Measuring Outcomes – Overview of Some (of Many) Efforts

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May 2013

TABLE OF CONTENTS

GOALS OF OVERVIEW

1. Report on types of measurement outcomes: the difference between outputs and outcomes, research and measuring outcomes (see definition of Terms in Mario Marino book pg. 9)
2. Measurement Tools: Economic Analysis (Ken Smith); SMART Goals (John Tull, Hannah Lieberman); use of other disciplines' research (MLP); logic models
3. Hearing from communities: client feedback (John Tull, Hannah Lieberman); how to involve client communities (Camille - 2008 Eval Conf with AAPDA)
4. Pit falls/finer points of contention around measuring outcomes

DON'T RECREATE THE WHEEL

The nonprofit sector at large has been talking and publishing about outcome measurements at least since the early 2000s. There are many great resources on how to effectively move an organization from one that measures output to one that measures outcomes.

GREAT RESOURCES

- Leap of Reason: Managing to Outcomes in an Era of Scarcity, Mario Marino, a Venture Philanthropy Partners Publication. Available for free.
- The Nonprofit Outcomes Toolbox, Dr. Robert Penna
- The Legal Services Trust Fund Evaluation Toolkit – a collection of resource materials to help legal services programs evaluate their work, compiled by CA Legal Advocates, a project of the Legal Aid Association of California. http://www.calegaladvocates.org/library/folder.72505-Legal _Services_Trust_Fund_Evaluation_Resources
- Free Advocacy Capacity Toolkit (ACT) – for groups interested in testing their readiness to get involved in advocacy, developed by Alliance for Justice. For more information email advocacycapacity@afj.org.

GREAT ARTICLES ON MEASURING OUTCOMES WITHIN LEGAL AID FIELD

SPECIAL FEATURE: BEYOND CASES CLOSED: THE LATEST IN OUTCOME MEASUREMENT IN LEGAL AID, *MIE JOURNAL*, FALL 2012.

Articles included:

"A Return Visit to a Familiar Corner: What to Make of the Renewed Conversation Concerning Trying to Measure "Outcomes" of Legal Aid Representation," by Melville D. Miller, Jr, President and General Counsel, Legal Services of New Jersey

"Our Goals Must Lead the Way: Thinking Clearly About Measuring Outcomes in Legal Services," by Catherine C. Carr, Executive Director, Community Legal Services

"Measuring Outcomes: Beyond Bean Counting," by Alex Gulotta, Executive Director, and Laurel Henneman, Foundation Relations, Legal Aid Justice Center

"Burden or Benefit: The Riles of Systematic Data Collection in Achieving Strategic Outcomes," by Alisa Neary, Los Angeles City Homeless Prevention Project Coordinator and Senior Social Worker, Legal Aid Foundation of Los Angeles

"An Outcome Measurement System: Beyond Reporting to Funders," by Colleen M. Cotter, Executive Director, Legal Aid Society of Cleveland

"Tempering the Need to Measure Outcomes with Common Sense: Hotlines as a Case in Point," by Jan May, Executive Director, AARP Legal Counsel for the Elderly

"The Justice Index: Measuring Access to the Courts," by Laura Abel and David Udell

PAST MIE JOURNAL ARTICLES ON MEASURING OUTCOMES

"Economic Impacts of Legal Aid: Civil Justice for Low-Income People Creates Ripple Effects That Benefit Every Segment of the Communities We Serve," by Ken Smith, Barbara Finkelstein and Christopher O'Malley, *MIE Journal*, Fall 2011

"You Get What You Measure: Using Metrics to Construct Effective 'Score Cards' for Legal Aid Advocates and Offices," by John Whitfield, Executive Director, Blue Ridge Legal Services, *MIE Journal*, Winter 2010

"The Fate of Hotline Callers – What Managers Need to Know about the Results of AARP's 2006 Hotline Outcomes Follow-up Study," by Ellie Crosby Lanier and Shoshanna Ehrlich, *MIE Journal,* Spring 2007

"Moving Beyond Funder Driven Outcomes or How I Learned to Stop Worrying and Love Outcomes Measures," by Robert Nasdor, Executive Director, Legal Assistance Corp. of Central MA, *MIE Journal*, Winter 2005

"Outcome Reporting in Legal Services: Caution Signs on the Road Ahead," by Melville D. Miller, President and General Counsel, Legal Services of New Jersey, *MIE Journal*, Fall 2004

"Why We Measure Outcomes," by Mary Asbury, Executive Director, Legal Aid Society of Greater Cincinnati, *MIE Journal*, Winter 2003

