

WESTERN NEW YORK LAW CENTER

2023 – 2024

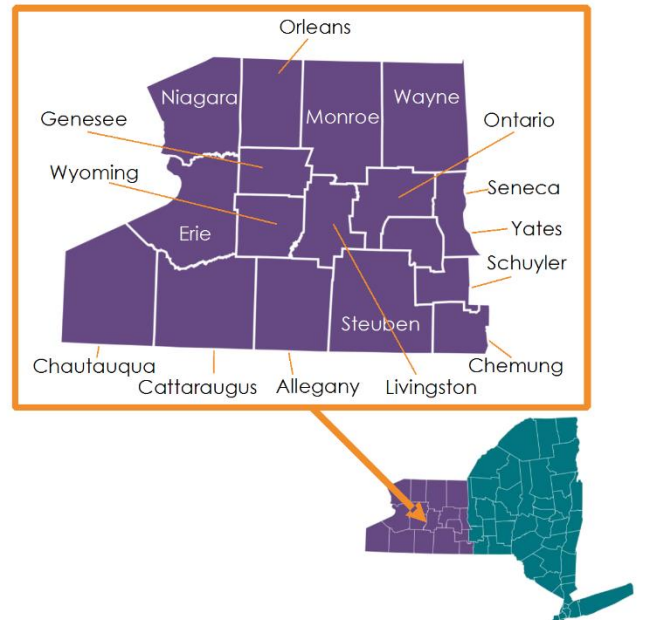
Report

OVERVIEW OF ACHIEVEMENTS

The primary target population for our legal work is low-income people in Unit 7 and in three counties located in Unit 6. In the last IOLA fiscal year, cases handled by the Western New York Law Center (“Law Center”) benefited 9295 people and our technology work benefited IOLA-funded organizations statewide. We obtained approximately \$10 million in savings with \$1.8 million in direct benefits to clients.

Sixty-seven volunteers contributed 3821 hours of work to our projects. Most of these volunteers worked in our CLARO consumer project and our new School Discipline Project (discussed below). The CLARO project eliminated more than \$2.6 million in consumer debt for low-income consumers.

The Law Center continued to provide the entire New York legal services community with technology support and statewide coordination assistance to enhance the delivery of legal services to low-income persons. As a part of our technology services, the Law Center continued to maintain over 33 email lists with over 8800 subscribers (3901 unique subscribers) and screen and review applications for new subscriptions. The NYC Housing list, a list that is exclusive to attorneys representing tenants only, has 1551 members. The lists allow attachments such as pleadings and briefs and contain over 37,000 searchable attachments. The Law Center also maintains the Online Resource Center with the Empire Justice Center, the Legal Aid Society, and NYLAG. The site contains a brief bank, a bank of annotated and digested fair hearing decisions. The section on HRA documents, which the Law Center updates regularly, is the only repository of HRA Policy Bulletins and Directives for legal services advocates in NYC.



Service Area: Western Region of New York State

Population Served: General Low-Income Population

Staffing Full Time Equivalents:
 Total Staff: 34 Lawyers: 16.5
 Paralegals: 14 Others: 3.5

There were 1,590,580 downloads of legal articles and materials from the site during the reporting period. We also did extensive outreach through the press, referenced in the Presentations section in Part 2.

During this reporting period, the Law Center started the School Discipline Project (SDP). For over a decade, families and community partners have been organizing to reduce suspension within the Buffalo Public School system. The Law Center joined the fight when it launched the School Discipline Project in early 2023 with the mission to help represent students and families during suspension proceedings in local schools.

Statistics on school suspensions in Buffalo show significant racial and economic disparity among students. In 2023, Black students were 2.5 times more likely to be suspended than their White counterparts, and students who experience poverty are suspended at 2.5 times the rate of economically secure students. Additionally, students with disabilities are suspended at alarming rates with students with learning disabilities suspended at 2.6 times the rate of nondisabled students.

