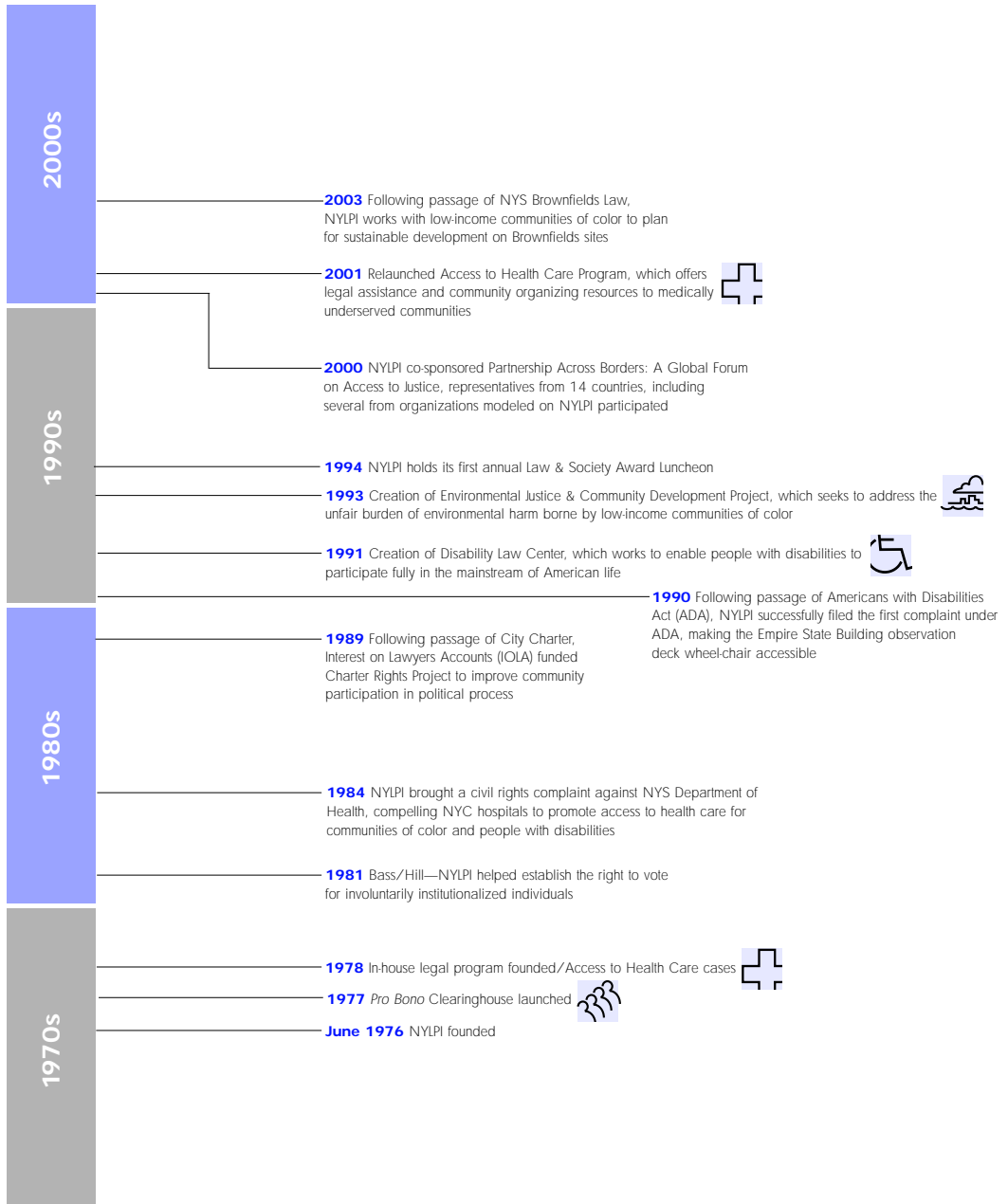


2003 Annual Report

# A Quarter Century of NYLPI



# A Quarter Century of Collaboration . . . A Quarter Century of Results

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This fall, New York Lawyers for the Public Interest celebrated more than 25 years of service to this City's most disadvantaged communities. In the past couple of years:

NYLPI was there for parents of children with disabilities struggling to obtain transition services for their children in the public school system when the department of education refused to offer meaningful services.

We were there for Spanish speaking residents of Bushwick, Brooklyn when their local hospitals failed to provide legally mandated and much needed translation services.

We were there when low-income communities faced the threat of power plants being sited in their neighborhoods, already overburdened by environmental hazards. And we got results.

We haven't achieved these results solely through the courts, and we certainly haven't achieved them alone. Our model of community lawyering is collaborative, relying on the efforts of advocates and community organizers as well as attorneys. We are committed to learning – not assuming – what communities want and to helping them achieve their goals for the long term.

Although litigation is a last resort, of course we often find ourselves in court, and there we could not have the influence we do without our ability to call upon the resources and talents of the private bar to help with our efforts. With more than 80 of New York City's finest law firms and corporate law departments as members, NYLPI is able to enhance the firepower of an underrepresented community and begin to level the playing field.

