

ADVANCING ECONOMIC JUSTICE

Joining with Low-Income People to Fight for Fairness

Summer 2017

NCLEJ RESISTS TRUMP THREATS TO ECONOMIC JUSTICE AND CIVIL RIGHTS

NCLEJ was forged in the civil rights movement of the 1960s. We were founded on the simple notion that families should not be homeless, children should not go hungry, the sick should receive medical care, and all people should have a fair opportunity to thrive. At the core of our vision is the principle that society must step up to help those who need help from time to time and that the government should treat the poor and the rich with equal fairness.

NCLEJ's founders believed that all people have a fundamental right to economic security. We fight for those beliefs today. These ideals advance the rights of women, communities of color, immigrants, and others who have been part of the fight for equal justice under the law and fair treatment.

For more than five decades, NCLEJ has fought to make our ideal a reality. Even with significant stumbles along the way, this nation has come closer to being a society in which low-income families have greater opportunity and are treated more fairly. Most recently we have seen the passage of the Affordable Care Act, rising minimum wages in numerous states and cities, the enactment of a robust Consumer Financial Protection Board, expanded food stamp protections, increased protections for low-wage workers, and greater grassroots participation in civic life.

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Like many, we are dismayed by the setbacks since the election of this administration. We look past the outrageous tweets, the distracting battles over crowd size and electoral margins, the constant turmoil, and the very real threats of foreign interference in our elections. We see fundamental attacks on our hard-won social progress. Among the many—just a few:

- The very future of Medicaid and the Affordable Care Act, with its promise of health care for all, hangs in the balance, despite the recent victory in the Senate. Congress is considering bills to gut both Medicaid and the ACA. Meanwhile the administration is allowing states to strip away Medicaid for the needy;

- The Consumer Financial Protection Board, the watchdog for families faced with abusive and unfair debt, is under attack;
- Persistent attacks on immigrants threaten low-wage workers, terrorizing families faced with the very real prospect of having parents ripped away from children and deported; and
- Civil rights protections are being dismantled at every level of the federal government.

We have risen to the fight. We are:

Challenging the Trump Administration's efforts to dismantle the Affordable Care Act and the promise of health care for all.

Combating the Trump Administration's efforts to dismantle public benefits, consumer protections, disability rights, and workers' rights.

Fighting against the Trump Administration's attacks on low-income immigrant communities.

Opposing Trump Administration key appointments to the executive and judicial branches.

Partnering on calls to action, rallies, and trainings to respond to the Trump Administration's actions.

In this newsletter, you can read about some of our successes achieving economic and social justice for low-income people. Please visit our webpage – ncley.org – to read about more of the great work of our staff and allies.

In the coming months, you will hear much more from us as we fight for economic justice in this new and very challenging environment. We will work hard, but we cannot work alone.

There is much you – our friends and supporters - can do. Give to organizations fighting for justice. Volunteer your time. Make your voice heard.

We know if we all stand together, we can prevail. The fight ahead of us will not be easy. But, we are heartened by the great John Lewis's wisdom that "there will be progress, but there will also be setbacks. We must continue to have hope and be steeled in our faith that this nation will one day become a truly multiracial democracy."

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MARC COHAN
Executive Director

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NCLEJ Staff Recognized for Great Advocacy

NCLEJ Honored by NYCOSH at Its Annual Awards Gala



NCLEJ, represented by Staff Attorneys **Leah Lotto** and **Katie Deabler**, was honored by the New York Committee for Occupational Safety & Health (NYCOSH) at its annual awards gala on May 4, 2017. NCLEJ was honored for the great work Katie and Leah did to **expose the New York State Worker's Compensation hearing system's failure to accommodate workers with limited English proficiency** (see p. 3).

