

In the Courtroom



Across
the
City



Across
the
Nation



In the Community

Annual Report
2016



THE LEGAL AID SOCIETY

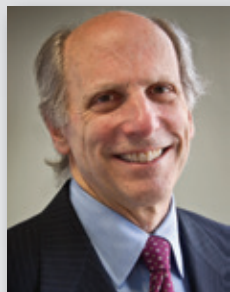
*Proudly serving New Yorkers
in all five boroughs of New York City.*

The nation's oldest and largest not-for-profit legal services organization is more than a law firm for poor New Yorkers. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by harnessing the diverse expertise, experience, and capabilities of nearly 1,200 lawyers and approximately 750 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 27 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. The Society's legal program operates three major practices – Civil, Criminal and Juvenile Rights – and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. Annually, the Society handles more than 300,000 cases and legal matters for clients with civil, criminal, and juvenile rights problems. The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of more than 300,000 individual cases and legal matters, the Society's law reform work benefits some two million low-income families and individuals in New York City and the landmark rulings in many of these cases have a Statewide and national impact.

REPORT OF THE CHAIRPERSON



incredible benchmark – 15 million New Yorkers assisted by The Legal Aid Society.

Imagine 15 million people in New York City given a new lease on life, a second chance, an opportunity to obtain the American dream. Call it what you will—a safety net, a game changer. The Legal Aid Society has been all that and more to 15 million New Yorkers who needed our help. And this year, our 140th, we have reached that

As an organization founded to assist German immigrants, the Society's annual reports in the early years logged what countries were represented by how many people. By 1896, the name was changed from the German Legal Aid Society to The Legal Aid Society to reflect the expansion of service to all in need. That year, the Society served 7,473 immigrants from 37 countries. Today, the Society represents tens of thousands of immigrants from all over the globe and in the last year obtained interpreters for clients in 57 different languages. We are extremely proud of our immigration practice, a recognized leader in the delivery of comprehensive and high caliber immigration legal services from deportation defense to adjustment of status to legal permanent residence and citizenship applications. Our services are sought and supported by government officials, private foundations, community organizations, and the judiciary.

The Society's extensive experience, our ties with the immigrant community, our presence in every borough of New York City, and our reputation as a preeminent provider of legal services including immigration legal services, have brought immigrants from all five boroughs to seek the Society's immigration, employment, and family law and domestic violence legal services. In addition, the Society's extensive collaborations and linkages with community-based organizations that serve immigrant communities ensure that outreach is conducted in the targeted community districts. The Society has and will continue to provide outreach, case management, training, and technical assistance to organizations across New York City that serve immigrants from countries across the globe.

We are extremely proud of our work on behalf of immigrants. But there is no truer picture of contemporary life in New York City than the descriptions of our expansive services in the Criminal, Juvenile, and Civil Practices that help our clients to cope with the complex

and serious problems that confront them. We represent the rights of the most marginalized and disenfranchised in society. We assist 90% of the children who appear in the Family Court facing life-altering issues. In our Civil Practice alone, we represent tens of thousands of clients on issues whose resolution can be life-changing.

Our Attorney-in-Chief Seymour W. James has chronicled the tremendous work accomplished for our clients by our incredible staff. His report begins on page 7 and is a tribute to the women and men of The Legal Aid Society who make the impossible possible every day. This annual report is dedicated to them. Special mention must be made of our Practice heads: Tina Luongo, Attorney-in-Charge of the Criminal Practice; Adriene Holder, Attorney-in-Charge of the Civil Practice, and Tamara Steckler, Attorney-in-Charge of the Juvenile Rights Practice.

The accomplishments of The Legal Aid Society would not be possible without our partners—the Sustaining Law Firms who give so generously both financially and through their pro bono efforts. Every major law reform case has a Sustaining Law Firm partner. We are grateful for their dedication and commitment. The Honorable Janet DiFiore, Chief Judge of the State of New York, honored us by speaking at our annual Pro Bono Award Ceremony and presenting the awards to our Pro Bono partners who volunteer their time and talents representing our clients. Special thanks to Louis Sartori, the Director of our Pro Bono Practice.

Last year, I wrote about the 10th anniversary of the Society's major, dramatic, financial, and managerial turnaround including a total restructuring of the Society's finances. We emerged a much stronger, better managed institution with a renewed spirit and a commitment for the future and, I am proud to say, we became the Gold Standard for not for profit legal services organizations. With that in mind, we have been discussing the need for a strategic plan. We have been engaged in a process to create a five-year strategic plan that sets out our goals and aspiration for the coming years. In this process, we spoke with staff members across roles, boroughs, practices and ALAA and 1199, as well as Board members, to gather input on what was most important for the Society, its services to clients, law reform in New York City, and how the Society works internally. We spoke with stakeholders outside the organization to understand the role the Society currently plays in New York City, and how we could increase our impact. Senior leadership and the Strategic Plan Steering Team worked with a consultant over six months gathering data, conducting other research, and crafting a direction for the Society over the next five years.

REPORT OF THE CHAIRPERSON *(continued)*

As an outcome of this work, an ambitious set of major focus areas for The Legal Aid Society for the next five years will be to:

- Maintain the Society's leadership position in indigent legal services across all three practices
- Continue to play a crucial role in law reform
- Seek to offer more comprehensive services to clients across practices
- Increase the Society's profile amongst clients, the general public and current and potential funders
- Increase administrative and operational support for the Society to make internal operations run more smoothly
- Enhance technology, including mobile and web technology to support staff work and client interaction

The Board of Directors exemplifies the special relationship the Society has with New York's legal and business communities. Our members are drawn from the most prominent law firms, corporate law departments, and law schools in the nation. Special thanks to the Chairs of the various Board committees including Jonathan B. Whitney

(Audit); Daniel F. Kolb (Development); Douglas F. Curtis (Finance and Investment); Thomas M. Cerabino and Mel M. Immergut (Nominating and Governance); Noah Hanft and Pamela Miller (Practice Support); Bradley I. Ruskin (Real Estate); Mark P. Goodman (Retirement and Benefits); and Randy Mastro (Strategic Planning and Communications).

No report would be complete without a special mention of our beloved President, Fin Fogg. His humor, his wisdom, his thoughtfulness, and his brilliance sustain us and make us strong. I have grown accustomed to his frequent all-times-of-the-day-or-night emails filled with great ideas from Fin.

The third member of our team, Seymour James, is a proven leader as our Attorney-in-Chief, the person who holds it all together.

During the coming year, we hope to continue to earn your support.

Richard J. Davis
Chairman

REPORT OF THE PRESIDENT



This was an exciting year for The Legal Aid Society. We broke new ground by winning necessary health care services for specific client populations; we looked to the future by creating a strategic five-year-plan which will bring us forward as one of New York City's major not for profits; and we faced many challenges inherent with the dramatic expansion of our Civil Practice.

We continue to be the principal public defender for New York City and have pushed hard for transparency in the NYPD to mend relations between the police and client communities. We are a national leader in juvenile rights and serve as a major voice advocating for the proper treatment of children. Our Civil Practice helps people acquire and maintain access to life's essentials, such as housing, health care, education and subsistence income. Our comprehensive range of advocacy for these necessities – which runs from individual case work to litigation for systemic change – steadies the lives of our clients, their families and communities.

Founded in 1876 to provide legal assistance to immigrants, The Legal Aid Society has treasured this role for 140 years, expanding its services and adapting its procedures to the changing needs of our immigrant clients. With the advent of a new Administration in Washington which has threatened to deport or jail between two and three million immigrants with some criminal history and establish a registry of Muslims, The Legal Aid Society responded immediately to the fears and needs of its immigrant client communities by offering a series of informational forums throughout the five boroughs. The first, which was a huge success, was held November 17 at which 200 people came to hear representatives from our three Practices speak about what to do if the police or ICE attempt to arrest you; about the rights of parents and children in the school system and how to set up a guardianship if parents are facing deportation and want to set up an emergency plan for their children; and about the various immigration forms of relief, programs and what we believe the new administration will do. One of the major roles our Board of Directors may face is to raise the necessary funds to help combat any unconstitutional or illegal actions by the new Administration.

We are blessed with an exceptional Board of Directors led by Rich Davis, our Chairperson, and an outstanding staff with Seymour James at the helm.

Special thanks to our Practice heads Tina Luongo (Criminal), Adriene Holder (Civil) and Tami Steckler (JRP). Our Pro Bono Practice, headed by Lou Sartori, is the nation's largest and most effective.

Our 2017 recipients of the Servant of Justice Award will be Sara E. Moss, the Executive Vice President and General

Counsel of The Estee Lauder Companies Inc., and Marc Wolinsky, partner at Wachtell, Lipton, Rosen & Katz. This year will be the first year that we hold the dinner at Cipriani 42nd Street.

During this last year, the Society suffered a terrible loss with the passing of Sandra Scott, our beloved Chief Financial Officer on July 1 after a valiant struggle against cancer. We miss her tremendous sense of humor, her warm spirit and her commitment to excellence. Her courage, integrity and dedication will serve as her legacy and continue to inspire us. At the celebration of Sandra Scott's life Rich Davis, our Chairperson, announced the creation of the Sandra Scott Award for Excellence to honor her memory and to recognize the dedication and outstanding achievement of our non-lawyer Central Administration staff. Rich will announce the first recipient of the Sandra Scott Award for Excellence at our 140th Annual Meeting.

Each year, I have the privilege of announcing the recipients of the Orison S. Marden Awards, presented each year to members of the Legal Aid staff to recognize their excellent service and commitment. The awards honor Orison S. Marden who dedicated his life to helping others and served as Chairman of the Society for many years. The 2016 winners were chosen by their colleagues from among many nominations.

The recipients of the 2016 Marden Award for Management Attorneys are Jonathan Chasan, a Supervising Attorney in the Prisoners' Rights Project, who had initiated law suits against the city regarding the abuse of prisoners by Correction officers, and Elizabeth Felber, a Supervising Attorney in the Bronx office of the Criminal Practice. Edward Vega, a Staff Attorney in the Harlem Community Law Office, and Katie Kelleher, a Staff Attorney in the Civil Practice's Law Reform Unit, are the winners of the Staff Attorney Award.

Sandra Scott, the former CFO, will be honored posthumously, with the Marden Award for non-Attorney Managers. Carmen Burgos, the Office Manager in the Bronx Civil office, will also receive the Marden Award for non-Attorney Managers. The Support Staff Marden Award will be presented to James Pitt, a Paralegal in the Manhattan Office of the Criminal Practice.

Congratulations to the winners. We are grateful for your dedication to The Legal Aid Society and its clients.

As we soon begin a new year, we are faced with many challenges that will require your support. We are grateful for your generous support of The Legal Aid Society and ask you to help us combat any unconstitutional or illegal actions by the new Administration.

Fin Fogg
President

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Seymour W. James, Jr., *Attorney-in-Chief*
Scott Rosenberg, *Secretary*
Sandra Scott, *Chief Financial Officer*

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(Officers and Directors as of June 30, 2016)

Members are drawn from the most prominent law firms, corporate law departments, and law schools in the nation.

SUSTAINING LAW FIRMS

The Legal Aid Society acknowledges the outstanding support and dedication of the Sustaining Law Firms. These firms sustain the work of The Legal Aid Society by contributing at a leadership level of \$600 per attorney in their New York offices.

The support of the Sustaining Law Firms enables The Legal Aid Society's Civil Practice to provide legal representation to the most vulnerable New Yorkers, including: senior citizens, survivors of domestic violence, persons living with HIV/AIDS, homeless and imminently homeless families and individuals, adults and children living with disabilities, immigrants, and low-income wage earners.

The support of the Sustaining Law Firms helps to ensure that poverty is not a barrier to accessing the justice system.

Arnold & Porter LLP

Baker & Hostetler LLP

BuckleySandler LLP

Cadwalader, Wickersham & Taft LLP

Cahill Gordon & Reindel LLP

Chadbourne & Parke LLP

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Milbank, Tweed, Hadley & McCloy LLP

Morvillo Abramowitz Grand Iason & Anello P.C.

O'Melveny & Myers LLP

Orrick, Herrington & Sutcliffe LLP

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Proskauer Rose LLP

Ropes & Gray LLP

Schulte Roth & Zabel LLP

Shearman & Sterling LLP

Sidley Austin LLP

Simpson Thacher & Bartlett LLP

Skadden, Arps, Slate, Meagher & Flom LLP

Sullivan & Cromwell LLP

Wachtell, Lipton, Rosen & Katz

Weil, Gotshal & Manges LLP

White & Case LLP

Willkie Farr & Gallagher LLP

Wilmer Cutler Pickering Hale and Dorr LLP

Winston & Strawn LLP

Wollmuth Maher & Deutsch LLP

REPORT OF THE ATTORNEY-IN-CHIEF



“Give me your tired, your poor, Your huddled masses yearning to breathe free,”

After leaving their old lives and crossing rough seas, these are the words famously welcoming immigrants at the Statue of Liberty. The statue is a beacon in a turbulent world; it embodies freedom and equality.

Every day, The Legal Aid Society works to make this powerful symbol’s ideals a reality for everyone it serves. These ideals inspired our work when the organization was created 140 years ago to help German immigrants. While our reach evolved long ago to represent others unable to afford an attorney, our commitment to these very same principles has gone undiminished.

