



MFY's Adult Home Advocacy Project

Empowerment, Advocacy and Litigation to Fix Adult Homes

Twenty years ago, few people knew of the existence of adult homes, and even fewer paid any attention to what was going on inside them. That changed in 1987, when MFY began to look into how mentally disabled adults were treated in adult homes. Access to the homes was difficult but gradually inroads were made and a grim picture emerged. MFY attorneys found filthy facilities where residents unable to care for themselves were left in soiled clothes and neglected. In many homes vital psychotropic medicines were distributed by untrained staff or not at all, and medical records were incomplete or non-existent. State inspections documented cases of patients who died after having been given the wrong medication or of neglect, abusive staff, and homes unstaffed at night.



Alfred Roberts, a resident of Oceanview Manor Home for Adults in Coney Island, discusses conditions at the home with Jessica Witenko, a Syracuse University law student who is working with the Adult Home Advocacy Project for the summer. Mr. Roberts is a lead plaintiff in MFY's class action suit to end the home's practice of withholding residents' personal needs allowances as a form of behavior control.

In 1995, MFY formally established the Adult Home Advocacy project and began a unique collaboration with the Coalition of Institutionalized Aged and Disabled (CIAD), an advocacy organization that works on behalf of adult home residents. "Our goal was to create a lawyer/organizer project that would empower residents to speak on their own behalf to get real improvements," said Jeanette Zelhof, MFY's deputy director and the architect of the project. "With CIAD, we trained residents on their rights and how to advocate for themselves. We stepped in only when litigation was the last resort—which happened all too often. We also tried to focus on larger issues that affected all the residents in a home." MFY began handling hundreds of individual cases each year—from operators' mishandling of residents' funds and abusive treatment by staff members to various schemes to defraud Medicaid.

Residents were vocal in their complaints, and MFY was able to identify patterns of abuse. In 1992 MFY initiated its first of many lawsuits to address underlying problems—a suit against a Queens home for unsafe and deplorable conditions. Subsequent suits on bad conditions, financial improprieties, and mistreatment kept the pressure on operators and on the state to ensure proper oversight.

In 2000, after a hospital worker blew the whistle on a scheme among an adult home operator, hospital and others to defraud Medicaid by conducting unnecessary prostate surgery on 24 mentally disabled residents, the situation in adult homes became front page news. MFY, with pro bono assistance from Patterson, Belknap, Webb & Tyler LLP, successfully sued on behalf of 17 of the victims, winning a multi-million dollar settlement five years later. Attorneys from Akin Gump Strauss Hauer & Feld, LLP; Aufrechtig Stein & Aufrechtig PC; Bryan Cave LLP; Chadbourne & Parke LLP; Davis Polk & Wardwell; Kassoff, Robert, Lerner & Robert, LLP; Morrison & Foerster LLP; Simpson Thacher & Bartlett LLP; and Willkie Farr & Gallagher donated their time to serve as guardians ad litem. MFY's advocacy prompted the New York Times to conduct a year-long investigation that resulted in a Pulitzer Prize-winning series documenting the abuses in the homes and recognizing the Project's work.

Over the years, MFY's leadership in the field was recognized by the New York State Commission on the Quality of Care, a state oversight body, and by the New York

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Adult Homes

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Community Trust and vanAmeringen Foundation, which provided support to supplement funding provided by the New York City Department of Health and Mental Hygiene, so that MFY could pursue more impact litigation.

Currently, the Adult Home Advocacy Project is litigating a class action suit on behalf of 170 residents of the Oceanview Manor Home for Adults in Brooklyn, with pro bono support from Pillsbury Winthrop Shaw Pittman LLP, alleging that the home routinely withholds residents' \$150-per-month personal needs allowances as a form of behavior control. In March, MFY filed suit in federal court against Verizon Communications, charging discrimination against adult home residents in the administration of the federally subsidized Lifeline phone service. Constantine Cannon, PC is pro bono counsel on the case.

