

# Dialogue

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## Outcome Measurement: An Integral Part of an Effective Statewide Legal Services System

by Ken Smith and Lorna Blake

**O**utcome measurement is a powerful tool for examining how clients benefit as a result of services they receive from legal services programs. Led by IOLTA programs in four states, statewide legal services systems are implementing outcome measures as a cornerstone of their efforts to support program improvement and resource development at local and statewide levels. These measures spotlight the results delivered by programs, addressing questions such as:

- How many clients and their family members received protection from domestic violence as a result of a program's services?
- How many people avoided illegal or unfair eviction from their homes?
- How many dollars did clients receive as a result of Social Security disability appeals, child support petitions and other successful income support advocacy?
- How effective are a program's efforts to improve these kinds of outcomes for clients?



Only a handful of state legal services systems have implemented outcome measures that cover the full range of programs serving clients in a state. State leadership groups such as IOLTA programs, bar foundations, access-to-justice committees, and state planning groups can do much to promote greater utilization of outcome measurement. Models are in place; investments by IOLTA programs in New York, Virginia, Maryland, and Texas have created an intellectual asset that any program and any state can tap into.

### Installing outcome measures should be a priority of every state legal services community

Legal services programs have a great story to tell. Being able to present facts and examples to show potential partners (such as legislators, bar leaders, judges and local officials) what kinds of results are being delivered in their own "communities of interest" by legal services programs is a powerful asset. The ability to specify

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## DIALOGUE

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## Outcomes

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results is key to expanding resources and enrolling a bigger cast of players to help in this work.

In addition, maximizing the return on society's investment in legal services is a public responsibility. Tracking results—and taking effective action to improve them—demonstrates good stewardship over the public dollars entrusted to legal services.

Advocates also can use information about outcomes for clients to improve performance.

At the program level, outcome measures can shed light on several questions. How well are the management and advocacy systems that are in place serving the needs of clients? Do a program's results align with its priorities? Do intake workers or case handlers need training or other intervention to improve the outcomes they can deliver to clients?

### Measuring the results legal services programs can deliver

Legal services programs seek three broad kinds of outcomes. The first two encompass the core mission of legal services: seeking

individual solutions for individual clients, and solving problems affecting broad segments of the low income community. At the same time, however, a program's ability to achieve these direct results depends on its success in achieving a third kind of outcome: expanding the core capacity of the program itself.

Measuring the results of investments in a program—such as developing new funding sources, enrolling new partners, recruiting pro bono lawyers, training staff, improving technology, and incorporating new delivery models—can help a program make a real difference in expanding access to justice in its community.

### Four IOLTA programs lead the way in measuring the results of direct legal assistance

Until 1993, the only legal services case statistics system in general use was the Legal Services Corporation's Case Service Report (CSR) system. When it was introduced in 1980, the CSR system provided an important tool for statistically describing outputs of the LSC programs to Congress, state legislatures, the

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## Three Kinds of Outcomes We Measure:



- ... For Individuals
  - Protection from domestic violence
  - Prevented illegal eviction from home
- ... For Low Income Communities
  - Bigger supply of affordable housing
  - Better access to special education
- ... For Building Capacity to Serve More People
  - Recruited pro bono lawyers
  - Expanded funding support

## Outcomes

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courts and the public. For two decades the CSR has supported grant-making, fund-raising and public relations efforts at national, state and local levels. However, it has two serious shortcomings that limit its usefulness. First, while it tracks kinds of matters, it does not measure outcomes for clients. The CSR reflects a *lawyer's* perspective—what the legal problem was (eviction, child custody dispute, debt collection...), and how it was resolved (by advice, brief service, court or administrative agency decision...). What the CSR does not indicate is the number of clients who obtained solutions to the problems that led them to seek legal help.

Secondly, the CSR covers a limited range of legal services. It focuses on the kinds of matters for which LSC provides funding. It may provide little or no detail about advocacy areas that may be very important to state and local program managers, and it does not include information about matters that LSC programs cannot handle—such as prisoners' rights and welfare reform cases. Specialized programs and state funders have had to supplement CSR statistics with other information to describe the services they provide.

In 1993, the IOLA Fund of New York decided to develop a new approach to tracking legal services provided by programs. The Fund launched a pioneering effort that ultimately produced a practical model for measuring client outcomes in both general-purpose and specialized legal services programs.

Because of the size and diversity of the state, New York is a good

place to see the vast range of services and needs covered by legal organizations serving the poor. Although a large portion of IOLA funds go to LSC-funded general civil legal services programs, the Fund also supports more than 70 specialized projects and programs operating in all sizes and types of communities across the state. To make sure that its outcome measurement effort would take this diversity into account, the Fund convened a pilot group of IOLA grant recipients reflecting the full range of programs supported by IOLA funds.

This group devised a simple system by which advocates could code the most significant benefits received by clients at the time each matter was completed. The measure was tested in 1994 in the pilot group member programs. After review and comment by the IOLA grantee community, a final measure was incorporated into the Fund's annual grantee reporting process and implemented in 1995 by all of the 90-plus IOLA-funded agencies in New York.

