



TO:
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Chief of Staff
Legal Services Corporation
Submitted via email to: LSCStrategicPlan@lsc.gov
Cc: Helen Guyton, guytonh@lsc.gov

Re: NLADA Comments on Assessing Strategic Plan Goals 2017-2020

We write these comments in response to The Legal Services Corporation's (LSC) notice in the Federal Register, soliciting input for LSC's current 2017-2020 Strategic Plan. Specifically, the notice asks commenters to consider "whether the current goals and initiatives [as listed in the 2017-2020 Strategic Plan] remain suitable and timely and if new goals or initiatives should be implemented." This response summarizes a few of the key points we hope LSC will consider in moving forward on future initiatives. We look forward to additional opportunities to provide feedback as drafts of the plan progress.

First, we would like to express our appreciation for the discipline and commitment the board and staff at LSC have shown in furtherance of a number of the goals articulated in 2017 – 2020 plan. The efforts of LSC staff, management, and the board in achieving the stated goals of the current strategic plan and advancing the mission of LSC has been critical to not just surviving during turbulent times, but thriving. The efforts of the board, the president, and government relations staff on the Hill in seeking bipartisan support for funding and assuaging congressional concerns about accountability of both grantees and LSC itself has been essential. It has strengthened congressional support and ensured that access to justice rightfully is viewed as one of those rare issues in American politics that transcends party lines. We continue to believe the goal of effective congressional education should be stated specifically and preeminently in the revised plan, and recognize and value the admirable efforts at every level of the Corporation in maintaining that emphasis. This work obviously must continue to be a focus of LSC's efforts.

Likewise, we have noted the passion with which LSC has endeavored to raise public awareness and support for the concept of civil legal assistance for low-income people. The degree to which LSC has reached out to clients, the judiciary, corporate executives, political leaders of both parties, private attorneys, the courts, and many other groups and individuals during the last four years has been impressive. Such support will continue to benefit LSC and its grantees well into the future.

Finally, the plan's focus on best practices, innovation and private attorney involvement has led to real, demonstrable progress in increasing the ability to reach and serve many thousands of more people. We are particularly encouraged by the focus on new technologies, and the use of non-lawyers and private bar volunteers. It is essential that the legal aid community remains at the forefront of the response to the shifting landscape of the practice of law in the United States.

While we continue to agree with many of the objectives contained in the current iteration of the plan, we have several comments we submit for LSC's consideration as this process goes forward. The below comments address the current goals in order while addressing both topics already included in existing initiatives as well as topics we believe should be added to the future strategic plan.

Goal One. Maximize the availability, quality, and effectiveness of the services its grantees provide to eligible low-income individuals.

1. LSC Funding

The fact that LSC's grantees are unable to serve millions of disadvantaged individuals and families in need of their assistance underscores the need for LSC to focus its energies on funding generally, and on educating Congress about this terrible shortcoming in our justice system specifically. We want to acknowledge, again, the incredible work of LSC staff, management, and board members to secure and even increase LSC funding over the last four years. In the face of proposed elimination, these increases may appear miraculous, but were in fact the predictable result of the dedication and work within the entire institution and from the many stakeholders who support the mission of LSC. We continue to believe that such a paramount responsibility should be specifically designated under the initiatives inherent to the plan's next phase and explicitly stated.

2. Diversity and Race Equity

We encourage LSC to incorporate a clear and early statement that acknowledges the existence of racial inequities and LSC's intent to consider this issue in LSC's continuing development of resources to promote best practices in the delivery of civil legal aid.

Currently, Goal 1, Initiative 4 notes that LSC will:

Provide guidance for grantees to foster the provision of services in a culturally competent manner that reflects the actual needs and circumstances of clients and potential clients while conveying attention and responsiveness to their contexts and situations.

The ABA Standards for the Provision of Civil Legal Aid have two standards (2.4 and 2.5) that relate specifically to diversity and cultural competence in addition to an inclusion of the concepts throughout the document from the introduction to the last standard.

