

# Pro Bono News

Fall/Winter 2010 Vol. 19 No. 1

## ***"NYSBA Celebrates National Pro Bono Week"***

### **Do the Public Good – Do Pro Bono**

**Stephen P. Younger, President NYSBA, Patterson Belknap Webb & Tyler LLP**



**Younger**

Well before the economic crisis hit, legal services providers lacked sufficient resources to meet 80% of low-income individuals' civil legal needs. As the recession

has deepened, 90% of eligible clients seeking free civil legal help are being turned away. In 2005, the numbers of unrepresented litigants were estimated at 1.6 million. Just four years later, in 2009, pro se litigants are believed to number more than 2 million -- an estimate Chief Judge Jonathan Lippman suspects may be too low. These statistics strongly suggest that our courts -- indeed our very legal system -- are in a state of crisis.

Lacking sufficient resources to meet the civil legal needs of the neediest and most vulnerable -- the elderly, the abused, the mentally ill, the homeless, children, and asylum seekers -- legal services providers rely heavily on volunteer lawyers. Although pro bono attorneys are not the solution to this crisis, their advocacy skills and abilities substantially improve the client's likelihood of success whether in a

judicial proceeding or an administrative hearing.

As the President of the largest voluntary state bar association in the country, I am very proud of our members who perform pro bono and their employers who make it possible for them to accept such cases. As we begin our second anniversary celebration of National Pro Bono Week, I challenge every NYSBA member to volunteer to do the public good -- to do pro bono. National Pro Bono Week is the perfect time for all our members who are already involved in pro bono to commit to do even more. This week is also the ideal time for volunteers to share information about the urgent need for more volunteer lawyers and to share exciting pro bono opportunities that are available in the community with a member who is not yet involved in pro bono.

If you already volunteer and are a member of the Association, I encourage you to join the 2010 Empire State Counsel® Program. The Empire State Counsel® Program is the only recognition program that is self-verifying and limited exclusively to NYSBA members. You are eligible for the program if during calendar year 2010 you donated 50 hours or more of free legal services to low-income individuals, or

to an organization dedicated to meeting the legal or other basic human needs of the poor or you volunteered with a non-profit group whose primary mission is to increase the availability of legal services for persons of limited means.

In 2009, 1,432 Empire State Counsel® collectively donated almost a ¼ million pro bono hours. Imagine the

*The Association plans to award a plaque to the two law firms enrolling the largest number of Empire State Counsel® during 2010. A third award will be presented to the individual attorney who donates the most volunteer hours during 2010.*

impact our profession could have on expanding access to justice for low-income persons if every licensed attorney accepted the challenge to volunteer! If you are not a NYSBA member, but otherwise meet the criteria, you are cordially invited to join the Association and enroll in the 2010 Empire State Counsel® Program. Enrollment is open now through the end of December. The 2010 Verification Form

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## Greetings!



**Herron Arthur**

The New York State Bar Association is pleased to participate in the second annual celebration of National Pro Bono Week, October 24-30, 2010. Launched by the ABA

Standing Committee on Pro Bono and Public Service in 2009, the goal of the Celebration is to raise awareness about the growing civil legal needs of our most vulnerable citizens and to substantially increase the ranks of pro bono attorneys to help meet this need.

The face of poverty in this country is rapidly changing and the numbers of person desperately needing free legal advice is exploding. A recent survey by the Civil Practice Unit of The Legal Aid Society found that the Society was able to accept only one out of every nine eligible clients seeking free legal services. Individuals who once considered themselves to be solidly 'middle-class' now find they are burdened with crushing consumer debt. Others are on the verge of homelessness, either through foreclosure or eviction, because they have fallen behind on their mortgage or rent and are barely able to keep food on the table. Employment opportunities are limited and the competition for the few available positions is fierce.

Legal services are more dependent than ever on volunteers and more volunteer attorneys are urgently needed. This issue highlights some of the innovative pro bono programs that are creatively addressing the growing legal needs of low-income New Yorkers. The programs are diverse and run the gambit from bi-weekly legal clinics, housing court attorney for the day programs, a humanitarian trip to Haiti to assist the women who continue to be victimized long after the earthquake, to on-going litigation challenging human rights violations. The incredible pro bono contributions

featured in this issue were made by seasoned legal practitioners, deferred associates, externs and law students.

If you don't already do pro bono, I believe the outstanding contributions made by the women and men in this issue will inspire you to get involved! Whenever possible we have included contact information for the programs. Readers are strongly encouraged to replicate and/or adapt any or all of these highly successful programs to meet the unique legal needs of your community.

Many thanks to all of you who accept pro bono cases, especially our members. In acknowledgement of the invaluable contributions law firms make to pro bono, firm names in this issue appear in bold. Association members who do pro bono or who have contributed to this issue are

*In acknowledgement of the invaluable contributions law firms make to pro bono, firm names are in bold. Association members who do pro bono or who have contributed to this issue are identified by an asterisk\*.*

identified by an asterisk\* next to their name. This issue would not have been possible without the generous contributions of the members of the Pro Bono Coordinators Network. I am very grateful to each of you for your tireless efforts on behalf of the most vulnerable members of our society. It is a privilege to share news about your pro bono accomplishments with our colleagues in the profession.

Sincerely,  
Gloria Herron Arthur  
Director, Department of Pro Bono Affairs and Editor, Pro Bono News

# Celebrating National Pro Bono Week October 24- 30, 2010

## 3<sup>rd</sup> Judicial District

### Wednesday, October 13, 2010

*Free CLE Training Seminar  
"Representing Low-Income Tenants  
in Housing Court Proceedings" - 3:30-  
5:30 pm- Albany County Judicial  
Center - Albany, NY*

Attorneys interested in representing low-income clients facing eviction are invited to attend this training/orientation program. The pro bono *Attorney for the Day Program* begins on **October 22, 2010**. Trained pro bono attorney volunteers will offer limited representation to qualified tenants at the first appearance. **Contact:** Siobhan Blank at the ACBA at 518-445-7691 or Kristie Cinelli at Legal Aid at 518-689-6322 for information or register on-line at [www.albanycountybar.com](http://www.albanycountybar.com) or [www.lasnnny.org](http://www.lasnnny.org).

### Monday, October 18, 2010

*Representing Homeowners in  
Foreclosure: Emerging Issues, New  
Regulations and HAMP - 10-4 pm  
-New York State Bar Center- One Elk  
Street - Albany, NY*

The Empire Justice Center in collaboration with NYSBA and the Legal Aid Society of Northeastern New York will offer a day-long, no-cost, foreclosure training program for lawyers in the Third and Fourth Judicial Districts who represent homeowners facing foreclosure. Attendees can earn a maximum of **6 transitional MCLE credits** (1.5 Skills and 4.5 Professional Practice). This training is a part of the NYS Subprime Foreclosure Prevention Services program, developed to help New York homeowners facing default or foreclosure by providing counseling and legal services. **Contact:** Michelle Peterson to register: [mpeterson@empirejustice.org](mailto:mpeterson@empirejustice.org); (585) 295-5729.

### Friday, October 22, 2010

*Kick-Off Celebration and Reception  
in Honor of National Pro Bono Week  
- Noon -3pm - New York Court of  
Appeals - Albany, NY*

The New York State Bar Association in conjunction with the New York Court of Appeals will host the Second Anniversary Celebration and Reception marking National Pro Bono Week in New York State. Chief Judge Jonathan Lippman and Association President Stephen P. Younger (Patterson Belknap Webb & Tyler LLP) will be the keynote speakers. **Pre-registration is required. Contact:** Department of Pro Bono Affairs, [pro-bono@nysba.org](mailto:pro-bono@nysba.org) or call (518) 487-5641.

*Albany County Bar Association,  
NYSBA, and the Legal Aid Society  
of Northeastern New York Launch  
"Attorney for a Day Program" -  
Albany City Court -9-Noon - City  
Hall - Albany, NY*

The Albany County Bar Association, NYSBA, and the Legal Aid Society of Northeastern New York are teaming up to introduce a new *"Attorney for a Day" Project* in Albany City Court. A volunteer attorney will be available at Albany City Court to represent tenants being evicted from their apartments, on a first-come first-served basis. A representative from ACBA or LASNNY will also be present to assist with any questions that arise. This is a unique program for the Capital District, allowing these providers to serve the numerous clients who are facing eviction.

### Monday, October 25, 2010

*Albany Law School Pro Bono Fair-  
4-6pm- Albany Law School- West  
Foyer - Albany, NY*

A *Pro Bono Fair* for students will mark the start of National Pro Bono Week by acquainting them with pro bono opportunities. **Contact:** Susan Feathers, Assistant Dean for Student Affairs, [sfeat@albanylaw.edu](mailto:sfeat@albanylaw.edu).

### Tuesday, October 26, 2010

*Free Bankruptcy Training for Pro  
Bono Lawyers - 9- 3pm- Holiday Inn-  
Wolf Road - Albany, NY*

The Legal Project and The Legal Aid Society of Northeastern New York, in collaboration with the Federal Bankruptcy Bar Association, The New York State Bar Association, Albany, Schenectady, Rensselaer and Saratoga County Bar Associations, are offering a free bankruptcy continuing legal education program for lawyers in the Third, Fourth and Ninth Judicial Districts who agree to accept two pro bono bankruptcy case referrals from area legal services providers during 2010-2011. Attendees will earn **4.5 CLE credits**. **Contact:** Siobhan Blank, [sblank@albanycountybar.com](mailto:sblank@albanycountybar.com); (518) 445-7691(ext. 13) to register.

### Thursday, October 28, 2010

*Chief Judge Jonathan Lippman to  
Receive the Legal Project Champion  
Award at Organization's 15<sup>th</sup>  
Anniversary Pro Bono Reception-  
5:30-9pm- The Hart Theater Lounge-  
The Egg - Albany, NY*

The Legal Project will celebrate its 15<sup>th</sup> Anniversary Pro Bono Reception. Among those being recognized for their commitment to pro bono and expanding equal access to justice is Chief Judge Jonathan Lippman who will receive the prestigious Legal Project Champion Award. There will be a silent and live auction as well as food provided by local restaurateurs. **Contact:** The Legal Project, Flynn Jebb, [fjebb@legalproject.org](mailto:fjebb@legalproject.org) or (518) 435-1770 to purchase tickets for the event.

### Friday, October 29, 2010

*Pro Bono Training Institute- 1-5pm  
- Dean Alexander Moot Courtroom-  
Albany Law School - Albany, NY*  
The training institute will feature ALS Professor Joseph Connors on Client Interviewing; Executive Director of



the Legal Aid Society of Northeastern New York Lillian Moy on Cultural Competency; and Associate Dean Mayer on Ethics in the Context of Poverty Law. **Contact:** Susan Feathers, Assistant Dean for Student Affairs, sfeat@albanylaw.edu.

## November, 2010

### *Pro Bono Committee Members to Provide Information on Volunteer Opportunities at Courthouses Located in the Third and Fourth Judicial Districts -9-Noon*

Members of the Pro Bono committee for the Third and Fourth Judicial Districts will be on-site at one of the Supreme Courts in Albany, Schenectady, Rensselaer and Saratoga Counties to hand out literature about free civil legal services and to recruit attorneys to volunteer with local legal services organizations. Details about the various recruitment events will be available in the *Times Union*.

## 5<sup>th</sup> Judicial District (Oneida County)

### Thursday, October 21, 2010

*Unemployment Insurance Benefits Law CLE – 10 -1pm - Location TBA*  
The Oneida County Bar Association joins with the Legal Aid Society of Mid-New York Inc. and the New York State Unemployment Insurance Appeal Board (the Board) to provide a no cost, **3 CLE credit** program for attorneys who agree to represent a claimant in an administrative hearing before the Board. During the half day program, attendees will learn the fundamentals of procedure and practice before the Board and how to defend a denial of benefits' claims. **Contact:** Diane Godlewski diane@oneidacountybar.org.

### Wednesday, October 27, 2010

#### *Pro Se Uncontested Divorce Clinic- 2-4pm –Legal Aid Society of Mid New York- 255 Genesee Street -2<sup>nd</sup> Floor- Utica, NY*

Approximately 20 eligible low-income residents of Oneida County will receive free assistance in completing and filing divorce documents during the clinic.

### Thursday, October 28, 2010

#### *Recognition Ceremony of Pro Bono Volunteers -5-7pm- Legal Aid Society of Mid New York - 255 Genesee Street -2<sup>nd</sup> Floor- Utica, NY*

Pro Bono volunteers will be presented with Certificates of Appreciation in recognition of their service to the community. **Contact:** Elizabeth Snyder Fortino, Esq., Oneida County Bar Association, Pro Bono Committee Chairperson, (315) 724-4901.

#### *Movie Night – 7pm – Uptown Theater, 2014 Genesee St. - Utica, NY*

"Adam's Rib" starring Spencer Tracy and Katharine Hepburn will be shown. Sponsored by the Uptown Theater, this event is free and open to the public.

## 5<sup>th</sup> Judicial District (Onondaga County)

### Friday, September 24, 2010

#### *Talk-to-a-Lawyer Clinic Volunteer Training: Employment, Consumer and Estate Law-11:30 - 3:30pm - Bond Schoeneck & King PLLC - One Lincoln Center- 110 West Fayette St - Syracuse, NY*

Earn **3.5 CLE credits** for free in exchange for volunteering at clinics now through 2011. **Pre-registration required.** Preference will be given to current clinic volunteers. **Sponsors:** 5<sup>th</sup> Judicial District Pro Bono Committee, Onondaga County Bar Association, Volunteer Lawyer Project, SU College of Law, and the Federal Bar. **Contact:** Jim Williams, 5<sup>th</sup> Judicial District Pro Bono Coordinator, 5thProBono@lscny.org.

### Tuesday, October 5, 2010

#### *CLE Seminar Pro Bono Representation of Prisoners in Civil Rights Cases- 10:15am -3<sup>rd</sup> Floor Ceremonial Courtroom- James Hanley Federal Building - 100 South Salina Street - Syracuse, NY*

Attorneys interested in representing indigent prisoners in Section 1983 claims are encouraged to attend this **free** seminar. Presenters will include District Court Judges, Assistant U.S. Attorneys General, the Clerk of the Court, and private practitioners who

are experienced in trying such cases.

**Sponsors:** 5<sup>th</sup> Judicial District Pro Bono Committee, Onondaga County Bar Association, Volunteer Lawyer Project, SU College of Law, and the Federal Bar. **Contact:** Michael J. Sciotti Esq., Hancock & Estabrook, (315) 471-3151 or msciotti@hancocklaw.com.

### Monday October 25, 2010

*Pro Bono Panel Discussion and Reception -5:30pm- Heritage Lounge, SU College of Law, Syracuse, NY*  
Area attorneys, Tom Myers, Jim Williams, Roger Williams, and Susan Esce, will participate in a panel discussion on the importance of pro bono work to the community, the responsibility of attorneys to do pro bono work on a regular basis, as well as discuss pro bono opportunities in different work environments, such as a large firm versus government offices. **Sponsors:** 5<sup>th</sup> Judicial District Pro Bono Committee, Onondaga County Bar Association, Volunteer Lawyer Project, SU College of Law, and the Federal Bar. **Contact:** Lauren Fujioka, SU College of Law, Office of Student Life, probonolaw@syr.edu

### Tuesday, October 26, 2010

#### *Pro Bono Service Awards Luncheon – 10am – James Hanley Federal Building -100 South Salina Street - Syracuse, NY*

Attorneys who have handled prisoner's civil rights cases will be recognized. **Sponsors:** 5<sup>th</sup> Judicial District Pro Bono Committee, Onondaga County Bar Association, Volunteer Lawyer Project, SU College of Law, and the Federal Bar. **Contact:** Michael Sciotti Esq., Hancock & Estabrook, (315) 471-3151 or msciotti@hancocklaw.com.

### Friday, October 29, 2010

#### *"Road Less Traveled Seminar"- 5:30pm - Heritage Lounge - SU College of Law - Syracuse, NY*

Syracuse University alumni will discuss their professional careers and personal lives and how they have been enhanced by their involvement in **pro bono** activities. **Sponsors:** 5<sup>th</sup> Judicial District Pro Bono Committee,

Onondaga County Bar Association, Volunteer Lawyer Project, SU College of Law, and the Federal Bar. **Contact:** Lauren Fujioka, SU College of Law, Office of Student Life, probonolaw@sy.edu.

## 7<sup>th</sup> Judicial District

### Thursday, October 28, 2010

*Matrimonial Actions and Related Family Court Proceedings – 2-4pm- South Conference Room - Steuben County Office Building - Bath, NY*

This no cost transitional CLE program is open to attorneys who practice in Steuben County. Participating attorneys are encouraged, but not required, to volunteer their services to the Southern Tier Volunteer Lawyers Project which operates a “Pro Se Divorce Clinic,” as well as refers individual cases, such as wills, to pro bono attorneys. MCLE: **2 credits in the Areas of Professional Practice.** **Pre-registration is required.** **Contact:** skirkum@lawny.org or call (607) 776-4126 (ext 228).

### Friday, October 29, 2010

*“Ethics Redux” – 1:30pm –Live at the Hall of Justice, Rochester, NY*

Made possible thanks to the support of Seventh Judicial District Administrative Judge Thomas M. Van Strydonck, the CLE will feature a panel discussion by Hon. Marian W. Payson, U.S. Magistrate Judge, Gregory J. Huether, Esq., Chief Counsel, Attorney Grievance Committee, Fourth Department and Christopher K. Werner, Esq., Boylan, Brown, Code, Vigdor & Wilson, LLP. This live panel discussion will be broadcast simultaneously in the 7 rural counties of the Seventh Judicial District. **Sponsors:** ProBonoNY and the Volunteer Legal Services Project of Monroe County (VLSP). **Contact:** Linda Kostin, Esq., ProBonoNY Coordinator, lkostin@wyncl.com or (585) 295-5703.

### Friday, October 29, 2010

*Recognition Event – 3pm –Southern Tier Legal Services - Division of Legal Assistance of Western New York-Bath, NY*

A recognition event is planned for Steuben County pro bono attorneys volunteering with Southern Tier Volunteer Lawyers Project. **Contact:** Amy Christensen, (607) 776-4126 (ext 228).

