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**Analysis of Configuration Options
for the Missouri State Justice Community**

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Three: *Current Performance of the Four Missouri Legal Aid Providers*

Introduction

This chapter summarizes our assessment of each of the four Missouri legal aid providers using the same Strategic Scorecard method and instrument we used for evaluating the composite performance of Missouri programs. (See the previous chapter and Appendix A for a description of our overall findings and the methodology.) Our findings on each program are summarized in this chapter with a table showing overall scores and a brief narrative highlighting the strengths and challenges we found.²⁵

The assessments of the individual programs provide the basis for our analysis of configuration options in the next chapter. In summary, what we have found is that three of the existing providers, LSSM, LSEM and LAWMO are good-to-excellent programs with many strengths that make Missouri a “good” to “better” legal aid delivery system overall. There are many examples of high performance that stand out on particular criteria, providing assets that Missouri can deploy in the future as beachheads for expanding capacity as envisioned by *The Missouri Plan for Legal Services*.

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²⁵ We have provided each program’s board president and/or Executive Director with draft and final copies of his or her program’s detailed Strategic Scorecard. The summary scores in this chapter reflect the program’s comments on the first draft, although we have exercised our own judgement as to whether or not the comments we have received call for a change in our scores. Note that we have treated the detailed scorecards as confidential information available only to each program’s leadership and have not shared any program’s data with another program. We suggest that any requests for the Scorecards be made directly to the leaders of the program involved.

The fourth provider, Mid-Missouri Legal Services, we believe is providing good services in the realm it has chosen to focus on -- principally "service case" work in family law -- but is too small to be able to grow or to provide the broader capacities and services expected today of a full-service, high quality legal aid delivery system. As a result, we are recommending that the program's leaders seek a compatible partner and proceed with a friendly merger aimed at maintaining the assets the program has built to date while expanding capacity in areas that currently are too weak to enable the program to meet the full range of legal needs that low-income people in this part of the state have.

Legal Services of Eastern Missouri

Legal Services of Eastern Missouri (LSEM) is a national-caliber law firm for the poor. It has a first-rate staff, a strong track record of accomplishment, a solid funding base and powerful support at the local, state and national levels. Its challenges include recruiting a new Executive Director, developing new leaders, deploying its expertise across the state and addressing the un-met need for unrestricted legal services for low-income Missourians.

Assets

LSEM is a cornerstone of the Missouri legal aid system. It has...

1. A powerhouse staff. This includes lawyers, paralegals, social workers and administrators that are first-rate. Half of LSEM's lawyers have 18 years or more experience in the legal profession. Many are acknowledged as state leaders in their specialties. Turnover is low.

2. Good mix of services. LSEM is able to produce a superior volume of "service cases" while at the same time leading the state in major litigation, public policy development and special projects addressing fundamental problems of the low-income community such as housing, income support, protection from domestic abuse and special education. Its case output includes services to its rural counties well above the state median.

In addition to these traditional legal aid services, LSEM also provides a good mix of "matters" services, including community legal education presentations, workshops, referrals to other service providers and informational materials.

Legal Services of Eastern Missouri (LSEM)

Hallmarks:

- Experienced expert staff
- Mix of "service cases" & broad scope work...
 - *Major litigation*
 - *Public policy development*
 - *Community collaboration*
 - *Special projects*
- Resource development
- Holistic services
- Private bar support

Strategic Scorecard

• Securing resources	A
• Casehandlers per 10,000 eligible	B
• Pro bono participation	A
• Case output -- all cases	A
• Case output -- extended service cases	A
• Matters output	B
• Case services - urban counties	A
• Case services - rural counties	A
• Broad-scope services	A
• Experienced legal staff	A
• Investment in technology	A

Score Key: A = in upper range of legal aid programs nationally;
B = In mid range; C = Below mid range.

3. Outstanding pro bono participation. The program offers a wide range of opportunities for pro bono service and gets a high level of participation in return.

