

**LEGAL SERVICES CORPORATION OF DELAWARE, INC.
STATE PLANNING REPORT - STATE OF DELAWARE**

INTRODUCTION

Legal Services Corporation of Delaware, Inc. was born during a time of great change for legal services, and was formed in the crucible of a changed landscape for free legal services for poor and low-income people. The board and management of Legal Services Corporation of Delaware, Inc., recognized that significant changes were in store for the entire legal services community, including both LSC funded and non-LSC funded programs. As a result of this vision of the coming changes, although not necessarily the specifics of those changes, and the fact that Legal Services Corporation of Delaware, Inc. was a new organization, we tried to take what many viewed as a negative situation, and to use it to the advantage of our organization, and ultimately, of course, our clients. The position in which we found ourselves - being a new organization in a rapidly changing landscape - was used, on a variety of fronts, to allow us to incorporate those changes into the initial formulation of our program. Therefore, on one of those fronts, Legal Services Corporation of Delaware, Inc., was able to include the concept of statewide planning as an integral part of the formation, structure, and long-range strategy for the program.

Unlike many existing programs that did not have much of a history of dealing with multiple legal services programs within their state and/or service area, from the very date of our inception, Legal Services Corporation of Delaware, Inc., knew that one of the keys to its success, and the success of the very notion of efficient, high quality, legal services, was coordination among the various legal services providers in the state, and the involvement, and cooperation of all stakeholders, statewide, including members of the organized state bar, the judiciary, and the staff of the various courts. Additionally, unlike the situation with which some previously existing programs had to contend, Legal Services Corporation of Delaware, Inc., which was a new organization, was not confronted with the problem of inertia and staff resistance to change, or resistance to the necessity to work with, and coordinate with other legal services providers. Not only was the reality of having to engage in statewide planning, and coordination with other organizations, incorporated into the structure of our organization, but became an integral part of our “institutional culture.”

PLANNING GROUP

Various organizations and institutions within the State of Delaware have been concerned with the coordinated provision of legal services to poor people since even before the drastic changes in legal services were put in place in 1995-1996. In 1994, at the request of the Chief Justice of the Delaware Supreme Court, the Delaware State Bar Association convened a temporary committee, chaired by the president-elect of the Bar Association, Ann Naczi, Esq., to begin assessing the problems facing poor people in Delaware in obtaining legal representation,

and also trying to look ahead with respect to the impending changes that were becoming increasingly visible on the horizon. After the 1994 Congressional elections, it was becoming apparent that changes were in store for the future of legal services, not only in Delaware, but nationwide. At that point in time, the exact nature of those changes was open to speculation, but it was clear that changes were in store. This ad hoc committee was charged with assessing the then-current state of affairs, and then trying to address what adaptations in the state delivery system were likely to have to be made, depending upon what changes occurred on the national level. As time went on, it became apparent that not only were funding cuts going to be put in place, with respect to federal funding, but that significant restrictions were going to be enacted, which would have an impact on the statewide delivery system, and which eventually led to the decision by the then-LSC funded program to no longer accept funding from the Legal Services Corporation. This, in turn, led to the creation of Legal Services Corporation of Delaware, Inc., which would, among other things, accept the Legal Services Corporation funding, and provide representation to low income people in Delaware. As a result of these various occurrences, part of the mission of the ad hoc committee of the Bar Association, was to address the issue of statewide planning, and the coordination of services, and other functions of the now expanded number of legal service providers in Delaware.

In late 1995 and early 1996, as the alterations to the legal services landscape, both nationally, and in Delaware, were beginning to come to fruition, issues related to these changes were becoming of even greater salience to the Chief Justice, and the organized bar. As a result, and also, partly in response to calls by the Legal Services Corporation, the American Bar Association, and the NLADA, regarding statewide planning, the Chief Justice requested that the Delaware State Bar Association create a new Standing Committee of the Bar to address the legal needs of low income people, on a statewide basis. This Committee was to work with not only the various legal service providers, but also with other organizations which had a concern with access of low income people to the justice system, as well as with other sections and committees of the Bar Association, which were separately dealing with various discrete issues which had an impact upon the delivery system, as it effected low income people. Due to his recognized long-standing commitment to legal services for low income people, the Executive Director of Legal Services Corporation of Delaware, Inc., was asked to serve on this Standing Committee while he was still in private practice, and before he became involved with Legal Services Corporation of Delaware, Inc. After he became the Executive Director of Legal Services Corporation of Delaware, Inc., he, of course, remained on the Committee, and has continued to serve an active role in the ongoing activities of the Committee.

This Committee, the Delaware State Bar Association Standing Committee on the Provision of Legal Services to Low Income People, (“the Standing Committee”) consists of a cross section of the Bar, and includes a number of people who are involved in activities related to serving low income Delawareans. The Committee has been chaired, since its inception, by Donald F. Parsons, Jr., Esq., a senior partner with one of the largest and oldest law firms in the state. Mr. Parsons was the vice-president of the Delaware State Bar Association, and is currently the president-elect of the Delaware State Bar Association, with his term as president to occur

during the 1999-2000 fiscal year. The Committee also includes a number of attorneys in private practice, two law professors from the Widener University Law School, a member from the State Public Defender's office, a member from the Federal Public Defender's office, several corporate counsel from the law departments of two of the largest corporations in Delaware, the vice-president of the Family Law Section of the Delaware State Bar Association, and the Directors of Legal Services Corporation of Delaware, Inc., Community Legal Aid Society, Inc., the non-LSC funded legal services program, and Delaware Volunteer Legal Services, the Bar Association pro bono project. The Supreme Court has assigned one of the Justices, Justice Joseph T. Walsh as the liaison between the Court and the Committee, so that the Committee could interact with the Court, providing a two-way feedback and providing a mechanism for the Committee to report to the Court regarding progress made in statewide planning and coordination. The Committee has met with the Court liaison, as well as other members of the Court on several occasions.