## 8<sup>th</sup> Judicial District

### Thursday, September 30, 2010

*2010 VLP Pro Bono Awards Reception – 5:30 p.m.- Rich Renaissance Niagara Atrium- Buffalo, NY*

Co-sponsored by the Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP) and the 8<sup>th</sup> Judicial District ProBonoNY Committee. Immediately preceding the *Champions for Justice Bash*. By invitation only - however, all ticketholders for the *Champions for Justice Bash* are welcome to attend. **Contact:** Robert Elardo, (716) 847-0662 (ext. 312) or relardo@wnylc.com.

*Champions for Justice Bash – 6 to 9 pm- Rich Renaissance Niagara Atrium-Buffalo, NY*

Annual celebration and fundraiser co-hosted by the Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP) and Legal Services for the Elderly, Disabled or Disadvantaged of Western New York. Open bar, several dinner stations, and silent and basket auctions. **Contact:** Judy Piwowar, (716) 853-3087 (ext. 213) or jpiwowar@lsed.org.

### October, 2010

*Separate Property Appreciation and Family Businesses – Exact Date & Time -TBA*

CLE Program co-sponsored by the Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP) and the 8<sup>th</sup> Judicial District ProBonoNY Committee, will be held during National Pro Bono Week, October 25-29, 2010. This program is appropriate for experienced matrimonial attorneys and will be **free** in exchange for attendees’ commitment to handle

at least one pro bono divorce case through VLP during 2010-2011. More information, including date, time, location, and CLE credits available will be available soon. **Contact:** Amanda Warner at (716) 847-0662 (ext. 318) or awarner@wnylc.com for more information.

### Monday –Wednesday, October 25-27, 2010

*Assistance to Low-Income Homeowners in the Annual City of Buffalo Tax Foreclosure Auction Sale* – Homeowners facing foreclosure will be able to receive free foreclosure assistance from volunteer attorneys employed by Damon Morey, LLP during the City of Buffalo Tax Foreclosure Auction Sale, which falls during National Pro Bono Week on October 25 -27, 2010. Attorneys from Damon Morey, LLP were recently trained by the Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP) to assist low-income homeowners in Buffalo negotiate payment plans with Corporation Counsel resulting in stipulated orders to avoid foreclosure. **Contact:** Robert Elardo at (716) 847-0662, ext. 312 or relardo@wnylc.com for more information.

### Friday, October 29, 2010

*The Basics of Representing an Immigrant in Removal Proceedings – 9-12:30 pm – 237 Main Street - Buffalo, NY*

CLE Program co-sponsored by the Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP) and the 8<sup>th</sup> Judicial District ProBonoNY Committee. Attendees will earn **3.5 free CLE credits**, in exchange for their commitment to handle at least one case in a year’s time. **Contact:** VLP’s Supervising Immigration Attorney, Sophie Feal, at (716) 847-0662 (ext. 314) or sfeal@wnylc.com.

### Monday, November 1, 2010

*Handling a VAWA (Violence Against Women Act) Case in Immigration Court- 9-11am – 237 Main Street- Buffalo, NY*

CLE Program co-sponsored by the Erie County Bar Association Volunteer



Lawyers Project, Inc. (VLP) and the 8<sup>th</sup> Judicial District ProBonoNY Committee. Attendees will earn **2 free CLE credits**, in exchange for their commitment to handle at least one pro bono case in a year's time. **Contact:** VLP's Supervising Immigration Attorney, Sophie Feal, at (716) 847-0662 (ext. 314) or sfeal@wnylc.com.

#### *Chautauqua County's Pro Bono All Stars - Noon - Chautauqua County Courthouse - Mayville, NY*

A lunchtime reception to honor the volunteer attorneys of Chautauqua County. **Contact:** Amanda Warner, (716) 847-0662 (ext. 318) or awarner@wnylc.com.

### 9<sup>th</sup> JUDICIAL DISTRICT

#### **Friday, September 24, 2010 (Rockland County)**

*CLE Training "PROJECT F.A.I.R. P.L.A.N." - 12:30- 2:30pm - Brown bag lunch- Jury Room - Rockland County Courthouse - New City, NY*  
Family Attorneys in Rockland Providing Legal Assistance Now (F.A.I.R.P.L.A.N.) is a pilot project seeking volunteer lawyers to act as "attorney-of-the-morning" in Family Court. Attorneys will answer questions, provide information, and assist *pro se* litigants in preparing and filing petitions regarding various issues including: custody, visitation and support. Volunteers will be eligible to receive mentoring, malpractice insurance and **2 CLE credits**. **Sponsors:** Rockland County Pro Bono Local Action Committee, Rockland County Bar Association, the Legal Aid Society of Rockland County, Inc., and Legal Services of the Hudson Valley. **Contact:** Carol Neiditch, Esq., cneiditch@lshv.org, (914) 949-1305 (ext.133).

#### **Wednesday, September 29, 2010 (Orange County)**

*Attorney Emeritus Brunch -11am - Ceremonial Courtroom - Orange County Courthouse - Goshen, NY*  
Learn about *pro bono* opportunities for retired attorneys. **Sponsors:** Orange County Pro Bono Local Action Committee and Legal Services of

the Hudson Valley. **Contact:** Carol Neiditch, Esq., cneiditch@lshv.org, (914) 949-1305 (ext.133).

#### **Thursday, October 21, 2010 (Dutchess County)**

*Dutchess County Bar Association Luncheon and Current Law Updates CLE - 12:15-3pm - Poughkeepsie Grand Hotel-*

The Dutchess County Pro Bono Local Action Committee will recognize the local bar association for its generous support of the committee's activities and dedication to providing *pro bono* services to the citizens of Dutchess County. The luncheon ceremony will be followed by a **2 credit CLE** program on the state of the new power-of-attorney law and No-Fault divorce (including a domestic violence component) law. **Sponsors:** Dutchess County Pro Bono Local Action Committee, Dutchess County Bar Association and Legal Services of the Hudson Valley. **Contact:** Carol Neiditch, Esq., cneiditch@lshv.org, (914) 949-1305 (ext.133).

#### **Tuesday, October 26, 2010 (Westchester County)**

*"Ethics on North Broadway" - 5:30-7:30 pm -Pace Law School - Tudor Room- 30 North Broadway - White Plains, NY*

The Pro Bono Players present a dramatization of the ethics of representing a pro bono client. Featuring luminaries of the Westchester judicial and legal scene. This CLE program offers **1.5 ethics credits**. The price of your free ticket includes admission to the PRO BONO EXPO, featuring up-to-the minute information about pro bono opportunities. A complimentary wine and cheese reception with the actors will follow. **Sponsors:** Westchester County Pro Bono Local Action Committee, Pace Law School Public Interest Law Center, the Westchester Women's Bar Association and Legal Services of the Hudson Valley. **Contact:** Carol Neiditch, Esq., cneiditch@lshv.org, (914) 949-1305 (ext.133).

### 10<sup>th</sup> Judicial District (Nassau County)

#### **Saturday, October 23, 2010**

*Annual WE CARE Italian Feast - 6 pm - Nassau County Bar Association- 15<sup>th</sup> and West Streets - Mineola, NY*

A buffet of popular Italian cuisine and desserts served by local lawyers and judges, live music and dancing, and this year a special operatic performance. Sponsored by the WE CARE Fund, the charitable arm of the Nassau County Bar Association; the Columbian Lawyers Association of Nassau County and Quartz Caterers. All proceeds go to local charitable causes through grants provided by the WE CARE Fund. **Contact:** Elaine Leventhal, eleventh@nassaubar.org.

#### **Monday, October 25, 2010**

*Volunteer Recognition Luncheon- 12 pm - Nassau County Bar Association- 15<sup>th</sup> and West Streets- Mineola, NY*

Annual recognition luncheon for all attorneys who volunteer with the Volunteer Lawyers Program Landlord/Tenant Project, Bankruptcy Clinics and Matrimonial Project; the Mortgage Foreclosure Free Legal Consultation Clinics and court mandated settlement conferences and the Senior Citizen Free Legal Consultation Clinics; who lecture for the Nassau Academy of Law CLE programs; serve as team advisors and judges for the high school Mock Trial competition and NAL Moot Court competition; and those who speak at dozens of programs, schools, libraries, across the county. **Sponsors:** Nassau County Bar Association and Nassau Academy of Law. **Contact:** events@nassaubar.org.

*Citizenship Interview Demonstration - 5:30 - 7 pm- Nassau County Bar Association- 15<sup>th</sup> and West Streets - Mineola, NY*

For immigrants taking the final steps to become American citizens, as well as free consultations with volunteer attorneys. **Sponsor:** Nassau County Bar Association. **Contact:** Caryle Katz, ckatz@nassaubar.org.

## Monday, October 25 – Friday, October 29, 2010

### *Court-Mandated Settlement Conferences*

Attorney volunteers represent homeowners with mortgage foreclosure issues at meetings with mortgage holders at Supreme Court. **Sponsor:** Nassau County Courts. **Contact:** Gayle Berg, gberg@nassaubar.org.

## Tuesday, October 26, 2010

### *Senior Citizen Free Legal Consultation Clinic - 9:30-11am - Nassau County Bar Association - 15<sup>th</sup> and West Streets - Mineola, NY*

Seniors have the opportunity to meet one-on-one with an attorney volunteer in a half-hour private consultation on any topic of concern. **Sponsor:** Nassau County Bar Association. **Contact:** Elaine Leventhal, eleventh@nassaubar.org.

### *Mortgage Foreclosure Free Legal Consultation Clinic- 3-6 pm - Nassau County Bar Association - 15<sup>th</sup> and West Streets - Mineola, NY*

Volunteer attorneys provide one-on-one guidance to Nassau homeowners caught in the mortgage foreclosure crisis. **Sponsor:** Nassau County Bar Association. **Contact:** Gale Berg, gberg@nassaubar.org.

## Tuesday -Thursday, October 24 -26, 2010

### *Pro Bonothon -12-6pm - Nassau County Bar Association - 15<sup>th</sup> and West Streets - Mineola, NY*

A phone bank of volunteer attorneys calling other NCBA members to encourage volunteering as well as donating funds for the Volunteer Lawyers Project. **Sponsor:** Nassau County Bar Association. **Contact:** Elaine Leventhal, eleventh@nassaubar.org.

## Monday, November 1, 2010

### *New Member Orientation- 5-6:30 pm - Nassau County Bar Association - 15<sup>th</sup> and West Streets - Mineola, NY*

New members and potential new members meet and greet bar leadership, learn about benefits and are

encouraged to volunteer for pro bono service. **Sponsor:** Nassau County Bar Association. **Contact:** Dede Unger, dsunger@nassaubar.org.

### *Veteran's Rights Seminar - 6:30pm - Nassau County Bar Association - 15<sup>th</sup> and West Streets - Mineola, NY*

Public education seminar presented by volunteer attorneys. **Sponsor:** Nassau County Bar Association. **Contact:** Caryle Katz, ckatz@nassaubar.org.

## 10<sup>th</sup> Judicial District (Suffolk County)

### Monday, October 25, 2010

*Pro Bono Mentor Appreciation Luncheon – Time TBA - John P. Cohalan Jr. Complex - 400 Carleton Avenue - Central Islip, NY*  
Suffolk County District Administrative Judge and Chairman of the Suffolk County Pro Bono Action Committee, the Honorable H. Patrick Leis, III will present acknowledgment awards to approximately 30 volunteer attorneys who serve as mentors in the Suffolk County Pro Bono Project's Matrimonial and Article 81 Guardianship Programs. Invited presenter/guests include: Suffolk County Supreme Court Justice Marion T. McNulty, Suffolk County Acting Supreme Court Justice Martha L. Luft, and Barry M. Smolowitz, Esq., co-chairman of the Suffolk County Pro Bono Action Committee. **Sponsors:** Suffolk County Pro Bono Action Committee and all of the groups that work collaboratively as the Suffolk County Pro Bono Project. **Contact:** Linda Novick, Esq., Suffolk County Pro Bono Coordinator, (631) 234-5511 (ext. 233) or linda@scba.org.

### Tuesday, October 26, 2010

### *Pro Bono Volunteer Recognition Night - 6 pm - Watermill Restaurant - 711 Smithtown Bypass - Smithtown, NY*

The Suffolk County Bar Association hosts its annual pro bono volunteer recognition event. The celebration honors the dedication of those who generously volunteer their services to the Suffolk County Pro Bono

Project. The Guest of Honor at this event to be announced. **Sponsor:** Suffolk County Bar Association's Pro Bono Foundation Board. **Contact:** Jane LaCova, Suffolk County Bar Association, (631) 234-5511 (ext. 231) or Jane@scba.org.

## Wednesday, October 27, 2010

### *Pro Bono Guest Speakers Luncheon – 12:30pm – Touro Law Center –Touro College Jacob D. Fuchsberg Law Center – 225 Eastview Drive – Central Islip, NY*

Touro Law Center, in conjunction with the Suffolk County Pro Bono Action Committee, presents the first of its two-part celebration event, a guest speakers' luncheon. Long-time Pro Bono Project volunteers, Attorneys Robin S. Abramowitz and Richard L. Stern will provide Touro law students with insight into their own unique, personal pro bono experiences and rewards. **Contact:** Linda Novick, Esq., Suffolk County Pro Bono Coordinator, (631) 234-5511 (ext. 233) or linda@scba.org.

### *Pro Bono Veterans Advisory Clinic – 2- 4pm – Touro Law Center –Touro College Jacob D. Fuchsberg Law Center – 225 Eastview Drive –Central Islip, NY*

Following the guest speakers' luncheon program, the second part of the National Pro Bono Week Celebration provides Touro law students the opportunity to observe and assist in a free legal advisory pro bono clinic for local veterans. **Contact:** Linda Novick, Esq., Suffolk County Pro Bono Coordinator, (631) 234-5511 (ext. 233) or linda@scba.org.

**For information about other National Pro Bono Week celebration events please visit:**  
[www.ProBono.Net/NY](http://www.ProBono.Net/NY)

# Law Firms Help Feed the Pipeline to Law School

Sonji S. Patrick\*, Education Director, LatinoJustice PRLDEF

LatinoJustice PRLDEF has been conducting pipeline programming for Latinos and other minority students interested in law careers since its inception in 1972. As a not-for-profit civil rights organization, collaborating with area corporate law firms has been important to our work. We rely on their pro-bono legal assistance for our high-impact litigation cases. Additionally, the in-kind services of large law firms like Mayer Brown LLP, Simpson Thacher & Bartlett LLP, Dewey LeBoeuf LLP, Proskauer Rose LLP and Nixon Peabody LLP, not only facilitate the execution of our legal education programming, but also play a significant role in the mentoring of the aspiring attorneys we counsel.

Since 1999, **Mayer Brown** has hosted our annual “*How to Succeed in Law School*” Orientation Workshop, an all-day seminar which introduces newly accepted law students of color to legal methods, exam taking techniques, upper classmen, practitioners and local bar associations. The program takes place the first Saturday in August and is designed to complement the in-school orientations conducted on the students’ respective campuses. The idea came from William Malpica, Esq. who was a summer associate there at the time (then Mayer, Brown & Platt). The annual workshop hosts approximately 70 new law students each year, with the unfailing support of litigation partner Hector Gonzalez. Mr. Malpica, currently a senior VP at Royal Bank of Scotland, and member of LatinoJustice’s board of directors, continues to play an advisory role.

In 2005, we launched our newest pipeline initiative, **LAWbound®**, and **Mayer Brown** stepped up to the plate once again, offering to host the “*Day in the Life of a Corporate Attorney*” segment and the summer academy’s closing reception. The firm convened a panel of their associates and hosted the program for two consecutive years. The torch was then passed on to **Dewey LeBoeuf** through the support of partners John Quiñones and Eridania Perez. Subsequently, Natalia

Martín, Diversity Director at **Simpson, Thacher & Bartlett**, hosted our scholars, with partner Alvin Brown of their Diversity Committee giving remarks. More recently, the **LAWbound®** program has benefited from the generosity of **Proskauer Rose LLP**, thanks to Louie Rodriguez, their Director of Diversity and Inclusion, and **Nixon Peabody LLP** through the stewardship of the firm’s Latino Affinity Network via Jim Montes\*, a senior associate in the area public and project finance.

It must be mentioned that not only law firms provide this type of pro-bono support for the pipeline to law school. **The New York State Office of the Attorney General** at 120 Broadway has become a fixture of our **LAWbound®** program. For five consecutive years Andy Lugo, Section Chief in Consumer Frauds along with a host of his colleagues, such as Elizabeth DeLeon in the Executive Bureau, has hosted our “*Day in the Life of the Government Servant*” segment and provided internship opportunities. Just like their corporate firm counterparts, these attorneys and their staff take time out of their busy schedules to nurture the next generation of aspiring lawyers of color.

To-date over 800 law students have participated in our annual “*How to Succeed in Law School*” orientation workshop, with many of them returning as 2Ls and 3Ls to mentor the new incoming classes. Area law schools have come to know this program as a staple for their incoming minority law students and refer students to us each year. Our **LAWbound®** program, which recruits Latino and Latina college freshmen and sophomores to help put them on the right path to law school, includes over 175 scholars. The **LAWbound®** initiative currently has an 86% law school acceptance rate, and our first attorney-at-law, Perla Alvarez, a graduate of Rutgers Law School-Newark, Class of 2009. We are gearing up for the second annual winter academy in January of 2011.

For more information about our legal education programs, please visit our website at [www.latinojustice.org](http://www.latinojustice.org) or contact Education Director, Sonji Patrick at [spatrick@latinojustice.org](mailto:spatrick@latinojustice.org) or (212) 739-7497.

If you are an attorney interested in becoming a pro-bono litigation partner, please contact our Associate General Counsel, Jose L. Perez\* at [jperez@latinojustice.org](mailto:jperez@latinojustice.org) or (212) 219-3360.

