

2021 Law School Access to Justice Conference
Fighting Systemic Racism: Law School and Community Partnerships

2A. Mitigating Legal and Policy Impacts of COVID-19 on Communities of Color

Thomas Maligno: Good afternoon, everyone. My name is Tom Maligno and I'm the Executive Director of the Public Advocacy Center at Touro Law School and I'm really delighted to be a small part of this program today, we have some excellent speakers. As you all know, our topic is Mitigation of Legal and Policy Impacts Of COVID-19 on Communities of Color.

I'm excited to be here because this is an important ongoing topic.

Each of the speakers will talk about a different perspective of the way law schools have been involved in these issues sort of going from working with the community, to what law students themselves can do, to what we can do with clinics and litigation.

But we also hope to hear from all of you, because we know many of you have been working on these issues and we hope to have a robust discussion. Part of the reason I'm excited by this is, when I think about COVID 19 ,it's really like a disaster, and at Touro, along with many other law schools, we learned many lessons after Hurricane Sandy, after 9/11 and even after economic downturns, and so I think that we can broaden our discussion as we go through this session to how we respond not just to COVID 19, but how we respond to all these disasters that unfortunately, every single one of them have a disparate impact on communities of color.

And so what I will do is just let each speaker today introduce themselves and what they're doing and they'll each speak for about seven minutes.

Feel free to put questions in the chat for now and then after that seven minutes you're also welcome to join in live. So, let's start with Elaine. Welcome, Elaine.

Elaine Chiu: Thank you, Tom. It's a pleasure to be with all of you this afternoon. My name is Elaine Chiu and I am a member of the faculty at St John's University School of Law.

I also am the director of the Ron Brown Center for Civil Rights and its flagship pre-law program known as the Ron Brown Prep Program.

And then finally at the tail end of my remarks today I'm also going to mention some of my work where I'm a member of the Asian Bar Association of New York's Anti-Asian Violence Task Force. So a few things to cover and I promise to be short. COVID-19 exacerbated what were already very severe education inequalities along racial and class lines in our country.

The school shutdowns, they lead to a really dangerous overreliance on technology, and as all of us know the technology gap is just as severe, again along racial in class lines.

So recently McKinsey was reporting that by this month, June 2021, their predictions based on data, were that students of color across this country were on average going to see a loss of learning of about six to twelve months of learning while white students in comparison will have lost an average of about four to eight months of learning.

So yes, all students are suffering, but those who came into the pandemic with the fewest academic opportunities are basically on track to exit from this pandemic with the greatest learning loss.

So, think back to, I guess now, fourteen months ago, in April 2020, we at the Ron Brown Prep Program we foresaw these outcomes, I'm sure all of you could have predicted these outcomes, and we had a choice to make. Choice A was to immediately cancel all the plans we had laid in place for in person pre-law programming that spring and summer or Choice B was to pivot and to be nimble and figure out ways to deliver our services, deliver our programs virtually

The first choice would certainly have made our lives a lot easier. And the second choice would certainly have done exactly the opposite making all of our lives a lot harder.

Now usually at St John's Law and at the Ron Brown Prep Program our own burdens are really not a big consideration.

As a mission driven Catholic law school we're pretty used to working hard.

But COVID-19 was such an incredible, unprecedented crisis in so many ways, particularly for New Yorkers during those early months, and for all of our country, eventually, and still today. And so we took a few days to really think about this choice, but in the end, we decided to go with Choice B, and we went all in.

So, in 2020 the Ron Brown Prep Program had actually its busiest year ever. We ran four different virtual programs, starting in June and really intensely through August of 2020 and then even continuing into some of the last months of 2020.

We ended up helping 90 individuals that all had, you know, an unabated interest in the law.

They ranged in age from 15 years old to 56 years old, we had a lot of different kinds of programs. 24% were men, 76% were women, almost half were black or African American, 14% were Asian and Pacific Islanders, 14% were two or more races, another 12% were Latins, and 7% were West Indian Caribbean.

And about a third of them, a little bit over a third of them had parents, whose highest level of educational achievement was at best high school, and so about a third of them were what we would think of as first generation or soon to be first generation college students.

I'm proud, and could go into more detail about what exactly we did in these virtual programs, but what we chose to do was despite all of our losses and burdens that we all had problems from COVID-19, we basically refused to stand down and you take a pass

on this summer in the face of what we knew were going to be worsening, more desperate educational disparities.

Today it's June 2, 2021, and fifteen the ninety will be 1L students this year in classrooms in August and we're very, very proud of them and we're you know, hoping for even more to come out of this group of 90 but we are just proud of that work and having stuck with it.

So, my first message is in crisis, do not sit down, do not say no, do not say that it can't be done, but to reach deep to recommit and to continue to teach, to advise, to support, to expose, to advocate, even when crisis is all around us and this time for many of us when it really was a crisis that involved each of us personally as well.

The last couple of minutes, as I mentioned, I also am a member of an Anti-Asian Violence Task Force that's a part of the Asian Bar Association of New York.

