

**COMMUNITY
SERVICE
SOCIETY OF
NEW YORK**

**2023 – 2024
Report**

OVERVIEW OF ACHIEVEMENTS

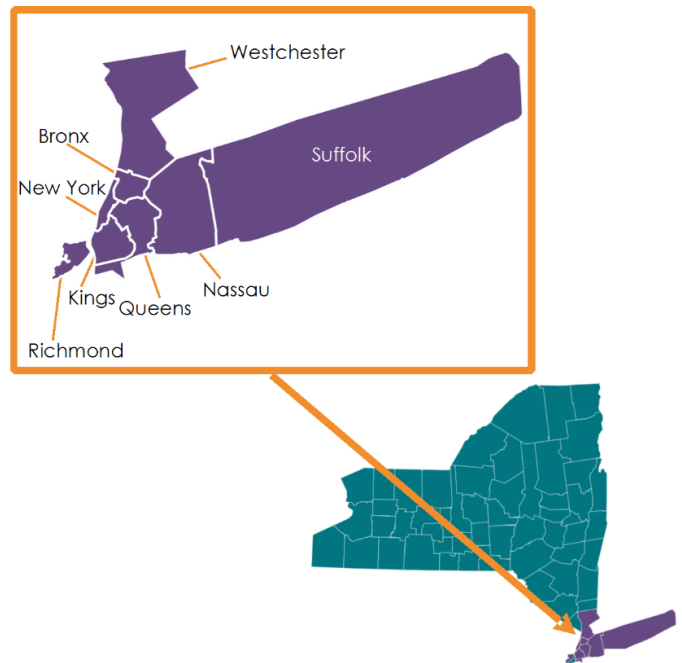
The Community Service Society of New York (CSS), through its Legal Department and the Department’s Next Door Project (NDP), provided direct assistance to over 700 low-income New York City residents this year. All clients were members of our target population: low-income New Yorkers with arrest or conviction histories.

Our biggest achievement this year was the passage of the Clean Slate Act, which will have an outsized positive effect on our clients. This law will automatically seal criminal convictions after a certain amount of time has passed since the person was sentenced or released from incarceration, whichever is later, as long as they do not have any pending cases or are currently on parole or probation. From direct experience, we know that only a fraction of a percentage of the people eligible to use New York’s sealing laws actually do, so having automatic sealing is vital.

Also, as detailed below, the court finally approved a settlement in a class action charging that UberEats denied thousands of people jobs in violation of New York laws prohibiting discrimination against people with criminal records.

Clients usually begin NDP through group intake sessions that start with a know-your-rights presentation. These intakes happen monthly at our offices and every four to six weeks at our community partners throughout New York City, completing over 40.

For all NDP clients, we request and receive their official criminal histories, both those



Service Area: NYC and Surrounding Area

Population Served: Low Income New Yorkers with Arrest and/or Conviction Histories

Staffing Full Time Equivalents:
 Total Staff: 7 Lawyers: 4
 Paralegals: 3

maintained by New York State and – for clients with out-of-state or federal arrests – the FBI. We then analyze those records to find and correct errors, examine whether the client is able to seal any convictions, and determine the client’s eligibility for either a certificate of relief from disabilities (“CRD”) or a certificate of good conduct (“CGC”), which remove statutory barriers to employment and provide proof that either a criminal court judge or the parole board, depending on the certificate, has found the client to be rehabilitated. This is useful when the client seeks any type of future opportunity.

All of this information is conveyed in one-on-one counseling sessions, where clients receive customized advice about how their criminal record may affect how they wish to better their lives, such as by obtaining employment, occupational licenses, housing, and higher education.

Clients also learn how to disclose their convictions comfortably by focusing on their subsequent accomplishments, and they begin to collect documentation of those accomplishments – a portfolio of positive change they can use again and again. All clients leave our care with a copy of their criminal history along with a plain-language summary of criminal convictions they have to disclose if asked.

This form, which also describes their rights, can simply be handed to an employer or other person evaluating our client’s criminal record, making it easy for clients to disclose their record accurately and avoid adverse decisions for misrepresenting – even accidentally – their criminal record. Finally, clients who are eligible to petition a court for sealing typically retain us to do so, as do clients who need to surrender an open warrant, whether in New York or another state.

