

CIVIL LEGAL SERVICE FOR THE POOR IN CENTRAL NEW YORK: CREATING A JUSTICE COMMUNITY

March 2001

The Central New York Justice Community is a collaboration of four Legal Services Corporation (LSC) funded Partners:

Legal Aid for Broome and Chenango (LABC)
Legal Aid Society of Mid-New York (LASMNY)
Legal Services of Central New York (LSCNY)
North Country Legal Services (NCLS)

The LSC-funded Partners are joined by:

Rural Law Center (RLC)
Onondaga County Bar Association Volunteer Lawyer Project (OCBA VLP)
Frank H. Hiscock Legal Aid Society (HLAS)
Clinical Programs of Syracuse University College of Law (Clinical Programs)¹

The regional Partners, convened by Dennis Kaufman, executive director of LSCNY, and hosted by Bob Salzman, executive director of LASMNY, have met regularly since 1996, with a history of many collaborative efforts pre-existing the statewide planning process.

The Central New York Justice Community (Community) serves an area of 21 counties with a total 1990 poverty population of 226,312. The LSC eligible population at or below 125% of the poverty level is approximately 305,500. In addition, LASMNY is responsible for the LSC-funded statewide migrant project serving 28,301 eligible individuals. The Community serves a diverse population ranging from urban centers in Syracuse, Utica and Binghamton to the most sparsely populated areas in the state in the Adirondack Mountains. The Community encompasses almost 23,200 square miles – one-half of the land mass of the state. The Community has full or part-time offices in 23 localities throughout the region. For the reasons discussed below, we propose to serve the poor person population of this area with two LSC-funded programs.

The Planning Process

As first articulated in a regional concept document prepared for LSC in August 2000, the Partners'

¹Efforts to expand organizational participation are currently underway. New participants will be asked to join regional meetings. They include: Prisoners Legal Services of New York, Mental Hygiene Legal Services, New Justice Services (mediation), and representatives of Native American groups in the region. These include the Mohawks, Oneidas and Onondagas.

core values form a shared vision. The vision includes:

- Delivering quality, client-centered legal services as the benchmark of successful outcomes.
- Focusing on flexible responses to priorities derived from identified client needs in the diverse urban, rural and mixed urban/rural areas within the Community.
- Increasing the number of clients served throughout the Community.
- Maintaining a “presence” in the communities we serve to equalize access to legal services and maintain institutional credibility with clients, the judiciary, private lawyers, governmental bodies and other providers of human services.
- Cooperating with civil legal services organizations in the region and throughout the state to provide a full range of service to our clients no matter where they reside.
- Maintaining effective management and governance.
- Increasing the effective use of volunteers from our local bars.
- Achieving efficiency of administration and reducing non-personnel costs.
- Using technology to increase both effective legal representation and efficient organizational operation.
- Recognizing and providing opportunities for staff to continue to learn, grow and develop, communicate new developments in the law, and ensure that specialized and experienced advocates are available to support and mentor new staff.
- Participating in statewide planning and integration efforts.
- Understanding the importance of our organizational cultures and environments.
- Continuing and encouraging strong networking among our staffs at the regional and statewide levels.

Community planning began in 1996 when the partners started meeting quarterly, either in person or by conference call. Meetings have generally been held in the main office of LASMNY in Utica, a central location for the region. While it is usually the executive directors of the partners who attend, many meetings have included staff and both attorney and client Board members. For example, staff met with a facilitator to identify areas of legal need being unmet throughout the region. The list of ten areas has become a focus for attempts to develop funding across the region. Most recently, the partners have engaged in training and

fundraising for a lead paint project. The Boards of all four Partners have also participated in planning, particularly with regard to program configuration. The planning process with respect to reconfiguration is more fully described below.

At the request of LSC, this plan is a summary of the work that has been done and the work that needs to be done within the Community to assure that our common values underlie and drive our work. While all participating organizations are shareholders in the efforts to ensure equal justice to all poor people within the Community, the four LSC-funded Partners have accepted prime responsibility for the development and implementation of the plan.

System Configuration

We place program reconfiguration first because it is the result of all our regional planning. We firmly believe that this configuration is the best way to achieve the results discussed below.

We will create LSC-funded organizational structures to maximize effective and economical legal representation. We will create two vibrant, accessible law firms that intersect synergistically and create a better future for our clients and staff.²

Within the Central New York Justice Community, we propose to reconfigure through merger or consolidation:

- ☎ Legal Aid Society of Mid-New York and North Country Legal Services into a single law firm.
- ☎ Legal Services of Central New York and Legal Aid for Broome and Chenango into a single law firm.

Following extensive discussions of configuration options, the executive directors of the four Partners made this recommendation to their respective Boards of Directors and the Legal Services Corporation based on the following, though not exclusive, factors embodied in the New York State plan:

- ➡ The proposed reconfiguration preserves our articulated values and maximizes the opportunity for the region to provide a full array of legal services to clients no matter where they reside.
- ➡ The proposed reconfiguration will facilitate the Central NY Justice Community's continuing participation in an integrated state plan.
- ➡ The proposed configuration of LSCNY/LABC had been suggested by LSC beginning in summer

²This plan presupposes configuration as described herein.