In the courts, in communities and across the nation, The Legal Aid Society is a tenacious advocate fighting to secure access to justice for the poor. Our clients live in communities where poverty threatens to close off opportunities and make legal protections illusory. Every day, low-income New Yorkers face legal actions that can deprive them of life’s essentials, take away their liberty and alter their future. We fight for them with skilled, zealous court representation and we challenge the status quo with impact litigation cutting to the core of underlying inequities. We also guard against such deprivations with extensive efforts to educate residents on their rights and connect them with services. Moreover, we advocate with policy makers, where our views on the impact of legislation, policy and legal practices on our clients are respected and influential.

In the past year Legal Aid Society staff achieved the following:

- Won a court victory removing barriers on necessary healthcare for transgender individuals.
- Ensured a disabled woman finally received essential health services to live safely in her home.
- Won criminal cases with DNA and Digital Forensics Units using cutting-edge research and analysis.
- Preserved the right to affordable housing, challenging a major landlord’s refusal to accept rent vouchers.
- Kept pushing for Rikers Island reforms after a landmark consent decree in our case against staff brutality.
- Obtained the exoneration of clients wrongly convicted decades ago.
- Successfully fought to reform punitive sanctions against public assistance recipients.
- Fought for greater transparency and accountability in the New York City Police Department.
- Sued to safeguard the First Amendment rights of bystanders recording police activity.

- Sued the City to obtain more shelter beds for homeless youth.
- Helped minors, asylum seekers and others in the immigration process.
- Filed a federal lawsuit against the state to prevent sexual abuse of female prisoners by prison guards.
- Instituted a bail reform initiative challenging needless incarceration of people unable to afford bail.
- Launched national training to vindicate trafficking victims.

The Legal Aid Society has three practices – the Civil, Criminal and Juvenile Rights Practices – and we represent families and individuals in every New York City borough who are unable to afford a lawyer. We appear in state and federal courts, as well as federal, state and city administrative proceedings. Our comprehensive advocacy addresses the myriad legal and social issues confronting our clients. Our breadth lets us address the central problems in any case, as well as its collateral effects.

Founded in 1876, the Society is the nation’s oldest and largest not-for-profit legal services organization; we take on more cases for more clients than any other legal services organization in the United States. A talented and dedicated staff, consisting of approximately 1,200 attorneys and more than 750 social workers, investigators, paralegals, support and administrative staff, handled more than 300,000 matters for clients with civil, criminal and juvenile rights problems this year. They are in 27 locations across the five boroughs, making Legal Aid a presence throughout the city.

Our Pro Bono Practice strengthens our work. Approximately 3,100 people, mostly attorneys and other legal professionals from New York City’s preeminent law firms and corporate law departments, volunteered their time and expertise to handle some 3,200 client matters this year.

Our Criminal and Juvenile Rights Practices are funded by government, which is legally mandated to provide representation for our clients. However, our Civil Practice depends largely on private contributions, along with public funding for certain programs. Limited resources mean we cannot assist substantial numbers of New Yorkers in need. There is always more to be done and we strive to provide legal assistance to as many people as possible.

Legal Aid’s work has broad societal consequences. Sometimes, our advocacy results in a major victory for an individual and other times we secure fundamental rights for an entire class of people. This annual report highlights many of these accomplishments and, at the same time, displays our staff’s superior talent and commitment to justice for our clients, our communities and our nation.

Seymour W. James, Jr.
Attorney-in-Chief

THE CIVIL PRACTICE

The Civil Practice helps people acquire and maintain access to life's essentials, such as housing, health care, education and subsistence income. Our comprehensive range of advocacy for these necessities – which runs from individual case work to litigation for systemic change – steadies the lives of our clients, their families and communities.

Those represented by the practice are New York City's most vulnerable residents, whose lives can be disrupted without access to the benefits they deserve or the redress to which they are entitled. They include senior citizens, children and adults with chronic illnesses and disabilities, domestic violence survivors, immigrants, low-wage workers, people living with HIV/AIDS, homeless families and individuals, or those facing imminent homelessness.

The practice's broad scope is reflected in the breadth of legal services offered; it is comprised of 22 units and programs and neighborhood and courthouse-

based offices throughout New York City to reach clients. Over the last year we worked on nearly 48,000 individual legal matters benefiting almost 128,000 low-income New Yorkers. In addition, our active law reform litigation docket of 25 cases impacts the lives of two million low-income New Yorkers.



Adriene Holder
*Attorney-in-Charge
Civil Practice*

Our comprehensive legal assistance provides representation in matters which include housing, homelessness prevention, consumer law, disability advocacy, special education support and services, elder law, employment law, family law and domestic violence victim support, foreclosure and home equity preservation, public assistance, disability-related assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, health law, HIV/AIDS representation, immigration law, community economic development to enable clients to move out of poverty, tax law for low-income workers and re-entry and reintegration for formerly incarcerated clients returning to their communities. Our clients typically come to us after unsuccessfully



Kimberly Forte, Director of LGBT Law & Policy Initiative, conducts a training session for new attorneys in the Civil Practice. With her is Jasmina Chuck, a Paralegal in the Unit (inset).

Improving the Lives of Low-Income New Yorkers

pressing for assistance through other avenues of support, making our practice the safety net when others give way. Our clients can come to us directly, or through referrals from the courts, community members, social service organizations, elected officials or government agencies. In addition, other legal services organizations often refer their clients to us when they cannot provide all necessary services, have limited or no case intake capacity, or do not serve a particular community. At The Legal Aid Society, clients find lawyers and support staff who work together to address their complex needs.

OUR COMPREHENSIVE APPROACH

The Society is able to assist vast numbers of eligible clients through an effective combination of individual client representation and law reform litigation and advocacy. In addition, the Civil Practice provides a diverse range of services to New Yorkers living at or below the poverty level in all five boroughs of New York City. These services include early intervention and prevention initiatives, self-help community legal education and training, including *Know Your Rights* workshops, expert technical assistance to community groups and other service providers to avert the need for legal intervention, comprehensive continuing legal education programs for the legal services and legal advocacy community and *pro bono* initiatives with the private bar that further leverage our resources and services. The *Know Your Rights* workshops include brochures, videos and training created by Society staff to help educate New Yorkers about various important legal matters such as eviction, family law, consumer rights, and what to do if stopped by the police.

In addition to traditional office representation, The Civil Practice provides the following unique civil legal services program components:

- Satellite outreach sites, evening clinics, our Mobile Justice Unit (a mobile office driven to more isolated client communities throughout the City), and nine telephone helplines through which we increase access to legal assistance for working families and individuals, survivors of domestic violence, detained immigrants, persons with

disabilities in the shelter system and other homeless children and adults, uninsured New Yorkers, persons with managed care access problems, individuals with chronic illnesses and disabilities, and senior citizens.

- Expert technical assistance, *Know Your Rights* trainings, community legal education, and pro se materials on a wide range of legal issues for clients and client groups, the constituent services staff of elected officials, community-based organizations, social services providers, and other legal services programs.
- Continuing legal education programs for Society staff and the staff members of other legal services providers, including programs that offer basic training for civil practitioners on the collateral civil law consequences of criminal convictions and individual legal rights associated with immigration law, employment law, housing, and government benefits.

PROTECTING A RIGHT TO SHELTER

There are nearly 60,000 people residing in the City's shelter system, and our Homeless Rights Project is working with the City to find stable permanent housing for those in need. The City has agreed that any family with minor children who does not receive overnight placement or who receives multiple overnight placements before being found permanent shelter will be placed temporarily in a hotel and receive payment as part of the City's violation of its own right-to-shelter placement laws. As a result of our advocacy, no family with children has yet to be denied overnight placement when seeking shelter since the agreement was instituted. Additionally, our advocacy led the City to reopen referrals from the shelter system to public housing, representing an increase of 1,200 additional units for homeless families. In response to our advocacy, the City also implemented Living in Communities (LINC) rent vouchers so that eligible working families, families with multiple shelter stays, those who have survived domestic violence, and adult families who have members who are 60 years or older are given the opportunity to leave shelter and enter apartments with rental assistance.

ENSURING HOUSING RENTAL SUBSIDIES ARE EFFECTIVE

In New York City, landlords may not refuse to rent an apartment to a tenant because their source of income includes government payments. We have initiated litigation to ensure that landlords accept LINC vouchers, as legally required. In August 2015, The Legal Aid Society and *pro bono* counsel Mayer Brown, LLP filed *Alston et al. v. Starrett City, Inc. et al.* in the Supreme Court of the State of New York on behalf of the Fair Housing Justice Center and two homeless New Yorkers who sought to rent apartments from the defendants using LINC vouchers to pay the rent, but were refused when the defendants learned they were LINC recipients. In July 2016, the Court issued an interim decision declaring that the City's Human Rights Law prohibits landlords from refusing to accept LINC rent vouchers for homeless families, and disagreeing with Starrett City's claim that the prohibition against source of income discrimination in the Law does not require it to accept a LINC voucher. Further, the Court found that the language in the Law "should be interpreted liberally to include all forms of housing assistance..." and ordered Spring Creek (formerly Starrett City), the largest privately owned rental complex in New York City, to process the plaintiff's application.

REFORMING PUNITIVE PUBLIC ASSISTANCE SANCTION RULES DRIVING THE HUNGER AND HOUSING CRISIS IN NEW YORK STATE

The Government Benefits Unit has continually advocated to reduce the harms that stringent changes in welfare law and regulations have created for impoverished New Yorkers since 1996.

Beginning with a trio of class action cases filed in the 1990s, the Society led the fight against some of the worst abuses of government policies that were designed to strip away the safety net of public benefits programs under the false pretense of "helping" people become self-sufficient. The three class action victories provided access to education and training, access to pregnancy allowances and emergency grants to forestall utility shut-offs, and access to benefits while a fair hearing is pending. Recently, our sustained advocacy through litigation, administrative, and legislative advocacy has culminated in reforms that are now protecting hundreds of thousands of low-income New Yorkers from having their public assistance benefits cut for

as long as six months as a punishment when they could not comply with a work requirement or simply missed one appointment. The average household lost more than \$500 in benefits when they were "sanctioned." Before these reforms, 10,000 or more recipients were told each month that their Cash Assistance or Supplemental Nutrition Assistance Program (SNAP) benefits were being cut as a sanction for failure to comply with work requirements. The aggregate costs to low-income New Yorkers were on the order of \$5 to \$10 million per month in lost benefits, and directly resulted in housing instability as individuals who prioritized purchasing food struggled to pay rent and faced eviction.

Last year, we helped draft and supported the enactment of legislation that re-instated the pre-1996 policy, allowing recipients to avoid a sanction or end a sanction on their cash benefits as long as they were willing to comply with program rules. The legislation was the result of nearly a decade of building support and alliances to create this historic reform. At the same time, we have achieved a virtual elimination of SNAP sanctions. First, we were successful in our federal class action litigation in the *Richard C. v. Berlin* case, which had initially introduced a state-wide moratorium on SNAP sanctions in December of 2014 after we established that the State was failing to give recipients the "second chance" to which they were entitled under federal law before cutting their benefits. We then helped persuade the then new City administration to take a new approach allowed under federal law and to run the employment program as a voluntary one, focusing resources on those who were most able to take advantage of employment and training options. The elimination of the mandatory requirements – which had never been proven to be effective in actually helping people find jobs or develop skills – resulted in the elimination of SNAP sanctions as well. In short, families are no longer being deprived of food as a punishment. A collateral effect of these reforms is that the State itself is saving millions of dollars in administrative costs associated with fair hearings. Prior to these reforms, there were more than 40,000 hearings held in sanction cases every year, costing the State an average of \$400 in administrative costs for each

Improving the Lives of Low-Income New Yorkers



Jean Miranda (right photo, center) Supervisor of the Society's Access to Benefits (A2B) Helpline, provides hands on supervision to volunteers from law firms, law schools and corporate law departments who partner with Legal Aid in assisting low-income New Yorkers on a variety of legal issues. Volunteers utilize a Society developed software program which navigates potential resources and referrals in areas as diverse as public benefits, immigration, health benefits and education.

case, or \$16,000,000. Considering that clients won about 80% of the hearings, this was a huge waste of State resources.

FIGHTING FOR LOW-WAGE, EXPLOITED, AND UNEMPLOYED WORKERS

The Employment Law Unit provides legal services to low-wage and unemployed workers. Cases involve unemployment insurance, wage and hour violations, and workplace discrimination, including discrimination based on past involvement with the criminal justice system. Increasingly, we are providing direct representation to low-income New Yorkers with criminal records to combat employment barriers and facilitate successful reentry.

One such case involved Ms. P, a single mother and sex trafficking survivor who works as a Home Health Aide. The State Department of Health (DOH) disqualified Ms. P from working as a Home Health Aide (HHA) because of her criminal convictions, which occurred between eight and 16 years ago. Several of Ms. P's convictions are related to her past history as a victim of sex trafficking. The Legal Aid Society's Exploitation Intervention Project was helping Ms. P vacate the trafficking-related convictions, and they referred her to the Society's

Employment Law Unit (ELU) for assistance reversing the Health Department's disqualification. After we determined that Ms. P's convictions should not bar her from working as an HHA, we filed a motion seeking reconsideration of DOH's final disqualification of Ms. P. We argued that the length of time since the offenses, Ms. P's age at the time of the offenses, and Ms. P's minor involvement in the offenses showed that the convictions did not warrant disqualification. The ELU also argued that Ms. P had submitted sufficient evidence of rehabilitation, including multiple Certificates of Relief from Disabilities and letters of recommendation from family members of the patients Ms. P had cared for in the past. DOH revised its final disqualification decision, and Ms. P is now able to work at the Home Health Aide agency that hired her. The Society accomplished this work with an Equal Justice Works Fellow, sponsored by AIG and Sullivan & Cromwell LLP.

