

Report of Findings
Part 3
Statewide Survey of ATTORNEYS Practicing in New York State

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Section I Introduction

Background:

The Statewide Survey of Attorneys Practicing in New York State is one of six statewide surveys conducted by the *Legal Services Initiative's* Partnership. The purpose of these surveys is to provide a current description of legal services in New York State, with specific emphasis on three population groups: older adults aged 60 and older; individuals of all ages with physical, mental, developmental, or intellectual disabilities; and the informal, unpaid caregivers of these population groups.

Findings from the six surveys will provide background information as a basis for the *Legal Services Initiative's* Think Group to better understand the limitations and barriers in legal services that have an impact on the availability, affordability, and accessibility of legal assistance for the three population groups and to suggest strategies, actions, and recommendations for addressing these limitations and barriers.

The survey of attorneys is an exploratory descriptive study, which was implemented by the New York State Office for the Aging between August 8, 2013, and April 29, 2014. Respondents' answers provide information for what occurred during the 12-month survey period of January 1 through December 31, 2012.

Methodology:

Survey instrument: The survey questionnaire was developed by the New York State Office for the Aging, with review and comment from the *Initiative's* four Partnership members and pilot-testing with seven attorneys from across the State. The instrument was converted into a Survey Monkey Web application, for completion on-line. A specific Web link to the instrument was provided to only those attorneys who were identified through a stratified (by county) random sample-selection process.

Sample construction: A list of 155,000 attorneys was provided by the New York State Office of Court Administration—as the only known comprehensive list of the State's practicing attorneys. The list was organized by county, and 4,000 names were selected using a stratified random sampling process. Staff from the *Initiative's* four Partnership agencies and from Robert Abrams' office called the 4,000 names to collect email addresses and were successful in identifying email addresses for 1,834 of the randomly selected attorneys.

Response rate: The 1,834 individuals were emailed a cover letter under the auspices of the four Partnership members, together with a description of the purpose and activities of the *Legal Services Initiative*, a Press Release issued by Governor Andrew Cuomo's office establishing the *Initiative* and Partnership, the link for on-line access to the survey instrument, and a Statement of Assurances describing the survey's sponsorship, use of the survey's findings, anonymity of survey findings, and the voluntary nature of the survey. Multiple reminders were sent following the initial mailing.

266 completed surveys were received. The margin of error for a sample of 266 is +/- 6.0 percentage points with a 95% confidence level.

Section II **Key Findings**

In Part 3 of the *Report of Findings*, detailed analyses of survey findings are provided for the Statewide Survey of Attorneys Practicing in New York State. Following are key findings taken from the detailed analysis:

- **Age:** The survey's 266 respondents range in age from 27 – 79, with the largest number (15 respondents) being age 52.
- **Professional tenure:** 31% of respondents were in legal practice for 20 – 29 years, and 44% of respondents were in practice between 1 and 19 years. Four reported being in practice for 50 – 53 years.
- Several respondent characteristics closely match national or State statistics, supporting representativeness of the survey's findings:
 - 35% of respondents are female, which closely matches the American Bar Association's 2012 annual survey of women in the law (33% female).
 - 7% of respondents report having a disability, which matches the American Bar Association's 2011 report of its members—6.87% have a disability.
 - 26% of respondents reported being an informal, unpaid caregiver for six months or more during the previous five years, which is close to the proportion of caregivers (31%) reported by the *Initiative's* general survey of New Yorkers aged 18 and over.
 - The majority of respondents (89%) are White Non-Hispanic, which matches the Census Bureau's 2010 national data (88%) regarding practicing lawyers.
 - There are different definitions of which employment venues can be considered "private practice." 76% of survey respondents reported their legal service employment site as one of six venues that can be categorized as "private practice." For the venues listed in the survey, the American Bar Association's 2005 data report that 85% of lawyers are in private practice.
 - The diversity among the survey's respondents is underscored by the great variety of practice areas or specialties reported by 253 respondents (Appendix A). Sufficient variety existed to preclude reasonable coding.
- **Employment venue:**
 - 41% of respondents work in law firms, and 21% of respondents are sole practitioners.
 - 20% of survey respondents work in government settings, which is much larger than the American Bar Association's data (8%) in 2005.
- **Practice site:** The largest proportion (67%) of respondents' law offices are located in urban areas. Just 6% are located in rural areas of the State.
- **Service area:**
 - The service areas of 49 respondents cover "all counties" of the State.
 - 210 respondents list one or several counties as their service area.
 - Among all respondents, all 10 regions of the State are covered.

- 49% of respondents cover the New York City region, with 51% covering the rest of the State.
- **Work schedule:** Respondents work between 1 and 100 hours per week, with an average work week of 45 hours. 19% averaged less than a full-time work week.
- **Work tasks:** The top three tasks respondents perform for older adult clients, clients of all ages with disabilities, and clients with caregiver issues are:
 - Legal counseling and advice (25%: median proportion of respondent's work time).
 - Drafting and executing legal documents (20%: median proportion of work time).
 - Representing clients in court or administrative hearings (20%: median proportion of work time).
- **Service delivery site:** Where are services delivered:
 - 95% of respondents deliver client services in their law office.
 - 45% also meet with clients in the client's office or other places such as a restaurant, golf course, club, etc.
 - 25% also meet with clients in the client's home, residence, health care facility, or hospital.
- **Billing practices:**
 - 105 respondents are salaried employees and, thus, do not charge fees to clients.
 - Of the 161 respondents who bill clients directly, most use a variety of billing methods, including regular billable rate, discounted rate, contingency fee, alternative fee arrangement, or no fee.
 - Pro Bono:
 - 59% of the 161 respondents provide services on a pro bono basis; among those:
 - 24% serve 5% of their cases on a pro bono basis.
 - 14% serve 10% of their cases on a pro bono basis.
 - 3 respondents reported serving between 90% - 100% of their cases on a pro bono basis.
 - Among respondents who bill clients directly, the diversity in amount of pro bono work is shown by the range of case-load proportions provided on a pro bono basis, which spans between 1% of respondents' case loads to 100% of respondents' case loads.
- **Case load:** 169 respondents reported a total case load of between 1 and 800 cases during the 12-month survey period, for an average of 98 cases per respondent.
- **Type of client:**
 - The greatest proportion (43%) of respondents served both individual and organizational clients.
 - 23% served *only* organizational clients (businesses, companies, corporations, agencies, groups, organizations, trade associations, etc.).
 - 18% served *only* individual clients.
- **Client age:**
 - Respondents who served individual clients typically served *both* older persons (aged 60 and over) *and* younger persons (aged 0 – 59).
 - 46 respondents reported that 70% - 100% of their total case load was younger clients.
 - 7 respondents reported that 70 – 100% of their case load was older persons.

- **Client disability**—respondents reported on individual types of disabilities (proportions reported can be duplicated counts as clients with disabilities often have multiple disabilities):
 - 28 respondents reported that 100% of their clients had NO disabilities.
 - 61 reported that between 1% - 85% of their clients had physical disabilities.
 - 41 reported that between 1% - 80% had mental health disabilities.
 - 19 respondents reported that between 1% and 50% had developmental or intellectual disabilities.

- **English-speaking ability:** 73% of respondents reported that all their clients had the ability to speak and understand English, while 27% reported that between 1% - 90% of clients had limited or no English-speaking ability.

- **Issues presented by clients:** The diversity of issues experienced by older adults, persons with disabilities, and caregivers is highlighted by the top issues these clients present to respondents. In Tables 8 – 12:
 - 207 top issues presented by clients aged 60 and over are sorted into 13 categories.
 - 120 top issues presented by clients with physical disabilities are sorted into 12 categories.
 - 100 top issues presented by clients with mental health disabilities are sorted into 10 categories.
 - 77 top issues presented by clients with developmental or intellectual disabilities are sorted into nine categories.
 - 56 top issues brought by clients presenting issues related to their caregiver responsibilities are sorted into six categories.

- **Professional consultation:**
 - Over their entire legal career, between 25% - 35% of respondents consulted "No Times" with experts regarding older adult clients or clients with various disabilities; 54% consulted No Times regarding caregiving.
 - Between 13% - 21% consulted "Very Often" regarding older adults or clients with disabilities; 10% consulted Very Often regarding caregiving.

- **Training in law school:**
 - During law school, between 83% - 91% of respondents received "No" training (classroom courses, clinics, internships, externships, field placements, research projects, etc.) regarding aging, older adults, people with disabilities, or living with a disability. 97% received No training regarding caregiving.
 - Between 0% and 1% received training "More Than 4 Times" regarding disabilities and caregiving; 2% received training More Than 4 Times regarding aging.

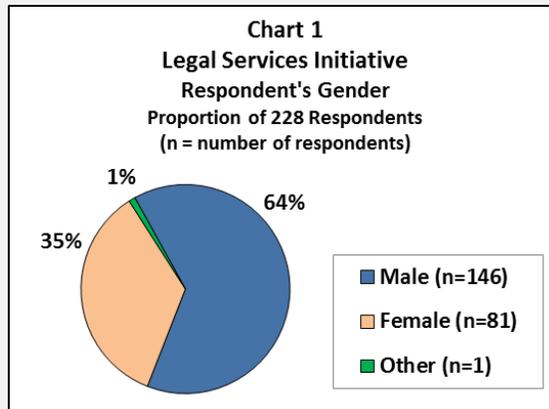
- **Professional development**—conferences, workshops, classes, read professional articles or books, done research, etc.:
 - Over their entire legal career, between 54% - 67% of respondents engaged in "No" professional development activities related to older adults or persons with various disabilities. 81% engaged in NO professional development activities regarding caregiving.
 - Between 13% - 32% engaged in such activities 1 – 4 times for the three population groups.
 - Between 3% - 11% engaged in such activities 5 – 10 times.

- Between 3% - 8% engaged in such activities more than 10 times.

**Section III
Respondent—Characteristics**

The varied characteristics of the 266 respondents underscore the diversity of the State's network of attorneys.

Gender: 228 of all respondents provided information about their gender. Chart 1 shows that the majority (64%) of respondents is male, and 35% is female.



