Civil Legal Assistance for the Poor and Needy in North Carolina

A Planning Report to the Legal Services Corporation

The LSC recipients in North Carolina have collaborated to produce the following report pursuant to LSC Program Letters 98-1 and 98-6. The State has four LSC grantees or legal service providers: Legal Aid Society of Northwest North Carolina, Inc. (hereinafter LASNNC), Legal Services of North Carolina, Inc. (hereinafter LSNC), North Central Legal Assistance Program, Inc. (hereinafter NCLAP), and Legal Services of Southern Piedmont (hereinafter LSSP).

In early September 1998, a meeting was held among executive directors and board members of the four providers and the director of the North Carolina Justice and Community Development Center. The group met in the city of Winston-Salem to discuss finalizing this statewide planning report. During that meeting, the four providers set a goal for better communication among providers and determined to arrange periodic planning meetings to discuss strategies and organize continuing work on the seven issues contained in the 98-1 Letter.

Emphasis at this meeting was placed on providing leadership in the State planning process not only within our organizations but also to other legal service providers in the State (non-LSC funded agencies), such as the North Carolina Justice and Community Development Center, Prisoner's Legal Services, etc. Throughout this report, we refer to "all legal service's providers" and mean that term to be inclusive of LSC recipients, LSNC's field programs, and all non-LSC funded organizations that have a stake in providing legal services to the poor in North Carolina.

The report first outlines the history of the North Carolina planning process for the delivery of civil legal services. It then follows with the proposed plans on the seven issues of concern: intake and the provision of advice and brief service; effective use of technology; capacities for training and access to information and expert assistance; engagement of pro bono attorneys; development of additional resources; and configuration of a comprehensive, integrated state-wide delivery system.

BEGINNINGS

Legal services organizations in North Carolina have always -- from their beginnings -- worked together to meet the civil legal needs of the poor. We have worked with poor people, with organizations of poor people, with others who serve the poor, and with state and local bar associations.

In 1962, the Forsyth County Junior Bar Association

[1] in Winston-Salem obtained private funds and created The Legal Aid Society of Forsyth County.[2]

In 1965, the Office of Economic Opportunity (OEO) began providing funds for legal assistance to the poor as a part of the war on poverty, and the Legal Aid Society was granted that funding to continue the provision of civil legal services. Mecklenburg County residents raised matching funds in 1967 to bring OEO funding to create the Mecklenburg County Legal Aid Society.

[3] Other programs were established in Durham, Raleigh, Greensboro, High Point, and on the Cherokee Indian Reservation.

In 1974, when Congress created the Legal Services Corporation (LSC), the existing providers and nascent programs in Orange and New Hanover Counties all worked with their local bar associations, and with our state level bar associations, to expand legal assistance to the poor. By 1976, there were nine programs in the state, serving eight[4] of North Carolina's 100 counties. Those programs worked together with the North Carolina Bar Association (NCBA) to prepare for the wise use of the federal funding that LSC would soon be providing. The Executive Directors of the Legal Aid Society of Forsyth County, the Legal Aid Society in

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[1] They won the American Bar Association's Harrison Tweed Award that year for their efforts.
[2] Now The Legal Aid Society of Northwest North Carolina, Inc.
[3] Now Legal Services of Southern Piedmont
[4] Seven programs served one county each; two more served an eighth county.

Durham and the Legal Aid Society of Mecklenburg County were leaders in a collaborative statewide planning process that worked with the joint programs and the NCBA to create a system to provide civil legal services to the poor in the entire state of North Carolina.

As the work progressed, each existing program expanded its service area to include the surrounding counties, but there were still gaps in coverage. Working together, the NCBA, the existing programs and members of local bar associations across the state planned new local programs to provide legal assistance in previously un-served areas. Through this process, Legal Services of North Carolina (LSNC) was formed. Several existing programs not already getting federal funding from the LSC joined the newly formed LSNC. With the addition of the newly planned programs, LSNC became the largest legal services program in our state.

Between 1976 and 1984, the North Carolina system of delivering civil legal services to the poor grew into an effective delivery system. Legal Services of Southern Piedmont (LSSP), North Central Legal Assistance Program (NCLAP), The Legal Aid Society of Northwest North Carolina, Inc. (LASNNC), and Legal Services of North Carolina, Inc. (LSNC) worked together to build a highly integrated delivery system with maximum efficiency.

Legal Services of North Carolina played three central roles in that evolution. LSSP, NCLAP, and LASNNC fully supported LSNC in playing all three roles. First, LSNC served as an incubator, in which new programs could develop, in a protected setting. Second, it served as an umbrella group for health insurance and some other employment benefits. Third, as the largest of the LSC's recipient organizations in North Carolina, it conducted -- with the full support of the independent regional programs -- the effort to get funding from the North Carolina General Assembly.

Legal services providers also collaborated on the provision of state level support, which is a particularly crucial function in North Carolina where rural programs must operate with small staffs and libraries. Strong state support ensures that even the smallest programs have access to up-to-date information and ready accessibility to substantive law experts to assist advocates when expertise on a particular subject is not available in the local office. Early efforts at state support were handled from LSNC's central administrative office, with a statewide director of litigation. However, this arrangement did not meet the needs in the field. In the early 1980's, North Carolina legal services providers responded to LSC's notice of availability for state support funds by proposing the establishment of the North Carolina Legal Services Resource Center (Resource Center) as a separate corporation. This collaborative effort had the support of all the legal services programs in North Carolina, and each of the LSC recipients sub-granted its state support allotment to the newly formed Resource Center.