"Evaluation from a Funder's Point of View," by Judy Garlow, Director, Legal Services Trust Fund Program, State Bar of California, *MIE Journal*, Spring 2003

"Recommendations and Thoughts from the Managers of the Hotline Outcomes Assessment Study Project," by Robert Echols and Julia Gordon, *MIE Journal*, Spring 2003

"Case Service Reporting: Beware of What You Count and What You Don't," by Ed Hoort, Executive Director, Legal Services of Eastern Michigan, *MIE Journal*, Summer 2001

"Making 'Measurable Outcomes' Work," by Hanna S. Cohn, Executive Director, Volunteer Legal Services Project of Monroe County, *MIE Journal*, July 1998

"Building Capacity to Measure and Manage Performance," by Matthew Forti & Kathleen Yazbak, *The Bridgespan Group*

Description: A great primer on what is needed within an organization to truly measure outcomes well:

1. leadership commitment to make measurement a priority and model data-driven decision making for staff;
2. incentives to nurture a results-driven culture that promote learning and improvement;
3. access to outside expertise to inform theory of change and measurement approach;
4. Measurement Director (a dedicated staff position) with soft skills and credibility to succeed;
5. flexible structure to meet evolving needs.

"Getting Started with Data-Driven Decision Making: A Workbook," An NTEN workbook prepared by idealware, January 2013.

Description: This workbook contains a series of worksheets that will guide thinking and planning around more effective data strategies. The worksheets are part of a strategic process to help nonprofit leaders define the right questions, metrics and plans for effecting data-driven decisions, all while getting input and discussion from various staff.

"Nonprofits and Data: A How-To Series: Using Data to Support Grant Applications and Other Funding Opportunities," Community Research Institute, Dorothy A. Johnson Center for Philanthropy and Nonprofit Leadership and the Grand Rapids Community Foundation.

Description: A very easy-to-understand guide on how to use internal *and external data* such as studies, research, and publicly available data such as census, public health, public safety, incarceration rates, educational attainment, teen pregnancy, etc.

"Beyond the Numbers: Data Use for Continuous Improvement of Programs Serving Disconnected Youth," by Austin Pate, Jennifer Brown Lerner, and Andrea Browning, American Youth Policy Forum, 2012.

Description: Case studies of three youth-serving organizations regarding their data collection, use and resulting data culture. Three key lessons that the authors believe are critical building blocks of a data culture focused on continuous improvement:

1. The need for a clearly articulated theory of change;
2. Data collection which mirrors program needs; and
3. A strong organizational commitment to professional development for all staff related to data collection and data use.

Additionally, the following needs were identified:

1. The financing of data systems, both hard cost and organizational resources;
2. Data sharing within and across organizations and agencies; and

3. The possible standardization of outcomes.

MEASUREMENT PRODUCTS

The Results-Based Accountability Guide, based upon concepts and materials developed by Mark Friedman, author of *Trying Hard is Not Good Enough* (Trafford 2005) and founder and director of the Fiscal Policy Studies Institute.

Results-Based Accountability (RBA) starts with ends and works backwards, step by step, towards means.

***See* Logic Models, Attachment A – another methodology to determine steps necessary to get to desired outcomes.**

Efforts to Outcomes, developed by Social Solutions – www.socialsolutions.com. Steve Butz is CEO and Co-Founder of Social Solutions. Driven by his personal experience as a direct service worker, Steve co-founded Social Solutions in 2000 with partners Adrian Bordone and Vince Griffith to help organizations relate efforts to outcomes and improve service delivery.

The purpose of this software is to bring your good intentions, quality services, and hard work into demonstrable, well-defined outcomes. This will ensure that you create the biggest impact for your community in need.

DON'T WANT TO DUPLICATE OTHER EFFORTS IN LEGAL SERVICES ARENA

LSC'S EFFORTS

LSC has received funding from the Public Welfare Foundation to update its outcome measurements. Here are some updates regarding that effort:

MIE CONFERENCE, OCTOBER 2012 (RELEVANT PORTIONS)

Jim Sandman, President, Legal Services Corporation, will discuss "Making the Business Case for Legal Aid." He will offer his insight on why a robust and continuous effort to track results achieved by legal aid programs is important to educating the public about the benefits of legal aid and increasing funding from all sources. Public Welfare Foundation Grant to Legal Services Corporation to strengthen its data collection and reporting system.

Hannah Lieberman, Annette Farnan and a former Urban Institute staff member will offer their expertise on the topic of meaningful outcome measurement.

