

# **LEGAL SERVICES OF CENTRAL NEW YORK**

2022-2023

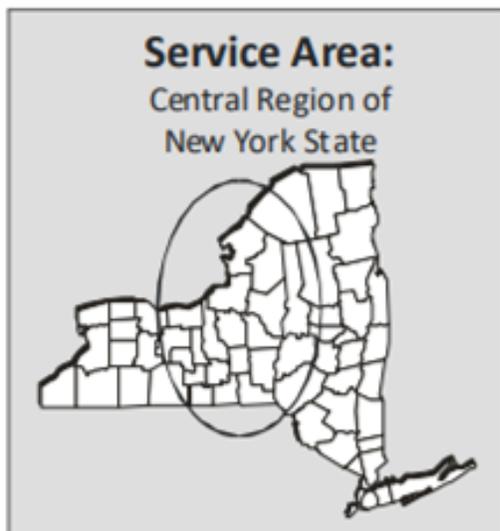


# OVERVIEW OF ACHIEVEMENTS

Three staffed civil legal services organizations and a pro bono program serve all or part of our area, each adopting a different and defined mission and delivery strategies. Working with our three partners in the region – Legal Aid Society of Mid New York (LASMNY), Hiscock Legal Aid Society (HLAS), and the Volunteer Lawyers Project of Central New York (VLPCNY) -- we created a comprehensive and integrated civil legal service delivery system responding to the compelling needs of clients and client communities. LSCNY’s role in the system tracks our roots as an antipoverty law firm with the capacity -- and mandate -- to engage in legal strategies prohibited to or outside the mission and capabilities of our partners.

Our primary target population: Families and individuals with incomes at or below 200% of the federal poverty level in thirteen county service area: Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, and Otsego counties. A significant new grant to engage in eviction defense establishes financial eligibility at 80% AMI. Understanding the intersectionality of race and poverty, LSCNY identifies and responds to race equity matters. We are funded to represent individuals affected by HIV/AIDS. A contract with Vera House, a Syracuse domestic violence organization, to help people affected by violence in Onondaga County, continues. Several small grants fund work such as drivers’ license restoration.

LSCNY has long focused on housing work. Over the years housing cases have increased from one-third to one-half of our work. The availability of ERAP Eviction Prevention funds has allowed us to increase those services to meet the demand in the 320+ City, Town, and Village Courts in our service area. LSCNY is a subgrantee of



**Population Served:** General Low Income Population

**Total Funding:** \$7,215,224

**Total IOLA Grant:** \$1,324,289

**Staffing Full Time Equivalents:**

- Total Staff: 70
- Paralegals: 12
- Lawyers: 45
- Other: 13

LASMNY for ERAP Eviction funds created by the NYS Legislature. With the grant we hired three housing stability law assistants who support attorneys in eviction defense cases and community outreach, especially to undocumented people. We do not confine our work to eviction defense. We work on affirmative housing related matters and represent tenant groups. With our grantor LASMNY, we have begun working with the Syracuse College of Law to create an eviction defense clinic. The clinic will create a pipeline of law graduates to engage in housing work.

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## DIRECT LEGAL SERVICES: CASES

