

# **Expanding Access to Justice with Social Impact Financing**

## TABLE OF CONTENTS

<i>Executive Summary</i> .....	<b>I</b>
<i>Introduction</i> .....	<b>3</b>
<i>Project Approach</i> .....	<b>8</b>
<i>Findings</i> .....	<b>10</b>
<i>Conclusion</i> .....	<b>23</b>
<i>References</i> .....	<b>24</b>
<i>Organizations</i> .....	<b>25</b>
<i>About Social Finance</i> .....	<b>26</b>

## WRITTEN BY

Navjeet Bal, Anna Fogel, Storey Dyer Kloman & Shivan Sarin

## AUTHORS' NOTE

Social Finance, Inc. has worked to grow the Pay for Success field to expand social services since its founding in 2011. While Pay for Success strategies have been applied in a variety of social service fields—housing, criminal justice, health care, workforce, education, and others—they have not yet been applied to expand access to justice. The Open Society Foundations and the Kresge Foundation funded Social Finance to explore how this set of innovative financing strategies could help civil legal aid providers sustainably scale their services. We readily acknowledge that Pay for Success is one among many ways to increase funding for civil legal aid, and only relevant and useful in certain circumstances. This report summarizes our findings and is intended to help providers, governments, and funders understand where Pay for Success might help the access to justice community and how the community can advance the field to be ready for Pay for Success.

## ACKNOWLEDGEMENTS

This study was generously supported by the Open Society Foundations and the Kresge Foundation. We would like to extend our appreciation to Matthew Burnett and Erica Teasley Linnick at the Open Society Foundations and Sandy Ambrozy at the Kresge Foundation for engaging with this project from inception through completion.

We are grateful to the individuals and organizations that helped guide this work and provided substantive inputs to and review of this study: Lara Eilhardt, Department of Veterans Affairs; Elaine Fink, Legal Aid Society of Southwest Ohio; Tracy Goodman, Children's Law Center; Dr. D. James Greiner, Access to Justice Lab, Harvard University; Martha Hasselbacher, Doctors & Lawyers for Kids; Sarah Hooper, Medical-Legal Partnership for Seniors; Kirra Jarratt, DC Bar Foundation; Dr. Robert Kahn, Cincinnati Children's Hospital; Amanda Kool, Kentucky Access to Justice Commission; Karen Lash, American University; Ellen Lawton, National Center for Medical-Legal Partnership; Andrea Levere, Prosperity Now; Dr. Michael Marcotte, Cincinnati, OH; Samantha Morton, MLPB; Lauren Parker, Community Legal Services Philadelphia; Rasheedah Phillips, Community Legal Services Philadelphia; John Pollock, Public Justice Center; Hazel Remesch, Legal Aid Society Cleveland; Erika Rickard, the Pew Charitable Trusts; James Sandman, Legal Services Corporation; Radhika Singh, National Legal Aid & Defender Association; Abigail Staudt, Legal Aid Society, Cleveland; Dr. Holly Stevens, Children's Law Center; David Udell, National Center for Access to Justice; and Jennifer Zimmerman, b3.

## EXECUTIVE SUMMARY

Civil legal aid is a crucial resource for millions of low-income Americans, providing legal assistance on life-essential issues. However, the need for legal aid greatly exceeds available resources; in 2017, 86% of civil legal problems reported by low-income Americans received inadequate or no legal help.<sup>1</sup> Many more individuals would have benefited from preventive legal services that could have helped them avoid negative and costly outcomes, such as preventable emergency department visits, homelessness or overwhelming consumer debt. Federal funding for legal aid has fluctuated over the last fifty years, forcing legal services programs to increasingly diversify their sources of funding from state, local, and private sources or to cut services.

Given the high unmet need for legal services and significant funding constraints, Social Finance engaged in a study to explore whether outcomes-based social impact financing mechanisms—collectively known as Pay for Success (PFS) strategies—could support scaling effective legal aid programs. In early 2019, Social Finance conducted an assessment of the civil legal aid landscape in order to understand the unmet need for services, the evidence base of interventions, the capacity of providers to scale, and the interest of public and private partners in outcomes-based funding arrangements. This report summarizes our findings and recommendations for the field.

Effective PFS projects align the incentives of multiple stakeholders around improving outcomes for individuals and communities. It is an effective tool for scaling services but only in specific contexts, and particularly those in which:

- 1** there is a defined target population;
- 2** there are measurable impact goals;
- 3** the intervention has a data-driven track record of evidence demonstrating that it works;
- 4** there are one or more capable service providers that have the ability to scale up with fidelity to the service delivery model;
- 5** there is significant value generated for government, community and individuals; and
- 6** there is strong stakeholder engagement across public and private sectors.

<sup>1</sup>Legal Services Corporation and NORC at the University of Chicago, 2017 Justice Gap Report, available at <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>.

While PFS strategies have not been applied in the civil legal aid context to date, they have mobilized public and private resources to scale services in other areas, such as supporting low-income mothers to achieve healthy births, upskilling low-income individuals to get good jobs to move up the economic ladder, and helping people leaving prison reintegrate into their communities.

This project identified contexts in which Pay for Success could be applied to support civil legal aid and where there are gaps in the legal aid field. Through our assessment, we found that civil legal aid is aligned with Pay for Success on a number of dimensions: providers acutely **understand the target population** for their interventions; providers understand the **demand and opportunity to scale**; and they are **integrated within their communities and address critical policy priorities**. However, there are areas where the civil legal aid field is still evolving: there is a growing focus on gathering **data on outcomes to demonstrate the long-term impact** of interventions and to **develop rigorous evaluations** of these interventions, as well as assessing the **value of civil legal aid** in terms of the costs of the program and benefits it generates. In this report, we highlight an issue area—eviction defense—and a delivery channel—medical-legal partnerships—as well as specific providers, all of which were selected because of their focus on many of the PFS criteria listed above.



# INTRODUCTION

## *The Need*

Civil legal aid is a crucial resource for millions of low- and middle-income individuals in the United States. Legal aid providers help individuals and families secure adequate housing, education, and employment while enhancing family stability and public safety. Simultaneously, legal aid aligns with and enhances the missions of federal and state programs that work to lift low-income individuals out of the vicious cycle of poverty.

However, the need for civil legal aid services greatly exceeds the available resources. In 2017, 86% of civil legal problems reported by low-income Americans received inadequate or no legal help.<sup>2</sup> And the unmet need is likely much greater given that many civil legal aid needs are not recognized as having a legal dimension or where to find help.<sup>3</sup> Meanwhile, federal and state funding for civil legal aid has been unpredictable in recent decades and insufficient for legal aid organizations looking to sustainably scale their advocacy and services. As a result, civil legal aid organizations have diversified their funding in recent years to include private, philanthropic, and other public sources of funding.

