



Legal Aid Resource Development: Celebrating Our Accomplishments and Designing Our Future Success

By Meredith McBurney, Resource Development Consultant to MIE¹

What We Have Accomplished



The history of resource development in legal aid is relatively short — there are a number of us still active who were around when the effort to expand and diversify funding really took off. We can remember when over eighty percent of funding for *all* legal aid programs (not just those that were Legal Services Corporation (LSC) funded) came from the federal government.²

Legal Services Funding 1990

Florida instituted the first Interest on Lawyer Trust Account (IOLTA) program in 1981. With assistance from the American Bar Association and state bar associations throughout the country, IOLTA programs sprang up throughout the country, and by 1990, there were IOLTA programs in every state except Indiana. Also by 1990, legal aid advocates around the country were learning that state legislatures were another strong source of funding for access to justice. These two sources are now the second and third largest sources

of funding for legal aid, and in some states account for more revenue than LSC.³

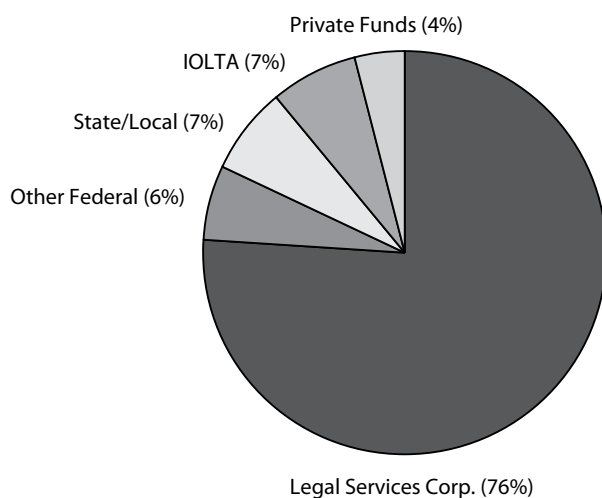
Efforts to increase private fundraising also took off at this time. There was a small but growing group of staff and volunteer leaders who realized that both the amount and diversity of funding needed to increase if we were going to move toward the goal of “justice for all” in this country. As noted elsewhere in this issue of the *MIE Journal*,⁴ Steve Gottlieb, Executive Director of the Atlanta Legal Aid Society, led the effort to start The Fundraising Project, which brought together executive directors and development staff from around the country to support the development of other sources of funding.

We often feel like progress has been way too slow. There have certainly been ups and downs, particularly in LSC and IOLTA funding. However, it is heartening to look at the increased diversification over the twenty years from 2009 to the present (see Figure 1).

Legal Services Funding 2009

If we look at the change in terms of dollars, we can see both the good news and the bad:

Figure 1: Legal Services Funding 1990



Legal Services Funding 2009

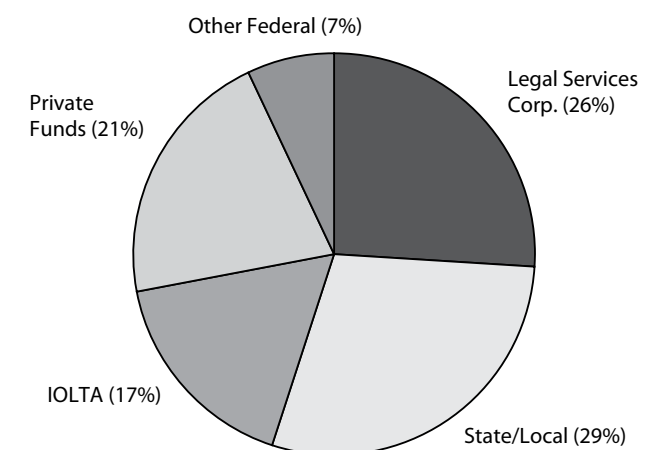
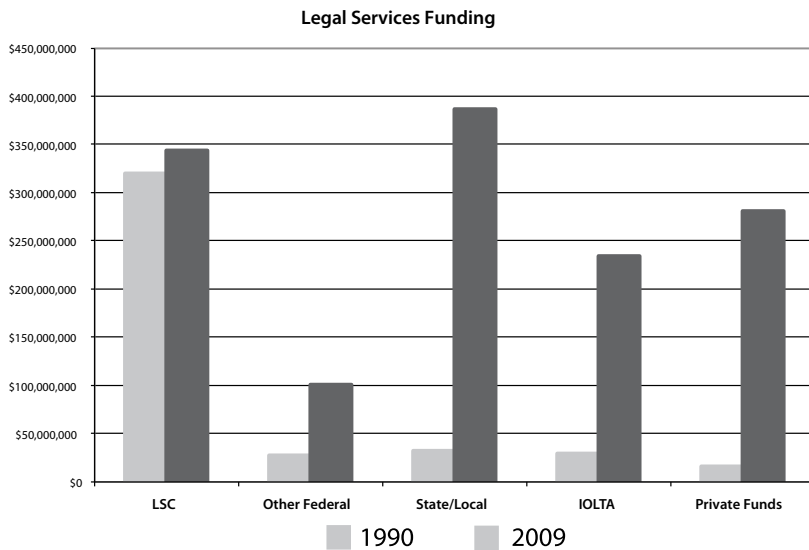


Figure 2: Legal Services Funding Over Time



The bad news, of course, is that the percentage changes are due in part to the stagnant nature of LSC funding, which has barely grown in real dollars over the twenty years and thus has been deeply eroded by inflation. However, there has been major growth in state, IOLTA and private funding — all outstripping inflation.