The Resource Center was staffed with only three lawyers, one of whom also served as executive director. Nevertheless, it was a resoundingly successful collaboration -- the Resource Center provided the highest quality of support to advocates across the state. Each of the three lawyers at the Resource Center and the community development specialist (usually referred to as "substantive law experts" or "SLEs") led one or more statewide task forces on substantive law areas. The task forces met quarterly, and, while led by the SLE, they were governed by steering committees elected from the task force membership, which consisted of advocates from the field who practiced law in that substantive area. The quarterly meetings served as training events and often provided the setting for strategy sessions on common problems, much as the staff meeting of an insurance defense law firm or bar section might do. In addition, all LSC funded programs held a "New Advocate's Training" event annually and special training events as needed. For all of the training events,

the SLEs called on experienced advocates in the field to assist them by doing sections of training. The steering committees and training events drew and still draw heavily on the independent regional programs and the LSNC field programs for trainers and leaders.

Class action lawsuits provide a particularly good example of the close cooperation in legal matters that came about through the task forces, and of the especially strong contributions made by the independent regional programs. LSSP was a leader in identifying the patterns of practice that characterized a problem, which required a class action for its efficient and effective resolution. LSSP staff attorneys originated many of the main class action lawsuits brought in the State of North Carolina and subsequently coordinated statewide plans on enforcement of the resulting judgments.

In addition, on those occasions when all other routes to justice had failed, and a client or clients needed legislative or administrative, the SLEs took the lead in performing that legislative and administrative advocacy. They appeared on behalf of poor people before the Utilities Commission, the Employment Security Commission, the Department of Human Resources, and before the General Assembly. They worked so effectively for the poor of our State, that one of the SLEs was ranked for several years running among the twenty most effective lobbyists in the state, one of only two public interest lobbyists to be so ranked at that time. During one year, three of these substantive law experts were ranked among the top 40 lobbyists in the State.

Working together, the legal service's community formed special needs programs to address the legal needs of poor people who faced special access barriers -- particularly those confined to institutional or other restrictive settings. Farmworkers' Legal Services, (Farmworkers') for example, addresses the special access and other legal problems of migrant farm workers. Carolina Legal Assistance (CLA) serves those who are mentally or emotionally handicapped, with a special emphasis on those who are in institutional settings.

Prisoners Legal Services (Prisoners') grew out of a law student project[5]

in the late 1970's and now exists as a separate corporation with poverty law advocates handling a special portion of the low-income client population in North Carolina.

RECENT PLANNING EFFORTS

Various planning activities have been ongoing in North Carolina since 1995. This section of the report summarizes the State's planning efforts to date and outlines our vision for how future planning can take place in an environment that is inclusive of all providers of legal services to the poor in this State. In order for the process to effectuate the most appropriate and best-coordinated and integrated delivery system possible and to comply with LSC Program Letter 98-1, our planning process will include a broader base of service providers and be inclusive of Client groups and representatives. What follows is a description of the statewide planning to date and an outline of the future state planning mechanism for North Carolina?

After the 1995 LSC appropriation bill, it was clear that many of the structures and funding relationships that formed our system at that time would no longer be appropriate or workable under the new restrictions. For example, programs that serve inmates of correctional institutions such as Prisoner's Legal Services could not continue to pursue their missions while remaining within the LSC funded groups because this would violate the new Congressional mandate. Programs such as the North Carolina Legal Services Resource Center and Carolina Legal Assistance engaged as a core part of their mission in class action litigation, legislative advocacy, or other newly prohibited activities. Clearly, in order to respect both the mandate of Congress and the needs of their clients, they would have to separate from LSNC if it continued to remain an LSC funded organization.

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[5] Students in the School of Law at the University of North Carolina at Chapel Hill formed the Prisoner's Rights Project to protect the civil rights of incarcerated persons -- particularly rights not to be beaten and to have access to health care that was at least minimally adequate

Legal Services of North Carolina had already started an internal strategic planning process for 1995 which was intended to produce a report to the North Carolina Bar Association on the twentieth anniversary of LSNC's creation by the NCBA. Other parts of the community participated in the series of meetings that were held. Although the process ended that December with no formal report, many decisions were made and implemented to ensure the uninterrupted provision of civil legal services in a manner that would maintain both LSC funded and non-LSC funded programs' capacity to represent clients. This was an extraordinary accomplishment given the drastic cutbacks in funding that were faced that year.

The following points summarize the results of that planning process:

Participants agreed that advocates must maintain the independence of judgment required to give full loyalty to every client served.

Participants agreed to respect and comply with all the terms of each funding contract.

Prisoner's Legal Services, the Resource Center, and the NC Client and Community Development Center declined LSC funding because their missions required them to be free to provide services that were restricted under LSC regulations.

Carolina Legal Assistance declined LSC funding because a core part of its mission included bringing class actions when necessary. CLA also decided to split off a small unit to deal with advocacy permitted under the new LSC regulations.

