



# USING THE ABA PRINCIPLES OF A STATE SYSTEM FOR THE DELIVERY OF CIVIL LEGAL AID: WHY PROGRAM DIRECTORS SHOULD CARE

By Robert Echols and Alan W. Houseman<sup>1</sup>

“Oh no! Not another set of standards!” may be the response of some legal aid managers to the new American Bar Association *Principles of a State System for the*



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*Delivery of Civil Legal Aid* (the *Civil Principles*), adopted in August 2006, by the ABA House of Delegates. On top of the revised ABA *Standards for the*

*Provision of Civil Legal Aid* (the ABA *Standards*)—also adopted at the 2006 ABA Annual Meeting, the Legal Services Corporation *Performance Criteria*, and various funder requirements, the *Civil Principles* may appear to be nothing more than another set of requirements that managers must comply with.

That is not the case. First, the *Civil Principles* apply to state civil aid delivery systems as a whole, rather than to individual providers. The delivery system is broadly defined: legal aid programs, law school clinics, *pro bono* attorneys, and support for *pro se* litigants through the courts are all regarded as parts of it. Similarly, responsibility for achieving the principles is placed not on legal aid providers or on any other single institution, but is considered to be shared among all the stakeholders in the state’s justice system. These include the courts, state legislative and executive branches, organized bar, legal services providers, law schools, funders, and all other relevant institutions.

Rather than imposing a new burden, the *Civil Principles* represent a powerful tool for expanding access to civil justice at the state level. They are modeled on the ABA *Principles of a Public Defense Delivery System* (the *Defender Principles*), which have been extremely effective in improving state defender systems (and in obtaining the funding necessary to do so). The *Civil Principles* offer similar potential. The fact that the ABA

has gone on record as stating “this is what is expected of a state civil legal aid system” not only emphasizes the importance of civil legal assistance to our judicial and legal system but provides a set of independent guidelines that can be used in efforts to expand and improve civil legal aid. Program directors advocating for increased legal aid funding and other forms of support need not rely solely on making their own case, but can invoke the ABA. This can help to dispel any sense that providers are seeking increased resources out of self-interest.

In addition, the *Civil Principles* can be used by state leaders to assess the sufficiency of the civil legal aid delivery system in their state as part of a planning and evaluation process. In this context as well, the value of the *Civil Principles* is that they provide a thoughtful set of guidelines from an independent entity that can assist in identifying strengths and weaknesses in the system, gaps that need to be filled, and other issues that need to be addressed. Once such efforts are undertaken, the *Civil Principles* can provide a way of measuring progress.

Consequently, it is extremely important that legal aid leaders and managers know about and take advantage of the *Civil Principles*. This article explains the background and intended purposes of the *Civil Principles* and provides some examples of how civil legal aid programs and their supporters can — and are already beginning to — use them.

## BACKGROUND

### The ABA Context

At its 2006 Annual Meeting, the ABA adopted three resolutions directly affecting civil legal aid: revised ABA *Standards*, a resolution on the right to civil counsel in civil cases, and the *Civil Principles*. Civil legal aid leaders and managers may be more familiar with the revised ABA *Standards* and the *Right to Civil Counsel Resolution* than with the *Civil Principles*.

The *Civil Principles* and the *Right to Civil Counsel Resolution* were the products of the Presidential Task Force on Access to Civil Justice, appointed by ABA President Michael Greco, who served from 2005 to 2006. The Task Force included leaders from the judiciary, the legal aid community, the private bar, law schools, the IOLTA community, and Access to Justice Commissions, as well as liaisons to ABA entities working on related issues.

One of the charges to the Task Force was to explore ways that the ABA could support the efforts of state Access to Justice Commissions and others working at the state level to expand access to civil justice for low-income people. The *Civil Principles* were designed to set out in a short easy-to-read document the hallmarks of a system that meets the civil legal needs of low-income people in every state, for use by state leaders in assessing their state system, planning to expand and improve it, securing the necessary resources, and ensuring ongoing oversight of its development. The black-letter principles are fleshed out with commentary. The *Civil Principles* and commentary are derived from and incorporate the lessons of previous initiatives of LSC, the Project for the Future of Equal Justice (a joint project of National Legal Aid and Defender Association and the Center for Law and Social Policy) and the ABA Access to Justice Support Project. NLADA's Program Enhancement Committee also provided valuable input to the Task Force on the content of the *Civil Principles*.

The *Civil Principles* are a complement to, and incorporate where appropriate in the Commentary, the revised *ABA Standards*.<sup>2</sup> The revised *ABA Standards* focus on individual providers, not the state system for delivery of civil legal aid, and set out aspirational standards for legal services providers to ensure provider quality. However, ABA Standard 2.3 explicitly require providers to participate in statewide delivery systems.

