

STATE PLANNING REPORT FOR THE DISTRICT OF COLUMBIA

A. STATE PLANNING PROCESS, PARTICIPANTS, AND HISTORY OF CIVIL LEGAL SERVICES STRUCTURE IN THE DISTRICT OF COLUMBIA

The contact person for state planning for the District of Columbia is Willie E. Cook, Jr., (202) 682-2720.

State Planning in the District of Columbia will not be a rigid, unified process in the normal sense because of the manner in which civil legal services is delivered here. There are approximately 30 civil legal services providers in the District of Columbia, many of them limited issue(s) boutiques. One of the reasons for such a large proliferation of civil legal services providers is that the District of Columbia is the location of the center of federal power – legislative, judicial and executive. Advocates for whatever cause want to be located where decision makers do their work. The many civil legal services providers tend to be fiercely independent, drawing on large pools of extremely talented lawyers, law students and other professionals. The District of Columbia Bar has approximately 60,000 members, a bar larger than all state bars in the United States except California and New York. This factor adds to the proliferation and competitiveness of civil legal services providers. Some of these providers have powerful and rich benefactors, and they have their own goals and agendas. An example is the clinical programs at the six law schools in the District of Columbia. All six of these clinical programs are backed up by large universities, and the major focus of their programs is the education of their law students. The structure, purpose, and function of those six clinical programs are going to be largely determined by institutional priorities, not community needs and priorities. That is the reality. The universities provide the money to support the running of those clinical programs, and they are going to control how the programs run. It doesn't mean that there will be no concern for client needs, but it does mean that the universities decide. Also, with the exception of the clinical program at the University of the District of Columbia, clients don't have any policy roles at these clinical programs. So, trying to coordinate a unified planning effort with the six university clinical programs is going to be far different than if those six clinical programs received most of their funds from LSC. So, a state planning effort involving the clinical programs will, by necessity, have to be a cooperative one, with the university clinical programs maintaining their independence and in control of their priorities and prerogatives. This doesn't mean that

there can't be cooperation, on a number of levels say, with Neighborhood Legal Services Program (NLSP); but, it does mean that that cooperation is unlikely to yield a unified and unitary state planning model that seems to be the thrust of LSC's push for state planning. The six clinical programs run by the universities is just one of the many different types of civil legal services providers that we have in the District of Columbia. Another cluster of civil legal services programs are small, single issue programs that are annually created and funded by the District of Columbia Bar Foundation. The D.C. Bar Foundation is the entity that receives and distributes IOLTA funds, along with other contributions, mainly from law firms. The D.C. Bar Foundation has a penchant for creating new grantees, almost annually, to deal with some single issue. There are civil legal services providers that are primarily funded by religious institutions, who have their own priorities, agendas and mode of operation. There are civil legal services programs here that are associated with and funded by powerful parent entities. An example is the Legal Counsel for the Elderly, which is an arm of AARP. Again, they have a very definite set of priorities, a clear agenda, a target population and a mode of operating. There are many other examples that could be given to describe the many types of civil legal services providers in the District of Columbia. Because of this diversity and pronounced independence, there will never be anything more than a loose association among civil legal services providers in the District of Columbia.

That being said, there is a consortium of Legal Services Providers, which include all of the organizations in the District of Columbia that provide civil legal assistance to indigents. NLSP is one of those providers. For many years, members of the Consortium have worked together on a wide range of common issues and projects. The District of Columbia Bar is also deeply involved in coordinating services for the benefit of indigents in the District of Columbia. The D.C. Bar has a full-time division that is devoted to pro bono activities. This division is particularly helpful in getting members of the private bar involved in providing resources for many legal services needs.

Given the large number of civil legal services organizations in the District of Columbia, the way in which we have always worked with each other, and the fiercely independent character of each provider, state planning here is and will be somewhat unique. NLSP has decided to take a multi-faceted approach to state planning.

First, we plan to draw heavily on the work that was done in 1994, when NLSP produced a

State Support Plan for the District of Columbia. That was a comprehensive planning effort which resulted in the most detailed evaluation of NLSP's support needs in 34 years. The planning period consumed nine months, and every aspect of NLSP's operation and structure were thoroughly examined. The participants in the planning included all NLSP board members, all NLSP staff, all NLSP client board members, representatives from the Legal Counsel for the Elderly and community residents.

Following is a detailed description of the state support planning process that was undertaken by NLSP in 1994.

The first thing that was done during this phase of the planning process was to outline a proposed plan of action. This was accomplished by a series of memos prepared by NLSP's Executive Director to educate the board, the staff and the community on the concept of state support. These memos were sent to all staff and board members.

Next, the NLSP Executive Director convened a meeting of all of NLSP's managers and provided them with a copy of the Application for State Support Planning Grant that was submitted to LSC on March 30, 1994. There was a detailed discussion of steps that had to be taken by each staff member in order to ensure that the tasks outlined in the application were implemented. Each manager was instructed to meet with their staffs and begin preparing them for the level of participation that was going to be required of all staff members.

The NLSP Executive Director next called a meeting of all NLSP staff members. The purpose of the full staff meeting was to outline activities that were being planned over several months in 1994 to ensure a successful planning process. Before that meeting, each NLSP staff member was provided with: (1) all copies of memos that the NLSP Executive Director had written to educate staff and board regarding state support issues; (2) a copy of the Application for State Support Planning Grant that was submitted to LSC on March 30, 1994; and (3) a copy of the 1991 NOSSU report. All staff members were advised that those items were required reading for each person so that each one would begin to formulate their thoughts about state support from an informed basis. The full staff meeting involved hours of discussion and exchanges about every conceivable issue concerning state support. The Executive Director advised the staff at that meeting that 10 to 15 volunteers would be needed to serve as coordinators for anticipated

state support functions. There was a detailed discussion of the tasks and timetables for the planning process that were outlined in the application that was submitted to LSC on March 30, 1994.

Next, there was a meeting of NLSP's Board of Directors to outline an approval mechanism for the production of a state support plan. There were a number of issues discussed and decisions made at this board meeting. There was a continuing discussion of what was meant by state support, using the 1991 NOSSU report as a backdrop. The primary purpose of the board meeting was for the NLSP Board to set out the broad outlines of an approval mechanism by which the state support plan for the District of Columbia would be approved. The NLSP Board of Directors appointed a committee and charged that committee with coming up with a state support proposal to be submitted to the full board for its review and decision. In order to ensure full participation by all interested parties, the NLSP Board decided on the following composition of the committee: (1) two attorney members of NLSP's Board of Directors; (2) two client members of NLSP's Board of Directors; (3) one attorney member of NLSP's staff; (4) one non-attorney member of NLSP's staff; (5) NLSP's Executive Director, and (6) two members to be composed of Legal Counsel for the Elderly's staff and/or Board of Directors. An NLSP Board member was chosen to chair the committee. The NLSP Board gave the committee its charge and directed that all planning be completed by December 31, 1994, with a written plan being submitted to the Board of Directors for its review and approval.