Senior Attorney Claudia Wilner Recognized with National Consumer Law Center's Rising Star Award and as a Finalist for Public Justice Trial Lawyer of the Year Award



NCLEJ Senior Attorney Claudia Wilner has been recognized twice for her successful litigation ending a fraudulent debt collection scheme. The National Consumer Law Center presented her with its 2016 Rising Star award. This award honors attorneys who made major contributions to consumer law by trying or settling a case of great success and significance. Claudia was honored along with Carolyn Coffey of MFY Legal Services for their work on the landmark case *Sykes v. Mel S. Harris & Associates*, which challenged widespread abusive debt collection practices in the New York State courts. The federal class action litigation reached settlement last year, with defendants paying nearly \$60 million to low-income people whose bank accounts were seized or wages garnished, and extinguishing more than \$1 billion in alleged debt. As an additional component of the settlement, the New York State courts vacated nearly 200,000 fraudulently-obtained default judgments.

Claudia's streak continues - Public Justice has named Claudia a finalist for their Trial Lawyer of the Year Award for her work in *Sykes*. Congratulations to Claudia and her co-counsel, Emery Celli Brinckerhoff & Abady LLP, MFY Legal Services, Inc., and the New Economy Project for being named finalists.

Marc Cohan Named One of the CSR Responsible 100



Executive Director Marc Cohan has been named by City & State New York, a media company covering government and politics in New York, as one of the CSR Responsible 100. This honor was presented at the Responsible 100 Gala Luncheon on December 15. According to City & State New York, it recognizes some of New York's "most powerful executives, thought leaders, visionaries and influencers, who are setting new standards of excellence, dedication and leadership in improving their communities." Marc was nominated by NCLEJ Board Chair Jennifer Selendy.

We've Been Busy

The amazing staff at NCLEJ has been working hard and achieving great success. In each of our core areas of focus: ensuring basic support; advancing rights of low-wage workers; challenging abusive debt collection practices; and advancing rights of people with disabilities, our advocacy is making a difference.

NCLEJ and ACLU of Rhode Island Achieve Settlement in Challenge to Unlawful Delays of SNAP Benefits

NCLEJ and the American Civil Liberties Union of Rhode Island have reached a settlement with the **Rhode Island** Department of Human Services in a federal court lawsuit, filed in December 2016, challenging the Rhode Island agency's widespread failure to process SNAP (food stamp) applications for the state's neediest residents in a timely manner, in part due to the disastrous roll-out of a faulty new computer system. The settlement in **Gemmell v. Beane** has been approved by the Rhode Island District Court. As a result, hundreds of people every month should receive critical nutrition assistance faster.

NCLEJ Issues Scathing Report on NYS Workers' Compensation Board - It Fails Workers with Limited English Proficiency

In March, NCLEJ and the Worker Protection Coalition released a report, **Compensation Not Open to Interpretation: Language Access in New York State Workers' Compensation Hearings**. The report documents the New York State Workers' Compensation Board (WCB) failure to provide complete and accurate interpretation and, in many cases, no interpretation at all. Consequently, the WCB fails to adequately protect the rights of injured or ill workers to understand and participate in hearings to determine their benefits. Our report identifies serious flaws in the system and offers a blueprint for policy changes that will improve the lives of New York's workers. The full report can be found on our website www.nclej.org.

NCLEJ Wins Motions to Dismiss in Two Cases Challenging Unlawful Food Stamps Terminations

NCLEJ filed federal court class action lawsuits in **Florida** and **New York** challenging the termination of food stamps for hundreds of thousands of low-income individuals when they allegedly became subject to a three month time limit for food stamps. This time limit policy took effect in January 2016 in each state. We allege among other things that both Florida and New York failed to give individuals proper notice of their right to challenge the determination that they subject to the new work requirements and time limits. We also contend that both States' notices violate fundamental due process principles by not providing adequate notice of the rules of the program and what food stamp recipients need to do to comply or be exempted. In both cases, the State moved to dismiss our complaint and, in both cases, the Court ruled with us.

