

## **A Comprehensive, Integrated, Client-Centered Regional Justice Community for Western New York State**

This document outlines a plan for a regional justice community for western New York state. It consists of five parts:

- ?? Overview
- ?? The Current Delivery System
- ?? A Regional Justice Community for Western New York State
- ?? Appendix 1, illustrating one of the practice area list serves.
- ?? Appendix 2, containing letters of support for this regional plan.

### **I: Overview**

The regional justice community for western New York envisioned in this document will be:

- ?? *Comprehensive.* The community will make available a full range of legal services to any person determined to be eligible by income and assets alone<sup>1</sup>. This will require that all providers of civil legal services in the region—24 providers as of January, 2001<sup>2</sup>—be active participants in the justice community.
- ?? *Integrated.* The community will function as a coordinated system at the regional level. It will be built on a foundation of local integrated delivery systems—legal services providers and their human services, private bar, community-based, judicial and other partners. The community will be reinforced by links to regional justice communities in other parts of the state.
- ?? *Client-centered.* The goal of the community will be to provide an appropriate legal service to every poor person with a legal need. The community will be a “bottom-up” system with three components:
  - ☞ Strong local programs in constant dialogue with clients, community-based organizations, and other service providers in the 19 counties served.
  - ☞ Regional task forces focused on substantive issues of major importance to poor people in the region.
  - ☞ A network of substantive support, websites and practice area list serves to ensure that every client receives the highest quality legal services.

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<sup>1</sup>. That is, only income and assets—rather than, say, immigration status or other non-income factors—will determine eligibility.

<sup>2</sup>. For a list of providers, see the table beginning on page 5.

?? *Accountable.* The region will be managed by the Western New York Legal Services Coordinating Council. The Council will set policy and develop plans for the region, and oversee the regional budget and staff. A full-time Regional Coordinator will coordinate regional activities and support local providers as they carry out their responsibilities under the regional plan.

The community's purpose—its reason for being—will be to deliver high impact legal work to a substantial number of low-income people in western New York. This work, when combined with community-based self-help efforts and the work of professionals in a wide variety of human services agencies, will reduce poverty in the lives of western New York families.

*Most of the envisioned justice community is now in place.* As described in Part II, local, regional and statewide programs in western New York have higher than average funding; offer access to a full range of legal services; are linked by a web of grants and programs that cross program boundaries; regularly coordinate with each other to ensure that resources are well used and duplication minimized; have a tradition of aggressive advocacy; work effectively with human services agencies and community-based organizations; and make use of technology in ways rarely seen in other parts of the country.

Given that most of the envisioned community is already in place, the theme of this plan is to *build on strengths*. These strengths include:

- ?? The large number of legal services providers—LSC and non-LSC funded—that serve small geographical areas; have strong ties to community-based organizations, human services agencies, and the legal system in their communities; and are comparatively well funded by a diverse group of public and private sources.
- ?? Many providers able to offer unrestricted services, including five providers that specialize in legislative and administrative advocacy, class action litigation, and cases where attorneys fees are needed to restrain future illegal activity.
- ?? Four state support organizations with offices in the region—organizations that ensure a consistently high level of quality and coordination among providers.
- ?? The web of ties between programs that has led to arrangements in which programs routinely deliver services in other program's service areas.
- ?? Strong pro bono programs in the two cities and one rural area, with the potential to help other providers make better use of the private bar resource.
- ?? Two law schools, plus easy access to a third law school located just outside the region.

To make it easier to coordinate services across program boundaries, the number of LSC recipients will be reduced from five to three, as follows:

1. Chemung County Neighborhood Legal Services will merge with Southern Tier Legal Services to form one recipient.
2. Oak Orchard Legal Services will merge with Monroe County Legal Assistance Corporation (MCLAC) to form one recipient<sup>3</sup>.
3. Niagara County Legal Aid Society will merge with either Neighborhood Legal Services (NLS) in Buffalo or MCLAC in Rochester. Key members of the NCLAS board have met with members of the boards of NLS and MCLAC to discuss a future partnership. The NCLAS board understands that it must merge with one of these two providers. After discussing the merits of merger with NLS and MCLAC, the NCLAS executive committee decided that the issue should be decided by the entire NCLAS board, and are now in the process of scheduling a board meeting to settle this issue.

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<sup>3</sup>. Oak Orchard currently receives LSC funds via a sub-grant with MCLAC. After the merger, Legal Assistance of the Finger Lakes (LAFL) will remain a branch office of MCLAC, and one sub-grant, to the Volunteer Legal Services Program (VLSP) in Rochester, will continue.

## II. The Current System

### Area Served

The Western New York region consists of the 19 counties from Ithaca west to Lake Erie, as follows: Chemung, Tompkins, Tioga, Ontario, Schuyler, Wayne, Yates, Seneca, Livingston, Monroe, Genesee, Orleans, Wyoming, Erie, Niagara, Steuben, Cattaraugus, Allegany, and Chautauqua.

Two of these counties—Monroe and Erie—contain major cities (Rochester and Buffalo). Niagara also contains a city—Niagara Falls—although it is much smaller than one might expect, given its fame. The remaining 16 counties are all rural.

### Legal Services Providers

There are 24 IOLA funded legal services providers in the western New York region. These programs are briefly described in the table on the next three pages.

Five of the 24 providers are recipients of LSC funds:

- ?? Chemung County Neighborhood Legal Services (“Chemung NLS”)
- ?? Southern Tier Legal Services (“Southern Tier”)
- ?? Monroe County Legal Assistance Corporation and its branch office, Legal Assistance of the Finger Lakes<sup>4</sup> (Rochester: MCLAC/LAFL)
- ?? Neighborhood Legal Services (Buffalo: NLS)
- ?? Niagara County Legal Aid Society (NCLAS)

In addition, three providers indirectly receive LSC funds:

- ?? Oak Orchard Legal Services (“Oak Orchard”)
- ?? Volunteer Legal Services Project (VLSP)
- ?? Erie County Bar Association Volunteer Lawyers Project (VLP)

The first two are sub-grantees of MCLAC/LAFL. VLP is a sub-grantee of NLS.

Three other providers: Greater Upstate Law Project (GULP), Public Interest Law Office of Rochester (PILOR), and Farmworker Legal Services once received LSC funding, but are now entirely funded by non-LSC sources.

Total funding for the five LSC recipients in the western region is approximately \$6.4 million. LSC funds, at \$2.788 million, account for 43.5% of total funding. The five LSC recipients closed 13,591 cases in 1999, 30% by extended service and 70% by advice and brief services.

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<sup>4</sup> LAFL, though a branch office of MCLAC/LAFL, is nevertheless seen as a separate program by clients, members of the bar, jurists, and other providers.

## Western New York Legal Services Providers

Provider	Brief Description	Counties Served (Office Underlined)	Funding
The Advocacy Center (AC)	The Advocacy is a Protection and Advocacy program serving the eastern part of the region. It receives a sub-grant from NLS for disabilities related work. Its main office is in Rochester.	<u>Monroe</u> , Steuben, and the counties served by LAFL	Non-LSC
Attica Legal Aid Bureau	The Legal Aid Bureau provides assigned counsel in Family Court in Wyoming County and represents persons in the Attica and Wyoming Correctional Facilities. It is funded by the Office of the Aging and the Public Defender of Wyoming County.	<u>Wyoming</u>	Non-LSC
Chemung County Neighborhood Legal Services, Inc. (Chemung NLS)	Chemung County NLS is a full service provider covering a four county area in the finger lakes area of New York. Chemung NLS works closely with Cornell University Law School, the Cornell University Legal Aid Clinic and the Community Dispute Resolution Center, all located in Ithaca, N.Y (Tompkins county).	<u>Chemung</u> , <u>Tompkins</u> , Tioga, and Schuyler	LSC Recipient
Community Dispute Resolutions Center (CDRC)	CDRC provides mediation services in the southern finger lakes area.	<u>Tompkins</u> , Chemung, Schuyler	Non-LSC
Community Legal Intake and Referral Project, Inc. (CLIRP)	CLIRP is the telephone, screening, and referral service for all legal services providers in Monroe county. (Services are discussed in more detail in the text of the plan)	<u>Monroe</u>	Non-LSC
Cornell University Legal Aid Clinic	The Legal Aid Clinic provides legal services in the Ithaca area. Cross refers cases to Chemung NLS.	<u>Tompkins</u>	
Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP)	VLP is the pro bono program of the Erie County (Buffalo) Bar Association. It is also a sub-grantee of NLS. In addition to providing a variety of services in the Buffalo area using volunteer attorneys, VLP operates a program providing representation to immigrants at the INS detention center in Batavia, and accepts matrimonial clients from Niagara county (see NCLAS, below)	<u>Erie</u> , Genesee and Niagara	Non-LSC
Farmworker Legal Services of New York (FLS)	FLS represents farmworkers in New York. It is based in Rochester.	<u>Monroe</u> . Serves all of NY.	Non-LSC
Greater Upstate Law Project (GULP)	GULP is a state support center based in Albany and Rochester. GULP provides substantive support; staffs four statewide task forces; issues a variety of publications; represents eligible clients; and engages in policy advocacy. GULP has an extensive brief bank and its own website. GULP's task forces on benefits, domestic violence, housing and SSI hold meetings (monthly or quarterly) attended by staff from many providers, including all of the LSC recipients. GULP is also the lead advocate for state funding for legal services providers.	<u>Monroe</u> and all counties in upstate New York and Long Island	Non-LSC
International Institute of Buffalo, Inc.	The International Institute provides a broad range of services, including legal representation, to recent immigrants	<u>Erie</u>	Non-LSC
Chautauqua County Legal Services (CCLS)	CCLS was the LSC-funded provider for Chautauqua county until 2000. It now concentrates on family law and SSI issues, and will serve clients with incomes above LSC guidelines.	<u>Chautauqua</u>	Non-LSC
The Legal Aid Bureau of Buffalo, Inc. (LAB)	The Legal Aid Bureau is the public defender for Erie County. It has a small but active civil division.	<u>Erie</u>	Non-LSC
Legal Aid Society of Rochester (LASR)	LASR, located in Rochester, is a full service provider. LASR also provides service to victims of domestic violence in Orleans Counties using a state grant, and operates the Youth Advocacy Program in Monroe, Wyoming and Genesee counties	<u>Monroe</u> , Wyoming, Orleans and Genesee	Non-LSC

