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From the Founders of the Bipartisan Access to Civil Legal Services Caucus
From the Journal Committee

Our Unstoppable March Toward a Fairer Society

As the legal services network and the broader safety net that protect low-income people face their most serious funding threat in more than two decades, legal services leaders confront multiple strategic and managerial challenges. In response, the special feature in this issue provides a blend of historical perspective, practical ideas and inspiration. In that vein, we begin this Journal with a moving tribute to Charlie Hey-Maestre, whose passion for justice for the people of Puerto Rico and beyond, moved all who knew him.

While most of this issue is devoted to addressing the dark clouds on the funding horizon, we also included several other articles that will be useful to legal services leaders. Tanya Pietrkowski and contributing author Delia Coleman remind us that everyone in legal services, including fundraisers, must be much more insistent that we face the structural and cultural problems that prevent us from achieving true diversity. Joshua Goodwin argues that a good legal services manager must understand and employ appropriate technology or risk breaching our ethical duty to serve our clients competently and efficiently. In a review of J.D. Vance’s current bestseller Hillbilly Elegy, Robert Johns points out its relevance to legal services programs in Appalachia and elsewhere.

The first step in handling the looming funding crisis successfully must be to make sure that we understand the historical context — the cyclical nature of attacks on legal services and how our programs have learned to respond effectively. In their special feature articles, Alan Houseman, Victor Geminiani, and Patrick McIntyre provide both a history of legal services in the past five decades and a distillation of lessons learned from the prior threats to LSC funding. The biggest lesson is that our creativity, idealism, and resilience can overcome huge obstacles. As an example of this, Jan May points out that legal services programs transformed the private attorney involvement (PAI) requirement imposed during a prior funding crisis into a set of innovative approaches that expanded services to clients.

The special feature also provides timely ideas for protecting and strengthening our programs. Carol Bergman describes how LSC-funded programs can lawfully and effectively educate their local Congressional delegations about the work they do. Will Ogburn summarizes his nine leadership lessons from rebuilding the National Consumer Law Center after it lost almost all of its funding. His advice is a compelling mix of strategic analysis and down-to-earth observations. In the coming months, the future of LSC funding will be determined by Congress, and Don Saunders of NLADA describes how the coalition that supports LSC will carry out its advocacy. He reminds us that the legal services system is far stronger, more broadly supported, and more skilled in telling our story than we were in the prior dark periods.

Three advocates at Community Legal Services in Philadelphia explain how their program is working collaboratively with many partners to protect their clients’ access to Medicaid and SSI, while also taking important internal steps to address diversity issues and help staff deal with the stress of these difficult days.

The Journal Committee realized that the burden of leading our programs through this challenge would be a heavy additional weight, and an article in this issue speaks to that. Cathy Carr describes in blunt but empathetic terms the difficulty of being a leader who must express optimism and radiate energy when struggling with internal doubts and weariness. Without minimizing the damage that the current crisis may cause, she reminds us that, over the long-term, advocates for justice in our country have made remarkable progress, and that we can have faith that this unstoppable march toward a fairer society will continue to succeed.

By John Tobin, Member
MIE Journal Committee
In Memoriam: Charlie Hey-Maestre (1955–2017)

MIE’s Board of Directors and Staff mourn the passing of our dear colleague and board member Charlie Hey-Maestre, and extend our deep condolences to Charlie’s family and his colleagues in Servicios Legales de Puerto Rico (Puerto Rico Legal Services) and the Fundación Fondo de Acceso a la Justicia (IOLTA Foundation P.R.).

The February 6, 2017 news of Charlie’s sudden death from an aggressive kidney cancer was not only a blow to his family, friends and colleagues in Puerto Rico, the terrible news deeply touched the legal aid community across the country. In the days that followed, the outpouring of profound sadness and heartbreak felt from Los Angeles to New York, Seattle to the Virgin Islands, Chicago to Austin, spoke to just how profoundly he had touched so many of us. We join the national legal aid community in expressing our profound sorrow for the loss of our dear colleague and board member.

Clearly, Charlie was more than a dear friend and colleague — he was at once family and his work, his life, an inspiration. In his gentle, warm and unassuming way, he truly brought light to every room, inspiring us with his humanity, his love and his deep commitment to justice and human rights for the Puerto Rican people and for marginalized communities everywhere. Don Saunders, NLADA’s Vice President of Civil Legal Services, stated “Charlie was simply a wonderful man, driven by a fierce passion for justice, but also blessed with an amazingly warm and welcoming spirit. You could not meet Charlie without instantly feeling that he truly cared about and wanted to know you better...”

All of us who knew Charlie could attest to the deep connection his passion for justice inspired. Felipe Chavana (Essex-Newark Legal Services, NJ) said, “...it is difficult to accept that he has left this world but his light continues to shine. Remarkable how he became the best of family even to those of us who only saw him on occasion. I can’t imagine the sense of loss those who had him in their lives every day must feel.” Dan Glazier (Legal Services of Eastern Missouri) wrote: “My heart is broken. Charlie was such a positive life force. His passion for justice matched his passion for life. Seeing Charlie at NLADA conferences was always such a joy for me. I will miss him as I know we all will. I will carry his indomitable spirit with me.”

Charlie’s humanity, his genuine love of life, his humor, and deep compassion were ever present and made all of us who had the privilege to know and work with him better human beings. Perhaps Silvia Argueta (Legal Aid Foundation of Los Angeles) and Wilhelm Joseph (Maryland Legal Aid) best summed up the respect and admiration Charlie inspired in us. Silvia wrote, “Charlie was a beautiful human being who graced us with his thoughtfulness and fierce commitment to our community;” and Wilhelm simply said he was “a true drum major for justice in Puerto Rico and beyond.”

Charlie is survived by his mother Dora Maestre, his wife Linda Colon, their three children, Sergio, Rebeca, and Ana, and three grandchildren. He is also survived by his colleagues at Servicios Legales de Puerto Rico, the Puerto Rico Access to Justice Commission, and the Fundación Fondo de Acceso a la Justicia (IOLTA Foundation) and the Puerto Rico Civil Rights Institute, both of which he helped found.

Charlie joined the MIE Board in 2010 and quickly became a valuable resource in guiding the work of MIE in its mission to promote excellence in management to ensure high quality advocacy on behalf of low-income people. In addition to the many messages already shared on by our colleagues on the MIE Executive Director’s listserv, we could think of no better homage than to share with you several unpublished elegies and remembrances offered by his “family” in the states:

Justice Sonia Sotomayor, Supreme Court of the United States

Charles Hey-Maestre — Charlie, to me — and I were classmates at Princeton where we developed a close friendship that spanned the years after we
graduated. Charlie was the sweetest man a person could hope to know. He traveled through life with a smile on his face and kindness and compassion for others in his heart. From his time at Princeton, where he led the Acción Puertorriqueña, through his return to Puerto Rico and his service as the Executive Director of Puerto Rico Legal Services, Charlie led by example and chose to dedicate himself to others.

To share just one example of his many kindnesses towards me, Charlie introduced me to José Cabranes. Now he is Judge Cabranes, but at the time José was the General Counsel of Yale and an acknowledged expert on U.S. citizenship and Puerto Rico. During his senior year at Princeton, Charlie stayed on my couch in New Haven, where I was in my first year at Yale Law School. He was hard at work on his senior thesis and had come to town to pick José’s brain. Charlie insisted I come along. After José answered Charlie's questions, the three of us had a lengthy conversation about Puerto Rican relations with the United States. At the end of the conversation, José offered me a summer job, and I gained my first true mentor.

That was Charlie. Where others might have seen a zero sum game and kept the time of a busy, credentialed man to themselves, Charlie saw only a boundless opportunity for two Puerto Rican kids to learn from someone steeped in the issues of our heritage. That day changed the course of my life, and I have Charlie to thank for it.

Ellen Chapnick, Dean for Social Justice Initiatives, Columbia Law School, Frmr. Chair, Board of Directors, Center for Constitutional Rights

I had been looking forward to meeting Charlie for months by the time we both attended our first Center for Constitutional Rights board meeting in 1994. It would be hard for Charlie to live up to what I had heard about his leadership at the Puerto Rican Institute for Civil Rights in the late 80s, where I had been a staff member in 1979, and at the New World Foundation, where I had close friends.

But I never was disappointed. From our first days, it was clear that Charlie brought a much needed clear-headed analysis to the organization. When I became chair of the board a few years later, Charlie was my unofficial co-chair. I depended on his magical ability to develop consensus around practical solutions without sacrificing his principle or his passion for justice.

He was very proud that CCR had advocated on behalf of the Puerto Rican independence movement in cases such as those involving Vieques and Cerro Maravilla and consistently urged us to do more. His articulation of his own experiences with U.S. colonialism, imperialism and racism deepened our discussions and enhanced our work.

Charlie also brought a contagious warmth and humanity to the CCR board — and to me personally. When another CCR board member called me Commandante as a critique of my leadership style, Charlie created the nickname Commandante Mom, which many board members adopted and Charlie continued to call me long after we both left the board.

I am not [able to attend] because I am in Cuba for a work project and some travel with my husband. We have discussed happy memories of brunches and dinners with Charlie on his visits to New York many times over the past few days. And we have toasted him with excellent Cuban rum in each city we visit. I’d like to think that Charlie would approve.

Don Saunders, Vice President, Civil Legal Services National Legal Aid and Defenders Association

So many things stand out to me when I reflect on Charlie. On a personal level, he had such a unique way of caring about everyone around him. As a friend, I loved the chances to discuss the world with Charlie — over a solo beer at the end of a long day...He amazed with his grasp of the issues of the day, whether stateside or at home. His laugh and sense of humor were always barely beneath the surface of any conversation, no matter how serious. That just made Charlie all the more effective as an advocate.

He was the island’s unofficial ambassador. For over a decade, I tried to convince him that bringing either the NLADA or Equal Justice Conference to San Juan was a nonstarter, given the inevitable politics that would surround such a move. He would never, ever accept that answer. Charlie was so proud of the work of his program, and committed to shining a spotlight on such an economically distressed part of the United States, that he would always think of new reasons as to why I was wrong. And you know, with that quiet, persistent way of his, damned if he didn’t convince me that I was.

In a 2012 interview, Charlie spoke from the heart about his work for the 45% of the people of Puerto Rico eligible for legal assistance: “In legal services we are married to the principle of equality to achieve justice, but we are so far from a more complete equality that what we get are small victories. Sometimes it gives courage but,
more than anything, it serves as motivation to continue working.”

That motivation drove Charlie every day of his remarkable career. He has left a legacy and a standard that speaks to us all. And a host of colleagues and friends who will always recall him with love and a smile.

Betty Balli Torres, Executive Director, Texas Access to Justice Foundation; MIE Board

Oddly, I don’t remember meeting Charlie. Somehow, when he entered my life, it was as if he had always been there, an old friend with a warm smile from days gone by. Not only was he your friend, but he made you feel that you were part of his wonderful family and his circle of friends.

At the heart of our friendship was justice, justice for all. We worked together with the Latino Section of NLADA and on the board of MIE. Over the last few years, most of our conversations were centered on his vision to create an IOLTA Program in Puerto Rico. He and his fellow justice travelers were determined to increase justice in Puerto Rico through a new funding stream. He would often say that Bev Groudine at the American Bar Association and I were the “madrinas” of the Puerto Rico IOLTA Program because of how often we talked about implementation. He had a way of making you feel as if you were teaching him, when in fact you were learning from him.

Charlie’s lifelong commitment to justice lives on through his colleagues, his work and his latest accomplishment against all odds—Fondo Acceso a la Justicia, Inc. When Charlie became the Executive Director of the Puerto Rico IOLTA Program, we would often laugh about the fact that he had doubled the membership of the Latino Section of Executive Directors of IOLTA Programs; sadly, Charlie, it now stands at one again. But, as I learned from Charlie, one is enough to change the world around you.

Andrew Scherer, Policy Director, Impact Center for Public Interest Law, New York Law School, Frmr. Director, Legal Services-NYC

What a terrible loss! Charlie was, as we say in New York City, a true “mensch.” He was warm, caring, and a great friend. You knew when Charlie asked you how you were, that he wanted a real answer. He was smart, strategic, politically astute and always a strong voice and force for progressive change.

Charlie and I had somewhat parallel lives. He graduated NYU Law School a few years after me, and became the ED of Servicios Legales de Puerto Rico several years after I had become the ED of Legal Services NYC. We were introduced by a mutual friend when he became ED because she thought he could benefit from my experience. Truth is, I learned from the friendship at least as much as he did. Charlie and I would see each other at national meetings and when he would visit NYC for a meeting of one of the numerous boards he sat on. But there was a vínculo that we had that went far beyond what we had in common. It felt unique, but my hunch is that everyone who related to Charlie felt that same vínculo, because that was so much who he was.

Charlie, amigo, you will be greatly, greatly missed.

Contributed by César Torres, Executive Director, Northwest Justice Project, and Chair, MIE Board of Directors

1 http://mielegalaid.org/about/who
**Poker-Faced — A Puzzle**

**ACROSS**

1. Insult, slangily
2. Actor-Director Woody
3. Sphere of control
4. Debtor's letters
5. Salk vaccine target
6. Better's opposite
7. Form of expression signified by @!#?!?@#?
8. Who lawyers that represent themselves are said to have for clients
9. ___ as nails
10. Needle part
11. Lose legal force automatically on a certain specified date
13. Underwater breathing apparatus
14. Ford and Cooper, e.g.
15. Kiss
16. ___ of Wight
17. '70s dance club
18. Firehouse dog breed
19. ___ Khan
20. Kind of look described by a phrase suggested by the shaded word ladder in this puzzle
21. Place for sweaters?
22. Shrub with large fragrant white or yellow flowers (GRADE A SIN anagram)
23. Freeze over, as a roadway or window
24. Gaelic language
25. Word after "Dutch" or "Slippery"
26. Intelligence, in common parlance
27. TV prize
28. Plaintiff or Petitioner in a legal caption
30. Some berths and dentures
31. Bridges in old movies
32. Dublin's home
33. Horrible
34. Like a romantic evening, maybe
35. Word in many business names: Abbr.
36. Horrible
37. Like some impermanent committees
38. "The Sweetheart of ____ Chi"
39. Lose ground?
40. Some impermanent committees
41. Word in many business names: Abbr.
42. What swiggers take
43. Pre-Revolution leaders
44. Palindromic form of address
45. Chorus stand
46. Yiddishism for no longer functioning

**DOWN**

1. Gossip
2. Part of the Corn Belt
3. Plaintiff or Petitioner in a legal caption
5. Some berths and dentures
6. Bridges in old movies
7. Dublin's home
8. Silent assent
9. True inner self, for Jung
10. Prepare, as onion rings
11. Close-knit group
12. The D.C. 50
13. Covers up
14. Not my error
15. "The ____ Show" (Longtime Comedy Central staple)
16. True inner self, for Jung
17. Foe
18. European coal area
19. “Close, but no ____!”
20. Pre-Revolution leaders
21. Racial epithet, e.g.
22. With 57-Down, where N. and S. Korea are located
23. See 56-Down
24. Words that are frequently altar-ed?
25. High craggy hill

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Thanks to Pat McIntyre, whose puzzles also appear in the New York Times, for this crossword. The solution appears on MIE's website, www.mielegalaid.org, in the Library with this issue of the Journal.
At our 16th annual MIE National Fundraising Conference in Chicago, I led a panel that discussed the fact that more foundations are expecting the nonprofit community to figure out how to increase equity on their boards, staff leadership, and in their programming. The discussion opened a space for participants to talk about the various ways our organizations are not inclusive or equitable. From gender to race, a picture of our industry arose that contradicted the vision of a different world upheld by our organizational missions.

For some of us in legal aid, there is the belief that we already serve a diverse clientele, so we are already preaching to the choir. Yet, when you consider that most of our boards are composed of lawyers (often white and male), we may be missing the boat. In many cases, we also lack inclusion in terms of race, gender, economics and sexual orientation. By omitting people outside of the standard profile of the legal community, we are closing off opportunities for new pools of donors and for increasing the governance, effectiveness, and mission capacity of our organizations.

Perhaps this is why building support outside of the legal community is so difficult. However, if legal aid is going to thrive in this uncertain climate — at a time where more people are representing themselves in court and are at the mercy of a system biased towards those who resemble our lawyers, we have to shift our thinking.

While clear answers are hard to come by, I hope we can begin to examine our field and begin to have meaningful conversations within our organizations and among our boards. The thinking and approach behind addressing implicit bias and equity issues—that we all have space to improve on—is a grave matter of justice and equity.

Fundamentally, justice is an outcome. It is the Golden Rule applied rigorously and impartially, to everyone. The way the world works for people of various levels of social privilege is the way the world should work for those differently situated, regardless of race, gender, class, or other identities. For example, the way the various parts of the legal system work for the typical upper-middle class teenager from a well-to-do suburb is the way the legal system should work for a teenager from the south side of Chicago or anyone else. One way to see equity is to look at it like it is a pathway to achieve justice. Equity, particularly through a racial lens, is situational fairness resulting in the inability to predict advantage or disadvantage by race, improving social and institutional outcomes overall, while closing racial gaps within those outcomes. It requires addressing areas where structural racism exists. It also requires applying differential resources to unequal needs; removing barriers for dissimilarly situated individuals, families, and communities; and treating similarly situated individuals, families, and communities equally.

As we enter a period where basic protections for low income and dissimilarly situated communities are likely to be rolled back, both at the state and federal level, grounding our work and our organizations in justice and equity is even more imperative. Our current political and social reality makes our approach towards addressing the issues of implicit bias and racial equity important and fragile. As fundraisers within organizations with critical missions designed to make our justice system fair and accessible to those communities most affected by structural inequities, we can carry special influence in helping our organizations broaden
their perspectives and scope. What follows are a few suggestions for how we can begin to have these conversations inside our organizations.

First, consider your own life experience to begin to open a line of questioning that asks you to put yourself in your client’s shoes.

In my example, I grew up in a rural town in southeast Georgia in the 1970s as the only Jewish child in my class. I have fond memories of my childhood and still love my hometown. But, there were moments where I was very uncomfortable as an outsider. Religion was one of the most important institutions and building blocks of our community and schools. Every morning our teachers would read a prayer devotional, often with a Christian emphasis. My parents protested and noted the 1963 Supreme Court decision on the separation of church and state in schools (according to my parents’ interpretation) and as a first or second-grader I was sent out of the room into the hallway during the devotionals. As I sat outside, teachers would ask why I was being punished and then I would uncomfortably explain my parents’ position.

There were many occasions where I would talk one-on-one with people regarding my religion and no matter the questions, I was ready to address them openly. However, I knew that I was different and it gave me a sense of being an outsider that helped bring perspective to minority populations. It also gave me a perspective that I didn’t necessarily understand what another person was facing or experiencing.

Second, find a way to identify and confront your own biases. Most recently, I took the Harvard University’s online implicit bias test called Project Implicit. I was surprised to learn that I have a bias favoring men. It gave me an opportunity to take a step back and think about my approach with donors. Am I reaching out to enough women? My agency serves primarily women, do I need to think about changing the language in how I talk about who we serve? Do I need to spend more time cultivating women donors? The recognition of the bias has helped me be more reflective on how to change my approach in thinking about women and women’s issues. These unacknowledged biases have a way of invisibly affecting every interaction we have in our organizations (e.g., from hiring, board recruitment, fundraising and community relations). They also create an assumption of “common sense” when it comes to our decision-making; in reality, these decisions made are the product of biased social conditioning.

Third, engage your funder in this conversation. Philanthropy is beginning to ask questions of its own grantmaking strategies; is it contributing to racial justice, equity, or social change? Organizations like the National Committee for Responsive Philanthropy, American Black Film Festival, the D5 Coalition, the Forum of Regional Associations of Grantmakers, and others have been convening over the past few years to ask these questions and to press for change. Rather than have equity and justice outcomes imposed by a funder, it is more valuable to engage program officers now on how to partner with them in order to build internal capacity to make these changes — which help the foundation meet its own goals. Foundations have access to facilitators, research, and other resources that can help you navigate this path forward.

