



Department of
Public Interest

2024 Partnership Conference

Tuesday, September 24 - Friday, September 27, 2024
Albany Capital Center – Albany, NY

*Pearls of Wisdom:
30 Years of Partnership
Past, Present and Future*

NYSBA.ORG

2024 Partnership Conference

Tuesday, September 24, 2024

Task Force Meetings being held at the New York State Bar Association.

Attendees wishing to participate will need to register for room capacity.

- 1:00 p.m. – 3:00 p.m. **DV and Family Task Force Meeting**
- 2:00 p.m. – 5:00 p.m. **New York Legal Services Coalition Member Meeting**
- 2:00 p.m. – 5:00 p.m. **Welfare Task Force Meeting**
- 4:00 p.m. – 5:00 p.m. **Legal Services Access Alliance Meeting**
- 5:00 p.m. – 7:00 p.m. **Pro Bono Coordinator's Network Reception**

The Task Force meeting will be held at the Hilton Hotel in Albany.

- 2:30 p.m. – 5:00 p.m. **DAP Meeting (Hilton Hotel, Chambers Room)**

Wednesday, September 25, 2024

- 8:00 a.m. – 10:00 a.m. **Sign In – Registration**
- 9:00 a.m. – 10:00 a.m. **LawHelp Advisory Committee Meeting**
- 10:00 a.m. – 11:45 a.m. Opening Plenary
Amplifying Legal Services Client Stories to Support Policy Reform and Advocacy
1.0 MCLE Credit in Areas of Professional Practice
- The program will focus on considerations for amplifying legal services clients' stories to support policy reform and advocacy.
- 11:45 a.m. – 12:45 p.m. Lunch
- 12:45 p.m. – 2:00 p.m. **Wednesday Session One**
Leveraging Law School Students to Combat Veteran Homelessness
1.5 MCLE Credit in Areas of Professional Practice
- Syracuse Law School's Veterans Law Clinic and Cornell Law School's Veterans Law Practicum were inaugural recipients of the US Department of Veterans Affairs Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant in August of 2023. This CLE will cover the grant specifics, how it encourages outreach to underserved populations. It will also discuss ethical competency issues related to working with the Veteran client population and approaches to pedagogy in this area. The CLE panelists will share how the grant enables the schools to partner with local agencies and organizations to deliver legal services to thousands of Veterans in upstate New York through law student pro bono legal work, with a particular focus on civil legal services that support accessing government benefits, navigating family law, ensuring access to safe housing, and assisting with debt – all critical to resolving or preventing homelessness.
- **DAP 1: Building Good Working Relationships with Clients Who Have Mental Health Concerns**
1.5 MCLE Credit in Skills
- This panel examines typical signs and symptoms of mental disorders and the diagnostic criteria for the most common mental disorders we see in disability and other legal services cases. We will also describe specific strategies for how to quickly recognize significant mental health and cognitive symptoms exhibited by our clients. Finally, we will share tips on how to effectively communicate with these clients, to set boundaries when needed, and to build effective working relationships.

- **Public Housing and Public Health: How Public Policy Perpetuates Chronic Health Conditions Among Public Housing Residents Credits**

1.5 Professional Practice

Decades of state, federal, and local policy have created living conditions in public housing apartments and surrounding neighborhoods that directly lead to chronic health conditions and simultaneously set up barriers to residents advocating for those conditions to be remediated. Through this lens, this program will examine litigating conditions and repairs cases for public housing tenants, as well as the intersection of these chronic health issues and eviction defense for public housing tenants and best practices for combatting these issues holistically.

2:00 p.m. – 2:15 p.m. Break

2:15 p.m. – 3:30 p.m. **Wednesday Session Two**

- **DAP 2: Advocacy for Immigrant and Refugee Communities**

1.5 MCLE Credits in Professional Practice

This panel examines several aspects of advocating for immigrant clients in their Social Security and SSI disability appeals. We will cover eligibility rules, and special concerns, including language access and how immigrant and refugee communities are often unequally affected by economic, social, and other obstacles to health and healthcare. Attendees will learn how to navigate Social Security's rules for immigrant claimants, including documentation and technical eligibility. We will also explore strategies and resources for proving disability.

- **Marked Present: Applying a Healing-Centered Lens to Chronic Absenteeism, School Avoidance, and Exclusionary Discipline**

1.5 MCLE Credit in Areas of Professional Practice

This program will share information and strategies on how to combat chronic absenteeism in the context of school avoidance and exclusionary discipline, both through direct service work and systemic advocacy.

