Overview of Achievements, 2018-2019

Our mission is to make the law work for all New Yorkers, especially for those who need its protection most. We focus on high impact litigation; provide high quality legal assistance; offer training, support and technical assistance to the legal services community; and represent those unable to be served by other programs, particularly immigrants in the Hudson Valley and on Long Island. We utilize all available legal tools and provide representation in all available forums. Our 2018-19 work benefited hundreds of thousands of New Yorkers, securing new legal protections, ensuring that foreclosure prevention services remained intact, securing full restoration of funding for the Disability Advocacy Program (DAP), and handling individual cases that returned more than $12 million in back awards and settlements, $42,158 in ongoing monthly benefits, $43,749 in monthly payments avoided and $2.97 million in lump sum awards and settlements avoided. In addition to our impact work, we closed 2,081 direct service cases during the 2018-19 reporting period, directly benefiting 4,648 people. The work of our disability advocacy program resulted in $748,633 in retroactive benefits to clients and returned $266,769 to the state in interim assistance. Our foreclosure prevention work achieved restructuring and refinancing of clients’ predatory loans, saving them tens of thousands of dollars over the life of their loans stabilizing not just the homeowners we represented, but the neighborhoods they live in and the property tax base of their communities.

Population Served: Low Income Population
Area Served: Statewide
Total Funding: $ 6,997,245
Total IOLA Grant: $615,000

Staffing - Full Time Equivalents:
- Total Staff: 58.00
- Lawyers: 29.13
- Paralegals: 9.00
- Other: 19.87
Direct Legal Services
4,648 people benefitted
2,081 legal cases closed

Breakdown of cases by Legal Problem

<table>
<thead>
<tr>
<th>Total Cases Closed</th>
<th>2,081 cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total People Benefitted</td>
<td>4,648 people</td>
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</table>

**X Health** Our client is a 44 year old transwoman. In 2014 she underwent vaginoplasty surgery. The final step in her transition to living as a woman is facial feminization surgery (6 procedures). Our client requested pre-approval from her private health plan but it denied her request finding that the surgery: was not medically necessary; was “cosmetic;” and “even in the setting of gender dysphoria… is not to treat a functional impairment.” The Health Team appealed the denial to the New York State Department of Financial Services, the entity responsible for external review of health plan determinations. Based on the appeal submitted by the Health Team, NYDFS reversed the insurance company’s decision and will require the private provider to cover all 6 procedures. In reaching its decision, NYSDFS’s medical expert reasoned that all procedures are “medically necessary and the health plan did not act reasonably with sound medical judgment in the best interest of the patient.” Our client has undergone this final surgery, the approximate cost of which (7 procedures total) is $30,835.

**X Americans with Disabilities** A woman who uses a wheelchair applied to work as an aide at a school serving children with disabilities. Initially hired, she was terminated after the first week of orientation when she wasn't able to complete the physical restraint training (in particular, due to her use of a manual wheelchair she could not complete one maneuver involving raising her arm and moving backwards at the same time). The employer made inadequate attempts to provide an alternative way to complete the restraint training, and did not engage fully in an interactive dialogue with her about how she could fulfill her job duties in her assigned classroom with accommodation. We assisted her with an administrative claim of employment discrimination at the New York State Division of Human Rights, and were able to negotiate with the defendant a settlement prior to public hearing which provided client with the full back wages she would have earned ($3,210 – no future wages as she immediately mitigated with a higher paying job), a revised reasonable accommodation policy in the employee handbook, and significant changes to the employer’s new employee orientation training on reasonable accommodations for students and employees.
Other Services...

Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
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<tbody>
<tr>
<td>Total</td>
<td>687,830 people</td>
</tr>
<tr>
<td>Community Legal Education</td>
<td>13,571 people</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>946 people</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>673,313 people</td>
</tr>
</tbody>
</table>

Other Legal Related Services: Overview

In our efforts to improve legal protections and services for those in need, Empire Justice Center undertakes policy analysis, conducts targeted research and engages in systemic advocacy aimed at improving the administration of justice and strengthening the legal rights of people in New York State who are living on low incomes or are otherwise disenfranchised. During the 2018-19 year, three examples of this work include: leading a campaign for a new $20 million appropriation for foreclosure related housing counselling and legal services to assist New York homeowners, including seniors, facing foreclosure; conducting extensive research and interviews with stakeholders from throughout the state, to publish a report evaluating New York’s implementation of the Family Violence Option with extensive recommendations for how it might be improved to better assist victims; advocating for the successful passage of the Gender Expression Nondiscrimination Act (GENDA), providing long sought after protections for transgender and gender non-conforming New Yorkers.

