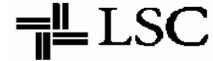


Special double issue!

Law Services News



APRIL, 2008



INSIDE THIS ISSUE:

LI Foreclosures Loom in Coming Months	2
Court Finds Immigrants Should Receive Equal Assistance	3
PADD Fights For Disabled Child	5
Doe v. Doar Update	7
Keeping Medicaid Coverage During a Move	8
Social Security Debit Cards	9
Tax Stimulus Payment	9

This issue is dedicated in memory of **Raymond "Ray" Schleicher** and **Irving Cohn, Esq.**

POINTS OF INTEREST

- *Poverty Truths-Statistics*
- *Training for Advocates on Social Services' Programs*
- *Notable Fair Hearing Decisions*
- *NSLS in our Community*
- *Law Services: What We Do*
- *Volunteer Attorneys Recognized for Their Work*
- *NSLS Long Awaited Spring 2008 Training Schedule*
- *Sad Goodbyes, New Hires & A Welcome Back*
- *Staff Anniversaries*
- *Message from the Executive Director*

DSS MUST REIMBURSE FOR BUDGET ERROR

In the case of Bryan v. Doar, the Appellate Division, Second Dept. has ruled that the Department of Social Services (DSS) must recalculate a welfare recipient's public assistance grant retroactive to 1993 because it misinformed her that her niece and her niece's income were required to be included in her budget which created an underpayment of assistance.

In 1993, the client applied for public assistance for herself and her children. She also was caring for her niece who was receiving Social Security Survivor Benefits as a result of her parents' death. Ten years later, after consulting with an attorney at Nassau Suffolk Law Services, the client learned that her benefits would have been greater if her niece and the niece's Social Security income were not included in her case.

At the attorney's request, DSS removed the niece from the public assistance case and the client's benefits were increased. However, DSS was also requested to make an underpayment adjustment retroactive to 1993. When it failed to make the adjustment, the client requested a fair hearing.

At the hearing, DSS claimed that the client was not timely in requesting the hearing because it was not requested within 60 days of the 1993 notice which first included her niece on the case. However, the only notice that DSS produced at the hearing was a 2001 notice proposing to reduce her benefits because she missed an employment appointment. The notice did not cite any regulatory authority for her niece's inclusion in her case.

(Continued on page 3)

Early Lease Termination Possible for Domestic Violence Survivors

Domestic violence survivors often have to flee their rental units in an attempt to avoid further violence or threats of violence, seek safety in a shelter, or to deter stalkers. Unfortunately, because many survivors have long-term leases with their landlords, these leases may pose an economic barrier to safety where the lease contains clauses that make early termination fiscally prohibitive. She may also get a poor reference from her landlord as a result of having to break her lease. Responding to this con-

cern, amendments to Real Property Law 227-c newly authorizes the court that issued the order of protection to also terminate a residential lease before the natural end of its term. This early termination will release a tenant from any future liability for the rental agreement and enable her to vacate the premises without financial penalty. Only survivors with orders of protection may qualify for this relief.

(Continued on page 2)



United Way of Long Island

Early Lease Termination for DV Survivors

(Continued from page 1)

Prior to commencing a court action for lease termination the survivor must have attempted to negotiate a termination with the landlord to no avail. In filing a petition for relief, the tenant must provide notice of the proceeding to the landlord, as well as any joint tenants, even if that joint tenant is the abuser. She must also demonstrate that despite the existence of the order of protection, a continuing, substantial risk of physical or emotional harm exists to her or her child, that relocation will substantially reduce the risk, that attempts for a voluntary release from the lessor were denied, and she is acting in good faith. If a lease termination order is granted, the survivor must insure that all sums due are timely paid and she must return the property free of occupants. If there are joint tenants, the survivor is not responsible for removing the cotenant from the premises after an order is issued. This law empowers the court to sever the joint tenancy rather than terminate the tenancy in its entirety unless all tenants agree to a complete termination. The law also outlines procedures for adjustments in rent and for the setting the termination date. The law became effective October 2, 2007.

This redacted article from the 12/07 issue of the Legal Services Journal was written by Amy Schwartz and reprinted with permission. For the full article see <http://www.empirejustice.org/content.asp?contentid=2927>

L.I. FORECLOSURES LOOM IN COMING MONTHS

Despite its reputation as an affluent suburban area, the Long Island region (Nassau and Suffolk Counties) is experiencing a dramatic increase in mortgage foreclosures, due in large measure to the proliferation of sub-prime mortgages in recent years, particularly in the poor and minority communities which lie scattered throughout the region. In 2005 and 2006, as prime lending experienced a decline, subprime mortgages - those bearing higher fees and/or interest rates than prime

mortgages - accounted for one in three loans on Long Island, according to a New York Times article on October 14, 2007 ("The American Dream Foreclosed".) Subprime mortgages tend to be marketed to borrowers whose credit and income do not support mainstream mortgages, and commonly in poorer and minority neighborhoods, even when the individual borrower may qualify for a mainstream loan.

Many of these loans draw borrowers in with a "teaser" interest rate, which then adjusts after two or three years, resulting in a much higher payment which the homeowner cannot afford. Long Island is now experiencing the results of this scheme. According to Long Island Profiles, a real estate information service, 1,000 foreclosure notices were filed in July 2007, and 728 foreclosures were actually scheduled in the third quarter. Both of these numbers represent an increase of more than 60% over the same period last year. The trend is expected to get much worse before it gets better, since many homeowners whose loans were issued with attractive low rates to start will see those rates skyrocket within the coming year.

In the current financial climate - and with housing prices slipping - refinancing is not an option, at least not without professional advocacy. According to the Empire Justice Center, which on March 28, 2008 released an analysis of securitized 2006 subprime loans based on data from the Federal Reserve Bank of New York, entitled Curbing the Mortgage Meltdown: The Impact of Foreclosures on New York's Economy and on Upstate and Long Island Communities, Long Island is poised to be the area in the state most hard-hit by these unaffordable loans. The numbers are staggering. In fact, in reporting on the Empire Justice analysis, Newsday noted on March 28 that seven out of the 10 hardest-hit zip codes in New York are in Nassau and Suffolk Counties. They are Wyandanch, Mastic Beach, Ridge, Farmingville, Mastic, Shirley and Freeport. Of all the subprime mort-

(Continued on page 4)

DSS MUST REIMBURSE

(Continued from page 1)

The NYS Office of Temporary and Disability Assistance (OTADA) issued a fair hearing decision which held that it did not have jurisdiction to review the underpayment of assistance prior to October 29, 2001. OTADA claimed that the notice of the employment sanction sufficiently notified our client that since 1993, DSS (the Agency) had included the niece within the household for the purposes of calculating public assistance benefits, and the client had failed to request a fair hearing within 60 days of the date of the notice. However, OTADA held that it did have jurisdiction to review the adequacy of the grant for the period after October 29, 2001, and found that there was an underpayment because the Agency failed to inform the petitioner during that time that she could maximize her benefits by removing her niece from her case.