The Adult Home Advocacy Project's most far-reaching case, *Disability Advocates, Inc. v. Pataki*, goes to the heart of the problem with adult homes. Originally established to provide basic room and board for seniors who needed minimal help to live on their own, the homes have become warehouses for mentally ill people who had been discharged from state

psychiatric hospitals or who had lost their apartments due to a temporary hospitalization. The suit alleges that the state's practice of concentrating large numbers of mentally disabled people in adult homes is contrary to the Americans with Disabilities Act requirement that disabled individuals receive services "in the most integrated setting appropriate to their needs." In reality, the homes are segregated settings that provide minimal privacy and dignity and offer virtually no rehabilitative care or hope of moving to the community. The suit is a collaborative effort by MFY; Paul, Weiss, Rifkind, Wharton & Garrison LLP; Disability Advocates, Inc.; New York Lawyers for the Public Interest, Inc.; the Bazelon Center for Mental Health Law; and the Urban Justice Center. If successful, the suit may force the state to create adequate integrated community housing for adult home residents and individuals at risk of being placed in adult homes.

Pressing the state to enforce regulations governing the adult home industry has been a consistent focus of the Adult Home Advocacy Project. MFY is soon to release a white paper, analyzing the state's Quality Improvement Program (QUIP) for adult homes, which has provided millions of dollars to operators to improve services for residents. The analysis shows that many homes used the money for routine maintenance and that few improvements were made in the quality of residents' lives. The

Thank You!

MFY acknowledges generous recent support from:

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We also thank our 2006 Summer Law Interns for their outstanding work:

Chrissy Koumbourlis

St. John's Law School

Alfredo Ortega

Harvard Law School

Antonella Pomara

University of Chicago Law School

Sheryl Shapiro

Georgetown University LawCenter

Andrew Smith

Harvard Law School

James Wong

Temple University School of Law

white paper calls on the state to overhaul monitoring to ensure that taxpayer funds are reaching the residents.

What has this project meant for residents? Jeanette Zelhof summed it up: "Mentally ill adult home residents are no longer alone. They know how to get help for individual and collective problems. The most corrupt homes have gone out of business, and others have made improvements. But when 90% of residents are mentally disabled, that's re-institutionalization. That's what we're going to fix next."

Former Adult Home Residents Celebrate Move to New Home



On May 19 six former residents of the Leben Home for Adults celebrated their move to Sterling Glen of Forest Hills with staff from MFY and Transitional Services, Inc., a social services agency that has been

working to help the men make a successful transition to a new living situation. The six were among 24 psychiatrically disabled adult home residents who were subjected to unnecessary prostate surgery as part of a Medicaid fraud scheme. MFY and Disability Advocates, Inc., with pro bono co-counsel from Patterson, Belknap, Webb & Tyler LLP, won a multi-million dollar settlement, and Thomas E. Dunn, an MFY Board Member and partner at Cravath, Swaine &

Moore LLP, crafted a complex trust agreement that has enabled the men to move to a state-of-the-art assisted living residence. With views of the New York City skyline, Meadow Lake and Flushing Meadow Park, and gourmet meals served daily, all of the men heartily agreed that their new home was "the best place they ever lived."



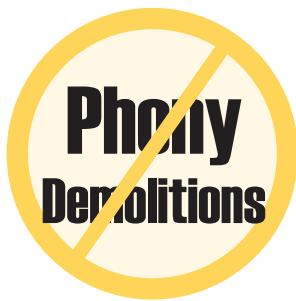
in brief

MFY Thwarts Landlord's Attempt to Undercut Rent Stabilization Law for SRO Units

When Ms. P.'s SRO landlord insisted that she vacate her room, she contacted MFY for help. In court, the landlord claimed that her room was "exclusively used for transient occupancy and exempt from the Rent Stabilization coverage," and requested injunctive relief. In recent years, growing numbers of SRO operators have attempted to turn buildings zoned as "apartment hotels" into transient hotels. MFY argued that a room's status as transient or permanent occupancy vests in the tenants, not the landlord's wishes. The court agreed, denying the injunction and declaring that the landlord had no recognized right to deny a lease or determine which rooms are permanent or transient. This decision will help other SRO tenants who face similar harassment.

Taconic Foundation Supports MFY's License to Work Initiative

The Taconic Foundation awarded MFY a grant of \$25,000 to support the Workplace Justice Project's efforts to help formerly incarcerated people obtain licenses as security guards and for other entry-level positions. The License to Work Initiative pairs pro bono attorneys with clients who need representation at administrative hearings to appeal denial of licenses. For many ex-offenders, securing a license is the first critical step in successfully re-entering the workforce, and the security guard industry is a large employer of ex-offenders.



