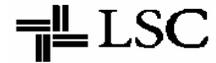


# Law Services News



OCTOBER, 2008

## Adult Home Must Justify Rent Increase

The Adult Home Project recently represented disabled adult home residents in multiple summary proceedings who were given a rent increase of over 200%, thereby increasing their rent to \$2,400. The residents were Supplemental Security Income (SSI) recipients and private pay residents. In order for the SSI recipients to pay this rent increase, they would have had to use their personal needs allowance (PNA). Social Services Law 131-o prohibits an adult home or community residence from requiring payment of the PNA towards the rent, even if the resident agrees. The residents also claimed that the adult home's admission

agreement required a showing of increased costs of maintenance and operation as a prerequisite to a unilateral rent increase.

In the first proceeding, the court held that the home had failed to follow eviction procedures pursuant to Social Services Law 461-g, and the action was dismissed. The home commenced another summary proceeding in an attempt to evict the residents for nonpayment of the increased rent. Following a trial, the court held that the adult home had failed to demonstrate increased costs sufficient to justify such an "extravagant" rent increase, thereby defeating the eviction and preserving the housing for the residents.

## Settlement Enables Disabled Client to Live at Home

In a great triumph for disability rights, Nassau Suffolk Law Services' (NSLS) Protection and Advocacy for Persons with Developmental Disabilities (PADD) Project has obtained a federal court settlement enhancing the rights of persons with disabilities in New York State who require Medicaid home care assistance. In the case of **Leon v Danes, et.al**, NSLS challenged policies and practices of the New York State Department of Health (DOH) that effectively denied home care services to the plaintiff and threatened her with institutionalization in violation of the Americans with Disabilities Act (ADA) and the Medicaid law.

Jeanette Leon is twenty-two years old and has lived with and been cared for solely by her mother since her father left the family long ago. She has been disabled since birth with Cerebral Palsy, developmental delays, and many other severe disorders. In order for Jeanette to remain home, she required nursing and assistance with all activities of daily living. For years, Jeanette's mom managed this intense level of care with help from the Medicaid home nursing program. As a result, Jeanette enjoyed an active life, was engaged in the community, and completed high school.

Receipt of Medicaid nursing

(Continued on page 2)

### INSIDE THIS ISSUE:

|  |   |
|--|---|
| Application Delays Challenged in Suffolk     | 3 |
| Social Security Overpayments                 | 3 |
| HEAP   | 4 |
| Utility Shutoff Notice- Basic Advocacy Steps | 5 |
| Disability Services                          | 6 |
| Fair Hearings                                | 7 |

*"Equal Justice Under Law"*

### SPECIAL POINTS OF INTEREST:

- *Volunteer Attorneys Recognized for Their Work*
- *NSLS 2008 Wine Tasting Reception*
- *Law Services in the Community*
- *New Hires, Promotion, Goodbye*
- *NSLS Now Accepting Donations Online*
- *Message from the Executive Director*



United Way of Long Island

## Settlement Enables Disabled Client to Live at Home

(Continued from page 1)

services became problematic because of a shortage of nurses willing to take the low Medicaid rate established by DOH in Suffolk County. A previous lawsuit brought by NSLS resulted in a settlement temporarily providing for a higher rate for nursing services for our client. However, after the settlement expired, problems finding nurses resurfaced.

We subsequently recommended that mom try the Consumer Directed Personal Assistance Program (CDPAP) which allows Medicaid home care recipients to assume responsibility for directing their home care program by hiring and training personal assistants to perform the necessary tasks, including medical procedures. For a non-self directing recipient such as Jeanette, someone else must direct the personal assistant under the CDPAP program. This responsibility fell to Jeanette's mom she was thus able to provide Jeanette with the home care she needed. Moreover, DOH benefited from the change to CDPAP from home nursing because the CDPAP rate was much less costly than nursing care. With home care in place, mom was able to work as a part-time teaching assistant to help pay the household's expenses.

In 2006 SCDSS terminated the client's CDPAP services which was affirmed by DOH, because of a DOH policy requiring that a self-directing other (mom) be present at all times that medical procedures were administered to Jeanette by the CDPAP aid. Additionally, DOH failed to provide any alternative Medicaid home care such as nursing services, to prevent the client's institutionalization. Mom was confronted with the possibility of placing Jeanette in a nursing home.

