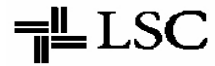




Law Services News

(for unabridged version go to www.nslawservices.org)



OCTOBER/NOVEMBER 2009

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"Equal Justice Under Law"

SPECIAL POINTS OF INTEREST:

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COURT HOLDS THAT MENTALLY ILL SENIOR CAN WAIVE DUE PROCESS IN EVICTION

In a very unfortunate turn of events, the New York State Court of Appeals in Albany has denied our motion for permission to appeal a decision of the Appellate Division in Brooklyn that permitted our client to be locked out of her room by the provider of housing.

The decision of the Appellate Division was issued in June, 2007 in the matter of *Coppa v. LaSpina, et al.* The denial by the Court of Appeals does not mean that it approves of the decision, but it puts an end to over nine years of litigation.

What makes this case espe-

cially disturbing is that the client was mentally ill and locked out of her room by a provider of housing for persons with mental illness! This occurred after a dispute between the two in February, 2000. She was residing in housing funded by the federal government under the McKinney-Vento Homeless Prevention Act and by the government of New York State under the Supported Housing Program. The federal program is called Supportive Housing. Both programs provide housing for disabled individuals.

The decision of the Appellate Court was based only on the federal program. That court did not even con-

RIGHTS OF "PARAMOURS" UPHELD IN EVICTIONS

In a recent case, our client faced an eviction based on the allegation that she was an "intruder/squatter" in her boyfriend's house. When the boyfriend's mother passed away, the house became part of the estate and a trustee was designated to manage the support of the deceased woman's son. The trustee, who was apparently not in agreement that the son's girlfriend had permission to live in the house, commenced this eviction proceeding.

The eviction matter was defended by Law Services' attorneys Marissa Luchs-Kindler and Vicky Davies in a decision reported in the New York Law Journal. The court held that the girlfriend was a "licensee" and could not be evicted under

Section 713 of the Real Property Action and Procedure Law. As a licensee, the court held that she was lawfully granted permission to occupy the premises by her boyfriend who as a "tenant at will" and she therefore was not a squatter subject to Section 713. Her boyfriend, as a tenant, had the authority to grant her a co-occupancy license under New York's Roommate Law RPL Section 235(f). As a result of the decision, our client was permitted to remain in the house.

In a similar case, Steve Alpert of Law Services defended a young mother and her child from being evicted by the boyfriend's grandmother. In this

(Continued on page 2)



(Continued from page 1) **MENTALLY ILL SENIOR
WAIVES DUE PROCESS**

sider the New York State Supported Housing Program which mandates a landlord/tenant relationship. Our client, before entering the housing, was required to sign a waiver of all rights in the event of eviction or discharge from the program. Despite the rights granted by the federal regulations, the court upheld the waiver, even though it was signed before any dispute arose. As a result, this part of the decision may be limited to those circumstances where a resident signs a written waiver of rights, which is becoming increasingly common.

However, the Appellate Division also held that our client was a “mere licensee” who could be “peaceably excluded” from the housing. That is to say, the locks could be changed if done without violence, or the threat of violence. (A *licensee* is a person who is on the premises with the permission of the owner but who has no interest in the premises. A *tenant* has exclusive use of a part of the housing in exchange for a fee payable to the owner or landlord, whether called rent or program fees). The court’s categorization of the resident as a “licensee” occurred despite the references to “tenant” and “rental payments” in a subsequent agreement between the parties, an agreement which the court completely failed to acknowledge. The Appellate Division also appeared to overlook the significant fact that the program had provided “rent” receipts to the resident which would strongly suggest a tenancy.

We continue to believe this decision to be terribly wrong on the law and its facts. However, based on the decision, some housing providers or private landlords may decide to take matters into their own hands and change the locks or otherwise exclude a resident without court oversight. Housing providers who choose this course of action had better be certain that the resident is a licensee and not a tenant or else he or she could face a lawsuit for illegal eviction possibly including a criminal violation under Real Property Law Section 235 and potential damages under RPAPL Section 853.

Nassau Suffolk Law Services is monitoring the fallout from this unfortunate decision and advocates are urged to report to this office any attempts to remove residents from subsidized or private housing by lockout, or by any other means other than a summary eviction proceeding in court.

PARAMOURS

(Continued from page 1)

case (*Robinson v Holder*, NYLJ 8/19/09 p. 30. Col 1) our client continued to live in the house after the boyfriend (son of the landlord) was no longer on the premises. The court cited the “familial exception” theory whereby the factor of being domestic partners is significant in determining whether a summary eviction proceeding is applicable. The court held that a summary eviction could not be maintained in this case since even without a marriage certificate, “the intended protection against sudden eviction... should find its foundation in the reality of family life.” The attorney was successful in arguing that, based on the familiar relationship in this case, a summary eviction proceeding could not be brought.

Finally, Relief from Student Loans!

For those with student loans, the Income Based Repayment (IBR) program can make loan repayment more manageable. Also, for teachers, government workers and those working at nonprofit 501 c3 organizations, the Public Service Loan Forgiveness program may offer some relief.

Many people are plagued by student loans, which are usually not dischargeable in bankruptcy. We receive many calls from those whose earned income, and even Social Security Disability benefits, are being garnished to collect student loans many years after graduation. So the possibility of student loan relief is welcome news for those who are looking for light at the end of the tunnel!

The IBR option applies to federal student loans (Direct and Guaranteed FFEL) and helps to make loans affordable by setting payment caps based on income and family size, often translating to less than 10% of income. In some cases the government will even pay the interest on Stafford loans for the first three years. If income is under 150% of the poverty level, the loan payment will be \$0. After 25 years of qualifying payments, the balance of the debt can be forgiven. This relief does not apply to student loans taken by parents.

Public Service Loan Forgiveness is a program that forgives many student loans (Stafford, Grad Plus, and consolidation loans in the Direct Loan Program) after 10 years of eligible payments and employment (starting 10/1/07). The program applies to those in public service jobs as described above. For more information go to www.ibrinfo.org.

HEAP 2009-2010

The Home Energy Assistance Program (HEAP) is a federally funded program that provides financial assistance with heating costs to households that are income eligible. The receipt of HEAP can also have a significant impact on food stamps budgets, resulting in a larger food stamp grant.

