

Pro Bono News

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Pro Bono Volunteers Help Achieve Justice for All

Vincent E. Doyle III, President NYSBA, Connors & Vilardo, LLP



Doyle

Our theme at the State Bar this year is "Justice for All," the volunteer efforts of pro bono attorneys truly exemplify our professional commitment to that important principle.

Pro bono service not only makes an enormous, tangible impact on the lives of individuals and families, but it also upholds the spirit of our profession by helping those in need and improving access to justice.

In order to honor and recognize our members who have given so generously of their time and talent to do the public good, the New York State Bar Association established the Empire State Counsel® Program in 2006, at the urging of then President Mark Alcott. This honor is bestowed upon Association members who have donated 50 or more hours of free legal services to individuals of limited financial means, or to not-for-profit, public service or governmental organizations whose services are designed primarily to address the legal or other basic needs of persons of limited financial means, or to organizations whose primary purpose is to increase the availability of legal services to low-income and/or indigent populations. Since its inception, 5000 NYSBA members have donated

in excess of 600,000 hours of free legal services to people in need!

The Association will recognize the pro bono contributions made by individual Empire State Counsel® and their law firms at the Justice for All Luncheon which is held during Annual Meeting in January. Plaques will be awarded to the law firms enrolling the largest number of Empire State Counsel during 2011. For information about the law firm awards, please visit www.nysba.org/probono.

Sadly, despite the extraordinary efforts of pro bono attorneys, many litigants are still left to navigate the civil legal system without representation. Last year, Chief Judge Jonathan Lippman reported that more than 2.3 million New Yorkers go to court without legal representation. That number almost certainly will increase as the economic crisis shows little improvement. Indeed, the economic crisis has created a heightened need for legal services and rendered many individuals unable to afford legal representation. It has also led to devastating cuts in funding and drastic reductions to the assistance civil legal service providers are able to offer.

The New York State Bar Association was once again honored to participate in hearings held by the Chief Judge's Task Force to Expand Access to Civil Legal Services this fall. In the first series of hearings held last year, the Task Force did a tremendous job of assessing the unmet need for civil legal services and offering recom-

mendations regarding how to address that need. The testimony at this year's series of hearing has been equally compelling.

As we applaud the exceptional efforts of individual attorneys who continue to demonstrate their commitment to doing the public good, we remain mindful that pro bono service cannot fully address the unmet need for civil legal representation. We also recognize that there are costs associated with pro bono efforts, and that legal service providers require funding to screen clients, train attorneys, operate referral services and provide mentorship and guidance to volunteer lawyers. The NYSBA will continue to urge policymakers to support pro bono attorneys in their efforts to serve people in need by providing consistent, adequate sources of funding for programs that help support pro bono efforts and otherwise work to meet the need for civil legal representation.

Again, on behalf of our Association, I would like to thank those of you who have made pro bono service an important priority in your practice. We have a professional duty to serve our communities, and many of you have gone above and beyond in your work to fulfill that duty and to improve the lives of people in need. In today's challenging economic climate, the need for volunteers is greater than ever, and I would like to encourage those of you who may be seeking pro bono opportunities to visit www.nysba.org/probono for further information.

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Greetings



Herron Arthur

October 23-29, 2011 marks the third anniversary celebration of National Pro Bono Week. The vital role played by pro bono volunteers in the delivery of essential legal services cannot be

overstated. For the past several years, the poor economic climate has forced traditional legal services providers to turn away more and more eligible clients. In many instances, for every one client served another 9 eligible clients were turned away. Imagine how much worse these numbers would be if attorneys were not answering the call to donate pro bono legal services?

An asterisk appears next to the name of NYSBA members who contributed to the writing of the articles or who worked on the many diverse legal projects highlighted in this issue. Every attorney who accepts the challenge to do pro bono deserves special attention and recognition.

The New York State Bar Association extends a sincere thank you to all attorneys – especially our members – who have made pro bono an integral part of their law practices. An asterisk appears next to the name of NYSBA members who contributed to the writing of the articles or who worked on the many diverse legal projects highlighted in this issue. Every attorney who accepts the challenge to do pro bono deserves special attention and recognition.

Although the New York Rules of Professional Conduct sets 20 hours a year as an aspirational goal, many of our members routinely donate substantially more pro bono hours each year. During 2010, 1483 NYSBA members donated 295,000 pro bono hours through the Empire State Counsel® Program. If you are a NYSBA member and you donated 50 hours or more of free legal services during 2011, the Association wants to recognize your contribution. All you have to do is fill out the Verification Form and return it to probono@nysba.org.

Inside this issue are many interesting and informative articles on a variety of legal topics, such as a new veterans rights legal project launched by Albany Law School; Section 8 housing litigation; tips on handling asylum cases; innovative pro bono partnerships forged by legal services providers with law firms, corporations and community groups; and, of course, a calendar of events highlighting National Pro Bono Week recognition ceremonies, free continuing legal education training opportunities and volunteer recruitment drives in the Capital District, Syracuse, Binghamton, Brooklyn and on Long Island.

As always, I am deeply grateful to each of you for your thoughtful and thought-provoking contributions to this issue. I know you will find it inspiring. If you did not get a chance to submit an article for this issue, please consider contributing an article for inclusion in the January issue of the Pro Bono Newsletter! Articles will be accepted through December 31st.

Warm regards,
Gloria Herron Arthur

GE Research + Nixon Peabody + LASNNY = Pro Bono Partners at Work

Daniel Hurteau*, Partner, Nixon Peabody



Hurteau*

Nixon Peabody has been proud to work with GE on different legal issues over the past many years, including projects with the GE Global Research Center, located in

Niskayuna. Most recently the relationship between Nixon Peabody and the GE Global Research Center took a new and exciting turn, when the Legal Aid Society of Northeastern New York was added to the mix to create a pro bono partnership. The genesis for the partnership was a commitment to pro bono services by GE Global Research Center's General Counsel Buckmaster DeWolf, who explains that "throughout the country, [GE] lawyers are involved in a variety of pro bono legal services projects ... my own pro bono experience has ranged from fair housing, disability rights, juvenile issues, immigration issues, criminal rights and intellectual property ... I want all the lawyers at GE to enjoy and learn from pro bono opportunities the way I have."

Buck DeWolf first discussed a potential pro bono partnership with Nixon Peabody's Albany office Managing Partner, Andy Rose*, in the spring of 2011. Andy then asked that I become involved as the Pro Bono Partner in our Albany office. Because of the excellent relationship Nixon Peabody already had with LASNNY, I suggested that LASNNY be the service provider for this potential partnership. I then asked LASNNY's Executive Director, Lillian Moy*, and Private Attorney Involvement (PAI) Director, Kristie Cinelli, to go with me to the GE Global Research Center facilities and introduce the attorneys at GE to LASNNY and the diversity of

projects that the team might be able to work on to provide pro bono services in the Capital Region.

We watched the *Legal Aid Matters* video, learned about the pro bono opportunities available and discussed the logistics of handling cases as a team. LASNNY offered to provide the services it does best: screening for financial eligibility so that the team can be sure that they are representing the neediest in our community, referring certain types of cases based on the pro bono volunteers' interest, doing a preliminary assessment of the merits of the case and providing support in the form of expense reimbursement. A menu of potential pro bono cases was presented to the team, and

tions, domestic relations or debt collection matters, to mention just a few projects that the team plans to tackle in the coming year.

As noted by Buck DeWolf, "working closely with a Nixon Peabody associate or partner, we make a good pro bono team ... together we brainstorm the research and legwork that needs to be done, and share the work according to time and interest ... the client gets excellent service and the working relationship between the attorneys at GE Research and Nixon is deepened."

"LASNNY is thrilled to be working with GE Global Research and Nixon Peabody so closely and we know that our clients are getting the best pos-

LASNNY [would] be the referral source of cases and the Nixon Peabody and GE Global Research Center attorneys committed to taking on several pro bono cases and working together – sharing resources – to provide free civil legal services to people in the community that cannot otherwise afford an attorney.

the GE attorneys, now coordinated by Jenifer Haeckl, took a survey to determine interest in particular types of cases. Brief service, clinic, negotiation and full representation opportunities, as well as possible signature projects, were all discussed in detail at the initial meeting.

At the conclusion of the meeting, the partnership was formed – with LASNNY to be the referral source of cases and the Nixon Peabody and GE Global Research Center attorneys committed to taking on several pro bono cases and working together – sharing resources – to provide free civil legal services to people in the community that cannot otherwise afford an attorney. The team decided that with a mix of in-house attorneys at GE and outside counsel from Nixon Peabody, we could provide outstanding services and assist with wills, evic-

sible representation and that the experience and desire to do more pro bono is fostered at both Nixon and GE", says Kristie Cinelli, PAI Director.

Since the partnership commenced, GE Global Research Center and Nixon Peabody attorneys have taken several cases, including a power of attorney, a complicated matrimonial and a complex homeownership case. Buck DeWolf said "our work with Nixon Peabody and LASNNY is part of GE's leadership position on the Corporate Pro Bono Challenge, a project developed by the Pro Bono Institute and the American Corporation Counsel ... working with Nixon Peabody gives our lawyers the benefit of the firm's staffing size, expertise and infrastructure so our efforts can be as effective and efficient as possible."

Lenox Hill Neighborhood House Partners with Paul Weiss and Citigroup to Help Seniors Stay in Their Homes

Mia R. Kandel*, Esq., Caregivers Legal Support, Lenox Hill Neighborhood House



The team of Paul, Weiss, Rifkind, Wharton & Garrison LLP and Citigroup Inc.

In January 2011 the Legal Advocacy Department of Lenox Hill Neighborhood House launched a pro bono legal partnership with the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP and the Citigroup Legal Pro Bono Initiative to help low-income seniors living in rent-regulated apartments apply for the Senior Citizen Rent Increase Exemption (SCRIE) Program. SCRIE is a New York City program that allows seniors, aged 62 and older, whose gross household income is below \$29,000, to have their rent frozen at its current level. Once approved for SCRIE, all future rent increases are paid by the City to the landlord in the form of a property tax abatement. By assisting clients to apply for SCRIE, we can ensure that their rents are affordable so they can remain in their homes.

After training nearly 20 attorneys and paralegals from Paul, Weiss and Citigroup, Lenox Hill Neighborhood House now holds two monthly clinics – the first of their kind in the City – at Lenox Hill Neighborhood House’s Senior Centers, which are

located at 343 East 70th Street and at the Saint Peter’s Church at 619 Lexington Avenue. Our trained volunteers assist approximately ten seniors at the bimonthly clinics. Thus far, the clinics have served 70 clients and the response has been overwhelmingly positive from both clients and volunteers. Clients express gratitude for the legal assistance they receive, and the volunteers explain that they have enjoyed getting to know the clients and have gained a deeper understanding of poverty law and the difficulties faced by low-income seniors as they struggle to afford their bills on a fixed income. This new initiative will help hundreds of seniors navigate the SCRIE program as our volunteers track the processing of application and advocate for their timely approval.

The Clinics fall well within the mission of Lenox Hill Neighborhood House, a 117-year-old settlement house that provides an extensive array of integrated services - social, educational, legal, health, housing, mental health, nutritional and fit-

ness - to 20,000 people in need each year, ages 3 to 103, residing on the East Side of Manhattan and Roosevelt Island. Our clients include thousands of older adults, the majority of whom live on low-level fixed incomes. More than 80% of the seniors we serve have incomes less than \$19,600, which is below 200% of the U.S. poverty level. Our Legal Advocacy Department, which launched this pro bono program, provides civil legal services to over 3,000 low-income individuals and families each year in a broad spectrum of civil legal issues including housing, access to health care, government benefits, and advance directives.

As our community’s population continues to age and many seniors must safeguard their income for their growing monthly expenses, we anticipate that our SCRIE Clinic Program will continue to expand in the coming months. Lenox Hill Neighborhood House is grateful for its pro bono relationships with Paul, Weiss and Citigroup to help us meet this overwhelming need.

MFY's Three-Quarter House Project: Building a New Program in Economic Hard Times

Delores Schafer, Director of Development & Communications, MFY Legal Services, Inc.

In 2009, MFY Legal Services, like most legal services providers, struggled to maintain its staff in the face of an increasingly bleak funding outlook. Starting a new project to address serious unmet legal need was particularly difficult that year with cutbacks in government and IOLA funding, and many private foundations not accepting new proposals.

But when Tanya Kessler, then a third year student at CUNY Law School, asked MFY to sponsor her proposal to the Skadden Fellowship Foundation to provide legal services to formerly homeless New Yorkers living in three-quarter houses, the need was too compelling to ignore. Jeanette Zelfhof*, then MFY's Deputy Director, worked with Kessler to fine tune the proposal, and Skadden

awarded a two-year fellowship that began in September 2009.

Three-quarter houses are buildings that formerly housed one to four families but now pack four to 12 people into sleeping rooms. Many take in 40 or more residents, whose rent is paid by New York City's welfare department, or who receive federal disability benefits or have low-wage jobs. Originally fed by referrals from the city's shelter system, operators now target adults coming out of jails and substance abuse programs, promising housing, treatment, job training, and help finding permanent housing.

Desperate to have a roof over their heads, people with no other options take the bait and move into three-quarter houses. What they find at the houses is very different than what



MFY attorney Tanya Kessler, then a Skadden Fellow, speaks to press at rally organized by MFY and three-quarter house residents to demand an end to illegal evictions and draw attention to MFY's class action lawsuit against operators.

was promised. They are housed in extremely over-crowded and dangerous conditions. They are subjected to oppressive house "rules" that compel them to vacate the premises during the day. And they are forced to attend a substance abuse treatment program of the operator's choice, even if such a program has nothing to do with their needs. The promised services never materialize and many residents are illegally evicted or locked out once they complete an eight- to twelve-week treatment program. These evictions are often carried out in the middle of the night, by agents of the operator who put the resident's belongings in a plastic bag and physically force them out of the building. Although located throughout the city, the largest concentration of three-quarter houses is in the Brooklyn neighborhoods of Brownsville, East New York, Bushwick and Bedford-Stuyvesant.

Kessler began to tackle the problem by establishing relationships with community-based organizations in these neighborhoods. Neighbors Together, an anti-poverty organization in Brownsville that was providing emergency food and social services to three-quarter house residents, offered to host weekly intake sessions

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Jeanette Zelfhof was named Executive Director of MFY Legal Services, Inc. Ms. Zelfhof has been a member of MFY's legal team for 25 years and was the architect of MFY's groundbreaking advocacy on adult home reform. She became the organization's deputy director in 2004, focusing on supervising complex impact litigation to end the re-institutionalization of people with psychiatric disabilities in adult homes and expanding the scope of MFY's mental health law practice that she supervised for many years. Under her leadership, MFY developed new programs for Manhattan seniors, Lower Manhattan tenants and workers, homeowners facing foreclosure, and formerly homeless residents of three-quarter houses and initiated a social work unit to provide holistic services to clients.*

Ten Tips for a Rewarding and Successful Asylum Representation

Meredith Strauss, Senior Associate, Stroock & Stroock & Lavan LLP



Strauss

Representing asylum applicants in immigration court proceedings is a highly rewarding experience. It can also be extremely challenging, both professionally and emotion-

ally. Here are ten tips to make the process easier and to increase the chance of success for you and your client.

1. **Start slowly.** Refugees have been through a great deal of trauma and are often intimidated by our immigration system, which forces them to retell their personal stories many times to unfamiliar people. Use the first meeting with your client to establish a rapport and begin to build trust with your client. Keep the conversation light – ask about the client's current circumstances, such as where he or she is living or working. Refrain from delving into the more difficult parts of your client's story until you've met a few more times.

2. **Communicate in the client's best language.** Unless your client is fluent in English or you are fluent in his language, a good interpreter is an absolute must. Translation services can be expensive, so to keep costs down, ask your client if he has a friend or family member who speaks fluent English and could interpret at your meetings. He may also know of someone in his native-language community who could translate at a nominal cost. Be certain that you, your client and the interpreter can understand one another extremely well. Dialect is often an issue, so you may have to find someone from the same precise locale as your client.

