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September 27, 2002

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and

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RE: Response to Program Letter 2000-7

Dear Randi and Bob:

This letter and the enclosed report are in response to Program Letter 2000-7 as well as to serve as an update on the merger between the Legal Services Corporation of Iowa and the Legal Aid Society of Polk County. As you know, in March, 2001, then LSC President John McKay came to Iowa to announce to state planners LSC's decision to fund one LSC grantee in Iowa effective January 1, 2003. Since that time the Boards of Directors of the Legal Aid Society of Polk County (LASPC) and the Legal Services Corporation of Iowa (LSCI) have been involved in discussions to reconfigure the service delivery system in Iowa. Quarterly reports have been provided to LSC since this process was initiated. As indicated in the last quarterly report, a Merger Agreement has been signed and new Bylaws adopted. The two organizations will combine to form Iowa Legal Aid effective no later than January 1, 2003. Significant work continues to be performed by staff of both programs to implement the Merger Agreement and new Bylaws that were adopted by the Boards to integrate the two programs and to work toward the objective established at the beginning of the process to take the best of the two organizations and create a new and better legal services delivery system in Iowa.

As further background, the legal services delivery system in Iowa is facing significant challenges because of funding issues. As a result of the 2000 census, Iowa may be losing more than twenty percent of its LSC funding. Projected funding from the state of Iowa, IOLTA, the Polk County Board of Supervisors and other miscellaneous grants combined will likely result in a combined funding loss of twenty percent of the overall budget for the newly created Iowa Legal Aid. The programs' staff, Board and other Iowa stakeholders are currently engaged in discussions and planning regarding how best to deal with this unpleasant reality.

Given the work that has to be done to complete the merger, the challenges posed by significant funding difficulties and the time commitments required of each, I was advised by Barbara Gibson, the LSC state planner assigned to Iowa, that a brief update of state planning in Iowa be provided in the context of the criteria set forth in Program Letter 2000-7, recognizing that we are still very much at the beginning of the creation of a significantly redesigned delivery system.

Realizing that the information provided in this report is in some ways speculative given the fact that Iowa Legal Aid will not be in existence until January 1, 2003, and significant changes may need to take place as a result of the funding challenges discussed in this report, if additional information is needed, please contact me. I also intend for this report to serve as the quarterly report due October 1, 2002, on the current status of the reconfiguration process in Iowa. If you wish to have the quarterly report made in a separate document, please let me know.

Sincerely,

Dennis Groenenboom
Executive Director

DG/ak

cc: Robert N.Downer, Chair State Planners
Scott G. Buchanan, President, LSCI Board of Directors
Robert S. Crandall, President, LASPC Board of Directors
Robert C. Oberbillig, Executive Director, LASPC

State Planning Self Evaluation Report for the State Of Iowa 2000-7 September 27, 2002

Introduction

Since the announcement by LSC that there would be one LSC recipient in Iowa effective January 1, 2003, there has been a great deal of discussion and planning around creating a new delivery system in the state of Iowa. At the centerpiece of this delivery system will be the newly created Iowa Legal Aid, formed through the merger of the Legal Services Corporation of Iowa (LSCI) and the Legal Aid Society of Polk County (LASPC). A huge amount of effort has gone into the creation of Iowa Legal Aid, as reported in quarterly reports to LSC. Staff continue to work to develop the framework for Iowa Legal Aid consistent with the actions adopted by the Boards of Directors of LASPC and LSCI. Therefore, the implementation and success of the plans and commitments that have been made to create this new organization and its corresponding impact on the statewide legal services delivery system are largely yet to be determined.

I. To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved?

Addressing the Legal Needs of Iowa's Poor

The creation of Iowa Legal Aid will not change the needs of Iowa's low-income residents in relation to legal assistance. Through the most recent priority setting processes that have been carried out by LSCI and LASPC, those problems continue to center on securing safe family environments, adequate and affordable shelter, access to food and health care, and opportunities to overcome poverty. Iowa Legal Aid's response to these needs is at the beginning stages of development, but will build in large measure from the existing delivery systems used by the two merger partners. The one new feature involving service delivery will be the creation of a new regional office serving the combined metropolitan Des Moines area and the surrounding counties. This new service area will comprise a very diverse mix of rural and urban geography and an even more diverse client population.

