

# ADVANCING ECONOMIC JUSTICE

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



Summer 2011

## Major Victories Achieved in Colorado and Nassau County, New York

NCLEJ and its partners have secured major settlements that will speed urgently needed food, health care, and cash assistance benefits to needy families in Colorado and Nassau County, New York.

### Colorado

In Colorado, we obtained two major court-approved settlements, one concerning food stamps and cash assistance, and the other Medicaid and CHIP. This case, now named *Davis v. Birch*, was originally filed in 2004 following the state's premature launch of a flawed new computer system to manage applications and ongoing eligibility for all of its public benefits programs. The new system, known as the Colorado Benefits Management System (CBMS), led to massive delays in processing applications and loss of benefits.

After years of litigation, the settlements we secured provided extensive relief in addition to the State's agreeing to comply with federal and state program requirements. For example, the State committed to meet specific targets for improvement in processing time at six-month intervals, to maintain a toll-free telephone for applicants and recipients to report problems and get resolution, and to require counties that were not providing telephonic access to applicants and recipients to do so. In addition, the State agreed to collect and share data and access to its records to prove its ongoing compliance with the settlements.

In addition, the State agreed to eliminate "auto-termination" in Medicaid and CHIP. Auto-termination resulted in many

families improperly losing health coverage because the worker had not processed the family's renewal forms, and the State's agreement to end this

---

***"We are very gratified that our work in these cases will mean that poor families will be able to afford food and medical care as they search for living-wage employment."***

**— Marc Cohan, NCLEJ  
Director of Litigation**

---

practice is a significant victory that shows how much can be gained by successful negotiation of settlements. Our co-counsel in Colorado are the Colorado Center on Law and Policy and Sherman & Howard LLC.

### Nassau County, NY

The Nassau County settlement in *Dowdell v. Imhof* was completed and approved by the Court in March 2011, a year after that case was filed. At the outset of the case, plaintiffs had claimed that more than half of all food stamp (SNAP), Medicaid, and cash public assistance eligibility determinations were delayed beyond the mandated time limits for each program, leaving hundreds of desperately needy individuals and families suffering hardships as they waited far too long to receive much-needed benefits.

The Court-approved settlement requires Nassau County to process all applications within the prescribed time limits, which range from 5 to 45 days depending on the program and other factors. The County also agreed to a mechanism to handle individual complaints by dissatisfied applicants,

*continued on next page*

## Enforcing Settlements and Court Orders

To make sure our victories stick, we always get the agencies to agree to keep providing us all the information we need until we can be sure that the agency has in fact reformed its practices and will be deciding applications more speedily.

In Rhode Island, we have just wrapped up our case after confirming a dramatic improvement in agency performance which was the direct result of our litigation. When we filed our case in 2009, up to one-third of all applications were delayed. Now, less than two years later, performance has improved so dramatically that in January 2011, the last month of monitoring, the State was processing 98.2% of the applications in a timely manner.

Our cases in Indiana, Maryland, New York City, and Steuben and Erie Counties in New York remain open as we monitor their performance to assure they are complying with the court orders and settlements that are still fully in force.



