

Empire Justice Center

2023 – 2024

Report

OVERVIEW OF ACHIEVEMENTS

Our mission is to make the law work for all New Yorkers, especially for those who need its protection most. We are a respected systems change agent helping low-income and marginalized people, with a focus on engaging in high impact litigation; advocacy; training, support, and technical assistance to the legal services community; and high-quality legal assistance, especially for those unable to be served by other programs, including immigrants in the Hudson Valley and on Long Island. We utilize all available legal tools to work for racial and economic justice, with an emphasis on changing the systems within which low-income and otherwise marginalized people live.

This year we launched 2 new programs, one of which represents a foray into a new area of law for Empire Justice. With funding from the Acacia Center for Justice, we represent unaccompanied minors in ORR custody in Westchester, Putnam, Dutchess and Rockland counties, and provide representation and other related legal assistance to unaccompanied minors residing in the Children’s Home of Poughkeepsie. This represents a meaningful expansion of our immigration practice.

We also received funding from the IRS to launch a Low Income Tax Credit (LITC) program in Monroe County. Once fully operational, this program will see us represent individuals in legal disputes with the IRS. As the home of Monroe County’s CASH (Creating Assets, Savings and Hope) Coalition, one of its central features being a free tax preparation program, we are excited to expand our legal practice to encompass tax law. Our 2023-24 work benefited hundreds of thousands of New Yorkers, maintaining funding for both foreclosure prevention services and the Disability Advocacy Program (DAP), advocating for funding to provide services to victims of crime, and championing amendments to tax law that will lift New York families out of poverty.



Service Area: New York State

Population Served: General Low-Income Population

Staffing Full Time Equivalents:
 Total Staff: 72.7 Lawyers: 30.6
 Paralegals: 13.8 Others: 28.3

At the same time, we handled individual cases that returned more than \$7.43 million in back awards and settlements, \$36,121 in ongoing monthly benefits, \$7,600 in monthly payments avoided and \$2,065,534 in lump sum awards and settlements avoided. The work of our DAP program returned \$294,525.49 to the state in interim assistance and secured more than \$2.3 million in retroactive benefits to clients during the reporting period. In addition to our impact work, we closed 1,186 direct service cases during the 2023-24 reporting period, directly benefiting 2,697 people. Our innovative Language Justice Program continues to break barriers, providing technical assistance to educational institutions like the National Technical Institute for the Deaf at RIT and the University of Rochester, to local and state government agencies like the NYS Office of Language Justice, Monroe County Department of Health, and the City of Rochester, to advocate groups and agencies like the NY Immigration Coalition and JustCause, to foundations like the Greater Rochester Health Foundation. We have recently increased our efforts around the issue of children being used as interpreters for their family members, and the associated emotional, educational and social consequences for these children when institutions fail to provide adequate interpretation services.

The DAP program returned \$294,525.49 to the state in interim assistance during the reporting period. The Center for Responsible Lending's most recent update of their 2013 report found that a foreclosure resulted in a much higher loss than originally reported, with an average loss of \$23,150 per unit on the city block where the foreclosure took place. With the rising cost of housing, this figure is likely much higher today. The average city block in Rochester has 25 units, with a city tax rate of 6.27% of assessed value. Our services resulted in 48 forced foreclosures avoided, or a savings to Rochester/Monroe County taxpayers of \$1,741,806.

