

# Questions & Answers for Counting Civil Legal Aid Organizations & Attorneys

Justice Index Attorney Count, Summer 2019  
National Center for Access to Justice at Fordham Law School  
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Contact David Udell, [dudell@fordham.edu](mailto:dudell@fordham.edu)

In the summer of 2019, the National Center for Access to Justice at Fordham Law School (NCAJ) will be creating a “Count” of civil legal aid organizations and attorneys in the 50 states, Washington, DC, and Puerto Rico. NCAJ will be seeking data and support from civil legal aid organizations, bar associations, bar foundations, courts, IOLTA organizations, access to justice commissions, government agencies, and others. A pro bono team from Pfizer Inc. is helping NCAJ with the research. To create as reliable a Count as possible, NCAJ is asking researchers and all participants across the country to use definitions contained in the Q&A presentation, below (see “short format” overview, followed by “full answers”):

## **Short Format:**

- I. Does the Count include the following organizations and their civil legal aid attorneys?**
- A. Organizations funded by the Legal Services Corporation? **Yes, but we will be receiving this data separately from LSC (so no need to collect it).**
  - B. Food pantries, health care centers, homeless outreach centers, special practice area providers, re-entry advocacy projects, and other non-traditional civil legal aid providers? **Yes.**
  - C. Small organizations whose entire staff may be just a few attorneys? **Yes.**
  - D. Immigrant rights organizations? **Yes.**
  - E. Criminal justice organizations that are providing civil legal aid? **Yes.**
  - F. Law reform organizations, and other advocacy organizations, including state based organizations that provide back-up to direct services providers, or that are pursuing policy advocacy goals directly associated with the provision of civil legal aid? **Yes.**
  - G. The ACLU, Applesseed, the NAACP, and similar law reform organizations whose work is not usually directly associated with the mission of civil legal aid organizations? **No.**
- II. Does the Count include attorneys in the following specific roles?**
- A. Pro bono Attorneys? **No.**
  - B. Law Students? **No.**
  - C. Attorneys performing administrative (as distinct from case-handling) roles? **Yes.**
  - D. Attorneys who are part-time? **Yes.**
  - E. Attorneys who are employed for time-limited periods? **Yes.**
- III. How does the Count track the financial eligibility standards used by civil legal aid organizations?**
- A. What is the Count’s basic method for tracking the financial eligibility standards used by civil legal aid organizations? **See below.**
  - B. What is the Count’s method for counting organizations that use more than one financial eligibility standard? **See below.**

**Full Answers:**

- I. Does the Count include the following organizations and their civil legal aid attorneys?**
- A. Organizations funded by the Legal Services Corporation?** Yes, but we do not seek this information from our local partners. We include LSC-organizations, and their attorneys, in the Count, but we expect to receive this information directly from the Legal Services Corporation. Again, our Justice Index pro bono team is not collecting information about LSC-organizations or their attorneys.
  - B. Food pantries, health care centers, homeless outreach centers, special practice area providers, re-entry advocacy projects, and other non-traditional civil legal aid providers?** Yes. We include these organizations, and we count the number of attorneys on staff who are providing civil legal aid. Even though these organizations have missions that sometimes broader, and sometimes narrower, than organizations that are dedicated to providing general civil legal services to low income populations, they are an important part of the civil legal aid landscape, and it is important to collect their data.
  - C. Small organizations whose entire staff may be just a few attorneys?** Yes. We want to collect names and number of attorneys for all organizations providing civil legal aid to low income communities. We understand that the number of smaller organizations is changing constantly, but we believe it is valuable to gather this information about these organizations.
  - D. Immigrant rights organizations?** Yes. We want to include the names and the number of attorneys for all organizations providing civil legal aid, including those organizations that provide legal representation to immigrants.
  - E. Criminal justice organizations that are providing civil legal aid?** Yes. We include these organizations, but we count only their civil legal aid lawyers who are providing civil legal aid (we do not include their defenders).
  - F. Law reform organizations, and other advocacy organizations, including state based organizations that provide back-up to direct services providers, or that are pursuing policy advocacy goals directly associated with the provision of civil legal aid?** Yes. We count these organizations, and we count their attorneys who are providing civil legal aid in any of its forms, for example, including the provision of information, assistance, advice, and advocacy (the latter, also, in all forms, including rulemaking and policy advocacy). The main criterion we require is that the included organizations and their lawyers must be pursuing goals in the service of a mission of expanding civil justice for low income people.

