



LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.®

# 2016 Annual Report

## MISSION STATEMENT

*Legal Assistance of Western New York, Inc.®  
is a not-for-profit corporation established  
to provide access to the justice system  
to low-income people and other vulnerable  
populations who have civil legal problems.*



## A Message from...

### Andrew Conroy, Board President and C. Kenneth Perri, Executive Director

It is our privilege to introduce you to the 2016 annual report of Legal Assistance of Western New York, Inc.® In the pages that follow, you will see details regarding the services that our dedicated staff provide to our low-income neighbors throughout our 14 county, 10,000 square mile service area.

In 2016, our staff working in teams throughout our seven offices – including managers, administrators, supervising attorneys, staff attorneys, paralegals, support staff and AmeriCorps members – collectively closed 9,577 cases benefitting 19,909 people. We provided a full range of legal services to members of our low-income communities in practice areas that deeply impact the lives of our clients, including government benefits, housing, family law, health law, consumer, employment and school law.

Improvements specific to our service delivery systems included implementation of a long planned management restructuring resulting in the creation of new positions for a deputy director of operations and a deputy director of litigation and advocacy. Keith McCafferty, who has been with LawNY® since 1986, and who served as the managing attorney of the LawNY® Geneva office beginning in 2002, assumed the responsibilities of the deputy director of operations. Laurie Lambrix, who has been with LawNY® since 1990, and who began supervising our Fair Housing Enforcement Project in 1998, assumed the responsibilities of the deputy director of litigation and advocacy.

In the pages to follow, you will see a summary of LawNY®'s major achievements, including benefits provided to our clients. In addition to providing direct civil legal assistance to individuals and families, in 2016, we were awarded a grant by the Interest on Lawyer Account Fund to launch a Community Development and Economic Justice Project dedicated to providing legal assistance to eligible community groups and eligible non-profits. We continued our hotlines and other telephone-based legal services. We provided community legal education to client groups. We enhanced our outreach efforts. We continued significant collaborations with longstanding community partners and established new ones. We also continued to serve as a leader in the legal services community in the use of technology to enhance the delivery of services to our clients.

In 2016, we also created a full time regional pro bono coordinator position, staffed by Michaela Rossettie Azemi in our Bath office, to lead the organization, recruitment, training, placement, recognition and reporting of LawNY® volunteers across our service area. We anticipate enhanced services to our client communities in the years ahead from volunteer pro bono attorneys, volunteer law students and other volunteers, such as undergraduate students.

We owe a deep debt of gratitude to our AmeriCorps paralegals staffing our Access to Justice project and our VISTA volunteers, as well as the attorneys and law graduates who hold AmeriCorps and VISTA positions through projects initiated by Equal Justice Works, a non-profit in Washington, D.C. Our Equal Justice Works fellows serve low-income veterans, clients facing employment law problems, seniors who have been subjected to physical or financial abuse and tenants in certain federally subsidized apartments. And, of course, we offer our heartfelt gratitude for the generosity of our many funders, without whom we could not do our work.

We ended 2016 with the beginning of a period of uncertainty regarding the future of many of our funding streams and many of the programs that provide a safety net for many low-income people. Nonetheless, our dedicated and compassionate staff moved forward into 2017 committed to the future, with plans developed by year-end to undertake a new strategic planning process, to undertake a comprehensive needs assessment to best inform the manner in which we allocate resources to serve our client communities and to conduct a business process analysis of our intake system so that we can make improvements to the manner in which our clients access the legal services that they may need.

Please read about the work of the LawNY® staff in the pages that follow.

Thank you again. It is an honor for us to serve as LawNY®'s president and executive director.