1998. The LASMNY/NCLS merger/consolidation results in organizational symmetry within the region.

- The proposed reconfiguration will create two complimentary organizations of equal size and resources that will continue to collaborate on efforts to deliver high quality services in the central region.
- The proposed reconfiguration will create organizations that will easily operate efficiently and effectively within current management capacities.
- The new configuration will reflect congruencies in the areas to be served. For example, the LSCNY/LABC organization will exist along the Interstate 81 corridor.
- Recognizing LSC's goal of merging smaller, isolated programs, the proposed reconfiguration allows for a concentration of effort to achieve positive results without the expenditure of proportionately greater resources and effort.
- The proposed reconfiguration will create more opportunities to develop middle management and career ladders.
- The proposed reconfiguration will create greater opportunities for expanding active litigation dockets.
- Clients will have greater access to program offices. For example, the Canton office (NCLS) is more convenient to some residents of northern Lewis County, now served by the LASMNY Utica office. Also, some Chenango County residents (LABC) will be closer to the Cortland office (LSCNY) than the Norwich office.
- State contracts for representation, notably the Disability Assistance Program (DAP) and Protection & Advocacy, will be better served. For example, LSCNY already serves Broome and Chenango counties through two P&A contracts: Protection and Advocacy for Individual Rights and Protection and Advocacy for Individuals with Mental Illness. LASMNY's Client Assistance Program, representing people with disabilities with vocational rehabilitation issues, serves 21 counties in the region. LABC and LASMNY are currently a subcontract under the DAP contract held by LSCNY.
- The proposed reconfiguration creates new opportunities for expanding and enhancing pro bono representation through urban/rural partnerships.
- The proposed mergers will occur on parallel tracks thereby facilitating future collaborations and integration should further integration prove beneficial.

To date, significant progress has been made to effectuate the mergers. Among the four LSC-

funded Partners, configuration has been discussed and debated at staff and Board meetings for several years. In 1999, three of the LSC-funded Partners met for a weekend retreat to discuss the option of merging their operations. Configuration of the LSC-funded Partners played a prominent role in regional meetings of all Partners.

In July 2000, five structural options – developed and discussed for months preceding – were analyzed by the directors and Boards of the four LSC-funded Partners. The five options were:

1. Create LSC-funded organization(s) and unrestricted organization(s) using non-LSC funds for the Region;
2. Consolidate LASMNY, NCLS, and LABC into a single organization with LSCNY remaining independent;
3. Create a single LSC-funded program for the Region;
4. Maintain the four LSC-funded programs within the region;
5. Consolidate LASMNY and NCLS into a single LSC-funded organization and LSCNY and LABC into a single LSC-funded organization.

For the reasons cited above, a consensus was reached by the four directors and the program Boards to pursue the fifth structural option. On an August 8, 2000 conference call with management and Board representatives of the LSC-funded Partners participating, the option was presented to and discussed with Robert Gross of the Legal Services Corporation. LSC's response was contained in a letter from Cynthia Schneider dated September 6, 2000. That letter indicated that the Region was headed in the right direction and should continue with planning.

Based on the preceding, action was taken on the proposal. Each of the LSC-funded Partners engaged in further discussions with their Board and staff. The proposed reconfiguration was discussed with all Partners at an October 13, 2000 regional meeting. More specifically, the status of action taken on the proposal follows.

LASMNY/NCLS merger. The Boards of these Partners have made great strides in completing legal merger. Two joint meetings of committees from both Boards were held, which resulted in the attached Memorandum of Understanding. The Committees were composed of the directors of both programs and both attorney and client representatives from both Boards. The LASMNY Board approved the agreement on February 28, 2001 and the NCLS will meet on March 28, 2001 to act on the Memorandum of Understanding.

LABC/LSCNY merger. The LSCNY Board enacted a resolution approving participation in negotiations to complete the plan on September 21, 2000. The Partners invited a consulting team from the

Maxwell School of Citizenship of Syracuse University to conduct an analysis of the proposed merger. The consulting team produced a 100+ page report, “*Fundamental Recommendations for a Successful Reconfiguration*” and conducted a debriefing for management. The report is based on extensive interviewing and fact-gathering, including a staff survey with a 75% response rate. Board/management committees met on March 9th and came to a consensus on most of the principles that will guide merger. A May 1st target date has been established for completing the memorandum that will be submitted to the respective Boards.

The Post-Reconfiguration Future – Synergistic Intersections

By reconfiguring, the LSC-funded Partners will engage in a change process to: (1) “unfreeze” the status quo, (2) take advantage of new windows of opportunity, and (3) “refreeze” a new status quo that is better than the previous.³ The overall goal of the change process is to create two learning organizations that intersect in ways to foster organizational growth and competency. The result will maximize client access to successful outcomes.

Intersections between the reconfigured LSC-funded Partners will occur to increase these four capacities: *organizational competency, organizational growth, increased client access, and successful outcomes for clients*. Other regional Partners will also intersect in critical and helpful ways to enhance the Community’s capacity to achieve the goals set forth in this plan.

A. Organizational Competency

We will create two non-profit law firms that can continually expand their institutional competency to deliver high caliber legal services to help stabilize the lives of clients who have been marginalized in society, helping them to achieve dignity and control of their lives. Each of the organizations will intersect to achieve organizational competency to produce this result. These intersections will occur in several areas.

- 1. Management Development.** With a larger organization, career tracks in management become more available. The partners will share management expertise and foster new managers from within. We will build strong leadership for the future. Community resources will be employed. A management consulting team from the Maxwell School of Syracuse University, will assist the two programs in this area.
- 2. Technology.** We will share expertise to improve our use of technology to standardize case management, improve fiscal operations and improve accountability to funding agencies through reporting. This includes building on projects already begun, such as:

³Arango, “An Interim Report on State Planning,” MIE Journal, Spring 2000, page 12.

