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…

Kim Reisch, Board President and C. Kenneth Perri, Executive Director

It is our privilege to introduce you to the 2017 annual report of Legal Assistance of Western New York, Inc.® (LawNY®). 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.

We entered 2017 with a great deal of uncertainty regarding the funding which we receive from federal sources. Thanks to strong bipartisan support in Congress, however, federal funding for the Legal Services Corporation remained unchanged and we were also able to secure renewal funding originating at the federal level from almost all of the other federal agencies which support our work: the U.S. Department of Health and Human Services, the U.S. Department of Housing and Urban Development, the U.S. Department of Agriculture, the U.S. Department of Justice and the Corporation for National and Community Services. We did suffer a setback, losing funding originating at the U.S. Department of Veterans Affairs, passed through to us by the Veterans Outreach Center, through the VA Supportive Services for Veteran Families Programs.

In order to ensure that our resources are allocated to the highest areas of unmet need in our service area, we went through a priority setting process in 2017 which ended with our board adopting new case acceptance policies and procedures which took effect on January 1, 2018. Our priority setting process was extensive and resource intensive. It included developing, administering and analyzing the results of surveys for two different groups – low-income people and the staff of human service providers who work with low-income people. We convened six focus groups of low-income people with whom we dialogued in our offices in Elmira, Geneva, Olean and Rochester. We reviewed other needs assessments conducted by government agencies and other not-for-profit organizations on non-legal issues which impact our client communities. We updated demographic information about our communities, analyzed our own closed case data from 2014 – 2016 and studied turnaway data which we compiled over the course of six weeks in March and April 2017. We also analyzed GIS maps comparing our case data with U.S. Census data.

With regard to our substantive law priorities and target populations, decisions were made to continue to work in the areas of housing, government benefits, family law, health law, consumer law, education law and employment law and to expand into immigration law. We will target services to people with disabilities, survivors of domestic violence, the elderly, children, veterans, immigrants and reentering former offenders.

2017 also saw a change in leadership within LawNY. Sadly, we said good bye to Keith McCafferty, who first joined LawNY as a staff attorney in 1986 and became our deputy director of operations in May of 2016. Keith left LawNY to join a private firm in Ithaca. His successors are our co-directors of operations, Lori O’Brien and Kate Woods. Lori has been with LawNY since January 2007, joining us as a staff attorney. She was subsequently promoted to a supervising attorney position and, ultimately, became the managing attorney of the LawNY Rochester office, where she was instrumental in developing the community lawyering model through which our Rochester office provides services. Kate has been with LawNY since January 2012. She joined our Geneva office as a staff attorney and, likewise, was subsequently promoted to serve as a supervising attorney and eventually the managing attorney of the office. Previously, she practiced for five years as a family law attorney for one of our partners at the Telese Center for Justice, the Legal Aid Society of Rochester.

In the pages that follow, you will see details regarding our hotlines, community legal education which we provide to client groups, our outreach efforts, the many collaborations that we participate in, our use of technology to enhance the delivery of services to our clients and the many enhancements to our service delivery system resulting from donations of time to serve our clients by pro bono attorneys, law students and other volunteers. Most importantly, our mission driven staff collectively closed 8,880 cases in 2017, benefiting 18,906 people. Words cannot express our gratitude to the LawNY team – AmeriCorps and VISTA members, support staff, paralegals, staff attorneys, supervising attorneys, administrators and managers.

And, of course, we offer our heartfelt gratitude for the generosity of our many funders, without whom we could not do our work.

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.
New Programs at LawNY

Finger Lakes Legal Care

The LawNY Rochester office has been awarded a three-year, $292,000 grant by the Greater Rochester Health Foundation (GRHF) for Finger Lakes Legal Care, a project which will allow LawNY to expand the medical-legal project that we have established in partnership with Rochester Regional Health (RRH). LawNY presently has attorneys working on site to conduct initial interviews of new clients and to meet with current clients at the Lipson Cancer Center, the TWIG outpatient clinic and the pediatrics unit at RRH. The Finger Lakes Legal Care project will allow for more robust staffing to provide legal services designed to improve the health status of patients of the RRH system. In addition, funds will be made available for a data analyst to study case outcomes that we believe will demonstrate that the provision of civil legal services in areas affecting the essentials of life result in improved health outcomes for people with health issues.

Consumers Hotline

Our Consumer Law Unit was established in September 2017 to expand services to individuals with consumer law problems. The Consumer Hotline launched on December 1, 2017 and served 41 individuals across our fourteen-county service area in the first month alone.