# Program Highlights

## Chief Judge Janet DiFiore Visits Rochester

On Thursday, October 13, 2016, Chief Judge Janet DiFiore visited the Telesca Center for Justice, meeting with representatives from LawNY®, the Monroe County Bar Association, Volunteer Legal Services Project, Legal Aid Society and the Empire Justice Center. The Chief Judge toured the building, and Telesca Partners discussed the history of the Center, pro bono initiatives, shared reception, collaborative efforts and improved services to our client population. That same day, the Greater Rochester Association for Women Attorneys hosted Chief Judge DiFiore at a lunch and networking event in conjunction with both the Western New York and Central New York chapters of the Women's Bar Association of the State of New York (WBASNY). Chief Judge DiFiore was quoted in The Daily Record as noting at the luncheon, in regards to the Telesca Center: "What a sophisticated approach to legal services. I will be talking about the Telesca Center as a model, and advocate that we replicate as much as we can."



*Chief Judge Janet DiFiore with Rochester Staff*

## New IOLA Funding

LawNY® was awarded a two year grant by the Interest on Lawyer Account Fund ( IOLA) to expand LawNY®'s foreclosure prevention services and to launch a community economic development project. As part of LawNY®'s expanded foreclosure prevention services under the IOLA grant, LawNY® will be developing a regional Chapter 13 foreclosure prevention bankruptcy practice. We will also be expanding access to the courts for homeowners in foreclosure with a suite of pro se services, including online materials and legal information workshops. As part of the commitment to community economic development, on December 1, 2016, LawNY® launched the Community Development and Economic Justice Project. The project provides representation to community organizations, including transactional work and impact litigation, to address underlying economic issues identified by the community. The project will also include the development of an online platform for community based organizations to access pro se resources and share best practices.

## Technology

The Legal Services Corporation (LSC) has awarded two new Technology Initiative Grants (TIG) to LawNY®. One grant is to develop and pilot an online technology training platform geared toward the needs of legal services staff members. The second grant is to integrate cloud based tools used by LawNY® advocates with LawNY®'s case management system to help maximize the effectiveness of LawNY®'s advocates.

LawNY® also launched tools from other LSC funded TIG projects. LawNY® worked with Urban Insight to launch new versions of WriteClearly and ReadClearly plain language tools, allowing website content to be evaluated for plain language. LawNY® also launched a text messaging tool within our case management system, allowing advocates to have two- way communication with their clients without leaving the case management system interface.



LawNY® launched a new website at [www.lawny.org](http://www.lawny.org) in November 2016. The new website uses Open Advocate, a platform designed in collaboration with and specifically for legal services providers. Our intent is to make it easier for users to navigate and access materials and information.

We also launched a monthly blog, Justice Notes. Keep up to date with Justice Notes on our website and social media pages.

# Pro Bono Work

During 2015 and 2016, LawNY® was fortunate to have substantial pro bono assistance from a partner and associate from the law firm of Winston & Strawn, an international law firm based in New York City, which served as co-counsel in a federal court case. LawNY® brought the case on behalf of a client who lost her home and most of her belongings when she was evicted from her home in a rooming house, without due process of law, because of the actions of a local code enforcement officer. The pro bono attorneys provided well over 150 hours of pro bono service on the case, contributing significant litigation experience and expertise that helped achieve a settlement resulting in, among other things, systemic changes that will benefit tenants throughout the state. For his role in the case, the partner, John Aerni, was presented with a pro bono award at a ceremony held at the New York City Civil Courts on October 27, 2016.



*John Aerni and NYSBA President-Elect Sharon Stern Gertsman*



*Michaela Azemi, Sharon Stern Gertsman, Lauren Henry, NYSBA President Claire Gutekunst, and Rochester Managing Attorney Lori O'Brien*

LawNY® created a full time Regional Pro Bono Coordinator position in September 2016 to lead the organization, recruitment, training, placement, recognition, and reporting of LawNY® volunteers across the six rural offices. The Pro Bono Coordinator, Michaela Rossettie Azemi, Esq., developed a Pro Bono Ethics CLE which she presented in six counties in New York, in collaboration with other LawNY® staff and in partnership with several other legal services agencies. The Coordinator was appointed to serve on the Attorney Emeritus Advisory Council and the NYSBA President's Committee on Access to Justice.

In October 2016, LawNY® sponsored a number of Pro Bono Recognition Ceremonies across several counties, in celebration of National Pro Bono Week. LawNY® honored a Young Lawyer and a local Attorney Emeritus at the Steuben County Recognition Ceremony.