<b>Western New York Legal Services Providers (Continued)</b>			
<b>Provider</b>	<b>Brief Description</b>	<b>Counties Served (Office Underlined)</b>	<b>Funding</b>
Legal Aid Society of Wayne County	The Legal Aid Society handles mostly assigned counsel cases in Family Court and provides matrimonial representation on a sliding fee scale.	<u>Wayne</u>	Non-LSC
Legal Assistance of the Finger Lakes (LAFL)	LAFL is a full services provider serving five counties in the finger lakes area. LAFL is a branch office of MCLAC/LAFL but is universally seen as having its own identity.	<u>Ontario</u> , Wayne, Seneca, Yates and Livingston	Branch office of MCLAC
Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc. (Legal Services for the Elderly).	Legal Services for the Elderly, based in Buffalo, offers representation on a variety of issues affecting elders and persons with disabilities. The area served by includes counties served by NLS, NCLAS, and Southern Tier.	<u>Erie</u> and 8 other counties	Non-LSC
Mental Hygiene Legal Services	Mental Hygiene Legal Services provides legal services to persons with mental illness throughout the state. One of its offices is in Rochester.	<u>Monroe</u> . Serves the entire state	Non-LSC
Monroe County Legal Assistance Corporation (MCLAC/LAFL)	MCLAC/LAFL is a full service provider covering nine counties in west central New York. MCLAC is the DBA for the Rochester office and LAFL is the branch office in Geneva, NY. MCLAC/LAFL has sub-grants with VLSP and Oak Orchard. MCLAC also operates a HUD Fair Housing Enforcement Project; a HUD Supplemental Homelessness Initiative Project; a Managed Care Consumer Advocacy Project (including a regional hotline); and, along with the non-LSC providers in Rochester, a centralized switchboard, screening and referral project (CLIRP). MCLAC also is the principal legal component of the Provider Resource Network (PRN), a private, area wide network of over 40 human services agencies in Rochester. MCLAC/LAFL is one of 17 national AmeriCorps legal sites with 5 AmeriCorps attorneys. Both MCLAC and LAFL are Title III-B grantees; VAWA and DOJ domestic violence providers; and New York State's Homelessness prevention Project providers. LAFL also operates a Department of Agriculture Nutrition Consortium Project. The Rochester advocacy staff and MCLAC/LAFL's central administration are collocated with PILOR, GULP, CLIRP, and VSP in Rochester, and its administrative component provides, under contract, financial management services to PILOR and GULP.	HUD: <u>Monroe</u> ; LSC: Monroe plus the areas served by LAFL and Oak Orchard HMO Hotline: entire region	LSC Recipient
Neighborhood Legal Services, Inc. (NLS)	NLS is a full services provider, funded by the LSC to cover Erie County (Buffalo). NLS is also the Protection and Advocacy for the Developmentally Disabled agency for western New York; a New York Works (NY DOL) pilot site; the grantee for Project Dandelion, one of the original welfare-to-work projects; the VAWA recipient for Erie county; the grantee for the National Assistive Technology Project, a nationwide assistive technology support center, operated in conjunction with United Cerebral Palsy; the Statewide Work Incentives Support Center, funded through Cornell University; the Statewide Assistive Technology Support Center, in collaboration with bar associations throughout the state; and the grantee for the Benefits Planning, Assistance and Outreach project, a federal SSA project conducted in collaboration with independent living centers throughout western NY.	LSC: <u>Erie</u> County Various state programs: most or all of the region Technology support: state- or nationwide	LSC Recipient

Western New York Legal Services Providers (Continued)			
Provider	Brief Description	Counties Served (Office Underlined)	Funding
Niagara County Legal Aid Society (NCLAS)	NCLAS is a full service provider funded by the LSC to cover Niagara county. NCLAS is the only full service provider in the county, which includes three cities and a large rural area. NCLAS and VLP in Erie County have a mutual referral system: Niagara County residents who are sued for divorce in Erie County are referred to VLP by NCLAS, and vice-versa. NCLAS hosts interns from the SUNY-Buffalo Law School and is a test site for WNYLC's updated software package.	<u>Niagara</u>	LSC Recipient
Oak Orchard Legal Services	Oak Orchard is a full service provider for three counties between Rochester and Buffalo. It is a sub-grantee of MCLAC/LAFL.	<u>Genesee, Wyoming and Orleans</u>	Sub-grantee of MCLAC.
Prisoners Legal Services	Prisoners Legal Services, whose main office is in Ithaca, provides services to persons in state correctional institutions throughout the state.	<u>Tompkins and Erie</u> . Serves entire state	Non-LSC
Public Interest Law Office of Rochester (PILOR)	PILOR is a full service provider based in Rochester specializing in cases that cannot be taken by LSC funded programs. At present, its focuses on education, discrimination against people with disabilities, and Community Reinvestment Act issues. In addition, PILOR administers the Disability Advocacy Program (DAP) for western New York. DAP is a state funded program that assists people to become eligible for SSI. DAP covers the entire region via contracts between PILOR and local providers.	<u>Monroe</u> and all counties in region.	Non-LSC
Southern Tier Legal Services (Southern Tier)	Southern Tier is a full services provider for 4 counties along the New York-Pennsylvania border. It recently expanded to cover Chautauqua county. Southern Tier is the lead agency for a Department of Justice grant that provides assistance to domestic violence victims in three counties. The program is conducted in partnership with domestic violence shelters throughout the area.	<u>Steuben, Allegany, Cattaraugus and Chautauqua</u>	LSC Recipient
Volunteer Lawyers Project (VLP)	See Erie County Bar Association Volunteer Lawyers Project, above.		
Volunteer Legal Services Project (VLSP)	VLSP is an independent pro bono program located in Rochester. It is a sub-grantee of MCLAC/LAFL. VLSP provides a full range of legal services using volunteer attorneys. In addition, VLPS operates ProbonoNet, an on-line library of training materials and electronic bulletin boards accessible only to pro bono attorneys. ProbonoNet has been extended to cover the five rural counties served by LAFL.	Pro bono services: <u>Monroe</u> ProbonoNet: Monroe and surrounding counties	Non-LSC
Western New York Law Center (WNYLC)	The Western New York Law Center, based in Buffalo, is a support center specializing in technology development and assistance. It also handles some legal work that cannot be taken by LSC funded programs. WNYLC created an intake, timekeeping and reporting system (TIME) which is used by many LSC funded programs, including four of the five LSC recipients in the region. WNYLC developed and maintains a web site which is widely used by all providers in New York state, and operates the practice area list serves (see Appendix 1).	<u>Erie</u> , statewide and national (software)	Non-LSC

In addition to the providers described in the tables, three other New York based providers are active in the region:

- ?? The Rural Law Center handles LSC restricted work for rural issues and has developed a specialty in pro bono delivery in rural areas. The Law Center recently received an ABA grant to conduct a demonstration project in which judges train private attorneys on “best practices” in return for a commitment from the attorneys to participate in a pro bono program.
- ?? The Welfare Law Center, based in New York City, participates in GULP’s benefits task force and provides support to advocates throughout New York state.
- ?? The National Employment Law Project, also based in New York, provides support to advocates on employment issues.

>From the vantage point of the entire state, the western region accounts for about a quarter of the IOLA funded providers (24 of 97) and about a fifth of all legal assistance providers (24 of the approximately 120 members of the Project Directors’ Group, which includes IOLA and non-IOLA funded providers).

### Strengths of the Current System

The current system in western New York has nine notable strengths:

- ?? Western New York has what is probably the richest array of civil legal services providers in any largely rural area in the United States. In addition to 20 local providers<sup>5</sup>, four state support programs<sup>6</sup> are based in the region. Perhaps uniquely, there is more than one provider in every county in the region.
- ?? No basic field office provides services to more than 5 counties, which themselves are small compared to counties in other states. Two LSC recipients—NLS and NCLAS—provide basic services in only one county<sup>7</sup>. All programs are well established in their communities, with strong support from local funders and bar associations (which, in New York, are *really* local). All have experienced staff that, in many instances, have been providing services in their localities for 20 years or more.

