LEGAL AID OF THE BLUEGRASS

(NORTHERN KENTUCKY LEGAL AID SOCIETY, INC.)

ADMINISTRATIVE OFFICE:
302 GREENUP STREET
COVINGTON, KENTUCKY 41011
ph: 859-431-8200
fax: 859-431-3009
1-800-888-8189

July 10, 2002

Mr. Robert Gross
Legal Services Corporation
750 First Street, NE
11th Floor
Washington, DC 20002-4250

Mr. Chuck Cook
Ohio Legal Assistance Foundation
42 E. Gay St., Suite 900
Columbus, OH 43215

LEGAL SERVICES CORP
2002 JUL 16 AM 8: 12
RECEIVED

Dear Mr. Gross and Mr. Cook:

We are pleased to enclose *The Kentucky Legal Services Planning Initiative: Self-Evaluation in Response to LSC Program Letter 2000-7.* This self-evaluation documents the achievements and goals Kentucky's state justice community has attained over the past fifteen months and what remains to be done. We have also attempted to present a picture of the emerging economic and social problems facing poor Kentuckians and the challenges ahead for the Kentucky state justice community as it works to meet those needs.

Kentucky's Legal Services Planning Commission continues to navigate the roadmap established in March 2001 as the means of implementing a statewide, comprehensive, high quality legal services delivery system. The Commission understands that the state justice system must remain sensitive to changes that affect low-income Kentuckians and adapt the system to meet those needs. Further, long-range planning demands that those responsible for the provision of legal service to the poor must, to the best of their abilities, try and anticipate change and create methods to respond appropriately. The Commission is confident that its members and stakeholders have the ability to do so.

Perhaps the most serious immediate and long-range challenge facing the Kentucky civil justice system is the identification of significant revenue sources in the wake of sharp declines in major funding sources like LSC and IOLTA, stagnant funding from state government, and reductions in local funding sources like United Way. Kentucky's state legislature is still deadlocked without a budget and projections for next year are grim. Kentucky planners are devoting significant resources

to addressing this funding crisis and are hopeful of finding solutions to mitigate the worst of the impact on the state justice community's ability to serve clients.

As we prepared for self-evaluation and reviewed the goals that were established in our March 2001, we were struck by several things. One, the goals and timetables set out had been substantially met. Two, that when there were unexpected opportunities to move forward on issues of importance to clients, even though not specifically provided for in the plan, the stakeholders were able to come together and respond effectively and efficiently. Three, that the state planning initiative and the implementation of the plan has allowed new leaders to emerge and new partnerships to be formed so that the state community as a whole is stronger, more coordinated and effective and more client oriented. Four, that what has been accomplished is not the work of just a few, but the result of a community working together. Five, that much remains to be done.

We are pleased to offer this self-evaluation. Although we are a little daunted by the challenges that lie ahead, we are confident that partnership between Kentucky's justice community and the Legal Services Corporation will enable us to meet those challenges and that together we will be able to provide equal access our justice system.

The Kentucky Legal Services Planning Commission welcomes your feedback to the self-evaluation. Please contact either one of us if you have any questions or would like further information.

Sincerely,

Glenda Harrison

Glenda Harrison
Chairperson, Kentucky Planning Commission,
Steering Committee

Jamie Odle Hamon/gl

Jamie Odle Hamon
Executive Director
Access to Justice Foundation

Enclosures

THE KENTUCKY STATE LEGAL SERVICES PLANNING INITIATIVE:
Self-Evaluation In Response to LSC Program Letter 2000-7

		Page
I.	**INTRODUCTION**	**1**
II.	**KENTUCKY'S BLUEPRINT FOR A COMPREHENSIVE, INTEGRATED DELIVERY SYSTEM**	**1**
	A. Overview	**1**
	B. Issues significant to low income people in Kentucky	**3**
	C. Strategies for increasing access, efficiency and equity	**5**
	1. Unified Client Access System (UCAS)	5
	2. Advocacy	7
	3. Technology	11
	4. Pro Bono Attorney Involvement	14
	5. Self-Help Representation	16
	6. Diversity and Leadership Development	17
	7. Resource Development	20
	8. Training and Community Education	23
	D. Performance evaluations and assessment tools	**25**
III.	**Program Configuration**	**26**

THE KENTUCKY STATE LEGAL SERVICES PLANNING INITIATIVE: Self-Evaluation In Response to LSC Program Letter 2000-7

I. Introduction

In March 2001, the Kentucky Legal Services Planning Commission submitted to the Corporation our plan for creating and implementing a statewide, comprehensive, high quality system for the delivery of civil legal services in Kentucky. The Commission brought together leaders from Kentucky's justice community who declared their mission to be the development of a statewide plan for the delivery of legal services in Kentucky which would be able to deliver "appropriate legal services to all eligible clients in Kentucky when they need it." The initiative laid out the components of the legal services delivery system and within those components established goals and timeframes for accomplishing those goals. Understanding that a mission, goals and timetables should be more than mere precatory language, the Commission implemented a system of functional accountability which laid out in very specific terms how the partners in our state's justice community would have the necessary resources, authority and responsibility for ensuring that the essential components in our state plan were working effectively and efficiently. Memoranda of Agreement were executed between the Kentucky legal services programs, the Access to Justice Foundation and the Office of Kentucky Legal Services Programs as evidence of the commitment of all these stakeholders in our justice community.

The planning documents that were submitted to the Corporation in March 2001 and supplemented in April 2001 were and are the Planning Commission's roadmap to translating the vision of a comprehensive, integrated, coordinated, high quality, client-centered legal services delivery system into reality for our clients. Now some fifteen months since that blueprint was drawn, the Planning Commission welcomes the opportunity to engage in a candid assessment of what has been accomplished, what remains to be done, and what new challenges have arisen and offers the document that follows as our 2000-7 self-evaluation.

II. Kentucky's Blueprint For A Comprehensive, Integrated Delivery System

A. Overview

Kentucky's system for the delivery of civil legal services has changed dramatically in the last five years. With the mergers that have occurred, Kentucky has gone from seven LSC funded programs to four. As of 2002, the four programs are the Appalachian Research and Defense Fund of Kentucky, Inc. (ARDF), Legal Aid Society, Inc. (Louisville), Legal Aid of the Bluegrass (formerly Northern Kentucky Legal Aid Society, Northeast Kentucky Legal Services and Central Kentucky Legal Services) and Kentucky Legal Aid (formerly Cumberland Trace Legal Services and Western Kentucky Legal Services).[1]

---

[1]A map of the current programs' service areas is appended as Attachment #1

Based on the 2000 Census, Kentucky's population grew from 3,685, 296 people in 1990 to 4,041,769 people. Despite the overall increase in population in the last ten years, Kentucky has seen an overall decrease in its poverty population from 681,827 to 621,096, a decrease of approximately 61,000. The 2000 census also provides information about other changes that are occurring in the eligible client population. In 2000, the number of legal immigrants in Kentucky was estimated to be 111,000. [2] Although this number is small in proportion to the total population, Kentucky ranked third highest among states in the rate of growth of new immigration.[3]

Despite the decrease in poverty population, those people who live in poverty continue to present staggering unmet legal needs. There is no reason to doubt that the legal needs study completed by the University of Louisville, Center for Urban and Economic Research, in 1993 is as applicable today as it was then. That study found that of the approximately 350,000 low income households in Kentucky, more than 100,000 of those households faced one or more civil legal problems in a year. Further over one-half (½) of these households experienced more than two (2) civil legal problems per year. Consistent with the findings of studies from other states and the 1994 American Bar Association legal needs survey, this study found that approximately 80 percent of low-income Kentuckians do not have access to an attorney when faced with a serious situation where a lawyer's assistance could make a difference.

Although Kentucky's federally funded programs have been the primary provider of direct legal services to the poor in Kentucky, the Access to Justice Foundation (AJF) and the Office of Kentucky Legal Services Programs (OKLSP) have been and are indispensable partners in Kentucky's efforts to address the unmet legal needs of eligible clients.

The Access to Justice Foundation has tirelessly and ably sought funding from other sources for the legal services programs. In 1996 , AJF was in large part responsible for obtaining general appropriation funds from the Kentucky legislature and in 1998 spearheading the successful effort to triple that appropriation. AJF also lends its expertise to advocacy on substantive issues of importance to our client community. AJF continues to coordinate varied, extensive and high quality continuing legal education activities for legal services advocates and the private bar.[4] For three years, AJF has operated an elder law hotline funded through the American Association of Retired Persons.

