

Richard Sloane

From: Brooks, Terry <Terry.Brooks@americanbar.org>
Sent: Tuesday, July 10, 2012 5:27 PM
To: Richard Sloane
Cc: Robert Stein
Subject: ABA-Standing Committee on Legal Aid & Indigent Defendants Comments on LSC Draft Strategic Plan
Attachments: SCLAID Comments on LSC Strategic Plan 7-11-2012.pdf

Dear Mr. Sloane:

Attached please find comments on the LSC Draft Strategic Plan from the ABA Standing Committee on Legal Aid & Indigent Defendants. Please let me know if you have any questions.

Terry Brooks

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July 11, 2012

Richard L. Sloane, Chief of Staff
and Special Assistant to the President
Legal Services Corporation
3333 K Street, NW
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Via email: sloaner@lsc.gov

Re: Legal Services Corporation Draft Strategic Plan 2012-16

Dear Mr. Sloane:

I write to submit the comments of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants (SCLAID) in response to the Legal Services Corporation's June 8, 2012 request for comments on the most recent draft of the LSC Strategic Plan 2012-2016. As indicated in previous correspondence, SCLAID supports the LSC's strategic planning process.

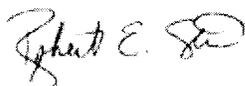
With respect to the current draft plan, SCLAID wishes to emphasize the complexities involved in developing quantitative metrics, as discussed on page 6 of the draft plan. We strongly support, as the first and primary metric, assessment of outcomes achieved, although local variation in approaches to measurement are likely to be necessary. Outcomes are the crucial measure of the success of a legal aid program. The effective use of resources to maximize the results achieved for clients, and the overall impact on the community, is of utmost importance.

In our opinion, it is much more difficult to measure the efficiency of the use of funds, as discussed in the second bullet point under "Quantitative metrics." Efficiency must necessarily take into account both the number of results achieved, and the broad impact of those results on the community at large, including people who are eligible for a legal aid program's assistance but who may not have yet applied for such assistance. This assessment must go beyond the "amount of legal services delivered," and also take into account the contributions that may exceed the specific benefits realized by individual clients of the program. A result achieved for a particular individual client that sets an important precedent or establishes an important legal principle which prevents future damage or harm for thousands of other eligible individuals is far more "efficient" than pursuit of tens or even hundreds of individual lawsuits.

We recognize that this is not an easy calculus, and that it is appropriate for recipients of LSC funding to be accountable to LSC, and for LSC to be accountable to Congress, through objective metrics. At the same time, we urge that LSC be cautious in developing metrics that might appear at first blush to reward performance that involves large amounts of mundane legal work to the exclusion of a smaller quantity of more resource-intensive legal advocacy that achieves results with much broader and more lasting impact.

Thank you for the opportunity to comment on the draft LSC Strategic Plan.

Sincerely,



Robert E. Stein
Chair

Cc: Wm. T. (Bill) Robinson, III, President, American Bar Association
Thomas Susman, Director, ABA Government Affairs Office