MISSISSIPPI'S STATE PLAN FOR THE DELIVERY OF LEGAL SERVICES

On July 10, 1995, the Legal Services Corporation (LSC) mandated that programs in each state develop a statewide plan to maximize the delivery of legal services within the state. On October 31, 1995, Mississippi submitted its plan containing our mission statement, goals and objectives. On February 12, 1998, the LSC again called upon programs to participate in a state planning process to examine from a statewide perspective what steps can be taken to further develop a comprehensive integrated statewide delivery system. States were asked to review their current plan and, (1) assess the strengths and weaknesses of the current approach, (2) establish goals to strengthen and expand services to eligible clients, and (3) determine the major steps and a timetable necessary to achieve those goals in each of the following areas:

1. Intake and the provision of advice and brief services
2. Effective use of technology
3. Increased access to self-help and prevention information
4. Capacities for training and access to information and expert assistance
5. Engagement of pro bono attorneys
6. Development of additional resources
7. Configuration of a comprehensive, integrated statewide delivery system

The mission statement, goals and objectives formulated in 1995 continued to guide our planning during the 1998 process. The formulation of our plan reflects discussion, participation and collaboration with other stakeholders such as the Mississippi Volunteer Lawyers Project (MVLP), The Mississippi Bar, University of Mississippi School of Law, Mississippi College School of Law, Magnolia Bar Association, Mississippi Bar Foundation, members of the judiciary, private attorneys, client board members, community representatives, the business sector, and personnel from community and social service agencies.

The plan reflects our review and evaluation of our 1995 plan and our short and long term goals for strengthening our delivery systems and expanding services to clients. Moreover, it reflects our commitment to have an ongoing planning process involving other stakeholders within our service areas.

I. INTAKE AND THE PROVISION OF ADVICE AND BRIEF SERVICE

The 1995 Mississippi State Plan set forth the following goals for legal services programs in the area of intake and the provision of advice and brief services:

A. All initial calls would be to a toll free number. Special provisions would be made for clients who were institutionalized without access to a telephone.

B. Each program would have a centralized telephone intake system. Telephone intake would:

1. Determine intake eligibility;

2. Gather enough facts to determine the extent to which a case falls within priorities;

3. Determine if a case is accepted or rejected for assistance, and if accepted, give advice or gather additional information to be used to prepare pleadings, letters or other documents; and

4. Give appointment date to client for cases opened for reasons other than counsel and advice.

C. The centralized telephone system would be staffed by experienced intake workers, attorneys and paralegals who would be available to give brief service and advice. The client would be notified immediately of the level of assistance to be provided.

D. A referral system would be developed for cases legal service programs could not handle. The intake system would have the capacity to enter data, preform conflict checks, and maintain statistical information on computer.

E. Arrangements would be made for clients to use fax machines to fax information to telephone intake workers.

Upon review of the 1995 goals, it was determined that significant accomplishments had been achieved in each of the areas. Noted accomplishments include:

A. Five of the six programs have toll free numbers that clients can access for initial calls for service.

B. Telephone intake is presently done in each of the programs and is staffed by experienced attorneys and paralegals.

C. The intake determines eligibility, gathers facts, determines if the case is accepted and the client is immediately notified of the level of assistance that will be provided.

D. Each program uses Kemp's casework as its case management program. Therefore, each has the capacity to enter data, perform conflict checks and maintain statistical information.

Recommendations for 1999 and beyond include the following:

A. The programs will request the state bar to re-activate the legal hotline.

B. A telephone intake manual is to be prepared to be used by all programs. This manual should be available to all intake workers, and include the most frequently asked questions and answers to said questions.

C. The provision of telephone intake training on a statewide basis for intake workers.

D. Additional funding will be sought for regional telephone intake.

E. Programs should explore other resources such as county clerk offices, the Department of Human Services and private attorneys to make arrangements for clients to use fax machines to fax information to legal services offices.

F. A referral list of attorneys with their area of practice for use by intake workers should be developed by each program.

G. Telephone intake should expand to maximize use of pro bono attorneys.

The time line for the accomplishment of the above recommendations shall be September, 1999.

II. EFFECTIVE USE OF TECHNOLOGY

The development of future plans for technology advancement in legal services programs in Mississippi began with an analysis of accomplishments resulting from implementation of the 1995 State Plan.

