

**Report of Findings**  
**Part 4**  
**Statewide Survey of AREA AGENCY ON AGING DIRECTORS,**  
**Aging Network's Legal Assistance Program**

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## Section I Introduction

### **Background:**

The Survey of Directors of New York State's Area Agencies on Aging (AAA) is a descriptive study of the aging services network's statewide Legal Assistance Program (the Program), which provides legal services for older adults aged 60 and older in New York. This study is one of six statewide surveys conducted under the auspices of the *Legal Services Initiative's* four-member Partnership.

The overall purpose of the *Initiative's* six surveys is to gather information about the delivery of legal services in the 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 information for the *Legal Services Initiative's* Think Group to: (1) 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 (2) suggest strategies, actions, and recommendations for addressing these limitations and barriers.

A specific intent of the survey of AAA Directors, together with the *Initiative's* survey of the Providers (*Legal Services Initiative* Report of Findings, Part 5) who are contracted by AAAs to deliver the Legal Assistance Program's services, is to gather a picture of the status of this statewide Program in New York.

### **Methodology:**

The instrument for the survey of AAA Directors was developed by the New York State Office for the Aging (NYSOFA). A pilot-test was conducted with Directors and staff from the five AAAs comprising the AAA network's Hudson Valley Regional Caucus, and including two Provider attorneys from that Caucus Region. The finalized questionnaire was converted into a Web-based application, and posted to NYSOFA's on-line AAA Reporting System for access and completion by the State's 59 AAA Directors.

A Program Instruction (NYSOFA #12-PI-12), together with materials describing the *Legal Services Initiative*, was sent to each AAA Director in September, 2012. These materials described the purpose of the study and provided instructions for the survey's completion and submission.

Completed surveys were received during the fall/winter of 2012 and early months of 2013, and survey respondents provided program information for a 12-month period (April 1, 2010 - March 31, 2011, or January 1, 2011 – December 31, 2011). All 59 AAA Directors completed the survey, for a 100% response rate, which allows the survey's findings to be generalized to the entire network of 59 AAA Legal Assistance Programs across the State.

**Presentation of survey findings:** Frequencies and cross-tabulations are used for reporting and comparing variables.

- Survey findings are presented in charts and tables.

- Many of the findings are presented in *proportions* (%) rather than *numbers* in order to provide meaningful comparisons among subsets of variables that vary greatly in number-size because of the significant differences among the 59 Legal Assistance Programs.
- Analysis of some findings is by geographic areas of the State, using the Association on Aging in New York State's (AANYs) nine Caucus Regions (see matrix below). The St. Regis Tribal Nation, which is located in Franklin County, is included in Caucus Region IV; the Seneca Tribal Nation, which includes geographic areas in Erie, Cattaraugus, and Chautauqua Counties, is included in Caucus Region VIII.

***Context for reviewing the survey's findings:***

Area Agencies on Aging are a major component of the nation's organizational structure for providing assistance and advocacy for individuals aged 60 and older. The primary structure comprises three tiers responsible for developing, coordinating, and delivering services and programs for older adults: (1) at the federal government level, the Administration on Aging, which is a Unit within the Administration for Community Living and is located within the U. S. Department of Health and Human Services; (2) at the state government level, 56 State Units on Aging across the U. S.; and (3) at the local or regional level, approximately 629 Area Agencies on Aging and 246 Tribal Organizations across the U. S. The work of the three-tiered structure is carried out in coordination, cooperation, and collaboration with a very large network of community-based organizations and agencies.

The federal Older Americans Act (OAA) is the enabling legislation that provides the Administration on Aging, State Units on Aging, and Area Agencies on Aging with the responsibility and authority to fund and carry out the services and programs mandated in the Act.

Title III of the OAA provides grants to State Units on Aging for distribution to AAAs for the purpose of stimulating the development and enhancement of a comprehensive and coordinated continuum of community-based services for older adults, with special emphasis on those with greatest economic or social need; and Title III-B of the Act authorizes grants for senior centers and for various supportive services. As one of these services, Section 321 of the OAA provides for the delivery of legal assistance for older adults. Legal assistance is one of three categories of priority services and, in New York, AAAs are required to allocate funding for legal assistance that equals at least 7% of their total Title III-B services funding.

To fulfill this requirement, each AAA administers and oversees a Legal Assistance Program. Typically, AAAs do not provide legal services directly, but contract with community-based attorneys and legal service organizations (Providers) to respond to requests for legal help from older adults. In New York State, the 59 AAAs contract with 51 legal service Providers to carry out the Legal Assistance Programs across the State.

**AAA Caucus Regions:** For planning, training, and other purposes related to the AAAs and their programs, the Association on Aging in New York State (the AAA statewide membership association) organized the State into nine Caucus Regions listed below. These regions are used when analyzing the survey's findings by geographic areas of the State.

<b>Nine Caucus Regions</b> <b>Area Agencies on Aging Included In Each</b>		
<b>(1) Metropolitan NY</b> Nassau NY York City—5 Boroughs Suffolk Westchester	<b>(4) North Country</b> Clinton Essex Franklin St. Lawrence St. Regis Nation Warren/Hamilton Washington	<b>(7) Finger Lakes</b> Ontario Schuyler Seneca Steuben Wayne Yates
<b>(2) Hudson Valley</b> Dutchess Orange Putnam Rockland Ulster	<b>(5) Central NY</b> Cayuga Cortland Herkimer Jefferson Lewis Madison Oneida Onondaga Oswego	<b>(8) Western NY</b> Allegany Cattaraugus Chautauqua Erie Genesee Livingston Monroe Niagara Orleans Seneca Nation Wyoming
<b>(3) Leatherstocking</b> Columbia Delaware Fulton Greene Montgomery Otsego Schoharie Sullivan	<b>(6) Southern Tier</b> Broome Chemung Chenango Tioga Tompkins	<b>(9) Capital Region</b> Albany Rensselaer Saratoga Schenectady

**Section II**  
**Survey—Key Findings**

The Directors of all 59 AAAs submitted completed Questionnaires for the *Legal Services Initiative's* statewide survey of AAA Directors, for a 100% response rate; and detailed analyses of survey findings are provided in Sections III – VIII. Following are key findings taken from the detailed analyses.

- There is significant diversity among the 59 Legal Assistance Programs across the State, which is illustrated by findings related to Program size (amount of staff and funding), number of clients, cost per unit of legal service, type of contracted Provider, type of legal services provided, and approaches to Program implementation.

**Funding:**

- The Legal Assistance Program's primary sources of funding are Title III-B of the federal Older Americans Act and county government funding.
  - All 59 AAAs used Title III-B funds for the Program, with Program allocations across the 59 AAAs ranging from \$573 - \$660,895.

- 26 (46%) AAAs used county government funds for the Program, with Program allocations ranging from \$406 - \$1.45M.
- Across 14 Programs, a total of \$137,581 in supplemental funding from a variety of sources was allocated to the Program (including NY State Community Services for the Elderly Program funds, Older Americans Act Title III-E funds, donations, attorney-matched resources, and others).
- The Program's statewide *total* funding for the 12-month survey period (Title III-B, county government, and supplemental funding) was \$4.47M. Total Program budgets among the 59 AAAs ranged from \$2,387 - \$2.1M, with a median program budget amount of \$13,556.
- 46 respondents reported the units (one unit = one hour) of legal services provided: the average amount of Program funds spent per unit of service is \$35.
- Exhaustion of Program funds:
  - 25 (42%) AAAs reported that the Program's Title III-B funds were exhausted before the end of the Program year.
  - For the 26 AAAs allocating county government funds to the Program, 9 (35%) reported that these county government funds were exhausted prior to the end of the Program year.

#### **Providers:**

- 27 (46%) AAAs use only the contracted Provider to implement the Program, while 32 (54%) use the contracted Provider and other staffing resources. For these 32, "other" resources are primarily the AAA's paid staff; however, 7 AAAs reported using pro bono attorneys, pro bono paralegals and volunteers.
- 25 AAAs reported that their contracted Provider is also a national Legal Services Corporation grantee.
- AAAs use various, and sometimes multiple, methods for selecting contracted Providers. 38 AAAs reported using a "sole source" procurement process for selecting Providers, and 24 use a competitive procurement process. 9 AAAs rely upon a long-term contractual relationship to continue contractual arrangements.
- 35 (59%) AAAs report using an "hourly rate" reimbursement method for Providers. Hourly rates range from \$25 - \$215 (median rate: \$60). The highest hourly rates are paid in the Hudson Valley Region (median: \$100) and the Finger Lakes Region (median: \$70). The lowest hourly rates are paid in the North Country (median: \$37.50) and in the Metropolitan New York Region (\$39).