DIRECT LEGAL SERVICES

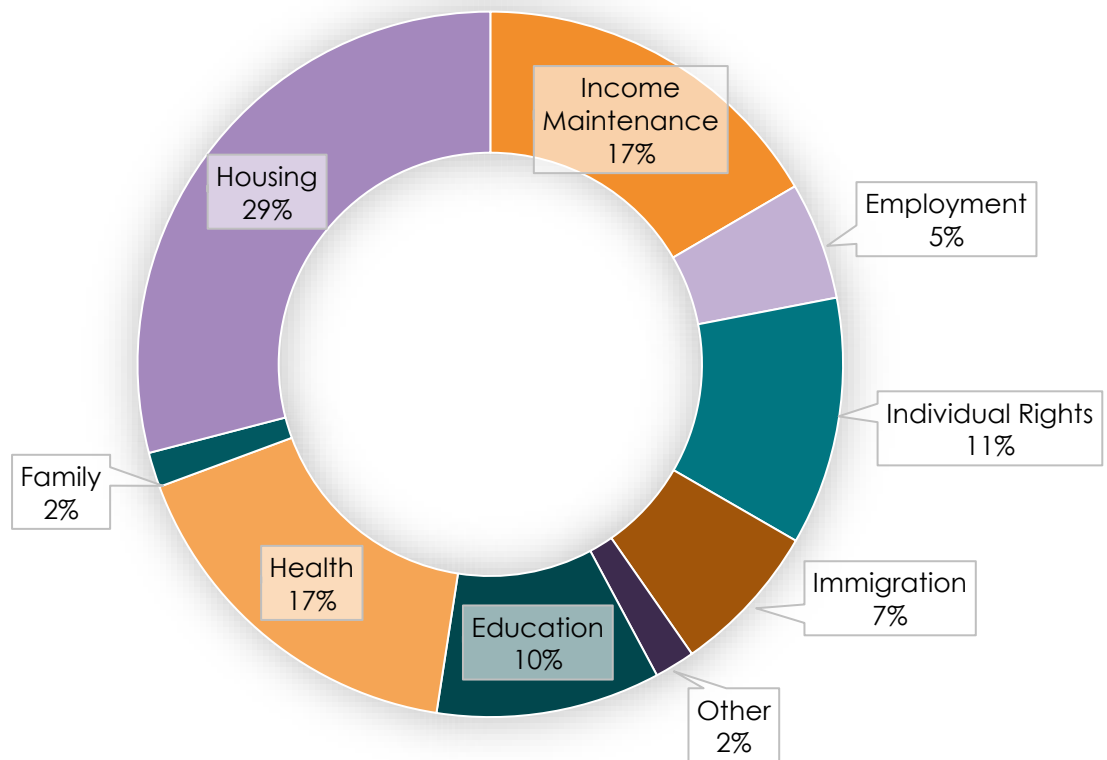
As in-person events have largely returned to pre-pandemic levels, so has our in-person outreach. With the addition of a Senior Marketing Manager to our Operations Team, we have expanded our online outreach, including through an increased social media presence, and we have started to update our various brochures and pamphlets for distribution both at in-person events and through email and online. Since she joined our team two years ago, our reach on Facebook has increased by 35,600 people, our engagement is up by almost 6,000, and our followers have increased by 11.5%. Over the last year, we saw a 45% increase in our followers on LinkedIn, we had

more than 83,000 engagements with an engagement rate of 10%, and our page draws more than 3 times that of other organizations in our industry and of our size. Thanks to her diligence, this year we produced updated outreach flyers for both our Rochester and Long Island offices, as well as specifically for the School Discrimination Helpline, our LGBTQ Direct Services and our EDCAP student loan services. These materials have been widely distributed at fairs and other outreach and community events.

Our new office in Hempstead to serve immigrant clients facing eviction has widened our footprint and has made engaging with clients in this area more convenient for all parties. The School Discrimination Helpline, established in late 2022 and modeled after our successful Unemployment and Paid Leave Legal Helpline, aims to help students experiencing discrimination across New York State, and we are engaging in concentrated outreach to raise awareness of this valuable service. We continue to meet with community leaders and cultivate strategic relationships to understand community needs and raise awareness of our Police Reform Project. In 2023, we launched a monthly newsletter to draw people to the project, and to keep interested partners and community members apprised of our work. Advocates conducted virtual outreach and education to underserved populations such as immigrants, LGBTQ individuals, students with disabilities and their guardians, and crime victims, including Know Your Rights sessions, materials produced in multiple languages, and information and resources regarding specific legal issues that disproportionately or uniquely affect underserved populations.