- ➔ The Partners will jointly develop a web site. The web site will enhance client access to the programs' services and legal education. The web site will also serve as a training and education device to tie the staff of both Partners, as well as other Regional providers, together.
- ➔ NCLS and LASMNY have used video conferencing technology for joint Board committee meetings and intend to utilize this technology for future Board meetings of the merged organizations given the large distances involved in their proposed 14 county service area. The technology is available through the State University of New York's Distance Learning program. The Partners will further explore the use of the network for communication within the Community for staff training and client legal education.
- ➔ Taking advantage of economies of scale resulting from reconfiguration, the programs will jointly employ a staff member who is responsible for all aspects of technology in the two programs, including staff technology training. This will enable the programs to better utilize existing technologies to benefit clients and to be on the cutting edge of emerging technologies.
- ➔ LSCNY, LABC and LASMNY are currently using Kemp's Clients for case management and data management. NCLS will migrate to Kemp's. All IOLA funded Partners use the IOLA Benefit Reporting system. This enables the two programs to share data, identify access issues, and inform programs as to resource allocations.
- ➔ High speed Internet connections are on the agenda. LSCNY has had DSL service to its main office for about a year and has contracted for all office to be connected. The use of this economical technology has drastically increased use and ease of use communication methods, online databases and legal research services, thereby helping to provide better administration and client services and increasing staff efficiency.

3. Administration and Human Resources. Partners will share expertise in developing and maintaining administrative expertise and work together on human resources issues and labor relations, which will produce improved personnel policies and enhance staff recruitment and retention efforts. Sharing information on benefit availability and planning will also reduce duplication of effort. Partners will also realize economies of scale in areas such as audit expense, fiscal administration, and accounting. This will yield better qualified and more experienced staff for clients.

B. Organizational Growth

Collaborating on resource development is critical to creating the capacity to create more successful

outcomes with and for clients through a broad range of services. This includes building on projects already begun, such as:

- The Partners have in the past and will in the future use the services of a grant writer to identify and respond to specific proposals. For the new organizations, a combining of resources will make it possible to institutionalize this function in the future. Whereas one organization could not afford to retain a development director, the two will collaborate to do so.
- Partners actively participate in statewide advocacy efforts to obtain both annual and permanent funding from the New York State Legislature. These efforts actively involve Board members and staff. The proposed reconfiguration will enable the Partners to better market and publicize successes for clients.
- Partners have sought and received funding as a result of collaborative efforts. For example, LSCNY and HLAS received the first US Department of Justice domestic violence grant in New York. HLAS provides representation in Onondaga County and LSCNY covers the four surrounding rural counties. LSCNY and HLAS are now collaborative with the Board of Cooperative Education Services to obtain Welfare to Work funding to represent non-custodial parents on a variety of legal issues. LSCNY, LABC and LASMNY have been partners in a project to represent SSI applicants for more than ten years. Other partner collaborations are continuing, though unsuccessful to date, in areas such as lead paint, fair housing, and immigration.
- Projects funded throughout the region have been used as model in order to seek local funding to replicate delivery models. For example, LASMNY has a United Way grant to train community workers on legal issues facing their clients. Other partners are attempting to develop similar projects.
- The Partners will build on Community experience to go beyond more traditional ways of fundraising as practiced through the broader legal services community. HLAS has created and LASMNY is actively considering creating an endowment fund.

C. Increased Client Access

Since the beginning of federal funding for civil legal services, “access” has been a paramount goal. While access may mean client participation in making decisions that affect their lives – a highly valued and meaningful goal in and of itself – the Partners define “access” in relation to successful outcomes in the lives of our clients. Access becomes more than just “procedural” in nature, but substantive. It means achieving a meaningful and positive change in the lives of our clients.

Access to justice is more than just being able to *walk into* the courthouse or the hearing room. Access means having a full range of legal tools available to *walk out* of the courthouse or hearing room

with a successful outcome.

To accomplish our primary goal, the Partners commit to enhancing their capacity to increase the number of clients who experience successful outcomes as a result of an intervention by our advocates. To enhance the probability of achieving a successful outcome, the Partners will enhance existing methods of creating advocate-client relationships. Given the barriers potential clients face in the central region, the Partners understand that a goal of “one lawyer-one client” may be difficult to achieve.

The Partners will seek to increase the number of successful client outcomes by 10% in each of the next three years. In addition, the Partners will increase the number of client contacts (brief advice, attendance at community legal education programs, etc.) over each of the next three years. Evaluation of the success of these goals will involve the use of the New York State Income on Lawyer Trust Fund Account (IOLA) main benefit reporting system.

Given the goals and opportunities for increasing successful outcomes, the intersections will include the following.

1. Intake. Community partners participated in the statewide intake conference at the New York University Law School. The NCLS executive director is a member of the statewide intake working group and assisted in conference design. A regional intake analysis was conducted and a report prepared in October 1999. Generally, the analysis concluded that there was no current need for regional integrated intake. The analysis recognized that an ongoing project in Onondaga County to make the referral process “user friendly” for both potential clients and referring organizations reflects the needs of the community. A copy of the report is attached as Appendix “A.” The Partners will increase the opportunity for potential clients to relate to an advocate, building on successful models currently used, including:

- Community Partners routinely conduct intake and outreach at community sites, including senior citizen centers, hospitals, community based organizations and other institutions.
- Other opportunities for face-to-face interaction will be explored. For example, these could be based on the video conferencing techniques spearheaded by NCLS.
- Telephone access includes toll-free numbers and access for the hearing impaired.
- The Community participates in the Western New York Law Center (WNYLC) website statewide referral map. LASMNY is part of a new county-wide referral system for all non-profit providers called First Call for Help. If successful, this model will be expanded to other counties.
- Recognizing that some applicants and clients in large rural counties are often closer to offices maintained by a partner rather than the provider for the county, arrangements will

be made to reduce client travel.

