

# **LEGAL AID BUREAU OF BUFFALO**

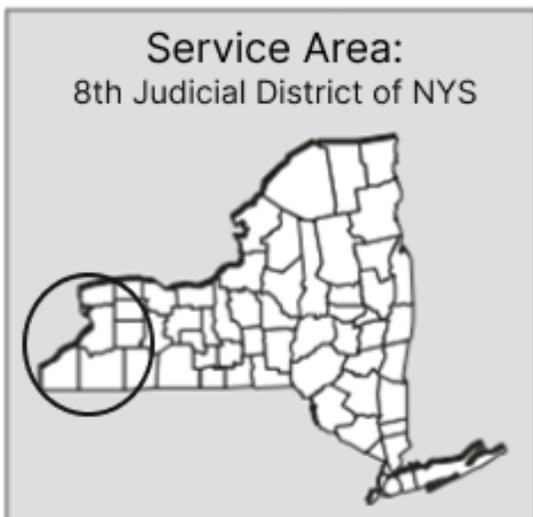
2022-2023

# OVERVIEW OF ACHIEVEMENTS

From April 1, 2022, through March 31, 2023, Legal Aid Bureau of Buffalo (LABB) intaked 7,706 civil cases. Through our online application portal we received 924 of these intakes, a dramatic increase over what we expected for the year. Another 2,024 intakes were facilitated by phone or mail, and another 4,758 were done in person either at our office, on-site clinics, or at courthouses. Only 359 of the applicants were rejected during the year, of which 80% were rejected due to conflicts of interest (182) or financial ineligibility (107), and 20% were rejected because they were outside of our geographic coverage area or they were requesting services that are prioritized to other agencies (70).

LABB provided advice or representation to a total of 11,537 men, women, and children in 6,901 different cases in Western New York. Of these, 3,713 were cases assisting people in general civil matters and 3,188 were cases representing children in Erie County Family Court. In addition, the Civil Legal Services Unit (CLSU) provided hotline services for 3,169 people. Referrals were provided to 2,685 people. Community legal education, primarily through our regular legal columns in community newspapers (188,194), was provided to 198,438 individuals, and pro se assistance was provided to 7,550 persons. Our online self-help materials were accessed by 2,794 people.

Outreach, off-site in-person events, and in-person clinics have been fully restored during this year. Moratoriums, court closures and safety considerations no longer restrict our representation of individuals, and the courts have returned to full operating capacity. We hold regularly scheduled recurring legal walk-in clinics at the Buffalo & Erie County Public Library, a number of local Buffalo community locations, including Belmont Housing, WNYCOSH, Resource Council of WNY, Buffalo Resiliency Center, Erie County Holding Center, and Veterans One-Stop Center. We are in the process of updating our MOU to restore walk-in services at Service Link Stop.



**Population Served: General Low Income**

**Total Funding: \$5,857,608.47**

**Total IOLA Grant: \$400,444.75**

**Staffing Full Time Equivalents:**

- Total Staff: 50.38
- Paralegals: 16
- Lawyers: 30.28
- Other: 4.10

CLSU clients obtained \$5,639,016.85 in back awards and settlements, and secured \$481,391.89 in monthly benefits for unemployment, child support, spousal support, and in equitable distribution of marital assets. CLSU efforts resulted in \$694,691 in lump sum client savings as a result of debt relief in bankruptcy; \$42,169.50 in child support and \$109,254.87 in debt allocations avoided in family matters; and \$40,781.26 in avoided rent arrears in landlord/tenant matters and \$68,000.00 in mortgage payments in foreclosure; as well as \$2,592.10 in waived unemployment overpayments. We also secured reduced monthly payments for our clients of child support, spousal support and mortgage payments in the amounts of \$5,421.56, \$215.00 and \$35,733.00 respectively.

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## DIRECT LEGAL SERVICES: CASES

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### Education Law

Shelly was suspended for saying and posting inappropriate and hurtful statements, and her father contacted our office for assistance. Shelly had a history of severe lead poisoning, trauma exposure, anxiety, depression, migraines and ADHD. She became a virtual shut-in during the pandemic; the stress and isolation exacerbated her mental health conditions. She had been pushed through her 9th grade (virtual) classes, yet was unable to count, make change or do simple math. 10th grade geometry proved impossible and she was frustrated by both her inability to understand the work and her teacher's inability to assist her. We reviewed Shelly's history, gathered school records, including IEPs, and medical records; we talked to educational providers, multiple medical providers and the family.

