

STANDARDS RELATIVE TO GEOGRAPHIC DISTRIBUTION

Adopted 17 February 1994

Based upon the findings of the legal needs study, MLAC recognizes that there are inadequate funds to serve all of the civil legal needs of poor people in the Commonwealth. Therefore, local providers must make choices. Furthermore, M.G.L. Chapter 221A, Section 9 provides in part that grantees:

...shall adopt procedures for determining and implementing priorities for the provision of such assistance, taking into account the relative needs of eligible clients for such assistance, including such outreach, training, and support services as may be necessary, including particularly, the needs for service on the part of significant segments of the population of eligible clients with special difficulties of access to legal services or special legal problems, including elderly and handicapped individuals, and appropriate training and support services...

MLAC recognizes that programs need to make strategic choices regarding the use of the limited funds. These strategic choices include the type of cases to accept, the legal advocacy strategies to be applied, the determination of the number and placement of legal services offices, the deployment of staff in the offices, the use of compensated and volunteer private practice attorneys and law students, and the use of other volunteers.

These priority decisions must be made by local boards of directors which are composed as provided in M.G.L. Chapter 221A, §1, after hearing from and considering the views of low income people in the community and client organizations. Local program boards should be familiar with the geographic service area including the needs of the clients, the availability of other resources to address legal and human services needs, the effect on the program's ability to generate additional funding, the location of the courts and administrative hearings offices where advocacy will be provided, the relative severity of problems for clients in various communities composing the program's service area, transportation systems, etc.

MLAC will look to see that local programs are administering a comprehensive, open and reasoned process for making these decisions. MLAC will look for the following as indicia of an acceptable process used to determine where program offices are located and how services are distributed across the service area. MLAC will expect that program boards consider all of the following factors yet recognizes that in the resulting decisions it may not be feasible to encompass every factor:

1. the distribution of poverty population within the service territory;
2. the unique characteristics of the poverty population in specific communities in the service area such as ethnicity or race and resulting prejudice, language barriers and especially the needs of clients who confront difficulties in access to services because of age or disability;
3. local circumstances such as economic, political and social conditions and the adequacy of

- public transportation;
4. the location of courts, welfare offices, unemployment offices and other venues where the rights of program clients are determined;
 5. the effect of other funding on the decision including its use of other general funding, the significance of funding targeted to specific client groups or geographic areas, and the expectations, restrictions and limitations of these other funding sources;
 6. the availability of other resources to address significant civil legal needs in the community, including self-help resources, client organizations and groups, private bar *pro bono publico* participation, bar association programs, the existence of programs funded by such other sources as the Massachusetts and Boston Bar Foundations, and the presence of other providers of human services in order to maximize resources for clients;
 7. the service territories of providers of other services to the poor including Area Agencies on Aging, battered women's service organizations, community action programs, and other human services providers in order to ensure that resources are utilized in a manner that promotes effective and efficient coordination with such organizations;
 8. the minimum size of an office that will avoid isolation for staff, provide necessary supervision and management, assure the staff's ability to work collaboratively and cover for vacations and sick leaves, and otherwise operate as a free-standing full service poverty law office;
 9. whether other approaches can be used to serve a geographic area such as outreach offices and co-location of program staff with other organizations performing related work;
 10. the degree to which addressing the program's substantive priorities will affect the deployment of resources and a staffing plan that will enhance the program's ability to engage in legal work that affects the legal rights and economic resources for all poor people in the program's service area; and,
 11. the costs and benefits of various resource delivery alternatives and other factors relating to the efficient use of limited resources and the effective delivery of legal assistance.

MLAC will expect program boards to consider these issues on a periodic basis and as needed due to sharp changes in funding or in the items enumerated above. When changes to the geographic distribution of services are made, an implementation plan and self-evaluation mechanism should be adopted to enhance the likelihood that the goals of the changes are achieved. MLAC will expect programs to demonstrate that the decisions resulting from the process are implemented. MLAC will expect that board and staff discussions and decisions on geographical distribution of services will be documented (such as in board minutes or memos) and that these documents will be available for MLAC review upon request.