It was the intent of the Bar Association, as well as the Supreme Court, that the Committee not necessarily be involved in all statewide planning and coordination issues, but that it serve as an umbrella, a conduit, and a clearinghouse for various entities that might be involved with issues involving access by low income people to the justice system, so that these different entities would be cognizant of what was going on in other areas, and to avoid duplication of efforts. For instance, to give just one brief example, with respect to the issue of self-help and pro se matters, these issues are being addressed by a separate Supreme Court Committee, rather than the Standing Committee itself dealing with that issue. However, there is overlap in membership between the two committees, and a flow of information between the two, so that each knows what the other is doing, so that access to information held by one committee is available to the other, and that there is no overlap in efforts, and that a seamless structure can be maintained, with each committee or organization able to address the tasks assigned to it, utilizing the strengths and resources available to it. The Executive Director of Legal Services Corporation of Delaware, Inc. is a member of the Supreme Court Pro Se Litigation Committee, an ad hoc Legal Hotline Committee, and an ad hoc committee comprised of the director of Community Legal Aid Society, Inc., a non-LSC legal services provider, the managing attorney of Delaware Volunteer Legal Services, the Delaware State Bar Association pro bono program, and the Widener University Law School Clinical Program, as well as the Executive Director of Legal Services Corporation of Delaware, Inc. Each of these various committees are working on statewide planning issues, and are working under the umbrella of the Delaware State Bar Association Standing Committee on the Provision of Legal Services to Low Income People. The work of each of these committees, as well as other sub-committees, will be discussed in further detail below.

As previously discussed, slightly before the time of the imposition of the Congressional restrictions, and when it became apparent that another legal services provider might come onto the scene in Delaware, the Delaware Supreme Court, and the Delaware State Bar Association, became concerned regarding the impact of these restrictions and the addition of another provider in the state. The two initial concerns involved the potential for significant overlap in functions between the various organizations (frankly, before the existence of Legal Services Corporation of

Delaware, Inc., there was an overlap between the then-two existing programs. Following a meeting with the Delaware Bar Foundation, the organization which oversees the awarding of IOLTA grants in Delaware, the chair of the Bar Foundation told the Director of Legal Services Corporation of Delaware, Inc. that there was now, for the first time, coordination among all of the providers, which he attributed to the existence and the actions of Legal Services Corporation of Delaware, Inc.), and there would be confusion among potential clients as to which program did what, and confusion as to where they should turn for assistance.

Although there were obviously other concerns which would need to be addressed down the road, the above two concerns were the most apparent and immediate needs, given the coming existence of three legal services providers. In the Standing Committee meetings, it was determined that the first course of action which should be taken was the identification and coordination among the three groups regarding their respective missions, priorities and substantive case types to be handled. It was the recommendation of the Committee that the first step in this process was the creation of an informal ad hoc committee comprised of the Chief Executive Officers of each of the legal services providers, which would meet on a fairly regular basis to discuss various coordination and planning issues, which reports back to the Committee and if problems developed, to request the assistance and guidance of the entire Committee. This ad hoc committee met on at least a monthly, and sometimes more frequent basis. The meetings first addressed coordination regarding priorities and substantive case types which were to be handled by the various organizations so as to, as much as possible, avoid any overlap in functions. This was carried out in the context of each organization reviewing its priorities, resources, and the regulatory schemes under which various grants to the respective organizations operated.

It was the hope and intention of Legal Services Corporation of Delaware, Inc., in particular, as well as the heads of the other agencies, to attempt to turn what many viewed as a detrimental situation (the enactment of the LSC restrictions and subsequent formation of a new organization) into a positive situation. Specifically, Legal Services Corporation of Delaware, Inc., as part of this coordination and priority setting process with the other providers, intended to expand services into areas which in past years had been eliminated due to budgetary restrictions. For instance, as part of the statewide planning process, it was determined that Legal Services Corporation of Delaware, Inc. would handle representation in the consumer law area and bankruptcy areas, for which a representation had not been provided by any legal services provider in Delaware for a number of years, as well as unemployment compensation cases, which had been handled in only very rare instances in the preceding several years. In this way, by handling cases in an efficient and cost effective manner using currently available technologies, we were able to actually expand the areas of service available to clients to an extent greater than previously before. It was the hope of all the organizations that in eliminating overlapping substantive case law areas that we would be able to, as much as possible, cover the entire gamut of legal issues confronting our client populations. As a result of these planning and coordinating meetings, the organizations came up with a statewide framework for the case type areas that each organization would handle.

The next concern which needed to be addressed, which had been identified by the Standing Committee and referred to the ad hoc committee for consideration and resolution, was of the issue regarding the potential confusion which would likely to be caused by the addition of another legal services program to the already existing mix. As these issues are at least somewhat tied up in the intake issue, it would be appropriate here to briefly digress to discuss Legal Services Corporation of Delaware, Inc.'s intake procedures. Even before the initial meetings which are currently being discussed, Legal Services Corporation of Delaware, Inc. had made a statewide determination that the intake approach used by other legal services providers in the state was inefficient, both for the client and the programs, was frustrating to the clients, and in some instances made it difficult for clients to obtain services.

