

October 1, 1998

Lou Castro
Office of Program Operations
Legal Services Corporation
750 First St., NE, 10th Floor
Washington, D.C. 20001-4250

Dear Mr. Castro:

Enclosed is the State Planning Report for Georgia submitted by the Atlanta Legal Aid Society and Georgia Legal Services Program. An electronic copy has also been submitted as of this date. If you have any questions, please let us know.

Sincerely,

/s/

Steven Gottlieb
Executive Director
Atlanta Legal Aid Society

/s/

Phyllis J. Holmen
Executive Director
Georgia Legal Service Program

A. THE STATE PLANNING PROCESS AND PARTICIPANTS

1. The Process

As the leadership of Atlanta Legal Aid Society (ALAS) and the Georgia Legal Services Program (GLSP) began discussing the preparation of a report addressing the system of legal services delivery in Georgia, we concluded that we would not need to embark on a new process to meet the requirements of Program Letter 98-6. First, as the only two providers of general civil legal services to low-income persons in Georgia, the programs and their staffs have long collaborated on virtually every one of the areas set out in the Program Letter. While we believe there are areas where we can continue to improve, we can also report on a great deal of collaboration and mutual accomplishment. Second, there are efforts already underway in Georgia begun by other entities, including the State Bar of Georgia, the Chief Justice's Professionalism Commission, and the Georgia Access to Justice Project, which include the private bar and other stakeholders as well as legal services program staff, to address a variety of the issues raised in the Program Letter. Leadership and other staff of each program are involved in these various activities. We concluded that any effort we made to initiate a wholly separate process would not be as effective or credible as working with the interests and activities of those already underway. Thus, our report will include discussion of those efforts.

2. Participants

The community of public interest legal providers in Georgia has always been small. ALAS and GLSP have always been the only entities offering general civil legal services to the poor. A few other entities exist to serve specific populations or discreet issues, such as (1) the Georgia ACLU, which occasionally takes up issues especially germane to poor persons or to special populations such as those in mental hospitals, and the Regional Office of the national ACLU which focuses on voting rights litigation; (2) the Georgia State Law School Tax Clinic, which offers tax services to low-income Georgians anywhere in the state who could get to Atlanta or communicate with the clinic by mail; and (3) the Southern Center for Human Rights, which focuses on prison conditions and death penalty cases.

More recently a few additional special interest entities have emerged, including the Law Center for Poverty and Homelessness which was originally chartered to serve homeless persons in the metropolitan Atlanta area. It now also provides some limited services to victims of domestic violence in a few counties just outside the metro area, and some limited work with groups interested in developing affordable housing. The University of Georgia and Emory law schools have been expanding their clinic/externship programs, so that UGA now has a freestanding protective order clinic for victims of domestic violence, and Emory has a program which places students in various organizations engaged in child advocacy (including judicial clerkships). At one time, UGA ran a clinic which provided legal information to prisoners, but it was closed and the Center for Prisoners Legal Assistance opened with funding from the Department of Corrections to serve the same purposes. The Georgia Indigent Defense Council has staff who work on advocacy for children in

correctional institutions, as well as on mental health issues for persons charged with crimes. The Consumer Law Center of the South has one lawyer who lobbies on consumer issues. The Georgia Center for Law in the Public Interest has two lawyers who work on environmental and open government issues. The Southern Center for Civil Rights Enforcement engages in enforcement of fair housing laws. Three entities assist non-citizens with various matters involving immigration: Catholic Social Services, Bridging the Gap, and the Latin American Association. A very newcomer is the Georgia Access to Justice Project, which engages in legislative and administrative advocacy, and also works to help coordinate services among groups. Within the last year, the Georgia Center for Children and Education has been established, with one lawyer who works with parent groups around the state on a variety of school-improvement strategies, including legislative lobbying. There is also a substantial array of issue-based groups which engage in a variety of forms of advocacy, especially legislative and administrative advocacy, although they do not provide individual legal work *per se*.

Although there is now a wider variety of groups than in the past, it is still possible to remain familiar with each group, with the kinds of matters handled, and how to access services. Our efforts to improve our collaborations will be described later in this report.

3. Collaboration Between ALAS And GLSP

Since the founding of GLSP in 1970, ALAS and GLSP have collaborated to serve poor clients throughout the state by working together on training and joint task forces, significant litigation, permissible legislative and administrative advocacy, and computerization.

In the mid-1970's the programs developed a joint training program and hired a staff person to coordinate these efforts. That joint effort continues to this day, through training and task forces focused on various substantive issues. During that same era, the programs began a combined program of legislative and administrative advocacy, again with a joint staff person; that effort continued until new LSC restrictions dramatically restricted such advocacy.

The programs also have a long history of litigating (and winning) cases on issues of statewide applicability, again beginning as early as the mid-70's. Early examples include a challenge to the Medicaid prescription drug formulary in the 1970's; a suit to enforce time limits on determining eligibility for Food Stamps; and a challenge to the Georgia Justice of the Peace system. Recent cases have included challenges to the system of Medicaid transportation and to a state nursing home Medicaid bed cap policy. The senior staff and practice area specialists of the programs have always shared their expertise with each other and with each Program's junior staff; have worked together handling significant appellate matters; and they have developed joint strategies on issues of overlapping concern.

