

## ***Report of Findings***

### **Part 5**

#### **Statewide Survey of LEGAL SERVICES PROVIDERS, Aging Network's Legal Assistance Program**

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## Section I Introduction

### **Background:**

New York's statewide community-based aging services network includes 59 Area Agencies on Aging (AAAs). As mandated by the federal Older Americans Act, each AAA administers a Legal Assistance Program for older adults aged 60 and older. Typically, AAAs do not have attorneys on staff to directly provide assistance under the Program, but, instead, contract with one or more Providers (local attorneys, law firms, and/or community organizations providing legal assistance) to respond to requests for legal help from older clients and their caregivers. Across the State, a total of 51 Providers are under contract by AAAs to deliver the Legal Assistance Program's mandated services.

This survey of contracted Providers is an exploratory study and is one of six statewide surveys conducted under the auspices of the *Legal Services Initiative's* four-member Partnership. The purpose of the *Initiative's* six 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. A specific intent of the Providers survey, together with the survey of AAA Directors (see Part 4), is to gather an overall picture of the aging network's Legal Assistance Program in New York.

Findings from the six surveys will provide background information as a basis 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.

### **Methodology:**

The survey of Providers was implemented by the New York State Office for the Aging (NYSOFA) over several months in the Summer and Fall of 2013, and respondents' answers provide Program information for the survey period January 1 through December 31, 2012.

The Questionnaire for surveying Providers was constructed by NYSOFA and pilot-tested by several types of Providers from various geographic areas of the State. The Questionnaire was converted into a Fillable Word document, which can be completed using the Microsoft Word Program and submitted electronically via email.

The Questionnaire was emailed to all 51 Providers, together with a cover letter under the signature of NYSOFA's Director, a Summary Description of the *Legal Services Initiative's* goals and activities, a press release issued by Governor Andrew Cuomo's office announcing the *Initiative*, and a Statement of Assurances for survey participants.

The State's AAA Directors assisted in survey-implementation by alerting their Providers about the *Initiative*, strongly encouraging them to participate in the survey project, and issuing multiple reminders to the Providers throughout the implementation period.

37 completed Questionnaires were received, for a response rate of 73%. As various Providers have contracts with multiple AAAs, the 37 respondents involve 57 separate service contracts

with 50 different AAAs—representing service areas of 85% of the State's 59 AAAs. The margin of error for the sample of 37 is +/- 8.5 percentage points with a 95% confidence level.

**Presentation of findings:**

- Frequencies and cross tabulations are used for variable comparisons, and survey findings are presented in charts and tables.
- 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 Legal Assistance Programs across the State.
- For planning, training, and other purposes related to the AAAs and their programs, the New York State Association on Aging (the AAAs' state membership association) organized the State into nine geographic Caucus Regions. These Regions are used when analyzing survey data by geographic areas of the State.
- Because the 37 respondents involve a total of 57 separate contracts involving 50 of the 59 AAAs, survey findings are sometimes presented for 37 “Providers” and sometimes for 57 “contracts.”

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

**The AAA/Provider network:** In New York State, the AAAs' service-coverage areas are primarily county-based. Of the State's 59 AAAs:

- 55 AAAs—each covers a single county,
- Two AAAs—each covers a Tribal Nation,
- One AAA covers Warren/Hamilton Counties, and
- The New York City AAA covers the five counties that make up the City.

Across the State, a total of 51 Providers (involving a total of 72 contracts) are contracted by the 59 AAAs to deliver legal services under the *Legal Assistance Program*:

- 51 *Providers*:
  - 45 Providers—each contracts with a single AAA
  - 1 Provider contracts with 2 AAAs
  - 1 Provider contracts with 3 AAAs
  - 2 Providers—each contracts with 4 AAAs
  - 1 Provider contracts with 6 AAAs
  - 1 Provider contracts with 8 AAAs
- 59 AAAs:
  - 55 AAAs: legal services are provided by a single contracted Provider
  - 3 AAAs: legal services are provided by multiple contracted Providers
  - 1 AAA (NYC): legal services are provided by five contracted Providers

**The statewide Provider survey:** Analysis of some findings is by geographic areas of the State, using the Association on Aging in New York State's nine Caucus Regions. 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.

<b>Nine Caucus Regions 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**

37 (73% response rate) of the 51 total Providers submitted completed Questionnaires for the statewide exploratory survey of Providers contracted by Area Agencies on Aging (AAA) to deliver legal services under the aging network’s Legal Assistance Program. These 37 respondents provide legal assistance in service areas covered by 50 (85%) of the State’s 59 AAAs.

Sections III – IX of Part 5 provide detailed analyses of the Provider survey’s data. Following are 15 key findings taken from the detailed data:

- Program diversity:** Survey findings show that substantial diversity characterizes both the Legal Assistance Program and the Program’s network of Providers—including type of contracted Provider, area(s) of the Provider’s legal expertise, program funding, Provider’s staff resources and work hours allocated to the Program, number of cases and clients served, and aspects of Program implementation.

- **Provider types:**
  - Among five Provider "types" under contract with AAAs to deliver the Program's services, 35% of the 37 respondents are sole practitioner attorneys and 30% are Legal Aid Society agencies. Variety in the type of Provider used by AAAs characterizes the Program across all areas of the State.
  - 29% of respondent Providers are grantees of the national Legal Services Corporation, the single largest funder of civil legal aid for low-income individuals in the United States.
  - The various surveys conducted for the *Legal Services Initiative* consistently show the wide variety of issues faced by residents of all ages, abilities, and economic circumstances. Among the survey's 37 Providers, between 16 and 26 respondents reported having legal expertise in topics related to elder law and estate law; 22 have experience in health issues; 19 have expertise in various issues related to debt; and 18 have experience related to various public benefits. A range of 2 – 16 respondents have experience in 14 additional topic areas.
  
- **Provider staffing:** The Legal Assistance Program's small size is evident in Provider staffing. For 28 Program contracts, Providers use less than 1 full-time (FTE) person to carry out the Program's responsibilities; 7 devote 1 FTE to the Program; 11 use 1¼ – 3 FTEs; 6 use 4 – 5½ FTEs; and 3 use 7 – 10 FTEs.
  
- **Provider work time devoted to the Program:**
  - The diversity among Programs is clear from the reported total hours-per-month devoted to the Program by the Provider's paid staff, which ranges from 5.5 hours per month to 825 hours per month.
  - 46% of respondents use unpaid, volunteer, or pro bono individuals to help carry out the Program; 54% do not.
  
- **Responsibility for Program tasks:** 17 tasks/activities required to carry out the Program are listed in the survey Questionnaire. Among 57 contracts, respondents reported that there is not an absolute delineation between which entity (AAA or Provider) performs the required tasks. Instead, respondents reported considerable sharing of tasks and responsibilities, indicating that significant collaboration and working together exists in the implementation of the Legal Assistance Program.
  
- **Client-representation in court or hearings:** Representing clients in court or administrative hearings is a resource-intensive activity, and limited Program resources often preclude Providers from offering this specific service. For 22 Program contracts, respondent Providers allocate no time to client-representation; respondents for 33 contracts do allocate time to client-representation, but the average proportion (9%) of contract time devoted to this activity is small.
  
- **Program funding:**
  - For 52 contracts, respondents reported the annual funding received from the AAA to carry out the Program. Median amount: half of the 52 contracts were for less than \$14,078, and half were for more than that amount.
  - Respondents for 17 contracts reported receiving supplemental funding for the Program from sources other than the AAA. Median amount: half of the 17 contracts were for less than \$2,300 in supplemental funds, and half were for more than that amount.

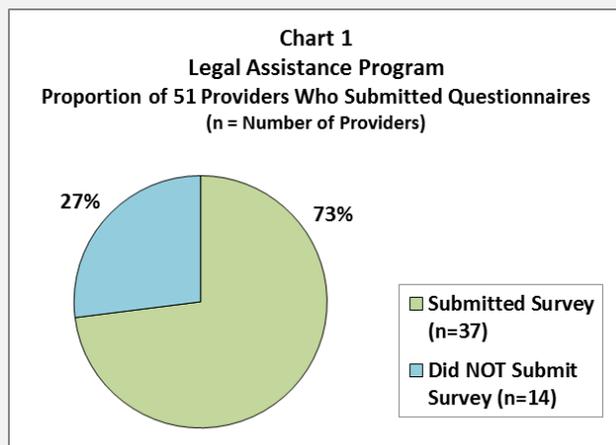
- For 52 Program contracts, 58% of respondents reported that their AAA Program funding was exhausted *before* the Program year ended; for the 17 contracts using supplemental funds, respondents reported that 100% of supplemental funding was exhausted prior to the end of the Program year.
- **Cases/clients:** The Program's diversity is shown by the number of cases and clients served. For 51 contracts, the median number of cases per contract is 108, but the number of cases per contract ranges from 6 – 1,602. The median number of unduplicated clients per contract is 78, with a range of 6 – 1,471.
- **Service-delivery site:** Access to legal services is a major goal of the Legal Assistance Program. In addition to providing services in the Provider's office, 46 respondents travel to clients' homes, senior residences, health care facilities, and hospitals to provide legal services; 18 provide services in the AAA's office; 16 provide services in senior service centers; and 10 provide services in other community venues. 42 provide an average of 27% of their Program assistance by telephone or other communication that is not in-person.
- **Provider/AAA relationship:** For 56 Program contracts, an overwhelming proportion (93%) of respondents rated their working relationship with the AAA as "satisfactory," with the primary elements contributing to a satisfactory relationship being "quality of communication and contact between the AAA and Provider," the "quality of both the Provider's and the AAA's staff," and the "helpfulness of the AAA's staff."

**Section III**  
**Providers—Legal Assistance Program**

Across the State, a total of 51 Providers are contracted by 59 AAAs to deliver legal assistance under the *Legal Assistance Program*.

Chart 1 shows that 37 (73%) of the 51 Providers submitted completed survey Questionnaires.

