Law Services News

Section 8 Victory Could Impact Many

Judy Hirshon, one of NSLS' most experienced housing attorneys, recently received a favorable decision from the Appellate Term on an Enhanced Voucher case which could impact many other tenants!

Her client resides in a multiple dwelling where many of the units are occupied by Enhanced Voucher holders. Without stating a good cause, the landlord sought to evict the client who had lived there for 15 years after the lease expired.

Congress enacted the Enhanced Voucher Program in response to forced displacement from former project-based housing, to provide a right to remain after a lease expiration. This is a significant difference with the Housing Choice Voucher Program (regular Section 8), where a landlord may elect to terminate the tenancy at the lease's end date.

After the tenant had moved in, the property's low interest mortgage was satisfied and the owner's obligation to provide affordable units for low income households ended. In this case the landlord attempted to evict the family without good cause.

After the trial court ignored her client's status as an Enhanced Voucher holder, Ms. Hirshon appealed. The Appellate Term ruled that an Enhanced Voucher

(Continued on page 2)

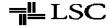
Suffolk Foreclosure Unit Makes a Difference

Our Foreclosure Unit recently enjoyed a noteworthy victory after winning a motion to dismiss in a foreclosure action on behalf of a disabled survivor of domestic violence. The client, who had faced serious abuse and threats was assisted in getting an order of protection by our Domestic Violence Unit. Then during a bout of life threatening illness, a foreclosure action was commenced against her. She sought the assistance of our Foreclosure Project.



The bank claimed to have served our client by the tardy delivery of the Summons and Complaint to her exhusband's residence, an address she's never visited. Our foreclosure attorney presented convincing arguments as to why the case should not proceed, and the court agreed. The Supreme Court found that the Plaintiff failed to present evidence connecting her to the address and failed to demonstrate that it was in the interest of justice to allow the plaintiff late service of process. Our Foreclosure Project continues to assist her to salvage her interest in the property. Congratulations!





APRIL 2018

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"Doing What's Legally Possible to Create a Just World."

SPECIAL POINTS OF INTEREST:

- We Honor Our Volunteer Attorneys
- NSLS New Re-Entry Program
- NSLS New Website
- NSLS in the Community
- Staff Anniversaries
- Welcomes

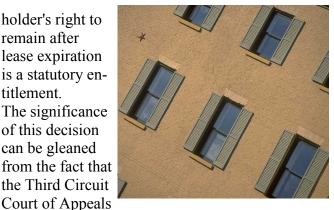


United Way of Long Island



(Continued from page 1) Section 8

holder's right to remain after lease expiration is a statutory entitlement. The significance of this decision can be gleaned from the fact that the Third Circuit



recently granted en banc review of a similar case in Philadelphia, highlighting its national impact. Congratulations, Judy!

Keeping Homeless Kids in School



Remember that **homeless** families who are placed in shelters or doubled up with another household because they are homeless, are protected by the McKinney Vento Law which requires that DSS or the school district provide school transportation to the district of choice. If you work with homeless families, refer to the materials below or call the Legal Support Center at 631 232-2400. NYS TEACH also provides advocacy assistance at: 800 388-2014 or info@nysteachs.org. More information is available at www.nysteachs.org: Tips for Schools and Advocates on the Rights of Homeless Children, McKinney-Vento Act and **School Transportation for Homeless Children**

News from the Veterans Advocacy Project

A veteran who suffers from numerous disabling symptoms associated with a meningioma of the brain became unable to work as a result of her disabilities. The veteran applied for SSI benefits and was initially denied. The veteran appealed the denial and Veterans Rights Project attorney, Catherine P. Mendolia, represented the veteran at the SSI appeals hearing. Ms. Mendolia submitted an extensive brief outlining the veteran's disabilities which prevent the veteran from working. Taking into consideration the hearing brief and the veteran's testimony at the hearing, a fully favorable decision was granted finding the veteran eligible to receive SSI benefits. Great work, Catherine! See our new Veterans Project Brochure on our website.

Medicaid recipients over 65 must apply for Medicare

From November 2017 - February 2018, letters have been mailed out to 30,000 NYS Medicaid recipients age 65+ who do not have either Medicare Parts A or B. They are required to go to the Social Security Administration (SSA) and try to enroll in Medicare, in order to keep Medicaid coverage. They will need to provide their local Medicaid program with proof that they tried to enroll in Medicare in order to prevent discontinuance of their Medicaid.



