

# **BROOKLYN DEFENDER SERVICES**

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**2023 – 2024**

**Report**

# OVERVIEW OF ACHIEVEMENTS

Brooklyn Defender Services’ (BDS) Civil Defense and Civil Justice programs concluded another year of representation and advocacy on behalf of low-income Brooklyn residents. The Programs closed 4,257 civil cases, benefiting 7,263 people in a wide range of civil legal matters. BDS’ work was funded through contracts and/or grants from the Interest on Lawyers Account, Mayor’s Office of Criminal Justice, New York City Council, the New York State Office of Court Administration, the New York State Division of Criminal Justice Services, private foundations, and individual contributions.

## Civil Defense:

BDS’ Family Defense Project (FDP) is the primary provider of parent representation in abuse and neglect (Article 10) cases in Brooklyn Family Court. In FY24 FDP closed 1,153 cases helping 2,537 people; 352 article 10 cases benefitting 1,048 people, and 314 custody petitions benefitting 473 parents and their children; in the vast majority of these cases, our litigation and advocacy resulted in family reunification. BDS also provided early defense to 277 families benefitting 609 including parents and their children, where an abuse or neglect case was indicated and ACS was involved, but no petition was yet filed. In these cases, parents were able to get the services and advice they needed to avoid a filing altogether or to reduce the likelihood that the children were removed from the home if a petition was filed. BDS also provided assistance to 363 parents benefitting 799 people on SCR matters including legal representation to 106 parents and advocacy work for 143 parents at Administrative Reviews to clear their names from the SCR.



**Service Area:** Kings County

**Population Served:** General Low-Income Populations

**Staffing Full Time Equivalents:**

Total Staff: 149.9    Lawyers: 95.61

Paralegals: 19.97    Others: 34.32

### **Civil Justice:**

BDS' Civil Justice Practice (CJP) provides a single point of access to civil legal services for people who are involved in the criminal, child welfare or immigration systems in Brooklyn through a seamless referral process between the defense practices and CJP. BDS aims to disrupt cycles of destabilization affecting clients in a wide range of civil legal issues including eviction prevention, employment discrimination, inadequate and/or inappropriate school-based services, immigration benefits, advice and representation on custody and visitation matters, and assistance with benefits.

During the grant period, our CJP provided civil legal services in the following areas:

- Housing - Our attorneys and advocates closed 540 cases benefitting 1,350 people with advocacy and/or representation related to eviction prevention, remediating unsafe housing conditions, challenging denials, and discharges from family shelter, defending termination of tenancy, or overcoming subsidized housing denials, and appealing adverse decisions. Combatting Brooklyn's housing shortage and rampant gentrification, the CJP facilitates access to housing programs and subsidies and provides relocation assistance and advocacy for families facing housing instability.
- Access to Benefits and Financial Stability - Our clients are disproportionately unable to access, or face discontinuance of, a wide range of entitlements including Medicaid, Public Assistance, SSI/SSD and unemployment because of legal system involvement, impacting their ability to maintain or regain stability in their lives. Through application assistance, direct representation, and affirmative litigation BDS closed 408 cases helping 408 people and their families obtain or maintain benefits, protect their assets in small claims court and reclaim their personal property from over-reaching property seizures.
- Education - BDS' CJP closed 512 cases benefitting 738 people including parents and students. We combat bureaucratic confusion regarding educational rights, help our clients understand the special education process and attain appropriate IEPs, initiate due process proceedings to secure appropriate prospective and compensatory relief, and represent clients in suspension hearings to limit unjust school removals. For clients in shelters and foster care we advocate for school enrollment and transportation accommodations to achieve school stability. We extend this range of advocacy to our school-age clients in juvenile detention and adult jail facilities, to ensure they receive the appropriate services and accommodations, and facilitate reentry to the community and assists individuals in asserting their rights to services through the Office for People with Development Disabilities (OPWDD).