4. Strong resource development performance. The program has had a full-time development director and development office for more than 15 years. At \$24.25 per capita (per 2002 figures), it is the best-funded program in Missouri.²⁶ It is also the most diversified, with only 36 percent coming from LSC.

5. Holistic approach. LSEM's has several special projects in which lawyers and social workers team up with community organizations to provide a mix of services tailored to address each client family's unique situation.

6. Private bar support. LSEM is a fixture in the legal community in St. Louis and the state. It enjoys an extraordinary level of support from the private bar at all levels. This translates directly into fundraising success and support for legislative initiatives benefitting the low-income population. LSEM leaders have been instrumental in promoting continued funding for legal services at both the state and national levels.

Challenges

LSEM has the fortunate problem of deciding how best to grow and deploy its "abundance of riches" -- its experienced staff, strong private bar support and other assets.

Its first two challenges are intertwined. One is to recruit a national-caliber Executive Director (the position became vacant in January 2004) who can lead and inspire LSEM's high-powered staff to continue its trajectory toward Full Access. The other is to develop the next generation of leaders who will replace the many staff who began their careers in the 1960s and 70s. The new E.D. will need to be a leader who can keep the program's fire burning bright in the short run while recruiting, mentoring and inspiring the people who will carry it upward to the next plateau.

Another critical challenge is how to enable LSEM's assets to be deployed on a statewide basis. An arrangement for expertise-sharing is needed that is more than informal and sporadic. It needs to be institutional and it needs to be fully funded. Missouri can't afford to replicate LSEM's pool of expertise and talent in other programs; it makes much more sense to build on what is already in place. The state system needs to promote a host of strategic partnerships between LSEM and the other providers. The housing case in the Boot Heel, in which LSEM is partnering with LSSM to prevent the loss of subsidized low-income housing, is a good model.

The final challenge, which LSEM could address in partnership with LAWMO and LSSM, is to provide leadership for the state justice community in addressing the critical need in Missouri for services that are restricted by LSC. With its credibility in the legal community, knowledge about the kinds of unrestricted

²⁶ For comparability with other programs in Missouri and nationally, we use total funding used for basic field services divided by the eligible population at 100 percent of the Federal poverty level. In reality, most programs use at least 125 percent of the poverty level as their eligibility cutoff, and some programs use a much higher figure (e.g., 187 percent of poverty), so the actual funding per "eligible" person is substantially lower than our benchmark would imply. We use it only as uniform benchmark for comparing the resource development success of programs, not to assess whether or not funding is adequate in relation to the number of people needing to be served.

services that are most needed and fundraising clout, LSEM could potentially lead a campaign to get such a vehicle -- probably a new entity -- in place.

Legal Aid of Western Missouri

Legal Aid of Western Missouri is a major force in the state legal aid system. It is a statewide leader in public housing, community development and immigration law. It offers a broad range of legal services and a history of success in high impact work.

Assets

1. A highly experienced staff. Half of LAWMO's lawyers have 18 years or more experience in the legal profession. Many are acknowledged as state leaders in their specialties. Turnover is low.

2. Strong "broad-scope" services. LAWMO offers many examples of successful major litigation, community economic development and collaborative projects. It is organized into specialized units focusing on areas such as housing and family law.

3. Immigration-related legal services. LAWMO is the LSC-designated migrant legal services provider in Missouri. Its delivery approach is extraordinarily efficient and highly regarded by workers in other agencies who serve the migrant population across the state.

4. A good offering of "non-case" legal services. In addition to getting high marks for its specialized work, LAWMO also serves higher-than-average numbers of people with referrals, community legal education, informational materials and access to legal information. Much of this distributed through LAWMO's web site, where legal information is accessible anytime, anywhere for clients, pro bono lawyers and non-legal advocates working in the low-income community.

5. Outstanding pro bono participation. The number of private lawyers participating in LAWMO's pro bono programs is well above average in proportion to the numbers of people eligible for services.