- The RLC has completed a referral protocol and booklet on how cases are to be referred to statewide support centers. The booklet was distributed statewide in 2000.
 - A referral protocol has been developed between NCLS and the Greater Upstate Law Project (GULP). Additional referral protocols will be developed based on this model.
 - All partners provide some form of telephone advice and will continue to seek ways to increase the effectiveness of this delivery system within the Community.
2. **Priorities.** Each program will conduct comprehensive priority setting surveys. The information will be shared by the Partners and a region wide response developed by the Partners.
3. **Community Legal Education.** Given the inability, under current resource levels, to engage in “on lawyer-one-client” assistance, the Partners will increase points of service for clients. These will build on some the existing methods and intersections.
- Partners are working in a statewide effort to expand access to courts with Judge Juanita Bing Newton of the Office of Court Administration. At least one executive director has been invited to attend a September meeting of state administrative judges.
 - The Partners will increase the use of self help clinics. For example, LASMNY and OCBA VLP, with assistance from both LSCNY and HLAS, have established pro bono self-help divorce clinics. LSCNY has conducted a pro se child support clinic. NCLS has also conducted pro se divorce clinics using private attorneys.
 - The partners have committed to creating a Community clearinghouse for self-help materials. This will include the development and maintenance of a Community website with materials unique to client in the region and links to general information.
 - Recognizing that our capacity to reach potential clients is enhanced when we train other human services workers, the Partners have conducted and will continue to conduct regular training of social services agency staff on many topics important to the client population. For example, LASMNY has a United Way funded project and has conducted such training in three counties. LSCNY welfare staff have conducted a six part welfare training for social services staff over the past year. NCLS has conducted six “Know Your Rights” session with both human service providers and clients in Essex County. NCLS routinely assists in Nursing Home Ombudsman training and NCLS and the RLC have jointly trained parent volunteers to be special education advocates. By working together and sharing program materials and trainers, the Partners will increase the number of lay advocates throughout the region.

4. Private Attorney Involvement. Our goal is to enhance the number of successful outcome for clients by involving private attorneys. An additional goal is to ensure that private attorneys understand the legal needs and problems faced by low-income clients. To accomplish these goals, we will build on some the existing methods and intersections.

➡ Each LSC funded Partner will continue to conduct a pro bono program designed to meet the legal needs of clients and interests and abilities of private lawyers in the area served. The strategies employed vary and will be tested to determine if they can produce and increase in successful outcomes. The differing pro bono philosophies are: (1) increasing the number of pro bono lawyers available to represent clients, and (2) focusing resources on a smaller number of private lawyers, but enhancing their commitment and activities.

➡ The Partners will use local, state and national resources to enhance pro bono work. For example, in Onondaga County, significant efforts to enhance pro bono participation include a study of legal needs and private attorney response by a community-wide consortium. More recently, LSCNY and OCBA VLP have experienced a consulting visit from the American Bar Association Center for Pro Bono suggesting ways to increase private lawyer participation. The ABA report will be shared for possible replication in other counties.

➡ The Partners will continue efforts to innovate ways to increase pro bono participation. For example, under a grant from the ABA, the Rural Law Center has established a “Best Practice” project to develop pro bono in rural areas. Judges and their staff conduct a continuing legal education accredited session on practice before their courts in return for a pro bono commitment from the attending lawyers. The focus is on rural counties in the region. The events have already been held in three rural counties in the region, resulting in the recruitment of more than 20 new pro bono lawyers. Additional events are now being planned. This model will be presented at an ABA national conference this spring.

➡ Different models of participation will be used to “fit” private attorney practice settings. For example, LABC has developed a successful model for engaging pro bono activities in the large law firms in Binghamton. Three law firms have designated a firm contact. Referrals to the firm are made in batches and distributed to lawyers by the firm contact. The OCBA operates several pro bono clinics on a similar model. Law firms accept responsibility for staffing an in-court landlord-tenant project and an unemployment compensation project. These models will be replicated in the Community.

➡ LASMNY and NCLS will increase PAI participation and effectiveness through LASMNY’s multi-faceted PAI plan and use of its pro bono coordinator.

➡ The rural portions of the Region will benefit from this reconfiguration because the urban

areas have a number of private attorneys specializing in private rights of action and fee shifting statutes protecting debtors, consumers, workers, and the disabled. In rural areas, law firms tend to be small general practices which do not handle these types of litigation. The rural clients with these issues will be referred to urban attorneys who specialize in the practice.

5. **Where we are.** We believe in the importance of “presence” in the communities we serve. Presence facilitates client access to our services and enhances our institutional credibility with the client community, the judiciary, private lawyers, local governments, and other human services providers. Although the Partners have offices in 23 localities throughout the region, physical presence in all communities is impossible. The Partners will increase our “presence” through community outreach and education, a website, and pro bono lawyers.

A. **Quality Assurance – Achieving Excellence**

We are committed to assuring that we delivery high quality legal services to our clients. We understand that to a client, quality assurance extends beyond meeting the minimal malpractice standard and satisfying client need. It is not measured solely by a lawyer’s standard, but by client standards. Quality means understand more than the law. It means understanding our clients as people. Excellence ultimately means working with each client individually to create legal strategies resulting in a successful outcome.

