

ADVANCING ECONOMIC JUSTICE

Joining with Low-Income People to Fight for Fairness



Summer 2016

MARC COHAN TAKES THE HELM AT NCLEJ

NCLEJ's Board of Directors elected **Marc Cohan** as the organization's new Executive Director, effective July 1, 2016. Marc has served as NCLEJ's Director of Litigation since 1998.

"On behalf of the Board of Directors of NCLEJ, I welcome Marc to his new role as Executive Director," said NCLEJ Board Chair Jennifer Selendy. "Marc is a highly regarded leader among our colleagues across the country. He has a deep commitment to NCLEJ's mission, which he has demonstrated through four decades of civil rights and anti-poverty advocacy. His tireless efforts have helped to alleviate the devastating effects of poverty for millions of people across the United States."



"For five decades, NCLEJ's partnering with low-income communities, cutting-edge policy advocacy, and impact litigation at the intersection of civil rights and poverty have brought about innovative outcomes, shaped the fabric of poverty law, and improved the lives of millions. NCLEJ's staff, Board, community and legal partners, and supporters will continue to be essential to our success," Marc observed, "and it could not be more of an honor to work with NCLEJ in its ongoing mission."

Marc joined NCLEJ as a Staff Attorney in 1996 following nine years as Director of the Government Benefits Unit at South Brooklyn Legal Services and 16 years in impact litigation in various organizations. He has served as lead counsel in many major public benefits cases in New York City and across the country, developing new litigation and legal arguments to impel systemic reform. Before graduating law school, Marc worked for five years as a community organizer and advocate.

"His tireless efforts have helped to alleviate the devastating effects of poverty for millions of people across the United States."

— Jennifer Selendy, NCLEJ Board Chair

Marc has written numerous self-help materials and manuals for advocates, and has co-authored articles for Clearinghouse Review and other publications. He is also an adjunct faculty member at Columbia University School of Law. He was recognized by the Bar of the City of New York as one of the Legal Services Lawyers of the Year in 1996 and, in 2000, won the New York State Bar Association Denison Ray Award for his extraordinary commitment and leadership.

Earlier this year, Executive Director **Margarita Rosa, Esq.** advised the Board of NCLEJ of her plans to leave the organization at the conclusion of her one-year commitment as Executive Director on June 30, 2016.

"I am proud of NCLEJ's good work during our year together. We can all be assured of NCLEJ's lasting positive impact on constituents past, present, and future. Throughout my entire professional career, I have and continue to remain true to the values and mission upheld by NCLEJ — to advance the cause of economic justice for low-income families, individuals, and communities across the country. I look forward to continuing my relationship with NCLEJ as a friend and supporter," explained Margarita, who is leaving her post to continue working on independent projects in the field of social justice, as well as to assess new professional opportunities.

Jennifer Selendy said in a statement, "Over the last 12 months, NCLEJ has benefited from Margarita's guidance and leadership; she leaves NCLEJ a more dynamic organization. We would like to take this opportunity to thank her for her tireless work and wish her personal and professional success."

Before taking up the helm at NCLEJ, Margarita, a Harvard Law School graduate and Princeton University Trustee, served as Executive Director of Grand Street Settlement for two decades and was Commissioner of the NYS Division of Human Rights and a member of Governor Mario M. Cuomo's cabinet.

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MARC COHAN
Executive Director

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NCLEJ Launches Project to Combat Pregnancy Discrimination Among Low-Wage Workers

Pregnancy discrimination is rampant in low-wage industries, particularly impacting immigrant women and women of color. Ms. P., a working mother in New York City, found this out the hard way. Ms. P. had been a member of the cleaning staff of a Manhattan office building for several years and had a good relationship with her employer – that is until that employer found out that she was pregnant.

The employer then began a campaign of harassment, including changing Ms. P.'s hours to ones that she was unable to work due to caring for young children and refusing to change them back. The employer also deprived her of cleaning supplies and denied her access to safety equipment, both of which were necessary to effectively do her job.

However, NCLEJ is on the case. Staff Attorney **Katie Deabler** recently filed a pregnancy discrimination complaint with the New York City Commission on Human Rights on Ms. P.'s behalf. If we are successful, Ms. P. will be entitled to return to her job and will be paid for the time she missed. In addition, the stricter pregnancy discrimination laws recently enacted in New York City and State will be enforced.