- **Limited Scope, Legal Information, Legal Advice and More: Managing Ethical Requirements for Innovative Legal Services Delivery Programs**

1.5 MCLE Credit in Ethics

Legal advice helplines, help desks, clinics, and chat bots are tried-and-true methods of providing vital information to the public and serving as entry points to the legal system. However, this type of limited-scope service can raise complicated ethics questions in various scenarios. A sound understanding of New York State rules surrounding limited scope representation and the difference between legal information and advice can help programs implement these services in the safest way possible for practitioners and clients alike. Using our experience building and maintaining the Senior Legal Advice Helpline, the Surrogates Court Help Center, and the Annual Wills Clinics at the Center for Elder Law and Justice, we will educate participants about the ethics of limited scope representation. This includes a robust discussion of the ethical requirements on limited scope programs; determining whether and when an attorney needs to staff a program; addressing the limitations of limited scope models in providing certain services; and deciding whether a program should offer legal advice vs. when legal information alone is sufficient.

- **IOLA's Presentation on the Justice Infrastructure Project (Non-CLE program)**

AGENDA

3:30 p.m. – 3:45 p.m. Break

3:45 p.m. – 5:00 p.m. **Wednesday Session Three**

• Racial Disparities in Low Level Traffic Stops – New Approaches to an Old Problem

1.5 Credits in Diversity Equity & Inclusion

PowerPoint presentation on the racial disparities in low-level, non-safety vehicle, pedestrian and cyclist stops, the history of these low-level non-safety stops (often called pretext stops), the harmful effects on those stopped and their communities, and how to reduce the racial disparities in who gets stopped and who gets searched. These stops impact the educational success, employment and health of our civil legal services clients. This is an area that historically, both institutional criminal defense providers and civil legal services providers have been unable to address due to various restrictions or capacity. Empire Justice Center is now working to reduce - or eliminate - racial disparities in this area of policing. In addition to discussing pretext stops, we will also discuss the development of our proposals to respond to this issue, including formation of a coalition, education of the community and development of policy and legislative proposals.

• Mortgage Foreclosure: Navigating Settlement Conferences

1.5 MCLE Credit in Skills

This program will provide an overview of the rules and laws governing the foreclosure settlement conference process and focus on federal loss mitigation options available to homeowners.

• New Medicaid Dental Coverage Rules

1.5 MCLE Credit in Areas of Professional Practice

Oral health is essential to overall health. However, Medicaid coverage for dental services for adults in New York has historically been extremely limited. In 2023, The Legal Aid Society, Willkie Farr & Gallagher LLP, Freshfields Bruckhaus Deringer US LLP reached a settlement with the New York State Department of Health in Ciaramella v. McDonald, a class action challenge to New York's Medicaid coverage rules for root canals, crowns, replacement dentures, and dental implants. The new coverage rules went into effect on January 31, 2024. This training will begin with a brief introduction to issues in oral health care, oral health disparities, Medicaid concepts relevant to the issue, and the Ciaramella litigation. The training will go through the new Medicaid coverage rules resulting from the settlement. It will also address the types of denials and barriers that have arisen since January 31, 2024, and appeal options for denials of this care.

5:00pm – 6:00pm **Denison Ray Reception**

6:00pm – 8:00pm **Denison Ray Civil Award Ceremony and Dinner**



Thursday, September 26, 2024

8:00 am – 9:00 am Breakfast

9:00 am – 10:15 am

Thursday Session One

RPAPL § 753: Equitable Justice in Landlord Tenant Proceedings

1.5 MCLE Credits in Diversity Equity & Inclusion

RPAPL § 753 allows the court to account for many of the hardships tenants face when trying to find new housing and allow for additional time before a warrant of eviction is executed. Some examples of populations which may benefit under this statute include:

- o Families with children in the school district.
- o Tenants with disabilities require certain accommodation.
- o Tenants with Section 8 Vouchers and other subsidized housing.
- o Tenants with serious health issues

Tenants who present with especially compelling stories (ex. living at the subject premises for an extended period of time)

• Rising to Meet the Challenge: Legal service providers' strategies to provide legal services to asylum seekers across NYS

1.5 MCLE Credit in Professional Practice

This CLE will provide an overview of challenges, response and innovations among legal service providers to assist the large number of asylum seekers arriving in the state in recent years. Faculty will discuss limited-scope legal clinics, friend of the court programs to guide asylees through the immigration court process, online community resources, self-help materials and support to help asylum seekers understand and navigate the law on their own behalf.

