



# HOW ARE WE DOING? — ASSESSING CASE HANDLER PERFORMANCE

By Jan Allen May<sup>1</sup>

Central to the effective functioning of a legal aid program is ensuring that the case handlers in your program are performing well. My sense is that there are some programs that have no formal performance review system in place, some have a system on paper but it is not implemented (or at least not in a timely and regular fashion), but some have instituted a performance review process meaningful to line employees, supervisors and the organization as a whole. Regardless of the actual forms used, providing regular, accurate, timely descriptive feedback to employees is an essential part of their professional growth and a key to a high functioning program. Rather than jumping down the rabbit hole that the mechanics of performance appraisal system can become (the calibrations of a rating scale or the exact number of meetings per year), I propose to discuss here some of the key factors that I think a manager should consider to ensure that your program and the case handlers in it are performing well. I will leave to you and your staff the task of designing the mechanics of a system that best fits the culture of your program.



## The Periodic Conversation

Frequent and frank dialogue between the employee and the supervisor is perhaps the most important component in achieving optimal performance. The initial dialogue should be about goal-setting for the specific employee for the coming year. One of the most commonly heard (and often justifiable) gripes by disgruntled employees is this: “I did not know what was expected of me.” To effectively deal with this issue, a preliminary meeting between you and the employee is essential to come to an agreement on individual goals. I have sketched out at the end of this article a possible template for case handler performance that deals with

productivity (yes, it is important), quality (yes, it is equally important), impact and professional development. Additionally, I have included a section which I have labelled “General Expectations regarding Office-wide Behaviors” dealing with such areas as collaboration, organizational skills and communication. Sometimes an employee performs well in terms of numbers of cases and quality of the work on those cases, but ignores these other office-wide factors which the employee may not value but, when not adhered to, can be significantly disruptive and counter-productive in the work place (e.g., the chronic complainer, the prolific e-mailer). Thus you should make sure your program institutionalizes these values and that employees are assessed and receive feedback on their performance concerning them.

## The Importance of Self-Assessment

Self-assessment by the employee of his or her performance is a key early step in an effective process. A document like the one I have included at the end of this article might be used as the basis for an employee to provide his or her written self-assessment. If you have both a trusting relationship with the employee and an employee who is honest with himself or herself, the self-assessment should reveal both the many accomplishments of the employee as well as the areas where improvement might be in order. You, as the supervisor, may find the self-assessment to be a gold mine of additional information but it is sometimes too harsh and at other times glosses over areas in need of improvement. This is why a dialogue about progress toward an employee’s performance goals should be ongoing. Setting aside time a few times a year is important and can be very productive in dealing with these issues. Often I have found that poor performance is a result of either the employee failing to receive (or accept) specific feedback and/or a significant lack of self-awareness on the part of the employee. The self-assessment step can be an effective tool to surface and deal with these issues.

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### Measuring Quantity/Productivity

It is important to look at the number of cases an advocate opens as well as closes in a given year (or semi-annually or quarterly, if your program is disciplined enough to keep to such a schedule). It does, to a limited extent, tell you about the productivity of your staff. Goals for such numbers can vary across substantive legal areas since some types of cases are more complex or take longer to resolve than others (say, consumer vs. landlord/tenant vs. public benefits). However, setting a goal based on the average number of cases opened and closed in a given area over the last few years should give you at least a benchmark figure that is a doable number. In succeeding years, you may want to increase the goal, even if only slightly, to ensure that the numbers are achievable but do require something of a “stretch” for the employee.

Another important number is the total number of open cases and especially the length of time in which a case has remained open. I suggest regularly generating a report showing open cases for each case handler together with the date on which each case was opened. Part of any effective “case review” should be focusing on those “outlier” cases which have been open for a particularly long time. Should they remain open, are they being actively monitored, or are they being neglected?

