

# STATE PLANNING REPORT

## A. DESCRIPTION OF STATE PLANNING PARTICIPANTS AND PROCESS

Utah Legal Services (ULS) is a statewide provider of civil legal services created in 1976 with the merger of Salt Lake County Bar Legal Services and Weber County Legal Services, both Legal Services Corporation (LSC) grantees. During the next two decades ULS established good working relationships with the Legal Aid Society of Salt Lake (LAS), a locally funded family law office in the capital county and the Disability Law Center (DLC), Utah's protection and advocacy entity. The agencies co-sponsored *pro bono* projects and coordinated the scope of services each offered to maximize the limited resources available for poor and disabled Utahns.

A more formal state planning process was initiated by ULS in 1995. Faced with a significant reduction and potential elimination of LSC funding and restrictions on cases and activities, ULS convened a meeting of judicial, bar, and community leaders and public interest legal agencies to establish a community commitment to addressing the statewide legal needs of the poor. The agenda of the meeting included identification of: leadership; essential legal needs of the poor; appropriate delivery systems; how to utilize existing/new organizations most effectively; and identification of funding sources to support these efforts. At this meeting the Chief Justice of the Utah Supreme Court proposed that the Utah State Bar, with his leadership, convene a "blue-ribbon" panel to address these issues.

The Utah State Bar (USB), citing the "significant reduction in LSC funding for ULS, the only statewide general provider of legal services for the poor in Utah", petitioned the Utah Supreme Court to create a task force to analyze the delivery of legal services to the poor.

Pursuant to an order of the Court, USB formed the Access to Justice Task Force in 1996. The purpose of the Task Force was to review current legal services for the poor in Utah, to explore new ideas for improving and expanding those services and to make recommendations to the Bar and the Supreme Court to implement improved services.

The Task Force, co-chaired by the Chief Justice and the President of USB, included federal and state judges, a member of the ABA *pro bono* committee, senior partners and leaders of the legal community, the Governor's general counsel, an assistant U.S. Attorney and assistant Attorney General, Dean of the state law school and a professor from Brigham Young University's law school, bar commissioners and the *pro bono* coordinator of USB, directors of agencies serving low-income and minority communities, and board members of LAS, DLC and ULS. The charge to the task force: gather pertinent information on legal services available and needed; determine the gaps between available services and needs; propose improvements to services; review funding sources of poverty law agencies; and develop means for on-going assessment and innovation of services. Five working subcommittees involved additional members including ULS and LAS staff.

The Task Force focused on two major themes to address the issue of legal services for the poor: 1) increasing funding and other resources for these legal services, and 2) innovations in the way these services are delivered. The recommendations of the Task Force included: seeking state funding from general revenues and other appropriate sources for legal services; mandatory reporting of *pro bono* services and/or financial contributions; support of *pro bono* efforts and development of reduced fee projects and self-help materials; creation of a centralized intake unit

to provide initial interviews and screening of clients for all agencies and brief service and advice to clients, as well as quality control feedback to the agencies; and creation of a computer network to electronically link all existing poverty law agencies.

A progress report on the work of the task force was presented at the mid-year USB meeting in March of 1997, a copy of the preliminary final report was mailed to all USB members in June and discussed at a plenary session of the annual meeting in July 1997. Comments on the recommendations of the report were solicited. A committee was appointed to determine how to implement the recommendations and the Access to Justice Foundation was incorporated this summer and is in the organizational stage.

During this three year period ULS staff continued to work with DLC, LAS and USB staff on joint *pro bono* projects including assisting victims of domestic violence obtain protective orders and training and supporting volunteers representing children whose SSI benefits were terminated. During the last year DLC, LAS and ULS have formed the “and Justice for all” fundraising campaign discussed below at page 21. Also we have made joint applications with DLC for social services block grant funding, submitted a statewide STOP Violence Against Women proposal with LAS to the Department of Justice, and are working to obtain state funding for legal representation of victims of domestic violence. DLC and ULS are evaluating sharing office space in Ogden and Cedar City. A proposal for locating the three agencies in one building was selected in a very competitive process for inclusion in Salt Lake City’s pending application for designation as a federal Empowerment Zone. In September these three agencies, USB, a mediation program, a legal program serving immigrants, and an information and referral agency

submitted an application to the United Way of the Great Salt Lake Area for initial funding for electronic linking as a preliminary step to centralized intake, described in more detail on page 8. We expect to make an application to the U.S. Department of Commerce Telecommunications and Information Infrastructure Assistance Program (TIIAP) to complete this undertaking.