## *Civil Legal Aid*

### *What is it?*

Civil legal aid is free legal assistance to low- and middle-income individuals who have civil (non-criminal) legal problems. Legal aid services include full representation, limited scope or “unbundled” legal assistance, self-help and community legal education, and advocating for policies to address systemic issues.

### *Who provides it?*

Civil legal aid is provided free of charge by nonprofit legal aid organizations, “pro bono” volunteer attorneys, law schools, and court-based services. Legal Services Corporation (LSC) is a Congressionally funded nonprofit which provides funding to 134 independent legal aid programs (approximately 25% of the legal aid programs in the United States). Outside of LSC, programs depend on private and public funders to support legal aid, including grant funding, Interest on Lawyers Trust Accounts (IOLTA), state and local appropriations, court filing fees, and residuals from class action settlements.

<sup>2</sup> Legal Services Corporation & NORC, 2017 Justice Gap Report, available at <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>.

<sup>3</sup> Sandefur, Rebecca, “Civil Legal Needs and Public Legal Understanding,” American Bar Foundation, available at [http://www.americanbarfoundation.org/uploads/cms/documents/sandefur\\_-\\_civil\\_legal\\_needs\\_and\\_public\\_legal\\_understanding\\_handout.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_-_civil_legal_needs_and_public_legal_understanding_handout.pdf).

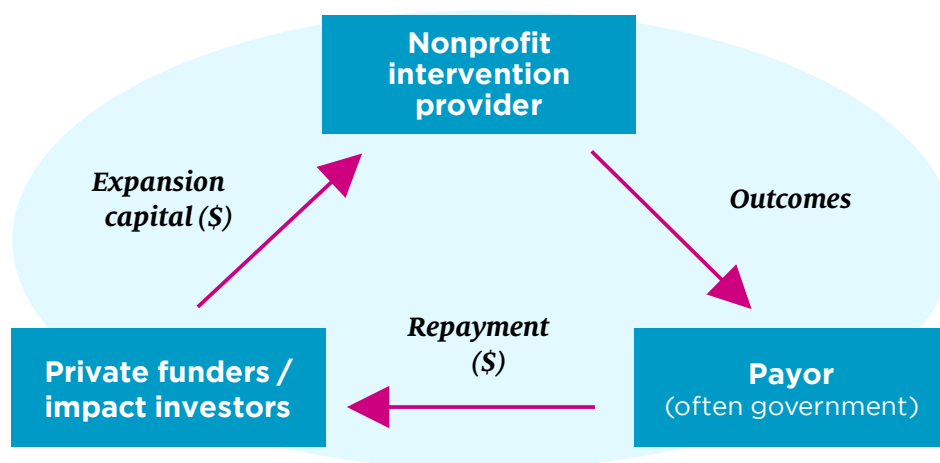


## Pay for Success

Pay for Success is a set of innovative outcomes-based social impact financing mechanisms that drive public and private resources toward scaling effective social programs. . These financing strategies are based on a set of core principles: clearly defining and measuring progress toward shared social impact goals; collaborating across the public, private, and social sectors to achieve these goals; and making funding directly dependent on outcomes achieved. Pay for Success unites private investors, nonprofit service providers, and government and private partners that pay for improved outcomes around a powerful common goal: improving outcomes for individuals and communities in need. Pay for Success has been used across social issue areas—including homelessness, criminal justice, children and families, workforce development, and health—to help expand high-quality service providers.

Social Impact Bonds are one example of a PFS strategy. Social Impact Bonds use a performance-based contract to bring together impact investors, nonprofits and governments to tackle a particular social challenge. Governments work with an intermediary organization to identify the problem they are trying to solve, the target population to be served, the services to be provided, the outcomes to be achieved and the prices that government is willing to pay to improve outcomes. The intermediary then raises capital from impact investors to scale up the targeted services. If, following an independent evaluation, the program achieves the predetermined outcomes, then the government pays for those outcomes in order to repay investors.

**FIGURE 1:** Social Impact Bond Model



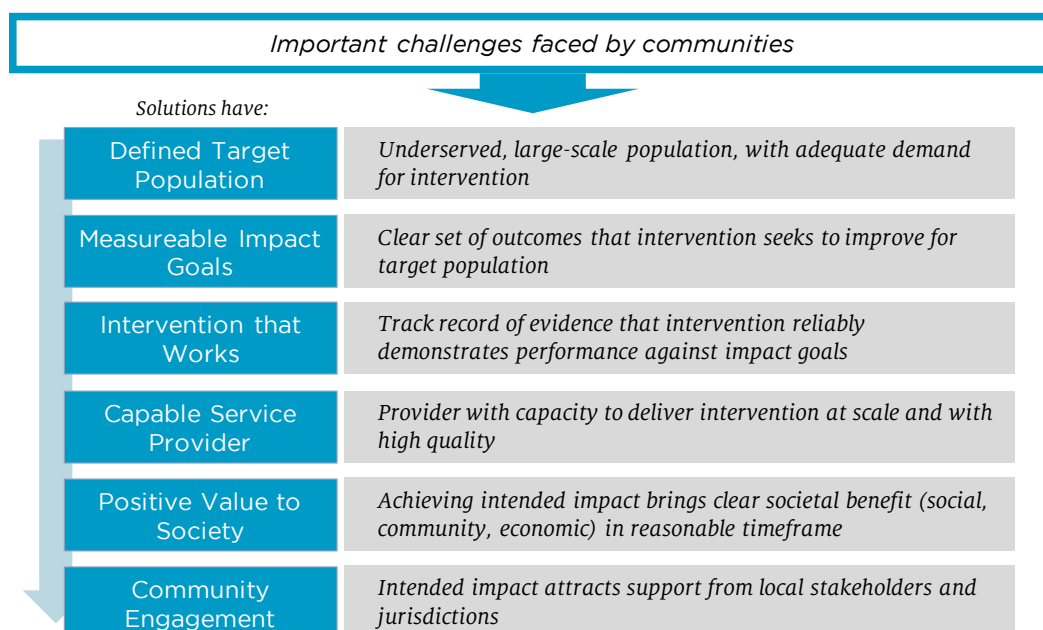
## When to Use Pay for Success

Pay for Success is an innovative approach, aligning incentives between a variety of stakeholders. In the traditional Social Impact Bond, outcomes payors, often government partners, gain a new level of accountability and transparency by paying only for programs that deliver measurable impact. As a result, the payor shifts risk to investors and has the potential for financial savings and social benefit through scaling a preventative intervention. Service providers secure multi-year flexible funding and prove the impact of their intervention through evaluation, thereby opening opportunity for long-term funding. Finally, impact investors invest in a product providing measurable social return and further their mission through new programmatic investments.

One hundred and thirty Social Impact Bonds have been structured around the world, and twenty-six have been launched in the United States. PFS strategies have been embedded in many more federal policies and state and local governments as part of the movement towards evidence-based programming, data-driven decision-making, and performance-based funding.

