



JUSTICE



OPPORTUNITY



FAIRNESS

NATIONAL
CENTER FOR
LAW AND
ECONOMIC
JUSTICE

Report **2006 & 2007**

Mission

Advancing the cause of economic justice for low-income families, individuals, and communities across the country.

Values

Because NCLEJ's Board and staff believe that this nation should strive to ensure that no one lives in poverty, we subscribe to the following values:

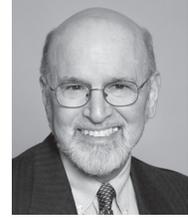
- Income Security:** Income security is a basic goal and fundamental defense against poverty.
- Access to Employment:** Low-income people should have full opportunity to participate in all forms of education, training, and services to help them secure and retain living wage jobs.
- Fair Treatment:** Fairness must be the foundation of government administration.
- Public Accountability:** Governmental decision-making and administration should be open, accessible, and responsive to constituents.
- Access to Justice:** Low-income people must have effective access to the justice system to challenge violations of their rights, secure effective relief, and gain greater public accountability.
- Fair and Safe Workplace:** All workers should be assured a safe workplace, a living wage, and full protection from discrimination.
- Community Action:** Community action and coalition building should be encouraged at the local, state, and national level as powerful strategies for social change.
- Civic Participation:** Low-income individuals and their communities should have a voice in shaping the public policies that affect their lives.





Paul M.
Dodyk

From the **CHAIR** and **EXECUTIVE DIRECTOR**



Henry A.
Freedman

NCLEJ's brand of creative lawyering and advocacy – and flexibility in response to changed circumstances – remains critical to protecting low-income families as our country once again experiences challenging economic times.

This creativity and flexibility has led us into new arenas, such as defending persons who lost their homes in Hurricanes Katrina and Rita and were then mishandled by FEMA. Through our efforts, two thousand evacuees with disabilities obtained accessible housing, and many others had desperately needed housing benefits extended. NCLEJ's expertise in individuals' rights to due process and to accommodations for persons with disabilities were critical in addressing these new programs.

Our commitment to coordinated, collaborative strategies led us into new partnerships with public interest lawyers, public-spirited law firms, and policy advocates around the country, as summarized in the pages that follow.

While NCLEJ has pursued the cause of economic justice for 43 years, it is in the past two years that “economic justice” has become a part of our name. In 2006, we took the important step of changing our name from Welfare Law Center to National Center for Law and Economic Justice. This change was the product of thorough reflection and discussion.

We concluded that “welfare” no longer described the broadened scope of our work on a wide range of critical supports for low-income people – supports such as food stamps that help working families get enough to eat each month; Medicaid and other health benefits that make it possible for adults to maintain employment and children to succeed in school; child care for women who seek to continue their education, become employed, and stay employed; and education and training programs for people preparing for employment that will move them out of poverty.

Our new name expresses our vision of a society in which all individuals and families have the resources they need to maintain a decent standard of living and take full advantage of opportunities to better their lives and the lives of their children.

We thank NCLEJ's Board of Directors, an extraordinary group of lawyers and community leaders, who have been so dedicated and supportive. Our experienced staff has continued to produce truly impressive results. A diverse range of committed supporters from the law firm, corporate, and foundation worlds, as well as hundreds and hundreds of individuals, have made the work described in this report, and our confidence in the future, possible, and we thank you all.

Paul M. Dodyk
Chair, Board of Directors

Henry A. Freedman
Executive Director

Advocating for the Rights of **LOW-INCOME PEOPLE**

NCLEJ has forged an ambitious agenda of litigation, policy advocacy, and support for organizing to advance the cause of economic justice for low-income families and individuals throughout this country. We are fortunate to work in partnership with policymakers, public interest advocates, private law firms, legal services lawyers, academics, and grassroots groups.

