



Rural Law Center of New York, Inc.

Annual Report

2020

Achieving Equal Justice

We're proud to serve low income rural
New Yorkers in 44 counties.

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MISSION STATEMENT

The Rural Law Center of New York is dedicated to identifying and addressing the legal issues unique to low-income, rural New Yorkers.

WHO WE ARE...

Having been incorporated in 1996, the Rural Law Center of New York, Inc. is a not-for-profit organization established to assist low-income rural New York residents as a result of generous support from the IOLA (Interest on Lawyer Accounts) Fund and the New York State Bar Association. It was recognized by civil legal attorneys in rural areas that there was an urgent need for assistance for low-income residents in those areas. As a result, the Rural Law Center of New York has provided civil legal assistance to countless residents of the 44 rural counties of New York State, as well as making policy-makers and the general public aware of these at-risk individuals and their need for assistance.

LOOKING BEYOND THE SCENERY

Most of us, when thinking of rural New York State, picture beautiful lakes, breathtaking mountains, lush forests and sprawling parks. Forty-four of the state's 62 counties are considered rural, and are made up of small towns, mountains, rivers, farms and fields. However, while rural New York occupies an overwhelming portion of the state's entire land mass, it is actually home to only a small fraction of the state's population. Unfortunately, many residents of rural areas find themselves in economically precarious situations because of the isolation of those areas. As a matter of fact, some rural counties have higher proportions of their populations living in poverty than some of New York's more urban areas.

Not surprisingly, most government efforts and private policy initiatives are directed towards the urban poor. While they aim to address pressing concerns for those in need, the obstacles that are unique to the rural poor are often neglected. Significant efforts must be focused on the unique problems faced by the rural communities in order to assist families, children, and elderly residents in those communities.

THE FOCUS OF OUR WORK

The Rural Law Center provides critical legal assistance for many serious problems facing low-income, rural individuals and families. We also develop replicable service models that address systemic issues identifiable in our work.

- **Family Law.** We provide assistance in the areas custody and visitation, support, divorce, kinship. We also provide services for the self-represented, assist in uncontested divorce matters, and counsel defendants in divorce actions who cannot afford an attorney.
- **Consumer Debt.** We provide counseling and legal assistance for clients facing debt collection and victims of predatory lending, as well as preparation of bankruptcy documents. We work with farm foreclosures and matters that affect the economic stability of small family farms.
- **Housing.** In addition to assistance in landlord/tenant matters, the Rural Law Center has been part of rural, homeless prevention efforts, as well as access to affordable housing for working families.
- **Elder Law.** We assist clients with estate administration and probate, as well as preparation of estate planning documents.



SPECIAL PROGRAMS

- **Access to Justice.** As accredited New York State Continuing Legal Education providers, the Rural Law Center designed and implements a model partnership with rural bar associations, regional legal services and the local judiciary. In this model, rural judges, court staff and qualified attorneys teach locally-specific programs for private attorneys in their counties. There is no cost for these programs, and attending attorneys pledge pro bono services in their own communities.
- **Law Reach.** In every rural county, we have put in place a system where local offices for rural legislators can access our services on behalf of their constituents through a specially-designed referral form and our toll-free fax line. Referrals through this program not only provide legal assistance to individuals, but also gather data for legislators on constituent needs in their districts.
- **Kinship Care.** We provide assistance to grandparents (or other suitable relatives) seeking custody as a component of permanency planning in abuse/neglect cases. In partnership with rural county Department of Social Services offices and Family Courts, the Rural Law Center's Kinship program provides legal support for family members and non-biological parents seeking custody of children as an alternative to foster care placement.
- **Alternative Dispute Resolution.** The Rural Law Center administers a 3-county ADR program as part of the New York State Court System's dispute resolution program. We work with individuals and groups to provide mediation services and conflict coaching as well as restorative circle services to address a variety

of individual and group concerns. Specialized, highly accessed mediations include matters that involve custody/visitation, pre-divorce, workplace disputes, consumer debt, PINS through county youth probation, USDA agricultural/farm disputes, Lemon Law mediation, and special education and attendance mediation in schools. This program works with rural courts and small claims and landlord/tenant dispute mediations are pre-scheduled and handled monthly. Our staff mediators have attended specialized trainings throughout New York State, provided outreach talks to local groups and agencies interested in learning more about the use of mediation and its benefits, and coached volunteers.

