

---

“We ensure  
that those  
who seek justice  
have fair  
and equal  
access to  
representation”

---



*The Legal Aid Society  
of Rochester*

Annual Report 2011-2012



# EXECUTIVE MESSAGE



**Alan S. Harris**  
President and CEO



**Donald O'Brien**  
Chair, Board of Directors

In this 91st Annual Report to the Community, we are highlighting the accomplishments of our staff and programs in 2011-2012. Even though this was a difficult year for financing our operations, the staff continued to provide our clients with high quality legal services.

It remained uncertain for most of the year which services would remain and which would be cut due to lack of funding. However, we were ultimately able to maintain all programs with only one reduction in service.

We see the coming year in a better light. The Legal Aid Society has already received some modest increases from two long time funders and has received a new and significant grant from the NYS Attorney General's Office to increase our efforts to prevent improper foreclosures. The newest grant maker in Rochester, the Farash Foundation, has provided a grant to the program that had services reduced in the past year. This grant will allow the program to continue.

It is our hope that future financial support for civil legal services will be more stable due to Chief Judge Lippmann's civil legal services and IOLA funding initiatives.

Please direct your attention to the descriptions of our program services and the stories of our clients that follow as we celebrate our 2011-2012 accomplishments.

due p



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, Wayne, and Orleans Counties.

The focus of the Domestic Violence Program is to provide 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 cases when domestic violence is the predominant issue. The Domestic Violence Program conducts community workshops and provides technical assistance to community social service providers on the issue of domestic violence.

A disabled 81 year old woman was a victim of mental, verbal, and financial abuse from her husband for years. The abuse escalated to pushing at which point she obtained a temporary order of protection on her own and then came to the Legal Aid Society for help. Not only did the original order permit the husband to remain in the house, but several of the grown children began to help the husband remove property from the home and generally harass the client. The Legal Aid Society negotiated a new order that required the husband to vacate the residence and denied him and the adult children access to the home and property until those matters could be adjudicated by Supreme Court in a matrimonial action. This elderly victim is now enjoying her own home without fear of abuse or harassment from her estranged family.

### **Office of Victim Services Program**

directly serves victims of interpersonal violence by providing legal advice and representation in order of protection proceedings.

In addition, these attorneys assist clients in completing Office of Victim Services claim applications, which provide financial relief to innocent victims of crime. The Office of Victim Services Program 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.

An Office of Victim Services Program attorney recently assisted a domestic violence victim to get an order of protection against her former intimate partner after he viciously attacked her. At the time of the attack the client did not have medical insurance and was forced to pay out of pocket for the medical treatment she needed including x-rays and a CT scan. The attorney was able to assist the client to file a claim with the Office of Victim Services for the cost of her medical treatment. The client's claim was successful and she received \$2,459 – full reimbursement for the cost of her medical treatment.

rocess



### 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 related child support expenses such as reimbursement for uninsured medical expenses and child care costs.

## 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 unique partnerships with Legal Aid offices in Albany and Syracuse, we now 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, 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.

A client who was a citizen required assistance with her 17-year-old daughter, who was born in Canada and is a Canadian citizen. The daughter had no claim to U.S. citizenship at birth because the client moved to Canada when the daughter was a young child thereby not fulfilling the physical presence requirements in order to automatically transmit citizenship to her daughter. The client came to see us less than one month before her daughter turned 18. She wanted her daughter to become a permanent resident before she turned 18, because if she did, she would automatically become a U.S. citizen. In order to expedite the process

# zealous advocate.

**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** was created to fulfill the right to counsel in Supreme Court Matrimonial cases, but only for custody, visitation and domestic violence issues.

The right to counsel is provided only for these issues and does not extend to the other issues on the case. For the other issues including the division of property, establishment of child support or the actual grounds for the divorce, there remains no right to counsel. To remedy this, the Legal Aid Society is now appointed to represent litigants on all issues of the case.

# opp



we made special arrangements to file the application with the local Immigration office, instead of a central office which would have taken more time. We also convinced Immigration that the daughter could apply for a fee waiver for the \$1,070 application fee because she would become a U.S. citizen automatically when she became a permanent resident. The daughter's permanent residence application was approved days before her 18th birthday. She is currently waiting for her permanent resident card. Once she receives it, we will file the N-600 for her certificate of citizenship.

### **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.

Home Ownership Initiative addresses illegal evictions, home purchases, foreclosure prevention, and bankruptcy. Bankruptcy representation is available to residents in Monroe County. Foreclosure prevention services are available to the surrounding 7 county area. The primary goal of Home Ownership Initiative is to create or maintain sustainable homeownership.