As a comparison, the American Bar Association's 2012 annual national survey (which included 59% of the lawyer population across 44 states) found that males made up 67% of the lawyer population and females made up 33%.¹ Citing the American Bar Association's data from "First Year and Total J. D. Enrollment by Gender," Catalyst—Changing Work Places/Changing Lives reports the 2010 total law school Juris Doctor enrollment as 53% males and 47% females.²

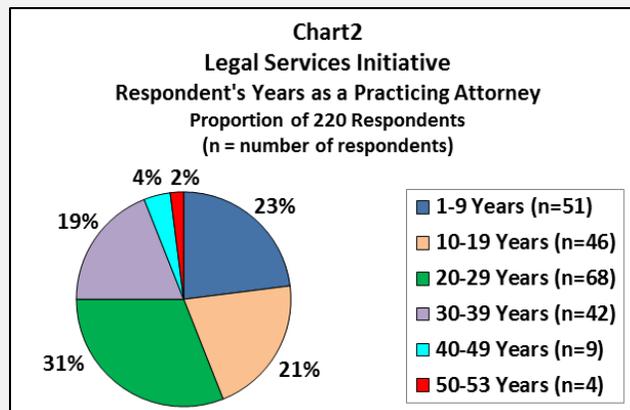
¹ Commission on Women In the Profession (February, 2013), "A Current Glance at Women in the Law". Chicago, IL: American Bar Association, Market Research Department.

² Catalyst—Changing Workplaces; Changing Lives (on-line July 18, 2014), "Knowledge Center: Women in Law in the U. S." New York, NY: Catalyst.

Age: Among the 266 respondents, 217 reported their birth year.

- Respondents' ages in 2012 ranged from 27 – 79.
- The greatest number (15) were age 52.
- Ten were age 33.
- Ten were age 64.
- The rest were fairly evenly dispersed among all ages between 27 and 79.

Respondent—years as a practicing attorney: 220 respondents reported their total years as a practicing attorney. Chart 2 shows that the greatest number (68, or 31%) were in practice for 20 – 29 years.

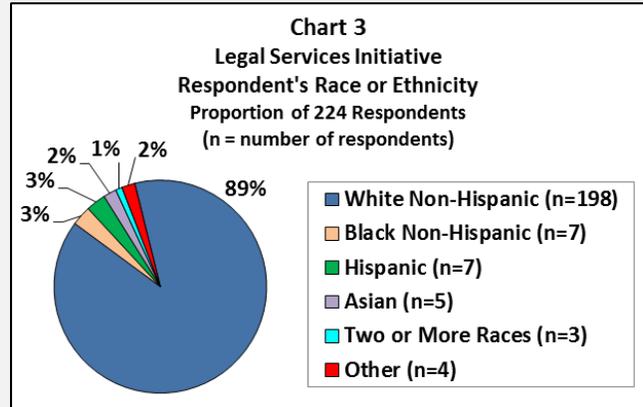


Almost half (23%; 21%) were in practice between 1 – 19 years, and 19% were in practice for 30 – 39 years. Very few (6%) were in practice for 40 or more years.

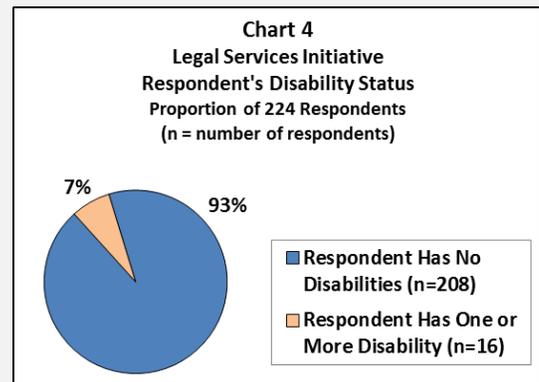
Respondent—race/ethnicity: 224 respondents reported their race or ethnicity. In Chart 3, the greatest proportion (89%) of those 224 are White Non-Hispanic. The various racial/ethnic groups are represented by 11% of respondents.

These survey numbers match the national data reported by the American Bar Association, which reported (from 2010 U. S. Census data) that 88% of licensed lawyers were White Non-Hispanic.³

³ Market Research Department (2013), "Lawyer Demographics: Race/Ethnicity." Chicago, IL: American Bar Association.



Respondent—disability status: Chart 4 shows that 224 respondents reported whether they have, or are perceived by others to have, any disabilities—including: a disability that does NOT limit their ability to work or do daily tasks by themselves; a mobility problem or other condition that DOES limit their ability to walk or do one or more daily activities without the help of another person, special technology, or special devices; are homebound; or have another type of disability.



Almost all (93%) respondents reported having NO disabilities. Of the 16 total respondents who reported having a disability, 13 reported "having a disability, but it does NOT limit my ability to work or do daily tasks by myself."

As a comparison, the American Bar Association reported that, in 2011, 6.87% of its members identified themselves as having a disability.⁴ "Lawyers with Disabilities in the Legal Profession," a section taken from the American Bar Association's publication, *ABA Disability Statistics Report*, is provided in Appendix C. This section provides an explanation of the various reasons why there are not more lawyers with disabilities in the legal profession and reasons why a measurement of the number of lawyers with disabilities may be an under-count.

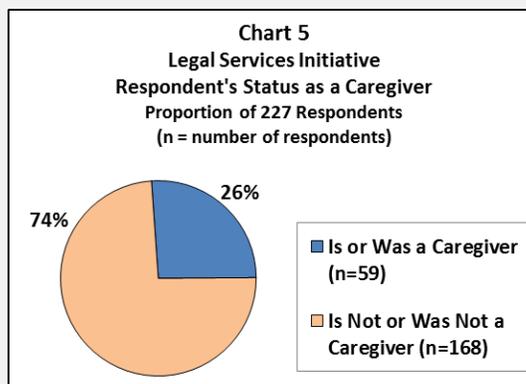
⁴ ABA Commission on Mental and Physical Disability Law (2011), "Lawyers with Disabilities in the Legal Profession," *ABA Disability Statistics Report*. Chicago, IL: American Bar Association.

Respondent—caregiver status: 227 respondents reported whether they had "within the past five years, regularly (at least once a week for six months or more) provided caregiving help for a spouse, family member, or friend who had a chronic frailty, illness, disability, or special

need/circumstance that required assistance beyond what is typically provided among family members."

Chart 5 shows that 26% of respondents reported providing caregiving assistance.

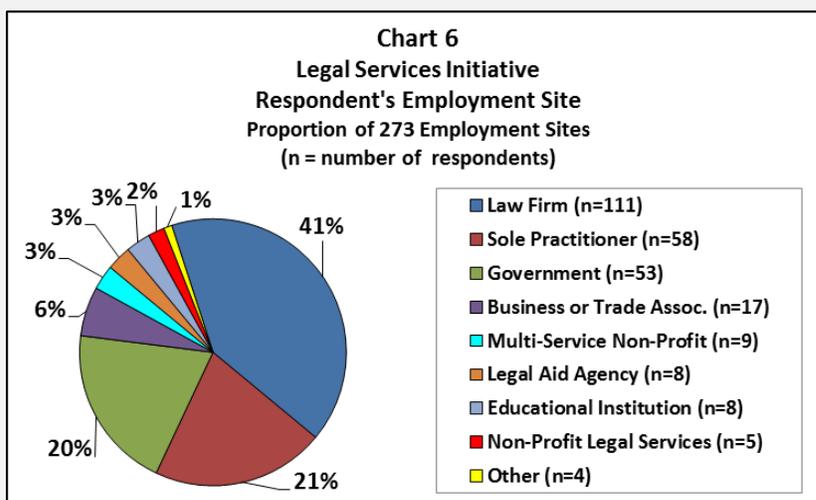
As a comparison, the *Legal Services Initiative's* general survey of New York residents aged 18 and older found that 31% of the general adult population reported providing caregiver assistance (see Chart 5, "Survey of New York Residents Aged 18 and Older").



**Section IV
Respondent—Legal Work or Practice**

Type of employment site: 266 respondents reported 273 places of employment (a few respondents reported working in more than one type of employment site).

Chart 6 shows that the greater number of respondents (111, or 41%) works in law firms that comprise multiple attorneys or legal-service personnel. The remaining 59% shows the wide diversity in where attorneys are employed or where they practice law. The "Other" types in Chart 6 include a contract attorney, a free-lance attorney providing financial services, an in-house counsel, and one who is retired and only does pro bono work for friends.



An attorney's type of employment site has an impact on overall "availability" of legal assistance for consumers. In judging "availability," a critical consideration is that attorneys working in government and educational entities (because of the nature of their jobs) may or may not provide direct services to clients.

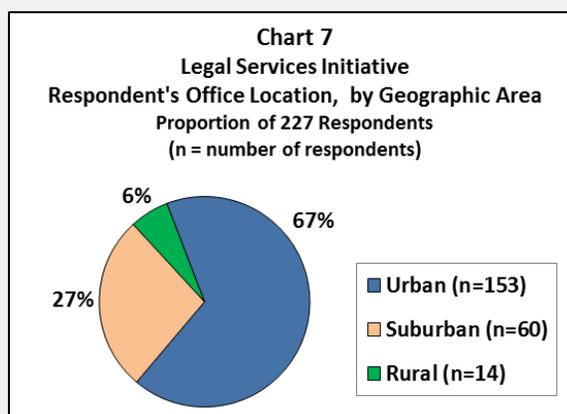
Respondent's offices in NY State: Of the 266 respondents:

- 250 attorneys had one office located in New York State;
- 8 had offices in two locations in the State;
- 2 had offices in three locations in the State;

- For two respondents: their offices were physically located in other states;
- 4 provided no answer.

Geographic location of office: A concern of the *Legal Services Initiative* is the extent to which residents in rural and suburban areas have ready access to legal assistance (travel distance to attorney's offices and transportation options).

227 respondents reported the type of geographic area in which their offices are located. Chart 7 shows that the offices of a majority (67%) of respondents are physically located in urban areas of the State. 6% of respondent's offices are located in rural areas of the State.



