



The Challenges of Housing Court: A deferred associate shares her experience

By Natasha Daughtrey, Deferred Associate, Goodwin Procter LLP



“MS. H” IS ABOUT MY HEIGHT. She seems tired and somewhat distracted by the little girl crying in a stroller and the five-month old in a sling on her chest, tugging on Ms. H’s jacket. Ms. H’s other children are either at the shelter or with Ms. H’s ex-boyfriend, “Ed”. Ms. H has eleven children. Previously, she and her children lived in a New



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November 17, 2011

The Consequences of Unemployment:

Three case studies

By Julie Chartoff, Senior Staff Attorney

THE RECENT RECESSION HAS HAD AN overwhelming impact on the vulnerable communities that Brooklyn A serves. For low wage workers who lose their jobs, there is a high likelihood they will fall into financial ruin and become homeless, in part due to fewer resources and lack of savings. Navigating the unemployment insurance system can be daunting and confusing and in many instances, once a case is flagged, can take months to be resolved. If an employer challenges a worker's entitlement to benefits, they

could face a long bureaucratic road in the fight to obtain benefits that in many instances have been wrongfully denied in the first place. In the three to four months that it can take to challenge a wrongful denial, a family without an income can experience their own private disaster. Facing unemployment without benefits leaves a family with very few options, especially when finding a job can be almost impossible in the current economic climate.

Entitlement to unemployment insurance benefits largely depends on the circumstances surrounding the separation from employment. In contested cases, the question that arises is whether the separation was caused by misconduct or whether there was a legitimate reason to leave or quit one's job, such as harassment or illness. Once a determination has been made, the individual seeking benefits may challenge a denial by asking for a hearing. Employers have a direct stake in the outcome of these cases since their unemployment insurance taxes increase when workers who have been separated are found eligible for benefits. Because of this, they generally fight these cases zealously and appear at the hearings with representation. Brooklyn A has been able to provide representation to clients at these

hearings and assist them in navigating a confusing system. Here is a snapshot of a few of our current cases:

C.R.*, a young single mother who worked in a doctor's office was fired for allegedly being away from her work station without permission. She had been diagnosed with scoliosis at an early age and had left to get a pillow for her back. Days earlier, her employer admitted, through an internal e-mail, that they found C.R.'s slumped over posture very unprofessional and not up to customer service standards. C.R. was denied unemployment benefits for misconduct. As a result of losing her job, C.R. and her 12 month old baby became homeless. Brooklyn A is in the process of appealing that denial and has requested relief from the Appeal Board.

S.W.* had been a security guard for 6 years without incident until his employer found out he was gay. Within days of this discovery, S.W. began receiving corrective actions for a



number of petty infractions including a suspension without pay for allegedly taking too many bathroom breaks. When S.W. complained that he believed he was being targeted due to his sexual orientation and requested a transfer, he was told that a transfer would result in a 25% cut in pay. S.W. felt that his employer's response was further discrimination and decided to quit his job. When he applied for unemployment insurance benefits, the Department of Labor found his reasons for quitting were personal



and non compelling. S.W. testified at the hearing that he would have gone to his old post because he couldn't afford a 25% cut in pay. Upon hearing this, the Judge excluded any testimony about the employer's discriminatory practices finding that they couldn't have been too bad if the claimant was willing to return to work. Brooklyn A is currently appealing that decision.

A single mother with a special needs child worked as a teacher on the upper west side of Manhattan. She would sometimes receive up to three calls a week from her son's school in East New York requiring her to come and pick him up due to his disruptive behavior. Although her employer was sympathetic, the calls were so frequent that she was forced to miss a significant amount of work. When she ultimately decided to quit in order to find work closer to his school, the

Statistics prove that claimants who show up unrepresented at the hearings don't do as well as those that are, and the stakes are too high to allow anyone to go unrepresented.

Department of Labor found she had quit for personal non compelling reasons and she was denied benefits. Although she has received some help from her family she fell into substantial debt and has struggled to keep her utilities on and feed her family. She is currently awaiting a decision on her appeal to that denial.

