

NEW YORK'S PLAN FOR JUSTICE

BUILDING PARTNERSHIPS THAT WORK FOR OUR CLIENTS, IN OUR COMMUNITIES

Submitted by the New York State Planning Steering Committee

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NEW YORK'S PLAN FOR JUSTICE

BUILDING PARTNERSHIPS THAT WORK FOR OUR CLIENTS, IN OUR COMMUNITIES

With this document, the State Planning Steering Committee for New York State submits both its response to the Self Evaluation as outlined in the Legal Services Corporation's (LSC) Program Letter 2000-7 as well as the State Planning requirements as presented in various Program Letters issued since 1998. The State Planning Steering Committee (the Steering Committee) is New York's Designated State Planning Body for LSC purposes as defined in Program Letter 2001-4.

The following report and plan outline New York's progress toward – and its continuing commitment to -- creating a client-centered, integrated and dynamic system of delivering the full range of legal services to New York's poor and low income populations through comprehensive and coordinated delivery models. We build on a strong base and a proud history of meeting the legal needs of the poor in every forum and every corner of the state.

The Need of Clients

Self Evaluation: *What are the important issues impacting low income populations and how is the legal services community responding*

Probably the most dramatic issues impacting poor and low income people in New York are the continued widespread incidence of poverty in one of the richest states in the nation and the impact of devolution within the state's public benefits and supports systems. As noted by Alan Houseman, "We cannot consider how civil legal assistance should be delivered in the future without also taking into account changes in the legal needs of low-income persons. Perhaps the greatest changes arise from devolution."

Poverty

Poverty and low wage employment confront families with an array of legal issues on a daily basis: getting access to income supports, housing assistance and health care; seeking and maintaining employment while struggling with child care needs; pursuing child support if available; trying to secure education and training; meeting the demands of public agencies in order to maintain often meager but critical assistance; and dealing with subtle and not so subtle issues of discrimination.

Despite the unprecedented economic boom during the 90's and the much-touted "success" of welfare reform in the latter part of the decade, data from the 2000 Census shows that between 1990 and 2000 415,000 more New Yorkers fell below the federal poverty level. New York's poverty rate increased by 12.3% over the decade, with almost 15% (14.6%) or close to 3 million residents now living in poverty. Poverty remains inexcusably high in New York City, where the

Bronx's poverty rate (30.7%) was more than twice the state's overall rate of 14.6%. Statewide, a full two thirds of all counties showed an increase in their local poverty rate between the 1990 and the 2000 Census. (See attached County by County Poverty Data)

Impact of 9-11 on Economic Stability

Almost 3,000 people lost their lives as a result of the unprecedented attacks on the United States and the resulting collapse of the World Trade Center. Many more lost their livelihoods. Over 108,000 jobs were lost as a direct, indirect or consequential result of the attacks on the World Trade Center. Of these jobs, a combined total of approximately 34,000, or 36%, were lost from the lowest paid industries and sectors: retail trade, restaurants, building services and hotels.¹ A significant portion of this total involves single parent, one-wage earner and immigrant labor households, which traditionally form the economic underbelly of our society. Additionally, the plight of other, already needy people, all over New York City, was made more desperate by government and agency dislocations caused by the closure of lower Manhattan during the weeks following September 11th.

As a result of these disruptions to their lives and livelihoods, low-income people are experiencing legal problems they would not have but for the attack. These problems fall across a range of legal needs, including family law matters, eviction and other housing-related matters, and problems with unemployment insurance, social security, Public Assistance, and other government benefits.

Particular Client Needs and New York Responses: A Brief Overview

Housing issues continue to be extremely pressing for low income families.² In New York City, the number of homeless people seeking a place to stay in its shelters has increased dramatically, up about 30 percent from 2000 to 2001. According to city figures, on a typical night in July 2001 there were 28,029 people in need of a bed in a shelter. These included 6,252 families and 11,594 children, constituting an increase of about 1,000 families from July 2000. In addition to families, there were 5,682 single men and 1,692 single women seeking shelter. Despite the tremendous need, the city's Department of Housing Preservation and Development provided only 117 apartments for the homeless in a nine-month period of 2000.

New York's legal services community has responded with successful litigation – in New York City, on Long Island and in Westchester – securing additional benefits for homeless families as well as those at risk of homelessness. New York's legal services providers, led by the state support center, brought a successful – and landmark – public housing discrimination case in the

¹ *Economic Impact of the September 11 World Trade Center Attack, Preliminary Report*, Fiscal Policy Institute, September 28, 2001

² For a review of basic living costs by county in New York, see a report on The Self-Sufficiency Standard at <http://www.nyatep.org/pubsresources/selfsuffindex.html>

City of Buffalo that has resulted in millions of new federal housing dollars and new practices to guard against discrimination. Across the state, legal services programs have been successful in establishing state-funded Homelessness Prevention programs through which they represent clients in landlord-tenant matters and work to prevent evictions. A number of programs have also secured federal funding from the department of Housing and Urban Development for similar programs. Tapping into the private bar, programs have also trained and are assisting pro bono attorneys in the handling of private housing issues for legal services clients.

Health care coverage, a clear indicator of economic stability, remains out of reach for 2.8 million New Yorkers. Almost 80% of the uninsured are adults; 75% are working or the children of workers; 63% work full time; and yet 88% of all uninsured workers in New York cannot get employment-based coverage.³ New York's legal services community has responded consistently and aggressively to these needs. Through the work of New York's unrestricted support center, health care providers, health care unions and grassroots advocates, New York became one of the first states in the nation to expand Medicaid-funded coverage to low income parents and to adults without children with the creation of Family Health Plus. To ensure coverage for some of the state's most vulnerable populations, a number of unrestricted providers in New York's legal services community successfully challenged the exclusion of legal immigrants from the state's Medicaid program.⁴ Despite these efforts, the lack of health coverage and the inaccessibility of health services remains a critical concern. Thousands of those eligible for benefits are daunted by the bureaucracy that surrounds the application process; thousands more are inappropriately and involuntarily disenrolled from benefits, often needing the assistance of a legal advocate to re-enroll.

Child care has become a major cost-center in most low income family budgets. In order to maintain employment, they must absorb the high cost of child care or seek child care subsidies from the state. In New York, child care financing remains unduly complicated for families in need. For those on public assistance there is a legal guarantee of child care in order to help families meet their work activities requirements. For those transitioning from welfare to employment, New York operates the Transitional Child Care program. And for those families in the low wage market, New York funds a Low Income Child Care program, available to families with incomes up to 200% of the poverty line (set at local district discretion). Families face constant disruption in care as the move from program to program, often finding their child care assistance eliminated at the very moment they need it most – when employment is secured and they move into Transitional Care or when TCC ends and they confront the application process, and often a waiting list, for Low Income Child Care assistance. Advocates in New York recently secured adoption of new legislation that will bar the re-application process when families move from public assistance to TCC which will help guard against some of the disruption in child care assistance.

³ *Coverage Trends of New Yorkers: 1995-2000*, United Hospital Fund, August 2001.

⁴ See: <http://www.gulpny.org/Health/Immigration/Aliessa/aliessa.htm>

Domestic violence continues to threaten far too many poor and low income New Yorkers. In 1999, New York's Division of Criminal Justice Services (DCJS) received over 55,500 police reports of family offences involving adult partners; in 84% of the reports a female was identified as the victim.⁵ Despite the prevalence of domestic violence, services for victims, survivors and their children remain inadequate. According to the state's Office of Children and Family Services, over 23,000 women and children were denied emergency shelter due to the lack of shelter capacity. Over 11,000 women and children received residential services, and almost 31,000 received non-residential services in 1999.⁶ In order to help meet the legal needs of domestic violence victims and survivors, New York's legal services community has developed a number of collaborative programs, joining with local domestic violence programs, securing federal, state and private funding, and creating holistic systems of intervention and support. In response to these needs, New York's domestic violence shelters and legal services programs have aggressively pursued state and federal funding to expand desperately needed services.

Immigrants are a vital part of the fabric of New York and yet their access to needed benefits and services, particularly in recent years, has been severely limited. New legal hurdles, both in immigration law and in public benefits law, confront new arrivals at every turn. The legal services community itself has had to learn, and then quickly practice, new areas of law in order to serve these vulnerable populations. From establishing one's "status" to securing protection from domestic violence to accessing health care, food stamps, and other critical benefits, new and complicated areas of legal practice have arisen almost overnight. New York's legal services community has responded with a full (although not at all fully funded) range of services. Education and training programs began rolling out across the state virtually on the heels of the federal and state statutory changes. Legal challenges to certain exclusions were successfully launched and others are underway. Funding from the Interest on Lawyers Account (IOLA), Ryan White and the Violence Against Women Act (VAWA), to varying degrees, became available to serve the legal needs of immigrants. Direct legal assistance, particularly for victims of domestic violence and those living with HIV/AIDS, began operating, if unevenly, across the state.

Devolution within the Devolution: Public Assistance in New York

Despite dramatic changes in recent years, public assistance remains one of our nation's most fundamental responses to poverty, particularly among children. Unfortunately, much of the legal underpinnings in our nation's system of income support for the poor were gutted in the 1996 Personal Responsibility and Work Opportunity Reconciliation Act ("welfare reform"). The entitlement to assistance was stripped away; years of case law became moot; and Congress allowed much authority and design control over public assistance to devolve to the states.

Here in New York, the state has allowed much authority and design control to further devolve to the state's 58 local social services districts. These changes impact not only traditional cash

⁵ 1999 *Crime and Justice Annual Report*, Division of Criminal Justice Services.

⁶ *Annual Report of the Governor and Legislature*, NYS Office of Children and Family Services, 1999.

assistance programs, but also Food Stamps, Medicaid, child care assistance, domestic violence programs and public housing assistance.

Where once stood a relatively uniform system of public assistance in New York now stands a fragmented system of locally-driven policy choices. Similarly situated families now have access to very different levels of supports and services based not on need, but on geography. For example, in rural Saratoga county in northern New York, a young mother with two children will not be eligible for transportation assistance to get to and from her work placement unless she lives more than four miles from the nearest bus station. That same mother would receive transportation assistance if she lived in the City of Syracuse in Onondaga county if she lived more than a mile from the nearest public transportation stop. Without transportation assistance, she is more likely to miss her work assignments, more likely to be sanctioned, and more likely to need legal assistance to challenge that sanction.

In accessing child care assistance, a family of three living on an income of 150% of poverty (\$21,945 annually) is required to pay \$731.50 per year in parental co-pays if they live in Columbia county. That same family, with the same income would pay \$2,560.25 for child care each year if they lived in neighboring Greene county.

Even the basic availability of core benefits can now vary by county. For example, advocates fought hard to get the state to create a Food Assistance Program for immigrants excluded from the federal Food Stamp program. Although the state created the program, it was limited in scope and was made available at county option, leading to very uneven benefits across the state.

The Components of and Roles within New York's Legal Services

We have worked aggressively at both the state and local level to provide services to those in need, to ensure as even a playing field as possible and to develop pro-active responses to policy changes. New York has a long and rich history of diverse providers of legal services and different components of the legal services delivery system play different roles in the effort to ensure full access.

The current components of the delivery system in New York include, at the local and regional level, IOLA funded programs, LSC and independent legal services providers, local Bar Association Pro Bono programs, and in some areas, law school clinics and community-based organizations that work collaboratively with legal services to meet a range of client needs that go beyond basic legal assistance.

The regional and state level components include a number of support centers, including Legal Services for New York City (LSNY) and the Legal Aid Society's (LAS) support units in New York City and the Greater Upstate Law Project (GULP) which together provide statewide multi-issue, multi-service support to the legal services community; the Rural Law Center (RLC) which provides technical assistance, training and best practices models on serving rural areas; and the Western New York Law Center (WNYLC) which provides assistance and support in the area of

technology. New York is also home to a number of non-LSC or independent programs, allowing us to provide a degree of unrestricted services. For example, in Monroe County area, local planning following on the heels of LSC practice restrictions resulted in the creation of the Public Interest Law Offices of Rochester (PILOR) which provides access to class actions and local legislative and administrative advocacy.

Statewide entities involved in strengthening the delivery of legal services also include the New York State Bar Association, in particular the President's Committee on Access to Justice, the Legal Aid Committee, the Department of Pro Bono Affairs, and the Pro Bono Coordinator's Network; the state Judiciary through its Office of Court Administration and its Access to Justice Center. The New York State Diversity Coalition, a volunteer network of legal services managers and staff continue to address diversity issues on a state and national basis, and a newly formed statewide partnership between the New York City Immigration Coalition, GULP and the Erie County Bar Association's Volunteer Lawyers' Project is providing citizenship training and technical assistance for community-based organizations providing services to the state's immigrant populations.

New York is also home to a number of specialized legal services programs, including for example Farmworkers Legal Services, providing specialized services to migrant and seasonal farmworkers; the Public Utility Law Project which provides technical assistance and backup in the area of public utilities; Prisoners' Legal Services which provides civil legal services to low-income persons incarcerated in state correctional facilities; and programs that provide legal services to the elderly, to children and to those involved in the mental health systems.

Dynamic Interactions

As noted, different components of the system have taken the lead in responding to persistent or emerging client needs, and each builds on, informs and strengthens the other. For example, advocates on the front line identify barriers to services and assistance confronted by the client community. These insights inform the legislative and administrative advocacy efforts of those engaged in state policy-making. The efforts within the legislative arena inform the need to address issues in the judicial arena. Likewise the legal work of the front-line advocates lay the groundwork and help inform the policy and impact work at the state or regional level. It is a dynamic, synergistic delivery system.

For example, at the state level, the Greater Upstate Law Project and the Legal Aid Society of New York, unrestricted by LSC restrictions, play a major role in state level policy decisions in a broad range of poverty law issues.

On an on-going basis, the Legal Services Advisory Committee works closely with the state attorneys from the Office of Temporary and Disability Assistance, the Office of Children and Family Services and the departments of Health and Labor to improve client access to benefits, strengthen notice and hearing rights and avoid litigation. Comprised of attorneys from legal services and community groups geographically representative of the state and staffed by GULP,

the Advisory Committee meets regularly with the state's attorneys. The Committee draws on issues raised by advocates in the field to present a comprehensive agenda, with concrete examples illustrating the need for change and specific recommendations for securing such changes. The Committee was successful this year in getting the state to provide basic notice rights to those seeking child care assistance so that they might better understand and assert those rights.