These firms and our other supporters contribute financial support as well as expertise, which has allowed us to improve our in-house capacity across the board. Though still smaller than we need to be, in recent years we have added attorneys, increased our advocacy staff, and hired community organizers in each of our program areas. We are enormously proud of the commitment shown by these dedicated professionals and the high quality of their work.

So why do we say that we need to do still more? Quite simply, because there is more than ever to do. In a string of cases decided over the last five years, the Supreme Court has progressively limited the ability of Congress to protect the rights of the American people and restricted access to the courts for communities and individuals challenging discrimination. We know that the law is the most powerful tool we have to achieve a just society, and today we are proud of our efforts to ensure that remains the case. NYLPI has taken a leading role in establishing the National Campaign to Restore Civil Rights, leveraging our unique experience working with underrepresented New Yorkers on issues of environmental justice, access to healthcare and disability rights, to preserve basic civil rights for all Americans.

This Annual Report provides many examples of the difference that we can make together when we commit to collaborative, high-quality community lawyering. Thanks to our partners, member firms, funders, and supporters we have been making a difference for more than a quarter century. We look forward to doing even more in our next quarter century.



Kent T. Stauffer, Chair, Board of Directors

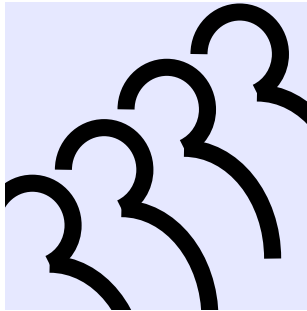


Michael A. Rothenberg, Executive Director, NYLPI

More than 25 years ago, NYLPI's founders had a vision for promoting *pro bono* work at New York City's premiere law firms. Today, the *Pro Bono* Clearinghouse screens and refers requests for free legal assistance to over 80 member law firms and corporate legal departments. Last year alone, NYLPI placed 145 projects with volunteer lawyers, who use their expertise to improve the quality of life for underrepresented New Yorkers. A complete list of recent cases is available on our website at [www.nylpi.org](http://www.nylpi.org), and our quarterly newsletter *Pro Bono Matters* offers updates on new cases and developments.

Legal projects referred through the *Pro Bono* Clearinghouse assist organizations, strengthen communities, and attack systemic problems for low-income New Yorkers. The skills and resources of our members allow NYLPI to supply a wide variety of legal services, while the range of representation needed gives lawyers many avenues for *pro bono* work. Assistance is provided in three areas:

- Litigation to protect the disadvantaged
- Transactional assistance to build communities
- Lasting collaborations through partnership projects



## Protecting the Disadvantaged—Litigation

Protecting disadvantaged New Yorkers through affirmative and defensive litigation is a primary objective of NYLPI's work. Member firms have undertaken groundbreaking litigation in areas such as housing, civil rights and civil liberties, disability rights, employment, and environmental justice. Recent examples include:

- *ACLU Women's Rights Project*. **Hughes Hubbard & Reed** is *pro bono* co-counsel in a class action defending the lawfulness of a settlement agreement remedying the effects of the New York City Board of Education's past gender and race discrimination in the hiring of school custodians.
- *Anthony v. City of New York*. **Cadwalader, Wickersham & Taft** prepared an amicus brief to the Court of Appeals, 2nd Circuit in support of the plaintiff, involving the applicability of the Americans with Disabilities Act in the context of police custody.
- *Westchester/Putnam Legal Services (WPLS)*. **Cleary, Gottlieb, Steen & Hamilton** serves as co-counsel with WPLS in litigation against the New York State Office of Temporary and Disability Assistance challenging the

low amount of “shelter allowance” families on public assistance in Westchester receive.

- *West Side SRO Law Project.* **Heller Ehrman** is serving as co-counsel to a legal service organization that advocates on behalf of low-income tenants living in single-room occupancy units in hotels and rooming houses on Manhattan’s West Side in litigation to protect the rights of SRO residents.
- *Matter of Emonie M. Weil, Gotshal & Manges* is representing Emonie M., an 8-year-old girl with learning disabilities, in an administrative hearing to challenge her educational placement.
- *Support for Training and Educational Program Services (STEPS).* **Morgan, Lewis & Bockius** assisted STEPS in a landlord tenant dispute.

### Building Communities—Transactional

Member firms and corporate law departments have helped to build communities by providing a broad range of transactional assistance to community-based organizations and not-for-profits. Attorneys provide crucial legal services such as corporate, tax, and real estate work; assist with sophisticated financing arrangements; and support community and economic development initiatives to provide housing and social services for the disadvantaged. Examples of transactional matters include:

- *Youth Ministries for Peace and Justice.* **Carter, Ledyard & Milburn** is providing real estate and negotiation assistance related to the environmental cleanup of a contaminated city park.
- *American Eye Disease Association (AEDA).* **Davis Polk & Wardwell** is helping AEDA, a group that raises public awareness of and fundraises for research to address eye disease, file for tax-exempt status and amend its corporate documents.
- *Dixon Place.* **Latham & Watkins** represented Dixon Place, a venue for new works in theatre, dance, performance art, and literature, in a real estate deal. **Piper Rudnick** also provided Dixon Place with tax assistance.
- *Brooklyn Psychiatric Centers.* **Sullivan & Cromwell** is helping Brooklyn Psychiatric Centers, which provides mental health services to low-income individuals in Brooklyn, to comply with the Health Insurance Portability and Accountability Act of 1996.
- *Libraries for the Future.* **Heller Ehrman** is helping Libraries for the Future, a not-for-profit organization ded-