Components of the New Delivery Structure

The structure of Iowa Legal Aid will include a central office and state support system adapted from LSCI's structure. The central office will be responsible for overall operation of the program including payroll, compliance, reporting to LSC and other funding sources, resource development and all issues related to program management. The state support function will include litigation directors and other administrative personnel who will be responsible for working to assure that Iowa Legal Aid meets the standards for providers of civil legal services to the poor, LSC performance criteria and the quality standards LSCI and LASPC have traditionally set for staff in providing legal services to low-income Iowans. In designing the structure for Iowa Legal Aid, a comprehensive review was done of the administrative structure of LSCI and LASPC. Elements of both programs are being incorporated into Iowa Legal Aid including the use of new accounting software and an integration of the two organizations' fiscal and administrative structures.

The components of the delivery system for Iowa Legal Aid will also evolve, building off of the existing components which generally include a staff attorney delivery model, combined with a strong community legal education and comprehensive volunteer lawyers components. With the uncertainty facing Iowa Legal Aid in regards to funding, the existing network of ten offices may be impossible to maintain, but that will remain a high priority. If that structure can be sustained, then Iowa Legal Aid will have regional service offices located in Cedar Rapids, Council Bluffs, Dubuque, Des Moines, Davenport, Iowa City, Mason City, Sioux City, Ottumwa, and Waterloo.

As mentioned earlier, LASPC staff currently serving Polk County and South Central Iowa Regional Office staff of LSCI serving thirteen counties will join to create the Central Iowa Office of Iowa Legal Aid. The office will be managed by three experienced managing attorneys who will be responsible for assuring the delivery of high quality services and meeting the standards set forth by the ABA and LSC. Because of the relatively large staff of this office, it will be divided into three Units, consisting of Family Law, General Law and Intake. The Intake Unit will integrate many of the features that have been developed by LSCI's Legal Hotline for Older Iowans and as such will focus on providing some level of service to a larger applicant pool. Services provided through the intake unit will combine direct attorney representation with extensive use of volunteer attorneys who will provide brief service and advice and an array of legal education and pro se resources.

While the planning that has been going on since March 1, 2001, has largely involved the Boards of the two programs, the state planners have received periodic updates regarding the implementation of the new program. Given the creation of Iowa Legal Aid and the significant funding issues that are confronted, the state planners will be reconvened to assess the best mechanism for improving coordination within the delivery system. Other components of the delivery system in Iowa include the clinics at the two law schools and county legal aid programs serving residents of Story and Muscatine counties. Despite efforts to involve these programs in the delivery mechanism, the extent to which that has been accomplished has been slowed by the focus on the creation of Iowa Legal Aid.

Equitable Access to Services

The system that is being planned for Iowa Legal Aid is being designed in such a way as to improve the availability of equitable legal assistance to clients. Because of the decentralized location of Iowa's existing legal services offices, most of Iowa's poor have had an office in relatively close geographical proximity. A priority will be to maintain this network of offices. Persons over age 60 have additional access to service through the Legal Hotline for Older Iowans. As mentioned above the Central Iowa Office of Iowa Legal Aid will have an Intake Unit. This Intake Unit will initially conduct intake for clients anywhere in the central Iowa area as well as for any clients statewide who need access to a non-English speaking resource. LSCI's Legal Hotline for Older Iowans will also be incorporated into this Intake Unit so that Iowans sixty years of age or older located anywhere in the state will have access to the assistance of trained attorneys through the Legal Hotline. This Intake Unit will make extensive use of volunteers as well as experienced legal services attorneys as a quality control mechanism. After the system has been made operational and the problems have been identified and addressed, it is anticipated that this intake system will be expanded beyond non-English speaking clients, older Iowans and central Iowa residents. LSCI

also has enhanced service to non-English language speaking Iowa residents through the use of the *Language Line* on line translation service.

