

LEGAL AID ASSOCIATION OF CALIFORNIA

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STANDARDS FOR CALIFORNIA SUPPORT CENTERS

I. OVERVIEW

Stakeholders in the legal services community, and particularly local field programs, recognize that Support Centers are critical to the delivery of quality legal services. Field advocates confirmed their high level of satisfaction with Support Centers in the Joint Assessment of Support Centers conducted in 2001, in which hundreds of field advocates gave Support Centers high marks in response to detailed survey questions about the quality of technical assistance, training, representation, advocacy and other support. Through the Equal Access Funds, increased IOLTA allocations, and other funding, Support Centers are regaining the strength and the momentum lost after the 1996 federal funding cuts, to again exhibit leadership within their respective fields.

The Legal Aid Association of California (LAAC), through which the Support Center Section convenes, has identified the importance of creating a strong centralized support system that leverages resources and avoids duplication of effort. Support Centers continue to be committed to preserving and expanding capacities for training and support to local programs in California. Thus, LAAC and the Support Centers have collectively developed the Standards for California Support Centers (“Support Centers”), designed as model principles, goals and objectives for Support Centers to work toward on two main fronts: (1) to create and maintain a statewide system and structure for support; and (2) to create and maintain a level of performance for individual centers.

The Standards are a model in the same way that the ABA Standards for Providers of Civil Legal Services to the Poor are a model. That is, the Standards set forth ideal conduct that should result in the best possible system of support given limited resources. As with other model standards, there is no legal duty created by the standards, and there are no independent enforcement provisions, but we look forward to self-regulation and a community-wide commitment to excellence.

These standards are written with the express recognition that Support Centers working in California vary widely in size and scope of work, and that this diversity is a strength. Generally, Support Centers in California include:

- ▶ **Large State Support Center:** This type of Support Center often works in more than one substantive legal area and provides a full range of support services, including litigation and co-counseling, policy advocacy, consultation, information services, and training.
- ▶ **Small State Support Center:** This type of Support Center often focuses on one substantive area of law or technical expertise and generally provides a more limited range of support services.

- ▶ **National Support Centers:** This type of Support Center is national in scope, but is funded by the Legal Services Trust Fund Commission to provide specific services to California local programs in a particular substantive area or for a particular population.

Under the current Legal Services Trust Fund standards, all Support Centers have in common the fact that: 1) they provide free or substantially free technical support to legal services programs that receive IOLTA funds; and, 2) they serve at least 10 California IOLTA-funded programs in at least two of the following four functional areas of service: Training, Representation, Consultation and Information Services.

II. CORE SYSTEMIC PRINCIPLES GOVERNING THE CALIFORNIA SUPPORT CENTER STRUCTURE

This section outlines the vision for a system of Support Center services, and articulates the standards necessary to achieve that systemic vision. The principles discussed in this section consider the system of Support Centers as a whole and establish goals that the system should strive to achieve. Within the system of Support Centers there is a wide variety of individual Support Centers and the principles in this section recognize that each individual Support Center cannot meet all the demands of the poverty population within the state and, furthermore, that the system is only viable if funded with sufficient resources. Thus, the Support Center system must be created and maintained to best utilize resources to create an infrastructure that is as effective, productive and efficient.

The principles further recognize that Support Centers play a pivotal role in proactive and visionary work on poverty law issues, and are not limited to responding to issues that come up from the field.

- A. The Support Center System Shall be Proactive and Responsive. The Support Center system shall work with field programs and other stakeholders to identify and respond to emerging legal trends and changes in the nature of the legal problems of eligible constituencies.
- B. The Support Center System Shall have Expertise in Key Substantive Areas. The Support Center system shall include programs with expertise in all key substantive areas relevant to low-income residents of the state.
- C. Support Shall be Available in All Functional Areas. The Support Center system shall disseminate information and resources, provide consultations and training, provide co-counseling and representation, and advocate on a comprehensive basis for legislative and administrative reform in all substantive areas. Support shall include support for paralegal and administrative staff as well as attorneys, and cover areas of program management and operations as well as substantive legal issues.

