



# The Legal Services Training Consortium of New England

## 2003 Year End Report

It is with great pleasure that we present our 2003 Year End Report. As we look back over the last four years, we take pride in our many collective accomplishments. Achieving more than we ever thought possible four years ago, the Consortium is now an established part of the legal services landscape in New England and a recognized leader and national model for innovative and high quality legal services training and professional development.

The Training Consortium is also something more, something less easy to describe but reflected in the enthusiasm and willingness with which already over-extended advocates agree – yet again! – to serve as trainers or design team members, and in the energy, commitment and willingness to work hard that training participants bring to these events.

This is an exciting time for us. In the coming year, we will continue, through our programs and resources, to “build community, commitment and excellence” in legal services practice. We will also, in response to numerous opportunities (such as new partnerships and the resources available through our distance learning grant) address strategic questions regarding our future role in relation both to our

members and to the larger legal aid community. We look forward to engaging these questions with you, and to another successful year working together.

### The context

Legal aid advocates work on the front lines to help low-income individuals and groups protect and secure their basic human and legal rights – to safe and affordable housing, quality healthcare, a living wage, and decent education. Our clients – whether facing eviction, loss of subsistence income, threats from domestic abusers and utility shut-offs – are typically in crisis when they seek legal assistance. The challenges they face and legal issues they present are often complex and intertwined. Legal aid programs often represent their best hope for resolving their legal problems and achieving justice. The roles that legal aid advocates fulfill are critically important to the individual clients they serve, the communities in which they live and their ability to obtain justice.

Given the nature of our work, legal aid advocates must know how to work with clients in crisis, with clients who -- in addition

to their legal problems -- have severe cognitive, emotional or physical disabilities, are illiterate or speak limited English. They must be able to move fluidly between administrative advocacy, individual litigation, class actions, drafting legislation, working with groups, community education, and using the media. And because the laws affecting low-income people - welfare laws, public housing laws, immigration laws - are constantly changing, advocates must be able to develop new strategies to help clients resolve their problems and protect their rights.

Training and continuing legal education are critical means to ensure that legal aid advocates have the necessary knowledge, skills and attitude to achieve justice for clients. While some of this continuing legal education must occur within legal aid programs through supervision, in-house training and mentoring, those efforts alone are not enough. There is also an ongoing need for the more intensive and formal training programs that the Consortium now provides and that individual legal aid programs do not have the time, resources or expertise to design or sponsor. And while CLE and bar-association sponsored events provide valuable resources, they are seldom tailored to the specific needs of the legal aid community.

### **The Consortium: An Overview**

The Legal Services Training Consortium, formed just four years ago, represents twenty-three legal aid programs in New England who pool their resources to fund the design and delivery of training programs geared specifically for the legal services community.

Our **mission** is to build community, commitment and excellence in legal services

practice by developing the next generation of legal services leadership; providing legal services staff with knowledge, skills and attitudes necessary to provide effective, high quality services; and helping legal services staff respond creatively to emerging client needs.

Through our trainings, we effectively and efficiently communicate the essential standards of practice for legal aid staff at various levels of development, while creating a sense of community and thereby facilitating a heightened sense of commitment to legal aid work.

Our **training philosophy and methodology** are rooted in action-learning, i.e., learning that is based on the relationship between reflection and action. Through our training programs we provide opportunities for advocates to apply key concepts and skills to actual legal aid experiences. Our trainings provide an opportunity for staff from different programs to learn from each other and think creatively about how to most effectively address new client service issues that arise due to changes in law, social and demographic trends, and program limitations and restrictions.

We teach using a **combination of classroom and distance learning tools**. We offer approximately eight multi-day residential programs each year for staff of New England legal services programs. We are also in the process of developing online and "blended learning" courses (online courses with classroom components), which we will soon begin offering through our online campus, <http://www.legalaiduniversity.org>.