3. **Ask, then ask again.** And again. Repeating the same questions, session after session, will help you learn the client's narrative with the thoroughness you need to prepare

her affidavit and practice your direct examination. It will also, over time, bring out previously undiscovered details in your client's story and may help jog her memory if some parts are foggy. This will also help your client become more comfortable with you and with the hearing procedures, and usually assists your client in developing a coherent chronology.

4. **Timing is everything.** Many asylum applicants come from cultures in which specific dates and times are not emphasized as they are in our legal system. If your client cannot pin down definite dates for important events, have her identify the season or describe circumstances that will set the event in a larger timeline – such as an election, a newsworthy event or a notable family development. Many judges put a great deal of stock in the chronology and the government attorney frequently cross-examines applicants on issues of timing, especially if the date of entry is an issue.

5. **No detail is too small.** Since asylum cases hinge on the credibility of the applicant's testimony, you should spend a lot of time drawing out even the most minute details of your client's story. Many clients will be hesitant to describe every detail of their experience, so you will have to emphasize, over and over, how important this is to their asylum claim. On the other hand, some clients will describe details that might seem unimportant. Resist the urge to hurry through those details and write everything down. Include everything in the client's affidavit and draw out those same nuances in testimony. The richer the narrative, the more credible it will be.

6. **Marshall the evidence.** Present the court with a neat, well-organized record that will corroborate your client's testimony. Your packet should include an index, your brief, your client's affidavit, country conditions reports for the relevant time period, news articles, personal documents, photographs, and affidavits from wit-

nesses and experts. If at all possible, you should provide the court with original documents proving your client's identity, country of origin and date of entry into the United States. For witnesses, ask your client whether she has family or contacts who are willing to testify or provide an affidavit about these basic issues as well as the merits of her claim. These could be witnesses who are still in the client's home country (or a third country as refugees) or who may be in the United States. They may also be able to attest to the client's inability to return to her country; for example, a family member left behind may be able to state in an affidavit that the police have been looking for the applicant or that conditions in the country have worsened since she left.

7. **Read the rules.** At the beginning of your representation, read through the Immigration Court rules. Revisit them on a regular basis to make sure you are on top of deadlines. The last thing you want is to prejudice your client by missing a filing requirement.

8. **Find credible experts.** In addition to providing the court with documentary evidence corroborating your client's story, find an expert in the human rights conditions in your client's country of origin. Search for university professors, human rights researchers and journalists specializing in that country or part of the world. You may have to contact several prospective experts before finding the right one for your case. After your initial conversation in which you give an overview of the case, have the expert speak with your client without you present. This will lend greater credibility, as the expert's conclusions will be independently drawn. You can then speak with the expert in preparation for direct examination and to fine-tune the written affidavit or report. If the client has a history of torture and trauma, you

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MFY's Three-Quarter House Project

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at which Kessler provided advice, counsel and representation to combat illegal evictions, lockouts, and lack of services. Once word got out about the program, more and more residents sought help, and it became clear that MFY needed someone on the ground in Brooklyn to organize tenants and conduct training sessions so they would understand their rights and become empowered to advocate for themselves.

The New York Community Trust, which had supported MFY's work to reform the adult home industry, understood the importance of employing a lawyer-organizer model to address the problems and provided seed money for a part-time organizer, who joined the project in January 2010. Raquel Namuche, the organizer, reached out to three-quarter house residents and built a tenants' organization, now known as the Three-Quarter House Organizing Project (TOP), which meets weekly at Neighbors Together. TOP members helped spread the word about the project, and distributed "Know Your Rights" flyers and other materials to three-quarter house residents at soup kitchens, treatment programs, and other venues. MFY staff and TOP members met with members of the City Council, State Assembly, and local community boards as well as the

Brooklyn Borough President's office and local police precincts to educate them about the problem and enlist their support. By December 2010, MFY's staff had not only provided advice, counsel or representation to close to 363 tenants and conducted scores of trainings, it had accumulated enough evidence to mount a class action lawsuit against three operators that jointly run nine homes, alleging that the defendants engaged in widespread deceptive practices, pressured tenants into signing away their rights, violated housing laws, and unlawfully evicted tenants onto the street when they became unprofitable. The suit was filed on December 14, 2010, with Patterson Belknap Webb & Tyler LLP serving as pro bono co-counsel. The next day residents of one of the three-quarter houses charged in the suit, plus supporters from other buildings, held a rally and press conference in freezing weather to draw public attention to the plight of residents and the lawsuit.

This exploitative industry has become so lucrative that Single Room Occupancy Hotels (SRO), long the housing of last resort for the city's poor, are now being illegally converted to three-quarter houses. In April 2011, MFY's Three Quarter House Project and SRO Law Project joined forces, with pro bono help from Weil Gotshal & Manges LLP, to file a class action

case against a Brooklyn SRO that had illegally evicted and harassed rent-regulated tenants in order to turn half of its space into a three-quarter house.

Recognizing the urgency of reforming an unregulated industry and preventing it from proliferating further, The New York Community Trust renewed its support in 2011, and the New York Foundation provided funding for the organizer.

"Because the project was collaborative, with community groups and the tenants working hand in hand with MFY, it gained momentum quickly," said Jeanette Zelhof, MFY's executive director. "Skadden's investment has paid off, with two private foundations now supporting the project and two private law firms providing invaluable help on impact cases."

In two years the Three-Quarter House Project has made significant inroads in challenging an abusive industry that rakes in millions and offers little more than a revolving door of homelessness. While the class action lawsuits move forward, Kessler continues to provide assistance to individual tenants, and the tenant group continues to organize. MFY is now looking into possible new models that would provide regulatory oversight so that these houses could operate in a safe and legal manner and provide real services to the tenants.

Ten Tips for a Rewarding and Successful Asylum Representation

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may also want her to see doctors and mental health care providers to corroborate her narrative. Again, these experts should interact with your client one-on-one (with an interpreter if necessary) and should provide an initial report without input from you.

9. Lean on your referring organization. Remain in close contact with the organization through which you took the case. The people there are experts in their own right and can help you work through challenging legal, factual and interpersonal issues

that may arise. They can also put you in touch with experts and other pro bono attorneys who have encountered similar issues in other cases. You should also provide your referrer with drafts of written submissions.

10. Remind the judge that you are pro bono counsel. At each of your appearances in court, and in any written communications with the judge, state that you are representing the respondent on a pro bono basis. Judges are often appreciative of public interest work by law firms, and this will

remind the court that immigration law is not your usual area of practice.

Given the packed docket of most immigration courts, asylum cases can take years from beginning to end. However, the opportunity to impact an individual's life so directly is unique and well worth the time and hard work needed to see it through. There is simply nothing like witnessing a grant of asylum, when your client finally knows that he or she is welcome and safe in the United States.

Simpson Thacher & Bartlett LLP Externship with Community and Economic Development Unit Provides Real World “General Counsel” Experience

Edwina Frances Martin*, Director of Communications and Government Relations, Legal Services NYC, and the 2011 Legal Services NYC Communications Interns, **Alicia Elcock**, **Amaani A. Hussain**, and **Yazmine Nichols**.



Martin*

Environmental Justice. Not-for-profit incorporation. General Counsel. None of these are terms generally associated with a legal services program, but for the Com-

munity and Economic Development Unit (CED) of Brooklyn Legal Services Corporation A (BKA)¹, all of these are part and parcel of a day in the life of the Unit. The CED Unit is a “neighborhood by neighborhood”-oriented program that has as one of its primary goals working with community-based not-for-profit organizations to support, rebuild, and redesign the city’s low-income communities by, for example, the creation of affordable housing, health care and child care. It is the only unit in Legal Services NYC (LS-NYC) dedicated to performing transactional law. Through BKA’s innovative externship program, associates from Simpson Thacher & Bartlett LLP work at BKA with the CED Unit’s attorneys to provide a full range of “in-house counsel” services that the community-based organizations it serves do not have the financial resources to obtain from private counsel. These services include: contract review, drafting and negotiation; representation in corporate, tax, real estate, and financing matters; representation in administrative licensing and regulatory proceedings; strategic consultation for long-range community planning; and analysis of the legal and financial impact of program and policy options available to clients².

Associates in the externship are immediately immersed in client matters that expose them to areas of law outside of their everyday practice. Through this externship program, which was started in January 2009 and has continued since then, participants have found the field so interesting that they have continued to pursue this form of public service, and even aided in the completion of projects long after their externships have ended.

Daeyna Grant*, a graduate of Colgate University and Columbia Law School, is a former CED Unit extern and current attorney at Simpson



*Daeyna Grant**

Thacher. After an internal Simpson Thacher selection process that included the submission of a complete resume and personal statement, she was selected for the externship with the CED Unit beginning in late August of 2010. During her six-month externship with the CED Unit, Grant worked on two projects for the Brownsville Multi-Service Family Health Center (BMS). BMS’ many goals include opening and operating newly renovated, state-of-the-art, federally-approved health and dental centers in East New York; renovating and refurbishing BMS’ main clinical

site and corporate headquarters in Brownsville; augmenting and training clinical and support staff; strengthening partnership and linkage agreements; and engaging community residents.

Once in the externship program, Grant was given the opportunity to handle matters by directly taking the reins on the drafting of agreements and making many of the difficult decisions. She notes that the work she was involved in during her externship was significantly different from many of the matters she handles at Simpson Thacher. While working



*Jessica Rose**

with the CED Unit she found that she developed strong relationships with her clients and witnessed the impact of her work on the communities in question. Grant attributes a great deal of the confidence she now has in her corporate practice to the hands-on experience she gained while working with the CED Unit. When asked how her experience with CED has impacted her post-externship, she confirms that “working with [the CED Unit] clients emphasized the importance access to affordable legal service can have for community-based organiza-

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Weil, Gotshal, and Manges LLP Externship Program with Legal Services NYC Helps Expand Access to Legal Services

Edwina Frances Martin*, Director of Communications and Government Relations, Legal Services NYC, and the 2011 Legal Services NYC Communications Interns, Alicia Elcock, Amaani A. Hussain, and Yazmine Nichols.

"I have gained deeper admiration for the field of public service," says Reed Collins, a litigation associate at Weil, Gotshal, and Manges LLP (Weil) about his experience as an extern in Legal Services NYC's Brooklyn Branch (BB)¹ Housing Unit. Collins attended Georgetown University Law Center after receiving his undergraduate degree from Harvard University. As an associate at Weil he currently handles intellectual property, health care, and a variety of other commercial litigation.

Beginning in December of 2010, Collins took over the rotating position of a Weil extern in the BB Housing Unit. He first heard of the Brooklyn Branch-Weil externship opportunity through the pro bono coordinator at the firm. "I saw the email and it sounded like a chance to learn a lot and help people in the process. I couldn't turn it down," he states.

The task proved challenging: during his five-month externship, Collins had to learn to how to do many things, from addressing the judge in housing court to dealing with government entities. Under the supervision of Acting BB Project Director Fraidy Nachman*, he steadily learned the ropes of Landlord-Tenant Law.

In one particular case, Collins filed a motion for contempt after his client, who vacated an apartment scheduled for repair, was denied re-entry by the landlord of the building. Nachman states that although "the Housing Court judge threw a lot of hardballs at Reed, he just batted the balls back." Collins said another benefit of an externship is that, "as an extern you are responsible for handling your entire client relationship." During his



*Reed Collins and Fraidy Nachman**

externship, he managed 12-15 cases at any given time. Thus, in preparation for court hearings, his days were filled with back-to-back meetings with clients.

"I learned to be an 'on your feet' kind of lawyer", said Collins of his experience. He also attributes a newfound confidence in himself, respect for public service, familiarity with housing law, and further development of litigation skills to his participation in the externship.

¹ Legal Services NYC Brooklyn Branch is one of 11 Legal Services NYC offices located in the hearts of low-income communities. Other offices include: Legal Services NYC Bronx, Bedford Stuyvesant Community Legal Services, the Brooklyn Family Defense Project, Brooklyn Legal Services Corporation A, South Brooklyn Legal Services, Manhattan Legal Services, Queens Legal Services, Staten Island Legal Services, the Legal Support Unit, and the LS-NYC Central Administrative Office. Legal Services NYC is the nation's largest organization devoted exclusively to providing free civil legal services to the poor.

Externship with Community and Economic Development Unit

Continued from page 8

tions. I also learned a lot about not-for-profit transactional matters." She went on to say that the most rewarding aspect of her externship was working directly with clients, and that she "definitely will do *pro bono* in the future."

Working together, the CED Unit and Simpson Thacher have already seen significant success. Says CED Unit Director Jessica Rose*, "through this partnership we are continuing to build relationships and trust with residents in low-income Brooklyn communities through creative and innovative lawyering."

1. BKA is one of 11 LS-NYC local programs located in the hearts of New York City's low-income communities. Other programs include: Legal Services NYC-Bronx, Bedford Stuyvesant Community Legal Services, the Brooklyn Family Defense Project, LS-NYC-Brooklyn Branch, South Brooklyn Legal Services, Manhattan Legal Services, Queens Legal Services, Staten Island Legal Services, the LS-NYC Legal Support Unit, and the LS-NYC Central Administrative Office. Legal Services NYC is the nation's largest organization devoted exclusively to providing free civil services to the poor.

2. "Community Economic Development." Legal Services NYC. Web. 2 August 2011. <http://www.legalservicesnyc.org/index.php?option=com_content&task=view&id=25&Itemid=93>

The Section 8 Restoration Project: Milbank, Tweed, Hadley & McCloy LLP Collaborates with Legal Services NYC to Reinstate Benefits for Families in Need

Edwina Frances Martin*, Director of Communications and Government Relations, Legal Services NYC, and the 2011 Legal Services NYC Communications Interns, **Alicia Elcock**, **Amaani A. Hussain**, and **Yazmine Nichols**.

James Foster* is a first year associate doing securities litigation at Milbank, Tweed, Hadley & McCloy LLP. A native New Yorker, Foster was raised just outside of Albany, NY. He obtained his undergraduate degree from Georgetown University, and went on to work for an accounting and audit firm in Washington, D.C. before returning home to earn his law degree from Albany Law School in 2010. Although he only joined Milbank in January of this year, he has already gained experience advocating for those in need through several pro bono projects at the firm.

His most recent commitment to community service is through the Section 8 Restoration Project¹ of Bedford-Stuyvesant Community Legal Services (Bed-Stuy LS)². Foster's participation in the project began in early June when he volunteered to help a family in need. Since then, he has been working closely with Bed-Stuy LS's Director of Housing Litigation, Sateesh Nori.

Foster's current case is typical of those in the Project: miscommunication led to the termination of Section 8 benefits. Ms. G., a hard working mother of five, faces the loss of her Section 8 subsidy after a dysfunctional mail system resulted in her failing to reply to repeated notifications from her Section 8 provider.

Speaking of his experience thus far on the Section 8 Restoration Project, Foster states that when dealing with pro bono matters, "you are often the only attorney" and that actually meeting with the client "puts a face to the cause you're fighting for." He praised Milbank, saying, "The firm encourag-

es us to be the best lawyer and person we can be, and one component of that is volunteering your time through pro bono assignments. [It's] empowering because we're able to fight for people's rights, which makes you proud of what you do." As for those who make their careers in public service, Foster, with obvious respect, stated, "Legal Services NYC does so much with so little."

There can be challenges in doing pro bono work as well. Foster admits that time constraints and incomplete administrative records are persistent obstacles. He also noted that the task is sometimes made more difficult when unsophisticated clients cannot find relevant documents or have difficulty remembering important facts due to the passage of time. However, these experiences, when they happen, help him develop skills important to a litigator. Of his relationship with Nori, Foster enthusiastically summed it up, expressing admiration for Sateesh's responsiveness and experience, stating, "Sateesh is great . . . it's great to have someone who is such a veteran [guide me in this project]." Other Milbank Associates now volunteering with the Section 8 Restoration Project include Matthew Latterner*, Tomasso Bencivenga, Jordan Markham*, and LaTonya Brooks.