Working on these projects increased the consultation and coordination among the agencies. There is a standing meeting of agency staff every other week to assign tasks and monitor progress on these and other proposed undertakings. Trustees from each of the organizations meet monthly as the governing body of the “and Justice for all” campaign. This close association in planning for and delivering legal services to the disadvantaged and disabled throughout Utah as well as participation in the Access to Justice Task Force has focused attention on the strategic use of all available and potential resources for providing legal services to the poor.

ULS used preparation of this report as an opportunity to analyze both our own strengths and weaknesses to establish goals to strengthen and expand services to clients and to continue and improve our coordination with DLC, LAS and USB. Consequently emphasis in subsequent sections of this report varies depending on how applicable the considerations and indicators are to work done with these partner agencies.

## **1. INTAKE, ADVICE AND REFERRAL**

In July ULS completed a transition from performing intake at each of our field offices to a statewide intake system. Planning for statewide intake began two years ago with identification of necessary changes in staffing, technology, program procedures, and protocols. Reallocating

staff, recruiting and training volunteers, and changing established expectations of branch offices are significant undertakings, but the most pivotal portion of the transition has been development of a suitable technology platform.

ULS uses integrated client data, conflict checking, case management, timekeeping, contract billing, and employee benefits software written by Deputy Director Kenneth E. Bresin. This year significant enhancements were added to the client case functions of this software, including the ability to check for conflicts of interest on a statewide basis and complete lists of all ULS cases available in each office. New and changed data for all cases is mirrored nightly among all ULS offices. Moreover, this software allows a user to pull explicit help files (parsed by problem code, county of residence, and age of client) into a window of the screen above the memo text field window. The advocate (perhaps an intake worker) can scroll through the help file while typing text in the memo field, and can change the help file visible on the screen at will.

Statewide toll-free telephone intake provides clients with advice and/or brief service, referrals for more comprehensive assistance, and assistance to represent themselves *pro se* in cases that are not high priority. The initial ULS greeting is given in English then Spanish and clients are given the option of choosing subsequent messages in Spanish. Prospective clients speak with a trained paralegal (whether paid or volunteer) who seeks initial demographic and personal information, provides the individual with simple advice, gives or mails an appropriate flyer, or refers potential cases to service offices for investigation, discussion at a case intake meeting, and assignment to an advocate. Three attorneys in the statewide intake unit make it possible (although sometimes difficult) to review all intakes and advice given each day.

Telephone intake is not without problems. Some seniors reportedly do not like to use the telephone system so we are studying the feasibility of implementing a hotline for seniors that may be staffed by paralegals or attorneys trained in senior matters. An intake task force has been created and meets monthly to monitor the effectiveness of the statewide intake system and make suggestions for improvement. Because we strive to give accurate advice and referrals statewide and gather necessary client information more efficiently, we have constructed and are continually updating computer help screens for regional referrals and specific questions for particular legal problems to assist intake personnel as part of our time and client software.

Upon first calling ULS a caller is informed if he or she is not satisfied with the way the intake worker treats the caller or if the advice is not satisfactory, the individual may leave a voice mail message, speak to the managing attorney, or write a formal grievance. To better assess our telephone intake system, a law professor from the University of Utah with legal services experience is conducting an extensive evaluation of the effectiveness for clients in order to recommend improvements.

While program publicity and outreach emphasizes telephone intake, ULS has established protocols for dealing with clients who have difficulties accessing or using phones. If the matter is not an emergency, clients are encouraged to use a ULS phone to call the statewide intake. If the case is an emergency or for some reason using the statewide intake phone system will effectively deny access to a client with a case in which ULS is likely to provide assistance, local staff/volunteers conduct the intake.