6. Strong resource development performance. At \$22.14 per capita, LAWMO's level of funding is well above the national median (\$16.80) and second highest in the state. This funding is well diversified, with

**Legal Aid of
Western Missouri (LAWMO)**

Hallmarks:

- Expert experienced staff
- Strong broad-scope work...
 - Major litigation
 - Community economic development
 - Specialized projects
- Immigration-related legal assistance
- Resource development

Strategic Scorecard	Score*
• Securing resources	A
• Casehandlers per 10,000 eligible	A
• Pro bono participation	A
• Case output -- all cases	B-
• Case output -- extended service cases	C
• Matters output	A
• Case services - urban counties	C
• Case services - rural counties	C
• Broad-scope services	A
• Experienced legal staff	A
• Investment in technology	A

*Score Key: A = in upper range of legal aid programs nationally; B = In mid range; C = Below mid range.

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seven funding sources each providing five percent or more of the total. Well more than half of LAWMO's funding (58 percent) comes from sources other than LSC.

Challenges

Raising output of "service cases." LAWMO has room to increase its volume of individual case work. It is somewhat below the national median on several measures of case service output -- cases per 1,000 eligible people, cases per \$10,000 program funding and cases per FTE casehandler²⁷. It is slightly *above* the norm on one measure, "extended service" cases per \$10K funding²⁸. Although LAWMO's emphasis on broad-scope work (and allocation of significant resources to it) is a major reason case numbers are below average, some programs are able to do better than average in both arenas. Bringing up the case numbers, while maintaining service quality, is an appropriate goal for LAWMO to pursue.

Expanding presence and services to rural counties. LAWMO's services are concentrated close to its offices, which are in populated areas, leaving the more distant counties with few services in proportion to the low-income population. This is an issue not exclusively LAWMO's; it is a challenge for all programs serving rural areas, including other programs in Missouri. There are best-practice models available that make this a solvable problem; it is a challenge worthy of attention by LAWMO's leaders.

Applying innovative methods. LAWMO is already a good program, offering legal services across a broad spectrum. To expand further in its capacity to meet the needs of needy people in Western Missouri, it will need to embrace new ideas and methods that are being implemented elsewhere in the nation as best practices. This is a challenge that needs to be addressed if LAWMO is to move from being a good program to a great one.

²⁷ As indicated in the previous chapter, these statistics may be impacted by the record-keeping practices of the program. For example, LAWMO reports that it takes a conservative approach in classifying cases as accepted. In 2002 LAWMO's staff rejected over 5,700 matters in which the applicants were financially eligible for representation and spent over 5,400 hours on this work. In the vast majority of these cases, the rejection process involved referral of the clients to other service providers. The process is time-consuming and often involves a detailed investigation of the facts and law applicable to the client's situation. Other providers may classify these as "cases" and include them in their statistical reports.

²⁸ "Extended services" cases are those resolved through negotiation, administrative agency decision or court decision -- that is, those beyond advice or brief services.

Legal Services of Southern Missouri

Legal Services of Southern Missouri is a strong new program, formed in early 2001 by the merger of three relatively small programs²⁹ serving the southern one-third of the state. The new capacities of the program resulting from the merger seem to be having a significant positive effect on performance in areas such as resource development and the deployment of technology.

Assets

1. Strong capacity for managing change.

LSSM appears to have done an exceptional job of managing the merger of three programs into one, a difficult process that has been very disruptive for many legal aid programs. It has leveraged its expanded size with new initiatives for expanding capacity and services.

2. Technology. One step has been to hire a tech coordinator, who quickly obtained new funding for communications initiatives linking not only LSSM but MMLS and the state support unit in Jeff City. With its new technology clout, the program won all three LSC technology grants awarded to Missouri in a national competitive process.

3. Resource development. Another new capacity was achieved by the hiring of a resource development specialist, who came on board in July 2001. By 2002, LSSM was leading the state in percentage funding growth, at 15.5 percent (twice the statewide figure). New funding has enabled the program to hire additional casehandlers under VOCA and VAWA grants. At \$15.36 per eligible person, LSSM's total funding is only slightly below the national median of \$16.80. Although it still is below the state median of \$20.29, it is showing good progress on that goal.

