

Law Services News



LSC

DEC 2012/JAN 2013

Burning the Midnight Oil

When **Bill Stuber**, a staff attorney in Law Services' Disability Unit was initially contacted in August 2011 by a friend of Mr. S, he learned that the Town of Islip Housing Authority was threatening to evict Mr. S from his apartment. Bill was informed that Mr. S was suffering from a bi-polar disorder and that the Housing Authority was seeking his eviction based on an allegation that he had been involved in a physical altercation with a neighbor.



As Bill's investigation of the underlying facts of the case unfolded, however, it quickly became apparent that the case was not as cut and dried as the Housing Authority claimed. For example, Bill discovered that in the days immediately preceding the incident, the neighbor's behavior toward Mr. S had been extremely provocative and openly hostile. More importantly, Bill's analysis of the facts and applicable law led him to the conclusion that the Housing Authority's own inaction constituted a violation of Mr. S' legal rights.

Under the Fair Housing Act (Title VIII of the Civil Rights Act of 1968), a landlord must satisfy a three-prong test prior to evicting a psychologically impaired tenant. In particular, the landlord must: i) determine that the tenant's behavior poses a threat to the safety of his fellow tenants; ii) contact the mental health care provider for the mentally ill tenant; and iii) request the mental health care provider to assess whether the tenant's behavior can be modified through an adjustment to the prescribed treatment protocol. In Mr. S' case, the Housing Authority had failed to follow all these steps.

Over the course of a two-day administrative hearing, Bill presented his argu-

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Dealing with the Aftermath of Sandy - Help is Here

There has been an impressive response by Long Island agencies to deal with the problems resulting from the recent Sandy Superstorm. Law Services has participated in many of these efforts and we continue to help spread the word about available services and resources. (Please note: If any of the following links do not work, cut and paste the url into your browser)

- **Law Services staff have participated in the Nassau County Bar Association's** series of free Superstorm Sandy Legal Consultation Clinics for Nassau residents held at the Bar headquarters in Mineola. For more information contact the Nassau Bar at (516) 747-4070.
- We have also joined the **Suffolk County Bar Association's** Free Legal Consultation Clinics for Sandy victims held at its Hauppauge headquarters to answer questions and make referrals for Suffolk residents affected by the storm. For more information call

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SPECIAL POINTS OF INTEREST:

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United Way of Long Island

(Continued from page 1) **Burning the Midnight Oil**

ments establishing the violation of the Fair Housing Act by the Housing Authority. Buttressing his legal arguments, Bill introduced a letter from the mental health care provider reflecting that Mr. S had sought a change to his medication on the day following the altercation in order to better control his anger management issues. Notwithstanding the cogency of Bill's advocacy, the administrative law judge ruled in favor of the Housing Authority in March of 2012. The Housing Authority then quickly commenced a summary eviction in a state court proceeding against Mr. S.

Seeking to halt the eviction proceeding in the state court, Bill teamed up with fellow staff attorney **Darlene Rosch**, a colleague experienced in federal court procedure. Confronted with the imminent threat of Mr. S' eviction, they commenced an action in the Federal District Court. The lawsuit alleged violations by the Housing Authority of the Fair Housing Act, the American's With Disabilities Act (ADA) and the Rehabilitation Act of 1973, asserting that the Housing Authority had failed to reasonably accommodate Mr. S' psychological condition. More significantly, the case sought a temporary restraining order and preliminary injunction of the pending summary eviction proceeding.

Judge Arthur Spatt in the Federal Court, Eastern District, acted promptly in view of the request for injunctive relief. At 4:00 P.M. on the day the case was filed, ascertaining that the summary eviction proceeding was scheduled to be ruled upon in three days, the Judge ordered the Law Services legal team to submit a brief by 10:00 am the next morning. The threshold question was whether the Federal District Court had the legal authority to delay the summary eviction proceeding in the local housing court.

Darlene and Bill worked tirelessly to complete the brief in time to meet the 10:00am deadline. At the conclusion of a day-long oral argument following the submission of the brief, the Judge encouraged the Housing Authority to voluntarily adjourn the eviction proceeding so that he might have sufficient time to deliberate on the pending motion for injunctive relief. On May 23, 2012, the Judge issued a 65 page decision which granted a preliminary injunction staying the eviction proceeding.

