

### **III. PAST AND CURRENT STATE PLANNING ACTIVITIES**

The planning process for the 2004-2007 Ohio State Plan builds on several significant planning steps taken in the past and currently in progress. Significant past activities include the Spangenberg Civil Legal Needs Study and the process that led to the creation of the Ohio Legal Assistance Foundation (OLAF). More recent planning activities include the activities that preceded the 1999 Ohio State Plan and subsequent implementation of the 1999 Plan. The current planning structure in Ohio, the Ohio State Planning Steering Committee, evolved from the 1999 Plan. Also significant are the planning activities in advance of this new state plan. All of these activities are briefly summarized below.

#### **A. Summary of Past State Planning Activities in Ohio**

Ohio's legal services community has been on a strategic path over the last decade that has led to some remarkable results, as well as some significant disappointments. But the path has been clear and well developed.

The efforts sprang from the aftermath of the findings in the statewide legal needs assessment. A broad-based group has been engaged ever since in exploring ways to provide more services to more clients in need. Just as legal services organizations are forced to make difficult decisions about priorities, the large circle of advocates concerned about access to justice has made careful and considered decisions about how to proceed most efficiently and most effectively -- always with the goal of increasing access to justice.

To understand the Ohio planning process, which dates back to the 1980s and is slated to continue on an on-going basis, it is important to understand the recent Ohio history of developments in this area to appreciate a context for how priorities have been identified in the past, as well as the wide range of priorities for the future.

Within the past fifteen years, there has not really been a beginning or end to the Ohio planning process. It has been and will continue to be an on-going process that involves a broad-based partnership with a variety of stakeholders who have a role in justice for all.

1. *Spangenberg Report*

More than ten years ago, leaders in Ohio's legal services community finally were able to capitalize on the seeds they had sown over the decade about the critical needs in resolving the civil legal needs of the poor. Leaders of the Ohio bar decided to invest in the problem and explore possible remedies. A strategic approach was developed and a blue ribbon task force was assembled.

The goal was a statewide study that would identify and document the exact scope of the problem. Instead of anecdotal accounts about the gap in the services available to low-income Ohioans with civil legal needs, the group decided it needed a report that would provide statistical evidence, which could then be used for developing solutions.

The detail work began between legal services providers, private bar leaders and others concerned about the issue. The Ohio State Bar Association, the Metropolitan Bar Leaders and the Ohio General Assembly were all involved in the effort and provided the \$160,000 needed to take on the large-scale project.

Robert Spangenberg, a nationally-noted expert from Boston, was selected to conduct the study. Interviews, telephone surveys of low-income citizens, questionnaires and other techniques were used in developing the data included in the assessment.

Finally, in 1991, the Spangenberg Report was unveiled at a media conference involving the Chief Justice of the Ohio Supreme Court, the Ohio State Bar Association President and a representative of the metropolitan bar associations. Simultaneous media events were held in multiple spots throughout the state which focused media attention on the startling finding in the report: 83 percent of the civil legal needs of Ohio's poor receive no attention.

2. *Implementation Committee*

As a response to the report, the Chief Justice appointed an impressive Implementation Committee to analyze the findings in the three-volume report and develop recommendations for improving the gap in the unmet legal needs. The broad-based Committee included representatives from the bench, bar, legal services, labor unions, law schools, the Ohio General Assembly, State Attorney General's office and others with a broad range of experiences and perspectives. The committee decided to group the report's findings and recommendations into

three primary areas and basically ranked them in the following priority: development of additional fiscal resources, development of additional human resources (pro bono) and improved administration and delivery of services.

### **Funding**

The committee developed the rather lofty goal of doubling the level of fiscal resources devoted to civil legal services from \$22.5 million to \$45 million annually. An immediate search for possible resources was undertaken and a plan was developed to seek an increase in the surcharge on civil filing fees dedicated to civil legal services.

Extensive effort was exerted by committee members who met with members of the Ohio General Assembly to share with them the findings from the statewide assessment and ask their support for increasing the filing fee. The Ohio State Bar Association, which had a longtime objection to using filing fees for anything other than the direct cost of court operations, deviated from its long-standing position in order to support the filing fee increase as a stopgap measure until general revenue funding could be continued for civil legal services. The OSBA's position was shared by the Implementation Committee -- the civil legal needs of the poor is not just a lawyer's problem, but a societal problem worthy of general revenue funding.

In 1992, the Ohio General Assembly increased the surcharge by \$11 (\$3 for small claims), which it scheduled to sunset on December 31, 1997. In 1996, the General Assembly extended the sunset provision an additional 5 years to December 31, 2002. In 2001, during its 2002 budget deliberations, the Legislature repealed the sunset provisions and made permanent the \$15 surcharge (\$7 small claims) on new civil actions and proceedings.

Because of the high commitment to generating more resources, the Committee set out to win general revenue funding for the first time for Ohio's legal services programs. An official budget request was filed for the 1994-95 fiscal budget. Testimony was offered in the House and Senate budgets and committee members engaged in an exhaustive effort that ultimately failed.

### **Proposed Voluntary Pro Bono Rule**

Meanwhile, the Implementation Committee was also at work trying to respond to the finding in the report that the level of pro bono participation by Ohio lawyers was very low

compared to that in other states. An informal survey of the pro bono policies of Ohio's large firms was undertaken.

After much deliberation, the Implementation Committee decided to offer for public comment a draft of a proposed voluntary pro bono rule, which would ask lawyers to designate on their attorney registration forms with the Ohio Supreme Court whether certain aspirational goals centering around pro bono had been met. The rule also included a "pay or play" provision in which lawyers could meet the aspirational goal by providing service or making a financial commitment to legal services.

The proposal was published in the state bar's journal and the comments began flooding in, not heavily opposed to the concept. During that period, the American Bar Association was considering, and ultimately adopted the Model Rule 6.1, on pro bono services. The Committee decided to modify the Ohio proposal to more closely reflect the ABA provision. The new draft was also published for comment, but the response was not improved. A large portion of the respondents believed that pro bono should be a voluntary act not coerced through mandatory reporting provisions, which they also found to be manipulative. The proposal was scheduled for debate at the state bar's Council of Delegates, but was withdrawn from consideration. The committee concluded that there was much groundwork to be done to improve the pro bono culture and that a statewide pro bono coordinator was needed to help institute some advancements. That goal would later be realized.

### **Administration and Delivery**

Several of the Spangenberg recommendations dealt with the administration and delivery of legal services within legal aid societies and in other forums, including concerns about whether courts were following statutory right to counsel provisions in non-criminal juvenile cases.

After much discussion, the Committee concluded that it would be difficult to force administrative changes on unwilling legal aid societies if a consensus was developed that would call for massive change. Ohio has a time honored tradition and commitment to home rule. The Committee recognized that legal aid societies have independent boards with trustees from the communities served. The Committee decided that these boards could best make assessments about what types of administrative changes would be desirable or possible. For that reason,

administrative issues were identified as the lowest priority of the three major areas from the report.

The Committee, however, did join as an amicus in a case challenging a right to counsel issue before the Ohio Supreme Court and submitted official comments objecting to a Supreme Court Rule change that some feared could undercut the effectiveness of certain statutory right to counsel cases. A major administrative issue that the Committee addressed was the institutionalization of the Committee's commitment through a more permanent entity.

The Implementation Committee operated as an informal subdivision of the Ohio Public Defender's office. Statutorily, the responsibility for the administration of the IOLTA and filing fee funds dedicated to legal services programs fell to the Ohio Public Defender. This arrangement was developed with the 1984 adoption of IOLTA by the General Assembly. The Ohio Public Defender could withhold reasonable administrative fees and then distribute the funds collected to legal aid societies using a statutory formula based on poverty population per county. There was no discretionary funding since all of the monies were distributed based on census information.