As a result of the successful settlement of this case, new policies and procedures have been implemented by DOH in both the Medicaid CDPAP and Private Duty Nursing programs. The

revised CDPAP policies no longer require that a self-directing other be present at all times to supervise medical procedures, and provides guidance and clarification to local Department of Social Services (DSS) districts statewide regarding the assessment process for CDPAP. DOH also established prior approval procedures for clients to apply for private duty nursing in those DSS districts that do not accept such applications (the vast majority), now posted on the DOH website: [www.health.state.ny.us/health\\_care/medicaid/publications/docs/gis/07ma008att.pdf](http://www.health.state.ny.us/health_care/medicaid/publications/docs/gis/07ma008att.pdf). Included in these procedures is the right to apply at the local DSS for a DOH case-specific enhanced payment rate. The enhanced rate is applicable in *all* DSS districts in the State pursuant to the settlement and will assist clients to obtain recommended nursing services. Finally, the settlement provided compensation for funds mom was forced to pay out of Jeanette's trust to obtain home care services after the DOH termination. For information regarding this release, contact Robert Briglio at the NSLS' PADD program.

### EQUAL PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE

New legislation will extend access to civil orders of protection and other safety benefits afforded to domestic violence victims through New York's Family Court to dating couples or any other individuals who are or have been involved in a non-family, intimate relationship. Prior to this legislation, New York State law only gave the right to obtain civil orders of protection in Family Court to domestic violence victims who were married, divorced, blood-related or couples with a child in common. Other victims were forced to go to Criminal Court to get an order of protection.

## Application Delays Challenged in Suffolk

The Empire Justice Center and the National Center for Law and Economic Justice filed a class action complaint against Suffolk County on August 22, 2008 in the U.S. District Court for the Eastern District of New York. The case is entitled Maryann C. v. DeMarzo.

The complaint alleges that Suffolk County Department of Social Services delays provision of public benefits such as food stamps, Medicaid, and temporary assistance to applicants by failing to determine their eligibility within federal and state statutory time limits. The complaint further alleges that DSS fails to provide for the immediate medical needs of applicants while their applications are pending.

Plaintiffs are asking the court to order Suffolk County (1) to process applications and provide Medicaid in a timely manner; 2) to develop and implement a process that effectively addresses immediate medical or other needs of individual applicants pending a final eligibility determination; and (3) to provide timely and adequate written notices of determinations of eligibility for Medicaid, including notice of fair hearing rights.

The Empire Justice Center is accepting referrals of applicants whose public assistance or food stamps cases have been pending for more than 30 days, or whose Medicaid cases have been pending for 45 days. Counsel for plaintiffs ask that you contact the Empire Justice Center (Cheryl Keshner-631-650-2317 or Linda Hassberg 631-650-2305) or the National Center for Law and Economic Justice (Laura Redman or Lynn Lu at 212-633-6967) for more information or to refer potential class members.

*Linda Hassberg, Esq Empire Justice Center*

### **The Merging of Two DSS Centers**

**The South Shore Center has recently moved, merging with the Wyandanch Center at a new location. The address for the new South West Center is:**

**2 South Second St. Deer Park NY 11729.  
Most phone numbers remain the same.**

## SOCIAL SECURITY OVERPAYMENTS

If you are a recipient of Social Security and get more benefits than you are entitled to during any month or number of months, this is an **Overpayment**. The amount of an overpayment is the amount of benefits paid to you minus the amount you were actually entitled to receive during a given time. The Social Security Administration (SSA) can take money out of your future checks to pay back an overpayment. You must first get written notice, and you do have appeal rights.

First, you can ask SSA to review their decision because you think that no overpayment occurred or if SSA has overestimated the amount of the overpayment. You should file a REQUEST FOR RECONSIDERATION form within 60 days if you think there was a mistake. (Filing for the Reconsideration within **30 days** can keep benefits at status quo until a decision is rendered). If the reconsideration is unsuccessful, a hearing must be requested within 60 days.

Second, you can ask the SSA to "waive" or "give up" a valid overpayment claim against you by filing a REQUEST FOR WAIVER. This can be done at any time and means you are asking SSA not to make you repay them. You must show you were not at fault AND that it would be a hardship to pay the overpayment back. If the waiver is denied, there is a right to a hearing. It must be requested within 60 days. **NOTE:** Social Security law permits the waiver of overpayments of \$1000.00 or less without further development of the case unless the facts indicate fault on the part of the overpaid person. You **MUST** submit a written request for reconsideration or waiver, though.