Another important number deals with number of cases closed for one of the specified closure reasons in your database (e.g., advice/brief service/negotiation without litigation, negotiation with litigation, court decision, etc.). An advocate who is closing most of his/her cases through advice and brief services should have much more time on his or her hands than a case handler whose cases most often closed through litigation and the former should therefore be handling a larger number of cases assuming that is the appropriate way to dispose of the case. Again the substantive area in which a case handler practices makes a huge difference in how many cases are closed for these various reasons. Within these categories though, if you have on staff Medicaid advocates, for example, some of whom are mainly closing cases with advice and brief services and others are closing cases after a fair hearing, then such a discrepancy is worthy of closer examination. Is it that a more experienced advocate is able to resolve issues earlier or that some advocates are “cherry-picking” easy cases to resolve? If advocates with many years of experience who are capable of complex litigation are

handling mainly cases that are resolved through advice and brief services, consider whether the program is significantly underutilizing program staff capacity.

Another number that is worth examining (and really appreciated by many grantors) is the amount of benefits that a given case handler or a given unit has gathered for clients. This number is really an “outcome” measure as described below. I would urge you to examine and re-examine on a regular basis the values that you assign to obtaining a given benefit. For example, I think that many programs record the amount of benefits for winning an SSI disability case by adding the retroactive payment to one year’s worth of benefits. I think that is a conservative but safe figure to use in calculating the benefits obtained. Again some units (e.g., public benefits) lend themselves to “counting dollar benefits” more so than others (e.g., wills and powers of attorney). For some types of cases, dollar benefits is not a meaningful measurement.

### Measuring Quality

There are a variety of ways that a program can and should measure the quality of the work produced. First of all, there is no substitute for regular case reviews so that the supervisor can view on a first hand basis the actual work being done on a case, including reviewing case notes for each case. Among the things to look for are:

- What are the client’s objectives?
- Has the advocate designed and implemented a strategy to achieve these objectives?
- Is the advocate in regular communication with the client?
- Can a third party readily understand what is happening on the case?
- Are the steps in the case well and timely documented?
- Has the case handler timely pursued the client’s objectives?
- Is the writing, in terms of letters, pleadings and memos, clear and effective?
- Has time spent on the case been accurately recorded?

For reviews of closed cases:

- Has the outcome of the case, benefits obtained, communication to the client concerning the closure and reason for case closure been accurately recorded?
- Finally, have you, as the supervisor, provided regular feedback concerning the positive and negative

aspects of the case review to the case handler?

Client satisfaction should be made part of your evaluation of quality casework. Some of the questions that I find most useful in a client satisfaction survey are:

- What difference has the lawyer's help made in your life? (Choices might be "a lot," "some," "little," or "none");
- Would you recommend this lawyer to a friend or relative?
- Did s/he keep you informed regularly regarding the progress of your case?
- Overall, how would you rate the work of this attorney?

Also, narrative comments about the case handler can be helpful as well. Obviously one bad (or one good) client response may not be indicative of anything but a pattern of similar responses or comments, positive or negative, about a specific case handler indeed may raise significant issues about a particular case handler's performance.

### Measuring Quality: Client Outcomes

In the argot of grant monitors and nonprofit management gurus, measuring the number of cases opened or closed are "output" measures, but not "outcome" measures. Nevertheless, many grantors look at output measures (how many cases did you handle?) as opposed to outcomes (what exactly did you achieve for the client?). Outcome measures (e.g., what are we doing to change clients' lives?) are really the most meaningful measures of all in terms of fulfilling the mission of the organization. Certainly, the amount of

benefits obtained mentioned above is one piece of this puzzle. Another is the use of "outcome codes" which is also available in most case management systems. Such outcome codes might be "prevented eviction," "stopped foreclosure" or "obtained social security benefits."

Capturing narrative stories also can be an effective measurement of outcomes as well and can be particularly valuable to provide to the media and to grantors.

### Measuring Impact

A more difficult challenge is measuring the impact that case handlers might have by way policy change. I would suggest simply stating the overall goal with as much specificity as you can and perhaps suggest various ways that the problem might be tackled such as "improve the rights of tenants as they pertain to rent increases through litigation or legislation" or "improve the protections of homeowners in the foreclosure process through litigation, legislation or other means." While policy change typically involves many players and many variables beyond the control of the individual case handler, it is important to document successes achieved toward this goal and provide coaching on this issue going forward both as an encouragement to the employee and also to stress the importance and value the program places on such work. Having said that, it is crucial to look at "results" achieved (e.g., "the law was passed") and not merely "activities" (e.g., "I regularly attended tenants' meetings throughout the year").