MFY Joins City Council to End Phony Demolitions

MFY staff joined scores of concerned tenants and elected officials at a City Hall press conference on May 18 to demand an end to landlords' efforts to evict rent-regulated tenants by securing permits for "demolitions," when they are merely renovating buildings to create larger, more profitable units. City and state elected officials

called on the state's Department of Housing and Community Renewal to crack down on landlords who abuse the permits, and City Council Member Rosie Mendez and Assembly Member Deborah Glick are introducing legislation to challenge the practice. MFY is currently representing Manhattan seniors who are in danger of losing their homes because of phony demolitions.

Goldberg Honored by City Bar for Years of Public Interest Service

MFY Supervising Attorney Andrew Goldberg received the Association of the Bar of the City of New York's 17th Annual Legal Services Award on May 16 for his years of public interest service, including his leadership in pursuing litigation on behalf of children poisoned by lead paint. In 2005, the Court of Appeals refused to hear the final landlord challenge to a tough lead paint law passed by the City Council in 2004, ending a legal battle that Andy initiated in 1985 on behalf of several Bronx families.

pro bono news



Over 60 attorneys participated in training on family law issues at Greenberg Traurig.

Greenberg Traurig Hosts Training for MFY's Pro Bono Kinship Caregiver Project

On June 22, over 60 attorneys from Greenberg Traurig LLP, Citigroup, Alston & Bird LLP, Cleary Gottlieb Steen & Hamilton, Patterson, Belknap, Webb & Tyler LLP, Stroock & Stroock & Lavan LLP, and Weil, Gotshal & Manges LLP attended a family law training and reception hosted by Greenberg Traurig in preparation for providing pro bono counsel to kinship caregivers, who care for over 300,000 children in New York City. MFY's Executive Director Lynn Kelly explained that the Project's will help stabilize families, promote children's security and prevent foster care placements.

Bill Silverman, a Shareholder at Greenberg Traurig who organized the training, said "This project is a great opportunity for attorneys to make a difference in individual lives and to raise public awareness of the acute need for greater access to legal counsel."

Elizabeth Barnett, a NYC Family Court referee and trainer, provided the nuts and bolts training on guardianship, custody and other issues that attorneys will handle. Cleary Gottlieb is providing technical database support to the Project. MFY Supervising Attorney Ramonita Cordero is coordinating the Project. Interested attorneys may contact rcordero@mfy.org for more information.

Summer Associates Lend a Hand

Our thanks to Debevoise & Plimpton LLP, DLA Piper Rudnick Gray Cary, and Willkie Farr & Gallagher LLP for providing summer associates who provide valuable research assistance during one- and two-week rotations.



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MFY staff news

MFY Salutes Elva Atilas on Her Retirement



Elva Atilas retired after 39 years of service to MFY. Elva began her career at the original Mobilization for Youth office and worked at two Lower East Side neighborhood offices before MFY consolidated its offices. Elva has served as an Executive Secretary, and her top-notch translation skills have enabled hundreds of Spanish-speaking clients to receive help. Reflecting on MFY, Elva said: "It's been my schooling—I have grown in age and sensitivity. Assisting people with problems has made me more understanding, and I truly believe working at MFY has made me a better person." MFY sends our best wishes to Elva for a fruitful and enjoyable retirement.

City Council Honors Una Perkins

Citing her as a role model for women at its celebration of Women's History Month in March, the New York City Council awarded Una Perkins the Council's Pacesetter Award. Una began her career as a paralegal with MFY in 1969, and was one of the first community residents to be trained as a paralegal by Columbia University Law School.



MFY Staff and Interns Celebrate Summer in Coney Island



MFY hosted a trip to Coney Island on June 29 for summer interns and staff to see the Cyclones take on the Ironbirds. "Our staff and student interns work really hard, and we want to make sure they know how much we appreciate their contribution," said Executive Director Lynn Kelly. Although the Cyclones lost and it rained, everyone had a great time.

MFY Legal Services, Inc.

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Ramonita Cordero, *Supervising Attorney*
Sara Fulton, *Supervising Attorney*
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