



BUILDING STATE JUSTICE COMMUNITIES: WHERE DO WE GO FROM HERE? **By Don Saunders**

For the last 10 years, the civil legal aid community and its supporters have been heavily engaged in both the process and substance of developing a new national vision of how legal assistance for poor people will be delivered in this country. As always within the equal justice community, this endeavor has spun off a number of catch phrases and acronyms: CISS (Comprehensive, Integrated Statewide Systems), State Planning, “stakeholders”, State Justice Communities, SPAN (State Planning Assistance Network), DSPB (Designated State Planning Body), Access to Justice Commissions and, of course, “reconfiguration”.

Although this movement took place against the backdrop of a more nuanced and complex national political fight than that of the 80’s, the vision of a state-based system was forged in the fires of a similar attempt by the American Farm Bureau Federation, conservative interest groups and congressional opponents to end any semblance of federal support for access to justice for the nation’s poor. Ironically, it was later honed in the controversy of what some in the community saw as an intrusive mandate from the federal level (LSC) to fit various local realities into a one-size-fits-all mold that sometimes seemed inconsistent with the vision of a state taking primary responsibility for its own delivery system.

Today, we find ourselves in myriad places in terms of progress toward a unified vision of an effective state justice community in every state. In some states, the question could be asked whether there is any shared organizational blueprint of a state-based system or of the critical components necessarily entailed in the development of one. Progress toward the vision must, by necessity, be gauged with enough flexibility to encompass a constellation of states with very different realities of resources, support, geography and, frankly, buy-in from the key stakeholders within the state.

The questions underlying the “state planning” debate are not trivial ones for any equal justice advocate. Indeed, they are fundamental to any future efforts to develop a coherent, adequately resourced, civil justice system. Although many in the community blanch at the “vision” thing, we cannot pursue our strategies with appropriate vigor if we cannot define who we are and what we are about.

This article will review the steps since 1995 that have led to the current and different realities regarding the establishment of state justice communities across the country and consider a number of questions that must continue to be addressed if the vision of a state-based system of justice is to become a reality. Can we learn from the lessons of the last decade in adapting what has worked about the process and revising or rejecting what has not?

How We Got to Where We Are Today

State-based planning and cooperation by no means began in 1995. Nor did reconfigurations, mergers or the existence of statewide programs. However, the impact of the events of 1995 and the 104th Congress have greatly shaped the landscape of civil legal aid today. Many observers incorrectly date the current discussion to 1998 when LSC outlined a state planning process in LSC Program Letter 98-06 under the leadership of then-President John McKay.

Indeed, it began with the election in 1994 of what became known as the “Gingrich Congress” and the Contract with America, which called for the elimination of the Legal Services Corporation because its grantees represented clients seeking divorces. Advocates for federal funding at NLADA, CLASP and the ABA, as well as senior officials at LSC, began the current push for “state planning” in the face of the very real potential that Congress might refuse to continue to fund legal services for the poor or, alternatively, block grant all federal legal assistance money to the states.

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Supporters of legal aid saw a system in many states based upon the 80's mantra of "local control", with the provider programs in many states very isolated from other potential stakeholders within the civil justice system and almost totally dependent upon the largess of Congress. In many states, the elimination of federal support would have resulted in an essential dismantling of the staff-based system, the fundamental underpinning of the delivery structure.

The mid 90's also brought significant change in the federal-state relationship around many of the major poverty programs that had formed the basis of much of the strategic advocacy of legal aid programs for decades. Many of the federal rights that had pointed advocates' attention to Washington policies in the past shifted to the state level through the devolution process. Again, supporters saw the need for a shift toward more of a state-based system, as much of poverty advocacy was refocused on state legislatures, state agencies and state, rather than federal, judicial systems.

In an effort initially aimed at preparing grantees for a potential future without LSC funding, or funding through block grants to the states, LSC President Alex Forger issued the first "state planning" letter, Program Letter 95-1 in July of 1995. Forger's letter contained the outline of the issues that would continue to drive the process for the next decade: 1) consolidation of programs to ensure entities of adequate size in anticipation of dramatic cutbacks; 2) much greater integration of pro bono attorneys; 3) increased efficiency of intake and access; 4) the operation of LSC-funded programs as a "statewide legal services system" and coordination of intake, brief service and other legal representation; 5) enhanced utilization of technology; 6) development of non-LSC resources; and 7) transformation to a new system with minimum disruption in client service.

