



Legal Services Corporation
Office of Program Performance

Final Report

From the

Program Quality Visit

to

Legal Assistance of Western New York, Inc.
Recipient No. 233130

April 16 – 20, 2012

LSC Review Team

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Legal Assistance of Western New York, Inc. (LawNY[®]) from April 16-20, 2012. The team members were Cheryl Nolan, Team Leader/OPP Program Counsel, OPP Program Counsel David Bonebrake, College of Law and Practice Management Fellow Larry Greene, and OPP temporary employees Meg Connolly, Joseph Dailing, Doug German, and Alex Gulotta.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC has from the program including its grant application and renewal narratives for 2010, 2011 and 2012, its case service reports (CSRs) and other service reports (OSRs), the numerous documents the program submitted in advance of the visit including advocates' writing samples and an electronic survey of LawNY[®] staff. On site, the team visited the Bath, Elmira, Geneva, Ithaca, Jamestown, Olean and Rochester offices. In addition to speaking to most of the LawNY[®] staff members, the team conducted telephone interviews or met in-person with a large sample of representatives from LawNY[®]'s board, judges, local attorneys and community organizations.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized according to the four LSC Performance Areas that cover needs assessment and priority setting; engagement with the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development and coordination within the delivery system.

OVERVIEW OF PROGRAM AND SERVICE AREA

LawNY[®] provides a full range of legal services to eligible low-income people in the 14 counties located in the western region of New York from seven offices - Geneva, the main office, and the Bath, Elmira, Ithaca, Jamestown, Olean and Rochester branch offices. LawNY[®] was originally established in 1968 as the Monroe County Bar Legal Assistance Corporation. In 1971 it changed its name to the Monroe County Legal Assistance Corporation. LawNY[®] incorporated in 2004 as a result of the merger of the Monroe County Legal Assistance Corporation, Chemung County Neighborhood Legal Services, Inc. and Southern Tier Legal Services and assumed responsibility for serving all 14 counties in the region. The LawNY[®] service area covers 20.6% of the state of New York. The program employs 94 staff working throughout its service area. In 2012, LawNY[®] received \$1,626,401 in basic field LSC funding. In 2011, it received approximately \$5,238,778 from non-LSC sources; this is 72.1% of its total funding.

The LawNY[®] service area is 9,729 square miles and has a poverty population of 222,894, or 13.8% of the total population. The racial and ethnic composition of the

poverty population is: White alone, 65.4%; Black-African American, 17.9%, Asian-Pacific Islander, 3.1%; Hispanic-Latino of any race), 11.1%; American Indian-Alaska Native, 0.8%; two or more races, 3.5%; and other, 3.3%.¹ The primary language of a significant portion of the limited-English proficient (LEP) population is Spanish.

The program's legal work is centered on advice and counsel, limited service, *pro se*/self-help and representation in housing (including fair housing), foreclosure, public benefits, social security disability and SSI, health care/Medicaid, cancer and HIV/AIDS, family law, domestic violence, elder law, special education, veteran's advocacy, legal services for formerly incarcerated persons and consumer law matters. LawNY[®] operates special projects for disability advocacy, food stamp and veterans legal services and outreach. It also operates a *pro se* divorce clinic and a private attorney involvement program. Staffing is enhanced by the AmeriCorps Access to Justice Project. It's legal work and special projects are also supported with several technology projects funded by LSC's Technology Initiative Grants (TIG) to promote *pro se* assistance, self-help, online triage, video capacities and plain language among other significant projects.

SUMMARY OF FINDINGS

LawNY[®] has a highly dedicated, hard-working and experienced management team and board of directors that support a group of very talented lawyers, paralegals, intake and administrative staff. LawNY[®] has developed an excellent reputation with other legal services stakeholders, judges, bar officials and private attorneys. It has enjoyed a number of successes since the merger in 2004. Since the merger, and as a result of its resource development efforts, LawNY[®] has increased funding by 58% and staffing by 50%. The program moved its Rochester office into the Telesca Center joining efforts with the Empire Justice Center, the Legal Aid Society of Rochester, the Monroe County Bar Association and the Volunteer Legal Services Project of Monroe County (VLSP) to provide coordinated services to the Rochester area. It has developed a significant presence in statewide access to justice efforts.

The 2004 merger created a regional program structure intended to maintain the historic service areas of the predecessor programs. Some staff interviewed reported a need for more cohesion and programwide unification that may be hampered by the current structure. For example, intake is not coordinated programwide and technology varies greatly among offices.

Local offices handle their own intake and supervision is provided locally. Intake screening is staffed by the LawNY[®] AmeriCorps and support staff; and callbacks for advice and counsel are handled by advocates. The Geneva office has a streamlined

¹ The numbers do not add to 100% because Hispanic-Latino can be of any race. **Source:** U.S. Census Bureau, American Community Survey 2006-2010 5-Year Estimates, Table S1701, Poverty Status in the Past 12 Months.

hotline system for housing and veterans' calls. The Telesca Center uses a coordinated screening system through a unified reception unit. LawNY[®] has an active intake work group comprised of management and staff who handles intake. LawNY[®] should consider whether the enhanced models used in the Geneva office and Telesca Center could be replicated programwide and whether greater coordination would be beneficial.

LawNY[®] treats applicants and clients with dignity, sensitivity and respect. The program has ten staff members who are bilingual Spanish/English, two of whom are native speakers.

The program is engaged with its local communities. Its seven offices, specialized units and AmeriCorps staffing provide access to program services for many low-income clients in its service area.

The organization's website, www.lawny.org, includes self-help materials, legal information and videos on a wide array of legal problems handled by the program. LawNY[®]'s development and support of New York's automated forms initiative with the Office of Court Administration and the statewide legal aid website serve as a model for other legal aid programs. LawNY[®] was an early adopter of the *pro se* friendly A2J Author platform. The program's automated forms development helped facilitate adoption of A2J Author in the state courts and civil legal aid providers across the country. In addition, the LawNY[®] website links users to the self-help materials in English and other languages.

LawNY also plays a significant role in the LawHelp New York statewide website initiative. LawHelpNY offers extensive resources, including automated forms, to low-income individuals seeking legal assistance (www.lawhelp.org/ny). Since 2006, LawNY[®] has served as the upstate staffing partner for the LawHelp Consortium. LawNY[®] has conducted outreach and education regarding LawHelp among groups of low-income people, legal services providers, other human service providers and legislators and their staffs. It also regularly contributes content to the website, including interactive automated forms and veterans and military legal resources. Finally, a LawNY[®] Equal Justice Works AmeriCorps fellow coordinates the LiveHelp real time chat feature which provides assistance to persons navigating the site.

LawNY[®] completed a comprehensive needs assessment in 2010, which involved staff at all levels, board members and relevant stakeholders. The top three categories of need resulting from its survey of clients were health care, employment and housing. LawNY[®] has successfully sought out special grants consistent with their priorities and addresses most priority areas with the support of specialized grant funds.

LawNY[®] regularly collects information and analyzes the effectiveness of its work, especially in achieving the articulated objectives and desired results. LawNY[®] provides excellent service to the clients it represents. The program assesses clients' satisfaction with its services through surveys at case closure. Satisfaction forms have been developed for assessing clients' experiences with limited services by surveying

reactions to intake, *pro se* assistance and community education and outreach. The last strategic planning process occurred in 2009 and the plan was adopted in 2010 and revised in 2011.

In addition to traditional practice areas, LawNY[®] has several special projects. LawNY[®] is a national leader in post-conviction reentry work. Its reentry work is supported by a New York State grant, the Legal Services Assistance Fund (LSAF), which is administered by the State Division of Criminal Justice Services. Since 2010, the Veterans Outreach Center of Rochester (VOC) and LawNY[®] have had an innovative partnership to assist veterans with civil legal problems for matters which impact directly on basic needs such as housing, health issues, income benefits, and employment. In 2011, the VOC obtained a Supportive Services for Veterans Families (SSVF) award from the Department of Veterans Affairs fully funding the Legal Services for Veterans Project as part of a mix of supportive services for veterans who are homeless or at risk of homelessness.

The program's PAI strategy complements its direct services. The PAI effort consists of a contract with the Volunteer Legal Services of Monroe County for clients in Rochester. For the other offices, PAI is handled locally through panels of pro bono attorneys to whom cases are referred and via clinics. Referrals are made in a variety of areas including evictions, consumer law, bankruptcies, tax liens, and debt collection, health matters including clients with HIV/AIDS, or cancer, divorce cases and wills. Rural PAI is a challenge for the program. LawNY[®] is encouraged to collaborate with the VLSP to improve rural PAI.

