

# Pro Bono News

Summer/Fall 2009 Vol. 18 No. 1

## *"NYSBA Celebrates National Pro Bono Week" Special Edition of the Pro Bono News*

### Everyone Wins With Pro Bono Service

**Michael E. Getnick** (Getnick Livingston Atkinson & Priore, LLP of Utica and of counsel to Getnick & Getnick of New York City), President, New York State Bar Association



**Getnick**

When attorneys volunteer for pro bono, everyone wins. Low-income clients receive the help they desperately need when faced with life-altering issues, such as securing child custody,

saving their home and surviving bankruptcy. Lawyers gain new experiences while helping those in need, and legal services providers are able to expand their reach by matching private attorneys with clients whom they otherwise would have to turn away. Many of the articles in this Special Edition of the Pro Bono News provide great examples of highly successful partnerships being forged among law firms, law schools and legal services providers as across New York State.

During National Pro Bono Week, we not only applaud the hundreds of attorneys who answer the call to do pro bono, but we also renew that call and urge attorneys to join the ranks of the Empire State Counsel® Program. The Empire State Counsel® Program

is a self-verifying pro bono awards program sponsored by the Association that is limited exclusively to members. The program is intended to honor and recognize Association members who, over the course of the year, donate 50 hours or more of free legal services either to individuals; or to not-for-profit, public service, or governmental organizations whose services are designed primarily to address the legal or other basic needs or 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 population groups.

The Empire State Counsel® Program honors our members for the good that they do in communities all across New York and beyond. Since the program's inception in 2006 under the leadership of then-President Mark H. Alcott, nearly 2,500 attorneys have qualified for the Empire State Counsel designation, having collectively provided more than 125,000 hours of pro bono services. In 2008 alone, the Empire State Counsel® class contained more than 1,300 attorneys, all of whom were honored with a certificate, lapel pin and listing on our Web site.

Through the end of this year, we will be accepting applications for volunteer service rendered in 2009. Please help us reach our goal of inducting 3000 members into this elite group of volunteer attorneys.

The economic downturn has hit legal services providers from all angles – with rising foreclosures and unemployment, the need is growing.

*The Empire State Counsel® Program is intended to honor and recognize Association members who, over the course of the year, donate 50 hours or more of free legal services.*

Yet, the failing economy has put a financial strain on IOLA and government funding for legal services. We need volunteers now more than ever. And, that is why we say "thank you" for answering the call to do pro bono. For more information about the 2009 Empire State Counsel® Program visit our Web site at [www.nysba.org/probono](http://www.nysba.org/probono) or to obtain the Verification Form go to [www.nysba.org/empirestatecounsel](http://www.nysba.org/empirestatecounsel).

A Fruitful Imagination **23**  
 Albany Law School Clinic & Justice Center **23**  
 Bet Tzedek Ghetto Work Reparations Project **15**  
 CLARO: A Success Story, Three Years in the Making **26**  
 CUNY Law School – Building Partnerships, Leveraging Expertise and Resources **21**  
 DLA Piper Associate Heeds Advocates for Children of New York's Call for Volunteers **10**  
 Everyone Wins with Pro Bono Service **1**  
 First Do No Harm: The Military Families Project **29**  
 Greetings from the Editor! **2**  
 Hofstra Law Clinic Students –Successfully Advocate on behalf of Low-income and Immigrant Communities **22**  
 In Their Own Words **30**  
 Legal Aid Society of Mid-NY Offers Free Legal Clinic to Veterans **24**  
 Lawyers Who Volunteer with Legal Aid Society Make a Difference **9**  
 Morrison & Foerster Teams with Brooklyn Legal Services Corp. A to Help the Unemployed **9**  
 National Pro Bono Week Activities Calendar **4**  
 New York Nonprofit Organizations Have a Champion **8**  
 New York's Justice Gap 2009 **14**  
 Patricia Neumann\* an Outstanding Suffolk County Volunteer Lawyer **20**  
 Part of the Solution **28**  
 President's Committee on Access to Justice **31**  
 Pro Bono: As Much for You as Those We Serve **24**  
 Pro Bono Counsel – A View from the Bench **19**  
 Pro Bono – Doing Good is Good for You **27**  
 Pro Bono in a Changing World **3**  
 Pro Bono in Reel Life **13**  
 Pro Bono Provides Former Corporate Lawyer His First Court Appearance **18**  
 Pro Bono Response to Nonprofits' Economic Woes **18**  
 Pro Bono: The VOLS Matching Model **25**  
 Rochester Attorney Hope Olsson is a 2009 ABA Pro Bono Publico Award Recipient **7**  
 Since 2007 City Bar Justice Center Has Trained Close to 300 Volunteer Lawyers in Veteran's Issues in its Veterans Assistance Project **14**  
 State Attorney Uses Personal Leave to Help Others **22**  
 Students Attending the Upstate Institute at Colgate University Collaborate with Utica Office of Legal Aid Society of Mid-New York to Handle Consumer Bankruptcy Cases **28**  
 Syracuse University College of Law Offers Law Students Vast Array of Volunteer Public Service Legal Opportunities **7**  
 Suffolk County's Pro Bono Action Committee Prepares to Launch Innovative **29**  
 "Classroom Meets Courtroom" Project **29**  
 The New York State Bar Association Continues its Advocacy Efforts to Increase Funding for Civil Legal Services **10**  
 The Anti-Eviction Project **12**  
 The Legal Aid Society's Comprehensive Pro Bono Program Engages Over 2,000 Attorneys **8**  
 Touro Law Center's William Randolph Hearst Public Advocacy Center **16**  
 Unemployment Insurance Benefits Project in the 9th Judicial District **17**  
 Why I Do Pro Bono Work, and Why You Should Too **20**

## Greetings!



**Herron Arthur**

October has always been one of my most favorite months of the year. Probably because my birthday falls in October as does Columbus Day and Halloween! This year, however, I have another very special reason for liking this month - October 25-31, 2009 marks National Pro Bono Week across the country. Launched by the American Bar Association Standing Committee on Pro Bono and Public Service the goal of the week long celebration is three-fold: (1) to recognize the significant contributions made by the scores of attorneys who already participate in pro bono; (2) to educate 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 (3) to encourage more attorneys to volunteer.

The New York State Bar Association has a long and proud history of encouraging attorneys to volunteer to assist low-income individuals, not-for-profit, governmental or public services organizations whose services are designed primarily to address the legal and other basic needs of persons of limited financial means. Among other things, since 2004 we have annually recognized our members who perform 50 hours of more of free legal work by bestowing upon them the honorific designation of Empire State Counsel®. Additionally, each year, for going on 20 years, on Law Day we publically recognize the outstanding contributions made by volunteer lawyers in each of the thirteen judicial districts, a senior lawyer, a young lawyer, a law student, a law school program, a government or corporate counsel, a large and a small law firm through the President's Pro Bono Services Awards. Other biennial awards bestowed in recognition of the

contributions made by dedicated lawyers and program directors employed in civil or criminal legal services programs include the coveted Denison Ray Awards and the Awards Recognizing Excellence in the Provision of Mandated Legal Services.

In keeping with the Association's tradition, this issue of the Pro Bono News is dedicated to the scores of volunteer lawyers – many of whom are members of the New York State Bar Association – who generously donate their time and talent to ensure that low-income and vulnerable populations have meaningful access to justice. Indeed, this issue would not have been possible without the

*Look for the asterisk\* in the by-line or within the article to identify whether the contributor or volunteer is a proud NYSBA member!*

overwhelming support of our members who wrote many of the articles featured in this special edition. On account of space limitations I cannot identify each member by name. Just look for the *asterisk* \* in the by-line or within the article if you are curious to see if the contributor or volunteer is a proud NYSBA member!

Many thanks to everyone who took time out of your busy schedules to contribute an article or note about some of your programs and the wonderful volunteers you rely on in delivering free civil legal services.

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

# Pro Bono In A Changing World

Hon. Fern A. Fisher, Deputy Chief Administrative Judge for NYC Courts and Director, New York State Courts Access to Justice Program

In 2005 the court system estimated that 1.8 million litigants using New York courts were unrepresented. Four years later, in the face of a spiraling economy the numbers of unrepresented litigants has certainly surpassed 2 million and is estimated to be over 2.5 million. The number of individuals considered low income, who need lawyers but have been unable to obtain one, has in the past been estimated at 80 % of that population. Legal Services programs report that the numbers of eligible New Yorkers requesting their services has increased. The often quoted 80% figure for un-served individuals has undoubtedly increased. New to the numbers of litigants needing repre-

*The ranks of pro bono lawyers cannot be expanded merely by rallying calls, but by offering lawyers not only recognition for their services, but training that provides practical CLE and assignments that are creative, manageable and discrete.*

sentation are modest means income families and individuals hit hard by loss of employment or under-employment and unable to afford an attorney. Court filings show that evictions, foreclosures and consumer credit cases are increasing at high rates and both low income and modest means populations are affected. In these types of cases in which the plaintiff or petitioner is represented by counsel in 85% to 100 % of the cases, the defendants or respondents are conversely not represented in 95% to 99% of the cases. The need for pro bono lawyers and creative pro bono opportunities has never been greater.

The New York State Courts Access to Justice (NYA2J) Program, which

was formerly known as the Office of Justice Initiatives, is dedicated to increasing the numbers of lawyers available to serve both low-income and modest means individuals, faced with legal crises caused by a changing world. Pro Bono New York, a program funded and sponsored by the NYA2J Program in partnership with the New York Courts, the bar and legal community, has strengthened its commitment to increase the availability of pro bono lawyers for low income individuals and is expanding to address the needs of modest means individuals.

Increased funding for civil legal services is one solution to meeting the needs of New Yorkers. Expanding pro bono services in bread and butter areas of the law: housing, family, foreclosures and consumer credit is another. The ranks of pro bono lawyers cannot be expanded merely by rallying calls, but by offering lawyers not only recognition for their services, but training that provides practical CLE and assignments that are creative, manageable and discrete. Limited scope representation pro bono opportunities will provide all lawyers a chance to serve the public good while maintaining their employment and personal lives during this time when lawyers are also struggling. The New York City Housing Court Volunteer Lawyer for the Day Program co-sponsored by the New York State Courts Access to Justice Program and the New York City Bar Association is one example of how lawyers can balance pro bono with their lives.

The court system through the NYA2J Program and Pro Bono New York looks forward to working with the New York State Bar Association and other bar associations and legal organizations to meet the needs of New Yorkers at this critical time. Pro Bono Week is the perfect time to renew our efforts and move steadily forward.

## NYSBA Provides Free CLE Training

In December, 2008 the New York State Bar Association, in conjunction with the Empire Justice Center, the Queens County Bar Association, the Queens Volunteer Lawyers Project, the Brooklyn Bar Association and the Brooklyn Volunteer Lawyers Project, offered a one-day free training to 250 attorneys in the basics of mortgage foreclosure, with an emphasis on preparing volunteer attorneys to represent the homeowner during the settlement conference phase of the foreclosure process. In exchange for access to these free training materials, the volunteer lawyers agreed to represent one homeowner/defendant in the new foreclosure settlement conference.