PFS strategies are not one size fits all, and most effective in a particular set of circumstances. They allow for service providers to scale up quality services through upfront, medium-term funding, attract new types of funding to the field, and optimize government resources for results by tying the repayment of the upfront capital to the achievement of long-term outcomes. Pay for Success, therefore, requires a well-defined and codified intervention with evidence of impact; a strong service provider, or providers, with capacity to scale up services; and a clear case for an entity to pay for improved long-term outcomes because of the benefits that are created by the services.

**FIGURE 2:** When is Pay for Success funding most effective?





## *When **Not** to Use Pay for Success*

Pay for Success is not a panacea for the huge financing gaps facing legal aid providers, but is one potential tool to help sustain and scale organizations. Certain legal services organizations and approaches—such as those that provide fast-moving critical representation for individuals in court—may not be a good fit for Pay for Success even if they’re providing highly valuable services, because the representation is focused on and tailored towards short-term impact and the outcome may be driven by many factors outside of the organization’s control, such as judicial discretion.

There are risks to consider in using Pay for Success strategies, including concerns around how Pay for Success is applied generally and concerns that are specific to applying Pay for Success to civil legal aid:

**1 “Creaming” service recipients.** A risk often raised in the context of Pay for Success is whether the project could impact which clients are served; rather than prioritizing clients with the greatest need or who may derive the greatest benefit from services, providers will be incentivized to serve clients that are most likely to achieve positive outcomes.

**Mitigation:** The design of the Pay for Success project can help avoid perverse incentives for the provider to “cream” or serve only certain clients. This can be managed by carefully defining the eligibility criteria of service recipients and the referral mechanisms, to ensure that providers are directed to serve particularly needy or difficult to serve clients; providing greater funds for harder-to-serve individuals to further incentivize serving this target population; and ensuring that the evaluation takes into account a variety of outcomes that will reflect the impact of the intervention on more difficult cases.

**2 Funder influence on intervention.** Another concern that is often raised in the Pay for Success context is the inappropriate influence of the funder or investor on the intervention itself, changing the focus of an organization or how it serves its clients.

**Mitigation:** A Pay for Success project is structured around an evidence-based intervention at the core. Private funding is raised to scale that specific intervention and funders are not given an opportunity to tweak or adjust the model before making their investment decision; in fact, funders are often brought in after many of the project design decisions have been made. In addition, during the structuring of any Pay for Success opportunity, the investors, government, and providers work together to ensure that the needs of the providers are being met. All three parties agree to the target population and enrollment plan, the service delivery plan, the outcomes selected, and the evaluation methodology. The provider has a significant voice in the project design and ongoing management.

**3 Bias in interpreting the data on outcomes.** Pay for Success projects rely on outcomes data to understand the effectiveness of the intervention and to determine repayment, so there is a risk in one of the parties influencing the data and how it is interpreted.

**Mitigation:** All Pay for Success projects include an unbiased, independent, third-party evaluator or validator, which is agreed upon by all parties, and determines whether outcomes are achieved. Providers, investors, and payors work with the evaluators in advance to determine an evaluation methodology, and then the evaluator conducts an independent evaluation.

**4 Outcomes do not reflect intervention quality.** Particularly in the legal aid context, there is concern that legal outcomes may not accurately reflect the intervention quality. Case results are not solely in control of the legal representation or legal aid provider: judges, juries, opposing lawyers, and facts all influence a case outcome.

**Mitigation:** Pay for Success financing is most powerful with preventative interventions that help avoid a negative outcome. This is primarily because the PFS approach estimates a program's value with a select few outcomes, and such an approach does not adequately capture the full value of certain programs, especially those looking at short-term impact. In the legal aid context, PFS is most likely to fit with those organizations providing services prior to a dispute escalating to court. For example, a medical-legal partnership focusing on improving health outcomes by using legal means to remove asthma triggers in a home could be a good fit for Pay for Success, because it focuses on upstream interventions to improve long-term health outcomes.

**5 Conflict with legal ethics.** In the legal aid context, there are concerns that a Pay for Success model will interfere with lawyers' discretionary decisions on how to best represent their clients.

**Mitigation:** Similar to above, any Pay for Success engagement depends on provider support. A provider that is focused on holistic representation of any individual may not be a good fit for Pay for Success because it will be difficult to measure outcomes and demonstrate positive effect. For those providers that have a defined target population that they already serve, Pay for Success takes the provider's existing intake process and does not seek to influence it such that the provider or lawyer would violate ethical rules.

**This report describes our findings of how and where PFS strategies can best support access to justice.**

# PROJECT APPROACH

## Overview

To identify opportunities to leverage Pay for Success within civil legal aid, Social Finance assessed interventions and opportunities against the six criteria outlined in Figure 2 above, and described in more detail below. Through this process, Social Finance identified high-potential opportunities as well as limitations in the applicability of a PFS financing strategy to increase access to justice.

A PFS project requires:

- 1 A Defined Target Population and Geography.** In order to direct services to those who will benefit most, PFS projects define a target population to receive services based on demographic characteristics, individual risk factors, baseline outcomes, and need for services.
- 2 Measurable Impact Goals.** PFS strategies are structured around a set of evidence-based, measurable outcomes that the intervention seeks to improve for the target population. These outcomes form the basis for the performance-based contract at the foundation of a PFS project. Outcomes should be meaningful to the beneficiaries, directly aligned with the program's theory of change, measurable, and observable within a reasonable timeframe.
- 3 An Intervention that Works.** Core to Pay for Success is a deep understanding of the intervention and its track record of achieving impact. The intervention—such as providing full representation to individuals, integrating lawyers into a health care team, or providing unbundled legal services—must be supported by evidence that it improves outcomes for the target population. Many interventions scaled through PFS strategies have strong programmatic data or third-party evaluations demonstrating their impact.
- 4 A Capable Service Provider.** Via Pay for Success, a high-quality service provider receives flexible, multi-year funding which allows it to significantly expand its programs and reach. It is critical, therefore, for service providers to have capacity to scale programming while tracking data on program participants and their outcomes.