**Assessment & evaluation** are key components of our work. We design and update our training programs in response to our members' needs and interests which we discover through periodic needs' assessment surveys and ongoing discussions with advocates and project directors. At the conclusion of each event, we ask participants to complete detailed evaluations to help us fine-tune our training designs and presentations. We also conduct post-training evaluations approximately six months after each event to assess the longer-term impact of our programs – the extent to which training participation actually contributes to stronger, more effective advocacy and to increased staff satisfaction and retention.



### **Our programs & accomplishments**

In our first four years, we sponsored **twenty two training events and forums**, bringing together **close to 1000 legal aid advocates, private lawyers, law professors, community activists and others** as trainers, presenters, participants, and design team members.

We developed close working relationships with a number of organizations such as the **American College of Trial Lawyers** and **Practicing Law Institute**, as well as with faculty from local law schools including **Northeastern, Harvard** and **Boston Universities**. We also work closely with staff from the **National Legal Aid and Defender Association (NLADA)**, the **Center for Law and Social Policy (CLASP)** as well as scores of advocates from our **member legal aid programs** and elsewhere. Each of these institutions and individuals have and continue to contribute significantly to our work, helping us develop a regional training program unparalleled within our national community.

Our services are funded through member assessment fees. In the late fall of 2002, we obtained a three year national technology grant from the **Legal Services Corporation**. With this grant, we are developing cutting-edge distance learning resources that will soon be available to legal aid and other advocacy organizations across the country.

Our **Core Curriculum**, which teaches critical skills that legal aid advocates need at various levels of development, now consists of **eleven comprehensive multi-day training programs**. The course designs and materials are regularly evaluated and updated and detailed trainer notes and instructions developed so that, ideally, others can make use of them for local training events. **The Core Curriculum** includes: 1) Basic Lawyering Skills; 2) Administrative Hearing Skills; 3) Affirmative Litigation; 4) Negotiations Skills; 5) Trial Skills; 6) Case Planning & Discovery; 7) Representing the Whole Client; 8) Community Legal Education;

9) Community Lawyering and Alternative Advocacy; 10) Leadership & Justice; and 11) Training for Trainers.

We have shared these resources widely by posting our curriculum on our [www.legalaiduniversity.org](http://www.legalaiduniversity.org) website and contributing a number of articles and other resources to national legal services publications such as the National Poverty Law Center's "New Advocates Manual," and Management Information Exchange.

### 2003 Accomplishments

While we made significant strides in each of our four years, this last year was, in some ways, our most productive and exciting. **In 2003 we:**

- Designed and piloted two innovative training events, **Leadership & Justice** (presented in January 03) and **Community Lawyering and Alternative Advocacy** (presented in May 03);
- Offered our first annual **Trial Skills** training with generous support from the **American College of Trial Lawyers**;
- Presented our second annual **Advocacy Symposium**, this year on **Racial Justice Advocacy**;
- Moved forward on our commitment to **increase the diversity of our training and design teams** through targeting our third annual **Training of Trainers** -- presented with support from the **Practicing Law Institute** -- to advocates of color.
- Offered two programs from our Core Curriculum -- **Case Planning and Discovery** and **Basic Lawyering Skills**;
- Moved forward on our **LSC Distance Learning** grant by convening a national advisory committee, researching and testing a number of distance learning tools, selecting Isoph Blue as our curriculum platform and beginning the process of converting our curriculum to an online environment.
- Established **Legal Aid University** ([www.legalaiduniversity.org](http://www.legalaiduniversity.org)), the Consortium's new "online campus," through which we will offer our forthcoming online courses as well as many resources.
- Produced **two training videos**, one for use with our Community Lawyering training and the other, "Voices of Legal Aid," for introducing participants in the online Basic Lawyering Skills program to the values and experiences that guide and inspire legal aid practitioners;
- Contributed an introductory article on our Community Lawyering training to the fall 03 **Management Information Exchange** journal;
- **Supported legal aid programs outside our region** by providing training and technical assistance, sharing our curriculum (in particular our courses on *Administrative Hearing Skills* and *Affirmative Litigation*), sending Consortium trainers to serve as lead trainers for events in other states, and inviting and responding to requests to send selected advocates from programs outside our region -- e.g., Maryland, Florida, New York, and Georgia -- to our trainings.