Our office is flooded with phone calls and we're consistently forced to turn people away because we can't handle the volume. This has been the most difficult thing of all for me, personally. My clients are frightened, desperate and vulnerable. Losing a job in this economy, especially when you have children or family to support and no resources is beyond unimaginable. It is difficult and challenging to see such pain. Brooklyn A attorneys, whether we think of ourselves this way or not, are changing lives. Statistics prove that claimants who show up unrepresented at the hearings don't do as well as those that are, and the stakes are too high to allow anyone to go unrepresented.

**The actual names of clients have been changed to protect their identity*

A Q&A with Three Simpson Thacher externs

Since 2009 Simpson Thacher & Bartlett LLP has provided Brooklyn A with talented associates to help the CED Unit meet the need for civil legal services for not-for-profit community based organizations serving low income communities of North East Brooklyn. The CED externship partnership helps associates get hands-on transactional experience while enabling Brooklyn A to help more clients.

By:
Jessica Rose,
Director, Community and
Economic Development Unit



Jinghua
Zou

What were 1-2 of your most memorable CED cases that you worked on and in what capacity?

I had the opportunity to work on a variety of transactional matters, from drafting contracts to advising on general corporate matters to forming small community-based not-for-profit start-ups. For example, I worked closely with two of the CED Unit's long-time community healthcare provider clients in drafting and negotiating general contractor and architect agreements in connection with the expansion of their facilities in order to meet the ever-increasing demands for quality healthcare in the communities they serve. I also helped a not-for-profit organization dedicated to the multicultural arts development of the East New York community with their initial formation matters and obtaining federal tax-exempt status, and in the process witnessed how the organization really grew and gained influence in the community.

How did your work directly impact our clients?

I think in many ways the CED Unit provides our clients with the legal assistance they really need (and perhaps not available through other channels), be it in the ordinary course of running their

business or in the case of a legal dispute. Moreover, the value of the CED Unit's services often goes beyond legal matters, because for many of our clients the CED Unit functions as their in-house counsel and is therefore intimately involved in their businesses and counsels them in connection with all aspects of their businesses, operations and strategic growth. I was thrilled to be part of the team providing those services.

How did working in the CED Unit change your perspective on the law? And on poverty?

For me working in the CED Unit served as a constant reminder of how the law and the practice of law can and often does have a direct impact on the everyday lives of people and on our communities, especially the disadvantaged and underserved. It was extremely rewarding to think that my work at the CED Unit might have contributed in some small ways to improving and moving things forward for some of these communities, however temporarily, and the experience definitely made me more aware of the need and importance for us lawyers to commit to pro bono work.



Daeyna M. Grant

What were 1-2 of your most memorable CED cases that you worked on

and in what capacity?

I've been assisting with the drafting of agreements between CED clients and general contractors and architects for the construction of health care facilities. I've also gotten the opportunity to work closely with an environmental start-up organization that's just getting off the ground.

How did your work directly impact our clients?

Drafting the construction related agreements has enabled the clients to move forward with the related construction projects, which in turn means the opportunity to provide their communities with greater access to low-cost and high-quality health care services. The environmentally focused start-up client has been active in the Canarsie, Brooklyn community since before it came to Brooklyn A for assistance in becoming incorporated and applying for recognition as a tax-exempt organization; but becoming an officially recognized not-for-profit corporation (and hopefully federal tax exemption in the near future) will allow it to be able to get much needed additional resources in order to continue and expand the organization's reach.

How did working in the CED Unit change your perspective on the law? And on poverty?

The work I've done while at the CED Unit has definitely made me appreciate how important access to affordable legal services can be to community-based organizations, particularly when, as they often do, they serve low-income communities. The CED Unit and Brooklyn A are a tremendous resource for so many organizations that have incredible goals and need assistance navigating legal bureaucracy or protecting their legal interests as they try to accomplish these goals.



William (Bill) Freiberg

What were 1-2 of your most memorable CED cases that you worked on and in what capacity?

My two most memorable CED matters were a mixed commercial/residential project where we had to research and negotiate certain documents with the City involving the lease-up of the low-income residential units and a healthcare facility expansion project involving the renovation and expansion of an existing facility.

How did your work directly impact our clients?