Litigation

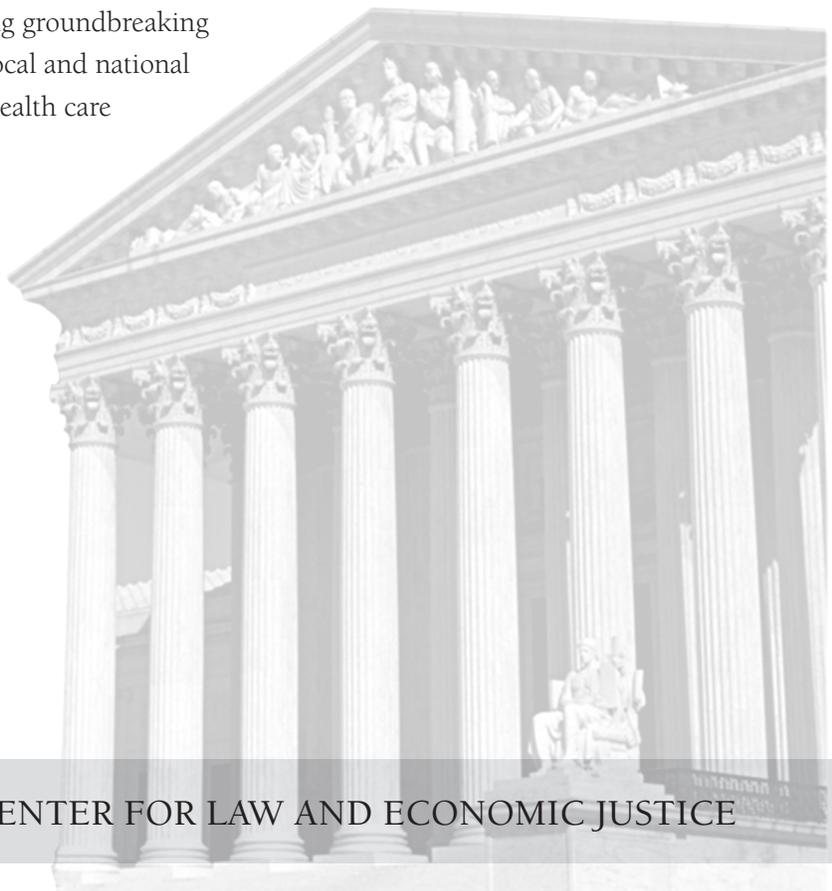
NCLEJ is a national leader in using impact litigation to assure that low-income people get the benefits to which they are entitled and that government agencies administer programs fairly. For tens of thousands of vulnerable families and individuals, NCLEJ's litigation has secured their access to Medicaid, food stamps, and cash assistance, protected their civil rights, and improved their opportunities to move out of poverty. NCLEJ collaborates with local legal aid providers, public interest lawyers, and private attorneys across the country.

Policy Advocacy

NCLEJ uses its expertise to identify and promote the adoption and proper implementation of creative and effective policies to improve the delivery of public benefits to low-income families and individuals. Our advocacy efforts include convening meetings and conference calls, publishing groundbreaking articles on issues facing low-income people, presenting at local and national conferences, and collaborating closely with policymakers, health care advocates, and others.

Support for Grassroots Advocacy

Throughout its history, NCLEJ has worked with and in support of many grassroots groups of low-income people who seek to participate fully in the democratic process.



Preserving Critical HEALTH CARE COVERAGE

NCLEJ's aggressive advocacy protected access to crucial health care benefits for low-income families and individuals across the country.

Saved health coverage for thousands of Missouri children

Low-income children in Missouri were losing health care coverage for six months for minor infractions, such as a premium payment being a day late because the State failed to take an automatic deduction from a checking account. In *Julia M. v. Scott*, the first lawsuit of its kind, the federal court issued a preliminary injunction blocking the State from terminating the coverage of up to 20,000 Missouri children who receive their health coverage through MC+ for Children, the State Children's Health Insurance Program, without providing constitutionally mandated notice and an opportunity to be heard. We subsequently settled the case.

Alleviated New Hampshire delays in processing Medicaid applications

Low-income persons who applied to the New Hampshire Department of Health and Human Services for Medicaid on the basis of disability had to wait far too long – in some cases more than a year – for a determination of eligibility, far in excess of the 90 days allowed by federal regulations. When plaintiffs in *Carter v. Stephen* sought to compel the State to act in a timely manner, the defendants themselves asked that judgment be entered against them. We worked with local New Hampshire counsel to shape both the settlement spelling out the actions the State must take and plaintiffs' submissions to the federal court, and we continue to provide advice.

