MEMORANDUM

To: Board of Governors Improving the Profession Committee

From: Terry Brooks, Director, Division for Legal Services

Re: Status Report on Implementation of Division Strategic Plan

Date: January 12, 2017

This will provide an interim report on implementation of the strategic plan for the Division for Legal Services that was developed under the leadership of a Board of Governors committee during 2015-2016, and adopted in August 2016.

The strategic plan stated: “Division entities will accomplish [its] 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.”

Progress in each of those five areas is detailed below. In short, the Division and the entities it supports have made significant progress toward implementation of the strategic plan, with discussions and activities occurring pursuant to each goal, including launching major new initiatives that address the Division mission to “increase access to justice, and the effectiveness of lawyers in providing such access...”

**ADVOCACY**

The plan called for staff and member-leaders to develop standards, policies, models and action by convening regularly to identify emerging issues relating to access to justice or support for lawyers providing such access. The ten standing committees and commissions held meetings and teleconferences throughout the period of September-January to consider significant issues that can be addressed by the ABA. The committees and commissions concluded that the following issues warranted action:

- Support for the Legal Services Corporation as a new U.S. Presidential Administration takes office. [Planning meetings to develop lobbying strategy and enlistment of a broad array of allies were held in December and January, involving the Standing Committee on Legal Aid and Indigent Defendants and the ABA Governmental Affairs Office.]
• Support for legislation or jurisprudence in states that would improve funding and operations of public defense systems. [Letters to the governors of New York and Maryland regarding pending legislation improving public defense systems were prepared through the Standing Committee on Legal Aid and Indigent Defendants, and submitted by the ABA President. Through the Committee’s efforts, an amicus brief was submitted to the Pennsylvania Supreme Court in a case concerning the availability of a systemic remedy to persistent underfunding of state and county public defense services; the decision of the court cited to the ABA brief in deciding in favor of a systemic remedy (Kuren v Luzerne County, September 28, 2016).]

• Support for states wishing to establish new blue ribbon access to justice commissions. [ABA Resource Center for Access to Justice assisted the establishment of two new access to justice commissions: Iowa and Nebraska.]

• Facilitating distribution of $367 million in new funding for civil legal aid resulting from a national settlement. [Guidance provided by IOLTA Commission to the monitor of the DOJ/Bank of America settlement so that virtually all funds were distributed to IOLTA programs before the end of the year.]

• Fostering improved legal services for armed forces active duty personnel and veterans. [Through the Standing Committee on Legal Assistance for Military Personnel and the Standing Committee on Pro Bono and Public Service: facilitated over 90 veterans themed pro bono service events throughout the country as part of annual National Celebration of Pro Bono. Continued to provide service to active duty personnel through the ABA Military Pro Bono Project, resulting in a letter of commendation signed by the Judge Advocates General of the five military service branches.]

• Identifying and addressing concerns about emerging areas of professional liability. [The Standing Committee on Lawyers' Professional Liability published the 2016 “Profile of Legal Malpractice Claims” and “Selecting Cyber Liability Insurance”.

• Increasing the efficiency of operations involved in granting ABA Approval to paralegal training institutions. [The Standing Committee on Paralegals completed version 2 of an electronic reporting system.]

• Increasing lawyer understanding of substance abuse and mental health disorders that may afflict practitioners in our high-stress profession. [Commission on Lawyer Assistance Programs worked with the Standing Committee on Continuing Legal Education to see that the Model Rule for Minimum Continuing Legal Education, which will be considered by the House at the 2017 Midyear Meeting, includes a requirement that every lawyer attend CLE programming on substance use or mental health disorders every three years.]

In addition, the chairs of Division entities gathered for an all-Division entity teleconference with key staff on September 27, 2016. On this call, consensus among the chairs was that an initial Division-wide focus should be on the issue of Division communications; the chairs requested that staff complete an inventory of constituents and communication vehicles (attached). During a second call, scheduled for later this month, the chairs will focus on identifying additional issues to be addressed by individual standing committees and commissions.
INNOVATION

The strategic plan calls for Division standing committees and commission member-leaders and staff to identify models, delivery systems and other exemplars, especially those that are new applications of technology, and to implement and/or communicate information about them. Additionally, member-leaders and staff are to conduct a broad assessment of the access to justice field to identify where issues exist and where innovative solutions are needed. Work on this goal is to be completed in December 2017.

