



Legal Services Corporation
Office of Program Performance

Final Report

From the

Program Quality Visit

to

Legal Aid Society of Northeastern New York, Inc.
Recipient No. 233010

August 8-12, 2011

LSC Review Team

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Legal Aid Society of Northeastern New York, Inc. (LASNNY) from August 8-12, 2011. The team members were Cheryl Nolan, Team Leader/OPP Program Counsel; and OPP temporary employees Meg Connolly, Joseph Dailing, Nancy Glickman and Anh Tu.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC has from the program including its grant application and renewal narratives for 2010, 2011 and 2012, its case service reports (CSRs) and other service reports (OSRs), the numerous documents the program submitted in advance of the visit including advocates' writing samples and an electronic survey of LASNNY staff. On site, the team visited the Albany, Amsterdam, Canton, Plattsburgh and Saratoga Springs offices. In addition to speaking to most of the LASNNY staff members, the team conducted telephone interviews or met in-person with a large sample of representatives from LASNNY's board, judges, local attorneys and community organizations.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized according to the four LSC Performance Areas that cover needs assessment and priority setting; engagement with the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development and coordination within the delivery system.

OVERVIEW OF PROGRAM AND SERVICE AREA

LASNNY provides a full range of legal services to eligible low-income people in the 16 counties located in the northeastern region of New York from five offices - Albany, the main office, and the Amsterdam, Canton, Plattsburgh and Saratoga Springs branch offices. LASNNY was incorporated in 1923 and is among the oldest legal services providers in the country. Its service area covers 30% of the state of New York. The program employs 61 staff working throughout its service area. In 2011, LASNNY received \$1,483,208 in basic field LSC funding and approximately \$5,185,903 from non-LSC sources.

The LASNNY service area covers 15,584 square miles and has a poverty population of 173,226¹, which is 11% of its overall population. The ethnicity of the

¹ *Hamilton County*: B17001. Poverty status in the Past 12 months by Sex and Age, 2005-2009 American Community Survey 5-Year Estimates. *All Other Counties*: S1701. Poverty Status in the Past 12 months, 2008-2010 American Community Survey 3-year estimates.

poverty population in the service area is approximately 70.9% white – non-Hispanic, 19.2% African American, 6.2% Hispanic, .5% Native American, 1% Asian/Pacific Islander, and 2.1% other.² The primary language of a significant portion of the limited-English proficient (LEP) population is Spanish.

The program’s legal work is centered on advice and counsel, limited service, pro se/self-help and representation in housing, welfare/public benefits, social security disability and SSI, family and consumer law matters. LASNNY operates specialized units serving low-income children and seniors. It has a medical-legal partnership with Albany Medical Center (AMC) working closely with the AMC Pediatric Group. LASNNY operates special projects focusing on HIV/AIDS law, foreclosure and homelessness prevention, and immigration. It also operates a private attorney involvement program.

SUMMARY OF FINDINGS

LASNNY benefits from a highly dedicated, hard-working and experienced management team and board of directors and has a group of very talented lawyers, paralegals, intake and support staff. LASNNY has created an excellent reputation with other legal services stakeholders, judges, bar officials and private attorneys. It has accomplished a number of things since the merger in 2004 with North Country Legal Services.³ It has unified the five offices into one organization and developed a significant presence in statewide access to justice efforts.

While the program is providing valuable and important services to low-income clients, and it has gained the respect of its stakeholders and colleagues, there is a need to examine its management structure and the workload distribution. The program should consider whether it is time to dedicate resources to a director of litigation position and focus more intently on impact advocacy and its other goals and values around increasing extended services.

While the program has written guidelines for case handling and legal work supervision, case closing is not happening in as timely a fashion as it should for all staff. LASNNY’s management should balance the need for case closing into its other substantive work.

² Census data for ethnicity exceeds 100 percent due to the methodology for Hispanic responses. Census 2000 allowed respondents to report two or more races and asked separate questions for race and Hispanic origin. “Because Hispanics may be any race, data in this report for Hispanics overlap with data for racial groups.” U. S. Census Bureau. (December 2004). *We the People: Hispanics in the United States. Understanding Data On Race and Hispanic Origin from Census 2000.* Retrieved February 2, 2010, from <http://www.census.gov/prod/2004pubs/censr-18.pdf>.

³ LASNNY is the successor organization to the Legal Aid Society of Albany, originally incorporated in 1923. In 2004, the LASNNY merged with North Country Legal Services and also assumed responsibility for serving Fulton, Montgomery and Schoharie Counties.

Intake is not coordinated programwide. Local offices handle their own intake and supervision is dispersed. Intake screening is staffed by support staff; callbacks for advice and counsel are handled by advocates. The Albany office has a full-time attorney and paralegal dedicated to advice and counsel. There is a high demand for services. Although the program has call management software to report on the volume of calls at intake for the Albany, Amsterdam and Saratoga offices, the software is not activated. LASNNY is working with its vendor to activate the call management software. Staff report that the slots open for intake are frequently taken by mid-morning each day. A dedicated supervisor for a programwide system of intake could make a positive difference in seeking new efficiencies and improving access.

LASNNY treats applicants and clients with dignity, sensitivity and respect in the provision of services. The program's website, www.lasnnny.org is translatable into 52 languages using the Google tool bar on the top of the home page. The website includes self-help materials and legal information translated into Spanish. In addition, LASNNY refers callers to the self-help materials in English and other languages posted to www.lawhelp.org/ny. The program has two staff members who are bilingual in Spanish/English and Chinese/English respectively.

The program is engaged with its local communities. Its five offices, specialized units and intake staffing provide access to program services for many low-income clients in its service area.

The program's private attorney involvement strategy complements the program's direct services. The PAI effort consists of a traditional panel of pro bono attorneys to whom cases are referred as well as several clinic type initiatives. Referrals are made in a variety of areas, including evictions, bankruptcies, unemployment compensation hearings, family cases and wills.

LASNNY provides other services to eligible clients, including pro se assistance, community education and the provision of legal information.