Lastly, consider how a more explicit and visible justice and equity framework can set you apart from the crowd. With nearly forty legal aid organizations in Chicagoland, my agency has a challenge in differentiating itself and educating community leaders on the breadth of services needed for criminal and civil legal matters. Likewise, community leaders have difficulty knowing what we do and how we are different from others. How could our missions be stronger if there was a stronger understanding of our work, and how can we get there without including representatives from those communities in which we work? One legal aid organization in the city deliberately began to build a small group of clients to engage directly with the organization and the issues they fought for; slowly, over time, this group of community advocates has grown significantly, helped pass legislation, communicated with legislators, and now exists as the visible face of the organization’s mission in the community, thus
increasing its profile. As those community members tell their stories, support for the organization has increased. The biases preventing us from seeing our community members as critical partners in our work prevent us from strategically expanding the reach of our services.

I wrote this piece on the day we honor Dr. Martin Luther King, Jr’s life and legacy. It is fitting we challenge ourselves, our organizations, to live his principles of radical fairness and justice. But in order to fully realize his vision, we also need to look beyond our programs and examine what structural changes we are willing to make after we identify and work to eliminate our biases. Good intentions are nice but changing intention to action, and making them a permanent part of organizational practice is how we match our outsides to our insides.

So, while it seems we need to advocate for issues that we thought were settled long ago, I also believe that we will continue to make change for the better and put Dr. King’s words into practice. As a fundraiser, I will lead the conversation wherever I can and learn in the process.

1 Tanya Pietrkowski is Director of Development at CARPLS Legal Aid in Chicago. She has more than twenty years of fundraising experience at a variety of organizations with the last twelve years spent in the legal arena. Tanya may be reached at TPietrkowski@carpls.org.

Delia Coleman is the Vice President of Strategy and Policy at Forefront. Forefront provides education, advocacy, thought-leadership, and project management, working closely with its members and collaborating with government, business, social enterprises, and other allies. Delia guides and directs the Strategic Initiatives at Forefront, as well as educates policymakers at all levels of government on key issues impacting grant makers and social impact organizations. Delia may be reached at dcoleman@myforefront.org.

How could our missions be stronger if there was a stronger understanding of our work, and how can we get there without including representatives from those communities in which we work?
Managing attorneys play a critical role in legal services programs. While details of their job description may vary between programs, managing attorneys are usually the direct supervisors of front-line staff attorneys. Within my program as well as some other programs, they also carry a sizeable caseload.

Managing attorneys also teach new legal services attorneys what it means to work in legal services, and often, how to practice law.

Because of these responsibilities, managing attorneys have a strong influence on the direction and health of a program. It is therefore important to choose managing attorneys with care. The wrong person can negatively impact the entire program.

Among other things, the right person must be a good attorney, a good manager, and a good leader. This article focuses on one aspect of what it takes to be a good attorney, manager, and leader: an understanding of technology. Successful managing attorneys must understand the technology available to them, must use it, must stay up to date with it, and must ensure their staff uses it.

**Good Attorneys Must Understand Technology**

We can argue about the pros and cons the technological changes of the last fifteen years have had on society writ large and the practice of law specifically. But there can be no argument that those impacts have been dramatic. Regardless of your thoughts on those impacts, they must be taken into consideration in the practice of law.

Most rules of professional responsibility require attorneys to act with a minimum level of competency. In 2012, the ABA amended Comment 8 to Model Rule 1.1 to encompass technology competency: “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology...”

A 2014 article in the American Bar Association Journal recounted a discussion between three federal court judges. The topic was the impact of technology on the legal profession. The article began: “Federal judges are becoming much more sophisticated about technology—and they’re growing increasingly impatient with attorneys who are failing to keep up.”

The title to a 2012 Lawyerist post made the point even more stridently:

“Luddite Lawyers Are Ethical Violations Waiting To Happen?” As that post notes, “Technology is an unavoidable part of practicing law”.

To satisfy our ethical responsibilities, attorneys must have a base level of technology competency. Such competency is required for any type of litigation where electronic discovery is at issue. Protection of client data now requires basic technology competency. The ability to conduct research on social media sites and through Google is now a must.

I would argue that in the legal services context technology is even more important than in private practice. We expect our attorneys produce high quality legal work while helping what seems to be an ever-increasing number of clients. Technology provides the tools to make this possible.

Document assembly programs enable legal services attorneys as well as support staff to produce high quality legal work without wasting time typing the client’s name for the tenth time on the same document. In addition to saving time, it ensures accuracy as it reduces the likelihood of typos or accidentally forgetting an important argument or sentence. It eliminates the silly errors that occur when copying and pasting from old pleadings like not removing the old client’s name every time it is used or forgetting to change the gender or number of pronouns. It also results in uniform looking documents, adding to the professional look of the program’s work.

An example of filing a divorce in Ohio illustrates...
how document assembly helps. If your client has children, you might need to file six or seven separate documents with your initial divorce filing. Between those documents, there are several elements common to each document such as the party’s names, dates of marriage, the court, the name of the attorney representing the client, etc.

Are you more likely to make a typo if you must spell the client’s name once or ten times? Is it easier to type the name of the court at the top of seven different documents or simply click a radio button on a template that automatically does that for you? Is it faster to type the attorney’s name and bar registration information at the bottom of every document or just choose the attorney’s name from a list and let the template insert it for you? Wouldn’t it be better if a template could automatically ensure that all the pronouns were properly gendered and numbered without the need to manually check each pronoun?

Now, let’s assume that using the divorce template saves fifteen minutes, which I suspect is grossly under-selling the time savings. If your office files thirty-two divorces per year, that means one document assembly template has just found you an extra day of time each year. And those thirty-two divorces are going to be uniform, contain all the necessary information, and will be less likely to contain errors. Moreover, that time not spent typing or doing word processing can be spent helping more clients or spent doing higher level legal tasks.

That is just one template. The savings increase as you add templates that help prepare other pleadings and forms.

The bottom line is that technology in the profession is not a fad or something that just the kids are playing with. Instead, the ability to understand and use technology is now part of our professional responsibilities. And within the legal services context, it can help provide better, faster services to more clients. This is why good attorneys must understand and use technology.

**Good Managers Must Understand Technology**

Being a manager is clearly a part of a managing attorney’s job. Part of a manager’s role is to ensure that those being managed are providing high quality legal representation and prudently using the program’s resources. Put more succinctly, it is to ensure staff are good attorneys and do not waste resources.

As shown above, being a good attorney requires understanding technology. A managing attorney who does not understand technology will struggle to know whether the staff understands it properly. That manager will also struggle to know whether the staff adequately uses technology to satisfy their ethical obligations.

Expanding on the title of the Lawyerist post, if a luddite lawyer is an ethical violation waiting to happen, what is a team of lawyers managed by a luddite?

Additionally, part of the manager’s job is to ensure that the program’s scarce resources are used wisely. Time is one of the program’s most precious resources. But not all time is created equal. Programs seek to maximize the time staff attorneys spend doing legal work as opposed to word processing. As shown above, document assembly templates save time in general and make more time available for actual legal work. If a managing attorney’s office is not using document assembly templates, then that manager is letting his office waste the program’s precious resources.

A managing attorney who is unfamiliar with technology will be unable to identify these problems let alone address them. This is why an understanding of technology is necessary to be a good manager.

**Good Leaders Must Understand Technology**

There are countless articles on the difference between a manager and a leader. To me, the manager gets things done by telling people what to do while the leader does it by inspiring people to do what needs done. Effective managing attorneys must be both good managers and good leaders.

One resource on leadership that I visit repeatedly is the Army Leadership Manual FM 22-100 from 1999.4 It defines leadership as “influencing people—by providing purpose, direction, and motivation—while operating to accomplish the mission and improving the organization.”

In our organization and in many others as well, managing attorneys not only supervise other attorneys, but they carry a sizeable caseload. In terms of the Army Leadership Manual, these managing attorneys are direct leaders as opposed to organizational or strategic leaders.

As a direct leader, the managing attorney must be competent and know how to be a good attorney. Otherwise, subordinates will not be inspired or want to follow. That manager might be able to tell staff what to do, but staff attorneys will not follow or be inspired by an incompetent.

The Army Leadership Manual sets forth what direct leaders must do with respect to new technology and equipment. “Direct leaders know how to operate their equipment and make sure their people do as well.
They set the example with a hands-on approach. When new equipment arrives, direct leaders find out how it works, learn how to use it themselves, and train their subordinates to do the same.6

Good leaders are the first to learn new equipment because, as the Army Leadership Manual states, “Subordinates expect their first-line leaders to know their equipment and be experts in all the applicable technical skills.”7 Good leaders know that this is what is expected. They know that failure to meet this expectation will diminish their ability to inspire and influence.

This concept applies in a legal services program with the same force it applies in the Army. For example, when the law changes, we expect our managing attorneys to be aware of the change, apply the change to their practice, and teach the change to the rest of the team. When program policies change, we expect our managing attorneys to fully understand the change and implement it in their offices or teams.

We must have the same expectation of managing attorneys when the tools available to do the job change. Yet, I suspect there are programs out there that allow managing attorneys to ignore upgrades and changes in technology. Worse, there are some programs where managing attorneys openly talk about how they find little value in technologies that can make the practice easier, more efficient, and more accurate. This is the exact opposite of what a good leader does and should not be acceptable.

Negative attitudes toward technology tend to spread to the other attorneys in the office. If the team leader does not think that technology is worth learning, it is unrealistic to expect the rest of the team to feel different. It is unrealistic to expect staff attorneys to take time to learn new technologies if the managing attorney is unwilling to do the same.

Thus, to be a good leader, managing attorneys must have a positive attitude towards all of the tools available to them. They must know how to use those tools. They must help their subordinates learn to use those tools. Anything less is an abdication of their responsibilities as managing attorneys.

What Does This All Mean

Let me be clear: I am not suggesting that technology is replacing attorneys. Nor am I suggesting that technology is THE most important thing for a managing attorney to understand. Instead, I am suggesting that understanding and using the technological tools available in a program are A necessary and important part of a managing attorney’s job.

Before hiring new managing attorneys, programs should ensure that the candidate has a base level of technological competence and a willingness to learn new technologies as they become available. A failure to possess these traits should disqualify the candidate from consideration.

Similarly, a program’s current managing attorneys should also possess these traits. Some managing attorneys may resist new technologies, claiming they were taught the practice of law prior to the technological explosion we’ve witnessed in the last fifteen years. We expect our managing attorneys to keep abreast with changes in the law. It is neither unreasonable nor unfair to expect them to also keep abreast with changes in how the law is practiced.

If current managing attorneys lack these skills but are willing to learn, then programs should spend resources on teaching them those skills. If they are unwilling to learn, then I submit they cannot satisfactorily perform the job of managing attorney. If a newly hired staff attorney simply refused to learn, would you keep him or her?

I have mentioned this idea of technological competence, but I have not yet defined what I mean. My list of skills for what it means to be technologically competent is as follows, though I expect others would have longer or shorter lists:

1. An understanding of how to use Microsoft Word, including at least the ability to create tables, manipulate margins, manage page numbers, format headers and footers, use automatic numbering, and quick parts/autocorrects/auto texts. Ideally, it would also include the use of styles and the ability to create a tables of contents and authorities.7
2. An understanding of how to use an email client like Outlook.
3. A basic understanding of how “cloud” storage works and the potential security concerns it might raise.
5. An understanding of how to make use of automated documents via programs such as HotDocs.
6. A thorough understanding of how to use the program’s case management system, including the ability to create custom reports if that feature is included.

Except for the ability to create tables of contents and tables of authorities, all managing attorneys should
be competent and comfortable doing all the above. It is not enough for managing attorneys to simply know that these skills and tools exist. As direct leaders, managing attorneys must lead by example. If the managing attorney does not possess these skills, it decreases the likelihood that their team or office will learn them.8

How is a managing attorney to acquire these skills if they do not already have them? Fortunately, there are multiple resources designed to help learn the skills identified above.

First, the Legal Services National Technology Assistance Project (“LSNTAP”) is a fabulous resource. It can be found at https://lsntap.org/, and it is full of useful trainings and articles on many technology topics. Additionally, YouTube has numerous resources on these topics. There are various online trainings available. There are multiple books out there if that is your preferred learning method. A quick search of Google will reveal a seemingly endless list of sites on how to master these skills.

Additionally, offices can engage in group learning sessions put on by staff in the office that already have those skills. For example, I recently held a 45-minute training on a relatively new application for our office: OneDrive. I walked our office through how to use it, everyone asked questions, and afterwards, multiple people started sharing documents and using it on their own. Our next training will be on OneNote, and I will be asking one of our newer attorneys to show us how she uses it because she is probably the most sophisticated user in the office. We will rotate through the group, asking everyone to pick a task or item, become familiar with it, and present to the group.

**Conclusion**

This is an exciting time to be a legal services attorney. The tools available allow us to be more efficient than ever and therefore to help more people than previously possible. But to do so, programs must make the adoption of technology mandatory. The only way to reap the benefits technology offers is to have managing attorneys that embrace these tools and ensure their staff uses them.

1 Joshua Goodwin is the Managing Attorney of the Chillicothe office of Southeastern Ohio Legal Services (SEOLS). He graduated from Vanderbilt University Law School in 2006 and has been with SEOLS since 2008. Joshua is a generalist attorney and handles family law, consumer, housing, and public benefits cases in Ohio’s state and federal courts. Additionally, he is a programmer and is constantly looking for ways to improve his office’s practice through the use of technology. Joshua may be reached at jgoodwin@oslsa.org.

2 http://www.abajournal.com/magazine/article/catch_up_with_tech_or_lose_your_career_judges_warn_lawyers/

3 https://lawyerist.com/71071/luddite-lawyers-ethical-violations-waiting-happen/

4 There have been updates since then and it existed prior 1999; however, the first version I read happened to be the 1999 version, and as a result, I have a special fondness for it.

5 Army Leadership manual, FM 22-100 (1999), page 1-4


7 *id*.

8 In offices where there are adequate support staff, the ability to create tables of authorities and tables of contents may not be as critical for attorneys to know; however, even some of the best support staff in our program have questions on these aspects of our word processing application.

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I would argue that in the legal services context technology is even more important than in private practice. We expect our attorneys produce high quality legal work while helping what seems to be an ever-increasing number of clients. Technology provides the tools to make this possible.
J.D. Vance's *Hillbilly Elegy* is both a personal rags to riches story and a commentary on the current state of white working class Americans with ties to Appalachia, a group that overwhelmingly supported Donald Trump in the 2016 election. Though this work is not an academic study, his personal story about overcoming poverty and dysfunction to graduate from Yale Law School is interspersed with sociological information from other sources and his own personal observations. While one may not agree with all of his analysis about the white working class, this book is a valuable and thought-provoking addition to the discourse about why the American Dream seems so unattainable for so many.

Vance's memoir is an enjoyable, but disturbing read. His family was a band of fierce and foul-mouthed hillbillies ready to kill for hillbilly honor. To him, they were not bad; they were just “a ragtag band of hillbillies struggling to find their way.” They were a colorful bunch, and his stories about growing up are engrossing. He overcame many challenges to make it, but most kids like him never realize the American Dream. Vance explores why that is, and, in doing so, he paints a dire picture of the white working class and their prospects. For Vance, this book is a wake-up call to the white working class.

While some of Vance's analysis is debatable, there is no question that the white working class is in crisis.

Vance grew up in Middletown, Ohio, an industrial city not far from Dayton. His grandparents (Mamaw and Papaw) had moved there in the 1940s from Appalachian Kentucky after they married. They were part of the second major wave of migration from Appalachia to the industrial Midwest. Millions of people traveled the “hillbilly highway” from Kentucky, Tennessee, and West Virginia in search of more economic opportunity. Those who moved generally did better financially, but they could not escape their culture.

Though he grew up in Ohio, Vance always felt that his home was the “holler” in Jackson, Kentucky, where he spent summers and other times during his childhood. His understanding was that Mamaw and Papaw had moved for economic opportunity, but he later found out that part of the reason for the move was that Mamaw was pregnant at fourteen. Mamaw and Papaw ended up having three children. Papaw worked at a steel mill and provided a decent living for the family. However, as children themselves cut off from family in Kentucky, Mamaw and Papaw struggled with raising their family. Papaw drank, and Mamaw and Papaw fought violently. Despite the dysfunction that their children experienced, two of the children did reasonably well in life. The exception was Vance's mother Bev.

Bev battled mental illness and alcohol and drug addiction. She married five times, and Vance described a revolving door of father figures. They moved often, and home life was generally unstable and violent. His biological father agreed to allow him to be adopted by one of his mother's other husbands when he was six. He faced chaos and dysfunction. The only stability in his life was provided by Mamaw and Papaw.

Papaw had quit drinking, and he and Mamaw tried to repair the damage they caused to their kids. They tried to make up for Bev's inadequacies by helping Vance and his half-sister Lindsay. They were a constant presence in Vance's life. For most of his childhood, they
lived close by, and he spent a great deal of time with them. Neither was educated, but they both wanted more for their children and grandchildren. They encouraged Vance to do well academically. Mamaw got Vance a library card, and Papaw helped Vance with his math. They tried to instill in him their belief in hard work. They wanted him to make a living with his mind and not his hands.

While living with the commotion of his mother’s problems, Vance did poorly in school and was close to dropping out. Papaw had passed away when Vance was thirteen. After his mother requested a urine sample from Vance to help her pass a drug test for work, Mamaw had enough and had Vance live with her permanently for his 10th, 11th, and 12th grade years in high school. Vance flourished in his first opportunity at a stable life. He knew where he would be living, and he did well in school. He considered college, but he thought he might not be ready. He decided to join the Marines instead at the suggestion of a cousin.

The Marines changed Vance in various ways. He learned discipline and leadership. He learned how to eat better and became more physically fit. Most importantly, the Marines helped him get rid of the idea that people like him weren’t good enough. When he left the Marines, Vance enrolled at Ohio State. He did well and graduated early. He wanted to go to law school and was accepted at Yale. He held his own at Yale and met his future wife there. His upbringing complicated his relationship, and he struggled with feeling out of place as he climbed social classes. But he made it despite the odds.

Why did he make it while so many others like him do not? Vance says he made it because of many variables that fell in place, the most important of which was Mamaw and Papaw’s constant presence. He also had some other good role models including other family members and teachers. He was rescued by loving people. Most like him are never rescued.

According to Vance, the white working class is angry, cynical, and pessimistic. They are the most pessimistic group in America. Though they want to blame others for their problems, he believes most are self-inflicted. They suffer from learned helplessness and believe their decisions do not matter. Trump successfully tapped into this anger and promised more jobs and economic opportunity. Vance, however, says that economic opportunity is only part of the story. He says this is a complicated crisis of family, faith, and culture that more jobs alone will not solve. Across Appalachia, towns like Jackson, Kentucky, are in decline; drugs, laziness, health problems like “Mountain Dew mouth” and obesity, reduced life expectancy, bad schools, and families in crisis are devastating the communities. Hillbillies are responding to bad circumstances in the worst possible ways. Hillbillies are failing their children.

Vance is a self-described conservative. He sees only a limited role for government in this crisis. He makes some misguided comments about people gaming the welfare system and food stamp recipients buying T-bone steaks. However, he does recognize the need for government programs like Section 8, and he acknowledges the importance that government programs like the Pell Grant, student loans, and Mamaw’s Social Security played in his life. While he thinks that government can play a limited role in crafting helpful public policy, the primary solution lies with individuals and the community at large. He exhorts hillbillies to “wake the hell up.” According to Vance, poor kids need to be empowered with a sense that they control their own destiny and provided with access to supportive people and institutions like churches that teach about family and purpose. Instead of blaming others like Obama or Bush or faceless companies, Vance believes hillbillies need to take responsibility for how their actions have affected their children and ask how they can make things better. They need to face the truth. Hillbillies need to do better at home to create a space for kids like him to have a chance.

While some of Vance’s analysis is debatable, there is no question that the white working class is in crisis. I was not born in Appalachia, but I have lived and worked in the region, first in Ohio and now Kentucky, for the last twenty years. People are suffering here, and their prospects for successful lives are limited. Vance asks questions and raises issues that we in the legal aid community should be pondering as we try to fight poverty and improve the lives of our clients.