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## Do the Public Good – Do Pro Bono

*Continued from page 1*

can be downloaded at **[www.nysba.org/2010ESCVF](http://www.nysba.org/2010ESCVF)**. In addition, to receiving a certificate suitable for framing and the signature Empire State Counsel® lapel pin, awardees may use this honorific designation as a credential on their resume. The names of the individual honorees and their employers are maintained on our website for one calendar year.

In recognition of the significant contributions that our members make to pro bono through their law firms, the Association plans to award a plaque to the two law firms enrolling the largest number of Empire State Counsel® during 2010. A third award will be presented to the individual attorney who donates the most volun-

teer hours during 2010. These awards will be presented at our Justice for All Luncheon which will be held during the Association’s Annual Meeting scheduled in New York City during the week of January 24-28, 2011.

The Empire State Counsel® Program is but one of the many recognition programs that our Association has implemented over the years in appreciation of the contributions that New York lawyers make to society. To obtain information about other recognition awards programs please visit the Association’s homepage at [www.nysba.org](http://www.nysba.org).

As we celebrate National Pro Bono Week, on behalf of our 77,000 membership, I thank each of you for the good that you do all year long!



# Extern Class Praises Legal Aid Supervision and Training; Plan to Bring Pro Bono Projects Back to Their Firms

**Marlene Halpern\*, Supervising Attorney for Pro Bono and Katie Niejadlik, Pro Bono Administrator, The Legal Aid Society**

Last year, an unprecedented number of major law firms deferred their incoming first year associate class, providing recent law graduates an opportunity to volunteer for up to one year with public interest programs. In response, The Legal Aid Society expanded its regular externship program to accommodate 42 externs in the Civil, Criminal, and Juvenile Rights Practices, 36 of which started in 2009, with an additional 6 externs joining The Society in January of 2010. Nine months later, externs report that they have been fully integrated into the Society and have developed legal skills to help address the legal needs of low-income New Yorkers.

The externs, deployed throughout the Civil, Criminal, and Juvenile Rights Practices, have augmented the Legal Aid Society capacity to provide comprehensive legal services during a transitional funding year in which the Interest on Lawyers' Account ("IOLA") grant was drastically decreased. Moreover, implementation of the landmark New York State criminal defense case cap law to address the excessive criminal defense caseloads will not occur until this coming Fall. In the Criminal Defense Practice, externs participated in the Society's comprehensive six-week training and joined trial complexes in three boroughs. The Civil Practice externs have volunteered in four neighborhood offices and in citywide specialized units: health law, foreclosure prevention, employment law, law reform, immigration, and prisoners' rights. Externs also have volunteered in the Juvenile Rights Practice's trial offices. Externs in all three practices have praised the expertise of their supervisors, expressed their admiration for the Legal Aid staff, and complimented the high quality of oversight and training provided by the Society.



*From left: Michael Haidas, Jon Sorkowitz, Alexis Berkowitz, Haley Park, and Philip Wells, deferred associate externs with The Legal Aid Society, attend an orientation to welcome the 2009-2010 class.*

The Society looks forward to working with the 2009 -2010 class of externs when they return to their firms and throughout their legal careers. Many plan to leverage their experience at Legal Aid into new and expanded law firm pro bono projects. Kelli Lanski, an extern with the Prisoners' Rights Project, already has contacted Dewey & LeBoeuf about the establishment of a State Prison Advocacy Project to respond to correspondence from prisoners and their families asking for assistance for a variety of legal issues, including access to medical care, guard brutality, inmate assaults, harassment by guards, and destruction of inmate property.

This highly trained and skilled cadre of pro bono externs will be returning to the following firms: **Dechert LLP; Dewey & LeBoeuf LLP; DLA Piper LLP; McDermott Will & Emery LLP; Mintz Levin LLP; Morgan Lewis & Bockius LLP;**

**Orrick, Herrington & Sutcliffe LLP; Proskauer Rose LLP; Ropes & Gray LLP; Shearman & Sterling LLP; Sidley Austin LLP; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates; Troutman Sanders LLP; Weil Gotshal & Manges LLP; and White & Case LLP.**

*The externs, deployed throughout the Civil, Criminal, and Juvenile Rights Practices, have augmented the Legal Aid Society capacity to provide comprehensive legal services during a transitional funding year in which the Interest on Lawyers' Account ("IOLA") grant was drastically decreased.*

# The Community Development Project: Turning Low-Income Clients' Dreams into Flourishing Small Businesses

Stephen Falla-Riff\*, Esq. and Rolando Gonzalez, Esq., Community Development Project, The Legal Aid Society

In New York City, a thriving group of public interest law organizations and law school clinics engage in a community development legal practice, using business law skills to support economic and social development in low-income communities throughout the city. The Community Development Project (CDP) of the Legal Aid Society exemplifies this practice. The CDP's staff of four lawyers, two rotational law firm externs (from **Fried, Frank, Harris, Shriver & Jacobson, LLP** and **Simpson Thacher and Bartlett LLP**), and dozens of volunteer attorneys from the City's premier law firms, provide corporate, tax and other business legal services to low-income small businesses, community-based nonprofit organizations, and affordable housing projects for low-income tenants.

The CDP's low-income small business clients start restaurants, cafes, bodegas, beauty salons, worker coops, and small markets and stores. These businesses revitalize low-income neighborhoods in New York City by creating jobs and providing needed goods and services. Many of the business owners are immigrants and a significant number have limited English language skills.

The nonprofit organization clients include senior centers, health and human services providers, economic development organizations, immigrant service agencies, schools and after-school programs, and arts and cultural organizations. They provide services that substantially improve communities and the lives of low-income people. Many of these organizations are also valued partners of the Legal Aid Society.

The affordable housing clients are tenant groups and nonprofits that develop and preserve low-income housing, chiefly in the form of HDFC (Housing Development Fund Company) coops and rentals. The HDFC coops provide home ownership opportunities for tenants who would otherwise be unable to purchase their own homes.



*Quechol Market Grand Opening: (left to right) Rolando Gonzalez, CDP attorney; Guillermo Linares, former Commissioner of the NYC Mayor's Office of Immigrant Affairs; Vianey Corzo, Director of Lending, NYCfNAC; Brother Joel Magellan, SJ, Executive Director, Asociación Tepeyac; Stephen Falla-Riff, CDP attorney; Gregorio Quechol, co-owner; Antonia Quechol, co-owner; Ruben Beltran, General Consul of Mexico; Martin Quechol, co-owner; Katherine Schulte, Associate, Cleary Gottlieb; Teresa Garcia, Finance Director, Asociación Tepeyac; and Gina Rebollar, Associate, Cleary Gottlieb. Photo courtesy of The Legal Aid Society*

The Quechol Products Mini Market provides a case study of the CDP's work. The Quechol Market is a small, attractive organic products and produce store located in Williamsburg, Brooklyn. The five partners are Mexican immigrants who worked long hours for years to save enough money to start a business. They attended a legal seminar given in Spanish, by CDP attorney Rolando Gonzalez, on starting a small business. Asociación Tepeyac, an organization expert in working with Latino immigrants on small business matters, hosted the event. Following the seminar, the Quechol Market partners retained the CDP as their attorney.

The CDP provided legal counsel related to all aspects of starting the business: choosing the business form and incorporating the entity; creating a shareholders' agreement; advising on governance; addressing licensing, permit and tax issues; reviewing the commercial store lease; and negotiating and closing on a microfinance loan. Rolando Gonzalez and Stephen Falla Riff\*, CDP staff attorneys, worked closely with pro bono corporate and tax counsel from **Cleary Gottlieb Steen**

**& Hamilton LLP**, and with attorney externs from **Fried Frank**. Asociación Tepeyac advised the business partners throughout the start-up and loan process. NYCfNAC, a credit union consortium that lends to low-income small businesses, provided financing. This partnership among the CDP, the private bar, a nonprofit economic development organization, and a microfinance lender, is illustrative of the CDP approach, which involves leveraging available pro bono and nonprofit resources to address the client's wide-ranging needs.

The Quechol Market created nine jobs for immigrant workers in Brooklyn, and put the owners on the path to economic self-sufficiency. "Starting was hard for me because I don't know the papers, I don't know how to take a license," said partner Gregorio Quechol. "I don't want to work for other companies; I want to work for myself. I want to open in five years two more businesses. Legal Aid knows the papers." The CDP helped Mr. Quechol, as it has helped others like him, to turn his dream into a flourishing small business.

# A Pro Bono Residency for New Attorneys

Andrea A. Amoa\*, Esq., Amistad Long Island Bar Association Member

"There is no education which one can get from books and costly apparatus that is equal to that which can be gotten from contact with great men and women".<sup>1</sup> For these reasons, it is a good idea for a newly admitted attorney to consider a pro bono residency. Doctors are trained and mentored in their profession, allowing for a transition from medical school to actual practice through a residency in which their skills and knowledge are sharpened. Why should the newly admitted attorney be any different? A pro bono residency fosters interest in the public service, assists in discerning areas of interest, and provides invaluable work experience.

After passing the New York and New Jersey bars, my areas of interest were family and immigration law, but a CLE on foreclosures prompted me to volunteer for a pro bono project that provided homeowners with legal representation during mandatory settlement conferences.

The project put me in contact with practicing attorneys, allowing me to build a network of colleagues. In addition, I was exposed to the nuances of various county courts and procedures. Although internships and law school clinical programs help alleviate the problem of having limited experience, there is no structured program for lawyers to practice their profession in a way that offers consistent and efficient training. Theory based reasoning and understanding the art of eloquently articulating arguments are simply insufficient tools for entering the current legal arena, especially when competing with seasoned attorneys who have also been affected by the economic downturn. It is unacceptable that many new law graduates do not know how to draft a basic summons and complaint.

Early on in this country, certain states required a lawyer to undertake an apprenticeship with a practicing lawyer for a year before being admit-

ted to the bar. This idea was a practical solution to the problem of producing competent attorneys.

A pro bono residency program would increase the ranks of volunteers who would have the vigor and enthusiasm that new graduates have for practice. Many underrepresented communities and indigent individuals are in need of counsel; new attorneys need to gain practical experience. Whether you were first in your class or on Law Review, you, like every newly admitted attorney, need an opportunity to practice the skills of advocacy. Creating a pro bono residency that specifically addresses the "practice" of law for newly admitted attorneys while meeting the needs of the underrepresented should be considered as an ethically mandated part of the standards promulgated by the American Bar Association.

1. Booker T. Washington, *Up from Slavery: An Autobiography*, founder and first President of Tuskegee University.

## Pro Bono by the Numbers: 2009 Statistics Collected by The Legal Aid Society

Marlene Halpern\*, Supervising Attorney for Pro Bono and Katie Niejadlik, Pro Bono Administrator, The Legal Aid Society

- In 2009, 1740 attorneys volunteered their services at The Legal Aid Society:

Civil Practice:	1,327 volunteer attorneys worked on 1,843 matters
Criminal Practice:	262 volunteer attorneys worked on 1,565 matters
Juvenile Rights Practice:	136 volunteer attorneys worked on 177 matters
Central Administration:	15 volunteer attorneys worked on 2 matters
- The total valuation of pro bono services contributed to The Legal Aid Society by volunteer attorneys was \$61.3 million dollars
- Pro Bono attorneys volunteered over 170,000 hours of their time in 2009 representing Legal Aid Society Clients:
  - Law firm pro bono attorneys contributed 106,290 hours of volunteer service
  - Unaffiliated pro bono attorneys contributed 45,403 hours of volunteer service
  - 36 public interest externs contributed 19,035 hours of volunteer service



# Retired Eastman Kodak General Counsel is First VLSP Volunteer to Enroll in Attorney Emeritus Program in Rochester

Linda Kostin\*, Esq., ProBonoNY Coordinator, Seventh Judicial District

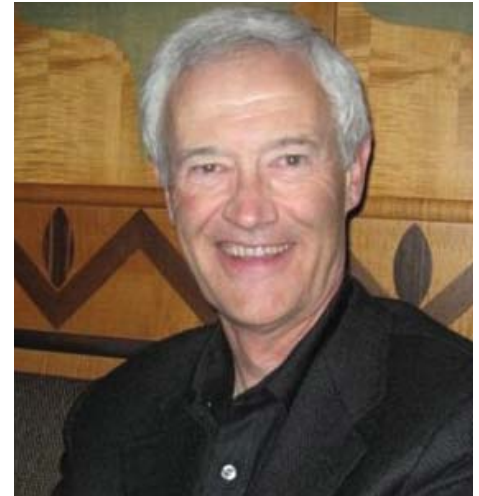
A recent initiative of Volunteer Legal Services Project of Monroe County, Inc. (VLSP) and ProBonoNY, an Access to Justice Partnership of the NYS Unified Court System, focused on recruiting attorneys age fifty-five and older for the Attorney Emeritus program. Implemented by the Unified Court System on January 1, 2010, the program confers a new status upon attorneys who have completed the active phase of their career and have committed to volunteering their legal skills to make a difference in the lives of low-income New Yorkers.

Championed by Chief Judge Jonathan Lippman, Attorney Emeritus is offered as an alternative to retired status. While in Rochester in June, Chief Judge Lippman spoke of the program as a means to symbolically pin a gold star on the chests of participants, signifying their commitment to assist the indigent.

While agencies including Volunteer Legal Services Project of Monroe County have had senior attorneys accept pro bono assignments in the

past, the Attorney Emeritus program provides a formalized way to recognize their accomplishments.

**Gary Van Graafeiland\***, who retired in 2005 as General Counsel of Eastman Kodak, recently enrolled as an Attorney Emeritus. He is the first volunteer at VLSP to do so. Since retirement, Mr. Van Graafeiland has accepted numerous referrals in the area of wills, powers of attorney, living wills and disposition of remains and standby guardianships. Mr. Van Graafeiland readily agreed to speak to the Monroe County Bar Association's Senior Attorney Committee at the Committee's meeting on June 25, 2010. As he is very well known in the Rochester legal community, Mr. Van Graafeiland's support of the program was extremely helpful from a recruitment perspective. In addition to sharing his experiences serving low-income clients, Mr. Van Graafeiland spoke in detail about the training VLSP provided which enabled him to seamlessly transition into an area of the law in which he had no prior experience. A



**Van Graafeiland\***

PowerPoint presentation explaining the details of the Attorney Emeritus program was presented as well. Pro bono opportunities were discussed, including brief service at a number of VLSP clinics and a consumer law hotline, in addition to case referrals. The presentation also addressed office support, malpractice insurance and training offered by VLSP.

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## Southern Tier Volunteer Lawyers Assist Pro Se Divorce Clients

Todd Thomas, Managing Attorney, Southern Tier Legal Services

Legal Assistance of Western New York, Inc. (LawNY), which provides services to low-income people in 14 counties through seven staffed offices, operates a new pro se divorce clinic in our Jamestown office, serving Chautauqua County. Since January, six lawyers have donated their time to help 46 clients. LawNY Americorps paralegal Kevin Caylor coordinates the program and developed an auto-

mated document assembly system. When lawyers arrive, they receive personalized, typed pleadings, to be finalized in a meeting with the *pro se* plaintiff. The program also refers cases to pro bono lawyers for full representation and is exploring cooperative efforts with a divorce mediation program. The project was initiated by the 8th Judicial District Pro Bono NY Committee, chaired by the Honorable

Paula Feroletto\*, Chief Administrative Judge for the 8th Judicial District.

LawNY operates clinics for low-income residents in Allegany and Steuben Counties (Bath); Livingston, Ontario, Seneca and Yates Counties (Geneva); Tompkins County (Ithaca); and Cattaraugus County (Olean).

# Profile of a Legal Services NYC Deferred Associate: Dino Peragallo\*

Edwina Frances Martin\*, Legal Services NYC Director of Communications and Government Relations, and Teresa Campbell, Legal Services NYC Communications Intern

What do you choose if the opportunity to be paid to do anything you want for a year presents itself? If you're Deferred Associate Dino Peragallo\*, you choose to spend the year working with the staff of Legal Services NYC to improve the lives of low-income individuals.<sup>1</sup>

Twenty-nine year old Dino, a native New Yorker who graduated from The University at Buffalo Law School in 2009, was offered a position as an associate at **White & Case, LLP**. With the shadow of "the Great Recession" still looming, however, law firms around the nation were choosing to offer incoming associates a stipend to delay the start of their employment.<sup>2</sup>

Dino, like many others in his position, had to decide how to spend his year of deferment. Instead of choosing to "vacation for the year," he took the opportunity presented to him by

New Yorkers from consumer scams, abusive collection practices and identity theft by providing legal advice, helping negotiate with banks and creditor's attorneys, and representing clients in court to ensure that they are not forced to pay money that they do not owe.

While many of his cases had similar elements, he found some particularly compelling. For example, one case that stands out for him involved an elderly client who was being sued by a company for leasing credit card equipment – a computer – for a business; an interesting point was the fact that the client had never even owned a computer! The case was eventually dismissed with prejudice and the negative reporting was removed from the client's credit report.

When asked about skills he developed during his time at MLS, Dino



Peragallo\*

Dino noted that though he cannot identify a single best experience from his time at MLS (because there were so many), it's an awesome feeling to be able to "close a case and see the relief on your client's face when you tell him or her that their case has been dismissed and knowing you've been able to help lift a weight off that person's shoulders." For Dino, this is especially rewarding when the client is an elderly or disabled person who was constantly being harassed by debt collectors.

Of the time he spent at MLS, Dino says "It's a great place to work. The people are excellent; everyone was welcoming from the time I stepped into the door." He went on to note that while there are "obvious differences between MLS and a law firm, it was a great experience and I feel blessed to have been able to work here, meet the people I've met and experience this atmosphere."

Dino began his work as an associate at White & Case, LLP this Fall.

*"It's an awesome feeling to be able to close a case and see the relief on your client's face when you tell him or her that their case has been dismissed and knowing you've been able to help lift a weight off that person's shoulders."*

White & Case, LLP and decided to pursue *pro bono* work to "keep my mind fresh" during deferment. This decision was rooted in his belief in bettering one's self and making the most of one's life; a lesson he learned from his brother who had the same zeal for life and whose death played a role in Dino's decision to attend law school (to better himself).

