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Overview

In this report, the New Jersey Legal Services system sets forth its major planned initiatives for the next three years, covering 2002 through 2004.

New Jersey's Legal Services system, according to those at the national level in a position to know, is one of the very best in the United States – perhaps the best. Nonetheless, the system is not perfect or flawless, and as with all institutions is certainly capable of some improvement. This plan charts the next few years of such efforts to enhance the current system.

As with most states, New Jersey's Legal Services network is the backbone of available free civil legal assistance for the poor. It provides more than 85% of all such assistance. While other special interest non-profits or clinics may provide free legal help in certain subject areas (e.g., education) or to particular populations, only Legal Services offers free legal assistance to all poor people, in all types of civil legal matters. Legal Services has been serving New Jersey residents since 1966 – over thirty-five years, a period during which many other legal assistance provider organizations have come and gone. Much smaller in scope, they are much more susceptible to vagaries of available funding and other short-term support. While these supplemental efforts can be very important to the individual clients assisted, they do not approximate a statewide delivery system. Although Legal Services' own support has not been unchallenged during its thirty-five years, in fact its funding has been remarkably steady in New Jersey, building gradually but consistently, somewhat ahead of the inflationary curve, as Legal Services attempts to close the enormous gap between actual need and available resources.

Public funding of civil legal assistance for the poor is necessarily a predominantly state governmental obligation. It is the state system of laws which has the most direct and pervasive effect on the lives of the poor: tenancy, family law, most consumer protection, most education, and much of the available benefit programs. Unquestionably there are also important federal laws affecting the poor, especially Food Stamps, Medicare, SSI disability and bankruptcy, and there is corresponding federal support for the Legal Services program through the national Legal Services Corporation, approaching 15% of total Legal Services funding in New Jersey. And, given the significant municipal laws affecting the poor, particularly rent control, code enforcement, urban redevelopment, zoning, certificate of occupancy ordinances, and other city ordinances and codes, there needs to be significant local government support for legal assistance as well, an area in which New Jersey is deficient. The state must be the lead partner in a federal, state and local public funding partnership.

To justify this state funding support, it is incumbent upon the Legal Services network to function as an integrated, tightly coordinated, single statewide system. State level funding must be distributed in a uniform manner throughout the state, according to the number of low-income people in each area. And with that equivalent funding, low-income people across New Jersey are entitled to expect relatively equivalent levels of legal assistance.

As detailed in this report, New Jersey to a very great extent functions as such an integrated statewide system, and has for many years. Highlights of the major initiatives to further improve this system, to be carried out over the next three years, include:

- ~~///~~ Continuing and completing an exhaustive study of the civil legal assistance gap in New Jersey, including more careful analysis of when people really need the help of an attorney
- ~~///~~ As appropriate, given the results of this study, improve Legal Services' efforts to assist people who can deal with their legal problems pro se – without the help of a lawyer
- ~~///~~ Based on the Legal Needs Study and actual demand, beginning a new campaign to raise the public and private funding necessary to close the rest of the assistance gap and provide full access to necessary legal assistance
- ~~///~~ Reconfiguring program service areas
- ~~///~~ Initiating new specialized representation projects.

The initiatives are described in more detail in Step Seven of this report.

Step One: The Vision – Necessary and Effective Legal Assistance to Secure Equal Justice for All

New Jersey Legal Services has a single statewide vision: *full access to necessary and effective legal assistance for all economically disadvantaged people who cannot secure a lawyer on their own, provided through an integrated and coordinated statewide system, to help secure equal justice for all.*

Most people cannot resolve legal problems and navigate the legal system successfully without the help of a lawyer. Faced with a serious legal issue, they are at risk without an attorney. Most people experience a number of legal problems during the course of their lives. This shared experience of needing an attorney, coupled with a national ethos sounding in fairness and equal justice, underlies a broad political consensus, confirmed in opinion polls, which supports public funding for legal assistance in civil cases. Legal Services' vision and mission must remain true to this anchor of support, and the program must maintain central focus on meeting basic legal needs and securing equal justice. A contrary course would erode essential public support.

This vision of full access to necessary legal assistance and securing of equal justice is the cornerstone of a system of rule of law. If people are denied necessary effective legal assistance, they cannot participate in the justice system, and as a consequence cannot be expected to honor or abide by a principle of rule by law. Resource limitations which deny legal assistance to many who need it undermine this vision; so do arbitrary restrictions on the groups of clients who may be represented, the types of cases which may be taken, or the kinds of legal actions and remedies which may be pursued.

Step Two: The Statewide Legal Services Mission

The statewide vision provides the source for Legal Services of New Jersey's core statewide mission:

*Through provision of effective legal assistance,
Legal Services seeks to secure equal substantive
and procedural justice for all economically
disadvantaged people.*

To achieve this core mission, there are three distinct goals which round out Legal Services' statewide mission statement:

To achieve this mission:

1. *Legal Services must function as a concerted, integrated, closely coordinated legal assistance delivery system, the hub of a broader legal assistance delivery network and partnership, to achieve full access to equal justice for all economically disadvantaged people.*

2. *Legal Services must develop the resources necessary to achieve this vision, and must target such resources, and use them as efficiently and effectively as possible, to achieve the greatest measure of equal justice.*
3. *Legal Services must incorporate the views of its service consumers and key partners, as appropriate to their experience, stake and role, in making major decisions about how to design and implement its system of services.*

Legal Services must function as a closely integrated, coordinated, non-duplicative and effective core statewide delivery system, at the hub of a broader, coordinated delivery network, a web of civil legal assistance providers. The efforts of Legal Services and this wider web must be dedicated to affording economically disadvantaged people 100% access to necessary civil legal aid, provided in whatever form is most appropriate for their particular legal problem and situation, for all significant civil legal problems (meaning all problems not trivial or frivolous). Arbitrary restrictions which would prevent Legal Services from assisting certain categories of the poor, bar representation in certain types of cases, or block use of certain legal forums, procedures or remedies available to all other Americans, are fundamentally inconsistent with this mission.

Providing legal representation in the most effective and efficient way inevitably compels Legal Services to maximize its use of resources by prioritizing work which has the potential to assist the greatest number of disadvantaged people. Such prioritization requires sensitivity to potential impacts which transcend the individual interests in specific cases. For example, Legal Services may prioritize legal representation that helps rebuild impoverished, deteriorated communities, or addresses in a single forum or legal action recurrent problems which otherwise would repeat themselves hundreds and thousands of times in cases involving low-income people. Legal Services must continually monitor its own effectiveness, and place special emphasis on representation that actually secures fair outcomes for clients, and protects and enforces their legal rights.

Step Three: Delivery System Standards – Benchmarks for An Effective Legal Services Delivery System

Legal Services of New Jersey has developed comprehensive Delivery System Standards. They incorporate and build upon several related efforts: the American Bar Association (ABA) Standards for Providers of Legal Services to the Poor, the Legal Services of New Jersey and LSC Performance Criteria, and the Legal Services of New Jersey Necessary Characteristics of a Coordinated Statewide Legal Assistance Delivery System. They are informed as well by the LSC State Planning Configuration Standards.

The Delivery System Standards detail what should take place at both the provider and statewide system levels. Consistent with the statewide vision and mission, they are designed to achieve two goals: providing necessary civil legal assistance to the disadvantaged, and maximizing the opportunities to secure equal justice. The DSS form the framework for the assessment of the current delivery system. The DSS are an evolving benchmark, and will require periodic review in light of economic, political, demographic, technological and legal changes.

The consensus national standards for Legal Services, the Performance Criteria and the ABA Civil Standards, focus principally on what should take place at the individual provider level, not on criteria for assessing the state or national delivery system as a whole. Through the national Legal Services planning efforts which commenced in 1995, many states established their own criteria for what an effective state delivery system should be or achieve. In New Jersey, these were the “Necessary Criteria,” first promulgated in 1995 and revised in 1998 and 2000. The Criteria are incorporated in and superseded by these Delivery System Standards.

From a legal perspective, much of the last three decades has been characterized by a return of authority and responsibility from the federal government to the states. State law, always central in the lives of the poor, has become even more determinative. It is inevitable that the most effective Legal Services delivery system must organize itself in a way that is centered on this state law base.

- 1. Each Legal Services provider must offer effective necessary legal assistance to its clients, and maximize opportunities to secure equal substantive and procedural justice for all disadvantaged people.***

The principal framework for assessing effectiveness remains the LSNJ Performance Criteria, which are supplemented by the ABA Civil Standards. The Performance Criteria are incorporated by reference. A revision of the LSNJ Performance Criteria is nearly complete, and will be included as the detailed text of this broad standard. The current Performance Criteria are attached as Appendix I to this report.

- 2. All Legal Services providers must be linked together as part of a single closely coordinated, integrated and effective statewide delivery system.***

Key characteristics of this coordinated statewide delivery system include:

I. Coordination of legal work

- A. Effective monitoring, analysis and timely distribution of information regarding all relevant legal developments to affected parties (including Legal Services staff, cooperating *pro bono* attorneys, contract attorneys, and other partner legal providers).
- B. Central statewide legal clearinghouse and contact point for legal consultation, used by all Legal Services staff and cooperating *pro bono* attorneys.
- C. Regular statewide convenings (meetings, video conferences and other forums) for casehandlers and supervisors to discuss common issues, problems, approaches and strategies so as to make the most effective and efficient use of resources. Utilization of alternative communication modalities (closed electronic forums, teleconferencing) to replace or supplement face to face meetings where feasible.

- D. Development of statewide or regional legal representation projects for particular eligible client populations or problems.
- E. Participation in national and interstate efforts to coordinate legal work when such efforts hold promise for productive results.
- F. Development and utilization of statewide best legal practices materials.
- G. Coordinated statewide legal hotline and intake system, utilizing telephone intake and advice, integrated with an electronic self help system, and local self help clinics.
- H. Coordinated advocacy in all state and federal level legal forums on matters of consequence to low-income people, including amicus work.

II. Statewide information system

A statewide system must include securing, disseminating and archiving all relevant information, and incorporate:

- A. Utilization of appropriate technology, including electronic forums such as a statewide e-mail system, statewide Legal Services calendar, statewide website (public access), internal Legal Services intranet, and other appropriate public interest legal practice and *pro bono* electronic networks.
- B. Regular dissemination of information statewide to staff, *pro bono* attorneys, major client groups, and other partners.
- C. Coordinated statewide legal, policy and poverty research support strategy, including (1) statewide dial-in electronic library for (a) briefs, forms, best practices, and other related material, and (b) necessary proprietary research texts and systems which are accessible to all Legal Services offices, and (2) supplementary acquisition of a statewide core reference collection of relevant and necessary hard-copy materials, both original and proprietary.
- D. Coordinated statewide public information system.
- E. Coordinated statewide education and training and professional development plan which allocates responsibilities between the state and local office levels, to secure maximum efficiency and effectiveness, with participation in national and regional collaborations where suitable.

III. Coordinated community legal education and self-help efforts

- A. Identification and prioritization of critical legal issue areas which should be addressed in a concerted, statewide way through materials, audiovisual approaches, and other strategies.
- B. Development and distribution of statewide documentary and audiovisual materials.

IV. Administrative coordination and support

- A. Statewide technical assistance to managers and administrative staff.
- B. Coordinated central purchasing whenever there are significant economies of scale or other advantages to be realized (equipment, technological systems).
- C. Statewide norms and policies, such as program performance criteria and referral and conflict procedures, and advisory guidance on discretionary issues.
- D. Statewide best practices, in areas such as intake, needs assessment, priority-setting and strategy development.
- E. Consolidation of and support for financial operations to achieve maximum efficiency without loss of effectiveness.
- F. Coordinated recruitment and support for other human resources functions, including on-campus/job fair visits, resume bank, affirmative outreach, and summer programs and fellowships; support for staff retention activities and strategies, including salary and benefit comparability analyses and development of new benefit approaches; compilation of best practices; information clearinghouse; and facilitation of necessary outside support, including legal counsel for routine problems.

V. Coordination of state-level fund development

- A. Unified private and capital campaigns.
- B. Unified approaches to major potential state level public sources.
- C. Unified liaison with and maintenance of existing statewide sources.
- D. Coordinated technical assistance for targeted local funding efforts.
- E. Coordinated state level or regional approaches where required or most effective in order to garner targeted funding.

VI. Coordinated statewide *pro bono* development

- A. Development of specialized statewide panels.
- B. Statewide recognition efforts.
- C. Statewide information links.
- D. Coordinated statewide technical and legal assistance and other support for local *pro bono* efforts.
- E. Coordinated recruitment efforts.

VII. Coordinated statewide liaison with all major institutions affecting or serving low-income people in legal matters

Maintenance of effective communication and necessary advocacy with the judiciary, state executive branch, state legislature, organized bar, statewide and major community organizations and similar groups, and similar liaison activities at the national level as appropriate.

VIII. Statewide delivery and poverty research

- A. Coordinated delivery research and experimentation.
- B. Ongoing coordinated research, both primary and secondary, on relevant demographic trends, emerging legal problems, legal needs and patterns of seeking legal assistance, the incidence and effects of poverty, and the effectiveness of various interventions and policies seeking to ameliorate poverty.

IX. Equity and uniformity

- A. Equal distribution of statewide resources for legal assistance by local programs, based upon proportionate shares of the poverty population.
- B. Reasonably equivalent services available from statewide resources to similarly situated clients regardless of where they are located.

X. Accountability

Maintenance of an effective statewide accountability system, which ensures adherence to the Delivery System Standards and other statewide requirements and guidelines. Central to this accountability is ongoing assessment of effectiveness.

XI. Innovation and leadership

Commitment to continuous statewide innovation and leadership to enhance the effectiveness of legal assistance to clients and achieve Legal Services' statewide vision and mission.

XII. Coordination with other legal assistance providers

Coordination with other organized providers of legal assistance to low income people in the state, to the end of achieving, insofar as possible given differing areas of focus and mission, an integrated, complementary, and non-duplicative statewide legal assistance network.