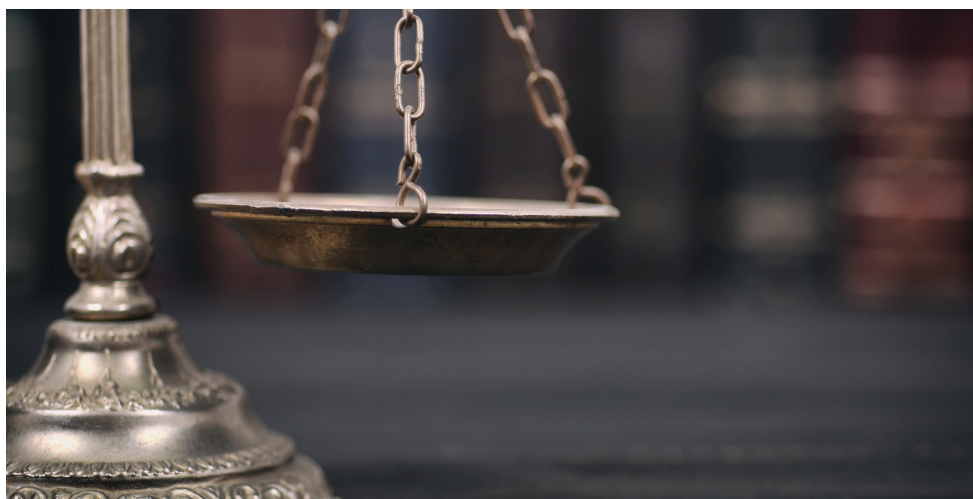
**5 Positive value.** Programs scaled through Pay for Success generate significant benefits—to the beneficiaries receiving services, to the outcome payors, and to the community. An analysis of the cost-benefit of a program helps make the case and articulate the value of the program to all stakeholders. A rigorous cost-benefit analysis incorporates a range of benefits, such as fiscal benefits to a government (e.g., reduced shelter costs associated with fewer evictions, increased tax revenue due to more stable employment of individuals) and social or community benefits (e.g., improved public safety and property values associated with fewer evictions).

**6 Community Engagement.** Finally, PFS projects are public-private partnerships that bring together multiple sectors and stakeholders. This includes an **outcomes payor** which agrees to pay for outcomes that are achieved; **private investors**, when needed, to provide upfront capital to scale services; and **community stakeholders** involved in effective implementation of services, such as referring individuals to services or collecting data on the target population and their outcomes.

### *Applying Pay for Success to Civil Legal Aid*

Within the broad field of access to justice, which includes services across social issue areas from housing to child welfare to benefits access, we looked to identify issue areas and interventions that could be a good fit with Pay for Success. We reviewed national literature assessing the impact of civil legal aid programs; interviewed national and regional experts including evaluators, policy makers, and direct service providers; and conducted cost-benefit analyses of selected programs.

Our analysis was not intended to be exhaustive; rather, it is intended to understand the fit of Pay for Success with civil legal aid by highlighting a few particularly exciting opportunities, interventions, and providers.



## FINDINGS

We found that there is in fact potential to leverage PFS financing strategies to expand access to civil legal aid. There is strong alignment between the legal aid field and PFS criteria, but there are also areas where providers and the field of civil legal aid need further support and development. In particular, the field needs stronger evidence of the impact of civil legal assistance, specific to issue areas, target populations and interventions; stronger data tracking of not only immediate program outcomes but also longer term outcomes for service recipients; and to articulate the value of access to justice for individuals and our communities.

In our research and interviews, we identified several issue areas within civil legal aid as well as specific interventions which could be well-suited for a PFS project. We identified one particular issue area—eviction defense—and a particular delivery channel—medical-legal partnerships (MLP)—which stand out in the access to justice field for their relatively strong evidence of impact, codified model, and demonstrated value. We have highlighted these in the section below, alongside several case studies, as two areas within civil legal aid that could align with a PFS funding approach.

### *Defined Target Population and Geography*

**Finding:** Civil legal aid providers effectively define their beneficiaries and service recipients and can demonstrate extensive unmet need for services.

Legal services providers often carefully define their target population and their specific civil legal needs. This understanding of their clients—their need for specific types of services, demographics and characteristics—directly informs what services they provide.

For example, the Legal Aid Society of Cleveland (Cleveland Legal Aid) is working to expand their services to a greater number of tenants facing eviction. They estimate that there are 9,000 evictions in Cleveland annually, and while up to 70% of landlords are represented, less than 2% of tenants are represented. Through its Housing Justice Alliance program, Cleveland Legal Aid identified the population facing evictions in Cleveland, assessed the level of representation (if any) available to them, and tracked these individuals' outcomes after the court action. Additionally, Cleveland Legal Aid is studying broader societal impacts of eviction in Cleveland to better understand this vulnerable population and the long-term effects of eviction. By ensuring that they have a comprehensive understanding of the population facing eviction in Cleveland, Cleveland Legal Aid will be better positioned to represent these individuals and improve their longer term housing outcomes.



## CASE STUDY

*Legal Aid Society of Cleveland – Housing Justice Alliance Program (Cleveland OH)*

**The Legal Aid Society of Cleveland** (Cleveland Legal Aid) provides a range of civil legal services including representation, advice, and brief assistance for low-income and vulnerable individuals. Areas of practice for Cleveland Legal Aid attorneys include consumer rights, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities, and tax.

Cleveland Legal Aid created the Housing Justice Alliance designed specifically for the Cleveland Housing Court and aimed at “ensuring fairness when evictions and housing conditions threaten a family’s safety or well-being.”<sup>4</sup> They aim to serve more individuals facing an eviction that may threaten their safety and/or well-being.

The Housing Justice Alliance program operates through three phases. First, Cleveland Legal Aid is conducting research to understand the target population suffering from eviction and long-term outcomes associated with eviction. They will publish a study, conducted by Case Western Reserve University, on the effects of eviction in Cleveland. Second, Cleveland Legal Aid is launching a pilot program serving tenants facing eviction whose incomes are below 200% of the federal poverty guidelines. Lastly, they will collect and analyze data on the social and fiscal outcomes improved by providing a right to counsel. Cleveland Legal Aid hopes to launch a right to counsel in Cleveland Housing Court for all tenants facing eviction who qualify for civil legal aid.

In structuring the Housing Justice Alliance program, Cleveland Legal Aid spent eighteen months learning about right-to-counsel initiatives across the country, and understanding national best practices. Cleveland Legal Aid plans to hire an evaluator to inform their data collection efforts in order to understand the impact of their work on longer-term outcomes. Additionally, Cleveland Legal Aid is spearheading local efforts to build momentum in Cleveland, engaging with national experts and City Council members.

<sup>4</sup>“Housing Justice Alliance.” The Legal Aid Society of Cleveland, [lasclev.org/get-help/community-engagement/housing-justice-alliance/](https://lasclev.org/get-help/community-engagement/housing-justice-alliance/)



## *Measurable Impact Goals*

**Finding:** Civil legal aid providers, and supporting organizations, should focus on collecting data on medium- and long-term outcomes; there is limited data and information available on the impact of their services.

Understanding the impact of a program is critical for a PFS strategy. By collecting data on outcomes specific to their work, providers are better positioned to understand their impact, improve their programming to achieve greater impact, and articulate the value of their work to external stakeholders. PFS financing strategies link payment to performance against a set of defined outcomes; in order to engage outcome payors, there needs to be a clear understanding of the expected impact of the providers and their services.