LawNY[®] is engaged and well-respected by the judiciary and its community partners. The executive director is well-received by staff, the board and members of the community. The LawNY[®] management staff is skilled, experienced and dedicated. The board is appropriately involved in overseeing the work of the program. Board members are conversant with the major issues facing the program and show a deep understanding of the mission and role of the organization. Board members demonstrated a working knowledge of the budget and were appropriately concerned with maintaining a fiscally sound program. The board is also involved with resource development.

LawNY[®] has successfully diversified its funding. LawNY[®] is encouraged to continue focusing on funding opportunities to address the estimated \$1 million deficit in 2013.²

LawNY[®] is actively involved as a leader in statewide efforts to improve access to justice. LawNY[®] coordinates with other providers, the bar, law schools and other relevant entities in seeking to ensure that support is provided to advocates and managers,

² Subsequent to the visit, the executive director informed LSC that LawNY[®] received news of increased funding from several funders including an increase from the Office of Court Administration in the sum of \$656,000, an award from the New York State Office of the Attorney General of \$100,000 for foreclosure prevention services and three separate new awards from the New York State Office of Temporary and Disability Assistance totaling \$364,000 for the Solutions to End Homelessness Program (STEHP).

including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice.

While the program is providing valuable and important services to low-income clients, and it has gained the respect of its stakeholders and colleagues, there is a need to examine its corporate and management structure as originally designed in the merger of 2004.

The program should also consider whether it is time to dedicate resources to a programwide technology coordinator, as well as focus more intently on impact advocacy and its other goals and values around increasing extended services. LawNY[®] should also consider whether this effort would benefit from the leadership of a director of advocacy.

FINDINGS AND RECOMMENDATIONS

PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.

Finding 1: LawNY[®] last conducted a comprehensive assessment of legal needs in 2010. LawNY[®] is responsive to reviewing community needs.

LawNY[®] completed a comprehensive needs assessment in early 2010. It included a written survey of clients, a written survey of agencies that work with the client community, a review of census data and needs assessments generated by other governmental agencies and human service providers and a survey of staff. LawNY[®] sought input from agencies across its service area that work with those with special access challenges including limited English proficiency and those who face literacy barriers. LawNY[®] received a total of 535 responses from low-income people. The top three areas of need identified in these survey responses were health care, employment and housing. The program received 141 responses from human service providers. The top three areas where organizations recommended LawNY[®] focus resources were violence in the home, homelessness prevention and child abuse. Twenty-seven staff respondents reported that the three most important areas for LawNY[®] to focus its resources were evictions, homelessness prevention and TANF.

Survey results were shared and discussed during staff meetings. The needs assessment process was completed with a statement of priorities adopted by the board in December 2010. From the categories identified by the needs assessment, ten priority areas were established: safe, affordable housing in safe communities; maintaining economic stability; ensuring health and well-being of clients and their families; improving outcomes for people with disabilities; improving outcomes for survivors of domestic violence; improving outcomes for the elderly; improving outcomes for formerly incarcerated persons; improving outcomes for children; improving outcomes for families; and improving outcomes for veterans and their families.

Finding 2: LawNY[®] case handling reflects program priorities. The breadth of services provided is commendable. LawNY[®] actively pursues funding opportunities that support demonstrated client need.

The program's goals and priorities are clearly stated and staff is aware of them. Case acceptance squares with the goals and priorities, many of which are determined by grant deliverables. Program priorities are sufficiently broad to address the needs of the community. Grants have been obtained and innovative projects developed to target client needs. The breadth of services provided is considerable, seemingly addressing the most pressing needs in effective ways.

In between its formal needs assessments, LawNY[®] reviews client needs as part of other assessments, including the annual review of priorities and through the various staff work groups. It also reviews needs as part of its work with intake and with community providers. The program has aggressively pursued emerging and non-traditional needs and set up specialty projects to address them. An example of this is seen in the increased demand for assistance to persons re-entering the community after incarceration and for persons with criminal records. LawNY[®] has formed collaborations and applied for funding from the Department of Labor (DOL) to increase capacity in legal services to increase the likelihood of employment for this client population.³

Finding 3: LawNY[®]'s revised strategic plan outlines specific action items carried out through staff work groups. The program demonstrates progress on many key components.

LawNY[®] began its strategic planning process shortly after finalizing its program priorities for legal work. Three strategic planning priority areas were identified and action plans were developed. The three priority areas are: expanding effective collaborations within the program, broadening and deepening effective client services and developing sustainable and unburdensome resources. The strategic plan was adopted by the board of directors on April 1, 2010, and revised August 11, 2011. The revised strategic plan will take LawNY[®] from September 2011 to August 2012.

The priorities currently utilized by the program are consistent with the priorities set forth in the strategic plan. Staff members indicated that the strategic plan is being implemented and progress is being made on some of the goals. The Telesca Center, a project of national prominence, is an excellent example of the program broadening client services and developing alternative delivery approaches by coordinating intake and service delivery. Progress continues to be made in the program's creation of its substantive law work groups where less experienced staff is paired with experienced staff throughout the program to lead the work groups. While staff views the strategic plan and

³ The lead agency on this grant application was the Center for Community Alternatives, a nationally recognized leader in reentry services for persons with criminal records. Unfortunately, the proposal was not funded. However, LawNY[®] continues to plan for future partnerships and proposals to the DOL for reentry services.

its initiative positively, interviews with staff members and an analysis of the plan indicate that progress in the goal of collaboration and integration of the three former programs into the merged organization is slow and, in some respects, possibly not happening. While subtle, there is resistance to full integration by some staff and some offices.

Finding 4: LawNY[®] fosters a culture of outcomes measurement and internal evaluation of the effectiveness of services.

Meeting grant deliverables is one way LawNY[®] gauges the effectiveness of its service delivery. Regular reports are generated for each grant to determine the current status of reaching deliverable goals. These measurements are usually in the form of the number of cases handled or persons served. Another method of outcomes measurement focuses on whether the current needs of the clients are being addressed. The program utilizes surveys to gauge client satisfaction regarding services received. The program assesses clients' satisfaction with its services through surveys at each case closure. Satisfaction forms have been developed for assessing clients' experiences with limited services by surveying reactions to intake, *pro se* assistance and community education and outreach. These forms were developed after the program found their case closure surveys were not expansive enough as to the scope of assistance provided. The program checks to make sure cases accepted and work done are within the priorities set during the strategic planning process and subsequent reviews of those priorities. LawNY[®] surveys other providers of services to the low-income community regarding the effectiveness of their outreach efforts.

LawNY[®] engages in ongoing evaluation, both formal and informal, of the effectiveness of its delivery strategies and work, and makes changes in program goals, objectives, and strategies where indicated by such evaluations. LawNY[®] regularly collects information and analyzes the effectiveness of its work. This internal evaluation occurs quarterly and biannually in preparation of its required grant activity reports to LSC, the New York State Interest on Lawyer Account and Office of Court Administration funders, and as part of its annual priority setting review. It also occurs as a result of the program's review of its case service data, program priorities, private attorney involvement, and at regular case review meetings, in staff performance evaluations, in client surveys, and following community outreach events. The program analyzes trends in case closing numbers for increases or decreases in volume for each office. The program assesses the various reasons for changes in volume and the content of its grant activity reports. In its analysis and evaluation, LawNY[®] considers the perspectives of clients and members of the low-income population, advocacy and agenda of other organizations that serve the same constituency as well as other stakeholders in a position to judge the effectiveness of the program's efforts. In considering adjustments, LawNY[®] examines available information concerning the effectiveness of other legal assistance providers in the service area. After considering evaluations of its work and all other relevant information, LawNY[®] makes appropriate adjustments in its goals, objectives, strategies and legal assistance activities.

PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.

Criterion 1. Dignity and sensitivity.

Limited English Proficiency (LEP)

Finding 5: LawNY[®] is linguistically and culturally competent, and it treats clients with dignity and respect.

LawNY[®] operations are carried out in ways that affirm client dignity and are sensitive to client circumstances. Consistent with the applicable rules of professional conduct and funding requirements, and within the limits of the legal assistance that LawNY[®] has agreed to provide a particular client, LawNY[®] identifies and attempts to achieve each client's objectives. LawNY[®] provides excellent services to the clients it represents.

The providers in the service area, including social services and community partners, collaborate with LawNY[®] to reduce the problem of multiple referrals for clients. There is a solid network of providers in the state.

Program services, communications and activities are conducted in a culturally and linguistically competent fashion, and reach the significant low-income population segments. This is largely due to the program's explicit goals and objectives and allocation of available resources. This is especially seen at the Telesca Center in Rochester and in the program's special projects.