Third, you can file both a request for waiver **and** reconsideration if you think both apply to your situation.

Even if you have to repay the Social Security Administration, you may be able to pay back at a lower rate than the normal 10% if you can show that you would not be able to meet your ordinary expenses. You may be able to get this rate lowered and have the SSA withhold even less from your check.

*Candace Appleton, Senior Staff Attorney, DAP*



## The Home Energy Assistance Program

### What is HEAP?

The Home Energy Assistance Program (HEAP) is a federally funded program that provides financial assistance with heating costs to households that are income eligible. The receipt of HEAP can also have a significant impact on food stamps budgets, resulting in a larger food stamp grant.

### Who is Eligible for HEAP?

Eligibility is based on income and the housing situation. Higher benefits are provided to those households that: have larger percentages of their income spent on energy costs; contain a vulnerable individual\*; and have the lowest income. The total gross monthly income for the household size must be at or below the following:

| <u>Household Size</u> | <u>Gross Monthly Income Limit</u> |
|-----------------------|-----------------------------------|
| 1                     | \$1,963                           |
| 2                     | \$2,567                           |
| 3                     | \$3,172                           |
| 4                     | \$3,776                           |
| 5                     | \$4,380                           |
| 6                     | \$4,984                           |
| 7                     | \$5,097                           |
| 8                     | \$5,210                           |
| 9                     | \$5,324                           |
| 10                    | \$5,437                           |
| 11                    | \$5,800                           |

**Each Additional Person: add \$450**

Individual applicants must be U.S citizens or qualified aliens. Effective October 2008, tenants in subsidized housing (e.g. Section 8, group homes, etc), do not have to show that they pay separately for heat in order to get HEAP. Many of these renters will get a \$1 HEAP benefit for the first time. Though this sounds inconsequential, it can mean a higher Standard Utility Allowance (SUA) in a family's food stamps budget and can result in a significantly higher food stamps allotment. Make sure to advise the food stamps worker of the HEAP benefit for a food stamps recalculation.

\*Vulnerable individuals are defined as children under the age of 8, adults aged 60 or older, or disabled individuals.

### What are Regular Benefits?

New York State provides regular HEAP benefits to households that pay directly for heat as the customer of record\*\*, or who have heat costs included in their rent. The household benefits are calculated using a point system. The points are based on income, percent of income spent on energy, and the presence of a vulnerable individual in the household. The point value for the 2008-2009 program has been raised to \$65 per point. Eligible households that pay directly for heat receive a benefit ranging from \$130 to \$585. Eligible households that do not pay directly for heat but whose landlord states that heat is included in the rent, receive a standard statewide benefit of either or \$50 or \$60. Regular benefits are available starting November 3, 2008.

### What are Emergency Benefits?

HEAP provides emergency benefits to an applicant who is the customer of record. The applicant must also reside in the dwelling and have insufficient available resources to meet the emergency. Eligible households receive emergency benefits up to \$400 based on the type of emergency. Emergency benefits are available as of November 3, 2008

### How Does Someone Apply for Benefits?

Applicants can apply by mail if they are 60 or older or received HEAP last year and reside in the same county. Also new this year, applicants for whom an in-person emergency application poses an undue hardship will be able to mail in their application. Applications may be downloaded from the HEAP website: [www.otda.state.ny.us/main/heap/application.asp](http://www.otda.state.ny.us/main/heap/application.asp).

All other households must apply in person. Recipients of Regular HEAP, public assistance and food stamps may file **emergency applications** by telephone.

This year an "emergency" is defined as having

\*\* Eff 10/08 "tenant of record" requirement is eliminated.

equal or less than 1/4 tank of fuel. This will make it easier to deal effectively with an impending emergency.

For more information on where to apply, call 1(800) 342-3009. Make sure you bring the following documents with you when you apply:

- A copy of your current rent, lease or mortgage receipt
- A current fuel and/or utility bill or statement from your landlord that utilities included in rent
- Proof of your total current monthly income for all of your household members.

### **How Are Payments Made?**

There is the Automatic Payment Component to the 2008-2009 HEAP Program for households in receipt of TANF or Foods Stamps. These households are on the statewide computer system and are issued payments directly through the computer system. No application is required. Payments to households that pay for heat separate from their rent are sent directly to the household's vendor. Payments to households that have their heat included in their rent are paid directly to the household.