The attorney then appealed that portion of the fair hearing decision which held that OTADA could not review the adequacy of her grant retroactive to 1993. The Supreme Court, Nassau County found for our client but OTADA appealed to the Appellate Division, Second Department. The Appellate Division affirmed the Supreme Court's decision to send the matter back to DSS to recompute the amount of public assistance benefits owed to the client from July 1993 to October 29, 2001. It held that the "Agency's notice dated August 29, 2001, was defective and did not trigger the 60-day limitations period because it did not state any regulatory authority for including (the niece) in the petitioner's public assistance case." The Court went on to find that "the Agency produced no evidence that the petitioner was informed that she could maximize her benefits by excluding the income of non-legally responsible relatives, even though, as the appellant's written determination acknowledges, New York State Department of Social Services Administrative Directive 82 ADM-75 requires local agencies to so advise applicants and to document in the case record that such information was fully explained to the applicant." To date the client has received about \$18,000 from DSS and anticipates an additional payment to compensate for the error.

Judy Kaslow in the Hempstead Welfare Unit represented the client.

Court Finds Immigrants Should Receive Equal Assistance

The New York State Constitution entitles disabled legal immigrants, ineligible for federal Supplemental Security Income (SSI), to receive the same level of public assistance that other disabled New Yorkers receive, a split appeals panel recently ruled. The case was filed on behalf of legal immigrants who received reduced public assistance after losing eligibility for SSI benefits and an additional state payment. This reduction in public assistance occurred because they failed to become U.S. citizens within the seven-year period mandated by the 1996 Welfare Reform Act. While the immigrants continued to receive public assistance, they filed suit to conform their level of assistance to the "standard of monthly need" currently \$724 - the minimum income level allotted to elderly or disabled for SSI in New York State. The Appellate Division, First Department, in *Khrapunskiy v. Doar*, ruled that Article XVII, §1 of the Constitution, which requires New York to affirmatively help the needy, obligated the state to meet the minimum income level for all citizens, regardless of immigration status.



Congratulations to the plaintiffs and their lawyers: Yisroel Shulman, Constance Carden and Irina Matiychenko of the New York Legal Assistance Group; Scott Rosenberg and Jennifer Baum of the Legal Aid Society; Barbara Weiner of the Empire Justice Center; and Richard W. Slack and Idit Froim of Weil, Gotshal & Manges.

Long Island Foreclosures Loom in Coming Months

(Continued from page 2)

gages issued in the state in 2006, 28% (40,988) were issued in Nassau and Suffolk Counties. Newsday quoted Long Island's most respected economist, Pearl S. Kamer, as stating, "The impact on these communities, which are some of the lowest-income communities on Long Island, will be devastating. Unless something is done quickly to remedy the situation, there's going to be a lot of pain associated with subprime mortgages." ("LI Leads State in Subprime Foreclosures," Newsday, March 28, 2008.)

The Empire Justice report shows by October 2007, the mortgages for 4,881 homes in Nassau were either thirty days or more delinquent or already in foreclosure. The number in Suffolk was 8,055. As an example, Empire Justice points out that even if we were to successfully prevent foreclosure for 75% of the homes in Nassau County that are currently in foreclosure or delinquent, that would still mean that 1,220 homes could be lost to foreclosure. Suffolk's numbers are even worse. The report can be found in its entirety at the website of Empire Justice Center, www.empirejustice.org.

Since subprime loans tend to be concentrated in low income and minority neighborhoods, the impact of a flood of foreclosures on these already stressed communities could be devastating and destabilizing. After analyzing the Federal Reserve Bank's data, The Empire Justice Center produced maps by census track showing that there are a number of communities in Nassau and Suffolk Counties which are among the most severely at risk in the state due to high percentages of subprime loans. Not surprisingly, the communities they identified as most impacted are poor and mi-

nority areas, including Hempstead, Roosevelt and Freeport in Nassau County, and Wyandanch, Brentwood, Central Islip and the Mastic/Shirley area in Suffolk. In Nassau County, African Americans are four times more likely than whites to reside in an impacted zip code, while African Americans in Suffolk County are three times more likely to reside in an impacted zip code. In Suffolk, 42% of the loans in foreclosure or more than 30 days delinquent are located in 10 of 102 zip codes, and 66% of all African Americans in Suffolk County reside in these highly impacted zip codes. In Nassau, 60% of the loans are located in 10 of 67 zip codes, and 85% of the county's African Americans reside in these zip codes. In each of the two counties, only 20% of its white population resides in the identified high-foreclosure zip codes.

"According to Long Island Profiles, a real estate information service, 1,000 foreclosure notices were filed in July 2007, and 728 foreclosures were actually scheduled in the third quarter."

With even investors showing a lack of enthusiasm for purchasing foreclosed homes in this shaky housing market, according to an article in Newsday on October 11, 2007 ("Long Island Foreclosures Rise, and No One wants the Houses"), the threat of neighborhoods marred by boarded up, abandoned homes providing a haven for criminal activity becomes real.

The existing reliable assistance for homeowners in these situations is inadequate. While several local agencies, including Long Island Housing Services, are certified by the U.S. Department of Housing and Urban Development to provide mortgage counseling, the recent explosion of need has overwhelmed the providers. With Law Services as the only full-service civil legal services provider on Long Island, providing only limited assistance in this area due to lack of sufficient resources, the gap between the need for

(Continued on page 5)

PADD Fights for Disabled Child’s Right to Participate In Swim In Class

Recently, **Marcia Vogel**, disability advocate in our PADD Unit (Protection and Advocacy for the Developmentally Disabled) assisted a young boy with Cerebral Palsy who was being denied access to swimming with his class each week because he was not toilet trained and wore a diaper. His mother tried to work with the school district to remedy the situation. After many unsuccessful attempts she contacted our PADD Unit . Marcia researched the health department regulations concerning swimming pool safety and health. As it turned out by wearing a diaper he was in compliance with the Health Department regulations. She then contacted the necessary school district administrators informing them that her client was not violating health and safety regulations and that he had a right to swim with the rest of the class. The school district agreed to immediately allow him the opportunity to swim with his class and enjoy the same recreational activity as his non-disabled classmates. Great work, Marcia.