## Upcoming 2004 Activities

While we may add additional activities to this year's calendar, so far we have confirmed the following :

- **Administrative Hearing Skills** will take place on **February 2 - 4**
- Our second annual **Trial Skills Training** with support again from the **American College of Trial Lawyers** is scheduled for March 8 - 11. We will expand upon what we offered last year by adding a fourth day devoted to evidentiary issues.
- We will sponsor our first regional **Support Staff** conference on May 6 - 7, 2004.
- **Affirmative Litigation** is scheduled for the fall of 04.
- We will also pilot our first online course, **Basic Lawyering Skills**, with audiences in New England as well as in states outside of our region (possibly Mississippi and Maryland).
- We will begin working on online versions of our **Case Planning & Discovery** and **Administrative Hearing Skills** trainings.
- Finally, we will begin designing advanced advocacy trainings in such areas as discovery, trial practice and negotiations.
- We will also offer a Training of Trainers and Advocacy Symposium in the fall of 2004.

## 2003 Activities

### Delivering the Core Curriculum

The Consortium sponsored six Core Curriculum programs this year, including: **Leadership & Justice, Trial Skills, Basic Lawyering Skills, Community Lawyering, Case Planning & Discovery, and Training for Trainers.**

### Trial Skills Training

*"The trial skills training enhanced my effectiveness as an advocate by helping me develop cross-examination.. and direct examination techniques that better serve my clients' needs." Training participant, February 2003*

In February, 2003, we held the first session of our new Trial Skills Training, with generous support from the **American College of Trial Lawyers**. The ACTL, widely considered the premier trial attorney organization in the country, is composed of some of the best trial attorneys in the United States and Canada. Fellowship in the ACTL is extended by invitation only to those experienced trial lawyers who have "mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality." Lawyers must have a minimum of fifteen years' trial experience before they can be considered for Fellowship.

Access to the ACTL represents an invaluable resource for our community, allowing us to offer a level of trial skills training that would otherwise be unattainable. Richard Zielinski,

our ACTL liaison and sponsor, helped design the trial training, and recruited eighteen ACTL attorneys to serve as trainers. We were also joined by a cadre of legal aid trainers from several programs in our region as well as staff from NLADA and Harvard's Criminal Justice Institute.

Geared for attorneys with three-plus years of experience, the training covered a range of trial practice techniques for delivering effective opening and closing statements, introducing evidence and conducting direct and cross-examinations of witnesses. The training included lectures and faculty demonstrations, but the participants spent the majority of their time in small group sessions in which they got on their feet and practiced techniques, were videotaped, and received one-on-one and small group critiques on their performance. Forty legal aid attorneys attended the '03 event and overwhelmingly rated it as one of the best and most valuable training experiences of their careers.

We will offer our **second annual Trial Skills training on March 8 - 11** once again with significant assistance from Richard Zielinski and the ACTL. In response to many requests from participants, the training will be expanded to four days and will include more detailed sessions on evidence and exhibits.



### **Racial Justice Advocacy**

*“Racial justice advocacy is a tool to be used in constructing the type of society that we hope to build. It is a perspective that attempts to identify those continuing barriers that keep people locked out of power, resources and human dignity. It is a process of addressing the past, policing the present, and building the future.” Professor David Hall, keynote address.*

In December, we sponsored our second annual Advocacy Symposium, this year focusing on Racial Justice Advocacy and geared primarily for Advocacy Coordinators, Litigation Directors and other senior staff in our region. Professor David Hall of Northeastern University School of Law provided an inspirational keynote, challenging us to explicitly examine the intersections of race and poverty, and develop proactive strategies to address institutional policies and practices that negatively impact communities of color and language minorities.