CASES BY LEGAL PROBLEM AREA



We have established a regular presence in housing court in Rochester and on Long Island, working in partnership with Legal Aid Society of Rochester and Legal Services of Long Island, respectively, to offer our unique expertise and flexibility to supplement their services. Our new office in Hempstead to serve immigrant clients facing eviction has widened our footprint and has made engaging with clients in this area more convenient for all parties. The School Discrimination Helpline, established in late 2022 and modeled after our successful Unemployment and Paid Leave Legal Helpline, aims to help students experiencing discrimination across New York State, and we are engaging in concentrated outreach to raise awareness of this valuable service. We continue to meet with community leaders and cultivate strategic relationships to understand community needs and raise awareness of our Police Reform Project. In 2023, we launched a monthly newsletter to draw people to the project, and to keep interested partners and community members apprised of our work. Advocates conducted virtual outreach and education to underserved populations such as immigrants, LGBTQ individuals, students with disabilities and their guardians, and crime victims, including Know Your Rights sessions, materials produced in multiple languages, and information and resources regarding specific legal issues that disproportionately or uniquely affect underserved populations.

CASE EXAMPLES

Income Maintenance (DAP): Thanks to our advocacy, the Appeals Council reversed the judge's decision about one of our clients and issued a fully favorable decision based on an obscure vocational rule. The likelihood of receiving a reversal from the Appeals Council is very small; in 2021 only 1% of appeals ended this way. The client previously hired an attorney from a national disability firm who did very little on his case but stood to receive \$7,200 from his back pay. Jenna contacted the law firm and they agreed to waive their fees. The client, whose housing has been unstable for several years, plans to buy his first home with his three years of retroactive benefits.

Immigration: Our advocate successfully won a Cancellation of Removal proceedings on papers alone, without need for further testimony, for a 42-year-old single mother from El Salvador. The woman came to the United States in 2004 with her then 2-year-old son, for whom we had obtained Special Immigrant Juvenile status in 2021, fleeing gang violence. She subsequently had a United States-born daughter in 2006, who unfortunately suffers from severe autism, is nonverbal, and has other health problems. We submitted a brief detailing how the child would be irreparably harmed if she were to return to El Salvador, and the Government prosecutor agreed to terminate proceedings and issue the woman a green card based on that brief. The woman is happy that she can continue taking care of her daughter in the United States.

OTHER LEGAL-RELATED SERVICES

16,629

people benefited from
Pro Se Assistance

Empire Justice Center works to improve legal protections and services for those in need, especially those who have been historically marginalized. We conduct policy research and analysis, participate in and lead coalitions, and advocate to improve the administration of justice for all New Yorkers. During this reporting period, the state was facing predicted budget shortfalls. We were very active in advocacy for funding to support civil legal services, such as the Homeowner Protection Program and the Disability Advocacy Program.

Additionally, when the Executive budget included a proposed ‘sweep’ of \$100 million from the IOLA funds, we were heavily involved in pushing back and the sweep was rescinded. While a sweep of \$55 million to fund HOPP and eviction services ultimately occurred, we avoided the damages of the first proposal – moving administration of the programs to IOLA, which would have caused gaps in services.

27,248

people benefited from
Community Legal Education

166,827

people benefited from
Web-Based Assistance

We contributed to notable wins for Medical Debt Reform, including a sliding scale payment schedule, removing the asset test for eligibility, notice of hospital financial assistance upon discharge, prohibiting denial of care due to unpaid past bills, and more. We advocated for the Notarization Bill (S.5162 Hoylman-Sigal/A.5772 Lavine), which allows litigants in civil cases to swear to a statement under penalty of perjury without having to notarize it, removing an outdated burden to access to justice in civil proceedings. Requiring a notary disproportionately affects low-income and unrepresented individuals, especially communities of color.