- Employment - BDS closed 952 cases benefiting 952 individuals and their families through working to secure our clients' employment prospects and mitigate loss of employment due to arrest, absences caused by court appearances, and other related consequences. We fight to enforce low-wage workers' right to be fairly paid; advocate with employers to ensure compliance with "ban the box" provisions that protect job applicants from discrimination due to arrests or conviction; challenge discriminatory terminations before the State/City Human Rights Commission and in Article 78 proceedings; and, we combat the collateral consequences of arrest and conviction, by providing advocacy at license revocation hearings or meetings with employers, assisting with applications for Certificates of Relief from Disabilities or Good Conduct and relief under the new sealing provision (CPL 160.59), and assisting with employment discrimination claims under the Fair Chance Act.
- Immigration - In the reporting period, we closed a total of 518 immigration cases (including immigration defense cases) benefiting 1,104 people. We continue to identify and apply for affirmative immigration benefits for our clients, enabling them to access health insurance, public assistance, work authorization and higher educational opportunities. We have expanded our immigrant workers rights expertise in an interdisciplinary project representing clients with wage violations and other workplace misconduct claims in applying for deferred action based on labor violations.

Client benefits from CJP work - In estimating the economic impact of BDS CJP work, BDS has adopted Rules for Smart Giving published by Robin Hood in 2013. By giving 226 students the opportunity to graduate high school; 368 immigrants to obtain/maintain legal status including employment authorization; preventing eviction/obtaining housing for 109 clients; and securing public benefits (including veterans benefits, SNAP and UIB) for 99 people; **BDS provided over \$7 million in benefits to our clients.** This does include benefits accruing from obtaining/maintaining employment; assets released from civil forfeiture; defense from creditors in small claims court; access to health insurance for immigrants or countless other outcomes that impact our clients' ability to effectively participate in their community and the economy.

Taxpayer Savings - Litigation and advocacy from the Family Defense practice assisted 511 children to be reunited with their parents or caretaker, which saved over \$40 million in taxpayer dollars. According to the New York State Kinship Navigator, the annual cost for regular foster boarding homes is estimated to be \$90,684 per child. Pre litigation diversion made possible by our internal referral process allowed countless issues to be resolved before a legal proceeding is initiated; lessening impact on an overburdened court system and ensuring our clients need not take time off or obtain childcare to obtain a fair result.

## DIRECT LEGAL SERVICES

The vast majority of BDS' CJP clients are internal referrals from our criminal, family and immigration defense practices which serve about 25,000 clients each year. In that sense the "outreach" method consists of our attorneys and advocates listening to our clients' needs and ensuring they are aware of, and are connected to, the many services and resources we have available. When our clients visit any of our offices, we make sure they have access to KYR materials and guides as well as posted notices of our services to ensure they are aware of the resources available even if they may not be specifically seeking them at the time. In the reporting period we also completed work on, and launched, our new website, which has drastically improved the way our clients connect to the various resources BDS has to offer.

Other sources of outreach include: participants and attendees of workshops and events run by out of our community office in East NY, BDS' online presence across numerous social media channels where we share information about all our services; and regular know-your-rights workshops and legal clinics on a wide range of topics throughout Brooklyn and streaming on Facebook live, zoom, and other platforms, as well as our through our participation with NYC's Anti-Harassment Tenant Protection and Immigrant Opportunity Initiative and other city funded programs that include integrated referral mechanisms. Finally,