Eligibility is based on income and the housing situation. Higher benefits are provided to those households that: have larger percentages of their income spent on energy costs; contain a vulnerable individual*; and have the lowest income. The total gross monthly income for the

household size must be at or below the following:

Gross Monthly

Household Size	Income Limit
1	\$2,030
2	\$2,654
3	\$3,279
4	\$3,903
5	\$4,528
6	\$5,152
7	\$5,269
8	\$5,386
9	\$5,503
10	\$5,620
11	\$6,029

Each Additional Person: add \$468

Individual applicants must be U.S citizens or qualified aliens. Tenants in subsidized housing (e.g. Section 8, group homes, etc), do not have to show that they pay separately for heat in order to get HEAP. Many of these renters will get a \$1 HEAP benefit for the first time. Though this sounds insignificant, it can mean a higher Standard Utility Allowance (SUA) in a family's food stamps budget and can result in a significantly higher food stamps allotment. Make sure to advise the food stamps worker of the HEAP benefit for a food stamps recalculation.

Regular Benefits New York State provides regular HEAP benefits to households that pay directly for heat as the customer of record**, or who have heat costs included in their rent. Eligible households that pay directly for heat with their main source of heat being oil, kerosene, wood, coal, pellets, corn, propane or other non-utility, receive a benefit ranging from \$600 + applicable add-ons. Eligible households that pay directly for heat with their main source of heat being natural gas or electric heat provided by a PSC regulated utility receive a benefit ranging from \$400 + applicable add-ons. Eligible

households that do not pay directly for heat but whose landlord states that heat is included in the rent, receive a standard statewide benefit of either \$40 or \$50. Again, despite the low renters HEAP benefit, there are significant food stamps budgeting advantages for HEAP recipients. Regular benefits are available starting November 2, 2009.

Emergency Benefits HEAP provides emergency benefits to an applicant who is the customer of record. The applicant must also reside in the dwelling and have insufficient available resources to meet the emergency. Eligible households receive emergency benefits up to \$400 based on the type of emergency. Emergency benefits are available as of November 2, 2009.

Applying for HEAP Benefits Applicants can apply by mail if they are 60 or older or received HEAP last year and reside in the same county. (See page 4). Applicants for whom an in-person emergency application poses an undue hardship will be able to mail in their application. Applications may be downloaded from the HEAP website: www.otda.state.ny.us/main/heap/application.asp. All other households must apply in person. Recipients of Regular HEAP, public assistance and food stamps may file **emergency applications by telephone**. This year an "emergency" is defined as having equal or less than 1/4 tank of fuel. This will make it easier to deal effectively with an impending emergency.

For more information on where to apply, call 1(800)342-3009. Make sure you bring the following documents with you when you apply: A copy of your current rent, lease or mortgage receipt, a current fuel and/or utility bill or statement from your landlord that utilities included in rent, proof of your total current monthly income for all of your household members.

Furnace Repair You may be also to get assistance if you need to repair or replace essential heating equipment up to the amount of \$3000.

*Vulnerable individuals are defined as children under the age of 8, adults aged 60 or older, or disabled individuals.

**Customer of record is the name on the bill

HEAP (cont'd)

Advocacy Hints:

#1 Being a HEAP recipient can give the family a Food Stamps budgeting advantage.

#2 HEAP (like EAA) IS NOT A REPAYABLE GRANT, therefore, during the HEAP season, make sure the application is made for HEAP (not EAF or 131-s.)

#3 HEAP DENIALS and DELAYS ARE APPEALABLE! Please contact the Legal Support Center for Advocates at 631 232-2400 Ext 3369, 3324 for assistance regarding any problems your clients may encounter when they apply for HEAP.

Past Recipients Can Mail In 2009 - 2010 HEAP Applications

Last year there were many delays as low income households attempted to apply for one-time "Regular" benefits in the Low Income Home Energy Assistance Program ("HEAP"). According to the NYS Office of Temporary and Disability Assistance, applicants who received HEAP benefits during last year's HEAP program should have received this year's HEAP application in the mail and will be able to mail in their applications for Regular HEAP in advance of the program starting date, which is November 2, 2009. The mail-in option may be very helpful in reducing long waiting times and repeat visits to overwhelmed HEAP certification offices.



Non-HEAP Utility Assistance from DSS:

The Department of Social Services will not deny utility assistance in the 2009-10 heating season based on a prior unsatisfied repayment of assistance. Also, as of this past summer, any new repayment agreement will stretch repayments over two years instead of one which should make payments more affordable.



Please share a copy of this newsletter with your colleagues – Better yet, tell them to sign up for electronic delivery! www.nslawservices.org



We Hear from Our Clients...

Law Services staff work diligently on various legal issues for clients who are in desperate straits and/or stressful circumstances. Many of these clients are often too overwhelmed to follow up with their attorneys after the resolution of their cases. But every now and then an appreciative client makes it a point to contact their Law Services attorney or legal advocate to give them an update and thank them for their role in an appeal, fighting an eviction, or gaining access to health care. The following is an excerpt from a recent client's letter describing his attorney who assisted with his Social Security case:

"I was fortunate to meet Ellen Krakow who became far more than my advocate...Ms. Ellen always had time for me. She answered my questions... She was supportive every step of the way...She was a bright and shining light in a very dark sky. I don't want to think about where I'd be today, if she had not been there. Everyone I have encountered in your office, on the phone or in person, from the receptionist to the other attorneys, they are all superlative."

SOCIAL SECURITY NEWS

- SSA has officially announced that the COLA **will not increase** for 2010.
<http://www.ssa.gov/OACT/COLA/colasummary.html>.
- The **Substantial Gainful Activity** (SGA) threshold can determine whether someone's earnings may disqualify them for benefits as an **SSI/SSD applicant** or potentially terminate SSD benefits for a **working SSD recipient**. For 2010, monthly earnings exceeding **\$1,000** will be considered **substantial gainful activity**. The amount is \$1,640, unchanged from this year, for the blind.
- An SSD recipient is allowed 9 trial work period (TWP) months before earnings that exceed SGA will cause ineligibility for SSD. In 2010, earnings exceeding **\$720**, will count towards one trial work period month.
- For more information go to: <http://www.ssa.gov/OACT/COLA/sga.html>

Welfare News

Recent Victories: Jack Evans, attorney in our Hempstead office, was successful in a motion to the Supreme Court to compel the Department of Social Services to comply with a decision after fair hearing ordering DSS to provide emergency housing to a homeless client. Despite DSS' reluctance, the client was finally provided with shelter thanks to Jack's perseverance.