### **Can I Get Funds to Repair my Boiler or Furnace?**

You may be also to get assistance if you need to repair or replace essential heating equipment up to the amount of \$3000 (up from last year's \$2500)

### **Advocacy Hints:**

**#1 Being a HEAP recipient can give the family a Food Stamps budgeting advantage.**

**#2 HEAP (like EAA) IS NOT A REPAYABLE GRANT, therefore, during the HEAP season, make sure the application is made for HEAP (not EAF or 131-s. )**

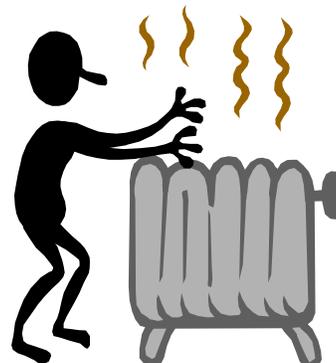
**#3 HEAP DENIALS and DELAYS ARE APPEALABLE!** Please contact the Legal Support Center for Advocates at 631 232-2400 Ext 3369, 3324 for assistance regarding any problems your clients may encounter when they apply for HEAP.

## **Utility Shutoff Notice?**

### **Try These Basis Advocacy Steps:\***

1. Call LIPA to negotiate an affordable deferred payment agreement (DPA): 1800 490-0025. LIPA must accept terms that are "fair and equitable" considering financial circumstances. Request that your client be given a "Financial Needs Statement" to complete. This can result in a DPA for as little as a \$0 downpayment and \$10/mo. arrears payment. LIPA Tariff p. 146 V.G.4. Even if the client reneged on a prior DPA, it may have been an unreasonable plan, so insist on a new DPA.
2. If unsuccessful, call 1 877 ASK LIPA and follow the above step. If denied a reasonable DPA at this step, consider a LIPA appeal (call Law Services for help) AND proceed to Step #3.
3. Take proof of denied or unaffordable LIPA DPA to Department of Social Services along with the shutoff notice and apply for, in order of preference:
  - HEAP (if during HEAP season) no repayment required
  - EAA (Emergency Assistance to Adults) for SSI-eligibles only. No repayment required
  - General emergency funds (EAF, ESNA, 131-s, etc) Repayment agreement must be signed. If there is a prior DSS repayment agreement outstanding that is in arrears, client is not eligible for another utility arrears grant thru these funds.
3. If DSS denies assistance, request an EXPEDITED FAIR HEARING and call Law Services. If Project Warmth is available, apply with proof of DSS' denial. For more info on Project Warmth, call United Way at 631 940-3749

\* For LIPA utility customers only.



## SPECIAL SERVICES FOR PEOPLE WITH DISABILITIES

The **Joint Emergency Evacuation Program (JEEP)** maintains a database for disabled Suffolk residents who require assistance to evacuate their homes in the event of a disaster. The Department of Fire, Rescue and Emergency Services (FRES) will coordinate assistance to those who need special assistance with planning, transportation or sheltering in the event of an emergency. An application and pre-approval is required in order to be included on the database. In order to apply, call FRES at 852-4900 or the Office of Handicapped Services at 853-8333 (voice) 853-5658 TTY for a JEEP application.



Beginning Oct. 6, 2008 **Suffolk County Accessible Transit (SCAT)** drivers can provide additional assistance to riders between curbside and building entrances (this will not include wheelchair assistance on steps or curbside). Requests for this additional assistance must be made whenever a trip reservation is requested. Also reservation times have been expanded. The new hours are 7 a.m. to 5 p.m. Monday through Saturday. On Sundays reservations are taken from 8 to 4:30 for next day only. Call 631 738-1150 voice or 631 981-0104 TTY.



## FORECLOSURE CRISIS HITS HOME

Mortgage-backed securities! Sub-prime loans, predatory loans and rescue scams are the linchpin terms connecting those now ubiquitous partners on Wall Street (the lenders) and Main Street (the borrowers). On Long Island, as throughout New York State and the country, there has been an explosion in foreclosure actions, with many more homeowners currently behind in their mortgage payments and/or facing an imminent increase in their monthly payments that will threaten their ability to make the payments. More than 15,000 homeowners on Long Island have found themselves falling behind in making their mortgage payments, with an additional 10,000+ families facing

potential increases in their monthly payments when their loans are scheduled to reset in the upcoming months.