1 Robert Johns has been the executive director of the Appalachian Research and Defense Fund of Kentucky, Inc. (AppalReD) since January 2015. AppalReD serves the poor and vulnerable in thirty-seven counties in eastern and south central Kentucky. He previously worked as the managing attorney of the Steubenville office of Southeastern Ohio Legal Services. Robert may be reached at robertj@ardfky.org.
For the third time in its forty-three-year history, it appears that the Legal Services Corporation (LSC) will be faced with a challenge to its very existence from political forces that have been ideologically opposed to the concept of federally funded legal assistance since its inception. This article will summarize the nature of the challenge to LSC and what is being done to ensure that federal support for the critical work of legal services programs across the nation is maintained.

The huge arcs of the political pendulum swings affecting legal services in the United States have become ingrained in the professional DNA of long-time civil justice advocates: the creation of the OEO Legal Services Program — followed by the attempts to dismantle it by the Nixon Administration; the passage of the LSC Act and the excitement of the Carter expansion years (with Hillary Clinton as LSC board chair) — abruptly leading to the threat of the Reagan elimination effort in 1981; the restorative years of Bush 41 flowing into the support of the Clinton administration (yes, Hillary again); Speaker Gingrich’s effort in 1996 to eliminate LSC in the Contract with America — followed by a real growth and maturity of LSC as an established institution of American justice under the Bush 43 and Obama Administrations.

And now, for many, we are coming to grips with the results of the November 8 election, when a significant segment of our community had anticipated seeing the pendulum swing full circle with the election of Hillary Clinton as president. As a friend of mine recently suggested, though the election turned on fewer votes than the number of people attending the Rose Bowl this year, the outcome could not have held more stark consequences — such as the proposal to eliminate LSC.

For a program receiving such a small expenditure of federal resources over those forty-three years, one can scarcely believe the degree to which the pendulum continues to swing around the issue of providing simple justice for the disadvantaged in our society. Or that we once again face initiatives aimed at eliminating LSC — the embodiment of the concept of access to civil representation and fairness in the United States, now institutionalized throughout America as an integral part of our system of justice.

LSC sadly remains a consistent target of ideological attacks from groups like the Heritage Foundation, attacks that ignore the remarkable contributions provided every day by legal services programs across the nation. LSC program staff are understandably worried that the political deck might be stacked against them, particularly the thousands of remarkable younger advocates to whom the challenges of the past are only anecdotally captured by apocryphal tales of the “early 80s struggle.” If this must be another fight for LSC, it is those new leaders who have the biggest stake in it, as they own the future.

I deeply believe that future will be a bright one. Undoubtedly, strong forces are aligned on the side of eliminating LSC funding. However, our community has learned much from the past. We are considerably better situated to make the case for a federal commitment to LSC than we were in either the Reagan or the Gingrich challenges. There are many reasons to maintain hope and optimism, which I will try to summarize below.

The Challenge

The nomination and confirmation on February 16 of Mick Mulvaney as director of the Office of Management and Budget (OMB) was a clear statement from the Trump Administration of its intention to take a harshly negative stance on discretionary domestic programs in the budgeting process. Mulvaney, who
in the past advocated for the elimination of LSC as a member of the House of Representatives, has been one of the most outspoken voices in the Congress on cutting spending and balancing the federal budget.

Both Mulvaney and Vice President Pence have led the Republican Study Committee (RSC), a caucus of conservatives in the House that now includes 70% of House Republicans. In the past, the RSC has been a major proponent of the annual Heritage Foundation's Blueprint for Balance, a proposal which has for years called for the elimination of a large number of federal programs, including LSC. Additionally, the Heritage Foundation imprint on the budgeting process of the new administration was confirmed when the Trump transition team for OMB was led by two Heritage stalwarts, former attorney General Ed Meese, who directed the Reagan effort to eliminate LSC, and Paul Winfree, director of the Heritage Foundation's Institute for Economic Policy.

Indeed the Mulvaney confirmation signaled a direct attack on the existence of LSC by the new administration. On March 16, OMB sent an FY 2018 budget outline to Congress that included the elimination of LSC. NLADA and a number of other organizations issued strong statements in opposition immediately upon the Trump budget recommendation.

The Process

Writing on March 17 makes it difficult to capture exactly the timing of events going forward. The most likely scenario includes:

**FY 2017**

Congress must finalize FY 2017 funding prior to the expiration on April 28 of the current continuing resolution covering this year’s appropriation. The March 16 administration budget announcement indicated the intent of the administration to increase military spending by $54 billion by essentially cutting discretionary domestic accounts by the same amount. Obviously such a proposal would be devastating to a host of critically important federal domestic programs. The immediate response to the proposal on the Hill was lukewarm, at best. Most importantly, the budget request applies to FY 2018. It is not in reference to the current year’s appropriations bills. Those bills were developed pursuant to a two-year budget agreement between the House and Senate reached in the fall of 2015.

Republican leadership in both the House and Senate have indicated to appropriators that they can begin negotiations on each of the remaining eleven spending bills that are pending before Congress. At least at this point, appropriators are expressing optimism that they can work each bill out individually prior to April 28. However, with Mulvaney’s late confirmation and the burden of other business before the Congress, chances are that bills would have to be grouped in packages to assure final passage on the floors of both houses; or that the continuing resolution could end up being extended through the end of the federal fiscal year. A distinct possibility remains in either scenario that across the board cuts could be applied that would affect federal discretionary funding for programs such as LSC. However, I do not anticipate at this point that LSC will be singled out for any cuts beyond the across-the-board reductions in the final FY 2017.

**FY 2018**

The real fight over elimination or deep cuts for LSC will likely play out over the appropriations process for the next fiscal year. That process will begin in earnest with the OMB budget request from the administration. As mentioned above, OMB has already indicated the administration’s intent to seek the elimination of LSC in its FY 2018 budget request.

The submission of the Trump budget is simply the first step in what is likely to be a long and arduous fight over federal spending priorities in the Congress. Most observers expect a heated battle in May on the budget resolutions that set overall spending goals for domestic and military spending for FY 2018. Some conservative Republican budget hawks are unhappy over any spending plan that does not address the federal deficit. The Democrats will strenuously fight any budget resolution that decimates discretionary domestic programs. Remember that the Trump budget is just the first step in the process. Congress will make the ultimate decision through the budget and appropriations processes about the future of LSC funding. While we certainly anticipate that Congress will implement cuts in domestic programs for FY 2018 and beyond, it is not at all clear that the extreme Trump budget that could cut $54 billion from discretionary programs will be accepted by a majority of Congress.

Once (if) a budget agreement is reached, appropriations committees will begin considering the twelve appropriations bills that fund the country’s non-entitlement programs. Congress has not been able to complete those bills prior to the end of the federal fiscal year since 1996. Why would a year in which such sweeping and controversial measures are being
promoted be the year to break that trend? We are likely in for a long, and very contentious, legislative season. Mixed in with the appropriations bills will be an effort to reform the health care system, a second reconciliation bill that will address a number of priorities contained in Speaker Ryan’s budget, and a host of other time consuming matters that will be considered in the first session of the 115th Congress.

In past fights, authorization measures challenging the existing LSC Act were considered along with efforts to cut or eliminate funding for LSC. While similar legislation could certainly be introduced again, as Senator Orrin Hatch (R-UT) indicated in a recent article in the Hill newspaper on the proposal to eliminate LSC: “I think that would be a hard thing to do. Even if you wanted to do that, you couldn’t get it through the Senate.”

Top Ten Reasons to Be Optimistic

1. The strength of our message. The best assets we have in this fight are the thousands of legal services program lawyers, paraprofessionals, and clients who strive every day to breathe life into our democracy’s promise of Equal Justice under Law. The client stories unmistakably illustrate why the federal government must invest in civil legal services. Without federal support, rural areas across America would lose any semblance of access to justice; victims of family violence would go unprotected; survivors of natural disasters would have nowhere to turn; and our veteran heroes would lose one of the most effective interventions they have in rebuilding their lives.

2. The strong, bipartisan support that exists for LSC. Republican support in the Congress and throughout the legal community was essential to the 1981 and 1996 successful fights over LSC. A sample honor roll of heroes of those challenges with an R beside their name would include: Senators Warren Rudman and Pete Domenici; Representatives John Erlenborn, Jim Ramstad, and John Fox in the House; Bill McCalpin, John Robb, Justice Lewis Powell, and Dick Pogue, just to name a few, among the bench and bar.

In the current Congress, Representative Susan Brooks (R-IN) is leading an effort to recruit House Republicans into the Access to Civil Legal Services Caucus.4

The support on the Democratic side of the aisle is far too deep to begin to single out. Growing numbers of Republicans have voted against eliminating or cutting LSC in the last two sessions of Congress. There is also significant Republican support for LSC in the Senate. And, keep in mind, with a 52–48 split in the Senate, Democrats will be heard on measures that require a 60-vote filibuster proof margin. Republican leaders like Chief Justice Nathan Hecht and Harriet Miers from Texas are just two of a large number of leaders who prove that equal justice is not a partisan matter, keeping true to the tradition of Bill McCalpin or John Robb from past challenges.

3. Civil legal services is an integral part of the justice system. Federally funded legal services programs have been around now for over fifty years. Old ideological battles the Heritage Foundation and other LSC opponents drag up today do not reflect the maturity and reality of current civil legal services practice. Legal services funded program staff work closely with the courts, judiciary and local bar leaders to address the enormous gaps in affordable representation, including the ever-expanding need for assistance to pro se litigants. The Conference of Chief Justices has already weighed in with a letter to OMB director Mulvaney in opposition to the New York Times report of the administration’s position on LSC.5

Thirty-seven states, plus D.C. and the Virgin Islands, have established Access to Justice Commissions, an idea that arose after the last congressional LSC fight in 1996. These commissions bring to the table a wide, bipartisan array of judges, bar and business leaders, legislators, clients and others who are deeply committed to a strong civil legal aid system, and willing to work to educate federal officials on behalf of civil legal services funding.

4. Pro Bono. We might not say it enough, but the $46 million+ of the LSC appropriation that goes directly to support pro bono efforts provides the essential infrastructure that makes the millions of hours of service by the private bar possible. Law firms and in-house counsel will be among the first to underscore that fact.

5. LSC itself. The national administration of LSC, under the leadership of John Levi and Jim Sandman, has done a remarkable job of creating credibility on the Hill and increasing the visibility of the work of its grantees across a broad spectrum of the general public. Every member of the board of directors, Republicans and Democrats alike, has worked tirelessly to convey the positive message of civil legal services to the decision makers that count. The LSC Leaders Council has brought forth a high profile, bipartisan list of voices

continued from page 17
stressing the importance of LSC’s work from a number of sectors not normally thought to care about our work.  

6. **A strong DC presence.** NLADA is fully committed to taking every step possible to ensure that key members of Congress, both Republicans and Democrats, understand the value of LSC to our system of government. Our staff is experienced in past challenges and focused on the work that needs to be done.

We are happy to welcome back on a part-time, volunteer basis two former colleagues who were stalwarts in past challenges — Julie Clark, NLADA’s former VP of Strategic Alliances, and Alan Houseman, former director of CLASP. We are also recruiting law firms to assist with the significant lobbying effort that we are undertaking.

The American Bar Association (ABA) continues to be an indispensable partner in this effort, providing a deep commitment of time and resources to the fight. The ABA has been essential to the success of past fights, and has already been working overtime to address the new challenges, both through its network of volunteer bar leaders and from the top level of governmental affairs and legal services division staff.

7. **Corporate and business support.** During the last two sessions of Congress, a key part of NLADA’s educational effort has been the transmittal of a letter to congressional leaders from our Corporate Advisory Committee (CAC) including the signatures from the general counsel of some of the largest companies in the United States in support of the LSC appropriation. Currently John Schultz, chair of the CAC and general counsel of Hewlett Packard Enterprise, is coordinating an effort in response to the huge interest among general counsels in support of LSC funding. We are working with the Association of Corporate Counsel, the Pro Bono Institute, the ABA, and the Association of Pro Bono Counsel (APBCo) to maximize the corporate bar’s participation in the campaign to save LSC funding.

8. **Law firm support.** Many of the largest law firms in the United States are already actively engaged in expressing their support for LSC at the highest levels of government. Under the leadership of the managing partners of Skadden, Akin, Dentons, Seaforth, Latham and Paul Weiss, over 130 firms have joined the effort to educate critical decision makers about the value of LSC to our justice system.

9. **Allied groups.** Many groups have been in touch wondering how they can be of help in communicating their support for LSC. They cover the spectrum of organizations that care about access to justice issues. We have heard from groups representing the interests of veterans, senior citizens, victims of domestic violence or sexual assault, rural Americans, consumers, employees, and many, many others. The faith community has also expressed an interest in supporting LSC. I am confident, as word of the challenge spreads, that more and more groups will want to be heard.

Voices for Civil Justice is continuing its fine work of developing and placing media coverage of the critical work that civil legal services programs do every day to strengthen our communities. Press and media coverage are becoming increasingly important as more and more outlets are picking up the story of anticipated attacks on LSC.

10. **Energy.** Many of the points above capture the greatest silver lining in a direct attack on the values of justice and fairness inherent in the creation of LSC — the tremendous outpouring of interest and commitment to fight back across a broad range of sectors. We are hearing daily from many law firms, business leaders and other individuals and organizations that want to know what they can do to educate policy makers about how vital LSC funding is to their communities. Many other groups are hearing the same kind of clamor for involvement. That energy will ultimately be conveyed to both the administration and the Congress as the federal budget process gets underway.

I temper my optimism with an understanding that we are facing serious challenges that are playing out directly among legal services program leaders and staff as they go about their day-to-day business of ensuring justice and fairness across America. I have heard many of the moving messages that program leaders have been sharing with their staff with each new development. They are an inspiration to us all.

The legal services community is fortunate to have Management Information Exchange (MIE) to provide support for program managers in so many ways as they struggle with staff morale, communications, uncertain budgets, and a host of other challenges. Those challenges include the ongoing and essential work of ensuring compliance with the congressional restrictions on LSC-funded programs, particularly with respect to the prohibition for lobbying Congress on issues impacting LSC funding, an issue on which NLADA has provided extensive guidance.

MIE’s role remains essential as we go through the next months of uncertainty. Peer-to peer support provides a real lifeline to leaders struggling with a host of challenges. The sense of community it creates has **Continued on page 53**
Legislation to create the Legal Services Corporation (LSC) was signed into law by President Nixon in 1974, and federal funding for civil legal aid has enjoyed bipartisan support ever since. Taking the time to educate federal and state legislators about our work is central to ensuring that they understand how tax dollars are being spent in their communities.

We have organized workshops at national conferences over the past few years to help all legal aid programs learn different ways to reach out to legislators to explain the value of the constituent services provided, so that legislators see legal aid programs as the resources they are.

LSC grantees are prohibited from lobbying — that is, from contacting legislators to seek support for LSC funding. Grassroots lobbying is also prohibited, making it illegal for LSC grantees to ask others to contact legislators and seek their support for LSC funding.

LSC grantees are permitted, however, to educate Members of Congress, congressional staff, and the public about the role of civil legal aid in their communities. In workshops at the annual NLADA conference and at the Equal Justice Conference, we have encouraged people to reach out to their congressional Representatives and Senators and invite them to see the programs that serve their districts and states and learn about the work being done on behalf of their constituents.

Constituents often call upon their legislators for help when veterans’ or other benefits are denied, when they are victims of consumer fraud, or when a natural disaster occurs. Referring eligible constituents to legal aid is an important service. What follows is a basic primer on setting up meetings with Members of Congress and their staff, and several examples of what that can look like in action in two different states: Wisconsin and Ohio. Although the focus here is on federal legislators, the guidance is equally applicable to elected officials at the state level.

**Nuts and Bolts**

Scheduling meetings with Members of Congress and congressional staff can be labor-intensive — but it is well worth the effort. Preparation is key, as you will see from some of the stories below, to ensure that the meetings are as productive as possible.

**Whom to meet with:** LSC grantee service areas do not necessarily track with congressional districts. As a result, your service area may touch multiple congressional districts. It is important to reach out to all legislators representing your service area. Civil legal aid enjoys bipartisan support in Congress, and all Members care about providing good constituent service. Personal relationships can be critical to helping legislators understand our work.

And don’t forget about newly elected Members. You can be a great asset to a new legislator just learning the job.

**Where to meet:** The first decision is where to meet: in the district or in Washington. There are many advantages to meeting legislators in their districts. First of all, it is easier and less expensive for you — you live there. Secondly, legislators are often much more accessible in their districts. You just need to pay attention

LSC grantees are permitted, however, to educate Members of Congress, congressional staff, and the public about the role of civil legal aid in their communities.
to the congressional calendar, which is available from the Speaker’s office in the House and from the Majority Leader’s office in the Senate. Legislators have regularly scheduled work periods around most federal holidays, in addition to often being in the district on Friday or Monday. And thirdly, it is the caseworkers in the congressional office in the district who are likely to be most familiar with the work of legal services. That is because constituent calls about problems and challenges that people are facing are directed to the caseworkers, so they are apt to be a sympathetic ear.

Another option is to invite legislators and their staff to come visit your program. As you will see from the stories below, this can be a wonderful opportunity to showcase the work you do on behalf of their constituents.

Of course you can also go to Washington and set up meetings with legislators there. That can be more complicated; it is easier to start with meetings in the district and then decide if a trip to Washington would be a good use of your time and budget.

**How to ask:** It can be intimidating to request a meeting with a Member of Congress, so you want to prepare and be very clear about your ask. Regardless of whether the meeting is in the District or in Washington, the first step is to call the scheduler and explain that you want a meeting. You will be asked the purpose of the meeting, how much time you need, and the names of the people who will be coming — so you need to be prepared. You may also be asked to put the request in writing; every congressional office does things differently.

**What if the legislator is not available?** It is just as important to meet with the staff! Sometimes that is the best way to start a relationship with your Member of Congress or Senator. In the district office, ask to meet with the caseworker if you cannot set up a meeting with the legislator; in Washington ask to meet with the legislative director.

You should agree to meet with whomever the legislator’s office wants you to meet with. That’s an important foot in the door to begin the conversation.

**Preparation:** Do your homework! Go to the Member’s website and review his/her priorities. Look for points of connection — where did the Member go to school, what was his/her profession before entering Congress, did s/he play sports? As in any social situation with people you don’t know, small talk helps. You should also research the Member’s voting history.

Be sure you know whether or not the legislator and the staff are lawyers. It is a very different conversation when you have to begin with an explanation of the difference between civil and criminal law; many people without a legal background are unaware that there is no right to counsel in a civil case.

**Come prepared with data:** Have information about the clients you serve, the kinds of cases your program handles, and the eligible poverty population in the Member’s district. Focus on the issues likely to be of greatest interest to the Member, such as veterans, seniors, children, domestic violence, natural disasters, pro bono. Bring a few write-ups of client success stories with you that you can speak to knowledgeably and/or leave behind for them to read.

Even though you may be scheduled to meet for thirty minutes, you may have only ten. And that may be walking with the legislator en route to another meeting; this often happens in Washington, but may happen in the district as well if it is a busy day. So be sure you can give your elevator speech without notes, and that you have your topline information ready to go. Everything else should be backup.

**Practice:** Taking the time to prepare who is going to say what will increase your confidence and allow you to make your presentation concisely.

**Leave-behind:** Always have one to three pages to leave behind with the staff. This allows you to back up your conversation and provide more detail than the time allowed.

**Follow up:** Hopefully you were raised to write thank you notes! If not, it is time to learn. This is an opportunity to respond to any questions and issues that arose during your meeting, and thank the Members and staff for their time.

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Have information about the clients you serve, the kinds of cases your program handles, and the eligible poverty population in the Member’s district. Focus on the issues likely to be of greatest interest to the Member, such as veterans, seniors, children, domestic violence, natural disasters, pro bono.
Education in Action: Examples

It is helpful to hear what it actually looks like to educate legislators and their staff. The stories below come from LSC grantees in Ohio and Wisconsin.

Wisconsin
From Vicky Selkowe, Director of Legislative, Rulemaking, and Training Compliance, Legal Action of Wisconsin

Two years ago, as a newly hired Legislative & Compliance Director, I asked our Executive Director, “Have we regularly held meetings with Members of our Congressional delegation to educate them about what we do?” “Nope,” he replied. “But we should.”