In addition, the *Civil Principles* complement the *Right to Civil Counsel Resolution*. The resolution seeks to guarantee that, in those categories of matters in which basic human needs are at stake, no low-income person is denied a fair hearing because of their economic status. The resolution deliberately does not seek to establish a right to counsel in all categories of cases or for legal advice or legal assistance unrelated to litigation in adversarial proceedings.

Taken together, the *Right to Civil Counsel* resolution, the revised *ABA Standards*, and the *Civil Principles* create a comprehensive framework for concretely advancing civil legal assistance in each state and territory to all low-income and other vulnerable populations

that cannot afford counsel. There are now new standards to promote high quality representation by providers, a new call for guaranteeing civil legal assistance in critical cases where the most basic human needs are at stake, and a clear and all-inclusive framework to guide the ongoing development of state systems for the delivery of civil legal aid.

### State Civil Legal Aid Delivery Systems and Access to Justice Commissions

While recognizing that the federal government, through LSC, continues to play a leading role in providing access to civil justice, the *Civil Principles* reflect the current reality that expanding the current system will not occur without state-level leadership.

Since the 1980s, as federal funding has effectively decreased, funding from state sources has gradually expanded. At the same time, as restrictions on federal funding have limited the ability to provide certain kinds of representation and serve certain clients, state-based efforts have developed to create comprehensive, integrated state systems for the delivery of civil legal assistance. In many states, these systems are funded largely with non-LSC funds and delivered both by LSC grantees and by entities that are not grantees of LSC.

Today, each state bears the basic responsibility for expanding and improving the civil legal aid system within its borders.

Some states have been very effective in obtaining state, local, private and non-LSC federal funding to build upon their LSC funding. Many others have very little funding beyond that provided by LSC. As a result, the level of civil legal assistance available varies widely from state to state. The highest-funded states have as much as five to six times the per capita funding level of the lowest-funded states. Yet, even in the highest-funded states, the civil legal aid system falls far short of meeting the need and demand for its services.<sup>3</sup>

State bar and judicial leaders around the country have come to recognize that they bear leadership responsibility in this area, resulting in a growing momentum for state-based initiatives. In particular, the past few years have seen the rapid expansion of state Access to Justice Commissions, state-level structures that bring the highest levels of the state courts and state bar together with civil legal aid providers and other key players to promote and support the expansion of civil legal assistance. Depending on the state, law schools, legislators, the executive branch, community and business groups, and others may be involved. Twenty-five states now have such an entity in place; in a number of

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other states, proposals are pending or planning is under way. What distinguishes Access to Justice Commissions and similar entities from what has gone before — for example, the traditional bar legal aid committee — is the increased level of credibility and visibility that arises from their high profile membership, endorsement by the governing body of the bar, and, above all, state Supreme Court creation and participation. As a result of these developments, state Supreme Courts justices, bar association officials, law school deans and faculty, and other state leaders have become engaged in supporting civil legal aid at a new level. One of the principal purposes of the *Civil Principles* is to provide guidance to these state leaders.

### USING THE PRINCIPLES

The *Civil Principles* can be used by states at all levels of development—those with well-integrated civil delivery systems, led by an Access to Justice Commission or similar entity and providing a range of effectively coordinated services from different providers, and those that are just beginning to develop such a system. Program directors can also use the *Civil Principles* to argue against restrictions and to understand their program's role in state systems. No state achieves all the *Civil Principles*. Even where all the other principles are met, no state “provides services in sufficient quantity to meet the need.”

### Threshold Questions

An initial question for state leaders using the *Civil Principles* to assess their state systems is to ask: *Do we have a civil legal aid delivery system, as compared to minimally coordinated efforts on the part of legal aid providers, the bar, and the courts?*

Regarding the participation of stakeholder institutions, the fundamental questions include: *Are the courts and the organized bar engaged in supporting and seeking to expand civil legal aid? Are the courts seeking ways to make the system more user-friendly for self-represented litigants? Is the organized bar engaged in supporting and seeking to expand pro bono service? Do legal aid programs collaborate effectively with the bar and the courts?*

Regarding the system itself, basic questions are: *Do people in all parts of the state have the same level of access to civil legal aid? Does our system provide services to people who are denied service by federally-funded providers? Does our system provide a full range of services, from*

The texts of the Civil Principles, Commentary, and Self-Assessment Tool are reprinted below and can be downloaded at [www.ATJsupport.org](http://www.ATJsupport.org) (under “Documents and Resources”).

