

**ERIE COUNTY
BAR ASSOCIATION
VOLUNTEER
LAWYERS PROJECT**

**2023 – 2024
Report**

OVERVIEW OF ACHIEVEMENTS

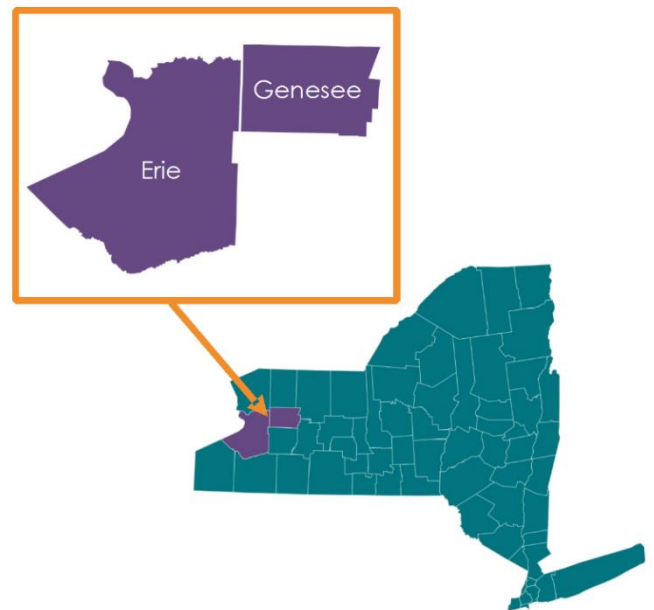
Our target population is low-income individuals and small not for profits/businesses in Western New York (WNY). During this period, we closed 3,537 cases. Moreover, we represented 28 non-profit/small business organizations. We provided services in 1,222 immigration cases and closed 678 of them. 151 pro bono lawyers worked on 407 cases benefiting 842 people and helping us leverage services for more clients.

We provided information and referral services to 2,399 clients and applicants. Our case work secured direct financial benefits totaling \$625,560.70 (\$615,389.83 [lump] and \$10,170.87 [monthly]) for our clients, while also achieving indirect financial benefits of \$4,426,354.25 (\$4,393,018.25 [lump] \$33,336.00 [monthly]) for our clients.

In addition, we were able to secure fee waivers totaling \$63,835.89 for our clients. Our work saved taxpayers an estimated \$5,412,166.20. Overall, our work benefited 8,906 people.

In November 2023, we expanded our footprint in Buffalo by occupying additional space on the 6th floor of our building. This floor now houses our entire housing unit (4 attorneys and 2 paralegals) with space for student interns and a conference room that can be used by all staff.

In October 2023, we launched our latest access to justice initiative, a Friend of the Court program in Buffalo Immigration Court. Buffalo Immigration Court hears all immigration matters in New York State outside of New York City. Unfortunately, the volume of unrepresented litigants far outweighs the cumulative capacity of legal services providers in the region. Our new program provides valuable information and education to litigants proceeding pro se in their immigration matters.



Service Area: Western New York

Population Served: General Low-Income Populations

Staffing Full Time Equivalents:

Total Staff: 69	Lawyers: 35
Paralegals: 18	Others: 16

DIRECT LEGAL SERVICES

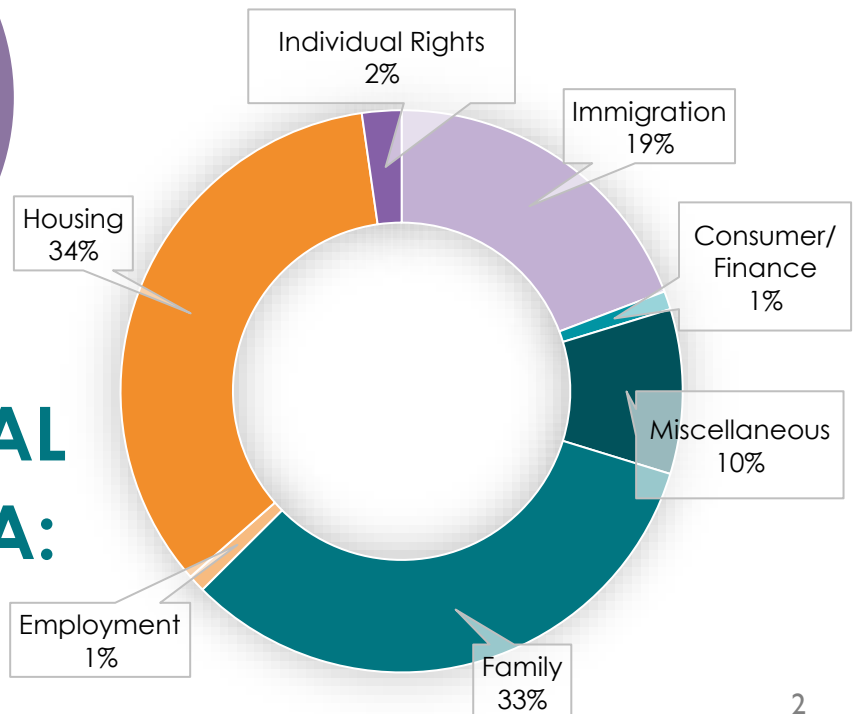
Case Example #1, Family: Our client is a first-time young mother and a victim of severe domestic violence perpetrated by the child’s father. She sought our help when the child’s father absconded with the child after an argument. She presented at the Family Court Help Desk seeking limited scope advice and counsel about how to get her child back. Our staff attorney recognized the need for immediate action and filed emergency family offense and custody petitions. The Court granted a full stay away order of protection and ordered the child be returned to the client’s care that day. After resolving her emergent legal issues and reuniting her with her child, we were able to link our client to various domestic violence resources to ensure she and her child have a support system and tools to maintain their safety.

Case Example #2, Immigration: Our client filed a pro se widow petition seeking an immigrant Visa. She did not know that she could apply for residence here in the United States. She was issued several requests for evidence and the petition was denied due to an error in communication with the National Visa Center.

We assisted her with a congressional inquiry to get the petition reinstated. In addition, we helped her refile the application for residence. Fortunately, the application was approved, twelve (12) years after our client started the process on her own.



CASES BY LEGAL PROBLEM AREA:



OTHER LEGAL-RELATED SERVICES

During this period, we hosted in-person community education events for over forty (40) local organizations. By way of example, we presented tax training for local organizations on the following topics: (1) Taxes 101; (2) Self Employment Taxes; (3) Gig Economy and Taxes; (4) Tax Filing Season 2024.

Moreover, in collaboration with our community partner, Say Yes Buffalo, we presented a series of four “Know Your Rights” trainings aimed at community members and potential clients on the following topics: (1) Wills and End of Life Planning; (2) VLP Basics; (3) Housing law; (4) Income Tax. The trainings were live streamed on our Facebook page, and the recordings of the live sessions are posted to our social media accounts and website, as well as Say Yes’ platforms.

We were also fortunate to have our CEO and Pro Bono Manager appear on the Buffalo, What’s Next” radio show to discuss VLP’s services, reaching over 14,000 listeners.

In April 2023, we launched a podcast series with our Say Yes Partners entitled “Our Path to Law,” which features legal professionals in the Buffalo-area sharing their stories and providing advice to help young people navigate possible future careers in the law. Our staff assisted with production and were invited as guests on the podcast. In this period, we released 4 episodes of the podcast.

Our Friend of the Court program launch was successful, and we were welcomed by the Court and potential clients. To date, our Friend of the Court program has served 116 individuals, benefiting 703 people.

1,111

people
benefited from
**Pro Se
Assistance**

17,873

people
benefited from
**Community
Legal
Education**

1,791

people
benefited from
**Web-Based
Assistance**

IMPACT AND GROUP CASES

Group Case #1: We assisted with achieving 501(c)(3) status for a coalition of small community-based groups working on immigration, education, climate, housing, arts, policing, and transportation issues in the City of Buffalo. This will allow the groups to work under an umbrella not for profit and pool resources. They estimate that their five (5) organizations will serve twenty-seven thousand (27,000) people.

