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November 3, 2014

Cheryl Nolan, Program Counsel
Legal Services Corporation
3333 K Street NW, 3rd Floor
Washington, DC 20007

RE: Response to Draft Report for Program Visit
To Legal Services of the Hudson Valley
Recipient No. 233160

Dear Cheryl:

Please accept this letter as the comments from Legal Services of the Hudson Valley (LSHV), responding to the October 3, 2014 draft report for the Legal Services Corporation's (LSC) program visit to LSHV during the week of June 2-6, 2014.

First, the staff, board and I want to thank you and your team for your hard work and substantive comments given during the visit. Your exit interview and report confirms that LSC believes that LSHV provides high quality legal services through a talented and dedicated staff, management team and board of directors with an outstanding reputation with other legal services stakeholders, judges, bar officials, private attorneys, community based organizations, and clients. We intend to use your positive conclusions to demonstrate to our friends the quality of the program they support, and to demonstrate to others why they should support our program. Additionally, we plan to use your recommendations as an opportunity to grow stronger.

With this letter, I will identify minor factual errors and provide some substantive comments regarding some of the recommendations. LSHV hopes LSC will consider the information provided in this letter before issuing its final report.

Once again, thank you for the opportunity to provide our comments with regard to the draft report. If you have any comments or



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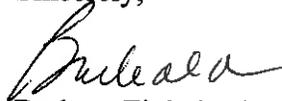
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questions with regard to any of LSHV's comments, please contact me at bfinkelstein@lshv.org or 914-949-1305.

Also, thanks for your offers of assistance regarding the subjects addressed in this report. I look forward to hearing from you soon with regard to LSC's final report.

Sincerely,


Barbara Finkelstein
CEO

Overview of Program and Service Area

We note that the last paragraph of this section on page two doesn't mention the full range of substantive services LSHV provides. In addition to the list of substantive areas listed, LSHV also provides assistance in the areas of education, employment, health, and mortgage foreclosure. Additionally LSHV has specialized units serving persons with physical, mental and developmental disabilities, HIV/AIDS, individuals with cancer and military families as well as individual veterans. We hope these additions can be included in the final report.

Summary of Findings

We are concerned that paragraph two on page two fails to recognize the significant amount of extended work that LSHV does which we believe is properly categorized as affirmative litigation. LSHV engages in significantly more extended service work than counterparts around the country which gives staff the opportunity to work with supervisors and colleagues to create better outcomes for groups of clients as well as giving staff the opportunity to increase skills. Examples of this are provided below under Performance Area Three, Criterion 1, Finding 7.

Additionally, as noted during our exit interview, work such as pursuing an issue at an administrative hearing or an individual court case has resulted in precedent-setting decisions affecting thousands of clients.

LSHV appreciates the recommendation to consider whether a Director of Litigation should be hired. Presently LSHV has focused on bringing experienced, high-quality Program Managers to its program in order to ensure focus and continuity in specific substantive areas.

Thank you for your comments in paragraph three, page two which only needs correction in as much LSHV has increased its intake hours to provide intake nine hours each day from Monday through Thursday and six hours on Friday for a total of 42 hours.

Findings and Recommendations

Performance Area Two. Criterion 1. Finding 3. Recommendations II.1.3.1 -5.

Paragraph one on page five needs to be corrected to state that LSHV increased its intake hours to 42 hours from the previous 30 hours.

We ask that the last paragraph on page six include the recognition that LSHV hired one more full time paralegal for its intake unit on July 7, and a full-time attorney to provide advice and brief service in its intake unit on September 8, 2014. LSHV hopes that in its final report LSC will emphasize how quickly LSHV has moved to increase the size of its coordinated intake system, consistent with program resources.

LSHV understands LSC's focus on coordinated intake systems and consistent with the needs of our clients in a urban, suburban and rural service area, will strive to meet the needs of as many clients as possible through coordinated intake, including walk-in traffic. We agree with the recommendations given on page seven.

Performance Area Two. Criterion 2 and 3.

Thank you for the recognition that LSHV's staff members are well-connected with the service provider networks in our communities.

In addition to your comments, we hope you will note that LSHV, along with The Legal Aid Society of Northeastern New York, and The Legal Aid Society of Western New York collaboratively transitioned from the TIME database case management system to Legal Server. This collaborative effort in 2014 represents our efforts to maximize engagement with our client population and access for the community. Legal Server is a web-based case management system designed to improve our goals of creating intake and providing materials to our community.

