

**NATIONAL
CENTER
FOR LAW &
ECONOMIC
JUSTICE**

2022-2023

OVERVIEW OF ACHIEVEMENTS

NCLEJ's program of impact advocacy secured a wide array of benefits for low-income New Yorkers throughout the State during this grant year. Our work benefitted more than 1,321,420 people in 19 impact cases or projects, including direct financial benefits of \$95,000 in back awards and settlements and \$2,330 in savings on civil judgments. It also helped bring additional federal dollars to the State and created systemic reforms to endure for years to come.

NCLEJ and the Empire Justice Center obtained final approval of a comprehensive settlement in *Newkirk v. Pierre*, a lawsuit against Suffolk County alleging disability discrimination in the provision of public benefits. The named plaintiffs could not apply for or maintain benefits because of the County's failure to make reasonable accommodations as required by the Americans with Disabilities Act. For example, the County refused to provide the application in a format accessible to people with visual impairments, to allow physically disabled people to sit while waiting in line to be seen, and to help a cognitively disabled man to complete forms he could not read and understand on his own. The settlement transforms every aspect of public benefits administration—from training to forms to computer systems—so that disabled people have an equal opportunity to access life-sustaining assistance. The settlement provides for extensive monitoring over years to ensure that the County properly implements the settlement terms and that disabled people actually receive the relief the County has committed to provide.

NCLEJ filed a Title VI complaint against the New York State Departments of Labor and Health on behalf of three worker centers and longtime partners—National Mobilization Against Sweatshops, Chinese Staff and Workers Association, and



Population Served: General Low Income Population

Total Funding: \$3,176,838

Total IOLA Grant: \$70,000

Staffing Full Time Equivalent:

- Total Staff: 14.5
- Paralegals: 0
- Lawyers: 11.61
- Other: 2.89

Flushing Workers Center—who represent home health aides. These workers often are forced to work 24-hour shifts but only paid for 13 hours. The Complaint alleges that the agency's tolerance of and institutional support for this system violates federal anti-discrimination law. More than 500,000 home care workers across New York State will benefit from systemic reform if the complaint is successful. In related advocacy, we filed an amicus brief on behalf of more than 110,000 home care workers who oppose certification of an arbitration award that would award them only a fraction of their stolen wages.

We continued our unrelenting efforts to enforce the landmark federal court class action settlement in *Baez v. NYCHA*, which obligates the New York City Housing Authority (NYCHA) to remediate mold and excessive moisture of its apartments. In the last year the Ombudsperson Call Center obtained repairs to 6,810 unique units, benefiting approximately 20,430 residents. For example, the Ombudsperson obtained repairs for a senior citizen with asthma who had experienced bathroom leaks for over a year prior to intervention. Her response: “I am beyond grateful for all your hard work. I even cried when I saw my apartment painted.”

Critical to our mission is preserving and promoting access to public assistance. This year, we continued to enforce longstanding consent decrees that enhance the fair hearing process and preserve entitlement to public assistance. In *McCoy v. Restaino*, we continued to enforce a Niagara County court order mandating the timely provision of benefits. In *Stewart v. Roberts*, we represented a class of people who lost access to public assistance because their vehicle's fair market value supposedly exceeded the statutory asset limit—even though in most cases the class members owed more on their vehicles than the vehicles were actually worth. The trial court directed the state to value vehicles by their equity value, rather than their fair market value, benefiting 6,372 class members. And in *Andersen v. Roberts*, we are ensuring that public assistance recipients who performed work in exchange for benefits receive the full value of their work under the Fair Labor Standards Act.

In our work to advance racial justice, we continued our representation of four grassroots community organizations in Brooklyn, who filed a Title VI civil rights complaint fighting a fracked gas pipeline running through Black and Brown communities in Brooklyn. And we continued our longstanding police discrimination litigation fighting unlawful checkpoints and ticketing for profit in Buffalo, New York.

