining solutions for those untold numbers of similarly situated persons who cannot or do not obtain assistance, and eradicating barriers that prevent our clients from escaping poverty.

1. Mission and vision statement language captures the importance of seeking lasting change for many.

Achieving lasting change for low-income persons and communities should be an understood and fully embraced expectation throughout the organization. The expectation should be explicitly captured in program mission and vision statements. Those statements should be forged by engaging staff in focused discussions about the purpose and objectives of program work. They must become a constant touchstone for virtually all program decisions, including hiring, resource allocation, fundraising, performance reviews and evaluations of the effectiveness of all program services.

2. The Board understands and actively supports the concept of broad-based work.

Board members educate and garner support from important stakeholders, including community members and leaders, the Bar and the judiciary. Board members’ stature lends credibility to program efforts. Heard in a variety of influential forums, their individual and collective voices should carry the message that the mission and value of legal services is its unique blend of individual and broad impact, grounded in an overarching purpose to help minimize or eradicate poverty. Because broad-based activity can upset the status quo and thus often challenge existing policy makers and officials, the Board needs to throw its weight behind the program’s commitment to broad-based work — to herald successes and defend the program from detractors.

3. Program leaders incorporate expectations for broad-based advocacy into day-to-day management.

Encouragement of broad-based results for program

...achieve true “access to justice” — resolving the most dire problems facing individuals, obtaining solutions for those untold numbers of similarly situated persons who cannot or do not obtain assistance, and eradicating barriers that prevent our clients from escaping poverty.

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work should be a constant drumbeat. Directors should visibly help staff pursue broad-based endeavors. They must convey the importance of making hard, often painful choices among competing demands and client needs to pursue very clear advocacy goals. They must ensure that advocates do not try to be all things to all people, which often results in diluting the impact of all program work by spreading it too thinly.

4. Legal work managers need time, space and skills to support broad-based work.

Legal work managers should be expected to achieve broad-based results in their work and the work they supervise. Those expectations should be clear when attorneys are promoted and a core element of regular evaluations. To enable legal work managers to succeed, they must be afforded the opportunity to develop relevant skills to achieve broad-based results (including, for example, the ability and confidence to handle complex litigation or areas of transactional law, effective use of media, techniques for policy advocacy, and mapping or other forms of data analysis). They need time and space to lead their staff in legal work planning, developing and implementing advocacy strategies and provision of consistent oversight, guidance and feedback. Their case loads and administrative responsibilities must be limited so that they can consistently discharge these core responsibilities.

5. Fundraising and grant-seeking is tied to advocacy goals.

Fundraising should be coordinated with and intended to support advocacy goals to achieve lasting change for clients and low-income communities. Directors should resist commitments that may undercut that effort, including chasing money that curtails flexibility because it is tied to handling an unrealistically high volume of cases, or consistently seeking grants that do not fully fund the work and therefore require staff members to shoulder unrealistic burdens. Directors can help educate funders about the impact and importance of program work to encourage funders to move away from simple numerical objectives and substitute outcomes that measure success in terms of lasting change for clients.

6. Leadership consistently minimizes the false impact/service dichotomy.

Resistance to the notion that every program should be achieving broad-based results sometimes arises from the misperception that broad-based work comes at the expense of serving individual clients. That is a false dichotomy. Instead, program leaders should send the affirmative message that broad-based results can and should be achieved through all program work, including strategic development of individual cases. For every new case, outreach or community education or other project they undertake, program advocates should ask: "how can I maximize the impact or value of this case/work/matter to help both the client before me and others who are similarly situated?" By asking the question, advocates open the door to strategies that may enable them to make a difference for the untold thousands who are equally entitled to, but do not get, assistance.

7. Engage in periodic strategic planning.

Broad-based advocacy does not just happen. Planning is necessary to ensure that internal capacity and external relations foster its quality and growth. Planning is necessary to make and implement clear choices about what advocacy can and should be undertaken.

Strategic planning provides a critical opportunity to review program experience and data to identify unmet needs and emerging trends. Such planning can and should occur periodically on a firm-wide basis and more frequently (and often less formally) at a unit or practice-level. Advocacy planning should include capturing and analyzing the knowledge and data the program and its staff have. IT staff can be invaluable in helping to extract and examine data from case management systems to identify patterns of need and client circumstances, demographic shifts and gaps in services. Planning efforts should be informed by periodic and timely assessments of community needs. Data and needs analyses underscore how broad-based objectives emerge directly from program experience with clients and communities. The identified needs, trends and gaps provide the basis for setting clear goals for program advocacy grounded in the experiences of clients. Staff should develop realistic strategies to achieve the goals and performance measures to assess their success.

8. Broad-based advocacy emerges from deep engagement with the community and understanding of its current and emerging needs.

Effective broad-based advocacy is not the pursuit

of abstract principles, but should be an intentional response to a recurrent need that affects more persons than we can help individually or that provides a benefit to a group or community. To identify those recurrent problems, programs need to be attuned to the composition, interests, trends and shifts in the communities they serve. They must be able to anticipate how external changes in public policy, the local and larger economy, court decisions, and public opinion may affect or provide opportunities for low-income persons. Cultivating on-going relationships with community members and leaders, including those in community organizations, faith-based organizations, social service providers, and local policy makers is the foundation of such deep community engagement. Programs need to adjust their work and approaches in light of what they learn from their on-going community involvement.

9. Avoid the creation of elite units.

All staff should feel a responsibility to promote broad-based advocacy. While a program may choose to develop “support” units or experts to guide more complex advocacy, broad-based advocacy should not be the province of a few. Cultivation of an “impact unit” can drive a wedge between that unit and other staff, eroding morale and reducing overall effectiveness. It can perpetuate the false dichotomy between direct services and broad-based work. Identification of broad-based issues and appropriate responsive strategies emerge from the knowledge of hotline personnel, outreach workers, those involved in community education and those who handle direct services. Non-lawyer staff are often indispensable in forging coalitions with community organizations, gathering critical information from clients, and enhancing the credibility of the program within the communities it seeks to serve.

10. Case acceptance decisions should include consideration of broad-based advocacy potentialities.

At case acceptance meetings, during regular case reviews, and at case closure, the question of whether and how the particular case or effort can or could have achieved broad results should be explored. For every case under consideration, staff should ask how the case offers an opportunity to solve the client’s immediate problem and achieve benefits for others. Those cases that offer such opportunities should be accorded high priority.

11. Program leaders need to provide tangible support for high quality, high impact work.

Program leaders need to place a high priority on training, even in times of tight budgets. Advocates need to develop and hone the skills to conduct aggressive advocacy in all available forums — federal, state and appellate courts, policy arenas, administrative agencies and other tribunals that have an impact on low-income clients. Training should also include effective use of media, legal work planning, management and supervision.

Task forces and other opportunities to confer and strategize with other advocates, both within and without the program on a regular basis also contribute to the development of creative approaches to advocacy and promote collaborations. Perhaps the most effective training is careful mentoring of less experienced advocates by the most experienced in the program. Program leaders can use their connections with leaders of other programs and in the community to promote opportunities for such discussion forums.

12. Evaluate work and performance.

Predictable and fair evaluations should assess the extent to which the staff member has contributed to broad-based work. Performance reviews should include development and monitoring of a professional development plan that includes the skill building necessary to conduct broad-based advocacy.

Evaluation of the effectiveness of program work is also critically important, to determine whether selected strategies have effectively achieved articulated advocacy goals. Program leaders should make clear that these evaluations are not punitive but designed to help the individual and the organization achieve the highest potential and to identify ways to grow or change. Engraining the expectation of regular assessments and discussion of lessons learned will foster consistent critical thinking about the effectiveness of the work, promote innovation and guard against complacency.

13. Publicize achievements.

Celebrating success is important to recognize the heroic effort that legal aid work requires. Successes should be publicized within and without the program. Public appreciation reinforces expectations, models excellent performance, and encourages others to undertake similar work. Achievements that should be publicized should include well-handled individual cases and other advocacy, not just those that involve litigation or are “splashy.” Directors should consistently convey the message that broad-based results should be

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achieved in all of our daily work, not just through occasional high profile, complicated litigation.

Appreciate advocacy that is not successful but represents boldness. Leaders need to applaud carefully-considered risks, and they need to convey the message that even the best work may not always succeed.

14. Provide sufficient administrative and managerial support to advocates.

It is tempting to channel resources into advocacy rather than support. However, overly thin support services can undermine the ability to conduct consistently high quality, high impact work. Administrative and support work then becomes the responsibility of advocates (often legal work supervisors). When advocates have too much on their plates, the quality of their legal work may suffer and their administrative, compliance and supervisory responsibilities may be postponed or ignored.

15. Hire new staff who share the vision.

Hiring processes should reflect the organization's interest in attracting new staff who are drawn to the organization because of their interest in achieving social change. Program leaders should communicate their broad-based vision and expectations at the initial hiring interview, during orientation of new employees and consistently throughout program activities. While organizations need a range of interests and talents in their staff, if a program only hires people who want to help individual clients, it will be difficult to develop a culture of broad-based advocacy.

16. Be courageous.

Above all, program leaders must model courage for their staff. Anti-poverty advocacy can involve challenging authority and undertaking uphill battles. It can mean standing up to powerful players who control our funding and, sometimes, our future, to improve the lives of low-income clients and communities. A program director should welcome such opportunities and model a strategic and diplomatic approach to handling adversity with courage and integrity. Talk publicly about the injustices clients experience on a daily basis. Talk about how it is unacceptable to have inadequate housing, schools, health, jobs, public transportation and other fundamental aspects of a just society. Reinforce the idealism that brought you and your staff

to legal aid. Keep reminding the community of the urgency of unmet needs. Program leadership that is not cowed by perceived or actual external hostility or internal resistance will command respect and attention and empower staff to press for change, even in the face of daunting odds.

Conclusion

Program missions, behaviors and work depend on the messages and actions of leadership. Organizational cultures can be changed. We recommend that programs which wish to shift their work beyond individual casework into broad-based advocacy think about these sixteen factors and incorporate them in their programs. Our resources are scarce and the needs of our clients are immense. Maximizing our impact by learning from our individual casework and clients, and taking on work that can make change that goes beyond the clients in front of us to those whom we do not see, is important. By changing our organizational cultures, we can work towards changing our bigger societal cultures, and thus make a long lasting difference for low income and vulnerable people.

- 1 Hannah Lieberman is the former Director of Advocacy at Community Legal Services (Arizona) and the Legal Aid Bureau of Maryland. Her current consulting practice focuses on helping legal services programs strengthen the quality and impact of their advocacy. Hannah may be reached at hlieberman.consulting@gmail.com.
- 2 The dual functions of providing high quality services to individual clients and achieving results that broadly benefit low-income persons or communities are core expectations for legal services providers, and expressed in both the ABA Standards for the Provision of Civil Legal Aid (see, e.g., Standard 2.6), and the Performance Criteria of the Legal Services Corporation (see, e.g., Performance Area 3, Criterion 4).
- 3 This article reflects the work of an outstanding team, to whom the author offers her thanks and heartfelt admiration. The concept originated with Tom Matsuda, Executive Director of the Legal Aid Society of Oregon, and was further developed by Tom, Cathy Carr, Executive Director of Philadelphia's Community Legal Services, Hannah and Yvonne Mariajimenez, Deputy Director of Neighborhood Legal Services in Los Angeles. They developed these "Top 16 Factors" for a presentation at the 2010 NLADA Annual Conference in November, 2010 on broad-based advocacy.

Legal Services NYC – Our Work in the Coming Decade

By Raun Rasmussen, Chief of Litigation and Advocacy, Legal Services NYC, MIE Special Feature: Managing the Mission: The Legal Services Anti-Poverty Agenda in the Second Decade of the 21st Century

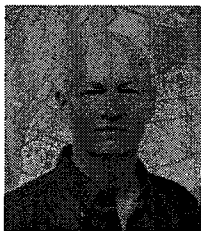


Legal Services NYC—Our Work in the Coming Decade

By Raun Rasmussen, Chief of Litigation and Advocacy¹
Legal Services NYC

Introduction

Legal Services NYC is working to become one of the premier poverty fighting legal services program in the country.² We remain angry at injustice and challenged by the need to work even harder and more creatively to eliminate it.



Our work stands on a foundation built over the roughly five decades since the “War on Poverty” was announced. During that time

we have shared many of the same visions held by legal services programs throughout the country: of change through empowerment of clients and their communities, through high volume problem solving litigation, and through law reform work.

Our current vision embraces all of these, unified by the overarching goal of providing high quality, high impact legal services that help our clients transform their lives and communities. This means that we need to focus relentlessly on quality and impact: how can we maximize both?

Managing and Leading to Create Change in our Program

We reject the false choice between “service” and “impact” work, and instead address directly the constant tension between the need to solve immediate, heart wrenching problems for our clients and the need to maximize the impact of our limited resources. We do that by choosing our high volume cases strategically and by doing “system change” work, challenging and changing the practices, policies and laws that hurt and hold our clients back.

We start by requiring *excellence in the quality of our work*, because that is what is needed to succeed for our clients. We need to be self-critical about the quality of our work; to open case files and talk frankly about what we are trying to accomplish for our clients.

When the quality of work is low, clients lose out: their defenses are not vigorously litigated; they get less than they should; and opportunities to change the law for themselves and others are lost. Low quality work is an unforgivable loss for clients, and ultimately a failure of leadership.

Accordingly, in the past three years we have focused on *improving our supervisors’ leadership and management skills and giving them a greater role in the program*. With close supervision by qualified supervisors, particularly of new and developing advocates, our advocates can do their best work.

But lawyering skills are not enough. Because our resources are so limited we need to insist on strategically directed work designed to maximize our impact. We prioritize work where we can get both short and long term benefits for clients, so we need to incorporate those criteria into our intake priorities. Every case teaches us about what our clients face each day: about the practices, laws and bad actors that oppress and erect barriers in their lives. Active engagement with community-based advocacy organizations, some of which are client-run, teach us about neighborhood-based problems. Informed by our clients and their communities, we can do systemic work to change the laws, the forums, the practices, policies and agencies that make it impossible for our clients to help themselves.

When we *work collaboratively*, with our extended network of Legal Services NYC advocates and the rest of the poverty advocacy community, we can powerfully expand our impact.

We encourage our advocates to *use all the tools that are available* to us. It has never been sufficient just to litigate, but we know it now better than ever. So in addition to accomplishing change for our clients through high volume practices, aggressive motion practice and affirmative litigation and advocacy, we have significantly increased our legislative work, policy work and media work to help our clients; and we partner actively

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with community based organizations in advocacy campaigns. We need to determine what kinds of strategies are likely to accomplish change that lasts and increasingly focus our resources on those efforts.

We are *creating an explicit expectation* in our program that these are the kinds of work that are expected, and that we are looking for and hiring diverse staff who will embrace these goals and continually challenge us to improve.

Finally, we need to do more to *nurture the passions, creativity and leadership potential* of our advocates, at all levels of experience. Our advocates have much to teach about how to improve our services and our workplace cultures. But this will not happen unless we create, formally and informally, opportunities for the kinds of conversations to occur that will generate exciting projects, ways to improve our work and our workplaces, and ultimately, ways to increase our impact for our clients.

Conclusion

We started as one of the first neighborhood-based legal services programs in the country, with a powerful vision of the possibility of change for our clients. We have held onto that vision.

At the annual NLADA conference in 2007, the keynote speaker said something to the effect of, "My goodness, you have 10,000 advocates throughout the

country, with close ties to all the communities in which you work, there should be no limit to what you can accomplish!"³

The same is true for Legal Services NYC. We have nearly 300 advocates with close ties to all the neighborhoods in which we work. There is no limit to what we can accomplish!

- 1 Raun J. Rasmussen is Chief of Litigation and Advocacy at Legal Services NYC where he supervises the Legal Support Unit, which provides litigation and advocacy leadership, support and training for Legal Services NYC and poverty law advocates throughout the City. From 1985 to 2003 he worked at South Brooklyn Legal Services, a Legal Services NYC program, as a housing attorney and Director of Litigation. Raun can be reached at 646.442.3590 and rrasmussen@ls-nyc.org.
- 2 Legal Services NYC began in 1968 with the opening of MFY Legal Services, one of the first store-front legal services programs in the country. We have an advocacy staff of nearly 300 lawyers and paralegals, nine programs in the five counties that make up New York City, and nearly twenty "outreach" sites where we conduct neighborhood-based intake. We serve all of New York City, which has more than three million low income residents.
- 3 Dr. Peterson Zah, Diné of the Navaho Nation and co-founder and Executive Director of DNA-People's Legal Services, was the keynote speaker at the NLADA National Conference in November 2007 in Tucson, Arizona.



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Doing Broad-Based Advocacy in a Legal Services Program

By Joel Ferber, Director of Advocacy, Legal Services of Eastern Missouri, MIE Special Feature: Managing the Mission: The Legal Services Anti-Poverty Agenda in the Second Decade of the 21st Century



Doing Broad-Based Advocacy in a Legal Services Program

By Joel Ferber, Director of Advocacy¹
 Legal Services of Eastern Missouri

This article discusses how broad-based or systemic advocacy can be incorporated into a traditional Legal Services Corporation (LSC)-funded program by describing some examples of such advocacy at Legal Services of Eastern Missouri (LSEM) and the ways in which we try to encourage such advocacy in our program.



Broad-based advocacy is an approach that integrates all of the advocacy tools available to address our clients' problems.² In John Bouman's excellent article for *Clearinghouse Review*, "Expanding Horizons," he points out that legal services programs must be able to do what is necessary to "solve the problems" of our clients.³ "Solving our clients' problems" requires the ability to do to multi-forum advocacy. Our clients should have access to all of the tools that private paying clients have — thus programs need to be equipped to provide those tools directly or have relationships with others who can do the tasks that we cannot do. LSEM has recently begun to institute some practices to try to make broad-based advocacy a part of everyone's job.

Broad-based advocacy is an approach that integrates all of the advocacy tools available to address our clients' problems.² In John Bouman's excellent article for *Clearinghouse Review*, "Expanding Horizons," he points out that legal services programs must be able to do what is necessary to "solve the problems" of our clients.³ "Solving our clients' problems" requires the ability to do to multi-forum advocacy. Our clients should have access to all of the tools that private paying clients have — thus programs need to be equipped to provide those tools directly or have relationships with others who can do the tasks that we cannot do. LSEM has recently begun to institute some practices to try to make broad-based advocacy a part of everyone's job.

Examples of Broad-based Advocacy

Here are four types of broad-based or systemic advocacy in which we are engaged; they are by no means an exclusive list:

1. **Litigation:** LSEM has participated in litigation (and related multi-forum advocacy) to challenge the conversion of our nonprofit Blue Cross Blue Shield to a for-profit, resulting in the Missouri Foundation for Health, one of the biggest health foundations in the country, and by far the biggest in Missouri. That foundation now funds several of our programs, including our healthcare policy work. Additionally we successfully engaged in advocacy to convince the foundation to fund advo-

cacy as part of its mission, as well as direct health services.

2. **Policy Work:** We obtain grants specifically to do policy analysis and advocacy, which is informed by *direct client service* (which distinguishes us from the other non-legal advocacy groups in our state). We write and circulate policy papers, in which we describe a problem and the impact of a particular proposal. This is not lobbying, it is policy analysis. Our policy papers sometimes become the basis for policy discussions among community partners, state officials, and others, which may well lead to changes in policies and practices that benefit our clients. While there are many groups that do this type of work, we bring both our legal expertise, and even more importantly our experience with clients — which can make our work more credible in some instances, and is one reason why the legal services contribution to policymaking is so important. Sometimes there will be actual case examples in our policy papers. In other instances, the only reason anyone knows of a major low-income policy problem in our state is because it happened to one of our clients.
3. **Doing Systemic or Broad-based Advocacy in Individual Cases:** We seek to identify systemic problems through our individual cases. Some of the best examples come from our Advocates for Family Health Project, which started as a Medicaid managed care consumer assistance program but has become a way to identify systemic eligibility and service problems that have formed the basis for litigation, and legislative and administrative advocacy. For example, one of our health advocates discovered a state computer error that caused her client to lose Medicaid. That same computer glitch caused 4800 children to lose Medicaid coverage. The State reinstated all of them as a result of our representation. We highlighted this example to our

board and other supporters in our newsletter so they would understand the critical role of systemic, broad-based advocacy in our work to improve the lives of our clients.

As another example, our state agency had a practice of terminating children's health coverage without a "grace period" when families could not timely pay their premiums or when the premiums were not timely processed by the State. We consistently brought this problem to the State's attention, but to no avail. We eventually shared this concern with our colleagues at the National Health Law Program (NHeLP). Hence, due to NHeLP's excellent work, this systemic problem was addressed in the Children's Health Insurance Program Reauthorization Act (CHIPRA) signed by President Obama in 2009, which provided for a mandatory premium grace period to address these circumstances.

4. **Administrative Advocacy:** We do a healthy amount of administrative advocacy in our program (in accordance with LSC regulations), including not only rulemaking, but efforts to change state agency policies and practices that are not necessary accomplished through public rulemaking. One recent example is our advocacy before the federal Centers for Medicare and Medicaid Services (CMS). We have secured letters from CMS directing Missouri to make policy changes in its Medicaid program, and resulting in policy changes that positively affect many thousands of low-income Missourians.

Example of Multi-forum Broad-Based Advocacy by a Legal Services Program: Responding to State Medicaid Cuts

In 2005, in the midst of a state budget crisis, Missouri cut 100,000 people off of Medicaid, and eliminated services for 300,000. This was a major crisis for our clients. We did extensive research and policy analysis during the legislative session, in conjunction with a wide array of groups. Unfortunately, advocates were unable to stop most of what was proposed during the 2005 legislative session (given the state budget crisis and a Governor who was not going to raise taxes). Moreover, most of the cuts were permissible under federal law. So a broader advocacy strategy was required by the community to respond to these cuts including, (1) grass roots advocacy (by non-legal services groups) and media; (2) research/policy work; and (3) litigation.

As legal services lawyers, we were heavily involved where we could be consistent with LSC regulations.

For example, LSEM testified twice before a Medicaid Reform Commission created by the legislation that authorized the cuts and which placed a "sunset date" on the Missouri Medicaid program. We spoke to the media, did research and policy work, helped numerous individual clients affected by the cuts, did public presentations and training, and wrote educational pieces, including a "Consumers' Guide" to the Medicaid cuts. But a "litigation strategy" was needed and LSEM organized a team of national and local law firms and public interest organizations to review the cuts, and determine what if any of them could be challenged legally. Two different lawsuits involving due process challenges were filed by national organizations as class actions to address situations in which there was no substantive way to stop the cuts.

Perhaps the most significant case to come out of these discussions (and the only substantive challenge that was filed) was a case challenging the cuts to "durable medical equipment" or DME. The state eliminated coverage of most types of DME walkers, canes, catheters, crutches, breathing equipment, and feeding tubes. The state continued coverage of wheel chairs but not the batteries to run them and covered the oxygen but not the breathing equipment needed to deliver the oxygen. The case, *Lankford v. Sherman*, affirmed important principles of law regarding enforcement of rights under the federal Medicaid program, while leading to reinstatement of DME coverage for over 300,000 adult Medicaid recipients. LSEM played an integral role in this case which was not filed as a class action.⁴

The litigation helped to increase public attention on the Medicaid cuts in the media. LSEM provided legislatively-requested testimony and policy analysis around the cuts and other proposed Medicaid reforms. Though most of the 2005 cuts remained in effect, there were some significant restorations of coverage for children and people with disabilities, and LSEM was a part of those efforts. The collaborations over the 2005 Medicaid cuts have continued well beyond that year, both in efforts to restore coverage, successful advocacy around home and community services, and litigation to require coverage of incontinent supplies.

Expanding the Scope of Broad-Based Advocacy at LSEM

I want to mention a few things that we are doing at LSEM to incorporate broad based advocacy into a legal services practices:

1. In September 2009, we restructured and created the "Director of Advocacy" position, with a focus on

© DOING BROAD-BASED ADVOCACY
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getting people involved in multi-forum advocacy, not just litigation, and a “Deputy Director of Advocacy for Litigation” position to work in a more hands on way with younger/newer attorneys in the substantive units.

2. We had transitional meetings with the units focused solely on advocacy/litigation and systemic issues, and follow-up meetings and conversations which resulted in more broad-based advocacy efforts.
3. We have highlighted systemic advocacy as a major component of our annual Unit “Action Plans.”
4. All substantive units are required to have relationships with community groups, and list their community collaborations in these annual plans. These include groups that have the relationships with legislators, groups that can help identify legal and policy issues for us.
5. We have shifted the focus of what we discuss at our managers’ meetings to emphasize the *legal work* of the program.
6. We highlight systemic work more in our newsletters that go to the Board and our contributors.
7. We have invested in and provided significant training. We provided the Affirmative Litigation Training from the Center for Legal Aid Education, to all legal staff. This training included one week in-person, with about three weeks of intensive on-line exercises. The training is not just about *how to* do an affirmative case, though people learn about *Gonzaga*, standing, exhaustion, organizational standing, arguing a motion to dismiss and a motion for a temporary restraining order, discovery, and nuts and bolts of federal practice. The training emphasized the importance of doing this kind of work — we explained why our program is committed to it. This training got people excited, and laid groundwork for litigation efforts, so when a unit sees a problem, it starts thinking about affirmative litigation and other broad-based advocacy approaches. For example, our Children’s Legal Alliance identified a systemic problem that resulted in federal litigation around due process for students subject to disciplinary transfers, while our Medical Legal Partnership responded to another problem area by filing a series of special education due process complaints, along with some press timed

around the filing of those complaints.

We also have organized presentations on how to do legislative advocacy within our LSC guidelines and have placed an emphasis on legislative work. Every unit gets legislative updates and has to have at least one person responsible for reviewing those updates.

8. We also made broad-based advocacy a focus of our 2009 statewide legal services conference by bringing in John Bouman to give a keynote speech. As mentioned earlier, John’s excellent *Clearinghouse Review* article, based on that very speech, describes broad-based advocacy as part of the necessary “problem solving” for our clients. We wanted people to understand the importance of doing the full range of legal services work.
9. As part of our initial orientation for staff, we make it very clear that this work is a critical part of what we do. One thing we do for all new hires and law students is to provide a “cultural orientation” to legal services. We tell new hires they are entering a program that does really good work, and helps a lot of people, and also is part of a national network of legal services programs and “national support centers” that have done significant and groundbreaking litigation and legislative and policy work. We talk about landmark legal services cases such as *Goldberg v. Kelley* and *Olmstead v. L.C.* We talk about the legal victories of our program. We are not just another “social services” but part of a very high-level legal enterprise.

What about the Restrictions?

First and foremost, it is important to recognize that all of the work that we do can and must be done within the confines of the Legal Services Corporation regulations. Some systemic advocacy work can be done by LSC-funded programs because it is simply not prohibited by LSC restrictions. The LSC restrictions should not be an unnecessary barrier to work that can clearly be done within LSC guidelines. The executive director’s role is critical here. My executive director has always been supportive of this type of work, and does not let unfounded fear of the restrictions get in the way of work that is perfectly appropriate under the regulations.⁵

- 1 Joel Ferber is currently the Director of Advocacy for Legal Services of Eastern Missouri (LSEM), which serves 21 counties in Eastern MO (including St. Louis

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APPENDIX 1

Preparing to Engage in Strategic Advocacy - organizational alignment



TOOLKIT

Strategic Advocacy for Lasting Results (SALR)

CRLA

CORE EXPECTATIONS and

Corresponding PERFORMANCE MEASURES

for

REGIONAL OFFICES

***and* Reciprocal INSTITUTIONAL SUPPORT**

[effective June 23, 2011]

APPROVED: 

Jose R. Padilla, Executive Director

Date: 10/25/11

CORE EXPECTATION I: PERIODICALLY ASSESS COMMUNITY NEEDS

Synopsis:

Each regional office, with coordination and support from senior management, will conduct an annual community needs assessments. Regional offices will use the assessments to develop an annual office workplan. Every five years, regional offices will participate in a comprehensive statewide needs assessment, which informs CRLA's strategic planning and priority setting.

Definition:

The scope and form of the community needs assessments will be determined by a senior staff person designated by senior management, with the responsibility and authority for implementing this Core Expectation.

Regional Office Expectations:

- 1. Each regional office will conduct an annual community needs assessment to identify emerging service-area needs and to inform and be utilized in developing an annual office work plan and priorities-setting.**

Performance Measures:

- A. Can the D.A. demonstrate that the regional office has satisfactorily completed by October 15 annually its community-needs assessment (including discussion(s) with its Community Comite) in accord with the CRLA "template"?**
- 2. Each regional office will participate in and contribute to CRLA's comprehensive statewide needs assessment.**

Performance Measures:

{EAT recommends that drafting of these Performance Measures be deferred 1-2 years.}

- 3. Each regional office will consider and incorporate into its regional planning and annual work plans the findings and conclusions of CRLA's comprehensive, statewide needs assessment.**

Performance Measures:

{EAT recommends that drafting of these Performance Measures be deferred 1-2 years.}

Institutional Support Expectations:

1. **Senior management will annually provide regional offices with core demographic, economic, social, occupational and/or other statistical data that can inform offices concerning poverty population characteristics, needs, and locations/distributions.**

Performance Measures:

- A. Has senior management, not later than September 1, annually provided to each office the demographic data identified above relevant to CRLA's priority areas?
- B. Has senior management not later than February 15 annually conferred with D.A.s to discuss the prior Centrally-provided demographic data for the service areas and the prior community-needs assessment "template"?

2. **Senior management will provide minimum standards and other guidance to regional offices for undertaking and preparing annual community needs assessments.**

Performance Measures:

- A. Has senior management, not later than August 1 annually provided a "template" for regional office annual assessment of critical community needs?
- B. Has senior management, not later than August 15 annually provided training for Directing Attorneys, Program Directors and other appropriate staff regarding community needs assessments and how to use the proposed "template"?

3. **Senior management will timely and regularly provide feedback to and collaborate with local offices concerning the development, adequacy and quality of annual needs assessments and concerning their incorporation into annual work plans.**

Performance Measures:

- A. Has senior management in advance of annual preparation of needs assessments, collaborated and provided feedback to local offices concerning development, adequacy and quality of the assessments?
- B. Has senior management not later than November 30 annually responded to individual office work plans with written feedback concerning:
 - (i) inadequacy or insufficiency of needs assessment?
 - (ii) insufficient or inappropriate incorporation of needs-assessment data into the office's annual work plan?

4. **Senior management every five years will undertake a comprehensive, statewide community needs assessment.**

Performance Measures:

{EAT recommends that drafting of these Performance Measures be deferred 1-2 years.}

5. **Senior management will designate a senior staff person to plan, coordinate and support this 5-year effort, including: determining the scope and form of the assessment; identifying appropriate available data and resources (e.g., Census data, GIS mapping); supplement existing data; providing training to regional offices on procedures for conducting local assessments; synthesizing statewide and/or regional data; and providing feedback to local offices.**

Performance Measures:

{EAT recommends that drafting of these Performance Measures be deferred 1-2 years.}

6. **CRLA management will use the findings of the statewide needs assessment to help identify and establish program-wide priorities and to inform further strategic planning.**

Performance Measures:

{EAT recommends that drafting of these Performance Measures be deferred 1-2 years.}

CORE EXPECTATION II: PLAN AND ENGAGE IN WORK THAT SEEKS SYSTEMIC CHANGE

Synopsis:

Both systemic advocacy and individual service advocacy are fundamental parts of CRLA's advocacy. Advocates and offices must be able to articulate how both their systemic and their individual service advocacy further CRLA's mission and how each employs our core strategies to benefit our clients and their communities.

This core expectation provides a benchmark for advocates and their supervisors to be used in making decisions about intake, service caseload, developing work plans and setting office goals. It similarly provides a reference point for use in evaluating office and advocate performance.

Definitions:

***Systemic advocacy** is work that is undertaken to change systems, policies, or structures, and that both promotes the interests of our client community generally and advances our mission in priority areas. It results in positive impact and changes in our client communities through the use of core strategies, including work that provides education about legal rights and community development and empowerment strategies; effects change through administrative, judicial or legislative advocacy; promotes the general interests of our clients and their communities as opposed to addressing solely individual interests; monitors legal compliance by business, agencies and organizations whose actions or inactions affect the rights and well-being of our client community; and provides the necessary tools to allow communities, groups and organizations to effectively implement their own strategies. Systemic work can be accomplished through both project and case work. This work is not necessarily reactive, and requires a commitment to keeping aware of legal developments, as well as changes in economic conditions, government policies and other factors that affect our clients' lives and well-being.*

*Effective **individual service advocacy** that responds to individual clients' problems is as important as systemic work both for its value to the individual client as well as a means of in effecting systemic remedies for our client communities. Individual service advocacy includes but is not limited the following:*

- Effective **individual service advocacy** generates intake that informs the office of systemic issues that may or ought to be addressed through a new or different impact strategy.*
- Effective **individual service advocacy** uses resources efficiently, enabling those resources to undertake expanded advocacy, either as additional service or increased time for impact work.*
- Effective **individual service advocacy**, albeit for individual clients, achieves its own impact in teaching opposing agencies, parties and their respective counsel that repetition of the same conduct will not be productive.*
- Effective **individual service advocacy** can often inform and empower the individual clients so that they can respond to and/or avoid similar legal problems in the future.*
- Effective **individual service work** effectuates CRLA Board priorities for delivery including Intake and Referral and also Advice and Counsel and Brief Service assistance.*
- Effective **individual service advocacy** can often inform local courts and other tribunals concerning procedural requirements or issues that those tribunals will implement in responding or hearing numerous other matters concerning unrepresented parties.*

Regional Basic Office Expectations:

1. Each Basic Office will serve all client communities (including farmworkers) consistent with resources and community needs, and will spend no less than 50% of its advocacy time on *systemic advocacy*, and will consistently engage in *individual service advocacy* within areas identified by CRLA's needs assessment and the office's workplan.

Performance Measures:

- A. Does the Office Workplan include identified cases and projects that constitute *systemic advocacy* for the priority areas identified in the Community Needs Assessment?
- B. [. . . consideration of this P.M. SUSPENDED, temporarily . . .]
- C. Has the Office in the last 12 months developed or engaged in systemic affirmative litigation and/or systemic defensive litigation strategies in a priority area and in a project in a priority area identified in the Community Needs assessment?
 - (i) How many cases?
 - (ii) How Many Projects?
 - (iii) How many projects were worked on outside of identified priority areas?
- D. What percentage of individual advocate non-administrative time is spent on *systemic advocacy* cases/projects?
- E. Does the office spend at least 50% of all advocate non-administrative time on *systemic advocacy*?
- F. Does the Office's intake screening and case acceptance procedures provide access to applicants with legal problems in each of the priority areas identified in the Office workplan?
- G. Has the D.A. developed case-acceptance criteria for *individual service advocacy* that reflects the Office workplan and CRLA's mission?
- H. For the preceding 12 months, has the D.A. analyzed how many:
 - (i) intakes per advocate did the office see?
 - (ii) brief service cases per advocate were opened?
 - (iii) extended representation cases per advocate were opened?
- I. What percentage of the Office's non-administrative time was spent on *individual service advocacy*?

Regional Migrant Office Expectations:

1. **Each Migrant Office will spend no less than 70% of its advocacy time on systemic advocacy.**

Performance Measures:

- A. Does the Office Workplan annually include cases and projects that constitute **systemic advocacy** for the priority areas that are identified in that year's the Community Needs Assessment?
- B. [. . . consideration of this P.M. SUSPENDED, temporarily . . .]
- C. Has the Office in the last 12 months developed or engaged in systemic affirmative litigation and/or systemic defensive litigation strategies in a priority area and in a project in a priority area identified in the Community Needs assessment?
 - (i) How many cases?
 - (ii) How Many Projects?
 - (iii) How many projects were worked on outside of identified priority areas?
- D. What percentage of individual advocate non-administrative time is spent on **systemic advocacy** cases/projects? _____
- E. Does the office spend at least 70% of all advocate non-administrative time on **systemic advocacy**?
- F. Do the office intake screening and case acceptance procedures provide a means for identifying applicants with legal problems that can be addressed through **systemic advocacy** within each of the priority areas addressed in the Office workplan?
- G. Has the D.A. developed case-acceptance criteria for **individual service advocacy** that reflects the Office workplan and CRLA's mission?
- H. For the preceding 12 months, has the D.A. analyzed how many:
 - (i) intakes per advocate did the office see?
 - (ii) brief service cases per advocate were opened?
 - (iii) extended representation cases per advocate were opened?

Institutional Support Expectations:

1. **Senior management will approve Regional Office's reasonable requests to reduce or temporarily suspend intake to allow for necessary work on systemic cases and projects.**

Performance Measures:

- A. Has senior management demonstrated responsiveness to Regional

Offices' requests?

- B. Does senior management periodically review Regional Office staff's ability to satisfy time goals for systemic cases/projects and workplans with other demands on staff time?

- 2. **Senior management will provide support, including creation of a communications plan, if needed, to offices that reduce individual service work to meet other Core Expectations.**

Performance Measure:

- A. Has senior management developed model language that offices can use in explaining reductions in individual service work?

- 3. **Senior management, in reviewing and approving office work plans, will recognize that regional office priorities and case acceptance criteria must be consistent with the expectations for *systemic advocacy* as well as *individual service*.**

Performance Measures:

- A. Did senior management adequately review the office workplan for internal consistency?
- B. Does senior management undertake quarterly reviews of Regional Office performance of the workplan?

- 4. **Senior management will ensure that regional offices have adequate legal support staff trained to provide litigation support, interpretation and translation, intake and client-interface support.**

Performance Measures:

- A. Has senior management budgeted a full-time ALS trained to provide litigation support and to oversee interpretation/translation, intake and client-interface support for each Regional Office?
- B. Has senior management budgeted additional, appropriately-trained, support staff to maintain an attorney-to-legal-support (not including the ALS) ratio no greater than three-to-one?
- C. Does senior management provide legal support staff adequately trained to provide bi-lingual interpretation and translation for applicants and clients?

- 5. **Senior management will ensure that senior-level attorneys and/or attorneys with substantive expertise will support, guide and staff systemic cases and**

projects in their respective practice areas, and provide substantive expertise and assistance with *individual service advocacy*.

Performance Measures:

- A. Does senior management in review and/or approval of systemic cases/projects ensure that an experienced or senior-level attorney is assigned to the advocacy team with identified concrete tasks?
- B. Has senior management created a procedure for periodic updating of in-house list of experts accessible to all advocates undertaking individual service advocacy?
- C. Does senior management ensure that Task Forces and/or other substantive-expertise groups exist and that technology is constantly available to facilitate communications between individual advocates and these Task Forces and other groups?
- D. Does senior management assure sufficient program budget to enable regular in-house trainings in all practice areas by staff with expertise?

6. Senior management will review and provide feedback on all PAR cases and projects on a quarterly basis.

Performance Measures:

- A. Has senior management engaged in quarterly on-site review of all PAR cases/projects, evaluating them with:
 - (i) the corresponding LAP and/or PAR objectives and goals?
 - (ii) office and individual advocate's current workplans? ?
- B. Did senior management timely identify Regional Office performance requiring improvement and engage with staff in planning improvements?

7. Senior management will assist regional offices to identify funds and other resources for *systemic advocacy*.

Performance Measures:

- A. Does senior management assist regional offices in identifying and quantifying those specific resources necessary to the fulfilment of systemic advocacy requirements?
- B. Does senior management assist regional offices in identifying and securing resources available through Task Forces, other substantive practice groups or other regional offices?
- C. Does senior management regularly evaluate regional offices' respective

resource needs on an institutional basis in each practice area so that funding decisions and proposals for systemic advocacy can be made on a programmatic approach?

CORE EXPECTATION III: ENSURE PARTICIPATION OF ALL STAFF IN PROFESSIONAL DEVELOPMENT AND TRAINING

Synopsis:

All staff will pursue a professional development plan that is supported by senior management. Professional development supports an office to work together to meet and exceed all core expectations. This expectation includes the need of staff and their supervisors to jointly develop a professional development plan; of Directing Attorneys and senior management to support the plan; and of staff to pursue their professional development objectives.

Definition:

Professional development includes the continuing improvement of skills and knowledge as they relate to the job and the ability to contribute to the fulfillment of CRLA's mission.

Regional Office Expectations:

- 1. Directing Attorneys will ensure each staff member has a current, written Professional Development Plan. The DA and staff member will jointly review and update the plan, annually.**

Performance Measures:

- A. Does each staff member have a current Professional Development Plan (PDP), consistent with CRLA's PDP template?
- B. Has the D.A. annually reviewed and updated each staff member's PDP?

- 2. D.A.s will actively support staff in pursuing their Professional Development Plans.**

Performance Measures:

- A. Can the D.A. demonstrate affirmatively bringing training opportunities to staff attention and/or creating or providing training?
- B. Can the D.A. demonstrate that work assignments or other office activities did not interfere with completion of the PDP?
- C. Can the D.A. demonstrate that periodic and end-of-year reviews occurred and were constructive?

- 3. D.A.s will actively pursue their own Professional Development Plans.**

Performance Measures:

- A. Does each D.A. have a current Professional Development Plan (PDP), consistent with CRLA's PDP template?

Institutional Support Expectations:

1. **Senior management will provide all D.A.s with Professional Development Plan format to use with staff, with content appropriate to the job duties.**

Performance Measures:

- A. Did senior management create Professional Development Plan templates consistent with job duties, incorporating input from staff in different job categories and addressing advocacy competency in all aspects of representation?
- B. Does the template:
- i) articulate how the PDP's goals contributes to meeting the office work plan and CRLA's mission?
 - (ii) Identify formal training?
 - (iii) Identify on-the-job training?
 - (iv) Identify work assignments consistent with developmental goals?
 - (v) Identify appropriate training regarding policies, regulations and applicable grant conditions?
 - (vi) Identify appropriate participation in program leadership, planning and other efforts?
 - (vii) identify potential time and work-assignment obstacles to completion of the PDP and address how they will be resolved?
 - (viii) incorporate periodic and end-of-year reviews between the D.A. and senior management with documented evaluation of the D.A.'s progress and plan's effectiveness

2. **Senior management will ensure that each D.A. has a current, written Professional Development Plan, updated annually and reviewed jointly between the D.A. and senior management.**

Performance Measures:

- A. Did senior management review, discuss, and approve (with revisions as necessary) each D.A.'s PDP?
- B. Can senior management demonstrate that each D.A.'s PDP can be accomplished together with other DA expectations?
- C. Did senior management undertake periodic and end-of-year reviews for each D.A.?

3. **Senior management will implement a comprehensive orientation program for all staff, that will include:**

- a. **Annual in-person training for new staff;**
- b. **Interim orientation training for new staff prior to their attending an in-person training;**
- c. **Consideration of the need to provide orientation in phases, sequentially and over time, and to provide refresher training in order to help staff absorb, process and maintain new knowledge.**

Performance Measures:

- A. Has senior management implemented a comprehensive system for new-staff orientation that meets the above criteria?
 - B. Has senior management incorporated adequate line-item budgeting for:
 - (i) annual, in-person comprehensive trainings for new staff?
 - (ii) prompt, comprehensive trainings for new D.A.s?
 - (iii) training materials for prompt orientation trainings for new staff?
4. **Senior management will annually review all staff Professional Development Plans, and use these Plans as a primary tool for planning statewide and regional trainings.**

Performance Measures:

- A. Can senior management demonstrate review of all PDPs and identification of the most common training needs by job classification?
 - B. Has senior management incorporated adequate line-item budgeting to support, at minimum, 2 full days of in-person training, either statewide or regional, for each job classification?
5. **Senior management will determine statewide training priorities on an annual basis and will fulfill the priority training needs.**

Performance Measures:

- A. Has senior management annually determined statewide training priorities?
 - B. Has senior management provided statewide and regional trainings that address priority training needs?
6. **Senior management will ensure that intermittent training is conducted or provided in the following areas:**
- A. **New advocate training;**
 - B. **Advocacy Manual and its implementation;**
 - C. **Substantive issues, including emerging issues and legislative updates;**
 - D. **Management and supervision trainings;**

- E. **Litigation practice-and-procedure trainings;**
- F. **LSC compliance;**
- G. **Professional Responsibility & ethics.**

Performance Measures:

- A. Has Senior Management created and implemented periodic training in each of the above areas?
7. **Senior management will ensure that regular trainings are conducted or made available on:**
- A. **CMS, word-processing and other office applications and emerging legal technology;**
 - B. **media, fundraising and grant reporting (as needed);**
 - C. **management and supervision;**
 - D. **petty cash, trust accounts, and CRLA accounting policies and practices;**
 - E. **Client relations, intake policies, Advocacy Manual, legal secretarial skills and other subjects identified as necessary to the effective operation of regional offices.**

Performance Measures:

- A. Has senior management created and implemented a plan that ensures regular training in each of the above areas? :
- B. Has senior management incorporated an adequate line item in each year's budget that supports the priority training needs?
- C. Does senior management maintain a training log that reflects training in the identified priorities?
- D. Senior managers will develop PDPs that identify their own needs for ensuring effective support and execution of the Core Expectations.

CORE EXPECTATION IV: PERFORM CONSISTENTLY HIGH-QUALITY ADVOCACY.

Synopsis:

CRLA was founded on the principle of being a law firm that provides the same quality advocacy that is available when money is no object. It is of extreme importance to ensure that CRLA provide its clients with the best assistance possible, including providing high quality advocacy. It is especially significant since our clients are already at a disadvantage on many different levels and cannot otherwise afford adequate legal counsel. Providing high quality advocacy will, among other things, promote equal access to justice as we are often our clients' only option for legal assistance. "Performing consistently high quality advocacy" will require at least the following (not an exclusive list):

- *Proper Timely Assessment of Cases*
- *Quality Legal Counseling*
- *Quality Limited Representation*
- *Preparation and Use of Case Memo*
- *Quality Written Work*
- *Quality Oral Advocacy*
- *Quality Factual & Legal Analysis and Research*
- *Maintaining Accurate and Up-To-Date Case Notes*
- *Maintaining Proper Calendaring and Tickling System*
- *Actual Representation on Administrative and Litigation Cases*
- *Representation in Administrative Hearings*
- *Representation in Litigation*
- *Creation and Implementation of Litigation Strategies*
- *Use of Discovery*
- *Motion Practice*
- *Trial Advocacy*
- *Assessing and Representing in Appellate Work*

Regional Office Expectations:

1. ***Proper Timely Assessment of Cases*** - Each attorney/advocate will conduct a thorough interview with the client, eliciting pertinent facts and circumstances, identify legal issues and client goals, and conduct additional research as necessary to present case at case review to determine appropriate action on the case. This will require the attorney/advocate to be able to balance being a good listener and knowing when to intervene to flesh out relevant information, and knowing how to keep the client focused. It will also require the attorney/advocate to identify systemic advocacy cases. A decision of whether to accept or deny a case and communication of that decision to client will be made within 10 days of intake date.

Performance Measures:

- A. Can the D.A. demonstrate that:
 - (i) advocates are evaluated and trained as appropriate in performing

- quality, thorough interviews?
- (ii) advocates bring sufficient, appropriate information to case review to enable making case-review decisions?
- (iii) advocates are trained to recognize and identify systemic advocacy cases?
- (iv) applicants for assistance within priority areas received adequate intake and referral services in circumstances in which CRLA cannot provide legal assistance?
- (v) each intake decision whether to accept or deny a case is made within 10 working days and immediately communicated to the client?

2. ***Quality Legal Counseling*** - The attorney/advocate will effectively counsel the client throughout the representation to assure that the client understands available options and the potential benefits and risks of each. The attorney/advocate will refer the case when appropriate. The attorney/advocate will ensure proper documentation of legal counseling, referrals and any applicable statute of limitations. Directing Attorneys will conduct regularly scheduled case review meetings with advocates, discuss new cases thoroughly, conduct follow-up with attorney/advocates when required, ensure that the attorney/advocate is maintaining proper notes of legal counseling.

Performance Measures:

- A. Can the DA demonstrate that:
 - (i) adequate review of case files to ensure that advocates maintain proper notes of legal counseling documenting that all factors discussed above have been met?
 - (ii) open, ongoing cases are periodically reviewed during case review?
 - (iii) appropriately-frequent and timely communication is maintained with clients to assure current and effective understanding of options and respective benefits and risks?

