



America's Partner
For Equal Justice

Legal Services Corporation

A Special Report to Congress

STATE PLANNING & RECONFIGURATION

September 2001

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I. INTRODUCTION

Legal Services Corporation (LSC) is a private, non-membership, nonprofit corporation in the District of Columbia. Eleven voting members, appointed by the President of the United States with the advice and consent of the Senate, compose the LSC Board of Directors. By law, the Board is bipartisan: no more than six members can be of the same political party.¹

LSC was created by Congress in 1974 and continues to play a central role in providing low-income Americans with access to legal assistance and information concerning critical civil legal problems. LSC is guided by its congressionally mandated mission, spelled out in the LSC Act of 1974, “to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances” and “to provide high quality legal assistance to those who would otherwise be unable to afford adequate legal counsel.”²

LSC funds local legal services programs to serve diverse clientele in every state, county, and congressional district in the United States, as well as in Puerto Rico, the Virgin Islands, Guam, and Micronesia. As one of the primary funders of civil equal justice in every state, LSC has a duty to stimulate the most effective means of delivering legal services to low-income individuals. LSC is committed to meaningful partnerships with our grantees and the broader civil equal justice community. LSC is also obligated to ensure that the federal investment promotes efficient and effective client service and complements the efforts of other providers of civil legal services.

In 1996, Congress passed a major overhaul of LSC’s grant-making and regulatory structure that included three major reforms impacting the legal services community.³ First, Congress adopted a number of new accountability requirements governing what services LSC-funded programs may provide, what they may do with non-LSC funds, and whom they may represent. These new guidelines have refocused the LSC delivery

THE LSC MISSION

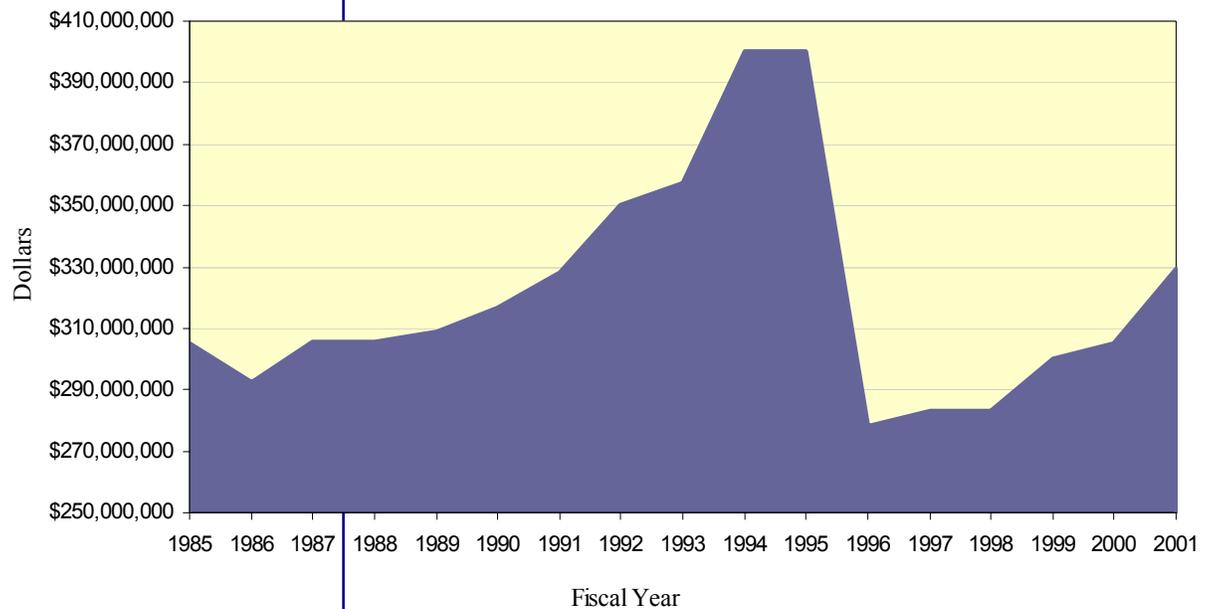
“To provide high quality legal assistance to those who would otherwise be unable to afford adequate legal counsel.”

