Overview of Achievements, 2020-2021

The global pandemic only intensified what those of us who provide free legal services to the poor always have known; our services are essential. This past year, as we have seen more people fall into poverty and the court system ground to a halt, anxious clients have called our offices in record numbers.

During this reporting period, we closed 4,634 cases, benefitting 7,245 persons. Despite COVID, this is an increase from the 2019-2020 reporting period (4,470 cases). In addition, we conducted 113 presentations, most of them virtual, benefitting 15,806 people. The primary target of our services are older low-income persons and persons with disabilities, however; several of our programs are available to the general low-income population (MedLaw- our Medical Legal Partnership, our Kinship Care Unit and our Health Unit). We provided $2,866,388.17 in benefits (both direct & indirect) to our clients and $601,110.00 benefit to taxpayers.

The increased need is borne out by the calls to our office this year. With the support of IOLA, we at the Center for Elder Law & Justice (“CELJ”) were lucky to have a Legal Helpline in place. The Helpline was well-established prior to the pandemic, with a detailed on-line information and referral manual for our volunteers, well-trained staff, and several dedicated pro bono attorneys. Due to our history, we were able to quickly pivot from assisting only low-income seniors in Western New York, to being a resource across the state for individuals of any age. As a result, at the peak of the crisis, our helpline calls were tenfold what they were for the same period last year, and we helped individuals in 44 counties across New York State. Once other programs across New York developed and launched their own hotlines, we reinstated the age limit of 55 and older in September of 2020. IOLA generously increased our 2021-2023 grant amount to enable us to continue to be a resource for older adults and their families, not just in Western New York, but statewide.

Population Served: The Elderly, Disabled or Disadvantaged

Area Served: 11–County Area of Western New York; Erie, Niagara, Cattaraugus, Chautauqua, Wyoming, Orleans, Genesee, Allegany, Monroe, Steuben, Livingston

Total Funding: $5,455,402

Total IOLA Grant: $357,271

Staffing - Full Time Equivalents:

- Total Staff: 56.50
- Lawyers: 22.50
- Paralegals: 18.00
- Other: 16.00
Margaret became non-ambulatory and requested a wheelchair-accessible apartment, but was denied for over 10 months. This led to her becoming injured by having to physically hoist herself up steps and dragging her wheelchair. She called CELJ for help. Our housing attorney filed an action in Supreme Court, whereby Margaret reached a settlement agreement and received $4,500 lump-sum recovery and transfer to an apartment that suits her accessibility needs.

Juanita's husband passed away after a lengthy and devastating illness and left over $20,000 in medical bills. She was trying to pay off this debt and was struggling with her own medical issues. However, CELJ's Consumer Unit told Juanita that she was judgment proof. We contacted the attorney for the creditor and provided verification that her sole income was Social Security and she did not own any real property. As a result, the creditor has not pursued collecting the outstanding payment, and Juanita no longer owes this exorbitant medical debt.
Other Services...

Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>Number of People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>29,711 people</td>
</tr>
<tr>
<td>Community legal Education</td>
<td>18,054 people</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>11,194 people</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>463 people</td>
</tr>
</tbody>
</table>

Overview of Legal Related Services

We helped 11,163 Pro Se individuals through Facebook Live events during COVID. In addition, our Surrogate’s Court Help Desk (detailed in the section on pro bono assistance) is designed to give short consultations so that individuals can appear in Surrogate’s Court pro se.

CELJ is unique in that we are the only civil legal services provider in New York State engaged in systems advocacy specifically on behalf of older adults. We have a Policy Director who regularly weighs in on proposed legislation and testifies at NYS Assembly and Senate Hearings on issues such as safe staffing, Medicaid, and elder abuse. We believe in advocating, not only for our clients, but for the rights of all New Yorkers who are impacted by outdated or unfair policies. As a result, our staff works closely with legislators and policy makers to provide unbiased testimony and analysis on relevant laws that impact older adults. This is done through white papers, testimony and comments on proposed legislation. Increased IOLA support has enabled us to increase our advocacy efforts, particularly around safe staffing in nursing homes and advocacy with the New York Department of Health to be more aggressive in improving quality of care in facilities.

Other Legal Related Services Examples

CELJ collaborated on two large events with the City of Buffalo Mayor’s Office. The first was designed for tenants to understand their rights in regards to the frequent state and federal eviction and foreclosure moratoriums, and had 4,642 attendees. The second event was a review of family court practice and kinship care rights, and had 2,814 attendees.

On August 10, 2020, CELJ staff testified before the NYS Joint Legislative Committees on Aging, Health, and Investigations and Government Operations on the state’s residential health care facilities and COVID-19. Through verbal and written testimony CELJ detailed the long-standing quality of care issues in residential health care facilities and offered legislative solutions to these problems. Many of the recommendations proposed by CELJ were developed into legislation and passed by the legislature. Three of our recommendations were as follows: the implementation of a medical loss ratio, greater transparency in operator-related party transactions, and the establishment of statutory quality metrics for ownership changes. These were all signed into law.

