

# Law Services News



MAY, 2014

## INSIDE THIS ISSUE

Volunteer Lawyers Successfully Defends Housing in a Family Dispute	2
Preserving Housing for People with Disabili- ties is Our Mission	3
How to Obtain ADA Accommodations from DSS for Clients	4
Supplemental Needs Trust	5

*Doing What's Legally  
Possible to Create a  
Just World*

## SPECIAL POINTS OF INTEREST:

- *Law Services Resumes  
Provision of Consumer  
Debt Services*
- *Pro Bono Attorneys of  
the Month*
- *NSLS in the Community*
- *NSLS Staff Milestone  
Anniversaries*
- *Welcomes & Goodbyes*
- *NSLS Summer Training  
Schedule*
- *Message from the  
Executive Director*

## TENANT NOT LIABLE TO REPAY FOR ALLEGED DAMAGES

In a recent Fair Hearing, our client who was in receipt of public assistance for her family, disputed a payment made by the Department of Social Services (DSS) to her former landlord in the amount of \$3700. DSS promptly paid the landlord after he submitted a claim for damages allegedly made to the apartment upon the family's relocation. As a result of this payment, DSS was recovering the amount from the client's already meager public assistance grant.

The client claimed that she did not damage the apartment. Upon notice that her grant would be reduced, she sought the assistance of our Welfare Unit. **Nora Gonzalez**, paralegal, represented the client at the hearing and asserted that DSS was obligated to substantiate the claim by performing an inspection of the premises before paying the landlord. She pointed out that the move-out report did not state a date that the inspection was performed, did not indicate the identity of the inspector, nor was it signed. DSS also failed to establish how the figures used in determining the cost of the repairs and or damages were figured or calculated.



(Continued on page 2)

## SUPERSTORM SANDY VICTIM AWARDED RESTITUTION

Following Superstorm Sandy, many residents of the areas close to Long Island's shores were hardest hit. Among those who faced hardships were disabled residents who lived in congregate care homes.

Our client resided at an adult home in Long Beach and continued to pay his rent in the months after the storm despite the fact that the adult home was closed by the Department of Health during those months. He was told that if he did not pay rent, he would not have a room at the home when it reopened following reconstruction, so out of fear he continued to pay his rent.

The adult home took the position, prior to the trial, that the payments by the adult home residents during the months of reconstruction were voluntary. The home maintained that if a resident wanted to return after the home reopened, he or she could only hold their bed by continuing to pay rent. The Department of Health had issued a violation and told the home to refund our client his money, but the home failed to do so. The client turned to Nassau Suffolk Law Service's Adult Home Project for help.

**Carolyn McQuade**, attorney in the Unit, sued the adult home which is located on the boardwalk in Long

(Continued on page 2)



<https://www.facebook.com/NassauSuffolkLawServices>



United Way of Long Island

## TENANT NOT LIABLE

(Continued from page 1)

The Administrative Law Judge agreed that DSS had not properly investigated the damage claim prior to paying the landlord, and reversed DSS' determination to reduce the client's public assistance grant to recover the payment of damages to the landlord. Any payments that had already been withheld from her grant were ordered to be restored and ongoing recovery of the \$3700 balance was to be discontinued immediately.

Nora's 20+ years of experience in the area of welfare law paid off for our client who was fortunate to have averted this hefty garnishment of her grant! The Empire Justice Center also awarded this decision the recognition of Fair Hearing of the Month for April 2014. Congratulations, Nora!

## SUPERSTORM SANDY

(Continued from page 1)

Beach, for a refund of the rent payments made in the aftermath of the storm when the client could not reside in the home due to construction. Our attorney sued the home in Small Claims court and was successful in winning a judgment for a complete refund of the rent after an inquest on damages. **Jonathan Schwartz** of our Consumer Debt Law Project handled the inquest at which the home failed to appear. Even after the decision, the home failed to pay the judgment and it was not until a restraining order was placed on the defendant's bank accounts that our client was paid. The decision brought several other similar cases to our attention which resulted from Superstorm Sandy. Congratulations to the legal team!



## Volunteer Lawyer Successfully Defends Housing in Family Dispute

**Evelyn Kalenscher**, a dedicated pro bono attorney in our Volunteer Lawyers Project, was recently successful in having an eviction matter dismissed where the petitioner was seeking to evict his live-in girlfriend and their two children who had been residing together in the family home for the past ten years. He claimed they were mere "licensees" and could be evicted in a district court summary proceeding.

The judge responded favorable to Ms. Kalenscher's motion to dismiss noting that Supreme Court and Family Court were the appropriate forums to settle these types of family issues. He also cited similar cases which held that "The right to occupy the family residence stems ...from the very family relationship itself and she therefore could not be evicted as a mere licensee." The court found that the petitioner should not be permitted to "break up the family unit and evict another family member from the family home in a summary fashion with a mere 10 day notice to quit." The judge therefore refused to evict the family without provision from the Family Court for either custody or support of the two children. (Interestingly our client in this case had previously brought a support petition against the boyfriend in Family court which was dismissed upon the boyfriend's claims that they lived under the same roof ).