#### **Clients:**

- 53 respondents reported serving a total of 8,341 clients in the Program during the survey period. The 2010 U. S. Census reports 2.3M persons aged 60 and older for these 53 counties; thus, total clients served equals .4% of the older adult population in these counties. As a comparison, regarding need of legal assistance, analysis of the *Legal Services Initiative's "Survey of Residents Aged 18 and Older"* (Part 2 of the *Report of Findings*) showed that 44% of residents aged 60 and older reported experiencing, over a five-year period, one or more issues serious enough that they wished to have or needed legal assistance.

- Respondents listed the topics/issues presented for legal assistance by older adults and their caregivers during the survey year. The list of 42 (Table 14) topics reflects the great diversity of issues confronting older adults and their caregivers.
- 59% (35) of respondents reported that, for a variety of 13 listed reasons (Table 17), they could not or did not serve some requests for legal assistance. Eight of the reasons centered on limited Program resources, while five reasons were related to client-eligibility or other issues.
- Transportation and personal mobility are two major aspects affecting *access* to legal assistance. 44 (75%) AAAs reported that their Providers traveled to where clients live in order to deliver legal assistance—including the client's home, a family member's home, senior residence, assisted living or other long-term care facility, nursing home, or hospital.

**Representation in court or hearings:** Client-representation in court proceedings or administrative hearings uses significant Program resources, which has an impact on the number of clients that can be served, as well as the extent to which older adults enter the court system without the benefit of legal counsel.

- 42% (25) of AAAs reported that their contracts do *not* allow the Provider to provide client-representation. Of the 34 that *do* allow client-representation, 22 reported that the proportion of Providers' Program resources devoted to this service ranged from 0% - 54% (median proportion of Program resources: 7.5%).

**Section III  
Legal Assistance Program**

**Funding Sources and Units of Service:**

**Title III-B funding:** As the distribution of Older Americans Act Title III-B funds is based on a AAA's service-area population aged 60 and older, as well as the characteristics of that population (including poverty status, rural status, age 85 and older, and minority race or culture), the amount of Title III-B funds allocated to each AAA varies dramatically.

In New York, AAAs are required to allocate funding for legal assistance that equals at least 7% of their total Title III-B service funds. The diversity in funding amounts is shown in Chart 1, where the Program's Title III-B funding is sorted into six categories, with annual Program funding ranging from \$573 - \$660,895. The greatest proportion (34%) of AAAs allocate between \$5,000 and \$9,274 of Title III-B funds to legal services.

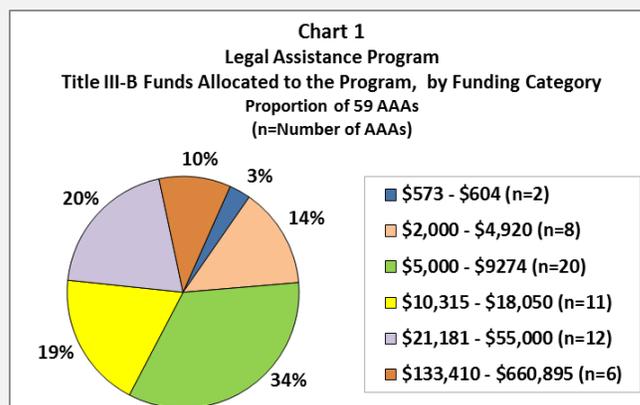


Table 1 shows the distribution of Title III-B funds for legal assistance in New York State across the nine AAA Caucus Regions.

<b>Table 1</b> <b>Legal Assistance Program</b> <b>Range of Title III-B Funds Allocated to the Program, by AAA Caucus Region</b> <b>(n = Number of AAAs Receiving III-B Funds)</b>						
Caucus Region	\$573 - \$604	\$2,000 - \$4,920	\$5,000 - \$9,274	\$10,315 - \$18,050	\$21,181 - \$55,000	\$133,410 - \$660,895
1 Metropolitan New York (n=4)						4
2 Hudson Valley (n=5)	1				4	
3 Leatherstocking (n=8)	1	2	3	2		
4 North Country, including St. Regis Nation (n=7)		3	3	1		
5 Central New York (n=9)		1	4	2	2	
6 Southern Tier (n=5)		1	2		2	
7 Finger Lakes (6)			4	1		1
8 Western New York, including Seneca Nation (n=11)		1	4	2	3	1
9 Capital Region (n=4)				3	1	
(n=59 AAAs)	2	8	20	11	12	6

Table 2 shows that, for the survey's 12-month period, the total amount of Title III-B funding allocated for legal assistance across all 59 Area Agencies totaled \$2,367,831.

<b>Table 2</b> <b>Legal Assistance Program</b> <b>Total Title III-B Funds, by AAA Caucus Region</b> <b>(n = Number of AAAs Receiving III-B Funds)</b>	
Caucus Region	Total Title III-B Funding For Each Caucus Region
1 Metropolitan New York (n=4)	\$1,218,494
2 Hudson Valley (n=5)	\$121,123
3 Leatherstocking (n=8)	\$59,059
4 North Country, including St. Regis Nation (n=7)	\$47,003
5 Central New York (n=9)	\$139,185
6 Southern Tier (n=5)	\$71,604
7 Finger Lakes (6)	\$226,675
8 Western New York, including Seneca Nation (n=11)	\$404,559
9 Capital Region (n=4)	\$80,128
(n=59 AAAs)	\$2,367,831

For the Legal Assistance Program, a “unit of service” is equal to one hour. 54 of the 59 AAAs reported the number of units provided with Title III-B funding during the survey’s 12-month period.

Table 3 shows that units of service provided, as well as the average amount of Title III-B funds spent per unit of service, vary significantly among AAAs.

This diversity reflects population and funding differences, but also reflects the variation among AAAs' Program emphasis. For example, some AAAs may choose to reach the greatest number of people and will focus Program resources on information and referral and community educational forums, while others may focus resources on providing more time-intensive assistance (for example, client representation in court) for fewer numbers of clients.

Caucus Region	Units of Service Using III-B Funds	Average Amount of III-B Funds Per Unit of Service
1 Metropolitan New York (n=4)	22,251	\$55
2 Hudson Valley (n=5)	1,622	\$75
3 Leatherstocking (n=7)	7,153	\$7
4 North Country, including St. Regis Nation (n=7)	1,117	\$42
5 Central New York (n=9)	2,306	\$60
6 Southern Tier (n=5)	1,045	\$69
7 Finger Lakes (5)	751	\$59
8 Western New York, including Seneca Nation (n=10)	12,725	\$30
9 Capital Region (n=2)	775	\$35
(n=54 AAAs)	49,745	\$42

**County government funding:** The St. Regis and Seneca Tribal Nations are not part of county government and not eligible for county funds.

Of the remaining 57 AAAs, 26 (46%) reported receiving and allocating county government funds for the Legal Assistance Program. Over half (31, or 54%) allocated *no* county government funding for the Program.

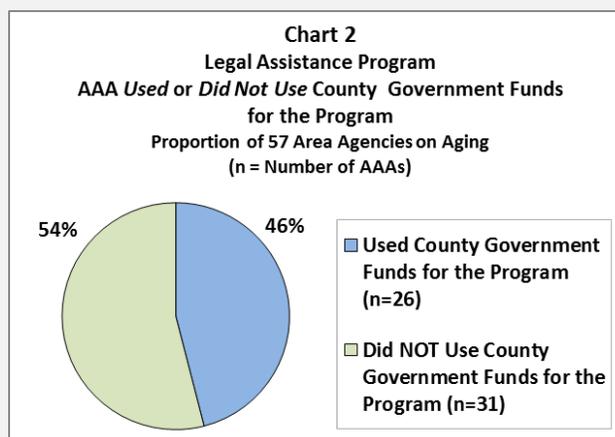


Chart 3 shows the dramatic differences in *amounts* of county government funding allocated to the Program across the 26 AAAs—ranging from \$406 - \$1.45M.

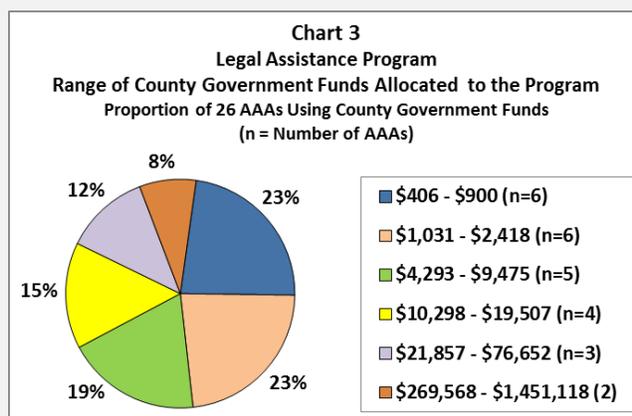


Table 4 shows the differences in county government funding among the various geographic areas of the State (AAA Caucus Regions)—ranging from a total of \$1,775 in the Finger Lakes Region to \$1.8M in the Metropolitan New York Region.