LASNNY completed a comprehensive needs assessment in 2010, which involved staff at all levels, board members and relevant stakeholders. The top three categories of need resulting from their survey are consumer, income maintenance, and family law. LASNNY has successfully sought out special grants consistent with their priorities and addresses most priority areas with the support of specialized grant funds. LASNNY regularly collects information and analyzes the effectiveness of its work, especially in achieving the articulated objectives and desired results. LASNNY provides excellent service to the clients it represents. The program assesses clients' reactions to its services and intake. The program surveys clients at case closure.

The last strategic planning process occurred in December 2005. The board retained the New York Council for Non-Profits to conduct its next strategic planning process near the end of 2011.

LASNNY is engaged and well-respected by the judiciary and its community partners. The executive director is well-received by staff, the board and members of the community. The LASNNY management staff is skilled, experienced and dedicated.

The 2004 merger between LASNNY and North Country Legal Services has resulted in a seamlessly integrated program. The successful merger was the result of the hard work of board and staff and has resulted in additional resources to serve clients, increased visibility for legal aid throughout the area and better working conditions for staff. Staff of the former North Country program and the local bar readily acknowledge the extra effort put in by LASNNY's executive director to ensure that the interests and concerns of the former North Country Legal Services were addressed during and after the merger.

The board is appropriately involved in overseeing the work of the program. Board members are conversant with the major issues facing the program and show a deep understanding of the mission and role of the organization. Board members demonstrated a working knowledge of the budget and were appropriately concerned with maintaining a fiscally sound program. The firm's financial management staff is experienced, although in transition as the result of the retirement of the long term fiscal manager. The board is also involved with resource development.

LASNNY has made progress in diversifying its funding. Development staff and grant writing are highly successful. LASNNY is encouraged to continue focusing on funding opportunities for consumer law.

LASNNY is actively involved as a leader in statewide efforts to improve access to justice. LASNNY coordinates with other providers, the bar, law schools and other relevant entities in seeking to ensure that support is provided to advocates and managers, including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice.

FINDINGS AND RECOMMENDATIONS

PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.

Finding 1: LASNNY last conducted a comprehensive assessment of legal needs in 2010. LASNNY is responsive to reviewing community needs.

LASNNY completed a comprehensive needs assessment in 2010. The needs assessment involved written surveys and priority setting staff work groups. The survey was translated into Spanish and distributed to agencies that serve the local Hispanic population. The staff work groups included staff who work with people who face special

access challenges and limited English-proficient (LEP) clients. Input was sought from community partners and local social service providers, including those serving client populations that experience access barriers. Staff at all levels, in addition to board members, was involved in the needs assessment. LASNNY reviewed county and city-wide poverty and demographic data from the current data from the American Community Survey, considered internal data from survey results and CSR data including types of cases, the level of service provided and the level of staffing per poor person.

In determining program priorities, LASNNY considers a range of civil legal problems and needs. The top three categories of need resulting from their survey instrument were consumer, income maintenance, and family. From these categories, eight substantive priority areas were established: support for families; preserving the home, maintaining economic stability; maintaining safety, stability, and health; serving populations with special vulnerabilities; children's advocacy; and the delivery of legal services.

LASNNY has successfully sought out special grants consistent with their priorities and addresses most priority areas with the support of specialized grant funds. Assistance in the substantive priority areas is initially funded by specific grants and, if resources permit, other matters within each category will be addressed. While the program has a number of special projects which address most priority areas, not all subject areas are covered nor is every county covered under special grants. For example, LASNNY's disability-based income maintenance work, helping low-income youth and adults obtain Social Security Disability (SSD) and Supplementary Security Income (SSI) benefits, is handled by the Disability Advocacy Project (DAP) unit. Clients with non-disability based income maintenance problems, such as state benefits and food stamps casework, are not routinely provided full representation. The program's Nutrition Outreach and Education Project generally provides advice and brief services on food stamp eligibility and applications. In addition, some state benefits cases may be undertaken as part of a preexisting housing case. A more conspicuous anomaly involves consumer work. The 2011 statement of priorities addresses consumer matters as a lower priority to grant-funded work even though it was rated as one of the top three areas of importance.⁴ Representation is, however, being provided for consumer problems in several areas. General consumer law questions are addressed through counsel and advice. Specialized consumer issues such as bankruptcy are handled through LASNNY's pro bono program and utility shut offs are handled through its housing work. The foreclosure prevention project deals with a variety of lending issues as well.

In between its formal needs assessments, LASNNY reviews client needs by staff work groups as part of its annual review of priorities. It also reviews needs as part of its work with intake and with community providers. LASNNY has made adjustments in its goals and objectives in response to emerging issues and needs. In order to meet emergency changes which were caused by the worsening economic climate, as well as changes in law or policy, LASNNY has modified some of its specialized units and

⁴ LASNNY's priority statement generally provides that consumer matters will be handled "as resources permit and in addition to grant funded work."

practice concentrations. Interviews with community representatives indicate that after LASNNY spots new trends in client needs, it consults with community providers to obtain further insights and strategizes on appropriate responses. The program uses the work groups to shift its focus within its priorities to timely work to meet the new legal needs in the client community. LASNNY's yearly work planning provides an effective framework for the on-going consideration of the client community's legal needs. LASNNY's increased focus on housing and foreclosure since the economic recession of 2007 is an example of this on-going assessment. Another example is LASNNY's work in family court following the expanded Family Court Act permitting dating and same-sex couples to seek domestic violence protective orders in Family Court.

In terms of newly identified needs, management seeks specific grants to serve those areas. An example of this is seen in the increased demand for assistance in housing issues since the economic recession of 2007 that resulted in LASNNY taking more foreclosure and eviction issues. LASNNY has also strengthened its private attorney involvement program and created opportunities for more private attorneys to represent individual clients and provide limited court and administrative hearing representation in unemployment and family law.

Recommendation:

I.1.1.1.⁵ As LASNNY continues to seek funding opportunities and other alternative means to deliver services, it should keep consumer and non-disability based income maintenance in its focus.

Finding 2: LASNNY assesses the quality of its work and outcomes achieved on a regular basis.

