

MEMORANDUM

To: LSC Project Directors
From: Errol A. Summerlin
Date: November 20, 2000

Re: Re-configuration of LSC Funded Texas Programs

Accompanying this memorandum is a proposed map realigning the LSC funded programs in Texas. In addition to the map, you will find a listing of the Texas counties that would be included in the new program service areas. I am submitting this map for your consideration as we approach the deadline that has been set by the LSC.

In designing the new service areas, I tried to follow the “guideposts” that I believe were set by John McKay at our meeting on November 6. As I interpreted his remarks, we should be guided by the following:

- L Re-configuration of the programs in Texas is the #1 priority of the LSC;
- L If the Texas programs cannot obtain consensus on re-configuration, LSC will determine service area boundaries and will start from scratch;
- L A single statewide LSC program is not preferred, but neither is it ruled out;
- L The current process of individual program’s merging is jagged and incomplete; it is a patchwork approach that will not work to the satisfaction of the LSC;
- L There will be no pure West Texas program or a pure East Texas program; all service areas should be restructured;
- L Rural and migrant components must be integrated with major urban service areas;
- L Uniquely urban or uniquely rural programs will not be acceptable;
- L There must be full integration and interrelationships between the remaining programs,

including a seamless statewide intake system.

In summary, this map creates a delivery system in which

- C Three programs are configured in southwest, northwest and eastern regions;
- C The Migrant and Native American populations would be served by the southwest regional program;
- C Based upon the latest poverty population estimates compiled in May, 1999 and updated in September 1999 by the Research Department, Fiscal Division of the Texas Health and Human Services Commission, the southwest region would have an estimated poverty population of 1,363,009; the northwest region would have a poverty population of 894,085; the eastern region would have a poverty population of 1,050,682;
- C The southwest region would include 68 counties, the northwest region would include 114 counties, the eastern region would include 72 counties;
- C Each of the three regions would have an urban “anchor”, Austin/San Antonio, Dallas/Fort Worth, and Houston;
- C According to the August 2000 membership data provided by the State Bar of Texas, 16,006 attorneys reside in the southwest region, 20,829 attorneys reside in the northwest region, and 23,020 reside in the eastern region;
- C The southwest regional program would have an estimated 200 employees, while the northwest and eastern programs would each have an estimated 160 employees;
- C 19 of the 24 COG regions would lie wholly within the new programs’ service areas while five would be split between programs;

Although I tried to keep current programs and their offices intact with the newly configured service areas, I was not entirely successful. The following summarizes some of the more salient features of the map.

- T Several ETLs counties that are immediately adjacent to the current LSNT counties would go to the northwest regional program;
- T Several TRLA counties that are within an easier striking distance from San Angelo and Midland/Odessa would go to the northwest regional program;

T LACT's current service area is divided between the remaining three regional programs in that the Belton office and some of the eastern central counties would go to the eastern region while a few of the northwestern counties would go to the northwestern program. Finally, Travis county, counties immediately adjacent to Travis county, and the remaining southwest counties would go to the southwest region.

I realize that the breakup of LACT is troublesome. I tried to look at it from the "urban" context that McKay talked about as well as looking at the proximity of Belton to Waco. Any newly configured program would probably want to take a hard look at those offices and their possible consolidation. I used the same analysis, ie proximate distances, to realign the San Angelo and Midland/Odessa's service area to include some of those TRLA counties.

Some final thoughts about case management, seamless intake, and timelines:

N The three remaining programs could decide on whether they wanted to use Kemps, LSNT's or TRLA's case management system. They need not be uniform throughout the state.

? A single statewide poster would be created to display three telephone numbers, 1-800-LEGAL AID for all basic field programs, the Advocacy TDD # and the Women's Advocacy Project. The Legal Aid number would be automated to route the call by the applicant entering his/her zip code via touch tone. Those without touch tone will be routed via "voice activation", ie they speak their zip code and the attendant routes the call. Each program can decide whether they want the calls routed to a central intake hotline or whether they want to establish "local" intake hotlines within their region.

