

LESLIE SALZMAN
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PROFESSIONAL EXPERIENCE

BENJAMIN N. CARDOZO SCHOOL OF LAW, New York, NY
Clinical Professor of Law, 1999 – 2026
Co-Director, Cardozo Bet Tzedek Civil Litigation Clinic, 2010- 2025
Director, Clinical Legal Education, July 2015- August 2020
Associate Clinical Professor of Law, 1990-1999

Taught in intensive in-house civil litigation clinic, specializing in representation of elderly and disabled clients. Litigated individual and class actions primarily in the areas of elder and disability rights and benefits, and housing and consumer law; represented individuals in federal court mediation of employment discrimination matters.

Courses taught: Social Welfare Litigation; Disability Law; Mediation Clinic Seminar; Client Interviewing and Counseling; Alternative Dispute Resolution.

NEW YORK LAWYERS FOR THE PUBLIC INTEREST, New York, NY
Staff Attorney and Director, Client Assistance Program, March 1985 - August 1990

Conducted litigation, legislative and administrative advocacy, and community education to protect and expand the constitutional and statutory rights of New York residents, particularly those with physical and mental disabilities. Areas of focus included: access to health care and insurance, access to community and institutional services for persons with disabilities, special education, vocational rehabilitation services, housing, land use, and disability-based discrimination.

SOUTH BROOKLYN LEGAL SERVICES, Brooklyn, NY
Staff Attorney, September 1982 - March 1985

Represented clients in all phases of civil litigation and administrative advocacy, primarily in the areas of housing and health law and policy.

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, New York, NY
Pro Se Law Clerk, September 1981 - August 1982

Wrote bench memoranda for *pro se* appeals and motions.

MEDIATION EXPERIENCE

Court-Annexed Mediation:

U.S. District Court, Southern District of New York, 2015-present

U.S. District Court, Eastern District of New York, June 2024-present

New York State Supreme Court, 12th Jud. District, New York, Kings and Richmond Counties, 2023-present

Community Mediation, N.Y.C. Community Dispute Resolution Center, NYS Unified Court System, 2002-2020; 2025-present:

Mediated community, custody and visitation, criminal court and civil court matters at the Manhattan and Brooklyn Mediation Centers.

Teaching: Director, Cardozo Law School, Mediation Clinic, Fall 2010

Supervised student mediations in civil court and community mediation center and taught related seminar in Alternative Dispute Resolution.

EDUCATION

New York University School of Law, New York, N.Y., J.D., 1981

Tufts University, Medford, Mass., B.A., Political Science, Magna Cum Laude, 1978

BAR ADMISSIONS

New York State, First Dept.

United States District Courts: S.D.N.Y., E.D.N.Y.

United States Court of Appeals for the Second Circuit

United States Supreme Court

SELECTED LITIGATION:

Simmons et ano. v. SUNCO Captial, LLC, et al, (E.D.N.Y., 24-CV-07129): Consumer fraud action challenging validity of installation contract and related loan raising claims under the Truth in Lending Act, Fair Credit Reporting Act, the Equal Credit Opportunity Act (Race and Age Discrimination), New York General Business Law, New York's Uniform Commercial Code, along with common law claims of forgery and fraud. Matter was settled satisfactorily on the eve of trial.

ProPublica v. NYS Office of Court Administration ("OCA") (N.Y.S. Sup. Ct.): Appeal of OCA's denial of FOIL request for Inspector General documents relating to complaints and investigations of fiduciary misconduct. After court's *in camera* review of documents, court upheld OCA's denial of access.

Spencer v. County of Harrison (U.S. Supreme Court, No. 23-972) (April 2024): Lead counsel on amicus brief on behalf of disability rights organizations in Support of Certiorari from Fifth Circuit decision permitting indiscriminate shackling of children in juvenile proceedings in case involving a 10 year-old boy with ADHD shackled in a juvenile proceeding.

Luna Perez v. Sturgis Public Schools, (U.S. Supreme Court, 21-887)(Nov. 2022): Lead counsel on law professors' amicus brief in case of a Deaf student deprived of a qualified sign language interpreter. At issue was the intersection of two laws designed to protect the rights of disabled students—the Individuals with Disabilities Education Act (IDEA), which requires that special education services be provided, and the Americans with Disabilities Act (ADA), which ensures equal access and effective communication in public settings, including schools. The Supreme Court agreed with *amici* (9-0) that the Sixth Circuit's decision requiring administrative exhaustion improperly undermined a disabled student's ability to pursue damage claims when their rights are violated in school settings.

