

The Role of a Community Lawyer

by Jennifer Spain

I first came to Brooklyn A in August 2003 as a one-week intern through the New York Lawyers for the Public Interest Visiting Summer Associate Program. I was assigned to Robyn Fisher, an attorney who represents victims of HIV/AIDS with a range of issues such as eviction prevention, domestic violence, child custody and permanency planning.

At the end of my week, I spoke with Robyn about my interest in community development and in continuing to work with Brooklyn A while finishing my last year at Columbia Law School. I returned to Brooklyn A in September and Robyn put me in touch with various groups who were finding ways to address important issues for the HIV/AIDS community in their neighborhoods.

One group I worked with at Woodhull Hospital in North Brooklyn wanted to set up an HIV/AIDS clinic. I gathered data on AIDS in Brooklyn and researched the legal considerations of establishing a new medical facility. (See page 3 for statistics on HIV/AIDS in Brooklyn).

I also worked with two individuals who had been Robyn's clients many years ago. Anthony Richardson and Iris Matias turned out to be truly special people whom I feel privileged to have met. Iris, who is blind and has a hearing disability, was stagnating in a nursing home after the onset of her disabilities until Robyn helped



Jennifer Spain

her. Now she lives on her own and is attending college courses. Anthony, who is legally blind, met Iris in that same nursing home and they have been close friends ever since.

Anthony and Iris wanted to create an organization to help people with HIV/AIDS with physical disabilities, with a particular focus on the blind. The group would promote understanding of the issues facing disabled people among healthcare workers, family members, and others. They also envision a community facility for people to access public resources and receive support.

I worked with Anthony and Iris to obtain approval from the Department of Education, file incorporation papers with the state, and we began the process of obtaining tax exempt status.

Working on these projects was truly valuable, not only for the legal knowledge I acquired,

but also to learn how lawyers use the legal tools at their disposal to help people address issues of concern in their communities. I am grateful to have had the opportunity to see and experience this first hand.

In addition, over the last nine months, I came to understand the role of a neighborhood-based lawyer within a community. I observed how so many of Robyn's former clients have remained in contact with her and have engaged her in their lives.

Robyn is not just a neighborhood attorney. She is recognized as a dedicated member of the community and as a valuable resource to help address critical issues in these neighborhoods.

"We Get by with a Lot of Help from Our Friends"

by Richard Wagner

You Woodstock Generation folks remember the song. It's about helping. It's about not having to go it alone. It's about a set of values that sometimes seem to have been eradicated in the '80s by the "greed is good" generation. True, these values took a beating, but eradicated? Not by a long shot. Take the case of Equal Justice America and its founder, Dan Ruben.

Dan is from that generation of lawyers that went to law school because he saw the law in its true historical context; as



Dan Ruben,
Executive
Director,
Equal Justice
America

the most fundamental tool by which our society has traditionally both protected and promoted social justice. Whether we are talking about

civil rights, labor rights, women's rights, indeed the rights of any weak or disenfranchised group, it is simply not

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A Word from the Project Director



Marty Needelman, Brooklyn A's Project Director & Chief Counsel

HELP!! Sometimes I feel like the British General in charge of United Nations operations in Rwanda ten years ago. He sent an urgent message to UN headquarters saying, in essence, "Give me 5,000 troops immediately and I can stop a Holocaust that is going to happen soon!" The troop support did not happen and the brutal massacre of 800,000 innocent people did.

Today in our neighborhoods, there is a massive dislocation of low-income residents. The influx of significantly wealthier young Manhattanites and others who are willing to pay 3-4 times the existing rents in Williamsburg, Greenpoint, and increasingly in Bushwick and parts of East Brooklyn, has provoked landlords to force out their existing tenants. Most of these residents are theoretically protected by the Rent Control and Rent Stabilization laws that limit the rent increases that landlords can charge and prohibit "no cause" evictions. However, in light of the incapacity and lack of commitment of state and city agencies to enforce those laws, and without lawyers to represent and defend these tenants, vile landlords are forcing tenants out via harassment, neglect, and unwarranted eviction proceedings.

About ten years ago, Brooklyn A created a pilot project which convinced the City to invest almost \$12 million a year in lawyers to help prevent the eviction of low-income families with minor children in the household. This new funding stream initially allowed Brooklyn A to devote 12 lawyers to do this work. Over the years, Brooklyn A has had virtually no clients evicted,

while the rate of unrepresented people losing their apartments has risen to almost 30%.