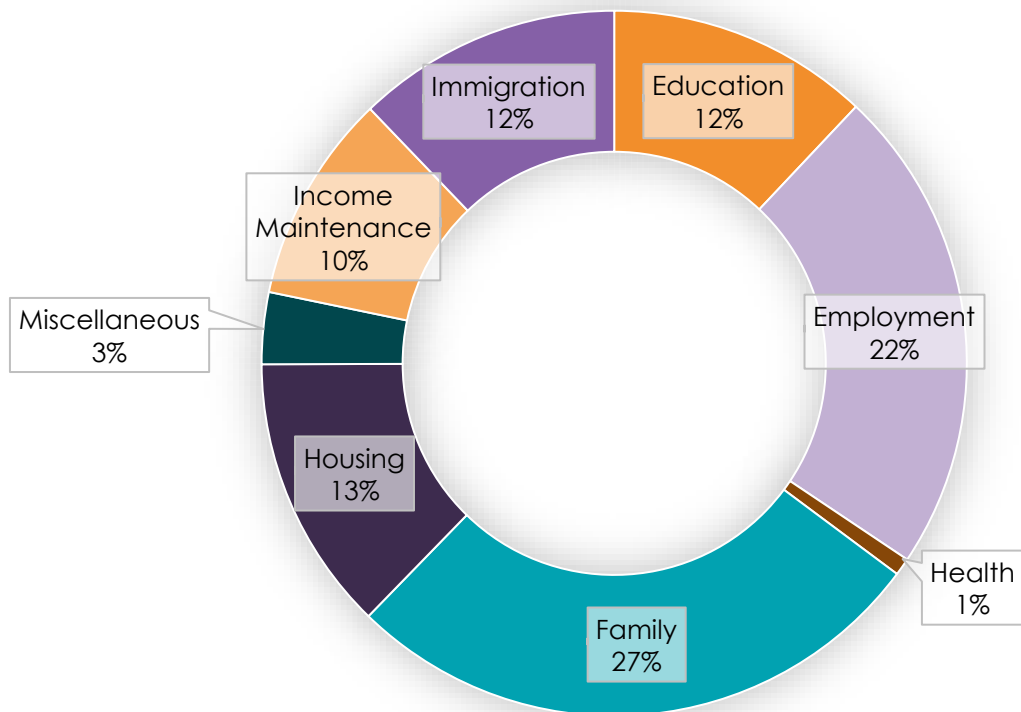
BDS is the assigned counsel in Family Court for clients facing Article 10 petitions, and in Immigration Court for detained immigrants in deportation proceedings.

Our CJP's primary intake mechanism is the internal referral of existing BDS clients through our case management system. This is a seamless process which relies on close collaboration between the different practice areas and our expertise in navigating several systems at once to ensure the clients' interests are explained and understood. It saves time on intake and allows our team to work immediately to assist our clients with urgent needs. This allows us to draw on existing information without requiring clients to undergo a time-consuming, and possibly invasive survey



for a new team every time an issue is identified, or a new resource is to be accessed. We are in the process of transitioning to a single system office wide which will further improve this process and ensure we are accurately referring, tracking, and reporting the assistance we provide with maximum accuracy and minimal intrusiveness for clients.

## CASES BY LEGAL PROBLEM AREA



## CASE EXAMPLES

**Immigration/Employment:** One of our deportation defense clients worked in the construction field for many years. As a result of his immigration status and having to seek "off the books" work, he was often mistreated by his employers, frequently working in unsafe conditions, being paid below minimum wage, and failing to receive compensation for overtime. The employment team filed several wage and hour claims as well as a whistleblower claim with OSHA regarding his working conditions. He has thus far received over \$30,000 in compensation from his previous employers, with several other claims still working their way through the DOL complaint process. Due his successful complaints and cooperation with labor agencies investigating his claims he received we were able to request a statement of interest from the department of labor, followed by deferred action from USCIS ultimately resulting in eligibility for Employment Authorization which will allow him to pursue work where he is paid appropriately and receives the protections that he is entitled to.

**Housing/Benefits/Family:** Ms. B, a long-time rent-stabilized tenant faced non-payment proceeding after she fell behind on rent due to loss of income when her abusive husband left the household. BDS' family defense practice referred her to its civil justice practice when the risk of eviction became evident.

Because of their familiarity with collateral issues relevant to the matter, the housing attorney had a benefits paralegal assist Ms. B with proactively addressing issues with her benefits; applying for cash assistance, ensuring her shelter allowance was budgeted to include her temporarily absent children; and assisting with an ERAP application to ensure she qualified for essential eviction protections and had relief from accumulated arrears. Once the family court Article 10 proceeding confirmed that Ms. B's husband would not return to the household, BDS worked to ensure that Ms. B would have a voucher to help pay rent, simultaneously working on a FHEPS application while advocating with Homebase to get an emergency housing voucher (EHV).

BDS attorneys discontinued the nonpayment proceeding with needed repairs successfully completed, arrears addressed, and a new voucher in place. In part due to these efforts, Ms. B's family court allegations were resolved, her children were returned to her care, her family avoided further destabilization, and had a safe, affordable home to return to.