Step Four – The Current Planning Process

In early 2001, as a continuation of the recent three year plans described in the next section, LSNJ initiated work on the next three year statewide New Jersey Legal Services plan, to cover 2002 through 2004. Key components of this process included:

- A. Completion of a comprehensive statewide quantitative study of the legal needs of low income people in New Jersey, to serve as a client-based foundation for Legal Services' statewide planning and activity over the next several years.
- B. Comprehensive assessment of each of the 15 programs in the New Jersey statewide Legal Services system by an outside consultant, John A. Tull of Nederland, Colorado. Mr. Tull brought over 30 years of Legal Services experience to the task, including service as a Legal Services staff attorney and project director, member of the national Legal Service Corporation's Denver regional office, independent consultant for Legal Services programs and for national organizations such as the American Bar Association, and executive vice president of the Legal Services Corporation. He has participated in more than two hundred legal assistance program evaluations.
- C. Careful assessment of numerous quality Legal Services programs in other states, commencing what will be an annual practice of surveying best practices of Legal Services programs around the country. The 2001 visits concentrated on programs and states that had recently considered or undertaken reconfiguration and consolidation.

- D. Discussion of key planning topics with Legal Services directors and staff at statewide Policy Council and directors’ meetings, task forces and other sessions through the year, as well as among boards and staff of programs back at the local level.
- E. Numerous and extensive consultations with the leadership of the key statewide stakeholders in New Jersey’s Legal Services program: the judiciary, through Chief Justice Deborah Poritz and Judge Richard Williams, administrative director of the New Jersey courts; Harold Rubenstein, executive director of the New Jersey State Bar Association; Rafael Aviles of the New Jersey Department of Treasury, the principal state government funder; and Ellen Ferrise, executive director of the IOLTA Fund of the Bar of New Jersey.
- F. Extensive discussions of all statewide planning at statewide Legal Services of New Jersey board meetings.
- G. In conformity with expressed LSC guidelines, an eleven member “designated state planning body” (DSPB) was constituted, consisting of Judge Williams, Mr. Rubenstein, Mr. Aviles, Ms. Ferrise, two local Legal Services program directors, Paul Mullin of Middlesex County Legal Services and Felipe Chavana of Essex-Newark Legal Services, LSNJ board members, Ivette Alvarez, Ken Frazier, Cynthia Jacob and Paul Wilson, and Melville D. Miller, Jr., LSNJ’s president. While not in any sense a formal organizational governing board, the members of this group provided input to this plan, and are expected to act as a consultative advisory group on an ongoing basis.

This three year plan is the product of these combined processes.

Step Five – Evaluating The External Context:
Relevant State and National Developments Affecting Civil Legal Assistance for
Low Income People

Several external state and national developments influence the effort to fashion a new three year plan for Legal Services in New Jersey. Most of them are continuations of factors that have been underway for some time; all will have significant impact in the years to come.

- A. Judicial role. New Jersey has a very well managed centralized judicial administration system, and is thus in a position to both lead and take advantage of the newest developments in this area. Three are of special importance to New Jersey:
 - (i) Best practices. Over the past three years, the courts have attempted to balance historical court tensions between centralized direction and local innovation and authority through adoption of statewide “best practices.” Legal Services has had input in their promulgation, and will need to monitor and participate in inevitable adjustments.

- (ii) Pro se. Over the past three years, the New Jersey judiciary has made a significantly heightened commitment to providing assistance to pro se (unrepresented) litigants. Legal Services, through LSNJ, has worked closely with the New Jersey courts to assist and maximize this new direction, providing some of LSNJ's own materials as models, commenting on judiciary drafts, offering a comprehensive format for assistance in tenancy matters, and collaborating to design possible prototypes for new joint self-help technology centers linked to Legal Services support. Some local programs have also developed pro se materials at the county level.
 - (iii) Alternate (or "complementary") dispute resolution (ADR). Since 1983, New Jersey has been in the vanguard nationally in developing court-annexed ADR systems. LSNJ has been closely involved in such efforts since the beginning. These initiatives have gained new impetus with the New Jersey judiciary's decision to go to nearly universal mandatory ADR in civil proceedings.
- B. Economic slowdown. The recent downturn has increased the need for legal assistance on the part of low income people, while at the same time threatening Legal Services' two major funding sources, IOLTA and state appropriations. This double blow poses major challenges for the months, and perhaps years, ahead.
- C. Technological innovation. Technological change as it affects law and law practice continues at a rate almost impossible to even catalogue. Legal Services' continued challenge is to stay abreast of this technology and to incorporate it wherever possible to enhance the effectiveness and efficiency of its legal assistance efforts.
- D. National Legal Services developments. Four bear special mention as posing important opportunities and challenges in the years ahead:
- (i) continued growth of central intake systems and "brief service" delivery units;
 - (ii) continued emphasis on integrated statewide legal assistance systems, including non-Legal Services Corporation-funded providers;
 - (iii) increased emphasis on merger and consolidation of legal assistance providers, often called "reconfiguration";
 - (iv) stabilized Congressional and Presidential support for Legal Services, on more of a bi-partisan basis, but without any immediate prospects for a significant increase in national Legal Services Corporation funding.

Each of the foregoing factors has been considered in devising the plan that follows.

**Step Six – The Internal Context:
New Jersey’s Statewide Legal Services System**

A. A Brief Historical Overview of New Jersey Statewide Legal Services Coordination.

Legal Services programs were started on a county by county basis in the mid-60’s. In several cases, these new programs merged with and supplanted preexisting county bar association legal aid societies. Many Legal Services programs began as part of OEO-funded community action corporations, later splitting and becoming independent. Since the mid-1970’s, all county Legal Services programs have been independent non-profit corporations, not part of or affiliated with any other organization. Each has its own board of trustees, a majority of whom are lawyers appointed by the bar associations in the service area.

Statewide coordination of these separate county programs began later in the 1960’s, coordinated first by the State Office of Legal Services within the state Department of Community Affairs, then by an informal project directors group in 1971-1972, by the New Jersey Legal Services Association in 1973, and thereafter by LSNJ, starting later that year (LSNJ had been organized a year earlier, in 1972). New Jersey has thus had a long – and strong – history of statewide coordination going back three decades, carried out through LSNJ and its staff, task forces, statewide training, newsletters, legal and administrative support, fundraising and other work. Since 1973, Legal Services has spoken with a unified voice, through LSNJ, to the judiciary, Legislature, Governor and executive branch, and is perceived by each as a unified system, an enormous strength.

Legal Services’ various growth and retrenchment periods have each in turn tended to further strengthen this systematic coordination. During the expansion period from 1976 to 1979, New Jersey put substantial resources into increasing LSNJ’s staff. Then, during the 1981-1983 retrenchment phase, LSNJ was called upon to coordinate the planning response and the quest for new resources. This emphasis on securing state level restoration and expansion funding continued through the remainder of the 1980’s and 1990’s. In 1995-1996, in response to the national campaign against Legal Services involving the majority leadership of the 104th Congress, LSNJ took on major new responsibilities, operating a statewide hotline and intake system anchor; providing direct representation in areas restricted by federal funds; and coordinating new statewide representation projects in certain underserved problem areas.

B. Sketch of the Present New Jersey Legal Services System.

Legal Services’ total statewide funding of over \$37 million annually comes from a diversity of sources – a true partnership. The largest share, \$14 million, comes from the state, nearly matched by over \$13.5 million from IOLTA funds. Another \$5.1 million comes from the LSC, together with well over \$1 million from counties and other units of government, and nearly \$1 million from private sources. All funding

available on a statewide basis to support direct services by local programs is allocated according to an equal-dollars-per-poor-person formula.

Legal Services provides direct representation to 50,000 New Jersey residents annually, and has represented over 1.3 million since the program's inception. Hundreds of thousands more, an estimated additional 50,000 more each year, have received assistance through self-help materials, preventive legal education and self-help clinics. Over one-third of the cases are typically housing cases, one-fifth concern family matters, another one-fifth involve problems with governmental income maintenance programs, and fifteen percent deal with consumer issues. In particular geographical areas, however, there is often significant variation. For example, more densely urban counties generally have a higher proportion of housing cases, and some counties have much higher concentrations of entitlement problems.

As a system, Legal Services programs provide a full range of services. LSC-funded local programs provide the bulk of the direct representation in most types of cases. LSNJ, which receives no federal LSC funding, is able to provide a substantial amount of representation in types of cases that cannot be handled by LSC-funded grantees. LSNJ is also able to provide representation and a presence before the Legislature and state administrative agencies.

For the convenient access of clients, New Jersey's local Legal Services programs have a total of 26 full-time offices in 20 of the state's 21 counties, and five counties actually have two full-time office sites within their borders. New Jersey Legal Services has long placed great importance on having a physical presence – a full-time office – in every county, in order to enhance client access in a state which does not have a good public transportation infrastructure (except within and between certain major urban areas). The location of programs and offices, as well as a more in-depth description of various aspects of the state system, can be found in "Legal Services At A Glance - Providing Essential Legal Aid," Appendix II to this document. LSNJ's coordinating role is multifaceted: it acts as funder, fundraiser, and support center. It engages in major case advocacy; provides direct representation in cases where it is best carried out or coordinated statewide, where LSC restrictions prevent local program involvement, or where funds are only available on a statewide basis; provides statewide accountability for the Legal Services system, in addition to that required by local program boards and other funding sources; represents Legal Services at the state level; conducts research and analysis in delivery and substantive areas; provides leadership; and serves as a catalyst for innovation and improvement.

C. Principal Achievements Under The Previous (1999-2001) Three Year New Jersey State Legal Services Plan.

Major delivery systems accomplishments and improvements during the past three years have included:

- (i) Completion of a major statewide quantitative study of the legal needs of low income people, to be released this coming spring.
- (ii) Completion of a comprehensive study of New Jersey's delivery system, in the context of best practices nationally.
- (iii) Maintaining and expanding New Jersey Legal Services' national-best level of state support, now totaling \$27.5 million annually.
- (iv) Continuing to build New Jersey Legal Services' national-best technology infrastructure.
- (v) Expanding the collaboration with New Jersey's judiciary on pro se materials.
- (vi) Further implementation of coordinated statewide intake and hotline.
- (vii) Initiation of statewide targeted legal representation projects in the areas of child welfare representation, SSI, predatory lending, farmworkers (in LSC-restricted matters), unemployment insurance appeals, and employment.
- (viii) Enhancing statewide *pro bono* coordination.
- (ix) Enhancing Legal Services' state legislative presence on key issues affecting low income people.
- (x) Initiating an annual statewide New Jersey Substantive Law Conference, to review comprehensively all major developments in key poverty law areas and engage in strategic substantive planning for the coming year.

A detailed report on the status and achievements of the most recent three year plan appears as Appendix III.

D. Assessment of the Effectiveness of the New Jersey Legal Services Delivery System.

New Jersey's Legal Services system is unique. Its history of coordination and structured collaboration, while still preserving the benefits of autonomy in independent local programs, does not appear to be matched elsewhere. New Jersey programs have developed and maintained a very substantial amount of both statewide and local funding. The smaller local programs, in particular, have been quite successful in raising local funding. At the same time, the combination of New Jersey's state level funding through state appropriations and IOLTA is unmatched nationally, and stems from its close coordination and unified voice through LSNJ. This state level funding also gains strong support from the programs' close ties with many county bar associations and communities. New Jersey is an extremely strong home rule state, with much authority – and pride – relegated to its some 567 municipalities and 21 counties. For better or worse, New Jersey has more

incorporated municipal government units per square mile than any other state, and this centuries-old pattern gives no evidence of imminent change. In this environment, New Jersey Legal Services' unique balance of strong statewide coordination and decentralized program structure historically has worked well. The following overview highlights the major strengths and areas for improvement in New Jersey. The analysis is based in major part on the work of John Tull, the independent consultant who visited all of New Jersey's programs during the past year. It is also based upon analysis by LSNJ staff, and on discussions at LSNJ Policy Council and other meetings during the preceding year. See Step Four, above. Much of the discussion in this report has relevance to the questions asked in the LSC's Program Letter 2000-7, but the format of that document does not correspond to the structure of this plan. As a result, a separate summary assessment corresponding to the framework of 2000-7 is included as Appendix IV.

The outside Tull evaluation pinpointed a series of issues requiring attention which were specific to the individual Legal Services programs. In addition, the evaluation identified certain crosscutting, generic issues which appeared with a frequency sufficient to justify their inclusion on a list of more systemic concerns. They are detailed below, after a presentation of major systemic strengths.

1. Major strengths to be continued and built upon:

Experienced staff. In nearly every program, there is a core of very experienced, expert staff who have been with Legal Services many years, and afford clients an invaluable resource.

Statewide fundraising. New Jersey's IOLTA funding for Legal Services has ranked first in the country for the past three years, and direct state funding is also first. The annual statewide private fundraising effort, the Campaign for Justice, is one of the most successful in the country.

Statewide reputation, respect and credibility. As restated on a number of occasions by New Jersey's Chief Justice Deborah Poritz, the Legal Services system in New Jersey is viewed as an essential and fundamental part of the justice system, a core capacity supporting a critical measure of access to legal processes and just resolution of disputes and grievances.

State bar support. For decades, the New Jersey State Bar Association has given its strong, unswerving support for Legal Services as it spoke and worked in favor of funding preservation and increases, and against limitation or restriction of Legal Services' efforts to assist clients. This support has been the determining factor in Legal Services' past success in securing state and IOLTA funding.

Locally rooted. New Jersey's configuration of county or multi-county programs has been a key factor encouraging significant local bar support in many counties. This local presence, described earlier, appears also to have been a major factor

encouraging contributions from local funders (counties, United Ways, Title III agencies, mental health boards, etc.), as well as good working relationships with the judiciary.

Diversity in multiplicity. The sheer number of New Jersey Legal Services providers, distributed across and based in every county, have produced a robust and rich spectrum of insights and perspectives on major issues, and also provided a laboratory for new leaders, offering opportunity for a lot of experience and responsibility earlier than would be likely or even possible in much larger institutions.

Statewide training. A tradition in New Jersey since LSNJ started statewide training events in the 1970's, the LSNJ annual training and seminar calendar is now the most extensive in the country, with basic and advanced substantive, skills and procedure training and other staff workshops, which consumed over 80 training days in 2001, not counting the two statewide conferences.

