



# ADVANCING ECONOMIC JUSTICE

*Fighting for fairness for people in need*

Summer 2014

## Ensuring that Low-Income New Yorkers Can Breathe Easier

The New York City Housing Authority (NYCHA) is the largest public housing authority in the nation, with over 400,000 residents living in nearly 180,000 apartments. Many of these residents, including perhaps as many as 22% of children in the households, have asthma. The occurrence of rampant mold in NYCHA housing, which aggravates the breathing of its residents with asthma, is common.

As a result of the federal court's April 2014 approval of the landmark settlement agreement in *Baez v. NYCHA*, a class action lawsuit brought by NCLEJ and the Natural Resources Defense Council and the first lawsuit of its kind in the country, NYCHA public housing residents will now be entitled to inspections and removal of mold and the excess moisture build-up that often causes it, according to strict timelines. The lawsuit was filed on behalf of NYCHA tenants with asthma who are considered disabled under the federal Americans with Disabilities Act.

NCLEJ has begun monitoring implementation of the *Baez* settlement, seeking to ensure that it becomes an effective means of relief for residents enduring living conditions with mold and excess moisture. A big part of this process is getting the word out to public housing residents about their legal rights to effective and timely mold and moisture removal under the new NYCHA operations and maintenance policy.

Greg Bass, a Senior Attorney with NCLEJ and part of the plaintiffs' legal team in *Baez*, has been on the road at outreach meetings throughout New York City, working with community groups and advocates. To date, he



NCLEJ Senior Attorney Greg Bass discussing the *Baez* settlement.

has spoken to hundreds of NYCHA tenants and legal aid housing attorneys – handing out informational flyers, discussing the terms of the settlement, and answering questions.

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***“More than one NYCHA resident has said they actually have mushrooms growing in their closets. Others have talked about putting their children to bed at night, with mold growing on the ceiling overhead.”***

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The participants in these meetings frequently talk about their personal issues and experiences, including asthma-related health problems (difficulty breathing, coughing, wheezing, etc.) and the need for medications that are exacerbated by the mold and moisture in their apartments.

They describe the abhorrent conditions they live under – the black mold spores that they can see and smell on the walls, the ceiling, around window frames, and other

places; the pockets of water bulging through crumbling paint and plaster; the constantly dripping leaks; and the humidity and lack of adequate ventilation. More than one NYCHA resident has said they actually have mushrooms growing in their closets. Others have talked about putting their children to bed at night, with mold growing on the ceiling overhead.

In many cases, these have been longstanding conditions. Yet the frequently-described response of NYCHA has been either no response at all to complaints, or to “repair” the premises by simply washing the walls down with bleach or painting over the mold. The pockets of excess moisture are generally untouched, which often leads to the mold coming back.

To ensure that these problems are addressed effectively, NCLEJ's outreach efforts will continue. NCLEJ and co-counsel will also receive regular reports from NYCHA about its mold and moisture removal work in buildings across New York City. Through these efforts, NCLEJ will help promote the ability of NYCHA residents to breathe easier.

## ADVANCING ECONOMIC JUSTICE

Published by

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and Economic Justice**

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Executive Director

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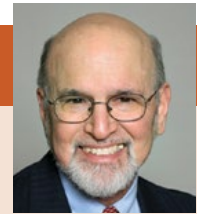
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## FROM THE EXECUTIVE DIRECTOR



The victory in the NYCHA mold case, described on the front cover, takes NCLEJ in exciting new directions.

It is, in short, quite different from anything we had done before. We brought our expertise in disability rights laws and class actions against public agencies into a *new arena*, with *new allies*, to use *new legal strategies*. We teamed up with grassroots tenant groups and environmental lawyers.

The result? An impressive agreement from the nation's largest public housing agency to take speedy and significant steps to address scandalous mold conditions in public housing all over New York City.

NCLEJ may be 49 years old, but it is ready to meet new challenges. As I prepare to retire later this summer, I can point with pride to a staff and Board of Directors that thrive on seizing new opportunities.

And what new challenges there will be! The yawning gap between rich and poor, growing wider every day, is a calamity for the people we serve, and for our country.

NCLEJ will continue to find ways to improve the lives of those who have so little now, to improve the lot of low-wage workers, to protect programs that help people in poverty, to strike at the racism and sexism that distort so many policies and practices, and to provide opportunity and stability for those struggling to get their footing.

Our current successes have been made possible by all those who have supported our effort financially, provided *pro bono* legal services, or served on our Board and staff – and I thank you all. NCLEJ has established the Freedman Fund for Due Process to help ensure that resources will continue to be available for NCLEJ's efforts to promote the dignity and well-being of all. I urge you to support this effort.