- D. No Constituency Shall be Left Out. The Support Center system shall endeavor to provide support to every eligible constituency, including those among them who have distinct and disproportionate legal needs, even if they are politically or socially disfavored.
- E. Diversity and Cultural Sensitivity. The Support Center system shall ensure that it is sensitive to the values, cultures and aspirations of the diverse communities of low-income people in the state.
- F. The Support Center System Shall be Collaborative. Within the Support Center system, there shall be communication and collaboration on a regular basis in order to foster a full range of legal assistance options to all low-income persons in all civil justice forums.
- G. The Support Center System Shall Foster Collaboration with Field Providers. Support Centers shall engage in two-way communication with field providers to ensure that they get regular input and information from field programs, and that field and support programs throughout the state coordinate their activities to make the highest and best use of all available resources.
- H. The Support Center System Shall Foster Collaboration within the Broader Community. When appropriate, the Support Center system shall work with field programs to facilitate collaboration between legal service organizations, the state and local bar associations, courts, private bar, government, client groups, human services providers, community based organizations, and other entities, to deliver holistic and interdisciplinary services and to enable non-legal services providers to provide their clients with accurate and relevant information about legal rights and options.
- I. The Support Center System Shall be Innovative. The Support Center system shall take full advantage of innovative new strategies to maximize services, including feasible and effective technologies to help increase the delivery of quality support services.
- J. The Support Center System Shall Maximize Efficiency and Effectiveness. The Support Center system shall seek mechanisms to replicate effective strategies. The system shall leverage resources where feasible, carry out statewide studies and analyses, and stay on top of relevant developments in applicable technology and like functions.

III. STANDARDS FOR INDIVIDUAL SUPPORT CENTERS

This section lays out the common goals and objectives for all Support Centers, regardless of size or substantive focus. These standards are designed to be broader and more exacting than the basic requirements of the Legal Services Trust Fund to enable Support Centers as a whole to achieve the vision articulated above for the California Support

Center system. Rather than creating bright line rules, these standards establish guidance on basic levels of competency and effective support.

A. Goal: Annual Planning

1. Each Support Center shall conduct annual internal planning, taking into consideration emerging legal needs or legal issues within its program area. Additionally, each Support Center shall conduct periodic strategic planning to articulate its vision, set priorities and create a proactive plan for achieving its vision.

B. Goal: Statewide Research

1. Support Centers shall publicize and offer their services to field programs throughout the State. Communication should be through a variety of mechanisms, including websites, listservs, bulletins, newsletters, telephone and in-person meetings.
2. Support Centers shall collaborate with field programs on a regular, ongoing and significant basis. At a minimum, each year substantial service shall be made to at least 10 qualified legal services programs. The development of useful resources, including substantive educational materials, for qualified legal services projects is relevant to the demonstration of a significant level of support.
3. All Support Centers should be considered by a majority of the qualified legal service programs to fulfill a specific need in the community.
4. Support Centers shall encourage staff to participate in and support statewide collaborative activities, task forces, work groups, listservs, publications, and trainings in order to foster identification of issues and development of statewide strategies.

C. Goal: Appropriate Capacity

1. Recognizing that funds from the Legal Services Trust Fund are subject to increase or decrease depending on yield, and recognizing that a certain amount of capacity is critical for operation of a viable ongoing organization, Support Centers shall maintain an appropriate funding diversity and an appropriate level of outside funding to maintain their organizational capacity to deliver support services.
2. The Support Center shall have an effective governing body which establishes broad general policies consistent with program needs, assures compliance with applicable laws, serves as a resource, supports

fundraising capacity, and regularly reviews program efficiency and effectiveness.

D. Goal: Effective Services

1. Support Centers shall provide systematic and comprehensive training of all staff and volunteers appropriate to their functions and responsibilities. Programs shall budget sufficient staff time and financial resources to allow and encourage staff to attend trainings. Staff shall receive training to further their professional development, to expand substantive knowledge, develop and maintain legal and technical skills, and maintain job satisfaction.
2. Ongoing and meaningful supervision of professional staff is key to developing and maintaining high quality, innovative and responsive services and should be a core system of every program. All programs should adopt clear measurable standards outlining the responsibilities and duties of staff. Staff development policies should be created to reflect the experience, skill level and performance of particular staff. Supervision and evaluation should be ongoing and regular.
3. Support Centers shall engage in ongoing program evaluation to measure whether their programs are effective at achieving the goals sought, and to make program adjustments to achieve the best results. Support Centers shall regularly gather feedback so that best practices will evolve, and because evaluation will generate information from which communication and advocacy arises.