## OTHER LEGAL-RELATED SERVICES

At a time when in person legal services assistance has become more difficult to obtain, easily accessible KYR materials are more important than ever. Through community education and legal advocacy, as well as expansion of the information and resources BDS was able to provide to clients of our assigned counsel practices we continued to be a resource for our clients even when we weren't providing direct assistance. While having a lawyer is beneficial, it can be just as impactful to give people the ability to resolve their problems without setting foot in a courtroom. This has been highly effective for clients in several of our practices, with housing matters and access to stimulus benefits being the most obvious.

In the grant period, BDS participated in or led 19 events relating to immigration, housing, and family legal issues and reached 896 community members, via Zoom and Facebook Live online workshops.



In addition to our primary webpage, which saw over 5,864 page views for our “get help” page, we continued to provide additional resources and services to our clients and our broader community.

**3,459**

people  
benefited from  
**Community  
Legal  
Education**

**Healthcare Letters Project:** Housed within our Civil Rights & Law Reform unit, in collaboration with Immigration team social workers, BDS’s Healthcare Letters Project (“HELP”) leverages a volunteer network of doctors to review medical records and write letters on behalf of people we represent—typically advocating for release from criminal or immigration detention due to medical conditions—that BDS staff include in case submissions. The HELP network has been key to making medical letters more accessible to our criminal defense and immigration teams and clients.

**Your Family, Your Rights:** BDS legal information website” Your Family, Your Rights,” continues to provide resources, information, and education to parents about their rights. In the reporting period it had over 3,533 visitors and over 5,625 page views. BDS regularly maintains the site, ensuring information is up-to-date, informative, and user-friendly for visitors and providing outbound links to partner websites and articles. This is a stand-alone website <https://yourfamilyyourrights.org/get-informed>

**Client Essentials Program:** Our clients acute need for tangible help during the pandemic spurred us to seek funding to provide material resources to families struggling with immediate needs. Through a combination of private donors and foundation assistance we continued this practice, distributing: over 299 clothing items; 163 phones with 82 requests for data, facilitating virtual court appearances and contact with legal teams; over 380 uber rides for clients to access court appearances, medical appointments, treatment programs, ACS visits, and meetings with their legal teams; over 165 household goods, including essential baby supplies, toiletries, school supplies and books; and cash to individuals and families struggling to buy groceries and travel to obtain medical and other necessary services.

**3,533**

people  
benefited from  
**Web-Based  
Assistance**



# IMPACT CASES

**L.B. v. New York City, et al., No. 23-cv-8501 (RPK) (E.D.N.Y.):** On November 15, 2023, BDS, in collaboration with pro bono counsel Crowell & Moring, filed a lawsuit in the Eastern District of New York on behalf of a mother and her minor child who have endured three years of invasive investigations by the Administration for Children’s Services (“ACS”) triggered by anonymous and baseless call reports made to the State Central Registry. Though each anonymous call contained similar, preposterous false claims, and ACS determined each was “unfounded, ACS investigators demanded to enter and search Ms. B’s home and to question and physically examine her child more than a dozen times. When Ms. B exercised her right to deny ACS entry to her home, ACS instead went to her child’s school, took him out of class and interrogated him against his will and without Ms. B’s consent. When ACS went to family court to seek court orders for access to the family, three judges rejected the requests and rebuked ACS for their invasive investigations and traumatizing the child. Nevertheless, ACS continued to interrogate the child at school, taking him out of class, and the child, who had always loved school, became too scared to go and developed anxiety. The lawsuit brings claims under the Fourth and Fourteenth Amendments and seeks an injunction preventing ACS from searching the home and interrogating children at school without a court order, as well as reasonable damages. This lawsuit is part of an effort to force ACS to conduct their investigations consistent with the constitutional rights of New York families.