---

[2]Organizations who work closely with the immigrant population estimate that in reality that number should be tripled.

[3]*Immigration in Kentucky: A Preliminary Description*, Kentucky Legislative Research Commission (2002).

[4]For a description of the training and community education component see "Training and Community Education," p.23-25 .

An equally valuable partnership exists between the legal services programs and the Office of Kentucky Legal Services Programs. Since 1996, OKLSP has been funded through pro rata contributions of the funds that the programs receive from the Kentucky Administrative Office of the Courts derived from a civil filing fee surcharge. In addition to coordinating the work of the substantive law task forces and providing communication and education on legislation and public policy issues that affect the legal services client community and staff, OKLSP now has the capacity to handle what has been traditionally known as "impact" or "restricted" work. [5]

For many years, Kentucky's legal services programs, AJF and OKLSP worked effectively together. Thus in 1998 when states were challenged to begin the creation of state justice communities for purposes of planning for a comprehensive and integrated system for delivering legal services, it was logical that the programs, AJF and OKLSP would be the leaders in the planning process. Realizing that providing equal justice under the law was not just the responsibility of a few and understanding that others in Kentucky's justice community could provide additional perspectives and resources, a Kentucky Legal Services Planning Commission was convened in 1999. In addition to the programs, AJF and OKLSP, the Planning Commission was and is composed of members of the judiciary, administrative office of the courts, state and local bar associations, educational institutions, private attorneys, eligible clients and community based/public interest organizations. The working group of the Commission, the Steering Committee, mirrors the composition of the Commission.[6]

In March 2001, the Planning Commission submitted our revised plan which laid out the components of the Kentucky legal services delivery system. Those components - UCAS, advocacy, technology, pro bono, pro se, continuing legal education, and resource development - provide the blueprint for building a comprehensive, integrated, high quality, client-centered system for delivering legal services to eligible clients in Kentucky.

B. Issues significant to low income people in Kentucky

In Kentucky, many and varied problems affect low income people. Common issues within our client community include problems with creditors; denials and terminations of public assistance benefits; access to health care, particularly for the elderly; nursing home availability and conditions; family matters, including custody and support issues; education, specifically special education concerns; access to and retention of affordable housing; and domestic violence. With the growing immigrant, particularly Hispanic, populations, issues of legal status and legal problems related to that status are emerging. These issues have been codified in Kentucky's State Planning Core Priorities and adopted by all programs. More specifically, the following issues have been identified as significantly impacting our clients.

---

[5]For a description of the structure and operation of OKLSP see "Advocacy," pp. 7 -11 .

[6]Since May 2001, three additional community based/public interest organizations have joined as members of both the Commission and Steering Committee.

Consumer: Home foreclosure, both related and unrelated to predatory lending practices; usurious check cashing and payday loans; student loans problems; mobile home sales practices; and unlawful debt collection practices.

Family: Dissolution of marriage; parental child custody and visitation disputes; child and medical support; grandparent and de facto custodian custody disputes; protection issues arising from domestic violence.

Housing: Loss of housing due to eviction; access to safe, sanitary and affordable housing; demolition of public and other subsidized housing; failure of public housing authorities to implement earned income disregard; unaffordable utility service.

Public assistance and health benefits: Impact of time limited welfare; improper reduction or termination of cash assistance (including Title II and XVI), food stamps, Medicaid benefits; access to affordable health care, including long-term care and home-based services; nursing home conditions and wrongful discharge.

Education: Access to special education services and inappropriate discipline of children with special needs; implementation of Stewart B. McKinney Homeless Assistance Act.

Immigration: Abuse of the immigration process by perpetrators of domestic violence; access to public benefits/ housing; employment related claims of migrant farmworkers; issues surrounding limited English proficiency and access to judicial system.

In addition to the LSC funded programs providing direct representation to eligible clients, Kentucky's state justice community has responded in a variety of ways on the above issues. The substantive law task forces composed of advocates from each program meet quarterly to share information and strategies. These meetings typically include mini-training on a pressing or emergent issue. The information from the task forces is carried back to all office thus minimizing the possibility that in an area of the state an issue of importance to clients will go unnoticed or unaddressed. The task forces give input to OKLSP on those issues that need to be dealt with through administrative or legislative advocacy or through litigation of the kind that the programs are restricted from doing.

The ability to serve clients particularly in family law is greatly increased by the partnership that the legal services programs have forged with the local bar associations' and the programs' own pro bono panels. Although not as extensive in other areas of law, the pro bono programs are beginning to develop more specialized panels, especially in areas of consumer law and elderlaw.

For individuals residing in long term care facilities, in most areas of the state, legal services are provided through Title III-B supportive services and long term care ombudsman grants. Likewise Violence Against Women Act and Victims of Crimes Act funds have increased the ability of the programs to provide direct representation to clients who are victims of domestic violence. Two

Equal Justice Works (formerly NAPIL) grants fund two attorney positions to assist immigrant victims of domestic violence.

The legal services programs in Kentucky pass through some $35,000 from the LSC migrant grant to Texas Rural Legal Aid to represent migrant workers.

C. Strategies for increasing access, efficiency and equity

1. Unified Client Access System (UCAS)

Background: The statewide structural framework that state planners created to increase access to and the efficiency in the delivery of civil legal services in Kentucky is the Unified Case Access System (UCAS). Through regional intake centers, eligible clients have a single point of access to the full range of legal services including counsel and advice, brief service, pro bono referral, self-help and extended services. In addition, UCAS is the gateway through which clients who have legal problems which LSC funded programs are restricted from handling or whose status bars them from being represented by the programs may obtain legal representation from our state justice community partners, primarily the Office of Kentucky Legal Services Programs (OKLSP) and the Access to Justice Foundation (AJF).

In preparation for UCAS implementation, a statewide legal needs survey was completed in Fall 2000. Additionally in the recently merged programs (Northern Kentucky Legal Aid/Central Kentucky Legal Services and Cumberland Trace Legal Services/Western Kentucky Legal Services) efforts have been made to inform clients and community based organizations of the mergers and to informally solicit input from them as to the important legal issues in their communities.

Implementation: Our March 2001 planning document laid out the functional parameters of UCAS - access, counsel, advice and brief service, extended service and pro bono. Further, specific goals and timetables were set forth to insure that our legal services delivery system would be implemented on a statewide and co-ordinated manner so that clients across the state would have the same or substantially the same access to the full array of legal services.

The four legal services programs primarily utilize telephonic intake to provide counsel and advice and brief service. All programs have toll-free 800 numbers. All programs are using Kemps Clients 2000 SQL as the uniform case management system. All the basic fields in Kemps have been standardized across programs. To achieve uniform reporting of cases statewide and to facilitate uniform outcome measurements, the Kemps User Group (a subcommittee of the Technology Subcommittee) has customized the special problems codes and main benefits codes for use in all programs.

Programs have actively recruited intake personnel who are conversant in Spanish with two programs having full-time staff who are fluent . One program which was unable to hire bilingual staff has sent the intake person to a Spanish immersion program. All programs use Language Line to provide

translation services for non-English speaking clients. Individuals with hearing or speech impairments are assured access through community-based interpreters and TDD/TTY relay systems. Pro bono attorneys are informed of and encouraged to use Language Line and the TDD/TTY relay systems. In addition, partnerships have been formed with community-based organizations, like the Cardinal Valley Hispanic Resource Center in Lexington, Hispanic/Latino Center in Louisville, Centro de Amistad in Covington and Western Kentucky Refugee Center in Bowling Green to serve as other points of access for the immigrant communities.

To assure that counsel, advice and brief services are delivered in a uniform, comprehensive and high quality manner, standardized intake questions and the corollary advice are used by the intake units in the consumer law area. [7] Specialized intake questions/advice are developed when new and timely legal issues emerge. For example, intake questions, advice and community education materials have been developed around the public housing earned income disregard. Intake staff use these targeted questions/advice to screen clients who may be or were eligible for this earnings disregard and thus entitled to reduced rent or a refund. Additional questions/advice are being developed for other areas of law, including, other housing, family and public benefits.