Offices serving small geographical areas are precisely what western New York needs. Counties in New York are powerful and fiercely independent. They run their own welfare programs and courts, which differ significantly from county to county. New York is further distinguished by town and village “justice courts” which handle evictions and some domestic violence issues. These

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<sup>5</sup>. Five LSC recipients, and 15 providers funded by IOLA, state, or local funds.

<sup>6</sup>. GULP, WNYLC, Prisoners Legal Services and Farmworker Legal Services.

<sup>7</sup>. As describe in the table on page 5, NLS has programs that cover the entire region. But NLS is funded by the LSC to serve only Erie county.



courts, where judges need not be attorneys, show particularly strong variation not just from county to county, but from town to town.

- ?? The system has higher than average funding<sup>8</sup>. New York has been a leader in building its IOLA program, and has been notably successful (with one setback<sup>9</sup>) in securing state funding in the form of contracts for specific projects and general fund appropriations. Local support has been strong, especially in Rochester and the finger lakes region. For example, Legal Assistance of the Finger Lakes, which serves 5 counties, has 8 staff attorneys serving 25,000 eligible persons, for a ratio of 1 lawyer per 3,000 poor people—considerably better than programs in nearly every other state.
- ?? Legal services is complemented by a rich array of other service providers and community based organizations. To an extent unknown in most states, poor people in western New York have access to a very broad array of local human services agencies, staffed by trained professionals. Chemung NLS, which serves the northern tail of the Appalachians, is housed in a building filled with human services agencies—a real one-stop shop. Rochester and Buffalo LSC recipients have been able to link to many organizations with highly professional staffs. Southern Tier, which is the lead agency for DOJ domestic violence programs in a three county area, works closely with many local human services agencies, and one of its attorneys is housed on a part-time basis in a shelter.
- ?? Western New York has a tradition of providing a full range of legal services to poor people in the region—a tradition that continues to this day via the activities of such organizations as GULP, PILOR, WNYLC, Farmworker Legal Services, and Prisoners Legal Services.

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<sup>8</sup>. The LSC recipients alone have total funding of approximately \$6.4 million. With a poverty population of about 330,000, per capita funding is \$19.34, somewhat above the national median of \$17.40 per capita (1998 data). Data for the non-LSC funded programs is not available, but it is substantial. GULP and PILOR, for example have a combined budget of more than \$2 million.

<sup>9</sup>. Two years ago, the Governor vetoed the annual appropriation funding civil legal services as part of an unprecedented line-item veto package of 1300 vetoes.

?? Programs in western New York have coordinated services for many years. For example:

1. All IOLA funded programs meet at least annually to coordinate services and eliminate duplication.
2. GULP has sponsored four substantive task forces for many years. These task forces—on benefits, housing, domestic violence and SSI<sup>10</sup>—provide a mechanism for coordinating services across provider boundaries, offer support and training to advocates throughout the upstate area, and serve as a link to the Welfare Law Center, a national support program based in New York City.
3. The current and former LSC funded programs (GULP, PILOR, etc.) are linked through a web of grants and programs. For example, PILOR, NLS, and MCLAC/LAFL administer programs that cover the entire region<sup>11</sup>. The current and former LSC funded programs meet regularly to decide which organization is in the position to apply for a new program, and continue to coordinate after grants are received.
4. Four providers receive DOJ domestic violence grants: NLS, the Legal Aid Society of Rochester (in collaboration with GULP and MCLAC/LAFL), Southern Tier and Chemung NLS. These providers work closely with GULP, which employs a former law school professor to support domestic violence activities in the upstate area<sup>12</sup>. GULP also coordinates the Western New York Domestic Violence Task Force, and hosts a very active list serve on domestic violence issues.
5. All programs in the region—LSC funded or not—work together to ensure that resources are well used. The table beginning on page 5 gives some specific examples of cooperation to ensure efficient use of resources, such as the various arrangements to cover matrimonial law services in Erie, Niagara, Monroe, Genesee and Wayne counties.
6. The programs are also linked to other providers at the state and national levels. NLS, though considered a “local provider”, is a state and national support center for assistive technology for persons with disabilities. WNYLC, though listed as a state support center, is a national support

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<sup>10</sup>. The SSI task force was separated from the benefits task force in 1985, after the state initiated its Disability Advocacy Program (DAP), which funds legal services providers to assist people receiving state general assistance to qualify for federal SSI.

<sup>11</sup>. For more details, see the table on page 5.

<sup>12</sup>. Jennifer DiCarli, who recently won the New York State Young Lawyers Award for her work on behalf of victims of domestic violence.

center for technology. GULP covers all of New York except New York City, and coordinates closely with Legal Services of New York (LSNY) in New York City.

?? Western New York uses technology in ways rarely seen in the rest of the country. Websites provide advocates, volunteers and clients access to a broad range of materials, including up-to-date information on major substantive issues, and a many self-help and community legal education materials<sup>13</sup>.

Perhaps the most notable use of technology is the “practice area list serves” hosted by the Western New York Law Center with substantive support from GULP and experienced advocates from around the state. The list serves permits any advocate, in any part of the state, to post a question on a substantive or delivery issue, and to receive a quick and thorough response.

For an example of the dozens of questions and responses posted on the list serves each day, see Appendix 1.

The advantages of the list serves are many: First, and most obvious, is that questions from advocates receive full and accurate responses. Second, an attorney in a small office in a remote part of the state has access to a *direct support/mentor system* that includes the most experienced people in a practice area. Third, the list serves are an ongoing *training system* which costs almost nothing to operate.

In addition to the websites and list serves, MCLAC/LAFL provides technology support to six programs (GULP, PILOR, CLIRP, VLSP, Farmworkers, and MCLAC/LAFL) that are located in the same building in Rochester. MCLAC/LAFL’s technology coordinator installed, customized and maintains a case tracking database and a network that links all the providers (recently upgraded to a wireless network).

MCLAC/LAFL also participates in the Providers Resource Network (PRN), a computer based communications infrastructure linking 40 human services agencies in the Rochester area. PRN’s purpose is to improve services by giving providers access to information about individual clients while preserving confidentiality through use of a private, closed network. MCLAC/LAFL hosts the part of the intranet devoted to legal services.

Finally, western New York will be the first rural area to have access to ProbonoNet, a website which is already available to volunteer attorneys in Rochester and the five counties served by LAFL, via VLSP<sup>14</sup>.

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<sup>13</sup>. More details on websites can be found in the next section.

<sup>14</sup> . Again, see the next section for more details on ProbonoNet.

- ?? There are two strong independent pro bono providers in the region—VLSP in Rochester, and VLP in Buffalo. The directors of both programs have been leaders of the pro bono movement at the national level for many years. Both providers have innovative programs, and close a large number of cases. In addition, Chemung NLS has an innovative pro bono program that closes a high number of cases, given its funding and location in a rural area.
- ?? Finally, the western region has two law schools within its boundaries—Cornell and SUNY-Buffalo—and easy access to a third, at Syracuse University.

### Issues in the Current Delivery System

Overall, the current delivery system could be characterized as coordinated but not planned. For example:

*The relations between programs are based mostly on history rather than on deliberate consideration of the best ways to use resources to serve eligible clients.* In particular, the relations between the legal aid societies and LSC recipients are based on understandings that were set many years ago. While there is no desire to change these arrangements, which are working well, there has not been enough discussion of how providers can make best use of their combined resources.

*Activities on the regional level are driven by grants, rather than by a vision of a justice community.* Typically, one provider receives state and federally funds for a regional program, and then contracts with other providers for delivery of services. With one exception, these contractual relationships have not led to the creation of a shared vision for the region and to the kind of joint activities that naturally flow from a shared vision<sup>15</sup>.

*There is no systematic way to encourage innovation, to evaluate change, and to ensure that all programs adopt the most effective methods to serve eligible clients.* NLS is a national leader in use of technology and in development of community legal education materials and delivery methods. MCLAC/LAFL, along with the Volunteer Legal Services Program in San Francisco, sets the standard for joint activities with human services professionals and holistic delivery<sup>16</sup>. VLP and VLSP

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<sup>15</sup>. The exception is the DAP program, administered by PILOR, which has led to a highly coordinated regional effort to help persons on state general assistance qualify for SSI.

<sup>16</sup>. MCLAC currently has seven partnerships with human services providers. Five offer on-site services to families at a Pediatric Center (Rochester General Hospital); to seniors and center staff at a seniors center (Lifespan Senior's Project); to young mothers at a perinatal center (Healthy Start Project); to persons receiving drug abuse treatment (Recovery Place Collaborative); and to victims of domestic violence in a secure room at the courthouse (Domestic Violence Project). The Fair Housing Enforcement Project has a special focus on discrimination against people with disabilities (Regional Center for

are two of the most effective pro bono programs in the county. Chemung NLS has an innovative pro bono program, extensive ties to colleges in its area, and has retained highly competent and experienced staff for many years in an isolated, rural area. Southern Tier has had two major transitions in its history: from a MCLAC sub-grantee created to help victims of a hurricane to an independent, full services provider; and, over the past few months, from a three to a four county program with minimal disruption of services to poor people. And this is not the whole list.

