

February 11, 2003

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**Re: *Minnesota State Planning Self-Evaluation Report and
"Plan-to-Plan" Submission Request***

Dear Minnesota Program Directors:

Thank you for the submission of Minnesota's State Planning Evaluation Report provided by you in response to LSC Program Letter 2000-7. We appreciate the hard work and effort you put into your report and regret our response to your report could not have been made sooner.

Minnesota Program Directors

Re: Minnesota State Planning Self-Evaluation Report and "Plan-to-Plan" Submission Request

February 11, 2003

Page 2

Your 2000-7 report, along with other planning-related documents submitted by Minnesota in the past, will serve as critical baseline information in order to more fully respond to your renewed statewide planning process beginning in 2003 and to your configuration plan when it is submitted at the end of this year. To this important foundation, we will add impressions gleaned from our visit last October as well as information gathered from the upcoming site visits.

As noted above, your report provides substantial background for our continuing engagement with the state planning effort in Minnesota. However, I need to better familiarize myself with the programs, the planners and the planning process in Minnesota before providing a comprehensive response to that report and to your ongoing planning. The best way for me to do this is to visit Minnesota.

In recent email correspondence I asked you to begin thinking about scheduling a series of on-site visits this spring. I would also hope to be involved in your configuration planning process and to remain informed about Minnesota's renewed statewide planning process via your reconstituted designated planning body.

In the meantime I would like to provide the following feedback and discuss some next steps in your planning process.

MN 2000-7 Self-Evaluation Report

I noted with particular interest several impressive initiatives or projects highlighted in your 2000-7 report, or in Nancy Kleeman's correspondence of November 2002, that I would like to learn more about during my upcoming visits, including:

- The working groups which are already meeting including immigrant and refugee planning, peer review, legislative funding, IOLTA funding and litigation, technology and pro bono initiatives.
- The development of a statewide plan for immigration-related and general civil legal services for immigrants and refugees.
- The high level, broad-based task force on business law pro bono.
- The two-year "reinvigorating pro bono" initiative by the MSBA's Legal Assistance to the Disadvantaged Committee.
- The ten-year plan to lead toward a virtual statewide law firm, including progress on the public/private website, (I'm especially interested in to the collaboration of stakeholders around the online area for domestic violence victims) and the success and expansion of the LASNEM video-conferencing project.
- The plans for the Peer Review Process and whether this peer review process will be limited to Coalition members and if so, why—as well as how the Peer Review results will be utilized to ensure an even stronger, more effective, higher quality client-centered delivery system in Minnesota.
- Statewide resource development planning and efforts to address issues of LSC census fund redistribution, reduced IOLTA funding, reduced legislative funding, uncertain VAWA funding and reduced capacity of the foundations upon which Minnesota foundations have traditionally depended.

Minnesota Program Directors

Re: *Minnesota State Planning Self-Evaluation Report and "Plan-to-Plan" Submission Request*

February 11, 2003

Page 3

To the extent that any interim or final reports or recommendations are produced by any of these existing committees, taskforces or working groups, I would very much appreciate your supplying me with a copy.

At some point I hope we can also discuss the status of the 21 other programs in Minnesota providing legal assistance to low-income persons. I would like to have a better understanding of how they and other stakeholders have been or are being engaged and involved in the state planning process.

Additionally, I would like to be updated on the current status of the nine statewide objectives which appear on page 2 of your 2000-7 report, particularly as to the existence of a comprehensive planning document which shows the development of specific strategies to achieve each objective; assigned roles, responsibilities and timelines for accomplishing the strategies; and evaluation mechanisms and outcomes measures for measuring success—as well as an explanation regarding which group or entity will have the responsibility for monitoring implementation of the plan and the achievement of its goals, objectives and strategies.

I'd also like to hear more about your plans to convene a high-level commission to deal with statewide delivery system challenges modeled after the 1995 Joint Legal Services Access & Funding Committee and its ongoing role in overseeing an effective and timely implementation of the state plan and periodically reviewing and updating of the plan's objectives.

Minnesota has shown national leadership in a significant number of initiatives it has successfully undertaken. However we have some concern that there currently seems to be no overarching vision or agenda that guides all planning taking place in the state, nor an ongoing broad-based entity or group with the "big-picture" that ensures the participation of clients, staff, board members and other stakeholders in a fully integrated and coordinated planning process, including the planning processes.

