Legal Services Corporation
America's Partner For Equal Justice

President
John N. Erlenborn

Board of Directors
Douglas S. Eakeley
Roseland, NJ
Chairman

LaVeeda M. Battle
Birmingham, AL
Vice Chair

Hulett H. Askew
Atlanta, GA

John T. Broderick, Jr.
Manchester, NH

John N. Erlenborn
Issue, MD

Edna Fairbanks-Williams
Fairhaven, VT

F. Wm. McCalpin
St. Louis, MO

Maria Luisa Mercado
Galveston, TX

Nancy H. Rogers
Columbus, OH

Thomas F. Smegal, Jr.
San Francisco, CA

Ernestine P. Watlington
Harrisburg, PA

PROGRAM LETTER 02-2

TO: **All LSC Program Directors**

FROM: **Randi Youells _____**
Vice President for Programs

DATE: **January 22, 2002**

RE: **STATE PLANNING AND THE RECONFIGURATION PROCESS**

(Providing an Opportunity for Increased Involvement of Designated State Planning Bodies in the Determination of Service Areas to Be Competed by LSC)

Preface. On November 17, 2001, the LSC Board of Directors adopted the Report of the LSC Task Force to Study and Report on Configuration of Service Areas. The Board action codifies LSC's standards for reconfiguration of service areas and amends LSC's review process for configuration decisions, previously contained in Program Letter 01-4. This Program Letter implements the review process outlined in the Report adopted by the Board.

The reconfiguration review process provided below replaces Program Letter 01-4. It is based on the premise that while the LSC President, as LSC's Chief Executive Officer, should be knowledgeable about state planning, he/she should be sufficiently removed from the particulars of decision making in a given state so that he/she retains the ability to render a final decision on service area configuration that is impartial and based upon his or her independent review of the relevant materials. It also more clearly provides that the LSC Vice-President and President shall provide written notice of the reasons for their decisions. Finally, it would give some limited participation in the review process to stakeholders who may not be part of the designated state planning body (DSPB).

750 First Street, NE 11th Floor
Washington, DC 20002-4250
Phone 202.336.8800 Fax 202.336.8959
www.lsc.gov

Introduction. As part of the competitive bidding process, LSC publishes in the Federal Register a Request for Proposals ("RFP") in the spring of each year for grants for the following year. The RFP defines the geographical areas, or service areas, which will be in competition.

LSC is committed to effective communication and coordination with state planning bodies on matters where decisions are likely to have a direct impact on other important state civil equal justice planning initiatives. One such area of decision-making involves the designation of LSC geographic service areas (i.e., configuration) that will be competed in a given state or region.

LSC recognizes and appreciates the increasingly active role that state planning bodies have assumed in overseeing state civil equal justice delivery activities. LSC further recognizes that our decisions have the potential to directly affect a range of state level funding, resource allocation, and other related civil legal services delivery considerations. For these reasons, LSC believes it important to take special steps to maximize the potential for effective communication and coordination in the development and implementation of decisions that will result in changes to the boundaries of LSC geographic service areas before such decisions are made effective.

The objective of the process outlined in this Program Letter is to maximize the potential for meaningful and principled engagement with designated state planning bodies[1] on matters relating to service area configuration decisions before such decisions are implemented. Presidential review of LSC staff recommendations is provided.

This review process must not be viewed as an abdication by LSC of its responsibility to make decisions that in its judgment promote its statutory mission, the articulated goals and objectives of LSC's State Planning Initiative,

---

[1] A "Designated State Planning Body" is an entity that has been established and charged with responsibility for coordinating state legal services delivery planning in accordance with LSC Program Letters 98-1, 98-6, and 2000-7. Such planning entities are generally composed of an array of civil equal justice delivery stakeholders, including but not limited to representatives from the state bar association, state IOLTA funding entity, staffed legal services programs (LSC and non-LSC), the pro bono community, client organizations, clients and others with an interest and commitment to effective delivery of civil legal services to poor and vulnerable people in the state. In the absence of a designated state planning body, the review process outlined in this Program Letter will be extended to the organized bar association and/or IOLTA funding entity in the state.

and the efficient and effective delivery of civil legal services to low income people in each state. Nor should this process be viewed as providing designated state planning bodies with the power to veto service area configuration decisions made by the LSC President.