LSNC decided to cooperate in the departure of all of those former programs and agreed to house the remaining mental health unit in its central office.

All legal service programs supported the plan of reorganization as a general principle and understood that some sort of pro rata deductions in funding would have to be absorbed by each program.

Farmworkers' Legal Services remained a part of LSNC but separated its work for aliens ineligible for LSC funded assistance into a program at the Justice Center called the Immigrants Legal Assistance Project.

LSNC and Legal Aid established a staff sharing arrangement to collaborate on a technology support project.

The Resource Center and the NC Client and Community Development Center merged to form the NC Justice and Community Development Center (Justice Center).

Most of these changes grew out of a retreat of the Project Director's Group, a collaborative meeting of project directors of all legal service agencies. No single document prior to this report reflects all of the significant changes that were made during this planning phase.

Nearly all of these changes were established by consensus of the full community.

Following the end of the 1995 planning process, the NCBA received a grant from the North Carolina State Bar IOLTA Plan to retain a consultant to study the legal services delivery system. NCBA retained the consulting firm Altman Weill Pensa to conduct the study, a study was conducted and a final report was delivered by the consultant to the NCBA on April 19, 1996. A supplemental report on private attorney involvement was delivered on May 9, 1996. As recommended in the Altman Weill Pensa report, the NCBA, with the support and assistance of all legal services providers, conducted an intensive effort to obtain dedicated funding for legal services from the North Carolina General Assembly. Working together, the legal services community succeeding in having the existing state appropriation raised from $1 million to $2 million.

Following receipt of the report, the NCBA and NCSB each appointed a co-chairman to constitute a group to be called the North Carolina Commission on the Delivery of Civil Legal Services. The co-chairmen, following NCBA and NCSB directives, appointed commission members who were representative of the executive and legislative branches of government, business and industry, law schools, foundations, and all levels of the judiciary; clients and providers of legal assistance to the poor were not included. The Commission met in closed sessions during 1997. Representatives of LSSP and LASNNC, among other groups, attempted to attend meetings of the Commission but were not allowed to do so.

The Commission issued a draft report on January 15, 1998. The draft report included sections on *pro bono*, funding, technology, and legislative advocacy as well as structure. It was widely opposed, with regard to its discussion of program structure, by legal services programs, employees, and supporters, other than LSNC staff and Board members.

The Commission issued a final report on June 18, 1998. The NCBA Board of Governors approved the final report on a divided vote on June 18, 1998. The LSNC Board of Directors

adopted the Commission's final recommendations on structure and has begun an internal transition process to implement the Commission's recommendations regarding the structure of LSNC. The Boards of Directors of LASNNC, LSSP and NCLAP have not adopted the Commissions report.

The four LSC-funded legal services providers have met following the issuance of the Commission's final report to continue their work on the 98-1 planning process. LSNC is proceeding on its internal consolidations and, during the consolidation process, does not plan to discuss structure issues that do not follow the Commission's final report recommendations. However, with that exception, all four LSC grantees are firmly committed to regular and periodic ongoing discussion on a full range of statewide planning issues.

Legal services programs have differing views on the significance of the Commission's Final Report, but all agree that the discussion among the programs is the 98-1 process. Inclusion of legal service providers, clients, and other shareholders in the planning process is essential to ensure the proper delivery of legal services to the poor. The four LSC providers in North Carolina are firmly committed to continue in a statewide planning process consistent with the dictates of LSC Program Letter 98-1.

Although it has been difficult to have a planning process with the wide diversity of convictions regarding the structure issues, we realize that it is only through our leadership and maintaining communications among each other, that legal services to the poor will be improved. Collaboration within the delivery system was truly outstanding in scope and effectiveness before the recent push for consolidation of programs. While we have suffered from funding cutbacks and internal strife, we have not lost sight of the goal.

MECHANISM FOR FUTURE PLANNING

We are dedicated to an on-going planning process that proceeds toward the improved delivery of legal services, is inclusive of the community of interested persons, and includes the

four LSC funded providers. LSNC, LSSP, NCLAP, and LASNNC are the institutions that must lead the statewide planning effort by maintaining a mechanism for ongoing formal planning. The participants in the statewide planning group must include not only members of the Commission or its working committees, but the persons involved from non-legal fields, the private bar, client groups, and various subgroups or layers of persons that work directly in the legal services system such as local board members, managers and staff advocates.

To make the process workable, these participants must come together in different ways to make the most efficient use of their time and expertise. The different groups must also develop a system to enhance communication to maintain our ability to conduct coordinated work on state planning.

The LSC Providers are working together as a team in conjunction with all these other groups (see the attached chart--Appendix 1). The goal is the creation a seamless web of legal services to all in North Carolina who cannot afford to retain their own legal counsel. The four Executive Directors of the LSC programs in North Carolina will have periodic meetings in which to coordinate overall activities. Pursuant to 98-1, all of the seven issues will be on the agenda at these meetings to ensure that we succeed in reaching the most coordinated system possible to deliver legal services.

In the next seven sections, consistent with the dictates of Program Letter 98-1, we describe our current approach, goals, and next steps as we proceed to a more integrated and coordinated delivery system.