When clients run into barriers because of their criminal records, our attorneys are available to help. We regularly provide informal advocacy with private and public employers, along with administrative agencies deciding whether our client should get an occupational license or be cleared to work with vulnerable populations. This advocacy often turns formal, and we send demand letters, file lawsuits, and represent people in court and administrative hearings.



DIRECT LEGAL SERVICES

Case Example #1, Employment Discrimination: Our client was denied an entry-level position in a hospital's laundry facility because of his criminal record, which contained four felony convictions involving weapon and drug possession, along with assault. The most recent one was seven years old. When he applied, he had been out of prison for five years, working steadily and going to Hostos College, hoping to enter the College's radiology program.

He was excited to find a union job at the hospital. It would allow him to better provide for his then-pregnant girlfriend and prepare for their first child; the hospital also said it could help with tuition should he wish to pursue radiology. The same day after he dropped out of Hostos to take the job, he went to the hospital to provide the certificates of dispositions for his convictions. Before he handed them over, however, he was told he would not be hired because he failed to fully disclose his conviction history.

CSS counsel intervened, and the Director of Labor Relations discovered he mistakenly believed our client had failed to fully disclose his record. Nevertheless, the Director dodged several follow-up calls, so CSS sued. The case settled, pre-answer, for \$106,500, comprising a full backpay award and over \$60,000 in emotional distress damages.

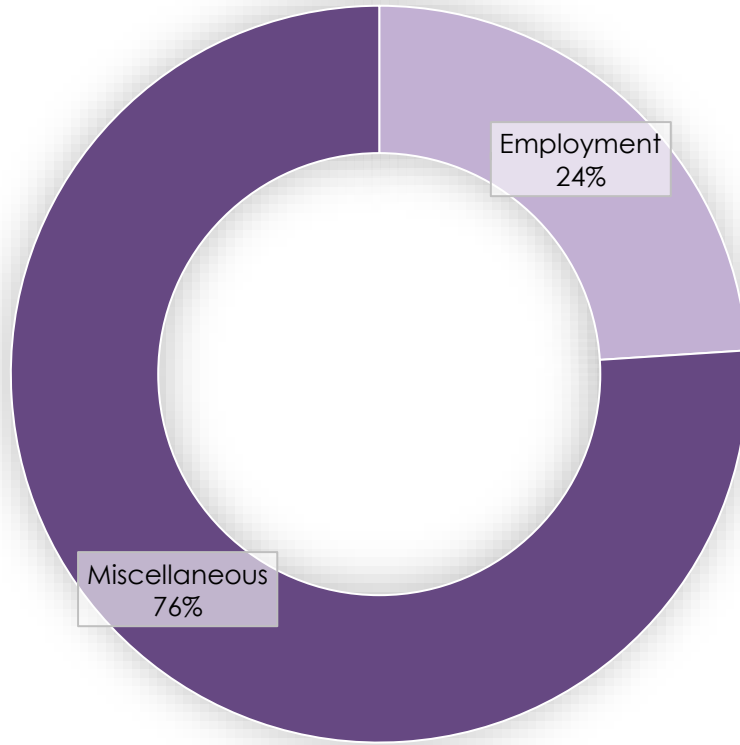


Case Example #2, Employment and Criminal Record Clearance:

Finally ready to pursue full-time employment with a goal of regaining custody of her children, our 40-year-old client applied for a security guard license.

Several weeks later, she was told that her fingerprint-based background check had revealed an outstanding criminal matter in New Jersey. The client was shocked and had long forgotten about the incident, which occurred during the height of the Covid-19 pandemic.

CASES BY LEGAL PROBLEM AREA



CSS secured an extension with the state licensing department to respond; next, we tracked down a public defender in New Jersey to request a court date. At the hearing, conducted over Zoom, we informed the court of her positive progress and her opportunity to become a security guard. Just days before the date on which the court was to decide whether to dismiss the client’s case, her phone was shut off.

We convinced the judge to proceed without her, and he dismissed her case. Thanks to our intervention, the client avoided another warrant, was able to report to the licensing agency that her criminal case was resolved, and received her security guard license.



OTHER LEGAL-RELATED SERVICES

CSS provides a significant amount of community legal education: It is built-in to our regular group intake process, where we get the majority of our clients. Our typical presentation covers the types of criminal records and who can see them; sealing and expungement in New York; certificates of relief from disabilities and certificates of good conduct; and the employment and civil rights of people with criminal records. Questions are encouraged, and we also provide case examples so attendees can understand how the law applies in various situations. Attendees leave with handouts that summarize the information discussed, and the CSS attorney who gives the presentation is also available to provide individual counsel afterward.

