

# MFY Legal Services, Inc.

A black and white photograph of a city skyline, likely New York City. The Empire State Building is the central focus, standing tall among other skyscrapers. In the foreground, there are several multi-story brick buildings with many windows, some with fire escapes. The sky is overcast.

45th Anniversary  
1963-2008

---

---

**45** years ago, MFY Legal Services pioneered a new approach to legal services for the poor, creating a model that has been followed by hundreds of legal services organizations nationwide. A comprehensive history of MFY would take volumes. On the occasion of our 45th anniversary, we present a much briefer account that highlights the key themes that have made MFY unique and enabled it to thrive and grow.

We thank the hundreds of attorneys, paralegals, social workers and support staff whose commitment and hard work over the years have made MFY a vibrant force for justice in our city, and to the members of our Board of Directors for their insight, courage, and steadfast support.

–Jeanette Zelhof  
Interim Executive Director

---

---

# An Idea Takes Hold

Like most bold ideas, the creation of MFY started with a small group of committed people asking hard questions about a seemingly intractable problem. In this case, the committed people were members of the Board of Directors of the Henry Street Settlement House, the social service organization that had aided waves of immigrants on Manhattan's Lower East Side for six decades. The year was 1957, and the problem was rampant juvenile delinquency in the largely Puerto Rican and African-American community.

After hearing the Settlement's social workers discuss the problem and their work, Jacob Kaplan, a prosperous local businessman and Board member, asked what it would take to tackle juvenile delinquency. Henry Street's staff wanted to flood the community with social services to help lift residents out of poverty. Kaplan agreed to fund a planning process, and Henry Street enlisted Lloyd Ohlin, Director of the Columbia University School of Social Work, and Richard Cloward, his colleague, to lead the planning process. Ohlin and Cloward, nationally-recognized experts on juvenile delinquency, believed that by creating opportunities—educational, social, cultural and economic—young people would engage in productive activity rather than delinquent behavior. Ohlin and Cloward set to work developing Mobilization for Youth, aided by Columbia University professors, social workers and representatives of community organizations on the Lower East Side. At the same time, the Kennedy Administration was devising its own strategies to address the problem on a national level.

## Mobilization for Youth Is Born

John F. Kennedy took three important steps to tackle juvenile delinquency: he created the Presidential Committee on Juvenile Delinquency; sought and won approval from Congress for the Juvenile Delinquency and Youth Offenses Control Act, which authorized \$30 million over three years to finance local delinquency projects; and recruited Lloyd Ohlin to lead the anti-delinquency effort.

*Poor people had always  
seen a lot of lawyers,  
but never on their  
side of the table.*

—Richard Cloward  
Columbia School  
of Social Work



# MFY Litigation History: A Selection of Reported Decisions

## DUE PROCESS

**Goldberg v. Kelly**, 397 U.S. 254 (1970).

The United States Supreme Court held that a state could not terminate “public assistance payments to a particular recipient without affording him the opportunity for an evidentiary hearing prior to termination.” The concept of fair hearings is now commonplace, and millions of Americans continue to benefit from this decision.

## SOCIAL SECURITY

**New York v. Sullivan**, 906 F.2d 910 (2d Cir. 1990).

This class action successfully challenged procedures of the Social Security Administration (“SSA”) for evaluating cardiovascular disabilities and resulted in the potential reopening of thousands of claims that SSA had previously rejected. In addition, the Second Circuit decision rejected the position that equitable tolling of claims is permissible only in limited circumstances. This liberalized tolling rule renders more claims viable and thus increases both the number of claims for which appeal is timely as well as the number of persons who can benefit from any particular class action decision involving government benefits.

**Schisler v. Bowen**, 851 F.2d 43 (2d Cir. 1988).

This influential decision arising out of class action litigation forced the Social Security Administration (“SSA”) to adopt the “treating physician rule,” which established that a treating physician’s opinion was (1) binding on

In 1961, Mobilization for Youth’s 617-page proposal was submitted to Washington and approved. The following year, at a ceremony in the White House Rose Garden in June, President Kennedy presented the organization with a \$2.1 million delinquency grant to help pay for its programs. Another \$11 million came from the National Institute of Mental Health, the Ford Foundation, the City of New York, and the Columbia School of Social Work. In a front-page spread on June 1, 1962, *The New York Times* described Mobilization for Youth as a project that will “enlist the actionist and the researcher in a joint program of social engineering organized to improve opportunities for youth and guide young people into pursuing them.”