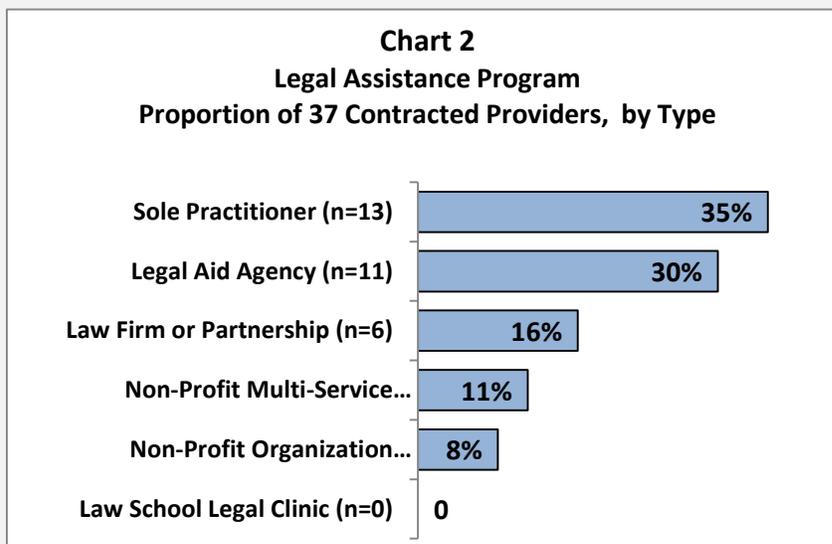
The 37 respondents provide legal assistance in service areas covered by 50 (85%) of the State's 59 AAAs.



**Type of Provider:**

**Types:** AAAs contract with various types of Providers to deliver legal services under the Legal Assistance Program.

Chart 2 shows that the predominate types of Providers used by AAAs are sole practitioner attorneys (35%) and Legal Aid Society agencies (30%).



**Type by caucus region:** In Table 1, Provider types are sorted by AAA Caucus Region. The use of any specific type is not congregated in any one or two regions of the State.

**Table 1**  
**Legal Assistance Program**  
**Number of Provider Types, by AAA Caucus Region**  
**(n = number of respondents in each caucus region)**

Caucus Region	Number of Providers				
	Sole Practitioner	Legal Aid Agency	Law Firm or Partnership	Multi-Service Organization	Legal Services Organization
1 Metropolitan New York (n=9)		5		3	1
2 Hudson Valley (n=5)	4		1		
3 Leatherstocking (n=4)	2		1		1
4 North Country, including St. Regis Nation (n=2)			2		
5 Central New York (n=3)	2		1		
6 Southern Tier (n=1)	1				
7 Finger Lakes (n=2)	1	1			
8 Western New York, including Seneca Nation (n=7)	2	3		1	1
9 Capital Region (n=2)	1		1		
10 The Provider's AAA contracts cover three caucus regions (n=2)		2			
(n= 37 Providers)	13	11	6	4	3

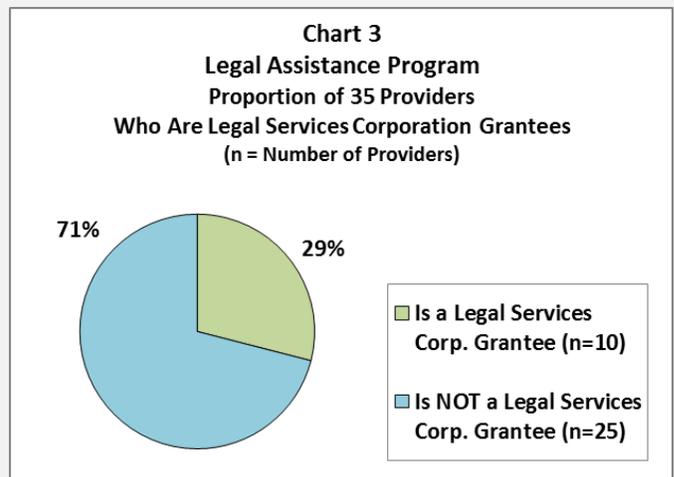
**Legal Services Corporation grantee:** The national Legal Services Corporation (LSC) is an independent 501(c)(3) nonprofit corporation that is headed by a bipartisan board of directors that is appointed by the President and confirmed by the Senate. LSC is the single largest funder of civil legal aid 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.

35 Respondents reported whether they were an LSC grantee.

Chart 3 shows that the greater majority (71%) are *not* LSC grantees; 10 (29%) receive LSC grant funds.



**Provider's area(s) of legal expertise:** The *Initiative's* six surveys consistently show that residents of all ages, abilities, and socio-economic circumstances face serious issues and problems in a wide variety of topic areas.

Respondent Providers were asked to report their areas of legal expertise. Table 1a shows that, across the State, contracted Providers are experienced in a wide variety of legal areas/topics and, in the aggregate, are skilled in the diversity of issues presented by the older clients requesting assistance under the Legal Assistance Program. Nevertheless, within any one AAA's service area, the contracted Provider(s) may not possess skills in all the topics/issues presented for assistance by these consumers—which reflects one aspect of sufficient "access" to legal assistance.

Area of Experience	Number of Providers
Estates; Elder Law:	

Estate planning; administration; Medicaid planning; asset protection; trusts; probate; voluntary administration (small estates); financial planning	26
Guardianship; trusteeship; advance directive; power of attorney; health care proxy; wills; living will; substitute decision-making	22
Elder law—general topic	16
<b>Housing:</b>	
Housing—general topic	13
Landlord-tenant issues; tenants' rights	13
Foreclosure; evictions; terminations from public housing; Section 8; homeownership issues; conditions of unit/home; subsidized housing; public utilities	9
Quality of care; rights; conditions and abuse in adult homes; nursing homes; home care; mobile homes; family type homes; hospitals	5
<b>Family Law:</b>	
Child support; general support; custody; adoption; parental rights; paternity; visitation; juvenile issues	16
Matrimonial, including divorce	6
<b>Fraud; Abuse:</b>	
Fraud—general topic	11
Abuse: elder; spousal; neglect; exploitation; financial abuse; domestic violence	11
<b>Health:</b>	
Long-term care; health care; mental health; HIV/AIDS; representation; Veterans Administration health; Medicare; Medicaid	22
<b>Debt:</b>	
Bankruptcy; credit card; medical debt; creditor issues; collections; budgeting and daily money management; payee fiduciary; debt counseling	19
<b>Public Benefits:</b>	
Denials; sanctions; discontinuance; nutrition outreach; emergency placements; social security; Supplemental Security Income; welfare	18
<b>Consumer Law:</b>	
Contracts; over-payments; small claims; name change	14
<b>Real Estate/Property</b>	
	13
<b>Employment; Unemployment:</b>	
Wage claims; job pensions; Veterans Administration pensions	10
General topic; benefits	3
<b>Litigation:</b>	
General topic; federal; civil; elder; administrative hearings	8
Criminal defense; traffic tickets	4
<b>Disability:</b>	
General topic	10

<b>Discrimination:</b> In rental housing; reasonable accommodations; disability; fair housing; job/employment; employee rights; homeless rights; education; rights of persons with criminal records	10
<b>Corporations; Other Business Entities:</b>	
Organization; operation; municipal law	5
Community/housing development; zoning	2
<b>Immigration; Citizenship</b>	5
<b>Education:</b> General topic; special education	5
<b>Tax:</b> Income; low-income; estate taxation	3
<b>Insurance</b>	2

**Provider's staff:**

**Paid staff:** Providers for 55 of the 57 respondents' contracts (Table 2) reported the types of *paid* staff they used for carrying out their contracted services under the Program. "Other" paid staff included secretarial, clerical, administrative, support staff, etc.

<b>Table 2</b> <b>Legal Assistance Program</b> <b>Were Paid Staff/Individuals Dedicated to the Program</b> <b>(n = 55 Provider Contracts)</b>		
<b>Type of Paid Staff</b>	<b>Number of Contracts in Which Providers Used Paid Staff/Individuals</b>	<b>Number of Contracts in which Providers Did NOT Use Paid Staff/Individuals</b>
Paid Attorneys	53	2
Paid Paralegals	23	32
Paid Interns/Fellows	4	51
Paid Other Staff/Individuals	31	24

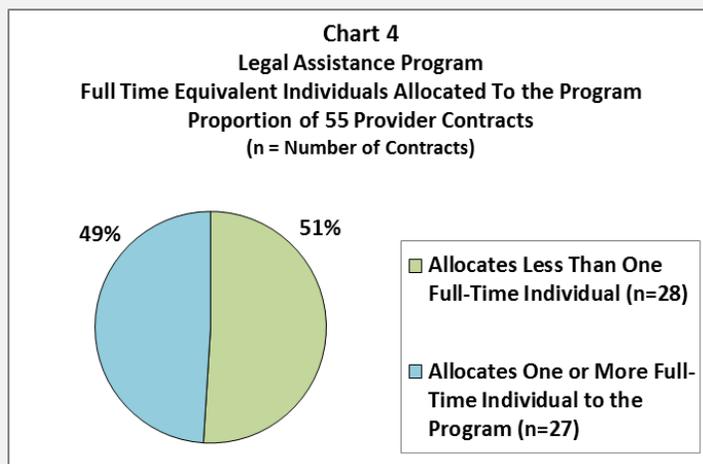
Table 3 and Chart 4 provide an indication of the modest size of the Legal Assistance Program across the State.

Among 55 Program contracts, Table 3 shows that each contracted Provider dedicated an *average* of 1.6 Full Time Equivalent (FTE) persons to carrying out the Program. The range (.04 – 10 FTE) shows the diversity in staff size among the Providers, and the median (.6 FTE) shows that half the contracts dedicated less than 60% of one person to the Program.

<b>Table 3</b> <b>Legal Assistance Program</b> <b>Total Paid Staff/Individuals Allocated to the Program</b> <b>Expressed in Full Time Equivalent (FTE)</b> <b>(n = 55 Provider contracts)</b>		
<i>Range of Total FTE Paid Staff Allocated to the Program</i>	<i>Median Total FTE Paid Staff Allocated to a Program</i>	<i>Average Total FTE Paid Staff Allocated to a Program</i>
.04 – 10 FTE	.6 FTE	1.6 FTE

Chart 4 shows that 51% of Providers allocate less than 1 FTE to Program tasks and services, and 49% allocate one or more FTE to Program tasks and services.

- 28 reported using less than 1 full time person (.6 FTE or less) to carry out the Program.
- 7 reported devoting 1 FTE to carry out the Program.
- 11 used 1¼ - 3 FTEs.
- 6 used 4 - 5½ FTEs.
- 3 used 7 - 10 FTEs to carry out the Program.



