

LEGAL AID SOCIETY OF MID-NEW YORK, INC.

255 Genesee Street, Second Floor

Utica, New York 13501

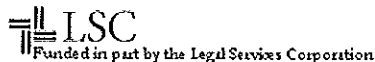
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Paul J. Lupia, Esq.
Executive Director

Reply to:
Utica Office

February 17, 2012

Elizabeth Snyder Fortino, Esq., President
Oneida County Bar Association
258 Genesee Street
Utica, NY 13502

RE: Legal Aid Society of Mid-New York, Inc.
2012 Private Attorney Involvement Plan

Dear Betsey,

The federal Legal Services Corporation (LSC) is the single largest source of funding for the Legal Aid Society of Mid-New York, Inc. (LASMNY). LSC requires all programs to involve the private bar in the delivery of free legal services to the poor and to solicit comments and suggestions on our Private Attorney Involvement Plan from bar associations, members of the private bar, and from the client community. In order to comply with these regulations, I am sending you our 2012 Plan, which the LASMNY Board of Directors approved at its annual Board meeting held on January 18, 2012, for distribution and comment. I would appreciate it if you would review the Plan and let me know if you have any comments or suggestions. I can be reached at the address above, by telephone (315) 793-7077, by fax at (315) 732-3202, or by e-mail plupia@wnylc.com.

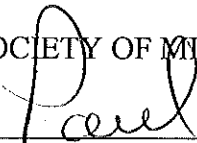
The 2012 Plan builds upon the multi-faceted Plan used in 2011 and continues our joint activities undertaken with the bar associations in our 13 county service area. Our Board of Directors will consider your comments and suggestions at the next meeting of the LASMNY Board which will be held on April 24, 2012.

If you have any questions or need further information, please do not hesitate to contact me.

Very truly yours,

LEGAL AID SOCIETY OF MID-NEW YORK, INC.

By: _____


Paul J. Lupia
Executive Director

PJL:mvg
Enclosure

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LEGAL AID SOCIETY OF MID-NEW YORK, INC.

255 GENESEE STREET, SECOND FLOOR
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2012 PRIVATE ATTORNEY INVOLVEMENT PLAN

The Board of Directors of the Legal Aid Society of Mid-NY, Inc. ("LASMNY") recognizes the large unmet need for civil legal services for the indigent in New York State, including LASMNY's 13 county service area. The most recent New York scientific study, conducted and updated in 1993 by The Spangenberg Group, an independent research organization, found that only 14% of the civil legal needs of the indigent are being met in New York State. Nationally, a major gap in the delivery of Legal Services to low income persons also continues to exist. In September 2009 the Legal Services Corporation (LSC) updated its groundbreaking 2005 Report entitled, "Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans." The updated report reaffirms the primary findings of the 2005 Report that: (1) for every client served by an LSC-funded program, at least one person who sought help was turned down because of insufficient resources, and (2) only a very small percentage of the legal problems experienced by low-income persons (one in five or less) are addressed with the assistance of either a private attorney (pro bono or paid) or a legal aid lawyer. The Board of Directors believes that the bar associations and individual members of the bar have an important role to play with LASMNY to help address this large, unmet need.

The Private Attorney Involvement Plan (the "PAI Plan" or "Plan"), required by § 1614 of the LSC regulations, anticipates a close working relationship between LASMNY, local bar associations and individual members of the bar to maximize the participation of private attorneys in addressing the unmet civil legal needs of low-income persons. The Plan's primary focus is on increasing the number of pro bono cases accepted by members of the private bar in areas of law within LASMNY's priorities for service, particularly in the most rural parts of LASMNY's 13 county service area.

Plan Components

The 2012 Plan consists of seven integrated components: (1) Referral of clients to private attorneys on Volunteer Lawyer Panels, (2) Pro Se Divorce Clinics, (3) Pro Bono Counsel and Advice and Brief Service Programs through the Legal HelpLine, In-House Clinics, and Attorney of the Day Programs (4) Community Legal Education training events provided by LASMNY staff for private attorneys, (5) Client legal education provided by volunteer lawyers, (6) LASMNY staff education provided by volunteer lawyers, and (7) Partnerships with local bar associations and pro bono committees to enhance pro bono within LASMNY's service area.