Expanded our health policy focus to benefit additional New Yorkers

NCLEJ significantly expanded its focus on health policy in 2007. By adding key staff, we were able to participate actively in policy coalitions including Medicaid Matters New York and an ad hoc working group on Medicaid simplification and streamlining. We shared information and recommendations focused on strengthening and improving access to Medicaid with stakeholders across the State, including representatives of the New York State Assembly, the State Health Department, and the Governor's office.



Fighting for the Rights of KATRINA and RITA EVACUEES

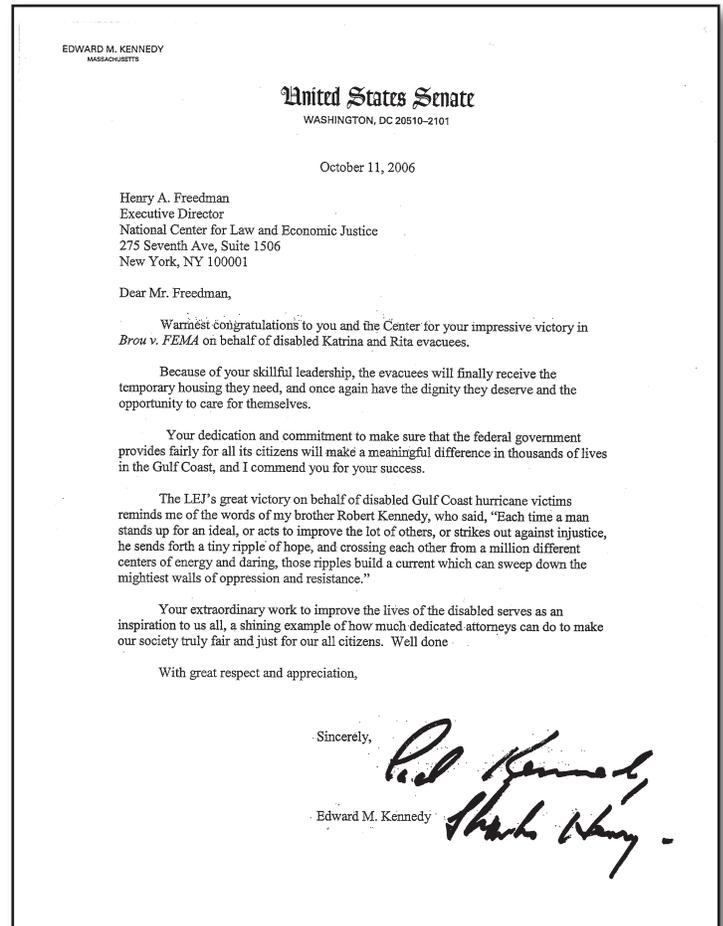
During the past two years, NCLEJ staff fought vigorously to protect the rights of low-income people displaced by the hurricanes that devastated the Gulf Coast region in 2005.

Secured accessible housing for thousands of Gulf Coast evacuees with disabilities

Some 2,000 evacuees of Hurricanes Katrina and Rita with disabilities were provided with accessible trailers as the result of our federal class action settlement (*Brou v. FEMA*). We filed the lawsuit in Louisiana on behalf of 16 Katrina and Rita evacuees with disabilities who lived in Louisiana or Mississippi before they were displaced. Although FEMA estimated that some 25% of Katrina evacuees had some type of disability and approximately 8% needed accessible trailers, it had provided accessible trailers to less than 2% of the evacuees from Louisiana and Mississippi at the time the case was filed. Under the settlement, FEMA set up toll-free numbers for evacuees from Louisiana and Mississippi and launched an outreach campaign to let people know about their rights to accessible trailers, and agreed that 10% of the trailers it purchased for Katrina and Rita evacuees after June 1, 2006 would meet Uniform Federal Accessibility Standards.

