



CENTER FOR  
**ELDER  
LAW &  
JUSTICE**

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# **ANNUAL REPORT 2019**



## OUR MISSION

It is the mission of Center for Elder Law & Justice to improve the quality of life for elderly, disabled and low-income persons in Western New York. We do so through the provision of free civil legal services, primarily to individuals age sixty and over as defined by the federal Older Americans Act, but also to younger disabled and low-income individuals, as funding permits. Our primary goal is to use the legal system to assure that our clients may live independently and with dignity.

## OUR LOCATIONS

### ***BUFFALO***

438 Main St.  
#1200  
Buffalo, NY 14202

### ***LOCKPORT***

175 Walnut St.  
Suite 1  
Lockport, NY 14094

### ***DUNKIRK***

314 Central Ave.  
Suite 300  
Dunkirk, NY 14048

### **PHONE**

(716) 853-3087

### **WEBSITE**

[www.elderjusticenyny.org](http://www.elderjusticenyny.org)

### **EMAIL**

[info@elderjusticenyny.org](mailto:info@elderjusticenyny.org)

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## A LETTER FROM THE CEO

*We have been preparing for the greying of the world for the past decade.*

I am old enough to remember discussing the “Silver Tsunami” and the earnest preparations to plan for 2020, when, for the first time in history, older adults worldwide were projected to outnumber children. The US Census projects that we will reach this milestone here in America in less than 15 years.

It is well-known in our community of advocates that services for children are seen as investments, while services for older people are viewed as expenditures. Indeed, as I write this, the President’s Executive Budget was just released and, (as has been the case for the past 3 years) it included cuts to many of the programs our clients rely upon. Last month, it was announced that New York State faces a multi-billion dollar gap in the Medicaid program, which is being blamed on users of long-term care, (mostly older adults). Local nursing homes are getting sold off to out-of-state investment groups, quality is rapidly decreasing and we have a shortage of aides to care for our most vulnerable neighbors.

It is easy to get discouraged.

During times like this, I think about what it was that drove me to work in the legal services field. My mother lived through WWII, and left Germany with her only remaining family member – my grandmother. She ended up passing away when I was 11 years old, because she was a non-citizen, with no public benefits, and my family could not afford to keep her in the hospital long-term when she became ill. Learning about the injustice of this situation made me determined to protect our elders – no one should die because they do not have health insurance.

Nevertheless, CELJ continues the fight for justice, as we expand both our programs and reach. CELJ remains a leader in innovative technology, such as our Legal Risk Detector and Senior Financial Safety Tool, both of which are now models across the country for locating and assisting difficult-to-reach clients. Over the past two



years we have expanded beyond direct services, adding our first policy advocate, Lindsay Heckler, who travels the state testifying on behalf of issues that impact older adults. We developed the first Surrogate's Court Help Center in New York that partners court personnel with a legal services provider. Every week, someone on staff comes to me with a great new idea to meet the need for our services.

Despite my concerns about our societal preparedness, I am bolstered by the tenacity and enthusiasm of the advocates in the trenches. It is exciting to be at the forefront of massive societal change that will provide opportunities for creativity, leadership and innovation. Lastly, as my daughter is graduating from college and asking herself what she should do with her career, I realize an entire generation is witnessing our wealthy country fail to care for its poor, old, and vulnerable. These young people are asking themselves the same questions: "how do I make change? What should I do with my career? How can I make a difference?" The way they answer these questions will be the future of this country – and the world.



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# NEW STAFF

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*Staff Attorney*

**Daniel Rice**  
*Paralegal*

**Ilene Ruiz**  
*Paralegal*

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*Development & Communications  
Coordinator*

**Amanda Warner, Esq.**  
*Pro Bono Director*

**Pamela Whitacre**  
*Staff Accountant*





## SENIOR LEGAL ADVICE HELPLINE

# 1-844-481-0973

Adults over the age of 60 can call and speak directly to an attorney regarding their legal questions and concerns by contacting our Senior Legal Advice Helpline. This free service is available Monday through Friday from 9am –11am EST, and is led by Attorney Erin Riker. We are able to offer this service to those living in Erie, Niagara, Allegany, Monroe, Livingston, and Steuben counties, and can answer questions on a wide variety of legal issues, including consumer protection, health insurance, housing issues, and more. Older adults may be facing issues that they don't

realize are legal concerns. One caller came to our Helpline with questions about managing nursing home care, Medicaid, and an inheritance. Another called about living situation concerns and home health care. While we may not always be able to resolve the situation, we can direct callers to the appropriate resources, provide guidance, and in some situations, open up a full case for representation at our agency. This unique service is available thanks to the generosity of our volunteer attorneys.

