Overview of Achievements, 2018-2019

The Community Service Society of New York (CSS), through its Legal Department and the Department’s Next Door Project (NDP), provided direct assistance to more than 722 low-income New York City residents this year, in many cases providing several different legal services to each individual client. Basic NDP services included assisting clients with obtaining, understanding and correcting mistakes found in their official criminal record rap sheets (both those maintained by New York State and – for clients with out-of-state arrests – the FBI) and determining eligibility for Certificates of Relief from Disabilities (CRDs) and Certificates of Good Conduct (CGCs), and assistance with developing a portfolio of proof of positive change. Our attorneys provided employment and licensing-related legal services including representation before administrative agencies, representation in court (including on motions to seal past convictions pursuant to C.P.L. §160.59), informal advocacy with government agencies (such as NYS Justice Center) and other services. All our clients were members of our target population: low-income New Yorkers with arrest and/or conviction histories, many seeking employment or licenses that would help them find better-paying jobs.

Our staff, augmented by 11 specially trained older adult volunteers and 5 law student interns, reviewed rap sheets to check for errors and certificates eligibility (volunteers review NYS rap sheets only: FBI rap sheets are too complex and confusing). We then met with clients individually to go over the rap sheets, ensuring clients understood them so that they could speak confidently about them at job or housing interviews. We advised clients on eligibility for the appropriate certificate (CRD or CGC), and how to create portfolios of “proof of positive change” – documents showing that they had made strides and positive changes in their lives since the time of their conviction – that could be used for the certificate application or in the job search.

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

**Area Served:** New York City Metropolitan Area

**Total Funding:** $1,329,282

**Total IOLA Grant:** $55,000

**Staffing - Full Time Equivalents:**

- Total Staff: 8.00
- Lawyers: 4.00
- Paralegals: 3.00
- Other: 1.00
Mr. S’s dream had always been to work in some aspect of law enforcement, but for most of his life, the dream seemed out of reach due to his criminal conviction history. Mr. S has a Youthful Offender adjudication and a felony conviction for sale of narcotics, both incurred while he was living with his mother in a homeless shelter and in desperate need of money. Knowing that if he applied for employment with them, police departments would see his Youth Offense and his felony and could hold them against him, Mr. S did what seemed the next best thing: he worked as a security guard for more than 20 years, but also took the civil service exam for peace officer positions and passed it. In 2017, CSS assisted Mr. S in applying to seal his felony conviction under newly-enacted CPL §160.59. The application was granted, the court noting that it was clear Mr. S had made significant life changes in the decades since his conviction. Mr. S then applied for a peace officer job with New York City’s Human Resources Administration. Although they were able to access the sealed conviction, the agency was convinced Mr. S had made significant life changes since it was entered and took the court’s sealing of the matter into account. It offered him a position, which he accepted. Mr. S is poised to graduate from peace officer training in June.

Mr. D., a student at a local CUNY college, was working as a temp doing IT work at a law firm that was setting up a new office. He worked in this role for about 6 months through a temp agency. When the firm was ready to open, Mr. D’s supervisor told him he would be perfect for a new permanent IT position they had available, and encouraged him to apply. He applied and was offered the job. He resigned from his other job. Three days before he was supposed to start the permanent position, he received a call from HR rescinding his job offer, and immediately contacted our attorney outposted to CUNY’s Prisoner Reentry Institute. She determined that the employer had not provided a copy of the background check or a NYC Fair Chance Act notice, and contacted the law firm’s HR counsel. After some back and forth with various representatives from the law firm, our attorney wrote a letter of support for Mr. D. She explained the FCA requirements and that a direct relationship clearly did not exist between Mr. D’s misdemeanor assault conviction from four years ago and his duties with the IT department—particularly as evidenced by his stellar performance for the past 6 months which led to his invitation to apply for the position in the first place. The law firm reinstated his offer and he was able to start his new position only seven days later than originally planned.
Other Services...

<table>
<thead>
<tr>
<th>Number of People Benefitted by Services Other Than Direct Legal Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Community Legal Education</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
</tr>
</tbody>
</table>

**Other Legal Related Services: Overview**

CSS attorneys engaged in a number of community legal education events, covering such topics as the new sealing law, C.P.L. §160.59; the NYC Fair Chance Act (FCA); legal protections against criminal records-based employment discrimination specific to the health care field; issues that might face individuals with conviction histories seeking higher education; and how to obtain certificates demonstrating rehabilitation. 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.

**Other Legal Related Services: Examples**

- On October 18, 2018 CSS’s Senior Staff Attorney provided training for approximately 28 student fellows of the College and Community Fellowship in upper Manhattan, an organization providing support and assistance to formerly incarcerated women seeking college degrees. The training covered antidiscrimination laws and policies, how criminal records are created and errors made and corrected, and criminal records sealing laws among other topics.

