

**STATE PLANNING REPORT**  
**SUBMITTED TO THE LEGAL SERVICES CORPORATION**  
**BY KANSAS LEGAL SERVICES, INC.**  
**OCTOBER 1, 1998**

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**Brief Description of the State Planning Process and Participants**

Kansas Legal Services, Inc. is a statewide program serving low income persons in all 105 Kansas counties. Kansas Legal Services, Inc., in cooperation with the Kansas Office of Judicial Administration, the Kansas Bar Association, and representatives of the client eligible community, is involved in a continuous ongoing state planning process.

The state planning process involves regular communication and cooperation with the Kansas Bar Association and the Kansas Bar Foundation. This cooperation and regular communication have been in existence since the formation of Kansas Legal Services, Inc. in the late 1970s. Since 1996 Kansas Legal Services has also been working closely with the Kansas Office of Judicial Administration. In both cases, efforts are focused on identifying the most important legal needs of eligible clients and the most effective service delivery methods in the context of a diverse and geographically large state.

The goal of state planning is a continual improvement in the high quality of legal services provided to clients and an improvement in the accessibility of legal services to all segments of the low income population. Specific efforts are also focused on an expansion and improvement of the levels and types of involvement by private attorneys in the delivery of legal assistance to low income persons. Finally, an effort to address the needs of the Kansas judiciary and improve the access to the court system in the state of Kansas is included in the process.

Advisory Boards composed of attorneys and client eligible individuals have been established in thirteen areas of the state. Client eligible members of those boards are selected to represent all significant segments of the low income population in Kansas. Kansas Legal Services has utilized survey research done by the Kansas Bar Association and by the Office of Judicial Administration. These surveys have identified priority legal needs and preferred methods of addressing those needs. Kansas Legal Services also

provides satisfaction surveys to a sample of persons served each year. This survey instrument allows respondents to identify legal needs and barriers to obtaining legal assistance.

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**1. Intake, Advice and Referral**

Kansas Legal Services has a centralized eligibility screening and referral system now in full operation. The system is operated by intake specialist staff located in the Wichita Legal Services office. The system makes use of the latest in telephone and computer technology and allows an enhanced ability to perform conflicts checks. The central intake system also allows staff to instantaneously refer cases and transfer data between Kansas Legal Services offices.

The strength of the current system is that it allows toll free access by applicants and to those seeking advice or referral and, at the same time, maintains the availability of local personal contact.

Kansas Legal Services operates an Elder Law Hotline, an Access to Justice Advice Line, a Statewide Lawyer Referral Service and a 1-900 toll advice line in conjunction with the statewide screening and referral system.

All of these programs have been developed and are operated in cooperation with Kansas Bar Association and/or the Office of Judicial Administration. The services have been designed and organized to meet the needs expressed by the client community.

One weakness of the current approach is sometimes excessive waiting periods for callers. Kansas Legal Services has a goal to decrease waiting times and improve access during the next twelve (12) months. Expansion of staff, improved technology and refined organization of work will all be systematically examined.

**2. Technology**

Kansas Legal Services has a statewide computer system that includes a custom software and recordkeeping package, Legal Trek, which makes it possible for each field office to transfer data to the central administrative office. This system has a

comprehensive quick report capability and enables intake specialists in the Wichita office to do comprehensive conflict checks.

Due to of changes in computer technology, Kansas Legal Services is now in a process of converting Macintosh computers to IBM PCs in all field offices. IBM compatible computers in all offices is a goal that will be accomplished over the next twenty-four (24) months by progressively replacing Macintosh machines with IBM compatibles. The telephone and computer technology used with central intake and the various advice hotlines are continually reviewed to take advantage of the most recent technology available.

### **Access to the Courts, Self-Help and Preventive Education**

The major barrier persons face in gaining access to justice in the state of Kansas has been the availability of free or low cost advice and representation in domestic law matters. Kansas Legal Services, Inc. in cooperation with the Kansas Bar Association and the Kansas Office of Judicial Administration conducted a survey of judges and other court personnel throughout the state of Kansas during 1997. The area of greatest unmet need identified was assistance with domestic law matters. The judges and court personnel also indicated that the most effective way to address the need for domestic advice and representation is to expand the availability of legal services staff attorneys.