Column 3 in Table 4 shows that amounts of government funding also vary significantly *within* Caucus Regions. For example, among the 4 AAAs receiving county government funds in the Western New York Region, government funding ranges from \$2,418 - \$76,652; among the 4 receiving government funds in the Metropolitan New York Region, funding ranges from \$21,857 - \$1.45M.

Caucus Region	Total County Gov. Funds	Range of County Gov. Funds
1 Metropolitan New York (n=4)	\$1,783,850	\$21,857 – \$1,451,118
2 Hudson Valley (n=1)	\$19,507	\$19,507
3 Leatherstocking (n=4)	\$12,500	\$780 - \$9,006
4 North Country (n=2)	\$19,569	\$4,694 - \$14,875
5 Central New York (n=4)	\$8,523	\$670 - \$4,293
6 Southern Tier (n=4)	\$23,305	\$406 - \$11,570
7 Finger Lakes (2)	\$1,775	\$875 - \$900
8 Western New York (n=4)	\$95,515	\$2,418 - \$76,652
9 Capital Region (n=1)	\$1,920	\$1,920
(n=26 AAAs)	\$1,966,464	\$406 -1,451,118

Of the 26 AAAs allotting county government funds to the Program, 6 did not report units of service provided with these funds.

For the remaining 20 AAAs, Table 5 shows that the units of legal assistance provided vary dramatically (ranging from 7 units – 21,207), as does the average amount of county resources expended per unit of service (ranging from \$14 per unit of service to \$125 per unit).

Caucus Region	Units of Service Using County Gov. Funds	Average Amount of County Gov. Funds Per Unit of Service
1 Metropolitan New York (n=3)	21,207	\$82
2 Hudson Valley (n=1)	193	\$101
3 Leatherstocking (n=3)	856	\$14
4 North Country (n=1)	358	\$42
5 Central New York (n=4)	82	\$104
6 Southern Tier (n=4)	223	\$105
7 Finger Lakes (1)	7	\$125
8 Western New York Nation (n=3)	1,825	\$49
9 Capital Region (n=0)	-	-
(n=20 AAAs)	24,751	\$42

**Total funding—all sources:** AAAs were asked to report the total sources of funding allotted to their Legal Assistance Programs.

Total funding included: federal Older Americans Act Title III-B and Title III-E funds, county government funds, New York State Community Services for the Elderly Program funds, any other federal or state funds, and any other supplemental funding sources.

Table 6 shows the distribution of total Program funds among the nine geographic areas of the State, as well as the wide *range* of total Program funds among the AAAs, both *among* Caucus Regions (ranging from \$69,304 - \$3M) and *within* each Caucus Region (Column 3).

<b>Table 6</b> <b>Legal Assistance Program</b> <b>Total Program Funds* Allocated to the Program,</b> <b>by AAA Caucus Region</b> <b>(n = Number of AAAs)</b>		
Caucus Region	Total Program Funds Per Region	Range of Total Program Funds Per Program
1 Metropolitan New York (n=4)	\$3,006,539	\$218,567 - \$2,112,013
2 Hudson Valley (n=5)	\$161,430	\$20,696 - \$46,910
3 Leatherstocking (n=8)	\$72,559	\$2,387 - \$18,050
4 North Country, including St. Regis Nation (n=7)	\$69,304	\$5,701 - \$16,875
5 Central New York (n=9)	\$154,033	\$4,468 - \$55,000
6 Southern Tier (n=5)	\$109,268	\$3,800 - \$56,006
7 Finger Lakes (6)	\$245,950	\$6,580 - \$199,500
8 Western New York, including Seneca Nation (n=11)	\$570,745	\$5,000 - \$382,519
9 Capital Region (n=4)	\$82,048	\$13,000 - \$36,000
(n= 59 AAAs)	\$4,471,876	\$2,387 - \$2,112,013
*Total Program Funding includes: Older Americans Act Title III-B and Title III-E, County Government, Community Services for the Elderly (CSE) Program, Other Federal or State Sources, and Other Supplemental Sources.		

**Clients; Units of Service:**

**Total clients:** 53 AAAs reported their total number of clients served (8,341 clients for 53 AAAs). According to the 2010 Census, the total population aged 60 and older for these 53 counties was 2,122,010. Total clients served was .4% of the population aged 60 and older. Among the 53 counties, the proportion of the older adult population served ranged from .2% - .6%.

**Units of service:** There is much diversity among the 59 AAAs in how each implements its Legal Assistance Program, and this diversity affects the average number of hours (units of service) devoted to each client. For example, some AAAs may devote their Program resources to only providing information and referral, others focus resources on developing wills and other documents, and others may spend resources on representing clients in court or administrative hearings.

13 of the 59 AAAs did not report their units (hours) of service for each one of their reported sources of funds.

For the 46 AAAs that reported units of service delivered for all their combined Program funding, Table 7 shows the total units of Program service provided and the average amount of *total funds* spent per unit of service.

<b>Table 7</b> <b>Legal Assistance Program</b> <b>Units of Service Delivered with Total Program Funds,</b> <b>by AAA Caucus Region</b> <b>(n = Number of AAAs Reporting Units of Service For All Funding Sources)</b>		
Caucus Region	Units of Service for All Program Funds	Average Amount of Total Program Funds Per Unit of Service
1 Metropolitan New York (n=2)	9,363	\$66
2 Hudson Valley (n=4)	1,571	\$73
3 Leatherstocking (n=6)	7,436	\$8
4 North Country, including St. Regis Nation (n=6)	1,454	\$43
5 Central New York (n=8)	2,044	\$63
6 Southern Tier (n=5)	1,357	\$81
7 Finger Lakes (4)	565	\$66
8 Western New York, including Seneca Nation (n=9)	15,248	\$34
9 Capital Region (n=2)	775	\$35
(n=46 AAAs)	39,813	\$35
*Total Program Funding includes: Older Americans Act Title III-B and Title III-E, County Government, Community Services for the Elderly (CSE) Program, Other Federal or State Sources, Other Supplemental Sources		

For the 43 AAAs that reported *both* their total units of service for each source of funding *and* their total clients, Table 8 shows that, overall, the 43 AAAs spent an average of 4 units (hours) of service per client; however, the diversity of approaches to program-implementation is reflected in the range of units/hours spent per client— .6 of an hour (or 36 minutes) to 27 hours.

<b>Table 8</b> <b>Legal Assistance Program</b> <b>Number of Units* of Service Per Client</b> <b>(n = 43 AAAs That Reported Both Total Units of Service and Total Clients)</b>		
Average Units (Hours) of Service Per Client	Range of Units (Hours) of Service Per Client	Median** Units (Hours) of Service Per Client
4	.6 - 27	3
*A unit of service is defined as one hour. **Median: Half the AAAs spent fewer than 3 hours per client, and half spent more than 3 hours per client.		

53 AAAs reported *both* their total Program funding *and* their total clients served.

Table 9, Column 3, shows that average total Program funds spent per client ranges from \$86 to \$475.

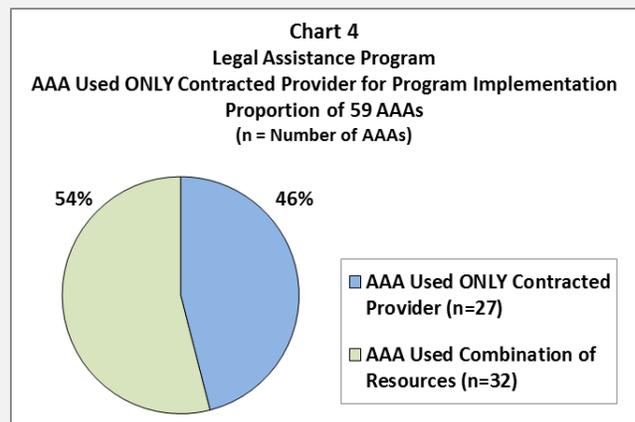
<b>Table 9</b> <b>Legal Assistance Program</b> <b>Average Total Program Funding* Per Client Served,</b> <b>by AAA Caucus Region</b> <b>(n = Number of AAAs That Reported</b> <b>both Total Funding and Total Clients Served)</b>		
Caucus Region	Total Program Funding	Average Total Program Funding Per Client
1 Metropolitan New York (n=3)	\$894,526	\$475
2 Hudson Valley (n=5)	\$161,430	\$142
3 Leatherstocking (n=6)	\$57,013	\$102
4 North Country, including St. Regis Nation (n=7)	\$69,304	\$124
5 Central New York (n=8)	\$99,033	\$187
6 Southern Tier (n=5)	\$109,268	\$232
7 Finger Lakes (5)	\$46,450	\$150
8 Western New York, including Seneca Nation (n=10)	\$557,189	\$287
9 Capital Region (n=4)	\$82,048	\$86
(n=53)	\$2,076,261	\$249

\*Includes funds from: Older Americans Act Title III-B and Title III-E, County Government, Community Services for the Elderly (CSE) Program, Other Federal & State Programs, and Other Supplemental Sources.