*basic information about legal rights and responsibilities to systemic advocacy on behalf of low-income people?*

Unfortunately, in some states the answers to these questions is likely to be “no.” Where that is the case, it is incumbent upon state leaders from the bench, bar, and legal aid communities to step up to the plate and assume responsibility for building a truly coordinated system that effectively involves the key stakeholders and meets client needs. Legal aid leaders can use the *Civil Principles* to promote the participation of these key stakeholders.

### Self-Assessment Instrument

For states that have already engaged key stakeholders and taken steps toward building an effectively coordinated system, the *Civil Principles* and commentary offer a basis for assessing the current state of the system, planning to move forward, and measuring progress. To assist in such efforts, the ABA Task Force on Access to Civil Justice also prepared a *Self-Assessment Instrument*, which translates the principles and commentary into a set of questions.

The *Self-Assessment Instrument* can be adapted according to the particular circumstances in a particular state. While most of the questions call for only a “yes” or “no” answer, at least one state intends to apply the instrument using “inadequate,” “adequate,” or “good” as responses.

Possible contexts in which the *Self-Assessment Instrument* could be used include the following:

- a report on the status of the civil justice system in the state
- a strategic planning process
- a retreat for an Access to Justice Commission or broader group
- an assessment by a program of its state and what its role should be

### Advocacy for Expanding Civil Legal Aid: Lessons from the Defender Experience

The ABA *Defender Principles*, upon which the *Civil Principles* were modeled, were approved by the House of Delegates in February 2002. Over the past five years,

the defender community has found that the prestige of the ABA enables the *Defender Principles* to have a major impact in many contexts. The *Defender Principles* have been effective in making a persuasive case to funders, the press, and opinion leaders. By condensing the many previously existing standards into a set of short and straightforward statements, they provide a simple way of demonstrating, in those states with inadequate systems, “the system is broken; here’s how; here’s what needs to be done to fix it.” The *Defender Principles* have been incorporated into state statute and used in litigation.

The *Defender Principles* have been particularly effective because the defender community united behind them and worked consistently to raise their visibility and prestige. Leaders and managers should follow this example, promoting and drawing attention to *Civil Principles* whenever possible, associating themselves with it and encourage their supporters in the bar and the judiciary to do so as well.

- 1 Robert Echols is State Support Director of the ABA Resource Center for Access to Justice Initiatives. He has been a legal aid attorney, Congressional staff member and worked for the Legal Services Corporation. He was one of the staff to the Presidential Task Force on Access to Civil Justice and helped draft the *Principles*. Bob may be reached at echols@suscom-maine.net and through a link at www.atjsupport.org.

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- 2 It should also be noted that the Legal Services Corporation has recently revised the *LSC Performance Criteria*, which provides a framework for peer reviewers to use in evaluation of civil legal aid programs and provides guidance to legal aid programs on how to effectively carry out their overall work and role as a legal aid provider in a community.
- 3 See Legal Services Corporation, *Documenting the Justice Gap in America: A Report of the Legal Services Corporation*, September 2005.

## ABA PRINCIPLES OF A STATE SYSTEM FOR THE DELIVERY OF CIVIL LEGAL AID

### THE GOAL

A state’s system for the delivery of civil legal aid provides a full range of high quality, coordinated and uniformly available civil law-related services to the state’s low-income and other vulnerable populations who cannot afford counsel, in sufficient quantity to meet their civil legal needs,

### THE PRINCIPLES

A state’s system for the delivery of civil legal aid achieves the goal if it:

#### *1. Provides services to the low-income and vulnerable populations in the state.*

The state’s system for the delivery of civil legal aid provides services to low-income people and others who face financial or other barriers to access to justice including: those who cannot be served through federally funded programs for reasons such as their income level, immigration status or because they are incarcerated; the elderly and people with mental or physical disabilities; and those facing particular barriers to access to civil legal services, such as people who are homeless

or institutionalized, children, migrant workers, Native Americans, and people lacking proficiency in English.

#### *2. Provides a full range of services in all forums.*

A full range of services includes information about legal rights and responsibilities; options for services; outreach and community legal education; legal advice and brief services; support and assistance for individuals capable of representing themselves; representation in negotiation and alternative dispute resolution; transactional assistance; representation in administrative and judicial proceedings; extended representation in complex litigation and on systemic issues; and representation before state and local legislative and administrative bodies that make laws or policies affecting low-income and vulnerable people.