Llambelis et al v. Visiting Nurse Service of New York et al, (S.D.N.Y., 19 CV10406): Proposed class action against a provider of Medicaid long term care that resulted in a successful settlement requiring the Agency to reinstate services to approximately 200 members of the proposed class and to change its policy and provide Plan members with legally adequate notice before terminating services.

In re Banks (Richard A.), 64 Misc.3d 191 (Sup. Ct. N.Y. County 2019): Case of first impression in New York establishing an individual's right to terminate a consent guardianship by withdrawing that consent.

Acevedo v. N.Y.C Fire Dept. (S.D.N.Y., 17 CV 5997): Employment discrimination action challenging the FDNY's refusal to hire Marine veteran with history of PTSD despite his completion of a successful, multi-year treatment program. Although the client had moved on to a new profession and was no longer seeking employment with the FDNY, after completion of discovery, Defendant agreed to pay plaintiff significant monetary damages;

B.Z. v. Zucker, (E.D.N.Y. 16 CV 5593): Action challenging Medicaid denial of a speech generating device to child with severe cerebral palsy based on violations of state and federal Medicaid law and the ADA. After obtaining a preliminary injunction directing the state Medicaid agency to approve the requested device, the parties have negotiated a settlement that modifies the agency's eligibility standard for prior approval of speech generating devices.

Pfeffer, et al. v. N.Y.C. Department of Finance, (E.D.N.Y. 15 CV 3547): Class action seeking declaratory and injunctive relief against the New York City Department of Finance for its failure to provide reasonable accommodations to individuals with disabilities who are unable to meet administrative deadlines in the City's Rent Freeze Program. Obtained settlement agreement changing Defendant's policy and providing eligible class members with retrospective monetary relief.

Ortega v. N.Y.C.H.A, et ano., (E.D.N.Y. 13 CV 01431): Action seeking declaratory and injunctive relief against the New York City Housing Authority for violations of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Fair Housing Amendments Act based on its failure to properly accommodate the needs of individuals with cognitive limitations in the Section 8 eligibility and recertification processes. Obtained settlement agreement providing plaintiff with on-going accommodation;

Strouchler v. Shah, et al., (S.D.N.Y. 12 CV 3216): Class action on behalf of New York City Medicaid recipients challenging unlawful reductions and terminations of personal care services in violation of the Due Process clause, various provisions of federal and state Medicaid law and the Americans with Disabilities Act. After successful motions for a preliminary injunction and class certification, obtained settlement changing Medicaid regulations, policies and procedures;

Vasquez v. Berlin, et al., (Sup. Ct., N.Y. Co., Index No. 403038/11): Obtained preliminary injunction and favorable settlement in this declaratory judgment action on behalf of a New York City Medicaid recipient challenging the State and City interpretation of the “medical stability” requirement for the receipt of personal care services.

Petersen v. Aries Financial, LLC, et al. (E.D.N.Y., 06 CV 6663): Action challenging fraudulent transfer of plaintiff’s home to sham entity and subsequent predatory loan. Complaint sought declaratory and injunctive relief and compensatory and punitive damages based on violations of federal and state consumer protection and anti-discrimination laws as well as claims of fraudulent conspiracy and unconscionability. After surviving a motion to dismiss the complaint, plaintiff passed away and representation was discontinued;

Rodriguez v. DeBuono, 44 F. Supp. 2d 601 (S.D.N.Y. 1999), *rev’d*, 175 F. 3d 227 (2d Cir. 1999): Action on behalf of statewide class of Medicaid personal care applicants and recipients seeking declaratory and injunctive relief prohibiting proposed system of task-based authorizations of services. Despite a partial loss on appeal, obtained significant improvements in task-based assessment policies and procedures in settlements with New York City, Nassau County and New York State defendants;

Mayer v. Wing, 922 F. Supp. 902 (S.D.N.Y. 1996): Successful class action on behalf of New York City Medicaid personal care recipients challenging arbitrary reductions of Medicaid personal care services;

Medicare Beneficiaries Defense Fund v. Empire Blue Cross Blue Shield, 938 F. Supp. 1131 (E.D.N.Y. 1996): Class action against Empire for violations of the Medicare Secondary Payer law. After extensive discovery and submission of motion for summary judgment, obtained significant monetary settlement for plaintiff class;

Medicare Beneficiaries Defense Fund v. Memorial Sloan-Kettering Cancer Center (N.Y. County Supreme Court): Successful class action on behalf of Medicare beneficiaries establishing that hospital is bound by the state and federal limiting charge laws for services of its staff physicians and must refund charges in excess of the lawful limits;

Kuppersmith v. Perales (N.Y. County Supreme Court, Appellate Division, First Department, and N.Y. Court of Appeals): Class action challenging New York State’s policies and procedures for authorizing home care under Medicaid program, including the failure to properly evaluate medical evidence. Obtained temporary relief preventing the implementation of a state regulation

that prohibited a treating physician from stating the amount of home care needed by a patient but ultimately received an unfavorable decision from the Court of Appeals.