¹ The federal Section 8 program subsidizes rent paid by low-income families to private landlords. Each year, hundreds of New York City families who receive and rely on Section 8 benefits discover that their benefits have been terminated. Often these terminations occur through no fault of the families, but because of cracks in the administrative processes surrounding Section 8. Soon after their subsidies are terminated, these families end up in housing court and face eviction. In order to get their Section 8 subsidies restored, they must



James Foster and Amaani Hussain*

simultaneously defend and delay their eviction proceedings while commencing complicated Article 78 proceedings in Supreme Court. This challenging task, often undertaken without counsel, proves futile in many cases for tenants despite valid due process claims. Many tenants cannot overcome the burdensome documentation and filing requirements for commencing an Article 78 proceeding.

² Bed-Stuy LS is one of eleven LS-NYC programs located in the hearts of New York City's low-income communities. Other programs include: Legal Services NYC-Bronx, Brooklyn Legal Services Corporation A, the Brooklyn Family Defense Project, LS-NYC-Brooklyn Branch, South Brooklyn Legal Services, Manhattan Legal Services, Queens Legal Services, Staten Island Legal Services, and the LS-NYC Legal Support Unit. Legal Services NYC is the nation's largest organization devoted exclusively to providing free civil legal services to the poor.

New NYSBA Website Resource

Edwina Frances Martin*, Co-Chair NYSBA Committee on Legal Aid



Recognizing that having a diverse membership base brings vitality to the Association and serves to further increase its membership ranks, the NYSBA has done much to bring the perspective of public service sector attorneys into the Association – members of the judiciary, government attorneys, attorneys working in public interest law firms, attorneys working in nonprofit settings, and pro bono attorneys. And right now, with the benefit of an up to date and responsive website, and modern technology, there are exciting developments at the Association to aid public service sector attorneys.

Once upon a time, public interest, pro bono, or government attorneys looking for relevant information on the NYSBA website had to search through many different pages to find trainings, rules, or committees

of interest. No more! In May 2011 NYSBA launched the “Government/ Public Interest Attorneys Resource Center,” <http://www.nysba.org/PSSA>.

This site pulls together NYSBA resources – ethics opinions (judicial ethics, labor and employment ethics, municipal) and professional standards, relevant Rules, Regulations, Laws, Pro Bono Awards, upcoming CLE events of interest, links to employment assistance at NYSBA’s Career Center, NYSBA publications, and much more. Of special note is a new Blog sponsored by the Committee on Attorneys in Public Service (CAPS), edited by Jacqueline Gross of CAPS. This Resource Center was designed to conveniently draw together relevant and timely information, in an easily accessible area on the NYSBA website.

New Help With Loan Repayment Assistance for Government and Public Interest Attorneys

Edwina Francis Martin*, Co-chair NYSBA Steven C. Krane Special Committee on Loan Assistance for the Public Interest (SLAPI)

The Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest (SLAPI) was created in the summer of 2001 to review the impact of law school indebtedness on the ability of government and public service employers to attract qualified attorneys to undertake careers in public service, and to develop a plan to assist new attorneys in pursuing public service careers by reducing indebtedness. SLAPI was created at a time when the loan repayment world was very different and there were not many options. Now, many law schools and public interest/government employers offer loan repayment programs, and there are viable federal

government loan repayment programs available. As a result, the Committee now has a two-fold focus: to continue to provide financial assistance to mid-level government and public interest attorneys burdened with large educational debt (who are less likely to qualify for federal loan repayment assistance), and to help educate attorneys and employers on the developments in the loan repayment assistance landscape.

SLAPI will award new loan repayment assistance grants – the first since 2008 – at the January 2012 Annual meeting; applications are due on November 30, 2011 (See [\[Map62&Template=/CM/sitemap.cfm\]\(http://www.nysba.org/AM/Template.cfm?Site_Map62&Template=/CM/sitemap.cfm\) for more information\). SLAPI is also revamping its website in order to provide more information about federal and state loan assistance repayment options. Finally, SLAPI is hosting two webinars on loan repayment – one on November 1, 2011, for public interest/government attorneys \(out 3 to 6 years out of law school\), and the second on February 28th, 2012, for public interest/government employers. For more information on the webinars, contact Gloria Herron Arthur, Esq., Director, Pro Bono Affairs, \(518\) 487-5641; \[garthur@nysba.org\]\(mailto:garthur@nysba.org\).](http://www.nysba.org/AM/Template.cfm?Site_</p></div><div data-bbox=)

Albany Law School Launches Veterans' Rights Pro Bono Project

Susan J. Feathers*, Dean of Student Affairs, Albany Law School



Assistant Dean Susan J. Feathers*

This fall Albany Law School launched the Veterans' Rights Pro Bono Project to work primarily with the Albany Housing Coalition, an organization that provides shelter and other essential services to homeless military veterans living in the Albany area.

On any given night in America, 107,000 veterans of the American armed forces are living on the streets, homeless. Over the course of any given year, approximately twice that many military veterans experience homelessness in some form, according to statistics reported by the National Coalition for Homeless Veterans. Many of them suffer from mental illness, alcoholism, substance abuse, and a host of other significant problems. Numbers from the Department of Veterans Affairs (VA) show that two-thirds of these homeless men and women served our country for at least three years, and approximately one-third were stationed in a combat zone.

And the problem is only getting worse. Figures released last month from the VA show that the number of homeless veterans is increasing at an alarming rate. In one glaring statistic, the VA reported that the number of homeless veterans who served in

campaigns in Iraq or Afghanistan is six times what it was in 2006. "Too many of the men and women who spent months fighting for our freedom come home to nothing," the VA report states.

More often than not, homeless veterans lack more than shelter. Many of them also lack the legal representation they need, despite being in the throes of debilitating legal troubles. Too poor to afford a private attorney, yet unable to solve their own legal problems, these men and women who were willing to fight for our nation now depend on their nation's lawyers to provide the legal assistance that they desperately need.

Students will have an opportunity to work in pairs or very small groups with attorneys in the area who provide legal counseling for veterans at the Albany Housing Coalition three Thursdays each month at the Coalition's "Veterans House." The Veterans

House is located at 180 First Street in Albany, just a five-minute drive from the law school. Students will go to the Veterans House on a rotating basis (i.e., two students one week, then two different students the next week, and so on) and will have the chance to sit in on legal counseling sessions with the attorneys and the homeless veterans cared for by the Coalition. Students will also be able to help the attorneys with research and other matters as needs arise.

Students will also have the opportunity to take part in future "service days" for homeless veterans, in which students will be able to work with area attorneys to help these veterans in basic but important ways. The project may also provide assistance to the New York State Bar Association's Special Committee on Veterans in completing research for a resource directory for veterans in the Albany area to use.



In memory of the fallen, Syracuse Law Republicans and their co-sponsors Corporate Law Society, Criminal Law Society, Disability Law Society, Federalist Society, and the Student Bar Association of Syracuse University College of Law placed 2,977 American Flags on the hill overlooking Irving Avenue. Each represents one life lost on September 11, 2001. This location faces the Veteran's Hospital in Syracuse, NY.

Pro Bono Help in Foreclosure Litigation Leads to Landmark Victory

Edwina Frances Martin*, Director of Communications and Government Relations, Legal Services NYC, and Sara Manaugh of the Foreclosure Prevention Project, South Brooklyn Legal Services

On June 3rd, an important legal precedent was set: after a lengthy federal trial in Brooklyn, a jury found in favor of minority homeowners who had been the targets of a fraudulent property-flipping scheme. The suit, *Barkley v. United Homes*¹ and five consolidated cases, alleged that Yaron Hershco, a real estate developer, and several of his companies operating under the United Homes trade name, conspired with mortgage bankers, attorneys, and other real estate professionals to target minorities for fraudulent sales of homes that were overpriced and in poor condition. Last year, Judge Kiyo A. Matsumoto of the Eastern District of New York



Jensen

Litigation Foundation since the lawsuits were filed in 2004 and 2005. Pro bono counsel J. Christopher Jensen of Cowan, Liebowitz & Latman PC joined the team last year, and his participation at trial was critical to this important victory. Jensen was an invaluable member of the *Barkley*

agents.

The *Barkley* plaintiffs have been represented by the South Brooklyn Legal Services office of Legal Services NYC and the AARP

a predatory real estate company, I was torn between my desire to help with a worthwhile cause and my sense that this would be a huge inconvenience. Like any trial lawyer, I was worried about picking up somebody else's file and having to try a case that I had not prepared.

What I did not expect is that I would be blown away by the commitment and the talent of the South Brooklyn trial team and most of all by their detailed preparation of this case for trial. Far from being an inconvenience, I had the genuine pleasure of watching this group of lawyers in action. The experience was energizing and brought me back to the best part of practicing law—to do justice in the company of friends and true professionals.

The Barkley victory marks one of the first times that a federal jury has considered these types of homes sales practices – which included steering plaintiffs to homes that were in terrible condition, over-appraising those homes, promising repairs that were never made, and providing costly, subprime lending products.

denied the defendants' motions for summary judgment and rejected all of their arguments, finding substantial evidence of racial targeting and fraudulent misrepresentations. After a three-week trial, the nine-member jury returned with a verdict awarding the plaintiffs over \$1 million for fraud, conspiracy to commit fraud, and deceptive practices, including punitive damages awards against Yaron Hershco, the United Homes companies, Olympia Mortgage Corporation, Alliance Mortgage Banking Corporation, and attorney Benjamin Turner. The jury also found that the United Homes entities were essentially Yaron Hershco's alter ego, and permitted the plaintiffs to pierce the corporate veil, thus clearing the way for Hershco to be held liable for the actions of his corporations and employees and

trial team both during the trial and in the many weeks before the trial. He participated in witness preparation and planning, and the team benefited greatly from his extensive trial experience. Throughout the trial, Jensen sat at plaintiffs' table and played an active role in the team's planning, strategizing and preparations. Indeed, at a crucial juncture in the trial, thanks to his superlative advocacy skills, Jensen defeated defendants' argument that the Court should exclude certain opinions from the scope of the testimony of one of plaintiffs' expert witnesses.

Said Jensen of the experience:

When I was asked by a friend of mine whether I would volunteer to assist South Brooklyn with an upcoming trial against

The *Barkley* victory marks one of the first times that a federal jury has considered these types of homes sales practices – which included steering plaintiffs to homes that were in terrible condition, over-appraising those homes, promising repairs that were never made, and providing costly, subprime lending products. Said Sara Manaugh of South Brooklyn's Foreclosure Prevention Project, "We and the plaintiffs are indebted to Chris for the time and effort he devoted to the *Barkley* case."

1. 04 Civ. 875 (KLM/RLM).

City Bar Justice Center Provides Counsel to Detained New York Immigrants Through an Innovative Pro Bono Initiative

Christopher Gomez Blank, Immigration Outreach Project Coordinator, City Bar Justice Center

On August 29th, a pro bono attorney from Orrick, Herrington & Sutcliffe won release for his client in immigration detention. In a ruling from the bench, the immigration judge granted cancellation of removal, a remedy only available to certain classes of immigrants that allowed the client, Mr. S, to stay in the United States. The client is a young man who came to the United States as a Lawful Permanent Resident ("green card" holder) from El Salvador when he was seven years old. A recent arrest for a misdemeanor, which led to his transfer to immigration custody, could not have come at worse time as Mr. S was working multiple jobs to support his four U.S. citizen brothers and sisters after their mother became injured and could no longer work.

A new area of pro bono immigration practice, detained cancellation of removal cases involve establishing statutory eligibility and then a weighing of equities. In Mr. S's case, the immigration judge decided that the negative weight of Mr. S' criminal record was outweighed by his completion of drug and alcohol programs while in immigration custody and the significant financial support he had been providing his mother. "After spending months in immigration custody, Mr. S will now get one last chance to make good on his mother's many sacrifices that gave him a life in this country," said Daniel Kahn, Mr. S's attorney, after the hearing. "I believe he will take full advantage."

While Mr. Kahn is an accomplished litigation associate, this was the first case he had ever litigated in immigration court. Mr. Kahn took the case through the City Bar Justice Center's Varick Removal Defense Project (VRDP) which provides pro bono representation in removal proceedings to indigent, detained New York immi-



Project Coordinator Christopher Gomez Blank, Fragomen Fellow Barbara Camacho and former Fragomen Fellow Michael Almonte.

grants. The VRDP is an outgrowth of the NYC Know Your Rights Project which, from 2008 through 2010, conducted weekly brief services clinics for immigrant detainees at the Varick Street Detention Facility in lower Manhattan. At each of those clinics, participating law firms and in-house legal departments would send an aggregate team of ten attorneys to the detention facility where they would meet with and provide brief advice and counsel to detainees. The volunteer attorneys, after consultation with on-site mentors from the American Immigration Lawyers Association (AILA), would determine whether any immigration relief was available to the interviewed detainees and, if so, would make appropriate referrals to pro bono (or "low bono") counsel. A City Bar Justice Center report using the data collected at these clinics was

released in 2009 and found that 39% of the immigrants counseled had a possible legal defense to deportation but no attorney to represent them (<http://www2.nycbar.org/citybarjusticecenter/pdf/FINAL%20REPORT%2011-09.pdf>). When the Department of Homeland Security closed the Varick Street Detention Facility in 2010, the Justice Center, after consultation with project partners and the participating law firms, decided to expand the scope of the project to include full representation of detainees with viable cancellation of removal claims.

To date, the Justice Center's work has resulted in ten clients being released from detention and reunited with their families. In another recent case, a pro bono attorney from Seward & Kissel LLP won release for a young Dominican man after preparing the

case for trial in just two months. After the hearing the pro bono attorney, Will Vogel, said "I am grateful that the project exists to make it possible to take these cases."

For the last three years, one of the project's partners, the law firm of Fragomen, Del Rey, Bernsen & Loewy LLP, has been hosting a one year fellowship for one of their associates to oversee the facilitation of the Varick brief services clinics and the Justice Center's community outreach. This year, Fragomen extended the fellowship to two years and recruited an experienced immigration detention lawyer, Barbara Camacho, to oversee the project from training and recruiting new volunteers to mentoring cases.

Under the new model, the VRDP conducts a monthly clinic at the Varick Street facility which houses the immigration court for detained New York immigrants. There, law firm associates interview clients who have been pre-identified by the Legal Orientation Program (LOP) run by The Legal Aid Society as eligible for the cancellation of removal remedy. Aided by an on-site AILA mentor and the Fragomen Fellow, each firm is expected to accept at least one case for

full representation from the group of detainees interviewed at that clinic.

The types of cases being handled by the project involve long-time legal permanent residents with work histories and family ties to the United States who are being removed because of minor, non-violent criminal convictions. Such clients have potentially winnable cases but without legal counsel they have little hope of effectively presenting their claim in Immigration Court. In addition to limiting the type of cases to be accepted for representation, the project also provides the pro bono attorneys with guidance and mentorship from the Fragomen Fellow and the AILA mentors throughout the duration of their clients' immigration proceedings. The project also maintains a Google Docs site with redacted samples, roadmaps for successful cases and a training video.

The problem of lack of counsel in the New York Immigration Courts has exploded in the last five years as the number of detained New Yorkers has tripled. According to the New York Times, "immigrants' fate in deportation cases often comes down to whether they can afford a lawyer." Immigrants with legal representation are at least five times as likely to win

their cases as those without, yet in New York only 40 percent of detained immigrants have lawyers. As Mr. Kahn put it after his client's hearing "Immigrant detainees are chronically underserved and need your help" and he went on to say "Cancellation cases are winnable and can be professionally rewarding"

The Justice Center is grateful for the support of its project partners in addressing the lack of counsel for detained immigrants especially the commitment by Fragomen. In addition to Orrick and Seward & Kissel, the firms participating in Fall 2011 include: Patterson Belknap Webb & Tyler LLP, Venable LLP, Shearman & Sterling LLP, Skadden Arps Slate Meagher & Flom LLP, Schnader Harrison Segal and Lewis LLP, Willkie Farr & Gallagher LLP, Simpson Thacher & Bartlett LLP, Cleary Gottlieb Steen & Hamilton LLP, Kelley Drye & Warren LLP, Fragomen Del Rey Bernsen & Loewy LLP, Bingham McCutchen LLP, and Proskauer Rose LLP. We hope this increase in resources will inspire other firms to join us in addressing this glaring human rights abuse. For further information please contact the Fragomen Fellow, Barbara Camacho at bcamacho@nycbar.org.