Again, thank you to everyone who is engaged in the struggle for economic justice. It has been a joy working with you over all these years.

Henry A. Freedman  
Executive Director

P.S. I look forward to seeing many of you at next year's dinner when NCLEJ celebrates its 50th anniversary!

# NCLEJ 2014 AWARDS DINNER

## Steve Cutler and Henry Freedman Honored at Annual Awards Dinner

On May 22nd, NCLEJ honored two of New York City's legal leaders, **Steve Cutler**, Executive Vice President and General Counsel of JPMorgan Chase, and **Henry Freedman**, retiring Executive Director at NCLEJ, at its annual awards dinner at Chelsea Piers.

JPMorgan Chase's Chief Financial Officer, **Marianne Lake**, and General Counsel of the Corporate and Investment Bank, **Stacey Friedman**, presented the Corporate Counsel Leadership Award to Steve Cutler. NCLEJ's Board Chair, **Jennifer Selendy**, joined by former Chairs **Paul Dodyk** and **Steve Kass**, and current Vice Chair, **Cassandra Barham**, presented the inaugural *Henry A. Freedman Champion of Justice Award* to Henry Freedman. Legal author and analyst **Jeffrey Toobin** served as emcee.

More than 400 people attended the dinner, which raised nearly \$1 million to support NCLEJ's efforts to fight for fairness for people in need. You can watch the video tribute to Henry Freedman at [nclej.org](http://nclej.org).



**Steve Cutler, Marianne Lake, Henry Freedman, Jennifer Selendy, and Jeffrey Toobin.**



**Emcee Jeffrey Toobin**



**Mary Marsh Zulack and John DeWitt Gregory**



**Steve Cutler, Wendy Zimmermann, and Doug Curtis**



**Jennifer Selendy, Cassandra Barham, Steve Kass, Paul Dodyk and Henry Freedman**



**Steve Cutler and Marianne Lake**



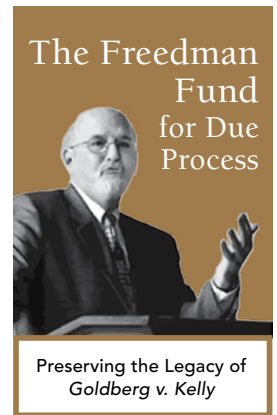
**Marianne Freedman, Elizabeth Freedman, and Katherine Freedman**



# Freedman Fund Approaching \$300,000!

The campaign for the **Freedman Fund for Due Process** is off to a great start! So far, we've received nearly \$300,000 in gifts and pledges toward the goal of \$740,000 – approximately 40%! You can help close the gap by making a tax-deductible donation to the Freedman Fund online at [nclej.org](http://nclej.org) or sending a check made payable to NCLEJ-Freedman Fund to NCLEJ, 275 Seventh Avenue, Suite 1506, New York, NY 10001.

*Thanks to everyone who has contributed to the Fund to date, including the following leadership givers (as of 6-25-14):*



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Jennifer and Philippe Selendy

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Allan Sperling and Ferne Goldberg  
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Becky Diamond and Jamie Stecher  
Stephen Younger

## NCLEJ Welcomes Second Dodyk Fellow!

Leah Lotto has been selected as the second Paul M. Dodyk Fellow for Economic Justice. Leah comes to the NCLEJ from Georgia Legal Services Program's Farmworker Rights Division, where she was a Staff Attorney from 2009 to 2013 and a Senior Staff Attorney since 2013.

Leah has litigated federal court cases on behalf of both local U.S. farm workers and H-2A guest workers from Mexico to seek justice for minimum wage violations, challenging common practices of hour shorting by which unscrupulous employers falsify employees' actual number of hours worked in order to avoid their obligations under the Fair Labor Standards Act. She has also litigated two federal court employment discrimination cases to fight for workers turned away and unjustly fired from farm work jobs

on account of their race and national origin.

Leah is a 2009 graduate of the NYU School of Law and a 2002 magna cum laude graduate of Amherst College. She will begin working with us later this summer.

"We are thrilled that Leah will bring to NCLEJ her deep experience representing low-wage workers fighting for economic justice. She will help us capitalize on the extraordinary work Jenny Pelaez, our first Dodyk Fellow, has begun in the low-wage worker community," said NCLEJ Executive Director Henry Freedman in announcing the selection.



