

# Nassau/Suffolk Law Services Committee

## Overview of Achievements, 2017-2018

Nearly 6,200 cases for more than 13,800 individuals were handled to completion for the period from April 1, 2017 through March 31, 2018. Most of our cases involved threats to the basic necessities of human life. Our staff was able to prevent homelessness, obtain medical care for people with HIV/AIDS, cancer, and other illnesses, address discrimination against and obtain services for disabled persons, help senior citizens and disabled individuals retain home health care and avoid nursing home placement, and halt domestic violence. While assisting individual clients is the foundation of our work, these cases also benefited the entire community because, as a result of our efforts, we save the counties and state money through our SSI, public benefits, family law and housing work. Nearly 2.75 million dollars in federal Social Security benefits, public assistance and Medicaid were obtained by our staff on behalf of low-income and disabled individuals on Long Island. Nearly 4 million dollars were saved by New York State taxpayers through the avoidance of emergency shelter costs and by moving clients off welfare onto federal social security.

Through our trainings, partnerships and contacts with hundreds of Long Island social, religious and governmental organizations, we have assisted thousands of Long Islanders obtain knowledge to help their clients. For example, we assist elected officials to obtain essential services for their constituents; we work with health care workers to obtain medical care for clients. We join with mental and physical disability advocates to ensure that their clients' issues are resolved thus helping them obtain employment and lead productive lives.

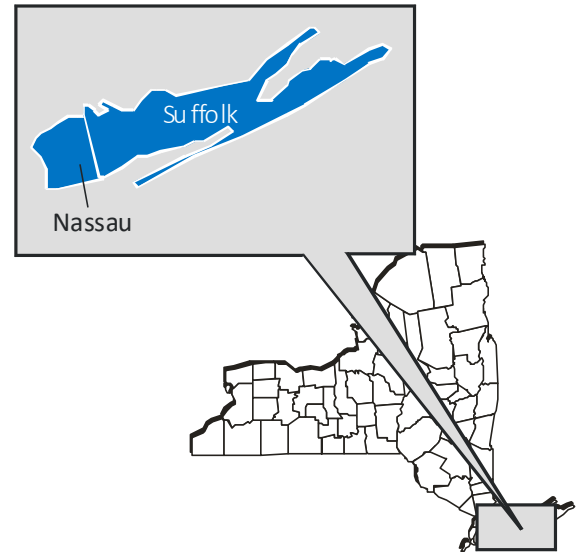
We also continued to improve our technology capabilities. We continue to add content to our Intranet to facilitate communications and enhance resources for staff. We completed implementation of program-wide video conferencing and completely redesigned our website. We expanded our Veterans Rights Project by adding a second attorney with new State funding and represented more than 200 needy veterans during the grant period.

The Re-entry Legal Rights Project was launched during this grant year to provide civil legal services to ex-offenders reentering into their communities.

Our extensive pro bono efforts in conjunction with the Nassau and Suffolk County Bar Associations and the local court administrations produced nearly 1,000 cases providing access to the legal system to more than 3,000 adults and children.

We continued our private fundraising efforts which included our Annual Fall Reception hosted by our Advisory Council. We also continued to receive thousands of dollars from private sector sources, including private foundation grants, the New York State Bar Foundation, the United Way, the We Care Fund of the Nassau County Bar Association, and general donations.

Lastly, IOLA funding helps support casehandling and key administrative positions throughout the agency which were instrumental in achieving the results summarized above and which are essential to the effective delivery of quality legal services.