LSC RPF ON DATA COLLECTION AND REPORTING PROJECT

"LSC especially seeks better data regarding the results that grantees achieve for clients, the value or benefits of the services that grantees provide to clients, and/or the extent to which grantees are unable to meet clients' needs because of limited resources. NOT a one size fits all approach."

EQUAL JUSTICE CONFERENCE, MAY 2012

Jim Sandman presented with Bonnie Hough and Lydia Watts.

EQUAL JUSTICE CONFERENCE, MAY 2013

Lynn Jennings of LSC will present with Bonnie Hough and Lydia Watts.

ABA PRO BONO SUMMIT COMMITTEE: WHAT TO MEASURE

This is an effort to measuring pro bono efforts. ABA tools as of 4.1.13 are available.

NATIONAL IOLTA ORGANIZATION

October 5, 2012 email from Allison Paul re: Mountain West Meeting – Amy Sings in the Timber, ED of MT IOLTA Foundation, The MT Justice Foundation – member of NLADA Civil Policy Group and newly elected President of National IOLTA organization. She is paying attention to the issue of outcome measurement in legal service.

EXISTING EVALUATION TOOLS AND EFFORTS (VERY ROUGH)

OF DELIVERY SYSTEMS

HOTLINE STUDIES

See http://www.legalaidresearch.org

TECHNOLOGY INITIATIVES

In 2002-03, the Management Information Exchange's (MIE) Technology Evaluation Project (TEP) was developed. "TEP was funded by the Legal Services Corporation through a Technology Initiative Grants (TIG) grant made jointly to the Legal Aid Society of Greater Cincinnati and MIE to develop tools for the evaluation of technology initiatives. The resulting product is a set of tools–also referred to as a "tool kit"–that is available for programs to use to evaluate their websites and their use of video conferencing and legal work stations that serve clients through "virtual law offices."   The range of tools includes those mentioned previously with the addition of a number of surveys and a set of checklists to test website navigability, quality control and outreach."   – Alan Houseman's paper "ACCOUNTABILITY TO LSC: OUTCOME MEASURES, EVALUATIONS AND UNINTENDED CONSEQUENCES," June 2003.

THE JUSTICE INDEX

The National Center for Access to Justice at Cardozo Law School is creating The Justice Index, a web-based system for evaluating the quality of justice delivered by our legal system - www.ncforaj.org

OF PROGRAMMATIC OUTCOMES

See Attachment B

CREATED BY IOLTA FUNDERS

As of 2003, "Five state IOLTA/state funding programs require their grantees to report on outcome measures based on a system originally designed for use in New York. New York, Maryland, Virginia, Texas and Arizona measure specific outcomes that could be achieved for clients which are framed around specific substantive areas, such as housing, and which focus primarily on the immediate result of a particular case or activity (such as "prevented an eviction"). These systems do not capture information on what actually happened to the client. All of these states use the information collected to report to their state legislatures and the public about what the grantees have accomplished with IOLTA and state funding." – Alan Houseman's paper "ACCOUNTABILITY TO LSC: OUTCOME MEASURES, EVALUATIONS AND UNINTENDED CONSEQUENCES," June 2003.

CREATED/ENCOURAGED BY UNITED WAY OR OTHER FUNDERS

https://www.ovcttac.gov/views/resources/dspPerformanceMeasurement.cfm

http://www.bespacific.com/mt/archives/029480.html - DOJ OJJDP - improving outcomes for girls

PROGRAM DEVELOPED AND OWNED

i. Legal Aid Society of Cleveland - Rachel Perry, Research and Data Analyst

ii. Medical-Legal Partnerships – http://www.medical-legalpartnership.org/resources/library as an example of using other existing data, such as public health, education, public safety/crime, economic development, neighborhood demographics, mapping

iii. As of 2003, "Legal Aid Society of Greater Cincinnati, Neighborhood Legal Services in Lynn and Lawrence, Massachusetts, Legal Counsel for the Elderly in Washington, DC and the Hale and Dorr Clinic at Harvard" had developed program-owned outcome measurement processes. – Alan Houseman's paper "ACCOUNTABILITY TO LSC: OUTCOME MEASURES, EVALUATIONS AND UNINTENDED CONSEQUENCES," June 2003.