The Partners will intersect in ways to improve the quality of services delivered in the following ways:

1. **Practice Groups.** Advocacy staff within the Community is very experienced. Many of our lawyers and paralegals have worked in legal services for 15 years or more. The Community will tap into the resources existing within us. Five practice groups will be formed: Housing, Welfare, Disability, Domestic Violence/Family, and Education. Each practice group will be convened by one of our most experienced and respected lawyers in the substantive area. The practice groups will set their own agendas based on current needs and “best responses.” The practice groups will bring new practitioners into constant contact with our most experienced lawyers without regard to geographic boundaries and provide opportunities for mentoring.
2. **Training and support.** The Partners have engaged in and will continue to engage in training of legal staff – both for skills and substantive law. Training needs will be evaluated throughout the Community. We will search out opportunities to meet the expressed needs, looking to unique methods beyond the important events sponsored by the Greater Upstate Law Project, the New York State Bar Association (Partnership Conference), and other institutional providers. For example, we will look to private attorneys and law firms. Recently, a private attorney with extensive experience in lead paint personal injury litigation, conducted a training for advocates in the Community on lead hazards facing our clients. LASMNY has a staff training coordinator who will develop training plans for NCLS staff and be available to work with the other LSC-funded

program.

3. **Networking beyond our regional borders.** Our advocacy staff will actively participate in task forces conducted by the Greater Upstate Law Center (GULP), bringing statewide expertise to the Community. GULP has indicated a willingness to expand task forces to meet regional needs and the Partners will work closely with GULP on this.
4. **Assisting lawyers to meet licensing requirements.** Understanding the need for our lawyers to meet licensing requirements, we will seek collaborations to provide meaningful and economical continuing education opportunities. For example, the OCBA offers no cost MCLE courses to LSCNY and HLAS to not only assist in meeting attorney requirements, but enhance the skills and knowledge of staff. The Bar Association of Oneida County, as a benefit of membership, offers an extensive array of training attended by LASMNY staff. Both programs will take advantage of other MCLE providers such as GULP, RLC, the New York State Bar Association, the American Bar Association, and the national Legal Aid and Defenders Association. Each program will designate funds for training in their respective budgets.
1. **Continuing Quality Assurance.** The Clinical Programs of the Syracuse University College of Law has committed to working with the Partners to improve practice by our advocates. We will devise a plan for not only reviewing work, but providing supports.
2. **Litigation Support.** Under the historical configuration of the LSC-funded Partners, the position of litigation director was difficult to maintain because of the constant need to fund direct service. An intersection between the newly configured Partners will allow for the recreation of this function. Region wide cooperation will allow the Partners to identify regional issues for litigation and assign staff to address those issues.
3. **ABA Standards.** At the end of the first year after reconfiguration, the Partners will ensure both programs meet the ABA Standards for Providers of Civil Legal Services to the Poor.
4. **Staff Protocols.** The programs will jointly develop staff evaluation protocols and client satisfaction surveys to ensure clients receive high quality representation.
5. **Peer Review.** The Central Region providers recognize that peer review can play a part in quality assurance and are aware that LSC programs within other regions are developing a peer review system. The LSC and non-LSC providers in the Central Region cannot commit to supporting this peer review proposal at this time. This LSC state planning initiative has been ongoing since January, 1998. LSC providers in the state were first approached about a peer review system in late January, 2001. A draft proposal was not circulated to all LSC providers until February 28, 2001 and there has not been an opportunity to formally critique and evaluate the proposal. The proposal has also not been widely circulated among the non-LSC providers invited to participate in the state planning process. The Central Region providers are willing to continue a dialog

regarding the peer review proposal, but do not believe that peer review is essential for quality assurance within the Region at this time.

ACCOUNTABILITY, COORDINATION AND IMPLEMENTATION

For the past five years, the executive directors of the Community Partners have met regularly and worked together on many issues, including state planning, fund raising, and service coordination. This body will expand and become the Central Region Justice Community Council. The Council will include staff, board, clients and non-LSC providers. The Council will be charged with plan implementation and accountability and with coordination among Central Region programs. The Council will also be responsible for integrating aspects of the state plan.

Council leadership will include a chair and coordinators for each of the four categories of intersection. The first chair will be Robert Salzman, executive director of LASMNY. Bob Salzman will also serve as a liaison to the statewide Steering Committee for state planning. The coordinators for the intersections will be:

Organizational Competency – Dennis Kaufman
Organizational Growth – Kate Spann
Access – Peter Racette
Quality Assurance – Robert Salzman

Council leadership positions will initially be occupied by the LSC-funded Partner executive directors, but will rotate to recognize and develop leadership potential in the Community. Each coordinator will be charged with creating implementation plans with milestones and monitoring progress toward reaching the goals. Additionally, an annual review will be conducted to determine the continuing viability of the implementation plan. The Council, sitting as a committee of the whole, will be charged with receiving and analyzing the annual reviews. If the Council determines that dedicated staffing is needed, the Partners commit to fund the necessary staff positions. As soon as this plan is approved by LSC, the Council will be organized.

CONCLUSION

This plan is the culmination of regional planning and collaboration which began prior to the LSC state planning initiative and which has expanded in response to that initiative. The plan fundamentally changes the structure of LSC programs in the region in a way which will increase both the quantity and quality of services to clients throughout the region. The plan increases the ability of Central Region programs to equalize client access to services throughout the Region and provide a full range of high quality services to clients irrespective of where they reside within the region. The plan sets ambitious goals and high expectations for success. Most importantly, the plan renews the commitment of staff, Boards and management to bring about successful outcomes for low income people throughout the region.

