



# Law Services News

SPRING, 2015  
SPECIAL DOUBLE ISSUE

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

## SPECIAL POINTS OF INTEREST:

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## Summary Evictions Proceedings Involve Strict Rules of Service

In landlord tenant summary proceedings, service of process involves very specific steps. An eviction can proceed very quickly in a summary proceeding as compared with other court matters, but the law requires very exact steps to be followed in order to successfully file a petition to evict.

**Marissa Luchs Kindler**, Senior Staff Attorney in our Islandia office, recently received an important victory on her motion to dismiss in a landlord tenant case. The petition for non-payment of rent was dismissed because the predicate three day notice was not properly served. The law requires that where personal service cannot be effectuated, then “substituted” service should be completed by affixing a copy upon a conspicuous part of the property or placing a copy under the door. In addition, within one day after such delivery, the papers must be mailed by registered or certified mail and by regular first class mail.

In this case the landlord failed to follow the specific procedure for substituted service making it incomplete and defective. The Court also noted other conditions that were not met before resorting to substituted service: the boilerplate petition failed to contain an unequivocal, oral demand for rent allegation and also failed to allege that there were at least two attempts at personal service, one during normal working hours and one when a working person could reasonably be expected to be at home. Congratulations Marissa!

## Homeless Mentally Ill Client Wins Reasonable Accommodation

Law Services’ Mental Health Law Project recently assisted a client who was homeless and residing in temporary housing. The client, Mr. H., was seeking a change in his housing placement due to his disability. His treating physician and mental health therapist supported the request based on the client’s diagnosis, but the Department of Social Services (DSS) refused to alter the placement.

The client then came to Law Services for assistance and **Alex Freundlich** agreed to represent him in his case. Mr H. explained that he was being housed at a shelter for single males and was not doing well. His therapist had sent a letter to DSS stating that Mr. H. suffered from major depression and frequent panic attacks, as well as suffering from severe sleep deprivation because of his anxiety and fear of people stealing from him. The client’s therapist went on to say that the Mr. H. would benefit from a different housing situation. The therapist’s position was supported by the treating psychiatrist who sent a letter to DSS requesting a change in the client’s housing.

Mr. Freundlich requested a fair hearing to appeal DSS’ decision. At the hearing, the DSS representative submitted a summary of

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the case which included a statement from DSS' consulting physician stating that in his estimation, Mr. H was able to stay at the shelter where there is supervision.

Mr. Freundlich submitted the supporting documents from Mr. H's treatment providers that contradicted this opinion. This compelling evidence persuaded the Administrative Law Judge that it was a medical necessity for the appellant to be placed in a single room occupancy situation due to his condition, and therefore overruled DSS' initial denial.

Mr. Freundlich received Empire Justice Center's Fair Hearing of the Month award for this important decision. Congratulations!

## **Sister of Nursing Home Resident Not Liable for Charges**

In a recent case, a nursing home commenced a suit against our client for unpaid services provided to her sister while staying in their facility. The nursing home agreement name our client as the "designated representative" and the nursing home sought charges totaling \$13,161.00 from her, after already receiving a judgment against the nursing home resident. Rose Caputo, attorney in our Senior Citizens Project in Hempstead, represented the defendant in this debt collection case.

The case went to trial and while our client was found to be bound to the agreement which named her as the designated representative, the terms of the agreement paired with the legislative intent of the Nursing Home Reform Act provided a limited legal basis for imposing personal liability upon her for the cost of services rendered to her sister. The Nursing Home Reform Act generally prohibits third party guarantees as a condition of admission or continued stay in a nursing home facility. As such, the nursing home was unable to meet its heavy burden of showing why our client was personally liable for her sister's care.

The court instead found that our client

was only responsible for providing payment for services from the nursing home resident's income, which included Social Security and a small pension. The nursing home failed to show bills for amounts equal to that income, and instead charged our client's sister, the resident, based on the value for services rendered for care after the resident's insurance ran out. Judge Michael Cioffa held that the nursing home "failed to prove by a preponderance of the evidence that the defendant breached the agreement in any way, shape or form," and furthermore the nursing home was fully paid by the private insurance carrier for any "anticipated services." As a result, our client was not responsible to personally pay for the subsequent charges billed to her sister once the insurance lapsed. The nursing home's case was dismissed and our client had no liability for the bill. Congratulations Rose!

## **Mortgage Entity Cannot Evict from Co-op in District Court**



In a recent case handled by the Senior Citizen Project, Fannie Mae was attempting to recover possession of cooper-

ative premises in Freeport from our clients, the respondents. As a result of the petition, her Law Services attorney, Rose Caputo, moved for an order dismissing the petition, claiming the district court lacked subject matter jurisdiction and that the petitioner lacked standing to bring the proceeding.

The key issue of the case was whether a cooperative property, obtained through the purchase of stock shares and a proprietary lease, may be classified as real property, and specifically if the lease creates a landlord and tenant relationship between a cooperative and its stockholder. The court found that in the instant case, no landlord/tenant relationship existed between the petitioner and our client. As a private mortgage entity, the petitioner was seeking to evict the defendants, the previous owners of the cooperative shares, pursuant to a certificate of sale and fact acquired at a non-judicial foreclosure sale. Thus, a summary proceeding to evict the shareholders, our clients, was not within the jurisdiction of Nassau County District Court and the petition was dismissed.