LSC Act of 1974

system on serving individual clients with particular legal needs. Attorneys working for LSC-funded programs may no longer, for example, initiate or participate in class action lawsuits, collect court-awarded attorneys' fees, represent prisoners or certain categories of aliens, or take cases involving political redistricting, abortion, or drug-related public housing evictions.⁴ Another major reform of 1996 instituted a competitive bidding process for LSC service contracts, requiring programs to demonstrate results and progress as a condition of continued federal funding.⁵ Finally, in 1996 Congress approved a one-third reduction in LSC's annual appropriation, from \$400 million to \$278 million.⁶

In July 1995, in anticipation of the funding cutbacks, LSC initiated the broad outlines of its "state planning process" to highlight strategies by which programs could stretch scarce federal dollars to help ensure that all low-income clients have an equal opportunity to receive the most accessible, effective legal assistance possible. After three years of development in the field, LSC's State Planning Initiative was formally launched in 1998. In the ensuing

LSC Annual Appropriation



Unmet Legal Need In America

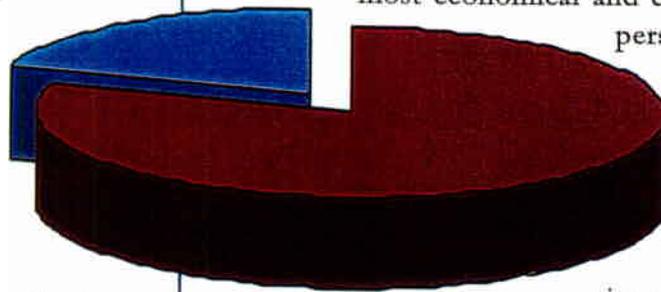
■ Eligible low-income clients
served by LSC Programs

20%

■ Eligible low-income clients
unable to attain legal
assistance

80%

*Based on the American Bar
Association's 1994 national study on
the legal needs of the indigent.*



years, LSC has utilized its competitive bidding process to ensure that recipients vigorously pursue State Planning objectives in a manner consistent with using limited congressional appropriations to improve and expand client service in their respective states.

With the January 2000 release of LSC's long-term plan, *Strategic Directions 2000-2005*, the Board of Directors affirmed the importance of the State Planning Initiative as LSC's main vehicle for expanding access to the civil justice system for the poor, endorsing State Planning as "LSC's primary strategy for increasing access to and availability of services throughout the United States."⁷ This statement was underscored by the belief that State Planning represents states' best chance to respond to clients' most compelling needs with the provision of timely, effective, and appropriate legal services.

One of LSC's most important roles, as outlined in the LSC Act of 1974, is to "insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas."⁸

This mission is especially vital when LSC's 1996 budget cuts are juxtaposed against the most recent national study on the legal needs of the indigent, which estimated that approximately 80 percent of low-income Americans do not have access to an attorney when faced with a serious situation where a lawyer's assistance could make a difference.⁹ Doing more with less, the State Planning Initiative is LSC's principal program to ensure the provision of high-quality legal services to low-income Americans throughout the country.

II. LSC CONVENES RECONFIGURATION TASK FORCE

On June 30, 2001, the LSC Board of Directors established the *LSC Task Force to Study and Report on Configuration of Service Areas* charged with reviewing “existing policies, standards, and procedures governing state planning and for defining service areas...”