iv. "In California (as of 2003), the Legal Services Trust Fund, which is State IOLTA funder, and the Administrative Office of the Courts (AOC) have teamed up to support the development of a "tool kit" of program self evaluation tools for use by programs as a part of the statewide system of evaluation. The use of the specific tools is optional for programs. The tools include end-of-service surveys, client follow-up interviews, focus groups, courtroom observations, review of documents filed in court, interviews of court and agency personnel, and outcome measures. The state level agencies decided that the use of the tools should be optional as a way to encourage programs to make use of those that they would find useful for their own management purposes. Hence, the name "program-owned evaluation." The reports from the program-owned evaluations will be provided to the state agencies

to help them fulfill their obligations to report to the State Legislature, but the Trust Fund and the AOC both see the primary beneficiaries of the tool kit to be the programs that embrace its use." – Alan Houseman's paper ACCOUNTABILITY TO LSC: OUTCOME MEASURES, EVALUATIONS AND UNINTENDED CONSEQUENCES," June 2003.

v.   As of 2004, "LAFLA also used outcome codes for cases – 148 of them – … While consistent capturing of these outcomes was spotty at first, by late 2004 LAFLA was regularly reviewing and sharing the data back to the front line staff. The problem was that as funding diversified, each funder wanted its unique outcomes to be reported.

Capturing the effects of advocacy could be used not only to measure, but to achieve advocacy goals. This was particularly true for impact litigation and policy advocacy. Once LAFLA's lawyers saw the power of aggregating their daily encounters to persuasive effect, the more enthusiastic they became about capturing outcomes.

For instance, LAFLA's Eviction Unit had routinely captured outcomes of not only the cases they litigated, but for those clients who were advised and appeared pro se. In 2003, their first year of counting, the eviction unit won 94% of its cases, obtained over $1.2 million in waived rent and relocation costs, and secured over 20,000 extra days of shelter – almost 55 years – for those moving. Because of Legal Aid's presence in the courthouse, the quality of the pleadings, and the preparation given to clients, LAFLA dramatically increased the success rate of pro se litigants from dead zero to over 30 percent. These were impressive numbers that were perfect for marketing.

But Teresa got the eviction unit not only to collect the data, but use it in a more strategic way. LAFLA began collating the outcome of different judges sitting in the eviction court. That led to graphs showing the judges who were most hostile to unrepresented low-income tenants. The firm presented that data to the presiding judge. Without having to make it public, LAFLA began to see noticeable improvement in the quality and fairness of those judges." - 2009: A Look Back at Outcome Measures, Bruce G. Iwasaki, Legal Aid Foundation of Los Angeles, submitted for Outcomes Summit II, Cincinnati, Ohio, June 24 - 26, 2004

KEN SMITH'S ECONOMIC EVALUATION OF OUTCOMES

SMART GOALS SET FOLLOWING PROCESS OF HEARING NEEDS (JOHN TULL, HANNAH LIEBERMAN)

CASE MANAGEMENT SYSTEMS ADAPTED BY PROGRAMS TO CAPTURE OUTCOMES DATA

i.   Kemp's Caseworks
ii.   Legal Files

      iii.   Pika

      iv.   Perform Well/Social Solutions

      v.   http://www.crenyc.org/resources_tools - great planning tools here

ASSESSING COMMUNITY COALITIONS AND COLLABORATION

Tom Wolfe & Associates, Summer 2007 newsletter - http://tomwolff.com/collaborative-solutions-newsletter-summer-07.htm- Assessing Our Progress & Celebrating Our Success; Why does documentation and evaluation matter in collaborative solutions? What kinds of questions can an evaluation help answer? Community-based participatory evaluation.

A framework for evaluation of coalitions; Community Story: a neighborhood organization; Levels of coalition assessment - tool; Community Story: national organization with multiple sites; Coalition Member Assessment - tool; Community Story: a small non-profit and two communities; Tools and Resources

HEALTH IMPACT ASSESSMENTS: PUTTING THE FOCUS ON HEALTH DISPARITIES, LINDSAY ROSENFELD, SCD, SCM, INSTITUTE ON URBAN HEALTH RESEARCH, NORTHEASTERN UNIVERSITY

Did you know that our health can be impacted by where we live, how much education we've received, and whether or not we have sidewalks in our communities?

Health Impact Assessment (HIA) is a rapidly emerging practice which evaluates the potential health effects of a project or policy before it is implemented. HIAs also serve as a way to engage non-traditional partners in health and planning discussions.

HIAs are being widely-touted and funded by the Centers for Disease Control, the Robert Wood Johnson Foundation and Pew Charitable Trusts, and the World Health Foundation.

Ellen Lawton, National Center on Medial Legal Partnerships, posited in 3.13 meeting with NLADA staff that these assessments are used to get to policy positions/decisions. Could it be used in reverse to get to the evaluation of a policy decision?

