Memorandum

To: ABA Board of Governors
Re: Strategic Plan 2016-2019_Division for Legal Services
Date: July 11, 2016

Please see the below description of the extraordinary efforts by this subcommittee to conceive and adopt a strategic plan for the Division for Legal Services, which is attached to this memorandum.

The subcommittee did not have the luxury of time as it had to complete this undertaking in less than one year. Notwithstanding the short time frame, the subcommittee is very appreciative to have been given this opportunity and urges further authorization of this process to devote additional efforts for an additional year to expand the effort to another ABA entity, and to fine-tune and adjust the plan regarding the Division for Legal Services based on revised insight and actual experiences during the initial year of implementation.

This plan defines how the Division for Legal Services will achieve its goals of Advocacy, Innovation, Education, Research, and Communications to increase access to justice through the collaboration between and support for entities within the Division.

We appreciate the input and perspective provided by numerous individuals in developing this plan. In particular, we thank ABA President Paulette Brown; Executive Director Jack Rives; Senior Associate Executive Director Alpha M. Brady; Senior Strategy Advisor Cheryl Niro; Division for Legal Services Director Terry Brooks; and Program, Evaluation, and Planning Committee Chair Pamela C. Enslen.

We look forward to the work of the Division for Legal Services that will achieve the vision set forth as a result of this strategic planning process.
Finally, we strongly recommend the continuation of the strategic planning process undertaken this year. This effort with the Division for Legal Services has demonstrated the benefits of this focused thinking to create a thoughtful vision for the future and strategically plan goals, strategies for achieving those goals, and metrics to measure the success of those efforts. First, we recommend an additional year to fine-tune and monitor the newly created Division for Legal Services Strategic Plan. Second, we also recommend the expansion of this strategic planning effort to another ABA entity to more thoroughly test the feasibility and potential of a strategic planning process for all entities of the ABA and for the ABA itself.

Herbert B. Dixon, Chair
Strategic Planning Subcommittee
Program Evaluation and Planning Committee

John McDonnell, member
Strategic Planning Subcommittee
Program Evaluation and Planning Committee

William C. Carpenter, Jr., member
Strategic Planning Subcommittee
Program Evaluation and Planning Committee

Introduction

This Strategic Planning Report results from the efforts of the Board of Governors’ Strategic Planning Committee and the staff and member leadership of the Division for Legal Services working together during the 2015-2016 bar year. President Paulette Brown authorized a pilot strategic planning initiative during her leadership year in 2015-2016, with a final report to be provided to the Board at the Annual Meeting in August 2016. After considering various ABA groups that could be the subject of such a pilot, the staff Division for Legal Services was selected to be the first group to be examined.

It was an ambitious goal. It is not uncommon for such activities to require years, rather than the months available to this project. Yet, as the following pages demonstrate, meaningful and foundational work has been accomplished, and priorities for the next three years have been established.
In determining these priorities, the Strategic Planning Subcommittee collaborated with the staff directors of all entities within the Division. The member leaders (chairs of the entities supported by the Division staff) participated in brainstorming discussions and devoted time for planning discussions at their meetings. Discussion notes were distributed and used to create draft documents for further consideration, and the strategic planning committee developed and refined ideas. The outcomes of those activities comprise the foundation for the Division Strategic Plan.

**The Division for Legal Services**

The overall mission of the Division for Legal Services is to increase access to justice through the collaboration between and support for entities within the Division for Legal Services.

The Division is comprised of ten presidentially-appointed committees and commissions:

- Standing Committee on Legal Aid and Indigent Defendants
- Standing Committee on Pro Bono and Public Service
- Commission on Interest on Lawyers’ Trust Accounts
- Standing Committee on the Delivery of Legal Services
- Standing Committee on Group and Prepaid Legal Services
- Commission on Lawyer Assistance Programs
- Standing Committee on Lawyer Referral and Information Service
- Standing Committee on Legal Assistance for Military Personnel
- Standing Committee on Paralegals
- Standing Committee on Lawyers’ Professional Liability

The activities of the entities supported by the Division staff are different and varied, and this is a great challenge in developing a Division-wide strategic plan. But all ten committees and commissions engage in the common goal of fostering increased access to justice by either directly focusing upon improving and expanding direct delivery to poor and moderate-income persons, or by enhancing the ability of lawyers to reach and serve the public. Thus, these entities focus on providing essential information for improving legal services delivery to persons of limited and moderate means and support for related systems that assist lawyers in serving such clients. This is accomplished by conducting research and analysis regarding legal services delivery and effectiveness of models. Division entities provide supportive services for external constituencies and intermediaries. For example, Division entities present educational programs to enhance the quality and productivity of relevant regional/state/local public service and other organizations. The Division entities publish materials to guide and assist relevant constituencies. The Division entities also collect and catalog materials that guide constituents in conducting their work and serves as a clearinghouse for information.