Indeed, we should. Our staff are doing tremendous work helping low-income people access justice. We're providing high-quality civil legal aid to Wisconsin's veterans, survivors of violence, families with children, the elderly, people with disabilities, migrant farmworkers, and others. But we weren't telling one of our largest funders any of this. Nor were we ensuring that they knew how to send their constituents to us for assistance.

So we set out to change all of that. Wisconsin has a Congressional delegation of ten members: six Republicans and four Democrats. In 2015 and again in 2017, we're trying to meet with all of them. In 2015, the first year we had ever attempted educational meetings with our delegation, we met with seven of the 10, and five of those meetings were with the Member of Congress.

Our first meeting with a Member of Congress required considerable staff planning and time. The Member had agreed to come to our office, and we were excited and nervous. We carefully thought through which staff would attend the meeting, who would say what and in what order, what “leave behind” we would prepare to show the Representative our projects and outcomes. But less than five minutes into the meeting, as we walked the Representative through our one-pager showing our total budget, the funding we receive from LSC and from other sources, how many attorneys and offices we have, and, most importantly, our annual outcomes, our nervousness dissipated when the fiscally conservative Representative said, impressed, “Wow, you run a lean shop!” “Yes, we do,” we said. “And we're proud of how we steward limited resources to ensure access to justice for so many low-income Wisconsinites.”

It is not hard to get meetings with Members of Congress. Start with email requests to their district schedulers (for in-district meetings) and be flexible to accommodate the Member’s busy and unpredictable schedule. Offer to host the meeting at your office. Preparing for the meetings takes time and effort: we found that our staff benefited from considerable time prepping for these meetings, thinking through the best outcomes and client success stories to share, and reviewing LSC compliance practices to ensure that all staff understand the differences between “educating,” which we are allowed to do, and “lobbying,” which we are not. Last fall, we partnered with our state’s Access to Justice Commission to bring Voices for Civil Justice to Wisconsin to help train our staff on how to most effectively talk about our work.

These investments of time and resources have opened up numerous opportunities for better relationships and partnerships with our Congressional delegation. Congressional staff now have a clearer understanding of our services, how to best refer constituents to us, and of our limited resources and all we accomplish with our LSC funds. We continue to build upon these relationships to ensure that our delegation knows of our new programs and initiatives, and that the delegation understands the impact that LSC funding has on our ability to provide high-quality civil legal aid to their constituents across the state.

Ohio
By Colleen Cotter, Executive Director, The Legal Aid Society of Cleveland

Since 2010, The Legal Aid Society of Cleveland has made a concerted effort to educate Members of Congress who represent our service area about our work, and the value that we bring to their constituents. Our efforts have been focused on both the district office and the D.C. office. We make an annual trip to Washington with a board member and sometimes another supporter. We meet with every member of our delegation or a member of their staff. We also meet with the district staff, prior to our D.C. visit.

This has certainly taken an investment of time, and a bit of money. However, we think that it has paid off, in that our delegation and their staff have a much better...
understanding of what we do, and the value we bring to their constituents and to them. During each visit to D.C. we run into a lot of our northeast Ohio colleagues who are doing the same thing. Here are a few examples that illustrate the impact of our meetings and how our D.C. trips work in reality:

- We have had a wide variety of experiences in our meetings. We have met in the hallway with the most junior member of the staff. We have also spent an hour with Members in their offices. And we frequently end up with something different from what we expected. We try to go in expecting anything and prepared for anything. Whomever we meet with, our goal is to make a connection.

- We have been able to maintain contact after our visits. Several Members of Congress have visited our offices in response to our invitation. We also have received invitations to attend the Members’ events in the community. Recently a Member attended a Legal Aid house party, where he observed the impact and support we have in his district.

- We have received many follow-up calls from Congressional staff members. They call us for on-the-ground information about the impact of various laws and regulations, including client stories. For example, one Member of Congress was interested in the impact between being categorized as a contractor instead of an employee. We connected his staff with our attorneys who have expertise in employment law and tax law. They came away with information that was helpful to their work, and they got to experience the Legal Aid Society of Cleveland as experts in the work we do.

- We have also secured four keynote speakers for our annual event as a result of the connections we have made during these visits: Supreme Court Justice Sonia Sotomayor, U.S. Representative John Lewis (GA), and Senators Sherrod Brown (OH) and Rob Portman (OH).

- We have had the opportunity to train constituent services staff about the work that we do, and our staff has received training from constituent services staff about how they can help us in our work. We are currently planning a bigger constituent services event, organized by the staff of one Democratic Representative and one Republican Representative. They will invite the constituent services staff of our entire congressional delegation to an event to learn about Legal Aid and the services we provide.

Conclusion

As you can see, there is no one way to do this. Some grantees find it helpful to bring a member of their Board of Directors to meetings; others may include a client. Grantees who set up these meetings every year learn what works best for them.

Educating Members of Congress about civil legal aid is critical, and no one is in a better position to help increase their understanding than the folks who work with clients on a daily basis.

1 Carol A. Bergman has served at the Legal Services Corporation (LSC) since March 2012 and is responsible for managing LSC’s communications and relationships with Congress, the executive branch, the media, and the general public. Carol has been engaged in federal legislative and policy work for more than twenty-five years. She served as director of legislative affairs for drug policy in the Clinton White House, and as associate counsel for the Committee on Government Operations in the U.S. House of Representatives, under Chairman John Conyers. She has also worked for several non-governmental organizations on a wide range of domestic and international issues that disproportionately impact poor people, including HIV/AIDS, domestic violence, and criminal justice reform.

   Carol has testified before the U.S. Congress, the Parliament of the United Kingdom, and several state legislatures. She is an adjunct professor at George Washington University where she has taught congressional affairs in the Department of Global Health. She has also taught at American University’s Washington College of Law where she was a resident fellow in the Program on Law and Government. She has a B.A. from Hampshire College in Amherst, MA and a J.D. from Golden Gate University School of Law in San Francisco, CA. She is licensed to practice law in Massachusetts. Carol may be reached at bergmanc@lsc.gov.

2 Vicky Selkowe is Legal Action of Wisconsin’s Director of Legislative, Rulemaking, and Training Compliance. She oversees staff compliance with LSC regulations, tracks legislation and rulemaking related to low-income Wisconsinites, and when requested, informs legislators and policymakers on the effects that legislation and regulations will have on Legal Action’s clients and their rights. Vicky has been engaged in policy advocacy and legislative work for more than twenty years in Wisconsin. A Skadden Fellow, Vicky represented low-income clients in employment, housing, and public benefits matters before going on to lead

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Lessons from Past Challenges to Civil Legal Aid

By Alan Houseman, President
National Equal Justice Library

From the very beginning of federal funding for civil legal aid in 1965, the legal services program had faced significant challenges and has always succeeded in overcoming those challenges. To prevent control by local community action agencies and to insulate legal services from the Office of Economic Opportunity (OEO) bureaucracy, Sargent Shriver, the first director of OEO, made it a special emphasis program and earmarked funds for legal services. Unlike the legal aid systems that existed in other countries, which generally used private attorneys who were paid on a fee-for-service basis, OEO’s plan utilized staff attorneys working for private, nonprofit entities, which were full-service legal assistance providers, each serving a specific geographic area, with the obligation to ensure access to the legal system for all clients and client groups. These two fundamental decisions — to earmark funds and for a decentralized staff attorney program — were highly contentious throughout the OEO era and beyond.

Political Efforts to Curtail OEO Legal Services

OEO Legal Services’ most sustained and dangerous battles were with Governor Ronald Reagan who opposed federally-funded legal services to the poor. In 1967, at the request of Governor Reagan, Senator George Murphy, a Republican from California, attempted to amend the Economic Opportunity Act to prohibit legal services lawyers from bringing actions against federal, state, or local government agencies. In 1969, Senator Murphy proposed an amendment that would give governors an absolute veto over funding for OEO programs in their respective states. Both amendments failed.

In December 1970, Governor Reagan announced his decision to veto the $1.8 million grant to California Rural Legal Assistance (CRLA). In January 1971, a governor’s office released a 283-page report which served as a justification for Reagan’s earlier veto of the annual grant to CRLA. In response to this report, OEO appointed a blue ribbon commission composed of three retired State Supreme Court justices from states other than California to examine and determine the validity of the charges in the Uhler report. The commission’s work culminated in a 400-page report that found the report’s charges to be totally unfounded, concluded that “CRLA has been discharging its duty to provide legal assistance to the poor…in a highly competent, efficient and exemplary manner,” and recommended that CRLA be refunded. After the report was issued, Reagan ultimately agreed to withdraw the veto.

In January 1973, President Nixon proposed dismantling OEO and appointed Howard Phillips as the acting director of OEO to head the effort. Phillips was determined to destroy the legal services program. Phillips put legal services programs on month-to-month funding, eliminated law reform as a program goal, and moved to defund the migrant legal services programs and back-up centers. The federal courts stepped in and ruled that because he had not been confirmed by the Senate, Phillips lacked the authority to take such action as acting director.
Legal Services Corporation

The creation of the Legal Services Corporation was a monumental struggle. A bipartisan group in Congress led by Senator Mondale (D-MN) and Representative Steiger (R-WI) introduced authorizing legislation in February 1971. In May of that year, President Nixon introduced his own version of the legislation, which proposed creation of the Legal Services Corporation (LSC). In December 1971, President Nixon vetoed legislation that Congress had passed establishing LSC because the legal services provisions sharply circumscribed the President's power to appoint the LSC board and did not include all of the restrictions on legal services advocacy that Nixon had sought. In May 1973, President Nixon again proposed a bill to create the LSC which contained additional restrictions on legal services programs and their advocates. The Congress produced bipartisan legislation that carefully preserved the ability of the legal services program to provide the full range of representation to all eligible clients. Nevertheless, conservatives made their continued support of President Nixon in the impeachment hearings contingent on his veto of the LSC bill unless an amendment that they thought would eliminate the back-up centers was added to the bill. The President demanded that the LSC bill include the amendment that was thought to eliminate back-up centers, but, in fact, did not eliminate major impact litigation and national advocacy. Therefore, LSC supporters did not withdraw their support of the bill even though the amendment was added. President Nixon signed the bill into law on July 25, 1974.

The federal legal services program expanded between 1976 and 1981 from one that had only served the predominantly urban areas of the nation to a program that provided legal assistance to poor people in virtually every county in the United States. The expansion was sometimes still met with suspicion on the part of the local bar, local politicians, and business and community leaders, who feared that the business environment and social order that they had come to expect would be upset by the new breed of lawyers whose role was to assist the poor to assert their rights. These issues, particularly the representation of migrant farmworkers and aliens, came to the attention of Congressmen elected from those areas. As a result, Congressional scrutiny of the legal services program and concerns about its advocacy began to increase.

Two issues became particularly contentious during the late 1970s—legislative advocacy and representation of illegal aliens. In 1978, Congress added a rider to the legal services appropriations bill that prohibited the use of LSC funds “for publicity or propaganda purposes designed to support or defeat legislation pending before Congress or any state legislature.” An alien restriction was added to the 1980 fiscal year appropriation prohibiting LSC and legal services programs from using LSC funds to undertake any activity or representation on behalf of known illegal aliens. LSC interpreted these riders narrowly permitting legislative advocacy and alien representation.

The Reagan Era

The election of President Ronald Reagan in 1980 was a critical turning point in the history of federally funded legal services. The Reagan Administration initially sought LSC’s complete elimination and proposed to replace it with law student clinical programs and a judicare system funded through block grants. In response to pressure from the White House, Congress reduced funding for the Corporation by 25 percent, slashing the appropriation from $321 million in FY 1981 to $241 million in FY 1982. Legal services providers nationwide were forced to close offices, lay off staff, and reduce the level of services dramatically.

In the early 1980s, Congress also began an effort to impose new restrictions on legal services advocacy. In 1982, Congress added new restrictions on the use of LSC funds for lobbying and rulemaking and expanded the alien restriction by explicitly prohibiting the representation of certain categories of aliens using LSC funds. At the end of 1981, President Reagan replaced a majority of the LSC Board with new recess appointees. The Senate refused to confirm these individuals and for much of the Reagan presidency, LSC was governed by a series of Boards consisting of recess appointees and holdover members.

Many of the Board members who served during that period expressed outright hostility to the program they were charged with overseeing. Several sought to totally revamp legal services into a judicare-based program that did no significant litigation and did not engage in any policy advocacy. LSC’s management and staff also became increasingly hostile to the programs they funded. The new LSC staff began a highly intrusive and exhaustively detailed program of monitoring for compliance and withheld funds from programs or provided only short-term funding because of minor technical violations, such as board vacancies, and attempted to reduce funding levels for a number of programs that LSC found were out of compliance with new and often unannounced policies and previously unarticulated interpretations of the LSC Act and
regulations.

Throughout the 1980s, there was constant hostility and friction between the LSC Board and staff and supporters of legal services, including the organized bar and key members of Congress from both parties. As a result of this dynamic, efforts by the LSC Board to make major policy changes, to pass restrictive new regulations, and to eliminate key components of the national program, such as national and state support centers and training entities, were repeatedly thwarted by Congress or, in some instances, by the courts.

On the legislative front, LSC staff members actively lobbied Congress and paid others to lobby against LSC appropriations. LSC hired a consultant to write a legal opinion expressing the view that the Corporation was unconstitutional. LSC staff and Board members developed a series of new regulations and policies designed to restrict legal services activities far beyond the congressionally imposed limitations of the LSC Act and subsequent appropriations riders. Despite these efforts by LSC and the continued hostility of the Reagan Administration and some members of Congress, bipartisan support for the mission of LSC continued to grow, and by the mid-1980s, Congress, which earlier in the decade had cut LSC funding and imposed new restrictions, had become the protector of the legal services program.

Led by Senator Warren Rudman, a conservative Republican from New Hampshire, Congress frequently interceded to block actions by the Corporation including attempts to impose new conditions on funding. Congress enacted an appropriation rider that required LSC to refund all existing grantees under the terms of their current grants. Later, Congress enacted appropriation provisions that precluded LSC from implementing a number of its initiatives, including changes to migrant programs and support entities. Congress required LSC to award twelve-month grants; prohibited the use of competitive bidding and a proposed timekeeping system; overturned regulations on fee-generating cases, lobbying, and rulemaking; and eliminated restrictions on the use of private non-LSC funds. By 1994, there were 22 riders on the LSC appropriation, most of which limited LSC’s authority to take action.

Bush One and Clinton: A Slight Resurgence

The first Bush administration brought a significant improvement to the legal services community. The Corporation’s appropriation, which had been stagnant for several years, began to move upward, to $328 million for FY 1991 and $350 million for FY 1992. The first Bush Administration abandoned the overt hostility to legal services and the efforts to reduce or eliminate funding and to restrict legal services advocacy. The first President Bush appointed a Board with a majority of legal services supporters, breaking from the tradition of the Reagan Administration.

With the election of President Bill Clinton, the legal services community anticipated an end to the long period of insecurity and inadequate funding. Congress increased the LSC appropriation to $400 million for the 1994 fiscal year, the largest increase since the early years of the Corporation. Clinton’s appointees to the LSC Board, confirmed in late 1993, were uniformly supportive of a strong, well-funded LSC. The Board hired a well-known New York lawyer, Alex Forger, to be LSC president, and he assembled a number of respected legal services leaders to serve in key LSC staff positions.

The 104th Congress

With the 1994 congressional elections, the Corporation suffered a dramatic reversal of political fortune. Conservatives included the elimination of LSC in the infamous “Contract for America.” The House leadership sought to replace LSC with a system of limited block grants to the states that would severely restrict the kind of services for which the funds could be used. The House of Representatives adopted a budget plan that assumed that LSC’s funding would be cut by one-third for FY 1996, another third in FY 1997, and completely eliminated thereafter.

Despite the efforts of the House leadership, a bipartisan majority in the Congress, led by Senator Pete Domenici (R-NM), remained committed to maintaining a federally funded legal services program. Nevertheless, key congressional decision-makers, led by Congressmen Bill McCollum (R-FL) and Charles Stenholm (D-TX), determined that major “reforms” in the delivery system would be required if the program was to survive. The Congressional majority redefined the role of federally funded legal services by refocusing legal services advocacy away from law reform, lobbying, policy advocacy, and impact litigation and toward basic representation of individual clients. Congress restricted the broad range of activities that programs had engaged in since the early days of OEO. These restrictions applied to all activities that a recipient undertook, regardless of the source of the funding that was used to support the activity. Also, Congress...
eliminated LSC funding for national and state support centers, the Clearinghouse Review, and entities that provided support, technical assistance, and training to legal services programs. Along with the new restrictions came a major reduction in funding. The LSC appropriation was cut by 30 percent, from $400 million for FY 1995 to $278 million for FY 1996.

**Developments during the Second Bush Administration**

In 2003, the Bush Administration appointed a new LSC Board of Directors which was highly supportive of the legal services program, sought increased appropriations from Congress and adopted policies that continued the commitment of their predecessors. In early 2004, the Board selected as the new LSC President Helaine Barnett, who previously worked for many years as an attorney and manager for the Legal Aid Society of New York, a former LSC grantee. Ms. Barnett hired a highly competent and committed senior staff, which worked diligently to expand resources available to LSC grantees and to improve the quality of LSC programs.

**Developments during the Obama Administration: 2009–2016**

With the election in 2008 of Barack Obama, the legal services community looked forward to a period of relative calm and expanded federal support. The President appointed a new Board of Directors who were supporters of the legal services program. The President's budget proposal for FY2010 included a substantial increase in funding for LSC and proposed elimination of many of the restrictions. Things really began to look up when Congress passed the 2010 LSC appropriation that included $420 million in funding for LSC, although the only restriction that was eliminated was the prohibition on seeking attorneys’ fees. However, the 2010 election cycle resulted in a highly partisan Republican majority in the House of Representatives and a slim Democratic majority in the Senate. Despite the President's request for a $30 million increase to $450 million, Congress cut FY 2011 funding for LSC field programs by $16 million to $404 million. President Obama also sought $450 million for LSC for FY 2012, but Congress, under the guise of its continuing efforts to hold the budget in check, cut overall LSC funding by $56 million to $348 million, a reduction of 13.9%, slashing funding for basic field grantees by 14.9%. While funding has slowly increased since 2012, efforts to eliminate additional restrictions were stymied.

**Lessons for Success from Our Past Challenges**

There are three fundamental reasons why the civil legal aid community has overcome past challenges and will overcome future challenges.

**First, civil legal aid programs must continue to provide competent, effective and efficient representation to low-income families.** Because the program has been effective, it developed and retains substantial Congressional, private bar, Corporate Counsel and public support. In addition to providing full representation and addressing systemic problems of low-income Americans, civil legal aid must also continue to adapt to changes in the funding and judicial landscape but must never give up its central role of a full service provider. We must continue to adopt new technologies and strategies that have allowed programs to provide limited legal assistance to a larger number of people. Legal services must also participate actively in collaborative efforts to increase access for self-represented litigants in family law and other civil cases.

**Second, we must work closely with our allies, particularly the private bar.** From the early OEO decisions and struggles through the Reagan Administration, the Gingrich efforts and to today, a major source of support for legal services has been the private bar. In addition to the American Bar Association and state and local bar associations, other bar-led entities emerged in support of the legal services program, including Bar Leaders for Preservation of Legal Services and more recently Corporation Counsel from major corporations. The organized bar and these legal services support groups, working with NLADA and leaders in the legal services community, were able to effectively advocate before Congress to prevent elimination and implementation of hostile policies that Congress or hostile LSC Boards and staff had attempted to impose.

**Third, legal services must tell our story more effectively.** Even though the political leadership of the United States remains deeply divided about whether there should be a federally-funded legal services program, and, if so, how it should be structured, there is a much stronger bipartisan consensus in Congress in support of continued funding for LSC. In order to increase political support for preserving LSC and increasing federal funding, legal services must tell our story more effectively (see, e.g., Voices for Civil Justice) and increase greater awareness of and support for civil legal services among the general public.

1 Alan W. Houseman is President of the National Equal

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Both of our lives changed on the night of November 4, 1980, with the election of Ronald Reagan as the 40th President of the nation. Reagan was a retired Hollywood actor and former governor of California who won the election in a landslide, collecting 489 electoral votes to Carter's 44. This was the highest number of electoral votes ever won by a non-incumbent presidential candidate.

