

GUIDE TO GIVING Civil Legal Assistance



HUMAN RIGHTS

HOW TO USE THIS GUIDE

Are you interested in improving civil legal assistance for at-risk individuals? This guide will help you assess the effectiveness of the nonprofits you are considering supporting. It is based on Social Impact Research's (SIR) methodology for analyzing nonprofits, which identifies the best approaches for addressing the targeted social issue. For more information, read SIR's social issue and state reports on civil legal assistance.

Nonprofits cannot be expected to incorporate all aspects of the emergent approach. However, programs that employ several aspects of this approach at the programmatic level and are capable of integrating their work into statewide civil legal systems offer the most promise to directly assist at-risk individuals. The following examples show some ways in which programs may implement these two aspects of the approach. In addition, effective nonprofits should collect data to measure the outcomes and impact of their programs.

- A. **Comprehensive outreach**
- B. **Effective delivery**
- C. **Outcomes and impact**

Examples of EXCEPTIONAL IMPLEMENTATION

Program emphasizes reaching individuals early and preventing civil legal issues

Program coordinates services with other providers to create a continuum of care that improves response to individual legal needs

STEP 1 Understanding the Emergent Approach to Civil Legal Assistance

SIR recommends that donors interested in providing access to civil legal assistance support organizations that implement the agreed upon aspects of the coordinated systems approach. This emergent approach is based on the need to address the structural and organizational challenges that prevent at-risk individuals from obtaining equal access to the civil justice system. The necessary structures and processes are still under development, but experts agree on two aspects of the approach, which are described below. These aspects should lay the groundwork that will form a transformative systems-oriented approach that will unify the existing collection of public and private providers and better support individuals in need.

DEFINITION

Civil legal assistance describes the interventions that ensure equality before the law for at-risk individuals. Such services can improve individuals' awareness of their rights and help ensure that their basic needs are met. These include safe housing, assistance in child custody disputes, and relief from financial exploitation.

AGREED UPON ASPECTS OF THE EMERGENT APPROACH

While the field has yet to coalesce upon a clearly-defined approach, there is broad agreement that the emergent coordinated systems approach includes two aspects:

- **Comprehensive outreach** engages at-risk individuals where they tend to seek help, such as social service agencies and hospitals, and emphasizes early intervention
- **Effective delivery** relies on a range of civil legal assistance tools from self-help kiosks to full representation to provide the minimum effective legal intervention for each individual. Implementation will require evidence-based development of best practices

See our social issue report for more information on the coordinated systems approach.

STEP 2 Evaluate the Program's Effectiveness through the Lens of the Emergent Approach

A. Evaluate the quality of comprehensive outreach

Programs using comprehensive outreach find at-risk individuals where they tend to seek help—such as community centers, schools, and hospitals—regardless of individuals' recognition that they have a legal need.

EFFECTIVE IMPLEMENTATION

- ✓ Triage takes place in locations where at-risk individuals live or frequent and might include efforts by non-legal professionals trained to help identify potential legal needs
- ✓ The program has a standardized intake process that incorporates civil legal issues, regardless of the issue for which the individual is seeking assistance

INEFFECTIVE IMPLEMENTATION

- ✗ Non-legal professionals have little or no training about how to recognize civil legal issues or connect individuals in need with legal support
- ✗ The program's intake process is not designed to identify legal needs

- ✓ Individuals are connected to appropriate forms of civil legal assistance through a well developed system of providers
- ✗ Individuals are referred to legal service providers without considering the level of appropriateness
- ✓ Individuals are provided with additional social service support to focus on early intervention and follow-up care
- ✗ Individuals receive few, if any, additional social service support; legal issues are addressed in isolation

B. Evaluate the quality of effective delivery

Programs effectively deliver civil legal assistance by understanding the full range of existing civil legal service interventions and providing the minimum effective legal intervention to each individual. These interventions include traditional full service representation, limited forms of legal support, and informal assistance mechanisms that work to resolve legal needs through non-legal channels. They also emphasize early intervention to avoid chronic cycles of social and legal distress.