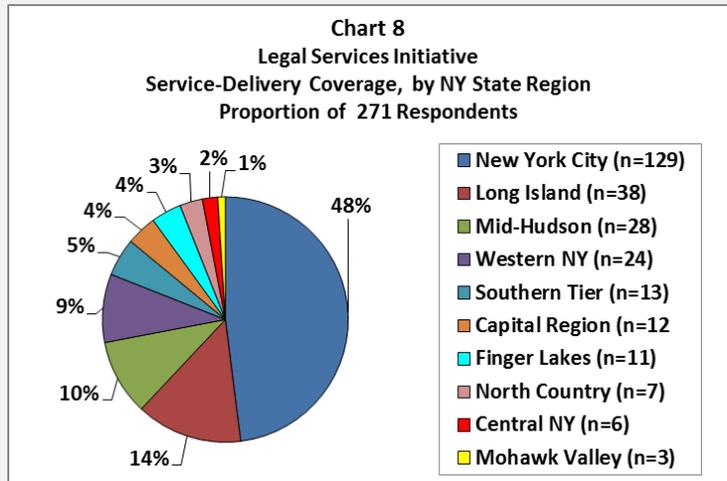
Respondent's service area coverage, by NY State region: 259 respondents listed the counties in the State that constitute their legal service provider area. Of the 259, 210 reported delivering services in one or several counties, and 49 reported covering "all counties" across the State. 32 practice law in other U. S. states in addition to New York; and 19 practice law internationally in addition to New York State.

As the service areas of 49 respondents cover all counties, the entire state is represented in the survey. In addition, a review of the findings also shows that all counties in the State are also represented by the 210 respondents who each cover just one or several counties.

In Chart 8, the 210 respondents were sorted by the State's ten Economic Council regions to compare representation of the ten regions by the 210 respondents who provide services in one or several counties. The counts in Chart 8 (n=271) are not unduplicated, as a number of the 210 respondents cover several counties.

New York State's Ten Regional Economic Development Councils	
Region	Counties
1. Western New York	Allegany, Cattaraugus, Chautauqua, Erie, Niagara
2. Finger Lakes	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates
3. Southern Tier	Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins
4. Central New York	Cayuga, Cortland, Madison, Onondaga, Oswego
5. Mohawk Valley	Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie
6. North Country	Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence
7. Capital Region	Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, Washington
8. Mid-Hudson	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester
9. New York City	Bronx, Kings, New York, Richmond, Queens

Chart 8 shows that the greatest proportion (48%) of respondents report that they cover counties in the New York City region, which reflects the fact that almost half of New York's attorneys are located in Manhattan. 52% of respondents report that they cover one or several counties in the remaining nine regions.



While survey findings of service-area coverage appear to show that legal assistance is widely available across the State, the *Initiative's* goal of defining and addressing "availability" relies on several critical factors, including: (1) the number of attorneys in an area relative to the number of residents; (2) the number of attorneys who actually practice direct legal service to clients rather than hold positions that do not include direct service to clients; (3) travel distance between consumers and the available attorneys, as well as the transportation options and other access issues; (4) the extent to which a consumer's issues that need legal assistance match the specialty or practice areas of the attorneys in the area; and (5) the extent to which consumers can afford the available legal services in the area.

Legal specialty or practice areas: When implementing the survey, a concern was that surveys would be submitted primarily by attorneys practicing in a narrowly defined field of "elder law" or "disability law." However, of the 253 respondents who listed their areas of legal specialty or practice, almost all (over 99%) reported that they provided assistance in multiple, often very disparate, areas of law. Only 53 respondents reported focusing in *one* area of law, and those individual areas differed greatly among the 53.

As the great diversity in respondents' answers precluded coding, the entire list is provided in Appendix A.

Hours worked per week: 258 respondents reported the average number of hours they worked per week, including both paid and unpaid/pro bono services.

As shown in Table 1, the 258 respondents worked an average of 45 hours per week, with respondents' work time ranging from 1 – 100 hours per week.

Average: Number of Hours Worked Per Week	Range: Number of Hours Worked Per Week
45	1 - 100

Table 2 shows a distribution of average hours worked.

- Half the respondents (25%; 25%) averaged 50 work hours or more per week.
- 19% (5%; 14%) averaged a less-than-full-time work week.

Average: Number of Hours Worked Per Week	Proportion of Respondents
1 – 15	5%
20 – 39	14%
40	16%
42 – 48	14%
50	25%
52 – 100	25%

Work time devoted to tasks: Respondents were asked to think about the total time they spent serving older adult clients, clients with disabilities, and caregiver clients. They were asked to distribute this total time among the tasks and activities listed in Table 3.

Table 3 shows that most of the time spent on the three population groups was devoted to legal counseling and advice (median of 25%), drafting and/or executing legal documents (median of 20%), and representing clients at court proceedings or administrative hearings (median of 20%). Among the respondents, time spent on each type of task varied significantly, ranging between 1% and 100%.

Work Task	Median:* Proportion of Total Work Time Spent Per Task	Range: Proportion of Total Work Time Spent Per Task
Legal counseling and advice (n=79)	25%	5% - 100%
Drafting and/or executing legal documents (n=65)	20%	3% - 90%
Legal research (n=58)	10%	1% - 50%
Represent clients at court proceedings or administrative hearings (n=56)	20%	5% - 100%
Filing legal documents (n=38)	5%	1% - 20%
Negotiation and/or mediation activities (n=31)	10%	1% - 80%
Travel associated with providing legal services to clients (n=30)	5%	2% - 40%

Fulfilling CLE (continuing legal education) credits (n=24)	5%	1% - 40%
Administrative or support functions (such as clerical, scheduling appointments, intake, vouchering, committee meetings, timekeeping, drafting reports and case notes, etc.) (n=25)	9.5%	1% - 33%
Public presentations, media appearances, or training (n=12)	5%	1% - 20%
Lobbying and/or advocacy (n=7)	5%	2% - 25%
*Median: Half the respondents reported a proportion above the listed median figure, and half the respondents reported a proportion below the listed median figure.		

Sites for service delivery: Physical access to legal services is a major concern of the *Legal Services Initiative*. 215 respondents specified the various locations where they met (at least three times during the survey's 12-month time period) to deliver legal services to clients.

Table 4 shows that respondents primarily used their law office; however, a substantial proportion delivered legal services in multiple sites.

The number of older adults with frailties and dementia, younger-aged individuals with mobility and other disabilities, and others who are homebound is increasing as a result of the aging of the baby boomers and increasing longevity among all population groups.

A critical issue for these individuals is the ability access legal-service providers who will meet with them wherever they are living rather than having to travel to where the attorney is located. 25% of respondents reported making "home visits" to meet with clients (own home, assisted living, group residence, health care facility, hospital); and 19% met with clients in a community location that is a consistent, regularly scheduled site for receiving legal services.

Table 4 Legal Services Initiative Where Respondent Met With Clients to Deliver Legal Services (n = number of respondents using the service-delivery site)	
Location of Service Delivery	Proportion of 215 Respondents
Respondent's office (n=204)	95%
Client's business office or other meeting place (restaurant, hotel room, golf course, club, bar association, etc.) (n=97)	45%
Client's work or project site (n=58)	27%
Client's home, residence, health care facility, or hospital (n=54)	25%
Public space specifically arranged as a usual meeting space for clients (public library, church meeting room, community, congregate meal site, etc.) (n=41)	19%
Other (including court room, administrative hearing room, interview room, public hearing room, deposition room, other attorney's offices, jail, prison, video conference, tax commissioner's office) (n=17)	8%

Billing method: Respondents were asked to report on the proportion of their total legal services that was provided using various types of billing methods. 39% of respondents are salaried employees and do not bill clients directly.

161 respondents who serve and bill clients directly reported their billing procedures. Table 5 shows the proportion of respondents' case loads that are billed using seven different billing methodologies.

The *range* (1%-100%) of proportions indicates that most respondents are using multiple billing methods. This is further shown by the few number of respondents who primarily use only one billing method (90% - 100% of their case loads):

- 30 respondents reported providing services at a “regular billable rate” for 90%-100% of their cases (of those 30, 13 reported charging a regular billable rate for 100% of their cases).
- 7 reported providing services at a “discounted rate” for 90%-100% of their cases.
- 6 reported providing services on a “contingency fee basis” for 95%-100% of their cases.
- 5 reported providing services using an “alternate fee arrangement” for 90%-100% of their cases.

The *Legal Services Initiative* is interested in understanding the legal profession's provision of pro bono services, and the survey finds that 39 respondents provide 5% of their services on a pro bono basis, and 22 respondents provide 10% of their cases on a pro bono basis. Three reported providing services on a “pro bono basis” for 90%-100% of their cases.

Table 5 Legal Services Initiative Respondent's Cases, by Billing Method Proportion of Respondent's Case Load (n = number of respondents using each method)		
Billing Method	Median:* Proportion of Respondent's Total Case Load Using Each Billing Method	Range: Proportion of Respondent's Total Case Load Using Each Billing Method
Regular billable rate (n=146)	60%	1% - 100%
Discounted rate (n=112)	20%	1% - 100%
Contingency fee (n=44)	10%	1% - 100%
Alternate fee arrangement (n=50)	20%	1% - 100%
Pro bono (n=95)	5%	1% - 100%
Gratis or bartered—as a professional courtesy (n=59)	5%	1% - 100%
Salaried employee (n=105)	99%	5% - 100%

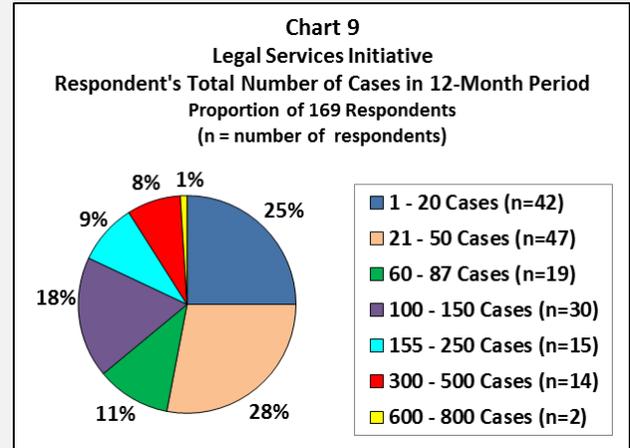
**Section V
Clients/Cases**

Number of cases: 169 respondents reported on their total number of cases during the 12-month survey period. 97 respondents either did not provide the information, or their positions did not include direct service to clients (cases).

Chart 9 shows the great variation in case loads among respondents.