YOU CAN VOLUNTEER FOR THE HELPLINE  
BY CONTACTING ERIN AT [ERIKER@ELDERJUSTICENY.ORG](mailto:ERIKER@ELDERJUSTICENY.ORG)

Cases opened  
**3,380**  
in 2019

People served

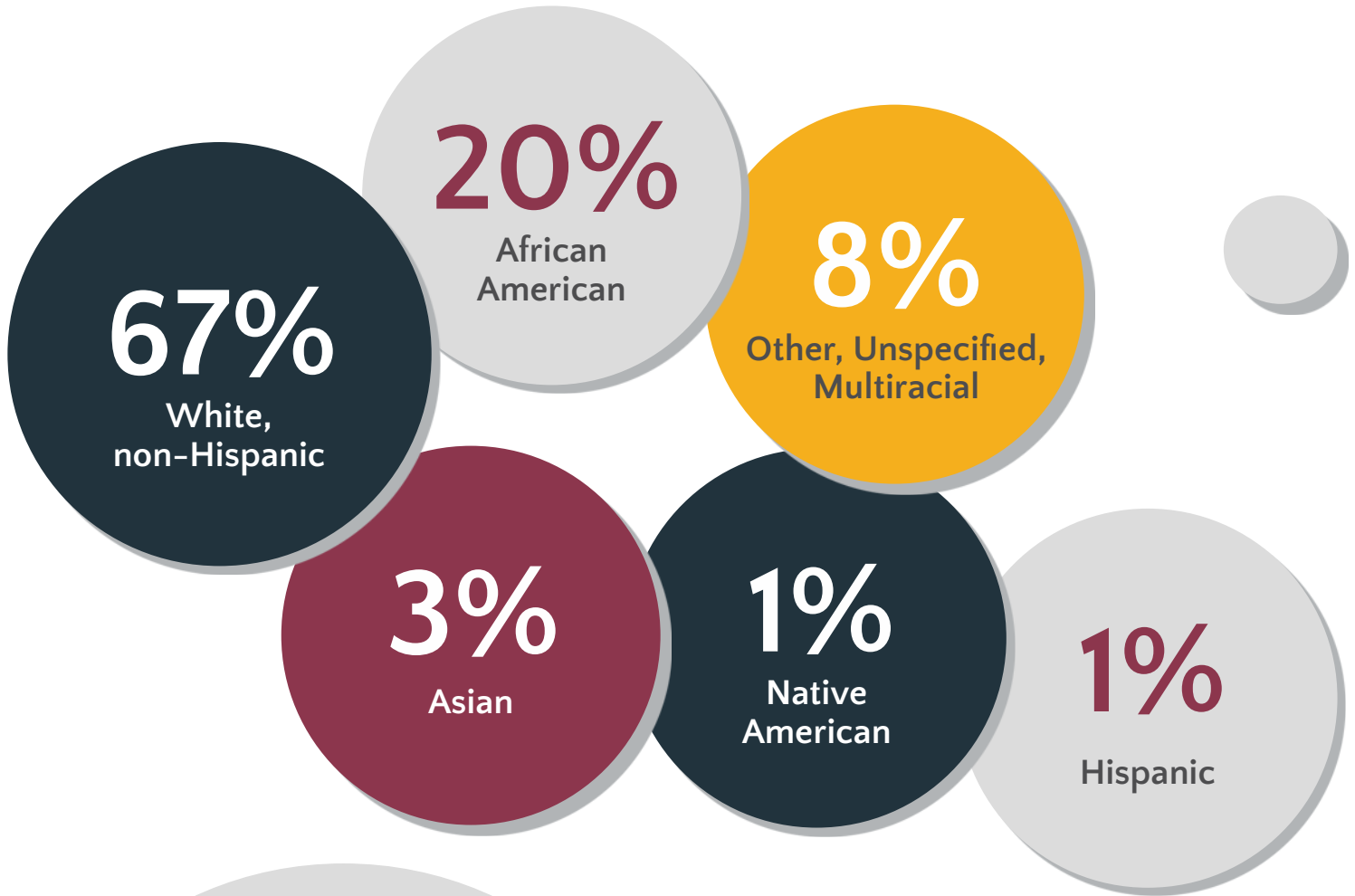
**6,912**  
in 2019

Cases closed  
**4,078**  
in 2019

**65%**  
over the age of 60

**87%**  
are under 200% of  
the poverty level

CELJ was  
present at  
**324 outreach events**  
in the community that  
were attended by  
**12,961 Western  
New Yorkers**



Through our Elder Abuse Prevention, Foreclosure Prevention, Consumer, Housing, Income Maintenance, and Health Care Units, we helped our clients recover or save

**\$11,729,553.91**

in 2019

Our services in the Kinship Care, Housing, Health Care, Foreclosure, Guardianship, and Elder Abuse Prevention Units saved taxpayers across New York State

**\$1,239.799.46**

in 2019

## MOBILE LEGAL UNIT

*Our Mobile Legal Unit has been providing “done in a day” legal assistance to seniors throughout Western New York since 2016.*

*In 2019 we held:*

**25 MLU events across 5 counties (Allegany, Chautauqua, Cattaraugus, Erie & Niagara).**

Issues addressed ranged from debt collections and family law to Medicaid. We provided guidance on how to initiate a small claims court proceeding, and best practices for choosing your power of attorney, as well as answers to housing and healthcare questions. We also conducted legal health check-ups using our Legal Risk Detector app, which is also used by non-legal service providers to screen for common legal issues facing older adults.

We want to thank Majority Leader Crystal Peoples-Stokes, NYS Senator Tim Kennedy, Assemblymember Karen McMahon, Assembly member Monica Wallace, Legislator John Bruso and ECMC’s Mobile Mammography Unit, as well as all of the locations that hosted MLU events for collaborating with us in 2019.



*Katelyn Gindele, Esq., Jesslyn Holbrook, Esq., Kristen Schaub, Esq., and Christopher Phillips at the Genesis Center of Buffalo with the Mobile Legal Unit*

*Molly White, Esq., Assemblymember Karen McMahon, and Melissa Woods*





Through our MedLaw Partnership, we are able to work with individuals who may have legal issues that are impacting their overall health, or legal concerns due to failing health.