This document, the *LSC Special Report to Congress – State Planning and Reconfiguration*, was prepared in response to a request made by the U.S. House of Representatives during the FY2002 Appropriations process, in which the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary stated:

The Committee supports LSC’s efforts to streamline its service area configurations through the State planning process. However, the Committee has been made aware of concerns that LSC has attempted to impose its own reconfiguration plans on certain States without clearly articulating standards for such decisions. In several instances the Corporation rejected reconfiguration plans developed and approved by all relevant stakeholders within a State, and provided no opportunity for the State to appeal that decision. The Committee expects LSC to review the State planning process and the concerns raised, and report back to the Committee by no later than September 4, 2001¹⁰, with a proposal that articulates the reconfiguration standards and process for States to appeal LSC’s decisions. The Committee intends that LSC consult with appropriate stakeholders in developing this proposal.¹¹

Since implementation of the State Planning Initiative in 1998, LSC has sought to apply a set of detailed criteria in making all decisions on whether a given service area arrangement is optimally configured to provide high-quality legal services to the greatest number of eligible low-income clients. These criteria were created to complement the goals of State Planning and to guide staff in evaluating the efficacy of service area plans submitted by recognized stakeholders in each state. These guidelines were conveyed to LSC-funded programs through the release of a series of Program Letters and other field correspondences.¹² Furthermore, as of July 19, 2001, all recognized stakeholders have a right to a *de novo* review of service area decisions by both the LSC Vice President for Programs and the LSC President when LSC decisions run contrary to stakeholders' proposed configuration schemes.¹³

In response to inquiries from the legal services community and Members of Congress, the LSC Board of Directors on June 30, 2001, established the *LSC Task Force to Study and Report on Configuration of Service Areas*. The Task Force was charged with reviewing "existing policies, standards, and procedures governing state planning and for defining service areas; and any revisions to existing policies, standards, and procedures which the Task Force concludes to warrant serious consideration by LSC."¹⁴

Co-chaired by two LSC Board members, New Hampshire Supreme Court Justice John T. Broderick and Ernestine Watlington, the Task Force convened the first of several meetings on August 21, 2001, in Washington, D.C. Representing the Task Force were Hulett H. Askew and Maria Luisa Mercado of the LSC Board; James Head of the National Legal Aid & Defender Association; Melville D. Miller, Jr., of Legal Services of New Jersey; Jonathan Ross of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants; Faith Rivers of the South Carolina Bar Association; and Jeanne Charn, director of Clinical Legal Education at Harvard Law School.

Justice Broderick delivered an interim report from the Task Force to the LSC Board of Directors at the Board's meeting on September 8, 2001, in Alexandria, Va. Broderick reported that the Task Force has made considerable progress in examining concerns

pertinent to service area configuration and the right of designated stakeholders to appeal decisions with which they disagree. He stated that broad consensus exists on a majority of issues before the Task Force and that remaining areas of disagreement are expected to be resolved in short order. One specific area of consensus among Task Force members was that all LSC reconfiguration criteria should be codified into one document. The current LSC reconfiguration standards, which are under review by the Task Force, are compiled and discussed in Section IV of this *Special Report to Congress*.

A final report from the Task Force is expected to be presented to the LSC Board of Directors for consideration in October 2001. The LSC Board will give due consideration to any and all recommendations embodied in the Task Force's final report. In the interim, the Board believes it crucial to relay to Congress LSC's current standards governing state planning, service area configuration, and review processes.

In this report, the LSC Board of Directors is pleased to provide information addressing Congress's three principal concerns:

- 1. A Review of the State Planning Process;**
- 2. A Report on LSC's Reconfiguration Standards; and**
- 3. The Process to Appeal LSC's Reconfiguration Decisions.**

III. AN OVERVIEW OF THE STATE PLANNING PROCESS

LSC's State Planning Initiative embraces a new vision¹⁵ for legal services in which eligible clients in every state would be afforded an equal opportunity to avail themselves of high-quality civil legal assistance. In an effort to foster more consistent levels of state-wide service and to eliminate "service gaps" that leave clients in geographically remote areas under-represented compared to their urban counterparts, LSC has asked its grantees to undergo a fundamental paradigm shift in their program visions. Program leaders have been instructed to abandon the parochial thinking of "What's best for clients in my service area?" and asked instead to consider "What's best for clients throughout my state?"

