Overview of Achievements, 2020-2021

While this was a difficult year for legal services delivery, The Community Service Society of New York (CSS), through its Legal Department and the Department’s Next Door Project (NDP), persevered in providing direct assistance by phone, Zoom and in some cases in person to more than 389 low-income New York City residents. All our clients were members of our target population: low-income New Yorkers with conviction histories, many of whom had experienced homelessness, substance use disorders and/or mental health issues; and current or prospective CUNY students, including incarcerated individuals. Our reduced numbers reflect difficult circumstances for our clients and our office. The pandemic ravaged New York City, forcing us to shut our office, cease in-person operations at partner offices, and stop NDP fingerprint services (rap sheets cannot be obtained without them). We did all we could to rise to the challenge. With legal services partner Youth Represent we established a reentry legal hotline in July 2020 to help individuals connect directly with attorneys and NDP staff. In September, a small number of CSS staff returned to our office on a volunteer basis, among them our NDP Program Director who resumed very limited in-person rap sheet fingerprinting. We provided on-line Know Your Rights trainings for clients and partner agency staff, scheduling virtual one-on-one sessions to help clients resolve legal matters, and virtual legal services to individuals involved in John Jay College Institute for Justice and Opportunity, including participants in college-in-prison programs. We hosted our third Full Participation is a Human Right conference, drawing more than 200 to on-line sessions focused on ending racial disparities and social polarization in employment, education, civic engagement and more. We continued to represent individuals remotely in applications to seal convictions under C.P.L. §160.59, including attorneys working pro bono. We ramped up the Clean Slate NY campaign, which CSS co-leads: our legislation was introduced in both the Senate and the Assembly. We presented about Clean Slate and our current sealing law on a nationwide panel hosted by Wildcat Services, viewed by more than 150 people. Our General Counsel participated in a virtual CLE presentation at the annual National Consumer Law Center Consumer Rights Conference concerning FCRA legal developments related to records expungement; 120 people attended. We also continued our representation – with co-counsel Youth Represent and Outten & Golden – of a prospective class of applicants boxed out of a major delivery services employer’s online hiring platform due to their conviction histories. The class is estimated to number 11,302 individuals.

Population Served: Low Income New Yorkers with Arrest and/or Conviction Histories

Area Served: New York City Metropolitan Area

Total Funding: $1,256,615

Total IOLA Grant: $80,000

Staffing - Full Time Equivalents:

- Total Staff: 10.00
- Lawyers: 5.00
- Paralegals: 3.00
- Other: 2.00
Mr. S sought our help in obtaining clearance from the NYS Department of Health (DOH) to work as an EMT. He had spent over a decade living unhoused and had accrued over 30 criminal convictions: all misdemeanors for trespassing, petit larceny, or low-level drug possession – “crimes of survival” for someone like him who struggled with addiction and homelessness for many years. Through perseverance and hard work, Mr. S achieved sobriety and sought to reestablish his life. Much of his success he attributed to positive experiences with the medical profession, which inspired him to join that field. He found a job with an employer who considered his education and past experiences as assets, but he needed DOH approval to be cleared to work. This approval was initially denied due to his conviction history. At the height of the pandemic – and working remotely – CSS helped Mr. S obtain court documents DOH requested together with letters of reference and other documentary proof of positive change. Our attorney also worked with him on his personal statement which recounted his inspiring story. We then advocated with the DOH granted his clearance and he is now on his way to becoming EMT. After receiving the good news from the Department of Health, the client wrote the following:

“As a troubled and misfortunate Hispanic minority and resident of The Bronx, NY, I have been set back from life due to wrong decisions I have made in the struggle of addiction and survival. I have grown to realize that there is more to life and hope for a better me for tomorrow. You have been of key help, in the aid and assistance of allowing me to transition into society as someone of good value. I want to thank you for the help you provided through CSS and also I am grateful to the agency as a whole for providing such services to individuals such as myself, that have need of assistance in hard times. I am now going to pursue a career in health care as an EMT. A career that will allow me to give back to a community aiding in care for individuals in need of medical attention.”

