Overview of Achievements 2020-2021

From April 1, 2020 to March 31, 2021, NYLAG’s paid staff increased to 317.08 FTE, including 197.88 FTE attorneys and 72.40 FTE paralegals. NYLAG closed 25,531 cases for 57,163 clients in New York City, Westchester, and Long Island. Across New York State, 8,096,571 people benefited, or may benefit, from NYLAG’s successful impact litigation, either through active cases or ongoing monitoring. Some 28,224 individuals attended 155 community education workshops and trainings. Clients received back awards totaling $6,041,953 and monthly benefits totaling $608,938, including insurance payouts, public benefits, and child/spousal support. Clients avoided $7,008,350 in lump sum settlements and obtained $1,659,924 in ongoing monthly savings through reductions in consumer debt, mortgage payments, and other expenses. NYLAG’s pro bono program recruited 1,916 volunteer attorneys, paralegals, law students, and others, who donated 57,959.44 hours. During the reporting period, NYLAG launched several initiatives to improve New Yorkers’ access to justice, including:

COVID-19 Response: NYLAG continues to maintain its COVID-19 Legal Resource Hotline, launched in April 2020, to answer legal questions from NYC residents impacted by the pandemic. To date, NYLAG has received more than 4,000 calls. Staff provide advice and assistance on immigration, consumer debt, housing, unemployment benefits, public benefits, and more. The agency also maintains its COVID-19 Resource Center, which includes updates on new policies and court procedures.

Domestic Violence Law Unit (DVLU) Orders of Protection (OP): When the COVID-19 pandemic began and domestic violence surged, NYLAG’s DVLU helped clients file emergency OPs to gain swift and immediate protection from abusers. Since April 1, 2020, DVLU filed 709 OPs.

Rapid Response Legal Collaborative (RRLC): NYLAG’s RRLC with Make the Road NY and UnLocal offers rapid response immigration legal services to immigrants ineligible for representation through the New York Immigrant Family Unity Program. When the pandemic shut down courts and administrative agencies, the RRLC began demanding the release of vulnerable immigrants from ICE detention, filing ten habeas petitions with federal courts.

Taxi and Limousine Commission’s (TLC) Driver Resource Center: NYLAG began partnering with the NYC Department of Consumer and Worker Protection (DCWP) and the TLC in May 2020 to offer free legal services to taxi medallion-owner drivers facing insurmountable debt. Since the Project began, NYLAG has assisted 676 taxi-owner drivers with lowering their debt burdens.

Executive Order for Children of Frontline Workers: NYLAG co-drafted an Executive Order to modify the Surrogate’s Court Procedure Act to ensure parents/legal caretakers who work/volunteer in a health care facility, or anyone exposed to COVID-19, can designate a standby guardian for their child.

Turning 5 Project: The Special Education Unit launched this project to help parents of children with disabilities navigate the system as their children leave preschool and enter kindergarten, ensuring they receive services that will enable them to make meaningful progress in kindergarten and beyond.

Population Served: General Low Income Population

Area Served: New York City Metropolitan Area

Total Funding: $36,961,458

Total IOLA Grant: $1,125,000

Staffing - Full Time Equivalents:

- Total Staff: 317.08
- Lawyers: 197.88
- Paralegals: 72.40
- Other: 46.80
**Example**

Zoraida, an 89-year-old Spanish-speaking woman, came to NYLAG for assistance after her managed long-term care (MLTC) plan denied 24-hour live-in care. Zoraida has multiple medical conditions, including advanced dementia, congestive heart failure, diabetes, and hypertension, which prevent her from performing her Activities of Daily Living without assistance. Despite this, her MLTC plan only authorized eight hours of care a day for seven days a week.

After Zoraida was hospitalized in 2019, her two daughters split their time caring for her at night; however, when the pandemic began, Zoraida’s primary caretaker/daughter became severely ill with the disease. Zoraida’s aides refused to come to work, and her other daughter took her in for four months, until she was diagnosed with cancer. They asked for an increase to 24-hour care, but the MLTC plan denied it, forcing her daughters to pay for overnight care.

NYLAG worked with Zoraida’s family to prepare for a fair hearing. The privately paid aides logged the assistance they provided each day and the family gathered medical documentation. NYLAG prepped one of Zoraida’s daughters to provide testimony to the Administrative Law Judge in support of the increase. Thanks to NYLAG’s advocacy, the fair hearing decision was favorable and directed the MLTC Plan to provide 24-hour live-in care. Zoraida now receives the care she deserves and her daughters are relieved she will be able to age with dignity.
Other Services...

Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>393,965 people</td>
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<tr>
<td>Community Legal Education</td>
<td>112,696 people</td>
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<tr>
<td>Pro Se Assistance</td>
<td>1,523 people</td>
</tr>
<tr>
<td>Online Outreach</td>
<td>279,746 people</td>
</tr>
</tbody>
</table>

Other Legal Related Services: Overview

Community Education: NYLAG conducted virtual community education workshops in partnership with health and human service organizations, offices of elected officials, government agencies, and schools, educating New Yorkers on their rights and the availability of free legal services. Staff conducted 155 community trainings and clinics for 28,224 community members. The following are a few examples. EFLRP participated in an AARP-NY Virtual Town Hall on COVID-19 and its impact on Medicare and Medicaid in April 2020, which attracted 18,000 attendees. The Elder Law Practice trained community members and professionals on Medicaid and pooled trusts, the supplemental hardship fund for Holocaust survivors, COVID-19, and elder abuse. The Tenants’ Rights Unit hosted Facebook Live Q&A Events to answer NYC tenants’ questions about eviction moratoria, the status of housing court, rental assistance programs, and other tenants’ rights issues. The LGBTQ Law Project and Tenants’ Rights Unit held a KYR town hall on tenants’ rights and housing protections attended by more than 100 community members. The Employment Law Practice offered trainings on workers’ rights during the pandemic, including rights under the Families First Coronavirus Response Act (FFCRA) and the CARES Act, unemployment insurance, and COVID-related leave. The Veterans Practice, in collaboration with the NYC Veterans Alliance, presented on federal disability benefits for NYC veterans and veterans service organizations.

Pro Se Assistance & Volunteer Resources: NYLAG offers pro se assistance and resources to individuals (1,523 this period, which is lower than usual given the challenges of remote service delivery for pro se assistance). NYLAG typically co-runs Project FAIR with Legal Aid Society, staffing a help desk with Public Benefits Unit staff and law students at the Economic Justice Clinic. The Project was put on hold in March 2020; when sites re-open, the Project will resume.

The Consumer Protection Unit successfully launched a virtual Volunteer Lawyer for the Day Program, where pro bono attorneys represent clients on consumer credit issues on the day of their court appearances and offer pro se assistance to those they cannot represent, on a limited basis. Given that the courts have been closed for anything other than emergency motions, the Unit launched an online intake portal and an adaptable online retainer, which allows staff to provide appropriate virtual services to clients. The Unit’s Foreclosure Prevention Project has also set up a virtual pro se clinic via the Calendly website, which will be ready for use when the foreclosure moratoriums are lifted and foreclosure litigation resumes.
Impact Cases

**Burks v. Gotham Process:** Class action filed on behalf of more than 1,000 NYC consumers with debt collection lawsuits filed against them without lawful service of process. Suit filed against Gotham Process, Inc., a process serving agency; Bassem Elashrafi and Carl Bouton, two process servers who served process for Gotham; and law firm Mullooly, Jeffrey, Rooney & Flynn, LLP, which hired them to serve process. The suit challenges Defendants’ scheme to extract money from consumers and enrich themselves by falsifying and filing affidavits of service in New York City Civil Court.

*Milestones:* Suit filed in February 2020, plaintiffs moved for class certification in April 2020, and Amended Complaint filed in July 2020. Defendants’ motions to dismiss are pending.

*Impact:* Lawsuit seeks to stop Defendants from falsifying affidavits of service and to obtain redress for consumers who paid money on actions or judgments filed via illegal service.

**Colaj v. Roberts:** Combined class action and Article 78 proceeding filed in New York Supreme Court in August 2017 on behalf of asylum applicants with work authorizations who have been denied Safety Net Assistance, a state program that provides cash and non-cash benefits to New Yorkers who do not qualify for federal benefit programs. Without this assistance, many immigrants go without shelter, food, and basic utilities. New York statute guarantees access to these benefits for immigrants who are “permanently residing under color of law (PRUCOL),” meaning that immigration authorities are aware of their presence and are not trying to remove them. The suit challenges the constitutional and statutory basis for denying asylum applicants with work authorizations these benefits, which are granted to similar categories of immigrants.


*Impact:* Hundreds of applicants will benefit from the new policy and hundreds may benefit from retroactive benefits. Case also provides a model for extending benefits to other PRUCOL categories.

**NYLAG v. EOIR:** Litigation filed under the Freedom of Information Act (FOIA), in which NYLAG is named plaintiff and co-counsel, seeking to force the Board of Immigration Appeals (BIA) to comply with FOIA’s “reading room” provision, which requires agencies to provide public, online access to all opinions and orders issued. The BIA posts a fraction of the opinions it decides, and the inability to fully access BIA’s opinions hinders advocates’ efforts to provide legal assistance to immigrants.

*Milestones:* Case filed in October 2018. The District Court granted summary judgment to defendant EOIR; NYLAG appealed. On February 5, 2021, the Second Circuit vacated the lower court’s decision, handing NYLAG a significant legal victory and articulating the right to judicial redress of governmental failure to comply with FOIA’s “reading room” provision.