Thanks to the concerted efforts of Bill Stuber and Darlene Rosch, a settlement was reached in the eviction proceeding and Mr. S remained in his apartment, secure in the knowledge that his case was in extremely competent hands.

Cont'd from p. 1 **The Aftermath of Sandy**

(631) 234-5511

- **Legal Assistance for Long Island residents: Touro Law Center - Hurricane Emergency Assistance and Referral Team (TLC HEART)** is providing referrals,

assistance and legal advice for local residents and small businesses affected by the storm. The Center provides help in assessing eligibility and completing application forms for the wide range of emergency assistance available to storm victims, both individuals and small businesses (e.g., food stamps, government loans and grants); free legal consultation and advice on storm-related legal issues (e.g., insurance, landlord-tenant, consumer complaints, unemployment). Call (631) 761-7198 or email

tlcheart@tourolaw.edu

- [United Way of L.I.'s 2-1-1 Call Center](https://211longisland.communityos.org/cms/node/126) <https://211longisland.communityos.org/cms/node/126> open from 8-8 seven days a week. Dial 2-1-1 or 1 (888) 774-7633.

- **Insurance: Claims must be filed immediately.** Time limits

are often very strict to file a proof of claim. This includes most insurance and relief programs: Homeowners, Renters, FEMA, SBA (small business), Flood insurance, etc. **The extended FEMA and SBA deadline is January 28, 2013, but don't delay.** For FEMA assistance (where losses not covered by insurance) go to <http://www.fema.gov/news-release/federal-aid-programs-state-new-york-disaster-recovery-2> or call (855) 697-7263.

- **Disaster Unemployment Assistance (DUA)** is a Federal program that provides payments to people in federally declared disaster areas who have lost work or income as a direct result of the disaster. There are two major requirements for an individual to qualify for DUA: 1) the individual must be out of work as a "direct result" of a major disaster; and 2) the individual does not qualify for regular unemployment insurance (UI) from any state.

The Application deadline is **February 4, 2013.** **Apply as soon as possible!** Go to: <http://www.labor.ny.gov/ui/2012-sandy-services.shtm>



The Aftermath of Sandy

(Continued from page 2)

- Or call the Telephone Claims Center at 1-888-209-8124
- A couple of great **desk references** to guide you with valuable information
 - **[Disaster Relief Legal Assistance Manual](http://www.lawhelp.org/documents/519321LSNYC%20Disaster%20Relief%20Legal%20Assistance%20Manual.pdf?stateabbrev=NY/)** Go to: <http://www.lawhelp.org/documents/519321LSNYC%20Disaster%20Relief%20Legal%20Assistance%20Manual.pdf?stateabbrev=NY/>
 - **[United Way's L.I. Disaster Assistance Guide](http://www.211longisland.org/pdf/Disaster%20Guide%20-%2020211%20Long%20Island.pdf)** Go to: <http://www.211longisland.org/pdf/Disaster%20Guide%20-%2020211%20Long%20Island.pdf>
 - **[For Advocates: Free Disaster Assistance webinars](http://www.probono.net/nyc/nylagstormrelief/)** Go to: <http://www.probono.net/nyc/nylagstormrelief/>
 - In Suffolk County, the Call Center is scheduling damage assessments for the **FEMA STEP (Sheltering Temporary Essential Power) Program** to help people get back into their homes quickly and safely. Under the program, residents of the designated disaster areas that participate will be able to have the damage to their residence assessed and, where safe and practicable, have electricity restored and other basic repairs made so they can move back into their homes. Go to: <http://scoem.suffolkcountyny.gov/OEM/ShelteringandTemporaryEssentialPower.aspx> for more information.
 - or residents can call 2-1-1 or 1-(888)-774-7633, between 8 a.m. - 8 p.m., 7 Days a Week.
 - **Rental Assistance:** Section 8 Voucher assistance is available to low income Sandy vic-

tims who were permanently or indefinitely displaced. For more information on Disaster Vouchers in Nassau call (516) 572-2782 or 0815. In Suffolk call (631) 471-1215.

- **ADDITIONAL \$10,000 GRANT** Homeowners who have already qualified for FEMA housing assistance grants can now also obtain up to an additional \$10,000 grant through the Governor's Disaster Homeownership Repair and Rebuilding Fund. Call (855)697-7263 or go to: <http://scoem.suffolkcountyny.gov/OEM/ShelteringandTemporaryEssentialPower.aspx> for more information.

