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LEGAL SERVICES CORPORATION

Notice of Revisions to Performance Area One of the LSC Performance Criteria

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) announces revisions to Performance Area One of its Performance Criteria. In Performance Area One, LSC established the indicators that LSC will use to evaluate grant recipients' processes for identifying the most pressing and emerging legal needs in their service areas and determining how they will deliver legal services tailored to most effectively address those needs. LSC is adopting a new criterion assessing strategic planning in addition to revising the existing criteria examining grant recipients' conduct of needs assessments, implementation of strategies to address legal needs, and self-examination of their effectiveness in delivering legal services.

DATES: The revised Performance Area will become effective on January 1, 2027.

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SUPPLEMENTARY INFORMATION: LSC is revising Performance Area One of its Performance Criteria for the first time since 2007. The revisions to Performance Area One reflect trends in the delivery of legal services, particularly with respect to the evolution in non-profit management, including the increased use of technology; the

increasing prevalence of state access to justice commissions; and a changed legal aid funding landscape. While the detail in and number of Areas of Inquiry and Indicators have expanded through this Revision, LSC's intention for the Performance Criteria has not changed. The Criteria remain, as LSC stated in 2007, "a useful framework for internal program self-evaluations, planning, and program development, as well as external peer reviews and expert assessments by other funding sources, such as IOLTA programs and government agencies." Legal Services Corporation, Performance Criteria, p. 1 (March 2007).

LSC undertook the Revisions to Performance Area One for several reasons. First, nonprofit management has evolved greatly in the last two decades focusing on increased professionalism, revenue diversification, data-driven accountability, and enhanced board governance and leadership practices.

Additionally, in 2021, the American Bar Association adopted revisions to its Standards for the Provision of Civil Legal Aid (Standards). The 2006 Standards guided LSC's development of the 2007 Performance Criteria. Consequently, LSC determined that it was appropriate to review and revise the Performance Criteria to the extent that they complement the Standards.

In a similar vein, LSC was motivated to update Performance Area One to reflect the efficiencies developed by legal services providers and created by technology. The delivery of legal services has changed significantly since 2007, with case management systems becoming more sophisticated in terms of the data they can collect and aggregate; legal aid organizations and courts conducting more business through videoconferencing and providing more legal information via mobile apps; and the nascence of artificial

intelligence in intake and case management. Technological changes have also affected the ways in which legal services organizations and their partners conduct needs assessments and engage in strategic planning. The revisions to Performance Area One take these changes into account and ask evaluators to consider whether, and to what extent, legal aid organizations are using these strategies in their planning and operations.

Finally, LSC wanted to improve the structure and utility of Performance Area One as an evaluation tool. Although LSC has introduced new Areas of Inquiry and Indicators, LSC is presenting all Areas and Indicators in simpler, clearer language. LSC has also reorganized and renamed the four Criteria within Performance Area One to better reflect the needs assessment, strategic planning, implementation, and evaluation cycle.

LSC published the revisions to Performance Area One for public comment in early October 2025. During the comment period, LSC received eleven unique comments from executive directors of LSC grantees, collectives of LSC grantees, and national legal organizations. These commenters raised several concerns centered around the idea that LSC was taking the Performance Criteria in a more prescriptive direction. First, they stated that the proposed language appeared to turn the Performance Criteria into another enforcement tool rather than guidance. Second, they expressed concern that LSC was emphasizing numbers of clients served rather than overall impact on the client population in a grantee's service area. Finally, they opined that it appeared LSC expected all grantees, regardless of size, funding level, or service area characteristics, to conform to the same rigid schedule and elements of needs assessment and strategic planning. LSC did not intend to change the evaluation-centered focus of Performance Area One or to

require all grantees to focus only on serving as many individual clients as possible, regardless of the needs in their respective service areas. LSC appreciates the concerns raised by these commenters and has revised the introduction to Performance Area One, introductions to each of the Criteria, and the Areas of Inquiry and Indicators as needed to resolve those concerns.

LSC has published the revised Performance Area 1 on its website at https://www.lsc.gov/our-impact/publications/other-publications-and-reports/lsc-performance-criteria. LSC will begin using the revised Performance Area 1 on January 1, 2027. LSC recognizes that it may take time, guidance, and experience for all grantees to adjust to the revisions. LSC will, therefore, provide training and forums to discuss the implementation of the changes. When conducting program assessments, LSC staff will take the scope of the revisions and each program's capacity into consideration when making recommendations.

Overview of Changes

LSC revised Performance Area One to clarify and enhance existing guidance by presenting a more structured and integrated framework for legal aid organizations to consider in carrying out their work. The current version of the Performance Criteria describes core concepts in a more narrative format. The proposed revisions reorganize these concepts to more clearly reflect the relationship among needs assessment, strategic planning, priority setting, and evaluation. This reorganization is intended to help grantees understand how these activities may operate together as part of an ongoing process, while preserving flexibility and not prescribing a single required approach.

The proposed revisions also provide additional details to illustrate considerations that may inform an organization's approach. For example, under Criterion 1 (Needs Assessment), the proposed indicators describe a range of methods that organizations might use to identify the most pressing legal needs of their client communities, including consultation with community partners, review of available data, and use of information gathered during statewide assessments (see Proposed Indicators 1 and 2). The new indicators further describe ways in which organizations may consider the needs of different populations and the role that other service providers in the service area play in serving their shared client populations (see Proposed Indicators 3 and 4). These revisions are intended to provide greater clarity regarding the types of information that may be relevant to a comprehensive assessment, without requiring the use of any particular methodology.

Under Criterion 2 (Strategic Planning), the proposed revisions describe how organizations might use the results of a needs assessment to inform planning processes. For example, the proposed indicators ask questions about how the results of a grantee's needs assessment influence the grantee's development of a written strategic plan (see Proposed Indicator 1). Additional indicators describe considerations that may inform the planning process, such as stakeholder engagement, use of quantitative and qualitative data, and alignment with organizational capacity and resources (see Proposed Indicators 2 through 4). These provisions are intended to identify factors that grantees may consider when structuring their planning efforts.

The revisions to Criterion 3 (Priority Setting and Case Acceptance Policy) describe how organizations might translate planning decisions into operational practices.

For example, the proposed indicators address the establishment of service priorities that reflect identified needs and strategic objectives, as well as the adoption of a written case acceptance policy to guide service delivery (see Proposed Indicators 1 and 3). The new indicators also describe alternative approaches that organizations may consider when full representation is not feasible, including referrals, collaboration with other providers, and the use of technology (see Proposed Indicator 4). These examples are intended to help organizations consider a range of options for delivering services within available resources.

Finally, under Criterion 4 (Evaluation), the revised indicators describe approaches that grantees might use to assess the effectiveness of their work and make appropriate adjustments over time. These include evaluating the alignment of services with established priorities, using data and stakeholder input to inform decision-making, and maintaining flexibility to respond to changing conditions (see Proposed Indicators 1 and 2). The revisions also describe the role of ongoing review in supporting continuous improvement and responsiveness to emerging needs.

Overall, LSC intended the revisions to improve the clarity, organization, and usability of the Performance Criteria by providing more detailed lists of factors that grantees may find useful. LSC did not intend to establish new requirements, but rather to offer guidance that legal aid organizations may adapt based on their individual circumstances, including their size, capacity, and the needs of the communities they serve.

ChatGPT was used to draft this document. The generated content provided structural and content suggestions, which the author reviewed, adapted, and revised for LSC's specific needs and tone.

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