Overview of Achievements, 2018-2019

BDS’ Civil Defense and Civil Justice programs concluded another successful year of representation and advocacy on behalf of low-income Brooklyn residents. The Programs closed 5,004 civil cases, benefitting more than 9,034 people in a wide range of civil legal matters. This work resulted in $67.5 million of taxpayer savings and an estimated $5.6 million in benefits to BDS’ clients. BDS’ work was funded through contracts and/or grants from the Mayor’s Office of Criminal Justice, New York City Council, the New York State Office of Court Administration, the New York State Division of Criminal Justice Services, private foundations, and individual contributions. Some of the Achievements from our Civil Defense and Civil Justice programs include:

- BDS’ Immigration Defense Practice has grown to 32 attorneys, 8 administrative assistants (including 4 paralegals and 4 legal assistants) and 2 social workers. This team undertakes detained removal defense cases for immigrants in deportation proceedings under the New York Immigrant Family Unity Project, securing clients’ release from immigration detention, arguing in immigration court for a finding of non-deportability, and applying for Cancellation of Removal, Adjustment of Status, and other discretionary waivers of deportation based on favorable factors in our clients’ lives. During the grant period, our attorneys obtained release from ICE custody for 144 immigrants.

- Eviction Prevention and Improving Housing Conditions and Benefits. CJP works to meet the needs of BDS clients suffering unsafe housing conditions, facing eviction for nonpayment during times of financial hardship or facing eviction in holdover proceedings borne from Brooklyn’s shortage of affordable housing and rampant gentrification, whether this means litigation in housing court, representation in administrative hearings at NYCHA, HPD, or DHCR, or where these issues can be resolved through persistence and determined advocacy of our staff.

Population Served: Low Income Populations

Area Served: Kings County

Total Funding: $18,083,015

Total IOLA Grant: $80,000

Staffing - Full Time Equivalents:
- Total Staff: 136.69
- Lawyers: 88.89
- Paralegals: 7.97
- Other: 39.83
Ms. N came to the BDS community office when no other providers would assist her in defending against a NYCHA termination proceeding. Ms. N is a lifelong NYCHA resident. She grew up in public housing and raised her children there as well. After her nephew gave her address, without permission, when he was arrested in 2015 Ms. N was forced to agree to permanently exclude him from setting foot in her apartment in order to avoid termination of tenancy. Three years later, her nephew stopped by her apartment to pick up mail. Though this was his very first time coming back to her apartment, it also happened to be the day that the NYCHA inspectors came to look for him. Ms. N then faced termination again based on violating the exclusionary stipulation. Ms. N came to the BDS community office looking for help. Due to the lack of legal service providers familiar with NYCHA termination proceedings she had been unable to find an attorney. Because of BDS’s knowledge of NYCHA termination cases and criminal collateral consequences, we were able to represent her in the termination proceeding. After advocating for a settlement with NYCHA of the case against her. Without help from BDS’s lawyers, Ms. N could have lost her lifelong home.

Ms. S worked as a direct support assistance for disabled individuals. She had worked in this field for over a decade. In 2017, she was arrested when a patient at the facility where she worked accused her of hitting one of her patients. Ms. S was placed on leave from her job and faced criminal charges. While her criminal case was eventually dismissed within a couple months, the New York State Justice Center still pursued administrative action her. Specifically, they decided to pursue a case of abuse or neglect against her. If the Justice Center prevailed, Ms. S would have been subject to dire employment consequences. She would have been unable to return to a position that she held for over 10 years.

Ms. S was committed to proving her innocence and desperately wanted to continue working with mentally and physically disabled individuals. In January 2019, our office represented Ms. S at her administrative trial and the allegations of abuse were found to be unsubstantiated. She was finally permitted to return to work after being on leave for over a year.
Other Services...

