



ADVANCING ECONOMIC JUSTICE

Fighting for fairness for people in need

Summer 2015

YOUR SUPPORT IN ACTION:

Visually Impaired New Yorkers Will Now Have Equal Access to Critical Information

As a result of a landmark federal class action settlement, *Rafferty v. Doar*, secured by NCLEJ and Drinker Biddle & Reath LLP, New York City and State agencies will begin providing information about food stamps and Medicaid in formats that are accessible to low-income people who are blind or visually impaired. The settlement will ensure that all low-income New Yorkers with visual impairments will have independent and meaningful access to information about these vital public benefits.

For many years, City and State agencies have provided information about these public benefits in standard written documents that were unreadable to those who are visually impaired. This imposed significant hardships upon some of New York City's most vulnerable citizens.

One of the plaintiffs is Megan, a woman who has been seriously visually impaired since birth and cannot read standard print materials. She has screen-reader software, which helps her to read materials in accessible formats on her computer. Despite repeated requests, the New York City Human Resources Agency consistently refused to send vital documents regarding her food stamps and Medicaid benefits in a format that she could read on her computer. That's why – with your help – NCLEJ stepped in!

To help Megan and thousands of New Yorkers with similar issues, NCLEJ and Drinker Biddle brought this

case under the federal Americans with Disabilities Act. The parties have submitted the proposed settlement to the court and will seek its approval. Under the terms of the settlement, the City and State agencies have agreed to implement new procedures, including:

- Converting applications, notices, forms, and other documents into accessible formats such as Braille, large print, audio recordings, CDs, and electronic versions;
- Ensuring that qualified readers are available at City agency locations to provide assistance;
- Providing notice of the right to receive information in alternative formats and documentation of requests for alternative formats;
- Training of agency personnel on their duties and responsibilities to the visually impaired; and
- Updating of City agency websites to comply with internationally accepted web content accessibility guidelines for people who are visually impaired.



According to Greg Bass, Senior Attorney at NCLEJ, this groundbreaking settlement “will provide meaningful access to

these complex public benefits systems by obligating the State and City of New York to convert documents into alternate formats that those who are blind and visually impaired can effectively read.” He added, “Through proper implementation, this new program should become a model for the state and for the nation.”

ADVANCING ECONOMIC JUSTICE

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Executive Director

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MESSAGE FROM MARGARITA



As a life-long advocate for civil rights and social justice, I am delighted to be leading NCLEJ with its extraordinary staff, Board, clients, colleagues, and supporters.

The civil rights movement of the 1960s and the courage and “grace under fire” displayed by Americans of color before and since have inspired me and helped to shape my views of social and economic justice. Images of police attacking black children with batons, fire hoses, or dogs are seared in my memory.

The atrocity committed at Mother Emanuel AME Church in Charleston, SC, last month seems unfathomable to many. Nine people – mothers, fathers, sons, daughters, sisters, brothers, wives, husbands, and loved ones – joined in prayer in their beloved house of worship were gunned down by a stranger whom they had welcomed into their midst. That stranger is a self-proclaimed white supremacist whose acts, he declared, were motivated by hatred for black people.

In the wake of those events, I am transported back to the days when, as a little girl, I watched Governors standing in schoolhouse doors to stop black students from entering. I am reminded again of the fire bombings of buses carrying freedom riders and of the bombing of black homes and black churches.

What will people of conscience do now?

NCLEJ stands in solidarity with people of conscience and good will. We respond not only with the “thoughtful introspection and self-examination” called on by President Obama, but with action in our quest to fulfill our country’s promise to be “one nation... with liberty and justice for all.”

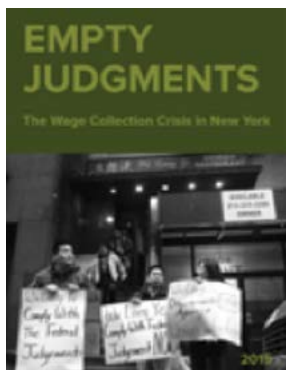
Sincerely,

Margarita Rosa, Esq.