Victories in cases such as this are not a first at Law Services. Our attorneys represent thousands of people in landlord tenant court and our Nassau pro bono attorney partners, including Ms. Kalenscher, contribute their services as Volunteer Lawyers Attorneys of the Day. Serving hundreds of people throughout the year in defending evictions, pro bono attorneys and law students staff the Project under the supervision of an experienced landlord/tenant staff attorney, Roberta Scoll.

Congratulations to Evelyn Kalenscher on this significant victory. Adding to her accolades, **Ms. Kalenscher was recently selected as the recipient of the 2014 New York State Bar Association President's Pro Bono Service award for the 10<sup>th</sup> Judicial District!**

## Law Services Resumes Provision of Consumer Debt Services

We're happy to announce that Nassau Suffolk Law Services is again offering help with consumer debt litigation. The free legal assistance is available to residents of both Nassau and Suffolk Counties and is thanks to funding from the New York Unified Court System.

The consumer debt project is taking cases in which residents are being sued, have a judgment against them, have frozen bank accounts, or are having their wages garnished or property seized. To be eligible, the residents' incomes must be at or below 200 percent of the poverty level. The specific cases we take will depend on client need and caseload capacity.

One area of focus is medical debt, particularly hospital bills. New York's Hospital Financial Assistance Law requires hospitals to offer reduced costs and payment plans to indigent patients (Charity Care). However, it appears that many hospitals are flouting the law.

We also have a number of cases where people did not even know they had been sued until they found out their bank account was frozen or their wages were being garnished.

In Suffolk County, newly hired attorney **Rachel Graves** handles consumer debt litigation. Graves is a 2013 graduate of Fordham University School of Law. Prior to law school, Graves worked as a newspaper reporter for organizations including the *Houston (Texas) Chronicle* and the Associated Press.

In Nassau County, **Jonathan Schwartz** handles consumer debt. A graduate of Western New England University School of Law, Schwartz has worked as an attorney at Nassau Suffolk Law services for several years and previously staffed our Consumer Debt Project. We are fortunate to make valuable use of his experience in the unit. For more information call our respective offices.

## Preserving Housing for People with Disabilities is Our Mission

Law Services' Civil Unit is dedicated to representing tenants in eviction proceedings. Our mission is to preserve affordable housing that is in great shortage, or at least to prolong the tenancy long enough to give our clients and their families an opportunity to locate alternative appropriate housing.

In a recent case handled by the Unit, the landlord terminated our client's lease based upon alleged lease violations and claims that she was an "undesirable" tenant. After our client, a Section 8 voucher recipient with physical disabilities, was served with eviction papers, she turned to the Civil Unit for representation. Our attorney, **Marissa Luchs-Kindler** filed an answer in response which set forth nine affirmative defenses (both jurisdictional and procedural).

The judge in the Second District Court in Suffolk conducted a trial. The landlord produced four witnesses to testify against the tenant. Our client was the only witness we called. Apparently her testimony alone was quite persuasive, as compared to the landlord's four witnesses, because the court's decision was to dismiss the eviction proceeding. The court found that:

1. the landlord failed to properly notify the housing authority of the proceeding. (This is required by federal regulation in all Section 8 eviction cases.)
2. the landlord failed to prove that our client was an undesirable tenant, and had not proven ANY of the allegations contained in their termination notice and petition

Congratulations to Marissa and the Civil Unit on this very positive outcome for our disabled client.

## How to Obtain ADA Accommodations from DSS for Clients

by Ellen Krakow, Staff Attorney

Many individuals who go to the Department of Social Services (DSS) for assistance have disabilities. Sometimes their disabilities prevent the client from doing things DSS requires of them. This can cause application to be denied or essential benefits to be reduced or even terminated. The American with Disabilities Act (the ADA) offers important protections for individuals with disabilities that are designed to prevent such harmful outcomes.

### **What does the ADA protect?**

The ADA protects people with physical, mental or cognitive impairments. These impairments may be the result of a wide array of conditions, such as heart disease, arthritis, diabetes, brain injuries, MS, post-traumatic stress disorder, depression, alcoholism, *past use* of illicit drugs, as well as many others. The disability must “substantially limit a major life activity.” Major life activities are walking, standing, bending, speaking, manual tasks, seeing, breathing, eating, sleeping, learning, reading, thinking, and concentrating. A person does not need to be receiving SSI or SSD to be covered by the ADA.

### **What must DSS do for clients with a disability?**

If a DSS caseworker knows or suspects the client has a disability that will make it difficult to comply with a DSS rule or request, the caseworker must (1) note the disability in the client’s file so that others at DSS (and DOL in Suffolk County) are similarly aware of the disability, (2) offer the client a **reasonable accommodation**, even if the client has not requested it or even disclosed their disability, (3) grant a reasonable accommodation request if the client expressly asked for it, and (4) note in the file the specific accommodation given (or offered the client but not accepted.) **06-ADM- 05**

### **What are some examples of DSS reasonable accommodations?**

The exact type of reasonable accommodation DSS must provide depends upon the client’s particular limitations and needs. Here are some examples:

- extra time to complete forms, or assistance from DSS in obtaining documents
- having all notices sent to a designated person and/or having designee come to DSS in client’s place
- phone-call reminders of upcoming appointments,
- combining DSS and DOL appointments,
- meetings by phone rather than at the DSS center,
- home visits by a DSS caseworker if the client is homebound or if they care for someone who is,
- supports at a work activity or pre-work assignment training,
- placement at an emergency housing facility with handicapped accessibility, or a facility close to the client’s treatment provider
- sign-language interpreters or other communication services for the hearing impaired,
- written material in large font or Braille.