• Discharging Student Loan Debt in Bankruptcy

1.5 MCLE Credit in Areas of Professional Practice

As the student debt crisis grows, more bankruptcy filers are seeking discharge of their student loan debt. Be prepared to assist clients burdened by student loan debt to get the fresh start they deserve. Discharging Student Loan Debt in Bankruptcy will explore pre-bankruptcy options and administrative remedies, repayment and forgiveness programs and the treatment of student loans in bankruptcy including determining the client's eligibility for discharge. This program will guide you through the process of litigating student loans in bankruptcy court from case evaluation and intake to trial and discuss the recent policy change designed to provide a more expeditious process for discharging student loan debt.

10:15 am – 10:30 am Break

10:30 am – 11:45 am

Thursday Session Two

• Family and Medical Leave Benefits for Workers

1.5 MCLE Credit in Areas of Professional Practice

Employees in New York are eligible for a growing array of benefits when they need time off work to care for themselves or their families. This panel will discuss New York State's benefit programs for paid sick time, temporary disability insurance, and paid family leave, as well as New York City paid sick time and the Federal Family and Medical Leave Act. Panelists will also discuss reinstatement rights and anti-retaliation protections.

AGENDA

- **Current Legal Issues in Accessing Medicaid Long Term Supports and Services**

1.5 MCLE Credit in Professional Practice

The training will review changes to the personal care and consumer directed laws (18 NYCRR 505.14; 505.28), appeals procedures, and 1915(c) waivers. The legal landscape for personal care and CDPAP changed in March 2020 when new laws were adopted, which greatly impact the ability of Medicaid consumers to access and maintain Medicaid home care. These laws include changes to eligibility (ADL minimum), reduction in consumer protections when a consumer's case is moved to MLTC, and a new eligibility system called the New York Independent Assessor Program (NYIAP).

The training will also review the Medicaid Managed Care appeals process including plan appeals and fair hearings and provide an overview of the external appeals procedures and how advocates choose whether to pursue a fair hearing and/or external appeal. Finally, the training will provide a brief overview of the 1915(c) waivers another means by which adults and medically fragile children can access long term supports and services to remain in the community and out of nursing facilities.

- **How to Chart a Repair Path: Article 7-C v. Article 7-D of the RPAPL**

1.5 MCLE Credit in Skills

Warranty of habitability concerns are on the rise, and new statutory remedies are available to address them.

This CLE course will provide an overview of the warranty of habitability, dealing with repair issues outside of court, inside of court as a defense in a summary proceeding, and by filing a repair action under Real Property Actions and Proceedings Law ("RPAPL") Article 7-C and/or Article 7-D. The CLE will cover the mechanics of filing the repair petitions and how to choose between the two proceedings.

11:45am – 1:00 pm

Lunch

1:00 pm – 2:15 pm

Thursday Session Three

- **Language Justice for New Yorkers**

1.5 MCLE Credit in Areas of Professional Practice

This year is the 60th anniversary of the Civil Rights Act of 1964, which establishes the federal right to language access. During this session, we will provide an overview of language justice concepts and current legal mandates. Building on the concepts and mandates we review, we will discuss opportunities for language justice advocacy at the state and local level, through the examples of Long Island and Monroe County. We also will hear from the NYS Office of Language Access about their work to oversee the efficient and effective implementation of the new language access law across state agencies.

- **Disparities in Education: Discipline and Discrimination and Disrupting the School to Prison Pipeline with Holistic Representation**

1.5 MCLE Credit in Areas of Professional Practice

Diverse students, including BIPOC students and LGBTQ students, often experience discrimination in school and are disciplined at statistically disproportionate rates. This workshop will inform attendees about rights and remedies for students, will review background statistics regarding disparities in discipline and discrimination.

- **Public Benefits Training for Housing Attorneys**

1.5 MCLE Credit in Areas of Professional Practice

Tenants represented by legal services advocates are often eligible for public benefits that could prevent eviction or assist households in relocating. This training will provide a brief overview of all public benefits and offer housing advocates the essential tools, tips, and rules to maximize benefits in the household and prevent evictions, with an emphasis on screening & intake to improve outcomes. The training will help housing advocates identify whether their clients facing eviction can obtain rental assistance for arrears and ongoing rent from their local Department of Social Services under the Emergency Assistance to Families, (EAF) program, Emergency Safety Net Assistance (ESNA), Emergency Assistance to Adults (EAA), Diversion payments or other available rental assistance programs. The training will describe the eligibility criteria, including key budgeting rules, and the benefits available under each program.