Extended service cases are undertaken in accordance with the uniform case acceptance guidelines. Uniform case protocols and standards of practice are being developed for use by advocates. The protocols will serve as a guide for advocates in handling common and relatively simple legal problems. The protocols will set forth the basic issues to be addressed and the basic actions to be taken. The ABA Standards for Providers of Civil Legal Services to the Poor will serve as a benchmark in the development of standards of practice for the legal services programs in Kentucky. These protocols and standards will be available to advocates on the password protected area of the new statewide website.

Evaluation and assessment: As the first Kentucky program to pilot implementation of UCAS, Kentucky Legal Aid (KLA) (formerly Cumberland Trace Legal Services) underwent an initial evaluation of UCAS in early 2002. The evaluation consisted of an on-site visit, assessments by staff on the efficiency of the system and the impact on client services and review of data on number of cases handled. More recently, KLA has prepared a comparison of the number of cases handled both before and after the implementation of UCAS. [8] A second evaluation of KLA is slated for September 2002. The assessment criteria that will be used in evaluating UCAS will be those contained in Program Letter 02-4, *Characteristics of a Telephone Intake, Advice and Referral System*. A client satisfaction survey will be completed as part of this evaluation. It has not yet been determined whether the client survey will be a written instrument similar to that used by the AARP Foundation or a telephone survey similar to that developed for The Project for the Future of Equal Justice.

---

[7]The March 2001 plan called for these intake questions/advice to first be developed for family law. Upon review, it was determined that consumer law issues were more complex and advocates were less familiar with that area of law so these questions/advice were developed first.

[8]See Attachment #2.

Goals: Continue standardization and refinement of Kemps fields, particularly those related problem codes and outcome objectives.

Increase the number of staff fluent in languages other than English.

Explore offering incentives to encourage staff to become proficient in other languages.

Submit grant to Kentucky Bar Foundation to fund Language Line use by programs and pro bono attorneys.

Complete intake questions, advice and community education materials for public benefits, family, housing and elderlaw areas.

Complete case protocols for the most common legal problems for use in all programs.

Compile Standards of Practice and Supervision for use in all programs, OKLSP and AJF.

Complete second evaluation of KLA UCAS, including client satisfaction survey.

2. Advocacy

Under Kentucky's statewide legal services plan, the Office of Kentucky Legal Services Programs (OKLSP) accepted accountability for the broad function of advocacy, including categories traditionally described as impact and restricted work. The section describes (a) a successful effort to implement the original plan to expand advocacy capacity through OKLSP, (b) a subsequent plan to launch the resulting new litigation project and (c) examples of current advocacy. It also highlights a brand new initiative, recommended June 19, 2002, by the Steering Committee, for OKLSP to seek an Equal Justice Works fellowship focused on legal problems of immigrants.

Background: Under the Kentucky state plan, the touchstone for expanded advocacy is a two-year Legal Work Plan prepared and adopted by a statewide Legal Work Committee through twice yearly meetings. The goal and objectives set forth for the advocacy component are:

> ***Goal:*** Statewide access to unexcelled representation through a full range of advocacy, including complex litigation and legislative and administrative representation targeted to critical priority areas with substantial impact on low-income people and communities.
>
> ***Objectives:*** Successful work on three high impact projects per task force per two year period, as identified in the Legal Work Plan, with two new substantive areas to be added to

the current four in 2002.

In the March 2001 submission to the Corporation, the Advocacy Component focused on organizational development for OKLSP, to unfold by the end of 2001 in three areas: board restructuring, staff expansion and resource development. OKLSP and its partners hit every organizational development benchmark.

Implementation: The organizational development plan has now evolved into a new plan for the implementation of the Litigation Project. The following summarizes successful steps in three stages to implement the advocacy component of the state plan: OKLSP organizational development; litigation project start-up and ongoing operation and activity.

Organizational Development

a. Board Restructuring

The OKLSP Board in 2001 approved revised Articles and Bylaws, and added four Community Members and two clients members to newly created board seats and adopted policies to make clear that LSC-funded members served on their own time. The outcome was a program free from LSC restrictions. The community members include a professor from the University of Kentucky College of Law, a retired attorney who has volunteered to develop a pro bono legal clinic serving Hispanic immigrants and non-English speaking populations, a community activist who also works on issues affecting immigrants and Hispanic-Latino communities and an
organizational development consultant whose firm is well known for its work on education and environmental issues. The new client board members are individuals who have personal experience with the State's welfare program.

b. Staff Expansion

OKLSP executed a series of steps in 2001 leading to the hiring of a new Senior Staff Attorney. Early in the year, the Board opted for "senior advocate" staffing model based on a single full-time person with significant past litigation experience rather than contracts for multiple projects.

The staff attorney has been in place since January 1, 2002. She brings twenty years of legal services experience and immediately before her employment she clerked for a federal bankruptcy judge. Her experience in bankruptcy and consumer law is a good fit with growing interest statewide in predatory lending.

c. Resource Development

Expanded advocacy is not just a matter of restrictions, but also of resources. As planned, Kentucky programs expanded their contributions of non-LSC funds to OKLSP from $60,000 to $144,000 in

2001 -- up from about 5 percent of proceeds from state filing fee add-on for legal services to 12 percent. Programs also agreed to base their shares of OKLSP funding on their share of total funding rather than of the poverty population.

The new formula was incorporated into a revised Memorandum of Agreement between programs and OKLSP. Higher program contributions started in July of 2001, six months earlier than originally proposed, in order to speed up the hiring process for the Senior Staff Attorney and create a pool of funds to equip the new litigation project.

Meanwhile, OKLSP worked with two other organizations to submit a $47,000 grant proposal to the Center on Budget and Policy priorities for work around TANF reauthorization. The grant was funded, in full, with OKLSP's share exceeding its first year goal for grants ($10,000). A portion of the grant was received earlier than called for under the state plan, in 2001 rather than 2002.

Partners in the new grant project -- called the Kentucky Welfare Reform Assessment Project (KWRAP) – include OKLSP, Kentucky Youth Advocates and the Kentucky Task Force on Hunger. Under the grant, the partners have convened a larger Working Group of about 35 stakeholders to review Kentucky policy choices, gather performance data and assess TANF reauthorization proposals. Three KWRAP Working Group meetings already have occurred, with a wide range of participants in attendance: TANF parents, university researchers, community college staff, labor, religious and advocacy groups, and more.

d. Equal Justice Works grant to serve immigrants

OKLSP plans to sponsor an Equal Justice Works fellowship for an attorney to focus statewide on legal problems of immigrants and the Hispanic-Latino community. If funded, the project will begin in September 2003. The project is a joint endeavor of OKLSP, the Maxwell Street Legal Clinic, the Access to Justice Foundation and Legal Aid of the Bluegrass.

The Maxwell Street legal clinic now serves immigrants through advice and counsel. The fellowship plan will enable Maxwell Street to expand services to include representation in court. OKLSP will employ the attorney and provide supervision and potential co-counsel through its Senior Staff Attorney. Maxwell Street Legal clinic will office space, equipment and intake services. The Access to Justice Foundation has agreed to provide the attorney free continuing legal education training. OKLSP and legal services programs will contribute to the required local match.

Start-Up of Litigation Project

With its organization development tasks accomplished by the end of 2001, OKLSP proposed to the Steering Committee a detailed plan to launch the new litigation project. The plan was based on a simple idea: while the project could take off incrementally through a series of one-by-one case acceptance decisions, the state plan instead emphasizes "high impact advocacy as a *planned* use of resources." After reviewing the 2000 legal needs assessment, OKLSP consulted with the statewide

Legal Work Committee, task forces and task force chairs and OKLSP board members to prepare a catalog of potential impact cases.

To date, the following has been accomplished: (1) a survey of potential impact issues in seven substantive areas (consumer, housing, family, public benefits education, immigration and community development);(2) written case acceptance procedures, eligibility guidelines and case management forms, including retainers and client grievance procedures, for review by the Board had been developed; (3) work on issues and cases, particularly in consumer law (see below).

Ongoing Operation and Activity

Task Force Projects: Beginning in January, 2001, each of the four existing statewide legal services Task Forces brainstormed and prioritized impact projects. Consistent with the advocacy objective in the state plan, they sought successful work on three projects in a two-year period.

- Welfare Task Force members are participating in a broad state welfare agency effort to redraft TANF, food stamp and medicaid notices for readability.

- Welfare task force members submitted examples to the DHHS regional Office of Civil Rights of potential ADA compliance problems in the state TANF program. As a result, the OCR compliance officer met with advocates prior to her state review. Results of the review are pending.