## Stepfather May be Hired as Personal Care Aide

Recently, the **Education and Disability Rights Project (EDRP)**, (formerly known as the PADD/PAIR Project see p. 6), successfully assisted a 27 year old man with a severe intellectual disability and cerebral palsy, in his efforts to continue the employment of his stepfather as his personal care assistant.

In this compelling case, our client's mother was the "self-directing other" under our client's CDPAP program, and as such, she had hired personal care assistants on his behalf since 2001. In 2006, the mother hired her husband of several months (and our client's stepfather), as one of our client's personal care assistants. He functioned in this capacity for four years, until DSS de-authorized him as his stepson's personal care assistant. Although under Social Services regulation 18 NYCRR §505.14(h)(2), a **parent** is prohibited from being paid as a personal care assistant, this regulation is silent as to whether a "**stepparent**" could be employed as his/her stepchild's personal care assistant. At issue, therefore, was whether a "stepparent" falls within the meaning of a "parent", in the context of the regulation.

NYS DOH alleged the existence of a "long-standing" policy which interpreted the regulation to include a stepparent within the list of those relatives ineligible to provide paid service.

Appearing without legal representation, our client's mother appealed the de-authorization at fair hearing,

but lost the appeal. An Article 78 proceeding challenging the fair hearing decision was filed before the Supreme Court, but the proceeding was then transferred to the Appellate Division, Second Department, for review.

At that point, the EDRP, (Lynn Iacona, of counsel), filed a Reasonable Accommodation request to the Suffolk County ADA Compliance Officer, asserting that the stepfather was solely and uniquely qualified to serve as his stepson's personal care assistant. In addition, the

appeal before the Appellate Division was prosecuted by the EDRP. On appeal, we argued that DOH's interpretation of the regulation was erroneous, where the fact that the regulation, which enumerated a list of those relatives who are ineligible to provide paid personal care services (e.g., a patient's spouse, parent, son, son-in-law, daughter, daughter-in-law), specifically omitted "stepparents" from the list. The appellate court agreed that the specificity of the regulation suggested that the law did not intend to prohibit stepparents from serving as personal care aides, and determined that the regulation must be interpreted to allow stepparents to serve in this capacity.

As a result of this favorable decision, this client, who has very precise personal care demands, is able to continue to receive the high level of assistance provided by his stepfather, under his CDPAP program. Hopefully, this decision will assist many of our other clients in similar situations, given the frequently difficulties that families face in securing consistent and competent personal care services.

## EDRP Battles to have Disabled Student Placed Close to Home

The family of a 17 year old young man sought the assistance of Law Services on an educational placement issue. Their son had been placed by the school district, in a residential school in upstate New York. For years, his family tried to get him transferred to a residential school on Long Island so that they could see him on a regular basis. To complicate matters, his father was getting increasing ill from exposures as a 9/11 responder, making visitation difficult.

An opening in a Long Island school became available and he was accepted for placement. The parents and school district all agreed that the student should be moved closer to home. Both the district Special Education Director and

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## **Post Secondary Education up to Four Years Not Permissible as “Work Activity” by Nassau DSS**

K.B., a client of the Welfare Unit, was 19 years old when she completed her course of study at a community college and entered into a bachelor's degree program at a local four-year university last Fall. In addition to taking a full-time course of study to meet her goal of becoming an early childhood teacher, K.B. also works part time at a local retail store. She is on her mother's public assistance case along with two of her siblings.

Recipients of public assistance benefits who are otherwise found to be employable are required to engage in a certain number of hours of “work activity” in order to remain eligible for ongoing benefits. Social Services Law §336 and §336-a were recently amended to give local social services districts the opportunity to permit up to four years of post-secondary education as a public assistance work activity. Nassau County's 2014-2015 Employment Plan allows some post-secondary education courses leading to a bachelor's or other advanced degree to be counted as work activity. A State policy encourages districts “to accommodate individuals' efforts to attain post-secondary education as an avenue to employment and higher wages.”

Megan Neal, an attorney in our Welfare Unit, wrote to the Nassau County Department of Social Services (DSS) requesting that the agency count her client's school hours toward her work requirement. She also recommended that the agency amend its employment plan to follow the State's lead by allowing four years of college as a countable work activity.

The DSS responded merely that the request to count K.B.'s classroom hours toward her work activity was denied, without giving any substantiation. The DSS also responded that it has opted not to amend its employment plan to allow post-secondary education to count as a public assistance work activity, and also declined to give any substantive reason to justify its decision. The DSS merely stated that its authority to do so is permissive and at the discretion of local districts.

Despite our efforts, this DSS decision, which defeats the purpose of the recent changes in law and contradicts the State's policy of encouraging post-secondary education as a path out of poverty, has forced K.B. to take on even more work hours at the retail store in addition to her full-time course of study. Because of this, it has been a challenge for her to continue her training in preparation for future employment as a teacher.

*Megan Neal, Staff Attorney, Welfare Unit*





## The World of Pro Bono Legal Services



### VOLUNTEERS FOR VETERANS

Long Island attorneys demonstrated their resounding support for local veterans by participating in the *Volunteers for Veterans* event. The event, held on February 11, 2015 at the Suffolk County Bar Association (SCBA), was organized to provide short term consultations and guidance to veterans and their families on a wide variety of legal matters. This col-

laborative effort to serve Long Island veterans was initiated by the SCBA, the Suffolk Pro Bono Foundation and Nassau Suffolk Law Services to give back to veterans of all ages and their families, in gratitude for their service and their sacrifices. Over 60 attorneys signed up to help. The veterans who attended were clearly touched and impressed by the legal community's outpouring of support.

