This workshop was held at the 2018 Equal Justice Conference in San Diego, California.

Title:
Creating Your Own Justice League: The Legal Services Alabama High Impact Team

Presenters:
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Michael Forton, Legal Services of Alabama, Huntsville, AL
Farah Majid, Legal Services of Alabama, Huntsville, AL

In 2017 LSA undertook the creation of a special unit designated as our Hit Impact team. Staff applied from across the state and selected seven attorneys to identify, analyze and litigate the most important cases to our client populations. The session would discuss the lessons we learned, how the team functioned and the success we have begun to see.
Creating Your Own Justice League: The Legal Services Alabama High Impact Team
Questions we will answer:

Why start a High Impact team?
What decisions need to be made in forming a team?
What sort of work should the team do?
What are some things that work and don’t work?
Who is Legal Services Alabama?

- Alabama is a medium-sized state but top ten in almost any poverty-related statistic you can imagine. We have about 900,000 people living below the poverty line and about 1.7 million living below 200 percent of poverty.

- At the beginning of 2017 LSA had about 51 attorneys, with about 45 of those being front line staff.

- At the beginning of 2017 LSA had seven offices located throughout the state and a statewide call center that does between 60-70% of our intake.

- At the close of 2016 we closed 11,224 cases and provided clients a direct financial benefit of approximately $24 million dollars.

- For the past five years LSA has averaged about seven appellate decisions each year and one or two filings in federal court.
Why did Legal Services Alabama start a high impact team?

To Provide Opportunities to Advocates
To Recognize Good Work
To Build a Culture of High Quality Representation
To Elevate the Program
To Help Clients
Factors in Forming the Team

- Team size?
- Geography?
- Additional Pay?
- Managers?
Picking the Team Members

Figure Out Criteria
Develop Application Process
Get Management Buy-In
Criteria

Experience

Legal Expertise and Specialties

Past Work versus Potential
Application Process

Short

Focused on Relation of Work to Impact

Looking for An Ability to Identify and Think Through Larger Legal Issues
From the original memo to staff:

“Being a part of the high impact unit is certainly not appropriate for all attorneys. You will be expected to continue handling your regular office caseload. Being a member of the team will almost certainly require working additional hours. The work is likely to be stressful and challenging (especially at first). If it is successful it will, however, be a great opportunity to be part of changing Alabama for the better in addition to the ways that we are currently doing.”
The Team
Definition of High Impact:

• Litigation or advocacy that has a positive effect on the legal rights of our client population and

• Is prospective and either a.) makes a systematic change or b.) affects a fairly large number of people.
Initial Plans

Bankruptcies including Student Loans for Individuals with Disabilities

Unemployment Compensation for Victims of Abuse Separated Because of Abuse

Cases Involving the Loss of Driver’s Licenses for Court Fees

Cases Where Poverty is Issue in Determining Custody

Case Where Statutory Presumption for Custody to Domestic Violence Victims Ignored

Denials of In Forma Pauperis Where Client Clearly Indigent
Initial Plans

Cases Where Client Can’t Get Final Order Due to Failure to Pay Fees

Cases Where Adverse Party Seeking Waiver of Constitutional Property Protections

Cases Involving Discrimination in Education

Cases Involving Civil Forfeiture Without Criminal Conviction

Cases Where Court Has Instituted Condemnation Orders without Due Process

Cases Involving Unsanitary Conditions in Public Housing
How Did the High Impact Team Work?

Quarterly Meetings
Communicated Through Distribution List
Worked in Small Groups
What Did We Change?