E. Goal: Accessibility

1. Support Centers shall communicate with field programs and other Support Centers throughout the state on a regular basis to assess and disseminate information about emerging trends relevant to the legal services community in the substantive issue areas in which the Support Center specializes.
2. Support Centers shall provide advocates in local field programs with direct telephone access during normal business hours. Support Centers will ensure that staff members have email, fax and internet capacity.
3. Support Centers will implement a policy that staff will respond to ALL requests for support or technical assistance from field program staff in a timely manner depending on the urgency of the request, *e.g.*, litigation may necessitate a quicker response than non-litigation queries. As a general rule, Support Centers shall respond to requests with either the answer to the question or an estimate of how long it will take for the

Support Center to answer the question, within two business days, except in exceptional circumstances. (Effective response may include email or voice mail “away” messages with the recipient’s projected schedule.)

4. At the time of response, staff will weigh the nature of the inquiry, urgency of the request, availability of others to respond, balanced against his or her own workload and will provide staff of the field program with a clear indication of what support can be provided, and within what time frame.
5. Support Center staff will return communications from all field staff regardless of their position or seniority.

F. Goal: Substantive Knowledge

1. Support Center advocates shall remain abreast of all substantive law developments in their fields. Support Centers have a responsibility to field programs to be leaders in the substantive areas they cover.
2. Support Centers shall be aware of and participate in national programs in their subject fields.
3. Support Centers shall have the expertise to spot issues, including an understanding and awareness of those issues that cut across substantive issues.

G. Goal: Diversity and Cultural Sensitivity

1. Wherever possible, Support Centers shall be supportive of diversity in hiring and maintaining staff and in board and leadership selection in order to more accurately reflect eligible constituencies.
2. Support Centers will ensure that all of their work is sensitive to the values, cultures and aspirations of the diverse communities of eligible constituents. Support Centers shall develop, promote and maintain the cultural competence necessary to ensure effective communication and delivery of services.

H. Goal: Communication and Collaboration

1. Support Centers shall participate in at least one statewide Support Center meeting annually to facilitate collaboration and communication between the Support Centers, to review the capacity and quality of the California support system, to remedy any gaps in support services, and to evaluate methods of delivery.

2. Support Centers shall maintain regular communication with field programs. Communication with field programs should be a dual process that includes collecting information about and identifying priority needs in the legal services community, and disseminating information, convening task forces, coordinating meetings, and other discourse through telephone, mail and e-mail.
3. Support Centers shall work collaboratively, as appropriate, with community, nonprofit, government and other stakeholders within the communities in which they work. Collaboration should be a dual process that includes collecting information and identifying needs to enhance support to qualified legal services programs, and disseminating information, convening task forces, and other collaborative work to facilitate effective delivery of legal services in general.
4. At least twice a year, Support Centers shall send informational mailings to field programs advising of the nature and extent of the services they offer.
5. All Support Centers shall establish a “web presence” whether it be as a partner in an existing collaborative website or as host to its own website, or both. The website shall be used to communicate the scope of its available services as well as to share substantive information in the field of its expertise.

I. Goal: Range of Support

Support Centers shall provide support services in at least two of the following four areas: Training, Representation, Consultation and Information Services. Additionally, Support Centers may provide Advocacy Services.

Training

1. Each Support Center shall contribute to state and local program task forces and listservs in the substantive areas in which it specializes.
2. Support Centers shall provide support services in at least two of the following four areas: Training, Representation, Consultation and Information Services. Additionally, Support Centers may provide Advocacy Services.
3. If the Support Center provides substantive or skills trainings, it shall keep current on the legal and policy issues that are the topics of the trainings.
4. If a Support Center provides training, it shall provide those trainings at low or no cost to programs.

Whenever a training could qualify for MCLE units, the Support Center shall endeavor to provide those MCLE units. Support Centers are encouraged to become certified MCLE providers to facilitate the provision of MCLE.

5. The Support Center shall widely publicize any training that is open to the general legal services community, including sending notices to programs by fax, email, regular mail, or posting to a website or listserv, and reporting trainings to applicable statewide training calendars.