On December 12, 2012 Governor Cuomo announced that several major participating banks and mortgage servicers have agreed to **expedite** insurance payments to homeowners waiting to make repairs or needing money for living expenses as a result of Sandy damages. As part of this voluntary measure, select banks have agreed to **extend the grace period** on mortgage payments for another 3 months and **not to apply insurance or relief checks to mortgage arrears**. For more information go to : <http://www.dfs.ny.gov/about/press/pr1212121.htm>

or call 212-709-1691



Advocates Training on Post –Sandy Legal Issues:After the Crisis Tuesday February 26, 2013 See p. 17



Pro Bono Attorney of the Month— Suffolk



Nassau Suffolk Law Services honors **Raymond Lang** as Pro Bono Attorney of the Month for his hours of dedicated service to the Pro Bono Foreclosure Settlement Project.

Raymond Lang's work with Pro Bono started with a particular interest in the economic crisis, analyzing the problem and possible solutions in dealing with the huge rise in mortgage foreclosures and unemployment. He founded Economic Recovery Advisors LLC, to advise governmental agencies and business enterprises to meet the challenges faced in the economic downturn. Through this firm, he has advised on foreclosure legislation at the national and state levels. He has written "white papers" on the subject and his experience in mortgage foreclosure continued to grow through his advocacy in his law practice. His familiarity with the banking industry, how banks are structured and how they think, as well as his extensive knowledge of mortgage backed securities, have been valuable assets in his foreclosure defense practice.

He soon became involved with the Suffolk County Bar Association (SCBA) as a way to better network and get a grassroots perspective. After attending a foreclosure seminar sponsored by the Empire Justice Center, he was inspired to participate in the SCBA's Pro Bono Foreclosure Settlement Project spearheaded by Barry Smolowitz. The Project, now being administered by Nassau Suffolk Law Services, is based on a web-based software program initiated by Smolowitz, where pro bono attorneys who are interested in volunteering at foreclosure settlement conferences, can assign themselves to a matter for a single appearance or multiple appearances, at their choosing. Lang has been a CLE presenter and loyal volunteer with the Project for several years devoting thousands of hours and seeing hundreds of clients.

Notwithstanding his achievements on Wall Street and as an entrepreneur, Raymond believes that the most rewarding work of his career has centered around his participation in the Foreclosure Project. He has derived a great deal of personal satisfaction from being

able to give back to the community by helping those truly in need to navigate through the foreclosure settlement process. Raymond brings a positive approach to his clients in the Project and his dealmaker skill set has enabled him to persuade banks to work out mortgage modifications in many cases.

"My pro bono activities related to settlement conferences are the most rewarding work that I do, helping those who are burdened with the stresses of a losing home," says Lang. "We are all in this together and doing pro bono work is rewarding and inspiring."

Mr. Lang is a native Long Islander, graduate from Fordham University and then received his law degree from New York Law School in 1984. During his career, Mr. Lang often found himself balancing his family life and formal education while working in New York City, first in the computer field, then in the banking industry on Wall Street where he practiced securities law and later managed several investment firms and businesses. These experiences and skills prove especially valuable in his current legal practice.

For Mr. Lang it has always been about networking and forging new connections. These days he uses his skills while focusing on saving homes and creating jobs. In addition to his work in foreclosure defense and loan modifications, he serves as General Counsel to several small companies, including internet and retail businesses, who rely on his prior experience as a CEO, corporate counsel, and investment banker for advice on corporate governance, business development, finance and management. Mr. Lang utilizes a cadre of outside resources and experts to provide a holistic and team oriented service to his clients. He prides his approach as being not transactional, but relationship-oriented. "I care about my clients and seek to be their family lawyer or general counsel. Anyone I introduce to a client must be good hearted," Lang says.

Raymond Lang's work with Pro Bono started with a particular interest in the economic crisis, analyzing the problem and possible solutions in dealing with the huge rise in mortgage foreclosures and unemployment. He founded Economic Recovery Advisors LLC, to advise governmental agencies and business enterprises to meet the challenges faced in the eco-

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Welfare Unit Fights for Right to Live in Safe Housing

When recipients on public assistance have the misfortune of living in substandard housing, an important legal remedy is available to them under Section 143-b of the Social Services Law. With an official inspection report presented to the Department of Social Services (DSS), the agency has the authority to withhold the rent to the landlord of the public assistance family in order to pressure him to do the repairs. But in our experience, DSS is not often proactive in using this important legal tool.