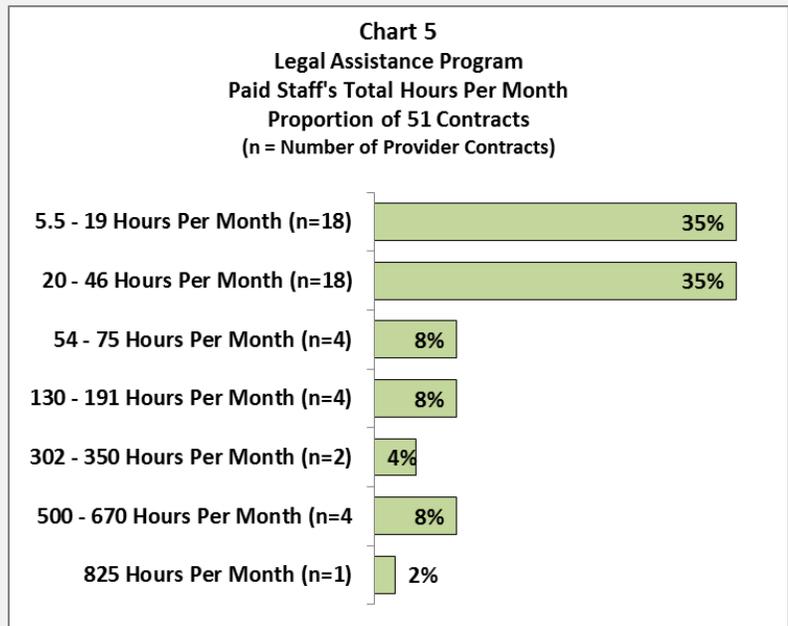
**Hours devoted to the Program by paid staff:** Providers for 51 contracts reported the number of hours devoted to providing the Program’s services by *paid* staff/individuals.

Median hours: Table 4 shows that paid staff in half the contracts devoted less than 25 hours per month to the Program and paid staff devoted more than 25 hours per month in half the contracts.

<b>Table 4</b> <b>Legal Assistance Program</b> <b>Total Paid Staff’s Hours Per Month Allocated to the Program</b> <b>(n = 51 Provider contracts)</b>		
<i>Range of Total Hours Per Month by All Paid Staff</i>	<i>Median Total Hours Per Month by All Paid Staff</i>	<i>Average Total Hours Per Month by All Paid Staff</i>
5.5 - 825	25	108

Chart 5 categorizes the hours per month allocated to the Program by Providers' paid staff, illustrating the extreme variation in Program size.

For the majority (35%; 35%) of contracts, Providers' total paid Program staff spent between 5½ and 46 hours per month on the Program's activities, tasks, and services.



**Provider's use of unpaid, volunteer, or pro bono individuals:** The 37 respondent Providers reported whether they used any type of unpaid, volunteer, and/or pro bono individuals (in addition to paid individuals) to help carry out the contract's required activities and services.

Chart 6 shows that Providers are somewhat evenly divided between those who used (46%) and did not use (54%) unpaid individuals for Program tasks and services.

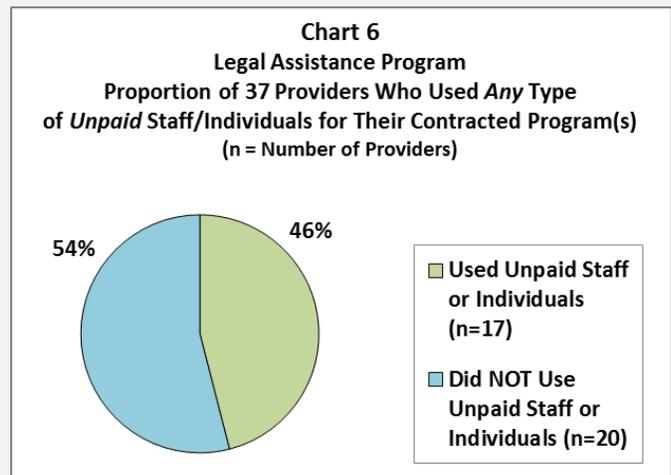


Table 5 shows that most of the 17 respondents who reported engaging the use of unpaid individuals used multiple types, making the greatest use of pro bono attorneys (15 of the 17 respondents) and interns/fellows (11 of the 17 respondents). Two Providers used "Other" unpaid individuals (social work students; Touro Law School students who participated in the Program as a means of completing their 40-hour pro bono requirement for completing a law degree).

**Table 5**  
Legal Assistance Program  
Number of Providers Who Used *Unpaid* Staff/Individuals in Addition to Paid Individuals for Their Contracted Program(s)  
(n = 37 Providers)

Pro Bono Attorneys	Unpaid Interns/Fellows	Volunteers	Unpaid Paralegals	Unpaid Other Types
15	11	8	3	2

**Overall size of contracted provider agency:** 36 respondent Providers reported the *overall* size of their agencies.

Chart 7 shows that the overall size of Provider agencies entering into AAA contracts varies greatly, with the number of paid staff ranging from 1-person offices to an agency employing 271 paid staff.

Half of the contracted Providers (25%; 25%) are small agencies employing 1 – 5 paid staff.

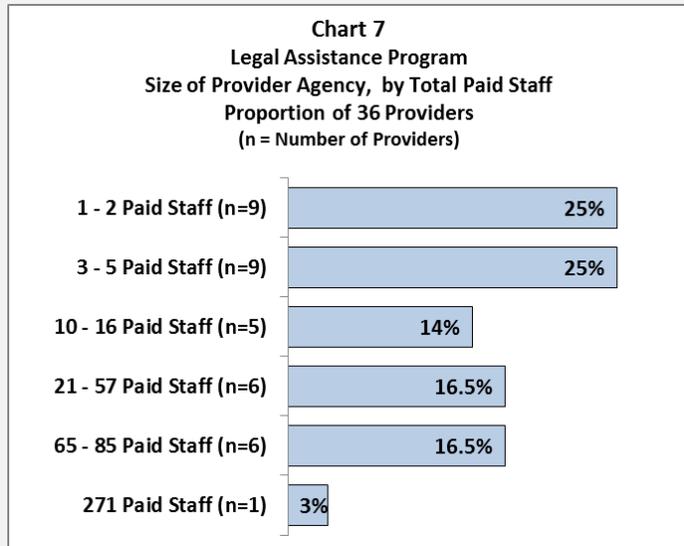


Table 6 categorizes the *overall* size of contracted Providers by AAA Caucus Region, showing some association between the size of Provider agencies and geographic area of the State.

**Table 6**  
**Overall Size (Total Number of Paid Staff) of Provider Agencies**  
**Number of Paid Staff, by AAA Caucus Region**  
(n = number of Provider agencies)

Caucus Region	Number of Paid Staff					
	1 – 2	3 – 5	10 – 16	21 – 57	65 – 85	271
1 Metropolitan New York (n=9)			2	2	4	1
2 Hudson Valley (n=5)	2	2			1	
3 Leatherstocking (n=4)	2	1	1			
4 North Country, including St. Regis Nation (n=2)		2				
5 Central New York (n=3)	2	1				
6 Southern Tier (n=0)						
7 Finger Lakes (n=2)	1			1		
8 Western New York, including Seneca Nation (n=7)	1	2	2	2		
9 Capital Region (n=2)	1	1				
10 Provider's AAA contracts cover three caucus regions (n=2)				1	1	
Caucus Regions (n=36)	9	9	5	6	6	1

**Provider's participation in legal service programs for disadvantaged individuals:**

34 respondents reported whether, in addition to the AAA's Legal Assistance Program, they also participate in other legal service programs for individuals in social and economic need.

Chart 8 shows that, for 38% of contracted Providers, the AAA's Program is their only program for disadvantaged individuals. The greater majority of Providers (62%) participate in multiple legal service programs for disadvantaged individuals.

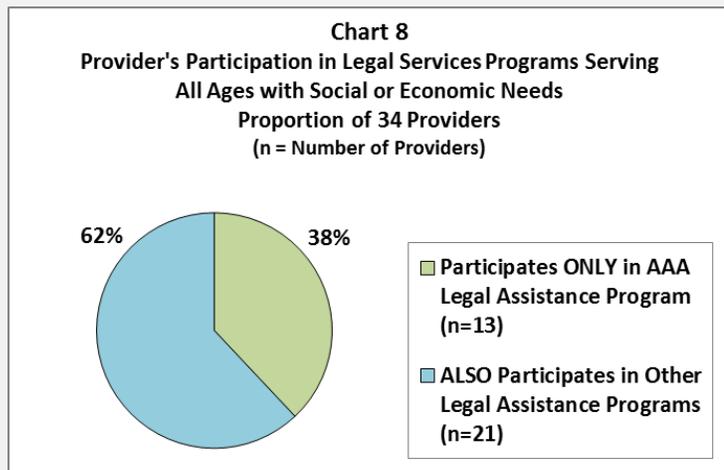


Table 7 categorizes the 34 respondents by number of legal service programs for disadvantaged individuals.

As indicated in Chart 8 above, 38% (13 Providers) participate only in the AAA Program. 62% (21 Providers) participate in 1 – 34 additional programs for individuals in social or economic need.

<b>Table 7</b> <b>Provider's Participation In Legal Assistance Programs for Individuals (All Ages) with Social or Economic Needs</b> (n = number of Providers)	
Number of Programs	Proportion of Providers
Only AAA Legal Assistance Program (n=13)	38%
AAA Program Plus 1 – 3 Other Programs (n=10)	29%
AAA Program Plus 5 – 8 Other Programs (n=5)	15%
AAA Program Plus 17 – 27 Programs (n=4)	12%
AAA Program Plus 32 – 34 Programs (n=2)	6%

A cross-tabulation between “additional program participation” and “type of Provider” found that Sole Practitioners and Law Firms were most likely to be participating *only* in the AAA Legal Assistance Program, while Non-Profit Legal Aid organizations were the most likely to be also participating in greater numbers of additional legal programs serving individuals in social and economic need.

**Section IV**  
**Providers—Tasks and Services**

**Responsibility for tasks and services:**

Availability of resources (by both the Provider and the AAA), varying circumstances, contract stipulations, legal expertise, and the legal profession's requirements can all have an impact on whether it is the AAA or the Provider that assumes responsibility for carrying out the various tasks, services, and responsibilities required for the *Legal Assistance Program*.

Providers were asked to indicate which entity actually performed the Program's tasks and activities, regardless of what was specified in the contract. Providers for 57 contracts reported this information.

Table 8 shows that "direct legal service" is more likely to be performed by the contracted Provider, as professional rules dictate who can lawfully provide such services and very few AAAs have attorneys on staff in their agencies. However, for

all other task responsibilities, there is not an absolute delineation in Program responsibilities, but, instead, a significant sharing of tasks and functions.

In addition to the tasks and activities shown in Table 8, one Provider added that, for his three Program contracts, "program publicity" was handled by both the Provider and the AAA.

