

EMPIRE JUSTICE CENTER

2022-2023

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, particularly 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 poor people live.

This year we launched 4 new programs - Education Debt Consumer Assistance Program (EDCAP) in the Capital Region, Emergency Rental Assistance Program (ERAP) for undocumented immigrants on Long Island, and the School Discrimination Helpline and Police Reform Project in Rochester - to address race and gender bias, and obstacles to economic stability.

Our 2022-23 work with JustCause benefited hundreds of thousands of New Yorkers, securing new legal protections, leveraging a \$10 million increase in foreclosure prevention services funding statewide, securing an almost 100% increase in funding for the Disability Advocacy Program (DAP), advocating for amendments to tax law that will lift New York families out of poverty, and handling individual cases that returned more than \$6.62 million in back awards and settlements, \$31,907 in ongoing monthly benefits, \$12,110 in monthly payments avoided and \$1,890,148 in lump sum awards and settlements avoided. The work of our DAP program returned \$382,778.35 to the state in interim assistance during the reporting period. In addition to our impact work, we closed 2,135 direct service cases during the 2022-23 reporting period, directly benefiting 4,589 people.



Population Served: Low Income Populations

Total Funding: \$11,682,623

Total IOLA Grant: \$952,764

Staffing Full Time Equivalents:

- Total Staff: 70.47
- Paralegals: 15.84
- Lawyers: 28.58
- Other: 26.05

DIRECT LEGAL SERVICES: CASES

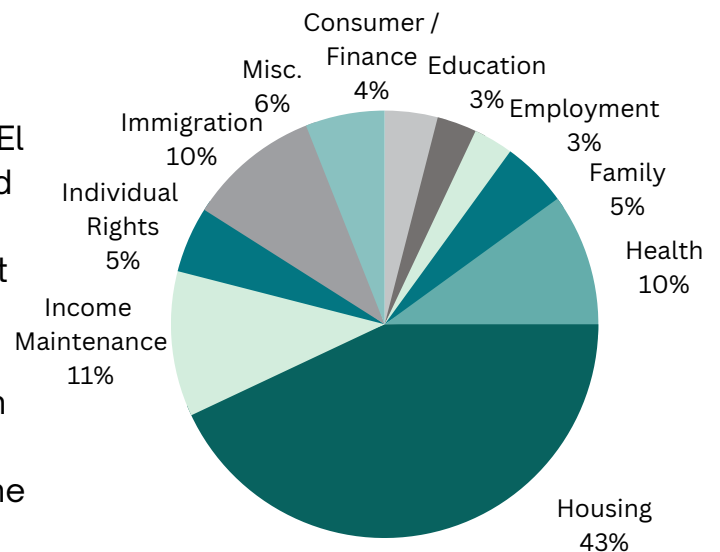
Health:

We obtained a favorable fair hearing decision for a 15-year-old client who is living with a severe seizure disorder and ambulatory disabilities. Her medical team prescribed an adaptive tricycle, customized to fit her physical needs, in order to improve her strength, cardiovascular health, and help her left and right sides of the brain to communicate better after she had surgery separating the two in an effort to combat the severity of her seizures. Her Medicaid plan denied the tricycle as not fitting the definition of Durable Medical Equipment and as not medically necessary, but the judge disagreed and found in favor of our client on every argument. The client’s siblings and parents are excited to be able to ride bikes together as a family.

Immigration:

We successfully obtained guardianship and special findings from courts for a minor from El Salvador. Our minor client and her mother fled El Salvador because the mother had suffered unimaginable domestic violence and abuse at the hands of our client’s father. After they entered the United States, our client was diagnosed with leukemia and spent months in the hospital getting much needed treatment, including chemotherapy. Now in remission, she is about to enter middle school. Our client is happy and thriving living in the United States together with her mom. Thanks to the orders we staunchly pursued with the court, she is eligible to apply for Special Immigrant Juvenile Status ("SIJ") with United States Citizenship and Immigration Service ("USCIS"). Once SIJ is granted, this status will allow our client to apply for lawful permanent resident status in the United States.

