

LEGAL ACTION CENTER

**2023 – 2024
Report**

OVERVIEW OF ACHIEVEMENTS

During the reporting period (April 1, 2023 through March 31, 2024), LAC's Legal Services Project staff worked in-person and remotely. In total, we helped 972 New Yorkers resolve 2110 civil legal cases. These cases concerned three primary issues: 912 clients had legal problems related to a conviction record, 38 had legal problems related to substance use disorder (that usually led to a conviction record), and 22 had legal problems related to HIV/AIDS. Sometimes clients have legal problems related to more than one of these issues.

These 972 clients were primarily low-income New Yorkers with histories of criminal legal system involvement, virtually all of whom had no other access to legal help to resolve problems related to their conviction record, substance use disorder, or HIV/AIDS. Our direct legal services resulted in annualized benefits of \$1,343,208 to these clients. The benefits consisted of employment earnings and health benefits, government benefits, and settlement awards. We estimate an additional \$105,855 in projected lifetime earnings for people for whom we provided rap sheet review and counseling.

We also delivered 202 instances of technical assistance (TA) to 118 organizations throughout New York State and 92 trainings/presentations to 1533 providers. TA and trainings covered issues directly related to the civil legal service needs of these organizations' own clients, and thus increased their capacity to resolve issues related to conviction histories, substance use disorder, HIV/AIDS and other chronic conditions in the future.



Service Area: New York State

Population Served: People Discriminated Against Due to Criminal Records, Substance Abuse, and/or HIV/AIDS

Staffing Full Time Equivalents:

Total Staff: 14.5 Lawyers: 10.15

Paralegals: 3 Others: 1.35

DIRECT LEGAL SERVICES

Case Example #1, Employment: A client, Melanie (a pseudonym), contacted LAC after learning that she would be denied licensure as a Licensed Master Social Worker (“LMSW”) due to her past criminal conviction record, which was connected to an underlying substance use disorder. The NY State Education Department (NYSED) viewed her record as evidence that she lacked the “good moral character” required for a social work license, even though she was otherwise well-qualified to be an LMSW and already worked as a Credentialed Alcoholism and Substance Abuse Counselor in a treatment facility. LAC staff advocated for Melanie, helped her demonstrate her good character through “evidence of rehabilitation,” and represented her at an administrative hearing where she testified on her own behalf. After a years-long wait – partially due to COVID-related delays – NYSED finally granted Melanie her license. Now she can pursue her dream of being a social worker so she can help people who, like her, have past criminal convictions and a history of substance use disorder.

Case Example #2, Health and Employment: A client living with HIV contacted LAC after her employer, a hospital, demanded that she provide evidence of her viral load when she was hired and every six months thereafter as a condition of employment. Though she had not felt comfortable disclosing her HIV information when she was hired, she complied because she was afraid of losing the job offer. She sought LAC’s help to avoid being forced to make these stigmatizing and unnecessary disclosures in the future. Due to advocacy by an LAC attorney, the hospital administration will now prohibit staff from making similar demands of employees in the future – protecting our client as well as all hospital employees living with HIV.

Case Example #3, Employment: Steve (a pseudonym) called LAC after he was denied a government job based on a nearly 40-year-old error on his Federal background check. Steve had been arrested in connection with a Federal drug case in the mid-1980s, but the government declined prosecution and he was released without charges.