LSC initially stressed the importance of state planning in 1995 when it asked its recipients in each state to participate in the development of plans for the design, configuration, and operation of LSC-funded programs in their states. The 1995 Program Letters¹⁶ containing this directive also enumerated the issues and criteria that state planning should address.

Launching the State Planning Initiative, LSC staff developed and issued Program Letters 1998-1¹⁷ and 1998-6,¹⁸ which directed programs to plan for the creation of comprehensive, integrated, client-centered legal services systems and defined the terms of such systems. Grantees were required to submit reports outlining their state plans by October 1, 1998. Their plans were to include responses to the seven central tenets of State Planning: (1) development of intake, advice, and referral services; (2) effective usage of technology; (3) increased access to legal self-help and prevention information; (4) coordination of legal work, training, information, and ex-

7 TENETS OF STATE PLANNING

- 1 **Development of intake, advice, and referral services**
- 2 **Effective usage of technology**
- 3 **Increased access to legal self-help and prevention information**
- 4 **Coordination of legal work, training, information, and expert assistance**
- 5 **Engagement of *pro bono* attorneys**
- 6 **Development of additional state, local and private resources**
- 7 **Optimal configuration of service areas**

In designing state plans, LSC instructed its programs to collaborate with a range of local, state, and national stakeholders, including state and local bar associations, Interest On Lawyers Trust Account (IOLTA) administrators, state judiciaries, client groups, *pro bono* commissions, state legislatures, and non-LSC-funded legal services programs.

pert assistance; (5) engagement of *pro bono* attorneys; (6) development of additional state, local, and private resources; and (7) optimal configuration of service areas.

In designing state plans, LSC instructed its programs to collaborate with a range of local, state, and national stakeholders, including state and local bar associations, Interest On Lawyers Trust Account (IOLTA) administrators, state judiciaries, client groups, *pro bono* commissions, state legislatures, non-LSC-funded legal services programs, and a host of others. LSC requires its grantees in each state to work with each other and equal justice stakeholders to develop justice communities that best respond to clients' most compelling needs, ensure the most strategic and cost-effective use of all available resources, and maximize the opportunity for clients statewide to receive timely, effective, and appropriate legal services.

Guided by the belief that access to quality legal services is critical to a fair adversarial justice system and committed to making significant improvements in their delivery, the LSC Board of Directors approved and enacted *Strategic Directions 2000-2005* in January 2000. Its twin objectives are to dramatically increase the number of low-income Americans who can access the civil justice system and to ensure that all clients receive quality legal services.

Standard #1

The state delivery system is designed and configured to maximize access for clients throughout the state.

The configuration of programs within the state:

- Facilitates a delivery network that provides low-income persons throughout the state broad, prompt, and even access to the legal services it furnishes regardless of such obstacles as disability, geographical isolation, culture and language.
- Takes into account the socio-cultural and economic affinities in place that are most relevant to issues facing low-income clients.
- Takes into account the geographic, physical, and historical distinctions of most relevance to clients.

IV. REPORT ON LSC'S RECONFIGURATION STANDARDS

Congress has vested in Legal Services Corporation the responsibility of specifying the service areas for which it will offer grants for the provision of legal services. LSC awards one service contract per delineated service area. Some states, like California and New Jersey, comprise multiple service areas and, therefore, feature multiple LSC-funded grantees. Others, like Indiana and Colorado, have one service area encompassing the entire state and one corresponding statewide program.

Each state is different, and in some states, intra-state regions differ significantly as well. As LSC has stated in numerous letters to the field, there is no “magic number” of legal services programs for a given state or a single delivery model that fits every state. Each state plan must be viewed based on the totality of the circumstances, with the bottom-line consideration turning on LSC’s studied determination as to whether a given service area configuration inures to the benefit of the greatest number of clients in the most cost-effective way.

As a general rule, service area configuration decisions are evaluated against one overarching principle: **Program configuration should occur in a manner that maximizes the effective and efficient delivery of high quality legal services to eligible clients throughout the state within a comprehensive, integrated delivery system.** In some states, it may be possible to develop and implement statewide initiatives to improve service delivery, increase resources, and enhance the capacity of the system to meet the civil legal needs of all low-income people without altering service areas or historical relationships. In other states, the very development and implementation of such initiatives may require overhauling or establishing new organizational relationships and service areas.