3. ***Quality Limited Representation*** - Attorneys/advocates may provide limited representation if it is reasonable under the circumstances and the client knowingly consents to the limitation. Limited representation is reasonable when the assistance is likely to benefit clients by helping them take steps to resolve their problem. The decision to offer limited representation will be based on local office priorities and resources.

Performance Measures:

- A. Does the D.A. appropriately distinguish between limited-representation legal assistance, and intake-and-referral?

- B. Does the D.A. adequately evaluate whether limited representation is reasonable under the circumstances and is based on office priorities and resources ?
 - C. Does the D.A. ensure that clients provided limited representation have knowingly consented to the limitation and have timely executed an appropriate retainer?
 - D. Can the DA demonstrate that advocates do not prepare responsive judicial or administrative forms for clients without adequately considering all potential future consequences for the client - including the Office's later inability to represent the client in addressing those consequences - and fully explaining and discussing these with the client?
4. ***Preparation and Use of Case Plan*** - Each attorney/advocate will create a case plan for each PAR case that identifies applicable law and available remedies and enables the client and attorney/advocate to make knowledgeable decisions to pursue the client's objectives.

Performance Measures:

- A. Does the D.A. ensure that each advocate creates a case plan for each PAR case identifies applicable law and available remedies?
 - B. Does the D.A. ensured that the advocate and client have discussed case options and agreed how to proceed?
5. ***Quality Written Work*** - When required for a particular case, the advocate shall ensure that he/she provides high quality written work on a case (i.e., letters, briefs, motions, etc.). The written product shall be well-researched, persuasive, and checked for spelling/grammatical errors. This will also require that formatting rules for specific jurisdictions be followed. The office Directing Attorney will review and approve in advance of being sent out of the office, all written work for each advocate, until such time as the DA is confident that such review of some or all types of writings is no longer required.

Performance Measures:

- A. Has the D. A. appropriately assessed each advocate's written work and determined the extent to which written work needs to be reviewed?
 - B. Does the D.A. actively critique and mentor the advocates' written work?
6. ***Quality Oral Advocacy*** - The attorney/advocate shall ensure that he/she is well prepared for any oral advocacy by being familiar with the facts of the case, the legal issues, and all authority cited in the relevant papers.

Performance Measures:

- A. Does the D.A. assess whether advocates in his or her office are well prepared for all oral advocacy?
- B. Does the D.A. provide support for the advocate's preparation?
 - (i) How does D.A. support advocate preparation?
 - (ii) What do D.A. and advocate review?

7. *Quality Factual and Legal Analysis and Research* - Each attorney/advocate will conduct a factual and legal analysis of each client's legal problem and research pertinent legal issues, when necessary and appropriate.

Performance Measures:

- A. Does the D.A. assess whether advocates conduct factual and legal analysis of client's legal problems by periodically:
 - (i) calendaring discussion of ongoing open cases during case review?
 - (ii) reviewing advocates' case files?
 - (iii) reviewing case status with the advocate?
- B. Does the D.A. offer appropriate training?

8. *Maintaining Accurate and Up-to-date Case Notes* - Each attorney/advocate is required to maintain case notes of the work conducted on a case, the conversations he/she has had (with clients, opposing counsel/parties, court/administrative agency, etc.) and any research conducted for that case. The purpose of this is to ensure that we keep a proper record of the case and also to ensure that in the case the primary attorney/advocate is not available another attorney/advocate shall be able to review the case and pick up where necessary.

Performance Measures:

- A. Does the D.A. adequately assess whether advocates maintain timely, adequate case notes related to each of the above issues?

9. *Maintain Proper Calendaring and Tickling Systems* - Each office will maintain a dual calendaring and tickling system for statutes of limitations and other deadlines, tasks, appearances, etc. A dual calendaring system is a double entry system by which dates are calendared and tickled in two independent locations.

Performance Measures:

- A. Does the D.A. ensure that the office maintains a dual calendaring system?

- B. Does the D.A. ensure that the Office has a protocol to ensure that all staff appointments, hearings, appearances, meetings are communicated promptly to the calendar managers?

10. *Actual Representation on Administrative and Court Cases* - An appearance of record will be entered in any case where representation is provided beyond counsel and advice or preparation of responsive judicial or administrative forms, except in extraordinary cases.

Performance Measures:

- A. Can the DA demonstrate that advocates in his or her office do not provide representation beyond counsel and advice or preparation of responsive forms without making an appearance of record in the respective judicial or administrative forum, except in extraordinary cases?

11. *Representation in Administrative Hearings* - for each case accepted for representation in administrative agency, each attorney/advocate will proficiently and zealously engage in that representation.

Performance Measures:

- A. Does the D.A. assess (including appropriate personal observation) whether advocates proficiently and zealously represent each client in administrative agency cases?
- B. Does the D.A. constructively critique and mentor advocates to ensure high-quality and zealous representation in administrative representation?

12. *Representation in Litigation* - For each case accepted for representation in litigation, each attorney will proficiently and zealously engage in litigation.

- A. ***Create & Implement a Litigation Strategy*** - Each attorney will develop a clear, long range strategy for pursuing or defending the client's interest in the litigation and will continually update the strategy in light of new developments in the case and in the governing law. The strategy shall be reflected in the PAR and LAP.

Performance Measures:

- A. Can the D.A. demonstrate that advocates develop and update litigation strategies as described above?
- B. Does the D.A. ensure that the strategy is adequately described in the LAP and included and updated as appropriate in the PAR?

- B. ***Use of Discovery*** - Each attorney will use both formal and informal

discovery when appropriate to obtain necessary information in a timely manner and useful format. Each attorney shall follow up, analyze, incorporate responses, and appropriately maintain documents in ongoing litigation.

Performance Measures:

- A. Does the D.A ensure that advocates:
 - (i) are familiar with all informal-discovery avenues (e.g., review of local public records, e.g., on-line data sources) and assess advocates obtain all information appropriate to the clients' cases?
 - (ii) are trained in formal discovery procedures, deadlines, strategies, enforcement mechanisms, and use in pretrial motions and at trial and vigorously pursue discovery appropriate to the clients' cases?
- B. Does the D.A. assess whether advocates appropriately:
 - (i) prepare clients and/or witnesses for opponents' depositions?
 - (ii) respond to opponents' documentary discovery?
 - (iii) analyse information and evidence developed through opponents' discovery?
 - (iv) preserve, maintain and are familiar with authenticating information and records obtained through discovery?
- C. ***Motion Practice* - Each attorney shall file appropriate procedural and substantive motions as part of the litigation strategy. The motions shall be well researched and argued. The attorney shall become familiar with local rules and court proceedings.**

Performance Measures:

- A. Does the D.A. ensure that each attorney is trained in motion practice, local rules and court proceedings?
- B. Does the D.A. assess whether each attorney:
 - (i) files appropriate motions?
 - (ii) adequately considers opportunities for, and response to, motions for summary judgment/adjudication?
 - (iii) adequately researches and argues motions?
- C. Does the D.A.:
 - (i) review motions before they are filed?
 - (ii) adequately observe "samples" of each advocate's law-and-motion or other procedural hearings?
- D. ***Trial Advocacy* - Each attorney shall present a client's case at trial in a manner that is appropriate to the case (including a determination of**

whether a case should go to a jury) rules, procedures and practices of the court, exhibiting full understanding of the facts and the law in the case and reflects thorough preparation.

Performance Measures:

- A. Does the D.A. assess whether advocates:
 - (i) appropriately present cases at trial as described above?
 - (ii) understand and effectively follow and assert rules of evidence?
- B. Does the D.A. personally observe appropriate "samples" of each advocate's trials or hearings on the merits?
- C. Does the D.A. constructively critique and mentor advocates to ensure high-quality and zealous representation in all litigation?

13. ***Assessing and Representing in Appellate Work*** - Each attorney will counsel the client on the merits, whether to pursue or defend an appeal. Each attorney will recommend to CRLA whether to represent or not represent the client on appeal. **Timely notice will be given to the client if the decision to not represent on appeal is made. Appellate advocacy that is undertaken will be conducted proficiently and zealously.**

Performance Measures:

- A. Does the D.A. always meet with the advocate following any hearing or trial on the merits to discuss fully:
 - (ii) the outcomes and the merits of potential appeals (whether client is appellant or appellee)?
 - (iii) the appropriateness of CRLA providing appellate representation to the client giving full consideration to:
 - CRLA's resources (including potential senior-level resources appropriate to the appeal);
 - alternative resources available to client;
 - significance of the issue;
 - precedential value of any appellate outcome.
- B. Does the D.A. ensure that attorneys:
 - (i) appropriately counsel clients on the merits of potential appeals?
 - (ii) remind clients that the existing case retainer does not encompass CRLA representation on appeal, and that CRLA will separately evaluate this representation if the client requests appellate representation?
 - (iii) prepare time internal appellate requests as appropriate?
 - (iv) promptly communicate CRLA's decision on appellate representation?
 - (iv) execute an appellate retainer with the client upon the receipt of

appellate approval?

Institutional Support Expectations:

1. **Senior management will ensure the creation and implementation of professional development plans that include the competencies required by these expectations.**

Performance Measures:

{See discussion in Core Expectation III.}

2. **Senior management will maintain a robust substantive area and management support team that includes senior attorneys and practice area specialists who are available and can be relied upon to provide substantive, procedural, and managerial support for cases and projects; training; assistance with use of all core and supplemental strategies and other local office/advocate needs.**

Performance Measures:

- A. Does senior management maintain a team of senior attorneys and practice area specialists as described above?

3. **Senior management will ensure the provision of training and supervision that supports, guides, and directs all staff to achieve these standards; and ensure that senior staff including staff with IT and HR expertise, are tasked with and accountable to delivering training and providing development opportunities to staff, including to legal support staff as necessary to provide full support to the local office.**

Performance Measures:

- A. Has senior management assigned and budgeted a position responsible for the training and supervision described above?

4. **Senior management will ensure directing attorneys have requisite skills to enable them to effectively supervise and manage staff and caseload, and that effective supervision and management are included in the professional development plans for directing attorneys.**

Performance Measures:

- A. Has senior management evaluated whether each D.A. has the requisite skills to supervise and manage:
 - (i) staff, and does so effectively?
 - (ii) caseload?

B. Has senior management evaluated whether each D.A.'s workplan addresses effective supervision and management?

5. **Senior management will develop, maintain and train on effective and efficient institutional policies concerning management and administration of advocacy work, including, for example:**

- A. intake
- B. calendaring and tickling
- C. case review and follow up
- D. file maintenance including maintenance of case notes

Performance Measures:

A. Has senior management developed, trained upon, and continuously maintained readily-accessible policies as identified above?

6. **Senior management will provide for effective implementation of policies concerning management and administration of advocacy through technology that is efficient. CRLA will maintain a technology department that will resolve technology issues specifically related to case management, litigation, and effective communication.**

Performance Measures:

A. Does senior management maintain an adequately-staffed technology department?

B. Does the technology department appropriately address and resolve technology issues specifically related to case management, litigation, and effective communication?

7. **Senior management will provide high-quality legal research resources; adequate office space to conduct private interviews; and other basic law office requirements.**

Performance Measures:

A. Has senior management provided high quality legal research resources accessible to all advocates?

- B. Has senior management provided each Regional office:
- (i) adequate space to conduct private interviews?
 - (ii) communications resources that meet program-wide standards?
 - (iii) technology resources that are compatible with program-wide standards?
 - (iv) adequate work space for each advocate?
 - (v) other basic law office requirements?

8. **Senior management will provide support on hiring and personnel matters, accounting and financial matters, and other law firm and non-profit management matters.**

Performance Measures:

- A. Has senior management provided training and other support on:
- (i) hiring and personnel matters?
 - (ii) accounting and financial matters?
 - (iii) other law firm and non-profit management matters?

CORE EXPECTATION V: CREATE AND IMPLEMENT WORK PLANS FOR THE OFFICE THAT ADDRESS IDENTIFIED COMMUNITY NEEDS AND SET OBJECTIVES

Synopsis:

By the end of November of each year, each office will develop a work plan that reflects how the office will fulfill core expectations and the office's other major work. Each office will evaluate progress toward the work plan goals and activities and assess the outcomes of its work at least semi-annually and at the end of the work-plan year.

Definition:

A work plan includes the following components:

1. **Work that seeks systemic change:** Demonstrate an appropriate time and resource allocation to meet Core Expectation II regarding systemic advocacy and Core Expectation VIII regarding regional and statewide advocacy efforts.
 - a. **Office priority review:** Decide what new work is suggested from the local and statewide needs assessments. Demonstrate consideration of all core strategies that may be effective in meeting priority goals. Assign roles and estimate time and scheduling requirements
 - b. **Task Force and state wide project work plans:** Determine task force assignments and/or project assignments for each staff member, estimate time requirements and scheduling
 - c. **Office PAR reports:** Determine whether ongoing cases and projects seek systemic change and whether all core strategies are being adequately employed toward meeting goals. Estimate what the time and scheduling requirements will be, for each staff member, including support staff, to complete ongoing cases and projects.
2. **Intake Schedule and service cases:** Consider ongoing service case work from PAR reports and assign intake schedules and service case work as appropriate to maintain time and resource allocation to systemic change work.
3. **Professional development and training plans:** For each staff member, describe the professional development and training that staff member will engage in during the year and allocate the time and resource necessary to carry out the plan.
4. **Administrative, management and development efforts:** For directing attorneys and administrative legal secretaries (or other staff as appropriate) determine time and resources necessary to comply with Core Expectation IX.

Regional Office Expectations:

1. Each Directing Attorney will annually prepare an office work plan as described [in the workplan definition] setting out office goals, assignments, time and scheduling estimates for each staff member, including support staff.

Performance Measures:

- A. Does the D.A. prepare and submit to senior management by November 1 an office work plan that complies with the annual workplan template?
 - B. Does the D.A. prepare and submit appropriate workplan revisions within 15 days of notice that the plan will not be approved unless such revision is made?
2. **D.A.s will periodically at case review (and at least quarterly) review the annual work plan, add emerging details (new cases, projects and task force assignments); assess progress toward workplan goals; assess adequacy of resource assignments (i.e., does any case or project require additional support) and who will provide that support.**

Performance Measures:

- A. Can the D.A. demonstrate periodic (at least quarterly) review of staff workplans?
 - B. Does the D.A.'s periodic review document assessment as described above?
 - C. When substantive changes are proposed to the workplan, has the amended workplan been submitted within 15 days to senior management for review?
3. **At the end of the year, D.A.s will assess compliance with workplan. What went as planned, what didn't and why? Were all appropriate strategies employed appropriately and, if not, why not? What new cases and projects emerged? Were they appropriate given the office priorities? Was the plan too ambitious or not ambitious enough? Did the work lead to the outcomes expected and desired? Use this assessment to aid in the next annual work plan.**

Performance Measures:

- A. Has the D.A. submitted an assessment of office compliance with the work plan at the end of the work plan year, including the assessment of goals and outcomes achieved, core strategies used and lessons learned, not later than the submission of the next year's work plan.

Institutional Support Expectations:

- 1. **Senior management will develop an annual office workplan template, and provide training on its use.**

Performance Measures:

- A. Has senior management developed an annual workplan template that effectively implements CRLA's Mission and Theory of Change?
 - B. Has senior management trained D.A.s on use of the workplan template?
2. **Leaders of all Task Forces/Practice Groups and Projects will also prepare similar annual workplans, and senior management will coordinate among each other and with offices so that each office can plan its resource allocation to statewide projects.**

Performance Measures:

- A. Has senior management developed protocols or policies that clearly inform Task Force or Practice Group leaders, project and program leaders of their obligations to timely prepare and distribute work plans to D.A.s?
 - B. Does senior management monitor timely distribution of Task Force, Practice Group and project/program workplans to D.A.s?
 - C. Does senior management adequately review all workplans to identify and notify D.A.s concerning Task Force/Practice Group/project/program proposed work assignments which may require Regional Office resource allocation during the next work plan year?
-
3. **Senior management will promptly review, request revision of, and approve office workplans to evaluate appropriate and efficient use of resources, consistency with priorities, use of core strategies and with systemic advocacy and statewide goals. Senior management will also facilitate coordination between offices that are working on similar cases and projects, and provide support and guidance to the offices in development of the workplans, including, for example, advice about similar cases or projects that someone has already done, the availability of materials or support, problems in similar projects or ones that have been tried and just don't work.**

Performance Measures:

- A. Does senior management complete its workplan review, approval and/or notice of revision by November 30?
- B. Does senior management workplan review evaluate appropriate and efficient use of resources, consistency with priorities, use of core strategies, systemic advocacy and statewide goals?
- C. Where workplans identify a case or project as contingent upon the commitment of additional resources, does senior management assess the request and by November 30 either commit to provide the necessary resources or refuse the request?

- D. Does senior management assess the resources identified in submitted LAPs with competing demands or assignments, identify the need for additional resources that will result from LAP approval, and address that need?
 - E. When senior management require a Regional Office to revise its workplan to include additional cases or projects, has senior management first realistically appraised that office's staff and resources and, if inadequate, committed necessary support?
 - F. Does senior management regularly evaluate LAPs and other case/project workplans or PARs in the context of the Office's Workplan?
4. **Additional resources and support: Offices may identify cases or projects for which they have inadequate resources, whether that be research materials, document-control software, training or mentoring, co-counsel etc. In those cases, the office will first inquire about the possibility of securing that additional resource before proceeding. Those requests need to be promptly assessed and answered by a person/team designated by senior management with authority and responsibility to do so and, once a commitment of support has been made and the case or project has been undertaken, those commitments need to be kept. For example, litigation assessment plans may need to identify specific staff responsibility for specific tasks and assignments with a clear understanding that the work will, in fact, be done by that staff. Each office is expected to make effective use of the resources it has, but no office will be required to undertake a project or assignment without a realistic assessment of resource availability and the commitment of necessary support.**

Performance Measures:

- A. Does senior management facilitate coordination between offices and projects working on similar cases and projects, identify research, pleadings and other materials available in other offices and provide appropriate support and guidance in furtherance of work plan goals?
- B. Does senior management promptly assess and answer Office requests for resources and promptly communicate the response(s) to the Office?
- C. Does senior management provide the resources they commit to provide?

CORE EXPECTATION VI: REGULARLY EVALUATE QUALITY AND OUTCOMES OF OUR WORK.

Synopsis:

Each of our advocacy efforts has a purpose that can be expressed as a measure of how the work we do makes a difference for our clients and our client communities. Learning whether those purposes have been achieved is essential to knowing if our work in fact has made a difference; it helps us improve the quality of our work by showing us which strategies have worked best; it helps us make decisions about how to deploy resources to have the most significant, positive impact for our clients; and it helps us communicate the value and impact of our work to others outside of CRLA, including individual donors and institutions.

Definition:

An outcome is a change in knowledge, attitude, skill, behavior, expectation, emotional status, or life circumstance due to the service being provided. Outcomes are the results of what an organization; program or project did in furtherance of its mission and objectives. Outcomes are not what the organization itself did but the consequences of what the organization did. Outcome measurement at case closing, therefore, generally involves recording the result accomplished for the client, not just the actions taken in the case.

Regional Office Expectations:

- 1. Each advocate will, at the time of opening a case or project, identify the intended outcomes and the strategies to be used to achieve those outcomes; at the time of closing of the case or project, each advocate will also record the outcome of that work.**

Performance Measures:

- A. Does the D.A. ensure that primary advocates complete an opening memo for cases or projects that identifies the intended outcome(s) and the corresponding strategies to be used?**
 - B. Does the D.A. ensure that primary advocates complete a closing memo for cases/projects that captures the outcome(s) of the work and that analyses whether it was consistent with the intended outcome identified in the opening memo and, if not, why not?**
- 2. Directing Attorneys shall ensure that staff have identified the intended outcomes of all cases and projects, and that such outcomes are in alignment with the client goals; with CRLA institutional goals; and with the office annual work plan. The DA will also ensure that all appropriate strategies are employed effectively to achieve those outcomes.**

Performance Measures:

- A. Does the D.A., during case review, provide feedback to primary advocates concerning the counsel and advice given to clients on service cases to ensure outcomes that align with client goals, CRLA institutional goals, and with the office annual work plan?
 - B. Does the D.A. review opening memos and other information and provide feedback to primary advocates addressing whether the identified outcomes in systemic advocacy align with client goals, CRLA institutional goals, and with the office annual work plan?
 - C. Does the D.A. evaluate whether all appropriate strategies will be employed to ensure the best possible outcome(s)?
3. **The Directing Attorney will review outcomes achieved on cases and projects and other work when assessing progress towards the annual work plan goals.**

Performance Measures:

- A. Does the D.A. timely review case/project outcomes and incorporate that evaluation in the periodic assessment of the status of, and progress toward, achieving the Regional Office annual work plan?

4. **Offices will take reasonable steps to learn the outcomes of their work. There are a number of methods that may be employed to determine the outcome of our representation or assistance. Which tool(s) should be employed will often depend on the type of case or assistance. For example, telephone surveys may not be appropriate in domestic violence cases. Tools include:**
- a. **Follow-up face-to-face office interviews with clients at case closing time;**
 - b. **Advocate checklist and/or narrative;**
 - c. **Mail/telephone surveys with client;**
 - d. **Research of publicly-available data (e.g. court and government records);**
 - e. **Focus groups.**

Performance Measures:

- A. Can the D.A. demonstrate that staff use methods identified above, as appropriate, to learn the outcomes of cases/projects, and report those in Legal Server?

Institutional Support Expectations:

- 1. **Senior management will identify and describe a set of outcomes towards which our advocacy will aim.**

Performance Measures:

- A. Has senior management developed a list of outcomes?
2. **Senior management will develop appropriate templates of Opening Memos, case and project workplans, and Closing Memos that implement this Core Expectation, and ensure that such Memos and Work Plans are integrated in Legal Server.**

Performance Measures:

- A. Has senior management developed and integrated in Legal Server the templates identified above?
3. **Senior management will install into Legal Server a menu of potential outcomes that can be selected when a case or project is opened and when a case or project is closed, to enable advocates, Directing Attorneys and senior management to see the direction of advocacy efforts and the outcomes of advocacy efforts.**

Performance Measures:

- A. Has senior management installed in Legal Server the outcome menus identified above?
4. **Senior management will develop, implement, and train staff on standardized policies on entering and retrieving outcome data from Legal Server.**

Performance Measures:

- A. Has senior management developed, implemented and trained staff as described above?

CORE EXPECTATION VII: USE ALL "CORE STRATEGIES" TO ACHIEVE CLIENT AND ORGANIZATIONAL ADVOCACY GOALS

Synopsis:

CRLA has identified the following six 'core' strategies (listed in no particular order, CRLA has not ranked the relative importance of these strategies):

- *Collaboration with other organizations and agencies;*
- *Legal services including representation with litigation to individuals and families;*
- *Community legal education and outreach;*
- *Legislative and regulatory advocacy;*
- *Systemic litigation; and*
- *Monitoring (of agencies, institutions, employers, etc).*

These are the fundamental strategies CRLA employs in order to carry out its mission and achieve the goals of our clients and meet CRLA's institutional advocacy goals. Each office is expected to use all of these core strategies effectively.

In addition to the six core strategies, CRLA will also maintain the capacity, though not necessarily in every office, to use the following 'supplemental' strategies (again, not in any order of importance or significance):

-
- *Community development*
 - *Leadership development*
 - *Media/Public advocacy*
 - *Research-based Policy advocacy*

Regional Office Expectations:

1. **Through the use of case and project workplans, the advocate who has primary responsibility for the case or project will identify the goals and intended outcomes of the case or project, and the strategies calculated to be the most effective.**

Performance Measures:

- A. Does the D.A. appropriately assess whether advocates consider and evaluate the core strategies as to their effectiveness in achieving case/project goals and intended outcomes:
 - (i) Collaboration with other organizations and agencies?
 - (ii) Legal services including representation (with litigation) of individuals and families?
 - (iii) Community legal education and outreach?
 - (iv) Legislative and regulatory advocacy?
 - (v) Systemic litigation?
 - (vi) Monitoring (of agencies, institutions, employers, etc.)?
- B. Does the D.A. appropriately assess whether advocates consider and evaluate the supplemental strategies as to their effectiveness in achieving case/project goals and intended outcomes?

- B. Does the D.A. appropriately assess whether advocates consider and evaluate the supplemental strategies as to their effectiveness in achieving case/project goals and intended outcomes?
 - (vii) Community development?
 - (viii) Leadership development?
 - (ix) Media/public advocacy?
 - (x) Research-based policy advocacy?

- C. Does the D.A. appropriately assess whether advocates consider regional, statewide or other extra-office resources in order to implement the supplemental strategy(ies) most appropriate to achieving case/project goals and intended outcomes?

- 2. **The Directing Attorney of each office will use an annual workplan to address community needs and to identify the specific advocacy goals of the office. The office workplan is expected to demonstrate consideration of the use of all core strategies as tools for achieving the advocacy goals.**

Performance Measures:

- A. Does the Regional Office workplan in its entirety, and consistent with office resources, appropriately consider each of the core strategies identified in Section 1, above?

- B. Does the office workplan in its entirety consider whether the office has the capacities to implement the supplemental strategies identified in Section 1, above, and/or should expand its capacities to do so?

- 3. **The Directing Attorney will ensure that staff professional development and training strengthens staff and office capabilities to engage the core and supplemental strategies.**

Performance Measures:

- A. Does the D.A. assess each advocate's capabilities to engage the core and supplemental strategies in assisting the advocate to prepare a professional development plan?

Institutional Support Expectations:

- 1. **Senior management will ensure that each office has sufficient resources to be able to employ all core strategies. Each year, as part of the process of reviewing staff professional development plans and of reviewing and approving office annual workplans, senior management will conduct an assessment of each office's capabilities to engage the core strategies and,**

where needed, develop and implement a plan to increase office capacity with respect to the core strategies.

Performance Measures:

- A. Does senior management assess whether each Regional Office has the capacities to engage all core strategies?
- B. Does senior management through review of office work plans and individual professional development plans ensure that capacities to employ all core strategies are developed in each Regional Office?

2. **Senior management will ensure CRLA maintains sufficient capacity throughout the organization - - though not necessarily in each office - - to deploy the “supplemental” strategies as needed. Senior management will annually assess our capacity, throughout all our offices and programs, to engage the supplemental strategies, and develop and implement a plan to increase organizational capacity with respect to the supplemental strategies if necessary.**

Performance Measures:

- A. Does senior management ensure that CRLA maintains sufficient organizational capacity, though not necessarily in each office, to deploy the 'supplemental' strategies as needed?
- B. Does senior management assess which offices and programs should develop and maintain the capacities to engage the supplemental strategies and developed and implement plans to increase these capacities?

CORE EXPECTATION VIII: FURTHER CRLA's OVERALL MISSION BY ACTIVELY CONTRIBUTING TO REGIONAL, STATEWIDE OR NATIONAL ADVOCACY EFFORTS

Synopsis:

CRLA is a statewide law firm. We have one single mission, and we all work toward that mission. We are most effective if we work together. Collaboration among offices is vital to leveraging the effectiveness of each, through Task Forces/Practice Groups and regional and statewide projects. Participating in regional and statewide advocacy efforts also provide an important opportunity for professional development.

Regional Office Expectations:

1. **Directing Attorneys will include participation in regional, statewide or national advocacy efforts in their annual office work plans.**

Performance Measure:

- A. Does the annual office workplan demonstrate participation of staff in regional, statewide or national advocacy efforts?

2. **Each advocate will comply with this expectation as outlined in Core Expectation II, with the attributable portion of their time devoted to systemic advocacy.**

Performance Measure:

- A. Can the D.A. demonstrate that each advocate has complied with this expectation and has time records so demonstrating?

3. **Offices with 2 or more attorneys will take a leadership role in at least 1 regional or statewide advocacy effort. Leaders of regional or statewide advocacy efforts will create a work plan, and will be responsible for coordinating oversight and the logistics of the effort. The work plan will identify goals and assignments for participating staff.**

Performance Measures:

- A. Can the D.A. with 2 or more attorneys demonstrate that staff have taken a leadership role in at least one regional, statewide or national advocacy effort within the prior year?
- B. Can the D.A. demonstrate appropriate work plans that coordinate oversight and logistics prepared by each advocacy leader under his or her supervision?

4. **Leaders of regional or statewide advocacy efforts will make all reasonable efforts to consult with involved staff in advance prior to committing CRLA resources.**

Performance Measure:

- A. Can the D.A. demonstrate that any advocacy leader under his or her supervision makes all reasonable efforts to consult with involved staff and appropriate supervisors in advance of committing CRLA resources and that those efforts are noted in the LAP, PAR, work plan or other advocacy plan?

Institutional Support Expectations:

1. **Senior management will ensure that every significant regional, statewide or national advocacy effort has a leader in charge; and will review all such advocacy work plans and provide timely feedback to the leader on the work plan.**

Performance Measures:

- A. Does senior management ensure that all regional, statewide or national advocacy efforts, for which more than 20 hours of staff time is projected to be expended, have leaders in charge?
 - B. Does senior management ensure that all regional, statewide or national advocacy efforts, for which more than 20 hours of staff time is projected to be expended, have workplans and/or PARs?
 - C. Does senior management review regional or statewide workplans and confirm that the leader has consulted with involved staff and supervisors, and provided timely feedback to the leader?
2. **Senior management will develop and maintain a structure and uniform system for reviewing all proposed regional, statewide or national advocacy efforts and making decisions about whether to undertake them and for reviewing work plans to ensure that the goals and the work are aligned with our mission; use CRLA resources effectively; and that the leaders have made all reasonable efforts to consult with involved staff.**

Performance Measures:

- A. Has senior management developed a structure for reviewing all proposed regional, statewide or national advocacy efforts for which more than 20 hours of staff time is projected to be expended?

- B. Has senior management developed a decision-making process for approval of all proposed regional, statewide or national advocacy efforts for which more than 20 hours of staff time is projected to be expended, that includes review of PARs and/or workplans, analysis of effective use of available resources, that the goals and outcomes of the effort are consistent with the CRLA's mission and vision?
- C. Does the decision-making process include input from regional offices which will be required to commit resources to the effort?

CORE EXPECTATION IX: ENHANCE CRLA'S EFFECTIVENESS AS A STATEWIDE LAW FIRM BY ENSURING COMPLIANCE WITH CRLA ORGANIZATIONAL POLICIES, AND ACTIVELY CONTRIBUTING TO CRLA'S MANAGEMENT, ADMINISTRATIVE, AND DEVELOPMENT EFFORTS.

Synopsis:

Each office will enhance CRLA's effectiveness as a statewide law firm by ensuring compliance with CRLA organizational policies, LSC regulations and other funding requirements, by actively participating in organizational leadership and local staff supervision. Offices will contribute to CRLA's planning, management, administrative, and development efforts by being involved in these statewide efforts of CRLA.

Definitions:

"Actively contributing" means, at minimum, that each office makes all reasonable effort to respond to requests to and participate in planning, management, administrative, and development processes or decisions. The essence of this expectation is to convey a balance between local offices' essential obligation to provide legal services to eligible clients and the obligation to contribute towards the overall functioning of the organization. We are, indeed, a statewide law firm, but we vary locally in terms of size, staffing, expertise, history and attitude. These local difference may result in varying levels of readiness and availability to contribute towards organizational responsibilities, and they may require some variable expectations around frequency and nature of larger organization-wide requests.

Regional Office Expectations:

1. **Directing Attorneys are responsible for ensuring that local offices and local office staff comply with CRLA policies, including all applicable grant conditions.**

Performance Measures:

- A. Can the D.A. demonstrate knowledge of all CRLA policies, LSC regulations, any applicable grant conditions and professional responsibilities?
- B. Can the D.A. demonstrate that new staff has received within the first week training on essential CRLA policies, LSC regulations, pertinent grant conditions and professional responsibilities?
- C. Can the D.A. demonstrate that he or she:
 - (i) provides periodic refresher training to all staff regarding CRLA policies, LSC regulations, grant conditions and professional responsibilities;
 - (ii) makes himself or herself available to staff for questions on these issues;

- (iii) trains staff on how to locate and research these policies and regulations?
 - (iv) ensures that extended assistance is provided only upon timely execution of appropriate retainers?
- D. Can the D.A. demonstrate that he or she adequately assesses:
- (i) staff's compliance with CRLA policies, LSC regulations, grant conditions and professional responsibilities?
 - (ii) whether C.S.R. closing codes accurately reflect the level of assistance or service provided in each case?
 - (iii) whether the case has been properly closed with an appropriate closing letter and closing memorandum?
- E. Can the D.A. demonstrate immediate steps to remedy any lack of staff knowledge or non-compliance with applicable policies or regulations?
- F. Can the DA demonstrate that grant reports, financial reports and other time sensitive administrative reports are completed and submitted in a timely manner?

2. Directing Attorneys of each office, regardless of its composition, will be involved and engaged in the larger efforts of the organization.

Performance Measures:

- A. Can the D.A. demonstrate personal participation in program leadership, planning, management, administration and development efforts?
- B. Can the D.A. demonstrate assignment of other office staff to participate in program leadership, planning, management, administration and development efforts, consistent with their experience and expertise, and available resources?

Institutional Support Expectations:

1. Senior management will establish a structure to provide appropriate training, oversight, support, guidance, and supervision.

Performance Measures:

- A. Has senior management identified a person responsible for training on CRLA policies, LSC regulations, applicable grant conditions and professional responsibilities?
- B. Has senior management provided timely training to each D.A. regarding CRLA policies, LSC regulations, applicable grant conditions and professional responsibilities?

- C. Has senior management provided each D.A. accessible manuals and consistent training materials regarding CRLA policies, LSC regulations, applicable grant conditions and standards for timely and consistent responses?
- D. Has senior management developed and consistently use an assessment tool of D.A. knowledge and understanding of CRLA policies, LSC regulations, applicable grant conditions and professional responsibilities?
- E. Has senior management developed a curriculum for both interim and in-person new staff training?
- F. Has senior management developed checklists and assessment tools for D.A.s to use in assessing staff's knowledge of, and compliance with, policies and regulations, and a protocol for maintaining training records?
- G. Has senior management assessed the participation of D.A.s and regional office staff in program leadership, planning, management, administration and development efforts in relationship to staff experience, expertise, office workplan and resources?
- H. Has senior management identified and timely communicated additional leadership opportunities to all staff?
- I. Has senior management provided timely information to the DA concerning completing and timely submitting grant reports, financial reports and other time sensitive administrative reports?

LEGAL AID JUSTICE CENTER

PREPARING FOR POLICY ADVOCACY

Prepared for an educational advocacy program by Alex Gulotta, Andy Block,
Virginia St. John, and Angela Ciolfi

Updated June 2012

INTRODUCTION

The Legal Aid Justice Center has been engaged to provide technical assistance and consultation to a program providing individual representation to low-income students on matters relating to education. The goal of the engagement is to help the organization develop capacity to conduct policy advocacy by using existing resources and identifying additional resources that may be needed.

Issues faced by low-income people are often large and complex. As a result, they probably require a long-term, multi-strategy issue campaign in order to be solved. Defining success clearly and knowing when the goal has been achieved is important in order to establish credibility with policymakers, to help staff and participating community members feel a sense of accomplishment, and to achieve success in fundraising to support the efforts. It is also important to reduce case handling and other responsibilities in order to maintain the energy and organization necessary to sustain a long-term policy campaign.

EXAMPLES OF SUCCESSFUL ADVOCACY CAMPAIGNS

In our experience, there are infinite ways to build and maintain a policy campaign. Moreover, we have often been pleasantly surprised and even amazed at how campaigns evolve once they gain momentum. These examples are intended to help begin a conversation among the staff at the program to identify and select your focus for future policy advocacy campaigns.

Example #1: Guaranteeing successful and immediate reenrollment of youth offenders

Several years ago, we represented a young man who had been repeatedly frustrated in his attempts to re-enroll in school following release from a juvenile prison. Research on the law governing his situation uncovered that, several years earlier, the Virginia General Assembly required the state Board of Education (BOE) to establish regulations governing this kind of transition. To that point, the BOE had completely failed to meet the requirement.

When we shared this information with the client's mother, she became an active and engaged spokesperson on the issue. Based on her story and the BOE's failure to meet its legal obligations, we soon garnered media coverage and commanded the attention of both the governor and BOE members. They not only established a task force to propose regulations, but asked the Legal Aid Justice Center to participate and to identify other suitable members, including the mother of our client and supportive probation officers.

This process ultimately led to the passage of regulations which now require advance planning between correctional centers and local schools, the immediate provision of educational services, and counseling for every child who is returning to school.

Example #2: Outlawing out-of-school suspension as a response to truancy

In early 2008, JustChildren staff unearthed a startling statistic in the annual “Discipline, Crime, and Violence Report” prepared by the Virginia Department of Education: In the 2006-07 school year, Virginia schools used out-of-school suspension to punish truancy in more than 18,000 instances. JustChildren staff brought this statistic to the attention of the Commission on Youth (COY), a truancy advisory group formed by a legislative commission. We also provided the group with research supporting our position that suspension was an ineffective and harmful response to truancy.

The advisory group included this research in its report to the legislative commission, which in turn incorporated it into its findings and recommendations to the Virginia General Assembly. A legislator on the commission subsequently submitted legislation to outlaw suspension as a punishment for truancy. The JustChildren Program offered our support to the bill’s patron and COY staff, developed informational materials promoting the bill, recruited allies to support the bill, met with individual legislators on the relevant committees, and testified in committee. The bill passed both houses of the legislature and now awaits the Governor’s signature.

RECOMMENDATIONS AND PROPOSED IMPLEMENTATION PLAN

0 to 6 Months: Just get started.

In our experience, it is nearly impossible to make room for policy advocacy until a campaign gains momentum. That is because there will always be a client whose needs are more urgent, immediate, and tangible than any abstract policy agenda. Once a campaign gains momentum, however, the issue takes on its own urgency. As successes begin to build, it becomes easier for both management and staff to balance the policy work with client needs.

Accordingly, we recommend that you pick an issue, formulate a realistic work plan, set deadlines, and just get started.

- 1. Identify a policy team and designate a person to lead that team.** Include on the team those staff members with a discernible interest in the work, even if their skills are still developing.
- 2. Make a Plan.** Once the team has been identified, engage in a facilitated brainstorming and planning session with the goal of picking a narrow, winnable goal and formulating a realistic work plan. Start with your area of expertise. Work with case handlers to identify a discrete issue that causes real damage to your clients and which has a clear, definable solution. Use a template like the Midwest Academy Chart, included as Attachment A, to formulate a work

plan. Evaluate each tool—legislation, regulation, litigation, media, organizing, research—for its potential effectiveness and accessibility to the program.

3. **Set deadlines.** Because arbitrary deadlines can too easily be postponed or ignored, set deadlines that coincide with a pre-existing policymaking event external to the program—such as a regular review of special education regulations or policies.
4. **Be opportunistic.** Encourage case handlers to think about the larger issues at play in their cases, and give them the freedom and support to dive deeper into their cases and to seek opportunities to fix the problem on a system level. Consider adding a brainstorming session on the larger systemic issues to weekly case meetings. By taking every opportunity to congratulate staff on “taking it to the next level” (program-wide emails, newsletters, annual reports, fundraising letters), the program can set an expectation for all staff that their advocacy should not end with solving the problem for an individual client.
5. **Develop skills.** Prepare for future advocacy by providing in-house training or identifying outside training opportunities in the following advocacy strategies:
 - Lobbying
 - Impact Litigation Strategies
 - Research & Data Collection
 - Media Campaigns
 - Electronic Advocacy
 - Grassroots Organizing
6. **Harness Client Energy.** Integrate more leadership training and policy advocacy into the existing parent training curriculum and use workshops to support your broader policy agenda. Our organizers often incorporate an activity into their workshops that directly relates to an ongoing policy initiative.

For example, during our graduation rate accountability campaign, our organizer wrapped up a leadership development workshop by asking the participants to write a letter to the Board of Education and providing the information and tools they needed to finish the letter before they left the workshop. In this way, you can both take advantage of a captive audience to contribute to your policy campaign and inspire a new group of leaders by engaging them in an interactive and meaningful activity. It is also critical that the program develop mechanisms for securing the contact information for all parents it serves, either through trainings or representation, and continue to engage these people in the policy work.

7. **Expand community networks.** Broaden the organizing work beyond current clients by reaching out to existing networks of parents and advocates, including those who don’t necessarily focus on education but rather on issues confronting people living in poverty generally and who might find common cause in your education advocacy efforts and campaigns. Similarly, coordinating your efforts with other child advocacy organizations will expand your capacity and the strength of your voice.

8. **Build professional networks.** Expand staff contact with key decision-makers in the community by encouraging them to attend local or state government meetings and the governing boards of various agencies, offering more training in educational advocacy to community service providers, and arranging information interviews with policymakers to discuss the program's work and the issues that concern your clients.
9. **Heighten lawyer visibility.** At this stage, the program can also start exploring ways for its lawyers to become the experts on networks and systems that touch children.

7 to 12 Months: Free up time for staff to refocus on policy priorities.

As work on a policy campaign gains momentum and necessitates increased time and attention, the program should leverage volunteer resources in the community in order to reduce the caseloads of parent advocates and attorneys—freeing up time for policy advocacy.

10. **Just say no to full representation for every client.** Establish case screening criteria for advocates and lawyers to help them reduce their case handling responsibilities and give them the freedom to work toward their policy goals. An example of our case screening criteria is included as Attachment B. Consider tying case selection to your policy objectives to further focus your work. There may be a need to examine the program's existing funding sources to determine how the terms of your grants and contracts affect caseload reduction.
11. **Clearly define the scope of case representation.** Ensure that case handlers clearly define the scope of each representation and close cases as soon as the goals have been met. Evaluate new requests for services from past clients to ensure that the program's resources are used effectively. For example, if a lawyer receives a new request for services from a past client, the lawyer should evaluate the case to see if it should be referred to an advocate, or to the Parent Services Coordinator for training in advocacy or to be paired with a parent partner with the goal of teaching the parent how to be self-sufficient.
12. **Incorporate policy work into funding proposals and contracts.** When contracts and grants come up for renewal, look for ways to incorporate policy work whenever possible. There may be ways to persuade existing funders to accept policy work that complements case work and that is consistent with the objectives of the grant—especially when the goal is the improve conditions for large numbers of individuals within the target population.
13. **Develop a pro bono panel.** We encourage you to move forward with your plan to create and train a pro bono panel that will accept special education referrals and to develop new strategies to better employ law students in handling both intake and potentially advice and advocacy. Keep in mind that managing and training a both lawyers and law students will require a significant investment of time from one or more staff members, particularly at the front end of the process. As a result, you may need to designate a portion of someone's time for the management of volunteers.
14. **Develop law school resources.** Some programs may be able to use law student volunteers to handle intake and initial interviews. With just a few hours of training, we have found that law students are able to conduct initial client interviews over the phone and provide advice,

where appropriate, under the supervision of attorneys. Alternatively, law students could hold intake office hours where they could meet with clients and supervisors in person. Although law students may not be able to offer advice on the first phone call or initial meeting, we have found that they typically make up for their lack of expertise by spending a lot of time listening and empathizing with clients. Again, managing and supervising law student volunteers would require an investment of staff time.

15. **Develop research networks.** Meet with the heads of research in the departments of education, psychology and public policy at any of the universities in the area to see if they would provide data and research support. The program may be able to propose research projects for students looking for ideas for a masters' thesis or dissertation, or offer summer internships for students interested in public policy.

Year Two and Beyond

By the time the previous steps are underway at the end of Year One, we expect the program's staff, client community and funders will have an enthusiasm for policy work. Once you gain traction in the policy arena, you may be able to market your work and expand your staff so that you can have an even greater impact. And with a year of policy work under your belt, it might be easier to identify members of the existing staff who have the knowledge, skills and desire to expand your policy advocacy activity.

We believe an organization that is serious about creating change on a systemic level should have a team with the capacity to fulfill the following functions:

1. **Policy Leadership.** The program should identify from within or hire a lead person to plan and coordinate its policy reform agenda. This person should have experience in public policy and systemic reform. The role of a policy director would be to facilitate the work of attorneys and parent advocates on specific policy agenda items. Because the policy director would rely on the substantive knowledge of existing staff, familiarity with education and/or other children's issues would be preferable, but not essential.
2. **Organizing and Leadership Development.** In addition to helping parents understand the rights of their individual children, consider devoting training resources to cultivating parent leaders and advocates. This may require follow-up trainings with a smaller group of parents, but will ultimately lead to more community partners with whom the program can work on policy campaigns.
3. **Data/Research Mining and Analysis.** Policymakers will pay more attention to your ideas if you can find compelling ways to present data and research that supports your position. Identifying or providing training to someone on staff who can be comfortable with simple statistical generation and analysis, Excel, research databases such as JSTOR, and internet research will be critical. Our lawyers primarily handle this responsibility but legal training is certainly not necessary.

Simple research can yield powerful results. For example, policymakers and the media took notice when we presented a chart indicating that a school divisions' much acclaimed

academic improvement may have come at the price of graduating fewer students. The state has now adopted graduation-rate benchmarks as part of high school accreditation in order to address these perverse incentives. We include the chart as Attachment C.

4. **Media and Communications.** Any policy reform effort must include an effective media and communications strategy. Either through training or by hiring, it will be necessary to have staff who are comfortable speaking to the media and skilled in messaging, writing press releases, organizing press conferences and other events, and creating informative and provocative content for your website. While the JustChildren Program does not have a communications person on our team, several staff members have with the experience and the knowledge to be effective.
5. **Lobbying.** Until—and even after—staff members develop their expertise and relationships, consider hiring or contracting with an experienced lobbyist or firm who already has relationships with some of the policymakers you wish to influence. For example, it may be possible to hire a portion of someone's time to lobby local or state government on a specific policy objective. Hiring this expertise is often cheaper than dedicating a full-time staff person to the effort and may be an efficient way to leverage your existing substantive expertise. We have done this on more than one occasion with very positive outcomes.
6. **Electronic Advocacy Tools.** Consider purchasing an electronic engagement tool that will enhance communication between your supporters (clients, community partners, funders, etc.) and policymakers. Tools from vendors such as Convio or Blackbaud Sphere can allow the program to send action alerts to supporters about various issues and facilitate contacts to policymakers with just a few clicks of the mouse. The program could also consider making use of free networking and communications tools such as Facebook and Twitter.

CONCLUSION

Most legal aid organizations enjoy significant existing resources to make policy advocacy not just possible, but successful. With careful planning and thoughtful implementation, many programs can undertake policy advocacy using current resources by leveraging community resources such as major law firms as well as colleges, universities and law schools that might make excellent partners.

We wish you the very best as you proceed to the planning and implementation phase of your strategy, and are available to provide additional technical assistance. Now just get started!

Obstacles to Strategic Advocacy

Obstacle	Response: Overcoming the obstacle	Responsible Person or Position
1. My supervisor/colleagues/director expects me to handle a lot of individual cases.		
2. If I take on a big case or initiative, I will still have to take the same number of individual cases. If I am allowed to cut back, my intake colleagues will have to take more cases.		
3. The LSC regs will not allow me to handle complex cases.		
4. The grant I work under requires that I handle a lot of individual cases and does not support strategic advocacy.		
5. I do not know how to handle complex cases.		
6. I like to help real people and prefer handling individual cases.		
7. I do not have enough secretarial help to handle major litigation.		
8. My office/unit is too small to take on major cases.		
9. My clients do not present cases that include significant issues.		
10. I feel anxious about doing something different and am more comfortable doing what I do now.		

Obstacle	Response: Overcoming the obstacle	Responsible Person or Position
12. We do not have enough resources in our program/office/unit to handle strategic advocacy.		
13. We will lose support from the community and funders if we conduct more strategic advocacy.		
14. I do not have anyone to help me if I take on a complex case and cannot do it by myself.		
15. I do not have the substantive or practice training that I need to handle a complex case.		
16. My unit/office/program does not seem to value complex cases or creative initiatives.		
17. LSC does not want us to handle impact cases.		
18. Other public interest firms in our area can handle the impact cases our clients need.		
19. My program cannot afford the litigation costs of complex cases, such as court reporters, experts, document management, etc.		
20. I do not have confidence in the ability of my supervisors to help me learn how to handle more complex cases. If they have the ability, they do not have the time or patience to work with me. They make me feel stupid when I ask questions.		
21. I don't know what people mean when they say I should handle more complex advocacy.		