The program's staffing roughly matches the racial and ethnic composition of its client community. Further, there is a staff level work group that focuses on diversity. LawNY[®]'s language access efforts on behalf of persons with limited English proficiency (LEP) are appropriate. In LawNY[®]'s service area, the total LEP population is not greater than 5% in any of the 14 counties. It is highest in Monroe County with a 2.5% LEP population, 43.8% of which are Spanish-speakers. The website includes self-help materials and legal information translated into Spanish. Ten staff members are bilingual in Spanish/English, two of whom are native speakers. One staff member speaks Japanese. They help with intake and outreach duties and translation for staff when necessary. Staff uses LLE Link[®] for telephone interpretation and local interpreters for in-person assistance as necessary to supplement its staff resources. LawNY[®] reported a significant presence of hearing impaired people in Monroe County due to the proximity of the National Institute for the Deaf at the Rochester Institute of Technology. Staff use the Rochester Institute of Technology sign language services and the Berlitz translation services to assist client services.

The program has an LEP plan and a staff level work group. The LEP work group is responsible for programmatic LEP efforts including overseeing the translation of client materials, the use of LLE Link[®] and intake. The LEP work group also evaluates its

efforts and accomplishments. LawNY[®] is also the upstate coordinator for the statewide client website, LawHelp/NY, which has resources in 33 languages in addition to English and Spanish. LawNY[®] refers applicants to the self-help materials in English and other languages posted to www.lawhelp.org/ny.

Intake

Finding 6: LawNY[®]'s local offices handle their own intake. A staff work group leads intake initiatives.

Intake at LawNY[®] is primarily conducted by telephone at local offices. The offices use local and toll-free numbers. LawNY[®] has a staff work group devoted to assessing the effectiveness of its intake procedures. In 2006 and 2007 the Intake Work Group began enhancing intake including developing an intake manual. It provides guidance for opening new files and data entry into the TIME case management system. The manual addresses eligibility, conflict of interest, issue spotting, level of service and other procedures relevant to the intake process. LawNY[®]'s manual also includes scripts for screening questions in specific substantive areas. In addition, the LawNY[®] intake manual contains the program's core values focused on the needs of clients and staff in conducting efficient intake. A stated purpose of the intake manual is to "provide a guide to the essential features of intake, ensuring that we collect required information in a consistent way, while leaving flexibility to implement the office intake system in a way that meets the needs of clients in the community."⁴

In each of the rural offices, intake is handled similarly. A large corps of AmeriCorps staff handles the intake functions. All offices use experienced attorneys to oversee intake, case acceptance decisions and the level of service provided. In Geneva there are six AmeriCorps volunteers. Rochester has five AmeriCorps volunteers. In the smaller rural offices, intake is staffed by smaller groups of AmeriCorps volunteers; there is one in Jamestown and four in Ithaca. Because the core function of intake is so highly staffed with AmeriCorps funding, there is a concern among the visit team regarding the loss of that funding and the negative impact to the delivery system that would result.⁵ The program is cognizant of the potential impact of funding changes to its intake staffing and management has begun discussions about future planning in this area.

Intake for telephone and walk-ins is open during regular business hours. New calls and walk-ins are pre-screened by a receptionist or AmeriCorps paralegal. AmeriCorps staff reviews new applications, conducts further screening on the legal problem, and triages the matter for immediate handling and further review for extended representation. After appropriate training, AmeriCorps volunteer paralegals and volunteer law students conduct full intake interviews. Many of the AmeriCorps volunteers come from the communities they serve. In addition to their intake duties, the

⁴ This section in the manual likewise notes that intake is "a work in progress", that the manual itself is subject to this notion, and staff is invited to contribute with suggestions for its improvement.

⁵ Subsequent to the visit, the executive director reported that the AmeriCorps paralegal program received renewal funding for 2013.

AmeriCorps volunteers have special projects. Depending on the office, some AmeriCorps staff also handles cases and provides support to advocate staff. AmeriCorps paralegals receive extensive substantive law training from experienced attorneys and paralegals.

Each office assigns advocates to emergencies on a rotating basis, so no telephone caller or walk-in applicant with an emergency will wait to be evaluated for services. Telephone intake and advice is generally conducted by callbacks. Emergency matters are handled the same day. Completed applications are reviewed at regular case review meetings. Clients are notified of the status of their application within a couple of days.

The telephone and intake system does not use an auto attendant to answer incoming calls, but instead uses a more traditional staff model. The offices have limited incoming lines and the offices do not use queues. The program does not have call management software to track call volume. Because the program does not have the benefit of call management software that would indicate the volume of unanswered and abandoned calls, as well as wait times, the team was unable to review data to determine the degree to which volume impedes client access. However, staff did not report problems with excessive volume of applicants walking in to offices to apply, or other similar symptoms of limited access. In fact, staff and community partners universally report that busy lines are the exception and not the norm. In a survey of LawNY[®] staff, 96% responded that the intake system was convenient for clients; 94.4% responded that intake was accessible for persons with disabilities.

Finding 7: The Rochester office prioritizes emergencies due to the volume of intake.

In the Rochester office, intake is first streamed through the Telesca Center by a coordinated system at reception where all incoming calls and walk-ins are directed to the appropriate organization for each person's legal problem. The receptionists are trained on the referral protocols for the five different organizations in the Telesca Center. After this pre-screening, the LawNY[®] Rochester office handles the intake for its clients.

The program reported that higher intake volume seen in the counties served by the Rochester office resulted in a prioritization for emergency matters. In Rochester, non-emergency calls are processed from 10:00 a.m. to 2:00 p.m. This four hour period is reserved for cases that do not require immediate attention, so staff can better deal with emergencies throughout the day. If intake staff is unavailable to take a call during the non-emergency hours, the call overflows into a voice mail box where the caller leaves a message. Staff returns calls on the messages left between 1:00 and 2:00 p.m. If a caller with a non-emergency calls outside of the designated time frame, they are asked to call back the next day.

Walk-ins are handled immediately, regardless of time of day in order to avoid making applicants come in twice. While the Legal Aid Society of Rochester has call management software that tracks call data such as volume and wait times, the LawNY[®] Rochester office had not analyzed this data at the time of the visit. The Rochester office

reports that it typically receives 50 to 60 calls between 10:00 and 2:00, and 10 to 15 emergency calls, 10 to 15 walk-ins and approximately five fax referrals from community partners throughout the day. The system of prioritizing categories of intake developed as a way to reduce the missed calls and heavy walk-in traffic, as well as responding to the daily fax referrals, and emergencies requiring immediate attention. Before the present system, they found it difficult to timely handle emergency issues and return calls on voice mail messages. The volume of walk-ins, and the inability to handle the volume of requests is a concern for the visit team. It is also a concern that in some cases, non-emergencies and outside intake hours, clients are being told to call back the next day.

Finding 8: The Geneva office’s housing intake is a model for streamlining screening and the provision of advice. The program recently began a similar practice for veteran’s calls.

In 2009, LawNY[®] transitioned to a hotline system in the Geneva office to screen callers with housing problems. The change resulted from an assessment of the volume of housing calls at the Geneva office where staff spent a disproportionate amount of time on applicants for whom the program did not have the resources to provide extended services. The program learned that it was hampered from providing extended services in meritorious matters due to the time spent on these intakes. Under the streamlined system, advocates pre-screen applicants for whether an issue falls within program priorities, and if so, screen for financial eligibility. Eligible callers may receive counsel and advice or a higher level of service. Callers who do not receive direct service may receive generalized information and referrals where appropriate. In February 2012, LawNY[®] launched a similar system for veterans’ calls by sending the call directly to the veterans’ unit paralegal or another paralegal who can help with their legal problem. From January 1, 2011 to June 30, 2012 the Geneva housing hotline handled 556 calls. From February 22, 2012 to June 30, 2012 the Geneva veterans’ hotline handled 66 calls.

Recommendations:

II.1.6.1.*⁶ LawNY[®] should consider programwide coordination of its intake systems through the program’s intake work group. This might involve dedicating a supervisor for intake programwide. Coordination would enhance current integration and help implement best practices throughout the program.

⁶ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk (*) are Tier One recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

II.1.6.2. LawNY® should consider alternate staffing models should its AmeriCorps funding change in the future.

II.1.6.3. LawNY® might consider how the addition of online intake could improve access to the program. LSC's Intake Focus Group is available to provide technical assistance in developing and implementing an online intake component.

II.1.7.1.* LawNY® should conduct an assessment of intake in Rochester to confirm there are no potential or unknown access issues. To the extent resources are available, the program should begin periodically analyzing call data to help ascertain the status of call volume and wait times at intake and monitor the quality of intake services. LSC's Intake Focus Group is available for technical assistance.

Criterion 2. Engagement with the low-income population.

Finding 9: LawNY® is actively engaged and visible in the client community. The program's staff members are well connected and well respected by the service provider networks in their respective communities.