Division entities have seized opportunities to begin implementation of innovative models:

To provide lawyers everywhere with easier ways to participate in providing pro bono service, the Standing Committee on Pro Bono and Public Service launched ABAFreeLegalAnswers, a new, nationwide, web-based pro bono service providing eligible clients with brief advice on legal matters, and expanded its reach in a phased rollout.

To develop a tool that could guide consumers in diagnosing the nature of a legal problem, and to potentially assist lawyers in client development and initial screening, the Standing Committee on the Delivery of Legal Services is developing a “Legal Checkups” tool, in collaboration with other entities within the Division and beyond.

To facilitate the connection of veterans confronting legal needs with pro bono attorneys and programs, legal resources, educational materials and non-legal support programs, the Standing Committee on Legal Assistance for Military Personnel is developing an online web platform called VetLex that will a first-of-its-kind resource that can be used to operate a range of services and projects serving veterans’ legal needs nationwide, including a relaunch of the successful ABA Veterans Claims Assistance Network (VCAN) that will connect veterans in need of assistance with preparation and submission of VA disability claims with attorneys who volunteer to provide such assistance.

Additional discussions of potential innovations in delivery of legal services have occurred at the committee/commission level, and an all-Division teleconference of chairs later in the year will more fully explore access to justice issues and potential solutions through innovative models, policies or technologies.

EDUCATION

The strategic plan calls for Division entities to enhance their educational offerings, by employing the strategies set forth below. Work toward this goal and these strategies is to be completed by August 2017.

(1) Review and as needed expand high-quality content on relevant issues, and to maximize distribution. This will be accomplished through an inventory of existing content and communications vehicles and examination of their effectiveness, and by considering new vehicles as appropriate.

A comprehensive inventory of constituents and communications vehicles used to reach and serve those groups was compiled. It is attached. The Standing Committee on Legal Aid and
Indigent Defendants decided that two separate newsletters previously published – one directed to state access to justice commissions, and the other to bar presidents and executives – could be combined. This will be implemented in January 2017, after notifying both constituent groups of the change.

(2) Consider revision and updating of the Division’s consumer-oriented web site www.findlegalhelp.org.

As part of an initiative launched by President Klein emphasizing the role of lawyers as problem solvers, messaging will direct consumers to the Find Legal Help web pages. Therefore, a comprehensive updating and redesign of those pages is underway, and will be complete no later than mid-March 2017. The redesigned web site will be available prior to the Midyear Meeting, with some sub-components being built out and fully populated with additional content by March.

(3) Provide high-quality educational programs, meetings and events to benefit constituents. This will include assessing the feasibility of partnering with other entities or external organizations to produce joint events, and collaboration with the new ABA Center for Innovation to identify additional educational opportunities.

Division entities continued to provide high-quality educational and networking events to various constituencies. For example, to raise understanding about the causes and appropriate responses to mental health issues in the legal profession, the Commission on Lawyer Assistance Programs produced three online CLE programs on mental health issues reaching over 5,000 attendees.

The Standing Committee on Lawyers’ Professional Liability produced a National Conference on Lawyers’ Professional liability, with attendance by 417 professional liability practitioners and insurers. The Standing Committee on Lawyer Referral and Information Service presented the National Workshop for Lawyer Referral Programs, bringing together bar-sponsored programs from across the nation.

Further discussion of this strategy will occur at meetings of individual standing committees and commissions throughout the bar year, and at all-Division entity chair teleconferences. Because Division events are scheduled and contracted for years in advance, opportunities for joint events will not become available for some time. The Division will fully consider if constituents can be more effectively served, and resources conserved, by combining events with similar subject matter. Some such opportunities have presented themselves, and have already been acted upon. For example, the Standing Committee on Lawyer Referral and Information Service’s annual National Workshop for Lawyer Referral Programs was held in October 2016 in conjunction with the meeting of the Standing Committee on Group and Prepaid Legal Services.