## This Provider At a Glance

**Population Served:** General Low Income Population

**Area Served:** Nassau and Suffolk Counties

**Total Funding:** \$9,732,146

**Total IOLA Grant:** \$1,082,500

**Staffing - Full Time Equivalents**

**Total Staff:** 87.06

*Lawyers:* 59.26

*Paralegals:* 11.82

*Other Staff:* 15.98

**Types of Services Provided**

- Technology and Other Innovations
- Community Legal Education
- Pro Se Assistance
- Collaborations With Other Service Providers
- Major Cases or Other Advocacy Projects

## Outcomes...

### 13,838 Individuals Benefited from 6,150 Closed Direct Civil Legal Cases

#### Dollar Benefits Achieved

##### for Clients\* - Total

	<b>\$15,229,520</b>	<i>*Total includes back awards and total monthly benefits, estimated over 6 months (unemployment compensation), 12 months (equitable distribution of assets, affirmative judgments, insurance settlements, pensions benefits, housing allowances, foreclosure judgements and other benefits), 36 months (other federal benefits), 108 months (child support), 120 months (Social Security, SSI and spousal support).</i>
• Social Security, SSI Benefits:	\$11,014,690	
• Other Federal Benefits:	\$3,868,838	
• Unemployment Compensation:	\$7,632	
• Affirmative Judgments:	\$24,210	
• Other:	\$314,150	

#### Examples...

##### Outcomes for Clients

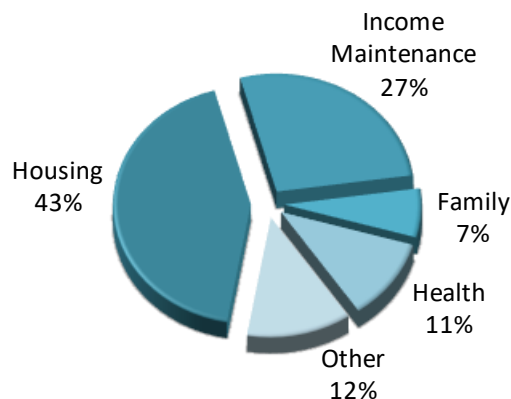
An attorney in our ICAN Unit (Managed Care and Managed Long Term Care) recently represented an eight year old girl who was receiving private duty nursing services in the amount of sixteen hours per day, seven days per week. This young client, who is nonverbal, underwent a tracheostomy in 2015, and is diagnosed with chronic lung disease, seizure disorder, static encephalopathy, and pulmonary hypertension. She has many functional limitations and needs assistance with walking and climbing stairs. One of her legs is shorter than the other and she cannot run. She is only able to eat pureed foods and must be closely observed for aspiration. She is also incontinent of bladder and bowel, wears a hearing aid, and both her eyes are lazy. In January, 2018, the client's parent requested an approval for continued private duty nursing services from the Managed Care Plan, at the same amount and frequency. The medical documentation supporting that request detailed a dozen different reasons that the nursing services were necessary, including the need to monitor vital signs and signs of respiratory distress, and the need to provide oral feeding with aspiration precautions. This medical documentation also stated that any reduction or termination of nursing services could compromise the client's health, safety and life.

The Plan's Notice of Intent advised the parent that it planned to reduce the private duty nursing services to twelve hours per day, seven days per week, due to an alleged lack of medical necessity. The Plan justified the reduction as follows: "your child can walk with assistance and climb stairs, she is able to eat by mouth, is able to breathe on her own and has family assistance". The parent filed for a Fair Hearing, and during the hearing, our attorney noted that none of the stated circumstances set forth in the Notice of Intent constituted a change in the client's medical status so as to justify the reduction.

The Department of Health noted that the Plan neglected to address any of the findings set forth in the medical reports, did not submit any medical evidence of its own, and had failed to meet its burden of demonstrating that the proposed reduction was proper. The Plan was directed to continue to provide our client with private duty nursing in the amount of sixteen hours per day, seven days per week. The continuation of the same level of private duty nursing ensures that our client will live safely in her home environment.