In one such recent case, Ms. T sought the assistance of our Nassau Welfare Unit when the DSS denied her emergency housing. She was in receipt of public assistance and lived in housing that was woefully inadequate for her household which included herself, her husband and nine children. DSS was “restricting” her shelter allowance by sending \$1500 per month directly to the landlord. Numerous and serious violations were issued by the Village which included vermin infestation, overcrowding, water damaged ceilings, exposed electric wires, no smoke detectors, and many other violations. The Village Court proceeded against the landlord citing the violations with affidavits from the building inspector.



In desperation and in order to escape the conditions while the landlord hopefully made the necessary repairs, Ms. T applied for emergency housing repeatedly but was denied by DSS for various reasons, most notably because there was no actual threat of eviction by the landlord!

Douglas Ruff, Senior Staff Attorney of our Welfare Unit, requested an expedited hearing on behalf of Ms. T. After the hearing, the Commissioner’s decision reversed DSS’ denial and ordered the agency to inspect and evaluate the habitability and availability of her family’s current housing.

As a result of a subsequent inspection, the landlord replaced missing smoke detectors and electrical outlet covers but there were many other conditions that

remained unresolved and dangerous as substantiated by a followup inspection by the Village Building Department. The Village’s inspection report indicated that the violations still existed and were pending in court. The client filed a new application for emergency housing and requested that DSS withhold the rent pursuant to Social Services Law Section 143-b to the landlord based on these violations. DSS failed to respond. The family was trapped in these deplorable conditions with no way out as DSS continued to pay the shelter allowance in full to the landlord.

At a subsequent hearing on the same issues, Mr. Ruff pointed out that DSS had failed to comply with the directives issued at the prior hearing. The family continued to live in substandard housing conditions with no hope of redress if DSS would neither withhold the rent to the landlord nor grant the request for emergency housing. Although DSS acknowledged that it had failed to respond, the agency’s representative contended that it had no official proof that the house was unsafe or substandard and that there had been no instruction to withhold rent because the family still resided there and rent must be issued.



All of DSS’ arguments were rejected. The Commissioner found that Ms. T had established that there were serious code violations detrimental to life and health and that DSS must provide emergency housing until the repairs are effected to render the residence habitable, or until the family found alternative permanent housing. DSS was also directed to evaluate the 143-b request.

In desperate situations such as these, families in substandard housing do not have to wait for an eviction in order to access emergency housing. Also, the “143-b remedy” is a valuable and effective tool, though it may often be difficult to convince DSS to employ this legal pressure against landlords. Perhaps utilizing this important remedy more frequently will force landlords to make repairs in substandard housing.



LAW SERVICES CELEBRATES 45 YEARS OF LAW JUSTICE AND ADVOCACY



Nassau Suffolk Law Services (Hempstead, Islandia & Riverhead, NY) hosted its fourth annual Wine Tasting Reception with this year's event celebrating **45 years of Law, Justice, and Advocacy**. The reception was held at the elegant Carleton (East Meadow, NY) on Thursday October 4, 2012 from 6:00-9:00 p.m. and proved once again to be a fun-filled evening of fine wine, good food, and music to benefit the critical legal programs that Law Services provides to low-income and disabled individuals on Long Island.

The late **David S. Taub**, CEO of **Palm Bay International** (Port Washington, NY) donated the wine for the event with major support from **Ruskin Moscou Faltisheck P.C.** (Uniondale, N.Y), **Travers O'keefe** (New York, N.Y) and **Geico** (Woodbury, N.Y.). A dinner followed the wine tasting reception which included a photo montage highlighting Law Services' landmark cases and the legal staff responsible for this significant litigation throughout the agency's history. An exciting gift basket raffle and auction rounded off the evening. The event was organized by dedicated Advisory Council volunteers led by Carole Burns, Esq. and Beth Polner Abrahams, Esq. "We are so grateful for the outpouring of community support, especially in these tough economic times," commented Jeffrey Seigel. "These essential services cannot be provided without the dedication and expertise of our staff and the backing of our local corporations, law firms, and community advocacy agencies."



Thanks to Palm Bay International, the wine selection is always superb!

Guests always stay to the end of the event to hear the basket raffle results!