4. Pro bono participation. The program obtains good participation in relation to the number of lawyers practicing in its service area, and outstanding participation relative to the size of the eligible population.

Legal Services of Southern Missouri (LSSM)

Hallmarks:

- Merger success (2001)
- Technology
- Innovation
- Growth
- Rural delivery

Strategic Scorecard

• Securing resources	A
• Casehandlers per 10,000 eligible	B
• Pro bono participation	A
• Case output -- all cases	B
• Case output -- extended service cases	B
• Matters output	B
• Case services - urban counties	C
• Case services - rural counties	B
• Broad-scope services	C
• Experienced legal staff	B
• Investment in technology	A

Score Key: A = in upper range of legal aid programs nationally; B = In mid range; C = Below mid range.

²⁹ The three programs that merged to form LSSM were: Legal Aid of Southwest Missouri (based in Springfield), Maramec Area Legal Aid (headquartered in Rolla) and Southeast Missouri Legal Services (with offices in St. Girardeau and Charleston).

5. Ability to serve rural areas. The program thinks of itself as “generalists” who are highly focused on meeting the needs of clients throughout their primarily rural service area (but also see “Challenges” below). They endeavor to use a strategic mix of staff, judicare and pro bono models to address particular challenges in serving rural areas. They recently held a retreat in which they invited national experts to facilitate a discussion of cutting-edge ideas for rural delivery.

6. Focus on innovation and growth. The expanded capacities of the program seem to have created a sense of possibility that is propelling the program forward. Program leaders project a sense of optimism and openness to new ideas, creating many opportunities for providing more and better services for clients in the near future.

Challenges

Expanding case services. The program scores only “B” (near the mid range) in case output per capita and per dollar, and “C” (below mid-range) in the urbanized counties of its service area (Springfield area). Although LSSM thinks of itself as excelling in service to rural areas, our analysis shows this is true primarily in the old Maramec and Southeastern Missouri service areas. The 2002 statistics show Southwestern Missouri to be among the least-served areas in the state, on a per-capita basis.³⁰

Delivering a full range of legal services. LSSM currently is only average among legal aid programs nationally with respect to the numbers of people provided with community legal education, information, referrals to non-legal service providers and other services of the type LSC refers to as “matters.” Its focus thus far has been mainly on traditional “service case” work, although with its new resource development strength and technology capacity it is exploring possibilities for expanding into new models for meeting the legal needs of its eligible population.

Moreover, the program provides little or no “broad-scope” services such as major litigation and community economic development assistance. The three programs that merged to form LSSM were, like most programs their size, general-practice firms. It remains to be seen whether the new larger program will choose to develop its own specialized services or to continue to be a generalist and partner with other programs like LSEM and LAWMO to provide those services using their already well-developed expertise in poverty law areas. The recent case in the Boot Heel, in which LSSM partnered with LSEM in a major case to prevent loss of subsidized low-income housing, provides a good model of how LSSM can bring broad-scope services to its clients without duplicating a capacity that already exists elsewhere in the state.

Overall, LSSM is showing good prospects for the future. In 2003, it continued its fundraising success by winning several local grants and mounting private bar campaigns in Springfield and Southeast Missouri, the first that have been attempted outside the population centers of St. Louis and Kansas City. The merger seems to have gone smoothly, now positioning the program for swift action on a number of important fronts for the benefit of low-income people throughout Southern Missouri. The success of the merger and the high-growth path of the program are no small feats, something the leaders who took the plunge and decided to merge in 2001 can look back on with pride.

³⁰ All case statistics are from 2002. This was the first full year immediately after the LSSM merger and the numbers may reflect the fiscal consequences of the merger, which included reduction in the number of casehandlers that were available to serve clients. LSSM reports that it has made significant progress in 2003 which is not shown in our analysis.

