

LEGAL ACTION CENTER

2022-2023

OVERVIEW OF ACHIEVEMENTS

During the reporting period (April 1, 2022 through March 31, 2023), LAC’s Legal Services Project staff worked in-person and remotely.

In total, we helped 857 New Yorkers resolve 1,616 civil legal cases. These cases concerned three primary issues: 759 clients had legal problems related to a conviction record, 77 had legal problems related to substance use disorder (that usually led to a conviction record), and 26 had legal problems related to HIV/AIDS or COVID-19. Sometimes clients have legal problems related to more than one of these issues.

These 857 clients were primarily low-income New Yorkers with histories of criminal legal system involvement, virtually all of whom had no other access to legal help to resolve problems related to their conviction record, substance use disorder, or HIV/AIDS. Our direct legal services resulted in annualized benefits of \$504,410 to these clients. The benefits consisted of employment earnings and health benefits, government benefits, and settlement awards. We estimate an additional \$91,845 in projected lifetime earnings for people for whom we provided rap sheet review and counseling.

We also delivered 338 instances of technical assistance (TA) to 122 organizations throughout New York State and 51 trainings to 4,415 providers. TA and trainings covered issues directly related to the civil legal service needs of these organizations’ own clients, and thus increased their capacity to resolve issues related to conviction histories, substance use disorder, HIV/AIDS and other chronic conditions in the future.



Population Served: People Discriminated Against Due to Criminal Records, Substance Abuse, and/or HIV/AIDS

Total Funding: \$1,604,350

Total IOLA Grant: \$120,000

Staffing Full Time Equivalents:

- Total Staff: 36
- Paralegals: 5
- Lawyers: 16
- Other: 15

DIRECT LEGAL SERVICES: CASES

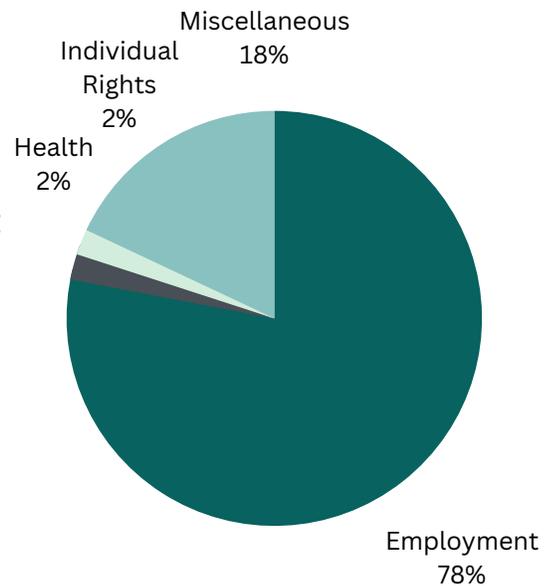
Employment:

A client contacted us after receiving an "intent-to-deny" letter from the New York State Education Department based on two 22-year-old drug-related felonies. Our client had been offered a "dream job" as a cafeteria worker at the public school one of her grandchildren attends. She recently became guardian of that grandchild and two of their siblings, and her new work hours would allow her to be home with them after school. She was shocked that her two decades of good conduct was sufficient to become guardian of her grandkids, but the state deemed her too risky to merely serve food to other children. We worked with her to obtain numerous letters of reference, submitted an extensive letter brief, and orally advocated with NYSED on her behalf. The Friday before Christmas, the client received confirmation from NYSED granting her clearance to work.

4,848
people
benefitted
from
1,616 legal
cases
closed

Immigration Consequences of Arrest:

We were contacted by an NYC university student who briefly returned to his native country to renew his visa and was blindsided when the US government demanded court documents from a sealed New York criminal case before he could reenter the US. He did not know that Federal laws permit Immigration and Customs Enforcement (ICE) to access records sealed on the state level and was now faced with the daunting task of tracking down the records quickly from abroad. He was terrified because he had no idea how to get copies of court documents, or even what documents to request. Our staff educated the student on the proof he needed and tracked down the public defender who represented him on the case, who provided him with the right documentation as well as immigration advice. Now armed with the information he needed, the student successfully renewed his visa and was able to return home to New York.



Cases by Legal Problem Area

OTHER SERVICES: OVERVIEW

We deliver trainings for clients and their service providers, offer outreach at webinars and other community events, and, to broaden our impact and empower clients, author and disseminate a wide variety of free print and web-based publications that help pro se individuals (including incarcerated persons) and their advocates understand and enforce their civil rights. The target population includes individuals with arrest or conviction records, who use drugs, have substance use disorders, and/or live with HIV/AIDS and their service providers throughout the state. During the reporting period, we trained 4,415 individuals and recorded 14,652 disseminated hard copies of publications, website downloads, and pre-recorded legal education video hits.