Leah Lotto

## Attorney Andrew Dunlap Elected to NCLEJ's Board

At its March meeting, NCLEJ's Board of Directors elected Andrew R. Dunlap, Of Counsel to Quinn Emanuel Urquhart & Sullivan, LLP in New York, as a Board member. Andrew is a graduate of Georgetown University Law Center and received his MA and BA degrees from Johns Hopkins University.

In announcing his appointment, NCLEJ Executive Director Henry Freedman said, "We are delighted to have an attorney with Andrew's expertise and commitment to our issues join our Board of Directors."

## Years of Prodding by NCLEJ Lead to Improved U.S. Government Standards for Accessible Temporary Housing after Disasters

In May 2014, the federal government issued a final rule requiring that, after a disaster, 5% of the units at temporary housing sites be accessible to people with disabilities and at least 10% of the "unit pads" at temporary housing sites be compatible with an accessible trailer.

This result followed years of advocacy and litigation resulting from the destruction caused by hurricanes Katrina and Rita in the Gulf Coast region in 2005. In September 2006, NCLEJ and colleagues secured a favorable settlement in *Brou v. FEMA* on behalf of evacuees with physical disabilities who were not provided with accessible trailers. Although FEMA estimated that 8% of evacuees needed accessible trailers,

only 1-2 % of trailers provided were accessible. As a result, many evacuees with disabilities could not enter or exit their trailers, bathe, cook, use the toilet, or engage in other daily activities.

NCLEJ staff, led by former attorney Cary LaCheen, worked on this matter with the Advocacy Center (LA), Mississippi Justice Center, Public Interest Law Project (CA), and Kirkland & Ellis LLP.

As a result of the lawsuit, thousands of people received accessible trailers and hundreds more received needed modifications to their units, but that was not enough. What was needed, and just achieved, was for the federal government to issue a ruling assuring that countless people with disabilities affected by future



Photo: Keith Riggs/FEMA. Courtesy FEMA Photo Library

disasters will be much more likely to get accessible temporary housing.

In the ensuing years, NCLEJ staff worked with other advocates and with Davis Polk & Wardwell LLP to undertake a range of advocacy options, including writing to FEMA and the Department of Homeland Security (DHS), meeting with officials at FEMA and DHS, drafting a temporary accessible housing policy, and providing oral and written testimony. We will continue working to ensure that the ruling is fully implemented.

## Thanks to our Spring and Summer Interns, Externs, and Volunteers!



Summer Interns Cadesha Pearson-Edwards, Sophia Mire, and Otis Comorau

### INTERNS:

#### Otis Comorau

New York University School of Law

#### Laura de las Casas

The George Washington University Law School

#### Caitlin Gillies

Northeastern University School of Law

#### Sophia Mire

Loyola University New Orleans College of Law

#### Cadesha Pearson-Edwards

CUNY School of Law

#### Hannah Schwager

Benjamin N. Cardozo School of Law

### EXTERNIS:

#### Katherine Garceau

The University of Chicago Law School  
Summer Associate at Fried Frank

#### Precious Eboigbe

Boston College Law School  
Summer Associate at Sullivan & Cromwell

### RECENT VOLUNTEERS:

#### A.J. Agnew

Rutgers School of Law (2011)

#### Matthew Gore

McGill University Faculty of Law (2012)

#### Sandip Patel

University of Minnesota Law School (2013)

## University of Chicago Fellow to Join NCLEJ this Fall

Christine Ricardo graduated from the University of Chicago Law School in 2014, where she was the recipient of the James C. Hormel Public Service Award and the Ann Barber Watson Outstanding Service Award. She is also a recipient of the Ms. JD Fellowship, a national award honoring students dedicated to advancing the status of women in the legal profession.



Christine Ricardo

While in law school, Christine interned for Lambda Legal, National Women's Law Center, and the Office of Governor Pat Quinn. She also worked with the Young Center for Immigrant Children's Rights,

advocating on behalf of unaccompanied immigrant children who had been detained in Chicago.

Prior to law school, Christine worked for several years in international development with a specific focus on gender, health, and human rights. She helped to design research studies, educational curricula, and community campaigns that addressed the linkages between gender inequalities and various health and social issues. Christine holds a M.Sc. in Population and International Health from Harvard University and is a graduate of Wellesley College.

## We're Seeking Fellowship and Internship Candidates!

Spread the word! NCLEJ is looking to sponsor candidates for fall 2015 fellowships. We are interested in promoting new projects that address such issues as unfair treatment of people with disabilities, protection of low-wage workers, child hunger, access to quality child care for children from low-income families, and access to family planning services for low-income women. Past Fellows have helped get similar projects off the ground in recent years. Potential applicants should visit us at [nclej.org/FellowshipCandidates.php](http://nclej.org/FellowshipCandidates.php).