All offices of LSCI and soon to be Iowa Legal Aid's offices, will have access to self-help materials including legal education and the LSCI client newsletter, *The Equal Justice Journal*. This journal is published four times yearly and distributed to over 7,000 households/stakeholders in Iowa.

All offices provide a full range of services. However, the key to future equitable access to legal services in Iowa involves maintaining adequate funding to sustain a basic legal services delivery infrastructure. Funding problems pose a major challenge to Iowa Legal Aid's ability to continue this comprehensive system.

Technology

Significant developments have taken place in the area of use of technology by LSC funded staff in Iowa.

- Program Communication Systems - All of Iowa's Legal Services offices have been networked through a wide area network since February, 2001, thanks in large part to a Technology Initiative Grant (TIG) from LSC. The impact of this communication network is well documented in an evaluation report written by Dr. Edward Saunders of the University of Iowa. The report, which is available at www.LStech.org, provides the results of surveys which document the increased extent to which staff among the programs communicate and collaborate on a wide range of service related matters.

- Case management system - As a result of a TIG grant from LSC, effective January 1, 2003, Iowa Legal Aid will operate with a merged database that combines the existing databases of LSCI, HELP and LASPC, as well as the Legal Hotline for Older Iowans. The merged database will be deployed using web-based technology and software program called Pika. The new database/case management software will allow for more efficient delivery of services while at the same time assuring adequate conflict checking throughout the state. In addition, because of the nature of the technology, Iowa Legal Aid will be at the forefront of developing open source, web based resources for the Legal Services community.

- LSCI has long produced a Volunteer Lawyers Project Practice Manual. This two-volume, eleven chapter set was recently converted to CD ROM and is now made available in updated version to private attorneys participating in the Volunteer Lawyers Project by CD ROM approximately every eighteen months.

- New telephone systems are being purchased for the offices of Iowa Legal Aid. Presently seven of the eleven offices have a voice mail system. The new phone system which has been purchased for five of the offices is compatible with using a voice-over-IP protocol to allow for ease of transfer of calls within the program anywhere in the state via the program's existing wide area network. While LSCI was recently denied a Technology Initiative Grant to implement a voice-over-IP system,

when funds become available the system which is being purchased will be capable of this advancement.

- A website is being developed called ILAW (Iowa Legal Aid Website). ILAW will include client-centered material. LSCI has a large library of client-oriented community education materials that inform clients of legal rights and responsibilities to avoid common legal problems. This content will be modified to be useable in a website design and then uploaded to ILAW. The materials will include extensive self-help/pro se materials so that the self-represented litigant will be able to have easy access to information needed in order to handle problems which are not able to be assigned to a staff attorney for representation.

- LSCI was recently a recipient of a three year grant from the Department of Commerce under the Technology Opportunity Program (TOP). This grant, which supports the Senior Citizens Internet Project (SCIP), will enable Iowa Legal Aid to place kiosk formatted computers in eighty-five senior centers throughout Iowa to improve access of seniors to the Legal Hotline for Older Iowans and other resources available to them through the Internet.

- As the result of LSC TIG funding and the TOP grant, Iowa Legal Aid will be able to not only provide access to the resources of the Internet to elderly and low-income Iowans, but will also be able to develop new educational tools to instruct people how to effectively use the Internet. The two most significant developments in these areas are the newly published *Low-Income Iowans' Guide to the Internet* and an on-line computer/Internet tutorial that will provide audio/visual instruction to inexperienced users.

Service to Special Needs Populations

Significant strides have been made in the effort to assure the capacity of Iowa Legal Aid to deliver services to a wide cross section of Iowa's population. Developments include:

- The Legal Hotline for Older Iowans was established as a result of a grant from the Administration on Aging. Since its inception in May of 1998 through 2001, the Hotline served 7,653 Iowans. On an annual basis, the number of older Iowans served by LSCI has almost doubled since the Hotline's inception.

- Service to seniors will be further enhanced as a result of the TOP grant from the Department of Commerce which will result in computers in eighty-five senior centers with immediate desktop Internet access to the Legal Hotline for Older Iowans.