In another case, a client of our Suffolk Welfare Unit applied to the Department of Social Services (DSS) for Emergency Assistance to Families (EAF) in order to pay rent arrears that had accumulated between October 2008 and April 2009. She was temporarily out-of-work during that period due to pregnancy complications, but had resumed working afterward and was earning enough to pay her monthly rent prospectively. She submitted her application for emergency assistance on March 31st because she was being evicted, and was denied assistance the same day on the grounds that she failed to present an emergency situation. She reapplied the following day but was not given an appointment because she didn't have court papers with her. After the client reached out to Law Services, **Robin Sparks**, an attorney in the Welfare Unit, immediately reapplied once again on her client's behalf, forwarding the necessary documentation. Five days later, when her client received a 72-hour eviction notice, the attorney informed DSS of the development. A Fair Hearing was requested, and the client was able to obtain a stay of her eviction pending the hearing date.

At the Fair Hearing, DSS instructed Ms. Sparks' client to reapply the next day with her 72-hour eviction notice, in order to receive emergency assistance. Ms. Sparks however argued that this proposed resolution was insufficient as DSS had grossly mishandled the case and her client could not rely on DSS' settlement offer. Also, the client's job was in jeopardy due to the need to make repeated applications and to attend appointments at DSS. DSS insisted that the only acceptable documentation of the emergency was a 72-hr notice.

The Administrative Law Judge noted that DSS failed to act even when the 72 hr. notice had been presented and had violated the requirement to

(Cont'd on p. 9)

HODGEPODGE UPDATES

Health Insurance

Governor Patterson recently signed legislation that gives children up to age 29 (who are not married and don't have health insurance available) the option for COBRA insurance through their parents.

Help for Seniors—\$200 LIPA Credit

LIPA has initiated their first "Income-Eligible Senior Energy Assistance Program", which provides financial assistance to qualifying seniors in paying their energy bills.



Senior citizens who are current LIPA customers may qualify for a one time \$200 bill credit if they meet the following requirements:

- Must be 62 years old
- Must be a LIPA electric account holder
- Must meet the income eligibility guidelines shown below

Household Size	Monthly Income	Annual Income
1	\$1,963	\$23,556
2	\$2,567	\$30,804
3	\$3,172	\$38,064
4	\$3,776	\$45,412
5	\$4,380	\$52,560
6	\$4,984	\$59,808
7	\$5,097	\$61,164
8	\$5,210	\$62,520

Seniors, meeting these requirements, may apply in person at any LIPA Customer Service Center or by mail. Further information including the location of LIPA's Customer Service Centers and applications can be for on LIPA's Website <http://www.lipower.org/seniors> or call 1 800-490-0025. All qualifying seniors are encouraged to apply as this \$200 credit will be made to seniors on a first-come/first-service basis, based on availability of the funds.



Orthodontic Treatment for Children of Low Income Families

A nonprofit organization called Smiles Changes Lives is offering orthodontic treatment to children ages 11-18 with severely crooked teeth and/or misaligned jaws.

In order to be eligible for this treatment their family income must not exceed 200 percent of the Federal Poverty Level. They must also have good documented oral hygiene. Applicants and their families must pay the first \$500 toward the cost of treatment. For more information and an application go to www.smileschangelives.org or call 888-900-3554. Approved patients are referred to a partner orthodontist to begin treatment.

Reported in Newsday 9/20/09

United Way of L.I.'s ACCESS to HOME PROGRAM

can provide accessibility modifications to homes of low to moderate income individuals with disabilities or frail seniors that will promote the activities of daily living and allow them to remain in or return to their homes. Both rental and owner occupied housing may be improved. Home retro fits include ramps, grab rails, wheelchair accessible bathrooms, expanded doorways, etc. For more information please call United Way at 940 3700 or visit www.Unitedwayli.org



United Way of Long Island

AFTER 20 YEARS DOMESTIC VIOLENCE UNIT CLOSES

October 2009 was declared *National Domestic Violence Awareness Month* by proclamation of President Obama on 10/1/09. Ironically it was within the same month that Nassau Suffolk Law Services informed the community that our Domestic Violence Unit could not accept any new intakes due to a loss of funding.

The Suffolk Domestic Violence Project has provided free legal assistance to domestic violence victims in Suffolk County since 1990. Throughout this time the Project has been funded by various combinations of Suffolk County and New York State funding. This year with county and state funding only made available through September, Law Services joined Suffolk DSS and Suffolk domestic violence agencies in a collaborative grant proposal to continue the Project past September. When we learned that the grant was not awarded, the Project had no choice but to discontinue taking on additional matters this past October.

The Domestic Violence Project employed two staff attorneys to handle cases referred by county funded domestic violence agencies and by the Family Court judges. The attorneys assisted clients to obtain permanent orders of protection as well as custody, visitation, and child support orders relating to the children in common. Of the 159 cases accepted in the first 8 months of 2009, more than 3/4 involved families with children.

At the time this newsletter goes to print the Project is winding down its current caseload while we continue to work on other funding prospects. Although free legal representation through Law Services have been terminated, Domestic Violence victims in Suffolk should continue to seek the assistance of agencies such as VIBS, the Retreat, Suffolk County Coalition Against Domestic Violence, and Brighter Tomorrows for counseling, shelter, and general advice. We are appreciative of the outpouring of support from the Suffolk community and hope to report in our next newsletter that alternative funding has been secured so that we can resume representing victims in the most dire of circumstances.