Staff Milestones



Michael Wigutow, Senior Staff Attornev for the Foreclosure and Nassau Civil Units, celebrated 30 years at NSLS. He has litigated numerous housing cases over

the years and is greatly appreciated by his clients and colleagues alike! We are very fortunate to have someone with his vast experience among our ranks. Congratulations, Mike!



Maria Dosso, Director of Communications and Volunteer Services, recently celebrated 30 years of service at NSLS. Maria started her career in our Mental Health Law Project and served disabled clients for over seven years before working in community education and outreach. She currently oversees our volunteer programs including the pro bono projects in both counties, and provides advocate consultations in the Legal Support Center for Advocates. She also coordinates our communication and media efforts

Judy Hirshon to receive Outstanding Woman in the Law Award! Hofstra Law School has



selected Judy Hirshon, staff attorney in the Hempstead Civil Unit, for this prestigious award. She has been practicing in the area of housing law for decades working to ensure that the daily necessities, which include the basics of life such as housing, food and health care, are not ignored. Through her extraordinary

contributions to the legal community, exemplary leadership and strong commitment to ensuring the advancement of women, she has truly made a noteworthy and inspiring contribution to the legal community. The Outstanding Women in Law reception will be held at The Milleridge Inn in Jericho on April 24 to celebrate the nominees. Congratulations, Judy!

After many years of exemplary service, Jane Reinhardt

is retiring from NSLS. She is best known for her staunch efforts to serve the legal needs of vulnerable persons who struggle with the stigma of their mental disability or the economic hardships of aging. Whether she is doggedly litigating a case for her client or taking on significant impact litigation, her mission has always been resolute. She is an



unassuming champion whose tenacity strikes fear in the hearts of her adversaries. Her colleagues know her for dry wit, brilliant lawyering, and unrivaled work eth-

ic. We will miss her!



We extend our appreciation to the THE NEW YORK BAR FOUNDATION Nassau Bar Foundation's We Care

Fund! Our ICAN Project is made possible in part by a recent grant from the New York Bar Foundation! The ICAN Unit (Independent Consumer Advocacy Network) provides education, information and advocacy regarding Long-Term Managed Care. Services include education, information and advice to participants, caregivers and their advocates, naviga-

tional assistance and coordination, and advocacy and legal representation. This project is also funded by the Jeffrey Seigel, NSLS Executive Director accepts a check from We Care Community Service Society of New York.



Co-Chairs, Marc Gann and Sarika Kapoor on December 12, 2017.

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We Honor Our Volunteer Attorneys

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Pro Bono Attorney of the Month **John Joseph Leonard, Esq.**

The Suffolk Pro Bono Project recently honored **John Joseph Leonard** as its Pro Bono Attorney of the Month. Mr. Leonard joined the Project in

March of 2016. He was fairly new to Long Island at that time, having spent most of his legal career in Southern California. Since joining the Project, he has accepted four matrimonial referrals, most of them involving domestic violence and financial exploitation. Mr. Leonard learned quickly and was eager to receive new referrals. Having devoted so much time early in his solo career to the Project, Mr. Leonard is extremely deserving of this recognition.

Mr. Leonard volunteered with The Retreat, which provides advocacy, counseling and other critical services to domestic violence victims. These experiences were very impacting and cemented for him the desire to represent individuals in need.

It was through the SCBA that Mr. Leonard learned of the Pro Bono Project and volunteered to take matrimonial cases. Not only did he have no restrictions on the type matrimonial matter he would take, he was willing to handle multiple pro bono referrals at one time. Within a year, he was representing four pro bono clients, most of them victims of physical or emotional domestic violence and financial exploitation.

Mr. Leonard was motivated to help these vulnerable clients, but also saw this as an important opportunity to aid his nascent law practice. He notes, "These pro bono cases gave me a better understanding of domestic abuse and the methods of control used by

(Continued on page 5)



Pro Bono Attorney of the Month

Craig D. Robins, Esq.

Volunteer Lawyers Project (VLP) honored Craig **D. Robins, Esq.** as Pro

Bono Attorney of the Month. Mr. Robins, one of the founders of the VLP Bankruptcy Project, is a passionate and dedicated volunteer. This past year, he has donated over 70 hours assisting 18 low income clients obtain a fresh start by filing Chapter 7 bankruptcy actions. Even more impressive is that over the last 10 years, he has represented 157 debtors and volunteered nearly 650 hours helping clients of the VLP!