Mobilization for Youth opened its first storefront office on New York City’s Lower East Side in September 1962, and hired over 300 community organizers, social workers, and other professionals to carry out its ambitious agenda. Among them was Edward Sparer, a former labor organizer and recent law school graduate, who was inspired by the successes of organizations like the NAACP and ACLU and saw law as a means to redress inequality.

Mobilization for Youth wasted no time in organizing the community to fight injustice. In an early example of community activism, Mobilization for Youth stood on the side of local welfare recipients who were denied the winter clothing allotment guaranteed them by welfare policy. Rejecting a case-by-case approach, Mobilization appointed an attorney who acted as the representative for several hundred claimants. After threatening massive picketing, the city’s Welfare Commissioner agreed to pay the welfare recipients. As word spread across the city, thousands of welfare families applied for and received the clothing benefit. This drive, more than any other, provided the impetus for the formation of the National Welfare Rights Organization, one of several organizations that grew out of Mobilization’s pioneering work.

# Mobilization for Youth Forges a New Legal Approach

During its first year of operation, Mobilization for Youth recognized the community's pressing need for legal assistance. The welfare rights movement was growing rapidly, and large numbers of community residents sought help in accessing government benefits, which were often arbitrarily cut off by case workers. Mobilization for Youth decided to create a Legal Unit and named Ed Sparer as its first director. Attuned to the community's needs and with years of experience in grassroots organizing, Sparer advocated a new approach: "Instead of piecemeal direct legal services in the Legal Aid tradition, most of MFY Legal Unit's resources should be channeled into targeted study and direct litigation designed to change the institutional structure that created and sustained poverty." He advocated the use of test cases that would lead to reform in the areas of public housing, building code enforcement, unemployment insurance, and welfare. Sparer identified specific issues in the welfare rights arena that were ripe for litigation, including residency laws, arbitrary benefit terminations, violations of privacy, and inadequate benefits.

Mobilization's leaders embraced Sparer's pioneering philosophy and mission, and the MFY Legal Unit opened its doors in 1963 with four lawyers who would soon jump headlong into a battle to win equality before the law for the city's poor. In its first year, the small staff handled 350 housing cases, 60 Workers' Compensation cases, 50 consumer credit cases, and 200 criminal matters. Social workers were trained to identify legal issues, and legal clinics were held at neighborhood centers and settlement houses to educate community residents about their rights and options.



The New York Times Magazine feature article on the Mobilization for Youth Legal Unit in its November 10, 1968 issue began:

*Jobs, housing, education—these are recognized as the major problems of the sixth of the nation that lives in poverty. But a fourth—equality before the law—is seldom mentioned because it is little recognized and, anyway, seems like a luxury. Yet a new generation of dedicated young attorneys, shunning the blandishments of Wall Street firms, is proving that access to legal rights can help the poor to attain the other basic rights.*

*And the poor are coming to these young community lawyers by the hundreds of thousands. If the poor can't find the lawyers, the lawyers track down the poor. Nothing like this has happened before to extend legal rights in this country . . . .*

the SSA's determination of a claimant's disability unless contradicted by substantial evidence, and (2) even if contradicted, entitled to substantially greater weight than that of the SSA's consulting examiner.

***Stieberger v. Sullivan***, 801 F.Supp. 1079 (S.D.N.Y. 1992).

This class action challenged the Secretary of Health and Human Services' policy and practice of nonacquiescence to decisions of the Second Circuit Court of Appeals in that the Secretary failed to require Social Security Administration ("SSA") adjudicators to apply binding interpretations of law issued by the Second Circuit to claims for disability benefits submitted by New York state residents. After prolonged litigation, the parties entered into a Court-approved settlement that established procedures to ensure that SSA adjudicators followed and applied Second Circuit disability decisions in the future and rectified past misapplication of law, which entailed the reevaluation of thousands of claims that had been denied or terminated.