(Continued from page 4)

Long Island Foreclosures Loom

legal services in this area of law and the availability of those services is great.

We are happy to announce that Law Services has just been awarded a grant from the New York State Office of Court Administration to provide legal assistance in foreclosure cases. Legal assistance will be provided in partnership with the Empire Justice Center and Long Island Housing Services. Although only funded to provide one attorney, it is our hope that services that will be expanded in order to serve the anticipated groundswell of foreclosure cases.

Beth Wickey, Director of Program and Contracts Administration





In February we lost a treasured and well-loved volunteer, **Ray Schleicher**. Ray was recruited as a Law Services volunteer in 2001 by his wife, Bobby, who had also been volunteering her services since 1999. Ray entered call-back data into our case management system and also meticulously proofread the agency's newsletter. He was a retired accountant and held the position of Treasurer at Lanvin-Charles of the Ritz before starting his own firm. He had been president of his synagogue and president of Adults and Children with Learning and Developmental Disabilities (ACLD), an agency providing services to over 3,000 learning disabled persons. Ray always extended an encouraging and supportive spirit to the Law Services staff, which was especially appreciated during times when caseloads were difficult or funding was strained. Ray continued to report to the Islandia office devotedly, even on days when his energy was waning, and served as an inspiration to all of us. He will be sorely missed but forever in our hearts.



We are also mourning the loss of one of our co-founders, **Irving Cohn**. His vision of offering legal representation to all in need became a reality when Nassau/Suffolk Law Services was created in 1966. His legacy will live on as we continue to assist the indigent and acknowledge his contribution in building the strong foundation that brought Law Services to where we are today.

TRAINING FOR ADVOCATES ON SOCIAL SERVICES PROGRAMS

Sponsored by Suffolk Department of Social Services

FOUR MORNING SESSIONS (9:00AM – 12:00PM)

COVERING PROGRAMS AND SERVICES

AVAILABLE FROM THE SUFFOLK COUNTY

DEPARTMENT OF SOCIAL SERVICES

MAY 15 AND 16, 2008 , JUNE 3 AND 4, 2008

H. LEE DENNISON BUILDING – MEDIA ROOM

100 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE

(for session details, go to our website www.nslawservices.org)

SIGN IN AT 8:30AM

PRESENTATIONS BEGIN PROMPTLY AT 9:00AM

PRE-REGISTRATION IS REQUIRED

CALL 631 – 854 – 9748 OR SEND EMAIL

Linda.odonohoe@suffolkcountyny.gov



NOTABLE FAIR HEARING DECISIONS

NOTICE TO ONE DSS UNIT IS NOTICE TO ALL

Congratulations to Judith Kaslow, staff attorney in our Welfare Unit Hempstead, who received a fair hearing decision that acknowledged that notice to one unit of the Department of Social Services is deemed to be notice to the entire agency. Judy's client was denied Medicaid on the grounds that she was not categorically eligible and had income in excess of the applicable program limit for non-disabled individuals. However, Judy argued that DSS was affirmatively on notice of the client's disability status as it was paying for her mental health subsidized housing. DSS argued that the public assistance unit was involved in her housing subsidy but not her Medicaid eligibility, so that the Medicaid unit was not on notice as to her disability. The Administrative Law Judge (ALJ) disagreed.

The ALJ held that DSS is a single entity and notice to one unit is properly deemed notice to the agency as a whole. Where one is ineligible to receive Medicaid under the non-disability category due to income, and DSS provides the person a subsidy based on disability status, DSS is deemed to be on notice of the disability and must consider eligibility for Medicaid on this basis.

DSS' ELECTRONIC FILES A DOUBLE-EDGED SWORD

The Nassau and Suffolk Departments of Social Services (DSS), along with other offices throughout New York state, have recently transitioned towards maintaining paperless files of applicants' and recipients' documents. Despite the obvious advantages in maintaining electronic files, Law Services has seen become aware of documentation problems which still need to be resolved.

Since hard copies of documents have to be scanned into the system, this extra step sometimes

causes documents to be misplaced. This can explain why a client may have a date-stamped receipt for documents which does not appear in the case record submitted at the fair hearing. Also, the advocate's indirect access to a client's file can result in omissions. When requesting to view a client's file in preparation for a fair hearing, the hard copies are printed from the electronic file for review. DSS personnel must select the files and documents to be printed out and this may inadvertently cause the hard copy record to be incomplete.

The shuffling of paper documents to be scanned to an electronic format has been acknowledged as a source of confusion. At a recent fair hearing, our client was appealing the denial of her application. DSS claimed that she had not submitted all of the required documentation. The client testified at the hearing that she submitted the documents that were requested, but this was not supported by the record. DSS conceded that because files are often in transit being imaged for future access, it is possible that an applicant could submit documentation that does not make its way into the file.

The Administrative Law Judge found that DSS' determination to deny the application was correct when made, but could not be implemented. Since DSS cannot assert that every document submitted by the applicant would necessarily be found in her file, it was directed to afford the appellant the opportunity to submit any outstanding eligibility documentation and to reevaluate the application in issue.

Congratulations to Herb Harris of the Hempstead office for his great work and having this hearing selected as a Fair Hearing of the Month by the Empire Justice Center

Doe v Doar Update

Local social services districts are assessing eligibility for prospective and retroactive relief for the thousands of Doe v. Doar class members in New York State. As reported in our last newsletter, this lawsuit is resulting in thousands of public assistance cases being reviewed due to public assistance budgeting errors based on the presence of an SSI recipient in the household.



Outside of New York City, Doe cases were not tagged with a special code and so are not easily identifiable. Local districts have to review all cases that are prorated and determine which cases are Doe cases and which cases are not Doe cases. Persons with pro-rated cases should have received notices when a determination is made that they are not a class member in the case. This notice has the number of the Empire Justice Center dedicated line or the person can call Nasau Suffolk Law Services.