CELJ had some concerns about the new Power of Attorney statute that was quickly passed after the budget last year, with no warning. It is our belief that these changes, while making the POA statute more “user-friendly,” will result in an increase in elder financial abuse. Working alongside LifeSpan of Rochester, we had several meetings to discuss the bill with Governor Cuomo’s Counsel and the bills’ sponsors. As a result, we were able to successfully obtain a chapter amendment addressing some of our concerns.
Significant Collaborations

We collaborated with the local legal services programs to address the coming flood of eviction cases, and formed a Housing Task Force with members of county government, legal services, and other housing advocates, which meets twice per month. Together, we developed a joint intake system for evictions utilizing “2-11” and have collaborated on several foundation and government funding requests, some of which have been successful.

CELJ co-chairs the Older Adults workgroup (89 community organizations) for LiveWell Erie. Livewell Erie is an initiative to improve the lives of Erie County residents through collaboration and data-based outcome measurements. We are part of the management team, which includes the Deputy County Executive and the Commissioners of the Department of Social and Senior Services. As the only local legal services organization that is part of the management team, we are able to continuously remind the participants of the need for civil legal services.

We work with Empire Justice Center, The Legal Project, ProBono Net and several others on the Crime Victims Legal Network. As an extension of this effort, we received funding from the NY Office of Victim Services as part of a collaboration with Neighborhood Legal Services and Child & Family Services to provide legal services to victims of crime in several WNY counties. The goal is to develop both online resources and a portal for crime victims to easily access free civil legal services in New York.

We collaborate with the WNY Pride Center through our Silver Pride Partnership to bring monthly presentations to their members as well as targeted legal representation for individuals age 50 and older. This work has been significantly increased as one of our current law graduate interns received a fellowship from the Borchard Foundation Center on Law & Aging to expand both the scope and geographic reach of these services. We now handle advanced planning, name changes, gender marker changes, and discrimination claims, in addition to all the other substantive work CELJ engages in.

Partnering with the Unified Court System, we started the first Elder Advocacy Project, providing a single point of entry for survivors of elder abuse in Chautauqua and Cattaraugus counties, addressing systemic barriers to our justice system and improving court and long-term outcomes for survivors. Additional partners include the county departments of social services and all the partners on the Enhanced Multidisciplinary Team.

We partner with the Legal Aid Bureau of Buffalo and the Western New York Law Center on our Foreclosure Prevention Project covering the counties of Erie, Orleans and Niagara. As a result of this partnership, every homeowner in foreclosure receives access to a lawyer at his/her settlement conference. We also developed the orientation the court uses for first time litigants, and conduct numerous trainings both alone and with our project partners.
Impact Cases

In July 2020, the arrest of a Funeral Director in Batavia, New York sent ripples through the aging community. In a case that arose from the Genesee County Enhanced Multidisciplinary Team, an investigation was launched which led to the arrest and ultimate plea of guilty (sentencing is scheduled for July 2021) of a Michael Tomaszewski to Grand Larceny 3rd, Scheme to Defraud, Filing a False Instrument, and Untimely Disposal of Human Remains. Restitution to victims is a condition of the plea. The victims in this case were almost exclusively elderly residents of Genesee County, many of whom had created pre-need funeral arrangements as part of a Medicaid plan. Unfortunately, those payments made by over 100 individuals were stolen by the Funeral Director whom they had trusted, with the amount totaling over $525,000.

In addition to the criminal scheme, the Funeral Director had filed bankruptcy in February of 2020. Initially, he did not list any of the victims as creditors and was seeking to reorganize under Chapter 11. When the trustee was made aware of the criminal charges, the Funeral Director updated his filing to include over 100 victims. These victims were in desperate need of representation in the Bankruptcy, to ensure that their interests were protected and that the Funeral Director was being truthful in the filings. CELJ worked to recruit 7 pro bono attorneys highly skilled in Bankruptcy, and also represented victims directly. Due to our efforts, ultimately over 35 individuals are now receiving free legal services in the bankruptcy case. In addition, the Chapter 11 plan was not confirmed and was converted to a Chapter 7.

When the COVID-19 pandemic began in March 2020, Supervising Attorney Kevin M. Quinn joined a group of local advocates to ensure that water service previously terminated for non-payment would be restored to residents throughout the City of Buffalo. Kevin’s advocacy was recognized in both state and local media, and his efforts helped to ensure that hundreds of older adults throughout the City of Buffalo had access to essential water service during the pandemic.

Kevin then focused his efforts on a statewide campaign to extend the utility shutoff moratorium that was previously in place. Kevin, along with advocates across the state, successfully lobbied for the passing of a bill that extended the moratorium on utility shut-offs during the COVID-19 state of emergency or until December 31, 2021. The bill also includes a 180-day ban on shut-offs after the moratorium for residents who suffer financial harm due to the COVID-19 crisis. Additionally, residents have the right to obtain deferred payment agreements without late fees, penalties, or down payments; which will help to prevent shut-offs in the future.
Other Services...