**AAA’s program staffing:**

**Types of help carrying out the Program:**  
 The 59 AAAs reported using differing means for carrying out the tasks and services necessary to implement the Legal Assistance Program.

Chart 4 shows that 46% used only contracted Providers, and 54% used a combination of contracted providers and other resources.



For the 32 AAAs using other resources *in addition to* contracted Providers for Program implementation, Table 10 shows that very few used *non-paid* (pro bono attorneys and paralegals and volunteers) resources.

The greater majority (25 AAAs) used *only* the AAA's paid staff in addition to contracted Providers, while 7 reported supplementing contracted Providers with three types of non-paid resources.

<b>Table 10</b> <b>Legal Assistance Program</b> <b>Resources Used for the Program Other Than Contracted Providers</b> <b>(n = 32 AAAs)</b>	
<b>Resource Used</b> <b>In Addition to Contracted Provider</b>	<b>Number of AAAs</b> <b>Using Type of Resource</b>
Only AAA Paid Staff	25
AAA Paid Staff and Pro Bono Attorneys	4
AAA Paid Staff and Pro Bono Attorneys and Pro Bono Paralegals	1
AAA Paid Staff and Volunteers	1
Only Pro Bono Attorneys	1

**Contracted legal services Providers:**

The 59 AAAs have contracts with 51 Providers; several Providers have contracts with multiple AAAs, and several AAAs have contracts with multiple Providers:

- 46 AAAs contract with 1 Provider
- 11 contract with 2 Providers
- 1 contracts with 3 Providers
- 1 contracts with 5 Providers.

**Type of Provider:** AAAs contract with various types of Providers to deliver the Legal Assistance Program's services. For the greatest proportion (55%) of AAA Program contracts (22 AAAs), the Provider is a sole practitioner attorney. Other Provider types include law firms, non-profit agencies whose only service is legal assistance, and community-based multi-service organizations; one AAA contracts with a law school legal clinic. The different types of Providers are not concentrated in any specific Caucus Region(s), but are spread across all Regions.

25 AAAs (27 contracts) reported that their contracted Provider is also a national Legal Services Corporation (LSC) grantee. LSC is an independent 501(c)(3) nonprofit corporation that is headed by a bipartisan board of directors who are appointed by the President and confirmed by the Senate. LSC is the single largest funder of civil legal aid for low-income Americans in the U. S. LSC promotes equal access to justice by awarding grants to legal services providers through a competitive grants process, conducting compliance reviews to oversee program quality and compliance with statutory and regulatory requirements, and by providing training and technical assistance to programs. More than 90% of its funding is distributed to 134 nonprofit Legal Aid programs with more than 800 offices across the country.

LSC encourages programs to leverage their limited resources by partnering and collaborating with other funders of civil legal aid, including state and local governments, Interest on Lawyers' Trust Accounts (IOLTA), access to justice commissions, the private bar, philanthropic foundations, and the business community.

**Provider-selection method:** AAAs used various, and sometimes multiple, methods for selecting contracted Providers. 38 AAAs reported using a "sole source" procurement process for contracts, and 24 reported using a competitive procurement process. 9 AAAs relied upon a long-term contractual relationship to continue contractual arrangements.

**Selection criteria:** Respondents were asked to choose, from a list of 18 criteria, the top five they used as a basis for selecting Providers for the Legal Assistance Program.

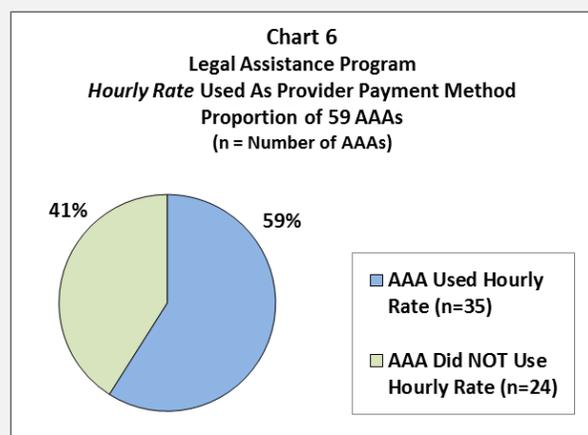
Answers were aggregated, and the 8 criteria chosen most often by AAAs are shown in Table 12. Between 2 and 12 AAAs ranked one or more of the remaining 10 criteria among their top five.

The two criteria reported by the greatest proportions of AAAs—"expertise in law affecting clients in economic need (78%)" and "expertise in law affecting clients in social need (68%)"—reflect the Program's federal implementation guidelines.

Selection Criteria	Number of AAAs (% of AAAs)
Contractor had expertise in areas of law affecting older adults in <i>economic need</i>	46 (78%)
Contractor had expertise in areas of law affecting older adults in <i>social need</i>	40 (68%)
Contractor could provide effective legal assistance to <i>isolated or homebound</i> older adults	33 (56%)
Contractor provided legal assistance in the most <i>cost-effective manner</i>	31 (53%)
Contractor could provide <i>effective representation</i> in court or administrative hearings in areas of law affecting older adults in economic need	22 (37%)
Contractor had offices and/or outreach sites that were <i>convenient and readily accessible</i> to all or most older adults in the community	21 (36%)
Contractor was <i>willing to travel</i> to outreach sites designated by the AAA	16 (27%)
Contractor was willing to travel to <i>clients' homes</i> .	16 (27%)

**Provider reimbursement method:** Chart 6 shows that a majority (35, or 59%) of AAAs stated that they reimburse their contracted Providers on an hourly rate basis.

Among the 24 that did *not* use an hourly rate basis, alternative reimbursement methods included: a stipulated annual amount to be used as cases arose (which could be exhausted before the end of the contract period), and a stipulated annual amount for a set number of days disbursed throughout the contract period.



Among the 35 AAAs that use an hourly reimbursement rate, Table 13 shows that the rates across 49 Provider contracts range widely from \$25 - \$215, with a median hourly rate of \$60.

The highest median rate (\$100) was among contracts in the Hudson Valley Region, and the lowest median rates were among contracts in the North Country Region (\$37.50) and the Metropolitan New York Region (\$39).

	<b>Median Hourly Rate</b>	<b>Range of Hourly Rate</b>	<b>Average Hourly Rate</b>
1 Metropolitan New York (n=5)	\$39	\$28 - \$57	\$41
2 Hudson Valley (n=7)	\$100	\$50 - \$215	\$113
3 Leatherstocking (n=9)	\$50	\$25 - \$60	\$48
4 North Country, including St. Regis Nation (n=6)	\$37.50	\$30 - \$150	\$58
5 Central New York (n=8)	\$65	\$50 - \$125	\$74
6 Southern Tier (n=4)	\$67	\$45 - \$70	\$62
7 Finger Lakes (5)	\$70	\$25 - \$125	\$71
8 Western New York, including Seneca Nation (n=5)	\$55	\$40 - \$75	\$60
9 Capital Region (n=0)	-	-	-
(n=35 AAAs) 49 Contracts	\$60*	\$25 - \$215	\$67

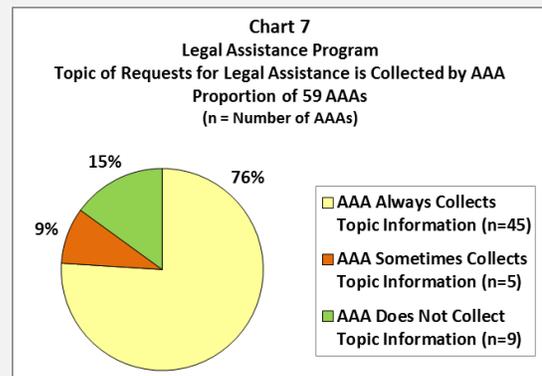
\* Hourly rate was below \$60 for half the 49 contracts, and above \$60 for half.

**Section IV**  
**Requests for Legal Assistance**

**Consumers' Issues/Topics:**

**Recording consumers' requests for legal assistance:** As shown in Chart 7, most AAAs (45, or 76%) report that they "Always" collect/record the types of issues/topics presented by consumers who request legal assistance.

14 (or, 24%) collect this information only "Sometimes" or "Not At All."



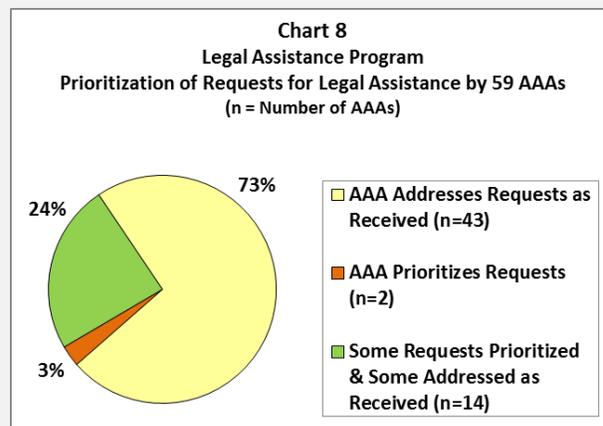
**Issues presented by older adults and their caregivers:** From a list of 42 topics, respondents were asked to indicate all the topics that consumers presented to the AAA for assistance during the survey year. Table 14 shows that, for the 50 AAAs that collect/report this information "Always" or "Sometimes," findings illustrate the great variety of issues confronting older adults or their caregivers, which affirms findings reported in the *Legal Services Initiative's* other surveys.

