

**AMERICAN BAR ASSOCIATION**

**TASK FORCE ON ACCESS TO CIVIL JUSTICE**

**SECTION OF BUSINESS LAW**

**COMMISSION ON LAW AND AGING**

**COMMISSION ON INTEREST ON LAWYERS' TRUST ACCOUNTS**

**STEERING COMMITTEE ON THE UNMET LEGAL NEEDS OF CHILDREN**

**SPECIAL COMMITTEE ON DEATH PENALTY REPRESENTATION**

**STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS**

**COMMISSION ON IMMIGRATION**

**MAINE STATE BAR ASSOCIATION**

**ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK**

**NEW YORK COUNTY LAWYERS' ASSOCIATION**

**NATIONAL LEGAL AID AND DEFENDER ASSOCIATION**

**BOSTON BAR ASSOCIATION**

**WASHINGTON STATE BAR ASSOCIATION**

**NEW YORK STATE BAR ASSOCIATION**

**SECTION OF LABOR AND EMPLOYMENT LAW**

**REPORT TO THE HOUSE OF DELEGATES**

**RECOMMENDATION**

- 1           **RESOLVED**, That the American Bar Association adopts the PRINCIPLES OF A  
2 STATE SYSTEM FOR THE DELIVERY OF CIVIL LEGAL AID, dated August 2006.

**ABA PRINCIPLES OF A  
STATE SYSTEM FOR THE DELIVERY OF  
CIVIL LEGAL AID  
(August 2006)**

**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; older persons with social or economic need; 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 providers in the state

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comply with standards of practice and ethics developed by the state, and institutional providers<sup>1</sup> 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 is 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,

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<sup>1</sup>“Institutional Providers” is a term used to refer to non-profit organizations that are established to provide civil legal aid services including staff attorney programs, pro bono programs, law school clinical programs and divisions of larger organizations that provide civil legal aid services.

including legal aid providers, private attorneys (working pro bono or for compensation), court personnel, law school clinics, human services agencies, paralegals, lay advocates 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

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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.

## REPORT

### **A Fundamental Change in the Civil Legal Aid Delivery System: The Growing Importance of State-Level Leadership**

Bar and judicial leadership at the state level is fundamental to ensure access to civil justice for those who cannot afford to pay an attorney. Historically, the federal Legal Services Corporation (LSC) has provided the principal source of funding and guidance on delivery of legal aid. While state bar and other leaders strongly supported LSC and its grantees and were instrumental in developing funding through IOLTA programs, until the 1990s they had not been directly engaged in efforts to improve the delivery of civil legal aid. In the 1990s, when Congress imposed restrictions on the use of LSC funding by local programs and a large reduction in funding for LSC, state access to justice commissions began to emerge.<sup>2</sup> Lawyers, judges, business and civic leaders became active in pursuing new sources of funding for legal aid, and in creating new entities to provide needed legal help to the poor when LSC was unable to do so by virtue of restrictions and stagnant funding. While LSC continues to play a pivotal national role, an important transition has occurred; in many states new access to justice leadership has assumed a principal statewide role in developing, guiding and funding the legal aid system. While LSC, with a few exceptions, remains the primary source of funding for its grantees, many new legal aid providers have been created and state sources in many states provide much of the funding for the state system as a whole.<sup>3</sup> While efforts to increase LSC funding and remove restrictions remain a priority for the ABA, the events of the past decade have made it clear that each state bears essential 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>4</sup>

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<sup>2</sup>LSC-funded programs can continue to provide representation in over 98% of the cases they were able to undertake prior to the latest restrictions (see *What Can and Cannot Be Done: Representation of Clients by LSC-Funded Programs* by Alan W. Houseman and Linda E. Perle, Center for Law and Social Policy, August 9, 2001). For a more detailed discussion of the restrictions, see Alan W. Houseman, *Restrictions By Funders and the Ethical Practice of Law*, 67 *Fordham L. Rev.* 2187 at 2189-2190 (1999).

<sup>3</sup>According to data gathered by the Project to Expand Resources for Legal Services, a project of the ABA Standing Committee on Legal Aid and Indigent Defendants, in 2005, LSC funds provided less than a majority of funding in 38 states and less than 30% of funding in 15 states.