Whenever possible, the client should submit written documentation of the disability when requesting the accommodation. This is especially true if the disability is not apparent, such as a mental health condition. Most helpful are letters from treating physician stating the client’s diagnosis and particular limitations.

### **What can be done if DSS denies the reasonable accommodation request?**

Should DSS reject the ADA request, the client (or advocate) should submit a written grievance to the DSS ADA Compliance Officer, who will do an investigation, issue findings, and correct the caseworker’s action if he/she concludes the request should have been granted. In Suffolk County, grievances should be sent to John Nieves, ADA Compliance Officer, Suffolk County DSS - Commissioner’s Office, 3085 Veterans Memorial Hwy., Ronkonkoma, NY 11779, (631) 854-9983, fax # (631) 854-9996. In Nassau County, grievances should be sent to Ellen Abberbock, ADA Compliance Officer, Nassau County DSS, 60 Charles Lindbergh Blvd., Uniondale, NY 11553, (516) 227-7779. **If the grievance is not resolved in the client’s favor or is not resolved timely, advocates should immediately contact our Legal Support Center for Advocates at (631) 232-2400.** Examples of advocate letters requesting reasonable accommodations are on our website, [www.nslawservices.org](http://www.nslawservices.org), under the Self-Help and Legal Info tab.

## **Supplemental Needs Trusts** *by Denise Snow, Staff Attorney PLAN Project.*

*(This article appeared first in the Suffolk Lawyer, April 2014 issue. Reprinted with permission.)*

Lawyers must use care to prevent their disabled clients from losing government benefits. This is especially critical when the benefits are needed over the lifetime of the disabled client.\* A personal injury settlement, inheritance, retroactive disability award and even a maintenance award can make a disabled person ineligible for Medicaid or Supplemental Security Income (SSI). A Supplemental Needs Trust can be used to maintain eligibility for those benefits. Estates, Powers and Trust Law (EPTL) §7-1.12 subparagraph (a)(5) defines a Supplemental Needs Trust (SNT) as a discretionary trust for a chronically and severely disabled person which is intended by the creator to supplement, not diminish, government benefits, and which prohibits the trustee from using trust assets in a way that would diminish government benefits. The trust funds are not considered available assets in determining the beneficiary's eligibility for SSI or Medicaid assistance (see 42 U.S.C. §1382; 20 Code of Federal Regulations §416.1202).

Obviously, one of the prerequisites for using a Supplemental Needs Trust is that the beneficiary must be disabled. Most often, attorneys recognize their disabled clients who are already receiving benefits based on a disability such as Social Security Disability Insurance (SSDI), SSI, or Medicaid with a spenddown. However, many clients may not yet have an "official" disability determination. Although it is the local Department of Social Services that makes the disability determination for purposes of SNTs, most of the standards used are from Federal law. The definition of "disability" used by the Federal Social Security Administration for purposes of SSDI and SSI is adopted by the State-run Medicaid program. Thus, it is useful to make reference to the Federal standards when trying to establish that an individual is eligible to use an SNT for Medicaid purposes. Several references provide the rules for determining whether an individual is disabled, as well as the process for disability determinations made for purposes of using an SNT. \*\*

The history of the SNT began with the concern of parents of children with developmental disabilities. They needed a mechanism to provide for their child in a way that would not make them ineligible for their much needed public benefits, i.e., Medicaid and SSI. Parents wishing to create a fund for their disabled child were able to do this through a special trust fund that supplemented rather than supplanted the disabled beneficiary's benefits. Hence the name, Supplemental Needs Trust.

In 1993, Congress created an exception under the amendments to the Omnibus Budget and Reconciliation Act (OBRA-93) which specifically authorized the use of Supplemental Needs Trusts for the benefit of individuals who are under the age of 65 and disabled according to Social Security standards thus allowing individuals who would not otherwise be eligible to receive Medicaid. The "Pooled" Trust authorized by 42 U.S.C. §1396(d)(4)(C) makes an SNT available for people with disabilities of any age.

What type of clients may need this trust? SNT should be considered for any client receiving SSI. This is the Title XVI program that provides income (\$721 in 2014) to the disabled child or adult indigent. However, in addition to the monthly cash allowance, there are other benefits to an SSI recipient such as health insurance and utility assistance and therefore, maintaining eligibility for this benefit is a goal.