Other of the previously existent legal services providers in Delaware operated primarily on a system of walk-in, in-office intake interviews. We found that client walk-ins for intake interviews were invariably inefficient and frustrating from the clients' point of view. Frequently, clients would have to make a great effort, due to lack of personal transportation, as well as a minimal public transportation system, to get to our office. They would then have to go through an intake, and then once the intake was done, wait for a case handler to become available. Frequently, upon meeting with the case handler, it would be determined that the client, through no fault of her or his own, had failed to bring paperwork which would be necessary to allow the case handler to evaluate the case for merit. The client would then have to leave to obtain the paperwork, and then arrange at a later time to either speak with the case handler on the phone regarding the nature of the paperwork or to make arrangements to have the documents brought to the office. In addition, some clients due to a total lack of meaningful access to the public transportation system, or due to some sort of handicap, would be unable to come to the office for an intake. Frankly, with a few exceptions, our office has insufficient resources to visit people at their homes for the purpose of doing an intake, although we will make home visits to people who are handicapped or otherwise unable to come to our office, once the intake has been performed over the telephone and some determination has been made that there is any chance of there being a case which merits further investigation. Also, in many instances where a client was simply trying to obtain advice or brief services, with a walk-in intake system, they would have to make a trek into the office and spend time waiting to meet with a case handler when all they really needed was a short telephone conversation and some quick advice. This walk in procedure was also very inefficient and frustrating from the point of view of the case handlers. Case handlers would often have to stop in the middle of what they were doing, thereby interrupting their workflow and thought processes, to meet with a walk-in client. Then, as described above, frequently the client would not have the necessary information, would have to leave and contact the case handler at another date. The case handler would then have to go back to their interrupted work, pick up their train of thought and begin working on the prior matter.

Due to clearly apparent inefficiencies created by a primary walk-in intake system, Legal Services Corporation of Delaware, Inc. made the decision to rely primarily on telephone intakes. Although walk-in intakes would not be turned away, telephone intakes would be encouraged as the primary intake method, and in fact, this has turned out to be the case, with the vast majority

of initial intakes being performed over the telephone. Clients have generally been quite satisfied with this method, and in fact, many clients have made comments praising this system. Many of the clients who simply need advice or very brief services are able to receive them promptly and without the necessity of having to make a trip to the office, with its related complications regarding making a trip, having to wait, etc. Other clients who need more extensive services can speak with a case handler after the intake is performed, find out first whether, in fact, they need more extensive services and secondly, when they do, they can be informed as to exactly what documentation and other paperwork is necessary to either forward to our office, or bring in themselves to an appointment. Frequently this means that, even before the client comes in for an appointment, the case handler has already reviewed the relevant documents and is in a position to evaluate the client's case or further investigate it. This makes for a much more fruitful use of time for both the client as well as the case handler.

In addition to moving to a primarily telephone intake system, after meetings with the ad hoc committee of the directors of legal services providers, as well as with the Delaware State Bar Association Standing Committee, a decision was made to look into possibility of creating some sort of coordinated intake system that would provide a centralized means of access to the legal system for all persons with limited incomes. The ad hoc committee of Chief Executive Officers of Legal Services Corporation of Delaware, Inc., Community Legal Aid Society, Inc. and Delaware Volunteer Legal Services met on a regular basis among themselves, as well as with telephone equipment vendors, computer software vendors, and telephone service providers regarding the technological capabilities which would be required to be obtained to allow for the creation of a centralized intake system. The original hoped-for plan was that the centralized intake system which was to be created, would be able, using a computerized intake software system, to perform an entire intake, taking into account eligibility guidelines for each of the legal services providers, case type information, and other relevant client information. It was then hoped that once this entire intake had been performed that the client's call could be automatically transferred to the appropriate organization which would handle his or her type of case, and that simultaneously the intake which had been performed would be e-mailed to that agency, so that they would have immediate access to the fully completed intake. Much of the technological capability was, in fact, available at a relatively affordable price, so that each of the agencies could purchase telephone equipment that would allow immediate transfer of calls between the organizations without the client having to hang up and redial a different number. Eventually all of the programs purchased telephone equipment that would allow this switching, known in the communications industry as "switching over trunk", to be performed. All of the programs also investigated various intake and case management systems and eventually all decided to purchase the program of one vendor, so that intakes could be performed on a standardized basis. All of the programs also purchased computer hardware, from different vendors, but all of which was compatible with the purposes of performing coordinated intakes.

After meeting with hardware, software, and telecommunications vendors it was determined that at the present time there was not available technology at a reasonably affordable level which would allow for the instantaneous transfer of the intake data sheets between

programs. It was estimated that to purchase equipment that would allow this to occur, by compressing databases and sending it, would cost somewhere in the range of \$200,000 to \$400,000. However, with the installation of fiber optic telecommunications equipment in Wilmington, Delaware, and its expansion into neighboring areas, it is hoped that, within the next one to three years, there will be in place a telecommunications system that will allow for the transmission of the large of amounts of data required for the transmission of intake forms on an affordable basis.

Since it was not possible to currently put in place a centralized intake system that would allow for the immediate electronic transmission of intakes, it was decided that, in the interim, until an affordable transmission system was put into place, the centralized intake system would perform a limited intake, simply to determine whether a potential client was income eligible for any of the various programs' services, and to ascertain the nature of the client's legal problem, so as to enable the centralized intake to transfer the call to the appropriate organization. Once this very limited intake was performed the client would then be automatically transferred via the "switching over truck", without the necessity of having to hang up and redial the number, to the correct organization. After all of the programs had purchased the necessary hardware, software, and telephone equipment, and set up the required telephone service with the local telephone carriers, the centralized intake program was ready to be put into place.

A press conference was scheduled for September 30, 1997, to announce the establishment and the operation of the new centralized intake system, known as the Legal Help Link. This press conference was held by all three of the organizations, the Widener University Law School, and the Delaware State Bar Association, with attendance by local print, radio, and television media, announcing that the Legal Help Link would begin operation on October 1, 1997 in New Castle County, Delaware. Additionally, information, brochures, and posters were sent to a wide variety of governmental offices, community services programs, and community outreach programs, describing the operation of the Legal Help Link.

The Legal Help Link is currently staffed by students, as well as staff, at the Widener University Law School Delaware Civil Clinic. Clients call the Legal Help Link number, and, as anticipated, a very brief intake is performed so that the telephone answerer can determine if the caller is income eligible and determine the case type. Eligible clients are then transferred via "the switching over trunk" to the appropriate organization. If the none of the organizations handle the type of case (e.g., traffic violation or person injury), or the caller is not income eligible, the Legal Help Link staff would refer the caller to the Delaware State Bar Association's Lawyer Referral Service so the caller could be referred to a private attorney.