March 15, 2001

Respectfully submitted,

Dennis Kaufman
Peter Racette
Robert Salzman
Kathleen Spann

ATTACHMENT A

PROPOSED MEMORANDUM OF UNDERSTANDING

WHEREAS, the Legal Services Corporation (LSC), has indicated that service area reconfiguration is likely to occur when service areas subject to competitive grant application are announced in 2001 and LSC stated in a February 27, 2001 letter to the directors of the LSC-funded programs in the Central New York Region that reconfiguration of programs is necessary in the Central Region, the Boards of North Country Legal Services, Inc. (NCLS) and the Legal Aid Society of Mid New York, Inc. (LASMNY) enter into the following Memorandum of Understanding regarding merger. This Memorandum of Understanding shall be effective only if LSC reconfigures the respective service area of the two programs into a single service area; only if the programs respective due diligence investigations reveal no obstacles to merger; and only if this agreement is approved by the Board of Directors of each program.

A. Corporate Entity

1. The name of the organization will be decided prior to the effective date of the merger (hereinafter designated **Surviving Corporation**). The organization name will reflect the regional makeup of the fourteen county service area.
2. By November 30, 2001, **Surviving Corporation** will be formed by the statutory merger of North Country Legal Services, Inc. (NCLS) and the Legal Aid Society of Mid New York, Inc. (LASMNY).
3. The corporate charter, 501(c)(3) status and by-laws of LASMNY, will be used by the merged

entity, with appropriate changes as needed. The NCLS and LASMNY Boards will determine appropriate changes prior to the effective date of the merger.

4. **Surviving Corporation** will have a Board of Directors constituted in accordance with LSC regulations. The Board of Directors will be comprised of 35 members, at least 21 of whom will be attorneys appointed in accordance with LSC regulations and 12 of whom will be client eligible persons appointed in accordance with LSC regulations. 22 members of the Board will be named by and chosen from the current LASMNY Board, at least 13 of whom will be attorneys appointed in accordance with LSC regulations and 7 of whom will be client eligible persons appointed in accordance with LSC regulations. 13 members of the Board will be named by and chosen from the current NCLS Board at least 7 of whom will be attorneys appointed in accordance with LSC regulations and 4 of whom will be client eligible persons appointed in accordance with LSC regulations. The initial composition of **Surviving Corporation** Board of Directors will include at least one representative from each of the fourteen counties in the service area and the by-laws of **Surviving Corporation** shall provide for at least one Board member from each county in the service area. The initial composition of **Surviving Corporation** Board committees shall be distributed in reasonable proportion to the members formerly affiliated with each organization and each committee will include at least one member formerly affiliated with each organization.
5. These Board composition and committee composition requirements will be included in the **Surviving Corporation's** corporate by-laws.

B. Management and Administration

1. The Executive Director of **Surviving Corporation** shall be Robert Salzman, the current executive Director of LASMNY. The Associate Director of **Surviving Corporation** shall be Peter Racette, the current Executive Director of NCLS. The duties and responsibilities of the Director and the Associate Director shall be negotiated prior to the merger, with approval of the NCLS and LASMNY Boards. The main administrative offices shall be located in Utica, New York. Administrative and management duties and functions shall be allocated among existing administrative and management staff. A plan detailing the administrative and management duties for **Surviving Corporation** shall be prepared prior to the effective date of the merger. This plan will be submitted to the Personnel Committees of NCLS and LASMNY and the full boards of both organizations for consideration and adoption prior to the effective date of the merger.

C. Merger Process

1. The parties to this agreement will give all necessary access to representatives of each other for the process of due diligence. Due diligence will include appropriate inquiry into regulatory compliance.
2. All current clients of both programs will be notified prior to any merger or consolidation of either the change in name of their counsel or change in their counsel and that representation will continue without interruption. All retainer agreements in use by the parties will be modified by May 15, 2001 to include a provision stating that the client consents to the transfer of his/her case to

Surviving Corporation, or if his file is closed prior to merger, transfer of his file to **Surviving Corporation**. **Surviving Corporation** shall accept all clients of NCLS and LASMNY and assume all responsibility for work still to be completed subject to the New York Rules of Professional Responsibility.

D. Fiscal Process

- ☞ The application for LSC funding for 2002-04 will be filed by LASMNY on behalf of **Surviving Corporation**, although staff at NCLS will assist as appropriate in the preparation of the application.
- ☞ The LASMNY and NCLS Executive Directors shall secure the permission of the IOLA Fund of the State of New York (IOLA). The application for IOLA funding for 2002 will be made by LASMNY on behalf of **Surviving Corporation**, although staff at NCLS will assist as appropriate in the preparation of the application.
- ☞ All local funders will be assured that their funds will be expended and accounted for pursuant to their intentions as to both purpose and geography. Local funders are funders whose grants cover a specific geographic area different from the fourteen county area contemplated by the merged organization, such as grants from the state Commission on Quality of Care; United Way; County Offices for the Aging or Department of Social Services; and the Disability Advocacy Project (DAP) funded by the state Office of Temporary and Disability Assistance.
- ☞ The directors of NCLS and LASMNY shall take immediate steps to ascertain how funding from the state budget anticipated to be received for the state fiscal year running from April 1, 2001 until March 31, 2002 can be transferred to **Surviving Corporation**.