All Impact Cases
<i>L.B. v. New York City, et al.</i>
<i>Agnew v. NYC DOC</i>
<i>CLINIC v. EOIR</i>
<i>Raspoutny v. City of New York, et al.</i>
<i>T.M v. NYPD</i>
<i>Miller et al. v. City of New York et al.</i>

# TECHNOLOGY

Technology is central to our ability to collaborate across units and CJP continues to use Legal Server; this system gives staff access to their case notes remotely or via mobile devices and, in turn, allows our assigned counsel practices to refer cases or raise questions via their phones. Supervising attorneys can monitor and assign referrals, quickly answer questions, track caseloads and performance to improve efficiency, and flag issue types and referral sources to better map growing trends. BDS is in the middle of transitioning to an office-wide case management system which will further improve our referral and reporting systems and promote interdisciplinary assistance for all our clients.

BDS has always maintained a capability to communicate with our incarcerated clients via Skype, but video conferencing capabilities have drastically expanded, and we have distributed pre-imaged laptops, peripheral hardware, and software to all staff so that they can engage virtually with their clients, the courts, service providers, and other partners even now that our staff can work in the office again. We have created space in the office where clients can access computers for virtual appearances. This practice and capacity will remain, post-pandemic. In addition to employing two full-time Spanish interpreters, BDS uses a remote interpretation service for client meetings, translation of important documents, and other language access accommodations.

BDS recently launched a comprehensive Intranet that is accessible to BDS staff working from every location, including remotely. The Intranet is BDS' innovative go-to platform for staff to learn about internal events and policies, find common forms and templates and locate cross-practice referral information. The Intranet has vastly improved and streamlined our internal communications and improved our ability to quickly connect clients with essential information and resources.

## IOLA TECHNOLOGY GRANT

BDS has embarked on a multi-year program to implement an organization-wide, integrated case and document management system. To date, we have implemented the new system in our criminal defense and immigration practices, and we expect to bring the remaining practices - family defense and civil justice - online by December 2024. IOLA funds have been used to cover a portion of their work and this integration is already enhancing our ability to coordinate work across practices.

## PRO BONO VOLUNTEERS

Our pro bono practice focuses largely on the recruitment and partnerships with the private bar; training and mentoring private attorneys who take on our cases and projects and educating them about our clients and our work. These volunteers collaborate with BDS attorneys on complex research issues, draft motions, write appeals and amicus briefs and work on large-scale litigation projects. Given our existing relationships with our clients through our assigned counsel practices our pro bono partnerships focus on leveraging their expertise in areas like complex litigation through co-counseling or filing appeals of our direct representation cases and on providing opportunities to assist our clients and staff in a support role, providing essential tools like research memos, country condition reports, and screening and application assistance. Our goal is to simultaneously expand our capacity to assist clients while building lasting relationships with firms and generating meaningful connections between individual attorneys and pro bono service.

160

attorneys  
volunteered **200** hours

40

law students  
volunteered **1,400** hours

40

other volunteers  
volunteered **1,000** hours

This year BDS' pro bono unit partnered with more than 160 attorneys closing more than 62 cases. Some examples include:

Family Defense - BDS continued to partner with several law firms to host clinics for our family defense clients seeking to amend and seal State Central Registry (SCR) matters. We held comprehensive training to educate pro bono attorneys on the collateral consequences inflicted on parents and children by the SCR and allow them to represent our clients in drafting letters seeking to amend and seal these harmful reports under new legislation and supported volunteer attorneys challenging these cases in administrative hearings. We also continued our "Motions to Vacate Project" with Skadden, filing family court motions to vacate findings so that further consequences could be avoided.

Immigration - We continue to partner with Simpson Thacher on country conditions reports to assist our attorneys and leverage resources toward our client's asylum hearings and had a law firm fellow work with our immigration applications team to focus on employment authorization applications; filing 12 applications in 6 weeks and returning to her firm with the expertise to coordinate future partnerships. We also partnered with Dentons LLP to secure a large settlement for one of our non-citizen clients who was wrongfully detained by the government.

Civil Rights and Law Reform - We placed direct appeals with firms and partnered on several research and pre-litigation memos and continue to pursue systemic change through complex litigation matters including developing a lawsuit recently filed (after the reporting period) in collaboration with the Bronx Defenders regarding illegal tracing and surveillance of phone calls from Rikers Island.