We represented Shelly at the suspension hearing and MDR, setting the stage for expedited re-evaluations and changes to Shelly's supports, services, programming and placement. We obtained new evaluation reports and followed up with lengthy Committee on Special Education meetings, and ultimately obtained a new IEP that provided Shelley the supports, services and new placement that she needed to address her present schooling needs. We continued to work to get additional hours of instruction, home instruction pending the new placement, and regular and summer school placement at a preferred location, with school counselors at the ready to meet with Shelly on arrival, as well as ensuring other measures to address her anxiety.

Shelley's transformation from an isolated to happy, engaged child was striking. After final exams, her father texted a thank you to express how thrilled he was to have his daughter smiling, learning and in a school that she feels good about attending.

### Family Law

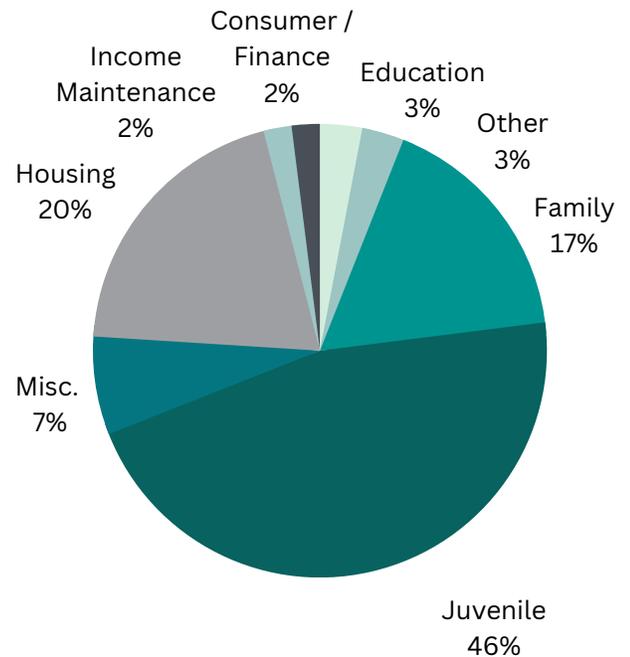
In June 2022, Jessica came to us for assistance on a post-matrimonial matter. Her divorce had been finalized in March 2021. She received the house in the original divorce, but was under an obligation to refinance, remove her ex-husband from liability on the mortgage, and pay him out his equity of \$40,000.00.

Her time to do that under the settlement agreement had expired. She had just started a job, had no other assets, and could not be approved for a loan. Her ex-husband was still obligated to pay child support. He wanted to retire and needed to rework his child support to do so. Jessica was also entitled to receive a lump sum payment of \$99,000 from his retirement asset which she had been trying for more than a year to acquire on her own.

We were able to negotiate a modification wherein he paid \$100.00 less child support monthly, plus interim lump sums of support twice a year, and in exchange he waived his right to receive the \$40,000 and gave Jessica an additional year to refinance the mortgage.

We also obtained a QDRO and she secured her \$99,000 rollout from his retirement asset. The additional one year to prove her earning capacity and the \$99,000 asset should put her in a position to timely refinance. Alternatively, she can use the retirement asset to pay off the loan. Either way, she will keep the home and all equity in it.