In the vast majority of cases, LSC has agreed with the recommendations of state planning groups throughout the country and has configured service areas accordingly. However, LSC, in the proper exercise of its statutory authority, may sometimes reject a state plan as insufficiently

LSC RECONFIGURATION

Standard #2

The state delivery system is designed and configured to maximize effective legal services to clients throughout the state.

The configuration of programs within the state:

- Provides relative equity in the availability of the full range of client service capacities regardless of where the client lives.
- Facilitates providers having the resources, expertise, information and experience necessary to provide high quality legal services consistent with state and national standards of provider performance.
- Facilitates coordination of legal work and a statewide capacity to provide training, information, and expert assistance necessary for the delivery of high quality legal assistance.
- Facilitates coordination of provider efforts to expand client access to the courts, enhance self-help opportunities for low-income persons, and provide preventive legal education and advice.
- Takes into account location of governmental, judicial, and human services entities.

responsive to the tenets of State Planning and substitute a reconfiguration plan adjudged to better maximize effective and efficient delivery of high quality legal services.

In deciding to accept or reject a proposed state plan, LSC must ultimately determine whether, when taken together with strategies outlined in the plan in question, the proposed configuration is best calibrated to:

- 1) **Maximize access for clients statewide**
- 2) **Maximize effectiveness of legal services statewide**
- 3) **Make the highest and best use of available resources**
- 4) **Encourage innovation in the delivery of legal services and appropriately evaluate results**
- 5) **Respond effectively and efficiently to new and emerging client needs**

Until the implementation of the State Planning Initiative, determining service areas in a given state was more a product of geographic and historical happenstance than a reasoned judgment about the precise configuration that would yield the best legal services system for the greatest number of clients. But Congress' 1996 reform replacing presumptive re-funding of grantees with competitive bidding for LSC service contracts¹⁹ – coupled with budget cuts of the same year – necessitated a thorough reexamination of the efficacy of existing service area arrangements in each state. With fewer resources to expend and a growing client base to serve, LSC has embraced service area reconfiguration as one important way to “insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas.”²⁰ Rather than viewing service area reconfiguration as a punitive measure against under-performing programs currently receiving federal funds, LSC instead considers statewide reconfiguration to be one of several tools to ensure that federal dollars are being spent in the most efficient, cost-effective manner possible, in a way that will result in the best service to the most low-income clients.

LSC RECONFIGURATION

Standard #3

The state delivery system is designed and configured to make the highest and best use of available resources.

The configuration of programs within the state:

- Facilitates coordination of resource development efforts, including such efforts as unified approaches to major potential public sources, liaisons with and maintenance of existing statewide resources, and coordinated technical assistance for local fundraising.
- Provide relative equity in the investment of civil equal justice resources.
- Facilitates coordination of efforts and a capacity to utilize new and emerging technology to promote efficiency, improve quality and expand services to clients regardless of where they live and other access barriers.
- Avoids duplication of capacities, services, and systems; uses best organizational and human resources practices.
- Facilitates strong coordination and collaboration with, and a high degree of involvement by, the private bar.
- Strengthens the relationship between the federal investment strategy and development of state-based resources.

LSC RECONFIGURATION

Standard #4

The state delivery system is designed and configured to encourage innovation in the delivery of legal services accompanied by appropriate evaluation of results.

The configuration of programs within the state:

- Facilitates coordinated research and efforts to stay abreast of developments in the delivery of legal services.
- Facilitates attempts to secure new funding for, or allocate current funding to, new projects and experimental models for serving clients or strengthening system capacities.
- Facilitates program evaluation and sharing of results among providers.

LSC RECONFIGURATION

Standard #5

The state delivery system is designed and configured to respond effectively and efficiently to new and emerging client needs and other changes affecting the delivery of legal services to the poor.

