Overview of Achievements, 2020-2021

During the reporting period (April 1, 2020 through March 31, 2021), LAC’s Legal Services Project made dramatic shifts in response to the COVID-19 pandemic. Upon the government-ordered lockdown in March 2020, we swiftly moved our operations to remote and reached out to our clients to see what help they needed in light of the COVID crisis. We provided our clients with services outside our usual areas in order to help them identify crucial help, such as food pantries, stimulus checks, and unemployment benefits. Throughout the pandemic, our legal team has helped clients navigate COVID-related challenges, including closed or limited court operations, difficulty obtaining official documents necessary for employment, and concerns about risk of COVID exposure during employment.

In total, we helped 817 New Yorkers resolve 1,182 civil legal cases. These cases concerned three primary issues: 632 clients had legal problems related to a conviction record, 151 had legal problems related to substance use disorder (that usually led to a conviction record), and 34 had legal problems related to HIV/AIDS or COVID-19. Sometimes clients have legal problems related to more than one of these issues.

These 817 clients were primarily low-income New Yorkers with histories of criminal legal system involvement, virtually all of whom had no other access to legal help to resolve problems related to their conviction record, substance use disorder, or HIV/AIDS. Our direct legal services resulted in annualized benefits of $242,323 to these clients. The benefits consisted of employment earnings and health benefits, government benefits, and settlement awards. We estimate an additional $169,125 in projected lifetime earnings for people for whom we provided rap sheet review and counseling.

We also delivered 342 instances of technical assistance (TA) to 117 organizations throughout New York State and 47 trainings (all virtual) to 2,963 providers on similar topics. TA and trainings covered issues directly related to the civil legal service needs of these organizations’ own clients, and thus increased their capacity to resolve issues in the future.

**Population Served:** People Discriminated Against Due to Criminal Records, Substance Abuse, and/or HIV/AIDS

**Area Served:** Statewide

**Total Funding:** $2,796,676

**Total IOLA Grant:** $240,000

**Staffing - Full Time Equivalents:**

- **Total Staff:** 10.00
- **Lawyers:** 5.29
- **Others:** 2.01
- **Paralegal:** 2.75
For months, ST delayed applying for a temporary professional license due to a question about “all prior convictions” on the application form. She had a gut feeling she wasn’t required to disclose a sealed conviction but was afraid if she did not disclose then the licensing agency would say she had not been truthful. ST felt stuck, embarrassed, and emotionally drained. When she called us, our attorneys explained her rights under New York’s sealing and anti-discrimination laws and advised her on responding to the question. ST completed the form and soon after was approved for the temporary license that allowed her to begin working in her field. After she obtained the license, she told a staff member: “LAC made me feel like I had a voice, that I was important and not a burden. For people who are drowning, that is so incredibly important.”

Early in the COVID-19 pandemic, SL called LAC, scared and unsure of her rights. SL’s landlord was demanding that she permit contractors into her apartment to remodel. The landlord threatened that if she did not comply, she would be evicted as soon as the state’s pandemic-related eviction moratorium was lifted. As a person living with HIV, SL felt extremely unsafe letting anyone into her apartment for fear of exposure to COVID-19. Our attorneys and paralegals listened to SL, let her know we were there for her, and informed her of her rights. One of our attorneys contacted the landlord and advised him to stop threatening SL immediately. Our attorney further advised that he was prohibited from remodeling the apartment due to New York State’s PAUSE order, which mandated strict social distancing guidelines and prohibited non-essential activities and services. When we called SL to follow up, she reported that the landlord had completely stopped threatening her and she felt safe in her home again.
Other Services...

Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>14,987</td>
</tr>
<tr>
<td>Community Legal Education</td>
<td>5,038</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>352</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>9,597</td>
</tr>
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</table>

Other Legal Related Services: Overview

We deliver trainings for clients and their service providers, offer outreach at job fairs and other community events, and, to broaden our impact and empower clients, author and disseminate a wide variety of free print and web-based publications that help pro se individuals (including incarcerated persons) and their advocates understand and enforce their civil rights. The target population includes individuals with conviction records, substance use disorders, and/or HIV/AIDS and their service providers throughout New York State. During the reporting period, we trained 2,963 individuals and recorded 11,672 disseminated copies of publications, website downloads, and legal education video hits.