## NYC HOUSING AUTHORITY

***Brown v. Popolizio***, 166 A.D.2d 44, 569 N.Y.S.2d 615 (1st Dep't 1991).

***Holiday v. Franco***, 268 A.D.2d 138, 709 N.Y.S.2d 523 (1st Dep't 2000).

***Robinson v. Martinez***, 308 A.D.2d 355, 764 N.Y.S.2d 94 (1st Dep't 2003).

These three decisions are merely representative of the hundreds of instances in which MFY has preserved its clients' valuable New York City Housing Authority ("NYCHA") tenancies. In each cited case, the presence in his mother's apartment of an adult son previously deemed "undesirable" by NYCHA prompted NYCHA's administrative termination of the mother's long-term tenancy. Representing the mother in each case on appeal, MFY successfully argued that the penalty imposed was "shockingly disproportionate" to the misconduct

By the end of 1965, Sparer recognized that a neighborhood legal office deluged with a steady stream of clients was not equipped to initiate the kind of strategic work he envisioned. He revised his delivery model, opting for a two-tiered model in which strategic litigation would be generated and supervised by specialists working as partners with community-based offices. He left the MFY Legal Unit in late 1965 to set up a "backup center," which was located at Columbia's School of Social Work. Sparer's new Center for Social Welfare Policy and Law would play an important role in collaborating with MFY and the hundreds of legal services offices that were created through the War on Poverty.

When President Lyndon B. Johnson declared a new "war on poverty" in 1964, in one stroke, he elevated community action from an experimental program to a major national initiative. Johnson's Economic Opportunity Act created the Office of Economic Opportunity (OEO), which administered a host of programs and funded hundreds of new legal offices, including MFY. Staffed by young lawyers who were inspired by Sparer's vision of combining routine services with strategic litigation, a new chapter in the movement to expand justice for the poor had opened, enabling MFY to expand its legal advocacy efforts and laying the groundwork for the landmark U.S. Supreme Court ruling on due process in *Goldberg v. Kelly*. After five years of groundbreaking work, the MFY Legal Unit became an independent non-profit organization, incorporated as MFY Legal Services, Inc.

# MFY Leads the Due Process Revolution

From its inception, MFY focused on helping clients meet basic human needs. As the welfare rights movement grew and OEO funding put more lawyers to work for the poor, MFY's practice expanded in the areas of welfare, housing, family, employment, consumer, and social security law. In 1967, a steady stream of clients whose welfare benefits had been arbitrarily terminated led lawyers at MFY and the Center for Social Welfare Policy and Law to prepare briefs challenging the cutoffs of welfare benefits without a hearing.

In January, 1968, John Kelly, a 29-year-old homeless African American who had been disabled in a hit-and-run accident two years earlier, came to MFY when his \$80.05 bi-weekly Home Relief check was cut off. Kelly explained to an MFY attorney that a month earlier his caseworker had asked him to move to a new Single Room Occupancy (SRO) hotel. Although the new SRO was filled with drug addicts and alcoholics, he obeyed his case worker, fearful that she would cut off his benefits. Unable to tolerate the new conditions, Kelly took temporary refuge in a friend's apartment. When he returned to the hotel to pick up his mail, he found that his checks had been returned and his welfare grant had been terminated.

MFY social workers had no success trying to restore Kelly's welfare grant, and he wound up sleeping on the streets, penniless. MFY attorneys told Kelly that MFY could bring a lawsuit to challenge arbitrary terminations of welfare benefits without a hearing and asked him if he wanted to litigate the issue. Kelly agreed. Within a few days, five more plaintiffs joined and by the end of the month MFY filed *Kelly v. Wyman*, alleging that the practices of the state and city welfare departments violated the plaintiffs' due process rights. A three-judge panel found in favor of the plaintiffs in November 1968, but the city eventually appealed the case to the Supreme Court.