Also at the state level, the legal services community and the New York State Bar Association just completed the 2002 Partnership Conference, a three-day training event that drew over 400 participants from across the state. Started in 1994 as a joint effort of the Legal Aid Committee of the Bar, the pro bono community and the legal services providers, the Conference is a powerful forum not only for coordinated statewide and cross-issue substantive law and skills training, but also for information sharing and state, regional and local strategizing on best practices in meeting client needs and addressing pressing issues. This conference is heavily underwritten by the New York State Bar Association and is an important demonstration of the support it provides to the mission of legal services in New York State.

Locally, programs continue to work with other community-based organizations to develop appropriate responses and to deliver needed services. Whether representing clients at Fair Hearings when their rights are denied or working with the local public housing authority on effective planning or working with local banks on community reinvestment issues, local providers respond to local needs.

Local issues are also discussed at the substantive law Task Forces that meet regularly throughout the state. These day-long meetings give advocates in a given region a chance to share information, provide updates on current cases and receive mini-trainings on emerging issues. GULP currently staffs Task Forces in Domestic Violence, Public Benefits (which covers cash assistance, child care, Medicaid and Food Stamps) and Disability Law Task Force. The Legal Support Unit (LSU) at LSNY coordinates monthly meetings in Public Assistance, SSI, Food Stamps (with GULP and Community Food Resource Center), HIV Advocacy; Housing (with the Legal Aid Society), Family Law, and Education Law (with Advocates for Children).

New York's Plan for the Future

The Steering Committee: New York's Designated State Planning Body

Started as a statewide planning committee by IOLA in 1998, New York's Steering Committee (SC) has changed significantly over time to meet new demands and emerging needs. The Steering Committee created a blueprint, *Planning for Enhanced Outcomes* in 1998, which formalized the statewide dialogue on the delivery of legal services in New York. Developed as a place for information sharing, collaboration and guidance, the SC saw itself as a facilitator of the planning effort.

Following the Legal Services Corporation's (LSC) decision not to accept New York's 2001 plan, specifically the three upstate regional plans, and in response to LSC's call for a Designated State Planning Body (Program Letter 2001-4), the Steering Committee over the past year has played a more active and directive role in state planning.

In the Summer of 2001 for the first time, the SC elected three "co-chairs" to lead a renewed and revitalized state planning effort. Over the course of the Fall and into the Winter, the SC expanded itself to include representation from the Judiciary, additional private bar representation, a client member, a community-based organization representative and two staff representatives. In all, the Committee expanded from 12 members to 18 to its current membership of 24 (see attached).

The Committee began meeting at least monthly, and at times weekly, as the workload demanded. As a group, we engaged the assistance of John Scanlon, we sought technical assistance and financial support from LSC, and we began a dialogue with the LSC Project Directors on state planning.

We worked with our partners in the Judiciary, as the Office of Court Administration planned its first ever statewide **Access to Justice Conference**. Held September 11-13, 2001 in Albany, the conference brought together Judicial Teams from across the state to engage in discussions, share best practices and hear about emerging issues in the delivery of civil legal services. As one can imagine, the events of September 11 created unbearable distractions as the New York State Bar leaders, the Judiciary and our colleagues in New York City scrambled to reach family, friends and co-workers and to begin to assess the damage and develop emergency plans of action. Notwithstanding the pain and horror of the day, over a hundred participants from across the state stayed and exchanged valuable information and ideas on the issues of civil legal services. On the night of the 11th, Judge Kaye offered her keynote address, not the one she had planned and prepared for, but a somber, heartfelt reminder to us all that the attacks of the morning were attacks on our rule of law and as such they demand that each and every one of us recommit to protecting and defending that rule of law, particularly for those least able to access the system.

The response of New York's legal community to the needs of those impacted by 9-11 was nothing short of stunning. The Courts quickly resumed operations, the private bar responded with unprecedented generosity of pro bono hours and expertise, the Bar Association of the City of New York and the New York State Bar Association provided coordination and assistance, and the core of the legal services delivery system within the City, the front-line legal aid and legal services providers, joined forces to provide countless hours of on-the-ground assistance.

Steering Committee Work Plans and Activities 2001-02

And our state planning continued. We reached out to the LSC Project Directors as a group and sought their input on the planning process and in particular on the configuration of the upstate programs. We supported them as they went into a retreat in Utica and again when they came back to the SC seeking our input and assistance. We held a two-day retreat in Albany in

November facilitated by John Scanlon, a nationally recognized consultant with expertise in mediation and crisis intervention, at which we heard presentations from the Project Directors, developed a six-month plan of action, and named a number of Working Groups to keep us moving forward.

An important part of the retreats among the LSC Project Directors and then with the Steering Committee was developing a working vision for creating Access to Justice through an energized state justice community: “Access to justice will eliminate poverty and injustice through skilled problem solving which meets the broad array of client needs in partnership with others.” The groups further identified what we need to do in order to create Access to Justice:

- Deliver coordinated justice services through partnerships with the private bar, government, community groups, private industry and other providers.
- Generate resources from governmental sources and the private sector so that funding for legal services is five times its current level.
- Work to restore faith in the justice system.
- Deploy our resources efficiently and effectively.
- Assure the full range of services to those in need.

In January, we had an extraordinary event at the State Bar’s Annual Meeting in New York City. Built around the Bar’s theme of “Honor America: Commit to Equal Access to Justice,” we added a targeted message: **“Help Create the Vision, Build the Reality.”** Joined by the leadership of the Bar and members of the legal services community from across the state, we listened as Sargent Shriver, so eloquently and passionately, urged us on in our mission.

Following his inspirational words, we presented the vision of access to justice and other key ideas about further developing a statewide justice system. We then engaged with representatives of the broader legal services community in a discussion about how to improve the vision and move forward to make that vision a reality.

We continued to struggle with the upstate configuration issues as our Configuration Work Group (CWG) gathered information, developed criteria and sought input from a variety of sources. We met in retreat again, the LSC Project Directors and members of the Steering Committee, for two days in early April. We heard presentations on a number of proposed “maps,” the strengths and weakness, the pros and cons. With John Scanlon again facilitating, the Project Directors reached a “Consensus Plan.” The Steering Committee agreed to send the consensus plan back to an expanded Configuration Work Group, to continue working, to accept additional information and feedback and to presented the results to the Steering Committee which all agreed would make the final decision.

And our state planning continued. We created a Technology Work Group and charged it with creating a statewide technology plan, and as its first mission, a statewide grant proposal. In late April, New York submitted its first statewide TIG grant to LSC for a combined technology plan that will, if funded, expand LawHelp statewide, create a “Court Channel,” allow cross-site searching of the major websites in the state, and ensure better coordination of the development and distribution of client legal education materials throughout the state. For the first time, we had a technology plan and proposal endorsed by the Steering Committee, by the state’s Judiciary and by the community at large.

We gathered in Albany on Law Day to join with our state’s highest court, the Court of Appeals, as they celebrated and embraced this year’s national theme: **“Celebrate Our Freedom: Assuring Equal Justice for All.”** Noting the work of the Center for Access to Justice and formally recognizing the State Planning Steering Committee, Chief Judge Judith Kaye said these efforts “give us high hopes and great expectations that we will at long last find a lasting way to meet the critical need to assure high quality civil legal services for those unable to afford counsel. It hardly needs saying: the availability of quality legal services for the needy is key to assuring equal access to justice.”

By late May, the Steering Committee made its final decision on the upstate configuration issue, embracing not the consensus plan, but a new Map of Justice that we believe will move New York into a stronger, more powerful position for expanding and delivering legal services.

In order to test technologies, be able to meet “in person” and avoid the cost of travel, the Steering Committee met by video-conferencing in late May to begin planning for the statewide roles and responsibilities. The Office of Court Administration (OCA) stepped forward and offered its resources, allowing us to hold a statewide meeting from sites in Buffalo, Syracuse, Albany and New York City. It was extremely effective and well received.

In early June we presented the Plan for Building a Statewide Justice Community at the New York State Bar Association Partnership Conference to over 400 participants.

As the Designated State Planning Body for New York State, we now submit New York’s Plan to the Legal Services Corporation.

New York State’s Plan: Building a Justice Community

This next section provides the components of New York’s State Plan which include:

1. The Statewide Structure
2. The Statewide Configuration of LSC Service Areas
3. Resource Development
4. Pro Bono
5. Intake and Hotlines
6. Training and Leadership Development

7. Technology

Structural Options for Statewide Infrastructure

The state planners and the LSC-funded programs have agreed that the current Steering Committee will continue as the Designated State Planning Body and be the entity charged with continuing these statewide planning efforts and guiding the implementation of the State Plan.

The Steering Committee has already created several Working Groups and their work forms the basis of this plan. We have agreed to have each group co-chaired by a representative from New York City and one from outside the City to ensure balance and a statewide perspective to our work. We are reaching out to the broader legal services community to engage them in this process and have asked a number of non-SC members to join the work groups, tapping members from both management and staff, LSC and non-LSC programs.

The Steering Committee is currently reviewing a number of options and models for an appropriate statewide structure to ensure that State Planning not only continues, but is enhanced and strengthened. We recognize that implementation of the State Plan will continue to require significant effort and, in some areas, additional resources and responsibilities. We also recognize that the Committee as currently constituted will need to be re-assessed, “re-balanced,” and potentially expanded to include more stakeholders. For example, the balance of representation between New York City and the rest of the State needs to be reviewed, as does the need to ensure representation by programs representing special populations.

The SC and the LSC Project Directors have agreed that this continuing effort must be staffed in order to be effective. As the full plan indicates, we are not waiting to reach agreement on a statewide structure before moving forward on state planning. The state plan commits to bringing on two new staff within the next six months to a year to assist in Resource Development and in Training/Leadership/Diversity Development.

Statewide structural options currently under discussion

The Steering Committee, working with input from the LSC Project Directors, is working from the attached chart of Statewide Core Functions and is beginning to define what type of entity or alignment will best suit the state’s needs as we move forward.

State Partnership for Civil Legal Services with defined membership, roles and responsibilities; with clear leadership roles (chair, executive committee). This becomes the voice/vision for the justice community/legal service and the place for decision-making. It becomes more inclusive without getting unwieldy. Working groups or committees that include SC and non SC members are created as needed to take on discrete tasks/functions. Just as the SC created the Configuration Work Group and now has a number of other operational groups, we could have “standing committees” – on technology, pro bono, resource development, staff training and leadership development, etc. to handle the day-to-day functional tasks of planning and

implementation. The Partnership would be staffed by “leader/facilitator” who would serve as both organizer and assist in decision-making

State Association for Civil Legal Services: modeled on the State Bar Association with clear and rotating leadership, a broad house of delegates and a component of standing committees. The “house of delegates” would be broadly inclusive, drawn from Statewide Project Directors, human services agencies, religious/charitable groups, law schools, local/specialty bars, etc. The house would set overall policy while standing committees would oversee/help manage policy implementation. There would be an Executive Committee to act on the Association’s behalf, to be the voice and vision for legal services and the place for decision-making within the policies set by the house.

Coordinated Support Centers: With form following function, there may be some functions that a broad Steering Committee or State Association may not be appropriate/necessary for. For example, decisions on litigation or legislative advocacy, coordination of training and legal work might best be addressed by tighter coordination among the existing support centers. Other issues/functions might well cross over. For example, staff training needs might be determined by a committee or working group of the Partnership or Association, but the design and delivery would be carried out by the support centers.

As the discussions continue and decisions are made, other models may emerge.

Work Plan: Getting from Here to There

New LSC Service Areas: Making it all Work

The Steering Committee is committed to supporting the practical structural changes that will need to be accomplished in order to reconfigure the service areas funded by LSC. We clearly recognize that there will be numerous new costs and financial demands on the delivery system at a time when the general funding levels in the state have declined as a result of the stagnating economy and the aftermath of September 11th. There will be merger related legal fees, public relations and publicity costs, new costs driven by equalizing staff benefits and salaries within a service area as well as related incidental expenses. In order to facilitate the necessary mergers the Steering Committee is committed to seeking pro bono assistance through the state bar and to making an appeal to large corporate law firms interested in becoming a part of the creation of the new justice community.

The Steering Committee will also seek pro bono assistance in the form of state and local public service announcements from media sources that will serve to publicize the development of the statewide justice community. In addition, the Steering Committee is committed to making a concerted effort to convince the New York State Legislature and the Governor of the State of New York to pass legislation creating an Access to Justice Fund of permanent state funding for civil legal services in order to expand the level of staffing needed to achieve the goal of full access to justice.

Bringing The Plan Back to the Community

In order to “roll” the plan out across the state, to educate and involve all levels of the emerging justice community, the SC will work with the LSC Project Directors, IOLA grantees and the Center for Access to Justice to present the State Plan to the broader community.

We will work with IOLA grantees as they engage in their annual coordination of services meetings this Fall. We will also engage the regional Judicial Teams organized by the CAJ in regional discussions.

Members of the SC, working through the Resource Development Workgroup will arrange a statewide meeting with funders to present the State Plan and encourage their involvement in helping to move it forward.

We will meet with key state leaders and legislators to present the plan and to engage them in a new dialogue around the need to substantial and permanent state funding for civil legal services.

Mechanisms to Assess Performance

The Steering Committee is committed to ensuring that a process of program review and accountability is developed as part of the continuing planning process. Discussions as to the process used and the potential scope of such reviews has not yet gotten underway.

It should be noted that one of New York’s major funders of legal services, the IOLA Fund, has required outcome reporting from its grantees since 1995. IOLA publishes this data in summary form each year and includes benchmarks and comparative data. In creating a mechanism to assess program performance, we will review the system used by LSNY in its recent program evaluation as well as processes and systems used by other states.

The Map of Justice

Self Evaluation: Configuration

What is the current configuration of programs (LSC and non-LSC) that deliver services to low income clients -- i.e., what are the components (size, areas of responsibility, governance) of the delivery system? What are the funding sources and levels for each of these components of the delivery system?

See details in Configuration Plan describe below.

Since October 1998, what other configurations and/or approaches have been seriously explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?

Yes, a number of plans were explored and/or presented. The reconfiguration plan for New York City was adopted by LSC as was the plan for Long Island. The reconfiguration plans for upstate submitted in 2001 were not accepted by LSC. There are significant changes contemplated under the Plan outlined below.

Is there any identifiable duplication in capacities or services in the state? How many duplicative systems -- accounting systems, human resources management systems, case management systems, etc. -- currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?

Duplicative systems, to the extent they exist, will be reviewed and, if appropriate, reduced/combined in the course of program area realignment.

Since October 1998, what innovative service delivery systems/mechanisms/initiatives been adopted in the state? Have any been explored and then rejected?

There were several innovative plans presented in the upstate reconfigurations presented to LSC in 2001 which were not accepted.