PREVENTING EMPLOYMENT DISCRIMINATION

The Employment Law Unit, with *pro bono* partners Arnold & Porter, is representing five firefighter applicants who were disqualified for employment by the Fire Department of the City of New York (FDNY) because of their previous arrests. All are

African-American men, and four of the five men had been initially disqualified for failing to pass a written exam that the federal courts found to have a disparate impact on African American and Latino men. Refusing to give up on their dreams of becoming firefighters, our clients pursued and passed all other aspects of the application process, including but not limited to the revised exam, the physical exam, the medical exam, and the psychological exam. However, when the FDNY reviewed our clients' criminal background records, it baselessly contended that they lacked the "character" needed for the position of an FDNY firefighter. We filed appeals on behalf of all five clients with the NYC Civil Service Commission challenging the disqualifications and also filed Article 78 petitions in New York County Supreme Court against the NYC Civil Service Commission and the FDNY when the disqualifications were upheld. In May 2016, the FDNY agreed to reconsider our clients' applications for the December 2016 firefighter class based on revised personnel guidelines that would eliminate potential disqualifications from old and minor criminal records.

PROTECTING HEALTH CARE SERVICES

The Health Law Unit, with *pro bono* partners Winston & Strawn LLP, are working to address a lack of access to adequate home care services in the Medicaid Managed Long Term Care plans run by Healthfirst, Senior Health Partners, and Healthfirst CompleteCare. All Managed Long Term Care members are elderly and/or disabled and need assistance with activities of daily living such as bathing, dressing, and toileting in order to live safely at home. The plans routinely ignore members' requests for additional services, improperly deny such requests, and violate other laws and regulations, risking the health and safety of these vulnerable individuals and putting undue pressure on family members to provide care. In July, the Society along with Winston & Strawn filed an individual case in the Southern District against Senior Health Partners on behalf of a 41-year-old disabled woman who, despite repeated requests, had been unable to secure an increase in home care

hours that she needed to remain safely at home. The case was quickly settled and the client received the hours she needed. HLU and Winston & Strawn sent a demand letter to the New York State Department of Health in September 2016, threatening litigation if the State does not properly supervise Medicaid Long Term Care plans and ensure that they comply with the law.

PROVIDING IMMIGRATION LEGAL SERVICES FOR UNACCOMPANIED MINORS AND ADULTS WITH CHILDREN

Our Immigration Law Unit (ILU) continues to work on the Unaccompanied Minor Children Initiative (UMC), which provides direct representation to recently immigrated unaccompanied children in accelerated deportation proceedings before the immigration court's Priority Docket. ILU also continues its work in the Adults with Children (AWC) Initiative. The overwhelming majority of AWCs are single mothers who have fled their home countries as a result of intra-familial violence and/or gender-based violence. Many of these women and children have asylum claims that can be litigated before the immigration court. An example is the case of CP, a 17-year-old from El Salvador. He was detained by U.S. border officials in May 2014 and released to his sister in New York. CP was physically abused by both his parents while residing in El Salvador. His parents forced him to work on various farms where he came into regular contact with pesticides and fumes, making it difficult for him to breathe. Worse, CP was threatened by the MS 13 gang after refusing to join. CP stopped going to school because the gangs threatened him consistently on his way to school. He finally fled to the U.S. after his cousin was killed, fearing that the gangs would kill him as well. Attorneys from the Society met CP at a master calendar hearing and he was given an appointment for an in-office interview. A Society attorney determined that CP was eligible to apply for Special Immigrant Juvenile Status (SIJS) relief, as a result of the abuse, and was also eligible for asylum based on persecution by gangs. The Society attorney filed a family court petition and obtained a special findings order. The application for SIJS is currently pending before the U.S. Citizenship and

Improving the Lives of Low-Income New Yorkers

Immigration Services. The attorney also referred CP to a social worker who began working with CP to address his mental health issues. The social worker subsequently referred CP to Terra Firma where he has been diagnosed with PTSD and is under treatment. CP is now in the 11th grade. He is interested in computers and wants to pursue a career in the financial industry.

PAVING SMOOTHER ROADS TO REENTRY THROUGH OUR RIKERS REENTRY PROJECT

Often clients, who are incarcerated for relatively short periods of time, and their families are subject to eviction and homelessness because of the inability to make rental payments during the period of incarceration. A recent case exemplifies the Society's level of commitment to our clients and our ability to provide high-quality legal services with novel results. We were recently able to obtain a "One Shot Deal" rental arrears grant from the City Human Resources Administration for a client who was incarcerated at Rikers Island. This is the second time in the Project's history we have achieved this result. The client, who is the head of his household and the father of a young daughter, would have faced eviction, but for our intervention. We were able to obtain emergency rental assistance to cover rental arrears as well as accrued rent to preserve the housing for the family. We are optimistic that this approval has set the stage for us to obtain similar results for other clients who are incarcerated so that

they can return to a safe and affordable home when they are released from Rikers Island.

OBTAINING RENT RELIEF FOR A SENIOR CITIZEN AND HER FAMILY

Ms. M came to The Legal Aid Society seeking assistance with a proceeding her landlord brought against her seeking unpaid rent. She lives with her great-grandson and her brother. Their sole source of income is Social Security benefits, and she participates in the Senior Citizen Rent Increase Exemption (SCRIE) program, which freezes the rent in her rent-stabilized apartment. Upon intake, Society staff learned that Ms. M's landlord, who is at the top of the City Public Advocate's list of the 100 Worst Landlords in New York City, failed to give her a renewal lease, which was threatening her SCRIE renewal application. In addition, there were numerous repairs which the landlord had failed to make. We helped her obtain a copy of that lease so she could continue participation in the SCRIE program. Despite her copies of money orders showing monthly rent payments, her landlord claimed he had not received one of the payments. Staff traced this money order on Ms. M's behalf and discovered that it had been fraudulently cashed by an unknown third party. The Legal Aid Society secured a replacement of this amount through various charities. As a result of our advocacy, Ms. M's case was settled. The settlement secured the repair of the conditions in her apartment, as well as full satisfaction of any rent she may have owed.



The new Administration in Washington has threatened to deport or jail between two and three million immigrants with some criminal history and establish a registry of Muslims. The Legal Aid Society responded immediately to the fears and needs of its immigrant client communities and is offering informational forums throughout the five boroughs.

THE CRIMINAL PRACTICE

The expansive reach of the Criminal Defense Practice runs from its dynamic advocacy in court to its presence and partnership in communities and its leadership on criminal justice issues across the nation. As the primary public defender in New York City, the Practice zealously and tirelessly works to protect the rights of the most marginalized and disenfranchised in society. Yet our scope, as the country's oldest and largest public defender, goes beyond any single case or client. Our community engagement, impact litigation and broader advocacy consistently strive for increased fairness and humanity in the criminal justice system, and seek to reduce the devastating permanent consequences of justice involvement for our clients.

The Practice includes trial-level offices in every borough, an Appeals Bureau, a Prisoners' Rights Project, a Community Justice Unit and a Special Litigation Unit. In each area, the Practice has developed innovative model projects that garner expertise and push criminal justice practice and discourse forward. In the past year, the Practice represented nearly 230,000 clients in trial, appellate and post-conviction matters.

IN THE COURTS

Day in and day out, Practice staff work to protect and fight for clients navigating justice system involvement. Our effectiveness stems from our work before, during and after a criminal case. For example, Practice staff field intake inquiries from clients needing assistance, engage in vigorous bail advocacy at the first court appearance, and work with clients' families to mitigate the larger impact of an arrest. Comprehensive advocacy is the hallmark of our representation; our attorneys, paralegals, investigators and social workers explore all angles of allegations and charges, relentlessly seeking to avoid unnecessary, unjust incarceration and connect clients with critical resources that address ongoing needs.

Our staff tackles every issue confronting our clients, pressing on questions like the validity of eyewitness

identification and the need for access to police records. The Practice's units devoted to DNA evidence and digital forensics analysis apply the latest advances in order to challenge government findings and secure evidence essential to clients' defenses. We elicit narratives that often include compelling stories of innocence and false accusations, a fuller development of the facts and critical context. The results are dismissals, acquittals, placements in alternative to incarceration programs, reversals and even the clearance of wrongful convictions decades later.



Tina Luongo
*Attorney-in-Charge
Criminal Defense Practice*

One case harnessing the Practice's expertise and dedication arose from the robbery of a cab driver. Police arrested our client and others, saying they took the cab from Manhattan to the Bronx and robbed the driver along the way. The Digital Forensics Unit extracted data from our client's phone and obtained call detail records through a defense subpoena to the provider. It then mapped the device's location during the relevant timeframe. The evidence gathered told a story different from that of the police: Our client never left the Bronx that day. The Bronx trial office used these findings to convince prosecutors to drop the charges against our client and everyone else.

Our courtroom advocacy goes far beyond individual cases. Through the work of our law reform units, Special Litigation and Prisoners' Rights Project, systemic change is achieved.

Our Special Litigation Unit, which brings class action and law reform cases, focuses on eliminating deep-seated problems affecting our clients' rights, such as police abuse and government overreach. Taking on the issue of the public's ability to monitor police activity, the Unit and Proskauer Rose LLP filed a lawsuit arguing that the city's police department has a widespread practice and custom of letting officers interfere with the First Amendment rights of individuals who record, or try to record, police misconduct and abusive arrest practices.

This year the Unit's Cop Accountability Project, which collects data on individual officers, launched

Providing Comprehensive Services In All Five Boroughs



The staff of the Staten Island Criminal Defense Practice office, joined by members of the 2016 new attorney class, Community Justice Unit, MIS and other CDP units, provided representation to over 200 people in the borough's first warrant amnesty program. Fresh Start was sponsored by the Staten Island District Attorney in collaboration with the Society, the Office of Court Administration and the NYPD.

a web-based interface that will allow defense attorneys and investigators fast access to critical data cultivated and stored in the database. The information has proven to be invaluable.

In one trial for drug possession and sale, the Project's research undercut the prosecution case. The Project assembled a list of lawsuits filed against testifying officers and the suits' settlement amounts. Allegations in the lawsuits included illegal searches, fabricated evidence, excessive force and false arrest. On cross examination, a staff attorney in the Brooklyn trial office confronted the officers with the court actions. The jury found our client not guilty on all counts; in post-verdict defense interviews, jurors said they were deeply skeptical of the officers, because of the revelations about misconduct.

Project information has also sown doubt for prosecutors in their own cases. In one gun possession case against a legal permanent resident – terrified by the possibility of deportation away from his family – the assistant district attorney appeared to worry about the detectives involved in the case. The Project compiled information illustrating how often the pair were sued while working together. The trial-level attorney gave the information to the prosecutor, who eventually asked for the case's dismissal in the interests of justice.

This pursuit of police information is extensive and goes to critical issues of police department accountability and transparency. The Special Litigation Unit is seeking Civilian Complaint Review Board misconduct summaries that were substantiated against Officer Daniel Pantaleo before he applied a

THE CRIMINAL PRACTICE *continued*

fatal chokehold on Eric Garner. In July 2015, Manhattan Supreme Court Justice Alice Schlesinger decided such records fell outside the state's stringent police personnel disclosure laws. The Unit is working to keep the holding intact as the City appeals.

The Practice also fights to protect the rights of prisoners and people released to community supervision.

Our Prisoners' Rights Project advises and represents inmates in city jails and state prisons. Beyond any one case, the Project is a key advocate for fairness and oversight in New York's jails and prisons. The Project is closely watching city compliance with a landmark consent decree to address prisoner abuse by Department of Correction staff at Rikers Island.

A federal court approved the decree in October, 2015, years after Legal Aid and its co-counsel,

Emery Celli Brinckerhoff & Abady LLP and Ropes & Gray LLP, filed the class action lawsuit. When the U.S. Justice Department intervened on plaintiffs' behalf, its court papers noted Legal Aid's decades of litigation against correction staff brutality.

The Prisoners' Rights Project also tackles unacceptable conditions in state prisons. In a class action case filed with Debevoise & Plimpton LLP, the Project faults the state Department of Corrections and Community Supervision for not taking reasonable steps that would reduce the risk of female inmate sexual abuse by prison staff.

Our Parole Revocation Defense Unit, the first of its kind established in the nation in 1972, represents clients released from prison to community supervision who are accused of breaching release conditions and are returned to jail on a parole violation – many times for a mere technical violation such as being late for curfew.



The Legal Aid Society held a special reception for LGBTQ Pride Month in the Queens Criminal office and paid tribute to the Orlando victims. The names of the Orlando victims were read during a candle light ceremony. Pictured from left are Tamara Steckler, Attorney-in-Charge of the Juvenile Rights Practice; Adriene Holder, Attorney-in-Charge of the Civil Practice; Seymour James, Attorney-in-Chief; and Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice.