<b>Table 8</b> <b>Legal Assistance Program</b> <b>Responsibility for Performing Tasks and Activities</b> <b>Proportion of Contracts in Which the Listed Task is a Required Function</b> <b>(n = number of Provider contracts)</b>			
Task / Activity	Proportion of Contracts		
	Task Performed by AAA	Task Performed by Provider	Task Performed by Both Entities
Tasks are performed by Provider in overwhelming proportion of Programs:			
Legal counseling, guidance, advice, consultation to client (n=56)	2%	98%	-
Prepare legal documents and legal correspondence (n=56)	2%	96%	2%
Accompany client to court proceedings (n=46)	-	98%	2%
Accompany client to admin. hearings (n=48)	-	96%	4%
Vouchering AAA for Provider's services (n=53)	7%	91%	2%
Secretarial/clerical functions (n=56)	4%	80%	16%
Prepare reporting documents required by AAA (n=53)	11%	77%	11%

Likelihood is higher that tasks are performed by Provider than AAA:			
Arranges client appointments that take place in various community locations (n=51)	14%	73%	14%
Arranges client appointments that take place in client's home, residence, or facility (n=52)	12%	73%	15%
Instructs client on what documents to bring to appointment (n=55)	22%	68%	11%
Likelihood is only somewhat higher that tasks are performed by Provider:			
Schedules initial client appointment (n=56)	32%	57%	11%
Seeks voluntary contributions—in person or by letter (n=51)	37%	51%	12%
Sends satisfaction survey to clients (n=49)	37%	53%	10%
Likelihood is that tasks are performed by <i>either</i> provider or AAA or <i>both</i> Provider and AAA:			
Intake (n=56)	38%	38%	25%
Screens the caller (n=56)	41%	32%	27%
Receives and analyzes client satisfaction surveys (n=47)	40%	45%	15%
Likelihood is somewhat higher that tasks are performed by the AAA:			
Arranges community legal education events—as part of Program contract (n=42)	45%	33%	21%

**Time allotted to Program tasks and services:** Providers for 55 contracts reported how their total time carrying out the Program was distributed among various programmatic tasks and activities.

The diversity among programs is evident in Table 9. The number of Providers "allocating" or "not allocating" time to each task/activity varies. In addition, among those allocating time, the proportion of Program time spent on each task spans a very wide range. "Client-representation in court or administrative hearings" is a critical service, but is resource-intensive. Table 9 shows that 22 (40%) Providers allocate *no* Program time to representation.

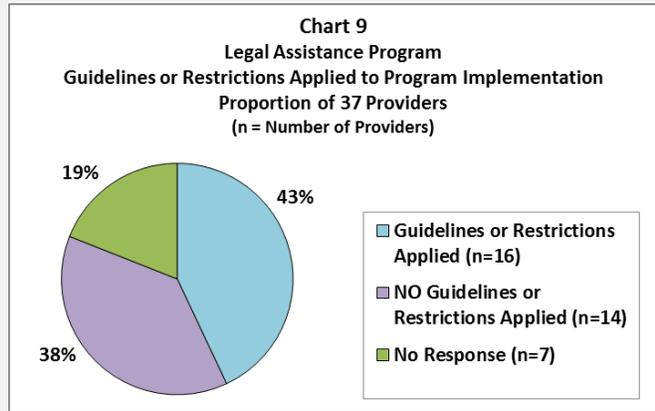
**Table 9**  
**Legal Assistance Program**  
**Contract Time Allocated to Program Tasks and Services**  
**Time Is or Is Not Allocated to Task or Service: Number of Contracts**  
**Proportion of Contract Time Allocated To Task or Service**  
**(n = 55 Provider contracts)**

Task/Activity	Number of Contracts		For Contracts in Which Time is Allocated to the Task/Activity		
	No (0%) Time is Allocated to the Task/Activity	Time is Allocated to the Task/Activity	Average Proportion of Contract Time	Median Proportion of Contract Time	Range: Proportion of Contract Time
Client-representation in court or administrative hearing	22	33	9%	10%	1% – 80%
Direct legal services— other than client-representation	2	53	37%	79%	6% - 100%
Travel time in performing Program tasks and activities	18	37	3%	5%	1% - 19%
Training AAA staff and long-term care ombudsman coordinators and staff	44	11	2%	3%	1% - 10%
Media and education/training provided to the public	30	25	3%	5%	1% - 25%
All other tasks and activities associated with providing the Program, including secretarial/clerical support, making appointments, mailings, vouchering, satisfaction surveys, other support functions, etc.	12	43	9%	10%	1% - 95%
Supervision of Provider staff	52	3	1.7%	2%	2% - 3%

***Program guidelines or restrictions:***

Providers were asked if they had to adhere to any guidelines specified by the AAA regarding the delivery of legal services under the Program, or if they felt any pressure or restrictions exerted by other entities regarding the Program.

Among the 37 respondents, Chart 9 shows a somewhat even divide between Providers who were given specific guidelines or restrictions (43%) and those who were not (38%), with 19% providing no answer.



For the 16 Providers who reported having Program guidelines or restrictions, Table 10 describes the *types* of guidelines and restrictions applied by various AAAs and by other entities. The AAA is the source of the greatest number of guidelines applied to the Program, with minimal restrictions exerted by entities other than the AAA.

<b>Table 10</b> <b>Legal Assistance Program</b> <b>Source of Program Guidelines or Restrictions</b> (n = number of Providers)			
Program Guideline or Restriction	Source of Guideline or Restriction		
	AAA	Another Entity	Both the AAA and Another Entity
Must prioritize low-income clients (n=11)	8	1	2
Must target a specific client age other than "60 years or older" (n=7)	7	-	-
Must provide <i>only</i> advice and consultation (n=3)	3	-	-
Must provide <i>only</i> representation in court (n=1)	1	-	-
Must provide assistance in only <i>limited</i> areas of law (n=6)	4	1	1
Must decline requests regarding specific topics, issues, or subject matter (n=4)	1	2	1
No criminal cases (n=4)	4	-	-
No fee-generating cases (n=6)	6	-	-
No complex litigation or cases where cost is too great relative to Program budget (n=2)	2	-	-
Must be resident of the AAA's county (n=2)	2	-	-
No tort cases (n=2)	2	-	-
No divorce cases (n=1)	1	-	-
No cases where the private bar is readily available (n=1)	-	1	-
No cases where services primarily benefit offspring or heirs (n=1)	-	1	-
Serve only county residents who are victims of elder abuse (n=1)	1	-	-
Serve only eviction cases (n=1)	1	-	-
Cannot declare clients to be incompetent (n=1)	1	-	-

Must target people aged 60 and older in greatest social and economic need (n=1)	1	-	-
Must adhere to Legal Service Corporation restrictions (n=1)	1	-	-

**Resources used by Providers:**

A variety of federal, state, and local organizations are available as resources for helping Providers provide legal assistance to the Program's clients.

36 Providers reported using the resources in Table 11 for case consultations and for various training opportunities (including webinars, materials on pertinent topics, Continuing Legal Education classes, etc.).

Table 11 shows that the greatest proportion (83%) of Providers used the state, regional, or local Bar Association as sources of assistance. Only one Provider reported using none of the organizations listed.

<b>Table 11 Legal Assistance Program Proportion of Providers Using Federal, State, and Local Resources (n = number of Providers using the resource)</b>	
<b>Resource</b>	<b>Proportion of the 36 Providers That Used the Resource</b>
New York State, regional, or local Bar Association (n=30)	83%
National Consumer Law Center (NCLC) (n=17)	47%
LawHelp (n=17)	47%
National Senior Citizens Law Center (NSCLC) (n=12)	33%
National Legal Resource Center (NLRC) (n=9)	25%
American Bar Association Commission on Law & Aging (ABA/Law & Aging) (n=4)	11%
The Center for Social Gerontology (TCSG) (n=2)	6%
Center for Elder Rights Advocacy (CERA) (n=1)	3%
Used NONE of the eight organizations above (n=1)	3%

In addition to the eight resources listed in Table 11 (which were options listed in the survey instrument), Providers indicated that they also used the following 44 organizations as resources for various types of information or assistance:

<b>44 Other Resources Used (n=number of Providers who reported using the resource)</b>	
Empire Justice Center (n=7)	Western New York Law Center (n=3)
NY State Attorney General's Office (n=3)	Legal Aid Society (n=3)
Local community-based organizations (n=3)	Law School Clinic (n=2)
Brookdale Center/Hunter College (n=2)	Local private law firms & attorneys (n=2)
National Grid Consumer Advocate (n=1)	The NY State Court System (n=2)
National Housing Law Project (n=1)	LawNewYork (n=1)
NY State Department of Social Services (n=1)	NY State Defenders Associations (n=1)
Regional Legal Services Corporation (n=1)	Rural Law Center of New York, Inc. (n=1)

ProBono.net (n=1)	Bronx District Attorney's Office (n=1)
Pro Bono Counsel (n=1)	NY City Human Resources Admin. (n=1)
Equinox Elder Abuse Project (n=1)	Self-Help Community Services, Inc. (n=1)
Bronx Works, E. Frank Legal Resources Prog. (n=1)	National Guardianship Association (n=1)
Neighborhood Legal Services, Inc. (n=1)	NY State Labor Department (n=1)
Center for Disability Rights (n=1)	Practicing Law Institute (n=1)
Government agencies/departments (n=1)	The Legal Project (n=1)
Legal Services of Hudson Valley (n=1)	Ulster County Dept. of Social Services (n=1)
Westchester Residential Opportunities (n=1)	NY City Elder Abuse Center (n=1)
Family Justice Center (n=1)	Language Line (n=1)
Family Service Society (n=1)	Center for Medicare Advocacy (n=1)
Medicare/Medicaid Self-Help Hotlines (n=1)	Medicaid Manual (MARG) (n=1)
NY Bar Assoc. continuing education courses (n=1)	Westchester Multidisciplinary Team (n=1)
Local Area Agency on Aging (n=1)	Civil legal services groups (n=1)

**Section V**  
**Legal Assistance Program—Funding**

**Contract funding:**

For several reasons, *total* funds reported in Table 12 is an undercount of the State's total Legal Assistance Program's budget:

- The total does not include funding for 20 Program contracts for Providers who did not participate in the survey.
- Survey respondents did not report funding amounts for five contracts.

In addition to AAA funding, Providers for 17 contracts reported receiving funds from supplemental sources that they allocated to the Program.

**Total program funding:** Table 12 shows that, for 52 contracts, a total of \$3.25M was allocated to the Legal Assistance Program across the State. While the average amount of funding per Program is \$62,588, large amounts of funding for several Programs skew the statewide average. The median amount (\$15,066) provides a more meaningful comparison among contracts.

The median amount in Table 12 shows that half the 52 contracts received AAA funding below \$14,078 and half received AAA funding above that amount. For the 17 Programs receiving supplemental funds, half received supplemental funds below \$2,300 and half received supplemental funds above that amount.

The wide *range* in AAA and supplemental funding for the Program also highlights the diversity of size among Programs across the State.