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### *Individual Rights*

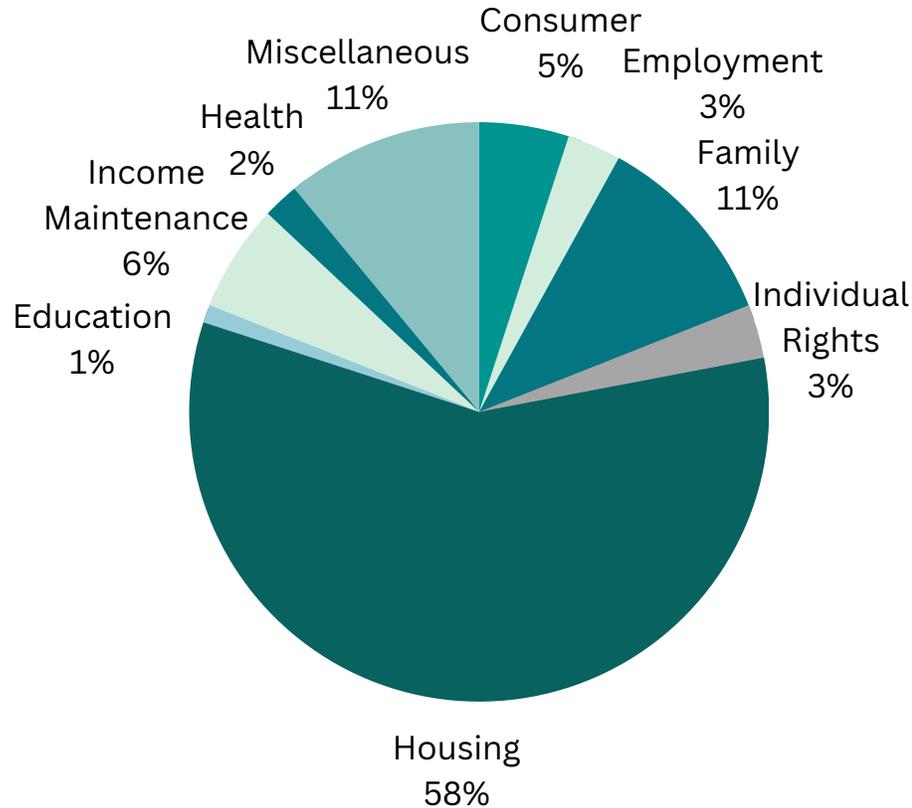
Mary found a job at Burger King. The job was not glamorous, but it was walking distance from her home and paid \$15.00/hour. Mary believed it would be long-term employment, but she quickly found that was not the case because of the way she and another Black employee were treated. Mary was given tasks that no white worker was given, such as taking out the trash and cleaning the bathrooms. Mary was treated disrespectfully by her white supervisor. The supervisor's discriminatory treatment escalated when she directed a racial slur at the other Black employee and again at Mary. Hearing the racial slur, Mary left her shift. Despite complaining to upper-level managers nothing was done to the supervisor and Mary was ultimately fired.

**9,033**  
people  
benefitted from  
**4,061**  
legal cases  
closed

On behalf of Mary, we filed a race discrimination complaint with the NYS Division of Human Rights. Despite numerous hurdles in her case, primarily some witness statements and an internal investigation finding that a racial slur was not used, DHR found probable cause. The respondents soon after settled for an amount that allowed the client to fix her car which in turn allowed her to get to and from a new job that paid more.

**Housing**

Jane, a single Black mother with two children, faced homelessness after receiving a non-payment eviction petition in the mail. She withheld her rent due to the unlivable conditions. Section 8 ended its contract with and payments to the landlord after the property failed to meet HUD’s Housing Quality Standards. Jane complained to Code Enforcement about conditions like a broken living room window, leaking through the kitchen ceiling, sewage in the basement, electrical issues causing frequent light flickers, a clogged toilet, and paint chips on the interior and exterior. Being constructed pre-1978, lead paint was present. The youngest child tested at a highly elevated lead level.



**Cases by Legal Problem Area**

We raised the defense of breach of the warranty of habitability under RPL 235-b and requested a jury trial. The court asked the parties to allow time for the property management to fix the issues, however, after changing property managers three times with no improvement, it was clear the landlord was not going to fix the home. Jane and her children lived out of trash bags because it never felt like a home. Even though she did all the “right” things by reporting to Code Enforcement and withholding her rent due to the condition of the apartment, she still felt as though the unfairness of the system would constantly weigh against her.

Jane simply wanted a new start for her and her children. We negotiated a settlement compensating Jane and her children for what they experienced. Arrears of about \$10,000 were waived. Jane and her children moved out. She obtained a Section 8 voucher and a new home with a bedroom for each child and a new beginning.