Despite being described as a dangerous right wing radical, Reagan's attacks upon Carter focused heavily on a deteriorating foreign policy underlined by the Iran hostage crisis and a weak economy at home. His promises to improve the nation's pessimistic mood and to bring needed change to the federal government proved to have broad appeal. The election also resulted in the Republicans winning control of the Senate for the first time since 1955, contrary to the predictions of pollsters and pundits.

We both had begun our careers in legal services relatively early in the history of the War on Poverty, which had fueled the federal government's first involvement in the delivery of legal services. Having survived President Richard Nixon's attempts to eliminate the program, it had subsequently received significant support from President Carter, who increased funding from $96 million to $321 million in just four years.

By the time the 1980 presidential election was held, we were legal services veterans and naïve enough to believe that the choice as to whether our career paths could continue unchanged for the rest of our working lives was solely and completely our own.

Although not yet declared to be a constitutionally protected right, neither of us could then imagine a justice system without a vigorous and relevant legal services program to provide representation to those of our fellow citizens who were the poorest and most vulnerable among us.

Soon after his election, President Reagan declared that among his top priorities was the elimination of the Legal Services Corporation (LSC). A very hard-fought battle to preserve LSC was waged throughout Reagan's two terms. Although funding was substantially reduced, and while existing restrictions on several activities were made more onerous while some others were imposed anew, the LSC and federal funding for legal services survived.

From our respective positions in legal services programs, government-related programs and the private bar during this challenging period, each of us were active participants in the effort to gain and/or expand and cement the support of the public and the various political players in the efforts to defeat the President's attempts to eliminate LSC. It seems likely that some of the lessons learned from our experiences might be relevant to struggles that lie ahead as President Trump and his supporters now appear poised to attempt once more to radically alter the operation of programs that are central to the needs of low income individuals and families throughout the nation. With that in mind, we offer the following brief accounts followed by what strike us as the most important and useful takeaways.

Victor’s Story

During the first eighteen years of federal funding for legal services, oversight for programs came directly from nine regional offices that were assigned the responsibility to provide technical assistance and coordination between programs, to make grants and to monitor program performance. In 1980 I had the good fortune to be the LSC Regional Director in the...
southeast overseeing the seventy-five programs in the ten southern states.

The national battle for survival centered on creating a coalition of supporters with conservative Democrats and moderate Republicans in Congress joining to protect the program from elimination. Unlike today, most of the Congressional House and Senate seats throughout the southern states were held by conservative Democrats known as Boll Weevils. These thirty-eight southern House representatives held the balance of power in the House during the early years of the Reagan Presidency and were courted by Republicans looking for votes to support the President’s initiatives.

The key to gaining their support was convincing local and state bar associations and local federally-funded poverty programs that the federally-funded legal services program was important to their interests. There were a number of fences in need of mending with bars throughout the south. Expansion of programs during the late 1970s had created bad will in some communities when bar-sponsored programs were denied funding in favor of competing groups that were more in line with LSC’s hard legal services philosophy. In addition, much of the systemic advocacy and class action litigation pursued by programs in the south had been directed at challenging the status quo. Those activities included voting rights cases, constitutional challenges to state statutes and questioning the legality of certain practices of locally operated federal funded poverty programs. This type of advocacy had too often alienated both the local political establishment as well as bar associations throughout the region.

At the same time, the LSC board was charged with implementing regulations requiring that programs begin involving the private bar in the delivery of legal services. During this stage of the development of the Private Bar Involvement (PBI) regulation, we had the good fortune of having Reece Smith from Florida serve as the American Bar Association (ABA) President. He was a strong supporter of the continuation of LSC and understood the difficult position the profession would be in if federal support ended. Bar members and their associations throughout the nation would be faced with the responsibility of filling the void and the result might be the re-implementation of mandatory pro bono. Under his leadership, the ABA worked closely with the LSC board in drafting a regulation that strongly encouraged local bars to join with programs in creating pro bono rather than judicare efforts.

In partnership with Reese Smith, our regional office coordinated meetings of bar leaders throughout the south to begin a dialogue about the integration of local bar associations into leadership positions on local program boards and the implementation of local lawyer voluntary participation in effective pro bono delivery systems. Strong bar support, fueled in part by self-interest, developed throughout the region for both the continuation of legal services funding as well as helping deliver services through pro bono contributions. The final congressional vote in the fall of 1981 ensured the survival of LSC, but many more battles lay ahead as Reagan moved aggressively to replace LSC board members with those that shared his desire to eliminate the program.

Perhaps because he thought its elimination would be relatively quick and easy, President Reagan did not make efforts to replace the entire board of the LSC with his own appointees who likely would have shared a common vision of eliminating the program. This allowed the holdover Carter board time to put in place a well thought out plan to cement ties with the ABA and the Congressional representatives as well as to prepare programs for the inevitable reductions in funding that were to come. The board worked closely with the ABA, local bars and legal services programs to create additional sources of funding including the first Interest on Lawyer Trust Accounts (IOLTA) programs.

Nevertheless, the attack on legal services continued throughout the president’s term in office and was filled with some predictable skirmishes involving recess appointments to the LSC Board, the appointment of new leadership in the staff of LSC, and some not so predictable infighting among the factions of the Reagan board and LSC staff about direction. These struggles called for strong leadership and LSC was fortunate to have been able to call upon the talent and commitment of extraordinary leaders. These included Gerald Caplan, the first President appointed by the new board;
LSC Board members Howard Dana and Tom Smegal who, together, artfully crafted strategies to minimize intended board damage to field programs; and Republican Senator Warren Rudman, who led the fight for survival in Congress. The strangest intervention of fate occurred when James Wentzel, the President of LSC, was cited for shoplifting $5.66 worth of goods from a local market and quickly resigned after serving seventeen months in that office.

Patrick’s (Mac’s) Story

I don’t keep a journal so I’m pretty fuzzy on exact dates. However, leading up to and for a time following President Reagan’s 1980 election, I was working as the Public Entitlements Specialist and Litigation Coordinator for Evergreen Legal Services in Washington State. That program — headquartered in Seattle — served thirty-one of our state’s thirty-nine counties and maintained the Native American and Farmworker Units for the whole state. It was extensively involved in aggressive trial and appellate court litigation as well as in proactive legislative and administrative advocacy, and was energetically pursuing numerous community and economic development strategies.

Of course, those of us then working in field programs, even in mid-management or higher positions, were generally not privy to all that was going on at the national level. At the same time, local program leaders and their management teams understood and took quite seriously their shared responsibility to project as much optimism as they could, to discourage staff depression and panic, and to do their very best to keep the focus on the continued pursuit of client-centered goals and the keeping of existing commitments. Of course, those roles are far easier to say than to carry out in practice.

An account given at p. 505 of Earl Johnson, Jr.’s wonderful history will be illustrative here:

Shortly after Reagan’s election victory, a group for whom that event aroused alarm gathered in Puerto Rico for the annual conference of the National Legal Aid and Defender Association (NLADA). To many, the odds against the only federal program providing justice to the nation’s poor surviving his presidency seemed overwhelming. Dan Bradley, the LSC president, was there to address the conferees. He wasn’t at the convention long, however, before he had heard enough to know he needed to make an urgent telephone call to his Board chair, Bill McCalpin.

“Bill, you’ve got to come down here. These guys are so worried…they’re ready to jump out of the hotel’s windows.”

Thankfully, no Evergreen staff jumped out of windows, but as I suspect happened in virtually all programs, tensions certainly ran high and morale definitely ran low. And, as things began to play themselves out over the ensuing months, it became quite clear that there was no avoiding significant funding cuts together with more practice restrictions and that substantial office closures and layoffs were inevitable. It was hard and at times very stressful. It also became occasionally more than a little ugly. Rumors ran rampant; tears were shed; friendships were strained and, in some cases, were even broken beyond repair. Among other things, the events arising out of and around the 1981 cuts were directly related to the subsequent formation of the staff union at Evergreen.

In those times, most of us had ended up in legal aid programs, and indeed in the legal profession itself, as an extension of our social and political activism. Perhaps somewhat naively, we saw the law not only as the most logical but also the fastest vehicle for achieving true social justice. Though challenged and fulfilled by our legal aid work, several of us had often wondered whether it might not be possible to combine our social justice commitment with an expanded degree of professional freedom and more stable incomes by working in the private sector.

The concept of so-called “public interest law firms” was a very attractive one to us, such entities being distinguished from other private law offices in that their primary mission is to assist under-represented people or causes, rather than solely to make money. Moreover, this difference in mission would — at least ideally — be reflected in a difference in billing practices and client selection. To the extent possible, clients and cases would be chosen with the emphasis being given to their degree of need for services and the cause(s) their claims relate to, regardless of ability to pay. Sliding scale fees, free work, attorney fee cases, and contingent fee cases would all be employed in order to achieve the most equitable balance possible. There were some firms, even in a relatively modest-sized city like Seattle, that appeared to be making the concept work. So, as the situation worsened around us, we decided that this was as good a time as any — and maybe even an ideal time — to find out if we could be
one of them. We’d had the opportunity to develop and hone our skills and to earn our stripes as legal aiders. Now we felt sufficiently well-equipped to take the plunge and give it a shot.

We were also motivated by our recognition that there were many bright, young and deeply committed lawyers in the program who could pick up where we were leaving off and who appeared to have far fewer prospects than we did to make it outside of legal aid. I should also note that in Evergreen as well as in the other two Washington State programs, dozens of our colleagues were simultaneously finding jobs in public defender and prosecutors offices, in courthouses, law schools and legislative offices, or by setting up small boutique law offices of their own dealing with poverty, disability, and/or race-related cases.

So how did it all work out for me? The short answer is: Great, but in ways I never could have predicted or expected. To begin with, while the McIntyre & Tarutis law firm continued for about five and a half years, grew in size and did quite well from the standpoints of earnings and case outcomes, you will definitely never hear it being compared to the ACLU, Citizens Action or the Southern Poverty Law Center in terms of its public interest prowess or accomplishments. On the other hand, we did do lots of intentional pro bono work in direct connection with Evergreen and other legal aid programs in our state. We also developed specialties (such as support enforcement collection and defense, and prevention of forced nursing home discharges) that were not being handled by other firms; served as chairs of important bar committees such as the administrative law committee; and drafted and testified in support of equal justice funding and substantive measures.

Although it is not covered at length in Victor’s story above, or in Alan Houseman’s companion article, the state and local private bars played an increasingly critical role in saving legal services as the 80s wore on and the relentless attacks continued. At the ABA Mid-Winter Meeting in February 1986, Michael Greco, then-president of the Massachusetts Bar, Jonathan Ross, then-president of the New Hampshire Bar, and Bill Whitehurst, then-president-elect of the Texas Bar, founded an ad hoc group Bar Leaders for the Preservation of Legal Services for the Poor. This grassroots group was ultimately successful in mobilizing and uniting all other state bar associations and many county and city bar associations in a coalition that was determined to save legal services from an LSC board that was violently hostile to the mission of LSC. Among other strategies, the group circulated newsletters with extensive materials that could be used at the state and local levels to counter the steady stream of misinformation and in many case outright falsehoods being used by LSC’s enemies.

The actions of this group, chronicled at pp. 605–607 of the Earl Johnson, Jr. work referenced above, proved to be of critical importance at the national bar level and no one can dispute that Greco, Ross and Whitehurst are true legal services heroes. Yet they could not possibly have succeeded without the help of their powerful bar association counterparts that are the knowable, approachable heroes in this and many other states. Key roles were also assumed by countless dedicated private practice attorneys and other extra-legal aid supporters — a list that I like to think includes that sterling “public interest law firm” McIntyre & Tarutis.

Our Takeaways

We witnessed the events of the 80s from different perspectives caused both by distance from one another and the job positions we then occupied. Nevertheless, our individual lists of lessons learned from that experience are easily melded:

- **The fear is often far worse than the reality.** Life has taught both of us to appreciate the deep, deep wisdom of a favorite Mark Twain observation: “I’ve had a lot of worries in my life, most of which never happened.” At the beginning of Reagan’s presidency he appeared to be invincible while riding a mandate of true epic proportion. He had won a landslide election, and eliminating LSC was clearly in his sights as a top priority. Ultimately, although programs did suffer significant funding losses and

Coalitions comprised of mutually interested members are essential to win. In the most challenging battles, success ultimately depends upon the willingness and ability to form alliances among and between groups and individuals with a broad spectrum of perspectives who all share in one common interest.
additional limitations on their activities, diversification of revenue streams has reversed most of these temporary setbacks over time. Many of the justice fighters who were displaced by the attacks have since had great careers, finding valuable ways to contribute to the cause, and becoming highly supportive judges, law professors, legislators, and bar leaders.

- **Coalitions comprised of mutually interested members are essential to win.** In the most challenging battles, success ultimately depends upon the willingness and ability to form alliances among and between groups and individuals with a broad spectrum of perspectives who all share in one common interest. Contacts made in the coalition building process are critically important and continue to pay dividends over a lifetime.

- **Actively pursue alliances with unlikely partners.** Often those assumed to be irreversibly opposed to our goals can be turned into partial supporters or even full partners through frank, respectful dialogues, dogged persistence, and an unwillingness — ever — to totally burn any bridges. While we certainly can’t afford to spend inordinate amounts of time on obvious long shots, neither can we make the mistake of totally writing anyone off.

- **Never underestimate the possibility that equal justice opponents will ultimately fail in their efforts to make a persuasive case for cutting or eliminating legal aid.** The fact is that civil legal aid is an efficiently managed, highly cost-effective and vitally important government function and ought to win all its battles hands down. Even so, we have often prevailed primarily because opponents have overreached or become sidetracked by their own internal infighting over the best way to achieve their destructive goals, and in so doing have failed to make defensible arguments. So — no matter how bleak it may look at times, it’s always worth it to continue fighting for legal aid.

- **Legal services opponents need but have typically failed to agree on a vision to succeed.** It is far easier to oppose the existence of a program designed to help people than it is to craft a well-designed effort to replace it. The debates surrounding the eventual fate of the Affordable Care Act illustrate the complexities and potential pitfalls associated with such a challenge.

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This Too Shall Pass

Looking back, when all is said and done, the most important lesson we have both learned is: *Keep the faith.* As the next round of challenges sets in, we can take heart in the following updated recitation of the conclusions reached by Rusty von Keller:

*Facing the events of the last eight years, the constant attacks, the unrelenting war with no quarter given, it is hard to see how we retained a sense of vision. Those who were not involved in the legal services struggles of the past, in that climate of social activism when legal services was growing, cannot have a full or firsthand sense of the resilience, the strength of legal services. But every legal services staff person can and should be generally aware of the past struggles and incredible achievements of legal services in order to keep newly emerging challenges in proper perspective. Legal services is a portrait of struggle, a picture of a movement of social reform and justice. It is, has been, and continues to be, a struggle of epic proportions for some measure of equal justice.*

After all, a career in legal services is far more than just a job.

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1 Victor Geminiani is the Executive Director of Hawai’i Appleseed Center for Law and Economic Justice. He began his legal services career as a VISTA Volunteer lawyer with the Atlanta Legal Aid Society. He has served as Executive Director of Legal Services of Western Massachusetts, Legal Services of Northern California, the Legal Aid Society of Hawaii, the Legal Aid Foundation of Los Angeles and the Hawaii Appleseed Center for Law and Economic Justice. He has also worked with the Legal Services Corporation as Associate Director of Support and Finances and as the South East Regional Director overseeing legal services programs in the ten southern states. Victor has served on the Executive Committee of the National Legal Aid and Defenders Association, as founding board member and Chair of Management Information Exchange and as a board member of the Litigation Section of the American Bar Association, as well as the ABA’s Standing Committee on the Delivery of Legal Services and its Standing Committee on Pro Bono and Public Service. He has been a recipient of the Litigation Section’s John Minor Wisdom Award, and the 2013 NLADA Reginald Heber Smith Civil Award. Victor may be reached at victor@hiappleseed.org.

*Continued on page 54*
Necessity is the Mother of Invention but Tenacity Gets the Job Done

By Jan Allen May, Executive Director
AARP Legal Counsel for the Elderly

I am writing this article just weeks after the inauguration of a new president. Already a pall has fallen over the legal services community nationally as we fear possible significant cuts in the governmental programs our clients rely on to meet basic needs as well as cuts in federal funding for legal services itself. Perhaps this is not an ideal environment for writing an upbeat and inspirational piece. However, as I look back on my forty years in legal services, I am reminded of the creativity and resilience of the legal services community and how many worthy innovations in service delivery have emerged over the years at least in part in response to threats to funding and sometimes to the very existence of legal services for low income people. I mention this not in any way undercut the need for significantly more robust funding for legal services but rather as a reminder to us all that, time after time, we have found a silver lining to the challenges that threats to legal services funding have posed. A review of our history in this regard reminds us of that creativity, a spirit of innovation, the importance of diversifying (both in the context of funding and delivery systems), and the sheer depth of commitment and tenacity of the legal services community has served us well in designing and re-designing an array of cost-conscious systems furthering our mission. Undergirding all of this change, whether diversifying funding or diversifying delivery methodologies, should be a deeply held belief that justice for all means not just access but meaningful service to those most in need as we implement and re-tool our delivery mechanisms.

This article focuses primarily on diversification of delivery methodologies, but threats to legal services funding has often spurred creative and successful efforts to diversify funding for legal services as well. Both the cut-backs in funding in 1980 and again in 1996 spurred many successful efforts to secure other sources of money for legal services from foundations, law firms, individuals, local and state grants, United Way, filing fees and especially Interest on Lawyers Trust Accounts (IOLTA), to name a few. In numerous instances, efforts to decrease funding for legal services actually made programs stronger by diversifying funding through these and other avenues.

But before we delve into the subject of diversification of legal delivery mechanisms as a result of threats and challenges to legal services, permit me a word about innovation. The word seems to be bandied about these days in corporate America and elsewhere as if sheer innovation per se were the panacea for all ills. It is not. But trying something new, challenging the old, re-thinking what we are trying to do and whether we are accomplishing it in the most effective and cost efficient way, as a total process, is of vital importance. Clients’ needs change, the demography of our clients change, technology changes almost daily (or so it seems). Doing the same thing in the same way year after year can blind us to real opportunities for improvement. We, as stewards of resources for legal services to the most vulnerable in our society, owe it to
our client community and those who fund us not only to embrace innovation but to do so always attuned to the need for appropriate metrics and quality assurance mechanisms. In short, let's innovate but let's measure what we have done to ensure that we are accomplishing what we said we would. And if not, let's re-group and re-design to get better results. That re-designing and re-tweaking and re-measuring is an essential, laborious, often frustrating but key part of the process. I chose to call that step "tenacity." Let me spell it out for the mathematicians among us:

Innovation + Good Metrics + Tenacity = a Better Service.

The Pro Bono Revolution as an Example

A strong and perhaps indispensable ally in the fight to save legal services in the Reagan era was the American Bar Association. Subsequent to that effort, a Legal Services Corporation regulation was promulgated to require every Legal Services Corporation grantee to spend a portion of their budget on private bar involvement. While this new requirement caused consternation in some quarters because it meant diverting some funds to private bar involvement which might have been used for staff attorneys, it unleashed a wave of highly innovative methods of involving the private bar in the delivery of legal services. Approaches ranging from referrals of one case/one lawyer, to clinics bringing together groups of private lawyers and clients, to larger litigation sprung up around the country. Indeed, now there are literally dozens of different approaches to utilizing pro bono attorneys as any Equal Justice Conference demonstrates on a yearly basis with a plethora of workshops showcasing different variations on the pro bono theme.

It is beyond the scope of this article to expand on all the variations of the pro bono models. But let me here list some common elements of a viable pro bono component, often learned through the blood, sweat and tears (or in the vernacular of this article the "tenacity") of the legal services community committed to making pro bono work as a model:

1. Encouraging the private bar organizational leadership and leaders within law firms to establish and grow a culture of pro bono in their ranks;
2. A legal services program open to pro bono involvement and willing to build bridges with the private bar involving, inter alia, teaching and being taught about areas of law with which the other party may not be familiar;
3. Establishing procedures utilizing best practices such as screening cases before referral, identifying the issues, adverse parties, deadlines and next steps;
4. Making explicit the availability of technical assistance, advice, resources and materials by the program to the pro bono attorneys;
5. Establishing effective on-going communication and monitoring of cases to their completion;
6. Collecting case closure information to show outcomes obtained and the tangible benefits that the pro bono component has achieved for the clients.