We've Been **Busy** –

Released Report on the Wage Collection Crisis in New York

NCLEJ, together with the Legal Aid Society and the Urban Justice Center, released a report in February, showing the difficulties low-wage workers face in collecting their stolen wages. *Empty Judgments: The Wage Collection Crisis in New York* details how unscrupulous employers often evade paying wage judgments, even when a court or the Department of Labor has ordered an employer to pay back wages to workers. The report advocates for the passage of the SWEAT bill to create a wage lien in New York State.



Class Certification Approved in Nebraska

In late March, a federal district court judge approved class certification in a lawsuit filed to protect Nebraskans eligible for food assistance from unlawful delays. Nebraska Appleseed and NCLEJ filed the lawsuit, *Leiting-Hall v. Winterer*, in August 2014 on behalf of a working, single mother and household of four who had been unlawfully delayed from receiving urgently needed food through the Supplemental Nutrition Assistance Program.

Preliminary Settlement Obtained in Georgia

In April, the U.S. District Court in Georgia preliminarily approved a settlement in a class action lawsuit alleging that the Georgia Department of Human Services fails to provide food stamps in a timely manner, incorrectly denies certain applications, and does not provide adequate notice of denials as required by law. The Court will conduct a fairness hearing in August to determine whether to grant final approval to the settlement. NCLEJ originally filed the lawsuit in March 2014 and has received valuable pro bono assistance from DLA Piper.

Conducted ADA Training in Upstate NY

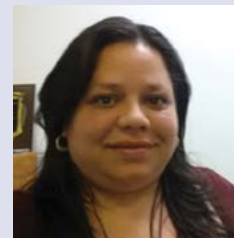
In May, Senior Attorney Greg Bass traveled to Watertown, NY, to deliver a series of in-person trainings on the Americans with Disabilities Act (ADA) to 200 staff of the Jefferson County Department of Social Services (DSS). Greg had helped DSS draft its ADA policy regarding the federal rights of public benefits applicants and recipients who are disabled and was invited by the Commissioner to train the agency's staff on its provisions.

Breakfast Meeting with New Columbia Law School Dean

In June, Margarita Rosa participated in an informative breakfast meeting with the new Dean of the Columbia Law School, Gillian Lester, that was attended by many colleagues from the worlds of public interest law, government, and academia.

Damaris Reyes Elected to NCLEJ's Board

At its June meeting, NCLEJ's Board of Directors elected Damaris Reyes, Executive Director of the Good Old Lower East Side, as a Board member.



Damaris Reyes

Damaris is a lifelong resident of the Lower East Side and has long been involved in community organizing and housing issues. She is the chair of LES Ready, a recovery and disaster network with 40 organizational members, and a member of the NY Rising committee. She sits on the Center for Neighborhood Leadership advisory board and on Community Board 3's first ever Public Housing Committee; its Land Use, Zoning & Housing Committee; and its Waterfront Taskforce. She has received numerous honors for her work, including the New York Women's Foundation's Neighborhood Leadership Award and the Jane Jacobs Medal from the Rockefeller Foundation and the Municipal Arts Society.

In an article in *The Lo-Down*, Damaris talked about how she got started in organizing. *"I got introduced to organizing about 13 years ago when there were some efforts to privatize public housing... Faced with the prospect that I might not have a choice in what might happen, and just listening to people talk about the value of this neighborhood, it really changed my whole outlook... Ever since I was a kid I had this really high sense of injustice. It's just something that you have. That was it. After that I started to get involved."*

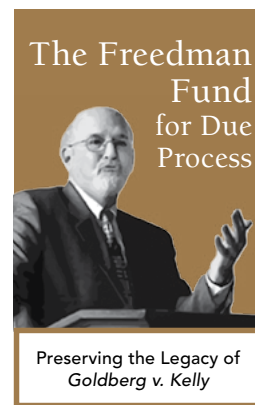
In announcing her appointment, Executive Director Margarita Rosa said, *"We are delighted to welcome Damaris to NCLEJ's Board of Directors. She has a deep personal connection and commitment to our issues."*

With Your Help, the Freedman Fund Celebrates Successful First Year!