Dino, who studied Business Computer Information Systems as an undergraduate student at Hofstra University and concentrated in Finance while at law school, found a welcoming home in the Consumer Law Unit at Manhattan Legal Services ("MLS," a program of Legal Services NYC), working to protect low-income

said "I've been able to harness the drafting skills I developed during law school and previous internships. I've also been able to get feedback on my writing and that is always helpful." He also learned to use his time more effectively due to the limited resources available to clients and MLS: "Each day that passed I learned to more effectively balance all the factors which influence each client's individual case with the number of clients I saw. Overall you eventually come to terms with the fact that you cannot help every client that walks through the door but can provide efficient and competent counsel to more clients if you manage your time effectively and keep your files in order."

1. Dino was one of 11 Deferred Associates hosted by LS-NYC in 2009-2010.

2. Raymond, Nate. "Deferred Associates 'Hit the Ground Running' at Non-Profits, DA's Offices." New York Law Journal Online (2009). Web. 21 July 2010. <<http://www.nylj.com/nylawyer/probono/news/09/102709a.html>>.

# Steven Krane – A Storied Proskauer Career, a Lasting Pro Bono Legacy

Stacey O'Haire Fahey\*, Pro Bono Counsel and Lynsey G. Ramos, Pro Bono Coordinator, Proskauer



Krane

When Steven Krane passed away unexpectedly in June 2010, the loss reverberated throughout the legal community. Often described as a “lawyer’s lawyer,” Steve’s career was a testament to all that is great about the profession. His many accomplishments and accolades are well-known: youngest president ever of the New York State Bar Association at just 44, an expert on legal ethics who was instrumental in the adoption of a version of the Model Rules of Professional Conduct in New York, a talented litigator who was named a “Lawyer of the Year” by *Lawyers USA* in 2009 for his successful efforts to block the Federal Trade Commission from applying its so-called “red flags rule” to lawyers. He also served as Proskauer’s General Counsel. But Steve was not just a great litigator, he was also a man dedicated to the community who believed that pro bono service was an essential part of being a complete lawyer, a belief that he lived out in his day-to-day life.

Steve came to Proskauer in 1981 with every intention of becoming a tax lawyer, but he quickly found that litigation was a better fit. As his practice

developed, he became more involved in legal ethics, an interest he had first developed in law school. He pursued this interest in his work with the City Bar Association, serving on both the ethics and professional responsibility committees, as long-time chair of the New York State Bar Association Committee on Standards of Attorney Conduct and as a member and then chair of the ABA Committee on Professional Ethics.

For Steve, ethics and pro bono were related. “Providing legal services to those who cannot afford them is the right thing to do, but it also boosts the reputation and standing of the profession in the eyes of society. I think you will find that those lawyers with a strong commitment to pro bono work are similarly committed to ethical standards of the highest order.”

Steve always tried to have at least one active pro bono matter and was often working on several at any given time. In addition to handling criminal appeals in state and federal court, he also facilitated a partnership with the Animal Legal Defense Fund, reflecting his own interest in animal rights. In one notable case, Steve, on behalf of the ASPCA, successfully challenged a regulation allowing the hunting of bears with dogs, remarking “I felt considerable satisfaction from the angry letters coming from hunters that resulted from our success in obtaining summary judgment striking down the regulation.”

As president of the state bar association, he coordinated the efforts of lawyers to provide legal help to the families of those killed or injured in the terrorist attacks of September 11, 2001, and he established and subsequently chaired the Student Loan Assistance for the Public Interest program (SLAPI), which provides grants to help public-interest lawyers repay their law school loans. The New York Bar Foundation recently renamed the program the “Steven C. Krane Fund

for Student Loan Assistance for the Public Interest” in memory of the former chair.

In his work on the Red Flags case, Steve spearheaded a multi-office litigation team that provided hundreds of hours to the ABA pro bono, effectively arguing that the rules, which require businesses that accept deferred payments to implement policies to catch signs of identity theft, were never intended to apply to the legal profession. Steve called the ruling from the bench “the top moment of my legal career.” Steve had previously led Proskauer’s pro bono representation of the NY State Bar Association in its successful lawsuit against the FTC that challenged the application to the legal profession of privacy provisions in the Gramm-Leach-Bliley Act.

*Steve was not just a great litigator, he was also a man dedicated to the community who believed that pro bono service was an essential part of being a complete lawyer, a belief that he lived out in his day-to-day life.*

Steve was a leader in the pro bono field, with a far-reaching vision of both the benefits of pro bono and the potential obstacles to an effective program. Before the formalized program at Proskauer was implemented, Steve coordinated the firm’s pro bono work. Thanks to his efforts, the program became more centralized, with a standard approval process for bringing matters into the firm. He often remarked that acceptance of pro bono reflected the belief that “a law firm does not exist for the sole purpose of serving its paying clients – important as that may be – but that it is a member of society.” Under his tenure, the firm launched a program, in partnership with the Legal Aid Society, where our lawyers provided repre-



sensation to New York inmates seeking resentencing under the revised Rockefeller Drug Laws and an Adopt-A-Company program that was started to help businesses in lower Manhattan recover following September 11.

Steve was also a great proponent of the idea that pro bono can serve a young associate's professional development. He spearheaded the development of a policy encouraging each first year associate to take on a pro bono matter. "The pro bono experience can be an early introduction to the concept that our clients are real people and our work has very real consequences. In such circumstances it is hardly surprising that our associates quickly take ownership of the pro bono matters they accept. And ownership is something that serves to accel-

erate their professional development."

When encouraging people to get involved, Steve never accepted the idea that lawyers were limited by a department or skill set. "You have to convince your colleagues that they are lawyers first and specialists second and that they are quite capable of doing a variety of things." Learning, he would say, required only time and commitment. He also advocated for treating pro bono clients equal to paying clients, commenting that what was important was the quality of the legal representation and our commitment to standing by the client, regardless of how the case might develop. "When we take on a pro bono project, that client is entitled to the same quality of legal representation as a paying client. If the matter turns out to consume

more resources than expected, so be it. We will do whatever is necessary to see the matter through to conclusion."

Proskauer's pro bono program is better and stronger because of Steve and his legacy of professional excellence and public service will long be a driving force behind our pro bono mission.

In his own words: "it is important for us to acknowledge that, in light of the privileged position lawyers occupy in our society, all of us have a special responsibility to try to satisfy the unmet need for legal services that is present and appears to be growing in many of our communities. The legal profession must be willing to take on this responsibility so that we can maintain the respect of the public."

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## Volunteering in a Time of Diminishing Resources and Increased Demand

**Kristie Cinelli, Director of Private Attorney Involvement, Legal Aid Society of Northeastern New York**

The main goal of the Legal Aid Society of Northeastern New York ("LASNNY") is to provide free civil legal services to low-income individuals or people who face other barriers to accessing the legal system. The two crucial elements needed to enable LASNNY to accomplish its mission are funding and volunteers – the true foundation for commitment and success of this organization. The reality, however, is that funding for local legal services organizations, such as ours, is inadequate to meet the growing demand for legal services by the poor. While LASNNY helps thousands every year, far too many are turned away due to a lack of resources. That LASNNY has been able to continue its mission is due to the persistence and dedication of our volunteers. As a result of our volunteers' contributions we have been able to implement and sustain divorce programs in nine (9) counties, legal clinics and individual referrals to attorneys in areas such as housing, social security, unemployment insurance benefits and consumer law.

The economic downturn has led to a dramatic increase in the need for services while state funding continues to decline. New York's current budget crises resulted in a 70% cut in funding for civil legal services organization. In an effort to diminish the impact of this cut, the 2010 state budget established a onetime \$15 million bailout for the IOLA Fund to be distributed amongst all legal services organizations. Although there was a slight increase in 2010 Federal funding through the Legal Service Corporation, LASNNY anticipates layoffs when the onetime federal stimulus money that funds its homelessness prevention project ends.

In times like these, volunteer attorneys are more important than ever. LASNNY has engaged in steady recruitment and volunteer recognition through bar association activities, mentoring, training, and support services to make sure our Private Attorney Involvement (PAI) Program remains viable. In 2009 we referred 442 cases and 374 cases were completed; benefitting 1365 people. Joint trainings with other local providers

and the NYS Bar Association, as well as partnerships with Albany Law School's Pro Bono Society and other pro bono programs in the Capital Region help to nurture the spirit of volunteerism among the members of the local legal community. LASNNY also continues to create new programs to bring on new volunteers.

LASNNY and other organizations like ours represent the last chance for low-income and vulnerable groups seeking to protect their legal interests and to receive a fair and just outcome—something everyone deserves. The need for legal services far outweighs attorney resources, especially for those who come to The Legal Aid Society. Volunteering expands access to justice for all. Our volunteer programs enable The Legal Aid Society to ensure more people that justice is possible for all who deserve it. To become a member of LASNNY's PAI program, please contact Kristie Cinelli at 518-689-6322 or Johanna Williams at 518-689-6334.

# East Syracuse Justice Court Project: Helping Tenants Avoid Homelessness

Deborah H. O'Shea, Pro Bono Coordinator Volunteer Lawyer Project, Onondaga County Bar Association

New to the Volunteer Lawyer Project (VLP) of the Onondaga County Bar Association, was the first ever appearance of a volunteer attorney in the East Syracuse Justice Court on June 22<sup>nd</sup>. The Long Range Planning Committee of the Pro Bono Practice Committee targeted this project a year ago as doable and one which would be of tremendous service to the East Syracuse community. 70% of the residents of East Syracuse are renters. Similar to the Syracuse landlord tenant court attorney of the day program, the goal in Justice Court is to work out a reasonable settlement for the tenant and to help avoid homelessness.

Of concern to the Committee was how many cases were there statistically per month and would the court be able to amend its hefty calendar so these cases could be heard first. Working collaboratively with Town of Dewitt Justice David Gideon and East Syracuse Village Court Justices Donald Benack and Robert Jokl\* it was agreed that the project would be launched in the Village Court as more tenant cases were heard there than in the Town Court. Justices Benack and Jokl not only enthusiastically embraced the

project, but also agreed to convene only landlord tenant cases at 3:00 p.m. with a second call at 4:00 p.m. on the once a month Tuesday court schedule. This was a wonderful accommodation since VLP already conducts a once a week "Talk to a Lawyer Program" at St. Matthew's Church in East Syracuse on Tuesdays.

In anticipation of the first appearance in East Syracuse Village Court, attorneys had to be recruited. **Bond, Schoeneck & King PLLC** was approached. The firm currently provides two volunteer attorneys each Wednesday in city court and, hence has a large group of well-trained attorneys available who would be able to share the once a month responsibility. Bond Managing Partner Richard Hole\* approved the request as a pro bono project for his attorneys and firm pro bono coordinator Tom Myers\* agreed to find a volunteer for the first appearance.

Two days prior to the hearing Judge Benack's Clerk Bridget Albanese provided VLP with the name of the tenant appearing that evening and property information. A search of the property revealed the owner of the

property lived on Long Island. Bridget informed VLP that an agent for the property would make the appearance for the owner.

On the day of court Judge Jokl presided and Brody Smith\* from Bond was the volunteer attorney for VLP who would represent the tenant. Tom Myers accompanied Brody to court to observe the first session. The Volunteer Lawyer Coordinator conducted the intake on the client confirming eligibility and the circumstances which led to the non-payment of \$1,500. The client was expecting to argue extenuating circumstances along with habitability issues in the apartment. Following a thorough interview with the tenant and examination of the petition, Brody changed strategy and decided to argue that the petition was brought by an unauthorized agent rather than the owner who lives on Long Island, or the attorney representing the owner in his absence. Based upon the defense, Judge Jokl dismissed the case without prejudice. The tenant was tremendously thankful to the Volunteer Lawyer Project and the Village Court for providing such a helpful service.

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## New York Appleseed Coordinates Legal Assistance for Consumer Debt Defendants

David Tipson\*, Esq., Director, New York Appleseed

New York Appleseed solves problems affecting the daily lives of New Yorkers through projects expanding access to opportunity: economic, social and legal. We organize innovative public-private partnerships and are a non-partisan, independent voice for reform.

Since November 2009 New York Appleseed has helped more than 500

defendants in Brooklyn and Queens achieve positive outcomes in consumer-debt lawsuits through the **New York State Courts Access to Justice Program's Volunteer Lawyer for a Day – Consumer Credit Project**.

The Project provides short-term volunteer legal representation to low-income defendants facing a daunting litigation process. In 502 cases as of

August 31, 2010 New York Appleseed attorneys and Access to Justice volunteer attorneys have secured due process of law for otherwise unrepresented defendants in Brooklyn and Queens.

# 8th Judicial District Expanding Pro Bono Projects

Amanda M. Warner\*, Esq., 8th Judicial District Pro Bono Coordinator

The end of summer and the arrival of fall usually means many activities planned in the 8th Judicial District focused on pro bono recognition and recruitment. 2010 is certainly no exception.

The Staff at the **Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP)** have been busy this summer planning for its annual *Champions for Justice Bash*, a fundraiser hosted jointly with Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, to be held on September 30, 2010 from 6 to 9 p.m.

keeping VLP Staff quite busy. VLP began taking over the International Institute of Buffalo's (IIB) case load when the agency announced it would close its legal department on August 6, 2010, after generously serving the immigrant community for decades. The expansion resulted in the addition of numerous new cases to VLP's already heavy immigration case load and, thankfully, the addition of two new staff, Hannah Vickner Hough, Esq. and Emma Buckthal, J.D. The expansion will allow VLP to open intake to new low-income clients by

*The recent expansion of VLP's Immigration Project has also been keeping VLP Staff quite busy. VLP began taking over the International Institute of Buffalo's (IIB) case load when the agency announced it would close its legal department on August 6, 2010.*

in Buffalo. The event will be preceded by the 2010 VLP Pro Bono Awards Reception at 5:30, co-sponsored by the 8th Judicial District ProBonoNY Committee. This year's honorees include Hon. Paula L. Feroletto\*, Administrative Judge of the 8th Judicial District (Judicial Award); Catherine Nagel\*, Esq. (VLP V.I.P. Award); Michael Sciortino\*, Esq. (Attorney of the Morning Award); Alan Birnholz, Esq. (Family Court Award); Suzanne Tomkins, (Haven House Award); Leah Nowotarski\*, Esq. (Unemployment Award); Rachel Baldassaro\*, Esq. (In-House Volunteer Award); Barbara Ridall\*, Esq. (Bankruptcy Award); Brian Welch, Esq. (Divorce Award); Jason Botticelli, Esq. (Litigation Award); Catherine Devereux, Esq. (Tax Award); Phillips Lytle, LLP (Immigration Award); **Damon Morey, LLP** and **Brown & Kelly, LLP** (both receiving the Law Firm Commitment Award).

The recent expansion of VLP's Immigration Project has also been

the time this article goes to press. VLP is very grateful to Daniel M. Griebel\*, Esq., an immigration attorney who assisted VLP during the transition by assessing many of IIB's pending cases. VLP is also very grateful to the **Immigration Law Group at Hodgson Russ LLP**, which has agreed to take ten of IIB's former cases, many of which involve victims of domestic violence and human trafficking.

Since 2007, Buffalo law firm **Damon Morey, LLP** has committed to assisting low-income homeowners in Buffalo negotiate payment plans with Corporation Counsel resulting in stipulated orders to avoid foreclosure. At the end of September, VLP will provide training to lawyers from **Damon Morey** to provide this invaluable assistance to low income homeowners in October.

In Chautauqua County, **Southern Tier Legal Services (STLS)**; a division of Legal Assistance of Western New York, Inc.) and **Legal Aid of Chautauqua Region (LACR)** have been busy

doing client intake and referrals to STLS's monthly pro se divorce clinics which began in January 2010. So far this year, six volunteer attorneys have donated their time to assist 46 pro se divorce clients. The program also refers certain clients to pro bono lawyers for full representation, and STLS is exploring cooperative efforts with a divorce mediation program. The project was initiated by the **8th Judicial District ProBonoNY Chautauqua County Subcommittee**. The Subcommittee plans to commemorate "National Pro Bono Week" by honoring its volunteers at a lunchtime reception on Monday, November 1, 2010. This year's honorees include Lydia Allen Caylor, Esq.; Allison Mullen Carrow\*, Esq.; Ashley Smith, Esq.; Gregory Peterson\*, Esq.; Sandra Fisher Swanson\*, Esq.; Lydia Evans\*, Esq.; Philip Cala, Esq.; Michael Sullivan, Esq.; Robert Schnizler\*, Esq.; Richard Sotir\*, Esq.; and Sherry Bjork\*, Esq.

## Consumer Credit Crisis

Since 2006 at least half a million consumer credit-related cases have been filed in New York City's Civil Court. Virtually all of the defendants in these types of cases cannot afford counsel. **On Monday, October 25, 2010 Mayor Michael Bloomberg's Office, the NYS Access to Justice Program, NYSBA, and ProBono.Net** will recognize some of the innovative programs operating in the Metropolitan New York City area that represent low-income consumers. **The recognition ceremony will take place at 1:00 pm in the Rotunda at 60 Centre Street.** Light refreshments will be served. Immediately following the ceremony the **NYS Access to Justice Program** will sponsor a **Pro Bono Expo**.



# Profile of a Legal Services NYC Deferred Associate: Yanfei Shen

Edwina Frances Martin\*, Legal Services NYC Director of Communications and Government Relations, and Teressa Campbell, Legal Services NYC Communications Intern

Life sometimes throws us curve balls, but it is how we react that can change our lives and the lives of the people around us. When the recent recession found many law firms offering deferrals to their incoming first year Associates, Yanfei Shen was amongst the newly minted attorneys who found themselves needing to fill a gap year.<sup>1</sup> For Yanfei, the choice was an easy one – she would spend her time helping victims of domestic violence in need of legal representation at South Brooklyn Legal Services (a program of Legal Services NYC).<sup>2</sup>

*Her experience at the Family Law/Domestic Violence Unit has helped her to develop trial skills, client interviewing and counseling skills, and to take initiative in both legal and non-legal aspects of her work.*

Twenty-seven-year-old Yanfei, who grew up in Brooklyn (but was born in China), had received notice of fellowship opportunities for deferred associates with Legal Services NYC (LS-NYC) from a brochure that her firm, **Brown Rudnick LLP**, provided to its Deferred Associates. Brown Rudnick was offering a stipend for deferred associates who chose to engage in public interest work during their deferral. When the chance to work with the Family Law/Domestic Violence Unit of South Brooklyn Legal Services (SBLS) came about, Yanfei jumped at the opportunity. Her interest in Family Law began in her second year at George Washington University Law School, when she volunteered as a Mandarin hotline translator at the Asian Pacific American Legal Resource Center, assisting Chinese immigrants with family, employment, and immigration-related issues. Her interest was further piqued when, in her third year at law school, she served as a Student Attorney in George Washington's Civil and Family

Litigation Clinic. Yanfei's volunteer and law school experiences made her transition into the public interest environment a smooth one.