In addition, the programs began their first comprehensive approaches to technology in the mid-1980's with the joint purchase of computer systems and the development of software programs. This joint effort continued until the programs decided that the needs of each organization dictated different but still compatible approaches.

The programs have also collaborated on resource development. As the IOLTA program began and grew in Georgia, GLSP and ALAS leadership concluded that a joint request for funding would meet with greater success than competing applications. This approach has also been taken on a variety of other projects. The programs have also subcontracted with each other for services within each other's service areas.

The volunteer attorney recruitment activities of each program, and their affiliates (the Atlanta Volunteer Lawyers Foundation, the DeKalb Volunteer Lawyers Foundation, the State Bar Pro Bono Project, and others) have also worked cooperatively on recruitment, volunteer recognition, project development, technical assistance, and general promotion of activities to meet the legal needs of poor persons.

The relationship between the programs has also been personal. The original Director of GLSP first worked as an attorney at ALAS. The present Director of ALAS worked for two years as Managing Attorney of the GLSP Savannah Office, and one of his staff attorneys there is now the Director of GLSP. There has also been much crossover of staff between the two programs, and many prominent private attorneys have served on the Boards and as officers of both programs.

It is in this Georgia-specific context that one must view LSC's recent initiative on state planning. For the two LSC programs in Georgia, such planning has been ongoing for twenty-five years. In particular, the prospect of cuts in LSC funding and restrictions on LSC recipients, caused more planning. The directors of both programs first began informal discussions about the effects funding cuts might have, what plans each program was considering to deal with the reductions, and what could be done jointly to respond.

When it became clear that there would also be significant restrictions on the work of LSC-funded programs, the directors began to discuss the effect of these restrictions on the ability of the programs to respond to the needs of their clients. Senior staff of both programs met to consider changes in the coordination of services which might be dictated by cuts in restrictions on LSC funds.

4. Collaboration With Other Groups

The programs have also worked with the broader group of stakeholders to coordinate and expand legal services to low-income persons. Both directors have been part of the State Bar's Legal Aid Committee (now the Access to Justice Committee). Through this committee, State Bar leadership began to address the severe federal funding cuts in 1996 by

advocating for the first state appropriation for civil legal services in over twenty years. The result was an appropriation of \$2 million for civil legal services to victims of domestic violence.

In addition, on September 11, 1998, a statewide Closing the Gap Symposium was convened by the Georgia Access to Justice Project. The ALAS and GLSP directors co-moderated the program. Participants discussed the unmet needs of legal services for low-income persons in Georgia, and ways to better address those needs. Participants also profited from networking and from discussions of each others' missions and priorities. A summary of the recommendations for future activities made at the Symposium are attached to this report. It is expected that some of these recommendations will guide the work of the Access to Justice Project. The Project plans to convene the Symposium on an annual basis.

These activities are only the latest of a longer history of collaboration among public interest groups in Georgia. Back in 1990, the legal services programs and the director of the Georgia Indigent Defense Council convened a group, which included the pro bono programs in the state and additional key players in filling the legal needs of the poor, which met for several months to discuss issues of common interest, including referrals, gaps in services, funding sources, and substantive issues. Those discussions resulted in several meetings between public defenders in central Georgia and legal services lawyers.

The remainder of our report will provide more detail related to the criteria set out in Program Letter 98-6, our assessment of the strengths and weaknesses of our current activity, goals to strengthen and expand services to eligible clients, and details on our plans to work toward those goals.

B. AREAS FOR CONSIDERATION

1. Intake Advice and Referral

Both programs have a long history of screening clients by phone to set up appointments and to provide advice and referral. Usually, designated staff persons do preliminary screening, and staff attorneys obtain more in-depth information. Intake is done by staff who are trained to respond to the needs of callers, and who are familiar with local resources.

The specifics of such intake procedures vary among offices based on local conditions. For instance, Legal Aid has an intake system specially designed to meet the needs of four different offices all located in its Downtown office building. Other Legal Aid offices have their own intake procedures.

GLSP offices similarly have localized telephone intake systems. The systems in these offices operate as regional "central intake" for as many as 23 counties. This approach

has been maintained after analysis supported a regional, rather than statewide, central intake system. Each GLSP office has a toll-free number by which clients can contact the office. Where indicated, appointments are scheduled with attorneys or paralegals for the next occasion when the staff person will be "circuit-riding" to the client's county of residence. Each office also has procedures to handle walk-ins, and will schedule appointments at off-hours to accommodate working clients. Recently, GLSP has developed several sets of Frequently Asked Questions pertaining to family law to assist screeners to provide callers with accurate information.

Intake procedures in both programs are regularly reviewed, in order to insure that they promptly respond to client needs for advice and representation. Procedures are also reviewed to insure that they do not present unnecessary barriers to client access, and that they preserve client confidences, avoid conflicts, identify critical issues and dates, and collect essential information. As part of such ongoing review, the programs have shared approaches and systems.

In addition to their general telephone intake systems, the two programs now operate statewide hotlines. GLSP operates a statewide toll-free Landlord-Tenant Hotline which offers information about legal issues related to rental property, such as those involving security deposits, repairs and termination of leases. ALAS recently started a statewide Seniors Hotline which gives advice on legal questions involving Medicaid and Medicare, nursing home, consumer and estate problems.