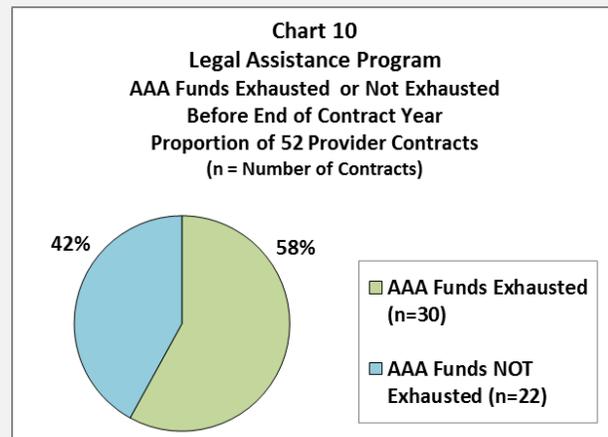
<b>Table 12</b> <b>Legal Assistance Program</b> <b>Provider Contract's Funding Sources and Amounts</b> <b>(n = number of contracts)</b>				
<b>Funding Source</b>	<b>Total Funding Amount Received</b>	<b>Average Funding Amount Received</b>	<b>Median Funding Amount Received</b>	<b>Range of Funding Amount Received</b>
AAA (n=52)	\$2,737,653	\$52,647	\$14,078	\$1,478 - \$494,482
Other Sources (n=17)	\$516,899	\$30,406	\$2,300	\$250 - \$172,568
Total Program Funds	\$3,254,552	\$62,588	\$15,066	\$1,478 - \$549,482

**Funding by caucus region:** For comparison purposes, Table 13 shows total *reported* funding allocated to the Program for each AAA Caucus Region.

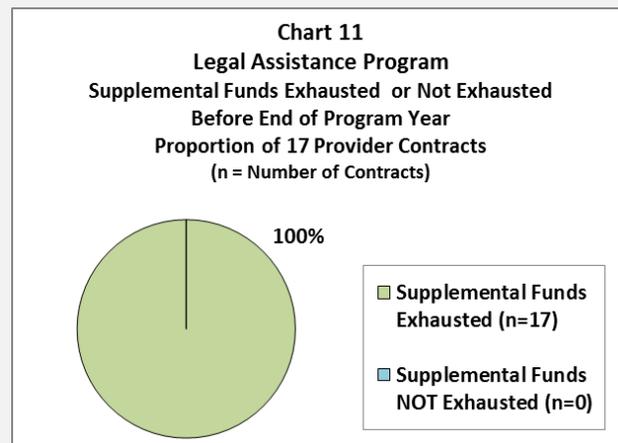
While the Metropolitan Region appears to have a substantially larger proportion of the Program's overall funds, several factors contribute to this distribution pattern, including: (1) all eight counties making up the Metropolitan New York Region participated in the survey and all reported their AAA funding amounts . . . while five upstate Providers did not report the amount of their AAA funding, and 14 Providers from upstate counties did not submit surveys; (2) the amount of "supplemental funding from sources other than the AAA" is substantially greater for the counties in the Metropolitan Region (\$429,641) compared to the other regions (\$87,258); and (3) 33% of the State's total older adult population reside in the Metropolitan New York Region, and funding for services is based on various population characteristics.

<b>Table 13</b> <b>Legal Assistance Program</b> <b>Provider Contract's Total Funding, by AAA Caucus Region</b> <b>(n = number of Provider contracts)</b>		
<b>Caucus Region</b>	<b>Region's Total Program Funds</b>	<b>Region's Proportion of Total Statewide Funds</b>
1 Metropolitan New York (n=8)	\$2,154,785	66%
2 Hudson Valley (n=4)	\$115,771	4%
3 Leatherstocking (n=6)	\$47,900	1.5%
4 North Country, including St. Regis Nation (n=5)	\$44,456	1%
5 Central New York (n=7)	\$114,290	3.5%
6 Southern Tier (n=2)	\$65,045	2%
7 Finger Lakes (n=5)	\$59,400	2%
8 Western New York, including Seneca Nation (n=12)	\$600,345	18%
9 Capital Region (n=3)	\$52,560	2%
(n = 52 Provider Contracts)	\$3,254,552	100%

**AAA funds exhausted:** For the Providers reporting AAA funding for 52 contracts, Chart 10 shows that AAA funds for a majority (58%) of the contracts were used up *prior* to the end of the Program year.



**Supplemental funds exhausted:** For the Providers reporting supplemental funding from non-AAA sources for 17 contracts, Chart 11 shows that *all* supplemental funds for all 17 contracts were used up *before* the end of the Program year.



**Additional requests after funding is exhausted:** Providers for 24 (42%) contracts reported that additional requests for legal assistance were received after their Program's total funding was exhausted, but only three Providers were able to report the actual number of additional requests received after total funding had been exhausted,

In addition, some respondents did not answer this question, either because they did not keep a record of additional requests or their Program cases are not direct calls from consumers, but are referrals from the AAA, and the Providers do not know if the AAA keeps a record of additional requests once the Program's funds have been exhausted.

**Responses to exhausted funding:** Providers were asked what actions they took to address additional requests for service after all funding was exhausted. Table 14 shows responses provided by 14 Providers.

<b>Table 14</b> <b>Legal Assistance Program</b> <b>Providers' Responses to Requests for Legal Assistance</b> <b>After Their Total Contract Funding Was Exhausted</b> <b>(n = 14 Providers)</b>	
Response	Number of Providers Making the Response
Clients were put on a waiting list; scheduled clients for the next Program year	6
Referred clients to the state, regional, or local Bar Association	9
Referred clients to other attorneys, legal assistance programs, or Elder Law Panel	8
Reviewed cases to fit them into Provider's other legal service projects	1
Provider covered most additional requests on a pro bono basis	2
Assisted clients with the Provider agency's other funding sources	1
Pro bono law school students helped fill the gap until the next Program year	1
Provider's legal clinic made up financial shortfall (several thousands of dollars)	1
AAA made no further referrals once total funding was exhausted	1
Provider took no action	1

**Strategies for extending funding:** Providers were asked to "Briefly describe any strategies you used to extend funding to cover the Legal Assistance Program for the entire Program year," and Table 15 shows the strategies reported by Providers for 21 contracts.

Table 15 shows that individual Providers utilize multiple strategies as various means of stretching Program funds to last the entire Program year. Providers' commitment to the Program is shown by those who supplement Program funding with their own pro bono services and with their own personal funds.

<b>Table 15</b> <b>Legal Assistance Program</b> <b>Provider's Reported Strategies for</b> <b>Extending Program Funding to Cover Requests for Entire Year</b> <b>(n = number of contracts)</b>
<b>Financial resource supplements (n=14):</b> Client contributions; Sought increase in donations; Provider was very sparing with his billing; Used various other funds to provide services (including Office of Court Administration funds); Legal Service Corporation funds; Unrestricted funds from other sources; Provider's general fund monies; Resources from other programs; Provider's personal funds; Subsidy from Law School Center; Provider fees charged at a discounted hourly rate

<p><b>Scheduling protocols (n=9):</b>  Limit number of appointments to calendar slots;  Limit total number of hours of service for each referral;  Towards end of year, adjust hours to extend coverage;  Pacing intake over the 12-month period, in order to spread the work evenly over monthly periods, so that some appointments are available each month;  Schedule non-urgent appointments for future date;  Work with AAA to prioritize high-priority cases prior to referral;  Commitment to manage funds under the maximum allocated fees</p>
<p><b>Pro bono services (n=6):</b>  Provided by Provider;  Provided by law school students;  Sought from other attorneys and organizations in the community;  Provider is available in emergencies regardless of available funding</p>
<p><b>Type of service provided (n=3):</b>  Provide limited service (counsel and advice only, or brief service) when client has sufficient means to obtain private counsel;  Prioritized more "advice" and less "litigation";  Prioritize type of service in consultation with AAA</p>
<p><b>Public education (n=1):</b>  Conducted large-group educational presentations</p>
<p><b>Requests rejected (n=1):</b>  A portion of requests are rejected throughout the year to spread resources</p>

**Section VI**  
**Legal Assistance Program—Cases / Clients**

**Clients / Cases:**

**Number of cases:** Respondents reported the number of cases for 51 Program contracts. For these 51, Table 16 shows that Providers completed a total of 13,480 cases during the 12-month survey Time Period.

The diversity among Programs is illustrated by the range in number of cases among the 51 contracts—from one Provider handling 6 cases to one Provider handling 1,602 cases. One Provider elected to not complete/submit a survey form because he “had only three cases referred to him during the Program year.”

The *median* number of cases is shown in Table 16 to better understand the distribution of cases among contracts: half of the 51 contracts each handled more than 108 cases, and half each handled fewer than 108 cases.

<b>Table 16</b> <b>Legal Assistance Program</b> <b>Number of Cases</b> <b>(n = 51 contracts)</b>			
<b>Total Cases</b>	<b>Average Number of Cases Per Contract</b>	<b>Median Number of Cases Per Contract</b>	<b>Range: Number of Cases Per Contract</b>
13,480	264	108	6 – 1,602

**Number of clients:** Providers reported the number of clients for 51 contracts. Table 17 shows the total number of *people* (unduplicated clients) served by 51 contracts during the 12-month survey period. The greater number of *cases* (Table 16) compared to number of *clients* (Table 17) reflects the number of repeat clients—individuals accessing the Program multiple times (separate cases) for diverse problems.

Table 17 shows that the 51 contracts had a *median* number of 78 clients per Program, but the diversity among Programs (resources, Provider's and AAA's approach to implementing the Program, etc.) is highlighted by the range in the number of clients that characterize the 51 contracts.

<b>Table 17</b> <b>Legal Assistance Program</b> <b>Number of Unduplicated Clients</b> <b>(n = 51 contracts)</b>			
<b>Total Number of Clients</b>	<b>Average Number of Clients Per Contract</b>	<b>Median Number of Clients Per Contract</b>	<b>Range: Number of Clients Across 51 Contracts</b>
10,684	209	78	6 – 1,471

**Program clients by caucus region:** Various aspects of program-design and program-implementation can contribute to statewide Program diversity—for example, client and/or type-of-service priorities, availability of Providers in the service area, Provider's staff size, strategies employed by the AAA and Provider to extend limited funds, willingness of Providers to supplement exhausted funds with pro bono services or discounted rates, ability of Providers to seek/find supplemental funding sources, consumers' awareness of the Program, use of community forums for education and publicity, etc.

As a means of comparison, Table 18 shows the distribution of the Program's clients across the State's AAA Caucus Regions. The average number of clients (ranging from 36 – 614 per Region) served per program (Column 2) highlights the diversity among Programs across the State.

In addition, the diverse *characteristics* of the each Caucus Region's population, as well as each Region's population *numbers*, also contribute to the non-uniformity among Programs. In Column 3 of Table 18, a comparison is made to show the total number of Program clients served in each Caucus Region as a proportion of the total population aged 60+ in the Region.