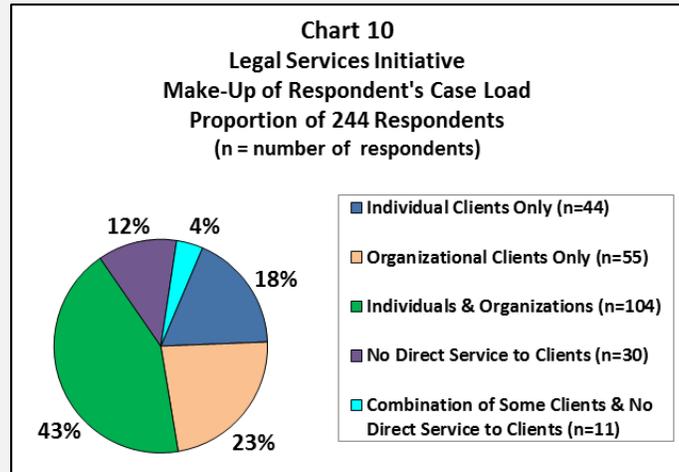
The greatest proportions of respondents handled between 21-50 cases (28% of respondents) and between 1-20 cases (25% of respondents).

The average number of cases per respondent is 98.



Type of client—individual or organization: 244 respondents reported on the type of clients they serve. Chart 10 shows that:

- 44 respondents served only individual clients (of all ages and abilities);
- 55 provided legal services to only organizational clients (businesses, companies, corporations, community organizations, associations, groups, non-profits, etc.);
- 104 (the largest proportion—43%) provided services to both individual and organizational clients;
- 30 worked for various types of government entities or educational or other institutions and reported that they did not provide direct services to clients;
- 11 provided no direct service to clients for part of their work and provided direct services to clients for part of their work.



Type of client—age:

Clients aged 60 and older: Table 6 shows that 136 respondents reported serving individual older-adult clients, with the proportion of older clients in their case loads ranging from 1% - 100%.

However, the median (15%) is low: the proportion of older clients per case load was less than 15% for half of the 136 respondents and the proportion of older clients was greater than 15% for half the 136 respondents.

Seven respondents reported their proportion of older clients as 70%-100% of their total case load.

Clients aged 0 - 59: Table 6 shows that 151 respondents reported serving individual younger-aged clients, with the proportion of younger clients in their case loads ranging from 1% - 100%.

For the 151 respondents serving younger clients, half had a proportion of younger clients that was less than 40% and half had a proportion greater than 40%. The median proportion of younger clients (median=40%) shows that, overall, the respondents' proportion-per-case-load of younger clients is greater than the proportion of older clients (median=15%). 46 respondents reported their proportion of younger clients as 70%-100% of their total case load, compared to 7 respondents who reported their proportion of older clients as 70%-100% of their total case load.

Table 6 Legal Services Initiative Clients, by Age Proportion of Respondent's Total Clients (n = number of respondents serving clients in each age group)		
Client Age Group	Median: Proportion of Total Clients	Range: Proportion of Total Clients
Individual older clients—aged 60 and older (n=136)	15%	1% - 100%
Individual clients aged 0 – 59 (n=151)	40%	1% - 100%

Type of client—disabilities: Respondents estimated the proportion of their clients with and without disabilities. Many respondents provided no information to this question because: they do not keep this type of information, they do not know the disability status of their clients, or they do not provide legal services directly to clients.

For those respondents providing disability information, following are distributions of clients by "no disabilities" and "three types of disabilities." Many individuals have multiple disabilities; thus, the survey's disability estimates are not unduplicated counts, as it was too complicated to ask respondents to judge the proportion of clients with the different combinations of multiple disabilities that are possible.

- **Clients with NO disabilities**—106 respondents reported having clients with NO disabilities:
 - 28 reported that 100% of their clients had NO disabilities

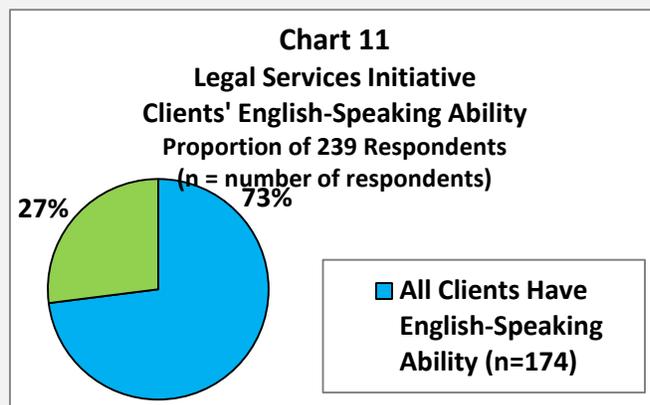
- 9 reported that 95% - 99% of clients had NO disabilities
- 69 reported that between 1% - 90% had NO disabilities
- **Clients with physical disabilities** (n=63 respondents):
 - 2 respondents reported that 100% of their clients had physical disabilities
 - 61 respondents reported that between 1% - 85% of clients had physical disabilities
- **Clients with mental health disabilities** (n=42 respondents):
 - 1 respondent reported that 100% of clients had mental health disabilities
 - 41 respondents reported that between 1% - 80% had mental health disabilities
- **Clients with developmental or intellectual disabilities** (n=22 respondents):
 - 3 respondents reported that 100% of clients had developmental or intellectual disabilities
 - 19 respondents reported that between 1% - 50% of clients had developmental or intellectual disabilities

Type of client—English-language ability: 239 respondents reported information about their client's English-speaking ability.

Chart 11 shows that 174 (73%) respondents reported that all their clients had the ability to speak and understand English.

65 respondents (27%) reported that between 1% - 90% of their clients had limited or no English-speaking ability

Table 7 shows, by New York State Region, the distribution of 65 respondents who reported serving clients with limited or no English-speaking ability.



The greater proportions of clients with English-speaking limitations are those in the New York City Region (1% - 90% of clients), Long Island Region (2% - 90% of clients), and the Capital Region (1% - 30% of clients).

Table 7 Legal Services Initiative Clients' English-Speaking Ability, by Region Number & Proportion of Clients with Limited/No English-Speaking Ability (n = number of respondents)		
Region	Number of Respondents Reporting Clients with Limited/No English-Speaking Ability	Range: Proportion of Clients with Limited/No English-Speaking Ability
1. Western New York (n=17)	5	5% - 10%
2. Finger Lakes (n=9)	5	1% - 10%
3. Southern Tier (n=10)	3	1% - 5%
4. Central New York (n=6)	3	1% - 25%
5. Mohawk Valley (n=3)	1	10%

6. North Country (n=5)	1	1%
7. Capital Region (n=12)	4	1% - 30%
8. Mid-Hudson (n=25)	8	1% - 25%
9. New York City (n=113)	26	1% - 90%
10. Long Island (n=34)	9	2% - 90%

Section VI
Legal Issues Presented by Clients

Respondents who provided legal services directly to clients were asked to list up to five of the top issues presented by older adult clients, clients with disabilities, and caregivers.

The issues about which older adults and individuals with disabilities seek legal assistance are not limited to the few that are conventionally associated with the areas of "elder law" and "disability law," but, rather, are many and extremely varied. This reality is borne out by the findings presented in Tables 8 – 12 and is underscored by one respondent who answered the question by stating, "their issues are no different from everybody else."

Survey findings highlight the importance of the *Initiative's* goal of increasing awareness among members of the Judiciary, legal profession, and service providers of the reality of experiences, circumstances, problems, and issues facing older adults, people with disabilities, and caregivers.

The diversity of issues in Tables 8 – 12 emphasizes the importance of sufficient available, affordable, and accessible legal assistance to accommodate growing demand for these services—in areas of legal specialties that can appropriately address the diversity of issues (Table 13 below shows that 24% of respondents reported that they declined cases because "the client's issue was outside the respondent's area of legal expertise").

Appendix A presents a picture of great diversity in legal expertise/specialty among the respondent group. Greater study or discussion to understand any disparity between the demand for legal assistance and the use of legal assistance by the three population groups may prove beneficial.

Issues—older adults: 80 respondents reported 207 top issues presented by clients aged 60 and older.

Table 8
Top Issues Presented by Clients Aged 60 and Older
Proportion of 207 Issues
(n = number of respondents reporting the issue)

Issue Area	Proportion of 207 Issues Presented by Older Adults
Estate planning, estate administration, Medicaid planning, retirement planning, probate, financial planning, retirement fund distribution, gift taxes (n=45)	22%
Wills, power of attorney, health care proxy, transfer of property, trusts (n=35)	17%
Medical care, health care, Medicaid application, Medicare, falls, home care, end-of-life, mental health, long-term care (n=20)	10%
Family issues, including matrimonial, divorce, child support, child planning issues, child education or medical needs, child psychiatric disability, diminished mental capacity, guardianship, order of protection, caregiver issues, family court, access to adult child treatment records, family disputes, child's finances, domestic relations (n=20)	10%
Real estate, issues, home assessment, construction, home sale (n=19)	9%
Business issues, contracts, sale of business, breach of fiduciary duty, business succession, pollution claim (n=12)	6%
Housing: general issues, foreclosure, landlord/tenant issues (n=10)	5%
Public benefits, public assistance, disability payments, Supplemental Security Income, death benefits, maintenance benefits, Medicaid applications (n=10)	5%
Criminal charges, jail, incarceration, traffic tickets (n=9)	4%
Bankruptcy, debt, taxes (n=8)	4%
Fraud, abuse, job discrimination, civil rights (n=7)	3%
Torts, personal injury damages (n=5)	2%
Miscellaneous, including employment (3), immigration (2), environment (1), privacy (1) (n=7)	3%

Issues—all ages with physical disabilities: 51 respondents reported 120 top issues presented by clients with physical disabilities.

Table 9
Top Issues Presented by Clients with Physical Disabilities
Proportion of 120 Issues
(n = number of respondents reporting the issue)

Issue Area	Proportion of 120 Issues Presented by Clients with Physical Disabilities
Accessing public benefits, denial of public benefits, disability claims (n=19)	16%
Wills, trusts, special needs trust, power of attorney, health care proxy (n=18)	15%
Estate planning, asset protection, asset management for self or family member, financial planning (n=17)	14%
Physical or mental health issues, Medicare, health insurance (n=10)	8%
Family issues (n=8)	7%
Housing issues (n=7)	6%
Bankruptcy, debt (n=7)	6%
Real estate issues (n=6)	5%
Criminal issues, jail (n=6)	5%
Long-term care, guardianship, placement (n=5)	4%
Torts, personal injury, consumer issues (n=5)	4%
Miscellaneous: employment (4), immigration (2), notarize documents (1), patent (1), transportation (1), discrimination (1), civil rights (1), commercial litigation (1) (n=12)	10%

Issues—all ages with mental health disabilities: 43 respondents reported 100 top issues presented by clients with mental health disabilities.