<sup>4</sup> See Legal Services Corporation, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, Legal Services Corporation (September 2005). This report describes three studies that examine the gap between need and the availability of civil legal aid services and concluded that “there was a significant shortage of civil legal assistance available to low-income Americans.” One examination carefully analyzed the nine studies undertaken over the last five years in individual states about the civil legal problems faced

Bar and judicial leaders around the country have recognized their leadership responsibility, resulting in a growing momentum for state-based initiatives to expand access to justice. 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. Roughly half the states in the nation now have such an entity in place or are planning one. 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.

The ABA has been a catalyst in the expansion of this model, primarily through the efforts of the Access to Justice Support Project (formerly SPAN, the State Planning Assistance Network), a joint effort of SCLAID and the National Legal Aid and Defender Association (NLADA). 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.

## **ABA Principles of a State System for the Delivery of Civil Legal Aid**

The proposed **ABA Principles of a State System for the Delivery of Civil Legal Aid** (hereafter **ABA Principles**) have been developed to provide guidance to state Access to Justice Commissions and similar entities in assessing their state system, planning to expand and improve it, and ensuring ongoing oversight of its development. The proposed **ABA Principles** fill a critical gap in setting out in a short easy-to-read document what State Access to Justice Commissions and other similar entities can achieve in each state.

The **ABA Principles** are derived from and incorporate the lessons of previous initiatives of the Legal Services Corporation, the Project for the Future of Equal Justice (a joint project of NLADA and the Center for Law and Social Policy) and the ABA Access to Justice Support Project.<sup>5</sup> Although there have been many documents and endeavors preceding this initiative, the

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by their low-income residents, examining them for nationally applicable conclusions as well as comparing the results to the 1994 national study on the subject, the *Comprehensive Legal Needs Study* conducted by the American Bar Association in 1993 (released in 1994), which remains the most recent *national* study of the legal needs of low-income Americans. The nine state studies validated the findings of the ABA study. The nine recent state studies demonstrated that less than 20 percent of the legal needs of low-income Americans were being met. Eight of the nine studies found an unmet legal need greater than the 80 percent figure determined by the ABA in their 1994 national survey.

<sup>5</sup> Between 1998 and 2003, LSC required all of its grantees to engage in state planning, issued a series of State Planning Letters to guide the planning process, and produced an extensive evaluation instrument. The Project for the Future of Equal Justice issued a *Discussion Draft: Characteristics of a Comprehensive Integrated State System for the Provisions of Civil Legal Assistance to Achieve Equal Justice for All* (July 8, 1998), which sets out the objects of a state civil legal assistance system and then describes the key characteristics of such a system. The ABA Access to

**ABA Principles** break new ground by setting out a comprehensive set of principles that can be used by State Access to Justice Commissions and other relevant entities to guide their planning and oversight of state civil legal aid for low-income and other vulnerable populations that cannot afford counsel. The format of the **ABA Principles** is modeled on the **ABA Ten Principles of a Public Defense Delivery System** approved by the House of Delegates in February, 2002. However, the **ABA Principles** are more narrowly focused on State Access to Justice Commissions and state planning entities.

In addition to the black letter principles and commentary, a **Self-Assessment Tool** was developed to help Access to Justice Commissions and other entities measure and evaluate the progress they are making in achieving the principles, highlight the areas where further work needs to be done, and assist in fulfilling their planning and oversight responsibilities. This **Self-Assessment Tool** is attached to this report as “Exhibit 1.” Each jurisdiction is urged to use this Tool to assess their state or territorial system, to expand and improve it, and to ensure ongoing planning for and oversight of its development.

The **ABA Principles** are a complement to, and incorporate where appropriate in the Commentary, the **ABA Standards for Providers of Civil Legal Aid to the Poor**, which have been revised and will be presented for approval to the House of Delegates at the August 2006 meeting. 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.<sup>6</sup>

In addition, the **ABA Principles** complement the proposed **Right to Counsel** resolution that will also be presented for approval to the House of Delegates. The proposed resolution on the **Right to Counsel** 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 proposed **Right to Counsel** 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.