New York's Statewide Plan for Configuration

Working from the regional planning of the past few years and taking a stronger statewide vision and leadership role, the Steering Committee strongly believes the reconfiguration of New York's upstate programs into five service areas will ensure coordinated justice services throughout the state. While embracing these newly designed service areas, we note the historic strength of the state's legal services delivery system. Home to LSNY, one of the largest LSC-funded programs in the country, New York is also home strong rural and suburban programs that are remarkably efficient and productive. According to LSC data, the 2000 average cost per case closed among New York programs outside New York City was \$202 per case; the national average was \$273 per case. These New York programs closed 371 cases per 10,000 poor persons while the national average was 302 cases per 10,000. Clearly New York moves into realignment from a position of strong, locally-based programs.

with this plan, we commit to a statewide system with coordination of advocacy, a statewide technology plan, leadership, diversity and staff development, legislative advocacy, peer or program evaluation, and the other strategic elements of a comprehensive, integrated statewide system. We voted overwhelmingly to create the following new LSC regions because we believe this configuration will support an integrated statewide system of the scale New York needs.

As the documents of the Configuration Work Group (attached) clearly demonstrate, the process for fully exploring several different maps was thorough and complete. The Configuration Work

Group, a subcommittee of the Steering Committee, worked with the LSC project directors to develop full proposals of various alternatives. The full 24-member, broadly based Steering Committee, then reviewed the information submitted and the criteria for decision making, and voted overwhelmingly for the map submitted today. It should be noted that the Steering Committee required a two-third majority of those voting before a plan could be accepted. The plans submitted below received greater than a two-thirds majority on the first ballot, an overwhelming vote of support for the future of legal services in New York State.

This plan conforms to the requirements set forth in LSC planning letters 98-1, 98-6 and 2000-7, LSC program letter 02-1, the criteria set forth in LSC's September 12, 2001 letter to Peter Racette, and the Steering Committee's Configuration work group's memo setting forth the criteria to be used for reconfiguration sent to all LSC Project Directors on February 12, 2002. Five upstate regions, one NYC region and one Long Island region will readily permit and encourage the partnerships and integration, as well as the flexibility, necessary to bring relative equity and growth of services from region to region throughout the state. This map creates three larger upstate regions with significant potential, and three relatively equal smaller regions with strong financial and fund-raising cores. Importantly, while all the new regions will be larger, each will still be small enough to facilitate administration, staff development and oversight.

Counties	Region	Partners
Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester	Hudson Valley Region	Westchester/Putnam Legal Services (WPLS) with Legal Aid Society of Rockland County (LASRC) service area but LASRC remaining a non-LSC provider for Rockland County
Albany, Clinton, Columbia, Greene, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Warren, Washington	Northeast Region	North County Legal Services (NCLS) and the former Mid-Mohawk area (Fulton, Montgomery and Schoharie Counties) with Legal Aid Society of Northeastern NY (LASNNY)
Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego	Central Region	Legal Aid Society of Mid-New York (LASMNY), without the former Mid-Mohawk area (Fulton, Montgomery & Schoharie Counties), Legal Services of Central New York (LSCNY), with Legal Aid for Broome/Chenango

Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Yates	Finger Lakes/ Southern Tier Region	Chemung County Neighborhood Legal Services (CCNLS), Southern Tier Legal Services (STLS) with Monroe County Legal Assistance Corp. (MCLAC)
Erie, Genesee, Niagara, Orleans, Wyoming	Buffalo/Niagara Region	Neighborhood Legal Services (NLS) with Niagara County Legal Aid (NCLA) and Oak Orchard Legal Services (OOLS)

The Hudson Valley Region

Based on the above criteria, the Steering Committee unequivocally believes that the best configuration for clients in the eastern portion of the state is to have two LSC funded regions: the Hudson Valley (consisting of Westchester, Rockland, Putnam, Dutchess, Orange, Sullivan and Ulster counties) and the Northeast (consisting of Albany, Rensselaer, Schenectady, Columbia, Greene, Saratoga, Warren, Washington, Clinton, Essex, Franklin, Hamilton, St. Lawrence, Fulton, Montgomery and Schoharie Counties). The Hudson Valley program will be anchored in White Plains and the Northeast Region in Albany. Those cities are 140 miles apart and have different and distinct geographic, socio-cultural, economic and historical distinctions and affinities. Both are exceptionally strong, growing programs with recognized leaders who bring gender and racial diversity to the state. The combined budgets of these two Eastern programs surpass the total amount of resources of all of the other proposed regions but New York City. In order to maximize access and quality legal services for clients by growing programs so that the core capacities will be developed and maintained in all parts of the state, the separation of these two regions and encouragement of their leaders to continue their accomplishments in larger service areas is necessary.

The Hudson Valley is a readily identifiable, historical service region made up of Westchester, Putnam, Rockland, Orange, Ulster and Sullivan Counties. These counties are distinct from upstate locations. Indeed, the substantial and uniform increase in their poverty populations in the 2000 Census distinguishes them from the rest of upstate New York. Westchester and Rockland Counties are uniquely similar in their proximity to New York City. Westchester contains one of the largest cities in New York State (Yonkers) and Westchester, Dutchess, Rockland, Orange and Ulster contain smaller cities to which WPLS can bring its service expertise. The economy of the region has evolved over the last twenty years into an extended commuting community for New York City workers as they head north for lower housing prices and improved quality of life. The more rural counties of Ulster, Sullivan, Putnam and parts of Dutchess consist of more farmland, open space and lower population density. These more rural parts of the service area can benefit from the affluence and systemic approaches to service delivery utilized in the more urban areas, while bringing to the larger program knowledge and expertise in serving the rural poor.

The most important factor in support of keeping the Hudson Valley counties together is their shared culture, services and interactions. Funding sources such as the New York State AIDS Institute and the New York State Commission on Quality and Care recognize the counties in the Hudson Valley as constituting a politically coherent region where poor persons routinely interact during their daily activities. Shared and accessible transportation via bus, bridge and highway, cultural affinity, area identity and political groupings unite the Hudson Valley. Clients in Ulster and Sullivan County easily travel along major roads east to Dutchess and Orange Counties and vice versa. WPLS already serves the Hudson Valley region with Protection and Advocacy and HIV grants governing Westchester, Putnam, Dutchess, Orange, Rockland, Ulster and Sullivan Counties with certain disability hearings for Ulster and Sullivan County being conducted in Dutchess or Westchester Counties. The reconfiguration of this region is both consistent with human service agency configuration and patterns of use of services by clients. Further, in accordance with grants received to serve the Hudson Valley, WPLS staff already maintain contacts and conduct intake at community groups sites in Orange, Ulster and Sullivan Counties.

Very importantly, WPLS and LASRC work cooperatively and share similar client demographics, client service statistics and program cultures. Both WPLS and LASRC do significantly more housing work and extended service than other programs in the state. The Boards, leaders and staff of both programs are committed to improvement of regional capacities through reconfiguration in this region and in accomplishing reconfiguration through joint, cooperative efforts which will eliminate any potential disruption in services to clients.

In recognition of the cooperative nature of the transition process, WPLS and LASRC have agreed upon fundamental principles which will guide this transition from two to one service provider in the Hudson Valley. These principles include the recognition of the need to serve clients locally which will be accomplished in part by WPLS keeping the Orange County office open and retaining LASRC's staff currently providing services in Orange, Sullivan and Ulster Counties subject to funding availability. LASRC will relinquish all of its funding for Orange, Sullivan and Ulster Counties and work with WPLS to obtain/transfer this funding from LASRC's funding sources. LASRC will remain in Rockland County as an unrestricted provider of civil legal services. Given LASRC's significant amount of non-LSC funding, the steering committee believes this outcome is in the best interests of clients. WPLS and LASRC recognize the importance of integrating LSC funding in Rockland County into the region and, therefore, subject to funder approval, WPLS will transfer to LASRC an amount equal to WPLS' proportionate share of its LSC grant for Rockland County. This outcome will enable LASRC to continue to provide, without diminution, a full range of civil legal services. It will also avoid fragmentation of services in Rockland County inasmuch as the LSC grant in Rockland County (\$144,405 in 2002) is too limited to permit WPLS to provide meaningful services in the range needed by clients. LASRC has agreed to remain a partner in state planning and work towards integration of client services on a statewide basis.

WPLS' success in program expansion and resource development can be deployed throughout the Hudson Valley. WPLS' budget has increased by 44% from 1997 - 2000, the greatest growth of any program upstate. WPLS provides services to clients in all substantive areas and can weather

changes in client needs or funding reductions without changing services to clients. For example, WPLS and other legal services field providers did not have their Violence Against Women Act funding renewed last year. Unlike some other programs, WPLS was able to maintain services to the community while its Executive Director and Fund Raiser raised replacement funds. WPLS has in place a strong management system with managing attorneys in each office, and a Grant Administrator, Director of Operations, Computer Support Operator, and Human Resources Director for the entire program. On a consulting basis, WPLS has both a part-time fund raiser and a part-time media/fund raising consultant. Unification of the entire Hudson Valley into one program will efficiently utilize the systemic approach to administration currently in place at WPLS, thereby allowing most of the resources in the newly acquired counties to be utilized for client services.

The Northeast Region

The Northeast New York Region will include the current service areas of the Legal Aid Society of Northeastern New York (LASNNY) (Albany, Rensselaer, Columbia, Greene, Schenectady, Saratoga, Warren and Washington Counties), North Country Legal Services (NCLS) (Clinton, Essex, Franklin, Hamilton & St. Lawrence Counties) and Fulton, Montgomery and Schoharie Counties.

Combining these service areas into a single region will meet compelling client needs in northeastern New York State. The substantial issues facing the rural poor in the area currently served by NCLS are identical to those experienced in Warren and Washington Counties as well as rural Saratoga County, long served by LASNNY. LASNNY will maintain the existing NCLS offices and keep the historic service area of NCLS intact. While the new region is geographically large, it is easily reached by going straight up the Northway, I-87.

The addition of Fulton, Montgomery and Schoharie Counties will also serve compelling client needs very well. The needs in these counties closely match that of clients in the rest of the Capital District, the current LASNNY service area. LASNNY will maintain the Amsterdam office to serve Fulton, Montgomery & Schoharie Counties. Again, clients should experience no disruption to the current delivery system. This configuration unites services for the entire Fourth Judicial District, and adds Schoharie County to the bulk of the legal services for the Third Judicial District. Although Fulton, Montgomery and Schoharie Counties have been served by the Legal Aid Society of Mid-New York, this reconfiguration maintains the historic service area of the Mid-Mohawk region. Commuters, students and individuals seeking medical services all flow to Albany. In light of the general traffic flow from those counties to Albany, the similarity in client needs and regional services, this is the configuration that will serve clients best. Current LASNNY and Amsterdam staff regularly cross the service area boundaries to commute to work now. These local contacts will enhance services in the expanded service area.

The Northeast configuration maximizes capacities in the new service area. It unites a high growth program (LASNNY has grown 30% from 1997 - 2000) with a solid but smaller program immediately to the north. With the addition of Fulton, Montgomery and Schoharie Counties, this

configuration creates the opportunity for new funding collaborations. LASNNY's successful pro bono program can be expanded, continuing to work with the Rural Law Center and joining with existing NCLS pro bono staff to recruit pro bono attorneys in more rural areas of the service area. We expect this configuration will result in greater coordination of legal work in the expanded program through a new programmatic position, Director of Litigation. We also expect the expanded program to have additional leadership opportunities.

LASNNY will remain fully involved with all stakeholders in the expanded Northeast region. The Society's system of holding program-wide staff meetings four times per year will integrate the staff in the expanded service area. NCLS's Executive Director is an officer in the Clinton County Bar Association. LASNNY's Executive Director will work with him to establish and maintain regular communication with local bar associations and other stakeholders throughout the new region. Some of the Society's pro bono panelists have already agreed to help expand our program into the new service area. Thus, the Society's long term relationships will support its future work in the new area.

There will be administrative savings as a result of the reconfiguration in ultimately consolidating management and administration functions. The Society hopes to work with Peter Racette as the Director of Litigation for the expanded program. As the Amsterdam office is only about 35 minutes from the Albany office, directly along the NYS Thruway, it will be relatively easy to administer from Albany.

The Northeast region is consistent with several human services agencies' configurations which work with our clients. For example, the AIDS Council of Northeastern New York's service area includes all of these counties in its catchment area. The VA Medical Center, also based in Albany, serves veterans from Plattsburgh through Sullivan and Ulster Counties, encompassing almost the entire service area. The Warren/Saratoga/ Washington/Essex BOCES crosses the current LASNNY service lines, as does the Warren/Hamilton CAP.

The Albany Catholic Charities office also covers much of this expanded service area. This configuration also is consistent with the Albany-Schoharie BOCES service area. The Albany district office of VESID criss-crosses the proposed service area, serving Albany Columbia, Greene, Rensselaer, Saratoga, Schenectady, Schoharie, Warren and Washington Counties. Hispanic Outreach Services covers Montgomery, Albany, Rensselaer and Schenectady Counties, and like the Society, is based in Albany. LASNNY has active outreach projects with HOS which can easily be extended to HOS in Montgomery County.

Both LASNNY and NCLS currently provide some services in each service area. NCLS has long been the P&A provider for Warren and Washington Counties. LASNNY provides intake and referral services for the Legal Aid Society of Rochester's Immigration Project throughout the entire new service area.

While electoral and congressional districts are not dispositive, this configuration unites more of John Sweeney's Congressional District (Essex, Warren, Washington, Saratoga, Rensselaer,

Schoharie, Columbia, Greene & Dutchess). Similarly, NCLS and LASNNY Directors have previously jointly lobbied Senator Stafford (Warren, Washington, Clinton, Hamilton Franklin Essex Counties) on issues concerning state funding for legal services. In the Assembly, LASNNY and NCLS also share Assemblymember Elizabeth Little (Warren, Clinton, Essex & Franklin Counties). By adding Fulton, Montgomery and Schoharie Counties to the Northeast Region, the program would be represented by Senator Farley, who serves Fulton, Montgomery, Schenectady and Saratoga Counties. Albany's Congressman, Michael McNulty, also serves Montgomery County.

In terms of economics, the rural north country and the most northern part of LASNNY's current service area have much in common. Some of the major industries include dairy, paper manufacturing, and tourism; there are also deep pockets of rural poverty. Transportation is an especially significant barrier for the rural poor. These issues are shared across the two existing service areas. Fulton, Montgomery and Schoharie Counties are part of the Capital Region for many businesses, governmental and planning processes.

