Overview of Achievements, 2020-2021

Volunteers of Legal Service (VOLS) thanks the IOLA Fund of the State of New York for supporting our free, civil legal services provided between April 1, 2020 – March 31, 2021 to low-income seniors and older veterans, unemployed workers, immigrant youth, children and their families, formerly homeless young adults, and under-resourced micro-entrepreneurs. IOLA funding proved pivotal during the pandemic, as demand for our services increased and our programs expanded. VOLS legal programs reach underserved communities in New York City, inclusive of racial, gender and LGBTQ identity, ability, veteran, and immigration status. Our expert team provided direct representation and multiplied impact through partnerships with pro bono lawyers whom we trained, mentored, and supported. We maintain a network of 200+ community-based partners who provide referrals or work with VOLS to ensure our services are provided accessibly and meet critical legal needs.

During the 2020-21 report period, VOLS closed 3,975 legal matters; provided services benefitting 5,742 low-income New Yorkers; won $847,834 in financial benefits; provided community legal education to 3,919 community members, engaged 2,065 volunteers of whom 2016 were attorneys; and secured 14,750 hours of pro bono legal or other volunteer assistance. 35% of reported VOLS cases were handled with support of pro bono attorneys. With independent funding, VOLS was also proud to create a pro bono-supported COVID-19 frontline and healthcare workers initiative to provide free life planning documents to those who put themselves and their loved ones at risk.

VOLS’ clients have been at the forefront of those impacted by COVID-19. When the pandemic began, we quickly transitioned to remote service provision, including new free and accessible hotlines, new online informational guides and videos, and webinar-based trainings. We launched several new legal initiatives and responded to urgent concerns facing our served communities, as demand for VOLS’ free legal services increased.

Population Served: General Low Income Population

Area Served: New York City Metropolitan Area

Total Funding: $3,070,944

Total IOLA Grant: $187,500

Staffing - Full Time Equivalents:

- Total Staff: 20.05
- Lawyers: 12.35
- Paralegals: 4.40
- Others: 3.30
Examples

Ms. S, a microentrepreneur of color, learned of VOLS through word of mouth in mid-2020 when her women’s clothing business was in crisis. VOLS swiftly assessed needs and leveraged the following resources: 1) VOLS referred her to a pro bono network, the Legal Relief Alliance—Small Business, where she received assistance to apply and obtain federal stimulus funding; 2) VOLS negotiated her lease termination to avoid massive personal liability; 3) VOLS advised to coordinate and maximize expanded unemployment benefits for sole proprietor under the CARES Act; 4) VOLS referred the case to an outside community partner for assistance reviewing Small Business Administration and other low-cost financing options to allow business recovery. Ms. S’s business has now stabilized, and she is looking beyond recovery into expansion.

Ms. K, like many New Yorkers, worked more than one job to make ends meet. Prior to the pandemic, she had recent work histories with four different employers. When she applied for benefits, only two of her employers were used to calculate her weekly benefit rate, which was fairly low at $226 per week and not enough to make ends meet because, at that time, she was not working at all. One of her other employers had labeled her as an independent contractor, and therefore she was unable to use the wages and hours from that employer in the calculation of her unemployment insurance benefits. After investigating her claim, the VOLS attorney discovered she was likely miscategorized and should be deemed an employee, such that her wages can be included in her weekly benefit rate. We instructed her to request a hearing and appeared on her behalf before the New York State Department of Labor. The Administrative Law Judge found that she should be deemed an employee for that position and that her weekly benefit rate should be increased to reflect these wages, including retroactive benefits.

Ms. M is 94 years old and lived with her son in a rent stabilized apartment in Manhattan for over 20 years until he passed away in April 2020. The lease was in her son’s name. He obtained the Senior Citizen Rent Increase Exemption (SCRIE) and had their rent frozen at $800 per month. When he passed, although Ms. M was eligible for SCRIE and had the legal right to a lease in her name, her landlord refused to acknowledge her rights in writing and thereby prevented her from applying to transfer the SCRIE benefits into her name. For the first time in her long life, Ms. M found herself at risk of eviction amidst a pandemic. VOLS sent a demand letter to Ms. M’s landlord asserting Ms. M’s succession rights to the apartment and to the SCRIE benefit. A few weeks later, the landlord’s attorneys finally cooperated and provided the required information. Ms. M’s rent is now frozen at a rate she can afford to pay, and her landlord has recognized her right to her tenancy and to a lease in her name in writing.
Community legal education is core to VOLS’ model of program development and delivery. Our “Know Your Rights” presentations further empower the public and our clients to better understand the broader context for their legal concerns. In 2020-21, we conducted trainings, workshops, and presentations that reached 3,919 community members. And 7,915 self-help, legal educational materials were downloaded from our website or viewed on our YouTube channel. All VOLS presentations during the grant period were provided virtually due to the pandemic, often in partnership with community-based organizations who promote them to their constituents and members. VOLS regularly provides online video and written resources to advance our legal education and virtual training goals. Because of the volume and pace of changes in the legal, regulatory, economic, and social environment this year, VOLS significantly increased our production of legal information guides and resources. Many resources are translated into Spanish, Cantonese, and Mandarin. Our Pro Bono Library for volunteer attorneys was launched to easily share VOLS guidance through additional written and video materials. In 2020, VOLS extended our life planning expertise to provide free wills and advance directives to frontline and healthcare workers. This initiative was developed in partnership with Lawyers for Good Government, Kirkland & Ellis LLP, and DC37 Municipal Employees Legal Services. At a time when essential workers risked the health and security of themselves and their loved ones, VOLS attorneys assisted them to protect their rights and wishes in case the worst case scenario were to be realized. We provided over 70 clients with over 100 executed documents through this initiative, noting that these services were provided with independent, non-IOLA funds (and not reported in our outcomes data) due to lack of client income eligibility.
**Other Legal Related Services: Examples**