One administrative staff person basically handled the administration of the funds. However, in 1990, the Ohio Public Defender hired a consultant, Robert M. Clyde, to examine ways of improving the IOLTA system. Mr. Clyde and another OPD staff member, Beth Short, then became staff to the Implementation Committee in all of its efforts.

Under this structure, civil legal services issues went through the Ohio Public Defender's line item in the state budget. With no independent standing, the civil legal services issues often got confused with the ongoing problems and needs of the public defender system.

The Implementation Committee determined that a separate identifiable body should be created with the mission of improving access to justice. After much study, a legislative proposal was developed that called for the statutory creation of a non-profit organization that would administer funds for legal aid societies and study additional avenues of bridging the gap in the unmet civil legal needs of the poor. It was determined that, rather than creating a new governmental office, a non-profit organization would be the preferred vehicle in order to attract tax-deductible gifts from those who might be interested in supporting access to justice causes.

Negotiations between the Implementation Committee and the directors of legal aid societies were critical because the directors were concerned about the possible loss or diversion

of funds from the statutory formula that had been in place for years. It was eventually decided that the administrative costs would be capped at 4.5 percent, 5.0 percent would be set aside for state support and special population work, 1.75 percent would be reserved for a senior citizen program that previously received funds, and the remainder would be distributed through the poverty population formula.

There was great interest in maintaining high level participation from multiple highly placed stakeholders. The trust agreement initiating the Ohio Legal Assistance Foundation was carefully drafted and debated. It was determined that a 30-member board would be named to the Foundation. The Chief Justice of the Supreme Court, the Governor, the Attorney General, the House Speaker, the Senate President, the State Treasurer, and the State Public Defender would make appointments. Other members would be appointed by the board and would include bar leaders as well as advocates from low-income community groups and corporate leaders. Because there was an expectation that discretionary funding might be available at some future point, it was determined that legal services representatives would not be included on the board, but would be important partners in the work of the Foundation through board committee membership. With a plan in hand, the Implementation Committee again worked the halls of the Ohio General Assembly with a proposal to create in Ohio a permanent entity charged with improving access to justice. The provision was included in the state's FY 94-95 budget and OLAF was born. OLAF got off to a grand start Jan. 13, 1994, with a formal swearing in of the new board members in a ceremony, media conference and reception hosted by Chief Justice Thomas Moyer. The big event at the Supreme Court created another opportunity to focus attention on the vast unmet legal needs of the poor.

Many technical details had to be ironed out in the beginning months to ensure that OLAF, a statutorily-created non-profit, could administer state funds to the legal aid societies. Opening new offices, transferring and hiring staff and perfecting the split from the Ohio Public Defender was time consuming in the beginning. But after the start-up details were ironed out, the OLAF board held strategic planning sessions and adopted as priorities many of the same areas that had been embraced by the Implementation Committee.

3. *Other Past State Planning Activities Prior to the 1999 Ohio State Plan*

Significant planning activities in Ohio since the Implementation Committee, but before the 1999 Ohio State Plan include the following statewide initiatives. The Ohio Legal Assistance Foundation (OLAF) completed its first round of comprehensive evaluations of each of its recipients, including all LSC-funded programs in the state. The evaluation process was launched in 1997 when the legal services community, including legal services programs and OLAF, agreed that these would be a valuable use of resources and the legal aid directors voted unanimously to recommend that OLAF conduct the evaluations. These in-depth evaluations assessed the quality and effectiveness of each legal aid society with regard to legal work, client involvement, management, and administration functioning, and to make recommendations for improvement. The last assessment visit of this 18-month process was completed August 1999.

Since September of 1997, Ohio's State Support Center has engaged in an annual planning process to fully review its priorities and determine how to strengthen its support functions. This planning effort was, in part, in response to OLAF's evaluation of OSLSA. Following the evaluation visit, a draft report was issued in November 1997, and the final report in April 1998. A preliminary State Support work plan was then developed and disseminated for comment in January 1999, with completion of the work plan scheduled for June 1999; the priorities have been revisited annually, particularly in light of the broader ongoing planning process.

A State Support Technology Advisory Committee was established in 1998, in response to a request from the legal aid directors. The Committee worked on development of the statewide work plan, central to which was the hiring of the statewide technology coordinator, who began work in October 1998. This Committee has been integral to the development of various technology plans, including the technology goals and activities in this Plan.

OLAF hired a Statewide Pro Bono Coordinator in 1996 who is responsible for coordinating pro bono outreach, working with both the organized bar and legal services programs. This Coordinator continues, in a full-time capacity, to provide statewide support for the development of pro bono; coordinate statewide pro bono planning; recognize outstanding pro bono leadership and service; promote innovation in the delivery of pro bono services; and, support statewide and local pro bono opportunities.

A Litigation Director Task Force was formed by OSLSA. The purpose of the Task Force was to share litigation research and strategies. The Task Force also spearheads a number of substantive collaboration projects discussed below.

On an ongoing basis, OLAF has discretionary funds to use for pilot projects, and has been able to support statewide priority projects to move the planning process forward. The OLAF Board has developed criteria for issuing such grants. Over the years, OLAF has made small discretionary grants in such areas as technology coordination, fund raising, development of centralized intake, brief advice and referrals systems, and consultant support for legal aid societies, including follow-up on problem areas identified in the Foundation's assessment reports.

During this same period, the mid- to late-1990's, Ohio's delivery system had many planning accomplishments. Key accomplishments include those in the areas of legal services funding, state support, training, comprehensive services to clients, domestic violence protocols, and coordination of services. These successes are detailed below.

Ohio has been extremely successful in obtaining diversified state funding for legal services and has one of the highest levels of state funding in the country. OLAF is a larger funder of legal services in Ohio than is LSC. Legal services programs and the private bar have collaborated on this goal for many years, including the joint effort in the early 1980's to obtain IOLTA funding, and more recently working with OLAF since its inception in 1994 to diversify and greatly expand the amount of state funding available. In 1993, the Ohio State Bar Association received the prestigious Harrison Tweed Award from the ABA in recognition of its efforts to help expand funding for legal services; the nomination was a joint effort of the Civil Legal Services Program of the Public Defender Office and other components of the legal services system.

The establishment and continued existence of State Support is also a testament to collaboration within the legal services system. Founded by the Ohio State Bar Association in 1966, OSLSA was one of the first state support centers established in the country, accomplished through the support of local programs. Local programs have collaborated over the years to ensure the continuation and expansion of State Support by actually contributing funding or agreeing to forego additional funding in 1979 and again in 1985 and 1995.

Training of legal services staff, provided through State Support and Committee on Regional Training (CORT), and effective, functioning substantive task forces on family, housing, health, consumer, and welfare have been a priority in Ohio for decades. In several instances, where there was a need for statewide coordination in specific areas, work groups comprised of staff from different programs have formed on such topics as utilities, human services planning, social security, and new attorney trainings. As programs expanded their work, other task forces were also created, including: tax, intake, and technology.

Achieving the ability to provide comprehensive services to clients in the state has also been partially realized through coordinated efforts such as financial support for the Equal Justice Foundation (EJF), which has a significant role in statewide litigation efforts.

Legal services advocates collaborated with community organizations to establish a statutory requirement that law enforcement agencies have written domestic violence protocols, and then followed up by developing model protocols and helping replicate them. In addition, in a state where there has been a lack of any mandatory court forms, other than probate, the Supreme Court recently adopted a uniform civil protection form on the recommendation of the Supreme Court's Domestic Violence Task Force, which included representatives of legal services programs. The use of this uniform CPO form enables many more clients to receive needed protection, and court clerks are required to make the forms available. These are both examples where coordinated efforts on behalf of the client community, working with other community groups, the bar, and the judicial system, have achieved impressive results.