*Neil McBride
General Counsel
Legal Aid Society
September 2010*

Successful Models: Ten New(er) Ideas for Promoting Systemic Advocacy

No successful models can apply to everyone. No one who is committed to this issue is really happy with the amount of strategic advocacy their staffs are doing and no one has found a reliable way to stimulate more strategic advocacy. There is a fundamental debate about whether the impulse to look for creative, purposeful solutions to client problems can be taught at all (except at the narrow margins of work), or whether it all depends on the orientation and skill of the people you hire.

1. Practice Groups, Substantive Law Units.

For many years, legal aid programs have had work groups, task forces, substantive law committees organized around substantive areas. The Family law task force would meet to talk about common problems, training events, resources, things like that.

Several programs around the country have taken a range of steps to give more formal authority to that structure. They have advocacy directors with real supervisory authority. They assign to the substantive unit the kind of authority that geographic-based offices traditionally have. TRLA is perhaps the most extreme example. Managing attorneys have little authority. The advocate's supervisor in the housing unit may be 300 miles away.

In doing this, they are getting away from "membership in a unit" and focusing on collaboration with a group of advocates with common practice areas.

Finding more and more that "units" can be barriers to giving clients the kind of service we want to give them. Hard to transfer issues, hard to get people to identify other legal issues in our clients' lives, hard to share resources, communicate, collaborate.

2. Focus on groups of high-performing individuals.

Some programs are focusing their efforts to expand strategic advocacy by identifying a group of litigation advocates who will receive more intensive support, co-counseling and training.

At least one state IOLTA program has tried the idea of having a kind of a corps of summer interns or new graduates, who receive specialized training and encouragement. It

has not worked. Local programs are not comfortable with it and they could not find enough truly motivated people for the program.

3. Mentoring.

More of us are aware of the value of mentoring. A growing number of programs, including ours, are assigning mentors to newer advocates, from other offices or units, outside the advocate's formal supervisory structure. Goal is to be an informal resource, different point of view, place to go for questions.

This is sometimes considered a way to make up for an underperforming managing attorney or unit manager.

At LAS some pairings have worked well, some have not. We have had mentors about a year. Clear that we need to make responsibilities more formal, and to have some more specific goals.

4. Active Intake.

This is also called holistic or comprehensive delivery. You encourage staff to look actively for issues in clients' lives that might need attention. This practice inevitably produces issues that clients do not usually present. This is an approach that needs to be taught. It has proven very difficult to get some advocates to do any more than respond to the applicant's presenting problem. You have to have an efficient referral mechanism and a reliable system to insure that when an advocate identifies five legal problems in a single client, they do not then have to do intake on four more different people. Use lists of critical priority issues and longer lists of potential issues as reminders, but do not encourage staff to use checklists as if they were welfare workers checking boxes.

5. Outcomes.

A few programs are using outcomes to measure what is valuable to them. This system encourages staff to focus on the benefits they produce. It helps them think about what they are achieving for clients and client communities and not just how many cases they are closing.

6. Advocacy Succession.

This is a long-term approach to the issue. Many programs are becoming aware of the need to be deliberate about executive director succession, and are planning for director succession. A much smaller number of programs are aware of the need for advocacy succession – the notion that we are losing a generation of advocates who have real authority

and accomplishment in their field, but who are not thinking deliberately about who in their firms will provide clients the benefits of that experience after they leave.

7. Developing Standards.

Some programs have gotten much more deliberate about describing, in personnel policies and job descriptions the expectations that advocates must meet in order to be retained and perhaps receive salary increases. Most of the programs that have tried this do not really enforce it. It requires more management skill and determination than most of us have. Job descriptions should also include explicit expectations on managing attorneys, unit managers and legal work supervisors to motivate staff to be more strategic.

8. Supporting Passion.

Our traditional approach to prioritize legal work has been to conduct client surveys – usually not very credible and rarely covering the full range of things we can actually work on – and then dividing up the work that comes out on top.

In fact, the range of needs is much more broad than most surveys suggest.

Utility costs are consuming a huge part of low-income family budgets. Families are increasingly uninsured for health care, or denied critical if they are.

The mental health system in many of our communities has collapsed.

Most of us have not really responded to the crisis in sub prime lending, equity skimming and the many scams that arise out of the mortgage crisis.

Home based health care is often less and less available, forcing people to go into nursing homes before they need to – at much greater expense to the state.

It would be hard to argue that any one of these issues is fundamentally more important than another.

Here's the message: If you have an advocates, attorneys or paralegals who are passionate about one of these or some other issue, and who have the professionalism to actually accomplish something in the field, give them the permission and support to do it. Their passion will accomplish much more than some program policy about priority.

It is easy to take this approach too far: The substantive choices must not be arbitrary. They must be grounded in real client needs, appropriate to a legal aid provider. If an advocate has a passion for fighting nuclear power, he or she should not expect to pursue that issue in the context of a legal aid field program. But programs should take an expansive look at range of client needs all providers face, and understand that many, many of them cannot really be ranked as more or less important to individuals and client communities.

Traditional priority setting processes are unreliable because (a) they tend to perpetuate what programs already do and (b) few clients (and few legal aid advocates) know the full range substantive issues we can work on or the full range of services we can provide in relation to those issues. If an advocate has a passion for serving low-income veterans, or for dealing with workplace justice issues, or the reentry problems of prison inmates, allowing them to pursue that priority may produce much more creative and energetic work than requiring that they be confined (for example) to the program's traditional priorities, such as housing, benefits and family law.

9. Recruitment.

In recent years, program leaders who are committed to systemic advocacy have all seemed to become more actively involved in recruiting, interviewing and selecting new advocates. There is still an active debate about whether the fundamental impulse to be strategic can be taught. Of course people can change at the margins, but some leaders believe that it takes passion and an inherent impulse to get dependable, consistent strategic advocacy from most staff.

New staff should be informed, in job announcements, interviews, hiring and orientation, that they will be expected to do more than respond passively to random client requests. They will be expected to use their expertise in a deliberate, purposeful way to produce systemic benefits for clients and their communities.

Advocacy leaders in the program must be involved at all stages of new attorney hiring. It takes time, but there is probably not a better use of time to promote this kind of advocacy.

10. Language. Some advocacy leaders, consciously and unconsciously, have begun to use a new language, a new set of words, to talk about what they want from their staff in regard to systemic advocacy. They have learned to stop talking about impact versus service work, or law reform versus individual cases. This debate puts people to sleep and has never been resolved. These words make it look like there is an acceptable choice, and that some people can appropriately say they like service work.

Instead, leaders are talking about the expectation that work be purposeful, deliberate, thoughtful, mindful and strategic. These approaches apply to individual cases and sweeping reform efforts. It is harder for staff to say that they do not want to be purposeful, deliberate or strategic in their work. Having recognized the expectation, they then can be challenged to say what it means to be purposeful, deliberate and strategic. If they are, then individual clients get broader service (perhaps comprehensive, holistic representation) and the cases should get used to address similar problems faced by other clients or their communities.

WHEN IT COMES TO CREATING CHANGE,
TRADITIONAL MODELS ARE NOT KEEPING
PACE WITH TODAY'S CHALLENGES.

IT'S TIME FOR US TO
TAKE RISKS, BE BOLD,
AND FAIL FORWARD.

IT'S TIME FOR US

**TO BE
FEARLESS.**



FEAR
~~FEAR~~
BE FEARLESS

powered by: **THE CASE FOUNDATION**

ABOUT THE CASE FOUNDATION

The Case Foundation, created by Steve and Jean Case in 1997, invests in people and ideas that can change the world, with the ultimate goal of making giving back a part of everyday life. We create and support initiatives that leverage new technologies and entrepreneurial approaches to drive innovation in the social sector and encourage individuals to get involved with the communities and causes they care about. For more information, visit casefoundation.org and follow the Case Foundation at @casefoundation on Twitter and on Facebook at facebook.com/casefoundation.

To Be Fearless is authored by Cynthia Gibson, Ph.D. and Brad Rourke on behalf of the Case Foundation.

May 2012

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A downloadable PDF is available at
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"To Be Fearless," The Case Foundation, 2012.

If you added up all the times you failed
All the times you came up short
Would you try again?

What if failure wasn't a limitation?
What if taking risks was your status quo?
What kind of world would you imagine?

When global challenges seem overwhelming
We need to create unlikely partnerships
Experiment with new thinking
And set audacious goals.

To build a better world
To make a real difference
We have to take bigger risks
Make bigger bets.

And if we fail, and fail again, we have to get right
back up and dream even bigger.

To live in a world worth living
We have to let challenge inspire us.

We have to take risks,
be bold, and if we fail, fail forward.

**WE HAVE
TO BE
FEARLESS.**

THE WORLD TO BE FEARLESS

When we look at the state of the world today, we see a mixed picture. Rapid innovation in an increasingly connected society is transforming the way we work, play, and live. But we also see global economic woes, civic unrest, and political stalemates. As a result, social issues that challenge communities are becoming more urgent and interconnected.

Meanwhile, those of us charged with finding or funding solutions to chronic social challenges—philanthropy, government, nonprofits—seem to be moving too slowly and are often operating with the same set of tools, concepts, and cautions of the generations before us. If we're going to keep up with the rapid pace of change and the daunting volume and complexities of these challenges, we must rethink traditional models. The old way of doing things is simply no longer effective in this new world. It's time for us to be bold, act with urgency, and resist the tendency to let caution be our guide. It's time for us to Be Fearless.

WHAT DOES IT MEAN TO 'BE FEARLESS'?

The Case Foundation turns 15 this year, and as we approach that milestone we've been taking a hard look at our own evolution and the world around us. Looking back over the years, we found that we were most successful when we were fearless—when we explored and experimented—and the least successful when fear or caution somehow became a dominant driver of decision-making. But what exactly does it mean to Be Fearless?

To us, being fearless means setting audacious goals, acting urgently and boldly, being unafraid of risk, being willing to strike unlikely alliances, and accepting the possibility of failure while still pressing forward. We also define being fearless by what it's not: it's not reckless abandon, foolhardiness or arrogance, or presuming we have all the answers.

Earlier this year, we made a commitment to Be Fearless in all that we do at the Case Foundation—but we knew that we couldn't go it alone, or without exploring what this concept of being fearless truly means. We

NEEDS US

SS A NOTE FROM JEAN CASE CEO, THE CASE FOUNDATION

began with some basic assumptions, based on our work with our partners and looking at the landscape of some of the most effective social movements and philanthropic achievements of our time. We then asked Cynthia Gibson and Brad Rourke to test those assumptions, to scour the landscape and explore the characteristics of fearlessness so they could be discussed, debated and put into practice.

As a result we have identified five principles that go hand-in-hand with our definition of being fearless. It's important to note that these principles aren't "rules," but rather, a set of indicators we've found to be at play when operating with a fearless mindset. They don't always operate in tandem or sequentially, and one is not more important than another. We think of them as a set of markers that can help identify when decisions are being made fearlessly. Together, we believe they form a powerful way of thinking about effective philanthropy and change-making—one that we think will be important in meeting the challenges that confront us.

It is our hope that this effort will spark a dialogue about how other institutions, philanthropic investors, and individuals trying to drive social change view fearlessness; whether and how they're applying that concept to their work; and what they have learned in the process.

We're putting forward these principles in the hope that others can benefit from them. And we're not just talking about them; we're incorporating these principles into everything we do at every level of our organization. We believe that doing so will only increase our ability to be innovative and effective social investors. We look forward to being part of a conversation about what it means for our community to Be Fearless. We invite you to join us.

Together, let's Be Fearless.



Jean Case, CEO, the Case Foundation



1.

MAKE
BIG BETS
AND MAKE
HISTORY



2.

EXPERIMENT
EARLY AND
OFTEN

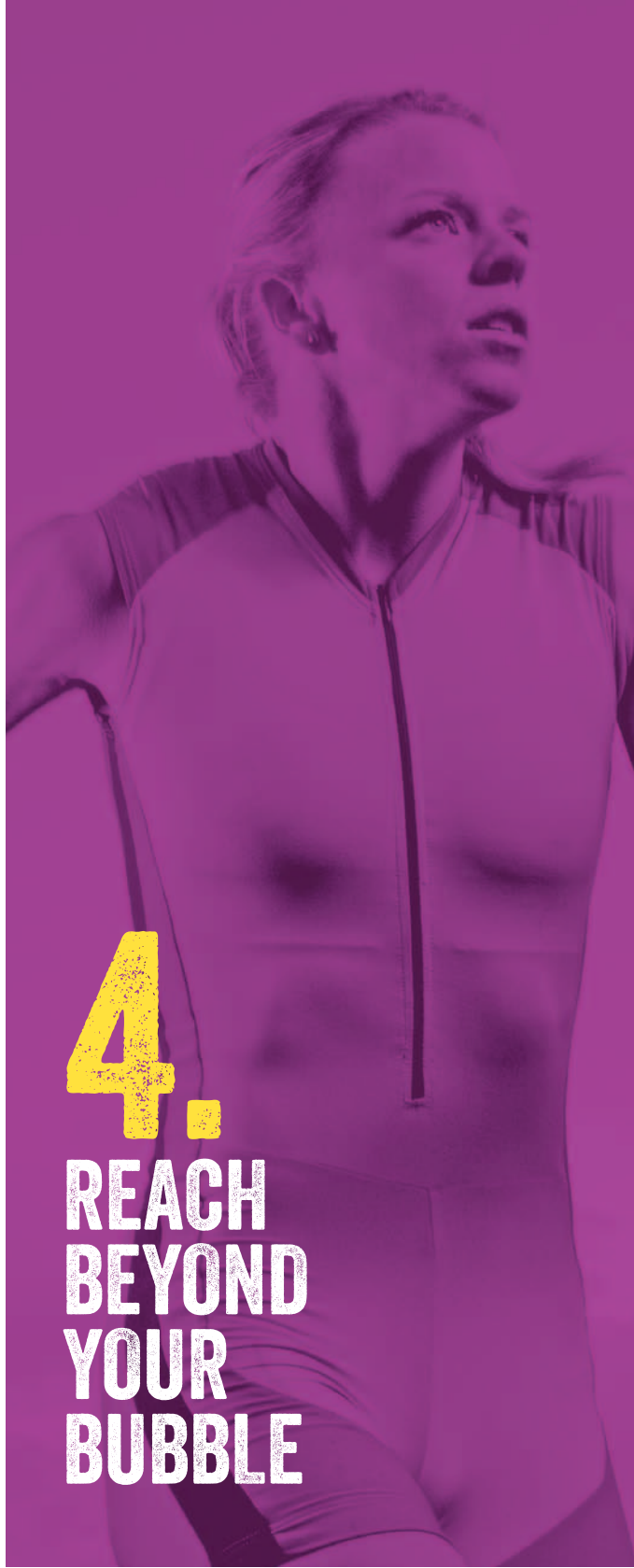


3.

MAKE
FAILURE
MATTER



WHAT IT TAKES TO
BE FEA



4.
**REACH
BEYOND
YOUR
BUBBLE**



5.
**LET
URGENCY
CONQUER
FEAR**

RISELESS



**MAKE
BIG BE
AND
MAKE HIST**

**Set audacious, not
incremental, goals.**

THE LABORATORY.

So many organizations have a natural caution that leads them to make incremental changes. They look at what seemed to work in the past, and they try to do more of it.

But taking the easy road can trap good organizations in an endless cycle of small steps when they should be striding forward. **Jim Collins** and **Jerry Porras** underscored this in their six-year study of high-performing companies, the results of which appear in their best-selling book, *Built to Last*. Chief among their findings was that the most successful companies are those that set BHAGs—"big, hairy, audacious goals"—for themselves.

CONTINUED >





MAKE BIG BETS AND MAKE HISTORY.

In the *Harvard Business Review*, Collins and Porras defined a BHAG “as clear and compelling, a unifying focal point of effort, and a clear catalyst for team spirit. [...] It has a clear finish line, so the organization can know when it has achieved the goal; people like to shoot for finish lines.”¹

History suggests that the most significant cultural transformations occur when one or more people simply decide to try and make big change, rather than move incrementally. In the face of the Soviet launch of Sputnik, for example, **President John F. Kennedy** challenged America to shoot for landing on the moon—not just to improve its aerospace capabilities. **Thomas Edison** didn’t simply try to make a better candle, rather he proudly proclaimed his [audacious] goal to “make electricity so cheap that only the rich will burn candles.” The founders of our country didn’t stop at trying to negotiate their grievances; they chose to start a revolution that would honor their beliefs and that led to the establishment of a new nation.

The idea of placing such a clear stake in the ground is well-established in the business world, and many of today’s best companies have articulated their own big bets. **Amazon**, for instance, is well on its way to achieving its BHAG: “Every book, ever printed, in any language, all available in less than 60 seconds.”

Admittedly, it may be easier to make big bets and set audacious goals in the private sector, rather than in the social sector, because there are more financial resources and incentives to do so, and because the success measures are clearer. But that doesn’t mean the social sector can’t or shouldn’t try. In fact, given the enormous and complex challenges facing people around the world—poverty, global warming, illiteracy, and conflict—setting these kinds of BHAGs are more important than ever for those organizations working to end them.

TODAY’S BIG BETS

Fortunately, there are people who straddle the private and social sectors who are comfortable with BHAGs—people like **Ray Chambers**, the United Nations’ special envoy for malaria. Ray Chambers has long been a quiet philanthropist, even though he is an acclaimed financial mind who is responsible for helping to rebuild his home city of Newark, NJ. His fingerprints can be found on the creation of some of the most influential social good organizations in the United States, including the National Mentoring Partnership, America’s Promise, and the Points of Light Institute. His humble but steadfast approach could easily be held up as an example for any of the Fearless Principles in this document, but his big bet on malaria is especially game-changing.

In some parts of the world, malaria kills a child every minute of every day. In Africa, it drains 40 percent of the continent’s healthcare resources, even though the disease is preventable and treatable. The only possible way to tackle a huge issue like this, Chambers thought, was to set an audacious goal that would activate exponential amounts of energy and resources. So, instead of just pledging to reduce the yearly number of malaria deaths, Chambers set out to eradicate all of them by 2015.

This unabashedly bold goal inspired a number of organizations to join together to form a new coalition dedicated to achieving it. Those organizations include **Malaria No More** (which Chambers co-founded), **Roll Back Malaria**, the **United Nations’ Nothing But Nets**, and the **Bill and Melinda Gates Foundation**. Along with other groups, this coalition has launched prevention efforts that so far have helped reduce malaria deaths in Sub-Saharan Africa by more than 33 percent since 2000, and it is on track to make even bigger gains toward total eradication of the disease.

HISTORY SUGGESTS THAT THE MOST SIGNIFICANT CULTURAL TRANSFORMATIONS OCCUR WHEN ONE OR MORE PEOPLE SIMPLY DECIDE TO TRY AND MAKE BIG CHANGE, RATHER THAN MOVE INCREMENTALLY.

Another innovator who isn't afraid to take big risks is **Starbucks'** CEO **Howard Schultz**. Recognizing that government is an important source of support for low-income community development, but also that it often cannot react swiftly to urgent needs, Schultz partnered with the **Opportunity Finance Network** to launch the new "**Create Jobs for USA**" program. The initiative gives capital grants to select community development financial institutions (CDFIs), which then provide financing to support small businesses, housing development, and start-up enterprises in underserved communities.

Schultz also wasn't afraid to take a bold and public stance on the partisan gridlock in Washington, calling on his fellow CEOs and other donors to stop providing campaign contributions to either party until they put aside political posturing and focused on

finding common ground on long-term fiscal issues. Schultz sent a letter to the CEOs of the **New York Stock Exchange** and **NASDAQ**. Both CEOs supported the initiative and sent letters of support to the companies listed on their indices. Within a week, 100 other top executives had joined him, including **Tim Armstrong** of **AOL** and **J.C. Penney Co.** Chairman and CEO **Myron Ullman**.

It's too early to know what impact Schultz's actions will have, and his stance was certainly controversial. But while many disagree with his methods, he did make a bold move to try to change the conversation and upend the status quo.

While there is a time and place for incremental, safe moves, there is also a clear need for social investors to make big bets on big change.



A close-up photograph of a person's hand touching a body of water, creating concentric ripples. The image is overlaid with a semi-transparent teal color. The text is positioned in the upper half of the frame.

EXPER EARLY AND

Don't be afraid
to go first.

IMMEDIATE OFTEN.

The world moves more quickly today than ever, and our responses have to keep up. To continue to respond creatively, we need to continue to experiment. Just when we think a certain intervention is working, that's when we have to look down the road to see what new tools or new dynamics will challenge our assumptions or provide an even better solution.

It's this type of thinking that has kept companies like **Apple** and **Southwest** ahead of the game. Apple's iPod and iTunes disrupted the music industry. Then the company unveiled the iPhone, doing the iPod one better. That device recreated and dominated a new class of handheld device (the smartphone). But Apple didn't stop there. It used the iPhone as a launching pad for yet another new invention—the iPad. In fact, at time of print, a CNBC survey found that just over half of American homes have at least one Apple product, and nearly a third have two or more—the average American household actually has 1.6 products made by Apple.¹¹

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EXPERIMENT EARLY AND OFTEN.

Southwest Airlines experimented with new approaches in air travel—an industry whose models hadn't changed significantly in many years—with great results. Bucking the tradition of other airlines that increased fares during peak holiday seasons to maximize revenue, Southwest offered price cuts and sales during those same time periods. Now, other airlines routinely follow suit. Southwest also re-imagined the typical boarding process that most airline customers had accepted as the standard. By doing away with assigned seats, Southwest is able to balance operational efficiency with the need for customer satisfaction.

In recent years the airline sought to innovate on its own inventions by testing different combinations of assigned and non-assigned seats in sample markets in a constant search for balance and innovation before pledging to a permanent open seating process where customers are assigned a place in line as they check in.ⁱⁱⁱ As with other innovative companies, Southwest knows that because today's answers will soon become yesterday's, it needs to restlessly pursue new ideas, rather than resting on its laurels.

LEARN AND ADAPT AS SOON AS POSSIBLE

Organizations can maximize what they learn from innovations by pressing forward, sometimes even before it may be comfortable to do so. In business, this approach is called "minimum viable product"—a concept common in technology and coder communities and recently articulated by Silicon Valley entrepreneur **Eric Ries** in his new book, *The Lean Startup*.

Rather than testing a product or idea repeatedly until it's "perfect" and then rolling it out, Ries and the companies that have employed this strategy—including **Zynga** and **DropBox**—push out a newly-developed product (typically to a small subset of loyal

customers) as soon as it is viable, and then gather feedback as to how the product might be improved. They incorporate those ideas into the product, which is then reissued. It is quite common for new websites to be released to the public in beta form and stay that way for quite some time as the bugs are addressed and new elements integrated. **Google's** popular Gmail system, for example, was unveiled in 2004 and only left "beta" in summer 2009.

The emphasis is on the speed of this product revision loop and the quality of feedback. This not only allows learning and innovating to occur as soon as possible in the product design cycle, it also invites customers into the innovation process itself—an open approach that is increasingly the hallmark of successful ventures.

This concept is also the cornerstone of a newer technology-minded civic engagement organization—**Code for America**, which is led by **Jen Pahlka**, a former web and gaming industry executive. CFA, which its staff often refers to as a "Peace Corps for geeks," leverages the talents of volunteer coders and developers that work with municipalities across the United States over the course of a year to develop open source solutions to common challenges.

The apps that they develop—sometimes overnight—previously would have taken miles of red tape, reams of RFPs, and often overpriced solutions. Pahlka has set out to change the system, and in her TED Talk in 2011, fearlessly asked the audience, "Are we just going to be a crowd of voices, or are we going to be a crowd of hands?"

FORWARD-THINKING PHILANTHROPY

In philanthropy, the **John S. and James L. Knight Foundation** has been similarly innovative and forward-thinking in its efforts to improve journalism. Instead of deciding for itself what the best ideas or approaches were, the foundation launched a competition, the **News Challenge**, to unleash creativity and innovative ideas from people outside the foundation doors. Funding ideas are proposed and commented on by the community before Knight makes its ultimate decisions. This keeps initiatives fresh and ensures that yesterday's good ideas are not just recycled.

Knight also tweaks its competition from year to year to reflect what it has learned from past experiences. Initial competitions, for instance, lacked a public comment component—one that would allow people outside of philanthropy to weigh in on good ideas and proposals. Giving up some control of the decision-

making process is never easy for foundations, but Knight decided to take the risk, which it found led to better and more informed funding decisions. In fact, the Knight Foundation has replicated the News Challenge model for several other program areas, including the Knight Arts Challenge and the Knight Community Information Challenge.

EVERY NEW GOOD IDEA FEELS AS IF IT MAY BE THE LAST ONE. BUT EXPERIENCE SHOWS US THAT WE NEED TO KEEP LOOKING AROUND THE CORNER TO FIND THE NEXT ONE. BECAUSE TODAY'S IPHONE IS TOMORROW'S WALKMAN.

With a similar mindset, in 2007 the Case Foundation launched the **Make It Your Own Awards** to promote a citizen-centered approach to civic engagement, while also testing a democratized approach to philanthropy. The program involved the public in every aspect of decision-making, including setting grant guidelines, serving as proposal reviewers, and voting on which proposals to improve their communities, submitted by thousands of people across the country, should receive grants.

This process caught the attention of *The New York Times'* philanthropy reporter Stephanie Strom, who said: "In a first, a major foundation is offering the public a direct role in deciding who

should receive some of its money, a process typically shrouded in mystery."^{iv} MIYO resulted in 5,000 applicants and more than 15,000 voters, who used the latest web 2.0 tools to empower applicants to raise funds and supporters.

The Foundation's research on both the program and the process showed nearly 80 percent of people that applied took action. MIYO led to an explosion of citizen-centered philanthropy efforts from the Case Foundation's own **America's Giving Challenge** to the **Pepsi Refresh Project** to scores of "Giving Days" and open grant competitions.

A CORPORATE FIRST

Panera Bread's attempt to get food more efficiently into the hands of hungry people was a truly unprecedented effort that let customers pay what they could afford, particularly in low-income communities. Rather than menus stipulating fixed prices, customers in pilot store locations were greeted with signs suggesting they pay what they could afford.

Facing widespread incredulity about this "pay what you can" model, Panera proved the skeptics wrong. The first establishment in Clayton, Missouri was such a success that the company opened two more Panera "Cares" locations in Portland, Oregon and Detroit. Today, these eateries are breaking even, with up to 20 percent of customers paying more than the recommended amount and 20 percent paying less.

There have been some pitfalls. However, rather than walk away from people in need, Panera hired a community outreach associate who is available to all its customers in these locations and who is helping make the sites welcoming to everyone. In the meantime, Panera is busy opening similar cafes in other areas of the country, according to founder **Ronald Saich**, and several other restaurant chains are planning to follow suit with their own versions of this unique model.^v

Experimentation in social change can be difficult for any organization. Every new good idea feels as if it may be the last one. But experience shows us that we need to keep looking around the corner to find the next one. Because today's iPhone is tomorrow's Walkman.





**MAKE
FAILURE**

MATTER

**Failure teaches.
Learn from it.**

R.

With innovation comes the risk of failure. Every great innovator has experienced moments of failure, but the truly great among them wear those failures as badges of honor.

Thomas J. Watson, longtime leader of **IBM**, famously said, "If you want to succeed, double your failure rate." **Oprah Winfrey** was fired from her first job as a television reporter.

J. K. Rowling (author of the *Harry Potter* series) and **Charles Schulz** (creator of *Peanuts*) both experienced years of rejection before they saw their work published. **Secretary of State Hillary Clinton** lost the Democratic nomination for president only to later to become the country's top global diplomat and the "most admired woman in America" according to Gallup.^{vi}

In the business world, failure is the norm, writes **Shikhar Ghosh**, a senior lecturer at the **Harvard Business School** who has held executive positions at several technology-based start-ups: "If failure means liquidating all assets... then the failure rate for start-ups is 30 to 40 percent. If defined as not receiving a projected return on investment, failure rates rise to 70 to 80 percent. And if failure is seen as declaring a projection falling short, then the failure rate is a whopping 90 to 95 percent."^{vii}

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MAKE FAILURE MATTER.

Being an entrepreneur, whether in the private or social sector, “is all about blazing new trails—something that simply cannot be done without its share of disappointments, embarrassments, and, yes, failures.” **Robert Sofia**—a marketing consultant to the Fortune 500—writes. Sofia thinks that failure can be a good thing because “the way in which we respond to our failures has the power to shape us. If we sulk, falter, and permanently fail,

we risk being shaped in a damaging way. If we take specific steps to overcome our failures, learn from them, and improve as a result, they will make us stronger. But, of course, everyone knows that. The challenge lies in actually doing it.”^{viii}

Historically, the social sector has not been good at admitting failure. In philanthropy, funders have had little incentive to talk about their failures, in part due to the lack of public accountability and in part so as not to damage the reputations of grantees. Nonprofits, which receive funding from foundations and other philanthropic entities based on results, are understandably reluctant to discuss failures for fear that their funding will be terminated.

In recent years, however, there has been a small, but growing movement across the social sector to step up and admit where mistakes were made.

Websites like **Admitting Failure** (admittingfailure.com) have been created, through which social sector organizations are able to share the hard lessons they’ve learned. The **Robert Wood Johnson Foundation** published an anthology, “To Improve Health and Health Care,” the first four chapters of which are devoted to a discussion of failure and learning from mistakes. The foundation also publishes this information on its website so that everyone has access to what it learned.^{ix}

The 2010 meeting of the influential **PopTech** conference—which brings together innovators from various fields—was called *Brilliant Accidents, Necessary Failures and Improbable Breakthroughs*. It featured, among others, **Kevin Starr**, director of the **Mulago Foundation**, who discussed the role of failure in driving new innovation. Leaders at the **Bill and Melinda Gates Foundation** have commented in several venues about the disappointing results they saw from investments in small schools and early libraries initiatives.

MOVING FORWARD AFTER FAILURE

Anticipating failure, admitting it, and then moving forward with new knowledge comprise what philanthropic consultant **Lucy Bernholz** terms “failing forward.”^x Today, however, there is still more talk about failure than there are efforts to incorporate what was learned from those failures into philanthropic investments and, more importantly, sharing them with peer investors.^{xi} This is in contrast to the private sector, writes Bernholz, particularly the technology world, where events such as **FailCon** (short for fail conference) focus solely on studying failures and applying lessons to prepare for future success.

When the philanthropy and social sectors become so fearful of getting something wrong, they increase the danger of depriving themselves and others of needed lessons. As philanthropic consultant **Bob Hughes** notes, “Almost no foundation is alone in its aims; others can take lessons and build on the mistakes. To do that, reports of failures must go beyond noting that an initiative failed to explain why it failed.”^{xii}

In their book *Money Well Spent*, **Paul Brest**, president of the **William and Flora Hewlett Foundation**, and **Hal Harvey**, president of the **ClimateWorks Foundation**, note it may be not that foundations want to *hide* their failures. Rather, they don’t spend enough on evaluation or set clear goals to serve as performance yardsticks, so they don’t know if they have failed.^{xiii}

Organizations and individuals also tend to anticipate success, rather than failure, because it’s natural to be

IT'S NATURAL TO BE AFRAID TO FAIL. NO ONE SEEKS IT. BUT IF EVERYONE COMMITTS TO SHARING LESSONS FROM FAILURE, THE SECTOR AS A WHOLE WILL BE STRONGER AND MORE PREPARED TO ATTACK THE NEXT CHALLENGE.



optimistic about a particular plan. As a result, organizations craft initiatives that, step-by-step, build each phase on the one before. In this way, they orchestrate their plans to fulfill their theories of change. But not everything goes according to plan. Fearless innovators know this, and when things don't go as hoped, they don't let it faze them. Instead, they're optimistic. They pivot and make course corrections that may lead to greater success.

LEARNING FROM FAILURE: AN EXAMPLE FROM THE CASE FOUNDATION

The Case Foundation has observed that there are three common options that social sector funders choose when they find that an initiative isn't working:

1. Deny that there are problems and forge ahead;
2. Abandon the effort entirely; or
3. Acknowledge, retool and proceed.

Very often, funders choose the first or second option. But the Case Foundation has learned that when people adopt a fearless mindset, they tend to choose the third option: acknowledging that things aren't working and then asking, "How do we use what we've learned to shape what we do next?"

Like many social investors, the Case Foundation has had its share of failure. In the mid 2000s the foundation made a significant investment of money and time in an initiative called **PlayPumps**. PlayPumps were merry-go-round devices connected to water pumps. As children played on the merry-go-round, water was

pumped into a storage tank surrounded by billboard ads and then was available on demand in villages that needed it.

The concept seemed so simple—and so promising. Unfortunately, it didn't work as planned. Faced with unanticipated problems, the temptation to just push harder was great, as was the temptation for the Case Foundation to cut its losses and move on. Instead, the foundation swallowed hard and supported significant changes in the organization that would make it more effective. At the same time, the foundation committed to being transparent about the misstep and why the change was necessary. In fact, Case Foundation CEO Jean Case published a blog post on the foundation's website entitled "**The Painful Acknowledgement of Coming up Short,**" which detailed the challenges and the plans going forward.^{xiv}

As funders, sometimes it's easier to back away when it looks as if things aren't going as planned. But it's important to be steadfast—and to find new and different ways to drive the social change you were seeking in the first place, and to be honest about what you learned so you or others will not make the same mistakes. When funders work with grantees and partners to solve problems as they arise, they increase the likelihood that both parties will succeed in reaching their goals. That means, however, that funders have to be open to—and anticipate—the need for course correction.

It's natural to be afraid to fail. No one seeks it. But if everyone commits to sharing lessons from failure, the sector as a whole will be stronger and more prepared to attack the next challenge.

REACH BE YOUR BU

It's comfortable to go
it alone. But innovation
happens at intersections.



YOND JUBBLE.

There's no question that working with known or proven organizations is usually more comfortable than reaching out to entities that are unfamiliar. Philanthropy is no exception. It's still more common to see social investors "going with who they know"—reaching out to the same likely suspects—even when these organizations may not be the most effective.

Partnerships with new players and across sectors tend to be few and far between. Sticking with the tried and true may help us sleep better at night, but it stifles innovation and makes it hard to make the big bets necessary to move the needle on the serious problems we face. A fearless approach embraces new people and unlikely partnerships, recognizing that innovation comes from new combinations.

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REACH BEYOND YOUR BUBBLE.

Reaching beyond your bubble involves doing more than adapting new ideas. It calls for forging new partnerships and collaborating within and across various domains, fields, and sectors. This idea has many different names—cross-sector collaboration, collective impact, shared value, and more—but at their core, all are professing a similar idea: That if investors want to leverage their impact—and that of their grantees—working in partnership is one of the most effective ways to do it.

It's not easy, since collaborating often requires giving up some measure of control, as well as the ability to set your own goals and then move to implement them in the ways you think are most appropriate. But, over and over, cross-sector partnerships that buck tradition have proven this African proverb to be true: "If you want to go fast, go alone. If you want to go far, go together." Even the **Gates Foundation** with its vast wealth, reach, and influence has entered into a wide range of partnerships to further any number of objectives.^{xv}

PUBLIC-PRIVATE PARTNERSHIPS

Another example is the **U.S.-Palestinian Partnership (UPP)**, which was launched in 2007 by the **White House**, the **U.S. State Department**, and global business and philanthropic leaders. UPP, of which Case Foundation CEO Jean Case served as founding co-chair, was focused on creating economic and educational opportunity for the Palestinian people. The Partnership was created out of recognition that the U.S. private sector was uniquely situated to contribute to addressing these goals, in a manner which the U.S. government, despite its wealth, could not do alone.

UPP led to a \$50 million cross-sector venture fund, **Sadara Ventures**, to build the Palestinian ICT community. It also led to a partnership with **Google** to train developers; the establishment of several youth centers that received coaching from the **Boys and Girls Clubs of America**; dozens of multinational corporate partnerships with companies like **Cisco**, **Intel**, **Microsoft**, and **Hilton** to support issues ranging from tourism to teaching; and regular investment and partnership conferences. UPP became the model for the Obama Administration's **Partners for a New Beginning** initiative, and together the efforts have collaborated to launch or expand more than 70 cross-sector social projects in 10 countries.

Partnerships within a particular sector can also be incredibly valuable. When the opportunity arose to partner with the **Ewing Marion Kauffman Foundation** to create a cross-sector effort supporting job creation through entrepreneurship, the Case Foundation took a leap, even though it hadn't traditionally been involved in domestic economic development issues and had not worked with the Kauffman Foundation before. With the realization that no amount of philanthropic investment could replace a healthy economy and Americans at work, the Case Foundation enthusiastically combined its expertise in public-private partnerships and its entrepreneurial roots with the Kauffman Foundation's deep expertise in entrepreneurship education and grantmaking to create the **Startup America Partnership**.

Since launching in 2011, the Startup America Partnership has secured more than a billion dollars in resources from the private sector to support startups, launched 20 statewide partnerships, and jump-started a deeper national conversation about the importance of entrepreneurs in growing the economy and creating jobs.

Similarly, **Taryn Higashi** and **Geri Mannion** recognized the value of collaboration when they founded the **Four Freedoms Fund** in 2003 to work on immigrant rights at a time when most were skittish about taking on this issue. Higashi, who was at the **Ford Foundation** at the time, and Mannion, at the **Carnegie Corporation of New York**, saw that no single funder had the breadth and scope to tackle the issues surrounding new immigrants. Working alone, their organizations would likely have duplicated efforts and diluted impact. Working together, they built a coalition of diverse funders that has since awarded \$47 million to 167 grantees across the country, especially in new immigrant-receiving communities.

NETWORKING BEYOND YOUR BUBBLE

Recent and ongoing technological innovations—especially tools that allow people to more easily visualize, communicate with, and act on existing personal and professional networks (and connect with new ones)—promise to fuel even more collaboration in the social sector.

Behind the mechanics of technology, however, is something more important: a fundamental shift in the way people think, form groups, and do their work. The **Monitor Institute** calls this “working wikily,” an approach characterized by greater openness, transparency, decentralized decision-making, and collective action being fueled by social media tools that are engendering a new, networked mindset.^{xvi}

The **Full Frame Initiative**, for example, has developed a learning network to share best

practices among grassroots social service agencies supporting marginalized people. A central part of the initiative’s network is an online space where agencies from around the country can connect, support one another, and build collective knowledge that helps to fuel group learning. This helps to increase the effectiveness of individual participants, as well as produce benefits for their shared fields of practice. As the Monitor Institute notes, these social innovators are pioneering the practice of co-creating knowledge, as they grapple with challenges like building trust (in some cases, among people who have never met in person) and keeping people engaged in spite of information overload.

Reaching beyond your bubble is not collaboration for its own sake. It is a fundamental part of being fearless. It spreads risk, but more importantly, it spreads knowledge and deepens impact.

“IF YOU WANT TO
GO FAST, GO ALONE.
IF YOU WANT TO
GO FAR, GO
TOGETHER.”

—AFRICAN PROVERB



**LET
URGEN
CONQUER
FEAR.**

Don't overthink
and overanalyze.
Do.



Curiosity

It's natural to want to study a problem and look at it from all angles before taking action. What if we are wrong about our intended solution? What if there is a better way that we have not considered? Have we done our due diligence?

These are important questions in philanthropy, and they should receive consideration. It's easy, however, to get stuck in a spiral of contemplation where perpetual study replaces action. This is the well-known concept of paralysis of analysis. That doesn't mean organizations shouldn't take the time to assess the data and review the research, but sometimes in philanthropy and nonprofits alike, this becomes an end unto itself, rather than a means to meet needs that often can't wait for a five-year, double-blind study.

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LET URGENCY CONQUER FEAR.

This principle describes a key mindset that can help drive action. A sense of urgency is the magic ingredient that can push the other principles forward in the face of resistance.

THE URGENCY OF NOW

Recognizing when there is urgency around a particular issue or getting an initiative off the ground is only one part of the equation. The other is acting on it. This is particularly difficult when there are large investments being considered and where taking the time to collect evidence, conduct evaluation studies, and test hypotheses can be extremely helpful in making effective philanthropic decisions.

But when the issue is grave enough, it's essential that we find the will to act. In 1963, **Martin Luther King, Jr.** called this the "fierce urgency of now," when speaking on the steps of the Lincoln Memorial about the need to end segregation. As he said, "This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism." For so many important issues, these words still ring true.

One of the Case Foundation's own experiences of acting with urgency is most readily demonstrated by its partnership with **Accelerate Brain Cancer Cure** (ABC²), an organization founded when Chairman Steve Case's brother, **Dan Case**, was diagnosed with brain cancer. Dan, Steve, and their families found that many approaches to brain cancer research were limited, isolated, or shockingly slow, so they decided to create a nonprofit that would use entrepreneurial approaches to attack the problem.

ABC² hastens the drug discovery process for promising brain cancer treatments by bridging the gap between academics that do research and the companies that bring treatments to patients. In 2004, ABC² discovered an experimental drug, Avastin, that seemed to be exceptionally promising but hadn't yet been subject to in-depth, long-term testing. ABC² helped to push for the clinical trials to be moved up and expedited. Those efforts resulted in FDA approval of the drug in 2009 for brain tumor patients—the first such approval in a decade.


The Avastin discovery was one step toward finding solutions that will extend the lives of people with brain cancer. But ABC² CEO **Max Wallace** is pushing even harder. He wants ABC² to be the "Seal Team Six" of brain cancer research organizations: laser-focused and attacking the hardest parts of a problem. He has a goal to extend the lives of people living with brain cancer from 15 months to five years by 2015. He says, "You don't waste lives. You don't waste time. You attack the problem."

UNPOPULARITY

Sometimes, having an attitude of urgency takes the form of championing an unpopular cause that has not captured public attention or support, but that demands immediate attention. That's what prompted the launch of two new organizations to support veterans of the Iraq and Afghanistan wars: **Iraq and Afghanistan Veterans of America** (IAVA) and **Give an Hour**, led by Iraq Army veteran **Paul Rieckhoff**, and psychologist **Barbara Van Dahlen**, respectively.

In 2004, Rieckhoff, who served in Iraq prior to founding IAVA, saw that veterans faced a range of issues when they returned home, such as finding civilian jobs, going back to school, accessing mental health services, and connecting with vets and others in their communities. While many policy experts and reporters talked about these issues, few were doing anything about the problems. Rieckhoff established IAVA, the country's first and largest organization for Iraq and Afghanistan veterans, which has since grown to more than 200,000 members who now have new tools and platforms to join the national conversation and advocate for their rights.

Van Dahlen, a psychologist, noticed that many veterans were suffering from posttraumatic stress



**“THIS IS NO TIME
TO ENGAGE IN
THE LUXURY
OF COOLING OFF
OR TO TAKE THE
TRANQUILIZING
DRUG OF
GRADUALISM.”**

—MARTIN LUTHER KING, JR.



disorder and other mental health challenges. She found that it was not only difficult for veterans to access affordable mental health services when they needed them, but also that there was a stigma attached to mental health issues in the military that prevented many people from getting help when they needed it. The need for additional support was, and remains, incredibly urgent; some studies report that one in five veterans of Iraq and Afghanistan suffer from traumatic brain injury or posttraumatic stress disorders, and for every soldier who dies on the battlefield this year, 25 veterans will kill themselves.

Van Dahlen founded Give an Hour to provide a platform that allows mental health professionals to donate their time to the many veterans in need. Since its founding,

the network has grown to over 6,000 service providers who have donated more than 50,000 hours of free counseling services to veterans and their families.

Both Rieckhoff and Van Dahlen were observant enough to recognize a problem. Perhaps more importantly, they recognized that someone needed to start to solve it quickly, even if many denied that there even was a problem. Neither waited for permission nor tried to build a program within an existing slow-moving institution. They acted, and the rest of the community is now following their lead and their example.

An attitude of urgency does not mean being headstrong. It means adopting a bias for action. There is just too much work to be done to hesitate.

THE CASE FOUNDATION'S

INV

We hope that reading these five principles has left you inspired, challenged, and fired up. Philanthropy and the social good sector have been given a great privilege and an equally great responsibility to make society the best it can be, while changing the world and transforming lives in the process.



BE FEARLESS

Much of the time we get it right. Some of the time, in the case of people like Ray Chambers, Max Wallace, Barbara Van Dahlen, or Paul Rieckhoff, we exceed expectations; but in most cases we at least approach our work with the best intentions and true faith to make a difference.

We hope to spark conversation around the idea that the old way of doing things is simply no longer effective. Our best intentions, hopes, and desires are not enough when needs are outpacing resources and challenges are becoming more complex by the day.

The social sector, and especially philanthropy, does not have natural market forces like customers and groundbreaking products from competitors that ensure the status quo is disrupted. This means we have to hold ourselves and each other accountable to acting with a mindset towards disruption, big bets, experimentation, failing forward, unlikely alliances, and urgency. We need to ensure that we stay ahead of the curve, and demand that today's challenges and fears are the building blocks of tomorrow's solutions and dreams.

WHAT'S NEXT?

We and our partners have learned a lot during the past 15 years, and we know we still have much to learn as we move forward in our work.

Here are some suggestions for getting started with us:

IMITATION TO YOU

STEP ONE: HAVE A CONVERSATION

We believe that the best place to start is by having a conversation in your own organization or community about what “being fearless” means to you. Below is a set of questions that might help spark a thoughtful discussion at your next staff event, retreat, or conference. First, ask internally, and then ask the same questions to partners and constituents you know will be honest.

1. MAKE BIG BETS

- Can we categorize our work into ‘big bets’ versus ‘small ones?’ Have we noticed a difference in effect when we’ve funded one or the other?
- What is our riskiest initiative? What do we hope to gain from it?
- If fear wasn’t an option, what are some big bets we would take in respect to our work?

2. EXPERIMENT EARLY AND OFTEN

- Could we apply the minimum viable product concept to the tools or programs we develop?
- Are there changes we can make that allow our nonprofit partners to experiment more freely?
- What processes and procedures do we have in place that encourage or impede experimentation? What policies could we put in place to make experimentation the norm?

3. MAKE FAILURE MATTER

- Do we honestly talk about failures? How do we respond to them internally and publicly?
- As social sector funders, do we give our grantees permission to fail, talk about failure, and course correct?
- How could we create a regular forum for staff and grantees to discuss and learn from failure?

4. REACH BEYOND YOUR BUBBLE

- Which organizations do we admire in our sector and in other sectors? How can we partner with them?
- What are our most common areas in need of improvement? What partners can help fill those gaps?

5. LET URGENCY CONQUER FEAR

- What are the most important issues for us right now and why? Where could we streamline?
- How could we balance tested solutions with meeting immediate needs?

STEP TWO: COMMIT

At the Case Foundation, we are committed to letting these ideals drive our decision-making. We invite others to consider the same thing. Go to casefoundation.org/befearless and join with other social sector leaders who are pledging to do their best to be fearless. There is strength in numbers, and this is one way to make those numbers visible.

STEP THREE: EXPERIMENT AND SHARE

Being fearless means going beyond just talking about it; it means experimenting with taking risks, going beyond your bubble to collaborate, making big bets, and failing forward. And, we should all act now. We want to hear about what you’re doing to be fearless so we can share it. Communicate with others and share what you’ve learned. And use what you’ve learned to become even more fearless.

The more we all work together to challenge ourselves and overcome our fears, the more impact we will have.

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APPENDIX 2

Advocacy Planning - the work before the work



TOOLKIT

Strategic Advocacy for Lasting Results (SALR)

ADVOCACY PLANNING CONSIDERATIONS

Identification of Problem, Goals and Possible Results

What is the problem?

Why does it matter to clients?

What will happen to clients if you don't take on the problem?

How many people are affected?

Consistent with mission?

How does the possible result compare to other significant problems large numbers of clients are facing?

What would the best possible result be for clients?

What are other acceptable results for clients?

What is the likelihood of success?

What else is taking place that could help/hurt your emphasis on the problem at present?

(deadlines to state or federal agencies, public hearings, investigative reporting, pending lawsuits or administrative complaints, etc.) Can you exploit it?

