

LEGAL ACTION CENTER

2018-2019

Annual Report



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The Legal Action Center (LAC) uses legal and policy strategies to fight discrimination, build health equity, and restore opportunity for people with criminal records, substance use disorders, and HIV or AIDS.

LAC seeks to end punitive and discriminatory responses to health conditions like addiction, mental illness and HIV or AIDS, and to create equitable access to affordable, quality care. We envision a society that upholds the civil rights of all individuals, regardless of their history of justice involvement or medical condition. And we aim to dismantle the historic and persistent impact of systemic racism that has fueled mass incarceration and disparate community health systems.

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Letter

FROM THE CHAIR OF THE BOARD AND THE PRESIDENT & DIRECTOR

The Legal Action Center is a family - a diverse family of staff, board members, partners, clients, advocates, and supporters who come from different backgrounds, but are committed to a shared ideal of what justice should look like. And that vision of justice guides our work each day.

For nearly 50 years, LAC has fought to protect and expand the rights of individuals with criminal justice involvement, substance use problems, HIV and AIDS. We have worked to ensure that our constituents have a fair chance at leading healthy, productive lives and can obtain the resources they need to support themselves, their families, and our shared communities. We believe that everyone deserves to be treated with dignity and that everyone is entitled to justice.

And while our vision may be focused, we work on multiple fronts to achieve our mission – from providing legal help to individuals, to conducting precedent-setting impact litigation, to coalition-building and collaborating with others on advocacy efforts, to working with policymakers to achieve legislative systemic change.

As you'll see from the past year's highlights noted in this report, LAC has continued to expand its reach and its impact. From helping over 1,700 individuals in New York resolve over 2,200 civil legal cases, to helping pass 10 major pieces of criminal justice reform legislation that will impact the lives of millions, to amplifying our advocacy efforts through over 900 articles in local, state, and national outlets, to providing over four dozen trainings to a wide range of partners, we drove our mission forward in many ways this past year.

It is thanks to the generosity of our supporters that we are able to look back and celebrate these important achievements – as well as plan for our future. We have so much more to accomplish to improve the lives of our constituents. All of us at LAC are so very appreciative of the many individuals, families, foundations, corporate sponsors, and government agencies who stand with us in support of our vital work.

With gratitude,
Brad S. Karp & Paul N. Samuels

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Fighting Discrimination

People with criminal justice histories, substance use disorders, and HIV and AIDS face pervasive discrimination that denies them their legal and human rights. LAC works to prevent and correct discriminatory policies and practices that keep our constituents from exercising the fundamental rights necessary for them and their families to live healthy and free lives. By enforcing their rights to work, access health care, be housed, raise families, vote, and more, we keep people out of the criminal justice system and at home where they can lead lives with dignity.

Our free legal services help thousands of New Yorkers every year avoid and overcome discriminatory barriers to employment, health care, housing, insurance coverage, and more. This includes protecting our clients' health privacy rights so that the stigma surrounding substance use disorders, mental health, HIV, and AIDS does not block them from living lives with dignity and opportunity.

We extend our reach even further by providing technical assistance and training to providers and advocates across the country and publishing plain language educational materials that empower people to fight for their and other people's rights.

Our impact litigation and policy advocacy lead to systemic change that creates a more just and equitable society for ALL of our constituents.

Program highlight:

Achieving Racial Equity in Health Care and Criminal Justice Reform

In 2018, LAC launched the **No Health = No Justice Campaign** in response to growing criminal justice and health policy reform movements that have failed to recognize the core importance of racism, and the intersectionality of the systems.

Decades of punitive criminal justice and drug policies have led to the US becoming the world's leading incarcerator. Failure to invest in mental health and addiction treatment has led to a disproportionate number of people with these illnesses being incarcerated rather than getting the healthcare they need.

The No Health = No Justice Campaign brings together advocates across the country to achieve mass decarceration through improved community healthcare.