LASNNY engages in ongoing evaluation, both formal and informal, of the effectiveness of its delivery strategies and work, and makes changes in program goals, objectives, and strategies where indicated by such evaluations. LASNNY regularly collects information and analyzes the effectiveness of its work, especially in achieving the articulated objectives and desired results. This internal evaluation occurs quarterly and annually in preparation of its grant report and as part of its annual priority setting review. In its analysis and evaluation, LASNNY considers the perspectives of clients and members of the low-income population, advocacy and agenda of other organizations that serve the same constituency as well as other stakeholders in a position to judge the

⁵ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk (*) are Tier One recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

effectiveness of the program's efforts. In considering adjustments, LASNNY examines available information concerning the effectiveness of other legal assistance providers in the service area. After considering evaluations of its work and all other relevant information, LASNNY makes appropriate adjustments in its goals, objectives, strategies and legal assistance activities.

PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.

Criterion 1. Dignity and sensitivity.

Finding 3: LASNNY is linguistically and culturally competent, and it treats clients with dignity and respect.

LASNNY operations are carried out in ways that affirm client dignity and are sensitive to client circumstances. Consistent with the applicable rules of professional conduct and funding requirements, and within the limits of the legal assistance that LASNNY has agreed to provide a particular client, LASNNY identifies and attempts to achieve each client's objectives. LASNNY provides excellent services to the clients it represents. The program assesses clients' reactions to its services and intake by surveying the clients at case closure. In addition, LASNNY has surveyed staff and clients specifically on intake-related matters and has addressed problems identified through such assessments.

The service providers in LASNNY's service area, including social services and community partners, collaborate with LASNNY to reduce the problem of multiple referrals for clients. There is a solid network of providers in the state. Program services, communications and activities are conducted in a culturally and linguistically competent fashion, and reach the significant low-income population segments, thanks largely to the program's explicit goals and objectives and allocation of available resources. This is especially seen in services to the homeless.

LASNNY's language access efforts on behalf of persons with limited English proficiency (LEP) are comprehensive. In LASNNY's service area, there are 34,777 individuals who are LEP; one-third of LEP individuals are Spanish-speakers. The program's website, www.lasnnny.org is translatable into 52 languages including Arabic, Chinese, Croatian, French, Polish, Russian, Spanish, and Vietnamese to minimize access barriers for LEP consumers. The website includes self-help materials and legal information translated into Spanish. In addition, LASNNY refers callers to the self-help materials in English and other languages posted to www.lawhelp.org/ny. Two staff members are bilingual in Spanish/English and Chinese/English respectively; they both perform intake duties and translation for staff when necessary. However, staff also relies on Language Line for telephone interpretation and on local interpreters for in-person assistance. The program has an LEP committee comprised of staff at all levels. The LEP committee is responsible for programmatic LEP efforts including overseeing the

translation of client materials, the use of Language Line and testing the intake system. The LEP committee also evaluates its efforts and accomplishments.

Criterion 2. Engagement with the low-income population.

Finding 4: LASNNY is actively engaged and visible in the client community.

The program's staff members are well connected with the service provider networks in their respective communities. LASNNY works with a variety of community agencies including the Hispanic Service Providers Network, Crisis Action Network, Hunger Coalition, Catholic Charities, the local CAP agencies, Home of the Good Shepard, the St. Lawrence Community Development Agency and various domestic violence and sexual assault advocacy organizations throughout the service area. It has referral agreements with many local agencies including the AIDS Council of Northeastern New York, Interfaith Partnership for the Homeless, Community Maternity Services, Unity House, and Rehabilitative Supportive Services.

Criterion 3. Access and utilization by the low-income population.

Finding 5: LASNNY's office locations, hours and LEP procedures are calculated to achieve the broadest possible access to clients.

The location of LASNNY's offices, office hours, procedures for communicating with LEP and non-English speaking people, and other facilities and procedures are all reasonably calculated to achieve the broadest possible access and utilization by clients, including populations with traditional access difficulties. Further, LASNNY staff conducts extensive outreach throughout the service area and makes special efforts to accommodate those applicants with special needs, including performing off-site and after-hours intake. LASNNY's website provides links to self-help materials and videos for clients and advocates in all areas of law affecting the low-income population. It has a link to <http://www.lawhelp.org/NY/>, which is the most comprehensive legal referral source statewide with legal information and resources.

LASNNY provides services to each of the major low-income racial, ethnic, and LEP populations in its area, looks for and assesses anomalies between caseload and service area demographics that suggest access barriers, and then takes steps to address them. LASNNY staff evidence knowledge of substantive issues and problems that have a unique or disproportionate incidence or effect upon particular segments or categories of the low-income population. Thanks to a strong network of providers in the region, collaboration is carried out naturally, resulting in better service to clients.

Finding 6: LASNNY's intake is not coordinated programwide. Local offices handle their own intake.

Intake at LASNNY is primarily conducted by telephone at local offices. LASNNY's offices use local and toll-free numbers. The program has written guidance

on procedures for opening new files and data entry into the TIME case management system. The program's Intake Manual addresses eligibility, issue spotting, level of service and other procedures relevant to the intake process. LASNNY's manual includes scripts for screening questions.

Intake in the Albany and Amsterdam offices is supervised by the Albany deputy director. Intake in Saratoga Springs is overseen by the supervising attorney for that office. Intake in Plattsburgh is supervised by the Plattsburg supervising attorney. Intake in Canton is supervised by the deputy director in Plattsburg. Applicants are able to access intake by telephone, by walking in to an office, or through outreach and agency referral. Office intake is extensively augmented through regular outreach at various sites such as senior centers and homeless hotels.

Intake programwide is staffed by a mix of receptionists and support staff who pre-screen for basic financial and asset eligibility, as well as demographic information. Completed applications are then forwarded to either a special project unit or an intake specialist to be reviewed for further assistance and advice where appropriate. In Albany, there are five intake support staff, including the pro bono coordinator, who share coverage of intake on a rotating schedule, and one intake paralegal and one intake attorney who handle callbacks for advice and counsel full-time. The intake specialists review the applicant's legal problem and enter notes into TIME. Walk-ins to local offices are screened by the receptionist, or may be seen by an advocate if the matter is urgent or when advocate staff is available. When staff is unavailable and the matter is not an emergency, walk-in applicants are asked to call the program back at a later time. Telephone intake and advice is almost entirely conducted by callbacks. Emergencies are handled at the time of initial contact whenever possible. Depending on the office, some intake specialists are also responsible for case support.