Obviously, these innovations and practices have had some impact on all the providers in the region. But that impact has been entirely voluntary: providers pick and choose, often without access to accurate information about an innovation and its effects. There is no regional organization that encourages innovation and ensures that LSC recipients and other providers adopt the most effective ways to serve poor people.

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Independent Living). MCLAC participates in the Homeless Network, and was a founding member of the Community Development Block Grant Coalition, the Community Reinvestment Coalition, the Fair Housing Coalition, and the Refugee Network.

### **III. A Regional Justice Community for Western New York State**

This section is the plan for creating a regional justice community in western New York state. It consists of two sub-sections, Background and Plan, which itself contains eight parts, as follows:

- ?? Purpose
- ?? Approach
- ?? Principles
- ?? Shared Values
- ?? Community Members
- ?? Justice Community Goals
- ?? LSC Recipient Configuration
- ?? Provider Identity

#### **Background**

This regional plan was developed after a series of meetings and conference calls among the LSC recipients in western New York, facilitated by our consultant, John Arango. Although these meetings have included only the LSC-funded providers, they have taken place in the context of broader regional planning efforts which have been ongoing in western New York since 1995.

Following LSC's launching of the state planning initiative in 1995, a statewide meeting was held in Latham, New York, which resulted in the plan which was submitted to LSC later that year. Part of that planning process included a series of three regional meetings to address state planning issues as they affected the western New York region. In addition to the issues identified by the LSC's planning directives, the IOLA Fund decided that, in light of impending LSC restrictions, 10% of IOLA funds then going to basic field programs would be redistributed to ensure that a full range of services would continue to be available to eligible clients.

The western region used its redistributed funds to create the Western New York Law Center (WNYLC). As envisioned, WNYLC was to be a statewide technology support center as well as an organization providing unrestricted representation. In addition, the Greater Upstate Law Project, which until that time had been a part of MCLAC/LAFL, become an independent organization<sup>17</sup>.

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<sup>17</sup>. At the same time, MCLAC transferred half of its funding for the Rochester office to GULP to create Public Interest Law of Rochester (PILOR) as part of GULP. This ensured that the resources need to complete over 40 class actions and welfare reform cases would be available. It also ensured that clients in the MCLAC/LAFL service area would continue to have access to the full range of services. From the beginning, PILOR has given support to providers throughout the region, in part because it administers the DAP program in western New York.

Actions in other parts of the state led to the creation of the Rural Law Center, which provides unrestricted services to clients in rural areas of New York; and to the creation of the law school fellowship program, which provides access to unrestricted services throughout the state.

In 1998, the LSC-funded providers in western New York participated in a series of six regional planning meetings to address the issues outlined in LSC's Program Letter 98-1. The initial meeting was sponsored by the IOLA Fund; subsequent meetings were facilitated by Jerry Wein, from GULP. In the course of these meetings, the western New York region examined a wide range of issues, covering such issues as the mission and values of the legal services delivery system, improved client services, and administrative costs of various LSC recipient configurations. The region concluded that the costs of any reconfiguration outweighed the benefits to clients<sup>18</sup>.

The 1998 state plan, in addition to considering each of the LSC issues, divided New York into 5 regions (New York City, Long Island, and three regions in the upstate area: eastern, central and western) and delegated responsibility for further planning to each of these regions. The 1998 plan also sought to expand the planning group from LSC recipients to all providers—LSC and non-LSC funded. Consistent with the decision to divide the state into planning regions and to involve all providers, meetings of LSC and non-LSC providers were held around the state to review the 1998 draft state plan and to offer input prior to its submission to the LSC.

The state planning process continues to this day, facilitated by the 12 member State Planning Steering Committee appointed by the IOLA Fund. Western New York members of the Steering Committee are Amy Christensen from Southern Tier, Bob Elardo from VLP, and John Kelemen of WNYLC. Amy Christensen and Andy Scherer (acting director of LSNY) serve as LSC contacts for the Steering Committee.

Meetings of all providers also continue at both the state and regional levels. The statewide Project Directors Group, co-chaired by Amy Christensen and Andy Scherer, has met three times each year, with at least half of the approximately 120 members in attendance. The Project Director Group reviews progress on implementing the state plan including the activities of the statewide working groups and actions taken by regional planners.

Since 1999, the IOLA Fund has required its grantees to participate in regional meetings to coordinate services and to ensure that there is no duplication of services. In western New York, this requirement has been met in the context of ongoing regional meetings, co-chaired by the directors of the Legal Aid Society of

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<sup>18</sup>. See the section on "System Reconfiguration" in the 1998 New York State Plan.

Rochester and NCLAS. These meetings have been consistently well attended by all IOLA grantees in the western region.

This document was developed by the executive directors of the LSC funded programs in the western New York region during late 2000 and early 2001 and was submitted to the LSC in mid-March, 2001.



## Plan

### Purpose

The western New York regional justice community will deliver high impact legal work to a substantial number of low-income people in western New York. This work, when combined with community-based self-help efforts and the work of professionals in a wide variety of human services agencies, will reduce poverty in the lives of western New York families.

### Approach

Legal services providers are uniquely positioned to help communities because they can use the power of the law to help low income families *and* can bring together coalitions of lawyers, community leaders, human services professionals, and elected officials to create collaborative strategies aimed at reducing poverty. Effective legal services advocates have both legal and problem solving skills.

### Principles

- ?? “Legal services providers” are all nonprofit organizations that represent low income people in civil legal matters, or use lawyers (staff or volunteers), law students and other advocates to advance the interests of low income people in legal and other public forums. Function, rather than source of funding, distinguishes legal services from other providers.
- ?? Legal services providers aim to perform “high impact legal work”. High impact is achieved by:
  - activities that significantly improve the life of a single client and his or her family; and by
  - systemic advocacy intended to benefit a large number of eligible clients.
- ?? Most high impact legal work can be done at the local level with local staff. Only a very small percentage of high impact legal work cannot be performed by local LSC-funded providers.
- ?? High impact legal work requires legal services providers to collaborate with other providers, both legal and non-legal, to garner all the resources necessary to move low income people out of poverty.
- ?? There must be skillful lawyers and advocates at the local level.
- ?? There must be strong leadership at the local level.
- ?? Regional collaboration is best organized around client needs and substantive legal issues.

- ?? There must be skillful lawyers, strong collaborations, and effective leadership at the regional level.
- ?? There must be effective leadership at the state level.
- ?? There must be effective coordination of services across regional boundaries.
- ?? All legal services providers must be accountable to each other, to their clients, and to the public. In particular, all providers are responsible for ensuring that resources—money, staff and volunteers, and knowledge—are used in ways that provide the greatest benefit to low income people.

### Shared Values

Client centered	The purpose of legal services is to benefit low income people, both those who have a formal attorney-client relationship with a provider, and those who are affected by poverty and injustice.
Empowers clients	The ultimate aim of legal services is to change the lives of poor people in ways that enable them to be self-reliant and economically self supporting.
Access to full range of services	Low income people need, and have a right to, the same legal services that are offered to people with higher incomes.
Grass roots	The most effective high impact legal work originates in low income communities and is carried out in full partnership with low income people.
Expands the number of poor people receiving services	Even in a state with higher than average funding such as New York, many more people need access to high impact legal work.
Continuous improvement of services and systems	Providers should never be satisfied with the amount or quality services being delivered. There is always room for improvement and innovation.
Bottom up	Regional and statewide systems offer clear benefits to providers and their clients, but they are effective only when they are built on a foundation of strong local providers working in partnership with community-based organizations and human services agencies.

## Community Members

As currently envisioned, the western New York regional justice community will consist of all the legal services providers in western New York, whether funded by the LSC and IOLA, or not.

## Justice Community Goals

The initial justice community goals and strategies will be as follows:

**Goal 1: Build the structure needed to create and maintain a comprehensive, integrated, client-centered community in western New York.**

This structure will consist of :

- ?? The Western New York Legal Services Coordinating Council, which will manage the community and be accountable for its performance.
- ?? Five substantive law task forces, which will be the heart of the regional community.
- ?? Four regional committees, with a focus on delivery and technology.
- ?? Regional staff, based in the LSC recipients and at GULP.

## Coordinating Council

The community will be managed by the Western New York Legal Services Coordinating Council (“Coordinating Council”). The council will be accountable for the development and functioning of the regional justice community. The Council will consist of :

- ?? The Regional Coordinating Council, composed of a) the Chairs of the Board of Directors, and the Executive Directors, of the three LSC recipients; b) the Executive Directors of the four “affiliated providers”—NCLAS, Oak Orchard, LAFL and either Chemung NLS or Southern Tier, depending on which program becomes the LSC recipient; and c) the Executive Director of GULP.

The Coordinating Council will set policy for the region; identify regional needs and issues; prepare the strategic plan for the region, with particular focus on vision and strategies; oversee the preparation of work plans by the task forces and committees; hire staff; monitor progress and quality of work; ensure coordination with other regions; and conduct periodic evaluations of regional efforts.