- Some of the 2018-19 advocacy activities that allow us to make these and other influential changes were:
  - Organized and participated in over 124 meetings with key policymakers focused on achieving positive improvements to laws, rules and regulations in 15 broad areas of anti-poverty law that impact the rights of clients and the administration of justice;
  - Weighed in on over 39 individual pieces of legislation;
  - Developed and contributed to more than 10 detailed legislative memorandums or policy position papers on issues impacting legal services clients;
  - Commented on at least three additional proposed rules, regulations or bills at the federal, state, and local level;
  - Testified about critical poverty law issues at a minimum of eight legislative and budget hearings at the state and local level;
  - Signed on to at least 43 federal and 12 state letters and comments on policy issues impacting low income New Yorkers.
Other Legal Related Services: Examples

**Report: Too Big to Fail... Too Poor to Bank** - Empire Justice Center produced a report that shows that many traditional bank products are out of reach to Rochester NY area working families. The report, “Too Big to Fail...Too Poor to Bank: How Mainstream Financial Services Can Help Low-Income Working Families Succeed,” is a review of traditional bank products and services, as well as those provided by alternative financial services, like check cashers. The report found that Rochester area banks and credit unions do offer checking and transaction (debit card, no checks) accounts with affordable features. Key report findings included:

- Lower income consumers know of a range of options when it comes to financial products and services from traditional banks or credit unions and alternative providers, and understand most of the costs and benefits of the various choices.
- Most consumers do not understand the various overdraft options and overdraft/insufficient funds (NSF) fees related to their accounts. They often only learn about them through a direct negative experience, which impacts how they interact with their bank or credit union going forward. The language about overdrafts and overdraft/NSF fees on many bank and credit union websites is wordy and complex, contributing to this lack of understanding.

Financial education is not enough for lower income consumers; they simply do not have enough income. Forty-one percent of households in Monroe County do not have enough income to afford basic necessities. They need safe and affordable small dollar loans to build assets.

**Substantive Legal Trainings/ Task Forces** - Advocates across the state look to Empire Justice for substantive legal training, and our unique legal services model allows us to quickly identify and respond to needs as they emerge. Trainings are built into nearly all of our substantive legal programs, and we provide cutting-edge information and support focusing on a variety of legal issues for community organizations and nonprofit advocates. During the 2018-19 IOLA grant year our staff delivered 118 trainings and Task Force meetings across the state, reaching 9,338 participants, issuing 630 CLEs.
Empire Justice invests in the professional development of our staff by sending them to numerous state and national conferences and local and regional trainings. More than 65% of our staff attended professional development trainings/sessions, including conferences held by the National Consumer Law Center, Shriver Center, National Organization of Social Security Claimants Representatives, National Community Reinvestment Coalition, American Immigration Lawyers Association, New York Public Welfare Association, NeighborWorks, and bar associations at the national, state and local levels. We have also been actively involved in developing the Partnership Conference with the NYS Bar Association with our President/CEO involved at the Steering Committee. A number of our substantive law staff submitted successful proposals or were asked to be on panels with other workshop leaders; eight staff attended and seven presented at this year’s 2018 Partnership Conference. At the Board level, we continued our two-session, new Board member training and orientation that was presented to four new members in 2018-19.

As an organization, Empire Justice has made investing time and resources in diversity and inclusion a top priority. Our internal Diversity Workgroup meets regularly and helps shape our internal training calendar and agenda. We secured funding through the Citibank Foundation in 2018 to hold a statewide staff retreat at Camp Stella Maris in Livonia, NY during which staff participated in sessions led by our Board members as well as in a two-day Diversity and Inclusion workshop entitled, “Power and Difference: A Framework for Change Courage, Compassion, Connection” presented by Eduardo Gonzalez, Jr. and Kathleen Castania.

As mentioned in last year’s GAR, we were awarded a technology grant through the Dormitory Authority of the State of New York to redesign and restructure our substantive website as well as design and deploy a new cloud based case management system. During the 2017-18 grant period, we completed the first phase of our restructured and redesigned website. During this current reporting period, we completed Phase II of the website project, which added enhancements and additional capabilities to make the user experience more seamless. We began our planning process for our move to Legal Server for our case management system, which will take place during the next grant period.
Other Services

Significant Collaborations

**Crime Victims Legal Network (CVLN)** - Through federal Vision 21 funding, New York State became one of ten sites across the country to create a “victim legal assistance network” to meet the various civil legal needs that individuals encounter as a result of their criminal victimization. CVLN is a partnership among the NYS Office of Victims Services, Empire Justice Center, Pro Bono Net (PBN), and the Center of Human Services Research (CHSR) at the University at Albany, encompassing the entire state of New York outside of New York City. The vision for the Network is to connect victims of crime to the civil legal services they need by developing new technology solutions that increase access to a continuum of legal services and resources, and that build the capacity of providers assisting them. The Network’s central online hub, **NY Crime Victims Legal Help** ([www.crimevictimshelpny.org](http://www.crimevictimshelpny.org)), connects crime victims with legal assistance on issues related to housing, family, employment, finances, and more.