Due to a huge advocacy effort, and the growth of a strong bi-partisan majority in Congress, LSC survived the rockiest times of the 104th Congress, but paid a dear price in doing so. Funding was slashed by almost 1/3, and a series of onerous restrictions were placed upon grantees that made it essentially impossible to base an adequate delivery system simply on LSC-funded programs unable to provide certain essential client services. On their own, many states dramatically altered their delivery systems practically overnight, both spinning off non-LSC entities and merging existing LSC providers without mandate from Washington. These states included Connecticut, Delaware, Massachusetts, New Hampshire, Pennsylvania, Vermont, and Washington.

Even though the federal component of legal aid funding, however altered, was maintained, many equal justice advocates began to recognize that the discussions engendered by the attacks of the 104th Congress, and the changes states had already begun to undertake in response, needed to proceed. The old paradigm of over-dependence on Washington was seen as a concept ill-suited for the political trends of the day.

SPAN, the State Planning Assistance Network, a partnership between the ABA and NLADA, was created in 1996 to actively support at the national level the collaboration between the provider community and the organized bar. Its efforts enhanced the development and networking capacities of state planning bodies and Access to Justice Commissions across the country. In many states, this process has proceeded continually and led to significant progress toward a shared vision of a state system that is both real and owned by most of the significant stakeholders.

With the support of the Open Society Institute, the NLADA/Center for Law and Social Policy (CLASP) Project for the Future of Equal Justice (PFEJ) published a Discussion Draft on "Comprehensive, Integrated Statewide System{s} For The Provision Of Civil Legal Assistance To Low Income Persons To Secure Equal Justice For All" on July 2, 1998. This paper picked up on the growing recognition of the value of a state-based approach to civil justice and provided a framework of what capacities a comprehensive, integrated system should contain. Many of its tenets remain equally important today.

The paper begins from a premise that each state should create a state-based comprehensive system that involves all relevant stakeholders and collaborators, that considers the needs of the state as a whole, rather than a local delivery area, and that efficiently and effectively provides a full range of assistance,

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from brief service and advice to extended representation. The paper contemplates that each system must engage in a planning process broader than the one mandated by LSC, in that the vision contemplated in the Discussion Draft must contain the capacity to represent clients ineligible for LSC representation due to their particular status, and also must provide critical restricted representation, such as legislative advocacy, class actions and, at the time, welfare reform advocacy.

John McKay, who had been an active player in the Washington state planning process beginning in 1995, came into the presidency of LSC clearly focused on making “state planning” the centerpiece of his administration. Program Letter 98-06, issued on July 6, 1998, closely tracked the relevant (restricted) capacities contained in the PFEJ’s Discussion Draft in calling for a detailed state planning process for all LSC grantees. It mandated that a number of state planning considerations be addressed in response to seven questions related to the development of a comprehensive, integrated system in each state as a critical component part of its competition for grants process.

LSC mandated a state planning process with a wide array of stakeholders directed to develop a plan with a timetable to address intake and advice, technology, self-help, coordination of legal work, private attorney involvement, resource development and system configuration.

Thus, in mid 1998, LSC, NLADA and CLASP, and much of the provider community were engaged in thoughtful conversations around a developing vision of a state-based civil justice system that greatly reduced the isolation of LSC-funded programs, enhanced the political support in states for increasing resources, improved the use of technology in the delivery of legal services, increased the involvement of pro bono attorneys and facilitated greater cooperation in some states among programs regarding their legal advocacy initiatives. This discussion was supplemented by NLADA, the ABA and the PFEJ’s admonition that the vision be broad enough to include the creation of unrestricted capacities beyond those that LSC could appropriately support.

However, progress toward a shared vision of a civil delivery system began to diverge dramatically in many states beginning with the 1998 LSC state planning initiative. LSC began in late 1998, particularly in reconfiguring the Bay Area of California even though the state plan did not seek such a change, to stress the reconfiguration of its service areas as a central component of its planning process. During the next four years, the landscape of LSC program configuration underwent enormous change. From 1995 until 1998, the number of LSC basic field and Native American programs shrunk from 288 to 261, with 27 programs being merged. The next four years saw a greatly accelerated pace of service area consolidations and program mergers – going from 261 to the current total of 143 programs serving the states and territories of the United States.