- The Consumer Task Force chair and OKLSP Senior Staff Attorney met with a state legislator at his request, to review and propose changes in the state's first predatory lending bill. At the Senator's request, they also met with banking industry representatives.

- Comments developed by OKLSP in consultation with the Family Law Task Force helped influence the state's Child Support Guidelines Review Commission to set aside proposals to lower support amounts based on the extent of visitation.

- A series of inquiries by OKLSP on behalf of the Housing Task Force led to increased activity by the Kentucky Housing Corporation (KHC) to expend TANF funds previously provided for homeownership initiatives. Loans approximately doubled in the six months after requests for information were filed.

OKLSP Legislative Work: OKLSP conducted full-scale legislative advocacy in the2002 General Assembly on issues identified by Task Forces and the Board, with expanded capacity based on the Senior Staff Attorney's expertise in consumer law. Among the activities and issues: a comprehensive bill tracking chart, updated weekly, with active link to bill status and text, for posting on the Access to Justice website; briefing paper to increase the homestead exemption in bankruptcy and debt collection; input on bills regarding emergency protective orders,

medicaid copayments and inspection requirements for repossessed mobile homes.

Litigation Project: Current litigation activities include: co-counseling in a fee-generating predatory lending case; drafting class action compliant on the public housing earned income disregard; conferring with legal services attorney, the Consumer Task Force chair and experts at the National Consumer Law Center to evaluate strategies on a "rent a bank" payday lending case; co-counseling with private attorneys on a case on the status of the earned income credit in bankruptcy.

3. Technology

Background: The state justice community recognizes that technology must be used as a tool to attain the goal of increasing and enhancing client access to service. The stakeholders in Kentucky's justice community must use technology to: increase client access to services and increase the amount of quality legal information available to clients; assist legal services staff in assuring that clients receive the same level of service across the state; streamline the work load so that advocates can assist clients more effectively and efficiently; assist the state's legal services programs in documenting their work for existing and potential funders; increase communications among legal services staff; and provide legal work managers with evaluative and emerging issue data. The community recognizes, however, that mission-driven technology planning and implementation is merely a means to those end results.

Mission Driven Planning: As set out in the March 2001 plan, three LSC 2001 Technology Initiative Grants were submitted - two of which were successfully funded. After those submissions the Technology Subcommittee began to lose momentum in the goal of coordinating Kentucky's technological efforts and assuring that those efforts facilitated increasing and enhancing client access to services throughout the state. When called upon to update the state plan, representatives of the Technology Subcommittee recommended that the subcommittee be reconstituted with an appointed chairperson who could lead it. The Steering Committee reconfigured the subcommittee to include persons representing diverse functions within the legal services community, appointed a chairperson and then set out to review Kentucky's statewide technology goals.

The Steering Committee engaged Gabrielle Hammond from the National Technical Assistance Project to assist Kentucky. As a result, NTAP consultants Lee Sholder and Ed Marks helped Kentucky flesh out its technological approach. After two day long sessions, one of which was facilitated by Ed Marks, program leaders and directors, computer responsible persons, representatives of functionality groups and computer responsible persons ascertained that while Kentucky had engaged in a great deal of mission-driven planning, an effort which was documented in the state plan, it had failed to organize those efforts into an clearly documented Technology Plan. The Technology component of the state planning documents read more like a set of tasks, and as such, failed to give real planning direction to the state in coordinating its continued efforts to increase and enhance client service through the use of technology. The Subcommittee subsequently recommended that ongoing technological efforts such as case management code standardization and

intake question standardization be brought under the umbrella of the Technology Subcommittee, and that Kentucky begin a technology planning and assessment effort with NTAP's assistance. That effort would include searching for funding to create a mission-driven technology plan that would serve as a road map to Kentucky's continued technological effort to increase and enhance client access to services. Subsequently, the Technology Subcommittee established a mission statement for the group, and identified persons to write a set of goals for distribution to all Kentucky legal services advocates. It also identified functionality groups to collaborate on fleshing out the goals to form a Technology Plan, and set a goal of engaging all persons providing legal assistance to clients to assist with the plan creation so that any technological efforts resulted in the desired outcome—enhancing and increasing client access to legal services.[9] The next step in the planning initiative is to establish areas of responsibility, assess program need, and establish a way to coordinate the state's technological initiatives to accomplish the goal of integrating services and enhancing client access to services.

Program Technology Initiatives: Legal Aid of the Bluegrass (LABG) (formerly Northern Kentucky Legal Aid Society, Inc.) has established a pilot connection between its Morehead and Covington office through Terminal Services and ADSL connections that recently became available. The pilot has been running since April 15, and has already streamlined information sharing, advocate efficiency and client access to legal assistance between the two offices that are now connected. The program has applied for 2002 TIG funding to complete the connections with its three remaining offices, and complete plans for the centralized intake station. The effort involves a database conversion and combination to bring two former Central Kentucky Legal Services offices into the system. Using Terminal Services applications and ADSL connections, LABG will integrate its newly merged service area. In addition to the centralized intake function that this effort will facilitate, the connection will be used to increase mentoring and information sharing among advocates and staff. Staff working from one office with specialized expertise will be able to share, through NetMeeting, training and information to increase staff efficiency as though they were down the hall from each other. Another aspect of the initiative is to strengthen community partnerships so that, through a technological connection, clients and partners can access legal services advocates for training and intake. The initiative includes an integrated telephone system so that clients calling in for services can be effectively and efficiently managed. The system will reduce a client's on-hold time, provide spoken information while a client is waiting for service, and allow the program to monitor call-volume so that it can respond to client need.

A second 2002 TIG application from Louisville Legal Aid Society seeks to complete a connection with an outlying office, and enhance existing bandwidth so that its staff in the HIV office and a small rural office can access information quickly and efficiently. Speeding up connections decreases client intake time and increases the amount of time an advocate or intake worker has to serve clients.

During 2002, Kentucky Legal Aid applied for TIG funding to purchase an integrated telephone system and establish Voice Over I/P capabilities, which would fix a problem area it identified with

---

[9]The mission statement and goals are appended as Attachment #3.

its pilot UCAS project, i.e., lack of telephone capability. While the frame relay wide area network implemented with 2000 TIG funding was efficient, Kentucky Legal Aid found that its telephone system was woefully inadequate and prevented the program from serving the number of clients it otherwise could. With this initiative, clients may call a single number to enter a queue for service.

ARDF is completing implementation of all its offices to Kemps Client 2000 SQL version, which matches the database used in the remaining three legal services programs. Using a Citrix solution and dial-up/ADSL connections, ARDF continues to connect its offices to the centralized intake station in Richmond. During 2002, ARDF applied for TIG funding to establish videoconferencing sites in outlying counties, where access to services was limited, through ADSL and streaming audio/video transmissions. The project will connect small outlying intake stations with staffed offices so that clients may meet with legal services advocates.

Other Technology Initiatives: The enhanced statewide website project, KyLawHelp.org, is underway. Enhancing the currently maintained accesstojustice.org site will accomplish the following goals:

- increase the number of clients who receive appropriate legal assistance,
- provide easy electronic access to preventive legal education information and pro se information, centralize poverty law information for advocates, and
- foster effective collaboration between legal services organizations, and other human services providers.

Currently, Kentucky's taskforces are engaged in reviewing and recommending needed information to be included in the website. The state recognizes that client-centered information must be carefully constructed to assure that appropriate information is available and accessible. The effort includes a study to determine the readability levels that should be used, and in what languages the information should be provided. The latest demographic information must be analyzed so that the information actually reaches those for which it is intended. Kentucky's template is yet to be completed; however, once the website is up, Access to Justice Foundation will begin training community partners like librarians, Family Resource Center staff, etc., so they may assist clients in accessing pertinent information.

Barriers to using technology effectively in Kentucky: Unfortunately, Kentucky's technological infrastructure is weak or non-existent in rural areas. Until very recently, many rural legal services offices could not secure appropriate bandwidth for information sharing at a reasonable cost. Prior to 2002, ADSL and cable modems were not available outside of the urban triangle. Coupled with the cost of crossing the three LATAs that exist in Kentucky, bandwidth charges were cost prohibitive since most bandwidth came in the form of expensive point-to-point T1 lines. Only recently has ADSL and cable modem become available in outlying areas; however, those avenues are still not available in every Kentucky community. Therefore, without adequate funding to underwrite the high recurring cost of T1 lines, Kentucky's legal services programs have struggled to connect their outlying offices with the centralized intake stations.

