

**EQUAL JUSTICE AMERICA
DISABILITY RIGHTS CLINIC
At
JOHN JAY LEGAL SERVICES, INC.
ELISABETH HAUB SCHOOL OF LAW
PACE UNIVERSITY
REPORT**

July 25, 2023

Introduction

The Equal Justice America Disability Rights Clinic (EJA DRC) under the auspices of John Jay Legal Services, Inc. (JJLS) at the Elisabeth Haub School of Law at Pace University, White Plains, NY, continued its successful transition to an evening class format for the Fall 2022 and Spring 2023 semesters. The Law School's clinical offerings enable students to gain proficiency in lawyering skills while representing low- and moderate-income clients pursuant to a student practice order issued by the Appellate Division, Second Department of the NYS Supreme Court. Under the supervision of clinical faculty, students enrolled in clinical courses perform lawyering functions typically reserved for admitted attorneys and reflect on their personal and professional achievements. In addition to the EJA DRC, JJLS clinical students participated in the Barbara C. Salken Criminal Justice Clinic, Fairbridge Investor Rights Clinic, Food and Farm Business Law Clinic, Immigration Justice Clinic, and the Pace Environmental Litigation Clinic. Students also participated in the Mediation Practicum during the Spring 2023 semester. In addition to these client representation clinics, field work in legal non-profits and other organizations was available to students in various supervised externships.

The Law School's decision to transition the EJA DRC to an evening class format was motivated in part to offer a clinical experience to "flex" or part-time law students. The EJA DRC continued its dual missions of training future lawyers in fundamental legal skills and providing free civil legal services to qualified disabled persons and their families. This transition required a shift to transactional legal work, such as wills, advance planning documents like health care proxies, living wills, and powers of attorney. Advice and counsel could still be provided on government benefits, guardianships, and special needs trusts with limited court and hearing participation. Additionally, advice and counsel could also be provided on reasonable accommodations and modifications in housing for persons with disabilities. Patricia Angley, Esq. continued to serve as the Director of the EJA DRC. Professor Angley was on sabbatical from Legal Services of the Hudson Valley (LSHV) during the Fall 2022 and Spring 2023 semesters. Professor Angley offered placement to seven students for the Fall 2022, including one flex student, and to six students for the Spring 2023 semester. These students successfully participated in the EJA DRC 13 week, 4 credit course (2 credits seminar, 2 credits clinical work) and submitted weekly work logs with a detailed accounting of their work for both the seminar and clinic.

Seminar Component

During each 13-week semester, the students were very well-prepared for class, actively participated in class discussions on the rights of disabled persons and timely submitted written assignments. They learned and practiced essential lawyering skills such as client interviewing, counseling, and negotiation and worked collaboratively in teams to review and present simulations based on detailed fact-patterns of legal challenges faced by disabled persons and

their families. One student wrote in her end of year thank-you letter to Equal Justice America that “[i]t has been a pleasure working with my colleagues and collaborating as a team on how to handle inquiries assigned to us.”

In addition, students learned relevant substantive law on government benefits, including social security and medical assistance (Medicare and Medicaid), vital for the economic independence of disabled persons. They reflected on the burdensome challenges faced by disabled persons to qualify for these benefits and society’s treatment of the disabled today. On their own, students watched and reflected on movies of their choice where a disabled person was a main character. We had robust discussions after this exercise and the students chose to watch such diverse movies as *CODA*, *Ray*, *Still Alice*, *The Shape of Water* and *The Theory of Everything*. Students learned about and drafted wills and advance planning documents and participated in a mock will execution ceremony. Several students commented that the will exercise was the most challenging of the course. They learned about reasonable accommodations and modifications required under fair housing laws and the Americans with Disabilities Act of 1990 (ADA) for disabled persons to have equal opportunities to use and enjoy a dwelling, including public and common areas. They drafted a mock letter to a landlord’s attorney demanding such a reasonable accommodation on behalf of an elderly, disabled tenant. The students were able to meet with clients in person and in their homes due to the welcome lifting of Covid-19 restrictions. One student wrote “[m]y greatest memory of this semester was having the opportunity to have a home visit with two of my clients. It was truly a humbling experience to be welcomed into someone’s home and see how they live.”

The students benefitted from guest lecturers during each semester including a senior staff attorney in the Elder Unit of LSHV. The LSHV attorney described her extensive negotiating experience with aggressive landlords’ attorneys to preserve her elderly clients’ affordable housing. Other guest lecturers included the Legal Director from Student Advocacy, Inc. who spoke on the challenging issues faced by special education students and their families. We also had two attorneys speak on elder abuse and scams and we had a panel discussion by the Westchester Human Rights Commission on housing discrimination faced by persons with disabilities. The students were actively engaged in these discussions and asked thoughtful questions of these experienced practitioners.

Finally, as a year-end reflection, students wrote thank-you letters to Equal Justice America and described their experiences. A Fall 2022 student wrote that “[t]he clinic truly challenged my own views of disability and enhanced my growth as a future attorney.”

Client Representation

Students participating in the EJA DRC had primary responsibility for their assigned cases under the supervision of Professor Angley. They were responsible for preparing their weekly case summaries in advance and were required to present these summaries during their weekly case conferences. They worked together in teams and were responsible for learning the

administrative and time-management systems of JJLS and working professionally with JJLS staff. The students actively engaged in client interviewing, fact investigation, legal research and analysis, client communication, client counseling, and drafting legal documents and correspondence. Students used technology creatively to facilitate client meetings and communications and for keeping track of their work in Time Matters, JJLS's case management system.