## OTHER SERVICES: OVERVIEW

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In 2016 LSCNY received an IOLA Bank Settlement grant to create the Community Counsel Project. The project supported organizing to empower communities to advocate for change and advance economic justice. The project was continued after the grant ended. It has evolved into the newly named project, TakeTheLeadLSCNY. Its mission is to address issues of systemic inequities by uplifting and partnering with our communities to create new organizations, new local power dynamics, racial and other forms of equity, and concrete improvement in the lives of many individuals. The project is staffed by an attorney and two community organizers.

**1,834**  
people benefitted  
from  
*Community  
Legal Education  
Services*

The project uses the community lawyering model in a collaborative effort through which lawyers partner with community members. The model relies upon building and maintaining relationships between lawyers and client communities. Unlike the traditional one-client, one-case lawyering style in the civil legal aid model, community lawyering seeks to represent communities, as well as individual clients. Community lawyering projects work from the premise that lawyers should empower clients and groups to develop their own voice, advocate for themselves, and engage in solving their own problems.

## OTHER SERVICES: TECHNOLOGY

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Because of aging systems and the availability of newer methods, we evaluated our wide area network and phone system. We moved to a cloud-based phone system. Staff use a standard VoIP desktop telephone, an application on their computer, and/or optionally, an application on their personal cell phone. When all three elements are in place, staff uses the desktop application to initiate a call to a client through integration with our case management system. After the call is initiated, it can be transferred from the desktop application to the user's desktop telephone. At any point during the phone conversation, the user can "flip" the call from the desktop telephone to the application on their cell phone and continue the conversation without interruption. SMS messaging, used frequently by our clients, is included in the new system.

Staff can elect to receive email notifications of incoming voice messages, including a transcript of the message and audio file. The transcript of the voice message is available through the desktop application, along with the ability to play the audio file through the computer.

We are now undergoing a period of transition with the loss of our long-time director of technology. We have a technician on staff and recently signed a six-month contract with an organization to provide system administration and develop a long-term plan.

## OTHER SERVICES: TRAININGS

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We train our staff in three ways – in-house events, bar-sponsored events, and webinars through outside providers. All attorney staff are members of the Onondaga County Bar Association and attend any MCLE session appropriate to their practice at no cost. We have re-established monthly Lunch-and-Learn sessions, both in-person in the Syracuse office and remote for staff in our other offices. All LSCNY’s lawyers are registered for and regularly attend no-cost programming by the Practising Law Institute ([www.pli.org](http://www.pli.org)) and regularly attend offered programs appropriate to the work we do.

In 2023, three staff attorneys attended the four-day Trial Academy sponsored by the Young Lawyer Section of the NYSBA. As in the years before the pandemic, a substantial number of staff attended the Partnership Conference in Albany in 2022.

The following is a sample of programs attended by LSCNY staff: ethics and risk management, employment law, Fair Hearings, anti-racist lawyering, supervising legal work, trauma informed lawyering, ethics and social media, wage & hour litigation, cyber-security, elder law, debt defense, Medicare update, US Supreme Court annual review, primer on automobile fraud, public benefits and immigration, and public benefits and domestic violence survivors. Our in-house presentations included sessions on opening statements, cross examination, and direct examination. In-house orientation for new staff, designed to familiarize staff with the work we do, consisted of twelve 90-minute sessions on areas of substantive law, practice, and effective writing.

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# IMPACT CASES

## ***Carter, et al. v. Green Skyline Apartments, LLC.***

The Skyline is a large Syracuse apartment complex with 364 units. Many tenants are low-income, elderly, and people with disabilities. Due to mismanagement and neglect by its owners, conditions in the building deteriorated to the point that the building was no longer habitable or safe for its residents.

LSCNY filed a class-action in June 2021 seeking injunctive relief requiring the owner to improve conditions and damages for violations of the warranty of habitability. In June 2022, Supreme Court in Onondaga County granted class certification permitting LSCNY to represent a class of all tenants who live in the apartment complex or who have lived there since 2016. Class members may number upwards of 1,000 current and former tenants. Due to pressure on the owners by the multiple lawsuits brought by LSCNY, the City of Syracuse, and the New York Attorney General's Office, the owners have been forced to sell the property to a new management company. That company is making changes that should improve conditions in the building. LSCNY is preparing to mediate with the previous owners and their insurance companies over the damages suffered by the class members throughout many years of neglect.