**MedLaw is open to patients of any age at the following participating locations: Erie County Medical Center, Buffalo General Medical Center, Gates Vascular Institute, and The Lighthouse Free Medical Clinic.**

In addition, funding from **Judges and Lawyers Breast Cancer Alert** allows us to provide free legal help to all breast cancer patients or survivors, regardless of where they receive their health care.

When we address legal matters for our clients, it allows them to focus on what needs to come first: their health, families, and happiness. For example, Susan Clarke\*, a 2-year breast cancer survivor, was discharged from a job that she held for 17 years and worried how she would manage her health without continuation of coverage. Our attorney was able to negotiate with the employer to cover her health benefits for a longer period of time while she sought new employment.

Denise Cliff\* came to us through the MedLaw Partnership in urgent need of help. A paraplegic patient who was admitted to the hospital for complex medical needs, Denise confessed to a social worker that she was being subjected to horrific physical and emotional abuse by her caregiver, with whom she resided. Our team worked to get an order of protection in place, and the abusive caretaker was arrested. In addition, we were able to execute a new Power of Attorney, and provide assistance with the financial situation that Denise was in as a result of the caretaker's actions. She was discharged to a safe environment, and her health has improved significantly.

## DURING 2019, THE MEDLAW PARTNERSHIP SUCCESSFULLY:

- Avoided two utility cutoffs during winter for patients with severe medical conditions, COPD, and/or asthma.
- Intervened in several elder abuse matters.
- Assisted with multiple eviction matters on behalf of patients who were facing eviction while hospitalized.
- Matched 13 patients with reduced-cost Social Security Disability attorneys who offer their services exclusively to our MedLaw clients through their community partnerships with our organization.
- Helped clients with end-of-life matters, including: Wills, Powers of Attorney, and Health Care Proxies.