Bankruptcy Clinic Added as Eighth Clinic at Syracuse University College of Law

Jaclyn D. Grosso, Director of Communications and Media Relations

The new Bankruptcy Clinic at Syracuse University College of Law is an extension of the award-winning Pro Bono Bankruptcy Program started in 2009. Each clinic student will be assigned at least one bankruptcy client, and will supervise a team of pro bono student volunteers. The teams will evaluate the client's financial situation, prepare the client's bankruptcy petition and schedules, and appear at the official meeting of creditors on the client's behalf, all under College of Law Professor Gregory Germain's supervision. Germain will teach the course component of the clinic, covering

consumer bankruptcy laws and procedures, and will monitor the status of the cases.

"The class component will give me not only an opportunity to provide the students with better and more regular training targeted to the issues in their cases, but will enable me to better monitor the status of the cases to assure that the work is being completed on a timely basis," Germain says. "The program will continue to give first-year students the opportunity to help with real cases, and will give the upper-division clinic students the opportunity to manage a team and represent a real client."

Germain added that the program also provides a terrific community service. There is a great need for pro bono bankruptcy assistance in our community, and there are not enough trained volunteers to fill that need. The clinic and pro bono program will help to fill the gap, while providing valuable hands-on training to the clinic students and pro bono volunteers.

Clients are referred to the clinic from the Legal Aid Society of Mid New York, which qualifies the clients for pro bono services and preliminarily determines whether the clients are in need of bankruptcy assistance.

Judicial Support for Pro Bono Appreciated

Linda Kostin*, Esq., Pro Bono Coordinator, Volunteer Legal Services Project

Volunteer Legal Services Project of Monroe County, Inc. (VLSP) is fortunate to count numerous members of the judiciary among its many supporters. Since VLSP's inception in 1981, judges have demonstrated their unflagging support for VLSP in a wide variety of ways.

Hon. Henry J. Scudder*, Presiding Justice of the Appellate Division, Fourth Department, implemented New York State's first pro bono and volunteer service policy for appellate court attorneys and staff. On Law Day 2011, the New York State Bar Association recognized this groundbreaking achievement by presenting its prestigious President's Pro Bono Service Award to Justice Scudder and the Appellate Division attorneys and staff members.

"The Court implemented the policy in an effort to encourage and support participation in pro bono activities.

The Court implemented the policy in an effort to encourage and support participation in pro bono activities. Appellate Division employees have honored our profession, and provided a valuable service to the community by participating in pro bono activities," said Justice Scudder recently.

The real credit belongs to our employees who responded to the policy by providing many hours of pro bono work to help meet the legal needs of our most vulnerable citizens. Appellate Division employees have honored our profession, and provided a valuable service to the community by participating in pro bono activities," said Justice Scudder recently.

Judges also lend their time and talents to VLSP's CLE programs, which results in more pro bono attorneys being recruited and more clients receiving assistance. One of the most effective ways VLSP recruits new volunteers is by offering a free CLE in exchange for a commitment to accept a case. While VLSP's CLEs are well-

attended in general, adding judges into the mix as planners and presenters results in attorneys clearing their calendars to attend.

Such was the case in 2009, when Judges Gail A. Donofrio, Joan S. Kohout*, Patricia D. Marks, Thomas Rainbow Morse, Elizabeth W. Pine*, John R. Schwartz and Thomas A. Stander planned *Ethics in the Afternoon*, a four-credit ethics CLE presented in part by Judges Henry J. Scudder, Thomas M. Van Strydonck, Thomas Rainbow Morse, and Robert J. Lunn (ret.).

In 2010, Hon. Marion Payson, U.S. Magistrate Judge, was a panelist for *Ethics Redux*, broadcast live from Rochester's Hall of Justice to courthouses in the seven rural counties in the Seventh Judicial District.

Thanks to judicial support for VLSP's CLEs in 2009 and 2010, over 150 pro bono attorneys were recruited.

They assisted low-income clients with serious civil legal problems including tax issues, unemployment insurance benefits denials, name change, domestic violence divorce, grandparent/nonparent custody, wills and foreclosure settlement conferences.

In retirement, our local judges are stepping up to provide direct pro bono assistance to VLSP's clients as pro bono volunteers through the New York State Unified Court System's Attorney Emeritus program. The program confers a new status upon attorneys who have completed the active phase of their careers and are committed to volunteering their legal skills to make a difference in the lives of low-income New Yorkers.



Gideon's Goal

Hon. Gerard Alonzo, a retired judge who served on the multi-bench court in Livingston County, recently enrolled as an Attorney Emeritus. Judge Alonzo volunteered for a VLSP Family Law Clinic in July.

"With the ending of the Judicial Hearing Officer program, I've accepted Chief Judge Lippman's* invitation to become an Attorney Emeritus with VLSP. While participating in my first Family Law Clinic, I saw three or four clients. Some of their problems were easily resolved, others not so. These clients would not be talking to a lawyer at all without VLSP and all the other attorneys who provide legal services to the poor. The experience was very rewarding, and the VLSP attorneys provide great mentoring to attorneys who have been away from practice for awhile or are trying new areas," Judge Alonzo said recently.

Hon. Patricia D. Marks has also enrolled as an Attorney Emeritus. Accustomed to presiding over criminal matters in Monroe County Court, Judge Marks volunteered for one of VLSP's August Family Law Clinics.

"One of the things I saw from the bench was how marginalized the poor

are and that an inability to navigate civil law problems often brought people into the criminal justice system. I am looking forward to volunteering through VLSP. They make it easy for judges to volunteer effectively," Judge Marks recently said.

Some judges, such as Hon. Thomas M. Van Strydonck, Hon. Thomas Rainbow Morse, and Hon. Craig J. Doran* provide stewardship by serving on VLSP's board of directors.

Many judges are amongst the most generous donors to the annual Campaign for Justice Phonathon, including Justice Van Strydonck and Hon. Michael A. Telesca, the judge for whom the Telesca Center for Justice – home to VLSP and other civil legal services providers, as well as the Monroe County Bar Association - was named. Hon. Joan S. Kohout, Hon. David Larimer and Hon. Robert H. Wagner are also generous supporters of the annual Campaign for Justice.

Although prohibited from soliciting funds by the judicial canons of ethics, judges find creative ways to support VLSP fundraisers. Judge Morse never fails to rally the troops during Campaign for Justice. As a volunteer "runner," he circulates among the volunteers as they make calls, collecting pledge forms from them. With his characteristic panache, Judge Morse keeps spirits high. VLSP's volunteers and staff still talk about the year Judge Morse led a Campaign for Justice conga line through the office!

The Art of Lawyering silent auction is another VLSP fundraiser that receives broad judicial support. Many judges are among those who attend the opening reception and bid on works of art created by legal professionals and their friends and family.

Judge Alonzo, an accomplished woodworker, has donated one of his

Albany County Bar Association Pro Bono Programs Help The Community

Barbara Davis, Executive Director, Albany County Bar Association

The Albany County Bar Association (ACBA) Pro Bono Programs offers free CLE training to attorneys in exchange for their agreeing to represent a low-income or elderly client pro bono. Our current pro bono programs provide opportunities to represent clients in family law, divorce, elder law, foreclosure, bankruptcy law and landlord/tenant law. ACBA also assists members of the military with civil legal matters. The ACBA Pro Se Divorce Program has been in existence since 1993, helping over 200 clients per year. Attorney Michael Friedman has been invaluable in overseeing this program. The ACBA Pro Bono coordinator is in Family Court once a week assisting clients with filing necessary paper work – a service which has proven to be very helpful to judges and family court personnel.

In addition, the ACBA co-sponsors the Annual Senior Citizens Law Day every year with Albany Law School. Last year, in collaboration with the Legal Aid Society of Northeastern New York (LASNNY), the Albany County Bar Association launched a new Attorney for-a-Day Program in City Court, providing trained volunteer lawyers to represent tenants in eviction and other civil legal proceedings. To date, over 48 low-income clients have received pro bono services through the program.

The ACBA works closely with LASNNY, The Legal Project, the NYSBA Department of Pro Bono Affairs, and the Third Judicial District Pro Bono Planning Committee to develop and promote access to justice initiatives for the community.

impressive wood sculptures for every Art of Lawyering. His sculptures are always a major draw.

At the 2007 Art of Lawyering, VLSP's board of directors purchased Judge Alonzo's *Gideon's Goal* for VLSP's reception area. The sculpture serves as a reminder to all who pass by of the importance of their efforts to ensure equal justice for all.

Judge Alonzo is currently putting the finishing touches on his piece titled "*Justice Is...*" for this year's Art of Lawyering silent auction opening

on October 6 with a gala reception at VLSP's offices.

VLSP thanks the judiciary for all of its support and looks forward to continuing to work with members of the judiciary to expand the number of attorneys providing pro bono assistance to low-income residents of Monroe County.

Prisoners' Legal Services Launches a Dynamic Pro Bono Program

Samantha Howell*, Pro Bono Coordinator, Prisoners' Legal Services

Prisoners' Legal Services of New York (PLS) is a non-profit legal services organization that provides civil legal services to indigent inmates in New York State correctional facilities in cases where no other counsel is available. Since its creation by the New York State Bar Association in 1976, PLS' mission has been to provide high quality, effective legal representation and assistance to indigent prisoners, to help them secure their civil and human rights and to advocate for more humane prisons and for a more humane criminal justice system.

When PLS was created in 1976, the attorney to client ratio was 1:450. Due to an increased demand for legal services and drastically reduced budgets, the current ratio is 1:5000. As PLS is unable to accept every case, it has established case priorities, which include the following: challenges to Tier III disciplinary hearings; excessive use of force claims resulting in serious injuries; jail time, parole jail time, merit time and sentencing cases; cases involving serious medical and/or mental health issues; First Amendment cases; and cases involving prisoner reentry issues.

However, even with limiting case acceptance to these priorities, there is an immediate and desperate need for legal resources beyond what any one agency can offer. To help meet the demand, Prisoners' Legal Services recently hired Samantha Howell, Esq., as the coordinator of their new Pro Bono Program. Ms. Howell is a recently admitted attorney, and graduate of Albany Law School and Whitman College. As Pro Bono Coordinator, Ms. Howell has been working with attorneys, law schools, state agencies, and similarly-focused organizations to improve collaboration throughout New York State and develop a network of pro bono resources and representation for indigent prisoners.

The purpose of the PLS Pro Bono Program is improved remediation of human and civil rights violations

in New York State prisons, through increased involvement of the legal and educational communities. Specifically, Ms. Howell is working to increase involvement from law schools, law firms, bar associations and re-entry providers to ensure that legal representation and assistance is available to prisoners, and to increase awareness of the need for protection of human and civil rights.

To improve collaboration and referrals between agencies, Ms. Howell has created a resource referral spreadsheet, listing the civil legal service and referral agencies throughout New York State, along with information about available services for prisoners. This information has been distributed to over 100 agencies, including bar associations, legal services providers, and law schools and can be obtained by contacting Prisoners' Legal Services.

For attorneys interested in volun-

teering with PLS, a support system is in place to provide training on substantive areas of law, answer questions as they arise, offer support for research and writing duties, and provide CLE credit for completed work. Attorneys will be provided with informational guides and appropriate forms to assist them in handling the pro bono cases. Additionally, PLS staff can help "work up" a case prior to referral, so that important documents, such as medical records, are already available for the attorney. Attorneys and clients will also be provided with an evaluation form so that the program can be properly reviewed. PLS will host an annual pro bono recognition ceremony in the spring of 2012 to honor volunteer attorneys.

To volunteer contact Samantha Howell, Pro Bono Coordinator at (518) 445-6050 or showell@plsny.org.

New York Lawyers – The Good We Do

EXPRESSIONS *Expressions*

Do you have a story to tell...

Have you worked on a special Pro Bono project?

Have you had a poignant experience you'd like to share?

Has your community service work improved the lives of others?

We invite you to submit your own stories of inspirational experiences, community service, pro bono activities or cases that have changed your life and your practice of law. Stories submitted may be featured in "Expressions," an online collection of essays that collectively highlight "New York Lawyers, The Good We Do." As a general guideline, submissions should be in the range of 750 to 1,000 words.

For a complete set of instructions please go to
www.nysba.org/thegoodwedoguidelines.

Remarkable stories may be selected for expansion into video vignettes and will be posted under Expressions on the NYSBA website. Please join us in sharing the untold stories of New York lawyers making a difference – celebrate your good work and inspire others.

Email your submissions to thegoodwedo@nysba.org.



St. John's Celebrates a Day of Service and Reflection

Rachel D. Andron, Esq., Director, Public Interest Center, St John's University School of Law



Students, Faculty and Administrators come together for a Day of Service and Reflection.

Honoring St. John's University's Vincentian tradition, 1Ls at the School of Law recently joined faculty, administrators and staff for a Day of Service and Reflection. "Service Day offers a unique opportunity for the incoming class to begin what we hope will be a career-long commitment to pro bono service and social justice," said Rachel D. Andron, Director of the Law School's Public Interest Center. "Students also bond with their new classmates over the shared experience of giving back."

As part of the Service Day offerings, students train to volunteer with pro bono legal services programs or go off campus to engage in more traditional community service projects. This year, one of the training opportunities was with CLARO, a walk-in advice clinic for people without representation in lawsuits involving consumer debt cases. Developed as an access to justice initiative, CLARO helps remedy the lack of legal representation for

people sued on debts in New York City Civil Court. As trained volunteers, St. John's law students greet clients, conduct basic intake, accompany volunteer attorneys to litigant interviews, and assist litigants with follow up tasks, such as completing and filing court papers. Students also had the opportunity to train as volunteers for the Resolution Assistance Program (RAP), which assists unrepresented tenants and owners/landlords appearing in the Resolution Part of Housing Court as parties to nonpayment proceedings. To ensure a productive court experience, RAP offers non-legal support to litigants who do not have an attorney.

This year's Service Day community service projects included volunteer activities with:

- Handcrafting Justice, an international network that helps women and others in social and economic distress by creating opportunities for economic and social transformation.

- St. John's Bread & Life Program, a Brooklyn-based program inspired by the legacy and spirit of St. Vincent DePaul to bring food to the poor and accompany them on their journey to wholeness by providing necessary services.

- HeartShare, a nonprofit human services agency dedicated to improving the lives of people in need of special services and support.

As Dean Michael A. Simons* who joined the law student volunteers at St. John's Bread & Life noted in his orientation welcome address, the 1Ls at St. John's School of Law are now part of an academic community and a profession built on deeply ingrained values of spirit and service. Emphasizing that the law is a vocation, he challenged the students to dismiss the notion that they are just training for a job. "The ultimate goal," he said, "is not just to build a career, but to build a life in the law that enables you to live justly and to do justice."

Pro Bono News for the Lower Hudson Valley

Carol S. Neiditch, Esq., Director of Pro Bono Affairs, Legal Services of the Hudson Valley

Legal Services of the Hudson Valley (LSHV) and the local Access to Justice Committees are planning several events with different partners to celebrate National Pro Bono Week:

The Orange County Pro Bono Local Action Committee, together with Relatives as Parents Program (RAPP), and the Women's Bar Association of Orange and Sullivan Counties are sponsoring a CLE training for attorneys whose clients are relatives caring for children of family members. RAPP is part of the Cornell Cooperative Extension of Orange County and the training will take place on October 17 at their offices in Middletown, NY. Its mission is to link grandparents and other relatives caring for children by providing education and training to those in the community. This is an important issue locally, and especially affects those in Family Court proceedings. RAPP is part of the New York State Kinship Caregiver Program. Training will be given by attorneys from the Empire Justice Center.