Doe class members will have had at least one public assistance household member on SSI and at least one child in the household (at the same time) some time between July 2004* and the present. They must have received public assistance which was reduced due to the presence of the SSI recipient in the household. Doe households fall into one of two configurations:(1) An adult who is the natural or adoptive parent of the child. Either one can be on SSI. (2) Siblings living with a relative caretaker. At least one of the siblings is on public assistance and one is on SSI.

It is important that clients respond to Doe v Doar notifications in order to receive their corrective cash award

* In our previous newsletter, the date of July, 1994 was cited in error.

KEEPING MEDICAID COVERAGE DURING A MOVE

Relocating from one New York county to another usually means an interruption in Medicaid coverage. This prospect can be a nightmare for families and persons with disabilities who are especially hard hit if their medical coverage is interrupted.

Pursuant to a recent settlement in the case of Luberto v Daines, the NYS Dept. of Health (DOH), and the Office of Temporary and Disability Assistance (OTADA) have agreed to provide Medicaid- eligible people who relocate within New York state with seamless coverage. The attorneys in the case, Vollmer & Tanck, negotiated a procedure with the New York agencies, DOH and OTADA, wherein a Medicaid recipient need only inform DSS in the county of origin of their address in the “new” county along

with any changes in eligibility information. The DSS in the county of origin will continue the Medicaid coverage until the end of the month following the month of relocation. The DSS in the new county will automatically pick up coverage at the end of the month without a new application, even if ongoing eligibility is being evaluated. Furthermore, Medicaid recipients who reside in Office of Mental Health (OMH) or Office of Mental Retardation and Developmental Disabilities (OMRDD) facilities are also covered by the stipulation, so that moving out of one of these facilities will not cause them to lose Medicaid eligibility as it has in the past.



Until a formal implementation plan is put in place, if your client experiences interruption in Medicaid coverage due to relocation, please call our offices and refer to the Luberto lawsuit.

Coming Soon—Social Security Debit Cards

The United States government is expected to offer Social Security recipients a new way to receive benefits this summer —through a debit card. The debit card will target Social Security and Supplemental Security Income recipients without bank accounts.*

Those recipients who choose to sign up for the debit program will receive a Mastercard debit card which will be automatically reloaded each month with benefit payments and secured with a personal identification number (PIN). The card can be used at ATMs to withdraw cash and at retailers for purchases and to get cash back. Unfortunately, there are some usage fees attached to the card. The first ATM withdrawal each month will be free. Any additional withdrawals will cost 90 cents each, and some ATMs will assess their own usage fees. Online bill paying service will be 50 cents per bill.



**For those who fear their bank accounts might be illegally frozen due to an outstanding debt, the debit card may be preferable to a bank account.*

Don't Forget to File for the Tax Stimulus Payment!



Starting May, 2008 the IRS will begin issuing payments under the **Economic Stimulus Program** to individuals and families who have filed a 2007 tax return. There are many people who are not required to file a return due to low income, but filing this year could mean a check! Even if they have not filed by April 15, 2008, a person has until **October 15, 2008** to file their taxes and qualify for the payment. (However, most free tax filing assistance will not be operating after 4/15/08).

Individuals and families must have had at least \$3,000 in "qualifying income" in 2007, which can be a combination of Social Security benefits, Veterans pensions and Survivors Benefits, Railroad retirement benefits, and earned income from wages or net self-employment. If the only source of income is Supplemental Security Income (SSI) they are not eligible to receive the tax payment. The payment will not count as income for Medicaid, Food Stamps, SSI or Social Security and will not count as an asset for 60 days after month of receipt.

For more information regarding the stimulus tax rebate visit the IRS' website at www.irs.gov and click on the Rebate Questions section.

THANKS FOR YOUR SUPPORT!



Nassau/Suffolk Law Services needs your help now. Your donation will support this newsletter, which has been sent to you free of charge. You will also be demonstrating your support for the valuable legal services we offer tenants, senior citizens, people with physical and mental disabilities, persons with HIV/AIDS, homeless individuals and families, Adult Home residents and others in need. Help us bring equal access to justice to low income Long Islanders. Your contribution will make a real difference.

Yes! I want to invest in Nassau/Suffolk Law Services. Enclosed is my gift of :

\$50 ___ \$100 ___ \$250 ___ \$ 500 ___ Other ___

_____ I would like to know more about Planned Giving via bequests or designations

Name Phone Fax

Agency or Business

Address City State Zip

Please make your check payable to Nassau/Suffolk Law Services at One Helen Keller Way, 5th fl. Hempstead, New York 11550. Attention: Maureen Marmero



Poverty Truths and the Poor Losers

These statistics grabbed our attention:

1 in 4 U.S. jobs provides below-poverty level income: *Penn State University, [Poverty in America: One Nation, Pulling Apart](#)*

Among the working poor, 13% of income is spent on commuting if public transportation is used; 21% if a private vehicle is used. Workers who earn \$45,000 or more spend 2% of their income on commuting. *U.S. Department of Transportation /Bureau of Transportation Statistics, [Commuting Expenses: Disparity for the Working Poor.](#)*"

1 in 3 people who've left welfare since 1996 did so because they couldn't meet program requirements or they hit the 5 year limit. *Department of Health and Human Services [Administration for Children & Families: TANF Welfare Statistics 2002.](#)*

1 in 7 have no work, no spousal support, and no other government benefits. *Urban Institute, [Disconnected Welfare Leavers Face Serious Risks](#) Pamela J. Loprest, August 2003.*

83% of those earning \$75,000 or more work for companies that offer insurance, versus 24% of those who earn less than \$25,000. *U.S. Census Bureau, [Health Insurance Coverage in the United States 2002.](#)*"

51% of the uninsured are \$2000 or more in medical debt. 16% owe at least \$10,000 [Gaps in Health Insurance: An All-American Problem](#), *The Commonwealth Fund.*

2 in 5 elderly live on less than \$18,000 a year, including Social Security benefits. *Penn State University, [Poverty in America: One Nation, Pulling Apart.](#)*

600,000 high school students dropped out in 2004. If each had stayed in school for just one more year the nation would have saved \$41.8 billion in lifetime health care costs *Muennig, Peter. [Health Returns to Education Interventions.](#)" Columbia University. Fall 2005 symposium on the social costs of inadequate education.*

Since 1983, college tuition has risen 115%. The maximum Pell Grant for low and moderate income students has risen only 19%. *The College Board, [Trends in Student Aid 2003.](#)"*

63% of federal housing subsidies go to households earning more than \$77,000. 18% to households earning less than \$16,500. *Cushing N. Dolbeare and Sheila Crowley, ["Changing Priorities: The Federal Budget and Housing Assistance, 1976-2007."](#)tag August 2002.*

(excerpt July/August 2006 issue of Mother Jones Magazine)



LAW SERVICES IN OUR COMMUNITY



Law Services continues its strong ties within the community in an effort to collaborate with various agencies to insure that low income Long Islanders receive the services they so desperately need. If you happen to see any of our Law Services' staff at a community event, please stop by to introduce yourself and say hello. We'd love to meet you, and as always we thank you for your support!



