

## **Talking Points for the ILAG Panel Discussion on Day I.**

### **LSC Board of Directors**

The Legal Services Corporation is a private, non-profit corporation established in the District of Columbia by the Legal Services Corporation Act of 1974, as amended (the “LSC Act”),<sup>1</sup> to provide financial support for legal assistance in civil proceedings to persons unable to afford legal services. LSC is governed by an eleven-member bipartisan Board of Directors appointed by the President of the United States with the advice and consent of the Senate. The Board appoints LSC’s President, who serves as the Corporation’s chief executive officer, subject to general policies established by the Board.

The LSC Board appointed by President Clinton remained in their positions until the fourth week of April 2003, when eight new Board members, appointed by President Bush, were sworn into office. The new Board members are Lillian R. BeVier of Virginia, Robert J. Dieter of Colorado, Thomas A. Fuentes of California, Herbert S. Garten of Maryland, Michael McKay of Washington, Thomas R. Meites of Illinois, Frank B. Strickland of Georgia, and Florentino Subia of Texas. Board members John Broderick, Maria Luisa Mercado and Ernestine Watlington, appointed 1993, continue to serve on the Board.

### **Funding and Grantmaking Activities**

LSC provides funding to legal services programs serving indigent persons throughout the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam and Micronesia.<sup>2</sup> To carry out the purposes of the LSC Act, LSC received an appropriation of \$336,646,000 for Fiscal Year (“FY”) 2003. (This figure represents the total appropriation after a .65 percent across-the-board rescission.) LSC has requested an appropriation of \$352,400,000 for FY2004, which represents a 4.4% increase over the FY2003 appropriation. LSC has proposed this modest increase to respond to the increased poverty population in its service areas. The most recently released Census data reflects a 5.74% increase in the number of poor people eligible for LSC-funded services between 1990 and 2000, but LSC’s annual appropriations have not kept pace with this increase in the number of eligible clients.

### **LSC’s Strategic Plan**

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<sup>1</sup> 42 U.S.C. §§ 2996-2996l.

<sup>2</sup> Beginning in 2004, LSC will fund a legal services program in American Samoa

LSC is in the fourth year of implementation of its Strategic Plan for the Period from 2000 to 2005. The principal goals included in this document are to increase access to justice and improve the quality of civil legal assistance on behalf of the needy and less fortunate. While LSC and its grantees continue their efforts to maximize the cost-effective use of limited federal resources and to leverage those resources to raise funds from state and local governments, foundations and private sources, significant unmet need for civil legal assistance continues to exist in the United States.

### **State Planning Initiative**

Program Letters 98-1 and 98-6<sup>3</sup> formally launched LSC's State Planning Initiative. Pressured by funding shortfalls and concerned with enhancing system efficiency, effectiveness and the ability to meet clients' legal needs, legal services programs throughout the United were challenged by these two program letters to become actively engaged in a process of reassessing their delivery practices and policies, restructuring their legal services delivery systems and reallocating their legal services dollars. LSC Program Letters 98-1 and 98-6 asked grantees to look at their roles in a new way -- to expand their horizons from "what's best for the clients in my service area" to "what is best for clients throughout the state." Using this new lens, programs were asked to report on how they would coordinate and integrate their work in seven important issues -- enhancing client access; efficiently delivering high quality legal assistance; effectively using technology to expand access and enhance services; promoting client self-help and preventive legal education and advice; managing legal work and training staff; coordinating and collaborating with the private bar; developing additional resources to support legal services delivery; and designing a legal services delivery configuration that enhanced client services, reduced barriers and operated efficiently and effectively.

LSC's State Planning Initiative encourages grantees to forge productive relationships with members of a state's legal and justice community, with representatives of groups that provide legal and human services to the client community, and with representatives of client organizations to strengthen the legal services delivery system across the state. The goal is to ensure that access to justice is equally available to eligible clients no matter where in the state they reside and no matter what obstacles to that access they experience, be they language, transportation, health or other barriers.

LSC has made significant progress in its State Planning Initiative since its launch in 1995. Now almost every state in the country has a "designated state planning body" composed of legal and social services program staff, leaders from the state and local bar associations along with their peers from the judiciary and law schools. Designated state planning bodies also include client members and advocates for client organizations. They may include faith-based groups that work closely with poor people, health care providers and state and local government representatives. DSPBs have advised state legal services providers on many important areas including the most appropriate configuration of programs for the state, on where services are most needed and on the

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<sup>3</sup>Published and distributed in January and June 1998

most efficient ways of serving specific client groups. As a result, between 1998 and 2003, the number of LSC grantees went from 269 to 161. Much of this diminution resulted from small grantees combining with larger. We have found that the new programs offer far more services to clients, pursue more creative funding strategies and wield greater influence on behalf of their disenfranchised client base.