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### 9/11 Union Project

Shortly after September 11, 2001, NYLPI recognized a need for legal representation for low-income victims of the World Trade Center attacks and their families. NYLPI enlisted nine New York law firms to represent approximately 50 families on a *pro bono* basis. Most of the victims had worked at Windows on the World and had been members of Local 100 of the Hotel Employees and Restaurant Employees Union or had worked as security guards or maintenance employees and had been members of Local 32B-J of the Service Employees International Union. The firms involved in the 9/11 Union Project include: Cadwalader, Wickersham & Taft, Cleary, Gottlieb, Steen & Hamilton, Debevoise & Plimpton, Fragomen, Del Rey, Bernsen & Lowey, Herrick Feinstein, Morrison & Foerster, Shearman & Sterling, Sonnenschein, Nath & Rosenthal and Zwerling, Schachter & Zwerling.

Shearman & Sterling became involved in NYLPI’s 9/11 Union Project at its inception and Saralyn Cohen, the firm’s *Pro Bono* Attorney, has spearheaded its representation of 15 low-income families, many of them immigrants. Like most families receiving assistance from the Union Project, all were in desperate need of help with a wide range of legal matters, including administering their deceased family members’ estates and filing claims under the federal Victim Compensation Fund. Completing these tasks was a very complicated matter for the Shearman team, especially where the victim and family were undocumented.

NYLPI and the nine firms have pooled their resources in an unprecedented collaboration to resolve the complex issues presented by this group of clients. In doing so, they have given these potentially underrepresented clients more clout. Shearman’s Cohen was a catalyst for establishing a network of specialists — immigration attorneys, family law and trust and estates attorneys, economists, law and business school professors, accountants, and others — to deliver full-service representation to the clients at no cost. Cohen’s work, and that of her team, constitutes an example of how lawyers can use the influence of their profession to change peoples’ lives.

## Chadbourne & Parke/ Upper Manhattan Empowerment Zone

The Upper Manhattan Empowerment Zone (UMEZ) was created in 1994 to help revitalize the economically distressed communities of Central, East, and West Harlem, Washington Heights, and Inwood. UMEZ uses federal government funds, tax incentives, and technical assistance to spur private investment, foster economic development, aid small businesses, and create jobs.

In 1998, Thomas E. Bezanson, a partner at Chadbourne and a NYLPI board member, proposed a partnership between NYLPI and UMEZ to obtain legal help for UMEZ's members. Since then, several member firms have represented UMEZ and UMEZ loan recipients in a range of projects. Most notably, Chadbourne attorneys have worked on ten UMEZ projects and business initiatives, including Gateway Plaza, Gotham Plaza, Powell Plaza Condominiums, the 125th Street Pier Redevelopment Project, and the Hue-Man Bookstore. Chadbourne's work with the Hue-Man Bookstore exemplifies the "holistic" approach to *pro bono* assistance that has made the firm's partnership with UMEZ so successful.

In 2001, Zachary Samton, then a Chadbourne real estate associate, took on a project to assist the Hue-Man Bookstore in negotiating its lease. Discovering that the project required legal expertise in a number of different practice areas, he enlisted the help of colleagues from the firm's corporate, tax, employment, and intellectual property departments. Chadbourne attorneys helped the store's owner in setting up a corporate entity, protecting the store's intellectual property rights, preparing an employment contract, analyzing and addressing multiple tax issues, negoti-

ating loans, and securing leased space in the Harlem U.S.A. Mall. The Hue-Man Bookstore, which opened for business in August 2002, is today one of the largest African-American-owned bookstores in the country.

Chadbourne continues to do vital *pro bono* work for UMEZ and its loan recipients. NYLPI member firms Latham & Watkins and Carter, Ledyard & Milburn have also handled matters on behalf of UMEZ through the *Pro Bono* Clearinghouse.



Sonia Persaud of  
Chadbourne & Parke and  
Michael Dirzulatis of 125th  
Street Gateway Ventures LLC.  
at Gateway Plaza

## Skadden, Arps, Slate, Meagher & Flom/ Extensive Incorporations of Not-for-Profits

Skadden, Arps has completed more than 25 incorporations of not-for-profit groups during the last two years, including community arts organizations, health services, teen support groups, schools, and groups that create and maintain open spaces. Skadden, Arps attorneys provide counsel on the benefits and obligations of becoming a not-for-profit organization, assistance in applying for state and federal tax-exempt status, and general corporate representation.