The Westchester Women's Bar Association, in conjunction with the Westchester Pro Bono Local Action Committee and LSHV will once again host the *Pro Bono* Expo. Representatives of local non-profits will have information about pro bono opportunities available at the various organizations and hope to enlist the help of attendees. The Expo is slated to take place on October 26 at Pace Law School. In addition, the 3 partner-organization will sponsor one of its monthly Lunch and Learn trainings on October 27. The CLE is free and open to attorneys who agree to take a pro bono case.

LSHV is fortunate to have the chance to create a unique pro bono partnership with the legal department of MBIA, Inc. which will take place during October in honor of National Pro Bono Week. This project will help LSHV serve its clients seeking to file Chapter 7 Bankruptcy. Most of these clients cannot be represented individually by attorneys, due to the sheer volume of demand in relation to the availability of a finite number of

bankruptcy attorneys. Consequently, in order to serve as many clients as possible, LSHV holds chapter 7 clinics whereby *pro se* individuals are instructed in the bankruptcy process by an attorney. The individuals then can file on their own. In the past, such persons were offered the services of a *pro bono* attorney for the limited purpose of reviewing petitions before they were filed in court. With present economic conditions, bankruptcy attorneys have been overloaded in their private practice and have had limited availability.

The 2-day MBIA service project has been designed to step into the breach. The first session will consist of a training session led by LSHV for the MBIA's attorneys at their headquarters. The following week those attorneys will be available at LSHV offices to meet with clients to review their petitions. Both sides of the collaboration are eagerly anticipating the project. For further information about any of these Hudson Valley pro bono opportunities, please contact cneiditch@lshv.org.

Legal Aid Society of Mid-New York Adds Pro Bono Programs in 2011

Arlene Sanders, Managing Attorney, Pro Bono Unit, Legal Aid Society of Mid-New York (LASMNY)

Binghamton City Attorney of the Hour Program

In February 2011 Legal Aid Society of Mid-NY, Inc. launched its "Attorney of the Hour" Program in Binghamton City Court. The program, a collaboration among the Sixth Judicial District Pro Bono Committee, Broome County Bar Association and LASMNY, offers pro bono advice and representation to tenants in Binghamton City Court eviction cases. The program is modeled after a longstanding and highly successful program run by the Onondaga County Bar Association in Syracuse.

The Attorney of the Hour Program initially began as a three week pilot with just a few volunteer attorneys. But with favorable reviews from the judges, court staff, and volunteers, the project gained momentum. There are

now 14 pro bono attorneys – enough to keep the program regularly staffed. The program is also staffed by Binghamton University pre-law students who meet with tenants as they arrive and match them up with attorneys. LASMNY paralegal Pam MacLaren attends court each week and supervises the student interns. Over 100 tenants have been assisted so far.

Broome County Vet Center Talk to a Lawyer Series

The Broome County Vet Center is host to hundreds of veterans seeking assistance with a variety of issues. Center director Allison Miller is a clinical psychologist who provides counseling services to vets. She notes that many vets she meets with also have legal questions. Earlier this year Dr. Miller and the Broome County

Bar Association Pro Bono Committee met to explore the idea of a pro bono advice clinic for vets.

In 2009 LASMNY developed a similar program for vets in Utica, supervised by paralegal Renee Kolwaite. With that program as a template, LASMNY and the Bar Association joined forces to put together a program in Binghamton. Now called the Vet Center "Talk to a Lawyer Series," the program features monthly legal topics for which vets can receive free legal consults at the Center. Topics have included bankruptcy, debt collection, estate planning, family law and real estate. Says one recent attendee, "I greatly appreciate this program being offered to us veterans and thank all who organized and conducted the program."

Using Non-Attorney Volunteers to Improve Communities' Access to Justice

Molly Coe, LawHelp/NY Downstate Outreach Coordinator

LawHelp.org/NY--the free legal information website with over 4,000 self-help resources and 3.5 million annual page views--has only two full-time employees and a handful of part-time staff. To accomplish its goal of helping low-income New Yorkers understand and solve legal problems, LawHelp/NY depends on volunteers. Traditionally, LawHelp/NY has asked attorney volunteers to review and draft multi-lingual self-help materials. Law student volunteers can do some of the same, and are essential to the continued operation of LiveHelp, LawHelp/NY's free online, real-time live chat service. This past summer, though, LawHelp/NY greatly expanded its use of non-attorney volunteers.

Some of the concerns that agencies might have in using non-attorney volunteers (namely, crossing the line from legal information to legal advice) can be mitigated by finding creative uses for the skills non-attorneys bring to a legal office. The LawHelp/NY Outreach Program is designed to increase community awareness of the resources available on LawHelp/NY at a time when the need for legal assistance is increasing and free services are decreasing. The Outreach Program conducts training sessions for agencies serving low-income populations, distributes fliers and information at community events and fairs, and spreads tips and updates through social media.

For the past three summers, the LawHelp/NY Outreach sought bright students with backgrounds in political campaigning and canvassing, public speaking, and community service. The volunteers have come from schools across the country, and have

spoken languages including Arabic, French, Italian, Mandarin Chinese, Polish and Spanish. They were eager to use their skills to bring information about LawHelp/NY to underserved communities.

The Summer 2011 non-attorney volunteers were assigned to work under

ers. In the three months between May and August, the seven volunteers conducted over 300 site visits spanning all five boroughs of New York City.

The volunteers, even without providing on-site legal advice, were profusely thanked everywhere they went. As one volunteer noted after giving

Law student volunteers are essential to the continued operation of LiveHelp LawHelp/NY's free online, real-time live chat service. This past summer, though, LawHelp/NY greatly expanded its use of non-attorney volunteers.

the supervision of the NYC Outreach Coordinator, Molly Coe. The volunteers--seven undergraduate students--had limited experience with the law, but were able to expand the use of LawHelp/NY, and thereby improve low-income New Yorkers' access to justice, by bringing LawHelp/NY to non-profit agencies, local elected officials and educational, medical and community institutions.

Using a Citizens' Committee for Children of New York (CCC) analysis of high-risk neighborhoods for youth, the non-attorney volunteers targeted three to five neighborhoods in each borough. The neighborhoods, including Brownsville, Brooklyn, Mott Haven, Bronx and Jamaica, Queens, were marked by high rates of homelessness, crime, substandard housing conditions, and high school drop outs. The volunteers personally visited libraries, Head Start programs, district offices of City Council members, faith-based institutions, NYC Parks Department Recreation Centers, and Community Board offices, among oth-

a brief demonstration of the Spanish-language version of LawHelp/NY, AyudaLegalNY.org, "It was the relevance and importance of our presentation that triggered a response and established trust between us and those in attendance. It was that day that I experienced the immediate impact LawHelp/NY has on people who can directly benefit from free Spanish legal information--the minute they hear about it!"

By introducing students to pro bono before they enter law school, LawHelp/NY also hopes to foster an early interest in legal service careers and pro bono representation. Several of this summer's non-attorney volunteers who were undecided about attending law school have been convinced of the possibilities of social justice work through the law. For those non-attorney volunteers not pursuing careers in the law, we know they will carry these lessons with them and be valuable community partners in the future.

Pro Bono Net: Connecting New York's Pro Bono Community

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



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As the third Annual National Pro Bono Celebration Week (October 23-29, 2011) approaches, attorneys across the country prepare to take a moment to reflect upon and recognize the invaluable service

they provide to communities across the nation. In a year that has brought reductions in funding for legal services, and budget cuts in the courts that have resulted in layoffs, the private bar in New York has become an even more important part of ensuring that access to justice is available to everyone.

Attorneys in New York can get connected to pro bono resources and

opportunities by going to probono.net/NY and joining one of the many practice areas that contain resources created and maintained by experts in areas such as Family Law, Asylum, Housing, Community Development and Foreclosure. Probono.net/NY also features a calendar which provides information about legal trainings, as well as a pro bono opportunities guide - a searchable directory of over 100 pro bono programs across the state that allows users to narrow their search by geography or areas of law.

Attorneys who practice or live in the New York City area or in or near the Rochester/Finger Lakes region are also encouraged to join regional practice areas to gain access to training resources, news, and information about local pro bono opportunities.

In the past year, probono.net/NY has continued to improve the

resources available - adding an Unemployment Insurance practice area, and creating training portal pages, such as The Legal Aid Society's CLE Pro Bono Training Program page (www.probono.net/ny/LAstrainings), to make locating training resources simpler. We also continue to produce the Pro Bono in New York webinar series, which provides attorneys interested in pro bono practice with an orientation to legal issues and an introduction to pro bono programs in New York (www.probono.net/ny/nyc/webinar).

Pro Bono Net congratulates and thanks all of the attorneys who have embraced the time-honored tradition of pro bono publico in the legal profession, and we invite you to join the over 20,000 other lawyers who have joined a probono.net/NY practice area and become a part of the online community of pro bono lawyers serving New York.

Pro Bono Services to The Legal Aid Society and Its Clients Increased Substantially During the Economic Downturn in 2010

Marlene Halpern*, Supervising Attorney for Pro Bono, The Legal Aid Society

The Legal Aid Society is pleased to report that in 2010, a year in which pro bono participation decreased nationally, the Society and its clients experienced an increase in pro bono services. Valuation of these services was over \$74.5 million, an approximate increase of 20% from 2009.

Overall, 3,400 legal professionals, including 2,174 attorneys pri-

marily from major law firms, contributed over 241,000 hours of pro bono services. Volunteers worked on over 6,500 matters, expanding the Society's capacity during a time of decreased funding to provide access to justice for New York City's low-income families and individuals

An important component of the increase in pro bono services was the work of 45 Public Interest Externs,

placed in the Civil, Criminal, and Juvenile Rights Practices. This group of attorneys, many beginning their legal career as a volunteer with the Society, contributed over 43,000 hours of pro bono service to the clients of The Legal Aid Society.

Legal Services NYC and Weil, Gotshal & Manges LLP Disability Advocacy Project: Partnerships Benefiting All

Edwina Frances Martin*, Director of Communications and Government Relations, Legal Services NYC, and the 2011 Legal Services NYC Communications Interns, Alicia Elcock, Amaani A. Hussain, and Yazmine Nichols.

In 2008 the lawyers of Legal Services NYC's (LS-NYC) Manhattan Legal Services (MLS)¹ office and Weil, Gotshal & Manges LLP (Weil) won the Frances Fagan case. The facts leading up to the victory began on July 11, 1978 when Ms. Fagan, unable to work due to her cardiac impairment, filed an application for Social Security Supplemental Security Income

partner Salvatore A. Romanello and associate Alexander Ng. The Weil team represented her in her new administrative hearing, but again she was found not disabled. The Weil team appealed this denial determination to the Southern District of New York and faced many challenges in court, the first being the claim that there was no initial evidence of Ms.

is a model of what can be achieved through *pro bono* partnerships. Said Romanello of the Fagan victory, "our partnership with Legal Services NYC's Manhattan Legal Services office resulted in two types of benefits: those returned to a disabled woman in need, and personal and professional ones that hit much closer to home. Winning the case for Ms. Fagan was an incredibly rewarding experience." Throughout their journey, the Weil attorneys always had support from Tanya Douglas, but it was their talents which allowed them to quickly maneuver the ropes, leading to new experiences in court and insights about different areas of law for all.

This victory was no ordinary one; the win not only allowed Ms. Fagan to receive social security benefits for years of lost coverage between 1978 and 1993, but it also set an important precedent as the first time that the Dixon v Shalala ruling was applied.

(SSI). Her symptoms included shortness of breath, wheezing, weakness, severe chest pains, severe headaches, dizzy spells, numbness in her fingers and edema in both legs. Despite the severity of her symptoms, she was not approved for benefits, applying for benefits four times—July 1978, March 1987, March 1989 and April 1994. Each time she completed copious paperwork, only to be denied for lack of evidence. Finally, on appeal, Ms. Fagan was found disabled but only as of 1994. After years of frustration, fearing she would never succeed, Fagan reached out to LS-NYC's Manhattan office in 2002. MLS represented her in the Southern District of New York, which ruled that the denial determinations of her earlier claims were not supported by substantial evidence and remanded the case for administrative proceedings. It was at this juncture that Tanya Douglas, MLS's Disability Unit Director, sought *pro bono* help from long-time *pro bono* partner Weil, Gotshal & Manges LLP to help Fagan access the back payments to which she was entitled.

The reins for the fight for Ms. Fagan's rights were given to Weil

Fagan's disability, despite the fact that this was due to Social Security's faulty record keeping (Social Security had been sued under *Dixon v Shalala*² due to their failure to store evidence). Undeterred after losing the case before an administrative law judge, an appeal was made to the United States District Court for the Southern District of New York, during which Ms. Fagan argued that the holding of the *Dixon* class action lawsuit was not applied correctly to her case. In order to bolster the case, in case the *Dixon* argument was not successful, the Weil attorneys also developed the factual and legal records in question to prove the case, a time-consuming and painstaking process, and were ultimately successful in arguing that Fagan was disabled from 1978 onwards and should receive back payments for the benefits owed to her from that time. This victory was no ordinary one; the win not only allowed Ms. Fagan to receive social security benefits for years of lost coverage between 1978 and 1993, but it also set an important precedent as the first time that the *Dixon v Shalala* ruling was applied.

The Weil team effort in this case

1. MLS is one of 11 LS-NYC local programs located in the hearts of New York City's low-income communities. Other programs include: Legal Services NYC-Bronx, Bedford Stuyvesant Community Legal Services, the Brooklyn Family Defense Project, LS-NYC-Brooklyn Branch, South Brooklyn Legal Services, Brooklyn Legal Services Corporation A, Queens Legal Services, Staten Island Legal Services, the LS-NYC Legal Support Unit, and the LS-NYC Central Administrative Office. Legal Services NYC is the nation's largest organization devoted exclusively to providing free civil legal services to the poor.

2. *Dixon v Shalala*, 54 F. 3d 1019 (2nd Cir. 1995). The *Dixon* settlement gave class members whose applications were denied because the Social Security Administration (SSA) found their impairments were not severe an opportunity for a second hearing. *Dixon* set forth a clear procedure by which to adjudicate *Dixon* class members' disability claims. Under the *Dixon* Order, SSA was required to "make reasonable efforts to retrieve available, relevant administrative records for the purpose of re-adjudicating the claims of class members... If records cannot be located for any class members because SSA has destroyed them pursuant to its published file retention schedules... or SSA is unable to locate them, certain rebuttable presumptions apply, which serve to reduce the number of plaintiffs whose claims must be re-adjudicated. A class (member) whose records cannot be located will be presumed to be disabled if he or she received a decision awarding disability benefits for any period of disability subsequent to the one that forms the basis of class membership, and (1) it is medically reasonable he or she was disabled as of the date of the prior denial, or (2) he or she was 55 years of age or older at the time of the denial." *Dixon v Shalala*, 54 F.3d 1034, 1035.

Law Firms Co-counsel with The Legal Aid Society on Law Reform and Appellate Work that Seek Systemic Change and Correct Unjust Legal Determinations

Marlene Halpern*, Supervising Attorney for Pro Bono, The Legal Aid Society

The Legal Aid Society, the nation's oldest and largest provider of free legal services to the indigent, has been

in partnership with Shearman & Sterling LLP; and Weil, Gotshal & Manages LLP have contributed thousands of hours

The Society's indelible partnership with New York's major law firms has supported Legal Aid's unique ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole.

part of New York City's social fabric since 1876. Through a network of neighborhood and court-based offices, the Society provides a full range of civil legal services as well as criminal defense work and juvenile rights representation in Family Court. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform work benefits some 2 million low income families and individuals in New York City and landmark rulings in many of these cases have a State-wide and national impact.

The Society's indelible partnership with New York's major law firms has supported Legal Aid's unique ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. Throughout its history, the Society and its pro bono law firm partners have worked tirelessly to achieve systemic change and justice for the clients of our Civil, Criminal, and Juvenile Rights Practices and their respective appellate units.