We also created a number of new publications regarding the rights of people with conviction records, substance use disorders, and/or HIV/AIDS, including practical tools and templates these individuals can use to improve their employment opportunities. Our most popular publications and videos, disseminated primarily through our website, include:

- How to Recognize and Address Discrimination;
- Certificates of Relief from Disabilities and Certificates of Good Conduct chart;
- Applying for Jobs in New York: Legal Protections for People with Criminal Records chart;
- Crafting an Effective Personal Statement;
- Crafting an Effective Letter of Reference for a Person with a Conviction Record;
- Getting to Work with a Criminal Record: New York State License Guides;
- Your New York State Rap Sheet (English and Spanish);
- Lowering Criminal Record Barriers (English and Spanish);
- Criminal Records and Employment: Protecting Yourself from Discrimination;
- Sealing Old New York Convictions (English and Spanish);
- Voting and Criminal Records (English and Spanish);
- HIV and Employment (English and Spanish);
- HIV Confidentiality (English and Spanish);
- To Disclose or Not to Disclose (English and Spanish);
- How to Gather Evidence of Rehabilitation; (English and Spanish);
- Are You Somebody With HIV/AIDS? Alcohol or Drug Addiction? Criminal Record?; and
- Advocating for Your Recovery: What to do When Ordered Off Addiction Medication
Other Legal Related Services: Examples

1. During a webinar on lowering employment barriers for people with conviction records, a participant asked, “Don’t convictions drop off [conviction records] after a certain time?” One of our attorneys explained that there is no cut-off date after which New York State convictions disappear from a record; most convictions can only be sealed by applying to the courts and a significant number of convictions can never be sealed under current state law. Dispelling the myth that old convictions “drop off” a record is crucially important because failure to disclose unsealed convictions could result in housing, job, or employment license denial.

2. A participant in a virtual training on Certificates of Rehabilitation asked whether obtaining a certificate would “erase” a conviction record. The paralegal leading the training explained that certificates do not seal or expunge a conviction but can lower automatic barriers to certain government-issued licenses and serve as evidence of rehabilitation during an employment or housing search. The presenter further used this opportunity to discuss record sealing options available in New York State and the importance of gathering evidence of rehabilitation.
Impact Cases

Doe vs. vocational rehabilitation agency in NYC (employment discrimination)

Milestone: We engaged in negotiations and settled, without litigation, claims related to a discriminatory employment termination based on the criminal record of our client, T. Doe. T. Doe was summarily terminated from a job he had been performing without incident for six months after the employer learned of his federal conviction for an offense that had not appeared on his initial background report. The employer failed to provide notice that the New York City Fair Chance Act requires so that people like Mr. Doe have an opportunity to explain their conviction record and provide evidence that the employer is required to consider. The employer also failed to make the individualized evaluation required by New York State and City law.

Impact: The settlement we negotiated not only benefited T. Doe by providing substantial monetary compensation, but also resulted in the company’s development and implementation of policies and procedures to address its systemic violations of the laws governing the employment of people with conviction records.

2. Doe vs. hospital #1 in NYC (employment discrimination)

Milestone: We engaged in negotiations and reached a preliminary settlement, without litigation, for the denial of employment based on the criminal record of our client, A. Doe. After receiving a conditional offer of employment, Mr. Doe was summarily denied a job when the employer stated that the hospital had a policy of never employing people with his type of conviction. The employer failed to provide notice required by the New York City Fair Chance Act (FCA) and to make the individualized evaluation required by New York State and City law.

Impact: The settlement not only benefited A. Doe by providing substantial monetary compensation, but also focused the employer on the need to improve its hiring practices so that no individuals are screened out on the basis of a conviction alone – regardless of the nature of that conviction – without conducting the individualized analysis required by New York State and City human rights laws.

3. Doe v hospital #2 in NYC (privacy breach)

Milestone: We engaged in negotiations and reached a settlement, without litigation, of a breach of HIV privacy claim against a hospital in New York City. Our client, C. Doe, was hospitalized for a medical condition unrelated to his HIV when a physician revealed his HIV status, without his consent, to his brother who was on the phone. The unauthorized disclosure violated Article 27-F of New York’s Public Health Law and caused serious mental harm for Mr. Doe and a significant rift in his family relationships.

Impact: In addition to providing Mr. Doe with monetary compensation, the settlement resulted in the hospital’s revision of its HIV privacy policies, procedures, and training to make it clear that disclosures of HIV-related information to family members (including those who visit or call) require written consent.
Trainings

We engage in a multi-pronged strategy to professionally grow staff and prepare Board members for their responsibilities. We did not hire any new legal staff this year, but plan to do so in the coming year. This year, our Senior Staff Attorney, who started in February 2020, continued her comprehensive training that included a series of internal and external events. When she and other attorneys joined our “attorney on call” rotation (to supervise paralegal case work), we held extensive in-house training that covered substantive legal issues, advocacy strategies, and supervision techniques. All supervisors either participated in a two-day supervision training from the Management Center, which specializes in training non-profit managers, or obtained supervision training from those who did. This year, staff also attended a myriad of virtual conferences and trainings addressing racial justice and equity, the impact of COVID-19 on people with criminal legal system involvement, substance use and mental health care needs, and HIV/AIDS. We are also hiring a Manager of Human Resources, whose duties will include ensuring processes for professional growth.