Resource Allocation and Needs

What professional expertise do you need on your team? Specific litigation experience in proposed forums, memberships in federal bar, subject expertise, relationships, contacts

Do you have the professional expertise in-house for the advocacy?

Is this a core issue in which you need to develop expertise?

If so, what training or support is necessary?

What time do you estimate for attorneys and other staff?

Pro bono or other partners as co-counsel or for specific help? Support centers, other legal services attorneys? Consider paralegal help from firms too for cases with significant discovery needs.

Should the press be alerted at any stage? If so, do you need outside help? If you have an in-house person, consider including that person in planning meetings to develop a consistent message.

What tools do you need including technology?

What technology don't you have in-house?

What costs can you identify now including whether you should/can file in forma pauperis?

Are there any possible grounds for seeking attorneys' fees?

Planning and Sharing Information

Be sure that you have a plan for keeping contemporaneous time records that are adequate to support a petition for attorneys fees

What issues need legal research and memos?

What legal memos do you have that might be relevant to the advocacy? Good idea to develop

legal memos on common issues. Consider comparing specific procedural issues such as group standing, immunities, standard for granting preliminary injunction, special notice requirements, etc. under state and federal law to help inform your decision about the best forum.

What samples do you have of complaints?

What internal resources do you have?

What external resources do you have?

-for federal practice, see *Federal Practice Manual for Legal Aid Attorneys* at

<http://povertylaw.org/communication/federal-practice-manual>

-check out *Clearinghouse Review* for substantive and procedure articles, advocacy reports at <http://povertylaw.org>

What facts do you know?

What key facts do you need to know?

-who might know? Clients, Client Council members, NWTLS Client Board Members

What documents do you have?

Have you searched the relevant press outlets for stories on the issue?

Consider searching PACER and any state docket data base for other suits against the possible defendant.

Create space on Sharepoint for advocacy projects. Build the advocacy materials.

Draft a basic complaint and brief in support of injunctive relief, if appropriate, for use when you get the clients. Then you can fill in the specific facts and file more quickly.

Consideration of Various Strategies

Use the Advocacy Strategies Worksheet to brainstorm a broad range of strategies and narrow them to the most viable.

Is there a particular forum that can grant the relief that your clients need from the necessary defendant? Don't build your advocacy strategy without knowing what the proposed forum can grant the relief your clients need. For example, if you need retroactive monetary relief from a state entity, federal court probably is not the appropriate forum because of the 11th Amendment. Consider the potential decision makers in each forum.

Is a strong defensive case a possible option?

What strategies can be used in tandem?

Use the Advocacy Plan Worksheet to list tasks and set deadlines and persons responsible. See the samples of ways to lay out a plan.

For cases you plan to file in court, consider using the Affirmative Case Plan in your materials to help you think through your case and to show to colleagues and supervisors.

Develop the Best Fact Pattern

-Ideal plaintiff or complainant and why

-Worst procedures, notices, acts

HOUSING AUTHORITY AFFIRMATIVE ADVOCACY CONSIDERATIONS

How are housing authorities created? State or local law?

How are board members placed on the HA board? Appointed? By whom?

For specific HA's, do you or your clients have contacts on the HA board?

Who are the board members? Do they represent specific groups?

- Do they represent specific groups?

- Is there a tenant member?

How often does the HA board meet?

- Have your clients or staff members presented issues to the Board?

- Have any staff attended recently?

- Start attending regularly

Check out the HA's website. What information does it make public?

- annual plan

- Admissions and Continued Occupancy Policy

- Board minutes and agendas

- meeting schedule

What current HA documents do you have?

- lease

- annual and 5-year plan

- Administrative Plan

- Admissions and Continued Occupancy Policy

- lease termination documents

- grievance procedure

- other

What HA contacts do you have?

- current or former tenants?

- tenant association

- any staff

- community groups nearby

- Head Start centers nearby

- religious centers nearby

What recent experience do you have with representing tenants with the HA who have grievance issues?

What information is available in the press? Does a particular reporter cover the HA?

Plan to obtain necessary documents

FOIA from HA and/or HUD

From current clients/cases

Check court dockets for suits with the HA as plaintiff or defendant

STATE HOUSING ENTITIES

U.S. HUD

Regional office

-contacts

-its priorities

National office

-contacts

-its priorities

HOUSING GROUPS

-Local, Inclusive Communities Project (Dallas)

-State

-National, National Housing Law Project, Housing Justice Network

OTHER ADVOCATES

-TRLA

IDENTIFYING PLAINTIFFS OR COMPLAINANTS

-Add questions to new intakes

-Review current cases for HA tenants

-Timing

LEGAL RESEARCH ISSUES

-HUD requirements for HA grievance procedures, compare with specific HA's procedure

-Due process requirements for HA grievance procedures, compare with specific HA's procedures, what about Texas Constitution or law?

-private right of action for federal court to enforce HUD statute and/or regulation

-collect sample complaints and briefs

2. Reorder Tasks Chronologically

- For complex advocacy, regroup tasks into major strategies, categories or phases

A. Backwards Planning

9/11/12	1. Initial Planning Meeting
9/25/12	2. Document Collection
9/28/12	3. Fact Investigation
10/4/12	4. Legal claims memo
10/11/12	5. Meeting to decide advocacy strategy/method

B. Task/Timeline chart

Task	9/11/12	9/25/12	9/28/12	10/4/12	10/11/12
1. Initial Planning Meeting	X				
2. Document Collection		X			
3. Fact Investigation			X		
4. Legal claims memo				X	
5. Meeting to decide advocacy strategy/ method					X

ADVOCACY PLAN WORKSHEET

GOAL:

STRATEGY #1

TASKS:

STRATEGY #2

TASKS:

STRATEGY #3

TASKS:

ADVOCACY STRATEGIES WORKSHEET

1. Goal
2. Advocacy Brainstorm/ Strategies:
List any and all strategies that might be used to accomplish your goal, no matter their strengths or weaknesses.
3. Select viable strategies and evaluate pros and cons.
4. Choose advocacy strategies.

AFFIRMATIVE CASE PLAN

1. **Goals** (What *attainable* relief does the client seek? If injunctive or mandamus relief is sought, how should the court order read?)

2. **Critical Facts** (How has the client been harmed or threatened with harm? What factual issues could be problematic?)

3. **Defendants** (Who caused the harm? Who can cure or compensate for the harm?)

Possible Defendant	Why each is a possible defendant

4. **Plaintiffs** (Who are ideal plaintiffs and why?)
(Who are they and why should they be considered?)

Possible Plaintiff	Why each is a possible plaintiff

5. **Claims/Defenses** (What are the legal bases for getting relief, and what are possible defenses? How strong is each claim and defense?)
 Attach legal memos on analysis.

Cause of Action	Why each is (or is not) viable
Thorny Issues/Defenses	Importance to the case/Resolution

6. **Timeliness/Deadline** (What is the statute of limitations for each of the above claims?) Date of specific event that will harm clients, for example a lease termination.

Cause of Action	Trigger Date	Limitations Period & Cite
Action	Trigger Date	

7. **Jurisdiction/Venue** (What is the best forum and why?)
State vs. federal, specific federal district and division.

Courts Considered	Pros & Cons of this Jurisdiction/Venue

8. **Documents you have**

Title	Date

9. **Fees (Are attorneys' fees available, and if so, under what authority?)**

Authority	Special conditions for obtaining fees, if any

10. **Required Resources (estimated duration of the case, program resources required, e.g., staffing, costs, experts, etc.)**

Community Problem Solving: Values, Frameworks and Models

Definitions

- Community Problem Solving is:
 - a *wide range* of community building and advocacy-related activities
 - through which *advocates contribute* their legal knowledge and skills
 - to support *community-identified* initiatives which *return power* to the community.
 - Its goal is to support **lasting** changes that bring about social justice.

- Community Problem Solving is:
 - a set of values that guides how we engage the work we do;
 - a framework for approaching entrenched problems with limited resources to make lasting change.

Levels

Individual Advocate

Teams/Program Units/Projects

Program

Delivery System

Justice System

Approaches/Frameworks/Applications

- Interacting with Clients and Community as Equal Partners
- Systematically Assessing Client and Community Need
- Responding to Client Need with New Projects and Partnerships
- Responding to Client Need with Non-Legal Support
- Restructuring Program Structure

Values

- Recognizing and honoring community expertise, strengths and resources
- Centrality of listening
- Commitment to working collaboratively WITH community members to define problems and strategies for change
- Recognizing the limitations of the law and using a range of legal and non-legal approaches to address community issues
- Creating space for community members to speak for themselves
- Recognizing and building leadership and power within communities
- Recognizing and engaging issues of power and difference
- Getting the necessary expertise through partnerships

Organizational Commitments

- Commitment to Flexibility
- Program leaders prioritize community involvement and problem solving approaches
- Commitment to saying YES – finding financial support and developing creative fundraising and partnerships
- Clear (if Evolving) Criterion for Saying Yes and Choosing Partners
- Information Sharing within Program and with Community Partners
- Institutional Commitment to Maintaining Community Relationships

Community Problem Solving: Values, Frameworks and Models

Individual Advocacy Roles

General Counsel	Litigator
Policy Advocate	Strategic Thinker
Business Advisor	Media Advocate
Relationship Broker	Lawyer/Organizer
Youth Worker	Educator

Community Connection Skills

Building Trust
 Shared Decision Making
 Defining Community
 Cultural Competency
 Understanding Interests
 Maintaining Relationships
 Meeting Facilitation

A Few Academic Frameworks

- Holistic Lawyering or Holistic Justice
- First-Half Lawyering
- Racial Justice Lawyering
- Rebellious Lawyering
- Preventive Law
- Therapeutic Jurisprudence
- Unbundling
- Restorative Justice

Evaluation – One Approach

- Does the activity of the lawyer promote self-determination – vision, leadership and direction from the community?
- Does the activity increase economic resources – money, housing, jobs, services?
- Does the activity increase community power?
- Is the activity a true collaboration?

Programmatic Models

Teams/Program Units/Projects

- Community Economic Development Units
- Site-based Collaborations
 - Medical-legal
 - After school programs
- Technology Support Projects

Program

- Holistic Program Model
 - onsite social workers
 - onsite organizers
 - onsite criminal/civil support
 - team-based approaches
- Legal/Media/Policy Integration in Advocacy Approach
- Lawyers Trained as Organizers
- For-profit public interest practice
- Coalition-based Advocacy

Delivery System/Justice System

- Collaboration and Agenda Setting for Problem Solving Across All Sectors of the Justice System
 - Civil Legal Aid
 - Civil Rights
 - Immigration
 - Public Defense
 - Prosecution
 - Legal Academy
 - Social Services and More

All kinds of protests

Type of protest	Basic Description	Alternative types
Auction protest	We protest at foreclosure sale auctions to discourage purchase by any investor who intends to evict. We want resale to owner.	<ul style="list-style-type: none"> ❖ Loud with numbers. Seek to postpone. Seek to appear threatening. ❖ Smaller. Bear witness. Engage with investors Either way, decorated building
Vigils	Candlelight and other vigils in front of someone's house to mobilize neighborhood support.	<ul style="list-style-type: none"> ❖ Solemn, candles, testimony, draw out neighbors. ❖ Set stage for blockade. More militant and spirited.
Bank pickets	Picketing in front of bank branch offices downtown and in neighborhoods	<ul style="list-style-type: none"> ❖ Small and frequent. Constant presence. ❖ Large, well planned. <u>Questions</u> Will there be action inside? Is action based around case or broader demand?
Bank functions	Protests and bank dinners and events, such as annual Deutsche Bank golf tournament in Norton MA	<u>Questions</u> Is goal to disrupt? Be visible presence? Does event require large turnout & planning? What is narrative that counters bank story?
“Un” rent strike	March to bank office to deliver a rent check from a former owner. We demand that the bank take the rent rather than evict.	
Block rebellions	We organize streets, or communities, to protest foreclosures and vacant buildings. At times, members have occupied vacant foreclosed buildings. We are supporting pilot projects in some neighborhoods to get foreclosed buildings purchased by non-profits.	<ul style="list-style-type: none"> ❖ Community meeting. ❖ Community based rally, or series ❖ Occupation
Blockades	Protest at moment of eviction where some sit in door way and risk arrest. 28 blockades called since Jan. 2008. Arrests 3 times.	All blockades are “last minute” (48 hours+) <u>Questions</u> Will anyone risk arrest? Importance of individual case vs. movement?

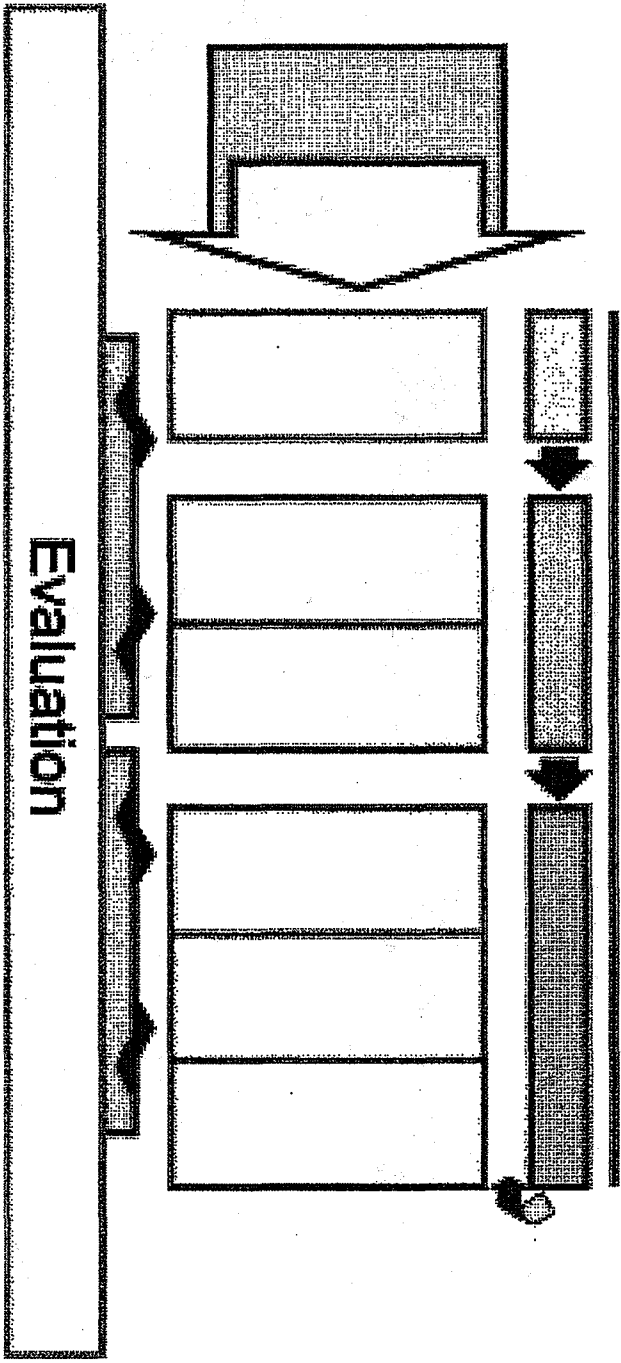
C i t y L i f e B a n k T e n a n t C a m p a i g n

The 3-legged stool	
The Sword	All kinds of public protests and public pressure on the banks
The Shield	Legal education and counseling by lawyers and students
The Offer	Considering a new mortgage by a non-profit and then buyback of home

Our key demands	
Stop bank evictions	Banks should end all post foreclosure, no-fault evictions. Accept rent from residents of foreclosed buildings. Banks should have to have a reason to evict someone. This should apply to investors purchasing at auction as well.
Principal reduction	Foreclosing banks should reduce principal to real current value as part of loan modification. Or they should sell the property back to residents after foreclosure at real current value. Banks caused the housing bubble. They should pay after it crashed.

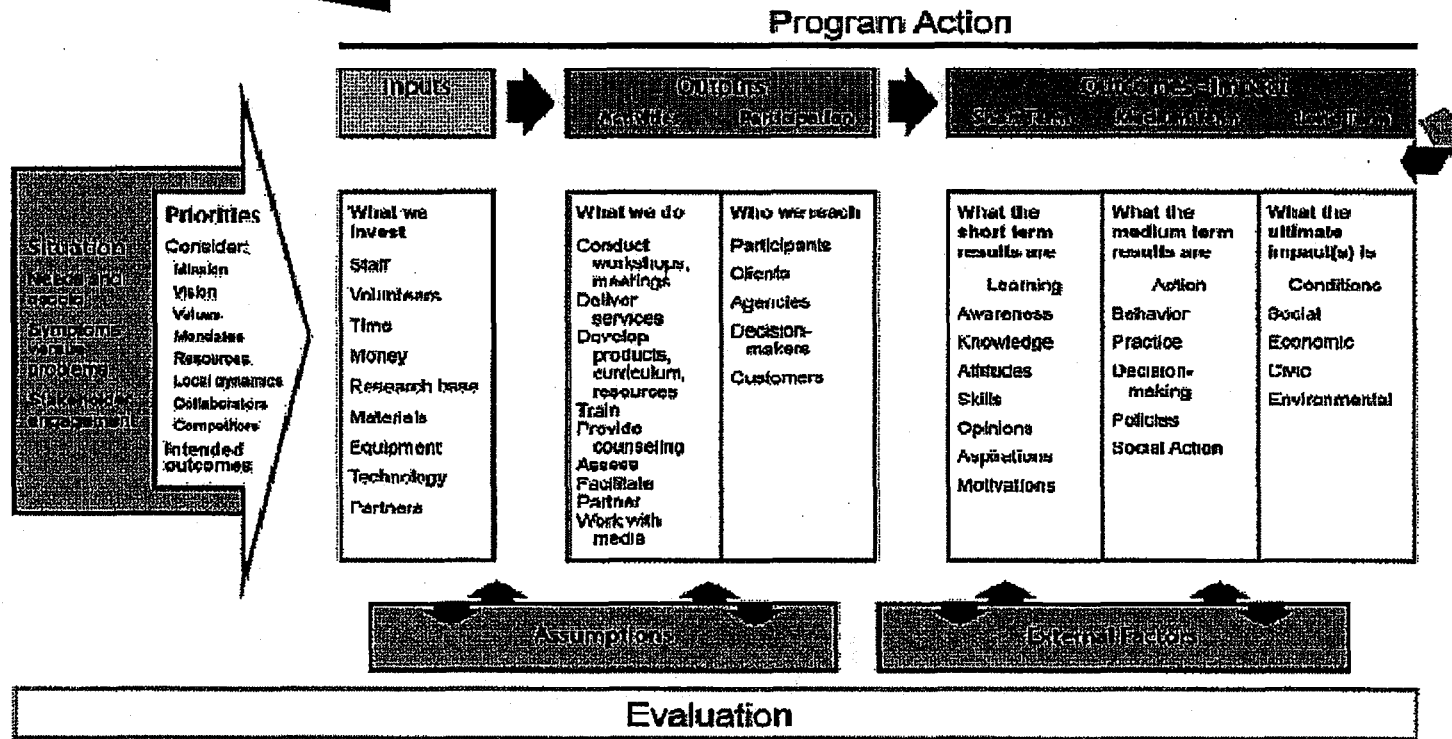
The 5 “masses”	
Mass outreach	We canvass over 100 buildings each month where banks have scheduled foreclosure sale auctions.
Mass meetings	About 120 people attend weekly meetings in Jamaica Plain on Tuesday and in East Boston on Wednesday.
Mass casework	We call about 1000 people every two weeks to invite them to meetings and check on their cases.
Mass actions	Protests and public actions of all kinds.
Mass political discussion	We take time from our actions to educate ourselves about how the system is organized. City Life supports “radical” organizing. We want to get at the root causes of problems and change the system that caused the injustice.

Where does evaluation fit?



From beginning to end

PLANNING: start with the end in mind



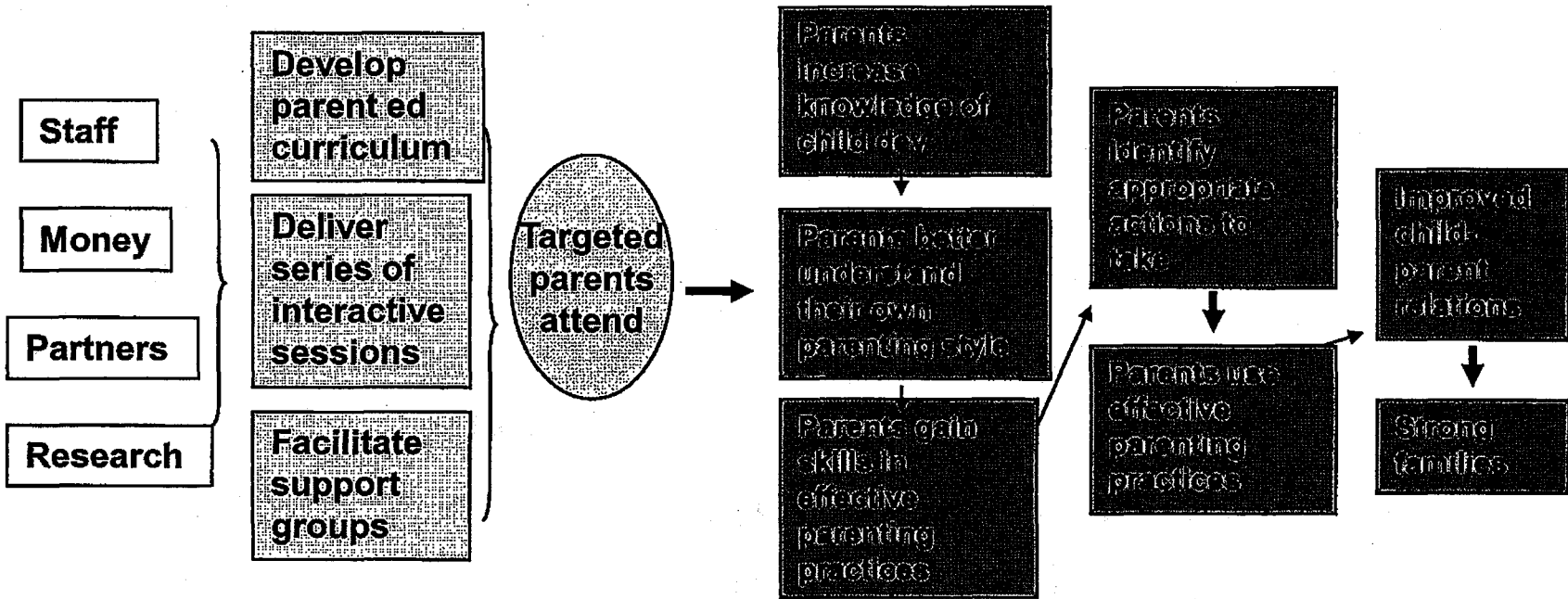
What do you want to know?

How will you know it?

EVALUATION: check and verify

What does evaluation mean to you?

- Evaluation means asking **good, critical** questions about programs to improve programs and help them be accountable for the wise use of resources.



EVALUATION: What do you (and others) want to know about this program?

What amount of \$ and time were invested?

Were all sessions delivered? How effectively?

Did all parents attend that we intended? Who did/not attend? Did they attend all sessions?

To what extent did knowledge and skills increase? For whom? Why? What else happened?

To what extent did behaviors change? For whom? Why? What else happened?

To what extent are relations improved? Does this result in stronger families?

Prioritize

Lots of questions and so little time

Prioritize evaluation questions

Evaluation purpose

- Need
- Context
- Process
- Outcomes

Stakeholder needs

Who wants to know what about your program?

<i>WHO</i> might use the evaluation?	<i>WHAT</i> do they want to know?	<i>HOW</i> will they use the info?
You – staff		
Participants		
Funder		

Developing an evaluation plan based on your logic model

1. Focus															
2. Questions		3. Indicators		4. Timing		5. Data collection									
						Sources	Methods	Sample	Instruments						
Inputs															
Outputs															
Outcomes															



Midwest Academy Strategy Chart

After choosing your issue, fill in this chart as a guide to developing strategy. Be specific. List all the possibilities.

Goals	Organizational Considerations	Constituents, Allies, and Opponents	Targets	Tactics
<p>1. List the long-term objectives of your campaign.</p> <p>2. State the intermediate goals for this issue campaign. What constitutes victory?</p> <p><i>How will the campaign</i></p> <ul style="list-style-type: none"> • Win concrete improvement in people's lives? • Give people a sense of their own power? • Alter the relations of power? <p>3. What short-term or partial victories can you win as steps toward your long-term goal?</p>	<p>1. List the resources that your organization brings to the campaign. Include money, number of staff, facilities, reputation, canvass, etc.</p> <p>What is the budget, including in-kind contributions, for this campaign?</p> <p>2. List the specific ways in which you want your organization to be strengthened by this campaign. Fill in numbers for each:</p> <ul style="list-style-type: none"> • Expand leadership group • Increase experience of existing leadership • Build membership base • Expand into new constituencies • Raise more money <p>3. List internal problems that have to be considered if the campaign is to succeed.</p>	<p>1. Who cares about this issue enough to join in or help the organization?</p> <ul style="list-style-type: none"> • Whose problem is it? • What do they gain if they win? • What risks are they taking? • What power do they have over the target? • Into what groups are they organized? <p>2. Who are your opponents?</p> <ul style="list-style-type: none"> • What will your victory cost them? • What will they do/spend to oppose you? • How strong are they? • How are they organized? 	<p>1. Primary Targets</p> <p>A target is always a person. It is never an institution or elected body.</p> <ul style="list-style-type: none"> • Who has the power to give you what you want? • What power do you have over them? <p>2. Secondary Targets</p> <ul style="list-style-type: none"> • Who has power over the people with the power to give you what you want? • What power do you have over them? 	<p>For each target, list the tactics that each constituent group can best use to make its power felt.</p> <p>Tactics must be</p> <ul style="list-style-type: none"> • In context. • Flexible and creative. • Directed at a specific target. • Make sense to the membership. • Be backed up by a specific form of power. <p>Tactics include</p> <ul style="list-style-type: none"> • Media events • Actions for information and demands • Public hearings • Strikes • Voter registration and voter education • Lawsuits • Accountability sessions • Elections • Negotiations

The Just Enough Planning Guide™

**A Roadmap to
Help Nonprofits
Reach Their
Campaign Goals**

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Many Thanks

It took a lot of brainpower to collect, collate, process and trim the content that would become *The Just Enough Planning Guide*™. Somehow we convinced phenomenal experts—folks who have been involved with campaigns from coast to coast and around the world—to join us in this endeavor. This publication is much better for their insights, funny stories and words of wisdom—and, most importantly, for their guidance. Collectively, they made this guide what it needed to be: a strong planning tool that helps people plan without bogging them down. We at Spitfire Strategies and the Communications Leadership Institute could not have done this on our own. We have many people to thank.

There were the people who showed us the lay of the land. They taught us what resources were already out there and shared with us how they work their magic on campaigns. Thanks to Heather Booth, Midwest Academy; John Bouman, Sargent Shriver National Center on Poverty Law; Tim Burga, Ohio AFL-CIO; Laurie Cooper, Alaska Wilderness League; Tony Folen, Ad Council; Myrna Greenfield, Oxfam America; Ilyse Hogue, MoveOn.org; Matt James, The Henry J. Kaiser Family Foundation; Brett Jenks, RARE; Andrea Kavanaugh, Pew Environment Group, The Pew Charitable Trusts; Peter Knights, WildAid; Rob Michalek, Ben & Jerry's; Michael Perry, Lake Research Partners; Duane Peterson, Business Leaders for Sensible Priorities; Ron Pollack, Families USA; Hans Riemer, Rock the Vote; Russell Stevens, SS+K; Marcia Trask, Adobe; and Wendy Wendlandt, U.S. PIRG.

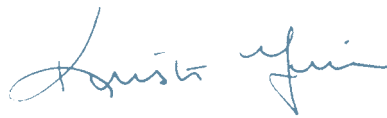
There was also our expert panel that reviewed early drafts, identified gaps and told us when our own path was moving off course. Thanks to Jessica Donze Black, Campaign to End Obesity; Elizabeth Buchanan, SEIU; Mike Donilon, The Glover Park Group; Daniel Katz, The Overbrook Foundation; Anu Rangappa, Dewey Square Group; Tarek Rizk, The Aspen Institute (who also wrote the coalition section); Bill Roberts, Beldon Fund; Mark Rovner, Sea Change Strategies (who wrote the fundraising section); Cristina Uribe, Next Rung Strategies; and Richard Wiles, Environmental Working Group.

To give us more insights to share, there were the “additional resource people.” These folks identified good tricks and tools for readers who want more information. Thanks to Katya Andresen, Network for Good; Edith Asibey, Asibey Consulting; Will Novy-Hildesley, Peregrine Strategic Consulting; Cyndi Samuels, Cobblestone Associates, LLC; Nancy Schwartz, Nancy Schwartz & Company; Diane Tompkins, The Curious Company; and Heath Wickline, Underground.

And then, there were the guinea pigs who used the tool first. They gave us the feedback to make it more user-friendly. Thanks to Mark Dessauer, Active Living by Design; Lauren Shaham, American Association of Homes and Services for the Aging; Rich Huddleston, Tara Manthey, Ginny Blankenship, Pat Bodenhamer, and

Candice Smith at Arkansas Advocates for Children and Families; Aaron Doeppers, Campaign for Tobacco-Free Kids; Megan Baker, Canadian Parks and Wilderness Society; Laura Guerra-Cardus and Barbara Best, Children's Defense Fund; Jane Baird, Connecticut Children's Medical Center; Doug Rader and Sara Biscoe, Environmental Defense Fund; Tafari Bayne, Figueroa Corridor Community Land Trust; Genny Biggs, Gordon and Betty Moore Foundation; Jennifer Litteral, Island Institute; Bob Duncan, Le Bonheur Children's Medical Center; Cheryl Graeve, League of Women Voters; Jennifer Lash, Living Oceans Society; Matt Celentano, Maryland Health Care for All!; Sharon Ladin, National Association of Children's Hospitals and Related Institutions; Ranit Schmelzer and Lisa Codisoti, National Women's Law Center; Aaron Dority and Robin Alden, Penobscot East Resource Center; David Robinson and Albert Lowe, Strategic Actions for a Just Economy; and Darcy Dobell, Tides Canada Foundation. There were the researchers and writers who wrestled this to the ground, including Kendra Beach, Jay Davis, Norissa Giangola, John Gordon, Stephen Rodgers, Jared Steinberg, Stacia Tipton, Ed Walz, and the rest of the team from Spitfire Strategies, as well as Beth Trask of Environmental Defense Fund.

Last, we'd like to sincerely thank Barry Gold of the Gordon and Betty Moore Foundation for having the vision to understand how to help nonprofits keep their campaigns on track and win. Thanks, Barry. Without you, we'd still be stuck in first gear.

A handwritten signature in black ink, appearing to read "Kristen Grimm". The signature is fluid and cursive, with the first name "Kristen" written in a larger, more prominent script than the last name "Grimm".

Kristen Grimm



For some people, planning a campaign is less about following a process and more about following their instincts. Long-time campaigners believe they have a feel for the road. With each new campaign, they load the station wagon with all the gear that has served them well in the past—all the tools and the processes. They have a destination in mind, shift into autopilot, and the campaign strategy unfolds from reflex and memory. Experience has taught them well—they pack light and know all the shortcuts. Or do they?

For less experienced campaigners, the tendency is to overpack for fear they'll find themselves down the road lacking a key tactic or guide. They bring it all along for the ride. Then, they often hit every attraction and marker along the way, even when it pulls them off track from their true destination—if they were even clear about their destination when they started.

Organizations looking to run effective campaigns need to find the middle ground between the underpackers and the overpackers. They must chart the “happy planning medium” between the Autobahn speedsters and the country road rovers. They need a go-to planning source that offers assistance with the campaign at hand and campaigns ahead—a guide that can help them define their destination, assess whether or not they can get there, launch them in the right direction, measure their progress and (when necessary) be flexible enough to make changes on the fly.

With funding from the Gordon and Betty Moore Foundation, Spitfire Strategies and the Communications Leadership Institute set out to find the perfect approach to campaign planning. In our search, we found that groups approach campaign planning in many different ways. Some follow highly detailed guides and processes that we dubbed the “*War and Peace* planning method.” These

Who Is This Guide For?

This guide is designed to work best with policy campaigns, issue campaigns, corporate campaigns and public education campaigns. If you are looking to pass a law, win popular support for an issue, organize a boycott or let a bunch of people know that something is bad for them, this guide is for you. It could also help you with another type of campaign, but we chose to focus on the types of campaigns mentioned above to make the tool more concise.

costly affairs are time intensive, cover even the most minute details, and take a long time to learn and implement. Other groups seem to wing it, resulting in one of two possible outcomes—haphazard success or derailment. Surprisingly, a number of the campaigns with seemingly little planning still achieve exactly what they set out to do. However, a good many others are stymied by unforeseen events that derail them and cause the campaigners to waste too much time and money to ever get things back on track.

After much effort, we could not find the campaign planning tool we were seeking, so we created this: *The Just Enough Planning Guide*™. It borrows from what we consider to be the best practices out there and provides organizations and coalitions with a planning process that gives them a clear sense of where they are going, the best way to get there, and what to expect along the way.

To those using this guide, we make three promises:

1. *We didn't make this up.* We studied dozens of campaigns, some successful and some not, so we could share the lessons learned. We also asked bona fide experts who have won a campaign or two (and lost others) to describe the key planning elements—not all the bells and whistles, just the “must-haves”—and we included those here.
2. *We left plenty of room for flexibility and creativity.* For minimal planners, this guide doesn't constrain the creative process; rather, it helps you organize your creativity in a way that channels all your brilliant ideas to help you achieve your campaign's goal. It also lets you build your campaign your way. You determine the main components of your campaign—we help you plan for them.
3. *We kept it as simple as possible.* We know that a successful planning guide can't burden you with so many stops, detours and roadside attractions that you start asking, “Are we there yet?” This guide will help you on your way, not get in your way.

What Is a Campaign?

A planned course of action formulated to achieve defined objectives.

How This Guide Will Help You

Before you begin, remind yourself that your current campaign is the most important campaign you have ever attempted. Whether you have managed one campaign or one hundred, every campaign is unique and requires an approach and a plan that are perfectly suited to achieve your objectives.

Every campaign should start by asking what you want to achieve and whether you can achieve it, two questions that are often glossed over. Next, you need to ask yourself the hard questions. Is your organization really ready? Is the time right? Do you have the budget necessary to make an impact? Do you have the staffing to implement the campaign? Is there a constituency ready to be mobilized? Are you willing to take the risks necessary to win? Are you prepared to fail? These questions need to be asked each and every time you consider launching a campaign.

The Just Enough Planning Guide™ will help you to systematically build the right plan to make the greatest impact for your cause. It will help you ask the right questions that lead to the right answers for your organization. These answers will define your campaign strategy. Our guide will also help you make the critical decisions about who needs to be at the table and when you need them there. Most importantly, it will help you get your campaign plan on paper. Too many great campaigns never get off the ground because they remain great intentions floating about in organizational ether. Writing it down makes it real and gives your team something to follow.

The Road Ahead

The Just Enough Planning Guide™ takes you through nine stages of campaign planning. During each stage, you will make specific decisions. The guide offers a variety of ideas, questions and examples to help direct your decisions, but ultimately the decisions are yours to make. Remember: there is no one-size-fits-all campaign model. Your campaign is unique and therefore your plan and decisions will be unique. Look to the examples for inspiration, not hidden answers.

The key to good campaign planning is to start with the core elements and then add layers from there. Above all, write it down! Written plans will help keep the effort focused. The guide will lead you through a planning process in stages that are logical to us. However, you may decide after Stages 1 and 2 to shuffle things around. You can. This is your adventure. But we do recommend that you hit all nine stages before saying, “We’re done”—even if you tackle them in a different order from what’s presented here. And because we want to continuously improve and update this guide, we hope you will share with us suggestions for how we can make it better.

The nine stages to successful campaign planning are:

1. **Confirm that a campaign is possible.** This is the time to step back and assess the viability of a campaign. Are the stars aligned for this effort to be successful?
2. **Set a clear, measurable goal that is achievable.** Your plan needs to be focused on achieving a very specific goal. Your goal is your *raison d'être*. Are you trying to make something happen or stop something from happening? There is a difference.
3. **Chart your course.** Much like a road trip, there are likely many ways to get to your goal. You will use your knowledge of the field and the external environment to determine the best steps to your goal.
4. **Anticipate conditions.** Visualize all possible scenarios—the good, the bad and the ugly—so your plan includes strategies for leveraging opportunities and mitigating challenges, including identifying your opposition.
5. **Know how to make headway.** What will propel you down your path? What major campaign activities can help you get from Point A to Point B?
6. **Prioritize your target audiences.** Now that you have a strategy, stay focused by prioritizing who you need to engage to win, and when.
7. **Put a public face on your campaign.** Give the effort a name and a personality that is memorable and easily understood. You want people to recognize what you are about and not have to guess.
8. **Operationalize your campaign.** Based on the activities you think will help you make headway, determine which campaign tactics you will need: from intellectual knowledge to government relations to public mobilization to communications to coalition building to fundraising.
9. **Stay on track.** Build evaluation mechanisms into your plan that will tell you when you are making progress and when you need to stop and make a mid-course correction. Meet regularly with your team to discuss your progress.

Before You Begin: Mapping the Course

Before you start planning, you need to decide what your planning process will look like. It should be streamlined. Set a schedule and stick to it. Know which decisions you need to make, when you need to make them, who you need to involve and when you want them engaged.

There's a saying that a camel is a horse designed by a committee. This seems like a particularly hard knock against the camel, but the point is well made. As you expand the number of people involved in planning, you run the risk of creating internal inconsistencies and unnecessary complexity, and, worst of all, you could lose sight of your campaign objectives. The key is to keep it tight and keep it small, but empower those on your team to do the work and trust that they will.

Once you decide to plan, it is critical that you articulate the process and confirm that everyone involved is speaking the same campaign language. Tell them which decisions need to be made when, and assign specific roles to everyone involved in the planning process. The most common roles are as follows:

- **Input Givers.** These are people inside your organization whose opinions you will ask for, consider and then either incorporate or disregard. They know that you value their ideas but understand their contributions are not the final word.
- **Decision Makers.** These are people who directly influence final decisions. You will give them the information they need to decide—and they will give you a decision when you need it.
- **Hard Truth Squad.** These are people who don't have a dog in the fight. They are the ones who can be an unbiased sounding board for your goal and your plan, telling you where there are weaknesses.
- **Buy-in Providers.** These are people who need to think the plan is solid and will throw their support behind you when you need it.

TIP Keep it small.
The bigger
the group, the harder it
is to do planning in an
efficient way.

You can be frank with input givers and decision makers about their roles. Tell them what you need them to do and set up interactions for this to happen. You can do the same with the people who make up the Hard Truth Squad; tell them they are there to challenge your assumptions and ask the critical questions that may only be obvious to an outsider. The buy-in providers are trickier. Those individuals who can get you buy-in from others need to be kept up to speed so that when you present the final plan, they don't dismiss it. You need to give them a chance to raise red flags and make them feel like they are part of the process (with little formal role) so they easily buy into the outcome. At the same time, you need to prevent them from hijacking the process and taking your campaign off course.

Decide where funders, allies, coalition members and other stakeholders fit into your planning efforts and assign each a role.

Be Clear About Where You Are Going

Once you know who will help you plan, be clear about what the plan needs to do. Decide what big questions the planning process will answer, and clearly define the parameters, such as budget and timing, that will drive most of your decisions.

Keep the Pedal to the Metal

Like a good story, planning needs a beginning, a middle and, most importantly, an end. Although there will be conflict along the way, the plan should generally be a happy story that keeps moving and comes to a popular resolution.

Keep planning meetings well organized. Assign a project manager. Set and disseminate agendas in advance, and include specific discussion points and decisions that need to be made during the meeting. Start on time and end on time.

People like a smooth planning process. A planning process that is confusing, disorganized and constantly misses deadlines will likely result in a disgruntled planning committee and yield a plan with the same traits.

Fire Up the Engine and Let's Get Going

Once you have a planning committee that understands its role and a planning process that fits into your overall timeline, budget and objectives, you are ready to start planning. The following process will help you do it. After each stage, be sure to pause and ask yourself, "Does this make sense?" When you are done with your plan, make sure your Hard Truth Squad gets a chance to review and check your assumptions.

Let's begin!

Stage 1

Confirm That a Campaign Is Possible



You may need to get a policy implemented, grab people’s attention or change the behavior of people or companies. If it hasn’t happened up until this point, why is it possible to do something now? Why are you the right group to do it? Before you start, you need to know that you can run and win a campaign at this time. More than deciding how you will do it, you are answering the simple question of whether you should greenlight a campaign or not.

To help think this through, consider the following.

- Is there something right about the timing? Is a bill up for reauthorization? Is there an external event (like the Olympics or a presidential election) that gives you a chance to raise an issue that couldn’t be raised before? Do you have an alliance of groups ready to take something on? Is a new administration taking office?
- Is there enough knowledge out there about the problem you want to tackle? Is there an obvious need for a solution? How do you know?
- Is there a constituency or an audience that can be mobilized?
- Do you have a solution you can clearly articulate?
- Do you have or can you get the expertise needed to run a campaign?
- Why is your organization the best one to tackle it?
- Do you have the risk tolerance it will take to run the campaign? Are you willing to make difficult decisions and unlikely alliances? Will you do what it takes to win?
- Do you have or can you create a campaign-like culture where decisions get made quickly? Is your board ready to give you the necessary leeway? Is the organization’s leadership ready?
- What are the consequences if you lose? Could you live with them in the short term and long term?
- Do you have or can you get the resources it will take to get the job done?
- Do you have enough time?
- If you are going to lobby, are you clear about the legal restrictions?

After walking through these questions, decide if a campaign makes sense. If yes, open the *Planning Tool* and start your planning by marking “Yes” in the box for Stage 1. If you aren’t sure, think more. Campaigns take a lot of time, energy and money. You should feel confident that you can run and win a campaign before starting one.

Keep Your Eye on the Prize

A central objective of the Human Rights Campaign’s mission is to pass federal legislation banning discrimination in the workplace based on sexual orientation and gender identity or expression. In 1994, the president and congressional leadership seemed open to a narrowly tailored bill, prompting the HRC to create a communications strategy to support that legislative effort. However, subsequent changes in Congress and the White House left a campaign strategy focused solely on Washington destined for failure.

Rather than face defeat, the HRC shifted its campaign tactics and decided to demonstrate to Congress that there was broad support for nondiscrimination policies in the business community—a constituency they knew elected officials really cared about. The HRC set its sights on generating and publicizing businesses that voluntarily integrated nondiscrimination policies into the workplace. The group launched a Web site to track the policies at more than 5,000 companies, including all of the Fortune 500, and began issuing reports and an annual index highlighting the country’s best performing companies in terms of nondiscrimination and other policies.

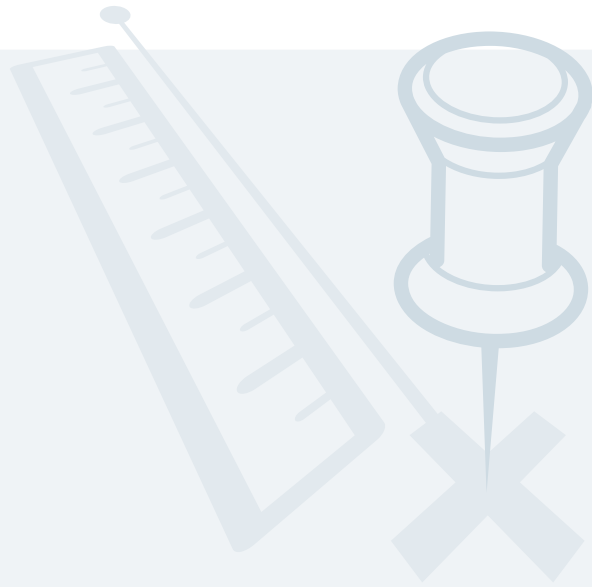
The HRC gambled that if Fortune 500 companies adopted policies voluntarily, then Congress might be more willing to legislate these policies. The group managed to keep the campaign focused on its core mission of fairness by demonstrating that nondiscrimination policies are a low-cost benefit that gives companies a competitive advantage for recruitment and retention.

That gamble appears to be paying off. To date, more than 300 of the Fortune 500 companies have nondiscrimination policies, and companies now monitor their HRC ratings and seek ways to improve their scores.

The Lesson: While the HRC could not win on Capitol Hill at that moment, they succeeded in making nondiscrimination an accepted principle of contemporary business. By changing strategies and redefining what “winning” meant from a communications perspective, the HRC has spent the last several years “winning” on its issue rather than “losing” in Congress.

Stage 2

Set a Clear, Measurable Goal That Is Achievable



Start with what you want to accomplish, set a hard deadline for accomplishing it, and be as specific as possible.

Here's a good example of a solid campaign goal:

Secure state legislature designation of a network of marine protected areas off the Santa Barbara coast by December of 2009.

TIP

Remember, not all campaigns

are big splashy public affairs. Sometimes your goals are best served by keeping your campaign behind the scenes.

It says exactly what needs to happen, by whom, where and when. **Here are some more examples of good campaign goals:**

- Pass a statewide ballot initiative in November 2008 that imposes an additional 13-cent tax on tobacco products in California.
- Get Congress to pass a "Sense of the Senate" by 2010 that states the need for the United States to institute comprehensive and cost-effective national measures to address global climate change.
- Influence the governor to increase funding for child care by \$3.5 million by the end of the year.
- Decrease smoking rates among teenage girls in five states by 10 percent by 2009.
- Increase the number of people carpooling in Maryland by 20 percent within three years.

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Stage 2

Here are some campaign goals that miss the mark:

- Get the governor to fund more programs that support families.
- Get more parents to give their children “the talk.”
- Stop drunk driving.
- Stop global climate change.

These goals are too broad, and any efforts to plan for them will quickly become diluted or stymied.

A specific goal gives clear direction to the planning process. Specificity narrows the focus of the campaign in measurable ways, such as geography, audience and timeline. In short, make sure your goals pass the SMART test—specific, measurable, achievable, realistic and time bound.

Use the *Planning Tool* to record your campaign goal.

Stage 3

Chart Your Course



Once you have a crystal clear goal, determine what steps you need to take to get there and when you need to take them. This will require some decision making on your part. There may be many roads to get to your final destination. You need to decide which way is best for your organization, given the climate surrounding the campaign and your skill set, budget and timeline.

Let's say you are planning the Young Achievers Campaign, and your goal is to require all ninth-graders in your state to complete a post-high school life plan as part of their ninth-grade curriculum. What can you do to make that a reality? First, brainstorm about all the possible ways this could happen:

- You could go county by county and get every school board in the state to make it a rule.
- You could get the state legislature to pass a law.
- You could get the governor to issue an executive order.

Once you have an exhaustive list, assess each option and decide which one is most viable. Ask questions such as:

- Which option is fastest?
- Which option is easiest?
- Which option do you know the most about?
- Can you learn from other organizations and campaigns that have had success in the past?
- Which option involves the fewest dependencies and assumptions? (Dependencies are things that you are expecting to happen, and, if they don't, there will be consequences for your campaign.)

Pick the route that is best for you, but only include the major stops along the way. If your campaign was a road trip from Washington, D.C., to Denver, you would write down *“Drive from the district to Cleveland and then to Chicago and then to Omaha and finally Denver,”* not *“Back out of the driveway and then turn right at the end of my block, drive three blocks and then make a left at the mall,”* and so on. Keep your route broad for now.

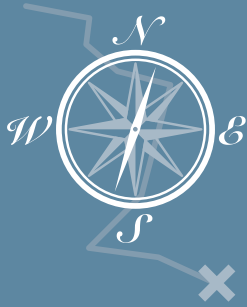
At this point, you may find yourself scratching your head because you have no idea how to achieve your goal. If this is the case, have no fear. Research will help you find out how to make change happen. Your research needs to answer these types of questions:

- Who is the audience you need to inspire and mobilize?
- Where do you want change to occur? Within which populations, organizations or individuals?
- Who will need to change, whether it requires a change in attitudes, behavior or priorities?
- Who is responsible? Who has jurisdiction at federal, state and local levels (U.S. Department of Agriculture, state boards of education, school boards, etc.)? Who is the decision maker?
- Who possesses the power to influence the decision maker?
- What factors and competing pressures play into program decisions?
- What are previous examples of this kind of change?
- Who has the greatest potential to make change? (This is not always the one who is responsible. Sometimes, it can be the one who has the greatest influence over the ones who are responsible.)
- Will you need a behind-the-scenes effort or a big public effort?
- What are the pressure points that will make the people you want to engage come to the table?
- Who are potential allies?
- Who is the potential opposition? Competition?
- What secret weapons do you have at your disposal (celebrity spokespeople, unlimited budget, etc.)?