As a result of the success of the Legal Help Link the Delaware State Bar Association contacted the Standing Committee on the Provision of Legal Services to Low Income Persons and suggested that Lawyer Referral calls also be routed directly through the Legal Help Link. As of January 1998, Lawyer Referral Service calls were transferred to the Legal Help Link. Legal Help Link, for the first time, had allowed callers to speak to a live person when people are calling

the Lawyer Referral Service. As a benefit to the Legal Help Link, and thereby all of the organizations served by the Legal Help Link, the Delaware State Bar Association agreed to move an employee from the Bar Association offices to the Legal Help Link to conduct the referrals from the Legal Help Link to the Lawyer Referral Service. The Bar Association is paying the entire salary of this individual, who is also available to answer calls directly for the Legal Help Link, providing an extra resource to the Legal Help Link during those limited times of the year when there are few students available to serve answering the Legal Help Link telephone lines. An additional benefit to the Legal Help Link is that the Delaware State Bar Association has agreed to transfer its "800" number to the Legal Help Link, including picking up all the costs associated with the "800" number so that the Legal Help Link can be expanded to a statewide basis. It was originally anticipated by the legal services providers that the Legal Help Link, on a trial basis, would operate only in New Castle County during the first year of operations, to attempt to work out most of the bugs, and that the service would then go statewide after the first full year. We are currently on track to expand the services statewide. The addition of the resources provided by the Delaware State Bar Association, including the staff person as well as the use and payment for the "800" number, will allow this to occur. A press release and other informational material is being prepared for release to the media announcing that the Legal Help Link will become operational statewide commencing on October 1, 1998.

Although the centralized intake system has been working quite well since it began operations almost one year ago, there are of course, as with any new system, places for improvement. One is, that at present, there is no way to track the total number of calls coming into the Legal Help Link, nor any way to quantify the calls transferred to each particular organization. There is currently no way to obtain this statistical data. We are currently looking into the possibility of purchasing software that can be attached to the telephone system to track the calls coming in as well as other information including hourly ratio of calls, average time of call, and calls that are transferred. The only currently available software which we have found is in excess of \$5,000.00 and simply is not cost effective at this time. We are currently researching to ascertain whether or not there are other software vendors that have software available to accomplish these tasks. One additional area that needs to be accomplished is further publicity and education of community service providers to increase the awareness of the services and availability of the Legal Help Link. This is an ongoing project and hopefully the upcoming press release regarding the expansion of the services of the Legal Help Link statewide will serve as one factor in increasing the awareness of the existence of the Legal Help Link.

Finally, it is hoped that as there are advances in telecommunications technology that we will be able to conduct full intakes by the Legal Help Link which can then be electronically forwarded to the appropriate agency simultaneously with the transfer of the telephone call. As mentioned above, several telecommunications companies have been, or are continuing in the process of laying fiber optic cable, which will greatly increase the bandwidth and through-put capabilities of telecommunications equipment in Delaware, and will bring down the cost of transferring large amounts of data to a much more reasonable level. Once this is accomplished and once we can work out a way to solve the potential conflict of interest problems attendant in

one organization obtaining large amounts of client information for several different organizations, we hopefully will be able to do the full intakes once, so as to avoid any duplication of effort in performing the intakes.

One of the additional statewide planning issues that had been identified early on in the process by the Standing Committee, and which had been a matter of some concern to the Delaware Supreme Court, the Delaware State Bar Association, and the Delaware Bar Foundation, was the issue of multiple fundraising campaigns performed by each of the organizations. Related to this issue was the issue of decreases in available financial resources for legal services to low income persons within the state and what steps could be taken with regard to the first issue which might impact on the issue of increasing resources available within the state. The Standing Committee had decided to attack these two issues jointly by looking into the possibility of some sort of coordinated joint fundraising effort directed at the organized bar. One of the first steps in addressing this was to make an assessment of the level of giving by members of the Bar to each of the organizations. Information was given by each of the legal services providers regarding donors to their fundraising campaigns over the prior three years and a database was compiled by the office of the Chair of the Standing Committee. It became apparent that the actual percentage of participation by members of the Bar was relatively low and that each of the three organizations were actually receiving multiple donations from the same individuals. After establishing this database and interpreting the data, it became clear that if a joint fundraising campaign were to be initiated there would be two initial major goals of this campaign. First was to take steps to ensure that the total giving from individuals who were current contributors did not decrease from the prior aggregate contribution levels. In other words, if one attorney gave \$100.00 to each organization, we wished to make sure that in any joint fundraising campaign that they would not merely give \$100.00 to the joint fundraising campaign, but rather they would maintain at least the \$300.00 level and hopefully would actually increase it, since the joint fundraising campaign would be sold to the Bar with the idea that they would only be approached one time per year with respect giving to legal services for the poor. The other goal which would be necessary for the success of the joint fundraising campaign would be to drastically increase the percentage of the Bar who were involved in donating to legal services.

In order to address these various issues and to investigate the possibility of entering into some form of coordinated joint fundraising agreement, a task force of the Standing Committee was set up comprised of two board members from each of the organizations, and chaired by the Chair of the Standing Committee. After approximately six months of meetings, negotiations and some rather spirited give-and-take, a tentative agreement was drafted, circulated, edited and finally agreed upon and executed. The first joint fundraising campaign, under the agreement, is scheduled to commence in the Spring of 1999. We have received a tentative agreement from the Delaware State Bar Association to underwrite some of the start-up expenses related to the joint fundraising campaign, or at minimum, at least some guarantee that if the first year's campaign does not bring in a greater amount of donations in the aggregate that they will underwrite some of the expenses incurred in initiating this project. Additionally, the Delaware State Bar Association

has agreed to take an active role in promoting the joint fundraising project and we have received assurances from the Supreme Court, since it was a moving party in this process, that the Court itself will get behind this project and will bring to bear whatever influence it can to encourage participation from as broad a portion of the Bar as possible. As stated above, it is the hope and intention that by going to one fundraising campaign for all legal services in the state that, not only will administrative expenses be reduced, but that we can encourage a greater level of giving by all members of the Bar and thus increase financial resources statewide which are available for legal services to low income persons.