The Division entities assist lawyers and non-profit organizations in providing legal services, including, pro bono, public service, legal aid and civil legal aid; development of
Volunteer opportunities and nationally based pro bono service opportunities; and offers publications, technical assistance, and recognition. The Division entities support lawyers through work on legal malpractice insurance, understanding and complying with regulations affecting the delivery of services, offering unbundled legal services, participating in lawyer referral systems and group and prepaid legal services plans, and helping with personal issues impairing lawyers’ performance.

The Division staff members are experts in their respective fields and are committed to promoting excellence by individuals and institutions seeking to serve or educate the public. The Division entities attempt to further this value by developing clear, practical national policies, standards and models. The Division entities have participated in developing Model Rules of Professional Conduct and Standards for Paralegal Utilization. In addition, the Division entities have contributed to standards of practice for pro bono programs, lawyer referral agencies, civil legal aid providers, and paralegal education institutions.

The Strategic Planning Process

The Program Committee of the ABA Board of Governors created a subcommittee on Strategic Planning, and asked President Paulette Brown to support their work by identifying an ABA entity that would benefit from engaging in the strategic planning process. President Brown designated the staff Division for Legal Services. During the fall of 2015, discussions between the subcommittee and the directors of the Division entities began. The subcommittee developed an overall timeline for the process. It began with a review of all of the annual planning documents for the ten standing committees and commissions supported through the Division. Most of these groups had existing strategic plans. The subcommittee compiled and reviewed documents. In December 2015, the subcommittee had discussions with the directors of the Division entities and developed a consensus on the outline for the process.

A face-to-face working meeting took place on January 19, 2016 at the Chicago office of the ABA. The strategic planning process, key components of the plan (mission, goals, values, objectives, key deliverables, future scope of work and activities) were discussed. Division staff directors also responded to a variety of written questionnaires and the outcomes from those activities were reported and discussed. Most importantly, at the January meeting, brainstorming around the key planning inquiries began.

- What are our accomplishments?
- What do we presently do well?
- What do we presently NOT do well?
- What should we start doing?
- What should we stop doing?
- What do we want to achieve in the future?

The discussion notes were compiled and distributed to all participants shortly after that. At the Midyear Meeting in early February 2016, a breakfast meeting of the member leaders
of the Division entities and the Strategic Planning subcommittee devoted to brainstorming around the same set of planning inquiries took place. The notes were again compiled and distributed to the participants. Staff directors continued planning efforts by convening two times to develop ideas further.

The Subcommittee convened an all-day meeting at the Chicago office with the chairs of the Division entities and staff directors in April. The discussion focused on moving the planning process from ideation to specific goals, objectives, and action items. The result of this long and productive discussion was a first draft of the first Division-wide Strategic Plan document. The current draft of the Plan is attached to this Report.

**Priorities for the Division for Legal Services**

**Sustainability**

The principal overarching mission for the Division for Legal Services is to comprise the American Bar Association’s response to the national need to increase the number of individuals receiving the protection of the legal system. The Division entities have historically accomplished this by advocating for effective and adequately funded federal systems to provide civil legal aid, and by supporting state and local efforts to connect people to legal help. Its entities have served as national support centers for local intermediaries, and have, as a by-product, provided tools to connect the general public to legal help, by linking them to appropriate local sources of help. At the same time, Division entities have sought to support innovation and increased efficiency by lawyers in serving poor and moderate-income persons, bringing legal services to such persons at lower cost and with greater accessibility. Discussions throughout the strategic planning process have included asking if that mission remains relevant and supportable.

The process has benefitted by the participation of Jackie Casey, the Director of the ABA Fund for Justice in Education. Throughout the discussions, opportunities to attract additional support for programs and projects undertaken by the Division entities have been explored. It is apparent that with collaborative project design and implementation, outside funding sources for significant grant amounts become more likely. This fundraising potential may become a more important aspect of the overall Division entities’ strategy for the future if further investigation demonstrates that greater external funding can be successfully obtained. All ABA entities are confronting budget challenges, but few represent the potential for external funding sources than this Division’s entities, which have collectively been aptly described as the “heart and soul” of the American Bar Association, and is charitable in its core mission.

**Increased Impact Through Innovation and Technology**

Disruption of the practice of law has been occurring for years. Online companies offering legal services number into the hundreds. However, Division entities have been working on two projects that occupy the same space, namely [www.findlegalhelp.org](http://www.findlegalhelp.org) and a new online
“Legal Checkup.” FindLegalHelp has existed for some time, but requires new efforts to update and then maintain a robust functionality. When optimized, the site will provide current information about the legal system, information about how consumers can obtain legal help either for a fee, or---if the consumer is indigent---for free. The pages also guide people to some self-help resources. A new, complementary, service will be launched this year: ABAFreeLegalAnswers.org will provide those who income-qualify for pro bono services with online, free, brief advice and counsel.

