

# OPPORTUNITY FAIRNESS JUSTICE

NATIONAL  
CENTER FOR  
LAW AND  
ECONOMIC  
JUSTICE



2008

2009

# 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.



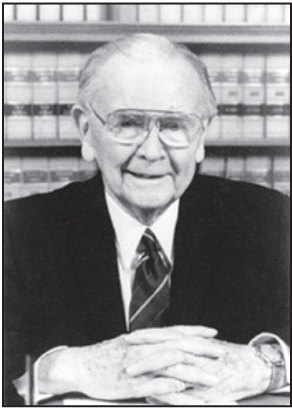
# From the CHAIR and EXECUTIVE DIRECTOR

This report celebrates all that the National Center for Law and Economic Justice has achieved for low-income Americans over the past two years. Of particular note to the two of us signing this letter, who were both here in 1970, our success continues to build upon NCLEJ's landmark Supreme Court victory that year in *Goldberg v. Kelly*.

In a profoundly moving decision by Justice William J. Brennan, Jr., the Court ruled that public agencies could not terminate vital public benefits until they had provided a fair hearing consistent with the due process requirements of the United States Constitution. The *Goldberg* decision remains good law, which we rely upon today, even though the sensibility of many courts has changed profoundly. Consider the following lines from Justice Brennan's opinion:

*Thus the crucial factor in this context... is that termination of aid pending resolution of a controversy over eligibility may deprive an eligible recipient of the very means by which to live while he waits. Since he lacks independent resources, his situation becomes immediately desperate...*

*From its founding, the Nation's basic commitment has been to foster the dignity and well-being of all persons within its borders. We have come to recognize that forces not within the control of the poor contribute to their poverty... Welfare, by meeting the basic demands of subsistence, can help bring within the reach of the poor the same opportunities that are available to others to participate meaningfully in the life of the community.*



Justice William J. Brennan, Jr.

We were both actively involved in the Center's work on *Goldberg*, Henry as a Reginald Heber Smith Fellow who helped draft the original papers, and Paul as the Columbia Law School faculty director during the time the case was developed and moved to the Supreme Court. And we remain committed today to securing through NCLEJ's ongoing work the effective realization of the principles articulated in *Goldberg* by Justice Brennan.

The 40<sup>th</sup> anniversary of *Goldberg* finds NCLEJ's clients enduring the hardest times in recent history. Millions of Americans have recently been forced to rely on the SNAP (formerly known as food stamp) program to meet basic nutritional needs. Millions more have had to rely on the Medicaid program, in many cases for their very survival. If there were ever any doubt that, in Justice Brennan's words, "forces not within the control of the poor contribute to their poverty," there can be none now.

Yet, despite the undeserved plight of so many Americans, our governmental institutions have been slow to respond to their needs and in many cases even attempted to constrict their support of the poor, as the accompanying report plainly shows. And so we resolve to redouble our efforts to assure fair and dignified treatment for all in need. We pledge to our board of directors, staff, colleagues, friends, and supporters that NCLEJ will remain loyal to its economic justice mission in these challenging times, and look forward to working with you in that effort.

Paul M. Dodyk  
Chair, Board of Directors

Henry A. Freedman  
Executive Director



## How we help PEOPLE IN NEED

NCLEJ carries out an ambitious agenda of litigation and policy advocacy to advance the cause of economic justice for low-income families and individuals throughout this country. NCLEJ attorneys litigate in courts across the country and partner with national public interest advocates, private law firms, legal services lawyers, and grassroots groups. We acknowledge and thank our recent partners (see pages 8 and 9).

Our work focuses on two main areas:

- **Litigation** NCLEJ is a national leader in using class action litigation to protect the legal rights of low-income families and individuals to public benefits and to hold government agencies accountable for their administration of these vital programs.
- **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.

### Recent Litigation Efforts

NCLEJ's litigation improves the lives of hundreds of thousands of vulnerable families and individuals. We help to ensure their access to Medicaid, food stamps, and cash assistance, protect their civil rights, and improve their opportunities to move out of poverty.

When government agencies fail to administer programs fairly and in accordance with the law, low-income people may have to turn to the courts to secure their rights. Litigation is a critical tool – sometimes the only effective tool – to ensure that agencies comply with the law. Litigation promotes government accountability by checking agencies that have lost sight of their legal obligations.