Table 10 Top Issues Presented by Clients with Mental Health Disabilities Proportion of 100 Issues (n = number of respondents who reported the issue)	
Issue Area	Proportion of 100 Issues Presented by Clients with Mental Health Disabilities
Public benefits, Social Security disability and welfare programs—accessing or retaining, waivers of Social Security overpayments, Medicaid applications or services, public assistance eligibility, Supplemental Security Income, service providers, income maintenance, PTSD compensation claim (n=14)	14%
Mental health issues, guardianship, placement, treatment and retention at hospital, treatment over objection, substance abuse, military sexual trauma (n=13)	13%
Family issues, including custody, divorce, family law, family offense, securing educational services for their children, order of protection, visitation (n=12)	12%
Wills, power of attorney, supplemental needs trust, health care proxy, advance directive (n=12)	12%
Estate planning, financial planning, probate, Medicaid planning, safeguarding assets (n=10)	10%
Housing, including general issues, landlord/tenant issues, foreclosure, eviction, real estate sale (n=10)	10%
Health issues, medical care, home care to client who did not want it, outpatient assistance, long-term care issues, lack of proper health care (n=8)	8%
Criminal law, criminal court, re-entry after conviction, contact with police, rap sheet errors (n=6)	6%
Bankruptcy, consumer debt, financial mismanagement, poverty (n=4)	4%
Miscellaneous: Fraud/abuse (2), torts (2), employment (2), civil rights (2), immigration (1), real estate (1), personal injury (1) (n=11)	11%

Issues—all ages with developmental or intellectual disabilities: 33 respondents reported 77 top issues presented by clients with developmental or intellectual disabilities.

Table 11 Top Issues Presented by Clients with Developmental and/or Intellectual Disabilities Proportion of 77 Issues (n = number of respondents who reported the issue)	
Issue Area	Proportion of 77 Issues Presented by Clients with Developmental and/or Intellectual Disabilities
Wills, power of attorney, health care proxy, supplemental needs trust, trusts, advance directives (n=11)	14%
Guardianship and guardian ad litem, including children and adults; surrogate decision-making, child care (n=10)	13%

Criminal issues, criminal court/proceedings, re-entry related to criminal convictions, rap sheet errors (n=9)	12%
Family issues, including child custody, divorce, family law, family Court, education & school suspension, visitation, order of protection (n=8)	10%
Housing, including landlord/tenant issues, foreclosure, general housing issues, placement issues (n=8)	10%
Health care, Medicaid services and applications, personal injury, treatment and retention at facility, health insurance, long-term care, end of life (n=8)	10%
Public benefits, including general issues, Social Security benefits—accessing or denial, benefits eligibility, Supplemental Security Income (n=7)	9%
Estate planning, Medicaid planning, estate issues, financial planning (n=5)	7
Miscellaneous: money/debt/bankruptcy (3), civil rights (2), immigration (2), employment (2), consumer issues (1), fraud and abuse (1) (n=11)	14%

Issues—caregivers: 20 respondents reported 56 top issues brought by clients presenting issues related to their informal, unpaid caregiver responsibilities for older adults or people of all ages with all types of disabilities.

Table 12 Top Issues Presented by Clients Who are Informal, Unpaid Caregivers of Older Adults or People of All Ages with All Types of Disabilities Proportion of 56 Issues (n = number of respondents who reported the issue)	
Issue Area	Proportion of 56 Issues Presented by Clients Presenting Caregiver Issues
Wills, advance directives, power of attorney, health care proxy, trusts (n=18)	32%
Estate planning, Medicaid planning, financial planning, financial management/stability, supplemental needs trust (n=8)	14%
Public benefits , including Medicaid services and applications, Veterans services, benefits eligibility, Social Security Administration, Social Services Department, sale of real estate (n=6)	11%
Housing—general issues (n=5)	9%
Health care issues, hospital-related issues, long-term care (n=5)	9%
Miscellaneous: immigration (2), civil rights, exploitation (2), guardianship (2), taxes, debt (2), employment (1), insurance (1), consumer issues (1), Court involvement (1), real estate (1), family lawsuit over care of parent (1) (n=14)	25%

Requests declined: 32 respondents reported 95 reasons why they had declined requests for legal services during the survey's time period. Table 13 shows that the primary reasons for declining these requests were that the "client's issue did not constitute a legal case" (25%) and the "client's issue was outside the respondent's area of legal expertise" (24%).

In response to declining requests for legal assistance, respondents primarily referred callers to another attorney, legal assistance program, or the Bar Association.

Table 13 Legal Services Initiative Respondent's Reasons for Declining Cases Proportion of 95 Reasons (n = number of respondents who reported each reason)	
Reason for Declining Cases	Proportion of 95 Reasons for Declining Cases
Client's issue did not constitute a legal case (n=24)	25%
Client's issue was outside respondent's area of legal expertise (n=23)	24%
Respondent's caseload was full and could not assume more work (n=15)	16%
Respondent felt a conflict of interest regarding the client or client's issue (n=10)	10.5%
Client could not afford the legal service charge (n=8)	8%
Client could not come to respondent's office and respondent could not meet with client elsewhere (n=4)	4%
Respondent does not take cases for individuals in facilities or institutions (n=2)	2%
Respondent nor others in his office could speak the client's language (n=2)	2%
Respondent could not work with client because of his behavior, attitude, or unrealistic expectations (n=2)	2%
Other: 1 for each of the following— caller did not meet legal service program's mental health eligibility criteria; individual's income/resources were too high for program's income-eligibility criteria; individual's case was too big and would be too time-consuming; respondent's current practice is limited to pro bono work for friends; respondent's agency was not permitted to take the case (n=5)	5%

Barriers to accessing legal services or achieving appropriate case outcomes:

Respondents who provided legal services directly to clients were asked to list what they felt were the five greatest factors inhibiting individuals from successfully accessing legal services or achieving appropriate case outcomes.

Too small a proportion of respondents provided answers to this question, and several reported that they did not feel sufficiently knowledgeable to make a reasonable guess.

Section VII
Education, Training, and Professional Development

Consultation with experts: Respondents were asked about the extent to which (during their entire legal career) they consulted with individuals or agencies whose expertise or service provision is focused on older adults, people of all ages with disabilities, or caregivers when they served those clients.

Table 14 shows that:

- In general, respondents used consultation with other sources of expertise a small number of times throughout their entire legal careers:
 - Between 25% - 54% of respondents reported using consultation "No Times" for the various population groups.
 - Between 10% - 21% of respondents reported using consultation "Very Often" for the various population groups.
- The least amount of consultation occurred regarding *caregiver* clients (54% of respondents consulted No Times and 37% of respondents consulted A Few Times).
- Comparing all population groups, respondents used consultation the most for clients with mental health disabilities (54% of respondents consulted A Few Times and 21% of respondents consulted Very Often).
- Consultation was used Very Often more often for clients with mental health disabilities (21% consulted Very Often) and clients with Alzheimer's and other dementia (19% consulted Very Often), compared to the other populations.

Table 14 Legal Services Initiative Number of Times Consulting with Experts, by Type of Client Proportion of Respondents (n = number of respondents who reported their number of consultations)			
Client Group	Proportion of Respondents Who Consulted with Experts During Entire Legal Career		
	No Times	A Few Times	Very Often
Older adults aged 60 and older (n=81)	32%	51%	17%
Older adults with dementia or Alzheimer's Disease (n=62)	35%	45%	19%
People of any age with physical disabilities (n=71)	34%	54%	13%
People of any age with mental health disabilities (n=68)	25%	54%	21%
People of any age with developmental or intellectual disabilities (n=68)	29%	54%	16%
Informal, unpaid caregivers (n=63)	54%	37%	10%

Training in law school: Respondents were asked about the number of times (during their time in Law School) they participated in classroom courses, clinics, internships, externships, field placements, research projects, etc., regarding the traits, characteristics, preferences, needs, and distinguishing attributes of older adults, the aging process, people with disabilities, living with a disability, or caregivers.

Table 15 shows that:

- Across all population groups, the larger proportion of respondents (83% - 97%) reported receiving training or other experiences "No Times."
- Receiving training or experiences "1 – 4 Times" ranged from 3% - 15% of respondents.
- The least amount of training was related to caregivers (97% of respondents: received training No Times).

Table 15 Legal Services Initiative Number of Times Received Training in Law School, by Type of Client Proportion of Respondents (n = number of respondents who reported their training or other experiences)			
Client Group	Proportion of Respondents Who Received Training or Other Experiences During Law School		
	No Times	1 – 4 Times	More Than 4 Times
Aging process or older adults aged 60 and older (n=228)	86%	12%	2%
Older adults with dementia or Alzheimer’s Disease (n=226)	91%	9%	0%
People of any age with physical disabilities (n=226)	84%	15%	.4%
People of any age with mental health disabilities (n=227)	83%	15%	1%
People of any age with developmental or intellectual disabilities (n=225)	86%	13%	1%
Informal, unpaid caregivers (n=224)	97%	3%	0%

Professional development during entire legal career: Respondents were asked about the number of times (during their entire legal career) they attended conferences, workshops, or classes; read professional articles or books; done research; or experienced other training or education specifically related to the traits, characteristics, preferences, needs, and distinguishing attributes of older adults, the aging process, people with disabilities, living with a disability, or caregivers.

Table 16 shows that:

- Across all population groups, the majority of respondents (54% - 81%) engaged in no professional activities related to aging, disabilities, or caregivers.
- Very few engaged in professional activities 5 – 10 times (3% - 11%) or more than 10 times (3% - 8%).

