

CENTER FOR ELDER LAW AND JUSTICE

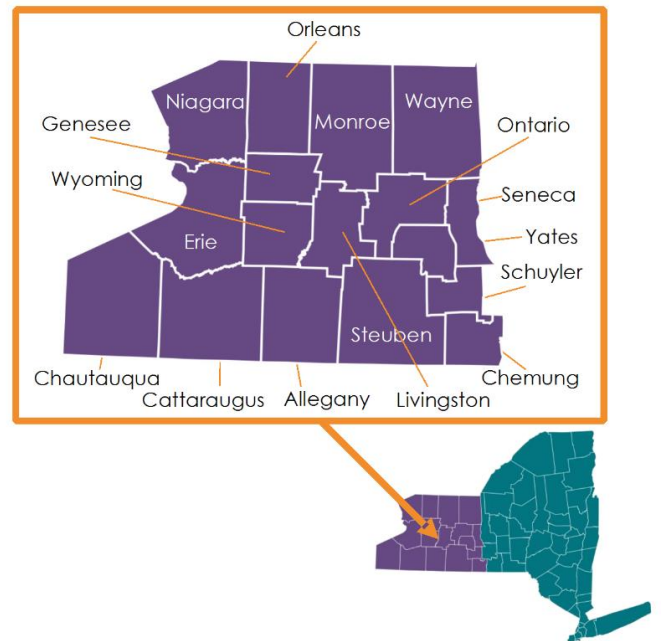
**2023 – 2024
Report**

OVERVIEW OF ACHIEVEMENTS

During this reporting period, we closed 6,287 cases, benefitting 10,391 persons, an increase over last year’s reporting period where we closed 5,994 cases benefitting 10,280 persons. In addition, we conducted in-person client presentations, interactive online presentations and additional community legal education benefitting 154,980 people. The primary target of our services are older low-income persons and persons with disabilities, however; several of our programs are available to the general low-income population (our medical-legal partnership, the MedLaw Partnership of WNY, our Kinship Care Unit, and our Health Care Advocacy Unit). We provided \$1,547,197.53(both direct and indirect) to our clients and \$4,747,640.00 benefits to taxpayers.

New in this reporting period, the Center for Elder Law & Justice (CELJ) added an Impact Litigation Director and a Policy Director to further its goal to use the legal system to ensure that our clients may live independently and with dignity. The purpose of the Policy Director position is to ensure the voice of the client is brought to the forefront of policy makers. The goal of bringing impact litigation is to benefit a population as a whole and to prevent others beyond those who have already suffered harm from suffering similar injustices in the future. Through these positions, we seek to bring large-scale benefits to our clients in the areas of housing, health care, consumer protection, kinship care, and more.

Since Older Adults are not a homogeneous group, we work closely with multiple partners to ensure that we are reaching older communities of color, older LGBTQ+ communities, older members of our refugee communities, and rural seniors.



Service Area: Western Region of New York

Population Served: The Elderly, Disabled, or Disadvantaged

Staffing Full Time Equivalents:

| | |
|------------------------|--------------------|
| Total Staff: 80 | Lawyers: 28 |
| Paralegals: 21 | Others: 31 |

DIRECT LEGAL SERVICES

Health: Ann* (client name changed for privacy), a 79-year-old woman with polio and congestive heart failure, originally contacted our office regarding a Notice of Medicare Non-Coverage pertaining to therapy services she was receiving at a skilled nursing facility to treat weakness caused by post-polio syndrome. Ann was verbally notified that her therapy would be terminated and attempted two unsuccessful levels of appeal on her own. While there was a termination of therapy notice, therapy still continued throughout the duration of her stay at the facility.

We gathered medical records from multiple different places to use as evidence, and on April 4, CELJ filed a request for an appeal before an Administrative Law Judge, for which a hearing was held on Thursday, May 18, 2023. In the hearing, we demonstrated through medical records that Ann continued to need and receive skilled care through the duration of her stay at the skilled nursing facility, for which she was entitled to Medicare coverage. Ultimately through our advocacy, Ann was awarded a total of \$56,100 in Medicare coverage that had been previously denied.

Consumer / Finance: Stacy* (client name changed for privacy), came to us as she was being sued by a nursing home for hospice and skilled nursing services provided to her uncle. Her uncle was at the facility from July through August 2023 and the facility was suing for \$11,495.60. The uncle's estate was not named and Stacy was the only defendant in the lawsuit.



