

2012 - 2013 Annual Report



Re•new /ri'n(y) oo/: to make new, fresh and strong again



Executive Message



Alan S. Harris
President and CEO

The 92nd Annual Report finds the Legal Aid Society of Rochester in significantly better circumstances than the previous year. New York State's Chief Judge Lippman has been able to fulfill his mission to adequately provide a permanent, stable funding stream. Our agency has received a significant increase in support from the NYS Office of Court Administration. The Board and staff of the Legal Aid Society of Rochester thank the Chief Judge for his efforts on behalf of Civil Legal Services funding.

We also were the beneficiaries from our annual fund raising event The Campaign for Justice with our partners VLSP and LawNY, obtaining over \$300,000 in pledges this year. This was a 20% increase over our goal due to the leadership of the campaign co-chairs Bob Bailey, General Counsel at Bausch and Lomb, and our own Past Board Chair, Dan O'Brien, of Woods Oviatt.

These two funding sources, combined with our other funders, allowed us to end the fiscal year with a financial surplus.



JOSÉ Cruz Chair, Board of Directors

Our programs continue to provide high quality legal services with a focus on victims of domestic violence, housing, education, immigration and juvenile representation of most of the children required to appear in the Monroe County Family Court. Please review our programs' descriptions and statistics to learn what we do and how many people we serve.

The report's theme is renewal. We asked the children who we represent to draw pictures demonstrating renewal and you will find them on the front and back cover and throughout the report. We have had a renewal of program funding and, due to the generous support of the Monroe County Bar Association and the Monroe County Bar Foundation, a refreshment of our Telesca Center for Justice 8th floor reception area and the main entrance lobby of the building.

Our staff achieved other significant accomplishments, described in more detail in this report. You will also read about the early success of our new Entrepreneur Legal Assistance program funded as a pilot project by the Farash Foundation.

Programs offered at The Legal Aid Society of Rochester, NY

Civil Division

Family Law Unit

Domestic Violence Program provides legal services and counseling to victims of domestic violence in Monroe, Orleans, Genesee, and Wayne Counties. The Domestic Violence Program provides representation in Family Court to assist battered women to obtain and enforce orders of protection to prevent continued violence. The Domestic Violence Program also provides legal representation in divorce, custody or visitation and other cases such as housing and immigration for victims of domestic violence. The Domestic Violence Program conducts community workshops and provides technical assistance to community social service providers on the issue of domestic violence.

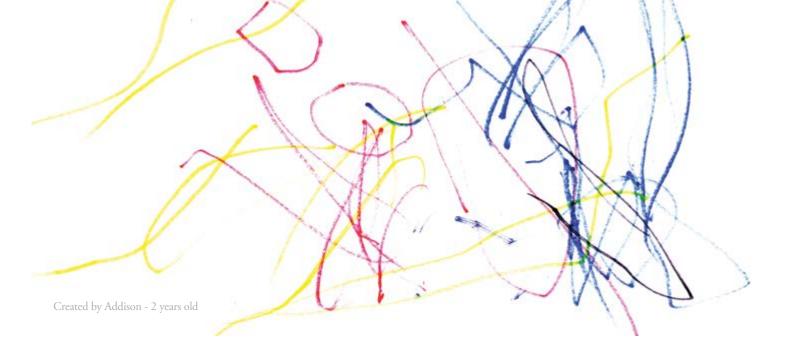
Office of Victim Services Program directly serves victims of domestic violence by providing legal advice and representation in order of protection proceedings. In addition, these attorneys assist clients in completing crime victims compensation claim applications, which provide financial relief to innocent victims of crime. The Office of Victim Services will pay victims for unreimbursed expenses related to crimes committed by the abusers. Compensation is available for a variety

of expenses, including but not limited to: medical and funeral expenses, loss of earnings or support, counseling fees, crime scene clean-up, repairing or replacing items of essential personal property, court transportation expenses, as well as the cost of residing at or utilizing the services of a domestic violence shelter.