## ADVANCING ECONOMIC JUSTICE

Published by

**National Center for Law  
and Economic Justice**

**HENRY A. FREEDMAN**  
Executive Director

### Board of Directors

**Jennifer Selendy, Chair**  
*Kirkland & Ellis LLP*

**Cassandra Barham, Vice-Chair**  
*Benefits Rights Advocacy Group*

**Douglas F. Curtis, Vice-Chair**  
*WilmerHale*

**Sandra D. Hauser, Secretary**  
*SNR Denton US LLP*

**Steven M. Edwards, Treasurer**  
*Hogan Lovells US LLP*

**Mary Lu Bilek**  
*CUNY Law School*

**Paul M. Dodyk**  
*Cravath, Swaine & Moore LLP*

**Evelyn Dortch**  
*Direct Action Welfare Group*

**Stacey R. Friedman**  
*Sullivan & Cromwell LLP*

**Anita Graham**  
*Community Voices Heard*

**John D. Gregory**  
*Hofstra Law School*

**David Gruenstein**  
*Wachtell, Lipton, Rosen & Katz*

**Henry B. Gutman**  
*Simpson Thacher & Bartlett LLP*

**John H. Hall**  
*Debevoise & Plimpton LLP*

**Stephen L. Kass**  
*Carter Ledyard & Milburn LLP*

**Mark A. Kirsch**  
*Gibson, Dunn & Crutcher LLP*

**Edward P. Krugman**  
*Cahill Gordon & Reindel LLP*

**Nancy A. Lieberman**  
*Skadden, Arps, Slate, Meagher & Flom LLP*

**Mary A. Lovings**  
*Texas Welfare Reform Organization*

**Bruce Rabb**  
*PILnet*

**Adam L. Rosman**  
*Willis North America*

**Jonathan D. Schwartz**  
*Investment Bank, J.P. Morgan*

**Jonathan D. Siegfried**  
*Dewey & LeBoeuf LLP*

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

**John A. Shutkin**  
*Clifton Gunderson LLP*

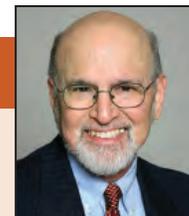
**Brian S. Weinstein**  
*Davis Polk & Wardwell LLP*

**Margo Westley**  
*AHAC Crossroads Urban Center*

**Steven M. Witzel**  
*Fried, Frank, Harris, Shriver & Jacobson LLP*

**George B. Yankwitt**  
*Squire, Sanders & Dempsey LLP*

## FROM THE EXECUTIVE DIRECTOR



Paul Dodyk has played a very special role at NCLEJ.

In the late 1960s, as a brilliant young professor at Columbia Law School, he worked with our visionary founder Ed Sparer to construct a novel legal argument that was accepted by the Supreme Court. For the next 25 years, millions of low-income families received critical cash assistance because of the decision in *King v. Smith*.

In the late 1990s, as a senior litigation partner at Cravath, Swaine & Moore, Paul joined, and then led, our Board. His personal support and leadership, and the Board that he developed, enabled NCLEJ to thrive, making a profound difference in so many people's lives.

To honor Paul, we have launched the Campaign for the Paul M. Dodyk Fellowship for Economic Justice. I am pleased to report that sufficient funds have already been raised to assure that there will be Dodyk Fellows at NCLEJ, and the Campaign continues.

At our Dinner on May 26, we presented our Economic Justice Award to Paul, Bob Herbert (the award-winning columnist), and PD Villarreal (Senior Vice President, Global Litigation, at GlaxoSmithKline). The Dinner was a great success, with attendance breaking all past records. I thank all of the staff and Board who gave so much of themselves for this event.

Speaking of the Board, I welcome Stacey Friedman, Mark Kirsch, Jonathan Siegfried, and Steven Witzel, and look forward to working with them to make NCLEJ even stronger.

The challenges ahead of us are great. The number of people in poverty – in deep poverty – continues to rise. Governments at all levels are slashing funding and staff, making it even harder for those in desperate need to get the benefits and services that will allow them to feed their families, stabilize their lives, and enter or stay in school or the workforce.

NCLEJ's efforts assure that many of those in greatest need are helped. We would not be here but for the support of our many generous donors and funders, and we thank you.

Henry A. Freedman  
Executive Director

## Major Victories Achieved in Colorado, New York *continued from front page*

and to provide plaintiffs with extensive and detailed monitoring of its performance. The Empire Justice Center is co-counsel.

"We are very gratified that our work in these cases will mean that poor families will be able to afford food and medical care as they

search for living-wage employment," said Marc Cohan, NCLEJ's Director of Litigation.

### New Cases

We have also recently filed *Bohn v. Koller* in Hawaii, with co-counsel Lawyers for Equal Justice

and Alston Hunt Floyd & Ing, and *Travis v. Mossman*, with co-counsel Empire Justice Center, in Columbia County, NY. Settlement negotiations and preparation for trial are proceeding in both cases. Additional cases are in the developmental stage.