NCLEJ and Greater Hartford Legal Aid Obtain Class Action Consent Decree In Connecticut Food Stamp Delays Class Action

After two losing trips to the Second Circuit Court of Appeals and several years of losing at the federal district court, the State of **Connecticut** finally agreed to settle our class action challenging its failure to give food stamps to needy individuals and families in a timely manner. The class consent settlement ensures that needy people will get the food they need when they need it. To ensure that Connecticut can meet the settlement, the State has undertaken an ambitious plan to improve technology and upgrade the manner in which it processes applications. The Court will retain oversight until the State can show that it has met the requirements of the settlement.

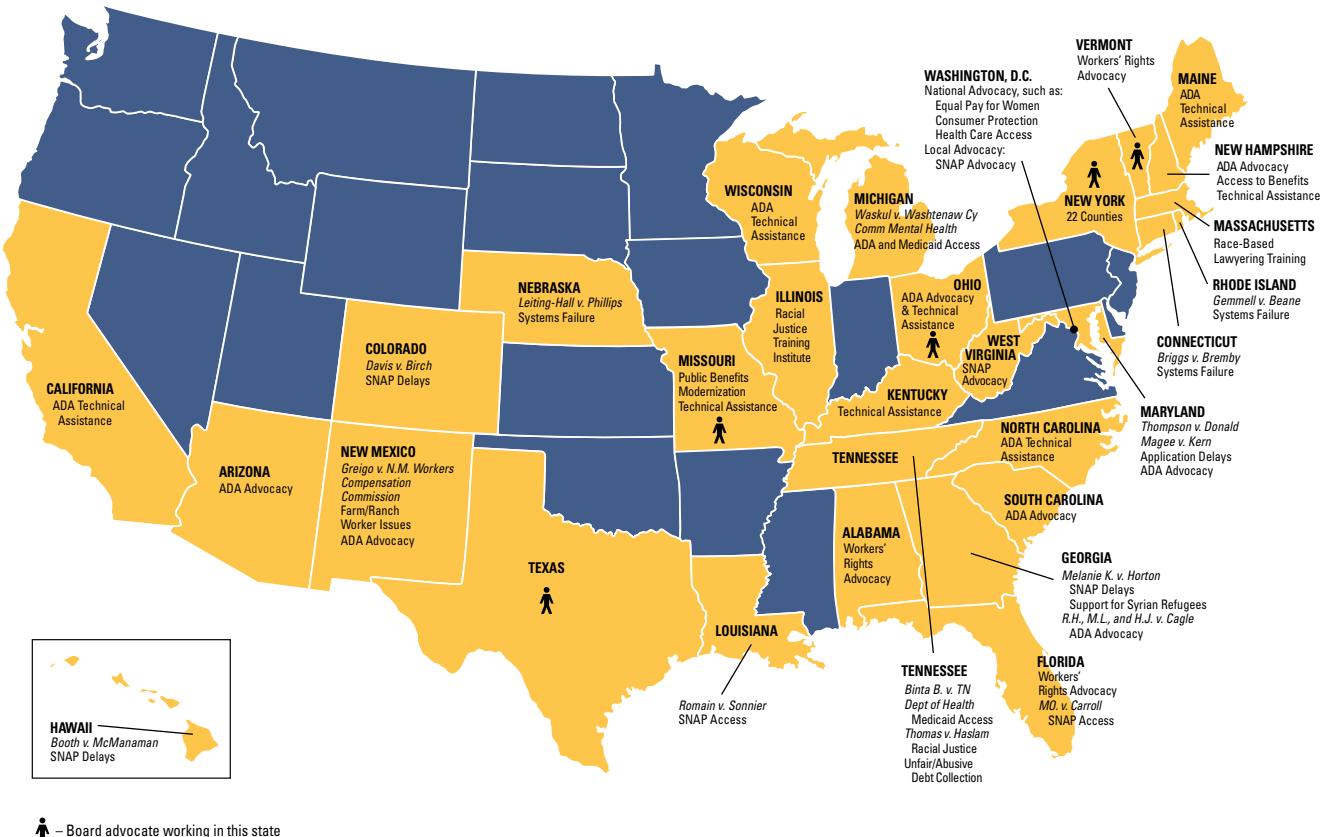
NCLEJ Challenges Georgia's Failure to Provide Accommodations to Public Benefits Applicants and Recipients with Disabilities