Guests enjoy the elegant venue of the Carleton



Citation presentation on behalf of County Executive Mangano



Members of Law Services' Board of Directors and Advisory Council came out to support the event



Law Services' Staff and volunteers helped to make the evening a success

(Continued from page 4)

conomic downturn. Through this firm, he has advised on foreclosure legislation at the national and state levels. He has written “white papers” on the subject and his experience in mortgage foreclosure continued to grow through his advocacy in his law practice. His familiarity with the banking industry, how banks are structured and how they think, as well as his extensive knowledge of mortgage backed securities, have been valuable assets in his foreclosure defense practice.

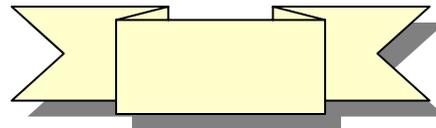
He observes that pro bono work has also helped to build his practice and referrals, as he networks with other attorneys and continues to learn and grow. Mr. Lang’s mentoring young people through the Project, such as the students at Touro Law School, is also a rewarding part of his work. “We need to help each other, educate each other, and empower each other,” he states.

Mr. Lang shared two recent examples of how he was able to make a difference through his pro bono efforts. A senior citizen whose house was in foreclosure had not taken Social Security because he was afraid his creditors would take his retirement checks. Lang told him that the benefit could not be garnished to satisfy his credit card debt, and in fact that the Social Security income could help to qualify him for a loan modification. This advice helped to turn things around dramatically for the grateful client.

Another client suffering from muscular sclerosis had reluctantly stayed in his house while the rest of his family, including his three very young children, moved to North Carolina where his wife had an employment opportunity as a teacher. He stayed on Long Island because he was told that his mortgage lender would aggressively pursue his family’s assets if he left his house which was in foreclosure. He was living a very lonely and unhappy life until Lang told him that he had been misinformed and that nothing imminent was going to happen. He advised the client to reunite with his family and pursue a short sale instead. The client left in tears of gratitude and relief.

Mr. Lang’s personal life is also quite full. His family is very important to him and he is very proud of his wife, daughter, two sons and grandson. He is active in sports, coached CYO and has been a religious education instructor for over thirty years.

Mr. Lang’s philosophy is that if you give, you receive much more in many ways. Bringing faith, hope and positive energy to people through service in his law practice has become his ministry. We are very fortunate and inspired to have such a generous pro bono attorney working with the Foreclosure Settlement Project. Our congratulations go to Raymond Lang for this very deserved award.



The Suffolk County Pro Bono Project is a joint venture of the Suffolk County Bar Association and Nassau Suffolk Law Services. Pro bono attorneys are greatly needed, especially in the areas of: matrimonial and family law, bankruptcy, guardianships (17A), foreclosure, and consumer cases. To volunteer, please call 631 232-2400 x 3369.

Nassau County Pro Bono Attorney of the Month on page 10

At this Holiday Season Our Thoughts Turn Gratefully

Our 2012 Wine

Champagne Sponsors

RuskinMoscouFalitschek, P.C.

Pinot Noir Sponsors

Travers O'keefe Associates

Geico



Cabernet Sauvignon Sponsors

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Suffolk County Women's Bar Association

Susan West

Pro Bono Attorney of the Month– Nassau

It is with great pleasure that Nassau/ Suffolk Law Services and the Volunteer Lawyers Project recognizes **Mary T. Lucere** as the most recent Pro Bono Attorney of the Month. Ms. Lucere has had a long history of service to the indigent in our community through her consistent participation in the Volunteer Lawyers Project. Since starting her solo general practice in 2004, she has simultaneously served the Nassau Suffolk Law Services (NSLS) Attorney of the Day Project and represented low-income defendants in complex contested matrimonial matters.

Ms Lucere is no stranger to multi-tasking. Starting her career as a legal secretary, she worked full-time while obtaining a Certificate in Paralegal Studies, then a Bachelor's degree. While working in the corporate and real estate departments of the firm of Blodnick, Schultz & Abramowitz, she attended St. John's Law School, from which she earned her J.D. in 1988. She was admitted to both the New York and New Jersey Bars in December, 1988.

The years of real-world work experience gave Ms. Lucere "valuable knowledge and skills which could not be taught in law school." After several years of association with the firm of Wolfson & Grossman, she ultimately launched her solo practice, now located in Seaford. She focuses on real estate and commercial transactions, leasing, civil litigation, trusts and estates and family law. Seeing a Pro Bono Attorney of the Month award many years ago first sparked her interest in volunteering her professional services.