Working intensively in five states, we have built local coalitions to drive policy and practice reforms to increase healthcare access for people involved in the criminal justice system.

At the federal level, we have fought against efforts by the Trump administration to restrict access to health coverage, SNAP/TANF benefits, and housing, and to weaken patient privacy protections. And we have pushed to advance various health and justice reforms including federal ban the box legislation, legislation to restore Pell grant eligibility to incarcerated people, and legislation aimed at improving health care access to people who use drugs, that will soon be considered in the 116th Congress.

We believe it is only through a united and intersectional approach that we can truly build more equitable health and criminal justice systems and make the change that is so urgently needed.

client story:

Sondra*.

After struggling with addiction throughout her twenties, Sondra had been in recovery for nearly a decade when she was arrested for shoplifting a \$12 bag of nuts from the local grocery store in rural Pennsylvania. She had no money for food.

Since a car crash a few years earlier, Sondra's disability and chronic pain kept her from working. But under her State's strict work requirements for food stamps, Sondra didn't qualify. Through all this, Sondra held tight to her recovery with the help of Suboxone – an evidence-based medication for opioid use disorder that also controlled Sondra's pain. But while on probation for the shoplifting conviction, the court issued an order prohibiting all people under community supervision from taking Suboxone – the medication that was helping Sondra stay alive. Like many in the criminal justice system, this judge had fundamental misconceptions about this medication.

Threatened with the prospect of being incarcerated, Sondra began tapering off her medication. She recalls her doctor saying, "I hope this doesn't kill you." Within a few weeks, Sondra wasn't sure she would survive. She was unable to get out of bed due to the now unmanageable pain and suicidal thoughts. Her life felt hopeless and she was terrified of relapsing.

A local health care provider contacted the Legal Action Center to see if we could help Sondra. We filed a Department of Justice complaint and worked with a local attorney to demand that the Judge rescind his order because it violated the Americans with Disabilities Act. Our advocacy succeeded. The judge vacated the order and Sondra was able to stay on this life-saving medication.

Today, Sondra is grateful to be alive. She dedicates herself to helping others find and sustain recovery.

**Client's name changed to protect their confidentiality.*

Photo is not of actual client.



Building Health Equity

Access to affordable, quality healthcare remains deeply inequitable in this country. LAC works to improve our system of public health and end the criminalization of health-related issues, in particular substance use disorder (SUD) and mental illness.

LAC combines research and education, policy advocacy, precedent-setting litigation, and coalition-building to achieve our health equity goals. And holding close the understanding that criminal justice and public health reform is intertwined and overlapping, we work to develop intersectional remedies.

In recent years, LAC has been a leader in the fight for full enforcement of mental health and addiction parity laws, which require health insurances to cover addiction and mental health treatment at the same level as other medical services. We protect patient rights to privacy so that they can seek treatment without fear that their medical records will be disclosed in a way that will harm them or their families.

And we work to ensure that incarcerated individuals are also provided with the SUD and mental health services that they need to get and stay well, and that this care continues upon release so that people can stay healthy as they reenter society.

Program highlight:

Addiction and Mental Health Parity

"Insurance is complicated, but parity is simple. Parity means that health plans must treat people suffering from a mental health (MH) condition or substance use disorder (SUD) fairly by covering treatment for these conditions like any other health problem. Parity means families with health insurance should not have to mortgage their homes or drain college savings or retirement accounts to pay for MH or SUD treatment. Parity means parents of children with behavioral health needs should not have to voluntarily relinquish their parental rights because they are unable to find or afford care for their children." – Ellen Weber, Health Affairs

Despite the passage of the federal Mental Health Parity and Addiction Equity Act over a decade ago, the implementation and enforcement of the law have been uneven.

As a result, people needing care for an addiction or mental illness often face overwhelming and discriminatory insurance barriers - and the impact on individuals and families across the country can be devastating.