A married couple came to the Legal Aid Society for assistance with foreclosure prevention and debt relief. The husband had a heart condition and was waiting for a heart transplant. As the husband's condition worsened, the medical bills mounted since the wife's insurance was inadequate to cover the cost of medicine for the husband. Their choice was one that many members of our community face- pay the medical bills or pay the mortgage. The Legal Aid Society helped them avoid foreclosure on their home and negotiated a short sale of the property where the lender agreed to accept less than what was owed on the note, pay off the property taxes they owed and even satisfy a \$2,200.00 bank judgment lien against them with the proceeds of the sale. In addition to the positive impact this had on our clients by eliminating the foreclosure by either the lender or the municipality for unpaid taxes, it also allowed a house to be sold in the normal course of business as opposed to becoming a blight on the community.

**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 decrease transience. 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.

# ortunity

## Housing Unit

**Home Ownership Initiative,** a collaborative with The Housing Council and the Empire Justice Center, provides representation for home purchases, home preservation matters, consumer credit issues and complex legal cases.



## 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. Tenant Advocacy Program conducts intake at the Hall of Justice before the beginning of the Rochester City Court, Landlord Tenant Part.

A landlord brought an objectionable tenancy petition against a man who lived by himself in a one-bedroom apartment. On weekdays after school the tenant's children would come over to his house and his sister would watch the children until he came home from work. The landlord claimed that the

children made too much noise and that the tenant was in violation of his lease. The tenant did not want to leave the apartment that he had rented for one year because it was close to his job and close to his family members. At a hearing the landlord brought in a neighbor who stated that while there was noise in the apartment, it just sounded like children playing. There was no blasting music or yelling – just the sound of children jumping and what sounded to the neighbor like basketball. The neighbor also testified that the noise never went past 10pm. After hearing testimony from both parties the judge deliberated and issued a written opinion in which he stated that based on the evidence the tenant had not violated his lease. The judge denied the request for an immediate warrant and the tenant was able to remain close to work and to his children.

## 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 father filed for primary physical residency of our two clients, ages 12 and 9. Although

the clients had lived in Rochester in the past, they were living out of state with their mother for two years prior to

the commencement of the proceeding. One of the central issues of the case was whether or not the father had consented to the mother's out of state move with the children. Jurisdiction and venue were not challenged. The clients expressed a desire to live primarily with their father in New York, in part because they wanted to see their father on a more consistent basis, but they also wanted to return to their prior school. A full trial was conducted. At the end of the trial the court concluded that the father did not consent to the relocation and ordered the mother to move back to Rochester with the children. While the conclusion of the case did not have the children living with their father, they were happy with the outcome

# legal solutions

# fair



because they would be returning to Rochester where they would be able to see their father more often and return to their prior school.

**Youth Advocacy Program** serves youth with disabilities and non-disabled youth and their families in Monroe, Livingston, Orleans and Genesee Counties.

Advocacy services are provided to resolve school and youth-related issues including Committee on Special Education, 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.

Our 14 year-old client had struggled in school for several years. He had a significant history of behavioral issues, disciplinary actions and academically was falling farther behind. The Committee on Special Education at his school had previously determined his eligibility for special education services was based upon being emotionally disturbed. Even though he had been receiving special education services for many years, these were having little impact. Ultimately, his mother contacted the Youth Advocacy Program. After meeting with the family, speaking with

school personnel, and reviewing extensive school records, the Youth Advocacy Program believed the student may have been misdiagnosed as the child displayed characteristics which are consistent with

the autism spectrum. The Youth Advocacy Program assisted the mother to secure an independent evaluation that was paid for by the school district. Through this evaluation the student was diagnosed as being on the autism spectrum. An advocate represented the student at several Committee on Special Education meetings. Using the results of the new evaluation, the advocate was able to document that the student had been misdiagnosed and was not receiving appropriate services. The advocate also secured a consultation by the district's autism team, to identify services and develop strategies that are designed for students, like our client, who are on the autism spectrum. The Committee on Special Education changed the student's disability to autism and modified his program. The student is now receiving services and supports which are appropriate for his needs and is beginning to experience success in school.

**Volunteers** provide both legal and non legal assistance to the staff.

The volunteers devote their time to assist the staff in the accomplishment of its mission. Volunteers provide legal representation and other assistance to our attorneys. This allows the Legal Aid Society to represent people who otherwise would have been turned away due to lack of staff resources.