Eleanor DeCoursey  
NYSBA Member



I participate in providing pro bono legal services because it is both a challenge and a reward. The individual clients are often facing profound problems such as domestic violence issues or child custody disputes and have no way of accessing justice without the help of a pro bono lawyer. Representing these individuals demonstrates to me the positive difference a lawyer can make in an individual's life. The work is challenging and allows me to develop skills that are useful in my private practice as well. I view pro bono work as an opportunity to serve my community and enhance the legal profession.



# National Pro Bono Week Activities Calendar

## October 25- 31, 2009

Among other things, legal services organizations, local bar associations and law schools will be hosting a variety of events to mark this week, including free continuing legal education seminars for attorneys who volunteer to accept a pro bono case, legal clinics where persons of limited financial means can receive a free consultation with an attorney volunteer in certain identified areas of law, as well as various receptions where attorney volunteers will be recognized.

Listed below are just a few of the celebratory events currently being planned across New York State. For a more comprehensive listing of activities scheduled in your area please visit your local bar association's Web site; or [www.nysba.org/probono](http://www.nysba.org/probono); or [www.probono.net/ny/calendar/week.2009-10-26](http://www.probono.net/ny/calendar/week.2009-10-26) ; or the ABA web site at: <http://www.probono.net/celebrateprobono/featuredevents/>.

### 1<sup>st</sup> Judicial District

#### Monday, October 26, 2009

*The City Bar Association Luncheon and Celebration of Service- Noon -2pm - New York City Bar, 42 West 44<sup>th</sup> Street, New York, NY*

Among others, this event will feature Eve Burton, Esq., General Counsel of Hearst Publications as a speaker and will include a recognition ceremony by the City Bar for individual participants involved in significant pro bono matters. **Contact:** Carol Brockner, [cbrockner@abcny.org](mailto:cbrockner@abcny.org). **Sponsors:** Pro Bono and Legal Services Committee of The City Bar Association and the New York Courts Access to Justice Program.

#### Tuesday, October 27, 2009

*CLE Ethics in Pro Bono Practice Panel Discussion - 8:30-10am- Kirkland and Ellis, 153 East 53<sup>rd</sup> Street, New York, NY*

The law firm of Kirkland and Ellis will host a panel discussion on

ethical issues raised in pro bono practice. The panelist will feature two judges and an attorney participant. Breakfast will be served. **Contact:** Jacqueline Haberfeld, [rsvp@courts.state.ny.us](mailto:rsvp@courts.state.ny.us) and indicate the name of the event. **Sponsors:** The New York Court's Access to Justice Program and Kirkland and Ellis.

*2009 Cornerstone Awards -Pfizer Conference Center -6-8:00pm- Pfizer Conference Center, 150 East 42nd Street, New York, NY*

Lawyers Alliance for New York presents the Cornerstone Awards annually to recognize attorneys and institutions that have made extraordinary contributions through pro bono legal services to nonprofits. **Contact:** Jolynda Burton, [jbarton@lawyersalliance.org](mailto:jbarton@lawyersalliance.org). **Sponsor:** Lawyers Alliance for New York.

#### Thursday, October 29, 2009

*Pro Bono Expo -5-7pm - 111 Centre Street, New York, NY*

The New York Courts Access to Justice Program will host a Pro Bono Expo which will feature displays and information about pro bono programs. Staff from the programs will be present to answer questions about pro bono opportunities. Lawyers will be able to sign up for training which will enable them to serve in various court-sponsored programs and/or local pro bono programs. **Contact:** Jacqueline Haberfeld, [rsvp@courts.state.ny.us](mailto:rsvp@courts.state.ny.us) and indicate the name of the event. **Sponsor:** New York Courts Access to Justice Program.

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

#### Monday, October 5 -31, 2009

*Month-long Display in Honor of National Pro Bono Week-9-5pm- Concourse Level, Empire State Plaza, Albany, NY*

Display will feature storyboards highlighting local volunteers, clients,

NYSBA President, and the Chief Administrative Law Judges from the 3<sup>rd</sup> and 4<sup>th</sup> Judicial Districts. Informational materials about pro bono opportunities in the Districts will be available and staff from local legal services programs will be on site each Thursday to answer questions and sign up volunteers.

#### Friday, October 23, 2009

*Kick off Celebration -12-1:00pm -Location TBA*

Honored guests include the Hon. Jonathan Lippman, Chief Judge of the State of New York, Hon. Andrew Baxter, United States Attorney for the Northern District of New York, and Stephen P. Younger, President-Elect of the NYSBA. Proclamations declaring October 25-31, 2009 as National Pro Bono Week will be unveiled. **Contact:** Gloria Herron Arthur, [garthur@nysba.org](mailto:garthur@nysba.org). **Sponsor:** The New York State Bar Association.

*Reception - New York State Bar Association -1:30-3:00pm - One Elk Street, Albany, NY*

Immediately following the opening celebration NYSBA will host a reception. Representatives from Legal Services Programs will be present and information about training and volunteer opportunities will be available. **Contact:** Gloria Herron Arthur, [garthur@nysba.org](mailto:garthur@nysba.org). **Sponsor:** The New York State Bar Association.

#### Tuesday, October 27, 2009

*Bankruptcy Free Advice Clinic -2-4:30pm - Albany & Rensselaer County Courthouses*

Have a question about bankruptcy, debtor/ creditor issues? Ask a lawyer. 20 minute consultations will be provided free of charge to the public. **Appointments Required -Space is Limited. To Register:** (518) 462-6765. **Sponsors:** New York State Bar Association, The Legal Project,

Legal Aid Society of Northeastern New York, the Albany County Bar Association, and the 3<sup>rd</sup> and 4<sup>th</sup> Judicial District Pro Bono Committees.

### **Wednesday, October 28, 2009**

#### ***Wills Free Advice Clinic -2-4:30pm - Albany & Rensselaer County Courthouses***

Have a question about a will or a power of attorney? Ask a lawyer. 20 minute consultations will be provided free of charge to the public.

**Appointments Required -Space is Limited. To Register:** (518) 462-6765. **Sponsors:** New York State Bar Association, The Legal Project, Legal Aid Society of Northeastern New York, the Albany County Bar Association, and the 3<sup>rd</sup> and 4<sup>th</sup> Judicial District Pro Bono Committees.

### **Thursday, October 29, 2009**

#### ***Foreclosure Free Advice Clinic - 2-4:30pm -Albany & Rensselaer County Courthouses***

Worried about foreclosure? Having trouble paying your mortgage? Ask a lawyer or speak with a housing counselor. 20 minute consultations will be provided free of charge to the public.

**Appointments Required - Space is Limited. To Register:** (518) 462-6765. **Sponsors:** New York State Bar Association, Legal Aid Society of Northeastern New York, The Legal Project, Albany County Bar Association, and the 3<sup>rd</sup> and 4<sup>th</sup> Judicial District Pro Bono Committees.

#### ***Representing Prisoners in Section 1983 Claims (Part I) -Free CLE Training for Attorneys - 10 to Noon - James T. Foley U.S. Courthouse, 445 Broadway, Albany, NY***

Presenters and panelists will include District Court Judges, Assistant U.S. Attorneys General, the Clerk of the Court, and private practitioners who are experienced in trying such cases.

**Contact information and to register:** Michael J. Sciotti, Esq., msciotti@hancocklaw.com. **Sponsor:** Pro Bono Committee of the Federal Court Bar Association.

#### ***Luncheon Reception – 12:15pm - James T. Foley U.S. Courthouse, 445 Broadway, Albany, NY***

Immediately following the Section 1983 training, attorneys who have assisted the Court on a pro bono basis (representing prisoners in section 1983 claims, volunteering as mediators and arbitrators for the Court's mandatory ADR program, representing debtors in Bankruptcy Court, etc.) will be recognized during a luncheon. **Contact information and to register:** Michael J. Sciotti, Esq., msciotti@hancocklaw.com. **Sponsor:** Pro Bono Committee of the Federal Court Bar Association.

### **5<sup>th</sup> Judicial District**

### **Monday, October 26, 2009**

#### ***Red Carpet Premiere Movie - Tenant Law Training-6-8:00 pm - Red House Art Center, 201 South West Street, Syracuse, NY***

The Premiere will be an evening of celebration and viewing of the Volunteer Lawyer Project Landlord Tenant Training DVD. The movie presents four separate cases that portray the most typical issues raised by non-payment of rents and failure of tenants to vacate following lease terminations. Invited to attend are those involved in the production, Bar Members and Law Firms who volunteer in city court. The production was taped in its entirety in Syracuse Federal Building. Anyone wishing more information on this DVD is encouraged to call OCBA at (315) 579-2577. **Contact:** Deborah O'Shea, vlp@onbar.org. **Sponsor:** Onondaga County Bar Association, Volunteer Lawyer Project.

### **Tuesday, October 27, 2009**

#### ***Representing Prisoners in Section 1983 Claims (Part I)- Free CLE Training for Attorneys -10-Noon- James Hanley Federal Building, 100 S. Clinton Street, Syracuse, NY***

Presenters and panelists will include District Court Judges, Assistant U.S. Attorneys General, the Clerk of the Court, and private practitioners who are experienced in trying such cases.

**Contact information and to register:** Michael J. Sciotti, Esq., msciotti@hancocklaw.com. **Sponsor:** Pro Bono Committee of the Federal Court Bar Association.

#### ***Luncheon Reception – 12:15pm- James Hanley Federal Building, 100 S. Clinton Street, Syracuse, NY***

Immediately following the section 1983 training attorneys who have assisted the Court on a pro bono basis (representing prisoners in section 1983 claims, volunteering as mediators and arbitrators for the Court's mandatory ADR program, representing debtors in Bankruptcy Court, etc.) will be recognized. **Contact information and to register:** Michael J. Sciotti, Esq., msciotti@hancocklaw.com. **Sponsor:** Pro Bono Committee of the Federal Court Bar Association.

### **6<sup>th</sup> Judicial District**

### **Saturday, October 24, 2009**

#### ***Third Annual Broome County Senior Legal Clinic –9:30-12:30pm - Binghamton University Downtown Center, 67 Washington St. Binghamton, NY***

**Contact:** Suzanne Myette, smyette@wnylc.com. **Sponsors:** 6<sup>th</sup> Judicial District Pro Bono NY Committee, Broome County Bar Association, and the Legal Aid Society of Mid-New York.

### **Thursday, October 29, 2009**

#### ***CLE: Unemployment Insurance Benefits-10:30 -2:30pm - State Office Building, 44 Hawley Street, Binghamton, NY***

**Contact:** Suzanne Myette, smyette@wnylc.com. **Sponsors:** 6<sup>th</sup> Judicial District Pro Bono NY Committee, Broome County Bar Association, and the Legal Aid Society of Mid-New York.

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

### **Monday, October 26 - Thursday, 29, 2009**

#### ***Pro Bono Idol Auditions - Noon – 1:00 pm - Locations TBA***

A fun twist on a traditional pro bono fair targeted towards a wide range of attorneys (solo practitioners, attorneys employed by small, medium and large law firms, corporate legal departments). **Contact:** Linda J. Kostin, lkostin@wnylc.com. **Sponsors:**

Volunteer Legal Services Project of Monroe County, Inc. and ProBonoNY.

## Friday, October 30, 2009

*Pro Bono Idol –Noon-1:00pm- Monroe County Bar Association, Rubin Center for Education, One West Main Street, 5<sup>th</sup> Floor, Rochester, NY*

**Contact:** Linda J. Kostin, lkostin@wnylc.com. **Sponsors:** Volunteer Legal Services Project of Monroe County, Inc. and ProBonoNY.

