

24621

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Diane G. Balistreri
Coordinator, Office for Women

DATE: February 2, 2012

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 for an amount not-to-exceed \$188,047 for the period January 1, 2012 to December 31, 2014

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. 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.

The proposed Agreement will have a term of three year beginning January 1, 2012 and ending December 31, 2014 for an amount not-to-exceed One Hundred Eighty-Eight Thousand Forty-Seven Dollars (\$188,047) to be paid quarterly pursuant to an approved budget, of which: \$60,839 will be funded in 2012; \$62,664 will be funded in 2013; and \$64,544 will be funded in 2014.

The proposed Agreement is the result of a Request for Proposals ("RFP") which was sent out to 36 organizations throughout Westchester and the surrounding area and was made available on the County's Web site where it could be accessed by additional organizations including minority- and women-owned businesses. As a result, Pace was the only agency to submit a proposal.

Due to the overwhelming need for the continuation of these services, as Pace has successfully provided these services under previous contracts with the County since 1998, and as Pace serves as the only legal helpline in Westchester, it is necessary that this agreement move forward instead of repeating the RFP process.

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 2,000 helpline callers and conduct two Moderate Means Panel training programs per year.

In 2011, Pace responded to over 1,700 helpline callers and matched 93 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.

Accordingly, I recommend approval of the attached proposed Resolution.

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. 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; and be it further

RESOLVED, that this Agreement will have a term of three year beginning January 1, 2012 and ending December 31, 2014 for an amount not-to-exceed One Hundred Eighty-Eight Thousand Forty-Seven Dollars (\$188,047) to be paid quarterly pursuant to an approved budget, of which: \$60,839 will be funded in 2012; \$62,664 will be funded in 2013; and \$64,544 will be funded in 2014; 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	Funding Year
101	11	0900	4380	N/A	\$60,839	2012
101	11	0900	4380	N/A	\$62,664	2013
101	11	0900	4380	N/A	\$64,544	2014

Budget Funding Year(s) 2012-2014 **Start Date:** 1/1/2012 **End Date:** 12/31/2014
 (must match resolution)

\$188,047
 (must match resolution)

Funding Source: Tax Dollars \$188,047
 State Aid _____
 Federal Aid _____
 Other _____

SCHEDULE A

SCOPE OF SERVICES

Target Group

Women and senior citizens with low and moderate incomes residing in Westchester County with legal issues related to family law.

Access to Services

The Legal Helpline and Moderate Means Program services will be accessed through a dedicated phone line located at the Pace Women's Justice Center (the "Center"). The Center is actively involved in the Westchester community and regularly conducts hundreds of training, community education and outreach programs throughout the County. The Center will take advantage of these activities to advertise its Legal Helpline and Moderate Means Program. The Legal Helpline receives calls through self-referral, and referrals from numerous sources including partnering agencies, government, social service agencies, court assistance programs, bar associations, private attorneys, United Way's 211, community-based organizations, hospitals, volunteer organizations, individuals, and former clients. Similarly, the point of entry for potential clients who may be eligible for the Moderate Means Program often comes through the Legal Helpline and its sources of referral.

Services (Scope of Work)

The Center will provide legal services to all callers, including the target group of women and senior citizens with low and moderate incomes in areas related to family law. "Legal services" shall include two (2) programs: a legal helpline maintained by attorneys to provide by telephone legal information and referrals on all issues, specifically including but not limited to issues related to family law; and a Moderate Means Program that matches moderate-income clients with private attorneys who will represent them at a substantially reduced retainer fee and hourly rate.

1. Legal Helpline:

The Legal Helpline will be staffed by staff and volunteer attorneys who are able to provide by telephone legal information and referrals on myriad legal issues, including but not limited to legal issues related to family law, domestic violence, divorce, child and spousal support, and elder abuse. Attorneys will provide assistance to callers about their legal rights, navigating the court system, and general guidance on legal matters, and will make appropriate referrals to legal and social services agencies, the courts, bar associations and other programs. It is notable that the Legal Helpline often refers in-house to other Center programs that provide direct legal representation in court such as the Center's Family Court Legal Program, Elder Abuse Program, Uncontested Divorce Project, Pro Bono Project and Bridge the Gap.