4,589 people benefitted from 2,135 legal cases closed



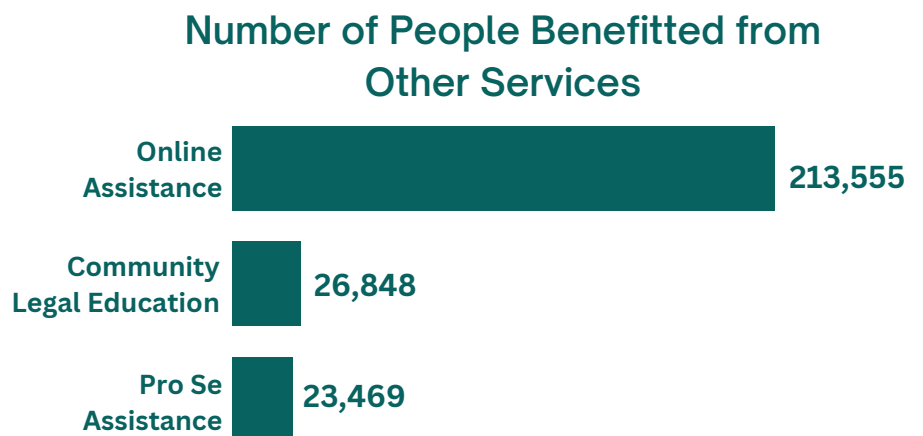
Cases by Legal Problem Area

OTHER SERVICES: OVERVIEW

Empire Justice Center works to improve legal protections and services, conducting policy research and analysis, participating in coalitions, and advocating to improve the administration of justice for all New Yorkers. During this reporting period, New York State was slowly coming out of the pandemic, with continued uncertainty about practices such as in-person meetings with legislators and staff. Despite these challenges we worked on a broad range of issues that impact low-income and historically marginalized people, building on the work of previous years and entering into new campaigns. We built on our previous work in language justice, meeting with the new Office of Language Access to provide feedback about clients’ experiences and barriers, especially those who use ASL as their primary language. We also focused on the Homeowner Protection Program (HOPP), a statewide network of 89 nonprofit legal services and housing counseling agencies serving residents facing foreclosure in every county in the state. Having secured an increase in funding as well as a place in the executive budget last year, we were shocked when HOPP was not included in the executive budget this year and quickly mobilized to maintain funding for the program. While the budget is not complete, we are encouraged by what we hear informally. We are proud to have advocated for bills that were signed into law, including protections from wage garnishment or property liens over a medical bill, and transparency for facility fees in medical bills.

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 people; weighed in on over 40 individual pieces of legislation affecting low-income people, from shelter housing to domestic violence; testified or submitted testimony to Joint Legislative Hearings on human services, taxes, higher education, health, housing, and foreclosure and eviction prevention; and signed on to at least 40 letters impacting low-income New Yorkers from social security disability to healthcare.

263,872 People Benefitted from Services Other Than Direct Legal Services



OTHER SERVICES: TECHNOLOGY

The 2022-23 grant period represented our first full grant year using cloud-based case management system Legal Server, and it has enabled staff in all of our offices to increase their efficiency. Legal Server is highly customizable, and we were successful in building processes and forms to capture grant-specific information, and empowering staff to review their data with more ease through user-friendly custom reports. We are learning more about the capabilities of Legal Server's online intake module for potential clients who have access to a computer, laptop or mobile device, and expect to begin deploying it in a limited capacity by the end of the following grant term.

We successfully migrated from NetDocuments to SharePoint as our document management and storage system, working closely with Beringer Technology to ensure as smooth a transition as possible. Having learned the essentials of managing their documents in SharePoint, relevant staff are now receiving training on how to effectively manage their team's "site," allowing for streamlined communication on key information and updates.

We will soon migrate from SalsaCRM to EveryAction as our marketing platform as the companies have merged; we look forward to wielding its powerful advocacy and call-to-action tools. Widespread use of video conferencing between staff, external colleagues and clients has been supported by Microsoft Teams and Zoom.

We are working with Lime Creative to restructure the backend of our website, and we continue to partner with Dox Electronics to monitor our network infrastructure, assess potential security threats and improve/implement organizational solutions to enhance our organization's security. Thanks to IOLA funding, we will soon launch an audit process to identify areas of vulnerability and work to resolve them.

OTHER SERVICES: TRAININGS

Empire Justice invests in the professional development of our staff, sending them to numerous state and national conferences and local and regional trainings. Because of COVID-19, many conferences were made available remotely and at a reduced cost, creating opportunity for more staff to benefit.

Over 80% of our staff attended external professional development trainings/sessions, including conferences held by the National Consumer Law Center, Shriver Center, National Organization of Social Security Claimants' Representatives, Management Information Exchange, National Community Reinvestment Coalition, Center on Budget and Policy Priorities, United Way of Greater Rochester Leadership Development, Urban League of Rochester, Beyond Boundaries Consulting, New York State Office of Victim Services and bar associations. The Governance Committee of our Board increased the Board's size by 4 individuals, with new members bringing a blend of large and small firm, DEI and management experience.