This complaint marks the launch of a new initiative for NCLEJ. We plan to file more complaints on behalf of pregnant victims of discrimination. We are also spearheading a procedure for recruiting pro bono law firm associates, who would be trained by NCLEJ legal staff, to file complaints on behalf of pregnant women subject to unlawful discrimination.



Photo credit: Pixabay

Groundbreaking Settlement Relieves Debt for Hundreds of Thousands of New Yorkers

Abusive debt collection practices are a scourge among low-income populations, targeting the most vulnerable people and largely impacting communities of color. Debt collectors often fail to serve notices of lawsuits, so that people are unaware of the legal proceedings against them. When these people do not show up in court, the debt collectors will almost always win a default judgment against them.

NCLEJ's **Claudia Wilner** worked closely with the New Economy Project, which, along with MFY Legal Services and Emery, Celli, Brinckerhoff & Abady, filed a class action lawsuit, *Sykes v. Mel S. Harris & Associates*. The suit alleged massive debt collection abuse in the New York State courts by multiple debt-buying companies, a law firm, and a process-serving firm.

In May, the U.S. District Court approved a historic settlement, which will return \$60 million to approximately 355,000 low-income people and extinguish more than \$1 billion in alleged debt. The courts are also expected to vacate nearly 200,000 fraudulently obtained default judgments. In the words of Judge Denny Chin, the settlement "will have an immediate and enormously positive impact on the lives of many."

We've Been **Busy**

NCLEJ Staff Advocate for Low-Wage Workers

Dodyk Fellow Leah Lotto and Staff Attorney Katie Deabler have continued their work on behalf of low-wage workers, representing NCLEJ in the Worker Protection Coalition, which was formed to advocate for improvements in New York State's Workers' Compensation System. Leah has also participated actively in the SWEAT Coalition to combat wage theft, visiting Albany in April with low-wage workers who support efforts to make it easier for employees to retrieve unpaid wages.



Claudia Wilner Attends Economic Justice Summit

In May, Senior Attorney Claudia Wilner attended the Economic Justice in the Courts Summit, convened by the Southern Poverty Law Center, which brings together leading practitioners and researchers from across the country who are working to ensure that courts treat people fairly regardless of economic status.

Greg Bass Presents on NCLEJ Litigation at SEPBTAG Conference

Also in May, Senior Attorney Greg Bass attended the SEPBTAG Conference, a meeting of Southeast region legal aid attorneys, in Nashville, where he presented on NCLEJ litigation updates and participated in discussions of food stamps and modernization.

NCLEJ's Nebraska Food Stamps Victory Approved

In April, NCLEJ's class action settlement was approved by the District Court of Nebraska in a food stamp application delay case, marking a victory for low-income Nebraska families. The case challenged a system-wide failure by the State agency to process food stamp applications and renewals in a timely manner.

Fran Fajana Provides Racial Justice Training

Senior Attorney Fran Fajana is serving as a coach for the Shriver Center's Racial Justice Training Institute, which provides racial justice advocacy training for legal services professionals. She also served as a panelist at the "Students Down the Pipeline: Who Gets Punished?" Conference in Boston in May on the disproportionate discipline of students with developmental disabilities, particularly those of color.

Victory for Medicaid Recipients in New York

In March, the U.S. District Court issued a decision in *Fishman v. Daines* in favor of low-income elderly and disabled New York Medicaid recipients who seek fair hearings to challenge New York State's termination of their Medicaid. NCLEJ filed an amicus brief in the Second Circuit in support of the Medicaid recipients who brought the case.

NCLEJ Article and Google+ Hangout Address Modernized Systems



Executive Director Marc Cohan, Deputy Director Gina Mannix, and Greg Bass authored an article, "How to Protect Clients Receiving Public Benefits When Modernized Systems Fail: Apply Traditional Due Process in New Contexts," for the online public interest law journal *Clearinghouse Community*. The authors also participated in a live Google+ "Hangout on Air" to discuss their work.

Food Stamps Restored to 24,000 in Louisiana

Louisiana restored \$4.3 million in lost food stamps to more than 24,000 low-income adults without dependents effective January 2016. NCLEJ and the New Orleans Workers' Center for Racial Justice had filed suit to challenge an unlawful new policy that cut food stamps to this population. The new governor credits the lawsuit with driving the decision to restore assistance.