Yanfei plunged head first into domestic violence cases and has since helped many clients obtain orders of protection, custody, child support, maintenance, and divorce. One case that stands out in her memory was a visitation case in which an extremely abusive ex-boyfriend sought visitation with the client's child. The ex-boyfriend had violated multiple orders of protection, and had placed a knife at the client's throat, telling her they should both jump off the roof together. The judge ultimately issued a ruling that completely denied visitation to the abuser.

Yanfei's only difficulty in adapting to the public interest work environment was that despite all the training that her unit and LS-NYC provided, there were always unanticipated problems. However, she noted that dealing with the unexpected has helped her to think more quickly on her feet, and to remain calm even when she was unsure what was going on. Additionally, her experience at the Family Law/Domestic Violence Unit has helped her to develop trial skills, client interviewing and counseling skills, and to take initiative in both legal and non-legal aspects of her work.

When asked about her time at SBLS, Yanfei responded: "Every day was a great experience. I worked with intelligent, driven people; everyone was genuine and I was very comfortable there. I was never afraid to voice my opinion or to admit a mistake, and I was constantly learning." On the other hand, her most frustrating experience was that "everyone was so busy that sometimes great ideas developed at the eleventh hour and then I had to scramble to put them together for court the next day. But I guess that's just how litigation is. Sometimes you end up putting things



**Yanfei Shen**

together at the last minute, and sometimes, you prepare, prepare, and prepare, and the next day, you settle."

Overall, Yanfei considers her time at SBLS to have been "amazing!" Yanfei starts working at Brown Rudnick LLP this Fall; since her firm promotes pro bono representation through its Brown Rudnick Center for the Public Interest, and offers associates at least fifty *pro bono* hours a year that can be used as billable hours, she will do at least that many with Legal Services NYC. "I loved the people I worked with; I learned so much and grew both as a lawyer and as a person. It was a wonderful environment and the work was truly fulfilling. I was truly happy there."

1. Raymond, Nate. "Deferred Associates "Hit the Ground Running" at Non-Profits, DA's Offices." *New York Law Journal Online* (2009). Web. 21 July 2010. <<http://www.nylj.com/nylawyer/probono/news/09/102709a.html>>.

2. Yanfei was one of 11 Deferred Associates hosted by LS-NYC in 2009-2010. LS-NYC is the nation's largest organization devoted exclusively to providing free civil services to the poor. With 19 community-based offices and numerous outreach sites throughout New York City, LS-NYC has a singular overriding mission: to provide expert legal assistance that improves the lives and communities of low-income New Yorkers in areas such as housing, healthcare, food, consumer and subsistence income.

# State Bar Committee Launches Pro Bono Appeals Program

**Cynthia Feathers, Esq.\*, Solo Practitioner, Saratoga Springs, New York**

Often litigants of modest means cannot obtain counsel to pursue worthy appeals. They may earn too much to qualify for assigned counsel, but too little to retain appellate counsel. As a result, worthy appeals may not be taken, and many unjust results may remain unchallenged.

Recognizing this unmet need, the State Bar's Committee on Courts of Appellate Jurisdiction has launched a Pro Bono Appeals Program. The Committee's initial effort is a pilot venture devoted to appeals in which the devastation of erroneous decisions is particularly acute: those involving the family.

## Program a First

At its June 18 meeting in Cooperstown, the State Bar's Executive Committee approved the program, which is believed to be unique in the country. The pilot initiative will provide free representation, in a wide variety of Family Court and matrimonial appeals to the Third Department, to selected appellants and respondents whose income is 250 percent or less of federal poverty guidelines. Preferences will be given to cases in which there are issues involving domestic violence or in which assigned counsel is not available.

Two years ago, Committee Chair Hon. Betty Weinberg Ellerin\* of New York City (Alston & Bird LLP) made developing and implementing the initiative a Committee priority. Her tenure as a Presiding Justice of the Appellate Division, First Department gave her special insight into the potential value of such a project to both the courts and litigants.

In shaping the program, the role of another Presiding Justice was critical: Hon. Anthony V. Cardona\* of the Third Department in Albany offered invaluable support and guidance to the Committee. The Committee is partnering with two Third Department-based nonprofit organizations dedicated to providing legal services to low-income New Yorkers: The Legal Project in Albany, headed by

Executive Director Lisa Frisch, and the Rural Law Center of New York in Plattsburgh, led by Executive Director Susan Patnode\*. Frisch is currently a chair of the State Bar's Pro Bono Coordinators Network, and Patnode is a past chair of the statewide group.

## Applications Available

Brochures and applications for representation through the pro bono appeals program are available at [www.nysba.org/ccaj](http://www.nysba.org/ccaj). To apply, litigants must complete the application form with the assistance of an attorney or nonprofit program familiar with the case.

Following initial intake by The Legal Project and the Rural Law Center, the Pro Bono Appeals Program Subcommittee does a merits review and decides which applicants may receive representation, based on a variety of discretionary factors. Cynthia Feathers of Saratoga Springs is the Subcommittee Chair. Subcommittee members are Elizabeth Bernhardt\* of Cohen & Gresser LLP in New York City, Steven Feinman\* of Feinman & Grossbard, PC in White Plains, E. Barry Lyon\* of ABB Inc. in Norwalk, Connecticut, and

Malvina Nathanson\* of New York City.

Members of the full Committee on Courts of Appellate Jurisdiction serve as volunteer appellate attorneys and receive malpractice insurance coverage from the nonprofit organization partners. The Committee's hope is that the pilot project will eventually evolve into an expanded program covering other high need areas (such as government benefits and housing). In addition, the Committee hopes to establish similar programs in each Appellate Division and to attract additional volunteer appellate attorneys.

## First Appeal Filed

The Pro Bono Appeals Program has already filed its first appeal. It involves a mother who sought to modify an out-of-state child support order after her five-year-old daughter was diagnosed with a terminal neurological condition. The application was dismissed, based on a state law that did not allow the mother to file a petition in her home state. The mother contends that the state law is preempted by a federal law that permits a modification petition here.

## Syracuse Area Talk-To-A-Lawyer Free Walk-in Legal Clinics

**Jim Williams\*, Esq., 5<sup>th</sup> Judicial District Pro Bono Coordinator**

Throughout the Syracuse area, volunteer lawyers staff several community-based free "Talk-to-a-Lawyer" clinics. Based at churches, schools, a hospital and at community organizations, the free clinics in Onondaga County provide community members with the opportunity to talk with a volunteer lawyer about a legal problem and get advice and appropriate referrals.

Depending on the clinic, lawyers volunteer once a month or so for two hours. Volunteers at the clinics

find their time at the clinics not only personally satisfying, they also feel that they are helping to strengthen our community and are enhancing the reputation of lawyers. Long-time clinic volunteer Denny Baldwin\* said, "I enjoy the opportunity to help guide folks who often feel they have no one else to turn too." If you would like more information about the clinics, contact Jim Williams, 5<sup>th</sup> Judicial District Pro Bono Coordinator at [jwilliams@lscny.org](mailto:jwilliams@lscny.org).



# Lawyers Respond to the Crisis in Haiti

Joanna Wasick\*, Litigation and Pro Bono Associate of Hogan Lovells LLP, and Member of NYLPI's<sup>1</sup> Pro Bono Advisory Council

In May, I travelled to Haiti with a team of New York attorneys<sup>2</sup> lead by Jayne Fleming, pro bono counsel to **Reed Smith**, to interview women living in Internally Displaced Persons Camps. We were there in response to the catastrophic earthquake and our project focused on identifying potential candidates for humanitarian parole – a means for temporary entry into the United States for “compelling” reasons – and documenting conditions to support those applications. While I had seen the many post-earthquake images in the media, nothing could have prepared me for the absolute devastation that was evident the moment we touched down in Port-au-Prince. There was rubble and trash everywhere, the few buildings that were still standing were just barely so, and the smell of corpses was palpable even through the closed windows of our car. “Look at the people’s faces,” our driver told us. “You used to hear music in the streets – see people smiling. Now everyone is empty.” He was right. Four months later, the people were still in absolute shock.

The team spent each day interviewing women living in the camps. Everyone told us of insufficient food supplies, scarce clean water, and the many horrors of living in “tents” that were nothing more than sheets and sticks. But, by far, the most shocking accounts were those of rape. I heard account after account by women who were attacked in their tents late at night by groups of men, usually armed with machetes and machine guns. Women brave enough to report the crimes were often turned away by the police or camp guards and told there was nothing that could be done. I did not hear of one attack that had been prosecuted or even investigated. The vast majority of victims also went without any meaningful medical care. One woman I interviewed walked miles from her tent so she could tell us about how she and her daughter were raped, and then how both, along with her 16 year old son, were savagely beaten. When



*A woman sits on top a pile of rubble that used to be called home.*

*A morning scene from a destroyed downtown Port-au-Prince. Months after the earthquake, nearly all of the rubble remains and buildings have yet to be rebuilt.*



*One of Haiti's many IDP camps.*

I asked about her most immediate needs, she lifted her skirt up so I could see her leg, which had tripled in size and had turned a deep shade of purple. “They hurt my leg. Maybe you can find a doctor to look at it.”

By the end of our week in Haiti, we had collected data, we had helped some get basic medical attention (including the mother with the broken leg) and we had identified a number of humanitarian parole candidates who we are now representing. But it is a drop in the bucket. This urgent humanitarian issue must move into the forefront of American consciousness so that proper and effective help can finally reach our Haitian neighbors who are in such desperate need.

Jayne Fleming, assisted by the Institute for Justice & Democracy in Haiti, began a foundation in the memory of her mother, Patricia Fleming. This fund is dedicated to improving the lives of women and children living in Haiti. Donations all go to resources such as safe houses, educational tools, and emergency food aid. If you are interested in contributing, you can do so by going to the Institute’s website, <http://ijdh.org/get-involved/donate>, and sending a check that clearly indicates that the donation is for the “Patricia Fleming Fund.”

1. New York Lawyers for the Public Interest (NYLPI).

2. Jerri Shick (O’Melveny & Myers LLP); Jennifer Brown (Morrison Foerster); Jeffrey Salinger (Shearman & Sterling LLP); and Joyce Chen\* (WilmerHale).



# Nassau Bar Attorneys Always Ready to Answer the Call

**Emily F. Franchina\*, Past President, and Valerie Zurblis, Director of Marketing and Public Relations, Nassau County Bar Association**

There is never a shortage of selfless attorneys at the Nassau County Bar Association (NCBA) who freely step forward to lend their time and talents in so many ways to assist children, seniors, the abused and neglected, students, homeowners, parents and teens, and those in need in our community.

The Nassau County Bar Association partners with the Nassau/Suffolk Law Services Committee to financially support the Volunteer Lawyers Project (VLP), a program that helps maximize the quantity and quality of pro bono assistance provided for Nassau County's low-income community. However, in addition to providing funds, more than 200 attorneys volunteer at VLP, donating more than 4,500 hours of service. These attorneys handle a wide array of cases including matrimonial matters, custody cases in Supreme Court, individual bankruptcy, personal injury and negligence defense, estate matters, release of accounts blocked by judgment creditors, homelessness prevention and various other civil matters.

But we don't stop there. In addition to the VLP, each month NCBA hosts free legal consultation clinics for senior citizens at our headquarters building in Mineola, providing one-on-one guidance for any type of problem that may come in the door. We started this program 20 years ago, and over the years thousands of attorneys have helped tens of thousands of seniors, all at no cost. In 2009, we added free monthly clinics for those facing unprecedented mortgage foreclosure issues. Nearly 700 residents have been helped at the clinics and thousands more at court-mandated settlement conferences.

Two years ago, NCBA launched its Veterans Advocacy Legal Project, a program that provides free legal assistance for returning veterans who face legal challenges resulting from their current military service. Dozens of attorneys feel privileged to

provide pro bono legal assistance to any returning veteran who may be facing such legal issues as discrimination in the workforce, credit penalties incurred during military service, or even eviction or foreclosure issues that may be a result of their military service.

The attorneys wanted a vehicle for giving back to the community. It was in this spirit the WE CARE Fund was born some 20 years ago. Through this Fund, attorneys are able to raise money then distribute charitable grants to improve the quality of life for children, the elderly and others in need throughout Nassau County. This award-winning program, which has become a model replicated by other bar associations across the country, has raised more than \$2 million that has gone directly to assist more than 100 local charitable causes.

Furthermore, NCBA coordinates the largest attorney-student mentoring program on Long Island, with more than 80 attorneys volunteering to mentor at-risk middle school students at 7 middle schools. Add to that more than 120 attorneys and judges who volunteer each year for the Mock Trial competition, to coach and judge high school student teams from 45 schools as they argue a case in court. NCBA's 6,000 members regularly support food drives, clothing drives, even used bicycle drives. Each year dozens of attorneys volunteer to serve Thanksgiving dinner to seniors who would otherwise be alone on the holiday. NCBA also hosts an annual fun-filled party for disadvantaged youth.

We are proud of our extensive record of pro bono and community service. NCBA attorneys are always ready to answer the call.

## MFY Proudly Announces Expansion of Its Kinship Caregiver Law Project

**Amy Roehl, Staff Attorney, MFY Legal Services**

MFY Legal Services' Kinship Caregiver Law Project is a pro bono program offering legal representation for relative caregivers in custody, guardianship, and adoption proceedings in New York City where the children are not in the formal foster care system. We also offer court-based legal clinics where pro se litigants have the opportunity to meet with an attorney for assistance in completing court documents. We are proud to announce the expansion of the project to include assistance in obtaining public assistance

benefits. MFY will aid relative caregivers in completing applications, providing assistance in navigating the application process, and representing clients at fair hearings when denied benefits. MFY welcomes a new staff attorney and Equal Justice Works Fellow, Sara Wood, to assist with this very important and necessary work. We thank **Greenberg Traurig LLP** for their continued support! Please contact Ramonita Cordero at 212-417-3774 or [rcordero@mfy.org](mailto:rcordero@mfy.org) for information and to get involved!

# Albany Law's Pro Bono Program Finds Instant Traction

**Susan J. Feathers\*, Esq., Assistant Dean, Albany Law School**

Albany Law School recently launched a structured voluntary pro bono program that calls for students to pledge 45 hours of law-related pro bono work over the course of three years. Last year, in its first year, 168 students enrolled to collectively perform more than 1,200 hours of pro bono service at such places like the Legal Aid Society of Northeastern New York, Prisoners' Legal Services, The Legal Project, the Rural Law Center, the Albany County Bar Association, and the New York State Bar Association.

Students receive mandatory training on topics including cultural competency, ethics in the context of poverty law, and client interviewing. Following their experience, faculty and community partners will explore with students the connections between their experience and their classroom learning. The program provides a wide range of experiential learning designed to inspire, teach, and cultivate the interests and passion of law students.

The law school, the oldest in New York state, has a long history of fostering public service, with a 20-year-old clinical education program that serves more than 250 students every year in a 700-student school.

Skills emphasized through the pro bono experience include client interviewing, legal research and writing,

community education, factual investigation – all which better prepare them for the legal job market. The experience also helps to provide context to their classroom learning. President and Dean Thomas Guernsey notes that "Albany Law School is at the forefront of the curricular reform movement on many fronts: The Pro Bono Program connects the legal curriculum and law-related service curriculum."

Perhaps most importantly, the pro bono program has sensitized the students to the acute need for legal services and the important role that lawyers can have in creating a more just and humane society. As recent graduate Samantha Howell\*10 said, "Through pro bono work, students discover firsthand how the ability to navigate the complexities of the law can make a tremendous difference in the lives of the people they help, whether it is preventing a person's eviction from their home or assisting a disabled person to receive social security disability benefits."

Students can currently work for select local and national pro bono partners who provide ongoing legal supervision, training, and feedback to students. During spring 2010, the Pro Bono Program expanded to include several national partners including the ACLU, the Mississippi Center for Justice,

Freedom Now, and the Brennan Center.

This summer, 14 Albany Law School students worked with the Pro Bono Project of New Orleans and the Mississippi Center for Justice developing a legal resource for fisherman and shrimpers who are in danger of losing their boats because they cannot work in the wake of the BP oil spill in the Gulf of Mexico. The students devoted hundreds of hours researching a range of issues including time limits and potential remedies; proximate cause; and community reinvestment programs. Their research will culminate in an informational document for people in the Gulf area who might lose their boats and their livelihood.

Albany Law School's new Pro Bono Program will be featured by the American Bar Association Pro Bono Section on their website which will include Albany Law School's Student Pro Bono Guide and Supervisory Guide as model materials for schools nationwide. New pro bono projects offer student volunteers opportunities in prisoner re-entry; economic justice, LawHelp New York, and Animal Rights. To learn more about the Public Service Program and pro bono opportunities at Albany Law visit [www.albanylaw.edu](http://www.albanylaw.edu) or contact Susan J. Feathers at [sfeat@albanylaw.edu](mailto:sfeat@albanylaw.edu).