Reconfiguration Review Process

1. At the earliest possible time, LSC's state planning team will advise the designated state planning body (DSPB) in each state and other interested and previously identified stakeholders who may not be members of the DSPB whether and to what degree issues of geographic service area configuration and/or the state planning process are matters of concern to LSC. Where such issues are of active concern to LSC, the LSC designated representative(s) of the LSC state planning team will outline the concerns in writing in relation to the Legal Services Corporation State Planning Configuration Standards.

2. To the extent reasonably practicable, LSC's state planning team will work with the DSPB, LSC's grantees, and other key stakeholders in such states to foster timely and effective consideration of the issues relating to the state planning process and service area configuration. States facing the possibility of service area reconfiguration will be instructed to submit their plans for service delivery and proposed configuration to LSC no later than December 31 of each year.[2]

3. At least sixty (60) days prior to publication of service areas in the Federal Register but no later than February 1 of each year, LSC's state planning team, through the Senior Program Counsel for State Planning, will identify in which states, if any, it recommends that LSC compete a new or different set of service areas.[3] LSC will notify the DSBP in each state as well as other interested and previously identified stakeholders who may not be members of the DSBP in writing of the state planning team's recommendation and the reasons therefore.

4. If the LSC state planning team recommends a service area configuration that differs from one approved or recommended by the

---

2 This date may be adjusted for states in which grants are not on the normal calendar year grants cycle.

3 The February 1 date may not be applicable to states where grants are not on the normal calendar year cycle. In such instances, notice shall be at least 60 days prior to publication of such state's service areas in the Federal Register.

DSPB, the authorized representatives of the DSPB may seek a meeting with LSC's Vice-President for Programs to ask for reconsideration of the state planning team recommendation. The DSPB will be asked to articulate in writing the concerns and objections that it has regarding the recommendation of the state planning team in relation to the Legal Services Corporation State Planning Configuration Standards

5. Interested and previously identified stakeholders who are not members of the DSPB may also seek a meeting with the LSC Vice-President of Programs to ask for reconsideration of the state planning team's recommendation. Such persons will be asked to articulate in writing the concerns and objections they have regarding the recommendation of the state planning team in relation to the Legal Services Corporation State Planning Configuration Standards. This meeting may be scheduled at the discretion of the Vice-President for Programs. If such a request is made, the DSPB will be provided notice of that request, and if a meeting is scheduled, a reasonable time to respond to any information or materials submitted.

6. Upon such request from the DSPB, the Vice-President for Programs will convene a face-to-face meeting with the authorized representatives of the DSPB body and, in his/her discretion, a meeting with the other interested stakeholders. As soon as practical thereafter, the Vice-President for Programs shall advise the DSPB and the other interested stakeholders in writing of the service area configuration recommendation and the reasons therefore that will be forwarded to the LSC President. In making this recommendation, the Vice-President for Programs shall be guided by the considerations and criteria outlined in the Legal Services Corporation State Planning Configuration Standards, the analysis and recommendations of the state planning team, and the articulated concerns of the DSPB.

7. If the DSPB is not satisfied with the LSC Vice-President for Programs' recommendation, it may seek a meeting with the LSC President to ask for reconsideration of the Vice-President's recommendation. The DSPB will be asked to provide such additional written information, as it believes will assist the LSC President to fully and fairly entertain its concerns and objections.

8. Interested and previously identified stakeholders who are not members of the DSPB may also seek a meeting with the LSC President to ask for

reconsideration of the Vice-President's recommendation. This meeting may be scheduled at the President's discretion.

9. Upon such request, the President will convene a face-to-face meeting with the authorized representatives of the DSPB body. As soon as practical thereafter, the LSC President will advise the designated state planning body of the final decision and the reasons therefore relating to program configuration in the affected state. In making the final decision, the President shall be guided by the Legal Services Corporation State Planning Configuration Standards, the analysis and recommendations of the state planning team and the Vice-President for Programs and the articulated concerns of the DSPB.

10. The decision of the LSC President shall be final and binding.