As an indication of overall use of the Program, the proportion of the population aged 60+ receiving assistance from the Program is less than 1% in eight Regions. The Capital Region had the smallest proportion (.21%) of older adults who received services through the Program. The Southern Tier Region (2.51%) and the Leatherstocking Region (.70%) had the greatest proportion of older adults who received services through the Legal Assistance Program.

An interesting comparison that can shed light on the potential demand for the Program's assistance is the findings from the *Initiative's* survey of NY State residents aged 18 and older (Part 2), which found that 44% of respondents aged 60 and older experienced one or more issue or problem that was serious enough to warrant legal assistance.

**Table 18**  
**Legal Assistance Program**  
**Number of Clients, by AAA Caucus Region;**  
**Total Clients as a Proportion of Region's Total Population Aged 60+**  
**(n = number of contracts)**

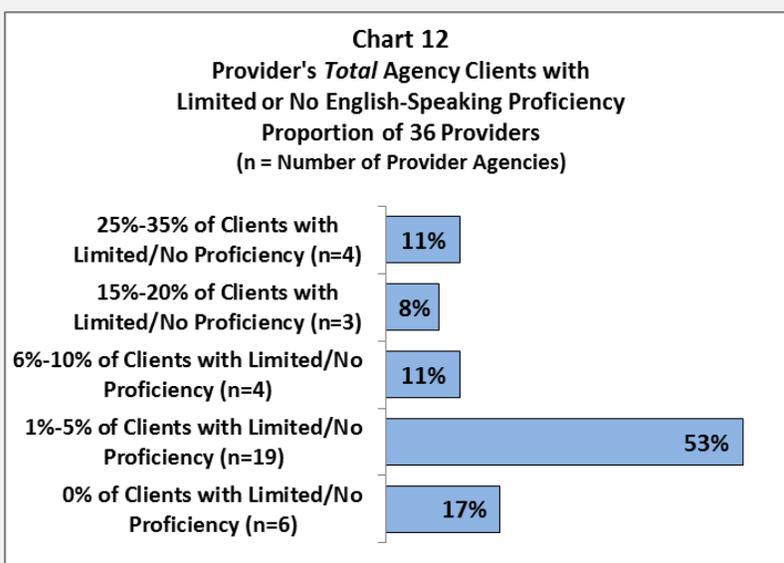
Caucus Region	Total Number of Clients Per Region	Average Number of Clients Per Contract	Total Clients as Proportion of Population Aged 60+
1 Metropolitan New York (n=9)	5,523	614	.25%
2 Hudson Valley (n=4)	610	153	.53%
3 Leatherstocking (n=6)	501	84	.70%
4 North Country, including St. Regis Nation (n=5)	251	50	.50%
5 Central New York (n=7)	519	74	.25%
6 Southern Tier (n=2)	243	122	2.51%
7 Finger Lakes (n=5)	182	36	.46%
8 Western New York, including Seneca Nation (n=12)	2,568	214	.52%
9 Capital Region (n=3)	287	96	.21%

**Client's English-speaking proficiency:**

As a means of better understanding the neighborhoods from which Legal Assistance Programs draw their clients, 36 respondents provided information about the English-language proficiency of their agency's entire *total* client base.

**Agency's total clients:** Chart 12 shows that the distribution of *total* agency clients with limited or no English-speaking proficiency ranges from 0% of clients to 35% of clients, with the greatest proportion of provider agencies (53%) reporting 1% - 5% of clients with limited or no English-speaking proficiency.

As a rough comparison, 27% of New Yorkers aged 5 and older "speak English less than well."<sup>1</sup>



<sup>1</sup> (U. S. Census Bureau, *American FactFinder*, Table DP02, *Selected Social Characteristics in the United States, 2008-2012 American Community Survey 5-Year Estimates*, for New York State).

**Agency's total clients:** Table 19 shows that Provider agencies' clients in the Metropolitan New York Region are characterized by the greatest language diversity (average proportion of total clients: 19%).

<b>Table 19</b> <b>Provider Agency's <i>Total</i> Clients</b> <b>Proportion of ALL Clients with Limited or No</b> <b>English-Speaking Proficiency, by AAA Caucus Region</b>		
<b>AAA Caucus Region</b>	<b>Proportion of Provider's</b> <b>Total Agency Clients with Limited or No</b> <b>English-Language Proficiency</b>	
	<b>Average</b> <b>Proportion</b> <b>of Total Clients</b>	<b>Range:</b> <b>Proportion of Total</b> <b>Clients</b>
1 Metropolitan New York	19%	5% - 35%
2 Hudson Valley	7%	1% - 18%
3 Leatherstocking	.5%	0% - 2%
4 North Country, including St. Regis Nation	.5%	0% - 1%
5 Central New York	1%	0% - 3%
6 Southern Tier	4%	4%
7 Finger Lakes	1%	0% - 2%
8 Western New York, including Seneca Nation	7%	0% - 35%
9 Capital Region	3%	1% - 5%

**Source of Program's case-referrals:** Respondents were asked for the sources of their Program cases and to indicate the distribution of their total cases among 12 different types of referral sources.

Table 20 shows that the greatest number of Providers receive case referrals from the AAA (for 43 Provider contracts), from client self-referrals (for 32 Provider contracts), and from the client's caregiver, family, friend, or agent (for 29 Provider contracts).

Column 2 in Table 20 shows the average proportion of total cases that are received from each referral source. For example, 43 contracts receive some of their referrals from the AAA; for those 43 contracts, an average of 61% of each contract's referrals come from the AAA. For 7 contracts (Source is Unknown), an average of 59% of their referrals have no known source.

**Table 20**  
**Legal Assistance Program**  
**Source of Provider's Case-Referrals**  
**Proportion of Contract's Total Program Cases**  
**(n = number of Provider contracts)**

Referral Source	Average Proportion of Total Cases Per Contract	Range: Proportion of Total Cases Per Contract
AAA staff (n=43)	61%	1% - 100%
Client Self-Referral (n=32)	37%	5% - 100%
Referral by client's caregiver, family member, friend, or agent (n=29)	24%	1% - 53%
Local social services, other government offices/departments, non-profit housing or social service agency (n=24)	16%	1% - 50%
The Courts (n=5)	8%	2% - 15%
Hospice, public health, nursing home, hospital (n=4)	6%	3% - 10%
NY State, regional, or local Bar Association (n=6)	5%	4% - 5%
Another law firm or sole attorney (n=14)	5%	1% - 15%
Seminars (n=1)	5%	5%
Legal Aid Office (n=4)	4%	3% - 5%
State or local long-term Care Ombudsman (n=5)	3%	2% - 5%
Source is Unknown (n=7)	59%	2% - 100%

***Where are direct legal services delivered:***

**Varied delivery sites:** Providers were asked to report the various sites where they provided “direct legal services” to the Program’s clients. Table 21 highlights a major benefit of the Legal Assistant Program, which is its flexibility in delivering services in a variety of sites/venues that can more conveniently meet clients’ needs.

While Providers for 41 contracts reported providing direct legal services in their law offices, on average, only 50% of their direct services was provided in that conventional location.

Providers for 46 contracts reported providing direct legal services in a client's home, senior residence, long-term care facility, or hospital; and Providers for 42 contracts reported providing these services via phone or another form of communication for issues that did not require an in-person visit. Providers for half (18) the contracts provided the services in the AAA's office, and respondents for 16 contracts provided them at senior service centers.

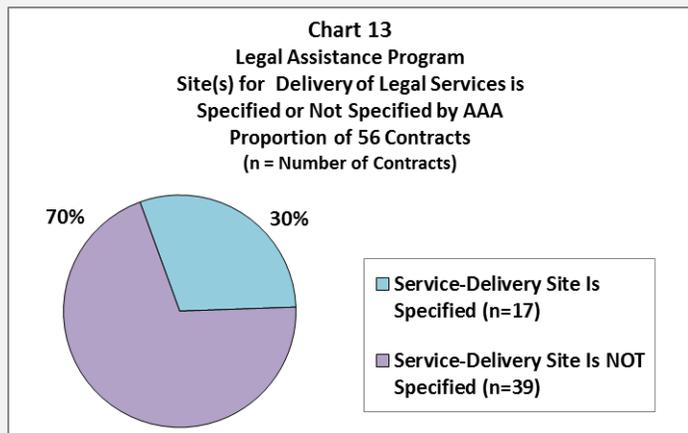
**Table 21**  
**Legal Assistance Program**  
**Location for Providing Contract's Direct Legal Services**  
**Proportion of Services Provided in Each Location**  
**(n = number of Provider contracts)**

Legal Service Delivery Site	Average Proportion of All Services Provided in Location	Range: Proportion of All Services Provided in Location
Client's home, senior residence, long-term care facility, or hospital (n=46)	11%	1% - 50%
Telephone or other form of communication—NOT in person (n=42)	27%	3% - 100%
Provider's office (n=41)	50%	1% - 100%
AAA's office (n=18)	62%	1% - 96%
Senior Service Center—which may include a congregate meal site (n=16)	38%	1% - 99%
Community agency; public library (n=5)	10%	1% - 21%
Court or administrative hearing room (n=4)	19%	7% - 25%
Congregate meal site—that is not in a Senior Center (n=1)	7%	7%

**Delivery site required contractually:**  
 Respondents for 56 contracts reported whether their contract with the AAA specified *where* legal assistance was to be delivered.

Chart 13 shows that, for the greater majority (70%) of contracts, service-delivery sites are *not* specified (required) in the Provider's contract with the AAA.

The variation in delivery sites (Table 21 above) indicates strong programmatic communication between the AAA and Provider, as well as the Provider's commitment to meeting the needs of the Program's population group.



**Section VII**  
**Issues Presented by Clients and How Addressed**

**Issues presented by callers:** Providers for 56 contracts reported the five topics/issues presented most often by residents requesting help from the Legal Assistance Program.

Table 22 underscores the variety of issues experienced by older adults . . . and corroborates the findings reported in the *Initiative's* other surveys (Parts 3 and 6).

<b>Table 22</b> <b>Legal Assistance Program</b> <b>Topic Areas Presented Most Often by</b> <b>Callers Requesting Assistance from the Program</b> <b>(n = 56 Provider contracts)</b>	
Topic Area	Number of Contracts in Which Callers Requested Help for the Topic Area
Housing:	54
Housing—general (17)	
Landlord-tenant, abusive housing situation (21)	
Foreclosure, eviction, housing conditions, housing benefits, real property disputes, utilities, deeds, title transfers (16)	
Wills, living will, power of attorney, advance directive, health care proxy, guardianship, long-term care planning	39
Estate planning, financial planning, Medicaid estate planning	37
Debt, collections, bankruptcy, creditors	32
Health care and long-term care, including Medicaid and Medicare insurance, nursing homes, assisted living	26
Consumer issues, contracts, automotive service, TV contract	22
Public benefit programs	15
Abuse, fraud, domestic violence, financial abuse	10
Family situations, grandparent visitation, divorce/separation	10
Tax issues	2

**Declining requests for legal assistance:** Respondents were asked—in circumstances when Program funds were *not* exhausted—if there were any topic areas for which they would ordinarily decline callers’ requests for legal assistance.

