

Richard Sloane

From: Rebecca Sandefur <rsandefur@abfn.org>
Sent: Monday, July 09, 2012 2:12 PM
To: Richard Sloane
Subject: request for public comment on draft Strategic Plan for 2012-2016
Attachments: Sandefur comment on LSC draft strategic plan 7.9.12.pdf

Dear Mr. Sloane,

The attached letter presents my comments on the LSC's draft Strategic Plan, in response to the request for public comment.

Thank you for your consideration.

Yours sincerely,

Rebecca L. Sandefur
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office: 217.333.6100



Dr. Rebecca L. Sandefur
Senior Research Social Scientist

July 9, 2012

Mr. Richard L. Sloane
Chief of Staff and Special Assistant to the President
Legal Services Corporation
3333 K Street NW.
Washington, DC 20007
sloaner@lsc.gov

Dear Mr. Sloane,

I write as a scholar whose research centers on legal professions, the delivery of legal services, and access to justice. Part of my work involves heading up the access to justice empirical research initiative at the American Bar Foundation (ABF). The ABF is an independent, nonprofit research organization dedicated to advancing justice through rigorous research on the law, legal practices, and the law's impact on our society. I have read with great interest the recently publicized draft of the Legal Services Corporation's Strategic Plan for 2012-2016. I write in response to the request for public comment.

I affirm and applaud the LSC's three strategic goals of "maximiz[ing] the availability, quality and effectiveness of the civil legal services that its grantees provide"; "becom[ing] a leading voice for civil legal services for poor Americans"; and "achiev[ing] the highest standards of fiscal responsibility both for itself and its grantees." I was particularly pleased to see the emphasis on empirical research in Initiatives One and Two of the first strategic goal.

As the draft Strategic Plan rightly observes, the use of public money, particularly in such austere times, must be guided by not only the strictest standards of ethics and accountability, but also by a deep and solid understanding of what practices of outreach and delivery are effective and efficient for the diverse groups in the client population. In such a context, as the draft Strategic Plan suggests, the adoption of specific practices as "best practices" must be subject to validation by evidence that speaks to the issues of effectiveness, efficiency, and accessibility that are central to providing access to justice for vulnerable people. I applaud this.

The activities described in the draft Strategic Plan will be beneficial far beyond the Legal Services Corporation, LSC grantees, and these grantees' clients. The LSC is the single largest funder of civil legal aid, with grantees in every state, and a central stakeholder in broader access to justice efforts that include courts, administrative tribunals, non-legal nonprofit organizations, law school clinics, bar associations, researchers, and agencies of local, state and federal government. The LSC's work as described in the strategic plan will provide a powerful model of good practices for other stakeholders.

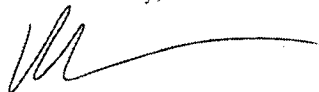
The tremendous potential influence of the activities described in the LSC's draft Strategic Plan necessitates that the research activities be both independent and comprehensive. If research on effectiveness, efficiency, and need is to be useful both practically and symbolically, the research must be and be seen to be independent from the messaging activities of the LSC and its grantees. There are many ways in which this independence might be secured; I do not make specific suggestions as to one means or another. I wish only to emphasize that good empirical research on questions of effectiveness, efficiency, quality, and accessibility can be produced only when pursued with the best standards of social scientific inquiry. These standards encompass a wide range of methods, from surveys to interviews to courtroom observation to case reviews to experiments; what these standards share is a fidelity to facts, even when such facts are inconvenient or contravene received wisdom and common opinion. Research efforts that are independent of the work of messaging are essential to producing good knowledge on which to base truly best practices.

Second, research efforts must be multi-method and wide-ranging, incorporating not only efforts to evaluate specific programs or services but also efforts to develop a broader understanding of the contexts in which people do or do not have access to justice. A large body of extant work can inform these research efforts. Scholars have been studying legal professions, legal aid and access to justice for over 60 years. This work should be reviewed both for its insights and to prevent spending scarce research dollars on efforts that merely "re-invent the wheel." At the same, we do confront enormous knowledge gaps.

Compared to other major social institutions such as education, labor markets, health care, and criminal justice, we know comparatively little about civil justice in the United States. For example, to inform our understanding of criminal justice we have censuses and surveys of correctional and public safety facilities and staff, national victimization surveys, and the FBI's Uniform Crime Reports. On the civil side, by comparison, we have little information about public contact with events that might lead to civil legal action or about facilities and staff that may assist members of the public when they encounter these events. Similarly, while we have studies of legal need, we have little understanding of the precipitating events that give rise to situations in which legal services might be impactful interventions or of the mechanisms through which people learn to think of particular situations as those for which law might provide remedies. We also have limited information about how the legal services that people consume are actually produced, funded, and priced, and little conceptual work that could inform a comparative analysis of different institutional arrangements for producing and delivering services. This kind of knowledge is essential for understanding and responding to the access to justice challenges that poor and other Americans face today.

I commend the Legal Services Corporation for the hard work and vision exemplified in its Strategic Plan, and I stand ready to support the LSC in its efforts to achieve these important goals. If there are any questions about these comments, or if there is information or assistance I can provide, please do not hesitate to contact me.

Yours sincerely,



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