Almost 40 veterans participated on a wintry day, along with several Suffolk County veteran's service agencies, who were on sight to inform the veterans and the attorneys of the support services their agencies provide, making the event an inspiration to all. The veterans expressed their appreciation and commented on the kindness showed to them by the consulting attorneys. With an ample number of volunteers filling the Suffolk County Bar Association's Great Hall, the veterans were impressed, upon arriving, by the image of so many attorneys in the room showing their care and concern for the everyday problems and struggles being faced by servicemen and servicewomen. The Suffolk County Bar Association and Nassau Suffolk Law Services hope to repeat this event later this year and will spread the word among local veterans and their families that the Long Island legal community is here to help them.

## Nassau County Honors Pro Bono Attorneys

On April 1, 2015, Nassau County pro bono attorneys and law firms were honored at the **Access to Justice Pro Bono Recognition Reception** at the Nassau County Bar Association. The event was co-sponsored by Nassau Suffolk Law Services, the Nassau County Bar Association and the Safe Center of L.I. with generous financial support from several law firms.

The honorees included several firms, non-legal service providers, and the individual attorneys who provided pro bono representation. **Congratulations to all!**

[\(Click here for the complete list of sponsors and firm honorees \)](#)

[The list of individual pro bono honorees is listed here.](#)



## NSLS Announces New Service Expansions

**The Education and Disability Rights Project**— is one of our specialized programs that serves persons with disabilities. Formerly called our PAIR/PADD Project, this transformed initiative has a slightly different focus. In addition to protecting the educational rights of children with disabilities by ensuring the provision of disability related services, they will also assist individuals with disabilities in the negotiation, and where appropriate, appeal of adverse eligibility decisions pertaining to disability related services and programs, and advocate for effective life transitions for individuals with disabilities. Call 516 292-8100 for more information.

**Consumer Debt Project** Our Consumer Debt Project has expanded its services to better serve both counties. With attorney Sharon Campo on board in our Islandia office, joining Jonathan Schwartz in our Hempstead office, the provision of legal services has expanded. We are accepting referrals in all our offices on Consumer Debt matters, especially those which involve medical debt and debt buyers.

**MLTC/FIDA Assistance** Nassau Suffolk Law Services has received funding from the Community Service Society to join the Independent Consumer Advocacy Network (ICAN) in providing education, information and advocacy regarding Long-Term Managed Care. We are assisting participants in NYS Managed Long-Term Care (MLTC), Fully Integrated Duals Advantage (FIDA) and Long-Term Support Services (LTSS) in Mainstream Managed Care (MMC) Programs, and persons transitioning into MLTC plans. Services include education, information and advice to participants, caregivers and their advocates, navigational assistance and coordination, and advocacy and legal representation. Please call 631 232-2400.

**Pro Bono Innovations Project** Nassau/Suffolk Law Services Committee, Inc. ("NSLS") is partnering with five upstate legal service providers to engage law students and attorneys in pro bono service. The New York project was one of eleven projects selected nationally. Specifically, the New York project targets law students who are required to complete 50 hours of pro bono service prior to admission to the New York State Bar, and "Attorneys Emeritus." Our project will initially focus on providing pro se (self help) assistance in child support matters for custodial parents in Suffolk County. See p. 12 for further details.



## Nassau Pro Bono Attorneys of the Month—Wendy Hamberger, Scott Schneider

The Volunteer Lawyers Project has recently honored two attorneys as Attorneys of the Month in Nassau...

**Wendy Hamberger** was selected as December 2014's Pro Bono Attorney of the Month. The award honored an attorney who has demonstrated great passion and dedication not only by directly providing pro bono legal services to the community, but also by training less experienced attorneys to do the same. Since joining the VLP in 2004, Ms. Hamberger has represented many clients in matrimonial and guardianship matters. Most recently, she has helped establish the VLP's Uncontested Matrimonial Law Initiative to assist clients who for years have been seeking a divorce but cannot afford to hire an attorney to represent them. Hamberger spends countless hours training a team of newer attorneys, guiding and mentoring their representation of the matrimonial clients who are grateful to be moving on with their lives.

These individuals had been unable to navigate the complicated process of an uncontested divorce pro se, and could not move forward with their lives without legal representation. Ms. Hamberger was able to enlist the assistance of several other attorneys who were enthusiastic about pro bono and interested in developing additional legal skills. Her work has dramatically reduced the number of clients on the waiting list, and she continues to assist clients who need help in this area.

Ms. Hamberger challenges other attorneys to be more proactive in their pro bono services. "It's an extraordinarily rewarding experience to help low-income clients who cannot find help elsewhere. These clients desperately need assistance and are so grateful for the help. Nothing is more satisfying than the gratification a person shows after you've helped them when they need it most." Susan Biller, Pro Bono Coordinator of the Volunteer Lawyer's Project, states: "We are grateful to Wendy for her determination and perseverance. She saw a need in the community, and took it upon herself to offer her services to the VLP to address that need. Her willingness to mentor newer attorneys allows us to grow our program of volunteer attorneys and thus help many more clients."

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## Suffolk Pro Bono Attorneys of the Month Louis Sternberg, Lisa Fitzgerald, Mark Murray

Since our last issue, several Attorney of the Month honors have been bestowed on our pro bono attorneys in Suffolk.