DIRECT LEGAL SERVICES: CASES

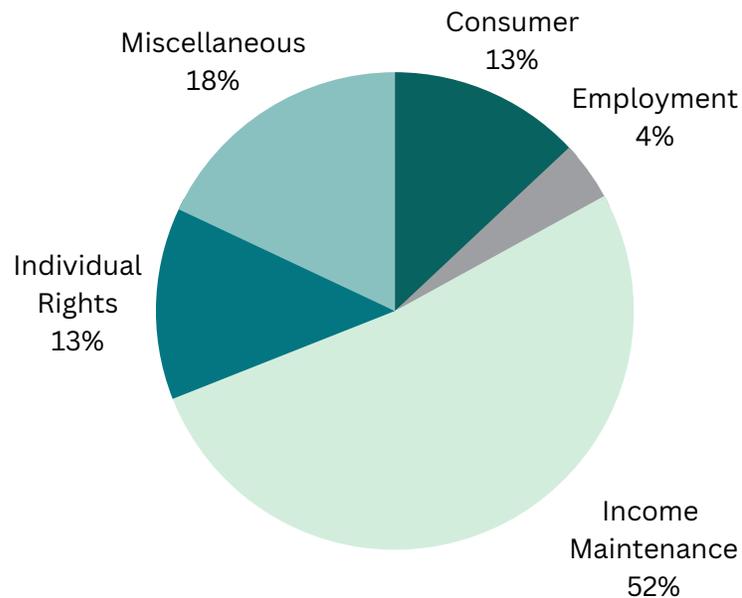
Wage Theft

Our client worked for a home care agency for almost ten years. The agency typically assigned her to work four, consecutive 24-hour shifts. During those shifts, she worked continuously, including throughout the night. She almost never received five hours of uninterrupted sleep per shift and never received legally-required meal breaks. Despite these working conditions, the agency paid our client for only 13 hours per shift. Our client never received any overtime wages, despite working 96 hours per week. As a result of this years' long wage theft, our client experienced extreme income insecurity and was eventually forced to move into a homeless shelter with her children even as she continued working a full-time schedule. We represented this client on an administrative complaint filed with the Department of Labor seeking recovery of her unpaid wages and overtime. This year, our client reached a settlement with the agency in the amount of \$95,000.

Consumer/Finance

Our client—a full-time student with extremely low income— found herself in an extremely vulnerable financial position due to the City of Buffalo’s predatory parking ticket practices. Our client had incurred a series of parking tickets when her car broke down, she could not afford repairs, and her inspection sticker expired. She had no choice but to leave the car parked on the street, where it incurred numerous parking tickets. The City of Buffalo then towed and impounded the vehicle, increasing her debt to the City. Our client

23
people
benefitted from
23
legal cases
closed



**Cases by
Legal Problem
Area**

needed her car both to get to her part-time employment and to care for a disabled family member. The City asserted that she owed \$1600 for the tickets and towing; she needed to pay this debt in order to be able to keep her car, but on her limited income she simply did not have the money. We represented the client in a series of administrative hearings before the parking enforcement bureau to reduce the ticket costs, which saved her \$330. In addition, she had to have the car towed from the City impound lot to a repair shop, which she also could not afford. We advocated with her insurance company to cover the towing cost, which saved an additional \$730. We then raised funds from private sources to pay off her tickets and subsidize the necessary repairs. Now our client can renew her inspection sticker, park her car on the street, and meet her work and family needs without fear of incurring additional debt to the city through tickets and tows.

OTHER SERVICES: OVERVIEW

NCLEJ presents at various community events to provide information to community members regarding their rights. NCLEJ often partners with community-based organizations to give presentations to their members. The presentation's content is driven by what is most beneficial to the organizations and their members. Training often covers (a) disability rights, (b) immigrant workers' rights, and (c) access to Medicaid and other health care programs. We also speak to the general public on racial justice and the use of the courts to preserve and enhance civil rights. During the pandemic, these presentations have taken place over Zoom, in both live and pre-recorded formats. During the grant year, we reached 181 individuals through community education presentations.

4,806
people
benefitted
from Services
Other Than
Direct Legal
Services

NCLEJ previously provided pro se assistance to individuals through clinics and community events on consumer rights and access to benefits. Unfortunately, during this reporting period, the COVID-19 pandemic and ensuing capacity limitations prevented us from providing this service.

Number of People Benefitted from Other Services



OTHER SERVICES: TRAININGS

All NCLEJ employees are encouraged to identify training programs (including conference-type training in New York City or elsewhere, web-based training programs, and audio-tape and video-tape programs) to improve skills and/or knowledge essential to their functions at NCLEJ.

All employees with continuing education requirements for maintaining a license related to their employment at NCLEJ are responsible for adhering to those requirements and avoiding last-minute crises meeting those requirements. While lawyers are encouraged to take advantage of free programs, such as PLI, LSNY, Legal Aid, and others, they are not restricted to those programs. Lawyers are also reminded that they may claim credits for time spent as a trainer at continued legal education (CLE) approved training events or as an author of legal writing such as Clearinghouse Review articles.

NCLEJ pays bar association dues of up to \$150 per attorney for one association per staff attorney if the staff attorney asserts that there is a relationship between membership in that association and NCLEJ's work or mission. In addition, NCLEJ pays for (1) individual memberships to NLADA and (2) membership in the Federal Bar Council if the attorney intends to take advantage of such CLE courses.