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

### Tuesday, October 27, 2009

*CLE: Unemployment Insurance Benefits-Noon -2pm - Erie County Bar Association Volunteer Lawyers Project, 237 Main Street, Buffalo, NY*  
**Contact:** Amanda Warner, awarner@wnylc.com. **Sponsors:** 8<sup>th</sup> Judicial District Pro Bono NY Committee and the Erie County Bar Association Volunteer Lawyers Project.

### Thursday, October 29, 2009

*“Champions for Justice Bash”- 6-9:30pm - Rich’s Renaissance Atrium, 1150 Niagara Street, Buffalo, NY*  
Enjoy an evening of music, dancing and good food at this fund-raising event and silent auction. **Sponsors:** Erie County Bar Volunteer Lawyers Project and Legal Services for the Elderly, Disabled or Disadvantaged of Western New York. **Cost:** \$85 per person or \$150 per couple. **Contact:** Erie County Bar Volunteer Lawyers Project, relardo@wnylc.com.

## 9<sup>th</sup> Judicial District Rockland County

### Wednesday, October 14, 2009

**Sponsors:** Rockland County ProBono Local Action Committee, Legal Services of the Hudson Valley and the Rockland County Bar Association.

*CLE: Guardian Ad Litem Training - 12-4 pm - Rockland County Courthouse*

A four credit CLE Guardian Ad Litem Training will be presented by the Hon. Anthony Scarpino, Westchester County Surrogates Court. Registration

begins at 11:30am and lunch will be served. **Registration is limited.**

## Dutchess County

### Tuesday, October 27, 2009

**Sponsors:** Dutchess County Pro Bono Local Action Committee, Legal Services of the Hudson Valley, Dutchess County Bar Association, and the Mid-Hudson Women’s Bar Association.

*CLE: Matrimonial Nuts and Bolts - 2-5pm - Dutchess County Courthouse*  
Three credit CLE providing a view from the bench and a perspective on domestic violence.

*Partners in Justice Recognition Event- 5:30-7pm- The Grand Hotel, Poughkeepsie, NY*  
Reception recognizing *pro bono* attorneys. Awards will be given.

## Orange County

### Wednesday, October 28, 2009

**Sponsors:** Orange County Pro Bono Local Action Committee, Legal Services of the Hudson Valley, the Orange County Bar Association, the Women’s Bar Association of Orange and Sullivan Counties.

*Meet - Greet & Volunteer - 8:30-10am - Court Lobby of the Goshen Government Center, Goshen, NY*  
Orange County Pro Bono Local Action Committee members will greet attorneys in the court lobby of the Goshen Government Center with balloons and bagels and volunteer registration forms.

*CLE: Nuts and Bolts of Child Support - 3-5 pm - Legislative Chambers of the Goshen Government Center, Goshen NY*  
Two credit CLE panel discussion. Panelists include support magistrate, representative from the Support Collection Unit, Legal Aid Society and court attorneys.

*Partners in Justice Reception and Recognition Event - 5:30-7 pm - Limoncello Restaurant, 159 Main Street, Goshen, NY*  
Reception honoring local *pro bono* attorneys. Awards of appreciation for volunteer services will be given.

## Westchester County

### Thursday, October 29, 2009

**Sponsors:** Westchester County Pro Bono Local Action Committee, Legal Services of the Hudson Valley and Pace Law School.

*CLE: Responding to the Needs of Westchester - 3-4:30pm -Pace Law School Moot Courtroom*

One credit CLE providing information for law students about *pro bono* opportunities and ethical considerations.

*Pro Bono Expo - 4:30-5:30- Judicial Institute Atrium*

Legal organizations and/or community groups in need of *pro bono* attorneys will have tables staffed by a representative with informational materials and sign-up forms.

*Partners in Justice Reception -5:30-7:30 - Judicial Institute Omni Room*  
Immediately following the Pro Bono Expo a reception and awards ceremony honoring distinguished members of the private bar for their volunteer service to the Westchester Community will be held.

**Contact for all events in the 9<sup>th</sup> Judicial District:** Carol Neiditch, Pro Bono Coordinator, 9<sup>th</sup> Judicial District, Legal Services of the Hudson Valley, (914) 949-1305, ext. 133, cneiditch@lshv.org.

### Pro Bono Leveling the Playing Field



Hon. Vito C. Caruso  
District Administrative Judge  
Fourth Judicial District  
NYSBA Member

The adversarial system on which our courts are based is ripe for failure whenever one side goes unrepresented. However, the amount of free legal help available to low income persons for civil legal needs is totally insufficient. We—judges, lawyers and community members—must fight for *pro bono* programs in the counties where we work and live. There is no cause more critical. By committing to this effort now, we will preserve for our children and our children’s children the greatest legal system in the world.



# Syracuse University College Of Law Offers Law Students Vast Array Of Volunteer Public Service Opportunities

## Syracuse University Clinics

Syracuse University Clinics provide law students the opportunity to represent low-income clients throughout Central New York, clients who cannot otherwise secure representation. Clinical programs are offered in the substantive legal areas of Elder Law, Criminal Defense, Low Income Taxpayer Clinic, and Pro Bono Bankruptcy Clinic Project. As clinical offerings have expanded, students have answered the call — with a record number of enrollments last year. Their enthusiasm for clinical work has been evident through their dedication to difficult and lengthy cases. Examples of legal work in the clinic last year include a case seeking access to a local business on behalf of a client with physical disabilities; a mortgage fraud case involving ten defendants, including one defendant who entered into “lease to own” agreements on properties he did not own; a challenge to the constitutionality of a local ordinance; representation of a grandmother who sought to provide for her grandchildren after her daughter went into a coma; and a case that secured disability benefits for a woman with a mental illness who can now provide for her adopted children.



*Professor Robert Nassau, center, shown here with law students participating in the Low Income Taxpayer Clinic.*

*This past May 1, 2009 the students involved in the Pro Bono Bankruptcy Clinic were the recipients of the prestigious President's Pro Bono Service Award in the Law School Group Category. The Bankruptcy clinic is lead by Associate Professor Gregory Germain.*

## Rochester Attorney Hope Olsson Is A 2009 ABA Pro Bono Publico Award Recipient

**Linda Kostin, Pro Bono Coordinator, 7<sup>th</sup> Judicial District Pro Bono Action Now Project**

When it comes to pro bono, the 7<sup>th</sup> Judicial District has reason to celebrate. Hope Olsson, a Rochester bankruptcy attorney, received a 2009 American Bar Association *Pro Bono Publico* Award at the ABA's annual meeting in Chicago in August. Olsson is one of only five recipients of this prestigious award and the only honoree who is not from a major metropolitan area.

Olsson, a partner in Olsson & Feder LLP, regularly serves as the instructor for Volunteer Legal Services Project of Monroe County's monthly Debt Clinic, during which she has assisted over 400 low-income clients in the past few years. In addition, Olsson accepts individual bankruptcy case referrals.

Olsson began taking referrals twelve years ago, after completing her

clerkship with U.S. Bankruptcy Court Judge John C. Ninio, II. "The firm I was at only did corporate bankruptcy work. My VLSP cases allowed me to experience the personal satisfaction of helping a person," explains Olsson, who also volunteers with Farmworker Legal Services of New York.

# The Legal Aid Society's Comprehensive Pro Bono Program Engages Over 2,000 Attorneys

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 low income families and individuals, has been 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. Through individual representation and major class action law reform, our staff of 850 lawyers and 600 social workers, paralegals, investigators and support and administrative personnel annually handle more than 300,000 legal matters for individuals and families who cannot afford counsel. The Society's landmark law reform cases benefit virtually the entire low-income population of 2 million children and adults and have State-wide and national impact.

Last year, 2,371 attorneys – primarily from New York's leading law firms and corporate law departments – handled 2,200 matters on behalf of our clients. Pro bono work ranged from complex litigation to staffing an immigration hotline. Many of these matters are part of a law firm project in which the firm, under partner leadership, staffs a number of cases annually. Examples of successful projects are Housing Eviction Prevention,

Disability Advocacy, HIV/AIDS Representation, Immigration Defense, and Juvenile Rights and Criminal Defense Appeals. Other cases are placed with firms through regular case list distribution.

The Legal Aid Society's seamless pro bono program provides outstanding opportunities to lawyers at every stage of their careers. Participating law students and law graduates handle administrative hearings that provide a successful introduction to pro bono work and trains young associates - who engage in fact development, legal drafting, negotiations, witness preparation, and witness examination - in skills necessary for professional development. More experienced attorneys engage in trial work, affirmative litigation, and complex transactional matters. As one of four United States Second Acts® pilot projects funded by the Pro Bono Institute, we have established innovative and replicable public interest law programs for transitioning and retired law firm partners.

In the present economic climate, and at a time of reduced legal services funding, our *Civil Practice turns away eight out of every nine low-income New Yorkers seeking legal assistance*. A promising new private initiative to add legal resources is the law firm Public

Interest Fellowship Program, which offers incoming and mid-level associates the opportunity to volunteer for up to one year with public interest organizations. In response, The Legal Aid Society has developed an Externship Program that has accepted a class of 36 associates who will be volunteering with all three of The Legal Aid Society's practice areas - Civil, Criminal Defense, Juvenile Rights - and will be located in four of the City's five boroughs. These externs, from Dewey & LeBoeuf LLP; DLA Piper; Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC; Morgan, Lewis & Bockius LLP; Morrison & Foerster LLP; Orrick, Herrington & Sutcliffe LLP; Proskauer Rose LLP; Ropes & Gray LLP; Shearman & Sterling LLP; Sidley Austin LLP; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Troutman Sanders LLP; Weil, Gotshal & Manges LLP; and White & Case LLP, will expand the capacity to provide legal services during a time of reduced funding and increased need for legal assistance.

*\* The author is the immediate past co-chair of the Pro Bono Coordinator's Network and a member of the President's Committee on Access to Justice.*

## New York Nonprofit Organizations Have A Champion



Nichels\*

NYSBA member Toni Anne Nichels, an employment lawyer and Senior Managing Counsel, Xerox Corporation, has undertaken dozens of pro

bono matters for New York nonprofit organizations, clients of the Pro Bono Partnership. Ms. Nichels sees the law as a service profession and believes it is important to give back to the community by sharing her knowledge. Volunteer Nichels advises nonprofits on broad range of employment issues and makes herself available for consultation when crises arise. "There is

no downside to pro bono," she says, "It gives me satisfaction I couldn't achieve in my corporate work, and it has a ripple effect, because my clients provide services to countless individuals."



# Lawyers Who Volunteer With The Legal Aid Society Make A Difference

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

**Client:** Anastasia C., age 3

**Pro Bono Attorney:** Katie Dobson\*, Cahill Gordon and Reindel

Anastasia is a 3 year-old client with global developmental delays, including limited verbal skills and poor gross and fine motor development. At the time the case was referred to the Legal Aid Society, Anastasia was not receiving any special education services. Volunteer Attorney Dobson helped expedite the evaluation process. As a result of her efforts, Anastasia is now enrolled in a full-day special preschool class and is receiving speech/language therapy, occupational therapy, physical therapy and a 1:1 aide.