*Destiny Johnson, Rachel Baldassaro, Esq., and staff from ECMC's Mobile Mammography*

**STEFAN FOSTER**

**Stefan Foster** received the *Rookie of the Year Award* from the NYS Long-Term Care Ombudsman Program and People, Inc., and was the recipient of Daemen College's *Annual Excellence Award for Paralegal Studies*.

**SARAH HEDDEN**

**Sarah Hedden, Esq.**, named a member of the US Administration for Community Living's *Advisory Council to Support Grandparents Raising Grandchildren*.

**KAREN NICOLSON**

**Karen Nicolson, CEO**, finalist for the *Cause Award*, part of the Community Foundation for Greater Buffalo's Centennial Celebration.

**TONY SZCZYGIEL**

**Tony Szczygiel, Esq.**, recipient of the Howard Hinds Memorial Award, from the National Consumer Voice for Quality Long-Term Care.

**GARRY GRABER**

**Garry Graber, Esq.**, named as a Buffalo Business First *Legal Elite*.

**HOLLY HEJMOWSKI**

**Holly Hejmowski, CPA**, named as a Buffalo Business *First 40 Under 40*.

## EDWARD ROBINSON



Edward Robinson, Esq., named as a Buffalo Business First *Legal Elite*.

## CYNTHIA VANCE



Cynthia Vance, Esq., named as a Buffalo Business First *Woman of Influence*, and one of the *Power 125 Women*.

## WESTERN NEW YORK COALITION POOLED TRUST



Western NY Coalition Pooled Trust – recipient of the *Program of Excellence Award*, by Network in Aging.

## IN THE NEWS


Rachel Baldassaro, Esq., Jesslyn Holbrook, Esq., and Karen Nicolson, CEO appeared on Channel 7's AM Buffalo to discuss CELJ's work in the community, highlighting the Mobile Legal Unit, MedLaw Partnership, and Senior Legal Advice Helpline.

Rachel Baldassaro, Esq., featured in Buffalo Business First, "Patient advocate: Rachel Baldassaro, project director of MedLaw."

Kelly Barrett Sarama, Esq. and Erin Riker, Esq., quoted in the Buffalo News, "Legal Community Looks forward to Ginsberg Visit."

Kelly Barrett Sarama, Esq., featured in the Buffalo News, "Next Generation: Kelly Barrett, elder law attorney and health care rights advocate."

Sarah Duval, Esq., interviewed on WBFO, "Buffalo's Center for Elder Law & Justice to link elder abuse victims to social workers," and featured in news coverage for World Elder Abuse Awareness Day.


 **Lindsay Heckler, Esq.** provided background information for several articles surrounding the state of nursing homes in Western New York, and *was interviewed by the Buffalo News*:

- Dec 1, 2019: “After wandering senior nearly froze to death, Amherst facility is fined \$1,000”
- July 14, 2019: “New York’s top nursing homes less likely to admit poor”
- April, 24, 2019: “After 5 years in a nursing home, a Buffalo woman moves out”
- March 5, 2019: “Nursing home problems for owners of Sweet Brook go beyond Berkshires”
- January 4, 2019: “Emerald South nursing home officially closed”

*Specifically regarding the Tonawanda Oakwood Senior Living facility:*

- May 31, 2019: “Tonawanda adult care facility seeks judicial intervention”
- May 30, 2019: “State orders Tonawanda adult care home to close after citing it for medication mistakes”

She was also *featured in the Buffalo Law Journal*, “Lax rule enforcement hurts nursing homes, attorney says;” and, interviewed on WECK, “In Our Community with Penny Wolfgang.”

 **Jesslyn Holbrook, Esq.**, published in WNY Physician Magazine, Vol. 4 2019 “The Medical-Legal Partnership at Buffalo General Medical Center/Gates Vascular Institute: Addressing Social Determinants of Health Through a Unique Multidisciplinary Partnership;” and, interviewed by the Clarence Bee, “Elder Law Day offers playbook for financial, healthcare decisions.”

 **The Legal Risk Detector App**, mentioned in The Atlantic, “Justice for Some” and in “Legal Tech for Non-Lawyers: Report of the Survey of U.S. Legal Technologies”, a report by Rebecca Sandefur, American Bar Foundation Faculty Fellow and 2018 MacArthur Genius Grant recipient.