Both programs also do outreach to a wide variety of special populations. We provide for seniors, through intake at senior centers and highrises; to those with AIDS, through intake at hospitals and home visits; to the mentally ill through visits to hospitals and other facilities; and to the homeless and battered women, through intake at shelters. Both have ombudsmen programs which respond to complaints of persons in nursing homes and personal care homes.

Hispanics have become a significant minority population in Georgia, particularly in Atlanta and in parts of the state where there are migrant farmworkers. In response ALAS has two bilingual attorneys, a Spanish speaking receptionist and is hiring a Hispanic paralegal. In addition, ALAS has a phone line dedicated to Hispanic callers, and does outreach to clients at the offices of other providers of social services to Hispanics.

GLSP has a Migrant Farmworkers' Project which does outreach to farmworker clients. Offices with concentrations of Spanish-speaking clients have staff who are bilingual, or have access to staff in other offices who are bilingual.

Both programs find that the Georgia Relay System provides hearing impaired clients reasonable access to our services. Clients type in information, which is then conveyed orally by an operator.

Goals to Strengthen and Expand Services to Eligible Clients

While there is a system of referrals between the programs, it needs to be reviewed and updated. Time: 6 months.

We will consider formal expansion of services beyond traditional geographic boundaries where one program has staff with special expertise in a particular subject area. Time: 1 year.

We will work with the Georgia Access to Justice Project (GAJP) to better coordinate services and referrals among various providers, particularly for underserved populations and for LSC restricted activities. Specifically, we will urge the GAJP to develop a resource guide which details the services offered by all the providers of legal services to the poor in the state. Time: 1 year

2. Technology

Georgia Legal Services: GLSP has had a series of technology plans dating back almost 15 years, which have been regularly updated. Currently, every staff person has a desktop computer and has received training to use it. The Program has a dedicated computer staff of three, and each office has a specially trained LAN administrator. Regular training on software upgrades is provided to the staff. Each GLSP office is networked with intra-office e-mail, and every office has at least one computer with Handsnet. Every office also has Westlaw, and a few offices have CD-ROM systems. Several offices have direct desktop Internet connections and e-mail to each other. A few staff participate in listservs. All offices can communicate with each other one way or another, although it is currently unacceptably slow between some of them.

Despite our cumbersome communications, just this year we made a job offer and confirmed acceptance and other details by e-mail to a law student spending a semester in London, which would have been slow and/or costly without this technology. We also negotiated a start date and other details with a law student on the West Coast, three time zones away with a hectic class schedule and no reliable time at the phone.

The Program currently uses a custom-written case management software system written in 1991, which desperately needs to be upgraded. We have examined other products on the market, including Kemp's product, but we need to upgrade our hardware and move off DOS to a Windows platform, as well as improve telecommunications among our offices before we can upgrade the intake/screening software.

Under our plan, with improved technology, we will not only be able to improve case intake/screening and management, we will improve communication among the far-flung GLSP offices through the establishment of an extranet enabling staff to communicate with

each other across the state and with all the rich resources of the Internet. Staff would be able to collaborate on casehandling, complex document preparation, preparation of training materials, research on common issues, and much more. Staff would be able to post questions or information on a variety of internal and external bulletin boards. Information about hot issues, ongoing cases, or persistent adverse parties could be shared. It would also be possible to conduct real-time on-line conferences, as well as ongoing discussion forums among staff on a variety of topics, saving travel time and money. More and more law schools are equipping their students with e-mail access, and our work with law students would be much more efficient if we can communicate with them by e-mail during those times when they are not in the office.

Legal research materials would be readily available online to the smallest and most remote office. Material can be downloaded from the Internet and easily incorporated directly into briefs and other documents. Young lawyers emerging from law schools these days are highly skilled in on-line legal research, offering increased efficiencies in this area once we are on-line. The web page would also contain private resources such as in-house research results, memoranda and other documents on the latest legal developments, schedules of meetings, conference calls, and announcements, job postings, organizational manuals.

Nationwide communication with other legal services programs, specialized backup centers, advocacy groups, and other organizations such as the National Legal Aid and Defender Association and the Legal Services Corporation would be available at the legal worker's desktop as will fast and easy communications with organizations such as the State Bar of Georgia, Georgia State agencies, and private lawyers who are assisting with projects and clients matters. With Internet access, Program staff could serve as on-line resource persons for activities involving the State Bar's Family law Section, the State Department of Human Resources' study committees, and many more.

On our web page, private attorneys would find information about volunteer opportunities and GLSP training events. We would be able to provide assistance to them from any of our resources in the state easily and comprehensively, including our research files. A specialist in Atlanta could easily "talk" with a practitioner in Valdosta about a unique poverty issue.

With upgraded hardware and software, new word processing/document assembly software will simplify repetitive tasks such as referral letters, form advice, and standard pleadings without requiring elaborate management systems. Specialized legal editions of these word processing products will streamline production of complex documents with required formatting.

The improvements described above will also contribute significantly to program productivity. New technology will set the stage for development of new ways to use

information systems and knowledge management capacity to provide new services to clients. Just this past year, GLSP has been involved in implementing the Internet Domestic Violence Court Preparation Project, enabling victims of domestic violence to use an interactive Internet-based program to prepare court documents to petition for a protective order. But most of our own offices cannot access this program. Client organizations seeking to incorporate or work with state or federal agencies on grants or contracts would benefit from access to on-line resources of the Georgia Secretary of State's offices and other governmental agencies. Methods could also be designed to enable client organizations to access the substantive resources and communication methods of the Internet and thereby support their activities.