**Client:** Quechol Products Inc.

**Pro Bono Attorneys:** Katherine F. Schulte\*, Jung Ju and Gina Rebollar\*, Cleary Gottlieb Steen & Hamilton LLP

Thanks to the efforts of Cleary Gottlieb, whose attorneys partnered with The Legal Aid Society's Community Development Project (Rolando Gonzalez, The Legal Aid Society) an incredibly hard-working low-income Mexican family have realized their dream of owning and operating their own business. This immigrant-owned micro-enterprise, Quechol Products Inc., created nine new jobs in Williamsburg and put a low-income family in an ownership position and on the path to economic self-sufficiency.

Cleary Gottlieb associates Katherine F. Schulte and Gina Rebollar, Rolando

Gonzalez, staff attorney with The Legal Aid Society's Community Development Project, provided corporate and tax counsel, as well as extensive assistance with financing, licensing, permits, and construction-related matters.

The Grand Opening of Quechol Products Inc., located at 310 Graham Avenue in Williamsburg, Brooklyn, was celebrated earlier this month by family, friends, and this stellar legal team. Ambassador Ruben Beltran, General Consul of Mexico, and Guillermo Linares, Commissioner of the Mayor's Office Of Immigrant Affairs, attended the grand opening along with the Cleary Gottlieb pro bono team and its partners from The Legal Aid Society.

## Morrison & Foerster Teams With Brooklyn Legal Services Corp. A To Help The Unemployed

Jennifer K. Brown, Pro Bono Counsel, Morrison & Foerster LLP

Last January, Jennifer Brown, the newly appointed Pro Bono Counsel for the East Coast offices of Morrison & Foerster, attended her first meeting of the NYS Bar Association Pro Bono Coordinators Network. There, she heard an impassioned plea from Leonard Polletta, Chair of the NYS Unemployment Insurance Appeal Board, for pro bono lawyers to help the unemployed present their benefits claims. According to Polletta, 90% of employees in the administrative hearing process were unrepresented, while employers nearly always had lawyers.

Just two days earlier, Brown had met with Batya Miller, Esq., Pro Bono Coordinator for Brooklyn Legal Services Corp. A. Among the pressing needs Miller described was help with the agency's burgeoning caseload of unemployment claims. The convergence struck Brown: "Lawyers representing

both ends of the process – the claimants and the state – had the same message: pro bono lawyers need to get involved in this system." With that realization, the Morrison & Foerster Unemployment Insurance Project was underway.

After gaining the support of the firm's pro bono committee and a commitment by litigation partner Rachel Wertheimer\* to supervise the cases, Brown established a partnership with "Brooklyn A," as the legal services group is known. "Brooklyn A staff attorney Julie Chartoff has been the critical link in this project from the beginning," says Wertheimer. First, Chartoff trained lawyers from the firm's litigation, business and tax departments in the fundamentals of unemployment insurance law and practice. Then, with a corps of lawyers ready to take cases, she began making referrals to MoFo. Seven cases have

been placed to date. Chartoff remains involved in each case, mentoring lawyers and freely sharing her expertise.

The program is still new, but already is addressing a critical need. "Our office had been overwhelmed by the volume of calls we were receiving from claimants seeking assistance with their unemployment cases. Brooklyn A has been grateful for the help, and personally, I have been impressed with the quality of the representation and the commitment of the attorneys," says Chartoff. According to Wertheimer, the firm is satisfied, as well: "The Morrison & Foerster lawyers who handle these cases have found them extremely rewarding, both because of the litigation experience they offer and because of the relationships the lawyers have been able to build with clients who are truly in need and grateful for their help."

# DLA Piper Associate Heeds Advocates For Children Of New York's Call For Volunteers

Linda Yassky, Manager of Individual Giving, Advocates for Children

Every morning Keren Tenenbaum is awake before 6 a.m. She spends an hour or so at the computer or reading cases before sharing breakfast with her husband and two children, ages 3 and 7. By 8 a.m., she is on the road from suburban New Jersey to her office at DLA Piper LLP (US) in Manhattan where she is a third year associate specializing in white collar criminal defense and internal investigations. She works a full day at the office, travels home for dinner with her family and after the children are in bed, returns to her practice for another several hours before calling it a day.

Last year Tenenbaum clocked over 2200 billable hours for DLA Piper, and 2009 is looking to be much the same. Pretty standard stuff for a young litigator in a large New York firm you say? What makes Keren Tenenbaum extraordinary, however, is that in addition to having a young family and a challenging workload she chose to donate close to 300 hours over the last two years representing children and their families through DLA Piper's pro bono partnership with Advocates for Children of New York ("AFC"). In the past two years Tenenbaum has had seven cases representing clients ranging in ages from 5 to 21. She has helped a young child with autism, another who suffered a brain injury that resulted in significant learning disabilities, a child who had behavioral issues that affected his class work and another who was hearing impaired.

According to AFC's Executive Director Kim Sweet, "Keren has made a tremendous, positive impact on the lives of her clients, who would not have been otherwise able to obtain the most basic education without her assistance." Tenenbaum admits that the outcomes have been well worth the additional time commitment, noting that the difference once a child is attending a program that is meeting



*Pictured—from left to right are Nasr Naherry (7th grade), Keren Tenenbaum and Nasr's mother, Hana Ahary meeting in DLA Piper's offices August 2009 to discuss Nasr's school placement and services for the 2009-2010 school year.*

her needs is "remarkable." "You see the results in both the child and her family very fast." Tenenbaum appreciates the special opportunity "to make a difference in people's lives" that she has been afforded through her pro bono work, and recognizes that without DLA's commitment to its partnership with AFC it would not have been possible. "DLA freely dedicates the resources and support I need in order to give my clients the representation they deserve."

For over 37 years, AFC has been on the frontlines fighting school-based discrimination in New York City's public schools so that no child will be at risk for academic failure based on their poverty, race, ethnicity, disability, homelessness; because of their involvement in the juvenile justice or foster care systems; or due to their immigrant or English Language learner status. AFC is unique in its approach. In collaboration with other organizations and law firm partners like DLA Piper, AFC has developed the expertise to flexibly address issues through direct representation, community education, impact litigation or policy work, depending on the specific type of issue presented. As the demand for direct representation has dramatically increased, so has AFC's

need for additional support from the legal community. In response, AFC founded the Pro Bono Partners Project in 2004. Currently, AFC's Pro Bono Partners include 19 law firms, and hundreds of individual volunteers. Volunteers like Tenenbaum, and partnerships with law firms like DLA Piper, have made the program a success and allowed AFC to increase the number of NYC children with access to representation and appropriate educational services.

Tenenbaum is not alone in championing the AFC-DLA Piper partnership. With the enthusiastic support of DLA Piper's pro bono counsel Richard L. Gruenberger\*, both attorneys have worked hard to spread the word amongst their colleagues and have been successful in expanding the firm's pro bono commitment with AFC. Thank you to Keren Tenenbaum for leading the way and for selflessly sharing your time and talent with those in need of your help and thank you to DLA Piper for giving her the opportunity and support she needed to reach these successful outcomes.

To learn more about Advocates for Children or DLA Piper's pro bono leadership, please visit [www.advocatesforchildren.org](http://www.advocatesforchildren.org) or [www.dlapiperprobono.com](http://www.dlapiperprobono.com).

# The New York State Bar Association Continues Its Advocacy Efforts To Increase Funding For Civil Legal Services

Ron Kennedy, Director, Department of Governmental Relations, NYSBA and Kevin Kerwin, Assistant Director, Department of Governmental Relations, NYSBA

## Activity in Albany

As one of the Association's legislative priorities, advocating for adequate funding for civil legal services is the focus of much activity in both the



**Kennedy**

State Legislature and Congress. There has been much progress on the funding front, but there is work left to be done and issues that we need to track closely.

During this year's state budget process, when all of the budget negotiations concluded it was clear that the many meetings, letters, phone calls and hearings at which Association leaders gave testimony, were



**Kerwin**

effective. The Assembly has, as it does year after year, provided funding in the budget for providers of civil legal services. This year the Assembly was joined by the Senate, which appropriated additional funds.

While the Assembly specifically designated the recipient agencies in the final budget, the Senate provided a lump sum appropriation, with the intention of later passing a legislative resolution that would allocate the funds to specific legal service providers. The goal was to pass the legislative resolution in June prior to the adjournment of the regular legislative session. It became clear with the Senate leadership dispute that such a

resolution was not going to be passed until the dispute was resolved.

Once the Senate leadership dispute was resolved, State Bar President Michael Getnick called on the Senate leaders to pass the legislative resolution that would disburse the lump sum appropriation that they had provided in the state budget. On September 10, the Senate re-convened to debate a number of issues. We are pleased to report that during that one-day session, Senate Resolution SB 3087, sponsored by Senate Judiciary Committee Chair and Democratic Conference Leader John Sampson, was approved by the full Senate. Senator Sampson's Resolution represents a critically important step in releasing more than \$5 million to legal services groups throughout New York State. Recently implemented legislative reform procedures require that the Assembly now act to approve the Resolution, and observers anticipate that the Assembly will do so if it reconvenes later in the year.

Of additional note is the mounting state budget deficit, which is estimated to be \$2.1 billion. The State Bar will continue to monitor the interplay of the deficit and the funding of legal services.

## Activity in Washington, DC

At the federal level, Association leadership has maintained its commitment to lifting the restrictions on how legal service providers can spend any of their funds, regardless of the source, if a provider receives funding from the Legal Services Corporation (LSC). In addition to increased federal funds for the next fiscal year, which begins on October 1, we believe that elimination of the burdensome federal restrictions would have a posi-

tive impact on future budgets of legal services providers. There has been progress on this front as language eliminating certain restrictions has been included in appropriations bills in Congress.

*State Bar President Michael Getnick called on the Senate leaders to pass the legislative resolution that would disburse the lump sum appropriation that they had provided in the state budget.*

On September 14, Association President Michael Getnick wrote to the New York Congressional Delegation asking them to make known to Congressional Appropriators their support for eliminating the unreasonable and uneconomical restrictions on non-LSC funds. We have gotten a positive response from many of New York's Congressional Representatives. Additionally, President Getnick wrote to then American Bar Association (ABA) President H. Thomas Wells to call on the ABA to join the New York State Bar Association in making the elimination of these restrictions a top priority.

The New York State Bar Association and its leaders count appropriate funding for civil legal services among its highest priorities for its advocacy efforts in both the State Legislature and Congress. We will continue to press our government leaders to address this issue, which is crucial to needy people throughout New York.



# The Anti-Eviction Project

## Pro Bono Partnerships Bringing Opportunities For All Involved

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

As New York City continues to battle an economic downturn, many individuals and families find themselves facing the threat of eviction, especially in rent-stabilized apartments throughout Manhattan. Manhattan Legal Services (MLS), a constituent corporation of Legal Services NYC<sup>1</sup>, has been partnering with Simpson Thacher & Bartlett LLP (Simpson) to remedy this situation with their “Anti-Eviction Project,” created in 2002.

Each spring, experienced staff attorneys from MLS train between 12 to 20 young associates from Simpson on Housing Court practice and landlord-tenant law. After the training is completed, housing cases are referred to the firm, most of which are holdover cases where the client’s tenancy is at stake. As they continue the project, associates are mentored by senior housing attorneys from MLS on their cases.

The popular project is a rare “win-win-win” scenario – it is a win for MLS housing attorneys, who must turn away many of the people who turn to them for help because of limited capacity to take cases; it is a win for Simpson associates, who gain court experience while also having the opportunity to help truly needy people; and it is a win for the low-income clients, who otherwise would not be represented in court and who have nowhere else to turn.

