



# ADVANCING ECONOMIC JUSTICE

*Advancing the cause of economic justice for low-income families, individuals, and communities across the country*



Fall 2009

## NCLEJ Challenges Benefit Delays in Rhode Island, Two New York Counties, and Texas, Joining Pending Cases in Indiana and Maryland

NCLEJ has been working hard in recent months to assure that government agencies provide critical health, nutrition, cash assistance, and emergency assistance benefits to families in urgent need in this economic downturn.

Four lawsuits filed this summer demand compliance with time limits for processing public benefits applications in **Rhode Island, Steuben County and Suffolk County, New York, and Texas**, in addition to two cases filed this spring challenging benefit delays in **Indiana and Maryland**.

Delayed processing of benefit applications is a critical issue for low-income people across the country,

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***“Delaying and denying crucial health care and food benefits to eligible families is not only immoral, it is unlawful — so we sue.”***

— Henry Freedman  
NCLEJ Executive Director

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who every day face challenges due to staff shortages at welfare agencies, misapplied program rules, inept administration, and outright hostility to applicants and recipients. These issues deprive or delay

hundreds of thousands, perhaps millions, of eligible families from receiving critical benefits that they need to feed, clothe, house, and obtain needed medical care for themselves and their families.

Through all of these cases, NCLEJ is working to assure that agencies comply with the law, that programs are administered to respond to basic human needs – in short, that the institutions established to meet basic human needs do so.

“Delaying and denying crucial health care and food benefits to eligible families is not only immoral, it is unlawful – so we sue,” said Henry Freedman, NCLEJ Executive Director.

*continued on page 5*

## Suffolk County, New York, Agrees to Time Limits for Processing Food Stamp and Medicaid Applications

NCLEJ and the Empire Justice Center have achieved a federal court settlement in a case challenging Suffolk County’s unlawful practice of delaying food stamp and Medicaid applications.

Maryann, the named plaintiff, was employed part-time as an on-call EKG technician and had a second part-time job as a medical assistant. She had been a full-time phlebotomist and EKG technician until she had to resign

in order to take care of her children, one of whom had been admitted to a children’s psychiatric hospital for an extended period of time. She lost her medical insurance when she switched from full time to part time employment. Her Medicaid application had been pending 71 days when the complaint was filed.

Under the terms of the settlement in *Maryann C. v. DeMarzo*, approved by the Court in

June 2009, Suffolk County must abide by federal and state deadlines for processing food stamp and Medicaid applications. Additionally, Suffolk County must provide certain information and services to individuals in immediate need. Finally, counsel for individuals experiencing food stamp and Medicaid application delays are able to use an out-of-court relief mechanism to resolve their application delays.

## ADVANCING ECONOMIC JUSTICE

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Executive Director

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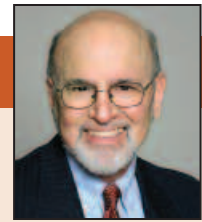
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## FROM THE EXECUTIVE DIRECTOR



I still remember the special thrill I felt back in 1975 when I received a call from Senator Edward M. Kennedy's office inviting me to the Senator's home to discuss welfare policy with several other "experts." It was a marvelous evening, as two welfare commissioners, a former welfare recipient turned welfare rights organizer, Senator Kennedy, his aides, and I talked over dinner, and for hours into the evening, about what might be done to improve current programs and eradicate poverty in this country.

By the time of that meeting Senator Kennedy had already displayed his leadership in the fight to create the Legal Services Corporation. His success in that battle continues to secure access to justice for so many of the poorest people in our land. At NCLEJ we are fortunate to work with the federally funded legal services lawyers throughout the country whose tireless efforts on behalf of the neediest among us are a living memorial to Senator Kennedy.