Most recently, Cooley LLP; Cravath, Swaine & Moore LLP; Debevoise & Plimpton LLP; Dechert LLP; Hughes Hubbard & Reed LLP; Patterson Belknap Webb & Tyler LLP; Orrick Herrington & Sutcliffe LLP; Paul, Weiss, Rifkind, Wharton & Gar-

son LLP; Shearman & Sterling LLP; and Weil, Gotshal & Manages LLP have contributed thousands of hours on behalf of homeless families and individuals, immigrants, inmates, adults accused of criminal behavior, inmates, children accused of acts of juvenile delinquency or the subjects of abuse and neglect proceedings, and death row prisoners. Their work on impact litigation, landmark appeals, and capitol defense cases are highlighted below.

- *John F. v. Carrion*: Cooley joined the Society in a challenge to the New York State Office of Children and Family Services' (OCFS) practice of routinely shackling children whom the agency transported to Family Court. The New York State Supreme Court declared that OCFS's policy lacked legal authority and was in contravention of governing regulation.
- *People v. Kareem Bellamy*: Cravath won a rare new trial order in a murder case in Queens on grounds of newly discovered evidence, and successfully defended the ruling on appeal. After the District Attorney declined to re-prosecute, Mr. Bellamy was released from prison after serving 14 years.
- *Amador v. Andrews*: Debevoise & Plimpton has been dedicated co-counsel since 2003 on behalf of women prisoners who have been

sexually abused by male correctional officers in New York State prisons. In August 2011, the Second Circuit Court of Appeals reinstated the claims of the women prisoners and the case is before the U.S. Southern District Court where plaintiffs again will seek class certification on behalf of some 2,200 current prisoners, as well as future female inmates.

- *State v. Casey McWhorter*: Dechert joined Legal Aid as pro bono counsel on behalf of an Alabama death row inmate who was sentenced to death for a crime committed just a few months past his 18th birthday. An appeal is pending in the Alabama's Court of Criminal appeals, requesting a new sentencing hearing based upon ineffective assistance of counsel at the original penalty trial, and also asking that the conviction be vacated because a trial juror withheld important information about her background during the jury selection process. The firm also has been steadfast co-counsel on *Milburn v. Goord*, a class action to ensure that prisoners at the Green Haven Correctional Facility receive adequate medical care.
- *M.K.B. v. Eggleston*: Hughes Hubbard has served as co-counsel on this class action lawsuit that challenged the systemic failure of the City and the State to provide public benefits to eligible documented immigrants, including domestic violence survivors and their children. Although settled in 2007, the work on behalf of the class continues to require outreach to thousands of potential class members to assure receipt of retroactive cash

benefits and monitoring of defendants' compliance.

- *A.M. et al. v. Mattingly*: Patterson Belknap was co-counsel on a federal class action civil rights lawsuit that resulted in a settlement prohibiting the City of New York from continuing practices that cause children in its care to languish in psychiatric hospitals longer than medically necessary. The settlement provides relief to approximately 14,000 children, requires the City to comply with applicable federal and State laws, provides substantial reforms, and requires relevant training for Administration of Children's Services staff.
- *G.B. et al. v. Carrión et al*: Orrick, Herrington & Sutcliffe is co-counsel on a class action that seeks freedom from physical abuse and the right to mental health care for children in juvenile prisons. The Federal

District Court for the Southern District had dismissed the defendant's motion for summary judgment on the issue of exhaustion under the Prison Litigation Reform Act, finding that that the grievance system was either unavailable to the plaintiff children or that special circumstances existed for the named plaintiffs.

- *Davis et al. v. City of New York et al*: Paul, Weiss, is co-counsel with The Legal Aid Society and the NAACP Legal Defense Fund in a class action lawsuit against the New York City Police Department and the New York City Housing Authority, which challenges the NYPD trespass arrest procedure. The practice has resulted in an increase in the number of illegal trespass arrests, particularly of tenants and visitors who have a legitimate reason to be on Public Housing grounds.

- *People v. Carlos Morillo*: Shearman & Sterling, working closely with the Society's Criminal Appeals Bureau, spearheaded an investigation into the wrongful conviction of Mr. Morillo. Their efforts resulted in the vacatur of the conviction on grounds of newly-discovered evidence. Mr. Morillo was recently ordered released on bond after serving 20 years in prison.
- *DeBruce*: Weil has provided extraordinary resources in the matter of Derrick DeBruce, an inmate on Alabama's death row who was sentenced to die after a three-day trial in which his lawyer was ineffective at both the guilt and sentencing phases. The firm has joined in the Society's pro bono representation of Mr. DeBruce on his federal habeas proceeding in the 11th Circuit Court of Appeals and is pursuing legal remedies for inadequate medical treatment for a chronic debilitating gastrointestinal disease.

Can Poverty Scholarship Guide Legal Interventions?

A. INTRODUCTION: END OF THE LINE

The Census Bureau report released in September was appalling: 46.2 million people



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in the United States live in poverty, the most in 52 years.¹ We are sliding back. Last year, 2.6 million people slipped below the poverty line, bringing the percentage of Americans in poverty up to 15.1%. That's 1 in every 6.6 Americans. Among children, it's 1 in 5. The percentages are dramatically higher for Hispanic (26.6) and Black (27.4) Americans. To round out the gloom, median income fell for the third straight year: the average household now earns less than \$50,000 yearly.²

Despair grips the poor and those who serve the poor. Every day it seems less likely that a solution will come from lawmakers. Lawyers serve, but it can't be said that we lead anti-poverty efforts. Where do we look?

I suggest here that we turn to scholars who study poverty for a living. I'll suggest that we re-arm the "war" on poverty, but that we borrow from the Peace Corps and Teach America models, that we dispatch volunteers to bring the law to the poor, that we create accessible storefront legal clinics in poor communities in every state in the Union, that we treat these clinics like classrooms, arming the poor with knowledge of the law in their lives, because the law is intimately involved in determining poverty and ignorance of the law hastens and tightens its grip.

B. POVERTY: CULTURAL, STRUCTURAL OR BOTH?

The concept of a *culture* of pov-

erty dates back at least to 1965 and the Moynihan Report, which informed and energized the Johnson Administration's "War on Poverty."³ But the notion therein that poverty could be explained by culture alone soon took on a politicized, racially charged trajectory. Moynihan's analysis of historical poverty among Blacks in America, from slavery to single parent families, morphed into a blame-the-victim connotation. As the study of a culture of poverty became toxic, some scholars shied away from it altogether.⁴

Today, a new wave of poverty scholarship has emerged. Last year at this time, *The Annals*, the journal the American Academy of Political and Social Science, published an entire volume on the subject.⁵ The press took note.⁶ In an enlightening shift, sociologists are looking past stereotyping to rescue the legitimate principles of a

Continued on page 26

culture of poverty. And perhaps for the first time, these principles are being considered within the broader context of the structure of poverty.⁷

Cultural analyses try to understand poverty and the poor through shared values and behavior, by perception of and reaction to shared circumstances, meaning their own chronically poor neighborhoods.⁸ A strict structural approach, in contrast, rejects values and behavior as poverty indicators and instead studies the structure of impoverished communities.⁹ Structural conditions include family, church, work, housing, schools and hospitals, banks and financial systems, and of course laws and the legal system.

Structures are not passed through families, as values might be, rather families pass through them. Tragically, the same structures that promote success in well-off communities perpetuate failure in poor ones. Up till now, cultural and structural approaches had been treated as incompatible.

Today, sociologists, engaged in rigorous examination of the social evidence, are combining the two. A structural analysis gives context and clarity to shared values and behavior, while also insulating sound cultural conclusions from race-based distortion. William Julius Wilson describes the cumulative effects of “neighborhood inequality” and “chronic economic subordination” on the way poor people perceive and interact with their world.¹⁰ A preeminent sociologist, Wilson says “it is hard to overstate the cumulative impact of structural impediments.”¹¹

C. THE LAW AS A STRUCTURE OF POVERTY

The hybrid approach offers insights that should resonate with public service and *pro bono* lawyers, as well as foundations and legislators. After all, the law is at the threshold of the fundamental structures through which the poor either inch ahead or fall further behind: employment, food and shelter, health, family and marriage, savings, education, micro-business. Sociologists investigate whether the poor view these structures with optimism or pessimism, that is, have these structures worked for or against them?

One current scholar describes his work this way: “I study inequality and the dominant focus is on structures of poverty.” Of the poor, he asks “Do they respect the legal system?”¹² I would back up a step and ask whether they *understand* it. Not only is proactive legal planning a rarity, but people in poverty misunderstand how the legal system works *even when actively caught up in it*. This is not a moral or intellectual failure and has nothing to do with values. On the contrary, the system is massive and opaque; courts are crowded and intimidating; legal documents are notoriously confusing; agency rules are maddening ... the list goes on.

Impressive efforts at reform, including here in New York, are not making up ground. All too often, the face of the law looks down on the poor from its cold pillars of justice with an inscrutable scowl. Different and multiple interventions must be tried.

D. THE OLD QUESTION: WHAT NOW?

Scholarship tells us that poverty has community-based structural roots. The legal system is one such structure. No one knows the legal system like lawyers. Why don’t we put more lawyers into walk-in, storefront legal clinics? Why don’t we staff them in every state with a coalition of law students, law fellows, law firm volunteers, senior and retired lawyers, and volunteer in-house counsel? The idea is not novel, but unless we act to scale, the impact will be insufficient.¹³

The idea is quite literally to break through structures of poverty. The absence of local opportunities to advance is part of the “trap” of poverty. A well lit legal storefront is a sign, however modest, that change can come, that not *all* structures in that community work against you, that some of the tools available to the rich are available to you. Certainly, there will be obstacles to overcome, including professional reticence, but also issues of conflicts, ethics, staffing, accountability and scope of representation. Certainly, a broad coalition would be required, including practicing lawyers and law firms, senior and retired lawyers (drawing from New

York’s *Attorney Emeritus* program), and especially law schools. And certainly, funding would be needed, and so private foundations would have to be on board. But it’s doable.

And there are big potential upsides for participants. Law schools would gain visible footholds within neighboring poor communities to practice what they teach. Storefront clinics would complement existing in-school clinics, while offering a more diverse, more immediate and more connected experience. Law firms would leverage their in-house experience and gain the kind of skills training and character building that comes from one-on-one advising. Storefronts would be an excellent place for senior and retired lawyers to impart years of knowledge and experience while learning a few new tricks and likely meeting a new kind of client. Law fellows, whether through their schools or firms, could dedicate a year to this corps (and earn student loan forgiveness). Corporations with large enough in-house legal departments would find storefronts a ready-made venue for meaningful social responsibility and a consistent program to keep those attorneys engaged in and refreshed by the community. Foundations that emphasize impact and accountability, or that stress policy and social change, or that target poverty, could do far worse than support this effort.

This is more than case-by-case representations. We do a lot of that already. Scholars are inviting us to think anew about a shift in the nexus between the poor and the legal system. Right now, it’s foreboding; you meet the system unarmed and take your chances on the spot. It’s a little like Dorothy when she first met the Wizard: you’re set way back on your heels. A storefront moves the line, pulls back the curtain, invites a discussion and imparts knowledge. In the law, knowledge is power; and new-found power can re-shape values and behavior.

A storefront clinic would be a place for poor persons to get guidance on basic legal needs, but it would also would be a community forum for workshops, lectures, peer-to-peer counseling, apprenticeships, and

mediation. In other words, a place where poverty's structure gets shifted. With that might come a cultural shift.

Structural poverty and the culture it shapes offer clues to a response aimed at the cause and not its effects.¹⁴ Improvements at the nexus of law and poverty will spill over into schools and housing and health and employment. Lawyers with experience in *pro se* clinics or workshops or volunteer-for-a-day programs will attest to the power of even a small dose of legal knowledge. If we can have even a small impact across such a broad spectrum, shouldn't we try? We'd be helping individuals and families in crisis, but we'd be helping teachers and doctors and judges and loan officers do their jobs better too. Our impact would be magnified, because we'd be closer to the cause of the chronic issues that all these professions wrestle with daily.

E. LEARNING OUTSIDE THE LAW

I've already mentioned Teach America and the Peace Corps. Encouragement comes from others sources as well.

The Medical Model. Doctors know something about rationed healthcare and, by extension, rationed justice. Tying legal help to medical care for the poor has a proven record of success. The premise is simple: to help the poor, we have to do more than treat symptoms, we have to address causes. The Medical-Legal Partnership in Boston is an established example. The non-profit Health Leads is a more recent and innovative model. Health Lead's mission is to find social services, such as free meal programs and child care and counseling, for poor patients referred by their doctors. Social conditions (*i.e.*, structures of poverty) impact the health of persons in poverty more than medical care. In an effort to break the cyclical grip of poverty, doctors "prescribe" Health Leads to patients in dire need. Health Leads is also making social workers more efficient and grooming a pipeline of new healthcare leaders.¹⁵

The International Model. American non-profits providing services in the developing world will not succeed unless they understand the structural

and cultural aspects of the poverty they are working to alleviate. This is at once an easier and more difficult task than understanding poverty at home. Easier because our understanding of other countries is not hindered by subjective prejudices we acquire about poverty in America by growing up here; more difficult because the national culture is foreign, the shared history and ideas and values are unfamiliar and must be acquired. But when understanding comes, sustainable progress follows.¹⁶

Poverty Economics. Economists can help shape law-based anti-poverty strategies. Like sociologists, development economists look under the surface of poverty to consider basic economic roots and implications and how what might appear to be purely economic decision-making is actually tied up in larger structural-cultural considerations. M.I.T. economist Esther Duflo sets up field experiments to determine which anti-poverty programs are successful and why. Duflo talks about "the economic lives of the poor" and asks evidence-based questions of programs aimed at, for example school absenteeism (What keeps kids and teachers out of school?), child health (What incentivizes parents to try immunizations?), malaria (Should mosquito nets be free?) and farming (Why don't farmers invest in fertilizer?). Like sociologists, poverty economists want to help policymakers avoid unintended consequences by relying more on analytics and rigorous data.¹⁷

Disaster Relief. Legal disaster relief occurs only after some traumatic event has shattered structural norms and made acquired beliefs and behavior almost irrelevant to survival. The poor and the newly poor are washed into the same pool. It is as if in the diminishment of the structures that shaped it, the culture of poverty also diminishes. What's left are survivors hoping collectively to rebuild. The experience of a shared vacuum and common need creates opportunity for relief works to step in an assimilate quickly and efficiently. The commonality of the disaster makes it easier to bridge the poverty gap and move to relief services that fit those living in its grasp.

F. CONCLUSION

Policy debates started at the roots of the war on poverty. We're still losing that "war." But sociologists today are clarifying the debate in important ways that should not be ignored, in large part by studiously asking how the poor understand and react to the structures around them. Lawyers could ask ourselves the same question.

1. US Census Report: Income, Poverty and Health Insurance in the United States 2010 <http://www.census.gov/hhes/www/poverty/data/incpovhlth/2010/index.html>

2. The US "poverty line" is based on an almost 50-year old, outdated calculus that yields absurdly low eligibility criteria. For example, if a family of four earned \$22,315 in 2010, it was not officially in poverty, since the cut-off was \$22,314! If the formula were to be adjusted to something more realistic, millions more would be added to the poverty rolls. For a general discussion, see "Beyond the Poverty Line," O'Brien and Pedulla, Stanford Social Innovation Review, v.8, no.4 (Fall 2010).

3. "The Negro Family: The Case for National Action," Office of Policy Planning & Research, U.S. Dept. of Labor, March 1965. <http://www.dol.gov/oasam/programs/history/webid-meynihan.htm>

4. "Reconsidering Culture and Poverty," Small, Harding and Lamont, Annals of the American Academy of Political & Social Sciences, 629:, at 7 (May 2010).

5. See Annals of the American Academy of Political & Social Sciences, 629 (May 2010).

6. "'Culture of Poverty' Makes a Comeback," Patricia Cohen, The New York Times, October 17, 2010

7. "Why Both Social Structure and Culture Matter in a Holistic Analysis of Inner City Poverty," William Julius Wilson, Annals of the American Academy of Political & Social Sciences, 629:200 (May 2010).

8. "Reconsidering Culture and Poverty," Harding and Lamont at 8.

9. *Ibid.*

10. "Why Both Social Structure and Culture Matter in a Holistic Analysis of Inner City Poverty," Wilson at 211.