Goals: Complete development and begin implementation of State Technology Plan to include coordination of statewide technological initiatives.

In conjunction with AJF, complete and implement KAIVO template and upload client-centered and advocate centered information.

Establish conventions for use of technological systems, which may include business e-mail protocols, file naming and saving standards, and other appropriate business use of technological systems such as the local area networks, the wide area networks, the Internet, and the statewide website.

4. Pro Bono Attorney Involvement

There are seven pro bono programs serving the120 counties in Kentucky. Each pro bono program is affiliated with an LSC-funded program. Two of the state's three law schools, the University of Louisville and the University of Kentucky, have legal law clinics. Two lawyer referral programs operate independently of legal services in Boyd, Greenup, Lewis, and Daviess Counties.

The pro bono programs conduct attorney recruitment, training, recognition, case intake and referral on a local basis. The coordinators meet quarterly to exchange best practices and plan joint activities. Additionally, pro bono coordinators have representation on the Kentucky State Planning Steering Committee and offer input into the long-range plan for the delivery of civil legal aid for the poor. Pro bono programs coordinate their communications through a listserv and are part of the Access to Justice statewide website.

Pro bono coordinators and private lawyers are key members of the Kentucky Bar Association Donated Legal Services Committee which is committed to developing and expanding the deliver of pro bono legal services throughout the Commonwealth. The Committee meets quarterly and develops projects on a statewide basis to expand pro bono participation and the delivery of legal services. The Committee is chaired by AJF president, J. Warren Keller. Committee projects include a Civil Legal Needs Study, CLE programs, and Judicial Roundtables on Pro Bono at the Kentucky Bar Association Annual Convention. The Donated Legal Services Committee is currently at work on a statewide communication plan.

Pro Bono Initiatives

Judicial Roundtable on Pro Bono

This is the second year that the Donated Legal Services Committee has facilitated a judicial roundtable discussion on strategies for promoting, developing, and expanding pro bono activities at the Kentucky Bar Association Annual Convention. The motivation for institutionalizing these roundtables at the convention was to educate judges about the current status of pro bono efforts and seek input from them for strategies that they might employ to increase volunteer participation in their

communities. Concepts that have emerged from these discussions include:

- Working with the Administrative Office of the Courts to include judicial training in promoting pro bono efforts

- Inviting judges to speak about pro bono at bar association meetings or law school functions

- Inviting the Chief Justice of the Kentucky Supreme Court to assist with establishing a pro bono protocol for judges at all levels of the court

- Encouraging judges to write an article or opinion piece for a bar association newsletter proving an update on the court's support for pro bono activity

- Meeting with judges and court administrators to discuss strategies to assist with the delivery of pro bono services.

American Bar Association Peer Consulting Visit
Members of the ABA conducted a two-day peer review of the pro bono program in Covington and the recently merged offices in Morehead, Ashland, and Lexington in May 2002. The team members met with coordinators, judges, and members of the local bar to review current levels of pro bono support, coordination and delivery mechanisms. The ABA will issue a report with findings and recommendations.

Goals:
Pro Se Divorce Clinic Model
In collaboration with the Montgomery Circuit Court and Circuit Court Clerk's Office, Legal Aid of the Bluegrass, developed a pro se divorce clinic model to expand access to legal services especially in rural areas of the state. The clinic recruits private attorneys to assist clinic participants with completing paperwork and filing documents. The model has been disseminated to other pro bono programs in the state to be evaluated and implemented where feasible. A complete description of the pro se clinic is contained in the Self-Help Representation section of this document.

Statewide Communication Plan
The Kentucky Bar Association Donated Legal Services committee contracted with a communication consultant to develop a statewide communication plan to be implemented in stages based on funding availability. The vision for this project is "*to build a untied, respected and innovative pro bono network with the capacity to provide the highest quality advocacy to eligible clients through statewide coordination of services and the use of state-of-the-art delivery systems.*" Strategies of the initial phase of the project include increasing attorney volunteerism, increasing donated funds, and building public awareness and support.

Creative Use of Volunteers
The Volunteer Lawyer Program in Louisville has begun planning the Latino Legal Clinic of

Louisville. Its partners include the Brandeis School of Law at the University of Louisville, the Hispanic/Latino Center, and the Louisville Bar Association. The project will begin as an advice and counsel clinic this Fall. Lawyers, law students and interpreters will host a monthly clinic and the

Louisville Bar Association will develop a new referral list for Spanish-speaking clients. Replication of this model by other pro bono programs will be considered as an additional service for Spanish-speaking clients.

5. Self-Help Representation

The Kentucky State Plan submitted in March 2001 acknowledged that the development of a pro se initiative was in its infancy. Early on there were some positive signs that commitment to a statewide pro se initiative was beginning to grow. For example, at the 2000 Kentucky Bar Association Convention, Chief Justice Joseph Lambert's Conference on the Judiciary featured a presentation by Arizona Supreme Court Chief Justice Thomas Zlaket which outlined the pro se project that has been implement in Arizona and has been enthusiastically endorsed by the Arizona judiciary, court system personnel, attorneys and clients. Following the KBA convention, at our statewide conference in August, Chief Justice Lambert reiterated the need for the Kentucky Supreme Court and others in the legal community to take a more proactive role in developing pro se programs. Also, there has been an on-going effort by the Administrative Office of the Courts to publish and make available for the public use a modest number of pro se pleading forms on their web site.

Pro Se Initiatives

In November 2001, members of the Steering Committee met with the Circuit Judges in Montgomery County to discuss the possibility of conducting a pilot pro se dissolution of marriage clinic. Also present was the Circuit Clerk of Montgomery County, a representative from the Administrative Office of the Courts, and staff from the local legal services office. The collaborators agreed that developing a pro se dissolution packet and offering a clinic for Montgomery County residents in early 2002 was a realistic goal. It was agreed that in this first pro se effort the cases would be limited to uncontested dissolutions where custody of children of the marriage was not in issue. To streamline the process, the Circuit Clerk agreed to be present to file the petitions on site, the Judges agreed to grant *in forma pauperis* status to self-representing litigants with income below 150% of poverty and to hear the case the same day if all appropriate filings and appearances were made.

In January 2002, a letter from the circuit judges went to all attorneys in Montgomery County advising them of the pilot project and urging them to refer indigent clients to the clinic. The Circuit Judges also recruited local attorneys to volunteer for the clinic to assist participants with paperwork. The legal services staff prepared the pro se packet and conducted eligibility screening of prospective clinic participants.

The first pro se divorce clinic was held in Montgomery Circuit Court in March 2002. Since that

time, one clinic per month has been offered for eligible participants. A number of private attorneys as well as legal services staff have assisted in the clinics. There have been approximately thirty participants in the pro se clinics. To date, the clinic has completed eleven dissolutions with eight still pending. The remainder of participants were either not appropriate to proceed pro se for a variety of circumstances or they took the materials and were trying to locate spouses before they could proceed. The next clinic is scheduled for July 19, 2002.

Challenges: One of the discoveries made while conducting the clinics was the very real barrier that limited educational attainment presents when designing meaningful pro se projects. Even though the materials were written on approximately the third grade level, the majority of participants needed individual assistance from volunteer lawyers and paralegals to complete the process. Based on experience to date, assisted pro se is the most effective method of helping participants through the system, at least in rural areas.

Goals: Discussions have begun on replicating the pro se clinic in Warren and Fulton Counties in Western Kentucky. The family court judge in Warren County is a former legal services attorney and is willing to explore how this pro se model could function in her court. The Montgomery Circuit Clerk has offered to meet with the Warren County Circuit Clerk to encourage collaboration on the project. The local legal services program and the volunteer lawyer project have acquired the pro se materials and are reviewing them. The Montgomery Circuit Clerk has also agreed to present this pro se model at the annual meeting of all Kentucky's circuit clerks.

Kentucky has made considerable progress this year in the exploration of a realistic pro se model that might be replicable in other rural areas of the state. The first step has been taken to lay the foundation for appropriate self representation opportunities for low income people in the Commonwealth.

6. Diversity and Leadership Development

In the Fall of 2001, the Kentucky Planning Commission, Steering Committee, challenged the stakeholders in Kentucky's justice community to create a vision for this community that is diverse, inclusive and multi-culturally competent. The Steering Committee believed that the creation of a permanent diversity task force was the most effective and efficient mechanism to begin the discussion of the need for diversity and cultural sensitivity in the legal services and client communities. Participants in this first discussion were selected to reflect both the leadership and emerging leadership in the legal services programs.