We also worked with agencies on administrative policies. In the past year, the NYS Education Department released a legal update on creating safe school environments for trans and gender expansive students, reflecting progress in state and federal law such as the passage of the Gender Expression Nondiscrimination Act (GENDA). GENDA added “gender identity and expression” to protected classes in the NYS Human Rights Law, closing a legal loophole that left NYS public schools outside the jurisdiction of the NYS Human Rights Law for nearly a decade.

As with our past efforts, policy advocacy is at its strongest when organizations come together for a common goal. During this reporting period, Empire Justice Center joined others in the following efforts:

- Organized and participated in over 100 meetings with key policymakers in 11 areas affecting low-income and historically marginalized people;
- Weighed in on over 40 individual pieces of legislation affecting low-income people, from shelter housing to domestic violence to consumer protections to access to justice;
- Submitted over 78 pages of expert testimony across 6 Joint Budget Hearings, including: taxes, Housing, Higher Education, Human Services, Public Protection, and Health;
- Signed on to at least 40 letters impacting low-income New Yorkers from social security disability to consumer protections to healthcare.

Pro Se Assistance & Online Outreach: Empire Justice partners with NYLAG and The Legal Aid Society to populate and host the resource NY Health Access. It is a constantly evolving resource for advocates, caregivers, and consumers on public health insurance programs in New York State. Usage of this site, shared among its hosts, accounts for the bulk of all services reported in the pro se assistance and online outreach categories.

Education Debt Consumer Assistance Program (EDCAP): In 2022, Empire Justice entered a subcontract with the Community Service Society (CSS) in NYC with funding from the NYS Department of Financial Services to expand CSS' existing Education Debt Consumer Assistance Program (EDCAP) to the Capital Region. We hired one of the first counselors outside of NYC to provide direct assistance and counseling to student loan borrowers on issues related to their student debt later that year. We have focused our efforts on outreach, education and assistance related to the ever-changing landscape of student loans, conducting 18 outreach events and trainings reaching almost 600 people, and providing tailored assistance to almost 200 clients on their student loan options.

Fair Hearing Help NY: With our colleagues at The Legal Aid Society and New York Legal Assistance Group, in partnership with Columbia Law School’s Lawyering in the Digital Age Clinic, we have launched Fair Hearing Help NY. It is a free, virtual legal resource for New Yorkers who are representing themselves at an administrative hearing with the New York State Office of Temporary and Disability Assistance (OTDA). When an individual’s benefits — such as SNAP benefits — are reduced, discontinued, or their application is denied, they can request a Fair Hearing. A Fair Hearing allows the individual to make their case and the agency will review the decision. However, this is a legal process, and it can be intimidating for many individuals. According to OTDA’s Annual Report, 155,662 hearings were requested in New York State in 2022 (123,990 in New York City alone). Ninety-seven percent of Appellants are not represented by counsel. The new website will help New Yorkers navigate the complex process of administrative hearings and offer information that will allow them to more fully participate in their Fair Hearings and exercise their due process rights.

IMPACT WORK

Andersen v. Roberts, Index No. 901412-17; Appellate Division Case # cv-23-0334:

Impact: Approximately 72,000 public assistance recipients.

Description: In 2015, Empire Justice successfully litigated *Carver v. The State of New York*, in which the NYS Court of Appeals held that public assistance recipients who participate in a Work Experience Program as a condition of receiving public benefits are “employees” under the federal Fair Labor Standards Act (FLSA), and that the value of their required work must be credited against their public assistance debt. 26 NY 2d 272, 275 (2015). Despite the clear holding of *Carver*, the State refused to apply its holding to other public assistance recipients, and in 2017, we brought *Andersen v. Roberts*.

Outcome: A settlement agreement was reached in 2022 in which OTDA agreed to apply the holding in *Carver* to its recovery of public assistance debt from inheritances, insurance payments, personal injury awards, and lottery winnings. Andersen changed statewide policy so that thousands of public assistance recipients get credit for the value of their work when the state recovers the value of public assistance paid. However, OTDA excluded recoveries from SSI benefits paid to people with disabilities from this settlement, and litigation on that issue continued. In response to the Plaintiffs’ motion for a Declaratory Judgment, the Albany County Supreme Court held that OTDA’s policy with respect to SSI recipients was a violation of *Carver* and the FLSA. OTDA appealed, seeking a reversal of the Supreme Court decision. The appeal is scheduled to be argued in the Appellate Division, Third Department in the 2024 May-June term. Thirteen disability rights groups have submitted an amicus brief to the Appellate Division supporting the position of the Plaintiffs in *Andersen*.