This configuration plan maximizes existing regional leadership and creates a new diverse management team. The Directors of NCLS, LASMNY and LASNNY are committed to a smooth transition to the new Northeastern New York region. This consolidation connects the respected leader of a rural legal services program with extensive litigation experience, someone from the area which he now serves, with a prominent woman of color with great success in management and fundraising. LASNNY's director has grown the program even in a service area that is not particularly wealthy or disposed to legal services. The individual strengths of the two current NCLS and LASNNY directors, management and leadership and litigation and management, will strengthen the management team of the new program. The expanded program will also have leadership opportunities for other staff.

This map creates a more stable and powerful region capable of improving and expanding services for clients throughout the region.

The Central Region

The Steering Committee fully supports a reconfigured central region which will include the current service areas of Legal Services of Central New York (LSCNY) (Cayuga, Cortland, Jefferson, Onondaga, and Oswego), Legal Aid for Broome and Chenango Counties (LABC) (Broome and Chenango), and the Legal Aid Society of Mid New York (LASMNY) (Delaware, Herkimer, Lewis, Madison, Oneida, and Otsego) – but for Fulton, Montgomery and Schoharie Counties, which will become part of the Northeast Region. This larger service area will provide the maximum benefit for clients.

The central region consists of three urban population centers – Syracuse, Utica, and Binghamton. The cities are surrounded by suburbs, but much of the region is rural. Like many upstate areas, total population has decreased from 1990, while the poverty population has increased. Additionally, 2000 Census figures show a substantial increase in people with disabilities. Some

county poverty increases have been substantial, exceeding 15%. Economically, the region has been, at best, stagnant for the past ten years.

LASMNY, LSCNY and LABC are all programs centered in mid-size and small cities, Syracuse Utica and Binghamton. Each of the current program areas include small towns and villages as well as significant rural areas. Syracuse and Utica are less than 60 miles apart, directly connected by the NYS Thruway. Syracuse and Binghamton are a little over 70 miles apart and directly connected by Interstate 81. Both LASMNY and LSCNY have human service agencies covering counties served by the other, and both have grants covering the newly created service area for clients with disabilities (CAP and P&A). Travel within the region is easy and routine, with advocates regularly traveling to the main cities for client hearings.

The client population and demographics are also similar. Based on prior regional planning it is obvious that the programs share similar program cultures, and the same commitment to local offices serving local areas. Thus this configuration would be unlikely to disrupt the current service delivery system. During regional planning conducted since 1996, the three programs, along with North Country Legal Services, engaged in extensive discussions and cooperative efforts to improve the delivery of civil legal services in the region. The programs engaged in joint fundraising, and joint identification of gaps in legal services available for critical client needs. A proposed reconfiguration resulted in Board merger negotiations by all programs. Since the current configuration is different from the one proposed by the three programs in the region, those programs are now re-engaging in regional planning with assistance and input from the Steering Committee. As a result, many of the factors outlined in the state plan for other regions are indefinite at this time for the new central configuration.

The most significant issue to be tackled is how the new service area will ensure that the full range of services are provided to the client population. To this end, the directors in consultation with key members of their Boards are developing a number of options. One of the options will be for the three programs to merge into one legal services provider, Another would be to form both an LSC funded and non-LSC funded delivery organization. The central region does not currently have a well-funded provider to engage in LSC-restricted activities. The Syracuse University College of Law Clinical Program was funded by IOLA to provide restricted services, but that funding terminated more than one year ago. Even though the College of Law was funded, it never had sufficient resources to engage in restricted representation beyond Onondaga County. The other legal services program independent of LSC funding is the Frank Hiscock Legal Aid Society. Hiscock provides services in only Onondaga County and has a substantial criminal component. While restricted representation is available (if unevenly) in other regions in the state, the central region faces the task of creating a mechanism for ensuring that clients have access to a full range of services in priority legal areas.

Beyond deciding on how a full range of services will be provided, the region will also look to access by underserved populations. LASMNY has the migrant grant for the state. LSCNY has four grants from the NYS Commission on Quality of Care (CQC) to represent people with disabilities. Other CQC grants in the region bring the total to about \$340,000. The central

region has a significant Native American population, including the Onondaga Nation reservation. LSC funding has not been specifically available for Native American representation. The region will have to plan to respond to this need. A substantial portion of the poverty population in the region are in rural counties. Only three of the 14 counties are urban. The unique legal needs and access problems of the rural poor will be a priority in the region.

As the three LSC funded programs in the region prepare to meet the challenges of serving the client population in central New York, some of the strengths of the programs will help to ensure that resulting structure will respond to client need. Prominent among the strengths is the regions long history of cooperative planning and projects. Additionally, as identified by a consulting team from the Syracuse University Maxwell School which assisted LSCNY and LABC in previous configuration negotiations, the Boards and staff have more characteristics in common than unlike. The foundation of these strengths is a strong sense of a common mission – to provide high quality legal services to the client eligible population in the region. This ability to work together will insure seamless access to legal services within the region. Thus, full integration of a significantly sized central region is likely no matter what final structure is chosen.

Finger Lakes/Southern Tier Region

The Finger Lakes/Southern Tier Region will include the current service areas of Monroe County Legal Assistance and Legal Assistance of the Finger Lakes (Monroe, Wayne, Livingston, Ontario, Yates, and Seneca Counties), Southern Tier Legal Services (Steuben, Allegany, Cattaraugus, and Chautauqua Counties), and Chemung County Neighborhood Legal Services (Chemung, Schuyler, Tompkins and Tioga Counties). Thirteen of the fourteen counties in the region are predominantly rural; Monroe County includes the largest city in the region, Rochester. There are also small cities throughout the region, including Geneva, Canandaigua, Ithaca, Elmira, Jamestown and Olean.

Despite the presence of a large urban center in Rochester, the new Finger Lakes/Southern Tier region will maintain a strong focus on delivery of civil legal services to the rural poor. All three existing programs providing services in the rural areas--Southern Tier Legal Services (STLS), Chemung County Neighborhood Legal Services (CCNLS), and Monroe County Legal Assistance (MCLAC), through its component Legal Assistance of the Finger Lakes (LAFL)--have significant strengths and expertise. The Steering Committee believes that the needs of clients in the region can best be met by creating one regional program that will focus upon the rural delivery model, allowing it to build and expand upon these already existing strengths.

The programs in the region have a shared history. MCLAC has a long history of providing leadership in the state that strengthens the delivery system. In 1972, MCLAC administered a migrant program that became Mid-Hudson Legal Services and a Flood Relief Project that became Southern Tier Legal Services. In 1973, the state support office, Greater Upstate Law Project, was created and administered out of MCLAC. In 1977, MCLAC received funding to start a ten-county migrant program that became Farmworkers' Legal Services, and in 1981, with

a grant from LSC, MCLAC established Volunteer Legal Services Project. Due to funding cutbacks, MCLAC provided financial accounting to Southern Tier Legal Services, Oak Orchard Legal Services, and Neighborhood Legal Services from 1981 until 1987. In 1984, MCLAC administered NY State's DAP contract which included Southern Tier Legal Services and Chemung County Legal Services. In 1995, MCLAC spun off GULP and Public Interest Law Office of Rochester to preserve a full range of legal services in the region and statewide.

In addition to its history of maintaining its core Monroe County delivery system and spinning off successful subsidiaries, MCLAC also shares responsibility for the delivery of legal services to low-income residents of Monroe County with three other direct providers: Legal Aid Society of Rochester, Volunteer Legal Services Project and Public Interest Law Office of Rochester. The typical funding streams are divided among all four providers resulting in a proportionately smaller budget for the LSC-funded entity. However, the combined budgets of all four providers is almost \$5 million, and together they close over 13,000 cases annually.

One of the reasons why a rural focus works in a region with a large city is the unique, integrated delivery system that exists in Rochester. MCLAC, the LSC-funded program, is one of four direct providers of civil legal services to the poor. Having split in 1996 to insure the delivery of restricted work, MCLAC does not receive IOLA CLS funds, state appropriation dollars, or DAP funds. This results in a large city program with a small city budget. With administration moved to Geneva, the MCLAC budget for Rochester is equivalent to the LAFL budget for the five rural counties served through them. LAFL also has an equivalent number of advocates on staff. Because there are so many other providers in Rochester, the direct service and delivery issues are very different in Rochester and do not overshadow rural delivery for MCLAC. At the same time, because of the strong partnerships forged by MCLAC with the other Rochester providers, Rochester is able to bring a broad array of resources to the region.

The Finger Lakes/Southern Tier region is bound by similar geography, similar culture, a similar economy, and shared political subdivisions. Much of the region is considered a northern extension of Appalachia. Clients face similar barriers, including isolation from services and lack of public transportation. Many clients have difficulties finding reliable transportation to get to work, medical appointments and other services. The major thoroughfares linking the region are Route 17/ Interstate 86 from east to west, and Route 390 from north to south.

The poverty population for the region has risen from 179,778 in 1990 to 189,037 in 2000. The economy of the region is based upon manufacturing, tourism, and agriculture. The one Fortune 500 company in the rural area, Corning, Inc., is experiencing the most difficult period in the company's history, resulting in unemployment for thousands of workers in the Southern Tier and Chemung Valley. The overall slowdown of the economy is causing hardships for many, and the demand for emergency food, shelter, and other basic necessities has risen sharply.

The congressional district of Congressman Amory Houghton, with both the old and new boundaries, includes parts of the LAFL, STLS and CCNLS services areas, as does the 52nd state

senatorial district of John R. Kuhl, Jr. Several state assembly districts also overlap parts of the current service areas of CCNLS, STLS and LAFL.

Other funders and human services agencies include parts of the region within their service areas. For example, the Rochester AIDS Institute/Ryan White catchment area includes 9 of the 14 counties in the new region. Two Veterans Administration Centers are located in the region, one in Bath and one in Canandaigua, and serve veterans from other parts of the region. Catholic Charities of the Southern Tier spans both CCNLS and STLS counties. The Center for Dispute Settlement, a community dispute resolution program based in Rochester, serves the MCLAC/LAFL service area and part of STLS's service area.

The individual strengths of the present programs in the newly configured Finger Lakes/Southern Tier region will be exported to each other. The new collective strength of the existing LSC grantees will ultimately enhance the delivery of services to clients throughout the region. These strengths include:

Leadership: The new Finger Lakes/Southern Tier region will be led by a management team including: a program leader with 16 years of experience with delivery of legal services to clients in this rural region and 20 years in legal services, demonstrated fundraising ability and strong management skills; a program leader with over 30 years experience delivering legal services in this region, with deep roots in the community his program serves, who is a strong advocate for rural delivery; a program leader with 11 years experience and another 6 years as a staff attorney providing legal services in this region, who has also taken on statewide leadership roles, including co-chair of the Statewide Project Directors Association and membership on the State Planning Steering Committee; a program leader in this region for 18 years, who has taken on a national leadership role in the legal services community, including serving as a trainer for NLADA/MIE and as a consultant on state planning in other states. As the new management team develops and takes on regional responsibilities, new opportunities will emerge for diverse leaders throughout the region. Other strengths that the new program will build on include the fiscal office of MCLAC and strong fiscal administrators throughout the region.

Staff expertise: In addition to the cadre of attorneys and paralegals at MCLAC in Rochester with a long history of delivering services in housing, benefits, and elder law in urban and suburban settings, all of the programs have very long-term employees who have made legal services in a rural setting their career since they left law school. Their attorneys and paralegals have extensive substantive expertise in housing, benefits and family law as well as practice skills in the family courts and housing courts in the service area. They also have a deeply held, shared philosophical approach for how to provide services to rural clients. Staff do not hesitate to accept cases that require them to travel to village courts at night that are as much as an hour or two from their homes to represent clients in a summary proceeding that will only last 20 minutes. They also travel when necessary to clients' homes to do an intake for a homebound client or to prepare for an eviction defense based upon substandard conditions.

As the statewide system of training and leadership development is further expanded, the experienced staff in the region will be able to participate in providing the training

Coordination of Legal Work: Staff of all programs in the new region have had significant contact over the years, through their work on the Disability, Welfare/Health Law and Domestic Violence Task Forces. This contact has been reinforced over the past several years through the substantive law listservs, used actively by staff from all programs in the new region. Program staff also consult each other informally for information and ideas about case strategy. This history of staff interaction across program lines, combined with the substantial substantive expertise within the programs, provides significant potential for enhancing the coordination of legal work within the newly configured service area.

Resource development: The LSC dollars per poor person figure is the lowest for this region. In part, this is due to the fact that MCLAC gave up almost half of its funding in 1996 to ensure the full range of services continued to be delivered in Monroe County through the creation of the Public Interest Law Office of Rochester, an unrestricted provider. Significantly, however, there is an additional \$3.7 million in non-LSC funding in Monroe County for the direct delivery of services to the poor. There is, nonetheless, significant potential in the new region for expansion of funding. For example, the budget for the Geneva office of MCLAC/LAFL has grown from approximately \$250,000 in 1986 to \$900,000 today, including an increase in its base of funders from 5 to 31. Programs in the region have also had success expanding their funding through collaborations, which can be replicated. MCLAC/LAFL is part of a U.S. Department of Justice (DOJ)-funded domestic violence regional collaborative led by the Legal Aid Society of Rochester. STLS and CCNLS are each the lead agencies in DOJ-funded domestic violence collaboratives in their service areas. MCLAC/LAFL and STLS both receive state funding for homelessness intervention projects. LAFL, STLS and CCNLS are all part of a regional Disability Advocacy Project that provides advocacy to people with disabilities who have been denied federal disability benefits. CCNLS and STLS have both recently received funding awards from the United Way of the Southern Tier for the first time in almost 20 years.

The new region also has potential for expanding volunteer resources, building on CCNLS' relationship with Cornell Law School and successful efforts by MCLAC/LAFL and CCNLS to recruit volunteer law students and college students.

Technology: There are significant resources in the region for using technology to expand access to services for clients throughout the region. For example, MCLAC and LAFL each have web sites that include information useful to clients and advocates. MCLAC, LAFL and CCNLS all have employees on staff with significant technology skills. STLS has a computer consultant through a collaborative arrangement with other not-for-profits in the region. STLS has recently linked its three offices electronically and has centralized its client database, and this could be a pilot for linking all of the offices in the new region.

Intake: All programs in the region conduct intake by telephone. Nonetheless, the programs also embrace a very important component of rural delivery: in-person contact with our clients in their

communities - especially those who are frail and socially isolated. These rural programs presently do intake by telephone but also do it in-person at food pantries, churches, battered women's shelters, courthouses, CAP offices, offices for the aging and other sites. The Legal Connection provides intake and referral services for all of the direct providers of legal services in Rochester. LAFL is engaged in preliminary discussion with a local family court on developing a proposal to interact with clients by computer.

