Overview of Achievements, 2018-2019

Four civil legal services organizations serve all or part of our area, each adopting a different and defined mission and delivery strategies. Working with our three partners in the region – Legal Aid Society of Mid New York (LASMNY), Hiscock Legal Aid Society (HLAS), and the Volunteer Lawyers Project of Onondaga County (ONVLP) -- we created a comprehensive and integrated civil legal service delivery system responding to the compelling needs of clients and client communities, ensuring the highest and most strategic use of available resources, and maximizing the opportunity for people to receive timely, effective, and appropriate legal services. LSCNY’s role in the system tracks our roots as an antipoverty law firm with the capacity -- and mandate -- to engage in legal strategies prohibited to or outside the mission and capabilities of our partners. Without the constraints of LSC restrictions and limited participation by volunteer lawyers, LSCNY is the only organization engaged in broad based advocacy.

*LSCNY’s primary target population:* Low-income families and individuals in thirteen county service area: Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, and Otsego counties. LSCNY has funding to represent individuals affected by HIV/AIDS and people affected by cancer. We have a new joint project funded by the Onondaga County Assigned Counsel Program (ACP) that assists people with re-entry issues and advises criminal defense lawyers on collateral consequence issues for their clients prior to resolution of charges.

In 2016, LSCNY initiated the Community Counsel Project with funding from the IOLA Bank Settlement program. The Project works with community groups to meet their legal needs and develop their capacity to serve low-income neighborhoods. With increased funds from IOLA, LSCNY has continued the project.

**Population Served:** General Low Income Population

**Area Served:** Central Region of New York State

**Total Funding:** $5,857,619

**Total IOLA Grant:** $950,000

**Staffing - Full Time Equivalents:**
- Total Staff: 56.00
- Lawyers: 40.00
- Paralegals: 5.00
- Others: 11.00
Direct Legal Services

12,339 people benefitted
4,903 legal cases closed

Breakdown of Cases by Legal Problem Area

<table>
<thead>
<tr>
<th>Legal Cases Closed</th>
<th>4,903 cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>People Benefitted</td>
<td>12,339 people</td>
</tr>
</tbody>
</table>

**Housing**

Mrs. B and her two children rented an apartment. The lease, signed by Mrs. B, specified that no other tenants or guests were allowed to live in the apartment. When Mrs. B’s husband was released on parole, he moved in with his family. The landlord sought to evict the family claiming it was a breach of the lease to allow her husband to move in. Our attorney defended, citing sections of the Real Property Law that leases are to be read to permit occupancy by the immediate family of the tenant. The petition was dismissed and the family lives together.

**Education**

Sally G. was suspended from school for five days for fighting after being bullied. We represented her at a Superintendent’s Hearing where the hearing officer found her guilty and suspended her for a lengthy, indeterminate time. The District required an appeal of the hearing officer’s recommendation to the Superintendent, followed by an appeal to the Board. The decision of the Superintendent, which should have been issued immediately, was delayed by several weeks. We appealed to the Board, claiming that the appeal to the Superintendent is not authorized by NY Education Law Section 3214 and deprives the student of due process by introducing an unnecessary and time consuming step. We argued that the suspension of “at least two marking periods” and the delay in issuing the decision violated the Education Law. Shortly after filing the appeal, the District agreed to an immediate return to school for the student. The District’s counsel later advised that the District staff would undergo training during the summer and the Board would amend its policy to conform to the law.
### Other Services...

<table>
<thead>
<tr>
<th>Services Other Than Direct Legal Representation</th>
<th>Number of People Benefitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>6,867 people</td>
</tr>
<tr>
<td>Community Legal Education</td>
<td>6,867 people</td>
</tr>
</tbody>
</table>

#### Other Legal Related Services: Overview

LSCNY has a long history of engaging in community legal education. Advocacy staff are encouraged to reach out to the communities we serve.

#### Other Legal Related Services: Examples

**Know Your Rights and Train the Trainer Collaboration at Syracuse’s Henninger High School.**

In April and October of 2018, LSCNY staff presented know your rights sessions to students in a Social Studies class at Syracuse’s Henninger High School. In the 2016-17 school year, 77% of the students at Henninger were economically disadvantaged, meaning they participate in, or their family participates in, economic assistance programs, such as free or reduced-price lunch. Forty-five percent of the students are Black or African American, 30% are white, 12% are Hispanic or Latino, 10% are Asian or Pacific Islander, and 3% are multiracial.