Addressed FEMA's failure to provide effective communication to persons who are deaf and hard of hearing

NCLEJ took a leadership role in communicating with FEMA concerning the agency's failure to provide effective communication to Katrina evacuees who are deaf and hard of hearing. After FEMA refused to accept text telephone (TTY) calls by deaf and hard of hearing individuals using video and audio relay services, citing its policy of refusing to communicate through intermediaries, we filed a civil rights complaint against FEMA. The complaint also challenged FEMA's failure to answer its TTY Disaster Assistance Hotline and train staff on using TTYS. In response, FEMA promptly



Senator Kennedy praises NCLEJ's success on behalf of Gulf Coast evacuees with disabilities.

instructed staff to allow deaf and hard of hearing individuals using relay services to call the agency, improved staffing of its TTY number and trained staff on TTYs, issued a policy on accommodating deaf and hard of hearing individuals, and agreed to review existing accommodation policies and make necessary changes. An internal document stated that FEMA's policy "was developed after we received a letter of complaint from the National Center for Law and Economic Justice on behalf of the deaf and hard of hearing community."

Secured federal court ruling requiring FEMA to deal fairly with evacuees who received rental assistance

The federal court in New Orleans issued a preliminary injunction in *Ridgely v. FEMA*, prohibiting FEMA from

1) terminating rental assistance to victims of Hurricanes Katrina and Rita, 2) seeking recovery of alleged overpayments, and 3) refusing to pay rental assistance to otherwise eligible evacuees whom FEMA believes were previously overpaid – without first giving an adequate written notice and an opportunity for a meaningful pre-termination hearing. In issuing the order, Judge Berrigan criticized FEMA for its lack of responsiveness, observing that "...the defendants appear to treat the plaintiffs and their prospects of homelessness and the despair and stress of such added worries as if it were gnats to be brushed away while the defendants busy themselves with creating more bureaucratic regulations." While the Fifth Circuit reversed the injunction (although FEMA did not appeal the portion of the injunction regarding recovery of overpayments), in the interim the housing program was switched to HUD, and many people were able to keep their housing.

“An internal document stated that FEMA’s policy ‘was developed after we received a letter of complaint from the National Center for Law and Economic Justice on behalf of the deaf and hard of hearing community.’”

“...the defendants appear to treat the plaintiffs and their prospects of homelessness and the despair and stress of such added worries as if it were gnats to be brushed away while the defendants busy themselves with creating more bureaucratic regulations.”

Judge Berrigan

Ensuring **BASIC SUPPORT** for the **NEEDIEST**

NCLEJ's ambitious class-action litigation program combines creative legal strategies with comprehensive factual development to convince courts to order agencies to uphold the law and provide basic support for families and individuals living in poverty.

Stopped New York City from preventing access to public benefits

In 2006, the federal court issued its final judgment in our groundbreaking class action (*Reynolds v. Giuliani*) that derailed the City's unlawful policy of discouraging eligible people from applying for Medicaid, food stamps, cash assistance and emergency aid. The court ruled that the City's policies and practices violated federal and state laws requiring public officials to ensure that needy families can apply for, and obtain, benefits in a timely fashion. As a result, there have been significant improvements in the City's procedures, benefiting many low-income New Yorkers. We continue to monitor compliance with the order.

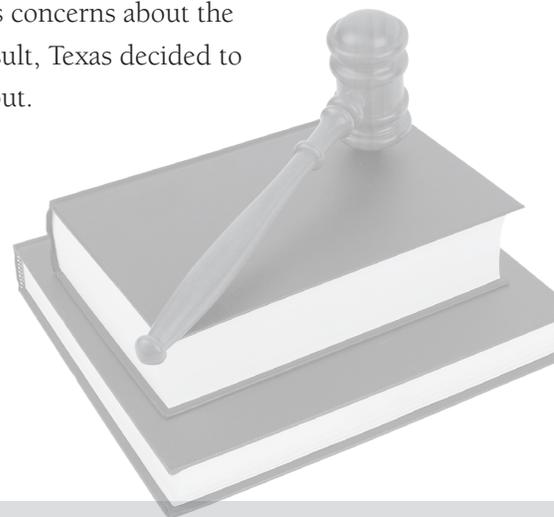
Achieved settlement leading to quicker benefit decisions for thousands of New York families

Every month, hundreds of families in Buffalo will get critical work supports when needed as the result of our settlement in a federal class action (*Martin v. Weiner*) against the Erie County social services commissioner. Plaintiffs complained that applicants in Erie County were required to wait far longer than federal or state law allowed for a decision on their applications, and that the responsible State agencies ignored the problem. Under the settlement, the Erie County Department of Social Services agreed to accept and process applications for critical food stamp, Medicaid, and cash assistance

in a timely manner. Also, the County must provide additional training for its staff and the responsible State agencies must actively supervise the County's compliance with the law and the settlement. NCLEJ will continue to work with the Western New York Law Center to monitor and oversee compliance.