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Justice Project and its predecessor the SPAN project issued a series of annual publications, *Access to Justice Partnerships State by State: Improving and Expanding Access to Civil Justice*. A comprehensive discussion of state systems for the delivery of civil legal aid is Houseman, Alan W., *Civil legal Assistance for the Twenty-First Century: Achieving Equal Justice for All*, Yale L. & Policy Rev. Vol. 17, No. 1, 1998. See also Alan W. Houseman, *Civil Legal Assistance for Low-Income Persons: Looking Back and Looking Forward*, 29 Fordham Urban L. J. 1213 at 1226-1227, February 2002.

<sup>6</sup> The Legal Services Corporation has recently revised the *LSC Performance Criteria* which provides a framework for 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. The *LSC Performance Criteria* set out four major performance areas: (1) effectiveness in identifying and targeting resources on the most pressing needs of the low-income community; (2) effectiveness in engaging and serving the client community; (3) effectiveness of legal representation and other activities intended to benefit the low-income population in its service area; and (4) effectiveness of administration and governance.

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Taken together, the proposed **Right to Counsel** resolution, the revised **ABA Standards for Providers of Civil Legal Aid to the Poor**, and the **ABA Principles of a State System for the Delivery of Civil Legal Aid** would 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 would be new standards to promote high quality representation by providers, new initiatives to guarantee 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.

## CONCLUSION

Due to fundamental changes in the national civil legal aid system, the organized bar and state Supreme Court and other judicial leaders in each state and territory must take the lead to achieve access to justice in civil matters for low-income persons and others who cannot afford counsel. State Access to Justice Commissions have proved to be a successful and effective model for institutionalizing bar and judicial leadership and support. The **ABA Principles of a State System for the Delivery of Civil Legal Aid** provide a clear and comprehensive framework to guide state Access to Justice commissions and similar entities in assessing their state system, planning its improvements and ensuring ongoing oversight of its development. The endorsement of these principles by the American Bar Association is a critical step in achieving a full range of high quality civil legal aid services for our country's low-income and other vulnerable populations who cannot afford counsel to meet their civil legal needs.

Respectfully submitted,

Howard H. Dana, Jr., Chair  
Task Force on Access to Civil Justice

August 2006

### 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 or No

- Non-citizens \_\_\_\_\_
- Incarcerated persons \_\_\_\_\_
- Older persons with social or economic need \_\_\_\_\_
- People with mental or physical disabilities \_\_\_\_\_
- Homeless persons \_\_\_\_\_
- Institutionalized persons \_\_\_\_\_
- Children \_\_\_\_\_
- Migrant workers \_\_\_\_\_
- Native Americans \_\_\_\_\_
- Non-English speaking persons \_\_\_\_\_
- Persons of moderate means with access barriers \_\_\_\_\_

**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 or No

- Information about legal rights and responsibilities \_\_\_\_\_
- Information about options for services \_\_\_\_\_
- Outreach and community legal education \_\_\_\_\_
- Legal advice and brief services \_\_\_\_\_
- Support and assistance for individuals representing themselves \_\_\_\_\_
- Representation in negotiations \_\_\_\_\_
- Assistance in Alternative Dispute Resolution \_\_\_\_\_
- Transactional assistance \_\_\_\_\_
- Representations in administrative and judicial proceedings \_\_\_\_\_
- Extended representation in complex litigation and on systemic issues \_\_\_\_\_
- Representation before state or local administrative bodies that make law or adopt policies \_\_\_\_\_
- Representation before state or local legislative bodies that make law or adopt policies \_\_\_\_\_

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### 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?

Yes or No

a. All providers comply with standards of practice and ethical rules developed by the state. \_\_\_\_\_

b. Institutional Providers provide legal assistance consistent with the **ABA Standards for Providers of Civil Legal Aid to the Poor**. \_\_\_\_\_

c. LSC-funded providers achieve effective performance consistent with the **LSC Performance Criteria**. \_\_\_\_\_

d. Institutional providers comply with any standards of performance that the state has developed. \_\_\_\_\_

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. \_\_\_\_\_

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. \_\_\_\_\_

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. \_\_\_\_\_

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. \_\_\_\_\_

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.

\_\_\_\_\_

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.

\_\_\_\_\_

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.

\_\_\_\_\_

l. The advocates are culturally diverse.

\_\_\_\_\_

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.

\_\_\_\_\_

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.

\_\_\_\_\_

o. Institutional providers regularly use client satisfaction surveys

\_\_\_\_\_

p. Institutional providers have strong governing boards that set high expectations, monitor accomplishments and encourage service innovations.

