

NYLAG

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January 20, 2004

Judah Gribetz, Esq.
C/o Bingham McCutchen LLP
399 Park Avenue, 21st Floor
New York, New York

Dear Mr. Gribetz:

We are writing to tell you about the services the New York Legal Assistance Group ("NYLAG") provides to Holocaust survivors through its Holocaust Compensation Assistance Project ("H-CAP"). From its inception in May 2000, H-CAP has focused on providing the survivor community with accurate information and legal assistance regarding compensation programs and other areas of concern. **Ours is a unique service and one that has, for the past four years, assisted over 30,000 survivors in the United States, as well as in a host of foreign countries.** Unfortunately, there is much more that remains to be done, including assisting Polish survivors in either being compensated for their lost property or having that property restored to them. (Please see the accompanying document detailing our efforts in this regard).

Initially, to provide information, H-CAP established a Legal Hotline that allows survivors, their families and advocates to call one central number and have all their questions answered. As you know, particularly during 2000-2001, there were many compensation programs – e.g., the Swiss Banks Settlement, Austrian Banks Settlement, the German Slave/Forced Labor Fund, the Swiss Refugee Program, the Austrian National Fund, the Maror Foundation, the International Commission on Holocaust Era Insurance Claims – with each program having its own deadline, criteria and application. During this period, survivors were inundated with applications and inaccurate information. Our Legal Hotline received hundreds of calls per day. In fact, from September 2001 until February 2002, all individuals who called the 800 number established by the Conference on Jewish Material Claims Against Germany, Inc. and asked any questions (other than a request for an application) were automatically transferred to H-CAP's Hotline staffed by NYLAG.

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Yisroel Schulman, Esq. *Executive Director*

More recently, we have taken the lead in publicizing, answering questions about, and helping people fill out applications for a German pension for work that was performed in a ghetto. This application process has been even more daunting than for other programs. The application itself is not readily available (a survivor has to write to Hamburg, Germany to initially request the application), it is difficult to complete (the application, devised for German nationals living in the United States, contains questions that have nothing to do with a survivor's wartime experience), and it must be filled out with an understanding of the underlying law. In addition, the majority of applicants are being rejected. To keep their cases alive, we have taken on the daunting task of completing appeal letters on their behalf.

Like all appeals, these letters require that we set forth the law and the individual facts, which means doing research into the survivor's ghetto experience, including such information as when the ghetto was established, liquidated, etc. Moreover, because the denial letters are only in German, we must first translate them into English so that a survivor can understand the reason(s) for the rejection. With the possible exception of an organization in California, we are the only organization doing appeals for people whose initial applications were completed elsewhere. For example, those survivors throughout the United States and Canada who filled out applications themselves can turn to NYLAG to write appeals for them.

Additionally, as is fully set forth in the accompanying document, NYLAG is now working with lawyers in France and Poland to pursue the matter of survivors either being compensated for Polish property or actually having that property restored to them. This complex process involves the initiation of approximately 15 claims to be brought before the European Court of Human Rights in Strasbourg ("ECHR") seeking restitution and compensation from the Polish government for Holocaust survivors in respect of illegally seized property. This task involves the coordination of both domestic and international law firms bringing the claims on behalf of survivors.

In all of its endeavors, H-CAP has dealt with each survivor as an individual. We are attorneys who carefully speak with survivors on the telephone or in person to try to ensure that their questions and concerns are fully addressed. Survivors repeatedly express their gratitude that NYLAG has taken the time to return calls, listen to their concerns and offer advice and appropriate assistance. As with other NYLAG services, all of our services are free. In addition, should we prevail in our litigation against the Polish government, we will not seek any legal fees so that all of the funds will benefit the survivor community.

We are providing a unique and invaluable service to the Holocaust community. Respectfully, we are requesting your support of H-CAP. Your commitment to this crucial work would be deeply appreciated.

We would be delighted to meet with you at your convenience to discuss H-CAP and the continuing needs of Holocaust survivors. Thank you very much for your consideration of this request.