Programs around the state have worked collaboratively on several major projects to coordinate legal assistance, including two recent efforts, which entailed the use of statewide 800 numbers for coordinated intake on particular needs. For example, in response to the 1997 floods, local bars, pro bono programs, and legal aid programs orchestrated a coordinated response for families affected by the disaster. Similarly, legal services programs, pro bono programs, state agencies, and OLAF collaborated on a statewide system of intake and referral for families facing termination of children's SSI benefits. The effort involved extensive training and support by legal services advocates, and the recruitment and training of 600 volunteers. In addition, all public benefit adverse action and eligibility notices in the state carry OSLSA's 800 number. OSLSA then refers callers to the appropriate legal services office.

4. *1999 State Planning Effort*

Beginning in the fall of 1998, the Ohio legal services community engaged in a serious and broad-ranging planning process, involving legal services programs, OLAF, the Ohio State Bar Association, and other appropriate stakeholders. The result of this process, the 1999 Ohio State Plan, sought to improve services to clients in every part of the state and to further coordinate legal services activities on a statewide basis. The Plan proposed a greatly reconfigured delivery system, coordinated through seven regions as of January 2000 and involving statewide coordination on all key aspects of the delivery system. This planning process built on several significant planning steps taken prior to 1999, such as the Spangenberg Civil Legal Needs Study and the process that led to the creation of the Ohio Legal Assistance Foundation (OLAF). This planning process also built on the many collaborative successes Ohio experienced leading up to this process, including establishing and maintaining capacities for training and State Support, as well as obtaining more state funding than is provided by LSC.

After careful study and thoughtful discussion, the Ohio Planning Steering Committee and Ohio's program directors unanimously adopted the principles outlined in the 1999 Ohio State Plan. These principles captured the essence of many of the goals they had worked toward in the past and wanted to achieve in the future. The overarching statewide goal, adopted by the Steering Committee and the project directors, was 100% access to essential legal services for low income Ohioans, so as to secure equal justice, both substantive and procedural, for the client community.

The client service delivery structure and resource allocation components of Ohio's 1999 State Plan were supported by client community input and information relating to client demographics, characteristics, critical needs and barriers to service delivery. For example, state planners utilized committees, partially composed of client representatives; client surveys, focus groups, and "key informant" interviews; regional and statewide census and other empirical information; and established target priorities for client services. One limitation with the above examples was the failure to systematically gather client information. However, client-centered goals and priorities emerging from the Plan's planning process and stakeholder meetings included: improved capacity to serve clients; full range of legal services available to clients throughout the state; improved education of client community about their rights and about the resources available to them; joint intake and hotlines; and effective pro se representation.

The 1999 Ohio State Plan's planning process incorporated individual program/regional plans and state level planning. While strong and unified at the state level, planning activities varied region-by-region. For this reason, state planners did not append or include in the 1999 State Plan any regional program plans. However, regional program plans later incorporated priorities, goals, and configuration strategies identified in the 1999 Ohio State Plan.

During the 1999 Ohio State Plan planning process, all interested parties were welcomed and encouraged to participate in state planning activities. The Steering Committee coordinated the planning efforts in partnership with the litigation directors, the State Support Center, and other entities taking responsibility for implementing parts of the plan, and made periodic reports to the project directors, Ohio Legal Assistance Foundation (OLAF), and other groups represented on the Steering Committee. Other planning entities or activities include: OLAF's grantee comprehensive evaluations; Ohio's State Support Center program self-evaluation and planning process; State Support Technology Advisory Committee statewide work plan; OLAF Statewide Pro Bono Coordinator and Pro Bono Working Group/Pro Bono Conclave; Litigation Director and Substantive Law Task Forces; the Committee on Regional Training (CORT); and pilot project funding through OLAF discretionary monies. However, some legal services programs did not participate in the state planning process either directly or through an effective representation process. For example, some pro bono groups, law schools, and legal advocacy groups (Ohio Legal Rights Service and Equal Justice Foundation) had little to no participation in state planning activities. In general, though, participation in Ohio's 1999 State Plan planning process was representative.

State and federal courts, state legislative and executive branch leadership, and business and community organization leadership were generally aware of the 1999 Ohio State Plan planning activities. The latter planning process built on several significant planning steps taken prior to this process, such as the Spangenberg Civil Legal Needs Study, which led to the creation of the Ohio Legal Assistance Foundation (OLAF), and the many collaborative successes that have resulted in establishing and maintaining capacities for training and State Support and obtaining more state funding. Because of the involvement of leaders outside of the legal services community in these planning steps, these same leaders were engaged and aware of the state plan planning activities. Additionally, OLAF and program board membership and state and local bar associations helped elevate state planning respect and awareness levels. Finally, the use of

newsletters, grant reports, and annual reports by state planning participants help ensure ongoing awareness and involvement by outside leaders.

Ohio's 1999 State Plan planning process used a combination of legal services staff and paid consultants to staff the state plan planning effort. Ohio's state support office provided the largest amount of in-kind staff support. Staff from each program provided varying levels of support and participation in the planning process. Program and project directors represented the largest amount of in-kind, non-state support staff involvement. One criticism of this use of in-kind staff was that such a heavy reliance on existing staff diverted away resources from direct client services. The Ohio Legal Assistance Foundation contracted with Mary Viviano to coordinate the planning process and prepare the state plan document. Both State Support and OLAF staff contributed significant amounts of time and supplies to the planning and implementation efforts.

Ohio's 1999 State Plan represents an appropriate balance between client and entity interests, with the former serving as the building blocks of the delivery system. This is not to say there were (and are) no "turf issues" in state planning discussions. However, state planners were able to successfully transcend many turf issues to develop a new configuration plan for the state and numerous statewide delivery system improvements. The latter two successes would not have been possible if program or regional self-interest controlled planning discussions.

#### **B. Ohio State Planning Steering Committee**

Ohio's planning structure reflects the commitment of the state's institutions in the development and implementation of comprehensive, client-centered legal services for poor persons throughout the state. Central to Ohio's planning structure is the Ohio Planning Steering Committee. The latter was formed in response to Legal Services Corporation's Program Letter 98-1 in order to better coordinate existing planning groups and to make sure planning was launched where it did not yet exist. The Steering Committee remains composed of representatives of legal services programs, the Ohio Legal Assistance Foundation, law schools, pro bono programs, the client community, community-based organizations, and the organized bar. A core group of the Steering Committee was responsible for the solicitation, hiring, and oversight of a consultant facilitating the 1998-1999 planning process. The Steering Committee

supervised the development and implementation of the plan, evaluation of the progress made, and revision of the plan when and where necessary. The full roster of the current Steering Committee is attached (Attachment B).

For the most part, leadership of state planning efforts in Ohio is continuing, conveys a compelling vision of legal services delivery, is effective in achieving consensus, and is capable of achieving results. There is strong and wide consensus that the steering committee should, and does, serve as the lead entity in state planning efforts. Furthermore, the activities of the steering committee and state planners are largely supported by program and project directors and their organization's respective board of trustees. Finally, state planning has strong "grassroots" support from the various work groups and task forces working as standing sub-committees of the state steering committee or on an ad hoc basis to address existing and emerging issues.

Ohio's state planning effort has maintained a high level of continuity of both membership and staff. Like most planning efforts, Ohio's state planning effort has experienced some Steering Committee attrition following the completion of the 1999 State Plan. In some cases, members have self-selected to not continue participation, while others have taken more active roles in sub-committee and task force activities. Overall, key stakeholders from the state and local bars, Supreme Court, client advocacy groups, law schools, and funders have remained engaged in the planning process.

