

Law Services News



AUGUST , 2012

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*Join us in celebrating our
45th Anniversary!
October 4, 2012 at the Carltun, East
Meadow*

Details inside on page 9 or go to www.nslawservices.org



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WHEN THERE'S MORE THAN MEETS THE EYE

by Philip R. Brookmeyer, Pro Bono Attorney

TC, a 50 year old woman who was a recipient of public assistance, sought the help of attorney Robin Sparks in the Welfare Unit of Nassau Suffolk Law Services to help her defend the termination of her assistance. With over 25 years of welfare law experience, Robin knew after the first few minutes of the intake interview that she had a challenging case on her hands. TC disclosed that she had failed to attend a Fair Hearing concerning the termination of her public assistance benefits; and more significantly she indicated that she was not going to enter a drug and alcoholic treatment program which was a condition of her continued public assistance grant, imposed by the Department of Social Services (DSS). **TC's explanation was that she was concerned**

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A David and Goliath Story: Battling SSA Overpayments

by Philip Brookmeyer, Pro Bono Attorney

Mr. D. received a letter from the Social Security Administration (SSA) notifying him that he had been allegedly overpaid in the amount of approximately \$113,000 due to Social Security Disability (SSD) benefit payments made over the course of 10 years. The gist of the SSA's contention was that the recipient's SSD should have ceased in 2000 because he was no longer entitled to benefit payments as a result of engaging in "substantial gainful activity" status through his employment.

For SSD recipients, Social Security work incentive rules permit a 9-month Trial Work Period of employment. Thereafter, following a 3-month grace period, if the recipient commences work which reaches the threshold of Substantial

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SPECIAL POINTS OF INTEREST:

- *Consumer Debt Legal Assistance—Islandia*
- *Pro Bono Attorneys of the Month*
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- *NSLS David Project Supportive Services Program*
- *NSLS 45th Anniversary Celebration—It's Not too Late to Sponsor*
- *Law Services in the Community*
- *COC Seeks Public Input on PADD Priority Development*
- *Welcome new Advisory Council members*
- *Law Services Fall Training Schedule*
- *Message from the Executive Director*



MORE THAN MEETS THE EYE

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that her cats would not be cared for if she entered a treatment program.

Robin interviewed TC and with the help of TC's friend, reviewed the factual history of the case and the client's documents and records. Based on her responses to various questions, it was obvious to Robin that TC was suffering from a psychological disorder in addition to her history of drug dependency. Although TC had complied by attending a drug treatment program, DSS alleged that she failed to document that she had followed up with a more intensive treatment program as was recommended. The client denied ever receiving such a request for documentation. When the documentation was not provided by TC, DSS discontinued her benefits based on her failure to participate in an out-patient rehabilitation program for alcohol and substance abuse. DSS further determined that she should be sanctioned (suspending eligibility) for at least 45 days and until she enrolled in the second more comprehensive program. A couple of months later, TC reapplied for public assistance. She was directed to attend a drug and alcohol assessment and this subsequent application for public assistance was also denied.



Robin's thorough review of the DSS case file would prove to play a pivotal role in the outcome of the case. She noticed that the file did not include a required documented treatment plan for TC. At the Fair Hearing, Robin persuasively argued that the absence of the documented treatment plan precluded DSS from making out a prima facie case. Robin also demonstrated that DSS had failed to present any verification that the requests for documentation had in fact been mailed, casting doubt as to whether TC ever received the various notices mailed to her.

The Administrative Law Judge (ALJ) found TC's testimony and Robin's arguments to be "forthright, credi-

ble and persuasive". The ALJ determined that DSS failed to meet its burden of proof due to the lack of the documented treatment plan, and that it failed to establish that the notices were even sent to TC. As a result, the ALJ reversed DSS' notice of termination and specifically directed DSS to: continue TC's public assistance; restore public assistance withheld as a result DSS' action retroactive to the date such benefits were discontinued; and withdraw the 45-day sanction from her case record. This was an important victory for a mentally disabled client who was completely dependent on public assistance and had not been willfully non-compliant with the DSS requirements. Congratulations to Robin for her effective advocacy and for achieving such a positive outcome for her client.