*Impact:* Pending further proceedings on remand, case has the potential to make tens of thousands of BIA decisions newly accessible to immigration advocates, providing a vast toolbox for advocacy on behalf of immigrants in court proceedings. Regardless of what happens on remand, the Second Circuit decision is a significant victory for open government advocates.
Significant Collaborations

Collaboration with other legal services organizations, community groups, and social service providers is central to NYLAG’s service-delivery model. The agency maintains mutual referral relationships with many organizations and participates in community events, trainings, and workshops, as discussed in the community education section. During the reporting period, NYLAG maintained many partnerships, which enabled the agency to carry out more efficient and effective programs that had a broader impact. The following are a few examples. In addition to expanding its Rapid Response Legal Collaborative (discussed in “Major Achievements”), the Immigrant Protection Unit worked with the New York Immigration Coalition, the Office of New Americans, and the Mayor’s Office of Immigrant Affairs to present information and answer questions on the changes in immigration law through Facebook Live events. LegalHealth established a new area of practice, Article 81 Guardianships, for which the Unit has partnered with Project Guardianship to develop a coalition of community stakeholders to act as a guardianship advisory board. In February 2021, LegalHealth began a pilot legal clinic for patients of One Brooklyn Health System, comprised of three health care facilities that act as a safety net for marginalized communities in central Brooklyn. Staff from the Consumer Protection Unit continued to attend the quarterly all-counselor meetings held by the Department of Consumer Affairs (DWCP) to discuss trends in consumer debt and protection during the pandemic. The Foreclosure Prevention Project continued to work with the New Yorkers for Responsible Lending and the Homeowners Protection Program network of nonprofit housing and legal services programs. The Project worked more closely with the New York City Department of the Aging, New York City Office of Financial Empowerment, and the Health and Welfare Council of Long Island. The Supreme Court, County of Queens, selected The Domestic Violence Law Unit’s Mediation Project to be on a roster of mediators and is now mediating online cases referred by the NYC Family Court Mediation Program, the NYS Child Permanency Mediation Program, and the Kings, New York, and Queens Supreme Court Mediation Program via video conferencing. The Project developed a stronger collaboration with the NYS Unified Court system and is working with domestic violence advocates, court administrators, judges and mediators to create a new screening tool to evaluate which matrimonial and family court cases are appropriate for mediation and to design a domestic violence training mandatory for any mediator on court rosters. The Public Benefits Unit and Evelyn Frank Legal Resources Program participate in a Medicaid Advocacy Group with the Human Resources Administration, which took place weekly when the pandemic first started and is now taking place every two weeks. During these meetings, staff discuss Medicaid and home care issues and advocate for changes. Both units are also part of the HIICAP (Health Insurance Information, Counseling, and Assistance Program) Consortium, a group of nonprofits convened by the NY State Office for the Aging to provide expertise to county offices of the aging that counsel seniors on Medicare and Medicaid and to conduct Medicare counseling.
Pro Bono Volunteer Involvement

NYLAG’s Pro Bono and Volunteer Unit leverages volunteers to enhance the agency’s programs and service delivery. In addition to internal volunteers, the agency hosts clinics in partnership with law firms and makes referrals to attorneys who work on cases under NYLAG’s supervision. This reporting period, the Unit recruited 1,798 pro bono attorneys who donated 35,773.72 hours. We recruited 1,409 pro bono attorneys to handle cases under NYLAG mentorship and recruited an additional 382 pro bono attorneys for clinics. NYLAG hosted 113 law students and law graduates, who donated 22,126.22 hours as part of a year-round internship program. For the Language Access Program, five trained volunteer interpreters donated 59.5 hours.

The Unit started new and enhanced existing programs, including transitioning to virtual service delivery models. NYLAG’s Domestic Violence Law Unit worked with law students, interns, and pro bono attorneys from DLA Piper to assist survivors of domestic violence with obtaining orders of protection during the pandemic. NYLAG began a successful partnership with Shearman & Sterling LLP through which the firm’s pro bono attorneys assist with staffing NYLAG’s COVID-19 Legal Resource Hotline. To date, 79 attorneys have volunteered 1,283 hours, providing advice and counsel to callers, expanding language capacity, and providing call back times outside of business hours. The Veterans Practice started partnering with Simpson Thacher & Bartlett LLP attorneys to conduct document reviews for VA disability compensation benefit cases. NYLAG’s Mediation Project continued to work with pro bono attorneys and mediators, with 37 volunteers offering comprehensive services, from intake to final divorce judgment; seven law students worked on the Project as well. The Unit began updating and creating new protocols for training volunteers in cultural humility and will continue to improve its strategy for fostering trauma-informed lawyering when serving NYLAG’s clients.

Pro Bono Statistics

| Attorneys: | 1,789 Volunteers | 35,774 Hours |
| Law Students: | 113 Volunteers | 22,126 Hours |
| Other Volunteers: | 5 Volunteers | 60 Hours |

Sources Of Funding

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