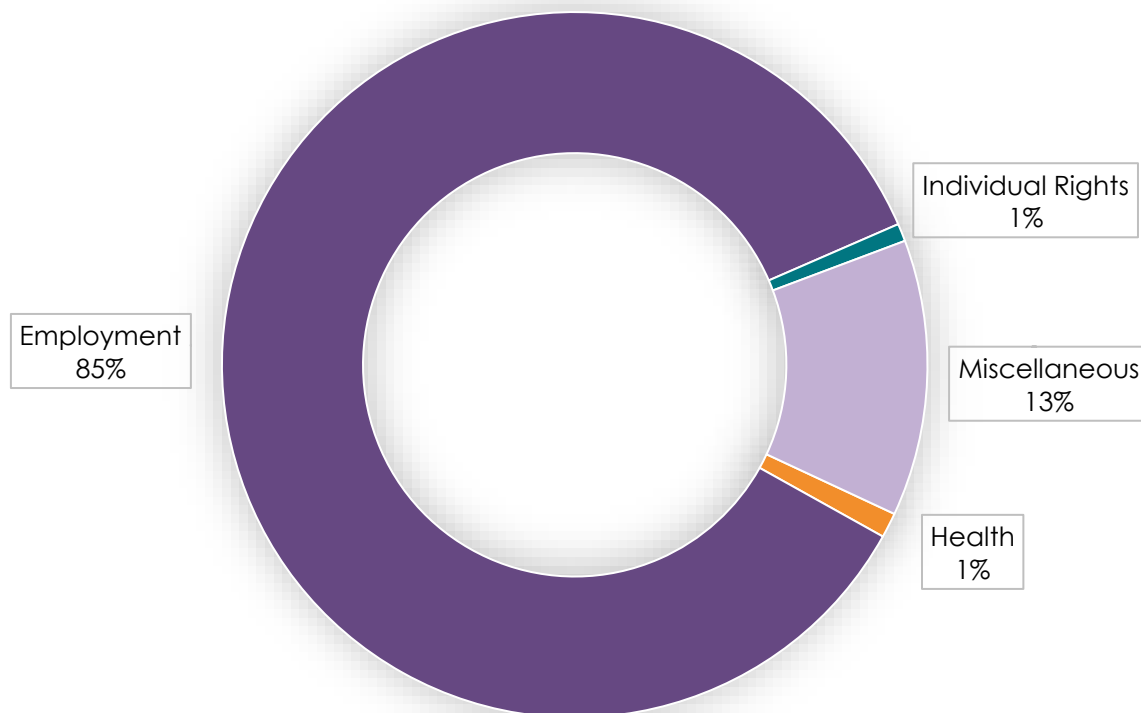
6,330

people
benefited
from

2,110

legal cases
closed

CASES BY LEGAL PROBLEM AREA



CASE EXAMPLES CONTINUED

This old case should not have appeared on his record. Our Legal Advocacy Specialist worked with Steve to gather the documents necessary to challenge the error. Then, using the evidence they compiled, LAC and Steve successfully advocated with the Federal Drug Enforcement Agency to have the underlying arrest record corrected. With LAC's help, he was able to overcome a previously insurmountable barrier to stable, well-paid employment.

Case Example #4, Employment and Record Clearance: LAC's client did not know that survivors of sex and other labor trafficking may be eligible to completely vacate their conviction histories. She originally called LAC because her application for a license from the NYC Taxi and Limousine Commission triggered a "character investigation" due to her conviction history. Not only did LAC represent the client and help her secure that license, but we are now working to vacate her trafficking-related convictions altogether and rid her of this enormous barrier to opportunity.

OTHER LEGAL-RELATED SERVICES

We deliver trainings for clients and their service providers, offer outreach at webinars and other community events, and, to broaden our impact and empower clients, author and disseminate a wide variety of free print and web-based publications that help pro se individuals (including incarcerated persons) and their advocates understand and enforce their civil rights. The target population includes individuals with arrest or conviction records, who use drugs, have substance use disorders, and/or live with HIV/AIDS and their service providers throughout the state. During the reporting period, we trained 1,533 individuals and recorded 25,009 disseminated hard copies of publications (2,479), website downloads (17,669), and pre-recorded legal education video hits (4,861).

We also created several new publications regarding the rights of people with arrest or conviction records, who use drugs, have substance use disorders, and/or have HIV/AIDS, including practical tools and templates these individuals can use to improve their employment opportunities.

We receive a steady stream of requests from individuals in state and local correctional facilities who seek information on their rights. We regularly mail free copies of our publications to any incarcerated person who writes to us.

Finally, we connect our clients to other services through an extensive referral network developed throughout our over fifty years working in this area and through web sites such as www.lawhelp.org.

2,542

people
benefited from
**Pro Se
Assistance**

8,873

people
benefited from
**Community
Legal
Education**

17,669

people
benefited from
**Web-Based
Assistance**

IMPACT CASES

Impact Case #1, *Doe v. grocery delivery company (employment discrimination)*:

Milestone: LAC obtained an out of court settlement with a national grocery delivery company that refused to hire our client based on a decades-old criminal conviction in violation of state and local law.