An important footnote to this case: During her review of the case history, Robin was aware that TC had a pending disability appeal being handled by a Law Services colleague in the Disability Advocacy Project. Later in the year, Law Services won the Social Security appeal and TC began to receive Social Security Disability benefits based upon a mental health disorder. TC was able to come off public assistance and receive the more appropriate financial assistance from the Social Security Administration based on her psychological disorder.

Social Security's Online Services in Spanish

Social Security's most popular online services are now available in Spanish. By accessing www.segurosocial.gov, users can apply for retirement, Medicare, and Extra Help with Medicare Prescription drug costs. Applications are completely digitalized, so no additional paperwork is required. Other services are offered as well, such as the Retirement Estimator, which offers a personalized estimate of available social security benefits. The website boasts some of the highest rated electronic services in the public or private sector, and is now available in both English and Spanish at www.socialsecurity.gov and www.segurosocial.gov, respectively.

David and Goliath

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Gainful Activity (currently set at \$1010 gross per month), he is no longer entitled to benefits. If during the next three years his income falls below the threshold, he can be reinstated without a new application, upon notifying SSA. The work rules can often be confusing and are poorly administered by SSA, which results in many cases of overpayments. It all began several years ago, when Mr. D., called SSA to report a change of his residential address. In the course of the conversation, a SSA representative briefly looked at Mr. D's disability records via computer and mentioned that he may no longer be eligible for disability payments. The representative notified him that SSA would need to investigate his case and would contact him following its investigation. Since he did not hear back from SSA for a long period of time, Mr. D assumed he was still eligible for benefits.



A year later, Mr. D received a notice from SSA requesting that he report to their office and provide additional information about earnings. Mr. D complied with this request and following this meeting, he continued to receive his benefits until 2008.

In 2010, almost ten years after the initial contact, Mr. D received a notice that he had an overpayment due to being ineligible since 1999! Mr. D first sought assistance from Nassau Suffolk Law Services in July of 2010, and was represented by paralegal, Gabrielle Quinn. Upon interviewing Mr. D and reviewing the facts of his case, Gabrielle determined that Mr. D had consistently notified SSA of his work activities by calling the designated 800 number. SSA denied receiving any work activity reports. This is not an unusual occurrence especially when clients report their work activity by phone.

Gabrielle filed an appeal of the SSA determination regarding the overpayment. The goal of the appeal was to seek to obtain a "waiver" of the overpayment claim. The standard to successfully obtain a "waiver" is to establish two elements: i) that the client does not have financial

means to repay the overpayment amount in question; and ii) that the client has not, either directly or indirectly, been at fault for the overpayment made by the government.

In August of 2011, after marshalling her evidence and formulating her arguments, Gabrielle appeared with Mr. D before an Administrative Law Judge who had been assigned to hear the matter. The Judge was receptive to the persuasiveness of Gabrielle's arguments and in a written decision issued in September of 2011, the Judge granted a full waiver of the overpayment claim, effectively absolving Mr. D from the responsibility of paying any amount toward the claim. The Judge took a particularly dim view of the SSA's handling of the matter, reasoning: i) that the SSA had more than ample time and multiple opportunities to identify and correct the overpayment issue; and ii) that to seek payments from Mr. D at this late a juncture would be unduly harsh in light of the SSA's continuing course of payments over the 10 year period.

Great odds can be overcome by underdogs with strong motivation, and the zealous advocacy by Ms. Quinn insured a victory. This case is yet another outstanding example of how the hard work and dedication of Nassau Suffolk Law Services' legal team so effectively enhances the lives of our clients.

CONSUMER DEBT LEGAL ASSISTANCE— ISLANDIA OFFICE

Since the demise of our Consumer Debt Legal Assistance Program due to funding cuts, we have regretfully had to turn away many clients in an especially difficult economic climate. But, thanks to the generous assistance of volunteers, we are now offering a limited service to income-eligible residents seeking help in consumer debt matters. The extent of services includes advice and possible representation, based on our volunteer staffing capacity. Please call 631 232-2400 (Suffolk) or 516 292-8100 (Nassau)

More Social Security News: Expansion of Compassionate Allowances Program

By Philip R. Brookmeyer, Pro Bono Attorney

On April 11, 2012, the social Security Administration announced a significant expansion of its Compassionate Allowances Program. For those who may be unfamiliar with it, the Compassionate Allowances Program fast-tracks disability decisions to ensure that Americans with the most serious disabilities receive their benefit decisions within days instead of the more typical disability decision waiting time of months, or in some cases, years. Effective August 13, 2012, 52 new Compassionate Allowances conditions have been added to the Program.

