

# **CENTER FOR ELDER LAW AND JUSTICE**

2022-2023

# OVERVIEW OF ACHIEVEMENTS

During this reporting period, we closed 5,994 cases, benefitting 10,280 persons, an increase over last year’s reporting period where we closed 4,677 cases benefitting 7,590 persons. In addition, we conducted in-person client presentations, interactive online presentations and additional community legal education benefitting 56,598 people. The primary target of our services are older low-income persons and persons with disabilities, however; several of our programs are available to the general low-income population (our medical-legal partnership, the MedLaw Partnership of WNY, our Kinship Care Unit, and our Health Care Advocacy Unit). We provided \$11,662,122.88 (both direct and indirect) to our clients and \$3,799,840.00 benefits to taxpayers.

A significant improvement in our capacity to deliver civil legal services was the expansion of our Free Senior Legal Advice Helpline. In 2022, with the help of IOLA, we made significant improvements to our technology, enabling volunteers to return calls and access our database and resource guide from their home or office computers. As a result, we are now able to approach the large firms to do pro bono from their own offices by having the firm take on a shift to sponsor. In addition, this past year, we added the third hospital to our Medical-Legal Partnership, entitled Medlaw, in which our staff, along with our clinician partners, identify and address the health harming social-legal issues affecting our clients in the hospital system. Finally, due to the increased amount of work in the county, we opened a new office in Cattaraugus County, our fourth, to better serve our clients.

We were happy to be doing in-person outreach again and our outreach presentations and attendance have returned to pre-pandemic levels. Since Older Adults are not a homogeneous group, we work closely with multiple partners to ensure that we are reaching older communities of color, older LGBTQ+ communities, older members of our refugee communities, and rural seniors.



**Population Served: The Elderly, Disabled, or Disadvantaged**

**Area Served: Erie, Niagara, Cattaraugus, Chautauqua, Wyoming, Orleans, Genesee, Allegany, Monroe, Steuben, Livingston**

**Total Funding: \$7,071,642.64**  
**Total IOLA Grant: \$494,145.57**

**Staffing Full Time Equivalents:**

- Total Staff: 71
- Paralegals: 17.5
- Lawyers: 25
- Other: 28.5

# DIRECT LEGAL SERVICES: CASES

## Health Care:

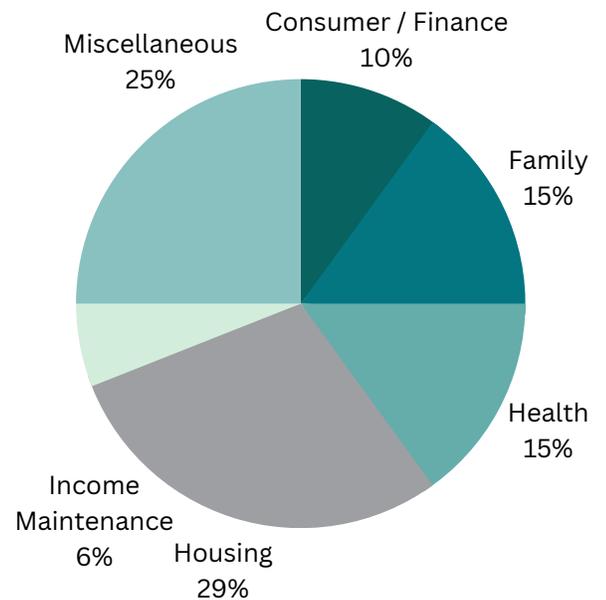
In the spring, there was a fire inside of Shane’s\* home while he was alone. Shane has weekly home care services covered through a Medicaid Managed Long-Term Care Plan, but this particular day, the aid who was scheduled to provide those services did not show up. Due to medical conditions, Shane is unable to open his door on his own, and he could not put out the fire. Luckily, he said, he was able to call a friend who was nearby and helped him extinguish the fire before he got hurt.

After the fire, he asked his insurance to cover an automatic door opener as a medical necessity in case his home caught fire again. The plan said no, telling Shane that in the event of a fire, he should “shelter in place” since he wasn’t hurt the first time.

“It was appalling,” Shane said, “When I was told to shelter in place I just felt, how could you possibly tell somebody that’s quadriplegic to shelter in place?” That’s when he called CELJ, and our Health Care Advocacy team stepped in to successfully appeal his insurance denial and get coverage for an automatic door opener, ensuring Shane would be able safely leave his apartment any time, independently. “[CELJ] gave me that dignity back and the freedom to stay independent in my own home,” he said, of his experience working with us. “I can tell you that CELJ is absolutely, 100%, the best place to turn. They know the law. They don’t let insurance companies get away with not doing the right thing. They’re there for you... they are compassionate for you as a human being.”

\*Note: Client permission was obtained to share Shane’s name and his direct quotes.