In 2016, LawNY® hosted 15 law students through the 2016 Summer Internship Program from eight different law schools. Two law students, Casandra Foley, a 2L from Roger Williams University serving in the Bath office as a Veterans Legal Corps AmeriCorps JD intern and Lauren Henry, a 2L from Syracuse University, serving in the Rochester office as an Employment Opportunity Legal Corps AmeriCorps JD intern, received LawNY®'s Exceptional Law Student Award in August 2016. In addition, LawNY® nominated Ms. Henry for the New York State Bar Association President's Pro Bono Service Award for her 700+ hours of volunteerism for LawNY® and her work on developing a Medical Legal Partnership out of the Rochester office. Ms. Henry was the sole law student in New York State chosen to receive this honor.



*Pro Bono Coordinator, Michaela Azemi*

# Our Work

## **Affordable Housing Preservation Project**

works with tenants in certain HUD-financed properties to increase educational and economic opportunities for residents

## **Community Health Advocacy (CHA) Project**

helps answer questions and resolve post enrollment health insurance issues for individuals and families

## **Community Redevelopment Project**

provides assistance to eligible not-for-profit organizations and community groups

## **Consumer Law Project**

provides advice and legal help to people dealing with issues related to debt collection, credit reports, consumer scams, student loans, vehicle repossession, identity theft and bankruptcy

## **Disability Advocacy Project**

provides representation to clients who have been denied Social Security Disability (SSD) or Supplemental Security Income (SSI) benefits

## **Domestic Violence and Sexual Assault Survivors Project**

provides holistic legal assistance to survivors of domestic violence and sexual assault with civil legal needs related to the abuse

## **Education Advocacy Project**

helps at-risk children obtain the services they need from the school system

## **Fair Housing Enforcement Project**

investigates complaints of housing discrimination, and where discrimination is found, enforces the Fair Housing Act by litigating cases

## **Family Court Project**

provides representation to low-income individuals with cases in Family Court in Cattaraugus, Chautauqua and Wayne counties

## **Finger Lakes Legal Care**

provides holistic legal services to patient-clients through a health-related legal services project currently at Rochester Regional Health System

## **Foreclosure Prevention Project**

helps low-income homeowners facing foreclosure to keep their homes

## **Homelessness Intervention Project**

works to prevent evictions and, with community partners, provides rapid re-housing to our clients

## **Independent Consumer Advocacy Network (ICAN)**

assists individuals with enrolling in and navigating managed care plans that cover long term care services, including home care services

## **Kin-Help**

provides holistic legal assistance in family law, government benefits, housing and other legal matters for non-parent relative caregivers and their families

## **Navigator Project**

helps individuals and families in Monroe and Livingston Counties enroll in health insurance on the New York State of Health (NYSOH) Marketplace

## **Nutrition Outreach and Education Program**

conducts outreach and provides prescreening and application-level assistance to persons seeking to obtain or maintain SNAP benefits assistance in Monroe, Ontario, Seneca and Wayne Counties

## **Pro Se Divorce Clinics**

helps low-income people obtain an uncontested divorce, with assistance from volunteer attorneys and law students

## **Reentry Project**

serves individuals reentering society from incarceration and those with criminal records, prioritizing individuals seeking to obtain or maintain employment

## **Senior Legal Services Project**

provides legal advice, counsel and representation to individuals age 60 and over on a variety of civil legal issues

## **Veterans Legal Services Project**

provides direct legal services to veterans and military families, operates a veterans legal hotline, builds relationships with veterans services organizations, encourages private attorney involvement and coordinates high profile events and outreach opportunities

# Our Clients

Our client works for a construction company that does work in several states. Sometimes he would be out of work for several weeks or months due to lack of permits. When he was not working he would collect unemployment based on whichever state he was working in. Without his knowledge, when he went back to work, his wife kept certifying and collecting benefits from the New York Department of Labor (DOL).

All of the money his wife received was immediately transferred to her own separate account. Once he found out that fraud was being committed he reported it to the DOL and the police.