Performance Area Three. Criterion 1. Finding 6.

With regard to finding six, LSHV is pleased that LSC recognizes the commitment of the LSHV staff and the zealous advocacy undertaken by LSHV on behalf of clients. LSHV works hard to ensure that we have a culturally diverse staff as well as staff with a range of legal practice experience.

LSHV also recognizes the increasing importance of consumer law issues that impact our clients and appreciates LSC's highlighting of these issues. Since LSC's program quality visit, we have strengthened our consumer law work including developing affirmative litigation addressing Federal Debt Collections Practices Act violations by landlord-petitioners in housing court matters. Additionally, we are developing CLE-eligible consumer law training for all case handlers.

Performance Area Three. Criterion 1. Finding 7.

LSHV appreciates LSC's recognition that our program and work are well-respected by the judiciary, the social services community and agencies throughout the service area. We are also quite pleased to know that the level of extended representation far exceeds the national median. Many staff members are drawn to LSHV precisely because of the opportunities to engage in zealous litigation on behalf of clients and issues that matter to them.

We also believe that a crucial aspect of our mission is to provide high-quality legal services to as many of the almost 600,000 individuals eligible for our services and are perplexed that LSC seems to accept some staff comments that the "emphasis on grant deliverables translated into lack of management support for broader based advocacy..." While we note that the report characterized this as something "some advocates opined," we believe it is important for LSC to also recognize that many of the "individual" matters handled by our advocates have significant ramifications for the wider community and feel that the report does not adequately reflect the breadth and depth of our work.

Examples of matters that would not be considered as having a wider impact under the analysis articulated in the report include representation of a Westchester County public assistance recipient who was charged with an Intentional Program Violation by the local DSS office but was denied the due process afforded under New York State and federal regulations. The attorney representing the individual client developed a litigation strategy, contacted the County Attorney's office in advance of filing litigation, and obtained changes in writing to the notices and procedures to conform to the law. Now any individual charged with an Intentional Program Violation in the county will benefit from the changes brought about on behalf of that individual client. That is but one example of an "individual" case matter that needs to be understood and evaluated within a larger context.

We ask that you note in LSHV's final report the significant ramifications of individual or group matters for clients at large. We also note that our mission to serve as many eligible clients as possible as well as meet grant requirements are not incompatible. LSHV only applies for funding that matches our mission and client needs and strives to provide high quality services through a variety of levels of service.

We note an error in finding seven regarding the multi-plaintiff special education matter. The matter is still being litigated and we are preparing for trial. As noted in the program report, a successful outcome will impact all disabled children enrolled in the Mount Vernon, NY city school district. We also note that domestic violence legal services are provided through collaboration with Safe Homes of Orange County (as well as with collaborating partners in our other counties). The Single Stop Program, based at Westchester Community College, is geared toward providing legal advocacy that enables community college students to complete their education and join the workforce with decent paying jobs.

Performance Area Three. Criterion 1. Finding 9

The program report indicates that evaluations of staff did not result in an individualized development/training plan. Attached to this response is a copy of our evaluation template, used by each supervisor, which does have a section devoted to professional goals (training, legal experience, etc.) for the coming year. Supervisors and case handlers filled out this section on every evaluation conducted in 2013. We ask that the final report reflect that individualized development and training plans are developed as part of the evaluation as evidenced by the attachment.

Performance Area Three. Criterion 1. Finding 10

We are very proud of the work done by LSHV staff and the breadth and depth of their client advocacy. We are gratified to know that our extended and contested case closures are well-above the national median for LSC funded programs and believe this to be an incentive for case handlers who want to join the organization. As we explained during the program visit, LSHV transitioned to a new case management system in spring 2014. The case lists provided to the team in advance of the visit did not accurately reflect active caseloads due to the transition. While we acknowledge that caseload parity is always a struggle across regions and practice areas, no case handlers have

active cases in excess of 100 and we take strong exception to the observation that that is the case among case handlers. We ask that this be corrected in the final report.

Recently, we have developed caseload guides to better inform staff of expectations and address issues of caseload parity. Additionally, supervising attorneys continue to conduct caseload reviews with case handlers on a minimum monthly basis, and additionally at any time a case handler requests a review.