Major state advocacy presence. Principally through LSNJ, Legal Services has a presence in most major matters affecting low-income people. Important local program staff cases are buttressed through LSNJ *amicus* work when significant issues are involved. As the New Jersey Legal Services program that receives no LSC funding, and thus is not encumbered by the myriad LSC restrictions, LSNJ also engages in representation before legislative and administrative forums when matters involving the recurrent legal problems of the poor are involved, in order to make the most efficient use of Legal Services' resources.

Statewide information dissemination. A major portion of LSNJ's work is information dissemination, to Legal Services programs, the private bar, community organizations, service providers and low-income people. LSNJ publishes several community legal handbooks, a range of self-help materials, and monthly community and Legal Services newsletters, and has initiated a comprehensive Web page, with both public and private sections, including a "ResearchNet" link to LSNJ's new electronic library. It also initiated "ebank," a customized searchable statewide electronic database for all pleadings, forms, memoranda and other documents germane to effective assistance to the poor.

Statewide legal coordination and support. Through its longstanding task forces, and telephone, electronic and in-person communication with LSNJ staff, as well as an experienced network of local program case handlers from around the state, Legal Services provides extensive support in complex or difficult cases. In addition to providing on the spot advice, LSNJ staff also conduct research, review drafts, help secure and channel advice from national and other state sources, and provide other assistance. Finally, in appropriate difficult or major cases LSNJ staff are also available to co-counsel with local program staff. Of increasing importance, LSNJ maintains the statewide email network, and provides advice and moderates the ongoing electronic exchanges among specialists concerning

issues, problems and strategies via the task force lists on the statewide WAN. It is clear that this capacity of instant access to substantive experts throughout the state has become an important training tool, and has raised significantly the quality of legal work. In recent years LSNJ also has instituted a statewide electronic “virtual” law library, accessible from every staff desktop in the state. Dubbed ResearchNet, it supplements local program libraries and document banks, and the building of a statewide hard copy poverty law library in Edison (with a computerized statewide circulation system and exchange privileges with external academic and legal library networks) by providing work station Internet access, Westlaw and Lexis on-line, the LSNJ document bank (“ebank”), and a library of CD’s.

Statewide technology infrastructure. One of the major products of the last reengineering and planning process has been implementation of a massive statewide Legal Services technology installation and upgrade. This initiative has created great capabilities to support Legal Services’ work: all Legal Services staff have desktop access to statewide e-mail (through a wide area network), the Internet, Westlaw online research (unlimited hours), Lexis, and LSNJ’s statewide electronic law library. In addition, a technology reserve for future statewide acquisitions and upgrades has been set aside. See Appendix V for a current description of the LSNJ technology backbone.

Statewide management and technical assistance, and administrative coordination. For many years, LSNJ has coordinated a flow of information about a host of administrative tasks and issues, in an effort to promote efficiency and redirect more resources to client service. Examples are health and dental insurance (LSNJ coordinated a statewide health insurance plan for some 18 years, until precluded by statutory change, and still coordinates a dental plan available to all programs), bulk purchasing (past studies have not shown this to be cost-effective, but it is periodically reexamined), insurance, major equipment purchases (providing prior review, advice and approval), statewide salary comparability studies and recommended guides, and like undertakings. LSNJ staff also provide telephonic, electronic and in-person assistance in response to requests for help.

Statewide accountability framework. LSNJ is the major funding conduit for New Jersey Legal Services programs. Even before it assumed this role in a major way, LSNJ was coordinating site evaluations of local programs, and these efforts have increased measurably over the past decade. To facilitate this work, in the early 1990’s LSNJ drafted “Performance Criteria” for local programs, for use in self-assessment and outside evaluations. These criteria were subsequently adopted for use at the national level by the LSC. LSNJ also conducts annual reviews of statewide performance data.

Pro bono coordination. In the early 1980's, during the formative years of formal *pro bono* programs in Legal Services, LSNJ coordinated program design, form implementation, policy development, and similar work for a decentralized *pro bono* system, in which responsibility for operation was ultimately left to county-level Legal Services programs and bar associations. More recently, LSNJ has taken the lead, in conjunction with key corporate and local Legal Services program partners, in developing innovative corporate counsel *pro bono* programs, in which corporate staff partner with LSNJ and one or more county Legal Services offices. These efforts have created national models.

Developing specialized statewide *pro bono* panels. In addition to the activity just described, within the last few years LSNJ has begun to supplement local program *pro bono* recruiting efforts by developing statewide specialty panels, to increase visibility and attract lawyers with specialized interests.

Initiation of statewide legal hotline and integrated intake system. The statewide legal hotline was begun in August 1997. The toll free hotline number, 1-888-LSNJLAW, enables clients to pursue a “multi-door” set of access options, with a choice of contacting LSNJ or local programs, either way being referred to the most appropriate service provider – including non-Legal Services legal assistance entities and even non-legal social service providers – for the most appropriate form of assistance. LSNJ operates the statewide hotline in part so that an unrestricted service provider will handle the first point of access calls, ensuring that all eligible callers will be able to receive at least advice specific to their situation, along with any relevant self-help materials, without having to limit this service to just certain types of clients and problems. The current statewide intake standards appear as Appendix VI.

2. Principal areas for improvement in the state's Legal Services delivery system.

The following major areas for improvement of the statewide delivery system were identified during the planning process, both from the findings of the outside consultant (which were based upon his conversations with every Legal Services project director and nearly all program staff throughout the state) and from the input of others who participated in the assessment and planning process.

- a. Ensuring core capacities at the provider level. Developing *core capacities* in each program to ensure: (i) the availability of equivalent specialization and consequent expertise in all major poverty law areas within each provider throughout the state; (ii) professional administrative capacity in certain more specialized management areas, such as human resources and development, in every provider; (iii) a sufficient base – a critical mass - of resources to allow the ability to respond flexibly and promptly to newly emerged legal problem areas, cover for staff leave and turnover, and absorb funding fluctuations.

Overall, the consultant concluded that certain New Jersey programs were too small to permit development of such core capacities.

- b. Covering all significant legal problem areas. Viewing the state as a whole, ensuring that there is at least some representation available, even if only at a state or regional level, for all significant poverty law problem areas, including those which occur too infrequently to justify representational capacity in every provider.
- c. Maximizing opportunity for systemic impact work. The consultant found New Jersey Legal Services local providers comparatively engage in less work devoted to achieving significant impact or systemic change for low income people than is characteristic in a number of other states. He pointed to several factors in explanation for this conclusion:
 - i. the endemic Legal Services fact that demand far outstrips resources, creating the inevitable pressure “of the front door” to help as many individuals as possible;
 - ii. the perception of some that reporting and contract requirements reward such individual work more highly than efforts toward systemic change;
 - iii. leadership and management frequently do not regularly take their programs through processes of explicit strategic planning to achieve designated substantive objectives, and also rarely used their strength and rootedness in their communities – their “clout” – to achieve specific systemic goals; and
 - iv. size: smaller programs appear to have less capacity and flexibility to commit significant resources to do this kind of work.
- d. Achieving a more integrated intake system. Achieving full implementation of the planned truly integrated statewide intake system, pursuant to the statewide intake standards. These standards need to be followed more consistently.
- e. Eliminating duplication and enhancing central administrative support. Eliminating some duplication or multiple “reinvention of the wheel” in areas such as multiple accounting software, telephone system acquisition, web pages, and certain other administrative systems, and generally increasing administrative support.
- f. Further improving *Pro bono*. Continuing the current statewide initiative to improve *pro bono* operations in many programs.
- g. Adopt more standards, protocols and guidelines. Completing work on various specific statewide standards and other protocols and guidelines for performance and organization.

The foregoing issues frame a significant part of the statewide delivery system challenges for the next three years.

Step Seven – Toward Full Access – Moving Forward In 2002 through 2004:
The New Jersey State Legal Services Plan

A. Priority Areas for Concentration – Ten Critical Challenges For New Jersey Legal Services’ Next Three Years.

Putting all of the foregoing together, the New Jersey Legal Services system commits itself to the following major areas of endeavor and goals during the next three years, 2002 through 2004. Specific intermediate objectives within these goals will be set annually, at the beginning of each year.

1. Public Funding. Do everything possible to maintain current public funding levels, and then expand them to move closer to the vision of 100% access to necessary and effective legal assistance for all low income New Jerseyans.
2. Reconfiguration. Manage reconfiguration of the majority of the state’s Legal Services programs into larger entities, and realize the full potential of such consolidation. See Section B, below.
3. Reporting. Complete work on a new system of measuring and documenting the full productivity of the statewide Legal Services delivery system, including where feasible outcome measurement, to better capture the full range of benefits from Legal Services work in addition to individual case representation.
4. Delivery research. Continue the delivery research initiated by the recently completed first quantitative phase of the Study of the Legal Needs of Low Income New Jerseyans, to focus particularly on when people need lawyers, and then utilizing supplementary qualitative research results to formulate a comprehensive strategy for optimal use of pro se and ADR techniques to expand effective access.
5. Standards. Develop additional statewide system standards and norms, continuing a multiyear project.
6. Awareness. Further increase public awareness of Legal Services, to help undergird a campaign for additional support.
7. Pro bono. Continue to increase the capacity of *pro bono* legal resources statewide.
8. Private funding. Continuing to expand Legal Services’ non-public funding base.
9. Special representation projects. Implementation of new specialized representation projects on a regional and statewide basis. Additional targeted areas are

environmental justice, education, and transportation, in addition to initiatives already underway.

10. Innovation and technology. Continue the current superb technology backbone, and utilizing it to push innovation in direct delivery and support for legal assistance.

B. The Matter of Reconfiguration

1. Reconfiguration. As detailed in the most recent three year plan, New Jersey Legal Services programs have carefully analyzed the potential advantages and drawbacks of possible program consolidation at numerous times during the past two decades. Over time New Jersey developed its own set of criteria to serve as a framework for analysis, as set forth in the prior two state plans. Apart from some consolidation within Essex County during the mid-1970's, each time it was determined that the risks and costs of consolidation considerably outweighed proposed benefits. As part of the preparation of this plan, New Jersey providers undertook this analysis once more in 2001.

At the national level, the pace of consolidation has quickened markedly during the past three years. The LSC has created a national expectation of merger – an atmosphere in which states that do not embrace such consolidation can experience considerable pressure and even “reconfiguration” of their “service areas” – the groupings of counties utilized for LSC funding – without the state’s consent. The number of LSC grantees is now less than half what it was three years ago. For better or worse, many more programs have become laboratories in which to learn about the effects of such merger. New Jersey tried to take full advantage of this national experience during 2001 by closely studying several states in which consolidation had taken place.

Once again, New Jersey’s analysis revealed very substantial costs and risks associated with consolidation. Four are of particular concern:

- (a) Increased costs and diminished client services from equalizing staff salaries and benefits in a newly merged program.
- (b) Potential for diminished local funding and support, as central program administration moves further from its source, and there is less local identification with the Legal Services programs.
- (c) Increased numbers of clients barred from representation by staff Legal Services programs on ethics grounds, because of a larger number of conflicts of interest in a consolidated entity.

- (d) Likely increased administrative costs for a larger entity, and potentially decreased flexibility and creativity in the bigger, inevitably bureaucratic setting.

This time, however, the significantly changed national atmosphere, combined with the Tull evaluation findings of certain key limitations (see the earlier discussion of core capacities) of a program environment which was too small, produced a different result. Directors and boards¹ of eleven New Jersey programs have agreed in principle to consolidate into four new entities, as detailed below. In all cases the target date for completion of the merger and functioning as a new entity is January 1, 2003.

Size—building all providers up to a critical mass that supports and ensures the ability to achieve the core capacities discussed earlier in Step Six – is the key consideration which drives each of these mergers. But size considerations also limit each merger. Once the critical mass has been reached, there is not – in the opinion of the planners – a reason to go further. Indeed, going further would be counterproductive, leading to an entity which would be too big, and would lose the critical benefits of locally-based operations discussed earlier.

To ensure the ability to develop and maintain core capacities, New Jersey has adopted a guideline that programs should be between 15 and 50 attorneys. Programs of at least that size are deemed to be of sufficient magnitude to support each of the requisite core capacities detailed in Step Six above. In addition to staff size, the size of the service area, demographic and other characteristics of the affected low income populations, patterns of housing and transportation, program cultures, and other factors were taken into account in configuring the new program service areas. The precise configurations are as follows:

Northwest - combining Warren, Hunterdon, Somerset, Sussex and Morris Counties

South - combining the five counties served by Camden Regional Legal Services with Cape May and Atlantic Counties

Central - combining Mercer, Middlesex and Union Counties

Northeast - combining Bergen and Hudson Counties.

It is important to emphasize that very careful analysis and evaluation underlie these new configurations. Planners looked at a wide range of factors, including the LSC Reconfiguration Standards adopted in late 2001. It is to be noted that a number of the LSC factors were not germane because they have already been achieved in New Jersey. A key example is equity in funding and resources available for clients, which has been achieved for all New Jersey state level

¹ Some formal board approvals are pending, awaiting the next full board meetings.

resources for more than two decades. Key factors causing planners to choose these specific groups, as distinguished from a number of other possibilities, were:

- (a) Similarities in the demographics and legal problems of the low income populations to be served.
- (b) State Judicial vicinage lines and federal court catchment areas.
- (c) The physical geographical size of the new service area, and its administrability (including avoiding areas which would be overly large and unduly difficult to administer).
- (d) Factors such as transportation, cultural affinity, area identity, and political groupings which tend to cause counties to clump together or associate.
- (e) Compatibility of existing program cultures and effective existing working relationships.

The foregoing factors were applied to create these new areas, finding the following reasons:

Northwest – the low income populations are very similar and have similar problems; there is a general area identity; the five counties are served by other five county organizational groupings; the program cultures are compatible; the five county area defines the outer limits of what would be feasibly administrable; and the plan would include and correspond to the two full judicial vicinages which cover the five counties.

South – the Cape May and Atlantic County areas relate much more to the Camden/Philadelphia corridor, including federal court areas; the close similarities of the rural population problems, especially with regard to farmworkers; transportation patterns and corridors; compatible program cultures and existing working relationships; at the outer limits of administrable geographical size, but better in that regard than the other alternatives.