Impact: LAC negotiated a significant monetary settlement for the client. The company also agreed to remove references to required background checks from its website and from any job postings and advertisements for New York City positions. Since notices about background checks in job ads can deter people from even applying for a job, this change in company practice will help ensure that people with convictions are applying for jobs with this employer. The company also agreed to review its policies and practices for New York City and State positions and make any revisions necessary to ensure compliance with the New York City Fair Chance Act, New York State Human Rights Law, and Article 23-A of the New York State Correction Law. The policy changes will impact an estimated 250 future job applicants. The settlement is subject to a confidentiality agreement.

Impact Case #2, *Doe v. pharmacy chain (employment discrimination)*

Milestone: After filing a complaint with the New York City Human Rights Commission, LAC obtained a confidential monetary settlement from a national pharmacy chain that refused to hire our client due to a decades-old criminal conviction in violation of New York City's Fair Chance Act.

Impact: LAC repeatedly sees employers refuse to hire people with convictions for serious injury or death to other persons, even when those convictions are decades old, and the person can show successful work history and job performance since they returned home from prison.

All Impact Cases

- *Wilson v. Fulton County, New York, et al.*
- *Landau v. Good Samaritan Hospital, et al.*
- *Mieles v. Ronald McDonald House of the Greater Hudson Valley, et al.*
- *Doe v. Lefkowitz and Advanced Dermatology, P.C.*
- *Doe v. Frei and Kidney Medical Associates,*
- *Doe v. SUNY College*
- *Doe v. grocery delivery app*
- *Doe v. grocery store*
- *Doe v. pharmacy chain*
- *Doe v. hardware store chain*
- *Doe v. transportation app*
- *Doe v. NYC hospital*
- *Doe v. national transportation company*
- *Doe v. nursing facility*

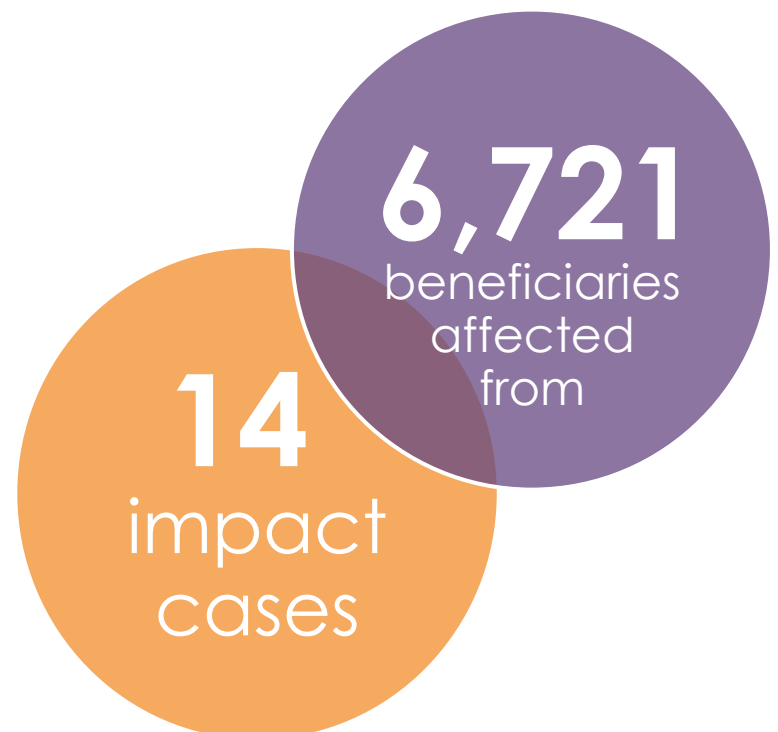
However, New York City law requires employers to consider several factors when deciding whether to deny a job based on an applicant's conviction history, including the seriousness of the conviction; the relationship between the conviction and the position; the time elapsed since offense and age at the time of the offense; and evidence of rehabilitation. As part of our advocacy, we educated the employer about its responsibility under the law, which should help protect future applicants to this company of over 300,000 employees.