Providing Comprehensive Services In All Five Boroughs

In one ruling putting privacy rights squarely at issue, a judge vacated a parole violation warrant against our client. Parole authorities had placed the man in a treatment program where he was constantly watched by a staff member and security guard. Despite the Unit's objections at a hearing, a psychiatrist testified about the man's threats and agitation resulting from the type of observation he was subjected to. In its ensuing habeas corpus petition, the Unit showed the testimony violated our client's protections under the physician-patient privilege.

With the Practice's Criminal Appeals Bureau, we continue to advocate long after the trial-level case ends when we represent clients on direct appeals and post-conviction matters. This work is supported by incredible pro bono counsel. In one case, our office worked with Hughes Hubbard & Reed LLP to vacate Ms. G's manslaughter conviction. Ms. G had no part in a fatal 1991 beating but she spent 10 years in prison. The only trial evidence connecting her to the crime was a false confession extracted by Louis Scarcella, a now-disgraced former police detective.

Here, Legal Aid and Hughes Hubbard spent almost three years reinvestigating and litigating information disclosure. The team's presentation to the Brooklyn DA's office convinced prosecutors to review the case and, ultimately, ask a judge to dismiss Ms. G's indictment and conviction because she was innocent.

Advocating for the Client as a Whole

Our capacity to defend and represent our clients is enhanced by the Practice's social work, which assists individuals dealing with addiction and mental illness, and aids in arguments for treatment instead of incarceration. Though social workers play a role in a broad range of cases, one particular focus is the Practice's Mentally Ill, Chemically Addicted (MICA) Project, comprised of attorneys teamed with social workers. Many MICA Project clients are participants in the city's Mental Health Treatment Courts. Once clients receive community-based treatment, the Project can offer them essential support for up to two years after the case is closed. MICA's dedication and coordination steered a

promising college student away from a conviction and arranged for him to get the help he needed, surrounded by family. AH was arrested at John F. Kennedy International Airport for erratic behavior, resisting law enforcement and claiming he had a bomb. The young man suffered from delusions and the early stages of schizophrenia.

Beginning with an arraignment at Bellevue Hospital, MICA Project members acted quickly to get AH appropriate treatment outside a locked unit. The Project also negotiated with prosecutors on a dismissal or downgrade for as many charges as possible – especially the felony terror threat charge. AH pleaded to a misdemeanor and a violation, with the understanding he would return to his out-of-state home with his mother and undergo outpatient aftercare treatment. MICA arranged for the care, working with Bellevue Hospital mental health professionals.

AH's condition improved, he found regular employment and he was admitted to a community college. MICA staff tracked AH's progress and apprised prosecutors and a very satisfied judge. Though it was anticipated AH would withdraw his misdemeanor guilty plea and be sentenced on the non-criminal disorderly conduct violation, it is now expected that all charges will be dismissed and the matter fully sealed.

Concern for the client is also shown in the lengths Practice members take to avert an arrest or conviction's potential employment, housing or immigration consequences. Practice members work closely with the organization's other Practices and pro bono counsel to minimize or eliminate the disastrous lasting repercussions.

Our advocacy prevented a man from possibly having to choose between the life he built in America and his family in his native country. Though educated and employed in America, the man, a legal permanent resident, frequently traveled to see friends and family in his South America homeland. After encountering medical issues and mounting bills, the man was charged with grand larceny. Practice members negotiated a



Lead by Example—Twenty four attorneys from the Queens Criminal Defense office serve as mentors teaching middle and high school students in Far Rockaway about topics ranging from career goals to conflict resolution. The staff also share legal principles to educate students about their interactions with police. Germaine Auguste, a Supervising Attorney, and Paul Montgomery, a Staff Attorney, conducting a session. Christine McKeithan, a Staff Attorney, lectures the students (Inset). They participate in the Queens District Attorney's STAR TRACK Anti-Violence Program.

misdemeanor disposition that, if its terms are followed, would not make the man deportable. The disposition also would not make the man inadmissible after international travel, thus letting him rebuild his life in America while allowing visits to an ailing parent.

Elsewhere, Practice members avoided a client's potential deportation through skilled trial advocacy. The client had been brought to America when she was a child and was later arrested for felony assault. Any felony conviction would have meant revocation of her status under the Deferred Action for Childhood Arrivals. Even though a non-jail plea offer was made, the Practice took the case to trial and pressed a self-defense argument that persuaded the jury to acquit, preserving the client's ability to remain in the country.

The Practice's Exploitation Intervention Project represents clients arrested for prostitution and victims

of human trafficking who are prosecuted for a wide range of other offenses. The Project combats barriers, minimizes harm, increases safety and prevents further exploitation of its clients. This past year, the Project handled nearly 1,400 cases in the state's Human Trafficking Intervention Courts. Through its client support and empowerment, the project won dismissal of the charges in nearly 85% of its cases. The Project also works to free human trafficking survivors from the burden of a criminal record caused by their victimization; it has helped survivors vacate over 1,100 criminal convictions since its inception, paving the way for independence and stability.

IN COMMUNITIES

As the City's primary public defender, we believe advocacy must not only take place in the courtroom, but in the communities where our clients live and work.

Providing Comprehensive Services In All Five Boroughs

Part of this effort is performed through the Community Justice Unit, which is premised on the idea of identifying and attempting to address neighborhood problems before they escalate into crises. The Unit has built relationships with its Cure Violence partners – community groups, youth organizations, tenant associations and schools – focusing on the prevention of violence, criminal cases, wrongful evictions and lost jobs. It frequently offers Know Your Rights presentations and holds clinics offering guidance on how to correct any inaccurate information on criminal record reports. It also has its own emergency hotline in order to assist clients as early as possible who may be wanted by the police for questioning or arrest or have been victims of serious crimes and are shackled to a hospital bed because of a warrant on a summons or violation.

Rather than being tied to one location, the Unit travels regularly to hold office hours at Cure Violence partner sites, attend events and responded to shootings and gang takedowns. The Unit assists clients eligible for a diversion program meant to remove 16 and 17-year-olds facing low-level misdemeanors from the court system. The Unit conducts community intake and refers clients to Legal Aid staff in every practice area.

This year, the Unit advised a woman who learned her RAP sheet erroneously showed an open case that should have been closed. A Unit attorney successfully challenged a state agency over the inaccuracy. The woman received a corrected RAP sheet and a clear understanding of her rights when seeking employment.

Striving for greater civic engagement, the Unit conducted voter education and registration drives at Rikers Island and detention centers in the city over the summer, meeting and registering close to 500 inmates. The Unit's vantage point, spotting problems block by block, also makes it an important resource for Legal Aid's three special litigation units in their fights for systemic change.

The Practice's trial offices also have a community presence. The Manhattan, Brooklyn, Staten Island and Bronx offices collaborated with prosecutors

and the Office of Court Administration on special events where open warrants on minor offenses were resolved and unnecessary client arrests were avoided. The Parole Revocation Defense Unit also connects clients with services meant to stabilize their re-entry and help them move forward with their lives.

Legislative and Policy Reforms

Practice members regularly testify before lawmakers and government agencies to comment on proposed legislation and provide insight on issues affecting our clients. The Criminal Practice provides, in each forum, a critical and frequently overlooked voice, highlighting where reform is necessary. The advocacy has led to important legislative victories.

Members of the Practice worked closely with New York City Council members to formulate a series of bills permitting police to issue civil summonses instead of criminal ones for low-level offenses. Our remarks on the later-enacted laws underscored the harms of "Broken Windows" policing and proposed suggestions for further legislative improvements.

Practice staff spoke on the severe consequences of inaccurate court records and also continued to lead the call for laws requiring the New York City Police Department and the Department of Correction to collect data – measures that would increase transparency for both agencies and further protect New Yorkers. The Practice pursues every opportunity to hold both these institutions accountable, and scrutinize their operations to prevent overreach and protect clients from harm.

ACROSS THE NATION

The Practice is an indispensable voice in a growing national discussion about reforms for all aspects of the criminal justice process, from policing practices to the treatment of prisoners and those re-integrating into society.

Developing Best Practices

The Exploitation Intervention Project's success in pursuing post-conviction relief for survivors of human trafficking now provides a model for national attorney training efforts. More than half

of the country's states have passed laws permitting vacatur of convictions upon a showing that the crimes derived from victimization. Yet the practice has grown slowly, as most trafficking survivors are unaware of their potential eligibility and legal services lawyers and public defenders face resource constraints that prevent them from offering representation on these post-conviction cases.

This year, the Exploitation Intervention Project and the American Bar Association Commission on Domestic & Sexual Violence launched the Survivor Reentry Project to offer training and technical assistance on a national scale so human trafficking victims can obtain relief. The Project is supported by a grant from the U.S. Department of Justice's Office for Victims of Crime.

Meanwhile, Practice staff have attended and participated in training and conferences across the city and country on a variety of topics. Such events have included: the American Bar Association's Prescription for Criminal Justice Forensic Program; the National Association of Social Workers Annual Conference, the National Defender Investigator Association, the National Legal Aid and Defender Association's national conference; and even an address in India in the U.S. Embassy Public Affairs Section.

Ending Mass Incarceration

This year, the Special Litigation Unit launched its Decarceration Project to decrease and eventually end the needless pre-trial jailing, which results when people cannot afford to pay bail. The Project is amassing statistics and developing best practices. It also challenges bail applications and rulings that keep clients in jail because the price of liberty is too expensive.

One appellate challenge exemplified the Project's ongoing fight. Our client's family had posted

\$25,000 bail, using a bondsman. When a co-defendant entered a plea requiring incrimination of our client, the judge quadrupled bail to \$100,000 and changed the requisite form of bail. The family could not afford the sum.

This effectively remanded our client, even though he had already attended four court appearances by that point. The Project challenged the excessive bail increase with a habeas corpus petition. When the writ was denied, the Project appealed. An Appellate Division justice overruled the lower court and restored the original bail amount, releasing our client from jail in the process.

In another sign of Legal Aid's prominence as a voice for ending mass incarceration, Seymour James Jr., the organization's Attorney-in-Chief, was selected to serve on an independent commission, chaired by former Chief Judge Jonathan Lippman, examining whether inmates should continue to be held at Rikers Island. The commission is exploring whether more people should be released to community supervision and whether smaller alternative sites in local communities where the clients live should be established.

Legal Aid's efforts to end mass incarceration include policy analysis, where the Practice is involved in a prominent foundation award focusing on the issue. Legal Aid is one of many organizations and agencies partnering in a \$2 million award to New York City from the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge to determine how to reduce unnecessary local jail incarceration as well as racial and ethnic disparities in jail usage. The Practice is offering a broad defense-side view of the problems and possible solutions.

THE JUVENILE RIGHTS PRACTICE

The Juvenile Rights Practice (JRP) represents children and young adults, both in individual cases and large scale reform efforts. From our direct representation to the broader policies, JRP is a force for children's rights in the courts, in communities and across the nation.

JRP's expertise is built on 54 years of child advocacy experience. The Legal Aid Society created JRP in 1962, in conjunction with the state's establishment of the Family Court. Legal Aid was among the country's first institutional providers to dedicate staff to youth matters. Five years later the U.S. Supreme Court recognized a right to counsel in delinquency cases with its 1967 ruling, *In re Gault*.

Within New York City's Family Courts, JRP represents 90% of all children involved in child welfare, juvenile delinquency and Persons in Need of Supervision matters and represented approximately 33,000 children this year. JRP clients face potentially life-altering issues such as suitable foster care placement, the feasibility of family reunification, appropriate education and sibling visitation. JRP attorneys, social workers, paralegals and support staff work to ensure clients' positions are heard and realized in decisions that will affect them for years to come.

JRP provides representation in a client-directed and comprehensive manner, always prepared for the myriad issues in any case. While continually improving their advocacy, JRP staff members work closely with the Society's other Practice areas. As a result, JRP clients have access to assistance in virtually every area where they may be facing legal and social challenges.

Since 1962, JRP has grown into an essential voice in the city, state and nation when it comes to juvenile justice and child welfare matters. Staff share their expertise through various governmental, non-profit and Bar committees. Likewise, the breadth and quality of our work have made JRP a respected and persuasive voice for legislative and policy reforms.

TRIAL REPRESENTATION

At the trial level, JRP staff is located in offices in each of the five boroughs of NYC. This presence puts them in the courts at critical early case junctures, such as intake or arraignment. Our effective counsel continues through the life of the case, including work post-disposition.



Tamara Steckler
Attorney-in-Charge
Juvenile Rights Practice

For example, JRP used its expertise, courtroom advocacy and negotiating skills to fulfill a client's desire to reside with his mother. KR was an adolescent client in a neglect case, placed in a Residential Treatment Center where he was struggling educationally, running away and getting arrested. JRP collaborated with the youth's criminal defense attorney, as well as a JRP educational advocate and social worker to build a case for Keeshawn's return to his mother. Although a complicated case, given KR's ongoing criminal cases and behavioral issues, JRP's work persuaded a previously skeptical judge to return him home.