## **GOALS**

Improve initial client contacts by:

- Connecting callers with staff with some expertise in client's self diagnosed problem.
- Provide a menu of audio information within client's self diagnosed problem area which may resolve a prospective client's problem before they speak with an intake worker; we estimate 25% to 33% of client inquiries could be successfully resolved at this stage.
- Provide this audio information 24 hours a day.

Increase the number and percentage of callers with ULS high priority cases by:

- Designing and conducting targeted outreach campaigns to inform prospective clients about the availability of our services.
- Use VISTA workers or other system to provide additional client input on legal needs.

Move to Centralized Intake with other providers of legal services to the disadvantaged:

- Continue efforts to develop and fund system of centralized intake described on page 8.

## **2. TECHNOLOGY**

ULS has had computers on every staff member's desk for several years, and last year we undertook a significant upgrade of our hardware and software. Novell donated four copies of IntranetWare (a.k.a. NetWare 4.11 with internet access capability), GroupWise, NetWare Connect, ManageWise and numerous ancillary software packages. NetWare Connect was installed so that one or two server-based 56K modems became available to all workstations on each network (all offices have a network) permitting individual access to the internet, ability to send faxes and access to Lexis/Nexis. With LSC's prior approval, we replaced 35 older PCs with slow processors (80386) and limited RAM (2 megs) with Micron Pentium-based machines running Windows95. With the advent of IntranetWare, we replaced older 486-based file servers.

As noted above in the Intake section, ULS is using integrated case management, timekeeping, employee benefits, statewide intake, conflicts checking and contract billing software developed by program staff. Using a donated State of Utah internet site, new and changed data for all cases is mirrored nightly among all ULS offices. ULS has a technology task

force and assigns responsibility for overseeing and maintaining technology in each ULS office to individual staff members and increases compensation for this task.

ULS Deputy Director Ken Bresin has identified computer telephony integration as an area in which ULS must expend both time and resources to further improve ULS's ability to better serve clients with our limited resources. But beyond the ULS system is the challenge of implementing a centralized intake system envisioned by the Access to Justice Task Force. Impoverished, disabled, and older Utahns seeking assistance for a legal problem would access a single entity, a centralized intake system.

The intent is to eliminate duplication of intake services by various agencies and utilize more efficient intake processes to provide superior client service. There are only a handful of public interest law firms that serve disadvantaged Utahns -- Disability Law Center, Legal Aid Society of Salt Lake, Utah Legal Services, and A Welcome Place. The Utah State Bar has a *pro bono* attorney program that accepts referrals from the public interest law firms. Each program provides distinctive legal services and those clients with several legal problems need assistance from different agencies, thus referrals between the agencies are frequent. Or an individual with a landlord-tenant problem who calls Legal Aid may wait on the line only to be told they must call Utah Legal Services and asked to repeat the same information. Centralized intake will provide one-stop shopping and holistic delivery of legal services to our clients. A client call to the intake system will instantly link a client with services from one or many agencies, volunteer attorneys, and non-legal services through a United Way information and referral agency.

The first step is to assess similarities and differences in client intake systems. Combining

advantages of each intake process, one intake system will be constructed to meet programs' needs. An initial look at existing systems indicates there are some excellent tools with which to build this new intake system. Agencies will need to change to implement an efficient universal intake system, but every agency is enthusiastic about the resulting efficiencies for clients. Additionally, a centralized intake system will allow programs to focus more of their resources on direct client service rather than on intake. The business analogy is out-sourcing a non-core function in order to shift resources in to core functions where more internal efficiencies exist.

Centralized intake would perform an initial assessment of the legal problem, determine the prospective client's eligibility for help from an existing legal assistance provider, and if eligible, transfer the matter directly to the provider. The single entity might accept new client requests by phone, in person, or by electronic means (website data entry, e-mail, fax). This entity might be confined to one location or it might be distributed in many locations to facilitate both personal contact by prospective clients and the use of telecommuting staff, whether paid or volunteer. Digital signatures will be used to maintain client confidentiality.