Perhaps naturally, governments have been attempting to deal with what is uniformly considered a crisis. On September 1, 2008, New York's **Foreclosure Prevention and Responsible Lending Act** went into effect. The law amends several existing laws in the Civil Practice Laws and Rules, the Real Property Actions and Proceedings Law, the Real Property Law, the Banking Law and the Penal Law. The recently passed "bailout bill", more formally known as the "**Emergency Economic Stabilization Act of 2008**"—H.R. 1424, also has some provisions related to foreclosure assistance and renter protections. Some of the key elements of the New York law include the requirement for a mandatory settlement conference in all foreclosure actions involving a high-cost, subprime, or non-traditional home loan created between January 1, 2003 and September 1, 2008, within sixty (60) days after the foreclosure action is commenced. *See* CPLR Rule 3408. The law also requires that all foreclosure actions involving high-cost, subprime, or non-traditional loans, commenced after September 1, 2008, first require the lender to serve a ninety (90) day notice specifying: the default and the date payment must be made to avoid foreclosure, the name and number of the lender or mortgage servicer who can assist, and other options available to the borrower, including contacting government approved financial counselors identified in the notice. *See* RPAPL §1304. Thus, there will actually be a lull in the number of foreclosure actions brought over the next few months, as the 90-day notice period runs. The law also sets up a provision for pending foreclosure proceedings commenced prior to September 1, 2008 that will allow homeowners with high cost, or subprime loans to have a mandatory settlement conference. Recently, New York's Office of Court Administration has begun sending out fifteen thousand letters to homeowners in pending foreclosure proceedings statewide, notifying them of this option. We will provide further analysis of this legislation in future articles.

Nassau/Suffolk Law Services currently has one staff attorney, and part of a supervising attorney, to represent homeowners in defense against foreclosures throughout Long Island. However, we have recently been notified that grants are forthcoming from several sources enabling us to hire more attorneys to help deal with the anticipated caseload of foreclosure referrals.

*Michael Wigutow, Sr. Staff Attorney Civil Unit, Hempstead*

## **FAIR HEARING DECISIONS: RECIPIENTS' CONFUSION AND/OR MENTAL DISABILITY ESTABLISHES GOOD CAUSE**

Recipients of public assistance benefits and/or services are often overwhelmed by the numerous appointments and requirements that are imposed as a condition of eligibility. Sometimes confusion occurs because of a mental impairment or simply because the recipient misunderstands the procedure, not because of their willful noncompliance. The Department of Social Services' own regulations provide that good cause exists for failure to comply with an eligibility requirement when the applicant or recipient has a physical or mental condition which prevents compliance. The fair hearing process affords a way to defend against sanctions, terminations or denial of assistance when there are good cause reasons for noncompliance. Recently at fair hearings, Law Services' Welfare Unit successfully defended against claims of noncompliance by the Department of Social Services by demonstrating that the recipients had "good cause".

In a recent case our client, a young working mother was denied child care services by the Department of Social Services (DSS). As part of her application, she had submitted a child support order to the DSS worker as requested, but failed to pursue a required modification of the order to include child care costs. During the fair hearing process, the client testified that she was confused by this additional requirement and thought she had complied by submitting the child support order. The Administrative Law Judge (ALJ) was persuaded that her noncompliance was caused by a misunderstanding and she was given verbal instructions on how to modify the order to include child care costs. However, DSS then refused to process the application back to the original date until the ALJ ordered retroactive payment for child care services based on the client's credible claim of confusion.

In another case, a client with a psychiatric disability was advised by letter to appear at DSS for a Validation Review. After the client failed to appear or contact DSS to reschedule, she received a termination notice. At the fair hearing our client presented further evidence of her disability (DSS had already determined her "work-exempt" for medical reasons) and testified to her confusion and anxiety in response to the multiple DSS notices. The ALJ found that the client established good cause for failing to appear and benefits were directed to continue pending a new ap-

pointment.

In a similar case, an attorney in our Welfare Unit successfully defended DSS' attempt to sanction a disabled client who had mental limitations. Although the client had failed to comply with some work rules, he attended most appointments and worksite assignments. After he missed an appointment and failed to report to the worksite on several occasions, the client was threatened with a sanction. At the fair hearing, seeing the client's apparent limitations and reviewing the therapist's letter attesting to the client's mental capacity and confusion, the ALJ directed the client to undergo a psychiatric assessment and ordered DSS to continue his grant and restore any assistance that had been withheld.

