

Bucky Askew
Keynote Address on State Planning
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"I would like to take my few minutes today to talk to you about LSC's state planning initiative since I am aware--as are all members of the LSC Board of Directors--that state planning is an issue very much on your minds and of great concern to many of you. I thought that I would take this opportunity to outline for you why LSC initiated state planning, why our support for state planning continues to grow, and why good planning and the establishment of state justice communities is, and will continue to be, very important to LSC.

Some of you can remember back with me to the dire period in 1980-81 when this community was facing possible extinction. Dozens of meetings were held state-wide, regionally and nationally to discuss and plan how we would survive the coming attacks. A consensus developed from all that work that in order to survive, we needed to focus on, and improve, the quality of the services we provide. That not only was an effective strategy politically, it was an appropriate substantive focus and served to keep many of us in this work. Who knew though that it would be 17 or 18 years before we could get back to a national focus on quality (and enhancing the quantity) of services. The 1995 funding crisis served to energize us as did the 1980 crisis. We tend to forget that we faced the "glide path" to

extinction in 1995, and that all of you had to face the prospect of existing without federal funds. It did not come to pass, and I do not believe it ever will, but that threat is one of the factors that brought us back to the "quality" discussion and ultimately to state planning.

Stripped to its essence, the state planning initiative is based upon a recognition that the trends in society at large-- technology, the growing role of non-lawyers in the provision of legal services, substantial changes in the rules governing the federal government's investment in equal justice, the changing needs of clients, the restrictions under which we operate-- demand that legal services providers change or adapt the way they conduct their business, not because that work has not been appropriate and high-quality under the circumstances, but because the circumstances have changed. However, LSC also understands that if legal services programs are to continue to be positioned to honor their commitments to poor and vulnerable clients--our primary and most important mission-- this change process cannot be an ad hoc process. It must be carefully planned and carefully managed. Further, it must carefully identify and then design and implement the structural and service delivery system changes necessary to ensure that the civil equal justice system is equal to the tasks facing it and the challenges facing clients.

When in 1998 , LSC began the process of diagnosing the need for change in the legal services delivery systems within several key states, almost immediately the staff

encountered tremendous resistance to the state planning initiative. Over and over again, state planning was described as if it were some form of a battle---- "Judicare" programs versus staff programs, rural programs against urban programs, small programs versus larger programs, local programs versus LSC, local control versus Washington, us against them. That has made me personally uncomfortable because for 30 years now I have always viewed myself, whether at LSC or NLADA, as a partner in this effort with you. I do not believe this is or needs to be an "us against them" situation.

However, despite these concerns, there are successes out there, and many states have come to the realization that change in the legal services delivery system is essential. How did they get there? I believe by first identifying common values, including:

(1) the need for the creation of a legal services delivery system that provides comprehensive, integrated high quality legal services to the client community, and

(2) establishing a goal of "100% access to essential legal services for low-income clients such that they are able to secure substantive and procedural equal justice" as one state has written.

In many states, the changes have been dramatic. What do I mean by that? What are some of the tangible results?

.. The development of an integrated and coordinated statewide intake process as an essential component of the

state justice community and a commitment by the major state funders to commit significant resources to the improvement of intake systems

.. The implementation of major initiatives to thoroughly evaluate the effectiveness of all of the legal services providers within the state, in some cases done not with LSC funds but by the IOLTA program

.. A renewed commitment to client empowerment, client and community education and the expansion of pro se options with definite plans to design and fund new programs in this area.

.. An renewed emphasis on quality which manifested itself in several concrete activities including the development of statewide practice standards, the sharing of litigation expertise, the development of additional mechanisms for consultation and support by substantive law experts, and the expansion of technology to support advocates including but not limited to the creation of an electronic brief bank and a secure chat room allowing for confidential consultations on cases and matters.

.. A commitment by the major state organizations to begin to play a major leadership role within the state that would transcend funding issues.

.. A decision to reduce the number of LSC-funded legal services providers

.. A new energy and a renewed sense of purpose.