You know, as an Asian American this COVID crisis, was again a very special particular experience, given the I'm continuing victimization of AAPI communities to hate-ridden violence, to racial attacks, to slurs, to threats, accusations, and, of course, even to murder, and so what I want to talk about is how in particular I've been really privileged to work with law students in these efforts. Law students volunteered and volunteered big time during COVID with the Asian Bar Association in so many ways.

So, I'll just mention a few. Some of them, for instance, went around into the communities and did clinics in person, help centers with things like rent relief. With the language barriers, a lot of these forums and of government relief were really hard for Asians and Asian Americans to don't have proficiency in English to accomplish and to achieve, and so our law students went out into the communities to do that.

They also worked a lot on setting up lawyer referral services they are a part of our websites and services today, they also put together, and I'm going to throw these links into the chat, a really

impressive list of COVID 19 resources covering things from housing to family issues, to lots and lots of areas of law.

And then, finally, what they also did with respect to Anti-Asian violence was to notably do two things so far.

There was an extraordinary White Paper that was put out by Paul Weiss, and also AABANY and but with a lot of law student researchers, law student editors, and this paper was is entitled A Rising Tide in Anti-Asian Hate, it was released in February 2021, it's a really fantastic read on history, as well as the current moment and it, you know, ironically, was put out about 10 days before the Atlanta shootings. And so students really got to participate in that way. And then, finally, more recently, they've been putting together know your rights brochures for community members about what to do if you've been a victim of an incident or a crime, these have been translated into multiple languages, put out on social media, brought to community events, protests, rallies and so students have been a big part of that as well. And then the final thing I'll mention is that: I myself am going to be presenting in a workshop at the tail end of the month in June and I'll put a link into the chat as well. This particular workshop I happen to teach Crim law, I'm a former prosecutor myself. This particular workshop will be about self-defense and defense of others which really gets to the reality of being a bystander in those moments, and what that means for all of us. And so that'll be June 30 and again working with law students to put it together so proud of all that work as well, so thank you, Tom. I turn it over to Aaron.

Thomas Maligno: Thank you, Elaine. Aaron?

Aaron Gladstone: Hi everyone, my name is Aaron Gladstone, and this is the first time where I'm not introducing myself as a third-year law student because I just graduated from Fordham Law last week. And I'm here today because I spent basically all of COVID in my school's Community Economic Development Clinic, headed by Brian Glick, and me, and a few other students in the clinic, most notably Charlie [inaudible] who's actually here today, sort of last May fell I into the mutual aid movement in the city.

So last May on May Day, I think, in a place called the May Day Space, all virtual, put out a, we responded to this call, where a bunch of mutual aid groups had basically doing weekly, you know, sessions, with each other, trying to figure out what was what was going on and they wanted some legal advice, so we showed up.

And mutual aid is—is a sort of a term of art, that I guess is relatively new on the scene, but basically refers to groups that are what you might legally consider doing charitable work, but they would reject the label of charity, and it's much more about community organizing, organizing taking care of one another, and building back a community that is like been that was being devastated by COVID on top of just general economic distress from you know the daily life in this city.

And so we were at this meeting, and our clinic mostly focuses on, started, what we call startup nonprofits, so taking a group from an unorganized group to a nonprofit corporation to getting them (c)(3) status. But we advise on all sorts of governance issues, bylaws, bank accounts, the whole nine yards. And we showed up on this, at this panel and Professor Glick said just, you know, email me if you have any questions and over last summer through, you know, sort of even last week we've been fielding questions from various mutual aid groups from around the city. So, we've been talking to groups in the Bronx, Brooklyn, Queens, and sort of Manhattan, but mostly Brooklyn and Queens.

And there's the legal issues which I think are fairly dry and sort of the political issues around the organizing which I think are much more relevant to this conversation I think, you know, my clients would want me to say a few things.

The first is that they desperately do not want to be doing this work, they consider themselves acting in a vacuum of state failure and so when you read stories in the New Yorker or the New York Times, where some of my clients have been profiled then they're talking about raising, you know anywhere from a couple of thousand dollars a week to tens of thousands of dollars a week every organizer that I spoke to has resented the fact they've had to, that they have to go out and buy rice and chicken for their

neighbors, that their neighbors don't have jobs, their neighbors are sick and dying, while the state's lets them essentially. But you know, and while that is certainly true, it is also in sort of greatly inspiring to watch huge groups of organized people come together and really organize to fight back against these sort of things, so like I said, most of our clients that food distribution.

Some of it was, you know, buying groceries and dropping groceries off, others was very professionalized, you know, warehousing, compartmentalizing where you are taking a whole bunch of raw materials and make different packets and send it off to various neighbors, people in the neighborhood.

Obviously, like these are clients, so it's confidential, but we did run the gamut, and everything that, everything that you think they are doing, they are likely doing and more. And they're—and this is all you know, for free. They're all volunteers, I mean after they talked to us, they know that legally they can't take any money from this, but there was never really an option beforehand.

We were working with them on some sort of other issues like, you know, should we be insured, this that or the other thing, and basically, the conclusion was they are willing to take the legal risk, because any money they're not spending on food they think is a waste. That's very noble and, but it is a little bit interesting, for where, you know, as lawyers you got to give them the correct advice, like "Listen, you're exposed here or there," but the answer was always "Thank you for letting me know, we're going to keep doing this anyway, what we're doing is important."