**11,537**  
**people**  
**benefitted**  
**from**  
**6,901**  
**legal cases**  
**closed**



**Cases by Legal Problem Area**

# OTHER SERVICES: OVERVIEW

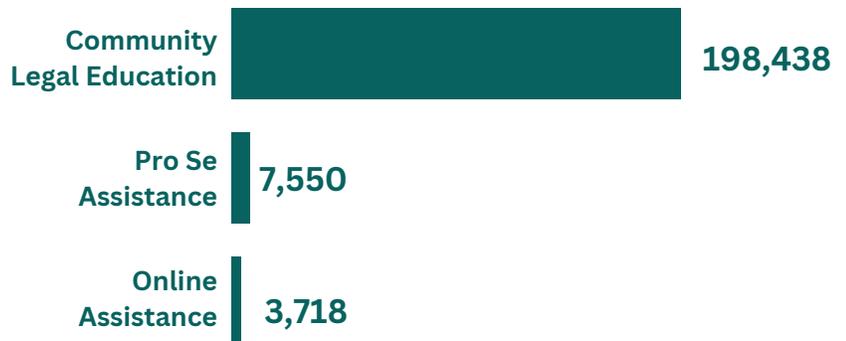
Post-pandemic, LABB has resumed in-person clinics and workshops with the assistance of multiple local community organizations. LABB Re-Entry Project gives regular training and legal education presentations at Federal Probation Services; Ready, Set, Work (Project Blue/Peace Prints); Parole Orientation; Spectrum Human Services and Service Link Stop. LABB Veterans Project gives regular training and legal education events at Buffalo Veterans Treatment Court, VFW Posts, Veterans OneStop. We regularly attend events to present to the students at University at Buffalo School of Law. We have presented to 965 people during this past year, and distributed 9,279 legal education brochures at these events.

Pro Se Assistance, in addition to services offered by phone and virtually, can be accessed at regular walk-in clinics hosted at Belmont Housing; Veterans OneStop; Buffalo and Erie County Public Library; WNYCOSH; Resource Council of WNY, Inc.; and a collaborative project at WNY Resiliency Center. Individuals that walk in to our office will also receive service. We have offered pro se assistance to 3,920 individuals over this past year, and have distributed 3,630 copies of self-help materials.

At our clinics hosted at Belmont, WNYCOSH, Resource Council of WNY, Inc., Buffalo and Erie County Public Library, and WNY Resiliency Center, individuals can meet with an attorney to discuss whatever legal issue is on their mind. LABB attorneys provide advice and counsel, or assist in completing applications online or on paper. Individuals attending the clinic can also engage in an assessment by an attorney to identify other legal or nonlegal needs and obtain assistance or referrals to assist with those matters. We hold clinics at Belmont and WNYCOSH once a month, and clinics at all other locations are at held least twice a month.

**209,706 People Benefitted from Services Other Than Direct Legal Services**

## Number of People Benefitted from Other Services



## OTHER SERVICES: TECHNOLOGY

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Our network firewall has been upgraded to a more easily managed system that allows us more flexibility in protecting our network. This new firewall makes our VPN more secure and easily managed both on the user level and behind the scenes to ensure secure connection to our network systems. This enables our staff to work more effectively in the community, whether at court or clinics.

We have begun the process of redeveloping a method of bundling cases for our Attorneys for Children program in our case management system. This upgrade to the program will enable us to better track sibling cases as a whole and improve our ability to serve children both individually and as a family unit.

A wireless connection has been added in our Family Court office to make accessing our systems easier for those staff working from that office. This enables multiple attorneys to access our network and our case management system while working in the remote office. Previously they shared a networked computer; now with the wireless connection they can all access the systems with an assigned laptop.

## OTHER SERVICES: TRAININGS

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All LABB staff regularly participate in CLE's, webinars, trainings and workgroups. Interns and volunteers are invited to attend these trainings as appropriate. Programs include case law updates, trial techniques, updates on substantive areas of the law, and education on how to better understand your client. Regularly scheduled lunch-hour CLE's are coordinated by managing attorneys and presented in-house.

Managing and Staff attorneys attended the following training conferences this past year: OABA 2022 Equal Justice Conference; NLADA 2022 Holistic Defense and Leadership Conference; NYSDA 2022 Annual Meeting & Conference; NACC 2022 National Child Welfare Law Conference; NCLC 2022 Consumer Rights Litigation Conference; NYSBA 2022 Partnership Conference; and NYSACDL 2023 Trial Skills Academy.

