

Richard Sloane

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Submitted by anonymous user: [67.133.83.227] Submitted values are:

Your name: Dennis Groenenboom

Your e-mail address: dgroenenboom@iowalaw.org Your phone number: 515-243-2980 x 1620 Your comments:

Thank you for the opportunity to submit comments on the draft LSC Strategic Plan 2012-2016. We applaud LSC and the Board for undertaking this process. We are at a critical stage in the delivery of legal services to low-income Americans and believe that it is critical for LSC to be thoughtful, focused and strategic in this effort. While many aspects of the plan are excellent, these comments will be focused on some of the areas we believe further analysis should be undertaken and in some instances a very different direction taken.

Several aspects of the Draft Strategic Plan focus on development of a variety of national standards. This includes the development of new performance management system that will allow LSC "to measure the performance of grantees fairly, objectively, and effectively." This would include performance standards in metrics, quantitative metrics and revised data collection and analysis process.

As originally envisioned, the Legal Services Corporation was designed to maximize local control over the formation and delivery of legal services in local program service areas. While certainly the national corporation, as a critical funder, has a role to play in ensuring quality and dealing with low performing programs, steps that should be taken in order to fulfill this objective need to be carefully considered and implemented in light of this long-term history of local control. Local programs, through their Boards of Directors are given standards through which to assess needs and establish priorities. Many of LSC's regulations of programs give the parameters for local Boards' exercise of this function, but local Boards necessarily need to have the flexibility to make these decisions based on local needs and the current structure ensures this local decision-making.

LSC should not be setting forth outcome, efficiency and needs assessment metrics that interfere with these local decisions. To the extent that there are indeed issues with the manner in which programs implement their own priorities and deliver services and could be doing so in a more effective manner it is certainly a role for LSC's assistance and guidance. On the other hand development of national standards will most likely result in a one-size fits all approach, which will diminish and/or alter services throughout the country to meet the national metrics. There are a host of other federal policies that can be pointed to as examples of this system of national standards gone awry.

It is also important for the plan to directly recognize the potential impact of any national measurement standards on a program's ability to provide services. While programs could certainly more accurately measure people turned away, it must be recognized that to the extent that resources are directed toward recordkeeping and reports, fewer services are provided. This is seen in many aspects of field program's work including for example, case information disclosure forms; annual self certifications; statement of facts; and signed attestations. The strategic plan should include a goal of reviewing these types of requirements that are placed on programs and undertake steps, whether they be internal within LSC or external such as going to Congress or other sources, to eliminate unnecessary recordkeeping and reporting and streamlining other requirements where possible and appropriate. In fact, it is important to keep in mind that many of the individuals who have supported reduction in funding over the years have, perhaps intentionally, sought to reduce

the ability of programs to focus on delivery of services and instead be required to focus more on administrative requirements that have nothing to do with either quality or accountability.

The Strategic Plan should set forth the framework for reviewing, revising and eliminating unnecessary requirements.

The draft plan seems to focus little attention on the largest issue confronting LSC and its grantees, that being the significant reduction in federal resources. If funding were to be provided at the same level, adjusted for inflation, as was appropriated in 1980, funding would need to be \$1.1 billion. The draft plan seems to suggest that if only there were better measurements and programs were more efficient, current resources would be sufficient to meet client need. The plan should focus specifically on the development of a strategy to increase federal funding. This strategy should focus on building support regardless of who is in political power, as that seems to be the primary factor in determining funding levels, rather than anything related to the delivery of services. The strategic plan should include working in collaboration with supportive organizations to identify and nurture relationships with members of Congress who can become true believers of equal access to justice. There needs to be a commitment to work with both sides of the political aisle. This strategy should incorporate clients themselves and their actual stories of representation as the centerpiece of the Corporation's efforts to increase the understanding of the role that access to the court system plays for the most vulnerable Americans and how this access can work to achieve national goals.

The plan also talks about establishing grantee training, peer support and collaboration programs, management support and other initiatives. The plan needs to specifically take into account the other resources that are available to programs including but not limited to the American Bar Association, National Legal Aid and Defender Association and Management Information Exchange in assessing the proper role of LSC in the larger access to justice community. LSC is but one of the players and the role of all should be taken into account as the Strategic Plan is developed.

Financial incentives for certain "top performing organizations" should not be included as part of the plan. This is a significant departure from the approach that has been taken by LSC, which would jeopardize LSC's commitment to providing an equal amount per poor person throughout the country and could not be implemented without significant harm to LSC's ability to be an overseer of the national distribution system. Also, LSC should not be asking Congress to provide a specific line-item for such a "rewards program" as any such effort would likely come out of basic field or other existing line-items. Raising money privately to reward cost-effective programs also would compete with existing programs and further diminish both LSC's authority as a player in the justice community and divert resources needed to address LSC's core functions.

It certainly is appropriate for LSC to develop tools for identifying programs around the country that need more support and then work to strengthen them.

The plan should include a commitment to develop tools for the evaluation and self-evaluation of programs that face challenges that impede them in the goal of achieving their maximum potential. Based on these evaluations, LSC should work with those programs to develop a strategy to address these challenges and, if necessary, provide financial support to strengthen them from existing discretionary funds.

The plan should also focus more on working to address succession planning issues. The 2011 Summary of LSC Staffing Levels shows that 65% of the Executive Directors nationally have served for 30 years or more, meaning that it is probable that in the next 5 years a sizable number of them will be leaving their leadership positions. That same report shows 50% of Litigation Directors and 50% Deputy Directors as having a tenure of 30 years or more. On page nine of the Draft Strategic Plan there is passing reference to succession planning and the provision of management support, but the plan's overall goal of maximizing availability, quality and effectiveness of legal services programs will be increasingly difficult for programs that are faced with rebuilding their leadership structures. The plan should give higher priority to recognition of the looming leadership changes that were taking place nationally among recipients and as a result it should include a goal of developing strategies for helping programs successfully transition, thereby using this as an opportunity to provide training and support focused on the goal of maximizing the availability, quality and effectiveness of civil legal services.

Finally, the plan also talks about better use of technology to improve delivery. LSC should reevaluate the focus of the Technology Initiatives Grant program to focus more on expanding the availability of proven technological innovation. Replication of successful grant awards in other programs should become the first priority. Getting successful baseline technology to all programs should be a part of LSC's Strategic Plan.

Thank you for the opportunity to submit these comments. For further information or clarification, please feel free to contact me.

Dennis Groenenboom, Executive Director
Iowa Legal Aid
1111 9th Street Suite 230
Des Moines, IA 50314
515.243.2980 x 1620
dgroenenboom@iowalaw.org

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<http://www.lsc.gov/node/2233/submission/2919>