11. *Ibid.* at 203

12. "Culture of Poverty," Cohen (quoting Harvard sociologist Robert J. Sampson).

13. <http://www.oaklandcityattorney.org/Community/NLC.html> (Oakland City Attorney Neighborhood Law Corps)

14. "Reconsidering Culture and Poverty," Harding and Lamont at 10 ("Developing a more complete understanding of the conditions that produce and sustain poverty requires analyzing empirically with greater detail and accuracy how the poor make sense of and explain their current situations, options, and decisions.")

15. "Treating the Cause, Not the Illness," David Bornstein, The New York Times *Opinionator*, July 28, 2011

16. See, for example, <http://www.touchfoundation.org>.

17. For Duflo's writings, see <http://www.mit.edu/faculty/eduflo/papers>.

Times are Changing and so are We...

Kristie Cinelli, PAI Director; Christopher Fain, PAI Coordinator; and Linda LaRue, PAI Paralegal, LASNNY

At the Legal Aid Society of Northeastern New York (LASNNY) everyone has more than enough work to keep us busy which could easily justify our doing business as usual and serving the same number of people in the same way. But is that what is best for the community that needs and relies on our services. The answer is

O'Brien, a PAI volunteer and the Albany Housing Coalition, a Veteran's clinic is now a reality. Mike meets with veterans at a local shelter almost every week and provides them with advice on an array of legal issues such as support, custody, consumer debtor/creditor law questions, employment law, and benefits.

dedication of our volunteers we were able to establish a monthly referral system which has resulted in our being able to place over 100 cases this year. LASNNY extends its deepest appreciation and thanks to volunteers **Tony Arcodia***, **Marc Ehrlich***, **Jerrold Bartman**, **Jonathan Cohen**, **Jim Cox***, **Nancy Delain***, **Dave Devall**, **Jim**

The way we serve and who we serve is now dictated by the loss of jobs and the inflated cost of every day necessities. As a result, the Legal Aid Society has had to implement new, innovative ways to assist our growing client base.

"No"! We are faced with an economy that has adversely impacted each of us, especially the homeless, battered, elderly and indigent. Clearly, the way we serve and who we serve is now dictated by the loss of jobs and the inflated cost of every day necessities. A monthly bus pass in the Capital Region is \$65, a gallon of milk almost \$3 and let's not talk about a gallon of gas! This dichotomy has made the need for our services greater than ever before. As a result, the Legal Aid Society has had to implement new, innovative ways to assist our growing client base.

- **Help for Local Veterans**

In 2011, Legal Aid embraced "brief service" opportunities and implemented many new programs. Using this limited scope representation model has allowed Legal Aid to serve 100 additional clients so far this year. By building strong relationships with knowledgeable volunteers, LASNNY has been able to create several new brief service programs this year. One program is designed specifically for our local veterans. This is a program that Legal Aid has wanted to provide for quite some time. The biggest hurdle to implementation was finding an attorney who could commit a dedicated amount of time to such a project and identifying one who also had the knowledge and compassion for veterans and the issues they face. Thanks to the dedication and support of **Michael**

Another veterans' initiative arises out of a partnership LASNNY forged with the Albany County Bar Association, the New York State Bar Association, the Albany Housing Coalition, and the law firm of Hiscock & Barclay which, on October 26, 2011, will provide a community education seminar for veterans residing at the Vet House entitled, "Wills for Heroes." The educational seminar will provide information on wills, health care proxies, and advanced directives will be led by Hiscock & Barclay partners **Larry Zimmerman*** and **Albert Hessberg***.

- **Unemployment Insurance Appeals**

Another area that has seen a dramatic increase in requests for assistance is the denial of unemployment benefits. The inability to maintain volunteers in this area has always been a challenge until this year when **Alyssa Talanker*** decided to volunteer. She is an attorney with a passion for worker's rights and fundamentally believes that "all people should receive the right to legal counsel." Thanks to Alyssa's dedication, over eighty (80) clients received legal advice between February and today. Talanker made a dream of ours a reality. LASNNY and the clients cannot thank her enough.

- **Consumer Debt and Bankruptcy Issues**

Consumer debt issues also are at an all-time high. Luckily, through the

Doern*, **Steve Rodriguez***, **Guy Criscione**, **Alan LeCours***, **Peter McHugh***, **Mike O'Connor***, **Laura Silva***, **Kevin Thiemann***, **Mike Toomey*** and **Richard Weiskopf***.

- **Debtor Advice Program**

Each month, LASNNY receives calls from potential clients with protected income who have consumer credit legal issues. Unfortunately, until now, LASNNY was unable to serve the majority of these individuals through our PAI referral program. Thanks to **Victoria Ramundo***, a recently retired attorney, LASNNY is now able to provide legal assistance to these individuals. Vicky's eagerness to service lead to the establishment of the debtor advice program where these previously un-served clients can now meet with her one-on-one and receive welcome advice on their rights as consumers and tips on how to deal with debt and creditor harassment. Although only working with the program since June and Vicky has already provided invaluable assistance to twelve (12) clients.

- **Attorney for the Day Program**

The *Attorney for the Day* Program celebrates its one year anniversary. The program, a collaboration among private attorneys, the Albany County Bar Association, the Albany Law School Pro Bono Program, takes place at Albany City Court on the 1st and 3rd Fridays of each month. The program

assists clients at their first appearance in a housing matter. Dockets can involve twenty-five cases on any given day, so additional attorney involvement is always welcome. LASSNY would like to thank the following volunteers for their dedication in making the program a success: the Albany County Bar Association, **Jesse Hirst** from Albany Law School,

attorneys **Chris Buckey***, **Amanda Maleszweski*** and **Cynthia Stallard*** from the law firm of **Whiteman, Osterman and Hanna**, and **Doug Shartrand***. These and other volunteers, have helped over 48 clients so far this year.

So far it has been an amazing year, and we are not done yet! The Legal Aid Society continues to think of ways

to increase its ability to meaningfully serve our clients. A thought is just a thought unless you have the volunteers and resources to transform it into a reality. This year, our volunteers have turned a lot of good ideas into even better realities.

Thank you, thank you, thank you!

NEW YORK STATE BAR ASSOCIATION

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Brooklyn Family Defense Lawyers Partner with Law Firms to Advance Due Process Rights of Low Income Families

Lauren Shapiro*, Director, Brooklyn Family Defense Project¹

In law school, students are taught that the United States Constitution protects the fundamental liberty right of parents to make decisions about their children without unnecessary interference from the State. The United States Supreme Court has repeatedly upheld this basic constitutional principle.² But respect for this fundamental right is shockingly absent in the child welfare and family court systems in New York City, which disproportionately affect families who are poor and Black or Latina.³ Remediating this injustice is at the core of the Brooklyn Family Defense Project's (BFDP) mission.

Family defense work is a civil rights practice as much as a family law practice: we advocate on behalf of the most disenfranchised families against unwarranted state interference. BFDP, an interdisciplinary law office, protects the due process rights of low income families while also helping them get the benefits and services they need to keep their families safe and intact. Teams of attorneys, social workers, and parent advocates help families address concrete problems to avoid the unnecessary trauma of breaking up families. Since its inception in 2007, BFDP has represented more than 3,000 families in Brooklyn Family Court and helped over 2,000 children leave foster care. BFDP handles more than half of all the Brooklyn respondents in child welfare cases – about 850 new cases each year.

Contrary to common belief, the vast majority of child welfare cases involve allegations related to families' poverty. BFDP's clients face enormous barriers to keeping their families together because they lack the resources they need to meet their children's basic needs. BFDP advocates tirelessly for the solutions that help children the

most – those that provide families with the resources needed to stay together safely, instead of resorting to removal and placement in foster care, which is traumatic and frequently more harmful to children than even suboptimal conditions in their own homes.⁴

BFDP's clients also face an overcrowded and overburdened family court system resulting in lengthy delays and procedural hurdles in getting cases heard on a timely basis, such as fact finding hearings to determine whether abuse or neglect even occurred and hearings involving the most fundamental issues, such as whether children should be removed from their home, whether children should be administered psychotropic medication, and whether a family should have unsupervised visits.

Building upon a wealth of front line experience, BFDP has become a leading advocate for systemic change in the child welfare and family court systems. Although we have an expansive mission, our resources are limited. We rely on our pro bono supporters to achieve many of our most important victories. To give just a few examples, BFDP has recently partnered with several law firms and New York University School of Law's Family Defense Clinic, to mount several significant cases for low income families' right to due process, including appellate work at the Second Department and motion practice in Brooklyn Family Court.

In partnership with Wilmer Cutler Pickering Hale and Dorr LLP, in 2010, BFDP launched a legal challenge to the City's practice of forcing unrepresented parents to agree to the removal of their children without informed consent and without first seeking court permission as required by law. The challenge, which alleged violations of our client's procedural due

process rights, resulted in a settlement with the City which radically changed its policies and practices to require caseworkers to go to court before removing children when no immediate emergency exists. As a result, fewer children unnecessarily suffer the trauma of being removed from their homes, only to be returned a few days later after a Judge rules that the removal was unwarranted.

This year, BFDP regularly challenged in Family Court and at the Appellate Division the City's systemic practice of removing children from their homes after a finding of neglect has been made without coming to court first and has challenged the Family Court's practice of allowing such removals without first holding a hearing. In partnership with Stroock & Stroock & Lavan, LLP, BFDP filed a motion for leave to appeal to the New York State Court of Appeals seeking to reverse the Appellate Division's determination that a hearing is not necessary in certain removal cases even though the fundamental right to family integrity is implicated. This past summer, Simpson, Thacher & Bartlett LLP placed a summer associate fellow at BFDP who focused on due process issues, including research on the rights implicated when a parent is required to undergo a mental health examination by the state. Finally, BFDP also participated in an amicus brief filed with the US Supreme Court that was drafted by Morrison & Foerster LLP and the NYU Family Defense Clinic in *Camreta v. Greene* -- a Fourth Amendment case with important implications for the due process rights of young children at school.

BFDP has also worked in partnership with law firms to assert the rights of mentally ill parents and parents with cognitive delays. Wilmer Cutler Pickering Hale and Dorr LLP assisted

BFDP in the defense of a mother who was safely parenting two of her children in a Termination of Parental Rights case involving her two other children. BFDp is also co-counseling a fact finding trial with O'Melveny & Meyers LLP in which we introduced the expert testimony of a psychologist who testified that a cognitive delay alone is not sufficient for a finding of neglect.

There are many ways for law firms to get involved with BFDp's work. BFDp has a wide variety of cases presenting many pro bono opportunities in family court, or for larger federal cases or appellate practice. For those interested in developing leadership skills, BFDp recently created an Associates Advisory Board of law firm associates who assist BFDp on communications, policy, and fundraising matters. To learn more about BFDp's

practice, we are offering a CLE to any one interested on November 29th from 6 to 8 p.m. at Kaye Scholer located at 425 Park Avenue.

For more information about BFDp's practice, the November 29th CLE, pro bono opportunities, the Associates Advisory Board, or upcoming events, please visit our website at www.bfdp.org and/or contact Lauren Shapiro at ls Shapiro@bfdp.ls-nyc.org or Jessica Marcus at jmarcus@bfdp.ls-nyc.org.

1 The Brooklyn Family Defense Project, an office of Legal Services NYC, is assigned by the family court to represent respondents in abuse and neglect (Article 10) cases in Brooklyn Family Court.

2 See, eg., *Troxel v. Granville*, 530 U.S. 57, 65 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753-54 (1982); *Wisconsin v. Yoder*, 406 U.S. 205, 229-34 (1972); *Prince v. Massachusetts*, 321 U.S. 158, 165-68 (1944); *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 535 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 400-02 (1923). In addition, the purpose of Article Ten of the New York Family Court Act is to "provide due process

of law for determining when the state, through its family court, may intervene against the wishes of a parent on behalf of a child so that his needs are properly met." FCA § 1011.

3 For example, in Brooklyn, Black children represent 36.1% of the child population, but are the subject of 49.5% of the child welfare investigations. Of the 3,899 children in foster care in Brooklyn as of March 2011, 62.2% were Black. New York City Children's Services, Community Snap Shot 2010. http://www.nyc.gov/html/acs/html/statistics/statistics_cd_snapshot.shtml

4 New York law is clear that it is in the best interests of children to remain with their families. The legislature has found that "it is generally desirable for the child to remain with or be returned to the birth parent because the child's needs...will usually best be met in the home of its birth parent, and that parents are entitled to bring up their own children unless the best interests of the child would be thereby endangered." Social Services Law, section 384-b (1). The State must undertake efforts "to prevent ...children's removal from their homes whenever possible." *Nicholson v. Scopetta*, 3 NY3d 357, 378 (2004). There is a "strong public policy of both keeping families together and protecting the health and safety of children." *In re Marino S.*, 100 NY 2d 361, 369 (2003).

A Pro Bono Opportunities Guide For Lawyers in New York State Online!



Looking to volunteer? This easy-to-use guide will help you find the right opportunity. You can search by county, by subject area, and by population served. A collaborative project of the New York City Bar Justice Center, the New York State Bar Association and Volunteers of Legal Service.

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You can find the Opportunities Guide on the Pro Bono Net Web site at www.probono.net, through the New York State Bar Association Web site at www.nysba.org/probono, through the New York City Bar Justice Center's Web site at www.nycbar.org, and through the Volunteers of Legal Service Web site at www.volsprobono.org.



VOLS
Volunteers of
Legal Service

New York State Celebrates National Pro Bono Week

All across New York State legal services providers, bar associations, law schools and law firms are ramping up their preparations for the third annual celebration of National Pro Bono Week on October 23-29th, with some events extending into November and beyond. Launched in 2009 by the American Bar Association's Standing Committee on Pro Bono and Public Service the week-long celebration recognizes the significant contributions made by the scores of attorneys who already participate in pro bono, educates the public and the legal profession about the ever-growing unmet legal needs of low-income people and others who have been hard hit by the economic downturn, and encourages more attorneys to volunteer.

Whether you work in the Capital District, New York City, the Hudson Valley, the Southern Tier or Central New York there will be an array of free continuing legal education seminars, volunteer recruitment drives, legal clinics, etc. that you can participate in to show your support of pro bono. Below is a sampling of some of the events which will be held during the week across the region. For a more comprehensive listing of events commemorating National Pro Bono Week, please visit www.nysba.org/probono, www.ProBono.Net, or the website of the legal services provider/sponsor.

CAPITAL DISTRICT

Pro Bono Expo

Wednesday, October 19th

5:30 pm – 8:00 pm

New York State Bar Association

One Elk Street, Great Hall

Albany, NY 12207

The New York State Bar Association, in conjunction with the Third Judicial District Pro Bono Planning Committee, kicks off the National Pro Bono Week Celebration on Wednesday, evening October 19th with a Pro Bono Expo and wine and cheese reception. The Expo is designed to demystify what it takes to do pro bono, show that doing it is easier than you may think and that there are opportunities for all attorneys regardless of your experience, expertise, or commitment level. A panel of distinguished judges and area attorneys will answer questions and express their views on pro bono service. Attorneys will receive one CLE credit in Ethics. Pre-registration for the CLE seminar is required. To register for the Pro Bono Expo, please go to www.nysba.org/probono or contact the Department of Pro Bono Affairs at (518) 487-5641.

Mortgage Foreclosure Training

Monday, October 24th

New York State Bar Association

One Elk Street

Albany, NY 12207

Details TBA

Training on Assisting Homeless Veterans

Tuesday, October 25th

3:00 pm – 6:00 pm

Albany Law School

Rochester Moot Court Room

80 New Scotland Avenue

Albany, NY 12206

On October 25, the New York State Bar Association and Albany Law School will host an exciting training event at Albany Law focusing on key legal issues facing homeless veterans. The training will feature nationally-known Veterans' Rights attorney Katrina J. Eagle from San Diego, as well as Greg T. Rinckey, Managing Partner of Tully Rinckey PLLC, and Glenn Read, Director of Veterans Services at the Albany Housing Coalition. Attorneys from around the area will be invited to attend this training and will be given the option of receiving Continuing Legal Education training for it.