The Coordinating Council will meet at least quarterly, and will make decisions by majority vote. The Executive Committee, which will be empowered to make decisions between meetings, will consist of the chairs and directors of the three LSC recipients, and the director of GULP.

The Coordinating Council will have a budget consisting of a) cash contributions from providers; b) fees collected for training and publications; and c) grants made to further the regional effort. The Coordinating Council will also have access to staff time pledged by providers. During start-up, the LSC recipients have pledged the equivalent of 3 FTE's in experienced staff attorney time, plus a total of \$60,000 in cash, to the Coordinating Council.

The pledged staff time will be used to provide leadership to the task forces and committees (see below). The \$60,000 in cash will be used to hire a Regional Coordinator to staff regional activities (see below), and to pay costs associated with Coordinating Council activities.

?? The Advisory Board, which will consist of:

- ~~1~~ one representative from each non-LSC provider in the region;
- ~~2~~ two representatives of human services agencies working with legal services from each of the three sub-regions (6 human services representatives, in total);
- ~~2~~ two representatives of local, sub-regional, or regional funders from each of the sub-regions (6, in total);
- ~~1~~ one staff attorney from each sub-region;
- ~~1~~ the Regional Coordinator who staffs regional activities.

The Advisory Board will make recommendations to the Coordinating Council regarding needs and issues that should be addressed at the regional level; develop service collaborations, with special emphasis on integrating the work of the non-LSC providers; and, in general, help the Coordinating Council create and maintain a community of legal services providers.

### Substantive Task Forces

The community's purpose is to delivery high impact legal work to a substantial number of low-income people. Regional substantive task forces are, therefore, the heart of the community.

Initially, there will be five substantive law task forces: Domestic Violence, DAP (SSI), Benefits, Housing, and Education. In brief:

- ?? The domestic violence task force, sponsored and supported by GULP, is a regional task force. It holds regular meetings, hosts the domestic violence list serve, and has staff support.
- ?? The DAP task force is both statewide (coordinated by GULP) and regional (coordinated by PILOR). This task force, which has been a model of provider integration, will continue to operate much as it has in the past.
- ?? The benefits tasks force, also sponsored and supported by GULP, is a statewide task force that meetings regularly in Syracuse and Albany. This task force will be given a stronger western region focus.
- ?? The housing task force has been less active. With help from GULP, it will become much more active in the western region.
- ?? The education task force is new. It will be a regional task force. Initially, it will be a forum in which all western region providers addressing education issues can exchange ideas and find mutual support. Over time, it also will have its own list serve, and, ideally, specialized staff support. In the meantime, its activities will be coordinated by the Regional Coordinator based at GULP.

The three LSC recipients and the four affiliated providers will be expected to participate in every substantive task force.

All non-LSC funded providers in the region will be invited to join the substantive task forces. Because priorities vary, some providers will not join every substantive task force. The goal is to have every non-LSC provider active in at least one task force.

The regional task forces will engage in two-way sharing of information, as illustrated in the diagram on page 23. Local provider staff, and state and national support staff, will meet face-to-face on a quarterly basis, and indirectly but continuously through the list serves, to discuss needs, strategies, innovations and outcomes.

The regional task forces will also serve as the links to task forces in other regions in the state, and to national support centers, such as the Welfare Law Center and the National Employment Law Project.

Each substantive task force will be chaired by a member of the staff of one of the LSC recipients or affiliated providers, or by staff from GULP. Each task force chair will be accountable to the Coordinating Council for the performance of his or her task force. Task force chairs will be selected on the basis of their substantive expertise, their experience, and their ability to provide leadership to their

colleagues. Chairs from LSC recipients will have their local workloads adjusted so they will have time to lead their task force.

Initially, regional task forces will:

- ?? Serve as a vehicle for exchanging information about provider activities.
- ?? Coordinate substantive work across providers boundaries.
- ?? Coordinate substantive work across regional boundaries.
- ?? Stimulate the dissemination of innovations across program boundaries.
- ?? Develop and sponsor training for staff and volunteers advocates.

Task force chairs will be assisted by a full-time Regional Coordinator. The Regional Coordinator will set up meetings, ensure participation by wide range of provider staff, keep minutes and records, monitor task assignments, prepare and distribute reports and provide the kind of support required to ensure that the task forces are effective. The Regional Coordinator will be hired by the Coordinating Council but will be an employee of one of the LSC recipients. To ensure close coordination between the regional and state task forces, the Regional Coordinator will be based at GULP.

### Regional Committees

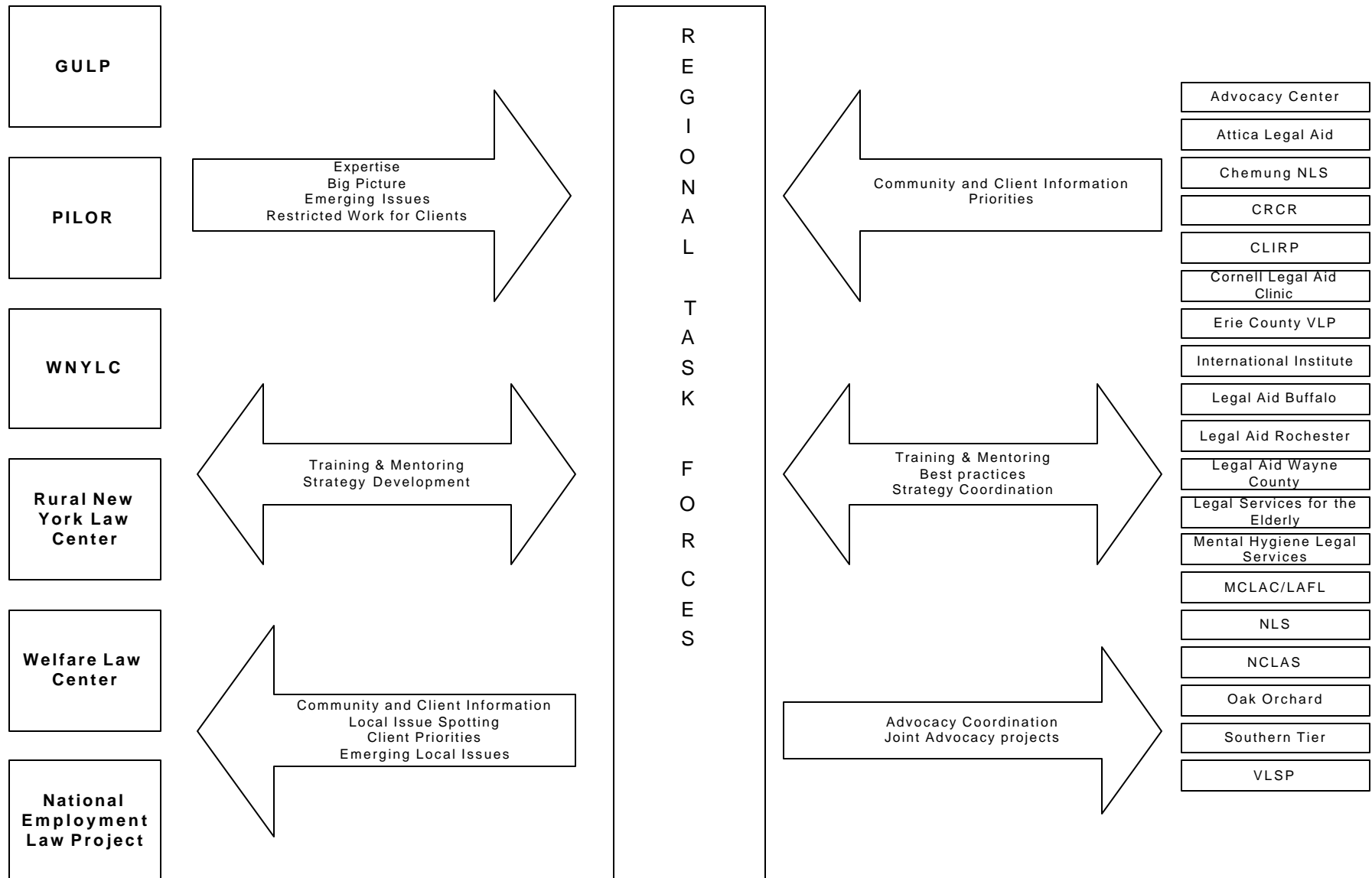
The Coordinating Council will, as needed, create regional committees to oversee improvements in the delivery system. Initially, four committees will be created:

- ?? Volunteers
- ?? Community Legal Education
- ?? Telephone Advice
- ?? Technology

Committees will consist of staff members who have the most knowledge of the issue assigned to the committee. Members will be appointed by the Coordinating Council, and may be drawn from any provider in the region. Providers may also be contracted to provide expert assistance to committees. The Regional Coordinator will provide support to the committees.

### Regional Staff

As discussed above, the region will initially be staffed by the equivalent of three full-time experienced staff attorneys, based in the three LSC recipients, and one Regional Coordinator, located at GULP.