MEDICAID NEWS

- **URGENT APPLICATIONS:** As a follow up to our last edition's article regarding DSS application delays (*Settlement Reached...* June/July 2009 p. 2) we have learned that Suffolk DSS has drafted notices to be provided to applicants of Medicaid. The notices provide information for those with an urgent medical need. Aside from advising those with medical emergencies to go to a hospital with an emergency, DSS also advises applicants that their Medicaid application can be expedited upon request. The applicant must document his/her emergency medical need by submitting a written statement to that effect from a nurse practitioner or medical doctor. DSS will then determine whether, if appropriate, to schedule an expedited interview (when possible, the same day) and process the applications as quickly as possible. The notice also goes on to detail other low cost medical care available in Suffolk County and reiterates the Suffolk County Prescription Voucher Program policy. If you are assisting a Medicaid applicant with urgent needs and are having difficulty getting DSS to expedite the process, please contact Linda Hassberg at Empire Justice Center 631 650-2305 or The Legal Support Center at 631 232-2400 x 3369, 3324.
- **AUTOMOBILES:** Medicaid rules (except for SSI-related Medicaid) permit one automobile of any value as long as it is used by the household. A second vehicle is exempt if there is a medical need or if the vehicle is being used for employment-related activity. A third vehicle is also exempt if there is a child under 21 in the household who is using the vehicle for school attendance or employment/medical purposes.
- **MEDICARE/MEDICAID COORDINATION OF BENEFITS:** Effective December 3, 2009, in an effort to better coordinate medical benefits, providers should be billing claims for dual eligible Medicare/ Medicaid recipients first to Medicare who will reimburse its portion. Then Medicare will send the claim data to Medicaid for processing payment of the deductible/coinsurance or copayment amounts (the Medicare Patient Responsibility portion) This automatic "crossover" should help to expedite claims.



Special Announcements



Mortgage Foreclosure Prevention Event

NYS Senator Brian X. Foley and Attorney General Andrew M. Cuomo will be holding a Mortgage Foreclosure Prevention Event on Saturday, November 14, 2009 at the Central Islip High School 85 Wheeler Road, Central Islip, NY from 10:00 am - 4:00 pm. Admission is free.



There will be mortgage lenders and services on site, as well as certified housing counselors and representatives from the Attorney

General's Office. Attendees can expect to learn about government programs for homeowners, information about foreclosures and foreclosure scams.

For more information and to sign up, please call Senator Foley's office at 631 360-3356.

NEW FUNDING AVAILABLE TO CLIENTS FACING HOMELESSNESS!

Federal funding under the Homelessness Prevention and Rapid Rehousing Program (HPRP) has arrived in Nassau and Suffolk Counties to assist families and children with concrete financial assistance and case management services. Financial assistance includes:

- Temporary rental assistance for up to 18 months
- Rent arrears up to 6 months (**No mortgage assistance is available**)
- Security, moving, and storage
- Utility arrears



Families are encouraged to apply to Dept. of Social Services first for any available benefits before applying for this assistance.

For more information contact:

- **Nassau:** County Office of Housing and Homeless Services 516 572-2711 or
- **Suffolk:** Family Service League 631 647-3100 x 678 (Islip, Babylon) or 631 924-3741 (Brookhaven, Smithtown, Huntington) EOC 631 369-6076 or 477-1510 for (Eastern Suffolk)



Congratulations to Law Services' newly appointed Advisory Council Executive Officers. Left to right, **Victoria Roberts**-Chair, **Barbara Mehrman**-Vice-Chair, and **Carole A. Burns**, Esq. Secretary. The Advisory Council is comprised of a dedicated group of supporters and acts as the fundraising arm of Law Services providing critical support to our programs for which we are sincerely grateful!

Consumer Debt Victories

In a recent "debt buying" case, Jonathon Schwartz, attorney in the Consumer Debt Legal Assistance Project, with the assistance of law student Troy Walitsky, was successful in having the court vacate a default judgment from 2003. In debt buying cases, much of the original documentation is often missing but judgments can be granted regardless, especially when a debtor defaults (by not answering the summons and complaint). The case was important because the attorney for the creditor, who bought the debt from the original creditor, failed to provide authenticated evidence that there was ever a valid contract between the defendant and the plaintiff upon which the debt originated. The law requires this proof to establish a claim in a court proceeding, but *pro se* defendants seldom know to demand that this evidence be produced. Furthermore, the plaintiff was precluded from presenting any additional evidence regarding the debt after failing to respond to our attorney's requests for discovery and inspection. Good work!

Save the Consumer Debt Legal Assistance Project

We believe that our **Consumer Debt Legal Assistance Project** answers a compelling community need, as Long Islanders lose their jobs in unprecedented numbers and, deprived of regular incomes, succumb to debt. Thus far, the Project has helped hundreds, and we hope to continue serving these clients as long as their need exists. That is why this year we would like to focus our 2009-2010 campaign on one of Law Services' units, the **Consumer Debt Legal Assistance Project**.

Nassau-Suffolk Law Services receives generous public support which enables us to provide free civil legal counsel to low-income, disabled, and homeless clients. Unfortunately, Law Services cannot rely solely on government funding to do its work. We must also seek the support of our colleagues and the members of the communities we serve. It is their generous donations which allow Law Services to carry out its mission, and ensure that disempowered Long Islanders have a voice. The Consumer Debt Legal Assistance Project was founded on a generous class-action settlement grant (cy pres), and its continued operation depends on continued donations.

Our campaign has received as its first contribution a generous member item grant from **Senator Brian X. Foley**. We thank Senator Foley for showing his support for the Consumer Debt Project and Law Services' important mission. We invite our supporters to go to our campaign website and show their support! Also please pass the word on by sending an personal invitation to your friends, family and business acquaintances:

<https://www.karma411.com/Markslist/campaign/display/profile.do?campaignId=2770>

Thank you!

Welfare Unit News

(Continued from page 5)

provide assistance in order to prevent an eviction. Even without the 72- hr notice, DSS only needed to contact the landlord to confirm that the eviction was imminent (a form of collateral assistance).

Ultimately, the ALJ held that the 72-hour eviction notice was not the only document that could prove an emergency situation, and that DSS must immediately reevaluate all the documentation and render a determination of eligibility for rent arrears. DSS was also required to provide the necessary collateral assistance in order to minimize multiple trips to DSS since all the relevant documentation had previously been submitted. Finally, the decision held that DSS failed to provide the client with a timely interview necessary to prevent the eviction. DSS delays such as these often result in clients losing their housing since they are unable to pay the arrears in time to prevent the eviction.

In another case, Law Services' Nassau Welfare Unit attorney, **Regan Serlin**, requested a fair hearing on her client's behalf after DSS failed to respond to her public assistance application in a timely manner. However, the hearing was delayed because DSS finally issued a determination on the application just as the scheduled date for the hearing approached. The determination was to deny the client's eligibility based on her change in income since the date of the application.