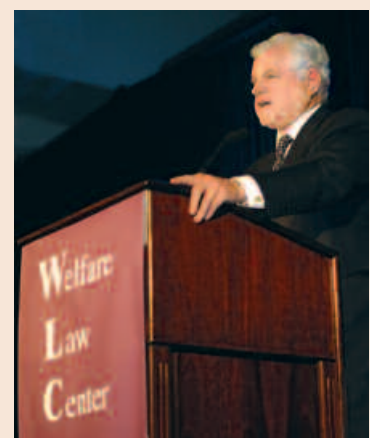
Five years ago we presented Senator Kennedy with our James Corman Award. The late James Corman served for two decades in the House of Representatives before joining our Board of Directors. Senator Kennedy spoke fondly of the nineteen years he and Jim Corman worked together, jesting that Corman was surely "looking down and saying, 'How could they possibly give that award to you, Teddy – you haven't even passed the national health insurance bill we introduced together in the 1970s.'"

Senator Kennedy died five years later, as his lifelong battle for health care reform was reaching a crescendo. We will continue build on the legacy left behind by Senator Kennedy to do all we can to assure that our clients get the health care, food, child care, cash assistance and other benefits they need to achieve stability and, if at all possible, move out of poverty. We thank all those who collaborate with us, and support us, in that effort.

Henry A. Freedman  
Executive Director



Senator Kennedy receives the  
James Corman Award from  
Ben Heineman.



Senator Kennedy addresses the  
2004 dinner attendees.

# NCLEJ 2009 AWARDS DINNER

## NCLEJ Dinner on June 2nd Honored Mike Fricklas, John DeWitt Gregory, and Sondra Youdelman

Viacom Executive Vice President, General Counsel, and Secretary Mike Fricklas; Hofstra Law Professor (and NCLEJ Board Vice Chair) John DeWitt Gregory; and Community Voices Heard Executive Director Sondra Youdelman were honored at NCLEJ's annual awards dinner on June 2 at The Lighthouse at Chelsea Piers in New York City. Author and commentator Jeff Johnson, of BET's *The Truth with Jeff Johnson*, served as emcee.



**NCLEJ Board dinner chair Doug Curtis addresses the guests.**

Through its annual dinner, NCLEJ honors the accomplishments of remarkable individuals such as those honored this year, while raising much-needed funds to support our programs. Thanks to all who contributed to the success of the dinner and our inaugural silent auction, including dinner co-chairs Stuart Baskin, Candace Beinecke, Richard Cotton, Leslie Gordon Fagen, Lawrence Jacobs, Jonathan Schwartz, Esta Stecher, and Richard Ziegler.



**Top left:** Mike Fricklas receiving award from Esta Stecher



**Top middle:** Executive Director Henry Freedman; honorees Sondra Youdelman, John DeWitt Gregory, and Mike Fricklas; and emcee Jeff Johnson



**Top right:** Mike Fricklas with co-chair Jonathan Schwartz



**Bottom left:** Oscar Chase presenting award to NCLEJ Board member John DeWitt Gregory



**Bottom middle:** Sondra Youdelman receiving award from NCLEJ Board member Anita Graham



**Bottom right:** Emcee Jeff Johnson



## Board and Staff Updates

### Three Prominent Attorneys Join NCLEJ's Board of Directors

New York City attorneys **Caitlin J. Halligan** of Weil Gotshal, **Nancy A. Lieberman** of Skadden Arps, and **Brian S. Weinstein** of Davis Polk, recently joined NCLEJ's Board of Directors.



**Caitlin J. Halligan**

Ms. Halligan, a former New York Solicitor General, heads Weil, Gotshal & Manges's Appellate practice. Her pro bono efforts there have included arguing the 5th Circuit appeal in NCLEJ's case challenging FEMA's post-Katrina policies and practices.



**Nancy A. Lieberman**

Ms. Lieberman is a partner at Skadden, Arps, Slate, Meagher & Flom, specializing in mergers and acquisitions. She is a trustee of the University of Rochester and the Citizens Budget Commission.



**Brian S. Weinstein**

Mr. Weinstein is a litigation partner at Davis Polk & Wardwell, where he was lead pro bono counsel for 36 Chinese immigrant workers who won a \$4.6 million verdict for labor law violations. He served on the New York City Bar's Committee on Pro Bono and Legal Services.