The first component of the 2012 Plan is the referral of clients to attorneys on our Volunteer Lawyer Panels. The Panels are administered by LASMNY and are co-sponsored by local bar associations in LASMNY's service area. The attorneys who volunteer designate the number and type of civil cases they will accept. In referring cases, the attorney's area of expertise and/or interest is matched with LASMNY's priorities for service. A staff member screens the prospective client for financial eligibility and conflicts and determines if their legal problem falls within LASMNY's priorities for service guidelines. If all criteria are met, a referral is made to an appropriate volunteer attorney. Once a case is referred, a staff member follows up periodically with the volunteer attorney to assess the status and progress of the case. Client surveys sent at case closing assess client satisfaction with the referral.

The second component of the 2012 Plan consists of Pro Se Divorce Clinics. At the clinics a group of participants are instructed by a volunteer attorney on how to complete a modified version of the New York State Unified Court System's Uncontested Divorce Packet. Staff or volunteer attorneys screen each case prior to the clinics to identify any issues that could cause the divorce to be contested. Client surveys are used to evaluate the outcome and effectiveness of the clinics. Clinics serving participants in at least 11 of LASMNY's 13 counties are anticipated for 2012.

The third component of the 2012 Plan consists of Pro Bono Counsel and Advice and Brief Service Programs through the Legal HelpLine, In-House Clinics, and Attorney of the Day programs.

The Legal HelpLine, established in 2007, provides legal advice by telephone to qualified applicants on most civil legal matters. The Legal HelpLine is staffed by a managing attorney, staff attorneys and intake workers. Callers are initially screened by intake staff for financial eligibility and conflicts and then referred to a Legal Helpline attorney for counsel and advice or brief service. The Legal HelpLine has recently added private attorneys to the queues. As a Legal HelpLine volunteer, private attorneys can provide telephone advice and brief service from their own offices to clients residing in any of LASMNY's 13 counties.

The In-House Clinics, first established in 1993, have been effective in serving LASMNY's client population and in recruiting members to the Volunteer Lawyer Panels. The legal problems most frequently addressed at the clinics are in the areas of family/matrimonial and consumer/bankruptcy. During the clinics, a volunteer attorney meets individually with several clients over a two or three hour period. The attorney provides advice and screening to determine if extended service is appropriate. If so, the case may be handled by LASMNY staff or referred to a volunteer attorney under the first component of the Plan. LASMNY has recently established attorney of the day programs at city court to provide immediate advice and representation to tenants in eviction proceedings. LASMNY also collaborates with other service agencies to provide counsel and advice clinics serving particular groups such as clients with immigration issues, senior citizens and veterans.

The fourth component of the 2012 Plan is to identify, conduct and participate in training events for private attorneys on issues affecting low income persons. This component of the Plan may be implemented by LASMNY staff in coordination with local bar associations, pro bono committees and the Rural Law Center.

The fifth component of the 2012 Plan is to recruit volunteer attorneys to conduct legal education events for the client community on topics that are of concern to the client population. The topics will depend upon the expertise of the volunteer attorneys and the needs of the client population. This component of the Plan also may be implemented by LASMNY staff in coordination with local bar associations and pro bono committees.

The sixth component of the 2012 Plan is to recruit volunteer attorneys to help train LASMNY staff attorneys and paralegals in areas of the law that are outside their areas of expertise. Training events will be developed that match the requirements of LASMNY staff with the expertise of volunteer attorneys. Training may include volunteer attorneys serving on cases as co-counsel with LASMNY attorneys.