We decided to do these trainings after one of our staff attorneys who focuses on immigrant rights presented to the class and realized that the students demonstrated an unusually high level of interest in legal issues. Many students are first generation immigrants and play a leadership role in their families and communities because of their English language skills. In addition, their teacher encourages student participation in civic engagement efforts such as attending public meetings and expressing their opinions about issues.

In April 2018, we did presentations once a week for five weeks focusing on a different topic each week. Topics included immigrant rights, workers’ rights, housing, consumer rights, and students’ rights. In October, we included Family Law and we met with the students twice a week. In the first session of the week we presented on one of the topics and worked with a small group of students to do a presentation themselves on the same topic at the next class. The goal is to empower the students to have a basic understanding of the topics in order to help others understand their rights in a particular situation and where to get help if needed.

**Public Utility Law Project training and clinic**

In February 2019, LSCNY collaborated with the Public Utility Law Project and the Syracuse Tenant Network to offer a day-long training and legal clinic on public utilities law. About 40 attorneys were trained to help clients obtain and keep their public utilities. About 30 human services professionals also attended a parallel training. Later in the day, LSCNY hosted a clinic, staffed by PULP and LSCNY, providing clients the opportunity to drop in and receive counseling and advocacy on their public utilities issues. Representatives from National Grid, Verizon, Onondaga County DSS, and the Public Service Commission were available so clients were referred directly to the agency or utility at issue. About 20 households were assisted with public utilities problems in a single afternoon.
Impact Cases and Other Group Entity Representation: Narratives

**Urban Jobs Task Force.** Following a community lawyering model, we worked with the Urban Jobs Task Force, a coalition of organizations and residents of Onondaga County and the City of Syracuse concerned about the lack of access to employment opportunities faced by citizens in Syracuse as well as the poverty that results from it, to produce, *Building Equity in the Construction Trades: A Racial Equity Impact Statement*. We reviewed thousands of pay and hour records for six recent public construction projects. The report concluded that, given area demographics, minority hiring on these projects was woefully inadequate. The report and advocacy resulting from it will be directed at hiring for the $2 billion project to replace the I-81 viaduct. UFTF’s recommendations are found at [https://www.ujtf.org/reis](https://www.ujtf.org/reis).

**Christopher Caban v. City of Utica, DHR Case No. 10197786.** Mr. Caban was denied a position with the City of Utica’s Department of Public Works (“DPW”) because of his arrest history – a sealed juvenile delinquency record and youthful offender adjudication at the age of seventeen. A complaint was filed with the NYS Division of Human Rights.

Mr. Caban had no run-ins with the law since he was seventeen, had a great work record, and was selected for a second interview with the City of Utica. During the interview, the Mayor openly questioned Mr. Caban about his arrest history, in violation of Subsection 16 of Exec. Law § 296, as well as CPL § 720.35(2) and N.Y. Fam. Ct. Act § 381.3(1). Mr. Caban was not hired for the position.

At a DHR conference, the Mayor advised that the City’s previous policy of running a complete criminal background check on candidates for civilian positions was discontinued as a result of Mr. Caban’s complaint and the filing of a Notice of Claim. The City of Utica has adopted a new hiring policy and will no longer engage in this discriminatory hiring practice. This action will impact everyone applying for a civilian job with the City of Utica.

**Matter of Rovinsky v. Zucker, 167 A.D. 3d 122 (Third Dept. 2018).** Mrs. Rovinsky, a Medicaid recipient, was treated for oral cancer. The treatments caused bone loss to her jaw. Her periodontist requested approval to perform osseous surgery to reshape the jaw, to relieve pain, and allow her to eat and speak. DOH denied approval relying on a Medicaid manual containing a blanket coverage exclusion for periodontal surgery. The Court found that the DOH manual’s blanket exclusion of periodontal surgery without considering medical need conflicted with Medicaid regulations. The Appellate Division sent the matter back to DOH, but only on the record before it, thereby ensuring Mrs. Rovinsky would prevail. Unfortunately, the passage of time has negatively affected Mrs. Rovinsky’s condition and her doctors are evaluating if the surgery can now be effective.
Trainings