Social Security introduced the Compassionate Allowances Program in 2008. At its inception, the Program contained an initial list of 50 diseases and medical conditions. The addition of the new 52 conditions will increase the total number of Compassionate Allowances conditions to 165. Among the newly added conditions are certain forms of cancer, adult brain disorders, a number of rare genetic disorders found in children, early onset Alzheimer's disease, immune system conditions and certain other disorders.

According to Michael J. Astrue, the incumbent Commissioner, the Social Security Administration quickly approved disability benefits for nearly 61,000 people with severe disabilities in the past fiscal year and nearly 173,000 applications since the introduction of the Program. The complete list of conditions that qualify under the Compassionate Allowances Program, inclusive of the newly added conditions that will apply beginning August 13, 2012, may be found at: <http://www.socialsecurity.gov/compassionateallowances/conditions.htm>.

Social Security has additionally simplified its online disability application process, which has historically been substantially shorter than the standard paper application process. Effective April 21, 2012, adults

who file for benefits will have the option to electronically sign and submit their Authorization to Disclose Information to the Social Security Administration (Form SSA-827). This enhancement was designed to allow applicants to complete disability applications in a streamlined online session, rather than printing, signing and mailing the paper authorization form to Social Security offices.

The Nassau/Suffolk Law Services Committee encourages advocates to consider whether the Compassionate Allowances Program may be applicable to their clients.

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Pro Bono Attorney of the Month— Suffolk County
William Motherway



We are pleased to honor an attorney who has generously stepped out of his regular role to help needy families navigate their way through the most difficult cases. As Executive Vice President of Tishman Construction Corporation, which was acquired by AECOM Technology Services in July 2010, William Motherway is normally engaged with building structures such as 1 World Trade Center. However, in his work handling matrimonial cases for the Suffolk County Pro Bono Project, he has become involved in the lives of low income families that are breaking apart. Many attorneys consider matrimonial cases to be among the most difficult, yet William Motherway has found the 3-4 hours he devotes weekly to handling such cases to be highly rewarding.

Explaining what attracted him to this calling Mr. Motherway says, "I was a litigator in Florida and I wanted to get back into the courtroom and help people in need." He observed that, "you get [to work with] people who are at a very low point. Often children are involved, lives are caving in, and you are there for them telling them how long each step will take and what to expect." Contrasting his pro bono service with his corporate work he explains, "The pro bono work is very personal and you can put people's minds at ease. You would think that divorce cases are always about the money, but what has opened my eyes is that emotions can have more influence on these cases than the money. You can always make more money, but there are no formulas to control people's emotions."

William Motherway holds a B.S. from Manhattan College in Biology and taught High School Chemistry and Biology before earning his J.D. from the University Of Miami School Of Law. His desire to enter the legal field grew out of his experiences working in the litigation group of the Marriot Corporation. Explaining his decision to become a corporate executive he explained, "I love the practice of law if not the business of law". After surviving the effects of Hurricane Andrew in August 1992 he returned to Long Island so he and his family could avoid future hurricanes. Prior to coming to Tishman Construction in 1994, he served as Risk Manager for the City of New York. Even though he left the field of education for law, his interest in educating people never ended. He served on the Kings Park School Board for six years and he continues to be a valuable source of knowledge for his pro bono clients.

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Pro Bono Attorney of the Month— Nassau County
Andrew M. Thaler

Nassau Suffolk Law Services and the Volunteer Lawyers Project (VLP) are pleased to honor **Andrew M. Thaler** as Pro Bono Attorney of the Month. Mr. Thaler has been serving the financially struggling of Nassau County for over twenty years, having co-founded the VLP's Bankruptcy Clinic with colleague Craig D. Robins in 1990. His determined efforts to provide free advice and representation in bankruptcy matters to the low income residents of Nassau County have more than qualified him for this honor.