Another valuable use of the SNT is for those individuals eligible for the Medicaid Excess Income program also called the Medicaid Spenddown program. To be eligible for this type of Medicaid, a person who is found to be disabled and who has income over \$804/month must spenddown the excess income each month to use Medicaid. There are three ways to spenddown this amount: 1) send in the overage each month to the Department of Social Services (DSS), 2) submit paid or unpaid medical bills or 3) put the amount of income that is over the allowed \$804 into a SNT each month. This third method of using the SNT to shield the excess income, allows the disabled client to have more available money for their other non-medical needs. For example, an individual develops a severe medical condition and can no longer work. He applies for Social Security Disability Insurance which is approved. Let's say he begins to collect his SSD award of \$1204 a month. Now, since he is no longer working, he does not have health insurance and COBRA is too expensive now that his income is solely SSD. Because he has been determined to be disabled, he will be eligible for Medicare but not for twenty-four months. So, what does he do for that gap? He applies for Medicaid. He is approved as "SSI related" and is eligible for the Medicaid Excess Income program. But he is getting too much money in income. He has the choice of sending DSS the \$400 per month, submitting medical bills that exceed \$400 to DSS or he can put his excess income of \$400 into a SNT. With the latter choice, the deposits in the trust will not be counted as income to him and he can then access Medicaid. An additional benefit to this client is that he is then eligible for the Medicare Savings Program which waives the Medicare Part B premium when he is eventually eligible for Medicare. (See Fair Hearing No. 4399513, Nassau Co. Jan. 31, 2006) hence, he use more of his income for his other, non-medical needs.

But what if he needs nursing home care at some point? Will the SNT create a transfer penalty? No, a Social Services directive clarifies that as long as income placed in the trust is disbursed prior to placement in a nursing home and application for institutional Medicaid, there is no transfer penalty (See Pooled Trusts and Disability Determinations for Individuals 65 Years of Age and Over, 05 OMM/INF-1).

Once the need for an SNT is established, the next decision is what type of SNT should be used? If the client is under 65, he can place his assets into an individual SNT or a Pooled Trust. Social Services Law 366 (2)(b)(2)(b)(iii)A. states that assets of a disabled person will not be considered as available income if placed in a trust (SNT) established for the benefit of the disabled individual under sixty-five years of age "by a parent, grandparent, legal guardian, or court of competent jurisdiction...". Therefore, if the disabled client has a parent, grandparent or legal guardian available to act as settlor, a trustee can be identified (it can be a family member), the trust can be drafted and after the trustee obtains an EIN number, can establish a bank account on behalf of the beneficiary. Once the account has been opened and the overage amount has been deposited, the attorney sends the SNT documents with proof of deposit into the account to the Department of Social Services which should then enable the client to access Medicaid. Be advised this process can take several weeks.

If the client is under age 65 and does not have a parent, grandparent, or legal guardian, an individual SNT can be established through a court ordered SNT; Surrogate's Court has jurisdiction. The SNT can be drafted using the language provided in EPTL §7-1.12, a trustee is identified, evidence of the nature and severity of the disability must be provided in the petition to the court for an order to establish the SNT. A word of caution on drafting any SNT-the discretionary authority of the trustee, such as providing for health or housing can void the trust and make the beneficiary ineligible for benefits. Therefore, review EPTL§7-1.12 requirements when drafting the SNT.

However, a simpler option is to enroll the client in a pooled trust. Pooled trusts are established under SSL 366 (2)(b)(2)(b)(iii)B. "...a trust containing the assets of the disabled individual established and managed by a non-profit association...". One of the earliest non-profit associations to establish a pooled trust was New York State Association for Retarded Children (NYSARC). In fact, this particular pooled trust was so popular

that the term NYSARC trust is often used interchangeably with Supplemental Needs Trust even by the Social Services agency. However, the attorney should be aware there other pooled trust available such as the Center for Disability Rights (CDR). The enrollment and monthly fees vary as do the requirements for disbursements. The enrollment process is relatively simple and the information is available on the respective websites. For a list of the available pooled trusts go to NY Health Access at [www.wnyc.com/health/entry/4/](http://www.wnyc.com/health/entry/4/). *The benefit of using a pooled trust over an individual SNT is that the pooled trust is the trustee and obviates the problems associated with trustee changes, accounting, and submission of documents to the respective agencies. Additionally, for a disabled client age 65 or older, it is the only choice for an SNT.*



While the process of enrolling the client in the pooled trust is relatively simple, explaining the trust to the client is more difficult. It is important to convey to the client that he will need to put his overage money in the trust every month. He will then ask for the pooled trustee to make disbursements from this deposit to pay his bills such as utilities or rent. The trustee cannot disburse the money back to the client because that would be counted as income and hence, the client would be ineligible for benefits. The other important prohibition is that the money in the SNT cannot be used for medical needs. Also, alert the client that any money left in the trust should he die, will go towards paying back Medicaid and/or to the charity itself. Hence, the need to be careful in advising clients how much income should be placed into any type of SNT.

As noted above, another use of the SNT is to provide for the disabled child or spouse without interfering with their benefits such as in the case of testamentary gifts to the disabled beneficiary. Unlike lifetime trusts where the creator must be someone other than the beneficiary or the beneficiary's spouse (EPTL 7-1.12 (a)(5)(iv)), the testator may create the trust for his spouse or anyone else. An SNT should be included in any will where the testator has identified a disabled beneficiary. This should be considered even when it is not anticipated that the disabled person will take under the will. Additionally, there are third party pooled trusts available for the purpose of providing supplemental income for the disabled beneficiary. (See above for access to list of pooled trust requirements)

In conclusion, the SNT is essential anytime a client has a disability whether the disabled client needs some home care benefits, access to Medicaid, is awarded spousal support or maintenance, receives a settlement or inheritance or when a testator wishes to provide for a disabled beneficiary. The attorney who understands the importance of preserving the critical public benefits for their disabled clients will better serve their clients and avoid conflict.