# NCLEJ 2011 AWARDS DINNER

## NCLEJ Dinner on May 26th Honored PD Villarreal, Bob Herbert, and Paul Dodyk

**Elpidio (PD) Villarreal**, GlaxoSmithKline Senior Vice President for Global Litigation; **Bob Herbert**, award-winning columnist; and **Paul Dodyk**, NCLEJ's former Board Chair and retired Cravath partner were honored at NCLEJ's annual Awards Dinner on May 26 at The Lighthouse at Chelsea Piers in New York City. Through this annual event, NCLEJ celebrates the accomplishments of remarkable individuals such as those honored this year, while raising much needed funds to support our programs.

NCLEJ Board Dinner Committee Chair **Doug Curtis** served as emcee for the dinner, which was attended by nearly 375 people. Dinner Co-Chairs included **M. Bernard Aidinoff, Richard Cotton, Douglas Eakeley, Sandra Hauser, Ben Heineman, Jeffrey Kindler, Adam Rosman, and Jonathan Schwartz.**

The Dinner also served as the official launch of the campaign for the **Paul M. Dodyk Fellowship for Economic Justice.** A video highlighting Paul's dedication to the cause of economic justice and the need for the Fellowship premiered at the Dinner. It is available on NCLEJ's website at [www.nclej.org](http://www.nclej.org).



L. to R. Henry Freedman, Paul Dodyk, Bob Herbert, PD Villarreal



Doug Curtis, Master of Ceremonies



Stephen Kass, introducer, and Bob Herbert, honoree



PD Villarreal, honoree, and Jeffrey Kindler, introducer



L. to R. Cassandra Barham, Bob Herbert, Margo Westley, Anita Graham

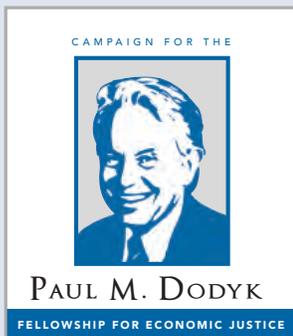


Jennifer Selendy, introducer, and Paul Dodyk, honoree



Paul Dodyk receives an ovation.

# NCLEJ Launches Fellowship Campaign



NCLEJ's newly created 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](http://www.nclej.org/dodykfellowshipcampaign.php).



## National Center for Law and Economic Justice

275 Seventh Avenue, Suite 1506  
New York, NY 10001-6860  
212-633-6967 (ph)  
212-633-6371 (f)  
[www.nclej.org](http://www.nclej.org)

Nonprofit Org.  
U.S. Postage  
**PAID**  
Permit No. 8263  
New York, NY



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

New York City attorneys **Stacey R. Friedman**, a partner at Sullivan & Cromwell; **Mark A. Kirsch**, a partner at Gibson, Dunn & Crutcher; **Jonathan D. Siegfried**, a partner at Dewey & LeBoeuf; and **Steven M. Witzel**, a partner at Fried, Frank, Harris, Shriver & Jacobson have joined NCLEJ's Board of Directors. They were elected at the May 2011 meeting.

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



Stacey R. Friedman



Mark A. Kirsch



Jonathan D. Siegfried



Steven M. Witzel

## We've Been Busy!

In April, NCLEJ released the 2011 edition of *Using the Americans with Disabilities Act to Protect the Rights of Individuals with Disabilities in TANF Programs: A Manual for Non-Litigation Advocacy*, authored by Cary LaCheen. The manual was updated to address developments that occurred since it was last revised in 2010.

This spring, NCLEJ formed the **Young Professionals Network for Economic Justice (YPN)**. Led by NCLEJ volunteer attorney **Rebecca Reichman**, YPN members are planning a series of events and communicating about a range of economic justice issues. To create and launch this network, NCLEJ established a Steering Committee by inviting a number of individuals who have worked with NCLEJ as Fellows, deferred associates, interns, and external pro bono counsel.

**Tedde Tasheff, Marc Cohan, and Rebecca Reichman** succeeded in having Yonkers (NY) drop civil and criminal proceedings against a low-income mother who had secured state certification of her day care business but was accused of not paying fees and failing to comply with local zoning and other code provisions that we contended violate state law. This is our second case exploring how to increase the availability of affordable child care for low-income working parents.