**Goal 2: Improve the delivery of services by significantly increasing training activities throughout the region.**

Once the regional task forces are organized and have begun to coordinate substantive work across program boundaries, their assignment will be to develop training for all providers in the region. This training may consist of face-to-face training events scheduled in various locations throughout the region; training delivered via the list serves; and training delivered on the web.

The region already has extensive training resources in the LSC recipients, in the affiliated providers, in regional programs such as PILOR and WNYLC, and in GULP. The task force's job will be to catalog all training resources; identify any gaps in training; develop new training to fill gaps, if any; develop a single, coordinated training schedule for the region; either deliver training, or oversee delivery of training; and ensure that training is of high quality and useful to providers and their staffs.

The planners believe that, in the long run, the justice community will form around substantive issues. But in the short run, most providers will join the community because of the availability of training and other staff development activities. Each task force, therefore, will give early emphasis to developing a series of training events that will attract staff from all of the providers in the region, whether LSC-funded or not.

**Goal 3: Increase the number of clients served, and the range of issues addressed, by significantly expanding use of private attorneys, law students and lay advocates to deliver legal services to the poor.**

One of the first acts of the Coordinating Council will be to appoint a committee to expand the use of volunteers by all providers in the region. The committee will focus on expanding use of three groups of volunteers: pro bono attorneys, law students, and lay advocates—especially, college students.

Pro Bono Attorneys

The committee's goals will be to:

- ?? Recruit more volunteer attorneys in rural counties.
- ?? Develop new roles for volunteers.
- ?? Establish pro se matrimonial clinics or uncontested matrimonial panels in all of the counties in the western region. And,
- ?? Expand the use of technology by volunteer lawyers;

These goals will be accomplished by 1) making the expertise in VLP, VLSP and Chemung NLS available to other providers in the region, 2) using the new



mandatory continuing legal education requirement to recruit pro bono attorneys, and 3) expanding ProbonoNet to cover as many counties in the region as possible.

**Expertise:** VLSP in Rochester has more than 900 private attorneys involved in the delivery of civil legal services to low-income people in Monroe County. VLSP sponsors a standing panel of volunteer lawyers that accepts extended service cases in a broad variety of substantive areas, including family law, SSI benefits and consumer matters. VLSP also offers advice and brief services provided in clinics on debt relief, taxpayer assistance, and family law, and in a pro se matrimonial program. In 2000, VLSP closed more than 900 cases.

VLP in Buffalo also uses a service delivery system which provides opportunities for volunteer lawyers to accept matters for extended services or to participate in clinics. VLP has a special focuses on immigration law issues.

Chemung NLS operates an innovative pro bono program that brings together private attorneys and human services professionals in a single program to provide holistic services to eligible clients with family law issues. The program is sponsored by the local bar association, but welcomes non-attorney professional volunteers. These volunteers offer a number of services; for example, they have written a manual for people who have recently completed a divorce to help them to tap into a wide variety of services in the Elmira area. Last year, the pro bono program closed 200 cases, a high number for a rural program.

**Recruitment:** The recruitment campaign will initially be built around no cost training opportunities for volunteer attorneys. In 1999, New York State's Office of Court Administration (OCA) mandated continuing legal education for New York attorneys. VLSP and VLP are accredited by OCA to provide trainings. Both have used their accredited training events to recruit volunteers for their programs. The directors of VLSP and VLP are open to the idea of expanding their trainings to rural areas. These events could be augmented by trainings by GULP and the Rural Law Center, which are also accredited.

**Access to technology:** The region will expand ProbonoNet to serve private attorneys in as many counties in western New York as possible. ProbonoNet is a web site that was developed by the Open Society Institute to help promote private attorneys' participation in organized pro bono programs. It provides volunteer lawyers with instant desktop access to:

- ?? an on-line library of links, training materials, model pleadings, and forms that can be downloaded and printed from the attorneys' desks;
- ?? postings of new cases needing representation;
- ?? a threaded message board where volunteer attorneys can post and review questions and communicate with other volunteers; and
- ?? news and calendar pages that provide volunteer attorneys with information about upcoming MCLE seminars.

In November 2000, VLSP in Rochester became the first program outside of New York City to launch ProbonoNet. Presently, ProbonoNet is operating in Rochester and the five rural counties served by LAFL. Preliminary discussions have been held between VLSP and Southern Tier to expand ProbonoNet to the four counties served by Southern Tier. The Coordinating Council and its committee will do whatever is needed to facilitate volunteer attorney access to ProbonoNet throughout the western region.

### Law Students

Two law schools, at Cornell University and the State University of New York at Buffalo, are located within the western region. A third law school, Syracuse University College of Law, is within commuting distance of several counties in the region. All three law schools presently provide some public interest opportunities to their student bodies.

The committee will, on behalf of all providers, initiate a dialogue with all three law schools aimed at developing projects throughout the region similar to those now involving Cornell and SUNY-Buffalo. Such projects might include:

- ?? additional internships, both during the school year, and over the summer break;
- ?? conducting initial interviews of clients, both in-person and over the telephone;
- ?? providing direct representation to clients at administrative hearings;
- ?? researching and writing briefs and other pleadings; and
- ?? undertaking discrete projects, such as needs assessments, translations of CLE materials, concerted community legal education and outreach on such issues as the earned income credit, and monitoring in courts where large numbers of low-income people proceed without representation.

This will be accomplished by drawing on the expertise already in place in three providers in the region.

Chemung NLS has a 20 year relationship with Cornell Law School. The Cornell University Legal Aid Clinic, which provides a range of legal services to low income people in Ithaca area, cross refers cases to Chemung NLS, which has an office in Ithaca. The law school also provides interns to Chemung NLS—usually, two half-time interns during school terms, and full-time interns for about 10 weeks during the summer.

NLS has a long-standing relationship with the SUNY-Buffalo Law School, which places 38 to 40 law students interns at NLS during the school year. Many of these (and other) students are assigned to the Homeless Task Force. This project conducts outreach at over twenty sites where homeless people receive services. Shelters, food cupboards, community centers, churches all collaborate with NLS to publicize, and provide space for the students to conduct outreach, interviews and

screening. The student volunteers are coordinated by a paid law student who works under the supervision of a staff attorney. Intakes performed by the students are entered into the case management system and assigned to staff for problem solving.

NCLAS also has an active relationship with SUNY-Buffalo. Law student interns have worked at the NCLAS office for several years.

### Lay Advocates

The committee will also develop and implement a plan for expanding the role of non-attorney volunteers, again drawing on the expertise in existing providers.

Presently, four providers, Oak Orchard Legal Services, Chemung NLS, NCLAS, and NLS have formal arrangements with local colleges that allow them access to student volunteers. Students from the community college in Batavia conduct client interviews, assist attorneys with pleadings, copy files at administrative agencies, assist with development of evidence and accompany clients to administrative agencies, all for credit.

Students from the Elmira College are required to perform community services. For the past 30 years, the college had placed students in Chemung NLS. Typically, one or two students work at Chemung NLS. Cornell University also occasionally places interns at Chemung NLS as does the Tompkins Community College.

Students from Niagara College also have a community service requirement, and have roles in NCLAS similar to those in Oak Orchard.

NLS routinely writes student advocates into its grants. It draws lay advocates from SUNY-Buffalo and from other local colleges.

MCLAC/LAFL, though it does not have a formal arrangement with any one school, has obtained interns for a variety of tasks and special projects, including graduate students who conducted a community-wide legal needs assessment, a graduate student who researched census data for a project on discriminatory loan policies, another graduate student who researched child care issues, and several undergraduates who performed screening, intake and secretarial tasks.

MCLAC/LAFL also uses lay advocates who are not students, including AmeriCorps volunteers who will staff a new intake unit on a full-time basis and a lay advocate who helps clients fill out applications for Healthy Child Plus and Medicaid. In the past, MCLAC/LAFL had an eighteen month project funded by AARP to train and supervise over fifteen volunteers to provide outreach and intake for people eligible for SSI.

Finally, MCLAC/LAFL uses volunteers from local public relations firms to create public relations campaigns for major cases. For example, The Ad Council of Rochester will be providing \$100,000 in pro bono expertise to help MCLAC/LAFL

design and implement a community-wide campaign to make fair housing a community value.

Chemung NLS also obtains lay volunteers through the AARP. At present, it has a half-time legal secretary with more than 30 years experience in its Elmira office.

The plan is to use lay advocates throughout the region for the kinds of activities described above. In addition, non-attorney volunteers can also be utilized in a multitude of other capacities: as technology troubleshooters, as web site developers, as researchers of grant opportunities and as authors of grant proposals.

The committee will identify ways to recruit volunteers for particular tasks, so they can be trained as a group. Sources of volunteers, in addition to colleges and AARP chapters, include at least three United Ways (Buffalo, Greater Rochester and Ontario) that have Volunteer Connections programs, which match retired professionals or other skilled individuals with not-for-profit organizations.

In sum, the western region justice community expects to see a dramatic increase in the number of attorneys contributing to the organized pro bono effort and to develop a cadre of law students and non-attorney volunteers that will become a permanent component of the legal services delivery system.