<b>Table 14</b> <b>Legal Assistance Program</b> <b>Topics Presented to the AAA by Consumers Requesting Legal Assistance</b> <b>Number of AAAs Reporting the Issue/Topic</b>	
Issue/Topic	Number of AAAs Reporting the Issue/Topic Presented by Consumers for Assistance
Retirement planning:	
Power of attorney	44
Advance directives, health care proxy	39
Wills and trusts	39
Defense of guardianship	9
Estate planning, probate, etc.	3
Debt issues:	
Credit cards; bill collectors	41
Bankruptcy	29
Consumer contracts and consumer protection	20
Public benefits:	
Social Security, food stamps, HEAP, etc.	40
Medicaid	34
Rental housing:	
Landlord/tenant issues, fees or charges, condition of living unit, neighbors, safety, harassment, heat or water, etc.	39
Eviction	33
Utilities	15
Discrimination	8
Homeownership:	
Foreclosure, eviction, credit counseling, etc.	35
Mortgage, liens, line-of-credit, reverse mortgage, etc.	33
Taxes (property, school, etc.)	20
Repairmen, neighbors, safety, zoning, install Elder Cottage or Accessory Apartment, renting out a room, etc.	19
Utilities	11
Deed adjustments, property transfers	3
Discrimination	2
Long-term care:	
In-home or community-based services	12
Adult home, Enriched Housing, or assisted living issues	14
Nursing home issues	25

Insurance and taxes:	
Health insurance—Medicare; private health insurance, etc.	29
Other insurance—COBRA, Life insurance, long-term care insurance, retirement insurance, etc.	5
Income tax	11
Abuse or neglect:	
Financial exploitation or abuse	32
Mental or emotional abuse	10
Physical abuse	5
Discrimination—gender, sexual orientation, religion, race, age, etc.	4
Fraud or scams:	
Fraud—Social Security, contractors, identity theft, home repair, referral to District Attorney, etc.	9
Marketers—telephone, door-to-door, mail, etc.	17
Employment:	
Pensions—employment, or railroad, or veterans benefits	22
Salary, wages, benefits	3
Unemployment and related issues	4
Discrimination	7
Harassment	1
Family law—divorce, permanency planning, foster care, adoption, trouble with family members, caregiving, name change, etc.	21
Miscellaneous:	
Traffic tickets, arrests, criminal activity	6
Immigration	1
Unspecified other topics	13

**Prioritizing requests:** 59 AAAs reported on whether they use a prioritizing process for requests received.

Chart 8 shows that an overwhelming proportion (73%) of AAAs do *not* prioritize requests, but address requests as they are received.



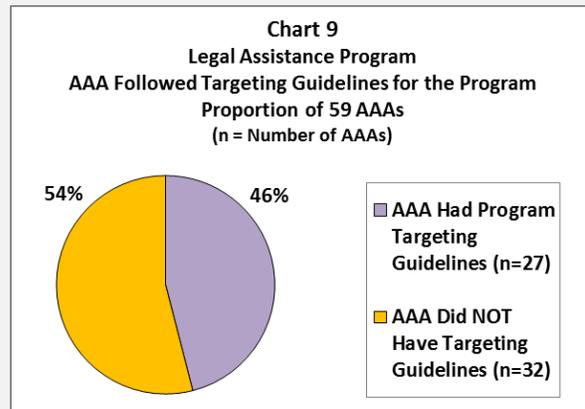
The 16 AAAs that reported *prioritizing* requests "Always" or "Sometimes" were asked to rate the importance of various factors in their prioritizing process.

Table 15 shows that the factor given the most (High) weight by the most (14) AAAs was "Client is experiencing a crisis/urgency, such as being scheduled for surgery, spouse is terminal, imminent eviction, etc."

<b>Table 15</b> <b>Legal Assistance Program</b> <b>AAA's Weighting of Factors for Prioritizing Legal Assistance Requests</b> <b>(n = Number of AAAs)</b>			
Factor	Number of AAAs Assigning Weights to Each Factor		
	Low	Medium	High
Client is experiencing a crisis/urgency, such as scheduled for surgery, spouse is terminal, imminent eviction, etc. (n=16)	1	1	14
Client is someone who is least able to obtain legal assistance elsewhere (n=16)	2	6	8
Request meets one of the AAA's high priority topics/issues (n=14)	1	5	8
Request centers on gaps in service/care needed by the client (n=16)	2	11	3
Request meets expressed prioritized need of the overall community, as shown by a survey, public hearing, community call center, forum, etc. (n=15)	7	7	1

**Targeting guidelines for the Program:** AAAs were asked if they employed targeting guidelines for the Legal Assistance Program.

Chart 9 shows that a little under half (46%) *did* follow targeting guidelines in providing legal assistance services. A slight majority (54%) of AAAs reported that they did *not* employ targeting guidelines but, instead, addressed requests as they were received.



26 AAAs described their targeting guidelines, with most of the 26 reporting multiple target areas. The greatest proportion reported that they follow the targeting guidelines stipulated in the federal Older Americans Act (OAA), which includes "older adults aged 60 and older who are in greatest social and economic need, and including those who are frail, have physical or mental disabilities, live in rural areas, or are members of minority populations." Several AAAs abbreviated their reported guidelines to "age and income" or "the New York State Standards for the Legal Assistance Program"—both of which reflect the OAA guidelines.

A number of AAAs also included a focus on older adults who are culturally, socially, or physically isolated, or who are non-English-speaking or have other language barriers. Several reported guidelines that include older adults who are institutionalized or are residents of nursing homes, assisted living facilities, or adult homes. Several included older adults with chronic health conditions, are victims of various types of abuse or exploitation, or are proposed for guardianship. Several specified those living below a subsistence income level, are homeless, or have no access to other legal assistance.

One AAA reported targeting debt-relief issues, one specified Medicaid and Medicare issues, one has guidelines requiring U. S. citizenship and county residency, and one reported “elder law only.” While the AAA Program provides assistance for *civil* matters, one AAA specifically reported that they target “non-criminal matters.”

**AAA’s process for addressing requests:** Respondents were asked to report on the process they used to assist residents who requested legal assistance. 52 reported using multiple procedures; only 7 used 1 procedure.

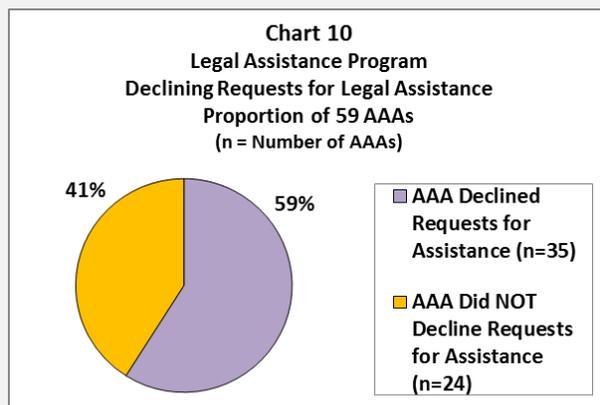
In Table 16, 58 of the 59 AAAs reported that they referred requests to the contracted Provider. A substantial majority (42) referred requests to state and local Bar Associations, and a large number (39) referred requests to the Legal Aid Society.

<b>Table 16</b> <b>Legal Assistance Program</b> <b>AAA's Process for Addressing Requests for Legal Assistance</b> <b>(n = 59 AAAs)</b>	
Process	Number of AAAs Using Each Method
Referred requests to the AAA’s contracted provider	58
Referred requests to the New York State Bar Association(21) or local Bar Association (21)	42
Referred requests to the Legal Aid Agency/Society	39
Referred requests to New York Connects for further referrals	22
Provided the caller with a list of paid attorneys	20
Co-sponsored community law forums	20
Publicized law forums conducted by other organizations	20
Encouraged Senior Centers to provide educational legal programs	14
Provided the caller with a list of pro bono attorneys	9
Provided community law events, informational sessions, workshops, law day presentations, or legal materials	6
Informed the caller that legal services were not available through the AAA	5
Referred requests to the NY State Attorney General’s Office	1
Referred callers under age 60 to the NY State Bar Association, non-profit legal programs, or other appropriate resources	1

**Declining requests for legal assistance:**

Respondents reported whether they declined any requests for legal assistance during the 12-month survey period.

Chart 10 shows that a majority (35, or 59%) of respondents were unable, for a variety of reasons, to serve some requests for assistance during the survey period.