I guess the legal aspect here is trying to massage these very radical progressive groups into corporate law, which they both resent, which both the law and them both resented.

Brian, my supervisor, has this model for the clinic that, you know, the clinics job is to be the mechanic, the client is the car, we just need to get them on the road. And I think we did a good job of doing that, so a lot of our clients never incorporated, never even wanted to incorporate, which means we help them get by-laws and a bank account and talked about governance issues. Some of

our clients did incorporate, you know, they got not for profit status in the state of New York and then they're still awaiting approval from the IRS, but they will get approval, hopefully, so again like I said earlier, like, if you think they are doing it, they are likely doing it and more.

The other thing I think I should talk about is while COVID precipitated all of this there was a divide in whether or not they're going to outlast COVID so some of our groups even by last October were winding down due to sort of organizational fatigue, and they had been going at it since March, raising tons of money that for again, for free.

While others, the ones who are incorporated mostly, are like we're in here for the long run, clearly, maybe not clearly, but the murder of George Floyd had a huge impact on how these people were thinking about different ways to organize. So, we had a couple of clients like scale down their food service stuff last summer, which I mean law cases are low, to focus on racial justice protest. I mean they're again, they're all here in New York, so we had a couple of clients that would go out to every protest, a few – a few clients or people associated with our clients who, you know, get arrested by the cops every night and then get out next morning and just start protesting again and again and again. And this, there is a sense among the longer running organizations that, you know, food isn't enough, and there is a political component to all of this. So you know, maybe they'll send you chicken and rice, but they're also going to get you to their political education committee, they're also going to invite you to give back, they're also want to invite you to join groups. I mean a lot of our clients were either directly or indirectly involved with the DSA so be we're coming from a sense of political organization through action, so when you have—we had a couple of clients that like listen, we have a lot of money, or we think are going to have a lot of money in the future, this food is not going to be at this level for forever, can we do like a bail fund or something like that. So very quickly, I think, we saw mutually aid go from like “Hey, we kind of just need to help each other” to “Well, if we're going to be here for the long run, what can we do?” And sort of our role was facilitating doing that that sort of massaging into like well, this is what corporate law says,

you can and can't do, this is what we think you can probably get away with but probably shouldn't or probably shouldn't be doing.

And you know it's not our job to make that decision for them, it's our job to advise them and I'm very proud of the work that they were doing, I support them. That's all I had to say here, I hope I answered your questions. I think Vanessa, you're up next.

Thomas Maligno: Thanks, Aaron.

Vanessa Glushefski: Thank you, Aaron. And I'm happy to say that that kind of work is also happening here in Buffalo and I'm associated with organizations doing that kind of work, so really happy to hear all that's happening down in New York City and all that Elaine had to say and I'm going to speak from really, from the perspective of, you know, when we talked about. Well, I'll start by saying, , when we talked about preparing for this panel one of the common themes that came across from all of our different experiences was this idea that we needed to be prepared and we needed to be flexible in order to deal with this latest crisis. And you know, I think that ties really nicely into what one of the opening panelists had said, Mr. Hyatt, spoke of being responsive to community needs and really, what I want to talk about is how our legal clinic has filled that gap in a different way than what Elaine was talking about.

So, essentially what we did, I should start by saying, well, I should include now that I'm the co-director of the COVID Law and Community Engagement Clinic. We are based at the University of Buffalo, as you might have guessed because, or the University of Buffalo Law School, as you might have guessed because, again, I'm in Buffalo.

And so essentially what we decided to do with our clinic was— sorry, I just remembered I had a PowerPoint to share with you all so I'm going pull it up right now, but I can start talking while I pull that up. So, what I did, what we decided to do with this clinic, which was started in Fall 2020, it was that we wanted to go where we were needed and we wanted to respect the fact that COVID has

really impacted communities of color by far, you know, far more than other communities, and so we wanted to keep that in mind.

So, from the very beginning, we knew we had something special to share with the world and so we went ahead and we decided to find out where we could fit in and we looked for opportunities to help and one of the first things that, one of our first opportunities that came up was providing support to one of the other clinics at the law school, the Criminal Justice and Advocacy Clinic that had already started a lawsuit, a class action lawsuit against the Danbury—well, it was the Danbury Federal Prison and the Bureau of Prisons, which is a federal—the federal organization that monitors federal prisoners and so we provided support work for them in their home confinement work. So, what that was all about was prisoners, as you know, are disproportionately people of color, disproportionately prisoners tend to have underlying conditions that made them, that gave them higher risk factors for COVID-19.

And so our students provided support for that clinic and kind of behind the scenes work and preparing those prisoners to go before the review for the judge, so that way they might be reviewed and be granted home confinement status. And so our students were able to do that work and were successful and helping to get some people some much needed home confinement status, while the nightmare of COVID raged on and gave some people, gave our clients, these incarcerated people, some security in that instance.