Group Case #2: Group Case #2: We helped a membership organization that has been fighting for workers' rights since 2018 obtain 501(c)(3) status. They assist over two hundred (200) workers per year resolve employment, labor, and housing issues.

Impact Case - Velazquez Arreaga v. Garland: This case concerns 8 U.S.C. 1159(b), which deals with adjustment of status for those with refugee or asylum status. The primary question is whether a noncitizen whose asylum status has been terminated can apply for adjustment of status under this provision. Other courts have considered this question. In a case called Siwe, the 5th Circuit has held that a noncitizen whose asylum status was terminated could adjust under this, as the plain text of the statute only requires that the noncitizen be granted asylum at some point, and there is no requirement that the noncitizen still have that status when applying for adjustment of status. More recently, the 4th Circuit, in a case called Cela, has maintained that noncitizens could only adjust under this provision if they had current asylum status. In a case called Matter of TCA, the Board of Immigration Appeals reached the same conclusion as the 4th Circuit in a published decision.

Our client received asylum and lived in the United States, but after a series of DUIs, he was put into removal proceedings. The Immigration Judge (IJ) terminated his asylum. The U.S. Immigration and Customs Enforcement (ICE) agency then asked the IJ to pretermitt any application for adjustment to lawful permanent resident (LPR) status under 8 U.S.C. 1159(b). The IJ pretermitted the application, holding that an individual could not adjust under this provision if the noncitizen's asylum was terminated. Initially, the Board affirmed the pretermination based on a plain text reading of 1159(b) as it was pre-TCA. We filed a Petition for Review ("PFR") in the 2nd Circuit. But around the same time, the 2nd Circuit held that convictions are not final for immigration purposes until after the appeal. So, the case was remanded for the appeal to play out.

All Impact Cases

- *Velazquez Arreaga v. Garland*, 23-6289
- *Negriel v. Garland*, 21-6638
- *Negriel v. Garland*, 22-6312

After the appeal failed, the Board reissued the decision post-TCA but relied on a plain text reading, and the Board did not rely on TCA. We filed a second PFR, based on a plain text reading. We filed our brief in November 2023. In its response, the government identified Wassily, another fully briefed case based on TCA pending in the 2nd Circuit. We reached out to Wassily's counsel, which included Latham & Watkins, an international law firm.

In comparing cases, L&W advised that they had filed a cert petition at the Supreme Court in the Cela matter based on the circuit split. They were also co-counsel in the Wassily appeal. After some discussions, the law firm signed on as our co-counsel in this case. We advised the 2nd Circuit that Wassily was also pending and contained a substantively similar issue. The 2nd Circuit then ordered both cases to be argued in tandem. Oral arguments are scheduled for May 22, 2024, at the 2nd Circuit. A great number of individuals will benefit from this case, depending on the outcome.



TECHNOLOGY

This period, we implemented a QR code online intake for our Attorney of the Morning (AOM) eviction defense program in Buffalo City Court (detailed in section A). This system has improved our AOM intake process and assisted staff in handling the high volume at Buffalo City Court.

Moreover, we launched a new payroll and timekeeping system called iSolved. This system is a vast improvement from our prior system which utilized spreadsheets and was a much more manual process. The iSolved system allows staff to clock in and out contemporaneously via the web or phone application; request PTO; and view their timecards, paystubs, W2, etc. The iSolved system permits our fiscal team to view detailed reports, manage benefits and pay together in one (1) system, and to have greater control, transparency, and system integration.

We were also able to bring some additional structure to our annual fundraising drive by implementing the use of Eleo, an online donor management system that permits us to manage all fundraising information in one (1) secure place. This system allows us to better track and maintain our donor database, send thank you letters and correspondence, and generate reports.