**G. The ACLU, Appleseed, the NAACP, and similar law reform organizations whose work is not usually directly associated with the mission of civil legal aid organizations?** No. As a general matter, we do not include certain important advocacy organizations such as the ACLU (and similar organizations) whose lawyers pursue goals that are, for the most part, not directly in the service of a mission focused on expanding civil justice for low income people.

**II. Does the Count include attorneys in the following specific roles?**

- A. Pro bono Attorneys?** No. The Count does not include pro bono volunteers. We recognize that in many states, pro bono attorneys perform a very important role in providing civil legal aid. To date, we have not developed a methodology that would accurately count the number of pro bono attorneys, and we do not include pro bono attorneys in the Count.
- B. Law Students?** No. The Count does not include law students. We recognize that in many states, law students perform an essential role in providing civil legal aid. The Count also does not include law professors and other supervisory attorneys employed by law schools, as distinct from supervisory attorneys employed by civil legal aid organizations. To date, we have not developed a methodology that would accurately count the number of law students, so we do not include law students in the Count.
- C. Attorneys performing administrative (as distinct from case-handling) roles?** Yes. While lawyers in administrative roles do not typically perform direct services, they perform an important function in supporting the provision of direct services. For this reason, among others, we ask civil legal aid organizations to include in their respective Counts all the attorneys working in their organizations, including attorneys who are helping to guide and/or support activities of pro bono attorneys, law students, other volunteers, and staff, as well as attorneys in purely administrative and/or managerial roles.
- D. Attorneys who are part-time?** Yes. The Count includes part-time attorneys. For part-time attorneys, the Count asks organizations to add part-time allocations to create a picture of the total number of FTE attorneys.
- E. Attorneys who are employed for time-limited periods?** Yes. The Count includes attorneys who may be funded for specific, temporary, time periods. The goal of the Count is to take a snapshot of the number of civil legal aid organizations and their FTE attorneys. The snapshot is important because it will allow a comparison of the numbers of attorneys to the results obtained in past and in future years (where various sources of revenue, may be decreased, increased, or absent). Part of the point of doing the Count is to determine how the number of staff vary over time in light of the organization's receipt of funds that may change in availability and amount over time.

**III. How does the Count track the financial eligibility standards used by civil legal aid organizations?**

- A. What is the Count’s basic method for tracking the financial eligibility standards used by civil legal aid organizations?** We ask each civil legal aid organization to tell us whether it uses: a) a 125% standard (serving people beneath 125% of federal poverty level), b) a 200% standard (serving people beneath 200% of federal poverty level), c) no standard, but intends that the majority of those who receive its service will be people in poverty, or d) no standard, and does not intentionally guide its service to people in poverty. NCAJ’s researchers are keeping track of these four criteria, noting which standard applies, for each organization considered during the Count.
- B. What is the Count’s method for counting organizations that use more than one financial eligibility standard?** The use of multiple financial eligibility standards occurs in some civil legal aid organizations that receive revenue from more than one funding source. When this occurs, the Count will record the standard that the majority of attorneys in the organization are using. While this approach is imperfect, in that it will not make clear the number of attorneys in a given organization who are using a standard different from the standard used by the majority, it is a practical way to produce a Count that is, notwithstanding its imperfection, useful overall. We are committed to transparency in the presentation of our methodology, our data analytics, and all of our findings.

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**Please contact David Udell, Executive Director, National Center for access to Justice, with questions or suggestions. [dudell@fordham.edu](mailto:dudell@fordham.edu).**