- LSCI has improved its diversity of staff. Statistics from the latest Equal Employment Opportunity report show that twenty percent of the individuals hired

by LSCI between October 2000 and September 2001 were racial minorities. As of September 2001, the racial composition of the staff was 89.9% white and 10.1% minorities, compared to the population of the state of Iowa which is 94.4% white. At the time of the Equal Employment Opportunity report, the staff was 32% male and 68% female with an age breakdown of 43% under 40, 53% between 40 and 59 years of age and 4% age 60 or older.

- As a result of grants from the Internal Revenue Service to establish a Low-Income Taxpayer Clinic and a subgrant from the Iowa Civil Rights Commission to provide education and representation on fair housing issues to immigrants, LSCI has made significant inroads into providing legal assistance and information to Iowa's newest residents, immigrants from other countries.

- LSCI continues to operate a Migrant Farmworker Project with funds from LSC's Migrant Grant. This project employs two outreach workers each summer who are fluent in Spanish, as well as utilizing staff attorneys, to provide information, education and representation to migrant farmworkers in Iowa.

- Rural residents - The ten offices of LSCI have for twenty-five years provided services in 98 of Iowa's 99 counties. Each year residents of all Iowa counties have been provided legal assistance. This demonstrates LSCI's ability to provide services to rural residents and its commitment to assuring that access to justice is a reality for all residents of Iowa within the confines of the limited resources available for the provision of legal services. This commitment is advanced through community education, circuit riding and outreach and access to offices through toll-free watts lines. This commitment will continue.

Identifying New leaders

Attempts to identify new client leaders are carried out through a variety of mechanisms. Clients are sent a case closing survey at the conclusion of more extended representation. They are asked if they are interested in volunteering in offices including service on local Advisory Councils. Each regional office has an Advisory Council that provides connections to local communities. Clients on these Advisory Councils are eligible for appointment to the Board of Directors. Client members of the Board are assisted with their responsibilities as Board members through regular meetings with the Executive Director to discuss program business and issues of concern to low-income Iowans.

Iowa Legal Aid will continue the past practice of LSCI in annually extending recognition to past or present clients at the annual Board meeting. The individuals recognized in the past have been individuals whose personal struggles have been matched by their determination. It is hoped that by receiving such recognition these individuals will become emboldened and encouraged to help others.

There is also an opportunity to find new leadership in the Des Moines metro area through increased community legal education and community involvement, which have been activities

encouraged by LSCI and which will be integrated into the work performed by the staff of the Central Iowa Office.

Next Steps

The next steps in working to achieve a client-centered integrated and comprehensive delivery system center on the creation of Iowa Legal Aid, the development of the new Central Iowa Regional Office and the work that must be done to assure continued funding to support the delivery system. The process of merging two organizations is far more complicated then many of those involved in the process ever realized and significant amounts of staff time will still be required to finish this process. There are literally dozens of individual tasks and issues that must be addressed in the coming three to eighteen months. Work on the funding issues must also be started immediately to increase efforts to preserve state funding and to expand fundraising including the efforts of the Iowa Lawyers Campaign.

Obstacles to Success

The greatest obstacle continues to be limited resources, shrinking budgets and limited staff time to fulfill all of the needs that are required of programs and serve clients with a wide range of critical legal problems. There are also the prospects of unforeseen obstacles involving the merger process.

No cost benefit analysis has been completed.

II. To what extent have intended outcomes of a comprehensive, integrated, client centered legal services delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?

Strategies to addresses issues impacting low-income Iowans

In the past, both LSCI and LASPC have undertaken separate priority setting processes and have pursued largely separate approaches in addressing issues impacting low-income Iowans. With the move to create Iowa Legal Aid, the Boards of both programs committed staff to finding the best features of both organizations in terms of client service and to mold them into the delivery system for Iowa Legal Aid.