"My experience as a law student intern and as a volunteer attorney for the Legal Aid Society of Rochester has been invaluable in furthering both my education and my skills as an advocate. The hands on training I received gave me opportunities with clients and in the court room that I would not have received at any other internship. The continued support of the staff has substantially contributed to my ability to effectively practice law in this community."

-Angela

# hearing



**The Legal Aid Society of Rochester, NY** and its staff are driven by our mission to provide the highest quality services to ensure that those less fortunate in our community have access to the basic tenets guaranteed by our Constitution and supported by a society that believes in justice for all. We ensure that the poor and near poor in Monroe and surrounding counties of Wayne, Orleans, Genesee, and Livingston are afforded due process, have access to a full and fair hearing, with, a zealous advocate at their side.

Each and every member of this staff is committed to our mission and shares this common vision that “We will create an environment in our community that values access to legal counsel so every person is treated with dignity, equality and fairness.” Each member of the staff, whether attorney, lay advocate, support staff or members of our finance and administrative team plays a part to assure that we achieve our goals and reach a level of success.

ben

---

“celebrating our  
successes  
DURING  
2011-2012”

---

We had many successes  
in 2011-2012

**Fiscally**, the Legal Aid Society is a stable agency funded by a variety of funders who recognize the good work we do. Our budget this year approached \$4,000,000.

**New Grant Funding** was obtained through The U.S. Department of Justice Violence Against Women Act, the Farash



Foundation, The NYS Office of Court Administration Judiciary Civil Legal Services Funds and the Office of the New York State Attorney General totaling over \$750,000.

The Legal Aid Society participated in the first ever **United Way ROC the Day** fundraiser. Staff and supporters raised nearly \$3,000 and enjoyed munchies at a local restaurant while they ROC'd the day with laptops and iPads.

**Legal Aid Society clients** saved or obtained over \$3,000,000 in benefits they would otherwise not have received, by establishing rights to child support, maintenance and health benefits they were entitled to or by preventing the improper entry of judgments against them.

Rochester City School District to refer to the Legal Aid Society all youth who attempt to enroll in the District and are denied enrollment. Because of this agreement and the work of the Youth Advocacy Program, youth who were denied enrollment have been successfully enrolled and have a school to attend.

### **The Attorney for the Child Program**

successfully negotiated an agreement with the Monroe County Department of Human Services, the Monroe County Sheriff's Department and the Monroe County Family Court, that children who are brought to court for Persons in Need of Supervision cases, which are non-criminal in nature, will no longer be confined in jail cells and will be not handcuffed during transportation to and from court.

### **Family Law Supervising Attorney Christine Faber-Moseley**

was honored with a Criminal Justice Award from SAFER, an organization that advocates

for victims of domestic violence.

### **The Attorney for the Child Program**

successfully argued an appeal from a Family Court order that required our young client to participate in juvenile drug treatment court and made him undergo mandated urine screens observed by an adult stranger. We were able to convince the Appellate Division to stay the order. Our clients who were ordered to comply with observed urine screens are children who have committed no crime, and have experienced significant personal trauma. Protecting children from having to suffer the embarrassment of an observed urine screen is a victory for our clients.

**Staff Provided Legal Services** and technical support to a total of 9303 individuals in the community, meeting and exceeding all of our goals and objectives.

### **Family Law Attorney Vivian**

**Aquilina** successfully argued an appeal to the Fourth Department in the case of D'Angelo v. D'Angelo which required third party disclosure in a child support and matrimonial case and assisted on a second appeal that prevented a parent from lowering his child support obligations because of his misdeeds.

### **The Youth Advocacy Program**

negotiated an agreement with the

official impact



# 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 Erie 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.

**Law Students in Action Project with LawNY** provides qualified law students who volunteer at the Legal Aid Society.

**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.

highly qu



# STATISTICS

**The Legal Aid Society of Rochester, NY provided legal services and technical support to a total of 9303 individuals in the community through the following programs:**

**The Family Law Unit** provided representation for all areas of family law, which included but were not limited to prevention of domestic violence, elder abuse, divorce, custody, equitable distribution, and child support in Monroe, Orleans, and Wayne Counties. Specifically, representation was provided to 2432 clients in domestic violence prevention and related family law matters.

**The Housing Unit** provided brief services and direct legal representation to 1299 clients in the areas of eviction prevention, foreclosure prevention, mediation services and representation to first time homebuyers. Specifically, 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 service to 758 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.

alified

Services to an additional 423 clients were provided in collaboration with our partners The Hiscock Legal Aid Society in Syracuse and The Legal Aid Society of Northeastern NY in Albany.

