

The LSC Performance Criteria do not explicitly mention community lawyering, but they make clear a Legal Services office's duty to think in terms of the community, know the community, earn the trust of the community, work with the community and achieve results for the benefit of the entire community. This paper addresses some of the ways that the Performance Criteria fit with community lawyering by giving short summaries and following them with the language from the relevant criterion or indicator for the criterion.

In Performance Area 1 ("Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs"), Criterion 1, note the requirement to assess the most pressing legal problems and needs of entire low-income population and all its major segments.

**Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.** The program periodically undertakes comprehensive assessment of the most pressing legal problems and needs, both addressed and unaddressed, of the low-income population in its service area, including all major segments of that population with special and similar legal needs or access challenges. These comprehensive assessments should be made frequently enough, in light of their cost and administrative burden, to be reasonably calculated to identify new developments and opportunities affecting that population. In between these periodic comprehensive assessments, the program is flexible and responsive enough, and has procedures and systems in place, to recognize and adjust to major new needs of its target population that emerge or develop.

In talking about advocacy strategies, Criterion 2 indicates programs should express strategic goals and objectives in terms of the low-income population and not just in terms of individual clients. It also notes the need to consider different delivery approaches and/or collaborations to assist "affected individuals or communities."

**Criterion 2. Setting goals and objectives, developing strategies and allocating resources.** In light of its comprehensive and ongoing assessments of need, and its available resources, the program periodically sets explicit goals and objectives and develops strategies to achieve them. Insofar as possible, these objectives should be expressed in terms of desired outcomes for both individual clients and the low-income population as a whole or any of its major segments, as may be applicable. The program should then consider and adopt strategies for its delivery approaches and its representation and advocacy that are calculated to achieve the goals and objectives. Next, the program should express its objectives, to the extent possible, in terms of outcomes that can be measured or assessed, and allocate and target its resources, consistent with these goals, objectives and strategies. To the extent that pressing legal needs have been identified which the program will not, because of resources or other limitations, be able to address directly through such full representation, the program should consider what other methods, including innovative or alternative delivery approaches, other legal assistance activity, or collaboration with or referral to other entities, might be employed to provide some measure of assistance to affected individuals or communities.

One of the indicators LSC will use for assessing a recipient's performance with respect to this criterion is whether the recipient balances costs against service not just to clients but also to "other low-income people."

In targeting resources, the program weighs the likely costs to be incurred against the likely benefit for clients and other low-income people.

Criterion 3 does not mention communities or non-client low-income people, but it is still addressed to implementing the strategies that were designed with their needs in mind.

**Criterion 3. Implementation.** The program implements these goals, objectives and strategies, working to achieve the desired outcomes, through legal representation and assistance, advocacy, and other program work.

LSC expects a recipient to consider all forums, all possible legal approaches and all ways to achieve goals, which has to include collaborations and community lawyering.

**Indicators**

Given the goals, objectives and strategies, effective advocacy approaches are selected, after considering all possible forums, legal approaches and available methods of achieving the desired outcomes, in light of what is appropriate, likely to succeed, and cost-effective.

Performance Area 2 ("Effectiveness in engaging and serving the low-income population throughout the service area"), Criterion 1 talks about recipients' respect for the dignity of individual clients, but one of the ways LSC measures this is the reputation the recipient has among community groups.

**Criterion 1. Dignity and sensitivity.** The program conducts its work in a way that affirms and reinforces the dignity of clients, is sensitive to clients' individual circumstances, is responsive to each client's legal problems, and is culturally and linguistically competent.

What is the reputation of the program among client and community groups? What do they say about telephone and in-person reception and intake? About the courtesy extended to clients by program staff? How does the program gauge client satisfaction?

In Criterion 2, LSC specifically speaks of effective engagement with major and distinct segments of the low-income population and the desirability of incorporating perspectives of the community into the recipient's work.

**Criterion 2. Engagement with the low-income population.** The program is engaged effectively with the population eligible for its services, including major and distinct segments of that population and, where appropriate and feasible, incorporates perspectives from that population and its major segments in its work and operations.

Again, LSC notes the need to gain "the trust and confidence of" the low-income community and to get the advice of representatives from the community.

Program staff regularly interact with the low-income population as a whole and its major segments.

The program is known to, and has the trust and confidence of, the target population and its major segments. The program staff and governing body continually work to get information, perspectives and advice from appropriate representatives of significant segments of the low-income client population on major program decisions concerning priorities, objectives, plans, and strategies, and where appropriate and effective, involve members of the low-income population in the program's work.

One indicator of achieving this criterion is participation of staff in the client community's meetings and the recipient's engagement with key community organizations.

Do staff members attend meetings or other gatherings in the communities they serve? Is there regular communication and outreach through printed materials, television and radio, and the Internet, including where appropriate in languages other than English? Are there meetings with leaders of major organizations in the communities served, such as groups of tenants and parents, service providers, neighborhood associations, and similar entities? Are staff otherwise engaged with such organizations?

Other indicators are the respect earned in the community and the representation of community groups.