\* SSL 366 (c)(5) "disabled means having a medically determinable impairment of sufficient severity and duration to qualify for benefits under section 1902(a)(10)(A)(ii)(xv) of the social security act." Other useful sources to determine disability include the Social Security Administration "Bluebook" Listings of Impairments. In New York, see NYCRR Section 360.2.2. Other useful resources are the NYS Medicaid Reference Guide (MRG), and DSS form 486T to see what is needed for a disability determination

\*\* N.Y. Social Services Law § 366.2(b)(2)(iii) This N.Y. State statute codifies the exemption of SNTS from income and assets for disabled individuals. See also O8MA020-Transfers to Pooled Trusts by Disabled Individuals Age 65 and Over (GIS 08-ma-020)

## Pro Bono Attorney of the Month— Nassau



Nassau Suffolk Law Services and the Volunteer Lawyers Project (VLP) are proud to recognize **Stuart P. Gelberg**, for his outstanding contribution to the pro bono effort on Long Island. Mr. Gelberg's generous involvement is especially noteworthy as he volunteers in both Nassau and Suffolk counties, accepting

bankruptcy cases for pro bono representation as well as volunteering with VLP's Attorney of the Day Project. He has been honored previously for his outstanding service, as Pro Bono Attorney of the Month, as well as being the recipient of the NCBA Thomas Maligno Pro Bono Attorney of the Year award, and most recently, as a Nassau County Bar Association Access to Justice Champion.

Mr. Gelberg graduated from the State University of New York at Albany in 1977, having spent a semester studying at the University of Copenhagen. He obtained his law degree from Buffalo School of Law, graduating in 1980 and launched his career soon afterwards as an associate in a firm that concentrated in the areas of foreclosure and bankruptcy. For over twenty years he served as a trustee for the United States Bankruptcy Court, both the Eastern District and Southern District of New York, and is well respected among the bankruptcy bar. In addition to his membership in the Suffolk County Bar Association (SCBA) and the Nassau County Bar Association (NCBA), Mr. Gelberg is a member of the New York State Bar Association (NYSBA), the National Association of Chapter 13 Trustees, and the Capital Region Bankruptcy Bar Association. He has lectured extensively for SCBA, NCBA, NYSBA, the United States District Court Eastern Division of New York, the Brooklyn Bar Association, and the Bar Association of the City of New York.

Stuart Gelberg first became involved in pro bono over 10 years ago, volunteering his services with the NSLS Attorney of the Day/Landlord Tenant Project in Nassau County. Although he did not originally have a specific expertise in this area, the plan was to explore using Chapter 13 bankruptcies to create rent arrear

*(Continued on page 9)*

## Pro Bono Attorney of the Month— Suffolk



The Suffolk Pro Bono Project is pleased to honor **Donald R. Sallah** as Pro Bono Attorney of the Month. Mr. Sallah is one of the Pro Bono Project's most dedicated and enduring matrimonial attorneys, having provided pro bono services for over twenty years. In the last ten years,

Mr. Sallah has provided nearly 500 hours of pro bono service. A several times past recipient of this award, Mr. Sallah's recent work on behalf of the Suffolk Pro Bono Project's clients has earned him this distinction once more.

Over the past four years, Mr. Sallah accepted four matrimonial cases from the Pro Bono Project. One matter was a divorce case involving simultaneous proceedings in Family Court. Due to contested child custody issues regarding the couples' two young children, the case went on for nearly two years before it finally settled. Thanks to Mr. Sallah's efforts, his client, the mother of the two children, obtained sole custody and maintenance.

In another of Mr. Sallah's recent pro bono cases, he represented a woman with disabilities whose husband had sued her for divorce. Mr. Sallah was able to achieve a legal separation for his client in lieu of divorce. Under the terms of the separation agreement, his client was allowed to remain on her spouse's health insurance plan, which was her most critical need.

Mr. Sallah, the son of a lawyer, received his B.A. from Adelphi University in 1967. He attended law school at St. John's University School of Law as a night student, and obtained his J.D. in 1972. Mr. Sallah began his legal career as an Assistant District Attorney. In 1975, he started his own firm, The Sallah Law Firm, in Holtsville, where he continues to practice today. The firm's concentration has been matrimonial and family law since 1980.

Donald Sallah's son, Dean J. Sallah, followed his father's cue, obtaining a law degree from St. John's and joining his father's law practice in 1996. The elder Sallah and his wife have six children in all. Three have legal careers of their own. One is a cor-

*(Continued on page 9)*



## Pro Bono Atty of the Month- Gelberg

*(Continued from page 8)*

payment plans as a way of preserving housing. Since that time he has gained considerable expertise in the area of landlord tenant law. The advantages of doing pro bono were obvious. It's a two-way street, he observes. You get something out of the experience in terms of a marketable skill, and you help people in need.