NCLEJ's national litigation program includes the following:

- Leading or co-counseling successful impact litigation in New York, Colorado, Maryland, Indiana, California, the Gulf Coast region, and across the country;
- Shaping winning legal strategies to secure fair and lawful administration of benefit programs;

- Marshaling resources in the private bar and public interest communities to pursue impact litigation and representation; and
- Educating and supporting colleagues engaged in similar advocacy.

### Policy Advocacy Activities

NCLEJ uses its expertise to identify and promote the adoption and proper implementation of creative and effective policies and programs to support individuals and families in their efforts to move out of poverty.

Recent efforts include:

- Working with Arizona, Kentucky, New Jersey, New York, Virginia, Minnesota, Texas, and other states to modify state policies affecting public benefits for persons with disabilities. While the Americans with Disabilities Act requires a wide range of reasonable accommodations for people with disabilities, most public benefits programs around the country fall short.
- Assuring that youth aging out of foster care in New York City are ensured continuation of health care and other benefits required for them to safely transition into independent living – a result achieved after several years of advocacy. Work to improve access to housing and other benefits is underway.
- Assuring that mothers needing child care subsidies for employment will no longer have to take days off work in futile efforts in court to collect child support payments, by achieving a change in New York law enacted in 2009 after years of advocacy by many organizations.