**Goal 4: Empower eligible clients by significantly increasing access to community legal education throughout the region.**

The Coordinating Council will appoint a committee to increase access to community legal education throughout the region. This will be accomplished by:

- ?? Widely disseminating community legal education materials already developed by existing providers.
- ?? Continuing development of websites already in place. And,
- ?? Increasing the number of face-to-face training events for clients and staff of human services organizations and government agencies.

NLS has developed numerous community legal education (CLE) materials, including:

- ?? Seven newsletters (mailed and then posted on the web at [www.nls.org](http://www.nls.org) )
  - Project Dandelion* (Welfare to Work)
  - Housing Highlights*
  - Domestic Violence Newsletter*
  - Impact*
  - AT Advocate*
  - Teen Connection*
  - The Benefits Planner* (coming this spring)

?? The NLS Website, which averages more than 10,000 individual visitors per month. Visitors “hit” on average more than four pages and spend close to 15 minutes per visit. CLE materials are downloaded thousands of times each month.

?? Information letters and brochures. NLS has produced more than 150 information sheets on basic legal rights in areas as diverse as tenant’s rights, child support, food stamp eligibility, Medicaid prior approval, domestic violence, benefits for the disabled, and surviving small claims court. The entire collection can be viewed at [www.nls.org](http://www.nls.org).

?? Advocacy Manuals. NLS has four manuals in circulation, all written within the last year:

*NLS Public Benefits Manual*

*NLS Project Dandelion Advocacy Skills Manual*

*Benefits Management For Working People with Disabilities Manual* (co-authored with GULP)

*Legal Rights of Low Income Families and those Affected by HIV*

MCLAC/LAFL currently has 34 brochures available on its web sites and on the private, wide-area PRN website, which reaches over 250 case managers and social workers. In addition, MCLAC/LAFL provides training to social workers, case managers and staff at over 60 agencies in a nine county area.

In addition to materials and its website, NLS conducts advocate training. In 2000, NLS delivered more than 120 community training sessions in Erie County which were attended by more than 2,800 participants. The participants are typically pro bono attorneys, agency advocates, DSS case workers, social workers, case managers, program managers and staff.

For eligible clients, NLS, as part of Project Dandelion, conducted weekly seminars for Erie County clients who were moving from public assistance to entry level work. More than 400 clients were trained at these weekly seminars during 2000.

NLS also produces, or co-produces, regional or national training conferences through its grants for Assistive Technology and Benefits Management for the Disabled. This training serves the needs of hundreds of advocates for the disabled both in New York and throughout the country.

NLS and its regional sub-grantees will produce 50 to 100 trainings in western New York during 2001 related to benefits management for the working disabled. NLS staff are routinely invited as guest speakers at national and regional trainings and local and state continuing legal education events.

Finally, there are five other websites maintained by providers in the region:

- ?? [www.lafl.org](http://www.lafl.org) which contains information about services available in the finger lakes region. This site is notable for a) its focus on health issues in Livingston county, b) its bilingual (Spanish and English) materials on SSI, and c) its extensive links to local resources (17 to Livingston county providers alone).
- ?? [www.mclac.org](http://www.mclac.org) hosted by the Rochester office MCLAC/LAFL, is targeted to low income users. It provides general information about Rochester office services, and a library of self-help materials.
- ?? [www.wnyc.com](http://www.wnyc.com) , hosted by the Western New York Law Center, with cases of interest, articles, links, a service directory, a fair hearings data base, and training and job announcements.
- ?? [www.gulpony.org](http://www.gulpony.org) , maintained by GULP, which contains cases of interest, newsletters, substantive law sections and task force information.
- ?? [www.probono.net](http://www.probono.net) , operated by VLSP, which is described in the text.

In summary, there are six major websites (the five listed above plus [www.nls.org](http://www.nls.org) ) serving clients and advocates in the western region.

**Goal 5: Continue western New York’s leadership in use of technology.**

A regional technology committee has been in place in western New York for many years, and has been instrumental in ensuring that all LSC recipients have access to computer based technology. This committee will become part of the regional community, and will report to the Coordinating Council.

Issues to be addressed by the committee include: securing additional resources to continue the region’s lead in use of technology; and ensuring that non-LSC providers have access to, and make full use of, technology.

**Goal 6: Increase the number of low income people served, and expand the range of services offered, by developing a regional telephone advice service for low income people with priority legal needs not covered by any provider.**

Once work on goals 3, 4 and 5 are well underway, the Coordinating Council will appoint a third committee to develop a telephone advice service for eligible clients who have priority legal needs that are not covered by any provider. One task for the committee will be to monitor progress at the Community Legal Intake and Referral Project (CLIRP) in Rochester.

CLIRP has been in operation since 1991, but was never adequately funded. This year CLIRP received substantially more funding from IOLA and is now redesigning its delivery system.

CLIRP uses telephone technology that enables six full time operators, in one location, to screen all applicants and refer those that are eligible to the appropriate legal services provider, to a modest means panel operated by the local bar association, or to a human services provider.

If CLIRP is successful in expanding and redesigning its services, the next step will be for CLIRP to provide advice—especially, to eligible clients whose legal need cannot be met by any Monroe county provider.

The committee will track CLIRP's progress to determine if a single organization can develop the capacity to screen, refer, and provide advice in a multi-provider system. Based on CLIRP's experiences, the committee will develop, either in conjunction with CLIRP or on its own, a system for providing advice to low income people with priority legal needs not covered by any provider in the region.

## LSC Recipient Configuration

This plan anticipates that the number of LSC recipients—the number of providers funded directly by the LSC—will be reduced from five to three.

During the discussions that produced this plan, it became clear that there was no *compelling* reason to reconfigure the LSC recipients. That is, no regional structure emerged which would obviously make it easier to preserve strengths and to create a regional justice community.

One reconfiguration, however, did offer clear gains over the current structure: reducing the number of LSC recipients from five to three. Three recipients would:

- ?? make it easier to set policies and goals during the start-up of the justice community;
- ?? ensure that the diverse interests of the sub-regions would be directly represented in the Coordinating Council, especially during creation of the community;
- ?? avoid a divisive struggle between MCLAC/LAFL and NLS that would almost certainly arise if there were only one service area; and
- ?? sidestep the problem that much higher salaries at NLS will create if NLS were merged into the other programs.

The planners therefore request that the LSC designate three service areas in western New York, as follows:

- ?? The area currently served by Southern Tier and Chemung NLS. This creates a single recipient for all of the rural counties in the southern part of the region.
- ?? The area served by MCLAC/LAFL (including Oak Orchard), and, after the NCLAS board chooses its partner, NCLAS, if it chooses to merge with MCLAC/LAFL. This would create a single recipient for the central and northern parts of the region. If NCLAS chooses to merge with NLS, the single recipient would cover the central area of the region.
- ?? The area served by NLS and, after the NCLAS board chooses its partner, NCLAS, if it chooses to merge with NLS. This would put all the LSC recipients in Buffalo area in a single LSC service area.



## Provider Identity

Although the number of corporations receiving LSC funds will be reduced through mergers from five to three, no change will be made in the identity of the “affiliated providers”. Just as LAFL has a clear and separate identity from MCLAC even though it is a branch office of MCLAC/LAFL, so each of the providers that will be merged will retain its identity within the new corporate structures. Thus, Oak Orchard, though it will merge with MCLAC/LAFL, will retain its identity as Oak Orchard; NCLAS, though it will merge with either MCLAC/LAFL or NLS, will retain its identity as NCLAS; and both Southern Tier and Chemung NLS will retain their identities after their merger into a single corporation. The areas served by each provider (see page 5) will also not be changed.

There are at least three reasons to keep the identity of the current providers:

1. The central thrust of this plan is to build on strengths. One of the strengths in the current delivery system is the fact that the current providers have strong institutional identity—identity that has enabled them, for example, to enter into long-term relationships with law schools and local colleges, or has led to the kind of local funding that has staffed LAFL at a level far above “minimum access”. It would be counterproductive to blur the identity of the current providers.
2. The point of leverage—the place where change can most easily be caused to occur—is local. Local programs, well known to their local partners, have the best chance of causing a regional justice community to come into existence.
3. The goals described in this document, and other goals now foreseen by the planners, can be achieved without changing the identity of the current providers.

## Appendix 1

The benefits of the practice area list serves are demonstrated below. These list serve messages were selected from the various discussion threads which appear each day. Typically an advocate will post a question to the list serves and within a short time others from around the state respond with their various experiences on the same issue. Thus, by using e-mail and list serves technology the statewide legal services community has created a virtual "expert system" to guide the work of people with less resources in their particular office. Notice that in the example below the initial question was posted at 12:27 pm on a Friday afternoon and in less than two hours four highly sophisticated and detailed responses were received from around the state.

### **Fri, 26 Jan 2001 12:27:27 -0500 (Western Region LSC Provider)**

I have a client who is about to complete a one year stay in supportive housing unit in xxx County. He is a recipient of public assistance through Monroe County where he was in a six month substance abuse rehabilitation program prior to being sent to the supportive housing unit in xxx County.

Monroe County has now informed my client that he must return to Monroe County if he is in need of any out-patient treatment. Monroe County cites 18 NYCRR 351.2(i)(1)(v) which states that "if the local district is responsible for payment of treatment, the district can require in-district treatment, provided an appropriate treatment program is available."