## Breakdown of Cases by Legal Problem Area

	<i>People</i>	<i>Cases</i>
<b>Total</b>	<b>13,838</b>	<b>6,150</b>
Housing	6,965	2,640
Income Maintenance	3,384	1,665
Family	1,054	411
Health	891	680
Other	1,544	754



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## Other Services

### Technology and Other Innovations

NSLS now has the ability to do office wide meetings without anyone having to leave their respective offices, by utilizing Video Conferencing. We have all three offices set up to participate in meetings, trainings, etc. Additionally, our Volunteer Lawyers Project in Nassau County has recently been set up with remote access to our client data base from the courthouse. They have full access to our client data base and are able to perform conflict checks immediately to determine if we can assist a client or not. In the future we are hoping to bring remote access to courthouses in Suffolk County. We continue to work with the Office of Court Administration Access to Justice Task Force. A member of our staff is on the New York State OCA Access to Justice Task Force and participates in the monthly webinars and phone conferences. It provides us with an opportunity to learn and share technology with other legal service providers.

NSLS is part of the Outreach Task Force of the Suffolk County Leadership Group which has convened a meeting of Legal Aid, Technology, and Community leaders to assist in the creation and development of a Community Data Platform in furtherance of the Permanent Commission's Justice for all Strategic Action Plan. We are also collaborating with LawHelpNY as part of a Technology grant awarded to us by the Legal Services Corporation. The initiative will be working on a legal services needs assessment in Nassau and Suffolk Counties in order to build relevant legal content on the LawHelpNY website as well as NSLS' website. It will also enhance data analysis of the sites' usage to give us insight in providing the community with the most useful online information and resources.

Our intranet continues to provide up to date and useful information to all staff. We added a paralegal to the Legal Support Center for Advocates to maintain and update our website, social media and Intranet and to assist in disseminating important legal information to the community through our newsletters and e-blasts. During the past year our website was completely redesigned in house with improved features and new content. Social media: Through our website, Facebook, Twitter and LinkedIn pages we keep the community apprised of our current services and announce new initiatives and projects. We also use an email service (Constant Contact) to educate and provide legal updates to our mailing list participants totaling 3200 (sign up is available on our website), pro bono attorneys, and community partners.

We have updated our Symantec Endpoint Protection and Malwarebytes Endpoint Security on our network to prevent cyberattacks. All our case handlers are provided with Westlaw passwords and access to legal research. We have also added the Westlaw Drafting Assistant to our policy and it will be installed on all workstations for staff with Westlaw accounts. Our move to Office 365 has worked out great for all staff. E-mails are available to all staff from any location with access to the internet.

### Legal Services Other Than Direct Legal Representation

The Legal Support Center for Advocates (LSCA) provides support services and technical assistance to community agencies and advocates on Long Island. The Center provides the information, consultation, and referral services necessary for lay persons and clients to advocate effectively in welfare and other poverty-related matters. LSCA's services have included extensive outreach, community advocate and client training events, the dissemination of educational materials, participation in corporate-sponsored, court-sponsored and legislature-sponsored informational events, and a phone consultation service to community advocates. In addition, the publication and distribution of our agency newsletter, Law Services News, continues to be popular, with new subscribers being added every week. Our E-News service, Legal Lessons, supplements the regular distribution of the newsletter. Our current combined mailing list for these publications includes over 7200 agencies and individuals in Nassau and Suffolk.

The Center operates a "Helpline" serving a wide range of advocates including social workers, case guidance counselors, pro bono attorneys, parish outreach workers, youth counselors, legislative staff, doctors, nurses and case managers throughout our community. Advocates from The Association of Mental Health and Wellness, Suffolk County medical clinics, Legal Aid, 2-1-1, churches, hospitals and even local government offices (County Legislative staff, Suffolk County Veterans, Department of Social Services) make use of the Center's services. We received 838 calls from advocates in 2017-18, involving individuals and families with problems ranging from welfare, housing, access to medical care, consumer debt, Social Security, etc.