SOCIAL RETURN ON INVESTMENT (SROI)

http://mckinseyonsociety.com/social-impact-bonds/

SROI is an approach to understanding and managing the value of "impact activities", i.e. activities encompassed in social, environmental and community programming. SROI is a framework that helps explore and account for values that are often excluded from markets. SROI does not analyze the value of organizations, but rather of activities. SROI assesses the importance of these activities' impacts in the eyes of stakeholders and locks this judgment into the analysis.

SROI is calculated using monetary proxies to represent values such as social or environmental benefits not usually captured using traditional accounting frameworks. It is based on cost-benefit tools and partly follows a financial modeling approach by carefully defining and assessing stakeholders views about program outcomes and impacts,

establishing proxy indicators for those impacts, and collecting data that provides a measure of those indicators. It is a form of triple bottom line accounting that yields a simple ratio of the financial value of inputs over the financial value of outputs

SOCIAL IMPACT BONDS

The concept of Social Impact Bonds (SIBs) was launched in September 2010 by an organization called Social Finance UK. "SIBs are structured to get proven solutions to scale with no risk to public budgets – governments pay for the solutions only if they work... Local government officials in MA, NYC and elsewhere are now investigating how SIBs could be applied in areas of homelessness and criminal justice." "Will social impact bonds work in the United States?" http://mckinseyonsociety.com/social-impact-bonds/

GIS MAPPING

See Attachment C

For a visualization of America's disparate economic worlds, look no further than Rich Blocks, Poor Blocks, which maps the median rent and income of every neighborhood in the country. Created by Chris Persaud, Rich Blocks Poor Blocks uses data from the U.S. Census Bureau's American Community Survey and paints a fascinating, if distressing, portrait of the nation's economic landscape.

COLLECTIVE IMPACT

Collective Impact is a term coined by Fay Hanleybrown, John Kania and Mark Kramer in the Winter 2011 issues of *Stanford Social Innovation Review.* They used the term to describe examples of "highly structured collaborative efforts that had achieved substantial impact on a large scale social program... All of these initiatives share the five key conditions that distinguish collective impact from other types of collaboration: a common agenda, shared measurement systems, mutually reinforcing activities, continuous communication, and the presence of a backbone organization." "Channeling Change: Making Collective Impact Work", January 26, 2012 issue of *Stanford Social Innovation Review.* The article states that "shared measurement is essential, and collaborative efforts will remain superficial without it. Having a small but comprehensive set of indicators establishes a common language that supports the action framework, measures progress along the common agenda, enables greater alignment among the goals of different organizations, encourages more collaborative problem-solving, and becomes the platform for an ongoing learning community that gradually increases the effectiveness of all participants. Mutually reinforcing activities become very clear once the work of many different organizations can be mapped out against the same set of indicators and outcomes."

Stated benefits of this approach:

- Using evidence-based decision making of where to devote energy, money, resources
- Agreement across multiple sectors on what are the dials we want to turn
- Not "spray and pray" – money given in many different directions and pray that it works
- In a time of urgency – have to do more with less money
- What we have been doing is not working on these large social problems, have to try something new
- Requires different behaviors from leaders – not just to advance one leader's organization, but to enhance the community.

In April 2013, Rick Jakious, CEO of the Massachusetts Nonprofit Network, MA's nonprofit trade association, outlined lessons learned from the economic downturn and ensuing weak economy:

- Be driven by impact.
- Become experts in your field knowing who is also working in the same area, who succeeds and fails, and about the community served.
- Develop focus by decided what to do and not to do.
- Commit to measurement and use those measures to guide program design and back decisions.
- Collaborate and partner with those who are critical to your success.

EXAMPLES OF MEASURING OUTCOMES SUCCESSES

MEASURING VALUE OF CASE VICTORIES

A mid-sized, LSC-funded legal services provider in the Mid-West designed their own individualized process for identifying desired outcomes in civil legal cases, determining what data could be collected to measure their progress toward those outcomes, and creating a data collection and analysis system that the entire staff could understand and use. Without this data, the successes achieved by their program were mostly anecdotal – stories of individual clients' plights, legal cases, outcomes of case and what that meant to the individual – nothing in the aggregate beyond number of people served and number of cases closed. With this new system in place, this program can now quantify that in one year it was able to help their clients: receive assets totaling nearly $26 million; avoid debt totaling over $11.6 million; and increase monthly income by a total of over $162,000. Now donor and other stakeholders can see that a modest investment in this program has an exponential impact on the community the program serves: people living in poverty. With an increase in assets, reduction in debt and increase in monthly income, people living in poverty may be able to move out of poverty for themselves, their children and their entire families.