During the 1996 Kansas Legislative Session the Kansas Bar Association, the Office of Judicial Administration and Kansas Legal Services obtained funding for the creation of a new Access to Justice Fund. The revenue for the Access to Justice Fund comes from court filing fees. The creation of the Access to Justice Fund represents the first time that significant direct state funding for general legal services has been available in the state of Kansas. The Access to Justice Fund is administered by the Office of Judicial Administration and overseen by the Supreme Court of Kansas.

In addition to greatly expanding the availability of domestic advice and representation, the Access to Justice project includes assistance to the district courts in Kansas in dealing with *pro se* litigants. The *pro se* project allows district court personnel to refer *pro se* litigants directly to Kansas Legal Services for

assistance in dealing with the court system or to provide representation or advice when needed.

The Kansas Bar Association provides a wide array of informational services for people who want to know more about legal issues. Kansas Legal Services distributes Kansas Bar Association publications and administers the *pro bono* and low fee programs sponsored by the Kansas Bar Association. The Elder Law Hotline, the Lawyer Advice Line and the Access to Justice Advice Line all provide access to both Kansas Legal Services staff and private attorneys for people seeking brief advice or referral.

Kansas Legal Services will continue to work with the Kansas Bar Association and the Office of Judicial Administration over the next year to make legal information available to the public and to improve access through volunteer and staff programs.

### **Coordination of Legal Work, Training, Information and Expert Assistance**

Kansas Legal Services and the Kansas Bar Association cooperate in a variety of ways to train and provide expert assistance to staff and volunteer attorneys statewide. A variety of training seminars and continuing legal education events are co-sponsored by the Kansas Bar Association and Kansas Legal Services. Trainings are provided in all areas of poverty law.

The Kansas Bar Association also uses satellite technology to conduct seminars to twenty-one (21) sites throughout the state of Kansas. The recent focus of the trainings has been on children's legal rights. Kansas Legal Services received a special grant from the Kansas Department of Social and Rehabilitation Services this year to address legal barriers to adoption. This project also provides training to Kansas Legal Services' attorneys and a variety of other persons involved in the state adoption system.

The Adoptions in Child Time project will continue to expand statewide capacities to meet the legal needs of children caught in a complex adoption process. This is only the most recent example of how Kansas Legal Services, the Kansas Bar Association and other service providers cooperate to address key legal needs of

persons who would otherwise have limited access to justice.

### **Private Attorney Involvement**

Kansas Legal Services cooperates with the Kansas Bar Association in operating three local *pro bono* programs in Wichita, Topeka and Johnson County. Kansas Legal Services also administers the Kansas Bar Association's statewide Reduced Fee Plan. Both of these programs have extensive volunteer attorney participation. Kansas Legal Services operates an Elder Law Hotline which uses 150 Kansas Bar Association lawyers in addition to KLS staff members to provide legal advice to senior citizens on a statewide basis. Kansas Legal Services also operates the Kansas Bar Association's Lawyer Referral Service which refers callers to Kansas Bar Association members throughout the state.

Private attorney involvement is now at the highest level in history. The Kansas Bar Association and its Legal Aid and Referral Committee continue to develop innovative plans for expanding private attorney involvement. The close working relationships between Kansas Legal Services and the Kansas Bar Association will allow for continued flexibility and the ability to adapt to changing needs. The Kansas Bar Association is currently working to identify private attorneys to assist the Kansas Legal Services Adoptions in Child Time project with addressing the legal needs of children in foster care for whom adoption is needed.

### **Resource Development**

Kansas Legal Services has worked cooperatively with a variety of private and public agencies to develop a diverse statewide financial base. Kansas Legal Services has a preliminary budget for 1999 of \$7,879,118. Of that amount \$2,156,918 is projected as Legal Services Corporation revenue.

The projected \$5,722,198 in non Legal Services Corporation revenue comes from a variety of funding sources, primarily statewide in nature. Approximately \$300,000 of that revenue is devoted to mediation services for low income persons. That work is made possible by cooperative programs with the Kansas Human Rights Commission and Kansas Office of Judicial Administration. Approximately \$150,000 is devoted to job training activities for welfare recipients

and dislocated workers. Therefore, approximately \$5,270,000 of non Legal Services Corporation revenue is available for legal services to low income persons within the state.