Table 23 shows the topic areas most likely to be declined (topic areas are listed in which ten or more respondents reported they would decline the request).

<b>Table 23</b> <b>Legal Assistance Program</b> <b>Topic Areas Providers Would Most Likely Decline to Provide Assistance</b> <b>(n = number of contracts)</b>		
Topic Area	Number of Contracts in Which Provider Would <u>Decline</u> Assistance	Number of Contracts in Which Provider <u>Would Provide</u> Assistance
Law suits, court system issues, arrests, police issues (n=55)	47	8
Financial planning (n=57)	36	21
Education and professional license issues (n=55)	30	25
Accessibility—language, testing, technology, etc. (n=55)	23	32
Employment issues (n=56)	19	37
Discrimination—all types (n=55)	19	36
Family issues (n=53)	16	37
Tax issues (n=57)	16	41
Insurance issues other than health or long-term care (n=56)	14	42
Accessibility—home, rental, neighborhood, community, transportation, etc. (n=55)	13	42
Wages and income issues (n=56)	10	46

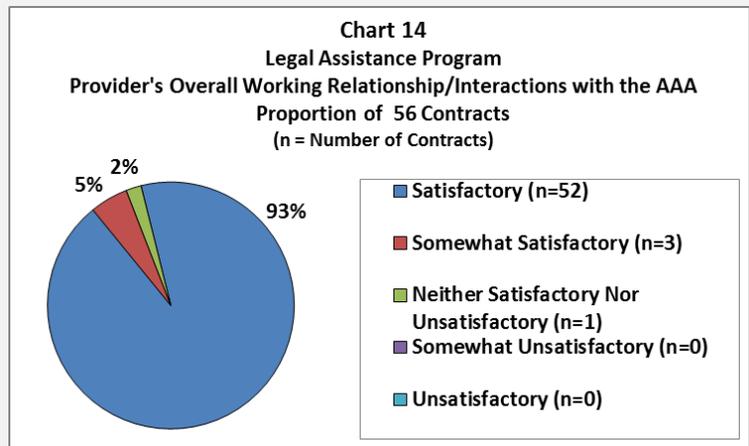
**Reasons for declining requests:** Respondents reported the primary reasons why they would decline requests for assistance:

- The topic presented was outside the Provider’s areas of legal experience/expertise.
- The topic presented would have required a disproportionate amount of the Program’s available time/resources.
- The topic was covered by another legal program or government agency.
- The topic was not covered under the Legal Assistance Program (often, criminal cases).
- The topic was not a priority specified by the AAA.
- The level of assistance required was beyond the scope of service the Provider was responsible for offering under the AAA contract.

**Section VIII**  
**Provider / AAA Relationship**

**Quality of working relationship with the AAA:**

Chart 14 shows that, overwhelmingly (93% of contracts), Providers reported their *overall* working relationship with the AAA as “satisfactory.”



Providers were asked to rate their experiences with the AAA on ten specific operational aspects of the Program.

All respondents rated their experience with *all* aspects of the Program as "satisfactory" or "somewhat satisfactory," with the following exceptions:

- One Provider reported that negotiating the *amount* of contract funding was "somewhat unsatisfactory" and one Provider reported that the funding negotiation *process* was "unsatisfactory."
- One Provider reported the contract application procedure/process as "somewhat unsatisfactory."
- One Provider reported the payment process for services provided as "somewhat unsatisfactory."
- Two Providers reported the AAA's reporting requirements as "somewhat unsatisfactory."
- One respondent provided two additional comments:
  - The development and transmission of contract materials could be done faster;
  - Communication about the terms of the contract could be better.

Providers for 34 contracts reported multiple reasons that contributed to the *overall* relationship with the AAA was “satisfactory.” In Table 24, these elements are clustered into 14 categories.

<b>Table 24</b> <b>Legal Assistance Program</b> <b>Elements Contributing to <i>Satisfactory</i> Relationship/Interactions</b> <b>Between Provider and AAA</b> <b>(n = 34 Provider contracts)</b>	
<b>Elements Contributing to Satisfactory Relationship</b>	<b>Number of Providers Reporting One or More Reasons in Each Element Category</b>
<p><b>Quality of Communication/Contact:</b>            Clean lines of communication; frequent contact; both parties responding expeditiously to other when issues arise; positive on-going communication and information-sharing; good communication; quality of communication and information-sharing; AAA staff responsive and easy to contact; excellent communications between attorney and AAA Director—as staff-to-staff; easy communication with AAA staff; good communication; satisfactory communication; friendly and open atmosphere; AAA Director communicates regularly on any changes in policy, office space, requirements; excellent lines of communication with Director and Assistant Director; regular communication of information and opportunities.</p>	15
<p><b>Quality of Staff:</b>            Staff expertise in providing program support—intake, scheduling; staff’s knowledge; staff is superb; highly professional and engaged administrative and support staff; AAA provides appropriate contact information for clients; the knowledge of staff; knowledge of AAA staff; quality of staff; AAA staff are professional and polite; receptionist always provides schedules a week in advance and calls if any changes; AAA does good job of screening referrals.</p>	11
<p><b>Helpfulness of AAA:</b>            Staff and executive director helpful, accessible, approachable, professional, compassionate, friendly; staff always available for further questions; staff personable, involving, caring; AAA administration is very efficient; AAA staff readily available to consult when needed; accessibility of supporting staff; willingness of staff to assist when needed; availability of AAA to work collaboratively with the Provider; AAA personnel are helpful; when witnesses are needed (wills, POA rider), office personnel are always obliging; AAA personnel are accessible, responsive and available for questions and guidance when necessary.</p>	11
<p><b>Commitment to Clients:</b>            Commitment to servicing clients in need; staff commitment; AAA concern for clients and follow-up; AAA staff works well with the clients; timely appointments and follow-up; dedication to elderly; people work with desire to help this population—all striving towards same goal.</p>	7
<p><b>Interpersonal relations:</b>            Quality of AAA’s relationship with the contracted Providers; good relationships; quality of interpersonal relationships; good interpersonal relationships; personal relationship with the office staff; quality of interpersonal relationships.</p>	7
<p><b>Flexibility:</b>            Flexible scheduling; flexibility; ability to be flexible; freedom to operate the Program as determined by the Provider; AAA does not attempt to micromanage Provider’s handling of a case.</p>	5

<p><b>Sensitivity:</b> Sensitivity regarding the Provider; commitment to maximizing efficient use of extremely limited resources; AAA's understanding of LAP's time and budgetary limitations; AAA's sensitivity to Provider's issues regarding delivery of legal services; AAA's support of the Providers.</p>	4
<p><b>Task responsibility:</b> AAA assumes full responsibility for initial screening and referral of potential clients; the Peerplace Client Referral System; clear &amp; precise statement of clients' problems.</p>	3
<p><b>Clear Expectations:</b> AAA is clear about expectations; grant expectations are clear and concise and allow us to understand what our expectations are.</p>	2
<p><b>Referrals:</b> Ease of referrals; appropriate referrals.</p>	2
<p><b>Reporting Requirements:</b> Reporting requirements are reasonable; good reporting process.</p>	2
<p><b>Long-Term Relationship:</b> Long-standing relationship—20 years; professional and courteous staff relationships that have been place and developed over a decade of services.</p>	2
<p><b>Implementation:</b> The contract application process is good; good contract administration.</p>	2
<p><b>Miscellaneous:</b> AAA regards the Program as a valued service; The Program is located in the federal Administration on Aging (AOA), which allows us to coordinate with our other AOA programs, so referrals flow both ways---also legal support can easily be provided to AOA outreach workers and to the LTCOP program; Provider provides the legal services <u>at</u> the AAA, so interacts regularly with AAA personnel who provide referrals and information about their programs; On-line invoicing is convenient and efficient; Both the Provider's and the AAA's understanding of the legal needs of seniors; AAA payments are predictable.</p>	6

**Section IX**  
**Program Strengths and Limitations; Training Topics**

**Program strengths:** 34 respondent Providers listed what they felt were the greatest strengths of the Legal Assistance Program; these responses are sorted into five categories in Table 25.

Table 25 shows that the primary characteristics giving the Program its greatest force in achieving its goals are:

- The Program's ability to reach out and provide free or subsidized legal services to seniors who would otherwise have limited or no access to legal assistance—including seniors who have no money, cannot afford an attorney, or think they cannot afford an attorney . . . and including seniors who are homebound, frail, disabled, or institutionalized.
- The quality of Provider and AAA staff and the good communications among these staff.

**Table 25**  
**Legal Assistance Program**  
**The Program's Greatest Strengths**  
**(n = 34 Providers)**

Element of Program Strength	Number of Providers Listing One or More Element as a Primary Program Strength
<p><b>Free / Affordable / Accessible Services:</b>            Clients find services easily accessible; accessibility to Provider reduces fraud and intimidation of elderly; accessibility; accessible to all seniors; one-stop-shop for services; free legal services helps seniors maintain their financial resources; provides legal documents for seniors who cannot afford an attorney; ability to serve a wide range of seniors who would otherwise be unable to obtain legal services; program allows attorneys to concentrate on meeting the specialized legal and other needs of seniors; program provides legal access to seniors who are homebound, disabled, and institutionalized who would not otherwise have access to legal sources; program fosters in-depth familiarity with aging issues; program helps meet the challenges of serving elderly and vulnerable seniors where they live; program is specifically targeted to needs of low-income, frail, and vulnerable seniors; easy access for low-income elderly; program provides typically cost-prohibitive services to those in need; makes subsidized legal help available to clients who ordinarily have no access to such services; ability to reach and serve those who have no money, or cannot afford paid legal services, or do not think they can afford or need a lawyer.</p>	15
<p><b>Quality of Provider and AAA Staff; Good Communication:</b>            Knowledge and commitment of staff; good communication between AAA and Provider; efficient staff; experienced and dedicated staff provides high quality legal services; program is managed by committed and caring staff; program has caring people; staff's knowledge and experience with subject areas; experience with clients and social and economic needs; employees' proficiency; program staff provide excellent, conscientious, personal legal services to senior clients; learned staff; Providers are knowledgeable about areas of clients' needs—such as assisted living, Medicaid, Medicare, disability; Providers' experience; staff's responsiveness to clients; responsiveness to clients' needs.</p>	13
<p><b>Relationship of Trust with Clients and Community:</b>            Clients involved in understanding and solving their legal issues; services directly targeted to seniors from a trusted local Provider; effective, direct contact with client; ability to develop face-to-face relationship with client; natural collaboration occurs between AAA and Provider; services are available in familiar, comfortable settings such as senior centers, churches, etc.; warm, comfortable, non-threatening environment for seniors; warm and supportive environment; trusted relationships with community organizations and local public officials; open-door policy; deep historical roots in the community; program fosters a strong relationship with community and related agencies.</p>	11

