

EXECUTIVE SUMMARY

In virtually all sectors of society, people are using data to improve what they do. Everyone, it seems, is interested in data and is searching for best strategies to draw on its power. The stakes are high in the civil legal aid community where strengthened advocacy can enable people to preserve their homes, their relationships with their children, their life savings, their physical and emotional well-being, and even their freedom.

Yet, in the civil legal aid community, awareness of the power of data is just beginning to take root. Traditionally, civil legal aid has been thinly funded with little infrastructure or capacity for tracking data and little consensus in the field as to what data should be tracked. Insofar as data are tracked, the focus in legal aid has traditionally been on “outputs”: the kinds of details that include the number of cases handled or the types of lawyering tasks performed. Only in recent years have leaders in the community begun to urge focusing increased attention on “outcomes”: the results obtained by clients and the larger impacts those results may have in our society.

The value of outcomes data is in its potential to enable legal aid programs to understand the impacts achieved through their work, to improve the quality of their work, and to help explain the value of their work to the public. Better data on outcomes, collected carefully and deliberately, is essential to accomplishing the goals of advocates, organizations, and clients and to determining whether those goals are in fact being achieved. Intentional pursuit of outcomes data also prompts a valuable consideration of the views of clients and of those who work with them in the social services sector about what defines success for clients.

If a mantra exists in some places for using outcomes data to understand, improve, and explain civil legal aid, it is not yet pervasive in the legal aid community in New York City or in the national civil legal aid community. Among civil legal aid providers and funders who are enthusiastic about outcomes tracking, there is little consensus on best strategies and models. And among skeptics, there are continuing concerns about the burdens of collecting data, the risks of over-reliance on data, the limited practical value of data, and more. To some extent, the lack of consensus suggests room for progress: everyone we spoke with saw value in providers, funders, court officials, and client communities learning about the priorities for each constituency and working together.

In *Tracking Outcomes*, we build on a series of interviews with leaders in the provider and funder communities to offer a snapshot of current perspectives on working with outcomes data. We also rely on insights provided by a panel of expert advisors (researchers, legal aid providers, experts in the use of data) and a review of the literature. We describe the conversations that are happening on the ground today about the leading issues in outcomes tracking, including the arguments for and against certain models and strategies, and the opportunities for moving forward with best practices.

In a first set of recommendations, we identify options for unlocking the power of outcomes tracking through practices that civil legal aid programs can pursue today. First, we gather and endorse suggestions for using existing outcomes data to deepen understanding, improve service, and educate the public. Second, we urge connecting basic outcomes findings to “big goals”: specific, mission-related, achievements that are important to clients, such as client safety, stability, family integrity, and more. Third, we recommend combining outcomes data with other data to understand and explain the importance of the work of legal aid programs. Fourth, we recommend increasing the level of communication between funders and providers both to increase the value of data collected and reduce the burdens inherent in collecting it.

In a second set of recommendations, we highlight the importance of pursuing solutions to harder challenges in tracking outcomes. Our recommendations include developing approaches for tracking “systemic advocacy”; securing feedback from clients and from other service recipients about outcomes they achieve; generating better court data on litigant outcomes; and developing systems to track outcomes for clients who are referred elsewhere for services for their multiple legal needs.

In a third set of recommendations, we underline the importance of preserving the integrity of outcomes data at all times. We recommend that providers adopt a culture that supports the exercise of care in gathering, organizing, and analyzing data. Second, we recommend that programs take steps to manage the challenge of “causation” – the fact that multiple factors may contribute to winning and losing cases, and an over-reliance on data can sometimes mislead audiences or produce skewed incentives. More fundamentally, the guide encourages a consideration of multiple research strategies, including randomized controlled trials, as part of its larger message in support of using outcomes data while being mindful of the complexities that surround it.

As the civil legal aid community works to draw on the power of outcomes data, this guide seeks to introduce the hard questions, capture the leading edge discussion about the answers, and explain, explore, and recommend best practices as a means of strengthening the funding and the provision of civil legal aid. The specific recommendations are set forth in the table below.³

I. Unlock the potential of outcomes data today

- a. Use existing outcomes data to deepen understanding, improve service, and educate the public
- b. Move to “big goals” and client-centered measures to report outcomes
- c. Combine outcomes with “big data” and other data sets
- d. Build communication between funders and providers

II. Pursue solutions to harder challenges in tracking outcomes

- a. Track “systemic” outcomes
- b. Secure feedback on outcomes
- c. Partner with courts to improve outcomes data
- d. Support holistic service by tracking outcomes

III. Preserve the integrity of outcomes data at all times

- a. Improve the integrity of outcomes data
- b. Manage the challenge of proving causation