**The Children's Unit** provided legal and advocacy services to 748 youth and parents in education and other youth related legal issues in Monroe, Livingston, Genesee, and Orleans Counties.

**The Attorney for the Child Program** provided legal representation to 4066 children in Monroe County Family Court through the Attorney for the Child Program.

**Volunteer Program** provided 3,614 hours of service to support the Legal Aid Society staff in the Family Law Unit, the Housing Unit, the Immigration Program and the Attorney for the Child Program.



# THE BOARD OF DIRECTORS

2011-2012

## Officers

Donald W. O'Brien Jr., Chair  
José Cruz, Vice Chair  
Thomas Farace, Treasurer  
June Castellano, Secretary  
Alan S. Harris, President & CEO

## Members

A.Vincent Buzard  
Richard Chapman  
Howard Crane  
Hon. Evelyn Frazee  
Charles P. Inclima  
John Horvath  
Michael R. Parrinello  
Dr. Heidi Smith  
Kathryn Smith  
Samuel Tilton  
Robert T. Turner

2012-2013

## Officers

José Cruz, Chair  
June Castellano, Vice Chair  
Thomas Farace, Treasurer  
Kathryn Smith, Secretary  
Alan S. Harris, President & CEO

## Members

A.Vincent Buzard  
Richard Chapman  
Howard Crane  
Hon. Evelyn Frazee  
Charles P. Inclima  
John Horvath  
Donald W. O'Brien Jr.  
Michael R. Parrinello  
Dr. Heidi Smith  
Samuel Tilton  
Robert T. Turner

Thank you to all the individuals who gave their valuable assistance in 2011-2012 and to those who will give their valuable assistance in 2012-2013 by serving on the Board of Directors of The Legal Aid Society of Rochester, NY.

equality



# FINANCIAL STATEMENT

## Revenue

1. NYS Governmental Grants	2,299,389
2. New York State Interest on Lawyer's Accounts	550,000
3. United Way of Greater Rochester: Monroe and Livingston Counties	346,204
4. Youth Bureaus: Monroe, Livingston, Orleans and Genesee	77,090
5. Foundations	17,000
6. Case Fees	143,914
7. Monroe County and City of Rochester	289,146
8. U.S. Department of Justice - VAWA GTEA	143,225
9. Alternatives for Battered Women	8,586
10. Fund Raising and Special Events	59,005
11. Miscellaneous, Interest and Other Income	50,769

### **Operation Revenue**

**3,984,329**

## Expenses

1. Salary	2,961,493
2. Payroll taxes and Benefits	551,056
3. Contractual Expenses	58,884
4. Collaborative Partners	99,960
5. Supplies and Postage	85,740
6. Occupancy	195,325
7. Travel, Training and Dues	83,807
8. Equipment Purchases	12,315
9. Insurance, Recruitment and Other Miscellaneous Expenses	31,003
10. Client Specific Assistance	14,585
11. Depreciation	20,800

### **Total Functional Expenses**

**4,114,968**

These figures are preliminary and subject to audit.

Financial records are audited by THANEY & ASSOCIATES, CPAs, P.C.

dignity



## 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  
Stanley Jones, Staff Accountant  
Marianne Naylor, Administrative Assistant  
Christian Correa, 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 Carroll, Senior Litigation Attorney  
Vivian Aquilina, Staff Attorney  
Katherine Beasley, Staff Attorney  
Denise Buscemi, Staff Attorney  
Lauren Deutsch, Staff Attorney  
Mark Muoio, Staff Attorney  
Yolanda Rios, Staff Attorney  
Katharine Woods, Staff Attorney  
Joan Bernhard, Legal Assistant  
Ariel Cruz, Program Coordinator  
Eva Eberhard, Legal Assistant  
Angela Jackson, Intake Coordinator  
Mary Miller, Legal Assistant  
Yolanda Montalvo, Accredited Representative  
Sara Oberman, Grants Coordinator  
Tami Politza, Legal Assistant  
Nancy Whiting, Legal Assistant  
Radhika Varavenkataraman, Volunteer Attorney  
Angela Szweczyk, Volunteer Attorney  
Camilo Ocampo, Volunteer  
Allison List, Volunteer

equal prote

## 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  
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.

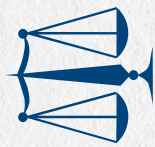
# VISION

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**”



ction





*The Legal Aid Society  
of Rochester*

One West Main Street  
Suite 800  
Rochester, NY 14614

---

Photo © iStockphoto.com

“the legal aid  
SOCIETY  
of rochester, ny  
annual report  
2011-2012”

---

Photo © iStockphoto.com