Finally, while the Steering Committee does not have a written charter, its composition and processes remain fairly constant from year to year. Additionally, the Committee operates in a more formal manner with advance meeting notices to members; voting on Committee actions; meeting minutes taken and approved; and regularly scheduled meetings. Finally, the Committee continually explores expanded membership and emerging issues for consideration by the Committee.

### **C. Summary of Current State Planning Activities in Ohio**

In preparation of a new state plan, the Ohio State Planning Steering Committee, in partnership with Ohio's legal services providers and the Ohio Legal Assistance Foundation, initiated several projects to gather the necessary information to make good, informed decisions about the strategic direction for Ohio's delivery system. As a result of these activities, state

planners were able to make more informed, and thus higher quality and more effective and efficient decisions. The following section provides a brief overview of the various activities to support the development of the new State Plan for Ohio.

*1. Configuration*

Ohio's legal services delivery system strives to provide equity throughout the state, not just in terms of access, but also in terms of high-quality legal assistance and the provision of a full range of services to clients. Substantial progress has been made in achieving this vision. Gone are the small legal aid societies that served a single county. The number of legal aid organizations has been reduced from 17 to 10, and currently exists at six. (*See Attachment C*) These legal aid organizations are each now of such a size that they have the capacity for specialization in poverty law; the ability to hire full-time dedicated resource development staff; the capacity to employ and manage sophisticated intake, brief advice and referral systems; employ litigation directors to oversee the quality and quantity of legal work; and, employ dedicated technology professionals to support the sophisticated use of technology.

The current service delivery configuration reflects a long history of mergers and consolidations, which occurred as a result of the arrival of federal funding in the 1960's and early 70's, as well as the availability of expansion funding in the late 1970's. Before that, there were many bar association or charitable legal aid societies in Ohio, some dating back to the last century. The major cities all had programs, as did many of the smaller communities, such as Portsmouth and New Philadelphia. Following this extensive merger process in the 60's and 70's, program configuration remained stable in the 1980's. The system then underwent another series of mergers and consolidations, beginning with the expansion of OSLSA and Southeast Ohio Legal Services to incorporate Central Ohio Legal Aid Society in 1997. By 1998, there were 15 LSC service areas and 14 LSC recipients (including one program that covered two service areas). The 1999 Ohio State Plan initiated the consolidation of these 15 service areas into 7 regional service areas. This series of consolidations was completed by January 2000.

The regional approach to service delivery proposed in the 1999 State Plan offered, at the time, the optimal balance between achieving economies of scale, marshaling resources to provide a wide ranges of services along with appropriate levels of management, administrative and

technical support, efficiently coordinating intake, referral and advice, and emphasizing delivery of direct legal services to clients at the local level.

The seven regions proposed in the 1999 Ohio State Plan included: 1) the Ohio counties of the Greater Cincinnati/Northern Kentucky area (Hamilton, Clermont, Brown, Butler, and Warren); 2) the Northeast Ohio lakeside counties, including the city of Cleveland (Lorain, Cuyahoga, Lake, Geauga and Ashtabula Counties); 3) the Central Northeast counties, including two of the states major metropolitan areas, Youngstown-Warren and Akron-Canton (Richland, Ashland, Medina, Summit, Portage, Trumbull, Mahoning, Columbiana, Wayne, and Stark Counties); 4) the West Central Ohio counties, including the cities of Dayton and Lima (Allen, Auglaize, Hardin, Logan, Mercer, Putnam, Shelby, Van Wert, Champaign, Clark, Clinton, Darke, Fayette, Greene, Highland, Miami, Montgomery, and Preble Counties); 5) the Central Ohio service area, including the city of Columbus (Delaware, Franklin, Madison, Marion, Morrow, Union Counties); 6) 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, Washington); and, 7) the Northwest Ohio area, including the city of Toledo (Williams, Defiance, Paulding, Fulton, Henry, Lucas, Wood, Hancock, Ottawa, Sandusky, Seneca, Wyandot, Erie, Huron, and Crawford Counties).

There were two geographic areas in the state where the 1999 plan implementation efforts to reconfigure legal aid societies and integrate them into regions, while aspirationally promising, have not been successful. The most troubled of these was the west central region, which consisted of Western Ohio Legal Services Association (WOLSA) and the Legal Aid Society of Dayton. WOLSA itself was the result of a merger between Rural Legal Services, based in Springfield, and Allen County Blackhoof Area Legal Services, based in Lima. In March of 2002, the Foundation sent a peer review team into the region (*also see* discussion of program assessments below). The assessment report issued a few months later in May described the region as dysfunctional and essentially unable to successfully complete the collaboration envisioned in its 1999 plan. The report outlined several options, including a recommendation that the northern part of the service area be absorbed and served by ABLE/LSNO, with two southern counties being served by the Legal Aid Society of Greater Cincinnati, and one county being served by OSLSA/SEOLS.

Because of the report, and a complete breakdown of the collaboration effort between the two service providers in October 2002, the Legal Services Corporation (LSC) rejected WOLSA's grant application and scheduled a re-competition for the 18-county service area. Following LSC's lead, the Foundation's 2003 grant put both WOLSA and the Legal Aid Society of Dayton on month-to-month funding. LSNO applied to LSC and, as the only applicant, was awarded funds by LSC to serve this area. It is anticipated that in 2004, LSNO and its collaborating partner, ABLE, will serve 15 counties of this former region. The Legal Aid Society of Greater Cincinnati Two will serve two counties (Clinton and Highland). The Ohio State Legal Services Association, d.b.a. Southeast Ohio Legal Services, will serve the remaining southern county, Fayette. The Foundation, together with the state planning steering committee, are confident that this reconfiguration will improve and expand services to clients in this region.

The second area of the state where 1999 plan aspirations have not been realized is the central northeast region consisting of Akron-based Community Legal Aid Society (CLAS) and Youngstown-based Northeast Ohio Legal Services (NOLS). These two legal aid societies, in their collaboration effort, attempted to integrate five different organizations and cultures. As reported above, the peer evaluation report found little progress in the areas set out by these legal aid societies for achieving maximum benefits for clients. Planned major efforts at collaboration that failed included: the creation of a centralized regional intake, advice and brief service system; establishment of a joint, regional fund development effort; centralized administration and financial services; and, reformed governance through reconstituted boards of trustees. While some progress has been made recently in this region, many issues remain.

## *2. Program Assessment and Evaluations*

Changes in the delivery system brought about by mergers and consolidations provide many opportunities to positively and proactively build new systems. These changes also allow state planners and staff to approach issues collectively with an eye toward maximizing the efficient use of scarce resources. To this end, supported by Supreme Court of Ohio grant funds, OLAF launched its second round of peer review assessments of Ohio legal aid societies' delivery system in 2002. The first set of assessments, started in 1997, was largely completed prior to the extensive reconfiguration and structural changes adopted pursuant to the March 1999 *Ohio State*

*Plan: Toward Achieving a Comprehensive Integrated Legal Services Delivery System.* The Ohio State Plan was the genesis for a continuing planning and development effort to make the most effective and efficient use of resources in creating and maintaining a high-quality legal aid delivery system in Ohio. Ohio is one of only five states with a peer review site assessment process, helping to shape the delivery system as well as ensure that high quality, efficient, and effective legal services are being provided to impoverished individuals and families.

In the second round of peer assessments, the Foundation started with the evaluation of three regional delivery systems established pursuant to the 1999 Ohio State Plan. The three regional systems – northwest, central northeast, western regions – were all designed to engage two separate service providers to collaboratively serve clients throughout the entire region. The focus of the merger and subsequent evaluation was on the effectiveness of the regional systems, not so much on the grantee provider as a stand-alone program. The northwest regional collaborative effort was the only one of the three found to have been working as envisioned by the planning process. The evaluation report for this region was highly complimentary of the regional program and its leadership for the successful integration of LSC and non-LSC funded legal aid societies. The findings for the other two regions were disappointing - both regions' collaboration efforts were failing to the point of becoming dysfunctional.