S.P. v. Sullivan (S.D.N.Y.): Action challenging Social Security Administration's policies and procedures used to evaluate disability claims filed by persons with HIV infection. After surviving motion to dismiss, lawsuit resulted in promulgation of federal HIV-related disability regulations and in the re-opening of HIV-related disability claims of New York State residents adjudicated prior to the implementation of the new regulations;

Baldwin v. Perales (Sup.Ct. N.Y. Co.; Appellate Division, First Department): Class action challenging New York City Protective Services for Adults' policies and procedures for assuming control over a client's income without judicial approval, client consent, or the right to an administrative hearing before the N.Y.S. Department of Social Services, discontinued by plaintiffs after discovery;

Detsel v. Sullivan (2d Circuit): *Amicus* brief filed in successful action challenging unreasonable Medicaid restriction on private duty nursing services which made it impossible for technology-dependent children to attend school;

Doe v. Axelrod (N.Y. Court of Appeals): *Amicus* brief filed in successful action challenging authority of Health Commissioner to require the use of triplicate forms for benzodiazepine prescriptions;

Society of Surgeons v. Axelrod (N.Y. Court of Appeals): *Amicus* brief filed in action challenging the Health Commissioner's decision refusing to designate HIV infection as a communicable and sexually transmissible disease;

Cobble Hill Nursing Home v. The Henry and Warren Corporation (N.Y. Court of Appeals): *Amicus* brief filed in successful action to enforce agreement of a nursing home owner, stemming from a plea bargain in a Medicaid fraud case, to sell his nursing home to the non-profit corporation which had been appointed as the home's receiver;

AAFE v. Koch (N.Y. Court of Appeals): *Amicus* brief filed in action seeking to establish constitutional and statutory rights to housing for low-income New Yorkers;

Dowd v. Bane (Sup. Ct. N.Y. Co): Action challenging a proposed assessment procedure for Medicaid home care services; obtained preliminary injunction preventing implementation of deficient home care assessment program and discontinued action as part of settlement in related class action, *Rodriguez v. DeBuono*;

Rivera v. Ambach (E.D.N.Y.): Successful class action enforcing rights of non-ambulatory children to transportation services under the Education for Handicapped Act;

Neville v. Koch (Sup. Ct. N.Y. Co): Companion Article 78 proceeding and plenary action filed on behalf of low-income residents of the Special Clinton Zoning District challenging large-scale luxury development project on environmental and zoning law grounds;

F & S Realty v. Fishbein (Civ. Ct. N.Y. Co.): Successful jury trial enforcing the rights of lower-income loft tenants under New York housing laws and the Special Clinton Zoning District regulations;

Cantey v. State of New York (N.Y. Court of Claims): Action to establish right of deaf, mentally retarded patient in state psychiatric facility to effectively participate in treatment plan and provide informed consent for administration of psychotropic medications;

Murdaugh v. State (N.Y. Court of Claims): Action for wrongful death of state psychiatric hospital patient;

Commission for the Blind and Visually Handicapped v. U.S. Postal Service (S.D.N.Y.): Action to enforce the rights of blind vendors to operate vending facilities on federal property as guaranteed by the Randolph-Sheppard Act;

Monti v. Ambach, Schmidt v. Ambach, Rogers v. Sobol (Sup. Ct. N.Y. Co.): Three successfully settled Article 78 proceedings against the N.Y. State Department of Education for its refusal to provide vocational rehabilitation services to persons with severe disabilities.

PUBLICATIONS and AMICUS BRIEFS:

Spencer v. County of Harrison (U.S. Supreme Court, No. 23-972) (April 2024): Amicus brief on behalf of disability rights organizations in Support of Certiorari from Fifth Circuit decision permitting indiscriminate shackling of children in juvenile proceedings in case involving a young boy with ADHD shackled in a juvenile proceeding.

Luna Perez v. Sturgis Public Schools (U.S. Supreme Court, No. 21-887) (November 2022): Law professors' merits amicus brief in case of Deaf student deprived of a qualified sign language interpreter in violation of his rights under the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA) to equal access and effective communication in public settings, including schools.