The campaign for the **Freedman Fund for Due Process** is off to a great start! A year into the campaign, we've received nearly \$325,000 in gifts and pledges. We hope to see the Freedman Fund continue to grow to help ensure the future of NCLEJ and to honor the legacy of former Executive Director Henry Freedman.

You can be part of that effort by making a tax-deductible donation to the Freedman Fund online at www.nclej.org or sending a check made payable to NCLEJ-Freedman Fund to NCLEJ, 275 Seventh Avenue, Suite 1506, New York, NY 10001-6860.

Many thanks to all who have contributed!



Federal Appeals Court Affirms that Food Stamp Applicants Can Sue For Timely Benefits

In a major victory for food stamp applicants, the U.S. Court of Appeals for the Second Circuit affirmed in July that applicants can hold a state agency accountable for failing to provide food stamps in a timely manner. (The federal law requires states to decide applications and issue benefits within 30 days of application, and seven days for those with emergency needs.)

The decision came in *Briggs v. Bremby*, which challenged Connecticut's widespread delays in processing applications and issuing benefits, leaving families to go hungry while awaiting food stamps. The federal District Court in Connecticut had ruled for the food stamp applicants and ordered the state to comply with federal law, but the Commissioner of the state agency appealed. The victorious food stamp applicants are represented by NCLEJ and Greater Hartford Legal Aid.

NYU Law School Fellow to Join NCLEJ this Fall

New Fellow Katie Deabler graduated from the New York University School of Law in May 2015, where she was Executive Editor of the *Journal of Legislation and Public Policy*. She also participated in the Domestic Violence Advocacy Project and Co-Chaired the Public Interest Mentor Program.



Katie Deabler

While in law school, Katie was a Research Assistant at the Carr Center for Reproductive Justice at NYU School of Law and interned for A Better Balance in Nashville, TN; the ACLU's Women's Rights Project; and the NYS Division of Human Rights' Office of Sexual Harassment Issues. She holds a BA from the College of William and Mary and has six years' experience working in politics in Virginia.

Thanks Interns & Externs!

LEGAL INTERNS:

Julia Currie

The George Washington University Law School

Ryan MacDonald

City University of New York Law School

Russell Silver-Fagan

New York University School of Law

Naoufal Zouak

Brooklyn Law School

LEGAL EXTERNS:

Riley Keenan

*Cornell Law School
Summer Associate at
Sullivan & Cromwell LLP*

Adam Yefet

*Brooklyn Law School
Summer Associate at
Fried, Frank, Harris,
Shriver & Jacobson LLP*

SUMMER INTERN:

Annette Vera

SUNY New Paltz



Legal Interns Russell Silver-Fagan, Julia Currie, Ryan MacDonald, and Naoufal Zouak

NCLEJ 2015 AWARDS DINNER

Kevin McCarthy and Camille Holmes Honored as NCLEJ Celebrates Its 50th Anniversary

On June 3rd, NCLEJ marked its 50th Anniversary at our annual awards dinner, where we honored **Kevin McCarthy**, Senior Executive Vice President and General Counsel of BNY Mellon, and **Camille Holmes**, Director of Leadership and Racial Equity at the National Legal Aid & Defender Association.

BNY Mellon's Chairman and Chief Executive Officer, **Gerald Hassell**, presented the Corporate Counsel Leadership Award to Kevin McCarthy. NCLEJ's former Executive Director, **Henry Freedman**, presented the Henry A. Freedman Champion of Justice Award to Camille Holmes.

Nearly 400 people attended the dinner, held at The Lighthouse at Chelsea Piers, which raised almost \$800,000 to support NCLEJ's efforts to fight for fairness for people in need. Dinner guests also saw the premiere of our 50th anniversary video, which can be viewed at www.nclej.org.