Of the 35 who reported being unable to serve some requests for legal assistance, Table 17 shows that the reason cited most often (32 AAAs) was that "the Issue presented did not fall within the AAA's priorities for the Legal Assistance Program."

The reason cited second most often (16 AAAs) was that "the cost to address the request was too great relative to the AAA's total Program resources."

Among the 13 reasons cited, 7 were related to limited Program resources.

<b>Table 17</b> <b>Legal Assistance Program</b> <b>Reasons AAA Declined Requests for Assistance</b> <b>(n = 35 AAAs)</b>	
Reason	Number of AAAs Reporting Each Reason
Issue presented did not fall within AAA's priorities for the Legal Assistance Program	32
Cost to address the request was too great relative to AAA's total Program resources	16
Determined that person making the request did not need <i>legal</i> assistance	12
Another program, agency, or source was able to provide the requested assistance	12
The contracted provider's available resources for the Program were not sufficient to the address the request	9
Client did not meet eligibility requirements	7
Client was eligible for, but other requests had more immediate need for legal assistance	4
Contracted provider's area of expertise did not cover topic of request	3
Program funds were exhausted	3
Provider was not available—all booked up	2
Provider was not available—personal reasons	1
Conflict of interest by provider	1
Client needed court representation, but contract did not permit it	1

<p><b>Section V</b>  <b>Use of Program Resources</b></p>
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**Program tasks and services:** 58 AAAs reported on the proportion of their total Program resources that were used for six tasks/services associated with carrying out the Legal Assistance Program.

Table 18 shows that 57 of the 58 AAAs used Program resources for attorney services. While the proportion of resources allotted for attorney services varies significantly (ranging from 45% - 100% of a AAA's total resources, with one AAA spending no Program funds on attorney services), the median proportion (95%) reflects the 24 AAAs that allotted 100% of their total Program funds to this service.

<b>Table 18</b> <b>Legal Assistance Program</b> <b>Use of Total Program Resources,* by Program Task/Service</b> <b>(n = 58 AAAs)</b>				
<b>Legal Assistance Program Task/Service</b>	<b>Number of AAAs Allotting Program Resources to Each Task/Service</b>		<b>Range: Minimum &amp; Maximum Proportion of Total Program Resources Allotted by the AAAs Using Funds for the Task/Service</b>	<b>Median Proportion of Total Program Resources Allocated to Each Task by AAAs Using Funds for the Task/Service</b>
	<b>Allotted Resources</b>	<b>Allotted NO Resources</b>		
Attorney Services	57	1	45% - 100%	95%
Information & Referral/Assistance	25	33	1% - 27%	5%
Secretarial, Clerical, and Other Support Tasks	25	33	1% - 33%	5%
Administrative Tasks	27	31	1% - 33%	4%
Community Training and Education Events	15	43	1% - 33%	3.5%
Other (Reported as Rent, Parking, Supplies, Travel, Building Usage)	2	56	12% - 13%	12.5%
*Total Program Resources includes monetary, non-monetary, agency staff, and contracted Provider				

***Client-representation in court or hearings:***

Client-representation in court proceedings or administrative hearings uses a great deal of Program resources and, as a result, has an impact on the total number of clients that can be served under the Program, as well as the level or amount of service provided to any one client.

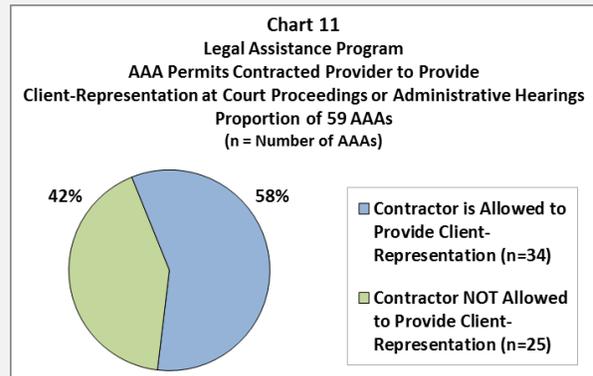
**Client-representation by AAA staff:** 35 respondents reported whether Program funds were spent for *AAA staff* to provide client-representation.

Of these 35, 33 reported spending *no* Program funds for AAA staff to represent clients in court proceedings or administrative hearings.

One reported spending 5% of Program funds, and one reported spending 2% on this specific service.

**Client-representation by the contracted Provider:** 59 AAA respondents reported whether their contractual arrangements permitted the contracted Provider to provide “client-representation.” As a means of stretching limited Program dollars to cover more clients, some AAAs contractually prohibit the contracted provider from using Program resources for this specific service.

As shown in Chart 11, 34 AAAs (58%) allow contracted Providers to provide client-representation, and a substantial proportion (25 AAAs, or 42%) do not allow the use of Program dollars for this specific service.



**Provider's resources devoted to client-representation:** 22 AAAs provided information about the proportion of the Provider’s Program services that were spent on representing clients in court or hearings.

As shown in Table 19, these 22 reported that contracted Providers spent an average of 15% of Program resources on client-representation, with the proportion of allocated resources ranging from 0% - 54%. A more meaningful understanding of the amount of client-representation in the Legal Assistance Program is shown by the *median* proportion: half of the AAA's contracts allocated less than 7.5% of their Program resources on client-representation, and half the contracts allocated more than 7.5% on client-representation.

<b>Average Proportion of Provider's Program Resources Allocated to Client-Representation</b>	<b>Range: Minimum &amp; Maximum Proportion of Provider's Program Resources Allocated to Client-Representation</b>	<b>Median: Half the AAAs Reported the Proportion of Provider's Program Resources Allocated to Client-Representation as Below 7.5%, and Half Reported the Proportion as Above 7.5%</b>
15%	0% - 54%	7.5%

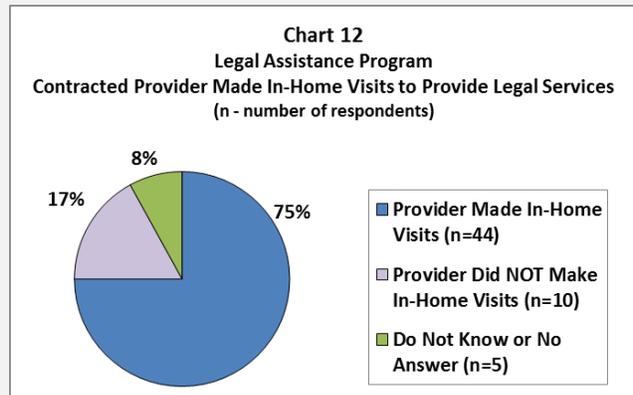
***In-home delivery of legal assistance:***

“Home” included the client's own home, a family member's home, senior residence, long-term care or health facility, assisted living, hospital, and other options where older adults might be living. The intent of the question is to determine the extent to which Program Providers travel to where the client is living rather than requiring the client to travel to where the Provider is located in order to receive legal services.

**Home visits—AAA Program staff:** Respondents were asked whether any AAA Program staff made home visits to provide legal assistance, and 2 reported that Program staff *did* make home visits to provide this service.

**Home visits—contracted Providers:** Chart 12 shows that 44 (75%) AAAs reported that their contracted Providers make "home" visits as part of their delivery of legal assistance.

10 respondents (17%) reported that their Providers did *not* make home visits, and 5 (8%) were unaware of whether their Providers make home visits.

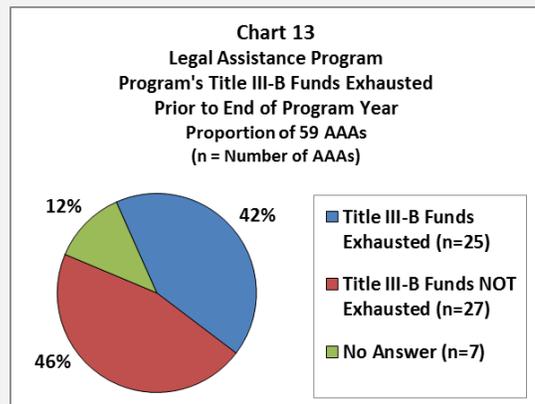


**Section VI**  
**Sufficiency of Program Resources**

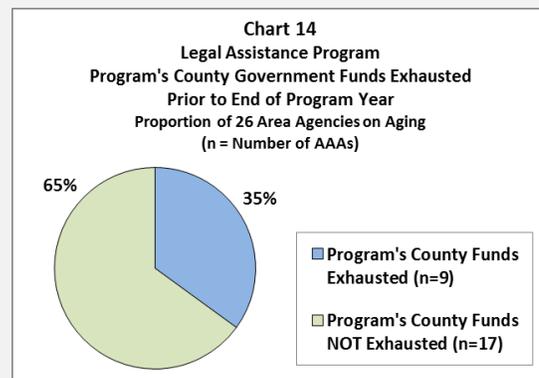
**Program funds exhausted:**

Federal Title III-B funds and local County Government funds are the major sources of funding for the Legal Assistance Program. Respondents were asked if these funds were sufficient to address all requests for legal assistance during the Program's fiscal year.