In 1995, stake holders in Mississippi reviewed the technology component of the legal services delivery system and developed a plan to assist all programs in reaching a basic level of computer resources and compatibility among programs and to assist in the automation of the case management function and development of inter and intra-program communications. Since the implementation of the 1995 Plan, programs have made substantial gains toward meeting our goals. Those accomplishments are as follows:

A. All programs have purchased new computer systems that are accessible to all advocates and support. The systems have sufficient memory and speed to support various program needs for timekeeping, case tracking/management, information sharing, case reporting, and fiscal management.

B. Computers are networked within offices and have the capability to share client databases, reports by case types, and conflict checking between branch offices.

C. All programs in the state have purchased the same database program which integrates timekeeping, ticklers, conflict checking and reporting components. These systems contain a modem which allows communicating by computer through the telephone.

D. All programs have, at a minimum, obtained at least one CD-Rom with MS CaseBase. Most programs have CD ROMS on the majority of their computers.

E. All programs have inter and intra-office electronic mail (E-mail).

F. Five of the six programs have updated their telephone systems to include an automated attendant and voice mail.

G. Four of the six programs have handsnet and all programs have fax machines located in branch offices with at least one broadcast fax in the administrative office.

H. Five out of six programs have toll free telephone numbers for intake purposes, thereby expanding access to its client population.

To fulfill all goals of the 1995 plan, programs have agreed, to the extent it has not already done so, to accomplish the following by the end of the 1999 fiscal year:

A. Place computers on all employees' desks;

B. Fully automate its library;

C. Obtain toll free telephone numbers for accessibility; and

D. Modify updated telephone systems to be more accessible for clients, and where possible, ensure that a staff member responds to an operator assistance request.

Upon completion, review, and input by those attending the Statewide meeting, the following new goals and objectives have been established for the development of technology in legal services programs in Mississippi to include the four areas mentioned above. These goals and objectives were established so as to ensure continued improvement of technology in all programs that will take us into the 21st century with increased capabilities to provide more efficient and effective services to our client. Goals and objectives are:

A. To assure that all programs have networked computer access for all staff, integrated case management computerized timekeeping, E-mail addresses for all staff and the ability to transfer data computerized financial management systems and technological support.

A Tech expert shall be designated on staff for routine problems and provide on-going comprehensive staff training on systems and software currently in use, and where funds permit, a Tech firm shall be retained for major problems on a regional level.

B. To develop or improve technological capacities which will allow centralized data collection and reporting.

C. To use new technologies to provide legal and program resource information to clients and other interested persons. The creation of a statewide web page will accomplish this goal.

III. INCREASED ACCESS TO SELF-HELP & PREVENTION INFORMATION

Mississippi's state planning process included examining ways to increase access to self-help. Programs recognize that given the current resources, we are unable to meet all the legal needs of those eligible to receive free civil legal aid. The goals and objectives developed to increase self-help and information include:

A. Producing video tapes for distribution to agencies and other interested parties that serve the state's low-income community Depending on funding, video distribution will be given the highest priority with the following tapes to be produced and distributed over a two (2) year period;

1. Employment Law

2. Housing
   a. Landlord-Tenant
   b. Handicap Access

3. Health Law

4. Pro Se

5. Family Law
   a. Domestic abuse
   b. Divorce issues c. Youth Court

6. Consumer Law
    a. Used cars
    b. Collateral issues
    c. Bankruptcy

7. Elder Law

B. Producing and distributing a client newsletter throughout the state through the legal services client interest group.

C. Developing legal services website that will provide information regarding services that can/cannot be provided by federally funded legal services programs.

D. Disseminating information regarding the Hinds County Bar Association computer law library and the "Law & You" newspaper articles.

E. Establishing two (2) pilot Pro Se programs, one in a predominately urban area, and one in a predominately rural area.

1. The programs will be "Courthouse Assistance Projects" consisting of two (2) components:

    a. Volunteer attorneys would be available (one-half day per week) at a designated location within the local Chancery Courthouses. Attorneys would assist low income persons in understanding pro se representation including assistance with preparation of forms and answering general questions in certain subject matters. Substantive areas to be covered would be divorces, modifications and contempt where orders have already been obtained, name changes, and uncontested petitions for the removal of minority for a limited purpose.

    b. A web site on the Internet and video should be created to walk pro se litigants through the above substantive areas. This computerized information would be located at a designated area to be reviewed by low-income citizens requesting assistance by the clerks of the court.

2. Attorney staffing for the pilots should consist primarily of volunteer lawyers to be recruited through the MVLP. To the extent volunteer lawyers cannot be recruited, attorneys may be compensated on a reduced fee basis.