After three long hearings, the DOL ruled that our client did not make any false statements or willful misrepresentations. They found that he is not responsible for any of the thousands of dollars of overpayments or the interest penalties. He also learned that in another state, they were planning to prosecute his soon to be ex-wife for her actions.

In 2016, LawNY® closed 9,577 cases benefitting 19,909 people. The breakout of the cases was as follows:  
income maintenance (29%),  
housing (23%), family (16%), health (15%),  
consumer (5%), employment (5%) and other (7%).

LawNY® achieved at least \$289,552 in ongoing monthly benefits and at least \$1,940,052 in one-time payments for a total payout of at least \$5,414,676 over 12 months.

"Si son muy Bueno y hacen sentil segura. Gracias estoy agradeciba."

\*\*\*\*\*

"How could I ever thank you enough? You helped me when nobody else cared to give me the time of day....Not only did you help me, you were kind. Something no one has been to me in many years. Kindness is NEVER forgotten. And I will never forget."

\*\*\*\*\*

"Thank you for everything. I came to LawNY® feeling afraid, desperate, and alone. Everyone was compassionate, friendly, understanding, and helpful, giving me a glimmer of hope each time."

Our client was the victim of military sexual assault in the 1970's. Though he attempted to report the assaults, which were ongoing, his superiors and doctors did not find his story credible. After he was separated from the military, he began submitting claims for VA disability benefits for PTSD, depression and anxiety stemming from the assaults and subsequent loss of his military career. For more than 20 years, our client submitted at least six separate claims, all of which were denied. LawNY® was able to collect credible evidence and find supporting case law that enabled the VA to rate the client 100% disabled due to the service connected psychiatric disability. Before, our client was living on SSI alone with a long history of homelessness and addiction. As a result of LawNY®'s efforts, our client was awarded nearly \$35,000 in VA disability benefits with an ongoing tax-free monthly benefit of almost \$3,000 for life.



# Congratulations

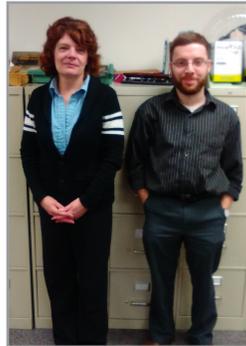
Congratulations to staff attorney David Kagle on receiving the Denison Ray Civil Award at the 2016 New York State Bar Association Partnership Conference!

The award recognizes an individual's extraordinary commitment to: the provision of creative, skilled and zealous representation of low-income clients; collaboration with pro bono volunteer attorneys from the private bar to expand access to justice opportunities for low-income clients; and efforts to inspire, mentor and support colleagues in the delivery of exceptional legal representation to low-income clients.

The New York State Bar Association's Executive Committee also unanimously approved the creation of an award in honor of Phil Dailey for non-attorney advocates in civil legal services or pro bono programs. The initial award was conferred this year at the Partnership Conference in Albany on September 15, 2016. Phil received the first award posthumously. His two daughters were present at the awards dinner and reception to receive the award.



## AmeriCorps



*Harrison Hartsough, Joshua Solomon, Rebecca Smith, Maureen North, Natalie Walters, Natalee Carroll, Brian Franz, John Kuebler, Julie Updyke, John Winters, Samantha Heba, Emily Mueller, Brad Barnes, Virginia Metcalf (Alumna), Barbara Kasian (Alumna), Krystal Escobedo (Alumna), Andy Henry, Jane Hwang, Matt Mayers, Sarah Cline, Nicole Stoddard, Nicole Gustafson, Oliver Mushtare, Danielle Bernard (AmeriCorps JD intern), Ben Haskin, Marika Koch, Amanda Brainard, Casey Schroder, Kristy Woodfield, Valeriya Nitko, Michelle Hertel, Gianina Spano and Lakeshia McCloud.*  
*Not pictured: Brendan Boehner, Eric Charette, Jessica Jowrey, Michael Stoianoff, Tschika McBean, D'Jean Vasciannie*

Thank you to all our AmeriCorps Access to Justice members, Equal Justice Works AmeriCorps fellows and AmeriCorps VISTA members for your commitment to serving our communities.