Number of People Benefitted by Services Other Than Direct Legal Representation

| Total                                      | 3,865 people |
| Community legal Education                  | 3,865 people |

Overview

In the grant period, BDS participated in or led 71 events relating to immigration, housing, and family legal issues and reached 2,301 individuals in the community, including 25 on-site workshops at BDS’s Community Office. BDS’ Community Office holds regular know-your-rights clinics led by attorneys from all of our practice areas on topics such as housing, benefits, education, sealing, employment, warrants, ACS, custody and visitation. Additionally, the Community Office does intakes of people walking in who require additional assistance, and eligible people are referred internally to lawyers within BDS’ main practices for more in-depth legal services. The Community Office has given our Civil Justice Practice a new avenue for providing sorely needed legal services to underserved Brooklyn residents. Our civil housing, benefits, immigration, education and employment attorneys have begun conducting bi-monthly legal clinics providing advice, referrals and full representation on a range of civil issues to people in the poorest neighborhood in Brooklyn and also the one that experiences the highest proportions of child welfare and criminal justice involvement.

This focus on community lawyering has proved to be an extremely valuable resource, as many of the clients we meet with have already been turned away from multiple legal services providers and are facing complex multi-system involvement. Through community education and legal advocacy, we are able to resolve problems before court involvement becomes necessary. While having a lawyer is beneficial we believe it is even more beneficial in many instances to give people the ability to resolve their problems without setting foot in a courtroom. This has been highly effective for clients in several of our practices, with housing matters being the most obvious - both to the tenants and the system benefit when people know their rights and are able to navigate and advocate for them without having to initiate or respond to a court case.

The growing number of people walking in and seeking guidance across a range of issues has informed our decision to offer legal advice and representation on-site by specific legal practice areas and offer regular monthly know-your-rights trainings based on community demand and need. Specifically, we now offer an immigration attorney on-site two days a week, housing and civil justice attorneys one day/every other week, an education attorney once per month, an employment attorney once per month, and an additional social worker once a week from across all of the legal practice areas. Additionally, we now offer a monthly ACS know-your-rights workshop, a monthly criminal justice-themed know-your-rights event (i.e. warrants), and a monthly family court information session (i.e. custody/visitation). In the past year we have conducted more than 25 know your rights sessions on-site and, in the community, reaching and empowering more than 250 people with legal information.
Other Legal Related Services

During the last grant period Brooklyn Defender Services (BDS) and the American Civil Liberties Union (ACLU) launched “We Have Rights,” a national immigrant empowerment campaign to inform immigrant communities of what to do when interacting with Immigration and Customs Enforcement (ICE). The campaign centers around four animated videos available in seven languages: English, Spanish, Arabic, Mandarin, Russian, Haitian Creole and Urdu. Created as a direct response to expressed community needs, the videos are based on true stories and provide practical tips for how to safely defend the legal and human rights of immigrants during four common encounters with ICE: when ICE is at the door, when ICE is inside homes, when ICE stops people in the street, and when ICE arrests immigrants. The videos are accessible at wehaverights.us and aclu.org/we-have-rights. The campaign will be promoted across social media platforms and by national and local organizations focused on immigrant rights throughout the U.S. Among other resources, wehaverights.us will provide a downloadable emergency preparedness plan for immigrants to make sure their children and families are protected in the event they are unexpectedly removed by ICE. In addition to providing information to affected communities, the campaign’s goal is to educate the public about the stark realities of increased ICE enforcement on individuals and families and to make ICE tactics more transparent. Last grant period we have reported that the videos have been seen by at least 2.54 million people and to present date the video have been seen 10.1 million people.

Significant Collaborations

Brooklyn Defender Services has dozens of existing partnerships with Brooklyn community-based organizations and local elected officials and other community representatives. BDS belongs to many citywide umbrella civil practice organizations in the areas of housing, public benefits, education, family services and school discipline, allowing for increased collaboration, targeted advocacy and the opportunity to share and learn from experienced practitioners in relevant fields, including LEAP (Legal Advocacy Providers), a 14-partner coalition of civil legal service providers in the areas of housing, consumer debt, human rights, re-entry and cycles of poverty, among others. LEAP partners include Housing Conservation Coordinators; Bronx Defenders; Urban Justice Center; MFY Legal Services; Goddard Riverside SRO Law Project; CAMBA; Northern Manhattan Improvement Corporation; Brooklyn Legal Services Corporation; Make the Road NY; Catholic Migration Services; The Door; New York Lawyers for the Public Interest; and Lennox Hill Houses.
Other Services...

