

4 Types of GENERAL SUPPORT Grantees

1. **LSC funded (Congressionally-restricted) staff attorney programs.** LSC-funded programs operate under Congressionally-mandated restrictions and federal regulations regarding financial eligibility and the types of cases and clients they can assist. *12.5% of LSC funds are required to be used for Private Attorney Involvement (PAI). Can be sub-granted.*
2. **Unrestricted Companion Programs:** Created and “twinned” with LSC funded programs to do work LSC-funded programs were restricted from performing
3. **Local bar/pro bono programs** Nationally, “legal aid societies” were pro bono programs created by local bars which often predated legal aid/legal services programs. Most follow LSC financial and case restrictions
4. **Statewide programs:** Do legislative advocacy, impact work including class actions, address special populations such as children, immigrants, seniors, prisoners and provide substantive and administrative training, support, co-counseling and expertise to the other grantees

Focus, Scale, Collaboration

FOCUS: In today's competitive nonprofit marketplace, successful legal aid organizations must identify their niche and make the case for how they uniquely add value. They must focus on what they do best to advance their mission and generate impact.

Legal aid organizations cannot be all things to all people, despite the overwhelming needs of their clients and communities. Getting focused on core mission and impact is the starting point.

Focus, Scale, Collaboration

SCALE: Once the focus is clear, leaders should structure their staffing and programs to align with mission and impact. Finally, they must invest in the internal operations needed to support their mission and programs.

Most legal aid organizations in Florida do not adequately staff operational functions, including financial management, human resources, technology, communications, and fundraising.

Small legal aid organizations lack the scale of operations to survive in an increasingly competitive funding environment.

Focus, Scale, Collaboration

COLLABORATION: Legal Aid must collaborate with other human service agencies and nonprofits serving low-income people and vulnerable populations to find synergies and integrated solutions to complex social and economic problems, and to attract broad community support.

Focus, Scale, Collaboration

COLLABORATION

“If the current gaps in access to justice across Canada are to be filled, we will need to see a greater degree of collaboration between sectors and professions. As I wrote here, instead of legal services and supports provided in “justice silos,” such supports need to be integrated or provided in concert with other social services.

Canada’s National Action Committee on Access to Justice in Civil and Family Matters recognized the need for greater cross-sectoral collaboration. In their October 2013 report, [Access to Civil and Family Justice: A Roadmap for Change](#) they emphasized that:

“We can and must improve collaboration, coordination and service integration with other social service sectors and providers as well. We are long past the time for reinventing wheels. We can no longer afford to ignore what is going on in different regions and sectors and miss opportunities for sharing and collaboration. Openness, proactivity, collaboration and coordination must animate how we approach improving access to justice at all levels and across all sectors of the system.”

Focus, Scale, Collaboration

IN FLORIDA

In many other states, bar foundations and other key stakeholders have already gone through the process of downsizing the number of legal aid organizations through mergers and other restructuring vehicles.

Because of high levels of IOTA funding and deep reserves, this process has not yet taken place in Florida.

The current path is not sustainable due to drastic and prolonged IOTA reductions, as well as the Foundation's recognition that the current legal aid delivery and support system is not producing expected results.

Now is the time for big and bold change to respond to economic realities, as well as the needs of our clients and communities.

Focus, Scale, Collaboration

FINDING #1 – REGIONAL STRUCTURE

Acknowledge that the regional approach has not worked in Florida, and shift to a grantmaking approach that targets three or four service areas:

Florida – along with other states – created a “companion delivery system” that included seven legal aid delivery regions across the state, along with several statewide support and advocacy organizations. The hope was that within each region, one or more “unrestricted” organizations would operate, along with one LSC-funded organization, to provide a full range of legal and policy advocacy. Unfortunately, this experiment has failed due to several factors:

- Most of the organizations that became “unrestricted” continue to do much of the same kind of work that LSC programs were doing. This has produced duplication and significant gaps in service within the regions.
- In several regions, some of the unrestricted organizations are too small to have the organizational infrastructure or programmatic bandwidth needed to sustain advocacy and operations.
- In other parts of the country, larger “unrestricted” organizations are securing significant funding but to attract this kind of funding requires a level of development expertise and overall organizational capacity that does not currently exist in most of Florida’s unrestricted organizations.

RECOMMENDATIONS:

Identify at least one anchor impact advocacy organization in each service area that has the leadership, legal talent, organizational infrastructure, funding base, and clear commitment needed to pursue and sustain a full range of legal and policy advocacy.

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FINDING #2 – STATEWIDE ADVOCACY AND SUPPORT

Several grantees focus on statewide impact advocacy (legislative advocacy and impact litigation). These include Florida Legal Services (FLS), Southern Legal Counsel, Americans for Immigrant Justice, Florida Justice Institute, and Florida’s Children First.

