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## **Comments Regarding Legal Services Corporation's 2011 – 2015 Strategic Plan**

We have been contacted about signing on to a suggestion that LSC include language in its strategic plan providing direction to LSC grantees concerning the salaries paid by grantees to their attorneys. We do not support the position being advanced by the circulators of the proposed comment; we submit this comment on the assumption that the proposed comment will actually be submitted to LSC. We have not asked others to join in our comments. However, we believe that many other managers of LSC-funded programs agree with our views.

Before stating our objections, though, we want to acknowledge the importance of the issues that the anticipated comment raises. Legal aid salaries have historically been low. There has been an increasing amount of study, thought, and writing about this topic in recent years. Many programs have benefitted from this thinking in the revision of their compensation packages. The exchange of ideas in periodicals like the MIE Journal (which devoted a special issue to this topic last summer), and conferences (several sessions at last year's NLADA conference) has stimulated thought and discussion nationally in our community. This has been a good thing.

However, we believe it would be unwise to involve the LSC Performance Criteria and OPP Quality Assessment visits in setting local program salaries. This type of directive is far too specific for inclusion in a national strategic plan. We appreciate the broad policy guidance provided by LSC's current Strategic Directions document. We feel the level of goals included in the current document—increase public awareness; improve program quality and compliance; ensure that LSC itself operates efficiently—are the kinds of goals that should be included in a strategic plan.

In addition to our opinion that this suggestion is too detailed for inclusion in a strategic plan, we also disagree with the merits of the proposal. The legal services community consists of locally run programs governed by boards consisting primarily of local attorneys and client-eligible members who oversee the operation of the programs. Appropriate salaries in Philadelphia will differ from those in Jackson, Michigan, or Steubenville, Ohio. Development of a compensation package that meets local needs falls squarely in the province of those boards. LSC also has the authority to evaluate a program's work in setting its staff's compensation—see Performance Criteria at pp. 43-44. We believe that the Performance Criteria strike the perfect balance between LSC's interest in requiring competent management systems and effective delivery of services and the program's responsibility for managing the delivery of services in its community.

We are also concerned that LSC's statement of a preference for higher salaries (much less a requirement of higher salaries) would be particularly problematic in unionized programs like ours. Our benefits packages are the result of collective bargaining, governed by federal and state law. Salaries are only one piece of the benefits package. Trade-offs are often made in the course of bargaining where unions seek benefits like leave time, health insurance, pension contributions, loan repayment assistance, etc. instead of higher salaries. Our funders, of which LSC is only one of many, should not interfere in this process.

Even if it were a good idea for LSC to weigh in on this issue, we can hardly think of a worse time to do it. Programs across the country are reeling from the loss of IOLTA funding. Wisconsin has just diverted funds from civil legal aid to the criminal justice system and we fear that this may happen in other states as well. Many programs are struggling to maintain offices in areas where maintaining a local office is the most efficient way to deliver services, but are having trouble retaining enough lawyers to keep the offices open. Many programs have hiring and salary freezes in effect. LSC funding is under attack in Congress. One of LSC's best arguments with Congress is that its administration and its grantees are lean and mean. Congress really gets its money's worth with LSC. At a time when so many Americans are unemployed, when states including Ohio and Michigan are seeing attacks on the salaries paid to police, firefighters, and teachers, an explicit initiative by LSC to direct local programs to increase staff salaries seems almost self-destructive. Our opponents argue against our funding when LSC buys expensive desserts—what would they do with an LSC policy directive encouraging, or even requiring, their grantees to pay higher salaries?

Thanks for your consideration of our views. Please contact either of us if you would like to discuss this in more detail.

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