Meanwhile our costs have gone up and the funding has not, so that we currently can only afford 4 lawyers, handling 200 cases a year instead of the over 800 families we represented in earlier years.

Likewise, we have always worked in conjunction with extraordinarily talented tenant organizers from neighborhood groups like Los Sures, St. Nicholas Neighborhood Preservation Corporation and People's Firehouse, to represent tenants associations in their struggles. Over the years, almost 100 such tenants associations have gained control and ultimately ownership, via low cost cooperatives, permanently securing them as affordable, decent housing. At one point, we were able to gain sufficient funding to provide four lawyers for this work. We are now down to the equivalent of one and a half lawyers' time. Recently, the Independence Community Foundation provided a grant for us to hire another lawyer to assist our community partners in pushing the City to adopt policies that would include significant units of affordable housing in plans for new luxury housing and otherwise protect vulnerable families from being displaced.

But at this moment in the history of our neighborhoods, there must be broad recognition of the need for and priority given to providing the "troops" (i.e. lawyers) to stop the forced ouster of literally thousands of long term low-income residents from their homes and their neighborhoods!

We need *your* help *now*!!

EQUAL JUSTICE AMERICA

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possible to separate the progress that has been made from the efforts of socially conscious and deeply committed lawyers.

Offices like Brooklyn A, and the whole federal legal services system, were implicitly founded on these principles, but in a post '80s political environment governmental support for and belief in these values has significantly eroded. Dan was acutely aware of this fact in 1993 when he founded a small non-profit organization called Equal Justice America (EJA). The purpose of the organization was to raise funds to sponsor internships for law students who would be

placed with public interest organizations such as ours. That first year, EJA raised \$43,000 with which it funded internships from Columbia, NYU and Pace law schools.

Since that time, EJA has sponsored more than 1000 internships, placing law students with almost 150 public interest organizations. At present, it sponsors about 200 students annually from more than 40 law schools with grants and contributions largely coming from the alumni of the law schools attended by those who receive the EJA grants.

The growth of EJA coincides almost perfectly with the growing dependence on these law student interns that organizations like Brooklyn A have developed.

Believe me, I know. When I first became Litigation Director here almost twenty years ago, I viewed the limited availability of "free" (to us) law students as a luxury. As government funding has steadily shrunk, and our attorney staff has contracted accordingly, that "luxury" has evolved into an invaluable and desperately needed resource without which we would be up the proverbial excremental creek without a means of propulsion.

Let me give you just a small example of what life would be like for us *without* EJA. Our predatory lending litigation project simply could not have existed without the nine EJA sponsored law students who have

HIV and AIDS in New York City

AN OVERVIEW	Rates of reported HIV diagnoses, PLWHA, and deaths among PLWHA by United Hospital Fund (UHF) neighborhood in 2002 ¹				
	HIV diagnoses ² per 100,000 population	Reported PLWHA as a percent of population	Age-adjusted death rate per 1,000 PLWHA ³	Population from 2000 Census	
<ul style="list-style-type: none"> As of March 31, 2003, 83,249 New Yorkers were diagnosed and known to be living with HIV or AIDS. 27,431 persons are living with HIV (non-AIDS), and 55,818 are living with AIDS. A cumulative total of 137,168 New Yorkers have been diagnosed with AIDS since 1981. 83,818 (61%) have died. Mortality dropped sharply beginning in 1996, but New Yorkers continue to die of HIV. In 2002, 1,712 persons died of HIV-related causes and 2,448 persons with HIV or AIDS died of all causes. 1% of the NYC population is HIV-positive. <p>HIV AND AIDS IN NEW YORK CITY, 2002</p> <ul style="list-style-type: none"> 1% of the NYC population is HIV-positive. 1.8% of blacks, 1.2% of Hispanics, and 0.6% of whites are diagnosed and known to be living with HIV or AIDS. 	Total	69.3	1.0	29.8	8,008,278
	Children (0-12 years)	4.1	0.1	4.0	1,429,677
	Adults/Adolescents (13+ years)	83.5	1.2	30.3	6,578,601
	Bronx⁴	95.0	1.4	34.9	1,327,690
	Manhattan⁴	100.3	1.8	25.3	1,529,375
	Brooklyn⁴	60.1	0.8	38.0	2,465,326
	Bedford/Stuyvesant – Crown Heights	127.3	1.5	43.4	317,296
	Bensonhurst – Bay Ridge	12.8	0.2	37.0	194,558
	Borough Park	15.4	0.2	24.9	324,411
	Canarsie – Flatlands	41.5	0.4	33.3	197,819
	Coney Island – Sheepshead Bay	21.3	0.3	33.2	286,901
	Downtown – Heights – Park Slope	56.8	1.1	40.4	214,696
	East Flatbush – Flatbush	77.0	0.9	37.3	316,734
	East New York	100.2	1.1	44.4	173,716
	Greenpoint	37.8	0.6	35.1	124,449
	Sunset Park	18.3	0.5	23.9	120,441
	Williamsburg – Bushwick	102.4	1.4	39.1	194,305
Queens³	5.5	0.5	24.7	2,242,159	
Staten Island⁴	21.9	0.3	33.5	443,728	
PLWHA = Persons living with HIV/AIDS 1. Based on data reported through December 31, 2003. 2. Includes diagnoses of HIV without AIDS and HIV concurrent with AIDS. 3. Age-adjusted to the city-wide population of PLWHA at the end of 2002. 4. Borough level data include persons residing in unknown UHF neighborhoods.					