In addition, we began a thorough overview of our technology-related policies and practices. With the increased dangers of internet phishing schemes, we adopted a phishing policy for staff. We plan to continue this momentum to further assess and strengthen our safety around the use of technology in this upcoming grant year.

IOLA TECHNOLOGY GRANT

We were extremely grateful to receive the 2023 IOLA Technology grant. These funds permitted us to complete a project that we would otherwise have been unable to complete. We spent the supplemental funds on two (2) new computer set ups for employees, switching our website's host, paying for hosting fees for five (5) years, and running Ethernet cabling to our newly expanded office in Buffalo.

The computers that we purchased are HP Elite Mini PCs with 32" monitors which aid our employees in looking at multiple spreadsheets, data, and programs simultaneously. The new technology assists with data reporting and without these funds, we would not have been able to purchase this equipment. This would have resulted in staff using outdated equipment, which would have prevented them from working at full capacity.

Switching web hosts was a project that we wanted to accomplish for some time, but there was never appropriate funding to cover the expenses. As background, our website was previously hosted on a server owned by another legal aid program in Buffalo. In the last few years, that arrangement became cumbersome; when their server went down, our website also went down, and we had no ability to control these outages. This resulted in our website being inaccessible to the public until the problem was resolved. Our new host has triple redundancies on their servers, and our website hasn't experienced any downtime since the move. This ensures that people seeking legal services through an internet search will always be able to access our website and our online intake system.

The remaining IOLA funds were used to pay for Ethernet cabling costs for our new office space one (1) floor down from our current office in Buffalo. While we would have had to cover these expenses even if we did not receive the 2023 technology grant, the ability to use this grant rather than other funding allowed us to cover these costs without exhausting other grant funding or fundraising dollars. This cabling ensures that our housing team has access to the internet so they can effectively do their jobs.

PRO BONO VOLUNTEERS

Recruitment: Our recruitment strategy involves the following: VLP CLEs: We create and host training sessions on various topics and offer these free sessions to attorneys in exchange for accepting a pro bono referral. In-Person Visits to Area Firms: We pair a member of our pro bono team with one of our staff attorneys and present a one (1) hour in-person lunchtime training at area firms. Awards and Recognition: We regularly recognize our volunteers by nominating them for local and state awards. Monthly newsletter: Our pro bono team creates and distributes a monthly newsletter that includes a summary of cases ready for referral to the pro bono program managers at local law firms, our roster of active volunteers, and through social media. The newsletter also provides a "shoutout" to a volunteer of the month, lists upcoming trainings, and highlights one of our "on-demand" programs. Social events: We host at least two (2) social events each year to celebrate with our attorney volunteers.

Bar Committee Meetings: We are members of various local Bar Associations and their respective committees, and we promote pro bono opportunities at meetings. Outreach to Students: We attend and present at various UB Law School events that teach students about the value of pro bono practice and how to get involved with VLP. In addition, we host internships and externships for students.

Training: We host CLE trainings, mentorship programs, and provide on-demand CLEs.

156

attorneys volunteered 4,463 hours

15

law students volunteered 2,652 hours

25

other volunteers volunteered 2,078 hours

Deployment of Volunteers: Our volunteers include attorneys, law graduates, law students, undergraduate students, high school students, enrolled agents, CPAs, and social workers. They help coordinate our limited scope projects, conduct client intakes, work on case files, and represent clients. LegalServer is used to track our pro bono attorneys, their preferences, assigned cases, volunteer hours, etc.

Significant Achievements: We partnered with “We the Action” and recruited volunteer attorneys from across the country to work on tax matters for our Low-Income Taxpayer Clinic. We hosted an ongoing CLE series for the Western District of New York, which has significantly increased the Court’s pro bono panel. Finally, we worked with the University of Buffalo’s C-STEP program to place undergraduate interns with our office, which has been a great experience for the students and our organization.