The Suffolk Pro Bono Project was pleased to honor **Lisa J. Fitzgerald** as its Pro Bono Attorney of the Month for February 2015. Ms. Fitzgerald has devoted many hours to the Project's bankruptcy clients, both as a volunteer at the Project's Bankruptcy Clinic and in her representation of clients in Chapter 7 proceedings. This is the first time she has received this honor, and we are extremely pleased to recognize her for the great work she has done over the past two years.

Ms. Fitzgerald finds the bankruptcy work she has done for the Project both interesting and rewarding. "Bankruptcy practice really suits my strengths as an attorney. It is so rewarding to help people out of their financial crises."

"Lisa Fitzgerald is a great example of an attorney who took the initiative to reach out to see how she could help, and as a result, she also gained valuable legal experience," comments Maria Dosso, Director of Communications and Volunteer Services at Law Services. "We are lucky to have her enthusiastic participation in the Clinic."

The Suffolk Pro Bono Project honored **Mark A. Murray** as Pro Bono Attorney of the Month for January 2015. Mr. Murray has been providing critical pro bono legal services for the Project for nearly twenty years in a wide range of matters, and he continues to regularly accept new pro bono cases. "Mark has been a constant and dedicated contributor to the work of the Project for many years, and we're grateful for all the work he's done," says Maria Dosso, Law Services' Director of Communications and Volunteer Services. Mr. Murray's most recent, outstanding work has earned him this distinction. Mr. Murray believes it is the Project's matrimonial clients that are in the most desperate need of legal assistance. As he explains, "The typical client is usually the non-monied spouse, often with young children, who have been placed into dire conditions due to the actions of their spouse." Mr. Murray is happy to assist them, and will often help them get immediate financial support through *pendente lite* motions. In some of his pro bono matrimo-

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## Nassau PBP Attys of the Month

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It is with great pleasure that Nassau Suffolk Law Services' Volunteer Lawyers Project (VLP) and the Nassau County Bar Association recognized **Scott R. Schneider** as our most recent Pro Bono Attorney of the month for March 2015. The award honored an attorney who has an incredible passion and dedication to help his community in any way possible. Since 1994, Mr. Schneider has provided pro bono legal services for clients in bankruptcy matters at Nassau Suffolk Law Service's VLP, and has logged more than 75 hours this year in completed matters. Mr. Schneider has spent countless nights working late to help these clients conquer the intense stress and worries of bankruptcy.

Right out of law school, Mr. Schneider practiced bankruptcy for ten years before opening up his own firm in January of 2000. His practice focuses primarily on bankruptcy law; helping clients get out from underneath their debts, better manage their finances and save their homes from foreclosure. Mr. Schneider credits his family and support staff for all of their help and patience throughout his career.

Mr. Schneider feels strongly that more attorneys should provide professional pro bono advice to clients in need. He believes that lawyers are held to a higher standard than other professionals and should offer their assistance when available. "All attorneys should contribute in some way to their community, whether it is legal service or another way to help. I recommend every attorney take at least one pro bono case and try it out. See how it works out and you will get an appreciation for how badly these clients need you and how rewarding it is to help them."

Congratulations to these very deserving honorees!

by Michael Poropat, J.D.

*The Volunteer Lawyers Project is a joint effort of Nassau Suffolk Law Services and the Nassau County Bar Association, who, for many years, have joined resources toward the goal of providing free legal assistance to Nassau County residents who are dealing with economic hardship. If you would like to volunteer, please contact Susan Biller, Esq. 516-292-8100, ext. 232-2400 x 3136.*

## Suffolk PBP Attys of the Month

(Continued from page 7)

nial cases, Mr. Murray has been able to recover attorney's fees from the client's spouse. When asked why attorneys in small, busy law practices should take on a pro bono client, Mr. Murray responded, "Although you're not paid to do the work, you are definitely rewarded because you've helped someone with nowhere else to go, and you've helped to reverse a reputation our profession sometime has." He strongly encourages those contemplating doing pro bono work to take a case. Says Mr. Murray, "It'll be just one more case for you to do. And it's worth it!"

**Louis L. Sternberg** was honored as Pro Bono Attorney of the Month for March 2015. His selection as the latest Attorney of the Month is particularly noteworthy because Mr. Sternberg has been in private practice for less than four years. In this relatively short amount of time, and while busy establishing his matrimonial and family law practice, Mr. Sternberg devoted over 130 pro bono hours to successfully representing the Project's clients in contested divorce matters. For this reason, we are extremely pleased to recognize Mr. Sternberg for his outstanding pro bono service.

Mr. Sternberg's experience with the Pro Bono Project exemplifies how mutually beneficial pro bono service can be for both the attorney (especially those in the early stages of their careers) and the clients they represent. When Mr. Sternberg first started his solo practice, his work was primarily limited to Family Court matters. Wishing to expand his practice, he contacted the Pro Bono Project, hoping to work with clients in uncontested divorces. As he lacked prior experience with contested divorces, a mentor was made available to him through the Project.

Mr. Sternberg describes his pro bono work as providing "great learning tools *and* great networking tools." He explains, "The pro bono cases gave me the opportunity to experience many different phases of a contested divorce case." He equally values the contacts that his pro bono cases helped him to develop within the matrimonial bar. "In each case, I was introduced to judges and divorce attorneys I'd hadn't yet met. These were great opportunities for me as an attorney just starting out on my own."

Congratulations to all our honorees!