The configuration of programs within the state:

- Enhances the likelihood of achieving the intended goals of a comprehensive, client-centered delivery system, as outlined in the seven tenets of state planning.
- Facilitates efficient, ongoing assessment of demographic trends, changes in laws, and public programs affecting low-income persons.
- Ensures regular review of system capacities, resources, and adjustments to respond to emerging client needs and other changes affecting the delivery of legal services.
- Operates to ensure that all components of the delivery system have sufficient resources to adjust to changes in client needs.
- Promotes ability to develop and retain staff who are diverse and culturally competent.

V. RECONFIGURATION REVIEW PROCESS

On July 19, 2001, LSC implemented a *Reconfiguration Review Process* establishing an official framework by which designated state planning bodies²¹ may seek review of LSC reconfiguration decisions. This formal Review Process guarantees representatives of every designated state planning body the right to direct communication with LSC officials at the highest level in seeking reconsideration of an LSC decision. The objective of the Review Process is to maximize the potential for full communication between stakeholders and LSC officials before any configuration decisions are made final and effective.

Central to the Review Process is the right of designated stakeholders to *de novo* reviews of all configuration decisions, first by the LSC Vice President for Programs and then by the LSC President, whose decision is final and binding. The Review Process guarantees DSPB representatives a face-to-face meeting with the Vice President of Programs to make their case. If the state planning body disagrees with the Vice President's decision, they may then request a face-to-face meeting with the LSC President to seek reconsideration of the Vice President's recommendation. After due consideration of the stakeholders' ultimate appeal, the LSC President will promptly advise the state planning body of a final decision on configuration.

LSC is committed to effective communication and coordination with designated state planning bodies (DSPB) on matters in which decisions are likely to have a direct impact on other civil equal justice planning initiatives in a state. LSC recognizes the increasingly active role that state planners have assumed in overseeing state civil equal justice delivery activities. LSC further recognizes that its decisions have the potential to directly affect state funding, resource allocation, and other considerations. In recognition of this crucial symbiosis, *LSC's Reconfiguration Review Process*

Central to the Review Process is the right of designated stakeholders to *de novo* reviews of all configuration decisions, first by the LSC Vice President for Programs and then by the LSC President.

prescribes a clear review mechanism that guarantees recognized stakeholders a full opportunity to make their case:

- 1) At the earliest possible time, LSC's state planning team will advise the DSPB in each state of any issues of concern with respect to service area configuration and provide guidance on how to address those concerns consistent with the enumerated reconfiguration standards.
- 2) To the extent reasonably practical, LSC's state planning team will work with the DSPB, grantees, and other stakeholders to foster timely and effective consideration of issues relating to service area reconfiguration.
- 3) LSC will identify in which states, if any, it proposes to define new service areas at least sixty (60) days prior to publishing those service areas in the Federal Register. At that time, LSC also will notify the relevant state planning bodies of pending service area changes.
- 4) If the LSC state planning team recommends a service area configuration that differs from that proposed by the DSPB, authorized representatives of the DSPB may seek a meeting with LSC's Vice President for Programs to ask for reconsideration. The representatives will be asked to articulate in writing their concerns and objections.
- 5) Upon such a request, the VP for Programs will convene a face-to-face meeting with the authorized representatives of the DSPB. As soon as practical thereafter, the VP for Programs shall advise the DSPB of the service area configuration recommendation to be forwarded to the LSC President. In making the recommendation, the VP for Programs shall be guided by state planners' responsiveness to the enumerated reconfiguration standards; the analysis and recommendations of the LSC state planning team; the articulated concerns of the DSPB; and any other information deemed to be relevant by the VP of Programs.