Henry Freedman, Jeffrey Toobin, Margarita Rosa, Camille Holmes, Kevin McCarthy, and Gerald Hassell



Board members Jill Shinn, Ofelia Zapata, Mary Gerisch, and Cassandra Barham with Margarita Rosa



Brian Kenny and Board member Doug Curtis



Delight Dodyk with Board members Paul Dodyk, Jennifer Selendy, and Steve Edwards



Marie Martinez, Board members Sandra Hauser and Damaris Reyes, and Oscar and Felipa Cruz

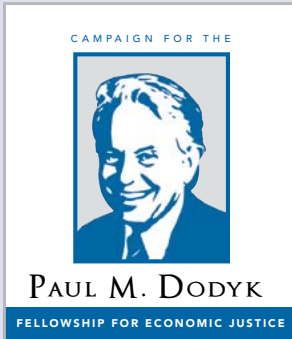


Camille Holmes and Henry Freedman



Gerald Hassell and Kevin McCarthy

Paul M. Dodyk Fellowship Campaign



NCLEJ's Paul M. Dodyk Fellowship for Economic Justice honors longtime NCLEJ Board Chair 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 www.nclej.org/dodykfellowshipcampaign.php.

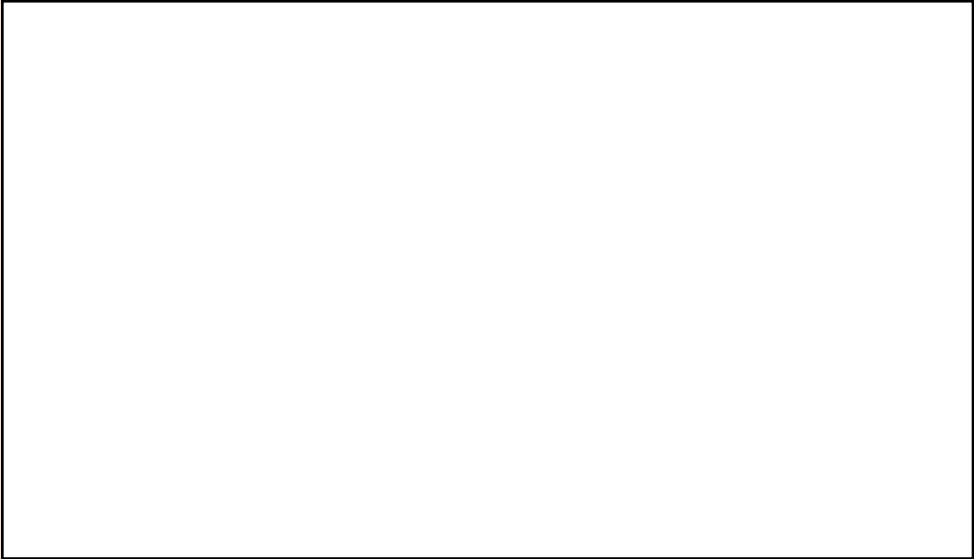


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Dodyk Fellow Leah Lotto Fights for Low-Wage Workers

Through the Paul M. Dodyk Fellowship, Leah Lotto continues to build NCLEJ's work on behalf of low-wage workers. Working with grassroots partners and NCLEJ staff, she is combatting the lack of enforcement of basic wage protections for workers in New York.

Leah coauthored the recent report, *Empty Judgments: The Wage Collection Crisis in New York*, together with colleagues from NCLEJ, the Legal Aid Society, and the Urban Justice Center. This report sheds light on the difficulties low-wage workers face in collecting their stolen wages (see page 3).

As part of the steering committee for the Coalition for a Real Minimum Wage Increase, Leah is



Leah Lotto (front, far left) at low-wage worker rally in Manhattan.

advocating for low-wage workers across New York State, including

urging the wage board to increase wages for tipped workers, meeting with the Department of Labor to

improve their investigation and resolution of worker complaints, and conferring with the Brooklyn District Attorney's office on how to best serve low-wage workers in criminal wage theft prosecutions. She also trains low-wage workers on their rights under New York's labor law, and how to report violations of those rights.

New projects underway include collaborating with innovative, low-wage organizing groups and participating in litigation efforts across the country.