Andrew Thaler, a managing partner at **Thaler and Gertler, LLP.**, has continued to actively participate in the Bankruptcy Clinic since its founding. Mr. Thaler observes that the people who take advantage of the Clinic's free services are those who are just down on their luck, often manifesting in the form of medical issues, disability, or divorce. "The client is not always the one with the hospital bill," Mr. Thaler says. "Family requiring expensive treatments can also lead to a situation where filing a Chapter 7 bankruptcy is the only option." He often sees individuals who have undergone what he calls, "a reversal of fortunes." Mr. Thaler states that he finds the experience humbling, because it reminds you that, "It doesn't matter who you are. It could be you and misfortune can affect any one of us." Maria Dosso, Director of Communications and Volunteer Services at Nassau Suffolk Law Services, has observed Thaler's service firsthand. "He is so kind and patient with the Clinic's clients who are often very distraught. Luckily, there are attorneys like Andy who donate their time and resources to help those in need."

The Clinic meets bimonthly at the Domus where the participating attorneys, including Mr. Thaler, provide pro bono bankruptcy screening and counseling to potential clients. Those who are financially eligible and whose circumstances are determined appropriate for a bankruptcy are then referred to a pro bono attorney who provides full representation in a bankruptcy proceeding. These clinics provide the opportunity for low income residents of Nassau County to receive the quality legal assistance that they may otherwise be unable to afford.

When asked how his pro bono work impacts his practice, Mr. Thaler replied that volunteer service sends a message to his own office, as well as the community, that giving back is what he calls, "*the right thing to do.*" Mr.

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Pro Bono Attorney of the Month– Motherway

He is also eager to explain that Tishman Construction has been very supportive, and even encourages the time that he devotes to his work with the Pro Bono Project. His volunteer experience has also helped him to demonstrate the importance of community service to his own children. "Many attorneys are lucky to make a decent living. A lot of people haven't had the opportunities we have. This has helped me to explain to my children that there are less fortunate people living within our community and to appreciate the opportunities they are given and the value of helping out others in need."

William has been married for 25 years to his wife Victoria. Together they have raised three daughters, Jamie (24), Tory (23), Erin (19) and one son, Billy (21). In addition to his achievements in the corporate and legal arenas, William has also competed in triathlons for the past 20 years, although he says he has become more serious about this over the last two years.

He encourages other attorneys to become involved with pro bono stating, "So many people out there need our help. It doesn't take much time and it is well worth the time you spend on it." For devoting his time over the past years using his valuable legal knowledge and courtroom experience to those who otherwise would not be able to afford legal counsel, it is our privilege to honor William Motherway as Pro Bono Attorney of the Month.

By Nancy Zukowski

Nancy Zukowski is a volunteer paralegal at Nassau Suffolk Law Services with a paralegal certificate from Suffolk Community College. Ms. Zukowski is also a freelance writer and has extensive professional experience in health insurance claims and health care advocacy and has also interned at Nassau Suffolk Law Services, Queens Housing Court, and at private law offices in Suffolk. She is also a member of the National Association of Legal Assistants.

The Suffolk County Pro Bono Project is a joint venture of the Suffolk County Bar Association and Nassau Suffolk Law Services. Pro bono attorneys are greatly needed, especially in the areas of: matrimonial and family law, bankruptcy, guardianships (17A), foreclosure, and consumer cases. To volunteer, please call 631 232-2400 x 3369.

Pro Bono Attorney of the Month– Thaler

Thaler finds that one of the most rewarding aspects of his service is the letters he receives in appreciation for his work. When he is presented with a personal message from a previous client thanking him for his services, it motivates him to continue to help those in financial trouble.

Mr. Thaler has been previously honored as Attorney of the Month, most recently in 2007, and was also awarded Law Services' Partner in Justice Award in 2003 for his volunteer work. He has been an active member of the Nassau County Bar Association, serving as the Dean of the Nassau Academy of Law, as well as on its Board of Directors, and has been a contributing member on a number of committees. He most recently co-hosted a Landlord Survival Guide seminar in Plainview, N.Y., which discussed a variety of topics especially relevant in today's economy, and focused on dealing with bankruptcy situations. Mr. Thaler graduated Magna Cum Laude from the State University of New York at Albany in 1979, and went on to attend Buffalo Law School, from which he received his J.D. in 1983.

When he is not practicing law, Mr. Thaler finds pleasure in the simpler aspects of life, such as tending to his home garden, playing tennis, going to the beach, and spending time with his family. He credits his success to preparation, effort, and dedication. "I just put my best foot forward every time."