Pro bono: Volunteer Legal Services Project (VLSP) in Rochester is a national model of a successful *pro bono* program, and its strengths and resources can be exported to the rural counties. For example, VLSP has launched Probono.net, a web-based resource and referral mechanism for *pro bono* attorneys. Working with VLSP, the Finger Lakes Volunteer Lawyer Service, administered by LAFL, is preparing to launch Probono.net and will be the first rural program in New York State to do so. CCNLS has a highly successful model for referral of uncontested divorce cases to *pro bono* attorneys, which includes an annual recognition luncheon with a prominent guest speaker, this year the new President of the New York State Bar Association, Lorraine Power Tharp.

STLS is developing a similar referral program based upon the successful CCNLS model. LAFL and STLS have been successful with launching *pro se* matrimonial clinic programs that have garnered the support of the private bar and the courts. STLS has sent staff to observe the LAFL clinics to find ways to improve clinic procedures. CCNLS and STLS have both collaborated with the Rural Law Center and GULP to offer a "Best Practices" CLE seminar on domestic violence law to local *pro bono* attorneys, which also increased the pool of available volunteer attorneys. The CLE was provided free of charge, with the Rural Law Center handling logistics, GULP providing the substantive expertise, and local judges providing information about local practices. In exchange for the free CLE, each attorney agreed to accept one *pro bono* referral in the coming year.

Buffalo/Niagara Region

The new Buffalo-Niagara service area includes Erie, Niagara, Orleans, Genesee and Wyoming counties and is organized to maximize access to a full range of services and best meet the most compelling client needs in the western region of New York State. It is based on the reality of the regional population centers, and other natural Western New York regional, geographic, political, economic development and judicial district definitions. It is manageable in both size and shape, while taking advantage of the all of the regional and statewide contributions of the existing LSC grantees.

The cornerstone of the new Buffalo-Niagara service area is the ability of all three pre-existing LSC programs to collaborate within a manageably sized region to expand and improve client services. The most important factor in support of joining the five Buffalo-Niagara counties together is their shared culture and regional identity. Many human services agencies such as the Buffalo Diocese Catholic Charities, serve all five counties and these counties are all treated as one "news market" by the major news broadcasts and newspapers. These counties are also all

in the Eighth Judicial district as well. Buffalo is 22 miles from Niagara Falls and 42 miles from Batavia in Genesee County. Based on 2000 Census figures this region's poverty population is more than 147,000 people.

There is a substantial infrastructure of services within the Buffalo-Niagara Region. Niagara County Legal Aid Society, Oak Orchard Legal Services and Neighborhood Legal Services each provide legal representation in consumer, divorce, medicaid, landlord/tenant, public housing, cash assistance and disability. Other areas such as employment, medicare, work incentives and special education are practiced by at least one of the providers and the expertise can be exported to the other areas under the reconfiguration. Neighborhood Legal Services (NLS) employs a hotline intake system which is complemented by more than 150 standard legal information letters and which is exportable to the adjoining Niagara, Orleans, Genesee and Wyoming counties. NLS also provides regional disability advocacy, benefits counseling and training to numerous agencies in each of the Buffalo-Niagara Program counties. In addition, the nls.org web page for advocates, clients and pro se attorneys is already accessed by more than 166,000 visitors who download more than 45,000 documents annually. NLS will also expand the circulation of its five substantive law newsletters into the new five county service area.

NLS, Niagara County Legal Aid Society (NCLAS) and the Oak Orchard Legal Services (OOLS) each provide services to clients who live in cities, small towns and rural areas. However, OOLS has many years of experience serving the rural parts of Orleans, Genesee and Wyoming counties and has great rural delivery expertise to share with NLS and NCLAS. With experienced advocates staffing offices in Niagara Falls (NCLAS-Niagara County), Batavia (OOLS- Genesee County) and Buffalo (NLS-Erie County) the access to client services will be geographically distributed throughout the region.

NLS serves the Buffalo-Niagara region with Protection and Advocacy grants and a variety of benefits management and work incentives grants. NLS has contacts and conducts intake under Protection and Advocacy grants, and also provides training for community groups located throughout the five county region. NLS has subcontracts for services with five WNY regional Independent Living Centers two of which are located in Niagara County and Genesee County. NCLAS has recently been awarded funds from a VAWA grant and NLS has several years experience providing domestic violence services with federal and state funding. The joining of these five counties into this regional LSC service area will maximize resources and broaden access to services to clients in Western New York. The reconfiguration of this region is also consistent with human service agency referrals and patterns of use of services by clients.

The new opportunities for government and foundation grants based on this collaboration are a key consideration in creating the new regional boundaries. With NLS, NCLAS and OOLS joining forces, the three current programs can take advantage of the natural identification of the region as Buffalo-Niagara for regional government grant and foundation opportunities. Grant applications originating from an expanded five county Buffalo-Niagara regional LSC program are bound to have greater appeal to government agencies and regional foundations.

NLS' success in program expansion and *resource development* can be exported throughout the Buffalo-Niagara Region. NLS provides services to clients in all substantive areas and has particular expertise in matters relating to disability, ADA, assistive technology for the disabled, federal work incentives and welfare to work transition strategies. NLS has had success with expanding services over the last several years. NLS created Project Dandelion (an array of welfare to work supportive services including advocacy and training) which is funded by a grant from the Department of Social Services (DSS). The NLS Consumer Law Project is also funded by DSS to assist recently employed low- income people with consumer problems. NLS is funded by the Erie County Workforce Investment Board to deliver curriculum and train staff of two Federal Enterprise Zones, Youth Opportunity Centers. NLS created the Grandparent Advocacy Project (GAP) which is funded by four local foundations and New York State Office of Children and Family Services. NLS' funding increased by 23% from 1998 - 2001.

OOLS and NCLAS are each led by strong, tenured legal service directors, bringing to the region strong leadership assets. The new program will rely on them in new capacities as deputy regional directors. NLS has in place a strong management system with four substantive law units supervised by Supervising Attorneys, a Grant Administrator and an Administrative Assistant/ Secretarial Supervisor. The administrative staff of NLS, NCLAS and OOLS will play an integral part in managing the new Buffalo-Niagara region. Each of the current programs has a very lean management to staff ratio. The economy of office proximity for planning, audit, CSR reporting, coordination of administrative activities, technology purchases and implementation are all obvious benefits for the new service area.

Training of staff within this manageable sized region will be sensible and cost effective. Routine new staff orientation, skills building, mentoring, etc., all become achievable and economical because distance and cost are not barriers. Community Legal Education (CLE) is more economically produced as a result of this reconfiguration. In 2001 NLS trained 4,390 people including clients, pro bono attorneys, legal services lawyers and paralegals, community agency advocates, case managers and social workers. In partnership with NCLAS, and OOLS, NLS fully expects to continue its tradition of making substantial financial investments in training the staff of the expanded program, as well as CLE.

Coordinated, integrated *pro bono* activity within this region is sensible and will be extremely cost effective. Many attorneys within this five county service area are members of more than one county's local bar in the region. The opportunity to join Erie County's Volunteer Lawyers Project (VLP), long an outstanding program, with the pro bono activities of the Bar Associations of Niagara, Orleans, Genesee and Wyoming counties is an exciting chance to expand pro bono participation overall. The manageable distances within the Buffalo-Niagara region will make training and pro bono support practical to accomplish.

As to *technology*, information systems, legal research and practice area resource development, NLS has always taken a substantial statewide leadership role in technology, information systems and practice area resource development over the last decade. The TIME timekeeping system was initially developed by NLS staff. NLS advocates have desktop access to Westlaw on-line,

are linked by a Novell network, use a "Powerpoint" style presentation for many of their trainings, and support the NLS website, *www.nls.org*, which has been a legal research resource to advocates in the state since 1996. The NLS web posted client materials and advocate manuals are downloaded and used to train staff in programs around the state and around the country. These resources will be immediately integrated into the services in the expanded service area under the new service area map.

Coordination of legal work, emphasizing client access to a full range of services will also be within easy reach of the new region. Coordination of legal work will involve staff meetings, interviews, depositions, motions, case reviews, regional clinics, as well as collaboration on local community trainings, and a variety of other collaborative activities. There is great depth of staff experience at each of the existing providers. Thus, the ability to coordinate on litigation and advocacy based on the proximity of the advocates is greatly improved in the new service area. The joined programs have an inherent opportunity to strengthen and expand both the coordination of legal work and the full range of services available in the Buffalo-Niagara region through combined efforts.

The new Buffalo-Niagara program will more easily engage in priority setting meetings of stakeholders around issues with regional relevance and impact. In all of its efforts, the regional planners will work within a statewide system for the delivery and coordination of legal services.

Conclusions on Configuration

The six service areas we recommend outside of New York City are within a reasonable range of dollars per person; the three smaller and three larger regions will also be close in poverty population. Under our plan the 1990 poverty populations, 2000 poor person dollars and 2000 staffing are illustrated on the following chart.

Region	1990 Poverty Population	2000 Poverty Population	2000 Total Funding	\$ per Poor person (1990 Census; 2000 funding)	2000 Staffing
Hudson Valley	123,464	195,276	\$4,384,810	\$35.37	29 attorneys 8 paralegals
Northeast	123,784	147,113	\$3,259,830	\$23.79	23 attorneys 9 paralegals
Central	192,708	192,708	\$4,110,684	\$23.33	34 attorneys 7 paralegals
Finger Lakes/ Southern Tier	179,778	189,037	\$3,394,020*	\$18.88	30 attorneys 6 paralegals
Buffalo/Niagara	150,310	147,328	\$3,541,150	\$24.04	24 attorneys 21 paralegals

Nassau/Suffolk	108,581	151,802	\$5,217,974	48.06	52 attorneys 9 paralegals
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* Only 6 months of Chautauqua funding in 2000.

Each of these regions has current funding per poor person and a core advocacy staff necessary to maintain current service without disruption to clients. More importantly, each has the potential to grow enormously because of the reallocation of resources and the realignment of programs with proven financial track records with programs with complementary strengths. For example, uniting the Hudson Valley's more rural poor with a successful and well-administered program also holds great potential. Combining service delivery in Central New York can help strengthen and expand services in that area. Creating a Buffalo-Niagara region with a solid base in Buffalo and a strong delivery system throughout the services area will open new funding and new service opportunities. Uniting the record of litigation success of NCLS with the financial success of LASNNY creates a powerful opportunity for expanding services in the entire Northeast. Similarly, creating a new leadership opportunity for a person with a track record of successful program growth in a starkly rural service area, in a new Finger Lakes/Southern Tier region designed to respond specifically to the enormous needs of the rural poor is a natural. Together these regions can accomplish the statewide integration New York needs to move forward.

Equitable Resources; Services in All Forums

Self Evaluation: *Does your statewide system work to ensure the availability of equitable legal assistance capacities to clients.... ensure that clients have equitable access to assistance, in all relevant forums... describe the steps you will take in the coming years to ensure equitable access*

Obviously, the legal services community does not control the decision-making of its major funders. While the community may see a need for greater resources in a particular area or for a particular service, and may seek out funding to address those needs, the ultimate funding decisions are beyond our control. For example, it certainly would not have been the decision of the legal services community to eliminate all funding for state and national support centers as Congress did in 1995. Nor would the community have decided to dramatically and disruptively re-arrange the Violence Against Women Act (VAWA) funding as the Department of Justice did in 2001, dismantling existing programs and leaving whole communities without access to vital services.

Effective planning, driven by client needs and responsive to building full and vibrant justice communities is severely hampered, if not made impossible, by the lack of control over major decisions involving the distribution of critical resources. Even if the community identifies a pressing need, there is no assurance that key funders will help meet that need.

Having said that, the two major funding sources available to legal services in New York distribute either all or the majority of their funding based on census data. The Legal Services Corporation (LSC) distributes its funding based on the number of poor persons in each county.

While evenly distributed, these funds are restricted in their use and not available to provide the full range of services to clients in all forums.

The Interest on Lawyer Account (IOLA) Fund distributes 75% of its funding for direct legal assistance in its Civil Legal Services (CLS) category based on the number of poor people in the state. In addition, the state's Disability Advocacy Program (DAP) funding, while distributed on a competitive basis, is allocated based on the number of poor disabled persons between the ages of 18 and 64 in each county.

The annual state appropriation, which began as emergency funding in 1993 in response to dropping interest rates that drove IOLA funding down dramatically, was initially distributed to all LSC funded programs as well as free standing pro bono programs. Because the effort was driven in large part by the unions representing legal services staff programs, the funding included a number of unionized programs that were neither LSC programs nor IOLA CLS programs. State funds are distributed according to a formula based on IOLA and LSC losses. Not every program providing legal services receives state funding, just as not all receive LSC or IOLA funding.

Access to Services in All Relevant Forums

Part of the strength of New York's current delivery system is its diversity of providers. For example, in addition to funding the core LSC delivery system of 14 grantees, New York's IOLA fund also supports 10 non-LSC grantees in its CLS category of funding and close to 60 non-LSC programs in its Administration of Justice category. These AOJ grants include funding for pro bono programs, state support centers, technology, special intake systems, mediation programs and services for special populations, including the elderly, immigrants, and children.

In addition, local, regional and statewide programs have been successful in diversifying their funding sources, tapping for instance private foundations, Bar Associations and local United Ways. Non-LSC programs also continue to pursue attorney fees and other sources of funding.

Although not evenly distributed, this diversity of providers and funding does create the potential to represent clients in all available forums. New York City is well served by multiple programs which coordinate their services effectively to meet the full range of client needs.

Services upstate are more uneven, with a number of unrestricted providers in some of the major cities, not all of which pursue impact work or engage in legislative and administrative advocacy. For example, in the Rochester area, the Public Interest Law Office of Rochester provides a full range of services to the client population, combining impact work, attorney fee cases and legislative and administrative advocacy to compliment and supplement the services of the LSC provider in the area.

Within the state planning process there will be a major realignment of programs with the ability to enhance the coordination of legal work. The development of new services areas presents the

opportunity to create additional unrestricted resources upstate. For example, Rockland Legal Aid Society will become a non-LSC, independent provider able to offer a full range of services in Rockland County and to collaborate with other unrestricted providers across the state to represent clients in forums now off-limits to LSC providers, including in class actions and in legislative and administrative advocacy efforts. Likewise, an unrestricted provider may emerge in the central region.

The Work Plan for Staff Training, Leadership and Diversity

Self Evaluation: *What steps have been implemented... to identify and nurture new leaders? Do existing leaders reflect the diversity of the state and client communities? Does leadership provide opportunities for innovation... support creative solutions... Has leadership been given sufficient authority and resources to implement changes...?*

In tackling the challenges of diversity, the SC hopes to create a comprehensive approach to staff training, leadership and diversity. We will also work with the Diversity Coalition to draw on their strength and expertise.