These presentations occur monthly at CSS's office, but the majority of them are provided in the community, where CSS integrates its capabilities with its partner reentry service providers to serve their clients with criminal records. CSS provided community legal education to over 2,100 people during the grant period.

For example, CSS presents monthly at Housing Works in Chelsea for each new group of people in its Justice Initiative program, which is an employment training program for people with criminal records. Housing Works's program is designed to ready case management participants for paid internships at Housing Works before assisting them with outside employment placement. We fix their clients' criminal records as they begin the program, so those records do not pose obstacles once clients are ready to find employment outside of Housing Works.

1,448

people
benefited from
**Pro Se
Assistance**

6,118

people
benefited from
**Community
Legal
Education**

IMPACT CASES

Aguilera, et al. v. UberEats: CSS, along with IOLA grantee Youth Represent, represent clients who were denied delivery positions with UberEats because of their criminal history in a class action filed by the law firm Outten & Golden. In February 2024, the court certified a class of 15,591 people and approved the parties’ settlement agreement, which awards three million dollars in damages, costs, and fees and requires UberEats to, in consultation with a criminologist and plaintiffs’ counsel, revise its hiring practices to comply with New York City and State laws prohibiting discrimination based on criminal history.

Justin and Community Service Society of New York v. Milton Adair Tingling: CSS is an organizational plaintiff in this civil rights class action filed by the New York Civil Liberties Union challenging the mass disenfranchisement of Black people—especially Black men—from the state court jury pool in Manhattan. Section 510 of the Judiciary Law disqualifies people convicted of felonies from serving on juries, no matter the offense or how long ago the convictions occurred. This, we allege, violate the constitutional guarantee to a jury of one’s peers and to equal protection, and the primary goal of the suit is to declare Section 510 of the Judiciary Law unconstitutional.

In January 2024, the court ruled that plaintiffs have standing to pursue their Fourteenth Amendment claims, but not vicariously raise the Sixth Amendment claim of defendants allegedly denied a fair trial because of racially skewed juries. CSS is also part of a coalition seeking to repeal the felony barrier in the Judiciary Law.

TECHNOLOGY

We were able to make a functional and helpful case management system in Salesforce. This has allowed us to easily see developments on shared clients and cases and have a uniform way to easily track cases and outcomes.



IOLA TECHNOLOGY GRANT

The IOLA Technology Grant paid for half the cost to have a Salesforce developer make our case management system much more user-friendly by aligning it with internal processes and surfacing important information over months of development, feedback, and refinement. Before this change, Legal staff used the platform inconsistently because it slowed down their work instead of enhancing it. After the change, all use the system regularly and readily see its benefit to their everyday work. Though, after preparing this GAR, some additional needed improvements became evident, it is a much better system than the one we had before.

Though we long wished for a better case-management system, we would not have been able to make the incredible improvements we did without the IOLA grant. It essentially allowed our department to secure matching funding from within CSS to achieve the results we needed. We now have a system that both facilitates client service and the recording of information we need to report to funders. We were able to make a functional and helpful case management system in Salesforce. This has allowed us to easily see developments on shared clients and cases and have a uniform way to easily track cases and outcomes.

PRO BONO VOLUNTEERS

CSS has a pro bono partnership with Morrison and Foerster to file motions to, under CSS supervision, seal conviction records pursuant to C.P.L. §160.59. This program has involved 24 associates plus the Senior Pro Bono Counsel who oversees the project. Three motions have been granted and three are pending.

CSS provided law practice externship placement to two Brooklyn Law School students during each semester of the 2023-2024 academic year. These students were enrolled in the Youth Defense & Reentry Legal Services Clinic, which is taught by the litigation director at Youth Represent; CSS also teaches one class during the semester. In June 2023, we hosted a “Pro Bono Week” associate from Schulte Roth.

We have three retired senior volunteers in the Next Door Project who come to our office weekly, and three additional volunteers who will be trained in the next grant cycle.