The Legal Project 16th Annual Pro Bono Reception

Thursday, October 27th

5:30 pm – 8:30 pm

Empire State Plaza, The Hart Theater

Albany, NY 12220

Join the Capital Region legal community as it proudly celebrates The Legal Project's 16th Annual Pro Bono Reception. Serving survivors of domestic violence, the working poor and other underserved community members in a broad array of civil legal needs, The Legal Project continues to face reduced funding at the same time that more and more people are reaching out for help. Pro bono assistance from the legal community has helped make the difference in the ability to reach those in need and The Legal Project is deeply grateful to its many attorney volunteers without whom they could not serve the approximately 3,000 people who reach out for help each year. The Pro Bono Reception honors individual pro bono attorneys and community partners who have made a special difference this past year. For more information about The Legal Project or the Pro Bono Reception, call 518-435-1770 or visit www.legalproject.org.

Crime after Crime: The Battle to Free Debbie Peagler

Wednesday, October 26th

7:00 pm - 8:30 pm

Spectrum 8 Theater, 290 Delaware Avenue

Albany, New York, 12209

Prisoners' Legal Services is hosting a screening of the award winning film, *Crime after Crime: The Battle to Free Debbie Peagler*. The official selection of the 2011 Sundance Film Festival, this compelling documentary details a woman's struggle against the criminal justice system. Imprisoned for killing her abuser, Ms. Peagler's case was accepted pro bono by two land-use attorneys who spent years working for their client's freedom. *Crime after Crime* not only depicts Ms. Peagler's journey, but also that of her attorneys, who learn what justice really is. After the movie, join us at New World Bistro for dinner, drinks, and reflection. As seating is limited, please purchase your \$10 ticket in advance by contacting Samantha Howell, Pro Bono Coordinator at (518) 445-6050 or showell@plsny.org.

Community Law Day

Saturday, October 29th

10:00 am – 2:00 pm

Crossgates Mall, One Crossgates Mall Road

Albany, NY 12203

Legal Clinic at Main Branch of Albany Public Library

Tuesday, November 1st

5:30 pm – 8:00 pm

161 Washington Avenue

Albany, NY 12210

Legal Clinic at Main Branch of the Troy Public Library

Thursday, November 3rd

5:30 pm – 8:00 pm

100 Second Street

Troy, NY 12180

Members of the Third Judicial District Pro Bono Committee are sponsoring a Community Law Day at Crossgates Mall in Guilderland, New York from 11 am to 3 pm on Saturday, October 29th. Informational materials describing the types of free legal services available within the Capital Region will be available to shoppers, as well as a variety of Know-Your-Rights Legal Pamphlets. Capital District residents needing legal assistance in the areas of divorce, housing, mortgage foreclosure, child custody, child support, domestic violence, wills, etc. will be able to sign up for a free consultation with an area volunteer attorney. The no-cost legal consultations will take place on Tuesday, November 1st at the Main Branch of the Albany Public Library from 5:30 pm to 8:00 pm and on Thursday, November 3rd at the Main Branch of the Troy Public Library.

Wills for Heroes

Wednesday, October 26th

6:00 pm – 7:00 pm

Vet House

180 First Street

Albany, NY 12206

The Albany County Bar Association, the Legal Aid Society of Northeastern New York, Hiscock & Barclay LLP and the New York State Bar Association, in conjunction with the Albany Housing Coalition, will present an educational seminar on wills and advance directives for residents of Vet House.

Attorney for the Day Training

Thursday, November 17th

4:00 pm – 7:00 pm

Albany County Judicial Center, 6 Lodge Street

Albany, New York 12207

The Albany County Bar Association, the Legal Aid Society of Northeastern New York and the New York State Bar Association will provide a free CLE training seminar in the area of landlord tenant law. The training will provide pro bono attorney volunteers with the basic knowledge needed to represent low-income clients in the "Attorney for a Day" Program in Albany City Court. Attorneys who successfully complete the training will be asked to volunteer on either the 1st and/or 3rd Friday of each month to provide free advice to tenants at their first appearance in housing Court.

Attorneys interested in participating may contact Eileen Guinan at the ACBA at 445-7691 or Kristie Cinelli at Legal Aid at 689-6322. Registration information is also available on line at www.albanycountybar.com or www.lasnny.org.

BINGHAMTON, NEW YORK

Attorney of the Hour Program

Tuesday, October 25th at 10:00 am

Thursday, October 27th at 10:00 am

Binghamton City Court, City Hall, Governmental Plaza

38 Hawley Street, 5th Floor

Binghamton, NY 13901

The Legal Aid Society of Mid-New York will provide free legal assistance to eligible tenants facing eviction in Binghamton City Court. For information contact Pro Bono paralegal Pam McLaren at (607) 231-5925.

Veteran "Talk to a Lawyer Service"

Wednesday, October 12th

10:00 am – 1:00 pm

Broome County Veteran Center

53 Chenango Street

Binghamton, NY 13901

Co-sponsored by the Broome County Bar Association and the Broome County Veteran Center, by appointment, veterans receive a free private legal consultation on the legal topic of the month.

The featured topic in October is Family Law. For information contact Pro Bono Managing Attorney Arlene Sanders at (607) 231-5949.

Pro Se Divorce Clinic

Wednesday, October 19th
1:30 pm – 4:30 pm
Broome County Library
185 Court Street
Binghamton, NY 13901

The Legal Aid Society of Mid-New York is sponsoring a pro se divorce clinic for residents of Broome, Chenango, Delaware, and Otsego Counties. Private matrimonial attorneys will provide participants with free instructions on filling out the uncontested divorce packet. For more information contact Pro Bono paralegal Pam McLaren at (607) 231-5925.

Annual Senior Legal Clinic

Saturday, October 15th
9:30 am – 12:30 pm
Johnson City Senior Center
30 Brocton Street
Johnson City, NY 13790

The Annual Senior Legal Clinic is co-sponsored by the Broome County Bar Association and the Legal Aid Society of Mid-New York and provides Broome County residents age 60 and older free private legal consultation on most civil legal questions. For more information contact Pro Bono Managing Attorney Arlene Sanders at (607) 231-5949.

SYRACUSE, NEW YORK

Consumer Law Clinic

Wednesday, October 26th
4:00 pm by appointment
Legal Aid Society of Mid-New York
472 South Salina Street, Suite 400
Syracuse, NY 13202

Low-income persons will receive a free private consultation with an attorney and screening for bankruptcy eligibility. For information contact Pro Bono paralegal Jim Guilford at (315) 703-6617.

Child Support Clinic

Thursday, October 28th
10:00 a.m. by appointment
Legal Aid Society of Mid-New York
472 South Salina Street, Suite 400
Syracuse, NY 13202

Attendees will receive free instruction on filling out child support petitions. Appointments are required.

Pro Bono and Diversity Discussion Group on Social Justice and the Law

Tuesday, October 25th
11:45 am – 1:00 pm
Syracuse University College of Law
204 McNaughton Hall
Syracuse, NY 13244

The Syracuse University College of Law Pro Bono Advisory Board and the Volunteer Lawyer Project of the Onondaga County Bar Association will co-sponsor a lunchtime discussion on pro bono, diversity, social justice and the law. Panelist will represent a wide array of departments at Syracuse University. For more information about the event contact Deborah O'Shea, Pro Bono Coordinator, Volunteer Lawyer Project at (315) 579-2577.

Pro Bono Service Panel

Thursday, October 27th

Syracuse University College of Law

Heritage Alumni Lounge

E.I. White Hall

Syracuse, NY 13244

The Syracuse College of Law will host local attorneys and judges from a variety of legal areas who incorporate pro bono as part of their practices. Law students will receive a broad perspective on the benefits of including pro bono as an integral component of their future legal careers. For more information about the event contact Deborah O'Shea, Pro Bono Coordinator, Volunteer Lawyer Project at (315) 579-2577.

UTICA, NY

Pro Se Divorce Clinic

Monday, October 3rd

Tuesday, October 4th

5:00 pm – 8:00 pm

Legal Aid Society of Mid New York

255 Genesee Street, 2nd Floor

Utica, NY 13501

Residents of Herkimer, Lewis, Madison and Oneida Counties will receive free instructions on filling out the uncontested divorce packet from private matrimonial attorneys. For more information contact Pro Bono paralegal Jim Guilford at (315) 703-6617.

Unemployment Insurance CLE

Wednesday, October 26th

10:00 am – 1:00 pm

Legal Aid Society of Mid-New York

255 Genesee Street, 2nd Floor

Utica, NY 13501

Administrative Law Judge Carol S. Johnson will present a three credit CLE for attorneys and paralegals on representing claimants in Unemployment Insurance hearings. For more information contact Pro Bono paralegal Renee Kolwaite at (315) 793-7061.

NEW YORK CITY

Legal Services NYC Pro Bono Awards

Monday, October 24th

6:00 pm – 7:30 pm

Cleary Gottlieb

One Liberty Plaza

New York, NY 10006

In honor of National Pro Bono Week, Legal Services NYC will host their annual NYC Bankruptcy Assistance Project Pro Bono Awards.

Sweet Treats

Monday, October 24th

9:00 am – 5:00 pm

Shearman & Sterling LLP

599 Lexington Avenue

New York, NY 10022

The Pro Bono Group at Shearman & Sterling LLP will kick off National Pro Bono Week in their New York, Washington, DC and Bay Area offices on Monday, October 24, 2011 with make-your-own ice cream sundaes and other sweet treats to show appreciation to their attorneys and staff who continuously and wholeheartedly serve their local communities and global pro bono clients with the utmost compassion, professionalism and dedication to outstanding pro bono work.

Shearman & Sterling Hosts Pro Bono Clinic at NYC Family Court

Tuesday, October 25th

10:00 am – 1:00 pm

2:30 pm – 5:30 pm

New York City Family Court

60 Lafayette Street

New York, NY 10013

Shearman & Sterling LLP attorneys will provide brief legal consultations to unrepresented litigants on a walk-in basis on matters involving child support, paternity and guardianship at the New York City Family Court.

Small Business Clinic

Tuesday, October 25th

5:30 pm – 7:30 pm

Brooklyn Business Library

280 Cadman Plaza W. at Tillary St.

Brooklyn, NY 11201

Shearman & Sterling attorneys and a client's corporate attorneys will partner at a Small Business Clinic at the Brooklyn Business Library. The clinic is being coordinated by the Neighborhood Entrepreneur Law Project (affiliated with the City Bar Justice Center) and the attorneys will guide micro-entrepreneurs clients through such matters as incorporation and tax issues, commercial lease negotiations, copyright, trademark and patents, and license and permit applications.

Legal Clinic for Artists

Wednesday, October 26th

2:00 pm – 5:00 pm

Shearman & Sterling LLP

599 Lexington Avenue

New York, NY 10022

Staff from Volunteer Lawyers for the Arts will coordinate a legal clinic on-site at Shearman & Sterling's office. Firm attorneys will meet with artists and art organizations and answer inquiries about arts-related legal matters such as forming nonprofits, contracts and intellectual property issues.

MFY Family Adoption Training

Wednesday, October 26th

6:00 pm – 8:00 pm

Shearman & Sterling LLP

599 Lexington Avenue

New York, NY 10022

Shearman & Sterling will host an MFY Legal Services Family Adoption training. Attorneys from other NYC law firms are welcome to register and attend. For more information and to register contact Amy Roehl at aroehl@mfy.org or (212) 417-3743.

Child and Spousal Support CLE

Wednesday, October 26th

6:00 pm – 9:00 pm

(Sign-in and dinner at 5:30 pm)

Simpson Thatcher & Bartlett LLP

425 Lexington Avenue

(Between East 43rd and 44th Streets)

New York, NY 10017

inMotion will host an evening pro bono CLE training exclusively for attorneys at corporate law firms who are willing to represent inMotion clients in child and spousal support proceedings in Family Court. Procedural and substantive aspects will be discussed in detail. Training manuals and sample documents will be provided at the training. Attendees will earn 1.5 CLE credits in skills, 1.0 CLE credits in professional practice and 0.5 CLE credits in ethics.

SSI Overpayment and Waiver Clinic

Thursday, October 27th

9:00 am – 1:00 pm

Shearman & Sterling LLP

599 Lexington Avenue

New York, NY 10022

In partnership with The Legal Aid Society and Credit Suisse Shearman & Sterling will host an SSI overpayment and waiver clinic. Teams comprised of a Credit Suisse attorney and a Shearman & Sterling attorney will assist low-income people with their SSI overpayment and waiver issues.

Jeremy G. Epstein Award for Outstanding Pro Bono Service

Monday, October 24th

6:30 pm – 8:00 pm

City Bar Justice Center

42 West 44th Street

New York, NY 10036

In honor of the 2011 National Pro Bono Week, the City Bar Justice Center will recognize a selection of exceptional volunteers with the Jeremy G. Epstein Award for outstanding pro bono service at an event in support of pro bono service on October 24 at the City Bar. The awardees include an outstanding volunteer from each of the City Bar Justice Center's projects who have gone above and beyond the call of duty to assist members of the community in need of pro bono legal assistance. For more information about this prestigious recognition event, contact Carol Bockner, Director Pro Bono Initiatives at (212) 382-4714.

BROOKLYN, NEW YORK

Sixth Annual Liz Padilla Memorial 5K

Sunday, October 2nd at 10:00 am

Brooklyn Bar Association

Volunteer Lawyers Project

Rain or Shine

Registration fee \$25.00 before October 1st

Registration fee \$30.00 Day of Race

The Brooklyn Bar Association Volunteer Lawyers Project, Inc. proudly announces the 6th Annual Liz Padilla Memorial 5K race which will be held at Prospect Park, Brooklyn. The Memorial race is a tribute to a gifted and giving colleague, Elizabeth Kasulis Padilla, who with extraordinary skill and energy devoted herself to the VLP, changing many lives for the better. The Memorial 5K will benefit the many programs of the VLP and fund the 2012 *Liz Padilla Cornell Law School Fellowship*. For more information contact Karen Rosenberg, EMPIRE EVENTS GROUP at (212) 625-1025.

LONG ISLAND

Bankruptcy Clinic

Tuesday, October 25th

3:00 pm – 5:00 pm

Nassau/Suffolk Law Services Committee, Inc.

1757 Veterans Highway Suite 50

Islandia, NY 11749

Nassau/Suffolk Law Services Committee, Inc. will hold one of their bi-monthly Bankruptcy Clinics **by appointment only** at their Islandia office. Suffolk County residents can call Nassau Suffolk Law Services Committee, Inc. at (631) 232-2400 to be screened for income eligibility and an appointment with a pro bono attorney.

Senior Citizen Clinic

Tuesday, October 25th

9:30 am – 1:00 pm

Nassau County Bar Association

15th and West Streets

Mineola, NY 11501

The Nassau County Bar Association will hold a Senior Citizens clinic for county residents. Call (516) 747-4070 to schedule an appointment.

Enhanced Foreclosure Clinic

Thursday, October 27th

1:00 pm – 2:30 pm

Suffolk County Bar Association

560 Wheeler Road

Hauppauge, NY 11788

The Suffolk County Bar Association will hold a Special Enhanced Foreclosure Clinic for county homeowners at the Bar Center in Hauppauge. The clinic program will be webcast and both the in-house and webcast programs will have limited enrollment on a first come, first serve basis. Interested parties may contact the Suffolk County Bar Association at (631) 234-5511 for further information.

Pro Bono Fair

Thursday, October 27th

3:00 pm – 7:00 pm

Nassau County Bar Association

15th and West Streets

Mineola, NY 11501

The Nassau County Bar Association and Nassau Suffolk Law Services Committee, Inc. are sponsoring a Pro Bono FAIR (Free Assistance Information and Referral) at the Nassau County Bar Association. Nassau county residents can meet with an attorney one-on-one for legal guidance and information. **Pre-registration is required.** Call (516) 747-4070 to register for a consultation.



NEW YORK STATE BAR ASSOCIATION
PRO BONO DEPARTMENT

One Elk Street, Albany, New York 12207-1002

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