Next, there was an initial meeting called by the chairperson of the State Support Planning Committee appointed by the NLSP Board of Directors to oversee the planning process. NLSP attorney and non-attorney members elected their representatives. The Executive Director for the Legal Counsel for the Elderly was advised that they had two representatives on the committee and were advised that their program representative should be prepared for concentrated activity. In preparation for this initial meeting by the committee, NLSP's Executive Director prepared a detailed memo that: (1) outlined a procedure that would ensure that the committee would meet its charge in a timely fashion; (2) made recommendations detailing how the committee's work should be structured to ensure completion of tasks; (3) outlined tasks to be performed, with weekly deadlines, for the entire planning process; and (4) recommended that 10-20 coordinators

be chosen to develop papers on functions decided to be studied by the committee. This memo was sent about two weeks before the initial committee meeting to all NLSP staff and board, all committee members, and to the Executive Director of Legal Counsel for the Elderly and his designated liaison for state support planning.

The initial meeting of the State Support Planning Committee chosen to oversee the state support planning process was held. A great deal of work had already been done on state support planning before the committee's initial meeting. The committee decided on a planning process, using the NLSP Executive Director's memo as a guide. Dates and deadlines were set for all planning activity. A major part of the committee's discussion revolved around pinpointing the most essential next steps. It was agreed that it was essential to identify support needs of the staff and board immediately. In order to assist in identifying those needs, the committee decided to ask all NLSP staff, all NLSP board members, and all Legal Counsel for the Elderly staff and board members to concentrate on reducing to writing all support that each person sees a need for, both for themselves and the program in general. The committee voted to request that all itemized, written ideas be submitted by an agreed upon date. The committee planned to have all of the written ideas submitted, and then have those ideas divided into broad functions/categories so that it could begin to decide how many functions should be advanced, and what the scope of the functions should be. The committee also decided to urge staff and board members to volunteer to serve as coordinators of functions.

A memo summarizing the first meeting of the State Support Planning Committee was sent to all NLSP staff, all NLSP board members, and to the Executive Director of the Legal Counsel for the Elderly and his designated liaison. A one-week deadline was given for everyone to submit their written thoughts on the needs for state support. At the next meeting of the State Support Planning Committee, there was consideration of the written submissions by all staff and board. There was an overwhelming response to the request for ideas on state support. The response was stunning because no one had any idea how people were going to respond to the request. Each member of the State Support Planning Committee was provided with a copy of each written response in advance of the meeting.

At the second meeting of the State Support Planning Committee, a first attempt was made

at beginning to categorize and group the hundreds of ideas that were submitted in writing by the staff and board. Also at this second meeting of the State Support Planning Committee, coordinators were chosen to be responsible for producing written papers on functions that were to be voted on by the State Support Planning Committee. All committee members were assigned the task of coming up with the broad outlines of specific state support functions that should be developed for the District of Columbia, using the written responses that had been submitted, as well as other independent ideas that committee members had. The next urgent task was to identify specific functions to be developed by the end of the planning process.

The State Support Planning Committee decided that the staff and board of both NLSP and Legal Counsel for the Elderly would provide more valuable input on state support function selection if they had access to all of the written responses that had been received by the Committee. So, a copy of all written responses was sent to each NLSP staff and board member, and to the Executive Director of the Legal Counsel for the Elderly and his designee for liaison. The Committee requested that everyone read and digest all responses, and make recommendations regarding the functions that should be a part of the state support plan. There was a constant reminder to keep in mind that the 1991 NOSSU report provided some excellent guidance on core state support functions, and that while no one should be limited to the Report's outline of functions, it would be useful to consult the Report for guidance.

Over a four month period in the fall of 1994, many meetings and exchanges took place which resulted in the State Support Planning Committee settling on six functions that should be the basis of the District of Columbia's state support plan. A very detailed set of meetings were held between the function coordinators and the specific people who held particular jobs at NLSP. A very detailed plan was developed in March, 1994 for a number of different types of meetings in order to ensure the success of the planning process. This meeting plan was implemented. First, there was a full staff meeting, where an overall view of state support issues was discussed. Second, all of the coordinators met with people in each job category so that we would be sure to understand the support concerns and needs of people who performed particular jobs. For instance, there was a meeting of all coordinators with all the secretaries to find out what secretaries thought about support needs. The next set of meetings involved regular staff

meetings in each neighborhood office and each unit during a four month period with all members of that staff. Those meetings were conducted by all of the supervisors at NLSP. The focus of those meetings was the support needs of an office or a specialized unit, as opposed to the support needs of a single secretary, or a single lawyer. Also, the focus of those office staff meetings was to consider the support needs of the entire program, particularly what resources headquarters needed to supply to enable each office to effectively represent its clients. The next set of meetings involved the State Support Planning Committee that was charged with overseeing the support planning process. This committee met at least eight or nine times. Each committee meeting was attended by committee members and the coordinators of the six functions. Committee meetings were also attended by other NLSP staff and board members.

The State Support Planning Committee chose the six functions that would form the basis of the state support plan. Coordinators were assigned to each function. The coordinators had a number of very specific charges from the State Support Planning Committee: (1) they were to meet separately with people in each job category to ascertain the support needs of people in particular job categories; (2) they were to read all of the written material that had been generated by NLSP on state support over a five month period; (3) they were to develop independent thoughts on the composition of functions; and finally, (4) they were to submit written papers with an action proposal for their assigned functions, which would be used as a basis for a final state support plan.

A major task that faced the State Support Planning Committee was deciding on specific functions, including the kind of things that should be included in each function. This was a major undertaking because the planning process that was implemented generated so many ideas for inclusion in the state support plan. The initial problem was trying to categorize so many ideas. This involved giving names to comprehensive functions, and finally, prioritizing the entire process so that the material was manageable. This means that the committee had to identify the key ideas to be studied so that it would be possible to complete the planning process during the limited period outlined in the planning grant from LSC.

All written reports by the coordinators of functions were submitted during the month of December, 1994. NLSP's Executive Director was given the job of editing the written submissions

by coordinators and finalizing a draft state support plan to be considered by the State Support Planning Committee. The State Support Planning Committee was asked to review and make suggestions with respect to the proposed state support plan. The revised proposed plan was then submitted to NLSP's Board of Directors for its suggestions and approval.