An effective pro bono program can reap immense benefits for the client community and the legal services program. First of all, an effective program leverages resources. One staff attorney dedicated to referring pro bono cases can manage many more cases than a staff attorney can handle alone, albeit not necessarily in the same areas of law. The private bar has expertise in many areas that a legal services program may not but can share or utilize for the benefit of clients. Private law firms have significant other resources that they can bring to bear on cases that a legal services program often cannot. Significantly, as has been demonstrated many times by many programs, investment of time by private attorneys in a legal services program often is followed by significant financial contributions from the attorney and/or law firm to support the legal services program. Structured properly through tenacious attention to detail and effective processes, a pro bono unit can become an important component of a legal services program. The benefits of a pro bono component as listed above can be measured, should be measured and in many programs are measured showing the concrete value added through a pro bono component.

But a pro bono program, like any delivery system, has its limitations. Usually a pro bono program is not well equipped to handle emergency situations. It is often difficult to get pro bono attorneys to get out in the community to visit homebound or institutionalized clients. Typically staff attorneys have in-depth knowledge of the arcane details of need-based programs such as Medicaid, TANF and Supplemental Nutrition Assistance which the private bar does not. Often pro bono attorneys are not the most adept at handling difficult clients. But these are all issues that can and have in many programs been effectively dealt with through a
combined effort of a pro bono program as an adjunct to a quality staff attorney program, leveraging each other’s expertise and resources to serve our client community effectively and tailoring the service to the needs of the client. In my view, to best serve the client community requires a tapestry of diverse delivery systems that directs clients into different directions depending on the nature of the problems, the resources available in the various systems, where on the continuum of services the client’s need falls and the client’s ability to help her/himself. Perhaps the hotline concept, growing significantly in the midst of the funding crisis in the mid-nineties, is the best example of this phenomenon.

The Hotline Phenomenon

Hotlines, when properly designed with appropriate quality control mechanisms, can be a significant cost-efficient and effective way to provide information, advice, referral and some brief services to clients as well as developing cases for scheduling for more in-depth representation. Having been involved in the creation of legal hotlines from their inception, I believe I can recite in my sleep the various pros and cons of legal hotlines as a delivery mechanism. For the purposes of this article, it is important to remember that hotlines came into widespread usage in the mid-nineties as a result of threats to legal services funding and its near elimination. During that funding crisis, as some of you may remember, support centers and supplemental field programs (of which my program (an LSC-funded pro bono model no less) was one) were defunded entirely. This crisis brought on increased restrictions on legal services program activities in addition to the funding issues.

Legal hotlines provided an alternative in which large numbers of clients could be served with information, advice and brief services in a relatively cost efficient manner. They could not provide in-depth representation but could screen clients and set up appointments appropriately for such services. They allow clients to speak directly with an attorney from the get-go, and not wait for days or weeks for the program staff to get back to them, often telling them at that point that the program is unable to help. In short, getting a client to an attorney quickly over the phone and resolving what can be resolved then and there can realize significant program efficiencies. I believe that there are now some 160 or more such legal hotlines around the country.

Tenacity by resourceful managers and staff played a key role in working through myriad issues concerning the proper selection and training of hotline attorneys, the development of procedures and substantive materials, the process for reviewing the work of the hotline attorneys, not to mention selection of the appropriate case management software and telephone systems to make hotlines operate effectively. Indeed, there is currently a legal hotline website that has amassed a robust collect of data, best practices, manuals and other tools for establishing and maintaining an effective hotline (see legalhotlines.org). Further, the ABA published in 2001 the Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information which provides guidance on the myriad issues facing this once innovative delivery system.

But as with pro bono, hotlines are not a replacement for a staff attorney program. Rather they ideally are a component of a legal services program that deals efficiently with certain types of cases and operates as an intake mechanism for others. Properly administered, a hotline can free up staff attorneys to work on more in-depth issues while the hotline deals with the high volume but important client needs around advice and some brief services. Hotlines can also help some clients to help themselves by coaching them through routine problems without requiring full blown representation. And, of course, that brings us to the explosion of self-help initiatives.

Helping Clients Help Themselves

Regardless of what may happen in terms of federal funding for legal services or how greatly programs might diversify their funding through other sources, it seems safe to say that there will not be a time, at least in the foreseeable future, when every poor person who needs a lawyer will be afforded one. The methodologies outlined above can significantly help in serving a large number of people. There are some people who will be in a position to be able to help themselves in solving their own legal problems. The development of organized pro bono and the proliferation of legal hotlines paved the way to an array of approaches to helping clients help themselves with a little help from their legal friends. Further, the recession in the early 2000s (causing a spike in client demand) coupled with more and more ways that computer technology can be harnessed to help pro se litigants formed the backdrop in more recent years to the creation of an abundance of methodologies by which individuals can access the justice system and often resolve their problems without the full representation of a lawyer.

Such initiatives vary from legal forms available at a
library to court-based resource centers where individuals can get discrete services from pro bono attorneys, advice, brief services and directions on taking the next step. Among other examples are clinics where clients complete their own health care powers of attorney with the assistance of a facilitator/attorney, visit a self-help office where a paralegal helps them write a letter of complaint or complete a small claims complaint, court kiosks that can create pleadings on a variety of subjects, and clinics on such topics as bankruptcy and pro se divorces.

A key element in this particular movement is the degree to which the individual client is able, physically and mentally, to advocate for herself/himself. The self-help models generally rely on the person being literate, able to travel, and write and speak clearly. For the entities setting up such models, it is a challenge to develop metrics to ascertain the extent to which the pro se client is able to understand the steps to take and ultimately be successful in carrying it out.

Further, while self-help services can be a helpful place to refer people whom the legal services organization is unable to help directly, it is unclear whether the development of such initiatives are properly the province of legal services or more appropriately established and maintained by the courts. It may well be that here again a collaborative arrangement between legal services and the courts where again each entity is leveraging the other’s resources and expertise is the way to go.

Finally, the self-help initiatives, perhaps more than any other, illustrate the ever growing importance in our lives of technology. Additionally more and more of our clients will have grown up in a world where computers are everywhere so that the learning curve for clients will be quicker and more doable. Whether it is applying online for services, utilizing basic document assembly techniques or transferring documents back and forth, our client community will more and more need to rely on technology to navigate the world and interact with us, the legal and justice system and third parties in resolving disputes. In light of that, we have a duty in self-help contexts and others to ensure that our clients are as equipped as possible to deal with these technologies and that the technologies are as user friendly as possible for our clientele.

Lessons Learned
From our substantial history of facing financial threats to legal services, we have learned (and sometimes relearned) a great deal, specifically:
1. Innovation is a vital tool in accomplishing our mission;
2. Difficult times again and again have produced in our community new and different approaches to solving legal problems and ways to fund them;
3. There is no one best system, but a blending of a variety of systems that best meet the multiplicity of client needs is perhaps ideal;
4. Technology is the future and we need to constantly create innovative uses of technology to best serve our clients;
5. Every innovation should be measured for effectiveness and monitored for quality control;
6. Program staff are best positioned to design and monitor the quality control systems as well as handle the legal issues that are not effectively dealt with by these other methodologies;
7. There is no substitute for tenacity and persistence in grappling with innovative systems to best serve our clients. It has been said that Edison knew 1800 different ways not to build a light bulb. While we probably have not come up with nearly as many ways not to provide legal services, we have, in trying times, repeatedly risen to the occasion and shed much light on how to better serve our clients in innovative ways.
8. We have miles to go, many funding battles to fight and many innovations to test before we can come close to ensuring full access to justice and comprehensive and meaningful legal services to low income people throughout our country. But we shall continue to persevere as our proud history has so ably demonstrated.

1 Jan May is the Executive Director of AARP Legal Counsel for the Elderly (LCE), the primary provider of legal services to low and moderate income older people in D.C. At LCE, Jan has implemented a wide array of innovative delivery systems and community education initiatives. Jan has written many articles on legal services and trained on substantive legal and management topics in legal services throughout the country for over thirty five years. He is the Legal Services Developer for D.C., the Chair of the MIE Journal Committee, and a member of the Board of Directors of MIE. Jan may be reached at jmay@aarp.org.
2 For a more detailed accounting of these phenomena, see Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States by Alan W. Houseman and Linda E. Perle available on the CLASP website (clasp.org/reports).
Surviving Defunding, or, the Loss of Government Funding May Make You Stronger

By Will Ogburn, Senior Fellow
National Consumer Law Center

In 1996, Newt Gingrich’s “contract on America” eliminated all Legal Services Corporation (LSC) funding for the National Consumer Law Center and other support entities. Defunding was swift, and it was complete.

Then, as now, legal services funding was subject to widespread and vociferous attacks from the ideological right. LSC had its defenders to be sure, but the reservoir of political support fell far short of what we see today.

Today, ties to local Congressional offices are much stronger, more bipartisan, and much more widespread; state funding of one kind or another is nearly universal; the institutional support of state supreme courts is commonplace; public opinion is broadly supportive; corporate support through NLADA is strong; and the antipathies of some local bar associations are largely a thing of the past. Still, program directors are rightly concerned about the coming fight over LSC funding for the future.

Grappling with the new threat to LSC funding, the New England Project Directors invited me back to tell about the defunding of the National Consumer Law Center and how it survived.

Rather than recount an old war story, I summarized my experience in nine lessons learned from the ordeal. The first two lessons — about timing and reserves — were and are controversial strategies some will not agree with. And the last two lessons — changing a program’s culture and diversifying revenue — are the most challenging.

First, Some Context

National support centers like the National Consumer Law Center had been a focus of rightwing attacks for many years. When I joined the National Consumer Law Center (NCLC) in 1975, it was on a punitive cycle of three months funding. Later, legislation was passed and signed with the intention — never fully fulfilled — of impeding support center advocacy. Two presidents and another presidential candidate attacked legal services and support centers. A regimen of hostile “monitoring” and sometime grant restrictions were part of life. NCLC was sometimes singled out by name, and even attacked on the floor of the United States Senate. We were always on edge and under the gun.

When the ax fell, it cut nearly all our funding. NCLC had a few small grants, generally $25,000 or smaller, and income (but never a profit) from its consumer law manuals. Nothing more. No IOLTA, no Access to Justice support, no significant donors or potential donor base, and no natural audience outside of the legal services world. On the other hand, we did have an outstanding staff, and a great reputation for high quality, high impact advocacy on behalf of low income families.

When the crisis hit, I submitted three alternative funding plans to our Board of Directors, one of which proposed a staff of just four people! In the end, we survived and in time we thrived. Today, less than 2% of NCLC’s income comes from government sources (including IOLTA), and yet the Center is bigger by far — and stronger in dollars, more sophisticated with its advocacy, and far more successful in bettering the lives of low income consumers nationwide. Significantly, without government funding, we are better and more efficient advocates than ever.
Here are nine lessons learned in the crucible of defunding:

**Lesson One. Act Early.**

If we hadn’t acted early, NCLC may not have survived. I did not wait until actual defunding legislation was adopted, but acted months beforehand. As soon as it was apparent to me (not necessarily to others) that funding for LSC field programs was going to survive only by sacrificing the national support centers, NCLC moved into austerity mode and prepared for the worst.

Acting early was far from a universal strategy, but it was an essential reason why NCLC endured better than most. Of course, very legitimate internal and client-focused reasons exist to wait until defunding is a fait accompli, but as we all know, acting sooner to husband limited resources means less drastic cuts when the ax actually falls.

**Lesson Two. Hard Times Justify Reserves.**

Some argue that as long as client needs desperately outstrip local resources, programs should never take resources away from the day to day fight for justice. Others have come to balance client needs and staff salaries with a modest safety net of a few months savings. In my view, defunding makes painfully obvious the long term need for substantial reserves.

A defunding crisis can be used to reduce or even eliminate staff resistance to the accumulation of sizeable reserves. After all, reserves are the surest form of job protection measures. The 1996 defunding was the second time I was forced to confront staff layoffs. I swore to myself it would never happen again.

Quite apart from job protection, reserves assure program continuity, the ability to ride out hard times, and the ability to invest in new and promising initiatives. Advocating for the poor is a long term enterprise. And despite the fear that substantial reserves make foundation fundraising more difficult, NCLC’s experience is exactly the opposite: most foundations want to invest in highly successful organizations that are transparently very strong financially.

**Lesson Three. Involve All Staff.**

Institutional survival was a group effort. Some leaders can carry an organization on their shoulders, but not me. In a good program, all staff have a personal stake in success, and most staff members are deeply committed to its mission. To survive, it was necessary for all staff to be heard and to be engaged and committed to the necessity to change course.

Communicating the scope of the impending crisis, keeping everyone up to date, actively listening to peoples’ concerns and ideas, and involving people whenever practicable helped keep a positive attitude even in the face of scary times. An honest assessment of risks was important, but so was articulating a determined “we-can-do-this” attitude, whatever “this” might turn out to be.

**Lesson Four. Strategic Planning Even for a Skeptic.**

I put strategic thinking ahead of group strategic planning, and find truth and comfort in the literature critical of routine strategic planning. But in a crisis of impending defunding, group strategic planning was truly important.

Giving all staff the opportunity to participate in strategic planning served several invaluable purposes. Just having the opportunity to participate in such consequential matters was important for staff members. Brainstorming was key to survival, and strategic planning provided a structured way for creative and sometimes off the wall thinking. And it illustrated for all to see the very difficult Hobbesian nature of the existential decisions facing the organization. When hard choices had to be made, they were more easily accepted. Indeed, in the end, most people were glad that they were not the ones who had to make the truly tough decisions.

The other thing to be said about strategic planning in such dire circumstance is that the resulting plan is only a starting point. Some things will work, some won’t. One must be ready to discard or adapt whatever proves to be unrealistic, too hard, or too impractical, and continue to be open to entirely new ideas and ways to proceed.

**Lesson Five. Don’t Believe What You Are Told.**

Find out for yourself what is realistic. So many well-meaning people and experts will “know” what will work, what will “surely” allow you to survive and still continue to be outstanding advocates for the poor. In fact, nobody knows for sure. You have to find out the hard way. Pragmatism is everything. Be suspicious of large new investments.

When NCLC was defunded, scores of project directors said that they would pay for us to continue training program attorneys. It didn’t happen until years later when we had the infrastructure to make training a sustainable adjunct to our advocacy. Experts told
us direct mail would be ideal for an organization like NCLC. It wasn't true then (and it isn't true now either). Other experts told us we could never build and sustain a self-sufficient national advocacy conference, and yet our National Consumer Rights Litigation Conference now attracts up to a thousand lawyers annually, nearly half of them from legal services.

Lesson Six. Wear Altruism on Your Sleeve.

This is a lesson I learned at Cleveland Legal Aid, but it was never more important than when NCLC was defunded.

Many people on staff, I among them, are all about being pragmatic, realistic, nose-to-the-grindstone legal aid lawyers, committed to justice but short on moralizing rhetoric. Leaders have to learn to give voice to the altruistic values that motivate justice workers, but it was especially important when the very life of the organization was at stake. Giving voice to the altruistic values we all share is both reaffirming and — when times are tough — reassuring. And perhaps subconsciously, it helps people to stay and fight rather than look to move on.

Lesson Seven. Be Machiavellian.

A funding crisis is an opportunity to address program weaknesses. I counseled some people that if defunding comes, their jobs would probably not survive; they were actually grateful to have had an honest warning and — when times are tough — reassuring. And perhaps subconsciously, it helps people to stay and fight rather than look to move on.

Lesson Eight. Change the Culture.

A program without government funding is going to be very different than a program that survives on a big legal services grant. It is probably impossible to know in advance all the ways a program's culture is going to have to change. In the face of the 1996 defunding, two strategies proved invaluable.

Fundraising is the most obvious need when you lose eighty percent of your revenue overnight. To survive, and to become a successful fundraising program, everyone at NCLC had to develop a sense of fundraising opportunities and be more than willing to pitch in and help bring in new resources. To help “break the mold” where attorneys didn't really need to care about where the money came from, we assigned people to fundraising committees to consider grant ideas and opportunities. More dramatically, I also privately approached every advocate as a “teammate,” and said that they needed to raise $10,000 (today that would be more like $25,000) by the end of the year, that is, in six months’ time. I didn’t care how, and in truth I didn’t expect uniform success either. It was simply an effort to change how people thought and how they needed to see the world. Staff participation in fundraising is now a bedrock of NCLC’s success.

The second aspect of having no significant general funding is that everything an advocate does has to have a known, specific fund source. One can not simply justify work because it is important; it has to be important AND have a funding source. Much of my time in those early days was spent sympathetically asking who is going to pay for this effort or that effort, and saying “No, you can’t” if funding is not in hand. I said no to projects, to invitations, to inquiries from outsiders, to whole areas of activity, to things NCLC had always done.

This hardline — saying “no” to everything unfunded - actually played to the strength of NCLC’s staff. NCLC’s staff, like your staff, loves their work and believes wholeheartedly in its importance; they want to continue to do the work that they truly believe is so vital and necessary. It is reason enough to become attuned to fundraising opportunities and, in time, to become skillful at it. Today, fundraising is so much a part of the air NCLC breathes that new staff develop fundraising instincts almost without thinking.


Of course nothing is as basic as this: if you lose your primary source of funding, new revenue sources are needed.

In my experience, there is no easy path forward and certainly no one or two sources that will quickly replace the lost funding. Better to try lots of different things to see what works. Everything, in my book, is incremental — both in terms of how much money can be raised and in how long it will take for any one strategy to be truly successful. I am skeptical of any promised magic bullet.

Direct mail wasn't going to work for NCLC. And a big fundraising dinner or event was a dead end. But some other efforts, such as these, were successful:

- NCLC did not have a community of donors, but slowly built one. At the time very few people outside of legal services practiced consumer law. Today there are several thousand private and legal services attorneys who make their living as
consumer law attorneys. Perhaps the same can be true in other areas, like housing, some aspects of family law, wage and hour cases, or access to some forms of public benefits.

NCLC’s board of directors, despite immense strengths, was simply not going to be an effective fundraising body. Instead, NCLC formed a Partners’ Council whose membership is devoted to helping NCLC raise funds. I came to appreciate that large swaths of the plaintiff’s bar are as committed to the uphill fight for justice as legal services attorneys. In its publications, NCLC gives greater prominence to its Partners’ Council than to its Board.

It took a few years to do so, but NCLC changed its 501(c)3 status in order to build a litigation effort devoted to the welfare of low income consumers that could be substantially more than just self-sustaining. We often team with the private plaintiffs bar in order to bring cases of immense national import, sometimes even if discovery alone might cost a million dollars or more. With victory, we claim very substantial, non-discounted market rate fees as measured by the private — not public — bar.

Our consumer law manuals still don’t make a profit, but they contribute significantly to the “cost” of an outstanding staff of advocates — advocates who not only write the manuals but who bring their status as the nation’s experts on consumer law to bear on matters of urgent and far reaching public policy. After losing LSC funding, we enhanced, expanded, and more routinely supplemented our manuals, greatly increasing our publications income. We have continued to invest in our publications so that they are now world class online resources for all, used widely and cited all the way up to the Supreme Court. (And they still remain available to legal aid programs at deep deep discount.)

The real experts in most areas of poverty law in fact work for legal services programs. NCLC’s lawyers, like many of your own, are real experts. As expert witnesses, NCLC staff bring in substantial market rate fees.

NCLC’s foundation fundraising needed more effort and more sophistication. With time, the average grant went from small to large, from few to quite a few, and from haphazard to multi-year. In part, this was accomplished by teaming with other organizations, in the process developing an independent reputation for effectiveness of our own. I also like to encourage competition for grants because more “competition” in a given area often means greater foundation appreciation and resources for poverty law work.

Conclusion

The transformation from an organization dependent on LSC funding to one that has to raise essentially all of its funds every year is huge. One change was totally unexpected and still seems counter-intuitive. I never thought at the time of our defunding that the loss of government money would make us stronger than ever. But from the beginning, being dependent on fundraising made us much better and much more effective advocates. We have to justify our proposals, be focused on outcomes rather than activities, be explicit about what we are going to do and how long it will take, perform to task, measure our successes (and acknowledge our shortfalls), and continuously account for ourselves. Each of these skills has gone a long way to make NCLC advocates stronger, more successful, higher impact advocates on behalf of low income consumers.