(4) Support existing and where appropriate create new clearinghouses and online resource sites, by regularly reviewing information resources and implementing updates and improvements as appropriate.

Regular review and updates of clearinghouses and online resource offerings has been an ongoing process. Comprehensive revision of the online Directory of Pro Bono Organizations and the Directory of Lawyer Referral Programs has been undertaken in collaboration with the ABA Information Technology department, and will be rolled out in early 2017. A complete
RESEARCH

The strategic plan calls for development of a comprehensive research plan for Division standing committees and commissions. This will be achieved by listing and prioritizing studies that could positively impact access to justice knowledge and planning. This is to be completed by May 2017, with grant proposals to support such research being submitted by August 2018.

Initial discussions of an overall research agenda have begun through regular meetings of key entity staff. A proposed overall plan will be discussed with, and adopted by, entity chairs at an all-Division chairs teleconference during the early months of 2017. However, because grant opportunities often emerge unexpectedly and not necessarily consistent with the timing contained in the plan, entities have submitted at least four research-oriented grant proposals:

- Standing Committee on the Delivery of Legal Services – proposal for ABE grant to fund “Research on Public Perspectives to Find Legal Services”
- Standing Committee on Legal Aid and Indigent Defendants – proposals for ABE grants to fund “Study of Exemplary Public Defense Programs” and “Study of Public Defense Systems Across the US; Creating a National Map.” Also, an application was submitted for funding from the Indiana Public Defense Commission for “Study of Public Defender Workloads in the State of Indiana.”

Though not research-oriented, the Delivery Committee also submitted a grant proposal seeking funding for a program that would provide peer-to-peer assistance to lawyer incubators, and the Legal Aid Committee submitted a proposal seeking funding for facilitating creation of new statewide public defense commissions.

Division entities have also pursued additional research initiatives that rely on existing resources and do not require grant support. For example:

The Standing Committee on Pro Bono & Public Service has conducted three national empirical research studies measuring lawyers’ pro bono experiences and attitudes. The Committee is now offering its pro bono survey instrument to states interested in studying various aspects of the profession’s pro bono culture. Committee staff will provide extensive data analysis and prepare summary reports on each state’s findings. A comprehensive national report will provide the state sponsors, the Committee and other Division entities with more detailed information about how best to implement a variety of pro bono initiatives for maximum success.

To expand the understanding of and coalesce the community of lawyer incubators that have been implemented in locales across the country, the Standing Committee on the Delivery of Legal Services completed a Comprehensive Survey of Lawyer Incubators, and will use the results to guide future action.
COMMUNICATIONS

The strategic plan calls for the Division to enhance its brand by developing a comprehensive communications plan to include presentations to various groups and stakeholders.

Division member-leaders and staff have begun to consider elements of a comprehensive plan through all-Division entity chair teleconferences, and will continue to do so. The recently-completed inventory of existing communications vehicles will provide a foundation for this work.

Thank you for the opportunity to present this interim status report on Division for Legal Services work toward implementation of the strategic plan developed in collaboration with the Board Strategic Planning Committee.
Expanding Awareness of ABA Division for Legal Services

