

VII. OHIO'S 2004-2007 STATE STRATEGIC PLANNING TOPIC AREAS

Ohio's state justice community desires a more comprehensive and integrated civil legal services delivery system. This community seeks to develop such a system through a new strategic plan for Ohio. State planners have identified eight strategic topic areas upon which the new state plan is centered. These eight areas are: 1) Intake and the Provision of Advice and Brief Services; 2) Effective Use of Technology; 3) Increased Access to Self-Help and Prevention Information; 4) Capacities for Staff Training and Access to Information and Expert Assistance; 5) Engagement of Pro Bono Attorneys; 6) Development of Additional Resources; 7) Configuration of a Comprehensive, Integrated Statewide Delivery System; 8) Full Range of Client Services Capacities.

Ohio's new State Plan is a strategic plan, with which we expect programs to incorporate the vision, goals, and activities identified within this Plan into their own strategic planning process for their geographic service areas. The following pages detail Ohio's vision and goals for each of these topic areas during the next three to four years. Discussion of each topic area includes the topic area's vision statement, a brief introduction, and a listing of the topic area's goals. Attached to the report are the activity worksheets for each topic area, which offer greater detail on each proposed activities for each topic area, including, if presently identified, parties responsible for implementation, proposed outputs and outcomes, timeline, and estimated costs. State planners have also ranked each activity in order to prioritize those activities that the justice community will pursue over the course of the four-year period. These worksheets are attached (*See Attachment K*).

The Ohio State Planning Steering Committee will provide the necessary leadership and support to implement and account for this Plan. The Steering Committee will continue to exist as a representative body of the larger state justice community and will meet on a regular basis to offer direction, guidance, and support to legal aid providers and the various parties responsible for implementing activities identified in this State Plan. In monitoring and accounting for the implementation of the Plan, each activity will be assigned to a Steering Committee member, who will be responsible for tracking the activity's progress and reporting the status of the activity to the Steering Committee. The Steering Committee will also empower and support the various task forces, work groups, and other parties responsible for implementing activities identified in this

state plan. These task forces, work groups, and other parties will provide the necessary day-to-day leadership and staffing within each topic area to ensure the success of each identified activity.

A. Intake and the Provision of Advice and Brief Services

Programs will use state resources effectively and efficiently to have intake systems which are: 1) accessible for all clients, client-friendly, and adaptable and responsive to client needs and abilities; 2) capable of identifying client problems, using best practices and available and effective technology; and, 3) coordinated throughout all systems in the State.

1. Introduction

Legal services programs should have formal intake systems that efficiently determine financial eligibility, collect information about the presenting problem, provide the applicant information about the legal context of his/her problem, and determine the preliminary approach to the applicant's needs in a courteous, professional, and timely manner.

Intake systems should anticipate and accommodate clients' schedules and needs. Intake systems should accommodate applicants' transportation demands and availability to contact the office. Intake systems should allow and enable applicants to contact the office either in person or by phone and should be open during hours reasonably anticipated to meet applicants' availability. Call-backs and interviews in the evening and on weekends should be provided when necessary.

Responses to applications should be prompt and, if delays are unavoidable, applicants should be informed of the delay and told when they will receive a response.

To this end, Ohio's legal services delivery system desires intake systems practice standards. The development, implementation, assessment, and continuous improvement of these standards are outlined in the goals and activities listed below. Ohio's Statewide Policy And Practice Guidelines is attached (*See Attachment L*).

2. *Strategic Goals*

The following strategic goals have been established to improve intake and the provision of brief services in the State of Ohio:

- Adopt statewide policy and practice guidelines for intake and advice systems.
- Regional evaluation, implementation of statewide guidelines, and monitoring their intake/advice systems.
- Statewide intake/advice task force supports assessment, implementation, and continuous improvement of regional systems.

Specific activities to achieve these goals are detailed in the attached Strategic Plan Materials (Attachment K).

B. Effective Use of Technology

Effective information technology is vital to successful legal services programs. Legal services programs in Ohio will fully utilize affordable, efficient, and effective technology to: 1) achieve full access to high quality legal services for all eligible clients; and, 2) create and support user-friendly and effective means for comprehensive collaboration and information sharing between all legal services advocates, regardless of geographic location.

1. *Introduction*

The proposed technology goals and activities reflect a significant paradigm change in the role of technology in the state's legal services delivery system. In this new paradigm, technology directly supports the other service delivery goals or activities within the State Plan. Rather than a separate and independent function of the delivery system and each program, technology will be integrated into and support the other priority areas of the delivery system. Still to be determined for drafting purposes will be whether the technology goals and activities will be incorporated into their related topic areas or standalone.