GLSP currently has a site on the web page of the State Bar of Georgia (www.gabar.org) where information can be obtained about the organization. We will shortly be mounting some additional client-oriented materials, including FAQs concerning family law. Some of our internal legal research is mounted on our computer networks.

A GLSP web page would contain information about our offices and the counties they serve, their case acceptance criteria for the current year, their circuit riding schedules, and how to make an appointment. Potential clients would be able to access this information at their local public libraries and other public Internet-access sites. Referring agencies, courts, and other interested persons would also be able to easily access this information and assist potential clients to reach our offices more readily. Brochures, flyers and handouts would be available on-line for persons and community based organizations seeking basic information about legal rights and responsibilities, focusing on problems that disproportionately affect the poor.

Atlanta Legal Aid Society: Presently with a few exceptions, every casehandler at Legal Aid has a desktop Pentium grade computer, with Windows 95 as the operating system. Casehandlers use MS Word or Word Perfect 6.0 or 7.0. All program software is regularly upgraded. Each major office location has a newly revised Local Area Windows NT Network (LAN), that is Y2K compliant, which allows for internal e-mail. Each office also has access to the Internet, Handsnet and computerized research, but these services are not yet available to most casehandlers on their desktops.

The program has a computerized case management system, which although reasonable in meeting our needs, is in the process of being upgraded and modified to meet Y2K concerns. Intake and conflict checking is done directly online into this system.

Atlanta Legal Aid created a Website in 1996 (<http://www.law.emory.edu/PI/ALAS>); it was the first legal services program in the country to do so. The Website contains general information about the program and how to access our services. It also has self-help and community education information, including Frequently Asked Questions in each of our major practice areas. The public has e-mail access to the program through the Website,

which also links them with websites for other organizations.

The Website is regularly updated, and during 1998 the amount of legal information has doubled. Recent accomplishments by program staff are now noted; for instance, it reports on a recent 11th Circuit decision in a Legal Aid case which holds that the ADA requires the deinstitutionalization of certain mentally retarded persons.

Other news is also noted; when Social Security was required to disseminate information about additional Medicaid help for low income people receiving Medicare, we immediately published eligibility and application information on our Website.

Legal Aid's technology plans call for the creation of a Wide Area Network (WAN). A WAN would bring significant benefits to the program by tying our local office networks together. It would also allow for better flow of case management data between offices and for quicker conflicts checks on cases. With the installation of the WAN, we will also provide all our casehandlers with desktop access to the Internet and legal research databases as well as to e-mail for better communications within Legal Aid, with GLSP and with other providers.

Goals to Strengthen and Expand Services to Eligible Clients

We should consider regular meetings of management and technical staff of both programs and of other providers to share information and insure that our technology is compatible. Time: Ongoing.

3. Access to the Courts, Self Help and Preventative Education

ALAS and GLSP have long recognized that limitations on their resources prevent them from providing full representation to all potential and needy clients, and have therefore developed systems for community education and self help.

Both provide extensive community education to targeted populations at such venues as senior citizen sites, homeless shelters and soup kitchens, domestic violence shelters, hospitals, meetings of displaced homemakers and tenant associations, to name a few. Staff also offer in-service trainings to various providers including shelter personnel, nursing home staff, AIDS caseworkers and PIC employees, to help them recognize legal issues and make appropriate referrals. The programs' staff also appear regularly on "The Layman's Lawyer," a weekly public television program, and periodically make other television and radio appearances to inform clients about their rights and to advise them about the availability of our services.

The Georgia Client's Council, largely funded by GLSP, conducts an annual State Conference, the principal focus of which is client education and promotion of self-help

activities. GLSP staff members have been the mainstay presenters at these conferences for many years. GLSP staff also offer presentations at local and regional Clients Council meetings.

The programs also maintain large libraries of community education oriented materials, written to a fifth-grade reading level. Many brochures are available in Spanish. They are also available on the ALAS Website at <http://www.law.emory.edu/PI/ALAS>. A Senior Citizens Handbook, developed by Elderlaw Committee of the State Bar, whose members have included program staff, is distributed statewide. These materials supplement local community education presentations.

In addition, the programs provide self help to persons when they have specific legal problems. Self help is given to clients during screening, when resources are inadequate to undertake full representation. Clients are advised about representing themselves on issues ranging from eviction defense to unemployment hearings to garnishments for non-payment of child support. In a number of locations, including Atlanta and Savannah, offices have model eviction answers, and in Fulton and DeKalb Counties (the counties composing Atlanta), our model answers have been adopted by the courts. The Savannah Office of GLSP also uses a North Carolina videotape which advises clients about how to present their own cases. Extensive self help is also provided through the Seniors and Landlord/Tenant Hotlines.

Both programs have put a particular emphasis on helping pro se victims of domestic violence get temporary protective orders. Under Georgia law, lay advocates are permitted to assist victims get such orders, and the programs have trained hundreds of lay advocates across the state. In addition, we have helped facilitate the trial use of the Internet Domestic Violence Project, through which victims can access interactive software and prepare standard pleadings for protective orders.

