

# HALLMARKS OF AN EFFECTIVE STATEWIDE CIVIL LEGAL SERVICES DELIVERY SYSTEM

Recent changes in the funding and political context within which legal services are provided to low income people have resulted in the need to undertake a comprehensive review of the current statewide service delivery system and develop plans to implement changes dictated by the current and project environment. What and how the system will work in the future are not simple questions to answer. There are no absolutes. Ultimately the answers to the logistical and operational questions are driven by the values and philosophies of those charged with planning for the future.

The purpose of this paper is to provide a framework against which this planning process might proceed. It articulates a mission that is driven by a vision of equal justice that empowers low income individuals and groups to define, promote and defend their legitimate interests through the civil justice system. The paper then identifies certain institutional values that flow naturally from the mission statement and which, in turn, lead to the identification of certain core operational capacities essential to any future organizational structures or service delivery configurations. The goal is not to define the outcome in terms of specific organizational identities, relative responsibilities, and resource allocations, but instead to define a philosophical and values driven superstructure around which the operational decisions must be made.

## I. MISSION

A statewide legal services delivery system must be designed to promote an articulated mission and corresponding vision of equal justice. The mission must be client focused and expansive, recognizing that equal justice contemplates more than simply providing a lawyer in every family law or unlawful detainer case. The mission must contemplate lawyering in its broadest sense, acknowledging that the interests of low income clients can only be served if the delivery system is dedicated to providing full and complete access to the civil justice system in a way that empowers this segment of the population to define, promote and defend its legitimate interests. As such, the mission must be to:

Protect the individual rights of low income clients;

Oppose laws, regulations, policies and practices that operate unfairly against low income individuals and groups;

Develop and implement laws, regulations, policies and practices that directly affect the quality of life of low income individuals and groups;

Employ a broad range of legal advocacy approaches to expand the legal rights of low income individuals and groups where to do so is consistent with fundamental considerations of human dignity; and

Assist low income individuals and groups in understanding and effectively asserting their legal rights and interests within the civil justice system, with or without the assistance of legal counsel.

## II. INSTITUTIONAL VALUES

The mission suggests certain core institutional values that, in turn, drive operational decisions that must be made by the larger equal justice community in reconstructing the civil legal services delivery system. In large part, these values are already inherent in the current partnerships, and much of the work associated with reconfiguring the delivery system will necessarily focus on retaining and, where appropriate, expanding these system's ability to serve these values:

Responsive to Most Pressing Client Needs. The civil legal services delivery system must have the capacity to regu-

larly and effectively identify the most pressing legal needs of low income clients and identifiable client constituencies in consultation with the low income client community, and the corresponding commitment to deploy resources in a manner that maximizes the system's ability to effectively respond to those most pressing needs.

Ensure Equality of Access. The system must be designed to ensure real equality of access to justice. It must maximize its capacity to identify and address pressing legal issues unique to or disproportionately experienced by specific segments of the low income client community who experience physical, mental, developmental, cultural, linguistic, geographic, or other barriers that limit their ability to effectively assert their rights within the justice system.

Measure Effectiveness in Terms of Results Achieved for Clients. The system should measure its effectiveness in terms of results achieved for clients within areas of high priority client need.

Flexible and Responsive to Changing Environmental Circumstances. The system must have the capacity to reconfigure, reallocate and redefine client needs and appropriate advocacy dictated by changing environmental, social and political dynamics.

Strategic Targeting of Limited Resources. The system should be designed to ensure the ability to target resources on legal advocacy that will likely result in the longest term benefits on issues of the greatest significance to clients as identified in the legal needs assessment process.

Sensitive to Client Communities and Cultures. A high priority must be placed on understanding the broad range of values, cultures, and aspirations represented within the various communities of clients being served, and developing internal capabilities to provide legal representation that is sensitive to these values, cultures, and aspirations.

Balancing Individual Representation and Advocacy Enforcing Broader Rights of Low Income Communities. The system must serve a dual commitment to asserting and enforcing the broader interests of the low income community as a whole and client constituencies within that whole, while maintaining accessibility to individual clients in need of legal representation on high priority matters.

Commitment to Interdisciplinary Advocacy. The system must embrace a commitment to interdisciplinary legal advocacy on behalf of low income clients in order to achieve long-term benefits for both individuals clients and client groups.

Focus on Client Empowerment. The legal services delivery system must effectively employ strategies (e.g., self-help programs, advice programs, community legal education, client outreach, hotlines, ADR programs, etc.) that support and enhance the ability of low income clients and client communities to control their own lives.