Representation

1. If a Support Center provides representation, its advocates shall remain current both on the substantive area involved in the representation and on any procedural issues involved.
2. Representation is expressly considered a “support service” when it is delivered: 1) as co-counsel with a qualified legal services project; 2) as co-counsel at the request of a private attorney representing indigent clients without charge; or, 3) after a referral from a qualified legal services project. Additionally, support service representation includes accepting referrals from a court, acting in an of-counsel capacity or writing an *amicus* brief. Whenever possible, co-counseling should be undertaken in cooperation and collaboration with field programs or other providers of legal services for the poor.
3. Support Center, field programs and clients shall establish clear mutual understandings regarding the scope of representation, the relationships among the parties, counsel, and co-counsel and the responsibilities of each, which shall be set forth in a written retainer agreement between the client and counsel and between co-counsel, if applicable.
4. Support Centers that provide representation shall be guided by the Standards for Representation set forth in the most recent edition of the ABA Standards for Providers of Civil Legal Services to the Poor.

Consultation

1. If Support Centers provide technical assistance, their advocates shall remain current in the substantive area in which advice is being given.
2. Support Centers shall keep appropriate records of all technical assistance provided to field programs.

3. Support Centers shall make themselves known and available to advocates through statewide legal aid networks within the fields of their expertise, including by participation in listservs.

Information Services

1. “Information services” is the provision of information, resources, and material developed and published by Support Centers. If Support Centers provide information services, their advocates shall remain current on the substantive area in which the advice is being given, and ensure that their publications are up-to-date and accurate.
2. Support Centers shall provide publications that are as widely disseminated as possible, and that are distributed or otherwise made available at low or no cost. Whenever feasible, information shall be accessible through the internet.

Legislative, Administrative and Regulatory Advocacy

1. Support Centers that engage in advocacy shall advocate on a comprehensive basis for reform in the areas of their expertise, with an awareness of and sensitivity to the impact of proposed legislative changes on the poverty population as a whole, not just with respect to any particular group or issue.
2. Legislative, administrative and regulatory advocacy shall be undertaken in communication and collaboration with field programs and the broader legal aid stakeholder community, as appropriate, considering the nature of the action.
3. Support Centers engaging in advocacy shall establish and maintain credibility with legislators and their staff, through professional and courteous conduct and communications even when taking an adverse position, and by the provision of accurate and significant information.

IV. CONCLUSION

These standards were adopted by the Legal Aid Association of California, upon recommendation of the Support Center Section, following a substantial amount of process and input from all existing Legal Services Trust Fund Support Center and Field programs.

While the standards do not include any enforcement mechanisms, it is expected that Support Centers will conform to the Standards both because there was broad consensus for their adoption, and because they form a public yardstick by which Support Centers can measure performance. The Support Centers believe that appropriate self-regulation is

key to achieving their vision for an effective Support Center system. Programs agree to review the practice and performance criteria and standards; adapt these, or equivalent, practice standards to their individual program's configuration; incorporate the standards into program policies and procedures; and, implement the standards into daily practice.

All of the California Support Centers funded by IOLTA in 2005-2006 have adopted these Standards.

**Benchmark Institute
California Advocates for Nursing Home Reform
California Center for Occupational Safety and Health
California Rural Legal Assistance Foundation, Inc.
California Women's Law Center
Center for Human Rights and Constitutional Law
Child Care Law Center
Coalition of California Welfare Rights Organizations, Inc.
Disability Rights Education and Defense Fund, Inc.
Immigrant Legal Resource Center
Impact Fund
Legal Services for Prisoners with Children
National Center for Youth Law
National Economic Development and Law Center
National Health Law Program
National Housing Law Project
National Immigration Law Center
National Senior Citizens Law Center
Public Interest Clearinghouse
Public Interest Law Project
Western Center on Law and Poverty
Youth Law Center**

The Legal Aid Association of California adopts the Support Center Standards as a vehicle for: 1) strengthening and enhancing California's legal services delivery system and the structure for support services; and, 2) promoting the provision by individual support centers of high quality support services.

**Resolution of the Board of Directors
Adopted: _____, 2006**

**By: _____
Gary Smith, Chair
Legal Aid Association of California**