*The Suffolk Pro Bono Project is a joint effort of Nassau Suffolk Law Services, the Suffolk County Bar Association and the Suffolk County Pro Bono Foundation, who, for many years, have joined resources toward the goal of providing free legal assistance to Suffolk County residents who are dealing with economic hardship. If you would like to volunteer, please contact Ellen Krakow, Esq. 631 232-2400 x 3323.*



## Important Expansion of Human Rights Law in Suffolk

Until recently, there existed no law protecting tenants from discrimination based on the source of income in Suffolk.

Although Nassau County has had such protection for some time, Suffolk County did not pass such a law until last year.

Effective as of January of 2015, the new amendment to the Suffolk County Human Rights Law states that a tenant may not be denied housing based on source of income be it “derived from Social Security, or any form of federal, state or local public assistance or housing assistance including the Housing Choice Voucher Program (Section 8).” This amendment adds source of income, military status, veterans, and domestic violence status to the other categories of protections already afforded to tenants in Suffolk County, such as race, religion, alienage, marital or familial status, gender, sexual orientation, age, and disability.

This new language means that if a tenant is denied housing in a multiple dwelling (any structure occupied primarily for residence purposes containing three or more separate, independent units), that tenant has been discriminated against and may seek relief in the form of a human rights complaint. Additionally, landlords may not terminate a tenant’s tenancy based on source of income or refuse to accept rent arrears based on the source of income without the same repercussions. Complaints may be addressed to the Suffolk Human Rights Commission 853-5480



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### DISABLED STUDENT

the parents had been trying for weeks to arrange the transfer. Inexplicably, the State Education Department in Albany blocked the transfer, refusing to approve it. The family was in a panic and concerned that their son would lose the placement to another student if the situation couldn’t be resolved quickly.

Marcia Vogel, the advocate in the Education and Disability Rights Project (EDRP) unit accepted the case, asserting that the State Education Department could not supersede the recommendations of a district’s Committee on Special Education. She had multiple communications with the State Education Department in Albany, and thanks to her persistence and persuasion, eventually the district got the approval they required.

The student was successfully transferred to the residential placement on Long Island and his family now sees him regularly.





*We would like to devote this issue to our loyal supporters, especially those who sponsored and celebrated our annual Commitment to Justice Fall Wine Tasting on October 8, 2014! Thank you for making it the most successful yet!*

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*We also wish to acknowledge the special support of The Carltun ,  
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# Commitment to Justice Fall Wine Tasting October 8, 2014

A great evening of fun and camaraderie to support Law Services' work in the community!



*And the Winner is . . .*





## Child Support Pro Bono Innovation Project to Begin in Suffolk

Nassau/Suffolk Law Services Committee, Inc. ("NSLS") is pleased to announce that it will begin a new pro bono project this Spring. The project will focus on child support for custodial parents in Suffolk County. It will be based out of the Suffolk County office of NSLS in Islandia and will be funded, in part, by the **Pro Bono Innovation Fund ("PBIF") Grant**. The Project will utilize the services of law students and pro bono attorneys to provide this assistance.

With the new PBIF Grant, NSLS is working to develop an innovative approach to pro bono. Since the end of January, newly hired attorney, **Melissa Greenberger**, who will be coordinating the Innovator Project, has spoken with attorneys, law school faculty and staff, court personnel, and co-workers to get a sense of unmet legal needs in the community. As a result of these discussions, NSLS has confirmed that legal assistance in child support cases is an area of great need.

**Pro Se Assistance: The Self Help Child Support Project** will be limited to **pro se services** which will include law students and/or pro bono attorneys assisting with the preparation of petitions for initial support orders, petitions for modification of an existing support order, or petitions for enforcement of an existing support order; and educating litigants on the child support process, required documentation, and what to expect at a hearing, among other services. Litigants will not be provided with direct representation in this project. The PBIF Grant requires that all of our clients must have income below 200% of the poverty level. It is anticipated that the Self Help Child Support Project will launch sometime in June 2015.

Law students will play a large role in this initiative. Beginning this year, all candidates seeking admission to the New York State Bar must complete 50 hours of pro bono service prior to admission. NSLS has a student practice order, which means that law students can function as student attorneys under the supervision of a licensed attorney, giving students the opportunity to gain practical experience while serving individuals who would otherwise not be able to afford legal assistance.

The project will also recruit and engage "Attorneys Emeritus." In 2010, the Administrative Board of the Courts established "attorney emeritus" as a new status for attorneys in New York. An attorney emeritus is an attorney in good standing, who is at least 55 years old, and has practiced law for at least ten years. The **Attorney Emeritus Program\*** seeks to connect experienced attorneys (not necessarily retired) to volunteer opportunities with legal service organizations and court-sponsored programs that address poverty-related issues. Attorneys agree to perform a minimum of 60 hours of pro bono work during the two-year attorney registration period. The legal host organization provides the attorney emeritus with malpractice insurance. An attorney who is still engaged in the practice of law may earn up to a total of 15 CLE credits in exchange for his/her pro bono work.

**Direct Representation:** In addition to the Self Help Project, volunteers will be interviewing applicants for legal representation to be provided by pro bono attorneys from the firm **Kaye Scholer LLP**. Low income child support petitioners can only be referred to this service by the Child Support Magistrates after their first appearance in court. The Child Support Pro Bono Project is expected to begin in May 2015. Thanks to Judge C. Randall Hinrichs and the support of an integrated team including Family Court personnel, Legal Aid Society, the Suffolk County Attorney's Office, the Suffolk County Bar Association and the firm of Kaye Scholer for this important initiative.