Additionally, JRP advocacy has defeated baseless delinquency cases time and time again. In one instance, police asserted SM had a razor blade in a park. The officers insisted SM had the object because it was found in the car in which he and others were sitting. The officers testified that they saw the client "toss something silver or chrome, after he had made eye contact" with them. The judge discredited the inconsistent, unbelievable testimony and released our client, following the JRP attorney's cross examination.

In another case, our client, AS, followed police instructions to leave the subway after officers received a call about disruptive teens. AS was arrested when refusing to take his hands out of his pockets. He was accused of obstructing governmental administration and resisting arrest. The judge ruled for our client after the JRP attorney cited case law stating that unless an officer had a reason to insist on a person removing their hands from their pockets, there was no basis for an arrest.

Practice staff bring that same level of care and skill to child welfare matters. AD and DH were removed

from their mother based on one incident of corporal punishment. The children, ages six and nine, were anxious to return home. The JRP attorney contended the New York City Administration for Children's Services failed to show the children would be in imminent risk of harm in their mother's care, even though she had not engaged in certain services. JRP emphasized the event's isolated nature, the mother's remorse and the positive interactions observed at visits. These arguments led to the children's return to their mother pending trial, which was consistent with their wishes.

Meanwhile, advocacy for a two-year-old girl, J, spared her highly stressful visits with a father who had a history of violence and mistreatment. J and her brother were removed from their mother and paroled to their father on certain conditions. He was found months later panhandling with J, who was underweight and had numerous marks and bruises. She and her brother were put in foster care. The father, who was incarcerated for pushing a baby and stroller into traffic, asked to see J. The court indicated it would direct visits to occur. Though the foster care agency had concerns, the agency said it could not arrange a visitation assessment and would comply with court orders. Concerned about the effects of any visits, JRP brought in a psychologist to meet with J, her father and foster mother. Due to the girl's ordeal with the father, the expert said J needed supportive, safe interpersonal attachments and little stress. The father withdrew his visitation application.

JRP fights for the rights and wishes of its clients in a variety of situations. For example, a JRP client was released to her father at the close of a delinquency case. Following a falling out between the pair, JRP's persistence resulted in the client's appropriate placement after an entirely unnecessary hold in a psychiatric ward. In another matter, a judge ordered ACS to pay for a summer military camp that would further our client's goal of military service. The teamwork of a JRP attorney and social worker demonstrated the camp's importance to our client and the judge ordered payment over the City's objections.

SPECIAL FOCUSES

JRP strengthens its work through specialized units focused on particular client issues. The Juvenile Services Unit, the Practice's social work component, teams social workers with attorneys in order to address the educational, social and psychological issues connected to the clients' Family Court cases. The Kathryn A. McDonald Education Advocacy Project (EAP) offers services including early intervention and special education advocacy for clients in child welfare and delinquency proceedings. It also appears for clients at mediations and impartial hearings to enforce a child's right to a free, appropriate public education, or to defend a client at a suspension or expulsion hearing.

An example of the critically important advocacy provided by EAP involved the case of EB, who had been placed in foster care when she was four years old. She had severe temper tantrums and poor speech and language skills. EAP investigated and found out that she previously had an Individualized Education Program (IEP) recommending an integrated special education preschool class with speech and language therapy services. Unfortunately, those services had been interrupted when she entered foster care. EAP was able to re-open her case with the Department of Education and obtained an appropriate special education placement at a preschool close to her new foster home.

In another proceeding, JP, a 7th grade student who is classified as learning disabled, had been repeatedly suspended and excluded from school. Federal law provides that students with disabilities may not be excluded from school for more than 10 days if their behavior was a manifestation of their disability. In JP's case, the DOE determined that his behavior was not a manifestation of his disability, despite ample evidence to the contrary. The DOE then proceeded to impose a long-term suspension on JP. EAP filed for an impartial hearing and succeeded in reversing the finding. JP was able to return to school immediately. At EAP's request, the school re-evaluated JP and agreed to place him in a non-public day school that is better able to address his needs.

Providing A Powerful Voice For Young Clients

The Appeals Unit handles all appeals for JRP's clients, whether the challenge is filed by the Practice or another party. Most of the Unit's work comes from delinquency and child protective matters, and sometimes before a trial-level disposition. The Unit's Stays and Writs Project provides representation to challenge court orders.

Our specialized knowledge is put to use every day. In one case, JRP represented a 13-year-old client suffering in foster care after living all but the last five months in Wisconsin. Our expertise on the Interstate Compact on the Placement of Children (ICPC) convinced a judge to order the client's return to her non-respondent father in Wisconsin. The appellate court rejected ACS' request for a stay after JRP advocacy educated the court on the compact's non-mandatory application, leading to an understanding that there were effective ways to monitor our client outside the state without invoking the ICPC and becoming mired in its delays and problems. The appeals court determined there was no showing our client would be harmed by returning home to her father.

The Unit's work in the state's trial and appellate courts establishes and clarifies important legal issues in children advocacy. Previous appellate work has led to rulings that, among other things, clarified the meaning of "depraved indifference" in the Family Court context and allowed expert testimony on the question of whether a child knowingly waived his right to remain silent.

Each borough's Adolescent Practice Team focuses on aiding clients who are aging out of the foster care system and ensuring they secure the entitlements they deserve pursuant to state and city laws and regulations. Their insight on issues connected to "aging out" assists other staff with motion practice, and legislative and regulatory advocacy outside the courtroom.

The Trauma Advocacy Project works on the most difficult physical or sexual abuse cases, having developed the expertise, protocols and resources for such cases. The Practice's LGBT committee works

with Legal Aid's organization-wide LGBT Law & Policy Initiative to ensure staff is sensitive and attentive to the particular needs of these clients.

BROAD REACH

The Special Litigation and Law Reform Unit represents clients in class action lawsuits and engages in legislative and policy advocacy opposing policies and practices that may harm JRP clients. Its work amplifies JRP's capacity to help clients – and all children – involved in child welfare and delinquency proceedings.

The Unit has successfully challenged deplorable conditions in detention facilities and pushed for timely, appropriate school re-enrollment after a youth's return from detention or facility placement. In child welfare issues, the unit's work has included improved protocol to find appropriate foster care placements for children after acute care psychiatric hospitalizations.

Currently, the Unit, in a joint effort with Legal Aid's LGBT Law & Policy Initiative, the Civil Practice's Homeless Rights Project and pro bono counsel Patterson Belknap Webb & Tyler LLP, alleges New York City fails to offer a sufficient number of shelter beds for runaway and homeless youth. This lawsuit, now in discovery, also argues city defendants routinely discharge youth from crisis shelters without obtaining permanent housing and do not offer reasonable accommodations or mental health services to disabled runaway or homeless youth.

The fight for access to critical health care for low-income transgender youth culminated this year in important court victories and the drafting of new coverage rules for Medicaid recipients. Starting in 2014, The Legal Aid Society, The Sylvia Rivera Law Project and pro bono counsel Willkie Farr & Gallagher LLP sued on behalf of Medicaid-eligible transgender individuals diagnosed with gender dysphoria whose expenses were not deemed reimbursable under the regulations. The federal class action suit, *Cruz v. Zucker*, 14-cv-4456, insisted the lack of coverage was unconstitutional.

Hard fought litigation against New York State by the plaintiff team – which included Legal Aid's LGBT

THE JUVENILE RIGHTS PRACTICE

Law & Policy Initiative and Civil Practice attorneys—resulted in a series of achievements. In July, Southern District Judge Jed Rakoff concluded the state wrongly denied medically necessary care that aligned a person’s physical appearance with their gender. The state had argued the procedures were “cosmetic” and therefore beyond coverage. When ruling on the blanket ban for such procedures, Judge Rakoff said there were still factual issues to be determined on whether certain coverage exclusions for people under age 18 ran afoul of legal protections.

Responding to the lawsuit, the New York State Department of Health proposed rules, which would allow the state’s Medicaid Program to pay for hormone therapy and other necessary procedures for transgender youth. Though the state previously argued there was a lack of consensus on the necessity of the treatments, the proposed rules amounted to an admission the procedures were

medically necessary. Pointing to the new evidence of proposed state rules, plaintiffs asked Judge Rakoff to revisit his earlier decision finding disputed facts on the age exclusion issue. In October, Judge Rakoff agreed there were no more disputed factual questions and concluded transgender youth must receive the medically necessary care they require without having to wait for the finalization of new state regulations.

When confronted with major concerns about their well-being and future, youth need representatives with a command of the law and the experience to challenge the foster care and juvenile justice systems. They require advocates who can pinpoint systemic failure and make convincing demands for change. They need people on their side, who respect their positions and will fight to make them a reality. JRP’s attorneys, social workers, paralegals and support staff have the scope, experience and dedication to be the advocates all children deserve.

2016 PRO BONO PUBLICO AWARDS

The Honorable Jonathan Lippman New York Pro Bono & Public Service Law Firm Award

Legal Aid Honors Dedication and Skill of its Pro Bono Partners
Chief Judge Janet DiFiore Presents the Awards



The Legal Aid Society's Pro Bono Publico Awards were presented on October 26, 2016 by Chief Judge Janet DiFiore. Receiving the 2016 Honorable Jonathan Lippman New York Pro Bono Pro Bono Publico & Public Service Law Firm Award was the firm of Willkie Farr & Gallagher. From left were Attorney-in-Chief Seymour James; Chairman of the board Richard Davis; Stacey Paradise and Mary Eaton from Willkie Farr; Chief Judge Janet DiFiore; Wesley Powell and Matthew Freimuth from Willkie Farr; Legal Aid President Blaine V. (Fin) Fogg and Louis Sartori, Director of the Pro Bono Practice.

The Honorable Janet DiFiore, Chief Judge of the State of New York, addressed The Legal Aid Society's Pro Bono Award Ceremony at the Prince George Ballroom and presented awards to New York City's foremost law firms and corporate law departments which have generously volunteered their time and talent to advocate for equal justice for the marginalized and under-represented.

Legal Aid honored the dedication and skill of its pro bono partners. Their work spans all three practices and assists clients with a variety of issues.

Willkie Farr & Gallagher LLP was recognized with the 2016 Honorable Jonathan Lippman New York Pro Bono Publico & Public Service Law Firm Award for its distinguished pro bono commitment to the Society and our clients. Led by Firm Chair and Legal Aid Board Member Thomas M. Cerabino, Partner and Pro Bono Committee Chair Michael S. Schachter, Director of Attorney Training & Pro Bono Stacey E. Paradise, and Partner Mary Eaton, Willkie Farr's attorneys, legal assistants and administrative staff have shown a sustained commitment to representing less fortunate New Yorkers. Recent examples of the firm's outstanding work include litigation to preserve the rights of clients in the criminal justice system and a fight for transgender Medicaid recipients.

2016 PRO BONO PUBLICO AWARDS

Awards were presented to the following firms for
Extraordinary Pro Bono Assistance to The Legal Aid Society and its Clients.

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PUBLIC INTEREST LAW LEADERSHIP AWARD

Brenna DeVaney - Skadden, Arps, Slate, Meagher & Flom LLP

Brenna DeVaney, Pro Bono Counsel at Skadden, Arps, Slate, Meagher & Flom LLP, is being recognized for her extraordinary contributions as a volunteer attorney, as a leader of Skadden's outstanding pro bono program and for her constant support to The Legal Aid Society and its clients.

EXCEPTIONAL PRO BONO ASSISTANCE TO THE LEADERSHIP OF THE LEGAL AID SOCIETY

Jane Hanson - Milbank, Tweed, Hadley & McCloy LLP

Jane Hanson, of Counsel to Milbank, Tweed, Hadley & McCloy LLP, is being recognized for her tireless and dedicated work alongside Legal Aid's President, Attorney-In-Chief, General Counsel, Chief Human Resources Officer and the Attorneys-in-Charge of the Criminal Defense, Civil and Juvenile Rights Practices.

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We are deeply grateful to the law firms, corporations, foundations and individuals for their support of The Legal Aid Society and our core principle that no New Yorker should be denied access to justice because of poverty. We are especially grateful to our Sustaining Law Firms for their steadfast annual support.

The Legal Aid Society wishes to also recognize the members of the New Leadership Program (NLP) for their enthusiastic support of the Society's mission over the last year. The NLP builds on our traditional Associates' Campaign for law firm associates with its innovative program comprised of young professionals from the legal, financial, business and arts communities who have chosen the Society as one of their primary philanthropic commitments. We thank the founding members of the New Leadership Board for their insight and generosity and for being enthusiastic ambassadors of our mission. As this program continues to grow, we are excited to welcome the next generation of dedicated young professionals.

Each year, the Society works on over 300,000 individual legal matters and provides law reform representation which benefits all two million low-income children and adults in New York City and has both a Statewide and a national impact. Our efforts in each of the five boroughs of the City to provide comprehensive legal assistance and community-based services could not have been realized without the commitment of all of our supporters.

Thank you for helping us make a difference in the lives of low-income New Yorkers.

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THE LEGAL AID SOCIETY

Financial Report

June 30, 2016

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RSM US LLP

Independent Auditor's Report

Board of Directors
The Legal Aid Society

Report on the Financial Statements

We have audited the accompanying financial statements of the Legal Aid Society, which comprise the statement of financial position as of June 30, 2016, and the related statements of activities, functional expenses, and cash flows for the year then ended and the related notes to the financial statements (collectively, the financial statements).