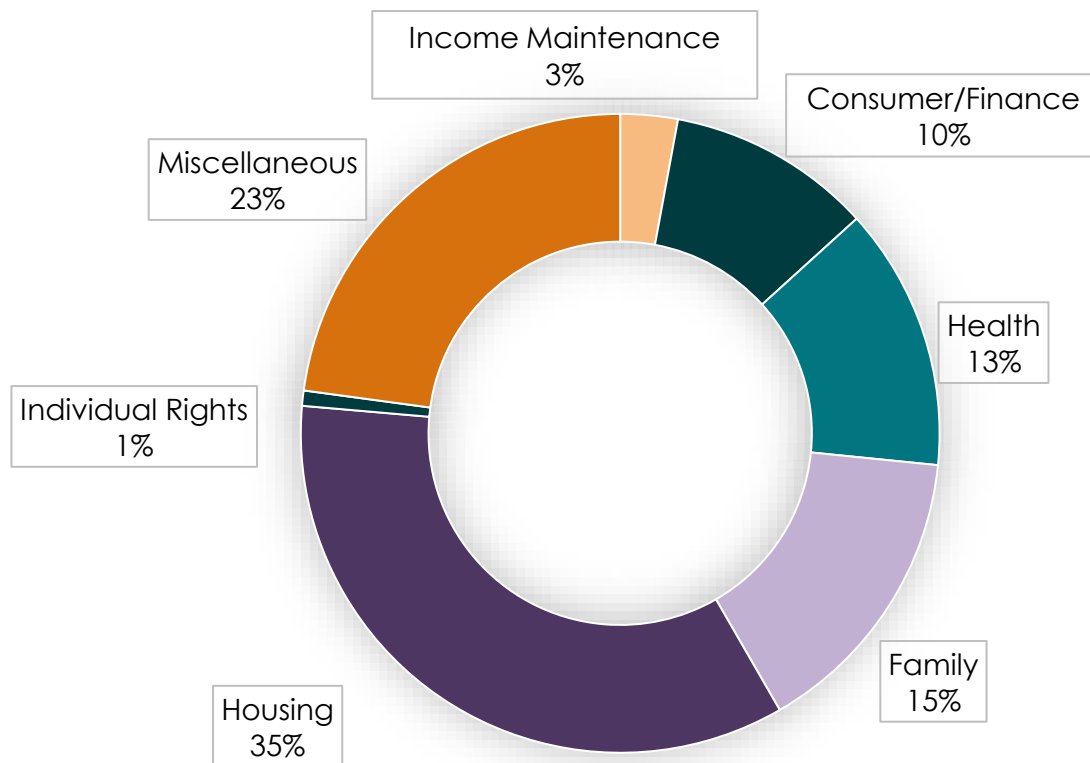
10,391
people
benefited
from



6,287
legal cases
closed

Stacy was in her 70's and receiving social security as her only income but had other funds in the bank that the facility could potentially go after if they received a judgment. Under the admission agreement, Stacy could only be held responsible for the money that she had access to in her uncle's joint bank account with her and was not responsible to pay any of her own funds to the facility. When her Uncle died he only had \$2,900 in the bank and owned nothing else. We were able to settle the case for \$2,900 since that is the extent of the uncle's funds that client had access to.

CASES BY LEGAL PROBLEM AREA



OTHER LEGAL-RELATED SERVICES

Outreach and Intake CELJ has a robust community legal education program and very active social media presence and an interactive website. Our goal is to expand and improve legal services to older adults and their families and to use the legal system, so our clients can age independently and with dignity. Our target population is older adults and their families and we develop strategies that will meet all of the various communities of older adults that exist (immigrant, LGBTQ, communities of color, younger and healthy individuals, those in institutions and the homebound).

Last year we held 153 community events and had 58,000 visits to our website with 43,240 downloads. Although we do not have on-line intake, we receive weekly e-mail, Facebook and Instagram requests for services which are responded to within 48 hours. In addition, our Surrogate’s Court Help Desk (detailed in the section on pro bono assistance) is designed to give short consultations so that individuals can appear in Surrogate’s Court pro se. In total, through all venues (social, online, outreach and live calls), we field an average of 200 contacts per day.