We also created a number of new publications regarding the rights of people with arrest or conviction records, who use drugs, have substance use disorders, and/or have HIV/AIDS, including practical tools and templates these individuals can use to improve their employment opportunities.

We receive a steady stream of requests from individuals in state and local correctional facilities who seek information on their rights. We regularly mail free copies of our publications to any incarcerated person who writes to us. Finally, we connect our clients to other services through an extensive referral network developed throughout our nearly fifty years working in this area and through web sites such as www.lawhelp.org.

20,852 People Benefitted from Services Other Than Direct Legal Services

Number of People Benefitted from Other Services



OTHER SERVICES: TECHNOLOGY

We have continued to deploy remote work technologies to better enable us to collaborate internally and effectively serve clients. We have also continued and refined our use of our Salesforce cloud implementation that allows staff to track technical assistance (TA), trainings, and publications remotely. Salesforce's cloud solution has industry-leading reporting capabilities, is quite easy to use, and has built-in technology that helps us to project manage in a way that could not be done in our prior system. We began piloting Microsoft Sharepoint so that we can migrate our in-house server to the cloud. This will allow us to collaborate on client case documents more seamlessly. In addition, we implemented a new cloud phone system in February 2023 that allows us to call people using our work numbers from any remote location. We also now have the capability to do SMS texting, which is something our clients have repeatedly requested. We believe use of these technologies will lead to more efficient delivery of our services and, in the end, better outcomes.

OTHER SERVICES: TRAININGS

We engage in a multi-pronged strategy to professionally grow staff and prepare Board members for their responsibilities. This year, staff attended a myriad of virtual conferences and trainings addressing racial justice and equity, access to medication for opioid use disorder in jails and prisons, substance use and mental health care needs, and HIV/AIDS criminalization. We also provided in-house training and workshops to staff members on substantive legal issues, advocacy strategies, and practical skills. For example, we engaged consultants to lead all staff in an 18-month leadership development course that commenced in late 2022. Another example is a series of in-house workshops organized by Community Engagement Director Andrea Williams wherein outside experts share innovative approaches to treatment of, and advocacy for, people with substance use disorder or who use drugs.

Throughout the spring and summer of 2022, we dedicated significant time and energy to recruiting four new attorneys and a new paralegal, as well as successfully applying to host an Equal Justice Works Legal Fellow. We ultimately hired six new staff members - the largest single expansion of our Legal Department in our history. In late summer and autumn of 2022, the Legal Department began a training program that included having new staff shadow senior colleagues and numerous training sessions on subjects including negotiation skills, protecting client privacy rights, legal rights of people who take medication for opioid use disorder, and working with pro bono counsel.

IMPACT CASES

Doe v. Utility Company (Employment Discrimination):

Milestone: We successfully advocated on behalf of a jobseeker with a conviction record who applied to work as a laborer at a utility company. In response to a request from the employer, the jobseeker provided extensive documentation about their criminal convictions and their rehabilitation. Several months later, the jobseeker had received no response from the employer and the company did not respond to his repeated requests for an update about the role – leading him to believe he was denied the job without the legally required individualized assessment and written Fair Chance Notice. This sort of constructive termination is not uncommon and, unsurprisingly, contributes to the frustration and demoralization felt by jobseekers with arrest or conviction records. It also creates financial hardship and anxiety, as the jobseeker remains unemployed while in this state of uncertainty about their hiring status.

Impact: After advocating directly with the employer and helping the jobseeker provide additional evidence of rehabilitation, our client was offered the laborer position. We educated the utility company on their responsibilities under the law, which should help protect future applicants to this company of over 10,000 employees.

All Impact Cases:

1. Doe v. Utility Company (closed)
2. Doe 1 and Doe 2 v. NYC Hospital (closed)
3. Doe v. NYS University (open)
4. Doe v. Grocery Delivery App (open)
5. Doe v. Grocery Store (open)
6. Doe v. National Housing Provider (open)
7. Doe v. Pharmacy Chain (open)
8. Doe v. Hardware Store Chain (open)
9. Doe v. Transportation App (open)
10. Doe v. NYC Hospital (open)
11. Doe v. NYC Hospital 2 (open)
12. Doe v. NYC Dermatologist and Dermatology Practice (open)
13. Doe v. NYC Nephrologist and Nephrology Practice (open)

1,840 Beneficiaries were affected by 13 Impact Cases

PRO BONO VOLUNTEERS

In 2022-23, we received 584.8 hours of pro bono time from law firms, interns, and other volunteers.

Litigation: We have been co-counseling an HIV privacy litigation in New York Supreme Court with Paul, Weiss, Rifkind, Wharton and Garrison (Paul Weiss). This litigation resulted in the first NY court decision to hold that it violates Article 27-F of the Public Health Law for a medical provider to disclose a patient's HIV status to a third party visiting them in the hospital without the patient's written consent.