Performance Area Three. Criterion 2. Finding 11

In addition to the findings of LSC in this area, we also note that LSHV works closely with Pace Law School to implement New York State's new requirement that all prospective attorneys and law students in New York perform 50 hours of pro bono work as a requirement for admission to practice law in New York.

Next year LSHV will also participate in the State Judiciary's Pro Bono Scholars programs which allows students in their final year of law school to devote their last semester of study to performing pro bono service for the poor through an approved externship, law school clinic or legal services provider. LSHV will host two pro bono scholars beginning March, 2015.

Performance Area Four. Criterion 1. Finding 13. Recommendations IV.1.13.1-3.

We believe it is incorrect that clients have higher attendance rates than attorneys. Board meeting time is 6:00, not 6:30, and meetings don't last more than 90 minutes. Board feedback tells us that directors uniformly believe meetings are run efficiently and do not run too long. We note that in 2012 some minutes reflect that board seconds and votes on motions and decisions were not well recorded, but this has uniformly improved in 2013 and 2014. We ask that this be noted in the final report.

We understand and accept the recommendation that the board should document in board minutes when a decision to waive the term limit requirement of the bylaws is made.

Performance Area Four. Criteria 2. Finding 14. Recommendation IV.2.14.1.

We are appreciative of LSC's recognition that the Executive Director is experienced, widely respected by board, staff and outside organizations while remaining very active in state and national legal services initiatives. As noted by LSC and coincidentally by LSHV's strategic planning consultant, New York Council of Nonprofits, Inc., with growth comes communication challenges, particularly given LSHV's geographic diversity. Subsequent to LSC's visit LSHV began working with NYCON who advised that it is not unique for rapidly growing organizations like LSHV to need to focus on staff communications and morale.

We do, however, appreciate LSC's acknowledgement of the difficulties faced by front-line advocates and the impact the work can have upon morale. With regard to the recommendation that management address the perception and diminished morale among staff, we note that the program visit occurred six months after the staff attorney contract had expired resulting in frozen

salaries for staff attorneys. Since the visit, negotiations have resulted in an agreement that will be put to the membership for ratification.

Like LSC, NYCON conducted staff surveys but also did focus groups and communicated to us that the effects of a lengthy negotiation process and lack of raises was having a negative impact on all staff morale. In our view, conclusion of this process will improve staff morale.

Ensuring clear communication among eight offices is always a challenge and we have initiated some new processes such as an agency newsletter, a birthday/anniversary acknowledgment and ways to enable staff to get together informally.

We are working more with Attorneys-in-Charge to give them the support to be able to communicate to staff all relevant and important information they receive so staff can be kept abreast of details of the entire organization, including staffing, funding, board activities, management activities and grants.

We acknowledge LSC's recommendation that the CEO have a greater presence among front-line staff but have a more multi-faceted approach to accomplish greater communication.

The CEO is the "face" of LSHV to external supporters including foundations, individuals and corporations whose support is critical to enhancing our services, especially in the counties outside Westchester. With our expansion, now more than ever, she frequently has activities from early morning through evening which require her attention and attendance. LSHV has built a strong management team that works with the CEO in executing her vision, and soliciting input from front-line staff. LSHV's CEO spends and will continue to spend as much time as possible interacting with staff, but must rely on her Deputy Executive Director, Deputy Director, Attorneys-In-Charge and Chief Financial Officer to communicate with staff as well.

We believe including direction to the CEO how to spend her time as a tier 1 recommendation is inappropriate, and ask that it be removed as a tier 1 recommendation.

Performance Area Four. Criteria 3. Recommendations IV.3.16.1 - .3

LSHV is instituting an internet access security policy to address use of online data (case management system) outside the office to ensure confidentiality.

This step is being put in place and is necessary since the implementation of the new Legal Server program which is web based.

All staff will be trained to ensure that the online case management system program will be used only when a secure internet connection is available. Use of a MiFi to secure web access has been provided to all staff/offices for outreach events to ensure confidentiality of client data when outside of office.

LSHV will be providing an overview of the updated internet security policy pertaining to internet connections at All-Staff meetings as well as office meetings going forward.