- 6) If the DSPB is not satisfied with the VP for Programs' recommendation, it may seek a meeting with the LSC President to ask for reconsideration. The DSPB will be asked to provide any additional written information it wishes to be considered to assist the LSC President in fully and fairly entertaining all concerns and objections.
- 7) Upon such a request, the President will convene a face-to-face meeting with the authorized representatives of the DSPB. As soon as practical thereafter, the LSC President will advise the DSPB of the final decision on service area configuration in the affected state or territory. In making the decision, the President shall be guided by state planners' responsiveness to enumerated reconfiguration standards; the analyses and recommendations of the LSC state planning team and the VP for Programs; the articulated concerns of the DSPB; and any other information deemed relevant by the President.

VI. CONCLUSION

Congressional reforms passed in 1996 necessitated a fundamental shift in how LSC apportions federal dollars to legal services providers across the country. The shift to a competitive bidding process, coupled with sizeable reductions in Legal Services Corporation's annual budget, compelled the LSC Board of Directors to adopt a new approach to allocating Congress' annual investment in civil equal justice for the poor. The expectations underlying this new approach have been spelled out in considerable detail in Program Letters issued broadly to the field, and in state-by-state correspondences between LSC's state planning team and various equal justice stakeholders.

In the current climate of scarce resources, LSC must remain committed to pursuing bold new approaches that foster effective legal assistance to low-income clients, including overhauling service areas adjudged to be insufficiently responsive to the tenets of State Planning. In an overwhelming majority of instances, LSC has used the competitive bidding process to forge deeper bonds with its grantees and stakeholders, allowing LSC to serve as an active partner in planting the seeds of comprehensive, integrated state justice communities nationwide. In fact, stakeholders in dozens of states have embraced the new approach fully and reported back enthusiastically on their progress since initiating their own state planning processes.

LSC understands that organizations can be reluctant to embrace major change. LSC also recognizes that opinions may differ as to the most appropriate configuration of service areas, and that grantees and other stakeholders may have a better perspective on how to best serve clients and enhance access in their states. In recognition of these tensions, LSC has worked diligently since 1995 to convey the expectations of the State Planning Initiative and to establish meaningful partnerships with stakeholders aimed at fostering a new symbiosis between the federal provider and recipients of legal services funding. However, if an impasse is ultimately reached in a particular state, it is critical that LSC maintain its statutory right to decide the configuration of service areas in order to foster greater access and service for all eligible low-income clients.

The shift to a competitive bidding process, coupled with sizeable reductions in Legal Services Corporation's annual budget, compelled the LSC Board of Directors to adopt a new approach to allocating Congress' annual investment in civil equal justice for the poor.

ENDNOTES

- ¹ Legal Services Corporation Act of 1974, as amended, § 1004, 42 U.S.C. § 2996c. (2001) (“LSC Act of 1974”).
- ² *Id.* at § 1001, 42 U.S.C. § 2996.
- ³ Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (1996). These new LSC administrative provisions have been incorporated into each LSC appropriation since 1996, subject to some modifications made in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1998, Pub. L. 105-119, 111 Stat. 2440 (1997).
- ⁴ *Id.* at § 504.
- ⁵ *Id.* at § 503.
- ⁶ *Id.* LSC’s current Congressional FY01 appropriation is \$329.3 million. Consolidated Appropriations Act, 2001 Pub. L. No. 106-553, 114 Stat. 2762 (2000).
- ⁷ *Strategic Directions 2000-2005*, page 4, “Programmatic Strategies.”
- ⁸ LSC Act of 1974 at § 1007(a)(3), 42 U.S.C. § 2996f(a)(3).
- ⁹ LSC’s budget was \$400 million, its highest level ever, when the American Bar Association’s (ABA) legal needs study was concluded in 1994. Using a variety of methodologies for estimating the unmet legal need of the poor, several states have since reached conclusions similar to the ABA study, including Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, Nevada, New York, and Virginia. LSC asked for funding to conduct a new national legal needs study in its FY2001 budget request to Congress; however, no funds were allocated for that purpose.
- ¹⁰ The Committee subsequently extended its deadline until September 12, 2001.
- ¹¹ H. Rep. No. 139, 107th Cong., 1st Sess. (2001).
- ¹² The reconfiguration standards spelled out in this Special Report to Congress consolidate information taken from the following previously published LSC sources: *Building State Justice Communities: A State Planning Report from the Legal Services Corporation*, April 2001; Letter to NLADA, CLASP, and PAG, May 1999; Program Letter 98-1; Program Letter 98-6; Program Letter 2000-1; and Program Letter 2001-7. Additionally, LSC’s state planning team has issued numerous other targeted field correspondences to individual states’ stakeholders who have submitted configuration plans adjudged insufficiently responsive to the tenets of State Planning.
- ¹³ On July 19, 2001, prior to Congress’ request for this Report, LSC issued **Program Letter 01-4** (*LSC’s Reconfiguration Review Process*), which implemented a review mechanism by which designated state planning bodies may appeal LSC reconfiguration decisions.
- ¹⁴ LSC Resolution #2001-008, “Resolution Establishing A Task Force To Study and Report on Configuration of Service Areas,” June 30, 2001.