ALAS has also recently entered into a contract with Fulton County to provide pro se litigants advice on family law issues in its new Family Court Division. Legal Aid attorneys now provide such advice to litigants three mornings a week; by year end, advice will be provided five half days weekly. Litigants are informed about the nature of the proceedings, how to fill out forms, and how to present their cases; referrals are also made as appropriate. Litigants provided advice do not become clients of the program; service under the contract is limited to providing brief service at the courthouse.

The contract also calls for the development of model pleadings and forms for use in a variety of family law cases. ALAS staff will also provide training to court personnel. This is the first project of its kind in the state.

On a statewide level, staff participate on the Judicial Council's Pro Se Litigants' Committee, the State Bar's Access to Justice Committee and the Unmet Legal Needs and

Underutilized Lawyer Committee, all of which have focused on increasing access by unrepresented persons to the courts. Similar efforts to increase the access of low income people to the courts and to other forums for dispute resolution are made by staff at the local level.

In addition, the State Bar of Georgia has begun to review the ABA Model Rules for possible adoption in our state. The rules the Bar adopts on unauthorized practice and the unbundling of legal services will affect the access low income people have to court and the extent to which private attorneys will represent them. Several GLSP staff are monitoring the State Bar's review, and are providing input where appropriate, concerning issues which impact the delivery or availability of legal services to the poor.

Goals to Strengthen and Expand Services to Eligible Clients

There is a long history of developing new methods of providing advice and self help to clients who can not be provided full representation; we should continue to evaluate these methods and their effectiveness. Time: Ongoing.

4. Coordination of Legal Work, Training, Information and Expert Assistance

GLSP and ALAS have collaborated on training activities for over two decades, and each program sets aside a specific line item for staff training. Each year a plan is assembled, following an annual needs assessment questionnaire completed by both staff and their supervisors. The assessment covers training needs on substantive law issues as well as legal and management skills. For the last several years, the plan has included "Legal Services University," a statewide event held in the fall covering a range of topics, with a special track designed specifically for new lawyers. Staff of other providers and private volunteer attorneys are invited and have attended many of these events.

The programs also have joint task forces in various areas including public assistance, housing and health law. These task forces typically meet face-to-face two or three times a year, to consider substantive developments and new strategies. Task force meetings usually include training components. Ongoing communication is maintained between meetings.

In addition, specialized training on skills and substantive law, usually related to new developments in various poverty law areas, is offered throughout the year. Non-professional staff are afforded in-house training on computer skills, or are offered opportunities to attend outside training relevant to their positions.

Staff of both programs are encouraged to attend regional and national training conferences, as well as Georgia CLE sessions which might be relevant to their practice areas. Program staff are frequent organizers of, and presenters at, CLE training on poverty law issues done for lawyers in private practice. Staff have also been presenters at judicial

training events.

Since its founding, GLSP has maintained a staff of specialists whose jobs include providing updates on judicial, legislative, and administrative developments affecting clients. ALAS has a full time housing specialist, who has no caseload responsibilities. Other ALAS staff have developed specialties in addition to handling cases; these specialties often are a result of representing particular client populations such as those with AIDS, seniors, the mentally ill, and homeowners subject to predatory lending.

Staff specialists from both programs are typically used as core trainers at the organizations' training events. They also provide technical assistance on complex or novel issues, develop training and other resource materials, identify "hot issues" or trends among client problems across the state, staff the programs' task forces, maintain relationships with lawyers in their practice areas across the country, and generate new ideas for more effectively serving clients.

Joint training and task forces, as well as an ongoing informal exchange of information on common issues, has led to a history of joint litigation efforts by the programs. Often such litigation responds to a government policy in areas like public benefits or Medicaid which affect clients statewide. Sometimes such litigation arises in response to common legal problems seen in individual cases by casehandlers in various parts of the state. Even when the programs do not jointly litigate, specialists and casehandlers of both programs share information on common issues, provide each other with substantive backup and often develop common approaches to the legal problems of their clients.

Finally both programs have Directors of Litigation whose roles are to oversee important substantive legal work of the programs' specialists and staff. Persons in these positions have also served a special role in coordinating training and litigation between the programs.

Goals to Strengthen and Expand Services to Eligible Clients

We should explore with other providers how to increase their involvement in our training efforts and how to integrate them into substantive backup efforts. The GAJP should be approached about facilitating this dialogue.

5. Private Attorney Involvement

Georgia has a wide variety of pro bono projects and initiatives, through which thousands of attorneys volunteer to provide services. In two of the most populous Georgia counties, Fulton and DeKalb Counties, there are independent pro bono programs, the Atlanta Volunteer Lawyers Foundation (AVLF) and the DeKalb Volunteer Lawyers Foundation (DVLF). In other counties in the State, pro bono efforts for general legal services are

coordinated by the two LSC programs. Other organizations use volunteer attorneys for specific projects as well.

The use of pro bono support for legal services to the poor in Georgia dates back to the late 1960's, with the creation of the Atlanta Legal Aid Saturday Attorney program; that program exists to this day, and is administered by AVL F. Presently there are a wide variety of projects, ranging from traditional panel referrals to newer innovative initiatives. Some of the latter are as follows:

1. Under the HOME Project, lawyers from an Atlanta firm handle dispossessory cases, ordinarily not referable to volunteers, for Legal Aid clients; clients are seen on Wednesdays at Legal Aid's offices.