Central – transportation corridors and patterns; similarities in client populations and problems; compatibility of program cultures and existing working relationships; resulting service area size; area identity.

Northeast – similarities in client populations; transportation patterns; compatibility of program cultures; existing patterns of relationships among low income populations.

Three programs are not included in the consolidations. Essex-Newark is already quite large, and serves by far the state's largest county poverty population, constituting roughly one-third of the state's poor, in a unique intensely urban setting. Ocean-Monmouth Legal Services already has seventeen attorneys, above the established minimum, and covers a huge and largely self-contained geographical area. Passaic County Legal Aid Society also has seventeen attorney positions, and currently faces other issues which militate against merger.

There remains much concern about potential negative effects of merger. LSNJ has agreed to help facilitate each of the mergers, and within the limits of available resources will provide staff time and also try to assist in providing resources to defray reasonable direct out of pocket costs necessary to complete the nuts and bolts of merger, such as the costs of incorporation.

All new merged entities must submit a satisfactory Reorganization Plan to LSNJ and have it approved, in order to secure a commitment for continued funding. The Plan must address each of the elements set forth below.

Review and Approval of Reorganization Plans

The following general principles will govern LSNJ's review of and decisions as to whether to approve, for funding purposes, any proposals for program reorganization or consolidation. They are based on earlier versions initially established in 1995 during Phase One of the New Jersey Legal Services Planning and Reengineering Process.

1. A merger proposal will be approved only if it appears to hold potential for improving the quality or quantity of services to clients, and further appears that such gains are likely to outweigh any costs or drawbacks.
2. In general, the desired target staff size for the resulting program will be between 15 and 50 attorneys, accompanied by appropriate levels of supporting staff.
3. Funding which has its source in a particular county ("county-based funding"), such as United Way or county dollars, must remain in the county providing it, unless the funding source gives permission otherwise.
4. Over time, reorganized or consolidated programs should phase in relative equalization (based on poverty population) of their non-county-based funding among the counties in their service area, with due regard to the possible need to concentrate resources in areas with highly impacted extreme poverty, such as major cities.
5. Current full-time county central offices should remain, in order to maintain a strong presence in and connection to every county, and continue at least current levels of client

access. Physical propinquity of offices to clients is a key value which must be preserved to the extent possible.

6. Existing program staff whose roles may be collapsed or changed must be given every opportunity (and preference if qualified) to fill newly created jobs and roles.
7. Board composition should be proportionate to the client populations and other relevant factors in the participating counties.
8. There will have to be plans for effective mechanisms, which could be county advisory councils or other suitable approaches, to ensure meaningful client and other local input into program policy decisions concerning priorities and services to be provided.
9. Efficiencies and redirections of resources to client services should be achieved wherever feasible through elimination of duplicative functions.

To be approved by LSNJ for funding purposes, any merger proposal between two or more programs must be set out in a formal Delivery Enhancement and Reorganization Plan, which must:

- A. Address each of the preceding principles in a satisfactory manner.
- B. Be consistent with a comprehensive statewide plan and map as to how the state would best fit together as a whole, and not leave any county or area isolated.
- C. Enhance or at least preserve current levels of client access, unless resource cuts make a diminution of access inevitable.
- D. Be consonant with client population demographics, ensuring that no major concentration of low-income people would be left without effective access.
- E. Detail the key elements of how the program would operate (board organization, staffing, office location, specialization, number and use of paralegals, identity of key personnel, service enhancements or diminutions, location of staff, and use of circuit-riding, among other things). The program CEO and key leadership will have to be satisfactory.
- F. Identify all contemplated costs and savings from the reorganization.
- G. Describe how any advisory council would be composed and function, or any alternative methods for ensuring local input on questions such as priorities and services.
- H. Explain how each county's identity, presence, and local funding would be preserved and strengthened.

- I. Describe how intake would be handled.
- J. Describe how communication would take place within the program, including across specialty and office lines.
- K. Describe how supervision, evaluation and administration would be carried out.
- L. Set out the initial plan for allocating all resources.

CONCLUSION

New Jersey Legal Services programs look forward to meeting the challenges ahead, and to further improvement of client services statewide, enhancing an already very successful system.

APPENDIX I

PERFORMANCE AREAS, CRITERIA, INDICATORS AND MEASUREMENT APPROACHES

EFFECTIVENESS IN MEETING THE MOST PRESSING NEEDS OF THE TARGET COMMUNITY

CRITERIA

A program should:

1. Periodic In-Depth Assessments:

Make effective assessments and determinations of the most pressing problems and needs of its low-income community, including all major subgroups, frequently enough, in the light of the resources required and available, to be reasonably calculated to identify new developments and opportunities affecting that community (it is not expected that each possible process will be done each year, and some may not be done for many years; the key is overall effectiveness).

2. Responsiveness to New Developments:

Be flexible and responsive enough to recognize and adjust to major new needs of its target community that occur during the year, in between the periodic, in-depth assessments described above.

3. Identify Most Pressing Needs:

In fact identify the most pressing problems of the target community which are susceptible to redress through legal representation and other program activity.

4. Target Resource:

Set periodic goals, objectives, and priorities, including statements of the kinds of cases or matters which will be accepted, centered on these most pressing needs, and target its resources accordingly, after considering non-program resources which address, or could be brought to address, the same needs.

5. Implementation:

Then implement these priorities and objectives, by adopting appropriate approaches and strategies, for both legal representation and other program work, and actually carrying out the resource allocation, addressing those additional pressing needs and opportunities that develop during the year, and accomplishing the maximum possible given competing priorities, available resources, and other constraints.

6. Self-Assessment:

Assess the effectiveness of its work, and make appropriate changes in the methods and strategies it employs the following year.

INDICATORS THAT CRITERIA ARE BEING MET

1. Presence of some of typical methods or processes for community needs assessment.

Possible methods might include:

Surveys, focus groups, and meetings with clients and community members

Surveys of/meetings with local judges, leaders of the organized bar, and community institutions and agencies serving the same community

Surveys of/meetings with community groups and organizations

Perspectives of local Legal Services staff and Board members

Analysis of any significant demographic trends which affect community needs; evidence of outreach to and participation by major subgroups (compared with Census data).

2. Presence of systems such as case review meetings, periodic review of intake, and development of other information calculated to isolate and identify new patterns; evidence of deliberate changes in pattern during the year.

3. Program identifies primary needs in the areas of securing decent and affordable shelter, adequate nutrition, necessary access to quality health care, income sufficient for a minimally adequate existence, physical and environmental safety and security, basic civil rights and dignity, education necessary to earn adequate income and function as a member of society, and major family needs. Program analysis of needs takes account of recent legal trends and developments, and considers the use of all possible forums, all possible legal approaches and strategies, and available alternative methods.

4. Program makes periodic statements of the problems it intends to address and the objectives it seeks to achieve, and has express case acceptance policies which are clear and specific. Resource allocation and staffing responsibilities reflect and correlate with such statements.

5. Comprehensive advocacy approaches are selected, forums utilized, and strategies pursued, and the results actually achieved relate as closely as possible to the objectives.

6. There is evidence of self-assessment, both formal and informal, and consequent changes.

MEASUREMENT APPROACHES

1. Reviewers are expected to make judgments concerning:
 - the effectiveness and efficiency of the assessment processes followed
 - whether the problems and needs identified do appear to be pressing
 - whether the needs of the major subgroups (as identified beforehand and verified on site) have in fact been considered
 - program awareness of developments and trends (legal and community).

The information sources will be interviews with staff, Board, community leaders, bar leaders, and other Legal Services leaders in the state (concerning legal trends). Census data will be used beforehand to identify subgroups. Results of whatever assessment processes the program has used will be reviewed. Priority statements, case acceptance schedules, and formal goal and objective statements will be examined.

2. Reviewers will examine what established systems exist to identify new trends and needs, will talk to staff about what developments occurred and changes were made during the previous period, and then will make judgments about whether new developments have been identified, and patterns of activity and resource allocation have changed (contrasted/compared with what interviewees say about the need for change).
3. Reviewers will be asked to judge, based upon their review of the program's priorities and work, and the observations of interviewees, whether the needs identified in (1) and (2) above do, in fact, appear to be major and pressing, in the categories indicated.
4. Reviewers will be asked to judge whether the program's resource allocation reasonably correlates, given the need to remain flexible, with the most pressing needs identified in (1) and (2). In addition to interviews with staff, reviewers will examine all express statements, goals, objectives, priorities, and case acceptance policies, case data and information concerning resources which may be gathered through available time data or any suitable substitute. Reviewers will then judge how resources correlate with goals and plans. Reviewers will also judge the extent to which non-program resources available to address the most pressing needs have been considered. The extent to which program objectives are stated in the form of specific outcomes, as opposed to just the processes to be carried out, will be evaluated.
5. Reviewers, through interviews with staff, will be asked to judge whether all possible approaches have been weighed effectively in determining how resources will be allocated to address the most pressing needs. (Note - this is not primarily a review of case files, but an inquiry into how the program chose to address pressing needs.) Evidences of shifts in strategy or approach will be sought through interviews, to establish the flexibility and sophistication of a program recognizing and adapting to change. Reviewers will then be

asked to judge the program's overall effectiveness in actually carrying out its priorities and objectives. The approach will be to conduct staff interviews and examine certain files identified by staff as those most connected to implementing the priorities. Reviewers are expected to consider the other demands, problems, and developments that occurred during the preceding year which had an effect on the program's ability to carry out its priorities. This information will be considered in evaluating the overall results achieved, in comparison with the objectives.

7. Reviewers are asked to judge the sophistication and utility of the systems the program uses to assess the effectiveness of its own work. Documentary evidence of the self-assessment (reports, surveys, staff debriefing, systemic examination of major files) will be particularly important.

**EFFECTIVENESS OF LEGAL REPRESENTATION AND
OTHER PROGRAM ACTIVITIES INTENDED TO BENEFIT THE LOW-INCOME
POPULATION IN ITS SERVICE AREA**

CRITERIA

1. Legal representation

A program should conduct its direct legal representation so that it comports with the relevant provisions of the ABA Standards for Providers of Civil Legal Services to the Poor, including:

- ? Having in place adequate capacity and resources to carry out its work;
- ? Utilization of systems, approaches, and activities sufficient to insure the representation is carried out properly; and
- ? Achieving satisfactory results.

2. Community Legal Education

A program should pursue effective community legal education efforts, to the extent such efforts further program priorities and objectives.

3. Efforts to facilitate self-help involvement and pro se appearances

- ? To the extent consistent with program priorities and objectives, a program should facilitate and support self-help efforts and pro se appearances by its target population, if these approaches are effective in meeting such program objectives and in obtaining the desired outcomes for the clients involved.

4. Liaison with judiciary, organized bar, government agencies, research centers and information sources, and other entities which have significant effect upon the target population.

~~4.4~~ To the extent consistent with its priorities and objectives, a program should maintain an effective liaison with these and other entities which have a significant effect on its target population, to the end of reducing the effect or extent of problems faced by that population.

5. Other innovative activities which have a beneficial effect on the target population.

~~5.1~~ To the extent consistent with its priorities and objectives, a program should explore and pursue other innovative efforts to provide services and assistance to its target population, should periodically assess the results, and should continue such efforts to the extent that they prove to be effective.

INDICATORS THAT CRITERIA ARE BEING MET

1. Legal representation

Adequate capacity and resources (“input factors”) include:

- a. Casehandlers and support staff who are qualified to do the work assigned
- b. Access to necessary law library and research facilities, including prior relevant work produced by the program and other similar providers
- c. Necessary equipment and technology to support law office work
- d. Necessary expertise in the legal areas worked in by the program
- e. Adequate access to experts, necessary discovery, and litigation support systems.

Systems, approaches, and activities should include

- a. At the program level:
 - (i) Intake systems which respect client dignity, and follow program priorities and case restrictions, and adequately identify all information and issues
 - (ii) Case assignment procedures which comply with Standard 3.2, including an effective balancing of the benefits and risks of specialization
 - (iii) Supervision of legal work which complies with Standard 3.3

- (iv) Training and personnel development to insure that staff continue to learn and stay abreast of new developments
- (v) Methods of assessing client satisfaction with services
- (vi) Other relevant systems.

b. At the individual casehandler level:

- (i) Problem diagnosis and definition which comports with Standards 4.1, 4.2, 4.3, and 4.5
- (ii) Development of objectives and strategy, including definition of the lawyer's role and the choice of the most effective forum (court, legislative body, administrative agency, alternative dispute resolution forum, other), which meets Standards 4.4, 4.5 and 5.3, and
- (iii) Implementation of the case strategy, in accordance with Standard 5.

Results of representation should

- a. Be consistent, to the extent possible, with the client's objectives
- b. Have achieved as much as reasonably attainable for the client, given all of the circumstances of the case, and also, consistent with applicable rules and decisions of professional responsibility, have achieved as much as reasonably possible for other low-income people similarly situated, and for the target population as a whole.

2. Community legal education

Input - A program should

- ~~/~~ Have in place adequate capacity and resources to carry out its work, should stay abreast of, compile and utilize relevant material previously produced by others.

Processes - A program should

- ~~/~~ Select a targeted audience, consistent with program objectives
- ~~/~~ Utilize the most appropriate methods, given the subject matter, the audience, and available resources. Methods considered should include:
 - written material
 - videos, computers, and other audiovisual technology

- in-person presentations, including meetings and trainings

~~///~~ Build upon existing material and parallel efforts of others.

Outcomes – A program should

~~///~~ Conduct ongoing evaluations of the effectiveness of its community legal education efforts, measured against objectives and expectations, and realistic possibilities.

3. Pro se representation

Preliminary assessment - A program, as part of its periodic assessment process (Performance Area I), should periodically consider the effectiveness and utility to the target population of efforts to facilitate pro se appearances by clients in certain types of cases.

Inputs - A program should

~~///~~ have in place adequate capacity and resources to carry out this work to the extent that it has been set as a program objective through its assessment and planning process, and should compile available relevant research on the strengths and weaknesses of such pro se, self-help efforts.