Mr. Robins recalls his first involvement with this initiative in the late nineteen eighties, when he and fellow VLP bankruptcy attorneys spearheaded the Bankruptcy Project in Nassau County. Since that time, he has consistently accepted several Chapter 7 referrals after each bimonthly bankruptcy clinic. These VLP clinics are screenings held at the Bar Association and staffed by experienced volunteer bankruptcy attorneys. He is very proud to be part of the bankruptcy bar, a tightly-knit group of attorneys which fosters a sense of responsibility and commitment to pro bono

Initially, Mr. Robins took his first few pro bono bankruptcy cases to gain greater experience in the field. "I found I derived a tremendous sense of fulfilment from helping these vulnerable individuals," he recalls. "Assisting them to gain a fresh start and peace of mind is incredibly rewarding." From that point on, Mr. Robins was committed to building and sustaining a pro bono bankruptcy caseload in addition to his regular practice. He feels honored to have been able to make a tremendous difference in the lives of so many people over the years. "Every model practice should have room for pro bono representation," he states. "We need to be an example to the next generation."

(Continued from page 4) **Leonard**

the abuser." He also believes these pro bono assignments were instrumental because they gave him an initial client base to work from and essential learning opportunities. He's grateful that some of these first few pro bono referrals brought him before Judge Crecca because they provided exposure to the Integrated DV Part and the experienced attorneys appearing there. Looking back in his first few appearances in the Integrated DV Part, he notes, "I was particularly impressed with Judge Crecca's holistic approach and the way in which the Part pulls together all the facets of the victim's experience, allowing the multiple legal matters to be handled in one courtroom, rather than the usual scattershot approach to addressing these types of family issues."

Mr. Leonard still eagerly accepts new Project referrals, despite now having a busy and successful general practice, which includes not only family law, but also real estate, contractual and light criminal matters, as well as litigation and will drafting. He takes pro bono referrals not just from the Project, but also from The Retreat.

The Pro Bono Project is indebted to Mr. Leonard for the great work he has done for our matrimonial clients. We are moved by the compassion and concern he has shown for these clients. It is with great pleasure that we honor him as our Pro Bono Attorney of the Month.

(Continued from page 4) Robins

Mr. Robins, a frequent contributor to the Nassau Lawyer, writes on procedure, legislation, and practice, as well as the interaction of bankruptcy law on personal injury cases and matrimonial rights. Since 1991, he has made numerous presentations on bankruptcy law to attorneys and judges through the Theodore Roosevelt Chapter of the American Inns of Court, of which he is an executive board member.

One of Mr. Robins' most memorable pro bono matters involved mother and daughter clients. Prior to an accident which rendered her a quadrapralegic, she and her mother had been active working individuals. Now the daughter was unable to return to work and could not pay her extensive medical debts. Her mother, likewise, had to cease working in order to care for her daughter. She, too, fell behind on her debts. Mr. Robins took on the Chapter 7 filings pro bono. Both grateful clients were relieved of their oppressive financial burden, and could focus their energy on recovery.

Susan Biller, Pro Bono Coordinator of the VLP states: "Craig Robins is a rare attorney whose compassion and commitment to pro bono work serves as an inspiration for all attorneys. He was a visionary founder of our Bankruptcy Project years ago, and remains one of its most dedicated participants. We are so grateful for his work."

In recognition of his career long commitment to Nassau County's neediest citizens, The Volunteer Lawyers Project, along with the Nassau County Bar Association, are pleased to honor Craig D. Robins as our latest Pro Bono Attorney of the Month.



More Pro Bono News We are proud to announce that **Prof. Lewis Silverman** has been selected for the 2018 NYSBA President's Pro Bono Service Award for the 10th Judicial District. Lew has volunteered with the Suffolk Pro Bono Project since 1995 and continues to this day by assisting to interview prospective clients for the program. He has also committed many volunteer hours to planning and moderating several CLE programs at the Suffolk County Bar Association on matrimonial law for attorneys on the Pro Bono panel. Lew would like to dedicate this award to the memory of his father, Jul-

ian Silverman, who served as a volunteer paralegal with Nassau/Suffolk Law Services for many years after retiring as a Suffolk County Adult Protective Service worker. Julian was the first non-lawyer to be recognized by the Suffolk County Bar Association for pro bono services.

The Suffolk Pro Bono Project and Nassau's Volunteer Lawyers Project work toward the goal of providing free legal assistance to Long Island residents who are dealing with severe economic hardship. If you are an attorney who would like to volunteer, please contact Ellen Krakow, Esq. 631 232-2400, Susan Biller, Esq. at 516 292-8299 or Roberta Scoll, Esq. 516 292-8100 (Landlord/tenant Attorney of the Day Project)

The Power of

PAGE 6 LAW SERVICES NEWS—MARCH 2018

NSLS is awarded Technology Grant

Nassau Suffolk Law Services is happy to announce that we will be collaborating with <u>LawHelpNY</u> as part of a Technology grant awarded to us by the Legal Services Corporation. The initiative will be working on a legal services needs assessment in Nassau and Suffolk Counties in order to build relevant legal content on the <u>LawHelpNY</u> website as well as <u>NSLS' website</u>. It will also enhance data analysis of the sites' usage to give us insight in providing the community with the most useful online information and resources.