1 Willard Ogburn is a Senior Fellow at NCLC, previously serving as Executive Director. The National Consumer Law Center is a low income advocacy organization, publisher of the major treatises on consumer law, a support center for legal aid programs, and sponsor of the annual National Consumer Rights Litigation Conference. The Center is sometimes called “the nation’s consumer law experts.” Will has presented and written widely on consumer law. He has served as Deputy Commissioner of Banks in Massachusetts; in the Executive Office of the President; with Congress’ Legislative Reference Service; in the Law Reform Unit of Cleveland Legal Aid; as a member and Chair of the Federal Reserve Board Consumer Advisory Council; on Senator Elizabeth Warren’s Judicial Screening Committee; on the transition team for Massachusetts Attorney General Maura Healey; and on the Boards of Directors of Americans for Fairness in Lending; the Consumer Federation of America (President); the National Association of Consumer Advocates (Executive Committee); the Center for Legal Aid Education (President); and Consumer Reports. He was awarded the National Association of Consumer Advocates’ Lifetime Achievement Award; the William J. Proxmire Lifetime Achievement Award by the American College of Consumer Financial Services Lawyers; and the Lifetime Achievement Award of the Massachusetts Bar Association. Will may be reached at wogburn@nclc.org.
For Managers: Leading in Hard Times

By Catherine C. Carr, Legal Aid Consultant

There is no question that this is a hard time for legal aid managers. We are facing threats to essential funding, to programs that are critical for our clients’ well-being, to the democratic process and American ideals of justice, and, perhaps more mundanely but close to home, to our deeply held beliefs on what successful persuasive leadership should look like. Our work is more necessary than ever, and yet our thoughts and hearts are often heavy, and it can feel hard to push forward.

As managers and leaders we model behavior and set expectations for our staff and organizations. So we must continue to encourage and inspire people even as we face fears and challenges. How we feel and act influences our staff. If we are stressed, worried and down, our staff will see that; if we are strong, inspired and optimistic, our staff will feel better and move forward with more energy, a clearer vision, and more resistance to stress, and will do a better job for our clients.

It is of course much simpler to say “model optimism” than to do it. How can we get there? As leaders we need to be conscious and self-reflective about our own moods and emotions. Pay attention to how you feel, whether you are smiling, whether you feel tired or down, and consciously address it. Rely on friends to help you think differently about your situation, to cheer you up, to change the narrative you carry in your head. Consider yoga, meditation, a professional coach or even a therapist if you are really hurting. Take time to have fun and to exercise, to listen to music, to read something other than work and the news. Just remember, your mood and behavior and words all have impact on those you lead; you and your management colleagues shape the culture of your organization, and how it feels to come to work each day.

We do not need to look further than our current political transition to see the power of leaders. The demeanor, words, expressed vision and behavior of our outgoing and incoming presidents have shaped how people feel, how they see the world, how optimistic or afraid they are, and this happens completely separately from actual executive actions. Leadership courses teach transparency, inspiration, integrity, compassion, and honest communication as the marks of successful leaders; we must bring these values to our work no matter what is going on around us and our staffs, and no matter what is being modeled by others in positions more visible than ours.

We can believe in a vision of a better future, and a future which we can help shape and impact. A long view of social change is a powerful and optimistic one. This country has had too many horrific moments where real people have suffered horribly at the hands of the powerful, where government has not righted wrongs, and where justice was not served. But we have moved forward to a better place. Our past shames range from slavery, to the genocide of native Americans, to imprisonment of Japanese Americans to the oppression of women and homosexuals. Our past political splits include the meanness of McCarthyism, the generational schisms of the Vietnam War, the hearings of Watergate, the Court decision in Bush v. Gore. Our nation has survived all this and moved forward towards more justice. America does wake up to its mistakes and lawyers have played large roles; it took a Civil War led by a lawyer president to end slavery, it was an experienced lawyer who called out Senator Joe McCarthy’s abuse of innocent witnesses with a now famous question: “Have you no sense of decency, sir?”

We must be leaders who believe and communicate that our work and our words and our activism will make a difference. And they can make a difference. We have seen up close — and thus can educate others — about the problems our clients face in keeping their families fed and housed, obtaining adequate medical
Care and accessing opportunities to work. We can push to enforce the laws and preserve the systems that assist them. Our clients without money need a voice in a political system where money buys access and we can help them be heard, both as individuals in a courtroom and important participants in our democratic processes.

We have seen the power of strategic activism coupled with legal work in the powerful changes that have happened just in recent decades. Seekers of same sex marriage were denied Supreme Court review in 1972 with a one sentence order. Just four decades later the majority of Americans supported the idea and it was ruled a constitutional right. After September 11, multiple rights were taken away in the name of national security, indeed even torture had its defenders; but with time activists and litigators changed public opinion and more reasonable approaches ruled the day.² Similar protests, strategies and challenges to recent attacks on immigrants, religious minorities, the environment and programs for the poor will see success; our mandate is to be vigorous, active, hopeful and persistent.

While there will always be deep injustice to address and so much more work to be done, we are on the right track, and we get to spend our days pushing forward values of rule of law and compassion. Our legal training provides us with powerful tools, and our justice community boosts us with friendship and shared joy in a vision of a better world. In just one decade, we have celebrated the first black president and the legalization of gay marriage. Progress will continue, despite setbacks, if we keep pushing for justice. When I feel myself facing despair, I think of those who put their lives on the line for civil rights with a courage I could never muster, and I recite the words of Martin Luther King, Jr., who kept himself and his followers moving forward with faith and without fear: “the arc of the moral universe is long, but it bends towards justice.” Let us follow in his footsteps.

1 Catherine C. Carr is the immediate past Executive Director of Community Legal Services, the largest civil legal aid provider in Philadelphia, a position she held for twenty years, following service as a staff attorney specializing in public benefits. She is an Adjunct Professor at the University of Pennsylvania Law School and School of Social Work and Social Policy, coordinates the NLADA Strategic Advocacy Initiative, and provides independent consulting to legal aid programs. She is a member and past chair of the MIE Board and serves on the MIE Journal Committee along with several foundation, bar, and city government boards and task forces in Philadelphia. Cathy may be reached at cathycarrphila@gmail.com.

² For a thorough discussion of these challenges, see Earl Johnson Jr., To Establish Justice for All: The Past and Future of Civil Legal Aid in the United States (Praeger, 2014); Earl Johnson, Justice and Reform: The Formative Years of the OEO Legal Services Program (New York: Russell Sage Foundation, 1974); Alan W. Houseman and Linda E. Perle, Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States, (Center for Law and Social Policy, 2013), available at http://legalaidresearch.org/?p=3755; Alan W. Houseman and John Dooley, Legal Services History (1985) at https://repository.library.georgetown.edu/handle/10822/712988
How One Legal Aid Program Is Responding in an Era of Political Uncertainty

By Jennifer Burdick, Kristen Dama, Claire Grandison, and Josie Pickens, Community Legal Services of Philadelphia

This is a challenging time for legal services advocates. Threats to our clients, and to the future of our organizations, are on the horizon. We can and must meet these threats with courage and creativity.

Advocates at Community Legal Services of Philadelphia (CLS) are responding to attacks on our clients’ well-being by doubling down on our values and messaging our work to draw the broadest possible support. We are placing new emphasis on self-care, so our clients and colleagues can face emerging federal policies head-on. We believe that self-care should include both a commitment to promoting diversity, inclusion and dialogue, as well as zealous advocacy to preserve programs and services for our clients.

Many of us feel powerless right now, but effective advocacy not only benefits our clients, it also helps us to remember the ways that we can make a difference. In just one example of this work, we are currently dispelling myths about safety net programs and working with allies to demonstrate and cultivate widespread support for programs like Medicaid and Supplemental Security Income (SSI) benefits.

We don’t know what is in store in this changing political landscape. We do know that we will need to actively counter narratives and policy changes that scapegoat families that are struggling to get by, as well as other marginalized groups. Meanwhile, we will need to protect ourselves from burnout and despair.

Creating a Culture of Care to Sustain Advocacy

CLS is approaching our work by creating a culture of care to ensure that the values we fight for externally are reflected within our organization and to provide advocates with the support that we will need to sustain increased legal advocacy.

Our organization laid the foundation for our current approach in 2015 when we created a Diversity and Inclusion Committee. Internally, the Committee plans trainings and events to increase cultural competency within the organization, hire and retain a more diverse staff, and find ways to support all staff. Externally, the Committee organizes community events and finds ways to more intentionally bring racial justice into our anti-poverty work.

This foundation has provided a platform for CLS staff to grapple with and respond to emerging threats to clients and to staff members’ own well-being. For example, the Committee recently organized an event to learn how to support the Muslim community through our work and our individual actions.
Additionally, CLS recognized the need to reaffirm our values publicly to ensure that clients and staff understand that CLS is a welcoming and inclusive space. CLS posted statements on social media and to our email list of donors and other supporters, affirming our alliance with marginalized communities. We also posted signs throughout our offices stating that we stand with and welcome people of color, immigrants, people who are LGBT, Muslims, and other vulnerable groups.

CLS also understands that, as legal advocates, we are not immune from the emotional and health consequences of threats to our values. After the election, CLS provided an opportunity for staff members to meet to discuss our reactions. It was an environment in which we were free to discuss our thoughts about possible changes in the law and our personal emotional responses. All opinions were welcomed. We shared examples from past struggles and victories. Many of us left feeling encouraged that we could maintain our footing, even in this tumultuous time.

CLS has continued to provide opportunities for reflection and discussion, by scheduling short breaks every few weeks so that staff can step away from their daily routine and check in with one another. CLS also has a Wellness Committee that promotes healthy living and stress management. Alongside the work of our Diversity and Inclusion Committee, these efforts have encouraged an atmosphere of self-care and mutual respect.

Focus on our own self-care and care for our clients is a critically important tool that allows us to push back effectively against policies and proposals that undermine our clients’ abilities to live healthy, stable lives.

In the face of threats to civil liberties and anti-poverty programs, it is easy to feel overwhelmed, powerless, and unsure how to fight back. CLS is helping legal services advocates survive and thrive in this era of divisiveness and political uncertainty. We will need to retain a focus on our own wellness as we prepare for a vigorous fight to preserve benefits and services for our clients. Advocates at CLS are gearing up for what we expect will be several years of work to protect and strengthen public benefits programs, consumer protections, and other laws that combat poverty. We outline two of our efforts below.

**Fighting to Protect Medicaid Coverage for Families in Need**

An initial focus at CLS is on protecting Medicaid coverage. Congressional lawmakers are weighing plans to repeal the Affordable Care Act (ACA), roll back Medicaid expansion for lower-income Americans, and restructure and curtail other Medicaid funding so that states will have no choice but to cut coverage and services for seniors, individuals with disabilities, and children.

CLS is just two years removed from extensive work on Medicaid expansion. After a U.S. Supreme Court decision made Medicaid expansion optional for states in 2012, Pennsylvania’s then-governor initially declined to expand Medicaid. CLS joined forces with our grassroots partners, disability advocacy groups, and other allies to make the case for Medicaid expansion in Pennsylvania.

After a year of pressure from the public and Pennsylvania legislators from both parties, Pennsylvania’s governor agreed to expand Medicaid effective January 1, 2015 — provided that the federal Centers for Medicare & Medicaid Services (CMS) approved an omnibus waiver of federal Medicaid law to allow inclusion of work requirements, even for some individuals with disabilities; unaffordable premiums with “lockouts” from coverage for nonpayment; and a minimal package of benefits. The proposed Medicaid expansion was coupled with planned benefits cuts for seniors, pregnant women, and individuals with disabilities.

CLS and our partners were adamant that anything less than full Medicaid expansion was bad for Pennsylvania families. We also made clear that it was unacceptable to couple an expansion in coverage with cuts for people with the most significant medical needs. Throughout 2013 and 2014, we educated partners, constituents, legislators, and the media about how Medicaid works and why it is a cornerstone of Pennsylvania’s safety net. We joined with partners to let state and federal policymakers know that benefits cuts and waivers of Medicaid law were intolerable. Due to overwhelming public pressure, Pennsylvania scaled back its waiver requests and benefits cuts. CMS rejected several remaining waiver requests and benefits cuts, citing widespread opposition from Pennsylvanians.

Medicaid expansion became an issue in the 2014 election, and Pennsylvania elected a new governor who opted for a more traditional Medicaid expansion and abandoned benefits cuts. Over the last two years, Medicaid expansion has been an overwhelming...
success. More than 700,000 lower-income Pennsylvanians have gained access to coverage and treatment. Medicaid expansion has emerged as a vital tool in fighting Pennsylvania’s opioid crisis.

We hoped that CLS had helped to close the door to future cuts to Pennsylvania Medicaid. Now, however, federal lawmakers seek to roll back Medicaid expansion while restructuring, and cutting, Medicaid payments to states. Medicaid programs in every state are more imperiled than ever.

Because we represent individual clients who rely on Medicaid, we know what Medicaid cuts mean. Children will not get adequate treatment for asthma, and many will go unvaccinated. Individuals with disabilities will not be able to get care at home, and many will be pushed into nursing homes. Our clients will get sicker, and some will die.

Despite these very real stakes, we are facing the fight to protect Medicaid with optimism, because we learned three lessons from our work on Medicaid expansion.

First, protecting Medicaid is a winning issue. We must challenge assertions that Medicaid leads to substandard care, and that it undermines self-sufficiency. In fact, Medicaid allows people to get and stay healthy, so they can work to the best of their abilities. We also have to call federal financing changes what they are: Medicaid cuts. From Medicaid expansion, we know that, once the public understands gimmicky Medicaid proposals that will cut funding and services, they are overwhelmingly opposed, and they are willing to speak out.

Second, CLS cannot protect Medicaid on our own. We must work closely with disability advocates, grassroots partners, industry groups, and others to make clear that Medicaid works and that Medicaid cuts are unacceptable. If we coordinate our advocacy and messages, the work of our individual organizations will be amplified.

Third, and relatedly, we will “stay in our lanes.” We are not grassroots organizers, and we do not have the capacity to turn out crowds who can speak out against Medicaid cuts. Instead, we must support the people who do that critical work. We will take complicated federal proposals and help our partners understand and communicate the stakes for Pennsylvania. Our roles may not be the highest-profile, but we have skills that can contribute to our coalition’s success.

Defending the Safety Net for Children with Disabilities and Their Families

Beyond Medicaid, we are also working to protect another component of the safety net from federal cuts: the Supplemental Security Income (SSI) program for children. SSI benefits provide vital monetary support for children with serious disabilities and their families, yet members of Congress have proposed plans to eliminate the program entirely or change it to a block grant that would allow states to dramatically reduce financial support for families.
CLS represents hundreds of families every year who rely on SSI benefits to survive. Raising a child with disabilities comes at great cost, and families depend on SSI to pay for added medical costs, specialized food and equipment, and to replace lost income when they need to take time off work to care for children with disabilities. Almost half of low-income families raising children with disabilities report that they are unable to meet basic needs. As a result, children with disabilities are much more likely to live in deep poverty and experience food insecurity, homelessness, and utility shut-offs, than children without disabilities. Without SSI benefits, many families raising children with disabilities have to consider placing their children in institutions or foster care because they cannot afford to keep those children in their home. Other families face homelessness or an inability to access necessary treatment for that child. Unsurprisingly, without SSI benefits, many children with disabilities face significantly worse health outcomes and dimmer prospects at long-term independence.

In response to the threats facing the childhood SSI program, CLS developed an advocacy strategy to defend the program based on coalition building, media and messaging, and legislative advocacy. We represent low-income clients who have been denied SSI benefits in their appeals and use our individual representation to inform our systemic advocacy.

Through coalition building, CLS is reaching out to both local and national partners to strengthen relationships and build new connections. These relationships allow CLS to gather stories about how SSI benefits have transformed the lives of families across the country, helping their children to succeed. CLS is also building a network to lay the foundation for future work, which may involve organizing community meetings, writing letters to legislators, and collaborating to develop reports and articles.

Through media and messaging, CLS is educating the general public and decision makers alike about why the childhood SSI program is a lifesaver for families. When it comes to Social Security benefits, while the general public has some knowledge about retirement benefits and the Social Security Disability Insurance programs, the childhood SSI program, which serves approximately 1.2 million low-income children with disabilities, is not well known and has been the subject of much misinformation over the years. CLS authored new materials to help people get the facts and understand the SSI program’s vital role in alleviating poverty.

Finally, CLS has increased legislative outreach and advocacy to proactively advocate for the childhood SSI program before the introduction of any legislation proposing cuts. CLS has met with Congressional representatives and their staff to raise awareness about the importance of SSI benefits and to make them aware of the amount of federal funding that flows to each Congressional district and state through SSI payments. This outreach allows us to frame the issues and build relationships for future advocacy.

Throughout our advocacy, CLS remains hopeful that the SSI program will be preserved for children because we have seen how these benefits help children with disabilities and their families. Studies show that SSI is key to keeping many low-income families caring for children with disabilities out of deep poverty, and that for thirty percent of child SSI recipients, those benefits lift the family above the poverty line. Moreover, poor children whose families receive a boost in income do better in school and work and earn more as adults.

Facing the Future of Legal Advocacy

While this is a taxing time for legal services advocates, it is also a time of opportunity. As we face widespread threats to the social safety net and other federal programs that support families in need, we have the chance to make the case that these programs are vital, and that they work. We get to face head-on the myths and misinformation that have long plagued the federal programs that our clients depend on — programs that have been largely ignored by the national media and the general public in recent years. Challenges to these programs provide us with an opportunity to forge new alliances and to remind ourselves that we are not alone in the fight to protect struggling families.

It is also a moment for legal services staff to develop our skills and expertise. Legal services advocates will have opportunities to be part of important litigation, media stories, and legislative and administrative efforts to protect our clients. We can use this moment to reaffirm our commitment to providing civil justice as an organization, and as individuals. Critically, we will also need to refine our tools to provide self-care so we can sustain our efforts long-term. Advocates at CLS are optimistic that if we meet the challenges ahead with increased support for our clients and colleagues and multi-faceted legal strategies to defend what we have gained, we will make our institutions and our efforts on behalf of our clients stronger in the long run.

Continued on page 54
The Sargent Shriver National Center on Poverty Law (Shriver Center) has long focused its anti-poverty efforts on policy and regulatory decisions made at the state and local levels. We have also appreciated, celebrated and benefited from the vital work done by unrestricted policy and litigation organizations in other states. Through this we saw early on the potential value that could come from better connecting and strengthening the efforts and collaborations of these state-based organizations to advance anti-poverty and racial justice agendas across the country. Conversations had with peers in these kindred organizations affirmed a shared interest in exploring the possibility of joining forces in some capacity.

In May 2014, the Shriver Center hosted a convening of colleagues from twenty-one unrestricted state-based organizations, plus representation from NLADA, to explore formal and deliberate collaboration. At the convening, a consensus emerged that we would all benefit from the formation of a network. This would strengthen our relationships with one another and foster better communication and collaboration around our shared advocacy agendas. A network was also seen as a useful vehicle for developing a powerful collective voice on policy issues affecting people in poverty. Out of this initial discussion, the Legal Impact Network (LIN) was formed.

Since our initial convening, with generous support from the Kresge Foundation and the JPB Foundation, LIN has grown to thirty-two member organizations, with continuing participation by NLADA. The network has had full-time staffing since December 2015 and although the network is relatively young, significant progress has been made toward realizing the goal of a vibrant peer network that advances our collective efforts to fight poverty and advance racial justice. With more recent support from the Lippman Kanfer Foundation, the Shriver Center has also been able to bring on a Vice President of Communications in significant part to enhance the communications capacity of LIN.