Impact Case #3, Doe v. Frei and Kidney Medical Associates PLLC (HIV confidentiality)

Milestone: LAC and our pro bono partner Paul Weiss successfully settled an HIV privacy litigation against a nephrologist and his Bronx, NY nephrology practice. The nephrologist illegally disclosed the HIV status of our client "Jane Doe" to her romantic partner. After learning her status, the romantic partner cruelly harassed and shunned Jane. This experience left Jane profoundly traumatized and mistrustful of medical providers, especially since she had explicitly informed providers at this nephrology practice of her desire to keep her status private. Though the settlement cannot erase the deep harm Jane faced because of the doctor's illegal conduct, we are grateful she has been compensated for her damages and can begin putting this painful chapter behind her.

Impact: This medical practice of 14 physicians is now aware of its obligation to prevent such disclosures, which will benefit an estimated 21 other patients with HIV. We also secured a favorable summary judgment ruling from the judge, which can help our agency and other law firms to support similar legal claims in the future.

Group Services: Our 202 TA to 118 organizations throughout NYS helps health and social service providers, regulators and policymakers understand complex legal issues related to conviction histories and chronic illness. For example, in FY24, we helped legislators and state agencies understand barriers to MOUD access in New York's jails and prisons and offered recommendations for how to overcome them; educated service providers, state



agencies, and the Governor's Office about where opioid settlement funds are most needed, such as overdose prevention centers (OPCs); and helped policymakers understand how their constituents can pursue application-based record sealing and provided LAC-developed educational resources on crafting personal statements and compiling evidence of rehabilitation.

TECHNOLOGY

This year, we made major technology enhancements. The most significant is our implementation of a new case management system, Clio, for all of our client work and technical assistance. Clio is a major improvement over the ACCESS database we began using in 2005 and enables us to better serve our clients. Among Clio's benefits are that we can efficiently store all client files in one place, communicate securely with clients, and track time. We continued piloting Microsoft Sharepoint for some clients and are assessing whether to continue doing so or to use Clio for document work (i.e., which method will enable us to collaborate on client case documents more seamlessly). We have continued to deploy remote work technologies to better enable us to collaborate internally and effectively serve clients remotely. In addition, we continue to use the cloud phone system we adopted in February 2023 that allows us to call people using our work numbers from any remote location. We believe use of these technologies will lead to more efficient delivery of our services and, in the end, better outcomes.

IOLA TECHNOLOGY GRANT

We spent our supplemental IOLA Technology Grant funds on our new client management software, Clio, in January 2024. This system replaced our old Microsoft Access database and has multiple capabilities that should result in improved service delivery and data recording.

Clio is a cloud-based system and can be accessed via web browser or app. This should greatly improve staff members' ability to enter timely and accurate data while working remotely. Clio provides one place to store all documents/information related to a client's cases and the capability to send and receive messages internally and to clients. This includes encrypted internal messages, which is more secure than using email. Release forms, retainers, and other documents requiring a client's signature can be sent to clients directly from Clio. Clients can securely view documents and sign them electronically without downloading an app. The documents get saved directly to the client's matter in Clio. Clio also has features that aid our Litigation work such as timekeeping and court calendar tracking.

PRO BONO VOLUNTEERS

In 2023-24, we received 781.1 hours of pro bono time from law firms, interns, and other volunteers.

Litigation: We completed an HIV confidentiality litigation we had been co-counseling with Paul, Weiss, Rifkind, Wharton and Garrison (Paul Weiss), and, in February, filed another litigation with Paul Weiss: *Wilson v. Fulton County*, in which our client Koree Wilson charges the Fulton County jail and related defendants with violating anti-discrimination laws and the Constitution by denying him methadone while incarcerated on two separate occasions.

Sealing old criminal convictions: This year, we launched a pro bono project with White and Case, whose attorneys undertake motions to seal our client's old criminal convictions, as permitted by NY Criminal Procedure Law 160.59.

Legal Research: Paul Weiss has continued to perform legal research and provided other assistance on an array of issues related to insurance coverage for substance use and mental disorders and access to emergency department services by people with substance use disorder-related emergencies.