### Professional Development

I think it was Woody Allen who once said that



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“relationships are like sharks - they either move forward or they die.” A corollary might be that employees either continue to develop professionally or they stagnate and cease to be effective. To combat stagnation, it is important that both you and the employee spend time discussing and committing to designing and implementing a plan for the employee’s professional development over the course of the coming year. Some topics will no doubt naturally arise from your performance conversations but others might simply be opportunities that either the employee or the supervisor has identified as areas for growth potential. Make sure that the professional development plan is consistent with the business needs of the program. Some programs undertake professional development plans outside the formal performance review process. I tend to think it is a natural outgrowth of the performance review process and as opportune a time as any, but the point is simply that it is a very important aspect of good program management and should not be overlooked. Lastly, it is important, especially in the legal services context, to appreciate that a case handler can professionally develop laterally through advancing legal skills and expanding areas of expertise and not necessarily climbing the “management ladder.”

### General Expectations Concerning Office-wide Behaviors

I mentioned above the importance of providing feedback to employees concerning their compliance with office norms such as effective communication, collaboration, organizational skills, effective time management, etc. As stated above, this section is important because it reinforces the values of the organizational culture and ensures that the employees understand and adhere to these norms as a critical part of one’s job performance. Compliance with these norms contributes significantly to the overall health and functioning of the organization.

### A 360° Assessment

In vogue these days at some organizations are what are labelled “360” evaluations in which the supervisor collects information from all the people that the employee works with, including peers and those who work under his or her supervision. Ideally, you as supervisor are in communication with these

individuals throughout the year so that this step may seem redundant. At times this process can yield valuable information. But I would use such a process sparingly, perhaps simply asking a discrete question or two on a specific area to specific individuals. Otherwise, asking a broad open-ended question like “How did Joe do this year?” could yield a mountain of information and misinformation often based on an inadequate or inaccurate understanding of the employee’s job. This step is probably most helpful to shed light on interpersonal relationships. Supervising and providing feedback is, at the end of the day, your job, not that of the employee’s peers or the people who report to that employee.

### The Supervisor’s Assessment

Of course where the rubber hits the road is the end-of-year discussion and written review by the supervisor. Assuming you have set mutually agreed-upon goals, an honest self-assessment has been completed and there is an ongoing frank and open dialogue, the supervisor’s written review should simply be a compilation of the results, an assessment of them, recognition of the accomplishments and suggestions for going forward. A reviewer’s mantra should be “no surprises” and, if these practices are followed there should be few if any surprises in the process.

### Summary

An organizational process that takes into account mutual goal-setting with measurable results, open dialogue between employees and supervisors, honest self-assessments, timely accurate and descriptive feedback, emphasis on both quantity and quality, professional development conversations and adherence to office-wide expectations of behavior is one that has the necessary elements to ensure that your program is effectively evaluating its case handlers and more effectively accomplishing its mission. And, hokey pokey aside, that’s what it’s all about.

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**See Sample Individual Performance Objectives Form on Next Page**

**SAMPLE**  
**Anytown Legal Services, Inc.**  
**Individual Performance Objectives**

Period covered: *Calendar 2018*  
 Employee: *John Q. Casehandler*  
 Substantive Law Unit: *Housing*  
 Supervisor: *I. Taylor Feedback*

- Employee will take at least one housing related substantive law course relating to housing or trial skills in the course of the year at program's expense.

**Performance Area #1: PRODUCTIVITY:**

- Employee will handle (open & close) 110 cases per year (not necessarily the same cases that are opened are the ones closed in the calendar year), largely in areas of basic need involving housing issues;
- Employee will maintain an open caseload of no more than 50 open cases.

**Performance Area #2: QUALITY:** Quality of casework will be measured by:

- Results obtained on cases (e.g., outcomes achieved; benefits obtained);
- Supervisor's assessment based on quarterly case reviews;
- Results of Client Satisfaction surveys;
- Peer feedback;
- Lack of substantiated grievances and/or malpractice actions.