Courtesy of NYC Department of Health and Mental Hygiene

EQUAL JUSTICE AMERICA

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worked on it over the past three years. These students have performed with distinction virtually every function, except “in court” litigation, that staff lawyers would have performed had they been available. They have drafted motions, affidavits, and memoranda of law. They have participated intimately in every aspect of discovery, and have conducted both extensive factual investigation and interviewed dozens of witnesses. In three summers, they have contributed more than 3500 hours of high quality legal service which has not only produced three favorable federal court decisions and orders, but more than

\$1,600,000 of damages and debt relief for our clients. The contribution of our EJA interns was not merely significant, it was quite literally indispensable to our success.

Moreover, while these EJA interns were working with me on predatory lending litigation, others were working with our housing unit and community economic development unit performing just as productively and heroically preventing evictions and assisting community-based organizations.

It is ironic, perhaps, that the desperate need that originally inspired us to use law students as “virtual” lawyers ultimately proved to be of the greatest value to the students themselves. As our EJA interns rose to meet responsibilities that some might have felt were well beyond their

capacities, they not only vindicated every ounce of trust and faith we put in them, they received in return a breadth and depth of professional experience that would have taken them at least a year of actual practice to acquire.

Our debt of gratitude to EJA and the law student interns they have sponsored is exceeded only by the gratitude of our clients. Every week, I buy lottery tickets in the name of Brooklyn A. I haven’t won yet, and until I do, EJA had better keep going and growing!

Contributions to Equal Justice America can be made securely on their website or by sending a check to EJA at 3010 Fox Chase Drive, Midlothian, VA 23112.

For further information please visit www.equaljusticeamerica.org.

Profiles

ANNE PILSBURY

**Board Member, Director,
Central American Legal Assistance**

Anne Pilsbury, an attorney and Brooklyn A Board member, moved to Brooklyn from rural Maine in the early 1980's; she did not plan on staying. "I came to New York because the Center for Constitutional Rights was helping me defend a victory we had won against the FBI's COINTELPRO program (the illegal FBI surveillance program directed at preventing peace and civil rights activists from carrying out protest activities).

While working with the Center for Constitutional Rights on the appeal, she volunteered to help with the then growing crisis of refugees coming to New York fleeing



death squads and poverty in El Salvador and Guatemala. "I naively thought that litigating against the Immigration Service would be easy after defeating the F.B.I. There were very few lawyers doing immigra-

tion defense work at that time who also had federal courtroom experience. I thought I could be of use. I soon learned otherwise. The Federal Rules of Civil Procedure, and I emphasize the word *civil*, had not penetrated the immigration courts. I used to give new colleagues *Alice in Wonderland* to read as preparation. You know the part where the Queen says 'Verdict first, then the evidence!' — well, that's how it was."

In 1985, Anne set up Central American Legal Assistance, a not-for-profit legal services program. "We started with no money but Father Bryan Karvelis, the Pastor of Transfiguration Catholic Church in Brooklyn, gave us free space in his church basement." Immigrants and other men from the parish built the office where Anne has been ever since.