New Board members undergo a comprehensive orientation, where they meet with staff for an overview of the agency’s key activities and learn about their responsibilities as Board members. They also receive regular and detailed reports in advance of quarterly Board meetings.

Technology

Since the beginning of the COVID-19 shelter at home order in mid-March 2020, we have used remote work technologies, such as the remote computer software LogMeIn and Microsoft Teams software to communicate internally through chat or video calls and collaborate remotely. A few of our direct services staff have been using the application Sideline, which provides a dedicated number, voicemail, and text option to conduct initial and ongoing client calls. The app works much better than Google Voice, which some staffers were using prior to Sideline.

Beginning in March 2021, we launched our Salesforce cloud implementation that allows staff to track technical assistance (TA), trainings, and publications remotely. For almost 17 years we used a customized Microsoft Access database to track this work as well as client cases, but it had become apparent over the last several years that our data needs were outgrowing this database’s capabilities. Salesforce’s cloud solution has enhanced our reporting capabilities, is quite easy to use, and has built-in technology that will help us to project manage in a way that could not be done in MS Access. We believe the new system will contribute to more efficient delivery of our services and better outcomes.
**Significant Collaborations**

We have extensive relationships with legal service providers, community-based organizations, and bar organizations throughout New York State. Because we have provided technical assistance and training services statewide for decades, we have developed long-lasting cross-referral and service relationships with hundreds of employees at agencies and organizations that serve individuals with conviction records, substance use disorders, or HIV/AIDS.

We also have comprehensive linkage arrangements with more than 50 agencies that provide vital services to people affected by HIV/AIDS in NYC and across the state. Most of our clients are referred by service providers who know our firm’s 45-plus year history at the intersection of these issues.

Our lawyers and policy staff members participate in many networks and coalitions of HIV service providers, substance use disorder treatment providers, reentry groups, and legal services organizations. We co-chair the Coalition of Reentry Advocates (CoRA), a group of legal services lawyers throughout the State that advocates for public policies and practices to promote successful reentry from incarceration. We also lead the Alternatives to Incarceration (ATI) Coalition, a statewide network of ATI providers that advocates for increased attention to and resources for ATI services. Our Director and President sits on the Governor’s Council on Community Reentry and Reintegration, which brings together key state and local agencies and private and community groups to further criminal justice reform. Work on these coalitions contributed to measures expanding New Yorkers’ access to insurance coverage for substance use disorders in the Governor’s 2020 budget, in addition to strengthening the state’s addiction and mental health treatment access Ombudsman project known as CHAMP (Community Health Access to Addiction and Mental Healthcare Project). In addition, our staff serve on the NYC Bar Association’s committees for Criminal Justice Operations, Health Law and Mental Health Law, and on the Association’s Health Law Task Force. Lastly, our attorneys participate in listservs comprised of lawyers and advocates working on legal issues related to re-entry and HIV.
Pro Bono Volunteer Involvement

In 2020-21, we received 1,638.15 hours of pro bono time from law firms, interns, and other volunteers and further leveraged our resources through co-counseling with plaintiffs’ law firms.

**Litigation:** We have been co-counseling an HIV privacy litigation in New York Supreme Court with Paul, Weiss, Rifkind, Wharton and Garrison (Paul Weiss). Clearly Gottlieb Steen and Hamilton continues to represent our clients in motions to seal criminal cases.

**Legal research:** Paul Weiss, Winston & Strawn, and Napoli Shkolnik have performed legal research and provided other assistance on an array of issues related to insurance coverage for substance use and mental disorders and access to emergency department services by people with substance use disorder-related emergencies.

**Technical assistance on health privacy matters:** Davis Wright Tremaine has provided counsel on health privacy issues central to our legal services project.

**Law students:** We had one law-student intern who received separate funding to do critical work on all our issue areas, including helping with direct services work.

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**Pro Bono Statistics**

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<th>Source</th>
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<td>Attorneys</td>
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<tr>
<td>Law Students:</td>
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<td>Other:</td>
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**Sources Of Funding**

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<tr>
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<tbody>
<tr>
<td>IOLA Grant:</td>
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<tr>
<td>Foundations:</td>
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<tr>
<td>State Funding</td>
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<td>Other:</td>
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