**Performance Area #3: POLICY WORK:** Policy work for this employee will be measured by:

- Policy change in the area of greater tenant protections either through rule-making, legislative work or significant cases;
- Identification of specific community groups and collaboration with same on tangible systemic change goals;
- Identification and preparation (where appropriate and with clients' explicit permission) of clients who would make good witnesses to demonstrate the need for better laws pertaining to tenants' rights;
- Effective utilization of media and clients to publicize wins or demonstrate need for systemic reform.

**Performance Area # 4: PROFESSIONAL DEVELOPMENT**

- Employee will complete at least one writing course during the year at program expense;
- Employee will be observed in the courtroom on at least a couple of occasions throughout the year and receive feedback from a supervisor concerning the performance;

**Performance Area #5: GENERAL EXPECTATIONS REGARDING OFFICE BEHAVIORS:**

The employee will demonstrate compliance with Office-wide Norms, specifically:

- **Collaboration/Teamwork:** The employee will work effectively with others both inside and outside the organization.
- **Communication Skills:** The employee will communicate well orally and in writing with supervisor, subordinates, peers, people outside the organization including *pro bono* counsel and client community groups. Employee's pleadings, memoranda, letters and other case related documents will be clear, thorough and effective.
- **Leadership/Followership Skills/Professional Development for Oneself and Others:** The employee will exhibit leadership in the area of expertise or in the office generally. The employee will take initiative regarding personal professional development and those of direct reports. The employee will be open to feedback about performance and actively work to improve areas requiring attention. The employee will welcome opportunities to grow, expand skills and learn more.
- **Organizational Skills/Time Management/Attendance:** The employee will prioritize work, will make effective use of time; the employee will show up timely at work and at meetings and in court. The employee will meet deadlines.
- **Creativity/Innovation/Creative Problem-Solving:** The employee will demonstrate creativity on the job, bringing new ideas and creative approaches to cases, client community issues or office challenges.

Overall summary of employee's performance based on the above factors:

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# BARRIERS TO PROVIDING CIVIL LEGAL SERVICES TO RURAL CLIENTS: A CASE STUDY, SOME INNOVATIONS, AND SOME THOUGHTS, BUT NO FINAL ANSWERS

By Victoria M. Esposito, Advocacy Coordinator<sup>1</sup>  
Legal Aid Society of Northeastern New York

## I. What Rural Clients Face: A Case Study

In October 2015, John Doe<sup>2</sup> called the Albany office of the Legal Aid Society of Northeastern New York (LASNNY). He, his partner, and their five children



lived in rural Greene County. They had complained numerous times about the problems with the apartment, including a broken refrigerator, lack of heat, and broken windows. The landlord refused to make repairs. The family wanted to know what rights they had.

Mr. Doe was referred to an intake specialist to get legal advice. The attorney explained the pros and cons of withholding rent, discussed the warranty of habitability, and advised him to work through the Department of Social Services and Code Enforcement Offices. Mr. Doe's case was closed as an advice-only case.

In July 2016, Mr. Doe's partner called back. No repairs had been made, and they had withheld rent on notice to the landlord. The landlord had refused a partial payment and then begun a nonpayment eviction proceeding.

By then, LASNNY had begun a program called Closing the Gap, and we matched Mr. Doe with an Albany attorney. She agreed only to help him with a pro se answer, which she drafted based on a telephone interview. As required by law, that answer specified that Mr. Doe was a pro se litigant and that the attorney's role was limited to helping with the answer. Despite this disclaimer, the judge refused to accept Mr. Doe's answer without "his attorney" in court. The volunteer was willing to appear if necessary, but she was not experienced in landlord-tenant law.

Fortunately, by then LASNNY was able to accept the case. The attorney amended the answer and agreed

to represent Mr. Doe in court. Meanwhile, the county Department of Health found that the apartment was uninhabitable and DSS relocated the family to a motel nineteen miles away. The family had to leave many of their belongings — including a severely disabled child's wheelchair—in the apartment, and they had to use taxis to travel to and from court and work. After a trial, the court granted Mr. Doe a 100% rent abatement, three thousand dollars in consequential damages, and one thousand dollars in punitive damages.

Mr. Doe's case is a microcosm of many of the legal and non-legal barriers facing rural litigants in New York. I will discuss LASNNY's specific attempts to overcome the legal obstacles, as well as the non-legal barriers facing our clients and the limitations we face in overcoming them.