The project has been highly successful – 90% of the time, clients are unrepresented in court and many end up losing their homes. The Anti-Eviction Project, however, has yet to encounter a case in which they have not been able to help clients stay in their homes and avert homelessness. A recent case, resolved in June 2009, is illustrative of the success of this partnership. Simpson associates Lin-ton Mann III and Thomas Ling repre-

sented an elderly 63-year-old woman who has lived in her rent-stabilized apartment for over 35 years. In the past 3 years, her landlord had brought three nonpayment cases against her for failure to pay her rent in a timely manner. Throughout these three cases, the client had convinced the Court that her nonpayments were justified, such as due to difficulties in processing her governmental and charitable assistances. The client’s only source of income came from Social Security supplemental income, which was not enough to keep up with her rent increases. Consequently she went to other government agencies for assistance, but unfortunately they were only able to process her checks a few days after the date her rent was due.

The eviction proceeding against the client was based on chronic rent delinquency, although the landlord also revealed that another motivation was that if the elderly client was evicted, he could receive much more money for the apartment. When Mann and Ling went before the Honorable Eardell J. Rashford, they brought to the Court’s attention the fact that not only had the client been an outstanding tenant for the past 35 years, but that in each of the three nonpayment proceedings, she was able to demonstrate that the landlord had failed to uphold his responsibilities. Specifically, the landlord failed to complete repairs in the apartment, despite court orders to fix them, including an overloaded circuit, rodent infestation, peeling paint, damaged floorboards and windows, holes in the walls, and leaking faucets. Judge Rashford granted summary judgment for the client and dismissed the landlord’s holdover petition.

For Mann and Ling, the highlight of working on the case was knowing that they had helped to protect an

elderly lady from homelessness, as well as the tremendous amount they learned about law and processes. Said Mann, “To me, it’s a win for the good guys. Finding affordable housing is difficult in the best of circumstances and knowing that we were able to help our client feels great because we were able to give back to someone who has given so much to the city as a whole.”

Not only has this case personally affected the young lawyer, but it’s also been a journey of professional development. “It gives me confidence for the next case that will come down. Now I know that if I do the work and research and organize my facts, I have the capability to turn those into an impressive presentation for the Court.”

In the current economic environment where law firm clients are becoming more and more wary of having beginning associates receive their litigation training from their own real cases, pro bono matters such as the Anti-Eviction Project provide excellent opportunities for young attorneys to encounter court and litigation experiences under professional supervision at the beginning of their career. Especially amidst the recent economic downsizing, many firms like Simpson are touting pro bono experiences as a crucial training resource for their newest employees.

Perhaps few could communicate the amazing opportunities one receives from something such as the Anti-Eviction Project more than Mann, himself, whose recent victory was the second time he has been awarded summary judgment in Housing Court. Mann says that some parts of the project are not too far off from his typical job, such as motion practices and filing procedures. But this project gave him a chance to

glean skills that he would not have garnered from his regular work at Simpson for some time, like the necessity of going into court once or twice a month, or an increased comfort level in arguing with co-counsel and speaking with a judge. "Being the point person for a client is also a great skill to develop," he further adds. "One of the things that helped tremendously was

that I was fortunate enough to work at a firm with lots of resources, and this project in particular had a great supervisor. Rubin England, the senior MLS housing attorney on the project, was always there for the other associates and me, sometimes even coming to court with us; we could always go to him with our questions and concerns."

1. Legal Services NYC is one of the largest providers of free civil legal services for low-income individuals and families in the United States and is dedicated to providing high quality legal assistance in the areas of housing, family law, public benefits, education, employment, consumer fraud, foreclosure prevention, childcare and disability rights as well as for persons with special needs such as victims of HIV and their families. Legal Services NYC provides legal services through a network of community-based offices located in low-income neighborhoods in New York City's five boroughs.

## Pro Bono In Reel/ Life

**Syracuse University College of Law and The Onondaga County Bar Association Volunteer Lawyer Project**

The Onondaga County Bar Association's Volunteer Lawyer Project found that learning eviction law is not enough background for new attorneys to properly represent a tenant through the eviction process. Missing from the written word is the fine art of client intake, negotiating with a landlord and finally representing the case before the Judge. As a response, the Volunteer Lawyer's Project produced a Training DVD with the help of some local attorneys and Syracuse Law Students. The DVD produced on January 23<sup>rd</sup> in Federal Court, was filmed to closely replicate a "day in the life of" city court.

The full length DVD was produced to provide a realistic vehicle to train attorneys on eviction defense, as well as to prepare an attorney volunteer unfamiliar to city court, to fully experience court protocol. Four separate cases were written portraying non-payment, holdovers, breach of warranty of habitability, petitions brought by unauthorized agents and defense remedies.

A grand opening is set for the Landlord/Tenant training DVD for October 26, 2009 at the Red House in Syracuse, NY. More details can be found on the National Pro Bono website: [http://www.probono.net/celebrateprobono/events/event.261474-Red\\_Carpet\\_Premiere\\_Movie\\_Opening\\_of\\_Tenant\\_Law\\_Training](http://www.probono.net/celebrateprobono/events/event.261474-Red_Carpet_Premiere_Movie_Opening_of_Tenant_Law_Training)



*Federal Magistrate George H. Lowe\* (2nd row center) is surrounded by fellow actors; Onondaga County Bar Association volunteer attorneys, SU College of Law students, Court Attendants and the Notion Picture Studio filming crew.*

## LawHelp/ NY Salutes Skadden Pro Bono Volunteers

**Leah Margulies, Project Director, [LawHelp.org/NY](http://LawHelp.org/NY), City Bar Justice Center**

LawHelp/NY celebrates the pro bono leadership of Marion Quirk of Skadden, Arps, Slate, Meagher & Flom, LLP. Ms. Quirk led a team of pro bono attorneys and paralegals who rewrote in plain language, designed for persons with limited English proficiency, the new language access rights policies of New York City. Attorney Jennifer Yu from Skadden's New York office prepared seven summaries of language rights at various city agencies such as the Department of Education, the Department of Social Services, Administration of Children's Services and the Department of Homeless Services. Ms. Quirk then identified paralegals and others who were capable of translating these summaries into the six NYC languages. In all, 42 new language access rights resources were added to [www.LawHelp.org/NY](http://www.LawHelp.org/NY) <<http://www.LawHelp.org/NY>>.

# New York's Justice Gap 2009

Lillian M. Moy\*, Executive Director, Legal Aid Society of Northeastern New York



**Moy**

Recently I had a tangible reminder of the increased need for civil legal services by legal aid attorneys and pro bono volunteers. Our principal funder, the Legal Services Corporation, asked us to count the number of clients we had to turn away at the door due to our limited staff resources. From mid-March to mid-May, Legal Aid Society staff counted the number of eligible clients who we could not accept intakes for due to limited resources. Based on this two-month count, the Society estimates that it will turn away 8,665 eligible clients with problems that we would normally accept. Similarly, of those we are able to see on intake, we estimate that about 3,672 cannot be fully served. By this I mean they might

receive advice or brief service only, even though they were seeking or actually needed to be represented in a court or administrative hearing.

This is an unacceptable situation. Yet the Justice Gap – the gap between the demand for services and the resources that exist – continues to grow in every part of this state.

In the Legal Aid Society's case, the demand for our services has more than doubled from the last time we did such a count in 2005. Outside of New York City, the LSC-funded providers as a whole anticipate turning away 55,332 people – an almost 30% increase in unmet need. Including all providers who were able to collect turn away data, legal services organizations outside New York City will turn away at least 81,672 people, more than all the LSC-funded programs combined turned away in 2005. This year, in New York City alone, Legal Services NYC anticipates turning away at least

32,658 people and being unable to serve fully another 8,666 individuals. This increased demand is occurring as we anticipate a sharp reduction in resources. Given the recession, IOLA earnings have plummeted and IOLA grants are expected to decrease dramatically in 2010. The unhappy correlation is that as the economy worsens, more and more people become eligible for free civil legal services.

While some legal aid agencies may be able to hire temporary staff with stimulus money, this is by definition short-term, patchwork relief. Increased permanent funding for civil legal services and increased volunteerism from local lawyers is needed more than ever. I hope as you read the inspiring stories of pro bono volunteers in this newsletter, that you will take a minute to spread the word about the increased and urgent need for civil legal services and our obligation to do all we can to close the justice gap in New York.

## Since 2007 City Bar Justice Center's Veterans Assistance Project Has Trained Close To 300 Volunteer Attorneys

Carol Bockner, Director, ProBono Initiatives and Laura Kolesar, Coordinator, Public Service Network & Veterans Assistance Project

Responding to the need for assistance to veterans attempting to access their disability benefits, the City Bar Justice Center launched the Veterans Assistance Project in the fall of 2007. The Project provides pro bono assistance to veterans in connection with the filing of service-connected disability benefits claims before the New York City Regional Office of the Department of Veterans Affairs and the Board of Veterans Appeals. Volunteer attorneys are trained in advocacy before the Department of Veterans Affairs and staff monthly clinics that veterans attend for intake, counsel, and ongoing representation.

Since October, 2007 the project has hosted several training events and held seventeen free legal clinics during which 290 volunteer attorneys received specialized training in veter-

ans' issues, and over 250 veterans met with legal counsel. With the guidance of Justice Center staff and mentors, volunteers help veterans with anything from locating service documents and medical records to preparing and filing claims and directly representing veterans at hearings. Currently the Project's volunteers come from over 50 law firms and corporations.

The Project serves a diverse group; veterans come from all parts of New York City, range in ages from 20's to 80's, and have served from World War II to Iraq and Afghanistan, though Vietnam era and first Gulf War veterans make up the majority of the Project's clients.

Part of the Project's ongoing success is thanks to partnerships formed with the New York City Mayor's Office of Veterans Affairs and the

Commissioner of Veterans Affairs, as well as with many of the veterans' advocacy organizations, the Veterans Administration, and with veterans' clinics and hospitals. Extensive outreach is done through these partnerships. Additionally, Project staff gives presentations at various organizations, universities, and veterans' homes and maintains a Facebook page.

Though the V.A. can take 280 days to process the simplest of claims, initial responses suggest that the Project's success rate is high. One recent win brought a client \$845 a month with an additional \$28,000 in back-dated pay. With the help of the Veterans Assistance Project and his volunteer attorneys, this client finally began receiving disability benefits 37 years after his honorable discharge from the Army.



# Bet Tzedek Ghetto Work Reparations Project

Robyn Ice\*, Partner, Troutman Sanders LLP

Participants in the Bet Tzedek Ghetto Work Reparations Project assist Holocaust survivors in submitting applications to the Federal Office for Central Services and Unresolved Property Issues (a/k/a 'BADV,' the abbreviation of its German name), the Germany agency that administers the Ghetto Work Payment Program (GWPP). The German government established and allocated funds to the GWPP in 2007, to provide one-time payments of 2000 Euros to compensate qualifying survivors for the work they did on a 'volunteer' basis

limited value, however, because the experiences and current physical and mental conditions of each client are so different.