Experiencing challenging life events, such as the loss of stable housing, the loss of work or income or escaping domestic and family violence, often brings individuals in contact with both legal and social service professionals. Inextricably linked legal and social issues have been shown to be a common experience and CELJ has found by utilizing a team of integrated professionals, including social workers, paralegals and attorneys, we can better serve the client and competently address their intertwined issues. CELJ currently has 7 Social Work positions on staff. Social workers are available to assist with cases in all units.

One additional strategy we use to achieve our goal is through policy and systems change advocacy at the national and state levels. CELJ is unique in that we engage in systems advocacy specifically on behalf of older adults. We have a Policy Director who regularly weighs in on proposed legislation and testifies at NYS Assembly and Senate Hearings on issues such as safe staffing, Medicaid and elder abuse. We believe in advocating not only for our clients, but for the rights of all New Yorkers who are impacted by outdated or unfair policies.

As a result, our staff works closely with legislators and policy makers to provide unbiased testimony and analysis on relevant laws that impact older adults. This is done through white papers, testimony and comments on proposed legislation. Increased IOLA support has enabled us to increase our advocacy efforts, particularly around safe staffing in nursing homes and advocacy with the New York Department of Health to be more aggressive in improving quality of care in facilities.

1,361

people
benefited
from

**Pro Se
Assistance**

171,572

people
benefited
from

**Community
Legal
Education**

43,240

people
benefited
from

**Web-Based
Assistance**

IMPACT CASES

Impact Case #1: CELJ was the first law firm to bring a Real Property Actions and Proceedings Law, Article 7D action against a landlord in Erie County. The Tenant Dignity and Safe Housing Act was enacted in January 2024 as a mechanism for tenants to seek a judgment ordering landlords to make certain repairs of conditions that present dangers within the property. CELJ represented a tenant living in deplorable conditions in an Article 7D case against his landlord. A stipulation was reached in that matter, requiring the landlord to remedy all habitability issues in the apartment, with the tenant's rent being abated for two months.

CELJ continues to identify the most persistent offending landlords and will continue to bring these actions on behalf of tenants. Because CELJ was the first firm to file this new action, the Court had to create a set of procedures and protocols for accepting and handling these cases moving forward. CELJ's filing has resulted in the creation of a process where countless tenants can bring these matters in a consistent manner going forward.

Impact Case #2: CELJ is working very closely with a statewide partner to address certain area nursing homes, whose Admissions Agreements are in violation of the New York State Nursing Home Reform Act (NHRA).

CELJ has seen a rash of cases where loved ones of a nursing home resident are being sued for that resident's bill. The third party has no personal responsibility for a loved one's debt, yet nursing homes aggressively pursue these individuals through litigation. In addition to representing these individuals throughout the course of litigation, we have also been in regular communication with the New York State Attorney General, who is looking to identify regular violators of the NHRA. Our litigation defense and collaboration with the Attorney General will continue into the coming year with the goal of ensuring a nursing home resident's loved ones cannot be strong-armed into paying for a debt they are not responsible for.



Impact Case #3: CELJ is in the early stages of partnering with the Western New York Law Center (WNYLC) and Partnership for the Public Good (PPG) on an advocacy campaign and potential litigation aimed at how the City of Buffalo manages surplus funds stemming from their In Rem Tax Foreclosure. The City currently does provide an opportunity for individuals who lose their home to foreclosure to claim surplus funds available to them. The City's last auction, held in 2019, created surpluses available to 104 homeowners. Our goal is to compel the City to provide an opportunity for homeowners to claim the money owed to them, pursuant to *Tyler v. Hennepin County, Minnesota*.

TECHNOLOGY

During the grant reporting period, CELJ implemented Duo multifactor authentication for email and virtual desktop login. Duo is an application that allows staff to choose either a push notification to their cell phone or receive a telephone call to a landline or cell phone to confirm login. This extra layer of security ensures that unauthorized users are not able to login and gain access to our systems, protecting sensitive and confidential client information.

CELJ also saw the addition of a mobile text alert system for staff. This application allows management to send crucial time sensitive mass notifications to staff as SMS alerts to their cell phones, eliminating the need for staff to access email in emergency situations.