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## Pro Bono Microfinance Project Evolves into Niche Practice at Nixon Peabody LLP

**Elizabeth Qually\*, Associate, Global Finance Group, Nixon Peabody LLP**

Microfinance Institutions provide small amounts of credit, insurance, deposit services, financial education and electronic transfer of funds, all to support the entrepreneurial activity of the very poor in the developing world. Our microfinance practice began as a small pro bono project in late 2008 and has grown into a niche practice for our lawyers across several practice areas and offices. Our

clients are generally not microfinance institutions on the ground in the developing world, but instead, raise capital for microfinance institutions they have pre-selected or with whom they partner. Our work for our clients includes analyzing the peer-to-peer lending model, structuring micro-investment vehicles to issue equity or debt, documenting currency hedging arrangements, drafting website click-

through agreements, drafting international credit facilities, developing Foreign Corrupt Practices Act (FCPA) policies and providing counsel on the day-to-day issues of running a non-profit. Thus far we have served six microfinance clients and we have also joined in partnership with two large multinational finance institutions to investigate innovative investment structures in the microfinance space.

# Pace Law School's New Pro Bono Justice Program Puts Students to Work Where Communities Need It Most

Jennifer C. Friedman\*, Esq., Director, Public Interest Law Center, Pace University School of Law

Pace law students have been busy since the school's Public Interest Law Center (PILC) created the *Pro Bono* Justice Program last year. Under the direction of Jennifer Friedman, its founding director, who works closely with student groups and clinics, the PILC has responded to the economic meltdown and its impact on poor and low-income communities by offering a slate of ten *pro bono* programs. Pace's unique Mortgage Foreclosure and Predatory Lending Pro Bono Project intensively trains law students and puts them to work identifying evidence of fraud in mortgage documents, interviewing clients facing foreclosure and drafting legal documents under the supervision of hous-

ing counselors and attorneys. In the wake of the tragic earthquake in Haiti, Pace law students mobilized to assist Haitian immigrants in Westchester and Rockland counties to apply for temporary protective status, enabling them to remain in the United States and work legally. The Pro Bono Justice Program gives Pace law students the opportunity to appear at administrative proceedings, where they have successfully argued for the reinstatement of unemployment benefits and dramatically reduced suspensions of New York City public school children from school. Says Darren Guild, founder of Pace's Student Representation Project chapter, "You don't have to wait to get that degree -- law stu-



Darren Guild, 3L, founder and president of Pace Law School's Student Representation Project Chapter.

dents can make a real difference in people's lives."

## With Assistance From Syracuse University Law School Students Legal Aid Society of Mid-NY Offers Child Support Clinic

Arlene Sanders, Managing Attorney-Pro Bono Unit, Legal Aid Society of Mid-NY, Inc.

Low income persons petitioning for child support are often *pro se*. Legal aid organizations generally lack resources to represent most such litigants and the law does not provide for assigned counsel except for alleged violators. Legal Aid Society of Mid-NY, Inc. (LASMNY) senior managing attorney Dan Altwarg, who oversees LASMNY's busy Syracuse office, was anxious to address this unmet need for Onondaga county residents. He envisioned a project to train Syracuse University Law School students to help clients prepare child support petitions. The project would provide valuable hands-on experience to students and an important benefit to low income persons.

In 2009 Altwarg contacted Heidi White McCormick, Executive Director of Syracuse University's Family Law and

Social Policy Center. She gave the idea an immediate thumbs up. When McCormick sought students for the project, the response was tremendous. Thereafter, Altwarg and McCormick conducted trainings for the students on the basics of child support law and drafting petitions. The new clinic was publicized with signs posted in strategic locations such as the Family Court clerk's office.

The clinics began in March 2010 and are now held the first and third Wednesday of each month at LASMNY's Syracuse office. Clients (who have previously been screened by phone for eligibility) meet individually with the law students, who assist them in preparing their petitions. The clinic handles both initial and modification petitions. Several private attorneys staff the clinics during school



Melissa Mead, a 3L at Syracuse, assists James Guilford, LASMNY Pro Bono Coordinator, during a child support clinic.

breaks to ensure an uninterrupted schedule. Paralegal Jim Guilford, who oversees the bi-weekly clinics, notes that clients have been very appreciative of the new service. Says Guilford, "the whole process is much less daunting for individuals once they've been through the clinic."



# Since Its Inception Oneida County Pro Se Divorce Clinic Has Helped More Than 300 Low-Income Oneida County Residents

**Renee Kolwaite, Paralegal, Legal Aid Society of Mid- New York**

During National Pro Bono Week, the Legal Aid Society of Mid-New York, Inc. (LASMNY) will host a *Pro Se* Uncontested Divorce Clinic staffed by Pro Bono Attorney Thomas L. Atkinson\*. Approximately twenty low income individuals are scheduled to attend this two-hour free divorce clinic on Wednesday, October 27, 2010 at 255 Genesee Street, 2<sup>nd</sup> Floor, the organization's Utica, New York office.

The *pro se* divorce clinic is designed to simplify and streamline the divorce process for the *pro se* litigant. Prior to being accepted into a divorce clinic each attendee is pre-screened for eligibility, completes a divorce questionnaire, and provides all necessary family court orders for children born

during the marriage. During the two-hour clinic session each person completes the entire *pro se* divorce packet. Thereafter the Legal Aid staff assists the participants in completing and filing the necessary documents.

The *Pro Se* Divorce clinic began in 1998, with a meeting between Thomas L. Atkinson, Esq., former Chairman of the Matrimonial Committee for the Oneida County Bar Association, John Brennan, Esq. former Law Clerk to Supreme Court Justice John Tenney, and Susan M. Conn, Staff Attorney for the Legal Aid Society. A revised version of the New York State's Uncontested Divorce Packet developed by former Chief Judge Judith Kaye\* was presented and approved. The revisions simpli-

fied the completion of the uncontested divorce packet for LASMNY's clients.

The first *Pro Se* Divorce Clinic held in 1999, at the Legal Aid Society's Utica office, assisted five individuals from Oneida County. Since the clinic's inception, more than 300 Oneida County clients have attended a *pro se* divorce clinic, which are now held three times a year, serving approximately 20 individuals at each session.

This *Pro Se* Divorce Clinic model has been adopted by eleven counties of LASMNY's thirteen county service area. The expansion of this program into both urban and rural areas has been successful with the assistance of the courts, dedicated pro bono attorneys and LASMNY staff.

## Live from Rochester, NY – Seventh Judicial District's First Ever Pro Bono CLE Broadcast!

**Linda Kostin\*, Esq., ProBonoNY Coordinator, Seventh Judicial District**

Volunteer Legal Services Project of Monroe County, Inc. and ProBonoNY, an Access to Justice Partnership of the NYS Unified Court System, joined forces on May 7, 2010 to recruit pro bono divorce attorneys with a live broadcast of a doubleheader divorce CLE program. "Divorce 101" and "Additional Topics in Matrimonial Law" were broadcast live from Rochester's Hall of Justice to courthouses in the seven rural counties of the Seventh Judicial District.

Made possible thanks to the support of Hon. Thomas M. Van Strydonck, Administrative Judge, Seventh Judicial District, this program was the first live broadcast of a pro bono recruitment CLE in New York State, according to John Ritchie\*, Special Counsel to Hon. Fern Fisher\*, Deputy Chief Administrative Judge for New York City Courts and Director, NYS Courts Access to Justice Program.

Sharing their expertise in matrimonial law as CLE presenters were



*Kevin Nasca, Principle Law Clerk to the Hon. John M. Owens\*, presented Judgment Rolls and More at VLSP/ProBonoNY's Divorce CLE Broadcast on May 7, 2010.*

the following: Charles Inclima\*, Esq.; Catherine Cerulli, J.D., Ph.D., University of Rochester School of Medicine and Dentistry; Kevin Nasca, Esq., Principal Law Clerk to Hon. John M. Owens\*; Thomas Martin, Esq.; Paloma Capanna, Esq.; and Lisa Sadinsky, Esq. With nearly 50 participants attending each CLE, the groundbreaking pro bono broadcast was a

success. Avalon Document Services generously provided lunch for Monroe County attendees.

Western New York Law Center in Buffalo produced DVDs of the CLEs. Attorneys in Livingston, Steuben and Monroe counties have received DVDs of the CLE, which also will be utilized to train additional attorneys in the future.

# Troutman Sanders Scored a Major Victory in a Human Trafficking Case in the U.S. District Court for the Southern District of New York

Stephen Northrup, Pro Bono Partner and Dorothy A. Stallworth, Pro Bono Coordinator, Troutman Sanders

On June 16, 2009, a Manhattan federal judge ruled that the defendant, a former United Nations Ambassador from the Philippines, was not protected by diplomatic immunity in the lawsuit filed by **Troutman Sanders** and the Asian American Legal Defense and Education Fund (AALDEF) on behalf of a Filipina worker. Specifically, after reviewing briefs submitted by the parties and by the U.S. Attorney's Office for the Southern District of New York on behalf of the United States, the Court denied the motion to dismiss of the former ambassador and his wife, stating that form diplomats are only entitled to residual immunity once they have left their diplomatic posts.

The complaint filed by Troutman Sanders and AALDEF on behalf of

Marichu Suarez Baoanan charged former UN Ambassador Lauro Baja, Jr., his wife Norma Baja (an owner of Labaire International Travel), the Bajas' adult daughter, Maria Elizabeth Facundo and Labaire with violating various federal laws, including statutes against human trafficking. Ms. Baoanan, a citizen of the Philippines, described how she paid \$5,000 to the Bajas and Labaire International Travel, in return for transportation, a visa, a work permit, and job placement services in the United States. Ms. Baoanan arrived in New York in early 2006, believing that she would receive assistance to find employment as a nurse. Instead, the defendants alleged a substantial debt against Ms. Baoanan and subjected her to three months of involuntary servitude, forced labor,

peonage, debt bondage, and slavery as a domestic worker in their home on Manhattan's Upper East Side. As a result of the Court's denial of the defendants' motion to dismiss, the Court has asserted jurisdiction over the defendants and the case has proceeded to discovery and depositions.



*Partner Stephen Rinehart\* and Associate Craig Maxey are currently working on the Baoanan matter. Former Troutman attorney, Aaron Mendelsohn\*, previously worked on the case.*

## Shaleeya B. McFadden, a Standout Among Standouts

Linda Kostin\*, Esq., ProBonoNY Coordinator, Seventh Judicial District

As Volunteer Legal Services Project and the 7<sup>th</sup> Judicial District's Pro Bono Action Now Committee prepare for the ABA's Second Annual National Celebration of Pro Bono, we would like to take a moment to spotlight one of our most outstanding young volunteers.

Shaleeya B. McFadden\*, an associate at **Harter, Secrest & Emery** in Rochester, has distinguished herself early in her career for her exceptional commitment to pro bono. A 2009 Empire State Counsel honoree and a 2010 recipient of VLSP's William E. McKnight Award, Shaleeya rendered 492 hours of service in three recent pro bono immigration cases. Shaleeya effectively advocated for children who entered the United States from impoverished countries to escape abuse, neglect and/or abandonment by their biological parents

or caregivers. The very lives of these children were at stake. Thanks largely to Shaleeya's efforts, now they are safe. One fifteen-year-old boy who escaped an abusive situation and tribal warfare in Ethiopia now aspires to be a doctor, having taught himself English in a matter of a few months.

Shaleeya is currently working on a case involving another fifteen-year-old boy who was sold to a stranger on the streets in Mexico. He had no legal name, and his birthday was unknown. Naturally, these factors will pose a challenge as Shaleeya proceeds with his case. Nonetheless, she is determined to do all she can to offer him the same second chance other children have received through her pro bono representation in special immigrant juvenile cases.



*Frank Novak, Pro Bono Partner at Harter Secrest & Emery, with Shaleeya McFadden\* at Law Day 2010 event.*

Shaleeya's tireless dedication to pro bono legal services makes her a standout in a firm deeply committed to pro bono. During last year's First Annual National Celebration of Pro Bono, Harter Secrest & Emery was named co-winner of Rochester's Pro Bono Idol Contest, along with **Hiscock & Barclay's** Rochester office.

# The Low-Income Taxpayer Project: Pro Bono Project Brings Rewarding Experiences to All

Edwina Frances Martin\*, Legal Services NYC Director of Communications and Government Relations, and Hong Deng Gao, Legal Services NYC Communications Intern

In recent years, low-income taxpayers in New York City have been struggling against increasingly complex tax audits. These individuals and families, who lack the basic financial capital and educational backgrounds to resolve tax disputes with the Internal Revenue Service (IRS) or New York State Department of Taxation and Finance, face serious threats of losing their assets and means of survival. The Low Income Taxpayer Clinic (LITC) of Legal Services NYC-Bronx (LS-NYC-Bronx)—a program of Legal Services NYC<sup>1</sup>—seeks to tackle tax controversies by providing legal representation to low-income taxpayers as well as information about sections of the Tax Code that affect them the most. Since September 2008, this effort has been expanded as the LITC collaborates with **Columbia Law School** and the law firm of **Milbank, Tweed, Hadley & McCloy LLP** (Milbank) to provide further access to high quality tax representation to low-income taxpayers of the community.

Each year, ten Columbia Law School students interested in tax practice work are chosen and participate in two separate training sessions at Milbank. With a one-semester commitment, these students work closely with the firm's partners and associates to provide representation to clients referred by the LITC. Every year, about eight to ten cases are referred to Milbank through the LITC.

This In-House *pro bono* partnership has been beneficial to all of its participants: the LITC profits by having more resources for tax controversy cases; Milbank's Tax Department has a steady stream of *pro bono* cases in the tax field; Columbia law students are given an opportunity to work in a real law firm, to consult with experienced attorneys, and to apply their skills in realistic settings; and, most importantly, even more low-income Bronx residents receive legal help on their tax matters.



Small

Compared to the average case the LITC handles, cases referred to Milbank tend to be more complex—due to both the number of issues involved and the amount of time required to resolve them. Consequently, Columbia law students are able to delve into the essence of law and its processes. Bruce Kayle\*, Chair of Milbank's Tax Department, is very impressed with the level of commitment Columbia law students exhibited. "It is very gratifying to see how many students voluntarily worked beyond one semester to finish their cases."

Joanna Grossman\*, an associate from Milbank's Tax Department, sheds light on the professional and personal impacts of working on the Project: Contrary to the day to day work for large companies and banks, "I have significant one-on-one interaction with the client and the impact of my work is immediate." Recently, after eighteen months of persistently working with the IRS and New York State, Joanna was able to get the incorrect filing status fixed for a single mother and got back the Earned Income Tax credit and child-care credit of approximately \$3000. It was a "great learning experience" for Joanna, who admits that the practice of advocating for someone who wouldn't be comfortable enough to represent herself and resolving both the federal and state issues "is tremendously rewarding."

Of course, people who have gotten the most out of this *pro bono* partnership are the low-income clients. According to Shervon Small, the



Kayle\*

LS-NYC-Bronx staff attorney for the LITC, the success rate of the partnership is approximately "over 90%". Oftentimes, with the legal assistance provided by the partnership, clients—who would otherwise remain helpless in dealing with the esoteric law processes—were able to stop the collection of or recover an amount of money critical to their living.

Perhaps few can express the fantastic experience one receives from partaking in the partnership better than Mr. Kayle: he regards the most rewarding part of the project as knowing that the help he and his colleagues give to others "makes a big difference in their lives". Milbank has been one of the most active participants on the LITC's *pro bono* network. In 2009, the average *pro bono* hour for Milbank's Tax Department alone is 71.8. "Milbank is impressive for doing this," Shervon Small comments, "clients obtained the professional legal assistance they needed from a firm that often serves high-profile clients paying hundred of dollars per hour." Indeed, what could be more amazing for the participants than helping clients to erase their debts and to even put money into their pockets?

1. Legal Services NYC is the nation's largest organization devoted exclusively to providing free civil services to the poor. With 19 community-based offices and numerous outreach sites throughout New York City, LS-NYC has a singular overriding mission: to provide expert legal assistance that improves the lives and communities of low-income New Yorkers in areas such as housing, healthcare, food, consumer and subsistence income.



# ProBono.Net/NY: Connecting New York's Pro Bono Community

Tony Lu, Esq., Pro Bono and Special Initiatives Coordinator, ProBono.Net/NY

Whether interested in helping a military service member draft a will or assisting a new not-for-profit organization through the process of incorporation, New York attorneys looking to get involved in pro bono or find pro bono practice resources have a one-stop source: [www.probono.net/ny](http://www.probono.net/ny).

Probono.net/ny's online volunteer opportunities guide is a searchable directory of over 100 pro bono programs across the state, and allows users to narrow their search by geography or areas of law. Probono.net/ny also features substantive practice areas with libraries of resources created and maintained by experts in areas such as Family Law, Asylum, Housing, Community Development and Foreclosure. In addition, the site also has an extensive calendar of trainings and events in New York, and an up-to-date news feed.

By joining Probono.net/ny, volunteer attorneys can become a part of a community of over 20,000 lawyers in New York who have embraced the time-honored tradition of *pro bono publico* in the legal profession, and are using today's technology to get involved.

This fall, ProBono.Net continues its webinar training series, *Pro Bono in New York*, which features New York pro bono programs covering a substantive legal topic in practice areas ideally suited for pro bono participation. These webinars serve as an orientation for attorneys interested in pro bono practice, and allow pro bono programs to showcase their projects. Past webinars, which are available on Probono.net/ny, have featured Lawyers Alliance of New York on nonprofit bylaws, MFY Legal Services on adoption and the Brooklyn Bar Association Volunteer Lawyers Project on consumer debt, among others. The series will continue through the winter and spring - see Probono.net/ny for details. Organizations interested in featuring their pro bono opportunities and recruiting new volunteers can

sign up by contacting Tony Lu at [tlu@probono.net](mailto:tlu@probono.net).

New York pro bono attorneys interested in representing low-income immigrants will have a new resource this fall when the Immigration Advocates Network (IAN), a project of Pro Bono Net and 11 leading immigration advocacy and legal support groups, launches its Pro Bono Resource Center. The launch of this area, which includes a library of practice resources and a community forum moderated by expert immigration practitioners, will create new opportunities for volunteer attorneys interested in getting involved in immigration work. The IAN Pro Bono Resource Center will launch the week of the National Pro Bono Celebration, October 24 through 30, 2010, at [www.immigrationadvocates.org](http://www.immigrationadvocates.org).