But the bulk of our work has been really and surprisingly, with unemployment through the New York State Bar Association our students got prepared to handle unemployment matters by taking the free CLE programs that they have available and we started taking on cases and you know, admittedly, the students weren't super excited about handling unemployment cases additionally because it's administrative law and it's not, you know, suing people important so it's not as sexy as all of that, but it actually turned out to be really beneficial in a few different ways One of them was it gave students the access to practice before an ALJ and gain valuable exposure. But more importantly, on the individual

level we really got to help, you know, quite a few people with circumstances that that were daunting for a lot of our clients.

I mean, just to give an example, one of our biggest victories was a woman, she was a single mom, two kids, was facing an overpayment of \$20,000 that New York state was trying to claw back because, I should backtrack a little bit to say that New York State paid out about \$65 billion in benefits, so yay New York state, but then they clawed back started to try and hold back a lot of those benefits as well which was a problem for a lot of our clients, because nobody has \$10,000, \$20,000 a lot of these people don't have that money sitting around. And I'd venture to say, most of them, you know, probably all of them don't.

So, one of our biggest victories like I said was a single mom, two young kids, trying to work, go to school was facing this \$20,000 overpayment and then we were able to get the decision by the original determination by the Department of Labor overturned, and I mean it was it was an effort that we all put a ton of time into, that we—it was an emotional victory for all of us, because it was just—it was a really big deal.

And that kind of leads us into the co-counsel agreement with Empire, the Empire Justice Center, they are a legal services organization up closer to where we are, they were seeing lots of these cases, and you know, they kind of called us up until this is what they were seeing and it kind of matched up with what we were seeing and we realized that this was really a systemic problem that the Department of Labor and it kind of confirmed our suspicions of this was a systemic problem that the Department of Labor needed to address and that the Department of Labor really was kind of refusing to address. And so we were entered into a co-counsel agreement with the Empire Justice Center and started a, we filed a lawsuit in April, we're seeking class action status for a group of people that we that we feel deserve class status. And as upon information that we were able to obtain from the Department of Labor this actually affects close, over 1,000 people, closer to 2,000 people really, across New York state so I mean doing this work is it's essential, it's critical work that is needed across the state because again, if you have the average everyday

working class or working poor individual facing overpayments of. you know, 2,000, 4,000, 8,000, 20,000 dollars, I mean it's not sustainable and we can't have people going from one crisis, the COVID-19, and then being thrown into a whole other crisis, just because they tried to claim the benefits that they needed to keep their family afloat during this time.

And you know the beautiful thing, to John Jay's point from the opening panel, is that this is something that other law schools can model. So we shared in advance and I don't know who all had access to it, but we shared in advance our complaint that was filed against the Department of Labor. And there are other classes of people out there that are affected by these claw backs that other law schools can partner with—other legal services agencies are just doing it on their own to try and stand up and stop these claw backs— because they're really, I mean in my mind, unconscionable and so I invite everybody to, invite any law school clinics or legal services agencies to consider that notion, and to again, you know you can take what we've done, you can put your own spin on it, you can see what groups are in your neighborhood or in what you have been exposed to need that help and provide it for them.

And lastly, well not lastly actually, one of the other things that we've done was we are working with the New York State Department, a division of veteran services, on a forthcoming survey that will find out how veterans have been affected and so that's some work that we're really excited about because veterans, you know as a whole sometimes don't get the access to services that they need so we're really excited to be performing this survey and finding out what exactly veterans need and then possibly develop something to assist them.

And then lastly, you know, again, we wanted to respect the fact that COVID has negatively, it has disproportionately impacted communities of color and so we developed, well, I, along with a few other people at the law school, developed this anti-racism and cultural humility track and we what we had the students do was about every few weeks or so, they would have to go through certain materials and really kind of “get woke”, I don't know how to say it, but you know, and you can see from some of the titles

here, on this slide is like getting called out, how to apologize, how to understand, why it's important to understanding micro aggressions and so really you know we're trying to get our students to really get it like this is—systemic racism is real, it's playing—this is why COVID it played out the way that it did, how do we show up, how do we stand up for the people that need us most.

And you know, to acknowledge a point that was said earlier, and not because people aren't speaking in those communities, because they are, they do have a voice, but there are always being heard, so we're here to augment that voice.

And so, again, I think that, you know, I just wanted to speak to the value of showing up, being prepared, being flexible, being ready to stand in where you are needed and provide service. So with that, I think I'm done.

Thomas Maligno: Thank you Vanessa, and I just want to follow up on a few things and I'm going to throw out a couple of points that we've learned talking points for everyone else. So when Hurricane Katrina hit the Gulf Coast, we, like many of your law schools, joined the call of Columbia Law students to become part of the student hurricane network. And, for whatever reason, our students took to it and our administration with supportive financially, as well as other ways, and our students were in New Orleans basically year-round in rotating groups of teams.

How does this affect the theme today of impact on communities of color? Well, let me give you an example of the things our students worked on. They concentrated on the lower Ninth Ward, mostly an African American and Black community. We helped organize a health center so that a new health center was open and built there. Here was an interesting one, black groups were consistently denied Mardi Gras permits to both parade and also to sell along the parade route which is a major way that other not for profits raise money to pay for their budgets during the year, so we helped the groups from the lower Ninth Ward fight that and we got them permits to sell along the route of different Mardi Gras groups.