\_\_\_\_\_

q. Clients have a choice of providers appropriate to meet their legal needs.

\_\_\_\_\_

r. Management information is disseminated to all managers.

\_\_\_\_\_

s. Timely information about new legal developments is disseminated to all advocates participating in the state civil legal aid system.

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t. Advocates within the state coordinate their work on behalf of the low-income community. \_\_\_\_\_

u. Staff compensation and workload of institutional providers are reasonable to enable the provision of uniformly high quality, effective and productive services. \_\_\_\_\_

**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 or No
Federal funds (other than LSC funds)	_____
State appropriations	_____
IOLTA Funds	_____
Local appropriations	_____
Court fee and/or fee surcharge	_____
Pro hac vice or similar fees	_____
cy pres awards	_____
attorney registration fees or dues assessments	_____
bar dues add-on or opt-out	_____
bar grants	_____
lawyer fund raising drives	_____
other private fund raising drives	_____
foundation grants	_____
corporation grants	_____
planned giving or endowment drives	_____
capital campaigns	_____
attorney fee awards	_____
co-payments from clients	_____
reimbursement of court costs from clients	_____
in-kind resources from any source	_____
private attorney pro bono	_____
retired attorney pro bono	_____
government attorney pro bono	_____
other professional pro bono	_____
law school/student assistance	_____
lay volunteers	_____
lay advocates	_____

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? \_\_\_\_\_

**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 or No
- legal aid providers	_____
- private attorneys (pro bono)	_____
- private attorneys (for compensation)	_____
- corporate counsel (pro bono)	_____
- government attorneys (pro bono)	_____
- court personnel	_____
- court or non-court based pro se assistance projects	_____
- law school clinics	_____
- human services agencies that provide advice, assistance or referral	_____
- other providers of civil advice, assistance or referral	_____

**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? \_\_\_\_\_

**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?

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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 or No
Revising Court Rules to accommodate self-help litigants?	_____
Simplifying forms?	_____
Providing education/assistance programs for self-help litigants?	_____
Providing attorney, paralegal and volunteer involvement programs?	_____
Providing self-help friendly courtrooms and post-order practices?	_____

**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 or No
The judiciary?	_____
The organized bar?	_____
Specialty bars?	_____
The legislative branch?	_____
The executive branch?	_____

**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?
  - 1. Routinely? \_\_\_\_\_
  - 2. Somewhat or occasionally? \_\_\_\_\_
  - 3. Almost never? \_\_\_\_\_
  
- b. Does your state engage in ongoing statewide oversight of the civil legal aid system?
  - 1. Routinely? \_\_\_\_\_
  - 2. Somewhat or occasionally? \_\_\_\_\_
  - 3. 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?
  - 1. Always? \_\_\_\_\_
  - 2. Sometimes? \_\_\_\_\_
  - 3. Rarely? \_\_\_\_\_
  
- d. Does your state have dedicated staff to carry out statewide planning and/or oversight?
  - 1. Always? \_\_\_\_\_
  - 2. Sometimes? \_\_\_\_\_
  - 3. Rarely? \_\_\_\_\_
  
- 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?

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- 1. Always? \_\_\_\_\_
- 2. Sometimes? \_\_\_\_\_
- 3. Rarely? \_\_\_\_\_

f. Does your state develop communications initiatives to increase public awareness of the availability and need for legal aid throughout the state?

- 1. Always? \_\_\_\_\_
- 2. Sometimes? \_\_\_\_\_
- 3. 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?

- 1. Always? \_\_\_\_\_
- 2. Sometimes? \_\_\_\_\_
- 3. 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?

- 1. Always? \_\_\_\_\_
- 2. Sometimes? \_\_\_\_\_
- 3. 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 or No \_\_\_\_\_

j. When legal needs are identified, does your state analyze the results and initiate efforts to address new and emerging legal needs?

Yes or 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?

- 1. Always? \_\_\_\_\_
- 2. Sometimes? \_\_\_\_\_
- 3. Rarely? \_\_\_\_\_

1. If research and evaluation are undertaken, does your state system analyze the results and initiate efforts to respond to them?

- 1. Always? \_\_\_\_\_
- 2. Sometimes? \_\_\_\_\_
- 3. Rarely? \_\_\_\_\_