Employees also attended the following lunch-hour CLE's: RIAC CLE on the Consequences of Criminal Pleas and Family Court Findings on Non Citizens; Effective School Discipline Representation: Turning off the School to Prison Pipeline; Reading Drug Lab Reports and Deciphering Body Cam Time; Identifying and Representing Client with Fetal Alcohol Spectrum Disorders; The Ethical Year in Review; Public Benefits: Resources for Clients in Need; The Youth Justice System: Family Court, Youth Part and City Court's Adolescent Diversion Program; and Communicating with Clients of Limited English Proficiency.

# IMPACT CASES

**LAWYERS FOR CHILDREN, THE LEGAL AID SOCIETY, and LEGAL AID BUREAU OF BUFFALO, INC., v. OFFICE OF CHILDREN AND FAMILY SERVICES and SHEILA J. POOLE, in her official capacity as Commissioner of Children and Family Services.**

We are still immersed in the host homes litigation in which LABB is a co-plaintiff with Legal Aid Society of NYC and Lawyers for Children in an Article 78 proceeding seeking a determination that OCFS has no authority to promulgate its host homes regulations.

The lawsuit was dismissed on the ground that the plaintiffs lacked standing, but in February 2023, the Appellate Division, Third Department granted our request for a preliminary injunction to bar OCFS from implementing the host homes regulations, pending an appeal. The parties have filed their appellate briefs and the appeal. We just filed our reply brief, so the matter is now fully briefed.

The host homes model, if permitted to take effect in NYS, could likely affect hundreds of children each year in New York State, at a minimum, and potentially thousands, and would institutionalize a shadow foster care system, exposing vulnerable children and families to harm.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION (“FANNIE MAE”) – against – MAXI JEANTY a/k/a Maxi Jeanty, Jr. and SHERLEY JEANTY a/k/a Sherley Adrien Jeanty.** In August 2022, Legal Aid Bureau of Buffalo, Inc. signed on to an Amicus brief with 21 fellow Legal Services Organizations in support of homeowner respondents on a critical statute of limitations issue in mortgage foreclosure cases in New York State. At issue was whether the making of trial modification payments would reset the statute of limitations period for mortgage defaults. The amicus brief was submitted to the Court of Appeals in August 2022. Ultimately the Court ruled in favor of the lender appellants, but there is a current motion to reargue pending by the homeowner respondents. There are over 5,500 households in New York that will be impacted by the outcome of this litigation.

**1 Impact Case was worked on and 1 Amicus Brief was filed during this past year**

# PRO BONO VOLUNTEERS

We hosted 33 individuals through our internship program this past grant year. Of these, 20 were law students, and 13 were college, paralegal or high school students. Altogether, volunteers accounted for 2,796.62 hours devoted to client casework.

LABB has full-time and part-time internship opportunities year-round. To recruit law school interns, we regularly register at law school job fairs. We have established relationships with other schools and programs to recruit college and high school students.

**The Civil Legal Services Unit** hosts internships for attorneys, law students, and all other students (from college to high school). Interns this past year were involved extensively in landlord/tenant and uncontested matrimonial cases. All eligible law school interns receive Practice Orders. Under the supervision of a managing attorney, the interns develop skills in client communications, drafting pleadings, filing documents (electronic and paper), and learn and work hands-on with the legal concepts and rules codified in the Civil Practice Laws and Rules, Landlord/Tenant Law, Domestic Relations Law, and the New York Codes Rules and Regulations. Projects and assignments include preparing documents and attending virtual or in-person court appearances, hearings and trials in Supreme Court, City Court, the Erie County virtual HUB Court, and Family Court.

**The Attorneys for Children Unit** at the Legal Aid Bureau of Buffalo hosts internships for law students to work with our team of lawyers, social workers and child advocates in the representation of children and youth (infants through age 21) in child welfare proceedings and juvenile defense work in Erie County Family Court. Interns will have the opportunity to participate in direct client representation, to attend virtual and in-person Family Court proceedings, and to conduct legal research and writing. They may also be assigned to work on projects that support the Unit's work in community-based, systems-reform initiatives to achieve justice for children.