For several months during the pre-planning stage and the beginning of the planning process, there was a lot of discussion regarding the state support structure that should be used for the District of Columbia. The four structures that are discussed in the 1991 NOSSU report were debated at some length. The State Support Planning Committee made a very important decision early in the planning process to propose to NLSP's Board of Directors that the District of Columbia develop a state support structure that integrates the support work into the rest of the field program. This statewide field approach to state support was felt to be most appropriate for the District of Columbia since we were only dealing with one relatively large LSC basic field grantee and one relatively small LSC grantee.

The draft state support plan that was prepared under the direction of the State Support Planning Committee was distributed to: (1) all NLSP board members; (2) all NLSP staff members; (3) the Executive Director of the Legal Counsel for the Elderly and his designated liaison for this planning process.

The public was invited to a meeting of the NLSP Board of Directors on January 30, 1995, for public discussion of the draft state support plan. The NLSP Board of Directors voted to approve the state support plan at its meeting on January 30, 1995.

NLSP submitted the state support plan to LSC on January 31, 1995. This state support plan represents the most far-reaching evaluation of NLSP's operation in 34 years. The conclusions and recommendations contained in that plan are an important road map for the future operation of NLSP. We will adopt and rely very heavily on those recommendations and conclusions in all present and future work done on state planning.

The second part of NLSP's approach to state planning involves working with members of the Consortium of Legal Services Providers to maximize ways in which 30 organizations can coordinate their efforts on behalf of clients. There is already a long history of cooperative efforts among members of the Consortium, which will be highlighted later in this report. The Consortium

of Legal Services Providers, in addition, has begun a state planning process that started in 1996. A committee set up by the Consortium presented a set of recommendations to the general body in August, 1996, outlining a number of action items involving cooperative efforts by members. These recommendations were approved by the Consortium. In July, 1998, there was a retreat sponsored by the Consortium to examine state planning issues, using LSC's state planning guidelines. NLSP did not attend this meeting, but we received the materials used at the meeting. There will be further meetings on these issues in 1998. There are some major hurdles that have to be negotiated before there is agreement on how to proceed with this process. For instance, Consortium members are opposed to a client advisory board. The issue of lack of client involvement in policy direction in each Consortium member's organization is a major reason for NLSP's problems with the Consortium. NLSP insists on clients being an integral part of anything the Consortium does. This issue, and associated sub-themes, is a major problem for NLSP.

NLSP's overall approach to state planning involves: (1) using NLSP's 1995 state support plan as the major vehicle for state planning thrusts in 1998 and beyond; (2) working with the Consortium of Legal Services Providers in cooperative efforts to coordinate client services; (3) engaging and involving the private bar in all of our state planning efforts; (4) making client involvement in all planning efforts mandatory; (5) utilizing NLSP staff and board in planning efforts; (6) utilizing community groups, foundations, churches and other supporters in planning efforts.

B. STATE PLANNING AREAS

1. Intake, Advice and Referral

NLSP has three neighborhood offices, and each neighborhood office handles its' own intake, advice and referral pursuant to a program-wide procedure. NLSP's intake procedure involves telephone access and is summarized below:

(a) All people seeking legal assistance can call the number at each neighborhood office, with each neighborhood office being responsible for a particular geographical boundary.

(b) Callers are screened for eligibility, type of problem, information which is typed on a computerized intake sheet by a secretary. Intake sheets are printed out and given to an attorney of the day, who either speaks with the caller, depending on the problem, or calls the person back within 48 hours.

(c) If the service needed is advice, brief service or referral, the attorney of the day generally handles that on the telephone. If the caller's case requires more extensive representation, the caller is given an appointment.

(d) Emergencies within NLSP's priorities are given priority.

(e) Emergencies, which are not within NLSP's priorities, are handled in accordance with NLSP's written policy.

(f) NLSP makes home visits for those clients who are unable to come to our offices.

(g) Information gathering and legal advice are given by NLSP attorneys.

(h) Each neighborhood office has standard form letters concerning disposition of cases, soliciting information from clients, etc. Each office also has a referral manual for making referrals to legal services providers and social services agencies.

(i) The neighborhood office managing attorney supervises all intake work to ensure that NLSP policies are being followed. The managing attorney also monitors all case closures.

NLSP does not know the details of the intake system for the approximately 30 civil legal services providers in the District of Columbia, but each organization does intake and referrals based on their publicized priorities.

There are many strengths in NLSP's intake system including: (1) it is user friendly, with the emphasis on having each caller speak to a live person 95% of the time that the person calls the first time; (2) it has proven effective in processing large numbers of cases efficiently; (3) clients consistently, over a 34 year period, express their approval of easy access to real live voices and offices in their neighborhoods; (4) NLSP's highly systematized intake procedures yield timely case statistical information. The major weakness with NLSP's intake system is that we don't have the funds to purchase state of the art computers, computer systems and software that would enhance our intake system immensely.

The major goal at NLSP is to purchase state of the art computers, computer systems and software which would help to further automate our entire intake system. Another goal that we will study is the possibility of centralizing all of NLSP's intake functions. There are several problems and concerns about a completely centralized intake system that is staffed by non-attorneys. First, NLSP's clients like the present system which assigns all clients to one of our three neighborhood offices, depending on where they live. Also at NLSP, we have a very big concern about the increasingly impersonal nature of relations with clients as organizations move more

completely to automated, voice mail operations, where callers only listen to voice mail menus. Another major concern with some model intake systems, including that being pushed by LSC, is the increasing reliance on paralegals to give legal advice. With increasing pressure to have legal services programs spend more and more of their resources on advice and counsel, brief service and referral cases, there is the unspoken notion that these centralized intake centers can be handled by paralegals, with some minimal attorney supervision. The concern that we have at NLSP is that attorney supervision and involvement does not seem to be given the kind of emphasis that is warranted. The danger is that a rush to dramatically increase case closure numbers could severely compromise quality legal representation, including informed legal advice from competent counsel.

Keeping all of the above in mind, NLSP fundamentally needs to access major sources of funding to finance the purchasing of appropriate computer systems, hardware and software to upgrade its' intake systems technologically. This will be a formidable task. The District of Columbia Bar is working with the Consortium of Legal Services Providers to come up with a concerted plan to deal with technology needs of all civil legal services programs in the District of Columbia. To achieve this goal, it will probably take two - four years to solicit the appropriate resources that are necessary for computer upgrades at NLSP and throughout the civil legal services community in the District of Columbia.

NLSP will study the implementation of a centralized intake system; but, we are going to review this issue consistent with some of the concerns raised above relating to problems that are not usually publicly articulated and discussed. One of the things that we will have to do is educate ourselves about what other legal services programs have done to implement their centralized intake systems, and decide what works best for us. We anticipate that it will take about three years to implement such a system, provided we can obtain the additional funding necessary for technology upgrading.