- **Rural Senior Legal Project.** The Rural Law Center collaborates with rural county Offices for the Aging to identify and meet the needs of older adults. The program provides direct assistance, on-site workshops, and pro-se clinics, direct referral with rural Offices for the Aging, a 3-county Mediation program, trains rural attorneys in Elder Law, and publishes and distributes our Senior and Caregiver Resource Guides.

ACCESS TO JUSTICE ACHIEVEMENTS

Rural Law Center continued our efforts of closing the justice gap, which is much larger in New York’s rural communities, and to reach clients in all 44 of the rural counties. We were able to fulfill objectives of our grant by reaching clients with the following substantive legal needs:

- 1) **Housing, Foreclosure, Homelessness.** Despite court closure, this area of law generated a great need. We were able to provide legal advice to clients facing these issues or threats of foreclosure or eviction during the moratorium when courts were closed or had limited access. We ensured the rights afforded individuals under the state and federal protections due to Covid-19.
- 2) **Income/Consumer Debt.** We continued to assist clients in debt collection matters. We provided mediation services in many consumer debt matters.
- 3) **Family Law/Domestic Violence.** We provided legal services to grandparents and relatives seeking custody of their grandchildren who were in danger of a foster care placement. We assisted domestic violence clients with pro se divorce, child support, and maintenance representation.



- 4) **Health Care and Education.** We provided legal services to those needing assistance with education or special education issues with schools. We were also able to assist many clients trying to navigate their health insurance coverage during the pandemic – ensuring they had use of their coverage or did not lose coverage during such a critical time.

Despite the challenges we faced in shutting our offices down and becoming completely remote during Covid-19. We provided individual case services to 3,693 people. These services resulted in approximately \$500,891 in dollar benefits to our clients through lump sum



awards and settlements, as well as \$377,560 in dollar savings to clients.

KINSHIP CARE

Kinship Care is any relative who is a primary caregiver other than the actual parent. The grandparents and other relatives raising their grandchildren or nieces and nephews number in the thousands in New York State. Kinship Care arrangements are either temporary or permanent and occurs when the parent or parents are unable or unwilling—due to

illness, addiction, incarceration or violence—to care for their child or children. In this way, the child or children are able to remain in a familiar and nurturing environment, thereby preventing the need for foster care placement.

Unfortunately, the grandparents or other relatives who assume the care of these children lack the authority to make important decisions regarding the child or children’s care and wellbeing. That is why it is important that Kinship Caregivers consider filing for custody to obtain the legal right to make the necessary decisions and access other services for the child or children in their care.

Oftentimes, grandparents or other relatives who attempt to gain custody by entering the Family Court unrepresented because there is little or no access to legal assistance for these low-income caregivers, are unsuccessful. The Rural Law Center provided legal support to 32 families. We have also developed online legal resources for families and caseworkers for children in supportive, extended family networks. In 16 of our cases, we facilitated to obtain custody for our client, which prevented the need for foster care. Using an average rural DSS maintenance cost of \$719 per month, or \$8,616 per year, we estimate \$137,856 in taxpayer savings for a single year for these cases.

CONSUMER ADVOCACY

More often than not, a low-income person accumulates debt well beyond their means or ability to repay. One of the most crippling forms of consumer debt is the result of unpaid medical bills.

While rural communities, by necessity, have always been resilient and resourceful, much of the state has recovered from the past recession. However, the rural economy has not improved significantly for low-income New York residents. Unemployment rates have continued to rise and rural economic development has virtually stopped, resulting in the loss of housing, access to health care, and oftentimes huge medical debt for many people. In addition, there has been a marked increase in rural consumer debt problems, many as a result of unscrupulous debt collection practices. In the past year, we have worked to maximize our impact through our strong relationships with community networks. For example, we have been successful in helping to resolve consumer debt situations, save family farms, and stave off bankruptcies that are often medical bill driven.