Child Support Program provides representation in Supreme Court matrimonial actions or Family Court child support actions to obtain and/or increase child support and to obtain medical insurance coverage and other child care expenses, such as uninsured medical expenses and child care costs.

Client was a Spanish speaker, who sought help from the Legal Aid Society, because her children's father refused to pay support. Legal Aid assisted the client in preparing and filing a support petition for the parties' two children. Respondent represented in court that he earned \$30,000 per year, had only one job, and could not afford to pay support of any kind. Respondent retained private counsel to represent him in this matter. Client believed the Respondent was working multiple jobs and had large





amounts of hidden income. Legal Aid subpoenaed payroll records for the Respondent from every employer the client believed he worked for, as well as bank records for the Respondent. Subpoenaed records showed the Respondent had multiple employers, and over \$70,000 in his five bank accounts, which he liquidated shortly after the client commenced the support action against him. The client obtained a favorable child support settlement imputing income to the Respondent based upon his subpoenaed records as demonstrative of his ability to pay.

Limited Means Program provides affordable civil legal representation to low and moderate income people. Limited Means Program clients are people who do not qualify for services from any other Legal Aid Society program or other legal services agencies, and who cannot afford the fees charged by private attorneys. Most Limited Means Program cases are in the area of family and matrimonial law. Clients pay a flat fee retainer based on a sliding scale at the onset of their cases.

Assigned Counsel Program provides legal representation to financially eligible litigants that qualify for assigned counsel services in Supreme Court divorce matters. The right to counsel applies only to the portion of the case that involves custody, visitation and domestic violence issues. The right to counsel does not extend to the important financial issues in a case such as division of property, establishment of child support or the actual grounds for the divorce. Although Legal Aid is appointed for the allowable aspects of the case, we handle the entire case including the financial issues.

Legal Aid provided representation to a woman with two children and obtained a 5-year complete stay-away order of protection in Family Court and continued representation on the Supreme Court Divorce through the ACP program. Given the Defendant's violent history and drug abuse the client sought a Judgment of Divorce with no visitation. The case was set for trial. Through effective advocacy and pretrial preparation, including obtaining the abuser's criminal records and information regarding his recent arrests, the case was settled on the day of trial. The client obtained a judgment of divorce, full custody of her children, and no visits to the abuser. The abuser must complete an in-patient drug treatment program of at least six months in length and show that he has been arrest-free and sober for a period of at least six months before he may file a court petition to address his visitation rights in the future.

General Law Unit

Immigration Legal Services Program provides legal representation and technical assistance in immigration-related matters to persons residing in a 14 county area of western New York. Through a unique collaboration with Legal Aid offices in Albany and Syracuse, we assist persons residing throughout upstate New York. While our assistance to those offices largely involves case supervision and mentoring, persons served by those offices that require representation before the Immigration Court and USCIS in Buffalo, are directly referred to us. Representation includes cases involving asylum, permanent residence, removal defense, meritorious appeals, extension of immigration status, and work authorization. The Immigration Program

has two outreach clinics during the local growing season to provide legal representation and information and referral to migrant farm workers at Brockport and Alton.

We helped a person who had lived in the U.S. for over 15 years obtain his permanent residence. When he came to see us, he had a final order of removal from the Board of Immigration Appeals (BIA). That order was mistakenly entered, because the client was in temporary protected status at the time. We filed a motion to re-open/reconsider the removal order with the BIA, in which we asked the BIA to act of its own accord to grant him retroactive relief, which he needed in order to adjust his status. The BIA granted the motion, and sent the case back to the Immigration Judge. We represented the client before the Immigration Judge and filed a successful motion to terminate his case, based on an approved visa petition which our client's brother filed for him in 1998. We then represented our client before U.S. Citizenship and Immigration Services, and his application for adjustment of status to permanent residence was granted.

Department of Health Program provides legal services to clients with HIV/AIDS. This program is a collaboration with the Empire Justice Center, Volunteer Legal Services Project, and Monroe County Legal Assistance Center. The Empire Justice Center is the lead agency and is responsible to screen and refer clients. The Legal Aid Society provides legal services in family law, housing and immigration.

