Overview of Achievements

During the reporting period (April 1, 2021 through March 31, 2022), LAC’s Legal Services Project continued to work remotely and respond to the emergent needs of our clients due to the COVID-19 pandemic. Throughout the pandemic, our legal team has helped clients navigate COVID-related challenges, including closed or limited court and government agency operations, difficulty obtaining official documents necessary for employment, and concerns about risk of COVID exposure during employment.

In total, we helped 726 New Yorkers resolve 1,121 civil legal cases. These cases concerned three primary issues: 656 clients had legal problems related to a conviction record, 46 had legal problems related to substance use disorder (that usually led to a conviction record), and 24 had legal problems related to HIV/AIDS or COVID-19. Sometimes clients have legal problems related to more than one of these issues.

These 726 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 $465,782 to these clients. The benefits consisted of employment earnings and health benefits, government benefits, and settlement awards. We estimate an additional $67,515 in projected lifetime earnings for people for whom we provided rap sheet review and counseling.

We also delivered 360 instances of technical assistance (TA) to 116 organizations throughout New York State and 39 trainings (all virtual) to 1552 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 IOLA Grant: $120,000

Staffing Full Time Equivalents:
- Total Staff: 10.92
- Lawyers: 6.22
- Paralegals: 2.85
- Other: 1.85
Direct Legal Services: Cases

Employment:
A client who has been a licensed home daycare owner for over a decade called LAC because a background check performed by the Office of Children and Family Services (OCFS) as part of her license renewal process showed a pending criminal case. OCFS required our client to provide information about the case’s resolution before her license could be renewed. The client recalled she had been arrested once many years ago in the Bronx, but the case was dismissed, and she never had to appear in court. She had already been turned away from Bronx Criminal Court because they had no record of her case, so she was panicked about how to show proof of a record that, as far as she understood, did not exist. An LAC paralegal communicated with OCFS on the client’s behalf and learned that the case originated in Federal court. The paralegal coached the client on how to obtain the record from the right courthouse and she was able to retain her daycare license.

3,363 people benefitted from 1,121 legal cases closed

Cases by Legal Problem Area

- Employment: 75%
- Miscellaneous: 20%
- Health: 2%
- Individual Rights: 2%
- Other: 1%
Direct Legal Services: Cases

Health:
A client living with HIV contacted LAC after being admitted to a dental residency program in New York. The client had made it through dental school without disclosing his HIV status and was extremely fearful about the discrimination he might face if his status was known as he completed his education and sought entry into the profession. Like many people living with HIV, our client takes medication that makes his viral load undetectable and therefore untransmittable. Unfortunately, the medical forms for matriculation into the residency program sought information about “all” health conditions and medications. Our client was considering dropping out of the program rather than disclosing his status and asked what his options were. We advised him that – if accurate – he and his physician could answer those questions by stating “none that impair my ability to practice as a dental resident.” That is exactly what he and his physician did, and he was successfully admitted to the program with no further questions asked.

Impact Cases

Doe v. two NYC SNFs (MOUD discrimination)
Milestone: LAC received a complaint that a very sick elder individual, about to be discharged from a New York City hospital, was denied admission by at least 14 SNFs because she takes methadone. The hospital intended to discharge her in two days, but had nowhere to send her. LAC sent demand letters to several of the the SNFs, explaining that denying admission to people based on their opioid use disorder and treatment violates the Rehabilitation Act of 1973, Affordable Care Act, Americans with Disabilities Act, and New York State and City Human Rights Laws. The letter gave the facilities one day to agree to admit the client and change their illegal policies.

Impact: Within one day, two of the facilities agreed to admit LAC’s client, after sharing with LAC some of their mistaken understandings of what was required to provide a resident with methadone. LAC’s advocacy resulted in the client being safely discharged to an SNF that provided the services she needed and was close to her family. Additionally, these SNFs are now aware that they cannot deny admission to patients solely because they take methadone and must change their illegal policies, which will benefit all patients like our client.
Impact Cases

**Doe v. University in NYC (employment discrimination)**

Milestone: We advocated on behalf of a client regarding the denial of employment at a major NYC university based on the pending criminal charges of our client, T. Doe. After receiving a conditional offer of employment, Mr. Doe was summarily denied a job when the employer stated that the university had a policy against employing people with pending cases. The employer failed to provide requisite notice and make an individualized evaluation, both of which were extended to jobseekers with pending cases under July 2021 amendments to the New York City Fair Chance Act (FCA).

Impact: While T. Doe ultimately found a higher-paying role at another employer, our advocacy resulted in the university addressing its hiring practices so that no individuals are screened out on the basis of a pending case alone without conducting the individualized analysis required by New York State and City human rights laws.

**Doe v. NYC healthcare system (HIV privacy)**

Milestone: Our client B. Doe contacted LAC for help after a physician at a major NYC healthcare system unnecessarily insisted on including the client’s HIV-positive status on a medical form for an employment application. The physician had checked off a box on the medical form affirming that there was no medical reason the client could not complete the job, yet the doctor insisted on a gratuitous reference that the client was HIV positive over the client’s objection and without any apparent reason related to the client’s fitness to work.