SIGNIFICANT COLLABORATIONS

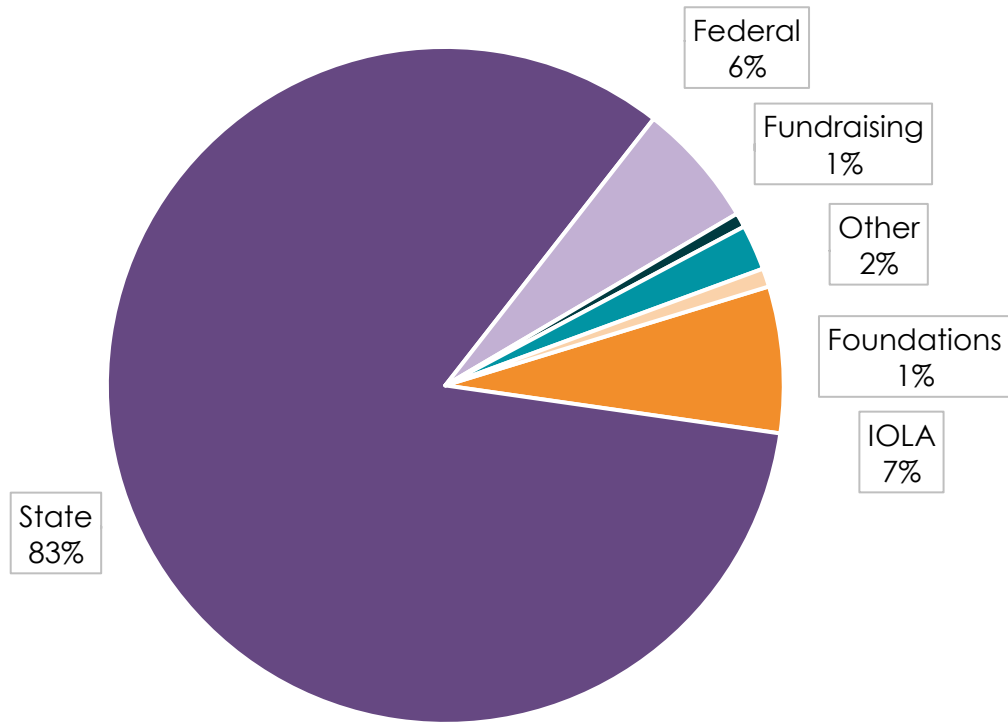
NYIC Immigration Hotel Project: In the fall of 2023, Buffalo received approximately six hundred (600) migrants who were bussed here from New York City and housed in local hotels. We worked with Journey’s End Refugee Services (JERS) and Jericho Road Community Health Center (JRCHC) to provide immigration legal services to this population. Together, we helped 237 people apply for Temporary Protected Status and obtain work authorizations. We continue to work with our partners to assist this growing demographic.

Western New York Eviction Prevention Project: The Western New York Eviction Prevention Project (WNYEPP) is an ongoing partnership between the five (5) legal services organizations in Buffalo (VLP, Neighborhood Legal Services, Center for Elder Law and Justice, WNY Law Center, and the Legal Aid Bureau of Buffalo) to provide representation to tenants facing eviction in five (5) counties. Through this program, we help staff our award-winning Attorney of the Morning (AOM) program in Buffalo City Court. The AOM program also assists with Erie County HUB Court, which combines thirty-five (35) town and village housing parts into one (1) part heard virtually in Buffalo City Court.

OVS Civil: We have an ongoing partnership with the Center for Resolution and Justice (CRJ) and Center for Elder Law and Justice (CELJ) to provide holistic services to domestic violence victims. In this partnership, we provide representation in family law and matrimonial cases, CELJ provides representation in elder abuse cases, and CRJ provides social work services. This holistic approach to domestic violence representation has provided our clients with much needed services and stability. Furthermore, the holistic approach of this grant ensures that trauma-informed practices are utilized for each client served.

CIVIL LEGAL SERVICES FUNDING

\$ 5,989,612.46



IOLA Funding	\$ 418,678.71
State Funding	\$ 4,988,755.73
Federal Funding	\$ 357,725.97
Foundations	\$ 52,831.87
Fundraising	\$ 41,434.10
Other Funding	\$ 130,186.08