There is a high demand for services. Each office's intake is based on a system that balances walk-ins and the high volume of incoming calls to the main telephone line. In Albany, incoming calls are managed by a queue that holds up to six calls; callers frequently get a busy signal when calling during office hours. When the queue is full, the support staff will log in to help take calls. In Albany, after calls are screened and entered into TIME, the applications are forwarded either to the appropriate substantive unit or to the intake advocates for a callback. There are 14 slots available for intake callbacks each day.

In Amsterdam, Plattsburg, Canton and Saratoga Springs, calls and walk-ins are screened by a receptionist or other support staff person. In Amsterdam, when the receptionist is unavailable, calls are forwarded to voice mail and returned as soon as she is available. When the receptionist is out for an extended period, such as vacation, calls are forwarded to the Albany office. Once the new intake applications are entered into TIME, they are forwarded to an intake specialist, a substantive unit attorney, a supervisor or deputy director, depending on the office and the type of case. Each day there are three slots available for general Amsterdam intake applications to be handled as callbacks by

Canton staff, due to the limited size and availability of Amsterdam staff. The slots are typically filled by 11:00 a.m. Once filled, callers are told to try again the next day.

The program has call management software to track call volume in the Albany, Amsterdam and Saratoga offices; however, the software is not currently activated. LASNNY reported it is working with its system vendor, GraceCom, to implement it. Because the program does not have the benefit of call management software that would indicate the volume of unanswered and abandoned calls, as well as wait times, the team was unable to determine the degree to which additional staffing is warranted. Staff did not report significant problems with applicants walking in to offices to apply, or other similar symptoms of limited access, beyond the busy signals and limited time slots referenced above.

Recommendations:

II.3.6.1*. LASNNY should consider implementing programwide coordination of intake. This process might begin by creating a staff committee composed of staff members from various offices within the program. These staff members should represent varying levels of experience as well as staff from both rural and urban offices and staff who work with clients at various points along the intake process.

II.3.6.2*. LASNNY should dedicate a supervisor to oversee intake programwide. Coordination would enhance current integration and help implement best practices throughout the program.

II.3.6.3*. LASNNY should review the various intake processes utilized throughout the program and should adopt uniform best practices to be implemented programwide. Intake staff should be involved in this review. LASNNY should also evaluate the volume of calls and the success rate of callbacks at intake to determine whether adjustments are required.

II.3.6.4*. The program should consider reviewing best practices of other legal services programs, especially those using TIME, as part of its ongoing assessment of intake. LSC's Intake Focus Group is available to LASNNY for technical assistance in this or other areas related to improving intake.

II.3.6.5*. In its long range planning, LASNNY should consider whether online intake to screen applicants for eligibility would facilitate intake particularly for its high volume offices and some of its special projects.

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.

Criterion 1. Legal representation.

Legal representation at LASNNY is effectuated by means of a mix of limited and extended representation. The program has a number of special projects that address various priority areas and advocates generally operate under one or more of such grants. These include projects in the areas of domestic violence, food stamps, disability, homelessness, housing assistance, children's advocacy, and HIV/AIDS. These projects not only provide for individual assistance but, by their nature, result in the staff actively engaging with the low-income community and various community stakeholders.

Through strategic use of resources and internal and external collaborative efforts integrated through all levels of management and staff, LASNNY serves a broad spectrum of low-income people in its service area. LASNNY has implemented a delivery system where the most pressing needs of clients are identified and legal assistance is triaged. In each of its priorities, LASNNY clearly articulates the methods used to achieve desired outcomes for its clients.

Finding 7: LASNNY's legal work management staff and case handlers are experienced and aware of key issues in their substantive areas of practice.

LASNNY's legal staff includes the executive director, two deputy directors, five supervising attorneys, 27 staff attorneys and 11 paralegals. The program does not have a director of litigation; litigation work is coordinated by the executive and deputy directors. LASNNY has a dedicated and highly competent staff. The executive director has over 30 years of experience in legal services both on a local and national level. Her deputy directors' combined experience exceeds 55 years of commitment to legal services with specialties in housing and public benefits. The program has a mix of experienced and less experienced attorneys and other advocacy staff. Some paralegals have administrative law caseloads. The Albany office experiences the most staff attorney attrition primarily due to competition posed by opportunities for public interest careers in state government employment with higher compensation and pensions.

The program does not employ a litigation director. Under LASNNY's organization chart, one deputy director is assigned to the Albany and Amsterdam offices; the other deputy director manages the Plattsburgh and Canton offices.⁶ An experienced supervising attorney oversees the Saratoga Springs office. In addition, three supervising attorneys in the Albany office and a supervising attorney in the Plattsburgh office are assigned to substantive practice units.

There is some overlap among the deputy directors and supervising attorneys. According to the supervising attorney job description, their primary function is to "direct the work of a law unit providing representation to clients to successfully resolve their legal problems." The job description for the deputy directors provides for the oversight of all activities for their assigned offices, including the case work and legal work management. The deputy directors and supervising attorneys are responsible for supervising cases handled by their respective offices or units. Supervising attorneys are

⁶ The Plattsburgh deputy director was the executive director of the predecessor program North Country Legal Services.

assigned to the units handling disability benefits, food stamps, family law, elder rights, and foreclosure prevention. The deputy directors and supervising attorneys are also responsible for conducting case reviews. LASNNY's core of senior legal staff members is generally accessible when staff requests assistance on a particular case. Case handlers interviewed during the visit demonstrated a commitment to their work and relevant background and experience. The program and its work are well respected by the judiciary and social service community throughout its service area. Judges noted that advocates appearing before them were well prepared, "excellent advocates, effective, reasonable and professional."

Staff speaks highly of their supervisors regarding both their expertise and availability for assistance. Staff interviews evidenced widespread respect and appreciation for the assistance and accomplishments of both deputy directors and the executive director. Newer staff consistently reported that they had supervisory meetings on a regular basis. However, while staff reported that the Albany deputy director was extremely accessible and provided exemplary support, the team is concerned that she might carry an unreasonable supervisory load.