Whatever one thinks of the configuration process -- and little evaluative information exists to date on the results of the move to significantly larger providers in many states -- it is undeniable that such large scale organizational change has siphoned much of the energy and support in many states from the other component parts of the vision of a state-based delivery system. It has proven very hard, particularly for leaders of staff provider programs, to think about much else other than the myriad challenges attendant to achieving a business consolidation and running much larger programs.

The current administration at LSC, under the leadership of Helaine Barnett, has focused on quality in the provision of legal services as its priority agenda item. Barnett has stressed that the focus on configuration is no longer an LSC priority, but that it still supports the other goals and shares the vision of a state-based system that underscored the decade-long planning process. In some states, it remains to be seen whether, absent a strong push from LSC with the concomitant threat of reconfiguration, the vision has enough buy-in or support to organize the development and implementation of a state-based, comprehensive civil justice system.

Most programs have now moved significantly down the road toward effectuating mergers and many states have had experience with what works and what does not in implementing a state-based system. It is the view of the author that we as an equal justice community must consider anew the vision we have articulated for the past decade to test its true validity and feasibility in a time of such tight resources in

many states. The national institutions supporting the equal justice community must take steps to ensure that, absent an almost irresistible push from LSC, the vision is kept both vibrant and moving forward.

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In a healthy state-based justice system, state and local stakeholders should assume responsibility for developing a civil justice system that best meets local realities and needs. However, significant overarching values and concerns remain that lend themselves to a national discussion designed to strengthen these systems through collaborations and support across state lines and from our national institutions.

A number of these concerns have an impact on the success a given state can have in moving toward its vision of a justice system. These include:

1. How do we change the paradigm of “state planning”?

In a relatively large number of states, a broad array of stakeholders have bought into the overall goals of the planning process and have made significant progress in implementing those goals. Yet, primarily due to the focus given to mergers and service area reconfigurations over the last six years, the entire concept of “statewide planning” has taken on a highly negative, almost antithetical, connotation in many states. Many equal justice advocates simply think forced mergers when they hear the term.

The purpose of this article is not to argue whether this reorganization of LSC-funded providers was a good or bad idea. It is to stress that the other goals of statewide planning and collaboration remain both viable and crucial if states are going to make progress toward a vision of justice for all with the many challenges they currently face.

The merger process is essentially over.

Despite the posttraumatic stress disorder affecting some within the equal justice community around the state planning issue, it is now time for a return to a discussion of how we can maximize the effectiveness of state justice communities nationwide.

2. What role should LSC play in the planning process?

As the primary funder of civil legal assistance in this country, LSC plays a crucial role in shaping a system of justice best designed to maximize the effective use of extraordinarily scarce resources. And few would doubt that it has used its power of the purse in an extremely aggressive manner since 1998 in pursuing the vision of a state-based justice system.

Yet, the Corporation cannot be the sole keeper of the light with regard to shaping the justice systems in the various states. We as a broader community of equal justice advocates must assume that responsibility.

LSC funding will always be subject to the vagaries of the national political process, and it is highly unlikely that in the near term this Congress is likely to fund the kind of justice system for poor people that they need and are entitled to. It is imperative that state justice communities boldly consider going beyond the strictures of LSC funding throughout their planning processes. LSC can have no part in moving those discussions, given its strong responsibility to adhere to and enforce the will of Congress with regard to federal funding.

LSC maintains its strong support for the vision of a state-based system, as evidenced in recent remarks by Helaine Barnett, and they should continue to stress the importance to its grantees of being key players in the development of strong, viable state justice communities and in collaborating with a broad array of supporters and stakeholders.

But LSC should rethink its role and relationship with these developing state-based systems. LSC, regardless of the influence inherent in its funding, cannot mandate that a state share these principles or assume real responsibility for developing a quality state justice community.