Legal research: Paul Weiss has performed legal research and provided other assistance on an array of issues related to insurance coverage for substance use and mental disorders and access to emergency department services by people with substance use disorder-related emergencies.

Technical assistance on health privacy matters: Davis Wright Tremaine has provided counsel on health privacy issues central to our legal services project.

Law students: We hosted a law student through the New York Lawyers for the Public Interest Visiting Summer Associate Program. The law student assisted with legal research on substance use disorder discrimination.



21 Attorneys volunteered 420 hours

1 Law Students volunteered 63 hours

24 Other Volunteers volunteered 101 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

We have extensive relationships with legal service providers, community-based organizations, and bar organizations throughout New York State. Because we have provided technical assistance and training services statewide for decades, we have developed long-lasting cross-referral and service relationships with hundreds of employees at agencies and organizations that serve individuals with arrest or conviction records, substance use disorders, or HIV/AIDS.

We also have comprehensive linkage arrangements with over 50 agencies that provide vital services to people affected by HIV/AIDS in NYC and across the state. Most of our clients are referred by service providers who know our firm's 50-year history at the intersection of these issues. Our numerous pro bono collaborations are discussed above.

Our lawyers and policy staff members participate in many networks and coalitions of HIV and substance use disorder treatment and service providers, reentry groups, and legal services organizations. We lead the Alternatives to Incarceration (ATI) and Reentry Coalition, a statewide network of ATI and Reentry providers that advocates for increased attention to and resources for these services.

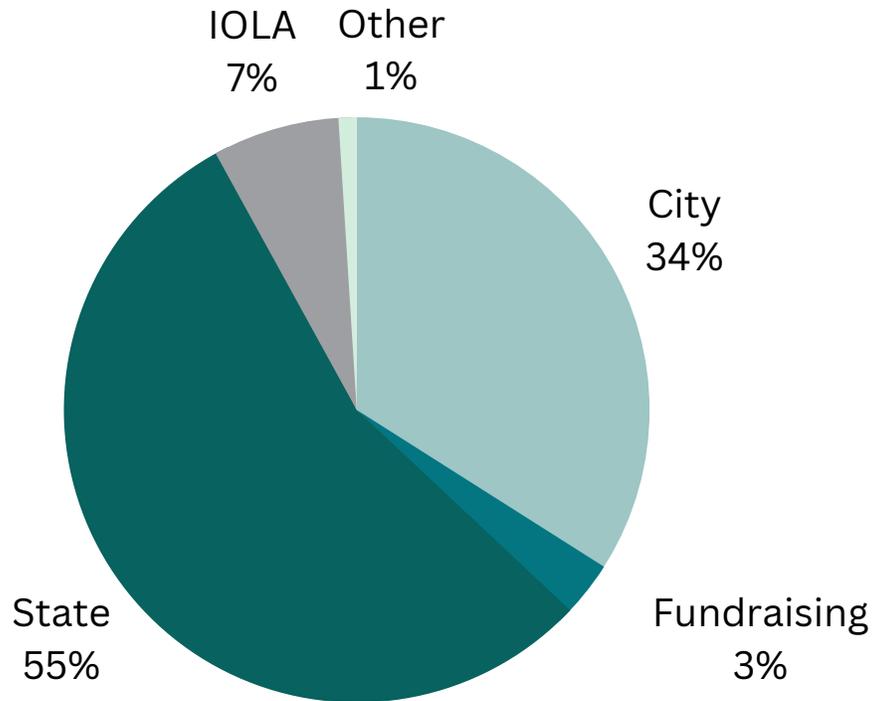
We additionally co-lead, a coalition of advocates working to increase and expand crucial reentry supports specifically for LGBTQI people in New York City. We are a member organization of the Coalition of Reentry Advocates (CoRA), a group of legal services lawyers throughout the State that advocates for public policies and practices to promote reentry; our staff members serve on subcommittees of CoRA related to criminal records, employment licensure, and other issues.

Our staff also lead the NYS Parity Coalition, a group of addiction treatment advocates that works to improve private and public insurance coverage of life-saving treatment and recovery supports. Lastly, our attorneys participate in listservs comprised of lawyers and advocates working on legal issues related to reentry and HIV.

Additionally, in the first half of 2022, we partnered with the CUNY School of Law Worker's Rights Clinic (the Clinic) to co-counsel with Clinic students several cases related to overcoming arrest or conviction record-related employment barriers.

SOURCES OF FUNDING

Legal Action Center Received **\$1,604,350** in total funding this past year



State Funding	\$877,921
City and County Funding	\$545,000
IOLA Grant	\$120,000
Fundraising	\$45,624
Other	\$10,805
Foundations	\$5,000