A number of civil legal aid organizations have invested in collecting data on outputs (e.g. number of referrals, number of cases closed) as well as short-term outcomes (e.g. rulings in cases). Very few organizations have tracked the longer-term impact of civil legal aid. Identifying the right long-term outcomes is provider-specific, and would require in-depth analysis of the provider's intervention. Examples include: long-term housing stability measured as housing status after twelve months (resulting from legal interventions providing tenant advocacy); improved or maintained school attendance rates for children (resulting from legal interventions designed to support family stability and/or housing stability); reduction in emergency room visits or hospitalizations (resulting from health care representations that address the underlying causes for healthcare utilization); or employment stability (resulting from consumer debt representation). In determining which outcomes to focus on as part of a PFS financing strategy, project partners would work to identify outcomes which are causally related to the civil legal aid services provided, meaningful for the beneficiaries, and which result in a measurable benefit for an identified payor, such as government or health care insurers.

One impressive example of an organization that has worked to track outcomes and measure their impact is the Healthy Together Medical-Legal Partnership. Healthy Together is a pediatrics-focused MLP that grew out of a collaboration between the Children's Law Center (CLC) and Children's National Medical Center in Washington DC. In 2017, the Healthy Together MLP directly assisted over 3,100 children and families, the majority of whom were from Wards 7 and 8 (two of D.C.'s lowest-income neighborhoods).<sup>5</sup> While they offer a range of legal services, this MLP focuses much of their efforts on pediatric asthma patients.

In addressing the needs of this population, Healthy Together has taken a proactive approach to data collection. By developing the capacity to receive HIPAA<sup>6</sup>-protected data, Children's Law Center analyzes the health data of their clients for the eighteen months prior to receiving services through the MLP and for the same time period after working with the MLP. This enables the Children's Law Center to understand the baseline health status of their clients and their impact on patient health.

<sup>5</sup> Schwartz, Jessalyn, "Children's Law Center Medical Legal Partnership: A Holistic Approach to Child Welfare in the District." Washington Council of Lawyers, 12 Nov. 2018, [wclawyers.org/medical-legal-pship/](http://wclawyers.org/medical-legal-pship/)

<sup>6</sup> Health Insurance Portability and Accountability Act of 1996



## CASE STUDY

*Healthy Together Medical-Legal Partnership  
(Washington D.C.)*

### Children's Law Center (CLC) and Children's

**National Medical Center** partnered together to build one of the first medical-legal partnerships in the United States, now known as the Healthy Together MLP. Similar to other MLPs that have since developed across the country, CLC and Children's National Medical Center combined their services—primary and emergency medical expertise and legal counsel and support—to identify and implement solutions to social determinants of health. The MLP serves low-income children and families living in some of D.C.'s poorest neighborhoods. In particular, through a collaboration with the BUILD Health Challenge, the MLP focuses on children and families struggling with poor housing conditions and its impact on their family's health.

To date, CLC has placed eleven attorneys, two investigators, and a community outreach worker across seven health clinics throughout the city. CLC takes on approximately 390 new cases each year including child custody, caregiver representation, special education, and housing conditions.<sup>7</sup> Outside of direct legal services, CLC trains doctors to perform screenings and ask targeted questions regarding potential social determinants of health that may be addressed by legal intervention.

CLC has developed robust data collection and data sharing partnerships with its healthcare partners. To do this, they have invested in infrastructure in order to receive HIPAA-compliant data as well as in internal expertise in data analysis and evaluation. After analyzing the impact of their program on the health outcomes of pediatric asthma patients, they effectively made the case for an expanded contract with one of their healthcare partners through a performance-based contract. While still in development, the Managed Care Organization has agreed to pay CLC for every successful pediatric asthma case in which housing conditions are improved. The payment is based on the historical level of savings generated to the MCO due to the reduction in healthcare utilization of CLC's clients.

<sup>7</sup>Schwartz, Jessalyn, "Children's Law Center Medical Legal Partnership: A Holistic Approach to Child Welfare in the District." Washington Council of Lawyers, 12 Nov. 2018, [wclawyers.org/medical-legal-pship/](http://wclawyers.org/medical-legal-pship/)

## *An Intervention That Works*

**Finding:** Organizations supporting the legal aid field, as well as providers, should build more robust evidence of the impact of legal aid interventions.

Evidence demonstrates the causal link between an intervention and its impact. Pay for Success leans heavily on evidence to understand how well a program works for specific populations and geographies, on which specific outcomes the program works, and over what period of time. Understanding a program's expected impact often requires multiple evaluations in various contexts.

The evidence base supporting legal aid interventions is growing in terms of the number of evaluations and the rigor of those evaluations. The Access to Justice Lab at Harvard Law School, for example, is dedicated to conducting randomized controlled trials (RCTs) of legal aid in order to demonstrate the field's impact and to understand what types of interventions are most effective. In our research, we assessed the evidence of the Medical-Legal Partnership model which includes at least sixteen evaluations as well as one randomized controlled trial. We also reviewed the evidence base supporting the impact of full representation in housing cases which includes at least sixteen evaluations, as well as three randomized controlled trials. Many of these studies, however, rely on pre-/post-historical baseline comparisons and anecdotal evidence, which provides limited information on the causal impact of civil legal aid interventions and the impact on beneficiaries. To continue to build the case for access to justice, civil legal aid organizations—whether direct service providers or organizations serving the field—should continue to invest in rigorous evaluations.

## *Scalable Service Provider*

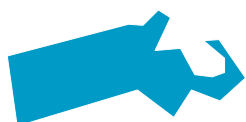
**Finding:** Numerous civil legal aid providers have capacity to scale services with additional funding.

Service providers in a PFS project have effective referral mechanisms and operations, use data to track program outcomes for their clients, and have performance management and monitoring in place to continuously improve their programs. Through our conversations with providers, we have been impressed by the effectiveness of organizations and their capacity to scale their services.

One example of an organization that has been intentional and effective at developing their capacity, and model design, to scale is MLPB (formerly known as the Medical-Legal Partnership | Boston). MLPB's operating model is backed by the findings from the DULCE randomized trial, including accelerated access to concrete supports, better completion of preventive care, and lower Emergency Department utilization within the intervention arm. The current implementation of DULCE in three states led by the Center for the Study of Social Policy has created interest in expansion in existing sites and has led to interest in a number of early childhood system jurisdictions.<sup>8</sup>

<sup>8</sup>“MLPB History.” MLPB - Advancing Health Through Justice, [www.mlpboston.org/history](http://www.mlpboston.org/history)

Simultaneously, and importantly for scale, MLPB has embraced a broader frame for its legal work – meeting people’s health-related social needs and improving populations’ social determinants of health. MLPB partners with a growing number of health-related organizations in Rhode Island and Massachusetts, including the state-wide Healthy Families Massachusetts home visitor network for first-time parents with children aged 0-3, several accountable care organizations (ACOs), and Long-Term Services & Supports Community partners serving Medicaid-eligible populations.<sup>9</sup> Indeed, MLPB has been certified by Mass-Health (the MA Office of Medicaid) as a DSRIP (Delivery System Reform Incentive Payment) technical assistance vendor in the Commonwealth of Massachusetts.