The best opportunity for coordinating these activities with other civil legal services providers in the District of Columbia, lies with a comprehensive referral system. At this time, NLSP does not have very much hope that intake systems among the 30 civil legal services programs will be coordinated in the near future. Referrals are another matter. All civil legal

services programs have expressed the desire for a centralized referral entity. This, NLSP feels, is the appropriate role that the District of Columbia Bar should play. The District of Columbia Bar's division that deals with pro bono matters, has the best information in this city on where anyone can find particular legal help. The bar should be a clearinghouse for legal referrals for both poor people and non-poor people. The bar used to play this role, but has abandoned it in recent years. It would lift a tremendous burden from civil legal services providers, who are always struggling with inadequate resources. The District of Columbia would need to do the following things to set up a city-wide referral system: (1) obtain the priorities of all 30 civil legal services programs, 90% of which they already have; (2) register private attorneys and law firms, along with areas of specialization; (3) have the Board of Governors of the D.C. Bar take up this matter as a major priority to be studied and voted on in 1999. If the District of Columbia Bar could be persuaded to take over the running of a comprehensive lawyer referral program, it could be accomplished in two or three years.

2. Technology

At the present time, there is not a state technology plan for the District of Columbia. But this issue offers the best opportunity for total cooperation among all 30 civil legal services providers in the District of Columbia. That is because most providers have tremendous unmet technology needs, with few resources to meet those needs. A technology committee has been formed, with the twin goals of coming up with: (1) a needs assessment for all 30 civil legal services providers; and (2) a game plan for financing those needs. Until the city-wide needs assessment is completed, it will not be known what technology needs exists among all 30 civil legal services programs.

NLSP, however, knows exactly what we have and what we need. We presently have computers on the desks of all employees who are responsible for word processing. The vast majority of all other employees also have computers on their desks. But, we have a major problem in that virtually all of our computers were purchased in 1989, and are rapidly becoming outdated. We don't have enough state of the art software and hardware to do the kind of things that we need to do to make our program cutting edge, technologically. NLSP's technology goals are detailed and are as follows:

(a) Make certain that a state-of-the art computer is on the desk of each NLSP employee, with each employee being appropriately trained to operate the system.

(b) Have all NLSP computers networked.

(c) Have all computers connected to the internet, with e-mail capability.

(d) Have computerized legal research materials available at the desks of each casehandler at NLSP, including access to computerized pleading and brief banks, computerized legal research services such as Westlaw.

(e) State of the art case management software and other software that will facilitate total computerization of NLSP's intake process, eliminating much of the paper that is generated during that process.

(f) Capability to allow all NLSP employees to communicate with each other and throughout the city and the nation electronically.

(g) Appropriate additional hardware, in addition to computers, to support a state of the art information center.

(h) Funds to hire one or two computer specialists who would be responsible for trouble shooting and repair of NLSP's computer systems, and devising upgrades and programs for future NLSP needs.

(i) Creation of a comprehensive NLSP Website which could be used to disseminate information to our clients, serve to educate our clients about educational and economic development opportunities, used to produce self-help materials to support NLSP's community legal education priority, and use Website to recruit NLSP employees.

(j) Funds to replace and upgrade all computer networks, systems and software on a regular basis.

NLSP will be taking three steps to facilitate the realization of our technology goals. First, we have a five year fundraising plan which is being undertaken to repair the devastation that resulted from the 1996 federal budget cuts. Part of the money raised through that drive will be used for technology upgrades. Secondly, NLSP plans to aggressively seek funding and/or computer and software donations from law firms to deal with our technology needs. Thirdly, NLSP will be working very diligently with the technology committee that has been formed by the Consortium for Legal Services Providers to devise a city-wide approach to this problem. The key to this approach is to have the District of Columbia Bar take a primary role in persuading members of the private bar, particularly law firms, to invest heavily in technology development of all 30 civil legal services providers.

This endeavor is an expensive undertaking, taking into consideration the technology needs of all 30 civil legal services providers. It will probably take about five years, realistically, to

complete a project of this magnitude; mainly because it will take some considerable effort and time to convince donors to finance such an undertaking. Also, there is a considerable problem of creating the appropriate plan and people to sell such an idea to donors. NLSP will be working on two tracts: (1) our own fundraising effort to dramatically increase our revenue over the next five years; and (2) working very closely with members of the Consortium and the District of Columbia Bar to put in place the necessary measures to implement the plan to have private donors fund technology needs for all 30 civil legal services providers.

3. Access To The Courts, Self-Help And Preventive Education

Strategies to expand access to justice on behalf of indigents in the District of Columbia have been the main focus of civil legal services providers for many years. It should not be forgotten that the primary means by which poor people in the District of Columbia have obtained access to justice has been by the representation of pro bono attorneys and civil legal services programs. That will continue to be the main focus of securing justice for poor people here. This approach has produced an unparalleled creation of new rights and remedies for poor people, particularly over the last 30 years. The specific approach that NLSP has taken over the last 34 years has been twofold: (1) bringing complex litigation that tackled long-term systemic problems that affected large numbers of clients; and (2) representation of large numbers of poor people in individual lawsuits. NLSP has been the major player in these areas for the last 34 years. In addition to litigation, NLSP has also had a very active community legal education practice during those 34 years, where we have endeavored to educate clients and community groups about their rights, and prepare them to take preventive measures to avoid some of the problems that have constantly come to our neighborhood offices. The major weakness of all three strategies that have been employed to ensure access to justice is that there has never been enough resources in the District of Columbia to handle even 20% of the legal needs of clients. This has always resulted in large numbers of poor people going underrepresented. So, for instance, even though cases won by NLSP attorneys in the 1960's and 1970's gave tenants in the District of Columbia the right to raise substantial housing code deficiencies as a defense against an L&T suit for rent, this major development in the law is not very helpful in a year when 100,000 L&T cases are filed, and a large percentage of the defendants are poor and not represented by counsel. It is

important to keep in mind that drastic federal budget cuts in legal services funding and accompanying cuts in revenue that non-legal services programs are experiencing, will continue to be the major impediment to providing equal access to justice for poor people in the District of Columbia. No amount of state planning will remedy that problem; only an increase in resources will. While we embark on the state planning journey, trying to find ways to improve services to clients through better coordination of efforts, it is essential that we not forget that the major weakness in our attempts to expand access to justice for poor people will remain lack of funds, not lack of coordination.