When Rory Clark\* and I began our interview of our client, we feared she had no GWPP claim. She was 10 years old when her father, who was Austrian, was drafted into the German army and she and her mother, who was Jewish, were forced into the Vienna Ghetto. She could not recall volunteering to work. As we continued to ask follow-up questions, she described the apartment where they

orating health of the aging survivors, direct interviews may not be possible. Mel Weinberg and I were prepared to interview a woman at the Forest Hills Jewish Center but, because she was recovering from a broken hip, her son appeared alone. Although he was prepared to complete the application on her behalf, no durable power of attorney was in place. Mel called our NY office and spoke with Rori Casirer\*, who promptly faxed the necessary form to formalize the mother's delegation of authority to her son.

Meanwhile, I interviewed the son and recorded the timeframes of his mother's confinement in two ghettos in Czechoslovakia and one in Budapest. In each ghetto, she had volunteered to polish boots and clean houses for Nazi officers in exchange for food. Eventually, she was transported to death camps, first in Auschwitz, then Ravensbruck and, finally, Buchenwald. We submitted her GWPP application, signed by the son, with the power of attorney attached, and she continues to recover.

To determine whether survivors may be eligible for Program funds, volunteers conduct telephone interviews, recording basic information for use by the volunteer lawyers. Thus, when Alex Gil\* and I arrived in Forest Hills in December, we knew that our client had spent only a short time in a ghetto, that she spoke only Yiddish, and that her son would translate. As she described her life, she looked directly into our eyes, speaking with conviction and excitement, often gesturing for emphasis, and almost always smiling. Her son calmly watched and listened before translating for us.

*Completion of the application form requires the survivors to revisit their memories and find the words to explain, in a line or two, how they found 'volunteer' work that entitles them to 'compensation.'*

in ghettos controlled by the German Reich. As incongruous as 'volunteer' sounds in this context, the term is intended to differentiate this program from others that have established pensions or compensated survivors for forced and slave labor, stolen property, and other forms of persecution. Similarly, 'compensate' overstates the sufficiency of the one-time 2,000 Euro payment - or any amount of money - to repay the survivors for what they endured and lost.

These two terms are worth mentioning because they underscore the inadequacy of basic words to describe the events these now elderly people survived. Nonetheless, completion of the application form requires the survivors to revisit their memories and find the words to explain, in a line or two, how they found 'volunteer' work that entitles them to 'compensation.'

The GWPP training prepares volunteer lawyers to complete the application forms and suggests questions for eliciting information concerning the nature of the survivors' volunteer work. The abstract instructions are of

lived in the ghetto, with windows overlooking the temple across the street. Among the many others sharing the apartment was a rabbi whose name she specifically remembers and reveres: Isaac Pearlman, who died somewhere and sometime during the Holocaust. She recalled the November night when Brown Shirts destroyed the temple and the day soon after when the rabbi spirited her out of the ghetto in a duffle bag because the Nazis were rounding up young girls for 'house cleaning.' This led her to recall how, before the Nazis arrested him, the rabbi had read and told stories to her each day at the Jewish Center, while she stood for hours peeling vegetables for community meals and laundering clothes for Germans and ghetto residents - all of which, under the Program, constitutes 'volunteer' work.

Although the BADV will pay Program funds posthumously, applications must be submitted while the survivors are alive. Every person participating in the Program knows that the clock is ticking and, due to the deteri-

# Touro Law Center's William Randolph Hearst Public Advocacy Center Houses 15 Advocacy Agencies

Thomas Maligno\*, Executive Director

Touro College Jacob D. Fuchsberg Law Center is home to the William Randolph Hearst Public Advocacy Center. This Center, which houses 15 non-profit legal advocacy agencies at no cost in a designated wing of the law school, provides services to the community and opportunities for Touro Law students to participate in pro bono work while gaining hands-on legal training.

"The Center is a win-win-win for participating non-profits, law students and the community," said Thomas Maligno, Executive Director of the Center and Director of Public Interest Law at Touro Law Center. "Through the Public Advocacy Center we are changing and improving the way services are delivered to the community while emphasizing the importance of pro bono work to future lawyers. It is truly an amazing place."

The William Randolph Hearst Public Advocacy Center (PAC) officially opened in January 2007 and has proven to be a huge success. Touro students are working with organizations in the community, non-profit agencies are saving costs while capitalizing on the talents of law students and the collaboration has brought together organizations to pool resources, solve problems and serve the community together.

Housed within the law school, the Public Advocacy Center provides furnished offices at no cost to non-profit legal advocacy agencies who agree to provide opportunities for law students to work within the agency. This partnership provides additional resources for participating agencies and helps students develop an understanding of the problems facing the local community while honing their legal skills. Currently, PAC houses 15 agencies. In addition to these resident agencies, there are approximately 20 organiza-



*Seen here at the ceremonial red tape ribbon cutting for the William Randolph Hearst Public Advocacy Center are (from left to right): Thomas Maligno, Executive Director of the Public Advocacy Center and Director of Public Interest at Touro Law Center; Donna Lieberman, Executive Director of the New York Civil Liberties Union, a member of the Center; Lauren Bernard, former President of the Public Interest Law Students of Touro student organization; Ilene Mack, Program Director, of Grants for the Hearst Foundation; Howard M. Stein, Chairman of Touro Law Center's Board of Governors; and Lawrence Rafal, Dean and Professor of Law at Touro Law Center.*

tions who are affiliate members of the Public Advocacy Center, providing them access to Touro Law facilities, faculty and students. The agencies in the PAC include: The Association of Community Organizations for Reform Now (ACORN), Brighter Tomorrows, The Central American Refugee Center (CARECEN), The Empire Justice Center, The Health and Welfare Council of Long Island, Long Island Advocacy Center, Long Island Housing Services, The Mobilized Interfaith Coalition Against Hunger (MICA), Campaign of the Long Island Council for Churches, Nassau/Suffolk Law Services Committee, Inc., The Puerto Rican Legal Defense and Education Fund, SEPA Mujer, Services for the Advancement of Women, The Society of American Law Teachers (SALT), The Suffolk Chapter of the New York

Civil Liberties Union, Suffolk County Coalition Against Domestic Violence (SCCADV), and The Workplace Project.

Touro arranges monthly meetings with all involved non-profit agencies. These meetings provide a forum for non-profit groups to become more familiar with each other's work, exchange ideas and talk about problems facing the community. The meetings provide opportunities for collaboration and support among the agencies.

As part of the Public Advocacy Center, all involved agencies also receive technology and research support from Touro Law. The Center was specifically created to have an impact on social justice, legal training and the lives of countless individuals....and it is doing just that everyday.

# Unemployment Insurance Benefits Project In The 9th Judicial District

Carol Neiditch\*, Pro Bono Coordinator, Legal Services of the Hudson Valley

Legal Services of the Hudson Valley, in conjunction with the Westchester County Pro Bono Local Action Committee, is in the second year of its Unemployment Insurance Benefits Project. Started in 2008, with the cooperation of the Unemployment Insurance Appeal Board (UIAB) and the White Plains based law firm of Delbello Donnellan Weingarten

72 weeks of benefits, or about \$30,000, often the difference between being homeless or not.

Additionally, employers have a strong financial incentive to oppose the claimants' pursuit of benefits, because their premiums increase as the number of claims against them rise. Most employers have some type of representation at the hearings,

nearly 50 attorneys, who received the training free of charge in exchange for agreeing to take a *pro bono* case. Within two weeks after the training, the benefits unit of LSHV was transferring appropriate cases to the Project. The *pro bono* coordinator then procured the folder and necessary papers from the Department of Labor's hearing office and after a hearing date was set, placed the case with a volunteer attorney drawn from the CLE registration list. Experienced LSHV attorneys are always available to mentor volunteer attorneys.

A crucial element in the success of our Project is a working partnership with a local law firm. Our 2009 collaboration with the White Plains law firm of McCarthy Fingar has been an instrumental part of the success of the Project. The presence of a respected firm lends credence to the Project and serves as a model to the local bar. On a practical level, it is important because it offers a built-in cadre of volunteers to step up to the plate if an individual attorney cannot be found in the short time frame between a notice of hearing and the actual hearing date.

The Unemployment Insurance Benefits Project is ongoing. Since March 2009, 12 cases have been placed with volunteer attorneys, with all but one resulting in a favorable outcome for the client. Attorneys have been eager to participate in the process, with a few taking on more than one case. Several others have willingly continued with subsequent hearings, when cases carry over to another date. Legal Services of the Hudson Valley and the clients it serves are grateful for the efforts of its *pro bono* attorneys, and we look forward to a successful continuation of this vital Project.

1 Delbello Donnellan Weingarten Wise & Wiederkehr, LLP was the 2009 Recipient of the Association's President's Pro Bono Service Award in the Small/Mid-size Law Firm category.

*Non-profit legal services are swamped and do not have the staff to handle the caseload. Volunteer attorneys help to level the playing field and represented clients have a much higher rate of prevailing.*

Wise & Wiederkehr, LLP<sup>1</sup>, this project is aimed at providing free legal representation for poor individuals in unemployment benefits hearings.

Many people are denied unemployment benefits they may be entitled to because they are unable to adequately represent themselves at administrative hearings, and cannot afford legal representation. The importance of procuring rightful benefits cannot be overstated. From a public policy point of view, Unemployment Insurance Benefits serve as a "shock absorber." Many claimants were not poor before they lost their job, but many of them would be catapulted into poverty if it were not for the existence of these benefits. Therefore, access to these insurance payments actually intercepts poverty at its starting point, as compared to many other benefits programs which help people who are already in poverty. Not only does unemployment insurance help to prevent an individual from joining the ranks of the poor, but it helps to support the economy by providing money for that individual to spend on necessary consumer items. Qualifying persons are eligible for a maximum of

while the vast majority of claimants do not. Non-profit legal services are swamped and do not have the staff to handle the caseload. Volunteer attorneys help to level the playing field and represented clients have a much higher rate of prevailing.

There are several features of these types of cases that make them especially suitable for volunteer attorneys to handle:

- They are generally brief and finite in nature. Files are available in a 1-2 week time frame before the hearing date.
- Cases are fact-driven and do not usually involve extensive legal research.
- Cases utilize skills that many lawyers already have, such as issue identification and witness preparation.

Keeping all the above in mind, Legal Services of the Hudson Valley began its second stage of the Project in the spring of 2009. It sponsored a 2-hour CLE on the nuts and bolts of the hearing process. The presentation was conducted by staff attorneys who regularly represent clients at the hearings. The program was attended by



# Pro Bono Response To Nonprofits' Economic Woes

Maurice K. Segall, Director, New York & Fairfield County Programs, Pro Bono Partnership, Inc.

The recession has had a tremendous impact on nonprofits, leaving them struggling to provide critical services to ever greater numbers of the newly needy at a time when donor contributions and income from endowments have plummeted. Faced with these tough times, nonprofits are being forced to cut staff and other operating costs, to consider necessary strategic alliances and other issues that require expert legal advice at the very time they can least afford it. The need for pro bono legal assistance has never been greater.

The Pro Bono Partnership, [www.probonopartnership.org](http://www.probonopartnership.org), which provides pro bono business legal advice to nonprofits in the lower New York Hudson Valley, as well as in Connecticut and New Jersey, has experienced a significant upward trend in requests for legal assistance related to the recession. In response, the Partnership has initiated a new **Nonprofit Crisis Management Initiative** to advise clients on issues including strategic alliances; workforce reduction and alternatives to layoffs; satisfying or modifying leases and other contractual obligations;

Board fiduciary obligations and liabilities; restructuring debt and understanding restrictions on use of grant and endowment monies; fulfilling terms of government contracts; and, in extreme cases, deciding whether to file for bankruptcy or to dissolve.