Processes - A program should

- ~~///~~ utilize past experiences and research to design program strategies
- ~~///~~ select a target audience which has the ability to carry out self-help activities in the areas chosen
- ~~///~~ utilize most appropriate methods, given the subject matter and audience.

Outcomes - A program should regularly assess the effectiveness of such efforts, and should have systems to conduct such assessments and to evaluate whether potential dangers and weaknesses of pro se approaches have been overcome, and whether program and client objectives are in fact being met effectively, consistent with applicable rules and decisions of professional responsibility.

4. Liaison with outside entities

Preliminary assessment - The degree and type of such liaison activity should be considered as a possible objective and implementation strategy during the assessment process.

Inputs - A program should

~~///~~ have contacts and reputation sufficient to support such liaison activities

~~and~~ have staff or other representatives with sufficient experience, reputation, and credibility to carry on the liaison activities.

Processes - A program should, to the extent consistent with its priorities and objectives, consider and pursue participation on committees and task forces, written submissions, personal appearances and meetings, and other vehicles.

Outcomes - A program should evaluate continuously the effectiveness of such liaison activities, measured against program objectives and against what was reasonably attainable.

5. Other innovative efforts

Inputs - A program should have access to current literature and research concerning innovations in the delivery of legal assistance and related services to the target population, and should have staff capable of carrying out such activities.

Processes - A program should regularly consider and, to the extent consistent with priorities and objectives, implement promising innovations in its activities and service delivery.

Outcomes - A program should assess regularly the effectiveness of such innovative activity and make appropriate decisions about continuation, termination, or adjustment.

MEASUREMENT APPROACHES

1. On-site, principally through interviews, some document review, examination of facilities, and review of redacted files, reviewers will examine the qualifications (education, experience, evident knowledge based upon interview) of casehandling staff, the knowledge, availability and utilization of library and other research facilities, the availability and utilization (given available resources) of suitable equipment, and the resources for experts, discovery, and litigation support. Actual utilization will be strong evidence of adequacy of resources. Reviewers will examine both telephone and in-person intake procedures, judging their effect on clients. Reviewers will examine patterns of assignment of intake to casehandling staff. The adequacy of paper and actual supervision systems will be judged based upon information from both supervisors and interviewers. Internal training and utilization of outside training resources will be assessed.

Reviewers will, through interviews with casehandlers and examination of a sampling of redacted case files, make a collective judgment about the overall ability (not on an individual basis) of casehandlers in the program, following the subject areas described in the indicators (problem diagnosis and definition, development of objectives and strategy, implementation, and utilization of necessary outside resources).

Finally, reviewers will examine the results of representation, through review of a sample of case files and interviews with casehandlers. Again, the review process will, on the basis of examining individual cases, reach a judgment concerning the overall effectiveness of the program in achieving results through its representation. There will not be ratings of individual casehandlers or other staff. The indicators stress the importance of two distinct perspectives in this review process: relationship of the results to the client's objectives, and to what was reasonably attainable in the particular case.

Case sampling should include examples from each major type of case handled by the program, and from cases in each type of forum (administrative agency hearing, trial court, appellate court, rulemaking, etc.). Because of resource limitations on the peer review process, it will not be possible to do a strict random sample, although there may be a limited random selection from more routine matters. Several examples of the program's major cases should be reviewed.

2. Samples of all types of community legal education (CLE) materials will be gathered from the program before the reviewers go on site. At the program, reviewers will interview personnel involved in such education; examine the materials actually used for currency, effectiveness, and apparent accuracy; gather information and documentation about the number of people reached; consider the clarity and reasonableness of the CLE objectives; and evaluate the program's self-assessment methods. Reviewers will also make a judgment about the overall effectiveness and efficiency of the community legal education efforts.
3. As there are sharply differing perspectives among Legal Services people about the effectiveness of pro se activity in various types of cases, the initial emphasis here is on program consideration of pro se alternatives, a consideration compelled by the scarcity of funding. Reviewers on site will look for evidence of such consideration in their evaluation of the assessment process. To the extent that a program has identified pro se involvement as an objective, reviewers will then examine the effectiveness, selectivity, and sophistication of the approach, in the light of the significant risks in pro se appearances, as outlined in the Indicators. They will also judge the quality of the program's own assessment of the effectiveness of such pro se facilitation efforts.
4. The assumption is that some liaison activities are necessary for every program providing comprehensive legal services in a particular geographical area. At issue in the reviewer examination are whether the resources allocated to such activities are effective, reasonable in view of the results achieved, and subjected to meaningful periodic self-assessment.
5. Program work should be marked by periodic innovation in priorities, objectives, strategies, and methods employed. While specific prescription of such activity is by definition impossible, the residual category is in an attempt to insure examination of what efforts at innovation actually occur.

THOROUGHNESS OF ACCESS AND UTILIZATION BY THE TARGET COMMUNITY

CRITERIA

A program should, within the limits of its resources, and given program priorities, be accessible to and utilized effectively by the low-income population in its service area, including all major subgroups of that population, and all categories of people who traditionally have had difficulties in getting access to Legal Services programs, and in general should comply with ABA Standards 1.6 and 1.7.

INDICATORS THAT CRITERIA ARE BEING MET

- ~~/~~ Program regularly gathers and reviews information as to program utilization by the major categories of people who traditionally have access difficulties (disabled, seniors, children, geographically isolated, homebound, institutionalized, migrants, and others), and seeks to address, within the limits of its resources and program priorities, any significant access problems revealed by such analysis.
- ~~/~~ Program in fact provides services to each of the major racial, language, and ethnic subgroups in its area and regularly assesses and seeks to address any evident significant disproportionality between caseload and service area demographics.
- ~~/~~ Program has effectively eliminated or reduced barriers to utilization by the categories of people with access difficulties.
- ~~/~~ Evidence of staff knowledge of substantive issues and problems which have a unique or disproportionate incidence or effect upon particular subgroups or categories of the low-income population.
- ~~/~~ Program offices, office hours, intake and telephone procedures, language capabilities of staff, outreach, procedures for communicating with non-English speaking people, and other facilities and procedures are all reasonably calculated to achieve the broadest possible access and utilization by the client community.

MEASUREMENT APPROACHES

Evaluation of access and utilization of program services is not achieved by simple mathematical calculations, formulas, or quotas. Instead, comparisons of caseload and service area demographics are merely starting points to identify possible difficulties and focus follow-up inquiry. Demographic data on target population and caseload/service should be assembled and correlated by staff prior to the reviewers' site visit. Reviewers' efforts on-site should be focused upon observation of specific efforts to break down barriers and increase access, especially

evidence of periodic self-assessments and ensuing plans of action; actual observation of methods for providing service to non-English speaking people, the disabled, and other groups which traditionally have access difficulties; actual observation of telephone and in-person reception and intake systems; review and evaluation of office siting, office hours, and outreach; evidence from staff interviews of the consideration they have given to, and the knowledge they have of, unique issues and problems occurring in or affecting particular subgroups; evaluation of the soundness of justifications or explanations offered by program staff and board for whatever disproportionalities or barriers may exist; and consideration of viewpoints of any community leaders or organizations representing particular subgroups in the service area (collection of detailed information concerning such groups and spokespeople will be done prior to the site visit, by means of a self-assessment form or some other method). Overall judgments must then be made concerning the reasonableness and effectiveness of a program's efforts to promote access and utilization, in the light of available resources and prioritization of the most pressing needs.

EFFECTIVENESS OF THE PROGRAM OPERATIONALLY AND INSTITUTIONALLY

CRITERIA

A program should comport with the major organizational requirements of the relevant ABA Standards for Providers of Civil Legal Services to the Poor (1.8, 2.1 through 2.5, 3.1, 3.5, 3.7, 6.2, 6.3, 6.4, 6.6, and 7.1 through 7.3), and should demonstrate effective a) board involvement; b) management; c) financial operations; d) staff and labor relations; e) staff recruitment and training; f) maintenance and expansion of its funding base; g) leveraging private attorneys and other resources for program priorities and objectives; h) communications with other community organizations and service providers; i) relationships with the private bar and other legal providers; j) development and maintenance of a positive reputation and stature in the program's service area; and k) utilization of an overall delivery structure and approach best suited to the most pressing legal needs of the service area.

INDICATORS THAT CRITERIA ARE BEING MET

A Program should demonstrate:

- appropriate board involvement in major policy decisions and general oversight
- appropriateness of resources devoted to management
- stability of program operations
- integrity and soundness of financial operations
- productive intra-staff, staff-management, and staff-board relations
- clarity of program mission and focus of program services

- ~~///~~ systems and effective results in staff recruitment, training, retention, and development
- ~~///~~ maintenance and expansion of funding base and positive relations to funders, consistent with program objectives
- ~~///~~ ability to leverage and direct other available resources to most pressing community legal needs
- ~~///~~ coordination with other community organizations and agencies serving the community
- ~~///~~ productive relationship with private bar
- ~~///~~ evidence of coordination with other legal providers serving the community
- ~~///~~ evidence of development and maintenance of positive reputation and stature in all communities within which the program interacts
- ~~///~~ effective oversight systems to monitor program performance in all areas.

MEASUREMENT APPROACHES

Aspects of program operations may not seem to be appropriate ends in themselves, in the same way that results for clients are. Nonetheless, these operational aspects are important: a solid, quality operation is generally a surrogate for the effective and efficient use of resources. When significant problems appear in key operations, they frequently play out in shortfalls in other areas of program performance, and in a waste of resources.

Board involvement Interviews with a sample of board members and review of minutes and meeting materials should permit a judgment concerning whether there is an appropriate level of involvement and accountability, looking at whether the board in fact makes the major decisions of program policy, and whether the board is in fact aware of any major program problems and issues, and has addressed such problems and issues effectively in the past.

Resources allocated to management. This calls for an expert judgment: either too much or too little resources can lead to major problems. This judgment depends upon the reviewers' experience with programs of similar size.

Stability of operations. The reviewers should be alert for any evidence of unusual disruption, such as frequent or repeated changes in procedures, key personnel, board or other basis operations.

Integrity of financial operations. Ample AICPA and LSC guidelines exist for these determinations; this specific assessment could be performed by a CPA or other financial expert,

who could function as a supplementary member of a site team (but not as a peer reviewer).

Staff relations. Turnover statistics (from a self-assessment) and on-site interviews will readily reveal problems of this nature.

Mission and focus. Evidence of an explicit mission statement should be sought, and then correlated with the focus of program operations as it appears on-site.

Systems for retention, training, recruitment and development. Descriptions for each of these areas should be included in the self-assessment, and then verified on site. Objective evidence concerning turnover, recruitment procedures in recent hirings, actual training, and staff development plans should be considered. A judgment should then be made about the effectiveness of the systems.

Funding base. Funding history should be gained from the self-assessment and prior grant applications, and funding sources should be compared with those typically available to Legal Services programs and specifically available to other programs in the state. Details and explanations should be gleaned from on-site interviews (what has been tried, why has it failed, etc.). An overall judgment should then be made.

Leveraging other resources. Self-assessment descriptions should be followed by on-site inquiry and a judgment.

Coordination with agencies. Evaluation steps are description in self-assessment, interviews with program staff, and calls to outside organizations.

Private bar. A judgment should be made concerning the effectiveness of private bar relations, and private attorney involvement, following protocols developed over the past 10 years for Legal Services programs.

Coordination with other legal providers. The steps are the same as for the coordination with other agencies measure.

Reputation. Inquiry should be made of the judiciary, bar, community organizations and leaders, and public officials. Evidence of viewpoints which appear extreme and not widely shared should be discarded if they seem anomalous.

Oversight systems. Reviewers should, through interviews and examination of board and internal reports, evaluate whether adequate oversight systems are in place to monitor program efforts.

EFFICIENCY

CRITERIA

A program should conduct all of its activities and efforts toward the ends set forth in the performance areas above, in the most efficient manner possible, recognizing the tradeoffs that

must be made among these performance areas, given limited available resources.

INDICATORS THAT CRITERIA ARE BEING MET

- ~~/~~ Program has in place and utilizes system to gauge the cost of operations by major types of cases and activities, and to judge the efficiency of those operations
- ~~/~~ Evidence of ongoing assessment by the program as to whether the same balance and degree of results intended and achieved in the various performance areas could have been obtained in more efficient (less costly) ways
- ~~/~~ Program in fact has achieved a reasonable and appropriate balance in each performance area between resources expended and results obtained
- ~~/~~ Program has, given its assessment of the most pressing needs of its target community, achieved an overall balance of resources among the performance areas which reasonably appears to be the most efficient allocation to achieve the maximum possible effect on those needs.

MEASUREMENT APPROACHES

Ascertaining the cost of services and activity is an intermediate but necessary measure before an efficiency assessment can be made. Cost data for types of cases and activities should be available from the program's own internal systems (the existence of such systems is a condition of participation, as described in the measurement overview). Reviewers should examine and make a judgment concerning the reliability of this information on-site. Then, for each Performance Area, reviewers should compare the resources expended versus results achieved, and make a judgment as to relative efficiency. In addition, overall efficiency issues should be considered, such as whether allocations to overhead (as opposed to program services) appear reasonable, in the light of program size, service area size, and other factors influencing the complexity of administration.

Reviewers should also examine whether the program conducts its own assessment of cost and efficiency, and, if so, whether the information is sophisticated and reliable, and the judgments credible. In the light of this and all other information, the overall efficiency score should be generated.

APPENDIX II

The New Jersey Legal Services System At A Glance*

***Separate document – PDF file**

APPENDIX III

REPORT ON ACHIEVEMENTS CONCERNING OBJECTIVES FOR THE LEGAL SERVICES OF NEW JERSEY PHASE II REENGINEERING PERIOD (1999 THROUGH 2001)

The italicized items below are the specific objectives originally set for the 1999-2001 planning period. The text summarizes the actual progress on each.

1. *Embrace the new statewide vision for the future of Legal Services, and adopt consistent local mission statements.*

Ongoing process; there are modest revisions in the new plan.

A new, comprehensive assessment of unmet/inadequately met legal need in New Jersey was completed.