In some states, LSC's zeal in insisting that certain outcomes be obtained has been counterproductive to the development of real ownership and responsibility at the state level. Appropriate stakeholders must develop state justice communities with a good faith commitment and buy-in to a set of shared principles. LSC must allow them the freedom necessary to promote the development of a real culture of state-based responsibility for justice. LSC cannot be the sole harbinger of these principles if a state is to succeed.

Of course LSC should use its resources to help define the key elements of a quality justice system and help its grantees be active and effective players in moving toward that vision. But LSC also must recognize that a core principle of the state-based vision is a break from an over-dependence on the federal funding component in favor of ownership of the justice system by state stakeholders.

3. What is the role of standards, quality and evaluation in promoting the effectiveness of state justice communities?

Providing states with broad leeway in shaping their civil justice systems around their own particular needs does not obviate the need for a national discussion on the overarching principles and values important to state justice communities. We must work together to ensure that these core values are pursued and evaluated in every state. If we as a community are honest with ourselves, we will recognize that we have not always held ourselves accountable to the highest standards of quality and performance.

A very healthy focus on quality in the delivery of legal services is underway on a number of different levels. The ABA is updating its Standards for Providers of Civil Legal Services to the Poor. Helaine Barnett has made quality the centerpiece of her agenda at LSC. Many programs are looking at peer review and program-owned evaluation as critical components of their operations. IOLTA funders are taking a hard look at quality as well in many states.

Most of these initiatives, by their very nature, are focused on the program level. We should be thinking about the role of standards, quality and evaluation in improving the effectiveness and viability of state justice communities as well. LSC has spent a great deal of time and expense in developing, along with some of the best thinkers in the community, its State Justice Communities Planning Initiative Evaluation Instrument. The Instrument was extensively piloted and has been used to evaluate progress toward planning goals in several states to date.

LSC and the target states have experienced some problems with the evaluation process and it is unclear at this point how many formal evaluations LSC intends to do in the future. Many observers have found it overwhelmingly detailed and difficult to administer as an evaluation instrument. However, the Instrument is clearly useful in that it does provide planners at the state level with a wide range of indicators to consider in prioritizing and implementing their state plans.

Regardless of how LSC chooses to proceed on its evaluation process, the broader community of equal justice advocates needs to take ownership of and responsibility for the quality and evaluation component of state justice communities. Again, the LSC vision must inherently be more limited in its goals than any healthy state system should aspire to. It is also clear that one of the consistent positive results in the states where LSC conducted evaluations has been a recharging of the energy and focus of the process and a renewed commitment and buy-in from the stakeholders involved. IOLTA providers, Access to Justice Commissions or other statewide stakeholders should consider means to assure that quality and evaluation are built into their processes on a regular basis.

As the ABA reviews the Standards for Providers of Civil Legal Services to the Poor, it needs to consider how this new vision affects those Standards. When the latest iteration of the Standards was adopted in 1986, they primarily focused on a much different legal services provider community, before many of the most onerous restrictions were placed on LSC funds. The context of this new vision of state-based

delivery systems, including restricted and unrestricted providers, new ways of conceptualizing our advocacy on behalf of clients and their communities and the need for at least minimally adequate resources and capacities for a given state should at least be considered as a backdrop as the ABA moves forward in its process.

4. How can we grow the pie?

The prime motivation for the original move toward a state-based justice system was the highly volatile nature of, and potential loss of, federal funding for legal services. Clients were not going to go away if LSC was eliminated and states remained the most stable and viable focus for organizing the civil justice system. The judiciary is a state-based institution and legislatures and administrative agencies are responsible for funding a plethora of programs important to the client population, as well as passing the laws and regulations that so affect their lives.

As we know all too well, even though the demise of LSC funding was avoided, funding for legal aid in this country is woefully inadequate, even desperate, in many states. With the federal budget outlook for discretionary domestic spending looking bleak for the foreseeable future, it is unlikely that the reduction and eventual stagnation in federal funding that has had such a detrimental impact since 1995 is likely to change in the near term. In fact, cuts in the LSC budget are a distinct possibility as Congress pursues an agenda of fiscal austerity against a backdrop of a growing number of national concerns and events worldwide that compete for attention and money.