NCLEJ, working with local **Georgia** legal services colleagues, filed a federal lawsuit on behalf of three low-income Georgia residents with disabilities alleging that the Georgia food stamp and Medicaid agencies systematically fail to provide the assistance required by people with disabilities to navigate the complicated process to qualify for benefits. Because of their disabilities, these individuals need "reasonable accommodations" – simple changes to procedures that will allow them to show they are eligible. We claim that the state's failure to provide them the necessary reasonable accommodations violates the Americans with Disabilities Act. We seek system-wide policies and procedures to ensure that people with disabilities do not fall through the cracks and that they get the help they need to apply for and maintain eligibility.

NCLEJ Challenges Budget Cuts that Hurt Michigan Adults with Developmental Disabilities

NCLEJ has joined a federal court case that challenges budget cuts that result in reductions to medically necessary community living support services for adults with severe developmental disabilities in **Michigan**. The critical services allow these individuals to avoid institutionalization. We argue that the cuts violate the Social Security Act and constitutional due process.

NCLEJ Advocates in 29 States and in 22 New York Counties



NCLEJ Fights for Persons Who Are Blind or Visually Impaired

We obtained a class-wide consent decree that requires the **State and City of New York** to convert Medicaid and food stamps related documents into alternate formats, such as braille, for use by persons who are blind or visually impaired. For the first time, more than 2500 food stamp clients and more than 2300 Medicaid clients have received documents in alternate formats. As a result, they can file applications, respond to notices, and maintain their eligibility without having to rely on someone else to read documents to them. This outcome increases independence and makes it less likely that people who are blind will wrongfully be deprived of critical health care and nutrition assistance.

NCLEJ Fights to Enforce the Rights of Pregnant Workers

Pregnancy discrimination is rampant in low-wage industries, and it particularly impacts women who are immigrants and women of color. NCLEJ is taking action around the country. We joined women's rights groups in an appeal to the Fifth Circuit from a **Louisiana** federal court decision involving the rights of pregnant workers. We are arguing for an interpretation of federal discrimination law that would ensure reasonable

workplace accommodations so that pregnant workers can stay on the job and support their families. In **New York City**, we filed two pregnancy discrimination complaints with the Commission on Human Rights on behalf of low-income women who lost their jobs due to pregnancy discrimination. These complaints are part of a new initiative for NCLEJ to ensure the aggressive implementation of recently enacted New York State and New York City laws that provide greater protection for pregnant women against workplace discrimination.

NCLEJ Fights Unconstitutional Tennessee Law that Suspends Driver's Licenses for Non-Payment of Court Debt

Whenever people are convicted of crimes in the state and local courts of **Tennessee**, and sometimes even when they are not convicted, they are assessed certain litigation taxes, court costs, and fines ("Court Debt"). Tens of thousands of those who incur Court Debt are too poor to even comply with a payment plan. But, if they cannot pay their Court Debt, their driver's licenses are automatically revoked, without notice and without any inquiry into whether they are able to pay the Court Debt. As a consequence, people cannot drive to work, drive as part of their job, drive to doctor's appointments, or even drive to parole meetings. We are seeking to have that practice invalidated by a federal court.

NCLEJ's 2017 Benefit Awards Dinner is a Night of Inspiration

Thank you to all of our generous sponsors and to everyone who attended our 2017 Benefit Awards Dinner on June 7th at Chelsea Piers.