## CASE STUDY

*MLPB (formerly known as Medical-Legal Partnership | Boston) (Boston MA)*

**After almost 20 years** of incubating in the Pediatrics Department at Boston Medical Center (BMC), in July 2012, MLPB – the nation’s founding medical-legal partnership program – re-booted its mission, operating model, and organizational structure to focus on upstream, team-based legal problem-solving as a tool to meet health-related social needs and improve social determinants of health. This transformation was informed, in part, by MLPB’s participation in Project DULCE (Developmental Understanding and Legal Collaboration for Everyone), a randomized controlled trial conducted at BMC from 2010-12. DULCE piloted a new care delivery model for families with infants aged 0-6 months treated in pediatric primary care, integrating both Family Specialists and legal advocates from MLPB within an interdisciplinary team to promote protective factors for families during a critical period in parent-infant attachment and brain development. The majority of families served by this primary care clinic at BMC qualified for Medicaid, Medicaid managed care, or other state-subsidized insurance plan, and as such a high percentage were low-income families reporting economic hardships.

The findings from DULCE – reduced use of emergency room care by DULCE families, better completion rates for well-child visits and immunizations, and accelerated access to concrete supports like food resources and utility service – were published in *Pediatrics* in 2015.<sup>10</sup>

<sup>9</sup> Ibid.

<sup>10</sup> Sege, Robert et al., Medical-Legal Strategies to Improve Infant Health Care: A Randomized Control Trial, July 2015, available at [pediatrics.aappublications.org/content/136/1/97](http://pediatrics.aappublications.org/content/136/1/97)

In the wake of DULCE's publication, MLPB was invited by the Center for the Study of Social Policy to serve as a national technical advisor on Legal Partnering for communities participating in the DULCE national demonstration project.<sup>11</sup> This national demo project, funded by The JPB Foundation, is in Year 4 and has evolved into a DULCE Learning Network with stakeholders from CA, FL, and VT.

MLPB now has 20+ partners in MA, RI, and nationally – reflecting health care, early childhood and public health stakeholders. Its resources are focused on strengthening problem-solving capacity among workforce members who are often the “First Responders” to social determinants of health with legal dimensions, such as housing instability, food insecurity, and interpersonal violence. Through a range of training and technical assistance strategies focused on interdisciplinary care teams, MLPB is dedicated to advancing health through justice. Notably, for reasons relating both to mission and ethics, MLPB does not deploy its legal staff to undertake direct legal representation of individuals and families. However, MLPB is piloting “accountable legal care” pilots with public interest law community colleagues to further learning about “safe hand-offs” to legal specialists.

MLPB's upstream Legal Partnering model is built to scale to health and human services organizations in every jurisdiction – as exemplified by the spread and scale of DULCE within early childhood systems nationally. MLPB's model focuses on “legal” not “lawyer,” and as a result does not depend on lawyers providing advice to patients but instead builds role-appropriate (scope-of-practice-aligned) legal problem-solving capacity in care teams. In addition, MLPB helps provide technical assistance across the country, enabling constant feedback and fine-tuning of the model to allow for effective service delivery.

<sup>11</sup> Center for the Study of Social Policy, “DULCE: Creating family-centered, equitable access to critical supports,” <https://cssp.org/our-work/project/developmental-understanding-and-legal-collaboration-for-everyone/>

## Positive Value

**Finding:** Organizations in the field should continue to build evidence, track outcomes, and use this information to assess the cost-benefit of civil legal aid programs and demonstrate the value of their work.

Critical to PFS is the ability to demonstrate to payors the social and financial value of investing in preventive services. By leveraging evaluations and programmatic data on impact, programs can articulate the value for a public or private entity in improved outcomes. Given that there is limited data on the longer-term impact of civil legal aid interventions, there are few interventions and providers that are able to conduct complete cost-benefit analyses. One example illustrates the power of this approach: organizations in Philadelphia have demonstrated the significant cost savings for the city through a right to counsel for eviction cases. By quantifying the cost savings to the city through a reduction in homelessness and emergency health care utilization, the analysis estimates that the city could save \$43M each year after providing \$3.5M in eviction defense services. This has contributed to the city's decision to fund the Philadelphia Eviction Prevention Project (PEPP) and expand eviction defense in the city.

Another example is the Medical-Legal Partnership for Seniors Clinic (MLPS) which partners with the San Francisco Veterans Administration Medical Center (SFVAMC) and generates significant value to the VA hospital system. In 2015, MLPS recognized a need for these services among the San Francisco veteran population and implemented an MLP in SFVAMC where it serves older veteran patients at the Geriatrics and Palliative Care Clinics and the Community Living Center. By intervening on their behalf in guardianship and cases allowing for safe discharge from the hospital back into the home, MLPS has saved the VA millions of dollars due to reduced number of days in nursing homes or hospitals.







## CASE STUDY

*Medical Legal Partnership for Seniors Clinic  
(MLPS) (San Francisco CA)*

**MLPS, founded in 2012** as a partnership between University of California Hastings Law School and University of California San Francisco (UCSF) faculty and clinicians, was one of the first medical-legal partnerships targeting the legal needs of older adults. MLPS provides free, holistic legal services to older adults in order to address issues affecting their health and independence. In 2015, MLPS developed a partnership with the San Francisco Veterans Administration Medical Center (SFVAMC) in order to serve older veterans. MLPS specifically serves older adults with “high medical needs due to significant functional limitations and chronic illnesses,” who are often struggling with issues including housing and food insecurity and gaps in health insurance.<sup>12</sup>

The intake process includes a comprehensive legal needs assessment in order to identify all legal needs of each referred patient. After intake, the attorney conducts background case investigation, legal research, case management, and in-person meetings. MLPS provides advance health care and estate planning (sometimes called incapacity planning), public benefits, and wrap-around legal services. Like many other MLPs, MLPS also provides services focused on ensuring that both attorneys and physicians are well equipped to identify and support the legal needs of patients. More specifically, MLPS offers intensive trainings specific to law students and healthcare providers focused on the identification of and response to legal needs affecting the health and well-being of older patients.

In serving older veterans, MLPS has reduced the cost of care by providing legal assistance that helps to minimize the need for conservatorship (a situation in which the court appoints a person or organization to care for an adult who cannot care for themselves or manage their finances). In particular, MLPS has studied the impact of serving 120 veterans between 2017 and 2019. By enabling clients to return to their homes faster, MLPS improves outcomes and saves the VA millions of dollars due to fewer days spent in long-term care at the hospital.

<sup>12</sup> Hooper, Sarah et al. Medical Legal Partnership to Support Vulnerable Older Adults - Program Update February 2019, February 2019

## Community Engagement

**Finding:** Civil legal aid providers have strong community partnerships and engagement to support their work and their clients.