## **New Law to Offer Some Protections for Most Vulnerable Debtors**

Thanks to a new law, the **Exempt Income Protection Act**, which goes into effect on January 1, 2009, elderly, disabled, veteran and low income New Yorkers will gain some protections against debt collectors who attempt to seize exempt assets. For many years, debt collectors have used restraining notices to "freeze" bank accounts including income which is exempt from collection such as Social Security, SSI, public assistance, veterans benefits, disability, and pensions.

Currently, a debtor can attempt to call the attorney for the creditor to dispute a "freeze," but this strategy has not always been successful. Some creditors are reluctant to release the funds, especially if the monies have been comingled with non-exempt assets. Even if the funds are clearly exempt, the debtor has the burden of documenting the nature of the exempt monies and still has to deal with the inaccessibility of their very limited funds during this delay. Most debtors are dealing with these disputes without an attorney, being unable to afford legal services (Law Services' Consumer Debt Unit was funded only recently and currently has one attorney to assist with this type of consumer debt issue). Bank charges and fees also resulted from the restraining notice and bounced checks.

The new law ensures that the first \$2500 in the account which contains directly deposited exempt income cannot be restrained. This does not address all the problems with frozen accounts, but should greatly reduce the number of hardship scenarios that we have encountered over recent years. We will keep you apprised of further developments.



## Volunteer Attorneys Recognized for Their Work

*By Rhoda Selvin*



### Nassau Recipient

One would think that a person simultaneously pursuing two different, equally demanding careers would have little time for volunteer work. But that is far from the case for **Adrienne Flipse Hausch**, Pro Bono Attorney of the Month for October 2008. In addition to her active role as an attorney, the Community Church of Douglaston claims her as Pastor for Congregational Care. It must be true, then, that to get something done, give it to a busy person, for Ms. Hausch has spent more than 612 hours on twenty-four cases (with one still open) since the last time she was Pro Bono Attorney of the Month, in December 1999. The Volunteer Lawyers Project had previously given her this honor in 1989.

Ms. Hausch explains that each side of her professional life has a “tremendous influence” on the other. “God called me to him to serve,” she said. The legal profession allows her to serve another way: by helping individuals who need protection from powerful adversaries. To her, law is not a profession, it’s a calling. Some of her parishioners are also clients, and sometimes people who started as clients join her church. The two professions evidently overlap in another way: Lawyers in court occasionally tease that her summations sound like sermons, and parishioners have joked that a sermon sounded like a summation.

Before receiving her Master’s of Divinity from New Brunswick Theological Seminary and being ordained as a Minister of the Word, Reformed Church of America in 1995, she had received a B.A. from Hofstra University in 1972, taken marketing courses in the C.W. Post Center, Long Island University, M.B.A. program, and graduated from St. John’s University School of Law in 1976. After holding several positions as an attorney connected to state legislators, she became a partner in the law firm that is now called Carway and Flipse and is located in Mineola. The Nassau County legal and indigent communities are most fortunate to have this energetic and effective woman so deeply involved in the work of the Volunteer Lawyers Project. It honors VLP to honor Adrienne Flipse Hausch as Pro Bono Attorney of the Month once again.

### Suffolk Recipient

Since being Pro Bono Attorney of the Month nine years ago, **Mitchell J. Birzon** has always had at least one Pro Bono Project case in the works. A total of eight cases, including one still open, to which he has devoted 140 hours, has brought him the honor of being Pro Bono Attorney of the Month for October 2008. Although he long since stopped handling matrimonial cases in his private practice, all but one of these cases has been a matrimonial. He finds especially satisfying working to help children raised in a dysfunctional family who now must contend with the family break-up.

In one such case, which required more than sixty hours over four years, the thirteen- and fourteen-year old children were in therapy when Mr. Birzon accepted the case. To complicate the situation, the husband, who was the plaintiff, moved out of state. The wife was awarded child support with the divorce, but that was not the end of Mr. Birzon’s involvement. He agreed to represent his client, this time as the plaintiff, in a Family Court action, petitioning for the support payments. As a result, the ex-husband’s wages were garnished.

Mr. Birzon received his undergraduate degree from Georgetown University and, in 1978, his law degree from the New England School of Law. For several years he worked in Washington D.C. as a Senior Legislative Counsel representing Governor Mario M. Cuomo and various New York State executive agencies before Congress, federal executive agencies, and the White House. In 1986 he became the senior partner in the Smithtown law firm now called Birzon, Stang & Bazarsky. The firm concentrates on personal injury, medical malpractice, and corporate and health-care transactional law.