NCLEJ also provides training in a range of legal skills (e.g., legal analysis and writing, substantive law, development, and conduct of advocacy, professional ethics) to legal staff through in-house activities and access to external programs.

IMPACT CASES

Newkirk v. Pierre

Milestone: NCLEJ and Empire Justice Center achieved final approval of a comprehensive settlement in *Newkirk v. Pierre*, an ADA lawsuit against Suffolk County alleging that the County fails to provide reasonable accommodations in the administration of public benefits programs, including Public Assistance, Medicaid, and emergency shelter. The named plaintiffs could not apply for or maintain benefits because of the County's failure to make reasonable accommodations as required by the Americans with Disabilities Act. For example, the County refused to provide the application in a format accessible to people with visual impairments, to allow physically disabled people to sit while waiting in line to be seen, and to help a cognitively disabled man to complete forms he could not read and understand on his own.

Impact: More than 22,000 low-income people with disabilities reside in Suffolk County. All are financially eligible for benefits, yet many cannot apply for or retain benefits because of the County's failure and refusal to provide reasonable accommodations for people's disabilities. The settlement—which the court still needs to approve—transforms every aspect of public benefits administration—from training to forms to computer systems—so that disabled people have an equal opportunity to access life-sustaining assistance. The settlement provides for extensive monitoring over years to ensure that the County properly implements the settlement terms and that disabled people actually receive the relief the County has committed to provide.

1,321,420
beneficiaries
were
affected by
19
Impact Cases

Home Care Title VI Complaint

Milestone: NCLEJ filed a Title VI civil rights complaint against the New York State Departments of Labor and Health for their handling of 24-hour home care shifts. Home health aides working around the clock are typically paid for only 13 hours, under the fiction that they have time to sleep and eat while in a patient's home. This is not the case, and workers are subject to unconscionable wage theft and occupational injuries as a result. The complaint alleges that the state's tolerance of this practice disproportionately harms people of color and immigrants, in violation of federal antidiscrimination law. The workers seek payment for every hour they work.

Impact: 500,000 home care workers would benefit from favorable resolution of the complaint. 81% of home care workers are people of color and 67% are immigrants.

Andersen v. Roberts

Milestone: NCLEJ and Empire Justice Center represent the class in Andersen v. Roberts, which seeks to ensure that current and former public assistance recipients in New York receive the minimum wage protections of the FLSA, consistent with the holding in Carver v. State of New York, 26 N.Y.3d 272 (2015). In early 2022, the parties reached a settlement that substantially resolved the litigation and set forth a method of calculating a credit for workfare participants that will be applied for collections back to August 10, 2020. This year, the court issued a declaratory judgment in favor of Plaintiffs. In addition, in February 2023, OTDA officially issued 23-ADM-01, a revised state policy on crediting workfare for public assistance, pursuant to the terms of the settlement agreement in this case. The process of identifying credits due and providing them to class members has now begun.

Impact: Approximately 72,000 people are on workfare each year and will benefit from the improved formula. We will have more information about the number of people who will receive a credit, and the total amount of the credits issued, as the state begins administering relief in 2023.

All Impact Cases

1199SEIU amicus brief

Andersen v. Roberts

Baez v. NYCHA

BLRR v. City of Buffalo

Brown v. Giuliani

Brownsville Green Justice

Title VI Complaint

Davila v. Turner

Hills v. Roberts

Home Care Title VI

Complaint

McCoy v.

Restaino

NCLEJ v. NY DOL

Newkirk v. Pierre

Not Dead Yet v. Cuomo

Piron v. Wing

Reynolds v. Giuliani

Robinson v. NYCTA

Stewart v. Roberts

Talevski amicus

brief

Varshavsky v. Perales

PRO BONO VOLUNTEERS

NCLEJ often partners with pro-bono counsel on class action litigation. Obtaining this support magnifies our reach because NCLEJ attorneys can staff many more cases knowing that law firms can provide additional litigation support for intensive litigation tasks such as electronic discovery. Pro bono firms also shoulder much of the financial risk of litigation, allowing NCLEJ to maintain a higher caseload than we could on our own.

During the reporting period, we co-counseled with Proskauer Rose in the Baez v. NYCHA litigation on behalf of NYCHA public housing tenants with asthma who have suffered from mold and excess moisture conditions in their apartments. We also co-counseled with Dentons on our Suffolk County ADA litigation; with Faegre Drinker Biddle & Reath LLP on ongoing litigation against the New York City Transit Authority for its unconstitutional debt collection practices that disproportionately target low-income New Yorkers; and with Covington & Burling on a class-action lawsuit against the City of Buffalo for discriminatory policing practices.