Mr. Gelberg has represented numerous bankruptcy petitioners over the years. In a recent bankruptcy case he represented a same-sex couple, the first filed in the Eastern District, as far as he knows. The couple had been legally married in New York and Gelberg was able to file a joint bankruptcy petition on their behalf. Before gay marriage became legal in New York, joint petitions filed on behalf of same sex couples were repeatedly dismissed because the cases were not deemed to be filed by an eligible married couple. Over the years, his pro bono clients have expressed their gratitude in various ways, including with the gift of an original painting.

Stuart Gelberg and his wife Vicki, an optometrist, have three children. His oldest, Danielle, graduated with a Masters in Education from Columbia, and is currently teaching ESL in Washington, D.C. Last year, Jeannie traveled to Israel on the Birth-Right Israel cultural heritage program, where she was bat mizvahed at the age of 26. He is also proud that she is a recent first-time homebuyer, having purchased a home on Long Island. His youngest child, Sam was bar mitvahed this past February, despite the great blizzard that buried Long Island. Remarkably, the event was very well attended despite the weather, a true testament to his family and friends. Vicki, his wife, is very supportive of Stuart's professional accomplishments. She says with an ironic smile, He is my Attorney of the Year, every year!

The Volunteer Lawyer's Project is proud to add to the previous, well-deserved accolades by naming Stuart P. Gelberg Pro Bono Attorney of the Month for his exceptional pro bono contribution.

## Pro Bono Atty of the Month- Sallah

*(Continued from page 8)*

rections officer, and two are still in school.

Mr. Sallah's practice involves a substantial amount of trial work. Typically, he is in trial two to three days a week. He has tried cases in all five boroughs of New York City, seven upstate counties, Connecticut, Florida, South Carolina, and Michigan. As compared to these other regions off Long Island, Mr. Sallah describes the Long Island matrimonial bar as "top shelf." When asked how he feels about the present state of his practice, Mr. Sallah responded, "It's a pleasure doing matrimonial law on Long Island. Everyone in the system, from the attorneys, to the judges, to the court clerks, is so friendly and so good at what they do."

Not only a successful attorney, Mr. Sallah is also a talented musician. Before attending law school, Mr. Sallah had an impressive career in the 50's and 60's as a guitarist and vocalist with rock bands that toured the East Coast and recorded their own music. In fact, in the 1960's Mr. Sallah's band had a song on the charts in Massachusetts for a time. His band's sound has been described as veering between garage band rock and Dylanesque folk rock. During his music career, Mr. Sallah played with such greats as Chuck Berry and Billy Joel.

Mr. Sallah's history of community service is not limited to pro bono legal representation. He also has lectured numerous times for the Suffolk County Academy of Law on a variety of topics pertaining to matrimonial law. In addition, he has been both a volunteer firefighter and commissioner for the Holtsville Fire Department.

Asked why pro bono work has been a constant part of his long legal career, Mr. Sallah responded, "I like to give back to the community. I've done well, and I love what I do. So I'm happy to take pro bono cases." Ellen Krakow, Coordinator of the Suffolk Pro Bono Project, said, "We are so fortunate to have generous and talented attorneys like Mr. Sallah involved in the Pro Bono Project. Don is an inspiration to other attorneys interested in giving back."

The Pro Bono Project is indebted to Mr. Sallah for his decades-long, unwavering dedication to helping the less fortunate on Long Island. We are delighted to honor him once again as Pro Bono Attorney of the Month.



## LAW SERVICES IN OUR COMMUNITY



Law Services continues its strong ties within the community in an effort to collaborate with various agencies and ensure that low income Long Islanders receive the services they so desperately need. If you happen to see any of our Law Services' staff at a community event, please stop by to introduce yourself and say hello. We'd love to meet you, and as always we thank you for your support!

On January 7, 2014, **Marcia Vogel**, Disability Advocate in the PADD Project attended the 7th Annual Fair for Transitioning Students with Disabilities at the Calhoun High School in Merrick. The Fair is to provide an exchange of information for parents of students with disabilities. Marcia was able to provide information and referrals and discussed the various different units at Law Services.

Marcia also did the same for parents and students when she attended the Nassau BOCES Transitions and Resource Fair held on March 19, 2014 at the Rosemary Kennedy School in Wantagh.

On March 12, 2014 **Lynn Iacona**, Staff Attorney of the PADD Unit attended The Health Equity Symposium held at Hofstra University. Lynn discussed the connection between health needs of underserved population and the legal services offered by the PADD Unit.

On March 27, 2014, **Richard Semengram**, Staff Attorney in the Civil Unit attended the New York Communities for Change held at St. George's Church in Hempstead. Richard handed out brochures detailing the types of legal services we handle

On February 25, 2014, **Marissa Luchs Kindler**, Senior Staff Attorney in the Civil Unit and **Victor Ambrose**, Staff Attorney in the Civil Unit gave training presentations at the Suffolk County Bar Associations CLE's Landlord/Tenant Update.

On March 20, 2014, **Denise Snow**, Staff Attorney in the PLAN Unit attended the Women's Health and Information Fair at the Dolan Family Health Center sponsored by Suffolk County Legislator William Spencer. Denise staffed a table and distributed Law Services brochures.