I. Maximizing Client Access, Efficient Delivery And High Quality Legal Assistance

Low-income people in North Carolina get help with civil legal problems from a highly integrated network of diverse providers of legal advice and representation. North Carolina has four LSC funded geographical legal services programs, each of which is an independent regional program, (LSSP, NCLAP, LSNC, and LASNNC). The LSNC program includes twelve smaller

geographic programs and two special client legal services programs serving migrant farm workers and mentally disabled persons. The LSC program network is supplemented by a group of various non-LSC providers

The North Carolina Justice and Community Development Center (Justice Center) is a statewide provider of legal services to the poor which is not funded by LSC. A primary part of its mission is the redress of systemic injustices to the poor through litigation, education, and lobbying efforts. In addition, two special client legal services programs, Prisoners Legal Services and Carolina Legal Assistance, address the access problems of serving prisoners and mentally disabled persons throughout the state. Other providers such as the NC Land Loss Prevention Center, and the Children's Law Center in Charlotte are also valuable and important parts of the legal services delivery system because of the special focus they provide on important issues. The Justice Center and non-LSC funded providers are necessary parts of our system. Without them, a full range of legal services to the poor would not be available.

Law school clinical programs have a teaching mission but also provide invaluable legal assistance to the poor. North State Legal Services (a field program of LSNC based in Hillsborough) and NCLAP have had direct ties to the UNC Civil Legal Clinic for over ten years. North Carolina Central University also has two legal clinics in which cases are received from the local legal services provider at NCLAP. Wake Forest University's School of Law has placed clinical students on site at LASNNC since 1983, and the Legal Clinic for the Elderly at the Sticht Center for the Aging provide a scholarly focus on important issues while working with LASNNC. In all cases, law school clinics play the triple role of teaching law students, serving clients and fixing the habit of pro bono service while the student is still in law school.

Law firm provision of pro bono assistance is addressed in Section V beginning at page 24 below.

North Carolina's substantive law task forces (explained more fully at Section IV, starting

on page 21) have continued to meet quarterly, and all LSC providers have continued to collaborate in, attend, and provide trainers to them. The substantive law task forces continue to provide a forum for discussing appropriate case strategies, identifying trends and planning for coordinated responses to such trends.

A. The Current Approach to Intake, Advice and Referral

The current approach to intake, advice and referral in North Carolina is that each program, whether LSC funded or not, has its own system, which interfaces with every other program by means of appropriate referrals. Individual programs have varying methods of intake, depending on what works for the needs in their local areas. Most programs have some variation on an appointment intake system, some with circuit riding, some utilizing the services of volunteer lawyers and some using telephone based systems. Geographic programs, whether independent regional programs or LSNC internal programs, cover between five and eight counties each. Special providers, whether LSC funded or not, use a variety of methods in addition to referrals from geographic programs and toll free lines, including field intakes in locations convenient to their clientele. LSSP, LASNNC, NCLAP, and LSNC use computerized intake systems to determine financial eligibility. In addition, all programs use computerized form letters.

The most significant advantages of the current intake, advice and referral systems used in North Carolina are the high quality of advice, high accuracy of information and high efficiency we maintain by having the intake, advice and referral systems hooked directly into each office's existing supervision systems with their weekly staff meetings and on-site supervisors. This facilitates regular review for quality of analysis and advice and for identification of recurring or systemic problems affecting clients. In addition, the local nature of the system takes advantage of local resources and the first-hand knowledge of staff advocates.

Review for wider systemic problems occurs in the task force meetings, where it is usual

to reserve some time for brainstorming on current issues. Advocates bring to these sessions the various client problems that they are having trouble addressing. The informality of task force meetings promotes discussion of emerging issues as they arise. Also, task force meetings supplement the collegial consultation available in in-house staff meetings and provides an empowering environment in which advocates can call on a broader range of colleagues and have access to a wide diversity of experience and problem solving strategies.

B. Goals for Improvement

North Carolina providers of legal assistance to the poor have engaged in several experiments recently, including some that may provide opportunities for future exploration of state models of intake for use across the State.

LSSP, NCLAP, LASNNC and LSNC's internal programs participated in a single issue experimental hotline run out of the office of North State Legal Services. The issue involved was SSI for children, and it was a two-prong approach, with the centralized number being one prong and an intensive training of volunteer lawyers the other. LSSP's contributions were especially valuable because of their experience with handling massive numbers of disability intake calls as a result of class action notices during the mid 1990's, and because of their experience in coordinating class actions and the resulting intake work in earlier years. The LSNC program in Asheville, Pisgah Legal Services, offered in-house representation in a more extensive grant related project on children's SSI.

In other hotline projects, LASNNC has been running an advice type hotline in both of its substantive law groups since April of this year. Client service rose by ten clients a week overall, and, while some clients have expressed a preference for face to face meetings, on the whole, the hotline seems to be going well.

C. Next Steps

The network of the four LSC providers in North Carolina will undertake continuing

discussions about intake, advice and referral systems as part of its periodic planning meeting as outlined earlier. The LSC Providers have set several agenda items and plan to develop priorities concerning the future of the intake, advice, and referral systems.