MEASURING IMPACT ON HEALTH CARE AND HEALTH CARE DELIVERY

The network of Medical-Legal Partnerships (MLPs) that have formed across the country are committed to measuring the impact of legal services on the health care and health care delivery provided to the client-patients they see. MLPs are based in medical settings and provide lawyers to address the legal patients are facing, often related to benefits, housing, medical coverage, and family law. "MLP delivers a range of impact and benefits for multiple legal, health, and community stakeholders. Significantly MLP helps the legal aid community frame a legal intervention as a *health* intervention – which is the key to triggering substantial investment from health care institutions and government health care funding streams, among others."[1]

"The figure below represents the broad impact of the MLP model. It was created by and for the National Center for Medical-Legal Partnership. Read from the inner circle out, the figure illustrates the broad impact of MLP on individuals, institutions and practices, and external laws, regulations, and policies; frames legal remedies as health

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[1] Tames, Pamela C., Colleen M. Cotter, Suzette M. Melendez, Steve Scudder, and Jeffrey Colvin, "Medical-Legal Partnership: Evolution or Revolution", *Clearinghouse REVIEW Journal of Poverty Law and Policy,* July-August 2011, page 139.

interventions; and depicts the benefits to multiple legal, health and community stakeholders."[2]

IMPROVED HEALTH AND WELL-BEING
Vulnerable patients avoided exposure to extreme heat and cold, and possible adverse health outcomes including the worsening of chronic disease, through improved utility protections.
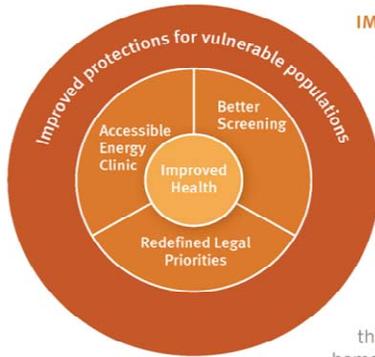
IMPROVED MEDICAL HOME AND INSTITUTIONS
MLP teams created health setting-based energy clinic targeting patients at risk of losing utility services. The team developed and integrated template certification letters into the electronic medical record.

IMPROVED CLINICAL WORKFORCE SKILLS
MLP team trained hundreds of healthcare providers to recognize the health impact of consistent utility services, and to screen and refer patients at risk of losing services

IMPROVED LEGAL SERVICES AND INSTITUTIONS
MLP team redefined legal priorities to include utility service problems, thereby preventing ensuing health and legal crises, including eviction and homelessness.

IMPROVED POLICIES, LAWS AND REGULATIONS
MLP utility initiatives influenced statewide policy to extend shut-off protection to households with infants and elderly adults, relax illness recertification requirements, and expanded the pool of healthcare providers including nurse practitioners and physician assistants to sign certification letters.

Medical Legal Partnership | Boston
RAISING THE BAR FOR HEALTH

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As highlighted by an Executive Director of one of the MLP programs, "legal services promotes several key public health priorities:

- Ensuring access to healthcare

- Ensuring access to healthy, affordable food

- Ensuring safe housing and preventing homelessness

- Reducing health disparities and promoting health equity."[3]

Since public health agencies (local and state) track data on all of these public health priorities, by linking legal services to these outcomes, a program may be able to show significant improvement in the health care and health

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[2] Id.

[3] Samantha Morton, Executive Director of MLP Boston, powerpoint presentation at NLADA's Annual Conference, December 9, 2011.

care delivery within the communities it serves. Additionally, by using data points that are of interest to a different type of funder, and by using public health indicators/terms, a legal services program positions itself to appeal to a wider array of funders and on an issue that is of national prominence.

LEGAL AID AS A BUSINESS GENERATOR

The Texas Access to Justice Commission[4] commissioned an economic research and analysis firm to examine the economic impact of legal aid currently being provided in Texas. The findings released in 2009 show that:

- Legal aid services provide a sizable stimulus to the Texas economy: $457.6 million in spending per year, $219.7 million in gross product or output and providing 3,171 jobs;
- For every direct dollar expended in the state for indigent civil legal services, the overall annual gains the economy are $7.42 in total spending;
- For $4.8 million in contributions provided by the state and local governmental entities, the activities of legal services programs generate approximately $30.5 million in yearly fiscal revenues to these governmental entities.

This study shows concretely that an investment of $4.8 million by the government brings back over 6.3 times that amount to the government coffers.