In the past extensive efforts have been made to provide education to low-income Iowans on a wide range of substantive issues. Particular emphasis in recent years has been concentrated in low-income taxpayer clinic issues of the Earned Income Tax Credit for low-income Iowans for whom English is a second language as well as fair housing issues for immigrant populations. Extensive effort has also been placed in educating older Iowans and the lawyers and agencies that provide services to them regarding the programs and services available to older Iowans. Areas of

concentration included the rent reimbursement/property tax credit programs for elderly people, and health care programs that help seniors pay for nursing home expenses and Medicare deductibles and premiums. Part of the work in this area, which is supported by a grant from the Administration on Aging, involves pilot projects to provide different forms of outreach to seniors in different parts of the state, to provide an assessment as to the effectiveness of different forms of outreach. A report will be prepared at the conclusion of the grant regarding these outreach efforts which will allow for a measurement of success and future planning as to the best outreach mechanisms. Feedback continues to be sought from clients and service providers through client satisfaction surveys and through the priority setting process which involves interviews with key respondents including lawyers, judges, clients and service providers as to the nature of the services provided by legal aid and areas where they are identified that improvements could be made.

In addition, new strategies for meeting client needs are developing as part of the technology projects being undertaken. In planning for the Iowa Legal Aid Web site, staff surveyed lawyers, judges, clients, community leaders and human services professionals to receive their input on what they believed should be the focus of the web site. An advisory group has worked at different stages in the development process and will continue to be called upon to help in devising the best strategies for delivering meaningful services through ILAW. The Senior Citizens Internet Project also engenders new strategies in providing services by expanding both knowledge and access of technology to the elderly.

Continued use of focused litigation through careful choices of cases to appeal and the initiation of affirmative cases as necessary to preserve or secure basic legal rights of clients is another method that is used to address issues of low income Iowans. Law school and private bar resources are utilized as well in preparing for and litigating these cases.

Expansion through coordination with other providers

Both LSCI and LASPC have long histories of coordinating their efforts through other legal services providers. With the advent of Iowa Legal Aid, these efforts will be reexamined to see if they can be strengthened and expanded. Additional work needs to be done to coordinate services with the two county legal aid programs and the law school clinics, which have not always been active participants in the state planning process. In the past, the level of coordination with the law schools has included placement of law students each summer by the clinical programs in several regional offices around the state. Coordination also takes place through training and a shared grant to provide advocacy with individuals who are in need of assistive technology. One developing inducement for other law related organizations to forge closer involvement in statewide delivery efforts is the ILAW web site, which can offer them a powerful new tool to serve their clients and to provide resources to their staff. However, the quid pro quo that Iowa Legal Aid can use in extending these resources is for those organizations to become more active partners in planning and deployment.

Improvement in quality of services

Plans for the creation of Iowa Legal Aid include expansion of community education efforts, enhanced intake systems, greater involvement of lawyers and distribution of the *Practice Manual*

to lawyers in Polk County. Continued commitment to training of staff should also result in improvement in quality of services. Community legal education will be expanded through the launching of ILAW as the new justice community web site. Complementing these efforts will be the deployment of computers in senior centers. The experience gained from this project, will help in determining the feasibility of creating Internet kiosks in other areas frequented by low-income Iowans. The tutorial and other training materials developed from the Senior Citizens Internet Project can easily be made available to a larger pool of low-income people.

Improvement in services will also be facilitated by the increased integration of the Polk County legal community into Iowa Legal Aid's activities in areas involving special projects such as the Low Income Taxpayer Clinic Project. Polk County has resources that exceed those of other Iowa communities and the challenge to Iowa Legal Aid and its partners is to leverage these resources to expand and improve legal assistance to low-income Iowans.

Improvement in relative equity of client access

Although significant challenges lie ahead as a result of potential significant funding reductions from LSC, IOLTA, the state and other grants, significant improvement has been made at this point. This is particularly true with regard to clients who are non-English speaking through the efforts to inform them of their tax rights and responsibilities with emphasis on the Earned Income Tax Credit and on fair housing matters. LSCI has several staff who are fluent in Spanish, including the intake receptionist in the Central Office who is handling an increasing number of Spanish speaking clients. The purchase of specialized services by local funding sources in their localized areas continues to result in some variation in level of services in different substantive areas available in different parts of the state.