The agency switched to MIP Fund Accounting software as its financial management system. Our greatest challenge is tracking the multiple program services we offer, by their corresponding funding sources within a financial management system (federal, state, local, foundation and unrestricted). MIP has allowed us to pull these pieces together and report even in different fiscal years versus calendar year, as well as provide reports to our board. MIP tracks actual expenditures and outlays with budgeted amounts for each funding source and notifies if there are any cost overruns in comparison with the approved budget. Being able to track expenditures by funding sources in a way that is supported by MIP allows us to analyze the financials at a department and overall agency level as well.

IOLA TECHNOLOGY GRANT

The funds from the 2023 Technology Grant supported a portion of our Development Coordinator's salary. This position is responsible for continuously updating the agency website

and online resources. The funds also supported our unduplicated shared server and cyber liability insurance costs, currently supported by the organization's unrestricted funds. Without this grant, CELJ would have had to purchase these goods and services with unrestricted funds to cover these costs, due to their necessity. Support from the grant covered these costs, allowing the opportunity to use the unrestricted funds towards programmatic and other support needs of the organization. This grant supported our strategic technology goals by funding IT initiatives already in place, including server costs associated with remote/off premises work, maintaining necessary cyber security insurance, and ensuring real-time updates to our website.

PRO BONO VOLUNTEERS

CELJ recruits pro bono attorneys, law students, and other volunteers in several ways including presentations to law firms, email and mail solicitations, presentations to local bar associations and relevant committees, posting opportunities to our website and social media, attending local law school job fairs and events, and personal outreach. We are fortunate to have a robust pro bono attorney and law student volunteer roster. Across all pro bono programs, both limited and full scope, a total of 37 attorneys performed over 785 hours of pro bono service through CELJ in the reporting period. This includes 19 pro bono attorneys assisting 28 clients in a variety of matters including bankruptcy, wills, advanced directives, real estate, custody and visitation, and immigration.

From September through November 2023, CELJ participated in the Wills and Estate Planning Workshop hosted by New York State Assembly Majority Leader Crystal Peoples-Stokes. This workshop is an annual community program held in partnership with the Center for Elder Law & Justice, Western New York Law Center, Neighborhood Legal Services, and other participating

An infographic consisting of a white circle with an orange border containing the number 37, followed by an orange horizontal bar containing the text "attorneys volunteered 785 hours".

37

attorneys volunteered **785** hours

An infographic consisting of a white circle with a purple border containing the number 19, followed by a purple horizontal bar containing the text "law students volunteered 5,312 hours".

19

law students volunteered **5,312** hours

attorneys. The program's primary goal is to assist residents of New York Assembly District 141 in need of wills, powers of attorney and health care proxies, in order to help plan for the future and protect generational wealth such as home ownership, personal assets, and other possessions. These services are provided to the client at no cost. 50 clients were assisted through the 2023 Workshop.

CELJ is fortunate to have a core group of dedicated volunteers who have committed to working with us through the New York State Unified Court System's Attorney Emeritus Program (AEP) over the past several years. This program is open to attorneys 55 years of age and older who have practiced for a minimum of ten years. During the reporting period, 7 AEP volunteer attorneys were enrolled in the program, and 6 attorneys assisted 651 clients and provided organizational support through our various pro bono programs.

SIGNIFICANT COLLABORATIONS

CELJ is engaged in cooperative efforts with dozens of organizations at the national, state, and local levels and is an involved participant in both the legal services and aging communities. We are a project partner with the Region 15 New York State Long-Term Care Ombudsman Program and provide legal support and training to their volunteers, working closely with the New York State Office for the Aging. We also partner with Adult Protective Services in 11 counties as part of our role as the Regional Coordinator for the Enhanced Multidisciplinary Teams combating financial elder abuse. CELJ also serves on the New York State Judicial Committee on Elder Justice, through the New York State Unified Court System.

We have current collaborations with Best Self, People Inc., the Alzheimer's Association, Child & Family Services, Erie County Medical Center, Journeys End, Jericho Road, Children's Hospital, Buffalo General Hospital, & the Kinship Navigator, among others. In addition, through our work on the Master Plan for Aging, we work closely with the Health Foundation of Western & Central New York and the African Americans Health Equity Task Force. We actively collaborate with Erie County Department of Social Services (DSS), Erie County Senior Services and Live Well Erie on a regular basis.