Once you have a good idea of how to make your campaign goal a reality, consider the steps needed to make that change. Don't worry quite yet about the challenges ahead. Focus instead on specific steps that need to happen now and the order in which they need to happen. Estimate the timing for each one.

Let's go back to the earlier example. Suppose the Young Achiever Campaign opts to get the state legislature to make it a law that all ninth-graders submit a post-high school life plan by the end of their freshman year of high school. The group then charts these specific steps.

Stage 3



What is your Goal: Have the state legislature pass a bill that requires all ninth-graders to complete a life plan.

Steps to Your Goal

- 01 *Begin campaign*
- 02 *Mobilize parents to call for bill*
- 03 *Bill introduced in both chambers*
- 04 *Vote favorable from both committees*
- 05 *House passes*
- 06 *Senate passes*
- 07 *Governor signs*

What principal steps do you need to take to make your campaign successful? By when must these steps happen? Remember, time does not stop for your campaign. Internal and external factors can and will dictate when these steps need to happen.

Go to the *Planning Tool* and fill in the main steps you need to take to win your campaign. When you have written these down, take the steps to your Hard Truth Squad and have its members poke holes in them. Then settle on a course.

Stage 4

Anticipate Conditions



Now it is time to truly understand what you are getting yourself into. To get a real lay of the campaign land, you need to identify and understand the many routes, shortcuts, potholes and rest stops that stand between you and your goal. Conduct research to answer the following questions:

- Who supports your goal?
- Who should be for your goal and isn't yet?
- Who is against it? Why? What will they say about it?
- What is competing with it?
- Why do you think you can achieve your goal? What assets do you bring to the table?
- Why do you think you could lose? What baggage comes if you lose?
- Who will you need to engage along the way to win? (These are the target audiences you will need to bring on in some way.)
- Who makes the ultimate decision? Do you see them saying yes or no?
- Are you doing this in your own time, or is there an external deadline driving the timing? For example, is there a school curriculum overhaul coming down the pike? Is Congress ending a session?
- Rank dependencies and assumptions that you are counting on and that may change things dramatically if they prove false. For example, if you are counting on teacher support for the addition of life planning to the curriculum, how will you adapt if teachers begin complaining and organizing against an increase in mandated curricula?

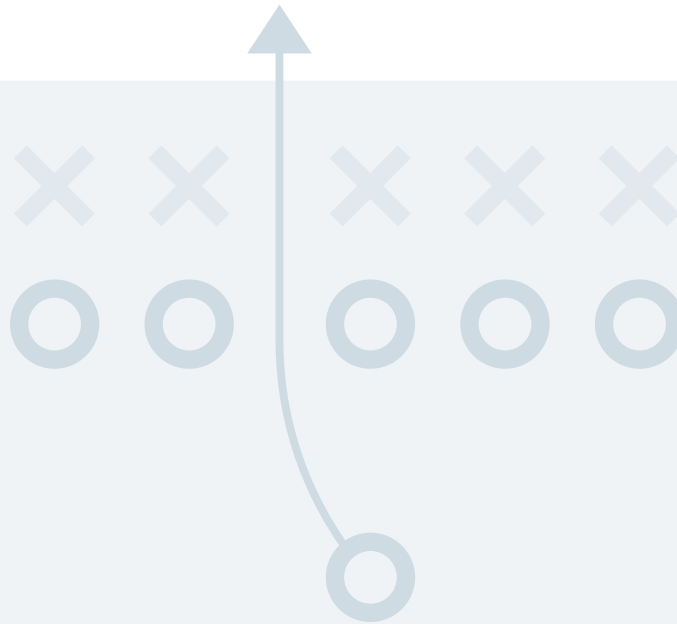
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Stage 4	

To find answers to these questions, review recent media coverage on the issue and related issues; publicly available opinion data; materials from other organizations working in this space; and press releases, speeches and public statements from elected leaders, corporate leaders and other influential people. You can also conduct stakeholder interviews of people in the know and ask them for their assessment. In short, research the heck out of the issue to get a clear sense of the context into which you are launching your campaign. At that point, your analysis should give you a good lay of the land and signal to you if this will be easy or hard, or somewhere in between.

Stage 5

Know How to Make Headway



You know your goal, your steps to your goal and some potential opportunities and obstacles that may affect your progress. Now it is time to move your campaign forward.

Going back to the chart from Stage 3 (Chart Your Course) in the *Planning Tool*, take each step and figure out exactly what needs to happen to achieve that step and when it needs to happen. For each one, ask, “How can we make this happen?”

TIP

Don't get into the weeds. You will have an opportunity to fill in more details later. For now, just give the broad strokes of how and when you envision successfully completing each step. What major activities do you want to conduct?

The campaign planners for the Young Achiever Campaign will have to ask:

- Who might introduce this bill? They can pick a few target legislators.
- What will motivate someone to introduce a bill to make this change? The campaign could decide to mobilize parents and teachers to ask a legislative leader to introduce the bill. This would then become the first step.
- If they go with that approach, how will they mobilize parents?

Now we get into the real work between the steps. Campaign planners need to decide the major activities necessary to get from one step to another, and they need to determine the benchmarks that will tell them to move forward or take a step back. The campaign planners could decide that they will release a report showing how few ninth-graders have given any thought to college or job prospects after high school and why that is a problem. They can release it to the press in the counties of key legislative targets. They can build a Web site where parents can get more resources on the issue, including instructions, templates, phone numbers and addresses for contacting their legislators to ask them to introduce legislation.

For each step, be clear about who the decision maker is and what you are asking her or him to do. Also, be clear about when you need them to do it. Timing is everything. Consider the following questions to help you find ways to motivate your decision maker in the right direction:

TIP There could be many different paths for you to take. But you are the master of your own destiny. You must decide what is best, based on what you know—and that's a lot. No matter how much you know, though, gather input from the experts around you to make your final decisions.

Awareness Level

- Is the decision maker aware of the issue? If you ask her or him, will she or he be able to identify the major positions on the issue?
- If the decision maker does not know about the problem, how can you inform him or her about the problem and its consequences in a way that resonates with his or her core values or concerns?

Concern Level

- Does the decision maker consider it a problem to be solved? Does she or he care?
- If the decision maker knows about the problem but does not care about it, how can you educate him or her about the consequences of the problem in a way that resonates with his or her core values or concerns?

Likelihood of Support

- Is the decision maker aware of your preferred solution?
- Is the decision maker supportive of your preferred solution?
- If the decision maker knows and cares about the problem but does not know about the solution, how can you inform him or her about the solution in a way that maximizes the likelihood that awareness will lead to support?

Obstacles to Overcome

- Why would the decision maker decline to take the desired action? If you don't know the answer, who can you ask?
- If the decision maker knows and cares about the problem and believes in the solution, how can you tailor the solution to avoid obstacles that could deter him or her from acting?
- If the decision maker knows and cares about the problem and knows about the solution but does not support it, how can you tailor the solution to increase the likelihood that he or she will support it?

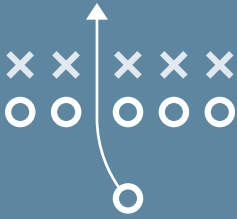
You will now have a revised strategic goal line that is SMART.

To determine what you need to do to move from step to step, ask these key questions and then choose major activities based on the answers:

- What assumptions, facts and values support this step?
- What audiences will need to be engaged to achieve this step?
- What do you think will make this step happen?
- What are the potential obstacles to successfully achieving this step?
- What can you do to minimize the obstacles? (Tweak your activities accordingly.)
- What are the successful benchmarks that tell you it's time to move on to the next step or to retool efforts if things aren't working out?

You should be able to use these defining questions to fill out how the campaign can move from one step to another. You can provide more tactical details about exactly how to make these main activities happen when you operationalize your campaign in Stage 8, which will give the staff responsible for different campaign elements their marching orders.

Stage 5



What is your Goal: Have the state legislature pass a bill that requires all ninth-graders to complete a life plan.

Steps to Goal	Main Activities	Benchmarks and Timeline
01 <i>Begin campaign</i>	<ul style="list-style-type: none"> Release report Hold parent meetings Generate press 	<ul style="list-style-type: none"> 20 meetings with parents (May 5) Stories written in top five newspapers (May 30)
02 <i>Mobilize parents to call for bill</i>	<ul style="list-style-type: none"> Get parent target lists from allies Generate calls to target legislators Build Web site and ask parents to write legislators 	<ul style="list-style-type: none"> List of 20k+ parents (June 10) Over 3k calls (June 20) Over 10k emails (June 20)
03 <i>Bill introduced in both chambers</i>	<ul style="list-style-type: none"> Identify bipartisan sponsors in House and Senate Draft bill Secure co-sponsors Press release announcing introduction 	<ul style="list-style-type: none"> Secure sponsors (July 12)
04 <i>Vote favorable from both committees</i>	<ul style="list-style-type: none"> Sponsors ask for hearing Testify before hearing Meet with swing votes on committee 	<ul style="list-style-type: none"> Deliver testimony (Sept 4) Secure support of 20 swing voters (Sept 12)
05 <i>House passes</i>	<ul style="list-style-type: none"> Meet with votes in House Develop talking points for sponsors Generate calls to target legislators Rally at the Capitol 	<ul style="list-style-type: none"> Generate 3k calls (Sept 24) 5k parents and children at Capitol rally (Oct 4)
06 <i>Senate passes</i>	<ul style="list-style-type: none"> Meet with votes in Senate Develop talking points for sponsors Generate calls to target legislators Press release announcing passage 	<ul style="list-style-type: none"> Generate 3k calls (Oct 10) Get coverage in top five media markets (Oct 15)
07 <i>Governor signs</i>	<ul style="list-style-type: none"> Rally at governor's mansion Secure invites for signing ceremony Write op-ed commending legislators and governor on big win for kids 	<ul style="list-style-type: none"> Get diverse group of 100 parents and children at ceremony (Nov 1) Place op-ed in state newspaper (Nov 2)

Goal: ninth-graders required to complete life plan

You may find that you don't know how to achieve some steps or how long a step might take. You may know who you need to motivate, but you might not know how to do it. In these cases, you'll need to determine what additional research is needed. It could involve polling and focus groups, or it could be as simple as asking a few people some good questions.

During the campaign, you may decide to change your steps. Something may happen that allows you to leapfrog a step. For example, a legislator may decide on her own to introduce legislation without hearing from parents. Now you don't need to mobilize parents to get the bill moving. You can move your efforts to building support for the introduced bill. If you have a mid-course correction such as this, you will need to revisit all the remaining steps to your goal and readjust the major activities, roles and timeline.

At the end of this stage you'll have a strong goal and strategy diagram to present to your key partners for them to review and approve. You can then take this document to your buy-in group for approval. Obviously, you'll want them to agree with the direction you have chosen, your main interventions and your symbols of success.

Stage 6

Prioritize Your Target Audiences



Once you have a strategy in place and the sign-off you need to move it forward, you must prioritize your target audiences. Review who the primary decision makers are from your strategy. Then list and prioritize all the important target audiences that you need to mobilize to influence and inform your primary decision makers. (Hint: These are the audiences that popped up often in Stages 3 through 5.) Next, you must measure these targets against your budget and make the tough choices about which audiences will give you the most bang for your buck. Budgets can be restricting, but they can also help you focus on what is absolutely necessary for you to meet your goals.

The amount of energy and resources you spend should be directly proportional to the importance of each target audience. If at any point you find yourself fixated on moving an audience that ranked fifth or sixth on the list, it is time to make one of those mid-course corrections and re-channel your energy toward the top targets.

When prioritizing target audiences, consider three things:

1. What do you need them to know?
2. What do you need them to do?
3. What do they know and do already?

The answers to these questions will help you determine what kind of audience research is needed. Then, through that research, you can dig deeper with such questions as:

- What do they already know about the issue?
- Are they amenable to the knowledge you want to share with them?
- Where are they likely to hear it? How can you reach them? To whom will they listen?

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- Are they likely to do what you want them to do?
- What would make them more likely to do what you want?
- What obstacles are likely to prevent them from taking action?
- What is your opposition going to say?
- How strong is the opposition?
- What can you do to mitigate the obstacles?

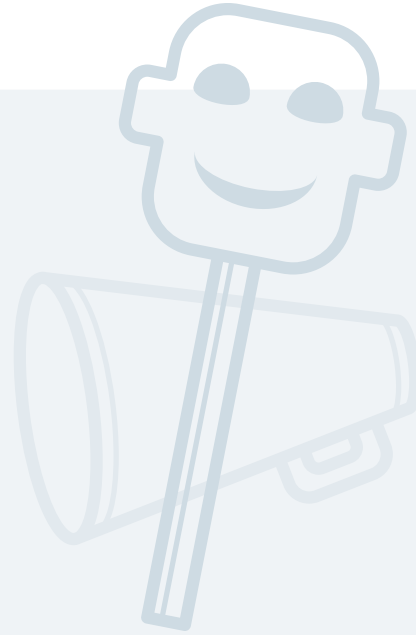
Now, list your priority target audiences and note what you need them to know and do. It is important to note what they may already know and do. That way you don't waste their time, which would lessen the chance they would want to help you.

Your audience research may have implications on your overall strategy. Review Stage 3 again. Does anything from the audience research suggest that you should modify how you plan to achieve your goal? If so, make those changes now.

Your research will also heavily influence messaging in the next stage.

Stage 7

Put a Public Face on Your Campaign



TIP

Not all campaigns need

a high profile. Maybe you are working with a coalition of strange bedfellows that could turn off your diehard supporters. Maybe you want to catch your opponent off guard. Or maybe your decision maker is supportive of your goal but doesn't want a lot of attention. Sometimes you can be most effective when you fly under the radar.

Now that you know what you are trying to do and who can help you do it, you need to solidify your position with a strong campaign presence and core message platform. Many of us have read or heard about campaigns that have worthwhile goals and values but are hidden behind boring or obtuse campaign names and less-than-inspiring core messages. People need to be inspired to join your campaign, and the first opportunity you get to motivate them is with your campaign name. Your campaign name needs to convey your values in a quick and memorable way and make it easy for people to convey those values to their friends and others once they join the campaign. For instance, who doesn't want to say they are part of a "Live Strong" campaign, as the Lance Armstrong Foundation discovered?

It is time to define the part of your campaign that the public will see.

When crafting a public face for your campaign, consider the following:

- What value do you want to convey? For example, the Prosperity Campaign in Miami-Dade County aimed to maximize the number of applicants for the Earned Income Tax Credit. The campaigners could have called the campaign "EITC for Everyone," but that leaves people confused about why they should want EITC. By using the word "prosperity," the campaigners were clear about what they wanted for everyone in Miami: prosperity. This value resonated with people.
- Are you going to be for something or against something?
- Are you aggressive or reassuring? For example, are you "Just Do It" or "Together we can...?"

TIP

Remember that the point of this naming exercise is to build public support. Don't be so creative that you alienate people who don't understand the name, and don't spend tons of time trying to make it spell something so you can have an acronym that is a real word. Once you have a draft name, run it by some target audiences and gather their impressions. Run the name through several internet searches to see if and how it's being used. If you can't come up with a name on your own and your budget allows it, you may want to hire a creative branding firm that does this work all the time.

- What is your basic campaign theme? Your theme is the big picture you want to convey to the audience. Here are a few examples:
 - Protecting something valuable
 - Rejecting something dangerous
 - Renewing something dated
 - Reforming something corrupt
 - Strengthening something promising
- Does your public face help you blunt criticism? Are there any ways in which it exposes you to criticism?
- Is it credible?

Use the information you gathered in Stage 4 (Anticipate Conditions) and Stage 6 (Prioritize Your Target Audiences) to help you answer these questions. For example, if you know that your base of supporters is most likely to mobilize around an aggressive campaign that uses more confrontational tactics, choose this over a more reassuring approach that uses softer tactics.

Let's take a look at efforts to reduce the number of paper catalogs sent through the mail and therefore reduce waste. A group started a campaign to get consumers to sign up to manage their own mailboxes. While the campaigners wanted to reduce the number of unwanted catalogs for environmental reasons, many of the target consumers were more concerned about choosing which catalogs to receive and reducing the amount of junk mail in their box than the environment. Names like EcoMailbox wouldn't get the group very far. The target audience liked to shop and wanted catalogs. The campaigners needed to convey that they weren't against all catalogs, just unwanted ones. They also needed a name that empowered consumers. Based on these criteria, they considered a number of names for the campaign. They decided on Catalog Choice. "Choice" was what consumers were looking for. The name caught on. More than 987,000 consumers have signed up on www.catalogchoice.org to manage their own mailboxes and reduce unwanted catalogs.

Along with a strong name, you need core messages that articulate your campaign platform and are consistent with your overall strategy. You will tailor these main messages for different target audiences, but for starters, you need three to four main messages to motivate people around your issue.

Catalog Choice focused on these four messages:

1. You can simplify your life and help the environment by stopping unwanted catalogs from getting in your mailbox.
2. Have merchants respect your preferences for what catalogs you get at home.
3. Sign up for our free service at catalogchoice.org.
4. Then you'll only get the catalogs you choose to get.

A Name Is More Than Just a Name

In 2001, a local coalition of community organizations and their partners developed a policy screening tool to help ensure that city-subsidized development projects would provide tangible benefits to the community. The policy staff called the tool the “Equity Impact Analysis.” When voters heard the name in pre-launch focus groups, they overwhelmingly disapproved of the policy. Yet voters were very supportive of the “values” behind the policy: they believed that if taxpayers were providing a subsidy for development, companies and developers needed to contribute to the overall good of the community.

The coalition changed the name of the tool to “Community Benefit Analysis,” and voters in focus groups were universally supportive. The new name reflected values that people could connect with and support—and so they did.

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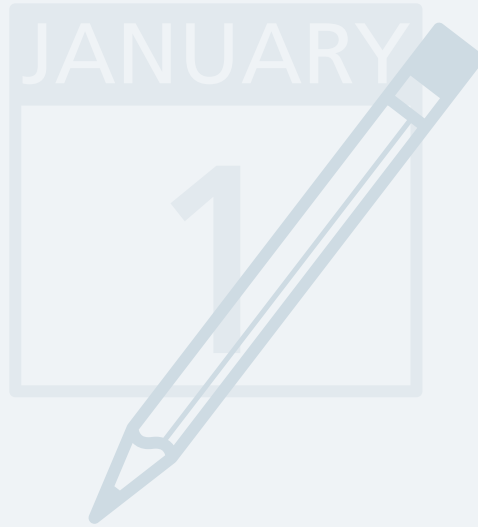
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Now, go back to your chart in the *Planning Tool*. Name your campaign and note which four main messages you want to get across. Messages are one of those must-haves. There are specific message resources in the communications section of Stage 8. Look there if you need more help.

This is a good time to check in with your Hard Truth Squad and gut-check your campaign’s public face. Does it pass muster under the Hard Truth test? Does it fit the values you are trying to convey? You may also want to field test it with a small, representative sample of your audience. Your goals may be admirable and your plan solid, but the wrong public face and messages can derail a campaign right from the start.

Stage 8

Operationalize Your Campaign



You know what you want to accomplish and when you need to accomplish it. You have a general sense of how to get there, and you understand who you need to engage along the way. You've determined what main activities to pursue to achieve success, and you have a public face. Now you need to identify and plan the day-to-day tactics you'll need to run a successful campaign.

In the *Planning Tool*, there is a table that includes six main campaign tactics:

1. Intellectual Knowledge
2. Government Relations
3. Mobilization / Field Organizing
4. Communications
5. Coalitions
6. Fundraising

Remember: your campaign is unique. This is not a cheat sheet. These are only examples of the kinds of things you may want to include as you develop your own campaign. You may identify an additional tactic that does not appear here; if so, write it down now. You'll follow the same planning process for all of the tactics you choose.

Once you select which tactics are most helpful to your campaign, you will build these tactics into your operational plan. Two must-haves for the operational plan are timelines and the people who are responsible. Many campaigns have a plan that never gets implemented because there are no deadlines and no one in charge. Nip that problem in the bud by setting deadlines and naming names. For each campaign tactic, you will need to think through each of the following issues. Your answers will inform your operational plans.

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Stage 8	

Summary

List your rationale for the tactic here. Why have you selected this kind of tactic as part of your campaign? What purpose will it serve? How will this tactic help your campaign succeed? For example, if more GOP elected officials and representatives know that Republican voters are supportive of expanding health care coverage for children, they will be more likely to support proposals to do so because they'll know they are acting in line with their base's priorities. For this goal, conducting and releasing a poll of Republican voters would be a valuable activity.

Major Activities

List the main activities you plan to pursue. They should be the ones that you then schedule in the timeline and assign to specific members of your campaign team.

Person Responsible

Does the person you are listing have the right expertise to drive this tactic?
Does he or she have enough capacity?

Measures of Impact

List all the ways you can measure your impact. Consider the following questions:

- What do you expect to happen when you do this activity?
- What would show you it was wildly successful?
- What would suggest it was a complete dud?
- What systems do you have in place or need to put in place to measure the success or failure of a tactic?
- When will you review measurements and make decisions about future actions?
- Who will be responsible for tracking your progress?

Timeline

Once you have detailed each of these tactics, plot them all into a master timeline. Go month by month, or week by week for more fast-paced campaigns. If you are worried about staffing, prioritize tactics as Tier A and Tier B, where Tier A tactics are must-dos and Tier B tactics are things to do if time is available.

TIP

In the appendix, we've provided

some additional tips to consider for the six main campaign tactics, including questions specific to each tactic and examples of the kinds of activities you may want to include as you develop your own campaign.

Remember to Consider Other Critical Factors That Will Affect Your Success

Anticipated Obstacles

What could go wrong? How can you minimize this risk?

Budget Implications


Note how each tactic stacks up against available resources and how much additional revenue you will need to generate as you move forward.

- How much will you spend to make this happen?
- How much staff time will it require?
- Are there anticipated expenses such as printing, ad buys, postage, catering, Web site development and maintenance, or development of promotional and advertising materials?
- Will you need to hire outside help?

Now start filling in the Stage 8 table in the *Planning Tool*. If you have a different person in charge of each campaign tactic, ask each one to fill in the table for the tactic they will manage. Have them review the strategy developed so far and fill in the details for their area of expertise.

Stage 9

Stay on Track



Now that you have laid out a winning strategy and developed a thorough plan for success, it should be a smooth drive toward the finish line, right? Unfortunately, that is rarely the case. The campaign terrain changes constantly, and you need to be ready to adapt to and leverage each new landscape.

Preparing for the unexpected is one of the most overlooked and important pieces of campaign planning. Potholes and road closures may force your plan into a detour, while unanticipated pit stops may bring good fortune and new opportunities. You need to be ready to spring into action, wherever the road takes you.

It is vital to take regular stock of your campaign; do not wait for the post-mortem. Celebrate even small successes and use them to keep your audiences motivated. Note deficiencies and use them to make mid-course corrections. Measurements can be quantifiable or anecdotal, but they should always focus on outputs and outcomes.

Think of outputs as the specific things you will do to move your campaign forward, or the notches on your campaign belt. They are the visible evidence of your plan in action. For example, you can hold a press conference. If you say you will hold two in a quarter, then you have an output to track.

Outcomes are the changes that occur as a result of your outputs. They show that you are pushing your campaign toward its goal. If you hold two press conferences, what outcomes do you expect? Increased favorable media coverage? A certain number of reporters in attendance? Try to put a number on it. For example, your outcome could be increasing favorable coverage by 25 percent or getting 30 reporters to show up. Now you have an outcome you can measure.

Going Nuclear

A wide coalition of groups working on the ratification of the Comprehensive Test Ban Treaty, which banned all nuclear explosions regardless of the purpose or the environment of the test, had been laying the groundwork for the treaty for years. When President Clinton signed the treaty in September 1996, the groups had already planned to carefully coordinate their actions to get the necessary ratification from the Senate. The bulk of the work happened on Capitol Hill, where they conducted the slow business of discussing the merits of the treaty, carefully counteracted negative talking points from treaty detractors, and seeded a steady flow of letters to the editor, op-eds and in-person lobbying visits from citizens in targeted states to push senators in the right direction.

In September 1997, a year after Clinton's signing of the treaty, and while the groundwork of the disarmament community continued moving forward, the White House sent the treaty to the Senate for ratification. Steady progress was being made, including soliciting support from key senators who would be bellwethers for an eventual ratification vote.

This progress hit a significant road block in May 1998, when India and then Pakistan tested nuclear devices, opening the door to a nuclear arms race in an increasingly tense South Asia. The tests were exactly what treaty opponents needed to stymie progress on the treaty; it provided them with an opportunity to cast doubts about the international community's ability to enforce such an agreement. The coalition's timeline was massively disrupted, and they went into emergency mode.

Seizing on this disarray, the GOP leadership scheduled a snap floor vote on the treaty, knowing that the campaign to get the treaty ratified was on the ropes. The ratification vote failed, and the Clinton administration conceded that it would not be possible to bring the treaty forward for a re-vote before the next congressional session.

The only constant is change, and campaigns are no different. Circumstances are likely to change, quite possibly more than once. To account for change, do two things:

1. Hold weekly meetings to keep the trains running on time

Hold weekly or more frequent status meetings to make sure that what the plan said should be happening is happening within the allotted time and budget. Someone needs to be in charge of these meetings. Name a point person early on so that one person is keeping an eye on the big picture and holding people accountable. He or she should call the meeting, go through the plan, and check on the activities that are slated to happen. The person responsible for each activity should provide a status report, offer solutions for any activities that are off track, and commit to what he or she will accomplish and report on the following week.

2. Hold monthly meetings to assess benchmarks

Hold monthly meetings to assess whether the activities are having the planned impact and demonstrating that you are on the right track or whether things are not going according to plan and you need to make a mid-course correction.

Review the benchmarks of success you noted in the operational section of your plan. Hold a status meeting and review these questions:

- What significant developments have taken place since the last status meeting?
- How has the news coverage of the issue or the debate changed since then?
- Have the decision makers, influencers or opponents changed their public positions on the issue or reacted to the campaign?
- Are all of your steps or tactics still valid?
 - If not, what changes need to be made? How will those changes affect the resource budget, the assignment list and the campaign timeline?
- Can your messages be made stronger based on new information?
- Have new voices emerged in the debate that could be engaged as allies or taken into account as possible opponents? In either case, how will these new players affect your messages, objectives and tactics?
- Are there opponents who could become unlikely allies due to a change in their position or a significant development?
- What are specific signs of progress?
- Are there unanticipated signs of success? If so, should these be incorporated into the formal measurements of success?
- Where is the campaign falling short? What can be done to correct it?
- Looking ahead, what challenges are coming next? Are you prepared to meet these challenges? Do you need to make any changes to your plan to take advantage of new opportunities?

Regular status meetings are critical to maintaining your plan as a living, breathing document that helps you run a better campaign. Put the meetings on your campaign timeline, let participants know the meetings are not optional, and send out agendas and meeting information (such as location or a call-in number) in advance. After each meeting, adjust your strategy based on decisions made during the meeting, then circulate the revised strategy to your planning group to keep everyone on the same page.

Assessing Opportunities

Planners should develop a list of criteria to assess opportunities that come up. Your campaign should use these criteria to measure your opportunities, only responding to those that are valuable, strategic and help you reach your goal. Plans often get derailed by opportunities that pop up that are not wise tangents for the campaign to pursue. Remember that while you do want to be opportunistic, you also want to stay on track. The list of criteria will help you do both.

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Sample List

- Is this opportunity a shortcut to achieving one of our core objectives of the campaign?
- What are the reasons to say no?
- What are the reasons to say yes?
- Can this opportunity replace and have greater impact than some of the tactics we have planned now?
- Do we have the staff time and budget to fully leverage the opportunity?
- What could go wrong? Are we willing to risk it?

Write It Down and Use It

The final written campaign plan should be used in meetings to keep everything on track. It should not be put on a shelf and forgotten.

Last Words

Your plan should serve as an inspiration for you and the people committed to the campaign. When you hit hard times, you can look at it and remind yourself that this is how you know you can win. If the coalition starts to drive you crazy, you can look at it and remember what you are fighting for and why compromises are worth it. And if you get lost along the way, you can look at it and find your way back. This is your map. It will take you exactly where you want to go if you follow it.

So what are you waiting for? Start planning your next winning campaign!

Appendix

Here we will explore the six principal tactics of most campaigns in more detail. For each of the specific tactics you've come up with for your campaign, consider the questions below. These questions will help you as you develop your operational plan.

Intellectual Knowledge

Published items that support your goal, such as reports, report cards, fact sheets, score cards, public opinion surveys and executive summaries.

When deciding whether or not to include intellectual knowledge in your campaign—and, if so, what kind—consider the following:

- How will it advance what the audience already knows about the issue?
- Why will this information be credible to the target audiences?
- Is it user friendly?
- Will it cut through the noise?
- What do you expect the information to compel your targets to do?
- What is the shelf life of this information?
- How many different ways can you use this information in the campaign?
- Is it saying something new?

Best Practices

- Consider repackaging disparate information into one central place.
- Make the information as relevant to the target audiences as possible. For example, localize it, translate it into a different language or include scientific data.
- Don't underestimate the power of a good executive summary. It may be the only thing people read.
- Make sure your information is newsworthy.
- Many members of your target audiences may not have an advanced degree on the topic. Write for a lay audience, or package the information differently for different audiences.
- Many people don't read footnotes.¹

Pitfalls

- The opposition will also produce intellectual knowledge. Avoid making the focus of your effort a debate over misinformation. These debates usually confuse target audiences. And they tune out.
- Don't let ego get the best of you. If yours is not the most credible organization to release the intellectual knowledge, go find the group that is.

¹ Or really small print.

- Don't think facts alone will win the day. If people are emotionally attached to their way of thinking, a report is unlikely to change that.
- Polls are valuable, but many will use them to support what they already think, rather than as fodder to change their minds.

More Resources

Made to Stick

<http://www.madetostick.com>

This book by brothers Chip Heath and Dan Heath (both business and marketing experts) helps people make sure their ideas stick. It offers guidance as to what kind of intellectual knowledge is needed and helps people steer clear of "the curse of too much knowledge."

In Other Words

<http://www.emcf.org/pub/otherresources.htm>

Here you will find three publications by language maven Tony Proscio that help organizations use words that will get their point across most effectively.

Presentation Zen

<http://www.presentationzen.com/>

Communications specialist Garry Reynolds' blog centers on issues related to professional presentation.

Polling resources:

American Library Association's Guide to Public Opinion Poll Web sites

http://www.ala.org/ala/acrl/acrl_pubs/crlnews/backissues2006/october06/opinionpoll.cfm

This site provides polling data from around the world. It includes all major polling firms, news and media outlets, and major ongoing survey series.

Data Directory

<http://www.washingtonpost.com/wp-srv/politics/polls/datadir.htm>

The Washington Post publishes this guide to the public opinion data that are available online from nonpartisan organizations. It includes media and national polls, non-profit and academic data, and opinion research by state.

FedStats.gov

<http://www.fedstats.gov/>

This site provides statistics and studies compiled by the federal government. It is searchable by geography, subject and agency, with links to nonprofit agencies and their reports.

Gallup

<http://www.gallup.com/>

Gallup is the most widely known polling and research organization. Its site is searchable by world region and topic.

PollingReport.com

<http://www.pollingreport.com/index.html>

This is an aggregate site of American polling data by issue or current news item.

Public Agenda Online

<http://www.publicagenda.org>

Public Agenda Online is a nonpartisan, nonprofit opinion research organization with both research studies and guides that are searchable by issue or topic.

Roper Center Public Opinion Archives

<http://www.ropercenter.uconn.edu/>

Topics at a Glance gives a brief overview of major research on a range of issues, with links for further information. The site also has sections on polling and opinion research fundamentals.

World Public Opinion

<http://www.worldpublicopinion.org/>

This site provides international polling and opinion research searchable by topic or region.

Government Relations

Engaging elected officials to meet your campaign goals through such things as meetings, briefings and testimony.

Here are some key questions to consider when deciding whether or not to use government relations:

- Do you need policy change or the government's bully pulpit?
- What levels of government do you need to engage?
- Do you need to change a law, or can you accomplish your policy goals under current law?
- How much do policymakers already know about your issue, and why should they care?
- What do you specifically want the policymakers to do (for example, change the definition of "wetland" in a regulation, change the law setting income limits for children's health coverage or increase dropout prevention funding)?
- Will you conduct policymaker education, or will you lobby for specific legislation?
- What relationships do you have with targeted policymakers?
- Is there opposition making the case for the other side?
- What other stakeholders (such as advocates, watchdog groups, service providers and constituency groups) have relationships with your targeted policymakers? Must you plan for their involvement as possible distractions or potential allies?
- What timing considerations (such as legislative calendars, budget timelines and elections) must you take into account when planning to engage policymakers?

Best Practices

- Policy change can take time. Plan for incremental gains, and celebrate every win as an opportunity to recruit and retain policymaker champions. Also, don't wait until the end to reward policymakers. Publicly acknowledge their support with each gain, big or small. That way they will continue to be motivated to devote time and staff to your campaign goals.
- Consider how your interests converge with the targeted policymakers' basic political interests.

For example, elected officials want to get re-elected, and agency officials want to get the mayor, governor, president or other chief official re-elected.

- Voters are the primary audience of elected officials. Make sure your outreach connects the issue with their district.
- Build and value your relationships with staff. They serve as counselors to and gatekeepers for your targeted policymakers.

Pitfalls

- The enemy of your friend may become your enemy. When choosing a policymaker champion, review his or her political opponents, and carefully think through the consequences of making them your opponents as well.
- Beware the other branch. Legislatures generally consult agency officials before changing the laws those agencies administer, and agencies always consider how legislative overseers will react to regulatory changes.
- Know your limitations. Are there legal restrictions on lobbying that could limit your government relations efforts?
- There's no such thing as a free lunch; every policy change will cost somebody something. Policymakers know this well. Anticipate their questions about fiscal impact and costs to businesses, families or other key stakeholders.

More Resources

Center for Lobbying in the Public Interest
www.clpi.org

The CLPI online Training Resource Center offers a wide range of information on nonprofit advocacy and lobbying, particularly legislative advocacy.

Congressional Research Service
http://www.rules.house.gov/archives/crs_reports.htm

CRS provides a large number of reports and guides to help you navigate Congress.

State and Local Government

A wealth of information about state and local governments can be found through the National Governors Association, the National Conference of State Legislators, the U.S. Council of Mayors, the National League of Cities and the National Association of Counties.

Mobilization / Field Organizing

Recruiting, enlisting and activating your supporters through boycotts, rallies, petition drives and endorsements.

To determine whether field organizing and public mobilization has a place in your campaign, consider the following:

- Based on your goals and targets, what key groups do you need to mobilize? Prioritize these groups based on who is the most likely to become engaged and what resources you have available.
- Map your human resources. With whom do you already have relationships that can help you access your target groups? For example, do you have a board member who has access to powerful business leaders? Or do you have an existing partnership with a group that can reach an audience with which you don't already connect?
- How do your target audiences receive their information? How much money and time will you need to invest in reaching them?
- If time is a constraint, what do you most need each group to do?
- How can you make it easy for each target audience to do what you want them to do?
- How can you utilize every opportunity to get your message across? T-shirts, signs and pins at rallies should promote your primary message, not your name.
- Can you do a grasstops campaign (with a focus on opinion elites) rather than a grass-roots campaign?
- Do you truly need to do a public campaign, or is it possible to move key players behind closed doors to meet your goal?

Best Practices

- Start with the positive. People respond more effectively to messages that start with a positive, shared value and then make a call to action.
- Practice consistency. You want everyone to think the number of supporters for your issue is significant. You can create this perception by ensuring that everyone who is speaking about your issue is saying the same thing—again and again.
- A few very squeaky wheels can make a lot of noise. Sometimes just a few people instead of a huge crowd can accomplish your goal. Many advocates on conservation issues provide compelling examples of how “small and devoted” activists often out-trump “large and occasional” activists.

Pitfalls

- Avoid all references to “the general public.” This is especially critical for field work. You cannot reach everyone. Being focused and deep will yield much stronger results than being broad and thin.
- An ad campaign is not the best way to mobilize all target audiences. Many people respond more positively to an “ask” from a specific person or other audience, such as their minister, their teachers or their peers. Direct, person-to-person outreach is often more effective than even the best ads. Make sure you have the human element first, and consider the ad campaign as *enhancement* of rather than a *replacement* for that effort.
- The best messenger isn't always you. Think hard about who is best able to reach your target audiences. Your audiences may listen politely to you, but be realistic about who they look to as genuine validators who can

Squeaky Wheels Get Health Care

Three groups of people get government health care under Medicare: the elderly, the disabled and people with end-stage liver disease. Why end-stage liver disease and not cancer, which affects more people? The ESLD people ran a better campaign.

persuade them that something is truly in their best interest. Is it an ally? Is it one of their peers? How will you engage that messenger?

- Web sites can be great resources and tools to support your campaign, but do not forget the human face of peers who will actually motivate people to act. Get the human messengers first, then add the tools that best support their efforts.

More Resources

Acitvation Point™

www.activationpoint.org

Spitfire Strategies conducted this research on the best practices for planning for persuasion, tailored to the unique needs of social change organizations.

Organizing for Social Change

www.midwestacademy.com/academy_manual.html

Now in its third edition, this 425-page manual covers every aspect of direct action organizing.

Communications

All the different vehicles you can use to promote your messages with the public, such as media, blogs, paid ads, Web sites, email, social networking, meetings, events, printed materials, rapid response efforts, conferences and spokespeople bureaus.

Nearly every campaign uses some traditional communications tactics. How can you decide what to use and when? Consider the following:

- What main messages do you need to get out? To whom?
- Who are the best spokespeople to get the message out?
- Which channels (such as one-on-one meetings, earned media or the World Wide Web) have the most impact with your target audiences?
- What will the opposition say, and how will you respond?
- Will you need to set up a rapid response system?

Best Practices

- Segment target audiences. The narrower the better.
- Field test different communications vehicles, and put your money behind the ones that are the most promising.
- Communications activities should hit target audiences a minimum of three times through different channels; for example, through email, in person and through media coverage.

Pitfalls

- Don't go after the general public. When you target everyone, you are targeting no one.
- Some communications vehicles offer less control over your message than others. For example, with paid ads, you control the message. With earned media, the reporter selects the message. Make your choices carefully, and have plans in place for doing damage control if needed.
- Repetition is key. If you can't afford to repeat your message, find another activity.

More Resources

Smart Chart™ 3.0

<http://www.SmartChart.org>

This interactive tool by Spitfire Strategies helps nonprofits make smart communications choices.

Andy Goodman

www.agoodmanonline.com

http://www.agoodmanonline.com/bad_ads_good_causes

Andy Goodman is a communications guru who has produced a number of publications that help nonprofits communicate more effectively, including the book *Why Bad Ads Happen to Good Causes*.

Advocacy 2.0

http://www.advocacy2.org/index.php/Main_Page

Advocacy 2.0 is a collaborative resource for activists that covers all aspects of communicating with and organizing networks of people.

Getting to the Point

<http://www.nonprofitmarketingblog.com>

Marketing expert Katya Anderson's blog helps nonprofits learn from the secrets of corporate marketing.

The Influentials: One American in Ten Tells the Other Nine How to Vote, Where to Eat, and What to Buy

Consumer behavior experts Jon Berry and Ed Keller teach you how to identify and leverage the “influencers” of your target market.

NetCentric Campaigns

<http://www.netcentriccampaigns.org/trainingcenter>

This Web site provides resources about using online content and technology to help empower progressive social change makers.

Purple Cow

Marketing expert Seth Godin’s book tells you how to transform your business by being remarkable.

Whoever Tells the Best Story Wins

Storytelling diva Annette Simmons’ book explains how to use your own stories to communicate with power and impact.

Coalitions

Other organizations and allies who support your mission, goal or objective.

Coalitions come with their share of challenges. However, they also offer the benefits of shared resources, expanded reach and a louder voice.

Think through these points as you evaluate whether a coalition is right for your campaign:

- What are the likely advantages of partnering with another organization? Possible advantages include:
 - additional resources
 - training opportunities
 - enhanced capacity
 - wider audience for your message
 - more open doors
 - more thoroughly vetted work
 - new funding opportunities
 - diminished likelihood of duplicated effort
- What are the likely disadvantages?
 - turf wars
 - mismatched risk tolerance
 - disparate views on key concepts like goal, strategy or theme
 - competing priorities
 - diluted goals
 - wasted resources

- Are you willing to subject your process of goal-vetting and strategy creation to members of the coalition?
- Is it possible to structure the partnership to maximize the coalition’s efficiency and minimize turf wars?
- Think about what the other people in the coalition want and need. What are their assumptions? What are their must-have results from this campaign? Will you need to give up anything or compromise with them so that everyone gets what they want out of the coalition?
- Can you develop a system for working with the coalition to revisit the goals, strategy or theme throughout the life of the campaign in order to manage disagreements and turf wars and keep the campaign moving forward?

Best Practices

- From the onset, communicate—consistently and frequently—your understanding of the campaign’s goal, strategy and theme, as well as who the targets of your work will be.
- Grow your coalition only as necessary to accomplish your work. Involve members early on to avoid re-opening settled discussions with the introduction of new members.
- Assign responsibilities based on the strengths of your coalition members, and maintain clear and frequent lines of communication inside the coalition. Consider investing in some labor-saving tools to keep members connected and on track.
- Collaboratively create coalition principles for the members to ratify. These principles should cover important coalition “sticking points” like majority rule versus rule by consensus, how new members are added, how any shared funds are handled and how leaders inside the coalition are identified.
- Consider building an internal set of benchmarks that shows the way to success. Assign progress reporting on these interim goals to a member of the coalition.

Pitfalls

- Despite how attractive a 100-member coalition may look on paper or to some funders, it is more helpful to manage your coalition's size relative to the tasks at hand and the different actors needed to accomplish those tasks.
- Push groups to endorse your goal and strategy from the beginning. Coalitions without a strong sense of shared purpose will often limp along and then splinter when the hard work starts. With strong shared goals from the beginning, you're ready for the heavy lifting when the time comes.
- Check in with your coalition members to make sure they feel they're getting adequate information—not too much and not too little—about the campaign's progress. Consider doing an anonymous survey of your coalition partners.
- Coalitions often lose vital time responding to crises, unplanned events or new developments around their issue. Determine an action plan for rapid response, and make sure everyone is aware of what will happen if they don't respond in a timely fashion.

More Resources

Advocacy for Impact

http://www.gii-exchange.org/web/file_upload/advocacy%20for%20impact.pdf

This site gives insights from six bold advocacy campaigns that structured and used coalitions to get results for their work in global poverty reduction and health promotion.

Continuous Progress

<http://www.continuousprogress.org>

Continuous Progress provides evaluation tools for advocacy, including guidance on coalition management and health for funders and advocates.

Institute for Sustainable Communities: Coalition Resources

http://tools.iscvt.org/advocacy/empower_the_coalition/start

The institute offers a variety of tools for empowering, managing and making the most of your coalition.

Fundraising

Often campaign goals are bigger than campaign coffers. If your budget is making it difficult to move forward with an important tactic or to reach a key target audience, you may have to prioritize. To determine whether you should fundraise—and if so, how—ask yourself the following questions:

- Can you absolutely not achieve your goals without these funds?
- Does your organization already have a fundraising apparatus you can tap?
- In your audience research, have you identified some potential angels who may help finance your efforts?
- Are there IRS restrictions that prevent you from raising funds for this campaign?

Best Practices

- Different kinds of fundraising require very different strategies. The most common “flavors” of fundraising are small gifts (usually less than \$500 or \$1000 and often much less than that), major gifts from individuals, foundation grants and corporate grants. Do a little homework and figure out which flavor best matches your organization's needs and assets.
- In any case, the best way to raise money is via peer-to-peer solicitations by other donors to your campaign. It is far easier for them to sell you than it is for you to sell yourself.
- Tell a great story. One compelling story is more persuasive by far than a long presentation full of facts and figures. When fundraising from individuals, drop the “foundation speak.” Things like your “theory of change” will make individual donors' eyes cross.
- Be prepared to answer the following questions:
 - What exactly are you going to do with the donation?
 - Why will the donation make a difference?
 - What percentage of donated funds go to program activities, as opposed to fundraising or administrative activities?
 - How will you measure success?

- Plan for a communications cycle around fundraising. Your job is not over when the donation comes in. You owe that donor a thank you message—and for some gifts, two or three thank you’s would be appropriate. Don’t expect a follow-on gift until you have reported back; that donor will want to know what you did with his or her previous donation. Donor cultivation is the key to a productive, long-term relationship.

Pitfalls

- Don’t succumb to magical thinking. Thinking that the perfect donor is going to somehow appear and pay all your bills is a common fantasy, but it’s just that. An equally common fantasy is that there is some shortcut to replace the hard work and long hours it takes to raise money. Technology companies have made a lot of money fueling this fantasy, so be watchful in picking your fundraising means.
- Materials should not contain too many facts and not enough emotion. Fundraising, especially from individuals, is about vision, passion and emotion. Sure, you need to be persuasive and make your case, but the facts and figures should be brought to life through flesh and blood stories.

- Don’t get impatient. Raising money takes time. Often a major donor will only give after the eighth or ninth time you have communicated with him or her. It might take a year. And you never make the ask on the first visit.
- Be sure to make the ask, when it is time. Don’t use weasel language like “support us” or vaguely indicate how more donations would help. Make it clear you are looking for a “DONATION” or a “GIFT.” Give the donor prospect an idea of how much you are looking for. Being shy or vague when it is time to ask may doom your prospects.

More Resources

Fundraising 1, 2, 3

<http://www.fundraising123.org/>

Network for Good provides this learning center for fundraising.

DonorPower blog

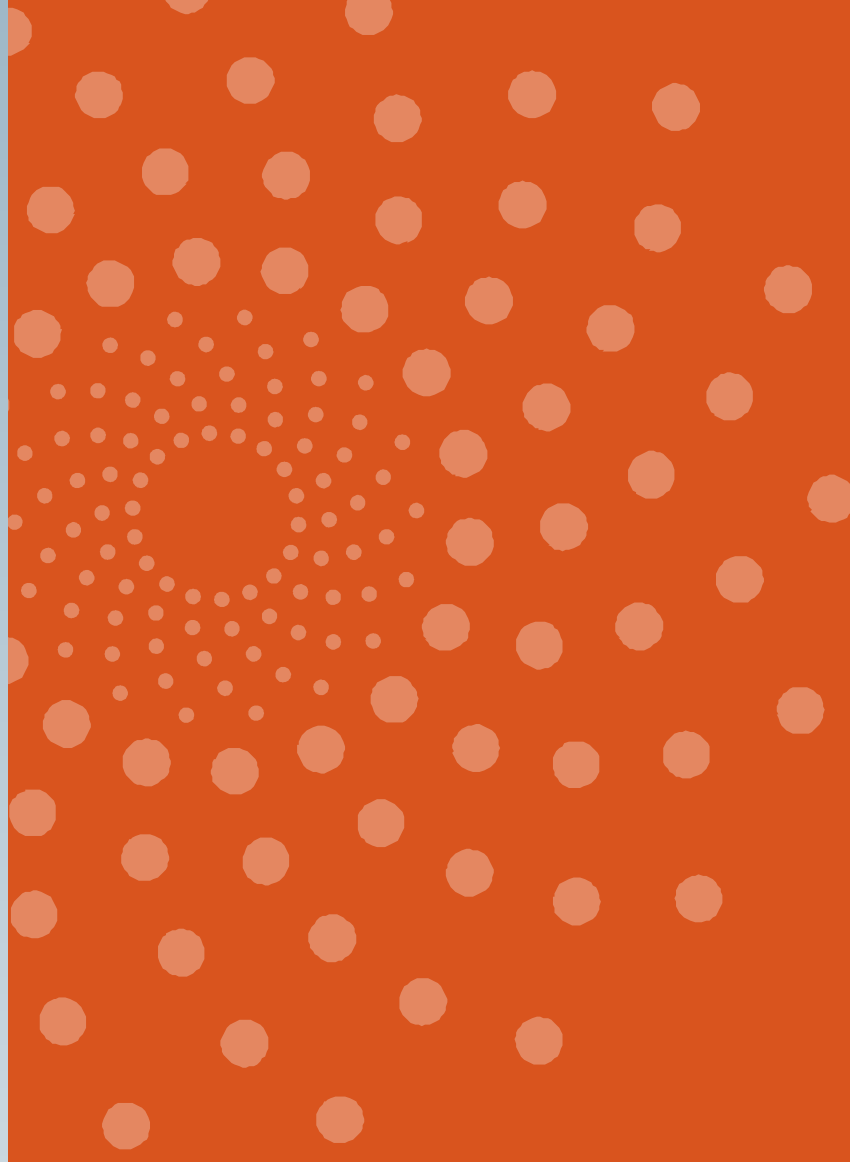
<http://www.donorpowerblog.com/>

Blogger Jeff Brooks provides fundraising advice from the donor’s perspective.