Daniel Okrent, Staff Attorney of the Senior Citizens Project, (pictured 3rd from the left) has been quite active in a number of presentations over the past few months:

- On January 11, 2008 he was a speaker at a seminar entitled "How to Help Your Constituents with Elder Law Issues" sponsored by the Nassau County Bar Association .
- on March 13, 2008 he spoke at the Long Beach Medical Center about Medicaid income and resource changes, waived services and NYSARC Trusts .
- on March 27, 2008 he spoke to a large AARP group at Congregation Beth-El in Massapequa regarding Medicaid and housing issues affecting seniors.
- on April 1, 2008, Dan presented at Family and Children's Association for the Ombudsman staff on Health Care Proxies, Power of attorney and the differences between Medicare and Medicaid.



Dan was also recently honored with an award in appreciation for his outstanding leadership as the Advisory Council Adult Protective Services Committee Co-Chairperson by the Nassau County Department of Social Services Advisory Council. Congratulations, Dan!

On Thursday, April 3, 2008, **Maria Dosso**, Director of Communications, presented on the issue of Medicaid, health insurance and SSI for parent participants of the Cody Center Research Consortium who sponsored the training. The seminar was held at Stony Brook University and dealt with disabled children transitioning from children's SSI benefits or Child Health Plus Insurance to adult benefits and insurance coverage.

On March 26, 2008 Law Services was one of the agencies who participated in **Senior Citizens Day** at the VFW Hall in Centereach. The morning was sponsored by Legislator Beedenbender and Congressman Bishop as a day to provide valuable networking and outreach to community.



Legislator Beedenbender and Maria Dosso,
Director of Communications

Denise Snow, staff attorney in our PLAN (Permanency Legal Assistance Needs) Unit recently did two presentations regarding the legal needs of the seriously ill patient: One at the North Fork Breast Cancer Coalition and on April 2, 2008 at Stony Brook University for the social workers at their "lunch and learn" series.



Rob Briglio, staff attorney in the Protection and Advocacy Project, attended a Public Interest Law Fair held at the Touro Law Center on February 5, 2008. Numerous other public interest law organizations participated. The job fair presented an opportunity for students to become familiar with public interest organizations on Long Island for both internships and employment opportunities.

Marcia Vogel of the PADD Unit (Protection and Advocacy for Persons with Developmental Disabilities) presented to parents of disabled children on special education and CSE meetings teaching parents to be more comfortable with the process. She provided concrete strategies for preparing for CSE meetings, and how to advocate effectively. The March 13, 2008 training was sponsored at Stony Brook University by the Cody Center Research Consortium.

On October 25, 2007 **Jim Denson**, paralegal and **Frank Gulas**, Staff attorney, participated in a Health Fair held at Hempstead High School. Area hospitals and community agencies set up information tables for the community and high school students regarding medical and legal services available to them.

(cont'd on page 12)

LAW SERVICES IN THE COMMUNITY (continued from page 11)

The Legal Support Center for Advocates provides free legal information and support to hundreds of community advocates every year in an effort to expand our service base. In providing this backup to the existing advocacy network, we are able to indirectly assist thousands more individuals than we would otherwise be able to assist directly. Advocates can access this bicounty Helpline service by calling (631) 232-2400 x 3369 or x 3324. The Support Center also offers advocate training seminars (see p. 16).

In recognition of the important advocacy role of constituent services provided by the offices of our elected officials, the Support Center has hosted a seminar entitled *Using the Law to Help Constituents* since 1999. Our most recent seminar held on February 28, 2008 offered workshops on Access to Health Care, Family Court and Consumer Debt. By offering this seminar and follow-up legal support, we welcome the opportunity to partner with these crucial community advocates.



Staff of local elected officials who attended "Using the Law to Help Constituents" Seminar held at Law Services on February 28, 2008. Attendees represented the offices of: Congressman Bishop, Senator LaValle, Senator Flanagan, Assemblyman Alessi, Assemblyman Fitzpatrick, Assemblywoman Fields, Assemblyman Raia, Legislator Bedenbender, Legislator Vilora-Fisher, Legislator Schneiderman, and Legislator Stern.

On March 18, 2008 **Sheila Johnson**, our Government Affairs Coordinator, attended a community forum sponsored by Attorney General Andrew Cuomo. The event was held at Brentwood High School and included a discussion of various consumer issues including health care, internet safety, civil rights, college loans and consumer protection.



 Law Services staff, family, and friends (pictured left) attended the Nassau Suffolk Coalition for the Homeless' Candlelight Vigil on February 13, 2008 at Farmingdale University. The Vigil is sponsored every year by the Coalition to raise awareness of the plight of L.I.'s homeless.



NASSAU/SUFFOLK LAW SERVICES' MISSION STATEMENT: *TO PROVIDE QUALITY LEGAL SERVICES IN CIVIL MATTERS IN A MANNER WHICH RESPECTS THE INDIVIDUAL DIGNITY OF LOW-INCOME INDIVIDUALS AND HELPS ENSURE THAT THEY ARE AFFORDED THE FULL PROTECTION AND BENEFITS OF THE LAW.*



LAW SERVICES: WHAT WE DO

The Adult Home Project Provides legal assistance to residents of licensed Adult Homes on Long Island. The focus of the unit is on matters related to the rights of adult home residents and conditions in the homes, but also handles issues related to Social Security, public assistance and Medicaid. This project is funded by the New York State Commission on Quality of Care, with the purpose of providing protection and legal advocacy to this vulnerable population.

The Child Support Unit in Nassau provides legal representation to custodial parents, who are not in receipt of public assistance, in child support matters and in establishing paternity. This unit is funded by Nassau County.

The Civil Unit Provides legal assistance to low income persons with housing problems, including, eviction proceedings and other landlord-tenant problems, Section 8 subsidy and public housing issues, and foreclosures. The unit is funded in part by the Homelessness Intervention Project of Nassau County DSS.