The technology goals and activities below reflect many items where affordability and effectiveness may be in question due to ongoing changes in the technologies themselves, or due to priorities expressed in other goals and activities in the State Plan which may make technology-based solutions less favorable. Many of the goals and activities listed below therefore are things that are recommended only for exploration and evaluation, and should not be interpreted as a

commitment that these things will in fact be done if cost/benefit considerations or other factors make these activities impractical or inadvisable.

2. *Strategic Goals*

The following strategic goals have been established to improve the use of technology in the State of Ohio:

- Improve communication about technology among visionaries, decision-makers, funders, and persons responsible for implementation.

Specific activities to achieve these goals are detailed in the attached Strategic Plan Materials (Attachment K).

C. Increased Access to Self-Help and Prevention Information

Self-help and prevention information are effective and efficient methods of service in a system of legal services delivery that provides adequate and appropriate legal assistance to all who need it.

1. *Introduction*

A 1991 American Bar Association study of self-represented litigants showed:

- Persons with incomes less than \$50,000 are more likely to represent themselves.
- About 20% of self-represented litigants report they can afford an attorney but do not want one.
- Self-represented persons are more likely to be satisfied with the judicial process than those who are represented by attorneys.
- Almost 75% of those who represented themselves in court said they would do it again.
- Self-representation, when combined with the power of modern information technology can be an important means of providing increased access to the legal system.

In the face of these statistics, state planners, including the private bar, legal services programs, the courts, mediation programs, law schools and the legal business sector, must develop new strategies to open our justice system to the public. Successful strategies must

incorporate information technology and consumer demands and preferences for problem solving. The following goals and activities seek to better support self-help and *pro se* litigants in Ohio.

2. *Strategic Goals*

The following strategic goals have been established to increased access to self-help and prevention information in the State of Ohio:

- Legal services programs must incorporate user-friendly, appropriate, up-to-date and accurate self-help and *pro se* information into their service delivery system where appropriate.
- Legal services programs should provide user-friendly, appropriate, up-to-date and accurate *pro se* and self-help materials.
- Assist courts in being more responsive to the needs of *pro se* litigants.

Specific activities to achieve these goals are detailed in the attached Strategic Plan Materials (Attachment K).

D. Staff Capacities and Development

Ohio's legal aid delivery system will maintain and improve a diverse, knowledgeable and high-quality, professional, engaged, and empowered work force.

1. *Introduction*

State planners seek to improve the quality, impact, effectiveness, scope, and uniformity of services to low-income clients in Ohio. Central to this goal is a diverse, knowledgeable and high-quality, professional, engaged, and empowered work force. Recent funding cuts and program mergers and consolidation have place incredible stress on program services and their ability to achieve this goal. The following goals and activities attempt to address these challenges.

2. *Strategic Goals*

The following strategic goals have been established to enhance staff capacities and development opportunities in the State of Ohio:

- Ohio will develop and implement meaningful programs to recruit, develop, and retain staff.
- Ohio will use task forces, work groups, teams, and other collaborative structures to encourage and enable legal services staff and programs to identify issues, share information, develop strategies, foster professional development, and work together to expand program and statewide capacity and provide greater impact and benefit to low-income Ohioans.
- Ohio will continue to provide high quality responsive training for legal services staff, the private bar, and other service providers.

Specific activities to achieve these goals are detailed in the attached Strategic Plan Materials (Attachment K).

E. Engagement of Pro Bono Attorneys

*100% participation by Ohio lawyers
in organized pro bono projects.*

1. Introduction

According to the most recent American Bar Association statistics, Ohio ranks 38 of the 40 states in terms of the percentage of lawyers who participate in organized pro bono. Widespread support has now emerged, however, within many sectors of Ohio's justice community for the promotion of pro bono as a real priority for Ohio's lawyers. Transforming this support into the provision of pro bono legal services to low-income Ohioans is an over-arching goal for this section of the Plan.

Currently, there are many statewide initiatives, local programs, and pilot projects that expand opportunities for Ohio's lawyers who are interested in volunteering their legal expertise in a way that makes a real difference in the lives of low-income Ohioans throughout the state. State planners seek to raise the level of pro bono participation in Ohio and to use the new State Plan as a means to conceive and implement pro bono projects that are innovative, either in their use of attorneys who traditionally have not participated in pro bono programs sponsored by the private bar, or in their applicability as models throughout the state.

2. *Strategic Goals*

The following strategic goals have been established to better engage pro bono attorneys in the State of Ohio:

- To foster a legal culture in Ohio that supports and encourages pro bono, including an awareness of the need for pro bono service.
- To enlist the support and influence of Ohio's judiciary to encourage and foster pro bono participation.
- To measure attorney participation in pro bono programs and to evaluate the effectiveness of pro bono programs.
- To develop local pro bono programs throughout the state.
- Use technology to support increased collaboration with pro bono attorneys, law students, and other sources of volunteer legal assistance.