The New York system enabled programs to accurately track and report the following information on an annual basis:

- How many people are benefiting from specific kinds of case outcomes? More than 100 categories of outcomes were included in the IOLA report.
- How many dollars are being produced for clients? For example, what was the total sum of monthly child support awards obtained by programs for their clients?
- How many dollars are saved by taxpayers? For example, what are the annual savings from successful homelessness prevention and eviction

defense efforts that avoid the expense of state- or city-mandated emergency housing?

- What results were produced by grantees' legal assistance to community-based organizations serving low-income people?

### Building the intellectual asset: major improvements by Virginia, Maryland and Texas

The New York model was adopted and further refined in 1996 and 1997 by legal services evaluation committees in Virginia and Maryland. These committees were in the process of upgrading their own evaluation and monitoring systems. The Legal Services Corporation of Virginia made its outcomes system mandatory for all funded programs. The Maryland Legal Services Corporation invited its grantees to participate on a voluntary pilot basis. The New York IOLA Fund then incorporated these states' features into its system.

In 1999, the Texas Equal Access to Justice Foundation (TEAJF) decided to incorporate outcome measures in an update of the program assessment system it had used since 1992. A committee of TEAJF staff, board members and grantee representatives reviewed the New York/Virginia/Maryland model in light of the special features of Texas legal services practice. Recently the committee began pilot-testing a system with several significant enhancements to capture the work of Texas programs in better detail. For example, the new system will:

- identify multiple-benefit outcomes;
- distinguish contested from non-contested matters;
- improve the reporting categories; and

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## Outcomes

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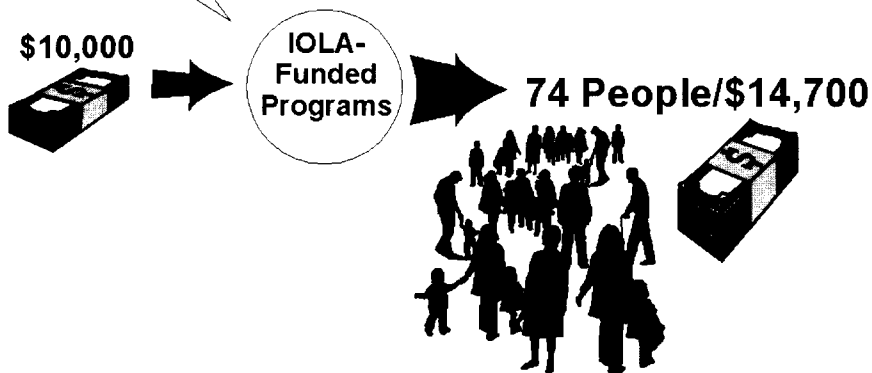
- compare what the client wanted with what he or she actually got.

### Telling our story: using outcomes information to market legal services

Outcomes data provides three themes equal justice advocates can include in their talking points. First, programs can send the message that *we deliver solutions*. For years, legal services advocates have told legislatures and community leaders that there is an overwhelming unmet need for legal services. While this message can motivate some people to provide resources (funding, volunteers, political support), there is another story that needs to be told: *legal services programs get dramatic results with the resources they are given!* The graphic

#### Leverage...

Every \$10,000 invested in IOLA-funded programs provides legal assistance benefitting 74 low income people and generating \$14,700 in direct dollar benefits to pay for such necessities as food, rent, heat, lights and health care.



Source: Grantee Activity Report, 1998; The IOLA Fund of the State of New York (March 1999)

below illustrates how the IOLA Fund of New York has used outcomes information (dollar benefits generated, numbers of people helped) as part of a bigger success story.

*We make a life-changing difference ... for lots of people* is a second theme. Legal services advocates have long used compelling vignettes in reports and funding proposals to describe how legal assistance is helping people pull themselves out of poverty or escape the devastating grip of abusive relationships. With outcome measures in place, programs can add a sense of scale to those stories.

Finally, outcome measures can help programs say: "we are aligned with your mission." One of the challenges faced by state access-to-justice groups is showing a wide array of potential partners and funders how support of legal services for the poor fits in with their own mission. Armed with good data about the results that are produced and a bold dash of creativity, legal services leaders can easily draw these connections.

### Conclusion: outcome measures are a crucial part of an effective statewide legal services system

The IOLTA programs in New York, Virginia, Maryland and

Texas have performed a vital service for their grantees and for legal services clients by installing performance measures in the programs they fund. Individual programs are unlikely to make this investment without the impetus of a mandate from a major funding source. Yet once the system is in place it can yield valuable information for program improvement and resource development at both local and statewide levels. These states have produced models that other states now can follow.

Experience to date shows that a statewide system is a good place to implement outcome measures. State-based systems can capture the diversity of programs and services across a state without the compromises that adjusting to a national reporting system such as the LSC's CSR has proven to require. A statewide approach aligns with LSC's push for integrated, state-led legal services systems that engage a full range of stakeholders in meeting the unique needs of a statewide community.

Outcome measures are not perfect, but they are available and getting better. They are an integral part of an effective statewide legal services system.

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