## Focus on: VICTORY IN MARYLAND SECURES FOOD ASSISTANCE AND HEALTH CARE FOR THOUSANDS

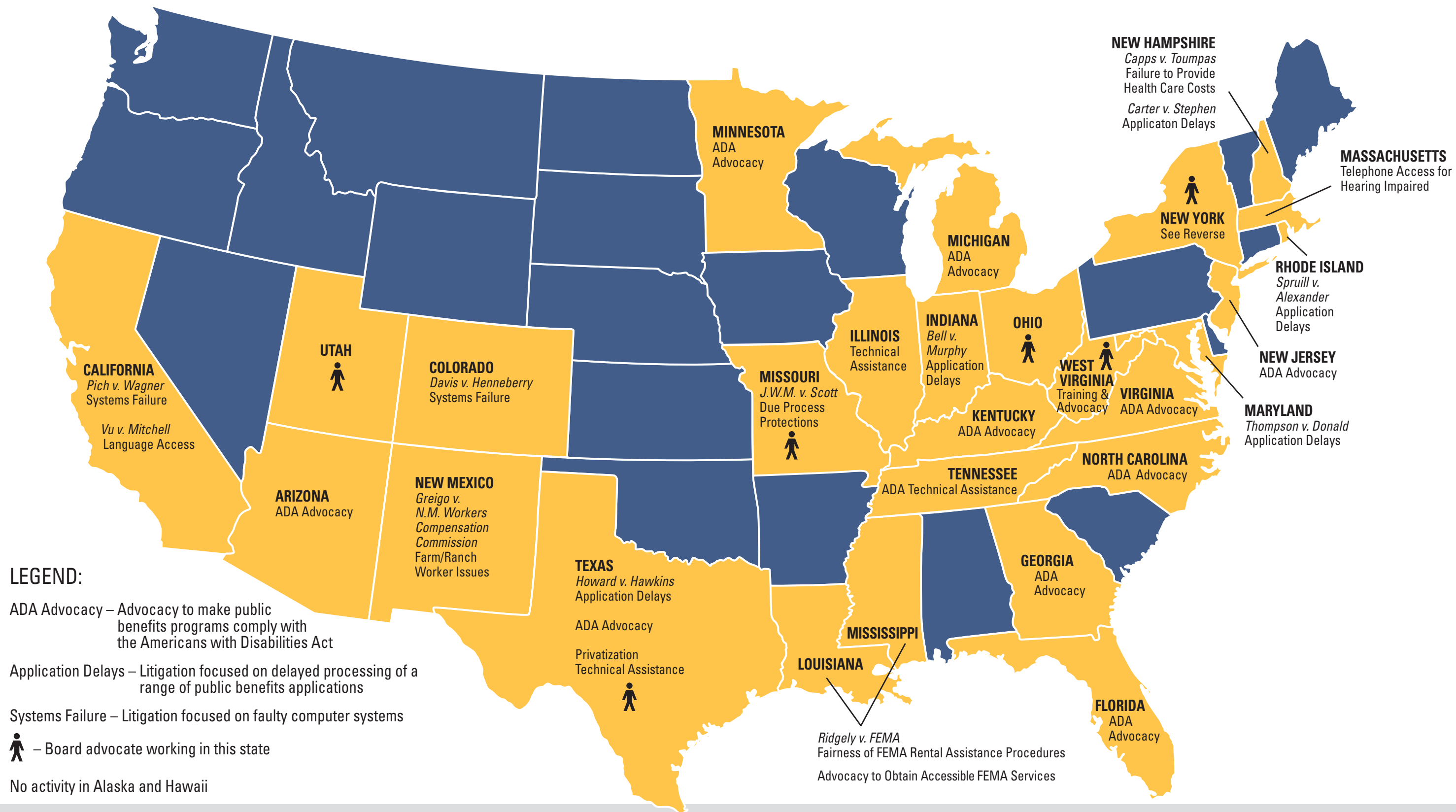


**Thompson v. Donald litigation team members: Marc Cohan, NCLEJ Director of Litigation; Laura Redman, NCLEJ Staff Attorney; and Philippa Scarlett, Partner at Kirkland & Ellis' Washington, DC, office.**

“[NCLEJ staff members’] depth of expertise, national perspective, and strategic sense were absolutely critical to our collective success... The Center’s commitment to remain involved and see that the legal victory becomes a reality for Maryland’s poor demonstrates both the quality of lawyering and the heart of these new friends. We are deeply appreciative of your contribution to our mission.”

**John Nethercut and Debra Gardner  
Public Justice Center (Maryland)  
Partners in *Thompson v. Donald***

# NCLEJ: Advocating for Low-Income People in 27 States in 2008 and 2009





# NCLEJ: Working in 28 New York Counties in 2008 and 2009



## NEW YORK CITY LITIGATION:

*Davila v. Eggleston* – Failure to Approve Education and Training  
*Morel v. Giuliani* – Failure to Continue Benefits Pending Fair Hearing  
*Piron v. Wing* – Fair Hearing Decision and Compliance Delays  
*Reynolds v. Giuliani* – Deterrence of Benefit Applications  
*Williston v. Eggleston* – Food Stamp Application Delays

## NEW YORK CITY ADVOCACY ON BEHALF OF:

Low-Income Individuals and Families  
 Youth Aging Out of Foster Care  
 Parents in Need of Child Care  
 People with Disabilities  
 Medicaid Simplification

## NCLEJ: Making a Difference

Maryann, the named plaintiff in *Maryann C. v. DeMarzo*, NCLEJ's case against Suffolk County, was a full-time phlebotomist and EKG technician until she had to resign because of a child's emergency. She lost her medical insurance, and could not get other employer health insurance despite holding two part-time jobs. Fortunately, she was eligible for Medicaid. While federal law requires Medicaid applications to be processed within 45 days, her application had been pending for more than 70 days when she filed this case in August 2008. She wanted to help change the system so other parents in Suffolk County would not be left without medical coverage as she had been.

In June 2009, the federal court approved a comprehensive settlement under which Suffolk County must abide by federal and state deadlines for processing Medicaid and food stamp applications. The Empire Justice Center is co-counsel in this case.

In 2008, we presented the James Corman Award for public service to the Mayor of Newark, New Jersey, Cory A. Booker for his outstanding service to the people of Newark. 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, he joined NCLEJ’s Board. James Corman 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, Congressman Charles Rangel, 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 2008 and 2009, we were pleased to honor the following individuals for their outstanding contributions to the cause of economic justice and the practice of law:

2009

**Michael D. Fricklas**  
*Executive Vice President, General Counsel, and Secretary, Viacom*

**John DeWitt Gregory**  
*Sidney and Walter Siben Distinguished Professor of Family Law, Hofstra University School of Law*