The Standing Committee also had looked at other ways of expanding financial resources within the state. One of the issues which was explored was the idea of increasing filing fees in the state court, with that expanded portion of the filing fees being earmarked for legal services. However, after much discussion among a number of various stakeholders and other groups, it was the consensus that this was not a worthwhile avenue to pursue at the current time. An increase in filing fees would require action on behalf of the legislature and given past events it was felt that if such an increase were put into place by the legislature that they would not agree to earmark the funds for legal services but merely would direct the increased revenue into the general fund.

On another front, one area that we were successful in having financial resources expanded statewide was the creation of a state Supreme Court pro hac fund. Since the Supreme Court has exclusive jurisdiction over the practice of law and the admission of attorneys to the Bar including pro hac admissions, it was felt that the Supreme Court could enact its own rule establishing a pro hac fund and determining to where the funds would be directed. Due to the corporate nature of the practice of law in Delaware there is a quite substantial pro hac admission practice, whereby out of state attorneys file a request to be admitted pro hac on a particular case. The Supreme Court has created a rule which requires each motion for pro hac admission to be accompanied by a \$100.00 registration fee which is to be used for the purpose of the governance of the Bar and the administration of justice. This fund has primarily, if not exclusively, been used for providing funding for the provision of legal services to low income persons.

The Standing Committee, as well as the ad hoc committee, comprised of the Chief Executive Officers of the three organizations, have also attempted to increase funding available in the state for legal services by trying to come up with creative coordinated grant applications. For instance, all three of the programs filed a joint grant proposal to the Department of Justice requesting funding for a comprehensive delivery system to provide, statewide, a wide array of legal services to victims of domestic violence and their families. This grant proposal was not just to provide legal services, such as Protection From Abuse Order requests, directly targeted at the abuse, but also to identify other legal issues which are commonly confronted by victims of domestic abuse and trying to provide services to address those issues. From the information which we have received, this proposal was the most comprehensive, from a statewide perspective of any of the grant proposals submitted to the Department of Justice requesting domestic violence funding. We are still awaiting a response to our funding request.

Finally, one of the ongoing missions of the Standing Committee is to continue to try to identify additional possible resources or to create, where possible, new sources.

One of the issues recognized by the Supreme Court, the Delaware State Bar Association Standing Committee, as well as the ad hoc committee of Chief Executive Officers of the various legal services providers, was the recognition that in the face of diminishing financial resources available for the provision of legal services to low income people, that there would be an increase in the number of pro se litigants and a concomitant increase in the need for assistance to pro se litigants. In response to the recognition of this problem, the Supreme Court created a Pro Se Litigation Committee which includes a variety of members, including some members of the Delaware State Bar Association Standing Committee, including the Director of Legal Services Corporation of Delaware, Inc., the Chair of the Delaware State Bar Association Standing Committee, judicial officers from several of the courts, administrative staff from all of the courts, attorneys from the other legal services providers, as well as various private attorneys who were interested in this issue. This committee, as mentioned previously, while a separate committee, works in conjunction with and under the general umbrella of the Delaware State Bar Association Standing Committee as part of the statewide planning process. This Pro Se Litigation Committee has been working for well over a year on a number of fronts, trying to increase the ability of low income persons to represent themselves in the state courts and trying to lower the barriers that low income people face when trying access the justice system. There have been a number of discrete projects taken on by the Pro Se Litigation Committee and sub-committees of this committee, which have either been completed or are being worked upon.

One of the projects upon which the Committee has been working, in conjunction with the various courts, had been the preparation and publication of written instructional material available to pro se litigants providing them with information on how the various courts work, and general instructions on how people can represent themselves in the courts. In addition to this instructional material, the Committee and the courts have been working on a fairly extensive battery of forms which would be made available to pro se litigants trying to represent themselves. In conjunction with this project the Committee and the courts are trying to utilize available technology to enhance the ability of people to represent themselves. For instance, several of the courts, working with the Committee, have produced several video tapes, which have now been widely distributed and are made available to pro se litigants, which show sample mock civil and mock criminal trials. In addition, there is currently under production a video tape mock trial of a landlord-tenant case which, when completed, will also be widely distributed and made available to pro se litigants. A variety of pamphlets have been prepared, such as pamphlets on "How to Represent Yourself in the Civil Justice of the Peace Court", and "How to Handle a Landlord-Tenant Case". Most of the courts, working with the Committee, either have completed, or are in the process of completing, these extensive publications as well as extensive form books which will be made available to pro se litigants.

The Committee and the courts are working to try to get much of this information on-line, so that all of the pro se litigation information, both descriptive information as well as sample

pleading forms, will be available on the web site of each court. It was decided that rather than the individual legal services providers, either separately or in conjunction with each other, trying to use their very limited resources to come up with this type of technology, it made more sense for the courts, which already have their own web sites as part of the State of Delaware web site linking system, to try to include this information on their web sites.

One of the tasks of the Pro Se Litigation Committee has been to attempt to assist each of the courts in including funding for pro se litigation assistance matters, including technology issues, requested line items in their budgets, which are then submitted to the Chief Justice for his consolidated budget request which is made to the State General Assembly. In this manner, the Committee is trying to work in a comprehensive statewide fashion with all of the courts, the Administrative Office of the Courts, (“AOC”) the State of Delaware Office of Information Systems and the legislature to make available to low income persons as wide an array of pro se assistance information as possible, both in hard copy and on-line. Although, obviously, the overwhelming majority of our clients do not have access to the Internet in their homes, within the near future all public libraries in the State of Delaware will have Internet access. Hopefully, as well, most public schools will have widespread Internet access within the schools and the school libraries, which would be available to the public, including low income persons who are in need of pro se assistance. Although getting all of this information on-line, onto these various court’s web sites is a rather complicated process, it is in fact moving forward in at least as a coordinated and statewide fashion as can be reasonably anticipated given the multitude of courts and administrations which are involved. The existence and work of the Pro Se Litigation Committee has been a significant contributing factor in the workings of this process and it is anticipated that the Committee is going to continue on with this goal of making sure that all of the pro se litigation assistance material is gathered, edited and presented in an uniform fashion and is made available statewide in a variety of formats including both print and on-line.