Screening of these and other clients is handled by the Partnership's seven-person in-house legal staff, experts in the law of nonprofit tax exempt organizations. The vast majority of matters, however, are undertaken by our core of volunteer in-house and law firm attorneys who provide a wide range of legal expertise to our nonprofit clients.

As the impact of the recession has deepened, the Partnership is collaborating more closely than ever with community foundations and other technical assistance providers to encourage nonprofits to prepare for difficult issues that may arise and to offer our assistance.

With more than 400 new matters placed for an equal number of clients by mid-2009, we anticipate our caseload will surpass that of 2008, when our program grew by an unprecedented

22%. We are placing more matters in New York than at any previous time in our history. We could not meet this demand without the more than 500 attorneys who have provided volunteer services to our clients this year, including about 150 new volunteer recruits. We have focused our recruiting efforts, as always, on in-house counsel, consistent with our mission to encourage pro bono service by attorneys in corporate legal departments, but we have also added a significant number of new volunteers from law firms. To ease the workload on our staff attorneys while controlling costs, we have also recruited three volunteer attorneys to assist us in-house.

With few exceptions, the Partnership does not charge its clients and, therefore, relies almost entirely on corporate, law firm and foundation grants, such as the one we receive from IOLA, to support its programs. If we were not funded by IOLA at the current level, we would have to reduce our staff by a full position, seriously impacting our ability to provide legal services.

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## Pro Bono Provides Former Corporate Lawyer His First Court Appearance

Barrett D. Mack\*, Esq., Solo Practitioner, Albany, New York



**Mack**

My primary practice area is Matrimonial and Family Law but I am involved in representing clients in all types of litigation. I also serve the County of Columbia as a part-time Assistant County Attorney focusing on contracts and JD/PINS Prosecution. I became involved with volunteering with The Legal Project at first primarily to get trial experi-

ence. At the time, I was working in a corporate law firm but was always interested in the court room. My first ever court appearance was while I was representing a Legal Project client. I can truly say that I have been able to develop a thriving matrimonial family law practice all because of my work for The Legal Project. For this, I will be forever grateful. I continue to take pro-bono cases for The Legal Project because volunteers are needed. Family Courts are flooded with cases and victims of domestic violence need strong representation in Family Court. I primarily volunteer for The

Legal Project representing victims of Domestic Violence in Family Court proceedings—Family offense, custody, and child support. I try to have at least two (2) open pro-bono cases for The Legal Project going at a time. As attorneys, I firmly believe that it is our responsibility to give back to our communities and to represent persons who could not otherwise afford representation. When I am able to win a case for a Legal Project client and see justice prevail, there is no greater joy for me in the practice of law.

# Pro Bono Counsel – A View From The Bench

Hon. Elizabeth S. Stong\*, U.S. Bankruptcy Court Judge, Eastern District of New York



Stong

“Good morning! Welcome to bankruptcy court. I’m glad you’re here.” That’s how I often greet *pro se* debtors who are appearing in my courtroom, the U.S. Bankruptcy Court

for the Eastern District of New York, in Brooklyn, nervous and concerned that something has gone wrong in their case. Sometimes I also explain that bankruptcy relief has deep roots in the U.S. legal system, and that it is provided for in the United States Constitution where the Founders empowered Congress in Article I, Section 8 to “establish . . . uniform Laws on the subject of Bankruptcies.” Then as now, a federal bankruptcy law was viewed as necessary to provide relief and a “fresh start” to the “honest but unfortunate debtor” who is overwhelmed by debt.

More than one million bankruptcy cases were filed in the United States last year, and each one might have led to a discharge for the debtor and, where there were assets, a distribution to creditors. But in tens of thousands of those cases, the debtor filed the case without the assistance of a lawyer. And many of those cases ended in a dismissal for failure to comply with one of the Bankruptcy Code’s procedural or administrative requirements. The prospect of relief for the debtor, and perhaps a distribution to creditors, was lost.

How can a pro bono lawyer help? Even the decision whether to file for bankruptcy requires thoughtful legal advice. In one case, “Jane” (not her real name), a senior citizen living in Queens, had lived in her home for many years and built up a good deal of equity. After a serious illness, she faced large medical and other bills, and also the need to take early retire-

ment. Jane consulted with a non-lawyer bankruptcy petition preparer and filed a Chapter 7 bankruptcy case – only to discover that because she had equity, her home would be sold to pay her creditors.

A pro bono lawyer saved the day – and Jane’s home too. He worked with Jane to restructure her pension in a more favorable way and helped her to put together affordable refinancing that allowed her to pay back her creditors. He also applied to the bankruptcy court to dismiss the case. At the hearing, he explained that Jane never would have filed a Chapter 7 liquidation case if she had understood the consequences. Misinformation nearly caused Jane to lose her home, and excellent lawyering by a dedicated pro bono lawyer rescued her.

*Misinformation nearly caused Jane to lose her home, and excellent lawyering by a dedicated pro bono lawyer rescued her.*

In another situation, Nora (not her real name), a domestic violence survivor, filed a Chapter 7 bankruptcy case. Her ex-boyfriend had taken her savings, mortgaged her home, run up balances on her credit cards, and damaged her credit. Finally, she got up the courage to walk away and start afresh. With the help of a bankruptcy attorney, she filed a Chapter 7 case.

But the trustee in the case did not agree that Nora was entitled to a discharge of her debt. When Nora walked away, she left behind most of her documents and records – information that was important to the trustee’s administration of her case. The trustee brought an action to deny Nora a discharge, and Nora didn’t have any funds left to pay her lawyer to represent her in that action. But

he stayed in as pro bono counsel and represented her at trial. Nora testified about her reasons for not having the missing financial records. It’s difficult to imagine how she could have made her case without that help. Nora prevailed in that action and received her bankruptcy discharge and a fresh start, thanks to the efforts of that lawyer.

Often the benefits of a pro bono lawyer in a bankruptcy case are never seen in the courtroom. Many pro bono programs that serve our court, including the New York City Bankruptcy Assistance Project at Legal Services NYC led by William Z. Kransdorf\*, the City Bar Justice Center’s Consumer Bankruptcy Pro Bono Project, headed by John McManus, and the Brooklyn Bar Association Volunteer Lawyer Project, directed by Jeannie Costello, assist prospective debtors with deciding whether to file a bankruptcy case, collecting the required information, and preparing the bankruptcy petition. If the case presents no issues that require judicial intervention, then three to four months after the case begins, a discharge will issue and the debtor will have a fresh start. And as with Jane and Nora, it is not an exaggeration to say that the lives of the debtor and the debtor’s family will be changed forever.

So I continue to greet apprehensive *pro se* debtors with a smile, a big “good morning,” and a welcome to our court – often every week, sometimes every day. When it is possible to refer someone who needs a lawyer to a pro bono program that can connect them to a lawyer and help assure their access to justice, it is a very good morning indeed.

# Why I Do Pro Bono Work, And Why You Should Too

Michael P. Friedman\*, Esq., Friedman & Molinsek, P.C.



**Friedman**

It is hard to believe, but the right to practice law is a privilege. Once you “pass the bar”, you have all kinds of magic powers including the ability to sue people on behalf of others, the ability to compel appearances in court, and most importantly, the ability to bring about a civilized, reasoned resolution to people’s differences. But this also comes with some responsibility. Magic powers should not be left solely to those who pay for your services, even if they result in a nice living.

For every paying client, or for every such company you represent, for the satisfaction of serving the public service, there are hundreds if not thousands of people who are deprived of the ability to resolve disputes in a civilized manner or to have their grievances addressed with the benefit of competent legal counsel. There but for the access to money and resources go every one of us. That is why I do pro bono work, and why you should

too. For every client who pays for your services, your advice and talents, the satisfaction doubles if not triples for helping those who would otherwise be deprived of access to our system of resolution of disputes merely because of lack of resources. And remember, it is **not** pro bono if you work for a client who does not pay.

The new Rules of Professional Conduct continue the “aspirational” goal of providing at least twenty hours of pro bono legal services each year to poor persons. Are you kidding me? Most lawyers I know work in excess of 50 hours a week, and even if you work only 48 weeks per year, that is less than 1% of your time. I do not think that such matters should be “aspirational”, they should be minimal. After all, I aspire to play third base for the Toronto Blue Jays some day, but that is not going to happen. Rather, one should consider the significant and continued reductions in public funding for legal services for the poor since the Reagan Administration. Just because it is not a priority for the government should not mean it is not your priority. Just the opposite. The demand for such legal services has not declined. Rather, as life becomes more

complex, more and more people fall within the net of those whose access to the Halls of Justice are denied merely because of financial resources.

Nor is it difficult. If you lack a specialty such as bankruptcy, matrimonial practice, social services fair hearings or landlord tenant matters, there are a variety of free seminars and mentors available to you to competently provide legal services. If you want to know how to do it, give me a call.

Throughout the years, I have been fortunate to represent hundreds of delightful people whose gratitude and appreciation for my services has given me as much satisfaction as any paying client. I have represented people who do not speak English or Spanish, people who are blind or deaf or confined to a wheelchair. I make house calls without a second thought. I have helped people move on with their lives after thirty years of separation from a spouse, or kept people in a home who were facing foreclosure merely because of an inability to enforce support obligations. Besides, if none of this motivates you, consider this: Performing pro bono legal services will make you better looking. Just look what it has done for me.

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## Patricia Neumann\* An Outstanding Suffolk County Volunteer Lawyer

Linda Raphan, Suffolk County Pro Bono Coordinator



**Newmann**

NYSBA member Patricia Neumann\* joined the Suffolk County Bar Association’s Pro Bono Project panel in 1993. Since that time, she has devoted hundreds of hours of service to the project’s

clients. Through the years, her continuous representation proudly reflects the completion of seven hundred and one (701) hours in twenty-nine (29) *pro bono* cases. As a result of Ms. Neumann’s unwavering commitment to serve the legal needs of low-income residents in Suffolk County she was twice recognized as the Suffolk County Bar Association Pro Bono Attorney of the Month in September 1998 and September 2003. In 2006, Attorney

Neumann was awarded the prestigious NYSBA President’s Pro Bono Service Award for the Tenth Judicial District. In addition to her extensive volunteer efforts with the Suffolk County Bar Association, Ms. Neumann also serves, as a volunteer for the Office of Court Administration, as a certified fee dispute mediator, averaging approximately eight (8) cases per year.



# CUNY Law School – Building Partnerships, Leveraging Expertise And Resources And Providing Quality Legal Services To Underserved Communities

Mary Lu Bilek, Associate Dean and Professor of Law CUNY School of Law

Building partnerships, leveraging expertise and resources, and providing support and mentorship are key elements in increasing access to justice and providing quality legal services to underserved communities. CUNY Law's efforts to prepare students to meet the legal needs of these communities and to improve and increase legal services to these communities have led to the development of innovative models to provide high-quality representation at low or no cost to immigrant communities throughout New York City.