Denise also presented at Stony Brook's University "Osher Lifelong Learning Institute Program "Elder Law Planning" on Health Care Advocacy: Social Security, Medicare & Services for Seniors held on March 28, 2014

On April 3, 2014 Denise gave a presentation at *Bridge to Survivorship—Health Related Legal Needs* event sponsored by North Shore University/Long Island Jewish for oncology patients from The Monter Center.

On March 28, 2014 **Maria Dosso** participated in the **Working But Still Poor Conference sponsored by LI Jobs for Justice**. Maria co-presented along with Don Friedman of the Empire Justice Center, on Navigating Systems to Help Poor People: DSS and Welfare Law.



### "Have a Heart for the Homeless" Candlelight Vigil

On April 8, 2014, **Maria Dosso and Dan Okrent** attended the Long Island Coalition for the Homeless Candlelight Vigil for the Homeless at Farmingdale State College. The Vigil for the Homeless is held every year to raise awareness about the homeless and the great need to for affordable housing in our region. The Coalition collects and distributes new winter coats, new/unused baby items, non-perishable food, cleaning supplies and toiletries to Long Island's homeless and at-risk families.



On February 25, 2014, **Sheila Johnson**, Director of Development and Government Affairs and **Alex Berkman**, Staff Attorney attended Touro Law Center's 7th Annual Public Interest/Government Career Fair. Sheila also joined Staff Attorneys **Rose Caputo** and **Roberta Scoll** at the Hofstra's Career Day on March 12, 2014. The fairs are held every year for students of the respective law schools.

**Roberta Scoll** completed another great climb this year! Staff Attorney in the Volunteer Lawyers Project, Roberta climbs 66 flights of stairs at Rockefeller Center every year for the National MS society. This year she did it in 19 minutes and 58 seconds! Congratulations, Roberta!



## More Community News

### Suffolk Bar Association Hosts Foreclosure CLE



On December 12, 2013 the Suffolk County Bar Association hosted a free Foreclosure CLE for pro bono attorneys and others who were inter-

ested in volunteering. The program was co-sponsored by Nassau Suffolk Law Services and drew a packed audience to a presentation by impressive speakers including **Barry Lites, Eric Sackstein, Ray Lang, Mike Wigutow** and **Glenn Warmuth**. Law Services' Senior Staff Attorney, Mike Wigutow, is pictured below. Law Services oversees the Pro Bono Foreclosure Settlement Project and was

pleased to see so many new prospective volunteers



On January 24, 2014, the Suffolk Academy of Law sponsored a **Matrimonial Boot Camp**, a full day seminar covering the essentials of matrimonial law for new attorneys. The CLE was offered free of charge to attorneys who agreed to accept a pro bono case. The seminar drew a sold out crowd and over 30 new pro bono recruits signed up to help with a divorce case! Our gratitude to the Suffolk County Bar Association and the coordinators, Arthur Schulman and Donna England, for organizing this great educational event while promoting the pro bono effort!

In March, 2014 Law Services hosted its first community training in our newly renovated Hempstead office. The seminar entitled *Overview of DSS Benefits* drew a sizeable audience. Led by welfare law veteran **Douglas Ruff**, the participants received a wealth of knowledge and skills in working with welfare and other DSS-related issues.



On March 21, 2014, **Honorable C. Randall Hinrichs**, District Administrative Judge of Suffolk County and **The Suffolk County Judicial Committee on Women in the Courts** held an awards ceremony for



Women's History Month. This very special event celebrates women who have made significant contributions to providing access to justice and pro bono services. Congratulations to our very own **Maria Dosso**, Director of Communications & Volunteer Services for this very special acknowledgment! We'd also like to extend our congratulations to fellow honorees **Patricia E. Salkin**, Esq., Dean and Professor of Law, Touro and **Demetri Jones**, Esq. Deputy Chief Long Island

Maria Dosso pictured second from left joined by Judge C. Randall Hinrichs and members of the Women in the Courts Committee



Nassau/Suffolk Law Services Committee, Inc.

1 Helen Keller Way, 5th Fl.  
Hempstead,

N.Y. 11550

(516) 292-8100

1757 Veterans Memorial Hwy., Suite 50,  
Islandia, N.Y. 11749

(631) 232-2400

400 W. Main St., Suite 301,  
Riverhead, N.Y. 11901

(631) 369-1112

*"Equal Justice  
Under Law"*

**We're on the Web**  
**[www.nslawservices.org](http://www.nslawservices.org)**

**Make sure to give us your email  
address by going to**  
**[www.nslawservices.org](http://www.nslawservices.org)** and look  
for the "Sign up for our newsletter  
field." Tell your friends and col-  
leagues!

**And don't forget to check out our  
Facebook page**

**[https://www.facebook.com/NassauSuffolkL  
awServices](https://www.facebook.com/NassauSuffolkLawServices)**



***Congratulations to the following staff members celebrat-  
ing their milestone employment anniversaries :***

<b>Staff Member</b>	<b>Years of Dedicated Services</b>
Milton Braxter, Staff Attorney	25
Jody Brinson, Staff Attorney	5
Judy Hirshon, Staff Attorney	30
Essie Rios, Receptionist	25
Darlene Rosch, Staff Attorney	15
Regan Serlin, Staff Attorney	5
Jeffrey Seigel, Executive Director	25
Carrie Vasiluth, Staff Attorney	25



**Goodbye to Penny -Penny Vulcan**, an attorney in  
Disability Advocacy Project has retired, after 25 years of  
dedicated service at Nassau Suffolk Law Services!