Mid-Missouri Legal Services

Mid-Missouri Legal Services is the smallest of Missouri’s four legal aid providers. It provides above-average numbers of day-to-day cases, primarily in family law, and has a strong presence in the rural parts of its service area.

MMLS is among the 12 smallest “basic field” legal aid programs in the nation. It lacks the critical mass of resources needed to perform at the standard of programs elsewhere in Missouri and the nation. At the same time, it has important assets to offer as the state justice community explores ways of providing more and better services to clients in this part of the state.

Assets

1. Strong presence in rural parts of the service area. With its emphasis on “service cases,” and strong outreach to its outlying counties, MMLS has good visibility across its service area. The Executive Director closely monitors case numbers in directing outreach to various parts of the service area in an ongoing effort to maintain the level of services at an acceptable level.

2. Partnerships with other agencies. MMLS is training workers in non-legal agencies to be able to provide limited legal information and know when to refer their clients to MMLS for further assistance if needed.

3. Strong family law practice. MMLS scores above the norm in case output in its rural counties on a per-capita and per-dollar basis. It prides itself in its family law practice, including the fact that it is the only legal aid program in the state that handles divorce cases involving custody of children as a high-priority matter.

4. High case output per dollar. At 20 cases per \$10,000 in program funding, MMLS is well above the national median of 16 and even further above the Missouri statewide median of 13. It accomplishes that by focusing most of its resources on individual case work while de-emphasizing other services such as community legal education, pro se assistance, collaborative projects and broad-scope advocacy. Nor does it invest significant amounts of resources in pro bono development or back-office functions such as resource development, staff development or technology (see “Challenges” below).

5. Strong community support. Perhaps the most important asset MMLS has is the high level of support it

**Mid-Missouri
Legal Services (MMLS)**

Hallmarks:

- Rural outreach
- Partnerships with non-legal service providers
- Family law
- Efficiency

Strategic Scorecard

● Securing resources	C
● Casehandlers per 10,000 eligible	B
● Pro bono participation	C
● Case output -- all cases	B
● Case output -- extended service cases	A
● Matters output	A
● Case services - urban counties	C
● Case services - rural counties	A
● Broad-scope services	C
● Experienced legal staff	C
● Investment in technology	C

Score Key: A = in upper range of legal aid programs nationally; B = In mid range; C = Below mid range.

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enjoys in the community and the state. MMLS represents a common-sense model of legal aid that has great appeal, and the program executes that model very well. In the process, it delivers good value to a sizeable segment (though not all) of the people who need assistance. The visibility, reputation and personal relationships MMLS has built over the years are assets that have proven highly valuable to the civil justice community in Missouri in past efforts to build greater funding and support for legal aid in the state.

Challenges

Expanding funding. At \$13.44 per eligible person, MMLS was far below the national median (\$16.80) and was the lowest-funded program in the state in 2002. It is also had the least-diversified funding, with 64 percent coming from LSC³¹. In spite of having the state capitol and major state university in its service area, MMLS has not been able to tap significant amounts of local, private bar or other funding to augment the dollars it gets almost exclusively from LSC and the state.

Tapping the resources of the private bar. MMLS has very low pro bono participation; its private attorney involvement effort consists almost exclusively of judicare. In consideration of the significant resources that exist in the program's service area, this should be a major issue. The potential for pro bono is high, with the U-M Law School, the state capitol and more than 2,000 private lawyers in the area³². Tapping these resources would require an innovative approach inasmuch as many of the lawyers have specialties not consistent with a traditional pro bono panel model focusing on, say, family law. However, this is a solvable problem. There is a wealth of expertise in best-practice models available through such channels as the ABA Center for Pro Bono, *Pro Bono Net* and others that have proven successful in similar situations. A question to be explored is whether the PAI funds MMLS is spending on judicare could be leveraged more effectively by investing them in an innovative approach to pro bono.