Stripped of Funds, Stripped of Rights: A Critique of Guardianship as a Remedy for Elder Financial Harm, 24 UNIV. PA. J. LAW SOC. CHANGE 149 (2021).

Using Domestic Law to Move Toward A Recognition of Universal Legal Capacity for Persons With Disabilities, 39 CARDOZO L. REV. 521 (2017).

Guardianship for Persons with Mental Illness—A Legal and Appropriate Alternative?, 4 ST. LOUIS U. J. HEALTH L. & POL'Y 279 (special issue, 2011).

Rethinking Guardianship (Again): Substituted Decision Making as a Violation of the Integration Mandate of Title II of the Americans with Disabilities Act, 81 U. COLO. L. REV. 157 (2010).

RIGHTS OF PEOPLE WITH DISABILITIES (New York City Bar Association, Committee on Legal Issues Affecting Persons With Disabilities, Fall 1999) (principal author of Health Care Chapter).

Is My Drg Up?: A Manual For Patients And Advocates On Hospital Discharges And The Prospective Payment System For Hospital Care In New York State (New York Lawyers for the Public Interest, Fall 1989).

STEMMING THE TIDE OF DISPLACEMENT: HOUSING AND HOMELESSNESS IN NEW YORK CITY (Community Action for Legal Services, Fall 1986) (with A. Scherer).

PUBLIC COMMENTARY

Britney Spears Wins Back Constitutional Right to Choose a Lawyer, USA TODAY, July 14, 2021 (with Rebekah Diller)

Coronavirus or No: Why Do We Have So Many People in Nursing Homes?, DAILY NEWS, May 21, 2020 (with Rebekah Diller)

SELECTED PRESENTATIONS

- Moderator, Michael Oher and “The Blind Side” of Conservatorships, Cardozo Law School, February 7, 2024
- Presenter, “Representing Clients with Diminished Decision-Making Capacity: What the Model Rules Do and Don't Tell You,” Webinar, American Bar Association, February 5, 2020
- Presenter, Roundtable, “Legal Capacity—Law and Practice,” Open Society Foundation, New York, N.Y., December 3, 2019
- Panelist, Incapacity and Guardianship panel, “Guardianship as a Mechanism for Protecting Older Adults from Financial Exploitation?” International Congress of Law and Mental Health, University on International Studies of Rome, Rome, Italy, July 23, 2019
- Moderator, “Access to Justice,” Disability Law Forum: Accessibility Updates in the Areas of Access to Justice, the Legal Profession, Housing and More, CLE Program, New York City Bar, New York, NY, Nov. 2, 2017
- Panelist, “Using Domestic Law to Move Toward Recognition of Universal Legal Capacity for Persons with Disabilities,” Cardozo Law Review Personhood & Civic Engagement by People with Disabilities symposium, New York, NY, Feb. 23, 2017
- Panelist, “Liberty, Integration, and Guardianship,” AALS, Section on Disability, San Francisco, CA, January 4, 2017
- Panelist, Summit on Supported Decision-Making, “Housing Issues Affecting Persons with Disabilities,” Autistic Self Advocacy Network, Washington, D.C., October 18, 2016

- Panelist, “The Inadequacies of Modern Guardianship Reforms,” International Congress on Law and Mental Health, Sigmund Freud University, Vienna, July 17, 2015
- Presenter, “Compelling Alternatives to Guardianship to Avoid a Violation of the Americans with Disabilities Act,” World Guardianship Congress, Washington, DC, May 29, 2014
- Panelist, “Alternatives to Article 81 Guardianship and the Promise of Supported Decision Making,” Mental Hygiene Legal Service Continuing Legal Education Presentation, The Judicial Institute, Pace University, White Plains, NY, Apr. 23, 2013.
- Panelist, “Does the Constructive Isolation of Guardianship Violate Title II of the Americans with Disabilities Act,” AALS Annual Conference, Section on Disability, San Francisco, CA, January 6, 2011

PROFESSIONAL ACTIVITIES AND AWARDS

Advisory Council, Supported Decision-Making New York, 2017-2020

Advisory Committee, Nat’l Resource Center for Supported Decision-Making, 2015-18

2007 Recipient, Faculty INSPIRE Award, Cardozo School of Law

1998 Recipient, New York City Bar Association’s Legal Services Advocacy Award

Member, Association of the Bar of the City of New York, Committee on Legal Issues
Affecting Persons with Disabilities, 1994-97