Mr. P, a client of a partner agency which provides services to formerly homeless individuals, sought our help in securing clearance from the Justice Center for People with Special Needs (Justice Center) to work at a domestic violence shelter. This clearance was not a foregone conclusion despite his qualifications for the position, as Mr. P had been convicted of a felony weapons charge in 2017 as well as numerous other convictions in earlier years related to substance use. Our attorney worked with Mr. P and his caseworker to prepare a personal statement and collect letters of support and other proof of positive change. Because of the serious nature of Mr. P’s recent conviction, it was especially important to recount his story accurately: our attorney conducted several lengthy interviews with him and worked with him through several drafts until coming to a statement that clearly described both his conviction history and his fitness for the position. This process involved eliciting and documenting various aspects of Mr. P’s recovery that he did not realize would be relevant to the Justice Center’s consideration of his request for clearance. Our attorney also worked to address the Justice Center’s potential concerns regarding Mr. P’s more recent gun charge. Mr. P’s explanation of his involvement in the incident that led to his conviction was not straightforward and – without the help of an attorney – could have easily resulted in his providing confusing information and incorrectly conveying the message that he refused to take responsibility. She elicited detailed and nuanced information from Mr. P regarding the incident, his involvement, and how he had learned from it to help him tell a clear and accurate story that addressed the Justice Center’s concerns. Mr. P was cleared for the job, has started work, and has received good feedback from his supervisors.
### Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>People</th>
</tr>
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<tbody>
<tr>
<td>Total</td>
<td>2,496 people</td>
</tr>
<tr>
<td>Community Legal Education</td>
<td>1,180 people</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>1,316 people</td>
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### Other Legal Related Services: Overview

CSS attorneys engaged in several virtual community legal education events, covering such topics as New York’s criminal record sealing law, C.P.L. §160.59; the NYC Fair Chance Act (FCA); the marijuana decriminalization law and its automatic expungement provisions; legal protections against criminal records-based employment discrimination; and issues facing individuals with conviction histories seeking higher education. Our goal in each of these presentations was to educate individuals and service providers on rights and remedies, and to provide them with information about our services. Our community legal education presentations reached more than two thousand individuals over the program year.

### Other Legal Related Services: Examples

- **On October 7, 2020**, CSS’s General Counsel made a virtual presentation at a quarterly meeting of the Kings County Reentry Task Force, comprised of representatives from government agencies, reentry organizations and directly affected individuals. The presentation, which drew more than 150 people, covered current sealing laws, the automatic expungement provisions of the marijuana decriminalization law, and the NYC Fair Chance Act.

- **On May 21, 2020**, our Senior Staff Attorney made a virtual presentation to 20 young adults enrolled in the HOPE Program’s YouthBuild training program in the Bronx, as well as caseworkers. The training was designed to help individuals engaged in the employment search understand their rights under local, state, and federal antidiscrimination laws; sealing, expungement and other records clearance laws that allow individuals to move forward from past mistakes; and an invitation for students to meet with him individually to review conviction histories and discuss related legal issues.

- **On October 20, 2020**, our General Counsel made a virtual presentation for caseworkers at the New York City Department of Health and Mental Hygiene’s Health Justice Network, a program that provides individuals recently released from incarceration with health, housing, employment, and other services. The interactive presentations drew a total of 15 participants, and covered topics including how conviction records are maintained and errors made; how to learn more about one’s record and correct mistakes found there; Certificates of Relief from Disabilities and Certificates of Good Conduct and how they can help in the job or licensing search; local, state and federal laws protecting against employment discrimination on the basis of a conviction history, in particular the New York City Fair Chance Act; and information about the reentry-related direct and legal services, health insurance coverage services; student loan debt services and other services that CSS provides, among other topics.
**Impact Cases**

**Conviction Records Discrimination Employment Putative Class Action.**

CSS, IOLA grantee Youth Represent and the law firm Outten & Golden represent a putative class of more than 11,000 individuals in a putative class action concerning conviction records-related employment discrimination in violation of the New York City Fair Chance Act. Our clients are individuals who tried to sign up to work for a major corporation’s delivery service but were denied the ability to access the job board platform or otherwise work for the company due to their conviction histories. The employer’s process for reviewing applications was cursory and did not provide for the individualized review or important notices and interactive process that the New York City Fair Chance Act requires.

**Milestones:** We have engaged in numerous formal mediations, discussions, information exchanges and proposed policy drafting and counter-drafting since 2019, all aimed at reaching a negotiated settlement, including several this program year.

**Impacts.** When fully settled, this matter will provide monetary benefits to class members and systems change by this national employer.

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**Significant Collaborations**

