Overview of Achievements, 2018-2019

With the support of funding from the IOLA Fund of the State of New York, The Legal Aid Society (LAS) improves the lives of low-income New Yorkers by helping them obtain and maintain the basic necessities of life, delivering civil legal services through a network of neighborhood and courthouse-based offices in all five boroughs. The Civil Practice is comprised of specialized units that assist clients with legal issues related to housing, foreclosure, and homelessness; income and economic security (including public assistance, unemployment insurance, and federal disability); health law; employment law and low-wage worker matters; tax law; consumer law; education law; community development opportunities; immigration; HIV/AIDS and chronic diseases; family law and domestic violence; elder law; and reentry and reintegration matters for clients returning to the community. Funding from IOLA supports all components of our practice, including direct individual legal assistance and representation; law reform litigation on behalf of groups of clients; policy advocacy; self-help community legal education and training, including Know Your Rights workshops; expert technical assistance to community groups and other providers; comprehensive continuing legal education (CLE); and pro bono initiatives with the private bar that further amplify our resources.

By leveraging our individual client representation into law reform litigation and advocacy, LAS is able to assist vast numbers of eligible clients while achieving systemic reforms that would not be possible solely through individual representation. In addition to supporting the core elements of our Civil Practice, IOLA funding during the period of April 1, 2018 through March 31, 2019 made the following accomplishments possible:

- Direct legal assistance in a total of 33,582 closed individual client matters. Through the successful resolution of these matters, LAS staff obtained “major benefits” for at least 81,591 low-income New Yorkers. Overall, during the reporting period, we worked on more than 50,000 individual client matters, which benefited over 124,500 adults and their families.
- An active law reform litigation docket of 26 cases on behalf of groups of similarly situated clients benefiting low-income New Yorkers throughout the City, in addition to a further six cases closed during the reporting period.
- Provision of community legal education, self-help services, and case consultation services to approximately 78,076 individuals and advocates.

Population Served: General Low Income Population

Area Served: New York Metropolitan Area

Total Funding: $71,294,546

Total IOLA Grant: $3,640,000

Staffing - Full Time Equivalents:

- Total Staff: 490.80
- Lawyers: 289.20
- Paralegals: 148.00
- Others: 53.60
Direct Legal Services
81,591 people benefitted
33,582 legal cases closed

Breakdown of Cases by Legal Problem Area

<table>
<thead>
<tr>
<th>Legal Cases Closed</th>
<th>33,582 cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>People Benefitted</td>
<td>81,591 people</td>
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</tbody>
</table>

*Example of a case involving the Housing Practice and Low-Income Taxpayer Clinic*

Our Housing Practice recently assisted Ms. M, a senior who was facing eviction from her long-term rent stabilized apartment. Ms. M lives with her two grandchildren and supports all three of them on her monthly social security income of just under $1,500. Ms. M had fallen behind in her rent payment after the IRS had begun garnishing a portion of her social security check each month, which left Ms. M without enough to cover rent and other essentials. Ms. M believed she would be able pay her rental arrears if she was given enough time to pay what she owed back and our staff helped negotiate a payment schedule for her with her landlord. At the same time, staff from our Low Income Taxpayer Clinic (LITC) assisted with her tax issues and were able to determine that the garnishment was based on a 2011 tax debt that was in fact not collectible. LITC succeeded in advocating with the IRS to stop these wage garnishments, which significantly increased Ms. M’s income. Ms. M has since been able to pay off her rental arrears and has been able to remain in her home with her two grandchildren. Without our intervention, the family faced the loss of their long-term rent stabilized home and potential homelessness.

*Example of a case involving multiple units across the Civil and Criminal Practices*

Staff from across LAS’s Civil and Criminal Practices recently collaborated to assist Ms. J, a survivor of human trafficking who was seeking shelter for herself and two children at the City’s homeless intake agency. Through advocacy, our Homeless Rights Project (HRP) and Immigration Law Unit (ILU) had previously helped establish a new policy for City shelters to ensure that survivors of human trafficking were protected from their abusers during the shelter application process. However, the City failed to follow this policy and Ms. J’s family was initially moved to an unsafe family location. HRP assisted LAS’s Criminal Practice’s Exploitation Intervention Project (EIP) with helping Ms. J navigate the shelter application process and advocated directly with Department of Homeless Services (DHS) to ensure the family was moved to a new location that safeguarded the family’s safety. A few months later, Ms. J filed for child support against one of her daughter’s fathers and he became enraged and began making threats against her. HRP once again advocated with DHS to secure a safety transfer and worked with our Family Law/Domestic Violence Practice (Family/DV) to develop a safety plan for Ms. J and her family. Ms. J and her family have since moved to a new shelter where they feel safe and are being supported in obtaining permanent housing and accessing specialist counseling services.
Other Services...

Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>People</th>
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<tr>
<td>Total</td>
<td>317,009 people</td>
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<tr>
<td>Community Legal Education</td>
<td>74,435 people</td>
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<tr>
<td>Online Assistance</td>
<td>242,574 people</td>
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Other Legal Related Services: Overview

In addition to direct legal assistance, LAS provides the following services benefiting low-income New Yorkers and their communities in all five boroughs of the City: self-help and Know Your Rights community education materials and presentations, training to partner organizations, volunteer attorneys, and legal advocates to provide them with the skills necessary to assist marginalized New Yorkers with their legal needs; and cooperative work with government to resolve systemic legal problems.

Other Legal Related Services: Examples

Community Education and Training: Each Civil Practice unit offers trainings to low-income New Yorkers and community advocates, which are aimed at increasing broader capacity across the nonprofit sector and improving outcomes for individuals experiencing civil legal issues. As an example, during the reporting period our Family/DV practice organized more than 35 specialist training events and clinics reaching almost 1,000 domestic violence survivors, advocates and service providers at shelters and CBOs across New York City. Our Community Development Project (CDP) also held over 20 events attended by more than 640 individuals, including presentations aimed at navigating new business owners through basic commercial law and the legal considerations of starting a business. LAS seeks to act as a resource to attorneys and advocates across New York and holds a number of events where we present on recent changes to the legal system and wider landscape. For example, in response to the publication of proposed changes to public charge immigration regulations, our Immigration, Health, and Law Reform Units (LRU) collaborated to develop a joint training program. This program has been an essential component of our rapid response efforts to changing immigration laws and has helped combat the negative effects of the proposed rule changes, which could put the ability of non-citizens to adjust to green card holder status through a family member in jeopardy if they use a broad range of public benefits. In December 2018, the New York State Department of Health asked LAS to train over 1,300 of their staff in the community via a webinar, and we also trained other audiences including Robin Hood Foundation grantees and attended community events organized by the Mayor’s Office of Immigrant Affairs.
Cooperative work with the Government: Providing direct legal services is only one component of our strategy to effectively advocate for marginalized New Yorkers and we work in tandem with the government to effect systemic changes. For instance, in September 2018 staff from HLU and ELU took part in a roundtable organized by the New York State Assembly Committees on Health and Labor regarding 24-hour coverage for home care recipients. This roundtable was attended by representatives from managed care plans, home care agencies, labor advocates, and disability advocates and examined the regulations and legal challenges for employees working 24-hour home care shifts. LITC also worked closely with elected representatives to advocate for changes to the New York State Driver’s License Suspension Law and succeeded in securing a change to the law immediately after the end of this reporting period – ensuring that New Yorkers receiving public assistance or experiencing economic hardship are excluded from the law. Additionally, staff from HRP have recently collaborated with the Department of Homeless Services (DHS), Office for Court Administration (OCA), Mayor’s Office for Criminal Justice (MOCJ), and Coalition for the Homeless on JustTransitionsNYC, a new warrant clearing program for homeless shelter residents. Through this program, LAS attorneys will provide legal advice to shelter residents in different locations across the City and help guide them through the summons-clearing process.

Constituent Services: LAS is frequently called upon by city, state, and federal elected officials to assist their constituents. In addition to these requests, LAS also collaborates with elected officials on special initiatives or training events – enabling LAS to expand its reach into the community and engage effectively with clients. For example, LAS staff collaborated with Queens Borough President Melinda Katz to deliver a ‘Know Your Rights Week for Immigrants’ in June and a week-long program of legal workshops open to the public that were focused on employment law issues in August 2018. Additionally, staff in Staten Island attended Council Member Debi Rose’s annual community fair in October 2018 to provide information about LAS services.
Impact Cases