**Title III-B funds:** For many AAAs, the amount of Title III-B funds allotted for the Program is very modest, and Chart 13 shows that, for almost half the AAAs (25, or 42%), these funds were exhausted before the end of the Program year.



**County government funds:** 26 AAAs reported receiving and allocating county government funds to the Legal Assistance Program. Chart 14 shows that, of these 26, 17 (65%) reported that the Program's allotment of county government funding was *not* exhausted before the end of the Program's fiscal year. However, county funds *were* exhausted prior to the end of the year for 9 (or, 35%) of those AAAs.



More clarification is needed to understand if some AAAs designate a specific amount of their Agency's *total* county government funds to the Legal Assistance Program (which may or may not be exhausted prior to the end of the year), or whether some AAAs continue to pull monies from their Agency's overall *total* county government funds to use for the Program as funds are needed when other Legal Assistance Program resources are exhausted.

**“Other” Program funds:** 15 AAAs allocated funds to the Program from "Other" sources. However, as noted earlier, one AAA used \$359,078 of American Recovery and Reinvestment Act funds for the Program, which has been eliminated (as an outlier) from the analysis of survey findings because its use by only one AAA, its very substantial amount, and its temporary nature (rather than a stable funding source) would skew the overall findings.

The remaining 14 AAAs allocated a total of \$137,581 to the Program from Other sources. Of these 14, 9 used funds from New York State's Community Services for the Elderly (CSE) program, 2 utilized Federal Title III-E funds, and 7 used various supplemental funding sources.

Table 20 shows the number of AAAs that exhausted their "Other" funds prior to the end of the Program year. Again, further clarification is needed to understand whether AAAs specify a specific amount of their total CSE funds and total Title III-E funds for the Legal Assistance Program, or whether they pull funds from both these sources as they are needed to cover requests under the Legal Assistance Program.

<b>Table 20</b> <b>Legal Assistance Program</b> <b>Program’s “Other” Funding Resources Exhausted Prior to End of Program Year</b> <b>(n = number of AAAs)</b>			
<b>Funding Source</b>	<b>Number of AAAs Whose Funding Was Exhausted</b>	<b>Number of AAAs Whose Funding Was NOT Exhausted</b>	<b>No Answer</b>
NY State Community Services for the Elderly (n=9)	3	4	2
Federal Older Americans Act Title III-E (n=2)	0	2	-
Other Supplemental Funds, including donations and attorney-match (n=7)	3	1	3

**Strategies employed:** 25 AAAs reported the responses or strategies they used to address requests for legal services when some or all funding resources for the Program were exhausted.

The variety of strategies employed is shown in Table 21.

**Table 21**  
**Legal Assistance Program**  
**AAA Responses or Strategies Employed When Program Resources Are Exhausted**  
**(n = 25 AAAs)**

Response/Strategy	Number of AAAs Reporting Each Response
Requests are held over, put on waiting list, and taken care of as soon as possible in the next funding year.	8
Referrals to the local area's Legal Aid Society.	6
Referrals to local legal services organizations or Center for Dispute Settlement.	5
Requests received when funding is gone are serviced by the contracted provider on a pro bono basis.	4
AAA caseworker, services coordinator, field staff, HIICAP counselor assist clients when it is possible for them to resolve the case.	4
When funding is gone, AAA provides callers with a list of private attorneys.	3
Works with local elder law panel of volunteer attorneys or other pro bono attorneys.	2
Referrals to the NY State Bar Association's Referral Line.	2
Referral to the County Bar Association.	1
Referral to NY State Attorney General's office.	1
Referrals to AAA's partner agencies.	1
Contracted provider is paid a stated annual amount and serves all requests regardless of number of clients or amount of time involved.	1
Provider's contract stipulates a set amount of funding and a set number of service days distributed throughout the year. When those are exhausted, additional requests are referred to other community sources—but no follow-up is made to assure their needs are met.	1
The County Government overmatches the federal Title III-B funds by a substantial amount, which allows all requests to be served.	1
Works with local attorneys who agree to provide services at reduced rate	1
AAA re-allocates funding to the Program from other AAA sources.	1
Can no longer provide lists of attorneys who would take lower-income people due to county policy and liability concerns.	1

**Section VII**  
**AAA/Provider Relationship**

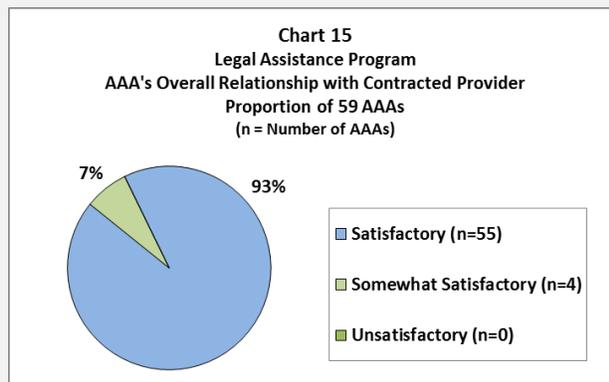
AAAs were asked to assess their relationship with their contracted Providers regarding a number of factors.

Table 22 shows that the AAAs rated the greater majority of factors in their relationship with Providers as "Very Good" or "Good."

<b>Table 22</b> <b>Legal Assistance Program</b> <b>AAA's Rating of Contract Providers for 12 Factors, by Rating Category</b>					
Rating Factor	Proportion of AAA's Contracted Providers, by Rating Category				
	Very Good	Good	Neither Good Nor Poor	Poor or Very Poor	Do Not Know
AAA/provider negotiations about provider's size of case load	70%	17%	10%	3%	-
AAA/provider negotiations about provider's reimbursement rate	72%	17%	11%	0	-
General communication between the AAA and the provider	70%	22%	4%	4%	-
Provider's communication and interactions with Program's clients	71%	23%	3%	3%	1%
Provider's understanding of issues related to older adults	81%	18%	1%	0	-
Provider took initiative, when warranted, to contact AAA regarding client's non-legal needs	47%	29%	16%	4%	4%
Provider's maintenance of client confidentiality	91%	5%	1%	0	3%
Provider's record-keeping about the program or clients	60%	29%	4%	3%	4%
Provider met AAA's reporting requirements	59%	33%	5%	3%	-
Provider's legal skills	79%	16%	1%	0	4%
Provider's work ethic	81%	8%	0	1%	9%
Other: Attentive/responsive to client's needs; one of a kind; flexibility; takes initiative to provide services/outreach; collaboration with other resources and agencies; experience in New York State Elder Law; knowledge of the community's elderly population; and knowledge of community programs/networking	100%	0	0	0	-

**Overall relationship:** While some individual factors (in Table 22 above) are rated as less than "Good" or "Very Good," none of the AAAs rated their *overall* relationship with contracted Providers as "Unsatisfactory."

Chart 15 shows that, overall, the overwhelming majority (93%) of AAAs rated their relationships as "Satisfactory."



**Factors contributing to a satisfactory relationship:** In Table 23, 52 respondents reported the factors that contributed to sustaining a satisfactory relationship between the AAA and the contracted Provider(s).

The factor exerting the greatest impact (reported by 75% of respondents) is the flexibility of both the AAA and the Provider in adapting to circumstances when challenges and barriers arise in carrying out the Program.

<b>Table 23</b> <b>Legal Assistance Program</b> <b>Elements That Contributed to a Satisfactory Relationship</b> <b>Between the AAA and the Contracted Provider</b> <b>(n = number of AAAs)</b>	
<b>Factors Contributing to a Satisfactory Relationship</b>	<b>Proportion of 52 AAAs Reporting Each Contributing Factor</b>
Flexibility in providing services, including providing pro bono when resources are depleted, cooperative, understands AAA's low budget limitations; hourly reimbursement rate is reasonable, willing to make home visits, willing to provide services in a variety of settings (office, nursing homes, etc.), works on outreach, contacts AAA if concerned about a client, works directly with AAA staff, is easily accessible, finds other programs to serve client if AAA program cannot serve the client, increased involvement with program in repeated flat funding, goes extra distance in crisis situation (n=39)	75%
Excellent communication skills with clients and with AAA staff (n=22)	42%
Excellent work ethic, dependable, reliable, honest, meets all contractual obligations, doesn't cancel appointments, timely billing and reporting, long-time relationship with AAA, fiscally responsible, on-time/quick responses to clients & AAA, compliance with program guidelines, maintains client confidentiality, serves high volume of clients throughout the year (n=20)	38%
Provider's knowledge and expertise of aging, older adults, and the community (n=19)	37%
Program surveys and client feedback indicate excellent service & client satisfaction (n=14)	27%
Extremely responsive to clients and staff, including personal manner & courteous demeanor, sensitive to clients, empathetic to older adults and to aging issues, shows sincerity in providing services, professional behavior (n=11)	21%

**Steps taken to improve relationships:** Of the four AAAs that rated their overall relationship as "Somewhat Satisfactory," three reported the steps they took to improve the relationship. These steps included:

- Met with the provider several times to discuss issues.
- Changed the AAA's intake process in order to meet reporting needs.
- Sent the Provider contract out to bid to decrease current Provider's ability to take clients.
- Replaced the Provider with another one.
- It is a working relationship that includes on-going monitoring and evaluation of the Program, and the results are shared with the Provider.