An HIV positive client who was recently approved for Social Security Disability was able to use Bankruptcy to remove old debt including large amounts of medical debt. In the process he was able to keep his home in the city where he has resided for over 10 years and begin a new financial life debt free.

Housing Unit

Home Ownership Initiative provides representation for home purchases, home preservation matters, consumer credit issues and complex legal cases. Home Ownership Initiative addresses illegal evictions, home purchases, foreclosure prevention, and bankruptcy. The primary goal of the Home Owner Initiative is to create or maintain sustainable homeownership.

Rental Stabilization Program provides alternative dispute resolution and mediation services to eligible landlords and tenants who reside in the City of Rochester. Resolution of these disputes allows tenants to maintain their apartments and decreases transiency in the community. The Legal Aid Society has added services for landlords in the form of trainings and pro se clinics. Providing service for landlords and tenants raises the quality of housing and further increases housing stability in city neighborhoods.

Tenant Advocacy Program provides representation to qualified tenants who face eviction in Rochester City Court. The Tenant Advocacy Program also provides information and referral to applicants who do not qualify for direct services and to tenants who are not facing eviction. The Tenant Advocacy Program conducts intake at the Hall of Justice before the beginning of the Rochester City Court, Landlord Tenant Part.





The client had sought out Legal Aid's services before
Landlord-Tenant Court. She was on social services. Social
services had refused to pay rent due to habitability issues
in the apartment. At Court, Legal Aid worked out an
agreement for rent to be paid, provided that repairs were
made in the apartment by a certain date. The repairs
were not made, but the landlord offered proof to the
Court that they were made and received a warrant of
eviction. After receiving the warrant, the client contacted
the Legal Aid Society, we filed an order to show cause
which vacated the warrant and previous judgment, and
brought the matter back to Court. The repairs were made,
rent going forward was to be paid and the client was able
to stay in a safe, healthy apartment.

Foreclosure Prevention Program is a collaborative program with the Empire Justice Center, Volunteer Legal Services Program, the Housing Council and Consumer Credit Counseling of Rochester that represents homeowners in foreclosure. The Legal Aid Society represents individuals seeking loan modifications, those who opt for a "short sale" or deed-in-lieu of foreclosure, or those who need to file bankruptcy as part of a plan to save the home.

The Legal Aid client had entered into a high interest rate mortgage with no escrow for taxes as a way to refinance her house during her divorce. After several years of struggling to make payments and catch up on taxes, she defaulted on the mortgage. Legal Aid intervened and assisted her with an application for a loan modification. The modification took over a year due to problems with the bank that required the intervention of the Attorney General and the Federal Government to get the client correctly evaluated for a loan modification. Once properly evaluated, the client was approved for a loan modification where her taxes would be escrowed, her interest rate would drop to 2%, her principal and interest payments would be considerably lowered and over \$49,000.00 of principle and arrears would be forgiven. The client now has an affordable mortgage payment, equity in the house and peace of mind for her and her children.

Entrepreneur Legal Services Program is a collaborative program with the Urban League of Rochester and the Child Care Council that provides legal representation and advice to qualified entrepreneurs, small business and micro-enterprises. The program provides trainings and clinics to assist new entrepreneurs with legal issues. Among other areas of the law, the program provides advice about entity formation and the distinctions between various business structures, including the tax liabilities for LLCs, S-Corps and C-Corps. Additionally, Legal Aid advises clients regarding employment law and has drafted contracts and agreements for start-up businesses in the community.

Juvenile Justice Division

Attorney for the Child Program provides legal representation to children who are involved in proceedings before the Monroe County Family Court. The child may be the Respondent in a Person In Need Of Supervision or Juvenile Delinquency matter. The child may also be the subject of a child abuse, neglect, custody, visitation or foster care petition. The Attorney for the Child is appointed only by an order of a Family Court Judge.