Worked with Intake to Get Cases
Crossing Geographic Boundaries
Agreed to Take on Issues in Amicus Briefs
Initial Plans

Bankruptcies including Student Loans for Individuals with Disabilities
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Cases Where Court Has Instituted Condemnation Orders without Due Process
Cases Involving Unsanitary Conditions in Public Housing
Cases We Actually Took

- Amicus requiring banks to strictly comply with mortgage document before foreclosing.
- Amicus protecting a tenant’s ability to raise habitability issues outside of eviction.
- Brief in Eleventh Circuit appeal regarding voucher termination.
- Federal case against the state regarding implementation of work requirements for food stamps.
- Formed partnership with Central Alabama Fair Housing Center.
Lessons Learned (What Didn’t Work)

- Large Number of Projects
- Whole Group Shares Responsibility
- Lofty Ideas
- Very Specific Ideal Clients
- No Dates or Deadlines
Lessons Learned
(What Didn’t Work)

• A large number of projects shared by whole group.
• Lofty ideas with very specific ideal clients.
• No specific dates or goals.
Lessons Learned (What Did Work)

- Individual Projects
- Cases Where Someone Took Charge
- Accomplishable Tasks
- Flexible
- Deadlines (Even If They’re Arbitrary)
Lessons Learned (What Did Work)

- Assigning a single lead to a project even if there are numerous team members.
- Setting specific deadlines and sharing them so there is accountability.
- Addressing fear of new or challenging legal procedures or strategies within the team and across the program.
- Trying to work on engaging the program to identify possible high impact work and keeping the lines of communication open so that the “high impact” team isn’t viewed as the “high maintenance team.”
Work Plans

• Each Team Member Picks Their Own Plan
• Each Plan Had to Take on Big Topic in Some Way That Was Achievable in One Year
• Each Plan Has Multiple Steps with Dates Benchmarked
• The Plans are Shared with the Whole Team and Managing Attorneys
Joseph Abrams

Joseph joined LSA in November 2011. Abrams' practice areas include housing, consumer, domestic relations, and public benefits law. Abrams earned his J.D. from Faulkner University's Thomas Goode Jones School of Law (2011) and his LL.M. from The University of Alabama (2014). Joseph works in the Tuscaloosa office.
Farah Majid

Farah Majid joined LSA in August 2012. Majid's practice areas include consumer, housing, family law, public benefits, and bankruptcy cases. Majid earned her J.D. from the University of Alabama's School of Law (2011). Farah works in the Huntsville office. Majid became LSA's Consumer Lead Attorney in November 2015.
Members of High Impact Team

Why did you apply for the High Impact team?
Members of High Impact Team

What kind of cases did you take as part of the High Impact team?
Members of High Impact Team

How was your experience with the team in general?
Members of High Impact Team

How did your work with the High Impact team affect your normal work?
Members of High Impact Team

What lessons did you learn as part of the High Impact team? Are there things you wish you had done differently?
Starting a High Impact Team

1.) Make a goal.
2.) Decide what your team would need.
3.) Pick issues that matter to your attorneys and clients.
4.) Learn from your mistakes.
Contact Me:

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Attorneys have asked numerous questions regarding the High Impact Litigation and Advocacy Unit introduced by the memo last Friday. Hopefully the following will answer any questions attorneys have about the team.

**How Does an Attorney Apply?**

In order to apply simply send an application by e-mail (in Word format) to me before the morning of January 30, 2017. In completing your application please be mindful that substance is far more important than form. To that extent I would suggest focusing more on the actual litigation or work rather than spending a great deal of time crafting the perfect phrase to describe the work. I suspect that the selections will probably be the same whether or not you were to spend an hour or eight hours working on an application.

Any applying attorney must submit an application with the following:

1. A description of impactful cases you have done in the last four years with LSA and also (if appropriate) a description of the systematic effect any of these cases have had outside of LSA.
2. A recommendation from your managing attorney that will be sent directly to the Director of Advocacy.
3. A description of a representation you have handled with LSA that demonstrates persistence and creativity.
4. A description of how you believe your work can make a positive change in the laws affecting low income people beyond individual clients. In making this description please steer clear of generalities. Feel free to address some specific plan or idea as to how this will be accomplished if possible.

If you feel like including information not listed above that you believe will provide insight on your application please feel free to include it. I will say that I do not expect that applications to be of any great length. I would think two pages single-spaced would probably be sufficient although that is certainly not a limitation.