The program represents families in long-term suspension hearings, as well as some short-term suspension matters, Committee on Special Education (CSE) Meetings, and appeals to both the Boards of Education, NYS Commissioner of Education, and the NYS Board of Regents. Our SDP project is staffed with one attorney and two non-attorney advocates. In our first year, we assisted 71 clients as well as engaged in community outreach and training to approximately 500 parents and students.

During this reporting period, SDP worked with the Law in the Digital Age clinic at Columbia Law School to create a self-help pleadings generator that launched on our website on May 1, 2024. The purpose of this collaboration was to create self- help materials for families seeking to appeal suspension decisions.

DIRECT LEGAL SERVICES

Case Example #1, Housing: JB is an engineer by trade who fell behind on his mortgage due to loss of income and declining health. To supplement his income, he began driving Uber and Lyft and started collecting rent from two roommates. When he came to us, he owed approximately \$70,000 and was unsure if there was any way for him to keep his home.

We worked with Belmont Housing to submit a loan modification application on his behalf, but we were not sure if it would be approved due to his inconsistent driving income and very recent rental income deposits. Although his application lacked sufficient income, we supplemented his application with a job offer he received from the USDA - NRCS. JB's application was subsequently approved, and he plans to accept the loan modification offer. With help from the Law Center, JB was able to keep his home and is working towards financial stability.

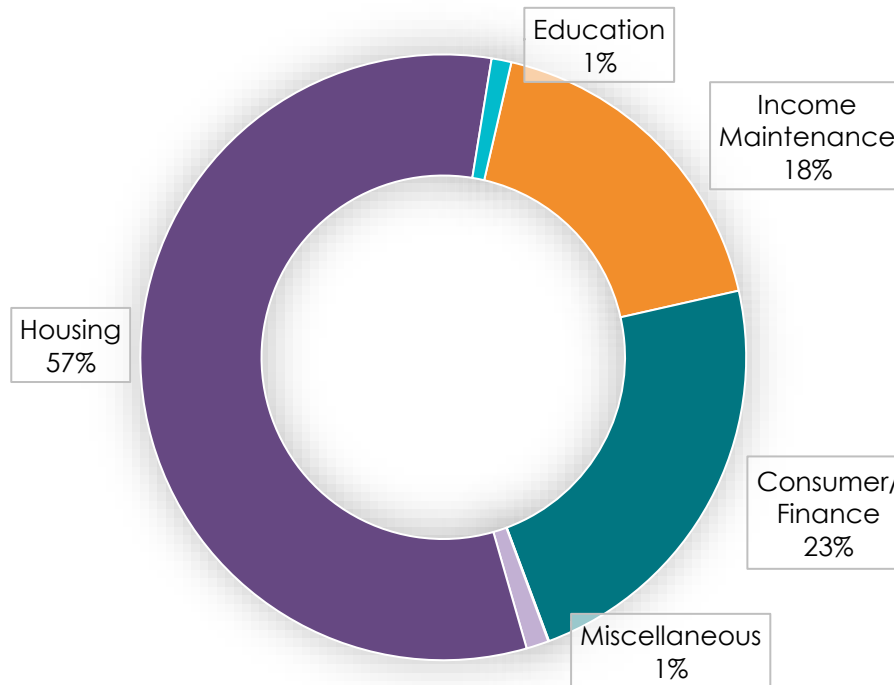
Case Example #2, Consumer Finance: Ms. S, a senior, visited CLARO in November 2023. Ms. S had received an income execution related to a judgment entered in 2007 and was referred to CLARO by the Erie County Sheriff's Office. Although Ms. S's main source of income was Social Security, she worked casually to support herself. After obtaining and reviewing the court file with Ms. S, CLARO filed an order to show cause to vacate the default judgment due to improper service and lack of standing.

The judgment amount entered in 2007 was \$1,457.73. The judgment amount in 2023 was \$2,143.52 due to interest and sheriff's poundage fees. After reviewing the Defendant's order to show cause, Plaintiff's counsel consented to vacate the judgment and discontinue the action. Ms. S was thankful that she connected with CLARO and that she no longer needed to worry about this judgment.