I have no doubt that in many cases these changes would not have happened without the intervention of LSC. It was the catalyst for change. However, whereas LSC created the external pressures that established the initial motivation for change, it was the programs working cooperatively with each other, and with the broader justice community, that made it happen. It cannot happen without the stakeholders taking the lead, not LSC. I look to Colorado, Ohio and several other states as examples of what can happen here in the south.

One of the people I respect the most in this work is John Arango. I know John has been working on state planning with some of you. In the Spring 2000 issue of the MIE Journal John offered an "Interim Report on State Planning" based upon his work in 9 states. I commend his article to you despite the fact that I think he lingers a little too long on the issues around configuration. Let me repeat for you some of the conclusions he has reached:

- a successful state plan contains three elements:

(1) a process that produces a vision of a delivery system that produces better services to substantially more poor people;

(2) a plan lays out strategies that will be used to achieve the vision in enough detail to permit a well-informed observer to conclude that the vision is in fact obtainable; and

(3) a plan that contains an implementation phase– and acknowledges that the "knowing" (what we want to do to

improve and expand services) is inseparable from the "doing" (actually making needed changes).

John concludes: "Only when that breakthrough occurs- only when the planners figure that what the LSC wants is a plan that grows out of the planners values, is founded on the reality of their state as only they know it, and will produce a delivery system so much better than what now exists that the planners will be compelled to create it- does state planning move quickly, though not necessarily easily, to its conclusion."

Well said, but let me be very clear about what I hope and expect from everyone in this room.

..I want you to stop focusing on LSC's motives, and analyzing its every move, and concentrate primarily on what you know about your state, the delivery system there and perhaps uncomfortably on the deficiencies in that system- focus on what you know needs to be done, how best to get it done and then fit that into the LSC directives.

..I want the LSC staff to work with you to build the strategies that will advance your vision.

..I expect LSC to join with you in a commitment to working together to breathe life into the concept of "equal justice under law". I can assure you that if you produce a principled plan that is thoughtful and addresses all that is called for in the program letters, LSC will do all that it can to honor your vision.

..To be perfectly honest with you, this planning may well (in fact I am sure it will) result in mergers of programs in some of the states represented in this room. I am sure that is a tough issue for many of you to confront and resolve. However, it is my hope that each of you will look at the merger issues objectively from your program's perspective, from your clients' perspective and from your own personal perspective, and will then find a way to remain a part of this dynamic community regardless of the outcome. If we all act in ways that are most supportive of the vision laid out in the preamble to the LSC Act, I am certain that the outcome will be best for all involved. Obviously, not all states are alike and you are all at different stages in your planning, but I encourage you to invest yourselves in it from here on out in a way that best represents your vision and values.

Now, let me use my last few moments to say two things:

1. The LSC Board for the first time in its history has adopted a strategic plan. It is thoughtful, carefully done and was adopted unanimously. State planning is an emphasis in our plan. I brought copies to hand out because this is LSC's strategic direction for the next five years regardless of who is on the Board or who is President.

2. There apparently is a rumor that LSC is committed to shifting resources away from direct client services and into advice and brief service. Wrong! Nothing that we have written or said even hints at this being our goal. In fact, look at some of the state plans that LSC has approved where the opposite is true (Colorado, Nebraska, Indiana,

etc). In addition, there is a new emphasis emerging on community economic development in many states, so the national leadership provided by the Atlanta and Miami programs, as well as LSNC, are now not only being recognized but emulated by many state plans.

A lot of progress has been made since I was with you last year, and I hope if you invite me back next year we will be here celebrating all the progress that has been made since this meeting. I hope I am still on the LSC Board and that all of you will still be providing the leadership locally and nationally that this region has been famous for. As you all know, legal services has been an important part of my life for many years and will continue to be whether or not I am on the Board.

As Aristotle said: "We are what we do. Excellence is not an act, it is a habit." Providing some modicum of justice for poor people is not what you do, it is who you are. I always value the opportunity to meet with others who have dedicated their lives to justice, and this region and room are filled with some of my personal heroes. I thank you for the opportunity to speak to you. I am only sorry I cannot stay for the reception and for the rest of your meeting."