Commitment to Multi-Forum Advocacy. The civil legal services delivery system must develop and maintain an institutional capacity to pursue high priority advocacy within non-judicial forums, including legislative, administrative, and quasi-judicial forums.

Strategic Utilization of All Components in Service of Mission. The service delivery system must strategically utilize and integrate staff attorneys, private attorneys, volunteer attorney programs, specialized advocacy programs, private and non-profit law firms, other professional disciplines, social service providers, client groups and individual clients themselves to undertake and complete high priority legal advocacy.

Maximize Efficiency. The system should avoid duplication of capacities and administration; develop and maintain coordinated and accessible client intake, case evaluation and referral systems; and strive to maintain organizational relationships and structures that maximize economies of scale and promote the effective use of existing and emerging technologies.

Maintain Standards of Advocacy and Program Performance. Legal representation should be provided in a manner that is consistent with applicable ethical obligations to clients, and which conforms to the performance expectations

established in the ABA Standards for Providers of Civil Legal Services to the Poor (in the case of staffed legal services providers) and the emerging Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means (ABA Standing Committee on Lawyers' Public Service Responsibility (February 1995 Draft)) (in the case of volunteer attorney program components.)

Minimize Geographic and Institutional Parochialism. Decisions about service delivery and resource allocation must be determined in the context of what will best serve client needs statewide. At the same time, the system must have the capacity to identify and respond to local and regional issues which affect clients and to encourage local identification with and "ownership" of the commitment to equal justice.

Insulated From External Political Pressures. The civil legal services delivery system must be structured in a manner that protects the integrity of core capacities essential to the mission from external political or other pressures.

### **III. CORE CAPACITIES**

The entire system (including both funding and service delivery components) must develop and maintain certain core capacities necessary to provide representation in service of the mission and consistent with the overall advocacy philosophy. These include the capacities:

To provide relatively equal levels of high quality client representation throughout the state of Washington.

To deploy resources to address high priority areas of representation, and to serve identifiable client constituencies with distinct needs (e.g., migrant farm workers, institutionalized persons, senior citizens, Native Americans, refugees, etc.) as identified through the needs assessment process.

To carry out client advocacy in manner consistent with RPC's, statutes and court rules generally applicable to the practice of law; including the capacity to pursue all forms of relief in all forums appropriate to the effective resolution of clients' legal problems.

To engage in a full range of formal and informal representation of clients and client interests before federal, state, regional and local legislative, administrative and quasi-judicial governmental and non-governmental bodies.

To engage in culturally relevant client outreach, education and other self-help efforts free from unnecessary and inappropriate limitations on the authority to provide representation to those who, as a result of such efforts, seek legal assistance.

To provide training, coordination and support of legal advocacy for low income people on a statewide basis.

To provide support, assistance, coordination and training for community organizations involved in providing legal, educational, health or human services to, or providing advocacy on behalf of, low income people.

To engage in activities designed to expand and diversify the funding and resource base.

To deploy restricted and unrestricted resources in a manner that maximizes the system's ability to provide representation that is accountable to and in service of the mission.

To secure high degrees of involvement and commitment on the part of private attorneys, the judiciary, and the community-at-large.

To access and effectively employ technological resources on a system-wide basis.

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## STAFF

Joan E. Fairbanks,  
Justice Programs Manager  
206 727-8282  
joanf@wsba.org

Sharlene Steele,  
ATJ Programs Liaison  
206 828-8262  
sharlens@wsba.org

Joyce Raby,  
Justice Programs Technology  
Specialist  
206 733-5930  
joycer@wsba.org

Leslie Johnson  
Justice Programs Coordinator  
206 733-5942  
lesliej@wsba.org

- Access to justice is a fundamental right.
- Access to justice is dependent on the availability of affordable legal representation.
  - Adequate public and private funding is necessary to support legal representation for low income persons.
  - Affordable legal representation must be available for moderate income persons.
- Access to justice means access to all forums in which legal rights are determined.
- The legal profession has a special duty to assure that access to justice is recognized as a fundamental right.
  - Professionalism as it relates to assuring access to justice should be instilled and promoted within the legal profession beginning in law school.
  - Professionalism includes support of access to justice activities.
- Scarcity of resources requires coordination and innovation in the access to justice community to assure appropriate allocation.
- A key element to access to justice is an educated citizenry who have a basic understanding of their rights and the legal system.
- Community leaders, the press, educators and elected officials must be educated about the importance of access to justice and must support it.
- Access to justice can be attained only if sufficient resources are allocated to the justice system and used effectively.
- The judiciary should make access to justice a high priority.
- Meaningful access to justice entails the removal of unnecessary impediments within the justice system.