During the 1st quarter of their first term in 2023, new members were provided training on the legal and fiduciary responsibilities of nonprofit boards, as well as an orientation to the history and work of Empire Justice Center, provided by our Board Chair, CEO, and new Directors of Training and Technical Assistance, Policy and Communications and Litigation. This session ensured that all board members are not only grounded in their responsibilities but also in the work of the organization.

Empire Justice continues to invest time and resources in diversity, equity, inclusion and accessibility (DEIA). Our internal DEIA Workgroup meets regularly and helps shape our internal training calendar and agenda. With the support of Leadership, the DEIA committee invested time and money in a multi-session training for all staff aimed at improving the experiences of trans, nonbinary and gender non-conforming clients and employees, and creating environments and services that are not only welcoming, but relevant to their well-being, using trauma-informed, anti-racist and harm-reduction frameworks. Part 1 was a 2-hour foundational training, and multiple sessions were offered. Part 2 represented group-specific training, with a more focused and legal issue-specific session for our practice groups. All supervisors are now required to complete a course from the Management Training Center, which incorporates principles of diversity, equity and inclusion.

IMPACT CASES

Amin v. Kijakazi, 15-cv-07429 (EDNY) –

Impact: an estimated 571,000 recipients of Supplemental Security Income (SSI) benefits in NYS.

Description: the lawsuit complained of the systemic failure by the Social Security Administration (SSA) to timely process non-disability appeals. Payment continuation during an SSI non-disability appeal is known as GoldbergKelly benefits, after the Supreme Court case that established the right to advance notice of adverse action. SSA routinely lost, refused to accept, or failed to follow procedures to docket appeals; as a result numerous SSI claimants lost their right to continued benefits. The case was originally filed in 2015 by NYLAG and Queens Legal Service, with Urban Justice Center, Empire Justice Center, Justice in Aging, and pro bono law firm Arnold and Porter subsequently joining.

Outcome: On April 3, 2023, the court approved a final settlement providing for national changes to systems and policy. SSA agreed to: enhance IT systems to improve processing of these claims; maintain those systems for 3 years from the date of the settlement; expand the Goldberg Kelly appeal period from 10 to 60 days; convert the policy into a permanent guidance and initiate rulemaking to amend the regulation (20 CFR 416.1336) to extend the 10-day filing deadline. SSA also agreed to find an appeal was timely filed if received during the field office closures of 3/17/20 through 4/7/2022 and there was otherwise no indication of filing date.

750,085
Beneficiaries
were affected
by **14 Impact**
Cases

All Impact Cases:

- *Amin v. Kijakazi*
- *Karamalla v. Devine*
- *Anderson v. Roberts (NCLEJ)*
- *Marquez v. Reed*
- *Ash v. Crossdale*
- *N.N. v. Rochester City School District*
- *Ball v. Romich Enterprises*
- *Newkirk v. Pierre (NCLEJ)*
- *Crescent Apartment Enterprises, LLC v. Williams, et al.*
- *Ruth, as Administratrix of Estate Lucia Consiglio v. Elderwood at Amherst et al*
- *Hills v. Hein (NCLEJ)*
- *Stewart v. Roberts*
- *Inzinga v. DOL*
- *Travis v. Mossman*

PRO BONO VOLUNTEERS

CASH is a community coalition led by Empire Justice Center that helps working families with low-to-medium incomes build stronger financial futures and increase their incomes through the Earned Income Tax Credit. Trained volunteers assist in preparing and filing tax returns free of charge, helping clients open bank accounts, obtain prepaid cards and purchase Savings Bonds. Volunteers also provide information on predatory lenders so those who receive significant refunds do not fall prey to predatory practices. During the last year, 102 C.A.S.H. volunteers donated 4,766.64 volunteer hours to provide services for 2,701 households who claimed \$5,486,918 million in Federal and NY State tax refunds and credits.

Law Students/Volunteer Interns – This past year Empire Justice and JustCause had 13 law student interns and volunteers who contributed 2,035.38 hours. Empire Justice involves law students in many aspects of our work, particularly through the local law schools – Albany, Touro and Pace – and our Chief Strategy Officer is forging close relationships with other local law schools to strengthen our pipeline of interns and law students. Interns have the opportunity to conduct intakes for a number of potential clients on a wide variety of issues, conduct outreach, FOIL data, and update the Fair Hearing Bank for which they review, summarize, redact, scan and post.