We worked on an environmental justice to fight an incinerator that was proposed to be built as part of the reconstruction in a predominantly Black neighborhood. And, of course, we worked on the housing issues where many of our clients did not have deeds, the house just passed from generation to generation.

So those were specific things that happened. When Hurricane Sandy hit the New York area, we redeployed ourselves, our students voted to do that, and we immediately opened a hotline and what and we connected right away to the communities for that. What allowed us to do that, and it goes back to what Vanessa was talking about, we were prepared, we never stopped working, even when things look like they were slowing down on the Gulf Coast. And, unfortunately, the way the world works nowadays, there's always another disaster around the corner, whether it's a hurricane, whether it's a fire out west, whether it's a pandemic, and unfortunately all of those things unduly affect communities of color.

And so when the pandemic hit a year ago, we opened up a hotline just like we did after Hurricane Sandy, we reached out to the Hispanic Bar, the Long Island Amistad Bar, along with the Nassau and Suffolk Bars. We partnered with Hofstra Law School because we decided that that that was the best way to serve the community.

And then I'll just quickly throw out a couple of other things. What are we doing now? Well, we're all working to prevent homelessness by getting the federal rent money into people's hands, and so we, along with our students, are working with legal aid and legal services.

We're doing programs in all the communities in local libraries, in local community centers, so we're not waiting for people to come to us. We've identified groups that might have difficulty, like immigrant landlords. There are a lot of small landlords that don't speak English and legal services don't represent landlords, and so we started to identify those pockets of information. And I guess the other key points, so we work with something called the VOAD,

Volunteer Organizations Aiding or Assisting in Disaster, we do that year-round, because it keeps our roots in the community, it keeps our students partnering with these groups even when there's not an immediate disaster. And the other thing I want to say about this as funders that frequently will fund our work at law schools, at legal aid and legal services programs never understand that these issues go on for years. We're still getting calls from Hurricane Sandy from people that are still fighting FEMA, claw backs, like in the unemployment issues that Vanessa was talking about, and so we need to make sure that we understand we're in this for the long haul.

And so those are some of the basic points that I wanted to raise about law schools being involved. You know, we created a clinic, a disaster clinic that came out of our sandy helpline work. We work very closely with that clinic and the clinics at Touro from the helpline calls that we get.

Oh, and I guess we've quickly realized how much small business owners, particularly women of color, women that own nail salons, and just this week we're working with a client who has a knitting business a couple of blocks from the law school and we've assigned a lawyer and law students to work with her, so I guess the important issue to learn is that you need to do the reach out, you need to be prepared, and that doesn't come just when the crisis hits you need to be prepared to do all of these things before then.

And that goes back to the other theme of the conference: partnership. So we already have all the partners, so when it came time to put things in action, we just had to pick up the phone or send an email and those people already knew us, they work with our students, and so it made things much easier.

So, does anybody want to comment on any of those issues about being prepared, funding issues readiness, or if someone from the audience want to raise an issue of a project they've worked on?

Well, so let me throw out a question to Aaron. Aaron, as a law student, what would you say is the most important lesson that

you've learned about disaster response, COVID response? Is Aaron still on?

Aaron Gladstone: Yeah, I'm here.

Thomas Maligno: Okay.

Aaron Gladstone: I think, so there's a couple, I think. Well, the first is the one that I talked about earlier, which is the role of the lawyer is not to direct the organization it's to advise the organization.

And that really came across in the ethos of the clinic and then over the course of doing this kind of work. I think the second thing – so, when I start my new job, hopefully in August, I'm going to do labor and employment law in Manhattan on the plaintiff side. So, I think that one thing that has been made very clear to me talking to these clients, is that, like, it's wrong to characterize this as an acute disaster it's more correct characterize this is a long-standing issue that was recently aggravated. And that I think goes across every issue that we've talked about. None of these groups, you know, these groups have been new, but they didn't arise from nothing, they were vestiges of old organizing campaigns, they again came from the DSA or a group like the DSA, so you know, insofar as we want to treat these—if our response as lawyers, is to say, well there's disaster relief and we're preparing for disaster relief, I think we're missing the harm. Because the harm is all around us and it's low burning and its background radiation to our daily lives, and you know I think you have to get involved now and you can't stop being

Thomas Maligno: Okay. Other comments?

Elaine Chiu: I can jump in, I just wanted to share some of my reactions and thoughts, in particular as Aaron was speaking, and then a little bit later when Tom was speaking too and that goes to funding. So Aaron, I loved how you shared the attitude that quite a few of your clients have, which is almost like an abolitionist attitude towards nonprofit law which I had not thought of but makes so much sense to me it's like being such a part of the system.