The program's staff members are well connected with the service provider networks in their respective communities. The program's reputation with other community groups is excellent with regard to client satisfaction and sensitivity toward clients. It is highly respected among those organizations contacted during this visit, which report that their clients are very satisfied with the service obtained from the program. Numerous collaborative arrangements with other community and legal service organizations result in additional funds, joint service-delivery projects, the leveraging of funding opportunities, coordinated delivery of services, shared resources, elimination of duplicated services, and enhancement of client access to services. Some of these collaborations are very innovative and state-of-the-art. Some, such as the Telesca Center, are unique on a national scale.

Staff members serve on a number of outside boards, serving as officers and chairs, and participate regularly in meetings with other groups dealing with the problems of low income people. Community involvement is present in every office in the program and is a shared institutional value. Much of the program's community work involves activities with other service provider staff. LawNY®'s staff is actively engaged in the client community in a number of ways, but most impressively with their collaborative projects including the reentry work for persons with criminal backgrounds, the veteran's outreach project and the fair housing project. Staff members often go on-site to interview clients where they can build upon the trust already created by the collaborating organization.

The IOLA funded programs in the 14 counties of the LawNY® service area meet once a year to discuss coordination of services. LawNY® works with a variety of community agencies and service providers including senior centers, Continuum of Care coalitions, Loaves and Fishes, the Wayne County Department of Aging and Youth,

Housing Options Made Easy (HOME), Catholic Charities and various domestic violence advocacy organizations throughout the service area. In Rochester, the Telesca Center has a unified telephone system that seamlessly routes callers to the appropriate program and referrals are likewise coordinated. The Telesca Center is a model for offering services in a seamless manner. In addition to the unified telephone systems, walk-in clients are directed to a common waiting room where they are interviewed and referred to the appropriate legal services program within the Telesca Center, eliminating the need to visit several different offices at several different locations. The rural offices achieve, to some degree, the same efficiencies by working with community organizations that make referrals.

LawNY[®] has begun to use Facebook, Twitter and YouTube to feature news of projects and its accomplishments. LawNY[®] uses its Facebook page to share information about relevant community services, legal information, notices of live chat sessions and other helpful information for the community. An AmeriCorps paralegal is leading the work with social media.

Criterion 3. Access and utilization by the low-income population.

Finding 10: LawNY[®]'s office locations, hours and LEP procedures are calculated to achieve the broadest possible access to clients.

The location of LawNY[®]'s offices, office hours, procedures for communicating with LEP and non-English speaking people, and other facilities and procedures are all reasonably calculated to achieve the broadest possible access and utilization by clients, including populations with traditional access difficulties. In general, the offices are clean, inviting, and professional in nature. Educational materials covering a wide variety of subjects in English and Spanish are available in waiting rooms.

LawNY[®] staff conducts extensive outreach throughout the service area and makes special efforts to accommodate those applicants with special needs, including performing off-site and after-hours intake. The LawNY[®] website provides links to the specific cases handled by each office to guide applicants in finding legal assistance.

LawNY[®] provides services to each of the major low-income racial, ethnic, and LEP populations in its area, looks for and assesses anomalies between caseload and service area demographics that suggest access barriers, and then takes steps to address them. Several new, unique cultural minority communities exist in the program's service area, such as the Asian population in Ithaca. This is discussed at regular management meetings. Three management staff are responsible for moving forward on efforts to reach out to these groups as part of the program's second priority in its strategic plan which addresses broadening and deepening effective client services.

LawNY[®] staff evidence knowledge of substantive issues and problems that have a unique or disproportionate incidence or effect upon particular segments or categories of

the low-income population. A culture of collaboration within the strong network of providers in the region results in better service to clients.

The program has a special innovative project to make sure its written communications are at a reading level that is understandable by clients. In 2009, LawNY[®] received an LSC Technology Initiative Grant (TIG) to publish model plain language legal resources, create an in-person and online readability course open to legal services advocates, and provide one-on-one plain-language tutoring. The program's work with readability experts has allowed it to develop content accessible to a broader portion of its client base and work with the New York Unified Court System to develop more usable *pro se* documents. This year LawNY[®] is continuing its efforts to enhance the accessibility of legal aid content through a follow-up plain language TIG.

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.

Criterion 1. Legal representation.

Finding 11: LawNY[®] has a corps of highly competent and experienced legal work management staff and case handlers. Several training opportunities are made available to newer advocacy staff and to enhance the skills of the more experienced staff.

Legal representation at LawNY[®] is effectuated through a mix of limited and extended representation. The program has a number of special projects that address various priority areas. Advocates generally operate under one or more of such grants, including projects in the areas of domestic violence, food stamps, disability, veterans, ex-offender reentry, housing, and health. These projects not only provide for individual assistance but, by their nature, result in the staff actively engaging with the low-income community and various community stakeholders.

LawNY has in place adequate capacity and resources to carry out its work, insofar as its resources permit. Through strategic use of resources and internal and external collaborative efforts integrated through all levels of management and staff, LawNY[®] serves a broad spectrum of low-income people in its service area. LawNY[®] has implemented a delivery system where the most pressing needs of clients are identified and legal assistance is triaged. In each of its priorities, LawNY[®] clearly articulates the methods used to achieve desired outcomes for its clients.

LawNY[®]'s legal staff includes the executive director, two deputy directors, a director of litigation, two managing attorneys, eight supervising attorneys, 23 staff attorneys, five AmeriCorps attorneys, 14 paralegals and 23 AmeriCorps paralegals. The program is fortunate to have a dedicated, committed and highly competent corps of management, advocates and administrative staff. The executive director has over 30 years of experience in legal services both on a local and national level and the litigation director has over 40 years of experience. The deputy directors' and managing attorneys'

combined experience exceeds 195 years of commitment to legal services. The program has a mix of experienced and less experienced attorneys and other advocacy staff. More than 30 staff members have over 20 years experience, 19 have over 30 years and 2 of those have more than 40 years.

Even in this difficult financial environment, LawNY[®] ensures substantial training opportunities are available for staff, including in new areas of law. The program is deliberate in its efforts to ensure that staff receives training in their practice areas suitable to their experience levels. Newer staff is generally provided more substantive and skills training opportunities than experienced staff. The program provides intensive training to its new class of AmeriCorps intake paralegals and volunteer law students each year. The most recent AmeriCorps intake paralegal training took place in September 2011 and the next one is scheduled for late 2012. The most recent training for summer volunteer legal interns took place in May 2012. During a recent 12 month period from April 2011 to March 2012, staff attended 120 separate training events across a broad variety of substantive law and skills areas. In addition, during that same period, LawNY[®] staff served as presenters in at least 122 trainings in a broad variety of substantive law areas, including at community legal education events. Training is overseen by the supervising or managing attorney in each office. Supervisors consult with staff on training needs and forward training requests to the deputy directors and managing attorneys for approval. In addition to the required continuing legal education, attorneys regularly attend state bar sponsored programs as well as those provided by Empire Justice Center. Several attorneys attend the New York State Partnership Conference, as well as national legal services conferences, and LawNY[®] is a regular presenter. At least one newer supervising attorney has been encouraged to and will attend management training through Management Information Exchange (MIE). The administrators attend the MIE Administrators training program every other year, as well as training conducted by a large law firm on employment law. These training opportunities are supplemented with online and other in-house trainings.

LawNY[®] is working on a more formal approach to training through its programwide staff work group for training, leadership development and diversity. This staff work group is co-convened and overseen by two supervising attorneys. Recently, some of the training it has developed internally was submitted to New York's Mandatory Continuing Legal Education Board to be accredited for the provision of continuing legal education. This has allowed the program to provide training to its attorney staff and to pro bono attorneys throughout its service area resulting in the continuing legal education credit necessary to comply with New York State's requirement. Examples of these trainings include a disability benefits overview, a CLE session on reentry law focusing on the nuts and bolts of certificates of relief from disability and good conduct and trainings on unemployment, family and bankruptcy law.

Finding 12: LawNY[®] provides ample oversight for legal work with a collaborative approach of maintaining the quality of services. Advocates receive feedback on casework during staff meetings and in discussions with their directing attorneys. The program does not staff a programwide director of advocacy.

Under LawNY[®]'s organization chart, one deputy director is assigned to the Bath, Jamestown and Olean offices; the other deputy director manages the Ithaca and Elmira offices.⁷ An experienced managing attorney oversees the Geneva office and the program's LiveHelp project; another experienced managing attorney oversees the Rochester office. The deputy directors and managing attorneys handle pro bono activities for their respective offices. In addition, eight supervising attorneys programwide are assigned to the units handling LawNY[®]'s core practice areas including housing, foreclosure prevention, consumer, social security and SSI disability benefits through the Disability Advocacy Project, unemployment, elder law, health law, ex-offender reentry, domestic violence, family law, and intake. LawNY[®] staffs a director of litigation located in the Bath office who also oversees the advocacy work in the Olean and Jamestown offices, which he regularly visits for case review and to review pleadings. However, he is not involved with programwide systemic advocacy or planning. His title reflects his position with the predecessor program. He carries a caseload.