In April and May 2003, peer evaluation visits were made to the Legal Aid Society of Columbus and the Legal Aid Society of Cleveland. Reports for both evaluations were completed by late-summer 2003. The second round of program assessments should be nearly completed during 2004. Target assessments for 2004 include Greater Cincinnati Legal Aid Society, Pro Seniors, and Ohio State Legal Services Association (State Support activities).

### 3. *Self-Evaluation of the 1999 Ohio State Plan*

To facilitate improved planning and to better inventory the many success and several challenges from the 1999 Ohio State Plan, Ohio's justice community has evaluated the 1999 State Plan's planning process and implementation. To this end, state planners utilized the State Justice Communities Planning Initiative Evaluation Instrument developed by LSC. This instrument, still in draft format at the time, assisted state planners to assess the quality of Ohio's planning process in 1999 and the subsequent implementation of the plan. In addition to state

planners using this tool for self-evaluation purposes, LSC used this instrument in Ohio as a third pilot state (Kentucky and Washington have previously been assessed using this instrument) – see summary below.

State planners completed Sections One (planning process) and Two (implementation) in two separate steps. A small group of state planners, who participated in the 1999 Ohio State Plan planning process, completed Section One in early April. Their collective response was shared with LSC planners and incorporated into a final report. Portions of Section Two, which assesses the more than 50 individual projects or activities proposed in the 1999 Ohio State Plan, were delegated to identified coordinators or contacts for each project or activity. The contact person was responsible for completing the evaluation worksheet for the assigned project or activity and returning it to the state planners with any additional supporting documentation related to the project or activity. Each contact's response was also shared with LSC planners and incorporated into a final report.

#### *4. LSC “Pilot” Evaluation of the 1999 Ohio State Plan*

Since 1998 the Legal Services Corporation (LSC) has required its grantees to engage in client-centered, statewide strategic planning. The State Justice Communities Planning Initiative Evaluation Instrument was designed for use by LSC staff in assessing the quality of a state’s planning process, the implementation of its plan, and the outcomes of the planning process. The purpose of the LSC instrument is to offer state planners and LSC staff a more streamlined and less-expensive way to evaluate a state’s justice community.

Paralleling Ohio’s own self-evaluation of its 1999 State Plan, LSC performed the final pilot test of its state justice evaluation instrument and process to evaluate the 1999 Ohio State Plan. Washington State and Kentucky preceded the Ohio visit. While the LSC visit was not intended to serve as a complete evaluation of the Ohio state justice community, the evaluation team was favorably impressed with most aspects of 1999 Ohio State Plan and implementation efforts. Finally, the visit did offer constructive feedback to state planners for use in developing a new state plan.

5. *Delivery System Capacity Assessment*

As part of planning activities for the 2004-2007 Ohio State Plan, state planners gathered information about the capacity and the actual performance of the legal aid delivery system in Ohio to produce positive outcomes and/or significant benefits for large numbers of clients. This is often referred to as “impact” work, and includes a broad variety of strategies and methods to affect systemic change. The information generated from this assessment allowed planners better assess the extent to which a full-range of services is available throughout the state. The information also helped planners in drafting the new state plan to develop appropriate and necessary goals and activities. The information initially collected will serve as a baseline for future, on-going capacity assessments of the delivery system.

Through this initial capacity assessment, legal services providers in Ohio were asked to respond to the questions regarding the activities of potential benefit to a large number of clients; capacity of the program to provide a full range of services; and capacity of the program to serve clients in all their diversity. These questions and the grantees’ responses are listed in Attachment D.

6. *Resource Development*

While technology enhancements to and continuous improvement of the delivery system have increased provider efficiency and effectiveness, these initiatives alone did not offset recent threats to the funding of Ohio’s legal aid delivery system. In partnership with the state and local bars, elected officials, and local legal service providers, OLAF and Ohio’s legal aid providers were able to partially offset actual and anticipated funding cuts. These efforts include: securing a supplemental appropriation from Congress to offset lost LSC funds; the implementation of administrative rules governing IOLTA/IOTA accounts in Ohio; improved monitoring of compliance with legal aid filing fee surcharge requirements; supplemental grant funding from the Supreme Court of Ohio; and the U.S. Supreme Court’s decision to validate IOLTA.

**Congressional Supplemental Appropriation**

Ohio’s legal aid delivery system lost almost \$2 million in federal funding and experienced significant redistribution of funding, based on 2000 U.S. Census figures. Funding

for legal services in the State of Ohio is a function of the number of persons living in poverty. The Ohio Legal Assistance Foundation (OLAF) and the Legal Services Corporation (LSC), the organization responsible for the distribution of federal legal aid monies, rely on decennial census figures to determine poverty levels. If a family's total income is less than an established poverty threshold, then that family, and every individual in it, is considered poor. For a family of four, the poverty threshold in 2000 was \$17,524. Based on this threshold, there were 1,170,698 individuals living in poverty in the State of Ohio - an almost 12% reduction from 1990.

While it is positive that there are less individuals living in poverty in our state, the effect on Ohio's legal aid delivery system was less than positive. LSC shifted a portion of its funding, approximately \$2 million, from Ohio to other states that experienced increases in poverty. Additionally, since both OLAF and LSC distribute funds to legal aid providers based on the number of persons in poverty within the provider's service area, some legal aid providers experienced even greater funding cuts than others if their service area experienced a greater reduction in poverty. For example, the Ohio State Legal Services Association, which serves 29 counties in southeast Ohio, saw an almost 18% reduction in poverty in its service area and experienced an over \$900,000 combined reduction in funding from OLAF and LSC.

In early 2003, Congress approved a \$9 million supplement to the Legal Services Corporation's fiscal year 2004 appropriation. This supplemental appropriation overcame immense obstacles, not the least of which may have been an across-the-board cut to most programs in the federal budget. The \$9 million supplement was distributed in such a way that Ohio legal aid societies, whose funds were cut, will see approximately one-half, or \$960,000, restored to their 2003 budgets.

### **Supreme Court of Ohio**

Ohio's state justice community views the Supreme Court of Ohio as its main partner in building and maintaining a statewide delivery system for those unable to afford legal assistance - a partnership that strives to provide equity throughout the state, not just in terms of access, but also in terms of high-quality legal assistance and the provision of a full range of services to clients. When the Supreme Court of Ohio raised attorney registration fees in 1997, the Justices determined that a portion of that increase should be directed to the Foundation in order to support this shared vision for Ohio's delivery system. The Supreme Court funds provide a critical source

of funding to undertake new initiatives geared toward expanding and improving the delivery of civil legal services. Without the infusion of these funds, the Foundation would be unable to embark on a number of cooperative projects that are important elements in Ohio's state plan.

In 2002, a grant of \$1 million from the Supreme Court of Ohio supported several key initiatives that promote access to justice in Ohio. Half of the grant award continued the Court's long-standing support for statewide pro bono development and coordination; the performance assessment of legal aid societies; and, technology coordination and enhancement. A supplemental \$500,000 grant, combined with the Foundation's "rainy day" funds totaling \$445,000, provided Ohio's legal aid societies partial funding to bridge a growing gap in program revenue. These funds partially restored the revenue lost to Ohio legal aid societies due to historically-low interest rates on IOLTA deposits and a cut in federal legal aid funding. The Supreme Court's supplemental grant has helped to stabilize program budgets and ensure that we did not retreat in our efforts to ensure justice for all.