**10,280**  
people  
benefitted  
from  
**5,994** legal  
cases closed



**Cases by Legal Problem Area**

# OTHER SERVICES: OVERVIEW

CELJ has a robust community legal education program and very active social media presence and an interactive website. Our goal is to expand and improve legal services to older adults and their families and to use the legal system, so our clients can age independently and with dignity. Our target population is older adults and their families and we develop strategies that will meet all of the various communities of older adults that exist (immigrant, LGBTQ, communities of color, younger and healthy individuals, those in institutions and the homebound).

Last year we held 157 community events and had 91,704 visits to our website with 59,368 downloads. Although we do not have on-line intake, we receive weekly e-mail, Facebook and Instagram requests for services which are responded to within 48 hours. In addition, our Surrogate’s Court Help Desk (detailed in the section on pro bono assistance) is designed to give short consultations so that individuals can appear in Surrogate’s Court pro se. In total, through all venues (social, online, outreach and live calls), we field 200 contacts per day.

One additional strategy we use to achieve our goal is through policy and systems change advocacy at the national and state levels. CELJ is unique in that we engage in systems advocacy specifically on behalf of older adults. We have a Policy Director who regularly weighs in on proposed legislation and testifies at NYS Assembly and Senate Hearings on issues such as safe staffing, Medicaid and elder abuse. We believe in advocating, not only for our clients, but for the rights of all New Yorkers who are impacted by outdated or unfair policies. As a result, our staff works closely with legislators and policy makers to provide unbiased testimony and analysis on relevant laws that impact older adults. This is done through white papers, testimony and comments on proposed legislation.

**118,098 People Benefitted from Services Other Than Direct Legal Services**

## Number of People Benefitted from Other Services



## OTHER SERVICES: TECHNOLOGY

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In order to accommodate the statewide service footprint for the CELJ Senior Legal Advice Helpline, the Helpline made significant technological changes during the reporting period. The system was migrated to a call-center backbone with a phone app and automatic call assignment features. Previously, we could only support a maximum of one call on hold and one active call per attorney during live calling hours, and the attorney had to place incoming calls on hold manually. Callers during live hours now hear a brief greeting and, if all attorneys are busy, the caller is placed on hold and given periodic updates as to their position in the queue. There are no longer any limits to the number of calls that can be on hold at a given time. The Helpline Coordinator can now monitor call volume and ask additional attorneys to log into the Helpline if necessary. All CELJ attorneys and volunteers now have the capability to log into the Helpline from the phone app on their CELJ computers to assist with Helpline calls. The phone app will work from any location with Internet access, allowing

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## OTHER SERVICES: TRAININGS

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CELJ has a robust internal training program, as well as a significant budget for out of area trainings for staff. Trainings are targeted to all staff and the supervisors have access to an orientation to their supervisor role and a career coach. CELJ staff have an extensive on-boarding. In addition, CELJ does in-house trainings for all staff and has a significant yearly budget for substantive trainings. We measure effectiveness with a post-training survey, and poll the staff several times per year as to which types of trainings they want in-house. We received funding several years ago for state of the art technology, and now have a conference room which can hold up to 75 people specifically for trainings of staff, board, volunteers and the community with video access for those off-site..

As a certified CLE provider, we save funds by handling some of the training in-house, especially since many bar-sponsored CLE's are not always fully relevant for legal services providers. We do send multiple people to the Partnership Conference every two years and many of our staff present at that conference. This year we did numerous internal trainings including sexual harassment, diversity & inclusion, suicide prevention, changes to the Power of Attorney statute, the new notary requirements, employee burn-out and Legal Server updates.

# PRO BONO VOLUNTEERS

CELJ recruits pro bono attorneys, law students, and other volunteers in several ways including presentations to law firms, email and mail solicitations, presentations to local bar associations and relevant committees, posting opportunities to our website and social media, attending local law school job fairs and events, and personal outreach. We are fortunate to have a robust pro bono attorney and law student volunteer roster. Across all pro bono programs, both limited and full scope, a total of 26 attorneys performed over 849 hours of pro bono service through CELJ in the reporting period.

In October 2022, CELJ participated in the Wills and Estate Planning Workshop hosted by New York State Assembly Majority Leader Crystal Peoples-Stokes. This workshop is an annual community program held in partnership with the Center for Elder Law & Justice, Western New York Law Center, Neighborhood Legal Services, and other participating attorneys. The program's primary goal is to assist residents of New York Assembly District 141 in need of wills, powers of attorney and health care proxies, in order to help plan for the future and protect generational wealth such as home ownership, personal assets, and other possessions. These services are provided to the client at no cost. 27 clients were assisted through the 2022 Workshop.

CELJ is fortunate to have a core group of dedicated volunteers who have committed to working with us through the New York State Unified Court System's Attorney Emeritus Program over the past several years. This program is open to attorneys 55 years of age and older who have practiced for a minimum of ten years. In 2022, CELJ welcomed legal services veteran attorney Eileen Katz to its AEP roster. Since joining us in May, Eileen has volunteered in our office on the Senior Legal Advice Helpline nearly every week, donating over 100 hours to the program in the reporting period.