In 2019, we began our bankruptcy program. Time was spent obtaining software and training, and by year end, we began to take cases at the Rural Law Center of New York. This was a new area of law for us to provide substantive

representation for our target audience. It also allows for us to develop relationships in the regional communities where the bankruptcy matters are handled and finalized by local attorneys. Since launching this program in 2019 we have assisted many rural New Yorkers with stabilizing individuals and families facing financial harm. This program helps rural communities be more effective in responding to families in need. The causes of financial crisis may vary, including loss of employment, excessive medical debt, unlawful debt collection, predatory lending, illegal foreclosure, or unlawful evictions from homes and mobile home parks.

In one instance, a widower contacted us because a family member told him he should seek legal advice about a judgment in his deceased wife's name that he was being pressured to pay. He was being contacted incessantly by a creditor for a debt that his wife had which had resulted in a judgment in her name in the approximate amount of \$10,000. The creditor was seeking over \$21,000 with interest. He was told by the creditor that he had to pay the debt. Based upon that information, he assumed it was his responsibility to pay for this debt. An RLC attorney forwarded a letter to the creditor's attorneys to advise of the client's wife's death, to set forth the applicable law, and to advocate for the client. We received a response that all collection efforts would cease. "As the judgment debtor is deceased, we have closed our file." Not only did this provide a great deal of emotional relief to the client, it also provided him financial relief as it was his intention to pay the debt as directed by the debt collector despite not having enough money to be self-supporting.

Many more cases are just like this – individuals being taken advantage of at very vulnerable times in their lives: trying to honor the lives of their deceased loved one, and trying to pay debts that they did not have the ability to pay. But for our assistance, these two individuals and many more would be placed in financial peril by paying debts they did not incur, and physical peril by lack of housing when being told to vacate immediately. Our services provide an invaluable service for those individuals who otherwise have limited ability to advocate for themselves and therefore no legal voice.

GEOGRAPHIC CHALLENGES

Since New York is an almost exclusively urban-centered state, rural New York lives in the shadows of its urban areas. Specifically, New York City and the surrounding metro area command much of the state's budget and fiscal resources. There is, consequently, a fierce competition for the remaining resources to be distributed to the large rural areas. These urban areas have political capital and organizations that dominate the state conversation in the distribution of state resources. Rural New York's population is nearly 3.2 million—almost the population of the entire state of Connecticut. This rural population is sparsely spread across a geographic area of roughly 38,000 square miles, which is just about the size of the state of Pennsylvania. For the most part, this large rural area is not politically empowered to speak with a voice that can push for equitable distribution of state resources.

When there is a shortage of public funding for services in urban areas, non-profits generally step up to help those in need. Rural areas, however, do not have an extensive non-profit network, and funding for these rural non-profit organizations is practically non-existent. Foundation money for these rural areas is usually less than 1%.

Out of necessity, rural communities have always had to be resilient and resourceful, traditional ad hoc networks of families and communities that reach out to those in need. The increase in rural consumer debt problems has been compounded by unscrupulous debt collection practices. More than ever, there are fewer legal resources for rural New York residents living in remote areas.

The work has never been more challenging, but it has also never been more gratifying to aid these rural New

York residents. The generous support of our funders has made it possible for us to help save family farms, prevent medical bill driven bankruptcies and foreclosures, and place children in safe, familiar, nurturing homes.

SERVICES THROUGH TECHNOLOGY

The Rural Law Center has continued to expand its use of technology through 2020. It is imperative, with the vast area of New York State that is covered by our services, that we maintain the use of various forms of technology to reach clients in remote, rural areas. We have experienced increased traffic through our website not only as a means for a client to complete an intake form, but also to access the resources we have for information available in our Legal Resource Guides, which we continually update to keep abreast of changing laws. We provide comprehensive, easy to access information in a wide range of civil matters. In addition, we have fillable forms for clients to use. The service provider for our website indicates that over 12,695 people per year visit our website for information or legal assistance.

Technology for video conferencing and web cams has also expanded within our organization. This enables us to hold face-to-face with clients in remote, rural areas and advise them, as well as provide on-the-spot preparation of forms and documents for their matter. In addition, video meetings allows us to coordinate and communicate with our office locations, saving the time and expense of traveling to our various locations. This provides us to establish a link with rural agencies so we can identify regional needs, create regional collaborations, and bring needed resources to those areas.