We are also fortunate to have senior retired lawyers providing us with their services. Ed Krugman, a retired Partner from Cahill Gordon, works with us on the Buffalo litigation. And as discussed further below, retired lawyers contribute to the Federal Practice Manual under the auspices of the Attorney Emeritus Program.



4 Attorneys volunteered 1,391 hours

18 Law Students volunteered 2,758 hours

3 Other Volunteers volunteered 162 hours

Each  icon is equal to 2.5 volunteers.

Attorneys are represented through the Green Figure.

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

We have a long-established law student intern program and typically host multiple students during the summer and throughout the school year. Law students provide invaluable research support, and we endeavor in return to provide them with meaningful tasks and help to develop their lawyering skills.

Finally, NCLEJ contributes to the legal education and training of other public interest attorneys. Senior Attorney Saima Akhtar conducts an annual day long CLE on public benefits law through PLI.

SIGNIFICANT COLLABORATIONS

NCLEJ often partners with other organizations to extend the reach of our impact litigation program. As our list of impact cases shows, Empire Justice Center has been a critical statewide partner, from our ADA case against Suffolk County to statewide impact cases securing public benefits and SNAP benefits for low-income New Yorkers.

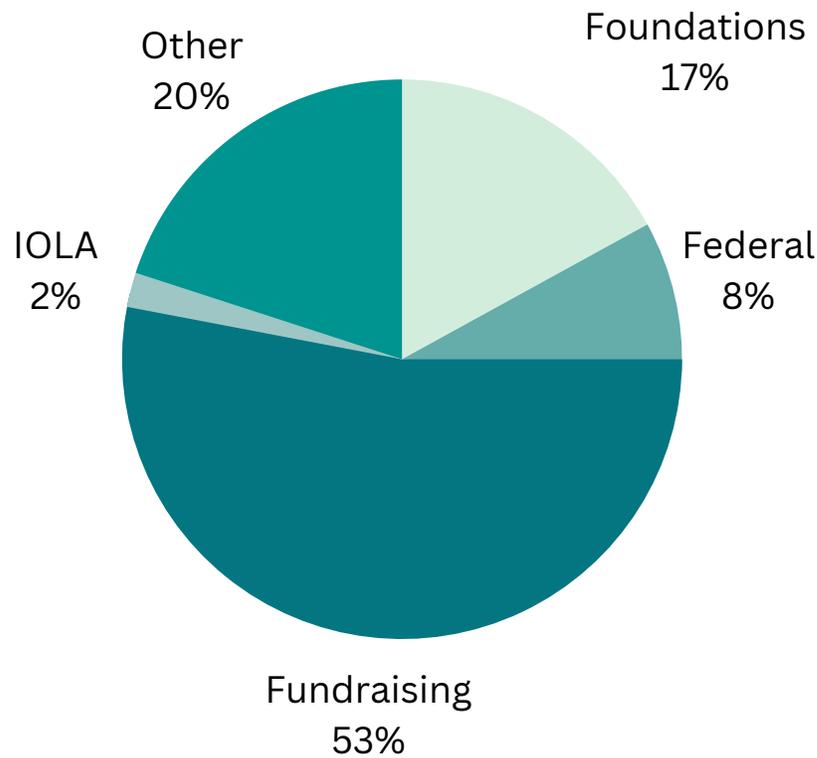
NCLEJ has deep connections to worker centers in New York City, such as Chinese Staff and Workers Association, Flushing Workers Center, and the National Mobilization Against Sweatshops. We partner with these groups, and others such as Adhikaar and Make the Road New York, on several initiatives to ensure that low-wage, immigrant workers receive full pay for all their hours worked and have access to critical health care benefits.

In Buffalo, the Western New York Law Center is a critical partner, both when it comes to securing access to benefits and accommodations for disabilities throughout Western New York and fighting against unfair fines and fees imposed by the City of Buffalo on low-income people of color. We also provide guidance and support to the Fair Fines + Fees Coalition, a coalition of community organizations in Buffalo, NY, seeking to raise awareness and change City policy around fines, fees, and ticketing practices.

On the consumer side, we partner with organizations such as Mobilization for Justice, the Feerick Center for Social Justice at Fordham Law School, and New Economy Project.

SOURCES OF FUNDING

National Center for Law & Economic Justice
 received **\$3,176,838**
 in total funding this past year



IOLA Grant	\$70,000
Fundraising	\$1,682,992
Foundations	\$547,505
Federal	\$265,012
Other	\$611,329
Total	\$3,176,838