Table 16 Legal Services Initiative Number of Times Engaged in Professional Activities, by Type of Client Proportion of Respondents (n = number of respondents who reported participation in professional activities)				
Client Group	Proportion of Respondents Who Engaged in Professional Activities During Their Legal Career			
	None	1 – 4 Times	5 – 10 Times	More Than 10 Times
Older adults aged 60 and older (n=229)	54%	32%	6%	8%
Older adults with dementia or Alzheimer’s Disease (n=227)	67%	26%	3%	4%
People of any age with physical disabilities (n=228)	59%	26%	7%	7%
People of any age with mental health disabilities (n=228)	54%	27%	11%	8%
People of any age with developmental or intellectual disabilities (n=227)	58%	27%	7%	8%
Informal, unpaid caregivers (n=266)	81%	13%	4%	3%

Appendix A
Respondent's Area(s) of Practice or Specialty

Respondents were asked to list the areas of legal practice or specialty in which they are qualified to provide legal assistance (they did not include the specialty areas of others in their office or firm to whom clients could be referred).

The great diversity among the respondents is shown by the specialty areas of the 253 respondents who provided this information:

Respondent's Areas of Practice/Specialty (n = 253)
Criminal
Corporate finance; general corporate law; securities laws; general business law
Immigration; visa practice
Products liability; general litigation; civil appeals
Real estate; mediation; business; wills and estates; contracts
Immigration (specifically employment based including H-1B, L-1, PERM) and family- based cases
Administrative law; wage & hour; landlord & tenant
corporate law, including private equity and mergers and acquisitions; education law
Capital markets.
E-discovery
Litigation trials; appeals; estates; real estate transactions; administrative hearings; commercial leasing
Litigation, excluding matrimonial; family and criminal law
Family; criminal; real estate
Municipal law; negligence defense
Professional medical conduct
Elder law; trusts and estates; real estate
Investment management; private investment funds; securities law
Criminal law
Estates; wills; real estate; business
Public finance; environmental; government ethics; contracts; government law; general law practice
Elder law; Article 81 Guardianship; Medicare issues; Medicaid issues; VA issues; SSI issues; Social Security retirement issues; IRS issues relative to our appointment as Guardian for wards.
Real property law
Intellectual property; entertainment; corporate; general practice; litigation; wills; contracts
Taxation; wills; trusts; estates
Commercial litigation; appeals; alternate dispute resolution; employment
General corporate
Real estate; administrative law; labor & employment; contracts; corporate governance
Civil rights; employment; municipal liability
Personal injury/negligence

Real estate; criminal defense; estate planning/probate
Corporate restructuring
Intellectual property; general corporate law
Business litigation
Juvenile delinquency; Persons In Need of Supervision; child support; child abuse and neglect; termination of parental rights; fair hearings related to Child Protective investigations; other family court matters such as custody& guardianship
Litigation; various practice areas and specialties.
Health law; real estate; corporate
Criminal; real estate; family
Insurance coverage and third party litigation
Governmental regulation; contracts; construction; employment.
Education law; special education
Estate and probate matters; residential and commercial real estate transactions; small corporate and other formation, sale, etc.; estate planning and trust drafting
Family law; criminal law
Intellectual property
Commercial litigation; legal ethics; trust & estates; litigation
Litigation
Estates; wills; real estate; elder law; small business
Matrimonial/family
Appeals
Municipal
Real property law
Criminal law; appeals; attorney disciplinary matters; municipal law; general legal research and writing
Business litigation; business arbitration; business mediation—essentially business dispute resolution
Workers compensation
Environmental (regulatory); environmental litigation; land use
Banking; corporate
Negligence/personal injury/auto claims; federal civil rights defense; contract defense
Corporate and residential real estate purchase and sale, financing, and leasing
Business; corporate, real estate, civil litigation
Major areas include: personal injury and property damage litigation; contracts and contract litigation; small corporation and LLC counseling; environmental law and litigation, including historic preservation law; real estate development; residential and commercial closings; title insurance and title insurance litigation; not-for-profit corporation law; estates, wills & trusts; Surrogate's Court litigation; landlord-tenant counsel and litigation; municipal law; criminal law and litigation; Americans With Disabilities litigation; bankruptcy law; family and divorce law and litigation; Social Security disability
General civil litigation.
Class action litigation; consumer litigation; securities litigation; commercial litigation
Criminal Law
Estate planning; estate administration; prenuptial agreements; retirement planning
Customs and international trade
Litigation
Insurance; family litigation; no-fault benefit; motor vehicle property damage; subrogation; personal injury defense

Entertainment law
All except criminal, matrimonial, elder care, estate planning, trusts, tax, patent, admiralty
Primary areas: workers' compensation; Social Security disability; personal injury.
Trademarks
Banking and collections (consumer and corporate); foreclosure; insurance defense (auto and property liability); insurance defense (workers' compensation defense); corporate—transactional
Tax
Real estate; immigration; family law
Commercial litigation; estate probate and litigation; real estate; criminal defense
Elder law; trusts; estates
Real estate; estate planning; trusts; guardianship; municipal, corporation, transactional matters
Criminal courts (defense) and family court matters
Personal injury defense; products liability defense
Appellate practice; administrative law; civil rights; environmental law
Estate planning; estate administration and litigation; commercial litigation; healthcare employment; real estate; general corporate law.
Bankruptcy; immigration; real estate; criminal; traffic
Civil litigation; real estate; matrimonial and family law; estate and wills; commercial and retail collection; contract; Social Security disability
Entertainment; intellectual property (trademark and copyright); corporate governance; 1st Amendment right to privacy
Guardianship; child protection/attorney for minor child; Family law
Institutional litigation for insurers; personal injury
Mental hygiene law; guardianship; family law; criminal law
Environmental law; energy law; administrative law
Law clerk in Criminal Term Supreme Court
Family law and matrimonial
Tort law
Construction law; labor law
Family law services to indigent clients, including Article 10 (child protective) and Article 6 (custody) proceedings.
Corporate governance; mergers and acquisitions; commercial finance.
Civil litigation; civil appeals; insurance coverage; contract; commercial law; construction; non-profits; firearms and Second Amendment law; environmental.
Criminal law
Real estate; family court; divorce; criminal law; estates
Elder law; wills; municipal
Criminal defense; civil rights; prisoners' rights
Civil rights; personal injury; employment discrimination.
Corporate
Real estate—residential and commercial
Bank debt
Securities enforcement; securities and commercial litigation
Real property tax law, including tax certiorari and exemptions
Elder law; real estate; estate planning; settling estates and trusts; domestic relations

Criminal defense
Litigation; white collar defense; Foreign Corrupt Practices Act
Social Security disability law
Broker-dealer regulation; creditors' rights
Non-profit law; contracts; employment (including benefits, Fair Labor Standards Act, and discrimination)
Commercial litigation
Re-entry-related litigation; employment discrimination litigation; public benefits; housing; criminal defense; elder law; pharmaceutical antitrust law; pharmaceutical pricing law; civil legal services
Asset-based lending
Tax-exempt organizations; corporate governance
Matrimonial; family law; real estate—residential; landlord/tenant; estate planning; business formation
General business; corporate; corporate governance; finance; mergers and acquisitions; securities laws
Criminal
Personal injury
Criminal; real estate; estates; family
Securities law; contracts; business corporation law
General practice; real estate; corporate; tax
All aspects of family and supreme court, including divorce, custody, support, family offense, paternity
As a court attorney—advice and guidance in areas including criminal law, civil practice, landlord/tenant, contract, consumer debt, etc.
Family law; divorce; separation; child support; child custody
Corporate securities; real estate transactions; fund formation; mergers & acquisitions
Commercial litigation, Estate and Trust law
Matrimonial/family law; litigation
Personal injury; real estate; traffic; criminal; estates
Securities transactions; litigation; document review; some private equity
Trusts and estates administration and litigation; general civil litigation
Criminal prosecution; antitrust litigation
Real estate; commercial litigation; business
Litigation; investigations; counseling
Criminal defense; civil litigation (plaintiff/defendant); trusts/wills/estates; landlord/tenant; real estate; appeals; collections; DWI
Insurance coverage and litigation; general defense
Utility; energy law
Real estate; family law; wills and estates; business
Nonprofit and tax exemption; consumer law; litigation
Education law; public sector labor law; employment law
Estates; trusts; estate planning; civil litigation; criminal
Elder law; special education law; family law; special needs planning; trusts and estates
Real estate litigation; probate; general business litigation; bankruptcy
Criminal law
Intellectual property (trademarks and copyrights, but not patents); intellectual property licensing; corporate—commercial; corporate—transactional
Contracts; copyright; entertainment (music)

Commercial litigation
All areas
Trusts and estates (planning, administration, and litigation); commercial litigation; real estate sales and purchases; elder law.
Family law
Vehicle and traffic violations; minor criminal matters
Professional discipline; criminal law; healthcare law; landlord tenant
reinsurance regulatory litigation; corporate matters
Exempt organization law; corporate law; tax law; contracts; employee benefits; employment law
Civil litigation
Technology transactions; digital media; international telecommunications; international corporate transactions; entertainment transactions
Civil judgment enforcement and collections; criminal law; corrections law; freedom of information law; public sector labor law and collective bargaining; civil service law
Employment and labor
Immigration
Employment law
Litigation; criminal courts; Surrogate's Court
Legislature—legislative-type work and bill drafting
Social Security disability; public assistance; mental health law
Custody; child support; simple wills; advance directives; divorce; family offenses; landlord/tenant; many other areas
Special education law; education law
Labor and employment; civil rights
Estate planning and administration; tax; real estate
Commercial litigation; real estate; matrimonial
Corporate; commercial litigation; real estate
Health law; general corporate
Admiralty law; commercial litigation; real estate transactions; wills, trusts, & estates
Litigation, construction, environmental, trial practice, administrative law, insurance agents and brokers
College General Counsel—a generalist, but major areas include: not-for-profit governance; litigation; employment; civil rights; regulatory compliance; government contracting; taxation; contracts
Personal injury litigation/tort; workers compensation
Litigation; personal injury; commercial litigation; criminal defense
Trusts; estates; wills; litigation; fiduciary consulting
Estate planning; estate administration; real estate
Criminal; international
law firm administration; corporate litigation
Worker's compensation; Social Security disability; personal injury; criminal defense; family law; civil matters
Civil rights
Medical malpractice defense; personal injury defense
Criminal defense; regulatory, internal investigations; mediation; trademark
Contracts; construction; surety; real estate; insurance; bankruptcy
Criminal prosecution