Advancing State and Local Efforts to Alleviate Poverty and Advance Racial Justice — The Impetus for the Legal Impact Network

Because of its particular history, the Shriver Center has long engaged in a relatively rare combination of state and national work. In response to the restrictions imposed on Legal Services Corporation (LSC)-funded organizations in 1996, systemic advocates from the Legal Assistance Foundation/LAF, Chicago’s LSC field program, merged with the National Clearinghouse for Legal Services (the Clearinghouse), which had been completely de-funded in the same 1996 federal budget. The former brought a focus on policy advocacy and impact litigation on behalf of people experiencing poverty in Illinois. The latter was created by the Office of Economic Opportunity’s Legal Services Program in 1967 as a vehicle for sharing information and encouraging “innovative legislation and litigation” by legal aid offices across the country. It also built a repository of litigation and legislative materials for the civil legal aid community and published the Clearinghouse Review, which apprised practitioners of new materials available, provided regular updates from subject matter specialists and reviewed key poverty law developments (the Clearinghouse Review has evolved into the online Clearinghouse Community). The Shriver Center restructured the Clearinghouse to establish an unrestricted advocacy program in Illinois while also preserving the national communications role for the whole legal services community. Over time, the Shriver Center gradually expanded the reach of its advocacy...
program outside of Illinois, through consulting, co-counseling and other projects. The Shriver Center further added to its national work in 2011 when it merged with the Center for Legal Aid Education, creating a training department that plays an important role in teaching and strengthening advocacy skills in the national civil legal aid community through programs such as the Racial Justice Training Institute, Community Lawyering and Affirmative Litigation Training.

The idea to create a national network of unrestricted anti-poverty advocates was in part driven by the Shriver Center’s dual nature. A network was seen as a vehicle to more deeply integrate our local and national work; our anti-poverty mission would be more effectively advanced by sharing our advocacy expertise and lessons learned through a peer network and in turn would be strengthened by learning from and collaborating with allies in other states. It was also driven by the expanded importance of state-level unrestricted advocacy as states play increasingly critical roles in shaping the laws, policies and programs that drive quality of life and opportunity for people facing poverty.

From Conception to Action: The Legal Impact Network’s Purpose, Structure and Operations

To move LIN from conception to action, the members made a number of important decisions related to its mission, membership and structure. Many of these decisions have been revisited and modified over time as the network matures and lessons are learned. Two related themes pervade the development of LIN, however. The first is that for LIN to become a vibrant, successful network, the organizations and advocates that comprise it must see time and energy spent on LIN as added value. Legal aid advocates engage in vital and challenging work with limited time and resources. LIN only works if these advocates believe that participating in it makes their work more effective. Following from this, creating a culture of ongoing self-evaluation has been critical to the network’s development. Through discussions, surveys, and close attention paid to the efforts and issues that generate or fail to generate enthusiasm and participation, we routinely evaluate what does or does not work and why. In all of this, we have benefitted greatly from the guidance and experience of Madeleine Taylor of Network Impact, a national consultancy of experts on networks created to achieve social change. Madeleine functions as both a consultant to LIN and an evaluator of its progress. Insights she has provided in both roles have been invaluable.

Mission. At the May, 2014 convening, member organizations developed a mission for the Legal Impact Network: “to reduce poverty and increase racial equity through systemic advocacy.” A number of potential focuses for the network were discussed, such as access to justice efforts and advancement of the legal aid community, but attendees ultimately decided that the greatest value of the network would be to advance substantive work on issues of poverty and racial justice. The ambition for the network was to produce better outcomes state by state, and to produce improved national outcomes through multi-state coordination or momentum.

While the mission articulates the core thrust of LIN’s efforts, members have found it challenging to evaluate our progress against the mission because of its great breadth. The broad scope of the mission statement also limits its value in describing the network and its activities to the public and to potential new members. In the future, we plan to propose that LIN develop a complementary “purpose statement” that more functionally and specifically describes the network’s reason for being. According to Taylor and her colleagues, a clear statement of purpose addresses three critical questions:

■ “Who is the network for?”
■ “What problem is it working on?” and
■ “What type of collaborative activities will the network undertake?”

Developing such a statement for LIN would help describe the function and core purpose of the network to existing and potential members. It will also provide a foundation for agenda and priority setting and help shape evaluation of network success.

Membership and growth. As noted earlier, the Legal Impact Network was conceived of as a peer network for non-LSC-restricted, state-level advocates seeking to share expertise and wisdom, engage in collaborative advocacy, and speak with a collective voice on important issues. To guide the recruitment of new members consistent with this purpose, existing members developed these original membership criteria:

■ Potential members must share LIN’s mission to address poverty and advance racial justice
■ Potential members must engage in multi-issue, multi-forum legal advocacy
■ Potential members must engage in state-wide (or in
the case of D.C., district-wide) advocacy

- Potential members must not be subject to LSC restrictions, and
- Membership is limited to one organization per state.

These criteria have successfully guided the growth of LIN over the last several years during which LIN has grown from an initial twenty-one organizations to thirty-two organizations representing thirty-one states and the District of Columbia.

At the same time, lessons learned have led to recent modifications to LIN’s membership structure. At our most recent convening in December 2015, member organizations voted to eliminate the restriction of one member per state. This was done largely at the behest of current members who had partner organizations in their own states that otherwise met LIN criteria. Current members believed that the network would be stronger through the addition of these organizations and were confident it could be done without creating unhealthy tensions or an unwieldy network size.

At the same convening, members decided to create a deliberate process for partnering with organizations that are not LIN members and may not meet member criteria. Partnerships with national and local allies, vital to the success of our shared efforts, were already occurring in an ad hoc manner. This basic process, through which potential partners are proposed within the substantive working group or collaboration to which they would be added, acknowledged the value of national and local partners to LIN’s success. It also ensured that potential concerns around the magnitude or nature of growth within a working area could be voiced and addressed.

**Decision-making.** At our most recent convening, LIN members also created a basic decision-making structure. The overarching thrust of the structure is to enable, rather than limit, network activity. This is in keeping with Madeleine Taylor’s counsel that networks should minimize formality in their early days in order to maximize connection and collaboration. LIN’s decision-making guidelines begin with the statement that members are “free and encouraged to collaborate through working groups, ad hoc collaborations” and any other means through which they might advance our collective efforts. The structure adopted provides a timely and efficient way to make decisions in the few areas where there is an identified need to do so: when a new member is proposed (ensuring that any existing member has an opportunity to raise questions or concerns); and when collective action is considered. In the latter instance, it was decided that comments, positions and other actions would only be ascribed to the network itself where there is unanimous consent. This was in recognition of the unique strategic considerations that individual members sometimes face that may prevent them from taking a position (e.g., it may conflict with members’ messaging on an in-state campaign, particularly given the different political climates in which LIN members work).

Substantive Work of the Legal Impact Network

LIN members established working groups as the primary vehicles for collaboration around substantive issues. Three working groups were initially formed to work on predatory lending, public benefits, and collateral consequences of having a criminal record. These advocacy areas were chosen because they had a critical mass of LIN organizations already working in them, and because they were seen as timely, presenting significant opportunity for progress. Working groups convene via conference call on a regular basis, have dedicated listservs, and have document repositories for curating and sharing model policies, key research, advocacy materials, and other useful files. Each of these working groups remains active today.

- **Predatory Lending Working Group.** The Predatory Lending Working Group, like all working groups, has provided a forum for members to share advocacy successes and challenges and gain strategic feedback from peers. It also produced joint comments on two important proposed rules promulgated by the Consumer Financial Protection Bureau in 2016 — the proposed rule to place certain limitations on mandatory arbitration clauses included in consumer lending documents, and the proposed rule to strengthen protections for payday loan borrowers through required underwriting and limitations on loan flipping. Drafting each of these comments provided an opportunity to strengthen relationships within the network and insert the voice of LIN into an important issue for people in poverty. On each, we worked closely with national partners like the National Consumer Law Center, the Consumer Federation of America, and Americans for Financial Reform.

- **Criminal Records Working Group.** A number of LIN members are or have pushed state policy and legislation on issues such as Ban the Box, Expungement, and Sealing. Through the working group, members with active campaigns have been able to gain advice, bill language and campaign materials. In addition we had a number of discussions focused on specific challenges or needs, such as messaging, and including with national partners such as the National Employment Law Project and the National HIRE Network.

- **Public Benefits Working Group.** This group initially focused on federal budget issues in the public benefits arena, but soon realized that it was not the most effective use of the network. The Public Benefits Working Group then created several subgroups focused on more targeted issues playing out at the state level. These include work requirements under the Temporary Assistance to Needy Families (TANF) program; due process rights and administrative advocacy for SNAP recipients classified as Able-Bodied Adults without Dependents (ABAWDs); and systemic problems faced under the growing number of “modernized” public benefits systems. Here too we have benefitted from partnering with national partners including the Center on Budget and Policy Priorities, the National Center for Law and Economic Justice and the Food Research & Action Center.

Since the 2016 national elections, network activities have expanded and shifted to address pressing issues. In the Public Benefits Working Group, members are heavily focused on preparing for federal attacks on the SNAP program, and dealing with renewed state attacks such as food choice restrictions, felony drug bans, and state benefits offered to immigrant families. We have also created a new working group focused on Immigrant Rights. This group has met several times to share how organizations are mobilizing to address the needs of immigrant communities in the current political climate, is sharing resources such as research and know your rights trainings, and is partnering with groups like the National Immigration Law Center to advance this work.

Strengthening the Network and Increasing Its Impact in the Future

LIN remains a relatively young network, in existence since 2014 and with full-time staff support for just under a year and a half. In that time, we have made significant progress in creating and strengthening relationships among member organizations and the advocacy staff that work within them. On a fairly regular basis, members reach out to the network for strategic advice or sample language on an advocacy issue and in the great majority of instances several members step up with useful information that helps move the issue. We have also engaged in joint advocacy in a few instances in the time that LIN has been active. That said, LIN has yet to reach its full potential and there are a number of plans underway to increase its effectiveness moving forward.

A key area of focus is building joint advocacy
projects. We have been successful thus far in strengthening relationships and creating a community of peers that exchange strategic information and advice, which improves the quality and effectiveness of LIN members’ advocacy. A significant and more challenging goal for the network, however, is to engage in joint advocacy. While this has occurred to some degree already, we are exploring more substantial collaborative work, including around impending threats to key programs for people living in poverty. An important aspect of our ability to do this will be identifying funding to support members’ capacity to do it.

To make network activities more efficient, we are also in the process of developing a new online hub for LIN. As noted earlier, we have created a listserv and repository for each working group and the network as a whole, and have also created a member directory. We are currently doing this through a combination of publicly available services, but are in the process of building an online platform that will serve as LIN’s central hub for internal communication, document sharing and collaboration. It will also include a robust member directory to help people in the network more easily identify and connect with peers by practice area, geography and other useful characteristics.

Advancing an anti-poverty and racial justice agenda is in part a movement to change hearts and minds. It is often intensely political — none of the organizations engage in electioneering, but the issues can be highly public and partake of the partisanship in American life. To that end, developing strategic communications capacity is an important part of LIN’s growth. As noted earlier, we have added staff support in this area and established a visual identity and messaging to begin to fortify our brand. We have also benefitted from the wisdom of organizations like the Opportunity Agenda, Center for American Progress and Voices for Civil Justice and are exploring ways to build the communications capacity of our members so that we can effectively disseminate tested, value-driven messaging on our policy issues.

Finally, a key factor in maximizing LIN’s future impact will be through continuing to build strong partnerships with allies at the local and national levels. This is already happening on a number of issues, particularly in the arena of public benefits and with respect to the particular threats faced by immigrant communities. We also have a particularly exciting partnership with the Center for Community Change (CCC) to foster and support state and local collaboration between LIN members and CCC’s mostly grassroots affiliates on advocacy campaigns that promote good quality jobs. That said, there is more to be done and an important challenge for the network is to foster expansion in a way that grows our reach and impact while preserving both the focus of the network and its ability to function as a hub for efficient and robust engagement on issues of poverty and racial justice.

The current political climate underscores the need to be more effective and efficient in our efforts to alleviate poverty and advance racial justice. With threats to people in poverty and communities of color on so many fronts, strategic alliances are more important than ever. We look forward to expanding LIN’s impact through strengthening the network and strengthening its partnerships with allies at the national and local levels.

1 Gavin Kearney joined the Shriver Center in 2015 to direct its Legal Impact Network, a multi-state collaboration of legal and policy advocates working to improve quality of life and opportunity for low-income communities and communities of color. Gavin previously directed the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI), where he led multi-strategy community lawyering campaigns to improve public health, environmental conditions, and opportunity in communities of color in and around New York city. Prior to NYLPI, Gavin served as the Director of Research and Programs at the Institute on Race & Poverty at the University of Minnesota Law School where he led groundbreaking strategic research focused on issues of structural racism and opportunity in metropolitan America. Gavin graduated from Lawrence University and the University of Minnesota Law School. He may be reached at gavinkearney@povertylaw.org.

For more information about LIN, visit: http://povertylaw.org/networks/lin.

Finally, a key factor in maximizing LIN’s future impact will be through continuing to build strong partnerships with allies at the local and national levels.
REP. SUSAN BROOKS

Rep. Susan Brooks, the Indianapolis Republican who co-founded the Access to Legal Services Caucus in Congress in 2015, is advocating for LSC funding to be retained. Noting Congress will ultimately write the budget, she described access to justice as a national priority.

“The president released his budget today, and now, it is Congress’s responsibility to draft and pass a budget that is focused on our priorities as a nation to provide for the security of our citizens and their families,” Brooks said. “Part of that security must be to protect the rights of citizens to due process and access to legal counsel. As co-chair of the Access to Legal Services Caucus, I will work to protect Americans access to legal services, regardless of income.”

REP. JOE KENNEDY III


In those moments I learned that, for our most vulnerable neighbors, the protections of our civil justice system are all the more critical. An inability to afford a lawyer can be the difference between homeowner and homeless or domestic violence survivor and victim. Families can be torn apart and veterans can be left with nowhere else to turn. Simply put, breaking that sacred promise is a mistake we as a society cannot afford to make.

“That is why I founded the bipartisan Access to Civil Legal Services Caucus with my colleague Congresswoman Susan Brooks (R-IN). Together, we have sought to educate members and staff about the work carried out day and night by legal aid attorneys, staff and volunteers in every corner of our country. In the weeks and months ahead, those lessons will build the foundation of my efforts to not only defend against any threats to civil legal aid funding, but to advocate for increased investment in the Legal Services Corporation. Because a bank statement should not be used to create an exemption from our guarantee of equal justice.”

As co-chair of the Access to Legal Services Caucus, I will work to protect Americans access to legal services, regardless of income. — Rep. Susan Brooks

…those lessons will build the foundation of my efforts to not only defend against any threats to civil legal aid funding, but to advocate for increased investment in the Legal Services Corporation. — Rep. Joe Kennedy III
sustained us all in past struggles.

Finally, a word to those many young advocates who represent the future of civil legal services in the United States. You are part of a mature institution, with tremendous support in important places. While federal resources from LSC remain vital to our system of justice, we are not nearly as vulnerable as a community as we were in 1981, or 1996 — when LSC funding represented a much greater percentage of overall resources. Your work is valued by many stakeholders around the country who care deeply about civil legal services and who are prepared to fight passionately on your behalf. With their support, and the strength of our message of justice, I am confident we can prevail.

1 Don Saunders, Vice President, Civil Legal Services, National Legal Aid and Defender Association (NLADA), is a nationally-recognized leader of America’s civil justice community. He has spearheaded NLADA’s civil division for more than twenty years, building the organization’s expert training and technical assistance capacity and advocating with Congress, the Legal Services Corporation, federal agencies, and four Presidential administrations on a wide array of issues relating to the effective delivery of civil legal services. Prior to joining NLADA in 1990, Don was Executive Director at the North Carolina Legal Services Resource Center in Raleigh, NC. He received his J.D. from the University of North Carolina School of Law. Don may be reached at d.saunders@nlada.org.

2 http://www.nlada.org/statement-on-the-budget.

3 http://dailycaller.com/2017/01/23/gop-senators-already-object-to-trumps-budget-plans/#ixzz4al0oZHvo


5 https://lsc-live.app.box.com/s/fsv8qtmj1zasrnj9zkt3o-hhusomu2

6 See, for example, the tweet of Michigan football coach Jim Harbaugh: http://abovethelaw.com/2017/02/jim-harbaugh-is-going-after-donald-trump-legal-aid-funding-yes-thats-a-real-sentence/
1 Jennifer Burdick is a Duffy Fellow, Supervising Attorney and the Unit Head of the Supplemental Security Income Unit at Community Legal Services of Philadelphia. She represents low-income children and adults facing issues both attaining and maintaining Supplemental Security Income benefits. She also advocates about systemic Social Security benefit issues on state and national levels. Jen may be reached at jburdick@clsphila.org.

Kristen Dama joined Community Legal Services in September 2007 as an Independence Foundation Public Interest Law Fellow. She currently works as a Supervising Attorney in the Public Benefits Unit. She divides her time between individual representation of clients who seek public benefits from the Pennsylvania Department of Human Services and systemic work, including legislative and administrative advocacy and class action litigation. She focuses on Medicaid and other public health programs in particular. Prior to entering law school, Kristen worked as a grassroots organizer and lobbyist for NARAL Pro-Choice New Hampshire. She is a graduate of the University of Pennsylvania Law School, the University of Pennsylvania Center for Bioethics, and the University of Michigan. Kristen may be reached at kdama@clsphila.org.

Claire Grandison is an Independence Foundation Fellow and Staff Attorney in the SSI Unit at Community Legal Services (CLS). She focuses on increasing access to services and SSI benefits for older youth with disabilities. Claire previously held a Stoneleigh Foundation Emerging Leader Fellowship at CLS. Claire may be reached at cgrandison@clsphila.org.

Josie B. H. Pickens is a Supervising Attorney at Community Legal Services of Philadelphia (CLS) and Co-Director of CLS’s Energy Unit. She represents low-income residential utility customers in disputes to maintain and afford utility service. Her practice includes representation of individual and group clients in formal complaints, universal service proceedings, and rate change proceedings before the Pennsylvania Public Utility Commission. She also represents debtors in bankruptcy matters. Josie came to CLS in 2010 as an Independence Foundation Public Interest Law Fellow. She is a 2010 graduate of Temple University’s Beasley School of Law. She received her B.A. from the University of California, Berkeley with highest honors in the field of anthropology. Josie may be reached at HYPERLINK "mailto:jpickens@clsphila.org" jpickens@clsphila.org.

Pat “Mac” McIntyre was the founding director of the Northwest Justice Project in Washington State and is a former chair of the MIE Board. Currently enjoying an active semi-retirement, he does occasional consulting work for a variety of legal aid/pro bono programs and bar associations, and continues to play an active role on the journal committee. A long time source of crosswords for the Journal, Mac’s puzzles also appear regularly in Real Change, a weekly newspaper sold by the poor and homeless of Seattle, and occasionally in the New York Times. He can be contacted at pjsunside@aol.com.

2 While serving as governor of California, Reagan had been sued successfully several times by an LSC grantee, California Rural Legal Assistance (CRLA) over illegal policies he had tried to implement. In 1970 he had tried without success to veto a federal grant to CRLA, but his attempts were stymied by a commission comprised of three state Supreme Court justices, who found his charges to be without merit.

3 See p. 24 of this Journal for a companion article by Alan Houseman, which reviews the major challenges faced by legal services throughout its fifty years of federal support, describes the battles for survival fought during the Reagan Presidency, and refers those seeking the fullest possible understanding to several resources, including the classic three-volume treatise by retired Justice Earl Johnson Jr., To Establish Justice for All: The Past and Future of Civil Legal Aid in the United States (Praeger, 2014). We would also encourage interested readers to review an excellent piece — From Whence We Come: History and the Legal Services Advocate, an MIE Journal article written by Arthur von Keller IV, which appeared in the November 1988 and Fall 2015 issues of the Journal.

4 One, which I have found among my files is entitled The Quest for Justice: Why Does It Have Enemies? — a six-page, single-spaced fully supported defense of what legal services is and does, and which also thoroughly debunks all of the standard charges that are always leveled at legal aid programs. It includes a Sample Resolution in Support of Legal Services for the Poor which we used in conjunction with our state and local bars.

5 See, footnote 3 supra.

6 See, footnote 3 supra.
NLADA INSURANCE PROGRAM is the advocate and provider of quality professional liability insurance products for the full spectrum of the National Legal Aid & Defender Association (NLADA) community. Participants include legal aid organizations, public defenders, corporate pro bono programs, law school clinics, individual attorneys and public interest groups.

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