If you have any questions regarding these new child support projects, or are interested in becoming a volunteer, please contact Melissa at 631-232-2400 or by email [mgreenberger@wnylc.com](mailto:mgreenberger@wnylc.com).

\*To register for the attorney emeritus program, attorneys can use their biennial registration form, or call 877-800-0396, or complete a form online at <http://www.nycourts.gov/attorneys/volunteer/emmeritus/rsaa/>. Attorneys can also contact Matthew English at [menglish13@fordham.edu](mailto:menglish13@fordham.edu) or by phone at 212-636-6304 at the Feerick Center for Social Justice

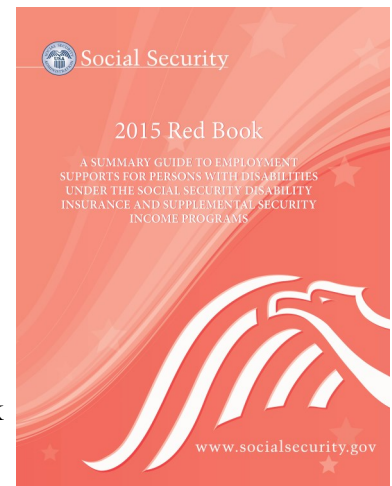
*Melissa Greenberger, Staff Attorney/Pro Bono Innovator NSLS*

*Matthew English, Attorney Emeritus Coordinator, The Feerick Center for Social Justice*

## Social Security News

**Valuable Information on Work Rules:** The Social Security's 2015 Red Book is now available online at : <http://www.socialsecurity.gov/redbook/index.html>

This publication on work incentives is a plain language guide that serves as a general reference source about the employment-related rules related to SSI and SSD. Whether clients are ready to work or will eventually want to return to work, the Red Book is a great resource for clients, families and advocates alike and explains how work activities will impact SSI and SSD benefits.



**Social Security Payments Split:** As we reported in our last issue, as of October 2014, SSI recipients have noticed that their benefit is arriving in two payments: one represents the federal benefit, the other the New York State Supplement Program called SSP being administered by the NYS Office of Temporary and Disability Assistance OTDA. The **amount of their total benefit remained the same** but is now split into two (eg. For a living alone recipient that would be \$733 in SSI and \$87 in SSP totaling \$820. )

For those in the application stage, the procedure remains the same. Submit an application for federal SSI benefits to the Social Security Administration (SSA). This serves as an application for SSP benefits as well. SSA shares this information with New York State, who will determine eligibility for SSP benefits.

SSP denial notices from New York State are usually based on SSA's determination, so that an appeal to SSA should suffice. However, some clients are only eligible for the state portion (SSP) because they have other income such as Social Security Disability or VA benefits which brings them over the federal Supplemental Security Income (SSI) level of assistance. (eg. more than \$733 for a person living alone). In cases of SSP-only clients, appeals should be made to OTDA following the instructions on the notice.

For more information see the SSP website <http://otda.ny.gov/programs/SSP/> or call the SSP hotline at 855 488-0541. NSLS' Legal Support Center can also provide guidance and assistance. Please call 631 232-2400 x 3324 or 3369.

**Social Security Overpayments Training** for Advocates Scheduled for May 19, 2015. See training page 18





## We Owe Our Thanks

for the generous support received by the community:



**The New York Bar Foundation** recently approved a grant to support our Education and Disability Rights Project which protects the educational rights of children with disabilities and assist individuals with disabilities on issues related to eligibility for services and programs. We are very grateful for their recognition and assistance.

*Mr. John Gross (right), New York Bar Foundation Board Director, presents Jeffrey Seigel, NSLS Executive Director with generous check*

**United Way of Long Island** has

continued its longstanding financial support to Law Services' Legal Support Center for Advocates which provides technical assistance and advice to Long Island advocates. United Way's grant will insure that LSCA continues its advocate training programs, newsletter publication and advocate helpline. Thank you!



**The WE CARE Fund**, the charitable arm of the Nassau County Bar Association, granted Law Services financial support to provide legal assistance to low income families who are facing eviction. WE CARE has been a loyal supporter of our Volunteer Lawyers Attorney of the Day Project which provides free legal representation in Nassau housing court to families who financially qualify. Thank you for your critical support to this important work.

**The Malka Fund** of the Jewish Communal Fund provided Law Services with financial support to provide legal services to indigent and disabled Long Islanders. We extend our gratitude for your generous donation.

And the constant support we receive from our:

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## Inside Law Services

### In Memoriam

In recent months Nassau Suffolk Law Services marked the passing of esteemed colleagues with great sadness...

**Barbara Mehrman** was the Administrator of the Suffolk County Bar Association Academy of Law from 1980 to 1988, after which she served as Touro Law's Dean of Career Development. She was a long time supporter of Nassau Suffolk Law Services, and a devoted member of the Advisory Council. We will always remember our friend with great affection.



**Milton Braxter** was our professional colleague for 26 years, working as a staff attorney and seasoned litigator in our Disability Advocacy Project out of our Hempstead office. He will always be remembered by his clients and colleagues alike as a thoughtful and caring person. He will be greatly missed.

He will always be remembered by his clients and colleagues alike as a thoughtful and caring person. He will be greatly missed.