*“From fair housing cases, to bi-lingual education litigation, to predatory lending practices, there is a hidden racial dimension that you must be sensitive to and willing to use your resources to address. Race has affected every aspect of American life..”*

Through presentations and discussion, participants explored the meaning of and imperative for racial justice advocacy by legal aid advocates and examined a range of litigation, community problem-solving and alternative advocacy approaches that legal aid advocates engage in to achieve racial justice. We were also joined by **Camille Holmes**, *Center for Law and Social Policy* who provided a national perspective and insights on racial justice issues.

**Marianne Engleman-Lado**, *New York Lawyers for the Public Interest* and **Philip Tegeler**, *incoming Director, Poverty and Race Research Action Council* discussed the impact of recent Supreme Court decisions on civil rights laws and remedies.

Several advocates described racial justice initiatives that they are involved in and, from these, participants identified a set of principles and practices to support program commitment to racial justice. A complete summary of Racial Justice presentations and discussion themes is forthcoming.

### **Distance Learning**

The Distance Learning Institute is funded through a three year national Technology Information Grant from the Legal Services Corporation. Distance learning refers to training provided “from a distance” utilizing a range of technology-based tools and resources such as web technology, email, video conferencing, and asynchronous and synchronous group e-meetings. “Blended learning,” the approach we are pursuing, takes the best of distance learning – the ability to participate in training when and where it is convenient for the learner, the ability to update training materials from a central point and the ability to include geographically dispersed experts in lectures and discussions – while incorporating techniques, including some in-person sessions, that allow participants to build a sense of community.

We have accomplished a great deal since we began working on this project in December 2002. In our first year we: 1) researched, evaluated and piloted a number of distance-

learning tools; 2) selected ISOPH Blue as our curriculum platform; 3) convened a national advisory committee to help guide our work, 4) began converting our Basic Lawyering Skills Training to a distance learning format; 5) tested the use of specific distance learning tools within our current in-person training events, and; 6) developed a new Consortium website, [www.legalaiduniversity.org](http://www.legalaiduniversity.org), which will house our in-person curriculum as well as provide resources to support our distance learning and other Consortium activities.

We are now moving into the 2<sup>nd</sup> phase of the project which includes more focused attention on course development leading to a formal pilot scheduled for spring 04 in which we will evaluate the curriculum design and associated technologies by offering segments of the course to a small group of legal aid advocates.

### **Building a Diverse Cadre of Legal Services Trainers**

Training is a vehicle for developing and supporting leadership within the legal aid community. And legal aid staff who serve as trainers are readily viewed as leaders or potential leaders by training participants as well as program colleagues and others. In furtherance of our mission to “build the next generation of legal services leadership,” we are committed to expanding our base of trainers and to strengthening their training skills.

We are also committed to ensuring that Consortium resources and programs support our community’s overall diversity goals and that training teams reflect our community’s diversity.

This year, in service to both of these core values and commitments, we conducted a targeted outreach, inviting advocates of color to attend our third annual “*Training for Trainers*” presented once again by David Cruikshank, a consultant with Practicing Law Institute. Several of those advocates served as trainers at various events this year; others have already been recruited to join training teams for upcoming ‘04 events. We will continue to draw from the experience and expertise of other participants who attended this year’s TOT as well as those participants from the first three years.

### **Leadership & Justice Training**

Why is leadership development important for the legal aid community right now?

*“Good leadership can help refocus staff and inspire quality work in the face of adversity. It encourages a safe and supportive work environment and demonstrates a model of grace and character under fire...(it can) affect how our community perceives our work and us and encourage support for our clients and our work.”*

*“The vision, direction, and support that leaders provide to any office has a substantial impact on how well the organization is able to achieve its mission, in our case to better the lives of poor people through legal advocacy. Developing new leaders is necessary because we can anticipate that our current leaders are not going to be around forever. When they do eventually depart, we need new leaders who are able to hit the ground running.”*

These are just two of the responses to the pre-training survey that we sent out in advance of the Leadership & Justice training that we piloted on January 22 - 24 of ‘03. **Leadership & Justice** represents the collective commitment of legal aid programs throughout New England to develop and support an extended network of legal aid leaders who can successfully influence and mobilize others in the pursuit of our legal aid values and mission.