Mr. Thaler has certainly given his best efforts to the people of Nassau County who are struggling with the hardships of a weak economy. His longstanding participation and commitment to the Bankruptcy Clinic and the clients it serves is to the benefit of the entire community. For this effort it is our privilege to recognize **Andrew M. Thaler** as Pro Bono Attorney of the month.

By James Kirdahy

James Kirdahy is a student intern at Nassau Suffolk Law Services and is currently attending Binghamton University. He is an English major and aspires to eventually enter the legal field.

The Bankruptcy Clinic is always looking for volunteers. Attorneys interested in joining this worthy effort can call Susan Biller at 516 292-8100 x 3136 or Maria Dosso at 631 232-2400 x 3369.

Charity Care Assistance – The Sequel

By Philip Brookmeyer, Pro Bono Attorney

Hospitals in New York State are required to provide “charity care” to low-income uninsured and underinsured patients pursuant to the Hospital Financial Assistance Law (HFAL). The April 2012 edition of the *Law Services News* contained a short article entitled “**New York Hospitals Must Provide Charity Assistance Care**” briefly reviewing the law, which is codified in section 2807-k(9-a) of the New York Public Health Law. The article further noted that both a recent story in the New York Times and a new survey released by the Empire Justice Center cast serious doubts about overall hospital compliance with HFAL. This sequel highlights in summary fashion below a number of the more important sections of HFAL. **Law Services encourages advocates to be mindful of how HFAL may be potentially beneficial to your clients.**



- All hospitals in New York licensed by the Department of Health are covered by HFAL. *Understanding Your Financial Aid Rights* <http://hospitals.nyhealth.gov/psa.php> (Dept. of Health Web Site)
- HFAL covers patients (regardless of immigration status) who: i) are New York State residents; ii) have no medical insurance for the medical services they seek (e.g., they are uninsured or have insurance benefits that have been exhausted); and iii) have incomes at or below 300% of the federal poverty level (FPL) (HFAL sections (9-a) (f), (a) and (b).
- HFAL provides for a proportional sliding fee schedule for patients with incomes between at least 100% and 150% of the Federal Poverty Level (9-a)(b)(ii) and for patients with incomes between at least 150% and 250% (9-a)(b) (iii). “For patients with incomes at or below at least one hundred percent of the federal poverty level, the hospital shall collect no more than a nominal payment amount,

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NASSAU/SUFFOLK LAW SERVICES DAVID PROJECT SUPPORTIVE SERVICES PROGRAM

**DO YOU WORK WITH HIV AFFECTED
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Every parent knows how important it is to plan for their children's future. For families affected by HIV/AIDS, ensuring their children will be loved and cared for in the future is a vital, but often difficult, task. Our Supportive Services program provides free and confidential assistance, guidance and support for families affected by HIV with children under age 21. Staff social workers work with parents to help them make difficult custody and care planning decisions, discuss these decisions with their children, family members and future caregivers, and help children adjust to the new family unit.

**FOR MORE INFORMATION OR TO
MAKE A REFERRAL**

PLEASE CALL

**LIZ WOLF, DIRECTOR OF SOCIAL
WORK**

AT 516-292-8100, EXT. 3135

Charity Care Assistance – The Sequel

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consistent with guidelines established by the commissioner” (9-a)(b)(i). For patients with incomes between at least 250% and 300% of the FPL, the hospital’s collection rate is also limited.(9-a)(b)(iv).

- Eligibility for discounts depends solely on income. However, in deciding what level of discount is applicable to patients with incomes at or below 150% of FPL, the hospital may take into account the “significant assets owned by the patient”; but such analysis must exclude “a patient’s primary residence, assets held in a tax-deferred or comparable retirement savings account, college savings accounts, or cars used regularly by a patient or immediate family members” (9-a)(b)(vi).
- HFAL additionally caps the maximum amount that may be collected when the patient’s assets are taken into account See (9-a)(b)(vi).
- HFAL covers all medical services offered by the hospital including: i) inpatient services; ii) emergency room visits; and iii) outpatient visits to clinics operated by the hospital. (See: Dept. of Health Website).
- HFAL does **not** cover: i) services not provided by the hospital and/or people directly employed by the hospital (e.g., the bills from a doctor working at a hospital but who is not a salaried employee of the hospital are not subject to HFAL); and ii) medical services that are optional (e.g. purely cosmetic surgery). (See: Dept. of Health Website).
- Patient’s requiring **emergency care** at a New York hospital who live anywhere in New York State are entitled to the HFAL discount if they otherwise qualify for it; and no hospital in New York can turn away a New York resident (regardless of where they reside in the State) requiring emergency care irrespective of whether they can pay the bill (9-a)(f).
- Patients seeking non-emergency, but “medically necessary” medical care at a New York hospital and who otherwise qualify for the discount, must reside within that hospital’s “primary service area” (9-a)(f).
- **Hospitals must notify patients that financial assistance may be available to them to help pay for services.** A summary of the hospital’s financial assistance policy must be provided upon request. The summary must minimally include: income levels for eligibility; a