LawNY congratulates the medical-legal project staff members in the LawNY Rochester office for demonstrating through our initial pilot that there are benefits to patients that result from medical-legal partnerships. In particular, managing attorney Lori O’Brien and supervising attorney Rebecca Russo were instrumental in moving the grant forward throughout the GRHF decision making process.

Regional Bankruptcy Practice

The IOLA Community Development and Economic Justice Project is focused on alleviating the root causes of poverty and building sustainable local economies by providing legal services to nonprofits, community groups and grassroots activists to address the systemic issues that community members identify in their own communities, including racial and economic injustice.

A focus of the IOLA Team has been working to expand LawNY’s bankruptcy practice and increase capacity on a regional level by prioritizing bankruptcy issues through direct advocacy, impact work, internal training and support.

Our goals for the types of cases we will prioritize are:

1. Give individuals comprehensive relief from debt and review of budgets for a new financial start.
2. Preserve a maximum level of income for families and individuals so that they can afford basic necessities such as food, shelter and heat.
3. Protect valuable assets such as homes, automobiles and bank accounts.
4. Maintain access to transportation for clients who rely on owned or rented vehicles for travel to employment, education and health facilities.
5. Maintain access to health care services and nursing homes without jeopardizing an individual’s income and assets.
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 Development and Economic Justice 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 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

**New York State Family Security Project (Immigration)**
Assists eligible immigrants and their families in obtaining immigration relief by way of VISA application assistance, legal representation in front of USCIS and separation planning

**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, builds relationships with veterans services organizations, encourages private attorney involvement and coordinates high profile events and outreach opportunities
Our Clients

In 2017, LawNY® closed 8,880 cases benefitting 18,906 people. The breakout of the cases was as follows: income maintenance (29%), housing (23%), family (18%), health (15%), employment (5%), consumer (4%) and other (6%).

LawNY® achieved at least $297,569 in ongoing monthly benefits and at least $2,501,238 in one-time payments for total awards to our clients of at least $6,072,066 over 12 months.

Through our hotline system, we offer legal information and referrals to people we do not have the capacity to represent. In 2017 we completed 1,119 hotline calls across our service area.

Free dental care for over 100 people

The Community Development Project assisted a non-profit organization that provides free dental services to the community through a once-a-year clinic. They specifically had concerns around insurance and volunteer liability before they were able to move forward with their clinic. As a result of LawNY's advice, the clinic proceeded and over 100 people received free dental care, including dental cleanings, extractions, fillings and more.

Bankruptcy Unit

Attorneys Amaris Elliott-Engel, Kari Talbott and Mark Wattenberg have been co-counseling two companion cases. The cases challenge whether a county’s seizure of a debtor’s home and all the accrued equity as part of a property tax foreclosure over small tax debts is an exchange for “reasonably equivalent value,” or is instead a fraudulent conveyance of the property to a county.

Our advocates assisted the clients in filing Chapter 13 Bankruptcy petitions and submitted a payment plan in each case that would result in the payment of the tax arrears in full. Our advocates then filed Adversary Proceedings against the county where our clients reside, seeking to have the tax foreclosure avoided under the theory that it constituted a fraudulent conveyance or a constructive fraudulent conveyance based upon the disparity between the value of the home and the amount of the tax arrears. Both cases are currently on appeal in District Court, after the county's successful motion to dismiss. The appeals involve the interpretation of the statutory term “reasonably equivalent value.” Each set of clients has received interim relief pending appeal. They remain in their homes and are keeping current with their ongoing property tax obligations as well as Chapter 13 plan payments.

Protecting city's only homeless shelter from restrictive zoning

The Community Development Project is representing a homeless shelter that was being threatened with closure due to alleged zoning violations, despite having a prior non-conforming use. We appealed the zoning determination and were able to successfully negotiate to keep the homeless shelter open. This shelter, which serves approximately 38 people per year, is the only men's shelter in the city, and the primary men's shelter for the entire county.
AmeriCorps


Thank you to all our AmeriCorps Access to Justice members, Equal Justice Works AmeriCorps fellows and AmeriCorps VISTA members for their commitment to serving our communities. Their work has been an extremely valuable part of our service delivery system. Our Access to Justice members support our day-to-day case handling and office tasks. Our Equal Justice Works fellows support our Veterans Legal Services Projects, our Legal Services for Seniors Project and the development of our immigration practice. Our AmeriCorps VISTA members support our Education Law, Eviction Prevention Unit, Consumer Law, Veterans Legal Services Projects and the overall development of our organization.

Outreach

LawNY continues to provide community legal education to client groups to provide information about legal issues to help people recognize legal problems, understand their legal rights and responsibilities, take steps on their own to resolve problems and know when to seek assistance.