<p><b>Program Characteristics:</b>  Program is user-friendly—easy appointment-scheduling, easy access, and includes home and facility visits; program is a combination of education and direct services; seamless integration with other aging services and the aging services network; program includes a willingness to serve a broad base of the elderly population; there is a strong network of referral resources; program has a separate dedicated funding source; program’s ability to set local priorities; program permits and encourages a full range of services; program’s flexibility allows provision of direct expert legal assistance and representation, not just information and referral; Provider has flexibility to take on complex issues and litigation, even if that takes time and resources; program is comprehensive; program provides quality legal services to persons in greatest legal need; program gives Providers resources to promote stability in senior households and help advance general legal causes and better treatment for seniors through legal precedent; program provides representation for vulnerable clients.</p>	<p>11</p>
<p><b>Program Focus:</b>  Program focuses on issues important to target population; program serves an important community function; program provides specialization in elder law issues—specifically, Medicaid eligibility and planning; program focuses on populations with specific cultural needs; provides much-needed support for critical legal and advocacy services; the program’s primary objectives and focus are maintained and periodically questioned/verified; program specifically focuses on the unique issues and needs of older New Yorkers; program provides support and advice to caregivers; program provides outreach to those needing legal help; program provides much-needed legal referral and information services to those in need.</p>	<p>9</p>

**Improving the Program:** Comments by 25 Providers for improving or strengthening the Legal Assistance Program are sorted into five categories in Table 26.

As shown in Table 26, the greatest number of comments (16 Providers) was to increase funding: to cover the growing demand for legal services, to expand the types or amounts of legal services provided to individual clients, to avoid client waiting lists, and to eliminate the exhaustion of Program funding before the end of the Program year.

<p align="center"><b>Table 26</b>  <b>Legal Assistance Program</b>  <b>Improving / Strengthening the Program</b>  <b>(n = 25 Providers)</b></p>	
<p align="center"><b>Comments</b></p>	<p align="center"><b>Number of Providers Listing One or More Suggestion in a Comment Category</b></p>
<p><b>Increase Program Funding:</b>  Program funding is woefully inadequate; more funding needed to reach more seniors and provide more extended service; need regular funding increases—funding has been stagnant for more than a decade, but need is growing; need more funding; more funding needed to meet the tremendous demand for fundamental legal and advocacy services; staff capacity is limited due to limited funding; funding does not provide for a paralegal in the main office; limited funding results in limits on intake; provide additional much-needed funding to hire additional attorneys, paralegals, and staff to expand the program in order to increase the number of clients that can be effectively served; limited funding means we are booked several weeks in advance and people must wait; more funding would allow us to allot more hours for legal services.</p>	<p align="center">16</p>

<p><b>Education / Training / Forms:</b>  The Administration on Aging and/or the New York State Bar Association should provide Continuing Legal Education that is specific to the needs of attorneys serving vulnerable and financially challenged seniors; training, such as Continuing Legal Education would be helpful; the New York State Legal Developer should make on-line forms for common transactions available to Providers; create a Listserv for common issues; organize an annual statewide conference/training; AAA training in client-screening would be helpful; provide funds for literature; additional education opportunities regarding new home health care programs.</p>	8
<p><b>Increased Collaboration:</b>  Shared training with the Department of Social Services Adult Protective Services program about issues such as financial abuse; build greater collaboration across New York State between the AAAs and the legal services Providers to identify and attack legal issues affecting seniors; provide more resources for linkages between legal services Providers and other agencies and groups; create more opportunities for collaborative delivery of holistic services; increase the ability of various Providers in various counties to share information, procedures, etc.; add Providers and AAA to the Legal Services Initiative's Think Group; need to have a regular advisory group that meets annually to review issues and problems so adjustments can be made to the program as needed; would be happy to work more closely with AAA staff so that I know more about what they are doing and vice versa.</p>	6
<p><b>Means-Testing:</b>  Give consideration to income limits for services—although our experience has been that 95% of persons who come to us are low-income; Institute some sort of asset, income, and/or other resource priority criteria so that during the balance of the contract period when funding is vulnerable to exhaustion, the program is not used by those who have sufficient means for legal services and thereby deprive those in greater need; Evaluate where a resource-eligibility-based service would provide broadened services to those in need.</p>	2
<p><b>Miscellaneous:</b>  Ensure that all counties use an unbiased Request For Proposals process—legal assistance contracts should not be a reward for local bar members; All Administration on Aging (AoA—now part of the federal Administration for Community Living) legal service programs should be located in the AoA to facilitate access by seniors, as well as integration and identification with other AoA programs;  Providers should be based locally to assure quality services based on knowledge of the needs of the local community and to assure that residents of rural counties do not get short-changed by urban-based regional Legal Services Corporation programs;  Clients without family need assistance managing funds and paying bills—this service is too often not available;  Reporting requirements take time away from actual case work;  Work more with senior housing complexes, such as having seminars on site or just schedule a block of appointments once a year for each complex;  Implement clearer guidelines for providing legal services for those in great social or economic need, especially for those individuals who are above poverty level but are ineligible for public assistance;  Support outreach efforts.</p>	8

**Training:** Providers were asked to list up to four areas of training they would find most useful in carrying out the Legal Assistance Program. The responses from 29 Providers were sorted into 10 categories in Table 27.

<b>Table 27</b> <b>Legal Assistance Program</b> <b>Training Topics Most Desired by Providers</b> <b>(n = 29 Providers)</b>	
<b>Training Topic</b>	<b>Number of Providers Choosing Topics in Each Topic Category</b>
<b>Medicaid / Medicare:</b> Medicaid—general information; updates/changes in Medicare/Medicaid; Medicaid eligibility; Medicaid laws; filing Medicaid applications; Medicaid home care waived programs.	16
<b>Homecare / Long-Term Care Programs and Insurance:</b> Long-term care—general information; long-term care insurance options; managed long-term care planning; Long-Term Home Health Care Program / Nursing Home Without Walls; nursing home regulations; overview of home care—types, standards, sources of payment; availability of various home health care programs.	8
<b>Health Care and Health Insurance:</b> Implications/impact of the Affordable Care Act on seniors; health care; recognizing and understanding common aging-related medical conditions and disabilities; health insurance training; cross-discipline training, such as training regarding mental health issues; new managed care Consumer Directed Personal Assistance Program.	8
<b>Public Benefits:</b> Benefits—general information; pensions/ERISA; Social Security; Social Security Disability; Supplemental Security Income; VA benefits; public benefit challenges.	8
<b>Housing:</b> Housing—general information; foreclosure; landlord/tenant issues; reverse mortgages.	5
<b>Fraud / Abuse:</b> Financial exploitation; contracts; door-to-door sales; strategies for dealing with the huge national debt-collection mills; strategies for identifying and dealing with elder abuse in the community; consumer fraud; credit fraud.	5
<b>Estate Planning:</b> Advance directives; Medicaid planning, particularly for community spouse; wills, trusts; estate planning; elder law.	4
<b>Debt / Collections:</b> Debt collection; debt negotiation; consumer debt; bankruptcy.	4
<b>Guardianship:</b> Guardianship—set up, removing, altering.	3

<p><b>The Legal Assistance Program:</b> Reporting and vouchering requirements; non-legal-related topics, such as training focused on other resources and programs for seniors so that the Provider can take a more global “serve-the-client” approach and determine if other resources can benefit clients; techniques for overcoming networking fragmentation.</p>	3
<p><b>Miscellaneous:</b> Cultural competency for seniors; Training in most areas of law from the perspective of low-income individuals; Holistic approaches to provision of legal services; Matrimonial law; Litigated consumer actions.</p>	5

**Optional comments:** 16 Providers took advantage of the opportunity to add Optional Comments in their surveys. Following are 12 comments that differ from comments, suggestions, and recommendations made by respondents in response to other questions in the Provider survey:

- I am not allowed to advise or represent clients who reside in counties that are contiguous to my AAA-contract county despite the fact that clients’ localities are geographically closer to my service Program or they have connections to my AAA-contract county.
- Most CLE (Continuing Legal Education) programming relates to the needs of attorneys serving fee-generating clients and not the needs of poor people—for example, programs on collections are presented from the perspective of the collectors; health care from the perspective of health care providers; and financial planning presented for the wealthy, not for those scraping to make ends meet on Supplemental Security Income and Food Stamps. Attorneys serving the aging poor and long-term care residents work in an alternate universe trying to help people with limited or nonexistent resources who cannot use money to solve their problems.
- Given the size of our budget (\$16K per year), we devote all of our time to providing direct services. We cannot provide training, education, or community outreach services, given the time (cost) limitations. All our charges for services provided essentially cover office overhead costs. We have provided services for several years, not for financial gain, but for the personal satisfaction from helping those in need.
- For the survey, in reporting the average hours per month I spend on the *Legal Assistance Program*, I have not included the travel time to go to the various sites I go to when I meet with clients.
- Love being a Provider . . . have done it for about 28 years . . . it is a nice part of my practice.
- Please include the Providers in the Legal Services Initiative process, and keep us up-to-date on this exciting Initiative.
- The *Legal Assistance Program* is one of the most worthwhile programs I have been involved with as a lawyer.
- The *Legal Assistance Program* addresses clients’ needs beyond the legal ones. Our budget is limited, and it is unlikely that we will be able to continue subsidizing the Program. Already, federal sequestration has left us without any work-study students for the summer and possibly the fall as well. We receive 20 – 30 phone calls each day—there is a tremendous unmet need for legal services for seniors in our county. When referring cases

to the Program, the AAA should advise individuals that the Program “MAY” be able to assist; it is not possible to take every case, and prospective callers should be advised of this in advance.

- The AAA does not fully understand the amount of time that individual cases can take. Two attorneys and one paralegal are insufficient to serve the needs of a county that is home to 285,000 senior citizens.
- The Program provides a very valuable service to our community for the elderly and disabled, as legal issues are often very emotional for people with limited income, and the fees of private attorneys are simply out of reach.
- I feel privileged to have been a part of this excellent Program for the past 15 years.
- Any training made available should be provided free-of-charge to the *Legal Assistance Program* Providers.