2. *Analyze the full extent and nature of the unmet need for essential civil legal aid for economically disadvantaged people in New Jersey.*

Work on this task will consume at least two more years, including qualitative and focus group research following up on the quantitative study. To date it has included:

- ~~☞~~ Preliminary examination of methodologies used in other states to extrapolate state-specific data from a kind of statistical meta-analysis of prior national and state studies.
- ~~☞~~ A quantitative field survey of a random sample of low income New Jerseyans, with 1,000 completed interviews.
- ~~☞~~ Development of a recommended approach to community needs assessment by local programs, using the quantitative survey instrument as one of the recommended techniques.

3. *Improve the quantity, efficiency, quality and effectiveness of services.*

3.1 Continuing to build the Legal Services technology infrastructure, and achieving full utilization of available technology

3.1a Conducting an intensive new statewide computer training phase

In 1999 a major new phase of statewide computer training was begun, with the creation of a permanent training facility at the Edison LSNJ office. From its inception, 48 training events have been conducted in various software applications and Coordinator of Information Technology (CIT) required skills (as

detailed in the statewide Technology Overview – see Appendix A - all programs are required to have a CIT and Deputy CIT). These include trainings by outside vendors (West's, Lexis) in various research modalities. These training activities continued through 2000 and 2001.

3.1b Instituting a program of periodic visits to local programs to assess the effectiveness of their use of technology – throughout period.

The first full round of periodic site visits (called “site audits”) to local offices by the LSNJ technology staff were completed in late 1999. They assessed capacity, utilization, special problems, licensing issues, Y2K readiness, and several other factors. These are expected to be repeated annually, and are in addition to the many other program visits for installation and problem-solving that the tech staff make during the year.

3.1c Developing computerized intake questionnaires and case handling protocols

This is be a long-term, multi-year project. The first phase – developing and testing of computerized formats for use by the statewide hotline – has begun. If warranted after evaluation, later work will be done with the help of specialists from the statewide task forces.

3.1d Coordinating closely with the courts, especially for self-represented clients, as the judiciary moves toward ever greater use of technology – throughout period.

LSNJ is collaborating with the New Jersey court system.

3.1e Continuing, through the statewide technology reserve fund, to upgrade and utilize innovations in available technology to improve services, including exploration of voice recognition software, video conferencing, imaging, and any other promising approaches.

Upgrades and innovations continued throughout the period. The current status of the statewide system is described in the latest Overview of the Legal Services of New Jersey Technology System.

3.1f Developing and maintaining statewide technology system specifications, along with a regularly updated short and long term technology plan which details upcoming initiatives.

See the latest technology Overview, referenced above.

3.1g Maintaining and enhancing the desktop electronic research capability.

In addition to statewide unlimited Westlaw access, Lexis on-line was added during 1999, along with a host of proprietary CDs, all bundled together on the password-protected Legal Services intranet known as “Research Net.” A searchable statewide electronic data bank – ebank – was put on line in 2001.

3.2 Improving efficiency, avoiding any unwarranted duplication of effort that could result from the current program configuration, and continuing to consider forms of additional structured collaboration among programs, on both a statewide and a regional basis, as well as periodically reexamining the desirability of formal consolidation in light of new circumstances.

3.2a Developing standardized statewide best case handling and administrative practice and providing other coordination to achieve efficiencies.

This is very much a multiyear project, which is underway and expected to extend through at least the next three years. For case handling, LSNJ staff works with the task forces to develop and explore the feasibility of checklists, protocols, and other supporting materials. Development of administrative best practices and other coordination is carried out through updating the LSNJ clearinghouse for administrative policies; providing LSNJ guidance and analysis on key personnel and benefits policies; retaining a statewide employment lawyer (in place since 1998) so that programs will receive consistent, standardized advice, at substantially reduced fees; updating the statewide salary and fringe benefit comparability study (last completed in January 2000); continuing to use and explore savings from joint purchasing of insurance, fringe benefits, supplies, and equipment; and other similar activities.

3.2b Through LSNJ, continuing to facilitate analysis of structured regional or statewide collaborations, such as sharing of new staff (potentially investigators, social workers, experienced litigation supervisors, specialized case handlers), regional or statewide joint projects (such as bankruptcy representation), and similar undertakings.

Regional delivery initiatives in predatory lending and child welfare have been launched, as have statewide SSI and unemployment appeals projects.

3.2c Finding new and more efficient ways to deal with recurrent, repetitious and costly substantive legal problems, including adequate representational capacity in alternative forums, such as the legislature and administrative agencies, where such recurrent problems can be addressed more efficiently.

LSNJ has established a major legislative and administrative advocacy presence in Trenton, on statewide issues of importance to low-income people.

- 3.2d *Periodic re-analysis in selected parts of the state of the feasibility and desirability of formal consolidation.*

The new plan reflects the state's reconfiguration decisions.

- 3.2e *Analyzing consolidation of some or all financial operations statewide, and considering the desirability of and efficiencies associated with installation of a uniform statewide computerized accounting package in Windows.*

Apart from program consolidation, LSNJ expects a single statewide accounting package to be put in place during 2002.

- 3.2f *More closely coordinate Legal Services work, especially in major cases, by:*

- (1) *adhering to a statewide system of discussion of contemplated major cases (appeals, affirmative actions) with designated experienced LSNJ staff, as well as other experienced case handlers in the state, prior to filing (except when emergent circumstances preclude such discussion), and by continuing to keep LSNJ informed as such cases proceed, so that it in turn can perform its advisory and clearinghouse functions.*

This system is in place.

- (2) *Enhancing the current system, coordinated through LSNJ, of broad sharing of legal information, together with discussion of potential approaches and strategies, especially through enhanced use of electronic means such as the statewide e-mail system and LSNJ task force folders, as well as by consultation with national experts where appropriate.*

There is now an extensive system in place, supplemented by a statewide electronic document bank, ebank, which went on line in 2001.

- 3.2g *Developing a coordinated, non-duplicative, efficient statewide approach to staff recruitment.*

When useful, LSNJ has coordinated statewide advertising and also facilitates attendance at major law school recruiting consortia. It continues to operate the statewide summer intern program.

- 3.2h *Increasing LSNJ's efforts to interpret and explain key legal developments for staff, cooperating attorneys, and clients.*

This is an ongoing major emphasis of LSNJ.

3.2i *Through LSNJ, conducting, coordinating, or facilitating, as appropriate, necessary client representation and advocacy at the national level.*

This continues on a significant scale, particularly on housing, health, entitlement, and consumer issues.

3.3 *Preserving and expanding the capacity of Legal Services to provide essential legal assistance to eligible clients, including:*

3.3a *Monitoring the IOLTA litigation and working to preserve IOLTA funding, and preparing to secure state replacement funding if necessary.*

This emphasis has continued.

3.3b *Working to expand Legal Services' private funding base statewide, including a major gifts initiative.*

This effort continues, especially through the Campaign for Justice.

3.3c *Developing better integration, cooperation and coordination of representation efforts with the state's non-Legal Services legal assistance providers, in order to form an effective statewide legal assistance web and network, subject to the inevitable limitations on such efforts which may result from differences in organizational mission.*

This initiative has been a major focus in particular substantive areas, most notably health, consumer and education. There is also a plan to commence a statewide public interest law roundtable, bringing together all providers in the state, by the spring of 2002.

3.3d *Through close cooperation with the State Bar and other relevant organizations, expanding volunteer efforts to supplement Legal Services work.*

A statewide Legal Services *Pro Bono* Task Force was rejuvenated and expanded, and now plays a major role. Statewide protocols and an operating manual are nearly complete.

- 3.3e *Attempting to leverage greater legal assistance efforts on behalf of the economically disadvantaged by law schools and other public interest legal providers.*

This initiative has been a major focus in particular substantive areas, most notably health, consumer and education. There is also a plan to commence a statewide public interest law roundtable, bringing together all providers in the state, by the spring of 2002.

- 3.3f *Carrying out a more systematic analysis, for each of the principal types of cases affecting low-income people, of the utility and desirability of complementary and alternative dispute resolution programs as methods for resolving clients' disputes satisfactorily, and then to the extent found desirable, coordinating Legal Services' use of such mechanisms (this analysis will include examination of whether it is appropriate for Legal Services to serve as an intermediary in such situations, in light of conflicts that can result).*

This is part of the next phase of the statewide Legal Needs project, and is scheduled to begin during the second half of 2002.

3.4 Further integrating Legal Services work into an effective statewide system, including:

- 3.4a *Further developing a truly integrated and coordinated statewide intake process, consistent with basic statewide tenets which emphasize convenience and accessibility to clients, and meet confidentiality requirements.*

The statewide integrated intake system tenets and characteristics, Appendix VI, were substantially upgraded and expanded. A statewide survey of all Legal Services program and other legal assistance provider intake practices is done annually, and Legal Services programs update their information on a weekly basis. It is available on the LSNJ intranet. The uniform statewide case management system was completely revamped and installed in 2001. LSNJ is now studying the next wave of case management systems.

- 3.4b *Exploring and experimenting with other approaches to improving client access, including use of outside computer terminals in homes or public places, video communication, and any other technology that holds promise.*

This is part of the statewide technology plan. Video conferencing among Legal Services offices will be implemented during early 2002.

- 3.4c *More systematic experimentation with and evaluation of the usefulness and desirability of self help clinics and materials.*

This multi-year project is underway, as a part of the Legal Needs study.

- 3.4d *Developing a coordinated statewide outreach and community legal education strategy, utilizing all new available technologies wherever possible, to enhance awareness of legal rights and help prevent legal problems.*

This is an ongoing effort, led by LSNJ.

- 3.4e *Developing uniform, statewide, cross-county referral, conflict and out-of-state client acceptance policies.*

These were completed and are reviewed periodically.

- 3.4f *Ensuring consideration of and responsiveness to the needs of special client subpopulations, such as migrants, farmworkers, other seasonal and day-haul workers, youth, seniors, homebound and frail people, individuals with disabilities, immigrants, non-English speakers, prisoners, the institutionalized, and other vulnerable people with difficulties accessing lawyers.*

A new statewide farmworker project is being commenced in 2002, for people and areas barred from LSC-funded program activity. Other populations will be closely studied during the next phase of the Legal Needs Study.

- 3.4g *Further developing an integrated statewide public information system concerning the work of Legal Services.*

This is an ongoing effort.

- 3.4h *Addressing recurrent problems and issues impeding retention of competent and experienced staff, particularly attorneys (where the largest turnover and loss historically has taken place), including management problems, efforts to achieve salary and benefit levels comparable to other state and public legal employers, new approaches to deal with the problem of large law school loans and soaring private firm salaries, strategies to reduce burnout, and approaches such as regional sharing of positions which promote career professional development.*

A new salary and fringe benefits study was completed. Other initiatives have yet to be planned.

- 3.4i *Integrating statewide training events with structured follow-up on the job by local program management and staff, to ensure maximum effectiveness.*

LSNJ has the most extensive statewide training calendar in Legal Services. On average there are between 70 and 90 total training days annually, exclusive of statewide conferences and task force meetings, which also include major training components.

- 3.4j *Improving supervision of legal work – ongoing.*

To date, this has been addressed primarily through training events and the evaluation process. LSNJ also expects to coordinate development of advisory protocols for internal supervision and personnel evaluations by programs.

- 3.4k *Through a new vision and goal of 100% access and other steps, reenergizing the corps of Legal Services staff, board members and supporters, and building bridges to new supporters, and thereby infusing the Legal Services program statewide with a new sense of purpose, excitement and commitment.*

This will remain a major emphasis for the next several years, kicked off by the release of the first phase of the statewide Legal Needs study in early 2002.

- 3.4l *Beginning to develop new leadership for the next Legal Services generation, and achieving greater diversity in that leadership.*

The Policy Council has initiated a continuing dialogue about these issues. LSNJ has launched a major effort to recruit and support more diverse program leadership.

- 3.4m *Addressing lack of diversity in certain programs.*

LSNJ has continued to make diversity a key focus of its program visits, and is employing a number of other strategies to address this issue.

- 3.4n *Developing a firm cooperative statewide policy for sharing and loaning staff to other programs to respond to special local crises or emergencies in the client community, or to make staff resources or expertise available, particularly to smaller programs or offices, when there are temporary deficiencies caused by turnover, illness, emergencies or other special circumstances.*

This policy was implemented in response to Hurricane Floyd in 1999, and will be facilitated by the planned program consolidations.

3.5 Enhance statewide accountability for performance by:

- 3.5a *Developing and implementing a new statewide protocol for ongoing program self-assessment.*

The self-assessment protocol, utilized in connection with program visits, is under extensive revision.

- 3.5b *Finishing work on standardized performance criteria and norms for all categories of staff, starting with directors.*

Work on guidelines for staff performance criteria has been underway for several years. Versions for most staff categories are expected to be completed in 2002.

- 3.5c *Setting program performance norms, and updating the statewide program Performance Criteria.*

The LSNJ Performance Criteria (which were the basis for the LSC Performance Criteria) are again under review and revision, and will be completed in 2002.

- 3.5d *Continuing with a variety of program technical assistance visits and evaluations.*

These were completed for all New Jersey Legal Services programs during 2001. Follow up technical assistance and additional evaluation visits are planned throughout 2002.

- 3.5e *Developing a recommended client satisfaction survey for administration statewide.*

A revised version is near completion.

- 3.5f *Developing a uniform program performance reporting system, which describes and to the extent possible quantifies a more comprehensive range of program performance and results in ways other than mere case numbers.*

This has been under development for several years. A new version will be tested during the first half of 2002.

- 3.5g *Analyzing and to the extent useful and feasible implementing a statewide approach to outcome measurement.*

This is a key component of the reporting revision described in 3.5f.

3.5h *In the final analysis, achieving similar, fair and quality treatment, service and outcomes for clients statewide, regardless of where they live. (It is understood that in some circumstances differences may be required by special purpose local funding or special priority local legal problems, but those local differences should still be identified through a standardized statewide approach to needs assessment.) This approach connotes underlying statewide consistency in priorities and case acceptance practices.*

This is a product of many of the initiatives described above, coupled with two additional components: recommended statewide eligibility guidelines, and examination of priorities and case acceptance policies across the state (in an attempt to reduce any unnecessary differences) which will be renewed during the second half of 2002, after release of the first phase of the Legal Needs Study.