**Sondra Youdelman**  
*Executive Director, Community Voices Heard*

2008

**Gordon Bonnyman, Jr.**  
*Executive Director, Tennessee Justice Center*

**Honorable Cory A. Booker**  
*Mayor, Newark, New Jersey*

**Richard Cotton**  
*Executive Vice President and General Counsel, NBC Universal*

**Jill Shinn**  
*Northeast Missouri Clients Counsel for Human Needs*

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

- Bryan Cave LLP
- Dewey & LeBoeuf LLP
- Hogan & Hartson LLP
- Kirkland & Ellis LLP
- Lynn Sanders (private attorney)
- Simpson Thacher & Bartlett 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)
- ARISE (NY)
- Bay Area Legal Aid (CA)
- Center for Civil Justice (MI)
- Center for Independence of the Disabled, New York
- Center for Law and Social Policy (DC)
- Center for Public Policy Priorities (TX)
- Center on Budget and Policy Priorities (DC)
- Coalition of California Welfare Rights Organizations, Inc.
- Colorado Center on Law and Policy
- Committee for Hispanic Children and Families (NY)
- Community Health Law Project (NJ)
- Community Service Society of New York
- Community Voices Heard (NYC)
- Direct Action Welfare Group (WV)
- Disabled in Action of Greater Syracuse, Inc.
- The Door (NYC)
- Economic Justice and Social Welfare Network (NYC)
- Empire Justice Center (NY)
- Equal Justice Works
- Federation of Protestant Welfare Agencies (NYC)
- Florida Legal Services

- Homeless Persons Representation Project (MD)
- Hunger Action Network of New York State
- Independent Living Center of the Hudson Valley (NY)
- Kentucky Equal Justice Center (formerly Office of Kentucky Legal Services)
- Lawyers for Children (NYC)
- Legal Aid of West Virginia
- Legal Aid Service of Broward County (FL)
- Legal Aid Society (NYC)
- Legal Aid Society of Middle Tennessee and the Cumberland
- Legal Momentum
- Legal Services of New Jersey
- Legal Services of Northern California
- Legal Services of Southern Piedmont (NC)
- Legal Services New York City
- Manhattan Legal Services
- Medicaid Matters New York
- Mississippi Center for Justice
- Morris Institute (AZ)
- National Employment Law Program
- National Health Law Program
- National Law Center on Homelessness and Poverty

- National Legal Aid and Defender Association
- Neighborhood Legal Services (Buffalo, NY)
- New Hampshire Legal Assistance
- New Mexico Center on Law and Poverty
- New York Legal Assistance Group
- Northern Manhattan Improvement Corporation
- Public Interest Law Project of California
- Public Justice Center (MD)
- Resilience Advocacy Project (NYC)
- Sargent Shriver National Center on Poverty Law (IL)
- Southern Tier Legal Services, a division of Legal Assistance of Western New York
- Southeast Public Benefits Training and Advisory Group
- Tennessee Justice Center
- Texas Appleseed
- Texas Legal Services Center
- Urban Justice Center (NYC)
- Virginia Poverty Law Center
- Western New York Law Center (Buffalo, NY)
- William E. Morris Institute for Justice (AZ)
- Winning Beginning NY



# Thanks to all who provided FINANCIAL SUPPORT

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	2009	2008
<b>Public Support and Revenue</b>		
Public Support		
Contributions	\$ 293,887	\$ 291,304
Grants	323,000	314,000
Special Events	500,206	655,875
Donated Services	<u>120,897</u>	<u>147,747</u>
Total Public Support	1,237,990	1,408,926
Revenue		
Attorney Fees	184,066	535,410
Interest and other	<u>22,350</u>	<u>37,713</u>
Total Revenue	206,416	573,123
Total Public Support and Revenue	1,444,406	1,982,049
<b>Expenses</b>		
Program Services	1,254,675	1,406,942
Management and General	179,318	178,670
Fundraising	<u>317,506</u>	<u>377,662</u>
Total Expenses	1,751,499	1,963,274
Increase (decrease) in net assets before realized and unrealized gain on investment and interfund transfer	(307,093)	18,775
Net realized and unrealized gain (loss) on investment	<u>(1,845)</u>	<u>4,212</u>
Increase (decrease) in net assets	(308,938)	22,987
Net assets, beginning of year	<u>1,450,123</u>	<u>1,427,136</u>
Net assets, end of year	<u>\$1,141,185</u>	<u>\$1,450,123</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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