The Legal Action Center continues to lead the fight for fair insurance coverage of mental health and addiction treatment, and for robust enforcement of parity laws. In 2018-2019, we worked in several states to inform patients, treatment providers, policy-makers, and regulators and to demand that insurers be held accountable for upholding the law.

In New York State, LAC provides guidance to individuals seeking treatment on their insurance rights under state and federal laws, as part of the CHAMP program. With support from the Office of Addiction Services and Supports, CHAMP is an ombuds program that serves as a comprehensive resource for consumers, providers, and healthcare advocates.

LAC also spearheads policy advocacy in New York to highlight the need for stronger enforcement, and to engage the voices of directly impacted individuals. In 2018, LAC established the NY Friends and Family Access to Treatment group to highlight the experiences that far too many New Yorkers have had in getting coverage for a mental health or addiction problem, and to mobilize around an advocacy agenda to bring about the change that is needed.

Advocate story: Sharon.

Sharon Richmond lost her only child, Vincent, to a fentanyl drug overdose at age 25. He had struggled with addiction for many years. Vincent sought inpatient treatment at least four times. Each time, he was denied coverage because the family's insurer said he didn't fit its criteria for "medical necessity." A court-appointed psychiatrist even recommended inpatient treatment for Vincent, but it was denied.

Instead, the insurer approved a three-day detox but no proper follow-up treatment; they also denied Vincent access to FDA-approved medications. Sharon knew that detox would only be the first step in the continuum of care, and she fought hard to get her son the care he needed and was legally entitled to. As she said, "imagine treating someone for a diabetic coma and then releasing them without insulin or follow-up care." She knew the system was broken and she did everything to fix it, including turning to LAC for information regarding her legal rights and avenues to pursue justice for her son.

The continued insurance denials for the treatment he desperately wanted – and his healthcare providers clearly stated that he needed – eventually resulted in tragedy.

Sharon has become a member of LAC's Friends and Family coalition and a fierce advocate, urging the New York attorney general's office to take steps to hold insurers accountable for violations. She also worked with members of the State Legislature, which ultimately passed a law that requires insurers to report on parity compliance. She is proud of her work and these signs of progress, but she knows they are insufficient. She continues to urge New York policymakers to place the burden of parity compliance on insurers, where it belongs, rather than on consumers. LAC is honored to fight side-by-side with Sharon in the hopes that, someday, everyone in need of addiction treatment will be able to access it.





Restoring Opportunities

Nationally, there are over 70 million individuals with a criminal conviction on their record--that's one in every three American adults. And there are over 44,000 laws and policies that prevent people with criminal records from accessing employment, housing, and other necessities of life. This means that long after a person has completed their sentence, they continue to be punished time and again, denied the opportunity for restoration of life, liberty and the pursuit of happiness. And due to over-policing and excessive prosecution of low-income individuals of color, black and brown communities disproportionately bear these unjust collateral consequences.

In partnership with directly-impacted individuals, advocates, providers, and policy-makers, LAC works to ensure that our constituents can access the resources and opportunities they need to support themselves and their families and contribute meaningfully to our shared communities.

Together, we work to break down systemic barriers that keep our constituents from attaining jobs, homes, health care, benefits, education, voting rights, and other life essentials.

Our goal is to remove these barriers, so that all members of our society have access to opportunity, health and justice.

Program highlight:

Sealing and Expunging Criminal Records

For decades, the Legal Action Center has advocated for the automatic sealing and expungement of criminal records after a period of time. Because of the tens of thousands of laws and policies that bar people with old convictions from accessing basic opportunities – like housing, education and employment – people are often unable to move forward with their lives even decades after completing their sentence. This is not right.

In 2018 and 2019 LAC significantly intensified our advocacy for records clearance.