Helped delay rollout of the flawed Texas Integrated Eligibility and Enrollment System

Many thousands of low-income children and families lost critical health and other benefits as the result of the failed roll-out of the Texas Integrated Eligibility and Enrollment System, a major cost-cutting initiative that relied on privatized call centers to handle application processing for food stamps, Medicaid, cash assistance, Children's Health Insurance, and other benefits. We worked closely with the Center for Public Policy Priorities to address and monitor problems in the new call center system. As part of our advocacy, NCLEJ staff met with federal food stamp officials to urge them to require Texas to examine the project's effect on those with disabilities and limited English proficiency. Collective advocacy and monitoring focused needed attention on these problems, leading federal officials to express concerns about the program. As a result, Texas decided to delay further rollout.



Achieved settlement striking down barriers to vital food benefits in California

In a major victory for thousands of low-income California families with limited English proficiency, we secured a settlement in a State court challenge to California's failure to comply with federal food stamp translation requirements (*Vu v. Mitchell*). Under the agreement, the State agreed to translate food stamp forms into eight languages – Arabic, Armenian, Cambodian, Farsi, Hmong, Korean, Lao, and Tagalog (and continue to translate forms into Spanish, Russian, Chinese and Vietnamese). The State also agreed to instruct Counties about the settlement, notify them monthly about the availability of new translations, instruct them to use the translated forms, monitor Counties' use of translated forms, and conduct an annual estimate of the language needs of low-income households.

Achieved settlement requiring prompt application processing in Colorado after failure of new computer system

In 2004, despite warnings from advocates and other stakeholders that delays and loss of benefits would likely result for thousands of low-income people, Colorado prematurely rolled out a flawed new computer system for managing application processing and benefit determination for the State's public benefits programs. Along with Colorado counsel, we won a preliminary injunction requiring the State to reduce the huge backlog of applications and take other corrective measures. After extensive negotiations, we reached a settlement in late 2007. Under the settlement in *Davis v. Henneberry*, the State will process applications within the time frames mandated by federal and state law, engage in extensive reporting and monitoring of its performance, set up a free telephone line for applicants and recipients to report problems and get resolution, and take other steps. Beyond the terms of the settlement, the lawsuit helped focus the attention of both the State legislature and the federal oversight agencies on the new system's problems and needed reforms.



Improving Access to Public Benefits for PERSONS with DISABILITIES

More than 30% of welfare recipients suffer from psychiatric disabilities, and an untold number have physical disabilities. Yet many state and local welfare programs fail to comply with the Americans with Disabilities Act (ADA) mandate to provide reasonable accommodations to these persons and make sure that they receive the benefits and services they need and to which they are legally entitled. NCLEJ is a national leader in using the ADA and other laws to improve welfare programs and services for those with disabilities.

Achieved restoration of full benefits for 20,000 New York families of children with disabilities

Families with children with disabilities face high costs for medicine, doctor's visits, therapy, transportation, and other expenses related to their children's disabilities. For many years New York took these costs into account in calculating the public assistance grant. Without any change in the law, three years ago New York changed the method for calculating the grant, slashing benefits by some \$2,000 a year for 20,000 families. Those increased benefits will again be paid to all eligible families under the settlement reached in *Doe v. Doar*. Many families will receive retroactive benefits as well.

Secured important policy reforms in the area of disability rights

Around the country

Working with local advocates and welfare agency officials across the country, we have obtained revisions in policies to ensure that people with disabilities have equal and meaningful access to public benefit programs such as cash assistance, state general assistance programs, Medicaid, and food stamps. In Tennessee, working with a coalition of legal services and social services providers, we drafted revisions of the State's welfare manual that were subsequently adopted. In Kentucky, at the request of the State public benefits agency and local advocates, we have undertaken a major initiative to revise the State's cash assistance, Medicaid, food stamp manuals, disability screening tools, and consumer education materials to ensure ADA compliance in these programs. In North Carolina, we assisted local advocates in drafting proposed changes to the State's welfare policy manual to incorporate ADA requirements.