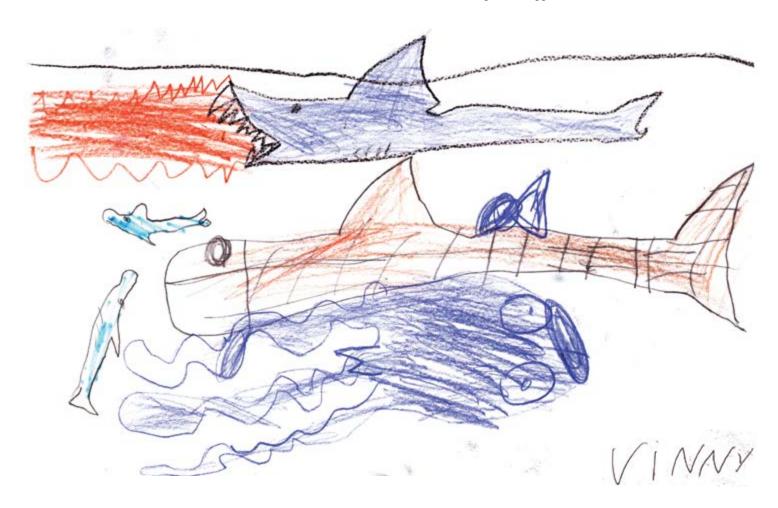
Our young African client was an unaccompanied refugee minor who was granted refugee status after both parents were killed in Zaire by rebel soldiers. She was separated from her siblings in Africa and was placed in foster care in Rochester, NY, but was desperate to search for her siblings and extended family. The Attorney for the Child advocated for family finding services. An investigation led to the discovery of an uncle and cousins who were living in North Carolina. The attorney for the child advocated for the uncle to gain custody of our client. Our client was happily reunited with her family and continues to search world-wide for her sisters

Youth Advocacy Program serves youth with disabilities and non-disabled youth (birth to age 21) and their families in Monroe and Livingston Counties. Advocacy services are provided to resolve school and youth-related issues including Committees on Special Education (CSE), school suspensions, reasonable accommodations for children with disabilities pursuant to the Americans with Disabilities Act or Section 504, eligibility for school enrollment, enrollment for homeless students and access to appropriate school or community services. The Livingston County Program is based in Geneseo.

14 year old student was referred to the Youth Advocacy Program for a Long Term Suspension Hearing (LTS). The Legal Aid Society advocate attempted to use the LTS to bring the child in front of the Committee on Special Education (CLE). Advocate commenced an appeal process and took the matter to mediation. The LTS was resolved and student was given Education Status. About 9 months later, the student was once again involved in a LTS. The parent was unsuccessfully working with Rochester City School District representatives and contacted Legal Aid for assistance. The advocate represented the student at LTS and brought the matter to the CSE for the second time. After two additional CSE meetings, the advocate achieved getting the student classified as Special Education and getting him into a program appropriate for his educational needs.

Volunteer Program

The Volunteer Program provides dedicated attorney and non attorney volunteers the opportunity to learn about a law office and contribute to the community at large through their time at the Legal Aid Society. Volunteer attorneys and student attorneys gain valuable court room experience and assist staff attorney with representation and research. Non-attorney volunteers and students assist legal assistants, support staff and social workers to provide support to our clients.



This year's theme is "re-new" and represents several accomplishments and new initiatives that allowed us to "renew" our commitment to providing high quality civil legal services to adults and children in the Greater Monroe County area.

Highlights of 2012-2013

Art Contest

Re new /ri'n(y) oo/: to make new, fresh and strong again

To help us bring this theme to life we invited our younger clients and children of our staff to participate in an art contest and draw for us a picture that represents "Re New" to them. Each child who participated was given a prize and all of their work is displayed throughout the report. The winning drawings comprise the front cover, centerfold and back cover designs. Congratulations to all of our budding artists!