3. The Legal Services programs, through their Statewide Training Responsible Person, should be responsible for training the volunteer lawyers and for the preparation of standard legal forms in the recommended areas. All forms and other information to be provided by persons staffing the project shall be approved by the Chancellor(s) in the county of the pilot.

4. The Pro Se Work Group should work in collaboration with the Technology Work Group to computerize forms, to create a web site on the Internet, and computerized video.

5. If a matter for which assistance was provided becomes contested, cases should, where possible, be referred to the MVLP's Conflict Panel.

The Pro Se pilots are scheduled to begin in March, 1999.

IV. *CAPACITIES FOR TRAINING AND ACCESS TO INFORMATION AND EXPERT ASSISTANCE*

Over the past three years Mississippi programs pooled financial resources and have been involved in collaborative efforts to enhance training capacities through the advent of training coordinators. Initially, Mississippi established a single Statewide Coordinator of Training, Litigation, and Community Education to address the training needs of staff, pro bono attorneys, and the client community.

Over time, Mississippi revisited and reexamined the single coordinator approach to meeting training needs and a single coordinator's ability to efficiently and effectively address the training and support needs of staff and pro bono attorneys. In the course of this assessment, Mississippi abandoned the single coordinator position and undertook an approach that involves hiring training coordinators in specific areas of the law.

At present, we believe that our capacity for assuring that training needs be met can best be achieved through statewide coordinators of training, litigation and community education in each of the following areas: Consumer Law, Employment Law, Family Law Development, Issues Related to Welfare Reform, Housing, KEMP Case Works (Computerized Case Management), Computerized Legal Research, and Client Interest Group.

A. Substantive Coordinators

The duties of each substantive coordinator, more specifically delineated in individual work plans, and revised from time to time as necessary, are as follows:

1. To coordinate and provide training for attorneys and paralegals in basic skills and substantive law development;

2. To be responsible for monitoring developments in the law and disseminating information about significant legal developments to programs and client groups;

3. To identify statewide litigation issues within permitted representation;

4. To serve as a repository for the collection of law manuals from regional offices;

5. To serve as coordinator of any program task forces; and as applicable; and

6. To address specific substantive issues through litigation, and training and co-counseling arrangements with experienced members of the private bar.

B. Technology Coordinators

The duties of each technical coordinator, more specifically delineated in individual work plans, and revised from time to time as necessary, are as follows:

1. To provide training in office procedures and skills;

2. To provide technological training, among other things, use of Internet, Handsnet, computerized legal research and WordPerfect; and

3. To provide training in use of Kemp programs to include, among others things, timekeeping, intake systems, client information and case management.

C. Additional Steps

The following additional steps will be undertaken to assure efficient operation of state positions and to ensure that training needs for all staff are met effectively as possible:

1. One program director will be designated to serve as the supervisor of all training coordinators in the substantive law training area;

2. One state program director will be designated to serve as supervisor of all technical skills coordinators and the client interest group coordinator;

3. State program resources will be pooled to establish a single cost center to receive and administer funds and expenditures for the training positions, under the supervision of the program director designated to supervise substantive law training;

4. The designated program director will have specified discretion to administer the cost center and will advise and consult with other state program directors on an as needed basis;

5. Job announcements for training position vacancies will be advertised within legal services state programs and in the private sector to provide an opportunity for persons in the private sector with specialized expertise to apply for one or more positions. Vacant positions will be advertised and refilled in as a short time frame as possible.

6. Each program will assign staff to work with the statewide training coordinators through task force assignments;

7. The MVLP, in conjunction with the designated program directors, will be assigned to coordinate training events, tele-conferences and meetings of the training coordinators and task forces;

8. Programs will pool resources to send training coordinators to national training seminars on substantive law and other relevant issues to better prepare the coordinator to fulfill the duties of the position;

9. Training Coordinators will be provided workshops/seminars on training skills, such as "Training the Trainer Workshops" to improve their ability to train case handlers and others;

10. Pro Bono attorneys will attend any program sponsored continuing legal education training events at reduced rates;

11. Programs will be encouraged to continue substantive law subscriptions to national support entities; and

12. Efforts will be maintained to provide necessary training for program support staff, who also play an important role in providing high quality legal services to poor persons.

V. ENGAGEMENT OF PRO BONO ATTORNEYS

Mississippi reviewed the current status of private attorney involvement in the state, and considered what statewide efforts could be undertaken to increase the involvement of private attorneys in the delivery of legal services.
There are only 33 attorneys currently working full time with the 6 legal services programs, with each program receiving an average of $10.07 per client eligible person in the communities served by the programs. Accordingly, Mississippi ranks 51st among the states and US territories in amount of money received per poor person.