For more information about Probono.net/ny or the Pro Bono in New York webinar series, contact Tony Lu at Pro Bono Net ([tlu@probono.net](mailto:tlu@probono.net) or 212-760-2554 x483). For national pro bono news updates, you can also fol-



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low Pro Bono Net on Twitter (@probono) or join us on Facebook ([www.facebook.com/probononet](http://www.facebook.com/probononet)).

A screenshot of the ProBono.Net/NY website. The header features the site's logo, a navigation bar with links like Home, Calendar, News, Volunteer, About, Help, and Feedback Survey, and a search bar. The main content area includes a welcome message, a 'Join a Practice Area' section, a 'Calendar' section, a 'Volunteer' section, and a 'News' section. There are also sidebars with 'New York Practice Areas', 'National Practice Areas', 'Hot Topics in Pro Bono', and 'Upcoming Events'.

# Albany County Bar Association: Serving the Pro Bono and Community Needs of the Capital Region

Siobhan Blank, Pro Bono Coordinator, Albany County Bar Association

The Albany County Bar Association's (ACBA) Pro Bono Program assists the low-income population in the Capital Region and attempts to meet the civil legal needs of our community. Our *Pro Se* Divorce Program truly exemplifies the ACBA's dedication to pro bono and is considered our signature program. Since its inception, in 1994, the divorce clinic has

sored with other local organizations such as the NYS Bar Association, Legal Aid Society of Northeastern New York, Empire Justice Center, and the Capital District Women's Bar Association/The Legal Project. If an attorney needs assistance while taking a pro bono case, our Mentor Program can match that attorney with an experienced lawyer who can provide guid-

represent tenants being evicted from their apartments, on a first-come first-served basis. A representative from the Albany County Bar Association or the Legal Aid Society will also be present to assist with any questions that arise. The attorney will offer limited representation on the first appearance for qualified tenants. This is a unique program for our area, allowing the Albany County Bar Association and the Legal Aid Society of Northeastern New York, to serve the numerous clients who are facing eviction. This program is made possible under the auspices of the Community Foundation of the Greater Capital Region.

In anticipation of the program's kick-off, a CLE training seminar will be held on Wednesday, October 13, 2010 from 3:30-5:30 p.m. in the Albany County Judicial Center. Attorneys interested in participating may contact Siobhan Blank at the ACBA at 518-445-7691 or Kristie Cinelli at Legal Aid at 518-689-6322. Registration information is also available at [www.albanycountybar.com](http://www.albanycountybar.com) or [www.lasnny.org](http://www.lasnny.org). The NYSBA also is a sponsor of the free CLE program.

The recession has impacted many sectors of our community, including family, friends, and perhaps even ourselves. Legal services has been no exception. Nevertheless, the provision of quality, free civil legal services to low-income people has not waned. On the contrary, it has flourished despite lack of funding. Legal services providers across the state have proactively addressed specific needs in our communities. Our Judiciary has been characteristically receptive to creating and implementing the innovative projects designed to meet these needs. Volunteer attorneys have certainly proven what a strong and dedicated Bar exists in the Capital District and statewide. The recent restoration

*This fall, the Albany County Bar Association and the Legal Aid Society of Northeastern New York are teaming up to introduce a new "Attorney For A Day" Project in Albany City Court. A volunteer attorney will be available at Albany City Court to represent tenants being evicted from their apartments, on a first-come first-served basis.*

helped more than 3,800 low-income clients receive a free divorce. The program has certainly evolved over the years, from a classroom type "clinic" to today's one-on-one, individualized program. This service has proven to be an invaluable tool for many people in the community. In a one-on-one setting, the Pro Bono Coordinator inputs general information into a database and a client-specific packet is then generated for each individual. The supervising attorney and paralegal then work together to help each client complete the *pro se* divorce process.

In addition to our divorce program, the Association's commitment to pro bono services is evident by the efforts made to match clients with attorneys on a pro bono basis. We have a pool of volunteer attorneys who take cases in the areas of Family, Bankruptcy, Elder Law, and Landlord/Tenant Law. Our pro bono attorneys also assist members of the military with civil legal matters. The ACBA regularly offers free training to attorneys in return for pro bono work. These training sessions are often co-spon-

anced with other local organizations such as the NYS Bar Association, Legal Aid Society of Northeastern New York, Empire Justice Center, and the Capital District Women's Bar Association/The Legal Project. If an attorney needs assistance while taking a pro bono case, our Mentor Program can match that attorney with an experienced lawyer who can provide guid-

ance and expertise. We have recently been approved for pro bono Continuing Legal Education accreditation so we can now offer attorneys CLE credit for pro bono service. The Family Court Help Desk continues to be a successful tool for helping petitioners in Albany Family Court. At present, the Pro Bono Coordinator spends one day a week in Family Court providing aid to petitioners filing various custody, support, and family offense petitions. Response to our efforts from Judges, petitioners and Court personnel has been overwhelmingly positive. In order to provide more comprehensive service the ACBA is currently working with Albany Law School students to expand the Help Desk services and hours of operation. In 2009 the Help Desk assisted over 3,500 petitioners.

This fall, the Albany County Bar Association and the Legal Aid Society of Northeastern New York are teaming up to introduce a new "Attorney For A Day" Project in Albany City Court. A volunteer attorney will be available at Albany City Court to

of vital funding has brought hope and relief to providers, volunteers, and clients across New York.

The Albany County Bar Association also believes that the law profession is by nature a service profession and, as such, cannot exist apart from the communities we serve. To that end, the ACBA sponsors an Annual Law Day Run Against Domestic Violence benefitting domestic violence agen-

cies in the region. The Annual Senior Citizens Law Day, co-sponsored with Albany Law School, provides seniors, their children, and their care-givers with access to information on some of the most significant legal issues facing our aging population. Bike Safety Day has provided young adults with properly fitted bike helmets and a bike safety course. Our annual Clothing Drive has been hugely successful

in collecting clothing donations for local homeless shelters. Thanks to the generosity of our members and the community at large, over 1500 bags of clothing have been donated to the Capital City Rescue Mission. The ACBA Board of Directors, staff, and membership believe that these service programs are critical to functioning as an integral part of the Capital Region community.

## Nassau County Bar Association Pro Bono Attorneys of the Month

### October 2009 - September 2010

#### October

**Michael A. Rich\***  
Solo Practitioner  
Mineola

#### November



**Jay Davis\***  
Davis & Altarac, Esqs.,  
Garden City

#### December



**Rudolph de Winter**  
Retired  
2008 Recipient of the NYSBA  
President's Pro Bono Services  
Award, 10<sup>th</sup> Judicial District

#### February



**Lisa R. Schoenfeld\***  
Schlissel Ostrow Karabatos, PLLC  
Garden City

#### March



**Roseanne Howell**  
Solo Practitioner  
Westbury

#### April

**Gary C. Fischhoff\***  
Steinberg, Fineo, Berger & Fischhoff  
Woodbury

#### June

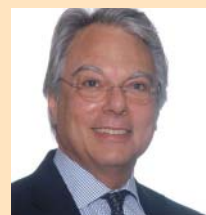
**James P. Joseph\***  
Joseph and Teeter, P.C.  
Garden City

#### July/August



**Adrienne Flipse Hausch\***  
Carway and Flipse, Mineola  
1998 President's Pro Bono Services  
Award, 10<sup>th</sup> Judicial District

#### Charles S. Sherman\*



Solo Practitioner, Garden City  
2009 President's Pro Bono Services  
Award, 10<sup>th</sup> Judicial District

#### September



**William Cadell**  
Solo Practitioner, Westbury

No Pro Bono Attorney is selected in January or May.



# Fifteen Years and Counting: The Legal Project Celebrates!

Ellen C. Schell\*, Legal Director, The Legal Project

Over fifteen years ago, the Pro Bono Committee of the Capital District Women's Bar Association (CDWBA) realized that there were far too few options for people who needed general legal advice, and for victims of domestic violence who needed representation in their Family Court matters. They determined to do something about that. They rolled up their sleeves and created a legal clinic program, and began recruiting and training attorneys for the Domestic Violence Legal Connection.

Several things very quickly became clear. Coordinating these programs took more time than CDWBA attorneys had, so employees were needed to do the job. Money needed to be found, probably from grants. However, in order to do that, they would need an entity with the proper legal status. Thus, in 1995, a not-for-profit corporation, the CDWBA Legal Project Inc., was formed. Shortly thereafter, the IRS granted The Legal Project 501(c)(3) status, and the organization was off and running!

With grants came staff, providing the ability to increase and improve

services offered. The Capital Region Bankruptcy Bar collaborated with The Legal Project to develop a pro bono bankruptcy program. The Affordable Housing Attorney Assistance Program was created to assist low-income homebuyers with their closings. With staff attorneys and a legal director, the organization gained the ability to both provide technical assistance to pro bono panel attorneys, and represent clients with more complex cases.

At the same time, The Legal Project also stepped into the arena of public education and outreach on legal issues. A weekly question and answer column in the Albany Times Union provided information regarding legal issues. Attorneys appeared on a local television station's early morning newscast to answer legal questions posed by members of the viewing audience. The "Legally Speaking" program flourished, providing speakers to community groups on legal topics of interest to their members.

Over the years, the organization has continued to grow to meet the unmet legal needs of working people in the Capital Region. More than 200 attor-

neys volunteer with The Legal Project, and there are now 14 full-and part-time staff. As needs are identified, programs have been developed, often in collaboration with interested community organizations. At present, in addition to the core programs, the organization has programs addressing the following: legal needs of small businesses; foreclosure prevention; the unique needs of survivors who are connected with the military; and advanced planning for those with HIV/AIDS or other terminal illness. The organization continues to seek to meet more needs and assist more people.

Did the CDWBA have any idea what the organization they created would become? Probably not. However, the close relationship between the CDWBA and The Legal Project, the vision, dedication, and creativity of the staff, board, and friends of the organization, and the willingness of local attorneys to step in and help meet the needs of the poor and working poor in the Capital Region have combined to create and nurture the thriving, respected, effective entity that is The Legal Project, fifteen years on.

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## Lenox Hill Neighborhood House Partners with Mayer Brown to Help Disabled Older Adults with Medicaid

Mia R. Kandel\*, Attorney, Caregivers Legal Support Center

In December 2009, Lenox Hill Neighborhood House's Caregivers Legal Support Center, which is a NY Bar Foundation grantee, launched a pro bono Supplemental Needs Trust project with the New York office of **Mayer Brown**. The goal of the project is to help low-income disabled individuals join a pooled Supplemental Needs Trust. These Supplemental Needs Trusts enable disabled Medicaid recipients to retain their Medicaid coverage without having to choose between paying for their health care

costs or their daily living expenses, such as rent and food, as is often the case with Medicaid spend-down participants. Caregivers Legal Support Center lead attorney, Mia Kandel, Esq., has trained more than 20 Mayer Brown attorneys on how to assist clients with joining these trusts. Partners and associates at the firm have thus far provided pro bono assistance to 13 clients. The response has been overwhelmingly positive from clients and volunteer attorneys: clients express sincere gratitude for the legal assis-



Kandel\*

tance they received, and the attorneys feel that they have gained a deeper understanding of poverty law and the difficulties faced by so many disabled older adults in our community.

# Modest Means Panel: Pro Bono Program Worth Replicating

Barbara J. King\*, Pro Bono Chair, Schenectady County Bar Association, Partner, Tully Rinckey, PLLC

The Schenectady County Bar Association (SCBA) was the recipient of the New York State Bar Association's **Award of Merit** for Small Bar Association this past January 2010. The award was the result of SCBA launching a program to help address unmet legal needs in the local community. After surveying association members, it was determined that one of the largest unmet needs was for representation of litigants in Family Court and Matrimonial matters who were "stuck in the middle" so to speak - - that is those who did not qualify for Legal Aid or other pro bono services, but nevertheless lacked the means to afford the going rate for private counsel. Various judges also were keenly aware that these litigants, who often ended up proceeding *pro se*, would greatly benefit from representation by counsel. As a general rule, cases brought by unrepresented litigants tend to slow down the legal process and oftentimes do not result in the best outcome for the *pro se* client.

Using model programs developed by bar associations in Rochester and Long Island, the SCBA Pro Bono Committee drafted a proposal for a **Modest Means Panel Program**. The proposal was approved by the SCBA Executive Committee as well as favorably reviewed by Fourth Judicial District Administrative Judge, the Honorable Vito Caruso\*. Litigants with Family Court or Matrimonial cases pending in Schenectady County may apply for the program on line or via mail. Applicants are screened for financial eligibility and, if eligible, are referred to a Panel Attorney for consultation.

Volunteer Panel attorneys agree to accept these cases understanding that the initial retainer is limited to a fee of \$1,000 and the hourly rate may not exceed \$100. Beyond that, the attorney is free to handle and otherwise charge legal fees as they would on any privately retained case. The end result is affordable legal representation for litigants of modest means; better move-

ment of cases through the Courts; attorneys are afforded the opportunity to contribute to unmet legal needs in the community, and newer attorneys are able to gain experience and build a client base.

The Program also offers a mentoring component where more experienced attorneys volunteer to assist newer practitioners who take on cases. After only one year of operation, there are over 20 volunteer attorneys on the panel and to date a dozen clients have been assigned counsel. The Program has been personally introduced to every Judge and Support Magistrate that sits on the Schenectady County Bench and the Court's cooperation in promoting the Program has been invaluable.

Any bar association interested in modeling this Program is encouraged to visit the SCBA website at [www.scba.org](http://www.scba.org) or contact Barbara King directly at 518-218-7100.

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## Troutman Sanders Partner Obtains Maximum Possible Relief for Vietnam Veteran Client

Stephen Northrup, Pro Bono Partner and Dorothy A. Stallworth, Pro Bono Coordinator, Troutman Sanders

Michael Zang, a Vietnam veteran Robert Bata represented through the Veterans Assistance Project of the City Bar Justice Center, was awarded the maximum possible relief by the Veterans Administration.

Mr. Zang saw combat in Vietnam. As a result of his service he developed a number of medical conditions, including Post-Traumatic Stress Disorder (PTSD). He qualified for and received certain VA disability benefits, but because his disability was rated as only minimally PTSD-related, his claim for 100% disability was denied. We took on Mr. Zang's representation in December 2009 and successfully reopened his case before the VA by demonstrating through additional medical and psychiatric evidence that his PTSD symptoms have significantly worsened since the agency's last review. In late July 2010, the VA determined that Mr. Zang is entitled to a determination of 100% disability.



Robert C. Bata,  
Partner,  
Mergers  
Acquisitions  
and Business  
Ventures  
Practice Group

# Proskauer Recognizes Five Outstanding Pro Bono Volunteers

Lynsey G. Ramos, Pro Bono Coordinator, Proskauer



**Blinderman**

**Eric Blinderman** is International Litigation Counsel for Proskauer. Under his leadership, our attorneys help some of the thousands of Iraqis, who are currently under

threat because of their work for the U.S., find refuge in the United States and elsewhere. His dedication to clients who are facing unimaginable circumstances has changed countless lives. Shortly before arriving in the United States, one client sent Eric an email, writing simply, "It was very hard situation and tough days I faced; however, I learn from you the best values that human being should have. I hope I can help other people."



**Kaminska**

**Anna Kaminska** is an associate in the Litigation Department at Proskauer. She has played a major part in representing indigent criminal defendants as part of the firm's

participation in the Criminal Justice Act Panel and through her work with the Neighborhood Defender Service of Harlem (NDS). Through motion practice and negotiation, she obtained outright dismissals in two NDS cases and secured a more lenient punishment for a young client in another. In addition, Anna has dedicated herself to children's rights by acting as a Law Guardian in a First Department appeal in collaboration with Lawyer for Children.



**Smallheer**

**Randi-Lynn Smallheer** is an associate in the Litigation department at Proskauer. She has been very involved with two Criminal Justice Act matters, representing indigent

defendants in criminal cases where the Federal Public Defender was conflicted out. Currently, she is part of a team defending a client who was accused of selling a stolen Treasury check. Earlier this year, she helped to exonerate an FBI Agent who was charged with improperly alerting one of his informants that the informant was under investigation. The case was a remarkable success story and a complete vindication for the Agent, whose freedom, livelihood, and reputation were on the line.



**White\***

**Earl White\*** is an associate in the Litigation Department at Proskauer. He has shown immense dedication to pro bono. His work includes representing an elderly woman

in a divorce action, where he successfully earned pendente lite relief for the client so she could continue to pay her bills during the pendency of the divorce action. Earl is also part of a team of lawyers representing several plaintiffs in a civil suit charging Adult Protective Services with violations of the Americans with Disabilities Act, New York Social Services Law, and the federal and state constitutions.



**Zall**

**Rick Zall** is a partner in the Healthcare Department at Proskauer. Since late 2003, Rick has served as Counsel to the William Jefferson Clinton Foundation and

its HIV/AIDS and Drug Access Initiative. His work with the Foundation has focused largely on the Clinton Health Access Initiative (CHAI). He has assisted with drafting contracts with suppliers of drug and medical test kits and has negotiated with multi-national companies to expand the distribution of supplies for use in Asia, Haiti, and sub-Saharan Africa. In August, Rick travelled to Africa to observe first-hand the impact of CHAI's work.



# The Importance of Pro Bono to LiveHelp

Leah Margulies, Project Director, LawHelp, City Bar Justice Center

LiveHelp is the online chat feature of the LawHelp website (www.LawHelp.org/NY and www.AyudaLegalNY.org). LiveHelp was launched in February 2010, and was the first LiveHelp project in the country to launch bilingually, English and Spanish. One of the most exciting aspects of New York's LiveHelp project is that the navigators—the person on the LawHelp side of the chat with a low-income New Yorker facing a legal crisis—are largely pro bono law students and attorneys. In fact, LawHelp/NY is one of the first programs to staff LiveHelp primarily with volunteers, leveraging the large reserves of pro bono capacity in New York.