## II. Specific Strategies We Employ in Rural Areas

### A. Unbundling

"Unbundling," also known as "limited scope representation," refers to an agreement that an attorney will perform one or more discrete tasks which fall short of full representation. This practice has gained new currency over the last decades, particularly as legal services advocates try to do more with less.<sup>3</sup> Unbundled services include pro se clinics, telephone advice, and assistance with pro se documents.

"Unbundling," also known as "limited scope representation," refers to an agreement that an attorney will perform one or more discrete tasks which fall short of full representation.

LASNNY has six attorneys and paralegals who give clients telephone advice. On occasion, an intake specialist will refer a case to a legal aid lawyer or to a private attorney for full representation. Generally, however, the assistance ends when the call ends. We also have an Attorney for the Day program, where a housing attorney screens and represents eligible clients in court. This generally means representation in settlement negotiations, although the attorney will sometimes accept a case for further representation. We have adopted this model for foreclosure settlement conferences in some rural counties. More broadly, we sometimes agree to represent clients in foreclosure settlement negotiations or to assist clients with pro se answers (particularly in foreclosure and family law). LASNNY also offers a number of self-help clinics, which help pro se clients with uncontested divorces and answers in consumer cases.

Research on the efficacy of advice or brief services is difficult, both because it is hard to carry out randomized studies and because there is some self-selection. However, one randomized study found that housing clients who received only legal advice had no clear *substantive* advantage over pro se litigants but were measurably better off in terms of *procedural* defenses.<sup>4</sup>

To be clear, few legal services providers believe that limited services are the best option. Some problems can be solved with advice, information, or a simple letter, but most are more complex than that. Given our staffing, time, and financial constraints, however, advice is often all we can offer. We rarely find out if the advice helped, but we hope and believe that it was better than nothing.

In Mr. Doe's case, we can see that the initial advice he received strengthened his case significantly. Based on the advice he received, he called the County Health Department, which inspected the apartment and ordered the landlord to fix it, and he informed his landlord that he would be withholding rent pending repair. These steps were crucial to his successful outcome.

### B. Closing the Gap

There is a considerable body of literature hailing technology as the best way to close the justice gap.<sup>5</sup> For the last decade and a half, the Legal Services Corporation has funded technological innovations in the field; most of these projects help pro se litigants, connect clients to an attorney, or facilitate intra-agency communication.<sup>6</sup> These projects are particularly attractive to programs which cover large and remote areas.

All our offices serve some rural clients, and the

Canton and Plattsburgh offices serve some of the largest and least populated counties in the state.<sup>7</sup> Public transportation in many areas is nonexistent or rudimentary, and our grant structure means that our individual staff must be fairly rigid in the types of cases they accept. Finally, private attorneys in rural areas tend to be small or solo practitioners and unable to do much pro bono work.

Closing the Gap, which was initially funded through LSC's Technology Innovation Grant program and run in partnership with Legal Assistance of Western New York (LAWNY) and Volunteer Legal Services Project of Monroe County (VLSP), helps with all those problems. If an eligible client has a consumer or housing problem which LASNNY cannot accept, some private attorneys will work remotely with the client. This generally involves a limited retainer to assist with answers, discovery requests, and legal advice. The volunteers interview the client via video and use an interactive form to turn the client's information into a pleading. As required in New York, the pleading discloses that an attorney helped the pro se client draft it. The client still goes to court alone, but he or she will be able to raise or preserve defenses. This initiative helps with many of our rural clients' problems: transportation, availability of staff, and availability of pro bono volunteers.

This program is not a panacea. Some judges do not understand limited representation and will not accept the pleadings or proceed unless "the client's attorney" is also present. We give the clients letters explaining the limits of the representation, but they are not always persuasive. Moreover, if the case proceeds to litigation, the client will be without an attorney. This leads back to the conundrum discussed previously; advice and brief service are better than nothing, but at times the client clearly needs more help. Finally, a client's inability to access internet services—due to poverty, lack of infrastructure, or lack of transportation—may make this process difficult, particularly as many public spaces with internet service do not offer any privacy.