Community education remains an important focus for the program. The Legal Support Center, along with other Units in the program, conducted a total of 17 trainings reaching over 600 advocate and client participants. Training collaborations with other agencies such as the Suffolk County Bar, PSEG, and Touro Law School, add a greater dimension to the presentations. (See attached report)

Pro Se Assistance Our Pro Bono Self Help Child Support Project provides pro se assistance to all financially eligible child support litigants.

### Number of People Benefited by Legal Services Other Than Direct Legal Representation...

<b>Total:</b>	<b>825,393 People</b>
Community Legal Education	64,686 People
Pro Se Assistance	4,275 People
Online Assistance	756,432 People

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## Other Services, *continued*

### Collaborations With Other Service Providers

Some of our most important collaborations are with the two local bar associations.

Bankruptcy matters are addressed by our Bankruptcy Clinics in both Nassau and Suffolk Counties, run with the cooperation of the respective bar associations. These clinics operate by first providing an overview of bankruptcy to the participants, after which the pro bono attorneys provide individual consultations. From those consultations, cases are selected for representation in a Chapter 7 Bankruptcy proceeding. During the past grant year, 107 low-income clients received help from these projects, and 71 of them obtained bankruptcy relief.

Our Volunteer Lawyers Project, with the active participation of the Nassau County Bar Association's Senior Attorney Committee, operates a highly successful Landlord/Tenant Attorney of the Day Project in Nassau County. This Project provides volunteer attorneys to unrepresented low income tenants facing eviction in the Nassau County District Court four days a week. In the past year, this project helped to prevent 254 evictions and delayed 461 evictions.

As part of the NYS court system's efforts to improve access to justice, its Permanent Commission on Access to Justice led a strategic planning process in 2017, designed to help low and moderate-income New Yorkers access effective assistance when faced with legal challenges involving the essentials of life (housing, family matters, access to healthcare, education and subsistence income). In the initial stage of this process, the Commission, chaired by former LSC President Helaine Barnett, convened meetings of stakeholders and legal services providers in various communities throughout the state, to hear their views on legal needs and barriers to accessing legal services. The NSLS Executive Director (ED) and staff members participated in one of these meetings. The Commission found during the community listening sessions that issues related to a case type developed differently across the state. For that reason, the Commission chose to conduct a local pilot, in which a strategic action plan would be developed with the goal of

providing effective assistance to 100 percent of low-income New Yorkers confronting matters involving the essentials of life within a specific geographic area that could inform similar efforts in communities statewide. A variety of favorable attributes – supportive Judiciary, engaged providers, active bar association, involved law school, diversity of needs and population – led the Commission to select Suffolk County as a pilot designed to close the access-to-justice gap locally. A group of stakeholders, the Leadership Committee, were identified to work closely with the Commission on the pilot. The NSLS ED was appointed to that Leadership Committee, and was appointed by the Leadership Committee as co-chair of the Legal Representation Local Task Force. Other NSLS staff members served on each of the additional Task Forces: Initial Points of Entry, Technology, Messaging and Accessibility.

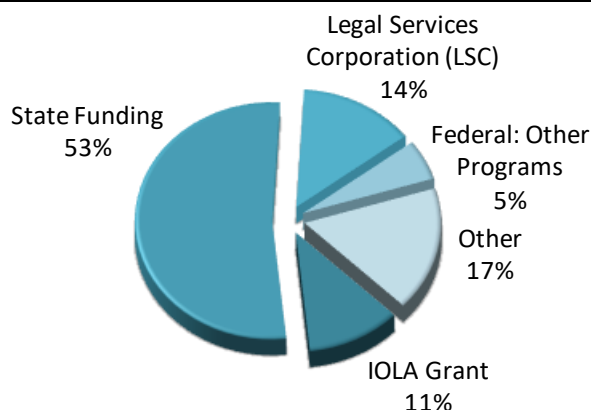
In guiding the work of the Local Task Force on Legal Representation, our ED made certain that the task force tapped into the knowledge base of all the local legal services providers, not just those individuals who had been assigned to the Task Force. He convened meeting of providers to discuss what they saw as the largest gaps in meeting the civil legal needs of the low income population. Several common themes arose out of this wide-ranging discussion, which informed the reports of the Task Force to the larger group, and ultimately were resonated in the resultant Strategic Action Plan.