We used a number of tactics to achieve change this past year including:

- ♦ Legal Advocacy and Services: LAC's attorneys and paralegals helped individuals to seal their convictions under the current law. See the story of one such client, Theo, on the next page.
- ♦ Policy Advocacy: Our legal and policy teams worked with other advocates and the New York State legislature to pass a law that automatically expunges marijuana convictions.
- ♦ Impact Litigation: We employed an innovative class action strategy to seal some marijuana possession convictions of more than 300 people at once in Manhattan. Brought jointly with a handful of other criminal justice reform organizations, pro-bono partners and the Manhattan District Attorney's Office, we were able to help hundreds of New Yorkers and provide them with significant relief.

Building on these successes, LAC launched a statewide campaign called **Clean Slate New York** which will bring together a broad coalition to advocate for this critical criminal justice reform in the coming year. Learn more at www.cleanslateny.org.

Client story:

Theo*.

More than twenty years ago, Theo made what he calls 'the worst mistake of his life'. He had been out drinking at a bar when he saw a wallet sitting out on a table and took it. He was arrested later that evening for the theft and completed his sentence, which included treatment for alcohol addiction.

He spent the next two decades working to overcome that mistake. He steadily advanced his career working at a social service agency and dedicated himself to his wife and daughter, and more recently, to his grandchildren. But none of that seemed to matter when he applied for subsidized housing. The only thing that seemed to matter for his housing application was Theo's conviction history.

This was not his first time he faced obstacles because of his record – for years it stood in the way of getting jobs, supporting his family, and fully enjoying his life. But this time, Theo decided to fight for his rights, and he came to the Legal Action Center.

We learned that in addition to his old misdemeanor conviction, Theo's record included a conviction that was not his. In 1985, his brother was arrested for stealing a car and gave Theo's information to the police. LAC worked with Theo not only to fix the error on his criminal record but to seal his misdemeanor conviction, so he could fully move on once and for all.

Now that his record has been cleared, Theo feels like he can finally put the past behind him and enjoy his retirement years. "You can't get any better than Legal Action Center. I just want to say thank you to LAC for giving me a fresh start and finally putting something that's haunted me every day for 23 years out of my daily life."



Our Supporters

LAC is incredibly grateful to the following foundations, organizations, and individuals who gave \$1,000 or more to support our work in 2018-2019. We are also so appreciative to the many donors who made smaller contributions, chose not to be listed, or who donated their time and expertise. It is thanks to all your support that LAC can carry out our mission of fighting discrimination, building health equity, and restoring opportunities for those we serve.

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2018 Benefit

The Arthur Liman Public Interest Awards Benefit, begun in 1998, supports LAC's work and honors the memory and continues the legacy of LAC's Founding Chairman, Arthur L. Liman. Honorees are recognized for outstanding accomplishments in their fields and exceptional contributions to social justice in LAC's areas of focus.

J. Edward Shaw, Consultant and HIV/AIDS Advocate, received the Edward J. Davis Community Service Award for his over 20 years of service of organizing to raise awareness about the particular needs of seniors living with or at risk of HIV/AIDS. Jay Balacek, Senior Vice President & Associate General Counsel of JPMorgan Chase & Co., received the Arthur Liman Public Interest Award for his strong commitment to justice and the community throughout his career in public service. Thanks to our incredible supporters, LAC raised over a million dollars to fund our work fighting discrimination, restoring opportunities, and building health equity for those we serve.



Financials

REVENUE

Government Contracts	2,027,090
Contributions and Special Events	1,297,017
Foundations and Corporations	2,311,104
Publication and Consultation	39,507
Member Fees and Miscellaneous	1,013,803
In-kind Contributions	1,250,033
Total Revenue	7,938,554

EXPENSES

Program Services	6,069,957
Management and General	813,700
Fundraising	523,488
Total Expenses	7,407,145

CHANGE IN NET ASSETS 531,409

Net Assets - Beginning of Year	636,217
Net Assets - End of Year	1,167,626

You Can Help

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