Mr. Doe had to deal with many of these barriers. He had to speak with his volunteer attorney on the phone, as he could not access the internet. Despite the disclaimers on the paperwork, the judge would not accept or review the answer without "Mr. Doe's attorney" being present. Finally, Mr. Doe's case did indeed move forward to litigation, which the volunteer attorney was not prepared for. However, the volunteer's answer preserved the defenses and counterclaims he ultimately prevailed upon.

### C. Systemic Advocacy

In 2015, LASNNY created the position of Advocacy Coordinator. We wanted to identify systemic problems so that we could try to fix them for numerous clients simultaneously. Systemic advocacy may include appellate litigation, affirmative litigation, informal advocacy, and writs of mandamus and prohibition proceedings. We also request punitive damages, retraining of officials, and other broad-based relief. This advocacy is not specific to rural areas, but it is particularly important in these areas given the scarcity of legal services and the barriers of distance and transportation. In Mr. Doe's case, we hope that punitive damages will deter other landlords from this behavior. We have also gained relief such as retraining of DSS workers with respect to Supplemental Nutrition Assistance Program (SNAP) violations and favorable County Court appellate decisions. Of course, not every case of this kind will fix a recurring issue, so while this is a useful tool in fashioning broad-based relief, it can only be one tool among many.

### III. Non-Legal Problems in Rural Areas

Our rural client base has non-legal problems and needs which seriously hamper the ability to navigate the court system and to seek legal help in the first place. We suggest help or resources where we can, but these issues are beyond the scope of our representation. They must, however, be a part of any discussion about the challenges faced by rural litigants.

#### A. Transportation

Transportation is the single biggest non-legal barrier our rural clients face. There is little if any public transportation available in our rural service areas. Clients without cars or gas money cannot get to our office or to court. Some grants require LASNNY to get extensive paperwork from clients; we may be unable to represent a client simply because he or she cannot bring us the required papers. Even if the client can get all the paperwork in, the attorney and client may prepare for court by phone and meet for the first time in court. Some clients can get volunteer drivers for their medical appointments or administrative hearings, but these drivers cannot bring them to their attorneys' offices.

Public transportation can be prohibitively expensive. For example, St. Lawrence County no longer has public transportation, but the local ARC chapter

allows anyone to ride its buses for a low flat fee. The bus will pick up clients who cannot get to the bus stop, but it will charge for each additional mile. One client lived several miles from the bus stop with no transportation and had to pay well over \$30 for the round trip to our office. I do not fault the ARC for needing to recoup their costs, and any public transportation is better than nothing. However, \$30 is a huge amount for anyone who falls within the federal poverty guidelines. Mr. Doe, in our case study, had no access to public transportation and had to take taxis regularly. Again, this is a huge expense for any of our clients and prohibitive for many.

Finding transportation also takes time and energy. Clients must schedule a volunteer driver, find a ride, or reschedule appointments and court to coincide with receipt of their SSI or public assistance. If the client cannot appear and the judge will not adjourn, the client may be subject to a default judgment. This barrier is common to all our rural service areas, and it is one of the most problematic, affecting employment and standard of living as well as court appearances.

No single agency or entity can solve this problem, but reliable transportation is in the interests of municipalities at every level as well as their residents. One partial solution might be to expand volunteer driver programs, but that would mean finding, coordinating, and paying a vast number of volunteers. Another partial solution might be "place-based services," in which providers move closer to their client base. This is more difficult in rural areas, as the client base is so spread out and scattered, but even periodic clinics would lessen the burden on clients.<sup>8</sup> This model would require a number of structural supports, including internet access and a secure and private meeting place. Another possibility is "one-stop shopping," where civil legal services providers, victims' advocates, law enforcement, and social services agencies would be available in the same place. However, this would require not only infrastructure and supports but also a tremendous amount of planning and coordination. Technology, such as our Closing the Gap program, can help; however, it assumes clients have (or can get to) internet service. And, of course, none of these models fully addresses the need to be present at a courthouse on a particular date and time.

#### B. Mental Health Services

Many of our clients seek mental health treatment, whether it is voluntary or court-ordered. Unfortunately, rural mental health services are scarce and overwhelmed. Clients routinely wait six months to see a therapist and longer for a psychiatrist or psychologist. In the disability



or SSI realm, this harms our clients because administrative law judges consider whether a client who alleges a mental health disability is seeking and following through with treatment. This is also a problem for parents who have been ordered to seek mental health treatment as part of a family court case and for public benefits recipients who must prove that they cannot work due to mental health problems. (This issue is of course magnified by the transportation problem.)