Inventory of current constituencies and communications vehicles

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<tr>
<th>Committee/Commission</th>
<th>Constituent Groups</th>
<th>Communication Vehicles</th>
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<tr>
<td>Standing Committee on Legal Aid and Indigent Defendants</td>
<td>State access to justice commissions&lt;br&gt;State bar leaders&lt;br&gt;State civil legal aid organizations/leaders&lt;br&gt;State and local public defense organizations/leaders&lt;br&gt;State civil legal aid funding advocates&lt;br&gt;National/state allies in systemic improvement – civil legal aid and public defense</td>
<td>Monthly “Access to Justice Headlines” - e-newsletter on civil access to justice (ATJ commissions and related stakeholders)&lt;br&gt;Semi-monthly newsletter – “Legal Services Now” with civil legal aid developments (bar leaders) [to be combined with above]&lt;br&gt;Weekly “Public Defense News” e-newsletter (public defense advocates)&lt;br&gt;Criminal Justice magazine column on public defense developments (ABA section members)&lt;br&gt;Columns/articles in state publications concerning public defense or civil legal aid (state bar members, general public)&lt;br&gt;Listserv for all advocates for expanded access to civil justice&lt;br&gt;Listserv for staff of state access to justice commissions&lt;br&gt;Listserv for chairs of state access to justice commissions&lt;br&gt;Listserv for advocates for civil legal aid funding&lt;br&gt;Twitter account: @ATJResources&lt;br&gt;Annual Harrison Tweed Award (to bar associations for exceptional legal aid programming)&lt;br&gt;Actively maintained web pages</td>
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<td>Standing Committee on Pro Bono and Public Service</td>
<td>State civil legal aid organizations/leaders&lt;br&gt;State civil legal aid funding advocates&lt;br&gt;National/state allies in civil legal services systemic improvement&lt;br&gt;Pro bono legal services providers: law firms, law schools, corporate law departments, bar associations, independent pro bono projects and others</td>
<td>Contributions to semi-monthly newsletter – “Legal Services Now” with civil legal aid developments (bar leaders)&lt;br&gt;Contributions to Division for Legal Services quarterly e-zine Dialogue (wide range of publication subscribers)&lt;br&gt;Regular postings on Facebook&lt;br&gt;Regular communications via Twitter&lt;br&gt;Columns/articles in legal publications concerning pro bono legal services policy and best practices (all constituents, general public)&lt;br&gt;Annual Pro Bono Publico Awards (to individuals and legal organizations)&lt;br&gt;Reports, white papers and other internally generated documents regarding substantive aspects of pro bono. (all constituents)&lt;br&gt;Twitter account: @ABACtrProBono</td>
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| Commission on Interest on Lawyers' Trust Accounts        | • US and Canadian IOLTA Program Staff  
• US and Canadian IOLTA Program Board Members | • Actively maintained web pages  
• IOLTA staff listserv  
• Quarterly Dialogue Digital Magazine  
• Annual IOLTA Handbook (US IOLTA Programs)  
• Actively maintained web pages |
| Standing Committee on the Delivery of Legal Services    | • Access to Justice Commission members and staff  
• Entrepreneurs  
• Judges and court administrators  
• Law libraries  
• Lawyer incubator directors and participating lawyers  
• Legal educators  
• Legal self-help centers & form providers  
• Nonprofit law firms  
• Personal legal service practitioners  
• State and local bar leaders  
• State ethics committees  
• Researchers  
• Technologists | • Actively updated website with news, events and resources  
• Annual Louis M. Brown Award with public voting component  
• Annual Year in Review publication  
• Collaboration with external entities; e.g., The Institute for the Advancement of the American Legal System, Self-Represented Litigation Network; Incubator Consortium  
• Comments on issues papers  
• Conference sponsorship: Client-Centric Legal Services Conference; Incubator Conference; upcoming Unbundling Conference  
• Listservs: Committee; Advisory Council; Incubator  
• Regular and extensive participation in presentations and panels at conferences  
• Re-inventing the Practice of Law book and corresponding webinar series; outreach to bar associations and law schools for distribution  
• Reports, research, white papers and other resources  
• Resolutions before the House and subsequent outreach to courts, governmental units, bar associations and self-help centers for implementation |
| Standing Committee on Lawyer Referral and Information Service | • State and local bar lawyer referral programs  
• State bar leaders  
• State ethics committees  
• Legal Tech companies  
• Solo & Small Firm Attorneys | • Monthly #LRIS2know--e-newsletter on issues of interest to the community.  
• Annual LRIS Workshops  
• Annual Cindy Raisch Award (to bar association for innovative ideas in the lawyer referral field).  
• LRIS Listserv  
• Actively maintained web pages |
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<tr>
<td>Standing Committee on Group and Prepaid Legal Services</td>
<td>• Solo &amp; Small Firm Attorneys</td>
<td>• Bi-monthly newsletter</td>
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<td>• Commercial Legal Services Plans</td>
<td>• Bi-weekly member profiles</td>