While the possibilities are vast (e.g., internet videoconferencing for client intake and speech recognition for client information entry), the collaborators cannot afford to implement all avenues of access immediately. But some immediate choices would foreclose future possibilities (e.g., selecting database software that is not web-enabled or a telephone system with limited growth potential). This makes initial planning crucial; staged development will permit economical growth.

Each collaborator has procedures and methods, phones, hardware and software, and

specific requirements for client data input and output (such as statistical analyses) already in place. Centralized intake might take the form of simple telephone call handoff, at one end of the spectrum, to a completely integrated intake, case acceptance, timekeeping, and client disposition process that meets the needs of each collaborator.

## **GOALS**

### ***Computers***

- All ULS computers must have minimum capability to run Windows 95/98 which requires replacement of remaining 486 machines.

### ***Telephone***

- Upgrade capacity with at least one T-1 line which will result in faster data transfer as well as increase access to and speed of LEXIS.
- Increase availability of long distance service and decrease costs for such service.
- Continue to develop expertise in computer telephony integration.

### ***Centralized Intake***

- Generate a definite plan with costs and timelines, agreeable to all collaborators, for the implementation of central intake and to seek Requests for Quotations from hardware, software and telephony concerns based upon the plan so that the collaborators know with some clarity how much implementation will cost.

### ***Training***

- ULS managers and/or Technology Task Force will update last inventory of individual staff skills and needs for training to effectively use individual computers and design a series of trainings for most common/pressing areas.

## **3. ACCESS TO THE COURTS, SELF-HELP, AND PREVENTIVE EDUCATION**

Since ULS is the only statewide civil law firm for the poor in Utah and consequently generally cannot provide referrals that garner legal representation in many types of legal cases, we have assumed some responsibility to try to help potential clients with issues we otherwise do not have the resources to handle. Some clients can represent themselves if they have clear and explicit instructions. Over the past decade, ULS has developed, translated and produced many

self-help packages for persons we lack the staff to assist. These packages include fill-in-the-blank court pleadings and/or explicit instructions for creating a pleading. Packages include: *Answering Without an Attorney; Setting Aside a Default Judgment; Residential Rental Agreement & Checklist of Conditions; Pro Se Divorce; Enforcing a Domestic Law Order; and Name Change*. ULS seeks financial eligibility information before providing these forms.

The Access to Justice Task Force subcommittee charged with reviewing *pro se* issues concluded:

. . . that despite efforts by members of the Utah State Bar to assist all potential litigants, not every person will seek the assistance of an attorney for a myriad of [sic] reasons. Although *pro se* litigants may be expected to be familiar with and to proceed in accordance with the rules of practice and procedure of the Court and with the applicable law governing the action in which they are involved, they are generally not knowledgeable about the legal system. As such their access to justice is diminished and they place a high burden on the Courts and on adverse parties. In an effort to improve access to justice for these litigants and to lessen the burdens imposed by them, it is incumbent upon the Courts and the Bar to attempt to educate *pro se* litigants.

The recommendations of the Task Force including footnotes are:

- (i) Education by the Utah State Bar:  
Practice sections of the Utah State Bar should be charged with developing “*Pro Se* Information Packets.” Each packet should include: (1) videos explaining the process and answering common questions; (2) forms; (3) checklists of actions needed to be accomplished; and/or (4) fact sheets with information about available resources. Practice sections would have an ongoing responsibility to provide packets to the appropriate resources and to keep the packets current.<sup>1</sup>

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<sup>1</sup> It is hoped that information contained in the *Pro Se* Information Packets will be helpful not only to *pro se* litigants, but could also be used as a resource for *pro bono* attorneys.

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(ii). Education by the Courts:

The Administrative Office of the Courts should reorganize its Clerk's divisions and create "Self-Service Centers" based on a model implemented in the State of Arizona. This model includes: (1) allocation of physical space and trained personnel in the clerk's office of the courts; (2) existence of *pro bono* attorneys on site to assist individuals;<sup>2</sup> (3) creation of a website for the Courts, which includes forms and lists of lawyers and mediators; (4) use of Quick Court Kiosk system currently in place in Utah; and (5) supply of *Pro Se* Information Packets provided by the Bar and other forms and checklists developed by the Courts.