Fundraising Success Magazine

<http://www.fundraisingsuccessmag.com>

This monthly magazine is chock full of fundraising strategies and expert advice.



www.justenoughplanning.org

Communications Leadership Institute
www.communicationsleadership.org

Spitfire Strategies
www.spitfirestrategies.com

GIS Mapping and Visualization Resources

New York Times: Mapping America -

<http://projects.nytimes.com/census/2010/explorer>

Simple but compelling demographic maps based on recent American Community Survey data from the United States Census Bureau.

Policy Map - <http://www.policymap.com>

Collects data from a wide variety of sources. For a fee, you can upload and map your own data.

Social Explorer - <http://www.socialexplorer.com>

Simple, easy-to-use site for mapping basic census data.

WEAVE - <http://www.oicweave.org>

A web-based visualization platform designed to enable visualization of any available data by anyone for any purpose. Developed by the University of Massachusetts Lowell in partnership with the Open Indicators Consortium, a fifteen member national collaborative of public and nonprofit organizations working to improve access to more and higher quality data.

Stats America - <http://www.statsamerica.org>

STATS America is a service of the Indiana Business Research Center at Indiana University's Kelley School of Business. They obtain thousands of data items from hundreds of data sets from dozens of federal and state sources, along with some commercial or private source data. Offers States in Profile, USA Counties in Profile, and USA Counties and Metros Side-by-Side to compare any U.S. county or metro to another county, metro, micro, state or the nation. A Linked Ranks feature allows users to easily locate states or counties that are similar or dissimilar.

American Factfinder - <http://factfinder2.census.gov>

The U.S. Census Bureau developed the American FactFinder web site as its primary vehicle for distributing Census data. In addition to searching and downloading data, it also allows you to create a map of any Census data point and save the map as PDF.

MapTogether - www.maptogether.org

The MapTogether project provides free map-related training and tools for community and nonprofit groups around the world. Resources include software, data sets, online mapping services, documentation, and training resources. In addition, geographers provide free in-person "community mapping clinics" in cities across the United States and Canada.

The Illustrated Guide to Nonprofit GIS and Online Mapping -

<http://maptogether.org/nonprofit-mapping>

From MapTogether, a good how-to guide for nonprofits to get started on mapping projects.

A Consumer's Guide To Low-Cost Data Visualization

Tools<http://idealware.org/reports/consumers-guide-low-cost-data-visualization-tools>

From Idealware, a nonprofit that provides impartial and accessible resources about software.

Azavea and Summer of Maps - <http://www.azavea.com/a/summer-of-maps>

Summer of Maps is a program that offers stipends to student GIS analysts to perform geospatial data analysis for non-profit organizations.

Maps for Change - <https://sites.google.com/site/mapsforchange/home>

Maps for Change is an organization dedicated to empowering people with GIS skills to be practitioners and volunteers by bringing people with GIS skills and NGOs together.

LegalStat web application (forthcoming in 2013)

With an LSC TIG grant, Philadelphia Legal Assistance is developing a web-based application that will allow programs to upload case information and analyze it along with Census data. The application will generate interactive maps that can be viewed in Google Maps.

Technical Resources and Software

- **Quantum GIS** (free, user-friendly open-source GIS application) -<http://www.qgis.org/>
- **GRASS GIS** (free, powerful open-source GIS application) -<http://grass.fbk.eu/>
- **ArcGIS**– sophisticated GIS application software, available at a discount through TechSoup to eligible organizations: <http://home.techsoup.org/stock/pages/product.aspx?id=G-43056>
- **ArcGIS Explorer Desktop** - a free GIS viewer that gives you an easy way to explore, visualize, and share GIS information:<http://www.esri.com/software/arcgis/explorer>
- **Census Bureau** boundary files (census tracts, county subdivisions, zip code boundaries, etc.): <http://www.census.gov/geo/www/tiger/tgrshp2011/tgrshp2011.html>
- **Census Bureau** demographic data: <http://factfinder2.census.gov/main.html>
- **SmartyStreets** (address clean-up and geolocation) <http://smartystreets.com/> (friendly toward non-profits)
- **Google Mapping Tools**- includes Google Earth, Google Maps API, Spreadsheet Mapper, Google Sketch-Up, Custom Maps for Google Maps, and Google Map Maker: www.google.com/earth/outreach/tools
- **Google Earth Pro** – available to eligible nonprofits from the **Google for Nonprofits** program at: <http://www.google.com/nonprofits>
- **Google Public Data Directory**- provides a data visualization platform for organizations to utilize and use themselves: <http://www.google.com/publicdata/directory>

- **D3 – Data Driven Documents** - a JavaScript visualization library for HTML and SVG:<http://d3js.org>
- **GeoCommons** - the public community of GeolQ users who are building an open repository of data and maps for the world: <http://geocommons.com>
- **Tableau Public** - Free data visualization software:
<http://www.tableausoftware.com/public/community>

APPENDIX 3

Case Matter Acceptance and Screening - samples



TOOLKIT

Strategic Advocacy for Lasting Results (SALR)

MARYLAND LEGAL AID
CASE AND MATTER ACCEPTANCE GUIDELINES
Revised 2009

I. RESPONSIBILITY FOR ACCEPTING CASES¹ AND MATTERS²

Chief, supervising attorneys, and the Director of Advocacy have the responsibility for applying these case and matter acceptance guidelines to determine whether a particular case or matter shall be accepted in their office or unit. The demand for legal services frequently may exceed the ability of an office or unit to provide desired assistance. Therefore, the responsible chief or supervisor must determine how best to allocate limited resources effectively and efficiently. Allocation of resources should be consistent with office or unit plans to achieve long-lasting, social change for low-income individuals, families, and communities. Because the capacity to affect the needs of low-income individuals, families, and communities may vary across the state at different times, a request for assistance to one office or unit may be granted, while the same request to another office or unit at the same time may not be granted.

II. CASES AND MATTERS WITH A POTENTIAL FOR GROUP IMPACT

For litigation strategies, non-litigation strategies, such as community outreach and policy work, and the pursuit of grants and contracts, offices shall give a priority to accepting cases and matters that affect a group, are requested by a group, or involve creating a group, and which fall within the criteria and table set forth below. The representation of individuals is not precluded and is important as part of a strategy to achieve long-lasting, social change for low-income individuals, families, and communities.

¹ A case is “a form of program service in which an attorney or paralegal of a recipient provides legal services to one or more specific clients, including, without limitation, providing representation in litigation, administrative proceedings, and negotiations, and such actions as advice, providing brief services and transactional assistance, and assistance with individual Private Attorney Involvement (PAI) cases.” 45 CFR 1620.2(a).

² A matter is “an action which contributes to the overall delivery of program services but does not involve direct legal advice to or legal representation of one or more specific clients. Examples of matters include both direct services, such as community education presentations, operating *pro se* clinics, providing information about the availability of legal assistance, and developing written materials explaining legal rights and responsibilities; and indirect services, such as training, continuing legal education, general supervision of program services, preparing and disseminating desk manuals, PAI recruitment, intake when no case is undertaken, and tracking substantive law developments.” 45 CFR 1620.2(b).

III. GENERAL ACCEPTANCE CRITERIA

Maryland Legal Aid shall accept cases and matters for representation only if

- a. A chief or supervising attorney determines that the case or matter has legal merit and a reasonable likelihood of achieving tangible results;
- b. The case or matter is at a stage in the proceedings and in a forum where legal representation is advisable and the client is not reasonably able to represent him or herself;
- c. Taking the case or matter would not present an ethical conflict, personnel are available, and the case or matter is not prohibited by LSC regulations; and
- d. *Pro bono* or other no-cost providers are not available to provide the desired service to the applicant adequately.

IV. SPECIAL CONTRACTS

These case and matter acceptance guidelines apply to LSC, MLSC, and other general-funded services and **do not apply to special contracts or grants**, to the extent not prohibited by LSC regulations.

V. ADVICE, BRIEF SERVICE, AND REFERRALS

To further the priorities adopted by the Maryland Legal Aid Board of Directors, advice, referral, or *pro se* assistance can be provided in consumer, education, elder, employment, family, health care, housing, individual rights, public benefits, and migrant farmworker cases and matters.

SUBJECT AREA	CASE AND MATTER ACCEPTANCE GUIDELINES
Housing	<ol style="list-style-type: none">1. Housing cases and matters that preserve or expand housing that is affordable, habitable, accessible, secure of tenure, adequately located, culturally adequate, and accessible to necessary services and infrastructure.2. Housing matters that help establish the human right to housing.3. Housing cases and matters that affect a group, are requested by a group, or involve the creation of a group.
Employment	<ol style="list-style-type: none">1. Employment cases and matters that affect a group, are requested by a group, or involve the creation of a group

	<p>that establish, defend, or further</p> <ul style="list-style-type: none"> • the right to work (including removal of work barriers); • the right to just and favorable conditions of work and to protection against unemployment; • the right to just remuneration that ensures for the worker and the worker's family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection; and • the right to organize for the protection of worker interests. <p>2. Employment cases and matters that are part of a strategy to create or facilitate relationships with other advocates, groups, or organizations working to establish, defend, or further the above rights.</p>
<p>Health Care and Public Benefits</p>	<p>Health care and public benefits cases and matters that establish, defend, or ensure</p> <ol style="list-style-type: none"> 1. the right to security in the event of unemployment, sickness, disability, old age, or other lack of livelihood in circumstances beyond the client's control; 2. the right to adequate food; 3. the right to the enjoyment of the highest attainable standard of physical and mental health; 4. the right to facilities for the treatment of illnesses and rehabilitation; 5. the right to access to necessary health care services or medical assistance; and 6. the right to necessary health care, income, and food assistance delivered in a manner consistent with an individual's dignity and free development of personality.
<p>Family Law</p>	<p>Family law cases and matters that involve</p> <ol style="list-style-type: none"> 1. custody where child is at risk of abuse or neglect, the actual removal of a child, or lawsuit filed against a fit, sole, long-term custodian; 2. protection from domestic violence; 3. spousal support where household is not eligible for subsistence income; and 4. a strategy to create a right to counsel or access to other fair and affordable resolution of family law cases and matters.
<p>Children</p>	<p>Cases and matters affecting children and youth</p> <ol style="list-style-type: none"> 1. that are covered by the CINA contract; 2. that ensure that transition-age youth are fully prepared to live an independent life in society; and 3. that ensure that children and youth in state-supervised care are able to attain the highest standard of health and are provided appropriate and effective services to






recover from the physical and psychological effects of abuse, neglect, and other forms of maltreatment.

Consumer	<p>Consumer cases and matters that</p> <ol style="list-style-type: none"> 1. alleviate a serious threat to housing security, preserve utilities, or avoid financial loss that is, or would become, a barrier to housing or employment, and 2. further a strategy to achieve economic justice.
Education	<p>Cases and matters that</p> <ol style="list-style-type: none"> 1. affect children in out-of-home care; 2. ensure that children are allowed to enroll and remain in school; 3. ensure that homeless children and youth receive a free and appropriate education; and 4. further a child's independent right to education and special education.
Migrant Farmworker Program	<p>Cases and matters that involve</p> <ol style="list-style-type: none"> 1. compliance with federal and state employment standards; 2. workplace safety, pesticide exposure, housing conditions, and transportation safety; 3. employment discrimination including discrimination based upon migrant status; 4. access to visitors in homes; 5. statutory exclusions of migrant and/or seasonal farmworkers; and 6. other areas consistent with case and matter acceptance guidelines, if related to migrancy.
Strong Communities	<p>Cases and matters that involve circumstances and/or acts which impede the full realization of a community's right to</p> <ol style="list-style-type: none"> 1. participate in, contribute to, and enjoy economic and social development; 2. self-determination; and 3. equality of opportunity in access to basic resources, education, health services, food, housing, employment, security, and the fair distribution of income.

Montana Legal Services Association

Case Acceptance Guidelines

The rows have been color coded to help make it easier to understand what level of service is available for different legal issues.

-  Referral ONLY
-  Advice and/or Resource Letter and Referral to On-line and/or Pro Bono Resources
-  May get Extended Representation
-  Non-family law cases involving Domestic Violence should be referred to the DV Unit. (For example, a foreclosure cases where client has OOP against adverse should be referred to DV Unit)
-  NOTE: If mediation is part of one of the problems below – mediations are referred to August for review

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
Consumer Issues			
01	Bankruptcy – Chapter 7	Wages or other property to protect Pro Se Assistance	- Screen for eligibility - Change Case Status to FYOB project
01	Bankruptcy – Chapter 7	NO wages or other property to protect Referral Only	Refer to on-line resources, Modest Means, Lawyer Referral Service
01	Bankruptcy – Chapter 13	Referral Only	Refer to Lawyer Referral Service
02	Collection lawsuit	Not collection proof - May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
02	Collection lawsuit	Collection proof - Referral Only	Refer to on-line resources for Answer
06	Undisputed debt (i.e., loans, student loans)	Referral Only	Refer to on-line and pro se resources

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
06	Disputed debt (i.e., loans, student loans)	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
04	Collection harassment	Applicant's 1 st call - Pro Se Assistance	<ul style="list-style-type: none"> - Send 1692 packet
04	Collection harassment	Applicant calls back and 1692 packet didn't help – May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
09	Bank Changes/Fees (Outrageous fees)	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
02	Repossession (including remote disabling of vehicles)	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
02	Garnishment/Levy	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
03	Contracts/Warranties (includes rent-to-own and service contracts)	Dispute over \$500 May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
03	Contracts/Warranties (includes rent-to-own and service contracts)	Dispute under \$500 Referral Only	Refer to on-line and pro se resources
09	Automobile Repair Issues	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
05	Internet PayDay Loans	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
08	Unfair and Deceptive Sales Practices	Dispute over \$500 May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
08	Unfair and Deceptive Sales Practices	Dispute under \$500 Referral Only	<ul style="list-style-type: none"> - Refer to on-line and pro se resources - Refer to small claims
07	Utility Shutoffs not by the Landlord	Non-payment of bill Advice appointment only	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
07	Utility Shutoffs not by the Landlord	All other Utility Shutoff Issues May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63	Utility Shutoff by Landlord	See Housing	
07	Other Utility Issues	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
09	Credit Report Issues (incl. error on credit report, identity theft)	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
09	Other Credit Issues (i.e., discrimination in sales or credit; credit card billing problems)	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
02	Mobile Home Purchases (generally falls under repossession)	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
Housing			
63 or 61 or 62	Housing Action in Court	Advice, may get extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Schedule advice appointment - Possible Emergency referral to Beth (depending on the hearing time frame)
63	Private LL/T Eviction	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63	Private LL/T Eviction – 3 day notice received	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
61	Federally Subsidized Housing	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
67	Foreclosure	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: FAP Awaiting Callback #1 or 2 - Assign to Triage Attorney
68	Mortgage – Predatory Lending Practices	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63 or 61	Lockouts	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63	Return of security deposit	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63	Utility Shutoff by Landlord	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
63	Repairs and Habitability issues (private housing)	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
66	Fair Housing Issues	Referral and review	<ul style="list-style-type: none"> - Screen for eligibility - Read Advice Script <ul style="list-style-type: none"> - Refer to MT Fair Housing and HRB - tell caller only 180 days from the date of discrimination to make complaint; - mark pending case meeting
62 or 63	Rent-to-Own with housing <ul style="list-style-type: none"> • Oral rent to own agreement, nothing in writing (LPC 63) • Contract for deed (LPC 62) 	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63	Housing cases with outrageous fees	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63	Post judgment issues	May get advice and/or extended service or referral to pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark Case Status: Triage Referral - Assign to Triage Attorney
63 or 69	General problems with neighbors or landlords	Referral ONLY	Refer to on-line resources
Domestic Violence (cases involving DV)			
31 or 32	Court actions (cases filed in court)	Advice; may get extended representation or possible pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting - Deadline within a few days, email Ariane
31 or 32 or 37	DV Immigrant (family law issues only)	DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting - Hearing or deadline is within a few days, email Ariane

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
37	Order of Protection ONLY	Adverse party has an attorney DV Unit to Review; possible extended representation or pro bono referral OR In Tribal Court (Adverse may or may not have an attorney) Adverse does not have an attorney Referral ONLY If in Tribal Court – see above	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting - Hearing is within a few days, email Ariane <ul style="list-style-type: none"> - Refer to legal advocate or shelter advocate in their local area
37	Order of Protection ONLY (proposed – delay decision until DV Unit and Alison have opportunity to discuss)		
32	Divorce/Legal Separation/Annulment (no kids)	Low functioning or Elderly DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
32	Divorce/Legal Separation/Annulment (no kids)	All others Referral to on-line and pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Mark pro bono referral if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
31	Parenting action (non-married or 3 rd party); Divorce/Legal Separation (w/kids)	Lack of safety (include examples) with kids and physical violence or threats of child snatching or severe harm; adverse in prison to be released in next 6 mos. DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
31	Parenting action (non-married or 3 rd party); Divorce/Legal Separation (w/kids)	Adverse is in prison or applicant doesn't know where adverse is Advice letter; referral to on-line resources and possible pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Send advice letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
37 or 31	Same-sex family law cases	DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
31	Modifications	Lack of safety (include examples) with kids and physical violence or threats of child snatching or severe harm; DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
31	Modifications	Adverse is in prison or applicant doesn't know where adverse is Advice letter; referral to on-line resources and possible pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Send advice letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
34	Name change (Adult)	Advice letter; referral to on-line resources and possible pro bono resources	<ul style="list-style-type: none"> - Screen for eligibility - Send advice letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
34	Name change (Minor)	Lack of safety (include examples) DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
31	DV survivor who is being challenged by 3 rd party guardian (right to parent)	DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
31	DV survivor who is dealing with grandparent visitation	DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
30	DV survivor fighting 3 rd party adoption attempt	DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting

Problem Code	Specific Issue	Level of Services Provided	What Intake staff should do
38	Child support ONLY	DV Unit to review; possible extended representation or pro bono referral	<ul style="list-style-type: none"> - Screen for eligibility - Mark pending case meeting
38	Alimony/spousal support	Referral ONLY	<ul style="list-style-type: none"> - Refer to Lawyer Referral Service

Family Law Issue (no DV)			
32	Dissolution of marriage/annulment/legal separation	Resource letter and referral to on-line resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
31	Parenting actions (including threats of child snatching; UCCJEA or complex jurisdictional or venue issues)	Resource letter and referral to on-line resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
31	3 rd party parenting actions	Resource letter and referral to on-line resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
31	Modifications	Resource letter and referral to on-line resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS

31	Enforcement of parenting plan	Resource letter and referral to on-line resources	<ul style="list-style-type: none"> Is Pro Bono Available? - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
31	Grandparent visitation	Resource letter and referral to on-line resources	<ul style="list-style-type: none"> Is Pro Bono Available? - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
38	Child support	Referral ONLY	- Refer to CSED
38	Alimony/spousal support	Referral ONLY	- Refer to Lawyer Referral Service
30	Adoption	Resource letter and referral to on-line resources	<ul style="list-style-type: none"> Is Pro Bono Available? - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
35	Termination of Parental Rights	Dependency Neglect Cases (Termination of parental rights by the State)	- See Juvenile below (Dependency Neglect)
35	Termination of Parental Rights	Other parental rights termination Referral ONLY	<ul style="list-style-type: none"> Is Pro Bono Available? - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS

44	Guardianship of Minor (Power of Attorney for child (education, medical))	Resource letter; Referral to on-line resources and possible pro bono resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
33	Guardianship of Adult	Referral to on-line resources and possible pro bono resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
32	Dissolution – post decree issues		
36	Paternity	Resource letter and referral to on-line resources possible pro bono resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS - Refer to court for court appointment attorney
34	Name Change	Resource letter and referral to on-line resources possible pro bono resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
39 or 31	Same-sex partnerships	Resource letter and referral to on-line resources possible pro bono resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS

Juvenile			
43	Emancipation	Resource letter and referral to on-line resources possible pro bono resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
42	Dependency Neglect (parental rights termination by the State)	Resource letter and referral to public defender	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
44	Guardianship of Minor (Power of Attorney for child (education, medical))	Resource letter; Referral to on-line resources and possible pro bono resources	<p>Is Pro Bono Available?</p> <ul style="list-style-type: none"> - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
Public Benefits			
75 or 74 or 72	Social Security (seeking benefits) - SSI (75) - SSDI (74) - SS Retirement (72)	Referral ONLY	Refer to appropriate resources (see list)
75 or 74 or 72	Social Security (cutoff/ reviews/cessation/ overpayment) - SSI (75) - SSDI (74) - SS Retirement (72)	Referral ONLY	<ul style="list-style-type: none"> - Recommend the applicant contact the person who helped them get their benefits. If that person won't help, call MLSA back. - If no one helped or it was MLSA who helped, refer to pro bono resources where appropriate.

71	TANF (Temporary Aid for Needy Families)	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Refer to Bob LaRoche & Jessica Millward
73	SNAP (Supplemental Nutrition Assistance Program)	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Refer to Bob LaRoche & Jessica Millward
51	Medicaid	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Refer to Bob LaRoche & Jessica Millward
77	Veteran's Benefits	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Refer to Bob LaRoche & Jessica Millward
78	Worker's Comp	Referral ONLY	Refer to Lawyer Referral Service and Yellow Pages
76	Unemployment Compensation	If DV related (fired relating to DV situation) May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Refer to Jan Berry
76	Unemployment Compensation	At Administrative Level or District Court Level AND employer has an attorney May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Refer to Bob LaRoche & Jessica Millward
76	Unemployment Compensation	All other U/E cases Referral ONLY	Refer to Job Service and On-Line resources
Employment Law			
25	Wrongful Termination	Resource letter and Referral	- Screen for eligibility - Tell caller that he/she must follow employers grievance procedure and send letter immediately - Send Resource letter - Refer to Lawyer Referral Service
76	Unemployment Compensation	See public benefits above	

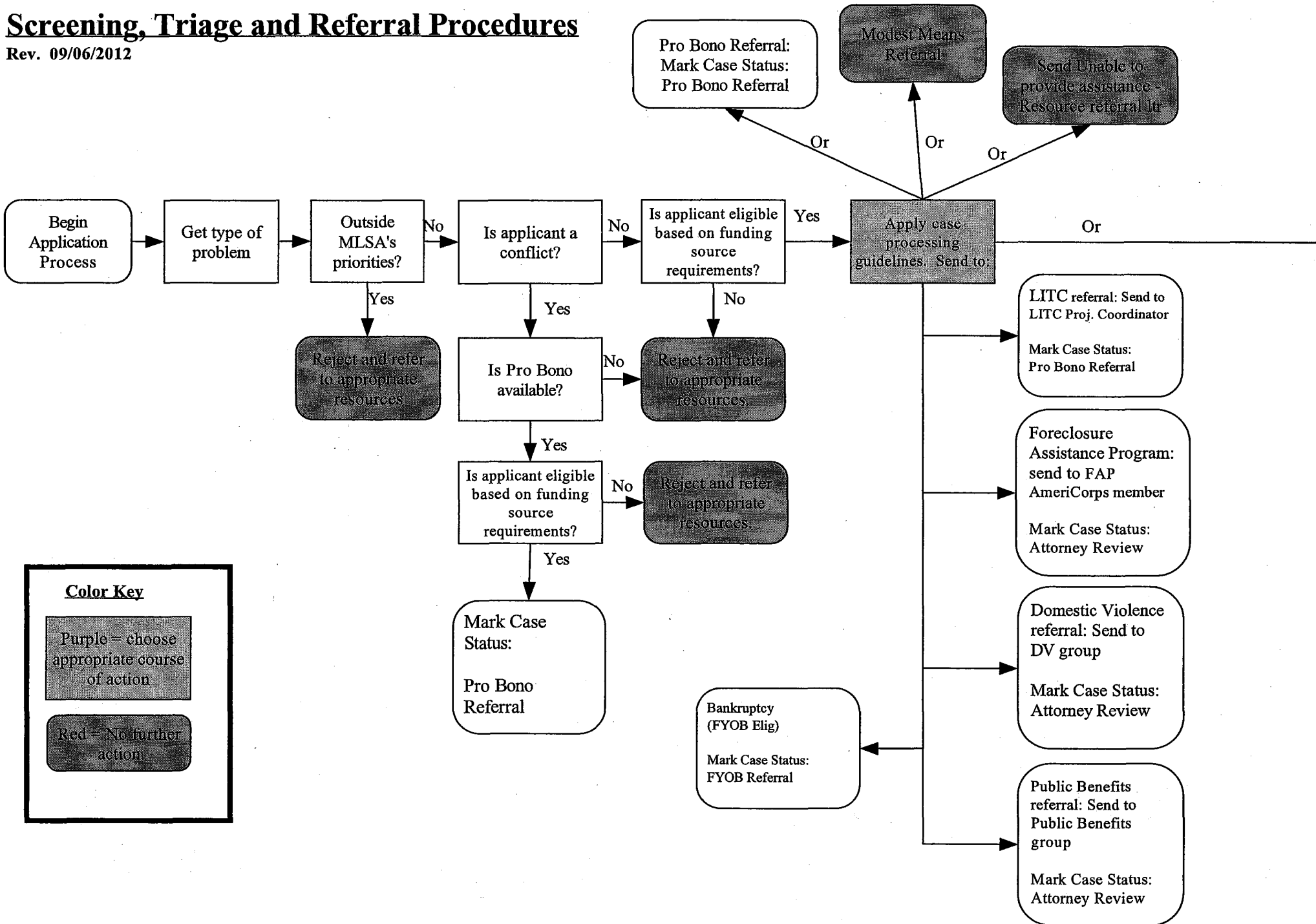
22	Wage Claims	If appealed to District Court May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Mark Case Status: Triage Referral
22	Wage Claims	Otherwise Referral only	Refer to Wage & Hour Unit
23	EITC (Earned Income Tax Credit)	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Mark Case Status: LITC Referral
24	Employment Taxes (Not EITC)	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Mark Case Status: LITC Referral
24	Federal Employment Tax Disputes	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Mark Case Status: LITC Referral
24	State Employment Tax Dispute	Referral ONLY	Refer to MT Department of Revenue website
21	Employment Discrimination	Referral ONLY	Refer to Human Rights Bureau
25	Employees Rights	Referral ONLY	Refer to Human Rights Bureau
Miscellaneous			
95	Wills	Indian Wills	???
95	Wills	All Other Wills Resource letter and Referral to pro bono and pro se resources	Is Pro Bono Available? - Screen for eligibility - Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS

95	Probate	Resource letter and Referral to pro bono and pro se resources	Is Pro Bono Available? - Screen for eligibility Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
96	Advance Directive/Power of Attorney (POA)	Resource letter and Referral to pro bono and pro se resources	Is Pro Bono Available? - Screen for eligibility Send Resource letter - Mark pending case meeting (for review for pro bono referral) if in an area with an organized pro bono program that handles this type of case - Refer to SHLC/KIOSKS
99	Federal Tax Disputes (not employment related)	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Mark Case Status: LITC Referral
29 or 79	Expungement/Sealing of Public Records	May get advice and/or extended service or referral to pro bono resources	- Screen for eligibility - Mark Case Status: Triage Referral
81	Immigration/Human Trafficking (non-DV)	Referral ONLY	Refer to Lawyer Referral, Private Attorney
86	Human Trafficking (non-DV)	Referral ONLY	Refer to Lawyer Referral, Private Attorney or County Attorney
Education			
13	Special Education Learning Disabilities Advocacy	Referral ONLY	Refer to Lawyer Referral, Private Attorney
12	Discipline	Referral ONLY	Refer to Lawyer Referral, Private Attorney
	McKinney-Vento Advocacy	Referral ONLY	Refer to Lawyer Referral, Private Attorney
16	Student Financial Aid	Referral ONLY	Refer to Lawyer Referral, Private Attorney
15	Vocational Education	Referral ONLY	Refer to Lawyer Referral, Private Attorney
14	Access (including bilingual, residency, testing)	Referral ONLY	Refer to Lawyer Referral, Private Attorney

Health			
	Nursing Home	Referral ONLY	Refer to Lawyer Referral, Private Attorney
	Medicare	Referral ONLY	Refer to Lawyer Referral, Private Attorney
	Medicaid	See public benefits above	
	Children's Health Insurance Program (CHIP)	Referral ONLY	Refer to Lawyer Referral, Private Attorney
	Nursing Home issues/ Long term health care facilities	Referral ONLY	Refer to Lawyer Referral, Private Attorney
Tribal Law			
92	Criminal	Crow or Northern Cheyenne	Ask eligibility information Mark: Atty Review Set task for Joe Hardgrave/Mike Eakin
92	Criminal	Other Reservations	Refer to Tribal Court to ask for a public defender or lawyer referral
	See problem codes above if issue is not Criminal	Referral ONLY	Refer to Lawyer Referral, Private Attorney
95	Indian Wills	Referral ONLY	Refer to Lawyer Referral, Private Attorney

Screening, Triage and Referral Procedures

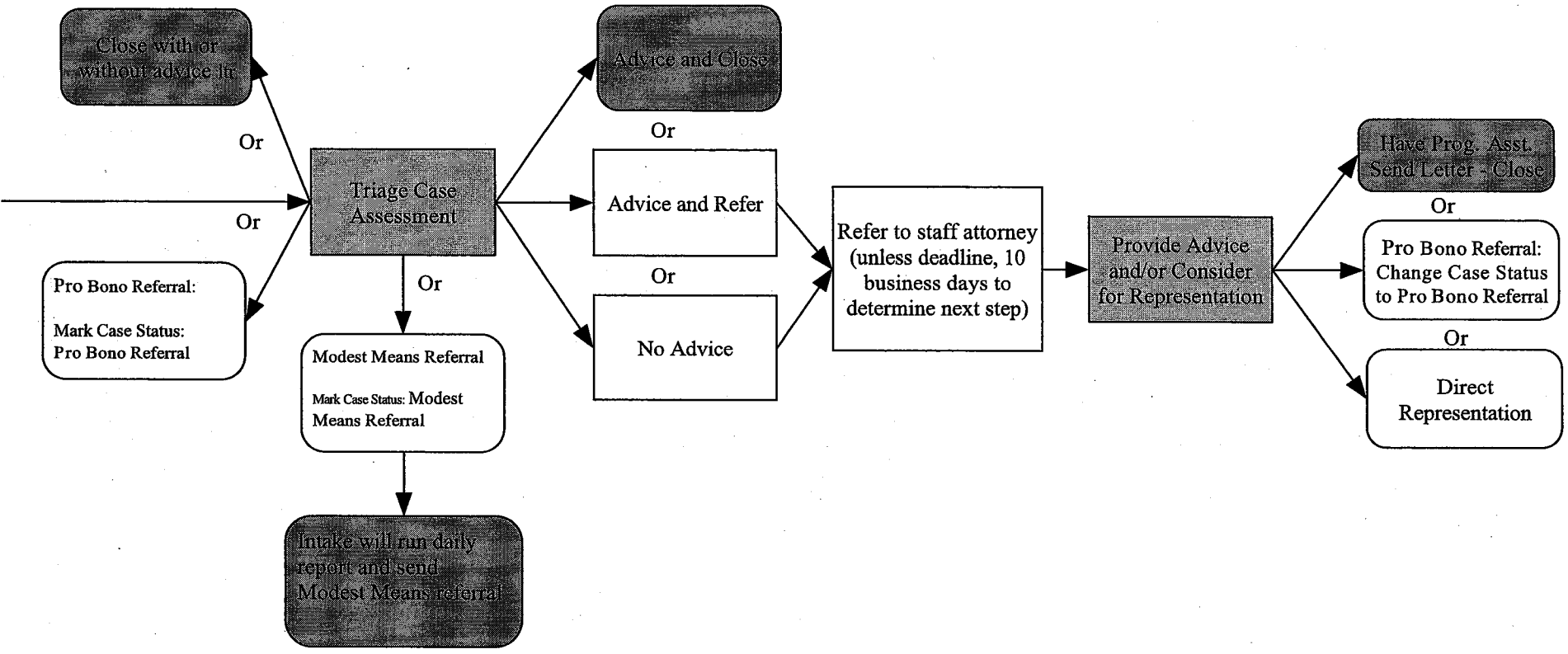
Rev. 09/06/2012



Color Key

Purple = choose appropriate course of action

Red = No further action



Case Prioritization Tool

Client Name: _____ Case Number: _____

Steps that have already been taken in this case (check all that apply):

- Intake Additional Fact Investigation Legal Research
 Advice Appointment Settlement Negotiations Litigation filed Court decision

1. What are the client's achievable fact-specific goals? (Brief description)

2. Nature of client's achievable goal(s) (check all that apply):

- Stop the adverse party's illegal conduct Recover money or property that was lost or taken
 Avoid paying money or handing over property Maintain services or a benefit
 Achieve stability (e.g., family law in DV case or bankruptcy) Correct an error (e.g., credit reports)
 Other (describe): _____

3. Effect of the case on the client

- Directly affects basic needs, meaning the issue threatens the person's access to adequate food, housing, health care, and/or physical safety.
 Indirectly affects basic needs, including but not limited to the person's legal rights to employment, transportation, education, major assets, income streams (including issues pertaining to garnishment, public benefits, child support/spousal maintenance), and freedom from violence that does not rise to the level of a direct threat to physical safety as set forth in the first option.
 Affects the client's legal rights, but the client's basic needs/survival are not in jeopardy.

4. At this point, and realizing things could change, do you believe the case is:

- Relatively simple Relatively complex

5. If the case is simple, does the client seem to be :

- reasonably capable of following through on instructions and otherwise performing case activities, such that the level of services should be limited so the client can do most of the case activities alone?
 having difficulties or challenges, such that you would provide a higher level of services than normal to assist this client (assuming resources are available)?
 other: _____

Notes: _____

6. If the case is complex, does the client seem to be:

- so capable that he or she can handle the case alone?
- reasonably capable of following through on instructions and otherwise able to assist you with litigation or other case-related activities (such as recounting facts, providing paperwork, etc.)?
- having difficulties or personal characteristics that would make litigation and other case-related activities unlikely to succeed (such that you would not provide a higher level of services)?
- other: _____

Notes: _____

Likelihood of Success

7. Given the case facts, the procedural posture, your "read" of the client's ability and willingness to follow through, applicable laws, the court or tribunal likely to hear the case, and any other pertinent factors, how likely is this case to be successful in achieving the client's goals?

- Highly likely (75% or more) More likely than not (more than 50%) exactly "50-50"
- Not very likely (25-50%) Highly unlikely (0-25%)

Notes: _____

Potential Broad-Based Advocacy Implications

8. Is this a situation that many low-income Montanans face (as opposed to a "quirky" situation)?

Yes No

8.5 *Is this a defendant a repeat offender?*

9. Is there a reasonably strong argument to challenge a harmful administrative rule, either on its face or as applied, as exceeding the scope of authority delegated by statute (or for any other reason)?

Yes No

If Yes, describe: _____

10. Is there a reasonably strong federal or state constitutional challenge to a statute or rule, either on its face or as applied?

Yes No

If Yes, describe: _____

11. Is there a line of cases that is ambiguous, or which includes positive language that could be enhanced/expanded, or which includes negative language for which there is a strong argument that it should be overruled?

Yes No

If Yes, describe: _____

12. Is this the "right" client, fact pattern, court, timing to bring this issue up? What, if any, risk is there that bringing this issue up will do more harm than good (meaning, for example, that you might get a Montana Supreme Court opinion going the opposite way of what you want)?

Describe: _____

13. Whether or not the answers above suggest an impact litigation strategy, does this case demonstrate a need for greater community education, outreach, or another non-litigation approach?

Yes No

If Yes, describe: _____

14. Overall, in light of your answers above, is this a potential broad-based advocacy case?

Yes No

15. Overall, in light of whether this case affects the client's basic needs, is likely to be successful, and is a potential broad-based advocacy case, what level of services do you believe is appropriate at this time (realizing it could change as the case progresses)?

- Advice letter only Advice call Brief services (help filling out a form)
 Referral to a SHLC Referral to another organization (NeighborWorks, a DV shelter, etc.)
 Pro bono services (assuming availability in the geographic area)
 Full representation or other extended services Other

Notes: _____

Montana Legal Services Association
Case Prioritization Tool DRAFT

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Steps that have already been taken in this case (check all that apply):

- Intake Additional Fact Investigation Legal Research
 Advice Appointment Settlement Negotiations Litigation filed Court decision

1. What are the client's achievable fact-specific goals? (Brief description)

2. Nature of client's achievable goal(s) (check all that apply):

- Stop the adverse party's illegal conduct Recover money or property that was lost or taken
 Avoid paying money or handing over property Maintain services or a benefit
 Achieve stability (e.g., family law in DV case or bankruptcy) Correct an error (e.g., credit reports)
 Other (describe): _____

3. Effect of the case on the client

- Directly affects basic needs, meaning the issue threatens the person's access to adequate food, housing, health care, and/or physical safety.
- Indirectly affects basic needs, including but not limited to the person's legal rights to employment, transportation, education, major assets, income streams (including issues pertaining to garnishment, public benefits, child support/spousal maintenance), and freedom from violence that does not rise to the level of a direct threat to physical safety as set forth in the first option.
- Affects the client's legal rights, but the client's basic needs/survival are not in jeopardy.

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- other: _____

Notes: _____

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other: _____

Notes: _____

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7. Given the case facts, the procedural posture, your "read" of the client's ability and willingness to follow through, applicable laws, the court or tribunal likely to hear the case, and any other pertinent factors, how likely is this case to be successful in achieving the client's goals?

Highly likely (75% or more) More likely than not (more than 50%) exactly "50-50"

Not very likely (25-50%) Highly unlikely (0-25%)

Notes: _____

Potential Broad-Based Advocacy Implications

8. Is this a situation that many low-income Montanans face (as opposed to a "quirky" situation)?

Yes No

9. Is there a reasonably strong argument to challenge a harmful administrative rule, either on its face or as applied, as exceeding the scope of authority delegated by statute (or for any other reason)?

Yes No

If Yes, describe: _____

10. Is there a reasonably strong federal or state constitutional challenge to a statute or rule, either on its face or as applied?

Yes No

If Yes, describe: _____

11. Is there a line of cases that is ambiguous, or which includes positive language that could be enhanced/expanded, or which includes negative language for which there is a strong argument that it should be overruled?

Yes No

If Yes, describe: _____

12. Is this the "right" client, fact pattern, court, timing to bring this issue up? What, if any, risk is there that bringing this issue up will do more harm than good (meaning, for example, that you might get a Montana Supreme Court opinion going the opposite way of what you want)?

Describe: _____

13. Whether or not the answers above suggest an impact litigation strategy, does this case demonstrate a need for greater community education, outreach, or another non-litigation approach?

Yes No

If Yes, describe: _____

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- Advice letter only Advice call Brief services (help filling out a form)
 Referral to a SHLC Referral to another organization (NeighborWorks, a DV shelter, etc.)
 Pro bono services (assuming availability in the geographic area)
 Full representation or other extended services Other

Notes: _____

Education Case Screening

Potential Client: _____

At Intake: Are there exclusionary factors?

- Over Income (and not in foster care or court appointed counsel) → Lawyer Referral Service.
- Outside of Service Area → Advise and refer.
- Conflict → Reject.

If case is rejected, create greensheet, and send closing letter and advice-only client survey, if appropriate.

At Intake Review:

1. Is it in one of the following substantive areas?

- Student Discipline
- Special Education
- Enrollment/Access
- Truancy
- Educational Opportunities for Court Involved Children (foster care, delinquency, DJJ, detention)
- GAL

If not, refer to another attorney or give # for Lawyer Referral Service.

2. Does claim have legal merit? If not, refer to appropriate agency.

3. Do we have capacity to take on the representation? If not, advise and refer. Create greensheet, and send closing letter and advice-only client survey.

4. Does consideration of these factors support taking on the representation?

- Extreme circumstances (e.g., child receiving no educational services; at-risk of being out of school, committed to DJJ, or going to adult system; suffering physical abuse by gov't agent, etc.)
- Case may lead to impact litigation
- Advice has been tried or will not help
- Client or referral source is part of advocacy community
- Time is on our side (i.e., hearing is within reasonable time)
- Legal claim is novel
- Former Client
- No other professional is involved (GAL, CASA worker, social worker)

If not, advise and refer. Create greensheet, and send closing letter and advice-only client survey. If so, open file, execute retainer, etc.

NOTE: Case rejection due to consideration of above factors and substantive areas may be over-ridden by extenuating circumstances as determined by unanimous decision of intake team:

REMINDER: Remember to gray-out intake row when file is opened or greensheet is closed.

Developing An Employment Practice in a Legal Services Program
Sharon M. Dietrich
Community Legal Services, Inc., Philadelphia, PA

Targeting types of cases

- ★ Addressing employment barriers that keep people out of jobs (criminal records, child abuse or neglect records, disabilities; disparate impact based on race).
- ★ Assisting workers who need medical leaves of absence or who are fired because of illness (particularly using the Family and Medical Leave Act, the single most underrated tool of legal services advocates).
- ★ Remediating cases of worker exploitation (wage claims, misclassification of workers as independent contractors, immigrant workers' problems).
- ★ Helping workers and their dependents obtain employment-related benefits (employer-provided disability benefits, pensions for workers and their survivors, unemployment compensation).
- ★ Removing threats to workers' right to continue working in their profession (occupational license challenges and alleged patient abuse cases).

Developing an employment law clientele

- ★ Ask clients who present other issues about their employment problems (especially welfare, housing, bankruptcy).
- ★ Look for cases in your unemployment compensation practice.
- ★ Distribute client education materials.
- ★ Train client groups, social service agencies, and others about the employment rights of low income people.
- ★ Look for group clients interested in employment issues.
- ★ Talk with other legal services programs doing employment work (get on NELP's employment rights e-group).

Integrating employment law into the other work of the program

- ★ Involve casehandlers who practice in related areas (welfare being the most obvious, but we have seen consumer and family lawyers have an affinity for employment law).
- ★ Look for areas of unit overlap (welfare advocacy, EITC).
- ★ Give your staff some education on low income employment law issues.
- ★ Encourage your intake staff to identify employment issues.

APPENDIX 4

Taking on Appeals and Affirmative Litigation - processes



TOOLKIT

Strategic Advocacy for Lasting Results (SALR)

CONNECTICUT LEGAL SERVICES, INC.
REQUEST TO FILE AFFIRMATIVE LITIGATION, CLASS ACTION / APPEAL / AMICUS BRIEF

Name of Case:

File #:

Attorney(s):

Office:

Date:

I hereby request approval to file the following:

- 9 Class Action
- 9 Appeal
- 9 Individual affirmative litigation*
- 9 Amicus Brief
- 9 Amended filing which significantly changes the claims in an action previously approved

Action to be filed in (court):

Nature of case:

Legal basis:

Number of clients to be helped:

How matter will benefit clients:

- 9 A planning sheet has been completed and attached.
- 9 I will send copies of my attorneys' fees time sheets on a monthly basis to the Comptroller and Litigation Director (for fee generating cases).
- 9 I have discussed with my client the fact a monetary settlement may impact his/her eligibility for continued public benefits or trigger an obligation to report/repay benefits.(for cases with monetary damages claims).

Attorney name (print)

Attorney signature

*See list at end of form: individual affirmative litigation *not* requiring use of this form

REVIEW BY UNIT MANAGING ATTORNEY:

I have reviewed the foregoing request and have discussed it with the requesting Attorney and the Attorney's Supervisor.

9 I recommend approval of the request including the composition of the litigation team and the other representations on the attached Litigation Planning Sheet.

9 I will appear in the case.

9 It is not necessary for me to appear in the case, because:

9 I recommend disapproval for the following reasons:

Date

Unit Managing Attorney

REVIEW BY LITIGATION DIRECTOR:

I have reviewed the foregoing request and have discussed it with the requesting Attorney and Unit Managing Attorney.

9 I recommend approval of the request including the composition of the litigation team and the other representations on the attached Litigation Planning Sheet.

9 I recommend disapproval for the following reasons:

Date

Litigation Director

DECISION

The litigation is

9 Approved

9 Disapproved for the following reasons:

Date

Executive Director

LITIGATION PLANNING SHEET

DECISION-MAKING PROCESS:

If lawyers working on the case disagree regarding any aspect of handling the case, how will the disagreement be resolved and who will have final decision-making authority if the disagreement cannot be resolved?

RESOURCES ESTIMATE (best guess)

CLS lawyers who will be working on matter:

Estimate of time required of each lawyer, including

- # hours per week or % of lawyer's time
- length of time until the matter is likely to be concluded

Non-CLS lawyers who will be working on matter:

Defendants:

What facts will need to be established to prove the legal basis of the case described above?

How will these facts be proven, and how much work will it be to accomplish this? (In particular: some sense of the # of depositions, the potential volume of discovery, the number of experts who may need to be involved.)

Has a press strategy been discussed with:

- 9 CLS Director of Development?
- 9 Others: _____

For the CLS attorneys involved in this project, how and to what extent will that involvement impact their other work?

Individual affirmative litigation *not* requiring use of this form

- Appeals within an administrative agency
- Administrative appeals to federal or state trial court (see separate Work Rule)
- Attorney fee petitions; due process administrative hearings
- Standard family trial court complaints (dissolution, protection from abuse, support, guardianship, etc.)
- Standard housing trial court complaints (audita querela, injunction for possession, security deposit, entry & detainer)(Discrimination claims do require approval)

Additional information for Approval of a Class Action:

By making a request for approval of your class action litigation, you are certifying;

- That any class relief sought would be for the primary benefit of individuals who are eligible for legal assistance;
- That you have discussed with your client their obligations as class plaintiffs and that your client has signed a retainer which explains their obligations as class plaintiffs;

_____ (initial)

With respect to class actions against a government entity, please enter the following information:

- Please describe the contact you have had with GHLA, NHLAA, and LARCC regarding your case:

- Will the relief sought be primarily for the benefit of individuals eligible for legal assistance?

- What steps have been taken to seek changes in the offending practices/policies?

- To what extent have they been successful?

- Have these steps included written notice of our intention to sue if the offending practices/policies were not rectified? If yes, to whom was the letter sent? If no, why is it better not to send written notice?

APPEALS PROTOCOL

This protocol applies to all appeals or Petitions for Writs of Certiorari to the Court of Special Appeals, the Court of Appeals, the Fourth Circuit and the Supreme Court of the United States. It sets forth the process to be followed for all appeals to those courts handled by Legal Aid. Because of the potential resources required to pursue an appeal and the potential for establishing precedent, the decision regarding whether to file an appeal must be approved through the staffing process outlined below. This protocol is not a substitute for careful attention to the rules of the particular court in which the appeal will be submitted.

1. Notification to Supervisor and Director of Advocacy

Both the attorney's supervisor and the Director of Advocacy (for CINA appeals, the Assistant Director of Advocacy for Children's Rights shall perform the Director of Advocacy duties specified herein) must be notified in writing promptly when (1) an attorney is considering appealing from an adverse judgment; or (2) an opposing party has noticed an appeal. Prompt notification means within 5 days after receipt of an adverse judgment or within 3 days of receipt of a Notice of Appeal from the opposing party.