It goes without saying that resource development must be a principal priority of any state justice initiative. Parts of the community have seen significant growth in the non-LSC share of revenues since 1995. According to information from the ABA Project to Expand Resources for Legal Services (PERLS), resources for legal aid in this country have more than doubled since the early 90's. A good deal of this growth has resulted from state legislative campaigns and the ability of programs to collaborate to raise non-LSC federal funds and other sources of revenue to support the delivery system.

Obviously, the ability of state justice communities to increase revenues is widely divergent based upon a variety of factors, particularly the disparities of wealth that exist among the states and the receptivity of state political systems to the needs of the poor and the justice system. Yet our experience at the national level, and that of many state justice communities around the nation, suggests that the only way to crack the nut of increasing resources for civil legal aid is to involve the broadest, bi-partisan coalitions possible to influence political support for public funding and open the largest avenues possible to private and corporate resources. Every state, particularly those depending on LSC for huge percentages of their resources, can only succeed with the state-based approach.

Perhaps the hardest paradigm shift for provider programs to make in accepting the vision of a state system, at least in multiple program states, was the idea that every program and stakeholder has a responsibility to all poor persons within a given state, not just those the program directly serves. The purported goal of relative equity in service across a state is generally seen as a pipe dream in many states. One legal aid program alone, for example, is responsible for serving 243 counties. The only way to begin to really develop the capacity to serve an entire state reasonably well is to significantly increase the resources available to the system.

We face a critical juncture with regard to resources within the civil justice system and, if for no other reason, we need to stress the importance of statewide planning and collaborative efforts to improve the funding outlook. With reconfiguration behind us, many states can shift their full attention to this endeavor.

5. Resources for what?

An even tougher resource challenge facing state justice communities is the development of resources dedicated to representing LSC-restricted client groups or providing legislative advocacy or class representation where necessary. This complicated and challenging task must rest with the state planning

body in every state responsible for the delivery system. As more and more state legislatures begin to provide enhanced public support for civil justice, we operate in an even more complex environment.

The political issues underlying the federal restrictions are not limited to the Washington scene. Many of these issues are controversial among state legislatures and other funders. We need to guard against allowing public funding for "politically popular" legal aid to obviate the commitment to bringing controversial cases, even against the state, if justice demands that we do so. We all understand what a delicate and difficult balance this can be, even in more progressive political environments.

But we as a community of advocates cannot shirk the responsibility to ensure that every state provides redress for undocumented aliens with legal needs or gives poor people a voice before legislative and administrative bodies having increasingly more power over decisions affecting the basic human and legal needs of our client communities. These are fundamental components of any system of equal justice. These discussions must be owned at the state justice community level.

Stakeholders within state justice communities must continue to hone messages designed to educate the public, courts, legislators and other funders about the importance of such advocacy to ensuring equal justice. In most states, the voice of business leaders, judges, private attorneys and other recognized power brokers would be much more effective than that of advocates in making the case for resources for restricted advocacy. Again, this is the business of state justice communities.

One final note in this regard. Many state justice communities may very well be missing the opportunity to more fully engage the resources of the private bar in doing restricted advocacy or systemic representation. State-level planning should include a discussion of how better to utilize the private bar to bring class actions, appear before legislative bodies or represent politically unpopular clients.

6. How do we build stakeholder buy-in and participation?

State-level partnerships to oversee the development of justice communities have assumed a variety of forms across the country. According to the most recent report of the Access to Justice Support Project (the successor to the jointly sponsored ABA/NLADA SPAN project), more than twenty states either have, or are in the process of establishing, Access to Justice Commissions, formal state-level bodies consisting of bar leaders, the judiciary, providers, legislators, business and labor leaders, client representatives, law schools, community agencies and faith-based organizations, among others.

More than a dozen additional states have an active committee of the state bar or bar association charged broadly with Access to Justice functions. In a number of other states, the function is led by a state funding entity or bar foundation. Other states have developed statewide steering committees or informal structures, particularly around specific issues, like fundraising, pro bono or technology.

This developing state infrastructure is the most visible result of a decade's planning efforts, and provides a foundation upon which the next stage of discussions must take place. Some of these bodies found their *raison d'être* in responding to the LSC planning process, and have yet to develop the sense of independence and ownership necessary to take the vision to the next level. Others have led to a truly remarkable change in the culture of a broad array of powerful stakeholders who never felt particularly responsible before for the quality of a state's civil justice system.