**26 Attorneys volunteered 849 hours**

**20 Law Students volunteered 3,651 hours**

Each  icon is equal to 4.6 volunteers.

Attorneys are represented through the Green Figure.

Law Students and Other Volunteers are represented through the Grey Figure.

# SIGNIFICANT COLLABORATIONS

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CELJ worked closely with the New York State Legal Services Coalition on obtaining historic funding for civil legal services for eviction defense. Our coalition comprises of 45 member organizations that collectively provide legal services in every county in New York State. Our members range in size from small operations with just a handful of staff, to large, federally-supported agencies funded by the Legal Services Corporation.

Our members provide legal services in many areas, including critical work in the areas of eviction defense, family law and domestic violence intervention, foreclosure prevention, immigration law, and assistance in accessing public benefits. In addition, working with the Coalition, and the New York Coalition against Domestic Violence (NYSCADV), we have advocated to shore up funding for domestic violence programs funded with federal crime victims' monies.

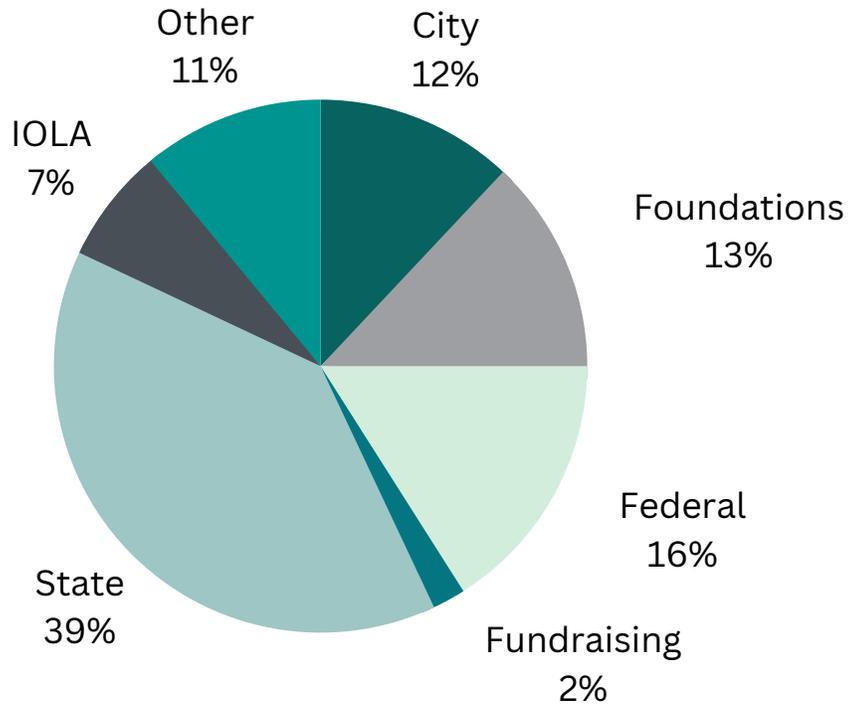
We worked with our partners at the federal level to increase the future fees that will come to New York State for this work and have been advocating for short-term state funding to back-fill the losses until the federal fund have returned to former levels.

Finally, CELJ worked with the Coalition on a bill that will remove significant barriers to access to justice for low-income New Yorkers, especially in housing, civil and family court matters. This bill would amend CPLR 2106 to allow litigants in civil cases to swear to a statement under penalty of perjury without having to notarize the document. The Permanent Commission on Access to Justice, in its 2020, 2021 and 2022 reports recommended that the notary requirement be eliminated as it significantly impedes access to the courts. This recommendation has regularly been supported by the New York State Bar Association.

The Erie County Landlord/Tenant Hub Court was created in December 2021 as a vehicle to ensure that all tenants facing eviction throughout the county have an opportunity to be represented by counsel at their hearings. All evictions filed in town and village courts throughout the county are transferred to the Hub Court housed in Buffalo City Court and all five legal services providers have attorneys present virtually for all Hub Court appearances so that tenants in need of representation can be quickly linked. Though eviction filings have skyrocketed, in large part due to the expiration of New York State's eviction moratorium, the legal services providers have been able to meet the need and provide representation for all eligible tenants throughout the county. As a result of the HUB and the collaboration, Erie County has the highest number of evictions defended outside of NYC and the Permanent Commission on Access Justice's report recommends replicating our model statewide.

# SOURCES OF FUNDING

Center for Elder Law received **\$7,071,643** in total funding this past year



State Funding	\$2,738,258
Federal Funding	\$1,105,473
Other Funding	\$803,497
Foundations	\$918,899
City and County Funding	\$870,239
IOLA Grant	\$494,146
Fundraising	\$141,131