My client has now lived in xxx County for a year and would prefer to stay here. Any suggestions?

### **Date: Fri, 26 Jan 2001 12:56:26 -0500 (Rochester Non-LSC Provider)**

Shouldn't he just be able to reapply for services in xxx County as a resident of Xxx County? There's enough constitutional case law saying that a person should be able to be a resident wherever they want in the United States. Once he's a resident of Xxx, there's no reason Monroe County can force him to go back to Monroe County. One would think that he should be able to "reapply" as a transfer, not a brand new application (with new waiting period, etc), but that may not be the case. However, for assistance purposes, there shouldn't be a gap period.. For Medicaid purposes, "each local district is responsible for furnishing Medicaid to otherwise eligible A/Rs who are residents of NYS and who reside with the district." Medicaid Reference Guide p. 402 (dealing with District of Fiscal Responsibility). At page 403-404, the MRG goes on to say that the original district only has responsibility so long as person is "temporarily absent" from the district, and that "Districts must rely on a person's expression of intent in determining the district of legal residence." at p. 404: Original district's responsibility ends when the recipient returns, or "is considered to have established a new legal residence and is transitioned from the "from" district to the "where found" district." Then, according to the MRG, "the local district from which s/he moved continues Medicaid for at least 10 days or until the end of the month in which the recipient moved, whichever is later. . . . The former district informs the recipient of his/her need to apply for Medicaid in his/her new district of residence, if s/he want to continue receiving Medicaid. The client must complete the full eligibility process in the new local district." (frankly, this latter requirement stinks -- given that it's a statewide system, and there is the federal "single state agency rule, folks should be allowed to transfer). ALSO -- see GIS 99/MADC001, which deals with the inevitable "jurisdictional dispute" fights. Citing Social Services Law 62.5(a), it notes that "in the even a public assistance recipient moves to another district, the original district of fiscal responsibility must

continue both the public assistance and Medicaid through the month following the month of move. Medicaid must not be terminated prior to the closing date for public assistance in these circumstances."

Good luck!

**Date: Fri, 26 Jan 2001 13:07:12 -0500 (Plattsburgh LSC Provider)**

We feared this situation was going to arise with a client from Suffolk County who had successfully completed a substance abuse halfway house in Plattsburgh. A common treatment recommendation is that the recovering user not return to an environment where all his social supports are users. At our request, the client's outpatient CAC prepared a report recommending that the client remain in Plattsburgh where all his social supports were the sober, recovering users he had met in the halfway house and in group therapy at outpatient treatment. Perhaps your client's CAC would do so for him. I can't give you a hearing decision on the issue because before we had a hearing on the issue, we won a hearing on the client's SSD claim and his public assistance ended. Suffolk County had given us some indication they would require the client to return, but had not issued the notice. Also, I think the client has a right to move to Xxx County. The issue is simply whether Xxx or Monroe is going to be responsible for his needs. Under the "County of Responsibility" guidelines, Monroe will be responsible until there is a break in the client's eligibility. Wouldn't his announcement that he is now a resident of Xxx County constitute such a break? Wouldn't any decision that he cannot move to Xxx County because Monroe County sent him for treatment there be an infringement on his right to travel?

**Date: Fri, 26 Jan 2001 14:32:59 -0500 (Rochester Non-LSC Provider)**

Your client has a constitutional right to travel and reside where he wishes and the denial of public assistance to one who exercises that right violates both Article 17 of the State Constitution and the right to travel in the U.S. Constitution. *Brown v. Wing*, 170 Misc.2d 554, 649 N.Y.S.2d 988 (Sup. Ct. Monroe Co. 1996) aff'd 241 A.D.2d 956, 663 N.Y.S.2d 1025 (4th Dep't 1997). When we were doing *Doe v. Wing*, (the follow up to *Brown* on the next version of the durational residency statute) Peter Dellinger in my office gave me the cites to some cases saying the right to travel applies intrastate as well interstate. Give him a call if you need them.

**Date: Fri, 26 Jan 2001 15:14:22 -0500 (LSC Provider Albany)**

My office successfully represented a client, who lived in Albany County, in a fair hearing against Dutchess County DSS on this issue. A Dutchess County worker had had one nebulous phone conversation with our client, after she completed inpatient treatment in Albany, advising of their requirement that she return to Dutchess County for treatment. Never was our client given any information about what exactly what kind of outpatient treatment was deemed to be appropriate, whom she should contact to pursue such treatment, etc. Nor did Dutchess County communicate with our client's treatment provider or an appropriate in-district treatment program to assure that adequate arrangements could be made for in-district treatment. After that one phone conversation, she received a PA/MA discontinuance notice from Dutchess County advising her that they were "exercising [their] right to require you return to this county to receive outpatient treatment."

Our client was receiving intensive outpatient mental health, DV and incest survivor counseling services in addition to her substance abuse treatment. She received a favorable FH decision which found that Dutchess County had not followed the procedures and requirements of 99 INF-19. The hearing decision also indicated that Dutchess County should have contacted this client's mental health and DV providers, as well as her substance abuse treatment providers, before reaching a decision about what was "appropriate treatment" and whether such treatment was available in-district.

I am thrilled to read others' opinions about the unconstitutionality of the indistrict treatment requirement. I am concerned that a lot of clients may be getting "jerked around" by the state's policy. Of course there are other issues plaguing the out-of-district folks (if they are employable, what kind of work activity would DSS impose) Like Peter Racette's client, this particular client with the Dutchess County/Albany County issue was eventually approved for SSI benefits -- but only after we lost a fair hearing challenging her employability (based on the statements of her treating psychiatrist that she could not handle the stresses of competitive work; the hearing decision held that she was "work limited" and could be assigned to work activities that were low-stress) - !!

**Date: Tue, 30 Jan 2001 14:24:27 -0500 (Cortland LSC Provider)**

You also may want to take a look at 97-INF-6 and 99-INF-4 and 99-INF-19- as well as my post to the list-serve on September 20, 2000 in response to post from Jeff Reed- a copy of my post is pasted here-

I'm afraid I don't have a citation in response to your question, but, without being a prophet of doom, I'm afraid that this may end up being the least of your worries in your case - it appears that a number of counties about the state are in the process of implementing 18 NYCRR 351.2 (i)(1)(v), and 99-INF-19, 99-INF-4 - a number of residents in the Cortland County ½ way house and supportive living programs have now been advised that Onondaga County will require them to return to Onondaga County for treatment (about 1/3 of the residents in the program) - it appears the counties believe having the folks at "home" will make it easier to get the individuals in work programs (or sanctioned). the problem with this is that it causes participants to lose the supports they have established in the new community, and returns them to the surroundings/relationships/circumstances in which they have "used" in the past - an invitation to relapse - this problem has apparently already arisen in Dutchess and Erie Counties as well. we've contacted ARCH which, in turn, is contacting the OASAS/OTADA liaison - if this ends up being what you are facing, please let me know, and maybe we could all be working together on this - in the short term, good luck in getting the courtesy recert set up.

We currently have a couple cases at the fair hearing level on the issue - I would suggest that this is a very important issue for all folks involved - in our community we're working cooperatively with our local DSS, half-way house, supportive living program, and alcohol counseling program- not only do these cases create community relations nightmares for the half-way houses (bringing folks into our county and then asking us to pay for their care to tune of \$20,000+ per year - they have serious impact on folks recovery, and we are seeing some in-patient treatment programs referring to lower levels of care (rather than ½ way house to avoid waiting list problems - if you're interested in discussing this further, please give me a call-

Another example of statewide integration using cost effective technology is illustrated below in an e-mail from GULP found on the Benefits list serve. Here a non-LSC state support center staff attorney in Albany alerts the statewide advocacy community about new fair hearing decisions posted to a searchable fair hearing bank at GULP's web site. Also note that the Statewide Assistive Technology Project at NLS is credited with submitting many of the fair hearings. Thus, an LSC and a non-LSC program collaborate to provide access to fair hearing decisions for pro bono attorneys, staff attorneys and paralegals around the state.

**Date: Tue, 30 Jan 2001 12:00:29 -0500**

*To: [benefits@wnylc.com](mailto:benefits@wnylc.com)*

**From: "Susan Antos(GULP)" <[santos@wnylc.com](mailto:santos@wnylc.com)>**

**Subject: PB-NY: 150 new fair hearings added to the Fair Hearing Bank**

**Sender: owner-benefits@wnylc.com**

We are delighted to announce that over 150 new fair hearing decisions have just been added to the fair hearing bank. They cover many subject areas, but nearly two thirds are hearings from the Assistive Technology Project at Neighborhood Legal Services in Buffalo. These hearings will be useful to advocates who are trying to get Medicaid to pay for equipment for their disabled clients. The fair hearing bank is accessible from either the Greater Upstate Law Project web page ( [www.gulpny.org](http://www.gulpny.org) ) or the Western New York Law Center web page ( [www.wnyc.com](http://www.wnyc.com) ). We thank you all for continuing to send in those great hearing decisions. Keep up the excellent work!!!

## **Appendix 2**

### **Letters of Support**

Letters of support for this plan are attached on the following pages.