9,295
people
benefited
from

5,023
legal cases
closed

CASES BY LEGAL PROBLEM AREA



OTHER LEGAL-RELATED SERVICES

In addition to representing individuals, we speak to groups and at community events to educate people about our work. We travel out to community centers in and around Buffalo to inform residents of our services and focus on areas where transportation is an issue. We also do mailings to tell people about our free services. We convene a number of task forces, including city-wide and county-wide coalitions, that are addressing property issues such as foreclosures. We have informational materials online to help people. We also host the Online Resource Center, and legal listservs, resources accessed by legal services advocates statewide to help clients of many IOLA funded programs.

The Small Business Legal Clinic (SBLC) that the Law Center launched in January 2017 promotes neighborhood revitalization and socioeconomic mobility in Western New York by providing low-income entrepreneurs and small business owners with free essential business law services to successfully start and/or continue their existing business. The clinic counsels business owners at any stage of their business lifespan, from business formation, to creating and securing contracts, negotiating commercial leases, purchasing property, hiring employees, obtaining permits and licenses, obtaining M/WBE certification, to winding down the business, and regularly presents on business law topics in the small business community.

Other Legal Services Example #1: "Ms. P" is the parent of a third-grade child with a disability. Over the course of the 2023-24 school year her child has been the subject of more than a half dozen long and short-term suspensions. The Law Center represented this student in all these cases. The Law Center prevented the loss of more than 30 short term suspension class days for this student by enforcing the student's right to a Manifestation Determination Review (MDR) prior to a change in placement, or removal from instruction. At each one of those MDRs, the behavior described in the disciplinary matter was found to be a result of the child's disability. As a result, the child was not suspended or subject to any lost class days for any long-term suspension. We also worked with Ms. P. to expand the services the Committee on Special Education provides to her child. We were able to secure a one-on-one aide as well as a referral to an Agency School that has staff members specializing in children with similar disabilities.

Other Legal Services Example #2: Ms. R visited one of the Small Business Legal Clinic's (SBLC) drop-in clinics in her neighborhood for assistance with starting her own catering business and food truck. She recently immigrated to WNY after escaping violence in her home country. Instead of finding a job to simply earn a paycheck, she wanted to start this business to bring a piece of her childhood to her new home and to pay tribute to her father. Her fondest memories as a child were of the time spent with her father in his restaurant. SBLC formed Ms. R's LLC, added an assumed name to the LLC, and reviewed the lease she eventually signed to secure commercial kitchen space. SBLC also tapped into its small business partner network to connect Ms. R with a business advisor to work on her business plan, and connected Ms. R with a local community development financial institution to secure financing to get her business up and running. Ms. R was tremendously thankful that SBLC helped play a part in allowing her father's legacy live on.

17,319

people
benefited from
**Pro Se
Assistance**

1,620,085

people
benefited from
**Community
Legal
Education**

1,269,323

people
benefited from
**Web-Based
Assistance**

IMPACT CASES

Impact Case Example #1, *Chipego et al. v. Five Star Bank et ano.*, No. 02466, Ct. of Com. Pleas, Philadelphia County, Pennsylvania: The Law Center, together with Pennsylvania co-counsel, acts as appointed class counsel to class of over 5,000 New Yorkers and around 1,000 Pennsylvanians in a lawsuit challenging Five Star Bank's repossession practices. Both New York class representatives started as visitors to the Law Center's CLARO-Buffalo program. The Law Center is seeking relief for the class members including around \$50 million in statutory minimum damages as well as credit correction and waiver of deficiencies.

The Law Center defeated the Bank's motion for summary judgment and recently received a decision from the Pennsylvania intermediate appellate court that rejected an interlocutory appeal by the Bank challenging jurisdiction and standing. The case is nearing the end of fact discovery. Because of the litigation, the bank modified its repossession practices.