After months of gathering information from local providers, human service agencies, government agencies, the courts and other stakeholders on currently available legal assistance and legal gaps in Suffolk, and on existing systems that facilitate or create barriers to accessing the available legal services, the groups began to formulate ideas for change that could move us toward the goal of full access to justice in civil legal matters for the county's low-income population. In December, the Suffolk Local Strategic Action Plan was finalized, together with the Statewide Strategic Action Plan, and both have entered the implementation stage. NSLS continues to hold a leadership role on the Suffolk Leadership Committee, and our ED

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## Sources of Funding

<b>Total</b>	<b>\$9,732,146</b>
IOLA Grant	\$1,082,500
State Funding	\$5,116,675
Legal Services Corporation (LSC)	\$1,342,623
Federal: Other Programs	\$538,555
Other	\$1,651,793





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## **Other Services, *continued***

remains the Chair of the Legal Representation Task Force. A number of exciting new opportunities to enhance services to our client population are already underway as a result of his strategic planning process, including projects designed to overcome barriers to service and projects designed to meet specific previously unmet legal needs. NSLS has an important role to play in all of these projects.

Two NSLS staff attorneys, funded in part by a NYS Department of Health grant funneled through the Community Service Society of New York (CSSNY), provide legal assistance as part of the Independent Consumer Advocacy Network (ICAN.) This group assures that individuals residing in the community but requiring managed home health care to assist with daily living, are able to get the assistance they need. ICAN staff - including our two attorneys - advocate on behalf of these most vulnerable of clients, with Managed Health Care Plans and with Medicaid, and represent them at administrative hearings when necessary. As part of ICAN, our attorneys participate in weekly conference calls with other ICAN staff throughout the state, coordinated by CSSNY, to discuss emerging trends and common problems and to develop strategies designed to address these issues statewide. The concerted efforts of the ICAN mean that our attorneys are having a positive impact not only on their individual clients, but on important health care issues statewide.

For more than 20 years, we have collaborated with domestic violence agencies in Suffolk County (Victims Information Bureau of Suffolk, Long Island Against Domestic Violence, Brighter Tomorrows and The Retreat) to provide legal assistance to women who are victims of domestic violence. The domestic violence agencies provide shelter, counseling and court advocates to accompany the women to court, and refer them to our Domestic Violence Project for legal representation in Family Court, to obtain Orders of Protection - including orders to exclude the abuser from the home - and matters pertaining to the custody and support of their minor children.

Although not a direct legal services project, we have invested significant effort in the development and growth of the New York State Association of Legal Services Organizations (also known as The New York Legal Services Coalition). This statewide association was incorporated in 2014 and includes many IOLA grantees, and was formed for the purposes of promoting the funding of civil legal services in New York, and for providing mutual support to member agencies. Our ED was one of the founders of the Association and serves as its Treasurer.

### **Major Cases or Other Advocacy Projects**

Mark McDonnell v. Cheryl Mitchell - Appellate Division, Second Department

An attorney in the Mental Health Law Project represented a client in a summary nonpayment eviction proceeding. The client has lost her Section 8 housing choice voucher, and her landlord sued her for nonpayment of rent, which included not only her portion of the rent, but also the amount that the Housing Authority had been paying the landlord as well. At trial the attorney argued that absent a showing of a new agreement to pay the total amount of the rent, a Section 8 tenant, even one who has lost their voucher, is not responsible for the Housing Authority's portion of that rent in a summary nonpayment proceeding. The judge disregarded her arguments, awarded a money judgment which included the Housing Authority's portion of the rent, and awarded a judgment of possession and the issuance of the warrant of eviction.