This Workgroup is led by Lillian Moy of the Legal Aid Society of Northeastern New York, and Polly Thompson of the Legal Services for New York City. Other members of the workgroup, still in formation, include Bill Hawkes, Neighborhood Legal Services; Peter Racette, North Country Legal Services; Ken Perri Legal Aid of the Finger Lakes; Anne Erickson, Greater Upstate Law Project; Susan Bahn, Legal Aid-NYC; Dave Robinson, Legal Services for New York City; Marie Richardson, Legal Aid Society; Jan Walker, Southern Tier Legal Services; and Maria Dosso, Nassau/Suffolk Law Services. The work group may seek to add additional members to ensure our diversity in terms of gender, geography, race, ethnicity, sexual orientation, age and disability.

The New York State Legal Services community consists of LSC and non-LSC providers which share common needs for development of diverse staff and leadership, through training and other tools. This work group is committed to ensuring that Staff/Leadership/Diversity Development and Training are an essential component of New York's Justice Community and to ensure diversity among our staff and leaders.

The specific training requirements of legal services providers often exceed that which is commercially available to the legal community as a whole. There are very few leadership and diversity development programs specifically designed for the legal services community as well. Thus, the statewide delivery system will support a training and leadership development capacity which targets the specific requirements of the legal services advocates and other staff in the system. This capacity will also be one of the principal tools for ensuring the diversity of our staff and management, and all leaders in the community.

The Work Group is committed to adopting the best practices available in New York and the national legal services community for training and leadership development. The Work Group is also committed to collaborating within the justice community, exchanging resources and developing new resources to fill current gaps in services.

Creating the New York Training and Leadership Consortium

New York's State Planning Steering Committee, through this Workgroup, will create a New York Training and Leadership Consortium to be staffed by the state support centers, the Greater Upstate Law Project, Inc. (GULP), Legal Services for New York City, (LSNY) and The Legal Aid Society of New York City coordinating their training and leadership development efforts. New York City already has an excellent training infrastructure, with LSNY and the Legal Aid Society working closely to deliver training to legal services/legal aid staff as well as local attorneys and community agencies.

The Consortium will begin by taking inventory of existing training and leadership work in New York State, including the programs at LSNY and Legal Aid, GULP task forces and the NYS Diversity Coalition. Given available resources, the Consortium will assess what existing resources can be shared (especially given variations between upstate and New York City in both substantive law and court systems), explore using technology whenever sensible to share current trainings (perhaps through videoconferencing, or computer based, self-directed learning), and develop new leadership and training resources to fill gaps throughout the state.

Dedicated staff will organize curriculum development and facilitate all the details of providing high quality training programs throughout the state. Through training and leadership development, the Consortium will:

- ▶ Communicate the values, vision and mission of legal services;
- ▶ Provide staff with the knowledge, skills and attitudes necessary to provide effective, high quality legal services;
- ▶ Help staff respond creatively to emerging client needs and our diverse client communities; and
- ▶ Develop a new generation of diverse legal services leadership

GULP will use its IOLA grant to fund a Leadership and Training Coordinator. Each non-NYC LSC program participating in the consortium will designate a Training Responsible Person (TRP). The Training Responsible Persons will be members of a Statewide Training Advisory Committee which, along with their New York City counterparts, will assist the training consortium staff in setting the yearly training calendar, identifying emerging needs, and recruiting staff to serve as trainers and design team members, conference staffing, logistics and delivery of the curriculum. Each LSC program will also designate a Leadership and Diversity Responsible Person (LDRP), who may or may not also be the TRP. The New York City programs have or will consider designating a LDRP as well. The GULP Training and

Leadership Coordinator will also staff leadership and diversity development capacities through training and coordination.

All independent, non-LSC programs will be invited to participate in the Training and Leadership Consortium as well. Excess training and leadership development costs will be met through fundraising, fees for training costs and sponsorship. CLE accredited training will serve to reduce the cost of mandatory continuing legal education requirements for field programs. LSNY's entrepreneurial training model should be considered for fundraising purposes.

The goal of the Training and Leadership Consortium will be to provide the full range of training opportunities for all legal services staff throughout New York State. We expect the Consortium to address the following:

1. **Skills Training** will be delivered by the state support centers with training commitments from field program volunteers, reviewing and revising currently available materials and skill training packages. We anticipate that the statewide legal skills curriculum will include the Trial Skills, Basic Paralegal Skills and New Lawyer Trainings currently offered by LSNY and Legal Aid, with revisions to accommodate upstate differences as appropriate. The curriculum will be expanded over time to meet the full range of skills training needed by the statewide advocacy community.
2. **Substantive Law Training:** LSNY's and LAS's training programs will be the primary vehicles for issuing continuing legal education credits to New York City staff. The task forces will continue to provide support and information to the legal services community and should not be substituted for training courses. Outside the City, training will continue to be accomplished in large part through the work of substantive law task forces staffed by GULP, as well as by other local programs based on their expertise in certain areas of the law. With the addition of a Leadership and Training Coordinator, new CLE trainings will be able to be offered, tapping the local expertise of programs outside New York City and providing the coordination needed to ensure effective delivery in the large geographic areas upstate.
3. **Leadership Training:** Legal services leaders from New York will participate in the national initiative to create a Leaders for Justice Institute. Similarly, the Consortium will review the LSC Board Training Module on Diversity Issues, currently in development, as soon as it is available. In addition, leadership training modules may be purchased from university master's degree programs and offered periodically to staff. These programs could be designed for in-house training, or as short courses to be offered in the context of the New York State Bar Partnership Conference. Consortium programs will be encouraged to participate in sharing their best practices for developing diverse leadership through list serves, web sites and regional support groups.
4. **Management Training:** In addition to the training provided by national support centers like the National Legal Aid and Defender Association (NLADA), the statewide

delivery system will work to enhance training opportunities for managers. For example, the Consortium might organize a managers training and support group, with supports such as a management list serve or an index of useful web based leadership, information resources for management staff. We expect management training to focus on management skills, grant writing and administration, fundraising, staff supervision, evaluation, union-management relations, decision making, diversity in hiring, training and leadership development for program staff and managers.

5. **Diversity Training:** The Consortium, working with LDRP's, TRP's, LSNY's Training Committee and others, will also help develop and coordinate diversity training for staff and management of legal services providers. Training opportunities in diversity might include hiring and other employment practices, providing culturally competent legal services to diverse client communities, and managing a diverse workforce. One of the staff to the Statewide Training and Leadership Consortium will serve as staff to the New York State Diversity Coalition, which will work with him/her to provide training and support to programs on diversity issues.

More specifically, the Diversity Coalition, in concert with LDRPs, TRPs, the workgroup and senior management from both LSNY, Legal Aid, GULP and other LSC programs, will consult with diversity experts in order to develop a diversity policy that incorporates both training and leadership development. The goals of the Consortium will be to reinforce employee recruitment, development and advancement. This will be accomplished by:

- ! Obtaining the support and commitment of senior management
- ! Conducting a needs assessment to tailor diversity training
- ! Researching best practices on how to integrate diversity goals into strategic planning and organizational goals.
- ! Using workforce diversity as a means for modeling in the legal services community.
- ! Using various methods and media in designing diversity training
- ! Redefining diversity as a win-win situation for management and staff by association with the values articulated by the legal services community.
- ! Tracking hiring, retention and turnover by gender and race
- ! Develop cross-cultural communication and training.

6. **Support Staff Training:** Training for support staff personnel will also focus on leadership development. Technology including software for word processing, databases, spreadsheets, desktop publishing, networks, Internet use, web pages, e-mail, etc., and hardware like scanners, telephone systems, and fax technology have transformed the traditional roles of secretaries, receptionists and clerical staffs of legal services programs over the last dozen years. The Consortium will attempt to provide training on the basic skills of telephone operation, drafting correspondence and pleadings, maintaining filing systems, and how to otherwise support the work of advocates by building on existing

programs, using commercially available opportunities and developing new packages as necessary. We may also support a best practices section on one of the advocates' web sites, e.g., the GULP website.

7. **Technological Support** for Statewide Training, Leadership/Diversity Development: The Training and Leadership Consortium will exploit all emerging opportunities to use the web based and other telecommunication resources in the state to support the delivery of training and new diversity and leadership development initiatives to consortium members, community agencies, pro bono attorneys and clients. We will explore the feasibility of posting standardized staff orientation packets, training packages on basic skills and substantive law matters to web sites within the delivery system. They could be searchable across various websites through a to-be-developed search feature for legal services advocates, thus making certain products available on demand. Web and e-mail technology will be employed to provide training notices and online registration for training seminars, conferences and diversity coalition meetings. When sensible, teleconference technology will be employed to promote statewide planning meetings, training sessions and discussion groups.

Timeline for the Consortium

We expect to have the GULP Leadership and Training Coordinator hired within three months of approval of our state plan. Within the following six months, a coordinated, statewide training and leadership needs assessment will be completed. Trainings sponsored by the Statewide Training and Leadership Consortium will be delivered upstate and downstate within one year of approval of the state plan.

About Merging Leadership Development with Staff Development

The workgroup discussed our choice to merge the training and leadership development workgroups into one. We suggest strongly that New York begin this coordinated work together, but we continually evaluate this decision. We think it is optimal given initial funding limitations to seek to hire an upstate Training and Leadership Coordinator with the skill set to perform all aspects of the work. Given the ability to draw on the substantial training infrastructure and existing packages developed in New York City, New England and elsewhere in the legal services community, some of the work of the GULP Leadership and Training Coordinator will be more a matter of adaptation, rather than developing new training events from scratch. We expect this will allow more time to work with colleagues from New York City to increase the leadership and diversity training efforts within the state.

The work group also notes that New York's Justice Community must develop and use other strategies for diversity and leadership development besides training. We expect diversity and leadership development efforts to also be supported by the statewide and city-based coordinators and other management backup provided on a statewide basis. For example, diversity must be developed at all levels in our community, from support staff to Board members. We hope that

LSC's Board Training Module will help our Boards achieve greater appreciation for the importance of diversity among both staff and Board.

Additionally, newly reconfigured programs upstate should develop the capacity to do joint recruitment of staff.⁷

The Plan for Pro Bono Expansion and Integration

The Steering Committee appointed a Pro Bono Workgroup comprised of Paul Michael Hassett (former President of both the NYSBA and the Bar Association of Erie County), Maria Imperial (Executive Director of the City Bar Fund), Susan Patnode (Director of the Rural Law Center and current Co-Chair of the NY Pro Bono Coordinators=Network), David Weschler (Attorney-in-Charge, Volunteer Division, The Legal Aid Society (NYC) and current Co-Chair of the NY Pro Bono Coordinators=Network) and Bob Elardo (Managing Attorney of the ECBA Volunteer Lawyers Project, former President of the National Association of Pro Bono Coordinators and former Co-Chair of the NY Pro Bono Coordinators=Network). Maria Imperial and Bob Elardo will co-chair the efforts of this group on an on-going basis.

Self Evaluation: Effective Involvement of the Private Bar

After September 11th, attorneys in New York stepped forward with a phenomenal and unprecedented pro bono effort to assist those that were most affected by the tragedy. The City Bar recruited and trained nearly 3,000 attorneys for its September 11th legal initiative. Preliminary results show that about 50% were first time volunteers.

The Rural Law Center has created and launched a now national model to encourage and assist greater pro bono involvement in the delivery of legal services. The Center collaborates with local rural judges, county bar associations and local pro bono coordinators in rural upstate

⁷ A possible model for upstate recruitment: While the availability of staff attorney openings always varies from program to program, there should be enough open positions throughout upstate New York to justify assigning statewide recruitment responsibilities to one or two recruitment coordinators. Previously, smaller upstate LSC programs, several with ten attorneys or less, could not recruit prospective staff unless there was a specific opening. A consortium of our five upstate programs linked by the Steering Committee and statewide recruitment coordinator (perhaps a top manager from one of the field programs), however, can engage in ongoing recruitment efforts. The recruitment coordinator will be responsible for developing relationships with law schools to ensure that students interested in a career in public interest law are aware of the opportunities. This recruitment task can include specific targeting of under-represented law students for available upstate staff attorney positions. It can also include development of intern and mentoring programs designed to attract minority candidates. This type of recruitment effort can also aid in the development of career ladders for staff, which in turn will help increase and ensure the diversity of senior staff and management, as well as the retention of staff. The recruitment coordinator can also ensure all positions are posted on a centralized job bank.

The recruitment coordinators will coordinate with the Training and Leadership coordinator and members of the Management Resource Work Group, as necessary. Efforts to identify and win other funds to support the Training and Leadership Coordinator, or statewide recruitment, may become a project of the Resource Development Workgroup. Ongoing leadership from the Steering Committee Partnership will ensure interaction and coordination with other workgroups.

counties to deliver on-site, locally specific CLE seminars. The seminars, entitled "Judges' Best Practices" are taught by local rural judges and their court staff, and focus on practice areas of Supreme Court, Family Court, County Court and Surrogate's Court. The collaboration works for all parties because local judges are able to demonstrate their court's specific expectation and thereby elevate the local level of practice. Practicing attorneys appreciate the program because it is offered at no cost and they receive tangible, useful information for their practices.

Most importantly, attending attorneys, in lieu of fees, agree to provide pro bono services that are administered by the local pro bono coordinator. New York's rural local judges have made this effort possible, with over 104 judges or court staff participating. The program has been offered to attorneys in 22 of New York's 44 rural counties, and has resulted in a pro bono commitment from 639 attorneys.

In another example of pro bono expansion, the New York State Assistive Technology Project at NLS-Buffalo has dramatically improved the involvement of pro bono attorneys and firms in the delivery of services to the clients denied funding for assistive technology by providing training, legal research and other types of support to volunteers who accept cases from around the state.

The Pro Bono Vision

In January, 2002 the SC hosted an important event at which Sargent Shriver was the keynote speaker. After his inspiring talk, those in attendance broke out into smaller work groups. One of the groups focused on the future of pro bono. In those discussions, one of the important themes that evolved was that it was appropriate and important that pro bono programs be recognized as and treated as equal partners in the overall delivery system.

This vision is in line with the conclusions drawn by the DSPB (then called the Steering Committee) in its 1998 report, Planning for Enhanced Outcomes: Strengthening Civil Legal Services in New York when it wrote:

It is the conclusion of the Steering Committee that the current *pro bono* system of working locally and coordinating regionally and statewide is a strength of the over all delivery system in New York. The NYSBA has similarly concluded that:

. . . the best, the strongest and the most effective volunteer efforts have evolved at a local level, when the local bar, paid legal services staff and the local judiciary and others have come together cooperatively to access the local need and to tailor a local solution. The State Bar Plan strives to replicate that formula for success by relying on local bars for the specific design of local plans.⁸

The Steering Committee is aware of no evidence that contradicts that conclusion, indeed it is clear that:

⁸ New York State Bar Association, *Report of the Special Committee to Review the Proposed Plan for Mandatory Pro Bono Service* (1989) at 32.