 **Brad Loliger, Esq.**, featured in the Buffalo Law Journal’s Emerging Attorney section, and interviewed on-air in Sound Magazine and WNY Tonight with Tammie Lee Demler.

 **Erin Riker, Esq.**, discussed the Senior Legal Advice Helpline in Buffalo Business First, “Senior helpline now available in Erie County.”





**Tony Szczygiel, Esq.**, featured in the Buffalo Law Journal, “Attorney lauded for elder law commitment” and the Buffalo News, “Buffalo man wins national award for helping nursing home residents.” Quoted in the Buffalo News, “Understaffing often plagues nursing homes, but state rarely cracks down.”



**Amanda Warner, Esq.**, published in NYSBA’s Pro Bono News, Vol. 30 No. 3 “Erie County Surrogate’s Court Help Center Brings an Innovative Approach to Assisting the Unrepresented.”

## NEW GRANT FUNDING



New funding was received from the **Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program** through New York State, which will expand the important work of the Elder Advocacy Program in both Chautauqua and Cattaraugus Counties.



CELJ received increased funding to expand the **Senior Legal Advice Helpline into Erie County.**



The Center for Elder Law & Justice was added as a Legal Assistance provider in **Steuben County**, under Title III-B of the Older Americans Act, which ensures that area agencies on aging can meet the individual needs of older adults and caregivers in the community.



The Center for Elder Law & Justice has been named as a grant recipient by the **Garman Family Foundation Fund**, administered by the Community Foundation for Greater Buffalo. A grant in the amount of \$50,000 will support transitional services for elder abuse victims, addressing the psychological, emotional, and social well-being of older adults who have experienced maltreatment.

# NEW GRANT FUNDING

A group of 16 nonprofits will receive \$1.6 million in grant funding from Erie County through its **2019 Poverty Initiatives Allocation**. The recipients were selected by the Erie County Poverty Committee from 61 proposals for transformational projects that empower people living in (or at risk of falling into) poverty. The Center for Elder Law & Justice received \$89,600 to train attorneys to work with adults with developmental disabilities, through a collaboration with People, Inc.

The Center for Elder Law & Justice is proud to be among the first grant recipients awarded by the newly formed **Odd Fellow and Rebekah Benefit Fund**. A grant in the amount of \$50,000 will be used to advocate for quality care in our WNY nursing homes and adult care facilities.



Lindsay Heckler, Esq., and Karen Nicolson, CEO accept the grant award from Eugene Urban, Executive Director of the Oddfellow and Rebekah Benefit Fund, along with other members of their board.

## *The Surrogate's Court Help Center*

The Help Center got off the ground in November 2018, thanks to the vision of Hon. Acea M. Mosey, Erie County Surrogate's Court Judge, the support and dedication of volunteer attorneys from the private bar, and the collaborative expertise of CELJ Staff. Its creation was driven by the needs of hundreds of unrepresented litigants attempting to navigate the Surrogate's Court without the assistance of an attorney.

In 2019, 336 unrepresented people in need of advice and counsel were assisted through the program by 17 volunteer attorneys:

|                             |                        |
|-----------------------------|------------------------|
| <b>Terrie Benson Murray</b> | <b>Edward Robinson</b> |
| <b>Benjamin Cranston</b>    | <b>Gary Schaff</b>     |
| <b>Joshua Dubs</b>          | <b>Barbara Schaus</b>  |
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| <b>Kathleen Garvey</b>      | <b>Jamie Smith</b>     |
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| <b>Jay Organek</b>          | <b>Mary Virginia</b>   |
| <b>George Riedel</b>        | <b>Mark Walling</b>    |

Although there are at least five other Surrogate's Court Help Centers across New York State, the Erie County Surrogate's Court Help Center has gained recognition statewide as the first to use a collaborative model wherein court employees, legal services staff, and the private bar work together on-site to assist the unrepresented. Court staff triage the cases that come in, provide information as appropriate, and when more assistance is needed, refer the client to an on-site volunteer attorney to provide limited scope legal advice and counsel that cannot be provided by the Court employees.