E. Fund Balances

- ☞ The existing program fund balances as of the effective date of the merger shall be restricted for the counties served by the program which accrued the fund balance, accounted for separately, and expended within the service area of the program which accrued the fund balance. For a period of four (4) years thereafter, **Surviving Corporation** shall maintain, administer, and make disbursements from the NCLS fund balance for use in and benefit of the areas served by NCLS immediately prior to the merger and shall maintain, administer, and make disbursements from the LASMNY fund balance for use in and benefit of the areas served by LASMNY immediately prior to the merger. If the respective fund balances have not been expended during that four year period, any remaining funds from either fund balance may be used as deemed appropriate by the Board and Management of **Surviving Corporation**.

F. Operations

1. All offices shall remain open for as long as their operations are in the best interest of the client community. An office closure policy will be developed by **Surviving Corporation** following the merger.

2. Consistent with program policies and to ensure that clients continue to receive high quality and effective legal services, direct face-to-face client representation shall be the primary method of service delivery. Brief service and counsel and advise services shall be used in appropriate cases, including when the program does not have a casehandler available to accept a case for representation. Other methods of service delivery shall be explored by Surviving Corporation.
3. Client intake shall continue to be done locally at each of the five full-time offices of NCLS and LASMNY. Following the merger, **Surviving Corporation** shall continue to explore whether regional intake can be used to supplement present client intake procedures.

G. Staff

- ☎ No staff reductions or changes in staff location will occur because of the merger. For a period of two (2) years following the merger, employees will not be terminated or moved to another office except for good cause or due to funding cutbacks. Both NCLS and LASMNY currently have employment termination policies and procedures that include employee grievances. Following the merger, **Surviving Corporation** shall have policies for employment termination requiring good cause, the specifics of which shall be developed in consultation with staff. By the end of the two year period discussed in this paragraph, **Surviving Corporation** shall undertake a comprehensive priority setting survey to assist the Board determine priorities for service. In addition, the comprehensive survey shall also be used to ensure that staffing patterns and current office locations continue to ensure that clients throughout the service area have equal access to the comprehensive services offered by the program.
- ☎ Casehandler and casehandler support staff duties and functions are not expected to change as a result of merger pending the evaluations regarding client intake discussed in paragraph F3 and priorities/equality of access discussed in paragraph G1.
- ☎ Prior to the merger, a joint staff committee shall be established including staff from both NCLS and LASMNY. The joint staff committee shall be consulted by the Executive Directors of NCLS and LASMNY regarding merger issues.
- ☎ Salaries and Benefits. Prior to merger, a Salary and Benefit Plan shall be developed for Board consideration to cover all employees. It is understood that no employee of either LASMNY or NCLS shall be reduced in either salary or benefits that they have as of the effective date of the merger. The plan will describe the costs of parity for similar job descriptions and a plan to achieve parity.

H. Interim Period

1. Subsequent to the adoption of this Memorandum of Understanding and prior to the merger of the two organizations, the Executive Directors shall consult with each other before making changes in staffing, office locations, lease renewals, or purchases which would require LSC prior approval.
2. This draft MOU shall be included in a plan for delivering services to the Central Region of the state to be submitted to LSC by March 1, 2001.

WHEREFORE, if this agreement is approved by both the NCLS and LASMNY Boards of Directors, NCLS and LASMNY shall prepare a merger plan consistent with New York State Not for Profit Corporation law and subject to approval pursuant to New York State Not for Profit Corporation law.

ATTACHMENT B

CENTRAL REGION INTAKE ANALYSIS

October 4, 1999

Introduction

The following programs have attended meetings of the legal services providers in central New York held on February 9, 1999; June 11, 1999; and October 1, 1999 and have responded to the intake survey : Syracuse Law School IOLA Senior Justice Fellow (PILF II); Frank H. Hisock Legal Aid Society (Hisock); Legal Aid for Broome and Chenango (LAFBAC); Legal Aid Society of Mid-New York (LASMNY); Legal Services of Central New York (LSCNY); North Country Legal Services (NCLS); Onondaga County Bar Association Volunteer Lawyer Project (VLP) and the Rural Law Center of New York (RLC). The providers serve the following 21 counties: Broome; Cayuga; Chenango; Clinton; Cortland; Delaware; Essex; Franklin; Fulton; Hamilton; Herkimer; Jefferson; Lewis; Madison; Montgomery; Oneida; Onondaga; Oswego; Otsego; St. Lawrence; and Schoharie. Program main offices are located in Syracuse (PILF II; Hisock; LSCNY; and VLP); Utica (LASMNY); Binghamton (LAFBAC); and Plattsburgh (NCLS; RLC). Full-time branch offices are located in Amsterdam, Ilion, Oneida, Oneonta (LASMNY); Canton (NCLS); Cortland, Oswego, Watertown (LSCNY); and Norwich (Broome). Part-time outreach offices are maintained in Auburn (LSCNY); Elizabethtown, Saranac Lake, Hogansburg, and St. Lawrence Psychiatric Center (NCLS); and New Bremen, Cobleskill, Gloversville, Johnstown; and Walton (LASMNY). There is not an integrated regional intake system in the central region. Each provider operates their own intake designed to meet the needs of their own clientele.

For purposes of this analysis, intake is defined as the method by which low income people contact the legal services providers in the region and access the legal services provided by the programs.

1. What are the strengths of the region's intake systems?

The greatest strength of the intake systems in the region is that each program is accessible to clients in fundamental ways. First, all are open to client intake five days per week, 7-8 hours per day at all full-time offices. Second, there are full-time offices or part-time outreach offices in 23 localities to serve 21 counties. Third, the programs are willing to accept intake for a wide variety of poverty law issues. Fourth, the programs serving the region accept clients in a variety of ways: walk-in; phone-in; or by referral from another human services provider. The intake systems are designed to provide maximum client access to program services, both geographically and across the spectrum of civil poverty law cases.