Attorneys Emeritus Program – Empire Justice and JustCause are approved AE host organizations. We were collectively host to 16 Attorneys Emeritus during the reporting period who contributed 433.35 hours of legal work. Pro Bono Attorneys – As noted elsewhere, JustCause is a well-recognized leader in the pro bono movement. Empire Justice Center strategically partners with private attorneys who act as co-counsel on cases, and is expanding its outreach to local law schools to bolster our pro bono attorney engagement. This year Carolyn Nussbaum won the NYSBA Pro Bono Award for her work with Empire Justice. During the 2022-23 grant period, 185 attorneys provided 3394.32 hours.

185 Attorneys volunteered 3,394 hours

13 Law Students volunteered 2,035 hours

143 Other Volunteers volunteered 5,476 hours

SIGNIFICANT COLLABORATIONS

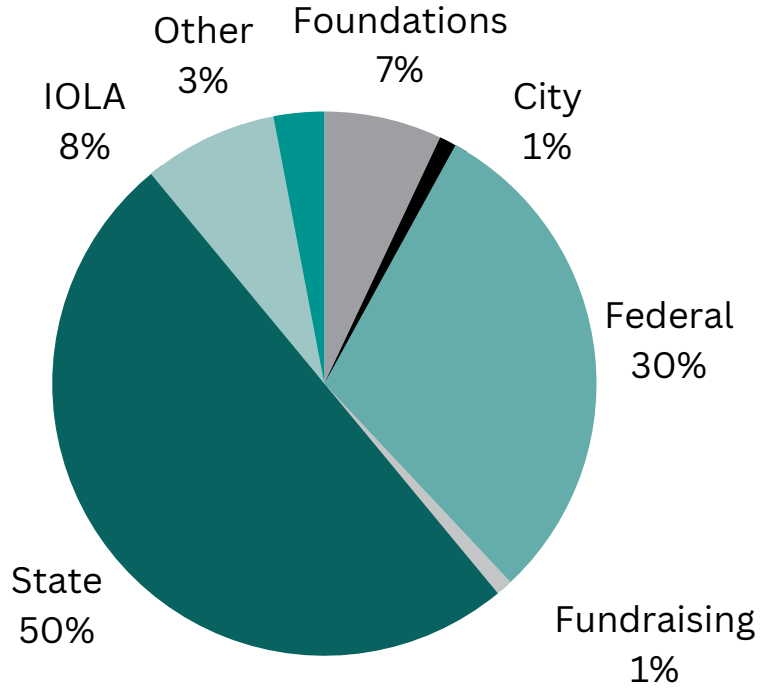
We continue to work collaboratively on many fronts. We subcontract with JustCause on our IOLA contract, whose mission is to ensure the existence of a readily available panel of skilled volunteer attorneys to resolve serious legal problems and has been recognized by the American Bar Association (ABA) and the New York State Bar Association (NYSBA) as a leader in the pro bono movement. 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). 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 Nassau Suffolk Law Services to provide services to tenants facing eviction, with Empire Justice representing undocumented immigrants. The demand has led us to open an additional office in Hempstead. We joined as a participant in the Campaign for Justice with our fellow legal services tenants in the Telesca Center for Justice, hiring a shared Development Officer to combine our fundraising efforts in Monroe County. A new fully collaborative Fund for Justice will launch in the fall of 2023 with the goal of increasing unrestricted funding for all so that we can serve more families in the community. The Monroe County Language Access Coalition, which we chair as part of our Language Justice Program, brings together the courts, legal services providers, utility 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.

We partnered with Common Ground Health to make accessible their [My Health Story 2022](#) survey, designed for residents in the 12-county Western NY region to share information about their health and other circumstances that impact their well-being. To accommodate differing levels of literacy, the survey questions were available in text-to-speech format, as well as in American Sign Language. We received feedback that this methodology of survey distribution was a groundbreaking example of conducting inclusive surveys. 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 will develop litigation strategies and advocacy support to address any systemic issues that arise.

SOURCES OF FUNDING

Empire Justice Center received **\$11,682,623** in total funding this past year



State Funding	\$5,765,084
Federal Funding	\$3,521,983
IOLA Grant	\$952,764
Foundations	\$795,524
Other Funding	\$415,235
City and County Funding	\$149,867
Fundraising	\$82,166