At the adjourned fair hearing, Ms. Serlin argued that had the agency determined the client's eligibility within the time frame required by law, and not over 90 days after the application date, she would have been found eligible. (As we have previously reported, *March 2009 Special Edition*, a timely public assistance eligibility determination can make all the difference in relation to ongoing eligibility. This is due to earned income budgeting advantages that are afforded only to recipients of Public Assistance). DSS was unable to explain why the paystubs submitted with the application were not used to determine eligibility nor why there was such a delay in processing her application. The DSS representative requested yet another adjournment in order to have the DSS worker appear and testify. At the third fair hearing the DSS worker failed to appear and the Administrative Law Judge ordered DSS to reevaluate the client's eligibility based on her earnings at the time of the application, and to provide retroactive benefits to the date of the application.

(**Robin Sparks and Regan Serlin** were awarded Empire Justice Center's **Fair Hearing of the Month** distinction for July and August 2009).

Congratulations to all for the zealous welfare advocacy!

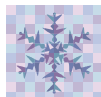
ADVOCACY TIP FOR WELFARE RECIPIENTS AND ADVOCATES:

Access to Client Case Files in Preparation for a Fair Hearing

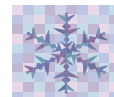
When preparing for a fair hearing always request access to the case file before the hearing. You can call the local fair hearing office to schedule an appointment to review the file in advance. Remember to request to review the entire file and do not rely only on the "summary" which is provided by DSS immediately before the hearing.

If you are denied access to the client's entire case file please contact the Legal Support Center for Advocates for assistance.





Winter 2010 Training Schedule



We will be conducting trainings at our Suffolk site: 1757 Veterans Hwy, Suite 50, Islandia or our Nassau site: 1 Helen Keller Way, 4th Fl. Conference room. To pre-register, please call the Training Line at 631 232-2400 Ext 3357 or you may e-mail Cathy Lucidi at clucidi@wnylc.com. The fee is \$30 per person per training session and is payable to "Nassau Suffolk Law Services". To confirm your phone reservation or e-mail reservation please mail your payment in advance of the training date with the registration form below. For weather advisories and rescheduling, call ahead to confirm at the number above. Space is limited so register early.

Winter Survival Skills This training will discuss legal solutions to winter emergencies such as "no heat" complaints, utility shutoff and LIPA regulations, eligibility for HEAP, utility assistance, emergency food programs, and other emergencies such as rent arrears, etc. **Thursday January 21, 2010 9:30-11:30 Islandia office.**

Foreclosure Overview: Law Services attorneys and a community agency housing counselor will be presenting on foreclosure proceedings, possible defenses, and advocacy strategies. A portion of the seminar will also be devoted to benefit programs and services that can help families facing foreclosure. **Wednesday January 27, 2010 10:00-12:30 Hempstead.** (Thanks to the Hagedorn Videoconferencing Center, Family Service League offices in Bayshore and Riverhead will be available sites for registrants to attend this training. Please indicate on registration form if you are interested in attending via videoconference from Bayshore or Riverhead instead of Hempstead. If so, more information will be provided)

Consumer Debt: A review of the most common debt situations experienced by our clients with some suggestions for debt relief, asserting debtor's rights, and curing defaults. Also to be discussed: student loans, cease dunning letters, frozen bank accounts, bankruptcy, hospital debts and exempt income. **Tuesday February 2, 2010 Islandia office 9:30-12:30**

Training Registration Form

Name _____

Agency Affiliation _____

Phone Number _____

Email address _____

Title of Training(s) Winter Survival Skills 1/21/10 – Islandia ☐

Foreclosure 1/27/10– Check ONE: ☐ Hempstead OR Please indicate if alternatively,
if you'd like to attend by videoconference from Family Service League Bayshore site ☐
or Family Service League Riverhead site ☐

Consumer Debt 2/2/10—Islandia ☐

Amount Enclosed _____

Or Will be sent at a later date or on the date of the Training _____

Please return this form 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

Nassau Suffolk Law Services' Fall Wine Tasting held at the Bourne Mansion on September 16, 2009, was a huge success with over 135 people in attendance. For the second year, David S. Taub, CEO of **Palm Bay International** donated the wine for the event. And James Dunne of **Vino U** conducted an educational, interactive 60-minute wine tasting workshop that gave participants a basic introduction to the science of winemaking and food pairing. This year's event also featured a gift basket raffle and exquisite catering by Lessing's Inc. Guests enjoyed the exquisite venue while relaxing in this casual and social milieu. Nassau Suffolk Law Services' Fall Wine Tasting Gala major sponsors included: **Ruskin Moscou Faltischek, P.C.**, **Travers O'keefe**, **Palm Bay International Wines**, and **VinoU**.

Law Services gratefully acknowledges the generous support received for our Fall Wine Tasting Reception from the following sponsors:



Sponsors



Featured wines courtesy of Palm Bay International and David Taub

Wine Instruction by James Dunn of Vino U



Pinot Noir



Cabernet Sauvignon



Chianti

All Sector Technology Group

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Nassau County Bar Association

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Roberta Schleicher
Suffolk County Pro Bono Foundation
Surf Electric
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*We also wish to acknowledge the special support of
St John's University, Lessings and Andrew James Photography*



James Dunne, popular for his engaging presentations, impressed and captivated attendees at the VinoU seminar.

Guests at the event excitedly await as raffle basket winners are announced!



A classy and talented performance by our own Jim Denson, paralegal, accompanied by Robert Lepley on keyboard.



Wine expert from Palm Bay International educates guests with fascinating wine facts.



LAW SERVICES IN OUR COMMUNITY



Law Services continues its strong ties within the community in an effort to collaborate with various agencies and insure 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!



Each year at the National NAACP Convention the NAACP Legal Department honors attorneys who have gone above and beyond the call of duty on behalf of the Association and its civil rights agenda. The Foot Soldiers in the Sand Award is given to attorneys for their generous contribution of legal expertise to the NAACP on a *pro bono* basis.

At the luncheon on July 13, 2009 in Manhattan, ten attorneys nationally were honored. We are pleased

to congratulate **Meredith Nadler**, Staff Attorney, of David Project on receiving this very prestigious award!

WE TEACH OUR PARTNERS IN ADVOCACY

Vicky Osk, Senior Staff Attorney and **Hannah Abrams**, Staff Attorney presented to Community Development Corp. of Long Island (CDC) on October 2, 2009. The entire Section 8 staff, comprising twenty-eight persons, was in attendance. The attorneys spoke about the services that Law Services provides and how we may assist CDC's client base. Hannah specifically described the function and goals of the Civil Unit and ways to work in partnership with CDC in order to preserve housing and prevent homelessness.