The notification should provide the date judgment was entered and the date by which a notice of appeal must be filed. The attorney should consider and indicate in the notification whether a stay of the judgment entered below is required to protect the client's rights; whether the client may want to cross-appeal or file a notice of appeal where another party has noted an appeal.

A copy of the Notice of Appeal filed by the opposing party and a copy of the order being appealed must be provided to the Director of Advocacy immediately upon receipt of the Notice of Appeal. In CINA cases, when another party has noted an appeal, the attorney shall provide a brief statement to the Director of Advocacy that they have discussed with their supervisor whether they should join in the appeal as appellant or file a cross-appeal. If the attorney wants to join as an appellant or cross-appeal, the case must be staffed as outlined below in section 3.

2. Notification to Client

The attorney should counsel the client on whether to pursue or defend the appeal. In most cases, if the client has prevailed and an appeal has been filed by the adversary, it will be in the client's best interest to defend the appeal. The attorney may counsel the client, however, regarding the desirability of settling the appeal to expedite the client obtaining needed relief and not having to wait for the appeals process to run its course with a possible negative outcome.

The attorney should advise the client about the legal and practical implications of appealing an adverse judgment, including whether the issues are appealable, the likely outcome on appeal and the length of time the appeal may take. The attorney should also explain the potential benefits and risks, including the risk that an appellate court might reverse findings that were favorable to the client, if the adverse party cross-appeals from a partially favorable judgment. When counseling the client, the attorney should make sure that the client understands that a separate

decision will be made by Legal Aid as to whether to represent the client in the appeal.

If Legal Aid declines to represent the client in an appeal that the client wishes to pursue, the client should be notified immediately and in sufficient time to seek other assistance if the client chooses. If necessary, the attorney should assist the client in filing a notice of appeal pro se to assure that the right to appeal is not lost while the client seeks other counsel.

3. Staffing

If Legal Aid is representing the potential appellant, the attorney must provide a brief memorandum describing the issues raised on appeal, with a copy of the decision or order being appealed from to the Director of Advocacy within 5 days after the adverse decision or within 3 days of the notice of appeal by another party. In consultation with the trial attorney, the Director of Advocacy will schedule a staffing to consider whether the case should be appealed. Notice of the staffing will be given to the Executive Director, Chief Counsel, Chief Attorneys and to other staff who are familiar with the area of law.

The staffing will be held as soon as possible but at least 14 days before the deadline for filing the appeal. A client who wants to join as an appellant in an appeal noted by another party, must do so within 10 days after the first notice of appeal is filed. The staffing in those cases will be held at least 3 days before the deadline for joining the appeal. Staffings of potential petitions for certiorari will be handled on an expedited basis, given the tighter timeframes involved.

In making the determination of whether to file an appeal, Legal Aid will consider:

- *The likelihood of success.* No appeal should be undertaken unless there is a good faith belief that the client can prevail.
- *The potential loss to the client if the matter is not resolved favorably on appeal.*
- *The relationship between the issue involved in the appeal and Legal Aid's strategic focus.* How the issues involved in a potential appeal relate to Legal Aid's strategic focus and if it involves a compelling legal issue that affects the communities we serve.
- *Whether the appeal is likely to establish a precedent that could be beneficial or detrimental to the communities we serve.*
- *The resources required to handle the matter,* weighed against the importance of the matter to the client and to the communities we serve.
- *Availability of other counsel to represent the client.* Whether there are pro bono resources or other organizations that may be enlisted to assist with the appeal or to take full responsibility for representing the client on appeal.

After the staffing, the Director of Advocacy shall complete the Appeal Staffing Form (attached) and retain a copy for Legal Aid's records.

4. Noticing the Appeal

The Notice of Appeal MUST be filed within the time periods prescribed by court rules. A copy of the Notice must be provided to the Director of Advocacy for Legal Aid's records.

5. Handling the Appeal

The attorney who handed the case below, that attorney's supervisor and the Director of Advocacy shall agree to an allocation of responsibilities for producing the brief. Ordinarily, the lawyer who handled the case below will retain responsibility for preparing the brief, record extract and associated matters. That lawyer's supervisor will retain immediate supervisory responsibility for the preparation of the brief. It is important to inform the secretarial staff of your anticipated support needs for preparation of the record extract, table of citations, etc. and deadlines. Office managers should be consulted regarding secretarial assistance.

6. Transcripts/Preliminary Requirements

The lawyer primarily responsible for the brief shall thoroughly familiarize him or herself with the applicable rules. Note that the expedited appeal rule (Md. Rule 8-207) applies to CINA/TPR and custody matters and that deadlines are shorter. Promptly after a decision to appeal is made, the attorney who was primarily responsible for handling the case below must make suitable arrangements for ordering the transcript. For state court proceedings, the attorney handling the appeal should consult Rule 8-411 regarding ordering, filing and service of the transcript. For appeals to the Fourth Circuit, the attorney should pay attention to FRAP and the Local Rules of the 4th Circuit, including Local Rules 3(b) regarding the docketing statement required by the Court and Rule 10/Local Rule 10(c) regarding the ordering of transcripts.

7. Preparation of Briefs

The attorney handling the appeal must provide their supervisor and the Director of Advocacy with a copy of the briefing schedule immediately upon its receipt. The attorney, supervisor and Director of Advocacy will then establish a deadline for submission of outlines and/or drafts of the brief. The brief should be submitted to the supervisor for review prior to submission to the Director of Advocacy. Although the schedule may vary, depending upon the nature of the brief and the experience of the attorneys involved, unless otherwise agreed, the attorney MUST provide a draft brief to the Director of Advocacy no less than ten days before the due date. The attorney should consult with their supervisor and the Director of Advocacy before asking for or agreeing to extensions of time for filing briefs. The supervisor will be copied on all correspondence between the attorney and the Director of Advocacy regarding the appeal.

The attorney handling the appeal must prepare the record extract as set forth in the rules if representing an appellant. (No record extract is required for CINA/TPR or other expedited appeals.) The record extract should be finished (including binding) ahead of time to avoid eleventh-hour crunches. If Legal Aid is representing the appellee, the attorney handling the appeal is expected to provide appropriate record

designations to opposing counsel and coordinate all aspects of the record preparation and (to the extent appropriate) briefing with other parties.

It is expected that attorneys will consult the Blue Book for proper citation form and the rules of the appropriate court regarding the format and required contents of the briefs. Pay attention to requirements including page limits, typeface and other format requirements, as well as preparation of the Appendix.

In CINA/TPR matters, it is extremely important to maintain the privacy of the parties. Accordingly, all attachments in Appendices need to be carefully redacted to blot out all references to last names. The redacted documents must be reviewed by someone other than the redactor to make sure all last names are deleted.

8. Copying and Filing of Briefs

The attorney handling the appeal is responsible for arranging for its reproduction, binding and delivery to the Court. Ordinarily, the Duplicating Operator/Secretary of the Administrative Services Unit of the Baltimore City Office will handle the reproduction and binding for all briefs from all offices. The Administrative Assistant for the Statewide Advocacy Support Unit will also provide assistance, if necessary. It is extremely important to notify the Duplicating Operator/Secretary *at least 7 days* before the brief is due that the attorney will require copying and binding assistance. The Legal Brief Reproduction Form (attached) must be filled out for every brief copying/binding order. The responsible attorney must coordinate with the Duplicating Operator/Secretary for delivery by courier of the briefs to Annapolis (for State appeals), unless there is a staff member who will be traveling to Annapolis and can deliver it either to the Courthouse or the Bureau's Annapolis office. The staff of the Annapolis office is willing to file briefs delivered to the office. They should have the brief by 2 p.m. on the date it is due to insure timely filing. Briefs may be mailed to the 4th Circuit. A next day delivery service should ordinarily be used.

9. Moot Argument

The attorney handling the appeal shall notify the Director of Advocacy of the date of oral argument as soon as he/she is notified by the court. Prior to the oral argument, the Director of Advocacy and the attorney handling the appeal will schedule a moot argument. At the moot argument, the attorney will have the opportunity to practice his or her oral argument and responses to possible questions. The Director of Advocacy will ask experienced staff members to attend the moot and provide feedback to the attorney. The attorney will be responsible for providing copies of all briefs to staff who will participate in the moot.

See:

LSC Regulation, 45 CFR §1605

ABA Standards of for the Provision of Legal Services, 7-11.7

Revised April 20, 2010

APPEAL STAFFING FORM
(To Be Completed by Director of Advocacy)

Name of Client: _____

Issue on Appeal: _____

Date of Order/Judgment: _____

Appeal Filing Deadline: _____

Date of Staffing: _____

Participants in Staffing: _____

Decision re: Appeal: _____

Reason (include standard of review, any significance beyond particular case):

APPENDIX 5

Co-Counseling Agreements - samples



TOOLKIT

Strategic Advocacy for Lasting Results (SALR)

Co-Counsel Agreement¹

1. This Agreement is entered into between the **[NAME OF PROGRAM]** and **[PRIVATE FIRM OR NON RESTRICTED PROGRAM]** (Co-Counsel) who are jointly acting as attorneys for Plaintiffs in _____

2. The purpose of this agreement is to state Co-Counsel's rights and responsibilities regarding representation in this matter.

3. Costs and Out-of-Pocket Expenses and Litigation Budget Limits:

A. Co-counsel will jointly seek reimbursement of their costs and out-of-pocket expenses in the event of a favorable judgment or settlement. For purposes of this Agreement, costs and out-of-pocket expenses are defined to include filing fees, court fees, certified court reporters' fees, depositions' fees, service of process fees, expert fees, interpreter fees, witness fees, reasonable travel expenses, overnight mail postage, regular mail postage, delivery costs, messenger fees, photocopying expenses, photographic and video reproduction, parking fees, on-line research costs, long-distance telephone charges, facsimile transmissions, and any other costs or expenses specifically agreed to in writing by the Parties to this Agreement.²

B. Each co-counsel shall pay those expenses which are part of the regular course of doing business, including but not limited to rent, telephone service, equipment costs, payment of salaries for attorneys or legal staff working on this case, although these maybe included in charging attorneys' fees and/or costs to Defendants at the conclusion of this case for co-counsel who are not restricted by law in seeking fees..

C. The parties agree that each co-counsel shall commit to contribute an initial amount of 5,000 a piece to be utilized for all expenses as defined in ¶ A of this section. Upon authorization by the litigation team these fees may be incurred by any party to the agreement. No preauthorization is needed for any expense of \$5000 or less. Upon depletion of the \$10,500 collective expenses, each co-counsel shall commit to contribute an additional amount to be determined based on the amount of any future anticipated expenses. Upon depletion of the second contribution, co-counsel shall re-negotiate the

¹ Each restricted program should review this agreement to ensure that it is consistent with the program's understanding of the restrictions imposed by the Legal Services Corporation.

² Some of the expenses identified here are not "costs" within the mean of 28 U.S. C. § 1920 and thus are not recoverable under that statute which taxes costs which are limited. The other expenses are recoverable under 42 U.S.C. § 1988 which is the general civil rights attorneys' fees section which is not available to restricted programs.

amount of future contributions to expenses.³

4. Work Responsibilities:

A. Work on this litigation shall be shared. **[NAME OF ATTORNEY FROM PROGRAM]** shall be lead counsel, responsible for ensuring that this litigation is prosecuted in a timely and professional manner for the purposes of the injunctive, declaratory, and other relief requested. Co-Counsel will endeavor in good faith to make major strategic decisions concerning the litigation by consensus, in a manner consistent with the Rules of Professional Responsibility **[FILL IN STATE]**. If the parties are unable to reach consensus, lead counsel shall make the final decision.

B. All Co-Counsel shall be of record and shall receive copies of pleadings and other documents filed or otherwise part of this representation. Proceedings requiring immediate attention shall be handled by the Co-Counsel with knowledge of the proceeding if it is not possible to confer with the other Co-Counsel ahead of time. Co-Counsel may receive litigation assistance from other attorneys and other persons associated with them.

C. **[NAME OF AN ATTORNEY]** shall be responsible for keeping the plaintiffs informed on a regular and timely basis of the progress of the representation. The plaintiffs should confer with them about the case. Major decisions on the course of the representation that significantly affect the plaintiffs, including settlement of the injunctive relief claims, if applicable, shall be made subject to the clients' understanding and approval.

5. Time Keeping:

A. Co-Counsel is responsible for keeping its own contemporaneous written record of hours spent by attorneys, paralegals, and others for whom but for the restrictions, might be sought (to the tenth of an hour), including the date, time spent, and work performed. Further, records will be kept on all that would be considered "non--charged" to the defendants because it is deemed to be excessive, duplicative, unnecessary, or administrative in nature.

B. **PRIVATE FIRM** anticipate seeking fees for work performed on this matter prior to the signing of this agreement.

C. No later than the 20th day of the month, each Co-Counsel shall circulate to all other Co-Counsel their time records for the previous month. Suggestions as to revisions shall promptly be circulated.

³ Depending on the private firm's resources, if possible private firm may agree to pay all expenses.

6. Liability for Assessment of Sanctions. Liability for fees, costs, or sanctions assessed directly against Co-Counsel shall be shared equally unless the assessment resulted from take actions taken outside the generally agreed upon litigation strategy, the Co-Counsel responsible for those actions shall be liable for the assessment if any be imposed. Nothing in this Agreement shall be deemed as acceptance of responsibility or liability on behalf of any of the attorneys as individuals for the fees, costs, or sanctions imposed.

7. In the event that the litigation is successful in whole or in part, **PRIVATE FRIM** shall move for court-awarded attorneys' fees, expenses, and costs, in the event that payment cannot be negotiated with defendants. All costs and out-of-pocket expenses, as defined above, shall be reimbursed first, before reimbursement of any attorneys' fees. **Program** shall cooperate in the seeking of fees by **PRIVATE FIRM** to the extent not restricted by law.

8. Division of Expenses and Costs: All expenses and/or costs incurred shall first be deducted from any fee award and reimbursed to Co-Counsel who incurred the expenses and/or costs in the prosecution of this case, if such expenses and costs were not paid by the common expense fund. Costs expended from the common expense fund shall be reimbursed to Co-Counsel in equal shares.

9. Publicity: Written press releases shall be cleared in advance with lead counsel. Oral statements to the media may be made by Co-Counsel. Co-Counsel shall make a diligent effort to verify the accuracy of any statement regarding the legal or factual issues and shall avoid jeopardizing plaintiffs' position. All written and oral statements shall be consistent with the Rules of Professional Conduct of **[FILL IN STATE]**.

10. Malpractice Insurance: Co-Counsel shall insure that adequate malpractice coverage is maintained. In the event that malpractice insurance is terminated, Co-Counsel shall promptly notify the other of the termination and, unless such insurance is reinstated and/or replaced, shall seek immediate withdrawal from representation in this matter.

11. Termination: This Agreement will terminate at the conclusion of the litigation. This Agreement may be terminated by Co-Counsel prior to the conclusion of the litigation by giving two weeks written notice that it is unable to continue with the litigation, together with a statement of the reasons. Such withdrawal must be consistent with the Rules of Professional Conduct of **[FILL IN STATE]** and any application provisions of the law of **[FILL IN STATE]**. Co-Counsel who terminate this agreement shall only be responsible for its share of costs which accrued up to and including the date of the notice.

SIGNATURES

CO-COUNSELING AGREEMENT

PRIVILEGED AND CONFIDENTIAL

This Co-Counseling Agreement is entered into by Community Legal Services, Inc. ("CLS") and [NAME OF LAW FIRM] ("the law firm").

- 1) Nature of the Action. CLS and the law firm agree to act as co-counsel in class action litigation to be filed against [DEFENDANT(S)]. This lawsuit will challenge [DESCRIBE POLICY OR PRACTICE]. In general, the goals of the lawsuit are expected to be [DESCRIBE GOALS].
- 2) CLS's Clients. CLS's clients who will be plaintiffs in this lawsuit are financially eligible for free legal services and have requested legal assistance from CLS for the purpose of obtaining redress in the lawsuit described above. [The clients' claims involve complex and novel theories of law for which both equitable relief and damages are sought.] [DESCRIBE ANY CLS ATTEMPT TO REFER A FEE GENERATING CASE]. The law firm has accepted representation of the clients' case on the condition that CLS continues to provide assistance in a co-counseling arrangement. In addition, for reasons that are important to effective representation in the case, the clients strongly desire the continued involvement and representation of CLS in this matter.
- 3) Roles of Counsel. The law firm will be (lead/co) counsel and will be (primarily responsible/share responsibility) for the day-to-day prosecution of the case. The law firm will have primary responsibility for tasks including [drafting pleadings, conducting discovery, filing and responding to motions, oral argument, trial, etc]. CLS's role will be [DESCRIBE, ESPECIALLY IF LIMITED]. The division of responsibility will be decided more specifically among counsel as work assignments arise and may be delineated in a work plan. It is anticipated that court filings will be exchanged between the law firm and CLS for review and comment before they are filed.
- 4) Decision-making. All decisions concerning the conduct of the litigation shall be made cooperatively after full consultation between the law firm and CLS, and where, appropriate, in consultation with the clients. The law firm and CLS recognize that consensus is desirable on these matters.
- 5) Media and Public Education. CLS will be primarily responsible for publicizing this case and the public interest issues that it addresses. All press releases and other media contacts will be coordinated and cleared between the law firm and CLS to the extent practicable. Written press releases shall be circulated in advance for comment and approval. If either CLS or the law firm makes oral statements to the media, it shall advise the other of such statements as soon as practicable.
- 6) Advancement of Costs. The costs of litigation will be advanced by the attorneys. The law firm agrees to advance all general case costs, e.g., filing fees, deposition costs,

expert witness fees, and other such services necessary to prosecute the claims properly. [THE LAW FIRM AND CLS ANTICIPATE THAT THESE COSTS WILL NOT EXCEED \$ _____ FOR THE ENTIRE LITIGATION, AND THEY WILL MAKE EVERY EFFORT TO STAY WITHIN THAT BUDGET.] The law firm and CLS will each advance their own in-house costs related to the case, such as copying, telephone charges, postage, and travel.

7) Reimbursement of Costs. The costs advanced by the law firm and CLS will be reimbursed out of any settlement or judgment proceeds prior to the disbursement of those proceeds to the clients and/or the class members. In the event of a fee award by the court, all costs will be reimbursed before the award is apportioned between the law firm and CLS.

IF ATTORNEYS' FEES POSSIBLE, SELECT EITHER (8) OR (9) BELOW.

8) Attorneys' fees. [STATUTORY FEES ONLY] It is agreed that the law firm and CLS will be paid a fee for their services only in the event of recovery by way of award by the court or settlement with the defendant(s). There shall not be any retainer paid by the clients in advance of a recovery. The law firm and CLS expect to seek a fee under a fee-shifting statute in this case.

- a. Timekeeping. The law firm and CLS will keep track of time by maintaining contemporaneous detailed time records in order to facilitate recovery of a fee.
- b. Fee petition. The law firm and CLS will attempt in good faith to prepare and file a unified attorneys' fee petition, if justified by the results of the case.
- c. Allocation of fee awarded by court. If a fee is awarded by the court, it will be divided between the law firm and CLS in accordance with the facts and calculations on which the court's order is based, including the number of hours per attorney or paralegal, the hourly rate of the attorney or paralegal, and the multipliers, if any, used by the court.
- d. Allocation of fee obtained in settlement. If a fee is negotiated in a settlement of the case, it will be divided between the law firm and CLS in proportion to the reasonable attorneys' fees claimed (reasonable hours expended times reasonable hourly rate) by each. The reasonable hourly rates of the persons expected to work on this case are identified in Attachment A.

9) Attorneys' fees. [FEE GENERATING COMMON FUND CASE] It is agreed that the law firm and CLS will be paid a fee for their services only in the event of recovery by way of award by the court or settlement with the defendant(s). There shall not be any retainer paid by the clients in advance of a recovery. The fee will be

determined either on the basis of the reasonable hours expended by the law firm and CLS times their reasonable hourly rates as outlined in Attachment A (“the lodestar”), or thirty-three and one-third percent (33.3%) of the gross recovery made on behalf of the class, whichever is greater. However, in no event will CLS receive any proceeds from the class’s gross recovery in excess of its potential statutory or common law claim for fees, if any. The law firm and CLS will make every reasonable effort to obtain any fee from the defendant(s) that is permitted by statute or case law, including negotiation with the defendant(s) and filing a fee petition with the court, before any fee is deducted from the recovery.

- a. Timekeeping. The law firm and CLS will keep track of time by maintaining contemporaneous detailed time records in order to facilitate recovery of a fee.
- b. Fee petition. The law firm and CLS will attempt in good faith to prepare and file a unified attorneys’ fee petition, if justified by the results of the case.
- c. Allocation of fee awarded by court. If a fee is awarded by the court, it will be divided between the law firm and CLS in accordance with the facts and calculations on which the court’s order is based, including the number of hours per attorney or paralegal, the hourly rate of the attorney or paralegal, and the multipliers, if any, used by the court.
- d. Allocation of fee obtained in settlement. If a fee is negotiated in a settlement of the case, it will be divided proportionally between the law firm and CLS based on their lodestars. If based on this formula CLS’s fee would exceed its potential statutory or common law claim for fees, that excess fee is retained by the law firm.

10) Termination of Representation. This Agreement will terminate at the conclusion of the representation defined in ¶ 1, including any necessary monitoring or implementation of the relief obtained. In the event that the law firm or CLS determine that the clients’ legal claims should not be prosecuted, they shall notify co-counsel and the clients of this decision and seek leave of court to withdraw from the litigation. Such notification shall be given thirty (30) days in advance of withdrawal. Such withdrawal must be consistent with the Rules of Professional Responsibility of the Supreme Court of Pennsylvania. In the event of withdrawal, the withdrawing party would be owed no fee for its services and would be responsible only for costs that accrued up to and including the date of notice of withdrawal.

11) Governing Law. It is further understood and agreed that the terms of this Agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

12) Amendments. This agreement may be amended only by written agreement of the law firm and CLS.

SO AGREED:

Law firm representative

Date

CLS representative
Community Legal Services, Inc.

Date

ATTACHMENT A

Community Legal Services, Inc.

Applicable Hourly Rates

Date

Attorneys:

Name \$ _____

Paralegals:

Name \$ _____

Law Firm

Applicable Hourly Rates

Date

Attorneys:

Name \$ _____

Paralegals:

Name \$ _____

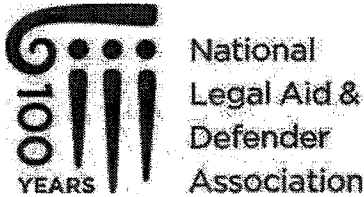
APPENDIX 6

Moving Toward Racial Equity



TOOLKIT

Strategic Advocacy for Lasting Results (SALR)



RACIAL EQUITY INITIATIVE

Moving Toward Racial Equity

Practices for Positive Change

Poverty, race and ethnicity are inextricably linked. Racial disparities in all aspects of our society are widespread and, in many cases, growing. As the gap between rich and poor has grown to historic levels in the past 30 years, the greatest burden has fallen upon people of color.

One in seven Americans is below the poverty line. Of those, over half are Black or Hispanic. African Americans and Latinos are almost three times as likely to be poor as non-Hispanic Whites. In many communities, Asians and Pacific Islanders are disproportionately poor and/or face significant barriers to essential services and getting basic needs met. Similarly, many Native Americans experience deep poverty in both rural and urban settings.

We believe that to address either poverty or racial disparities we must consider the interaction between the two. For any legal services program to fully realize its historic anti-poverty mission in the 21st century, we must equip ourselves to analyze, understand and address the racial and ethnic disparities that create economic hardship for so many of our clients. While the work of legal services programs to ameliorate the effects of poverty can, at times, mitigate discrimination, taking a race conscious approach enhances our effectiveness in eliminating racial disparities.

These Practices are intended to aid both individual practitioners and legal services programs in advocacy on issues involving the intersection of race and poverty. We can integrate these approaches into our current work and in the process enhance our effectiveness in addressing the specific needs of the clients and communities we serve.

To begin, we ascribe to the basic principle that people of all classes, races and ethnicities should be able to enjoy the same quality of life and opportunities as we would like for ourselves.

Race Conscious Not Colorblind

- **Address race and ethnicity explicitly.** Colorblind approaches perpetuate inequity and deny the life experiences of our clients, partners and colleagues who have experienced discrimination because of the color of their skin. We must be conscious of race in order to develop effective anti-poverty solutions that work for all clients, including people of color. While the solution may or may not explicitly highlight race, the analysis of the problem should be race-conscious.
- **Look at race and beyond. Address all bias.** Discrimination in any form undermines equity and justice. Often more than one type of bias is present. Analyze and address the impact of race, ethnicity, gender, age, sexual orientation, physical or mental ability, national origin, language, and marital or family status on the availability of opportunities to clients and their communities (e.g., decent housing, good schools, access to jobs, etc).

Race Conscious Lens

- **Identify and quantify systemic disparities between whites and non-whites in all areas of legal services practice.** Know the changing demographics of your service area. Partner with local universities and other research centers to analyze available data and use geographic information system (GIS) mapping software to map indicators of opportunity or lack of opportunity and the distribution of resources across diverse communities. Review each substantive issue area for systemic racial and ethnic disparities. Share results with community representatives.
- **Unpack the data to determine if race is driving the disparity.** Disaggregate data by income, age, education level and other relevant factors. Race is driving the disparity if people of color are faring worse than similarly-situated whites. Data allows us to focus on demonstrated systemic and structural disparities rather than personal prejudice or unproven intent.
- **Conduct racial equity analysis as an early part of any litigation, administrative, legislative, or policy advocacy.** Analyze the potential discriminatory impact of existing policies and policy proposals on the diverse communities in your service area. Where there is discriminatory impact, develop alternative strategies in partnership with affected communities that reduce or eliminate discrimination.

Language Access and Immigration

- **Examine the impact of race and ethnicity in the context of immigration.** Assess your program's engagement of immigrant issues, directly or with the assistance of partner organizations. Notice how and whether race and ethnicity factor into issues affecting immigrant communities, for example, public anger against certain immigrant groups.
- **Ensure language access in your program and pursue language access advocacy.** Language access is critical to providing quality legal services. Culturally competent translation services are needed within the legal services program and in the agencies that serve low-income clients. Build capacity to engage in language access advocacy.

Cultural Competence

- **Learn, recognize and honor cultural differences in our work and the communities we serve.** Provide staff of legal services programs with the skills, knowledge and resources to provide culturally competent legal services. Emphasize respect for self and others, self-awareness, inclusion and equity.
- **Build an inclusive culture for all staff.** Examine organizational policies and practices for hidden inequities and bias. Develop a vision of inclusion and equity within legal services programs.

Clients as Equal Partners

- **Work collaboratively with communities to develop community-owned solutions to inequitable conditions.** Partner with communities to determine priorities for data gathering and analysis and development of advocacy strategies. Conduct advocacy in a manner such that clients remain in control of their community's agenda. Empower clients to tell their own stories in the course of the advocacy.

Planning, Priority Setting and Adequate Resources

- **Make reducing racial and ethnic disparities a programmatic priority.** Develop short and long range plans for reducing racial and ethnic inequities and provide adequate resources to implement these plans. Sometimes, cases involving a racial dynamic are perceived as too difficult or demanding of resources. Analyze the cases most often rejected to ensure case acceptance decisions do not perpetuate racial inequities.

Training

- **Train all staff about tools to effectively engage in advocacy to reduce racial and ethnic disparities.** Use historic and current examples of how racism and bias have impacted or currently impact policies at the local, regional and national levels. These tools include framing, understanding implicit bias, GIS mapping/opportunity mapping, the practice of community lawyering and knowledge of public policies and institutional practices that create and maintain racial and ethnic disparities. Incorporate education on the history and vision of legal services to end poverty.

Multi-forum Advocacy

- **Build capacity in your organization to apply a racial equity lens in all practice areas and all advocacy forums.** Start with the outreach, intake and case priority setting processes. As you expand the team, deepen understanding of systems theory, structural racism, implicit bias, cultural competence and cross-cultural communication.
- **Use the full breadth of legal tools and strategies.** Build capacity to advance racial equity advocacy using litigation, legislative and administrative advocacy, community economic development, transactional services and community legal education. Incorporate applicable international human rights standards and explore advocacy in local and international human rights forums.

Coordination and Collaboration

- **Develop partnerships with local, regional and/or national allies with expertise in racial equity.** Respect expertise within community organizations. Take advantage of the research and expertise available in organizations working to effectively address structural racism across the country. Build partnerships that expand the resources available to address racial and ethnic disparities.

Outcome Measures

- **Explore the development of outcome measures for overall community well being.** Measure program progress toward eliminating disparities and improving the overall level of opportunity in poor/low-income communities. Collaborate with community representatives, community organizers, academics, researchers, partner organizations and others to define goals tied to the overall improvement of community health, employment, healthcare, education and environment. Lessen the influence of case numbers that may not reflect progress in addressing the root causes of structural racism and inequality.

Flexibility, Innovation and Evaluation

- **Engage in ongoing innovation, experimentation and evaluation.** Consider taking on matters outside the program's current areas of practice or expertise or that cut across those areas. Take into account the different and changing environments in which our clients' lives unfold and allow strategies and approaches to differ with the situation. Developing successful strategies to address racial and ethnic inequity will take focused effort, flexibility and an ability to analyze and learn from our mistakes. Explore new strategies for evaluating race equity work.

The Practices listed above are the product of the Race Equity Initiative of the National Legal Aid & Defender Association (NLADA). The Practices were developed with the guidance of an advisory committee consisting of leaders and practitioners in the legal services and public interest community. They incorporate ideas and approaches from a wide range of racial justice resources in addition to the expertise of the committee members. Thank you for your commitment to equal justice and racial equity:

Greg Countess, assistant director of Advocacy for Housing & Community Economic Development, Maryland Legal Aid Bureau; Fran Fajana, staff attorney, Racial Justice, Massachusetts Law Reform Institute; Steve Fischbach, community lawyer, Rhode Island Legal Services; Badi Foster, president & CEO, Phelps Stokes; William Kennedy, managing attorney, Legal Services of Northern California; Zenobia Lai, executive director, Asian Pacific American Legal Resource Center (Lai was senior training director at the Center for Legal Aid Education at the time the principles were developed); Hannah Lieberman, Hannah Lieberman Consulting, LLC; Don Saunders, vice president, Civil Legal Services, NLADA; Mona Tawatao, regional counsel, Legal Services of Northern California; and Ranie Thompson, managing attorney, Foreclosure Defense Unit, Southeast Louisiana Legal Services. Affiliations are listed for informational purposes only.

NLADA is also grateful for the support of the Ford Foundation which made the development of the Practices possible. For more information about The Practices, contact Camille Holmes Wood at c.wood@nlada.org.



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APPENDIX 7

Evaluation of Strategic Advocacy



TOOLKIT

Strategic Advocacy for Lasting Results (SALR)



Maryland Legal Aid

Client Survey

We want to know how our services affect seniors. Please take a few minutes to answer the questions below. Your answers will help us improve our services.

Please check your response. If you have comments, please write them in.

Name: _____

1. Did the services from Legal Aid help you resolve your problem?

- Yes
- No
- Somewhat
- Not Sure
- Not Applicable

How was your problem resolved?

2. Did the services from Legal Aid make a difference in your life?

- Yes
- No
- Somewhat
- Not Sure
- Not Applicable

How has your life changed?

3. Did Legal Aid help you to understand your options?

- Yes
- No
- Somewhat
- Not Sure
- Not Applicable

4. Do you think that receiving help from Legal Aid made a difference in whether or not you were able to have your voice heard in the legal system?

- Yes
- No
- Somewhat
- Not Sure
- Not Applicable

What leads you to that answer?

5. Did your problem cause a decline in your health?

- Yes
- No
- Somewhat
- Not Sure
- Not Applicable

How was your health affected?

6. How long had you had your problem before you called Legal Aid?

- Less than 6 months
- 6 months- 1 year
- 1 -2 years
- 2 – 3 years
- Over 3 years

7. Did you contact a private lawyer?

- Yes
- No
- Not Sure
- Not Applicable

If you contacted a private lawyer, what happened?

8. If Legal Aid wasn't there, would you have talked to a lawyer?

- Yes
- No
- Not Sure
- Not Applicable

9. Overall, how would you rate our service?

- Excellent
- Very Good
- Good
- Fair
- Poor
- Not Sure

10. Do you have any other comments?

Thank you so much for taking the time to answer these questions.

Please send this form back to us in the envelope we enclosed.

Maryland Legal Aid Bureau Outcomes Measurement



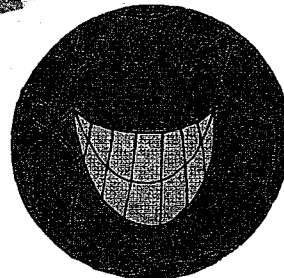
MARYLAND
LEGAL AID

Jennifer Goldberg

October 13, 2011

What are we measuring?

- Quantitative
- Qualitative
- Client Satisfaction



Additional Questions

- Identify more specific outcomes for advice/brief service/hotline cases
- Identify how legal problem affected health
- Identify use of other legal assistance
- Integrate client satisfaction survey



By the Numbers

- Completed 188 surveys (out of 447 attempted)
- Equals response rate of 42%
- 98 by mail (52%) and 90 by phone (48%)
- Approx. 7 out of ten were female, 3 out of ten were male



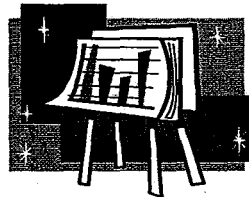
Results for Fundraising

- Outcomes survey effective
 - Foundation that requested the survey continued our funding for years 2 and 3 of the grant
- Used survey results in other foundation and fellowship grant writing
- Comments yielded great set of quotes and stories



Results for Client Service

- Created detailed chart of outcomes identified
- Confirmed for hotline and all legal aid staff importance of advice/brief services



Consumer Problems for Seniors



- Renewed attention on debt collection services for older adults
- Prompted new educational and pro se resources for clients
- Big concern – clients wanted to file bankruptcy! This was the most common reason clients sought other attorneys after consulting Legal Aid

Survey results: Problem Resolution

- Legal Aid helped resolve the problem for the majority of clients (45% said fully resolved, 10% somewhat resolved)
- Primary reason not resolved – lack of representation
- 63% reported Legal Aid made some difference

Legal Services and Health

- More than half of participants stated that legal problem caused a decline in their health
- Overwhelming majority reported emotional distress – stress, anxiety, nervousness
- Physical symptoms included headaches, high blood pressure, problems with blood sugar, stomach ailments, and heart problems
- “I worried myself sick. I got headaches. I cried a lot fearing of losing my home of ten years and my good neighbors in the neighborhood. My husband does a lot of work in our community - we volunteer in various ways.”



Understanding Options and Having a Voice

- Nearly 7 out of 10 clients said we helped them understand their legal options
- 6 out of 10 clients said we helped them have a voice in the legal system
- 7 out of 10 clients said that without Legal Aid, they would have gone without legal advice or assistance

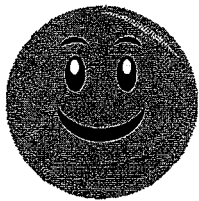
Identify Need for Legal Services

- Need for more affordable legal help
- Support for Civil Gideon

"If I were a criminal... an attorney would have been appointed for me... I still have my problem and can't afford an attorney... I am in danger of being evicted from my house for the second time... Where is justice for the little guy and old ladies?"



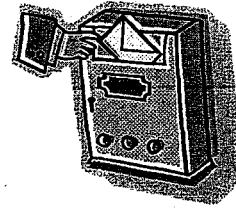
Client Satisfaction



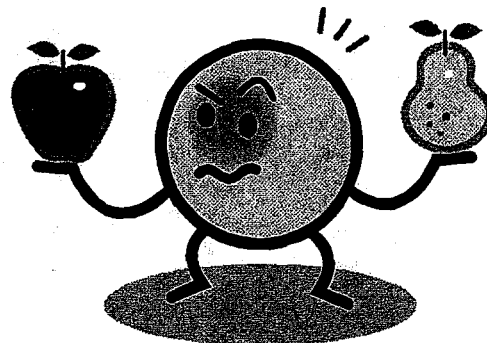
- 3 out of 4 clients said our services were excellent, good or very good
- Less satisfied clients – usually sought full representation, but did not get it

Difference between phone and mail

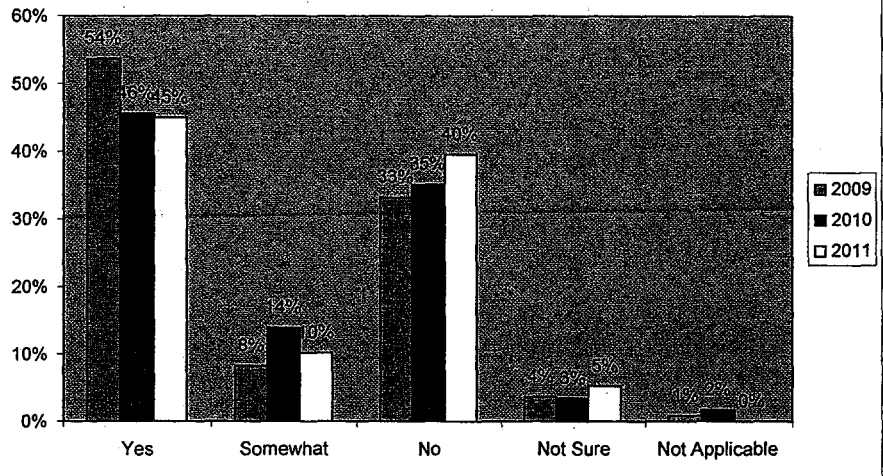
- Clients more likely to return surveys when they received favorable results
- 55% of those responding by mail had problem resolution, only 33% of those responding by phone had problem resolution



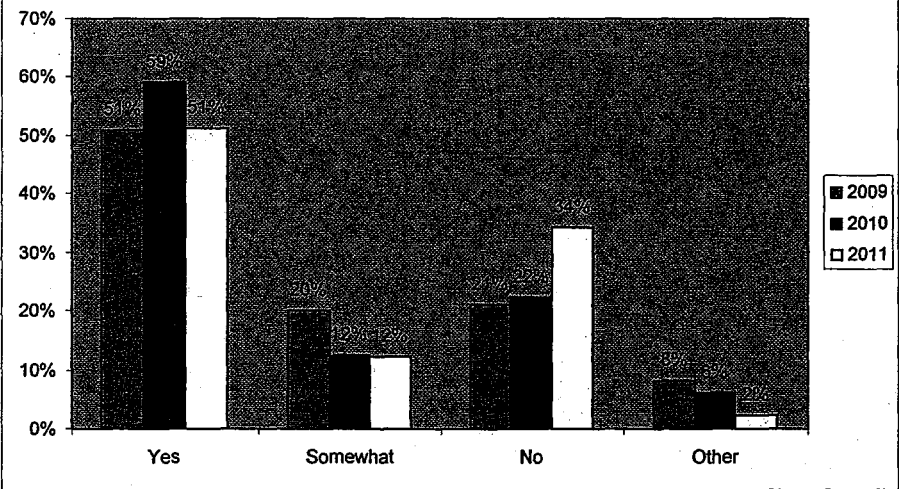
Comparison of Results from 2009 - 2011



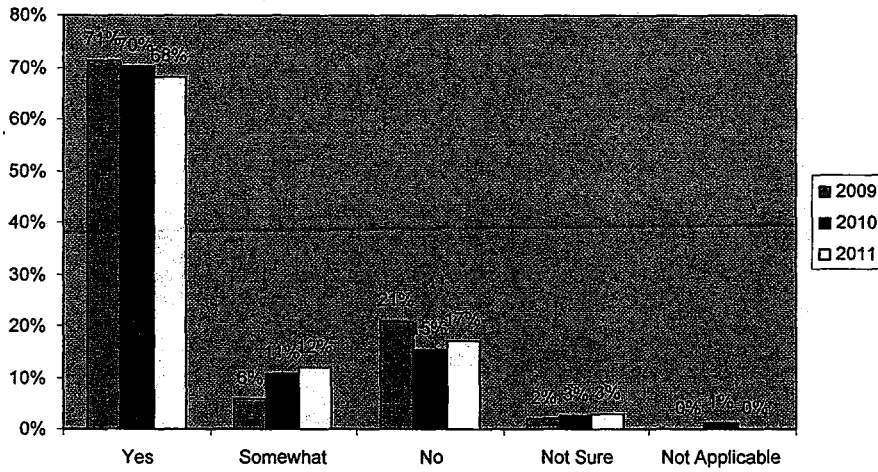
Helped Client Resolve Problem



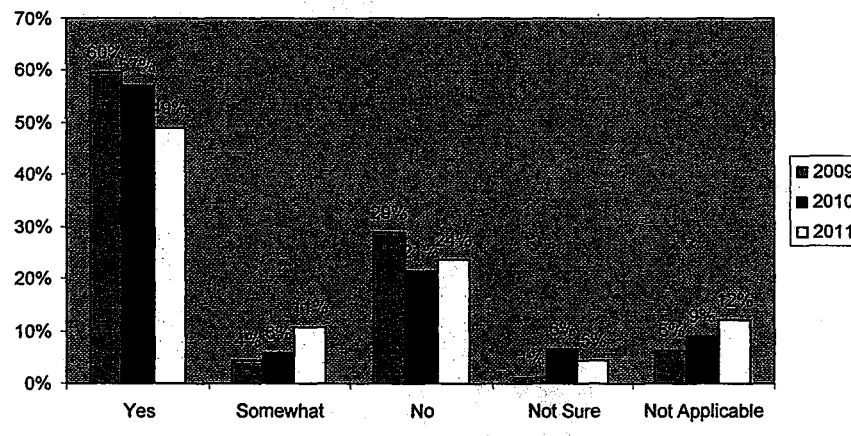
Legal Aid's Services Made Difference in Client's Life



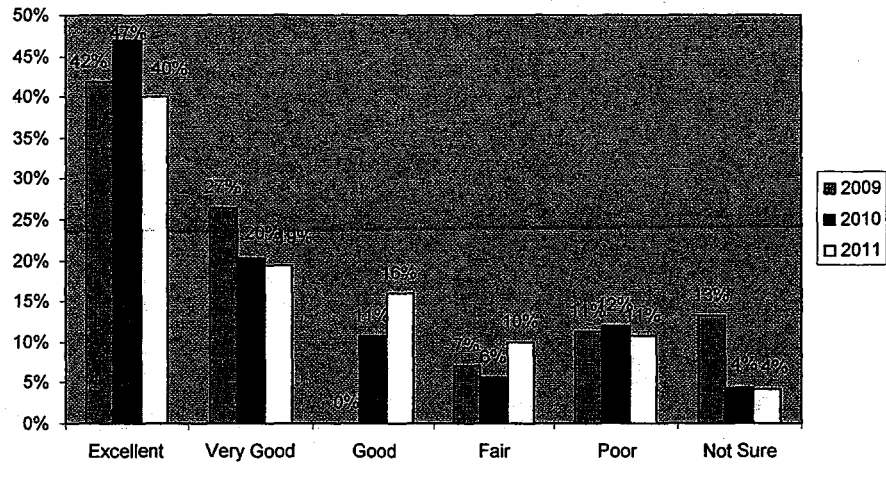
Helped Client Understand Options



Legal Aid's Services Made Difference in Whether or Not Client was Able to Have Voice Heard in Legal System



Satisfaction with Legal Aid's Services



Client input

- Surveys – allow for client feedback in ways you don't get otherwise
- As always, we hear most from those who are strongly positive or negative
- Comments don't always match what you are asking



Importance of contact and courteousness

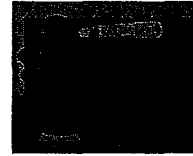
- "He was very helpful, very kind, polite and a lot of times you don't get that"
- "The lady who helped me out was very nice and kept in contact with me"
- "I cannot give enough praise and thanksan attorney who was very helpful, thoughtful, courteous, knowledgeable and generous in her time."
- "Everyone was very nice and polite and explained everything and gave me the right advice"
- "I do feel Legal Aid is to be commended for being personable in situations that could really put you in stress mode."

Concerns about call backs and intake experience

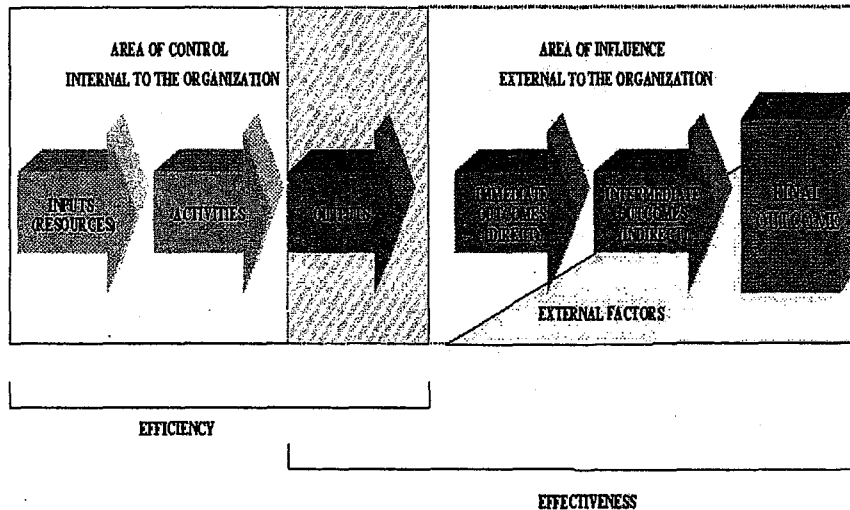
- "I remember a disappointing experience; you don't know when they might drop you"
- "I felt I was directed to one attorney who screened cases through Legal Aid. The last contact was "we'll call back if we take the case"
- "They need to be able to talk to someone without a lot of activity & loudness in the background"
- "They dissed me off; you should train your people who answer the phone, that if they can't help you its OK; but you have to make sure you act like you're paying attention"
- "They didn't help me; they didn't ever call me back"

Looking Ahead: What can we accomplish by measuring outcomes?

- Funders want outcomes
- Opportunity to improve efficiency and effectiveness of practice
 - Alberta Example – Family Early Resolution Program
- Suggest changes for client service
- Increase client input



Efficiency and Effectiveness



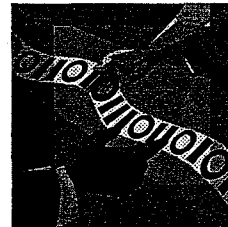
Possible Options for Other Surveys

- Particular aspects of our service, e.g.:
 - Intake
 - Pro se services
- Particular area of practice?
- Particular geographic area?
- Particular demographic population?



Data collection challenges

- Collecting data on a budget
 - Tradeoffs
 - Use of staff/law clerk/volunteers
 - Technology
- Inspiring intake specialists and case handlers to input the data
 - Complete data is imperative
 - Takes time, effort, and precision
 - Callers sometimes resent answering the questions



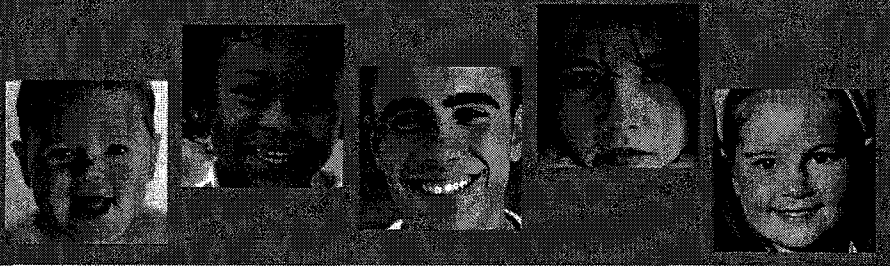
How to accomplish next survey

- Summer survey
- Could use law clerks/interns from all offices
- Provides:
 - training in use of PM
 - Introduction to client interaction
 - Introduction to areas of practice



Where do we go from here?