Healthcare law
Primarily general commercial litigation; contract and surety law—transactional and litigation
Immigration; criminal law
Criminal law and family court
Labor/employment; education; civil litigation
Personal injury
Criminal and civil
Litigation; family law; children's services; matrimonial law; child support; custody; visitation
Elder law; advance directives; Medicaid planning; health care; Social Security; landlord/tenant; housing & home ownership; consumer law
Criminal law
Structured finance; derivatives; private investment funds
Litigation
Securities—class action.
Contracts
Business litigation—corporate, partnership, securities; wills, trusts, and estates; real estate
Corporate & non-profit compliance—internal investigations
Labor law
Real estate
Corporate; intellectual property
Criminal defense; matrimonial law; family court law; guardian; real estate
General practice; family law/matrimonial law; Indian law
Employment law; commercial litigation; employment litigation
Welfare advocacy and other public benefits; elder law
Criminal; employment; labor; tax; ethics
Criminal
Administrative law; criminal law; civil rights law
Insurance coverage
In-house counsel
State and local taxation
Civil litigation and appeals
Insurance defense—no-fault and uninsured motorist cases; subrogation
Municipal finance; corporate trust
Corporate
Matrimonial; family law; estates; guardianships; commercial transactions; real estate. landlord/tenant; commercial litigation; personal injury litigation
Structured finance
I do some pro bono work in: family law; immigration; legal ethics. I arbitrate employment cases. I teach: family law; reproductive technologies; principles of legal analysis; employment law; contracts; miscellaneous other subjects
In general: real property; appellate law (all subject areas); disability education law
Customs; international trade; federal regulatory and administrative law; drafting of corporate agreements; trademarks; commercial litigation
Corporate mergers and acquisitions; securities/corporate finance; corporate governance

General litigation
Corporate law; commercial law; entertainment contracts; real estate contracts
Elder law; estate planning; estate administration; guardianship
Complex commercial litigation; securities litigation/arbitration; federal practice
Bankruptcy
Multifamily FHA-insured loan closings, including nursing homes and hospitals and asset management; multifamily loan closings involving Section 202 and 811 of the National Housing Act and asset management; Federal Government-wide Standards of Conduct; public housing litigation related to HUD programs
Employment/litigation
Matrimonial and family law; wills, trusts, and estates; residential real estate; attorney for the child
Child welfare proceedings
Real estate; contract; privacy/data protection; intellectual property; corporate; media/advertising
International taxation; Taxation of Financial Transactions and Instruments—businesses & organizations
Litigation; health law; trusts and estates
Admiralty law; real estate transactions; trusts/estates/probate/administration
Contract negotiations; transactional law; employment law.
Commercial litigation
Real estate; general practice
Criminal defense; commercial litigation; personal injury
Matrimonial; commercial claims
Personal injury; insurance defense
Banking; real estate
Personal injury; real estate; wills; traffic court; contracts
Bankruptcy; immigration; wills; real estate closings; LLC formation; vehicle & traffic law; criminal matters
Criminal
Civil litigation of all types in state and federal court
Trusts; estates; construction site labor law litigation
Matrimonial; appeals; real estate
Contracts
Insurance—regulatory; insurance—mergers and acquisition; reinsurance; contract drafting & coverage
Social Security disability; NYS Retirement disability
Government affairs; insurance—regulatory; employment law
Immigration; family law; real estate; criminal law

Appendix B
Respondents—Optional Comments

Respondents were provided with an opportunity to add Optional Comments in their submitted survey. 28 respondents provided the following comments:

Optional Comments
Pro Bono Legal Services:
<p>I am a strong <i>proponent</i> of voluntary legal services for those with special needs and those who cannot afford legal services. I am a strong <i>opponent</i> of any mandatory pro bono requirements. No other profession, service, or trade compels its workers to labor for others for free. If the needs of the public for free legal services are so great and not being met by current volunteer efforts, then the government can purchase those services for people, just as they do with medical services, food stamps, housing subsidies, etc. Legal professionals should not be singled out to bear the burden of providing free services. I volunteer a great deal of time working with charities and community service organizations, and nobody should require me to volunteer more of my time and labor just because my chosen profession is the law.</p>
<p>I think the most important elements here are training for lawyers and provision for free (or, at least, very moderate cost) legal services for these populations. You could say the same for veterans! They need legal assistance just getting their VA benefits!</p>
<p>I'm filled with dread at the prospect of more service or educational obligations being imposed upon me by those who are looking to boost their professional profile, those who have a vested stake in the associated systems, or those who create exemptions for themselves but are happy to impose on others (e.g., employees of various branches of government). I work for a non-profit, and I do a lot of pro bono work for non-profits. The thrust of this survey, though, suggests that "more needs to be done."</p>
<p>While it is our duty to give back to our society, I believe that people all too often overlook the burden imposed upon lawyers and should therefore be realistic when setting pro bono goals.</p>
Training and Education:
<p>I am an attorney practicing within a government agency that does not cover this practice area, and my pro bono work outside of my employment primarily involves corporate governance and general matters for a handful of local environmental non-profits and/or civic groups I'm involved in. Having experienced the aging, failing health, caretaking needs and ultimately the passing of my grandfather over the past several years, I have developed a true appreciation for the many serious challenges facing an aging population and their families. I took several related classes during law school but wish I had more clinical training/experience in this area, especially since it is an issue which every lawyer will face within their own family at some point, if nowhere else.</p>
<p>I have worked in a group home with the developmentally disabled since college. While I answered "No" for the survey's training questions related to legal education and career, I have gotten training from the group home. Interestingly, I continue to work at the group home on occasional weekends.</p>
<p>If judges are not trained in these areas, then there is no amount of training for lawyers that will matter. I have appeared in Surrogate's court on enough occasions to know that there are judges who do not have a clue or concern about the issues confronting people in these groups. The inflexibility and lack of creativity of many members of the Judiciary is mind-numbing. In addition, the failure to act expeditiously can be as much of a problem for these kinds of clients as the outcome.</p>
<p>It would be helpful if the State or the bar associations offered free or low-cost immersion (not regular CLE but more like an executive MBA program) workshops to help train lawyers in assisting disabled, elderly, and other special needs individuals. There were not too many opportunities to gain this training 20 or more years ago.</p> <p>Brooklyn Law School now offers a concentration in healthcare and has more and more clinics which focus on these populations (perhaps other NY law schools do as well).</p> <p>As we move toward two-year law programs, some practical experience in addressing these populations or other public interests should be required to be offered by law schools and should be required courses for law students. Two years is fine for classroom work in law school, but rather than eliminate the 3rd year, it should be used for immersion in clinics, internships, and other hands-on practical experience. We call it the <i>practice</i> of law, so its logical that students should practice under supervision as well. Many more lawyers would help, if they were confident they knew how.</p>
<p>Please consider mandating a "staggered-year" placement in legal services for new lawyers, as they do in foreign countries, which maybe would offset the loan obligations currently encountered by the majority of law students. You would have a steady flow of lawyers supervised by quality mentors.</p>

Funding:
<p>I have worked in a Legal Services Office for all but two years of my legal career. While initial funding is given for a pilot project, our CEO is then left to scramble for some form of permanent funding to continue the services. We are asked to accept new areas of practice; yet permanent funding streams are not available.</p> <p>The clients we serve are indigent for the most part. they have a myriad of problems and fewer places to turn for help because of funding cuts, hiring freezes, etc. Caregivers who decide to help loved ones are rarely informed about the programs the client could enroll in and the services to which they may receive. Unfortunately, many times we must FIGHT just to get respite or home care so caregivers can keep their jobs while looking after their family member.</p>
Areas of Practice:
<p>Providing legal services for divorces is sorely needed.</p>
Respondent's Personal Experience with Population Groups:
<p>Although I do not myself have individual clients, I have worked (as a lawyer and planner) for 37 years for an organization with projects that DIRECTLY serve developmentally disabled people and people for whom the court has appointed a guardian. Personally, I was involved at least weekly with the care of my late parents, who died (in 2011 and 2012, respectively) at the ages of 95 and 96. Through my intermittent involvement with the care of a developmentally disabled cousin (now in her '50s) and a never-married aunt (now age 85), I have been exposed to services (including legal services) that are available to these two groups.</p>
<p>In a prior job, from 2002-2006, I worked exclusively in the field of law dealing with providing educational services to children with disabilities. I have also been a direct caregiver myself to both of my parents as their primary caregiver for several years each prior to their passing—directly involved in all of their tax work, estate planning, and the probate process.</p>
<p>My wife was disabled 16 years ago as the result of an automobile accident, and consequently I have been her caregiver, including, for a period of time, her guardian. In these years I have had numerous interactions with health care providers, which, on occasion, have given rise to inchoate legal actions.</p>
Reasonable Accommodations—LSAC; Bar Exam; Law School:
<p>With all due respect, I would suggest that you all should consider addressing the legal profession's own problems with persons with disabilities earlier on in the process. My son has several disabilities and is currently attending Fordham Law School. Obtaining appropriate accommodations for him from the Law School Admission Council (LSAC) so that he could attend law school was a difficult and expensive procedure, which indicated a significant prejudice on LSAC's part against persons with disabilities. Notwithstanding their consent decree with the Justice Department and a change in the Americans with Disabilities Act in 2008, it was absurd and offensive to have LSAC refuse to even acknowledge a request for an accommodation for Crohns disease. The only reason my son was able to obtain any semblance of an appropriate set of accommodations was because I am fortunate enough to have the financial means and knowledge to have been able to retain Joann Simon to assist me in an appeal of LSAC's decision.</p> <p>Moreover, it remains a mystery to me why LSAC thinks it is appropriate to continue to flag the scores of persons with disabilities, unlike the GMAT and GREs. California, through Joann Simon's and others' efforts, is in the forefront of eliminating that barrier and I would think that New York State should do the same.</p> <p>While Fordham Law School has been terrific in its approach to persons who need accommodations, many of the law schools that accepted my son were not as advanced in their thinking. But, unlike his law school choice—where my son had options—there was no such option as to taking the LSAT, and there will be no such option should he wish to practice in New York State given that taking the New York State bar exam is a prerequisite.</p> <p>We were appalled to recently find out that the New York State bar examiners somehow think that it is appropriate to force persons with multiple disabilities to pick and choose between/among their disabilities in order to sit for the New York State bar exam. For example, if one needs both extra time and start-and-stop-the-clock because of different disabilities, you must choose the disability which you think is worse, whether or not the disabilities are in fact equally burdensome and equally in need of accommodations. No one should be put in the position of Ms. Bartlett of having to engage in expensive litigation in order to obtain appropriate accommodations for the New York State bar exam.</p>

Absent such litigation, my son will have to figure out whether he can possibly pass the New York State bar exam given that he needs start-and-stop-the-clock for his Crohns and extra time for other conditions. We are at a loss to understand the level of intolerance that puts someone with several disabilities in the position of having to pick the one to be accommodated (as if having more than one disability isn't enough of a burden in life). While in public school and in college, my son was never confronted with such prejudice. And, I am deeply disturbed that the profession that I love should demonstrate such an unwillingness to accommodate persons with disabilities. Instead, it seems that LSAC and the New York State bar examiners prefer to act as gatekeepers who are seemingly terrified of the prospect of allowing people who are different into the legal profession.