One of Ms. Lucere's most rewarding volunteer experiences has been working in the Landlord Tenant Part of the Nassau District Court in the NSLS Attorney of the Day Project. With the guidance of Roberta Scoll, the supervising NSLS staff attorney, she has aided in delaying or preventing the evictions of many Nassau County residents who would otherwise be rendered homeless.

Ms. Lucere urges other attorneys to donate some of their time to the Volunteer Lawyers Project. "During these difficult economic times, I feel it is incumbent upon each attorney who is able, to step up to the plate and offer their services to those who cannot afford legal counsel. So many people who do not have access to a lawyer could be helped if every attorney committed to taking even one case."

Volunteering to handle matrimonial cases for the Volunteer Lawyers Project has enabled Ms. Lucere to broaden her skill set in family law. She recalls successfully negotiating a settlement in a child custody and relocation case, involving issues with which she had not had much previous experience. The case was also quite personally gratifying. Her client, who had been separated for over four years and considered divorce out of her financial reach, was immensely appreciative of the help she'd received and thrilled that she could finally move ahead with her life.

The Attorney of the Month honor was previously awarded to Ms. Lucere in September of 2008. The plaque now hangs on the bedroom wall of one of her two daughters, serving as inspiration for them as they reach adulthood.

In addition to her law practice, Pro Bono work and raising her two daughters, Ms. Lucere enjoys reading, watching movies, and entertaining friends. She is also an active member of the Seaford Chamber of Commerce.

Perhaps she is best known to the Volunteer Lawyers Project for her willingness to take on a challenge when most needed. For her persistent efforts to help indigent Long Island residents obtain access to legal services, along with her dedication and professionalism, we are proud to honor Mary T. Lucere as Pro Bono Attorney of the month.

By Susan G. Biller, Esq.

Staff Attorney/ Pro Bono Coordinator

Volunteer Lawyers Project, Nassau Suffolk Law Services

The Volunteer Lawyers Project is a joint venture of Nassau Suffolk Law Services and the Nassau County Bar Association. We are always looking for volunteers, especially in the areas of matrimonial, landlord tenant, and bankruptcy law. Attorneys interested in joining this worthy effort can call Susan Biller at 516 292-8100 x 3136 or Maria Dosso at 631 232-2400 x 3369.



IMPORTANT ANNOUNCEMENTS

Consumer Directed Personal Assistance Program

Concepts of Independent Choices is a Consumer Directed Personal Assistance Program (CDPAP). This Medicaid program is an alternative to traditional home care services and can include full or total assistance with personal care, home health care, and some skilled nursing tasks. To qualify for the CDPAP, you must be Medicaid-eligible and have a disabling condition. This program gives more control over services because the consumer (client) or their surrogate (person willing to run the program if the consumer is unable) is able to recruit, hire, train, manage, and if necessary, dismiss the personal assistant of their choice. In some cases family members, except for parents and spouses, are eligible to be hired as personal assistants. For further information regarding the CDPAP or *Concepts of Independent Choices*, please call toll free: **866-666-4441** or contact Adele at: **917-710-1859**.

Food Stamps News

As of November 1, 2012, DSS is **prohibited from finger imaging** any member of a household applying for or receiving SNAP (Food Stamps) benefits for any purpose related to SNAP.

Also a **temporary suspension of work-related Food Stamps sanctions** is in effect as of **December 14, 2012** while pending changes in procedure and potential changes in notice language are finalized to comply with federal regulations. Once the regulations are changed, food stamps recipients should have an opportunity to correct and comply with any work compliance problems prior to a sanction being imposed.

SSA to Reinstate Benefits

As a result of a class action suit, *Clark v Astrue*, individuals who have lost their Supplemental Security Income, Social Security Disability or retirement benefits due to a probation or parole violation warrant, may now be entitled to get their lost benefits reinstated. Please have anyone who thinks they may fit this criteria contact the Social Security Administration. The Social Security Administration started reinstating benefits in October, 2012 and will complete the process by March 31, 2014. For more information visit the Urban Justice Center website at http://www.urbanjustice.org/pdf/press/clarkrelease_17apr12.pdf (if link does not work, cut and past url into your browser)

GOOD NEWS FOR DISABLED AND INDIGENT CHILD SUPPORT RESPONDENTS

By Philip R. Brookmeyer – Pro Bono Attorney

The New York State Office of Temporary and Disability Assistance (OTDA) announced a significant modification of its automated Property Execution (PEX) system effective **July 15, 2012**. Briefly stated, the revised PEX protocol is designed to prevent the seizure of bank accounts when the respondent is a recipient of **Title II (Social Security Disability) or Title XVI (Supplemental Security Income SSI)** benefits from the Social Security Administration (SSA).