Among the many groups they have helped to get off the ground are:

- *Flushing Meadows-Corona Park Corporation*, a private not-for-profit corporation working to transform Flushing Meadows-Corona Park into a model for urban parks nationwide by generating funding to improve the park, maintaining and preserving the park's green space, and educating the public to become stewards of the park.
- *The National Haitian American Health Alliance*, a national membership organization, based in New York, which works to increase access to health care and health information in Haitian communities throughout the United States.
- *Digital Democracy*, which seeks to improve public education by providing students in New York's public schools with the technology, materials, and other resources needed to establish science, arts, and media centers.
- *Teens Prepared for Life*, which works to counteract physical violence and harassment directed against lesbian, gay, bisexual, and transgender youth.
- *GreenSky*, an organization that provides funding and expertise to develop and maintain rooftop gardens throughout New York City, especially in underserved neighborhoods and institutions, such as shelters and schools.



Leander C. Gray of Skadden, Arps, Meagher & Flom and Leslie Hoffman of Earth Pledge in the organization's rooftop garden

### Stroock & Stroock & Lavan /Partners in Special Education

Stroock, one of our partners in the area of special education, has worked with parents to fight the exclusion of children with special needs from general education classrooms and to secure appropriate educational services. Its ongoing commitment to special education has enabled Stroock to develop formidable expertise in assisting families in complex cases. For three consecutive summers, NYLPI has conducted intensive special education training at Stroock, building a self-sustaining group of lawyers interested and knowledgeable in the issue.

The case of Janielle F. is an example of the profound impact of Stroock's work:

■ *Janielle F.* is a 16-year-old girl with cerebral palsy, quadriplegia, and vision impairments. Evaluations documented normal intelligence, but she was never given the opportunity to develop the foundation skills that would enable her to learn to read. Janielle needed a variety of supports and services, including the support of a special education teacher and a paraprofessional in the classroom, yet her Committee on Special Education ("CSE") referred her

only to large public high schools that would not meet her needs. During the summer of 2001, NYLPI staff arranged for Stroock to represent Janielle on a *pro bono* basis to help her obtain an appropriate placement in New York City. After the events of September 11, 2001, however, Janielle's family was forced to leave their home in lower Manhattan and move in with relatives in Connecticut, where the local public school agreed to allow her to attend temporarily. Janielle thrived in the school, where she was for the first time receiving an appropriate education alongside her classmates. Stroock apprised the CSE of the change of circumstances and requested payment of tuition for Janielle to attend public school in Connecticut as an out-of-state resident. After months of failed negotiations and on the brink of an impartial hearing, for which the firm submitted a lengthy pre-hearing brief, the New York City Department of Education agreed to pay full tuition directly to the Connecticut school district. The Department also agreed to thirty months of compensatory education, the specifics of which will be decided at a CSE meeting after Janielle turns 21.



Janielle F. and  
Kevin Curnin of Stroock &  
Stroock & Lavan

Continued from page 3

icated to promoting the role of public libraries as essential centers for literacy, education, citizenship, economic development, and cultural exchange, to reorganize its corporate structure.

- *Sowers' Foundation*. **Paul, Weiss, Rifkind, Wharton & Garrison** is helping the foundation, which works with local officials and educators in developing countries, to increase access to basic education, incorporate and obtain tax-exempt status.
- *World Federalist Movement (WFM)*. **Simpson Thacher & Bartlett** provided WFM, which is a convener of the Coalition for an International Criminal Court, with a review of its employment manual.

### Partnership Projects

Partnership projects enable member firms to have a significant impact on a particular issue or develop a strong and lasting relationship with a community-based organization and the people it serves. Member firms have partnered with New York City public schools, community groups, and microenterprise development organizations. Examples include:

- *Housing Access Project*. **Clifford Chance US** is partnering with NYLPI to provide legal assistance to people with disabilities who seek to have their residences made accessible. NYLPI screens cases, provides training and ongoing support to Clifford Chance lawyers, who represent clients in administrative hearings with the New York City Commission on Human Rights. Without counsel to act on their behalf, tenants are often unable to negotiate effectively to have necessary alterations made.
- *Guardianship Workshops*. **Skadden, Arps, Slate, Meagher & Flom** and **Weil, Gotshal & Manges** provide monthly educational workshops for low-income parents of adults with disabilities on how to apply for guardianship *pro se* under Article 17-A of the Surrogate's Court Procedures Act. NYLPI screens the parents and refers them to these important workshops. Without an order granting guardianship, parents are often unable to make crucial decisions for their children, many of whom have severe cognitive impairment.

### More Assignments, New Members

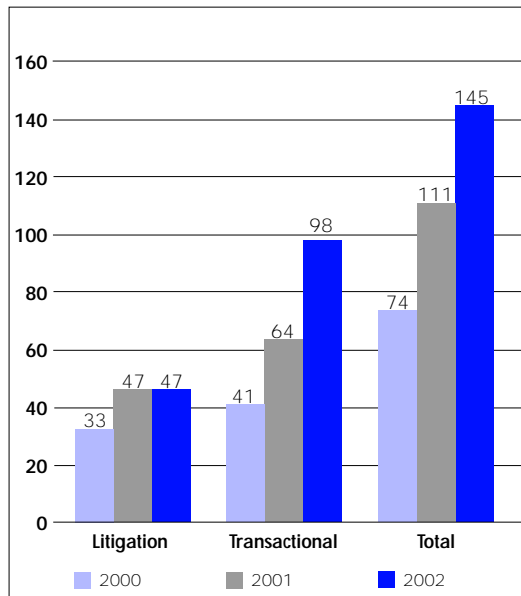
NYLPI has seen a steady increase in need across the board for *pro bono* legal assistance. The demand has been especially great among not-for-profit organizations, which make up an

expanding portion of New York City's economy. NYLPI placed 50 percent more transactional work in 2002 than in 2001, including assistance involving real estate transactions, incorporations, mergers, intellectual property, and other issues. We have also seen continuing growth in the need for legal assistance in the areas of special education and disability rights.