FLS is part of a new national peer network of statewide legal and policy advocacy organizations that have come together to share information and strengthen their respective state level capacities. Some, like FLS, are hybrids, meaning they provide both direct advocacy and state support. **This hybrid model is becoming less and less effective due to several factors:**

- With the shift toward “access to justice” frameworks and commissions, much of the dialogue around legal aid is now centered on increasing individuals’ access to legal assistance. Increasingly, legal aid organizations are spending most of their time delivering brief advice and limited legal services. **What is being lost is the more controversial work.**
- As a result of this shift, states are recognizing that bar and court-based organizations are best positioned to make the case for state support of traditional legal aid.
- **Statewide advocacy is best housed and funded separately in organizations that have the freedom to take on systemic advocacy and challenge the powers that be, including big business and governmental entities, when needed to represent client interests.**

RECOMMENDATIONS

Clearly differentiate between statewide advocacy and other forms of state support. The Foundation should split these functions through a funding strategy that enables FLS to focus on and strengthen its advocacy capacity, including training. Shift the state support functions related to pro bono and technology out of FLS and into other entities.

Identify significant substantive gaps in statewide advocacy, including immigrant advocacy, and develop a structure and funding strategy to address these gaps. This will require collaboration with other organizations in the state that are not part of the current legal aid system. All of the state advocacy organizations in Florida, including FLS, should be aggressively fundraising to reduce their reliance on the Foundation..

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FINDING #3 – BAR AND BROADER COMMUNITY SUPPORT

Florida is the fourth largest state in the country with a population of approximately 19.5 million. Florida is ranked 19th nationally in overall income, and it hosts multiple large metropolitan areas with considerable concentrations of wealth. Florida's legal community continues to grow rapidly, and the Florida Bar's membership exceeds 90,000. Florida also is home to an increasing number of large corporations and law firms.

While there are many good efforts, Florida is leaving too much money on the table when it comes to accessing funding from lawyers, the business community, and national and regional foundations.

RECOMMENDATIONS

Target funding to help legal aid organizations build their capacity to tap into large law firms, corporations and foundations – both in Florida and nationally. This capacity building will include support for communications, branding and messaging, as well as promoting partnership models with other types of community-based organizations that can broaden the visibility of legal aid, attract new resources and increase community impact.

The Foundation should staff and implement a statewide initiative to expand pro bono support, with an emphasis on engaging large law firms.

Focus, Scale, Collaboration

GRANTMAKING

Create 4 General Support Categories:

- LSC Funded/Restricted
- Unrestricted Companion program (current)
Anchor Impact Advocacy program (future)
- Local Bar-affiliated
- Statewide

For each category of grantee, the definition and measurement of focus, scale and collaboration – *as well as level and types of funding* - could differ

Focus, Scale, Collaboration

GRANTMAKING

Core Focus, Scale, Collaboration values are integrated into all aspects of grant making

- Program Descriptions
- Grant Applications
- Grant Awards/Contracts: Assurances and Conditions
- Grant Reporting: Case, Matter and Activity Data
Outcome Measures/KPIs
- Performance Evaluations: Desk Audits, Peer Reviews

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STRUCTURE

Shift to a grantmaking approach that targets 4 service areas.

Tailor how that shift impacts our grantees according to which of the four general support categories they belong.

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STRUCTURE

GENERAL SUPPORT CATEGORY: LSC-Funded/Restricted

- There are 7 LSC funded programs in Florida. We are not their primary funder.
- But funders should collaborate just as grantees should. We should share our plans with LSC.
- We can condition our funding of LSC funded programs on their meeting specifically defined and measureable focus, scale and collaboration objectives that are uniquely tailored to them.
- Grant assurances/conditions should define expectations regarding the possible presence of more than one LSC-funded program within 3-4 service area construct.

Focus, Scale, Collaboration

STRUCTURE

GENERAL SUPPORT CATEGORY: Unrestricted Companion (“twinned”) Program

- We are the primary funder of unrestricted/impact advocacy in Florida.
- We are either the primary funder or a very important one to the unrestricted companion program grantees.
- We should fund only one anchor impact advocacy program in 3-4 core service areas across the state.

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STRUCTURE

GENERAL SUPPORT CATEGORY: Local Bar-affiliated

- Bar-affiliated programs differ in size and capacity.
- We are an important source of funding to all bar-affiliated programs and a primary source of funding to all.
- We should utilize grantmaking and technical assistance to encourage:
 - Diversification of funding
 - Reduction of overhead and back office administration costs
 - Shared capacities

Focus, Scale, Collaboration - Year 1 (2014-2015) activities

GENERAL SUPPORT CATEGORY: Statewide

Statewide Advocacy:

Work with all statewide programs on coordination, integration, capacity and structural issues

State Support:

- **Advocacy:**

- *Strengthen FLS' capacity for supporting advocacy, including training*

- **Pro Bono:**

- *Discontinue FBF funding to FLS for Pro Bono. Create full-time professional leadership position housed at the Florida Bar Foundation to focus solely on increasing/expanding pro bono support statewide*

- **Technology:**

- *Move FBF-funded position/responsibility to new entity funded by dedicated technology funds in bridge loan.*