EFFECTIVE IMPLEMENTATION

- ✓ Program connects individuals to a range of civil legal services, including legal services, hotlines, and kiosks in courts
- ✓ Program creates partnerships to better integrate civil legal systems into social services and medical systems to strengthen civil justice for at-risk individuals
- ✓ Program works to ensure that clients' basic needs are met and to improve individuals' awareness of their rights
- ✓ Program is actively involved with reform at the system level, and effectively works within the system by sharing resources with partners

INEFFECTIVE IMPLEMENTATION

- ✗ Program demonstrates little awareness of the variety of legal interventions or how to access them
- ✗ Program works in isolation and has little awareness of how to integrate civil legal systems into social services and medical systems and related intermediary organizations
- ✗ Program refers individuals to civil legal interventions but does not work to improve individuals' awareness of their rights or meet their basic needs
- ✗ Program is not aware of reforms being made in the system and therefore is not able to effectively work within the system



Examples of EXCEPTIONAL IMPLEMENTATION

Program contributes to building system capacity, accountability, and the development of performance standards through participation in commissions or research projects

Program coordinates with complementary organizations to ensure that individuals' legal issues are handled in a holistic manner that maximizes resources and efficiency

Collecting outcome data enables organizations to know whether or not their programs are effectively improving the lives of their participants over the long term. High-performing organizations collect and analyze a wide variety of data to measure the effectiveness of their programs and the health of their organizations. Organizations use this data to build upon their successes and improve upon their weaknesses.

C. Evaluate outcomes and impact

There is still a lack of consensus in defining appropriate indicators to measure the effectiveness of social service agencies in helping their clients address civil legal issues. Such indicators should be developed as part of ongoing research on the efficacy of the emergent systems and the appropriateness of the range of civil legal tools described in the social issue report.

There are a number of indicators that are appropriate to determine how well an organization is implementing aspects of the emergent approach. These indicators might be collected as part of existing intake and output processes. Below are some examples.

Expected Outcome	Indicator
Effectiveness of legal awareness training for non-legal professionals	Number of social service intake workers that show improved understanding and recognition of common civil legal issues
Effectiveness of referring clients to appropriate legal tools	Percentage of clients with identified civil legal issues who are connected with appropriate form of civil legal assistance is greater than 20%, the percentage that are currently helped by legal services

STEP 3 Evaluate the Organization's Health and Stability

Evaluating an organization's health and stability will provide insight into its structure, capacity, and ability to carry out its mission. It is important to consider at least two factors:

- A. Financial sustainability**, which describes an organization's ability to conduct its work in a fiscally responsible manner
- B. Management and governance**, which describes the leadership and oversight of the organization

A. Evaluate financial sustainability

The information below can be found on the organization's 990, an IRS form required of most nonprofits. It is best to review financial information over three to five years.

FINANCIALLY SUSTAINABLE	FINANCIALLY UNSUSTAINABLE
✓ Organization's debt-to-equity ratio is less than 1.5, meaning its debt is manageable given its assets	✗ Debt-to-equity ratio is greater than 1.5; substantial amount of assets are directed to paying off debt
✓ Organization's current ratio is equal to or greater than one, meaning its assets are greater than its short-term debt	✗ Current ratio is less than one; the organization will continue to accumulate short-term debt as its assets are not enough to cover its debt
✓ Organization maintains three to six months in cash reserves, so it can withstand brief financial downturns	✗ Organization maintains fewer than three months in cash reserves, leaving it susceptible to economic shocks
✓ Program funding comes from a variety of sources, including philanthropic and government sources, and might rely on partnerships with legal services organizations or private pro bono support	✗ Funding is dominated by one source or type of funder; if funding comes entirely from federal sources, the programs' ability to serve all at-risk populations or assist in all types of law may be restricted

B. Evaluate management and governance

Management and governance indicators describe the capacity of staff and board to grow the organization and deliver on and hold themselves accountable to the mission.