NSLS ANNOUNCES OPENING OF NEW *RE-ENTRY* UNIT IN SUFFOLK



Where a criminal record creates a barrier to employment or reintegration into the community, NSLS' Re-Entry Unit provides free representation to low income Suffolk residents on many civil matters related to previous incarceration: Employment discrimination, Section 8 issues, certificates of relief from civil disability/ certificates of good conduct, denial of a professional license and denial of employment due to prior neglect/abuse findings. Assistance is also provided to low income people who have been released from prison within the last year on matters related to: housing, public benefits, and consumer debt. For more information, call 631 232-2400.

The Americans with Disabilities Act (ADA): An Important DSS Advocacy Tool

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 applications 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 harmful outcomes. For example, 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.)

The New York State Office of Temporary and Disability Assistance (OTDA) is particularly concerned about impairments in relation to Temporary Housing Assistance (THA). OTDA requires local DSS to conduct "assessments" at various points in its procedures regarding THA <u>before</u> issuing any Notice of denial or discontinuance to a homeless client. DSS must also evaluate and determine the need for services (protective services for adults; preventive services for children; and/or protective services for children). Self help information on disability rights are available on our <u>website</u>. Or advocates can call the Legal Support Center for Advocates to discuss their questions. 631 232-2400.

PLEASE TELL US WHAT YOU THINK!

NASSAU/SUFFOLK LAW SERVICES, COMMITTEE, INC. (NSLS) is conducting a confidential survey to help us determine how to best focus our efforts. Here's your chance to have input into the work we do. PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AND MAIL IT TO:

Nassau/Suffolk Law Services Committee, Inc.
One Helen Keller Way - 5th Floor
Hempstead, NY 11550
ATTN: LIZ WOLF or

EMAIL TO lwolf@nsls.legal

THANK YOU FOR YOUR COOPERATION AND PARTICIPATION!

YOUR ORGANIZATION:	
COUNTY:	
PHONE:	
RESPONDER (AND TITLE):	
DATE:	
PLEASE ANSWER THE FOLLOWING QUESTIONS.	
1. What population (s) does your organization serve (i.e. senior citizens, HIV-infected, home	eless)?:
2. What types of services does your agency provide?:	
3. Approximate number of people served during the 2017 calendar year:	
4. Have you ever referred a client to Nassau/Suffolk Law Services? yes no	
5. If yes, have you generally been satisfied with the result obtained for your client (s)?:	_yesno
6. If no, please share with us the reason why:	_

Other (please describe)

8. Do you view our provision of Community Legal Education (programs/trainings and leaflets about legal rights/issues) as a priority in the community? ____ yes ____ no

9. In your experience, what is the most significant unmet legal need (s) of your clients?

NEW WEBSITE LAUNCH!

We are very excited to announce the launch of our newly designed website! By using the latest technology, our new website is compatible with today's browsers and mobile devices. We endeavor to provide an easily access, user-friendly, functional navigation experience. Let us know what you think!

A big thank you to Aurora Hurtado, paralegal for her hard work, talent and creativity in designing our new website. Please visit us at:



www. nslawservices.org

WE NEED YOUR SUPPORT!

You now have the ability to support Nassau Suffolk Law Services by making a donation online! Go to our website: http://www.nslawservices.org/donate

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 Add	ress:			
Credit Card Info.(Mastercard or Visa only) No.				
Exp. Date	Security No.			



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 February 27, 2018 **Sheila Johnson,** JD, Director of Development & Government Affairs and **Carly Sommers,** Staff Attorney, Re-Entry Project, attended Touro Law Center's Public Interest Career Fair. As a Touro alumnus, Sheila enjoyed the opportunity to speak to law students about her choice to work in the non- profit sector.

Roberta Scoll, Staff Attorney, VLP, presented at a legislative breakfast hosted by the Nassau County Bar Association on March 2, 2018 attended by legislators and their staff. Roberta spoke to the legislators and their staff about the services we offer to low income and disabled Long Islanders.



On March 6, 2018, Carolyn McQuade, Staff Attorney, Adult Home Project, presented at Family Service League's Suffolk Ombudservice training. The training was held for their staff and

included the following topics: rights of the adult home residents, evictions, benefits and home condition assistance.