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Legal Aid Society as of June 30, 2016, and the results of its operations and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Report on Summarized Comparative Information

We have previously audited the Legal Aid Society's 2015 financial statements, and we expressed an unmodified audit opinion on those audited financial statements in our report dated October 28, 2015. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2015, is consistent, in all material respects, with the audited financial statements from which it has been derived.

RSM US LLP

New York, New York
November 21, 2016

The Legal Aid Society

Statement of Financial Position

June 30, 2016

(With Summarized Financial Information for the Year Ended June 30, 2015)

	2016	2015
Assets		
Cash and cash equivalents	\$ 24,840,156	\$ 30,801,467
Receivables from grants and governmental contracts	35,388,324	28,814,309
Investments, at fair value	8,388,692	3,516,970
Deferred charges and other assets	5,210,326	946,311
Property and equipment, at cost, net	4,257,299	4,328,812
	<hr/>	<hr/>
Total assets	\$ 78,084,797	\$ 68,407,869
	<hr/> <hr/>	<hr/> <hr/>
Liabilities and Net Asset Deficiency		
Liabilities:		
Accounts payable and accrued expenses	\$ 1,601,362	\$ 2,169,954
Accrued payroll and other employee expenses	29,314,984	28,596,235
Program advances	4,323	688,833
Accrued postretirement health and benefits cost	47,853,880	33,633,487
Pension liability	29,691,179	25,083,102
Deferred lease incentives and lease obligations	17,074,401	17,721,811
	<hr/>	<hr/>
Total liabilities	125,540,129	107,893,422
Commitments and contingencies		
Net assets:		
Unrestricted	(53,161,802)	(44,349,150)
Temporarily restricted	3,640,447	2,797,574
Permanently restricted	2,066,023	2,066,023
	<hr/>	<hr/>
Total net asset deficiency	(47,455,332)	(39,485,553)
	<hr/> <hr/>	<hr/> <hr/>
Total liabilities and net asset deficiency	\$ 78,084,797	\$ 68,407,869

See notes to financial statements.

The Legal Aid Society

Statement of Activities

Year Ended June 30, 2016

(With Summarized Financial Information for the Year Ended June 30, 2015)

	2016			Total	2015
	Unrestricted	Temporarily Restricted	Permanently Restricted		Summarized Comparative Total
Support and revenue:					
Program support and revenue:					
Criminal Defense Practice	\$ 158,880,114	\$ 1,194,638	\$ -	\$ 160,074,752	\$ 153,103,977
Juvenile Rights Practice	42,285,679	745,395	-	43,031,074	42,322,535
Civil Practice	37,657,928	3,335,342	-	40,993,270	31,082,218
Contributions (net of direct expenses related to the benefit)	13,596,646	15,490	-	13,612,136	14,280,229
Return (loss) on investments, net	19,619	(128,095)	-	(108,476)	97,292
Court awards	85,335	-	-	85,335	140,277
Other income	30,366	-	-	30,366	1,143
Net assets released from restrictions - satisfaction of program and time restrictions	4,319,897	(4,319,897)	-	-	-
Total support and revenue before in-kind contributions	256,875,584	842,873	-	257,718,457	241,027,671
Operating expenses:					
Program services:					
Criminal Defense Practice	147,546,554	-	-	147,546,554	142,042,734
Juvenile Rights Practice	41,098,932	-	-	41,098,932	40,947,554
Civil Practice	43,367,843	-	-	43,367,843	38,486,555
Total program services before in-kind contributions	232,013,329	-	-	232,013,329	221,476,843
Supporting services:					
Administrative expenses	13,763,393	-	-	13,763,393	13,647,055
Fundraising expenses	884,321	-	-	884,321	800,789
Total supporting services	14,647,714	-	-	14,647,714	14,447,844
Total operating expenses before in-kind contributions	246,661,043	-	-	246,661,043	235,924,687
Results of operations	10,214,541	842,873	-	11,057,414	5,102,984
In-kind contributions:					
Revenue from legal services	86,659,097	-	-	86,659,097	80,299,098
Program expenses from legal services	(86,659,097)	-	-	(86,659,097)	(80,299,098)
Total in-kind contributions	-	-	-	-	-
Change in net assets before pension liability adjustment	10,214,541	842,873	-	11,057,414	5,102,984
Pension and other postretirement-related changes:					
Other than net periodic costs	(19,027,193)	-	-	(19,027,193)	(5,176,965)
Change in net assets	(8,812,652)	842,873	-	(7,969,779)	(73,981)
Net assets (deficiency)					
Beginning	(44,349,150)	2,797,574	2,066,023	(39,485,553)	(39,411,572)
Ending	\$ (53,161,802)	\$ 3,640,447	\$ 2,066,023	\$ (47,455,332)	\$ (39,485,553)

See notes to financial statements.

The Legal Aid Society

Statement of Functional Expenses
 Year Ended June 30, 2016
 (With Summarized Financial Information for the Year Ended June 30, 2015)

	2016							2015	
	Program Services				Supporting Services			Total	Summarized Comparative Total
	Criminal Defense Practice	Juvenile Rights Practice	Civil Practice	Pro Bono Services	Administrative	Fund-Raising	Supporting Services		
Employee expenses:	\$ 72,181,547	\$ 20,110,589	\$ 17,921,332	\$ -	\$ 110,213,468	\$ 3,579,409	\$ 252,788	\$ 3,832,197	\$ 110,765,462
Professional staff salaries	17,581,016	4,997,045	6,236,331	-	28,814,392	3,286,850	128,044	3,414,894	30,645,766
Support staff salaries	40,778,549	11,829,608	12,395,221	-	65,003,378	2,502,296	164,900	2,667,196	63,069,025
Fringe benefits and other employee costs	130,541,112	36,937,242	36,552,884	-	204,031,238	9,368,555	545,732	9,914,287	204,480,253
Total employee expenses									
Other expenses:	11,149,895	2,562,240	3,921,648	-	17,633,783	1,476,761	100,012	1,576,773	17,433,414
Occupancy costs	522,184	151,904	199,159	-	873,247	175,605	4,179	179,784	1,243,037
Communications	758,488	293,813	228,233	-	1,280,534	366,252	2,176	368,428	1,441,575
Office operating	715,675	195,458	413,868	-	1,325,001	556,507	49,223	605,730	2,873,718
Purchases and leases of furniture and equipment	539,754	169,016	216,332	-	925,102	18,929	4,860	23,789	977,027
Law books and reference materials	315,148	192,705	7,452	-	515,305	-	-	-	503,499
Trial minutes	903,909	14,719	221,754	-	1,140,382	134,345	-	134,345	910,530
Cost of investigations and expert witnesses	192,454	107,439	451,670	-	751,563	365,049	56	365,105	708,319
Professional services	686,276	67,952	135,253	-	889,481	15,722	338	16,060	905,541
Transportation	441,653	129,710	135,162	-	706,525	34,854	2,329	37,183	752,786
Insurance	331,880	135,409	413,496	-	880,785	93,719	-	93,719	974,504
Depreciation and amortization	448,126	141,325	470,932	-	1,060,383	1,157,095	175,416	1,332,511	2,392,894
Other	17,005,442	4,161,690	6,814,959	-	27,982,091	4,394,838	338,589	4,733,427	31,444,434
Total other expenses									
Total expenses before contributed legal services and direct expenses related to the benefit	\$ 147,546,554	\$ 41,098,932	\$ 43,367,843	\$ -	\$ 232,013,329	\$ 13,763,393	\$ 884,321	\$ 14,647,714	\$ 246,661,043
Contributed legal services	-	-	-	86,659,097	86,659,097	-	-	-	86,659,097
Other gift-in-kind contributions	-	-	-	-	-	-	-	-	-
Direct expenses related to the benefit	-	-	-	-	-	-	326,059	326,059	326,059
	-	-	-	86,659,097	86,659,097	-	326,059	326,059	86,985,156
Total 2016 expenses	\$ 147,546,554	\$ 41,098,932	\$ 43,367,843	\$ 86,659,097	\$ 318,672,426	\$ 13,763,393	\$ 1,210,380	\$ 14,973,773	\$ 333,646,199
Total 2015 expenses	\$ 142,042,734	\$ 40,947,554	\$ 38,486,555	\$ 83,645,391	\$ 305,122,234	\$ 13,647,055	\$ 1,204,620	\$ 14,851,675	\$ 319,973,909

See notes to financial statements.

The Legal Aid Society

Statement of Cash Flows

Year Ended June 30, 2016

(with summarized financial information for the year ended June 30, 2015)

	2016	2015
Cash flows from operating activities:		
Change in net assets	\$ (7,969,779)	\$ (73,981)
Adjustments to reconcile change in net assets to net cash used in operating activities:		
Amortization of deferred lease incentives	(712,967)	(712,968)
Amortization of deferred lease obligations	65,557	174,084
Depreciation and amortization	974,504	1,359,206
Realized and unrealized loss (gain) on investments	176,391	(15,768)
Pension and other postretirement-related changes:		
Other than net periodic costs	19,027,193	5,176,965
Changes in operating assets and liabilities:		
Increase in receivables from grants and governmental contracts	(6,574,015)	(4,808,970)
Increase in deferred charges and other assets	(4,264,015)	(186,258)
Decrease in accounts payable and accrued expenses	(568,592)	(46,539)
Increase in accrued payroll and other employee expenses	718,749	1,528,673
Decrease in program advances	(684,510)	(6,069,512)
Increase in accrued postretirement health and benefits cost	2,693,645	2,044,757
Decrease (increase) in pension liability	(2,892,368)	306,530
Net cash used in operating activities	(10,207)	(1,323,781)
Cash flows from investing activities:		
Proceeds from sale of investments	1,376,266	551,512
Purchase of investments	(6,424,379)	(609,267)
Purchases of property and equipment	(902,991)	(1,202,659)
Net cash used in investing activities	(5,951,104)	(1,260,414)
Net decrease in cash and cash equivalents	(5,961,311)	(2,584,195)
Cash and cash equivalents:		
Beginning	30,801,467	33,385,662
Ending	\$ 24,840,156	\$ 30,801,467

See notes to financial statements.

The Legal Aid Society

Notes to Financial Statements

Note 1. Organization

The Legal Aid Society (the Society) is a not-for-profit corporation founded in 1876 that provides legal services to the indigent of New York City through a number of operating practices. The Criminal Defense practice, which provides the majority of trial level public defender services in New York City, as well as the Criminal Appeals and Parole Revocation defense programs, are financed through contracts with the City and the State of New York. The Juvenile Rights practice is financed principally through a contract with the Office of Court Administration of the State of New York. The Civil practice relies on contracts with agencies of the City and the State of New York and the federal government, as well as on financial support from the public, including foundations, law firms, corporations and individuals.

Although the Society is not a governmental institution, it receives significant program revenue and other support through government contracts that are entered into on a periodic basis and are cancelable at any time. As a general rule, those contracts provide revenue to cover cash expenses of funded programs.

In its fiscal year ended June 30, 2016 (FY16), the Society recognized an unrestricted operating surplus of \$10.2 million and a negative cash flow of \$5.9 million.

The Society's statement of financial position at June 30, 2016, shows cash and cash equivalents of \$24.8 million, and working capital (excess of current assets over current liabilities) of \$34.3 million. It also shows a net asset deficiency (excess of total liabilities over total assets) of \$47.4 million, an increase of \$7.9 million from June 30, 2015. The net asset deficiency results from the actuarial determinations of (i) the future obligations of the Society to pay postretirement health and benefit costs that incorporate projected short-term trends in healthcare cost increases that are expected to level off in the future and (ii) the future benefit obligations under the Society's "frozen" defined benefit pension plan which, like many such plans around the country, is underfunded due to market conditions and the current low interest rate environment.

Note 2. Summary of Significant Accounting Policies

Basis of accounting: The financial statements of the Society have been prepared on the accrual basis of accounting. In the statement of financial position, assets and liabilities are presented in order of liquidity or conversion to cash and their maturity resulting in the use of cash, respectively.

Financial statement presentation: The classification of a not-for-profit organization's net assets and its support and revenue is based on the existence or absence of donor-imposed restrictions. The amounts for each of three classes of net assets - unrestricted, temporarily restricted and permanently restricted - are required to be shown in a statement of financial position and the amounts of change in each of those classes of net assets be displayed in a statement of activities.

The net assets of the Society and changes therein are classified and reported as follows:

Unrestricted: Net assets resulting from contributions and other inflows of assets whose use by the Society is not subject to donor restrictions. Unrestricted amounts may be designated by the board of directors to cover any purposes determined by the Society.

Temporarily restricted: Net assets resulting from contributions and other inflows of assets whose use by the Society is limited by donor-imposed stipulations that either expire by passage of time or can be fulfilled and removed by actions of the Society pursuant to those stipulations. When such stipulations end or are fulfilled, such temporarily restricted net assets are reclassified to unrestricted net assets.

The Legal Aid Society

Notes to Financial Statements

Note 2. Summary of Significant Accounting Policies (Continued)

Permanently restricted: Net assets resulting from contributions and other inflows of assets whose use by the Society is limited by donor-imposed stipulations that neither expire by passage of time nor can be fulfilled or otherwise removed by actions of the Society.