Technology and Other Innovations

One of the barriers our clients face is being homebound, even before the COVID crisis hit. Therefore, we developed a web-based Risk Detector App, which is a legal health check-up tool designed to be used by social workers, medical personnel and other allied professionals to screen seniors for risks of common legal problems facing the underserved elderly. The Risk Detector estimates the level of risk a senior may face in the areas of housing, debt, health care, financial exploitation and elder abuse, and then generates a report that is sent directly to a legal services agency in the same jurisdiction as the allied professionals for prompt follow up and handling. The app was specifically designed to help in our outreach efforts, connecting service providers and clients directly to our office. Due to COVID, we significantly expanded the capacity of calls with upgrades to the technology behind the project. We implemented the Communicator App on cell phones, enabling attorneys and paralegals the ability to more easily connect with clients while working remotely. This app functions essentially as an in-office phone hosted on a personal cell phone. CELJ users can call out using the app and CELJ’s name and number will appear on the caller ID. This is important because many of our clients are victims of consumer scams and will not answer a call from an unknown number. Legal staff can also receive calls that were made to their office extensions on their personal devices. If the incoming call is not answered, CELJ’s voicemail will pick up.

Trainings

Professional Development is very important to us at CELJ and it is a continual work in progress to improve and actively succession plan with our staff and board. Not only do we provide trainings in specific, targeted areas, but we also create opportunities based on employee feedback. For example, based on an annual engagement survey we realized the need for a more comprehensive training for new attorneys, paralegals and legal support staff. Therefore, we created the Performance Standards Training outline. All supervisors will complete the objectives as they train and support their staff. Included in this guide are mandatory trainings available through the Practicing Law Institute that will specifically help newer attorneys.

In the last year, we promoted 2 new staff to supervisor positions. Although we saw the potential for these people to be great leaders, we knew that additional training would be needed. Each supervisor completed an intense development training with an executive career coach. As part of the program, they completed “360” assessments and participated in many one-on-one sessions with the coach, where they developed any weaknesses or areas of needed improvement. We also maintain a relationship with the coach for additional sessions as needed.

Throughout 2020-2021 many staff attended national and local trainings, especially at the beginning of the pandemic when the courts were closed. When our staff have the opportunity to attend trainings, they prepare a presentation to showcase what they learned at our staff meetings.

Some of the significant trainings attended and presented on throughout the last year:

- NY Statewide Civil Legal Aid Tech Conference
- Racial Equity Training
- Preventing and Managing Secondary Trauma, Vicarious Trauma, and Compassion Fatigue
- COVID-19 and Ombudsman Programs: Understanding How Trauma Impacts You, Residents, and Your Advocacy
- MIE-Financial Planning for Legal Aid in the time of the Pandemic
- The National Consumer Voice Conference

Center for Elder Law and Justice6
Pro Bono Volunteer Involvement

Our volunteers and pro bono attorneys typically assist in one of the following programs:

**Full Scope Matters:** Private attorneys handle full-scope representation cases from inception to completion, in issues such as social security disability, bankruptcy, divorce, estate administration and advanced directives, property transfers, and more. This service expands CELJ’s capacity to provide legal services in areas of law that exceed the agency’s practice areas and legal expertise. From 4/1/2020 to 3/31/2021, CELJ had 39 open active cases in its full scope program.

**Limited Scope Matters:** From 4/1/2020 to 3/31/2021, the following limited scope representation opportunities were offered by our agency:

A) Elder Law Day – 5 volunteer attorneys spent 5.75 hours.
B) Senior Legal Advice Helpline – One Attorney Emeritus volunteer spent 170.50 hours
C) Surrogate’s Court Help Center – 23 volunteer attorneys spent 141 hours.

**In-House support:** Attorney Emeritus Program volunteers and law students assist our staff attorneys by providing case support, research, writing, and provision of legal services to clients.

A) Attorney Emeritus Program – 3 AEP volunteers spent 317 hours.
B) Law Students - 5 students spent 2898 hours.

### Pro Bono Statistics

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<thead>
<tr>
<th>Category</th>
<th>Attorneys:</th>
<th>Law Students:</th>
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<tbody>
<tr>
<td>Volunteers</td>
<td>81</td>
<td>5</td>
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<tr>
<td>Hours</td>
<td>467.19</td>
<td>2,898</td>
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### Sources Of Funding

<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
<td>IOLA Grant</td>
<td>$357,271</td>
</tr>
<tr>
<td>Foundations</td>
<td>$410,783</td>
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<tr>
<td>Fundraising</td>
<td>$95,335</td>
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<td>State Funding</td>
<td>$1,638,198</td>
</tr>
<tr>
<td>Other</td>
<td>$2,953,815</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,455,402</strong></td>
</tr>
</tbody>
</table>

**CASES BY LEGAL PROBLEM AREA**

- IOLA Grant: 30%
- Foundations: 5%
- Fundraising: 5%
- State Funding: 2%
- Other: 30%