All Impact Cases	
<i>Amicus Brief ACS and DV - Sapphire W</i>	<i>Inzinga v. DOL</i>
<i>Amicus Brief Minor Name Change Sealing</i>	<i>Karamalla v. Devine</i>
<i>Amin v. Kijakazi</i>	<i>Marquez v. Reed</i>
<i>Anderson v. Roberts</i>	<i>N.N. v. Rochester City School District</i>
<i>Ball v. Romich Enterprises</i>	<i>Newkirk v. Pierre</i>
<i>Crescent Apartment Enterprises, LLC v. Williams, et al.</i>	<i>Stewart v. Roberts</i>

In re Cody VV, cv -23-0596, 205 NYS3d 772 [3rd Dept 2024]:

Impact: Approximately 12,600 New Yorkers seek a legal name change each year. We do not have data on how many seek to change their name to better reflect their gender identity, but most of the inquiries we receive are from transgender, non-binary, gender non-conforming and intersex people.

Description: Empire Justice Center as lead author, joined by Transgender Legal Defense and Education Fund, Volunteer Lawyers Project of Central NY, and Chosen Family Law Center, filed an Amicus brief in support of the appellants in this case, the parents of a transgender minor who sought a legal name change and sex designation change for their child. They also asked the Court to seal the record of the proceeding. The County Supreme Court granted the name change but denied sealing of the court records. This left the record of the name and sex designation change of a transgender minor open and available to the public, including the full names of the minor and both parents, their full address, the minor's full birthdate and birth certificate, the details of the minor's gender dysphoria, and other highly private and personal information.

In its Amicus brief, we argued that there is a clear risk of danger to transgender people when their court documents are publicly available, citing political and social backlash to transgender people in general, and transgender youth in particular. We argued that the advent of e-filing has increased that risk of danger, by making court records more accessible and easily available via internet search engines and AI court document aggregating sites. The brief educated the court on the history of name change privacy laws dating back 30 years, including the intent of the NY legislature to specifically protect transgender name change petitioners from the disclosure of their personal information in both the 2015 and 2021 amendments to the Civil Rights Law.

We argued that while the public interest means that court records are generally open, New York’s public policy makes clear that there is no interest in publicizing transgender name changes.

Outcome: The parents prevailed in a unanimous and strongly-worded full opinion authored by Chief Judge Elizabeth Garry. The Court held that petitions for gender marker changes are categorically sealed under the Civil Rights Law, and although judges have some limited discretion on whether to seal a name change record, there would need to be a “substantial basis for finding that the public interest outweighs the need for protection.” Our brief was cited by the court for its data addressing dangers to transgender people. Stare decisis case law means that this decision should keep transgender petitioners’ name change records private throughout NYS.

776,879
beneficiaries
affected from

10
impact
cases

Leveraging the power of tax amendments to lift New York children out of poverty

Impact: 2.43 million people and children living in poverty.

Description: Changes in tax policy at the federal level – notably monthly payments for families with children during the pandemic, and the subsequent sunseting of that policy – illustrated the power of amendments to the tax code to lift people out of poverty. We joined with other advocacy organizations working to reduce child poverty to advocate for the Working Families Tax Credit. As budget advocacy aligns with the tax season, and as the home of CASH, we were able to share the impact to our clients resulting from changes to federal tax policy, including that our clients received approximately \$1 million less in refundable tax credits due to the changes in Child Tax Credit and eligibility rules. One family of four who had received a tax return of almost \$8,000 in 2022 credits received about \$300 in 2023 credits.