The Massachusetts Legal Assistance Corporation (MLAC) – the IOLTA funder in MA issued a report in April 2013 that said MLAC-funded civil legal aid programs generated an estimated $48 million in new revenue and cost savings for the state in the fiscal year that ended June 30, 2012 while operating on a $10.5 million budget. The report said, "MLAC- funded legal aid programs substantially boost the Commonwealth's economy each year by bringing in tens of millions of federal dollars, improving the economic conditions of low-income clients and other residents, and saving the state millions in avoided benefits and social services."

The report, based on data submissions to MLAC from the 16 legal aid programs it funds, found that:

- Civil legal aid programs drew at least $27 million in new federal dollars to Massachusetts. Specific sources were new food stamp allocations ($11.3 million); new disabilities benefits and related fees ($7.9 million); successful appeals of previously denied Medicare ($940,711); federal tax credits and refunds for individuals and families ($217,761).
- Other benefits won for low-income residents totaled $10.7 million, and included child support orders ($3.4 million) and housing stabilization efforts ($3.2 million).
- Civil legal aid programs saved about $9.9 million in state spending largely by keeping people out of emergency shelters ($6.1 million) and preventing future domestic violence and related health care costs ($3.8 million).

MLAC said its programs that provide legal support to families of children who are not receiving appropriate educational services or are facing inappropriate school exclusions, "contribute significantly to the Commonwealth's economy by keeping children on the path to educational success."

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[4] As similar study was conducted in Florida by the Florida Bar Foundation in 2010, which yielded equally impressive results.

WHAT WILL OTHERS DO WITH THE DATA?

There is a well-founded fear that data could be used by foes of legal services (in Congress and elsewhere) to justify reducing or even eliminating funding. For example, if we are unable to show a definite increase in beneficial court outcomes due to a lawyer's intervention/representation of client(s). Why pay for something that does not make a difference?

There is also a well-founded fear that if we show our successes that will give fodder to those foes. For example, if we are successful at helping poor people receive public benefits. That could be used as a weapon against us, even though that is our job and we are doing all that we intend to do.

So numbers are not enough…

GOING BEYOND NUMBERS

"Nonprofit Assessment: Richer Perspectives," Guidestar Newsletter, July 2012

This article shows other ways to assess nonprofits' performances other than through strict numbers:

1. Rules: the best action is guided by principles. "In this way of thinking, we assess how we live up to larger or higher principles… Question [to ask}: Are we doing the right thing? Are we doing it in the right way?""
2. Consequences: the best action does the greatest good for the greatest number. "Questions [to ask]: Are we making a difference? How do we know?"
3. Character, or virtue: good organizations are good people doing good things well. "Questions [to ask]: Do we have good people? Do we do our work well?"
4. Context: it's good if it fits the situation. Question [to ask]: Is our response the best fit?"
5. Liberation: it's only good if it leads to greater human flourishing. Questions [to ask]: What about our work? Does it help make the world better for people? Does it transform not just individual lives but systems?"

"When performance measurement is about external accountability, priorities quickly get distorted and means (i.e., measures) become ends in themselves. This is especially common when institutions and their leaders rely on performance measures to justify their action, defend their prerogatives, or secure funding and favor from the external constituencies to which they answer, but that are not close enough to grasp how the institution is really doing." From "What *The Wire* Has to Teach Us about Nonprofit Performance Measurement," by Daniel Stid, 2/14/12.

Don't want a *No Child Left Behind* situation in which teaching is now done to the test.

"*Data obscures values.* I recently saw an academic book with the excellent title, "'Raw Data' Is an Oxymoron." One of the points was that data is never raw: it's always structured according to somebody's predispositions and values. The end result looks disinterested, but, in reality, there are value choices all the way through, from construction to interpretation." *New York Times Op-Ed*, David Brooks, February 19, 2013.

"[E]ven when philanthropists fund programmatic interventions, they should resist the seduction of certainty; they should run the manageable risks that accompany innovations and strategies that may not allow for clear causal

attribution but are likely to achieve more ambitious results." "Risks Worth Taking: When philanthropists fund programmatic interventions, they should resist the seduction of certainty," by Lisbeth Schorr, July 31, 2012.