Specific activities to achieve these goals are detailed in the attached Strategic Plan Materials (Attachment K).

F. Development of Additional Resources

Ohio's legal aid delivery system will encourage and support the necessary resource development capacity to support existing and emerging statewide and regional priorities. The necessary capacity will include: a commitment of resources by staff and volunteer leadership; a strong, visible community presence; efficient use of current resources; integration with legal service delivery; collaboration with other programs within and outside the delivery system; dynamic and diverse funding sources; and, well-defined marketing and communications strategies.

1. *Introduction*

Ohio has been extremely successful on a statewide basis in obtaining financial resources for the statewide delivery system. Ohio now has more funding from state sources than from the Legal Services Corporation, and its state funds are diversified and not totally dependent on one source.

State planners now desire to explore new funds, resources, and capacities for providing access to justice for the poor. It is through partnerships and creative energies that additional resources can be developed in order to serve more clients in need.

2. *Strategic Goals*

The following strategic goals have been established to develop additional resources in the State of Ohio:

- Enhance existing, and develop new, funding resources both statewide and regionally.
- Strengthen resource development capacity of all regions.

Specific activities to achieve these goals are detailed in the attached Strategic Plan Materials (Attachment K).

G. Configuration of a Comprehensive, Integrated Statewide Delivery System

Regardless of where in the state a client resides, she or he has the same access to legal services and the outcomes for that client, including quality of service he or she receives, should not be dependent on circumstances of residence.

1. *Introduction*

In order to facilitate to a discussion on configuration of service areas within Ohio's legal aid delivery system, state planners engaged a consultant to assist in this process. The consultant was charged with the following tasks: 1) To engage in a process that assures thoughtful analysis of data regarding the strengths and weaknesses of the current configuration of the delivery system and the degree to which it meets the objectives of the Ohio State Plan and the expectations of the Legal Services Corporation for statewide delivery systems; 2) To offer recommendations which foster the capacity of the delivery system to deliver high quality, comprehensive and effective legal services to clients in an economical manner; 3) To obtain input from key stakeholders so that the results are appropriately responsive to—and reflect a balance among—local, regional and statewide needs and interests; and 4) To foster a result that stakeholders—who will implement the configuration decisions—embrace and work to implement successfully. The Ohio State Planning Steering Committee used the findings and

recommendations of the consultant's report to guide its recommendation for Ohio's service delivery configuration for the years 2005-2007.

2. *Configuration Planning Principles*

The following principles were used to identify the most appropriate legal services delivery system configuration in the State of Ohio:

- Decisions should be grounded in client needs particularly with respect to common issues among the clients and communities in a potential service area, so that the program(s) serving clients can develop expertise in service delivery and in substantive issues unique to the area.
- There should be a capacity for a full range of service, including restricted work. The actual capacity to provide work that is restricted does not necessarily need to be located in the geographic area, so long as the services are accessible to clients who need them.
- The restricted activities that there should be a capacity to address include representation of persons whose status renders them ineligible for service from non-LSC programs, including in particular undocumented persons and prisoners. It is important to note as well that representation of undocumented persons is not limited to immigration work, but includes the full range of legal issues that all low-income persons face.
- Other restricted activities that are important to address are attorneys' fees, particularly when their availability is of strategic importance in the conduct of a case and class actions, when that is the best procedural strategy for an issue.
- So-called impact or systemic work should not be deemed to be "restricted work" that should be relegated to a non-LSC program. If there is a parallel system or a twinned program to do restricted work, that program should not focus on separating out the impact from the other work, leaving the LSC grantee to do only service work. LSC restrictions do not prohibit broader work and deliberately isolating a program from such work can reduce its aggressiveness and imagination as a law office to the detriment of its clients and the professional development of its staff.
- A region should operate with two legal services organizations in its service area only if it in practice results in a capacity to carry out restricted activities. To the extent possible, and consistent with LSC regulations, the two organizations should operate in close concert and be controlled by the same governance structure. There should be a clear objective for the division of funds, duties and responsibilities between two organizations operating in the same service area.
- There should be a capacity for effective resource development that can directly or indirectly support the work of the service area, including its resource poor areas.