On March 9, 2018, a free training was held at Touro Law School which addressed disability issues and public assistance. **Ellen Krakow**, Esq, Pro Bono Coordinator, participated in this special training event. (See p. 6 **ADA** article for more information)



On March 26, 2018 Ellen attended the Sachem CSD Annual Transition and Agency Fair where she networked with other advocates and spoke to parents of developmentally disabled children ages 17-21 about

the services available at NSLS. She shared information about NSLS' Education and Disability Rights Project as well as the Pro Bono Project's 17A Guardianship services and the SSI Application Project.



On March 16, 2018 Eva Nieves, MSW, gave a

presentation about the services we provide and also handed out brochures at the Continuum of Care Community meeting held at The Amityville Community Center.





Please share a copy of this newsletter with your colleagues. Or, if you prefer, sign up on our website at <u>nslawservices.org</u> to receive a digital version.

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



Make sure to give us your email address by going to www.nslawservices.org and look for the "Sign up for our newsletter field". Tell your friends and colleagues!

We're on the Web



Congratulations to the following staff celebrating their recent milestone employment anniversaries:



<u>Staff</u>	Years of Dedicated Service
Rose Caputo, Staff Attorney	10
Pat Caruso, Staff Attorney	10
Karen Corley, CPA, Dir. Of Finance	25
Vicki Davies, Staff Attorney	10
Maria Dosso, Esq., Dir. Of Comm. & Vol. Se	ervices 30
Aurora Hurtado, Paralegal	5
Lynn Iacona, Senior Staff Attorney	10
Rez Islam, Senior Staff Attorney	5
Sheila Johnson, J.D. Dir. Of Dev. & Govt. A	ffairs 10
Diane McClernon, Staff Attorney	10
Dan Okrent, Staff Attorney	20
Victoria Osk, Managing Attorney	30
Debra Petrillo, Staff Attorney	5
Maria Ramirez, Office Manager	5
Nancy Rangel, Receptionist	10
Johanna Rodriguez, Paralegal	5
Pat Salzer, Bookkeeper	15
Andrea Sasala, Staff Attorney	20
Jonathan Schwartz, Staff Attorney	10
Roberta Scoll, Staff Attorney	10
Michael Wigutow, Senior Staff Attorney	30

NSLS welcomes new staff!

Josephine DeLuca, Staff Attorney, Disability Unit

Carly Sommers, Staff Attorney, Re-Entry Project

Anjelica Uribe Aguilar, Paralegal, Domestic Violence Project

Kayla Schunk, Staff Attorney, Disability Unit

Also our **Pro Bono Scholars: Shanna Butler, Shelby Grinberg, Stephanie Hibbert, Hailey Kantrow, & Kellie Mahoney**

We are very excited to be hosting these five Pro Bono Scholars from Hofstra and Touro Law Schools at all three NSLS sites! The Pro Bono Scholar Program was started several years ago and was initiated by the former Chief Judge, Jonathan Lippman. Law students can apply to be a Pro Bono Scholar in their second year of law school, and if accepted to this demanding program, begin their 500 hours of pro bono service after taking the February Bar exam in the Spring semester of their third year. NSLS is grateful to have these talented individuals as part of our legal team.





I am very pleased to report that the FY 2018 omnibus appropriations legislation which will fund the federal government through September 30, 2018, includes \$410 million for the Legal Services Corporation (LSC), an increase of \$25 million from LSC's funding level for the past two fiscal years and the highest nationwide appropriation since 2010. This is a very significant increase reflecting strong bipartisan support. In the House of Representatives, a total of 181 House members signed a letter in support of funding for LSC for FY 2019, the highest number of signers in LSC's history! We acknowledge LSC's strong leadership in taking an active role to successfully educate Congress about our work. On the state level, the final budget included full funding for the Disability Advocacy Program (DAP) which offers legal services to disabled New

Yorkers who have been denied federal disability benefits. Also included in the state budget was a significant increase in dedicated funding for our Veterans Right Project which was secured thanks to the leadership of Senator Thomas D. Croci and Senator Phil Boyle. New York continues to be the national leader in providing access to justice in civil matters, inspiring other states to invest more resources into providing low income individuals access to lawyers on civil matters. Chief Judge Janet DiFiore, Governor Cuomo, and our state Legislative Leaders came through to continue the \$100 million allocation of funds for the provision of civil legal aid across New York State. Their steadfast support of civil legal services and restoration of the funding for the Legal Services Assistance Fund ensures that we will continue to provide free civil legal assistance in areas involving the "essentials of life" to our Long Island community.