Program advocates are provided sufficient resources to accomplish the program's mission. Legal research resources include the On-Line Resource Center, the Fair Hearing Bank and other poverty law manuals and journals provided by the Empire Justice Center and the Western New York Law Center, listservs, the Statewide Disability Advocacy Project Task Force, the Statewide Domestic Violence Task Force, the program's in-house library, and other national support center materials. Staff reported that they have sufficient technology to support their work including research tools, case management systems, and program applications. The recent addition of Microsoft SharePoint, a web-based intranet, is seen as a springboard for additional resources such as brief banks and listservs.

Finding 8: Advocates receive feedback on casework during staff meetings and in discussions with their directing attorneys.

The program's Checklist for High Quality Representation and job descriptions outline LASNNY's supervisory guidelines. The supervising attorneys, deputy directors and executive director oversee the quality of LASNNY's legal work. Advocates receive assistance with case strategy and legal research from their supervising attorneys or a deputy director. The deputy directors are responsible for ensuring that new, less experienced advocates acquire basic advocacy skills. The deputy directors oversee compliance with LSC regulations and coverage for intake and case acceptance. New cases are assigned by the deputy directors based on existing caseloads, other work and skill levels. Under the job descriptions and the standards provided in the Checklist for High Quality Representation, supervisors and deputy directors are primarily responsible to review closed cases.

Finding 9: Staff training is a priority of management and supports the quality of legal work.

LASNNY puts a premium on training staff on a wide range of poverty law issues and provides training opportunities to ensure that staff receives training especially in areas of new needs. Supervisors consult with staff on training needs and forward training requests to the deputy directors and executive director for approval. The program makes training available to all staff and advocates routinely attend local, state, and national events. In determining which training events will be attended, program management balances budget constraints by focusing on training that will provide the best return on its investment. Examples of recent training events for staff include unemployment, landlord tenant and debtor representation law presented by the Albany County Bar Association. Recent training from the Empire Justice Center includes *Protecting Clients from Themselves in the Age of the Internet*, *New New York Ethics Rules: What you need to know when Representing Clients with Disabilities*, *Impact of Foreclosure/Short sales on Credit Reports*, and *New York State Banking Department Servicing Guidelines*.

Training of new attorneys is supported by open door support from supervising attorneys and the deputy directors. Case review meetings offer a meaningful way for program advocates to interact in particularized substantive areas. Supervisors have individual case reviews commensurate with casehandlers experience; these generally occur once a month. Casehandlers make use of the assistance of in-house advocates with expertise in a specific area. LASNNY has an electronic brief and pleading bank.

Finding 10: LASNNY has uniform, written legal work management policies and procedures. However, not all such policies are uniformly followed, particularly timely case closure.

LASNNY has systems in place which are intended to ensure high quality representation and client file maintenance. The program has policies addressing appropriate caseloads. Most of these systems and procedures are memorialized in the Checklist for High Quality Representation. The Checklist and all other policies are available to staff online via SharePoint. Supervisors endeavor to follow the extensive and commendable supervision policies, but these policies are inconsistently applied often due to limited time and or resources. This was exemplified by the fact that most staff attorneys had a substantial number of cases awaiting formal case closure and that a number of staff had not been formally evaluated in accordance with the programs policies.

The advocates' ongoing, active caseloads are within the standards set by the program. Extended cases generally involve individual representation, although a number of cases have had impact beyond the individual client. Due to the nature of some grants, forums for advocacy are somewhat limited and grant requirements potentially limit a more strategic approach to systemic issues. However, some staff reported approaching their caseloads with an eye to addressing issues of broader import. Examples of cases with significant outcome to clients include LASNNY's housing work for multiple disabled tenants of a flooded single room occupancy development which resulted in repayment of rent, security deposit and compensation for property damage. Another case

of import to clients is a New York State Medicaid fair hearing determination allowing funding for personal care assistants of the disabled to transport the disabled person while providing care.

Interviews with staff about their casework, feedback from community partners and judges and a review of advocates' legal work writing samples show that LASNNY's legal work and client representation is of high quality. Program attorneys appear regularly in court or at administrative hearings for housing, family and public benefits cases. The quality of advice and counsel provided by telephone is high. Writing samples and interviews revealed that overall casehandlers are knowledgeable about the clients' legal problems and have the requisite practice skills to address them. The writing samples submitted generally reflected high quality work, but some could have benefited from a supervisor's review and/or further editing.

Recommendations:

III.1.10.1*. LASNNY should consistently follow its Checklist for High Quality Representation.

III.1.10.2*. LASNNY should ensure staff is closing their cases in a timely fashion.

Finding 11: LASNNY's case service reporting demonstrates a highly productive program.

The program's 2010 case closings are well-above national medians. In 2010, the program closed 6,962 cases or 479 cases per 10,000 poor persons in its service area. This compares to the national median of cases closed per 10,000 poor of 284. In 2010, LASNNY reported closing 1,067 extended service cases (15.3% of the total cases) and 5,895 limited service cases (84.7% of the total cases). This compares to a national extended service average of 21.7%. The program's 2010 extended services per 10,000 poor persons in its service area is 73; the national average per 10,000 poor persons is 57.

Criterion 2. Private attorney involvement (PAI).

Finding 12: LASNNY effectively integrates private attorneys into its legal representation and client services. LASNNY provides pro bono attorneys with a wide variety of volunteer opportunities.

LASNNY's PAI effort is well-integrated into the program's priorities and is designed to expand, both numerically and substantively, the services available to clients. Representation in bankruptcy proceedings and unemployment compensation hearings is provided almost exclusively by pro bono attorneys.

The PAI effort consists of a traditional panel of pro bono attorneys to whom cases are referred as well as several clinic type initiatives. Referrals are made in a variety of areas, including evictions, bankruptcies, unemployment compensation hearings, family

cases and wills. Staff monitors referred cases approximately every four months, confirming that the matter is proceeding smoothly and in a timely fashion.

