

Law Services News



 LSC

OCTOBER, 2017

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Adult Home Project Defends Senior's housing

In a recent Assisted Living (ALP) eviction matter, NSLS represented an 87 year old woman who has lived with her husband for 65 years, the last three years in an ALP. The ALP attempted to evict her without her husband, for failure to pay rent. **Carolyn McQuade**, attorney in the Adult Home Project, represented the elderly client who was eligible for SSI. The client agreed to liquidate a life insurance policy in order to pay part of the arrears, but the ALP pursued the eviction due to a large balance that still remained.



In evaluating the case, attorney McQuade took note of numerous defenses including the ALP's failure to sue the client's husband as well. She also argued that it is not clear that ALP evictions are covered by the same special procedures as adult home evictions. Most importantly, the petition and notice of termination were legally insufficient in that they failed to specify the amount owed and when the payments were due. Ultimately, the Court agreed with McQuade's argument that the failure to provide sufficient details put the client at a disadvantage in preparing her defense. The court has since dismissed the matter.

Housing Unit Insists on Due Process hearing in Section 8 voucher case

John Batanchiev, attorney in the Hempstead Housing Unit, recently received a favorable outcome for a client regarding her Section 8 voucher.

The State Administration Plan requires a Public Housing Authority (PHA) to give Section 8 voucher participants written notice identifying their right to request an informal hearing within 10 business days of notification of the proposed termination. In this case, Ms. H. came to the Civil Unit about two months after the termination notice for a violation of "Family Obligations" was issued, stating she never received it until her landlord notified her that she was terminated. The deadline to request a hearing had long passed. She immediately called the PHA who refused to give her an informal hearing because she did not request it by the date specified in the termination notice, 10 business days after the date the notice was issued.

Attorney Batanchiev contacted the PHA to request the scheduling of the hearing, arguing that pursuant to the administrative plan, our client was entitled to have 10 business days from the date she received the notice, not the date it was issued.

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Please support the work we do and join us at our annual

Fall

Commitment to Justice Reception

October 25, 2017

Larkfield

East Northport

Dinner buffet, open bar, live music, raffles and silent auction

Sponsorship Opportunities and Virtual Journal Ads available. See pp 4-5

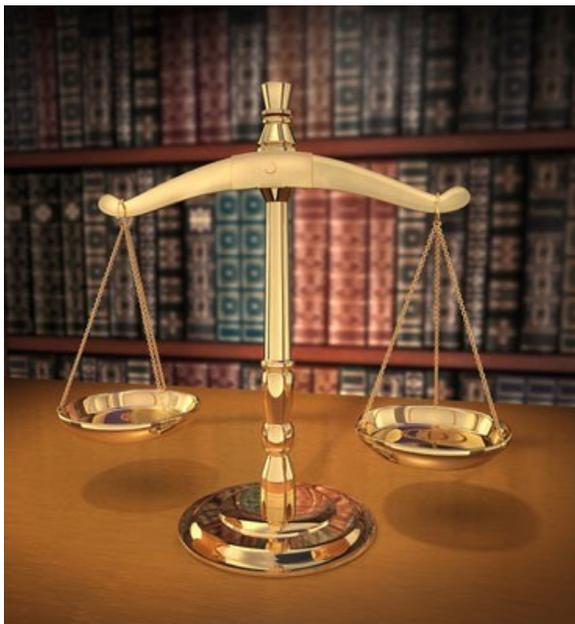


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Also, since there was no reason to conclude that the client was incorrect in her statement that she never received the notice, the PHA should have given her the opportunity for an informal hearing. When the PHA summarily refused to grant the informal hearing, John communicated with NYS Homes and Community Renewal (NYS HCR) the agency that contracts with the U.S. Department of Housing and Urban Development (HUD) for the vouchers, and that in turn contracts with the PHA to administer the vouchers.

John recently received a favorable response from HCR agreeing with our interpretation of the administrative plan regarding 10 business days from **notification**, not issuance of the notice. Acknowledging the factual claim that our client never received the letter delivered by mail, HCR ordered the PHA to schedule an informal hearing. This is a helpful procedural outcome, since often our clients are deprived of the opportunity to be heard at a meaningful time, in a meaningful manner.

Congratulations, John, for your persistence in achieving this important victory.