**What Will the Team Do?**

The general purpose of the High Impact Litigation and Advocacy Unit is to identify and handle cases likely to have a significant impact on our client population. This means we will be looking to resolve cases in a way that affects not just individual clients but can affect systematic change or that establishes precedent at the appellate level.

The members will be involved in both planning and carrying out litigation strategies in cases of great importance to our clients. The team may take cases directly from intake or may handle cases referred by other LSA advocates as necessary.
The unit will primarily focus on subjects in our current core coverage areas but many include matters that LSA has not prioritized of late, including educational access issues. The unit will be focused on handling cases in ways that we are not doing, including more affirmative litigation, more federal litigation and more appellate work. It is expected that by handling numerous significant cases the team will develop the expertise in handling these advanced areas as expertly as we currently handle our standard core cases. The team will also handle addition subject areas as necessary to make sure that our clients are represented and protected in terms of larger battles.

The most important thing the team will do is ensure that we have strong forward-looking presence in the state. It is a chance for LSA to identify possibilities to make progress prospectively and then pursue those possibilities.

**Who Should Apply?**

The single guiding principle in making determinations about who should be a part of the high impact unit will be an advocate’s demonstrated ability and dedication to advancing our client’s interests in a meaningful way. There is no minimum amount of experience and more than one attorney per office can be a part of the team. Any staff attorney or lead attorney is welcome to apply. With that being said I do expect that experience will generally be an asset and we will need some level of geographic diversity and diversity in subject matter expertise.

Several things will be considered a benefit to the high impact unit:

History of using affirmative relief to resolve the problems of clients.

History of using creative advocacy to resolve the problems of clients. This includes using legal strategies outside of the standard LSA claims and defenses

History of identifying systematic issues that affect our clients and dealing with them.

History of demonstrating a commitment to clients through outreach, organization and work with outside organizations to resolve systematic problems of clients.

Being a part of the high impact unit is certainly not appropriate for all attorneys. You will be expected to continue handling your regular office caseload. Being a member of the team will almost certainly require working additional hours. The work is likely to be stressful and challenging (especially at first). If it is successful it will, however, be a great opportunity to be part of changing Alabama for the better in addition to the ways that we are currently doing.

**The Process**

As previously noted applications are due before the morning of January 30, 2017. Depending on whether or not the applications raise any new questions, brief phone interviews may be necessary within that next week. The members of the unit will be announced no later February 6, 2017.
ABA / NLADA 2018 Equal Justice Conference

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Michael Forton  Director of Advocacy  mforton@alsp.org
Joseph Abrams  Staff Attorney  jabrams@alsp.org
Farah Majid  Consumer Lead Attorney  fmajid@alsp.org

Brief Description:

In 2017 LSA undertook the creation of a special unit designated as our Hit Impact team. Staff applied from across the state and selected seven attorneys to identify, analyze and litigate the most important cases to our client populations. The session would discuss the lessons we learned, how the team functioned and the success we have begun to see.

Program Goals (what you will learn):

1. Why start a High Impact team?
2. What decision need to be made in forming a team?
3. What sort of work should the team do?

Topical Outline:

I. Outline of the Reasons Why Legal Services Alabama Started a High Impact Team

II. Factor in Forming the Team
   a. Size
   b. Geography
c. Management

III. Criteria for Team Selection
   a. Experience
   b. Expertise
   c. Work versus Potential

IV. Application Process

V. Initial Plans
   a. Methodology
   b. Topics Covered
   c. How High Impact Cases Assigned

VI. Work During First Year
   a. Changes to Normal Procedures
   b. Lists of Issues to Pursue

VII. Lessons Learned
   a. What Cases We Actually Found
   b. What Did and Didn’t Work
   c. What We Changed Moving Forward

VIII. Panel Discussion with Team Members
   a. Moderated Questions from Director of Advocacy
   b. Questions from the Audience

Please submit outlines no later than April 6, 2018 to ejcmaterials@nlada.org.
High Impact Litigation and Strategy Unit Memo

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