- On April 24, 2018, September 28, 2018 and January 15, 2019, CSS’s General Counsel made a presentation to job-ready individuals under federal probation supervision in the Southern District of New York through the SDNY Probation Department’s Life Skills Program. Each session was attended by as many as 50 people, and covered such matters as voting rights for individuals with conviction histories, the FCA and other laws prohibiting criminal records-based employment discrimination, Certificates of Relief from Disabilities, and occupational licensing. Attendees asked individual questions following the presentations, and five followed up with CSS for specific legal services. One individual was referred to a specific attorney at The Legal Aid Society to assist with his application for SSI, which had been cut off while he was in federal prison.

- On January 11, 2019 CSS’s General Counsel and its Next Door Project Director trained direct client representation service staff of FedCap Rehabilitation, a workforce development program assisting individuals with barriers to economic wellbeing, including conviction histories. All clients of the approximately 30 staff who attended are individuals with conviction histories. Training covered how criminal records are created and mistakes made (and corrected), criminal records sealing provisions, laws preventing criminal records-based employment discrimination – in particular the FCA – voting rights for individuals with conviction histories and Certificates of Relief from Disabilities and Certificates of Good Conduct (eligibility for, utility of and how to apply for them). Individual FedCap staff followed up with client-specific questions, and referred several clients to us for criminal record-related legal services.
Impact Cases

Pro Bono Sealing Project. Individuals with two or fewer criminal convictions in their past are eligible to apply to seal them under newly-enacted C.P.L. 160.59. Realizing that we had a growing list of eligible clients, and thinking that it would be good to engage law firms in direct reentry-related litigation that is small-scale and time-limited, CSS partnered with New York Lawyers for the Public Interest to start a pro bono project under CSS’s direction. Proskauer was the first firm to volunteer, and Mayer Brown has since joined the project, which has the potential for being expanded further and replicated in other jurisdictions. Participating attorneys are providing excellent representation and deep commitment to the work, helping us leverage our limited resources. They currently have seven active cases and have three on submission to the courts. CSS finds that the project’s effects go beyond the tremendous value that records sealing brings to our clients, all of whom previously faced real barriers to full participation in society based on stale conviction histories. First, face-to-face contact between individuals with conviction histories and law firm counsel can help break down media-driven stereotypes on both sides of the table. Second, counsel’s experiences (and frustrations) with the sealing law’s extremely narrow eligibility criteria help inform reentry advocates’ call for legislative reform.

Census Class Action Settlement Implementation – Legal Services. In 2010, CSS and legal and advocacy groups across the country brought a nationwide Title VII class action case against the U.S. Dept. of Commerce challenging the Census Bureau’s discriminatory hiring practices. Census treated applicants with arrest histories differently than those without, implementing almost insurmountable procedural hurdles to employment. This had a disparate impact on as many as 500,000 people of color. After intense litigation and prolonged discovery, the lawsuit was settled in 2016, with changed hiring practices and the opportunity for individual relief for class members. Since that time, counsel have been engaged in establishing a mechanism for those class members who elect it to receive rap sheet and error correction-related services. The Lawyers Committee for Civil Rights Under Law (LCCR) has set up a clearinghouse to assign counsel for these cases. Pursuant to a subcontract with LCCR, CSS is engaged to represent 50 individuals with New York State arrest histories. We are currently in contact with these clients (not all of whom live in New York) and are in process of ordering rap sheets for some and assisting others with applications for Certificates of Relief from Disabilities and Certificates of Good Conduct. Some class members may be eligible to apply to seal their New York State cases, and in this instance, CSS will represent them in the process.
Trainings
The CSS Legal Department helps foster professional development of its staff through encouraging their attendance at conferences and continuing legal education programs, leadership development trainings and online learning platforms.

This program year our Staff Attorney and Senior Staff Attorney participated in the Sargent Shriver National Center on Poverty’s comprehensive Affirmative Litigation training. The training included in-person and distance learning, and our staff benefitted tremendously.

CSS also engaged the Management Center to provide a two-day management training to senior managers and a second such training to middle managers agency-wide. CSS General Counsel as well as the Project Director for the Next Door Project participated in this training.

CSS’s General Counsel also attended and participated in a presentation made to the New York State Bar Association’s Legal Assistance Partnership Conference. Funding permitting, we intend to send at least three staff to this supremely valuable conference in 2020.

The Practising Law Institute (PLI) provides CLE trainings to CSS free of charge, and CSS attorneys avail themselves of this opportunity agency-wide. PLI presents high quality programs on matters central to our work, and those that help us grow.

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
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. We are near completion on customizing the Salesforce platform for our Legal Department use. Salesforce has already been customized and adopted by two other CSS departments, with great success, and will be used by other departments as well. Because the Legal Department has unusual data collection needs (e.g. specific rap sheet entries – some clients have over 100 rap sheet “cycles” that must be entered into the system – and determinations of eligibility for Certificates of Relief from Disabilities/Good Conduct and various criminal records sealing laws), the process is more complicated for us than for other departments at CSS. We are currently testing the beta version of the platform and expect to implement it this summer. For our work representing Census class action settlement clients in conjunction with the Lawyers Committee for Civil Rights Under Law, we are using a specially created Salesforce platform to input and share data.