Maria Dosso, Esq. Director of Communications, presented to a group of **Catholic Charities** parish outreach workers entitled "Advocacy in the Midst of Economic Hardship" on October 20, 2009. The training topics included valuable information for advocates regarding consumer debt, foreclosures, preventing utility shutoffs, DSS emergency assistance grants, HEAP, food emergencies, and Medicaid. Maria also gave a presentation regarding advocacy, negotiations and appeals in utility shut-off cases at the 6th Annual **LIPA Energy Forum** for advocates held on October 23, 2009 in Hauppauge. Finally on October 27, 2009 Maria spoke to nurses and hospice care providers from **East End Hospice** on the topic of Medicaid and access to health care.

Congratulations to **Dan Okrent**, Staff Attorney of the Senior Citizens Unit, who was recently elected to be the Vice Chair of the Executive Committee of the **Nassau County DSS Advisory Council**.



Diane McClernon, staff attorney in the DAP Unit attended the **Stand Up For the Homeless** event held on 8/5/09

at St. Josephs College and distributed information and

referrals for homeless families in need of assistance. The event was hosted by Suffolk County Executive Steve Levy and Suffolk DSS.

Law Services Foreclosure Unit attended a homeownership resource forum held on October 3, 2009, hosted by Nassau County Executive Thomas Suozzi. General information regarding the foreclosure procedure along with legal merits to prevent a foreclosure action were discussed. Law Services' attorneys also discussed options for homeowners who were at risk of foreclosure.

Cathy Lucidi, paralegal in the Legal Support Center for Advocates attended the **Long Island Cares Community Agency Day** held on September 25, 2009. She handed out Law Services brochures for each of our units and spoke to many advocates who came by our table about the various units and types of legal matters Law Services handles.

Cathy also attended Town of Huntington's **8th Annual Women's Networking Day** and Awards Ceremony entitled "Yes You Can! Modern Solutions for Contemporary Concerns." She staffed a table and chatted with attendees about Law Services programs and general information regarding legal issues pertaining to women.

Roberta Scoll and Candace Appleton attended Hofstra Law School's Community Service Fair this summer where over 400 students attended. The attorneys met with many individual students interested in the work of Law Services in the community.



The Stories of Cancer Patients Helped by PLAN

Our **PLAN Project** works exclusively with individuals and their families who are affected by cancer and provide legal intervention with insurance company disputes (including Medicaid and Medicare), health care proxies and living wills, advance planning for minor children, wills and estates, custody, etc. The Project is funded by the **Greater NYC Affiliate of Susan G. Komen for the Cure**, and funding from the **NYS Department of Health** partially endorsed by **Senator Kemp Hannon**. Our skilled attorneys work tirelessly in both counties to provide legal and support services to those families coping with a myriad of legal issues.

When Ms. S. contacted us, she was refused care at a Suffolk hospital clinic due to a lack of insurance and was receiving exorbitant medical bills which should have been covered by Medicaid. She had recently moved to Suffolk County from Brooklyn, and although the state mandates specific procedures to assure that there is no gap in services when a Medicaid recipient moves from one county to another, Brooklyn had improperly closed her Medicaid case. Advocacy by our staff attorney resulted in an expeditious reactivation of the Medicaid case and as a result the hospital clinic gave her an appointment and ceased sending her dunning letters.

In another case, Ms. L., an employee of the U.S. Postal Service, was no longer able to work due to her illness. When she came to us, she was burdened with

debt, had already applied for disability benefits from the Postal Service, but in the meantime had no income at all. We immediately advocated with the Social Security Administration to release benefits they had wrongfully withheld from her, giving her immediate access to cash. We also negotiated with creditors and were able to forestall debt collection activities as a result. We continue to work with this client on housing and other issues as she continued to undergo repeated surgeries and continuous treatment.

Ms. D.'s condition was tenuous when her palliative care team called us to her hospital bed. Several of her doctors would no longer see her due to outstanding medical debt, and she believed that her Medicaid case must have been terminated. We discovered that she simply did not understand how the Medicaid overage system worked, and we set up a Supplemental Needs Trust to assure that all of her medical bills would be paid by Medicaid and she could get the treatment she needed. We also drafted a Power-of-Attorney and Health Care Proxy with Advance Directives for her.

We are very proud of the work done by our PLAN Project as it continues to forge new partnerships with community agencies, hospitals, and charities. For more information, please call 631 232-2400 or 516 292-8100.



*Nassau Suffolk Law Services staff and friends fielded **Team Legally Pink** in the recent Susan G. Komen Race for the Cure in September, 2009. The Team participants sported t-shirts that **dedicated the run to Law Services' staff, friends, and family affected by breast cancer**. The Law Services team raised over \$3700!*



Suffolk County Pro Bono Expands Its Outreach

-----Linda Raphan, Esq. Suffolk County Pro Bono Coordinator

The Suffolk County Pro Bono Project was created in 1980 by the collaborative efforts of the Suffolk County Bar Association and the Nassau/ Suffolk Law Services Committee. It is an innovative, voluntary pro bono program that exists for the purposes of improving the availability of legal services to needy citizens. As a result of this project, in 2007, the Hon. Patrick Leis, III, Administrative Judge of Suffolk County, focused the efforts of the Pro Bono Action Committee on obtaining funds from the Office Of Court Administration to hire a Pro Bono Project recruiter. The recruiter's goal was specifically designed to increase the number of attorneys on the Pro Bono Project's panel and to act as a liaison with the Court. Priority was placed upon the recruitment of attorneys for matrimonial, guardianship, foreclosure and bankruptcy matters.

On June 1, 2009, I joined the legal staff of Nassau/Suffolk Law Services as the Project's new Pro Bono Recruiter/Coordinator. Working with Miriam Pismeny, Managing Attorney of the Project, members of the Suffolk County Bar Association's Pro Bono Foundation Board and the Administrative Judge's Pro Bono Action Committee, several Fall 2009 projects have been implemented. Hosted by the Suffolk County Bar Association and its Academy of Law, a full day, nine (9) credit CLE seminar, entitled "**Matrimonial Bootcamp**" was offered on October 2, 2009 and was designed to provide attendees with the incentive of taking a *pro bono* case in exchange for tuition free training. That day's program yielded the recruitment of thirty (30) new *pro bono* practitioners, who agreed to represent the Project's matrimonial clients.