Intake refers all unemployment matters to PAI as there is little or no staff capacity to handle such matters at present. While some cases are referred to pro bono attorneys for full representation, others are provided guidance through two pro se clinics. One is the clinic staffed by pro bono attorneys exclusively, and the other is a partnership with the Albany Law School. For that program, law students assist clients in unemployment matters under the supervision of Albany Law School Fellow and the clinic professor. LASNNY follows up with clients on the outcome of their matters; they have found that the guidance provided by pro bono attorneys through the pro se clinics has been effective in preparing clients to handle their hearings successfully. Unemployment is geographic specific and in some parts of the service area there are no pro bono attorneys to handle such cases. For those clients, service is limited to advice and counsel by LASNNY staff.

A recent initiative has pro bono attorneys appearing at Albany City Court two Fridays a month to provide representation to tenants appearing pro se in eviction matters. Between three and five cases are handled each Friday.

LASNNY operates divorce clinics, organized in two-part sessions, in Plattsburgh and Amsterdam. The Amsterdam clinic is held two to three times a year. A pro bono attorney staffs this effort and is now serving as chair of the county bar association's pro bono committee. The Amsterdam clinic reported assisting approximately twenty (20) clients in 2011. The Plattsburgh clinic is usually held twice a year and helps 8-10 clients in each session. At the time of the visit, LASNNY reported it was recruiting a new pro bono volunteer to teach the pro se divorce clinic in Plattsburgh. Once a replacement is found, they will begin offering the clinic there again, and will follow the same two-session format. In the meantime, they are placing individual cases, and have placed 13 uncontested divorces in 2011 to date.

The PAI director places many cases individually with participating attorneys. She noted that when pressed with a hard-to-place case, she does not limit herself to attorneys who have enrolled on their panel and is often successful in placing cases with lawyers who have not registered with them. The PAI staff works closely and successfully with the pro bono staff at the Albany County Bar Association and engages in collaborative efforts to recruit lawyers to pro bono work. The PAI effort has an excellent reputation among the members of the bar and the bench.

Criteria 3 and 4. Other program services to the eligible client population and other program activities on behalf of the eligible client population.

Finding 13: Consistent with its goals, objectives, and strategies, LASNNY participates in a wide range of services and activities that benefit the client population.

LASNNY engages in a myriad of other services for clients including community legal education, pro se clinics, training of community partners, and involvement in various bar, social service, and community activities all designed to enhance and maximize the assistance to the low income population.

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership, and administration.

Criterion 1. Board governance.

Finding 14: LASNNY's board demonstrates effective oversight and is actively engaged in decision making.

As a whole, the board is representative of the various geographical areas and low-income populations served by the program. The LASNNY board is engaged and active. The board members work to effectively promote and expand the reach and influence of the program in the communities it serves.

The board is planning for a new strategic planning process that should be completed by the end of 2011. The board retained the New York Council for Non-Profits for the upcoming strategic planning. The last strategic planning process occurred in December 2005. The board engaged a consultant for that planning process as well.

The board members are committed to the mission of LASNNY. The LASNNY board is involved in major policy decisions, aware of issues in and performance of the program while leaving day to day management of program operations to program management personnel. The board demonstrates that it exercises judgment independent of management, where appropriate. The board engages in activities that effectively promote and expand the reach and influence of the program in the communities it serves.

The board exercises effective financial oversight through its Executive/Finance Committee which regularly reports to the full board. The Executive/Finance Committee meets at least quarterly, or more frequently if necessary. It receives regular budget reports, approves grants over \$100,000 and conducts necessary business between the quarterly board meetings. The board president and treasurer have a close working relationship with the fiscal director and the executive director. The board exercises financial oversight through:

- review of financial reports;
- approval of budgets and prospective budget planning;
- review and approval of other management and regulatory reports;
- evaluation of program services and the executive director and staff reporting to the full board;
- approval of a conflict of interest policy; and,
- meetings of the Executive/Finance Committee between quarterly meetings.

Board members interviewed demonstrated a working knowledge of the budget, understood the fiscal challenges facing the program and were conversant about the various special projects in the program. Board members receive regular updates on programmatic and fiscal activities. Board members are actively involved in the program's fundraising and development activities. On their own, several board members cited specific discussions at the board level about the program's mission and the importance of avoiding mission drift in the search for new funding.

The board members surveyed demonstrated a commitment to the program and its mission. Members can attend meetings either in person or by teleconference/video conference. Providing teleconference/video participation has helped to ensure that more geographically remote board members can participate in the meetings without having to drive long distances. Board materials provided for each meeting are comprehensive without being overwhelming. All board members who were interviewed felt that they were receiving an appropriate amount of information which allowed them to do their job as board members. In summary, LASNNY has an involved and committed board of directors.

One community partner indicated that long-term permanent succession planning for key staff positions would be an area for future work by the board. The board conducted a comprehensive assessment of the executive director in 2009. They have not scheduled the next evaluation.

New member board training is taken seriously by LASNNY. Board members reported that the management spends significant time training board members on reading and understanding financial statements. In one instance, a board member from one of the rural counties reported that the executive director had met with him in person to review the board manual and provide an orientation to the program. LASNNY offers board members the board trainings offered by the New York Council of Nonprofits, www.nycon.org, and some have attended. The executive director offered diversity training in 2004 and 16 board members attended. Six of those members are still on the board. The executive director reports that they would like to do more training in this area. The program has scheduled a training session on unlawful harassment and discrimination for the December 2011 meeting.

Criteria 2 and 3. Leadership. Overall management and administration.

Finding 15: LASNNY has effective leadership and administration.

The LASNNY management staff is skilled, experienced and dedicated. LASNNY has an experienced executive director who is involved in a number of state and national legal services organizations. This involvement has not diminished her equally active involvement in the activities of her program. She is widely respected by board, staff and outside organizations. She is accepted as the leader of the program and is often given credit for maintaining adequate and expanded funding, which allows the program to continue to serve the needs of its clients.

LASNNY should be commended for the efforts its management has invested to make the 2004 merger with North Country Legal Services a resounding success. Staff of the former North Country program and the local bar acknowledged the commitment that the LASNNY executive director put into the complex work to make the merger work and result in additional resources for client service, better working conditions for staff and increased visibility for legal aid on the whole.

