

12405

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Camille Failla Murphy
Director, Office for Women

DATE: June 23, 2010

SUBJECT: Authority to enter into an agreement with Pace University, acting by and through the Women's Justice Center of Pace University School of Law ("Pace"), whereby Pace will provide legal consumer education via a telephone helpline, as well as education and training to private attorneys to assist women and senior citizens from low and moderate incomes, for a term of one year commencing January 1, 2010 and terminating December 31, 2010 in an amount not-to-exceed Sixty-One Thousand Four Hundred Fifty-Three Dollars (\$61,453), pursuant to the workplan and budget appended as Schedules A and B

Authority is requested to enter into an agreement with Pace, whereby Pace will provide legal consumer education via telephone counseling in matrimonial, employment, health care, domestic violence and elder law, including the development of educational publications in English and Spanish, and the maintenance of a legal center staffed by law students. In addition, Pace will provide education and training to private attorneys who will, in return for such training, provide low cost matrimonial and elder law representation to low and middle income persons. Pace has been providing some of these services to the County since 1999, and others since 2001.

The proposed Agreement will have a term of one year commencing January 1, 2010 and terminating December 31, 2010, in an amount not-to-exceed Sixty-One Thousand Four Hundred Fifty-Three Dollars (\$61,453), to be paid quarterly pursuant to the workplan and budget attached as Schedules A and B.

The proposed Agreement promotes the public health, safety and general welfare by providing legal services to low and moderate income women and senior citizens who, without this assistance, would be at high risk of becoming victims of abuse. These services will also assist women and senior citizens with low and moderate incomes in protecting their rights and in so doing will decrease their dependence on governmental assistance. In 2009, Pace held six Family Law Lecture Series sessions providing legal education for non-lawyers on divorce, child custody and child support matters; over 2,200 helpline callers were responded to; and approximately 45

clients who applied were matched with attorneys, ensuring them legal representation. Due to reduced funding as well as increased volume of helpline calls and the need to respond to them on a substantive and timely basis, Pace will be devoting more time and resources to the helpline and will not hold Family Law Lecture Series sessions during the proposed contract term.

Accordingly, they expect to respond to at least 1,800 to 2,000 helpline callers. In addition, it is anticipated that at least 35 clients who apply will be matched with attorneys for representation.

If this resolution is not approved, women and senior citizens who cannot afford a private attorney would be unable to receive legal representation as well as being deprived of essential legal information and counseling offered by the helpline. Since the legal advice provided concerns family matters such as child custody/support, domestic violence and elder abuse, depriving these services may consequently compromise the safety and security of the clients and/or their children.

The effectiveness of this program will be determined by successfully matching clients who apply with attorneys for legal representation.

Payments will be made to Pace on a quarterly basis for services rendered, in accordance with the attached Schedules A and B. The Westchester County Office for Women will be responsible for monitoring Pace's performance under this Agreement by means of site visits, as well as their monthly statistics and quarterly narratives.

Section 459-c of the New York Social Services Law directs social services districts, such as the County, to offer and provide non-residential services to victims of domestic violence, whether eligible or ineligible for public assistance. Non-residential services programs must have the ability to provide the following services:

- 1.) Information and Referral services
- 2.) Advocacy
- 3.) Counseling
- 4.) Community education and outreach activities
- 5.) Hotline services

This agreement is exempt from the Westchester County Procurement Policy under Section 3(a)(ix) which exempts "contracts with teachers, lecturers, and other educational professionals or experts."

I recommend approval of the attached proposed resolution.

RESOLUTION

Upon communication from the Director of the Office for Women, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with Pace University, acting by and through the Women's Justice Center of Pace University Law School ("Pace"), whereby Pace will provide legal consumer education via telephone counseling in matrimonial, employment, health care, domestic violence and elder law, including the development of educational publications in English and Spanish, and the maintenance of a legal center staffed by law students. In addition, Pace will provide education and training to private attorneys who will, in return for such training, provide low cost matrimonial and elder law representation to low and middle income persons. This Agreement will have a term of one year commencing January 1, 2010 and terminating December 31, 2010 in an amount not-to-exceed Sixty-One Thousand Four Hundred Fifty-Three Dollars (\$61,453) to be paid quarterly pursuant to the workplan and budget attached as Schedules A and B; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to Pace, then Pace shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Account to be charged/credited:

FUND	DEPT	Major Program, Program & Phase, Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	11	0900	4380	N/A	\$61,453

Budget Funding Year(s) 2010 **Start Date:** 1/1/2010 **End Date:** 12/31/2010

(must match resolution)

Funding Source: Tax Dollars \$61,453

\$61,453

State Aid _____

(must match resolution)

Federal Aid _____

Other _____

SCHEDULE "A"

SERVICES

Revised 7.5% cut

Proposed Work Plan for Continuation of the Pace Women's Justice Center, Westchester Division, Legal Consumer Education and Matrimonial Panel Grant, 2010

For the past ten years, the Pace Women's Justice Center has had a contract with the Westchester County Office for Women for our Westchester Division, which provides Legal Consumer Education and a Moderate Means Matrimonial Panel. In the interest of clarity and brevity, the following outline details the "deliverables" that Westchester County can expect from this contract. It should be emphasized at the outset that ALL services are provided in a gender-neutral manner. However, the vast majority of those seeking the Center's assistance has been, and continues to be, women. It is recognized and understood that the County can only participate in this program to the extent that a public purpose is achieved. In this case the public purpose is to assist women and senior citizens with low and moderate incomes to protect their rights and in so doing to avoid circumstances that will make them dependent on government assistance. The Pace Women's Justice Center shall endeavor to spend the County's funds to achieve this goal.