**NY Crime Victims Legal Help** launched on October 1, 2018 as a pilot in three counties in western New York. During its first six months in the limited pilot region, the site reached more than 3,700 people. Combined, visitors viewed more than 16,000 pages on the site covering essential areas such as family law, safety and housing matters. More than 950 individuals used the site to search for a legal services provider, and more than 600 visitors accessed information about free legal documents and court forms available to help victims address their civil legal needs. The website and resources will be rolled out in all regions of the state, outside of New York City, in 2019.

**Liberty Defense Project** - In 2017, Empire Justice Center was awarded funding through the newly established Liberty Defense Project (LDP) to provide high-quality and well-coordinated legal services in response to the urgent needs of immigrants across the state. As the lead agency, Empire Justice Center partnered with four other organizations to provide comprehensive statewide assistance to immigrants, including providing legal assistance internally through work out of our Long Island and Westchester office locations. Our subcontracting partner agencies included: The Legal Aid Society of Rochester (Greater Rochester region), Hiscock Legal Aid (Syracuse region), The Legal Project (Capital Region) and Rockland Center for Safety and Change (Rockland County). During the 2018-19 reporting period, Empire Justice and our LDP partners provided consultations and screenings to 3205 immigrants, resulting in 876 client intakes and conducted 1224 intakes that resulted in opening 913 cases. In 2019, the Office for New Americans restructured and rebid the Liberty Defense Project after the project was only up and running for 18 months. As a result, our new, successful statewide infrastructure to serve immigrants through the LDP collaboration was dismantled. Each agency was required to submit proposals individually for refunding; TLP and Empire Justice Center’s Westchester office did not receive refunding and the Legal Aid Society of Rochester received reduced funding. Our Long Island office did receive a contract and, although not what we planned, we are proud of the services, training and infrastructure we were able to establish that will now be in place for additional agencies to serve the immigrant population in New York.
Creating Assets, Savings & Hope (C.A.S.H.) - C.A.S.H. is a community coalition led by Empire Justice Center that helps working families with low-to-medium incomes build stronger financial futures and increase their incomes through the Earned Income Tax Credit. Trained volunteers assist in preparing and filing tax returns free of charge, helping clients open bank accounts and purchase Savings Bonds. Volunteers also provide information on predatory lenders so those who receive significant refunds do not fall prey to these predatory practices. During the 2019 tax season, 204 C.A.S.H. volunteers donated 7,936 volunteer hours to provide services for nearly 7,500 households who claimed $10,936,015 million in Federal and NY State tax refunds and credits.

Immigrant Justice Corps  Our Hudson Valley Offices have been host to Immigrant Justice Corps (IJC) Fellows since 2015; we were the first organization outside New York City to be funded to host IJC Fellows. In 2018, we were selected once again as a host agency and were funded for two fellows – two attorneys. The fellows serve a one-year term with an opportunity to renew for a second year. Empire Justice engages the fellows in all the areas of immigration law in which we practice.

Law Students/Volunteer Interns – This past year we had two Pro Bono Scholars working with us in Albany and Rochester, and a total of 27 law student interns and student volunteers. We involve law students in many aspects of our work, particularly through the local law schools – Albany, Touro, and Pace. Interns have the opportunity to conduct intakes for a number of potential clients on a wide variety of issues, conduct outreach, FOIL data, and update the Fair Hearing Bank for which they review, summarize, redact, scan and post.

Pro Bono Attorneys – We often partner with private attorneys who act as co-counsel on cases. During the 2018-19 grant period, 9 attorneys provided 589.35 hours. Emeritus during the reporting period – two in our Albany office and one in our office on Long Island – who contributed 309.58 hours to legal work at Empire Justice.

Pro Bono Statistics

<table>
<thead>
<tr>
<th>Attorneys:</th>
<th>9 Volunteer</th>
<th>589.35 Hours</th>
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<tbody>
<tr>
<td>Law Students:</td>
<td>15 Volunteers</td>
<td>2125.35 Hours</td>
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Sources Of Funding

<table>
<thead>
<tr>
<th>Sources</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Iola Grant</td>
<td>$615,000</td>
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<tr>
<td>Foundations</td>
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<tr>
<td>Fundraising</td>
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<td>State Funding</td>
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<td>Other</td>
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<tr>
<td>Total</td>
<td>$6,997,245</td>
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