According to data from the US Census, poverty rates for African Americans and non-White Hispanics are more than double the poverty rate for white Americans.¹ There has been no evidence that this inequity is disappearing. In fact, it appears the current pandemic may be worsening this divide.² We

¹ *Income, Poverty and Health Insurance Coverage in the United States: 2018*, September 10, 2019
<https://www.census.gov/newsroom/press-releases/2019/income-poverty.html>

² Tracy Jan and Paul Clement, *Hispanics are almost twice as likely as whites to have lost their jobs amid pandemic, poll finds: Black Americans also more likely to be laid off or furloughed since economic shutdowns*, Washington Post, May 6 2020
<https://www.washingtonpost.com/business/2020/05/06/layoffs-race-poll-coronavirus/>

believe that a strategic plan should at least acknowledge that people of color make up a disproportionate amount of Americans living in poverty and, thus, make up a disproportionate amount of potential LSC eligible clients.

If grantees are to convey attention and responsiveness to the contexts and situations of their clients, LSC should acknowledge the realities noted above, at least to the extent that race may be factor in causing a client's legal problem and even in how it may be best resolved.

We also suggest that LSC's commentary on best practices be more explicit as it relates to issues of diversity and cultural competence within organizations. Grantees must recruit and retain a diverse cohort of advocates and leaders, an issue of particular importance as a new generation moves into leadership positions. Such leadership is critical to effective advocacy, which must be based on an understanding of the experiences and needs of the racially and culturally diverse populations served by these programs. For similar reasons, we believe that diverse leadership and staff should be a priority within the Corporation as well. In serving grantees across the country and across diverse service areas, LSC should aim to recruit and retain a diverse staff and leadership that reflects and is representative of the communities served by civil legal aid.

3. Best Practices, Performance Standards, and Metrics

We continue to support LSC's focus on using the resources of LSC to identify and promote best practices beneficial to the maximization of effectiveness in the legal aid community. We view an effective delivery system to include a wide continuum of services to greatly expand the reach of the system to serve those who can effectively represent themselves when provided with the information they need – from strategic advocacy,³ to unbundled legal services, to effective use of technologies and data sources. While LSC's grantees may differ greatly as to the resource choices they make along this continuum of service, LSC should ensure that its expansion and sharing of best practices covers the wide array of management and advocacy practices relevant to LSC's grantees.

As we have in the past, we suggest that the revised plan include specific recognition of the need for additional focus on tools and best practices that support the development of a new cadre of leaders in civil legal aid. The moment has clearly arrived when a massive generational shift is affecting every facet of the operations of legal aid programs across the United States as well as the broader equal justice community. Enhancing the growth of these new leaders should be a priority of the revised plan.

We understand and support the need for LSC and the entire legal aid community to gather data to improve the quality and effectiveness of the legal services grantees provide and to generate demonstrable results for funders and other stakeholders. Developing evidence-based data to determine the effectiveness of various legal information, advice, and representational techniques is critical to helping grantees wisely invest their scarce dollars.

As we have noted in the past, the unique and diverse situations of LSC's grantees across the country will render attempts to make universal determinations of effectiveness impossible or, at minimum,

³ See Generally, ABA Standards for the Provision of Civil Legal Aid, Standard 2.6: On Achieving Lasting Results for Low Income Individuals and Communities.

not ideal. Some grantees operate in areas where rent and operating costs are higher than average; others must serve clients over vast geographical ranges in sparsely populated service areas; some grantees have the benefit of a robust network of non-legal human service providers in their area while others do not. Even if all grantees did operate in similar service areas with identical client populations, they may still have reasonable differences in how they approach the problems their clients face or which problems they prioritize. Even these types of differences can make 1:1 comparisons difficult. It can be difficult to measure the results of some of the work necessary to address recurring issues affecting large numbers of eligible clients. Some of these cases are resource-intensive, but also can be an efficient use of those resources because they end a recurring need for services. As we have in the past, we urge LSC to continue to collect and analyze data that helps inform the legal services community without applying one-size-fits-all national measures that would significantly dull the pursuit of lasting results.⁴

Goal Two. Become a Leading Voice for Access to Justice and Quality Legal Assistance in the United States

1. Building Broader Support for, Awareness of, and Engagement with LSC and its Grantees, Both Within the Government and in the Private Sector

Once again, we commend LSC for the tremendous effort that staff, management, and the board have expended on these fronts. The privately funded Rural Summer Legal Corps, the Leaders Council and Emerging Leaders Council, the incredible progress on social media, and so many other efforts to engage the private sector have not only brought in new funding sources, but also increased awareness of the critical role of civil legal services across the United States. We appreciate the Corporation's sensitivity in balancing efforts to raise private funding for its own initiatives while avoiding competition with sources that might otherwise provide funding for grantee operations in LSC's successful fundraising efforts to date. We hope that LSC will continue to follow that path as it revises the existing plan.

