



NEIGHBORHOOD
LEGAL SERVICES, INC.

INSIDE NLS

News from the front lines of Neighborhood Legal Services

September, 2019

Welcome!



Please join Inside NLS in welcoming Jonathon Ling as our new Justice Bus Program Director. Jonathon comes to us from PathStone Enterprise Center, where he worked as a business development officer and successfully launched the expansion of its Rochester-based

community development loan program into Buffalo and Niagara Falls.

Interestingly, Jonathon spent the seven years prior to attending UB Law as a cattle farm manager in Central New York.

Jonathon will be based in the Buffalo office when he isn't cruising the streets of Western New York in the Justice Bus. Welcome aboard Jonathon!

"I think there's no higher calling in terms of a career than public service, which is a chance to make a difference in people's lives and improve the world."

- Jacob Lew

NLS does not use the actual names of clients in *Inside NLS*.



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Karen Welch Takes the Helm of the Disability Unit

NLS is proud to announce that Karen Welch is the new supervising attorney for the Disability Rights and Health Care Law Unit. Karen started her career with Neighborhood Legal Services in 1994. For the past 25 years, she has passionately and tenaciously represented her clients by focusing on impact work, systems changes and individual casework. Karen has a depth of poverty law knowledge having represented clients on issues including public benefits, disability, fair housing, and landlord/

tenant. As a result of her experience and initiative while at NLS, Karen has:



- Created systemic change at ECDSS regarding language access issues for refugees and asylees
- Successfully sued to allow Harbor House to serve clients with mental health issues
- Sued the NFTA, improving service for blind and disabled passengers
- Sued the US Department of Education to obtain student loan disability discharges for her elderly and disabled clients
- Maintained/expanded the services of the NLS student loan clinic
- Co-chaired the NLS professional development committee
- Became the in-house expert on immigrants and LSC/CSR requirements
- Served as union president...more than once!

In addition to her work and commitment to NLS, Karen has made assisting the local community a priority by serving on the following nonprofit boards:

- Western New York Law Center
- Erie County Mental Hygiene Community Services Board
- Stutzman Alcoholism Treatment Center Advisory Board
- Buffalo Human Relations Commission
- Aid to Indigent Prisoners Society

Best of luck to you in your new position, Karen! You have a GREAT team.

Did you know...

The name Batavia is Latin for the Betuwe region of the Netherlands, and honors early Dutch land developers. Batavia is the county seat of Genesee County and home to one of the three offices of Neighborhood Legal Services.

NLS Good News!

Welcome to our new and returning Student Interns!

***Darian Wilcom
Hannah Anderson
Caitlyn Beck
Carlos Gonzalez
and
Alyssa Pashong,
the new CHA
Intern !***

Congratulations to Darcy Bakowski, who has moved from File Clerk to Assisting Tamar Rothaus and the Finance Department as Accounting Clerk.

And last but not least a warm welcome to Tanairiz Arroyo our new file clerk. She admits that her name is challenging, so just call her Tany!

Disability Cases Benefit Both the Client and NLS

When NLS loses a hearing and appeal on behalf of a client seeking Supplemental Security Income and/or Social Security Disability Income benefits, we look at the case to determine if it should be appealed to the United States District Court. Appeals that are filed with the United States District Court consist of a summons and complaint, an *Informa Pauperis* Motion, a brief and a reply brief. To be successful, we have to show that the decision of the Administrative Law Judge was not supported by substantial evidence or contained errors of law. This requires a detailed review of the record, which often consists of 500 pages or more.

We have been very successful in determining which cases should be prosecuted, a decision that now is made by Stephen Brooks with the input of JoAnn Lewandowski. Previously, former Disability Supervising Attorney Joe Clark helped make those decisions. We are successful in about 90% of the cases we appeal.

One of the reasons we are so successful is that our advocates, both paralegals and attorneys, make such outstanding records in representing our clients before the Social Security Administration. This certainly makes the appeal an easier task. When we appeal, it is not uncommon for the other side to ask us to agree to a remand of the ALJ decision; in effect to “cry uncle” and end the matter. Where appeals are decided by the federal court, we often make very good law on behalf of our clients.

In addition to helping clients and making good law, our appeals have one other benefit; they have resulted in attorney’s fees to NLS when we are successful. Currently, we seek about \$200 per attorney hour. Typically, the appeals take 35 hours or so, depending on the opposition. Since the Spring 2018, NLS has been, or will be paid, about **\$110,000** in attorney’s fees! This is money that can be used to further represent our clients. Congratulations to everyone who works on the hearings and appeals.



ALJ Sees the Light and a Client Finds Hope in Adversity

“Bridget” is a 32 year old female and single mother of a 3 year old daughter. Bridget was diagnosed with juvenile diabetes at age 18. This diagnosis led to complications during her pregnancy which caused her to experience uncontrolled high blood pressure after the birth of her daughter in June 2016. Bridget immediately began suffering from proliferate diabetic retinopathy. This condition caused her to lose sight in her right eye. She attempted to return to her past employment as a pharmacy technician at a local pharmacy but was unable to perform her job duties.

Bridget applied for Supplemental Security Income and Social Security Disability benefits in November of 2017. She had several laser procedures and injections to her right eye in an effort to stop the progression of blindness. The retina to her right eye detached and she was advised that vision could not be restored in the right eye.

Despite Bridget’s compliance with her medical treatment her proliferate diabetic retinopathy is now affecting her left eye and the prognosis is poor. She requires 24-hour assistance from family members and friends to care for herself and her daughter. Bridget’s vision is extremely limited and eventually she will lose what vision she has in her left eye, rendering her completely blind.

Her hearing was held on August 13, 2019. Laurie Tanner represented Bridget and argued that she meets an adult listing due to her visual acuity. The Administrative Law Judge at her hearing promptly agreed and stated at the end of the hearing that she won her case. The ALJ issued a fully favorable decision the following day awarding Bridget SSI and SSD benefits. Her benefit award will be well above what she was receiving on public assistance and help her qualify for more services in the community for the visually impaired. Great job Laurie!



Have a Story to Share?

Email your story to Jim Morrissey at jmorrissey@nls.org

GIVING HELP GIVING HOPE

The mission of Neighborhood Legal Services, Inc. is to provide a full range of free civil legal representation to low income and disabled people residing in Erie, Niagara, Orleans, Genesee, and Wyoming Counties, in matters involving their financial security and the legal rights which affect the stability of families and individuals. Our goal is to create the greatest access to the justice system for those low-income and disabled people without the means to pursue their rights. Our mission also includes providing outreach and training services to underprivileged populations and the community agencies which serve them.