The Consumer Debt Legal Assistance Project: Provides legal assistance in consumer debt problems, including collections. The purpose of the Project is to provide legal protection against unscrupulous debt collectors, as well as general assistance with consumer debt issues. The Project is based at the Touro Public Interest Law Center and is funded in large part by funds left over from a class action award on a consumer case.

The David Project Assists HIV-infected people and their families with a wide range of legal problems, including public benefits, housing, consumer and family matters; discrimination issues; access to health care and planning for the future through wills, guardianships and advance directives for medical treatment. The Project receives funding from the AIDS Institute of the NYS Department of Health and from the federal government under the Ryan White Act and administered by Nassau and Suffolk Counties.

The Disability Advocacy Project (DAP Unit): Provides legal assistance to low income clients in matters relating to SSI (Supplemental Security Income) and SSD (Social Security Disability.) DAP is funded only to represent clients in receipt of public assistance who need to establish that they are disabled in order to obtain SSI or SSD. The representation may be at a Social Security Administration (SSA) hearing, at the Appeals Council or in federal court. The unit also handles Continuing Disability Review cases in which SSA seeks to terminate benefits, but only for those clients who are in receipt of cash public assistance. The project is funded by The Office of Temporary and Disability Assistance.

The Domestic Violence Project : Provides legal assistance in Suffolk to victims of domestic violence relating to family matters, including orders of protection, custody and visitation. Child support will also be handled, if raised as part of the custody/visitation case. The Project works closely with local domestic violence agencies with the goal of providing protection from abuse and independence for the victim, so as to end the cycle of violence. This project is funded by the Office of Temporary and Disability Assistance.

The Legal Support Center for Advocates—Funded in part by United Way and plays a unique role at Law Services as a legal back-up center for advocates from social service agencies, religious organizations, health care facilities and other community-based agencies. In addition to providing one-on-one advice to advocates to assist them to help their clients, the unit also provides community education to advocates by means of training seminars on legal topics relevant to their clients' needs, and through distribution of a bi-monthly newsletter. The unit also refers individual cases to other units if the matter is beyond the capability of the advocate to resolve.

The Mental Health Law Project: Designed to provide legal assistance in civil matters to persons who are severely and persistently mentally ill, this project focuses primarily on issues relating to basic necessities of life, such as housing, public benefits and access to health care. This project is supported by the Suffolk County Office of Mental Hygiene, but the funding originates with the New York State Office of Mental Health.

LAW SERVICES: WHAT WE DO (cont'd from page 13)**The Permanency Legal Assistance Needs Project (PLAN):**

Provides legal assistance to individuals and families affected by cancer to cope with legal, financial and medical issues, and to plan for the future of the family through the course of the illness and afterwards. A major focus is to assist families to develop a legally enforceable long-term plan for the care of children, and to assure that the client's own wishes regarding end of life decisions are carried out through the designation of health care proxies, advance directives, powers of attorney and wills. The project also handles problems with Medicaid, Medicare and private health insurance, and may be able to assist with SSI and Social Security Disability matters, long term disability problems and issues involving public assistance. This project is funded by The New York State Department of Health.

The PADD (Protection and Advocacy for the Developmentally Disabled) Project : Provides legal assistance to persons with developmental disabilities, in such matters as the right to an appropriate public education, institutionalization, abuse and neglect issues, and discrimination in employment, housing, public accommodations and government programs. This unit is funded by NYS Commission on Quality Care and Advocacy for Persons with Disabilities.

The PAIR (Protection and Advocacy for Individual Rights) Project: provides legal assistance and representation to physically and mentally disabled individuals in cases involving equal opportunity and discrimination, with a concentration on law reform litigation cases, including protecting the rights of persons with disabilities to receive government benefits and services in the least restrictive environment and prohibiting discrimination in public accommodations, housing and employment, including obtaining reasonable accommodations to prevent discrimination. This unit is funded by the NYS Commission on Quality Care and Advocacy for Persons with Disabilities.

The Pro Bono Project the purpose of this project is to supplement the civil legal services provided by Law Services' staff with volunteer assistance from the private bar. The Pro Bono Project staff attempts to refer to private attorneys a wide variety of cases which Law Services cannot take due to lack of capacity. The Project will also refer some clients with family law matters whom we cannot help to the Modest Means Panel, a group of private attorneys associated with the Suffolk Bar Association who will accept these cases for a reduced fee. This project is funded in part by The Suffolk County Bar Association as well as by The Legal Services Corporation.

The Senior Citizen Law Project provides legal assistance to Nassau County seniors, under the Federal Title IIIB, Older Americans Act guidelines, with certain civil (non-criminal) legal problems. The project's goal is primarily to help those seniors who cannot afford a private attorney. This project is funded by the Nassau County Department of Senior Citizens Affairs.

The Volunteer Lawyer's Project the purpose of this project is to supplement the civil legal services provided by Law Services' staff with volunteer assistance from the private bar. The Volunteer's Lawyer's Project staff attempts to refer to private attorneys a wide variety of cases which Law Services cannot take due to lack of capacity. The Project will also refer some clients with family law matters whom we cannot help to the Modest Means Panel, a group of private attorneys associated with the Nassau County Bar Association who will accept these cases for a reduced fee. This project is funded in part by The Nassau County Bar Association as well as by The Legal Services Corporation.

The Welfare Unit: This unit provides legal assistance to persons experiencing problems with public benefits programs administered by the Suffolk County Department of Social Services, including welfare (TANF and Safety Net), Medicaid, Food Stamps, Child Care Assistance, HEAP, emergency shelter for the homeless and other emergency assistance programs. The unit is funded in part by a grant from the US Department of Housing and Urban Development for Supportive Services for the Homeless, in part by a grant from NYS Office of Temporary and Disability Assistance under their Supplemental Homelessness Intervention Program to prevent homelessness, and in part by general funds. The goal of the unit is to help clients obtain or maintain the basic necessities of life through these government programs.

SOCIAL WORKER - MSW

Nassau/Suffolk Law Services is seeking a social worker (M.S.W.) to work in our Islandia office. Work with low-income HIV-affected families. Please fax cover letter and resume to Liz Wolf at 516-292-6529. EOE/AA.