But I think you also made a comment near the end of your remarks about how sometimes they were receiving donations and trying to figure out ways to like, spend it, you know meet need, and thinking about bail funds and then after George Floyd, in particular, all the bail funds, you know really exploded also with those who are out at protests and rallies but then they too kind of had too much money, right? And I think Tom was alluding to, you know, for some of us who are at centers and clinics at law schools doing essentially nonprofit work funding is an ever-present problem, an ever-present challenge. And you know I think the age that we're in right now with like GoFundMe and I don't know it almost seems to be like you have to be like the nonprofit of the moment and it's only going to last for like a 24-hour cycle and you have to grab it when you can. But I don't know, I find it frustrating, challenging, don't quite know how to, you know, navigate in this kind of new moment of I think charitable giving, grant giving, Tom, as you mentioned, you know, feel kind of caught between the old ways and the new ways and I'm wondering if others feel that same frustration and have some productive ideas.

Thomas Maligno: You know, same is true of recruiting pro bono whether it's students or attorneys. When a crisis immediately strikes people are willing to volunteer, but the further you get away from the crisis there's like crisis fatigue and it gets harder and harder even though people's problems and particularly poor people, people of color, you know, if we're going to rebuild a community, which is, and let's face it, we're not just talking about individual issues, but when we're dealing with a crisis we're talking about rebuilding whole communities like what happened after Sandy or Katrina or whatever it becomes hard.

I'll never forget, and some of you may have been at this, I happened to be at a meeting with former judge Judith Kaye and we were talking about what the courts could do to promote pro bono and it was right after the City Bar had done a 9/11 training to get volunteer attorneys and there was a famous picture on the front of the law journal with attorneys lined up literally around the block to get into the City Bar to be trained for pro bono training.

And I know people use the word literally and they don't really mean it, but in this case, literally they were lined up around the block and what Judge Kaye said was "Well, you see, we know people will volunteer you know how we get this commitment to stay year-round, you know the further we get from the disaster?" And so that's something that we try to inculcate with our students in the training.

And also, that the types of problems that are happening in, for example, right now, with the nonpayment of rent, of course, poor people have those problems every day, you know. And yes, the pandemic has exacerbated them, but those crises are there every single day and so that's another lesson I think that we try to talk with our students about, that this crisis has just put a magnifying glass on it.

Elke Sorensen: It looks like Tanya Dwyer perhaps has a question.

Thomas Maligno: Sure.

Tanya Dwyer: Hi. When I looked at the title of this workshop, I think I understood it a little bit differently, I love hearing about what your work is doing, I am a foreclosure attorney at a nonprofit in the lower Hudson Valley And I noticed a trend that the pandemic pressures are causing gentrification and displacement in BIPOC communities and it's not just one thing it's everything is coming together at once to bear on these communities that already bore much during the pandemic, so there's a lot of great single family houses in Westchester and Putnam and all along the Hudson Valley and you'll find that in the higher income neighborhoods, like top of line suburbs, people from the city, who want to move to the suburbs can't afford those houses, but they can afford the houses in like Greenberg or Peekskill where BIPOC people live and the house values are lower. So, there's market pressure that's putting a lot of equity in these houses, because the fair market value is gone up all of a sudden. And a lot of these homeowners took forbearances from their banks and that 12 month grace period is about to end so now the banks are looking at the fair market value that's gone up so much and they're saying "well, you have a lot of equity in your house now so we're not going to lower your

prohibitively high interest rates that was basically reverse redlining from the start, but you've got so much equity, now we don't think you deserve to have your interest lowered, so what we want you to do is, like, add an additional 30 years to your loan to pay off the one year forbearance you just got because that's what the markets saying would be beneficial to the mortgage company." So these Homeowners are thinking okay so either the bank wants to take all of the equity or some person from the city wants me to sell my house, and, especially if they're elderly, they're just like so I have to leave New York now? Like this is what you're telling me, I took this forbearance and now I have to leave New York because I cannot afford this loan that you're saying you want to reinstate me with and everyone's bothering me to sell.

It's insane and so there's all the PPP money that did not go to BIPOC communities, especially in Westchester, I don't know where it went, but it didn't come to the clients that needed it, that's for renters as well as homeowners. So, we have the second round of American rescue plan money that's coming in I'm sorry I'm getting too long winded, there's a second wave of money coming in and I'm just watching to see like is this money going to bypass these communities again? They had death, they had dependent care expenses, they had loss of jobs, they had all of these pandemic expenses and now they're about to lose their houses when everyone else is like benefiting from the increased property values in the Hudson Valley and just it's very frustrating to me and I'm watching a slow-motion accident happening. I wonder if any of you have noticed it or do work in this area.

Vanessa Glusheski: I don't do work in this area directly, Tanya, but I will say that a similar thing has been happening in Buffalo for a while now, and so I just wanted to acknowledge that. And I also really love the point that you brought out about the PPP loans because that's like another area and which communities of color were disproportionately impacted because a lot of black owned and minority owned businesses tend not to have employees, they tend to be kind of like what we were talking, what we heard other people talk about like people who own maybe nail salons, and maybe it's just them, and some family members, maybe they're not employees on the books, maybe it's just them, and their the

sole proprietor, and I can't remember who's done studies about this, but they have done studies about this to show that it's a high percentage of black and minority, well people of color, tend to have this characteristic of their businesses.

And so those PPP dollars that were supposed to help save all of these businesses did not go to those businesses, they did not have the option of taking a low-cost loan even if they didn't want to use it for their employees, as you know, many white businesses, many white-owned businesses did, so, I just wanted to call it out, thank you for bringing that up.