#### *3. Provides services of high quality in an effective and cost efficient manner.*

The state system provides low-income persons and others who cannot afford counsel with high quality civil legal aid services to meet their legal needs. All provid-

ers in the state comply with standards of practice and ethics developed by the state, and institutional providers comply, where appropriate, with state and national standards of practice such as the American Bar Association Standards for Providers of Civil Legal Aid to the Poor and the Legal Services Corporation Performance Criteria. Programs and individuals providing services are evaluated by funders or other appropriate entities, and engage in their own evaluations. Staff compensation and workload are reasonable to enable the provision of uniformly high quality, effective and productive services. All individuals participating in providing, supporting or managing civil legal aid receive ongoing training and participate in professional and leadership development activities. An appropriately diverse staff is recruited, trained, supported, supervised and provided the necessary tools, including current technology, to provide high quality, effective and cost-efficient legal services. Management information and information about new development in the law disseminated to all advocates and managers. Support is provided on state legal issues and advocates coordinate their work on behalf of the client community. Services are provided in a cost efficient manner to maximize access and limit unnecessary administrative and other costs.

*4. Provides services in sufficient quantity to meet the need by seeking and making the most effective use of financial, volunteer, and in-kind resources dedicated to those services.*

The state system has available the resources to provide the quantity of services necessary to meet the legal needs of the low-income and other vulnerable populations who cannot afford counsel in the state. To do so, the system maximizes services by effectively developing, leveraging and utilizing all potential financial, volunteer and in-kind resources. The system makes the best use of these resources to ensure the effectiveness and the cost efficiency of the system. Potential sources of funding for civil legal assistance include federal, state, and local governments; court fee surcharges and fines; interest on lawyer trust accounts (IOLTA); attorney registration fees or dues assessments; add-ons to bar dues; grants from courts or bar associations; lawyer fund raising drives; other private donations; *pro hac vice* and similar fees; *cy pres* awards; client co-payments; foundation and corporate grants; attorneys'

fees; planned giving; endowment funds; and capital campaigns. Potential sources of volunteer resources include private attorneys, corporate counsel, retired attorneys, government attorneys, law schools and law students, other professionals, and lay volunteers. Potential sources of in-kind resources include federal, state, and local governments, corporations, non-profits, and other private entities and individuals. Local, regional, and program-based efforts to build resources are coordinated with statewide efforts to maximize overall resources.

*5. Fully engages all entities and individuals involved in the provision of those services.*

The state's system for the delivery of civil legal aid fully engages in the delivery of civil legal aid services all those who are involved in the provision of law-related services, including legal aid providers, private attorneys (working pro bono or for compensation), court personnel, law school clinics, human services agencies, paralegals, lay advocate and other public and private individuals and entities that provide legal services to low-income and other vulnerable people who cannot afford counsel in the state.

*6. Makes services fully accessible and uniformly available throughout the state.*

The ability of low-income and vulnerable people to obtain civil legal assistance consistent with these principles does not depend on where that person resides in the state.

*7. Engages with clients and populations eligible for civil legal aid services in planning and in obtaining meaningful information about their legal needs, and treats clients, applicants and those receiving services with dignity and respect.*

The state system, including all those involved in delivering services and providing support, treats clients and others who receive civil legal services with dignity and respect. Services are delivered in a culturally competent manner. To guide coordination and planning, the system obtains meaningful information from, and interacts effectively with, low-income and vulnerable people and groups representing them. Guidance is sought from all communities that face disparate treatment and unique barriers to the justice system, including new and emerging populations and categories of clients and potential clients.

**8. Engages and involves the judiciary and court personnel in reforming their rules, procedures and services to expand and facilitate access to justice.**

The judiciary ensures that the courts are accessible and responsive to the needs of all residents, including low-income and vulnerable populations and those facing financial, physical and other barriers to access. The judiciary examines its rules and procedures to ensure that they do not create barriers to the courts and, where necessary, changes them to expand and facilitate access. Courts provide a range of services including assistance to *pro se* litigants where appropriate to enable all residents to obtain access to the courts in matters before the court.

**9. Is supported by an organized bar and judiciary that is providing leadership and participating with legal aid providers, law schools, the executive and legislative branches of government, the private sector and other appropriate stakeholders in ongoing and coordinated efforts to support and facilitate access to justice for all.**

The organized bar and the courts provide active leadership and support for efforts to expand access to civil justice. Their involvement includes participation with legal aid providers, the executive and legislative branches of government, IOLTA and other state funders, the private sector and other appropriate stakeholders in formal structures and/or specific initiatives dedicated to this goal. State Access to Justice Commissions have proved to be an effective model for institutionalizing bar and judicial leadership and support. The organized bar has a special obligation to provide leadership for efforts to maximize *pro bono* services.