At the end of the seminar, as part of the newly structured **Family Law/Mentoring Clinic**, every newly recruited attorney received the name and contact information of a "mentor." The more experienced matrimonial mentor attorney and the volunteer counsel will maintain an ongoing, communicative exchange until the finalization of the assigned *pro bono* matrimonial matter. Approximately fifteen (15) of Suffolk County's most distinguished and well recognized matrimonial attorneys, have generously offered their time and expertise in an effort to maintain our county's high standard of professionalism to the *pro bono* client. All previously recruited counsel will be offered the opportunity to receive the guidance of a mentor.

During National Pro Bono Week (Oct 25-Oct 31) several events were sponsored including: **Volunteer Recognition Night** on October 15, 2009 with the Guest of Honor, Deputy Chief Administrative Judge of New York City Courts, the Honorable Fern Fisher. A **Guardianship Program and CLE Seminar** was held on Thursday, October 22, 2009, and, the week closed with a two part event at Touro Law Center, on Tuesday, October 27, 2009 beginning with a guest speaker followed by an **advisory clinic**, free of charge, to local Suffolk County residents. Confidential consultations were held on substantive issues involving matrimonial, foreclosure and bankruptcy matters.

Beginning in the Spring semester and with the cooperation of Touro Law Center, the Classroom-Meets-Courtroom Project will be underway. Designed to pair Touro law students with private attorneys, the student's preparation of pleadings, motions and other paperwork will be monitored by counsel.

The ongoing, dedicated efforts of those involved in the Project together with the generous response from our county's practitioners, have resulted in seventy-two (72) new *pro bono* attorney recruits, since June 1, 2009. An aggressive campaign of contacting potential volunteers by telephone and email correspondence will continue. Moreover, projects and events will be routinely implemented to foster a high standard of knowledge, expertise and professionalism in representing the *pro bono* client.

Senior Citizen Project Fights for Senior Duped in Bankruptcy

Rose Caputo, attorney in our Nassau Senior Citizen Project, recently represented an 82-yr old client who had filed a Chapter 13 bankruptcy petition with the assistance of a private bankruptcy attorney. Though the senior paid the attorney his fee, the attorney failed to file the Chapter 13 Plan or the client's financial statements. As a result, the court issued a deficiency notice and the Chapter 13 trustee filed a motion to dismiss the case due to: missing paperwork, the client's failure to attend the creditors meeting, and the failure to make payments under the plan. The client's attorney responded by notifying the court that the client did not oppose the motion to dismiss!

Thereafter, the client contacted Law Services stating that he had not agreed to have the motion dismissed and sought the assistance of the Senior Citizens Project. Ms. Caputo filed a motion to reopen the case and an emergency hearing was scheduled over the former attorney's opposition.

At the hearing, the client was ordered to make payments under a plan after Ms. Caputo cured the paperwork deficiencies and the client had complied with other conditions for reopening the case.

Furthermore, the former attorney was ordered to file a fee statement in response to the client's request that he refund the attorneys fees. The former attorney responded by filing a cross motion for sanctions against Ms. Caputo, but his motion was summarily denied.

The Court found that the former attorney failed to support the time claimed for legal services and was awarded 2 hours of paralegal time and 1 hour of attorney time resulting in a \$1355 refund to the client.

Good work Rose!

Adult Home News

COURT HOLDS STATE'S PLACEMENTS TO LARGE ADULT HOMES DISCRIMINATORY

A very important decision has been issued in the area of adult home law by a Federal Court judge (the Honorable Nicholas G. Garaufis) sitting in Brooklyn. In the case of Disability Advocates Inc v. Patterson, the court held that the non-profit organization, Disability Advocates, Inc. (DAI), who brought the suit on behalf of its adult home resident constituents had proven that the state has discriminated against these residents. It was found that the state had violated the "integration mandate" of the Americans with Disabilities Act and the Rehabilitation Act. In carrying out their administration of New York's mental health service system, the state has denied thousands of individuals with mental illness in New York City the opportunity to receive services in the most integrated setting appropriate to their needs.

More specifically, the Court held that the city's large adult homes (more than 120 beds) are not the most integrated setting appropriate to the needs of DAI's constituents, especially when compared to supported housing, in which individuals with mental illness live in apartments and receive flexible support services as needed. The Court found that virtually all of DAI's constituents are qualified to receive services in supported housing and are agreeable to receiving services in a more integrated setting. The Court also held that the relief DAI sought would not constitute a "fundamental alteration" of the State's mental health service system. The Court will consider what remedies are appropriate after further briefing by the parties.

While this opinion has no immediate impact on adult home residents who live on Long Island, the State will most likely be ordered to provide more supported housing for mentally-ill residents of New York City, and it is very possible that this may result in state-wide policy changes that will affect housing for the mentally ill across the state. We are hopeful that this litigation will result in better housing choices for mentally ill individuals in our community.

(More Adult Home News Continued on page 18)

Adult Home News

(Continued from page 17)

ADULT HOME PROJECT INSURES SMOOTH TRANSITION FOR RESIDENT'S MOVE

Carolyn McQuade, attorney in the Adult Home Project, represented Kathy B. who was being evicted from an adult home. The client was wheelchair-bound due to cerebral palsy but still managed to work full-time at a Suffolk County job. The adult home where our client resided wanted to evict her because of her physical disability. The adult home admission regulations provide that adult homes are not permitted to retain residents who are permanently wheelchair bound. (Though we suspect that this regulation may violate the Americans with Disabilities Act, we are not aware that this regulation has been the subject of litigation to date).

The adult home never applied for Medicaid on our client's behalf despite its case management responsibilities and instead charged her for extra services provided to her due to her disability. The client had wanted to move into more independent housing for years but because she was so high level functioning and because her mental health diagnosis was secondary to her cerebral palsy, she was never eligible for a case manager from either the mental health agencies or the cerebral palsy foundations to assist her in finding alternative housing.

The Adult Home Project helped her to apply for Medicaid and advocated with in order for her to obtain the home health aides that she needed to live in the adult home so that she would not be charged for the extra care that the home was providing. The Project also assisted her to find new housing and when it came time for her to move into her own apartment, her home health agency initially took the position that she had to

be re-evaluated. The agency contended that the evaluation was necessary in her new living environment before an aide could be assigned to provide services there. Her attorney argued that without transitional home health services it would have been impossible for her to make the move. Ultimately, the agency provided transitional services so she was able to keep her aides during the move and performed another evaluation to determine her ongoing needs once she moved in.

