

18530

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Diane G. Balistreri
Coordinator, Office for Women

DATE: April 15, 2011

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, to 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 who are Westchester residents for an amount not-to-exceed \$61,453 for the period January 1, 2011 to December 31, 2011

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Pace University, acting by and through the Women's Justice Center of Pace University School of Law ("Pace"), to 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 moderate income persons who are Westchester residents.

The proposed Agreement will have a term of one year beginning January 1, 2011 and ending December 31, 2011 for an amount not-to-exceed Sixty-One Thousand Four Hundred Fifty-Three Dollars (\$61,453) to be paid quarterly pursuant to an approved budget.

The proposed Agreement will promote 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 public assistance.

The goals and objectives of the proposed Agreement (as more fully described in Schedule A) are for Pace to respond to at least 1,800-2,000 helpline callers, conduct bi-annual Moderate Means Panel training programs, and place at least 50 new clients for representation by Moderate Means Panel attorneys.

During the previous contract term, Pace responded to nearly 2,000 helpline callers and matched 65 clients with attorneys for representation.

The goals and objectives of the proposed Agreement will be tracked and monitored by the Office for Women, which will be responsible for monitoring Pace's performance by means of site visits, as well as their quarterly statistics and narratives. The effectiveness of this program will be determined by successfully matching clients who apply with attorneys for legal representation.

The procurement for this program 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."

Accordingly, I recommend approval of the attached proposed Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-5-2011
SECRETARY
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RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement (the "Agreement") with Pace University, acting by and through the Women's Justice Center of Pace University Law School ("Pace"), for provision of 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 who are Westchester residents; and be it further

RESOLVED, that this Agreement will have a term of one year beginning January 1, 2011 and ending December 31, 2011 for an amount not-to-exceed Sixty-One Thousand Four Hundred Fifty-Three Dollars (\$61,453) to be paid quarterly pursuant to an approved budget; 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 the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all documents and take any actions necessary to effectuate the purposes hereof.

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) 2011

Start Date: 1/1/2011

End Date: 12/31/2011

(must match resolution)

Funding Source:

Tax Dollars \$61,453

\$61,453

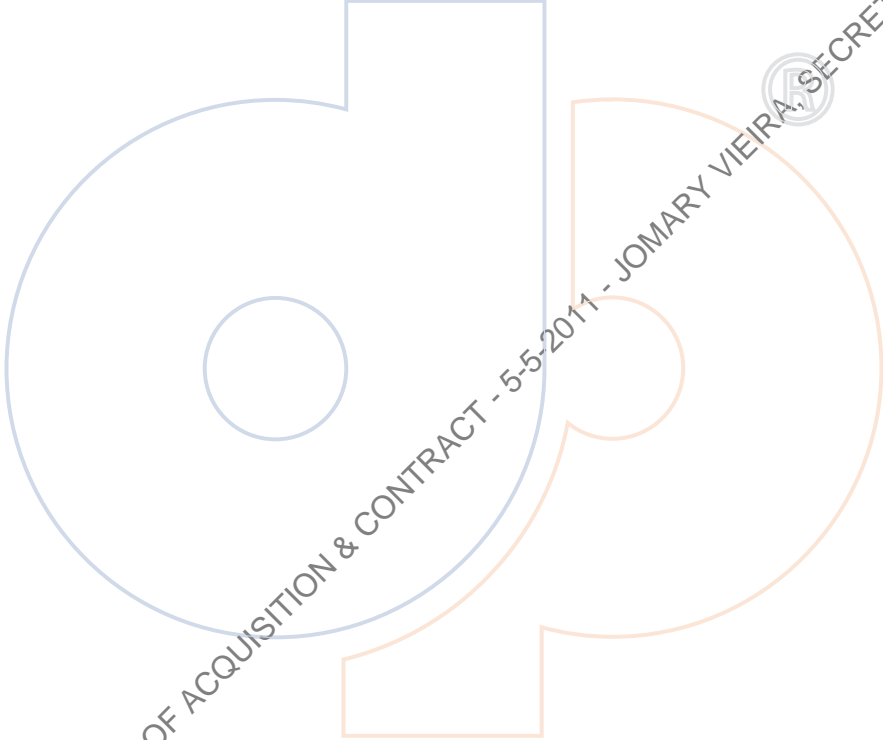
State Aid _____

(must match resolution)

Federal Aid _____

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-5-2011 - JOMARY VIEIRA, SECRETARY



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Schedule A

Proposed Work Plan for Continuation of the Pace Women's Justice Center, Westchester Division, Legal Consumer Education and Matrimonial Panel Grant, 2011

For the past eleven 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 we now have a dedicated group of pro bono attorneys who have been trained and 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 recruited and trained staff attorneys from MasterCard who are also regularly scheduled to answer the helpline.
- Given the percentage increase in the number of helpline calls and the need to respond to them on a substantive and timely basis we devoted more of our staff attorney time in 2010 to recruiting, training and supervising more pro bono attorneys. In 2010, pro bono attorneys from the community and MasterCard contributed 378 hours of service, an increase of 43% from 2009. We could not begin to answer the large volume of calls without their assistance. We will continue to recruit pro bono attorneys from the community during 2011.
- 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

- Conduct 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, 30 to 40 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 70 new applications for representation by the Moderate Means Panel attorneys and place at least 50 new clients.
- Prepare all other necessary materials needed for functioning of panel.

Outcomes

- Respond to at least 1800-2000 Helpline callers.
- Conduct bi-annual Moderate Means Panel Training Program.
- Expect to place at least 50 new clients for representation by Moderate Means Panel Attorneys.