Another way in which the Pro Se Litigation Committee is working to lower barriers to low income people in accessing the justice system is working with the State Justice Center Planning Commission. The State of Delaware has recently authorized the construction of a major State Justice Center which would house the New Castle County divisions of each of the courts in Delaware, including the Supreme Court, the Chancery Court, the Superior Court, the newly merged Court of Common Pleas and the Wilmington Municipal Court, and the Justice of the Peace Court. Additionally, the State Justice Center would house a variety of other agencies, including the Administrative Office of the Courts, portions of the Attorney General’s office, the Public Defender’s office, etc. One of the goals of the Pro Se Litigation Committee is to insure that the planning process for the new Justice Center creates a “user friendly” building for pro se litigants.

Some of the proposals made by the Pro Se Litigation Committee to the Justice Center Planning Commission included a separate Pro Se Information and Service Center, where pro se litigants could come to obtain much of the information previously mentioned, as well as assistance from staff people in obtaining the correct forms, finding out which is the correct court

in which their matter should be handled as well as other information. Additionally, this anticipated that this Pro Se Information Services Center would have computer terminals so that people would be able to access on-line information contained in the various courts' web sites once it is available, as well as hopefully having the ability to use those computers to actually prepare the forms for filing. Furthermore, some of the courts have requested in their budgets, pro se staff attorney positions, to assist pro se litigants with their filings. Additionally, the Committee has recommended that the law library which is anticipated would be contained in the Justice Center and be located such that it is accessible to pro se litigants throughout the day and after hours and that there be some assistance to pro se litigants in using the library resources.

With respect to enhancing self-help opportunity and preventive legal education, another portion of this area is being addressed by the Pro Se Litigation Committee as well as an ad hoc committee. An ad hoc committee was created, chaired by one of the partners from Skadden Arps Slate Meagher & Flom, that intends to set up an attorney call-in program. It is intended that under this program, on some periodic basis which would be announced, people could call in for basic advice on a variety of legal issues. The type of program currently under review would involve, several times per month, having volunteer attorneys who are specialized in various areas being available to staff the phone bank. There would be announcements and publicity to the public informing them that attorneys would be available to answer questions on that particular day's legal topic and people could call in with questions. The attorneys would not necessarily be giving specific legal advice regarding each person's individual case, but rather would be giving general information, education, and advice regarding the general type of the clients' problems and how and where those types of problems might be resolved. This ad hoc committee is talking with and studying various types of call-in programs that are currently in existence in other jurisdictions, to try to study those programs and learn the strengths and weaknesses of various approaches and try to learn from other programs, while we are in the process of setting one up in Delaware. As mentioned above, this ad hoc committee was originally simply that, an ad hoc committee. It is now an official sub-committee of the Delaware State Bar Association Standing Committee on Provision of Legal Services to Low Income People. Getting this project up and running is one of the goals of the Standing Committee for the upcoming year.

All of the programs, but primarily Legal Services Corporation of Delaware, Inc. and Community Legal Aid Society, Inc. provide pro se and self-help seminars to various client groups throughout the state, involving the particular organization's areas of expertise or substantive case areas which that program handles. We let various community groups and organizations know that we are available for providing self-help talks to the constituents of their programs. We get calls from various of these programs asking us to come out and give talks, frequently as part of an ongoing series or program that they may have. When we give these talks, we try to coordinate with the other programs to let them know that we are giving the talks, so that they may let any of their constituents who might have an interest in the subject matter or a problem related to that subject matter attend.

In addition to the seminars given before various community groups, we have discussed

the possibility, although this is in the early planning stages, of giving talks at locations such as domestic violence shelters. Delaware Volunteer Legal Services does a great deal of work regarding domestic violence and has close contacts with many of the other organizations providing assistance to victims of domestic violence, including a number of the domestic violence and battered women's shelters. Many of these victims have a variety of legal problems in addition to, or perhaps underlying, the domestic violence problem, for which they might need assistance. There is obviously a significant concern with regard to privacy and maintaining the secrecy of the locations of many of the shelters but we are trying to work with the shelters to overcome that problem so that we can actually visit the victims at their current temporary locations to provide them with basic legal education so that they can learn that they have other problems that can be addressed through the legal system, either on their own or by accessing one of the providers of legal services.

As stated above, Delaware Volunteer Legal Services is the Bar Association's pro bono project. Although Delaware Volunteer Legal Services does have some case handling staff attorneys, the majority of legal representation is provided by pro bono attorneys in private practice who have volunteered to accept referrals from Delaware Volunteer Legal Services. A portion of Legal Services Corporation of Delaware, Inc.'s PAI budget is spent by providing a grant to Delaware Volunteer Legal Services. The purpose of this grant is to pay for a pro bono coordinator to attempt to recruit more pro bono attorneys, as well as refer cases to the pro bono attorneys who are part of Delaware Volunteer Legal Services's volunteer panel. In addition, Legal Services Corporation of Delaware, Inc. has a private attorney reduced fee panel whereby Legal Services Corporation of Delaware, Inc. will directly refer cases, which are within the programs priorities of Legal Services Corporation of Delaware, Inc., to private attorneys to handle cases at an agreed upon reduced fee. This program is in place and works throughout the entire state, although Legal Services Corporation of Delaware, Inc. utilizes this PAI reduced fee panel to a greater extent in Sussex County, where Legal Services Corporation of Delaware, Inc. does not currently have a staff office.