8

attorneys volunteered **80** hours

4

law students volunteered **128** hours

3

other volunteers volunteered **288** hours

SIGNIFICANT COLLABORATIONS

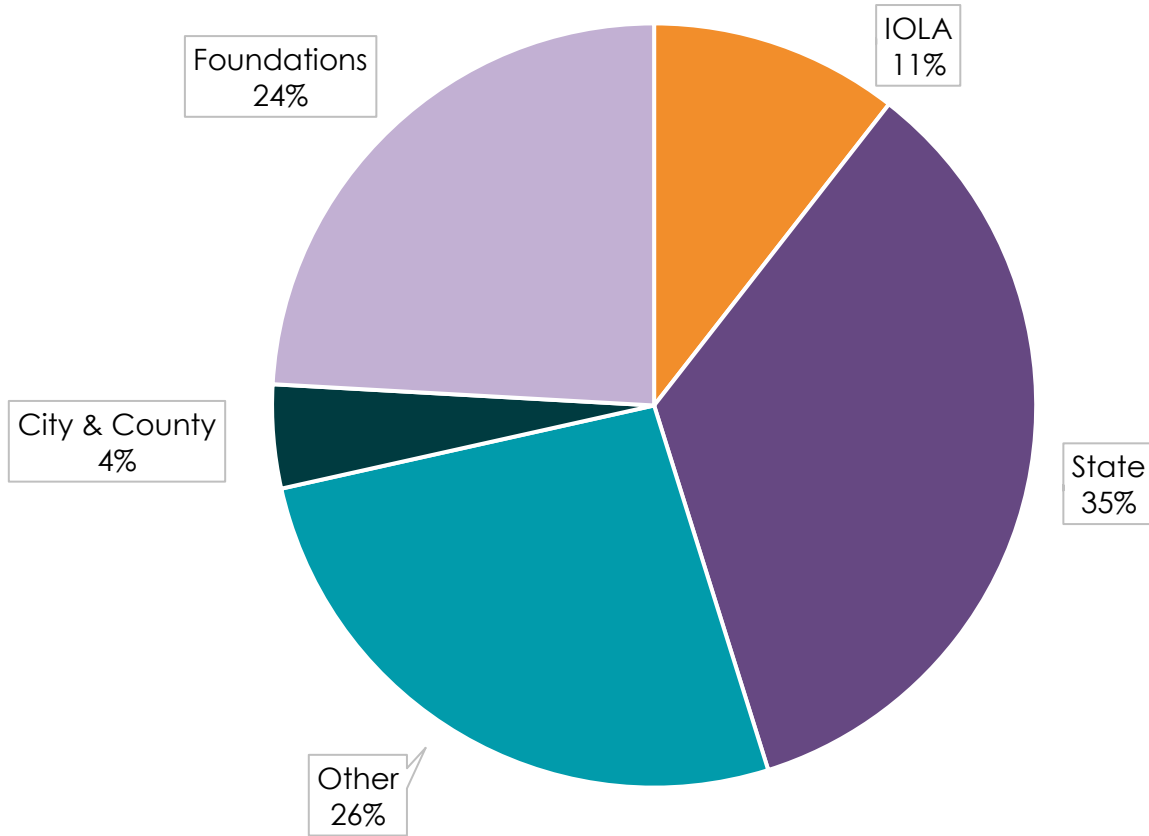
CSS's most significant collaborations remain with our community-based partners; specifically the ones with whom we contract or are funded to serve. These are the Fortune Society, ACE Programs for the Homeless, and Hour Children, all in Queens; Per Scholas in the Bronx; the Institute for Justice and Opportunity at John Jay College of Criminal Justice in Manhattan; and the New York City Department of Probation, where we collaborate with Youth Represent. CSS serves people over 27 while Youth Represent handles the younger cohort; we are in all boroughs except Staten Island, though those clients see us in Brooklyn.

We also collaborate with the Legal Action Center, the Bronx Defenders, the Center for Community Alternatives, and the Hudson-Catskill Housing Coalition in ongoing public education and advocacy about the Clean Slate Act. CSS continued its pro bono project through which law firm associates at Morrison and Forester represent CSS clients in C.P.L. §160.59 sealing cases.

Finally, CSS participates in the Coalition of Reentry Advocates (CoRA), a statewide organization that promotes legislative and administrative reforms to alleviate the perpetual punishment caused by criminal convictions.

CIVIL LEGAL SERVICES FUNDING

\$1,141,277



IOLA Funding	\$ 120,283
City & County Funding	\$ 50,000
State Funding	\$ 395,254
Foundations	\$ 275,198
Other Funding	\$ 300,542