Technology and Other Innovations

Technology is central to our ability to collaborate across units and this past year BDS’ Civil Justice Program fully transitioned to using Legal Server, an innovative cost-saving intake and referral, cloud-based case management system. This change has made it easier for our staff to access their case notes remotely or via mobile devices and, in turn, has allowed our assigned counsel practices to refer cases or raise questions via their phones.

Case management software has improved our supervising attorneys’ ability to monitor and assign referrals, to quickly answer questions, and to track attorney caseloads and performance to improve efficiency and ensure tasks are delegated evenly. Beyond this, we are able to track issue types and referral sources to better map growing trends.

Our access to video conferencing equipment allows us to communicate with our incarcerated clients and Skype with our community office when expertise is needed from our main office.

We participate in the Legal Services National Technology Assistance Project to ensure we are up to date on trends and changes in access to justice that can improve our practice and better assist our clients.

BDS’ advocates are given smart phones to allow attorneys to instantly contact other units to refer a client or ask a technical support question, even from court. We routinely resolve issues with a text or an email that would traditionally require referrals, waitlists, formal intakes and review processes before a client could be assigned an attorney to answer even basic question. We aim to reduce, or do away with completely, the requirement that clients recite the same demographic information for every attorney or advocate they meet. Instead, we provide clients with the opportunity to focus on what is important to resolving their legal issue.

Trainings

Civil Program Staff train all other attorneys at BDS, including staff of BFDP, on the immigration consequences of criminal and family defense cases, and on the collateral impacts on housing, employment and education. In addition to providing in-depth, all-day trainings to new attorneys, we provide periodic CLE and Law Lunch presentations within BDS. Our Immigration Practice attorneys are also asked to train attorneys and community-based advocates outside BDS, including through a contract with the Vera Institute of Justice to provide training, case-based legal advice to new attorneys and mentoring to attorney supervisors in the upstate NYIFUP / Safe Cities programs. As a member of LEAP, BDS participates in LEAP’s ongoing Young Housing Attorney training series both as trainers and students. The group meets every other Friday.
Pro Bono Volunteer Involvement

BDS' Pro Bono Unit has arranged partnerships with over 20 law firms and engaged over 100 pro bono attorneys, of whom about 80 of them assisted BDS clients on matters ranging from immigration applications and filing habeas petitions in Federal Court for detained immigrant clients, to appellate arguments in family defense cases. During this grant period alone, pro bono attorneys undertook over 30 cases for our clients. BDS is also a host organization with the Attorney Emeritus Program and the Pro Bono Scholars program. All volunteers receive comprehensive training and ongoing mentorship from staff attorneys and attorneys in the Pro Bono Unit.

In addition to partnering with law firms, BDS also regularly partners with area law schools to engage law student volunteers to assist BDS clients. Each year, 8-12 law students and 2 social work interns from the New York University School of Law’s Family Defense Clinic are placed with the Family Defense Practice. The students work in interdisciplinary teams to handle some of our most complicated cases, representing a BDS client for the school year. Brooklyn Law School students worked with BDS clients to correct errors on their rap sheets through the Rap Sheet Clean-Up Project. Law students from the CUNY Immigrant and Non-Citizens Rights Clinic, Cardozo Immigration Justice Clinic, and NYU Immigrant Rights Clinic provided invaluable assistance to BDS clients facing deportation by co-counseling clients’ cases with BDS.

Pro Bono Statistics

Attorneys: 80 Volunteers 140 Hours
Law Students: 26 Volunteers 40 Hours

Sources Of Funding

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