On January 31, 2002, the Diversity Task Force meeting convened. Sixteen people representing all programs, AJF and OKLSP and all positions within the programs participated. session. A facilitator paid for by the programs led the discussion. The focus of this initial session was to identify and address key diversity-related challenges that exist internally, i.e., how can we recruit, retain and develop staff/leaders that reflect our client communities.

Several themes emerged from this discussion.

- Kentucky and the nation are undergoing some significant shifts in demographics in the next decade. Current economic, education and poverty trends are issues that will shape the types of clients who will be seeking our services.
- How we as legal services programs (staff and board) relate to the diversity in our equal justice partners and our client communities will likely determine how effective our programs will be in meeting community needs.
- Kentucky legal services programs have not traditionally conducted self-assessment to reflect on program initiatives that might assist in ensuring staff diversity and nurturing leaders.
- The programs' experience of staff-turnover and the costs associated with this should be persuasive argument for programs to adopt a more intentional plan with regard to ensuring that programs recruit and retain the talents needed to effectively serve the increasingly diverse client community.
- Kentucky legal services program staff are supportive of program efforts toward diversity and leadership development.
- Because or program mergers and reorganizations, opportunities exist within individual programs and within the state planning context for further discussion and development of initiatives that will enhance the Kentucky programs ability to develop new and diverse leaders and thus better serve our client communities. While some actions will be impacted by the availability of resources, other actions have little or no cost associated and should be implemented immediately.

Building on these themes, the Task Force formulated recommendations which will serve as the first in a series of practical steps and strategies the Kentucky legal services community can undertake to address critical considerations of race, gender, ethnicity, sexual orientation, disability and other aspects of diversity.

Goals: **Leadership Development.**

- As part of annual performance evaluations, program directors/supervisors will include a discussion with each employee on career development. Programs will identify leadership potential within staff and nurture that talent by providing opportunities for people who excel and contribute to the program's effectiveness in client services.
- Programs will institute formal mechanisms for better determining why staff members with needed talents leave the programs, i.e., effective exit interviews.
- Leaders within programs will contribute to the strength of all programs by sharing expertise. As the four programs become more similar in their operations, staff members that have skill or expertise in an area common to all programs will share that information, i.e., mentoring, task force members, specialized trainings, retreats.

- Programs will review the composition of their Boards of Directors to make certain that the membership reflects the diversity within the client community and provide opportunities for client leadership

Staff Retention and Recruitment

- Programs will explore ways to fund student loan forgiveness/repayment programs at a level to compensate for low salaries.
- Programs will consider a range of incentives that will be effective for recruitment and retention, i.e., sabbaticals, flex time, part-time positions.

Ensuring Development of Diverse Talents

- Programs will have multi-cultural competency as their goal and a plan for achieving this competency.
- Programs will be proactive in examining trends and identifying emerging client issues. Through planning, programs will address the costs that are associated with securing or retaining the talents needed.

These recommendations and goals were adopted by the Steering Committee, and the programs committed to their implementation. The programs will be accountable to AJF for the implementation.

Having begun the examination of issues related to "internal" diversity, the next challenge is to address diversity, inclusiveness and multicultural competence as related to the clients that we serve, the communities in which they live and the issues which they define as being of significance. To prepare for this client-centered discussion, the Diversity Task Force sought the expertise of the Kentucky State Data Center. The director of the Center provided information extrapolated from the 2000 Census on the newly emerging client populations in Kentucky and the evolving economic and demographic issues that our clients face. Understanding that generalities and faceless numbers are inadequate to convey the stark realities our clients must face as they grapple with oppressive economic, cultural and social norms, at the Statewide Legal Services Conference in August 2002, all conference participants will hear from members of immigrant communities and the community-based agencies who serve those populations.

Subsequent to the Statewide Conference, the Diversity Task Force will reconvene to develop strategies for reaching out to our clients, addressing their grievances and working with them in strengthening their communities. This is perhaps the most daunting and most serious challenge that the programs in Kentucky face. This is where the programs' and other stakeholders' richness of "internal' diversity directly impacts on our ability "to provide legal representation that is sensitive and responsive to the values, cultures and aspirations" [10] of the clients we assist.

---

[10]Excerpted from the October 2001 speech of Randi Youells to the South Carolina Justice Community Conference.

7. Resource Development

Background: Kentucky legal services programs and their partners have a long history of working together to increase resources to enhance access to the civil justice system for low-income people. In 1994, the state support center convened a group of influential private attorneys and members of the judiciary from throughout the state to assist in lobbying for a filing fee surcharge to benefit civil legal services. This grassroots network, Kentucky Lawyers for Legal Services for the Poor, was instrumental in the passage of legislation that annually yields $1.2 million for legal services. This was the largest source of new revenue for civil legal services Kentucky had ever experienced. Indeed, the strategies learned during that 1994 legislative campaign would serve as a model for future efforts to increase state funding for legal services.

In1995, after the Congress eliminated LSC funding for state and national support centers, Kentucky legal services directors quickly engaged in a planning process to preserve the essential services provided by its state support office. The plan that was agreed upon called for the directors to pool non-LSC funds to provide seed money for a newly created non-profit, Kentucky Lawyers for Legal Services for the Poor (KLLSP), that would provide training, fundraising, and information coordination. The directors also pooled non-LSC funds to continue the work of the former state support center's, the Office of Kentucky Legal Services Programs, policy analyst.

The new non-profit, KLLSP, established a board of directors composed of many of members of the original group of private attorneys that volunteered their time and talent in the 1994 filing fee legislative campaign. KLLSP's board also voted to change the organization's name to the Access to Justice Foundation. During the 1996 Kentucky General Assembly, AJF coordinated a legislative campaign to establish a state appropriation for legal services. Ultimately, the legislature appropriated $500,000 in general funds for legal services each year of the budget cycle.

In 1996, legal services directors and AJF also engaged in educating the Kentucky Bar Association Board of Governors and the IOLTA Board about the critical services provided by legal aid programs and the loss of significant funds to support these services. These combined efforts resulted in an increase in the percentage of IOLTA funds for legal aid.

By 1998, AJF and legal services had established a presence in the state budget process. Governor Patton increased funding for legal services from $500,000 per year to $1 million per year in his budget proposal to the legislature. The legislature ultimately increased the appropriation to $1.5 million annually.

Since 1998, AJF and legal services have been included in each of the Governor's budget proposals to the legislature and have been approved by the General Assembly.

Legal services programs, AJF and OKLSP have further diversified their funding sources over the last eight years. Most legal services programs receive VAWA funding, Title III funds, ombudsman grants, HUD housing counseling grants, and other local funding sources like United Way.

AJF has been funded by the Department of Health and Human Services Administration on Aging for a statewide legal helpline for older Kentuckians. The grant funds two attorneys who provide brief service and advice to approximately 2,800 low-income elderly clients each year.

Challenges: The most serious immediate and long-range challenge facing the Kentucky civil justice system is to identify new sources of significant revenue in the wake of sharp declines in major funding sources like LSC and IOLTA, stagnant funding from state government, and reductions in local funding sources like United Way. In previous years when LSC funding for legal services was significantly reduced, the community was able to look to other resources at the state and local level to mitigate the shortfall. However, Kentucky is now at a juncture where all of its significant funding sources for civil legal aid for the poor are either stagnant or are being sharply reduced.

Like many states, Kentucky is experiencing a significant state budget shortfall. Current projections put the shortfall at $683 million. The legislature was unable to approve a budget in the regular session and in the subsequent special session in May 2002. Funding for legal services appears to be at the $1.5 million per year level. However, with looming budget shortfalls expected to continue through 2002 absent meaningful tax reform, legal services funding could be subject to a rescission of state funds as it was in January 2002. The state's fiscal year begins July 1st. Without a budget by then, the Governor is planning to implement his own budget proposal. Lawsuits challenging his authority to do so have already been filed.