“Hospitals must notify patients that financial assistance may be available to them to help pay for services.”

description of the hospital’s primary service area; and the process for applying for financial assistance. Hospitals with 24 hour emergency departments are also mandated to have **conspicuous postings in waiting rooms, outpatient clinics, and billing and Medicaid offices**, of language appropriate information describing how to access financial assistance. Information about financial assistance **must also accompany all billing statements** sent to patients by either the hospital or its contracted collection agency (9-a)(c).

- Contracted **collection agencies** must provide information to patients about financial assistance and must otherwise abide by the hospital policy(9-a)(h).
- Hospital policy must provide for at least **90 days** from the date of service or discharge to request financial assistance and at least **20 days** from receipt of an application to submit the completed form (9-a)(e).
- **Hospitals cannot commence collection against a patient who was eligible for Medicaid** at the time of service and for which services Medicaid payments are available (9-a)(h).
- Collections may not proceed if an application for financial assistance is pending (9-a)(h).
- Hospitals **may not force the sale or foreclosure** of a patient’s primary residence in order to collect on a hospital debt (9-a)(h).
- **Complaints** about a hospital’s charity care program may be made to the Department of Health Centralized Complaint Unit (**800- 804-5447**). See: Dept. of Health Web Site.

We encourage advocates to apply for charity care on behalf of clients who are unable to pay their hospital bills. Time frames are important but violations of one or more of the above HFAL provisions may help persuade a hospital to lengthen the time frame for submitting a financial assistance application or even to extend financial assistance beyond the minimum required under HFAL.

Department of Health Website info on Charity Care:

<http://hospitals.nyhealth.gov/psa.php>



Nassau/Suffolk Law Services is Celebrating 45 Years of Justice, Law and Advocacy

October 4, 2012
The Carlton, Eisenhower Park
East Meadow, N.Y.

Dear Friend:

Established in 1966, Nassau/Suffolk Law Services provides vital civil legal representation and advocacy for low income and disabled residents of Long Island. During 2011 more than 17,000 individuals benefited from our direct representation - preserving Social Security and public benefits for seniors, low income families, and individuals; preventing foreclosure, eviction and homelessness; ensuring access to special education services; and providing legal assistance for people with cancer and HIV/AIDs. We invite you to celebrate our 45th Anniversary with us and to sponsor our 2012 Wine Tasting featuring a dinner buffet, music, and raffles. With your support, Nassau/Suffolk Law Services will continue to fulfill its mission to provide quality free legal services to Long Island's neediest residents.

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45th



* Sponsorship pledge due by August 1, 2012

** Sponsorship pledge due by September 1, 2012. Tickets are \$ 85.00

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Attn: Maureen, or visit our website (www.nslawservices.org) to purchase sponsorships and/or tickets.
Questions? E-mail lawservices45th@gmail.com or call Carole Burns at (631) 232-2400, Ext. 3333.



LAW SERVICES IN OUR COMMUNITY



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

At the **Suffolk County Courts Community Law Day**, held on May 3, 2012, Law Services was on hand along with other agencies, to disseminate information about



free legal services in the community. **Maria Dosso**, Director of Communications and Volunteer Services was joined by **Rachel Troiano**, Touro student intern, to staff our table at this special event organized by the **Hon. C. Randall Hinrichs**, Dist. Admin. Judge of Suffolk and **Hon. Fern Fisher**, Dir. of the NYS Access to Justice Program, which was held at the John P. Cohalan courthouse in Central Islip. A mobile legal help van was also available for consultations on consumer debt and foreclosure issues.