The seventh component of the 2012 Plan is to partner with local bar associations and pro bono committees to enhance pro bono within LASMNY's service area. LASMNY has established a close working relationship with bar associations, pro bono committees as well as other not for profit agencies within its service area. Along with these groups LASMNY co-sponsors and participates in several pro bono events throughout the year including legal clinics, attorney of the day programs and CLE programs. LASMNY'S executive director and pro bono staff also participate regularly in bar association and pro bono committee meetings to discuss and plan various pro bono programs as well as the recruitment and recognition of pro bono attorneys.

Staffing

The PAI Plan is administered by a PAI managing attorney based in Binghamton who supervises paralegals in Binghamton, Syracuse and Utica. Managing attorneys and staff attorneys in several branch offices are also involved in various aspects of the Plan, including identifying appropriate cases for referral to the PAI Program and assisting with recruitment through their frequent contacts with the private bar. The Legal Helpline, whose staff attorneys provide advice on any civil legal problem in the LASMNY's 13 county service area, is a significant source of referrals as well. LASMNY anticipates that the Legal HelpLine will be expanded in 2012 by the recruitment of additional private attorney volunteers. Student interns from local colleges and universities also are regularly recruited to assist with pro bono clinics and other components of the Plan. Interns are also placed on-site at local law firms to assist with PAI cases referred by LASMNY.

Continuing Legal Education Credit (CLE) For Attorneys

LASMNY is accredited by the New York State Bar CLE Board as a provider of CLE credit for pro bono work. LASMNY provides CLE credit to attorneys for pro bono work based upon the hours of service reported by attorneys pursuant to regulations and guidelines promulgated by the CLE Board. Under the present guidelines, attorneys may receive one half (½) CLE credit for every two and one half (2 ½) hours (50 minutes is considered one hour) of service up to a maximum of six CLE credits in each two year attorney reporting period to the Office of Court Administration. The PAI managing attorney and staff will work with local bar associations within the service area, the Rural Law Center of New York, Inc., and Pro Bono Action Committees to maximize the effectiveness of this Plan component.

Plan Cost Analysis

The PAI Plan costs will be compared to market costs on a periodic basis and the cost of specific Plan components may be individually evaluated.

The PAI Plan is comprised of seven components. To measure the market value of the first, second, third, and seventh components (the Volunteer Lawyer Panels, Pro Se Divorce Clinics, Pro Bono Counsel and Advice Programs, and Fifth, Sixth and Seventh Judicial District's Pro Bono Action Now Plans), LASMNY periodically polls the private bar to determine the customary cost per hour that a fee-paying client is charged. Through the computerization of PAI statistics, including the time spent by volunteer attorneys on LASMNY cases, the costs per case can be easily calculated.

The fourth, fifth and sixth components of the Plan are to conduct training events for the private bar, to conduct legal education events for clients, and to use private attorneys to train LASMNY staff. To measure the market value of these components, LASMNY will survey not-for-profit and other professional organizations throughout New York State to determine the cost of holding similar events and the cost per participant of such events. The analysis will also compare member versus non-member events and consider the effect of organizational dues on training costs.

The cost of PAI work will be calculated. The salary costs for PAI staff will be calculated at market value. Other costs such as rent, telephone, and supplies will be included. The market value of training events will be determined as described above. The market value of the cases referred, worked on and closed, and staff involvement in clinics will also be calculated.

Plan Adoption and Improvements

The PAI Plan adopted by LASMNY's Board of Directors will be circulated to local bar associations, private attorneys, and clients for comment. The Board, its Committees, and the Executive Director will periodically review the progress of the Plan.

Plan Priorities, Conflicts of Interest, and Linguistic and Cultural Barriers

The PAI Plan will use the priorities for service established pursuant to LSC Regulations. The Board of Directors has determined that Volunteer Lawyer Panels and Counsel and Advice Programs are efficient and cost effective ways to deliver legal assistance to clients who otherwise would remain unserved by LASMNY due to staffing limitations. All PAI clients are screened by LASMNY to assure that there are no actual or potential conflicts of interest. The individual volunteer lawyer is chosen for a particular client only if there is no linguistic or cultural barrier to effective advocacy. In addition, LASMNY obtains interpreters or signers for clients and volunteer lawyers who need them.