More particularly, the announcement by OTDA specified the following two changes to the PEX System: i) the first change will prevent the issuance of a restraint or property execution on financial accounts when the support obligor has been identified as being in receipt of – or having a pending claim for – federal social security benefits under Title II or Title XVI ; and ii) the second change will preclude the issuance of a restraint or property execution until one year has passed since the last restraining notice was issued against the support obligor.

Questions regarding these PEX process changes may be raised with DCSE County Representatives at 1-800-343-8859, ext: 30574.

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@wnylc.com

THANK YOU FOR YOUR COOPERATION AND PARTICIPATION!

YOUR ORGANIZATION: _____

STREET ADDRESS: _____

CITY, STATE & ZIP CODE: _____

PHONE: _____

RESPONDER (AND TITLE): _____

DATE: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS.

1. What population (s) does your organization serve (i.e. senior citizens, HIV-infected, homeless)?: _____

2. What types of services does your agency provide?: _____

3. Approximate number of people served during the 2011 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)?:
yes no

6. If no, please share with us the reason why: _____

7. The following is a list of critical needs of the community we serve. Please give us your opinion as to their importance by ranking them from 1 to 6, with 1 being the most important and 6 being the least important.

___ Preserving the Home (e.g. landlord/tenant, including evictions & foreclosures; public housing, including Section 8)

___ Economic Stability (e.g. Social Security (SSI & SSD); unemployment insurance; veterans benefits; welfare (public assistance, food stamps))

___ Individual Rights (e.g. employment (job discrimination); housing discrimination; rights of immigrants; people with disabilities (public accommodations, employment); education

___ Access to Health Care (e.g. medicaid)

___ Consumer Rights (e.g. bankruptcy; debtor/creditor; wage garnishments)

___ Ensuring the safety, stability and health of families (e.g. child support; custody/visitation; divorce/separation; spousal abuse; future care and custody planning)

___ Other

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. Have the recent extreme weather-related events affected your clients in a significant way? How? _____

10. We welcome any additional comments you can offer concerning how we may better serve our clients: _____

Thank you again for helping us to help the community we serve.



LAW SERVICES IN OUR COMMUNITY



Law Services continues its strong ties within the community, 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!

Nassau Suffolk Law Services attorneys participated in the free **Sandy Legal Clinics** held at the **Suffolk County Bar Association and the Nassau County Bar Association** on November 19th and November 26th.

Also, many of Law Services staff participated in the **Nassau County Bar Association's Pro Bono Fair** held on October 25, 2012 serving hundreds of Nassau residents.



On August 17, **Dan Okrent**, Staff Attorney in the Nassau **Senior Citizens Project** attended the **19th Annual Bi-County Empowerment Conference** entitled "Life Beyond the Mental Health System" held at the Melville Marriot. Dan staffed a table and distributed our informational brochures.

Dan also "tabled" at an **Island Harvest** event held on September 12, 2012. We are proud to participate in Island Harvest's food relief services, training events, and other programs helping to move people out of poverty.



Michael Wigutow, Senior Staff Attorney for our Housing Unit in Nassau attended a forum on December 12, 2012 to help Sandy victims, held at the **Nassau County Supreme Court** sponsored by **Nassau County Administrative Judge Anthony Marano**.



Two Races for One Great Cause

Law Services staff was happy to participate in two races to help raise funds for breast cancer research. **The Susan B.**

Komen Race for a Cure was held in Central Park on September 9, 2012 and the **American Cancer Society's 2012 Making**



Strides Against Breast Cancer Walk held on October 21, 2012 at Jones Beach.

On August 7, 2012 **Cathy Lucidi**, Paralegal in the Legal Support Center for Advocates attended **Congressman Tim Bishop's Senior Citizen Expo** held at the Centereach VFW Hall. Cathy distributed Law Services brochures as well as important informational handouts on topics related to issues seniors are facing on Long Island.