Impact Case Example #2, *Black Love Resists et al. v. City of Buffalo et al.*, U.S. Dist. Ct. for the Western District of N.Y.: In June 2018, the Law Center along with the Center for Constitutional Rights and the National Center for Law and Economic Justice filed a federal class-action lawsuit against the City of Buffalo challenging the city's unconstitutional and racially discriminatory vehicle checkpoints and traffic ticketing practices.

According to the lawsuit, the Buffalo Police Department deployed unconstitutional vehicle

All Impact Cases

- Black Love Resists et al. v. City of Buffalo et al.
- Buffalo East Homeowner Assistance Fund
- Buffalo Niagara Community Reinvestment Coalition
- Buffalo Proactive Rental Inspection Law Advocacy
- Chipego et al. v. Five Star Bank
- Fair Deal New York Coalition Steering Committee
- Greater Chautauqua Federal Credit Union et al. v. Marks et al.
- Johnson v. Xtreme Auto Recovery et al.
- McCoy v. Lutz
- New Yorkers for Responsible Lending Steering Committee
- NYS Community Equity Agenda

checkpoints in Black and Latinx neighborhoods, resulting in massive over ticketing of these communities—and significant revenue for the city. The plaintiffs are Black Love Resists in the Rust, a police accountability organization, and individuals who were subject to suspicion less checkpoint stops. Fact discovery recently closed, and the plaintiffs are preparing to file a motion for class certification. This class of 90,000 individuals has benefited by changed police practices.

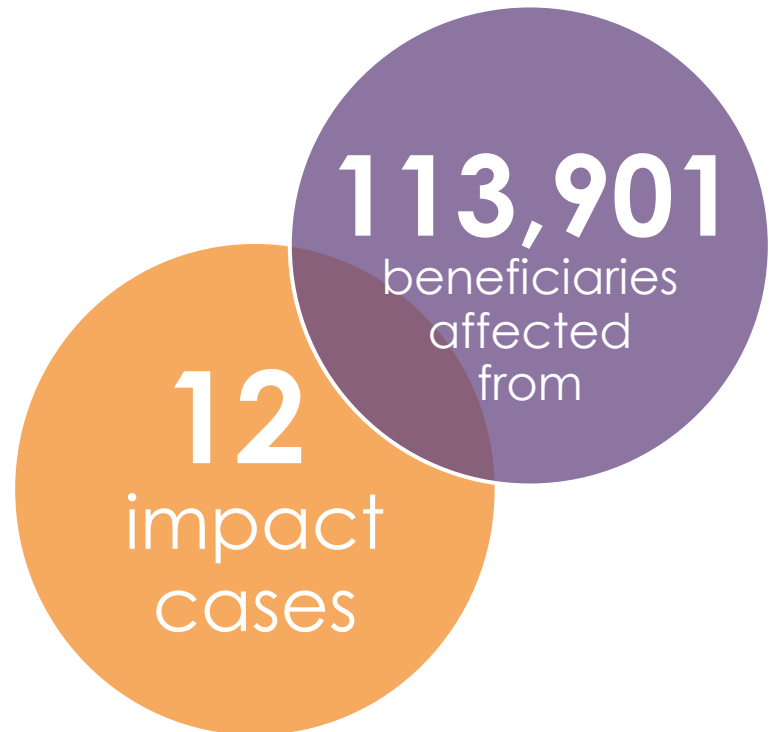
Impact Case Example #3, Greater Chautauqua Federal Credit Union et al. v. Marks et al., U.S. District Court for the Southern District of N.Y.:

The Law Center and one of its clients are proposed intervenors in this case filed by three credit unions to challenge New York's Fair Consumer Judgment Interest Act, in which New York retroactively reduced the interest rate for consumer debt judgments from 9% to 2%. The intervenors challenged the court's preliminary injunction as overly broad in that it was applied to all judgment creditors in the State as opposed to just the three credit union plaintiffs.

The court initially denied the Law Center's motion to intervene, and our appeal of the denial is pending at the Second Circuit Court of Appeals. In the Second Circuit the Law Center made a motion to narrow the injunction. While that motion was pending, the district court entered an order narrowing the injunction in one of the same ways that the Law Center requested. The Law Center works on this case in collaboration with Mobilization for Justice. The case affects hundreds of thousands of individuals.