**Section VIII  
Training / Education**

**Strategies:** Respondents were asked to rank 10 strategies from 1-10 (1=most beneficial) that could strengthen the provision of legal services to older adults.

Table 24 shows the number of AAAs that ranked each strategy (n), and shows the number of those that ranked the strategy as the Most Beneficial and the Second Most Beneficial. The strategy recommended by the greatest number of AAAs (22) as "most beneficial" or "second most beneficial" (9) is to "develop additional low-cost and no-cost legal service delivery mechanisms in order to increase affordable access to legal services."

<b>Table 24</b> <b>Legal Assistance Program</b> <b>"Most Beneficial" Strategies for Strengthening the Provision of Legal Services</b> <b>(n = number of AAAs ranking each strategy)</b>		
<b>Strategy</b>	<b>Number of AAAs Rating the Strategy as <i>Most Beneficial</i></b>	<b>Number of AAAs Rating the Strategy As the <i>Second Most Beneficial</i></b>
Develop low-cost/no-cost legal service <b>delivery mechanisms</b> as a means of increasing affordable access to legal services (n=57)	22	9
Develop <b>intake and/or assessment instruments</b> that accurately identify legal issues, as a means of increasing the ability of professional workers and consumers to recognize problems and topics that have a legal underpinning and can be addressed through legal services (n=54)	5	13
Develop <b>targeting and outreach strategies</b> to reach clients in greatest economic or social need, as well as difficult-to-reach populations (n=56)	11	6
Educate more attorneys about aging and older adults, as a means to increase the proportion of <b>pro bono services</b> provided by the contracted provider network (n=54)	8	6
Develop strategies for increasing the number of <b>AAA internal resources</b> for the Legal Assistance Program, including paid staff, volunteers, interns, and pro bono paralegals and attorneys (n=54)	8	5

Educate more attorneys about aging issues and about older adults, as a means to increase the <b>pool of attorneys</b> for the contracted provider network (n=53)	4	8
Develop <b>outcome measures</b> to assess the impact of providing legal services on the lives of older adults and their caregivers (n=54)	3	3
<p>12 AAAs suggested other strategies as being the <i>Most Beneficial</i> for strengthening the provision of legal services:</p> <ul style="list-style-type: none"> <li>• (n=2) Increase funding &amp; develop strategies to increase contracted provider's internal legal &amp; other resources.</li> <li>• (n=2) Increase Program funding to provide more seniors with legal services that are otherwise unaffordable.</li> <li>• (n=2) Increase promotional awareness regarding legal services for older adults, because many are not aware of the service.</li> <li>• (n=1) Establish case priorities that reflect local needs of the target population.</li> <li>• (n=1) Increase Program funding to keep up with increasing requests and handle waiting lists.</li> <li>• (n=1) Require law school students to have hands-on assistance to help attorneys handle large case loads.</li> <li>• (n=1) Educate caregivers about care receiver's rights—both legal and health.</li> <li>• (n=1) Presentations to the local Bar Association by the NY State Legal Assistance Developer.</li> <li>• (n=1) Increase in-house seminars on legal topics.</li> </ul>		
<p>Additional creative suggestions included:</p> <ul style="list-style-type: none"> <li>• (n=1) Facilitate communication between contracted provider and County Department of Social Services, including Adult Protective Services.</li> <li>• (n=1) Develop courses in law schools on "How to communicate with and interact with the older population."</li> <li>• (n=1) Focus education on First Responders and other professions regarding elder abuse and related topics.</li> </ul>		

**Education/training:** Respondents were asked to relate the four areas of education or training most needed by AAAs, contracted Providers, Program volunteers, and pro bono attorneys and paralegals as a means of strengthening the delivery of legal assistance under the Legal Assistance Program.

Education and training topics reported by 43 AAAs are sorted into 16 categories in Table 25.

<b>Table 25</b> <b>Legal Assistance Program</b> <b>Areas of Education/Training Reported as Most Needed by AAAs, Program Volunteers, Pro Bono Attorneys and Paralegals, and Contracted Providers as a Means of Strengthening the Program</b>	
Education/Training Category	Number of AAAs Reporting Topics in Each Category
Wills; living will; advance directives; power of attorney; health care proxy; MOLST; filing these documents; role of agent; impact on Medicaid	23
Understanding legal rights; recognizing client's need for legal services when not readily apparent; elder law; legal services available; where to find legal services; referrals; developing approaches to family issues that have a legal basis	19

Understanding aging, including: older adults, older persons' needs, aging issues, aging in place, various documents, delivery to homebound seniors, relating to seniors, implications of physical limitations; understanding changing demographics, including Alzheimer's/dementia; understanding family dynamics and changes in family relationships; communication skills with older adults	13
Education on specific topics, including: hoarding, consumer directed programs, nursing homes, hearing and vision deficits, health care initiatives, diversion program, home care, capacity/safety issues for people with dementia, age discrimination, NY Connects, caregiving/caregivers	12
Medicaid (including chronic care, nursing home) and Medicare; Affordable Care Act	10
Debt, including credit card debt; bankruptcy; handling creditors; finances; contracts	8
Abuse (elder; financial, safety in housing, sibling manipulation), including burden of proof	8
Estate planning; long-term planning, including long-term financial planning; how to think through decisions; decision-making without undue pressure by children; deeds	8
Trusts; guardianships	8
Public benefit programs, including Social Security, Veterans benefits, public assistance	6
Long-term care; LTC insurance; end-of-life decisions	5
Handouts; best practices; web resources; list serv; in-take and assessment tools to increase accessibility	5
Outreach: to law enforcement, banking professionals, immigrants, targeting groups; function of local Bar Association; coordinating with AAA programs	5
Housing issues, including foreclosure, Section 8, SCRIE, DRIE, reverse mortgage, taxes; housing education	4
Fraud, including identity theft	2
For use by providers and AAAs: ways to utilize volunteers, legal students, pro bono attorneys	2

**Optional comments:** Respondents were offered an opportunity to provide optional comments regarding the Legal Assistance Program. Comments by 11 AAAs are provided in Table 26.

<b>Table 26 Legal Assistance Program Reported Optional Suggestions for the Program</b>	
<b>Program Suggestions</b>	
Having a paralegal on the AAA Legal Assistance Program team would be invaluable, as requests are received daily from seniors about where to go for free or inexpensive legal assistance.	
This AAA is typically out of funds by June or July; assigning paralegals to the AAA to do some leg work for the contracted attorney would allow the attorney to stretch his time to see more clients.	

The contracted attorney-provider was previously a social worker, so his understanding of aging and serving older adults is broad-based and his approach to working with older adults is exemplary.
More educational sessions for older adults and caregivers regarding elder law issues is needed, as a means of raising public awareness of legal rights and issues. The AAA does not have the resources to do additional public education or to conduct additional one-on-one consultations.
More informational sessions are needed to educate the public on <i>when</i> to talk with an attorney, and, in order to get the most out of the visit, what <i>questions</i> to ask and <i>what to bring</i> to the appointment.
In one county, a non-profit Public Private Partnership for Aging Services is closely associated with the AAA and is instrumental in continuing to discover innovative ways of publicizing the Program and encouraging the community's legal professionals to provide legal services on an in-kind basis or at low-cost . . . which is increasingly important as the aging population increases significantly.
There should be greater collaboration between the AAA and the community's legal service agencies, firms, and sole-practitioner attorneys. As the baby boomers age, innovative ways of continuing to meet increasing client needs within the financial constraints of our economy could be identified through these collaborations.
A "pathway" should be established/defined to refer seniors regarding all forms of elder abuse.
A concern is raised about legal advice being given out by people other than attorneys; however, if a volunteer is providing legal advice on a <u>pro bono</u> basis, the liability concern is lessened.
Means-testing for the Program is suggested as a way of ensuring that the AAA's targeting guidelines are truly being met.
It is difficult to provide unduplicated counts of Program clients, as the contracted provider does not share names of unduplicated individuals and Program statistics are entered into our data base in groups.

**Best practice programs:** 14 AAAs provided their contact information in response to an optional request to include their Legal Assistance Programs as best practice models in training events or manuals developed by the aging network, the New York State Legal Assistance Developer, or a workgroup established under the *Legal Services Initiative*. These 14 contacts were shared with Legal Assistance Developer, which is located in the New York State Office for the Aging.