Use of estimates: In preparing financial statements in conformity with accounting principles generally accepted in the United States of America (U.S. GAAP), management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosures of contingent assets and liabilities at the date of the financial statements and revenue and expenses during the reported period. Actual results could differ from those estimates.

Cash and cash equivalents: For purposes of the statement of cash flows, the Society considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents, except for such investments purchased by the Society's investment managers as part of their long-term investment strategies.

Collectibility of receivables: All receivables are due for collections within one year.

Investments: Investments in equity and debt securities are stated at their fair values. Investment return is allocated among unrestricted and temporarily restricted net assets, based on donor restrictions or the absence thereof. Interest, dividends, and net appreciation (depreciation) in fair value of investments are included in investment return in the statement of activities.

Fair value: The Society follows Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) 820-10, *Fair Value Measurements*, which provides a framework for measuring fair value under generally accepted accounting principles and applies to all financial instruments that are being measured and reported on a fair value basis. Accordingly, the Society classifies all its investments as Level 1, Level 2 or Level 3, depending on whether they can be valued by reference to published market prices.

Property and equipment: Purchases of property and equipment in excess of \$10,000 per unit are capitalized. Depreciation of property and equipment is computed using the straight-line method and charged to expense over the estimated useful lives of the assets, ranging primarily from three to ten years. Property and equipment acquired with certain government contract funds are recognized as expenses pursuant to the terms of the contract in which the government funding source retains ownership of the property.

Leasehold improvements are amortized over the estimated useful life of the asset or the term of the lease, whichever is shorter.

Program advances: Program advances represent advances from third parties for services not yet performed as well as funds received from government agencies in which the funds have been allocated with the agency's agreement to cover future expenditures.

Court awards: Funds are awarded by the courts to the Society in certain non-Legal Aid cases in which there are remaining class action settlement funds. The amount of such awards in any given year cannot be estimated in advance because these awards are dependent on whether there are such residual settlement funds in particular cases and whether the Society is designated as a recipient. Therefore, such revenue is recognized upon receipt.

The Legal Aid Society

Notes to Financial Statements

Note 2. Summary of Significant Accounting Policies (Continued)

Revenue and support: Contracts awarded by governmental agencies are recognized as revenue in the unrestricted net asset class as the related services are performed.

The Society records as revenue the following types of contributions when they are received unconditionally, at fair value: cash, promises to give, certain contributed services and gifts of long-lived assets and other assets. Conditional contributions, including cost reimbursement grants, are recognized as support when the conditions on which they depend have been substantially met.

- Contributions and promises to give are recorded as revenue when either cash is received or when donors make an enforceable promise to give. Contributions and promises to give are classified either as unrestricted, temporarily restricted or permanently restricted support, based on the donor's intent.
- Contributed services provided by attorneys on a pro bono basis are recorded as revenue and expenses at fair value, based on the attorneys' average billing rates.

A number of individuals have made a contribution of their time to serve on the Society's board of directors. The value of their contributed time is not reflected in the financial statements.

Tax-exempt status: The Society is qualified as a Section 501(c)(3) tax-exempt organization under Section 501(a) of the Internal Revenue Code (the IRC) and, accordingly, is not subject to federal income taxes. As a not-for-profit organization, the Society is also exempt from New York State and New York City sales and income taxes. The Society has been classified as a publicly supported charitable organization under Section 509(a)(1) of the IRC and qualifies for the maximum charitable contribution deduction for donors.

Management evaluated the Society's income tax positions and concluded that the Society had taken no uncertain income tax positions that require adjustments or disclosures to the financial statements. Generally, the Society is not subject to income tax examinations by the U.S. federal, state or local tax authorities for years before 2013, which is the standard statute of limitations look-back period.

Functional allocation of expenses: The costs of providing the various programs and other activities have been summarized in the statement of activities. Accordingly, certain costs have been allocated to the programs and supporting services benefited.

Concentration of credit risk: Financial instruments which potentially subject the Society to a concentration of credit risk consist primarily of cash and cash equivalents. At various times, the Society has cash deposits at financial institutions that exceed the Federal Deposit Insurance Corporation insurance limits. The Society has not experienced any losses on these accounts.

Prior-year summarized comparative information: The accompanying financial statements include certain prior-year summarized comparative information in total, but not by net asset class or functional expense classification. Such information does not include sufficient detail to constitute a presentation in conformity with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the Society's financial statements for the year ended June 30, 2015, from which the summarized information was derived.

Note 2. Summary of Significant Accounting Policies (Continued)

Subsequent events: The Society evaluates events occurring after the date of the financial statements to consider whether or not the impact of such events needs to be reflected or disclosed in the financial statements. Such evaluation is performed through the date the financial statements are available for issuance, which was November 21, 2016 for these financial statements.

Recently issued accounting pronouncements: In May 2014, the FASB issued Accounting Standards Update (ASU) 2014-09, *Revenue from Contracts with Customers (Topic 606)*, requiring an entity to recognize the amount of revenue to which it expects to be entitled for the transfer of promised goods or services to customers. The updated standard will replace most existing revenue recognition guidance in U.S. GAAP when it becomes effective and permits the use of either a full retrospective or retrospective with cumulative effect transition method. In August 2015, the FASB issued ASU 2015-14, which defers the effective date of ASU 2014-09 one year, making it effective for annual reporting periods beginning after December 15, 2018. The Society has not yet selected a transition method and is currently evaluating the effect that the standard will have on the financial statements.

In February 2016, the FASB issued ASU 2016-02, *Leases (Topic 842)*. The guidance in this ASU supersedes the leasing guidance in Topic 840, *Leases*. Under the new guidance, lessees are required to recognize lease assets and lease liabilities on the statement of financial position for all leases with terms longer than 12 months. Leases will be classified as either finance or operating, with classification affecting the pattern of expense recognition in the statement of activities. The new standard is effective for fiscal years beginning after December 15, 2019, including interim periods within those fiscal years. The Society is currently evaluating the impact of the pending adoption of the new standard on the financial statements.

In August, 2016, the FASB issued ASU 2016-14 —*Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities*. The amendments in this ASU make improvements to the information provided in financial statements and accompanying notes of not-for-profit entities. The amendments set forth the FASB's improvements to net asset classification requirements and the information presented about a not-for-profit entity's liquidity, financial performance, and cash flows. The ASU will be effective for fiscal years beginning after December 15, 2017. Earlier adoption is permitted. Management has not evaluated the impact of this ASU on the financial statements.

In August 2016, the FASB issued ASU 2016-15 - *Statement of Cash Flows (Topic 230): Classification of Certain Cash Receipts and Cash Payments (A Consensus of the FASB Emerging Issues Task Force)*. The amendments in this ASU provide guidance reducing diversity in practice in how certain cash receipts and cash payments are presented and classified in the statement of cash flows under. The ASU will be effective for fiscal years beginning after December 15, 2018, and interim periods within fiscal years beginning after December 15, 2019. Earlier adoption is permitted. Management has not evaluated the impact of this ASU on the financial statements.

The Legal Aid Society

Notes to Financial Statements

Note 3. Investments

The fair value of the Society's endowment and other investments consists of the following:

	2016	2015
Cash equivalents	\$ 5,087,429	\$ 182,709
Mutual funds	2,923,065	3,334,261
U.S. fixed income	378,198	-
	<u>\$ 8,388,692</u>	<u>\$ 3,516,970</u>

The return (loss) on endowment and other investments shown in the accompanying statement of activities consists of the following:

	2016	2015
Interest and dividends	\$ 87,849	\$ 102,034
Realized gain	46,614	86,706
Unrealized loss	(223,114)	(70,938)
Investment fees	(19,825)	(20,510)
	<u>\$ (108,476)</u>	<u>\$ 97,292</u>

The Society's investments at June 30, 2016 and 2015 were held at one financial institution.

Note 4. Fair Value

The fair value hierarchy ranks the quality and reliability of the information used to determine fair values. Financial assets and liabilities carried at fair value will be classified and disclosed in one of the following three categories:

- Level 1:** Quoted prices for identical assets and liabilities traded in active exchange markets, such as the New York Stock Exchange.
- Level 2:** Observable inputs other than Level 1 including quoted prices for similar assets or liabilities, quoted prices in less active markets, or other observable inputs that can be corroborated by observable market data. Level 2 also includes derivative contracts whose value is determined using a pricing model with observable market inputs or can be derived principally from or corroborated by observable market data.
- Level 3:** Unobservable inputs supported by little or no market activity for financial instruments whose value is determined using pricing models, discounted cash flow methodologies, or similar techniques, as well as instruments for which the determination of fair value requires significant management judgment or estimation; Level 3 also includes observable inputs for nonbinding single-dealer quotes not corroborated by observable market data.

The Legal Aid Society

Notes to Financial Statements

Note 4. Fair value (Continued)

Investments and commercial paper stated at fair value at June 30 are as follows:

	2016	2015
Cash equivalents	\$ 5,087,429	\$ 182,709
Mutual funds		
U.S. large-cap equities	944,946	1,033,954
U.S. mid-cap/small-cap equities	189,875	223,369
International equities	919,160	1,093,534
Core fixed income securities	869,084	983,404
U.S. fixed income	378,198	-
Subtotal - investments	8,388,692	3,516,970
Commercial paper ^(a)	11,100,000	17,400,000
	<u>\$ 19,488,692</u>	<u>\$ 20,916,970</u>

(a) Commercial paper is classified as cash equivalent on the statement of Financial Position.

The Society classifies all its investments as Level 1, except for U.S. fixed income which is classified as Level 2 in the fair value hierarchy.

Mutual funds are valued at the net asset value (NAV) of shares held by the Society at year-end.

U.S. fixed income is valued based on the last reported bid price provided by broker-dealers.

Commercial paper is a short-term unsecured promissory note issued by creditworthy corporations and banks. It earns competitive, market-determined yields/rates and is traded on all major exchanges. The commercial paper was issued by the financial institution at June 30, 2016 and 2015.

Note 5. Contributions

Contributions consisted of the following for each fiscal year:

	2016	2015
Contributions	\$ 10,672,319	\$ 10,442,540
Benefits and special events	3,157,005	4,031,520
Bequests	108,871	210,000
	13,938,195	14,684,060
Less related direct expenses	(326,059)	(403,831)
	<u>\$ 13,612,136</u>	<u>\$ 14,280,229</u>

The Legal Aid Society

Notes to Financial Statements

Note 6. Property and Equipment

Property, equipment and leasehold improvements are summarized as follows:

	2016	2015
Property and leasehold improvements	\$ 15,960,996	\$ 15,083,510
Furniture and equipment	2,291,270	4,160,114
Computer and technology	3,915,697	5,031,476
Mobile outreach van	146,936	146,936
	<u>22,314,899</u>	<u>24,422,036</u>
Less accumulated depreciation and amortization	<u>(18,057,600)</u>	<u>(20,093,224)</u>
	<u>\$ 4,257,299</u>	<u>\$ 4,328,812</u>

Note 7. Commitments

As of June 30, 2016, annual future minimum lease payments, which exclude payments based on pass-through expenses and escalations under non-cancelable operating leases for all of the Society's facilities, are approximately as follows:

Year ending June 30:	
2017	\$ 15,100,000
2018	15,600,000
2019	16,100,000
2020	16,300,000
2021	16,600,000
Thereafter	122,900,000
	<u>\$ 202,600,000</u>

Several leases for office space contain escalation clauses related to the lessor's real estate taxes, utilities and other building operating expenses. During fiscal 2016 and 2015, the Society recognized increased occupancy expenses for additional space taken within several locations. The rental expense was approximately \$14,010,000 and \$13,470,000 for the years ended June 30, 2016 and 2015, respectively.

In 2004, the Society received net incentives from certain landlords of approximately \$12,692,000 for the purchase of furniture and equipment and leasehold improvements, which is included in deferred lease obligations and lease incentives in the accompanying statement of financial position and is being amortized over 20 years, the term of the respective leases.

The Legal Aid Society

Notes to Financial Statements

Note 8. Temporarily Restricted Net Assets

Temporarily restricted net assets are recorded throughout the course of the year on the statement of activities. Temporarily restricted net assets are available for the following purposes at June 30:

	2016	2015
Civil Practice	\$ 514,466	\$ 748,003
Juvenile Rights Practice	631,305	391,675
Criminal Defense Practice	1,013,619	14,115
Endowment interest	1,322,857	1,450,947
Other	158,200	192,834
	<u>\$ 3,640,447</u>	<u>\$ 2,797,574</u>

The total of these net assets released from restriction due to satisfaction of time and purpose restrictions amounted to \$4,319,897 and \$4,535,456 during the years ended June 30, 2016 and 2015, respectively.

Note 9. Permanently Restricted Net Assets

The Society's endowment consists of 14 individual funds established for a variety of purposes. The endowments include only donor-restricted endowment funds. The Society's board of directors interprets the New York law as requiring that the Society classify the original value of gifts donated to the permanent endowment as permanently restricted net assets. Earnings on donor-restricted funds are classified separately as temporarily restricted net assets, until those amounts are appropriated for expenditure by the Society in a manner consistent with its spending policies pursuant to the donor restrictions.

The board of directors has delegated authority to its Finance Committee to oversee the investment of the endowment assets with the objective of achieving capital growth and income stability. On an annual basis and consistent with its spending policy, the Society decides whether to appropriate endowment funds for expenditure as part of its annual budgeting process. There were no appropriations in the fiscal years ended June 30, 2016 and 2015.