### **IOLTA/IOTA Program Enhancements**

Led by Judge Jim Sherck, the Ohio Legal Assistance Foundation embarked on an extensive effort to improve the yield on Interest on Lawyers' Trust Accounts (IOLTA) and Interest on Trust Accounts (IOTA) deposits held in Ohio. At the outset of the process, with rates paid by most Ohio banks on comparably-sized deposits at or above 5%, and IOLTA/IOTA rates under 2%, it was felt that we could easily double the yield on IOLTA/IOTA deposits. However, at the current time, rates have fallen to 50-year lows, tumbling 300 to 400 basis points. This has resulted in over a \$1.3 million reduction in IOLTA/IOTA revenue levels. The development of administrative rules, which evolved from Judge Sherck's efforts and amplify the requirements found in the IOLTA and IOTA statutory provisions (R.C. 4705.09, 4705.10, and 3953.231), offer a tool to ensure that participating financial institutions provide comparable rates of return, even under these difficult economic times. The Foundation's Board of Trustees adopted the rules following extensive publication, notice, and comment opportunities. The effective date of implementation for the rules was April 1, 2002.

The Supreme Court of Ohio amended its Rules governing attorneys in the State of Ohio to mirror the Foundation's IOLTA/IOTA Rules. As of November 1, 2002, the Court requires attorneys, law firms, legal professional associations, or ancillary businesses related to the

practice of law in which the attorney is a principal (e.g., title insurance agents), to maintain their IOLTA/IOTA accounts only at eligible financial institutions.

Overall, the implementation of the Rules has proven to be a “win-win” for both the Foundation and participating institutions. For the Foundation, staff has gained a better appreciation of the banking industry and the differing policies and practices of financial institutions in the state, while also increasing IOLTA/IOTA proceeds. For institutions, the Rules offer greater direction to comply with state law, while also generating a greater appreciation for the economic value of trust accounts, which statewide total over \$500 million in deposits.

### **Filing Fee Surcharge**

In addition to IOLTA/IOTA proceeds, the Ohio Legal Aid Fund includes proceeds from the \$15 filing fee surcharge (\$7 on small claims) on new civil actions and proceedings in Ohio municipal courts, county courts, and courts of common pleas. These fee schedules may be found in R.C. §§ 1901.26, 1907.24, and 2303.201. Since 1997, the surcharge has generated \$6 million to \$7 million annually.

In order to ensure that all past legal aid fund filing fees have been properly assessed and remitted to Ohio’s legal aid fund, the Foundation engaged in an extensive analysis of case statistics and filing fee remittance reports for each of Ohio’s municipal, county, and common pleas court. Most of Ohio’s 330 courts were found to have been properly collecting and remitting the required amount. However, following an extensive analysis of court compliance with surcharge requirements, several courts were not collecting the proper surcharge amount, while other courts were not properly remitting collected funds. Foundation staff worked with these courts to collect hundreds of thousands of dollars in under-remitted surcharge collections and to ensure that all courts properly collect and remit the surcharge in the future.

### **Supreme Court Decision on IOLTA**

In March 2003, the United States Supreme Court decided in *Brown et al. v. Legal Foundation of Washington*, 538 U.S. \_\_\_\_ (2003), that Interest on Lawyers’ Trust Accounts (IOLTA) programs do not violate the Fifth Amendment and are a constitutional means of funding legal services for the poor. This decision means people in need will continue to receive help when they have nowhere else to turn.

IOLTA programs were established in Ohio and every other state beginning in the 1980's to provide sorely-needed funds to improve access to justice for the poor. Through these programs, lawyers and title agents are required to pool into a single account client funds that are small in amount or to be held for a short period of time. In Ohio, the interest on these accounts is directed to the Legal Aid Fund, which is administered by the Ohio Legal Assistance Foundation. Ohio's IOLTA program generates \$6.5 to \$8 million annually to support the work of regionally-based legal aid societies, which serve over 148,000 households a year.

7. *Other Recent Service Delivery System Enhancements*

**Statewide Practice Standards**

In response to a goal within the 1999 Ohio State Plan, a state planning task force has developed statewide practice standards. The standards are designed to cover intake, client communication, case development and advocacy, appeals, case closure, supervision, program systems, state collaboration and participation in the state justice community, training, and non-litigation advocacy. These standards have been incorporated into the 2004-2007 Ohio State Plan (*see* Attachment L).

Due to the time-consuming nature of other aspects of the state plan, programs and staff understandingly focused initially on the structural reconfiguration of service areas and only turned their collective attention to statewide practice standards in the summer of 2001. A committee was established to research and develop statewide practice standards for Ohio. The committee met by conference call throughout the second half of 2001 and much of 2002. A draft of the standards was distributed to the project directors and the litigation directors in July of 2002 for their review and comments. After revisions based on their comments, another draft was prepared and distributed in July 2003. This draft sought to eliminate the high level of detail from the standards and focus rather on the principles and goals. Comments were solicited over the summer of 2003. The committee anticipated that each program would review these standards and adapt them to fit the program's particular structure and needs. This will require programs to review their current policies and procedures and adapt them to these standards. Some programs or offices may wish to adopt more specific standards of practice for particular subject areas.

The committee wants to emphasize that the failure to comply with these standards should not be construed to give rise to a legal cause of action, nor create a presumption that a practitioner or a legal services program breached a legal duty owed to a client or funding source. These guidelines are intended to assist the practitioner in maintaining high quality representation of clients' interests.

The goal of the statewide practice standards committee was to develop practice and policy guidelines identifying both the scope of program requirements and model language or best practices to meet these requirements. These standards will draw on state and national standards, training materials, and models. The purposes of these standards are: First, to ensure the quality, impact, effectiveness, scope, and uniformity of service to low-income clients in Ohio; Second, to provide legal services programs in Ohio practice and performance criteria and expectations that all programs should meet or exceed. Programs will be expected to: review the practice and performance criteria and standards; adapt these, or equivalent, practice standards to their individual program configuration; incorporate the standards into program policies and procedures; and, implement the standards into daily practice.

#### **Ohio State Bar Association Support for Pro Bono**

In January 2001, the Ohio State Bar Association, with participation from OLAF and OSLSA, launched its Access to Justice Committee. The Committee focuses on ways to increase access to justice, including pro bono throughout Ohio. The Access to Justice Committee's first project was to bring together about 30 leaders of various sectors of Ohio's justice community for a Pro Bono Conclave on April 29, 2002. Conclave participants identified four areas of need to be addressed in the coming months and years: (1) the need to foster a culture that supports and encourages pro bono, including an awareness of the need for pro bono service; (2) the need to measure and evaluate pro bono; (3) the need for statewide leadership and support for local initiatives; and (4) the need to develop local pro bono programs throughout the state. The Conclave met again in December 2002 to refine and prioritize its ideas. These four areas of focus developed by the Conclave have now evolved into the goals and activities found in the pro bono portion of the 2004-2007 Ohio State Plan strategic plan section.

### **Intake Systems**

Prior to the 1999 state planning process, Ohio's legal services programs had a variety of walk-in, telephone intake, hotline numbers, and referral and advice components. At that time, the use of telephone intake varied significantly among the regions, ranging from no telephone intake to well developed, long standing, telephone intake, advice, referral and information systems.

Ohio has also had a long history of statewide toll-free information and referral lines. OSLSA's toll-free number has been included on all public benefits notices for more than a decade. This service encourages recipients to call OSLSA to get the name and contact information of their local legal aid program. OSLSA also provides information and community education and self-help materials to callers. Pro Seniors operates a statewide hotline for elderly Ohioans.

In 2002, Ohio implemented a one-stop toll-free number, 866 - LAW-OHIO, that routes callers to the legal aid office that serves the county from which they are calling. Using this number, out of state callers are routed to OSLSA where staff can direct them to the appropriate program. The LAW-OHIO number has become an important tool to direct low-income Ohioans to legal aid programs. An additional, incidental, benefit of the LAW-OHIO phone number is that it reduces the cost and confusion of multiple listings in every phone book. Programs can publicize LAW - OHIO and clients will be directed to the appropriate office.