Because creating and maintaining *pro se* materials is a substantial and continuing commitment of resources ULS endorses these recommendations and will support implementation by the USB and Courts, see Goals section below, and concentrate our efforts on preventative and community educational materials.

ULS staff and volunteers have created more than 60 informational handouts/fliers addressing common questions and problems of low-income and senior clients. Most are available in Spanish as well as English. Lists of the topics and titles of current publications are circulated to community agencies and are available for distribution by *pro bono* attorneys who staff "Night at the Bar" consultations throughout the state. Each year, we update and distribute almost 12,000 *Utah Renter's Handbooks*.

ULS is an active partner in expanding alternative dispute resolution options, particularly mediation programs. One program began at the behest of the state court administrator as a court-

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<sup>2</sup> The LawHelp Project of the J. Reuben Clark Law School in Provo, Utah, is pursuing a pilot program of providing law students, under the supervision of *pro bono* attorneys to assist individuals with legal paperwork. It should be noted, however, that limited *pro bono* representation may produce some ethical concerns regarding the "unbundling" of legal services. Unbundling of services means that attorneys represent clients only for segments of a case or matter instead of for the entire matter.

annexed mediation for landlord/tenant disputes. Mediators appear at court calendars and ULS attorneys refer appropriate cases to mediation when both landlord and tenant are amenable. It soon became apparent that mediation in advance of court proceedings is more productive so ULS enlisted Utah Dispute Resolution (UDR) as an additional partner. We now refer all types of cases, including landlord/tenant disputes, to UDR when the dispute has the potential for settlement in mediation and the client agrees to mediate. The statewide intake managing attorney meets weekly with staff from both the court-annexed program and UDR to refer cases to them as early as possible and to collect information on resolution of referred cases. In 1997, UDR mediated the problems of 450 clients, most of which were referred through ULS. Our goal is to reach satisfactory outcomes for clients without a large time commitment and provide assistance in a wider variety of cases than we could otherwise.

Some ULS services are delivered in a clinic format where the client gets immediate help from an attorney or a paralegal under attorney supervision. This occurs in urban areas in landlord/tenant and domestic violence cases. In Salt Lake City, tenants fighting unjust evictions may be served with a summons requiring them to appear at a “possession bond” hearing. The possession bond, once posted by the landlord, accelerates the entire eviction proceeding. Many times tenants do not understand what is happening, and appear at court unsure of what to do. There they are met by a ULS staff attorney or volunteer attorney recruited by ULS. An explanation of the process is given and, if the case is meritorious, the attorney represents the tenant at the hearing.

ULS supports the Domestic Violence Victims’ Clinic to assist *pro se* petitioners in

obtaining permanent and/or ex parte protective orders. The initial model for this program was a joint effort begun in August 1994 by ULS, LAS and Delivery of Legal Services Committee of the USB in Salt Lake County to train attorneys to assist victims of abuse who were not represented at protective order hearings. Volunteer attorneys appear at court an hour before the protective order calendar and ask petitioners if they have questions and/or would like help in the hearing. The project has been very well received by victims and the court. Court personnel participate in CLE trainings (for which ULS developed a volunteer manual). ULS provides the insurance for volunteers for this project and a smaller one in Davis County providing the same service. ULS and the Bar *Pro Bono* Coordinator would like to institute similar programs throughout the state, particularly in rural areas.

In these eviction and protective order cases the legal system is intimidating and confusing and many individuals are not able to adequately represent themselves. ULS can prevent many clients with meritorious cases from being disadvantaged by assisting clients in understanding the process and their rights. Additionally, because these clinics require a finite commitment in cases of limited duration, we are more successful in recruiting volunteer attorneys to participate in these projects than in more complex cases.