There are significant variations in volunteer availability around the state. More urban areas have greater numbers of volunteer attorneys willing to take a greater range of cases. Placement of volunteer cases in rural areas, particularly in the area of family law, is difficult.

Access to services will also be made more equitable as the result of ILAW and the Senior Citizens Internet Project, which open up new resources for low-income people regardless of where they live.

Efficiency of legal services delivery system

Significant changes are in store given the creation of Iowa Legal Aid through the merger of LSCI and LASPC. Fiscal operations are merging, there will be one executive director. A development unit will now focus on resource development in Polk County as well as the rest of the state. It is anticipated that these modifications resulting from merger will improve the efficiency of the delivery system.

Use of volunteer attorneys

Participation of Iowa Lawyers in volunteer efforts has been among the highest in the nation. Those figures have, however, been holding steady for the past few years. Despite the fact that the

number of volunteers has been holding steady, the placement of cases has become more difficult. In 2001, there were fewer than 1,850 volunteer attorneys signed up in the 98 counties served by the LSCI VLP and HELP Legal Assistance. This is down from 2000 when there were approximately 1,900 volunteer attorneys. In 2001, 861 attorneys took new cases, compared with 890 attorneys who took new cases in 2000. LSCI's VLP is in the unenviable position of losing more attorneys each year than it is gaining. (Attorneys most often leave because of retirement and relocation, and sometimes death.) In 2001, the LSCI VLP lost 62 attorneys and gained only 39. In 2000, the program lost 104 attorneys and gained 82.

Having said that, in 2001, the combined Volunteer Lawyers Projects (LSCI VLP, Polk County VLP and HELP VLP) closed 2,188 cases involving contributions of over 15,600 hours by volunteer attorneys. Total attorneys participating was 2,789. The number of hours contributed is up from 2000 when 2,225 cases were closed involving contributions in excess of 14,800 hours. In 2000 the number of attorneys participating in the three projects was 2,853.

The use of volunteer attorneys is an area which will need further consideration and development.

III. Are the best organizational and human resource management configurations and approaches being used?

Current configuration

In 2001 and 2002 the configuration of LSC programs was LSCI serving 98 Iowa counties and LASPC serving residents of Polk County. There were two county legal aid programs and law school clinics serving residents in the geographic areas near the law schools. The funding sources for LSCI and LASPC projected for 2002 excluding LSC funding are:

FUNDING SOURCE	LSCI/HELP	LASPC
State of Iowa	801,879	88,672
United Way	379,001	129,619
IOLTA	572,986	172,739
Aging Programs	246,198	0
Other	963,215	195,300

Other configurations/approaches considered

The merger of LSCI and LASPC into Iowa Legal Aid effective January 1, 2003 has been described in detail above.

Identifiable duplication in capacities

The duplications that existed with the two LSC programs have been addressed and are being minimized or eliminated effective January 1, 2003. Duplication with other parts of a non-LSC funded delivery system have not been explored to date.

Innovation in delivery systems/mechanisms/initiatives since October 1998

- Creation of Iowa Legal Aid - One LSC provider in Iowa
- Creation of ILAW (Iowa Legal Aid Website)
- Merged database through Pika Case Management System
- Projects and resources to expand access and knowledge of the internet including a TOP grant to provide computers in 85 senior centers through the Senior Citizens Internet Project and the publication and distribution of the Low-Income Iowans' Guide to the Internet which was made possible by a TIG grant from LSC
- Converting *Volunteer Lawyers Practice Manual* to CD ROM
- Creation of Low-Income Taxpayer Clinic with IRS grant
- Fair Housing Initiative to inform immigrants of applicable fair housing laws
- Creation of Central Iowa Office of Iowa Legal Aid and creation of an Intake Unit to handle central Iowa clients and non-English speaking clients anywhere in the state

The following have been explored and rejected:

There was initial resistence to the merger of the two programs, which is the most significant delivery system modification undertaken in the past several years. Because of the magnitude of this project, many other initiatives have not been fully explored, including the use of a statewide centralized intake system or more expanded us of hotlines. Once the merger has been completed and the funding situation stabilized, Iowa's planners will begin exploring other delivery systems.