In 1970 in *Goldberg v. Kelly* the Supreme Court held that the plaintiffs were entitled to their assistance by statute; it was a right, not a privilege. The Court balanced the government's cost of continuing to provide benefits until a hearing could be held against the recipient's need for those benefits. The court found that for recipients who lacked other financial resources, terminating assistance, would, in effect, deprive them of the very means necessary to live. Due process, it maintained, required that recipients be given timely and adequate notice, including the reasons for the proposed termination, and an opportunity to be heard and defend against this termination by confronting any witnesses against them and orally present their argument and evidence. Furthermore, the Court held that the decision must rest only on evidence presented and that decision should be made by an impartial decision-maker.

Thus, MFY Legal Services was responsible for launching one of the seminal public interest and due process cases in the history of the United States, handing the welfare rights movement, and the anti-poverty movement as well, a very powerful victory.



*Goldberg v. Kelly . . . proved to be . . . a critical building block in what came to be known as the due process revolution.*

*A series of decisions that followed erected a constitutional shield for the ordinary citizen against the arbitrary or standardless use of governmental power in many contexts.*

—Linda Greenhouse  
The New York Times

alleged. Moreover, the court held that where NYCHA fails to follow its own procedures in terminating a public housing tenancy, the termination must be annulled.

## CHILD SUPPORT

*Velazquez v. New York*, 226 A.D. 141, 640 N.Y.S.2d 510 (1st Dep't 1996).

MFY represented a class of approximately 35,000 indigent non-custodial parents and obtained a judgment declaring that *Rose v. Moody*, 83 N.Y.2d 65 (1993) – which held that New York State's \$25 mandatory minimum child support orders were unconstitutional as violations of the Supremacy Clause of the U.S. Constitution – should be applied retroactively. The court further ordered the state to pay thousands of dollars in retroactive relief to class members pursuant to 42 U.S.C. § 1983.

## SRO HOUSING

*Gracecor v. Hargrove*, 90 N.Y.2d 350, 660 N.Y.S.2d 74, 683 N.E.2d 326 (1997).

MFY successfully argued that New York City Rent Stabilization Code protected a Single Room Occupancy (“SRO”) tenant living in a lodging house cubicle typical of those found in traditional Bowery hotels. The New York Court of Appeals agreed that the cubicle met the statute's definition of “housing accommodation” because, whatever its structural characteristics, it served as our client's home. This holding has served to protect thousands of marginalized individuals from arbitrary eviction.

## DISABILITY RIGHTS

*Fountain House, Inc. v. Metropolitan Transportation Authority*, CV-03-2579 (CBA) (CLP) (E.D.N.Y. Oct. 15, 2003).

This class action against the Metropolitan Transit Authority (MTA) was brought on behalf of poor, psychiatric-

# MFY's Neighborhood Offices Respond to Multiple Community Needs

Throughout the 1970s, MFY Legal Services continued to work for social change through litigation while carrying out a vibrant practice in six neighborhood offices. In Washington, however, the political will for anti-poverty funding was waning. In 1972, the War on Poverty, for the most part, was largely abandoned, and economic wellbeing of families dependent on welfare slowly deteriorated over the next decade. The same year, the U.S. Supreme Court refused to recognize the “poor people's right to live,” which Sparer and others had hoped would bring about a guaranteed minimum income. Many welfare rights groups disbanded. Links between legal strategists at organizations like the Center for Social Welfare and grassroots activists weakened.

A year later, however, Congress recognized civil justice as a federal concern and, with the support of the Nixon administration, created the Legal Services Corporation, which made more money available for legal assistance to the poor. MFY again served as the model of a community law office, inspiring the founding of countless other legal services programs across the nation in both urban and rural areas.

Throughout the 1970s, MFY responded to a wide range of issues affecting the communities it served—from representing minority parents who believed a new school redistricting plan was discriminatory, to forcing the State Education Commissioner to rule that all disabled students must be served in special classes. In 1977, MFY and others won a suit to eliminate co-payments for Medicaid recipients over age 21, a ruling that impacted tens of thousands of people. Two years later, MFY helped win an important victory for domestic abuse victims, reaching an unprecedented out-of-court settlement that required New York City police to arrest husbands committing assaults under the same standards of probable cause applicable in non-spousal cases and where orders of protection were violated.