Is the program well known and respected among the low income population and its major segments throughout the service area? Does the program represent eligible community groups?

Accessibility to segments of the low-income population, as addressed by criterion 3, encompasses accessibility to all major segments of the community – as is often best accomplished through community lawyering.

**Criterion 3. Access and utilization by the low-income population.** Consistent with its goals, objectives and strategies, a program should, within the limits of its resources, be accessible to and facilitate effective utilization by the low-income population in its service area, including all major segments of that population, and all categories of people who traditionally have had difficulties in getting access to or utilizing civil legal assistance.

Measures for criterion 3 include whether the recipient knows how the community is affected by substantive issues and understands and addresses issues identified by the community.

- Program staff evidence knowledge of substantive issues and problems that have unique or disproportionate incidence or effect upon particular segments or categories of the low-income population.

Do such staff articulations conform to the issues identified by community members? Has the program considered these specific issues as it has developed its goals, objectives and strategies?

Performance Area 3 (“Effectiveness of legal representation and other program activities intended to benefit the low-income population in its service area”) starts with a general statement of high quality representation.

**Criterion 1. Legal representation.** The program conducts its direct legal representation, in both full and more limited forms, in an effective and high quality fashion which comports with relevant state requirements governing professional ethics and practice of law, funding source requirements, relevant portions of the ABA Standards for Providers of Civil Legal Services to the Poor, and these Criteria, and in particular:

- a. The program has in place adequate capacity and resources to carry out its work, insofar as its resources permit.

One indicator of high-quality work is the way in which staff considers how their case work impacts “broader issues affecting the client community.”

Are advocates aware of key issues related to their areas of substantive work? Do they regularly consider the relationship between individual case issues and the broader issues affecting the client community? Does the

LSC declares that legal representation should not only help individual client, but should also achieve “systemic solutions” benefiting the entire community.

**c. The program’s legal representation achieves as much as is reasonably attainable for the client, given the extent of the representation, the client’s objectives and the circumstances of the case. Consistent with applicable rules and decisions governing professional responsibility, program goals and objectives, client objectives, and funding requirements, the program maximizes the use of its resources and achieves in its representation and work the greatest possible benefits and systemic solutions for other low-income people who may face similar legal problems, and for the eligible population as a whole.**

LSC looks to see whether a recipient obtained a benefit “for the client population as a whole” and whether the recipient did what it could to maximize this community-wide benefit.

a benefit to other low-income people with a similar problem, or for the client population as a whole? Did the program and casehandler seek to maximize any such benefits? Is it clear from

Criterion 3 expressly discusses services other than direct representation of individual clients.

**Criterion 3. Other program services to the eligible client population.** Consistent with its goals, objectives and strategies, the program provides services in addition to direct client representation that are designed to help low-income people address their legal needs and problems. Such services may include, but are not limited to, community legal education (general legal information not predicated upon a client’s particular case or facts), assistance for self-help activities and *pro se* appearances, offering or facilitating participation in alternative dispute resolution, and other available approaches, utilizing the Internet, websites, interactive media and other available technologies as appropriate. The program continually seeks to find innovative ways to deliver services and meet client needs.

LSC expects recipients to measure the success of their community-wide services.

Conducts periodic evaluations of the effectiveness of its community legal education efforts, measured against objectives, expectations, and realistic possibilities, and compares the costs of the results achieved with the costs of achieving equivalent or better results through other methods.

LSC even talks about the need for a recipient to act “on behalf of its eligible client community” and to work with all sorts of organizations that can help the community.

**Criterion 4. Other program activities on behalf of the eligible client population.** Consistent with its goals, objectives and strategies, and within the limits of available resources and the terms of its funding, a program engages in other activities on behalf of its eligible client community that have a beneficial effect on systemic legal problems and economic opportunities of the eligible client population. These activities include, but are not limited to, communication and liaison with the judiciary, organized bar, government agencies, academic and research centers, social service agencies, and other information sources, state and national legal advocacy organizations, other organizations working on behalf of low-income people, and other entities whose activities have a significant effect on the eligible client population.

LSC expects recipients to work with any groups that can help the community and to establish the “contacts, credibility, reputation and experience” necessary.

Consistent with its goals and objectives, as a part of its strategic advocacy, a program maintains effective communication, coordination and a general presence with the indicated institutions and entities and any others that can have a significant effect on its target population, to the end of reducing the effect or extent of problems faced by that population through collaborative work.

To the extent that a program engages in such activities, it should have contacts, credibility, reputation and experience sufficient to allow it to conduct such activities effectively.

Finally, LSC expects recipients to work on “systemic legal problems and improved economic opportunities benefiting the low-income population” and to work with non-lawyers who work with the community.

Does the program expect and support work to address systemic legal problems and improved economic opportunities benefiting the low-income population? Does it collaborate with the private bar and others to achieve such change?

Is management aware of innovative possibilities and developments in legal services delivery and receptive to their application in the program?

Does the program train or have regular communication with lay professionals who work with low-income people?