Technical assistance on health privacy matters: Davis Wright Tremaine has provided counsel on health privacy issues central to our legal services project.

Law Students: We hosted two law students through the New York Lawyers for the Public Interest Visiting Summer Associate Program. They assisted with legal research on substance use disorder and criminal record discrimination.

44

attorneys volunteered **580** hours

2

law students volunteered **128** hours

34

other volunteers volunteered **74** hours

SIGNIFICANT COLLABORATIONS

We have extensive relationships with legal service providers, community-based organizations, and bar organizations throughout New York State. Because we have provided technical assistance and training services statewide for decades, we have developed long-lasting cross-referral and service relationships with hundreds of employees at agencies and organizations that serve individuals with arrest or conviction records, substance use disorders, or HIV/AIDS.

We also have comprehensive linkage arrangements with over 50 agencies that provide vital services to people affected by HIV/AIDS in NYC and across the state. Most of our clients are referred by service providers who know our firm's 50-year history at the intersection of these issues.

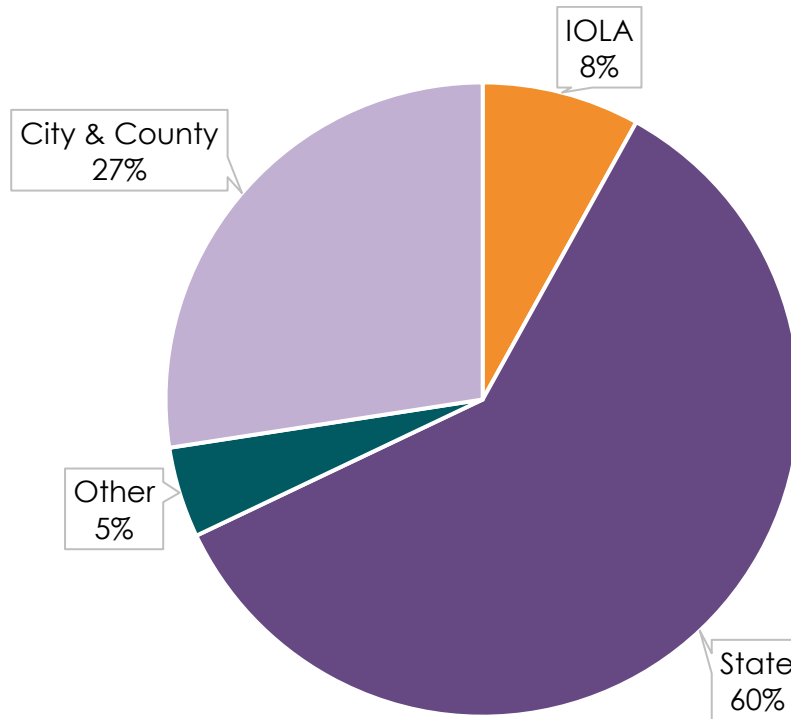
Our lawyers and policy staff members participate in many networks and coalitions of HIV and substance use disorder treatment and service providers, reentry groups, and legal services organizations. We lead the Alternatives to Incarceration (ATI) and Reentry Coalition, a statewide network of ATI and Reentry providers that advocates for increased attention to and resources for these services.

We additionally co-lead a coalition of advocates working to increase and expand crucial reentry support specifically for LGBTQI people in New York City. We are a member organization of the Coalition of Reentry Advocates (CoRA), a group of legal services lawyers throughout the State that advocates for public policies and practices to promote reentry; our staff members serve on subcommittees of CoRA related to criminal records, employment licensure, and other issues.

Our staff also lead the NYS Parity Coalition, a group of addiction treatment advocates that works to improve private and public insurance coverage of life-saving treatment and recovery supports. Lastly, our attorneys participate in listservs comprised of lawyers and advocates working on legal issues related to reentry and HIV.

CIVIL LEGAL SERVICES FUNDING

\$ 1,991,675



IOLA Funding	\$ 160,000
City & County Funding	\$ 545,000
State Funding	\$ 1,189,675
Foundations	\$ 5,000
Other Funding	\$ 92,000