The Sixth Annual Veterans Stand Down had another successful year. It was held on April 27, 2012 at the Brentwood Campus of

Suffolk Community College. **Cathy Lucidi**, paralegal in the Legal Support Center for Advocates and **Joseph Zangrilli**, Touro law student intern, attended on behalf of Law Services. The Suffolk County Veterans Service Agency and the Northport Veterans Hospital sponsored this annual event to help veterans in need of assistance. Federal, state, county and private agencies were present to assist veterans in need of health, employment, financial, housing, educational, and VA Benefits. In addition, a meal, eyeglass and hair cut station, food pantry and clothing closet were available to all veterans in attendance.



The Town of North Hempstead's Project Independence held an open house at The Portuguese Heritage on May 17, 2012, where **Dan Okrent**, Staff Attorney in our Nassau Senior Citizens Law Project, attended and met with guests at

the event. Many agencies were on hand to celebrate the opening of a new center to assist seniors in Wiliston Park and Mineola. Dan spoke to a number of seniors regarding the types of legal services offered through our Senior Citizens Law Project.

Sheila Johnson, Director of Development and Government Affairs attended Long Island Women's Agenda's annual dinner *A Celebration of Women* held on June 5, 2012. The LI Women's Agenda, is a non-for-profit, nonpartisan coalition of women's organizations and individuals. Sheila was inducted as a board member at large by Justice Andrea Phoenix.

Cathy Lucidi attended the **Mental Health Training Initiative** held on June 29, 2012 sponsored by National Association of Social Workers, NY Chapter where she shared educational literature and program brochures describing the legal services offered by Nassau Suffolk Law Services.

KEEPING THE HEAT ON

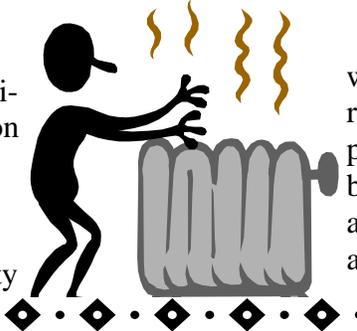
Herb Harris, a former volunteer attorney in Law Services' Welfare Unit in Hempstead, recently received a favorable fair hearing decision which reversed a determination by the Nassau County Department of Social Services (NCDSS) to deny a client's application for Emergency Assistance to pay utility arrears in order to prevent a shut off of service.

NCDSS had denied the application on the grounds that our client had sufficient income and resources to meet her own emergency need. Our client, Ms. F., was a recipient of Supplemental Security Income (SSI) benefits and she had recently received a retroactive payment of SSI benefits in the amount of over \$4000. Although Ms. F. no longer had the retroactive payment when she applied for emergency assistance - she used most of the funds to purchase a car - NCDSS claimed that she should have used the money to pay a portion of the arrears.

According to the fair hearing decision issued by the New York State Office of Temporary and Disability Assistance, there is no "financial management test" in determining eligibility for Emergency Assistance to Adults (EAA), therefore it does not matter how the appellant spent her resources. The key question is whether she has available countable resources to meet her emergency. NCDSS was directed to continue to process Ms. F.'s application.

Despite being reversed on the denial of the application, when directed to continue to process the application, NCDSS denied the application again because they claimed that

Ms. F. did not adequately verify that she had actually spent the retroactive SSI payment. Consequently, another fair hearing was requested.



"The key question is whether she had available countable resources to meet her emergency."

At the subsequent fair hearing it was argued that pursuant to the law, the retroactive SSI payment is exempt for a period of 9 months in considering eligibility for both SSI and EAA. Once again, the Office of Temporary and Disability Assistance issued a decision reversing the denial of Ms. F.'s application for emergency assistance. However, this time after receiving the decision, NCDSS approved the application and paid 4 months of the arrears and guaranteed future payments for the next 6 months in order to prevent the termination of service.

Congratulations, Herb on your perseverance and ultimate success!

CQC Seeks Public 's Input on PADD Priority Development

CQC 's Protection and Advocacy for Persons with Developmental Disabilities (PADD) * serves New Yorkers with all kinds of disabilities by providing independent oversight of programs and services designed to meet their needs, and by offering legal, advocacy, training, information, and technical assistance services to promote their full inclusion in all aspects of community life. The program is seeking public input on the proposed priorities for the program year covering October 2012 through September 2013. You can make a difference by participating in a short survey. Your participation and comments are greatly appreciated.

[Click here to participate in survey](#) or go to:

www.cqc.ny.gov.