We also purchased and use an electronic fingerprint scanner machine – this technology helps us lessen the trauma that some clients experience when being fingerprinted, particularly via the more traditional “ink and roll” method. The technology scans fingerprints to New York State and FBI-required forms that we then submit – with other paperwork – to request clients’ rap sheets.
Significant Collaborations

- CSS founded and leads the NYS Expungement Campaign, comprised of a statewide coalition of advocates, labor leaders, faith leaders, legal services providers and directly impacted individuals who seek legislation that would expunge stale criminal records. Key coalition members include VOCAL-NY, MFJ Legal Services, the Legal Aid Bureau of Buffalo, Faith in New York, Youth Represent, Just Leadership USA, the Legal Action Center, Brooklyn Defender Services and The Legal Aid Society.

- CSS’s Next Door Project obtains the majority of its clients through referrals from a growing list of partner agencies, including ACE, the Center for Urban Community Services, and Samaritan Village. We meet with these partners on a regular basis to provide program updates, learn about their experiences with our services, and to provide education concerning laws such as the NYC Fair Chance Act and C.P.L. §160.59 (criminal records sealing statute), so that they may better assist clients and make appropriate referrals, including to CSS’s attorneys. For the past several years (including 2017, 2018 and 2019), the NYC Dept. of Probation has contracted with CSS to provide rap sheet services to probationers. We also provide on-site services at the offices of other partner agencies, including Howie the Harp, Project Renewal, Serendipity House, the HOPE Program, the Center for Employment Opportunities and Per Scholas. Our General Counsel provides quarterly training to individuals on federal supervised release under the auspices of the U.S. Dept. of Probation for the Southern District of New York, and we obtain legal services and rap sheet services referrals from this agency.

- Working with New York Lawyers for the Public Interest, CSS developed a pro bono project through which law firm associates represent CSS clients in C.P.L. §160.59 sealing cases. We currently partner with Proskauer and Mayer Brown on this project.

- CSS is a founding member of the Coalition of Reentry Advocates (CoRA), an organization that promotes legislative and administrative reforms to alleviate collateral consequences of criminal convictions. CoRA membership includes legal services providers and advocacy organizations such as the Legal Action Center, Youth Represent, the Center for Community Alternatives and MFY Legal Services. More information about the group can be found on its website: http://www.cora-ny.org/. General Counsel Judy Whiting is co-chair of this group, which meets regularly to chart priorities and take action. CoRA members also collaborate on legal matters. Several CoRA legislative priorities were included in the final New York State budget this year, including limits on release of mugshots, a clarification that individual may answer “no” if asked a criminal records question in violation of the NYS Human Rights Law and an expansion of that law to cover volunteers, and a directive that courts and NYS DCJS may only report actual criminal convictions – not arrest charges – in reports prepared for civil purposes.

- CSS, The Legal Aid Society and the Legal Action Center have worked closely together for several months to draft and encourage broad-based support for legislation that would ensure that should marijuana possession be legalized, past convictions for this behavior be automatically expunged or sealed. We solicited advice from the Immigrant Defense Project to ensure our proposed legislation did not negatively impact individuals with immigration concerns. While marijuana legalization did not pass as part of the NYS budget, efforts to get it enacted this legislative session are ongoing.
**Pro Bono Volunteer Involvement**

**Pro Bono Attorneys:**

With New York Lawyers for the Public Interest, we launched a pro bono criminal records sealing project in 2018. Attorneys from Proskauer and Mayer, Brown represent CSS clients in applications to seal stale criminal records pursuant via newly-enacted C.P.L. §160.59. CSS supervises these efforts and reviews all pleadings. The project’s effects go beyond the tremendous value that records sealing brings to our clients. First, face-to-face contact between individuals with conviction histories and law firm counsel can help break down media-driven stereotypes on both sides of the table. Pro bono counsel also assisted in matters involving nonprofit real estate, corporate and tax issues. We receive expert guidance from the Lawyers Alliance in these matters. Schulte Roth and Zabel attorneys assisted with trademarks issues, and Fross Zelnick continued to provide us with counsel on intellectual property matters. Two attorneys in private practice, Roland Acevedo and Alan Rosenthal, act as resources for us on legal matters relating to occupational licensing and barriers to higher education caused by criminal records.

**Law Students:**

CSS provided law practice externship placement to three Brooklyn Law School students during the Fall and Spring semesters of the 2018-2019 academic year. We also hosted two law student interns last summer, who helped with client matters including correcting mistakes on rap sheets and providing Know Your Rights trainings at intake presentations. They researched criminal records-based employment discrimination and criminal records sealing laws. We hosted a “Pro Bono Week” intern from Schulte Roth, who researched records sealing issues.

**Other Volunteers:**

CSS relied upon 11 older adult volunteers for invaluable help with our Next Door Project this past program year. These volunteers, act as coach-mentors to our clients with criminal conviction histories, helping them to review and better understand their records; determine eligibility and make plans to apply for Certificates of Relief from Disabilities and Certificates of Good Conduct; and creating portfolios of documents to demonstrate rehabilitation to prospective employers and licensing agencies. Full Participation is a Human Right conference; helped develop an online media platform that highlighted conference themes; and provided general research on reentry policy issues, particularly those involving employment pathways for the formerly incarcerated.

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### Pro Bono Statistics

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### Sources Of Funding

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