Recruitment, Referral, and Delivery of Service

Under the first, third, and seventh components of the Plan (Referrals to the Volunteer Lawyer Panels, Pro Bono Counsel and Advice and Brief Service Programs, and Partnerships with Local Bar Associations and Pro Bono Committees), a recruitment survey will be sent to private attorneys in LASMNY's service area. The private attorneys will indicate the areas of law that match their expertise and/or interest and whether they would like to accept case referrals or participate in a Counsel and Advice Program. Training will be provided by LASMNY staff and other members of the bar under the fourth component of the Plan to assist the volunteer lawyers who wish to accept cases that are outside their usual practice areas. All clients served under these components are screened by LASMNY staff for conflicts and eligibility.

Under the referral model, volunteer attorneys designate the types and numbers of cases they will accept. Referrals are made based on LASMNY's priorities for service and the availability of volunteer attorneys to handle particular legal matters. Under the pro bono counsel and advice model, volunteer attorneys give advice to clients through the Legal HelpLine or In-House Clinics. Under the pro se divorce clinic model, volunteer attorneys conduct the Pro Se Divorce Clinics, instructing participants on how to complete their matrimonial pleadings. Clinics are attended and supervised by a LASMNY attorney and/or paralegal.

Staff responsible for referrals are familiar with the experience level of the volunteer attorneys due to the limited number of attorneys in the area and program longevity of the staff. The volunteer attorneys have access to the resources of the program including an extensive law library, brief and pleading bank, forms, and computer assisted legal research. The volunteer attorneys are informed that our office is available to assist them by answering substantive questions, performing legal research, or providing form pleadings. After referral, cases are monitored by sending out periodic case status reports to the volunteer attorneys. Follow-up phone calls are made if status reports are not returned on a timely basis. Notations are made to client files to reflect the status of cases based on the attorney reports. The client is instructed at the initial point of referral to contact the referring staff person at any time during the course of a case if problems or questions arise. Closing letters and client satisfaction surveys are sent at the conclusion

of a case. LASMNY staff record case outcome and attorney time in the client file at the time of closing.

Under the second component of the Plan, the Pro Se Divorce Clinic participants are instructed to contact the LASMNY staff member supervising the clinic and/or the volunteer attorney if questions arise after they file their legal papers or if the opposing party contests the divorce. The staff member and/or the volunteer attorney will answer questions and decide whether individual representation should be provided. Client satisfaction surveys will be given to participants upon the closing of their case.

The PAI Workgroup

The PAI Workgroup meets periodically to discuss methods of increasing private attorney involvement in LASMNY's 13 county service area. The Workgroup, which includes the PAI Managing Attorney, PAI Paralegals, LASMNY's Executive Director and the Director of Advocacy, has identified several goals for improving pro bono representation for 2012 and beyond, with a particular focus on the rural counties in LASMNY's service area. These include surveying attorneys in rural counties as to areas of interest and expertise, providing training in areas of need where attorneys are less proficient, and participating with the Rural Law Center, local bar associations and Pro Bono Action Committees to develop continuing legal education seminars which attorneys can attend without charge in exchange for accepting a pro bono case. The PAI Workgroup will continue to meet periodically to review the progress and implementation of these goals, and other issues related to improving private attorney involvement in LASMNY's service area.

Conclusion

The PAI Plan described above incorporates multiple components to maximize the participation of the private bar. The Plan seeks to continue and expand the Referral and Counsel and Advice Programs to reach more low income persons in the service area, particularly those in rural counties. The Legal HelpLine, which has expanded to include private attorneys, is expected to continue as an effective method for screening and referring clients to these Programs. The Plan will also seek to implement new goals identified from time to time by the PAI Workgroup. The close working relationship between LASMNY staff, local bar associations and Pro Bono Action Committees in our service area, as well as LASMNY's ability to provide CLE credits, malpractice coverage and office support, are also expected to sustain and enhance attorney participation. These elements, combined with an improved computerized record keeping system, should help position LASMNY for a highly successful PAI Program in 2012.