Kansas Legal Services has recently expanded its contracts with the Kansas Department of Social and Rehabilitation Services to provide advice and representation to persons seeking Supplemental Security Income and Social Security Disability Insurance. These two contracts allow Kansas Legal Services to provide advice and representation to approximately 3,000 individuals per year.

The Access to Justice Fund administered by the Supreme Court of Kansas and the Office of Judicial Administration is projected to reach \$886,000 or more during 1999. This project has allowed Kansas Legal Services to increase domestic advocacy by over 100 per cent from 1996 to 1998. The Access to Justice Fund also allows Kansas Legal Services to assist Kansas District Courts in dealing with *pro se* litigants. Since Access to Justice revenue is based on a percentage of filing fees, revenue will increase as filing fee revenue received by the state of Kansas increases.

Kansas Legal Services has obtained additional revenue from the Kansas Attorney General's Office to provide assistance to domestic violence victims. New proposals to expand that revenue and service will be developed during 1999. Kansas Legal Services has recently been granted an additional \$500,000 to expand and improve the Adoptions in Child Time project from the Kansas Department of Social and Rehabilitation Services.

The board and staff of Kansas Legal Services, Inc. believe that the best way to preserve and expand resources available for legal services to low income persons is to provide high quality service and to be accountable for all revenue. The management staff and Research and Program Development Division of Kansas Legal Services work to continually identify new programs and revenue to address the legal needs of low income Kansans

## **System Configuration**

Kansas Legal Services is a statewide program and the only LSC recipient in the state of Kansas.

KANSAS BAR ASSOCIATION

RESPONSE TO  
LEGAL SERVICES CORPORATION  
STATE PLANNING REQUIREMENT  
SEPTEMBER, 1998  
Art Thompson

The Legal Services Corporation (LSC) requires a state plan report from its grantees be submitted to their Office of Program Operations on or before October 1, 1998. The report is to respond to select questions and is to involve input from the State Bar in regards to various components of the plan. The following are the comments from the Kansas Bar Association (KBA) in regards to the specific questions. A copy of the LSC question in detail is attached.

The preparation of this response is a product of a history by KBA staff of extensive involvement with Kansas Legal Services (KLS), the review of staff comments by Sally Pokorny, Chair of the Legal Aid and Referral Committee and by David Waxse, KBA President.

Briefly describe the state planning process and participants.

The KBA staff and the Legal Aid & Referral Committee meet regularly with the staff of KLS to discuss common goals and objectives; usually quarterly. This effort has lead to a KBA survey in 1988 and an update in 1994 of KBA members requesting information on what they see as the current legal needs of the low income population. KLS staff have indicated that they use this information in developing their yearly plans. KBA staff regularly attend KLS management meetings to discuss the various joint projects. There are also special yearly planning meetings to discuss private bar involvement programs. This sharing of information has lead to several new projects, a state funding initiative and the current effort to consolidate informational services.

In addition, the Kansas Bar Foundation's IOLTA Committee has discussions with Kansas Legal Services as to the types of services the Foundation would like to fund. The Foundation has done several surveys of lawyer participants in the IOLTA program and state judges as to the services they see needed in their area for low income people (these were done jointly with the KBA). This has lead to an emphasis in funding for domestic violence, private bar involvement and elder law projects.

The KLS Executive Director has made regular reports to the Boards of both the Kansas Bar Association and the Kansas Bar Foundation. The KBA appoints ten of the eleven lawyer representatives of the twenty one member KLS Board of Directors.

Assess the strengths and weaknesses of the current approach.

The strengths of the current cooperative work of the KBA and KLS has allowed for the development of: state funding for civil legal services with new projects to expand the number of legal services' attorneys, mediation to low income people, *pro se* efforts and a new phone advice system; a statewide reduced fee plan; moving towards a central intake and referral system; and several innovative projects such as the Adoptions in Child Time Project, the mediation of Kansas Human Rights Commission cases, and the Elder Law Hotline.

The weakness of the current approach is that there are so many projects and funding sources that it is difficult for there always to be quick communications between the two organizations on various changes. One way this issue is addressed is that the KBA appoints the majority of the Board of KLS and one of the KLS Board of Directors is also a KBA Board member and reports to the KBA Board.