NLSP and all other civil legal services providers will continue to use the above noted strategies to obtain equal access to justice for our clients in the District of Columbia. But there has been massive budget cuts (54% for NLSP) which has dramatically reduced our ability to pursue those strategies. A number of things are being done and need to be improved upon to help expand and strengthen services to clients. One area that doesn't attract a lot of attention is the existence of the many rule committees that are created by all of the courts in the District of Columbia. These committees are composed of judges and D.C. Bar members, and they deal with rules governing every single aspect relating to how cases proceed in all the courts. These court rules have an enormous impact on the way in which litigation is conducted. Having a presence on those committees can be a very effective way to influence court policies that could benefit our clients. Civil legal services advocates have always had membership on these committees; but, not enough attention has been paid to aggressively coordinating the collective thinking of our legal services community to ensure that language beneficial to our clients gets included in court rules. Similarly, bar committees are often formed to study many issues relating to the administration of justice. These bar committee studies often are extremely influential with legislatures and courts. Civil legal services advocates are often on those committees; but again, not enough attention is paid to aggressively coordinating the collective thinking of our legal services community to ensure that positions favorable to our clients get prominently included in study results.

Another problem area is that the District of Columbia is increasingly being populated by clients who speak little or no English. This becomes particularly problematic when these clients

have to interact with the judicial system and administrative agencies. There is a dearth of non-English speaking ability among court and administrative agency employees. This creates critical barriers to access to justice for our clients who are non-English speaking.

The major step that needs to be taken to ensure more effective participation by civil legal services advocates on court rule committees and bar committees, is to have stakeholders focus on that issue, and create a watchdog committee which will be responsible for getting our advocates on those committees and being proactive in developing consensus positions on issues and subjects that are most beneficial to legal services clients. This could be accomplished in one-two years.

The major steps that need to be taken to deal with the dearth of non-English speaking employees in the judicial system and administrative agencies are: (1) creating a comprehensive education study which documents the problems, with the aim of convincing judicial and administrative agency decision makers of the need to expand their non-English speaking capability; (2) finding a way to get additional funds to the courts and agencies for the purpose of hiring additional bilingual employees.

During NLSP's state support planning process in 1994, a committee of NLSP employees and clients came up with a very comprehensive community legal education plan, which was eventually adopted by NLSP's Board of Directors as a part of NLSP's state support plan. A summary of that proposal follows.

Community legal education (CLE) is a program that is fashioned to specifically assist in the empowerment of low income and economically vulnerable people by making certain that the clients are armed with information that they can use to assert their legal rights. CLE programs recognize that legal services programs do not have the resources to represent all of the eligible population that may need assistance. However, legal services programs can make a major contribution to the well-being of those clients who cannot be represented by making available to those clients information that would help them make informed choices regarding issues that impact their lives. The focus of the CLE program is to reach those with disadvantaged and/or stressful living arrangements (homeless individuals), children, those individuals with medical and/or mental complications, persons with disabilities (seniors and other disabled), public

housing residents and people with special educational needs (special education students, individuals who are illiterate).

CLE information will be distributed to the public in various ways, such as through seminars, brochures, pamphlets, newsletters, videotapes, development and distribution of pro se materials. The overall design is to provide educational tools that outline clients rights on issues that NLSP and other civil legal services providers generally deal with. These include housing, welfare, food stamps, social security, SSI, unemployment compensation, health, employment, medicaid, medicare, economic development, education, etc. This information should be widely distributed in places calculated to reach low income clients. These would include churches, local libraries, health clinics, schools, community organizations, and social service agencies. Information should also be available in languages that accommodate non-English speaking clients.

Some specific projects would include preparing pamphlets, brochures and manuals. CLE materials should focus on not just the rights a client has, but also the strategy that is needed to win a case. For instance, the Social Security agency provides brochures on SSI, but they don't provide information on how to win an SSI case. CLE materials could provide that additional information. Another specific project would be videotape development. Effectively produced videotapes could be developed to educate community advocates and residents on a number of subjects such as wills, divorce, child custody, SSI, landlord-tenant, small claims, etc. The videotapes could be developed in a way that would assist community residents to be their own advocates early on in the legal process. The videotapes could contain information on how to "win" a social security or a landlord-tenant case. The CLE program could also develop a newsletter which would provide the community with valuable information concerning their legal rights. The newsletter could offer articles on legal topics of interest, case developments, etc. Community residents could also play an active role in writing, producing and preparing material to be disseminated in the newsletter.

The CLE program could also be instrumental in training lay advocates to become competent to represent themselves and others in various judicial and administrative forums. Many administrative agencies allow non-attorneys to represent clients in hearings and appeals at

those agencies. NLSP and other civil legal services providers could train lay advocates by preparing form pleadings for their use, conducting pro se classes in uncontested divorces, rental accommodation issues, landlord-tenant issues, public housing grievance procedures, and public entitlements. Attorneys of civil legal services providers could offer seminars at local public schools, community centers, libraries, churches, etc., with the goal of assisting clients to become competent advocates for themselves, and making the administrative process more routine and less painful.

An effective CLE program needs to also include a media strategy, particularly using radio and television to educate and disseminate information. Public service announcement opportunities on television and radio should be explored. Cable, commercial and public broadcast stations ought to be pressured to provide time slots for community programming. Print media should also be explored as a means of publicizing issues that are of interest to the community. Another extremely important media strategy should be the use of computers and the internet to inform and educate our client community and the larger community about our clients' needs. Websites, networks and other devices should be developed to disseminate client information. We need to encourage public schools and public libraries to make available computers and internet connectability for our clients' use. Also, we need to pressure these entities to provide training on the use of computers and the internet for community residents.

NLSP presently has a CLE program that is very effective, but not nearly as comprehensive as the above summarized proposal prepared by NLSP staff in 1994. NLSP's present CLE program is extremely effective in getting information to some segments of the client community about their rights. NLSP's present CLE program is not as far reaching as that proposed by the NLSP in 1994. But the major reason is that there is not nearly enough money and resources to implement such a comprehensive CLE program. The above outlined CLE plan, if it is to be realized, would have to be phased in over a number of years because it is so comprehensive and expensive. The thing that is most doable now and in the immediate future is an increase of information dissemination to our clients using meetings and materials. Since the present focus of NLSP's CLE program is information dissemination, we seek to expand that activity over the next two years. There will have to be a major increase in revenue in order to implement the other

aspects of the CLE plan summarized above from NLSP's 1994 state support plan. There will also have to be considerable education of the community and the target donor community to drive home the importance of increased CLE activity in this era of massive cuts in civil legal services programs' budgets. It will probably take about five additional years to fully implement the entire CLE plan as outlined above.