**10. Engages in statewide planning and oversight of the system for the delivery of civil legal aid to coordinate and support the delivery of services and to achieve the principles set forth above.**

The state system for the delivery of legal aid develops and maintains the capacity to plan and oversee its civil legal assistance delivery system so that the principles set forth above are achieved. Planning and oversight should be open and inclusive and include individuals who are experienced with and sensitive to the ethnic, racial and cultural makeup of low-income and vulnerable populations in the state. Appropriate staffing and other resources are provided for statewide planning. Effective communication initiatives are developed to increase public awareness of the availability of and need for legal aid throughout the state. Participants work together in a coordinated and collaborative manner to provide a full range of high-quality services efficiently and in a manner that maximizes available resources and eliminates barriers to access. Participants work with their counterparts in other states to learn from their experiences in improving the provision of civil legal assistance. Participants also work with the American Bar Association and other national legal aid entities and institutions involved in improving civil legal aid to gain a national perspective on their work, take advantage of collective resources and participate in the national efforts to achieve equal justice for all. Legal needs, including new and emerging legal needs, are identified, and effective and cost efficient methods of addressing them are developed. Research and evaluation of civil legal aid delivery methods and providers are undertaken to assure the quality, efficiency and effectiveness of the services provided and the system responds appropriately to the results.

**State Civil Legal Aid Delivery System Self-Assessment Tool begins on page 22.**

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- 2 All hotlines identified cases over a period of one to three months, but due to staffing problems, some hotlines started identifying cases later than others, so the flagging process for the whole study spanned five months.
- 3 The Project for the Future of Equal Justice Outcome Assessment Study, Phase II, 2002 and Senior Legal Hotline Client Outcomes Study, 2000 and 2003, [www.legalhotlines.org](http://www.legalhotlines.org)

- 4 <http://www.legalhotlines.org/standards/index.cfm#outcome>
- 5 Sites included stand alone, single program, and multi-office intake hotline models, serving both low-income residents and senior populations.
- 6 Seven programs participated by flagging consumer cases and four of these hotlines flagged public benefits cases, as well.
- 7 Program sites were given the option of sending the survey via US mail with return postage, but all sites decided to use the telephone model exclusively as the initial method of contact.
- 8 For example, during the process of flagging cases we realized that some of the programs would not be able to identify 100 cases as quickly as initially thought, so we extended the period of time for identifying cases to 90 days.
- 9 Hotline manager during outcomes study conference call on held on September 27, 2005.

# STATE CIVIL LEGAL AID DELIVERY SYSTEM SELF-ASSESSMENT TOOL

**1. Principle: A state’s system for the delivery of civil legal aid provides services to the low-income and vulnerable populations in the state.**

*Does your state’s civil legal aid delivery system systematically provide legal services to the following low-income and vulnerable populations who cannot afford counsel:*

	Yes	No
Immigrants	<input type="checkbox"/>	<input type="checkbox"/>
Incarcerated persons	<input type="checkbox"/>	<input type="checkbox"/>
Elderly	<input type="checkbox"/>	<input type="checkbox"/>
People with mental or physical disabilities	<input type="checkbox"/>	<input type="checkbox"/>
Homeless persons	<input type="checkbox"/>	<input type="checkbox"/>
Institutionalized persons	<input type="checkbox"/>	<input type="checkbox"/>
Children	<input type="checkbox"/>	<input type="checkbox"/>
Migrant workers	<input type="checkbox"/>	<input type="checkbox"/>
Native Americans	<input type="checkbox"/>	<input type="checkbox"/>
Non-English speaking persons	<input type="checkbox"/>	<input type="checkbox"/>
Persons of moderate means with access barriers	<input type="checkbox"/>	<input type="checkbox"/>

**2. Principle: A state’s system for the delivery of civil legal aid provides a full range of services in all forums.**

*Does your state’s civil legal aid delivery system routinely provide the following types of legal services?*

	Yes	No
Information about legal rights and responsibilities	<input type="checkbox"/>	<input type="checkbox"/>
Information about options for services	<input type="checkbox"/>	<input type="checkbox"/>
Outreach and community legal education	<input type="checkbox"/>	<input type="checkbox"/>
Legal advice and brief services	<input type="checkbox"/>	<input type="checkbox"/>
Support and assistance for individuals representing themselves	<input type="checkbox"/>	<input type="checkbox"/>
Representation in negotiations	<input type="checkbox"/>	<input type="checkbox"/>
Assistance in Alternative Dispute Resolution	<input type="checkbox"/>	<input type="checkbox"/>
Transactional assistance	<input type="checkbox"/>	<input type="checkbox"/>
Representations in administrative and judicial proceedings	<input type="checkbox"/>	<input type="checkbox"/>
Extended representation in complex litigation and on systemic issues	<input type="checkbox"/>	<input type="checkbox"/>
Representation before state or local administrative bodies that make law or adopt policies	<input type="checkbox"/>	<input type="checkbox"/>
Representation before state or local legislative bodies that make law or adopt policies	<input type="checkbox"/>	<input type="checkbox"/>

**3. Principle: A state’s system for the delivery of civil legal aid provides services of high quality in an effective and cost efficient manner.**

Although assessing the quality of the legal services provided in an individual case is difficult and for a State’s entire civil legal aid delivery system perhaps impossible, one may be able to assess the presence or absence of certain “indicators” of a quality system.