The training is designed to enhance the leadership effectiveness of legal aid staff in both formal and informal leadership positions. The training is built around seven core competencies that successful leaders exhibit and is firmly rooted in the experiences, practices and values of the civil legal aid community.

The Leadership and Justice curriculum represents a vital resource for our community. In the coming year, we will examine how to continue to build upon and expand our leadership development activities.

### **Community Lawyering Training**

One of the most exciting accomplishments of 2003 was the design and implementation of the first Community Lawyering training. This training focuses on the role of legal services advocates in empowering the communities we serve; in other words, it encourages legal advocates to work *with* these communities rather than merely *for* them.

The concept and practices associated with “community lawyering” challenge traditional notions of the lawyer’s role and urge advocates to employ a broad range of creative

strategies that reach beyond, or serve as alternatives to, litigation. Community lawyers engage in community development, community organizing, and community building. They also contribute skills and resources unique to their training and experiences as lawyers - legislative and policy advocacy, litigation, transactional work, etc., but do so as equal partners in community-wide endeavors and in ways that complement other forms of advocacy.

Community lawyers must be able to recognize the limitations of the law and be willing and able to use a range of non-legal approaches to address community issues, as well as create and respect space for community members to speak for themselves. Inherent to this work is a shift in perspective from the "deficit" lawyering approach, which focuses on a community's problems (violence, unemployment, poverty) and looks for ways to unilaterally solve these problems, to an "asset" approach, which identifies a community's resources (civic associations, local institutions, religious organizations, individual talents and skills) and builds links among them so that together community residents and organizational partners can take action in the most effective and empowering manner possible.

The training is organized around three core competencies:

- **Community Understanding and Relationship Building**, which involves developing a deep knowledge of the community's history and key institutions, and reaching out to key individuals and community groups to form positive, long-term working relationships;
- **Issue Identification and Strategy development**, in which legal advocates

facilitate community members' abilities to identify their common concerns and translate those concerns into actionable issues; and

- **Advocacy Tools**, through which legal advocates contribute a mix of legal and nonlegal advocacy skills to support community-identified initiatives.

The training, which spanned three days, attracted over thirty participants from legal services organizations around New England.

### Conclusion

We have accomplished a great deal together over the last four years. Through our Distance Learning Institute we will be able to extend, beyond the initial in-person events, the learning, information sharing and community-building that so distinguish Consortium activities. As we look toward the coming year, we will continue to strengthen our existing training programs, begin using our new technology options and expand our base of experienced trainers. We look forward another successful year working with all of you.



## **Contributors**

We wish to acknowledge and thank the many hard-working, committed, thoughtful and generous legal aid advocates, private attorneys and others who contribute hours, days and more to serve as trainers, Advisory Committee members and members of our many training design teams. A hopefully complete list of our many volunteers follows, below.

We are also fortunate to have an extraordinary group of consultants and staff who work with us on our many projects: Jessie Hill, Pamela King, Shari Zimble, Wendy Janett, Gene Koo, Michelle Lerner, Deborah Hemley, Dick Bauer, Connie Lane. If we have left anyone out, we apologize!

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## **The Legal Services Training Consortium of New England**

*Building Community, Commitment and Excellence in Legal Services Practice*

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### **MEMBER PROGRAMS**

#### **Connecticut Members**

Greater Hartford Legal Services  
Connecticut Legal Services  
New Haven Legal Services

#### **Maine Members**

Pine Tree Legal Services

#### **Vermont Members**

Legal Services Law Line  
Vermont Legal Services

#### **New Hampshire Members**

New Hampshire Legal Assistance  
Legal Advice and Referral Center  
Disability Rights Center

#### **Massachusetts Members**

Greater Boston Legal Services  
Legal Assistance Corp. of Central MA  
Legal Services of Cape Cod and Islands  
Massachusetts Justice Project  
Massachusetts Law Reform Institute  
Massachusetts Legal Assistance Corp  
Merrimack Valley Legal Services  
Neighborhood Legal Services  
New Center for Legal Advocacy  
South Middlesex Legal Services  
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