Just before our client moved, we were able to negotiate a settlement of the eviction which prevented the home from collecting their alleged unpaid charges including rent arrears on the condition that she move out by a date certain. By the time that she moved out, the Home calculated that our client owed in excess of \$90,000 (an amount that we would have contested) but because she moved out within the time frame of the settlement agreement, the home released her from all of her alleged debt.





Milestone for LSC: 35 Years Championing Equal Access to Justice



Washington, DC—On July 25, 2009 the Legal Services Corporation (LSC) celebrated 35 years of providing dedicated federal funding for the delivery of civil legal assistance to low-income individuals and families across the nation.

Nassau Suffolk Law Services is the only LSC-funded program on Long Island and provides free legal counsel in civil matters to disadvantaged, disabled and low income members of our communities. Established in 1966, Law Services' existence pre-dates LSC, and in fact it was among the first LSC programs in New York State.

Last year, Law Services completed over 7000 cases assisting clients to vindicate their rights under the law. Many of these cases included children, and the justice/restitutions they sought involved basic survival needs like shelter, income, safety, consumer debt, and medical care and family problems such as domestic violence. In addition, Law Services offers special programs for those with mental health disabilities, cancer, victims of domestic violence, senior citizens, residents of adult homes, and those afflicted with HIV/AIDS. It also provides technical assistance to every community-based, government and religious organization that works with the poor.

The Legal Services Corporation was established by Congress and President Richard M. Nixon on July 25, 1974. LSC is the single largest funder of civil legal aid for the poor and operates as a nonprofit corporation providing federal funds to 137 independent nonprofit organizations with more than 900 offices in the United States and U.S. territories.

"The work of legal aid programs is more important than ever before, as the recession puts more Americans at risk of losing their jobs, homes and access to health care," LSC President Helaine M. Barnett said.

"Going forward, we must champion public and private efforts to ensure equal access to justice, a bedrock principle of our great democracy."

For more information about Nassau Suffolk Law Services go to www.nslawservices.org. For information on LSC, go to www.lsc.gov.

"THE JUSTICE GAP"

"Nearly a million poor people who seek help for civil legal problems such as foreclosures and domestic violence, will be turned away this year by the nation's largest non profit legal aid network because of insufficient resources," according to a recent Legal Services Corporation (LSC) report. The "justice gap" in America is the difference between the level of civil legal assistance available and the level that is necessary to meet the legal needs of low income individuals and families.

As a Legal Services funded program, we at Nassau Suffolk Law Services know the story well with over 500 calls for legal assistance coming in daily from each of our county offices.

Many of the persons turned away are "in need of legal assistance and are the most vulnerable among us—they are trying to escape from domestic violence, trying to avert foreclosure and homelessness, try-

ing to qualify for disability benefits, trying to recover from natural disasters. Legal aid saves lives and makes communities stronger," LSC President Helaine Barnett stated.

Despite increased appropriations from Congress in recent years, state and local government funding and contributions from charitable donors are on the decline. Funding from Interest on Lawyers Trust accounts have also dropped significantly.

We are braced for impact but continue to forge ahead. We look to our community supporters as partners in "making our communities stronger."

To donate to Law Services, join our social networking campaign at <https://www.karma411.com/Markslist/campaign/display/profile.do?campaignId=273>

"Legal aid saves lives and makes communities stronger"

Nassau/Suffolk Law Services Committee, Inc.

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*"Equal Justice
Under Law"*

We're on the Web

www.nslawservices.org

*Send us your email address for
electronic delivery of this newsletter!*



We recently bid farewell to Candace Scott Appleton after 30 years of dedicated service as a Law Services attorney.

Candy started her career in 1979 and worked in many different units including the Mental Health Law Project, the Civil Unit and the Disability Advocacy Project where she most recently served as the Senior Staff Attorney. Candy was also well known among Law Services staff for her helpful and positive attitude, her legislative advocacy, and her work coordinating the student intern program. She was truly the Law Services "networker" and will be sorely missed (along with her baked goodies!) But Candy moves on to bigger and better things as she transitions her prestigious career to the U.S. Attorneys office where she will be representing the Social Security Admini-



stration. We are all very proud of her accomplishments and wish her all the best.



Over 100 people joined in the farewell party for Candy in August, 2009 held at the Nassau County Bar Association. Candy is pictured here (rear right) along with a few colleagues, family and friends.

OTHER STAFF ANNOUNCEMENTS

Congratulations to Regan Serlin, attorney in our Hempstead Welfare Unit who married Kevin Sikorski in July 2009. Regan and several Law Services staff who attended the festivities are pictured below.



Law Services welcomes SUNY Stony Brook Social Work student **Melissa Benfanti**.

Congratulations to **Irene Brothers** on her promotion to Senior Staff Attorney of the bi-county Disability Advocacy Project

Thank You Summer Interns!

We'd like to thank all of our 2009 summer interns- true partners in justice! Their dedication and hard work in various units at Law Services helped us to provide equal justice under law to those in need during Long Island's serious economic struggles.

Mina Azimi

Symone Fung

Jeffrey Miller

Andrew Bernstein

Brad Gutkin

Damian Nash

Jacqueline Cox

Shaquana Johnson

Morgan Neems

Nicole DiGirolamo

Jessica Kaplan

John Papadopoulos

Christopher Fleury

Briana Kramer

Kim Polly

Hannah Fleury

Alexander Krul

Graham Ruff

Daisy Fox

Christopher Lynch



From the Executive Director

Dear Friends and Supporters:

On Behalf of the Board of Directors and staff of Nassau/Suffolk Law Services, I would like to thank you for your ongoing support helping to assure that poor and disabled individuals and families on Long Island have access to the legal system. Access to justice for Long Islanders in need on such issues as housing, public benefits, access to health care, and education is the goal to which we strive at Law Services. Though we anticipate serious funding challenges in 2010 and were sad to recently close our domestic violence unit after 20 years of service, I am confident that with your support we will survive the threats to our funding in order to continue our important service to the community. I am sincerely grateful to all our friends and to our staff for their demonstrated commitment to obtaining justice for disadvantaged Long Islanders.