The *Pro Bono* Clearinghouse enjoys unprecedented support from law firms. Member firms have met the growing demand for services with increased volunteer hours, and new firms have joined our network.

- 90 firms participated in 2002, up from 84 in 2000 and 75 in 1997.
- 224 lawyers contributed volunteer legal work.
- 130 summer associates from 15 member firms were placed in internships at 30 public interest and legal services offices.
- 145 organizations received assistance, an increase of 30 percent over the previous year and 96 percent from 2000.

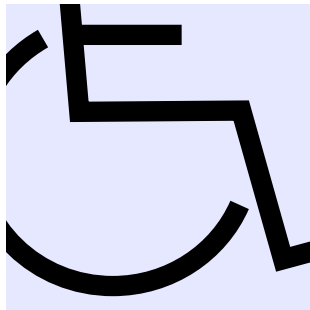
### Total Matters Placed by Year



NYLPI's Disability Law Center protects and promotes the civil rights of people with disabilities through education, advocacy, and litigation. The Disability Law Center aims to assist people with disabilities to participate fully in the opportunities of American life. Above all, the Disability Law Center seeks to overcome the notion that people with disabilities are unable to experience fully realized and accomplished lives.

## Securing Landmark Victories

NYLPI has secured significant victories on behalf of people with mental illness, developmental disabilities, and learning disabilities. In January 2003, NYLPI and its co-counsel, the Urban Justice Center and Debevoise & Plimpton, settled *Brad H. v. City of New York*, a state court class action suit to compel the New York City jail system to provide discharge planning to inmates identified and treated for mental illness while incarcerated. The City's policy had been to release inmates in the middle of the night with no arrangements for continuing care, medication, or benefits. Under the settlement, the Department of Corrections is obligated to provide mental health and social services upon discharge from prison to all inmates diagnosed with mental illness. NYLPI and its partners continue to monitor the application of the new arrangements.



After three years of research and negotiation, NYLPI settled *EW v. Staten Island University Hospital*. The complaint alleged that the hospital discriminated against people with developmental disabilities by maintaining a separate entrance and waiting room and failing to provide them with accessible gynecological exam equipment, parking, and other accommodations. The hospital is now reconfiguring its dental clinic.

In *Bartlett v. NYS Board of Law Examiners*, NYLPI and attorney JoAnne Simon returned to federal court for a determination regarding Marilyn Bartlett, a law school graduate with reading and learning disabilities who was refused accommodations on the New York State bar examination. In an earlier proceeding, the court had found that Ms. Bartlett was entitled to accommodations under the Americans with Disabilities Act (ADA). In 2002, following Supreme Court rulings narrowing the definition of disability, the court considered whether a high-achieving person such as Ms. Bartlett could be considered a person with a disability. Judge Sonia Sotomayor upheld Marilyn Bartlett's rights under the ADA.

## Challenging Barriers to Communication and Mobility

NYLPI is collaborating with White & Case in a civil rights action against Parkway Hospital, on behalf of Norman Posner and the Queens Independent Living Center, alleging that the hospital violates disability rights laws by not providing qualified sign language interpreters for people who are deaf. Mr. Posner and his wife, Sarah Posner, relied on American Sign Language as their primary means of communication. When Ms. Posner was hospitalized in March 2001, Mr. Posner was asked to sign consent forms regarding her medical care. Despite the family's repeated complaints, the hospital insisted on using an "in-house" interpreter, a physical therapist who was rarely available and not fluent in American Sign Language. Ms. Posner has since passed away, but Parkway Hospital has not changed its policies. The case is in federal district court in the Eastern District of New York.

After two years of investigation, NYLPI and co-counsel Fish & Neave filed suit against Duane Reade Inc., the New York-based pharmacy chain, for its failure to ensure that its stores are accessible for people with mobility impairments. The complaint challenges policies such as situating pharmacies on a higher or lower floor without elevator or ramp access, blocking aisles with merchandise and displays, and using high service counters that are not accessible for people who use wheelchairs. In another project, NYLPI is working with Disabled in Action, a community-based activist organization, to ensure the accessibility of ferries, taxis, and subways.

## Improving Transition and Special Education

After extensive research into best practices for students making the transition from special education to adulthood, NYLPI compiled its findings in a special report, *Missed Opportunities: The State of Transition Services for Youth with Disabilities in New York City* (available at [www.nylpi.org](http://www.nylpi.org)). NYLPI also worked with Resources for Children with Special Needs to develop a guide to transition services, *Transition Matters: From School to Adult Life*. The guide covers programs in the New York City area and is designed to serve as a tool for parents and caregivers, professionals, and students. NYLPI has also mounted a campaign in collaboration with community organizations to provide training on transition for teenagers and parents.

