

Hallmarks of an Effective Statewide Civil Legal Services System

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I. INTRODUCTION

The dictionary defines "justice" as fairness. The system for administration of our laws is called the justice system because the single most important principle upon which that system is premised is fairness. Our laws, however, are complicated. They are created by local, state, tribal and federal legislative and administrative bodies. They are interpreted and enforced by local, state, tribal and federal courts, administrative and other agencies. The volume and complexity of the laws and the procedures for their administration have made it increasingly difficult to effectively utilize the justice system without the help of a lawyer. That means for those who cannot afford a lawyer, access to the system does not necessarily mean access to justice.

Publicly funded legal services, or "legal aid," evolved in an effort to insure that poverty was not an insurmountable barrier to justice. Financial and political support for this effort has been inconsistent over the years. In 1994-95 that support sharply declined threatening significant reductions and restrictions on the availability of legal services for the low income. This led to a comprehensive review of Washington's statewide legal service delivery system and development of a plan to respond to this threat.

This review and planning process is an ongoing project. It has been facilitated and guided by the Access to Justice Board (ATJ Board), a coordinating and oversight body created by Order of the Supreme Court. The ATJ Board's first significant project was the development in 1995 of its *Plan for the Delivery of Civil Legal Services to Low Income Persons in Washington State* (State Plan). The State Plan included 18 recommendations for reconfiguring and supporting Washington's delivery system so as to preserve access for low-income clients to a full range of advocacy and services. In mid-1998, the ATJ Board, through its State Plan Evaluation Committee, began a process to determine how well the State Plan was working and to consider which aspects, if any, should be rethought. The Board presented its draft Revised State Plan and recommendations at the June 25-27, 1999 Access to Justice Conference in Wenatchee, and later adopted its final *Revised Plan for Delivery of Civil Legal Services to Low Income People in Washington State* (Revised State Plan) at its annual retreat on September 16, 1999.

In undertaking its planning responsibilities, the ATJ Board first sought to articulate a mission and vision of statewide equal justice. Based on this mission, it then attempted to identify those values that flow from the mission statement and which, in turn, lead to the identification of the components and capacities that seem necessary for the system to be effective.

The *Hallmarks of an Effective Statewide Civil Legal Services Delivery System* (Hallmarks), written in 1995, described the mission, values, components and capacities upon which the current statewide legal services delivery system is based. The Hallmarks have served the ATJ Network well and continue to guide state planning and ongoing delivery activities. However, many have commented over time that the hallmarks document is written in terms that are not clear to all. What follows is an effort to reduce the hallmarks to a more clear and concise statement of the ideals upon which the legal services delivery system is based and from which it

continues to evolve. It is also an effort to generate statewide discussion about their continued relevance and assure that there is genuine consensus across the system and the state.

II. MISSION

Poverty should not be an impediment to Justice. The mission of the statewide legal services delivery system is to offer low income individuals and groups both direct representation and other legal assistance that enables them to:

- Protect and enforce their rights;
- Use the civil justice system to oppose laws, regulations, policies and practices that operate unfairly against them;
- Develop and implement laws, regulations, policies and practices that improve their quality of life; and
- Effectively advocate their legal rights and interests on their own behalf.

III. VALUES AND CAPACITIES

The following pages set out 15 values that are at the core of the Washington civil legal services system and to which the structure and operation of the system must remain loyal to assure equal justice for Washington's poor and highly vulnerable. Following each of these values is a list of components and capacities necessary to make sure the legal services delivery system can faithfully serve each of these values.

1. The system's effectiveness is dependent upon its commitment to assessing and responding to the most critical needs of clients as identified by low income clients and potential clients.

- Regular assessment of client legal needs based on input from clients and potential clients, and those to whom clients go to talk about their needs.
- A priority setting process in which client identified needs are given the greatest weight.
- Legal resources are reconfigured and reallocated to address changed client priorities
- Training, coordination and support of legal advocates appropriate to existing and changing client needs.

2. Those in poverty have an equal right to justice regardless of who they are, where they live, or the language they speak.

- Equitable distribution of resources around the state that assures all geographic regions have access to the most necessary services.
- Language and cultural competency to provide meaningful access to all client groups.

3. The justice system must be barrier free.

- A work plan that addresses inclusion, diversity and multicultural competency issues in the structure, leadership, relationship building and resource development of the legal services delivery system.

- Sensitivity and competence to identify and remove barriers to the legal services delivery system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the services and benefits of the legal services delivery system.
- Sensitivity and competence to help clients and client groups identify and address barriers in the justice system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the fair creation, implementation, administration or enforcement of our system of laws.

4. A legal services delivery system is effective only to the degree that positive results are achieved for clients, particularly in areas of high priority client need.