## SIGNIFICANT COLLABORATIONS

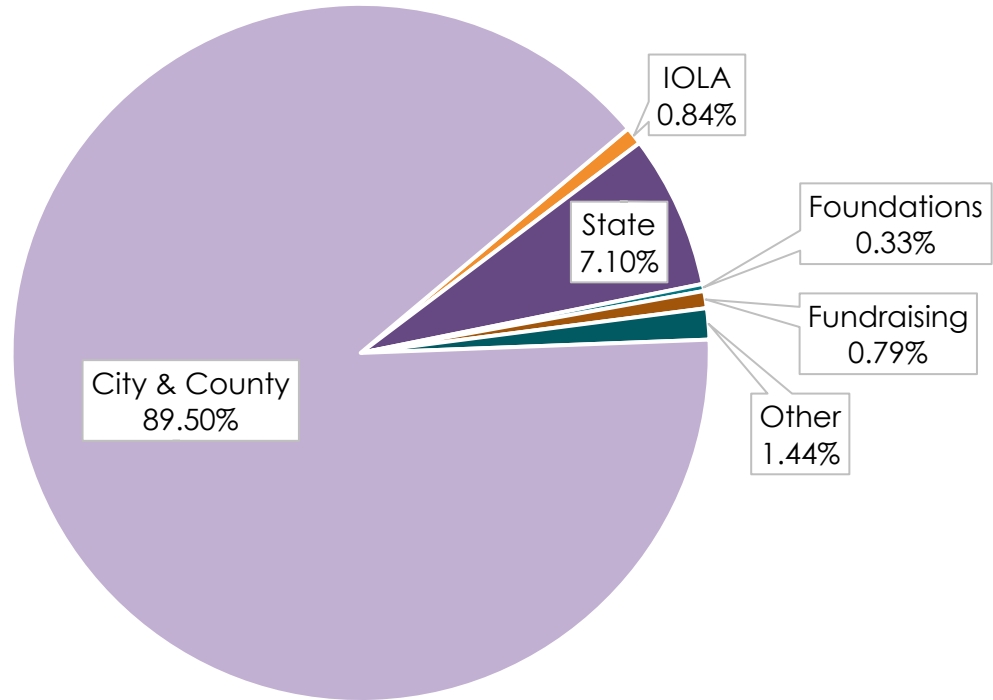
Brooklyn Defender Services has dozens of existing partnerships with community-based organizations, local elected officials, and other community representatives and belongs to many citywide umbrella civil practice organizations in the areas of housing, public benefits, education, family services and school discipline, allowing for increased collaboration, targeted advocacy, and the opportunity to share and learn from experienced practitioners in relevant fields.

BDS Civil Justice Practice is involved in numerous statewide, citywide and national membership organizations and advocacy groups including: the New York Legal Services Coalition, a statewide association which seeks to join resources to avoid duplication of services and share knowledge and expertise throughout the legal services community; LEAP (Legal Advocacy Partnership), an 18-partner coalition of civil legal service providers in the areas of housing, consumer debt, human rights, re-entry and cycles of poverty, among others.

Finally, BDS' Community Office has established numerous partnerships and collaborations with other non-legal community organizations to share information about our legal services, know-your-rights events, and other opportunities for community members. These partnerships continued despite the shift to a remote work environment. These include being part of the Workforce 1 Partners meetings, the monthly East New York Community Partnership Meeting, the Monthly Community Coalition of East New York meeting, the Direct Service Cabinet Meeting, and on the Advisory Council regarding the Multi-Service Health Hub ICL.

# CIVIL LEGAL SERVICES FUNDING

**\$ 24,311,819.59**



<b>IOLA Funding</b>	<b>\$ 203,772.26</b>
<b>City &amp; County Funding</b>	<b>\$ 21,758,282.15</b>
<b>State Funding</b>	<b>\$ 1,727,175.83</b>
<b>Foundations</b>	<b>\$ 79,191.54</b>
<b>Fundraising</b>	<b>\$ 192,924.80</b>
<b>Other Funding</b>	<b>\$ 350,473.01</b>