A description of supervisory guidelines shared with funders was provided in preparation of this visit; however, the protocols are not contained in a written manual. The supervising and managing attorneys, deputy directors and executive director oversee the quality of legal work. The job descriptions for the deputy directors, managing attorneys and supervising attorneys outline a collaborative system working together to maintain the quality of services. The job description for the deputy directors provides for the oversight of all activities for their assigned regions, including monitoring the consistency with which the offices and staff provide high quality services according to LawNY[®]'s mission. The deputy directors, managing attorneys and supervising attorneys are responsible for supervising cases handled by their respective offices or units. The supervising and managing attorneys are also responsible for case assignment, conducting periodic case reviews and reviewing closed cases.

Advocates receive assistance with case strategy and legal research from their supervising attorneys, a managing attorney or a deputy director. The supervising and managing attorneys are responsible for ensuring that new, less experienced advocates acquire basic advocacy skills. The managing and supervising attorneys oversee compliance with LSC regulations and coverage for intake and case acceptance. Supervising attorneys assign new cases according to funding source and existing caseloads, other projects, expertise in the specific area and skill levels.

Training of new attorneys is supported by open door support from all managers. Case review meetings offer a meaningful way for program advocates to interact in particularized substantive areas. Staff reported that performance evaluations and case reviews occur regularly. Supervisors have individual case reviews commensurate with casehandlers' experience; these generally occur once a month.

⁷ The deputy directors were the executive directors of the predecessor programs Chemung County Neighborhood Legal Services and Southern Tier Legal Services.

LawNY[®]'s core of senior legal staff members is generally accessible when staff requests assistance on a particular case. Staff speaks highly of their supervisors regarding both their expertise and availability for assistance. Staff interviews evidenced widespread respect and appreciation for the assistance and accomplishments of both deputy directors and the executive director. Newer staff consistently reported that they had supervisory meetings on a regular basis.

Finding 13: LawNY[®] maintains adequate systems for case work supervision, however it does not have uniform, written legal work management manual.

LawNY[®] maintains adequate practices for reviewing the legal work of individual casehandlers. Supervisors' work is reviewed by senior supervisors. Supervising attorneys and staff attorneys have a similar view of the systems and how they are to be used. Staff reported that, in general, supervisors keep track of caseloads and individual case work to keep them appropriate. Case load expectations are handled individually through the staff development plans in the performance appraisals which are addressed each year.

LawNY[®] supervision practices ensure high quality representation and appropriate client file maintenance. Most of these systems and procedures are memorialized in the Attorney Performance Standards. The Standards reference the American Bar Association standards and the New York State Rules of Professional Conduct. The implementation of these systems varies by office. LawNY[®] utilizes relevant representation support systems, including the TIME case management system. The type and use of a tickler scheduling system seems to vary by advocate and office. Staff reported using a variety of tickler systems including TIME, Outlook/Google Calendar, and various physical or paper calendars. Not all reported variations had the redundancy expected by best practices.

Finding 14: Staff has the means to stay abreast of new developments in the law and has ways to meet and discuss the current state of the law. Technology varies among offices.

In general, program advocates are provided sufficient resources to accomplish the work and support the program's mission and staff reported that they have access to appropriate research tools and other resources to support the provision of high quality legal services. Legal research resources include Westlaw[®] and other poverty law manuals and journals provided by the Empire Justice Center and the Western New York Law Center, several substantive law listservs, the Statewide Disability Advocacy Project Task Force, the Statewide Domestic Violence Task Force, the program's in-house library, and other national support center materials. Although advocates expressed some ability to access and use experts in cases, the total amount allocated for litigation support is approximately one-quarter of one percent of the total program budget. During the visit, a significant number of staff reported a need for additional administrative support.⁸

⁸ On the staff survey sent prior to the visit, in response to the statement "Our organization provides advocates with appropriate administrative and/or secretarial support to ensure the provision of quality legal services." 21% of staff members disagreed or strongly disagreed.

Subsequent to the visit, LawNY[®] reported it had begun to address this issue. The program decided to hire an additional administrative assistant for the program's Rochester office. An analysis is underway to determine whether resources allow for the hiring of an additional administrative support staff member for the program's Jamestown office.

Staff reported that they have sufficient access to technology tools, specifically the case management system and program applications. Some staff questioned the level of access to and the breadth of the Westlaw[®] subscription. However, the program reported that the database included in the program's Westlaw[®] subscription was enhanced in April 2011 as a result of staff feedback.

Finding 15: LawNY[®]'s case service reporting demonstrates a highly productive program.

The program's 2011 case closings are well-above national medians. In 2011, the program closed 7,085 cases or 380 cases per 10,000 poor persons in its service area. This compares to the national median of cases closed per 10,000 poor of 263. In 2011, LawNY[®] reported closing 2,416 extended service cases (34.1% of the total cases) and 4,669 limited service cases (65.9% of the total cases). This compares to a national extended service average in 2011 of 22.3%. The program's 2011 extended services per 10,000 poor persons in its service area is 129; the national average per 10,000 poor persons is 57. The LawNY[®] 2011 contested cases per 10,000 poor persons in its service area is 92; the national average per 10,000 poor persons is 32.

Finding 16: LawNY[®] is providing quality services to clients. The program has an expressed goal of increasing extended services and advocacy geared to achieve greater impact on the low-income population as a whole.

Extended cases generally involve individual representation, although a number of cases have had impact beyond the individual client. Some staff reported approaching their caseloads with an eye to addressing issues of broader import. The executive director also shared a desire to increase the program's work on impact advocacy. One staff member noted, "I think that if we could increase communication and collaboration between offices, and share fiscal resources more creatively, we could improve our ability to address systemic problems." This observation resonated with the assessment team. However, in several areas of law, LawNY[®] has taken steps to develop the capacity and do the type of representation necessary to meet the identified most pressing needs of the eligible client population. Examples of cases with significant outcome to clients include an action against the Department of Social Services (DSS) for violating the Fair Labor Standards Act by failing to consider a public assistance recipient's participation in a work program when recovering interim assistance from a retroactive payment of social security benefits. This matter was resolved favorably with retroactive benefits to the client, a change in DSS policy and an award of attorneys' fees. Several case examples arise out of the collateral consequences of contact with the criminal justice system and the illegal use of arrest records in background checks. One such case undertaken involves the rescission

of an employment offer based on the applicant's arrest record and the failure to allow her to appeal the determination and adverse action. As of the time of this report, the case is pending in the U.S. District Court for the Western District of New York. A second defendant, a credit reporting agency, is being added as a party. The program reports it is hopeful that the case will be able to be settled on terms favorable to its client.

Interviews with staff about their casework, feedback from community partners and judges and a review of advocates' legal work writing samples and outcomes reporting indicate that LawNY®'s legal work and client representation is of high quality. Program attorneys appear regularly in court or at administrative hearings for housing, family and public benefits cases. Outcomes reporting for 2011 casework show the program helped 31 persons obtain, preserve or increase employment benefits, directly affecting 71 persons. In addition, the program obtained 205 divorces, separations or annulments directly affecting 494 persons. Similar outcome data is available for all of the other LawNY® practice areas, with the highest volume of cases and number of persons affected being in the areas of housing and government benefits where the program assisted 2,119 and 2,616 individuals respectively. The quality of advice and counsel provided by telephone is high. Writing samples and interviews revealed that overall casehandlers are knowledgeable about their clients' legal problems and have the requisite practice skills to address them. The writing samples submitted generally reflected high quality work.

In addition to its traditional practice areas, LawNY® has several special projects. LawNY® is a national leader in post-conviction reentry work. Its reentry work is supported by a New York State grant, the Legal Services Assistance Fund (LSAF), which is administered by the State Division of Criminal Justice Services. LawNY® receives \$36,000 a year for this work. The project is staffed by a full-time attorney. Other attorneys handle reentry cases as needed, and a managing attorney supervises all casework as well as co-counseling on affirmative litigation. LawNY® supports the project using unrestricted funds.

Since 2010, the Veterans Outreach Center of Rochester (VOC) and LawNY® have had an innovative partnership to assist veterans with civil legal problems for matters which impact directly on basic needs such as housing, health issues, income benefits, and employment. Unlike the traditional office model for delivering legal services, a LawNY® attorney meets with clients at VOC through clinics and an on-site appointment system. This allows veterans to receive legal services at the same time they receive other support services in an office site they know and trust and which can provide them with the full spectrum of services needed for a successful transition. The VOC holistic approach to veterans' legal needs is the first of its kind nationally.