- There should be an intake system which is easily accessible and which makes appropriate use of the telephone to assure that people who do not have easy physical access can obtain service.
- There should be a capacity for quick response to clients' need for advice and brief service. A focus on the capacity to provide such service efficiently and effectively should not be a substitute for significant capacity for extended representation and court representation.
- Except in very exceptional circumstances counties that are not contiguous should not be in a single service area.
- Suggestions of options should not be driven by the politics of local circumstances or by issues such as current leadership and history, but decisions regarding how to proceed and what options are appropriate need to take such matters into consideration, and at a minimum include a strategy which addresses the concerns. Such issues might lead to a phased-in timetable to work toward a desirable long-term configuration, the success of which depends on resolving short-term barriers to its success.

Specific activities to achieve these principles are detailed in the attached Strategic Plan Materials (Attachment K).

3. *2005-2007 Configuration of Ohio's Legal Services Delivery System*

The new Plan recommends that Ohio's legal services delivery system be configured into six regionally based programs during the period 2005 to 2007. Each program will be expected to provide a full-range of civil legal services for the client within its geographic service area. Each program will also be expected to play an integral role in implementing the activities identified in this Plan. The six regions are summarized below and presented graphically on the map in Attachment N.

West and Northwest Ohio Region

The Northwest Ohio region, including the city of Toledo, and West Central Ohio, including the city of Dayton, counties (Williams, Defiance, Paulding, Fulton, Henry, Lucas, Wood, Hancock, Ottawa, Sandusky, Seneca, Wyandot, Erie, Huron, Allen, Auglaize, Hardin, Logan, Mercer, Putnam, Shelby, Van Wert, Champaign, Clark, Clinton, Darke, Fayette, Greene, Highland, Miami, Montgomery, and Preble Counties) will be served by **Advocates for Basic Legal Equality/Legal Aid of Western Ohio**.

Southwest Ohio Region

The Ohio counties of the Greater Cincinnati/Northern Kentucky area (Hamilton, Clermont, Brown, Butler, Clinton, Highland, and Warren Counties) will be served by **Legal Aid Society of Greater Cincinnati**.

Southeast Ohio Region

The Southeast Ohio region (Adams, Athens, Belmont, Carroll, Coshocton, Fairfield, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Tuscarawas, Vinton, and Washington Counties) will be served by **Southeast Ohio Legal Services**.

Central Ohio Region

The Central Ohio service area, including the city of Columbus (Delaware, Franklin, Madison, Marion, Morrow, Union Counties) will be served by **Legal Aid Society of Columbus**.

Central Northeast Ohio Region

The Central Northeast counties, including two of the state's major metropolitan areas, Youngstown-Warren and Akron-Canton (Richland, Ashland, Medina, Summit, Portage, Trumbull, Mahoning, Columbiana, Wayne, Crawford, and Stark Counties) will be served by **Community Legal Aid Services, Inc./Northeast Ohio Legal Services**.

Northeast Ohio Region

The Northeast Ohio lakeside counties, including the city of Cleveland (Lorain, Cuyahoga, Lake, Geauga and Ashtabula Counties) will be served by **Legal Aid Society of Cleveland**.

H. Full-Range of Client Services Capacities

Access to appropriate, effective, high-quality legal services for all potential clients in Ohio.

1. Introduction

The purpose of this section of the Ohio State Plan is to ensure that the state justice community establishes appropriate goals and undertakes activities to achieve goals that result in the low-income households of Ohio having access to the same kinds of comprehensive legal services that are provided by the private bar to more affluent households.

Full range of service means, without limitation, assessment of legal problems, referral, advice, brief services, legal information, extended services to individuals, representation of groups, assistance in pro se representation, policy advocacy, legislative representation, complex litigation services, and services related to legal transactions such as contracts, real estate, non-profit incorporation, etc. Resources are a limiting factor. Within the possibilities suggested by the concept of a full range of services, state planners expect that in each region, as well as in the state as a whole, there will be thoughtful consideration of the mix of services provided, that no category of service will be overlooked or over-emphasized, and that primary legal services providers will be innovative and ambitious in seeking to expand and coordinate resources available to the low-income client community so as to maximize both the amount and the range of services available. We also seek to challenge lawyers and the broader community to be mindful of the gap between current resources, and the resources necessary to actually achieve equal justice. Finally, we will evaluate the extent to which clients' access to legal services is limited by a characteristic or barrier affecting the client, e.g., transportation, disability, lack of telephone, geographic distance, non-English proficiency, in order to develop capacity or improve strategies to improve client access.

2. Strategic Goals

The following strategic goals have been established to ensure that clients in the State of Ohio have access to a full-range of civil legal services:

- Each of the legal services delivery regions in Ohio will provide a full range of services to clients or access to services provided by others, to address the client communities' critical legal needs.

Specific activities to achieve these goals are detailed in the attached Strategic Plan Materials (Attachment K).