3.5i *Carrying out research important to poverty advocacy and Legal Services representation.*

LSNJ continues to carry out this research, with several major releases planned during 2002.

**APPENDIX IV – SUMMARY OF RESPONSES TO LSC PROGRAM
LETTER 2000-7 CONCERNING SELF-ASSESSMENT**

To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved in a particular state?

Areas of exploration include:

1) What are the important issues that impact upon low income people within your state? How is your state responding to these issues?

These issues change or evolve constantly. To promote strategic responsiveness, every year LSNJ coordinates a statewide and internal strategic planning process, which also involves the annual statewide Substantive Law Conference in May. This process sets specific objectives, recommends broad local program objectives, and creates a strategic framework. Transcendent issues for 2002 are the imposition of the five year (60 month) welfare time limit on April 1, 2002; predatory lending abuses; and threats to a range of social programs occasioned by budget cuts.

2) What are the components of the delivery system?

LSNJ is the statewide coordinating entity and principal funding conduit for the statewide Legal Services system. Currently there are 14 local Legal Services programs which make up the remainder of that system. The New Jersey legal assistance realm includes several other non-profit legal assistance providers, as well as a significant number of clinics at the three law schools. See the description in the accompanying state plan and At A Glance.

3) Has this system created mechanisms to assess its performance in relationship to commonly-accepted external guides such as the ABA Standards for Providers of Civil Legal Services to the Poor, the LSC Performance Criteria or some other set of objective criteria? What is the protocol for undertaking system performance review and when was a review last undertaken?

Yes. Please refer to the current and prior state plans. Through LSNJ, New Jersey has adopted Performance Criteria, overall Delivery System Standards (DSS), and specific other standards and guidelines in a host of areas, including intake, technology, eligibility and referral. LSNJ conducts evaluations of programs regularly, and did site reviews of every program during 2001.

- 4) **Does your statewide system work to ensure the availability of equitable legal assistance capacities to clients – regardless of who the clients are, where they reside or the languages they speak? How does your system ensure that clients have equitable access to necessary assistance including self-help, legal education, advice, brief service, and representation in all relevant forums? Please describe what steps you anticipate taking to ensure equitable access in the coming years.**

The state equalizes all resources made available on a statewide basis utilizing a per capita formula. Self-help and legal education activities are undertaken at a local and statewide level, and are coordinated by LSNJ as described in the plan. Advice and brief assistance are provided on both a local and statewide basis, and are coordinated through the LSNJ Hotline. LSNJ provides representation in those forums that local programs are not able to access.

Additional specific objectives for 2002 are currently being framed.

- 5) **How does the legal service delivery system employ technology to provide increased access and enhanced services to clients throughout the state? What technological initiatives are currently underway and how will they support the integrated statewide delivery system?**

Please refer to the statewide Legal Services of New Jersey Technology Overview, attached as Appendix V to the January 2002 State Plan.

- 6) **How has the legal service delivery system expanded its resources to provide critical legal services to low income clients including hard to reach groups such as migrant farmworkers, Native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants and the rural poor?**

Farmworkers – New Jersey's has a historically excellent farmworker office, operated under the auspices of Camden Regional Legal Services. In 2002 LSNJ will commence a new statewide farmworker project focusing on areas in which LSC funds cannot be used.

Native Americans – New Jersey does not have a significant Native American population and no reservation-based tribes, so a separate program is not warranted.

Elderly – nearly all counties support a Title III program focus within the local Legal Services office. LSNJ maintains a statewide Senior Citizens Task Force, and maintains liaison with all statewide senior organizations.

People with disabilities – provided by local programs, much of it with special funding. Legal Services coordinates with other special providers to these populations.

Institutionalized – represented to a small extent through local programs, but special additional funding is required for these populations.

Immigrants – LSNJ operates an Immigration Representation Project, which supplements efforts of other providers in the state.

Rural poor – these are served by local programs, which have offices in 20 of 21 counties. No great distances isolate the rural poor.

- 7) What steps have been implemented within the legal services delivery system and among client communities to identify and nurture new leaders? Do the existing leaders reflect the diversity within the state and within client communities that your delivery system serves? Do your state's equal justice leaders reflect the gender, race, ethnic and economic concerns of important but sometimes overlooked groups within your state? Does the leadership provide opportunities for innovation and experimentation; does it support creative solutions to meet changing needs; are new ideas welcomed; are clients nurtured as leaders? Has the leadership been given sufficient authority and resources to implement needed changes?**

Please see the attached Achievements section. New Jersey currently has significant diversity among its program directors, although there can always be improvement. There is concern that reducing the number of programs will shrink some opportunities for new leaders; there was considerable opportunity with 14 programs. LSNJ makes support for new leaders a principal objective, especially those who are members of racial or ethnic minorities.

- 8) What do you envision will be your next steps to achieve a client-centered integrated and comprehensive delivery system within your state or territory? How will clients be actively involved in the determination of these next steps?**

The major anticipated initiatives are reflected in the accompanying state plan. Low income people are involved in myriad ways, most notably in the comprehensive Legal Needs Study (all phases), the systematic feedback that they provide through follow up after receiving services, their service on program boards, and their participation in numerous coalitions, networks, committees and governing structures of the numerous bodies working on substantive poverty issues.

9) What has been the greatest obstacle to achieving a statewide, integrated, client-centered delivery system and how was that obstacle overcome or, alternatively, how do you plan to overcome that obstacle?

The progress toward an integrated system has been a thirty year quest in New Jersey. There has been no single obstacle; the biggest challenge is to remain focused on the single goal of the most effective, efficient and impactful services to clients. This quest is ongoing.

10) Has any benefit-to-cost analysis been made in terms of creating a comprehensive integrated and client-centered legal services delivery system in your state? If yes, what does your analysis show?

We employ cost-benefit analysis in some form for virtually every initiative we undertake.

11) What resources, technical assistance and support would help you meet your goals?

Additional funding for direct services and for additional technology initiatives, especially court-based self-help kiosks and scripts.

To what extent have intended outcomes of a comprehensive, integrated client-centered legal services delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?

We believe we have been very successful, as reflected in the assessment contained in the attached state plan.

Areas of exploration include:

1. In terms of the issues impacting upon low-income persons within your state, what strategies have you designed to address these issues and how do you plan to measure your future success in addressing your objectives?

We do not disclose substantive strategies in public forums. Each year substantive advocacy plans are developed on a statewide basis, and objectives as well as strategies are articulated, wherever possible in terms of outcomes which are measurable.

2. Has the legal services delivery system expanded access and services through coordination with providers throughout the state? Can this be quantified?

Many benchmarks are possible. One straight-forward measure is that during the period of the last two three-year state plans, 1996-1998 and 1999-2001, there was a statewide growth in clients served from 35,182 in 1994 (the last year before the 104th Congress) to 47,792 in 2000, a 36% increase.

3. Has the quality of services provided by the legal services delivery system improved? How?

Effectiveness and efficiency, result-oriented concepts which LSNJ employs in place of quality, have increased markedly statewide during the past several years.

Indicators include:

1. Overall caseload effectiveness.
2. Improved program services in nearly all offices, as revealed by site reviews.
3. Enhanced advocacy presence in all forums.
4. Enhanced legal research, information dissemination, legal work coordination, training, statewide legal support, and integration of technology.
5. Institution of a statewide hotline and advice and brief service units.
6. Inauguration of specialized statewide projects to meet particular needs involving certain issues or low income population subgroups (e.g., immigrants, predatory lending victims, families involved with the child welfare system, child welfare system, health care, domestic violence.)

4. Since 1998, has there been improvement in the relative equity of client access throughout the state for all low income clients regardless of who they are, where in the state they reside, what languages they speak, their race/gender/national origin, or the existence of other access barriers? How is this equity achieved?

Equity was achieved well prior to 1998, through equalization of all statewide resources.

5. Since 1998, has there been improvement in the relative equity in terms of the availability of the full range of civil equal justice delivery capacities throughout the state? What mechanisms have been developed to ensure such relative equity is achieved and maintained? Since 1998, has there been improvement in the relative equity in the development and distribution of civil equal justice resources throughout the state? Are there areas of the state that suffer from a disproportionate lack of resources (funding as well as in-kind/pro bono)? If so, is there a strategy to overcome such inequities?

Equity was achieved well prior to 1998, through equalization of all statewide resources.

6. Does this legal services delivery system operate efficiently? Are there areas of duplication?

We believe the statewide system is very efficient, and do not find any major areas of unnecessary duplication. At the same time, we continue to strive to increase efficiency.

7. Has the system expanded the way it involves private lawyers in the delivery of essential services to low-income persons? Does the system effectively and efficiently use the private bar to deliver essential services to low income people?

Pro bono enhancement has been a significant statewide focus over the past three years, and this will continue under the next state plan.

Are the best organizational and human resources management configurations and approaches being used?

Areas of exploration include:

1) For calendar year 2001, what is the current configuration of programs (LSC and non-LSC) that deliver services to low income clients – i.e., what are the components (size, areas of responsibility, governance) of the delivery system? What are the funding sources and levels for each of these components of the delivery system?

A basic description of the delivery state appears in the “At A Glance” document in the appendices, and in the attached state plan.

2) Since October 1998, what other configurations and/or approaches have been seriously explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?

Reconfiguration has been initiated on a statewide basis, as described in the attached state plan.

3) Is there any identifiable duplication in capacities or services in the state? How many duplicative systems – accounting systems, human resources management systems, case management systems, etc. – currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?

Please see answer 6 in the preceding section and the discussion in the accompanying state plan.

- 4) Since October 1998, what innovative service delivery systems/mechanisms/initiatives have been adopted in the state? Have any been explored and then rejected?**

Please see answer 3 in the preceding section.

APPENDIX V

Legal Services of New Jersey Technology Overview

January 2002

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Vision

Legal Services programs in New Jersey will utilize technology, to the maximum extent feasible, to improve the efficiency and effectiveness of services to clients and of overall operations. To this end, technology will incorporate every aspect of Legal Services operations.

Current Capacities and System Description

- ~~///~~ Statewide Point-to-Point WAN; Local NT LANs in all 24 offices
- ~~///~~ Standard workstations for all permanent staff
- ~~///~~ Standard uniform software applications
- ~~///~~ Internet access at all desktops
- ~~///~~ Uniform case management software
- ~~///~~ Security for confidential program information
- ~~///~~ Ongoing central training
- ~~///~~ CIT and deputy CIT in every office – available at all times for on-site support/contacts
- ~~///~~ Statewide help desk for maintenance and repairs
- ~~///~~ Statewide tech support web page with alerts, training, and technical reference
- ~~///~~ Statewide email system
- ~~///~~ Centralized Network Management
- ~~///~~ Statewide virtual library (ResearchNet) with on-line research capacity (Westlaw, Lexis), networked CD ROMS, and electronic document bank, complemented by central document collection and reference research service.
- ~~///~~ Statewide video conferencing with large room meeting camera at LSNJ and individual cameras in each office
- ~~///~~ Statewide public web page (lsnj.org) with local program web pages
- ~~///~~ Statewide intranet (LSNJnet)
- ~~///~~ Remote access (through local phone numbers)

LSNJ Tech Staff Responsibilities

- ~~///~~ Supplying and install all network and desktop hardware (except printers and laptops) and standard software
- ~~///~~ Installing and maintaining the WAN
- ~~///~~ Installing and maintaining all LANs, including cabling (unless local cabling meeting system specs is approved)
- ~~///~~ Providing network, hardware and software repairs and support through statewide help desk, including remote support through SMS where feasible
- ~~///~~ Install and maintain ResearchNet, LSNJnet, and LSNJ.org
- ~~///~~ Install, configure and maintain statewide software applications
- ~~///~~ Secure and hold all bulk licenses
- ~~///~~ Provide documentation for entire system
- ~~///~~ Set all specs for system, system cabling, and all attachments to network
- ~~///~~ Continuously evaluate and plan for necessary upgrades and improvements in system; work into long-term staged replacement strategy
- ~~///~~ Periodic system and site audits

- ~~///~~ Install remote access capability as requested by local programs
- ~~///~~ Conduct technical training
- ~~///~~ Hold periodic CIT meetings

Tech Staff Members

Sue Perger

Jimmie Rains

Nelson Chu

Rob Davies

James Borg

Lauren Countee

Rebecca Pressman

Charlotte Adams

Local Program Responsibilities

General

- ~~///~~ Acquire and install necessary printers and laptops
- ~~///~~ Acquiring and holding licenses for all other applications on network or hardware not covered by statewide bulk licenses
- ~~///~~ Maintaining proper local use of system and all software and hardware, including email, ResearchNet and Internet
- ~~///~~ Decisions regarding supervision of local remote access
- ~~///~~ Reinstall software when a PC is re-imaged
- ~~///~~ Secure prior LSNJ approval for any non-statewide system devices proposed to be attached to the LAN
- ~~///~~ Ensure availability of CIT and at least one deputy CIT at all offices, who meet specified criteria and responsibilities, and immediately notify LSNJ tech team of any changes in these assignments

CIT responsibilities

- ~~///~~ Be a site contact for all computer-related on-site service calls
- ~~///~~ Be a site contact for any phone support
- ~~///~~ Provide 1st level support for all computer-related problems
- ~~///~~ Have all admin/equipment passwords (these must be available, and the program must know where they are, for LSNJ to be able to give support)
- ~~///~~ Perform PC maintenance as necessary:

- ☞☞Scandisk
- ☞☞Defrag
- ☞☞Remove old and temp files
- ☞☞Update AV signature files
- ☞☞Perform backups
- ☞☞Perform PC upgrades upon requests:
 - ☞☞Windows updates
 - ☞☞Office updates
 - ☞☞Other application updates
- ☞☞Coordinate new purchases, office moves, and installs with LSNJ
- ☞☞Troubleshoot local PC printing issues
- ☞☞Handle Office 2000 questions and problems
- ☞☞Perform server maintenance*
- ☞☞Monitor backup logs*
- ☞☞Monitor the system event log*
- ☞☞Update server AV files*
- ☞☞Install new drivers and patches at LSNJ's request*
- ☞☞Add new users*
- ☞☞Add users/maintain the address book*
- ☞☞Maintain the local public folders*
- ☞☞Troubleshoot network printing issues*
- ☞☞Troubleshoot WAN/Internet connectivity issues*