In 2011, the VOC obtained a Supportive Services for Veterans Families (SSVF) award from the Department of Veterans Affairs fully funding the Legal Services for Veterans Project as part of a mix of supportive services for veterans who are homeless or at risk of homelessness. The new SSVF funding allowed the program to expand staffing for the project and to add services in three rural counties from the LawNY® Geneva

office. From September 2011 to June 2012, in both the Geneva and Rochester offices, the project opened 112 new cases for low-income veterans. A full time attorney serving veterans from the Rochester office is now on site at the VOC three full days each week. The program reports plans to expand this project further, with an Equal Justice Works fellow being added to the project full time in August 2012. In addition, the program recently secured funding to bring on a VISTA member who will start in the summer of 2012 to also work with low-income veterans. The new VISTA member will coordinate with current VISTA staff in the Geneva office, on the coordination of services for veterans within the program and with other human service providers.

In addition, the Geneva office launched a veterans legal hotline in February 2012. The program estimates serving a minimum of 200 veterans annually through this project. The LawNY[®] staff PAI work group is developing a pro bono clinic program for low-income veterans in the 13 rural counties in the program's service area. Discussions are underway with the Veterans Administration Medical Center in Canandaigua, located in Ontario County, to provide on site legal services there. Finally, a retired judge is heading a committee established by the Monroe County Bar Association to explore the provision of services from the private bar in Rochester to low-income veterans on a pro bono basis. This effort is intended to supplement the pro bono efforts already in place by the program and the VLSP and will be implemented in partnership with the VLSP.

The program and its work are well respected by the judiciary and social service community throughout its service area. Advocates were universally praised by judges as being vigorous advocates for their clients. Judges noted that advocates appearing before them were well-prepared, handled themselves well in court and were effective in their representation of clients in a number of arenas and different subject areas. Several judges from different jurisdictions were able to cite specific examples of excellent and creative advocacy on behalf of clients. At the same time, judges also noted that the lawyers were focused on developing the best settlement for their clients and were willing to negotiate to achieve the best results.

Recommendations:

III.1.12.1.* As resources allow, LawNY[®] should consider creating a programwide Director of Advocacy position responsible for the implementation of the programwide legal work policies and procedures, coordination of advocacy and the development of complex litigation skills by all program advocates.

III.1.13.1.* LawNY[®] should develop a unified written manual for legal work management policies and procedures to include supervisory guidelines, case work expectations and the other systems used to manage advocates.

III.1.14.2.* Uniform case tickling standards or options should be developed and implemented programwide.

Criterion 2. Private attorney involvement (PAI).

Finding 17: LawNY[®] effectively integrates private attorneys into its legal representation and client services. The VLSP is a model of best practices in pro bono.

LawNY[®]'s PAI effort is well-integrated into the program's priorities and is designed to expand, both numerically and substantively, the services available to clients. The PAI effort has an excellent reputation among the members of the bar and the bench. LawNY[®] staffs pro bono coordination in all but one office; Rochester pro bono is handled through a subgrant with VLSP. The VLSP office is located in the Telesca Center with the LawNY[®] Rochester staff. In 2012, VLSP receives \$72,165 from LawNY[®]; VLSP's budget is approximately \$650,000. Under its contract, the VLSP agrees to assist LawNY[®] in developing pro bono efforts throughout the service area as well as providing the pro bono representation for Monroe County. The VLSP and LawNY[®] worked cooperatively with the state judicial pro bono initiative that staffed full-time pro bono coordinators in each judicial district. The program capitalized on this additional resource to implement volunteer projects across the broader LawNY[®] service area. However, the state court pro bono coordinator initiative was not refunded and the project ended, resulting in a substantial loss of momentum.

The VLSP pro bono provider is exceptionally strong. VLSP annually refers approximately 300 extended cases in the areas of divorces involving domestic violence and custody and/or support issues; consumer matters such as bankruptcies, tax liens and credit collections; health including matters for clients with HIV/AIDS, or cancer. In addition, VLSP operates a variety of clinics where clients are provided limited representation and/or screened for extended service and then referred to the pro bono panel. Examples of their clinics include a debt collection clinic located at the Bankruptcy Court, a wills clinic sponsored with the Women's Bar Association, and a Tax Assistance Clinic for the Hearing Impaired. Through its impressive board structure, VLSP has involved all the local larger firms and corporate counsel offices along with lawyers from other practice settings in their work. VLSP monitors referred cases through the tickler system of its Time case management system. Training and support is provided to attorneys involved in the project. VLSP is certified to provide accredited CLE programs, providing an incentive to take pro bono cases. The program has an excellent reputation throughout the legal community and is fully integrated into the legal services delivery system. Approximately 70% of the Monroe County Bar association are enrolled with VLSP and about one third are actively engaged in pro bono projects at any given time.

As noted above, the LawNY[®] offices outside Rochester individually manage the PAI effort including pro bono placement and case oversight. A portion of the remaining PAI budget is allocated to fund local office efforts. LawNY[®] also has a staff work group for PAI. Local pro bono efforts include traditional case referrals and operating *pro se* divorce clinics. Pro bono panel attorneys are supported by LawNY[®] staff who handle intake, prepare the referrals and provide training and consultation in areas with which they are less familiar. Referrals are made in a variety of areas including social security disability, family law, wills and housing. The executive director, deputy directors and

managing attorneys are responsible for overseeing the quality of services provided by the pro bono panels. Pro bono cases are reviewed on a quarterly basis to ensure they are proceeding smoothly and in a timely fashion.

In 2011, LawNY[®] referred 1,050 cases and closed 900 cases; 640 pro bono closed cases came through VLSP. Rural pro bono is comparatively low. However, the program has a goal of increasing pro bono participation in the rural areas. Case service data and geographic data mapping reflect the challenges of rural pro bono participation. One of the challenges shared by staff in the rural offices is the balance between casework and pro bono activities where advocates must free up time to handle pro bono responsibilities.

Recommendations:

III.2.17.1.* LawNY[®] should consider hiring a full-time pro bono coordinator who would work closely with VLSP on activation efforts and replication of successful models outside Monroe County. The pro bono coordinator would develop a work plan in conjunction with local offices and VLSP to ensure attention is given throughout the service area. LawNY[®] should consider continuing to allocate some funds for the time of local office staff to assist as appropriate.

III.2.17.2. LawNY[®] should consider a plan to leverage the excellent pro bono work in Monroe County to enhance participation in the rural areas. It may accomplish this by having a participating Monroe County PAI attorney contact attorneys in the rural areas to encourage them to take a case. This peer networking would be developed on a basis of relationships.

III.2.17.3. LawNY[®] should consider the possibilities of creating cross-county partnerships with smaller bar associations and other economies of scale. This, along with programwide coordination, would stabilize the effort in the more rural counties so that it is less dependent on case handlers.

Finding 18: Consistent with its goals, objectives, and strategies, LawNY[®] participates in a wide range of services and activities that benefit the client population.

LawNY[®] engages in a myriad of other services for clients including community legal education, *pro se* clinics, training of community partners, and involvement in various bar, social service, and community activities all designed to enhance and maximize the assistance to the low income population.

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership, and administration.

Criterion 1. Board governance.

Finding 19: LawNY®'s board demonstrates effective oversight and is actively engaged in decision making.

As a whole, the board is representative of the various geographical areas and low-income populations served by the program. The board is comprised of 16 directors whose positions came from the predecessor programs, but operate as an entirely cohesive group. The LawNY® board is engaged and active. Board members visit the individual offices on occasion. The board has a policy of limiting terms to three years with no more than eight members' terms ending in the same year. Eight board members terms ended May 2011, many of whom had been on the board at the time of the merger. Due to the vestigial program structures and historical perspectives, broad thinking about the best interests of the organization as a whole has been an on-going process.

The board members work to effectively promote and expand the reach and influence of the program in the communities it serves. The board members are committed to the mission of LawNY®. The board is involved in major policy decisions, aware of issues in and performance of the program while leaving day to day management of program operations to program management personnel. The board demonstrates that it exercises judgment independent of management, where appropriate. The board engages in activities that effectively promote and expand the reach and influence of the program in the communities it serves.

The board exercises effective financial oversight through its Audit Committee which regularly reports to the full board. The Audit Committee meets nine times a year and reviews operating statements at least quarterly or more frequently if necessary. It receives regular budget reports and conducts necessary business between the quarterly board meetings. The board president and treasurer/secretary have a close working relationship with the fiscal director and the executive director.

All board members who were interviewed felt that they were receiving an appropriate amount of information which allowed them to do their job as board members. The board exercises oversight through: review of financial reports; approval of budgets and prospective budget planning; review and approval of other management and regulatory reports; evaluation of program services and the executive director and staff reporting to the full board; and approval of a conflict of interest policy.