In New York State

As a result of our advocacy, the New York State welfare agency issued a comprehensive policy in 2006 instructing the State's 58 local welfare agencies how to comply with the ADA in the cash assistance and Food Stamp programs. We subsequently launched a major initiative to make this new policy a reality for New Yorkers. At the state level, we persuaded the State to enforce the policy in districts that failed to conduct ADA self-evaluations required by the new policy. At the local level, we reached out to legal services providers, independent living centers serving clients with disabilities, and others to build coalitions using a range of advocacy strategies to ensure that local welfare agencies create comprehensive ADA policies and procedures if they have none, improve inadequate procedures, and comply with those procedures in their programs.

In New York City

We have continued to aggressively monitor and press for reforms in New York City's contractor-operated \$200 million program for serving welfare recipients with disabilities. Documents obtained only after threat of a lawsuit confirmed numerous problems with the program and uncovered many others. Working with a local grassroots organization, we persuaded the City Council to hold oversight hearings and persuaded a City agency that approves contracts to insist on changes before one of the contracts could be renewed. The City Council has asked us to recommend changes in the contracting process to prevent such problems in the future.

Provided critical assistance and guidance to advocates

Over the last two years, we have trained hundreds of legal advocates, social service providers, and others on how the ADA can be used to obtain systemwide improvements in public benefits programs and protect the rights of individual clients in those programs, and have provided technical assistance to over 100 advocates across the country on these issues. NCLEJ staff also wrote the article, "New Provisions of the Temporary Assistance for Needy Families Program: Implications for Clients with Disabilities and Advocacy Opportunities," which appeared in the January-February 2007 issue of *Clearinghouse Review* as part of a special issue on what the changes in the welfare law meant for people with disabilities.

“NCLEJ has been a leader and a wonderful partner with local advocates in the effort to ensure that disabled persons have access to public benefits programs. Cary LaCheen is “the” national expert with respect to the application of the Americans with Disabilities Act to public benefits programs. She is highly respected by both advocates and state welfare officials. After she met with State officials here in Tennessee, we were able to obtain significant improvements in the State’s ADA policies.”

Russ Overby
Managing Attorney
Legal Aid Society of Middle Tennessee and the Cumberland

PROMOTING EMPLOYMENT by Ensuring Education, Training, and Child Care

Getting, and keeping, a job is a growing challenge in our highly complex and competitive job market. The need for NCLEJ's efforts continued unabated, as state and local governments all too frequently denied much-needed access to education and training, assigned low-income parents to dead-end, make-work tasks that do not lead to real jobs, and failed to provide desperately needed child care. NCLEJ successes have ensured that many more people will have the necessary education, skills and child care they need to get and keep jobs that will pay enough to enable them to support themselves and their families.

Secured and supported access to education and training in New York City

We achieved significant improvements in policy and practice through an earlier settlement we negotiated in our groundbreaking class action (*Davila v. Eggleston*). This settlement – the first in the nation – obligates New York City to respect the education and training preferences of recipients to the extent possible. Since almost 50% of recipients do not have a high school diploma or GED, a shift toward education is crucial to ensuring future participation in the job market.

Toward that end, we developed materials on recipients' rights to education and training and helped design and implement a citywide outreach strategy to distribute and train advocates on these materials. We also provided research, policy analysis, and advice to local advocates on education and training issues. We reviewed training materials and policy guides, worked on monitoring and tracking protocols, and used the informal relief system to provide assistance to clients who fell between the cracks. As a result, many more people now have access to education and training, including the opportunity to enroll in vocational training and two-year colleges.