**Justice and Unity for the Southern Tier v. Harder**  
Following the onset of COVID-19, the Broome County Sheriff's Office ended all in-person visitation at its jail, citing health concerns. More than two years later, after inmates and staff had been vaccinated and risk of community spread had subsided, the Broome County Jail still prohibited in-person visitation for all inmates at

## **All Impact Cases**

***Carter,  
et al. v. Green Skyline  
Apartments, LLC. 5036-21  
(Onondaga Co. Sup. Ct.).***

***Barrett, et al. v. Maciol, et  
al. 2022 U.S. Dist. LEXIS 8000  
(1/14/2022, NDNY).***

***Letray v. Jefferson Country,  
et al. 20-cv-1194 (NDNY).***

***Brown v. Maher, 2022 U.S. Dist.  
LEXIS 64254 (NDNY).***

***Black Artist Collective, BlackCuse  
Pride, et al. v. City of Syracuse, 21-  
cv-754 (NDNY).***

***Vega v. Broome County, 9:21-CV-  
00788 (BKS/DJS) (NDNY)***

***Justice and Unity for the  
Southern Tier v. Harder, 2022-  
0942, Supreme Court, Broome  
County.***

***Matter of Stewart v. Roberts***

***Garcia v. Douglas Ritter***

the facility including people serving a local sentence and people awaiting trial. The Broome County facility was one of the last in the state to prohibit in-person visitation.

Citing violations of the New York State Constitution, LSCNY represented a non-profit community group seeking in-person visitation with inmates at the Broome County Jail. We included studies in our papers indicating that personal visits are beneficial to the mental health of incarcerated people, facilitate re-entry, and decrease rates of recidivism.

After full briefing the Broome County Supreme Court granted a preliminary injunction requiring the Broome County Sheriff's Office to resume in-person visits. When the County sought to appeal the Court's decision, the appellate court denied a stay of the lower court order. The County changed its policy to allow in-person visitation.

**8,050**  
beneficiaries were  
affected by  
**9**  
Impact Cases

## SIGNIFICANT COLLABORATIONS

### 3 Law Students volunteered 452 hours

**Assembly Member William Magnarelli:** In 2019 we began collaborating with Assembly Member Magnarelli to draft a bill to create the equivalent of a special proceeding available in Housing Part in New York City Court. That proceeding was designed to help tenants obtain court orders forcing landlords to repair conditions that made a home uninhabitable. The bill, the Tenant Dignity and Safe Housing Act, sponsored by Senator May in the Senate, passed. In December 2022 Governor Hochul signed the act, now codified in Article 7-C of the Real Property Actions and Proceedings Law. Tenants will be able to start pro se proceedings in most City, Town, and Village Courts outside of New York City to obtain orders forcing landlords to improve housing conditions. The law will become effective later in 2023 with the potential of helping thousands of tenants improve their homes and communities. LSCNY will embark on a project to ensure tenants know how to use the pro se proceeding and initiate proceedings on behalf of tenants to familiarize local judges with the new law. Any activity by LSCNY staff attempting to influence the passage of this legislation was supported by non-restricted funding.

**Legal Services Access Alliance, Inc:** The Alliance is an organization of civil legal services providers outside of NYC that currently focuses on advocating for increased and stabilized funding for eviction defense. It also focuses on working with law schools to establish eviction defense clinics, developing practice standards for eviction defense, and training lawyers. The LSCNY executive director is on its board of directors.

**City of Syracuse and New York State Attorney General's Office:** We partnered with the City of Syracuse and NYS Attorney General's Office to improve housing conditions at the Skyline Apartments (see above) and other neglected housing in Syracuse. LSCNY facilitated our clients' testimony at a Syracuse nuisance abatement hearing and at the Attorney General's press-conference. The client testimony and public appearance drew community attention to the conditions at this truly sub-standard housing. We pursued a joint litigation strategy with the City and State which ultimately resulted in a large and neglectful management company withdrawing from the Syracuse market.