# Legal Assistance of Western New York, Inc.®

## 2016 Financial Statements

### Revenue

|                               |              |
|-------------------------------|--------------|
| LSC                           | \$ 1,874,011 |
| Federal Grants                | \$ 1,810,811 |
| NYS Grants                    | \$ 4,818,542 |
| Interest on Lawyer's Accounts | \$ 750,000   |
| County Grants                 | \$ 827,191   |
| City Grants                   | \$ 35,657    |
| United Way                    | \$ 146,455   |
| Foundations                   | \$ 70,554    |
| Campaign for Justice          | \$ 52,450    |
| Local Collaboratives          | \$ 423,590   |
| Donations                     | \$ 23,906    |
| Interest Income               | \$ 670       |
| Other Income                  | \$ 46,758    |

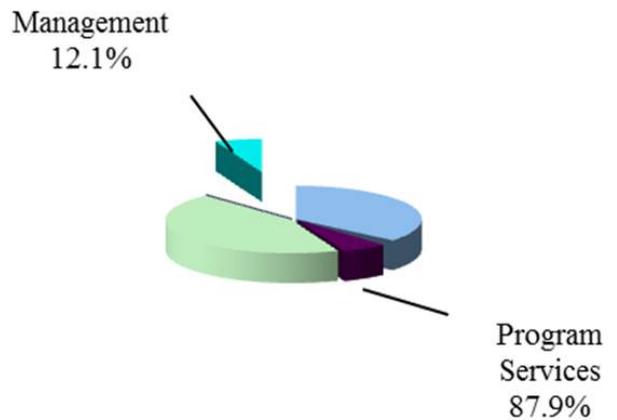
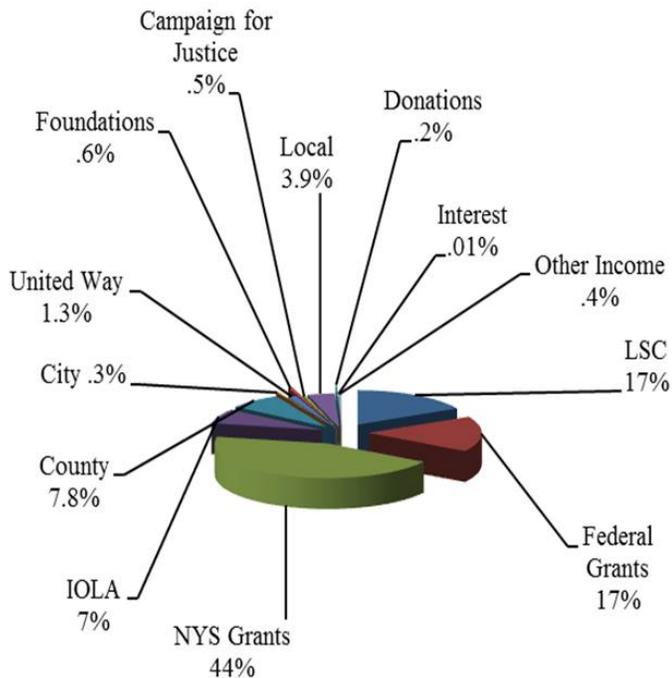
**Total Operating Revenue \$ 10,880,595**

### Expenses

|                               |                     |
|-------------------------------|---------------------|
| Program Services              |                     |
| Personnel                     | \$ 8,039,073        |
| Contract Services             | \$ 511,618          |
| Occupancy                     | \$ 486,632          |
| Office and Related Expenses   | \$ 776,106          |
| <b>Total Program Services</b> | <b>\$ 9,813,429</b> |

|                             |                     |
|-----------------------------|---------------------|
| Management                  |                     |
| Personnel                   | \$ 1,166,829        |
| Occupancy                   | \$ 82,528           |
| Office and Related Expenses | \$ 93,199           |
| <b>Total Management</b>     | <b>\$ 1,342,556</b> |

**Total Combined Expenses \$ 11,155,985**



# Thank You

Without the support and generosity of our funders who believe in our mission to provide access to the justice system, we would not be able to provide the wide variety of legal services we now offer to residents of our 14 county service area. Thanks to the numerous agencies, individuals and organizations, we have been able to develop a variety of innovative projects and partnerships that allow us to holistically serve our clients.