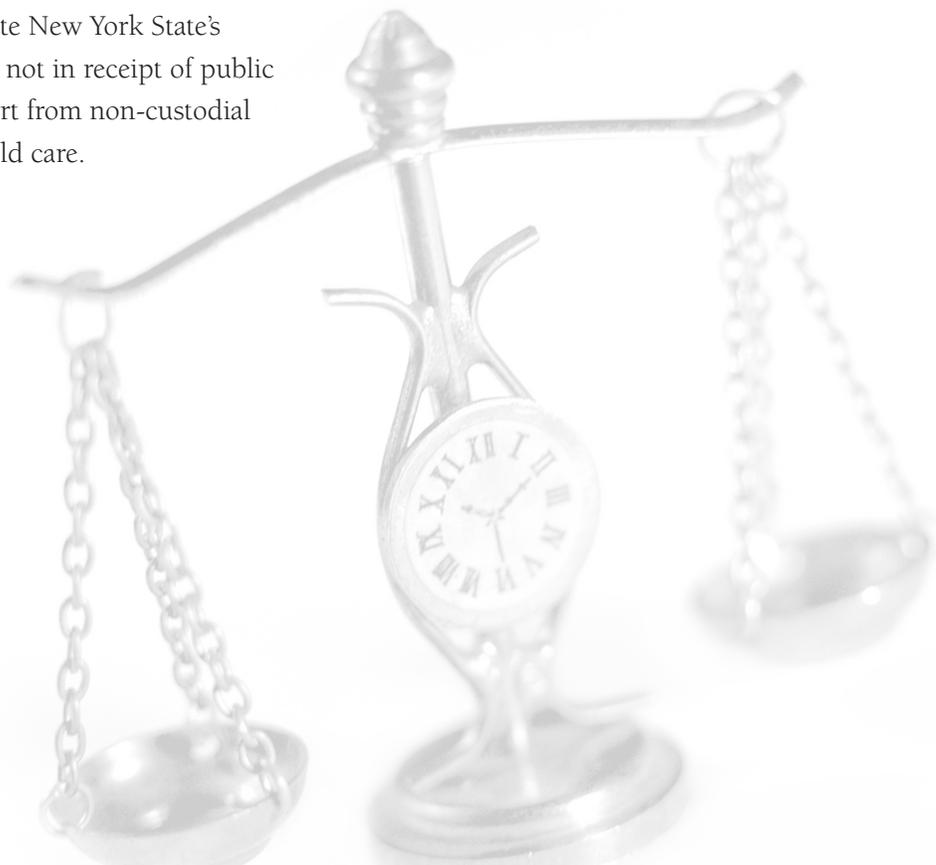
“Consistently for over four decades, the staff of the Center has done superb legal work in the very difficult area of poverty law... It is not an overstatement to say that the Center has through its litigation and research been the outstanding pioneer in this area.”

Frances Fox Piven
*Distinguished Professor of Political Science and Sociology
The Graduate Center, City University of New York*

Promoted child care for working parents

As advocates for increased access to safe, affordable child care for low-income working families, we worked to ensure that parents and children are not unreasonably excluded from this crucial work support because of unnecessary and burdensome obstacles. First, we challenged the unfair, costly fees that many low-income families must pay towards subsidized child care. We also worked to eliminate New York State's onerous requirement that single, working parents not in receipt of public assistance seek formal, court-ordered child support from non-custodial parents as a condition of obtaining subsidized child care.

We advocated for a voluntary child support enforcement education program that would educate single parents about the benefits of child support without withholding much-needed care when formal child support enforcement is not an option. Finally, we continued working to shape state-level child care, child development, and early education policy and spur action by the legislature to improve child care quality, availability, and services. We conducted trainings for parents and family advocates on securing access to subsidized child care.



In 2007, we were pleased to present the James Corman Award for public service to Congressman Charles Rangel. This award honors individuals in public service who have devoted their lives to the cause of economic justice.

For many years, James Corman was an outstanding leader in Congress in the struggle for economic justice. After leaving Congress, James Corman joined NCLEJ's Board. He was an inspiration to us, and exemplified the kind of leadership America needs today to assure economic justice for all.

Prior recipients of the Corman award include Senators Chuck Schumer and Ted Kennedy, Peter Edelman, and Wendell Primus.

HONORING CHAMPIONS of Economic Justice

NCLEJ's annual economic justice awards dinner provides the opportunity to honor those individuals and institutions whose efforts have made a difference in improving the lives of low-income people. During 2006 and 2007, we were pleased to honor the following for their outstanding contributions:

2007

James Lipscomb

Executive Vice President and General Counsel, MetLife, Inc.

Cynthia Nixon

Award-winning actress and education advocate

Rep. Charles Rangel

Chair, House Ways and Means Committee

Jillynn Stevens

Director of Policy, Advocacy, and Research, Federation of Protestant Welfare Agencies

2006

Google, Inc.