EJA DRC's transition to an evening class format and its new emphasis on transactional legal representation required modifications in the type of cases students could work on. Most special education cases had to be referred to Student Advocacy, a non-profit provider of legal services to special education students and their families. However, EJA DRC and Student Advocacy maintain a close working relationship, and we anticipate future referrals from this agency. To avoid any ethical conflicts, new clients were screened as to whether they or their families were current or former clients of LSHV. Clients were referred to EJA DRC from the Cancer Support Team and Gilda's Club Westchester, advocacy groups for cancer patients and their families, the Westchester County Bar Association (WCBA), the Westchester Women's Bar Association (WWBA), the Senior Law Day Collaborative (SLDC), Pace Women's Justice Center (PWJC), local government offices or were self-referred. Several former clients contacted the clinic for modifications of their cases. Outreach efforts by students and Professor Angley have increased, and we anticipate a corresponding increase in inquiries to the clinic in the future.

Casework included handling inquiries as advice and counsel with corresponding substantive letters to clients on diverse legal issues. Such issues included advice on 17A Guardianships in New York and advice on the new law of Supported Decision-Making as an alternative to 17A Guardianships. Students advised clients on housing issues, social security issues, elder scams and identity theft and estate and trusts issues. Students opened several cases on modifications of standby guardians for former clients who were previously approved as 17A guardians and assisted those guardians with filing accounting forms with the court. Students continued to help a disabled senior client obtain a court-appointed successor trustee to her special needs trust after her trustee died unexpectedly. Students assisted clients with powers of attorney and health care proxies and provided advice on advance planning. Students made home visits to disabled clients who were unable to travel to White Plains, including a home visit for a will execution. Students successfully filed a new 17A Guardianship petition in Surrogate's Court and also advised the petitioner parent on Supported Decision-Making. Fall 2022 students wrote extensive transfer memos for open cases to assist in the seamless transition of cases handled by the Spring 2023 students. In turn, the Spring 2023 students prepared transfer memos on open cases for the two summer law student interns who continued the clinic's important work. There were several inquiries that were beyond the scope of the legal services provided by the EJA DRC and had to be referred to the private bar or other civil legal services providers. All the students worked closely with JJLS staff on client representation, office protocol and procedures. Each semester, the students, including the

current summer interns, acted professionally and received constructive feedback and support from the JLS staff.

Outreach and Grants

Outreach efforts expanded during both semesters due to the return of in-person events. During the Fall 2022 semester, a student and Professor Angley participated in the Livable Communities Village Fair sponsored by the Westchester County Department of Senior Programs and Services (DSPS). We provided health care proxy forms in English and Spanish and counseled seniors on the importance of having these documents. During the Spring 2023 semester, several students participated in a community event sponsored by the Westchester County Parks Foundation to make park trails more accessible for disabled persons using newly acquired all-terrain track wheelchairs. One Spring 2023 student gave an excellent in-person presentation to Gilda's Club Westchester on the services the clinic can provide to cancer patients and their families. This student also received the Clinical Legal Education Association (CLEA) Outstanding Clinical Law Student Award at the 2023 Law School Commencement. The summer interns have continued with outreach efforts including participating at "Salute to Seniors" in May, 2023 sponsored by the Westchester County DSPS. At Salute to Seniors, the summer interns gave out numerous health care proxy forms and provided information to seniors about the clinic. They are scheduled to participate in another outreach in late July with Westchester Disabled on the Move (WDOM) to celebrate the 33rd anniversary of the passing of the Americans with Disabilities Act. Professor Angley also attended numerous events and seminars sponsored by the WCBA, the WWBA, the SLDC, and the NYSBA Elder and Special Needs Section. She has promoted the EJA DRC as a resource for low- and moderate-income disabled persons and their families and encouraged possible referrals. We also anticipate further outreach opportunities during the Fall 2023 Semester, including a return to the Livable Communities Village Fair and the Senior Law Day event.

With the assistance of our summer law interns, we successfully applied for a grant from the Westchester Women's Bar Association Foundation (WWBAF). We were awarded \$1000 to assist with our outreach efforts in the community and we are grateful for the WWBAF's support. We plan on applying for a grant from the NYSBA Foundation to supplement our outreach efforts.

Conclusion

In conclusion, the EJA DRC has continued its successful transition to an evening class format and will continue to provide essential training in critical lawyering skills to students while helping disabled and elderly persons with direct legal representation. This transition offers a vital clinical experience to “flex” or part-time law students in response to their request for such an opportunity. The EJA DRC anticipates that increased outreach efforts will translate into increased inquiries from new clients. Students will continue to practice their skills during simulations and mock legal exercises with fact-patterns directly related to the legal challenges faced by the disabled and their families and reflect upon these challenges. One student wrote that the clinic “not only helps low-income individuals with disabilities, but it is educating the next generation of attorneys to be efficient, empathetic, and hard-working. I will take all the skills and knowledge I have learned from this semester into my future legal career.”

Respectfully submitted,

Patricia Angley

Patricia Angley, Director

Equal Justice America Disability Rights Clinic Spring 2023

Date	Cost	Description
	\$22,000.00	PT Faculty Salary Fall
	\$5,000.00	PT Faculty Salary Summer
	\$3,363.00	Employee Benefits misc.
	\$500.00	Professional fees: David Hogg
	\$30,863.00	Costs of Clinic operation (including supervisor)
	\$1,472.30	Access to Justice Event
	\$32,335.30	YTD Total Spending
	\$23,837.00	Contributions/Gifts/Contracts Individual
	\$15,000.00	Contributions General Lockbox
	\$38,837.00	Contributions Total
	\$6,501.70	Net Total