On a quarterly basis, the Finance Committee monitors the performance of the qualified investment professionals, the performance of the endowment and the objectives for and use of the earnings on the endowment to ensure that these are consistent with the directions of the donors and the mission of the Society. At least once a year, the Finance Committee reports to the board on these issues.

The Legal Aid Society

Notes to Financial Statements

Note 9. Permanently Restricted Net Assets (Continued)

Changes in endowment net assets for the fiscal years ended June 30, 2016 and 2015 consist of:

	Temporarily Restricted	Permanently Restricted	Total
Endowment net assets, at June 30, 2014	\$ 1,377,424	\$ 2,066,023	\$ 3,443,447
Investment return			
Investment gain	73,523	-	73,523
Total investment return	73,523	-	73,523
Endowment net assets, at June 30, 2015	1,450,947	2,066,023	3,516,970
Investment return			
Investment loss	(128,090)	-	(128,090)
Total investment loss	(128,090)	-	(128,090)
Endowment net assets, at June 30, 2016	\$ 1,322,857	\$ 2,066,023	\$ 3,388,880

Note 10. Employee Benefit Plans

All current employees of the Society are covered either by a defined contribution plan or by a multi-employer pension plan. In addition, certain current management and nonunion employees who began their employment with the Society prior to December 1, 2004 are covered by the Society's retirement plan (the Retirement Plan), a defined benefit plan.

Benefits under the Retirement Plan are generally based upon years of service and the salary of the employee. The assets of the Retirement Plan consist primarily of mutual funds. Effective July 1, 1999, the Society amended its Retirement Plan to include a cash balance feature and a lump-sum option. On November 30, 2004, the Society froze the accumulation of Retirement Plan benefits as part of its financial restructuring. The Retirement Plan was replaced by a defined contribution plan effective December 1, 2004.

Because of the Retirement Plan's underfunding, the Society made contributions of \$6,005,844 and \$2,237,000 in fiscal 2016 and 2015, respectively.

The Society made contributions to the defined contribution plan for nonunion employees of approximately \$2,219,000 and \$1,864,000 in fiscal 2016 and 2015, respectively.

Pursuant to a collective bargaining agreement, the Society made contributions related to the Association of Legal Aid Attorneys defined contribution plan, which covers unionized staff attorneys, of \$5,299,000 and \$5,045,000 in fiscal 2016 and 2015, respectively.

Pursuant to a collective bargaining agreement that covers a number of its employees, the Society made contributions related to the Service Employees International Union, Local 1199 pension fund, which is a national multi-employer pension plan, of approximately \$2,354,000 and \$2,314,000 in fiscal 2016 and 2015, respectively.

The Legal Aid Society

Notes to Financial Statements

Note 10. Employee Benefit Plans (Continued)

The risks of participating in a multi-employer plan are different from single employer plans in the following respects:

- (a) Assets contributed to the multi-employer plan by one employer may be used to provide benefits to employees of other participating employers.
- (b) If a participating employer stops contributing to the plan, the unfunded obligations of the plan may be borne by the remaining participating employers.
- (c) If the Society stops participating in the multi-employer plan, and continues in business, the Society could be required to pay an amount, referred to as withdrawal liability, based on the unfunded status of the plan.

The legal name of the pension fund is 1199SEIU Health Care Employees Pension Fund. The EIN/Pension Plan Number is 13-3604862/001. The most recent Pension Protection Act (PPA) zone status available in 2015, 2014 and 2013 are for the plan's year-end at December 31, 2015, 2014 and 2013, respectively. For each of these years, the plan's PPA zone status is "Green Zone". The zone status is based on information that the Society received from the plan and is certified by the plan's actuary. Among other factors, plans in the red zone are generally less than 65 percent funded, plans in the yellow zone are less than 80% funded, and plans in the green zone are at least 80 percent funded. The funded percentages for these years are 87.5%, 90.7% and 91.7%, respectively. The expiration date of the collective bargaining agreement requiring contributions is September 30, 2018. There is no funding improvement plan or rehabilitation plan that has been implemented or pending.

The Society's participation in the plan for the annual period ended December 31, is outlined in the table below.

Year	Employer Contributions	Greater Than 5% of Total
2015	1,999,312	No
2014	2,520,854	No

The Society also has other postretirement benefits plans covering substantially all its employees. The Society funds its postretirement benefits other than pensions on a pay-as-you-go basis. Such benefits consist of medical, dental, and vision premiums.

In addition, the Society accounts for long-term disability benefits in accordance with ASC Topic 712, *Nonretirement Postemployment Benefits*. The costs recognized for long-term disability premiums in fiscal years 2016 and 2015 amounted to approximately \$803,000 and \$709,000, respectively. The corresponding costs recognized for the change in the long-term benefit obligation for healthcare in fiscal 2016 and 2015 is (\$208,000) and \$603,000, respectively.

The Legal Aid Society

Notes to Financial Statements

Note 10. Employee Benefit Plans (Continued)

	Retirement Plan Benefits		Postretirement Health and Benefits	
	2016	2015	2016	2015
Change in benefit obligation:				
Benefit obligation at beginning of year	\$ 81,447,069	\$ 81,813,389	\$ 33,633,487	\$ 28,828,613
Service cost	-	-	1,126,993	959,946
Interest cost	3,302,292	3,081,924	1,585,710	1,272,514
Plan participants' contributions	-	-	95,795	83,202
Special Termination Benefits	-	-	44,000	-
Actuarial loss	6,463,658	2,521,128	12,085,842	3,182,232
Benefits paid	(5,054,333)	(5,969,372)	(717,947)	(693,020)
Benefit obligation at end of year	86,158,686	81,447,069	47,853,880	33,633,487
Change in plan assets:				
Fair value of plan assets at beginning of year	56,363,967	59,453,665	-	-
Actual return on plan assets	(242,923)	1,297,587	-	-
Employer contributions	6,005,844	2,237,124	622,152	609,818
Plan participants' contributions	-	-	95,795	83,202
Benefits paid	(5,054,333)	(5,969,372)	(717,947)	(693,020)
Expenses paid	(605,048)	(655,037)	-	-
Fair value of plan assets at end of year	56,467,507	56,363,967	-	-
Funded status at end of year	\$ (29,691,179)	\$ (25,083,102)	\$ (47,853,880)	\$ (33,633,487)

The Legal Aid Society

Notes to Financial Statements

Note 10. Employee Benefit Plans (Continued)

June 30,	Retirement Plan Benefits		Postretirement Health and Benefits	
	2016	2015	2016	2015
Amounts recognized as liabilities in the statement of financial position	\$ (29,691,179)	\$ (25,083,102)	\$ (47,853,880)	\$ (33,633,487)
Amounts recognized as cumulative Changes in pension and other Postretirement costs other than net periodic costs:				
Prior service credit	\$ -	\$ -	\$ 91,793	\$ 149,576
Net actuarial loss	40,211,476	32,711,031	23,869,544	12,285,013
Net amount recognized	\$ 40,211,476	\$ 32,711,031	\$ 23,961,337	\$ 12,434,589
Components of net benefit cost:				
Components of net periodic benefit cost:				
Service	\$ -	\$ -	\$ 1,126,993	\$ 959,946
Expense	680,000	620,000	-	-
Interest	3,302,292	3,081,924	1,585,710	1,272,514
Expected return (loss) on plan assets	(4,119,842)	(4,286,396)	44,000	-
Amortization of prior service cost	-	-	57,783	57,783
Amortization of losses	3,251,026	3,128,126	501,311	364,332
Net periodic cost	3,113,476	2,543,654	3,315,797	2,654,575
Changes in pension and postretirement costs other than net periodic costs				
Prior service credit	-	-	(57,783)	(57,783)
Net loss	7,500,445	2,416,848	11,584,531	2,817,900
Net other than periodic cost	7,500,445	2,416,848	11,526,748	2,760,117
Net benefit cost	\$ 10,613,921	\$ 4,960,502	\$ 14,842,545	\$ 5,414,692

The Legal Aid Society

Notes to Financial Statements

Note 10. Employee Benefit Plans (Continued)

During fiscal 2016, the mortality table was updated to the RP-2015 Mortality Table to reflect more recent data published by the Society of Actuaries.

Weighted-average assumptions to determine benefit obligations at June 30:

	Retirement Plan Benefits		Postretirement Health and Benefits	
	2016	2015	2016	2015
Discount rate	3.45%	4.25%	3.90%	4.90%

Weighted-average assumptions used to determine net periodic benefit cost at June 30:

	Retirement Plan Benefits		Postretirement Health and Benefits	
	2016	2015	2016	2015
Discount rate	4.25%	4.00%	4.90%	4.60%
Expected return on plan assets	7.65%	8.00%	N/A	N/A

The assumed healthcare cost trend rates have a significant effect on the amounts reported for the healthcare plans. For measurement purposes, the assumed rates for future increases in healthcare, which is based on national trends, is 6.95 % in 2017 and was 7.65% in 2016. The 6.95% rate in 2017 is expected to gradually decline to 4.75% in 2024.

The effect of a one-percentage-point change in the healthcare cost trend rate on the year-end postretirement health benefit obligation and total service and interest cost components for the year ended June 30, 2016 is as follows:

	One- Percentage- Point Decrease	One- Percentage- Point Increase
Year-end postretirement health benefit obligation	\$ (9,534,000)	\$ 12,867,000
Total of service and interest cost components	(549,000)	744,000

The Legal Aid Society

Notes to Financial Statements

Note 10. Employee Benefit Plans (Continued)

The following benefit payments which reflect expected future service, as appropriate, are expected to be paid as follows:

Year ending June 30:	Retirement	Postretirement
	Plan Benefits	Health Benefits
2017	\$ 6,695,841	\$ 820,000
2018	6,186,675	843,000
2019	6,257,264	920,000
2020	6,492,510	901,000
2021	6,029,571	996,000
2022 - 2026	27,514,604	6,652,000

The Society has adopted a policy for the investment of the assets of the Retirement Plan, which is administered by, and may be altered by, the Retirement and Benefits Committee of the Society's board of directors. The investment policy has been established to consider both the current and projected financial requirements of the Retirement Plan. The Retirement Plan relies on a total return strategy in which investment returns are achieved through both capital appreciation (realized and unrealized) and current yield (interest and dividends). The Retirement Plan uses a balanced asset allocation including both equity-based and fixed income investments to achieve its long-term objectives. Those objectives are:

- Maximize return within reasonable and prudent levels of risk of loss of principal.
- Maintain sufficient liquidity to meet benefits payment obligations on a timely basis.

The portfolio approach for the Retirement Plan is to maintain a balance of approximately 60% in equities and 40% in fixed income. Equity securities include investments in mutual funds invested in large-, mid-, and small-cap companies located in the United States and internationally. Fixed income securities are comprised of mutual funds invested in low-risk interest-bearing investments.

The Legal Aid Society

Notes to Financial Statements

Note 10. Employee Benefit Plans (Continued)

The fair value of the Retirement Plan's investments at June 30, 2016 and 2015 (all of which are Level 1 – see Note 2), by asset category, are as follows:

	Fair Value Using Quoted Prices in Active Markets for Identical Assets (All Level 1)			
	2016	2015	% 2016	% 2015
Cash equivalents	\$ 5,376,443	\$ 1,173,768	9.5%	2.1%
Mutual funds:				
Large-cap	16,168,847	18,393,260	28.6%	32.6%
Mid-cap	4,955,831	4,927,952	8.8%	8.7%
Small-cap	2,802,475	3,341,209	5.0%	5.9%
International	5,802,094	6,038,706	10.3%	10.7%
Emerging markets	1,861,209	2,894,818	3.3%	5.1%
Equity REITs	823,553	885,493	1.5%	1.6%
Indexed trust fund	406,658	466,759	0.7%	0.8%
Fixed income	18,270,397	18,242,002	32.4%	32.5%
	<u>\$ 56,467,507</u>	<u>\$ 56,363,967</u>	<u>100%</u>	<u>100%</u>

Following is a description of the valuation methodologies used for assets measured at fair value.

Mutual funds: Valued at the net asset value held by the Retirement Plan at year-end.

The methods described above may produce a fair value calculation that may not be indicative of net realizable value or reflective of future fair values. Furthermore, while the Plan believes that its valuation methods are appropriate and consistent with those of other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

Note 11. Contingencies

There are a number of pending legal actions against the Society which, in the opinion of management, will not result in material loss to the Society and no amounts have been accrued in the accompanying financial statements for such contingency.

As of June 30, 2016, receivables from grants and governmental contracts include accrued revenue aggregating approximately \$2,400,000 from unexecuted and/or unregistered contracts with the state/city

The Legal Aid Society

Notes to Financial Statements

Note 11. Contingencies (Continued)

Certain grants and contracts are currently subject to and may be subject to audit by the funding sources. Such audits might result in disallowances of costs submitted for reimbursement. Management is of the opinion that such cost disallowances, if any, will not have a material effect on the accompanying financial statements. Accordingly, no amounts have been provided in the accompanying financial statements for such potential claims.

The Legal Aid Society
serves
In the Courtroom
In the Community
Across the City
and
Across the Nation



MAKING THE CASE FOR HUMANITY

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