The Legal Checkup project is being undertaken in collaboration with the ABA Commission on the Future of Legal Services. It may be described as an interactive online tool that people could use to assess their legal “health,” perhaps overall, or possibly in specified areas of their lives. Obtaining the resources to implement at least a pilot tool is a top priority for at least two entities - the Standing Committee on the Delivery of Legal Services and the Standing Committee on Group and Prepaid Legal Services - and therefore, the Division.

Other goals shared by Division entities require the use of innovative thinking and technology, including collaboration with the ABA’s planned new Innovation Center, to identify opportunities to develop and implement innovative solutions that will enhance access to justice, to conceive new research projects; to develop new models for legal services delivery and export them; to increase awareness and understanding of the work of the Division entities; and, as previously mentioned, to design projects and programs attractive to external funders that positively impact poor and moderate income persons served by the legal system across the country.

**Greater Collaboration and Efficiency**

Consistent with the goals for every ABA entity, Division entities are challenged to do more with less. To maintain the high quality of the programming, new efficiencies will be discovered and undertaken. For example, when current contractual obligations permit, consolidating some of the annual conferences sponsored by Division entities may be accomplished to obtain better rates at venues, more efficient use of staff travel expenses, and even provide a better member experience. Other areas, such as examining whether there are redundancies, and improving revenue opportunities will receive more focused attention.

One possible collaborative project envisioned by the group, including the roles for several Division entities, is a program assisting the transition to civilian employment for attorneys and paralegals who are veterans of our national armed services. Further refinement of this division-wide program continues.

**Conclusion**

The Division for Legal Services has fully and meaningfully participated in this strategic planning exercise and has developed their first Division-wide set of goals, objectives, and
action steps. As all such plans, this plan will always be “a work in progress.” Proper planning is an ongoing activity. It requires continuing attention, reflection, and revision to accommodate the natural ebb and flow of conditions.

This process has permitted in-depth self-assessment of the strengths, accomplishments and successes achieved in the past, and squarely confronted the challenges of the future. Attached is the Strategic Plan developed as a result of this process, which contains the specific results of the subcommittee’s planning discussions.
Strategic Plan
Division for Legal Services

Mission of the Division for Legal Services:

The mission of the Division for Legal Services is to increase access to justice, and the effectiveness of lawyers in providing such access, through the collaboration between and support for entities within the Division for Legal Services.

Division entities will accomplish this Mission through collaborative efforts to design and implement programs and projects related to five Division-wide goals. These goals are Advocacy, Innovation, Education, Research, and Communications.

Goal 1: ADVOCACY

Strategy 1: Develop Policies/Standards/Models: For many entities supported by the Division, advocacy for changes in policy and practice to foster greater access to justice is already a major activity. The Division staff will regularly convene with the volunteer member-leaders to brainstorm and review emerging access to justice issues that relate to Division entities. Through such collaboration, appropriate Division entities will proactively develop potential and exportable policies, standards, and models.

Responsible Party/Timeline: The staff will collaborate with the volunteer member-leaders and other internal ABA entities and entities outside of the association when appropriate. These issue spotting sessions will be scheduled and conducted before the end of 2016.

Evaluation: Division staff and entity leaders will collaborate to identify at least three significant issues affecting access to justice or support for lawyers providing such access prior to the 2017 ABA Midyear Meeting.
Goal 2: INNOVATION

**Strategy 1:** Models. Division entities’ member-leaders and staff will collaborate to continue to identify quality program models, delivery systems, and other exemplars, especially those that are new applications of technology, and broadly communicate information about them.

Division entities’ member-leaders and staff will collaborate to conduct a broad assessment of the access to justice field, identifying where issues exist and where innovative solutions are needed.

Division member-leaders and staff will serve as resources for the Innovation Center as the Center identifies opportunities and develops and implements innovative solutions.

**Responsible Party/Timeline:** Division entities’ staff and volunteer member-leaders will act as resources for the staff and fellows of the Innovation Center to accomplish its work.

**Evaluation:** Division staff and member-leaders will identify at least two opportunities to promote innovative initiatives that promise to expand access to justice, and if possible undertake steps toward implementation by December 2017.

Goal 3. EDUCATION

**Strategy 1.** Review and as needed expand high-quality content on relevant issues, and maximize distribution

**Project 1:** Inventory all of the current content, evaluate the existing communications vehicles, examine their effectiveness, and determine which, if any, should be continued and/or reimagined. This evaluation will also consider the creation of new publications using new technologies or other ideas that arise during the evaluation process.