Accepted by Sheryl Sandberg, Vice President of Global Online Sales and Operations

Nell Hahn

Advocate for low-income people in the Gulf Coast region

Joseph Stiglitz

Professor at Columbia University and Chair of Columbia University's Committee on Global Thought

Teresa Benitez Thompson

Former Miss Nevada and an advocate for low-income people

Thanks to the law firms that provided *pro bono* assistance to the matters described in this report:

Dewey & LeBoeuf LLP

Hogan & Hartson LLP

Kirkland & Ellis LLP

Sonnenschein Nath & Rosenthal LLP

Steptoe & Johnson LLP

Weil Gotshal & Manges LLP

Thanks to our colleagues in the fight for economic justice!

Advocacy Center (LA)	Lawyers for Children (NYC)	New York Legal Assistance Group (NYLAG)
Bay Area Legal Aid (CA)	Legal Aid of West Virginia	Northern Manhattan Improvement Corporation (NYC)
Center for Law and Social Policy (DC)	Legal Aid Service of Broward County (FL)	Public Interest Law Project of California
Center for Public Policy Priorities (TX)	Legal Aid Society (NYC)	Resilience Advocacy Project (NYC)
Center on Budget and Policy Priorities (DC)	Legal Aid Society of Middle Tennessee and the Cumberlandds	Sargent Shriver National Center on Poverty Law
Coalition of California Welfare Rights Organizations, Inc.	Legal Momentum	Southern Tier Legal Services, a division of Legal Assistance of Western New York, Inc. (NY)
Colorado Center on Law and Policy	Legal Services of New Jersey	Southeast Public Benefits Training and Advisory Group
The Committee for Hispanic Children and Families (NY)	Legal Services of Northern California	Tennessee Justice Center
Community Health Law Project (NJ)	Legal Services of Southern Piedmont (NC)	Texas Appleseed
Community Service Society of New York	Legal Services New York City	Texas Legal Services Center
Community Voices Heard (NYC)	Medicaid Matters New York	Urban Justice Center (NYC)
Direct Action Welfare Group (WV)	Mississippi Center for Justice	Virginia Poverty Law Center
The Door (NYC)	National Employment Law Program	Welfare Reform Network (NYC)
Empire Justice Center (NY)	National Health Law Program	Western New York Law Center (Buffalo, NY)
Equal Justice Works	National Law Center on Homelessness and Poverty	William E. Morris Institute for Justice (AZ)
Federation of Protestant Welfare Agencies (NYC)	National Legal Aid and Defender Association	Winning Beginning NY
Florida Legal Services	Neighborhood Legal Services (Buffalo, NY)	
Hunger Action Network of New York State	New Hampshire Legal Assistance	
Kentucky Equal Justice Center (formerly Office of Kentucky Legal Services)	New Mexico Center on Law and Poverty	

Financial Information

	2007	2006
Public Support and Revenue		
Public Support		
Contributions	\$ 342,405	\$ 426,680
Grants	643,733	308,252
Special Events	460,863	401,796
Donated Services	<u>19,229</u>	<u>29,784</u>
Total Public Support	1,466,230	1,166,512
Revenue		
Attorney Fees	756,532	159,184
Consultation Fees	300	300
Interest and other	<u>47,483</u>	<u>32,315</u>
Total Revenue	804,315	191,799
Total Public Support and Revenue	2,270,545	1,358,311
Expenses		
Program Services	1,182,380	1,122,828
Management and General	152,693	142,904
Fundraising	<u>387,539</u>	<u>352,009</u>
Total Expenses	1,722,612	1,617,741
Increase (decrease) in net assets before realized and unrealized gain on investment	547,933	(259,430)
Net realized and unrealized gain on investment	<u>6,450</u>	<u>3,657</u>
Increase (decrease) in net assets	554,383	(255,773)
Net assets, beginning of year	<u>872,753</u>	<u>1,128,526</u>
Net assets, end of year	<u>1,427,136</u>	<u>872,753</u>

Full report may be obtained by request from State of New York, Office of the Attorney General, Charities Bureau, 120 Broadway, New York, NY 10271.

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Jennifer Rosenberg
Max Shterngel
Camaker Thomas-Heyward
Rachel Wainer
Stephanos Zannikos

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