- **Microenterprise Project:** Guide to COVID-19 Emergency Protect Our Small Business Act of 2021 (En/Sp), Commercial Tenant FAQs (Video, Sp/En), Small Business Townhall (June), Government Resource Guide for Small Business Owners Affected by COVID-19 (En/Sp/Ch, September), Know Your Rights for Commercial Tenants (En/Sp/Ch, July), Bankruptcy and Small Business Owners (En/Sp/Ch), Business Insurance Considerations for Small Business Owners (En/Sp/Ch)

- **Unemployed Workers Project:** Cares Act Unemployment Insurance Benefits (July), FAQs for Unemployed Workers (July), Understanding the New American Rescue Plan (March), Unemployment Insurance Overpayment Guide (November), Update on the Lost Wages Assistance Program (September)

- **Immigration Project:** Information for Immigration Clients (Video, Sp/En, May), DACA Update (Video, September), A Conversation on DACA (Video, June), Voter Registration in New York (Video), Citizenship Act of 2021 Guide (En/Sp, March), How a Bill Becomes a Law Infographic (En/Sp, March), Advance Parole with DACA (En/Sp, March), Necessary Documents to Collect for DACA (En/Sp), Public Charge Rule (En/Sp, July)
**Significant Collaborations**

VOLS collaborated with 68 law firms, companies, and law schools whose volunteers provide pro bono representation, as well as with 200 community organizations (such as senior centers, schools, hospitals, or small business support centers) that help us identify clients and work with us to provide holistic services. We regularly provide technical assistance and training to social workers and staff at partner sites. VOLS community organization partners include:

- **Elderly Project**: Stanley Isaacs Senior Center; Greenwich House; Live On NY; Washington Heights Inwood Council on Aging; the United State Department of Veterans Affairs; MJHS Isabella; SAGE; SelfHelp; OATS; Senior Planet; the NYS Division of Veterans Services; Neighborhood SHOP; JASA; Cooper Square; Peace Action of Staten Island; Brooklyn Public Library; Rodney Kirk Center.

- **Veterans Initiative**: VA Harbor New York Healthcare System, Manhattan Campus; Feerick Center for Social Justice; SAGEVets; NYC Veterans Alliance; NYS Division of Veterans Services; and the Veterans Advocacy Project.

- **Children’s Project**: The Children’s Hospital at Montefiore (Cravath, Swaine & Moore); A.I.R.NYC (Sullivan & Cromwell); Morgan Stanley Children’s Hospital of New YorkPresbyterian (Cravath); Dream Charter School (Skadden Arps); KIPP Academy (Debevoise & Plimpton); PS/MS 188 (Kramer Levin).

- **Immigration Project**: Mixteca Inc.; NYS Youth Leadership Council; Community Healthcare Network; New Settlement Apartments College Access Center; Ali Forney Center; ImmSchools; New York Consulate of Mexico; John Jay College Immigrant Student Success Center; and over 15 public high schools (district, charter, including the International Network).

- **Microenterprise Project**: Brooklyn: Bedford Stuyvesant Restoration Corporation; Brooklyn SBDC; CAMBA; Brooklyn Legal Services Corporation A; IMPACCT; LDC of East New York; Myrtle Avenue Brooklyn Partnership. Bronx: Bronx SBCD; Northwest Bronx Community and Clergy Coalition; Pan-African Community Development Initiative; SoBRO; WHEDco. Manhattan: African Communities Together; Harlem-Columbia SBDC; Cooper Square Committee; Manhattan SBDC; NYC Business Solutions – Upper Manhattan Project Enterprise; TruFund Financial Services; Washington Heights and Inwood Development Corporation. Queens: Chhaya Community Development Center; NYC Business Solutions – Queens; Queens Economic Development Corporation; Queens-LaGuardia SBDC. Staten Island: NYC Business Solutions – Staten Island; Citywide: Business Center for New Americans; Business Outreach Center Network; TakeRoot Justice; United for Small Business NYC.
Impact Cases & Group Representation

