

Submitted to LSC by Nancy Kleeman, Access to Justice Director, Minnesota State Bar Association, on behalf of the Minnesota State Bar Association's Legal Assistance to the Disadvantaged Committee.

Subject: Planning Initiative Comments

I have been asked to submit comments about the Legal Services Corporation State Justice Communities Planning Initiative Evaluation Instrument on behalf of the Minnesota State Bar Association's Legal Assistance to the Disadvantaged Committee. I serve as the MSBA's Access to Justice Director and have been the staff person for Minnesota's state planning activities since 1985.

In order to meet the September 27 comment deadline, there was not enough time to discuss the Instrument in much detail. Based on our initial review, we offer the following comments.

First, it is important to let you know that we subscribe fully to the goals that LSC is trying to achieve with planning for and implementation of state justice communities. In Minnesota we have been working towards those goals since the early 1980s. However, we are concerned that the measurement effort may undermine those same goals. While we appreciate the need for evaluation that is as objective and consistent across the country as possible, the process and complexity of the proposed Instrument seemed overwhelming to us. Especially at a time when funding from LSC, IOLTA, foundations, United Way, the state legislature and elsewhere is shrinking dramatically, adding more administrative work cuts deeper and deeper into client service. Each funder has different reporting requirements. What LSC seems to be emphasizing in many parts of the Instrument does not necessarily mesh with the priorities of our other funders. Thus LSC's requests feel increasingly burdensome without a corresponding sense that they lead to improvements in client service. At a time when LSC funding for the field is losing its purchasing power because it has been stagnant and when Minnesota programs are facing substantial cuts due to the census readjustments, we wonder about the cost to LSC to implement this evaluation process.

We also are concerned about the burden on local folks to provide the information covered in this Instrument and to work with the LSC evaluators. The programs and their community partners place a high priority on working together to maintain and improve high quality client services. We must use our private bar, judicial, client community and other partners' limited time very carefully. We are concerned that time spent with LSC evaluators will take the place of time that might otherwise be spent on program and statewide planning and client service priorities.

We have serious reservations about some of the specific data collection items. Of particular concern is the collection of pro bono hours. We believe that the national consensus is that unless a state Supreme Court requires reporting of pro bono, which is done now only in Florida and more recently in Maryland, there is no good way to get this information in any reliable form. This is why the MSBA proposed required reporting of pro bono in 1991 and again in 1999. Unfortunately, the Minnesota Supreme Court declined to adopt our recommendation. We are also not confident that we can get the private bar contributions from all programs. Furthermore, few if any non-LSC programs keep records in a form that would enable them to provide the required demographic information about the clients for whom they are providing extended representation. We strongly suggest that these three elements be reconsidered.

Asking LSC programs and our state planners to impose data collection and response from non-LSC programs, no matter how strong the partnerships, is likely to seriously undermine not enhance our planning efforts. Our committee also noted that Minnesota's IOLTA program and

the board that allocates state funding are working together and with all programs on more uniform data collection. But their priorities focus on getting more comparable basic case service and budget data.

Finally, we note that our staff resources for state planning are severely limited especially in a time when new resource development is crucial. Follow through on many of the proposed requirements would fall on bar and non-LSC program staff whose priorities are not set by the LSC-funded programs. We simply do not have the resources to support what is being proposed.

Thank you for the opportunity to comment. We would be happy to provide further comments and to work with LSC as the Instrument and process are revised.

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