"Before we gather, share and mine data, we need to ask some more fundamental questions about how people experiencing issues understand success and transformation. This is the step before a theory of change or a theory of the problem… This isn't simply about participant voice in defining or evaluating services. It's more basic than that: it's about understanding the multiple voices of a constituency not only to design services or programs, but to inform policy… We risk creating new damage, inefficiencies, and barriers when those who have the power and privilege of … determining the definitions of success for other people are not even aware of where those [definitions] are either at odds with or aligned with the definitions of the people who [the success is intended for]." "The Bear and the Ladle," by Katya Smyth, Full Fame Initiative, October 16, 2012.

"I appreciate any concern where LSC is further developing outcome measurement to review performance of grantees- funders needs, while they may be quite valid can also be somewhat disconcerting. This obviously plays in the difficulty of buy-in when participants are concerned that the outcomes could produce negative effects. Taking difficult or complex cases where loss is a possibility makes outcome measurement tenuous and we do not want a system that grades higher for taking easy or simple matters that produce better outcomes than ones that focus on systematic issues. However, there always should be some internal indicator to insure that whatever is provided or delivered is of the highest quality and is consistent with the mission of the organization. Cost effectiveness and efficiencies must be balanced with pursuit of justice.

One thought I have is the data collection and outcome measurement is always best when it is internally driven and not imposed by outside forces. Providing programs with menus of best practices relating to data collection and outcomes measurements and the suggestion of tool kits makes much sense. One challenge that many programs have is that there do not have the resources to incorporate staff and systems to help them identify and implement the types of protocols needed for effective data collection and outcome measurements. Have outside research groups and professions, independently funded and available to programs would be helpful. There obviously needs to be a level of buy-in and not just because a funder wants it. There is an effort to equate legal services with other types of services provided or products delivered. **How do you collect data on or measure outcomes when simple access to our legal system is the stated goal. Losses and defeats still can have benefit but collecting and showing the value is the challenge.**"

-Email from a legal aid colleague and member of NLADA's Measuring Outcomes Advisory Committee, October 2012

SUGGESTION: MEASURE ORGANIZATION'S ALIGNMENT WITH TEN CORE VALUES OF A CIVIL LEGAL AID SYSTEM

Keep "The Ten Core Values of a Civil Legal Aid System" alive! If legal aid programs create measurements for these values, we will go a long way towards maintaining our value, values and integrity – while also showing number that indicate success and impact.

The Ten Core Values of a Civil Legal Aid System

1. **Treat all applicants and clients with dignity and respect.** This includes strictly maintaining the confidentiality of client communications and providing services in a manner that takes into account differences in culture, race, ethnicity, education, physical and mental ability, and language.

2. **Provide access for all low-income and disadvantaged individuals,** including those who are difficult to serve because of language, cultural, educational, disability, social or other barriers, including homelessness, geographic dispersal or institutionalization.

3. **Reach out to and interact with low-income and other disadvantaged and vulnerable clients and other people, groups, and communities,** in order to fully understand and be able to address their legal problems and to involve them in planning and priority setting at the program, regional, state, and national levels.

4. **Respond to the most important and pressing needs of low-income and other disadvantaged and vulnerable groups and communities** and when allocating resources consider the seriousness of the harm to the client community, their vulnerability, and how others in the community at large are treated.

5. **Provide access to a full range of legal assistance.** Legal aid should provide legal information about rights and responsibilities; legal advice and brief services; and representation in litigation, in transactions, and before legislative and administrative bodies.

6. **Provide high-quality and effective legal assistance.** Services should be delivered by well-respected providers that employ diverse, qualified, competent, and well-trained staff, who meet rigorous professional and performance standards and work in coordination with other providers and services to strategically leverage all possible resources. These staff members should be adequately compensated and be responsible for reasonable caseloads allowing for high quality representation.

7. **Achieve meaningful results and the greatest possible benefits.** Legal assistance should have a strategic focus that will produce tangible, measurable, and lasting results. It should lead to the greatest possible benefit both for individual clients and for the low-income community and other communities served.

8. **Engage with government, including the judicial, legislative, and executive branches,** in efforts to improve meaningful access to the civil justice system and to ensure the system is open, fair, responsive, and accountable to low-income and other vulnerable persons, groups, and communities.

9. **Maintain active partnerships with the private bar, the private sector, and the community at large to expand available resources and increase support for its work.** Legal aid should actively partner with the private as well as the public sector, integrating the resources of the private bar and other services and reaching out to the business community, the academic community, and the general public, including civic institutions and the media.

10. **Engage in continuous innovation, experimentation, and evaluation.** Legal aid should continually experiment, evaluate, research, and innovate to advance equal justice and improve and expand delivery of high-quality services, efficiency of program operations, and effectiveness of legal strategies and initiatives.

ATTACHMENT B

ATTACHMENT C