*Are the following “indicators” of quality present in your state?*

- a. All providers comply with standards of practice and ethical rules developed by the state.
  - Yes?
  - No?
- b. Institutional Providers provide legal assistance consistent with the **ABA Standards for Providers of Civil Legal Aid to the Poor**.
  - Yes?
  - No?
- c. LSC-funded providers achieve effective performance consistent with the **LSC Performance Criteria**.
  - Yes?
  - No?
- d. Institutional providers comply with any standards of performance that the state has developed.
  - Yes?
  - No?
- e. Institutional providers collectively have the capacity and flexibility to identify, reallocate resources and staff, and respond effectively and efficiently to new and emerging legal trends and changes in the nature of the legal problems of low-income persons.
  - Yes?
  - No?
- f. Institutional providers take full advantage of and invest in existing and innovative technologies, ensure full linkages among providers and advocates, and maximize the use of technology to provide procedural and substantive information to low income and vulnerable populations and to deliver high quality legal assistance.
  - Yes?
  - No?

- g. Institutional providers employ or participate in regular recruiting efforts and ongoing professional staff development to ensure a diverse staff and that new leadership and a diverse staff is trained, supported, supervised and provided the necessary tools, including technology, to provide high quality, effective and cost-efficient legal services.  
 Yes?  
 No?
- h. All individuals participating in providing, supporting, or managing civil legal aid receive ongoing and effective training and the opportunity to participate in professional and leadership development activities.  
 Yes?  
 No?
- i. Providers are sensitive to, and effectively trained to understand and relate to, the values, cultures and aspirations of low-income households in the state.  
 Yes?  
 No?
- j. Advocates, providers and others involved in the civil justice system work and communicate effectively with, and have the skills, knowledge and tools necessary to provide assistance in a culturally competent manner, to the various constituencies of low-income persons within the state.  
 Yes?  
 No?
- k. When there are a large number of low income households that speak a language other than English, providers collectively ensure that there are advocates who can speak the language of the clients.  
 Yes?  
 No?
- l. The advocates are culturally diverse.  
 Yes?  
 No?
- m. There are internal systems and performance standards in all major institutional providers to ensure periodic evaluation and peer review of legal and management staff and ongoing review of staff activities and legal work in order to measure whether providers are achieving individual client objectives as well as good results for clients generally.  
 Yes?  
 No?
- n. Institutional providers experiment with, and seek new and innovative approaches to delivering legal services and addressing the legal needs of low-income and vulnerable populations.  
 Yes?  
 No?
- o. Institutional providers regularly use client satisfaction surveys.  
 Yes?  
 No?
- p. Institutional providers have strong governing boards that set high expectations, monitor accomplishments and encourage service innovations.  
 Yes?  
 No?
- q. Clients have a choice of providers appropriate to meet their legal needs.  
 Yes?  
 No?
- r. Management information is disseminated to all managers.  
 Yes?  
 No?
- s. Timely information about new legal developments is disseminated to all advocates participating in the state civil legal aid system.  
 Yes?  
 No?
- t. Advocates within the state coordinate their work on behalf of the low-income community.  
 Yes?  
 No?
- u. Staff compensation and workload of institutional providers are reasonable to enable the provision of uniformly high quality, effective and productive services.  
 Yes?  
 No?
- 4. Principle: A state's system for the delivery of civil legal aid provides services in sufficient quantity to meet the need by seeking and making the most effective use of financial, volunteer, and in-kind resources dedicated to those services.**

*In your state in addition to LSC funds, are you utilizing the following sources of financial, volunteer, or in-kind resources in your civil legal delivery system:*