- Reports of client outcomes include information solicited from clients.
- Efforts are made to obtain longer term follow up information from clients after case closure.
- Report standards are keyed to client needs, adjusted to reflect changing client priorities, and are shared throughout the various parts of the system.
- An assessment process that recognizes that positive results include each client's opportunity to have his or her claims considered fully and fairly as well as "wins" where clients obtain the relief they sought.

5. The right to justice must remain constant regardless of changing social, political, economic or other conditions in the country, state and communities where low income people live.

- The system is vigilant for, and aware of, changes in the political and social environment and their impact on the lives and interests of individual and group clients.
- Client populations with distinct needs (e.g. migrant farm workers, institutionalized persons, Native Americans, senior citizens, refugees, etc.) are served irrespective of changes in political and social environments.
- Regardless of political or social pressures, client advocacy is consistent with RPCs, statutes and court rules including the capacity to pursue all appropriate forms of relief in all appropriate forums.
- Restricted and unrestricted funds are allocated with the goal of providing the full range of services to all groups and individuals.

6. Resources must first be committed to those efforts and activities that are most likely to result in longest term benefits in areas of the most pressing client needs.

- System resources are deployed to address high priority areas of representation.
- Regional planning and coordination that avoids duplication and maximizes efficient use of system resources.
- Regional and statewide assessment of effectiveness of means and strategies used to address priority client needs.

7. Individual and group advocacy are both effective and necessary tools for addressing the legal interests of low income residents throughout the state.

- Legal resources set up to efficiently assist individual clients.
- Legal resources unrestricted in their ability to represent client groups, particularly where the relief sought has broader and/or more long-term benefit.
- Recognition of conflicts that may exist between the values and goals of individual clients and client groups with whom they are identified.

8. The most effective resolution of a "legal" problem may require the use of non-legal resources.

- Expertise in a full range of advocacy systems (courts, administrative hearings, alternative dispute resolution, etc.).
- Cooperative relationships with other advocacy resources, particularly those with experience and expertise in dispute resolution in non-legal disciplines.
- Support, assistance, coordination and training for community organizations involved in providing legal, educational, health or human services or groups that provide service or advocacy for low income people.

9. Low income people have a greater ability to control their own lives when they have accurate information and the skill, ability and opportunity to use that information to advocate on their own behalf.

- Programs and services that provide information, advice and skills training that help clients effectively advocate on their own behalf including self-help programs, community legal education, client and community outreach, hotlines, ADR programs, internet informational programs.
- Court and community education that promotes the opportunities for self-advocacy.
- Community based computer and internet access.
- Community based clinics.

10. Access to justice means access to and assistance in the places where decisions are made that affect peoples lives including courts and legislative and administrative bodies.

- Legal resources unrestricted in their ability to advocate on behalf of low income people before legislative and administrative bodies.
- The expertise and relationships to make legislative and administrative advocacy effective.
- Capacity and competency to address client needs in quasi and non-judicial settings.

11. Recruitment, coordination and thoughtful use of the components of a legal services delivery system are essential to the system's success.

- Recognition by the various components of the legal services delivery system that to make the system truly "client-centered" individual and group clients must be seen as a critical component of the system to be utilized in the advocacy process and not merely the beneficiary of that process.
- Maintenance of programs in as many varied configurations as are necessary to insure the low income population has a meaningful level of access to the broadest possible range of representation and other assistance.
- Collaborative relationships among staffed legal services programs; private attorneys; volunteer attorney programs; specialized advocacy programs; private and non-profit law firms; justice system workers; other professional disciplines; social service providers; client groups and individual clients themselves.
- Communication, cooperation and coordination among these various components.
- Access and effective use of technological resources on a system-wide basis.

12. An outstanding delivery system consciously strives to avoid duplication of capacities and administration.

- Relatively uniform, highly accessible, user-friendly client intake, case evaluation and referral systems.
- Organizational relationships and structures that take advantage of economies of scale and actively promote the effective use of existing and emerging technologies.
- The effective use of existing and emerging technologies that reduce costs and provide better services.
- Regular evaluation of system programs to insure highest level of effectiveness and efficiency.

13. The system must embrace and reflect appropriate professional ethical and performance standards in every aspect of its practice.

- Ethical rules.

- Program policies.
- Performance expectations in ABA Standards for Providers of Civil Legal Services to the Poor.
- ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.

14. While taking into consideration the needs of the clients statewide, the system should identify and respond to unique issues and special needs of clients within individual regions, communities and Indian nations.

- Regional planning and coordination.
- Community outreach.

15. The system must be organized and operated to insure that accurate and complete information about what the system does and how its does it is available to all.

- Comprehensive data collection across the system (consistent with client confidentiality requirements).
- Compilation of data from all components (consistent with client confidentiality requirements).
- Reporting of data in readable, user friendly form (consistent with client confidentiality requirements).

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