Establish goals to strengthen and expand services to eligible clients.

The KBA Board has had a long held goal to implement programs, including participation in *pro bono* services and insuring equal access to the legal system. That goal has been broken down into the following related objectives:

- promote the statewide Lawyer Advice Line;
- encourage federal and state funding for the Legal Services Corporation;
- provide training and coordination for lawyers who represent children, particularly Guardians *Ad Litem*;
- fund and recruit participants for the Reduced Fee Plan;
- provide assistance in developing *pro bono* services programs in local communities;
- offer CLE credits and other recruitment incentives for *pro bono* volunteers;
- recognize *pro bono* efforts with presentation of awards and listings in the KBA Journal;
- maintain and provide IOLTA administration and recruitment efforts to aid in funding legal services programs;
- research and document the need for legal services;
- develop and promote public information and services for groups with special needs, and provide CLE programs and manuals for lawyers who work with them;
- maintain the Reduced Fee Plan to include an elderly component, including a hotline for the elderly;
- encourage settlement conference programs to settle *pro se* family matters;
- encourage courts to standardize poverty affidavits;
- promote the centralized telephone information and intake system for the legal access programs;
- study development of *pro se* advice centers;
- invite Kansas Legal Services leaders to report regularly to the Board of Governors on legislative and organization developments;
- support the continuation of IOLTA; and
- appoint a task force to develop recommendations on ways to provide legal services more economically and efficiently to persons with moderate/average incomes and to specifically study the use of the following:
  - alternative billing,
  - information services on the availability of reasonable priced legal services (with information on malpractice insurance), and
  - suggested ranges of costs of certain legal services.

Determine the major steps and a timetable necessary to achieve those goals.

The KBA has established a yearly timetable for submitting budget requests and committee plans for the following year. In addition, each objective will have a measurement tool to assess what work has been done during each fiscal year. This will be reviewed on a regular basis by the KBA Board. The review of the information will also be in tandem with continued discussions with KLS.

### **Intake, Advice and Referral:**

The KBA has been involved with working to improve the intake, advice and referral systems of the programs with which we are involved. This includes *pro bono* programs, the Reduced Fee Plan, the Elder Law Hotline, Access to Justice programs, the Lawyer Advice Line and other projects. In these programs, the KBA Board, staff and/or the Legal Aid & Referral Committee have negotiated with KLS on the procedures and format of the intake, advice and referral systems.

The second process has been the negotiations between the two organizations to develop a statewide system which would decrease the number of calls a client might have to make and to expand the amount of service that caller would receive with one call. The decision was made several years ago for both organizations to work towards a statewide central intake, advice and referral system. This has been assisted by the success of gaining state funds to finance a statewide toll-free intake, advice and referral line. Both organizations were joined by the Kansas Department on Aging on a successful grant for our Elder Law Hotline. Work is currently progressing on the implementation of a statewide advice line, the Lawyer Advice Line which will allow any caller access to a lawyer. It is considered to be one of the more successful cooperative ventures between the two organizations.

### **Technology:**

The current technological developments on which both KLS and KBA have worked relates to using volunteer lawyers to provide legal advice to the elderly and potentially in the future, low income callers. The Elder Law Hotline uses a phone system which allows a caller to call the 888 toll free telephone system where a client intake is conducted to find the most appropriate service. If they need legal information, they are put on hold and a call is made to a KBA member who has volunteered for the time period and the call is transferred to the lawyer. This allows the volunteer to be in their office doing other work until a call comes into them. This system is being discussed for a potential low income component in the future. This system can allow for faxes between the caller and the lawyer.

### **Access to the Courts, Self-help and Preventive Education:**

The major barrier for low income persons to adequately access the legal system is not having enough lawyers to take their cases. The continued decline in federal funding of civil legal services has contributed to this problem. The complexity of the legal system also makes it more difficult to recruit *pro bono* or reduced fee plan lawyers to take cases which are difficult to develop and time consuming to take. There are also judges who require that a volunteer lawyer continue with a case until all the issues with the family are resolved. These make it increasingly difficult to recruit lawyers for domestic cases where a visitation issue might exist until the last child turns eighteen.