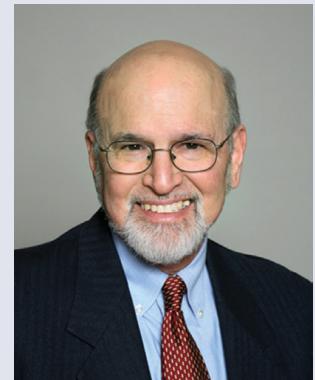
The night was a moving one with our remarkable honorees sharing inspiring stories of their work to achieve justice. They included New York City Mayor's Office of Immigrant Affairs Commissioner Nisha Agarwal, whose award was presented by Richard Buery, Deputy Mayor For Strategic Policy Initiatives; Quinn Emanuel's Steve Edwards, whose award was presented by NCLEJ Executive Director Marc Cohan; and Bayer's Head of Global Litigation Malini Moorthy, whose award was presented by philanthropist and activist Eva Haller. Board Vice Chair and Dinner Committee Chair Doug Curtis served as the evening's emcee.



Former Executive Director Henry Freedman Joins NCLEJ's Board of Directors

Congratulations to former NCLEJ Executive Director Henry A. Freedman who was elected to the organization's Board of Directors on June 8th. Henry retired in 2014 after leading NCLEJ for 43 years. Since then, he's stayed involved with NCLEJ, serves as an uncompensated hearing officer for the 9/11 Victim Compensation Fund, participates in a variety of other volunteer activities, and enjoys spending time with six grandchildren ages 8 to 17. Upon his retirement, NCLEJ launched the Freedman Fund for Due Process to honor and carry on his life's work.

Executive Director Marc Cohan said, "We are thrilled beyond words that Henry Freedman will again officially be part of NCLEJ. He is an amazing lawyer, teacher, advocate, and friend who has touched countless lives throughout his professional career."



East Harlem Community Advocate Joins NCLEJ's Board of Directors



Congratulations to Ray Lopez, Interim Director of Programs and Director of Environmental Health Services at LSA Family Health Service, who was elected in March to NCLEJ's Board of Directors. As a pioneering community advocate for families in East Harlem, Ray continues to play an instrumental role in implementing the mandates of the *Baez v. NYCHA* court settlement obtained by NCLEJ on behalf of low-income people with asthma who live in public housing that is contaminated by toxic mold. Marc Cohan, NCLEJ's Executive Director, said, "We could not be more excited – Ray is an amazing advocate and will bring energy, enthusiasm, talent, and great spirit to our Board."

NCLEJ Welcomes Travis England!

Travis England joined NCLEJ as a Staff Attorney following seven years of service as a Trial Attorney at the Civil Rights Division of the United States Department of Justice.



At DOJ, his work focused on enforcing the Americans with Disabilities Act and its prohibition of unnecessary segregation of individuals with disabilities. Travis's work has resulted in expanded access to services for tens of thousands of individuals with disabilities. He was significantly involved in building a number of DOJ's enforcement actions that have resulted in systemic remedies, including a 2012 settlement that expanded North Carolina's community-based supported housing program for individuals with serious mental illness.

He served as lead counsel for the United States in litigation brought by the federal government. Travis graduated with honors from Washington University in St. Louis School of Law in 2009, where he served as an Editor of the Washington University Law Review. He was awarded degrees in Political Science and Economics from Saint Louis University in 2006.



National Center for
Law and Economic Justice

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This summer, NCLEJ was joined by six outstanding law students. Megan Rue, University of Texas School of Law, '18; Woo Yong Chung, Yale Law School, '19; and Zoni Rockoff, CUNY School of Law, '19; interned with us through the summer.

The interns' work assisting with litigation, performing research on ongoing and emerging matters, and attending community meetings was invaluable. We'd like to thank all of our summer 2017 law students, and we look forward to following their excellent work in the future.

Thanks,
Summer
Interns
and
Externs!



Anne Thoma, Harvard Law School, '18; Tim Nessim, McGill Faculty of Law, '18; and Amy Torres, Fordham University School of Law, '18; joined us for two weeks through the NYLPI Visiting Summer Associate Program.