4. Coordination Of Legal Work, Training, Information And Expert Assistance

NLSP has a very comprehensive training program for its attorneys. The training begins shortly after a new attorney is hired. First, several months of in-house training is provided in four core areas of law – housing, consumer affairs, public entitlements and family law. Secondly, all new attorneys are required to take specified courses that are conducted by the D.C. Bar's Continuing Legal Education program. New attorneys are also assigned to experienced managing attorneys who are responsible for their day to day training on the job. The D.C. Bar has an extremely comprehensive continuing legal education program. NLSP encourages all attorneys, new and experienced, to take CLE courses, all of which are paid for by NLSP. In addition to CLE courses, the D.C. Bar sponsors a number of annual seminars on areas of the law dealt with by civil legal services providers. NLSP staff participates in this endeavor in two ways. First, NLSP staff members attend these seminars, which are cost free. Secondly, NLSP senior attorneys serve as trainers for these seminars, along with attorneys from all of the other civil legal services providers in the District of Columbia. These seminars that are sponsored by the D.C. Bar are also important because pro bono attorneys from private law firms also are trained at these events. NLSP also requires all new attorneys to attend the National Institute of Trial Advocacy (NITA) training within twelve months of employment. The NITA training is viewed by NLSP as absolutely essential because excellent litigation skills are a necessity for our practice. NLSP conducts a number of in-house training events. We make those events available to the staffs of other civil legal services providers, as well as members of the private bar who have agreed to handle pro bono cases. Likewise, NLSP staff members get invited to in-house training events that are sponsored by other civil legal services providers.

The major weaknesses of NLSP's training initiatives are: (1) we need more systematic training initiatives for non-attorneys; (2) we need more funds to expand our training program

because a lot that we know needs to be done cannot be done because of limited funds.

Coordination of training in a more comprehensive fashion is where the 30 civil legal services providers could have most productive cooperation. We already have in place many training programs that involve participation by the 30 civil legal services programs, and the District of Columbia Bar. These programs need to be expanded to create a city-wide training institute that would have the responsibility of providing all needed training for all legal and non-legal staff of all 30 legal services providers. The civil legal services providers could provide the needed direction and supervision of such an enterprise, with the D.C. Bar and other private bar members providing the funding for such an institute. Also, even before such an institute is formed, better coordination could be achieved on training among the 30 civil legal services programs without additional funds. This could begin with the formation of a training committee composed of civil legal services providers and D.C. Bar representatives, with the aim of exploring how we could increase our cooperative efforts in the training area. Internally, NLSP needs to hire a training coordinator to expand our training initiative to: (1) provide more systematic training to attorneys and non-attorneys; (2) be more systematic in assessing training needs of NLSP staff members; and (3) to more systematically assess and identify training resources both at NLSP and outside NLSP.

All of these expanded training initiatives will cost a lot more money, both for expansion of NLSP training capacities and expansion of city-wide training capacities. Again, the two primary steps that need to be taken are: (1) a total assessment of training needs of civil legal services providers and education of all parties regarding those needs; and (2) fundraising initiatives to finance increased training thrusts. It will take about five years to implement such a plan.

The coordination of legal work and information is well-developed within NLSP but loosely coordinated among the 30 civil legal services providers. NLSP has a comprehensive information gathering process which yields daily, weekly, monthly and annual information about significant judicial, legislative, and administrative developments affecting every aspect of client activity. We comprehensively subscribe to state and federal reporters, slip opinions, code sections, law review articles, treatises, manuals, legal textbooks, articles and papers by legal experts, forms,

newspapers, legal newspapers, CFR's, local registers, local and federal rules, local codes, etc. In addition to NLSP's in-house law libraries, we provide cards for our staff to use Georgetown University Law Center's Library. Also, all of the other law school libraries are available to our staff, as well as the Library of Congress. The weakness in NLSP's information gathering process is that each casehandler does not have access to computerized legal research services, and are not connected to the internet. This will cost a lot more, and it is part of our technology needs that were outlined in an earlier section.

Similarly, legal work within NLSP is very well developed and coordinated. We have been providing comprehensive legal representation of poor people for 34 years, particularly expansive litigation services. NLSP's legal work is very carefully coordinated by a well defined supervisory chain consisting of the Executive Director, the Assistant Director of Legal Operations, the Managing Attorneys and the Staff Attorneys and Paralegals who they directly supervise. This legal work coordination is supported by a large series of practice manuals, pleading banks (both in-house and outside), and sharing of legal strategies developed over 34 years at NLSP. One thing that needs to be improved regarding legal work coordination at NLSP is more regular program-wide meetings of legal and non-legal staff to discuss common legal and non-legal issues. Weekly, bi-weekly and monthly meetings of this nature have been started many times over the past 34 years, and we have never been successful in sustaining them.

Coordination of legal work and information among the 30 civil legal services providers and private bar members is very loose and informal. There are many cooperative efforts in which civil legal services providers and private law firms team up to work on issues beneficial to our client community. The best example of this is the frequent co-counseling arrangements involving lawyers from private law firms and civil legal services providers who work together on many lawsuits involving issues affecting poor people. This activity has been long-term, prolific, and extremely beneficial to the city's poverty population. These cooperative efforts have been responsible for many legal victories, and some defeats, of issues that were of primary importance to legal services clients. This area of coordination and cooperation among and between civil legal services programs and members of the private bar has been an outstanding success. Legal work coordination and information sharing among civil legal services providers could be

strengthened by the following: (1) conducting a survey of all sources of information used by each provider to conduct legal research, publicizing the information, and making the information available to the staff of all providers using computer technology; (2) having more meetings of legal services providers devoted to identifying and prioritizing issues to be worked on cooperatively on behalf of clients; (3) a regular newsletter, or some publication, detailing various cases recently litigated (won or lost) by attorneys of various legal services providers. Some of these goals can be achieved within a year by meeting to identify and outline issues that need attention. This can be accomplished in future state planning meetings that are being scheduled by the Consortium of Legal Services Providers. Other aspects of the goals to strengthen legal work coordination and information sharing among legal services providers will take more time. For instance, it will take four or five years to totally implement a city-wide system to share all legal information electronically among 30 legal services providers, with much of that time needed to find the additional funding to pay for the technology purchases that would make such an endeavor possible. Similarly, it will take a number of years to devise a strategy to educate and convince the many legal services providers: (1) of the need for city-wide surveys of information capabilities; (2) of the efficacy of city-wide electronic sharing of information; (3) of the possibility of creating an effective city-wide mechanism to coordinate, evaluate, identify and plan for work on issues and cases beneficial to legal services clients. These detailed levels of cooperation have not been in existence among legal services providers, and will require a lot of time to sort out. These ideas can be accomplished in phases over a five year period.