# MFY Expands to Serve Emerging Legal Needs

The 1980s saw a new period of growth with the addition of three projects that addressed the legal needs of highly vulnerable populations. In 1981, the seminal East Side SRO Law Project, funded by the city and state, was launched to protect residents of Single Room Occupancy hotels. Using lawyers and community organizers, the project worked to improve conditions in scores of buildings and prevent the displacement of residents from this “housing of last resort.” A new Community Support Systems project, funded by the NYC Department of Mental Health, placed attorneys citywide, in each borough, to help people who had been recently discharged from state mental hospitals as part of a growing deinstitutionalization movement get SSI and other benefits that would help them live in the community. The SSI/SSD Project, funded by the city’s Human Resources Administration, provided assistance to disabled people who were living on meager welfare benefits but who were entitled to federal disability benefits.

In addition to these new projects, by 1983 MFY’s four offices in low-income Manhattan neighborhoods— the Lower East Side, Chinatown, Hell’s Kitchen, and East Harlem—staffed by 26 attorneys, six paralegals, and seven social workers, were handling 5,700 cases. Throughout the 1980s—and continuing to the present day—preventing evictions and preserving affordable housing became MFY’s most pressing issue. But at the same time, the Reagan Administration began dismantling Johnson’s anti-poverty programs and funding for legal services was cut by 25%. MFY launched a campaign for public support to counter these cutbacks, and federal funding remained flat for the rest of the decade.

In the late 1980s, despite the funding setbacks of the Reagan era, MFY built on the CSS project to develop the Mental Health Law Project (MHLP). The MHLP worked to ensure that New Yorkers with psychiatric disabilities were supported in their struggle to live independent lives by providing an array of legal services, including representation in housing court to fight evictions and appealing denials of public benefits. Today, MHLP is the largest civil legal practice for mental health consumers in the nation, handling more than 1,000 cases a year.



...To make sure that the legally indigent are being reached in the New York area, MFY even reaches out to them with the first mobile “storefront” law office of its kind in the United States. It is a camping truck that parks for a week at a time on blocks distant from the regular offices. Before it wheels up, leaflets are distributed saying where the truck will be parked and inviting a discussion of legal problems by those who cannot afford a lawyer. The truck has room for a driver, attorney, secretary, a couch for the client and a telephone for the lawyer on duty . . . .

—From “The Storefront Lawyer Helps the Poor” by Herbert Mitgang, *The New York Times Magazine*, November 10, 1968

cally-disabled New Yorkers who were being denied the reduced fares given to other disabled passengers, through unnecessarily burdensome application and eligibility verification procedures. The suit was settled by stipulation requiring the MTA to streamline its application form and procedures, to disseminate reduced fare information to mental health advocates, and to submit to continued monitoring by the plaintiffs, benefiting thousands of poor, disabled NYC transit riders.

***Cortigiano v. Oceanview Manor Home for Adults*, 227 F.R.D. 194 (E.D.N.Y. 2005).**

This decision certified a class of current and future residents of the Oceanview Manor Home for Adults in an action seeking to end the home's denial of use of and control over the residents' meager monthly personal allowances, which are state entitlements not legally subject to the home's control. The suit also sought to redress the ongoing invasion of privacy and verbal abuse in the distribution of the residents' funds. In certifying the class, the court emphasized the importance of class certification for persons vulnerable to retaliation if their claims were pursued individually. The suit was settled favorably, and a court-appointed monitor continues to oversee the settlement.

## CONSUMER RIGHTS

***Centurion Capital Corp. v. Druce*, 14 Misc. 3d 564, 828 N.Y.S.2d 851 (N.Y.C. Civ. Ct. 2006).**

Dismissing this collection suit against MFY's client, the Court held, in a matter of first impression, that local licensing requirements intended to prevent abusive practices apply to third parties who purchase consumer debt from creditors and seek to collect in New York City. The decision subjects these abusive collectors to local government regulation and oversight.