“Equal Justice Under Law”



Volunteer Attorneys Recognized for Their Work

By Rhoda Selvin



Suffolk Recipient

Most of **Harold Seligman's** business is with affluent, often corporate clients, so he is happy to take on the bankruptcy clients sent to him by the Pro Bono Project's Bankruptcy (PBP) Clinic. Since his first such case in 1990, he has spent 168 hours on the twenty-nine cases he has concluded and the four still open. Indeed, once he joined the PBP panel he has never been without at least one case in process. The satisfaction he derives from his PBP work, he explained, "gives me an opportunity to help some people who have gotten a short stick in life. They are very grateful, nice people – and it's good for my soul." His enthusiastic, dependable, and effective work with the indigent has led Harold Seligman directly to his being the Pro Bono Attorney of the Month, January, 2008

In a case he found especially interesting his client was a single mother who was unable to pay back her student loans. She worked as a nurse's aide in a nursing home until her father became seriously ill and then moved to Florida to help her mother take care of her father. When she came back to Long Island, she was unable to meet her student loan payments and came to PBP for help. Taking on her case, Seligman sought to persuade the United States government to forgive the loans because of her indigence. He was fortunate to deal with a United States Attorney who told him about a program in the Department of Education that is set up to help people who legitimately cannot pay these loans. Although acceptance in this program is difficult to achieve, Seligman succeeded in enrolling his client; her loan was reduced to what she could pay. "She was able to retain her dignity," he said.

In 1982 he and several other attorneys he had worked with started the firm now known as Long, Tuminello, Besso, Seligman, and Werner, located in Bay Shore. He is a member of The Suffolk County Bar Association, The New York State Bar Association, The American Bar Association, The American Bankruptcy Institute and The Banking and Commercial Law Committee. He has also lectured for the Suffolk Academy of Law.

Nassau Recipient

Ilene J. Behar has earned the distinction of being the Pro Bono Attorney of the Month for January 2008 by completing thirteen VLP cases for a total of more than 202 hours. In addition, she is working on an open case with her partner, Warren G. Hoffman.

Behar feels that her Volunteer Lawyers Project clients are grateful to have a pro bono lawyer's help. In one particular divorce case, delays occurred as the parties disputed the grounds for the divorce. Behar helped her client understand what was in her best interest, and in the detailed 40-page settlement, Behar arranged satisfactory visitation, support for both her client and the children, and health insurance for the children.

Her first job was as a paralegal with an organization called FOCUS (For Our Children and US). From 1984 until 1991 she was a project coordinator for this group, supervising five offices and assisting thousands of FOCUS clients obtain and enforce orders of child support. In 1986 she decided to go to Law School and attended Touro Law Center at night and earned her Juris Doctorate in 1991. Her first job after law school was as an associate attorney in the Law Offices of Warren S. Hoffman where she eventually became a partner in March 1994. The firm of Hoffman & Behar, LLP is in Mineola. Behar continued to be active in FOCUS, but as a volunteer. She works for the betterment of the family in matters concerning child support by serving as Chair of the Board of FOCUS. She also participates in related public seminars, lectures on various topics, and volunteers her time to help custodial parents obtain and enforce orders of child support. She is a member of the Nassau County Bar Association and its Lawyer in the Classroom Program, the Nassau County Women's Bar Association and its Alternate Dispute Resolution Committee, the New York State Bar Association, and American Inns of Court.



Law Services, Spring 2008 Training Schedule



We will be conducting trainings at our Suffolk site: 1757 Veterans Hwy, Suite 50, Islandia. To pre-register, please call the Training Line at 631 232-2400 Ext 3357 or you may e-mail Cathy Lucidi at clucidi@wnylc.com. The fee is \$30 per person per training session and is payable to "Nassau Suffolk Law Services". To confirm your phone reservation or e-mail reservation please mail your payment in advance of the training date with the registration form below. Space is limited so register early.

Public Benefits and the ADA Thursday, May 15, 2008 9:30 to 12:30 Islandia office. \$30 fee. The Americans with Disabilities Act requires state and local governments to provide meaningful access and an equal opportunity to participate in and benefit from their programs and services, and requires programs to provide reasonable accommodations to ensure such access. It also requires state and local governments to provide services in the least restrictive setting. The training will discuss strategies for asserting these rights for individual clients, and policy advocacy. Attorneys from Law Services' Protection and Advocacy Project and the National Center for Law and Economic Justice will present.

Medicaid Managed Care Tuesday June 10, 2008, 9:30-12:30 Islandia office \$30 fee An overview of the Medicaid program including eligibility criteria and application strategies. Special emphasis will focus on managed care which is being phased in for SSI recipients.

Landlord Tenant overview Thursday June 19, 2008 9:30-12:30 Islandia office \$30 fee. A description of the eviction process, tenant rights and the warranty of habitability, illegal evictions, and Section 8 regulations and appeals.

Training Registration Form

Name _____

Agency Affiliation _____

Phone Number _____

Title of Training(s) _____

Date and site of Training(s) _____

Amount Enclosed _____

Will be sent at a later date or on the date of the Training

Please return this form with applicable fee to: Nassau/Suffolk Law Services, 1757 Veterans Highway, Suite 50, Islandia, N.Y. 11749 Attn: Cathy Lucidi. This form may also be faxed to Cathy at (631) 232-2489



More Sad Goodbyes, New Hires & A Welcome Back!

Sad Goodbyes

After 13 years of dedicated service, **Maggie Shaw**, secretary in the Riverhead office has left Law Services to spend more time with her family. Maggie initially began her career at Law Services as a secretary in the Islandia Office. She provided support services in several units and also assisted staff by translating for our Spanish speaking clientele. Over the past two years she became the familiar voice as the receptionist in our Riverhead office forging important connections with East End agencies and clients in need. Her compassion for the clients and eagerness to assist was evident in her work. We will miss her very much and we wish her the best!



Jennifer Cooke has left the Protection and Advocacy Project as she starts her new family in a new part of the country. She was a valuable addition to the unit though her stay with us was short. Her work in the Project focused on battling discrimination against persons with disabilities.

Lesley Tse came to work in our housing unit in Hempstead in October 2006; her first position as a professional attorney. Lesley left our program on January 29, 2008 to continue representing low-income tenants, but now for Harlem Legal Services. We wish her luck in her new position.

After 15 years as an invaluable advocate for our clients, Law Services is sad to bid farewell to **Cheryl Keshner**, social worker in our Islandia office. Cheryl has been a tireless advocate for our clients—representing them at fair hearings, working on behalf of clients with community agencies, interpreting for Spanish-speaking clients and literally becoming the “go-to” person for staff seeking creative solutions to problems where no legal remedy may exist. She surely will be missed and we wish her all the best in her new position as Senior Paralegal and Community Advocate at the Empire Justice Center.