Reception Area Re-design

After almost 7 years in the Telesca Center for Justice, Legal Aid and the other legal services providers had outgrown the 8th floor reception area. With capital funding from Assemblyman David Gantt for the first floor Lobby and eighth floor Reception area, the Legal Aid Society got a fresh new look, a larger and more functional receptionist desk and new flooring, chairs and colors. The reception area is where all clients check-in for all four providers and where all calls are answered. Our "re-newed" reception area is a delight to all.

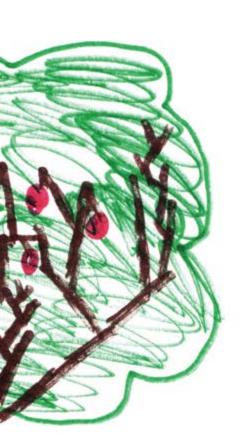
Soft Tissue Injuries in People of Color

Legal Aid Society attorney Lauren Deutsch joined our Domestic Violence team in 2010. In one of her first cases, she represented a woman of color whose injuries were not perceived to be "bad enough" because you couldn't see the bruises. Lauren immediately began to suspect that the inability to see bruising on women and other victims of color greatly impedes the prosecution of perpetrators of crimes. She teamed up with the University of Rochester School of Medicine and Dentistry, Department of Psychiatry and Dr. Catherine Cerulli, JD, PhD to study this phenomenon. Together they conducted focus groups and other research. Lauren presented her findings at a University of Rochester symposium and her presentation poster won an award. Lauren's findings are helping to articulate the need for specialized cameras to show the actual damage and to use in retraining law enforcement. Bruises do NOT tell the real story of a person's injuries! Lauren's study has caught the attention of the Institute on Violence, Abuse and Trauma where she will present a training on her findings at the 18th International Conference on Violence, Abuse & Trauma in San Diego.









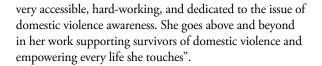
New Program Initiative

In 2009, there were 1.9 million small businesses in New York State, which represents 99% of all employers and who employed 51.7% of the private-sector workforce at 3.8 million people. Additionally, between 2005-2008, small businesses in New York represented all of the net new jobs. (See www.sba.gov/sites/default/files/ny11_0.pdf) Small businesses and entrepreneurs are vital to the New York State economy and to the economic health of the Greater Rochester Area. However, many new businesses will fail or never reach their true potential as they are not able to access legal services that they need. Recognizing this, the Legal Aid Society, with funding from the Farash Foundation, developed the pilot Entrepreneur Legal Services Program to address this need. The ELSP is a collaborative with the Urban League of Rochester and the Child Care Council and provides legal representation and advice to qualified entrepreneurs, small business and micro-enterprises. The program provides trainings and clinics to assist new entrepreneurs with legal issues and advice about entity formation and the distinctions between various business structures, including the tax liabilities for LLCs, S-Corps and C-Corps and employment law.



Awards

Christine Faber-Moseley, an attorney with the Legal Aid Society, was presented with the 2012 Restore the Hope Award by Alternatives for Battered Women. This award is presented to an individual, business or organization in our community for their commitment to restoring hope to victims of domestic violence. Chris, as a Supervising Attorney in the Domestic Violence Program, took on leadership roles within the Domestic Violence Consortium. She received the award for her excellent advocacy on behalf of victims of domestic violence. In ABW's words "she is



Carla Palumbo has been with the Legal Aid Society since 1984 and has spent the majority of her legal work representing victims of domestic violence. She was recognized for her commitment to the community and dedication to ending violence for victims of domestic violence by the Rochester Police Department. In December of 2012, Carla received the Rosewood Club's Distinguished Service Award, given each year to members of the community who have made significant contributions in the area of public safety. The award was presented by the RPD Commanding Officers in recognition of her tireless efforts to improve the City of Rochester.



/: to make new, fresh and strong again



Dakota

Collaborations

Court Advocacy Program with Alternatives for Battered Women provides court accompaniment, legal representation, and supportive services to victims of domestic violence who are seeking orders of protection in Monroe County Family Court.

Attorney of the Morning Program with the Volunteer Legal Services Project provides pro bono representation to tenants who face eviction in Rochester City Court.