# Surviving Federal Budget Cuts & Restrictions

In the 1990s MFY responded to continued federal budget cuts. The MFY Board of Directors, which had stood by MFY during earlier fiscal challenges, quickly rose to the challenge and began to seek increased support from New York's established law firms. New York's private bar had been steadfast in its support for MFY, and several firms were providing substantial financial support and pro bono assistance. Willkie Farr and Gallagher LLP and Cleary Gottlieb Steen and Hamilton LLP both sent extern fellows to serve four-month pro bono rotations in MFY's housing unit, and in 1999 Wachtell, Lipton, Rosen & Katz established a funded fellowship line for a staff attorney at MFY. All of these programs continue today. To reduce operating costs, in the mid-1990s MFY's board of directors raised capital funds to close the aging neighborhood offices and consolidate MFY into one modern space in lower Manhattan, a stone's throw from the courts and convenient to public transportation.

Building on the success of the Mental Health Law Project, in 1992 MFY secured state funding to develop the Adult Home Advocacy Project, a city-wide program that uses a lawyer-organizer model to defend the rights of residents with psychiatric disabilities and fix the deplorable conditions that exist throughout the industry. The Project has become a leading force in advocating for more humane and appropriate treatment of people with mental disabilities in New York State and has demonstrated that persistent and high-quality legal advocacy is a crucial and potent weapon in bringing needed reform to the mental health system in the state.

In 1996, Congress imposed restrictions on organizations receiving funds from the Legal Services Corporation (LSC), including prohibiting class action suits, lobbying, and serving undocumented immigrants. Even worse, these new restrictions applied even if an agency had minimal funding from LSC. A lawsuit was brought challenging these restrictions, arguing that the LSC could not restrict how agencies used non-LSC funding, but after years of litigation the issue was still not resolved. MFY was faced with a choice: stay true to its mission and give up federal funding or severely limit the extent of its advocacy and representation of its clients. MFY's Board of Directors decided to forego federal funding and withdraw from Legal Services of New York, the umbrella organization through which these funds were disbursed. In January 2003

MFY successfully restructured itself as an independent legal services provider, able to respond to emerging legal needs with all the tools available to lawyers not subject to federal restrictions.

## MFY Stays True to Its Mission

Free to chart its own path, MFY renewed its commitment to the vision put forth by Ed Sparer in 1963, relentlessly redressing the inequities faced by clients, using whatever lawful methods are available. Over four decades of work, the face of poverty in the city had changed, and MFY's independent status allowed it to create new programs to address the needs of the working poor, who account for half of the households living in poverty in the city. While continuing to preserve affordable housing in MFY's traditional neighborhoods through the Neighborhood Preservation Project, new programs were developed. MFY's Workplace Justice Project, begun in 2003, defends the rights of low-wage workers, including immigrants, winning tens of thousands of dollars in back wages for exploited workers each year. In 2005, MFY secured additional city funding to help Manhattan seniors age in place with dignity through its Seniors Project. The Consumer Rights Project, developed that same year through a fellowship funded by Patterson Belknap Webb & Tyler, is now one of the largest programs in the city offering legal assistance to low-income consumers who are victims of identity theft, improper debt collection practices, and financial scams. In 2006, MFY launched the Pro Bono Kinship Caregiver Law Project to address the legal needs of the largest—and often forgotten—segment of the child welfare system. Pro bono attorneys trained and mentored by MFY attorneys bring stability to children's lives by representing grandparents and other relatives caring for related children in custody, guardianship and adoption proceedings. Most recently, MFY launched the Lower Manhattan Justice Project, greatly expanding services to preserve housing and economic diversity in lower Manhattan.

Forty-five years after opening a tiny office, MFY has grown in size and scope, maintaining its commitment to addressing the basic needs of its clients for affordable housing and income security, while expanding services citywide to serve highly vulnerable populations and developing cutting-edge projects in the areas of disability rights, employment, consumer, and family law.

As a client recently put it, "When you have no money or power, you really need a place to go for justice." MFY has been, and will continue to be, the place to go for justice.



---

**MFY**

---

**LEGAL**

---

**SERVICES**

---

299 BROADWAY  
NEW YORK, NY 10007  
212-417-3700  
FAX 212-417-3890

**[www.mfy.org](http://www.mfy.org)**