"We are fortunate to have such talented and committed lawyers join our Board as we use the law to assure that public agencies respond to the enormous needs of low-income families in this very difficult economy," said NCLEJ Executive Director Henry Freedman in announcing the appointments.

### Best Wishes to Lynn Lu and Denise Soffel

We extend our best wishes to former staff members Lynn Lu and Denise Soffel, who have taken on new challenges. Lynn is now Acting Assistant Professor of Lawyering at New York University School of Law, and Denise is Executive Director of the New York State Senate Health Committee, working with Senator Tom Duane.



### Welcome Deferred Associates and Fellow!

Laura Meehan  
*Dechert LLP*  
Jacob Meyer  
*Social Justice Pathways Fellow*  
Stephen Miller  
*Cravath, Swaine & Moore LLP*  
Robert Trisotto  
*Cahill Gordon & Reindel LLP*  
Adam Young  
*Wiley Rein LLP*

Welcome also to attorney Stephane A. Ariot, a graduate of George Washington University Law School, who is volunteering with NCLEJ.

### Thanks to Our Interns and Externs!

We gratefully acknowledge the support provided by our recent interns and externs:

#### INTERNS

Erik Bryan  
*Roger Williams University School of Law*  
Diana Chang  
*Boston College Law School*  
Stephen Deering  
*Roger Williams University School of Law*  
Tom Evans  
*Roger Williams University School of Law*  
Kathy Gaskell  
*Roger Williams University*  
J. Ryan McNelis  
*Roger Williams University School of Law*  
Shari Scalone  
*Benjamin N. Cardozo School of Law*  
James Sigel  
*Harvard Law School*  
Marisa Spittal  
*University of Connecticut School of Law*  
Emily Werth  
*Harvard Law School*  
Virginia Wilber  
*City University of New York School of Law*

#### EXTERNS

Heather Cochran  
*Sullivan & Cromwell LLP*  
Sarah Morris  
*Fried, Frank, Harris, Shriver & Jacobson LLP*

# We've Been **Busy!**

In our landmark New York City case, *Reynolds v. Giuliani*, we recently **settled with New York City to provide retroactive food stamps** to tens of thousands of households wrongfully denied food stamps when their cash assistance applications were denied or withdrawn. Our co-counsel in *Reynolds* are the New York City Legal Aid Society and the New York Legal Assistance Group.

In October, NCLEJ co-sponsored a New York City Bar program, **"Poverty and Welfare in the United States – A Human Rights Violation?"** The program featured former NCLEJ Board member Martha Davis, along with Catherine Albisa and Janet Gornick.

In September, Program Director/Senior Attorney Gina Mannix **participated in a one and a half day roundtable meeting** hosted by the Center on Budget and Policy Priorities. The meeting brought together experienced state and national advocates to discuss issues related to the upcoming Congressional reauthorization of the Temporary Assistance to Needy Families program.

In September, NCLEJ staff **completed a website update ([www.nclej.org](http://www.nclej.org)) and launched an organizational Facebook page.**

The Summer 2009 issue of the Management Information Exchange's Journal **contains an article by NCLEJ Executive Director Henry Freedman** on "Reorienting and Expanding Our National Advocacy Program." In soliciting the article, MIE cited NCLEJ's success as a national center that has "survived and thrived during the past 10 years." To view a copy of the article, please contact Vicki Henderson at [henderson@nclej.org](mailto:henderson@nclej.org).

In September, Henry **participated on a panel on addressing poverty and accessing justice** at the New York City Bar's Welcoming Program for Deferred Associates. In July, Henry addressed approximately 25 participants in the Humanity in Action Summer Fellowship Program at Fordham University, speaking about issues of poverty and the work of NCLEJ.