This puts more emphasis on the self-help programs people can use to access the courts in a fair and easy manner, especially in domestic cases.

The KBA approached the State Supreme Court and advocated for the initiation of the State Justice Initiative to study the many areas in which the state courts might be improved. One of the key components of this study was the issue of adequate access to courts. The KBA is currently working with the State Courts on this review. This work will be concluded in 1999 and will be reported to the Governor, State Legislature and Supreme Court for specific action. It is anticipated that there will be a number of recommendations to improve the courts in the area of access to the courts. Access to the court system for lower income people is being addressed by a special committee of the Kansas Justice Initiative. The KBA and KLS are cooperating in the presentation of information to the committee. This effort will also involve physical access to the courts. The KBA has been actively involved in this issue since the passage of the Americans

with Disabilities Act. There has been a cooperative effort between KLS, the Office of Judicial Administration and the KBA Committee on Elder Law and Disability Law on how to make courts more accessible to people with disabilities.

Legislation approved in 1996 by the Kansas Legislature, called Access to Justice, provided funds for assisting low income *pro se* Litigants. It included funds for assisting those *pro se* Litigants directly referred by local judges and for a hotline for potential *pro se* Litigants to call for information. This system was devised after the KBA, KLS and the Office of Judicial Administration worked together to formulate what was needed and how it could be best addressed.

The KBA provides a wide array of informational services for people who want to know more about their legal issue. These include the Tel Law system, an advice component of the statewide Reduced Fee Plan, twelve brochures made widely available to the public, a yearly publication for graduating seniors called On Your Own, occasional publications such as the Peoples Guide to the Law and the Lawyer Referral Service. KBA members also make numerous presentations to community groups on various legal issues using KBA informational materials. KBA materials are provided free of charge to KLS staff who distribute them in their offices or through public presentations. All of the Tel Law messages have been put in a loose leaf folder for KLS office personnel to give to people in their office who request more information. There are also the Elder Law Hotline and the Lawyer Advice Line which provide lawyers for people to discuss a legal issue.

#### **Coordination of Legal Work, Training, Information and Expert Assistance:**

Currently the KBA and KLS cooperate in several areas to coordinate, train and share expert advice in cases involving low income persons. These include cooperating in training seminars for the Elder Law Hotline and the Adoptions in Child Time project. The KBA has regularly assisted local bar associations with training programs for *pro bono* volunteer lawyers, generally family law training. This includes funding and printing. At times in the past, the KBA has received grants to provide specific training for lawyers who represent children, the elderly and domestic violence victims with *pro bono* or reduced fees. The KBA has twice used a satellite system to send a half day seminar to 21 sites across the state. One seminar allowed community people to participate along with lawyers in hearing about childrens' legal rights. In addition, the KBA has used video taped replays to train KBA members who volunteer to take cases. Members with specific expertise also assist with the Elder Law Hot Line.

Statewide capacities can be developed to improve services in this area. A common tactic used in other states is to have the legal services provider and the Bar Association improve their cooperation on providing additional legal seminars to volunteering lawyers as well as to legal services lawyers. This will require raising the necessary funds to pay for developing and providing the seminars. The Legal Aid & Referral Committee has discussed the potential use of KBA members with particular expertise to provide assistance to KLS *pro bono* and reduced fee lawyers with select cases.

#### **Private Attorney Involvement:**

The current status of private attorney involvement in the state consists of three local bar *pro bono* programs in Wichita, Topeka, and Johnson County which close approximately 250 cases each year. The KBA operates the statewide Reduced Fee Plan which closes over 1,300 cases per year. These *pro bono* and reduced fee plan projects are administered by KLS offices. There is also a joint KBA, KLS and Kansas Department on Aging Elder Law Hot Line which uses 150 KBA lawyers plus KLS lawyers to provide advice to over 4,000 callers per year.

The KBA has promoted several *pro bono* efforts in the past which have included attempting a

statewide rural *pro bono* program, a statewide elderly oriented *pro bono* program, a large firm *pro bono* effort and a government lawyer effort. Some components of each have been incorporated into the existing programs. The main problem with keeping programs in operation has been the funding of specific *pro bono* staff. The KBA has been involved in assisting with the development of eight local bar *pro bono* programs in the last fifteen years but most could not survive without dedicated staffing. The three current programs all use part time staff. In considering fund raising priority, the direct provision of civil legal services by staff lawyers has been a higher priority than staff to operate volunteer lawyer programs.