	Yes	No
Federal funds (other than LSC funds)	<input type="checkbox"/>	<input type="checkbox"/>
State appropriations	<input type="checkbox"/>	<input type="checkbox"/>
IOLTA Funds	<input type="checkbox"/>	<input type="checkbox"/>
Local appropriations	<input type="checkbox"/>	<input type="checkbox"/>
Court fee and/or fee surcharge	<input type="checkbox"/>	<input type="checkbox"/>
<i>Pro hac vice</i> or similar fees	<input type="checkbox"/>	<input type="checkbox"/>
<i>Cy pres</i> awards	<input type="checkbox"/>	<input type="checkbox"/>
Attorney registration fees or dues assessments	<input type="checkbox"/>	<input type="checkbox"/>
Bar dues add-on or opt-out	<input type="checkbox"/>	<input type="checkbox"/>
Bar grants	<input type="checkbox"/>	<input type="checkbox"/>
Lawyer fund raising drives	<input type="checkbox"/>	<input type="checkbox"/>
Other private fund raising drives	<input type="checkbox"/>	<input type="checkbox"/>
Foundation grants	<input type="checkbox"/>	<input type="checkbox"/>
Corporation grants	<input type="checkbox"/>	<input type="checkbox"/>
Planned giving or endowment drives	<input type="checkbox"/>	<input type="checkbox"/>
Capital campaigns	<input type="checkbox"/>	<input type="checkbox"/>
Attorney fee awards	<input type="checkbox"/>	<input type="checkbox"/>
Co-payments from clients	<input type="checkbox"/>	<input type="checkbox"/>
Reimbursement of court costs from clients	<input type="checkbox"/>	<input type="checkbox"/>
In-kind resources from any source	<input type="checkbox"/>	<input type="checkbox"/>
Private attorney <i>pro bono</i>	<input type="checkbox"/>	<input type="checkbox"/>
Retired attorney <i>pro bono</i>	<input type="checkbox"/>	<input type="checkbox"/>
Government attorney <i>pro bono</i>	<input type="checkbox"/>	<input type="checkbox"/>
Other professional <i>pro bono</i>	<input type="checkbox"/>	<input type="checkbox"/>
Law school/student assistance	<input type="checkbox"/>	<input type="checkbox"/>
Lay volunteers	<input type="checkbox"/>	<input type="checkbox"/>
Lay advocates	<input type="checkbox"/>	<input type="checkbox"/>

A threshold measure of the quantity of legal services provided in your state can be arrived at by calculating the sum of all the annual expenditures of the providers (including an amount for the organized *pro bono* contributions of the bar and the value of any in-kind contributions utilized) and then dividing that sum by the total of the LSC grants to your state for that year. For comparison purposes, Maine’s civil legal services delivery system expended 6.79 times the LSC grants to legal services. Stated another way, LSC’s grant represented only 14.7% of Maine’s investment in civil legal services for its low-income and vulnerable populations.

*What are the comparable numbers for your state?*

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**5. Principle: A state’s system for the delivery of civil legal aid fully engages all entities and individuals involved in the provision of those services.**

*For your state, are the following persons or entities considered part of the State’s civil legal aid delivery system?*

	Yes	No
Legal aid providers	<input type="checkbox"/>	<input type="checkbox"/>
Private attorneys ( <i>pro bono</i> )	<input type="checkbox"/>	<input type="checkbox"/>
Private attorneys (for compensation)	<input type="checkbox"/>	<input type="checkbox"/>
Corporate counsel ( <i>pro bono</i> )	<input type="checkbox"/>	<input type="checkbox"/>
Government attorneys ( <i>pro bono</i> )	<input type="checkbox"/>	<input type="checkbox"/>
Court personnel	<input type="checkbox"/>	<input type="checkbox"/>
Court or non-court based <i>pro se</i> assistance projects	<input type="checkbox"/>	<input type="checkbox"/>
Law school clinics	<input type="checkbox"/>	<input type="checkbox"/>
Human services agencies that provide advice, assistance or referral	<input type="checkbox"/>	<input type="checkbox"/>
Other providers of civil advice, assistance or referral	<input type="checkbox"/>	<input type="checkbox"/>

**6. Principle: A state’s system for the delivery of civil legal aid makes services fully accessible and uniformly available throughout the state.**

To measure which services are available uniformly in your state, for each county within your state for a given period of time:

- a. determine the number of new matters (and cases) originating in the county
- b. determine the poverty population of the county
- c. calculate the ratio of new matters (and cases) to the poverty population expressed as a decimal (i.e., .0062 if 62 new matters were commenced in a county with a poverty population of 10,000)

Then divide the sum of the three largest decimals by the sum of the three smallest decimals. (*For the state of “Grace,” the number arrived at would approach the number 1. Realistically any number less than 2 would be remarkable.*)

*What is the relative service disparity in your state?*

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**7. Principle: A state’s system for the delivery of civil legal aid engages with clients and populations eligible for civil legal aid services in planning and in obtaining meaningful information about their legal needs, and treats clients, applicants and those receiving services with dignity and respect.**

a. Does your state offer guidance and training to providers on interviewing, communications and interaction with clients and applicants to help ensure that clients and applicants are treated with dignity and respect and in a culturally competent manner?

- Routinely and/or extensively?
- Somewhat or occasionally?
- Almost never?

b. When they plan and coordinate, do the participants in the civil legal aid delivery system interact effectively with low-income and vulnerable people or the groups representing them?

- Routinely and/or extensively?
- Somewhat or occasionally?
- Almost never?

c. When you plan and coordinate, does your state reach out to all cultural and linguistic groups that make up the low-income and vulnerable population in the state?