A decade ago, most of us would have thought it no more than a pipe dream that a state's Chief Justice, bar president, law school dean, and other key bench and bar leaders would sit around a table several times a year with the executive directors of the state's legal aid programs to plan and implement joint initiatives to expand the state's civil legal aid delivery system. Yet today that is a reality in a rapidly growing number of states (sometimes with a slightly different cast of characters -- for example, an Associate Supreme Court Justice designated by the court, rather than the chief).

The Access to Justice Support Project remains focused on enhancing the support among bar leaders, the judiciary and others for the concept of real participation and buy-in to these state-level initiatives. At the

last Conference of Chief Judges, for example, a Project-supported resolution was adopted by the Conference in support of its participation in and support of Access to Justice initiatives.

The Project has also regularly convened Access to Justice leaders at the annual NLADA/ABA Equal Justice Conference, in which the key leaders discuss common issues and challenges they face, such as adequate state-level staff support, how to increase resources in a tight fiscal climate and how to expand support among their colleagues in the judiciary and the bar. Last year's event drew participants from 37 states.

Experience continues to show, however, that the role and commitment of the professionals from provider programs is critical if these fledgling institutions are going to grow and release the powerful potential inherent in the vision. Where these groups have flourished, the programs have come to the table as equal partners, willing to cede some of their traditional independence over civil justice issues to their partner stakeholders. Such trust is crucial, particularly if the Access to Justice groups in many states are going to move beyond the LSC-mandated process and fully embrace the vision of a state-based, and owned, system.

The civil justice community finds itself at a potential turning point, as many of these newer entities struggle to figure out their role and identify their goals. In many states, reaching these goals requires new leadership (from legal aid leaders, the bar and the judiciary) and very likely support and staffing at the state level. Finding such leadership and resources to support this effort is particularly hard in states still struggling to fully and successfully effectuate mergers and to deal with the constant drumbeat of local demand for services. Resources have seldom been tighter. Yet, to be serious about progressing toward a shared state vision, advocates must ensure that adequate resources and energy are committed to the pursuit. That will only happen with strong leadership from the key players in a state.

7. How can national institutions better support the enhancement of a state-based system of justice?

One of the great values we have enjoyed as a civil justice community since the 60's is a sense of being part of a national mission, a movement toward justice. No matter how isolated we were, or how aggressively we were attacked, advocates always knew that their colleagues in other states were available to assist or to suggest ways in which we could do our work better. We also have strived to hold each other accountable as peers for the quality of our services and for the values and standards we espoused. This shared vision and sense of mission was greatly facilitated by the common focus for so many years on a federal funding source.

With a shift toward a more state-based approach, it is incumbent upon the national institutions to adapt to ensure that they are providing appropriate services designed toward supporting these state justice communities in their efforts to become more effective. In doing so, the national organizations must also protect and facilitate the continuation of the important sense of national community that has grown over the years. They must make sure that the national messages of values and standards get to all levels of the system, from Access to Justice stakeholders to staff attorneys and paralegals in field programs.

In addition to continuing to support and enhance the state-based vision, LSC must provide technical assistance and whatever scarce resources it has available to help its programs succeed in the larger state justice picture. It must convey a clear message about the importance of collaboration with other groups, while clearly delineating among activities that grantees cannot participate in due to congressional limitations. LSC grantees should not feel compelled to go into a shell with regard to conversations aimed at improving the provision of civil justice within their state. In the past, some programs have perceived mixed messages from different branches of LSC with regard to collaborative efforts with other stakeholders. LSC must be clear, and speak with a single voice, on this critical issue.

The ABA/NLADA partnership must remain intact as a place where field programs and bar leaders can meet to enhance the vision of a state-based delivery system blessed with maximum buy-in and support from both sides. The Access to Justice Support Project remains an important commitment to this issue

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by the ABA and it needs to continue as these partnerships mature. The ABA's Standing Committees on Legal Aid and Indigent Defendants and Pro Bono and Public Service must continue to ensure that the bar is a full partner in effectuating the development of effective state justice communities.

