



## IN THE BALANCE

# PRO BONO HONORS



l. to r. Frank Muller, Esq., Honoree, Rosalind Fuchsberg Kaufman, Esq., Board member W/PLS, Emily Jonas, Esq., Pro Bono Coordinator W/PLS, Barbara Finkelstein, Esq., Executive Director W/PLS, John Rand, Esq., of Clark, Gagliardi & Miller, Honoree.

*A lawyer has an obligation to render public interest and pro bono legal service. A lawyer may fulfill this responsibility by providing professional services at no fee or at a reduced fee to individuals of limited financial means or to public service or charitable groups or organizations, by participating in programs and organizations specifically designed to increase the availability of legal services. In addition, lawyers or law firms are encouraged to supplement this responsibility through the financial and other support of organizations that provide legal services to persons of limited means.*

*-from the New York State Lawyers Code of Professional Responsibility*

A reception honoring the members of the private bar, who handled cases through W/PLS' Pro Bono Program in 2002 and 2003, was held at Westchester/Putnam Legal Services' offices in White Plains. Executive Director, Barbara Finkelstein and Pro Bono Coordinator Emily Jonas, Esq. hosted the event to honor and thank attorneys who generously gave of their time to assist our clients in need. Certificates of appreciation were awarded to every attorney who participated in the program. Ms. Jonas spoke of the tremendous need for private bar involvement particularly in these tough economic times.

Attorneys who received certificates included; Peter O. Bodnar, Steven Buchalter, Karen Cahn, Mark E. Constantine, Susan Damplo, Cecelia S. DeMicco, Susan Edwards, Hal Greenwald, Lucille Fontana, Bruce Gitlin, Michael Goldstein, Shelby D. Green, Joan Greenhut-Wertz, Joanne Harper, Akiko Jacobsen, Jeffrey J. Keegan, Joseph A. Kelly, Geoffrey Kent, Susan Kivelson, Erik Kristensen, Randall G. Lawrence, Peter A. McGarry, Frank Muller, Susan Pearlstein-Falkove, Michaela Petrescu, Eric Posmanter, John Rand, Jeffrey A. Reich, Glenn Shapiro, Margaret Anne Shearer, Whitney W. Singleton, John Tartaglia, Michael Uhl, Eli Uncyk, and William Weinstein.

**Rosalie Cicogna, Director of Administration**

# What's Happening in Yonkers



Lewis Creekmore, Esq., Managing Attorney,  
Yonkers Office

While our address for the Yonkers office is 30 South Broadway, the actual location of the office is “in the community.” At our Yonkers location tens of thousands of people who live at or below the poverty level can have access to a lawyer without the impediment of distance. Thousands more live within a short bus trip in the communities of Mount Vernon, New Rochelle, and Greenburgh.

Within these communities exist not-for-profit agencies that provide support services to our clients, and our potential clients. W/PLS shares a regular relationship with organizations such as The Sharing Community, The Greyston Foundation, Mount Vernon United Tenants, CLUSTER Housing Resource Center, Rockland Community Psychiatric Center, Victim’s Assistance, and so on.

The Greyston Foundation hosts advocate meetings to coordinate services, which are headed by a caseworker from the Sharing Community. Staff attorneys Ellen Parker Bush and Mary Mahoney attended some of the meetings and have provided updates of legal information that affect the clients and procedures of the participating organizations. In addition, various members of our staff have conducted workshops and training events for the staff and clientele of the Sharing Community as part of our ongoing community legal education effort.

For the residents of Yonkers and Mount Vernon there have been numerous opportunities over the recent past to attend workshops on tenant’s rights conducted by Nancy Marrone, another of our staff attorneys, in conjunction with Mount Vernon United Tenants and others. Additionally when other organizations go into a neighborhood, or building, such as ACORN (Association of Community Organizations for Reform Now) did recently, Nancy attends those meetings as well in order to provide specific answers to questions of law that affect groups of tenants.

We recently opened a family law unit and staff attorney Jill Bradshaw-Soto is busy building ties with organizations that provide support services for families. She recently presented custody and visitation information as well as a snapshot of our services to the Grandparents Coalition (at Family Ties) and to Yonkers Family Services.

Westhab, Inc., a not-for-profit operator of shelters and temporary housing for homeless families in Westchester County, holds housing fairs at various times during the year in order to help homeless families get in contact with housing providers and other agencies that can assist these families to get a foothold in a permanent home. Because we are able to assist families to obtain greater shelter allowances from the Department of Social Services and can help families overcome legal barriers to housing subsidies we are an integral part of the plan for many homeless families to re-integrate themselves into the world of privately owned housing. As such we participate in the housing fairs conducted by Westhab.

We understand the importance of providing, not only direct legal representation, but education and cooperative effort to solving the problems of poverty. It is our job and our privilege to be part of each collaborative effort that takes place within our reach, so that we can provide the answers to the questions of law that affect the organizations and their/our clients.

*Lewis Creekmore, Esq., Managing Attorney, Yonkers Office*

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## **Helping families find legal assistance: LawHelp/NY Expands to the Hudson Valley**

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**LawHelp, a unique web-based resource for locating free legal services recently expanded to areas outside New York City. Anyone seeking legal assistance can now use the LawHelp/NY web site to find detailed information on services in the following Hudson Valley Counties:**

**\*Dutchess \*Orange \*Putnam \*Rockland \*Sullivan \*Ulster \*Westchester**

"Whether working from a home computer or at the public library, those in need can now go to [www.LawHelp.org/NY](http://www.LawHelp.org/NY) to find the provider closest to them," said Barbara Finkelstein, Executive Director of Westchester/Putnam Legal Services. "Human services agencies working with clients will also benefit from this new tool which will allow them to make referrals to the appropriate legal services program as needed."