The KBA and its Legal Aid & Referral Committee have developed several innovative methods of providing legal services. The committee advanced the Reduced Fee Plan as a method of providing quasi-*pro bono* services in rural areas and it has proved to be very successful on a statewide basis. The committee has also experimented with such additions as the “settlement officer” program which uses volunteers to assist *pro se* uncontested cases in order to speed up the court process. The KBA has been a proponent of the use of mediation in child custody and visitation cases and has been particularly involved in how to get low income people access to such a system. These innovations have come through regular surveys, focus groups, presentations and general discussions with KBA members and local bar associations. The close working relationship between KLS and the KBA has allowed for a quick response to changing circumstances. A good example was the addition of the mediation component to Access to Justice Funds as a reaction to the KBA Alternative Dispute Resolution Committee and the Supreme Court’s Dispute Resolution Council’s prompting.

The KBA leadership is considering a statewide volunteer lawyer recruitment effort for 1998/99 and it may include in the recruitment materials a list of the various programs with which a volunteer lawyer can assist. The KBA Legal Aid & Referral Committee is currently working on this list of potential volunteer activities and is discussing the need to add two additional *pro bono* programs to this list. One program would assist the Adoptions in Child Time (ACT) project with getting foster care children into adoption in a more timely manner. The second program would recruit volunteer lawyers to handle cases in which the local legal services office has a conflict. The ACT project can begin quickly because there is staff to do the intake and referral. The conflicts panel will take more time in order to find the funds to pay for full or part time staff to do the work.

### **Development of Additional Resources:**

There have been a number of joint fund raising efforts between the KBA, KLS and, at times, other organizations. KLS and the KBA regularly discuss funding issues in the joint staff meetings and the related KBA committees. The KBA Board of Governors and the KBF Board of Trustees also regularly hear updates on the civil legal services funding issues from staff or in KLS presentations. These discussions have lead to a number of joint fund raising efforts.

The most successful funding effort has been the Access to Justice Fund approved by the Kansas Legislature in 1996. This fund provides between \$800,000 and \$1 million each year for civil legal services and was the product of the joint effort of the KBA, KLS and Office of Judicial Administration. The original idea began in the KBA Legal Aid & Referral Committee. It has been determined that the best way to ensure the continued provision of this particular fund is to ensure that the funds are used in an effective manner. This is currently done by the KBA assisting the Office of Judicial Administration (OJA) with an annual program review which includes a review and evaluation of the programs funded, a statistical review and a review of the accounting mechanism. The OJA also assisted KLS with a survey of district court judges. The Access to Justice Fund was purposefully developed by the three sponsors to be distributed on a statewide basis by need.

The Kansas Bar Foundation (KBF) also provides IOLTA funding for KLS and has assured a steady appropriation since 1985 even during periods when the overall income has declined. The KBF has

attempted to expand the IOLTA program into first an Opt-Out program in 1994 and then a mandatory program, which was not successful, in 1996. KLS developed a sophisticated computer system which provides an accounting of the IOLTA funds to show a variety of statistical information. This reporting sophistication has reinforced the accountability of the program with the KBF. The KLS IOLTA funds are distributed on a geographical basis by need.

KLS also has been able to procure grants from the Kansas Legislature to expand its services. The KBA has assisted in procuring some of these grants and appropriations. One example is that the KBF has allocated IOLTA funds to serve as matching funds for a state grant which requires a one third matching grant. The KBA has also lobbied on behalf of state funding for specific grants. These efforts can be expanded by continuing the excellent communications between KLS and the KBA. The KBA Legal Aid & Referral Committee has been very active in developing fund raising proposals to be considered by the KBA board and is still refining several proposals for future funding.

### **Configuration of a Comprehensive, Integrated Statewide Delivery System:**

Kansas Legal Services is the only LSC funded program in Kansas. They continue to work closely with the Kansas Bar Association, the Office of Judicial Administration and others in developing a comprehensive statewide delivery system.