On August 14, 2012, **Patricia Dinis**, Paralegal/Intake Coordinator of the Islandia office attended the 2012 Stand Up for The Homeless Conference held at St. Joseph's in Patchogue. Patricia handed out materials particularly specific to individuals who are currently homeless and distributed Law Services brochures. Many homeless families from Suffolk shelters attended and received items such as toiletries and services such as haircuts.



Please share a copy of this newsletter with you colleagues or invite them to visit our website at www.nslawservices.org to download a copy.

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

Welcome New Hires

We'd like to take this opportunity to welcome our new staff:

- **Susan Biller**, Staff Attorney, Volunteer Lawyers Project - Nassau
- **Lisa Halloran**, Law Graduate , Foreclosure Unit - Suffolk
- **Megan Neal** , Law Graduate, Welfare Unit - Nassau
- **Melissa Zeidler** , Law Graduate, PLAN Project - Nassau

*"Equal Justice
Under Law"*

Mr. Rudolph De Winter, volunteer attorney, is celebrating his 85th birthday and a milestone anniversary volunteering at Nassau Suffolk Law Services. He has been a loyal volunteer in the Landlord Tenant Attorney of the Day Project for **10** Years. Now that's dedication!



We're on the Web

www.nslawservices.org

Law Services Mourns



Law Services deeply mourns the passing of **Ann Rosner**, former paralegal in the Nassau Child Support Unit. She assisted assisting many custodial parents in Nassau County to obtain child support orders, helping to recover over \$1,400,000 in child support for her clients. After the Unit lost its funding, she became the office manager in our Nassau Office. Our condolences go out to her family.

Law Services mourns the loss of **David Taub**, one of our loyal supporters whose generosity helped to make our annual Wine Tasting fundraisers a big success. Mr. Taub's wine importing company **Palm Bay International**, is one of the largest wine importers in the U.S. Our sympathies go to his family and his wife, Linda Taub, who serves on Law Services' Advisory Council.



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 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/donations.html> (cut and paste the url if link does not work) 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. _____

Expire Date: _____ Security No. _____ Check Amount _____



Seasons Greetings

From the Executive Director, Jeffrey A. Seigel

The Sandy Superstorm affected all Long Islanders, especially many of our low income clients whose pre-storm housing and income situations were already strained. Even Law Services' offices were affected for a time as we struggled to regain power and communication access. We continue to receive calls related to the storm and to participate in collaborative community efforts. The free legal clinics held at the Nassau County Bar and the Suffolk County Bar Associations in addition to community forums held in hard hit areas, afforded Law Services staff the opportunity to meet with residents who had questions relating to their Post-Sandy needs. The response by our community agencies, businesses, and individuals has been heartening as we all seek to help our Long Island neighbors. This was not a job for Law Services alone and the joint community efforts, collaborations, and hotlines all helped to address the unprecedented need caused by this disaster.

We extend our wishes for a speedy recovery from this crisis as we look ahead to rebuild. This is truly a time to be grateful for our blessings and to reach out to those less fortunate. Happy holidays to all our community friends and supporters.

LAW SERVICES WINTER 2013 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. If a fee applies, please make check payable to Nassau Suffolk Law Services and mail your payment in advance to confirm pre-registration.

Adult Home Advocacy - Thursday, January 17, 2013 (rescheduled from October 29, 2012)

Carolyn McQuade, Esq. attorney in our Adult Home Project will present on topics affecting residents of adult homes. Advocates will want to hear firsthand everything you ever wanted to know about the rights of adult home residents including: eligibility for public benefits, eviction law, the right to the personal needs allowances and lots more! Thursday January 17, 2013 9:30-11:30 in our Islandia office. No Fee for this training. Call 631 232-2400 x 3357 to register.

Post –Sandy Legal Issues After the Crisis – Tuesday February 26, 2013

This training will provide an overview of Crisis Intervention strategies with specific application to the Sandy Storm. Though the emergency issues may have waned by late winter, we expect other issues involving access to housing, mold complaints, FEMA appeals, etc to follow. The presentation will include tips to access public benefits and other federal benefit programs related to the storm, landlord tenant and warranty of habitability issues, and a discussion of housing access. Islandia office 9:30-12:30 \$35 per person. Call 232-2400 x 3357 to preregister.

Training Registration Form

Name _____

Agency Affiliation _____

Phone Number _____

Email Address _____

Title of Training(s) _____

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