Through her advocacy, Penny helped thousands of physi-  
cally and mentally disabled adults and children obtain or  
retain disability benefits form the Social Security Admin-  
istration. She is an excellent attorney who will be greatly  
missed!

### **Welcome New Hires**

**Rachel Graves, Staff Attorney**—Consumer Debt Legal Assistance Project- Suffolk  
**Richard Semegram, Staff Attorney**—Civil Unit—Nassau

### **WE NEED YOUR SUPPORT!**

You now have the ability to support Nassau Suffolk Law Services by making a  
donation online! Go to our website: [www.nslawservices.org/donation.shtml](http://www.nslawservices.org/donation.shtml) and  
show your support for the critical legal services we provide. You can also use  
the online donation form to email your friends and family directly and invite  
them to join us as a supporter! Or, you can mail this form with your donation  
to Nassau/Suffolk Law Services, One Helen Keller Way, 5th Flr. Hempstead,  
NY 11550, Attn: Maureen. Thank you!

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Email Address \_\_\_\_\_

Credit Card Info.(Mastercard or Visa only) No. \_\_\_\_\_

Exp. Date \_\_\_\_\_ Security No. \_\_\_\_\_

Check enclosed in the amount of \_\_\_\_\_



## Law Services Summer 2014 Training Schedule



Trainings will be held at our Islandia office: 1757 Veterans Hwy, Suite 50, Islandia. To pre-register, please call the Training Line at 631 232-2400 x 3357, fax 631 232-2489 or email Cathy Lucidi at [clucidi@wnylc.com](mailto:clucidi@wnylc.com). Fee is \$35 per training. Please make check payable to Nassau Suffolk Law Services and mail your payment in advance to confirm pre-registration.

**Fair Hearing Skills—Thursday June 12, 2014 9:30-12:30 Islandia office.** Fair Hearings are administrative appeals that provide clients with an important due process right if they are being denied or terminated from public benefits or Medicaid. **Douglas Ruff**, Senior Staff Attorney of the Welfare Unit with over 30 years experience in this area, will offer expert, practical training to prepare advocates for the fair hearing “experience”. **Fee—\$35**

**Affordable Care Act— Wednesday June 18, 2014 9:30-12:30 Islandia office.** **Kelly Murray, Esq.** a representative of The Long Island Health and Welfare Council will be providing a comprehensive overview of the new ACA and how we will be affected. Come and learn how to access insurance coverage through the NY State of Health Benefit Marketplace. We will be comparing options and discussing where to begin in finding the right plan for our clients. **Maria Dosso, Esq.** will present on Medicaid coverage and how it will operate in concert with the new ACA. **Fee—\$35**

**Senior Citizens Issues— Wednesday May 28, 2014 10:00-12:30 Hempstead office.** Overview of issues of particular interest to seniors’ advocates including advance directives, nursing homes, Medicaid, Medicare, Social Security, EPIC, Reverse Mortgage, **Daniel Okrent, Esq.** of our Nassau Senior Citizen Project will present. **Fee—\$35**

### Training Registration Form

Name \_\_\_\_\_

Agency Affiliation \_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Title and date of Training(s) \_\_\_\_\_

Site of Training \_\_\_\_\_

Amount Enclosed \_\_\_\_\_

Please check if payment will be sent at a later date or on the date of the Training

☐

Please return with applicable fee to: Nassau/Suffolk Law Services, 1757 Veterans Highway, Suite 50, Islandia, N.Y. 11749  
Attn: Cathy Lucidi. This form may also be faxed to Cathy at (631) 232-2489





## *Message From the Executive Director*

Law Services continues its important work to bring access to justice to Long Island's neediest residents in the face of growing poverty statistics. The eligible poverty population (125% of the Federal Poverty Level (FPL) by Legal Services Corporation guidelines) has increased from 17.3% to 20.8 % in just five years reaching a level of over 63 million nationwide. Long Island has seen a similar trend with 6.5% of our population falling within LSC guidelines in 2007 increasing to 9.3% in 2012. Our Long Island neighbors who are at or below 125% of the FPL, now exceed a quarter of a million people!

As we attempt to meet this growing need for services, I am happy to report a relatively stable funding situation for Law Services during these past few months. That is not always the case in these tenuous financial times. The Office of Court Administration's continued commitment to access to justice and legal services programs has helped us to provide services with some continuity and has even allowed us to restore our Consumer Debt Law Project (see story on p. 3).

In addition, for the sixth year running, the Susan G. Komen Foundation, Greater NYC Affiliate, has awarded funding to our PLAN Project for clients dealing with breast cancer. The Bureau of Chronic Diseases of the NYS Department of Health has renewed our five-year grant for persons living with cancer and their families.

On the State level our Disability Advocacy Project serving disabled clients in Social Security cases will be getting a well needed boost of funding. We are very grateful to all those legislators, community leaders and supporters who help us year in and year out to secure this funding.