The National Association of IOLTA Programs (NAIP) and the ABA Commission on IOLTA have been instrumental in facilitating discussions among IOLTA directors aimed at moving forward the vision of a state-based justice system. NAIP and the Commission play an important role in pushing both collaboration and information sharing across state lines by critical funders of the justice system. The IOLTA community has more experience than anyone within the system of supporting essentially state-based initiatives from a national perspective. IOLTA funders are lead players in many of the states with effective justice communities. They also provide much of the support for restricted activities. NAIP members are also critical players in the evaluation of quality within a system and progress toward a particular state's articulated goals.

The Management Information Exchange (MIE) provides an invaluable forum, both through its trainings and its Journal, for disparate views to be considered regarding where the civil justice systems should be headed in various states and what steps can be taken at the management level to improve their functioning. MIE should ensure that it maintains a focus on these developing systems among the many issues it addresses and that it continues to serve as a clearinghouse on innovation and creative thinking going on at the state level.

The plethora of support entities, including the Sargent Shriver National Center on Poverty Law, Pro BonoNet, the many substantive support and training centers and other actors at the national level must continue to work with and support the substantive development of advocates within these state justice communities, as well as the formulation of new advocacy strategies designed to meet today's challenges.

We also need to spend a good deal of time on rethinking how we respond nationally to the changing substantive issues affecting today's clients. Many of the national support centers, upon losing their LSC funding, have found it necessary to drift away from the legal aid community, per se, as funding imperatives made it impossible to continue the level of support and training a whole generation of advocates enjoyed until the 1995 changes. Without a view from beyond the state on other advocacy approaches to client needs, no state justice community can maximize its effectiveness or bring along a new generation of advocates possessing the skills they need to make a real difference for the clients and the communities they serve.

Finally, NLADA, CLASP and the joint Project on the Future of Equal Justice must ensure that the national discussions on the quality and effectiveness of state justice communities continue and mature as states make progress toward their individual goals. Those efforts must include working with the ABA, LSC, the National Organization of Legal Services Workers and others to fully educate the Congress about the tremendous need that exists for increased federal support for equal justice in this country. The assumption of greater responsibility at the state level cannot relieve the federal government of its duty in this regard.

NLADA and CLASP must also continue to work with our partners at the Brennan Center on Justice in educating Congress regarding the harmful effect to the system engendered by the long list of restrictions, particularly as applied to non-LSC revenues.

As stated earlier, the PFEJ Discussion Draft continues to provide significant detail to the capacities that should be considered in developing an effective state justice community. NLADA, CLASP and the PFEJ must assume a lead role in facilitating discussions around the vision stated therein and help provide the tools and technical assistance needed to make progress at the state level. I suggest you read the Discussion Draft again (or for the first time). A link to the draft can be found on the NLADA Web site at www.nlada.org/civil. You might be surprised at how current, timely and provocative it remains today.

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NLADA and the ABA need to ensure that broad communication vehicles exist among state leaders to share information and ideas on enhancing system effectiveness. The various national conferences and training events are a particularly important forum to discuss relevant issues and developments.

These are just a few of the many challenges facing the legal aid community if we are to move toward a vision of a state-based system of justice. There are obviously many more. The last decade has been a long, hard struggle, particularly for provider programs, and adding a whole new agenda and vision of a delivery system on top of every other challenge took a great deal of time, energy and passion. It also resulted in a huge amount of very difficult change in many states.

The lexicon of “state planning” as a result has taken a back seat to issues such as working out mergers, fighting political battles or responding to new issues de jour as they have arisen.

But if we are serious about our vision of justice in this country, and where we as a community are going with this vision, it is incumbent upon us to take ownership over the vision and make a real effort to build the best state-based justice systems we can. The issue is too important to leave on a back burner in any state.

Peter Block defines vision as: “Our deepest expression of what we want. It is the preferred future, a desirable state, an ideal state, an expression of optimism. . . It is a dream created in our waking hours of how we would like our lives to be.”

The dream of the civil justice community for over forty years has been, and remains, the realization of justice for our clients. Many obstacles have been placed in the path toward reaching that objective. Today, one critical way to pursue the dream is to ensure that our systems of justice are fair, broadly supported, adequately and equitably resourced and increasingly immune from political vagaries. This pursuit provides an important “expression of optimism” in our continuing struggle for justice.

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