Thomas Maligno: I see Joan that you have your hand up. Just before we get to you, one second, so there's a similar problem on Long Island, in parts of Long Island, the Hamptons, North Shore, and it's created actually a year-round rental issue as well, because places where people were able to rent are now bought by people from New York City or whatever. But I think it raises another issue about how we respond and the impact, and that is that not everything is litigable, sometimes we really need to do the policy part getting the legislators to change the laws or enforce the laws.

And this whole issue of, you know, the African American community or poor people not having great access to banks, so the banks weren't going to lend them the money, first they were going to go to their quote "better customers." That's a whole issue that has come up because of PPP that really needs to be worked on, but once again it was something that was happening through redlining and those types of issues all around, the COVID just put a spotlight on it. Joan Foley.

Joan Foley: Hi, I have a question for Vanessa. Could you share more about how you implemented the anti-racism and cultural humility track in your clinical programs?

Vanessa Glushefski: I can. Yeah, I mean I am not an administrator at the law school, so I —my co director Kim Diana Connelly is actually on here as a tech person and so she could probably speak better as the nuts and bolts of it, but essentially, we used UB Learns you know, which is, I

think, part of Blackboard, the Blackboard technology, and we just had different had different modules.

So like every week, the students would learn, or every like block, the students will learn something, so it didn't just include anti-racism and cultural humility, it's also like technology piece, and then there was like a mindfulness piece, and so it was really supposed to get at this whole thing of making like a holistic lawyer, you know. And so for the anti-racism and cultural humility module what we did was we worked with our Vice Provost who focuses on diversity and equity issues, we worked with her some and we worked internally within the clinical staff on what on the materials that we wanted the students to be looking at and we tried to have it not be too much because it's a heavy subject and some of these people, we recognize, you know, some of our students are coming from more conservative backgrounds who may not have a lot of exposure to communities of color, and so they're coming from situations where they may not, you know, so readily internalize the fact, or you know, internalize the knowledge that we do have systemic racism in America.

So we really tried to build—and I will say it builds on something that had, was already starting in the legal analysis and writing research program at the law school which was doing things like looking at, I don't know if you read the book, I think it's Devil in the Grove and, I might be messing up that title but sorry my daughters, so they started doing readings like that, with the reading and writing and research portion of the programming and then we're trying to bring that into the clinical space, so that way again we're looking to make a more holistic lawyer. And it's really, I mean, I'll just put in my own personal views on it, I think it's really important if you're going to go out, I mean just like we saw with the Danbury work, these are people who are incarcerated who have gone through, who have gone through many traumas probably in their lives and it's important for them to be seen as a person, like it's our job as a lawyer to represent our clients effectively and zealously and everything else that our ethics require and in order to do that, I think you need to really be able to see the person in front of you, see where they have come from and, for that reason, I just want to say that in our clinic we focused

on trauma informed lawyering, so I hope that answers your question Joan.

Thomas Maligno: Other questions? Or does anyone have a program at their school or they're working with the school and law students on something that they think we should hear about?

One of the issues that I want to raise that we've also deal with is the issue of technology and, once again, it becomes an issue where there's a crisis like a hurricane where communications might be down, making it even harder, and that's all the more reason to have good relationships with the community, so that when you can, you could be within walking distance and provide services. You know, so people can walk to their local library, or whatever, and as I'm sure is true in many parts of the state, you know, Long Island has a fairly large immigrant community, and they are oftentimes reluctant to go to a government office or an office outside their community area, but they will be willing to go to the church or local library, or whatever, and so our program works with those groups as well. You know, we meet fairly regularly with religious leaders and churches and we set up programming with them so that people who have need can just go right in their local community, making them more likely to access, what we need as opposed to just having them come into the law school or calling our hotline or, or whatever.

Any other comments?

Okay, I'm looking at what Ryan wrote, "I would love to start a volunteer run community kitchen at law schools connected to the law school clinics and the services they provide. Anyone have any suggestions on what to look out for or possible hurdles like Chartwell or Compass that should be considered?"

Any responses to this?

Vanessa Glusheski: Well, I can just say, you know, somebody brought up before about wills and estates workshops and also I've also participated in like expungement workshops related to cannabis, the laws that are now eligible for automatic expungement with the new cannabis

laws, even though they're automatic there's still other options available within that law that go beyond the automatic expungement, and so, and sometimes people don't even know what automatic expungement means, whether there are also opportunities for vacature, so, I just wanted to plug that because that's an opportunity, if you have people coming in for a soup kitchen or something like that, and you have an opportunity to serve them in that way.

Those issues, you know, they kind of run the gambit from being like really easy to tackle to you kind of need more dedicated legal services that might take more time, but you may be able to have, just do an intake in that situation and then farm it out to attorneys who have more time to deal with it, which is what has happened up here with some wills and estates programs that have happened, so. And I believe we have somebody on this call, actually, who is pretty taken with that, Karen Nicholson from the Center for Elder Law and Justice, so shout out to CELJ.

Thomas Maligno: So Elaine asks Aaron if any of your clients want to collaborate. He's a rising 3L at St John's.