With member firm Davis, Polk & Wardwell, NYLPI also continued to serve as co-counsel to Parents for Inclusive

Education, a group of parents, educators, and advocates that promotes inclusive educational placement for children with disabilities in New York City's public schools.

## Expanding Direct Service Work

Following the closing in January 2003 of the Commission on Quality of Care's New York City office, NYLPI assumed responsibility for the outreach services CQC formerly provided to people with disabilities in the five counties of New York City. A NYLPI community organizer is also working with staff from Skadden, Arps, Slate, Meagher & Flom and Weil, Gotshal & Manges to conduct monthly guardianship training workshops.



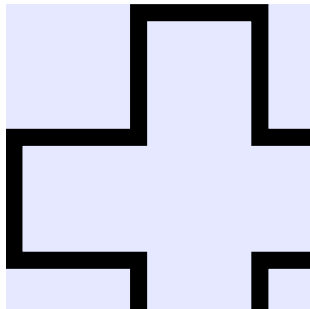
Amanda Masters, NYLPI staff attorney, near the entrance to Staten Island University Hospital's Dental Clinic

The Access to Health Care Program focuses on ensuring access to high-quality health care for New York's low-income residents, especially those living in medically underserved communities or facing barriers due to limited English proficiency, racial discrimination, or disability.

In the last two years, NYLPI relaunched the Access to Health Care Program with a specific emphasis on fighting discrimination on the basis of race and ethnicity, and ensuring access for linguistic minorities.

## Ensuring Linguistic Access to Health Care

This year, NYLPI launched a major effort to address language barriers in access to health care. NYLPI staff began working with community based organizations to enforce local, state and federal laws requiring that health care facilities provide services in the languages spoken by their patients.



For years, people who speak languages other than English in the diverse community of Bushwick, Brooklyn, have had trouble communicating at local hospitals when making appointments, trying to describe symptoms to physicians, or receiving instructions on how to take medications. In 2002, NYLPI filed civil rights complaints with the Office of the Attorney General in New York on behalf of Make the Road by Walking, Inc., against Woodhull Medical and Mental Health Center and Wyckoff Heights Medical Center, two local hospitals, for their failure to provide adequate interpretation services to people with limited English proficiency (LEP). One year later, the hospitals signed resolution agreements with the Attorney General, in which they agreed to develop comprehensive language access policies, hire full-time Spanish interpreters trained in medical interpreting, train current bilingual staff to provide medical interpreting, and evaluate the language needs of residents in their service areas.

NYLPI represented Russian-speaking residents of the Arlene and David Schlang Pavilion at Brookdale Hospital, a senior housing program. The residents contacted NYLPI when the hospital fired the sole Russian language speaker on staff, leaving residents without access to interpretation services and, consequently, unable to communicate with the staff or the facility. As a result of advocacy by NYLPI and family members, the hospital has hired a Russian language speaker and developed other methods of communication, including the use of a telephone language line.

## Challenging Race Discrimination

NYLPI is also fighting discrimination on the basis of race and ethnicity in the provision of health care in New York City in the post-9/11 era. NYLPI filed suit in the Eastern District of New York on behalf of Murtaza Yousaf, a twenty-one-year-old man of Pakistani descent with developmental disabilities, who had gone with his father to a scheduled appointment at a physician's office seeking treatment for a severe cough and other symptoms. Although the plaintiff and his father are United States citizens and his father presented Murtaza's Medicaid card, the receptionist in the office insisted on seeing the father's passport, and the physician refused treatment.

pared as part of a joint project with the Commission on the Public's Health System in New York City. NYLPI has distributed the manual to hundreds of health care providers, social workers, and advocates across the City during multiple training sessions. NYLPI also conducted training sessions on the right to interpretation services in health care facilities in low-income communities and "know your rights" sessions in Korean, Chinese, and Bengali communities. Related "know your rights" materials have been translated into each of these languages.

## Training Health Advocates

NYLPI released a new training manual, *The Rights of the Uninsured in New York City* (available at [www.nylpi.org](http://www.nylpi.org)), pre-



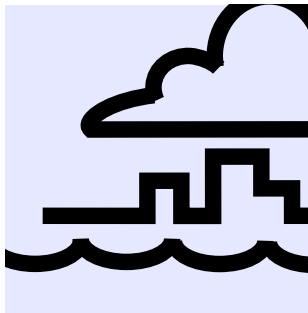
Paola Urrea of NYLPI and Andrew Friedman of Make the Road by Walking, with members of Make the Road by Walking, near Wyckoff Heights Medical Center

Communities of color and low-income communities in New York City bear an unfair burden of environmental hazards. The Environmental Justice and Community Development Project addresses this problem by offering legal assistance and community organizing resources to environmentally distressed neighborhoods. NYLPI's goal is to strengthen the ability of communities to assert their right to a healthy environment.

NYLPI and its community partners have won key victories in the struggle for responsible solid waste policies and equitable placement of power plants in New York City.