- Recognizing CSS’s criminal records expungement campaign work, the New Venture Fund supported CSS and Legal Action Center to bring to scale the statewide Clean Slate NY campaign. We work very closely with Legal Action Center, and with Clean Slate steering committee groups The Legal Aid Society, Bronx Defenders, Center for Community Alternatives, Exodus Transitional Community, Hudson Catskill Housing Coalition, and The Next 100 fellow Zaki Smith. We also collaborate with the large cohort of organizations that are members of our Clean Slate coalition. See https://www.cleanslateny.org/steering-committee
- CSS contracts with the Research Foundation of CUNY to provide legal services for CUNY students with conviction history-related questions and issues. A dedicated CSS attorney provides advice, rap sheet work, informal advocacy, and legal representation to students there and in college programs at Rikers Island and Otisville Correctional Facility. All services were provided remotely this year.
- CSS continued its pro bono project through which law firm associates represent CSS clients in C.P.L. §160.59 sealing cases. We currently partner with Proskauer on this project. The firm worked on several cases despite the pandemic, but court closures and slowdown meant that few petitions were granted this year; many are pending.
- In October 2020 CSS hosted the third annual Full Participation is a Human Right conference at the Community Church of New York. Information about the conference can be found here: https://www.full-participation.org/
- General Counsel Judy Whiting is co-chair of the Coalition of Reentry Advocates (CoRA), a statewide organization that promotes legislative and administrative reforms to alleviate collateral consequences of criminal convictions. She leads virtual monthly meetings of this group attended by as many as 40 people.
Trainings

The CSS Legal Department helps foster staff professional development by encouraging attendance at conferences and continuing legal education programs, leadership development trainings and online learning platforms. The Practising Law Institute (PLI) provides CLE trainings to CSS free of charge; CSS attorneys avail themselves of this opportunity agency-wide. The New York City Bar Association now provides most CLE programming to legal services attorneys free of charge; our attorneys frequently engage in these presentations. Legal Department attorneys regularly participate in webinars on topics relevant to their work, such as those presented by the Center for American Progress, the National Record Clearing Project, and the Council of State Governments. CSS’s General Counsel presented at the annual National Consumer Law Center Consumer Rights Litigation Conference and was able to attend and learn from panelists at additional sessions; she also attended CLE trainings hosted by the firm Davis Wright & Tremaine. One of our attorneys participated in “Build Power // Fight Power: A 5-part course on movement lawyering” hosted by the Movement Law Lab: https://blogs.law.nyu.edu/docket/pilc/build-power-fight-power-a-5-part-course-on-movement-lawyering/44843/

Lawyers Alliance provided CSS staff with updated training on lobbying, and how to operate and report on activities consistent with applicable state, local and federal laws. When new members join the CSS Board (generally this happens once a year), they meet individually with the heads of each department who give presentations about history, functions and major achievements, answer questions and encourage further involvement.

Technology

The pandemic forced us to rely on technology in critical ways. CSS provided iPhones and laptops to all Legal Department staff and scanner/printers to those who requested them. We immediately adopted Microsoft Teams for internal meetings and utilized GoToMeeting and Zoom platforms for meetings and presentations with/for individuals outside CSS. In early days we utilized a program called LogMeIn to allow us to access our desktops remotely; later, CSS began the work of migrating all files and email to the cloud, a task that is almost complete. We utilize SharePoint for inter and intra-departmental work, CSS conference rooms are fully equipped with media technology, such as video conferencing and improved wireless microphones, that allow for higher quality presentations and meetings. After many programming-related delays, the Legal Department deployed a customized Salesforce case management system. So that prospective clients could reach us when our office remained effectively closed to the public, CSS and partner organization Youth Represent created a reentry Legal Hotline. During weekday work hours the hotline operates live, connecting callers with attorneys or NDP rap sheet specialists. When it was possible for a small number of staff to voluntarily return to the office, we set up a special room for rap sheet fingerprinting outfitted with plexiglass barriers and other public health-oriented adjustments, including computer and projector connectivity which allowed our NDP Project Director to interact with clients for initial intake procedures from the security of his own office, and to safely engage in fingerprinting once paperwork was complete. In this way we were able to offer rap sheet services to as many as 15 clients per week (though often the number of clients who came to appointments was smaller).
Pro Bono Volunteer Involvement

CSS works with pro bono counsel on client matters and on matters pertaining to the ongoing nonprofit status of the organization, though our need for pro bono counsel in this latter area was much reduced this contract year due to the pandemic. Schulte Roth and Zabel attorneys assisted with spot legal advice; Fross, Zelnick provided with key advice and counsel on intellectual property matters. Proskauer attorneys represented CSS clients in applications to seal conviction records pursuant to C.P.L. §160.59, supervised by CSS attorneys. Two attorneys in private practice, Roland Acevedo and Alan Rosenthal, continued to act as resources on legal matters relating to occupational licensing and conviction records. Crowell and Moring and the nonprofit Northern Manhattan Improvement Corporation represented CSS in Community Housing Improvement Program et al. v. City of New York et al., an appeal to the Second Circuit Court of Appeals by landlord groups challenging New York City rent regulation laws. Our brief opposing this challenge was drafted in March and filed in early April.

Pro Bono Statistics

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<th>Attorneys:</th>
<th>14 Volunteers</th>
<th>53 Hours</th>
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<tr>
<td></td>
<td>Law Students:</td>
<td>7 Volunteers</td>
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Sources Of Funding

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