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<td>• Union Legal Services Plans</td>
<td>• Annual conference</td>
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<td>• State and local bar leaders</td>
<td>• Bi-weekly blog posts</td>
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<td>• State ethics committees</td>
<td>• Facebook page</td>
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<td>• State access to justice commissions</td>
<td>• Twitter feed: @GLSAOrg</td>
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<td>• Legal Tech companies</td>
<td>• LinkedIn page</td>
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<td>Standing Committee on Legal Assistance for Military</td>
<td>• Military attorneys (JAGs and civilian)</td>
<td>• Websites: LAMP, Military Pro Bono, and ABA Home Front</td>
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<td>Personnel</td>
<td>• Civilian attorneys serving military-connected clients</td>
<td>• Listservs: LAMP Network, Military Pro Bono</td>
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<td>• Organizations serving military-connected clients – Pro bono, legal aid, NGO, law</td>
<td>• Social Media: Facebook, Twitter</td>
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<td>firms, law school clinics, etc.</td>
<td>• Wordpress blog</td>
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<td>• Government agencies involved in military-related issues (DoD, VA, DOJ, FTC, CFPB,</td>
<td>• Periodic articles in bar association and military publications</td>
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<td>etc.)</td>
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<td>• ABA, state, and local bar associations with military-related entities</td>
<td>• Annual Distinguished Service Awards; awards for top students in military legal assistance courses at JAG schools.</td>
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<td>• Actively maintained web pages</td>
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<td>Standing Committee on Paralegals</td>
<td>• Paralegal Educators</td>
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<td>• Working Paralegals</td>
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<td>• Students interested in paralegal education programs</td>
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<td>• Law Firms, corporations, government entities, and other groups with attorneys who</td>
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<td>employ and/or work with paralegals</td>
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<td>• Email messages to paralegal educators</td>
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<td>• Actively maintained web pages</td>
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<td>• Quarterly “Spotlight” news concerning ABA Resources</td>
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<td>• Attendance and presentations at annual and regional conferences of the American Association for Paralegal Education</td>
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<td>Commission on Lawyer Assistance Programs</td>
<td>• All judges, lawyers and law students</td>
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<td>• Court administrators</td>
<td>• Actively updated website with news, events and resources including videos with widespread dissemination plans</td>
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<td>• Law firm management</td>
<td>• Annual National Conference for Lawyer Assistance Programs</td>
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<td>• Law school administration and professors</td>
<td>• ABA webinars; e.g., suicide prevention, compassion fatigue, resilience training</td>
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<td>• Lawyer assistance programs staff and volunteers (bar association/court/independent)</td>
<td>• Listservs: LAP Directors and General (open to everyone)</td>
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<td>• Lawyer disciplinary commissions</td>
<td>• National research on substance use and mental health issues in legal profession (collaboration with Hazelden Betty Ford) and among law students (collaboration with Dave Nee Foundation); widespread and ongoing media coverage</td>
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<td>• State and local bar associations</td>
<td>• Liaisons with external entities; eg., National Organization of Bar Counsel, National Association of Elder Law Attorneys, Association of Judicial Disciplinary Counsel and Association of Professional Responsibility Lawyers</td>
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<td>• Regular participation in presentations and panels at conferences; distribution of CoLAP flyers</td>
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| Standing Committee on Lawyers' Professional Liability | • Attorneys practicing in the area of legal malpractice (both plaintiff and defense)  
• LPL insurance industry professionals  
• State and local bar association entities focused on LPL/risk management and/or malpractice insurance | • Social media: CoLAP Café blog, Twitter, Facebook  
• Tailored outreach to national minority bar associations  
• LPL e-Advisory Monthly Email  
• LPL and LPLC websites, with national directory of LPL insurance carriers  
• Mendrzycki Essay Competition for YLD/LSD members  
• Quadrennial Profile of Legal Malpractice Claims publication  
• Cyber Liability Insurance book |