Pay for Success, like civil legal aid efforts, brings together multiple sectors and entities across a jurisdiction, from state and federal governments to private healthcare organizations. We found numerous examples of civil legal aid organizations that are embedded within their communities and strongly aligned with community demand for services and priorities of local policymakers.

Two service providers in particular have done this well: Child HeLP, a Medical-Legal Partnership in Cincinnati, Ohio; and Community Legal Services (CLS) in Philadelphia, Pennsylvania.

Child HeLP, a pediatrics-focused MLP and partnership between Legal Aid Cincinnati and Cincinnati Children's Hospital, has been embedded in their community for more than ten years, generating strong buy-in and support from various stakeholders. They provide services in centers and clinics across the city and have developed strong partnerships with stakeholders at the state level as well. For example, Child HeLP and the Ohio Department of Medicaid are working together to identify the impact that the MLP has on health care utilization.



*Photo credit:* Child HeLP



## CASE STUDY

*Child HeLP Medical Legal Partnership (Cincinnati OH)*

**Child HeLP was formed in 2008** as a partnership between Legal Aid Society of Greater Cincinnati (LAS-Cincinnati) and the Cincinnati Children's primary care centers. Since its founding, it has aimed to address the legal and social challenges facing Cincinnati families that can directly impact their health outcomes. Child HeLP targets low-income children and families seeking care at Cincinnati Children's primary care centers; 90% of the patients at these centers are Medicaid-eligible. They support clients around eliminating health hazards from families' homes, accessing nutrition assistance and education benefits and support, and addressing child custody. Child HeLP also works to educate physicians and other hospital staff members on how to identify legal issues that may be impacting a patient's health.

Currently, Child HeLP is located at Cincinnati Children's primary care centers, including: Pediatric Primary Care Center (PPC) at the Burnet Campus, Hopple Street Health Center, and Fairfield Primary Care Center. LAS-Cincinnati attorneys are located on-site at PPC five days per week. Patients at the other center locations are referred to the Child HeLP office at PPC by doctors and social workers. Overall, Child HeLP receives between 650 and 700 referrals per year, and Legal Aid cites that there are approximately 60 attorneys and paralegals in total who provide legal services for qualifying patients.<sup>14</sup>

<sup>13</sup> "Cincinnati Child Health-Law Partnership (Child HeLP)." Cincinnati Children's Hospital, [www.cincinnatichildrens.org/childhelp](http://www.cincinnatichildrens.org/childhelp)

<sup>14</sup> Ibid.





*Photo credit:* Community Legal Services Philadelphia

CLS Philadelphia is another example of an entity generating strong community engagement and local stakeholder support. In an ongoing effort to increase tenant representation in eviction cases, CLS Philadelphia has built relationships with local leaders to demonstrate the alignment between city initiatives and CLS Philadelphia's eviction prevention focus. CLS Philadelphia secured funding from the city to launch and then fund the Philadelphia Eviction Prevention Project (PEPP), providing legal representation for a select number of Philadelphians.<sup>15</sup> PEPP has become a pivotal component of CLS's long term strategy towards achieving a right to counsel for those facing eviction. In parallel, CLS has engaged in promising conversations with the Mayor, City Council, and the Mayor's Task Force on Eviction Prevention and Response to identify ways to continue to align legal aid services with city priorities.

<sup>15</sup> Taylor, Alicia, "Mayor Kenney Announces Philadelphia Eviction Prevention Project." City of Philadelphia, January 2018, [www.phila.gov/2018-01-30-mayor-kenney-announces-philadelphia-eviction-prevention-project/](http://www.phila.gov/2018-01-30-mayor-kenney-announces-philadelphia-eviction-prevention-project/)



## CASE STUDY

*Community Legal Services  
(CLS) Philadelphia –  
Philadelphia Eviction  
Prevention Project  
(Philadelphia PA)*

**Since 1966, CLS Philadelphia** has worked to address the needs of Philadelphians facing civil legal problems that threaten their housing, incomes, health, or families. Recently, alongside six nonprofits and with funding support from the City of Philadelphia, CLS launched the Philadelphia Eviction Prevention Project (PEPP) as part of their long-term strategy to establish a right to counsel in all eviction cases in Philadelphia. The coalition of nonprofits implementing PEPP includes CLS, Clarifi, Legal Clinic for the Disabled, Philadelphia VIP, Regional Housing Legal Services, SeniorLAW Center, and Tenant Union Representative Network.

The goal of PEPP is to “reduce evictions, prevent homelessness, improve housing conditions, and stabilize neighborhoods.”<sup>16</sup> Currently, PEPP serves a select number of qualifying low-income tenants in Philadelphia facing eviction, and CLS-Philadelphia is pursuing opportunities to continue expanding representation to more tenants facing eviction. PEPP services include direct legal representation, a tenant helpline, a tenant website, financial counseling, information and connections to legal services inside the courtroom, and outreach to at-risk tenants.

<sup>16</sup> “CLS and Partners Release Philadelphia Eviction Prevention Project Tenant Resource Guide.” Community Legal Services of Philadelphia, July 2018, [clsphila.org/learn-about-issues/cls-and-partners-release-philadelphia-eviction-prevention-project-tenant-resource](https://clsphila.org/learn-about-issues/cls-and-partners-release-philadelphia-eviction-prevention-project-tenant-resource)

## CONCLUSION

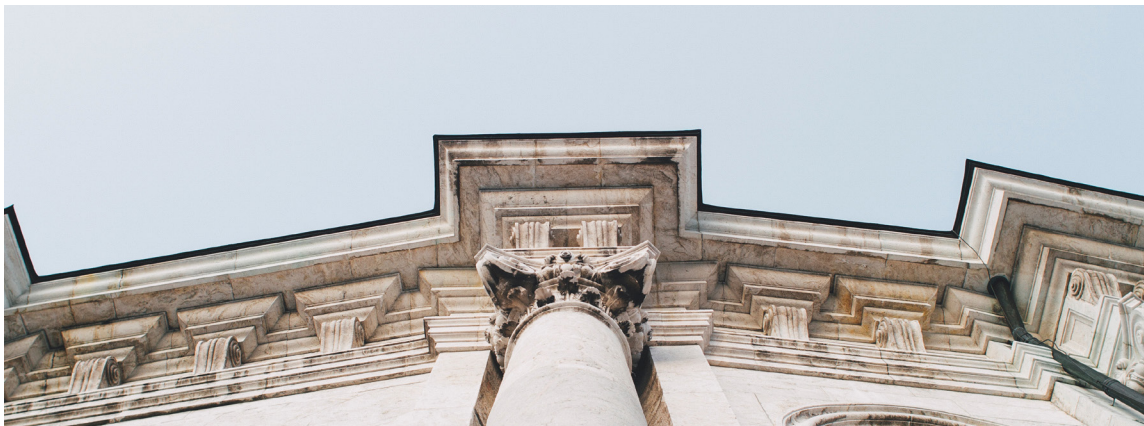
There is an access to justice crisis in the United States, largely driven by an under-resourced civil legal aid services sector. Pay for Success strategies could be a part of the solution in generating additional public and private resources to scale effective legal aid organizations.