**Responsible Parties/Timeline:** The staff will accomplish the evaluation activities by March 2017. The redesign and launch of any new or revamped
communications vehicles to be implemented will occur by August 2017.

**Evaluation:** Evaluation methodologies will consider pre and post launch usage, click on, and other data to measure increases in readership or viewing of the online publications.

**Strategy 2.** **Update and maintain the website:** [www.findlegalhelp](http://www.findlegalhelp)

**Project 1:** This existing website containing links to resources intended to assist in accessing legal assistance requires re-evaluation, and perhaps updating and expansion. Specific action items will include collaborating with Division member-leaders to assess the ongoing utility of this type of portal in the era of Google, and, if found to remain viable, revamping sites by expanding them to include content from entities that share the mission of enhancing access to justice (e.g. ABA entities on disability rights, guardianship, domestic and sexual violence, homelessness and other groups that may offer relevant resources).

**Responsible Party/Timeline:** Division staff, in consultation with member-leaders, will accomplish this work by August 2017.

**Evaluation:** If the site is found to remain a viable avenue to expand access to justice, a revised FindLegalHelp website will be implemented by August 2017.

**Strategy 3:** Division entities will provide high-quality education programs, meetings, and events to benefit those served by Division entities.

**Project 1:** Assess the feasibility of, and if appropriate, partner with other ABA entities or external organizations to produce access to justice programs and events available at large joint gatherings.

**Responsible Party/Timeline:** The staff and volunteer member-leaders will meet to brainstorm opportunities for future joint educational efforts, identify feasible concepts and create a coordinated plan containing a
new approach and master calendar. Entities will continue to honor existing contracts, and move to consolidate when feasible.

**Evaluation:** Surveys will be created to evaluate the experience of those participating in educational programs, and that data will be reviewed. Attendance numbers at Division entities’ conferences will be gathered and evaluated.

**Project 2:** Collaborate with the Innovation Center to identify additional educational opportunities and serve as a resource to the Innovation Center as it develops and implements educational programs related to access to justice, new delivery models or support for lawyers serving poor and moderate income populations.

**Responsible Party/Timeline:** Staff of Division entities will be available as a resource for staff of the Innovation Center.

**Evaluation:** The educational offerings of the Innovation Center will be assessed by August 2017.

**Strategy 4:** Division entities will support existing and where appropriate new clearinghouses, resource sites and create, develop and maintain quality resources accessible online.

**Project 1:** Existing information resources offered by all Division entities will be regularly reviewed and evaluated. Needed updates and improvements will be identified and implemented.

Within this project, required updates to Division entities’ web pages will be undertaken and launched before or contemporaneously with the scheduled launch of the association website currently being built.

**Responsible Party/Timeline:** The staff will regularly conduct reviews of existing resources with the assistance of volunteer member-leaders of the entities. These reviews will begin in October 2016
Evaluation: Periodic reviews of web pages and other informational resources will be conducted to audit all aspects of content and determine usefulness, age, and whether the content should be updated, deleted, or archived. A reasonable schedule for reviews will be created and maintained.

Goal 4: RESEARCH

Strategy 1: Create a Comprehensive Research Plan for Division Entities

Division entities will participate in establishing a comprehensive listing of studies that could positively impact access to justice knowledge and planning. The Research Plan will provide detailed descriptions of the studies identified, prioritize them, and identify needed resources and plans to seek those resources. Entities will collaborate regarding plans for communications and distribution of study results and outcomes.

Responsible Party/Timeline: The staff, in consultation with member-leaders, will develop the Research Plan within the next six-nine months so that work may begin on resource development to enable plan implementation when resources become available.

Evaluation: The plan will result in three grant or other resource development proposals submitted jointly by at least three Division entities (as feasible, depending on the focus of the research and the likely appeal to a funding entity) for research efforts within the next two years.

Goal 5: COMMUNICATIONS

Strategy 1: Enhance the brand of the Division by promoting the work and programs of Division entities, and their role as part of the Division

The staff and member-leaders of the Division will develop a comprehensive communications plan to include an expansion of communications efforts (e.g., making informational presentations to member-leaders, Board of Governors, NABE, and seeking to place
informative articles in the appropriate legal publications).

Division staff and member-leaders will identify other strategies that will bring greater awareness and understanding of Division entities and their work.

**Responsible Party/Timeline:** Division staff will work with the member-leaders and collaborate with other ABA entities as required. These efforts will begin immediately.

**Evaluation:** Data will be obtained (e.g. through a survey of selected ABA members) to assess the status of awareness of the Division and the entities housed within it, to provide data that may inform future efforts to successfully expand knowledge about the Division, its entities, and their work.