As part of their private attorney involvement initiatives, the programs jointly contribute funds to the Mississippi Volunteer Lawyers Project, housed in the Mississippi Bar Center in Jackson, which engages over 1300 volunteer attorneys who donate services

through the MVLP. Cases are then referred by the programs to the MVLP, which in turn pairs the applicant for services with a volunteer attorney. In addition, law students are also utilized to some degree at the MVLP, as well as through volunteer efforts with local projects such as advocacy clinics at community organizations.

Further, the partnering of business attorneys with nonprofit organizations through MSCORP, a joint venture of the MVLP, the Business Law Section of the Bar, and the Mississippi Center for Nonprofit is managed via the MVLP. Moreover, the U.S. Attorney's Office Domestic Violence Project assists in accepting referrals of victims of spouse abuse.

In 1996, the Mississippi Supreme Court adopted Rule 6.1 of the ABA Model Rules, amended, as an inspirational goal for all lawyers. The goal is that a lawyer should strive toward donating 50 hours of legal assistance to the low income and less fortunate members of the client community. As part of its on-going partnership with the bar, the plan seeks to enhance the relationship by:

A. Promoting increased private attorney involvement. Specific objectives should include:

   1. Educating private bar regarding Rule 6.1 goals and duties;

   2. Continuing to recognize attorneys who volunteer for pro bono cases, with acknowledgment of private attomeys who routinely handle pro bono cases generated through their practice of law;

3. Publicizing, to the Bar if not to the community, via a theme issue of the Mississippi Lawyer Magazine, an "Honor Roll" about donated money and services.

4. Promoting lawyer retention and recruitment by encouraging judges to recognize and recommend attorneys for pro bono work;

5. Humanizing the image of the types of pro bono cases handled, i.e., putting a face on typical pro bono client stories;

6. Establishing a speaker bureau/speaker circuit to local bar organizations as a means to publicize what legal services and pro bono attorneys do and achieve for people, through efforts of the Delivery of Legal Services Committee of the Bar;

7. Soliciting attorneys by direct mail;

8. Asking judges to encourage attorneys to enlist for hours of legal services and in-kind or money contributions to be donated to the MVLP or legal services programs;

9. Conducting an "Each one--Reach one" campaign whereby current volunteer attorneys in conjunction with legal services attorneys go to individual attorneys and ask for a commitment of time and services;

10. Encouraging the Delivery of Legal Services Committee of the Bar to explore ways in which private attorneys who cannot otherwise participate are provided opportunities for donating services, via a "buy out" option, in lieu of donating the inspirational goal of 50 hours as envisioned in Rule 6.1.; and

11. Mailing to volunteer attorneys an annual report noting the number of hours volunteered and asking the attorney to update the types of cases he/she is willing to accept.

B. Providing greater opportunities for attorney participation. Specific objectives shall include:

1. Encouraging the Mississippi Bar Sections to adopt pro bono projects.

2. Informing private attorneys of Legal Services' prioritized cases and time lines for which assistance is needed.

C. Providing greater opportunities for law schools and corporate counsel to participate. Specific objectives shall include:

1. Recruiting efforts should be stepped up at both law schools with more emphasis on public service and pro bono work;

2. Encouraging law schools to increase clinical opportunities, internships, or externships for students, including placing them with legal services programs or pro bono attorneys;

3. Encouraging "Peoples" Law Schools as a way of informing the community of legal rights;

4. Continuing volunteer mediation opportunities; and

5. Continuing to publicize the Mentoring Project Panel.

Mississippi recommends that since the Bar now has a web site which features the MVLP as well as information pertinent to the delivery of legal services in general, better use should be made of the site by encouraging pro bono attorneys to access it and exchange assistance and support via bulletin board services and direct contact with other legal service providers.

VI. DEVELOPMENT OF ADDITIONAL RESOURCE

A. Review of Statewide Resource Development Plan 1995.

The plan projected activities in five areas of concentration:

1. Coordinated resource development, including broadening the role of IOLTA and similar funding mechanisms, increase private bar involvement in resource development and service delivery, statewide fund-raising campaigns, outreach to new constituencies such as major corporations and local businesses.

2. Collaboration with other local and statewide organizations devoted to the needs of the low-income community, including public and non-profit social service agencies, community based organizations, educational institutions, churches, foundations, the Courts and others .