5. Private Attorney Involvement

NLSP has a three-pronged system that is used to implement its' private attorney involvement (PAI) plan. The first part of NLSP's PAI system utilizes the volunteer efforts of a private law firm, Covington & Burling. Covington & Burling provides two attorneys, one secretary and one paralegal who work full time in one of NLSP's neighborhood offices. Each of the C&B employees serves a six month term at NLSP, and is replaced by another C&B employee who serves a six month term. These C&B employees operate in the same way that NLSP employees operate in providing service to NLSP clients on a daily basis. This program has been in effect at NLSP for 34 years. We know of no other effort in the country where a law firm provides such

comprehensive, in-kind services to a legal services program. The second prong of NLSP's PAI plan involves the use of private attorneys, other than C&B employees, to handle cases on behalf of NLSP-eligible clients. These attorneys are a part of an NLSP panel of private attorneys and they handle a variety of tasks including litigating individual cases, handling complex litigation, co-counseling cases with attorneys from NLSP and other civil legal services providers, acting as resource help in specialized trial and appellate areas for NLSP staff attorneys, acting as trainers for NLSP in-house training events etc. For those private attorneys who agree to handle cases on behalf of NLSP-eligible clients, NLSP offers the following support and assistance: (1) we provide any and all word processing that a pro bono attorney needs to handle a case; (2) we provide consultation and training for private attorneys who agree to become panel members; (3) we pay litigation costs for NLSP-eligible clients that are represented by pro bono panel members; (4) we provide private attorneys access to all information that is available to NLSP staff for research and writing; (5) and we provide investigative services and notary services where needed. The third prong of NLSP's PAI system is the use of LSC-paid staff to support the efforts of attorneys and non-attorneys who volunteer their services on behalf of NLSP's client community. These staff duties include supervision and consultation by NLSP experts on cases and issues being handled by pro bono attorneys, co-counseling by NLSP experts with private attorneys, provision of word processing, secretarial investigation, and xeroxing support where needed, and budget, accounting and administrative support related to keeping track of the PAI effort.

The NLSP PAI effort has been weakened dramatically by the devastating budget cuts in 1996. One of the unfortunate casualties of the 1996 budget cuts was the elimination of a unit at NLSP which was devoted to recruiting, coordinating and running NLSP's litigation effort provided by the PAI panel attorneys who were not C&B employees. This has caused a major diminution in NLSP's PAI program. The only thing that can enhance NLSP's internal PAI plan is the addition of substantial new revenue.

In addition to NLSP's internal PAI program, there is a very substantial PAI effort being undertaken by the 30 legal services providers, the District of Columbia Bar and private attorneys and law firms. The D.C. Bar sponsors a very comprehensive and far reaching PAI effort by aggressively recruiting attorneys from law firms to work on a wide range of issues and areas

related to legal services clients. Virtually all of the 30 civil legal services providers have internal PAI programs that utilize the services of pro bono attorneys from among private bar attorneys. Private attorneys working in D.C. Bar-sponsored programs or in programs sponsored internally by other civil legal services providers, perform a wide range of tasks and services including: (1) handling individual cases and complex litigation; (2) co-counseling and mentoring; (3) providing staff for legal clinics sponsored by the D.C. Bar; (4) acting as trainers for D.C. Bar-sponsored civil legal services training events; (5) handling administrative agency cases; (6) providing aggressive legislative and administrative advocacy before local and federal courts and administrative agencies.

One of the major weaknesses of the PAI effort sponsored by the District of Columbia Bar involves the requirements that are placed on civil legal services providers before cases can be referred to the pro bono clinics that the Bar runs. NLSP and all other civil legal services providers have to provide time consuming interviews with prospective clients, along with detailed opening case summaries before a prospective client will be handled by a D.C. Bar clinic. This process is time consuming, requires enormous resources from providers and is just plain stupid. Those of us who head civil legal services programs in the District of Columbia have complained bitterly about the D.C. Bar's instituting this new procedure when they reorganized their pro bono division. We have all made it plain to the D.C. Bar that, if they are going to be useful to us, we need to be able to provide a caller with a telephone number that they can use to call the D.C. Bar clinic directly when, for one reason or another (usually office overload), a legal service provider cannot take that person's case. Requiring legal services providers to engage in time consuming client interviews, case opening summaries, etc. makes the D.C. Bar's clinical program less useful to us. The result is that NLSP doesn't use the D.C. Bar's clinics very much because we don't have the resources to deal with those foolish requirements. Most other legal services providers in the District of Columbia feel the same way about these D.C. Bar clinics. The D.C. Board of Governors needs to put this on their agenda, and rescind their earlier vote on this issue. This could be accomplished in one year.

The participation of private attorneys in pro bono efforts is very good among some attorneys and some law firms. But, participation is dismal considering that the District of Columbia Bar has

approximately 60,000 members, about 40,000 of whom practice in the District of Columbia. This problem needs to be remedied by changes in the professional responsibility rules governing D.C. bar members. There needs to be some kind of mandatory requirement covering minimum annual in-kind and/or financial contributions from all D.C. Bar members. This is the most effective way to increase the involvement of private attorneys in the delivery of legal services. The D.C. Bar should take the leadership role in creating a commission to come up with proposals, which should then be passed by the membership and proposed to the District of Columbia Court of Appeals as changes in the professional responsibility rules. This will probably take about three-five years to accomplish, given the controversial nature of such a proposal. Many individual bar members and officials in the past have already expressed opposition to such a requirement; but, something drastic needs to be done to increase the involvement of so many attorneys and law firms in the District of Columbia who do nothing to support the delivery of legal services to poor people.

As outlined earlier in this PAI discussion, and in the previous section on coordination of legal work, training and information, NLSP, the D.C. Bar, and the other civil legal services providers include private attorneys: (1) in their training programs and events; (2) along with all staff, in the use of and exposure to all information and material that is needed to handle problems for legal services clients; (3) in making available all technology tools that are available in the programs; and (4) in the wide variety of services offered to legal services clients by program staff. The improvement of these training, information and technology support mechanisms for PAI attorneys will occur as these mechanisms are improved city-wide for legal services providers and the D.C. Bar.

6. Resource Development

NLSP's Board of Directors has devised a fundraising initiative that is estimated to take approximately five years to fully implement. We need to move now to begin to replace the \$863,000 (54% cut) that was lost in federal funding in 1996. The outline of NLSP's fundraising plan is as follows:

A. Annual Financial Pledges From Targeted Law Firms.

- (1) Solicit influential equity partners from 20 of the largest law firms in the District of Columbia to serve on a steering committee for this effort.
- (2) Have the steering committee devise a strategy to: (a) persuade the 100 largest law firms to contribute \$20,000-\$50,000 to NLSP annually; (b) persuade mid-size law firms to contribute \$2,000-\$10,000 to NLSP annually; (3) persuade small law firms to contribute \$1,000-\$2,000 to NLSP annually.
- (3) Have the law firm sub-committee work very closely with the annual fundraising/awards dinner sub-committee in persuading law firms to purchase tables to fill a banquet hall of 1,000-2,000 people at \$150-\$200 per plate, with the first event being held in the fall of 1999.