We're also looking for law students who are passionate about improving the lives of society's most disadvantaged to apply for fall 2014 legal internships. Learn more at [nclej.org/Internships.php](http://nclej.org/Internships.php).

## Thanks to Our Long-Serving Staff and Board Members!

As Henry Freedman prepares to retire after serving NCLEJ for 47 years, 43 as Executive Director, it is an appropriate time to acknowledge NCLEJ's many other committed staff and Board members, including the following who have served for 10 years or more:

### Staff

**Gina Mannix**, Program Director/  
Senior Attorney – 40 years

**Marc Cohan**, Director of  
Litigation – 18 years

**Peter Kendall**, Systems  
Administrator – 18 years

**Michelle Peeples**, Administrative  
Coordinator – 13 years

**Tedde Tasheff**, Senior  
Attorney – 10 years

### Board

**Steve Kass** – 31 years

**John DeWitt Gregory** – 29 years

**Jill Shinn** – 26 years

**Paul Dodyk** – 17 years

**Bruce Rabb** – 17 years

**Steve Edwards** – 15 years

**Hank Gutman** – 15 years

**David Gruenstein** – 14 years

**Sandra Hauser** – 14 years\*

**Cassandra Barham** – 11 years

**Doug Curtis** – 11 years

**Evelyn Dortch** – 11 years

**Jennifer Selendy** – 11 years

\* Includes time on staff.



# We've Been **Busy** –

In March, NCLEJ filed a federal court class action **challenging Georgia's failure to process initial and renewal applications and provide benefits to eligible households in a timely fashion** as required by federal food stamp law. The case also challenges the State's denial notices for failing to meet constitutional due process standards.

Under a revised settlement approved by the federal court in March, **the Erie County (NY) Department of Social Services must meet strict time requirements for processing food stamp and cash assistance applications.** The revised settlement, reached in a class action filed by NCLEJ and the Western New York Law Center in 2006 and originally settled in 2008, recognizes that processing times have improved significantly since the case was filed, but that more is required before the case will be dismissed.

In April, the **Coalition for a Real Minimum Wage Increase, which includes NCLEJ,** demanded that NYS leadership stop discriminating against food service and other tipped workers and convene a board so that these workers can get an increased minimum wage. This was followed by a rally in June at the NYS Department of Labor in New York City urging the Department to enforce labor laws to address wage theft. Wage theft has now reached epidemic proportions, with an estimated \$1 billion stolen every year from workers in low-wage industries in New York City alone.



Sophia Mire, Otis Comorau, and Jenny Pelaez

In May, **NCLEJ launched the Economic Justice Coffee Break (EJ Coffee Break),** a new blog with posts from interns, volunteer attorneys, Fellows, and other supporters of NCLEJ's mission who are inspired by our commitment to promoting economic justice. Each blog post will discuss an issue concerning poverty, race, gender, class, or justice. Check out the first three posts, "Poverty and Education: When Being First in Your Class Only Takes You So Far," "Reproductive Justice is Economic Justice," and "Are Financial Services Working for the Poor?" at [nclej.org/EJCoffeeBreak.php](http://nclej.org/EJCoffeeBreak.php).

In May, Senior Attorney **Laura Redman joined other advocates at the annual Bringing Human Rights Home Symposium** hosted by Columbia Law School's Human Rights Institute. This symposium focused on U.S. ratification and engagement with the Committee on the Elimination of Racial Discrimination.

Throughout the spring, **NCLEJ staff met with newly appointed New York City leadership,** including Human Resources Administration Commissioner Steve Banks and Deputy Mayor Lilliam Barrios-Paoli, about potential reforms and plans to improve services for New York City's poorest residents.



NCLEJ's Jenny Pelaez, left, with Joe Kelemen and Katherine Ellis from WNYLC

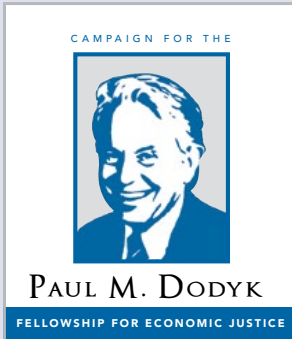
In June, **a federal court approved the settlement in McCoy v. Restaino,** a case filed by NCLEJ and the Western New York Law Center in July 2013 on behalf of residents of Niagara County who have applied, or are applying, for food stamps and/or cash public assistance. The settlement requires the County to provide benefits to eligible families within the required time limits.