The following issues have already been discussed and will continue to be on the agenda: intake for Spanish-speaking clients; uniform eligibility standards; exchange of case acceptance priorities of all providers; reciprocal referral policies among providers; models for hotlines; study of demographics; and discussion of the needs of all special populations of clients.

The Commission has appointed a committee to study existing legal service provider's screening, intake, advice and referral policies and systems- (including centralized regional and statewide models) for both planned and in operation models throughout North Carolina and the country. The LSC Providers will communicate with the Commission as it undertakes its study by serving on the study committee, by sharing information that is generated during the LSC Provider's planning efforts on this issue and by considering the recommendations of the Commission's committee.

North Carolina must consider its unique geography and diverse judicial districts in the process of planning the most integrated intake and referral systems. Alternate intake systems, such as a centralized statewide model, cannot be considered without taking into account and addressing the following issues and concerns.

Given that intake personnel may provide on the spot advice, Intake and screening must be handled by advocates with an intimate knowledge of the local practice of the judicial, social services and charitable systems that face poor people. We have 100 counties and thirty-eight different judicial districts in the state. Each chief district court judge and every county director of social services has his or her own systems in place. For our clients, knowing to avoid a particular employee in the clerk's office can make the difference between preserving housing and losing it.

II. Coordinated Efforts and A Capacity to Utilize New and Emerging Technology to Assure Compatibility, Promote Efficiency, Improve Quality and Expand Services to Clients

North Carolina's legal services programs have consistently expanded their use of computer technology over time. In the early and mid-1980's all programs had access to computer assisted legal research through our regional CALR project, and used computer technology in-house for word processing. By the late 1980's LSC providers had added the use of facsimile machines, and had upgraded from dedicated word processing machines to multi-use computers (some used UNIX, some XENIX, some DOS platforms). This gave legal service programs intra-office e-mail, and the use of computers for data collection and data processing. In the 1990s, LSC recipients have expanded into external e-mail and electronic document exchange, and into increasingly sophisticated ways of processing financial and client service data.

A. The Current Approach

The technology collaboration entered into between the Legal Aid Society and LSNC at the beginning of 1996 quickly achieved inter-program e-mail among most legal service providers. We have recently achieved convenient statewide inter-program e-mail among all LSC funded and formerly LSC funded programs in a fashion that is available to all advocates and to all other staff.

Substantially all LSC funded providers in North Carolina have, or plan to have by the end of 1998, internally networked Windows based personal computers running with at least 486 chips on the desktop of all staff. LSC funded programs in North Carolina exchange e-mail internally as well as with other programs, including the exchange of documents as attachments. In addition, all LSC funded providers in North Carolina are using some form of advanced telephone system, including such refinements as voice-mail and telephone conferencing.

B. Goals for Improvement

LSNC has hired a systems administrator and network engineer, continues to work on its CD-ROM Library, will have new accounting software on line (to more efficiently track its funding sources and give field programs access to their individual financial information to aid in their budgeting, grant application, and funder-reporting processes) by January 1, 1999 and is also working on the development of a Brief Bank. The goal of the library and brief bank project is to provide expanded yet cost-saving library and research services for the entire North Carolina legal services community. Some programs, such as LSSP and LASNNC have had CD-ROM capacity in place for several years.

The Legal Aid Society and LSNC are working, through their technology collaboration, on a system of computerized outcome measures which, it is hoped, will be suitable for use in reporting to a broad range of funding sources. Pisgah Legal Services has been using a system of outcome measures for six years and LASNNC for two years. The outcome measurement system is already in place in some programs and is expected to be in extensive use by the end of the year.

C. Next Steps

The LSC funded providers have exchanged information regarding technology planning in order to maintain the compatibility of the entire system. The providers exchange e-mail addresses and communicate extensively in this medium. The LSC providers will continue discussions of the use of technology in providing an integrated delivery system. The foremost goal of the four LSC funded providers is to ensure the constant exchange of information among the different providers (both LSC funded and non-LSC funded). At the periodic meetings of the LSC funded providers, state-wide planning will continue on several issues including, the use of listservs and chat groups, data compilation, voice mail, formalizing a general technology plan, joint web pages with links, and the identification of internal and external resources to exploit

expertise in various types of technology.

All four LSC providers are committed to a process of continuous improvement in technology systems to enhance the delivery of legal assistance to the poor.

III. Coordinated Effort to Expand Client Access to the Courts, Enhance Self Help Opportunities for Low Income Persons, And Provide Preventive Legal Education and Advice

A. The Current Approach

Even before the new round of planning set off by the 1995 LSC appropriations bill, legal service providers were working on self-help opportunities. LSSP, through a grant under LSC's Meritorious and Innovative Grants Program, formed a collaboration with two LSNC programs, Catawba Valley Legal Services based in Morganton, and East Central Community Legal Services based in Raleigh to create self-help materials. The two multi-media self-help modules are currently in use across the state, as self-help or educational tools. LSSP has more recently produced client domestic violence self-help and volunteer lawyer training materials, including videotapes, which are in use across the State.