Impact: LAC engaged in informal advocacy to the healthcare system to explain that even though the physician’s conduct did not technically violate New York’s HIV confidentiality law (because the physician gave the form to the clients, and not directly to the employer), the practice was harmful and degrading to our client, as it would be to other patients with HIV. LAC’s advocacy resulted in the healthcare system agreeing to investigate the incident and provide staff with training on patient confidentiality, which will benefit all similarly situated patients in the future.

**Group Services:**

LAC’s 360 TA to 116 organizations throughout NYS helps health and social service providers, regulators and policymakers understand complex legal issues related to conviction histories and chronic illness. For example, in FY22 we helped a health and reentry services provider in New York City understand how a client could work to overcome gaps in their resume following incarceration and prepare for job interviews within the context of State and City laws and anti-discrimination protections. We also referred the caller to a workforce development agency that focuses on individuals with conviction histories. In another example, we reviewed and provided detailed notes on a draft consent form being developed by the NYS Unified Court System for individuals participating in problem-solving courts. We specifically addressed issues related to when minors in New York State can consent to release of their own substance use disorder information.
Other Services: Overview

We deliver trainings for clients and their service providers, offer outreach at webinars 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 prose individuals (including incarcerated persons) and their advocates understand and enforce their civil rights. The target population includes individuals with arrest or conviction records, substance use disorders, and/or HIV/AIDS and their service providers throughout New York State. During the reporting period, we trained 1,552 individuals and recorded 13,996 disseminated copies of publications, website downloads, and legal education video hits.

We developed a five-part, web-based rap sheet workshop that clients and providers are able to access via LAC’s website and YouTube page. We also created a number of new publications regarding the rights of people with arrest or conviction records, substance use disorders, and/or HIV/AIDS, including practical tools and templates these individuals can use to improve their employment opportunities.

LAC receives a steady stream of requests from individuals in state and local correctional facilities who seek information on their rights. We regularly mail free copies of our publications to any incarcerated person who writes to us. To further engage this community and ensure everyone has access to knowledge about their legal rights, LAC disseminated over 3600 copies of our printed materials to the libraries and reentry resource centers located in every NYS DOCCS prison. We also provided electronic versions to each prison so staff working in those libraries and resource centers can print additional copies.

Finally, we connect our clients to other services through an extensive referral network developed throughout our nearly fifty years working in this area and through web sites such as www.lawhelp.org.

| Number of People whoBenefitted from Services Other Than Direct Legal Representation |
|---------------------------------|--------|
| Community Legal Education       | 6,509  |
| Pro Se Assistance               | 1,916  |
| Online Assistance               | 9,039  |
Other Services: Technology and Other Innovations

We have continued to use the remote work technologies we had deployed at the beginning of the COVID shelter-at-home order in mid-March 2020, such as the remote computer software LogMeIn and Microsoft Teams to communicate internally through chat or video calls and collaborate remotely.

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 industry-leading 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 all this will lead to more efficient delivery of our services and, in the end, better outcomes.

Other Services: 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. Once hired, legal staff will receive extensive in-house training that covers substantive legal issues, advocacy strategies, and supervision techniques. We also encourage staff to attend webinars and virtual conferences. This year, staff attended a myriad of virtual conferences and trainings addressing racial justice and equity, NY’s new cannabis law, substance use and mental health care needs, and HIV/AIDS. We also hired a Director of Operations, Sharon Hayes, and are in the process of hiring a Manager of Human Resources, whose duties will include ensuring processes for professional growth. Lionel Oglesby, who has been our Paralegal Supervisor, has been promoted to the new position of Equity Officer; in this role he will help maintain and grow our in-house trainings related to equity and inclusion.

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.
Pro Bono Volunteer Involvement

In 2021-22, we received 1,695 hours of pro bono time from law firms, interns, and other volunteers.

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

**Legal research:** Paul Weiss, Winston & Strawn has 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 co-counseled several employment barrier-related cases with law students in the CUNY School of Law Workers’ Rights Clinic. Additionally, LAC staff worked with students in the Clinic to create a new educational resource on the rights of NYC workers who have arrest or conviction records.

- **25 Attorneys volunteered 1,047.6 hours**
- **2 Law Students volunteered 152 hours**
- **34 Other Volunteers volunteered 495.4 hours**
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 arrest or conviction records, substance use disorders, or HIV/AIDS.

We also have comprehensive linkage arrangements with over 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 and substance use disorder treatment and service 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 reentry. 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. We additionally co-lead , a coalition of advocates working to increase and expand crucial reentry supports specifically for LGBTQI people in New York City. 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 legal system reform.

LAC staff also lead the NYS Parity Coalition, a group of addiction treatment advocates that works to improve private and public insurance coverage of life-saving treatment and recovery supports. 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 reentry and HIV.

Additionally, LAC partnered with the CUNY School of Law Worker’s Rights Clinic (the Clinic) to co-counsel with Clinic students several cases related to overcoming arrest or conviction record-related employment barriers. LAC staff also trained students on relevant legal issues and worked with them to create a new educational resource informing NYC workers of their new rights under July 2021 amendments to the NYC Fair Chance Act.
Sources of Funding

- **IOLA Grant**: $120,000
- **City and County Funding**: $543,828
- **State Funding**: $772,136
- **Other**: $50,277

**Total**: $1,486,241