Private attorneys represent tens of thousands of individual low-income clients and have become important partners to staff model programs in the overall delivery of civil legal services for low income clients.

An important side effect of bar associations and private attorneys becoming more involved with *pro bono* work is that they have become vital allies of legal services. Private attorneys who have been involved in PAI activities are better informed about legal services issues and more committed to legal services. As a result, they are more easily mobilized to assist the legal services community with regard to funding and other important issues.

Pro bono has become an important component of the overall delivery system and an essential strategy for working toward the prime goal of providing quality representation for low-income people.⁹

It is indeed appropriate now that pro bono programs be treated as equal partners in the delivery system.

The Goal for Pro Bono

To make enhancement of pro bono an essential component in the reconfiguration of the delivery models within each new LSC service area.

In making recommendations about the better integration and enhancement of pro bono in each new LSC service area, it will be important to keep in mind the final conclusion of the Steering Committee in the pro bono section of its 1998 Report:

Increasing the amount of volunteer work done by *pro bono* attorneys is essential. It has been said accurately that *pro bono* is not free, but it is a leveraged resource that expands access. Getting quality *pro bono* representation from volunteers requires dedicated staff to screen and prepare cases, recruit and train the *pro bono* attorneys and provide case follow-up, oversight and technical assistance. To meet the goal of increasing the amount of volunteer work being done by *pro bono* attorneys, as is the case with other components of the delivery system, more staff and funding are required for *pro bono* programs.

Major Issues Confronting Clients and/or Programs

Clients: Accessing services and having available a full range of legal services, especially in rural areas. **Programs:** (1) Integrating pro bono delivery into overall planning for new LSC service areas to build on strengths and enhance overall delivery in whole new service area; (2) Managing that integration and enhancement in a manner so that bar associations, law firms and private

⁹ Houseman, *Text for the Speech on the Legal Services Delivery System in Transition, 1998 Pro Bono Conference*, Center for Law and Social Policy (1998) at 3.

attorneys feel as though they are an important part of the mix and so that they buy into the enhancement of pro bono delivery in the new enlarged LSC service areas.

Gaps in Service and Opportunities for Improvement

Gaps: In some rural areas, clients may not have easy access to a full range of legal services. The 1998 Report by the Steering Committee identified increasing rural pro bono as an important goal. Although the Rural Law Center has been working hard with local programs, increasing rural pro bono is still an important need in New York.

Opportunities: (1) New LSC service areas provide the opportunity to better share pro bono resources from urban to rural and across county lines in new service areas. Each newly reconfigured LSC program will have access to pro bono resources from a wider geographic area. This creates the better possibility of sharing the resources of developed pro bono programs with counties that need more coordination help. Pro bono trainings might be opened up to pro bono attorneys in all of the counties in the new LSC service area. Pro bono attorneys may be able to utilized more often to help clients across county lines and thus make not only more services available, but also a wider range of types of legal services available for clients.

(2) Pro bono programs, especially those in New York City, have the opportunity now to harness the momentum born of the tragedy of September 11.

(3) The NY Administrative Board of the Courts has amended the CLE Rules to allow attorneys to satisfy some of their CLE requirements by doing pro bono work through approved pro bono programs. Only recently has the CLE Board started issuing such approvals to pro bono programs. This new enticement to do pro bono work presents an important opportunity for pro bono programs.

Plan for moving forward

Proposed work plan for next 12-18 months:

The Center for Access to Justice is holding a series of pro bono convocations this summer and fall with the goal of developing a concrete pro bono plan for New York. Building on the results of these convocations and the assessment that will be undertaken as outline below, New York will have a clear and dynamic plan for further expanding and more effectively integrating pro bono efforts into the delivery of legal services.

1. Assessing Current Capacity; Recommending Changes: One or more successful pro bono programs in each new LSC service area will be asked to conduct an assessment of the state of pro bono delivery within that new service area and make recommendations for the better integration and enhancement of pro bono within the delivery system.

Given that one of the goals for the 1998 report was to increase rural pro bono and given the enhancing rural pro bono is still identified as an important goal, the Rural Law Center will partner in this assessment and recommendation process. The Rural Law Center identifies 44 of New York State's counties as being rural and already has offered pro bono incentive programs for attorneys in 21 of those counties. The Rural Law Center's partnering with one or more lead pro bono programs from each new LSC service area in upstate NY will create a dynamic combination of resources and expertise.

The assessment should include at a minimum:

1. a county by county look at private attorney resources, including bar association involvement and potential, range of sizes of law firms, number of potential volunteers, number of actual volunteers, areas of expertise, etc.
2. a county by county look at how pro bono has been delivered, including recruitment/retention of pro bono attorneys, training offered to pro bono attorneys, oversight provided on pro bono cases, the intake/screening system for pro bono cases, range of services provided through pro bono, staff devoted to pro bono, etc.

2. The Pro Bono Convocations. Chief Judge Judith Kaye has announced the launching of several convocations across the state to bring together the best thinking on pro bono. The Steering Committee will be involved in these efforts which will include bar associations, pro bono coordinators, large and small size firms, solo practitioners, legal services providers, law schools, judges and court administrators. The Convocations are designed as working meetings, starting off with a panel presentation for background and then breaking into small group sessions for discussion and brainstorming on the major pro bono issues. It is anticipated that at the end of each event, the participants will have put forth tangible ideas and strategies for expanding pro bono service in the State. These suggestions will be compiled into a report by the Office of Justice Initiatives, which will include recommendations for a pro bono system for New York.

The four convocations will be held in New York City (June 20, 2002), Albany, Buffalo and a rural location (probably Geneva or Ithaca) (the three remaining convocations will held in early Fall 2002). The NY Pro Bono Coordinators' Network, in cooperation with the NYSBA Department of Pro Bono Affairs, has already been coordinating help for local programs and will be looked to for continued help with that effort.

The Plan for Resource Development

Self Evaluation: *How has the legal services delivery system expanded its resources to provide critical services.... including hard to reach populations*

Over the past few years, even in the face of severe economic downturns, New York's legal services programs have strived to expand. New funds are constantly sought and new programs

are underway. Clearly, more needs to be done and greater coordination among programs will allow greater leveraging of resources.

The New Resource Development Workgroup

The Resource Development Workgroup is chaired by Barbara Finkelstein (Westchester Putnam Legal Services) and Steven Banks (Legal Aid Society, NYC). Other members of the workgroup are Susan Patnode (Rural Law Center), Susan Horn (Hiscock Legal Aid Society) Gordon Deane (National Organization of Legal Services Workers), Diane Dixon (Center for Access to Justice) and Jeanne Perry (Legal Services for New York). The workgroup plans to recruit new workgroup members based on expertise in the field of resource development. It is hoped that other members will be recruited from throughout the non-profit community, and include persons with experience in different parts of the state working with diverse funding streams.

The workgroup's first premise is that civil legal services providers must exercise vision and creativity in developing funding and resources in order to provide a greater level of services for clients. We must also be prepared to work on a statewide level to share information and apply/obtain resources wherever needed in the state.

For several years, the community of civil legal services providers has been working together to achieve permanent state funding. While this effort has united the community, produced key statewide leaders, and obtained yearly funding for many legal services' field and support programs, it has not produced the desired goal of permanent state funding in an amount needed to fund core services on an equivalent level throughout the state. Creation of a permanent state funding stream must remain at the top of the list of priorities.

Resource Development Work Plan

The group recommends pursuing funding for two FTE staff members to work at the Greater Upstate Law Project and Legal Services for New York or The Legal Aid Society of New York (if funding can only be obtained for one FTE, then it is hoped LSNY and Legal Aid will provide in-kind support). The staff will be employed by and physically located at GULP, LSNY or Legal Aid, but be responsive to the needs of the statewide community. There is agreement among the members of the workgroup that these employees must be adequately compensated, high level persons, capable of leading on the functions enumerated in our state plan. A portion of each staff members' time must be devoted exclusively to the area of resource development. It is agreed that the workgroup chairs will lead the effort to obtain funding for a coordinator position upstate.

The following foundations who have supported legal services programs in New York State will be sent letters of inquiry to determine if they will consider funding a statewide position: Louis and Anne Abrons Foundation, Inc., Adco Foundation, Inc., The Ford Foundation, Abraham Fuchsberg Family Foundation, Inc., The Charles Evans Hughes Memorial Foundation, Inc., Jamie Lehmann Memorial Foundation, The Dorothea L. Leonhardt Foundation, Inc., Little River Foundation, Long Mountain Road Foundation, Edith W. MacGuire Charitable Trust, The Annie

Audrey Ragin Foundation, The George B. & Elizabeth Reese Foundation, Rhodebeck Charitable Trust, Rochester Area Community Foundation, Robert & Sylvia Scher Charitable Foundation, The Scherman Foundation, Inc., Silverweed Foundation, Inc., C. Brainbridge Smith Fund and The Soros Foundation.

If a favorable response is received, a proposal will be sent to the foundation. Research will also be done to determine whether corporate and/or private donor funding is appropriate for this endeavor. Inquiries to foundations and corporations will be completed by early fall. Additionally, upstate and suburban LSC programs have committed to provide funding for this effort. Appropriate amounts, as well as contributions from non-LSC providers in order to receive services, will be discussed by the steering committee during the summer.

It is recommended that one of the first tasks of the newly hired staff be to find out what resources/funding sources each civil legal services provider around the state has. An inventory should be created and an assessment made of the likelihood of expanding these resources on a statewide, regional or local level. Gaps in funding will also be identified during this process. It is believed that much of this information can be obtained from the IOLA Fund with the agreement of the providers.

Functions of Resource Development Staff

The workgroup discussed the ultimate responsibility of the resource development staff as (1) advocating for funding; (2) acting as a clearinghouse for information; and (3) providing technical support to the field.

It is envisioned that the advocacy function will be utilized for statewide funding streams such as civil legal services, or funding affecting many statewide programs, such as LSC. The clearinghouse function will include collecting and storing all information/ data on individual program development. Support will involve coordination, facilitation and concrete assistance such as conducting workshops, working with local development persons on site, drafting proposals and the like. A proposal, press release, and model resource development material bank should be created and posted on one of the websites developed for statewide use. It is hoped that through statewide staff, local entities will be able to receive necessary support to begin fund raising activities to broaden funding bases.

A realistic assessment also needs to be made of potential resource growth locally, regionally and statewide. In our initial vision last year in Albany, the Steering Committee accepted the LSC project directors projection that resources could expand five times over three or four years. In the materials submitted to the steering committee by the LSC project directors to support reconfiguration plans, projections ranged from 25% to 40% growth for different service areas. A review needs to be done and a realistic assessment made. It seems to us that a 25% increase in statewide resources over a three year period, beginning with service area reconfigurations in 2004, is a laudable and achievable goal at a time when resources will likely be absorbed by program mergers and strategic alliance agreements.

A needs assessment is currently being undertaken by the Access to Justice Center in NYC and the results of this study should be used by the resource development staff to create a successful, positive, marketing plan. A marketing plan should also utilize IOLA's benefit data to make the case that we produce benefits for the entire community, and that we are successful at what we do. A successful statewide marketing strategy will involve annual reports, newsletters, media and other global methods of communication.

The staff hired should undertake these immediate tasks. Movement towards coordination of funding on a statewide level should also be an immediate goal. This will allow for resources to be spent on the assessments and campaigns described above.

The Goal of Relative Equity

We also support the concept of relative equity of funding throughout the state. Many have mistaken this concept to mean that resources will be transferred from heavily populated areas to sparsely populated areas. This concept means ensuring that all clients around the state have access to the same types of services. This goal can only be accomplished by statewide oversight and support to providers throughout the state, who need to hire local development staff.

Following is a list of types of fund raising strategies which are utilized to varying degrees by programs throughout the state:

- foundation fund raising;
- private bar campaign; individual donor (mail campaigns and major gifts from individual donors);
- government funding (federal state, and local);
- social entrepreneurship;
- capital campaigns;
- campaigns around the legal needs of specific populations such as children;
- planned giving and endowment fund raising;
- working with boards and staff; and corporate fund raising.

These strategies can be coordinated on a statewide basis, with support deployed by statewide development staff to assist local programs. Finally, to the extent they have not already done so, local programs must hire staff for development to work with the statewide resource persons.

Plan for Intake/Hotlines

This Workgroup was led by Maria Imperial and is now led by Chip Gray (Brooklyn Legal Services) and Jody Davis (Legal Assistance of the Finger Lakes) and includes Andy Scherer (LSNY), Susan Horn (Hiscock Legal Aid Society), Lillian Moy (LASNNY), Diane Dixon (Center for Access to Justice) and Kate Spann (Legal Aid for Broome and Chenango). Cecily

Molak (The Legal Connection), Marshall Green (Bronx Legal Aid) and Elisabeth Benjamin (Legal Aid-NYC) have recently joined the subcommittee which may be expanded to include others to ensure appropriate balance and input.

Vision

To develop a statewide network of civil legal services programs that promotes client access, maximizes coordination of resources and efficiencies, respects the diversity of program delivery and intake systems, and ensures the delivery of high quality legal services.

Goals

To promote partnerships among service providers (legal, social, human) to share resources and expertise regarding intake and service delivery systems.

- S To identify those discrete subject areas that require specialized helplines as the best means for aiding clients and to develop those helplines.
- S To identify the barriers experienced by special populations (e.g., elderly, disabled, clients with language or transportation barriers) and develop the best methods to address those obstacles.
- S To identify current and new technology that will aid in the standardization of intake procedures and communication services.
- S To develop a mechanism by which technological and other advances can be incorporated to improve intake services in the future.

Major Issues Confronting Clients and Programs

Federal and state funding cuts, reductions in the amount of available IOLA funds and charitable contributions, a burgeoning poverty population, increasing costs, and radical changes in the laws impacting on the poor have all affected the delivery of legal services. Those in rural areas, where barriers of distance and transportation exist in addition to all of the others, are especially challenged in being able to seek out legal assistance. In some instances the availability of services is further hindered because those in need do not know of the existence of programs that could help them. In addition, the required reconfiguration of LSC-funded programs across the state will mean the merger of some offices and programs. Existing intake procedures and technology may not be compatible. Thus, the development of new intake systems and the maintenance of local intake systems that work well will be key to improving the ability of clients to access high quality legal services.