B. Annual Fundraising/Awards Dinner

- (1) Plan to have the first fundraising/awards dinner in the fall of 1999 and each fall thereafter.
Choosing a steering committee composed of: (a) influential partners in law firms who can be counted on to have their firms purchase tables for the dinner; (b) executives of corporations who can be counted on to have their companies purchase tables for the dinner; (c) executives of trade associations and other business groups whose organizations can be counted on to purchase tables for the dinner.
- (2) Careful attention will be given to creating a number of award categories to honor law firms, individuals and corporations who have given exemplary service to this community, NLSP staff members, members of the client community, and outstanding D.C. Public School students.

C. Annual Pledges From Churches and Other Religious Groups

- (1) Recruit 10-20 prominent pastors of District of Columbia congregations to serve on a steering committee, whose main purpose will be to help NLSP develop a strategy for enlisting the support of all churches in making a substantial annual pledge to NLSP.
- (2) Utilize key church members, who are identified supporters of NLSP, to help NLSP solicit the support of the 10-20 key pastors to serve on a steering committee.
- (3) Secure the names and addresses of members of boards of trustees, or other lay governing bodies, of each church in the District of Columbia. Identify key lay officials of these boards, who may be long-time NLSP supporters, and enlist their help in persuading their pastors and congregations to make annual financial pledges and contributions to NLSP.

D. Annual Pledges From Individual Attorneys And Members Of Other Professional Organizations

- (1) Develop a strategy to encourage each member of the D.C. Bar to contribute at least \$100 annually to NLSP.
- (2) Develop a strategy to encourage individual members of other professional organizations to give annual contributions to NLSP.
- (3) Create a database of lawyers and other professionals who should be sent fundraising letters.

E. Annual Pledges And Support From Community Organizations And Community Residents

(1) Develop a strategy to encourage community organizations and community residents to view themselves as having a stake in ensuring that NLSP survives as a viable community organization. This viability is not possible without regular, annual financial support from the community.

(2) Encourage community groups and community residents to join and sponsor efforts to raise funds for NLSP. The idea behind this thrust is not just to get financial contributions, but to build active and ongoing support by the community for the notion of ensuring that NLSP continues as a viable community law firm.

F. Annual Contributions From Corporations, Foundations, Trade Associations, And Non-Legal Professional Organizations

(1) Outside of foundation solicitations and grants, this is an area that NLSP has had little or no prior experience. It is unknown how much success NLSP will have soliciting financial support from these entities, but we should devise strategies to market ourselves with these entities.

(2) Compile a list of local and national corporations, foundations, trade associations and non-legal professional organizations that have some history of supporting community-based initiatives.

(3) Identify a list of friends of NLSP who have a connection or some influence with key individuals in all of these entities, and have that friend lobby for support for NLSP.

(4) Recruit steering committees of 5-10 people from among the following entities: corporations, foundations, trade associations, and non-legal professional organizations. The major goal of each steering committee will be to devise a strategy for enlisting the support of like entities to agree to become annual contributors to NLSP.

The foregoing is a summary of a fundraising strategy that was devised by the NLSP Board of Directors as a means of targeting sources of revenue that we need to cultivate over the next five years. With the financial devastation that was visited on NLSP by the federal budget cuts in 1996, we cannot afford to wait for the implementation of a state-wide fundraising strategy. We will be very active in any state-wide effort to raise additional funds for civil legal services providers, but experience teaches that those efforts are slow, difficult to organize, and often unproductive.

A number of initiatives are underway to increase the revenue and resource base of all 30 civil legal services providers. The D.C. Bar Board of Governors sponsored a breakfast that

included all of the civil legal services providers, and representatives from all of the law firms who make major annual financial and in-kind contributions to various civil legal services programs and the pro bono efforts of the D.C. Bar. The purpose of the breakfast was to have law firm representatives give civil legal services providers an inside view of the thinking behind decisions that law firms make regarding financial contributions and decisions to commit resources to pro bono activities. The meeting was extremely valuable because much information was imparted that was previously unknown to most of us about how internal law firm contribution decisions are made. The meeting was also valuable because all of the law firm representatives outlined the things that should and should not be done in approaching each firm for contributions. While the meeting was informative, it was not immediately clear how that is translated into increased giving by those firms on an annual basis.

Expansion of the IOLTA base is an important goal that must be pursued. At the present time, the District of Columbia has a voluntary - opt out IOLTA program that covers lawyers and law firms by court rule. The problem is that the overall fund is relatively small because: (1) the District of Columbia is the only city that is covered in our service area, unlike states like California and Texas which have many counties and cities that contribute to an overall state IOLTA pot; (2) the major funds that are held for short periods of time are not held by attorneys or law firms, but rather by title companies. Title company escrow funds are not covered by court rule, and legislation would be required to reach those funds. The one effort that was made about 15 years ago to consider legislation to include title company escrows in IOLTA accounts caused an explosion among the title companies. The other major problem with legislation of any type is that the U.S. Congress can veto any legislation passed by the Mayor or the City Council of the District of Columbia. Even though legislation is the remedy that is needed to pursue the goal of including title company escrow monies in IOLTA accounts, it will probably not happen in the present political climate. State-wide efforts to identify and cultivate additional revenue for civil legal services programs should include: appropriations from the District of Columbia budget, filing fee surcharges in D.C. Superior Court, D.C. Bar dues checkoffs. The D.C. Bar is better suited to be the leader in: (1) arguing for the need to have legislation passed to include title company escrow funds in IOLTA accounts; (2) making the case for city-wide appropriations for legal service

providers; (3) making the case for D.C. bar dues checkoffs; and (4) making the case for support for legal services from foundations and corporations a central theme of the bar association. All of these ideas and initiatives have been discussed at various times over the years by the D.C. Bar and civil legal services providers, with little success. Now is the time to sit down with D.C. Bar leaders and devise a written fundraising strategy, endorsed by the bar, judiciary, the legislative branch and the Mayor, to address the critical need for dramatic increases in financial support for civil legal services programs. Many of the above initiatives, if possible at all, will have to be done in phases because of the many former hurdles faced by previous efforts to get these fundraising ideas off the ground. The successful completion of such a list of new state-wide fundraising initiatives will probably take about ten years, realistically. This process is going to be slow, based on many former painful experiences.

7. System Configuration

Neighborhood Legal Services Program is the only LSC-funded program in the District of Columbia.