### **Technology**

LSC has vigorously promoted the use of technology to promote and facilitate access to legal services. We are able to offer grantees a range of technological assistance and, of late have focused particular attention on projects designed to increase substantially access to legal services, such as training grantees on the use of technology and technological projects that assist *pro se* litigants. Three years ago, we successfully sought additional federal funding specifically for technology improvements and, through annual competitions, offer grantees special resources for innovative technology projects that can be emulated by other programs. Within the Office of Program Performance we have assigned three professional staff members who handle—almost exclusively—technological issues and innovations among and within our grantees.

### **Ensuring Quality**

As a funding agency, we must be vigilant about the quality and kind of services we offer clients. We are obligated to ensure that the services we fund are effective and economical. Therefore, we tie LSC standards, governing regulations, state planning, technology and diversity goals to our awards of grant funds to our grantees. We follow up on awards with visits to programs to learn about the strengths and to help programs that may be experiencing significant challenges. To allow programs to learn from one another, we have created the Legal Resource Library, a website where we post innovations and successful approaches to serving low- income litigants.

### **Oversight**

Our Office of Compliance and Enforcement makes regular assessment visits to our grantees to ensure that they are following the federal regulations pertaining to the use of LSC funds. OCE also conducts training for staff on compliance issues.

### **Future Efforts**

Even as we fine-tune existing strategies to help our grantees deliver high-quality legal services to low-income clients throughout the Country, we are starting new projects.

Currently in the last year we focused time and resources on developing an evaluation tool to help us determine whether our state planning activities have achieved goals of improving access for clients, creating beneficial collaborations and in other ways strengthened a state's delivery system. We are also in the beginning stages of discussing whether it is appropriate to measure results.

### **Continuing Challenges**

Funding, of course, is a constant concern. Over the past nine years, LSC has experienced about a three percent budget increase, barely keeping pace with inflation. Approximately 50 percent of our program's revenue is derived from their LSC grants and the small amount of LSC funding, compared with the complexity and extent of the legal needs experienced by poor people, is clearly not enough to easily meet the demand for legal services for basic needs, like housing, protection from violence, and critical medical services<sup>4</sup>.

Diversity within our client communities is a relatively new and growing challenge, affecting all of our grantees but with varying degrees of intensity. The 2000 Census showed the US population at 290 million of which ethnic minorities and immigrants form a majority. Over the next 50 years, the ethnic minority population is expected to grow significantly, perhaps to half of the projected 400 million US residents by 2050. Ethnic minorities remain segregated in our communities and many are monolingual, including US born children of immigrants. In California, for example, one in four school children (kindergarten through high school) speaks a primary language other than English and is classified as an "English learner." Lack of familiarity with the dominant language or access to an adult translator hinders many families from access to critical legal and human services. Cultural barriers deepen the isolation particularly for women and children who may unaware of their rights and responsibilities in their new homeland.

A third challenge is the growing number of pro se litigants—clients who represent themselves-- within our judicial system. In part, this is caused by a lack of sufficient resources to support the civil legal services delivery system in the United States. The challenges created by pro se litigants is compounded by three problems: (1) The lack of appropriate information and materials for low-income clients who are representing themselves pro se; (2) A lack of acceptance by the Courts themselves of pro se litigants; (3) The hostility of private attorneys to pro se litigants.

A fourth challenge is the fact that LSC has historically lacked sufficient resources to develop a regular and on-going program to assess the quality and effectiveness of services provided by all of the grantees that we fund. Although LSC has, off and on, tried to establish a regular program of program reviews and although LSC's Office of Program Performance re-instituted quality assessment visits last year, the number of

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<sup>4</sup> Our grantees serviced approximately one million civil cases in 2002 at a cost of less than \$305 per case

visits that can be performed each year is severely limited by money and staffing issues.<sup>5</sup> An additional problem is created by the fact that LSC is often not able to review case files maintained by our grantees--except in those instance where documents have been publicly filed. Determining whether a particular client was given appropriate and high quality services is, accordingly, often quite difficult.

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<sup>5</sup> In 2002 and 2003, OPP has averaged ten of these visits each year.