There are a number of highly effective service providers in the legal aid space that have relatively strong evaluations of their impact, such as eviction defense and medical-legal partnerships. However, there is still additional work to be done to demonstrate the impact of civil legal aid and to assess the cost-benefit. There is growing momentum in the field to collect data on longer-term outcomes in order to better understand the impact of different legal aid interventions and strategies.

For legal aid providers interested in using Pay for Success financing, the criteria discussed in this report are intended to provide guiding principles for readying their program and approach for Pay for Success financing. Providers should specifically focus on three areas: tracking data on social outcomes, demonstrating and articulating the impact of their work through programmatic data and third-party evaluations, and engaging with potential payors such as state and local government or healthcare entities.

The capacity to collect data on long-term outcomes will allow providers to demonstrate the power of their intervention and to measure their impact during a Pay for Success engagement. Such commitment to data and tracking outcomes will provide critical inputs for a cost-benefit analysis demonstrating the value of their work to potential payors. As providers measure outcomes and demonstrate their value, they should engage with potential payors—government and private institutions—early in the process to build relationships and drive government decisions to increase funding to legal aid using Pay for Success.

As providers and supporting organizations continue to strengthen their ability to track data on outcomes and build their track record through evaluations, they will be better positioned to attract outcomes-based funding and engage in PFS projects.





## REFERENCES

Center for the Study of Social Policy, “DULCE: Creating family-centered, equitable access to critical supports,” <https://cssp.org/our-work/project/developmental-understanding-and-legal-collaboration-for-everyone/>

“Cincinnati Child Health-Law Partnership (Child HeLP).” Cincinnati Children’s Hospital, [www.cincinnatichildrens.org/childhelp](http://www.cincinnatichildrens.org/childhelp)

“CLS and Partners Release Philadelphia Eviction Prevention Project Tenant Resource Guide.” Community Legal Services of Philadelphia, July 2018, [clsphila.org/learn-about-issues/cls-and-partners-release-philadelphia-eviction-prevention-project-tenant-resource](http://clsphila.org/learn-about-issues/cls-and-partners-release-philadelphia-eviction-prevention-project-tenant-resource)

Hooper, Sarah et al. Medical Legal Partnership to Support Vulnerable Older Adults - Program Update February 2019, February 2019

“Housing Justice Alliance.” The Legal Aid Society of Cleveland, [lasclev.org/get-help/community-engagement/housing-justice-alliance/](http://lasclev.org/get-help/community-engagement/housing-justice-alliance/)

Legal Services Corporation & NORC, 2017 Justice Gap Report, available at <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>.

“MLPB History.” MLPB - Advancing Health Through Justice, [www.mlpboston.org/history](http://www.mlpboston.org/history)

Sandefur, Rebecca, “Civil Legal Needs and Public Legal Understanding,” American Bar Foundation, available at [http://www.americanbarfoundation.org/uploads/cms/documents/sandefur\\_-\\_civil\\_legal\\_needs\\_and\\_public\\_legal\\_understanding\\_handout.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_-_civil_legal_needs_and_public_legal_understanding_handout.pdf).

Schwartz, Jessalyn, “Children’s Law Center Medical Legal Partnership: A Holistic Approach to Child Welfare in the District.” Washington Council of Lawyers, 12 Nov. 2018, [wclawyers.org/medical-legal-pship/](http://wclawyers.org/medical-legal-pship/)

Sege, Robert et al., Medical-Legal Strategies to Improve Infant Health Care: A Randomized Control Trial, July 2015, available at [pediatrics.aappublications.org/content/136/1/97](http://pediatrics.aappublications.org/content/136/1/97)

Taylor, Alicia, “Mayor Kenney Announces Philadelphia Eviction Prevention Project.” City of Philadelphia, January 2018, [www.phila.gov/2018-01-30-mayor-kenney-announces-philadelphia-eviction-prevention-project/](http://www.phila.gov/2018-01-30-mayor-kenney-announces-philadelphia-eviction-prevention-project/)

## ORGANIZATIONS

■ **Child HeLP, Legal Aid Society of Greater Cincinnati**  
<https://www.cincinnatichildrens.org/service/g/gen-pediatrics/services/child-help>

■ **Children's Law Center Healthy Together Medical-Legal Partnership**  
<https://www.childrenslawcenter.org/resource/healthy-together-glance>

■ **Community Legal Services Philadelphia**  
<https://clsphila.org/>

■ **Legal Aid Society of Cleveland**  
<https://lasclev.org/>

■ **Medical-legal Partnership for Seniors Clinic**  
<http://www.uconsortium.org/our-work/training-and-services/medical-legal-partnership-seniors-clinic/>

■ **MLPB**  
<http://www.mlpboston.org/>

■ **National Center for Medical-Legal Partnerships**  
<https://medical-legalpartnership.org/>

■ **National Legal Aid & Defender Association**  
<http://www.nlada.org/>

■ **Public Justice Center**  
<http://www.publicjustice.org/>

## ABOUT SOCIAL FINANCE

Social Finance is a national nonprofit organization dedicated to mobilizing capital to drive social progress. Social Finance has pioneered Pay for Success, a set of innovative financing strategies that directly and measurably improve the lives of those in need.

We are working towards a world where every individual has the opportunity to thrive, where governments make funding decisions on—and pay for—positive social outcomes, high-performing service providers have access to sustainable funding that rewards performance, and impact investors can invest their capital directly in improving lives.

Over the past decade, we have catalyzed a nascent idea into a global movement. The Pay for Success (PFS) field that we helped build has mobilized nearly half a billion dollars globally to drive social progress.

### *Social Finance's services include:*

**Advisory Services:** We partner with governments, foundations, and service providers to drive tangible, measurable results for our communities using the full range of Pay for Success tools.

**Social Investment:** As an intermediary, we drive the design and structure of PFS projects. We then raise the project capital and provide ongoing active performance management.

**Active Performance Management:** We use data-driven performance management to ensure projects stay on track and deliver positive results through governance oversight, progress monitoring, and analytical support.

**Field Building:** We serve as thought leaders, sharing our learnings as practitioners and field-builders through publications, op-eds and blogs posts, speaking opportunities, and media engagement.

As one of the first organizations in the United States dedicated to the Pay for Success, Social Finance has the expertise, on-the-ground experience, and partnerships necessary to lead high-quality PFS projects.

Social Finance, Inc  
10 Milk Street, Suite 1010  
Boston, Massachusetts 02108