JULIE CHARTOFF

Staff Attorney, Brooklyn A

Julie recently joined Brooklyn A in the Family and Domestic Violence Unit, having previously spent six years with Harlem Legal Services. A latecomer to the field of law, Julie had been an accomplished painter. Graduating from Sarah Lawrence with a degree in Fine Arts, Julie worked as a painter, showing and selling her work in New York and Paris.

Later, Julie was drawn into a different world while working as a counselor in a nonprofit drug treatment program that served pregnant women.

"I've always had a deep sense of justice and began to see how the law could be used

as a tool to right social injustices." Julie entered law school in 1996 and during that time, her interests in women's issues continued to grow.

"I remember watching a piece on *60 Minutes* while in law school. It was a South Carolina case where women had gone to their area hospitals seeking prenatal care. There they were given a drug test and the results were provided to the local police — who promptly arrested them!" The attorney defending these women, Lynn Paltrow, made an impression on Julie, who was to later meet her. Julie went on to work with that attorney and is today on the board of her organization, National Advocates for Pregnant Woman.

Julie recently discovered that she is preg-



nant. As a soon-to-be mother, she is realizing that her commitment to securing the rights of her clients is deepening.

IN THE NEWS

PAT MURRAY, Senior Attorney in Brooklyn A's Housing Unit has been selected to be a recipient of one of this year's City Bar Legal Services Awards. Pat receives her award from Chief Judge Judith Kaye on Thursday, May 13. Pat has been with Brooklyn A since 1973, working tirelessly for justice in the "trenches" of Landlord-Tenant Court and the welfare system.

POVERTY LAW PANEL



On March 3 Marty Needelman, our Project Director, participated in a poverty law panel for the Stein Scholars Program at Fordham University School of Law. The discussion focused on issues involved in the struggle to provide efficient legal services to indigent people.

CORRECTION

In the last issue of Brooklyn A News, Consolidated Edison's total contribution was incorrectly listed. The actual 2003 contribution was \$15,000. In addition, The Scherman Foundation made a grant of \$50,000 to support Brooklyn A's community development work.



STEVEN FLAX

Advisory Committee Member, Vice President, M&T Bank

Steve Flax is Vice President of Community Development at M&T Bank and Advisory Committee member of Brooklyn A. He oversees all New York City community development lending for this Buffalo, N.Y. based institution. He is also responsible for M&T Bank's community development focused charitable contributions program.

Steve was previously the Executive Director of the Fifth Avenue Committee, a multifaceted community development corporation in Brooklyn. Since 1984, he has held various positions at both the Fifth Avenue Committee and the St. Nicholas Neighborhood Preservation Corporation, based in Williamsburg, Brooklyn.

Steve is an honored member of the New York City Advisory Board of the Local

Initiatives Support Corporation ("LISC") and was a founding member of the Neighborhood Opportunities Fund, a ten million dollar funding collaborative.

He serves as a director and a member of the finance committee of the Brooklyn Arts Exchange and is actively involved as an advisory board member of the Concerned Cultural Womens' Collective, a Bedford-Stuyvesant based self-help organization.

Steve received his M.A. in City and Regional Planning from Pratt Institute and is a graduate of Pennsylvania State University. He also received a certificate in political economy from the University of Nairobi, where he was a member of the University's varsity basketball squad.

Steve is currently pursuing psychoanalytic certification from the National Psychological Association for Psychoanalysis in New York City. He and his family live in Brooklyn.



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Brooklyn A Staff Honored for HIV/AIDS Work

Two Brooklyn A staff, Robyn Fisher, Senior Staff Attorney, and Sherene Washington, Paralegal, both of our Comprehensive Rights Unit, received the Distinguished Service Award from the AIDS Institute in Albany for their work with people affected with HIV/AIDS. Here Robyn (left) poses with Dr. Antonia Novello, Commissioner of New York State Department of Health.

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Brooklyn Legal Services Corporation A provides high quality neighborhood-based civil legal services to low-income individuals and groups in the communities of Williamsburg, Greenpoint, Bushwick, Oceanhlll-Brownsville, East New York, Bedford-Stuyvesant, Cypress Hills, Starrett City, City Line, East Flatbush, Flatlands, and Canarsie.