The Housing unit filed an appeal on the basis that the court had erred in awarding the landlord that portion of the rent that was the responsibility of the Housing Authority, in contravention of both the federal regulations regarding this issue, and extensive case law. The Appellate Term reversed that part of the decision that awarded the landlord the Housing Authority's portion of the rent, cutting the money judgment down to about a third of what the lower court had awarded. The Appellate Term additionally cautioned the court that it must follow appellate precedent.

Estimated Impact: We have had ongoing problems with this particular judge in having him actually follow the law. Due to the sharp rebuke by the Appellate Term we hope to be able to point that out to him in the future, and that he must follow appellate precedent thereby ensuring that hundreds of low-income tenants will be treated in accordance with the law.

### ***Pro Bono* Volunteer Involvement**

Because there are no legal services programs on Long Island that provide free representation for matrimonial cases, except for the SAFE Center, both our offices have special family law panels made up of pro bono matrimonial attorneys, 128 who were actively involved in cases. About 95 matrimonial cases were closed during the contract period. All the cases involved full representation by a pro bono attorney in a divorce. In cooperation with Touro Law School, the Suffolk Pro Bono Project has referred over 100 cases to the law school's Pro Se Divorce Project. This cooperative effort has been very successful in meeting the need for divorce representation in these less complicated cases.

Our Self-Help Child Support Project provides advice and brief service for unrepresented litigants in Suffolk. Pro bono attorneys provided pro se guidance and education to 172 child support litigants who required assistance in filing their petitions and information regarding the proceedings.

For many years, our Bankruptcy Clinics have been held

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## Other Services, *continued*

in both Nassau and Suffolk Counties. Participants are provided a personal consultation with a bankruptcy attorney for possible referral to a pro bono attorney for full representation in a Chapter 7 bankruptcy. The clinics are held bimonthly and typically have about 15 clients in attendance in each county.

In addition to matching clients with volunteer attorneys for on-going representation, we have continued our Landlord/Tenant Attorney of the Day Project which is made possible by the efforts of volunteer attorneys. The Attorney of the Day Project in Nassau County places our volunteer attorneys in the District Court four days a week where they are assigned to a respondent in a landlord/tenant case for representation on the particular day.

We also utilize pro bono attorneys to screen prospective clients by phone and to interview clients in order to evaluate potential pro bono divorce cases. Another panel of pro bono attorneys has agreed to provide mentorship to less experienced volunteer attorneys.

The Nassau and Suffolk Bar Associations have sponsored Foreclosure Clinics, Community Legal Fairs, Veterans' Clinics, Senior Clinics, and Sandy Disaster Clinics. Nassau Suffolk Law Services co-sponsors or participates in these free community clinics which utilize volunteer attorneys. In October 2017, in celebration of Pro Bono Week and in collaboration with the Nassau County Bar Association, a Pro Bono Open House was hosted at the Nassau Bar Association. This effort

involved more than 40 pro bono attorneys and more participants than ever before.

NSLS participated again this year in the Pro Bono Scholar Program and agreed to host five Pro Bono Scholars from March through May where they worked in our ICAN Project, Mental Health Law Project, and Domestic Violence Units. Other volunteers, including law students, paralegal students, social work students and community volunteers, assisted staff attorneys with cases and performed administrative duties, or provided landlord/tenant advice by phone.

### **Pro Bono Statistics**

During 2017-2018, the following volunteers provided services in our program:

• <b>Attorneys:</b>	281 Volunteers	6,151 Hours
• <b>Law Students:</b>	23 Volunteers	2,994 Hours
• <b>Other Volunteers:</b>	10 Volunteers	1,095 Hours

Significant achievements:

In response to NSLS' perceived gaps in services, the Suffolk Pro Bono Project has recently launched an SSI/SSD Application Project, a 17-A Guardianship Project and a new Citizenship Project. These recent initiatives seek to meet the needs of the indigent and disability community while creating new volunteer opportunities for attorneys that involve unbundled services.