Given the volume of calls and the Center's expertise in leveraging limited resources, pro bono attorneys have been recruited and trained, and are supervised by a staff attorney to answer the

Legal Helpline. In addition to individual private attorneys, the Center has established a public-private partnership with the MasterCard Worldwide Law Department and MasterCard attorneys are regularly scheduled to donate their time in staffing the Legal Helpline. The Center plans to expand this model pro bono attorney program by reaching out to more corporate legal departments and private attorneys in the community.

Although the Legal Helpline has traditionally accepted all calls, outreach and publicity will be focused on the targeted group of low to moderate income women and senior citizens with family law issues. Attorneys will respond to a minimum of 2,000 helpline callers per contract year. Attorneys will respond to legal inquiries during regular business hours, excluding weekends and holidays, within 24 hours of receiving the initial call. The Legal Helpline is available by voicemail 24/7, as it accepts calls and messages at all hours.

1. **Moderate Means Program:**

In addition to the Legal Helpline, the Center has administered a Moderate Means Program which provides a valuable resource to our community for those who are above federal poverty guidelines, but who cannot afford to pay prevailing rates for private attorneys. The Moderate Means Program is designed to find attorneys for individuals who have some resources and low-to-moderate income, but cannot afford to pay regular attorney rates or the substantial retainer fee. In the NY metropolitan area, hourly rates for private attorneys can range from approximately \$350 to \$800 an hour. The attorneys who participate in the program agree to a substantially reduced retainer fee upon being hired and/or monthly payments toward legal fees, and a substantially reduced hourly rate.

Clients are screened for panel participation based on income, and if accepted, are connected to an attorney who will represent them at a substantially reduced rate. Private attorneys are recruited to serve on the panel and receive ongoing training by Center staff on domestic violence, child support and other issues.

Since its inception, hundreds of clients have been placed with Moderate Means panel attorneys. During the first year of operation, 24 clients were placed. Because of the program's success and the demand, the number has grown each year with approximately 65 clients being placed annually. The Moderate Means Program currently has 20 panel attorneys and has maintained that level of private attorney participation since its founding.

The Moderate Means Program and its panel attorneys have become an essential resource for Westchester residents in family law matters. The Center has found that with appropriate legal assistance, many clients are able to make the transition to independence and to become economic self-sufficient to help ensure a safe and stable future for themselves and their children. Too often, clients do not understand their legal rights or are unable to access the legal services they need to move forward with their lives. To make matters worse, because of scarce resources and budget cuts, the demand for civil legal services exceeds the resources available, and the Center has not been able to provide full services for every potential client. In addition, there is a large gap in services for clients who are working poor and financially ineligible for federally-funded civil legal services. This represents a huge service gap for low and moderate income clients.

The Center will continue to administer the Moderate Means Program and will provide two trainings per contract year for attorneys who will, in turn, provide representation to clients with family law issues at a lower cost. Potential clients will be screened through an interview and application process. If eligible, clients will be matched and referred to a Moderate Means panel attorney who will represent them at a substantially reduced retainer and hourly rate. Private attorneys will be solicited to serve on the panel and will receive ongoing training on domestic violence, child support and other family law issues.

The Center will oversee the Moderate Means Program by conducting outreach for new attorneys for panel participation, reviewing attorney applications and organizing training materials for new panel members. Outreach will include meeting with members of the bar associations, the courts and other community groups to publicize the program and to recruit new attorneys to the panel.

Justification

These services will be provided with the intention of enhancing the legal awareness, rights and independence of low to moderate income individuals. Supplying legal information and representation is imperative for clients who cannot otherwise afford representation and assists in securing stability for clients and their children. Clients are also assisted to protect their rights and in so doing will decrease their dependence on public assistance.