AI is probably the most well equipped and sensitive program to handle the TDD callers. Those cases that are not within AI's priorities could then be referred to the appropriate field program. How that is physically done, e.g. via email, can be worked out later.

The WAP program number is included because it is a statewide number that handles a variety of issues surrounding domestic violence, has its own pro bono resources and can help in screening applicants.

@ The affected programs would submit joint letters of intent to compete. Between the notice of intent to compete and the actual submission of the application, the affected programs would put together an application that describes the new service areas, how the McCollum Board issues would be satisfied, etc. Unless, the programs can come together before December 31, 2001, we could suggest to the LSC that one year grants be given or a single grant with pre-approved subgrants to existing entities be utilized during the 2002 fiscal year to maintain continuity during transition, with all program mergers and consolidations being finalized by December 31, 2002. The January 2003

checks would go to the three remaining programs.

Left unresolved are issues around the roles of TLC, the ATJ, TLSC, the remaining IOLTA programs and either a surviving restricted activities program or a newly created one. Because most of the IOLTA programs are not statewide in their delivery, it would be incumbent upon the newly created LSC programs to work with those providers in their service areas. As I understand where they are and what they do, their current service areas will fit rather easily into the newly configured LSC funded service areas. It should not be terribly problematic. On the remaining matters, I would like to refer to Jonathan's suggestions because he raises a lot of points to consider when we look at the "rest of the story". I would like to hear more when we get to D.C.

Going from nine programs to three necessarily raises the level of complexity to reconfiguration. I throw this map on the table as a suggestion to begin some constructive dialogue on the matter. I have looked at other possibilities, as I am sure you all have. They included making the Belton/Waco area part of northwestern and dividing CBLS in half, giving Webb county to the southern region and Nueces county north to the eastern region, and other similar scenarios. I looked at four programs but could not come up with a satisfying urban "anchor" for the fourth area. I looked at one statewide program but was concerned that, standing alone, it might be too beholden to funders or more vulnerable to changing political tides. I tried to make poverty populations as even as possible between the remaining programs, but the projected growth of poverty in the southern region is enormous.

The bottom line is that things will be dramatically different in the near future. On November 13 and again on November 17, I met with all CBLS staff to inform them of the McKay visit and to share with them what I am sharing with you here. I wanted to give them the opportunity to ask questions and engage in a discussion of the changes we will face. The staff are certainly concerned about the future but I was pleased to see that some view this as a new beginning for CBLS and Texas. I believe we can accommodate this new vision and make it work for us and our client community. No doubt, it will entail a lot of work. I sincerely believe if we look beyond the boundaries of our existing service areas, we can develop an entirely new delivery system that is cohesive and responsive to both our funders and our client communities. Change is inevitable and we need not fear it.

I was doing some grocery shopping the other night and ran into an accountant who worked with one of our auditors several years ago. He asked me how things were going. I responded that all hell was breaking loose and that he would not believe the latest initiative coming out of Washington. He replied, "so what else is new? You guys have always been under the gun. There's always a crisis or an attack of one type or another, but you always manage to deal with it." He's correct. Individually, and collectively, we have met every challenge that has been thrust our way. Perhaps there has never been a greater challenge than the one we face now. In a way, I think we need to cast aside our roles as lawyers, lest that zealous part of us all will lead us to a policy of protectionism. We can always support our lawyering position as being in the best interests of our program or our respective client communities. We need to use our collective experience to lead rather than to lawyer. We need to seize this moment, to be bold in our thinking and creative in our approach. Every new beginning has its creators. They are leaders and founders of a new idea. Think back to the handful of lawyers that got together and started

small legal aid programs across this state. To this day, they are spoken of and respected for what they accomplished. Will we be remembered for what we did or what we lost? Will we be remembered for our collective achievement or will we be remembered for throwing the state into chaos, a modern day Texas range war? Most important, we have a lot of folks who are looking to us for guidance. Let us embrace this challenge and move forward collectively to create a new beginning. Let's build these new law firms for the poor...firms that are strong and resourceful in their approach to *equal justice* in Texas.