Board members interviewed demonstrated a working knowledge of the budget, understood the fiscal challenges facing the program and were conversant about the various special projects in the program. Board members receive regular updates on programmatic and fiscal activities. Board members are involved in the program's fundraising and development activities through the development committee and the consolidated fundraising Campaign for Justice in Monroe County. The development committee recently began researching a fund drive or other event to benefit the 13 rural counties in the service area. The development committee is also discussing ways to increase LawNY®'s presence with local educational organization to increase in-kind

support through the use of student and faculty volunteers. On their own, several board members cited specific discussions at the board level about the program's mission and the importance of avoiding mission drift in the search for new funding.

The last comprehensive assessment of the executive director occurred in late 2010. The next performance appraisal will occur in 2013. The program does not have a leadership succession plan.

New member board training is provided through an individualized orientation comprised of an overview of LawNY[®], a review of the bylaws, current year revenue and expenses, the LSC Act and regulations, the strategic plan, the conflict of interest policy, case acceptance policies and priorities and the new statement of responsibilities of LawNY[®] board members. Other recent training topics have included the duties and responsibilities of nonprofit boards; the form 990; recruiting, developing and retaining motivated board of directors; legal obligations; human resources; nonprofit accounting; strategic planning and fund development for nonprofit boards.

Recommendations:

IV.1.19.1. The board should develop a leadership succession plan.

Criteria 2 and 3. Leadership. Overall management and administration.

Finding 20: LawNY[®] has highly skilled leadership and administration. The program's organization structure of continuing recognition of the predecessor programs hinders its ability to make day-to-day, programwide decisions.

The program's long term vision statement is:

LawNY[®] is recognized as a leading provider of access to justice, delivering comprehensive civil legal services for vulnerable populations by developing expansive and stable resources and collaborating with community and government organizations, the private bar, the courts and elected officials.

Both LawNY[®] and LSC recognize that achieving this long range vision requires the integration of LawNY[®]'s three predecessor programs, which is a process that continues to evolve. During interviews with staff at many levels, and from responses to the staff survey, the team found that the program is focused on achieving the specific goals set forth in the strategic plan, rather than on a more comprehensive, long-term approach prioritizing the integration of the three former merged programs. In addition, three of the program's four divisions continue to operate under their predecessor names. The reasons for doing so are that it is necessary to continue the positive relationships with local funders and reinforces the community ties built up by the different offices over the years.

The LawNY[®] management staff, comprised of the executive director, two deputy directors, two managing attorneys, and the chief finance officer is skilled, experienced and dedicated. The executive director is widely respected by board, staff and outside organizations and is involved in a number of state and national legal services organizations. This involvement has not diminished his equally active involvement in the activities of his program. The executive director is assisted by an equally competent and committed management team who are respected by their staff and colleagues. The program's chief finance officer is supported by a bookkeeper. An administrator handles human resources. LawNY[®] is actively exploring mechanisms for including additional staff in program leadership, although some staff question whether this initiative will lead to real reforms.

The program has four divisions which are defined by the counties assigned to the programs that existed prior to the 2004 merger. The members of the management team, as well as the supervising attorneys, are perceived as strong advocates for, and within, their respective divisions. The 2004 Plan of Merger and discussions with management indicate that the intention has been to respect the structures of the former programs, allowing considerable autonomy for each division. In addition, many decisions are intended to be processed through the various work groups. This does not always result in the planned result. Unfortunately, the construct developed at the time of the merger strongly favors local control -- in some cases at the expense of programwide health and efficiency. LawNY[®] does not function as a well-integrated organization with a corporate/organizational identity. Rather, the various divisions operate on their own budgets and, in general, their own vendor relationships and purchasing. It appears to the team to be a loose confederation of programs with some central but limited control. Thus LawNY[®] may be missing many opportunities ranging from large institutional vendor pricing to lost marketing opportunities as well as missing private giving opportunities.

Interviews with board members and staff, including comments from the staff survey, uniformly describe the work of the deputy directors and the supervising attorneys as a program strength. Lines of authority and responsibility are clear within offices. However, these lines become unclear between the office divisions, which are based on the predecessor programs, and within the upper management structure. As a by-product of the leadership structure discussed above, many management functions are performed at the office or division level. In addition, at present, one person designated a supervising attorney in fact supervises only two people while another supervisor in the same office supervises eight. It would seem some of these supervisory functions such as case assignment, closed case review and intake responsibilities might be performed more uniformly and economically on a programwide basis. Additionally, while some funds are allocated to a particular local office or project based on the funder's requirements, the program's fundraising strategies that rely heavily on locally-based resource development result in an overall allocation that is fairly formulaic and geocentric. Support for programwide functions seems to be very limited.

The separate program structures maintained by the board and supported by management staff appear to hinder the ability to make day-to-day, programwide decisions

in the best interest of the organization. Decision making is cumbersome and inefficient. One staff member described that when there is disagreement between two people from different divisions in a work group, they each take their case to their respective division heads. If the division heads cannot resolve the issue, it then goes to the executive director for final resolution. Some staff said the decision-making was unclear to them and felt they could go directly to the executive director for a decision. This structure can result in the delay of decisions and many decisions made by the executive director. On controversial issues, decision making can even be prevented if consensus is elusive.

The failure to fully integrate will likely impact the program's ability to achieve some of the outcomes outlined in the strategic plan. This is seen, for example, in the outcomes tied to collaboration and strengthening of the program's pro bono effort, client services and work with community organizations and the utilization of technology. These outcomes would be easier to achieve in a fully merged and consolidated organization with a regional presence and a coordinated approach.⁹ In addition, many of the outcomes will be difficult to achieve because there is not an organization-wide management structure with sufficient authority and clear lines of accountability to cause the necessary changes to occur in a systematic and systemic way.

Recommendations:

IV.2.20.1.* LawNY[®] should focus on developing a strong sense of program identity by building a core of internal supporters to assist in increasing the LawNY[®] cohesiveness while de-emphasizing the "our program/our office" thinking.

IV.2.20.2. LawNY[®] should operate and function under a single name.

IV.3.20.3.* The program should evaluate and assess the structure determined at the time of the 2004 merger and determine whether it currently meets the needs of the program as a whole. The assessment should specifically focus on areas such as: efficiency; moving decisions from process to practice; fiscal flexibility; and meaningful leadership development. All staff and board should be involved in this assessment. This review should include a serious discussion of the need for and opportunities of consolidating program financial policies, practices and budget priorities on a programwide basis

IV.3.20.4.* As the program analyzes the management structure, it should determine if LawNY[®] should consolidate certain responsibilities with authority in certain persons. LawNY[®] should designate management positions with the responsibility and authority to implement and oversee programwide functions (e.g. director of advocacy, programwide technology coordinator). Such positions should be directly accountable to the executive director. This will ensure further integration of the program and more efficient decision-making while still respecting the work group process. The executive director can then develop methods to monitor such delegation.

⁹ The most common program challenge identified in the staff survey was the need for more program integration and communication. This issue was clearly reflected in the interviews with staff.

Finding 21: LawNY[®] has been a national leader on several legal aid technology initiatives, including its work on New York’s automated forms project, the statewide legal information website, and the Google Apps platform. The program’s programwide technology policies have not been fully implemented and technology remains decentralized.

LawNY[®] has a technology work group comprised of staff at all levels. The work group meets regularly to discuss technology issues and planning.

LawNY[®] was an early adopter of the *pro se* friendly A2J Author platform, and the program’s automated forms development helped facilitate adoption of A2J in New York Courts and civil legal aid providers across the country. In 2011, due in part to LawNY’s efforts, users generated nearly 85,000 New York legal documents through the LawHelp Interactive national document assembly server. Additionally, the LawHelp New York statewide website offers extensive resources (including automated forms) to low-income individuals seeking legal assistance. Several LawNY[®] intake paralegals and attorneys indicated that they utilize LawHelp New York resources and encourage callers who have Internet access to view the website.

The program is also a recognized leader in the use of Google Apps. LawNY[®] is nearing full adoption of the Google Apps platform for email and calendaring and also uses the system’s intranet (Google Sites) and live chat features in some offices. Google Apps centralizes the administration of several of LawNY[®]’s key IT functions and frees up resources by requiring less dependence on in-house maintenance, backup, and disaster recovery.

LawNY[®] has conducted thorough technology planning and developed policies that help staff complete their work more efficiently and effectively while protecting important program data. Unfortunately, these policies do not appear to have been implemented programwide and, consequently, LawNY[®]’s information technology environment and overall approach to technology remain decentralized.