2. Another Atlanta firm represents grandparents and other relatives who wish to adopt children they are raising in order to stabilize their families and to obtain Georgia Adoption Assistance payments; these cases are screened and referred by Legal Aid.

3. AVL F has just hired a staff attorney to recruit and train volunteers to do temporary protective order second hearings in cooperation with the Fulton County Solicitor's Office using funds from a subcontract with Legal Aid.

4. Through the "A Business Committee" of the State Bar, supported by the Ford Foundation, ABA's Business Law Section and NLADA, GLSP recruited volunteers to work with Henry County Residential Housing Inc to administer a federal grant for the construction of affordable housing for low and moderate income clients.

5. The Augusta office of GLSP conducts divorce clinics where a private attorney provides general information to a group of clients, after which participants are referred to other volunteers for followup; that office will also be initiating a similar debtor clinic with a local firm.

6. The Albany GLSP office has conducted several Saturday intake sessions with volunteers from local law firms.

7. The Savannah GLSP office has had a series of retired attorneys volunteering on a long-term basis, some of whom have carried substantial caseloads on their own.

8. Two Atlanta lawfirms are sponsoring a NAPIL Partner Fellow at ALAS whose project is to make community services available to disabled people through the Georgia Medicaid waiver program. In addition to providing the funding for the Fellow, the firms have made a pro bono commitment to support the project.

9. ALAS has a rotational fellowship program under which associates from four

Atlanta lawfirms are paid by their firms to work full time at a Legal Aid office for four months at a time.

GLSP also co-sponsors, with the State Bar of Georgia, the Pro Bono Project, housed at State Bar headquarters. The mission of the Project is to promote pro bono activity, provide technical assistance to pro bono coordinators in GLSP offices across the state, and collaborate with pro bono programs in the metropolitan Atlanta area. The responsibility of the Project Director includes recruiting volunteers and arranging for their recognition at the statewide level (supplementing local efforts along that line). He has recently been focusing increasing activity on recruitment of younger lawyers, and expanding the roles of volunteer lawyers across the state, beyond standard case placement, to such activities as clinics.

The Pro Bono Project also sponsors a yearly Georgia Pro Bono Conference in connection with the State Bar's annual meeting at which volunteer coordinators discuss common issues, learn about new technology, share successes and new strategies. Finally, the efforts of the Project Director contributed to Georgia's adoption of an aspirational goal of 40 hours a year of pro bono work, and voluntary pro bono reporting.

The Executive Director of GLSP has been actively involved with the State Bar of Georgia for many years, serving on a number of committees and task forces, and being elected to the Board of Governors in 1992. In 1998, she was elected to the Executive Committee of the State Bar. Other staff members of the programs are encouraged to participate in Sections and Committees of the State Bar and with local bars, so that the legal needs of low-income persons are part of the discussion when various programs and initiatives of the profession are developed. This partnership has been particularly vital to the health of GLSP, and has helped to develop the commitment of State and local bar leadership to pro bono work, access to justice, and political support for the legal services programs in Georgia.

Goals to Strengthen and Expand Services to Eligible Clients

Pro bono efforts by non-litigation attorneys need further development, and volunteer efforts need to be increased for immigrant populations. These issues should be the topic of further discussion at the next annual Pro Bono Conference with followup as needed. Time: 1 year

Continue to work with the State Bar's Access to Justice Committee on its effort to develop and deploy a presentation for local bar associations concerning access to justice, the role of the legal services programs, and the need for private bar and community involvement to meet the legal needs of the poor. Time: Presentation to be developed over the next four months, with deployment over the six months following that.

6. Resource Development

Both legal services programs have been very successful in developing a wide variety of funding sources including local county and city funding, targeted federal funding for representation of special populations (e.g., seniors, persons with AIDS, persons in nursing homes), United Way and private foundations, and IOLTA and other state funds. Both also run Bar campaigns, Georgia Legal Services statewide and Atlanta Legal Aid in Atlanta.

Two fairly recent developments are particularly significant. In 1996, each program was given a cy pres award of \$1 million, and each has used the award to create an endowment.

In addition, in 1998 the Georgia Legislature appropriated \$2 million to provide legal services to victims of domestic violence. In August, \$1.5 million of those funds was distributed through a competitive process, all of which was granted to the two programs.

These new sources have significantly increased funding for civil legal services across the state, and could well be the basis for additional support. In fact, with the recent award of grants for victims of domestic violence, the total amount of non-LSC financial support developed by the two programs will almost match LSC's funding for the state.

Statewide funding opportunities have traditionally been approached jointly by the programs. For instance, since the Georgia Bar Foundation began distributing IOLTA funds in Georgia, the programs have made one statewide application, with a division of funds based on the number of poor persons in their respective counties.

That joint approach has been extremely successful. In response to a special request, the Bar Foundations gave the programs emergency grants to deal with cutbacks in LSC funding. And in the most recent IOLTA grant cycle, in addition to requesting increased operating support, the programs made a separate application for funding for technology; the operating request was funded in full, and the Bar Foundation committed to funding the technology request over a number of years.