EFFECTIVE IMPLEMENTATION	INEFFECTIVE IMPLEMENTATION
✓ CEO has significant experience; management team members have good relationships with one another; staff are actively involved in the integration of civil legal assistance into existing support systems such as healthcare and social services	✗ Management team members lack relevant degrees or experience integrating civil legal support into other support systems, or have limited experience working within a variety of systems
✓ Board has at least seven members with diverse experience; has at least one member with legal experience; meets at least three times per year; members are engaged in fundraising, oversight, and planning	✗ Board is comprised of individuals with similar—not diverse or complementary—skills and experience; meetings are rare; members play little or no role in fundraising, oversight, or planning
✓ Planning shows evidence of measurable goals toward comprehensive civil legal assistance	✗ Planning occurs ad hoc, for example, in an annual meeting where possible changes are discussed informally



Examples of EXCEPTIONAL IMPLEMENTATION

CEO is reviewed annually by the board, staff, and stakeholders

CEO actively works to foster networks with legal systems and within intermediary organizations

Three to five year plans created with stakeholder input and tangible goals and milestones explicitly laid out

Board includes community members, as well as systems-oriented experts in civil legal assistance

STEP 4 Evaluate the Organization's Ability to Foster Systemic Impact

There are many ways an organization can implement aspects of the coordinated systems approach and also work toward systemic impact. For instance, the organization can support existing partnership and intermediary models as well as help promote stronger partnerships between the civil legal system and social services. Other efforts include conducting impact and outcome research, providing consulting and training to other programs, and advocating policies that improve at-risk individuals' access to justice. SIR recommends considering three categories of activities:

- A. Growth plans**, which describe the organization's plans for the next three to five years
- B. Community partnerships**, which demonstrate the organization's ability to work collaboratively
- C. Field-building activities**, which show whether the organization is influencing the field

A. Evaluate growth plans

Evaluate growth plans to understand the organization's capacity to further its mission and reach more people:

- The organization has a realistic growth plan with funding and measurable goals to increase the number of at-risk individuals who are able to find the assistance required to resolve civil legal issues
- The organization continuously seeks to strengthen the collaborations required to work toward early intervention and to help individuals seeking civil legal assistance

B. Evaluate community partnerships

Evaluate community partnerships to understand the organization's ability to collaborate and drive greater change:

- The organization participates in alliances that work to integrate legal services and leverage existing resources to better address the complex needs of individuals. These include the courts, intermediary organizations, and institutions to create a comprehensive and collaborative policy to addressing civil legal assistance
- The organization actively supports cooperation and resource-sharing networks that encourage system-oriented client support

C. Evaluate field-building activities

Evaluate field-building activities to understand the organization's role in driving systemic change:

- The organization understands how coordinated systems create change and designs its plans accordingly. For example, a direct service program is uniquely positioned to offer significant assistance in the areas of early detection and preventative care through staff training and client education
- The organization shares lessons learned with other practitioners, local institutions, commissions, and partnerships by making best practices and research publicly available. For example, direct service program might share processes for standardizing intake procedures to include legal needs

STEP 5 Interpret your Evaluation and Determine How to Provide Support

The preceding four steps helped you gain a holistic understanding of an organization and its civil legal assistance programs. To make a decision about the best way to provide support, determine where your organization fits among the following three categories:

- A. High-performing organizations** meet the majority of the criteria outlined above
- B. Developing organizations** meet some, but not all, of the criteria outlined above
- C. Low-performing organizations** meet few to none of the criteria outlined above

A. High-performing organizations

These organizations have adopted many aspects of the emergent coordinated systems approach that improve the well-being and stability of at-risk individuals. They actively work to better integrate institutional and community efforts that focus on creating a continuum of care for at-risk individuals by ensuring that their basic needs are met. These efforts can refer to linking existing civil legal service providers through cooperation and resource-sharing networks. They are financially sound organizations with excellent management and governance structures. They have realistic growth plans, and are engaging in field-building activities to some degree. You can feel confident that an investment in a high-performing organization will be effectively used.