**Citizen Action of New York:** Our Utica staff has collaborated with Citizen Action, a grassroots organization organizing, educating, and advocating in low-income communities, to present know-you-rights programs.

**5th Judicial District Access to Justice Committee:** We have been an active partner in the Committee from its inception. Our Executive Director serves on its court operations subcommittee. The committee includes attorneys, judges, court personnel, faith community leaders, governmental officials, and representatives from human services non-profits.

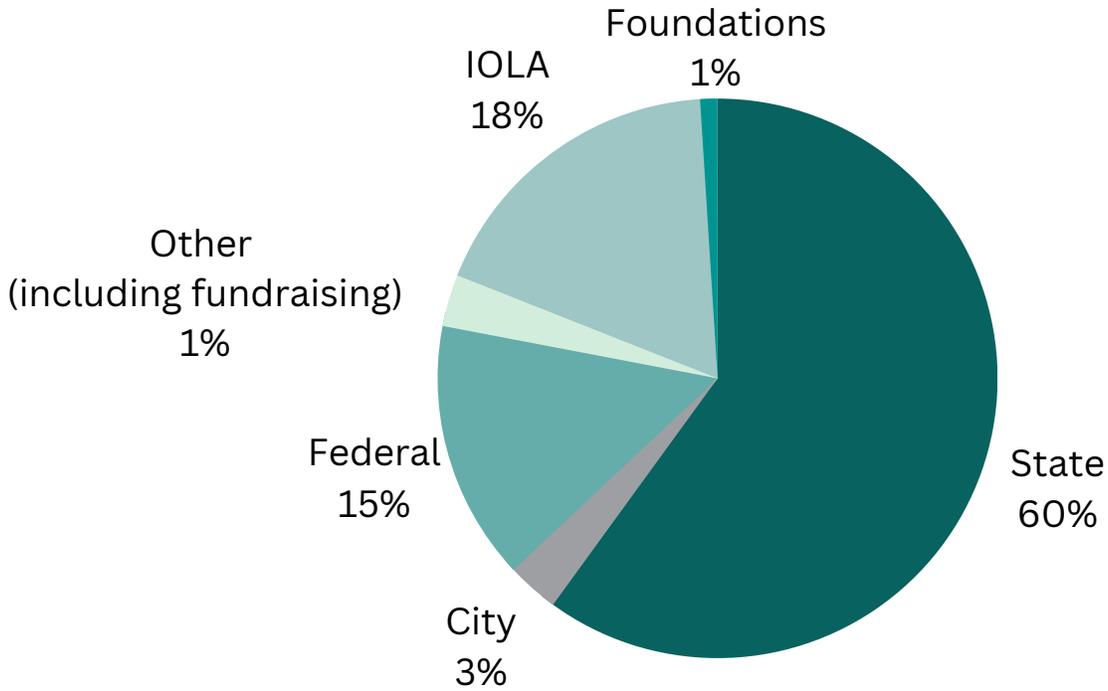
**Onondaga County Assigned Counsel Program:** LSCNY assists county residents with re-entry issues. We train and advise assigned counsel on collateral consequences of conviction prior to pleas and sentencing.

**Workers Center of Central New York:** We continue to collaborate with the Workers Center. The Workers' Center facilitates worker empowerment and leadership development through training related to workers' rights and occupational health and safety, orchestrates campaigns to combat wage theft and to promote employer compliance with the law, and engages in organizing and coalition-building to push for policies that will increase wages and workplace standards and promote human rights.

**Housing & Homeless Coalition of Syracuse and Onondaga County:** One of our staff attorneys is a member of the coalition.

# SOURCES OF FUNDING

Legal Services of Central New York received **\$7,215,224** in total funding this past year



<b>IOLA Grant</b>	<b>\$1,324,289</b>
<b>City and County Funding</b>	<b>\$228,728</b>
<b>Foundations</b>	<b>\$41,913</b>
<b>Federal</b>	<b>\$1,097,043</b>
<b>State Funding</b>	<b>\$4,330,241</b>
<b>Other</b>	<b>\$193,011</b>
<b>Total</b>	<b>\$7,215,224</b>