The quality of technology and the effectiveness of its use vary between offices. One clear example of this variance is LawNY’s approach to IT networking. Some offices utilize a modern client/server network that supports reliable security and data backups while a few offices maintain their IT environments on an outdated peer-to-peer network which makes IT administration more difficult and decreases the reliability of each workstation on the network.

Approaches to hardware procurement, software updates, and remote access also vary between offices. For example, one region recently received a grant to purchase many new workstations across certain offices, while other offices continue to provide staff with outdated computers and unreliable office equipment. Additionally, in one office, attorneys indicated that they had to spend significant time scanning documents

because the office still used a flatbed scanner instead of a device that supported multi-page feeds. A more robust scanner would easily pay for itself by freeing up attorney time.

Currently each office relies on a technology responsible person who has significant non-IT responsibilities within the office. Technology responsible staff persons range from AmeriCorps paralegals to managing attorneys. A supervising attorney in Geneva leads the program's technology group, helps adopt policies and protocols, and administers some IT functions program wide; however, day-to-day technology needs are handled by each individual office.

Recommendations:

IV.3.21.1.* The program should continue to evaluate the IT environment in each of its offices and, to the extent feasible, prioritize hardware and equipment upgrades based on the most significant needs across the whole organization.

IV.3.21.2.* In accordance with its strategic plan, LawNY[®] should establish a dedicated, programwide technology coordinator. This position will help the program implement a centralized approach to technology and assist the often over-burdened local office technology responsible individuals.

IV.3.21.3. Going forward, the program should ensure that all offices meet the established technology standards outlined in the program's technology policies, including the LawNY[®] Tech Admin and Security Policies document. These protocols are well-thought-out, will help staff use technology more efficiently and effectively, and ensure that critical program data is protected against IT security breaches, user errors, and other threats.

Criteria 4, 5 and 6. Financial Administration. Human Resources Administration. Internal Communications.

Finding 22: The program has sufficient, capable, trained and effective staff dedicated to financial administration¹⁰ and human resources. Staff evaluations have been occurring timely.

The program has sufficient and capable staff dedicated to financial administration and human resources. The chief finance officer, who has over 31 years experience in finance and has worked with the program for over 21 years, is supported by a part-time bookkeeper who is experienced, competent and committed to the program's mission. They are primarily responsible for payroll of the Rochester and Geneva offices, while payroll for the rural offices is handled locally. Financial operations are not fully centralized. For example, LawNY[®] has multiple trust accounts that are manually tracked

¹⁰ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

on paper and reconciled in individual offices and time cards for payroll purposes are handled locally. However, the payroll vendor is the same and the chief finance officer has control of the entire account. Program management responsibly handles income and expense projections. The program reports that due to funding changes, they will face an operating deficit in 2013 of \$474,944. The management team is actively working on plans to address the deficit.

The program's four administrators are primarily responsible for the human resources and office management duties. Responsibilities are divided by office with the administrator in Bath having programwide responsibilities. Training is provided to administrative staff. The Bath administrator attended the financial training through the Center for Legal Aid Education, the Management Information Exchange administrator training, and programs on employment law conducted by one of the area's largest law firms. The program has an administrator's work group that meets on a regular basis. The administrators are knowledgeable of and sensitive to issues faced by the non-profit LawNY®. The administrators are supported by three administrative assistants. Staff evaluations are occurring in a timely manner. Many staff mentioned low salary structure as a concern. Most staff felt starting salaries are \$4-5,000 less than area public defender offices.

Staff has a high regard for themselves and the program. Morale is high at LawNY®. Staff feels they are part of a family and that the program is family-friendly. Some staff shared a desire for the opportunity to get the whole firm together and socialize. The program maintains effective office and region-wide communications. Programwide communications could be improved by revisions to the overall management structure. LawNY® management meets on a regular basis. Technology is used to facilitate and enhance internal communication.

Recommendations:

IV.5.23.1. The LawNY® board and staff should work together to develop and implement a fiscal reserve policy, set a goal and work toward that goal.

IV.5.23.2. Since human resources functions are distributed across staff in multiple offices, the program should consider hiring of a director of human resources to oversee recruiting, screening, coordination of interviews, hiring recommendations, on-boarding, record maintenance, compliance with all federal, state, and local employment requirements, coordination performance reviews, counseling underperforming employees, and terminate or assist in terminating employees when their performance is not meeting program's standards.

Criterion 7. General resource development and maintenance.

Finding 24: LawNY® does not have a resource development director. Grant writing and other resource development is primarily handled by the executive director and management staff.

Grant research and writing is generally handled by the executive director with the assistance of his management staff. In addition, the local rural offices maintain resource development in their respective communities. LawNY[®]'s executive director has been very successful at raising new grant funds for the program. The program currently has 43 different funding sources and 54 contracts. It has one of the largest legal services AmeriCorps grants. LawNY[®] recently received \$326,000 per year for two years to grow their AmeriCorps paralegal program from 11.25 to 24 FTE members. Their attorney AmeriCorps program also grew from one to five attorneys with the two newest attorneys housed at the City Bar Justice Center in New York City to recruit law student and attorney volunteers to staff the LiveHelp component of LawHelp/NY and in the Jamestown office to represent homeowners facing foreclosure.¹¹

LawNY[®] often engages in collaborative fundraising with other legal services programs. This collaborative approach has been successful in increasing funding for the other legal services providers in New York. The executive director and key management staff have been leaders in the New York State Bar Association's Committee on Legal Aid, its President's Committee on Access to Justice, the Project Director's Association and the New York Pro Bono Coordinators' Network. The program has developed and has effective relationships with other major institutional resources in the service area. These community allies are involved in or provide some support in the provision of legal assistance to eligible clients, as well as help in expanding program funding.

Recommendations:

IV.7.24.1. LawNY[®] should consider implementation of a quantifiable outcomes system that demonstrates that for every dollar invested in LawNY[®] the equivalent dollars of economic activity and impact on the local communities in the program area. This can be used as a strategy to increase revenues.

IV.7.24.2. LawNY[®] should consider conducting a focused campaign to re-brand and market the organization in a manner that would benefit the entire program. The disparate parts of LawNY[®] could each benefit from the successes of their colleagues and the campaign could provide the theme, such as, The Campaign for LawNY[®]: Celebrating Our History, Insuring Our Future, for an annual fund drive.

¹¹ Unfortunately, subsequent to the program visit, due to circumstances beyond its control, LawNY[®] learned that beginning with the program year starting August 2012, the attorney AmeriCorps program will be reduced from five to two attorneys. Equal Justice Works, the direct recipient of the AmeriCorps funds for this program, included all five of the LawNY[®] attorney positions in its plan to deploy 80 AmeriCorps attorneys throughout the United States. It learned in June 2012, however, that its funding from the Corporation for National and Community Service was being reduced from \$3 million to \$1.4 million. As a result, it has had to cut in half, to 40, the number of attorneys that it can support throughout the United States, directly impacting the LawNY[®] program.

IV.7.24.3. In furtherance of creating a successful giving campaign, LawNY[®] should consider working with a local marketing firm, MBA program, Association of Legal Marketing members, or similar marketing professionals. In addition to its enhanced Internet marketing, LawNY[®] should consider social networking opportunities, endorsement videos for its website and You Tube and similar outlets, and other productive techniques to educate the general population and its potential service population.

IV.7.24.4. Pursuant to LawNY[®]'s strategic plan, and as resources permit, LawNY[®] should prioritize the hiring of a development coordinator to identify new sources of funds, collaborate with the executive director, management team, staff and board, draft proposals and contracts, handle grant renewals, among other related development activities. The development coordinator could also develop private funding sources, annual giving programs, other means of increasing private funds including personal trusts and planned giving, and implement a sophisticated tracking system for donors' gifts.

Criteria 8 and 9. Coherent and comprehensive delivery structure. Participation in integrated legal services delivery system.

Finding 25: LawNY[®]'s delivery structure is effective and the program is an active participant in an overall delivery system statewide. LawNY[®] has a coherent, comprehensive delivery system that effectively coordinates with other providers.

LawNY[®] is a leader in statewide efforts to provide low-income persons in the state with equal access to a full range of civil legal assistance services. LawNY[®] is a key player in the state's access to justice network. More than one judge and the bar president noted the program's leadership role. LawNY[®] staff is also involved at the local level on community boards and advisory groups, as well as court and bar committees.

The program participates in local and statewide efforts to maximize the effective use of available human and financial resources and to increase such resources to better address the civil legal needs of the state's low-income populations. LawNY[®] coordinates with other providers, the bar, law schools and other relevant entities in seeking to ensure that support is provided to advocates and managers, including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice. Of particular note is its partnership with the Empire Justice Center. Several contacts mentioned these resources as indicative of LawNY[®]'s leadership in the provider community.