I helped assist with Brooklyn A in structuring the transactions, work flow, drafting/coordinating documentation and negotiations.

How did working in the CED Unit change your perspective on the law? And on poverty?

From my perspective, it was very interesting to work in a different field of law and with a new set of clients, which allowed me to clearly see how law can touch all aspects of life from mergers to housing needs (including those who are less fortunate than the typical for-profit client seen in the big law firm context). Working outside of Manhattan especially put things in perspective for me.

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Housing Court

York City Housing Authority apartment in Brooklyn with Ed – the father of four of the kids. When they broke up, Ed moved out and took “his” children with him. The apartment, already horribly dilapidated, continued to deteriorate. Eventually, the Administration for Children’s Services took the unusual step of requiring Ms. H and the seven children in the home to move to a shelter in the Bronx because of the conditions in the apartment. At the same time, the Human Resources Administration stopped sending Ms. H’s welfare checks, including the rent check to her landlord. Now she was facing eviction in Brooklyn Housing Court from an uninhabitable apartment and had just traveled from the Bronx over an hour and a half with two children in tow. I would be tired too.

I used to think I had been a progressive-minded person from a young age. I still remember the mixed look of anger and admiration on my mother’s face when she saw that I had joined a PETA protest during a nearby rodeo as I walked home from

my life experiences and education knowledge, I felt ill-equipped to “fix” Ms. H’s many problems. And my training in law school and at law firms had taught me that being an attorney was identifying the problem and then fixing it. Housing Court was new (and honestly frightening) to me, as was the government benefits bureaucracy that I had to navigate to keep Ms. H from being evicted. When I got home that day I felt physically and emotionally exhausted.

That was four months ago. I am still working on Ms. H’s



Real work is done in courtrooms (and sometimes housing court hallways and stairwells) by zealously advocating for the rights of those who previously had no voice and no ability to protect themselves.

elementary school. The picket sign I boldly waived was almost as tall as I was. I can joke now about “being poor as a kid,” living in a trailer park and subsisting on bologna sandwiches while my father went back to school to get his MBA. But I was young and that time is just a memory in my life. My father went on to become a very successful Wall Street investment banker. Other than my brief stint with poverty, if you can even call it that, I have lived a life full of opportunity, comparative wealth, and success. Throughout law school, I prepared to work as an attorney at a large law firm, preferably doing patent or complex litigation in federal court. I didn’t know a thing about landlord/tenant or benefits law.

So on my first day of work as a deferred associate at Brooklyn A in the Housing Unit, I found myself completely and utterly overwhelmed by Ms. H’s circumstances. With all

case - fighting to get repairs done and fighting with the Human Resources Administration to get checks sent in the right amount to the right person. It is an uphill battle, but I am not feeling as overwhelmed anymore. And I realize now, that while I cannot “fix” all of Ms. H’s problems, my work does make a difference in her and her children’s lives. I have also been humbled and empowered by all my clients who live rich and fulfilling lives while also living in poverty. I now recognize that previous to my time at Brooklyn A, I really did not understand what being progressive or compassionate was about. While it’s great to waive signs or have philosophical debates with your friends about societal ideals, the real work is done in CBO, legal services, and charitable organization offices. Real work is done in courtrooms (and sometimes Housing Court hallways and stairwells) by zealously advocating for the rights of those

who previously had no voice and no ability to protect themselves. Brooklyn A’s mission of working for social and economic justice can be daunting, but it is both achievable and worthwhile.

I am grateful to have this opportunity to work with Brooklyn A. I appreciate that my law firm, Goodwin Procter LLP, recognizes the value and desperate need in the community to have new attorneys do pro bono work. In such a short time I have learned about many areas of law and come to truly appreciate the diverse communities in Brooklyn. While I might not use the substantive knowledge I have gained in my practice at Goodwin Procter, I know I will be a better attorney because of my year spent as a deferred associate at Brooklyn Legal Services Corporation A. I also know that the legal profession could use more compassion, more awareness, and an acumen that only comes from having to obtain shelter checks from a welfare caseworker on a Friday before a three-day weekend.

**The actual names of clients have been changed to protect their identity*

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