Similarly, for years the programs have raised with the State Bar the need to increase resources for civil legal services across the state. That led to a successful Bar initiative to obtain a legislative appropriation for legal services for victims of domestic violence. And while we did not submit a joint application for the resulting funding, our separate applications were not competitive, and were both fully funded.

It is also noteworthy that the original distribution formula for domestic violence funds was based on the total population in a particular service area. Both directors recommended that funds should instead be distributed based on the number of poor people in each area. That recommendation was adopted and provided for more funding for rural parts

of the state.

Goals to Strengthen and Expand Services to Eligible Clients

While fundraising has for the most part not been competitive between the programs, the directors and key Board members of each program have begun to discuss further coordination on funding issues; that process should continue. Time: 1 year

7. System Configuration

We have set out in detail in this report our history of cooperation and collaboration in areas fundamental to providing an integrated system of legal services to poor people in Georgia. While there are always opportunities to do more, on the whole, the configuration of our two programs has maximized the effective and economic delivery of high quality legal services throughout the state.

Having two programs, one focusing on urban issues in Atlanta, and one on more rural issues in other parts of the state, allows for a diverse focus and an opportunity to try different approaches. On the other hand having only two programs, makes it relatively easy to cooperate in such areas as training, litigation and referrals.

Perhaps the best proof that our present two program structure lends itself to an effective delivery system, is that it has already done so. Both programs have a history and reputation, as documented by evaluations done by LSC and by other funders, of providing high quality legal services to their clients in an effective and cost efficient manner. There is no reason to expect that another structure will lead to better results than those which has already been demonstrated.

Unlike those in many other states, our programs are large enough even by themselves to create the kind of structures which lead to the provision of high quality representation. Both programs have developed relatively sophisticated systems, including hotlines, for case intake and the provision of advise, self help and community education. We have made reasonable use of technology. We have developed effective systems for training and supervision of casehandlers, using substantive law experts in backup roles. We have effective and innovative ways to use the volunteer efforts of private attorneys. We have been extremely successful in developing significant alternate resources. Together we have added to the ability of each program individually to respond to these issues.

We are also large enough to take advantage of economies of scale. While having one program in Georgia might bring some administrative savings, such saving would be minimal given our present size.

There are additional reasons to think that our present structure of legal services

programs is the one most appropriate for Georgia. Neither of our programs is new. Atlanta Legal Aid is almost 75 years old; GLSP is over 25. In that length of time, the programs have developed support, and in some instances an institutional status, in our local communities, which has translated itself into significant volunteer support for our clients and financial support for our programs.

In addition, Georgia, like some other states, has an historic dichotomy between a very large metropolitan area, Atlanta, and other parts of the state. This makes it natural to divide legal services programs along those lines. Such a division also maximizes local support. People support Legal Aid in large part because it is an Atlanta institution. In contrast, people support Georgia Legal Services in large part because it is not.

In short, both programs believe that the present configuration of legal services programs in Georgia is the one best suited to maximize effective and economical delivery of high quality services to eligible clients within a comprehensive, integrated delivery system.

Date: September 23, 1998

To: All Attendees of the Closing the Gap Symposium

From: Jamie L. Mack, Director
Georgia Access to Justice Project

Re: Summary of current gaps and recommendations

During the above referenced symposium, there were several currently existing gaps in services provided to low income Georgians that were identified, the list is as follows:

consumer rights
prisoner's conditions (private also)
welfare reform
nondocumented persons
regular and special education issues
issues pertaining to institutionalized persons (including kids)
non-abuse domestic matters
issues regarding unemployment law
rural and jail HIV/AIDS
need for bilingual lawyers, information and education
immigration/refugee issues
nursing home class action suits
foster care class action suits
judicial abuse of homeless people
persons with communication disabilities

There were also six questions posed by Steve Gottlieb and Phyllis Holmen; subsequently the group as a whole was divided into three groups and each group responded to 2 or three of the questions. The recommendations made to the respective questions are as follows:

Question 1: How can we improve referrals between organizations; what are the gaps in referrals?

- Create a web site on the Internet with the names of various agencies and their respective functions and/or specialties.
- Create a resource guide.

Question 2: How can we improve coordination of work between organizations?

- Identify all of the organizations.
- Assess needs of each organization.
- Assess services and priorities of each organization.
- Increase communication between groups by gathering and disseminating information by use of newsletters, facsimile, Internet, etc.

- Create a network of advocates (perhaps use GAJP).
- Create a resource guide.
- Create joint litigation teams and split up issues and priorities.
- Involve churches and legal ministries.
- Publicize the existence of organizations in the Bar Journal.

Question 3: How can we handle cases for restricted or unpopular clients like prisoners and undocumented aliens?

- Identify organizations that provide services in the area and develop a resource guide.
- Look into possible grant monies available for new programs in these areas.
- Urge law schools as well as business schools and other professional schools to form clinics in these areas.
- See attached report prepared by Bill Thompson for other recommendations to question 3.

Question 4: How can we increase general resources for legal services to low income clients?