The LAW - OHIO number has a somewhat more limited value for regions that have a single centralized phone intake number for both local and 800 calls. It is generally more cost effective for these regions to use their own toll-free numbers. LAW-OHIO remains a helpful supplementary tool in these regions.

OSLSA also publishes and maintains a desk reference/communication guidebook of information about legal services, governmental agencies, and other low-income programs. This is produced and maintained both in hard copy and also on the OSLSA website. Legal services staff, other service providers, and low-income Ohioans use this information to access services and identify available referrals.

In 2003 all of Ohio's legal services programs now use telephone intake and we have a healthy range of different systems to address and manage advice and referral, brief service, and

full representation. Some programs use a centralized model and others use local office systems. All programs have standardized procedures and community education materials. Most have a mix of telephone, walk-in, and remote location contacts.

In 2002, Ohio established an Intake Task Force. This group meets quarterly and is facilitated by OSLSA staff. It includes participation from all legal services programs. The goals of the group are to share information and written materials about intake systems, discuss how to deal with changes and challenges in intake, and provide support statewide to improve every program's intake systems. The group has addressed a variety of issues, including: screening tools; multiple issue assessment; identifying emerging or evolving issues; community outreach; community education and self-help materials; use of technology; referral policies between programs; and, out of state referrals.

The group is especially interested in examining current systems to glean strengths and promising practices. For example, at a recent Intake Task Force meeting, three programs described their respective intake systems and the group discussed the relative strengths and applicability of each. The three programs differed significantly: urban vs. rural; centralized intake vs. local office based; staffing by secretaries, paralegals, or attorneys; and, the extent of the use of technology. Each of these intake systems reflects the different needs and efficient responses to Ohio's diversity.

In 2003, OSLSA and LSNO received a grant from LSC to develop HotDoc materials. This project will expand the options available statewide to program staff and pro bono attorneys to quickly provide information and respond to client needs.

As part of this state planning process, Ohio has developed best practice guidelines for program intake systems. Each program will be required to evaluate its intake system in light of these guidelines and modify its policies and procedures to meet the established standards. We will use the intake task force to help programs in this process.

One example of a standard is that program intake systems should be open, at a minimum, during office business hours. Some programs have limited intake to certain times of the day or certain days of the week. This would not be acceptable under the new guidelines and programs will have to change their procedures.

The state plan anticipates continuing developments in this area and ongoing growth. With regard to intake systems and other client service systems, one size does not fit all. The plan

recognizes the strength of Ohio's diversity and the need for programs to develop and tailor their intake systems and procedures to meet the needs and preferences of their client communities consistent with Ohio's best practices guidelines.

### **Technology**

Over the past several years, Ohio's legal services programs have collaborated on several technology proposals and projects. Funded by OLAF from an Ohio Supreme Court grant, a full-time statewide technology coordinator was hired by OSLSA to assess the technological capacity and needs of legal services programs and to provide training and support. Each regional legal services program now has an Information Systems Coordinator or Network Administrator due in part to this technology coordinator's recommendations. The coordinator also hosted and staffed the Technology Task Force, which was a vehicle for monitoring her work and for sharing technology information among programs.

After two years, the position was reduced to part-time, and has been fulfilled by Ed Marks, ABLE/LSNO. The Technology Task Force has continued to meet, providing input on grant proposals and sharing information about technological developments. One of the activities of the new state plan will be to review the effectiveness of the Technology Task Force.

OSLSA's State Support Center has engaged in three large scale technology projects since the adoption of the 1999 State Plan: the Ohio Domestic Violence Resource Center, the Ohio Statewide Legal Services Website, and the HotDocs Assisted Pro Se project. Each of these projects has garnered significant statewide and national attention.

In 2000, OSLSA was awarded two Technology Initiative Grants (TIG) from the Legal Services Corporation. One was for the creation of an online domestic violence court form preparation system, which became the Ohio Domestic Violence Resource Center ([www.ohiodvresources.org](http://www.ohiodvresources.org)) and is further discussed on page 35.

OSLSA was also awarded a TIG from the Legal Services Corporation for the creation of a statewide legal services Web site ("Statewide Web Site") which established a collaborative network of information sharing for the purpose of centralizing legal information and expertise on poverty law issues in Ohio. The Statewide Web Site was a significant component of the 1999 Ohio Legal Services State Plan and was referred to as the vehicle by which many of the provisions of the plan were to be implemented. The Statewide Web Site also became the model

for the development of the “Open Source Template” (OST), which became an alternative to the Probono.net model for designing and implementing statewide legal services Web sites nationwide.

Kaivo, Inc developed Ohio’s Statewide Web Site and the OST. The OST is based on the Open Source Software Development methodology - an informal set of guidelines and practices by which experts worldwide contribute collaboratively to the creation of technology products that are then shared freely with others. Open Source software is available for use at no cost, and it is not owned by any individual or corporate entity. The core Web development platform, upon which the template is based, called Zope, is an Open Source tool providing highly extensible content management, personalization, and security features.

The OST is comprised of a range of programmatic components, which were developed to be highly modular and easily re-usable so they can be configured for use by different states with similar needs at minimal cost. Consequently, different state adoptees of the OST have implemented very particular approaches to site design, layout, and navigation and convey a distinct organizational identity, while maintaining a common underlying technology.

Ohio’s statewide Web site continues to grow in popularity. In November 2003, the website had 20, 559 visits, with an average of 685 visits per day. The average length of time spent visiting the website was 15 minutes. The website’s Public Law Library has by far become the most popular section of the site for downloads, with packets, forms, and brochures on expungements, housing, and family law being the most downloaded files each month. The online Legal Services Directory, providing a searchable online database of free and low cost legal assistance, is also a frequently visited part of the website. Many partner agencies have links to the statewide website, including the Ohio Legal Assistance Foundation, the Ohio State Bar Association, the Ohio Association of Second Harvest Foodbanks, the Ohio Public Library Information Network, the U.S. Department of Housing and Urban Development, the Ohio Department of Job and Family Services, the Ohio Department of Commerce, Ohio United Way, and many others.

OSLSA has received two subsequent renewal grants from LSC to improve the website to make it more accessible to clients and a more useful tool for the legal services community. At this time OSLSA is engaged in a full-scale assessment of the website, with the prospect of a new design and the addition of new features. Additionally, OSLSA is a member of a committee

formed by the Ohio Supreme Court to design a public website portal for the Ohio Court Network, a large-scale statewide court networking project. One of the primary goals is to have Ohio's statewide legal services website be one of the primary pathways from the court portal.

Ohio has also become a leader in statewide legal services website development nationally. In 2003, OSLSA was also awarded an LSC Technology Initiative Grant on behalf of 16 states to develop enhancements to the Open Source template for the statewide websites. OSLSA has and will continue to actively participate in the OST circuit rider project, which will result in a circuit rider to provide assistance to states who use the Open Source Template for their statewide legal services website. OSLSA has assisted in the evaluation of website evaluation instruments and is a member of a committee to evaluate website sustainability strategies within the purview of state IOLTA programs.

As the result of a statewide proposal developed by members of the Technology Task Force in 2002, the Legal Services Corporation awarded a \$175,000 technology grant jointly to Ohio State Legal Services Association and Legal Services of Northwest Ohio. The two-year project will develop a national model for Web-based legal services document assembly systems.

In 2003, a full-time attorney was hired to staff the project and begin developing documents that can be formatted for the HotDocs system. She is currently surveying existing self-help and litigation materials available at Ohio's legal services providers to prioritize which documents will be entered into the system first. She is working with student interns from the Ohio State University Moritz School of Law to develop working documents. The initial documents should appear on the Web site sometime in August or September. HotDocs 6.0 software will be utilized to create Web-accessible document assembly functions for legal services advocates and pro bono attorneys. The attorneys will be able to easily retrieve, edit and customize frequently used forms, pleadings, self-help guides, research information and other materials.