2:15 pm – 2:30 pm

Break

2:30 pm – 3:45 pm

Thursday Session Four

- **Culturally Competent Lawyering for LGBTQ Clients**

1.0 MCLE Credit in Diversity Equity & Inclusion

Join us for a presentation on enhancing legal practice for the LGBTQ community. This program is designed is for attorneys of all backgrounds and experiences, however, we want specifically invite attorneys who do not have extensive experience working with the LGBTQ community to join us. Beginning with a foundational LGBTQ 101 overview, participants will gain foundational insights into identities, terminology, and cultural nuances crucial for building rapport with LGBTQ clients. Learn best practices for interviewing LGBTQ individuals, including tips for navigating sensitive topics with empathy and professionalism. Finally, the panel will discuss complexities of representing LGBTQ clients in litigation, addressing how to affirm client identities in court filings and during trial. Leave equipped with the knowledge and skills to provide inclusive and effective legal services, contributing to a more just and equitable legal landscape for all.

- **Access to Justice for Gender-Based Violence Survivors with Developmental Disabilities**

1.5 MCLE Credits in Professional Practice

This training will provide an overview of the specific kinds of gender-based violence that are experienced by people with disabilities. This experience will be contextualized within a broader overview of this history of repression of the sexual and reproductive rights of people with disabilities and the way that this has resulted in systems that bolster and perpetrate gender-based violence against persons with disabilities. Participants will learn about the high rates of victimization and incarceration of people with disabilities and the barriers to justice. Participants can anticipate learning practical skills about how to represent an individual with a disability who has been subject to gender-based violence. Participants will be taught skills and strategies for executing retainer agreements, preparing your client for court appearances and providing requesting accommodations. This training will also go beyond a rights-based framework to consider how a disability justice approach could increase access to justice for individuals who are multiply marginalized because of poverty, race, gender and disability.

- **Expansion of Cash Assistance and Medicaid Eligibility for Non-Citizens**

1.5 MCLE Credit in Areas of Professional Practice

Civil legal aid advocates working in a variety of contexts (public benefits, housing, health, family law) are often tasked with assessing eligibility for benefits programs and issue spotting when a client is denied or discontinued. This training will help by new and seasoned advocates learn newly expanded (May 2023) PRUCOL (Permanently Residing Under Color of Law) immigrant eligibility rules for Cash Assistance and Medicaid and will include an overview of SNAP eligibility. The training will help any civil legal advocate to complete this first important step in assessing their client's eligibility for public benefits and also provide guidance on how to answer questions about common concerns raised by non-citizen applicants, including confidentiality and an immigration law issue called "public charge."

AGENDA

3:45 pm – 4:00 pm Break

4:00 pm – 5:15 pm

Thursday Session Five

• Expanding Special Education to Age 22: Where Are We Now?

1.5 MCLE Credit in Areas of Professional Practice

The Individuals with Disabilities in Education Act (“IDEA”) states that students can be eligible for special education supports and services starting at age 3 and “inclusive of age 21.” For decades, the New York State Education Department (“NYSED”) interpreted that language as limiting eligibility until the end of the ten-month school year in which students turn 21. Students who turned 21 in July or August of the following school year received “extended” eligibility during those summer months. In July, 2023, NYSED issued guidance in response to A.R. v Connecticut Board of Education, 5 F.4th 155 (2d Cir. 2021), that instructed school districts to continue eligibility until age 22, and encouraging school districts to provide services to students until the end of the school year in which they turn 22, rather than terminating services on a student’s 22nd birthday.

In this session, we will review the legal basis for the A.R. decision, prior and pending cases in other districts that address the same age eligibility issue, the NYSED guidance letter and school district responses to it, and ongoing litigation in NYS and other jurisdictions.

• Best practices in Telephonic Fair Hearings

1.5 MCLE Credit in Skills

This program will bring together Medicaid advocates, public benefits advocates, and Administrative Law Judges to review and discuss best practices and new/developing issues in telephonic fair hearings. The panel will cover Q&As on a wide range of topics from submission of evidence, presenting effective oral testimony by telephone, limitations and challenges of the telephonic hearing platform (including language access and other accessibility issues), how best to prepare (yourself and your client), and what to do if something goes wrong.

• Building Partnerships to Improve Safety Outcomes for Victims of Technology Abuse

1.5 MCLE Credit in Areas of Professional Practice

Tech abuse is hard to combat because it’s very difficult to prove and prosecute criminally. This is where the formidable NY Cyber Abuse Task force comes in!!! We will share innovative practices that have improved the safety outcomes of DV/IPV victims who are targeted by technology-facilitated abuse (“tech abuse”). The presentation will share specific tools that can be used by the civil legal aid community, where civil remedies can be leverages to close the loophole on this form of abuse that is often ignored by the criminal justice system.

Friday, September 27, 2024

10:00 a.m. – 12:00 p.m. **Housing Task Force Meeting** – (NYSBA Great Hall)



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