New Hires

We would like to welcome **Nancy Belfiore** and **Tatiana Jackson** as our new bilingual Islandia receptionists. Their positive energy and dedication to serving clients are already proving to be important assets as they manage the hundreds of daily phone calls. Welcome!

Sheila Johnson has also joined us as Government Affairs Coordinator to assist us on improving communications with our elected officials and monitoring government funding issues.

Kim Ritchie, has been hired as the Social Worker in our Islandia office. She comes to us with a lot of valuable experience, formerly of SCO Family of Services/Good Shepherd and Family Service League. Welcome!

Will Friedman, law graduate, who was temporarily working in the Suffolk David Project, has recently been hired to work in the Nassau Civil unit.

Jennie Mercado, has recently joined the Islandia office as an Urban League trainee and will be working with the DAP unit.

Lynn Iacona has recently been hired as an attorney in our PAIR Project (Protection and Advocacy for Individual Rights). She comes to us with previous experience working at Long Island Advocates.

Welcome Back

We're very excited to welcome back **Becky O'Sullivan**. She has just returned to Law Services as a Paralegal in our Volunteer's Lawyers Project for the Landlord/tenant In-Court Project in Nassau County. Her experience and bilingual skills are a great asset to this unit. We've missed her and are happy to have her back!



Cheryl at her Farewell party with daughter, Naomi

OTHER COMMUNITY RESOURCES

Law Help.org provides a web-based legal information site for low income New Yorkers and their advocates offering a wealth of information on topics such as:

- | | |
|---------------------|-------------------|
| Consumer | Individual Rights |
| Disability | Life Planning |
| Education | Public Benefits |
| Family and Juvenile | Seniors |
| Health | Taxes |
| Immigration | Workers' Rights |



The website offers information on: referrals to free legal service programs, information about your legal rights, links to social services and government agencies, information about the court system. The website is found at: <http://www.Law/Help.org/NY>

Law Help also provides community trainings on the use of the website and its useful features. Contact ny.info@lawhelp.org for more information on trainings.

Lifeline and Link Up are programs offering **wireless telephone discounts** to qualified, low-income customers.

Under the **Lifeline** program, eligible subscribers may receive discounted cell phone service from Sprint. **Link Up** assistance is also available and helps qualified, low-income customers pay up to one-half of the Lifeline service activation fee.

You automatically qualify for Link Up if you satisfy the requirements to receive Lifeline, and you may only receive the Link Up discount once at the same address. Restrictions Apply.

You can save up to \$13.50 per month on eligible Lifeline plans in most states. You must satisfy the eligibility requirements that appear in the Lifeline application form. For more information go to: <http://www.pulp.tc/html/lifeline.html>. Or you can also call Sprint at 888-408-3306 for further assistance. Restrictions Apply.



PLEASE SHARE A COPY
OF THIS NEWSLETTER WITH YOUR COLLEAGUES



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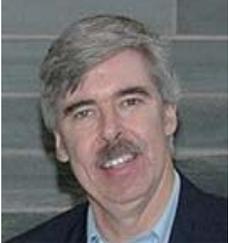
*“Equal Justice
 Under Law”*

We're on the Web
www.nslawservices.org



Congratulations to the following staff members celebrating their milestone employment anniversaries

Staff Member	Years of Dedicated Service
★ Mable Aikens-Clark, Secretary	10
★ Marie Connelly, Receptionist	5
★ Karen Corley, Controller	15
★ Maria Dosso, Esq., Director of Communications	20
★ Sandra Graffeo, Staff Attorney	5
★ Maria Hardy, Bookkeeper	10
★ Sandra Lieberman, Staff Attorney	10
★ Meredith Nadler, Staff Attorney	15
★ Daniel Okrent, Staff Attorney	10
★ Gabrielle Quinn, Paralegal	15
★ Ann Rosner, Paralegal	10
★ Pat Salzer, Bookkeeper	5
★ Andrea Sasala, Staff Attorney	10
★ Michael Wigutow, Senior Staff Attorney	20



CONGRATULATIONS TO
DOUGLAS RUFF, SENIOR STAFF ATTORNEY &
 DIRECTOR OF LITIGATION, ON HIS 30 YEAR ANNIVERSARY AT LAW SERVICES. DOUG'S TENURE IN THE WELFARE UNIT OVER THE PAST DECADES HAS MADE HIM RENOWNED AMONG PUBLIC INTEREST ADVOCATES IN NEW YORK STATE . WE ARE PROUD OF HIS DEDICATION AND SERVICE AND GRATEFUL TO COUNT HIM AS A LOYAL COLLEAGUE!



DO YOUR SEARCH ON GOODSEARCH.COM AND SUPPORT LAW SERVICES!

We are very excited to announce that Nassau Suffolk Law Services has just registered with GoodSearch.com. Good Search.com is a new search engine with a charitable mission. Now every time you do a search on www.GoodSearch.com you can choose to make a donation to Law Services at no extra cost to you. It is powered by Yahoo, so you can get the same great results. Just go to GoodSearch.com to start your search, enter "Nassau Suffolk Law Services" as the charity of choice (it will appear automatically after that) and begin your query. Thank you for your support!

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Message from the Executive Director, Jeffrey A. Seigel



Last year the Assembly joined with the Senate Majority and Senate Democrats to build upon the Governor and the Judiciary's initial investment of resources for civil legal services, ultimately making a total of \$15.85 million available statewide. This is money that flows into every community across the state. At Nassau Suffolk Law Services, state funding for civil legal services is of great concern to us because it greatly impacts our ability to provide much needed advocacy to Long Islanders in need. Last year through the efforts of the Judiciary, Executive and the Legislature, a total of \$15.85 million was made available statewide for the provision of civil legal services. We anticipate receiving almost \$465,000 of those funds locally to support ongoing legal services and to fund a vital new project dedicated to **foreclosure prevention** here on Long Island (see p. 2 "L.I. Foreclosures"). However, given the current proposed budget which has eliminated a large portion of the funding, these services are in jeopardy and the new project may be short-lived. We are in the process of introducing the project and will work fervently to secure funds to insure its survival during the foreclosure crisis on Long Island. We are grateful to our state elected officials who advocated on our behalf to insure that this year's budget partially restored the funds for civil legal services.