According to the 2000 census, Kentucky's poverty population decreased by approximately 61,000 people. The state is planning on the loss of approximately $833,800 in LSC funds next year as a result. Kentucky's legal services programs and other partners in the justice community have been notified by the IOLTA director that grants will be nearly 40% less this year due to sharp reductions in interest rates. Kentucky legal services programs and their volunteer lawyer projects receive approximately $500,000 each year from IOLTA. These funds support pro bono coordinators and programs throughout the state. The anticipated reduction will have a chilling effect upon the pro bono network in Kentucky as support for volunteers and coordination services are reduced or, in some cases, eliminated.

Goals: AJF and its partners in the state justice community are exploring other mechanisms for increasing funding for legal services. Increasing funding through an increased state appropriation appears very unlikely given the drastic state budget shortfalls. In January 2003, the legislature will convene for its "short session" in which AJF and its partners will have the opportunity to present legislation to increase funding. Identifying the funding mechanism with the best odds of passage that will yield at least another $1 million for legal services next year is the challenge Kentucky planners now face.

AJF is in the process of assembling a group of influential bar leaders, community leaders, members of the judiciary, and legislators to advance the message of the critical need for additional funding for legal services for the poor in the 2003 Kentucky General Assembly. AJF and its partners will develop a menu of potential funding vehicles to present to this panel. These could include legislation

to increase the existing file fee surcharge, real estate escrow legislation, or proceeds from casino gambling if enacted by the legislature next session. AJF is researching these and other options to present to the new panel over the coming weeks.

Leadership and support from Kentucky's Supreme Court has been lacking in prior legislative sessions for various political reasons. One of the goals in this legislative effort will be to engage the active support of the Chief Justice and other members of the Kentucky Supreme Court.

While state funding has the potential to yield the largest results, Kentucky planners will also continue to explore other funding opportunities. Possibilities include a bar dues check-off, attorney registration fee increase, private bar campaign, and collaborative grant applications to foundations and the federal government.

One picture that is emerging in Kentucky is that counties in the Eastern part of the state, according to the 2000 census, experienced the greatest decrease in poverty population compared to other areas. Those figures will have a significant impact on the Appalachian Research & Defense Fund, the LSC program that serves those counties. Current census estimates project that ARDF will lose almost twice as much LSC funding as the other three legal services programs.

AJF is in the process of working with ARDF on designing a private bar campaign to increase donations to the program. This pilot project will incorporate elements of the message developed by the Project for the Future of Equal Justice as well as region-specific messages about the importance of access to justice in each community. Each legal services program conducts some form of private bar campaign, but the rural parts of the state have far fewer resources than the urban areas. If successful, this pilot project could be replicated in other rural areas of Kentucky.

Additionally, discussions have already begun and will continue at the next Steering Committee meeting that ARDF retain Lawrence County in its service area in order to mitigate the reduction in LSC funds. In Kentucky's original state plan, Lawrence County was to have become part of Northern Kentucky Legal Aid Society's service area. That change was never implemented since LSC has not redrawn that service area to reflect the shift of Lawrence County. The configuration with Lawrence County remaining within ARDF's service area may now make the most sense.

Additionally, Kentucky legal services programs have adopted a funding mechanism for statewide expenses that considers pro rata contributions based upon each program's LSC budget, with a few exceptions for one-time grants. Thus, programs with little or no outside funding sources have a reduced contribution.

Kentucky faces serious challenges in sustaining and supporting the civil justice system in the months and years to come. The lessons learned in collaborative fundraising will be put to the test as the state moves forward to identify new resources for providing legal services for low-income Kentuckians.

8. Training and Community Education

Background: In the past year, the Access to Justice Foundation (AJF) has provided 15 training events to the legal services staff and volunteer lawyers of Kentucky. The events include trainings on substantive issues, trial skills and emerging issues, like predatory lending practices that adversely affect low-income people. AJF has provided over 150 hours of CLE credit this past year. In addition, AJF has focused on client empowerment through participation in community education trainings and creation of community educational brochures and pamphlets.

One of the effects of the elimination of LSC funding of state and national support centers has been the loss of statewide training capacity in many southeastern states. AJF has the primary responsibility for poverty law training for legal services staff and volunteer lawyers. Kentucky had a long history of providing high-quality skills training for new legal services lawyers. For many years, Kentucky has collaborated with other southeastern states to offer this new lawyer skills training to participants from around the region. New regional training events have been included in this year's training calendar with the addition of Immigration Law Training and Poverty Law Overview.

Regional Basic Lawyer Skills Training

In May, the AJF, in collaboration with Florida Legal Services, sponsored a Basic Lawyer Skills Training (BLST) for the southeast region. This intensive, week-long event provided new legal services attorneys the opportunity to learn and improve trial skills by practicing a housing discrimination case from client interview through jury trial. The trainee to trainer ratio for this event is two trainees to one trainer. Participants were given a case scenario and assigned co-counsel for the duration of the event. Participants were paired to give the greatest mix of racial and gender diversity as well as exposure to people from other states in the region. The training concluded with two days of mock trials with members of the local bar serving as judges and members of the community serving as jurors.

Forty-eight new lawyers from Kentucky, Florida, Tennessee, Indiana, South Carolina, Virginia and Arkansas participated in the event. Twenty-four experienced legal services lawyers from these states, including two from the Kentucky Department of Public Advocacy, served as mentors and coaches for this class of Basic Lawyer Skills Training participants.

Representing Victims of Domestic Violence Training

Since 1997, AJF has collaborated with the Kentucky Domestic Violence Association, the Governor's Office on Child Abuse and Domestic Violence Services and the Kentucky Attorney General's Office to develop the Domestic Violence Justice Network. Funded in part by a grant from the Kentucky IOLTA fund, the project has developed a comprehensive desk reference manual for volunteer attorneys and annually offers free CLE training to attorneys in exchange for their agreement to accept a referral of a domestic violence case.

The trainings are advertised to the membership of the Kentucky Bar Association. The trainings are held in four regional sites in order to reach attorneys in all areas of the state. Nearly half of all eligible attorneys attending the training have agreed to take a case involving domestic violence on a pro bono basis.

Immigration Law Training

One of the emerging issues identified by the Kentucky Training Collaborative was issues in immigration law. This area of the law is fast becoming critical to the burgeoning migrant population in Kentucky.

In April 2002, in collaboration with Indiana Legal Services, the Access to Justice Foundation provided a two-day in-depth training in immigration law. Attendees included legal services staff, volunteer attorneys and representative from various advocacy groups. The materials included a comprehensive 175-page manual, covering a variety of immigration topics and best practice tips for advocates.

Client Empowerment Through Community Education Training and Materials

In addition to providing ongoing CLE training for legal services and volunteer attorneys, the Kentucky Training Collaborative believed it was an important part of the mission to find ways to empower low-income people through preventive legal education initiatives. Focusing on this issue, AJF staff has conducted numerous client-centered education events, presenting information to over 200 clients on various poverty law issues, including predatory lending, medicare and medicaid and guardianship issues.

In addition to training events, AJF has developed over thirty client-centered community education brochures. The topics addressed in these brochures include Debt Collection, Guardianship, Earned Income Disregard, Child Custody, Defending Evictions and Landlord/Tenant Rights. Several of these brochures are currently being tailored to and translated to be useful to Kentucky's growing Hispanic population.

The Legal HelpLine website (seniorlegalhelpline.com), a direct link from the Access to Justice Foundation website (accesstojustice.org), contains a synopsis of many of these community education brochures. In addition, a phone number is listed where clients may call to obtain these brochures free of charge. In the coming months, as the new Access to Justice Foundation website is implemented, AJF plans to make it possible to download the actual community educations materials directly from the website.

Goals: AJF will increase its training focus on the legal issues related to assisting migrants. at the upcoming legal services statewide conference in August 2002, plenary sessions are planned for cultural competency in working with Hispanic clients and how LSC-funded programs are permitted to assist immigrants

AJF is also planning training for LSC-funded staff on requirements for closing cases for CSRs and will work with LSC representatives to plan the training.

AJF's board of directors passed a resolution at the June 29th board meeting to partner with OKLSP and the Maxwell Street Migrant Legal Clinic on an Equal Justice Works fellowship for an attorney to assist legal services programs and the Clinic in assisting Hispanic clients. AJF will provide free CLE for the attorney as its contribution to the grant.

AJF will continue to work with the Training Collaborative to develop high-quality CLE events relevant to all legal services staff and volunteer lawyers by soliciting input from substantive law task forces on emerging issues in housing law, public benefits, consumer law, migrant and immigration issues, elder law, and family law.