Other examples of self-help innovations include LSNC's publication of a small claims court manual which is a tremendous help in advising people and putting in their hands a convenient "how to" model. In preventive legal education, Legal Aid produces a weekly television show through their local community access television station which has gathered a substantial following. Volunteer lawyers enjoy appearing on the TV show because of the recognition they get in the community. NCLAP has done work using radio to reach a broad audience in the education on poverty law issues. These self-help models will be shared with other legal service providers across the State.

B. Goals for Improvement

As we become more familiar with video production as a communication medium, we can craft informational shows which can be checked out of public libraries and used with forms

available either there or on the Internet or both. We will explore kiosk type form generation in connection with claiming the right to have certain minimal property exempt from execution and in other substantive legal areas.

C. Next Steps

Self-help models that depend on clients representing themselves in forums are useful in areas where judicial officials are aware of and willing to enforce laws protecting low-income people and where local programs can follow up if judicial officials do not respond appropriately. The dissemination of preventive law information is useful in many settings, though care must be taken to do appropriate local tailoring. While always being on the lookout for new opportunities, we can build on our successes by continuing to work on video skills, seeking video collaborators and keeping our pamphlets and booklets up to date through our task forces.

The four providers will meet to continue their engagement in the building of self-help resources for the poor in North Carolina. In the planning process this summer, the LSC providers identified barriers to persons representing themselves and discussed long-range strategies for overcoming these barriers. Various issues will be discussed at future planning meetings, including the following topics: identification of partners to achieve state-wide initiatives (such as provision of AOC forms for public use); identification of expertise within the legal service community; continued sharing of resources to avoid duplication of efforts; investigation of alternate dispute resolution options for low-income persons; and the promotion of creative strategies to educate and inform the poor of their rights.

IV. Coordination Of Legal Work And A Capacity To Provide Training, Information And Expert Assistance Necessary For The Delivery Of High Quality Assistance

A. The Current Approach

The statewide Substantive Law Task Forces, mentioned above at pages 5, 13, and 14, and described more fully below, are the principal forums for coordination of legal work among

different programs. They are forums in which advocates spot patterns, brainstorm on problems, teach newer advocates, and hone their skills. Advocates from all legal services providers in North Carolina attend task force meetings on a quarterly basis.

All LSC funded programs collaborate on annual new advocates' training and on statewide planning retreats (usually annually) which are open to and attended by advocates from a wide variety of legal services providers. The Justice Center, Carolina Legal Assistance, and Prisoners Legal Services have provided trainers at these state-wide events.

The task forces are valuable forums for training, trend spotting, and coordination of advocacy. Typically the task forces meet on a Tuesday, Wednesday and Thursday once a quarter in a location fairly close to the center of the state. The oldest and most established task forces are those on housing, consumer, benefits, and employment matters. The Domestic Law task force is somewhat newer, but is now the largest task force which regularly meets on a statewide level. Emphasis is now being placed in the Community and Economic Development task force.

Each task force is composed of advocates who practice in that particular area of poverty law. An advocate who signs up for mailings and shows up for meetings is a member. The task forces are governed by steering committees elected by the membership, usually having between three and seven members. Each steering committee elects its chair. Physical logistics and expenses related to task force mailings, agendas, meeting notices, participants' materials, and conference calls are provided primarily by LSNC. The chairs head the production of the quarterly trainings, and often call on experts from the Justice Center and other field programs to provide training.

B. Goals for Improvement

Separation from the North Carolina Justice and Community Development Center has hindered the effectiveness of the task forces. The current configuration needs to be reviewed and

improved, particularly in restoring a connection with those who have their fingers on the pulse of the legislature and can readily identify upcoming issues and new trends for the field. While the chairs have been as diligent as possible, and LSNC has worked hard to keep the burden within reason, the current configuration does not work as well as the old one did. The Substantive Law Experts sent out updates between meetings, were available to brainstorm by telephone, typically took full responsibility for one or two training segments per meeting and served as coordinator for materials preparation for pamphlets, volunteer lawyer educational and resource materials and the like. In the old configuration, each SLE was the lobbyist for a particular area of law. They automatically kept up with case law and legislative initiatives for that part of their job. Almost as a by-product, they kept the field up to the minute as well. Now that we have email, they could do an even better job of keeping the field up to date. It would be desirable to find a way to restore that connection if possible.

The inclusion of clients and other providers in the task forces would create other opportunities for training as well as encourage the exchange of ideas across a broader section of the providers in the State.

C. Next Steps

The four providers will continue deliberations on whether it would be possible to structure a relationship with the Justice Center that would both comply with all regulations and restrictions and still make it possible for the Justice Center to provide training in the law and consultation and updates to staff in the field. Training initiatives will be developed and discussed at quarterly meetings of the four providers.

The four LSC funded providers will also advocate for a broader inclusion of other legal service agencies and clients in future task force events.

V. Coordination and Collaboration with, and a High Degree of Involvement by, the Private Bar

A. The Current Approach

Local bar associations and legal services programs have worked together to involve private lawyers in the provision of legal services to the poor for many years primarily through locally governed, operated and volunteer based lawyer programs.