We continue to utilize our fax line and email as a means of providing documents as well as receiving documents from rural clients. Our fax line is a toll-free service often utilized by county Offices for the Aging as well as rural legislative offices that can provide a client a form to be filled out with a brief description of their legal issue. The form is then either faxed or emailed directly to our office, and we can then contact the individual needing legal assistance. This has proven to be an efficient service across the state, as well as benefit State Legislators with a valuable constituent service.

LEGAL ISSUES FOR OLDER ADULTS

The Rural Law Center has recognized the needs of older adults living in remote, rural areas of New York State and collaborated with Albany Law School to recruit and train law students and subsequently dispatch them to provide Senior Legal Education workshops in rural areas. We have designed the materials, provided the training, acted as mentors and coordinated with rural sites. It is the goal of Albany Law School to engage students in pro bono work prior to graduation. As a result, this joint effort allows us to build a connection between senior agencies and the Rural Law Center, thereby reaching more older adults.

The impact of this program has allowed us to train 6 law students, preparing them to conduct a basic 90-minute community workshop. In the current reporting period, law students presented workshops at 4 rural sites for older adults as well as their families and caregivers. A total of 27 people attended these workshops.

Every New York State county has a centrally-located Office for the Aging, which are expected to provide support services for older adults in their communities, and they provide a wide range of areas of need. We recognize that these offices have limited access to legal assistance. As a result, we developed a direct referral system which allows the local Office for the Aging office to forward requests for legal assistance. This is an easy-to-use model which provides the staff in these rural offices simple referral forms that can be completed and then directed to us by facsimile or email. Once a referral is received by our office, we contact the party within 48 hours and provide appropriate advice, brief services or representation.

CONSTITUENT LEGAL SERVICES

The Rural Law Center has worked with state legislators, for over 12 years, offering their low-income constituents with serious legal issues with legal services that they may not have otherwise been able to access from a local legal services provider. Each New York State Legislator has one or more local office in his or her home territory, and these offices are expected to provide support services to constituents in a wide range of areas of need. A Legislator's regional office staff will often be asked by individual constituents for assistance with serious legal issues. It is recognized that these offices have little or no access to legal assistance, so the Rural Law Center has developed a direct referral system which allows the local legislative office to forward requests for legal assistance on behalf of the constituent. In our other service models, our threshold request at intake is that the Legislator's staff first tries to access help for the constituent from the local legal services program. When help is not available locally, we have provided the legislative staff with a simplified intake sheet which is then either faxed or emailed to our office. We then contact the individual constituent, conduct a more thorough intake, and determine what level of assistance is needed. We then offer a consultation, and where there are important legal issues at stake, we either provide representation in-house, or make a pro bono referral.

In providing legal services to individuals in remote geographic areas, we maximize overall access to vital services by preserving and protecting individuals' rights, whether they are facing eviction, trying to preserve fragile income against unscrupulous debt collectors, taking steps to keep families intact by preventing foster care, or escaping the threat of domestic violence. The increased legal services in rural communities economically strengthens families and benefits local communities by preserving valuable resources for the support of individuals who have lost housing or income due to a lack of legal resources.

Because it is unlikely there will ever be enough legal resources to provide every low income rural resident with an attorney to address his or her legal needs, the Rural Law Center works to create innovative programs to maximize quality legal assistance to those in need. Through community collaborations, such as our constituent legal help through legislative referrals and increased technology, we have created innovative programs to address barriers to access to justice. Our programs work to increase pro bono activity, use technology to help the self-represented individuals, and provide leadership to facilitate community collaborations that bring new resources for persistent rural problems. This project allows us to keep legislators informed about legal issues affecting constituents. In 2020 we provided legal services to 12 individuals by referrals from 4 rural legislative offices.

EMERGENCY PREPAREDNESS

Rural New Yorkers face multiple obstacles when their lives are impacted by public health emergencies, such as Covid-19, and natural disasters. Isolated regions can make the recovery process even more complicated. Often, too few people actually apply for assistance or are completely unaware of the assistance that is available. Victims of these natural disasters are consumed with their immediate needs for food, shelter, clothing and health care. The long and complicated application process for either short-term or permanent housing assistance is often too difficult or unknown to them.