**Impact Litigation Case Example:** Melendez v. City of New York/ VOLS Amicus Briefs: A notable victory for New York City’s 230,000 small businesses occurred on November 30, 2020, when the Southern District of New York decided to dismiss a challenge to two City laws for which VOLS had submitted an amicus brief in Melendez v. City of New York, 2020 WL 3498456. (S.D.N.Y. 2020). The VOLS amicus brief, which was cited in the court’s decision, was submitted to support two statutes enacted by New York City Council in May 2020. The Harassment Law expanded the definition of harassment to include threats by a landlord on the basis of a commercial tenant’s status as being impacted by COVID-19. The Guaranty Law temporarily suspended certain business owners’ personal liability for commercial rent obligations from March 7, 2020, to March 31, 2021. VOLS was a strong advocate of these measures during the legislative process, offering written testimony to share the perspective of our often negatively and disproportionately targeted small business clients. The brief argued that neither the Harassment Law nor the Guaranty Law violated the U.S. Constitution’s free speech protections or contracts clause, and that any court order invalidating these laws would irreparably harm the small business community in the City. In particular, we argued that the Harassment Law does not prohibit landlords from making ordinary rent demands or explaining the consequences of failure to pay rent. Rather, the law prohibits landlords from engaging in harassment based on a tenant’s status as being impacted by COVID-19, which would cause commercial tenants to forego rights under their leases. We also argued that the Guaranty Law only affects contracts minimally and insubstantially and, therefore, does not violate the contracts clause. Finally, we argued that invalidating the Laws would not be in the public’s best interest because it would deal a devastating blow to the already struggling small business community and their owners, who need relief provided by these Laws to overcome the economic effects of the pandemic. We reminded the Court that small businesses are the backbone of the City’s economy and urged the Court to refrain from taking action that would inflict further injury on the small business community and the City’s economic recovery. In the end, the court dismissed the challenge to this important protection for small business owners, citing VOLS’ brief.

Further, with support from our pro bono partners Haug Partners LLP, on March 25, 2021, the VOLS Microenterprise Project submitted a second amicus brief to the Second Circuit Court of Appeals in opposition to the Plaintiff’s pending challenge to the District Court ruling. This case is still pending and we expect that a favorable decision will positively impact the New York City Small Business community.

**Other Group Entity Representation:** The VOLS Microenterprise Project provided services to nonprofits or cultural organizations, including 13 clients to address 15 matters including brief advice and full representation to address lease termination, COVID-19 issues, employment law, or other concerns. As an example, one nonprofit client provides recreational and educational services to underserved and at-risk youth in New York City. The organization has provided free soccer clinics to public schools in Harlem and intends to expand its services to include college admissions and reading assistance for its students. The entity has already obtained Certificate of Incorporation from New York State and sought VOLS assistance with compliance review of nonprofit incorporation and governance documents; as well as with finalizing the application process for its EIN and tax-exempt status with the IRS.
Trainings

VOLS strongly encourages and supports the cost of professional development for our staff, including attorneys, paralegal, and non-legal staff. We cover membership dues in Bar associations and professional organizations when appropriate, as well as participation in Continuing Legal Education programs. VOLS’ staff members are frequently invited to participate in various speaking engagements at law schools, universities, local, state, and national bar associations, and at conferences across the country. The topics include substantive areas of law, ethics, cultural competence, veterans’ justice, and pro bono best practices. Many of our attorneys are members of the New York State and New York City Bar Associations, and they are active members of relevant sections/committees.

In June 2020, VOLS hosted the first-ever VOLS Leadership Summit: Pro Bono and Diversity, Equity & Inclusion with Thomson Reuters and included a CLE course and interactive panel discussions attended by 220 lawyers, as well as 80 individuals from partner organizations. Since the onset of COVID-19 in March 2020, VOLS’ virtual workshops, webinars, and conferences have had COVID-19 themes interwoven into their content. For example, VOLS’ Elderly Project-led trainings included “Practical and Ethical Considerations for Life-Planning Documents During COVID-19,” and “Drafting Key Life-Planning Documents During COVID19.” Such trainings, implemented across all of VOLS’ legal programs, have been supplemented by new or updated online resources, including through our website, YouTube channel, and our new, private-access pro bono library.
**Pro Bono Volunteer Involvement**

VOLS enrolled 2,065 volunteers including lawyers, law students, legal interns, and pro bono scholars, as well as non-legal volunteers for marketing, research, design, translation services, and technology. They contributed 14,750 hours of service. Through trainings and presentations, we have engaged lawyers, law students, and paralegals who received training on discrete areas of the law, VOLS’ services, and policy changes. Our expert legal team recruits, trains, and mentors pro bono lawyers to work on multiple issues and various service levels. We engage law students through internships, Pro Bono Scholars program, and clinics.


**Pro Bono Statistics**

- **Attorneys**: 2,016 Volunteers, 12,610 Hours
- **Law Students**: 31 Volunteers, 720 Hours
- **Others**: 18 Volunteers, 1,420 Hours

**Sources Of Funding**

- **IOLA Grant** $187,500
- **Foundations** $964,471
- **Private Bar** $533,942
- **Other** $1,385,030
- **Total**: $3,070,943