TECHNOLOGY

In this reporting period, the Law Center improved our technological back up system and security to ensure that we protect all data information for our clients and the overall wellbeing and operations of the organization. We partnered with Advance2000 & Ownbackup to provide



another level of remote backup security and data protection for our case management system. Our IT provider Advance2000 provides us with high performance private HPCC Cloud Computing, GPU Computing, backup set up and configuration, online storage space for data, daily backup monitoring, monthly restore tests, email backup, desktop backup, server backup, and secure archival software storage. Their Cloud Backup is powered in Advance2000's datacenters located in Western New York, the data is protected with controlled access, fire protection, backup power and data and network redundancy. With physical access biometrically secured and controlled, and facilities video monitored 24/7, our organization's intellectual property and data is protected. Advance2000 provides the resiliency, flexibility and agility required for high performance IT. With a focus on operational efficiency, competitiveness, and rapid response, it helps support and promote the success of the organization in case of a technology disaster or any loss of data.

OwnBackup provides an extra security backup and restore for Salesforce, our case management system. With OwnBackup we have an unlimited package that provides retention of daily backups for 10 years, Metadata Restoration, Proactive smart alerts with find search functionality. It is important to provide extra security on a platform that plays such a significant role in the overall daily operations at the Law Center. In an era of increasingly advanced cyber threats, we continuously try to provide the staff with the right tools and education. We also implemented the DUO essential Authenticator. DUO secures every access attempt and authenticates every identity to protect our data, applications, and devices.

IOLA TECHNOLOGY GRANT

In October of 2023, we purchased the OwnBackup Customer Success Standard Package for Salesforce. This Salesforce security package is needed for everyday operations, from inputting and sharing client information to assisting in producing reports for our grants. Although Salesforce is a fortune 500 company and provides security for data in our case management system, we wanted the extra security of an independent backup in case of data entry errors or loss of data. OwnBackup fulfilled this need.

At the same time, we purchased a Cloud Backup System from Advance2000. We use Office365 for our email and documents but wanted extra security in case of accidental deletions or a loss of data by Microsoft. The Cloud Backup System provided additional storage and security to our overall systems and drives. This has allowed us to utilize our systems safely and confidently without the worry of losing valuable and confidential information.

PRO BONO VOLUNTEERS

The Law Center regularly enlists the help of law students and private attorneys to meet the needs of our clients. During the reporting period, the Law Center worked with 67 attorney and non-attorney volunteers who provided 3821 hours of service. We recruit law students from Columbia Law School and the University of Buffalo Law School. Columbia Law students through the school's "Lawyering in the Digital Age" clinic help us with special projects that integrate technology and legal practice. We also partner with Daemen College and Erie Community College to recruit paralegal students for volunteer opportunities. We recruit undergrad students to assist with intake at the CLARO clinic and at housing court. During the reporting period, our office formed a new partnership with Roger Williams University School of Law located in Rhode Island, and we recruited two law students for an in-person internship during their Alternative Spring Break week. We've also continued our partnership with UB Law School's Civil Rights and Transparency Clinic and law students from their clinic have volunteered their time with the CLARO legal clinic. Our CLARO attorneys provided in-class training for students at the beginning of the school year to familiarize themselves with the consumer debt laws and how to handle consultations with our clinic visitors.

Our staff attorneys regularly attend networking events hosted by the Erie County and Minority Bar Associations to recruit pro bono attorneys. We've also conducted presentations for the NYS Attorney Emeritus Program to recruit retired attorneys to volunteer with our office. All volunteers are trained in our case management and online systems and must review required training materials before they can begin meeting with clinic visitors and clients. Volunteers also go through a shadowing period before conducting client meetings on their own..