# NASSAU SUFFOLK LAW SERVICES

## INVITES YOU TO OUR 2008 HOLIDAY WINE TASTING RECEPTION

Our fundraising event is scheduled for Thursday, November 20, 2008 from 6-8 PM at the Nassau Bar Association, 15th and West Sts. in Mineola, N.Y. Tickets are \$50 per person. Join us for an evening of fun and informative wine tasting as we kick off the holidays in an event to benefit the critical legal programs we provide to low income and disabled Long Islanders.

Enjoy fine wines and delicious hors d'oeuvres, and attend a wine appreciation session with an expert instructor. Fine wines courtesy of PALM BAY INTERNATIONAL, and David Taub.

James Dunne of VinoU will lead an educational, interactive and fun-filled 60-minute workshop for a limited number of guests at an additional cost of \$25 per person. Don't miss this exclusive opportunity, but register early as workshop space is limited!

Special supporters include RUSKIN, MOSCOU, FALITSCHK, PC and TRAVERS O'KEEFE.

Buy your tickets online at [www.nslawservices.org](http://www.nslawservices.org) and pick them up at the door. For more information or to order tickets by phone call 516 292-8100 x 3176



### SPONSORSHIPS STILL AVAILABLE!

|                            |         |
|----------------------------|---------|
| Champagne Sponsor          | \$5,000 |
| Pinot Noir Sponsor         | \$3,000 |
| Cabernet Sauvignon Sponsor | \$1,500 |
| Chianti Sponsor            | \$1,000 |
| Bordeaux Sponsor           | \$ 500  |
| Berujolais Sponsor         | \$ 250  |
| Chardonnay Sponsor         | \$ 100  |

Sponsorship pledges due by 10/30/08. Please call Maria Dasso 631 232-2400 x 3369 or email [mdasso@vnyl.com](mailto:mdasso@vnyl.com) for more information.



## LAW SERVICES IN OUR COMMUNITY



Law Services continues its strong ties within the community in an effort to collaborate with various agencies and 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!

**Cathy Lucidi**, paralegal in the Legal Support Center for Advocates and **Sheila Johnson**, Government Affairs Coordinator, participated in **Unity Day**, a celebration of Long Island's diverse population, held on September 26, 2008 at the H. Lee Dennison Building in Hauppauge sponsored by the Suffolk County Office of Minority Affairs.

**The 2008 Partnership Conference *Justice in a Challenging Time***, was recently held in Albany. A number of Law Services staff joined their legal services colleagues throughout the state to exchange valuable legal insights pertaining to their work with the indigent and disabled. Law Services staff also figured prominently as workshop presenters including: **Douglas Ruff**, **Candace Appleton**, **Michael Wigutow**, and **Carolyn McQuade**.



**Dan Okrent**, staff attorney in our Senior Citizens Law Project in Nassau County, was once again invited to do a series of senior citizen radio talk shows entitled "Young at Heart". The shows were hosted by Bea Nechin of the Nassau Community College station, WHPC, 90.3. Dan discussed the many issues

facing seniors today, such as landlord/tenant, Medicaid, credit and collection.

The Center for Public Health and Health Policy Research is holding a Suffolk County Minority Health Summit on October 20, 2008 at the Islandia Marriot. Our own **Denise Snow** of the PLAN



Project which represents cancer patients, will be honored at the event entitled "Developing Solutions for Today's Complex Problems." For more information or to register for the Summit, call 631 444-1625.

**Maria Dosso**, Director of Communications, attended the 2008 *Long Island Somos el Futuro* conference on Labor Day weekend which addressed the needs and challenges of the growing Hispanic community on Long Island. The conference convened distinguished civic, community, business and labor leaders to discuss social and legal issues pertinent to the Hispanic community.



**Marcia Vogel**, paralegal in the PADD (Protection and Advocacy for Persons with Developmental Disabilities) Project recently spoke at a series of public forums held by The New York State Office of Mental Retardation and Developmental Disabilities (OMRDD).

**Ellen Krakow**, staff attorney in the PADD Project became a member of Suffolk Community Council's Network of Women With Disabilities (NWD). NWD's mission is to increase accessibility to health care for people with disabilities through advocacy and education. For more information regarding this great network, please contact NWD directly at 631 434-9277.