**20 Law Students volunteered 2,186 hours**

**13 Other Volunteers volunteered 611 hours**

# SIGNIFICANT COLLABORATIONS

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**The Reentry Project** concentrates on employment, financial well-being, family reunification, and a range of barriers faced by individuals who have a criminal record. Client planning regularly involves these organizations: NYS Department of Labor; NYSDMV; US Attorney's Office; Federal Public Defenders; Northland Workforce Development; The Community Foundation; NYS Department of Corrections and Community Supervision; Service Link Stop; Old First Ward Community Center; and the Community Health Centers of Buffalo and Niagara Falls.

**The Family Justice Project** partners with International Institute of Buffalo, Inc., The Family Justice Center; Cattaraugus Community Action; and Center for Psychosexual Health.

**The Education Law** has established a large network of community partners including Buffalo Public Schools; Erie 1 BOCES; NYS Technical and Education Assistance Center for Homeless Students; Erie County Department of Probation; Oishei Healthy Kids; Parent Network of Western New York; Say Yes to Education in Buffalo; Catholic Charities New Directions; Endeavor; Our Lady of Victory Services; Gateway-Longview; Erie County Restorative Justice Coalition; Family Voices; APIC (Accessing Psychiatric Intermediate Care); Erie County DSS; Child Protective Services and Children's Services; Adoption Unit and Independent Living Unit; NYS Office of Persons with Developmental Disabilities (OPWDD); NY START (NY Systemic, Therapeutic, Assessment, Resources and Treatment); and the NYS Office of Children and Family Services (OCFS).

**The Veterans and Military Families Project** works primarily with the following organizations: the Veteran's OneStop Center; County of Erie Veterans Services; Buffalo Veterans Treatment Court; Catholic Charities; and Spectrum Health and Human Services.

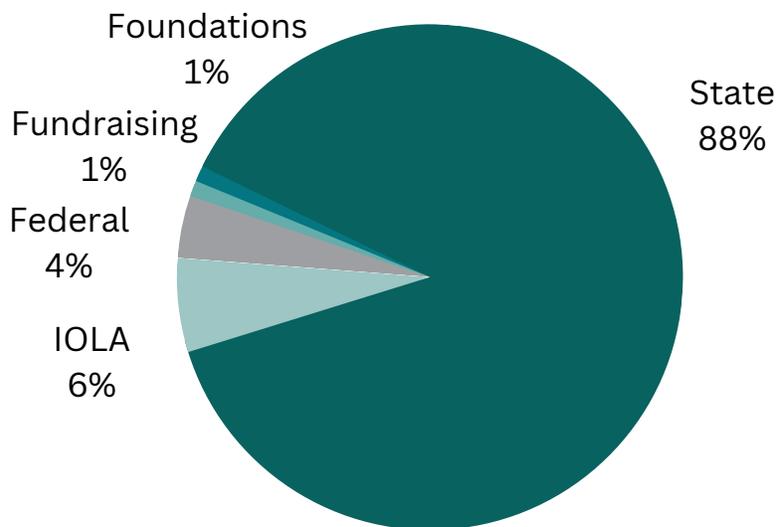
**The Foreclosure Prevention Project of Western New York** involves central intake distributed among three legal providers with the housing counseling covered by certified housing agencies. The other members of this collaborative effort are Center for Elder Law and Justice; Western New York Law Center; Belmont Housing Resources; Buffalo Urban League; Westside Neighborhood Housing Services; and Consumer Credit Counseling Services of WNY.

**The Eviction Prevention Project of WNY** involves central intake distributed among five legal providers handling eviction defense focused on the rural communities in Erie, Niagara, Genesee, Wyoming and Orleans Counties. The other members of this collaborative project are Neighborhood Legal Services, Inc.; Volunteer Lawyers Project, Center for Elder Law and Justice; and Western New York Law Center.

The Housing Unit also partners with the City of Buffalo; Town of Amherst; Town of Hamburg; Town of Cheektowaga; Neighborhood Legal Services; Center for Elder Law and Justice; and Housing Opportunities Made Equal, Inc.

## SOURCES OF FUNDING

Legal Aid Bureau of Buffalo received **\$5,857,608** in total funding this past year



State Funding	\$5,126,195
IOLA Grant	\$400,444
Federal Funding	\$210,810
Foundations	\$79,923
Fundraising	\$33,803
Other Funding	\$6,433