¹⁵ Twenty-seven years ago, our government made a pledge to help ensure that all persons have access to America's civil justice system by enacting legislation that created Legal Services Corporation. LSC has helped millions of low-income citizens solve important, sometimes life-threatening, civil legal problems. Despite the success of LSC and its many contributions to access to justice for low-income Americans, its achievements are overshadowed by the fact that so many in our society continue to suffer injustice and are unable to gain access to our system of justice. Until all members of our society are afforded that access, this promise of our government will continue to be unfulfilled. LSC is committed to promoting a new vision of legal services that will achieve the goal of bringing legal services to those currently denied access to the justice system.

¹⁶ **Program Letter 1995-1** directed LSC recipients to develop plans to stretch scarce federal dollars in the most effective, efficient ways possible. The letter also anticipated the passage of congressional restrictions on the activities of LSC programs, prompting LSC to instruct its programs to forge deeper bonds with other stakeholders, including non-LSC funded programs, state and local bar associations, IOLTA administrators, the judiciary, and client groups. **Program Letter 1995-4** provided a general outline as to the issues and criteria that the state planning process should address. Significant emphasis was placed on the integration of LSC-funded programs into *statewide* legal services delivery systems and the seven central tenets of state planning were identified.

¹⁷ **Program Letter 1998-1**, published on February 12, 1998, called upon all LSC recipients to analyze any progress made toward the development of the legal services model envisioned by state planners. Programs were to evaluate whether all programs were working cohesively to assure that urgent clients needs were being addressed; whether sufficient capacities for training and information-sharing existed; whether programs were moving forward on technology; and whether they were collaborating to increase resources and develop new initiatives to expand the scope of their services. Grantees were also asked to examine whether the existing program configuration was conducive to the most effective state delivery system. Grantees were asked to examine their progress in each of the seven principal areas of State Planning in a manner that included assessing the strengths and weaknesses of the current approach, establishing goals to strengthen and expand services to eligible clients, and determining the major steps yet to be taken and a timetable necessary to achieve those goals. LSC set a deadline of October 1, 1998, for submission of state planning reports.

¹⁸ **Program Letter 1998-6**, published on July 6, 1998, responded to recipient requests for guidance and additional information on what was expected in their state planning reports. It included "State Planning Considerations" designed to address requests for additional information regarding statewide goals, capacities, and approaches recipients should consider in their state planning processes. Program Letter 1998-6 stated that the State Planning Initiative will provide information to aid LSC in exercising its statutory responsibility to "insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas."

¹⁹ As part of the competitive bidding requirement, Congress mandated that current and past LSC recipients may not "be given any preference in the competitive selection process." Omnibus Consolidated Rescissions and Appropriations Act of 1996 § 503(e), Pub. L. No. 104-134, 110 Stat. 1321 (1996).

²⁰ LSC Act of 1974 at § 1007(a)(3), 42 U.S.C. § 2996f(a)(3).

²¹ If no designated state planning body has been recognized by LSC, the state bar and state IOLTA administrators may avail themselves of the Review Process.