Status: The FY24 NYS budget expanded the Empire Child Credit to cover children under 4, and the FY25 NYS budget included one-time supplements.

TECHNOLOGY

This year, we implemented Multifactor Authentication (MFA) for Legal Server. MFA has become standard in the cyber security industry, and it is one of the simplest, most effective things that we can do to protect the “front door” of our Legal Server site. We are in the planning stages of rolling out MFA for our Microsoft 365 suite. All of the copiers in each office were replaced with new Toshiba copiers that bring new features to better support our work. These features include secure print release to release a job that may be confidential and help us to keep our client’s sensitive data and documents protected, multi-office printing, scan to email, scan to OneDrive, and color printing. We are working with local firm Mason Digital to finish restructuring the backend of our website and to modernize the look and feel of the public-facing site. At the same time, Digital Hyve is finalizing our branding refresh, which will ultimately make our organization more approachable and ensure that our message is both powerful and clear.

IOLA TECHNOLOGY GRANT

Empire Justice used the 2023 IOLA Technology Grant to conduct a full security assessment. Following a competitive process whereby we solicited quotes from 3 different vendors, we selected Dox Electronics. They were uniquely qualified to perform this assessment, with a team consisting of a Certified Professional Penetration Tester, Certified Information System Security Professional, Certified NIST Cybersecurity Professional, Certified Security Analyst, and Certified Information System Auditors on staff, as well as Ethical Hackers, Technical Writers and Policy Composers. They are one of the few companies that does work nationwide that has both a “CISA” certified IT auditor and a “Certified in Risk and Information Systems Control” auditor on staff to oversee testing and review the results. They determined baseline network configurations in the areas of external network vulnerabilities, cloud security, email phishing, infrastructure security, and much more, to identify areas of weakness in our current technology environment. Dox has identified our areas of weakness, and we have already addressed those issues identified as critical. For example, a server that was used to back up data from our former case management system was still operational. Rather than maintain it, we decided to take it offline as all data from the former system was migrated to Legal Server. We are currently working with Dox and internal stakeholders to create an action plan to address the remaining issues that have been identified; some will be resolved in the short term and some will require longer-term planning. This was a huge step forward in our strategic technology goals, allowing us to identify and prioritize critical issues to resolve quickly, and to help us plan longer term for the future.

PRO BONO VOLUNTEERS

CASH is a community coalition led by Empire Justice Center that helps working families with low-to-moderate incomes build stronger financial futures and increase their incomes by claiming any and all credits for which they are eligible, including the Earned Income Tax Credit (EITC). Trained volunteers assist in preparing and filing tax returns free of charge, helping clients open bank accounts and obtain prepaid cards, and connecting them with other supportive services, including legal services as appropriate. We pride ourselves on being responsive to the needs of our clients and volunteers. For example, we adopted an appointment-based model for providing our tax preparation services. Before we implemented this, we found that clients would have to take entire days off work or find a day's worth of childcare to wait and get their taxes done. This is a challenging and counterproductive ask to make of a low-to-moderate income working family, who use our service precisely because they lack both time and money. The increased predictability of each day was also a benefit for our volunteers. We have incorporated stronger language access practices into our model as well, employing bilingual staff and our first Deaf seasonal staff member, and retaining the services of ASL interpreters for in-person interpretation services. With the addition of a Low Income Tax Clinic program, Empire Justice will expand its tax-related services to include, fittingly, legal representation before the IRS. During the last year, 124 C.A.S.H. volunteers donated 5,291.39 volunteer hours to provide services for 3,006 households who claimed \$6,571,820 million in Federal and NY State tax refunds and credits, including over \$2.3 million in EITC. Of those other volunteers who do not represent CASH coalition volunteers, 2 are students who donated 191 hours of work, engaging in policy-related research and other miscellaneous tasks.