**Irwin Rugendorf** volunteered in our Islandia office dedicating his time to staffing our Civil Unit phones and expertly answering callers' questions on tenant rights, consumer debt and public benefits. His hard work and commitment spanned over 17 years and embodied the true spirit of volunteerism. He was considered part of the staff and we will greatly miss his kind and generous heart.



### Civil Unit Milestones:

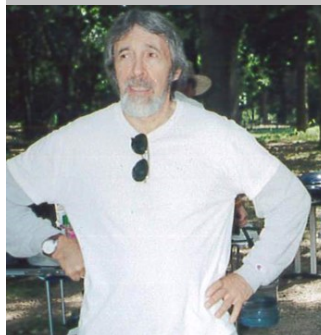
Nassau Suffolk Law Services recently celebrated two special anniversaries among our colleagues. **Victor Ambrose**, staff attorney in our Suffolk Civil Unit has dedicated more than 30 years to working with low income tenants, mostly in our Suffolk office. He is highly regarded by the staff, his peers, and even his adversaries for his expertise in the field of housing law. Congratulations!

**Judy Hirshon** has also been with NSLS for over 30 years, concentrating in housing law. Judy is known for her dedication to her clients and for taking on tough cases. She is well respected in the Nassau housing court for her skilled and caring advocacy on behalf of her clients.

Congratulations to both our esteemed attorney-colleagues!



**Victor Ambrose** (standing right) fondly toasts **Judy Hirshon's** (sitting left) years of service at recent staff recognition luncheon.



After 30+ years, **Victor Ambrose** stands ready for the next court challenge!



**Jeffrey Seigel**, Exec Dir. presents **Judy Hirshon** with recognition plaque



## 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 October 23, 2014, **Denise Snow**, Staff Attorney in our PLAN Project 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 Montefiore Cancer Center.

On February 23, 2015, **Marcia Vogel**, disability advocate in the Education and Disability Rights Project gave a presentation at a training sponsored by CHADD, entitled *How to Get the Help Your Child Needs to Succeed*. CHADD is a national group with local chapters, whose mission is to offer support and education to individuals with attention-deficit disorder.

On March 11, 2015, Marcia attended Wantagh High School's *Preparing for Life After High School—Transitions Expo*. The Expo is to provide an exchange of information for parents of students with disabilities. Marcia was able to provide information and referrals and discussed Law Services' various services.



Maria Dosso (left) presented with award by Dean Patricia Salkin (right).

Touro Law Center held its 21st Goods and Services Auction on March 11, 2015. As part of festivities, the law school also recognizes attorneys for their commitment and dedication to pro bono and public interest work through the Public Interest Attorney of the Year Program. Among the recipients, **Maria Dosso**, Law Services' Director of Communications and Volunteer Services accepted the award from Dean of Touro Law Center Patricia Salkin.

On March 4, 2015 **Lynn Iacona**, Staff Attorney in the Education and Disability Rights Project attended the Health Equity Symposium at Hofstra University. Lynn handed out brochures and discussed the various legal services provided through Nassau Suffolk Law Services' Education and Disability Rights Project.

Lynn also attended the Half Hollow Hills 2nd Annual Transitions and Support Fair, where she staffed a table and handed out brochures.

On March 23, 2015, **Cathy Lucidi**, paralegal in the Legal Support Center for Advocates attended Sachem's Annual Transitions & Agency Fair held at Sachem North High School. The Fair was held for parents and guardians, as well as students with disabilities. The purpose of the fair was to give resources to assist disabled students transitioning from high school to the adult world. Cathy handed out brochures and spoke to many parents about many resources and benefits that may be available to their children.

**Maria Dosso** attended the LI Coalition for the Homeless' Candlelight Vigil on March 31, 2015 at Farmingdale University. Law Services staff supported this important annual event which had hundreds in attendance.



PLEASE SHARE A  
COPY OF THIS  
NEWSLETTER WITH YOUR  
COLLEAGUES



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"*



***Congratulations to the following staff members celebrating their milestone employment anniversaries :***

<b>Staff Member</b>	<b>Years of Dedicated Services</b>
Rosemary Gerber, Secretary	25
Frank Gulas, Staff Attorney	15
Angela Lampe, MSW	15
Inez Lopez, Paralegal	20
Cathy Lucidi, Paralegal	30
Maureen Marmero, Administrative Assistant	25
Nancy Green, Director of Administration & Office Technology	35
Shervon Miller, Paralegal	15
Jane Reinhardt, Senior Staff Attorney	35
Douglas Ruff, Senior Staff Attorney & Dir. Of Litigation	35
Beth Wickey, Dir. Of Program & Contracts Administration	30
Liz Wolf, MSW Director of Social Work	20

### Welcome to our new staff :

**Sharon Campo, Staff Attorney - Consumer Debt Project**

**Heather V. Graham, Law Graduate—Foreclosure Prevention Project**

**Melissa Greenberger, Esq. - Pro Bono Innovator, Pro Bono Project**

**Kristen D'Angelo, Staff Attorney - Disability Advocacy Project**

**Ashley Omubo-Dede, Staff Attorney—Independent Consumer Advocacy Network Project**

**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 colleagues!**

**"Like" us on Facebook!**

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



### 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](http://www.nslawservices.org) and click the Make a Donation feature in the left panel, to 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: \_\_\_\_\_

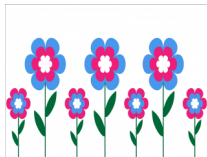
Email Address: \_\_\_\_\_

Credit Card Info.(Mastercard, Amex or Visa only)

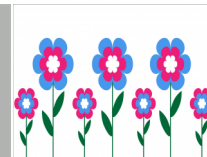
No. \_\_\_\_\_

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



## Law Services Spring 2015 Training Schedule



Trainings will be held at our offices, either in Islandia: 1757 Veterans Hwy, Suite 50, Islandia OR Hempstead: 1 Helen Keller Way, 5th Fl, Hempstead. Please visit our website [www.nslawservices.org](http://www.nslawservices.org) for directions. 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.