\$22 Million Settlement in Georgia

In Georgia, we challenged a system-wide failure to process food stamp applications and renewals. Thanks to our class-action lawsuit, *Melanie K. v. Horton*, nearly 48,000 low-income Georgia families who were wrongly deprived of food stamps are benefitting from a \$22 million settlement.

Board Member Mary Lu Bilek Named Dean of CUNY Law



Mary Lu Bilek

NCLEJ Board member **Mary Lu Bilek** has been appointed as Dean of the CUNY School of Law by the City University of New York's Board of Trustees. Mary Lu has been a member of NCLEJ's Board of Directors for nearly 10 years. She has served as the Dean of the University of Massachusetts School of Law-Dartmouth since 2012 and begins her new role on August 15, 2016.

"I am pleased to congratulate Mary Lu on her new position," says Executive Director Marc Cohan. "She has been a wonderful resource for our Board, and our staff is excited to welcome her back to New York City!"

Welcome New Board Members

In March, NCLEJ's Board of Directors elected **James I. McClammy**, a partner at Davis Polk & Wardwell LLP, and **Jeffrey I. Shinder**, managing partner of Constantine Cannon LLP's New York office, to the Board.

James is a member of Davis Polk's Litigation Department, where he represents financial institutions in a wide range of matters. He is a summa cum laude graduate of Seton Hall University School of Law and a graduate of Yale University. After law school, James clerked in the New Jersey District Court and then on the Third Circuit.

Jeff, who joined Constantine Cannon in 1994, specializes in antitrust counseling and litigation. He graduated from Osgoode Hall Law School in Toronto, Canada, and received a Masters of Law in Trade Regulation from New York University School of Law.

"I am thrilled to welcome James and Jeff to the Board," noted NCLEJ Board Chair Jennifer Selendy. "Their energy and experience will add strength and depth to our already impressive Board ranks."



James I. McClammy



Jeffrey I. Shinder

Thanks, Summer Interns and Externs!



Jacob Onile-Ere, Anna Luft, Sara Amri, and Joshua Van Kirk

INTERNS

Sara Amri

Brooklyn Law School

Anna Luft

The George Washington University Law School

Jacob Onile-Ere

Benjamin N. Cardozo School of Law

Joshua Van Kirk

Brooklyn Law School



Dylan Aluise and Soo Rin Lim

EXTERNS

Dylan Aluise

*Harvard Law School
Sullivan & Cromwell LLP*

Soo Rin Lim

*Vanderbilt Law School
White & Case LLP*

Theresa Lau to Join NCLEJ as a NAPABA Fellow



Theresa Lau

Theresa Lau, a third-year law student at American University Washington College of Law, will join NCLEJ as a two-year Fellow in September. She has been awarded the National Asian Pacific American Bar Association Law Foundation Partners and In-House Counsel Community Law Fellowship to work on issues of access to benefits for Asian American and Pacific Islander women and families.

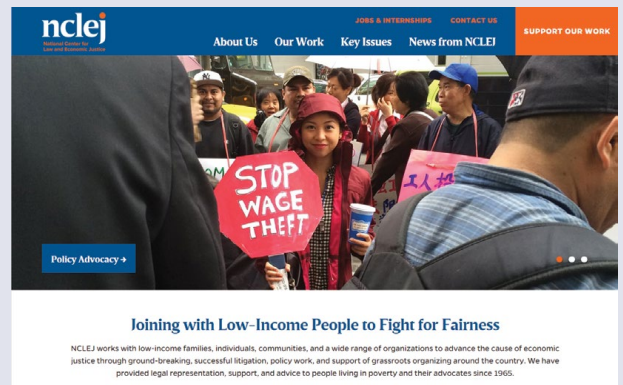
New York City's low-income Asian residents face significant, unique barriers to navigating the Affordable Care Act and Medicaid. Asian populations in New York City have high levels of non-literacy in English, high rates of poverty, and patterns of geographical segregation. NCLEJ's new project, led by Theresa, will address these systemic barriers that keep low-income Asian New Yorkers from the health care benefits to which they are entitled.