- Approach corporations and convince them that legal access has economic and employee benefits.
- Expand services outside of regions where there exists specialized expertise to get state-wide coverage for special populations or issue areas (*e.g.*, AIDS, home defense, migrant workers.)
- Develop a resource guide regarding the expertise of the various agencies providing services so as to avoid duplication.
- Make better use of the large firms in order to increase the pool of volunteer lawyers.
- Develop a law school repayment plan in exchange for *pro bono* work.
- Provide incentives for *pro bono* hours, *e.g.*, offer CLE hours or an intern to assist with *pro bono* cases.
- Use law students creatively, *e.g.*, those practicing under the third year practice act could act as advocates in small civil cases and direct the student to where the need exists, when selecting an internship rather than letting them select.
- Work with law schools to improve intern programs and provide more opportunities for students to participate in non-profit programs.
 - Actively seeking bilingual attorneys by awarding scholarships to foreign speaking students, waivers for attorneys graduating from law schools outside of the U.S.
 - Translating brochures and distribute to community groups.
 - Have a special law day program to increase access within non-English speaking communities.
 - Connect with naturalization ceremony classes and distribute translated information regarding rights.
 - Increase foreign language programs in schools, beginning at the elementary school level, making bilingual education

mandatory.

- Provide an assortment of self help clinics.
 - Increase access to self help forms in cases where it is expedient or possible to do so.
 - CAVEAT: DO NOT RUN AFOUL OF UNLAWFUL PRACTICE OF LAW PROBLEM.
- Court appointed counsel for civil cases.
- Provide training and tools (checklist or handbook) for attorneys who are willing to do small claims cases.
- See above referenced attachment for other recommendations regarding question 4 also.

Question 5: How can we develop and improve volunteer lawyer efforts to fill the gaps in services?

- Facilitate the volunteer process by providing them with forms, briefing books, an intern, etc.
- Develop a range of options for volunteers from easy episodic jobs to large impact work.
- Also, see recommendations to question 4.

Question 6: What role can the Bar and other community organizations play in filling the gaps in services? What alternative services can they provide?

- See responses to questions 3 and 4.

**Report/Ideas: Group III (Bill Thompson's Group) at
GAJP "Closing the Gap" Symposium**

Group III addressed the following issues:

3. What can be done to address the legal needs of groups such as prisoners and undocumented aliens, who may be politically or culturally from traditional legal services?

This is a difficult problem to address when operating under the assumption (and legal reality) that LSC grantees cannot represent these persons. The reality is that only legal aid organizations were equipped to address the legal problems of groups such as this. It is unlikely that many private firms can be recruited to provide direct legal services to client groups such as this. In the case of prisoners, litigation inherently involves state or local governments. Larger firms often have conflicts of interest because of other work which the firms may perform. Litigation on behalf of prisoners tends to be expensive, time-consuming and difficult to win. Consequently, relatively few lawyers or firms, save the largest are equipped to address it.

Undocumented aliens pose a different type of problem. They tend to be located in areas away from metropolitan centers, and it is physically difficult to gain access to attorneys for such clients.

Basically, because of the foregoing problems, the group considered that it was unwise to look toward litigation with regard to resolving issues for these types of client groups. One avenue which could be explored with limited resources is advocacy and lobbying within the Georgia General Assembly or other governmental bodies.

Additionally, there are several social agencies, *e.g.*, Catholic Social Services, which provide humanitarian work with groups such as this. Attempts could be made to work with such groups, or refer clients to them. The problem with this approach is that it is already being done where possible. Also, most humanitarian groups are not well equipped to address legal issues as their focus is elsewhere.

The single most direct way of providing legal resources to client groups such as these may be to form legal aid organizations which are completely independent of the Legal Services Corporation. As noted, legal aid organizations are the only ones which traditionally have been able to address the needs of groups such as this. (The obvious problem in this regard is the lack of unlimited resources to go around.)

4. What can be done to increase the resources available for providing legal services to low income persons in Georgia?

The State Bar of Georgia has two programs. One is the Foundations for Freedom Program. The other is the Bar's Access to Justice Committee. The FFP is designed to educate the public about lawyers and the purpose of the legal system. The Access to Justice

Committee will be holding town meetings around the state with regard to informing the public about the legal system. If people were more aware of how the legal system operates, and what representation means to various groups, there may be political will to increase the financial resources available in this area.

Additional ideas include training of lay advocates and making legal materials available in public libraries.

On a more tangible level, there is a fair amount of “*cy pres*” money around which results from class action settlements and judgments. Atlanta Legal Aid Society has received two such *cy pres* awards in the last 1-2 years. Such awards can be substantial; however, an organization cannot count on such grants, and there is no predictability as to when such money will be available.

Another potential source of money may be funds which are abandoned in the accounts of banks, other financial institutions, and other organizations which may hold individuals’ property (*e.g.*, law firm escrow accounts). With regularity, money in accounts is abandoned. (People die, move away and forget about the money, lose track of it through poor recordkeeping, etc.). After money sits unclaimed for a specified number of years, it “escheats” to the state. According to one group member, New York state annually receives approximately \$40 million in this manner. Although it would require legislation, and perhaps a constitutional amendment, such money in Georgia could potentially be a source of funding for legal services and other programs. (15-20 years ago, IOLTA was not thought of in terms of providing revenue for legal services.)

Finally, at least in certain areas, *e.g.*, consumer law, it may be possible to educate members of the Bar that such cases are financially rewarding. Cases which generate their own attorney’s fees are attractive to member of the Bar.