Legal Information & Counseling

- The staff attorneys provide telephone counseling, information, and referrals to the public on a myriad of legal issues (e.g., matrimonial, custody, child support, domestic violence, elder abuse) for an anticipated 1,800 calls received per year. Since the increase in calls has affected our ability to respond to the callers on a timely basis, the Center reached out to attorneys in the community and developed a panel of pro bono attorneys who have been trained and now answer the calls, under staff supervision, on a regularly scheduled basis. In addition, the Center established a partnership with the MasterCard Worldwide Law Department and has recruited and trained staff attorneys from MasterCard who are now also regularly scheduled to answer the helpline. We plan to expand this pro bono attorney program by reaching out to more corporate legal departments and attorneys in the community.

Given the percentage increase in the number of helpline calls and the need to respond to them on a substantive and timely basis we will be devoting more of our energies and resources to the helpline, and to recruiting, training and

supervising more pro bono attorneys, and will therefore not be conducting the Family Law Lecture Series this year. The increase in the volume of calls, as compared to the small number of people who attended the programs over the past few years, makes it clear that it is a better use of our resources to devote more time to the helpline. With more time available for the helpline, staff and pro bono attorneys will be able to respond to the calls sooner and will have the opportunity to dedicate more time and attention to each caller, many of whom are spoken to on two or three occasions.

- Expand available county (and other) resource and referral bases, and attend coalition, counsel, and organizational meetings to promote the availability of our services. As a component of the pro bono attorney training, we have developed a resource manual that includes the many services available within the larger community.

Publications

- Expand the Center's library of written materials available for reference and distribution. We attend CLE and other training classes on domestic violence, elder abuse, matrimonial law, and elder law such as Medicaid planning, long term health care planning, HIPPA regulations, trust and estates, etc. All materials are brought to the Center and used by staff as additional resource materials. We also purchase video and books related to the above-mentioned areas of law.
- Develop and expand the range of legal information available through the Women's Justice Center website.
- Continue to increase publicity and outreach to advise the public of the availability of FREE Center publications.
- Distribute 250 copies of the Divorce Law Q & A. Distribute 50 copies of the Spanish Translation of the Divorce Law Q & A. We will encourage people to access the publication from our website in order to save printing costs.

Legal Center

- Work closely with Pace University School of Law to involve law students in the continued development of the Westchester Division. Last year, law students assisted in the Westchester Division by updating and writing manuals and resource materials. This year, students will assist on current Westchester Division projects as well as work on the development of new Westchester Division projects.

Moderate Means Matrimonial Panel

- Plan for our 2011 bi-annual training session for the continuing education of Moderate Means Panel members. This program addresses legal issues which are of particular interest to those serving on the Moderate Means Panel. Usually, 25 to 30 attorneys attend the program.
- Oversee the Moderate Means Panel by conducting outreach for new attorneys for panel participation, reviewing attorney applications and organizing training materials for new panel members. Meet with members of the bar associations, the courts and other community groups to publicize the program and to recruit new attorneys to the panel.
- Screen clients for panel participation. Review client applications, identify attorneys for representation and refer clients to Moderate Means attorneys. We expect to process approximately 40 new applications for representation by the Moderate Means Panel attorneys and place at least 35 new clients.
- Prepare all other necessary materials needed for functioning of panel.

Outcomes

- Respond to at least 1800-2000 Helpline callers.
- Distribute 250 English language Divorce Q & A's and 50 Spanish language Divorce Q & A's.
- Plan for the next bi-annual Moderate Means Panel Training Program in 2011.
- Expect to place at least 35 new clients for representation by Moderate Means Panel Attorneys.

SCHEDULE "B"
Revised Budget with 7.5% cut for Continuation of the
Pace Women's Justice Center, Westchester Division, Legal Consumer
and Matrimonial Panel Grant

PERSONNEL

SALARY & BENEFITS \$58,615

Subtotal Personnel **\$58,615**

Operating Expenses

POSTAGE \$925

TELEPHONE \$740

PRINTING, SUPPLIES, ROOM RENTAL
ADVERTISING & RELATED COSTS \$988

TRAVEL \$185

Subtotal Operating Costs **\$2,838**

TOTAL **\$61,453**

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-8-2010 - JOMARY VIEIRA, SECRETARY