The executive director is assisted by an equally competent and committed management team. As previously noted, LASNNY's deputy directors combined have more than 55 years of experience in legal services and are respected by their staff and colleagues. LASNNY's management team is comprised of the executive director, an executive assistant, a human resources/office manager, a director of development, two deputy directors, and a fiscal director. Until recently one long time staff member served as both the fiscal director and the human resources/office manager. With her retirement, the responsibilities for the fiscal director and human resources were split and two people were hired to replace her. Supervising attorneys are not part of the LASNNY management team. The PAI director is assisted by a part-time PAI coordinator. The fiscal director is supported by an accounting assistant.

Interviews with board members and staff, including comments from the staff survey, uniformly describe the work of the deputy directors and the supervising attorneys as a strength of the program. The management team and its deputy directors are recognized for their expertise, hard work and dedication.

Finding 16: The responsibilities of LASNNY's management staff have increased as positions have been added and management staff, particularly in the Albany office, is stretched to accommodate the added work of new grants.

All members of the program's management staff expressed pride in their work and the work of the program. As described above, LASNNY's management structure is multi-tiered. The executive director and the two deputy directors share some of the supervisory duties with the four substantive unit supervising attorneys. The deputy director job description outlines a broad spectrum of supervisory duties for their assigned offices including:

- legal work management and supervision of supervising attorneys, receptionist, and all other bargaining unit staff;
- personnel policies and administrative procedures including leave, performance appraisals of all staff, professional development plans and mentoring;
- collective bargaining;
- fiscal matters;
- intake;
- PAI implementation and oversight;
- substantive law impact work and strategize with LASNNY staff and other legal services programs;
- implementation and reporting of at least one programwide project;

- participation in community functions and meetings;
- active involvement in one bar association;
- in-house, local, state and national substantive law task forces and training; and
- community outreach and education.

Each deputy director has a small caseload. The Albany deputy director is a recognized expert on housing; the Plattsburgh deputy director is the program expert on disability law. They provide substantive support in their respective areas of expertise. Staff reported that the deputy directors review monthly caseload reports and conduct monthly meetings with all supervisees, including supervising attorney, and weekly meetings with newer employees. While the Plattsburgh deputy director meticulously reviews most closed cases of the attorneys in his two offices, he acknowledged that he has not done so as timely as he would like to due to his other duties. The Albany deputy director reviews some (not all) extended representation cases at closing, and reviews a sampling of limited service cases. Some of the case handling staff from the Albany office reported having a significant volume of cases waiting to be closed generally due to a lack of the time necessary for the administrative aspects of case closing. The Albany deputy director attempts to observe supervisees in court, although she has not recently co-counseled on cases.

Although not part of the management team by her own preference, the Saratoga Springs supervising attorney functions in nearly all respects as a deputy director. She has worked with LASNNY since 1981 and has handled cases in all of LASNNY's priorities areas. Like the deputy directors, she manages the day to day operations in her office, oversees the legal work of staff, is accessible to answer substantive law questions, supervises her office intake and represents LASNNY in its partnerships with other organizations and providers in her community. She has an extensive knowledge of and contacts throughout the Saratoga Springs community. She is an effective manager of that office.

LASNNY's expressed core values and programmatic goals as reported by management include fundraising for unrestricted activities, increasing extended service in all areas including consumer law and focusing more on impact advocacy and litigation. However, it has been a challenge for LASNNY to focus on these goals and values. In recent years the deputy directors' responsibilities have grown. As new grants have been secured to support critical work, new supervision and reporting responsibilities have arisen and the management team has taken on the additional workload.

LASNNY's success in fundraising around the mortgage crisis has substantially increased the supervisory load for the Albany deputy director who supervises the three unit supervising attorneys in Albany, as well as 17 staff attorneys, seven paralegals and five support staff for the Albany and Amsterdam offices. She also manages the intake operations in Albany. Overall, the Albany deputy director has a heavy load of supervision responsibilities and staff to manage. Several staff commented that while the deputy directors were extremely knowledgeable, highly dedicated and hard-working, the deputy director in Albany may be stretched too thin.

The concerns about management being stretched too thin are generally centered on a desire that the deputy directors be more accessible to staff to focus on the activities they have not had the time for under the current structure. Task force work is limited to statewide task forces on disability and domestic violence. One staff person voiced a need for increased, full-time presence of supervisors in branch offices. A focus on management-staff relations was also identified as an area requiring focused attention. Some of the responses in the staff survey reported that improvements at LASNNY could be gained by increasing management and supervision staff and focusing on cohesion and alignment among staff and management.

Recommendations:

IV.3.16.1*. LASNNY needs to re-examine its management and supervision structure to ensure that the structure is adequate to manage the program effectively so as to continue to deliver high quality legal services. LASNNY's strategic planning process may provide the appropriate forum for this assessment.

IV.3.16.2*. LASNNY should evaluate its management structure and job descriptions to ensure adequate staffing for supervising new projects and new staff. With the addition of new grants, supervision of these grants and their staff has been added as additional duties to the existing duties of the deputy directors. While such an approach may serve as a temporary solution, the long term impact has been to overload already busy deputy directors. LASNNY should consider either shifting some of the supervision of less experienced advocate staff from the deputy directors to a middle manager or hiring a fulltime director of litigation. While current finances may not permit the hiring of a director of litigation, the streamlining of deputy director duties could allow deputy directors to be more actively involved with traditional director of litigation work.

IV.3.16.3*. The program should increase planning for impact advocacy and task force activities for all areas of practice. Depending upon the supervisory structure that is adopted in the strategic planning process, leadership of the task forces could be assumed by a director of litigation or by the deputy directors.

IV.3.16.4*. LASNNY should consider shifting intake and support staff supervision to a different level of management, possibly to the human resources/office manager.

IV.3.16.5*. LASNNY management should devote attention to team building, staff/management relations and the mentoring needs of staff.

Criteria 4, 5 and 6. Financial Administration. Human Resources Administration. Internal Communications.

Finding 17: The program has sufficient, capable, trained and effective staff dedicated to financial administration,⁷ human resources and technology. LASNNY has devoted adequate resources to its current technological structure.