*Amanda Warner, Esq.,  
Director of Pro Bono Programs*

# PRO BONO PROGRAM

*(Continued from previous page)*

The Help Center's unique model is an effective and innovative way to bridge the justice gap for many unrepresented people during what is often a stressful, confusing and emotionally charged time in their lives. Though the time spent with the pro bono attorney is brief, the volunteer's expertise in Surrogate's Court matters makes a substantial impact. In a brief consultation, attorneys can make recommendations on courses of action the client should or should not take, assist clients in assessing the relative merits of their case (or lack thereof), review and explain documents and court papers, explain procedures and what to expect at various stages of a court proceeding, and provide further direction on next steps to take.

It is clear that in just one year, the Help Center has distinguished itself as a tremendously valuable asset to all parties involved. By dedicating time and resources to this partnership, the Court has improved its case processing and ability to manage its pro se litigant caseload. Many volunteers have expressed an appreciation for the opportunity to do good work and provide meaningful assistance to the underserved in a time commitment conducive to maintaining a busy law practice (each shift is a 2 hour commitment). Others have noted the sense of professional satisfaction in addressing interesting issues that do not present themselves in their day to day practice.

Looking ahead, CELJ would like to expand the pro bono attorney component of the Help Center from two to three shifts per week. Western New York attorneys with Surrogate's Court and estate planning experience who are interested in becoming part of this successful and rewarding program can contact Amanda at (716) 853-3087, extension 241, or at [awarner@elderjusticenyc.org](mailto:awarner@elderjusticenyc.org).



*Barbara Schaus, Esq.  
at Surrogate's Court*

# PRO BONO EVENTS

CELJ partnered with the **Women’s Bar Association of the State of New York’s Western New York Chapter** and the **Genesis Center** to assist **21 clients** through free Powers of Attorney and Health Care Proxy clinics in May and August 2019.

For the fourth year in a row, CELJ prepared Wills, Powers of Attorney and Health Care Proxies for 64 clients through two clinics hosted by **Majority Leader Crystal Peoples-Stokes’ Office**. *(Right: Karen Nicolson and Crystal Peoples-Stokes at the Wills Clinic at Schiller Park Senior Center.)*

Center for Elder Law and Justice partnered with **The Erie County Department of Senior Services** to host the **19<sup>th</sup> Annual Elder Law Day** on Thursday, June 6, 2019. This event is attended by approximately 500 individuals each year, and provides information on legal issues impacting older adults, to assist them in making informed choices about their health and financial well-being.



According to Jesslyn Holbrook, Esq., “This friendly, no pressure, no-sales event is an opportunity for older adults and their caregivers to ask those questions that may be nagging them about legal issues they are facing, and to learn from experts about the issues affecting older adults.” Seniors, caregivers, and family members attended up to three attorney-led seminars on topics such as guardianship, estate planning, health insurance, patient rights, power of attorney and the role of a health care proxy, and scams targeting seniors. Guests also

had the opportunity to register for free, 15-minute consultations with volunteer attorneys.

An array of community agencies were also on hand to share their information and expertise on available services. Additional sponsors of Elder Law Day 2019 included AARP-NY; the Bar Association of Erie County; Network in Aging; the New York State Bar Association, Elder Law Section; and SUNY Buffalo Law School.

# VOLUNTEERS

55 clients received full scope representation through referrals to 44 pro bono attorneys, who worked 536 hours.

## THANK YOU TO THE FOLLOWING PRO BONO VOLUNTEERS!

Morgan Arndt  
 Steven Bengart  
 Terrie Benson Murray  
 Cindy Buckley  
 Janine Chapman  
 Benjamin Cranston  
 Joshua Dubs  
 Thadeus Dziekonski,  
 Francesca Falzone  
 Noemi Fernandez  
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 Mark Walling  
 Therese Wincott  
 Ruth Wiseman

## THANK YOU TO THE FOLLOWING INTERNS WHO DID OUTSTANDING WORK FOR US IN 2019!

Morgan Arndt  
 Alex Balmer  
 Rebekah Benes  
 Cindy Buckley  
 Richard Caldicott  
 Marissa Egloff  
 Savannah Figueroa  
 Lauren Gill  
 Mary Hamilton

Keith Jensen  
 Destiny Johnson  
 Robert Neill  
 Victoria Roden  
 Zahra Salih  
 Cara Smith  
 Stephen Soos  
 Kortnie Williams

**Thank you to the following donors who contributed to the Center for Elder Law & Justice during 2019:**

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