5attorneys volunteered **81** hours**6**law students volunteered **1,211** hours**126**other volunteers volunteered **5,482** hours

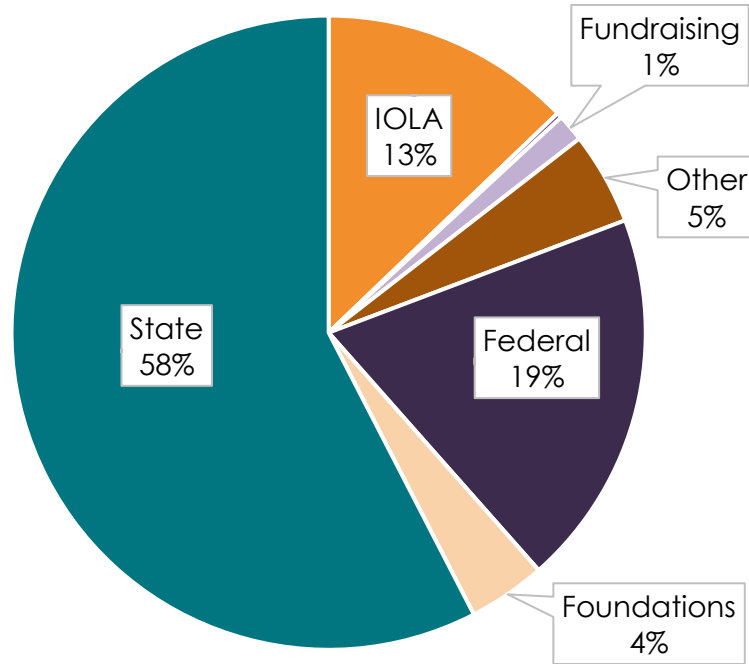
SIGNIFICANT COLLABORATIONS

We continue to work collaboratively on many fronts. We subcontract with several of our legal services partners on other contracts, to provide services to crime victims, SSI recipients, those facing foreclosure and eviction and issues accessing health care. We partner with Pro Bono Net and the Center for Human Services Research at SUNY Albany to provide outreach, training, and information through the Crime Victims Legal Network (crimevictimshelpny.org). The Legal Aid Society, New York Legal Assistance Group, and Columbia Law School's Lawyering in the Digital Age partner with us to run the new Fair Hearing Help NY online resource. We join with other legal services agencies to undertake significant litigation, including the Center for Law and Economic Justice.

We have been working closely with Legal Services of Long Island to provide services to tenants facing eviction, with Empire Justice representing undocumented immigrants; the demand prompted us to open an additional office in Hempstead. In partnership with the other legal services providers in Rochester, we launched the Tenant Defense Project to protect the rights of tenants in Monroe County, addressing eviction prevention in a holistic and meaningful way. Empire Justice has identified litigation strategies to employ to begin addressing systemic issues in tenant defense. Acacia Center for Justice subcontracts with us to provide representation and know your rights trainings to undocumented minors in specific downstate shelters as part of the Office of Refugee Resettlement's Unaccompanied Children Program. We completed our first full year as a partner in the Fund for Justice, a groundbreaking collaboration of all the legal services tenants in the Telesca Center for Justice with the goal of increasing unrestricted funding for all so that we can serve more families in Monroe County. We are working with Causewave Community Partners to evaluate our successes and opportunities and will continue working with them on further strategic planning for the partnership. The Monroe County Language Access Coalition, which we chair as part of our Language Justice Program, brings together the courts, legal services providers, uti agencies, hospitals, funders and local government to address issues relating to Limited English Proficient and d/Deaf and Hard-of-Hearing individuals in accessing courts, healthcare, government services and more. Our relationship-building and the resulting opportunity to provide technical assistance and advocacy has brought about meaningful change in this space. For example, we met with the head of the NYS Office of Language Access to provide feedback on their website, and as a result, they now feature embedded ASL videos.

CIVIL LEGAL SERVICES FUNDING

\$11,096,593



IOLA Funding	\$1,424,972
City & County Funding	\$29,935
State Funding	\$6,388,615
Federal Funding	\$2,134,984
Foundations	\$438,512
Fundraising	\$155,723
Other Funding	\$523,853