The program has sufficient and capable staff dedicated to financial administration, human resources and technology. The new fiscal director, who has a Master's of Business Administration, has worked with both profit and nonprofit organizations. Other financial staff is experienced, competent and committed to the program's mission. Program management responsibly handles income and expense projections and maintains a carryover of \$1,129,237 in 2011.⁸

LASNNY devotes appropriate resources to establish and maintain its technological infrastructure. At the time of the visit, LASNNY was in the midst of significant change with the retirement of the long-term fiscal director. The outgoing fiscal director had responsibilities not only for the financial operations of the program but also for the human relations and technology. That job was divided into two parts so that one staff person is now responsible for the financial operations of the program and another staff person handles the human resources functions, office administration and oversees the technology within the program. The human resources/office manager's duties are to oversee the facilities management, asset procurement, staff benefits, union contract negotiations, staff grievances, and the management of LASNNY technology.

LASNNY has a technology committee comprised of staff at all levels, including the executive director, development director, the human resources/office manager, a deputy director, a supervising attorney and two staff attorneys. The committee is in regular communication with the technology support consultant, ABS Solutions. The committee meets on a monthly basis to discuss technology issues and planning. Technology planning is fully integrated with the program's delivery system and statewide planning. In addition to the TIME case management system, internet access, a comprehensive website, updated computer equipment and electronic legal research, LASNNY uses video conferencing for staff and board meetings.

Finding 18: LASNNY has a full-time human resources/office manager. Some staff evaluations have not occurred timely.

At the time of the visit, both the fiscal director and the human resources/office manager had been recently hired and were undergoing training and orientation under the direction of the retiring fiscal director. Both of the new hires are experienced with the specific aspects of their new jobs.

⁷ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

⁸ The carryover total is comprised of \$154,716 LSC funds, \$690,387 IOLA and \$284,134 from fundraising.

The human resources/office manager has prior human resources experience in the private sector, but appears to be knowledgeable of and sensitive to issues faced by the non-profit LASNNY. This person will be responsible for establishing uniform procedures for hiring programwide. He reported that the management team is going to revamp LASNNY's staff evaluation policy. Not all supervisors conduct staff evaluations in a timely fashion. The new human resources/office manager is also committed to updating procurement procedures, and addressing facility maintenance and improvement issues.

As management and board members have noted, turnover rates in the Albany office are a concern. Part of the issue is competition for better salaries in state and local government. Management continues its commitment to improving salaries as funding permits. Board members and management staff independently expressed their concern at the low salaries of the program lawyers relative to state government attorneys who work in Albany; both groups noted that the board had worked hard to raise the lawyer salaries. In addition to addressing salaries, LASNNY has an LRAP program to assist newer lawyers with the burden of school loans.

The program maintains effective intra-staff communications. LASNNY management meets on a weekly basis. LASNNY conducts two programwide meetings for staff each year; they are generally held in Warren County (which is north for some staff and south for others). Technology is used to facilitate and enhance internal communication. SharePoint is used by all staff.

Criterion 7. General resource development and maintenance.

Finding 19: LASNNY's development director is an effective resource for the program. Grant writing is primarily handled by the executive director, deputy directors, and the administrative assistant and other staff where appropriate.

Since 2004, the program has employed a development director who is now full-time. She is responsible for the annual campaign, other individual giving and family trust fund giving. She does not do the grant work (except that money received from a family trust is usually obtained for specific projects such as the medical-legal initiative, for which she raised some start-up funds). The development director is part of the program's management team and represents the program on some partnership committees addressing specific community issues. The development director is also responsible for communications, overseeing the program's publications and website. She was planning some publicity around the rolling out of the new website in September.

The development director created an advisory board to assist in strategizing on both general approaches to fundraising and approaches to individuals. The annual campaign raised approximately \$244,000 for 2010. Board and advisory board members help reach out for the campaign in a strategic way. Thought is given to how to get targeted donors to increase their giving and specific assignments for contacting donors

are made accordingly. She is also responsible for donor recognition events and again uses the advisory committee for advice on effective recognition approaches.

The program has developed and has effective relationships with other major institutional resources in the service area. These community allies are involved in or provide some support in the provision of legal assistance to eligible clients, as well as help in expanding program funding.

LASNNY has a partnership with a community foundation (initiated by the foundation) to assist with building a legacy endowment through planned giving strategies. To date they have raised in excess of \$126,000 and have 29 additional commitments. As part of the partnership, the executive director had to commit to dedicate six days annually to the effort.

The program uses special events fundraising sparingly and strategically as it is time-intensive and has modest returns. They had a successful event tied to their 85th anniversary and are planning a staged reading of *Twelve Angry Jurors (12 Angry Men)*.

Grant research and writing is generally handled by the executive director with the assistance of her central administrative assistant. The Albany deputy director is highly involved with grant development and grant writing in the area of housing. On larger grants, some involving partnerships, LASNNY will outsource the grant writing to a consultant. LASNNY has been extraordinarily successful at raising new grant funds for the program.

Criteria 8 and 9. Coherent and comprehensive delivery structure. Participation in integrated legal services delivery system.

Finding 20: LASNNY's delivery structure is effective and the program is an active participant in an overall delivery system statewide. LASNNY has a coherent, comprehensive delivery system that effectively coordinates its efforts with those of other providers.

LASNNY is a leader in statewide efforts to provide low-income persons in the state with equal access to a full range of civil legal assistance services. LASNNY is a key player in the state's access to justice network. More than one judge and the bar president noted the program's leadership role. LASNNY staff is also involved at the local level on community boards and advisory groups, as well as court and bar committees.

The program participates in local and statewide efforts to maximize the effective use of available human and financial resources and to increase such resources to better address the civil legal needs of the state's low-income populations.

LASNNY coordinates with other providers, the bar, law schools and other relevant entities in seeking to ensure that support is provided to advocates and managers, including training, dissemination and exchange of information, and communication and

coordination among practitioners in key areas of law and practice. Of particular note are the joint efforts with the Albany Bar Association such as co-sponsoring the attorney for the day eviction project in Albany. Another example is its partnership with the Empire Justice Center. Several contacts mentioned these resources as indicative of LASNNY's leadership in the provider community.