Protecting a Path to Citizenship for Abandoned, Neglected, or Abused 18-21-Year-Olds - Together with pro bono co-counsel Latham & Watkins LLP, LAS filed a federal class action, *R.F.M v. Nielsen*, lawsuit in June 2018 challenging a new U.S. Citizenship and Immigration Services (USCIS) policy barring 18 to 21 year-olds from obtaining Special Immigrant Juvenile Status (SIJS). SIJS is a vital form of immigration relief for undocumented youth and offers one of the first steps on a path to permanent residence and eventual citizenship. SIJS can only be granted to immigrant youth neglected, abandoned, or abused by their parents and declared dependent on a juvenile court. USCIS recently changed its longstanding policy and stated – contrary to state and federal law – that New York State Family Courts cannot be used to obtain predicate orders for SIJS eligibility for 18-21 year-olds. This blocked an estimated 3,000 New York resident youths from regularizing their status and moving on with their lives. In March 2019, we obtained a vital preliminary decision from the Southern District of New York holding that the change in policy had no basis in law, should be set aside, and was arbitrary and capricious as it was based on erroneous interpretations of state law. On April 9, the court issued a final judgment requiring USCIS to reconsider the erroneous denials and change the policy.

**Smith v. Berlin and Doar – Fighting for Benefit Recipients Unfairly Sanctioned** - LAS recently reached a settlement in a class action lawsuit originally filed in state court in 2010. The lawsuit was filed on behalf of about 250,000 New Yorkers who received public assistance or Supplemental Nutrition Assistance Program (SNAP) benefits and had “workfare” sanctions imposed on them between 2007-2015. New Yorkers were sanctioned for allegedly missing an appointment or assigned work activity and lost all or some of the monthly benefits they had been receiving to pay rent or buy everyday necessities. However, the notices sent to recipients advising them about sanctions were confusing and/or incomplete and did not adequately communicate how to avoid them. Workfare sanctions dramatically impact the income of individuals who receive these benefits: a family with two children receiving a grant of $789 per month would see their benefits reduced by 33% to only $526 for a period as long as six months. Under the settlement, any sanction imposed during the time period will be removed from the recipients’ sanction history and anyone who was sanctioned and currently receives or will receive benefits over the next two years will receive retroactive payments to cover, in part, the benefits lost.

Defending Domestic Violence Survivors Against Housing Discrimination - In January 2019, LAS filed a class action lawsuit against New York City Department of Housing Preservation and Development (HPD) in *B.D. et al v. HPD and Maria Torres-Springer*. This was filed on behalf of New Yorkers whose participation in the Section 8 rental assistance voucher program was terminated when trying to transfer their lease after experiencing domestic violence. The Violence Against Women Act (VAWA) entitles domestic abuse survivors to appeal for a bifurcation of their publicly subsidized lease. However, survivors in New York City are often excluded from Section 8 bifurcation hearings determining if they are able to stay in their home, which instead only allow the listed head of household, typically the abuser, to testify. As a result, survivors frequently have their participation in the program terminated – in the case of the named plaintiff, increasing their monthly rent from $273 to an unaffordable $1,040. This suit seeks restoration of the Section 8 benefit for our client together with changes in policy including allowing survivors to testify at termination and/or bifurcation hearings.

Legal Aid Society
Trainings

During the reporting period, LAS conducted numerous trainings, including community education and training presentations for clients, community-based organizations, partner agencies, advocates, and constituent services staff attended by 9,435 people, including legal advocates, volunteer and pro bono attorneys, and law students.

LAS operates a robust training and professional development program aimed at developing the advocacy skills of our paralegals, attorneys, and supervisors. Staff have the opportunity to learn best practice tips from seasoned advocates in the areas of client interviewing, legal research, motion writing, negotiations, trial advocacy, vicarious/secondary trauma, and self-care. Our Immigration and Housing practice areas have additional targeted content-specific training programs that run for several weeks and build on introductory material as the programs progress. Supervisors are offered opportunities to convene and share ideas with other leaders with training modules focusing on the importance of effective delegation, constructive feedback, teambuilding, leadership, and professional development plans. Additionally, staff and supervisors attend anti-bias and Equal Employment Opportunity (EEO) trainings in addition to our mandatory training program entitled Professional Obligations and Practice Tips for Working with LGBTQ+ Clients and trainings focused on cultural humility. Preparing staff to interrupt bias in both the workplace and in the courts is central to our mission, and our staff are provided with the skills needed to challenge issues effectively while also providing culturally competent services for clients.