Compounding this is the fact that disaster relief is a special challenge for rural communities due to lack of resources, sparse populations, longer response times and unreliable communication systems. The Rural Law Center's history of working in community collaborations in our rural counties places us in a good position to quickly provide assistance. Because of our work with county housing organizations, and with New York's Rural Housing Coalition, we will be able to provide direct assistance for victims, helping them complete applications for temporary housing support and we can function as a clearinghouse to connect victims with existing services.



Our foundational support in having worked through natural disasters assisted us getting ourselves prepared to handle a public health emergency with Covid-19.

We developed a plan to ensure our staff safety while continuing to provide services to our clients as soon as the pandemic began. We instituted plans to allow our staff to continue to work remotely and maintain confidentiality so that we could address ongoing client issues as they arose.

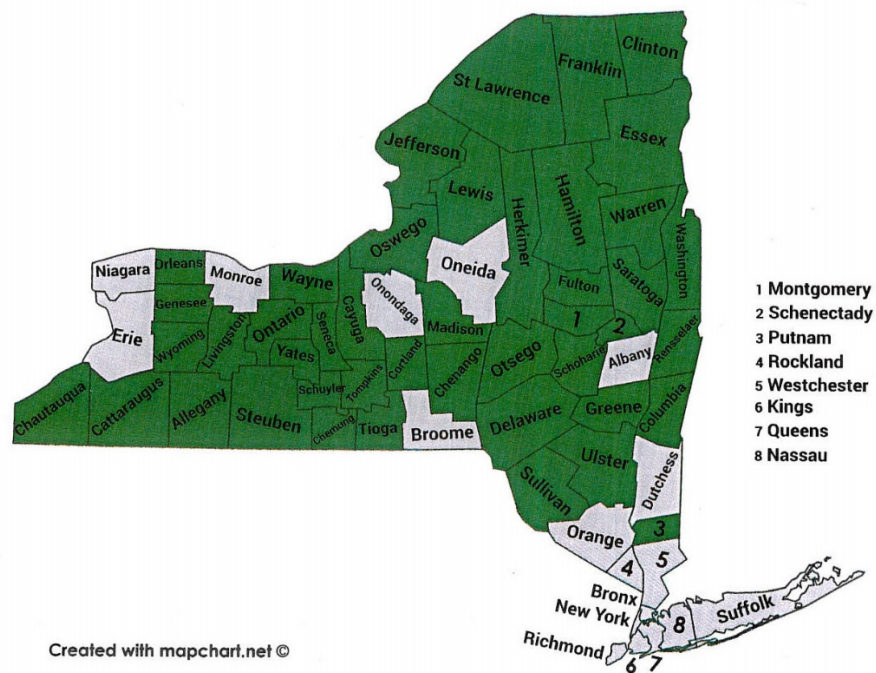
We reached out in a variety of methods to ensure that our services were known to the community during the pandemic. We utilized our existing social media including Facebook, we provided a Covid-19 hotline on our website for those seeking specific help with Covid-19 matters. We continued to contact our network of referring agencies to keep our referral sources aware of our services during the pandemic.

Many of our services are already administered utilizing a remote delivery model. We developed a plan to place our office on a fully remote operational status, while continuing to offer services and meet our goals under our contracts.

SERVICE AREA

- | | | |
|-------------|--------------|-------------|
| Allegany | Hamilton | Schenectady |
| Cattaraugus | Herkimer | Schoharie |
| Cayuga | Jefferson | Schuyler |
| Chautauqua | Lewis | Seneca |
| Chemung | Livingston | Steuben |
| Chenango | Madison | Sullivan |
| Clinton | Montgomery | Tioga |
| Columbia | Ontario | Tompkins |
| Cortland | Orleans | Ulster |
| Delaware | Oswego | Warren |
| Essex | Otsego | Washington |
| Franklin | Putnam | Wayne |
| Fulton | Rensselaer | Wyoming |
| Genesee | St. Lawrence | Yates |
| Greene | Saratoga | |

- Rural Counties in New York State
- Non-Rural Counties



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