In June, NCLEJ Fellow **Erinn Martin attended the "Inequality Begins at Birth: Child Poverty in America"** conference in Washington, DC. The conference featured a keynote address by US Senator (and former NCLEJ dinner honoree) Cory Booker as well as panel discussions with leading child poverty experts to address the effects of child poverty, access to the safety net, and solutions for working families.

In June, **Suffolk County raised the eligibility level for child care for low-income working families.** In a lawsuit filed by NCLEJ and colleagues in July 2012, a federal court found the notices Suffolk County used to inform low-income parents of an eligibility reduction to be unconstitutional. As a result, child care for more than 1,000 children was restored. Following this lawsuit, community advocacy then persuaded the county to allocate additional funds for child care in 2013. With this latest increase in the eligibility standard, more working parents will be able to have quality child care for their children.

In July, **NCLEJ Senior Attorney Greg Bass and Litigation Director Marc Cohan** will present at the National Legal Aid & Defender Association Litigation and Advocacy Directors Conference in Austin, TX. Greg will present at the workshop "Taking on the Government: Advocacy Tools to Use Under the Americans with Disabilities Act." Greg also organized and brought together panelists from around the country for a workshop on seeking attorney's fees in civil rights litigation. Marc will present on the use of Consent Decrees in law reform work.

# Paul M. Dodyk Fellowship Campaign



NCLEJ's Paul M. Dodyk Fellowship for Economic Justice honors Paul Dodyk for his lifetime commitment to using the law to promote fair and dignified treatment for everyone, regardless of their means.

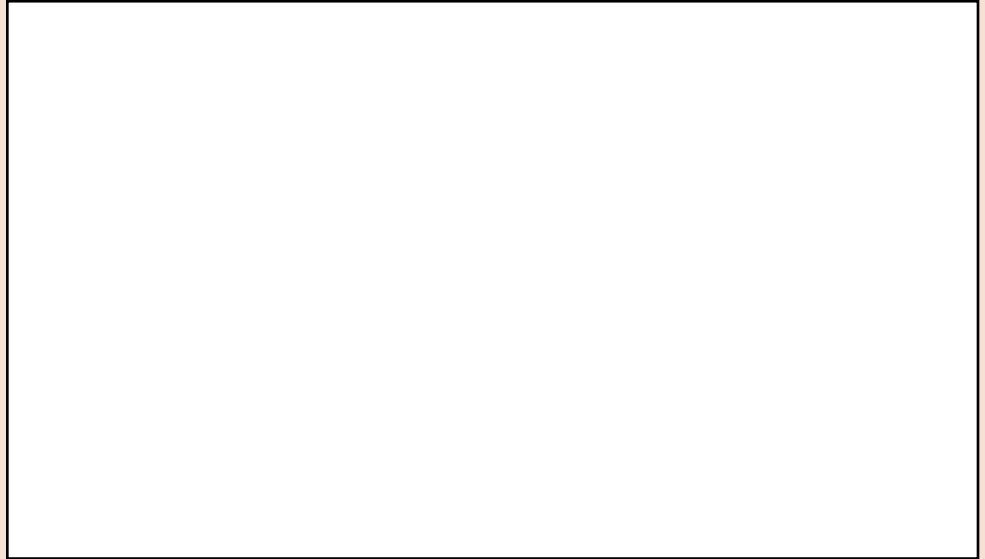
For more information, visit [nclej.org](http://nclej.org) and click on the Dodyk Fellowship button.



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## A Message from NCLEJ's Board Chair:

It is with a mix of great joy and sorrow that we honored Henry with an inaugural "Champion of Justice" award in his name on May 22nd. It was a grand farewell soiree and one that was well-deserved, but we are also focused on honoring Henry through the Board's ongoing commitment to the work of NCLEJ.



Indeed, the Transition Committee has identified a number of exciting candidates and expects to present finalists to the full Board later this summer and to have a new Executive Director at the helm of NCLEJ by fall. Henry will formally retire on August 8th, and the Board plans to appoint an internal interim Executive Director from among its senior staff until his replacement is appointed and can begin work.

On behalf of the entire Board of Directors, I would like to thank Henry once again for his prodigious contribution to the success of NCLEJ and wish him a retirement that is as meaningful and rewarding as his long career at NCLEJ has been. While it is hard for us to imagine the Center without Henry, we look forward to a new chapter in the life of this vibrant and vital organization.

Jennifer Selendy