We also provide community legal education to other human service providers from local agencies with the goal of giving them information that they can use to help their clients avoid problems and also know when they should contact us for assistance. In 2017, we reached over 15,900 people through these efforts.

Tami Sprague, Virginia Torruella and Edna Reid: Wayne, Seneca and Ontario County advocates focused on SNAP outreach
Precedential Pro Bono: Co-Counseling at the New York State Court of Appeals

LawNY’s Co-Deputy Director of Operations and fearless advocate, Kate Woods, Esq., represented a mother in a Family Court Article 10 case. Attorney Woods’ tenacity took the case from a Family Court trial to the New York State Supreme Court Appellate Division, Fourth Department and then ultimately to the New York State Court of Appeals.

In the initial case, the child was removed from her mother’s care one week after she was born in November 2014, pursuant to an ex-parte pre-petition order. Four days after the removal, the local Department of Social Services filed a neglect petition. More than a year later, the fact-finding hearing was held and the Family Court determined that the Department of Social Services failed to prove neglect and dismissed the petition. The Department of Social Services did not appeal the trial court’s decision. Instead of being returned to her mother upon dismissal, the child remained in foster care and the Family Court held a second permanency hearing in January 2016.

The issue presented on appeal was whether the New York Family Court Act Article 10-A provides for continuing jurisdiction if the underlying neglect petition is dismissed. The Appellate Division, Fourth Department affirmed in a 3-2 decision, construing Article 10-A to allow the Family Court to retain subject matter jurisdiction despite the dismissal of an underlying neglect petition, and therefore keeping the child in foster care.

When LawNY decided to pursue the next level of advocacy at the Court of Appeals, family law advocates around New York State, like Saul Zipkin from the Bronx Defenders and Professors Christine Gottlieb and Martin Guggenheim of New York University School of Law’s Family Defense Clinic, were already on high alert, concerned about the impact of this recent Fourth Department decision. The Bronx Defenders and the NYU Family Defense Clinic professors reached out to LawNY to offer assistance in the appeal. These advocates forged a pro bono connection between LawNY and Paul, Weiss, Rifkind, Wharton & Garrison, LLP (“Paul, Weiss”) a large law firm with a reputation for zealous advocacy and a willingness to take on family defense pro bono cases. When the litigation partner Roberto Finzi and associates Kate Roh and Jennifer Garrett from Paul, Weiss stepped in to assist, a pro bono support team formed. The advocates collaborated tirelessly on every aspect of the case from strategic planning, to writing and editing. In the brief, the litigation team described the grave constitutional dilemma in the Fourth Department’s decision depriving a parent custody of their child without a finding or pending claim of abuse or neglect. The attorneys argued that the legislative history illustrated that the dismissal of a neglect petition terminates the Family Court’s jurisdiction over the family. Associate Jennifer Garrett of Paul, Weiss explained “just as a criminal defendant is set free upon a not-guilty verdict, a parent cleared of neglect allegations should retain custody of his or her child.”

Paul, Weiss covered the cost of printing, binding and postage and handled all logistics to perfect the appeal. As the oral argument date approached, the pro bono support team organized a moot for Attorney Woods on New York University Law School’s campus. The case also received additional pro bono assistance from other firms working alongside agencies, like Lawyers for Children, Inc. and The Legal Aid Society’s Juvenile Rights Practice, who co-wrote a supporting amicus brief.

The combination of perseverance, precision and pro bono led to a precedential unanimous decision at the Court of Appeals on November 20, 2017. In Matter of Jamie J., 2016 NY Slip Op 07424, the Court of Appeals reversed the Appellate Division, Fourth Department holding that the Family Court does not retain subject matter jurisdiction to conduct a permanency hearing once the underlying neglect petition has been dismissed. Kate Woods’ post-decision reaction was “vindication” for her client, followed by appreciation for the incredible pro bono collaboration which contributed to the reversal. Similarly, Paul, Weiss Associate Jennifer Garrett expressed gratitude for the pro bono opportunity, as a junior associate, to meaningfully participate in the brief-writing and observe the Court of Appeals Judges quoting language from the brief at oral argument. This successful collaboration sets a precedent in pro bono initiatives for future remote opportunities to co-counsel on high impact litigation.
Priority Settings: Focus Groups

As a part of our triennial priority settings process, we held 6 focus groups with community members to discuss our services and how we can do better serving the community. We held English language focus groups in Elmira, Geneva and Olean. In Rochester, we hosted focus groups in Nepali, Somali and Spanish. Between 8 and 12 people participated in each focus group. The information we gathered was very helpful in examining our priorities, and the participants expressed gratitude for the opportunity to have these dialogues.