**Home Care Benefits** Understanding, accessing, and preserving homecare services is an important issue for advocates and clients alike. This session will provide an overview in accessing homecare through managed care, including Managed Long Term Care (MLTC), and the new FIDA (Fully Integrated Dual Advantage) option. Presenter Kelly Murray of NYLAG and Denise Snow, Staff Attorney at Law Services. **Hempstead Office—Wednesday, April 29, 2015 10:00—12:30. PLEASE NOTE THAT THIS TRAINING WILL TAKE PLACE IN OUR HEMPSTEAD OFFICE. GO TO [WWW.NSLAWSERVICES.ORG](http://WWW.NSLAWSERVICES.ORG) FOR DIRECTIONS**

**Social Security Overpayments** Social Security Work Incentives offer important advantages for persons with disabilities who want to try out work activities. But they can often lead to overpayment of benefits, either because the recipient has not diligently reported their work activities or because the Social Security Administration has not adjusted the benefits in a timely manner. In addition, other circumstances may generate overpayments. **Maria Dosso** will discuss overpayment appeals, reconsiderations and waivers in addressing this stressful situation faced by our clients. Tuesday May 19, 2015 9:30-12:30 **Islandia Office**

**Supplemental Needs Trust** SNTs can be invaluable in securing Medicaid for persons with disabilities by enabling them to avoid a spenddown and thus making medical insurance an affordable, viable reality. Our Staff will explain the trust concept to advocates and go through a step-by-step description on how to do a pooled trust. Denise Snow, Staff Attorney and Douglas Ruff, Senior Staff Attorney will present. **Thursday, May 7, 2015 9:30-12:30 Islandia Office**

### 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



*We receive many expressions of gratitude from our clients, their families, and the community throughout the year. The following are excerpted from actual correspondence...*

*(go to [www.nslawservices.org](http://www.nslawservices.org) to see more testimonials)*

"Thank you for representing me at my fair hearing with the NYS Office of Temporary Disability Assistance... I appreciate your knowledge and dedication to my case. I am very elated with the results of the fair hearing and know that without you I would not have had the chance to let my voice be heard."

"I hope that you and Nassau Suffolk Law Services continue to support people in and around the community. Your services were very much appreciated and will be forever remembered."

Dear Mrs. Snow  
"Few things in life are as stressful as when a family member experiences a health crisis...The past several years have been very difficult for my family as we wrestled with my husband's health and insurance issues. Your assistance changed everything. Equally important, you brought a great deal of humanity to the process. Your kindness and compassion meant just as much to us as the legal counsel you provided."

I have Law Services to thank for helping me through this difficult time. Without this free legal service in my community, seniors and other Long Island residents in need would not be able to afford an attorney."

"Hi Ellen  
We are all excited and I am so relieved that my daughter will resume with her program... We can't thank you enough for all you have done to enable her to attend her day care program. From what I've heard you have set a precedent in the Medicaid system. Heartfelt thanks."

Dear Maria,  
"I have been remiss in sending my profound thanks for the wonderful training you gave last Friday. You conveyed so much helpful information and helped us to be better advocates for those we serve."

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

You still have time to contribute to the Commitment to Justice campaign! We are currently updating our on-line donation page. Sorry for any inconvenience this may cause. In the meantime, please mail this form with your donation to: Nassau/Suffolk Law Services, One Helen Keller Way, 5th Fl. Hempstead, NY 11550, Attn: Maureen. Thank you for showing your support for the critical services we provide to the Long Island community!

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

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

Address \_\_\_\_\_

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

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

Exp. Date \_\_\_\_\_ Security No. (on back of card) \_\_\_\_\_

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



## *Message From the Executive Director*

*These early months of the new year bring an important time for reflection and gratitude for our every good fortune, especially when so many of our neighbors are struggling on Long Island.*

*Law Services is grateful to be able to continue its long tradition of providing dedicated, skilled advocacy for the benefit of our clients and community. Despite the many pressures and challenges we often face in the delivery of those services, it is gratifying when we hear expressions of appreciation from our clients. We were also recently commended by a key funding source, the Legal Services Corporation, who after an intensive one-week visit by six representatives, including interviews with the community, clients and staff, returned a very positive preliminary report. I am especially proud of the comments made of our staff who are described as "excited by and engaged in their work," and of our service where "clients were treated with dignity and respect." The LSC staff also concluded that Law Services enjoys a "fine reputation in the community based on the quality of the work and professionalism."*

*Thanks to the ongoing efforts of Chief Judge Jonathan Lippman and his task force to provide access to justice in civil matters, Judiciary Civil Legal Services funding has increased in this year's recently enacted state budget. This continued commitment has been critical to our efforts to maintain and restore vital services in recent years. We are very grateful.*

*We appreciate the support of our community and look forward to continuing the quality legal services we provide to our clients.*

*you for your continued support.*