CHILDREN'S DENTAL SERVICES IN THE HUSKY PROGRAM: Program Improvements Led to Increased Utilization in 2009 and 2010

November 2011

KEY FINDINGS

In 2008, Connecticut made significant changes in the HUSKY Program that were designed to improve access to dental care for children. The results of this report show that in 2009 and 2010, the number and percentage of children who receive dental services increased over previous years when the HUSKY Program was delivered through a program of risk-based managed care. Key findings:

- About 60 percent of children in HUSKY A (Medicaid) had preventive dental care and about 33 percent had treatment, significantly more than in previous years;
- Nearly 70 percent of children in HUSKY B (CHIP) had preventive dental care, significantly more than in HUSKY A; however, dental treatment occurred at roughly the same rates for children in HUSKY A and HUSKY B;
- In HUSKY A, about four in ten children with any dental care had two or more preventive visits, as recommended by pediatric and dental care professionals; the rate was even higher for children in HUSKY B;
- Among children under age 3 in HUSKY A, the percentage who were seen for preventive care increased, as did the percentage of children under 3 who received treatment;
- As in previous years, Hispanic children were most likely and Black children were least likely to have received preventive care.

Based on these findings, we recommend maintaining provider fee increases and oversight provisions established by the *Carr* legal settlement beyond the expiration date of August 2012. We recommend continuing to monitor differences in access and utilization associated with race/ethnicity and investigating ways to reduce disparities.

INTRODUCTION

In 2008, Connecticut made significant changes in the HUSKY Program that were designed to improve access to dental care for children. The changes came about as the result of the settlement agreement in the case of *Carr v. Wilson-Coker*.¹ This case was brought in 1999 by Greater Hartford Legal Assistance on behalf of children in the Medicaid program who were unable to obtain the preventive dental services and treatment guaranteed to them under federal law in Medicaid's Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program.²

Conditions of the settlement included a significant increase in provider reimbursement for children's services (effective April 1, 2008) and carve-out of dental care from the HUSKY Program's managed care contracts (effective September 1, 2008). These changes and others were designed to increase the number of providers willing to participate in the program and to increase the number of children who obtain dental care. The settlement agreement will expire in August 2012.

The results of this report show that the program changes resulted in significant improvements in access to and utilization of children's oral health services. The number and percentage of children who receive dental services in the HUSKY Program increased over previous years when the program was risk-based managed care.

METHODS

Using a retrospective cohort design, we described children's dental care utilization in the HUSKY Program in 2009 and 2010. For investigation of trends, utilization was compared to rates under managed care going back to 2000.

This report on children's dental care utilization is the thirteenth in a series issued since 1997 by Connecticut Voices for Children and its performance monitoring predecessor, the Children's Health Council. This report on children's dental care utilization builds on many years of state-funded independent performance monitoring in the HUSKY Program.³ Connecticut Voices for Children obtains HUSKY Program data directly from the Department of Social Services.⁴ This report is based on the most recent data provided by the Department of Social Services, and for the first time, includes utilization data for children in HUSKY B.

Data and Analytic Approach

Using HUSKY A and B enrollment data, children who were continuously enrolled in the HUSKY Program between January 1 and December 31 in 2009 and in 2010 were identified.⁵ Those who were enrolled in HUSKY A for 12 months and those who were in HUSKY B for 12 months were included in the sample; those who changed between A and B at any time during the calendar years were not. For the purposes of this report, utilization for the relatively small number of children who were enrolled in Primary Care Case Management in 2009 or 2010 is counted with utilization for all other children in HUSKY A.⁶

Dental services claims were obtained from the Department of Social Services for utilization analyses. The methods used to determine utilization rates in 2009 and 2010 were the same as methods used by Connecticut Voices to report on dental care each year since 2000. Dental services data for children in HUSKY A and B were searched for claims with selected procedure codes corresponding to dental care, including sealants, received by children 3 to 19 and children under 3 in 2009 and 2010.^{7,8,9} The procedure code set is the same as that used by state Medicaid agencies to report annually to the Centers for Medicare and Medicaid Services (CMS).¹⁰ These results include far more detail about other factors associated with utilization (age, race/ethnicity, residence) than the data reported by the Department to CMS or to the plaintiffs' attorneys. In addition, 10-year trend data allow for detecting improvements.

The results are reported in terms of unadjusted utilization rates, calculated by comparing the numbers of children with care to the numbers who were continuously enrolled during the period. Differences between 2009 or 2010 and utilization in recent years were determined by comparing utilization rates for services (rate ratios); differences that were highly significant ($p < .001$) are reported as either higher or lower than rates for previous years. Because the sample size is so large, differences that were both statistically significant and meaningful in program terms are highlighted in the discussion section. The number of children served in 2009 and 2010 is shown by type of service in the data tables that are posted with this report.¹¹

The findings are subject to certain limitations associated with secondary analysis of administrative data and availability of data for this study: The data were not audited for completeness or accuracy. To the extent that the counts and rates reported herein might differ from counts and rates in other reports, the differences may be due to difference in the methods (i.e., continuously enrolled v. ever enrolled, calendar year v. federal fiscal year) and/or when the dataset was created by the Department for the analyses. It was not possible to determine which if any of the children had dental services that were covered by third party payers or delivered by providers who did not submit claims. The experience of children who were continuously enrolled may not be representative of all children who were ever enrolled that year. In addition, utilization by continuously enrolled children may have been different than utilization by those who changed between HUSKY A and B. Managed care encounter data were unavailable for counting oral health screenings and fluoride varnish applications provided by pediatric primary care providers in 2009 and 2010. Encounter data for dental emergency visits were also unavailable. Despite these limitations, the findings provide policy makers, agency staff, and child health advocates with data for assessing the effect of program changes on access to dental care and utilization.

RESULTS

HUSKY Program Enrollment Trends

The findings in this report are based on utilization of health services by children who were continuously enrolled in the HUSKY Program. In 2009 and 2010, the number of continuously enrolled children (155,155 and 175,658 children 3 to 19, respectively) increased, compared with previous years. In HUSKY A, the number of continuously enrolled children increased by almost 28,000 (18.8%) from 2008 to 2010. The same enrollment trend was evident in HUSKY B (5,132 in 2009 and 6,043 in 2010 were continuously enrolled). Thus, for utilization rates to have increased, the program and provider network must have served many more children.

Utilization Trends in HUSKY A

Overall, utilization of children's dental services in HUSKY A increased significantly. In 2009 and 2010, the number and percentage of children 3 to 19 who had any dental care, preventive care, and/or treatment were significantly higher than the 2008 rates that occurred prior to the fee increase and carve-out from managed care (Table 1).

Utilization of preventive care and treatment increased in every age group, every racial/ethnic group, and every language group in 2009 and 2010, compared with 2008. Utilization increased in Bridgeport, Hartford and New Haven. As in previous years, the highest preventive care rates were for school-aged children age 6 to 8 and 9 to 11, and for Hispanic children, relative to other age and racial/ethnic groups.

Table 1. Children's Dental Services in HUSKY A, 2009 and 2010

	Children 3 to 19 with Dental Care ^a				
	2010	2009	2008	2007 ^b	2006
Any dental care	68.1%*	68.0%*	56.3%	55.7%	51.9%
Preventive care	59.2%*	62.7%*	48.4%	48.7%	45.3%
Dental treatment	33.3%*	32.3%*	24.3%	24.6%	23.4%
Sealants^c	22.1%*	22.9%*	17.6%	16.3%	16.1%

^aPercent of continuously enrolled children who had at least one service or visit.

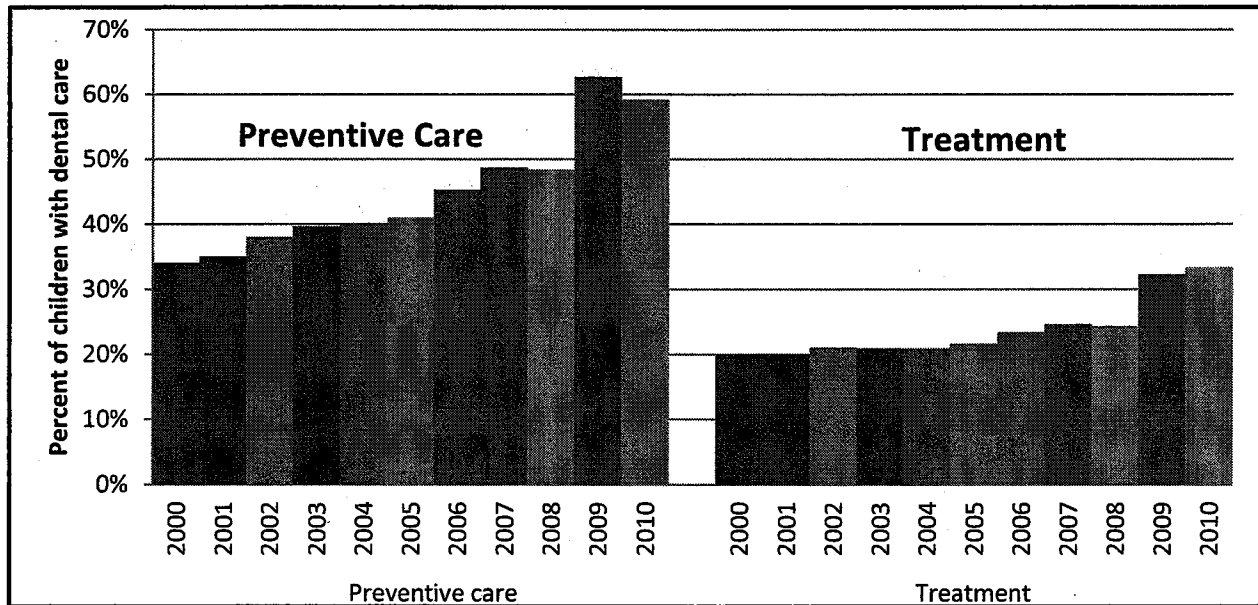
^bEncounter records for 2007 were incomplete for HUSKY members enrolled in BlueCare Family Plan.

^cPercent of those with any dental care who had sealants placed.

*Rate in 2009 or 2010 is significantly higher than the rate in 2008 (p<.001).

After years of steady but largely unremarkable improvement since performance monitoring began, dental utilization increased dramatically for the first time (Figure 1). In fact, in a two-year period when the number of continuously enrolled children increased about 19 percent, the number of children with preventive care increased over 45 percent and the number with treatment increased over 62 percent. Over 32,000 more children had preventive care and over 22,000 more had treatment in 2010, compared with 2008.

Figure 1. Children's Dental Care Utilization in HUSKY A Increased



Utilization in HUSKY A Compared to HUSKY B

Data for children in the HUSKY B Program were available for independent analyses for the first time since the HUSKY Program began in 1998. The rates for any dental care and for preventive care were significantly higher in

both years than the corresponding utilization rates for children in HUSKY A (Table 2). Dental treatment occurred at roughly the same rates for children in HUSKY A and HUSKY B.

Table 2. Comparison of Dental Utilization in HUSKY A and B, 2009 and 2010

	Children with Dental Care ^a			
	2010		2009	
	HUSKY A	HUSKY B	HUSKY A	HUSKY B
Any dental care	68.1%	72.8%*	68.0%	69.8%*
Preventive care	59.2%	69.8%*	62.7%	68.9%*
Dental treatment	33.3%	31.5%	32.3%	32.2%
Sealants^b	22.1%	23.6%	22.9%	24.2%

^aPercent of continuously enrolled children who had at least one visit.

^bPercent of those with any dental care who had sealants placed.

*Rate for children in HUSKY B in 2009 or 2010 is significantly higher than the rate for children in HUSKY A (p<.001).

Pediatric and dental care professionals recommend that children have dental exams every 6 months. In 2009 and 2010, children in HUSKY A were more likely to have had two or more visits for preventive care than they were in previous years (Table 3). The rates for recommended care in HUSKY B were significantly higher in 2009 and 2010 than rates for children in HUSKY A.

Table 3. Children with Recommended Preventive Care, 2009 and 2010

	Children with Two or More Visits ^a				
	2010	2009	2008	2007 ^b	2006
HUSKY A	39.6%*	44.7%*	30.9%	30.3%	31.0%
HUSKY B	57.0%†	53.9%†	NA	NA	NA

^aPercent of children with any dental care who had two or more preventive visits. Data for HUSKY B prior to 2009 were not available.

^bEncounter records for 2007 were incomplete for HUSKY members enrolled in BlueCare Family Plan.

*Rate in HUSKY A in 2009 or 2010 was significantly higher than the rate in 2008 (p<.001).

†Rate for children in HUSKY B was significantly higher than the rate for children in HUSKY A (p<.001).

Dental professionals recommend placement of sealants to protect the biting surfaces of permanent molars from decay. To achieve the greatest benefit, sealants should be applied soon after the teeth have erupted, at age 6 or so and around age 12, before the teeth decay.

Overall, the percentage of children in HUSKY A that had sealants applied increased in 2009 and 2010, compared with 2008 (refer back to Table 1). A comparison of age-specific rates for children in HUSKY A and HUSKY B shows that sealants were applied at about the same rates (Table 4).

Table 4. Sealants for Children in HUSKY A and B, 2009, 2010

	Children with Dental Sealants ^a			
	2010		2009	
	HUSKY A	HUSKY B	HUSKY A	HUSKY B
6 to 8	31.2%	32.2%	32.6%	36.7%
9 to 11	32.4%	27.8%	33.0%	31.6%
12 to 14	33.3%	35.7%	34.6%	29.2%

^aPercent of continuously enrolled children with any dental care who had at least one sealant placed.

Note: Age-specific rates for children in HUSKY A and HUSKY B were not significantly different in 2009 or 2010 ($p < .001$).

Dental Services for Children Under Age 3 in HUSKY A

Historically, utilization of dental services by children under 3 has been low, despite the EPSDT schedule in the HUSKY Program that calls for an initial dental visit at by age 2. Beginning in 2009, utilization increased significantly (Table 5). In 2010, over 9,000 very young children had any dental care, more than double the number of very young children seen in 2008 (4,337). The preventive care rate increased considerably for young children in Spanish-speaking households (48.3% with care, up from 19.5% in 2008). The number and percentage of very young children who had dental treatment also increased dramatically.

Table 5. Dental Utilization by Children Under 3 in HUSKY A, 2009

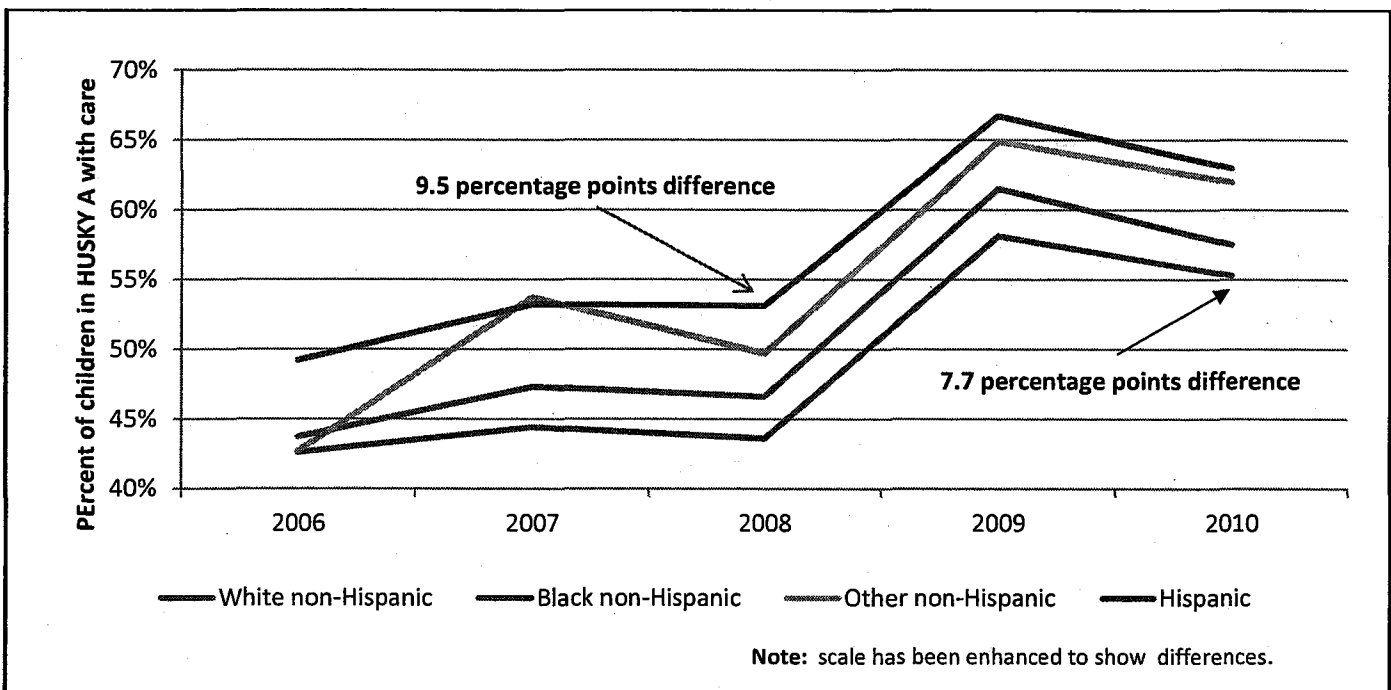
	Children Under 3 with Care ^a		
	2010	2009	2008
Any dental care	37.3%*	29.3%*	21.1%
Preventive dental care	32.3%*	24.1%*	13.7%
Treatment	3.3%*	2.6%*	1.5%

^aPercent of continuously enrolled children who had at least one service or visit.

*Rate in 2009 or 2010 is significantly higher than the rate in 2008 ($p < .001$).

Racial/ethnic differences in utilization of needed health care suggest disparities in access to care. Utilization differences are evident in dental care in the HUSKY Program. In recent years, preventive care utilization rates in HUSKY A have been highest for Hispanic children and lowest for Black/African American children, with the largest difference (9.5 percentage points) evident in 2008 (Figure 2). In 2010, the difference narrowed, but Black/African American children were still significantly less likely than Hispanic, White, or other non-Hispanic children (mainly Asian) to have had preventive care.

Figure 2. Racial/Ethnic Differences in Utilization of Preventive Care Persist



DISCUSSION

Recently, the Institute of Medicine convened a committee of experts to develop strategies for improving oral health care nationwide, especially care for vulnerable and underserved populations.¹² Based on the principle that “good health requires good oral health,” the Committee formulated recommendations that include:

- Integrating oral health care and overall health care, by expanding the role of non-dental health care professionals in oral health education, risk assessment, screening, a delivery of preventive services like fluoride varnish application;
- Increasing provider participation in publicly funded programs, by setting Medicaid and CHIP reimbursement rates high enough to enhance provider participation, streamlining administrative processes, and supporting case management services;
- Promoting research, including studies of measures of access, quality, and outcomes; and
- Expanding the capacity of federally qualified health centers to deliver essential oral health services, with support for a variety of oral health care professionals and off-site dental care projects.

In Connecticut, these strategies for expanding access to oral health care are already underway or within reach.

Beginning in 2008, Connecticut took steps to improve access to dental care for children in the HUSKY Program. The combination of significant fee increases and fundamental changes to the administration of dental benefits led to increased utilization of preventive care and treatment in 2009 and 2010. The number and percentage of children who received services in HUSKY A (Medicaid) increased significantly for the first time in years.

Despite utilization trends that appear to be headed in the right direction, one of every three children did not receive preventive dental care. There is definitely room for further program improvement.

The *Carr* settlement included a multi-faceted approach to addressing long-standing problems with dental care access in Connecticut’s Medicaid program. First, the state invested \$80 million over four years to increase provider reimbursement for child dental services. This fee increase was the first since 1993. Second, the settlement required Connecticut Voices for Children

the Department of Social Services to “carve-out” dental care from its risk-based contracts with managed care plans. After a competitive bidding process, the Department contracted with Benecare, Inc., for administration of customer services and provider network development under the Connecticut Dental Health Partnership. The Department established a Dental Advisory Committee, with representatives from the Connecticut State Dental Association and subspecialty groups, the Connecticut Oral Health Initiative, the Connecticut Health Foundation, the Connecticut Dental Hygienists Association, the University of Connecticut School of Dental Medicine, and several state agencies. An additional \$4.5 million funding was awarded to school-based and non-FQHC community-based dental clinics.¹³ The settlement included stringent reporting requirements to inform plaintiffs’ counsel about progress made toward ensuring access to dental care for children. In addition to reporting to the oversight council and the plaintiffs, researchers from the University of Connecticut School of Dental Medicine, with funding from the Connecticut Health Foundation, will conduct a comprehensive independent evaluation of the impact of the Dental Health Partnership. The settlement agreement will expire in August 2012.

In reports to the Medical Care Management Oversight Council, the Department has shown that provider outreach and recruitment resulted in a three-fold increase in dental practitioner participation in the Medicaid program.¹⁴ As of March 2011, there are over 1,200 participating dental practitioners (general dentists, pediatric dentists, dental hygienists, endodontists, and oral surgeons) in 732 dental service locations statewide. Less than ten percent of providers report closed panels (not accepting new patients). All HUSKY members have access to at least two providers within 20 miles (98.5% within 10 miles). The Department also reported that the average wait time for an appointment has decreased steadily and is now less than 13 days. In early 2010, the Department commissioned a telephone mystery shopper survey to determine the availability of primary dental care for HUSKY members. The survey was conducted by United Way/2-1-1. Results showed that nearly 90 percent of calls resulted in appointments for routine care in less than four weeks (11.2 days on average).

According to the Department, the Connecticut Dental Health Partnership also ramped up customer service and community-based outreach.¹⁵ In the first 30 months of operation, the Partnership handled 180,000 client phone calls. Dental Health Care Specialists contacted community agencies, faith communities, primary care providers, and hospital emergency departments with information about oral health care and how to get services. The Partnership focused on outreach to pregnant women and work with community-based providers in Norwich to increase oral health care for pregnant women. In addition, the Partnership offered assistance to families of over 1,000 children with special health care needs. While the Connecticut Dental Health Partnership has not specifically targeted specific racial and ethnic communities, individualized outreach to non-utilizers and community-based outreach may have contributed to narrowing the utilization gap somewhat.

The Department also addressed access to oral health care for very young children. Effective November 1, 2008, pediatric primary care providers who complete a continuing education course can provide and bill for oral health evaluations and topical fluoride varnish applications for children under three.¹⁶ The course is offered by the University of Connecticut School of Dental Medicine, in partnership with the Connecticut chapter of the American Academy of Pediatrics and the Child Health and Development Institute’s EPIC program. Encounter data for evaluation of this service expansion were not available for these analyses.

Several findings warrant further investigation. While the lawsuit settlement provisions pertained to services for children in the Medicaid program (HUSKY A), it is likely that the benefits of increased provider participation also affected access to care for children in HUSKY B (CHIP). The reasons for higher utilization rate in HUSKY B, compared with rates for children in HUSKY A, warrant further investigation. In addition, the persistence of utilization differences associate with race and ethnicity are troubling and should be monitored to determine whether the narrowing of differences observed in 2009 and 2010, relative to 2008, continues. Emergency care utilization trends warrant further investigation when data become available. In addition, trends in adult care utilization should be studied, in part to determine whether program improvements for children benefitted entire families.

RECOMMENDATIONS

- **Maintain the Medicaid dental reimbursement rates for children's dental services that were established in the lawsuit settlement.**
- **Continue oversight provisions beyond the lawsuit settlement expiration date in 2012.**
- **Investigate reasons for higher utilization rates in HUSKY B.**
- **Continue to monitor racial and ethnic differences in access to care and utilization and to investigate ways to reduce disparities.**
- **Evaluate the impact of expanding pediatric primary care to include oral health assessment and prophylaxis for very young children.**
- **Investigate trends in adult dental care utilization, including care for pregnant women before and after the special outreach initiative.**

ACKNOWLEDGEMENTS

This report was prepared by Connecticut Voices for Children under a contract between the Department of Social Services and the Hartford Foundation for Public Giving, with a grant from the Hartford Foundation to Connecticut Voices for Children. This report was prepared by Mary Alice Lee, Ph.D., Senior Policy Fellow. Amanda Learned of MAXIMUS, Inc. conducted the data analyses. This publication does not express the views of the Department of Social Services or the State of Connecticut. The views and opinions expressed are those of the authors.

¹*Carr v. Wilson-Coker*, No. 3; 00CV1050(D.Conn., Aug. 26, 2008).

²42 U.S.C. §§ 1396D(x)(3).

³ Independent performance monitoring is state-funded in the line item "Children's Health Council" in the Department of Social Services budget. This label is a clear reference to the state-funded, Hartford Foundation-sponsored oversight council that monitored program performance from 1995 to 2003. In 2004, state-funding and independent performance monitoring resumed under a new contract between the Department of Social Services and the Hartford Foundation, with a grant to Connecticut Voices for Children for conduct of the performance monitoring.

⁴Contract #064HFP-HUO-03/10DSS1001ME-A1 between the Connecticut Department of Social Services and the Hartford Foundation for Public Giving, April 1, 2010 to June 30, 2013. With a grant from the Hartford Foundation, Connecticut Voices for Children conducts the HUSKY Program performance monitoring described in this state-funded contract. Annual reports on enrollment, preventive care (well-child and dental), emergency care, asthma prevalence and asthma care, and births to mothers with HUSKY Program or Medicaid coverage can be found at www.ctkidslink.org.

⁵ This report is based on health services utilization by continuously enrolled v. ever enrolled children for the following reasons: 1) all children had uniform periods of observation, 2) the utilization measure (percentage of children with care) is relatively simple to calculate and easy to communicate to policy makers, 3) HUSKY Program and participating managed care plans can be held accountable for children who were enrolled for one entire calendar year and not those who may have lost coverage for part of the year or changed plans. Utilization rates for continuously enrolled children are likely to be higher than rates for children with part-year coverage, especially those with unintended gaps in coverage.

⁶Beginning in February 2009, families had the option of enrolling in Primary Care Case Management (PCCM) (v. insurance company-run managed care), depending on where the family resided. Enrollment in PCCM grew to 515 persons statewide by January 1, 2011, including 384 in New Haven County (mainly in the Waterbury area).

⁷ Preventive dental care: Encounter records with a HCFA Common Procedure Coding (HCPC) system code ranging from D1000 through D1999 or ADA codes 01000 – 01999; Dental treatment: Encounter records with a HCPC code ranging from D2000 through D9999 or ADA codes 02000-09999; Any dental care: Encounter records with a HCPC code ranging from D100 through D9999 or ADA codes 0100-09999. This definition includes all preventive dental care and dental treatment codes outlined above plus additional HCPC codes between D0100 and D0999 or ADA codes 0100-0999 and T1015 codes for clinic visits.

⁸Dental sealants: Encounter records with ADA code 01351 or state codes D1351 or 1351D (sealant-per tooth).

⁹Despite the October 1998 change in the EPSDT periodicity schedule calling for an initial dental exam at age 2, dental care utilization by children under 3 remains relatively low although there has been significant improvement in recent years. According to the CMS-416 reports submitted to the Center for Medicare and Medicaid Services, 8.0% and 8.5% of young children 1 to 2 received preventive dental care in federal fiscal years 2007 and 2008. That rate increased to 15.9% in federal fiscal year 2009.

¹⁰Centers for Medicare and Medicaid Services. Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Report (Form CMS-416). Available at: http://www.cms.hhs.gov/MedicaidEarlyPeriodicScrn/03_StateAgencyResponsibilities.asp#TopOfPage.

¹¹ Available at: www.ctkidslink.org under Publications—Health and Mental Health.

¹² Institute of Medicine Committee on Oral Health Access to Services. Improving access to oral health care for vulnerable and underserved populations (pre-publication copy). July 2011. Available free at: http://www.nap.edu/catalog.php?record_id=13116.

¹³ These grants ended September 30, 2010.

¹⁴Connecticut Department of Social Services report to the Medicaid Care Management Oversight Council, April 8, 2011. Available at: www.cga.ct.gov/ph/Medicaid under minutes for the meeting April 8, 2011.

¹⁵ Personal communication, Donna Balaski DMD, Medicaid dental care director

¹⁶Connecticut Department of Social Service policy transmittal 2008-20, October 2008. As of September 2011, over 1,000 clinicians and staff have been trained; 254 physicians and mid-level clinicians have registered to provide and bill for children's oral health services. (Personal communications, Joanna Douglass, BCS, DDS, UCONN School of Dental Medicine).



Intro: About Your Organization

Advocacy Capacity Tool for organizational assessment

ALERT: Once you start the survey, you have only seven days to complete it. After that time your information will be erased and you will have to start over.

Please note: Key terms are bolded throughout the survey. Definitions of these terms can be viewed on the terminology page of the Alliance for Justice website, also linked to at the beginning of each section

To access a number of resources on building your organization's advocacy capacity, please see Bolder Advocacy's resource list here.

Introductory questions: About Your Organization

The questions below ask for basic information about your group or organization. Your responses will allow us to learn about the capacities of nonprofits across the country.

Please enter the name of your organization or group (this information will not be shared in the public results):

Please note: Should your organization submit multiple entries of the survey, only the most recent entry will be retained for the database, which allows for comparison among organizations.

Please enter your title at your organization or group (this information will not be shared in the public results):

Intro 1: Are you: (Select one response)

- A 501(c)(3) tax-exempt organization
- A 501(c)(4) tax-exempt organization
- An informal association or coalition without tax-exempt status
- Other

Intro 2: What is your organization's approximate budget? (Select one response)

- < \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$2 million
- \$2 million to \$5 million
- > \$5 million

Intro 3: What issues do you work on? (Select all that apply)

- Arts
- Budget
- Campaign Finance Reform
- Child Welfare
- Civil Rights
- Consumer Rights
- Criminal Justice

- Defense Spending
- Disabilities
- Education
- Employment
- Environment
- Government Accountability
- Housing
- Healthcare
- Immigration/Immigrants Rights
- Income Maintenance
- International
- Reproductive Rights
- Transportation
- Worker Rights
- Youth
- Other

Intro 4: What best describes the primary work of your organization? (Select one response)

- Service Delivery
- Advocacy**
- Community Building/Community Development/Community Organizing
- Think Tank
- Other

Intro 5: At what levels do you engage in advocacy? (Select all that apply)

- Local
- State
- Federal
- Regional/Multi-State
- Tribal
- Other

Intro 6: In which states are you working to influence policy? (Select all that apply) In order to select more than one state, press the control key and click on each of the selected states.

- All U.S. States
- International
- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware



Section 1: Advocacy Goals, Plans and Strategies

Section 1: Advocacy Goals, Plans and Strategies

As you begin this survey, keep these two questions in mind:

- What are your long-term and short-term **advocacy** goals?
 - For example: A housing advocacy group might have a long-term goal of obtaining policy to provide enough public housing for all of the state's homeless, and short-term goal of stopping proposed legislation to decrease the

current state appropriations for public housing.

- How can your organization uniquely contribute to accomplishing these goals?
 - Factors to consider: This includes the type of role (mobilizer of networks, legislative strategy leader for a coalition, lone advocate on a narrow issue, public leader versus behind the scenes player, etc.) your organization wants to play, what other groups are doing, where your expertise lies, etc.

Please select the response for each measure that best fits your organization.

Advanced questions are optional. For more information on Advanced questions, please click here.

Please review terminology here.

1.1 Preparation

This section introduces the key elements of basic preparation for engaging in advocacy

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization identifies and articulates its mission and goals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization has basic knowledge about its subject matter, including how its issues affect constituents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization understands the overall policy environment related to its issues, including trends, possible allies and opponents, and other organizations working towards the same goals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization identifies its existing advocacy capacities, including staffing, skills and knowledge, and strength of field operation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

1.1 Preparation - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization has a long-term vision or plan for its advocacy goals and for increasing its advocacy over time.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

1.2 Agenda

This section introduces the importance of having a clear, written agenda that defines advocacy goals and prioritizes activities.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization has a written advocacy agenda, approved by the organization's leadership, that identifies its goals and priorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization gathers information and recommendations from constituents and other stakeholders in the development of its agenda	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization shares its agenda or segments thereof, with decision makers, constituents, partners and media, as appropriate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

appropriate

The organization adjusts its focus on particular agenda items in response to internal and external changes

Four radio buttons for rating the statement above.

1.2 Agenda - Advanced (optional)

Table with 4 columns: Very Strong/Always, Moderately Strong/Usually, Somewhat Strong/Sometimes, Not Strong/Rarely/Never. Two rows of statements with radio buttons.

1.3 Plans, Strategies, and Adaptability

This section introduces the importance of developing a flexible plan to carry out the written agenda.

Table with 4 columns: Very Strong/Always, Moderately Strong/Usually, Somewhat Strong/Sometimes, Not Strong/Rarely/Never. Four rows of statements with radio buttons.

1.3 Plans, Strategies, and Adaptability - Advanced (optional)

Table with 4 columns: Very Strong/Always, Moderately Strong/Usually, Somewhat Strong/Sometimes, Not Strong/Rarely/Never. One row of statement with radio buttons.

Section 2: Conducting Advocacy

Section 2: Conducting Advocacy

For all of the indicators in this section, you will have the option of choosing "Rely On Partners" as your answer. You should choose "Rely on Partners" if the organization has decided not to build capacity in a particular measure because it primarily gets that capacity from other individuals or groups.

For more information on the "Rely on Partners" option, please click here.

Please review terminology here.

2.1 Research and Analysis

Assess the extent to which the organization researches and gathers information, and conducts analyses on its issues.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization researches, compiles and analyzes information about specific issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization researches and analyzes the impact of current policies, the policy environment and opportunities for advancing its goals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization employs a process for verifying that its issues or issue analyses and other materials are accurate and reliable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization shares information, analyses and supporting materials with decision makers , constituents and partners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.1 Research and Analysis - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization conducts in-depth research and produces reports or other materials related to its advocacy agenda	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.2 Field Operation

Assess how the organization communicates with, educates and engages its network and the **public**.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization has a network or various networks of individuals and organizations that it can activate to advocate or collaborate on key policy issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization communicates with its network on the status of advocacy efforts, opportunities to engage, messages and results	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization identifies segments of the public to educate about its agenda	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization conducts phone banks, informational mailings, online communications and/or canvassing to educate and mobilize their network and gain public support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.2 Field Operation - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization implements a plan to expand the size and diversity of its network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization works to expand the issue knowledge and advocacy skills of those in its network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization activates segments of the public to influence decision makers in support of organizational priorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.3 Advocacy Partners and Coalitions

Assess the extent to which the organization has partnerships -- with other nonprofits, businesses, professional associations, etc. -- that advance its goals.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization identifies other stakeholders that have similar goals, including those with complementary knowledge and skills, with whom it could collaborate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization participates in coalitions that share one or more of its goals and provide value to the organization	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization actively seeks support for its priorities from its coalition partners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization exchanges information with its partners, as appropriate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.3 Advocacy Partners and Coalitions - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization seeks support from stakeholders who may not be traditional allies , but with whom it could partner on a particular project	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization plays a leadership role in establishing and/or managing a coalition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.4 Messaging

Assess how the organization develops and delivers its advocacy messages.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization develops clear, compelling and concise messages tailored to its target audiences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization bases its messages and materials on reliable, credible and up-to-date information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization					

The organization identifies and uses effective messengers and spokespeople

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization chooses a variety of paid and/or earned media strategies to communicate its messages

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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2.4 Messaging - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
--	--------------------	---------------------------	---------------------------	-------------------------	------------------

The organization conducts polling and focus groups to develop and test effective messages

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

2.5 Media Relations

Assess the extent to which the organization communicates effectively with the media and uses various media to advance its policy goals.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
--	--------------------	---------------------------	---------------------------	-------------------------	------------------

The organization monitors media coverage related to its issues

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization identifies, develops and maintains a list of media contacts relevant to its program issue(s)

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization distributes information to a wide range of media outlets – including online, broadcast and print media – to communicate its messages

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization has a written media plan with objectives, targets, strategies and timelines

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

2.5 Media Relations - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
--	--------------------	---------------------------	---------------------------	-------------------------	------------------

The organization identifies, builds and maintains relationships with key personnel in online, broadcast and print media

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization maintains an active social media presence

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization has developed a crisis communications strategy for effectively dealing with negative press or an internal crisis

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

2.6 Influencing Decision-Makers

Assess the extent to which the organization builds influential relationships with targeted decision-makers.

Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
--------------------	---------------------------	---------------------------	-------------------------	------------------

The organization monitors the actions of **decision-makers** related to the organization's **agenda**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization builds **working relationships** with decision-makers by providing information

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization consistently nurtures relationships with decision-makers throughout the year

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization deliberately builds relationships with elected officials without regard to political affiliations

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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2.6 Influencing Decision-Makers - Advanced (optional)

Very Strong/Always Moderately Strong/Usually Somewhat Strong/Sometimes Not Strong/Rarely/Never Rely on Partners

The organization identifies and builds relationships with influential individuals and groups who can persuade decision makers

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

Section 3: Advocacy Avenues

Section 3: Advocacy Avenues

This section includes: administrative, legislative, electoral and litigation **indicators**. Fill in the survey for the areas in which you work. You can choose to fill out one to all of these indicators. No matter how many you fill out, you will be able to view them all. Please note, **ballot measures** is included under **legislative advocacy**.

For all of the indicators in this section, you will have the option of choosing "Rely On Partners" as your answer. You should choose "Rely on Partners" if the organization has decided not to build capacity in a particular measure because it primarily gets that capacity from other individuals or groups.

For more information on the "Rely on Partners" option, please click here.

Please review terminology here.

3.1 Administrative

Assess the organization's skills, knowledge and actions related to **administrative advocacy**.

Very Strong/Always Moderately Strong/Usually Somewhat Strong/Sometimes Not Strong/Rarely/Never Rely on Partners

The organization understands the regulatory and enforcement processes of the agencies that implement policies and programs, and knows how to influence these processes

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization identifies and works with appropriate **decision makers** within the **administrative** agencies, including related commissions and advisory committees

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization identifies, monitors and analyzes proposed rules.

proposed regulations and other administrative branch activities and their potential impact on the organization's priorities

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization recommends policies or actions through comments (or endorsements of other groups' comments) on proposed regulations or other administrative policies, through testimony at agency hearings and/or other means to further its priorities

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

3.1 Administrative - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
--	--------------------	---------------------------	---------------------------	-------------------------	------------------

The organization initiates new

regulations, **executive orders**, commissions, enforcement measures or other actions to further its priorities

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization is aware of planned activities by the administration related to the organization's priorities

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

3.2 Legislative

Assess organization's skills, knowledge and actions related to legislative advocacy

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
--	--------------------	---------------------------	---------------------------	-------------------------	------------------

The organization has knowledge of the **legislative process** (including budgeting and appropriations), and knows how to impact these processes

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization identifies and works with appropriate legislators, committees, staff, and stakeholders

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization identifies, monitors and analyzes proposed legislation and the potential impact on its priorities

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

The organization promotes, opposes or helps to craft or amend legislation

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

3.2 Legislative - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
--	--------------------	---------------------------	---------------------------	-------------------------	------------------

The organization is aware of planned activities by legislators and other advocates that are related to the organization's priorities

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

NOTE: Under IRS rules, attempting to influence the outcome of **ballot measures** is also direct lobbying. To complete this form for ballot measures, click below.

3.4 Electoral

Assess the organization's skills, knowledge and actions related to **electoral activity**.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization understands the primary and general election processes for candidate elections in relevant jurisdictions and the possible roles nonprofits can play	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization reminds and encourages its constituency and the public to vote	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization participates in voter and/or candidate education efforts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization educates its staff and governing body about the legal guidelines for electoral activity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3.4 Electoral - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization initiates voter and candidate education efforts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization engages in efforts to register voters and/or turn out voters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3.5 Litigation

Assess the organization's skills, knowledge and actions related to litigation and other legal activity.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization understands the role litigation plays to complement other strategies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization can identify appropriate courts, regions and court leanings to inform possible litigation actions related to the organization's priorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization has access to competent counsel who can provide advice or pursue legal strategies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization pursues legal activities such as initiating litigation or signing on to amicus briefs, as needed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3.5 Litigation - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never	Rely on Partners
The organization monitors relevant court cases and decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section 4: Organizational Operations to Sustain Advocacy

Section 4: Organizational Operations to Sustain Advocacy

Please review terminology here.

4.1 Organizational Commitment

Assess the organization's operational commitment to its advocacy work.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization's governing structure is committed to advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization has at least one staff person whose job description includes specific responsibilities for advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The executive director and relevant staff have a clear understanding of the basic federal and state rules and regulations that govern lobbying, election-related work, and other advocacy activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization has investigated and elected whether or not to use the 501(h) expenditure test	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4.1 Organizational Commitment - Advanced (optional)

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization invests in staff, board and volunteer development to strengthen its advocacy work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization allocates increased staff time to strengthen its advocacy work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization's mission or strategic plan includes advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4.2 Funding Advocacy

Assess the extent to which the organization understands and implements practices for funding its advocacy work.

	Very Strong/Always	Moderately Strong/Usually	Somewhat Strong/Sometimes	Not Strong/Rarely/Never
The organization understands how foundations can support advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The organization informs and educates funders about the legal rules for supporting advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The organization informs and educates funders and donors about the value of funding advocacy



The organization fosters long-term relationships with individual donors and foundations



4.2 Funding Advocacy - Advanced (optional)

Very Strong/Always Moderately Strong/Usually Somewhat Strong/Sometimes Not Strong/Rarely/Never

The organization encourages its network to contribute financially to the organization's advocacy work



The organization's board and staff actively work to build a diverse base of financial support for advocacy



4.3 Decision-Making Structure and Process

Assess the extent to which the organization has a process for making decisions.

Very Strong/Always Moderately Strong/Usually Somewhat Strong/Sometimes Not Strong/Rarely/Never

The organization has a leadership structure or body that makes timely decisions



The organization's leadership and advocacy staff communicate regularly about the status of activities



Staff identifies for organizational leaders potential opportunities and risks for the organization before engaging in advocacy work



The organization evaluates its progress and uses lessons learned to inform its decision making



4.3 Decision-Making Structure and Process - Advanced (optional)

Very Strong/Always Moderately Strong/Usually Somewhat Strong/Sometimes Not Strong/Rarely/Never

The leadership structure includes those that have knowledge, passion and/or experience in advocacy



4.4 Fiscal Management and Sustainability

Assess the organization's fiscal management practices.

Very Strong/Always Moderately Strong/Usually Somewhat Strong/Sometimes Not Strong/Rarely/Never

The organization's board treasurer, executive director, fiscal, and relevant program staff have received training and understand rules for monitoring and reporting funds for lobbying



The organization's financial

The organization's financial management system tracks lobbying activities and expenses – as well as funds not allowable for lobbying – in keeping with appropriate federal and state laws

The organization budgets funds for advocacy programs

The organization commits a portion of general operating support to advocacy

4.4 Fiscal Management and Sustainability - Advanced (optional)

Very Strong/Always Moderately Strong/Usually Somewhat Strong/Sometimes Not Strong/Rarely/Never

The organization monitors changes to IRS rules or interpretations of rules that may affect its tax status or way of doing business

Results

Next, you can view the following information about your responses (please note advanced questions are not included in scoring):

- Numerical results for each of the 18 indicators, by section
- Number of times "Rely on Partners" was chosen for each indicator
- Numerical results for each section

For information on analyzing these results, please click here.

You are almost done! Please review the results below and then answer a few final questions before submitting and exiting the survey

Don't get too focused on the numbers! The objective here is to identify organizational strengths and weaknesses, and where to build advocacy capacity - not to get the highest score. For example, where groups choose to mostly rely on partners, the organizational score is expected to be low.

Numerical results for each of the 18 indicators, by section:

<u>Question Section/Indicator</u>	<u>Points awarded (16 possible points per indicator)</u>	<u>Number of Times "Rely on Partners" was Elected</u>
Advocacy Goals, Plans and Strategies		
1.1 Preparation	\$(gr://Preparation/Score)	n/a
1.2 Agenda	\$(gr://Agenda/Score)	n/a
1.3 Plans, Strategies, and Adaptability	\$(gr://Plans%20etc/Score)	n/a
Conducting Advocacy		
2.1 Research and Analysis	\$(gr://Research%20etc/Score)	\$(gr://Partners%20-%20Research/Score)
2.2 Field Operation	\$(gr://Field%20Ops/Score)	\$(gr://Partners%20-%20Field%20Ops/Score)
2.3 Advocacy Partners and Coalitions	\$(gr://Ad%20Partners/Score)	n/a
2.4 Messaging	\$(gr://Messaging/Score)	\$(gr://Partners%20-%20Messaging/Score)
2.5 Media Relations	\$(gr://Media%20Relations/Score)	\$(gr://Partners%20-%20Media%20Relations/Score)
2.6 Influencing Decision Makers	\$(gr://Influencing/Score)	\$(gr://Partners%20-%20Influencing/Score)

Advocacy Avenues		
3.1 Administrative	\$(gr://Admin/Score)	\$(gr://Partners%20-%20Admin/Score)
3.2 Legislative	\$(gr://Legislative/Score)	\$(gr://Partners%20-%20Legislative/Score)
3.3 Ballot Measures, Referenda, and Initiatives	\$(gr://Ballot%20Measures/Score)	\$(gr://Partners%20-%20Ballot%20Measures/Score)
3.4 Electoral	\$(gr://Electoral/Score)	\$(gr://Partners%20-%20Electoral/Score)
3.5 Litigation	\$(gr://Litigation/Score)	\$(gr://Partners%20-%20Litigation/Score)
Organizational Operations to Sustain Advocacy		
4.1 Organizational Commitment	\$(gr://Org%20Commit/Score)	n/a
4.2 Funding Advocacy	\$(gr://Funding/Score)	n/a
4.3 Decision-Making Structure and Process	\$(gr://Decision%20Making/Score)	n/a
4.4 Fiscal Management and Sustainability	\$(gr://Fiscal%20Manage/Score)	n/a

Numerical results for each section:

<u>Question Section</u>	<u>Points awarded</u>	<u>Number of Times "Rely on Partners" was Elected</u>
Advocacy Goals, Plans and Strategies	\$(gr://Section%201%20-%20Advocacy%20Goals/Score) out of 48	n/a
Conducting Advocacy	\$(gr://Section%202%20-%20Conducting%20Advocacy/Score) out of 96	\$(gr://Partners%20Section%202/Score)
Advocacy Avenues	\$(gr://Section%203%20-%20Advocacy%20Aves/Score) out of 80	\$(gr://Partners%20Section%203/Score)
Organizational Operations to Sustain Advocacy	\$(gr://Section%204%20-%20Org%20Operations/Score) out of 64	n/a

Strengthening

*****You are almost done! Please answer these final questions then continue to the SUBMIT button*****

After reviewing the above results, please select two to three areas in which your organization may want to strengthen organizational advocacy capacity and/or capacity from partners.

To review the measures for each of the 18 indicators, press the "Back" button at the bottom of the page to navigate to the desired indicator. All measures will also be presented in your results at the end of the survey.

For help in choosing areas to strengthen, please click here.

Section 1: Advocacy Goals, Plans and Strategies

- Preparation
- Agenda
- Plans, Strategies, and Adaptability

Section 2: Conducting Advocacy

- Research and Analysis
- Field Operation
- Advocacy Partners and Coalitions
- Messaging
- Media Relations
- Influencing Decision Makers

Improving Decision Making

Section 3: Advocacy Avenues

- Administrative
- Legislative
- Ballot Measures, Referenda, and Initiatives
- Electoral
- Litigation

Section 4: Organizational Operations to Sustain Advocacy

- Organizational Commitment
- Funding Advocacy
- Decision-Making Structure and Process
- Fiscal Management and Sustainability

Open/email

If you like, please comment on your organization's desire to strengthen advocacy capacity in the following chosen areas: \${q://QID102/ChoiceGroup/SelectedChoices}

Would you like to receive a copy of your results via email? If so, you will be prompted to enter your email address.

*****Having results emailed to you is the only way to retain a copy of your results.*****

- Yes
- No

Thank you

Please click "Submit" below!!!

Thank you for using the Advocacy Capacity Tool for organizational assessment!

It is recommended that you complete the entire tool again as needed, or at least every 18 months.

After clicking **Submit** below, you will see a summary response* of the survey with your selections, as well as receive an email of your results if you elected to do so.

To access a number of resources on building your organization's advocacy capacity, please see Bolder Advocacy's resource list here.

*If you choose to print the summary response that comes up next, the green check marks that denote your selections will not print

If you would like to comment on your experience with the survey, please do so below. Feedback is appreciated!