NSLS Veterans Rights Project Meets with Suffolk Legislature's Veterans Committee



Photo Caption (Left to Right): Tom Ronayne, Director, Suffolk County Veterans Services Agency, Legislator Monica Martinez, Legislator Steve Stern, Chairman, Veterans Committee, Susanna Laruccia, Staff Attorney, NSLS Veterans Rights Project, Legislator Leslie Kennedy, Legislator Sarah Anker, Legislator Lou D'Amaro. Legislator Tom Barraga also serves on the Veterans Committee.

On Tuesday, August 29, 2017, **Susanna Laruccia**, Staff Attorney in the Veterans Rights Project, was invited to give a presentation to the **Suffolk County Legislature's Veterans Committee**, discussing some of the successes of the Project and the challenges that our veteran clients face.

The Committee met in the in the Rose Caracappa Auditorium at the William H. Rogers Legislature Building in Hauppauge. It has jurisdiction over all matters pertaining to the Suffolk County Veterans Service Agency and veterans. Legislator Steve Stern serves as the Veterans Committee Chairman. The Committee also deals with any issues, problems, matters or questions involving senior citizens at any level of government. Tom Ronayne, Director of the Suffolk County Veterans Services Agency, also presented.

NYS Chief Judge Holds Public Hearing on Civil Legal Services Needs in NY: NSLS Client Invited to Provide Testimony

Presiding over a statewide public hearing at the Court of Appeals on New York's justice gap, Chief Judge Janet DiFiore recently highlighted the economic and social benefits to individuals, communities, the Judiciary and State when meaningful legal assistance is provided to needy New Yorkers. The Chief Judge also noted New York's standing as a national leader in the provision of essential civil legal services to low-income litigants, as well as the daunting challenges that remain in eliminating barriers to justice.

Hon. C. Randall Hinrichs, Administrative Judge of the Suffolk County Courts, was among those providing live testimony during the hearing, and announced his collaboration with the Commission on Access to Justice and other stakeholders on a pilot program to provide effective legal assistance countywide to Suffolk residents struggling with legal issues relating to life's essentials. New York is one of only seven states to receive the National Center for State Courts "Justice for All" grant to develop a statewide strategic action plan to ensure effective legal assistance for all New Yorkers facing legal problems involving life's necessities, with the Suffolk County pilot a first step in the implementation process of this statewide initiative (See *Law Services News*, Summer 2017 edition. p. 12)

One of NSLS' Education and Disability Rights (EDRP) clients, Ray Krahm, proudly offered personal testimony about the value of the education advocacy he received from NSLS' legal staff. Ray was accompanied by his advocates, Lynn Iacona and Marcia Vogel, as well as his family members.



Ray Krahm, following his testimony, pictured with Chief Judge, Janet DiFiore

Working for Veterans: NSLS Attorneys Go Above and Beyond

Many Veterans who come to the Veterans Rights Project (VRP) for legal representation have more than one legal issue. A disabled combat Veteran originally came to the Veterans Rights Project because his disabilities, including PTSD, had worsened and he was unable to return to his job. Because his income had dramatically decreased he was quickly falling behind on his financial obligations. The Veteran applied for Social Security Disability Benefits and was initially denied even though he had been hospitalized several times in the last year.

When a Susanna Laruccia, VRP staff attorney, reviewed his case and medical records she determined that the Veteran should file a Request for Reconsideration of his case and assisted him in doing so. Several months later the attorney received great news— Social Security was finalizing a favorable decision granting SSD to the Veteran. Unfortunately the next day the Veteran's truck was seized by the New York State Department of Taxation and Finance because he had fallen behind on Child Support payments. Normally in New York State if a person's vehicle is seized, they have only ten days to satisfy the debt or their vehicle will be auctioned and the proceeds will be applied to that debt.

Ms. Laruccia made a reasonable accommodation request to the Department requesting that the auction of the Veteran's truck be stayed as he would soon be receiving SSD benefits. The Department coordinated

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**NASSAU SUFFOLK LAW SERVICES
FALL COMMITMENT TO JUSTICE RECEPTION
OCTOBER 25, 2017
LARKFIELD, EAST NORTHPORT
TICKET PRICE \$125**

Established in 1966, Law Services provides free civil legal representation and advocacy for low income and disabled residents of Long Island. During 2016, over 14,000 individuals benefited from our services. We work to secure Social Security and public benefits; advocate for seniors, veterans, and low income families; prevent foreclosure and defend evictions; and provide legal assistance for domestic violence victims and people with cancer, mental illness, and HIV/AIDs. Please join us at our Fall Commitment to Justice Reception featuring a scrumptious dinner buffet, open bar, live music, raffles and silent auction.