Once on the LawHelp site, those seeking assistance can simply select their county using the drop down menu on the homepage, or just type in their zip code. They can then choose the legal problem they need help with and LawHelp will display the free legal services providers serving that area. By clicking on each of those providers, a prospective client or referring organization can find detailed information on each provider's intake hours and policies, including languages spoken by staff, wheelchair accessibility, how to contact the office, and what to bring to an appointment.

To view and print out community legal education and self-help materials, change "channels" by selecting the "KNOW YOUR RIGHTS" tab. Here you can find both statewide and county specific materials in a variety of areas, including Family & Juvenile, Housing, Public Benefits, Consumer, Disability, Taxes and Health.

**For more information about the LawHelp/NY project, contact:**

Susan Sokol  
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The LawHelp/NY Consortium is comprised of the following organizations: City Bar Fund, Greater Upstate Law Project, Legal Services for New York City, The Legal Aid Society of New York City, The Legal Aid Society of Northeastern New York, Pro Bono Net, and Volunteers of Legal Service.

# ***WPLS's Community Legal Education***

## **Social Security Benefits in a Nutshell**

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### **How Social Security Decides If You Are Disabled**

To decide whether you are disabled, Social Security uses a step-by-step process involving five questions.

#### **Questions:**

##### **1. Are you working**

If you are working in 2003 and your earnings average more than \$800 a month, you generally cannot be considered disabled. If you are not working, go to Step 2.

##### **2. Is your condition "severe"?**

Your condition must interfere with basic work-related activities for your claim to be considered. If it does not, Social Security will find that you are not disabled. If your condition does interfere with basic work-related activities, go to Step 3.

##### **3. Is your condition found in the list of disabling conditions?**

For each of the major body systems, Social Security maintains a list of medical conditions that are so severe they automatically mean that you are disabled. If your condition is not on the list, Social Security will have to decide if it is of equal severity to a medical condition that is on the list. If it is, Social Security will find that you are disabled. If it is not, then go to Step 4.

##### **4. Can you do the work you did previously?**

If your condition is severe but not at the same or equal level of severity as a medical condition on the list, Social Security must then determine if it interferes with your ability to do the work you did previously. If it does not, your claim will be denied. If it does, proceed to Step 5.

##### **5. Can you do any other type of work?**

If you cannot do the work you did in the past, Social Security will determine whether you are able to adjust to other work. Social Security will consider your medical conditions and your age, education, past work experience and any transferable skills you may have. If you can adjust to other work, your claim will be denied. If you cannot adjust to other work, your claim will be approved.

Is there more I need to know about Social Security and Supplemental Security Income? Of course!! In our next issue read about Social Security Work Incentives!!!

*Mary Grace Ferone, Esq., Managing Attorney, White Plains*

# OUTSTANDING VICTORY

Melinda Bellus, an attorney in our Government Benefits Unit, recently won an important victory for an 86-year-old disabled woman. Our client was fitted with a right lower limb prosthesis, which was incorrectly fitted. As a result, the client suffered horrendous wounds that required daily care. Our client contacted the Office of Medicaid Management (OMM) seeking permission to obtain a new prosthesis from a new provider. OMM denied her request stating that it had already paid for the prosthesis and that the original provider should evaluate and adjust the prosthesis if necessary. The client did as she was instructed, not once, but three times. Each time, after adjustment, the prosthesis remained ill-fitted and each time her request to see a new provider was denied by OMM. At that point, the client sought the assistance of Westchester/Putnam Legal Services.

After requesting a fair hearing before the State Department of Temporary and Disability Assistance, Ms. Bellus argued that New York State Regulations required that OMM give prior approval for the new prosthesis because of "medical necessity". A "Medical Necessity Prior Approval", Ms. Bellus argued, is required when services or supplies are shown to prevent, diagnose, correct or cure a condition of the recipient which causes acute suffering; endangers life; results in illness; interferes with the capacity for normal activity; or threatens to cause a significant handicap. The State Hearing Examiner agreed with Ms. Bellus and ordered OMM to immediately provide prior approval for a new prosthesis from a new provider. This case is an example of the plight of many of our clients. A bureaucratic, rubber stamp denial of a needed service caused our client not only physical harm, but gave an 86 year old worry and



**Melinda Bellus, Esq., Staff Attorney**

aggravation. The good news is that if necessary, this decision will help other disabled/elderly persons who are caught up in Medicaid bureaucracy.

**Mary Grace Ferone, Esq., Managing Attorney, White Plains**

## CORRECTION

In the last issue of "In The Balance" a portion of the article written by the President of W/PLS was inadvertently omitted. The last sentence of the seventh paragraph should have read: "As Barbara Finkelstein, our Executive Director, pointed out in the April issue of In The Balance, legal representation in civil cases is often as crucial to the client as in criminal cases where representation is guaranteed by the constitution." We regret the omission.

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**Mailing Address Line 5**

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*Serving  
Westchester  
Putnam  
and  
Dutchess  
Counties*