The local foundation for these projects is reflected in the North Carolina State Bar IOLTA Plan's Batts grant program to fund volunteer lawyer programs in every county and every judicial district in the State. Funding under the Batts program requires collaboration between the local bar and the local legal services program, although the individual projects take different forms. The IOLTA plan also funds the North Carolina Bar Association's Pro Bono Project, which provides support for volunteer programs and encourages local bar organizations to participate in volunteer activities. The IOLTA Plan's role as a primary funding source for virtually all private attorney involvement activities in North Carolina has led it to explore its appropriate function in measuring volunteer activity and program performance, setting standards, evaluating programs and otherwise supporting the programs.

The NCBA Pro Bono Project provides local programs with the names of new admittees and mailing labels for individual judicial districts for direct mail recruitment campaigns. Bar leaders write articles and give speeches at the State and local levels encouraging pro bono participation. Each NCBA substantive law section is required to have a pro bono committee and encouraged to have a pro bono project. Publication of an annual pro bono honor roll in a newsletter mailed to the NCBA's 11,000 members and statewide awards for the legal services, pro bono attorney, pro bono law firm and outstanding local bar rewards participation. The North Carolina State Bar gives awards to each law school for their outstanding pro bono law student. Work on the Pro Bono Project is support by the four providers and work continues on other ways to aid in pro bono recruitment and volunteer retention.

Private attorney involvement projects in North Carolina reflect local resources, needs and circumstances by incorporating volunteer, contract and judicare components and including pro bono case, intake, advice, and other activities for participating lawyers. Predominantly urban programs focus on pro bono participation, while rural programs with fewer private attorneys and larger distances for staff to cover use contract and judicare systems. While all projects have case handling components, many projects have experimented with volunteer intake and advice systems, neighborhood clinics, community education or outreach projects, and other activities to meet specific local needs and meet specific volunteer interests. Individual projects have full-time or part-time coordinators, who may be lawyers, paralegals, or other staff, as circumstances require.

North Carolina's locally based private attorney involvement projects have received significant recognition, with two local bar associations receiving the ABA's Harrison Tweed Award for small bar associations in the last two years running. This year, the Forsyth County Bar received the award for its innovative programming in domestic violence work, and last year the Gaston County Bar Association received the award for maintaining a 70% participation rate of private lawyers for five consecutive years. Many other local projects are also providing excellent services in their respective communities. For example, the McDowell County Bar Association has a 92% pro bono participation rate (with 23 out of 25 attorneys participating in the program).

Many local programs have developed creative and thoughtful models for private attorney involvement. Pisgah Legal Services has created and is operating a detailed model for volunteer lawyers to perform client screening, advice, and intake. The Legal Aid Society of Northwest North Carolina has developed and is operating a model for volunteer lawyers to provide advice and representation in domestic violence cases, a model with which the Forsyth County Bar earned the ABA Harrison Tweed award this year. Legal Services of Southern Piedmont has

developed a model for volunteers to assist pro se custody litigants, without appearing as counsel of record in the litigation, and has produced a training videotape to help transactional lawyers learn to represent victims of domestic violence in obtaining restraining orders. There are other models as well, and most have been made available to programs across the State.

The Commission reports that some private attorney involvement programs experience a "bottleneck" in intake. The Commission maintains that some local legal services program's case priorities, adopted pursuant to LSC regulations, do not include all types of cases that local lawyers wish to perform on a volunteer, contract or judicare basis, and that these lawyers cannot receive the cases they wish to handle through the local program's case intake system. The Commission has indicated its intent to appoint a committee to study this issue and other issues related to intake for private attorney involvement programs.

B. Goals for Improvement

North Carolina has many excellent locally governed, operated and based private attorney involvement programs. The primary goal is to ensure that every local private attorney involvement program has the resources, support and expertise to provide high quality services in its community, and that appropriate regional and state mechanisms exist to support the programs and to encourage local bar associations and individual lawyers to participate in these programs. We must also ensure that delivery system improvements are shared among programs, and that we continually add to the scope of and improve the existing models.

C. Next Steps

The LSC funded providers will include these issues in their periodic meetings to coordinate legal services in North Carolina. Specifically, the providers will continue to work with the IOLTA Plan to improve data reporting and other methods of measurement of volunteer activity and program performance. The providers will work with each other to compile and share the existing private attorney involvement models in use in North Carolina and elsewhere, and

will plan to add to the scope of and improve existing models.

The Commission is planning a study committee to look into screening, intake, advice, and referral (to both pro bono and staff attorney delivery models). Two LSSP staff members and one staff attorney from a field program of LSNC have been appointed to serve on that committee. The LSC Providers will exchange information with the Commission's study committee to avoid duplication of efforts.

To the extent that some local private attorney involvement programs in North Carolina may have problems with intake or other internal systems, the legal services providers will work with the IOLTA Plan, local bar associations, local legal services programs and other stakeholders to identify the problems, establish standards and provide support for those programs. To the extent that the NCBA or the Commission is exploring a new role for the NCBA Pro Bono Project in the direct delivery of legal services, beyond its historic role in activation of and support for local private attorney involvement programs, the legal services providers will work with those organizations, local bar organizations and other stakeholders to explore those possibilities.

VI. Diversified Funding and Coordination of Resource Development Efforts

A. The Current Approach

LSC funded providers have worked together with the NCBA and the Commission to secure passage of a bill seeking dedicated court costs for legal services. Last year, we were successful in doubling the size of our state appropriation from $1 million to $2 million.