Executive Director Marc Cohan noted, "We are grateful for the support of the NAPABA Law Foundation and excited to work with Theresa to increase access to health care for the low-income Asian communities of New York City."

A New Look for NCLEJ Online

NCLEJ launched a new website this year to support our mission to advance the cause of economic justice. The updated and improved website is designed to be more responsive and easier to navigate for NCLEJ's supporters and partners. The website redesign serves not only to modernize NCLEJ's web presence, but to strengthen the organization's online image.

NCLEJ is also now on Twitter. Follow us at @NCLEJustice for NCLEJ news and insights into the challenges facing low-income people in the United States.



Join NCLEJ's Team to Fight for Fairness

Are you interested in joining NCLEJ's dedicated team of attorneys to fight for fairness? We are currently seeking a full-time attorney and applicants to sponsor for 2017 fellowships.

NCLEJ is looking to hire a dynamic and creative attorney to join our vibrant legal team. He or she would enhance NCLEJ's systemic advocacy to secure fundamental fairness and due process for low-income individuals across the country in their dealings with government agencies.

For this new position, we are seeking a full-time lawyer with between four and six years of legal experience. Candidates should have knowledge of and experience with advocacy seeking systemic fairness in the administration of government benefits programs or in related institutional contexts; experience working with diverse community groups and other allies; demonstrated leadership skills; the ability to use a range of tools, including impact litigation, policy advocacy, and support for community organizations to achieve the desired outcome; and a commitment to NCLEJ's mission.

Also, if you are energetic, motivated, and committed to social justice, consider a fellowship with NCLEJ! We are seeking to sponsor recent law school graduates for economic justice project fellowships starting in 2017, including Skadden, Equal Justice Works, and others.

Visit nclej.org/jobs-and-internships for more information.

Gina Mannix Named Deputy Director

NCLEJ is pleased to announce that longtime Program Director Gina Mannix has been named Deputy Director. Gina has been a leader in developing and participating in NCLEJ's advocacy, is highly regarded by colleagues across the country for her expertise in public benefits law, and has a decades long commitment to NCLEJ's mission.

"Gina is a highly regarded leader within NCLEJ and in our wider community," notes Executive Director Marc Cohan. "So many of our successes in the courts and in the policy arena would not have been possible without Gina, and I look forward to working with her in our new roles."



National Center for
Law and Economic Justice

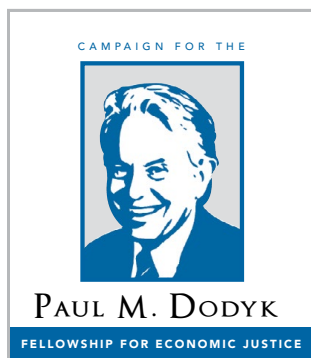
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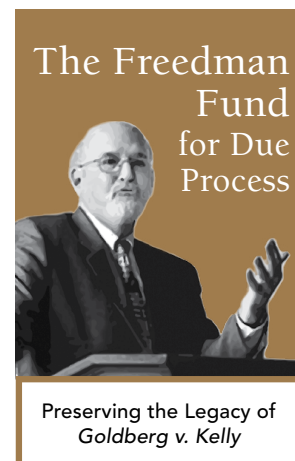
NCLEJ's Paul M. Dodyk Fellowship and Freedman Fund for Due Process: Making Life Better for Those in Need



Our second Paul M. Dodyk Fellow for Economic Justice, **Leah Lotto**, is finishing up her second year at NCLEJ. During her two years, Leah has undertaken tremendous advocacy and litigation work on behalf of low-wage workers. As part of her work, she has been an active member of multiple campaigns and coalitions advocating for better recourse for employees who have had their wages stolen, a higher minimum wage, and better protections for the rights of injured workers.

The Freedman Fund is supporting NCLEJ's advocacy to secure fundamental fairness and due process for low-income individuals in their dealings with government agencies. For

example, our recent *Clearinghouse Community* article on how due process protections apply to applicants and recipients facing "modernized" public benefits systems has generated great interest. We are also addressing states' unlawful implementation of a harsh three-month food stamps time limit for certain adults – issues that we first developed in our successful Louisiana litigation.



To support either of these funds, please go to nclej.org/support and click on the appropriate donation icon.