* Responsibilities need not apply to deputy CITs

CIT Capacities

- ☞☞Must be available at all times, otherwise have the deputy CIT available
- ☞☞Must be able to devote up to 5 hours a week for maintenance (or more depending on office size and #)
- ☞☞Have a good working knowledge of:
 - ☞☞Windows 2000
 - ☞☞Exchange Server 2000
 - ☞☞ArcserveIT for NT
 - ☞☞E-Trust anti-virus
- ☞☞Understand LAN/WAN concepts
- ☞☞LAN/WAN hardware
- ☞☞Protocols and routing
- ☞☞Hubs, switches and wiring
- ☞☞Internet technology
- ☞☞Be capable of downloading and installing drivers and patches
- ☞☞Keep up with technology, i.e. new virus warnings
- ☞☞Handle MOST PC/desktop issues without other support
- ☞☞Become proactive about maintenance and upgrades
- ☞☞Must be capable of performing troubleshooting steps with TAPnet, MCI/Worldcom, or Verizon

Deputy CIT Capacities

- ☞ ☞ Must be available when the CIT not available
- ☞ ☞ Must be able to identify and locate all computer-related equipment
- ☞ ☞ Must understand PC technology
- ☞ ☞ Understand PC concepts taught at LSNJ CIT Training
- ☞ ☞ Capable of communicating in a technical capacity with tech support and end users
- ☞ ☞ Capable of installing PCs and printers
- ☞ ☞ Capable of loading software packages and updates
- ☞ ☞ Must have a good working knowledge of:
 - ☞ ☞ Windows 98
 - ☞ ☞ Office 2000
 - ☞ ☞ Outlook 2000
 - ☞ ☞ Internet Explorer 5.5 and up
 - ☞ ☞ ResearchNet
 - ☞ ☞ Clients for Widows 2000
 - ☞ ☞ E-Trust anti-virus software
- ☞ ☞ Must be capable of contacting and utilizing Dell support

Basic System Rules

1. All system hardware and software shall be used only by authorized Legal Services staff and volunteers and only for business purposes.
2. Send emails to large distribution groups or large file emails to any broad distribution, exceedingly sparingly, only when no more limited distribution is available, because of the potential for such transmissions to tie up the entire WAN.
3. Follow netiquette rules.

Major Planned 2002 Projects

(Tentative; subject to final decisions)

PC Replacement

Continue replacing desktop PC with Dell OptiPlex GX-240s. All new PCs will have 256MB RAM, all existing PCs must have 128MB. First generation PII's will be replaced in 2002.

Windows 2000 / Exchange 2000 server upgrade

Server Operating System upgrades will provide added features and keep our servers on the latest software. Currently, we are running Windows NT 4.0. With this upgrade, will upgrade our server to Windows 2000- Server. This will avoid support problems when Microsoft ends NT 4 product support. This will also enable us to utilize Microsoft's Directory services features. This will also enhance our ability to facilitate employee office moves or any consolidations. Exchange 2000 will enhance our current mail and collaboration abilities.

- ~~///~~ Replace all old mail servers (1997) with new PowerEdge 2500s or 4300s
- ~~///~~ Upgrade existing mail servers to dual processors and 1GB of RAM
- ~~///~~ Upgrade all servers to Windows 2000 Server
- ~~///~~ Upgrade Exchange 5.5 to Exchange 2000
- ~~///~~ Upgrade backup software and AV software.

Unified Messaging / Network Faxing

As our phone system through out the state become outdated, we must evaluate current technology. By creating a voice technology plan for the next 2-5 years, we can eliminate the possibility of a program upgrading to a phone system that will not be compatible with any technology that LSNJ plans to roll out in the next few years. This research may produce a technology that is feasible to install this year, such as network faxing.

- ~~///~~ Evaluate Unified messaging systems
- ~~///~~ Evaluate VoIP and multi-office phone systems
- ~~///~~ Test network faxing software
- ~~///~~ Create a state plan for voice technology in an effort to potentially consolidate phones system statewide.

Videoconferencing System

Once Exchange 2000 is installed statewide, Exchange 2000 conferencing server promises to enable LSNJ to either broadcast events from any office, or hold up to 16 simultaneous sessions in 1 meeting. Currently, LSNJ is limited to concurrent sessions from LSNJ only.

- ~~///~~ Install a PowerEdge 2550 at our co-location space
- ~~///~~ Install Windows 2000, Exchange 2000, and Exchange 2000 conferencing server
- ~~///~~ Test with existing Polycom equipment.

Video-Based Training

Web based training has become a valuable tool. However, technical training often needs to be visual. The project is to continue videotaping technical trainings, which will be available at any time to CITs and other LSNJ staff. We will also experiment with taping PC trainings to see feasibility of putting all day trainings on a video broadcast server.

VoIP

With the latest upgrade to our statewide WAN, we now have enough bandwidth to test **Voice-Over-IP**. We will connect each office's phone system to the WAN router and enable each office to make a "free" phone call between offices. The goal is to save some recurring phone costs and evaluate VoIP technology for future statewide telephone system upgrades.

Case Management

Evaluate SQL Kempas and other methods of remote access and multi-office database synchronization:

- ~~/~~ SQL Kempas
- ~~/~~ Access 2000 database replication
- ~~/~~ Citrix Metaframe solutions
- ~~/~~ Kempas ASP
- ~~/~~ Custom or other application.

Disaster Planning

Disaster recovery software and hardware has been installed statewide and soon to be updated. This project is plan, test, and document recovery and contingency plans for conceivable disasters with our new software. With the completion of the project, LSNJ will have a manual available in the event of problems with critical equipment.

- ~~/~~ Create a list of all statewide failure points
- ~~/~~ Create recovery/contingency plans
- ~~/~~ Create contact lists and support strategy.

Web Projects

Though our web projects are always ongoing, the technology behind them should be noted specifically.

- ~~/~~ Update lsnj.org to cold fusion and install a separate server at our co-location space with Windows 2000, IIS, cold-fusion, and web trends.
- ~~/~~ Create automated forms on LSNJ and enhance search features
- ~~/~~ Explore benefit calculators and other client self help resources
- ~~/~~ Continue LSNJnet upgrades.

Ongoing / Evaluation Projects

(Tentative; subject to final decisions)

Wireless

Wireless technology has not only been in the hotspot lately, it has also evolved substantially. While the bandwidth has only been raised from 2 to 11Mbps, IEEE has been successful with the 802.11b standard. Cisco's wireless product is from a recent acquisition of a wireless company and it has features above and beyond its competitors.

- ~~/~~ Monitor the progress of the 802.11b standard
- ~~/~~ Keep abreast of the status of the 5GHz version (next version @ 54Mbps)

- ✍ Evaluate current Wireless technology at LSNJ with Cisco wireless access point and three PCMCIA NIC cards.

Portable Technology

PDA's

PDA technology is continuing to evolve. Since the first Palm with 512K to the more recent Palm VII with 8MB and wireless capability these devices show great potential for organizing the on-the-go businessperson. The issue with these devices is limitations due to the screen, input method, memory and processor. While they are great at personal organizations and light applications such as downloading newspaper articles, driving directions, and even citations they are not capable of Office suite applications or case management software.

- ✍ Continue to evaluate PDA technology keeping abreast of hardware improvements
- ✍ Monitor available software, specifically mobile applications and law related applications i.e., Westlaw's PDA software.

Handheld computers or "Windows CE" machines

These machines show great promise. They are still somewhat limited much as the PDA described above, but these machines are capable of running "lite" versions, which do not have many features that the PC versions offer. The other limitations of these machines are the limited screen size and awkward keyboards. Most importantly, these machines are priced quite close to entry-level notebook computers which can run full powered software and have large screens, more RAM, full sized keyboards, etc. Clearly, these products are expensive machines with size being the focus.

- ✍ Continue to evaluate these handhelds for both features and price
- ✍ Pay particular attention to the Voice Recognition based handhelds and wireless capabilities
- ✍ Monitor the relation price wise to notebook computers.

VoIP phone systems

Voice over IP has become a usable technology that provides great benefits and cost savings, as described earlier. Though VoIP phone systems have been out for a while, only recently do they have the many of the features that today's digital phone systems boast. The prices have also come down to now be competitive with Lucent and Nortel systems making it a viable technology that should be considered. One of the great benefits is that these phone systems function with the same features whether they are in a large office, small office, or even your home.

- ✍ Monitor this technology for features and price
- ✍ Keep abreast of statewide phone system upgrades

- ~~✍~~ Consider a central VoIP phone system, either for multi-office programs or statewide with separate partitions for each program
- ~~✍~~ Also consider how our smaller offices could benefit from this technology.

APPENDIX VI

**Outline of Key Tenets and Characteristics of an
Integrated Statewide Intake System for New Jersey Legal Services**

Legal Services programs in New Jersey, in their 1998 reengineering plan, firmly committed to developing an integrated and coordinated statewide intake process for the maximum convenience and benefit to prospective clients. The fundamental tenets of this system, to be adhered to by all programs, include:

1. Client confidentiality – will be protected in accordance with applicable ethics rules.
2. Multi-door/ One-referral (“one bounce”) rule – there will be as many points of entry to the statewide Legal Services system as possible (the “multi-door” principle), but regardless of the point and type of first contact that a potential client has with any part of the statewide Legal Services system, in most cases they will need and be given only one referral to get to the point where they will receive the maximum service that they are ultimately able to be afforded by the Legal Services system, or by an outside legal assistance provider, lawyer referral system, or social services agency, if applicable. Corollaries are that (a) all programs must use the statewide intake information compiled by the LSNJ Hotline in making such referrals (see (4) below); and (b) no prospective client should be referred to the LSNJ Hotline or anywhere else when it reasonably should be known that they will not be helped (e.g., not a Legal Services case, such as a criminal matter; clearly financial ineligible; referee office closed to intake), a practice known as “client dumping.”
3. One intake – except in unusual circumstances, clients will be subjected to only one in-depth intake (data from a previous intake will be transmitted or utilized). This means that the same questions will not be asked of the same person twice, unless confirmation or more in-depth or different questioning is necessary for the proper handling of a case.
4. Cognoscent Legal Services Hotline and intake staff throughout the state – all programs must fully articulate and disclose their case acceptance and advice policies and practices, and these will be periodically collected, tabulated and recirculated by the Hotline. This information will then be used by all programs in making referrals.
5. Telephone advice – all programs will provide, or will pass along to the LSNJ Hotline to provide, prompt telephone advice to all eligible callers if the program is not going to provide extended representation to such callers. A corollary is that a prospective client does not have to make a personal appearance at a Legal Services office in order to be screened initially as to whether that person is eligible for service; all programs will offer such initial screening by telephone.

6. Prompt determination – in most cases, prospective clients will be told the same day they first make contact whether they can expect services from a Legal Services office.
7. Single appearance – clients will not be required to appear more than once at a Legal Services office to be screened for financial and case acceptance eligibility. If they walk in, they will be at least screened, and if they are brought back a second time, they will see a casehandler.
8. Call/file switching – there will be the capacity for immediate, real-time switching of clients and electronic files between Legal Services offices.
9. Dignity – clients who first walk into local offices as their first method of contact will be responded to promptly and with dignity, and will not be required to wait in the office for hours simply to see a screener. Programs will ensure that clients receive courteous, prompt, attentive responses from program staff, and all clients will be treated with dignity.
10. Hours – on normal business days, all offices will open at 8:30 or 9:00, will remain open until 5:00, and will remain open to walk-in clients and callers throughout the day, including the lunch time period. Programs will also offer some kind of option for clients to be seen during non-office hours where necessary to accommodate low wage workers who are not able to take time off from work without loss of pay.
11. Coordination – no program will set up new local phone intake practices without coordinating with the statewide hotline.
12. Outreach – in circumstances when clients cannot reach a Legal Services office, provision will be made for Legal Services staff or volunteers to do necessary outreach to those clients.
13. Accessibility – Legal Services offices will take all necessary and feasible steps to ensure that all prospective clients have the opportunity to communicate with Legal Services and receive a determination as to eligibility, regardless of their physical or mental circumstances, location within the service area, or other circumstances. Communication with clients will be in their own language if they are not able to speak and understand English.
14. Uniform referral policies – Legal Services programs will adhere to uniform, statewide cross-county and client geographical eligibility policies for all statewide funds, as developed and maintained through LSNJ.
15. Additional Hotline roles:
 - A. The Hotline is an alternative intake screening mechanism which may be used by local programs under the following guidelines:

- a. Local program must at least establish that the referral (e.g., not a criminal matter) is potentially a Legal Services case.
 - b. Local program must explain the procedure to the prospective client.
 - B. The Hotline can serve as a pro bono conduit – for LSNJ’s own panels, the statewide bankruptcy panel, and for local programs which wish it to make referrals to their pro bono attorneys.
 - C. The Hotline will convene the statewide Intake Task Force, and will coordinate periodic meetings of at least one main contact (and backup) from every office.
 - D. Conflict determination – the Hotline will assess eligibility when local program finds a conflict.
16. Coordination with other providers – to the extent possible, the Legal Services statewide intake system will seek to coordinate its referrals with other potential service providers in the state, both legal and non-legal.

In addition to the foregoing, Legal Services in New Jersey will:

- (i) Explore and continue to consider the feasibility of some of in-court intake capacity on return dates for typical Legal Services cases (for example, tenancy court day).
- (ii) Explore and experiment with other approaches to improving client access, including use of outside computer terminals in homes or public places, video communication, and any other technology that holds promise.
- (iii) Systematically experiment with and evaluate the usefulness and desirability of self-help clinics and materials.
- (iv) Develop a coordinated statewide outreach and community legal education strategy, utilizing all new available technologies wherever possible, to enhance awareness of legal rights and help prevent legal problems.
- (v) Ensure consideration of and a responsiveness to the needs of special client subpopulations, such as migrants, farmworkers, other seasonal and day-haul workers, youth, seniors, homebound and frail people, individuals with disabilities, immigrants, non-English speakers, prisoners, the institutionalized, and other vulnerable persons.