The most important source of funding for LSC is still, and likely always will be, Congress. There, LSC has built up unprecedented levels of bipartisan support for civil legal aid. The critical importance of civil legal aid is now something recognized by many members on both sides of the aisle. As noted above, NLADA is aware of the incredible work that was required at all levels of LSC to make this a reality.

All of this work, we recognize, is an ongoing effort that does not have an end point. We commend LSC on the great work over the past four years on these goals, and emphasize how strongly we feel that they must remain an emphasis for the next four years.

2. Convening and Collaborating with Stakeholders

We share this priority with LSC and enthusiastically support LSC's focus on this concept. LSC is uniquely positioned to amplify the stories of grantees and the clients and communities they serve.

⁴ See Generally, ABA Standards for the Provision of Civil Legal Aid, Standard 2.6: On Achieving Lasting Results for Low Income Individuals and Communities.

Creating and conveying a compelling narrative about the needs of LSC's clients and the work of LSC's grantees is essential to LSC's mission, particularly in such trying economic times.

We again want to commend LSC for the significant progress they have made in the last four years in highlighting the important intersections between legal services and other community organizations. Understanding and recognizing these intersections, highlighting examples of cooperation, and examining future opportunities not only raises awareness of access to justice issues, but helps increase the overall effectiveness of legal services. LSC's taskforces, especially the taskforce on natural disasters as well as the taskforce on the Opioid Crisis, are impressive examples of the work LSC has done in this area. NLADA also appreciates that we had the privilege of serving on these task forces. We urge LSC to continue their outreach to individuals and organizations outside the traditional legal services community.

3. Listening to and Amplifying Client Voices

In any convening, space and representation should continue to be given to poor people and community voices in the development, cultivation and delivery of the message. We commend LSC on the significant efforts LSC has made to highlight client stories on LSC's website and otherwise. The plan should continue to amplify the stories of LSC's grantee's clients.

We encourage LSC to add more specific language in the plan concerning the involvement of the client community in the work of LSC and on decisions that affect grantee operations. We applaud LSC's seeking client involvement in the process of revising the 2012 strategic plan and on grantee oversight visits. We also want to note the successful efforts that have been made, particularly the involvement of client voices and input during LSC's revision of 45 C.F.R. 1607. NLADA remains committed to assisting LSC's efforts on these matters in any way that we can.

We recommend an adjustment to the plan's language in Goal 2, Initiative 3 from:

Provide a voice for clients in national discussions on access to justice.

To something along the lines of:

Promote and amplify the voices of clients in national discussions on access to justice.

We believe this minor change goes a long way toward emphasizing the importance of hearing directly from the client community as much as possible about how our civil legal service systems are or are not serving their needs. Efforts should be made to include client voices at LSC events whenever possible so that the client community can speak for themselves in forums discussing how best to serve their legal needs.

Goal Three. Ensure Superior Fiscal Management

We support the concept of LSC doing all it can to ensure the fiscal integrity and regulatory compliance of its grantees. LSC should approach this goal with the clear understanding that LSC grantees are staffed by thrifty, hardworking, and underpaid advocates and management staff. They are under-resourced programs, and LSC should continue to prioritize providing them with support to ensure superior fiscal management despite their limited resources of staff, money and

technology. NLADA appreciates LSC's commitment to hearing program input on both regulatory and general policy changes.

We also believe fiscal oversight and oversight in general should prioritize better coordination of visits conducted by the Office of Program Performance (OPP), Office of Compliance and Enforcement (OCE) and the Office of Inspector General (OIG). We continue to hear too many stories of the enormous resource drain to the field caused by multiple, uncoordinated visits from the various oversight components of LSC. At minimum, the strategic plan should emphasize streamlined communication and document sharing between OPP, OCE, and the OIG so that programs are not asked to produce identical documents or answer identical questions for different LSC departments.

NLADA deeply appreciates the invitation to comment on the future direction of LSC. We commend LSC on the tremendous progress over the past four years, and we look forward to working with you on accomplishing many of the important initiatives that will be contained in the new plan.

A handwritten signature in black ink, appearing to read "C. Buerger", with a long horizontal flourish extending to the right.

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