

ABA PRINCIPLES OF A STATE SYSTEM FOR THE DELIVERY OF CIVIL LEGAL AID

The Goal

A state’s system for the delivery of civil legal aid provides a full range of high quality, coordinated and uniformly available civil law-related services to the state’s low-income and other vulnerable populations who cannot afford counsel, in sufficient quantity to meet their civil legal needs.

The Principles

A state’s system for the delivery of civil legal aid achieves the goal if it:

1. Provides services to the low-income and vulnerable populations in the state.

The state’s system for the delivery of civil legal aid provides services to low-income people and others who face financial or other barriers to access to justice including: those who cannot be served through federally funded programs for reasons such as their income level, immigration status or because they are incarcerated; older persons with social or economic need; people with mental or physical disabilities; and those facing particular barriers to access to civil legal services, such as people who are homeless or institutionalized, children, migrant workers, Native Americans, and people lacking proficiency in English.

2. Provides a full range of services in all forums.

A full range of services includes information about legal rights and responsibilities; options for services; outreach and community legal education; legal advice and brief services; support and assistance for individuals capable of representing themselves; representation in negotiation and alternative dispute resolution; transactional assistance; representation in administrative and judicial proceedings; extended representation in complex litigation and on systemic issues; and representation before state and local legislative and administrative bodies that make laws or policies affecting low-income and vulnerable people.

3. Provides services of high quality in an effective and cost efficient manner.

The state system provides low-income persons and others who cannot afford counsel with high quality civil legal aid services to meet their legal needs. All providers in the state comply with standards of practice and ethics developed by the state, and institutional providers¹ comply, where appropriate, with state and national standards of practice such as the American Bar Association Standards for Providers of Civil Legal Aid to the Poor and the Legal Services Corporation Performance Criteria. Programs and individuals providing services are evaluated by funders or other appropriate entities, and engage in their own evaluations. Staff compensation and workload are reasonable to enable the provision of uniformly high quality, effective and productive services. All

¹“Institutional Providers” is a term used to refer to non-profit organizations that are established to provide civil legal aid services including staff attorney programs, pro bono programs, law school clinical programs and divisions of larger organizations that provide civil legal aid services.

individuals participating in providing, supporting or managing civil legal aid receive ongoing training and participate in professional and leadership development activities. An appropriately diverse staff is recruited, trained, supported, supervised and provided the necessary tools, including current technology, to provide high quality, effective and cost-efficient legal services. Management information and information about new development in the law is disseminated to all advocates and managers. Support is provided on state legal issues and advocates coordinate their work on behalf of the client community. Services are provided in a cost efficient manner to maximize access and limit unnecessary administrative and other costs.

4. Provides services in sufficient quantity to meet the need by seeking and making the most effective use of financial, volunteer, and in-kind resources dedicated to those services.

The state system has available the resources to provide the quantity of services necessary to meet the legal needs of the low-income and other vulnerable populations who cannot afford counsel in the state. To do so, the system maximizes services by effectively developing, leveraging and utilizing all potential financial, volunteer and in-kind resources. The system makes the best use of these resources to ensure the effectiveness and the cost efficiency of the system. Potential sources of funding for civil legal assistance include federal, state, and local governments; court fee surcharges and fines; interest on lawyer trust accounts (IOLTA); attorney registration fees or dues assessments; add-ons to bar dues; grants from courts or bar associations; lawyer fund raising drives; other private donations; pro hac vice and similar fees; cy pres awards; client co-payments; foundation and corporate grants; attorneys' fees; planned giving; endowment funds; and capital campaigns. Potential sources of volunteer resources include private attorneys, corporate counsel, retired attorneys, government attorneys, law schools and law students, other professionals, and lay volunteers. Potential sources of in-kind resources include federal, state, and local governments, corporations, non-profits, and other private entities and individuals. Local, regional, and program-based efforts to build resources are coordinated with statewide efforts to maximize overall resources.

5. Fully engages all entities and individuals involved in the provision of those services.

The state's system for the delivery of civil legal aid fully engages in the delivery of civil legal aid services all those who are involved in the provision of law-related services, including legal aid providers, private attorneys (working pro bono or for compensation), court personnel, law school clinics, human services agencies, paralegals, lay advocates and other public and private individuals and entities that provide legal services to low-income and other vulnerable people who cannot afford counsel in the state.

6. Makes services fully accessible and uniformly available throughout the state.

The ability of low-income and vulnerable people to obtain civil legal assistance consistent with these principles does not depend on where that person resides in the state.

7. Engages with clients and populations eligible for civil legal aid services in planning and in obtaining meaningful information about their legal needs, and treats clients, applicants and those receiving services with dignity and respect.

The state system, including all those involved in delivering services and providing support, treats clients and others who receive civil legal services with dignity and respect. Services are delivered in a culturally competent manner. To guide coordination and planning, the system obtains meaningful information from, and interacts effectively with, low-income and vulnerable people and groups

representing them. Guidance is sought from all communities that face disparate treatment and unique barriers to the justice system, including new and emerging populations and categories of clients and potential clients.

8. Engages and involves the judiciary and court personnel in reforming their rules, procedures and services to expand and facilitate access to justice.

The judiciary ensures that the courts are accessible and responsive to the needs of all residents, including low-income and vulnerable populations and those facing financial, physical and other barriers to access. The judiciary examines its rules and procedures to ensure that they do not create barriers to the courts and, where necessary, changes them to expand and facilitate access. Courts provide a range of services including assistance to pro se litigants where appropriate to enable all residents to obtain access to the courts in matters before the court.

9. Is supported by an organized bar and judiciary that is providing leadership and participating with legal aid providers, law schools, the executive and legislative branches of government, the private sector and other appropriate stakeholders in ongoing and coordinated efforts to support and facilitate access to justice for all.

The organized bar and the courts provide active leadership and support for efforts to expand access to civil justice. Their involvement includes participation with legal aid providers, the executive and legislative branches of government, IOLTA and other state funders, the private sector and other appropriate stakeholders in formal structures and/or specific initiatives dedicated to this goal. State Access to Justice Commissions have proved to be an effective model for institutionalizing bar and judicial leadership and support. The organized bar has a special obligation to provide leadership for efforts to maximize pro bono services.

10. Engages in statewide planning and oversight of the system for the delivery of civil legal aid to coordinate and support the delivery of services and to achieve the principles set forth above.

The state system for the delivery of legal aid develops and maintains the capacity to plan and oversee its civil legal assistance delivery system so that the principles set forth above are achieved. Planning and oversight should be open and inclusive and include individuals who are experienced with and sensitive to the ethnic, racial and cultural makeup of low-income and vulnerable populations in the state. Appropriate staffing and other resources are provided for statewide planning. Effective communication initiatives are developed to increase public awareness of the availability of and need for legal aid throughout the state. Participants work together in a coordinated and collaborative manner to provide a full range of high-quality services efficiently and in a manner that maximizes available resources and eliminates barriers to access. Participants work with their counterparts in other states to learn from their experiences in improving the provision of civil legal assistance. Participants also work with the American Bar Association and other national legal aid entities and institutions involved in improving civil legal aid to gain a national perspective on their work, take advantage of collective resources and participate in the national efforts to achieve equal justice for all. Legal needs, including new and emerging legal needs, are identified, and effective and cost efficient methods of addressing them are developed. Research and evaluation of civil legal aid delivery methods and providers are undertaken to assure the quality, efficiency and effectiveness of the services provided and the system responds appropriately to the results.