It is evident that Minnesota has already made, and will continue to make, a significant commitment of human and financial resources to planning. But how do you make sure you are investing in *state* planning with the hallmarks LSC has described in its program letters? Is there a mechanism for overseeing coordination of the several committees, task forces and workgroups we understand to exist from your report in order to ensure their planning is consistent with a universally-agreed-upon, client-centered vision for relative equity in Minnesota? By what means are you assured that each is working most consistently, efficiently and effectively in a manner that is reflective of the broader state justice community, not simply that of a particular institution, funder, special population or geographic area...or even that of the Coalition itself (as it is largely limited to LSC-funded program director perspective)?

It is clear from your report that there have been forward-looking activities in any number of areas. This letter is not intended to minimize your accomplishments. Minnesota's justice community should be proud of its history, all the progress made in the last several years and, of course, the excellent client representation that continues despite the ongoing challenges. My comments are meant to help stimulate and support a renewed interest in the deliberate and disciplined construction of a stable, integrated and adequately-resourced civil equal justice delivery system.

Minnesota Program Directors

Re: *Minnesota State Planning Self-Evaluation Report and "Plan-to-Plan" Submission Request*

February 11, 2003

Page 4

Moving Forward with Configuration Planning

In correspondence dated December 3, 2002, LSC provided formal notice of configuration concern and requested Minnesota planners submit a configuration plan to LSC no later than December 31, 2003. We suggested:

"...formation of a configuration working group that would bring a report or recommendations to the high level commission in the late fall... This working group would need to include broad civil equal justice stakeholder participation from the state bar, funder, pro bono, staffed delivery program, client and other communities."

We also expressed our hope for,

"...continued communication with the DSPB (designated state planning body) and the Minnesota' justice community and will expect opportunities for direct LSC interaction with the ongoing planning process throughout next year." I noted that I, ... "greatly look forward to beginning my visits to Minnesota's LSC-funded programs after the first of the year, as that will provide a critical dimension to the body of knowledge LSC has about Minnesota's justice community and its recipient programs."

"Plan-to-Plan" Submission Request

In order to remain informed about the intended method and the timeline for your reconfiguration planning process, and to plan for our own engagement in it, we request submission of an outline of how you hope to proceed to develop a configuration plan, as well as whom you intend to involve in developing the plan and how you intend to involve them. Please submit this outline by March 7, 2003.

In your "plan to plan" submission, or as soon as possible thereafter, please also indicate when the first (or next) meeting of your configuration-planning group will meet. I would like to try to attend at least part of that meeting and may attend subsequent meetings. I would also be interested in attending one or more meetings of your reconstituted designated state planning body, if that is an entity separate or different from your configuration planning group

As noted in the State Planning Configuration Standards Task Force Report (hereinafter Task Force Report), adopted by the LSC Board in November 2001, "LSC views service area configuration as a key structural component of a comprehensive set of strategies employed to promote the creation and sustainability of a comprehensive integrated statewide equal justice community." Any proposed configuration will have to show how it:

- *Is responsive to the most compelling needs of eligible clients and client communities;*
- *Ensures the highest and most strategic use of all available resources;*
- *Maximizes the opportunity for clients throughout the state to receive timely effective and appropriate legal services in the present and in the future (please also see the principle of "relative equity" as explained in LSC Program letter 2000-7); and*
- *Operates efficiently and effectively.*

Minnesota Program Directors

Re: *Minnesota State Planning Self-Evaluation Report and "Plan-to-Plan" Submission Request*


February 11, 2003

Page 5

The configuration plan, like the state plan must reflect the collective vision, values and engagement of a diverse community from across the state. Unless clients, staff, board members, current and potential delivery partners, bench and bar leaders, funders, etc. are involved in some way, we would question whether these groups will take an ownership in the resulting structure. As the Task Force Report also notes, "LSC will normally give great weight to those judgments that have been developed through an inclusive, thoughtful and client-centered process." Therefore we would strongly urge you not to limit input and participation in the configuration planning process to the traditional representatives of the Coalition programs and to use LSC's program letters and state planning materials at www.lri.lsc.gov (state planning) as guidelines and resources.

Again, thank you for the submission of your 2000-7 self-evaluation report and for your ongoing commitment to the development of a statewide justice community. We look forward to learning more about the status of reconfiguration planning in Minnesota, as well as to having the opportunity to collaborate with you as you continue to expand your planning efforts, and implement your vision for an effective and enduring legal service delivery system, one that is responsive to the full range of legal problems faced by low income people in Minnesota.

Sincerely,


Melissa A. Pershing
Program Counsel
State Planning Team

cc: LSC Recipient Board Chairs
Nancy J. Kleeman, State Planning Coordinator and Access to Justice Director