Providing access for its clients to a broader range of services. MMLS produces a good volume of "extended service" cases, but a high percentage of these are divorces (40 percent) and relatively few are "poverty law" cases (seven percent)³³. While the Executive Director pursues appeals on a regular basis, the program rarely undertakes major litigation, nor does it provide specialized services in areas such as income maintenance or consumer. The program's location in the state capitol would seem to make legislative and administrative advocacy on behalf of the poor promising, but again the program's exclusive focus on direct service work make this kind of advocacy unlikely. Nor are initiatives aimed at addressing broad-scope issues in the community, such as the lack of affordable housing or protection from domestic violence, likely to be

³¹ These figures were for 2002, the most recent year for which national benchmark data were available. The program reports that for 2004 its per-capita funding is \$16.30 and LSC funding is 48 percent of the total. Although these figures indicate progress, we believe they are mostly the result of the state filing fee revenue and would still place MMLS behind other programs in the state.

³² In a comment on a draft of this report, MMLS reports that it does have between 20 and 30 law student volunteers each year and does have arrangements with law professors to use them and their classes to provide assistance.

³³ In another comment on the draft report, MMLS indicated that "the service area...showed less than two percent unemployment in Boone County. There was little demand for the transitional poverty cases in MMLS services and the program was able to spend more time on domestic cases."

undertaken under the program's current model of service.

Building a strong legal staff. The median experience level of the program's lawyer staff in 2002 was only three years, strikingly below the national median of ten years and even further below the Missouri median of 14 years³⁴. The Executive Director handles a significant caseload, including all appeals. This almost certainly reduces the amount of attention he is able to give to other important responsibilities including quality assurance, staff development, community relations and resource development. Meanwhile the program does not seem able to retain lawyers in the middle experience level -- five to 15 years. Considering the attractions of the area (a vibrant university community, the state capitol), recruitment should not be a major issue as it is for legal aid programs around the country that are less favorably situated.

Improving performance across the full range of functions required of a modern legal aid program.

MMLS is strong at what it does, but what it does is extremely limited. MMLS is quite typical of what legal aid programs were in the 1980s, but legal aid practice has moved on and MMLS hasn't. By today's standards, after a decade of innovation, consolidation and expansion among legal aid programs nationally, MMLS now finds itself near the bottom of the ladder with respect to the capabilities it has.

MMLS does not have the critical mass of resources it needs to bring its performance up to a level that should be considered adequate in several key areas including case work across the full spectrum of legal needs, broad-scope work, resource development, pro bono activation and technology. Under its current model, it is unlikely to be able to deliver the full range of services to low-income people in Mid-Missouri as called for everywhere in the state by *The Missouri State Plan for Equal Access to Justice*.

Having said this, we should also re-emphasize that MMLS has some important assets. It is a good program. It is just too small to be able to do all the things its community needs and the state strategic plan requires.

There have been other situations in which, after evaluating the strengths and weaknesses of a program, we have declared it bankrupt and recommended splitting it up. This is definitely not the case with MMLS.

We recommend that the program's leadership explore a friendly merger with a neighboring program that offers the resources MMLS lacks and the low-income people of Mid-Missouri deserve. These include resource development capacity, technology savvy, access to specialized legal expertise, the ability to bring broad-scope services to bear when needed, and a strong capacity for innovation.

The primary goals to be kept foremost in any discussion of merger would be *to respect and preserve what is in place* -- especially the strong service case work, community support and relationships MMLS has built in its community and the state -- *while bringing crucial additional resources to bear*. The Missouri legal aid community cannot afford to tear down and then re-build the kinds of assets MMLS has built in its community over the years through a heavy-handed merger -- as planners elsewhere in the nation have done on all too many occasions. We recommend a facilitated process for constructing a win-win merger agreement that leaves all parties -- especially the clients of Mid-Missouri -- better off than before.

³⁴ The program had five lawyers in 2002, including the Executive Director. Three lawyers had three years' experience or less and two had 16 and 30 years respectively. This made the median (middle) experience level three years.