Sincerely,



Yisroel Schulman

Holocaust Compensation Assistance Project

January - December 2004

Personnel

Part-time Supervising Attorney	\$ 68,000
Full-time Attorney	\$ 57,000
Part Time Casehandler (Russian speaking)	\$ 22,500
Hotline Staff (including Yiddish and Russian speaking)	In-kind volunteers
Benefits	\$ 36,530
Total Personnel	\$184,030

Other Than Personnel

Space	\$ 32,000
Outreach/Advertising	\$ 20,000
Travel	\$ 1,000
Telephone	\$ 9,000
Liability Insurance	\$ 4,000
Computer Support	\$ 2,000
Supplies/Postage	\$ 5,000
Library/Computer Library	\$ 2,400
Office Supplies/Support	\$ 3,000
Total OTPS	\$ 78,400

TOTAL EXPENSES: **\$262,430**

Anticipated Income

UJA-Federation of New York	\$50,000
Claims Conference	\$75,000
Shortfall	\$137,430

**New York Legal Assistance Group
Holocaust Compensation Assistance Project ("H-CAP")
The Polish Restitution Project**

The New York Legal Assistance Group (NYLAG) respectfully requests funding to support the initiation of approximately 15 claims to be brought before the European Court of Human Rights in Strasbourg ("ECHR") seeking restitution and compensation from the Polish government for Holocaust survivors in respect of illegally seized property.

Through the Holocaust Compensation Assistance Project's ("H-CAP") hotline and community outreach efforts, NYLAG learned of the difficulties experienced by survivors and their heirs in efforts to obtain restitution and compensation from the Polish government for property that was illegally seized in the aftermath of the Holocaust. For many years, Polish Holocaust survivors and their descendants sought cooperation from the Polish government in obtaining restitution or compensation for property. As their claims have been systematically denied, application to the ECHR is the last chance for compensation and closure for the survivors and their heirs.

Project Goals

Although other European countries have admitted their role in the Holocaust and taken responsibility for returning or compensating for seized property, Polish survivors have not been as fortunate. This project will assist survivors whose property was wrongly confiscated, but who have been systematically and repeatedly denied compensation or restitution by the Polish government.

Several months ago, NYLAG began preliminary research on the matter and engaged Cabinet HINCKER, a Strasbourg law firm, to advise on matters of ECHR substantive law and procedure and to present the claims before the court. Miller, Canfield, Paddock & Stone, a Detroit-based law firm with offices in Poland was retained to advise on Polish legal issues. Phyllis Brochstein, an experienced H-CAP attorney is coordinating the legal efforts in Poland, France and the US. The goals of the project are as follows:

- i) heighten awareness of the difficulties experienced by Holocaust survivors who have been unable to obtain restitution or compensation from the Polish government;
- ii) initiate up to 15 representative cases before the ECHR, which will serve to establish precedent for other similarly situated Holocaust survivors;
- iii) foster a settlement with the Polish government benefiting survivors and their heirs;
- iv) in the event of an unsuccessful outcome, to explore the possibility of initiating other actions, including before the European Court in Luxembourg; and

v) by means of the above, to bring political and moral pressure on the government of Poland to accept its responsibilities to respect and enforce the fundamental human rights recognized by those countries with a common heritage of political traditions, ideals, freedom and the rule of law.

Amount Requested

As with other NYLAG services, all of our services are free. In addition, should we prevail in our litigation against the Polish government, we will not seek any legal fees so that all of the funds will benefit the survivors. We are simply seeking funding to cover our actual expenses as detailed in the attached budget. These costs include the fees we are paying to Cabinet HINCKER, filing fees, translations and other expenses associated with the claims. Additional funding is required to compensate Miller Canfield for the preparation of Polish documentation and a legal opinion concerning the availability of local legal and administrative remedies. Remaining funds will be used by NYLAG to pay for one staff attorney to oversee the Project and cover related administrative expenses.

To date, NYLAG has undertaken extensive contract negotiations with outside counsel, performed numerous hours of legal research, completed file searches, document preparation and had ongoing communication with attorneys in France and Poland and with potential claimants. The Project attorney is currently coordinating with Cabinet HINCKER the drafting of claims and other litigation-related documentation and in developing a media communication plan.

NYLAG expects to bring approximately 15 claims before the ECHR during the next two to three months.

**Holocaust Compensation Assistance Project ("H-CAP")
The Polish Restitution Project**

Personnel

Fulltime Supervising Attorney	\$ 57,000
Volunteer Attorneys	In kind
Benefits and Taxes	\$ 11,970
Total Personnel	\$ 68,970

Other Than Personnel Services

International Travel (four roundtrips to Strasbourg)	\$ 2,400
International Lodging (12 nights)	\$ 1,800
Contract with Cabinet HINCKER	\$ 40,000
Contract with Miller Canfield	\$ 15,000
Space	\$ 3,000
Outreach/Advertising	\$ 5,000
Local Travel	\$ 400
Telephone	\$ 2,000
Liability Insurance	\$ 2,000
Computer Support	\$ 500
Supplies/Postage	\$ 1,500
Office Supplies/Support Services	\$ 3,000
Total OTPS	\$ 81,600

TOTAL EXPENSES: \$150,570

Anticipated Income

Board Member Contributions	\$ 25,000
Shortfall	\$125,570