There have been a variety of ways in which there has been an attempt to increase the involvement of private attorneys in the delivery of legal services. One obviously is, as previously mentioned, the paying of attorneys on the reduced fee panel. This had the effect of not only having those attorneys available to provide representation in those cases in which they are willing to accept a reduced fee, but also provides a panel of attorneys who are available through Delaware Volunteer Legal Services, who have expertise in the case law areas which our clients are confronted. We all believe that it is important to maintain a stable of attorneys who are willing to handle these types of cases either on a reduced fee basis or on a pro bono basis. Having the reduced fee panel helps this endeavor. Additionally, as part of the private attorney involvement program and in an attempt to induce attorneys to become and stay involved in the program, Legal Services Corporation of Delaware, Inc. does pay, to some extent, for members of the Private Attorney Involvement panel to attend continuing legal education seminars dealing with the substantive case law areas which are within Legal Services Corporation of Delaware, Inc.'s program priorities. Once again this serves to entice attorneys to stay involved in the PAI

program, as well as maintaining and increasing the group of attorneys who have knowledge of the substantive case law areas in which we provide representation to our clients.

Also, with respect to encouraging the involvement of private attorneys in the delivery of legal services, the Delaware State Bar Association Standing Committee on the Provision of Legal Services to Low Income People has been involved, on a statewide basis, in attempting to reach this goal. For instance, after an assessment by the Family Law Section of the Delaware State Bar Association, it became clear that there was a lack of representation to victims of domestic violence in Protection From Abuse order cases. Although Delaware Volunteer Legal Services provides representation in these types of cases, primarily through the work of their staff attorneys, they simply were unable to provide sufficient representation for the large numbers of victims who needed this help. The Project for Domestic Violence Reform, an organization in Delaware that provides a variety of services to victims of domestic violence, began an "Attorney in Court" program, whereby the Project, through some temporary grant funds that they had obtained, would pay one or two private practice attorneys to handle Protection From Abuse cases at a somewhat reduced rate, \$75.00 per hour. The project then approached the Supreme Court requesting further longer term funding for this "Attorney in Court" program.

The Project applied for a grant from the Delaware Supreme Court for longer term funding for their "Attorney in Court" program. Because the Court was somewhat leery of funding an additional program providing legal services and due to the fact that the "Attorney in Court" program did not have the same strict income eligibility guidelines as did the other programs, the Court was hesitant to provide long term funding for such a project. The Court, therefore, referred for comment, the funding request from the Project for Domestic Violence Reform to the Delaware State Bar Association Standing Committee. The sub-committee of the Committee, which sub-committee included the Director of Legal Services Corporation of Delaware, Inc., met to determine what recommendations should be made to the Court regarding this funding. This process included a meeting with members of the Project for Domestic Violence Reform, their staff attorneys and members of the Delaware State Bar Association Family Law Section, to ascertain the needs and whether or not such a system was the best way to go. The final recommendation by the full Standing Committee to the Supreme Court was that on an interim basis, that the Project should be funded, however, for only a one year period. During this one year time span the Standing Committee, working in conjunction with Delaware Volunteer Legal Services and the Family Law Section would attempt to recruit more pro bono private attorneys who would be able to handle Protection From Abuse order cases, so that hopefully by the end of the one year grant period to the Project for Domestic Violence Reform, there would be a sufficient number of trained pro bono attorneys who would be willing to handle Protection From Abuse order cases and that there would not be a continuing need to fund the Project.

The recruitment process described above commenced in early 1997, and continued on throughout the year. Meetings were held with the senior management attorneys of various of these larger law firms in town, the legal departments of large corporations, as well as other recruitment attempts to obtain a pool of attorneys who would be willing to handle Protection

From Abuse order cases. Many pro bono attorneys, who do not normally handle family law matters are frequently reluctant to get involved on a pro bono basis in a family law matter, due to their fear of an extremely long term commitment. As is well known, many family law cases, due to their many different interrelated aspects, can drag on for years. The recruitment effort for the Protection From Abuse cases was partially focused on the fact that these were discrete cases that could be handled in one day and that those attorneys willing to volunteer to handle Protection From Abuse cases would simply, after having been trained, volunteer two or three days per year, which could be scheduled well in advance, so that the attorneys had a concrete and finite time commitment. Additionally, as a further way of recruiting attorneys, free continuing legal education seminars on handling Protection From Abuse cases were given by Delaware Volunteer Legal Services attorneys. Since Delaware has mandatory continuing legal education requirements, the provision of free continuing legal education seminars is an attractive additional inducement, in exchange for attorneys agreeing to handle a certain number of Protection From Abuse cases per year. Additionally, this Protection From Abuse Project was sold to the larger law firms as a way of obtaining practical, in-court experience for their newer associates, without their having to make an unlimited time commitment to a case or cases that might have no clear end in sight. This recruiting effort went very well. A substantial number of attorneys signed up for the continuing legal education seminars as well as the in-court, hands on training with the Delaware Volunteer Legal Services staff attorneys. By the end of the one year grant period to the Project for Domestic Violence Reform, there was a sufficient number of attorneys available to handle the Protection From Abuse cases on a pro bono basis that it was no longer necessary for the Supreme Court to provide funding for the Project's "Attorney in Court" Program. The Standing Committee is similarly working on other projects where attorneys could get involved in providing representation in discrete, "unbundled," legal matters as a way of recruiting more attorneys to become involved in the delivery of legal services to low income people.

Finally, as an additional way in which to increase the involvement of private attorneys in the delivery of legal services, Legal Services Corporation of Delaware, Inc., Delaware Volunteer Legal Services and Community Legal Aid Society, Inc. have engaged in co-sponsoring free continuing legal education programs for private attorneys. The quid pro quo for receiving free continuing legal education and continuing legal education credits is an agreement to handle several pro bono cases per year. This coordinated effort has been going on for approximately a year and seems to be quite successful. There are two more such seminars scheduled within the next two months, co-sponsored by Delaware Volunteer Legal Services and Legal Services Corporation of Delaware, Inc., which are scheduled to be given in one of the large conference rooms which are available in the Community Services Building where the Wilmington office of Legal Services Corporation of Delaware, Inc. is located.