Wednesday, October 25, 2017 – Larkfield, East Northport, NY 6:00-10:00

Please join us as we salute:



The Barbara J. Mehrman Commitment to Justice Honoree,
A. Thomas Levin, Esq. of Meyer, Suozzi, English & Klein

**Keynote Speaker, The Honorable Fern Fisher, Special Assistant
to the Dean for Social Justice and Public Interest Initiatives,
Hofstra Law School**



Special support provided by:

Ruskin Moscou Faltischek, P.C., • Carole and Jim Burns • USI

With your support, we will continue to provide free, quality civil legal representation to Long Island's neediest residents. To purchase tickets, sponsorships, and virtual journal ads please visit our website at www.nslawservices.org or call Sheila Johnson at 631 232-2400 Ext. 3322



Nassau Suffolk Law Services Sponsorship Agreement

As a sponsor you, your company or organization will be positively identified with the Law Services' commitment to access to justice and quality legal services in civil matters in a manner which respects the individual dignity of low-income Long Islanders, and help ensure the future of the full protection and benefits of the law. Tickets, sponsorships and ads can also be purchased [online at www.nslawservices.org](http://www.nslawservices.org)

Sponsor Information

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| Authorized Signature | | | Date | |
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| Total Contribution | <input type="checkbox"/> **Gold Leaf (\$7,500) | <input type="checkbox"/> **Silver Leaf | <input type="checkbox"/> <i>Bronze Leaf (\$1,750)</i> | |
| \$ | <input type="checkbox"/> <i>Red Leaf (\$1,200)</i> | <input type="checkbox"/> <i>Orange Leaf (\$550)</i> | <input type="checkbox"/> <i>Green Leaf (\$350)</i> | <i>Other _____</i> |

Sponsor Signature

I/We agree to sponsor Nassau Suffolk Law Services' Fall Commitment to Justice Reception on October 25, 2017.

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| Date | |
| <hr/> | |
| Print Name | Title |
| <hr/> | |
| Full Sponsorship Payment Enclosed <input type="checkbox"/> | |

****Sponsorship Pledge due by August 21, 2017**
 All other sponsorship pledges due by October 16, 2017

Payment to follow by _____

TICKET PURCHASES

I would like to purchase _____ tickets to Law Services Reception
_____ x \$125 = \$_____. PAYMENT FOR TICKETS DUE AT TIME OF PURCHASE .

For more information on what's included with your sponsorship, please visit our website at nslawservices.org

Thank you for your generous support!
 Please make checks payable to Nassau Suffolk Law Services
 Mail to: Nassau Suffolk Law Services Helen Keller Way, 5th Floor
 Hempstead, NY 11550
Attn: Maureen Marmero

Please return this completed form promptly to assure acknowledgment will be made on program for the event. For more sponsorship and/or ticket information, please contact Sheila A. Johnson, J.D. at 631 232-2400 ext. 3322 at Sjohnson@nsls.legal

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with and the Child Support Enforcement Bureau which agreed to release the truck back to the Veteran as long as he understood that enforcement would continue until his arrears were paid. The Veteran or his authorized Power of Attorney would need to meet the state agent and claim the vehicle by driving it off of the auction company's lot. The Veteran learned he would be getting his truck back on his birthday. As the Veterans was still in the hospital when he received this great news, he authorized the staff attorney to reclaim the truck on his behalf and she released the vehicle to his caregiver.



Attorney Laruccia delivers veteran's prized vehicle recovered from a tax seizure.

NSLS Staff: The Unsung Heroes

(We at NSLS were moved by this kind tribute by Richard L. Stern, a partner at Macco & Stern, in Islandia. The following article is abridged from the original which appeared in the Sept. 2017 issue of the Suffolk Lawyer. Reprinted with permission.)

Martin Luther King, Jr. once declared: "Life's most persistent and urgent question is, "What are you doing for others?" These sentiments clearly epitomize the goals of the unsung heroes of Nassau/Suffolk Law Services (NSLS). Jeffrey Seigel, Executive Director of NSLS, has defined the mission of the organization as "funding access to justice for people who cannot afford a lawyer, which is at the very core of American values."

So, what is it about all the unheralded attorneys and staff at NSLS that makes each of these people so special? The answer lies in the fact that they have all chosen to devote their professional careers to public service and servicing the public good on behalf of low income and disabled people, including veterans who have valiantly served our country. I would venture to say that most attorneys who have practiced for years with NSLS would have greater earning capacity in the private sector. These people have committed to ensure that basic civil rights and the rules of our legal system apply to the most economically unfortunate in our community. Maria Dosso, the Director of Communications and Volunteer Services, advises that if an innocent person is about to be evicted, is not receiving child support, or is not receiving necessary social benefits, there is no guaranteed right to an attorney to represent that individual in civil proceedings. However, in criminal proceedings, any indigent person is guaranteed the right to legal representation.