Community members participating in a focus group we held at Refugees Helping Refugees in Rochester, NY

Congratulations

Congratulations to David Ralph on Retirement

Dave Ralph, who began his association with LawNY in our Elmira office in September 1974, retired after a long career providing services to low-income residents of Chemung County and surrounding communities. Highlights of his career included a class action lawsuit against Chemung County Jail, which, at the time, had one of the highest suicide rates in New York State. Another class action resulted in functional factors such as illiteracy and lack of English proficiency being taken into consideration for clients whose social security and SSI benefits were being terminated who could not understand the notices provided to them. In another significant federal court case, the actions of an administrative law judge with a high denial rate in social security and SSI disability cases were challenged based on bias against claimants.

We wish Dave well in the next chapter of his life.

New Deputy Directors of Litigation and Operation

We are pleased to introduce our new Deputy Directors. In November of 2016, Laurie Lambrix began her role as Deputy Director of Litigation and Advocacy. In September of 2017, Lori O’Brien and Kate Woods began their roles as Co Deputy Directors of Operations.

Congratulations to Laurie, Lori and Kate!

Laurie Lambrix, Lori O’Brien and Kate Woods
Technology

Our website, www.lawny.org, had 145,206 unique visitors in 2017. Our blog, Justice Notes, had 1,950 views. We continue to conduct outreach on our Facebook and Twitter pages.

LawNY started using our videoconferencing equipment in 2012 to the benefit of our staff and clients. We used a Legal Services Corporation (LSC) technology initiative grant to connect all of our offices, increasing our staff’s ability to connect with one another, problem solve and share their experiences. This was in furtherance of our goal of moving to more region wide communication and collaboration.

In three of our offices – Bath, Ithaca and Olean - videoconferencing equipment can be used to conduct social security and SSI administrative law judge hearings. This occurred after we applied for and obtained approval from the Social Security Administration to conduct remote hearings from our offices. This saves our staff and clients with disabilities significant hours of travel time and instead they can go to a LawNY office where hearings are sometimes conducted by videoconference, with judges in New York City and elsewhere in the state.

Our technology coordinator for special projects, Anna Steele, produced a guide – Building Bridges: An Introduction to Videoconferencing for the Legal Services Community. Supervising attorney Ellen Heidrick in our Bath office was instrumental to the success of this project.

Our remote videoconferencing project has now been highlighted in LSC’s Best Practices Corner in an edition which issued in November 2017. LSC’s Best Practices Corner is designed to highlight innovative technology practices in legal services programs throughout the US.

The Legal Services Corporation (LSC) requires all of its grantees to prepare and submit technology plans with their refunding applications. In its Best Practices Corner newsletter distributed in August 2017, LSC selected LawNY’s 2017 technology plan as one of five models for other grantees to review. LSC asks its grantees to prepare technology plans that demonstrate comprehensive technology planning covering current and future uses of information technology in all facets of program operations. LawNY’s comprehensive 2017 technology plan includes sections on: technology planning, budgeting and staffing; management of client and case data; production and supervision of legal work; records management policies; knowledge management; intake and telephonic advice; direct assistance to low-income persons; support for use of private attorneys; security; training; communication; accounting, personnel, grants administration and fundraising; and our tentative program wide technology budget.

LawNY extends its gratitude to our technology coordinator for special projects, Anna Steele, and our technology coordinator, Jon Miller, for their leadership in helping to develop the plan.
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.

American College of Bankruptcy Foundation
Arbor Housing & Development
Campaign for Justice
Community Foundation of Elmira
Community Service Society of New York
Equal Justice America
Equal Justice Works
Glover-Crask Charitable Foundation
Golisano Foundation
Greater Rochester Health Foundation
Hunger Solutions New York
Legacy Foundation

Lifespan
New York Bar Foundation
Pro Bono Net
Rochester Regional Health
Private Donors
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

Michael Perehinec, Esq.,
Vice-President

Mackenzie Stutzman, Esq.,
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Olivia Armstrong
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Cheryl Nielsen, Esq.
Hon. Scott Odorisi
Jamie Peterson
Thomas Reilly, Esq.
Dale Stanton
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 2017…Wynn Bowman, Esq., Diane Butler and Paul Sartori, Esq.
Legal Assistance of Western New York, Inc.®
2017 Financial Statements

Revenue

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Expenses

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Financial records are audited by EFPR Group, CPAs, PLLC
### Principal Place of Business

**Legal Assistance of Western New York, Inc.®**

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<tr>
<th>Location</th>
<th>Address</th>
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<th>Fax</th>
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<td><strong>Bath</strong></td>
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<td><strong>Elmira</strong></td>
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