ULS staff and a ULS Trustee have been actively involved in the development of the QuickCourt system cited by the Access to Justice recommendations, and sit on the committee of the Judicial Council created by the Utah Legislature to implement the program. Besides general explanation of the courts and legal resources including ULS, the kiosks provide forms necessary for some divorce and landlord tenant filings. ULS provides staff support and insurance coverage

for the LawHelp pilot program described in footnote 2 on p.12. Next month the managing attorney of the statewide intake unit and the Director of LAS, as their annual *pro bono* work, will meet with court staff in Salt Lake County to evaluate expanding the LawHelp project to this district. During July 1998, 629 people used the four pilot program kiosks throughout Utah, and two locations had more than 12% of the users select the Spanish version of the program.

Because expansion of the pilot programs to courthouses and communities statewide promises to improve access to the courts for low-income people, ULS will continue to devote resources to support QuickCourt.

ULS staff have served on USB committees dealing with the legal needs of the elderly, children and the delivery of legal services for the last decade. The Delivery of Legal Services Committee conducted a study of the unmet legal needs of the poor which recommended the creation of the *Pro Bono* Coordinator position at the USB. Next month the committee is sponsoring a summit of all the intake staffs of public interest and volunteer programs to educate participants about the services provided and to improve coordination and referrals; ULS staff have assumed a leadership role in this endeavor.

## **GOALS**

### ***Pro se***

- Follow up on recommendations of the Access to Justice Task Force with USB leadership and Administrative Office of the Courts to facilitate implementation.

### ***Community Education***

- Evaluate all community education materials distributed by ULS to make sure they are understandable and graphically appealing. Additionally, translate materials that are most popular into languages beside Spanish and English.
- Solicit opportunities to train staff of community organizations to recognize legal needs of low-income people and to make appropriate referrals.

- Work with the USB and United Way to include community education materials on their developing websites.

#### **4. COORDINATION OF LEGAL WORK, TRAINING, INFORMATION AND EXPERT ASSISTANCE**

ULS advocate staff are all at least moderately experienced; advocate specialization and the use of task forces share that expertise throughout the state. Experienced attorneys not only supervise legal work and train new advocates in analysis, issue spotting, strategy and procedures, but have routinely offered CLE trainings throughout the state for private attorneys to encourage them to volunteer. This role of training and mentoring non-staff attorneys develops and supports an increased pool of volunteer attorneys to handle ULS priority cases. ULS staff have designed and regularly conducted a series “brown bag” seminars of one hour in length, open to members of the private bar as well as staff and volunteers, on topics of special interest to poverty advocates. Trainings include: beginning and advanced housing law including subsidized housing, unlawful detainer, and habitability; public benefits law including Social Security, food stamps, Medicaid, Medicare, and financial assistance; ethics; domestic law including divorce, paternity, domestic violence; elder law; Native American law; and migrant farmworker law. Trainings are video taped for use between seminar cycles.

ULS continues to retain many advocates with a great deal of experience in the areas most closely associated with our case service priorities. Staff retention is aided by attendance at training events geared to the staff member’s area and degree of expertise. Each year we send new and experienced staff to training events offered by organizations with poverty law expertise, such as the NLADA substantive trainings and National Organization of Social Security Claims

Representatives. In addition to monthly task force meetings (housing, public benefits, statewide intake, domestics), ULS continues to distribute the *pULSE*, a bimonthly newsletter of staff submissions, including results of significant cases, reports from staff who have attended specialized and/or out of state training, and notices of upcoming trainings.

Because all staff have Internet access from their workstations, up-to-date information on major changes in poverty law is readily available. We also subscribe to the publications offered by many former “national support” centers, such as the Senior Citizen Law Center. ULS subscribes to state publications alerting us to changes in statutes, rules of procedure, agency relations and judicial and administrative operations in order to maintain our up-to-date understanding on behalf of clients. We encourage all ULS attorneys to maintain a membership in their local Bar association (paid for with non-federal funds). And because Utah has a Mandatory Continuing Legal Education (MCLE) requirement for attorneys (24 hours every two years plus 3 hours of ethics), attorney staff will attend every MCLE event having any bearing upon low-income client representation.