LSCNY trains its staff in three ways – in-house events, bar-sponsored events, and webinars broadcast in our conference rooms. Almost all advocacy staff attended the 2018 NYSBA Partnership Conference. All of our attorney staff are members of the Onondaga County Bar Association and attend any MCLE session appropriate to their practice at no cost. Each year we send three or four staff attorneys to the four-day trial training at Cornell Law School sponsored by the Young Lawyer Section of the NYSBA. We send two more experienced attorneys to the Shriver Center’s multi-day Advanced Litigation program each year. All of LSCNY’s lawyers are registered for and regularly attend no-cost programing by the Practicing Law Institute (www.pli.org). Our staff also attended two-hour webinars sponsored by the litigation directors from upstate programs: appeals, legal ethics, evidence, Article 78’s, motion practice, and legal research. All new lawyers attend our in-house orientation program that includes the following introductory sessions: landlord-tenant, consumer, client interviewing, racial justice, family law, public benefits, Fair Hearings, employment, UIB, access to health care, and disability law. The monthly Lunch-and-Learn is the core of LSCNY’s in-house educational programs: re-entry work, public utilities, public charge rule, introduction of digital evidence, using statistics, DSS practice, public housing and domestic violence, and Surrogate Court practice.

Technology

In 2018 LSCNY contracted with Just-Tech for an assessment of technology with an eye towards improving our existing infrastructure and formulating plans to move forward. The assessment included an analysis of our network structure, computer equipment, end-user policies, and day-to-day practices. Additionally, staff was invited to take part in a survey to find other opportunities for improvement.

As a result of the assessment, based on the recommendations from Just-Tech, several projects have been reprioritized; new approaches to training end users have been implemented; new policies are being drafted; and different methods of improving our network infrastructure are being investigated.

One of the projects that was reprioritized was the move from Kemp’s Case Works to LegalServer. Contracts were signed in December, with an expected go live date in early August 2019.
Significant Collaborations

Summit for Housing Stability: LSCNY initiated a collaboration with the City of Syracuse, Syracuse University College of Law, Maxwell School, and Falk School, Friends of the Central Library, the Allyn Family Foundation, and CNY Fair Housing to build awareness about the need for housing stability, foster dialogue on housing instability and structural poverty, facilitate a substantive policy discussion, and create positive change towards improving housing stability and tenants’ rights. The long-term project started with a region-wide book club challenge, reading Matthew Desmond’s Pulitzer Prize winning, *Evicted: Poverty and Profit in the American City*. In October 2018, Mr. Desmond gave a public lecture in Syracuse attended by more than 800 people. He followed by leading a policy discussion for key decision-makers at the Syracuse University College of Law. We continue working with our partners.

Onondaga County Assigned Counsel Program. LSCNY assists county residents with re-entry issues and advises assigned counsel on collateral consequences of conviction prior to pleas and sentencing.

U.S. Department of Justice. For more than 10 years, LSCNY has represented clients in housing cases – evictions, conditions, and landlord threats – involving an Oswego landlord, Doug Waterbury. The USDOJ brought a civil action against Waterbury alleging sexual harassment. There have been numerous meetings with DOJ attorneys and LSCNY clients, current and former. Through DOJ outreach efforts, other people have been referred to LSCNY for help with landlord/tenant matters.

Lead-Free MV. This is a continuing coalition of government and non-profits sponsored by the Oneida-Herkimer Foundation working on lead issues.

Public Utility Law Project. PULP conducted a training for 40 lawyers and 30 community workers on low-income utility matters, followed by a clinic open to people with utility problems. Twenty households were served.

Workers Center of Central New York. The Workers Center, long a client of LSCNY, was a named plaintiff in litigation seeking the right to organize in the state. LSCNY joined an *amicus* brief in the Appellate Division, Third Department, in *Hernandez v. State of New York*.

Coalition on Code Enforcement Syracuse. LSCNY was a participant in a coalition that designed a new Bureau of Administrative Adjudication to make the code enforcement process simpler and quicker.

Syracuse Rental Registry Working Group. LSCNY, city officials, ONVLP, and Hiscock Legal Aid Society collaborated to improve Syracuse’s rental registry ordinance.

Consumer Debt Clinic. LSCNY is working with ONVLP to establish a consumer clinic focusing on debt collection defense modeled after the CLARO project in Buffalo.

LSCNY continues its collaborations previously reported: Jubilee Homes of Syracuse, National Action Network, Community Advocates Restoring Educational Standards in Binghamton, Housing and Homeless Coalitions in Syracuse and Binghamton, the CNY Immigration Coalition, and the American Civic Association.
Volunteer Involvement

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<tr>
<th>Source</th>
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<th>Hours</th>
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<td>Attorneys</td>
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<tr>
<td>Law Students</td>
<td>9</td>
<td>2,406</td>
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<tr>
<td>Other</td>
<td>2</td>
<td>544</td>
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Volunteer Statistics

Sources Of Funding

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<tr>
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<tr>
<td>Iola Grant</td>
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