- Routinely and/or extensively?
- Somewhat or occasionally?
- Almost never?

d. Does your state have training on cultural competence?

- Routinely and/or extensively?
- Somewhat or occasionally?
- Almost never?

**8. Principle: A state’s system for the delivery of civil legal aid engages and involves the judiciary and court personnel in reforming their rules, procedures and services to expand and facilitate access to justice.**

*Are the judiciary and court personnel engaged in the following efforts to expand and facilitate access to the courts and to reduce the costs of providing civil legal services?*

	Yes	No
Revising Court Rules to accommodate self-help litigants?	<input type="checkbox"/>	<input type="checkbox"/>
Simplifying forms?	<input type="checkbox"/>	<input type="checkbox"/>
Providing education/assistance programs for self-help litigants?	<input type="checkbox"/>	<input type="checkbox"/>
Providing attorney, paralegal and volunteer involvement programs?	<input type="checkbox"/>	<input type="checkbox"/>
Providing self-help friendly courtrooms and post-order practices?	<input type="checkbox"/>	<input type="checkbox"/>

**9. Principle: A state’s system for the delivery of civil legal aid is supported by an organized bar and judiciary that is providing leadership and participating with legal aid providers, law schools, the executive and legislative branches of government, the private sector and other appropriate stakeholders in ongoing and coordinated efforts to support and facilitate access to justice for all.**

*In your state, is active leadership and support for efforts to expand access to civil justice (including participation with legal aid providers and other appropriate stakeholders in formal structures and/or specific initiatives dedicated to this goal) provided by:*

	Yes	No
The judiciary?	<input type="checkbox"/>	<input type="checkbox"/>
The organized bar?	<input type="checkbox"/>	<input type="checkbox"/>
Specialty bars?	<input type="checkbox"/>	<input type="checkbox"/>
The legislative branch?	<input type="checkbox"/>	<input type="checkbox"/>
The executive branch?	<input type="checkbox"/>	<input type="checkbox"/>

**10. Principle: A state’s system for the delivery of civil legal aid engages in statewide planning and oversight of the system for the delivery of civil legal aid to coordinate and support the delivery of services and to achieve the principles set forth above.**

a. Does your state engage in ongoing statewide planning?

- Routinely and/or extensively?
- Somewhat or occasionally?
- Almost never?

b. Does your state engage in ongoing statewide oversight of the civil legal aid system?

- Routinely and/or extensively?
- Somewhat or occasionally?
- Almost never?

- c. Are the processes used for statewide planning and oversight open and inclusive and include individuals who are experienced with and sensitive to the ethnic, racial and cultural makeup of low-income and vulnerable populations in the state?
- Routinely and/or extensively?
  - Somewhat or occasionally?
  - Almost never?
- d. Does your state have dedicated staff to carry out statewide planning and/or oversight?
- Routinely and/or extensively?
  - Somewhat or occasionally?
  - Almost never?
- e. For your state, do the participants in the civil legal aid delivery system work together in a coordinated and collaborative manner to ensure that a full range of high quality services are provided efficiently and in a manner that maximizes available resources and eliminates barriers to access?
- Routinely and/or extensively?
  - Somewhat or occasionally?
  - Almost never?
- f. Does your state develop communications initiatives to increase public awareness of the availability and need for legal aid throughout the state?
- Always?
  - Sometimes?
  - Rarely?
- g. Do advocates and institutional providers in your state communicate and work with legal aid advocates, stakeholders and institutional providers in other states to learn from their experiences in improving the provision of civil legal aid?
- Always?
  - Sometimes?
  - Rarely?
- h. Do institutional providers in your state work with the American Bar Association and other national legal aid entities and institutions (such as the National Legal Aid and Defender Association) to gain a national perspective on their work and participate in national efforts to achieve equal justice for all?
- Always?
  - Sometimes?
  - Rarely?
- i. Does your state have ongoing or periodic initiatives to identify legal needs of low income and vulnerable populations, including new and emerging legal needs?
- Yes?
  - No?
- j. When legal needs are identified, does your state analyze the results and initiate efforts to address new and emerging legal needs?
- Yes?
  - No?
- k. Does your state undertake research on, and evaluation of, civil legal aid delivery methods to assure the quality, efficiency and effectiveness of the services provided by the state system for the delivery of legal aid?
- Always?
  - Sometimes?
  - Rarely?
- l. If research and evaluation are undertaken, does your state system analyze the results and initiate efforts to respond to them?
- Always?
  - Sometimes?
  - Rarely?



MIE's mission is to spark excellence in leadership, management and fundraising in legal aid programs serving low income clients, through training, consulting and publishing activities of the highest quality.