* Law Services operates a CQC-funded PADD Project.

Nassau/Suffolk Law Services Committee, Inc.
 1 Helen Keller Way, 5th Fl. Hempstead,
 N.Y. 11550
 (516) 292-8100
 1757 Veterans Memorial Hwy., Suite 50,
 Islandia , N.Y. 11749
 (631) 232-2400
 313 W. Main St., Riverhead, N.Y. 11901
 (631) 369-1112

**Nassau Suffolk Law Services is pleased to welcome our
 three new advisory council members:**



Marc Alessi, Esq. Jaspén, Schlesinger, LLP



Cheryl L. Fratello, Esq. Fratello & Fox, P.C.



Laura L. Shockley, Esq. Rivkin Radler. LLP



Ellen Krakow, Esq.

*“Equal Justice
 Under Law”*

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 email address by going to
www.nslawservices.org and
 look for the “Sign up for our
 newsletter field”. Tell your
 friends and colleagues!**



** If interested in donating a
 basket or gift card for our
 raffle, please contact Cathy
 Lucidi at 631 232-2400
 Ext. 3324, by September 10,
 2010. Thank you for your
 support!*

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 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!

**And don't forget our
 WINE TASTING ON OCTOBER 4, 2012
 AT THE CARLTUN, EAST MEADOW**

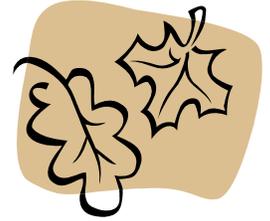
There are many ways to support the Wine Tasting:

- Be a sponsor (see page 9 for more information)
- Invite your family and friends; and/or
- Donate a basket/giftcard * to be raffled off that night.

A sampling of last year's beautiful raffle baskets *



LAW SERVICES FALL 2012 TRAINING SCHEDULE



Trainings will be held at our Islandia office: 1757 Veterans Hwy, Suite 50, Islandia. To pre-register, please call the Training Line at 631 232-2400 x 3357, fax 631 232-2489 or email Cathy Lucidi at clucidi@wnylc.com. If a fee applies, please make check payable to Nassau Suffolk Law Services and mail your payment in advance to confirm pre-registration.

Medicaid Overview: A description of the various Medicaid programs, Medicaid eligibility, application procedure, appeals, and a legal update. Maria Dosso, Esq. will teach the seminar and break down the often complex policies and rules so that participants come away with a solid understanding of this important medical insurance program. The session will also touch on alternative health insurance programs such as Child Health Plus, and Charity Care. This is always a popular session, so sign up early! **Thursday September 20, 2012 9:30-12:30 \$35 per person.**

Adult Home Advocacy: Carolyn McQuade, Esq., attorney in the Adult Home Project, will present on topics affecting residents of the homes. Advocates will want to hear firsthand everything you ever wanted to know about the rights of adult home residents: including eligibility for public benefits, eviction law, the right to the personal needs allowances, and lots more! **-Tuesday October 30, 2012 9:30-11:30 No fee for this training**

Training Registration Form

Name _____

Agency Affiliation _____

Phone Number _____

Email Address _____

Title of Training(s) _____

Amount Enclosed _____

Please check if payment will be sent at a later date or on the date of the Training

Please return 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

From the Executive Director



We are looking forward to celebrating **45 years of service** to the Long Island Community at our upcoming fundraiser at the Carltun on **October 4, 2012**. Law Services has a distinguished history of providing quality free legal services to our community throughout the years and we take our responsibility seriously. As the only free legal program serving Long Island over a wide range of civil matters for which there is no constitutional right to free representation, we have faced our share of challenges, from drastic funding cuts to regulatory reforms restricting our legal work. I am proud to say we have managed to survive and even thrive through it all. We are committed to continuing the tradition for many years to come. Thanks to the dedication and expertise of our staff, and the commitment of our Board of Directors and Advisory Council, our reputation in the community remains exemplary. Through service innovations and our relentless pursuit of funding, we have found ways to provide legal services to our community, even in the leanest of times. I would also like to extend our appreciation to the clients, advocates, service agencies, and elected officials who continue to voice their support and appreciation for the work we do in serving our low income and disabled Long Island neighbors.

We hope to see many of our old and new friends, community supporters, and alumni at the October event to share memories and ideas for the future!