### BANKRUPTCY PRO BONO APPRECIATION NIGHT

Written by **Harold M. Somer**

On September 9, 2008, the United States Bankruptcy Court for the Eastern District of New York held a "2008 Pro Bono Appreciation Night". The event was held at the Conrad B. Duberstein United States Bankruptcy Courthouse in Brooklyn and presided over by Chief Bankruptcy Judge Carla E. Craig and Bankruptcy Judge Elizabeth S. Stong.

The evening was marked by a ceremony recognizing the attorneys and organizations who provide pro bono services within the district. Representatives from five organizations were present and spoke about their programs. Our very own **Miriam Pismeny** represented the Volunteer Lawyers Project for Nassau County and the Pro Bono Project for Suffolk County. Also in attendance with Miriam, on behalf of the Volunteer Lawyers Project, was David Baram, Stuart Gelberg, Andrew Thaler and Harold Somer and on behalf of the Pro Bono Project were Robin Abramowitz, Avrum Rosen and Richard Stern. They, as well as the other volunteers, received from the Court a certificate acknowledging their dedication and selflessness in giving back to the community. The services these attorneys provide include preparing, filing and representing individuals in their Chapter 7 petitions and, at times, their representation in actions in the bankruptcy court which seek to affect the dischargeability of debts such as student loans.

Nassau/Suffolk Law Services Committee, Inc.

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**E-mail us with your e-mail address and a request for future electronic delivery of *Law Services News*: [clucidi@wnylc.com](mailto:clucidi@wnylc.com)**



**Welcome** to new staff members:

- **Lynda Strecker**, MSW, Social Worker in the David Project, Suffolk
- **Jody Brinson**, Law Graduate, Welfare Unit, Nassau
- **Debra Petrillo**, Staff Attorney, Foreclosure Project, Bi-County
- **Farwah Raza**, Staff Attorney, Mental Health Law Project, Suffolk



*“Equal Justice Under Law”*

**Congratulations** to **Ann Rosner** on her recent promotion to Office Administrator in our Nassau Office.



**Barbara Liese Leaves Law Services**

After many years of dedicated service we said to goodbye to Barbara Liese as she recently moved on to continue her work in the public realm, now with the Nassau County Attorney’s office. Barbara started her work at Nassau Suffolk Law Services in 1991, first in the Welfare Unit and later with the Mental Health Law Project. During her tenure at Law Services she was known as a thorough and resourceful litigator, bringing several complicated cases including State v Kama which protects the rights of persons with mental illness in civil cases. We wish Barbara much success in her new position and will greatly miss her experienced advice and insight.

**WE NEED YOUR SUPPORT!**

You now have the ability to support Nassau Suffolk Law Services by making a donation online! Go to our website [www.nslawservices.org/donation.shtml](http://www.nslawservices.org/donation.shtml) and show your support for the critical legal services we provide. You can also use the online donation form to email your friends and family directly and invite them to join us as a supporter! Thank you!

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**We're on the Web**  
[www.nslawservices.org](http://www.nslawservices.org)



## Message from the Executive Director



We are pleased to announce that as part of our ongoing efforts to assist Long Islanders in crisis, we just received additional funding to provide legal assistance in foreclosure cases. We currently have one Foreclosure Prevention attorney on staff (see p. 6) and are interviewing for additional attorneys in hopes of having services in place by the end of this year. While we may not be able to fully meet the demand for legal services, we are still confident we can make a difference that will help many homeowners save their homes. We have begun working with the financial counseling agencies throughout Long Island, including setting up recurring meetings to discuss the questions and concerns our mutual clients are facing. The Nassau County Bar Association has initiated a pro bono panel of private attorneys to provide representation, and we will continue to work with them to determine the best ways to utilize their services in conjunction with our program. We will continue to keep the community updated via the newsletter and community meetings, as we move forward in the months to come.

Nassau Suffolk Law Services would also like to thank and acknowledge the generosity of the following civic leaders, organizations, and government agencies for their recent grants to Nassau Suffolk Law Services. The funding will support the provision of free civil legal services, including the aforementioned foreclosure prevention, to low income and disabled Long Islanders:

**Senator Kemp Hannon**

**Suffolk Legislator Jack Eddington**

**Long Island Community Foundation**

**NYS Office of Court Administration**

**NYS Banking Department**

**NYS Dept. of Housing and Community Renewal**