Home Ownership Initiative Program with the Rochester Housing Council and Empire Justice Center addresses illegal evictions, home purchases, foreclosure prevention, and bankruptcy to residents of the Greater Rochester/Monroe County region.

Immigration Legal Services with the Hiscock Legal Aid Society and the Legal Aid Society of Northeastern NY provides immigration legal services to the entire Buffalo Region of the USCIS except Eric County.

Department of Health Program with the Empire Justice Center, Volunteer Legal Services Project and Monroe County Legal Assistance Center provides legal services to clients with HIV/AIDS. The Legal Aid Society provides services in family law, housing, and immigration.

Minority Clerkship Program with the Monroe County Bar Association provides, on a rotating basis, a minority law student to work full time at the Legal Aid Society.

The Survivor's Project with domestic violence provider in Monroe County, Alternatives for Battered Women; in Orleans County, Pathstone; and in Genesee County the YWCA Domestic Violence Program provides legal representation, case management and supportive services to victims of domestic violence, sexual assault, stalking and dating violence in the three counties.



Statistics

The Legal Aid Society of Rochester, NY provided legal services to a total of **8937** individuals in the community through the following programs:

The Family Law Unit provided representation in all areas of family law, including prevention of domestic violence and elder abuse, divorce, custody, equitable distribution, and child support in Monroe, Orleans, Genesee and Wayne Counties. Representation was provided to **2938** clients in domestic violence prevention and related family law matters.

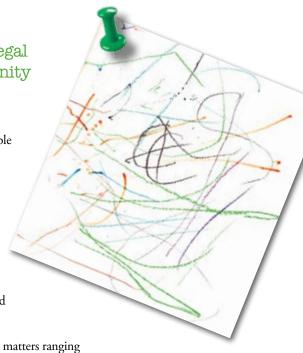
The Housing Unit provided brief services and direct legal representation to 1206 clients in the areas of eviction prevention, foreclosure prevention, mediation services and representation to first time homebuyers. Direct legal services were provided to tenants facing immediate eviction in Rochester City Court, mediation to landlords and tenants throughout the City of Rochester, representation in home closings, foreclosure prevention, bankruptcies and evictions appeals throughout Monroe County.

The Immigration Program provided direct legal services to **322** clients in matters ranging from asylum to permanent residency at the U.S. Immigration Court and the U.S. Citizenship and Immigration Services office in Buffalo, New York.

The Children's Unit provided direct legal and advocacy services to **518** youth and parents in education and other youth related legal issues in Monroe and Livingston Counties.

The Attorney for the Child Program provided legal representation to **3953** children in Monroe County Family Court.

Volunteers: A total of 19 people: 3 volunteer attorneys, 7 law students, 7 college undergraduates and 2 social worker interns, provided **4012 hours** of direct support to Legal Aid staff in the Family Law Unit, the Housing Unit, the Immigration Program and the Attorney for the Child Program.



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Board of Directors

2012-2013

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Thank you to all the individuals who gave their valuable assistance in 2012-2013 and to those who will give their valuable assistance in 2013-2014 by serving on the Board of Directors of the Legal Aid Society.



Financial Statement

Revenue

1.	NYS Governmental Grants (OCA, OCFS, DCJS)	2,550,612
2.	New York State Interest on Lawyer's Accounts	560,000
3.	United Way of Greater Rochester, Monroe and Livingston Counties	343,889
4.	Youth Bureaus - Monroe and Livingston Counties	52,833
5.	Foundations	91,426
6.	Case Fees	147,164
7.	Monroe County, City of Rochester	185,820
8.	U.S. Department of Justice -VAWA GTEA	27,239
9.	U.S. Department of Justice - VAWA LAV	179,887
10.	Fund Raising & Special Events	83,158
11.	Miscellaneous/Interest/Other Income	80,593
	Total Operation Revenue	4,302,622
Expenses		
,	0.1	2.010.775
	Salary	3,010,775
	Payroll taxes and Benefits	582,384
	Contractual Expenses	54,511
	Collaborative Partners	131,291
	Supplies and Postage	88,181
	Occupancy	196,832
	Travel, training and dues	81,189
	Equipment Purchases	10,641
9.	Insurance, Recruitment, other miscellaneous expenses	26,228
10.	Specific Assistance on behalf of client	9,037
11.	Depreciation	20,800
	Total Functional Expenses	4,211,870

These figures are preliminary and subject to audit. Financial records are audited by THANEY & ASSOCIATES, CPAs, P.C.