In August, NCLEJ Staff Attorney Cary LaCheen **spoke at the Regional meeting of the New York Association of Psychiatric Rehabilitation Services (NYAPRS)** in White Plains, New York. In April, Cary worked with the Community Health Law Project in New Jersey to conduct a training for nearly 100 contractors with and staff members of the Hunterdon County, New Jersey, Department of Social Services on issues related to the Americans with Disabilities Act and public benefits.

In August, the Direct Action Welfare Group, a **West Virginia nonprofit organization led by NCLEJ Board member Evelyn Dortch, hosted a weeklong leadership school on poverty.** Sponsored by the Poverty Initiative at Union Theological Seminary in New York, the school attracted leaders from organizations across the United States, South Africa, Scotland, and the Dominican Republic.

In July, NCLEJ Staff Attorney Laura Redman was **interviewed on WBAI radio on issues related to child care and child support enforcement.** Laura's interview came shortly after the New York State Senate approved legislation removing the child support enforcement requirement from recipients of subsidized child care. The Governor subsequently signed the legislation.

## NCLEJ Challenges Benefit Delays *continued from front page*

Adds Marc Cohan, NCLEJ Director of Litigation, "A severe economic crisis is the worst time for states and localities to stop getting critical assistance to poor individuals and families. This is a fight about making sure that those hurt by the recession do not go hungry longer, lose their homes, or do without medical care."

These recent cases have already produced important results: in the wake of our case filing in Rhode Island, for example, the state committed overtime resources for three weekends to resolve the backlog of overdue food stamp applications. As a consequence, many families had their food stamps applications processed far more quickly. Additional information can be found on our website, [www.nclej.org](http://www.nclej.org).

### **Thanks to our partners:**



#### **Rhode Island**

Roney & Labinger LLP  
(a civil rights firm affiliated with the ACLU of Rhode Island)

#### **Steuben County, New York**

Western New York Law Center  
and Empire Justice Center

#### **Suffolk County, New York**

Empire Justice Center

#### **Texas**

Texas Legal Services Center,  
Lynn Sanders (private attorney)

#### **Indiana**

Bryan Cave LLP (Chicago and St. Louis offices), Friedman & Associates, P.C. (in LaPorte, Indiana)

#### **Maryland**

Kirkland & Ellis, Homeless Persons Representation Project, and Public Justice Center

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THE FIGHT FOR  
ECONOMIC JUSTICE

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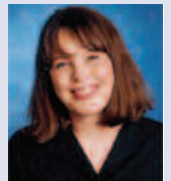
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## Lawsuit Challenges Denial of Worker's Compensation for New Mexico Agricultural Workers

In August 2009, NCLEJ filed a new case in **New Mexico**, *Griego v. The New Mexico Workers' Compensation Administration*. In this case, two severely injured New Mexico farm workers claim that the exclusion of farm and ranch laborers from the state's worker's compensation program violates the state constitution's equal protection clause. A successful resolution to this case would result in thousands of agricultural workers, for the first time, being able to access the worker's compensation program if they are injured while at work.

Our partners in the case are the New Mexico Center on Law and Poverty, Sargent Shriver National Center on Poverty Law, and Law Offices of Nancy Simmons, P.C.

## Law360 Interviews NCLEJ Board Member Jennifer Selendy



Jennifer Selendy

NCLEJ Board member Jennifer Selendy, a partner in the litigation group in Kirkland & Ellis's New York office, spoke with *Law360*, a newswire service for business lawyers. In the July 2009 interview, she said, "I am most proud of the pro bono work that I do in the areas of education and poverty, and that I am at a firm that supports this work so generously. I am on the board of the National Center for Law and Economic Justice, and I have partnered with the Center on several occasions to bring litigation that directly improves the lives of the most disadvantaged people in this country."

When asked about a lawyer (outside her firm) who impressed her, she said, "I am most impressed by Henry Freedman, the executive director of [NCLEJ] since 1971, because he is a brilliant lawyer whose selfless dedication to helping those most in need is truly humbling.... Henry stands out as a great example of what a dedicated attorney can do to make the world a better place."