10attorneys volunteered **242** hours**54**law students volunteered **3,200** hours**3**other volunteers volunteered **380** hours

SIGNIFICANT COLLABORATIONS

HOPP: The Law Center is the HOPP grantee from the NYS Attorney General's office, and we coordinate foreclosure efforts with the Center for Elder Law and Justice and the Legal Aid Bureau of Buffalo, in a five County area and jointly conduct intake of new cases. The Law Center takes half of the cases and the other agencies 25% each.

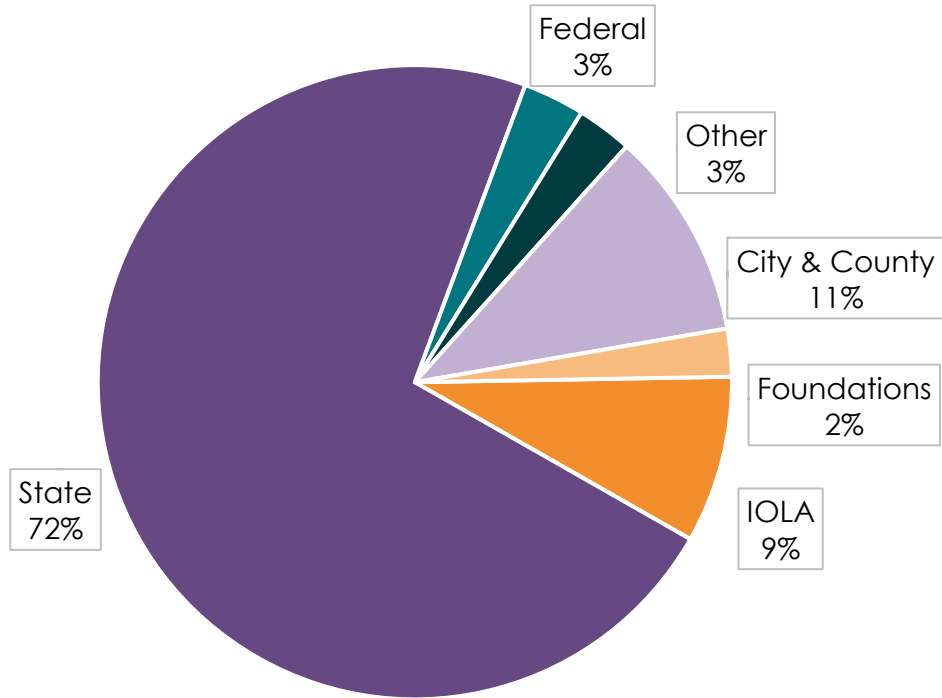
Online Resource Center: The Online Resource Center is a collaboration between the Law Center, the Empire Justice Center, the Legal Aid Society and NYLAG. Many other individual advocates also contribute pleadings and information to the resource center, and law students contribute and receive credit towards their 50 hour requirements of pro bono service. The Online Resource Center has various sections where advocates can search for fair hearings and cases and they can view online trainings at the site and receive CLE credit for the trainings. The resource is heavily used by legal services attorneys across the state.

Other Collaborations include:

1. Western New York Eviction Prevention Program (WNY-EPP)
2. Foreclosure Prevention Project (FPP)
3. Civil Legal Advice and Resource Office (CLARO) Buffalo / UB Law School Civil Rights and Transparency Clinic
4. Buffalo East Homeowner Assistance Fund (BEHAF)
5. Vacant and Abandoned Property Program
6. School Discipline Project
7. Online Resource Center
8. Columbia University Law School Lawyering in the Digital Age Clinic
9. Partnership for the Public Good Community Agenda
10. Western New York Center for Occupational Safety and Health (WNYCOSH) Monthly Clinic
11. Office of Victim Services Monthly Clinic
12. Assembly Majority Leader Crystal Peoples-Stokes Wills Clinic

CIVIL LEGAL SERVICES FUNDING

\$ 4,221,090



IOLA Funding	\$ 360,142
City & County Funding	\$ 450,000
State Funding	\$ 3,061,364
Federal Funding	\$ 132,997
Foundations	\$ 102,867
Other Funding	\$ 119,665