It is no wonder that lawyers appear to you to be so unknowledgeable about persons with disabilities and so unwilling to provide services to those with disabilities who need them . . . the problem starts very early-on in the process. I sincerely hope that you will expand the areas in which you intend to encourage more tolerance in the legal profession. While taking classes and encouraging lawyers to assist persons with disabilities is a good thing, it does not go far enough. Law firms and corporations will never truly understand or appreciate people who have disabilities until they work side by side with them, and they will not be able to work side by side with them unless and until organizations like LSAC and the New York State bar make the necessary changes.

Client Characteristics:

Attorneys need to be very careful when dealing with client representatives. I often find that clients are pushed into or told they must do something (often with good intentions), and the actions they are being pushed into are not something the client wants and/or needs.

I don't think that the elderly are a particularly at-risk group, or need special protection. I have many clients in their 60's, 70's, and 80's who are sharp business men and women or active retirees. The real question is mental competency, physical disability, dementia, or underlying mental disorder.

In Buffalo, every poor person receives a free attorney in landlord-tenant court. That is a very effective program.

People are indigent for many reasons, including mental disorders, developmental disabilities, etc. It would be nice if there were some intervention to screen tenants being evicted for other legal needs they have that are not being met. One area that is grossly neglected is divorce law. There is sometimes legal assistance provided in Family Court, but rarely in State Supreme Court for divorces. The only intervention in divorce court seems to be the Law Guardian, which is good, but limited to representing the interests of the children.

Finally, only those who qualify for Social Security can get an attorney to take their case on a contingent basis. For those who have no work history, the law does not permit the payment of attorney fees out of retroactive benefits. That needs to be changed by Congress. It would make a huge difference in providing legal services to disabled individuals.

I prepare income, gift and estate tax returns, give tax advice, prepare wills and trusts and advise on same, probate and administer estates. My client base is medium and high income, more than half of whom are 60 years of age or more. I am able to communicate well with elderly persons, but do not really practice in what is normally considered elderly or disabled issues.

My primary practice areas are workers' compensation, social security disability, and personal injury. As such, virtually all my clients have a physical or mental injury or disability. I do not handle any specific "elder law" issues, but a certain percentage of my clients are over the age of 60. I cannot provide the exact number of cases I worked on in 2012, but I would estimate at least two to three hundred.

Workers' compensation claims can remain open indefinitely. Our firm remains the attorneys of record for these clients, but many cases will not have any issues to be addressed in a given year. Our attorney fees are contingency-based and this allows us to serve a client base which is predominantly poor.

Comments Related to Flaws in the Survey:

Nine respondents commented on various faults in the survey itself, including: certain questions were confusing or irrelevant to the respondent's area of practice; there were gaps in the survey regarding certain areas of law practice or employment situations; some questions made certain assumptions, which precluded answering in a meaningful way; the survey took too long a time to complete; one survey question discounted the possibility that someone could have more than one disability; it is too difficult to make estimates of some of the answers that rely on information that is not kept by attorneys.

Appendix C

Lawyers with Disabilities in the Legal Profession

NOTE: Permission has been received from the American Bar Association to reprint the following section from one chapter in the publication, "Lawyers with Disabilities in the Legal Profession."

Citation: ABA Commission on Mental and Physical Disability Law (2011), "C: Lawyers with Disabilities in the Legal Profession," *ABA Disability Statistics Report*. Chicago, IL: American Bar Association.

Recent figures:

To begin with there is a pipeline problem: individuals with disabilities are less likely to apply and be admitted to law school. There is a strong disability-poverty correlation. Therefore, many of those with disabilities are not even able to finance law school, let alone sustain the burden of its debt. Moreover, the Center (Cornell University's Rehabilitation Research and Training Center on Disability Demographics and Statistics) reports that only 12.3% of working-age persons with disabilities held a Bachelor's degree or higher, compared to 30.6% of non-disabled persons, an 18.3 percentage point gap. This education disparity helps explain why so few persons with disabilities become lawyers, as many individuals with disabilities lack the educational background and academic prerequisites to apply to law school.

The American Bar Association (ABA) conducts an annual census of its lawyer members. According to 2010 figures, 32,122 of the approximately 383,000 ABA members completed the census questionnaire. Of the 7,731 respondents who answered the query "Do you have a disability?," only 531, or 6.8%, answered affirmatively. This number is a slight increase from the 2009 census at 6.76%, but still less than 2007's 7.18%. This percentage is far lower than one would expect given the national statistics on the percentage of Americans with disabilities. Extrapolating this figure to the entire ABA membership, approximately 26,306 members would report having a disability for 2010.

The Bureau of Labor Statistics (BLS) reported that for those who were employed and had a disability in 2009, 0.9% were in the legal profession (e.g., lawyers, judges, magistrates, law clerks, court reporters, paralegals). The number for those who worked in the legal profession in 2009 and did not have a disability was higher at 1.2%. BLS also reported that for the third quarter of 2010 (July, August, and September), 3.2% of those employed in the legal occupation had a disability. This figure is noticeably higher than the 2.6% reported for the third quarter of 2009. Also, Professor Kaye of the University of California—San Francisco, based off of BLS data found that workers with disabilities have a much greater presence in "low-skill" occupations as opposed to "high skill" occupations.

The ABA's Market Research Department collected relevant statistics on lawyers with disabilities for its National Lawyer Population Survey in 2009, but did not ask about disability in 2010 because only 3 of 54 American jurisdictions that license attorneys collected information on lawyers with disabilities. In 2009 Colorado estimated 0.15%, or approximately 29 lawyers, had a disability; Delaware estimated less than 1%, or 25 lawyers; and South Dakota estimated 1%, or 17 lawyers.

The ABA's Commission on Mental and Physical Disability Law (Commission) hypothesizes that all of these numbers may be substantially less than the actual number of lawyers with disabilities in the ABA and the profession. Many may choose not to answer the question relating to disability status due to confidentiality concerns, while others may not consider themselves as having a disability.

These low percentages of lawyers with disabilities reflect at least four trends: (1) relatively few college students with disabilities attend law school due to factors ranging from lack of funds to problems with attaining accommodations for the Law School Admissions Test; (2) not everyone with a disability who attends law school graduates or passes the bar; (3) due to socioeconomic factors and a lack of offered accommodations, it appears that a lower percentage of lawyers with disabilities join the ABA than non-disabled lawyers; and (4) a greater percentage of law school graduates with disabilities do not find

employment as lawyers. Ultimately, these figures also reflect the need to have a comprehensive national effort to collect information on lawyers with disabilities.

For 2010-2011, the ABA Section of Legal Education and Admissions to the Bar indicated that of 157,598 law students in ABA-accredited law schools (both J.D. and LL.M students), 5,292 (3.4%) were provided accommodations—up from 4,941 (3.2) for 2009-2010. Yet despite such increases, it is worth noting that these figures do not reflect an actual estimate or figure as to how many law students in ABA-accredited law schools have a disability.

There has been a small but steady rise in the number of law students with disabilities who request accommodations over the past few years. Although there is a rise in total students enrolled over this period, the percentage of law students who request accommodations has increased as well. The National Association for Law Placement (NALP) conducts an annual survey and study, entitled *Jobs & J.D.'s: Employment and Salaries of New Law Graduates*, on the employment rates of law graduates by gender, minority, and disability. For the class of 2009, 80.7% of 590 law graduates with disabilities were employed after graduation, compared to 84.4% of 565 law graduates last year, a sharp decrease. Even compared to other groups, graduates with disabilities do not fare well as 89.2% of non-minority law graduates and 84.8% of minority law graduates attained employment. Graduates with disabilities have an employment rate 7.6 percentage points lower than the entire class of 2009.

In the same survey, 9.3% of disabled law graduates indicated that they were unemployed and seeking a job—a noticeable rise from the 8.1% reported for the class of 2008 and 7.4% reported for the class of 2007—compared to 5.8% for all non-minority law graduates and 7.1% for all minority law graduates.⁶

Of the 232 salaries reported by graduates with disabilities, the mean salary was \$84,018 and the median salary was \$62,973. These salaries were considerably lower than the mean and median salaries computed by NALP for men and women graduates of all races: \$93,454 and \$72,000 respectively (19,513 salaries reported).

These somber statistics led NALP to conclude that: "Graduates with disabilities were less likely to be employed and, if employed, less likely to obtain jobs in private practice than the class [of 2009] as a whole—and more likely to obtain government and public interest positions."

There is also concern over retention and promotion of lawyers with disabilities. Even if the small number of lawyers with disabilities who make it into and through law school attain employment, it is necessary to make sure they are afforded the opportunity to remain and prosper at their jobs. Having lawyers with disabilities climb the ranks of their firms or organizations also sends a strong signal to potential employees with disabilities that the legal profession does embrace disability diversity. Yet, as noted by Stephen D. Yslas, general counsel of Northrop Grumman in a *National Law Journal* article, simply hiring from minority groups is not enough. As he stated, "law firms are [already] lagging behind corporate America in making diversity a focal plan of their business plans." To make sure lawyers with disabilities are accommodated and able to stay with an employer, he suggests that "diversity in law firms and in corporate law departments needs to become an enduring core value attitude and practice that continues long after the current attorney population has moved on.

⁶ Yet what is still not known from statistics on law students is what percentage of students with disabilities graduate as opposed to students with no disabilities.