## Campaigning for Equitable Waste Policy

NYLPI worked with the New York City Environmental Justice Alliance and more than two dozen other groups to create the Organization of Waterfront Neighborhoods (OWN) and support its fight against the concentration of waste transfer stations in a small number of low-income neighborhoods and, particularly, communities of color. In August 2002, OWN scored a major victory when Mayor Michael Bloomberg announced a waste management plan that adopts many of the positions OWN long advocated. The mayor's plan acknowledges that retrofitting existing marine transfer stations is the most environmentally sound and cost-efficient method of exporting the City's waste stream—an important point, since the city's eight marine transfer stations are equitably dispersed among five boroughs. The plan also provides explicitly for "borough self-sufficiency," whereby no borough will be forced to handle another's residential waste.



## Advocating Sound Siting Policies

In 2000, NYLPI helped to found Communities United for Responsible Energy (CURE), a citywide coalition of grassroots organizations that came together to mobilize against a plan by the New York Power Authority (NYPA) to build ten new power plants in communities already saturated with noxious facilities. NYLPI provided legal support and representation to CURE groups in a suit against NYPA, claiming that the State had illegally bypassed environmental laws, truncated the public review process, failed to consider alternative locations, and put an undue burden on certain low-income communities of color when siting new generators.

The suit, *UPROSE v. NYPA*, ended in victory. The state court found that NYPA had failed to conduct an adequate environ-

mental analysis of fine particulate matter (known as “PM 2.5,” or soot) and its potential negative effects on health. Although the order did not stop the plants from operating, it set an important disclosure standard for future applications. The state’s Siting Board on Electrical Generation and the Environment now requires that PM 2.5 be studied before locating a new power plant anywhere in New York State. Plus, legal and political pressure forced NYPA to develop pollution reduction, or “offset,” programs to reduce the amount of air pollution from other sources in the same communities. NYLPI and CURE continue to press for equitable, environmentally and economically sound energy policies.

### Reclaiming Brownfields

Brownfields are abandoned, idled, or under-used industrial and commercial properties where redevelopment is complicated by real or perceived environmental contamination. Brownfields properties not only threaten public health but also

add to the economic woes of their neighborhoods and deter investment. According to the Mayor’s Office of Environmental Coordination, New York City has approximately 5,000-6,000 brownfields sites, most of them in waterfront neighborhoods. Recently, however, brownfields redevelopment has begun to emerge as a powerful organizing strategy for grassroots groups determined to build a common vision of healthy, sustainable development.

NYLPI provides legal and technical assistance to community-based, environmental justice organizations on brownfields cleanup and development. Through in-house expertise and the *Pro Bono* Clearinghouse, NYLPI provides a range of transactional legal counsel, from negotiating with banks, environmental agencies, and developers, to researching alternative ownership/equity models such as land trusts and conservancies. In 2003, NYLPI published New York’s first brownfield reclamation manual for community groups, *Brownfield Basics* (available at [www.nylpi.org](http://www.nylpi.org)).



Gail Miller, Eddie Bautista and Gail Suchman of NYLPI with Elizabeth C. Yeampierre of United Puerto Rican Organization (UPROSE), with members of Communities United for Responsible Energy (CURE), near a power plant in Sunset Park, Brooklyn

## The National Campaign to Restore Civil Rights

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Over the past few years, a series of 5-4 decisions by the Supreme Court have invalidated or weakened federal laws intended to protect civil rights. In cases such as *Kimel* and *Garrett*, the Court sharply restricted Congressional authority to enact laws that protect the rights of the American people and to hold states accountable for discriminating. In *Sandoval*, the Court closed off access to the courts for individuals and communities challenging racially discriminatory practices and policies. No longer, for example, can private individuals bring suit directly under Title VI of the Civil Rights Act of 1964 to challenge the imposition of disproportionate environmental hazards on communities of color or inequalities in state funding of public schools. Yet many Americans are unaware of the extent to which their civil rights have been undermined.

Our experience in both legal work and community organizing placed NYLPI in a strong position to facilitate the development of the new National Campaign to Restore Civil Rights. NYLPI attorneys have litigated key questions of federalism and access to the courts over the last several years, especially cases involving issues of racial and ethnic justice, environmental rights, and disability rights. NYLPI's staff also includes both lawyers and organizers with experience translating legal jargon into terms that make clear what's at stake to constituencies, clients, and communities.

NYLPI played a leading role in coordinating the Campaign's first National Strategy Conference, held at Columbia University in October 2002. More than 400 advocates attended, representing racial justice, disability rights, and women's rights organizations, among others, all with a common interest in addressing the Supreme Court's erosion of civil rights laws. The participants agreed on three objectives: (1) to educate the public, policymakers, the media, advocates, and communities across the country on the implications of the Court's decisions, (2) to provide a forum for various groups working on the rollback of civil rights in the federal courts to share information and ideas, and (3) ultimately, to seek reform at both state and federal levels through advocacy and litigation.

The Campaign also worked with acclaimed filmmakers at Firelight Media on a new film, *Take Back the Courts*, which documents the human consequences of the rollback of civil rights. The film, which is free and available by e-mailing [rollback@nylpi.org](mailto:rollback@nylpi.org), features three cases in which justice has been delayed or denied, and has been shown at conferences, in classrooms and by community groups from New York to California.



The film, *Take Back the Courts*, is free and available by emailing [rollback@nylpi.org](mailto:rollback@nylpi.org).

