NCLEJ’s Henry Freedman Honored for Lifetime of Service

On an occasion he described as “deeply moving” and a credit to the staff and Board of the National Center for Law and Economic Justice over many years, Henry Freedman, Executive Director of the National Center for Law and Economic Justice, was awarded an honorary Doctor of Laws by his alma mater, Amherst College over Memorial Day weekend.

Noting that Freedman joined NCLEJ in its infancy and has served as Executive Director since 1971, the College quoted Sen. Edward Kennedy praising NCLEJ as “a shining example of how much dedicated attorneys can do to make our society truly fair and just for all our citizens.”

In addressing graduates, Freedman recalled NCLEJ’s successes and disappointments as it pursued its goal of eradicating poverty. Freedman observed that he arrived at NCLEJ in 1967, the year that Dr. Martin Luther King turned his focus to economic justice and cried out: “Let us be dissatisfied until the tragic walls that separate the outer city of wealth from the inner city of poverty and despair shall be crushed by the battering rams of the forces of justice.” Freedman urged today’s graduates themselves to be “battering rams of the forces of justice.”

During his talk, Freedman savored his 1979 Supreme Court victory in Califano v. Westcott in which a unanimous Court struck down unconstitutional sex discrimination in the AFDC program, and his pride in the impact NCLEJ advocates have been able to have on program administration today. He also acknowledged NCLEJ’s founder, Edward V. Sparer, and Paul Dodyk and Stephen Kass, the current and immediate past Chairs of the NCLEJ Board of Directors, both of who were present to help celebrate the occasion.

To hear Freedman’s address at the Amherst College website, go to http://tinyurl.com/5jt474.
NCLEJ Succeeds in Speeding Processing of Benefits Applications in New York...

In Williston v. Eggleston, NCLEJ challenged a systemic failure on the part of the City of New York to process food stamp applications in a timely manner. When the State and City argued that the Court lacked jurisdiction to enforce the timeliness provisions of the federal Food Stamp Act, the Court denied their motions to dismiss. The City then sought leave to take an appeal prior to the lower court deciding the full case, but Judge Robert Sweet issued a decision denying such an appeal. We continued in settlement discussions with attorneys for the City and State regularly meeting with NCLEJ staff and co-counsel.

In January, New York City and State signed off on a settlement that has been submitted to the Court. Under the settlement, the City must process applications for food stamps in a timely manner and provide expedited food stamp processing to needy individuals and families within five days. In addition, the settlement provides for extensive monitoring, an individual relief mechanism for cases that fall through the cracks, and notice of their rights to applicants. The settlement was approved by the Court in April.

And in Colorado

Despite warnings from advocates and other stakeholders that delays and loss of benefits would likely result for thousands of low-income people, in 2004 Colorado prematurely rolled out a flawed new computer system for managing application processing and benefit determination for the State’s public benefits programs. Along with Colorado counsel, we won a preliminary injunction requiring the State to reduce the huge backlog of applications and take other corrective measures. In 2005, we successfully responded to the State’s motion to dissolve the preliminary injunction.

After extensive negotiations, we reached a settlement in late 2007. Under the settlement in Davis v. Henneberry, the State will process applications within the time frames mandated by federal and state law, set up a free telephone line for applicants and recipients to report problems and get resolution, instruct counties to refund any overpayment to a recipient caused by the computer system failure that the state agency identifies, engage in extensive reporting and monitoring of its performance, and take steps to investigate and resolve systemic computer system issues identified by plaintiffs.

Beyond the terms of the settlement, the lawsuit helped focus the attention of both the State legislature and federal oversight agencies on the new system’s problems and needed reforms.

Missouri Agrees to Ensure Due Process before Cutting Off Children’s Health Coverage

The State of Missouri will no longer be able to terminate thousands of low-income children’s health care without first providing them with the opportunity to challenge the termination and to receive health care coverage while they appeal, as a result of a settlement announced in March by the National Center for Law and Economic Justice and the National Health Law Program.

The settlement, approved by the court in April, provides relief to the more than 20,000 Missouri children who pay a monthly premium to receive health coverage through MOHealth Net for Kids and who would lose benefits as a result of the State’s unlawful policy. Missouri can no longer close the cases of tens of thousands of children without first giving notice and an opportunity to explain why their case should not be closed. Additionally, the State will reinstate health coverage for children who were unlawfully terminated and will provide financial relief for families forced to pay out-of-pocket to cover their children’s medical costs.

In July 2007, a federal court ordered Missouri to stop its unlawful policy of terminating children’s health coverage without first providing the opportunity to appeal and for continuing coverage pending the appeal, and without first determining whether the child was eligible for another Medicaid program. Prior to the Court’s ruling, children, such as J.W.M., were losing their health coverage for up to six months through no fault of their own.

“This settlement is a significant victory for the tens of thousands of low-income working Missouri families who are in desperate need of medical assistance. Missouri can no longer step on these children’s rights and unlawfully terminate their health coverage,” said Laura F. Redman, NCLEJ Pfizer/Equal Justice Works fellow.
NCLEJ held its annual awards dinner on June 3, 2008 at The Lighthouse at Chelsea Piers. The evening’s distinguished honorees included Richard Cotton, Executive Vice President and General Counsel, NBC Universal; Honorable Cory A. Booker, Mayor of Newark, New Jersey; Gordon Bonnyman, Jr., Executive Director of the Tennessee Justice Center; and Jill Shinn, NCLEJ Board Member from Missouri.

The dinner was chaired by Maria Ginzburg, Kirkland & Ellis LLP; Lawrence A. Jacobs, News Corporation; Thomas A. Roberts, Weil, Gotshal & Manges LLP, Art Ryan, Prudential Financial, Inc.; and Stephen Volk, Citigroup. Pete Williams of NBC News served as the evening’s emcee. Thank you to all of the generous sponsors, donors, and guests who made the dinner such a successful event!

For more pictures and to see video highlights of the dinner, please visit our website, www.nclej.org.
We’ve Been Busy!

Medicaid Matters New York, a consortium led by NCLEJ Health Policy Coordinator Denise Soffel, hosted its annual summit in February. The summit provided an opportunity to bring MMNY’s membership together, to review the details of the budget, assess budgetary and legislative priorities for the current session, and to develop advocacy strategies. Medicaid Matters New York was also honored by the Commission on the Public Health System at its annual gala in April for “its important role as the voice of consumers and the community on Medicaid and public health insurance.”

As part of a statewide advocacy effort, NCLEJ staff contacted the directors of all of the Independent Living Centers (ILCs) around the state, offering to work with them to improve access to public benefits for people with disabilities. During the past six months, we have conducted disability-focused trainings at ILCs in Manhattan, Yonkers, Poughkeepsie, Staten Island, Troy, Kingston, Newburgh, Brooklyn, Bronx, Harlem, and Nassau and Rockland counties.


NCLEJ staff led and participated extensively in multi-day meetings of leading public benefits advocates from southeastern states in New Orleans in May and of legal services directors of litigation and advocacy from throughout the country in San Francisco in June.

Thanks to our Spring and Summer Interns!

Tenisha D. Cummings
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Abby R. B. Herzberg
New York University School of Law

Dror Ladin
Yale Law School

Jennifer Schlissel
Northeastern University School of Law

Lee C. Stetson
City University of New York School of Law

And Externs!

Amy Duvall
Dewey & LeBoeuf LLP

Becca Smith
Orrick, Herrington & Sutcliffe LLP

Thanks also to NCLEJ Staff Attorney Lynn Lu and Pfizer/Equal Justice Works Fellow Laura Redman for their efforts in recruiting our great interns and externs!