A second strength of the intake systems is that all are local and are perceived as part of the community by both low income people and other human services providers. The local nature of intake is a strength in a variety of ways. First, it enhances providers' understanding of specific problems faced by low income people in that community. This informs programs' general case priorities and the determination

whether to provide extended representation in any particular case. Second, program staff develop local knowledge and local contacts which are invaluable in resolving legal problems expeditiously. Finally, local intake enhances the programs' ability to respond to legal problems quickly, particularly emergencies.

There is not duplication of services among programs in the region. With the exception of Onondaga County, each program serves a distinct geographic area. In Onondaga County, the four providers, as well as the county Assigned Counsel Program, have developed a comprehensive table describing each program's services in specific areas of the law, income eligibility requirements, types of services available, and intake method. The table, distributed among staff at the five programs as well as among human services providers, is revised quarterly. Clients are able to access the appropriate provider in each of the remaining 20 counties in the region because there is only one provider of free general civil legal services in those counties.

2. What are the gaps in the region's intake systems?

Providers acknowledge that there are likely low income persons who require legal services and are either unaware of the programs' services or unable to access the programs' services. Despite efforts to maintain open intake and provide access in a variety of ways, it is likely there are people who need program services and cannot access the programs. Programs try to address this gap by maintaining multi-faceted intake, doing outreach, and maintaining regular contact with other human services providers.

The primary gap in the delivery of services is that programs are often not able to provide extended services or court representation in cases where that level of service is the norm for legal representation. This is not a gap in the intake system, but is a result of limited resources and staff availability. The intake systems are designed to ensure maximum client access to programs and to ensure that "emergency" cases—imminent loss of shelter, utilities or benefits and expiring deadlines for administrative appeals and responsive pleadings—are handled expeditiously. Many clients, however, once having accessed the programs' services, are provided with limited services, such as counsel and advice, simply because the programs do not have staff available for more extended representation. While open intake systems are somewhat inconsistent with the limited extended services available, it is a deliberate strategy. It enables the programs to identify and serve those clients with the highest need for services and enhances the programs' abilities to identify emerging issues within the communities they serve.

A related gap in the delivery of services is that a client is more likely to receive extended services if dedicated funding is available for that type of client. Within the region, dedicated funding is available for Social Security disability and Supplemental Security Income claimants; domestic violence victims; mentally ill and developmentally disabled individuals; persons with AIDS/HIV; and the elderly. This is not a gap in the intake system, but a reality of funding availability.

A second related gap in the delivery of services is that extended services are more likely to be

provided to clients in the immediate vicinity of full-time offices. Again, this is not a gap in the intake system, but a reflection limited resources. The area served by programs in the central region is immense (approximately 23,500 square miles, almost half the land area of the state). Programs often provide extended services in landlord/tenant and income maintenance cases to clients whose cases are heard where offices are located, while providing counsel and advice to clients who are in more remote locations because it takes less resources to represent a client who lives close to an office.

Providers do not believe centralizing intake in the region would make additional resources available to reduce the above problems. Local intake is so intertwined with decisions on which cases to accept and the extent and nature of assistance provided that local intake would need to be maintained, thus resulting in a duplication of intake services. Furthermore, as local intake currently plays such an important information-gathering role in case selection, it is believed that even if local intake were discontinued, the programs' would still need to perform the information-gathering function locally. Since individual programs are the sole provider in 20 of the 21 counties in the region the programs believe centralized intake would duplicate services rather than avoid duplication of services.

3. Do providers work together to close intake gaps; keep each other informed on changes in intake procedures; and provide referrals?

For purposes of this discussion, it is assumed "referrals" means referrals of clients between legal services programs in the region, not referrals of clients to human services providers. There is not a formal referral process among the regional providers. With the exception of Onondaga County, where providers maintain an up-to-date table reflecting their respective services, the regional providers are responsible for exclusive geographic areas. Thus referrals are necessary in two different situations. The first is when a client in a county contacts a provider who does not cover that county. In those situations the person is provided with the name and telephone number of the appropriate provider. As a result of the state planning process, programs can now advise clients how to access other providers intake systems.

The second situation is when a client who resides in one program's service area has a legal issue arising in a county covered by another provider. This most often occurs in Family Court cases. There is not a formal referral process for these cases. If the program where the client resides feels representation is imperative, they contact the neighboring program directly and try to make arrangements for the neighboring program to accept the case. Providers in the region specifically note that this situation does not arise frequently enough to be considered a "gap" in intake. Providers also emphasize that the situation does not arise frequently enough to justify devising formal systems to address the situation. The difficulty with inter-program referrals is not an inability to make the referral, but a lack of resources to provide extended representation to the clients being referred. Finally, it is noted that inter-program referral is a state-wide issue as much as a regional issue: central region providers are as likely to make referrals to providers in other regions as to other central region providers.

Providers in the region have not developed their intake in consultation with other providers, nor is

there a perceived need to do so at this time. Each have independently designed intake systems to meet the needs of the communities they are responsible for serving and to accommodate as well as possible the competing demands for their limited resources. The information regarding each provider's intake system developed in conjunction with the state planning process is useful, but not imperative since programs, except those in Onondaga County, have exclusive service areas.

CONCLUSIONS

The regional providers conclude that there is not a need for integrated regional intake. With the exception of Onondaga County, each provider serves designated counties. The programs serving Onondaga County work closely with each other to ensure no duplication of effort and that clients are routed to the appropriate program.