

March 15, 2001

Via Fax and U.S. Mail

Mr. Paul E. Furrh, Jr.
Chair, Texas Legal Services State Planning Committee
East Texas Legal Services, Inc.
414 E. Pillar Street
P.O. Box 631070
Nacogdoches, TX 75963-1070

Dear Paul:

Thank you for your February 7, 2001 letter and materials updating me as to the progress of the state planning activities in Texas.

In early 1998, the Legal Services Corporation recognized that legal services programs were going to have to seriously reconsider the need to alter the method and manner in which they provided services if they were going to remain responsive to the changing needs of low-income persons. In Program Letters 98-1, 98-6, and 2000-07, LSC required its grantees to examine how all grantees within a state will work together to address the present and future needs of low-income persons. In essence, these three Program Letters asked grantees to expand their horizons from "*what's best for the clients in my service area*" to "*what's best for clients throughout the state*" and asked grantees to:

1. Investigate the strengths of, weaknesses of and resources available to individual programs as well as the overall strengths and weaknesses of and resources available to the state's legal services delivery system;
2. Assess the needs of the clients and communities served by the programs and the overall delivery system;
3. Anticipate changes and trends that may impact upon civil legal services programs in coming years; and
4. Devise a plan of action, on a statewide basis, to address the identified needs of low-income persons in the present while ensuring that the civil legal needs of future generation of low-income persons can be efficiently and effectively addressed throughout the entire state.

Texas submitted a state plan to LSC in October 1998. In April 1999, LSC rejected the Texas plan and sent the planners back to the drawing board. Texas was instructed to submit a new plan on October 1, 1999. As part of the planning process, regional meetings were held in three locations in late 1999. A broad and inclusive group of stakeholders was invited to these meetings. The October 1999 plan was basically a report on how the Texas planners intended to develop a plan for an integrated delivery system with a final plan to be drafted in December 1999. The December 1999 plan was delayed upon the Texas Supreme Court's announcement that it would hold a public hearing on the issue of civil legal services for the poor on January 27, 2000. On May 3 and 4, 2000, the planners convened a "Summit on Realizing Justice." An

Mr. Paul E. Furrh, Jr.
Chair, Texas Legal Services State Planning Committee
March 15, 2001
Page 2

action plan was adopted that called for: increased involvement on the part of private attorneys in the lives of low-income persons; greater use of technology to improve access and quality; the creation of an Access to Justice Commission; and efforts to increase resources. There were some other planning accomplishments in the summer of 2000 but they do not appear to be part of a comprehensive plan. Several programs did begin to talk about merger.

In November 2000, President John McKay, Program Counsel Cynthia Schneider and I, scheduled a meeting in Texas with the planning group and other interested stakeholders to discuss state planning in Texas. During that meeting, we made the following points: that the number, shape and size of LSC-funded programs in Texas had been an obstacle to achieving a concerted, coherent, closely coordinated legal services delivery system in Texas; that LSC would no longer support planning dedicated to preservation of the status quo; that any new configuration must integrate rural and migrant services with urban programs; that there must be full integration and interrelationships between the remaining programs in whatever configuration was designed; and that although LSC had not determined the best configuration in Texas, LSC was seriously exploring the configuration options that were possible. We asked the Texas planners to work with us to identify the optimum configuration of the programs funded by LSC.

On November 20, 2000, LSC sent a memo to the state planning group recapping the values and goals that underlie LSC's state planning initiatives and requesting that the planners seriously consider a reconfiguration of the state into 3 or 4 regional programs. This memo included LSC's minimum expectations in terms of what a state justice community must embody and presented two maps (for discussion purposes only). In this memo, LSC clearly put Texas on notice that LSC was reserving "its option to issue a final determination of the structural configuration of its future investment in Texas by April 1, 2001."

Subsequent to this letter, the state planning group began a series of what we understand to be intense and difficult meetings.

On January 22, the Texas Legal Services State Planning Group for the Delivery of Legal Services to the Poor unanimously endorsed a new configuration that consisted of three regional programs. This new map created a delivery system that anchors each region with an urban community-Austin/San Antonio, Dallas/Fort Worth and Houston. All three regions are comparatively equal in terms of poverty population ranging from a low of 894,085 to 1,363,009. The number of private attorneys in each region is comparatively equal, as is the number of staff.

The plan was forwarded to LSC in February. LSC was informed that the plan had the unanimous support of the State Planning Committee. Despite the fact that all planners "unanimously" endorsed the plan in January, at least two programs and program directors subsequently voiced opposition to the plan. Other individuals and organizations, including the Texas Equal Access to Justice Foundation voiced their support for the plan.

LSC staff has thoroughly reviewed and discussed your most recent plan. We are pleased that you have begun to take seriously our mandate that each state and the LSC-funded grantees

Mr. Paul E. Furrh, Jr.
Chair, Texas Legal Services State Planning Committee
March 15, 2001
Page 3

within each state work together to develop an integrated and comprehensive delivery system that is designed to meet the present as well as the future needs of low-income persons within your state. The most recent Texas plan is a solid beginning to the development of a comprehensive delivery system. Your hard work in developing this plan is even more impressive given that the legal services programs in Texas as well as other stakeholders interested in access to justice issues in your state experienced numerous and very serious problems in the initial states of the planning process. Since President McKay and I were in your state just a few short months ago, we are very aware of how far you have come in such a short period of time to lay the ground work for the development of a world-class delivery system throughout your state. Accordingly, LSC will accept your plan for the reconfiguration of the LSC-funded delivery system in Texas. Effective with the grant cycle beginning January 1, 2002, LSC will fund three regional programs in Texas as presented in Map A of your state planning materials. Competition for the grant cycle beginning in January 1, 2002 will begin in a few short weeks.

Please proceed to take the steps necessary to implement your plan. And in recognition of the work that the Texas planning committee now faces to reconfigure the delivery system within your state, LSC will defer the due date of your state planning self-evaluation, as required by LSC Program Letter 2000-07, until March 1, 2002.

One final thought. We understand that the reconfiguration plan that you have presented to us has some opposition. As you know, LSC has been involved in state planning activities for 39 months. It is our experience that opposition and dissatisfaction is to be expected. After all, change is difficult and time-consuming and we all know that some people do not willingly make dramatic changes in the way they go about their business. In the end, a state planning initiative takes a commitment to forego issues of turf and personal interests to ensure that a true state justice community can be created and nurtured. The Texas state planning group should be justifiably proud of its hard work.

Sincerely,

Randi Youells
Vice-President for Programs

cc. Brendan E. Gill, Bexar County Legal Aid Association
Errol Summerlin, Coastal Bend Legal Services
Jaime Sanchez, El Paso Legal Assistance Society
Dwayne Bilton, Gulf Coast Legal Foundation
Regina Rogoff, Legal Aid of Central Texas
Jonathan Vickery, Legal Services of North Texas
David Hall, Texas Rural Legal Aid, Inc.
Jesse Gaines, West Texas Legal Services

Mr. Paul E. Furrh, Jr.
Chair, Texas Legal Services State Planning Committee
March 15, 2001
Page 4

Julie Oliver, Texas Lawyers Care
Randy Chapman, Texas Legal Services Center
John R. Jones, Texas Legal Services Center
Lisa Melton, Texas Equal Access to Justice Foundation
The Honorable Deborah Hankinson
The Honorable Lora Livingston
Antonio Alvarado, State Bar of Texas
Jim Comstock-Gallagan, Advocacy, Inc.