LSC's recommendation that LSHV should ensure that staff has access to high-quality printers and scanners and older unreliable printers should be phased out has accepted and already accomplished.

LSHV has already replaced all copiers in each office and standardized the model to ensure use and understanding of its capabilities for all staff is optimized.

The copiers were replaced to complement the new case management system program for scanning and data storage purposes. All staff have been provided training on the equipment. Training included using the new enhancements and how they benefit the case management system capabilities.

We hope that the progress made under recommendations IV.3.16.2 and 3 contained on page 19 will be noted in our final report.

Performance Area Four. Criteria 4, 5 and 6. Finding 18. Recommendation: IV.5.18.1

Program managers already provide substantive feedback to staff and we are surprised to see this as a tier one recommendation. In addition to program manager's feedback and participation, it is LSHV's policy to hire experienced attorneys as Attorneys-in-Charge who have the capability of overseeing many substantive practices. To put this recommendation as a tier 1 recommendation seems inappropriate to LSHV inasmuch it is substituting LSC's judgment for that of management in determining how staff is evaluated. We request that it be removed as a tier 1 recommendation.

Performance Area Four. Criterion 3, Recommendation IV.6.19.1

While we appreciate LSC's corroboration that staff need reinforcement of the value of their work, we disagree that grant outcome reports are the correct vehicle for doing so.

LSHV has 40 funders with differing grant reporting requirements. It is unclear what grant reports LSC is referring to. We do not think sharing raw grant reports will enlighten the staff significantly and suspect they might cause confusion. Administrative staff are working with Attorneys-in-Charge to digest and interpret data to be shared with staff in an understandable way.

LSHV's focus is on service delivery, not grant reports, and what we are working towards is having staff understand client needs, program mission and function and staff expectations in the context of the overall need and work to be done.

Grant reports will be of limited value to a case handler trying to understand the value of his/her work. Additionally, we believe that it is consistent with our identity to focus on the advocacy for the clients, not for staff to focus on whether they have met grant outcomes. We will continue to work internally and with LSC to develop appropriate vehicles to assist staff in understanding the great value of their work.

We ask that this recommendation be eliminated.

Performance Area Four. Criteria 8 and 9.

We thank LSC for noting that LSHV is highly engaged in the statewide legal services delivery system, and note our following additional involvement:

Legal Services Funding Alliance - LSHV is an initial member of this coalition of outside of NYC legal services providers (LSC and non-LSC) that joined together to educate the New York executive and legislative branches as well as the public about the need for funding for civil legal services outside of New York City. We have worked together to create educational materials about our work and who we are, and made progress towards the goal of ensuring that funding is provided for services outside of New York City.

Association of New York State Legal Services Organizations, Inc. - LSHV's CEO is an incorporator and now vice president of this statewide association which was formed to provide support to New York state civil legal services programs. Over 50 organizations have indicated interest in participating as members looking for funding advocacy support, collaboration, creation of best practices, and models and training. The Association had its first board meeting in September 2014 and will have its first membership meeting in January 2015 at the New York State Bar Association annual conference.

Dapworks for NYS is a statewide campaign seeking to increase funding for the Disability Advocacy Program (DAP). DAP returns at least \$3 for every \$1 invested in the program through the state budget by assisting low-income, severely disabled New Yorkers in appealing application denials for federally funded SSI benefits. LSHV has been heavily involved in this campaign, having devoted the time of our Disability Program Manager and staff to educating the legislature about this vital program. This has been an enormously successful statewide effort which increased funding last year.

HOPP is the New York State Attorney General's Homeownership Protection Program (HOPP), which provides funding on a statewide basis to legal services programs and housing counseling agencies to provide direct assistance to homeowners to prevent foreclosures. LSHV has been an active participant in the New York for Responsible Lending coalition. By year's end LSHV will receive \$720,000 from this funding stream.

Technology Working Group of the Chief Judge's Task Force to Expand Civil Legal Services in New York is a project which has brought the most competent technologically advanced systems thinkers in the statewide delivery system into an ad hoc alliance to examine the delivery system's technology needs. In November 2013 the committee made recommendations about what the technology investments need to be for legal services programs and what the support needs are to ensure that the legal services community maintains a current and effective use of technology to deliver services.

The group is now beginning a planning process for a statewide technology conference which will likely span two days for the late spring of 2015.