RESPONSES TO SPECIFIC QUESTIONS

1. Description of Intake and Delivery of Advice and Referral Services. A description of the intake and delivery of advice and referral services has been described at length. The

coordinated statewide efforts of the various programs and the statewide planning organization to improve the process has also been described at length above.

2. State Legal Services Technology Plan. Since there is only one Legal Services Corporation funded program in the State of Delaware much of the statewide legal services technology plan is an internal plan. However, as was previously discussed above, there has been coordination among the various programs as part of the statewide planning process to assure compatibility among technological capacities of these various programs. For instance, the purchase of different, but compatible, telephone systems, the purchase of different, but compatible, computer systems, as well as the purchase of case management and intake system software that will allow for the transfer of information easily among the organizations. Additionally, the programs have set up an e-mail group system that allows for the quick dissemination of ideas, requests for information, requests for case citations, attachment and transfer of briefs, cases, forms, and pleadings.

Internally, technology planning has been an ongoing matter since the inception of our organization. The use of our telephone voice mail system, intake software and case management software, and timekeeping software, all have allowed us to provide services more efficiently to clients. We, additionally, have a substantial portion of our legal library on CD-ROM and in our Wilmington office have it available on a CD-ROM tower for quick access to multiple types of research. This allows us to do quick, cost-efficient research, as well as allowing us to use cut-and-paste technology to pull information from research and cases which we have retrieved on-line directly into briefs or other pleadings. Additionally, all full time staff members have Internet access and e-mail access at their desktops for quick and easy communications as well as access to a variety of legal on-line resources which provide access to pleadings, briefs, statutes, cases, and updated regulations. Additionally, Legal Services Corporation of Delaware, Inc. has obtained a grant from Lexis-Nexis for the provision of Lexis on-line research services at no charge to Legal Services Corporation of Delaware, Inc., for a limited number of hours per year. This provides us with the capability to obtain additional research in addition to what is contained in our various CD-ROM libraries. We also utilize various types of software, such as bankruptcy filing software which allows us to efficiently prepare bankruptcy petitions with all supporting schedules, so that the schedules can be filled in quickly and efficiently without the repetitive data entry.

Currently, all full time employees of Legal Services Corporation of Delaware, Inc. have access to the Internet through a static IP address using an Intel In-Business Internet Station and the static IP address connection through our ISP. Hardware that we currently have will allow us to expand our Internet connectivity as the technology increases. For instance, Legal Services Corporation of Delaware, Inc.'s main, Wilmington, Delaware office, is located in the Community Services Building, an innovative and unique non-profit campus building. One of the advantages of being in this building is the ability share in the purchase of services with the concomitant savings due to the economies of scale. One of the technological issues we are looking at right now is joint access to a T-1 connection with several of the other agencies located in our building. This, if doable, would provide us with substantially increased connectivity, speed and increased

bandwidth over our current 56K static IP connection. Ordinarily, access to a T-1 line would be outside of our range of affordability, however we are currently in discussion with our current ISP to see whether it is feasible for several of the agencies located proximately to each other to jointly gain access to a T-1 line with a savings that would put the cost in the range of our current connection, but with a huge increase in speed. Of course, with technology, one of the difficult issues which must be confronted is staying current with evolving technologies.

From the inception of our program, we have attempted to look forward, as far as is reasonably possible, to see what was going to be happening with technological developments and to try to position ourselves so that we could take advantage of these changes. Obviously, to stay current is going to mean the expenditure of additional capital funds. It is our hope that we can continue to obtain funding from a source or sources to allow us to retain our ability to stay on the technological cutting edge so that we can promote and expand efficient, high quality services to our clients. As the Legal Services Corporation continues to recognize the utility in exploiting technological advances, it is hoped that there will at least be some seed money from Legal Services Corporation so that programs can stay current with advancing technologies. Obviously, we do not intend rely solely, or even heavily, on Legal Services Corporation resources, therefore we will, in addition, be looking in the future to try to obtain small capital grants from foundations and other organization to allow us to maintain our technological edge. Also, with respect to new technology, as discussed previously, where it makes sense for some other organization, such as the courts, to develop technology which will be of use to both of our organizations, as well as to our clients, we are attempting to encourage, through our participation in various committees, for this to occur. For instance, we determined that with respect to client self-help information and pro se forms, it made sense for the state courts to use their resources in an attempt to publish these documents, as well as to include them on their various web sites. There was a better chance that they would have both the financial and the technological resources available to them, due to their position in the state government system and their access to management information systems experts employed by the state and made available to the courts than did we, to accomplish this goal.

3. Barriers to Access/Self-help Opportunities. This information has been discussed extensively above.

4. Staff and Pro Bono Attorney Training. Much of this has been discussed above. In addition to what has been covered previously, Delaware has an extensive continuing legal education requirement. Legal Services Corporation of Delaware, Inc. pays for the tuition and expenses for staff attorney continuing legal education seminars. We attempt to make sure attorneys attend continuing legal education programs that are tailored to our program priorities. In addition to programs sponsored by the Delaware State Bar Association and other continuing legal education providers located within the State of Delaware, Legal Services Corporation of Delaware, Inc. has sent its staff attorneys to programs sponsored by the NLADA on various substantive case law areas and the National Consumer Law Center. Additionally, as part of our PAI program, private attorneys on our panel are available for consultation in their areas of

expertise to help staff attorneys. Additionally, where necessary, private attorneys in our PAI program are available to co-counsel with staff attorneys so that they can benefit from the private attorneys experience and expertise. Finally, as part of our PAI program, we pay the tuition for attorneys on our PAI panel to attend CLE programs in substantive law case areas which are within our program priorities. For instance, we have sent several PAI attorneys to National Consumer Law Center educational seminars, as well as local CLE seminars dealing with a variety of consumer issues.

5. Private Attorney Involvement. This has been discussed previously.
6. Statewide Financial Resources. This issue has been extensively discussed above.