The lawyer to lawyer Access to Justice fundraising campaign has devolved to the local level. LSNC's central office has continued to seek appropriate publicity in support of the local campaigns, and the local campaigns have coordinated on timing issues to facilitate this. This year, North Carolina's LSC funded programs raised more than $211,000 in that effort.

IOLTA in North Carolina continues its work as a major funding source for providers for civil legal services to the indigent. The LSC funded providers are collaborating with IOLTA to

ensure the most effective use of funds for the indigent clients in this State. Naturally, any consideration of IOLTA revenues must reckon with the recent Supreme Court case of *Thomas R. Phillips, et. al v. Washington Legal Foundation, et. al.,* No. 96-1578, decided June 15, 1998. Unlike the Texas IOLTA program which is the subject of that case, the North Carolina IOLTA plan is voluntary; accordingly, it may be less vulnerable than the Texas plan.

LSNC's fundraising coordinator has established a clearinghouse for all programs to share information regarding fundraising in the face of the tremendous financial need among the providers.

B. Goals for Improvement and Next Steps

Legal Service providers share broad agreement as to immediate goals and next steps on the issue of funding. The first priority is to continue to work on getting the North Carolina General Assembly to recognize and fully fund its obligation to make our court systems available to the poor. Once the law settles with respect to IOLTA, ways of enhancing IOLTA resources will be further explored. The legal service community agrees with the Commission's report that there be a continuing examination of alternative funding sources to diversify funding for legal services. Some of these possible resources include, establishing an endowment, corporate donations, unclaimed client trust funds, corporate or real estate filing fees, private foundation grants, and lawyer registration fees. It is agreed that all resources must be strategically allocated in a manner that ensures equal access to the justice system.

VII. A Configuration That Maximizes The Effective And Economical Delivery Of High Quality Legal Services Throughout The State

Whether or not one agrees that a single corporation model

[6] will provide the best legal services to North Carolinians, we must continue to look at that

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[6] LSNC believes that, through the recommendation of the NC Commission on the Delivery of Civil Legal Services, the single corporation unified delivery system model represents the structure that best serves the clients in its 83 counties.

model as well as others[7] that may be more appropriate for our state. North Carolina is a large and geographically diverse state. It measures 160 miles north to south and 450 miles east to west. To drive the 543 miles from the town of Manteo in the east to Murphy in the west takes ten hours. Overall, the state contains 48,718 square miles in land area. We have a population of 7,195,000, which makes us the tenth largest state in population.

Evenly urbanized, with five cities having over 100,000 in population, North Carolina is among the most rural states in the United States. We have a higher proportion of our population residing outside of metropolitan areas, and a smaller proportion of our population residing in our largest cities than any other state in the nation. While most of our population is either black or white, we have a burgeoning Hispanic population, and are home to large populations of both the Lumbee and the Cherokee Indians. Two of our largest industries are banking and farming. Our migrant farmworker population is the fourth largest in the country. Income, shelter and personal safety are always going to be principal problems for the poor everywhere, but legal problems with those needs manifest themselves so differently, and the barriers to getting those things vary so widely across the state that it is no wonder that there is disagreement among legal services providers and the organized bar about the best structure in which services can be provided to all.

Clients are currently served by four LSC funded geographical legal services programs, LSSP, NCLAP, LASNNC and LSNC (which includes twelve smaller geographic programs

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[7] LSSP believes that a full and open discussion, consistent with the requirements of LSC Program Letter 98-1, which includes all stakeholders including the LSC funded legal services providers, clients, local bar organizations, and other human services providers, and which proceeds from a statewide perspective not centered on LSNC, might result in a determination that the structural configuration of legal services providers which maximizes the effective and economical delivery of high quality legal services now and in the future throughout North Carolina, given the demography, geography, resources and history of this state, is multiple provider programs in different localities, or regional provider programs, or multiple statewide programs with different funding sources, or a single provider program structured differently from either the previously existing or proposed LSNC structure, or some combination of these alternatives, but that no such discussion to date has produced any determination regarding the delivery of services in North Carolina. LSSP has at all times been and continues to be willing to participate fully in such a discussion at any time. Pending such discussion, LSSP believes that its current structure is the model which will best serve the clients in the five counties in its service area.

and two special client legal services programs serving migrant farm workers and mentally disabled persons).

At the time of this writing, structural transition has begun within LSNC, which now plans to merge its constituent programs into a single corporation. LSSP, NCLAP and LASNNC have participated as fully as they were allowed in every aspect of structural planning from June of 1995 to the date of writing this planning report. All four providers intend to share information as the internal LSNC process of merger unfolds.

The four LSC Providers will meet to discuss further the structure of the system in North Carolina. Several different concepts have been developed over the past three years, which have had broad support and make sense but have not been pursued due to ongoing struggles against funding cuts and time spent in responding to the report of the North Carolina Commission. The LSC Providers will continue to study these plans to find the one structure that best serves North Carolina considering its unique and diverse population and geography. Failure to continue discussions on structural planning at this point would constitute a failure to do the best we can to create an integrated delivery system for our clients and would violate the spirit and letter of Program Letter 98-1.

Respectfully submitted this the 30th day of September 1998.

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_____
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