In evaluating telephone intake, advice and referral systems, recommendations contained in LSC Program Letter 02-05 (Characteristics) will be used for guidance to determine how to best provide client access, staffing, decisions on assistance, intake technology and quality control. The recommendations contained in the Characteristics will be studied and evaluated for application in New York State.

Clients: In New York State, there are still tremendous unmet legal needs. Clients have difficulty accessing services and having available a full range of legal services, especially in the rural areas.

Programs: With the merger of LSC programs statewide into seven regional programs, the LSC programs will need to develop new regional intake procedures. Local non-LSC programs may want to integrate their intake procedures with the LSC programs or may want to sustain their own separate intake procedures.

Gaps in Service

Low income people throughout the state have obstacles to access, although they are particularly serious in rural areas and for those with disabilities and language barriers. We plan to do a detailed analysis of the gaps in service and to promote discussions with the relevant programs to fill them.

Efforts toward Improvement

In October, 1999, the New York State Legal Services programs held a day-long conference on intake at New York University Law School. All providers of civil legal services were invited, not just LSC grantees, and more than 100 people attended. Prior to the conference, an inventory of intake procedures used by programs across the state was catalogued. The goal of the conference was to provide information about alternative intake systems and to stimulate discussion of intake options. Speakers from Connecticut and Pennsylvania described the statewide or regional intake systems that had been created in those states and a wide variety of possibilities were discussed. At the end of the conference, regional groups and then the entire body discussed next steps. The New York City regional group initiated discussions that were influential in the eventual creation of the LawHelp referral and community education system, which is in the process of being completed in NYC and then expanded statewide.

As noted earlier, the state planners are committed to expanding the LawHelp information and referral platform statewide. In addition, technical assistance on phone intake and referral systems will be available from The Legal Connection (formerly known as CLIRP) in Rochester and the Center for Self-Help, Information, Education and Legal Defense (SHIELD) hotline in New York City. The Legal Connection, currently in operation in Monroe County, provides a central telephone service where calls to the Legal Aid Society, Volunteer Legal Services Project, Public Interest Law Office of Rochester and Monroe County Legal Assistance Corporation are answered by three FTE receptionists who route clients and business calls to the appropriate staff. Callers looking for legal help are transferred to TLC's full-time information, screening and referral unit. Data is entered, conflicts are checked, and staffers re-contact callers who are not assisted with alternative referrals or self-help advice. Over-income callers and those in need of private representation are referred to the Monroe County Bar Association's Lawyer Referral number.

Intake Work Plan

Develop a statewide website/database in collaboration with OCA that will expand upon LAWHELP/ny, the WNYLC, GULP and NLS websites to provide statewide intake and referral information, legal education materials and court forms.

- S Review all current intake systems, including those that conduct centralized intake, such as The Legal Connection in Rochester, and local program

intake procedures, to develop Best Practices Models that could be exported to other regions.

- S Conduct a detailed analysis of the gaps in services and promote discussions among the relevant programs to fill them.
- S Regional Centralized Point of Access/Intake – After the proposed merger of New York State LSC programs into seven new regions, the programs in each new service area will meet to discuss developing a single central point of regional access for services and whether intake procedures can or should be centralized. Non-LSC programs will consider whether to integrate their intake system into the regional plan and/or maintain their own intake procedures.
- S Explore the development (consider the pros and cons) of a statewide single point of access with maintenance of individual access.
- S Consider the development of statewide telephone help lines for discrete subject areas, e.g. statewide Senior, Consumer or Pension Hotline.
- S Review and expand use of pro bono assistance with intake, advice and brief services.
- S Review the LSC Program Letter 02-04 (Characteristics) and its applications in New York State
- S Assess how any proposed system or hotline conforms to the ABA Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information.

Tapping Technology to Improve and Expand Client Services

The Technology Workgroup is chaired by Joe Kelemen (Western New York Law Center) and includes Bill Hawkes (NLS), Lillian Moy (LASNNY), Chip Gray (LSNY-Brooklyn), Steve Baker (North Country Legal Services), Doug Ruff (Nassau Suffolk Law Services) and Anne Erickson (GULP). The Group worked closely with the LawHelp Consortium in New York City as we developed New York's TIG-III grant.

Self Evaluation: *How does the legal services delivery system employ technology to provide increased access and enhanced services to clients? What initiatives are underway and how will they support the integrated delivery system.*

New York has a strong and growing commitment to technology. Indeed, New York's investments in and use of technology far outpaces most other states.

New York State is home to a wide variety of organizations providing both direct legal services and support on the local, statewide and national levels. The creation of a technology plan for the state should represent the best thinking of all organizations about technology infusion and directions for the future. While it is possible to view the written strategic plan as the end goal, the real goal is to create a plan that involves a dynamic, flexible planning process.

Current Use of Technology

The use of technology is and should continue to be woven into all aspects of legal services delivery. According to the most recent data from the IOLA Fund (2000), of the 1,349 IOLA-funded casehandlers (lawyers and paralegals), 1,203 (89%) have internet access from their desktop.

From unique on-line resources for advocates to allow more effective and efficient response to client needs, to web-based information and referral systems that allow the clients and human services agencies easy ways of accessing legal services, New York continues to effectively tap emerging technologies.

Indeed, New York programs are generally more advanced than programs in other states in using technology to serve clients. Many programs have a computer on each advocate's desk, and are networked. Many use interoffice mail for communication and collaboration among staff. Most staff use their computer for legal research, for peer-to-peer collaboration and information exchanges and for case tracking. The New York legal community also has active substantive law email discussion groups, hosted by the Western New York Law Center and monitored by the state's support centers, which connect advocates within substantive areas of law to a **“virtual statewide office”** of colleagues throughout the state delivery system.

Questions about issues are posted to the list serves throughout the day and often receive a half dozen or more highly qualified responses from advocates in distant offices who have critical experience and information to share. Case citations, cites to the regulations and statutes, litigation strategies and case consulting are shared between advocates who have become integrated into a statewide advocates community through these communication links. This capacity is one of the single most beneficial applications of technology and has led to a coordination of legal work through real time information sharing. This linking of expertise allows inexperienced advocates no matter where they are located in the state to tap into the knowledge of the most experienced advocates in the state. The list serves have dramatically improved communication between advocates and have drastically improved the training of staff within substantive areas.

Current groups include Domestic Violence, Public Benefits, Disability, Health, and Housing through which advocates can communicate directly with each other in real time about cases they are handling. Unlike other states where “discussion board” efforts have failed to generate interest and activity, New York's listservs have become vibrant

resources, connecting staff throughout the state in daily exchanges on particular cases, legal strategies and quick regulatory or case law updates.

A number of programs have “localized” websites providing resources for community-based advocates, alerting them to available services and providing some community legal education materials.

Taking the Next Steps in Technology

New York City providers are now woven into the LawHelp platform, a web-based information and referral system. With an easy search by problem area or zip code, intake workers, community organizations and clients can quickly identify which legal services provider in their area handles specific areas of law or particular population groups. For instance, the staff at a community health center can easily locate the appropriate legal provider to help a teen parent who is seeking a child support order. The LawHelp Consortium is now building a community legal education component into the system so that clients will have access not only to information on the legal services providers, but will also be able to download basic pro se and self-help materials.

New York is committed to expanding the LawHelp information and referral platform throughout the state. Indeed, in a first ever statewide technology grant, New York’s Technology Work Group is seeking funding to expand LawHelp upstate, to add a “court channel,” to create cross-site searching capacities and to staff the coordination of client legal education materials upstate.

In the Rochester area, IOLA has provided significant funding to The Legal Connection, a phone-based intake and referral system that connects all of the community-based legal providers, including Monroe County Legal Assistance, the Public Interest Law Office of Rochester, the Legal Aid Society of Rochester, and the Volunteer Lawyers Program of Monroe County.

The Consumer Hotline in the Eastern Region provides consumer law information, advice and referrals to low income clients in 15 counties in upstate New York, reaching over 1,000 clients who would not have otherwise received assistance.

In New York City, with its vast array of legal programs and services, a LawHelp Consortium, including the Association of the Bar of the City of New York, the major legal services providers and the pro bono community, has come together over the past few years to create, launch and maintain a comprehensive on-line database of all legal services programs in the City. Advocates, clients and community-based organizations now have instant access to legal services information and referral data and can make more effective client referrals.

The Greater Upstate Law Project, in collaboration with WNYLC, continues to build unique on-line resources for legal services advocates, giving them, for instance, access to a bank of Administrative Decisions not available elsewhere, providing training and

substantive law on its web site and offering on-line access to the *Legal Services Journal* and *Disability Law News*.

Technology is also being tapped as a management tool as databases are created to track casework, produce reports and manage grants and contracts. The TIME system, created by WNYLC, is now widely used by programs in New York State. The system is used to connect branch offices to one centralized database by Southern Tier Legal Services, Legal Services of Northeastern New York, Westchester-Putnam Legal Services and Nassau Suffolk Legal Services. A number of programs use Kemps as their time keeping and case management systems while other programs have customized systems.

While much is underway in New York to effectively use emerging technologies to strengthen our work and better meet the needs of the client community, much more can and should be accomplished.

Technology Vision

The Steering Committee is committed to ensuring that all advocates in New York State to have access to resources and information from anywhere, at any time so that they can better serve clients. Our vision is that:

All legal services advocates in New York State will have equitable, convenient, and universal access to the information and knowledge resources they need to meet work, educational and community goals. This is facilitated by the participation of all advocates in statewide networks linking resources through appropriate technology and technology standards.

To effectuate this vision, we must take advantage of the variety of resources available to advocates in New York State, and coordinate the development and planning of new technology in the state.

Effective technology planning for the future will ensure that the most appropriate technologies are infused in programs and will ensure that all parties have equitable access and achieve the greatest benefit from routine use of technologies. The technology plan can demonstrate clear targets for technology use, spell out desired goals, create an ongoing vision for future directions, and build "buy-in" from stakeholders. If joint projects are undertaken, it can demonstrate to funding sources that we are acting in concert and not duplicating resources.

Technology Planning and Coordination

The technology planning committee will effectuate the vision of technology in the state by undertaking an assessment of technology currently available and in use in the state; conducting a needs assessment; setting goals and objectives; building an implementation plan; implementing the plan with New York State organizations; and performing ongoing evaluation of technology in the state.

Specifically the committee will gather the inventory of program technology that is collected by the IOLA Fund each year; help assess program needs; and can poll vendors to determine what technologies and related peripherals are available to address program needs. It can help to educate programs that lag in technology and can ensure representation by all constituencies in the state. The Committee, with the approval of the entire steering committee can help create and adopt minimum standards for technology purchases and can prepare financial proposals on costs of any recommendations. Most importantly, with proper participation it can serve as a place for the discussion and coordination of new technology in the state.

Coordinating Steps Already Underway

Over the past year an informal technology group has been meeting with the specific goal of submitting a joint statewide proposal to LSC in its TIG-III round of grant making.

The resulting statewide project, if funded, would:

- Expand the information and referral capacity of LawHelp to include legal services programs outside New York City;
- Create a cross-site searching capacity that will allow advocates to simultaneously search each of the state's major substantive law web sites;
- Establish an upstate client legal education coordinator position to help inventory, review and update client and community legal education materials that are now housed, both in print and electronically, at programs across the state.

Building from this new base of collaboration, the Technology Workgroup will be able to move forward to build new joint projects, review current uses of and gaps in technology and help build best practices among the state's legal services providers. Joining with the Court system and tapping the resources currently at hand, we will be able to move information and assistance out into the community in a more organized and effective manner, helping us better meet the needs of the both the providers and the client community.

Other Areas of Inquiry from the Self Evaluation

What do you envision will be your next steps to achieve client-centered integrated comprehensive delivery system? How will clients be actively involved?

As we continued development of an integrated statewide delivery system, the Steering Committee is committed to ensuring greater client involvement. A potential avenue for this involvement will be to reach out to the clients and client-eligible members on the

current LSC program Boards to involve them in the planning process and ask them to participate on the various Working Groups.

In addition, priority setting processes in the new service areas will help ensure effective appraisal of client needs and potentially identify clients who are interested in helping with the state planning efforts.

What has been the greatest obstacle to achieving statewide integrated system.... How was it/do you plan to overcome it?

Our greatest struggles centered on historic service area issues and the sense that the LSC imposed planning process seemed strained, artificial and unnecessary.

We confronted those issues head-on by taking ownership of the process, expanding it to include more stakeholders and working through the extremely difficult issues of service area reconfiguration. We began to see and embrace the positive aspects of state planning. We worked together as a community in new and more intense ways.

Has any benefit-to-cost analysis been made in creating comprehensive system?

This phase of state planning has consumed tremendous resources. The Steering Committee, many of whom are not funded by nor responsible to LSC, brought incredible time, effort and energy to this effort. While LSC provided a number of planning and technical assistance grants which allowed the process to move forward at critical junctures, the SC members brought tremendous resources to the table as well. IOLA provided early and significant support to the planning process and continues to be an active participant, lending its technical assistance and expertise.

As to the benefit side, we are working in a more collaborative and coordinated fashion. We have a Steering Committee that is personally and professionally committed to making this planning process move from decision to implementation. We have an LSC-funded community that has accepted the role and authority of the Steering Committee and, while it has been at times a painful process, we continue to build trust and stronger working relationships among all the stakeholders in the state.

What resources, technical assistance and support would help you meet your goals?

Financial resources that allow us to grow the delivery system to five times its current size.

Commitments from other funders to ensure that planning decisions made by the community are reflected in future funding decisions of other funders. Elimination of the restrictions imposed by Congress on the work of federally funded programs would dramatically increase the effectiveness and cost efficiency of the delivery system in New York State and around the country. There has been a huge cost to the delivery system to

accommodate the restrictions and the funding cuts. The LSC initiated planning process has become enormously more complicated as a result of the elimination of funding for state support. The delivery system is now expected to recreate and fund all of the components that congress and LSC removed from the delivery system through defunding or restrictions on allowable activities.

The process also assumes that we will find the funding to build new structures during a period of declining state and federal funding. The LSC planning requirements also assume that the Steering Committee has a much greater influence over the numerous other funding sources that fund portions of the delivery system and seems to assume that the SC could easily re-direct resources from other funders.

Conclusion

The Self-Evaluation and the State Plan enclosed convince us that we are on track to make New York's Justice Community work. With a commitment to a statewide coordination effort, strategic workgroups and new service areas for LSC programs, we have the ingredients to move forward to create a justice community with relative equity and equal access to justice for New York's diverse client population. As the State Designated Planning Body, New York State Planning Steering Committee is committed to making this planning effort real, dynamic and on-going.