Risk / Reward	Low to moderate risk/moderate to high reward – reward is higher if the organization is active in systemic change efforts
Recommended level of involvement	Low – high, depending on the needs of the organization
Examples of investment opportunities	Expand education and awareness efforts, develop capacity to share resources and strategies as part of a larger system, conduct research to build the field and provide evidence to funding entities, and provide training to other organizations

B. Developing organizations

These organizations have adopted some aspects of the emergent coordinated systems approach in ways that help improve the well-being of at-risk individuals. These organizations may adequately provide direct services to their target populations, but need to integrate their efforts with civil legal services. Investment in developing organizations can be challenging yet exciting for donors who are interested in helping them improve.

Risk / Reward	Moderate risk/moderate to high reward – reward is higher if the organization is active in systemic change efforts
Recommended level of involvement	Medium to high, depending on the needs of the organization
Examples of investment opportunities	Better serve needs of at-risk individuals by training nonlegal staff to be more aware of civil legal issues, improving integration of legal services into social services and medical systems, expanding the range of civil legal tools available, and improving data collection and reporting systems

C. Low-performing organizations

These organizations might have limited success in providing standard social services and some legal assistance, but are otherwise operating in isolation from other organizations and the civil legal system. Investment in such an organization that has a management team that is dedicated to improvement can be an exciting opportunity for a donor who wants to be deeply involved in supporting an organization. Investment in a low-performing organization that is not focused on better serving its populations' civil legal needs is not recommended.

Risk / Reward	High risk/reward varies based on organization's desire to improve
Recommended level of involvement	High, if the organization is investing in improvement
Examples of investment opportunities	Strategic or business planning, needs assessments, research to determine possible program improvements, and strategic efforts to build capacity to function as part of a dynamic system

ACKNOWLEDGEMENTS

SIR thanks the following organizations that have made invaluable contributions to this guide:

Children's Aid Society
NEW YORK, NY

Rosie's Place
BOSTON, MA

Single Stop
NEW YORK, NY

National Center for Medical-Legal Partnership
BOSTON, MA

Massachusetts Access to Justice Commission
BOSTON, MA

Supporting Emerging Social Innovations

HIGH RISK WITH THE POTENTIAL FOR HIGH REWARD

Donors may wish to consider organizations that are testing innovative approaches that could lead to breakthroughs in addressing the targeted social issues. Such organizations should be able to articulate how they see themselves improving upon the emergent approach.

The coordinated systems approach represents this type of innovation. The emergent nature of this approach presents significant opportunities for donors and funders interested in bridging the gap in justice for at-risk individuals to provide equal access to legal services. For donors interested in supporting systemic changes required to improve at-risk individuals' access to civil legal assistance, SIR recommends supporting research efforts and rigorous evaluation to better understand the impact and efficacy of partnerships and a range of civil legal assistance interventions. For example, a number of studies have demonstrated how medical-legal partnerships have led to improvements in patient health and well-being and in the provision of legal services.

Social Impact Research (SIR) is the independent research department of Root Cause, a research and consulting firm dedicated to mobilizing the nonprofit, public, and business sectors to work collaboratively in a new social impact market. Modeled after private sector equity research firms, SIR conducts research on social issues and independent analysis of program performance to provide leaders and funders with the rigorous, actionable information they need to make strategic decisions about creating and investing in social impact.



SOCIAL IMPACT RESEARCH

Actionable Information for the Social Impact Investor

Root Cause, 11 Avenue de Lafayette Boston, MA 02111 PHONE: 617.492.2310 WEB: <http://rootcause.org/social-impact-research>