The Housing Task Force at ULS has produce a practice manual on Landlord/Tenant Law in Utah. The manual includes up-to-date caselaw governing all types of landlord tenant disputes, a section of public housing, many forms for ULS staff and private attorney use, and a computer disk with the forms on it. We are selling the manual to members of the private bar and have filled some orders from courts. In-house this comprehensive guide is used as a training tool for new housing attorneys.

Every year ULS holds a statewide training for all of our advocates. At this training,

advocates receive updates on caselaw and practice tips from experienced ULS attorneys and other attorneys in specialized practice areas. This year we held a week long training with one day for domestic law, one for housing law, one for public benefits, and an evening session on ethics. *Pro bono* attorneys and the private bar are invited to attend these annual trainings.

ULS has an attorney who acts as the training responsible person. This attorney's task is to review all requests for training that exceed \$100. The advantage of this assignment is to have one person who has a complete view of the training needs and resources so each staff person has the opportunity for enrichment appropriate to his/her speciality. It also functions to spread the training resources throughout the program.

## **GOALS**

- Reinstigate a survey of training needs to be completed by each staff member to ensure proper training.
- Design or identify existing trainings for most common needs or priority issues so that appropriate staff can take advantage of these superior training opportunities.
- Each ULS task force will identify "best practices" for case handling and client services in each practice area.

## **5. PRIVATE ATTORNEY INVOLVEMENT**

In the fall of 1992 ULS, in cooperation with a former Dean of the University of Utah College of Law (who is a member of the ABA Commission on Legal Problems of the Elderly), sought and obtained funding from two private foundations to create the Senior Lawyer Volunteer Project (SLVP). This program uses retired attorneys to provide simple wills and estate planning services, as well as advanced directives and some guardianship work to low-income seniors and some younger persons who have serious health problems. Three attorneys have consistently maintained office hours one day each week and a dozen more are "on call" for appointments.

During 1997, SLVP handled 437 client matters.

With the creation of the *pro bono* coordinator position at the Utah State Bar, ULS is no longer taking the lead in recruitment but is an active partner. The *Pro Bono* Coordinator has assumed leadership in recruiting and training volunteers. In the last five months of 1997, 226 cases were handled through the Bar's *pro bono* program by 96 volunteer attorneys. From January 1998 through July 1998, there have been 532 cases referred to *pro bono*. In that same period 172 *pro bono* attorneys have provided direct services to clients. Clearly, the need for *pro bono* services exceeds the number of *pro bono* attorneys.

ULS provides screening services for the Bar program. The managing attorney of the statewide intake unit meets with the *Pro Bono* Coordinator weekly, as he does with the mediation service providers, explained on page 13. This supports a symbiotic relationship whereby ULS provides cases and the *Pro Bono* Coordinator matches the clients with trained *pro bono* attorneys. The *Pro Bono* Coordinator also provides updates on case placements that are tracked in the ULS client database. ULS has and will continue to provide specialized trainings of attorneys who wish to take *pro bono* cases in cooperation with the *Pro Bono* Coordinator.

In addition to the projects described above, ULS maintains its support of Domestic Violence Victim's Clinic to assist *pro se* petitioners in obtaining permanent and/or ex parte protective orders. For full description of the project see page 14. We have also successfully recruited volunteer attorneys to staff possession bond hearings as described on page 13. Starting in January 1997, we trained five attorneys in a law firm in Salt Lake City to handle Wednesday's possession bond calendar. The following January we trained associates in five different large law firms in Salt Lake

City to handle the Monday calendar. This permitted our staff attorneys and paralegal to expand the program to cover the housing calendar at a courthouse located near the county line and distant from downtown Salt Lake City.

As mentioned above, the SSI Children's project trained 60 volunteer attorneys but only utilized 30 of them. We will use these trained attorneys to represent other children and adults in SSI appeals unrelated to the Welfare Reform Act. ULS is also working to recruit attorneys: to participate in telephone intake and advice ; to write and update ULS's informational handouts and perhaps record portions of some of them for callers in a new computer integrated telephone system; to sponsor clinics on common questions; and to staff clinics addressing common but low priority matters.