The recruitment of LiveHelp navigators far surpassed expectations—more than 70 students attended an informational event at Columbia Law School—and ultimately 25 Columbia Law students were trained as navigators. Meanwhile, CUNY School of Law and Touro Law each recruited pro bono student volunteers, while seven attorneys from Lexis/Nexis trained as navigators as well. Each navigator participates in a training program that includes learning how to use the backend software program that supports the chat, learning how to communicate in a supportive manner with the legal services client community, and a survey of the information available on LawHelp.org/NY in order to direct each visitor to the most helpful information and legal referrals. Each volunteer is asked to

commit to at least one 3-hour shift per week, but since it's an Internet project, navigators can sit anywhere so long as they are online.

As a result, LiveHelp was staffed during the school year Monday – Thursday from 9 am to 9 pm and Friday's until 6 pm. During the summer, LiveHelp was staffed by bilingual summer interns each week day until at least 5 pm. LiveHelp served 1,926 visitors from February through July 2010. Based on a post-chat survey, 95% of the visitors reported LiveHelp made their use of the LawHelp website faster and dramatically reduced the number of visitors unable to find the information they sought. (Note: the LawHelp/NY websites, based on current usage, expect that about 425,000 visitors will view nearly 4 million pages of legal information in 2010.)

As the fall semester begins, Brooklyn Law School and Albany Law School are joining Columbia, Touro and CUNY in helping to recruit pro bono navigators. Pro bono attorneys are also welcome—two are currently being trained. Being a LiveHelp navigator is a great way to do pro bono for an attorney who isn't able to represent a low income client in an ongoing case. For more information, contact Leah Margulies, Project Director, LawHelp/NY, [lmargulies@nycbar.org](mailto:lmargulies@nycbar.org).

More trainings to follow. Current schedule of events where we are recruiting and/or training LiveHelp navigators:

Date	School
9/13/2010	Brooklyn Law School Pro Bono Fair
9/15/2010	Columbia Law School Pro Bono Fair
9/24/2010	Columbia Law School Training
9/28/2010	Touro Law Center Info Session
10/26/2010	Albany Law School Pro Bono Fair

## Unified Court System Launches Pro Bono Recruitment Drive Targeting Queens' Attorneys

The Honorable Fern Fisher, Deputy Chief Administrative Judge of NYC Courts and the Director of the NYS Courts Access to Justice Program, announced an exciting partnership with the Queens County Bar Association to conduct a series of seven pro bono training programs beginning in October for Queens-based attorneys to provide legal assistance and limited representation to unrepresented litigants in Queens Civil, Supreme and Family Courts. "We are reaching out to all Queens attorneys through our attorney registration records to recruit for this series," said Judge Fisher. Areas of training will include Ethical Issues in Providing "Unbundled" Legal Services, Consumer Debt, Uncontested Divorce and Family Court proceedings.

The opening reception and CLE program launching this initiative will take place on **October 19<sup>th</sup>, from 6:00 to 7:30 pm at the Queens County Bar Association, 90-35 148<sup>th</sup> Street, Jamaica, New York**. Stephen P. Younger, President of the New York State Bar Association, will be the keynote speaker. Judge Fisher will present the CLE program.

# Hughes Hubbard Teams up with Legal Aid to Successfully Advocate on Behalf of Low Income Tenants and Send a Delinquent Landlord to Jail

Beatrice Hamza Bassey, Partner, Huges Hubbard & Reed LLP

Hughes Hubbard & Reed teamed up with the Legal Aid Society to represent several low-income families and individuals in a Bronx building plagued by severe Housing Code violations and an overall lack of repairs. In 2009, when Legal Aid created the "Adopt a Building" *pro bono* project in which law firms represent tenants who are being endangered by their landlord's failure to maintain their building, Hughes Hubbard was one of the first firms to join the program.

ing for months, and in some cases years. Many of the tenants have had to endure living with the vermin that invaded through broken walls and faulty pipes. In fact, the building had made it to the City's Alternative Enforcement Program (AEF) which lists the 200 worst residential buildings in the five boroughs. And some of the tenants had already initiated individual actions in the Bronx Housing Court which resulted in an order that was largely ignored by the land-

lord. The health hazard to the tenants, especially the small children living under these deplorable circumstances, was obvious and required immediate assistance.

The Hughes Hubbard team, which includes partner Beatrice Hamza Bassey, and associates Steven DiCesare\*, Kelli Lane, Joseph Lee, Kevin Braker, Minnie Bellomo and Morgan Stecher, clocked over 2100 hours representing these clients, along with Legal Aid co-counsel Jessica Bellinder. During interviews and visits to the tenants' homes, a picture of the grievous conditions these families had dealt with began to form. Attorneys took photographs of ceilings with holes the size of beds; of kitchen floors literally crumbling into the basement below; of makeshift barriers erected to keep bugs, mice, rats and other vermin out; of ubiquitous water stains and water damage cracking every side of the apartments, of broken steps, broken windows, broken doors, and broken locks; of a roof that was so



*Photo depicting client's kitchen floor with extensive damage.*

When Hughes Hubbard adopted its building, the tenants in building 1585 E. 172nd Street in the Bronx were on the verge of being forced out of their apartments and into the homeless shelter system because of the unlivable conditions in their apartments. The building was under management by Hunter Properties and Sam Suzuki, who had gained notoriety for several other buildings left in disrepair. The building had over 500 violations, including severe structural damage and over 70 Class C violations. The Class C violations are considered the most severe and by law required resolution within 24 hours of being reported, but these had been fester-



*Client apartment with damaged ceiling.*



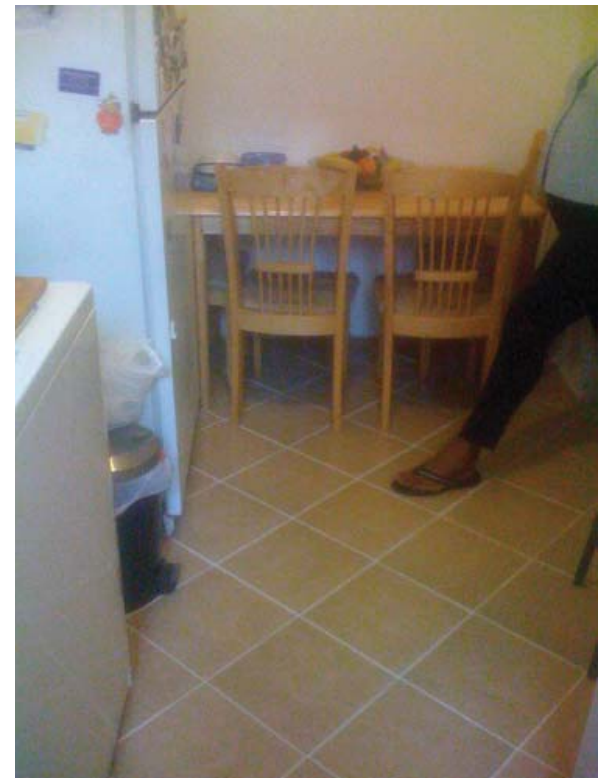
damaged that it allowed water to leak into and through every single apartment in the building. The intercom system was broken and the building's security door could not lock.

Hughes Hubbard and Legal Aid filed a group Housing Court action and, despite repeated tenant intimidation by the landlord, regular meetings held in the building lobby resulted in a majority of the tenants signing up for the case. Hughes Hubbard lawyers attended court hearings before the honorable Judge Jerald Klein almost every week, sometimes several times a week to advocate for the tenants. Often these resulted in stipulations with the landlord undertaking to immediately correct unsafe and dangerous building conditions, yet the repairs were not made. Tenants lived through the next winter without heat, water and electricity, and in the meantime the Housing violations had now grown to over 600.

Following the landlord's repeated failure to comply with stipulations and Court orders directing correction of the violations, the legal team's efforts culminated in a Court Order finding both the property management company and Sam Suzuki in contempt and substantial civil penalties payable to the tenants and the New York City Department of Housing and Preservation. And, when Suzuki failed to show up in court and failed to make a sufficient showing as to why he should not be held in contempt, Judge Klein issued a warrant for his arrest. This was an unprecedented event in New York's Housing Court and was widely reported in the *The New York Times*, *New York Daily News*, *Craigslist*, *WPIX*, and *NYOne*, among other media outlets. The New York City media heralded the rare achievement as a beacon of hope during these difficult times and the tenants viewed this as a victory against the oppressive powers of one of the City's worst building managers. Suzuki served 23 days in the Manhattan Detention Complex (known as "the Tombs") before being released on July 26, 2010. Meanwhile, Hughes Hubbard attorneys defeated several motions and an emergency appeal to have the contempt order vacated.

Suzuki and Hunter were promptly fired and the building was transferred to a new management company. The attorneys and the new management negotiated a repair schedule and today repairs are underway at 1585 E. 172nd Street to cure the violations. The photographs, on the left taken at the time Hughes Hubbard adopted the building in 2009, and then recently, on the right, illustrates the progress made so far.

While this *pro bono* effort resulted in a happy ending for the over 40 families that live at 1585 E. 172nd Street, it highlights the fact that many more people are not so lucky. Hundreds of buildings remain in decrepit conditions and thousands of families in every Borough suffer through the same indignities that the tenants at 1585 E. 172nd Street finally overcame. With help from the dedicated attorneys at Hughes Hubbard and the Legal Aid Society, community advocacy organizations, and the courageous tenants, New York City's infamous landlords are now forewarned: shape up or suffer the consequences.



*Photos of client's renovated kitchen after Hughes attorneys reached a successful negotiation with new management company.*



# Pro Bono: A Recipient's Perspective<sup>1</sup>

Gloria Herron Arthur\*, Esq., Director, Department of Pro Bono Affairs, NYSBA

GJ<sup>2</sup> is a small, soft-spoken, attractive young woman who looks considerably younger than her 31-years of age. She has three children—an infant with her ex-husband, and two other children from a previous relationship.

her fix the baby a bottle and get her daughter, who had just awakened, something to drink. Giving him his son to hold, she took the six-year old downstairs with her and quietly slipped out of the house. Later at the

where giving up was no longer an option. GJ also shared that during this time a very good friend of hers was murdered by her husband. The death of her friend reinforced in her the belief that she could not go back ever again to the way things had been. Her ex called several times, but she would hang-up. He even had his mother call her, trying to smooth things over. But she stood her ground, thanks to the support and encouragement of her volunteer lawyers.

Asked whether her experience with pro bono lawyers affected her views of the justice system, GJ responded, "Yes!" "Before, working with the volunteers at The Legal Project I was skeptical. I did not believe that victims could get justice. My experience has given me a whole new perspective. It's restored my faith."

During her remarks, GJ apologized frequently to the audience, explaining that she was unaccustomed to public speaking. Based on the standing ovation she received, I think she did an outstanding job of putting a human face on why, as attorneys, we must never cease "Doing the public good." Volunteer for pro bono!

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With a voice sometimes cracking from emotion she bravely recounted, to a courtroom filled with volunteer lawyers, representatives from state and local government, members of the bench, and legal services providers, how one cold February night her ex-husband bit, punched, slapped and almost choked her to death with an extension cord. The ordeal began at approximately 10:00pm and did not end until the following morning when at around 8:00 am she was able to flee. During the worst of the assault, her then nine-month old infant son and five-year-old daughter slept, unaware of the horror their mother was enduring. Luckily, GJ's oldest child, who at the time was only ten-years old, was not at home.

Although this was not the first time her husband had physically assaulted her - - the abuse began during their three-year courtship - - GJ explained that "this time was different;" "this time she saw true evil in his eyes" and she knew that if she did not get away, she would surely die that night. During previous assaults she had managed to get him to stop by pleading that her children needed her. This time, her pleas fell on deaf ears as her enraged spouse told her she did not have to worry about them because he would kill them too, except for his son. Fearing for her life and that of her six-year old daughter, GJ managed to convince her ex that he should let

hospital, she was interviewed by case-workers who put her in touch with The Legal Project<sup>3</sup>.

Even before the February 20<sup>th</sup> incident, GJ had been quietly exploring getting a divorce. She had contacted Legal Aid, but was told she did not meet their income guidelines. Desperate, she called several law firms inquiring about what it would cost to hire a lawyer - - the prices were prohibitive! GJ described her effort to get affordable legal help as frustrating. Although she had a job she could not afford to hire a lawyer and still support her family.

The Legal Project was able to accept her case because they had volunteer lawyers willing to work with her. According to GJ, the lawyers at The Legal Project saved her life! They answered her questions. They returned her phone calls. Importantly, they not only told her what to expect each time they accompanied her to Family Court, but also prepared her in advance about the different types of legal documents she could expect to receive in the mail from the court. "They made me feel that they really cared about me." "They gave me hope." "They helped me to remain calm."<sup>4</sup>

When I interviewed GJ I asked her if she ever felt like giving up. "Not really," she replied. She described herself as emotionally shut down, numb. She finally had reached a point

1. This article was originally published in the January 2010 edition of the State Bar News

2. GJ, not her real initials, was a speaker at the October 23, 2009 kick off celebration launching National Pro Bono Week October 25-31, 2009. The celebration took place in Albany at the New York Court of Appeals. This is GJ's story based in part on her presentation at the Court and a subsequent interview I had with her.

3. The Legal Project is a not-for-profit legal services organization that was formed by the Capital District Chapter of the Women's Bar Association to provide free representation to victims of domestic violence.

4. It took almost two years for GJ to get her divorce and full custody of her children. The delay was due, in part, to the fact that her husband fled first to Puerto Rico and then to Florida where he remained at large for almost one-full year. GJ's ex-husband ultimately was convicted of assaulting her and is serving seven years in a state correctional facility.

# Vital Legal Services to Elderly and Ill in Hour of Need

**Carol Bockner, Director of Pro Bono Initiatives and Kendal Nystedt, Coordinator, Public Services Network and Veterans Assistance Project, City Bar Justice Center**

Both the Elderlaw and Cancer Advocacy projects at the City Bar Justice Center are innovative in their ability to leverage the resources of the legal community, working with 150 pro bono attorneys to serve over 370 low income clients. The Elderlaw Project maintains the dignity and independence of elderly people by providing a variety of legal services for seniors, including the preparation of life planning documents. The Cancer Advocacy Project provides cancer patients, survivors, and their families with legal information and pro bono legal assistance on issues relating to discrimination in the workplace, health law, insurance, advance directives, wills, and access to public benefits.

In the spirit of National Pro Bono Week, we would like to highlight **Duane Morris LLP** Partner William Bagliebter\* and Associate Jamie Dyce\*. A pro bono veteran, Mr. Bagliebter received the City Bar Justice Center Epstein Award in 2009 for outstanding pro bono service to the Cancer Advocacy Project. Mr. Bagliebter and Ms. Dyce have gone the extra mile in 2010. They have traveled to visit

seniors in their homes and in nursing facilities, working to complete simple wills, health care proxies, powers of attorney, and living wills. Their clients have ranged from the legally blind to individuals with stage-four lung cancer and veterans. They have often worked under tight deadlines, and the projects' staff members have counted on the Duane Morris team to produce quality work with limited time, never neglecting to empathize with their clients in their hour of need.

In August 2010, when Ms. X's family reached out to the Cancer Advocacy Project, Mr. Bagliebter and Ms. Dyce were the first to offer their services. Ms. X was an 82 year old suffering from lung cancer. Ms. X, who was estranged from her closest living relatives, wanted her nephew to serve as her power of attorney and be named in her will. In less than a week, Ms. X moved from the hospital to a hospice and Mr. Bagliebter and Ms. Dyce completed her will, living will, HIPAA documents, and power of attorney.

Ms. X passed away just days after her documents were completed, and her nephew wrote the pro bono attorneys to thank them for their service.

In an email to Ms. Dyce he said: "I received a call from Calvary Hospice last night at about 1:00 am informing me that my Aunt passed away. I think she was able to go peacefully largely because you and William were able to work with her to complete her legal documents. Thank you so much for this."

As we celebrate National Pro Bono Week, it is a time to remember the good that is accomplished by attorneys like Mr. Bagliebter and Ms. Dyce, who give generously of their time to help those in need. Once again, the City Bar Justice Center will be recognizing outstanding volunteers from each project at the Justice Center on October 25th with the Jeremy G. Epstein Award. We hope that these examples of service will inspire other attorneys to participate in pro bono. As past City Bar President Conrad Harper said so eloquently, "In the long arc of life it is certain that we shall be touched as well by tragedy as by good fortune. We should help while we can before our own needs exceed our capacity to help others."

## City Bar Justice Center to Present Jeremy Epstein Award

On **Monday, October 25, 2010, from 6-8 pm**, the City Bar Justice Center will host the 2<sup>nd</sup> Annual Epstein Award for outstanding pro bono work. The Awards event is by invitation only. For information contact Kendal Nystedt at [knystedt@nycbar.org](mailto:knystedt@nycbar.org) or call (212) 382-6759.

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I hereby certify that, in 2010 I have provided **50 or more hours** of legal services at no fee and without expectation of fee to one or more of the following: (1) persons of limited financial means; or (2) to a not-for-profit, governmental or public services organizations whose services are designed primarily to address the legal and other basic needs of persons of limited financial means; or (3) to an organization whose primary purpose is to increase the availability of legal services to persons of limited financial means.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

(Optional) If you would like to be included in the **2010 Empire State Counsel® Photo Gallery**, please submit a photograph and a brief statement about why you perform Pro Bono service. The **Photo Gallery** will be prominently displayed during NYSBA's Annual Meeting, January 24-28, 2011 at the Hilton New York, 1335 Avenue of the Americas, New York City. To be included in the **Photo Gallery**, your photograph and comment must be received no later than **December 15, 2010**.

\_\_\_\_\_  
\_\_\_\_\_  
This form may be submitted by scanning and e-mailing it to [probono@nysba.org](mailto:probono@nysba.org), faxing it to (518) 487-5694 or mailing it to Pro Bono Affairs, NYSBA, 1 Elk Street, Albany, NY 12207. *Deadline date for the 2010 Empire State Counsel® Program is **December 31, 2010**.* Please print your name legibly and exactly as you want it to appear on your certificate and provide only the address where you wish the certificate to be mailed.



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## **NYSBA** *Celebrates National Pro Bono Week*

### **October 24 - 30, 2010**

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the week please visit our website at:

**[www.nysba.org/probono](http://www.nysba.org/probono)**

*Volunteer To Do The Public Good!  
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