This becomes a critical issue in terms of the necessity of obtaining adequate funding for civil legal services for the poor. NSLS is a collaboration of attorneys with expertise in all different areas of law. The Islandia office of NSLS receives approximately 600 calls a day that require screening and the assistance of trained volunteers to help and render suggestions involving non-judicial cases. The pro bono projects that are offered by NSLS include bankruptcy, matrimonial, and foreclosure assistance with the participation of volunteer lawyers.

Maya Angelou said: "I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." That rings true for all of the attorneys and staff who have helped so many needy people who are frightened, have nowhere to turn for legal assistance, and seek help with social benefit programs and legal issues and who receive this assistance through the generosity of the attorneys and staff at NSLS. A *Newsday* editorial published on April 3, 2017 stated that more than 300,000 people on Long Island do not know how they will get their next meal, and this includes 87,000 children. The

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Nassau/Suffolk Law Services Committee,
Inc.

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1757 Veterans Memorial Hwy., Suite 50,
Islandia , N.Y. 11749
(631) 232-2400

313 W. Main St., Riverhead, N.Y. 11901
(631) 369-1112



NSLS Staff photographed at last year's Fall Fundraiser

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***“Doing What’s
Legally Possible
to Create a Just
World”***

Make sure to give us your email address by going to www.nslawservices.org and look for the “Sign up for our Email Newsletter” on our home page. You can also receive the newsletter by mail. Tell your friends and colleagues!



needs of the underprivileged, *right here in our own backyards*, are far greater than we realize in our daily lives. The staff of Law Services closed over 6,000 cases in 2016, which included housing, income, health, family, bankruptcy and other areas of law. NSLS has also coordinated many programs, including a matrimonial boot camp to handle divorce proceedings, and a program for volunteer attorneys to be able to assist veterans in many areas of law, as well as with their social and economic needs.

It would be unfair to praise the work of any one particular staff attorney, support staff, or volunteer, given that they all generously dedicate themselves to the indigent. They have chosen a career of public service to assist those considerably less fortunate than most of us in our legal community. They have unselfishly recognized that while many of the NSLS attorneys would benefit financially in the private sector, their need to render public service outweighs the financial considerations of a private practice. Nelson Mandela asserted, “There could be no greater gift than giving one’s time and energy to help others without expecting anything in return.” After all, there but for the grace of God, *any* of us could be one of the unfortunate people under the poverty guidelines who this extraordinary organization serves, day in and day out, with little recognition. Every attorney, staff member and volunteer of NSLS is indeed an unsung hero. We are grateful to all of you for your unending commitment on behalf of the indigent.

The POWER of CONNECTING

2017 PSEG Energy Forum for Advocates

Friday, **October 20, 2017** • 11:30 a.m. - 5:00 p.m.

IBEW Local 25 Headquarters

370 Motor Parkway, Hauppauge, NY



Let's connect, so we can make sure that families in need get connected to services that can make a real difference to their lives. Learn about important energy assistance programs for your clients. **Maria Dosso** of Nassau Suffolk Law Services is one of the presenters and will be speaking on Rights in Utility Termination Cases. Lunch included - Seating Limited Must RSVP by Friday, October 13, 2017 To register: Visit PSEGLINY.com/Efficiency or Call 1-800-692-2626

We're on the Web

www.nslawservices.org

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Message From the Executive Director

*We hope you will join us on October 25, 2017 at our **Fall Commitment to Justice Reception** when we will be celebrating with our community and honoring our generous supporters (see details on p. 4). The event is always an enjoyable evening and we are happy to be able to host the festivities at the stunning Larkfield in East Northport. This year we will be honoring A. Thomas Levin, from the firm Meyer, Suozzi, English and Klein, who has been a steadfast supporter of the work that we do. We are also fortunate to have Honorable Fern Fisher, Special Assistance to the Dean for Social Justice and Public Interest Initiatives at Hofstra Law School, as the Keynote Speaker. Our loyal benefactors include the outstanding support of Ruskin Moscou Faltischek P.C., Carole and Jim Burns, and USI. The evening will feature live music, a full dinner buffet, raffles and a silent auction.*



We would love to see you there, but if your attendance is not possible, please consider a sponsorship or virtual ad. Thank you for your continued support in serving Long Island's neediest.