## Member Law Firms and Corporate Law Departments

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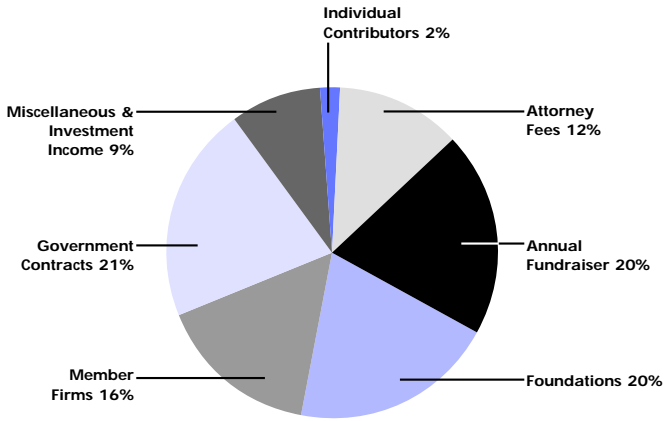
# Financial Statement

May 31, 2003 and 2002

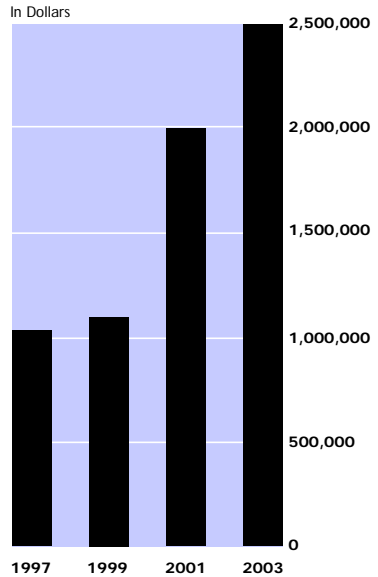
<b>Assets</b>	<b>2003</b>	<b>2002</b>
<b>Current assets:</b>		
Cash and cash equivalents	\$ 707,507	\$ 898,872
Investments	7,408	8,485
Grants receivable	108,901	79,496
Contributions receivable	278,306	229,922
Attorney fee awards receivable	930,117	179,676
Prepaid expense	37,593	9,991
Total current assets	<u>2,069,832</u>	<u>1,406,442</u>
<b>Property and equipment:</b>		
Furniture and fixtures	21,664	21,664
Office equipment	233,813	224,494
Leasehold improvements	226,392	226,392
	481,869	472,550
Less accumulated depreciation	<u>264,694</u>	<u>216,866</u>
	<u>217,175</u>	<u>255,684</u>
<b>Other assets:</b>		
Contributions receivable, of current portion	225,000	
Attorney fee awards receivable	8,856	246,253
Security deposits	31,976	31,000
Total other assets	<u>265,832</u>	<u>277,253</u>
<b>Total assets</b>	<u>\$ 2,552,839</u>	<u>\$ 1,939,379</u>
<b>Liabilities and Net Assets</b>		
<b>Current liabilities:</b>		
Accounts payable and accrued expenses	\$ 66,760	\$ 52,056
Obligations under capital lease	7,608	5,880
Subtenant security deposits	27,293	26,520
Deferred income	15,300	1,000
Deferred income—attorney fee awards	200,000	100,796
Other current liabilities	11,779	12,600
Total current liabilities	<u>328,740</u>	<u>198,852</u>
<b>Long-term liabilities:</b>		
Deferred income—attorney fee awards	448,607	178,423
Obligations under capital lease	11,292	17,923
Total long-term liabilities	<u>459,899</u>	<u>196,346</u>
Total liabilities	<u>788,639</u>	<u>395,198</u>
<b>Net assets:</b>		
Unrestricted	809,067	720,849
Temporarily restricted	627,133	495,332
Permanently restricted	328,000	328,000
Total net assets	<u>1,764,200</u>	<u>1,544,181</u>
<b>Total liabilities and net assets:</b>	<u>\$ 2,552,839</u>	<u>\$ 1,939,379</u>

# Organizational Growth

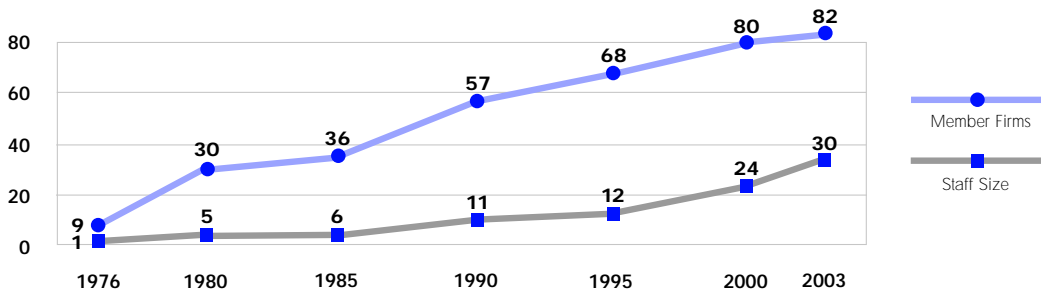
Sources of Operating Support for Fiscal Year 2002-2003



Operating Budget



Growth in Staff and Member Firms



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