3. Resource sharing among LSC grantees to maximize the resources of LSC-funded programs. Where mergers and consolidations were not feasible, programs were to consider how to share administrative costs, combine equipment purchasing or leasing arrangements, pool resources to obtain expert assistance on complicated legal issues and developments in the law and training and integrate technology that permitted networking and sharing use of electronic legal research capacity.

4. New Revenue streams including filing fee surcharges, fee for services contracts, new mechanisms to support the IOLTA program, the development and marketing of publications, and practice manuals were to be developed.

5. In-kind Legal Services and support. Programs were encouraged to seek, where appropriate, in kind contributions.

B. Activities under the Resource Development Plan

1. The project directors developed a job description, advertised, and interviewed candidates for the position of Statewide Coordinator of Resource Development. None of the candidates had a complete package of experience in grant proposal writing and fund raising. No one was hired.

2. The project directors contacted the Fund Raising Project in Atlanta, Georgia, which assisted directors in developing an outline for a private attorney giving campaign. After several meetings, no consensus was reached regarding this fund raising effort. Five of the six project directors are renewing their efforts towards developing a statewide private attorney giving campaign.

3. Resources were pooled to obtain expert assistance on complicated legal issues and developments in the law.

4. Legislation was presented to the Mississippi legislature for state funding of legal services through filing fee surcharge and direct funding. The bill died in legislative subcommittees.

5. IOLTA Funds, administered by the Mississippi Bar Foundation, have been increased to all of the Mississippi Legal Services programs.

6. Many other sections of the Resource Development Plan have been accomplished by programs.

C. 1998 Resource Development Plan

The foundation of the 1998 Resource Development Plan is that each Mississippi legal services program will contribute to the cost of the Statewide Resource Development Plan proportionately according to program size.

A cost center will be established to receive funds for the position or project. Any single legal services program fund raising or resource development should be coordinated with the statewide plan or effort. This 1998 Resource Development Plan has three fundamental elements:

1. <u>Administrative and Legislative</u>:
   The legal services programs will employ a consultant to contact certain state funded agencies to secure state funding for all legal services programs as part of the state agency's existing budget.

The initial focus agencies will be the Supreme Court and the Office of the Mississippi Attorney General. Surcharge and direct appropriation legislation will be re-written and submitted to the Mississippi Legislature.

2. Private Attorney Giving and Corporate Giving:
Five of the six legal services programs have agreed to employ a staff person to develop and implement a plan for private bar giving on a statewide basis, buy-outs, volunteers and in-kind contributions to legal services programs. Further, the Resource Development staff will develop and implement an approach to corporate giving, i.e. MCI WorldCom, casinos, Entergy, etc.

3. Local Program Activities:
The 1995 Resource Development Plan provides for: (a) Coordinated resource development; (b) Collaboration with other local and statewide organizations; (c) Resource sharing among LSC grantees to maximize the resources of LSC funded programs; (d) New revenue streams; (e) Filing fee surcharges; and (f) in-kind legal services support. All of these efforts will continue to be done through local program activities.

VII. CONFIGURATION OF A COMPREHENSIVE, INTEGRATED STATEWIDE DELIVERY SYSTEM

The State configuration of legal services programs has historically been six field programs which have funded a statewide pro bono program. Mississippi has three funding types: Basic Field, Native American and Migrant.

After careful consideration and analysis of the factors listed in LSC program letter 98-1, it was the recommendation that five (5) of Mississippi's six (6) programs work toward a merger or consolidation. However, as of the writing of this report, four (4) programs are actively participating in merger/consolidation discussions. MS-2, which is North Mississippi Rural Legal Services will remain as presently configured. MS-1 (Central Mississippi Legal Services) and MS-6 (Southwest Mississippi Legal Services) would merge and/or consolidate into one (1) program. MS-4 (East Mississippi Legal Services) and MS-5 (Southeast Mississippi Legal Services) would merge and/or consolidate into one (1) program. It is anticipated that the merger/consolidations will be completed by the end of the fiscal year 1999.

VIII. CONCLUSION

Mississippi's statewide planning process is an ongoing effort, with our primary focus being the delivery of high quality legal services to Mississippi's poor persons. Mississippi anticipates conducting annual assessments of our plans and accomplishments in developing and refining a comprehensive integrated statewide delivery system. We recognize that state resources are limited and that Mississippi ranks 51st in funding allocations per poor persons. Therefore, our limited resources will be devoted to the priority areas of addressing training needs, technology development and resource development.