These new on-line materials will support brief services advocacy, self-help, and ongoing complex litigation activities. The project also will explore integration of Web-based HotDocs with Kemps Caseworks, a legal aid case management software program. The system will enable Ohio's seven regional service providers to pool expertise and resources to share and develop materials for the network, including materials created in partnership with local courts, pro bono

projects, and private bar associations. This project will significantly increase the numbers of clients statewide who will receive a more effective and speedy response to their problems.

Ohio has taken a leadership role in forming a multi-state HotDocs On-line Automators Group to share templates, information, and resources. The multi-state group is comprised of LSC grantees from Ohio, Pennsylvania and Indiana. HotDocs is a Web-based document assembly project coordinated by OSLSA and designed to support brief services advocacy for “hotlines,” client self-help, as well as complex litigation activities. Once completed, HotDocs will be available not only to legal aid staff, but also to pro bono attorneys who assist in the representation of low income Ohioans. Law students at the Ohio State University have been assisting with the coding of templates for documents and pleadings.

### **Domestic Violence Computer Project**

The Ohio Supreme Court Task Force on Domestic Violence, which included members from OSLSA’s State Support Center and other legal aid advocates, developed standardized *pro se* materials for victims of domestic violence (DV) seeking protection orders. OLAF has provided individual assistance to local bar associations and legal services providers in developing *pro se* divorce and dissolution clinics within their communities.

State planners continue to make *pro se* assistance simple and effective for domestic violence victims. Under the 1999 State Plan, state planners proposed that OSLSA and Action Ohio, a statewide domestic violence advocacy group, collaborate on a project to select a few shelters in Ohio that would most benefit from the provision of computer equipment and/or software for primary use by domestic violence victims coming to the shelter for assistance. The equipment and software would serve two primary purposes: 1) To provide domestic violence victims with the *pro se* forms and the information needed so that they can obtain civil protection orders; and 2) To provide shelter lay advocates and staff with tutorials on the law and on legal services so that they will be equipped to assist victims with *pro se* representation.

The expanded and improved Ohio Domestic Violence Resource Center website ([www.ohiodvresources.org](http://www.ohiodvresources.org)) serves the Ohio legal services community, victims of domestic violence (DV), victim advocates, crime victim-witness offices, prosecuting attorneys, and the private bar. During the last year, the domestic violence and stalking court forms preparation system has been modified to allow system users to save and e-mail their completed protection

order forms. For example, the intake attorneys of Legal Services of Northwest Ohio (LSNO) now routinely use the court forms preparation system to prepare their clients' DV and stalking protection order forms, save those forms, and then e-mail them to the clerk of court, the local DV shelter, etc. The court forms preparation system has also been modified to enable system users to more quickly return to an earlier screen in the system to correct an error or to add previously omitted info.

In addition, a growing number of DV or stalking victims and other system users-including out-of state users - are contacting DV Webmaster Mike Smalz with specific questions, seeking legal advice, or to discuss public policy matters. Between 15 and 20 persons per month are e-mailing these requests for assistance to Mr. Smalz.

The Ohio Domestic Violence Resource Center website is now averaging approximately 400 visits per day. The most popular areas of the Web site are Alerts and New Developments, Victim Information and Resources, and Attorney and Advocates Information and Resources. About 150 people per month are using the court forms preparation system. There will have to be changes made to the court forms preparation by July 1, 2004, to reflect expected changes to the Ohio Supreme Court's standard DV and stalking protection order forms. The other areas of the website will continue to be regularly updated, and further technical improvements to the Web site are likely.

### **OSLSA's Community Legal Education Project**

In December 1998, NAPIL approved a proposal submitted by OSLSA's State Support Center to hire a VISTA Summer Legal Corps Fellow to staff a summer project improving community legal education materials. The Fellow gathered community education materials, organized the materials, and informed legal services programs of their existence and availability. The materials included pamphlets/brochures, packets, posters, envelope stuffers, videos and other materials used by legal services offices and other agencies and organizations. The Fellow assisted in analyzing the materials collected to be sure they were accurate and up-to-date, revising them where necessary, and organizing them for access by legal services programs. Where there were duplicate materials on similar topics, the Fellow recommended which should be reproduced and disseminated.

The Fellow worked with the Center's Statewide Technology Coordinator to devise the most efficient and effective dissemination of the materials to legal services programs, including working with libraries, schools and churches. Additionally, with assistance from the center's attorneys, other legal services programs, and other advocacy groups and allies, the Fellow identified and developed materials that were still needed, looking for assistance from Travelers' Aid, literacy councils, and college and high school communication programs.

### **Community Legal Education Seminar**

In 1999, State Support proposed in its work plan to include public speaking as a seminar topic to help legal services advocates use media and public speaking as a form of community legal education. Components for the seminar included public speaking, working with the media, developing community legal education materials, community outreach, and working with groups. Panelists highlighted successful legal services community legal education events and offered suggestions for others. These trainings were presented in several formats.

### **Substantive Law Coordination**

There are two primary ways in which substantive law is coordinated in Ohio - the Litigation Directors' Task Force and the State Support Center at OSLSA. Both State Support and the Litigation Directors' group work closely on ongoing substantive collaboration, as well as on special projects, with the goal of providing comprehensive services throughout the state. State support, funded by OLAF, provides training, clearinghouse functions, task force coordination, technology planning, litigation support and administrative and legislative monitoring and advocacy statewide. Other statewide collaborative efforts include: Ohio programs contributing funds to support the Committee on Regional Training (CORT), which is a unique three-state training consortium including Ohio, Michigan, and West Virginia; OSLSA and other programs providing experienced staff who design and produce trainings, primarily through CORT and the State Support Center; Legal Aid Society of Cleveland attorneys, who write and edit commercially marketed substantive law manuals in consumer, domestic violence, and landlord-tenant law (most of these materials are provided free of charge to other legal services programs either by Cleveland Legal Aid or by OLAF, which funds distribution of the

materials to advocates across the state); and, experienced staff in most programs informally provide consultation and support to other advocates throughout the state.

### **Litigation Directors Task Force**

Ohio has established a Litigation Directors' Task Force to ensure that high quality, sophisticated strategies are developed to address statewide, regional, and local legal issues of significance to the client community. The Task Force prioritizes, integrates and coordinates the work of advocacy groups throughout the state into the statewide system. OSLSA staff coordinates and support the Litigation Directors' Task Force. All programs participate in this group.

The Litigation Directors' group is linked with the substantive law task forces coordinated by OSLSA in the areas of housing, family law, health, and welfare. Participants in the substantive task forces are in turn linked to the broader client and advocacy community by their task force participation. The Litigation Directors' Task Force was launched in June of 1998. Its initial goals included: 1) To prioritize, coordinate and develop a work plan for legal work on a statewide and regional level; and, 2) To develop resources to support this legal work through pooled resources of programs and law schools and additional substantive law task forces, as necessary, as well as discretionary funds available through OLAF, and from foundations supporting low-income advocacy.

In 2003, the Litigation Directors' group reiterated its goals. This reiteration provides the following goals: 1) To increase our effectiveness and efficiency; 2) To pursue impact litigation; 3) To build general and specific litigation capacity; 4) To discuss issues beyond litigation and to look at multi-forum approaches to advocacy; 5) To work with task forces to identify statewide issues and strategies to resolve them; 6) To identify access to justice issues and eliminate barriers for low-income clients; 7) To increase pro bono and private bar involvement; 8) To improve access to justice; and, 9) Identify training and developmental needs to improve staff capacity.