Campaign for Justice  
Community Service Society of New York  
Equal Justice Works  
Glover-Crask Charitable Foundation  
John F. Wegman Fund  
Hunger Solutions New York  
Legacy Foundation  
Lifespan  
Monroe County Bar Foundation  
New York Bar Foundation  
Ontario/Yates Fund for Women & Girls  
Pro Bono Net  
Rochester Regional Health

Rutgers Presbyterian Church Foundation  
Private Donors  
Urban League of Rochester  
United Ways of:  
Cattaraugus County  
Greater Rochester  
Ontario County  
Seneca County  
Southern Tier  
Tompkins County

Thanks also to all the Federal agencies,  
New York State agencies and local governments  
for their support.

## Board of Directors

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President**

**Kim Reisch, Esq.,  
Vice-President**

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Dale Stanton  
Mackenzie Stutzman, Esq.  
Christopher Thomas, Esq.  
Patti Warner

Thanks to board and committee members who have  
volunteered their time and services throughout the year.

On behalf of LawNY® we extend our gratitude to those  
members who have left our board in 2016...  
Beverly Abplanalp and Susan Wilks, Esq.

# In Memoriam Phil Dailey



Phil joined LawNY® as an AmeriCorps member working in a homelessness prevention project in November 2001. He remained as a staff paralegal when his AmeriCorps terms came to an end. Over the years, Phil became the LawNY® Geneva office guru on public assistance and the Supplemental Nutrition Assistance Program (SNAP) and on all things related to veterans. He also made some significant statewide contributions, including being primarily responsible for developing the veterans topic area on the LawHelpNY website.

Phil had an unparalleled commitment to the rule of law and the concept of equal justice under the law. He dedicated his career to the notion that the law must be applied uniformly to all people, regardless of their circumstances or their station in life. He served in a rural part of New York State, where local agencies and judges knew the background and family history of the people that they judged on a day to day basis. Phil held these folks accountable for the biases that they exhibited toward his clients, and forced them to follow the letter of the law. He exhibited a photographic memory and encyclopedic knowledge of the rules and regulations that applied to public assistance benefits, veterans benefits, subsidized housing and landlord-tenant law.

He is deeply missed, and we are forever thankful for his years of service to our clients and community.

# Principal Place of Business

Legal Assistance of Western New York, Inc.®

361 South Main Street  
Geneva, NY 14456  
315-781-1465  
Fax: 315-781-2565  
[www.lawny.org](http://www.lawny.org)

## Bath

(Serving Allegany and Steuben Counties)

16 West William Street  
P.O. Box 272  
Bath, NY 14810  
607-776-4126  
Fax: 607-776-4029

## Elmira

(Serving Chemung and Schuyler Counties)

215 East Church Street, Suite 301  
Elmira, NY 14901  
607-734-1647  
Fax: 607-734-1018

## Geneva

(Serving Livingston, Ontario, Seneca,  
Wayne and Yates Counties)

361 South Main Street  
Geneva, NY 14456  
315-781-1465  
Fax: 315-781-2565

## Ithaca

(Serving Tioga and Tompkins Counties)

902 Taber Street, Suite 1  
Ithaca, NY 14850  
607-273-3667  
Fax: 607-273-5521

## Jamestown

(Serving Chautauqua County)

115 East Third Street  
Jamestown, NY 14701  
716-664-4535  
Fax: 716-664-7179

## Olean

(Serving Cattaraugus County)

103 South Barry Street  
Olean, NY 14760  
716-373-4701  
Fax: 716-373-7771

## Rochester

(Serving Monroe County)

Hon. Michael A. Telesca Center for Justice  
1 West Main Street, 4th Floor  
Rochester, NY 14614  
585-325-2520  
Fax: 585-325-2559