Technology

LAS is in the middle of the launch of a new website, which will seamlessly integrate with social media and strengthen our ability to communicate with clients and communities across the City. This includes the creation of new client-focused content enabling New Yorkers to directly access information about common legal issues, with clear signposting to further resources and assistance. Further, across LAS, we use technology to expand our services, increase efficiencies, and enable us to most effectively represent our clients. For example, in June 2018 we developed a new in-house video conference facility to make video calls to clients located on Rikers Island - enabling staff to communicate with clients more easily and significantly reducing the time and travel burden. Additionally, we continue to use and support legal tech innovations, including working to test and help develop whoownswhat.justfix.nyc. This new platform aims to facilitate housing justice and greater landlord accountability through increasing transparency about building ownership in New York. Further, during the 2018 fall semester, Housing Practice staff collaborated with Columbia Law School's Lawyering in the Digital Age Clinic to develop new technological tools to improve client experience for clients in housing court in the Bronx.
Significant Collaborations

To enhance the delivery of civil legal services, LAS has forged close working relationships with over 80 partners, including CBOs, social service agencies, government officials and agencies, and law schools.

**Community based and other organizations:** Through partnerships with CBOs, coalitions, and other organizations, LAS is able to provide comprehensive support to individual clients as well as advocate for change at a societal level. Our Education Law Project (ELP) recently joined the Campaign for Effective Behavioral Health Supports, which advocates for the introduction of trauma-informed practice and preventive social-emotional programs in New York schools. Similarly, our Single Stop Program and Reentry Project worked closely with Fedcap Women’s Project to provide specialized legal support to vulnerable, incarcerated women identified as having experienced serious trauma. LAS served on the coordinating committee for the Upstate-Downstate Housing Alliance, a new statewide coalition of tenant and affordable housing advocates organizing efforts to push for changes to the rent regulations guidelines ahead of their expiration. Our Elder Law attorneys also joined Elder Abuse Multidisciplinary Teams operated by the NYC Elder Abuse Center (NYCEAC) in four boroughs across New York City, through which they provide their legal expertise to help coordinate services in complex instances of elder abuse.

**Private Bar and Attorneys:** Leveraging private bar support enables LAS to expand the assistance it is able to provide its clients. For example, HLU has worked closely with Willkie Farr & Gallagher LLP to coordinate a Medicaid Overpayment project that represents clients accused of receiving Medicaid when they were ineligible. This allows our clients to access an additional depth of expertise when negotiating with NYC Human Resources Administration (HRA) or their legal representatives. ILU also collaborated with Ropes & Gray LLP and Skadden LLP to host naturalization application assistance and Deferred Action for Childhood Arrivals (DACA) application clinics in September and October 2018. Further, ELU conducted Certificate of Relief workshops with Sullivan & Cromwell LLP.

**Law Schools:** LAS works with and accepts volunteers from law schools, including Albany Law School, Benjamin N. Cardozo School of Law, Brooklyn Law School, Columbia Law School, Cornell Law School, CUNY School of Law Fordham Law School, George Washington University Law School, New York University School of Law, New York Law School, Northeastern Law School, Nova Southeastern University, Pace Law School, Rutgers School of Law, Hofstra School of Law, Howard University School of Law, Touro Law School, Santa Clara University School of Law, St. John’s University School of Law, University of San Diego, and Western Michigan University Cooley Law School, to improve efficiency, access to legal assistance, and strengthening the pipeline of law students to public interest services support. As an example, ILU, ELU, and our Queens Housing Unit staff teach legal clinic classes and host externs from Columbia, New York University, and Cardozo Law Schools.
Pro Bono Volunteer Involvement

In contrast to the traditional “referral panel” model, LAS integrates volunteers into our delivery of civil legal services. Volunteers serve “of counsel” to LAS, which remains the attorney of record. LAS screens matters, conducts CLE trainings, and mentors each case. Through internships, clinics, and helpline opportunities, LAS has increased its ability to use volunteers. Many firms also act as co-counsel on affirmative litigation matters. Two achievements are highlighted below:

Securing Affordable Housing and Community Resource in the Bronx - In February 2019, CDP staff working closely together with Kasowitz Benson Torres LLP secured an important settlement for The First Union Baptist Church of the Bronx, which risked losing its historic building since filing for bankruptcy in 2012. CDP worked closely with pro bono partners to challenge the mortgagee’s recording of the deed. We negotiated a highly favorable settlement that saw an affordable housing developer pay off the Church’s debt and receive title to the Church property in exchange for agreeing to build 45 units of affordable rental housing units and giving a deed back at the completion of the renovation of a 4,500-square-foot Church space. As a result of our advocacy, the Church will retain its current location while also providing 45 units of affordable rental housing in a rapidly gentrifying community.

Sources Of Funding

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