Management Team

Alan S. Harris, President & CEO Linda Kammer, CFO & Director of Personnel Carla Palumbo, Director, Civil Division Stephen Weisbeck, Director Juvenile Justice Division

Administration

David Erb, Systems Administrator
Patricia Harris, Assistant Director, Finance & Personnel
Kathleen James, Director of Operations
Nicole Ellsworth, Staff Accountant
Marianne Naylor, Administrative Assistant
Christian Correa, Receptionist
Barbara Fachini, Receptionist
Leslie Torres, Receptionist

Civil Division

Kathia Casion, Attorney, Assistant Director, Civil Division Walter Ruehle, Attorney, Program Director Immigration Program Brenda Campbell, Supervising Attorney Christine Faber-Moseley, Supervising Attorney Zachary Pike, Supervising Attorney Daniel Burke, Senior Attorney Cynthia Nolan, Senior Litigation Attorney Vivian Aquilina, Staff Attorney Katherine Beasley, Staff Attorney Denise Buscemi, Staff Attorney Lauren Deutsch, Staff Attorney Jessie Gregorio, Staff Attorney Mark Muoio, Staff Attorney Lauren Pienkowski, Staff Attorney Yolanda Rios, Staff Attorney Angela Szewczyk, Staff Attorney Tara Thomas, Staff Attorney Katharine Woods, Staff Attorney Jamee Bennett, Legal Assistant Joan Bernhard, Legal Assistant Ariel Cruz, Program Coordinator Eva Eberhard, Legal Assistant Angela Jackson, Intake Coordinator Allison List, Legal Assistant Mary Miller, Legal Assistant Yolanda Montalvo, Accredited Representative Sara Oberman, Grants Coordinator Tami Politza, Legal Assistant Nancy Whiting, Legal Assistant

Cathy Little, Executive Assistant to the Domestic Violence Consortium

Juvenile Justice Division

Attorney for the Child

Deral Givens, Supervising Attorney Tanya Conley, Supervising Attorney, Appeals and Training Brian Strait, Senior Attorney Pamela Bayer, Attorney Tamara Casey, Attorney Tonia Ettinger, Attorney Jennifer Hilburger, Attorney Gerard LaRusso, Attorney Kathleen Perrault, Attorney Kristen Porpora, Attorney Katie Woodruff, Attorney Sandra Quarrie, Supervising Social Worker Elizabeth Escobar, Social Worker Patrice Grey, Social Worker Jacqueline Klube, Social Worker Lori McClain, Social Worker Michelle Rivera, Supervising Secretary Prudence Banker, Secretary Yolanda Irizarry, Clerk/receptionist Judith Borzilleri, Clerk

Youth Advocacy Program

Patti Moss, Attorney, Program Director Stewart Atkin, Advocate Eric Huppert, Advocate

Mission

The Legal Aid Society of Rochester is a not-for-profit organization that provides direct civil legal services, including lay advocacy and related human services, to adults and children. We ensure that those who seek justice have an opportunity to receive a fair and full hearing. We obtain legal solutions that have a beneficial impact on our clients and the community.

Vision

The Legal Aid Society of Rochester believes in the guarantees of due process and equal protection as promised in our State and Federal constitutions.

To ensure that these rights have real meaning, we will strive to provide a highly qualified and zealous advocate to anyone who cannot otherwise obtain representation in civil legal matters.

We will create an environment in our community that values access to legal counsel, so every person is treated with dignity, equality, and fairness.





2012-2013 Annual Report