AJF is also in partnership with the Kentucky Bar Association Continuing Legal Education's CLE Online (CLEO) program to produce and deliver CLE events over the internet. Other partners include the Kentucky Academy of Trial Attorneys, the Louisville Bar Association, the Fayette County Bar Association, the University of Kentucky College of Law, the Northern Kentucky University Chase School of Law, and the Northern Kentucky Mediation Center. AJF has agreed to produce two online CLE events, each costing approximately $2,000 to produce and format. The KBA is donating $2,000 to AJF to help defray production expenses.

D. Performance Evaluations and Assessment Tools

Background: The plan submitted to the Corporation in March 2001 called for a preliminary evaluation of Kentucky Legal Aid's UCAS to be completed. This was completed in early 2002. A more extensive assessment of the effectiveness, efficiency and quality of KLA's UCAS is scheduled for September 2002. KLA was selected for this assessment because UCAS has been in operation for a longer period of time at KLA than at any other program in Kentucky. Subsequent evaluations of UCAS will occur at ARDF, the Legal Aid Society (Louisville) and LABG. These will follow the format used for KLA, a preliminary evaluation followed six to nine months later with more extensive evaluation using the assessment criteria of *Characteristics of a Telephone Intake, Advice and Referral System* and coupled with client satisfaction surveys.

In terms of individual case outcomes, all programs are utilizing a single case management system - Kemps Clients 2000 SQL. Within Kemps, special problem codes and main benefits codes have been standardized across programs. The Outcome Objective Subcommittee of the Kemps Standards Group has identified five broad outcome objectives: (1) improve the quality and stability for low income families and individuals; (2) stabilize low income families; (3) improve the financial status of low income families, the elderly and other individuals; (4) improve health and safety of low income children, the elderly and other individuals; and (5) reduce domestic violence. Within each of these objectives, outcome indicators have been listed. These indicators will correlate to the main benefit code(s) that are recorded as each case is closed. When fully implemented, all programs will

be able to provide uniform data in terms of changing our clients' conditions.

At this point in time, in measuring the overall effectiveness and efficiency of service delivery, the programs have relied primarily on performance assessments submitted to the area development districts, various United Ways and the many other funders, all of whom have performance criteria. In addition to the client-focused evaluations that will be used by all programs, the Steering Committee is considering developing and utilizing judiciary-focused evaluations.

In December 2001, the Steering Committee recommended that each program undergo a peer review evaluation. This evaluation will utilize the Legal Services Corporation's performance criteria. Use of this criteria is appropriate in that cornerstone of this performance criteria is program effectiveness, i.e.,(1) the results achieved for our clients and their communities and (2) given a program's goals and objectives, does the program achieve the maximum result in the most economical manner. Although the exact composition of the peer review committee has not yet been determined, the Steering Committee has decided that it will include a consultant from outside the Kentucky legal services community, but someone who is familiar with the legal services delivery system. Other possible peer review members include a program director, a member of a program's Board of Directors, the Chairperson of the Steering Committee and a representative from AJF.

Goals: Complete second evaluation of KLA UCAS, including client satisfaction survey.

Complete preliminary and final evaluations of UCAS at ARDF, LAS and LABG.

Complete at least one program peer review within next 12 months.

III. Program Configuration

As of January 2002, there are four LSC funded legal services programs covering the 120 counties in Kentucky. The first merger of programs occurred in 1998 with the merger of Northern Kentucky Legal Aid Society, Inc., and Northeast Kentucky Legal Services. In 2000, a second geographical reconfiguration occurred when the responsibility for the Western Kentucky Legal Services' service area was transferred to Cumberland Trace Legal Services. That program is now known as Kentucky Legal Aid. The most recent merger was completed in January 2002 when Northern Kentucky Legal Aid Society merged with Central Kentucky Legal Services to form what is now known as Legal Aid of the Bluegrass.[11]

Based on the most recent figures from NLADA, ARDF has 35.7% (down from 36.1%) of the

---

[11]Although not related to program configuration, the Appalachian Research and Defense Fund of Kentucky, Inc., underwent a significant change when John Rosenberg retired as Director after more than 30 years of leadership in January 2002. Effective May 2002, after a nationwide search Larry York, a former directing attorney with more than 25 years of experience at ARDF, was named director.

poverty population. LABG has 22.4% (up from 21.9%), KLA has 21.3%(down from 21.4%) and LAS has 20.6% (no change) of the poverty population.

In 2001, the combined LSC budget for all programs was $6,018,623.[12] The state appropriation from Kentucky's general revenue fund and disbursement from the filing fee add-on from the Administrative Office of the Court added an additional $2,400,949 to the resources of the programs. These state funds are distributed among the programs using the same poverty population percentages as the LSC funding formula. Additional funding for the programs comes from a variety of sources, including Older Americans Act, Violence Against Women Act, IOLTA and United Way. Although not every program receives monies from every source, these funders in the aggregate provide an additional $2,606,920 to the programs. In 2001, out of the total $11,026,492 budget for the field programs, the percentage investment by other stakeholders in Kentucky's justice community was 45%.

As the figures above indicate, Kentucky planners recognize the value of creating partnerships and alliances with others organizations and funders to increase revenue and maximize scare resources. Those within our justice community also recognize that the programs must use their resources to achieve access to justice for our client community in those forums where the programs cannot venture. In that regard, from the $1.5 million per year from the state appropriate, $300,000 per year is retained by the Access to Justice Foundation.

From the revenue generated by the filing fee add-on, the programs contribute approximately 12% (or $144,000 per year) to the Office of Kentucky Legal Services Programs to do the work described in the "Advocacy" section. Rather than requiring each program to contribute one-fourth to OKLSP's budget, the Steering Committee adopted a funding formula designed to address considerations of relative equity. Thus each program's contribution to OKLSP is based on its share of the sum total of all grants to programs from every source as identified in each program's previous year's audited revenues, excluding any carryover. Within the funding source, there is a provision for waiver of revenues. Given the substantial loss of LSC funds for ARDF, the Steering Committee will consider the appropriateness of granting ARDF such a waiver. [13]

In addition to the contribution to AJF and OKLSP, the programs share in the cost of the salary of the Steering Committee chairperson. The same formula as is applied to OKLSP is used in determining the contribution of each program with LABG paying all of the fringe benefits, travel costs, etc.

---

[12]With the overall loss in the poverty population, the LSC statewide alloction for 2003 is projected to be $5,184,808, a loss of $833,815 or -13.85% of the field grant.

[13]In an effort to lessen the negative impact on ARDF's budget due to the loss of poverty population, ARDF will not be required to transfer the LSC allocation for Lawrence County to LABG.

In the state planning update submitted in March 2001, the Steering Committee set out what it considered to be the key capacities of a comprehensive, integrated state civil justice community for Kentucky. Those capacities included: information and advice; extended representation (including pro bono and advocacy in matters the programs are prohibited from doing); the capacity to engage in self-help representation; access to preventive legal education; building partnerships with other stakeholders in the Kentucky justice community; and developing resources to sustain and increase these capacities. The strategies for achieving these capacities included consideration of service area configuration.

Given the series of mergers that had occurred in Kentucky since 1998 and that would continue through 2001, the Planning Commission believed it appropriate to complete the mergers and allow sufficient time for the "new programs" to meld into one program with one identity. At this point in time, the Steering Committee is now beginning what hopefully will be a thoughtful analysis of whether, in fact, these mergers have created a more responsive, efficient and accessible organizational framework for the delivery of civil legal services to the clients in the four program areas and within the state as a whole.

As the most recent program to complete a merger and in order to serve as a benchmark in assessing the impact of potential future mergers on clients, program staff and the boards of directors, community-based organizational partners and the local and statewide state justice communities ,the Planning Commission requested that LABG undergo a program review post merger. Beginning in March 2002, an outside consultant with legal services experience was hired to complete this review. The areas that will be assessed include: adequacy of the business structure of the new entity; board development; PAI integration/plan; technology plan; integration of legal work, management, supervision and leadership development; integration of intake, advice brief service; coordination of efforts with community groups, including private bar; affect on funding sources; increased access of clients to services. The final report is due in September 2002.

Simultaneously with this program review, the Steering Committee has had a series of meetings with the director of the Kentucky State Data Center at the University of Louisville. The purpose of these meetings has been to identify the emerging client populations in Kentucky, where they live, the languages that they speak and other demographic characteristics that will assist the justice community in delivering the targeted services on the issues of most pressing importance to our clients.