How Did We Get Here?

Our progress is a story of hard work, perseverance, and a commitment to access to justice that is fairly remarkable. I can remember visiting the editorial page editor of one of Denver’s major newspapers in about 1985, after he had written an editorial that included information about legal aid that was inaccurate. After acknowledging that he had been wrong, he said to me, “It really doesn’t matter, because legal aid is dead.” He believed what he was hearing, in the press and out of Washington, and had no understanding of the power that was the people involved in legal aid.

Here are Things that I Think Have Been Key to Our Survival and Growth

- *Competent people, dedicated to the cause* — This has been our #1 asset from the beginning. And, most of the key steps for future success hinge on having the right people — legal aid staff, bench and bar leaders — actively involved.
- *Learning by doing, the determination to keep trying* — Perhaps the only advantage of major funding set-backs over the years — LSC cuts, IOLTA revenue declines — is that we have been forced to

try new things to survive. Some have worked well, others not so much, but overall we have come through the crises in better shape that we went in.⁵

- *Sharing information* — Staff of legal aid programs throughout the country have a history of sharing so that we avoid “reinventing the wheel.” Since the organizing meeting for The Fundraising Project in 1990, the legal aid fundraising community has been dedicated to sharing ideas and helping others to succeed.
- *Learning from the best models* — With so many programs connected by a national network, we are able to learn from those who have been most successful. And, the most successful among us have been remarkably willing to share their expertise.

A Vision for the Future

We are not resting on our accomplishments — actually, most of us feel that we should have come farther. What is an aspirational but reasonable goal for private resource development, and what are the next broad steps for achieving it?

A Reasonable Goal

The twenty-one percent private funds in the charts above includes money from a variety of sources: attorneys (through lawyer fund drives, bar dues check-offs, required fees to practice law, and *cy pres*); non-attorney individual giving; foundations and corporations; United Way; special events; fellowships; and attorneys’ fees. It is the area in which individual program staff and volunteers have the most control and the most ability to make change in the next few years. We have seen an increase in this broad category of approximately thirty-five percent in the past five years. Although the economy is going to make the next five years more difficult, it seems we could aim for another thirty-five to fifty percent increase.

Next Broad Steps

- Our strength lies with our people — recruiting and retaining the best and giving them the tools they need:
- *Board members and other volunteers* — They must be recruited at least in part for their ability and willingness to lead your program’s efforts to increase revenues.

- *Executive directors* — Executive directors are key to the major successes of our fundraising efforts to date. We have great examples of executive directors who understand fundraising and are deeply involved in it. They hire experienced, capable fundraising staff and then take their advice. We need more current executive directors to learn these skills. Successful fundraising experience should be included in the list of job qualifications for new executive directors.
- *Development staff* — We must hire strong, capable, experienced development people. We must pay them a fair salary and support them so that they stay with our programs for the long haul.
- *Our donors* — We need to view our donors not just as sources of money, but as partners - people who care so deeply about our work that they are willing to invest their resources. As Steve Gottlieb noted in an MIE *Journal* article on what we have learned about fundraising, “People who give money to an organization begin to believe in that organization and the value of its work. They also get other people to believe in it.”⁶
- *Communications* — We need to develop messages that resonate not only with our base (for most programs that means the bench and bar) but also with the general (non-legal) giving community. We need to work with our board members and other volunteers to articulate the message effectively.
- *Training, technical assistance, information* — We at MIE commit to work with you to provide the tools that you need to move forward with your efforts. We will continue to provide training and forums for sharing information and ideas. We hope you will continue to let us know what we can do to help you reach your future resource development goals.

- 1 Meredith McBurney, a consultant since 1997, specializes in resource development for legal services and other advocacy organizations. She serves as a consultant to MIE, working on the design and implementation of MIE’s resource development activities and consulting with individual legal aid programs. She also serves as a consultant to the American Bar Association’s Resource Center for Access to Justice Initiatives. From 1981 to 1997, she was the Executive Director of the Colorado Lawyer Trust Account Foundation and the Legal Aid Foundation of Colorado. Before that, she was the administrator for Colorado Rural Legal Services. Meredith may be reached at meredithmcburney@msn.com.
- 2 Graphs and other data about funding for legal aid were

gathered by the author through her work as resource development consultant for the American Bar Association’s Resource Center for Access to Justice Initiatives, a project of the ABA’s Standing Committee on Legal Aid and Indigent Defendants (SCLAID).

- 3 Eight states receive more state and IOLTA funds than LSC funds, making LSC the 3rd largest funding source in those states. Six other states have more state funds than LSC, and one other state has more IOLTA funding.
- 4 See page 35, this issue, “Twenty Years of MIE’s Fundraising Project Celebrated in Atlanta,” MIE *Journal*, Winter 2010.
- 5 See “Riding the Dragon Coaster,” by Gerry Singsen, MIE *Journal*, Spring 2009, for a detailed account of the crises and our ability to grow.
- 6 “Fundraising: What Have We Learned in the Last 25 Years,” by Steve Gottlieb, MIE *Journal*, Summer 2005.



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