One weakness of our current PAI program is a lack of attorneys available to take *pro bono* cases in the rural areas. In an effort to remedy this problem, we have submitted a grant to the Corporation for National Service for six VISTA volunteers, one for each ULS office. One of the duties of each VISTA will be to recruit *pro bono* attorneys to handle cases in the service area of the office where they are placed.

## **GOALS**

- One case per year for all *pro bono* attorneys by providing at least two referral opportunities.
- Recruit a panel of *pro bono* attorneys in rural areas through the use of VISTA volunteers working in conjunction with USB *Pro Bono* Coordinator.
- Keep the 60 attorneys trained in SSI administrative practice involved in SSI *pro bono* work.

## **6. RESOURCE DEVELOPMENT**

Last November, ULS began planning our most significant fundraising effort. In early 1999, we will kick-off the “and Justice for All” campaign. This three year effort will be a statewide fundraising campaign for legal services programs. The campaign is the result of agreement between Legal Aid Society of Salt Lake, Disability Law Center, and Utah Legal Services. We completed a feasibility study in March 1998 and plan to raise \$2 million in three years. We are assembling the leadership for the campaign and have received our first grant. The Church of Jesus Christ of Latter-day Saints Foundation pledged \$100,000 to the campaign in the form of a challenge to the legal community. Once the community has raised \$300,000 the Church will make its contribution.

If we are successful the agreement among the agencies will provide ULS with \$920,000 over three years. While this does not completely close the gap created in 1996 when ULS lost \$600,000 in LSC funding, it does reduce ULS reliance on LSC funds. If we achieve our goal, the LSC percentage of ULS funding will decline from 75% to 65%. As the campaign grows, the reliance on federal funds will shrink even further.

The strengths of this program are apparent -- ULS will create a solid partnership with other providers of civil legal services, our funds will increase, the profile of legal services will be raised and promoted, and local support will increase from its present paltry level. We have also found funding sources that were not interested in providing funding to ULS on its own are very supportive of the collaboration. For example, the three collaborating agencies applied to be a part of the Salt Lake City application to the federal government for Empowerment Zone status.

Although 95 programs applied only 36 were accepted, of those program only a handful involved nonprofit agencies. We were among the handful.

The weakness of starting a campaign is that it takes months of planning and hours of staff time to design and implement. The campaign has taken the majority of development staff time which does not allow time to explore other potential revenue sources. However, once the campaign is established we expect more assistance from the campaign leadership in lobbying the state legislature for direct appropriations, filing fee surcharges, etc. Additionally, resource generating ideas that have worked in other states such as encouraging judges to direct *cy pres* awards toward legal services will be incorporated as part of the campaign in the second year of its implementation. Finally, as part of the collaboration among providers of legal services in Utah, we have discussed foundation and corporation cultivation to support other ideas we have to improve service delivery in Utah including a vision for a Community Legal Center housing all legal services providers to encourage efficient service delivery and improved staff and management energy. *See also Centralized Intake page 8.*

## **GOALS**

- Raise \$2 million in three years to support civil legal services in Utah.
- Garner foundation/corporation/government support for the centralized intake system to link all legal services programs and provide streamlined, holistic client services.
- Continue exploring government funding and nonprofit development companies for support in developing the Community Legal Center.

## **7. SYSTEM CONFIGURATION**

DNA People's Legal Services receives a LSC Native American grant for a portion of one county in Utah because the Navajo Nation's boundaries are not coterminous with state

boundaries. Because of DNA's established expertise in serving American Indians in specialized legal areas and the compelling case for identifying one legal services provider for the entire reservation which overlaps Arizona and New Mexico as well as Utah, ULS does not support any reconfiguration of that grant. ULS fully endorses the award of Native American funding to DNA for this portion of Utah. We will continue to support DNA staff efforts in Utah and increasing coordination between our programs to provide services in that county. Otherwise, ULS is the only LSC funded program in Utah and therefore will not address this issue further.

***For further information concerning this report, contact Anne Milne, Executive Director, Utah Legal Services, 801/328-8891 ext. 301***

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