This issue is enormous and beyond any one agency to solve. Ultimately, rural mental health agencies need more personnel. This requires more of everything: more money for salaries, more money for supervising staff, more incentives for practitioners to come to remote areas. Satellite offices for mental health clinics might help with transportation issues but would not address the shortage of practitioners.<sup>9</sup> Fixing this requires advocacy and education on a scale that LASNNY cannot perform (both by regulation and in practical terms), from the local level on up.

#### IV. Conclusion

This article barely skims the surface of the barriers our rural clients face, and any more than that would require far more space and expertise than I have. LASNNY has overcome some of these barriers by blending the traditional solution of pro bono attorneys with new and innovative technology in our Closing the Gap program, but this is not a full solution to our clients' problems. Similarly, unbundled legal services and systemic advocacy allow us to spread out our scarce legal services, but neither can possibly serve the needs of all clients. Until we hit on a more nearly perfect set of solutions, we must rely on the creativity and commitment of our advocates, our organization, and our private partners.

1 Victoria Esposito has been the Advocacy Coordinator for the Legal Aid Society of Northeastern New York since January 2016. Before that, she was a senior attorney and staff attorney in the organization's Canton, New York office and served as an Assistant District Attorney for St. Lawrence County. Thanks to our Executive Director, Lillian Moy, for the opportunity to write this piece; to Scott Fein for his enthusiasm and leadership; and to my husband and long-suffering first reader, John Butler. Victoria may be reached at [VEsposito@Lasnny.org](mailto:VEsposito@Lasnny.org).

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- 2 Some details and the client's name have been changed to preserve anonymity.
- 3 For a history of unbundling, see Jessica Steinburg, *In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services*, 18 *Geo. J. on Poverty L. and Pol'y* 453 (Symposium 2011).
- 4 D. James Greiner, Cassandra Wolos Pattanayak, & Jonathan Hennessey, *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future*, 126 *Harv. L. Rev.* 901 (2013).
- 5 See, e.g., Raymond H. Brescia, Walter McCarthy, Ashley McDonald, Kellan Potts, & Cassandra Rivais, *Embracing Disruption: How Technological Change in the Delivery of Legal Services Can Improve Access to Justice*, 78 *Alb. L. Rev.* 553 (2014-2015) and James E. Cabral, Abhijeet Chavan, Thomas M. Clarke, John Greacen, Bonnie Rose Hough, Linda Rexer, Jane Ribadeneyra, & Richard Zorza, *Using Technology to Enhance Access to Justice*, 26 *Harv. J.L. & Tech.* 241 (Fall 2012).
- 6 Legal Services Corporation, Technology Initiative Grants for 2016, <http://www.lsc.gov/technology-initiative-grant-awards-2016> (last visited April 10, 2017). Technology Initiative Grants for 2009-2015 are available at <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig#Grants> (last visited April 10, 2017).
- 7 Based on the 2010 census, the population density of St. Lawrence County is 41.76, and of Essex County is 21.94. By comparison, the population density of Albany County is 581.87, and of Greene County was 76.06. New York State Department of Health, *Table 2: Population, Land Area, and Population Density By County, New York State-2010*, [https://www.health.ny.gov/statistics/vital\\_statistics/2010/table02.htm](https://www.health.ny.gov/statistics/vital_statistics/2010/table02.htm) (last visited April 10, 2017).
- 8 For a time, LASNNY's Canton office held monthly clinics at a local technical college where many students qualified financially for our services; the casehandler performed on-site screening and offered advice and brief service. We also hold clinics at the Akwesasne reservation on the Canadian border and for our senior clients in various settings.
- 9 A search of the Health Resources and Services Administration (HRSA) database, maintained by the Department of Health and Human Services, shows that every rural county within LASNNY's service area has a shortage of mental health professionals, either globally or among Medicaid eligible patients—who of course form a large part of our client base. <https://datawarehouse.hrsa.gov/Tools/HDWReports/Filters.aspx?id=198>, accessed April 9, 2017.