The Erie County Landlord/Tenant Hub Court was created in December 2021 as a vehicle to ensure that all tenants facing eviction throughout the county have an opportunity to be represented by counsel at their hearings. All evictions filed in town and village courts throughout

the county are transferred to the Hub Court housed in Buffalo City Court and all five legal services providers have attorneys present virtually for all Hub Court appearances so that tenants in need of representation can be quickly linked. Though eviction filings have skyrocketed, in large part due to the expiration of New York State's eviction moratorium, the legal services providers have been able to meet the need and provide representation for all eligible tenants throughout the county. As a result of the HUB and the collaboration, Erie County has the highest number of evictions defended outside of NYC and the Permanent Commission on Access Justice's report recommends replicating our model statewide.

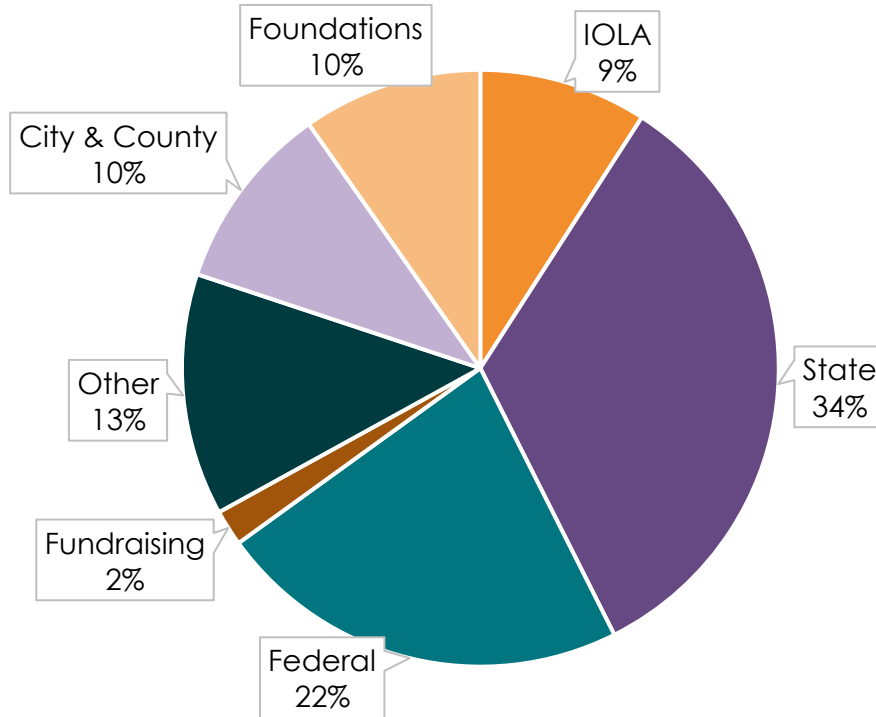
CELJ works closely with the New York State Legal Services Coalition. Our coalition comprises of 45 member organizations that collectively provide legal services in every county in New York State. The coalition, working closely with the New York State Bar Association and OCA, finally was able to see new York pass changes to the Notary Law that were harmful to our clients. This bill amended CPLR 2106 to allow litigants in civil cases to swear to a statement under penalty of perjury without having to notarize the document.

Our main area of focus this year is the hiring crisis that the entire legal services community faces due to our low salaries, not only compared to private attorneys, but also in comparison to government attorneys and the assigned counsel program. This disparity has created a barrier in the fight for access to justice as our programs quite literally, cannot hire staff to provide the services our clients need.

We developed a white paper and survey on the issue of unequal pay for civil legal services providers, which were utilized in the New York State budget hearings this winter and in discussions with our funders. IOLA has been an important partner on the issue of pay parity, helping us to frame the issue, critiquing our proposal, and providing examples of how other states in the country have approached the topic. In addition, working with the Coalition, and the New York Coalition against Domestic Violence (NYSCADV), we have advocated to shore up funding for domestic violence programs funded with federal crime victims' monies.

CIVIL LEGAL SERVICES FUNDING

\$ 8,247,614



| | |
|----------------------------------|---------------------|
| IOLA Funding | \$ 752,344 |
| City & County Funding | \$ 838,890 |
| State Funding | \$ 2,766,630 |
| Federal Funding | \$ 1,855,114 |
| Foundations | \$ 805,507 |
| Fundraising | \$ 161,397 |
| Other Funding | \$ 1,083,588 |