



**NEW YORK  
CITY BAR**

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**RECOMMENDATIONS FROM THE COMMITTEE ON PRO  
BONO AND LEGAL SERVICES**

**REGARDING THE RFP PROCESS FOR JUDICIARY FUNDING  
FOR THE PROVISION OF LEGAL SERVICES TO LOW-INCOME  
NEW YORKERS**

Outlined below are the recommendations of the Committee on Pro Bono and Legal Services of the New York City Bar with respect to crafting a statewide system for funding civil legal services. We believe that, in crafting a broad-based policy approach to the delivery of civil legal services in New York, The Task Force to Expand Access to Civil Legal Services in New York should approach this effort with a long-term perspective. We recommend that the Chief Judge embrace the following principles in creating the needed policies that will govern the allocation and distribution of funding to providers of civil legal services to low-income New Yorkers.

Guiding Principles for allocating new funding in the FY2011-2012 Judiciary budget:

- The Office of Court Administration (OCA) funding should be used to strengthen and expand the current civil legal services delivery system, which provides civil legal services through a variety of successful service delivery models, including advocacy and representation by staff as well as volunteer and pro bono programs.
- Funding should be targeted to qualified civil legal services providers and access-to-justice organizations, defined as not-for-profits that have as a mission the delivery of civil legal services and/or the provision of educational, preventative, and/or assisted self-help services.
- It should be expressly recognized that raising a program's pay scale is a legitimate method for strengthening and expanding the current delivery system.
- OCA should develop a clear and fair process for the distribution of funding to promote high quality and seamless delivery of civil legal services, taking into account local community-based planning and programs that build capacity wherever possible.
- The process should ensure funding for an approximate mix of services with an approach that dedicates the bulk of the OCA funding to direct civil legal services while making an allowance for expenses that enhance the efficiency and effectiveness of civil legal services delivery, including, as appropriate, technology, outreach, training, support and backup services.

- The process should support the core, multi-year operational funding of legal services providers in order to foster stability in the delivery of services, and should recognize that raising a program's pay scale may contribute to this end.
- Key stakeholders should be involved in an on-going process of identifying and crafting solutions for meeting the civil legal needs of the poor.

The New York City Bar believes that these principles can serve as a basis for developing an RFP which would seek applications from eligible legal services providers. Although we understand that more detail will be needed, we believe that the criteria for evaluating providers under an RFP should include:

- The delivery of civil legal services and/or expanding access to justice as an organizational mission.
- A demonstrated history of providing civil legal services by staff, volunteers, and pro bono attorneys and a positive contractual history; however, this criteria should not preclude the funding of innovative new programs or other strong programs that otherwise meet the RFP criteria.
- An organizational structure that provides appropriate supervision, caseloads, and oversight of staff and service delivery.
- Appropriate training opportunities and support for staff, lay volunteers and pro bono attorneys.
- Diversity of staff with the experience and capacity to deliver an appropriate range of legal services.
- Fair compensation and benefits and satisfactory working conditions for program staff.
- OCA funding should not be used to discourage or encourage unionization.
- Case management, fiscal and reporting capacity to evaluate programs, services and outcomes.
- Financial stability and diversity of funding sources; established and efficient fiscal and administrative infrastructure.
- A demonstrated track record of participation in collaborative approaches to service delivery.

We would be pleased to work with the Task Force as it develops the RFP and in its future activities, and would be happy to respond to any questions.

April 2011