Aaron Gladstone: I mean, so Ryan already DM'd me and I sent him my supervisors email, so hopefully, yes, but it's hard to know what they're going to be doing in two months, it's hard to know they're going to be doing in a month, but probably.

Elaine Chiu: I just noticed, you said, some of your work is Queens focused and that's really great, it's our backyard. The other places, I think Tom mentioning churches and Vanessa mentioning like wills and trusts and wills seminars, like the other places to meet people.

I know that for some time we've been thinking about, were toying with, you know, starting kind of intake rooms or intake services at hospitals, at local hospitals, because you know when people need their medical care, they will go eventually. And sometimes that's a good place where you know they present really a smorgasbord of problems, many of those medical problems have legal natures to them and so that's another place to try to meet community members.

Thomas Maligno: Okay, we have five minutes left. Does anyone have anything else they want to say on this topic? Something else that your school is doing, or a partnership that you've had, or a problem that the pandemic has raised, or any crisis?

I see. There's a great chance in here to network, you know, just as we work with Hofstra here on Long Island, I think that's still another unexplored area, and frankly, you know the whole Student Hurricane, which became the Student Disaster Network that was law schools all across the country coming together and so I think there's great potential in that, certainly within New York, if nothing else, and we should be exploring that more, how law schools can work together, because there are limited resources, so the most that we could work together. There'll always be another disaster, you know, unfortunately, I was reading today that they expect the hurricane season to be strong again this year. Hopefully, it won't happen, but you know there's always going to be something, even things you didn't expect.

So this is, I think, an important area for people to be involved in. We've been doing disaster work for well over 10 years now and there's always new things to learn and new ways to get our students involved. I like to say to the Dean, I want people to think of Touro when they think of disasters, but she doesn't seem to like that.

Kim Diana Connolly: I'd like to add just add something because I'm a person who was lucky enough to get to work with Vanessa here at Buffalo and we did create, the COVID Law and Community Engagement Clinic is one of our hashtag UB Law Responds clinics and the first one of those was actually our Puerto Rico Recovery Systems Legal Clinic which was definitely a disaster clinic as well.

But I do want to say one of the things that I keep reflecting and keep learning, as we try and bring students into spaces where they're needed and where they're going to be excited to be and connecting with communities, is how important it is to be humble when you go there, how important it is to make sure that you're providing helpful help to the communities, to make sure that you

are working with the partners who are on the ground there. Even if we've been in the clinical program for a long time, we do have connections, we don't have the connections to the people who are the expert groups, working people on the ground, and the neighborhood leaders, and so I think that that's one of the benefits of the types of clinics that we've come to work with in the UB Law Responds space of being able to approach and bring great people like Vanessa in to work with students to create opportunities for change and then to step back and reflect and say "Hey, during the COVID situation, we not only learned this area, we learned how to use technology a little better, how can we therefore figure out how to deploy it even better?" And we've had problems reaching out to communities of color sometimes, how do we learn from this and bring it forward, so there we're even better partners and we're offering students even better ways to become stronger lawyers.

Thomas Maligno: So as to Lillian's question about advice about how to mitigate the disproportionate effect, I sort of thought we were talking about turning the whole session, but to me the quick answer would be to make sure that you have those connections before the disaster starts, you know, and to understand that the impact will last longer than it will in other parts so be prepared to provide these services well past the immediate crisis.

We talked about lobbying, we talked about getting funding, does anybody else want to add anything to that in a minute we have left?

Vanessa Glusheski: Well, I'll just quickly say this is why I'm kind of bringing up, it seems like I'm going all over the map, but the reason why it seems like that is because racism intersects with things all over the map, and so it's just like expungement, public banking, like all of these issues, feed into breaking down systemic racial barriers and dealing with the disproportionate impact that COVID exposed, that, you know, we've seen in a variety of other areas, including the housing issue that Tanya brought up, and that we see all over New York state. And so, so I think that you know it really is an all-hands-on-deck problem, like it's like you can pretty much pick

whatever issue you want to address, and you'll be hitting the nail on the head.

Elaine Chiu: Yeah I just want to, I kind of tried to do this in the chat, I think as we take our masks off, as we're all like being, you know, hugging and kissing our double vaccinated family members, I think, for many of us in our, you know, lives people want to think that the COVID-19 pandemic is over, and all of us on this workshop know that there are many communities many individuals for whom this is an ongoing, long-term, life-altering, right, experience. And so I think it's important to not leave those communities behind, we've seen it over and over. You mentioned the hurricanes Tom, so many people have never, never, and will never recover and it's because, right, it's just no longer the sexy issue, right, it's over for people who are privileged and well off, and so I think to kind of keep it in the conversations, keep them in our work, keep them in, you know, reminding folks that about those long-term ongoing consequences. Don't get fatigued ourselves and don't let others get fatigued.

Thomas Maligno: Thank you, Elaine. Well, we've run out of time, so I want to thank you, Elaine and Aaron and Vanessa and also thank Elke for our tech and Lillian as well as Kim. It takes a team to put on this short program. Thank you all, I hope some of this was productive to start a dialogue, and you know, let's all continue to work together and be part of that partnership. So, have a good afternoon everyone.