In the Immigrant and Refugee Rights Clinic, one of the first immigration law clinics in the nation, students not only represent clients seeking citizenship, but learn to understand and identify the other legal needs of immigrants. This approach has led to an evolution of the work of the Clinic from access to public benefits and defense of asylum claims to litigation under the Violence Against Women Act (VAWA) and representation in connection with immigrant workers' rights. Students and teachers work together to develop creative ways of meeting the needs of their clients. While the Clinic regularly handled VAWA cases, students and teachers knew that many women were going unrepresented, in part, because developing the petitions detailing the domestic violence is a very labor-intensive process that is often extremely difficult for the client and demanding for the lawyers. To address this problem, the Clinic launched a unique collaborative project, partnering with graduate social work students and a community organization, to train battered immigrant women to write their own VAWA petitions. The law students and social work students worked together to



*2008 CUNY graduate Qiteng Zheng\* meets with client seeking help with a citizenship application at one of the Citizenship Days held at the Flushing Library sponsored by the CUNY Law Immigrants and Refugees Rights Clinic.*

develop a 12-week course for the women. Fifteen women from the community organization were trained to write their own petitions and ended the course in a much better position to seek pro bono representation.

Another model that leverages resources and expertise was launched by CUNY Law School's Immigrant Initiatives Program, which provides training and learning opportunities for students, continuing legal education and mentoring for newly-admitted lawyers representing immigrants, and law-related education and representation for immigrants who would otherwise be unrepresented. The Program is built on a partnership of CUNY Law's Community Legal Resource Network (CLRN), which supports, mentors, and networks new lawyers, and the Law School's Immigrant and Refugee Rights Clinic. Grant money provided by the City Council funds administration and CLE training. Clinic students design

and deliver law-related education at sites throughout the City. Community groups, churches, and City Council members provide the space to bring the underserved immigrants together with lawyers who can answer their questions. The Clinic students are supervised by faculty members who are experts in the field, and the new lawyers can depend on CLRN for mentoring, support, and further training. When participation in the Program leads to the establishment of lawyer-client relationships, CLRN lawyers use a sliding pro bono to low bono fee schedule. Clients who may otherwise be unaware of their rights and unable to afford counsel learn about the law and find specially-trained lawyers willing to represent them on terms that meet their means. Students grow in skill and expertise through their supervised work in the communities. New lawyers gain training and experience in a structured, supported environment.

# Hofstra Law Clinic Students – Successfully Advocate On Behalf Of Low-Income And Immigrant Communities

Theodor S. Liebmann, Professor of Clinical Law and Attorney-in-Charge Hofstra Child Advocacy Clinic

The Hofstra Law Clinic represented clients in a wide variety of pro bono matters this past year, including in the areas of criminal defense, political asylum, youth advocacy, law reform, and securities fraud. In one federal class action lawsuit, the Clinic represents tenants in an apartment building in Farmingdale in regard to conditions which were dangerous to the health, life, and safety of the tenants. Many of the tenants in the building were Latino day laborers. As the case progressed, the Village recruited a developer to renovate the building into upscale apartments and displace the tenants. We now represent nine former tenants in a federal housing discrimination case displaced from their homes because of development efforts by the Village and the developer.

The Clinic has also assisted a myriad of clients in the greater New York City area with their claims arising out of the mishandling of securi-

ties accounts. The clients have ranged from children's trust accounts (investing baptism and bar and bat mitzvah gifts) to the more typical retirees who invested in IRA's and annuities. The majority of the Clinic's clients are of the latter group, i.e. retired teachers, civil servants, and individuals who for one reason or another are on fixed incomes.

Our Clinical Program does much work on behalf of immigrant communities. We represent many youth who have been abused, neglected or abandoned, and who do not have legal status in the United States. These children are at constant risk of deportation and exploitation, they cannot work legally, and they are not able to attend college or receive health insurance. Undocumented children in the child welfare system must overcome an extremely unfriendly immigration bureaucracy as well as abusive family histories. We also represent applicants

for political asylum. The students conduct intensive investigations into the current social and political conditions in the home country of their clients. They research appropriate case law, write a legal memorandum, and argue the case in front of the Immigration Judge or Asylum Officer. The students' work on one case led to an award from a prominent Jesuit organization for their representation of a young Nigerian attacked with acid and left for dead because of his religious and anti-cult activities.

The Clinic was also involved in representation related to the historic presidential election this past November. On Election Day, a group of Clinic students advocated from early morning until the polls closed for voters turned away from voting booths. The students all received training on the litigation process required to ensure eligible voters were given the opportunity to have their vote count.

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## State Attorney Uses Personal Leave To Help Others

Camille Siano Enders\*, Esq.



**Siano Enders**

I learned early on, while still in law school, the positive feelings that come from helping someone who has found herself in need of legal assistance and unable to afford to retain an attorney. During my first job with a Manhattan law firm, while reviewing the fees and retainers charged by the firm for my services, I realized I could not afford to hire myself! That really struck me, that a person with a graduate degree and a professional job couldn't afford to hire an attorney like myself.

I started "small", so to speak, by consulting with clients at the Capital

District Women's Bar Association's free legal clinics on matrimonial matters, family court issues, residential real estate and wills. It was small because the time and effort on my part was minimal but huge in making an impact on those I consulted with. The clients I met with had questions regarding legal matters that were greatly affecting their lives. Those legal matters were routine for me, but life consuming for the client who desperately needed information to be able to make decisions to help herself. I went on to assisting with, then organizing the legal clinics, helping to form the CDWBA Legal Project, Inc. in the Albany area and its Domestic Violence Legal Connection pro bono program.

I have been a volunteer panel attorney with the Domestic Violence Legal

Connection since day one and continue to represent victims of domestic violence in Family Courts around the Capital District. As an attorney in public service with the State of New York since 1997 I have made a special effort to make pro bono service a part of my professional and personal life. Each year I use one week of personal time for Family Court appearances and evenings and other time off to complete work on each matter. I cannot use New York State resources for these matters, but use my cell phone, computer, facsimile and copy machine at home. I feel strongly that I should use my legal skills to ensure that access to our justice system does not depend on a person's economic status or background.

# Albany Law School Clinic & Justice Center

Susan J. Feathers, Assistant Dean for Student Affairs, Albany Law School

Albany Law School's award-winning Clinic & Justice Center combines theory and practice through its in-house public interest law firm, providing free legal services to eligible clients in the Capital Region. In a typical academic year, the Clinic recruits more than 250 students for clinic projects, represents more than 600 clients, assists more than 1,500 individuals and organizations through technical assistance, and offers more than 40 community education activi-

ties. The Clinic's mission is to provide high quality legal representation and to teach students to be skilled professionals who practice law with compassion and sensitivity to individual client needs.

Established in 1981, the Clinic enables students to move from the classroom to the real world-earning academic credit, gaining outstanding experience and making a true difference. Law interns represent real clients in actual cases under the close

supervision of faculty members and attorneys in one of six in-house clinics. Available Programs include:

- Civil Rights & Disabilities Law Clinic
- Domestic Violence Prosecution Hybrid Clinic
- Family Violence Litigation Clinic
- Field Placement Clinics
- Health Law Clinic
- Introduction to Litigation Clinic
- Low Income Taxpayer Clinic
- Securities Arbitration Clinic

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## "A Fruitful Imagination"

Gloria Herron Arthur, Director Pro Bono Affairs, NYSBA

Imagine, an international corporate law firm sending its attorneys to inner city public schools to answer legal questions posed by family members of the students on matters ranging from immigration law, landlord tenant issues, criminal law, and family law. Picture, if you will these well-heeled lawyers spending time after-school or during the summer months interacting with the students, mentoring them, tutoring them in math and reading, playing ball with them, and sometimes dancing with them! Better yet, imagine a law firm creating a position for a dedicated attorney to work on site at the schools to manage the firm's commitment to providing free legal services to every student and their families from kindergarten straight through to high school graduation. Imagine, it's 2:00 a.m. and you've just been notified that your 11<sup>th</sup> grader is being detained by the police as a suspect in a shooting incident, but instead of panicking, you know you can confidently call the law firm's 24 hour hot line and within two hours an attorney will call you back; but more importantly you know the law firm will ensure that an attorney will be at your son's side when he is arraigned the next morning!

Does such a law firm exist? Is it possible that any law firm would undertake such a daunting mission?

The answer is a resounding yes! Commencing in 2004, the New York office of *Bingham McCutchen LLP*, an international corporate law firm with offices world wide and on both US coasts has transformed these seemingly incredible scenarios into reality for the children and families of P.S. 57, P.S. 83, P.S. 161, P.S. 180, and P.S. 182, the five inner city public schools that comprise the Harlem New York Chapter of Say Yes to Education, Inc.<sup>1</sup>

In furtherance of what amounts to an almost 13-year legal commitment to the approximately 400 students and their families involved in the Say Yes Harlem Chapter, Bingham has had to invest in training its corporate lawyers in substantive legal areas previously unknown to them, such as immigration, landlord and tenant law, children advocacy issues, criminal law and procedure, and family law. Since 2004, the New York office has handled approximately 190 legal matters for around 160 Say Yes families. Can you imagine the positive impact Bingham McCutchen has had on the lives of these school children and their families?

The first question that comes to mind when you discover that such a law firm actually exists is *why* would it undertake such an enormous commitment? Robert Dombroff, Managing Partner of the New York office of Bingham McCutchen was quoted in

an article entitled *Class Act* written by D. M. Osborne and published in the July 2006 issue of *American Lawyer* as stating that it seemed that a pro bono alliance with the foundation would be "at the intersection of doing good, and doing good for the business." The article goes on to recount that when the firm's relationship with Say Yes was forged in 2004, the New York office was relatively young and it needed a pro bono platform to boost its public image within the New York legal community and the city as a whole.

Clearly, the firm should be commended for the breadth and scope of its commitment to provide free legal services to inner city youth and their families. Imagine if other law firms or corporate legal departments were to follow Bingham's stellar example?

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<sup>1</sup> Say Yes to Education, Inc. (Say Yes) is a national non-profit education foundation dedicated to increasing high school and college graduation rates for inner city youth. Say Yes' motto is that a child does not exist in a vacuum, therefore, a commitment to help the child, necessitates an equal commitment to help the child's family by having available an array of educational, medical, social, psychological and legal services. The Say Yes commitment starts in pre-kindergarten and continues through college. Say Yes has chapters in Philadelphia, Pennsylvania, Hartford, Connecticut, Cambridge, Massachusetts, Harlem and Syracuse New York. To learn more about Say Yes and its founder, money manager and philanthropist George Weiss visit [www.SayYes-toEducation.com](http://www.SayYes-toEducation.com).



# Legal Aid Society Of Mid-NY Offers Free Legal Clinic To Veterans

Arlene Sanders, Managing Attorney, Pro Bono Unit

For many years Legal Aid Society of Mid-NY, Inc. (LASMNY), has offered free legal clinics to clients within its 13 county Central New York service area. The clinics provide advice and information on various legal topics through private consultations with volunteer attorneys. LASMNY also co-sponsors clinics with local bar associations and other organizations to assist particular groups, such as senior citizens. This summer LASMNY launched its first clinic to address the civil legal needs of veterans in Central New York.

The idea for the clinic arose from a presentation last year by Vincent Scalise, Executive Director of the Utica

Center for Development, Inc. Mr. Scalise described the development of a "one stop" veterans facility designed to provide a wide range of services to veterans in Herkimer, Lewis, Madison and Oneida counties. LASMNY Managing Attorney Cindy Hendrickson, who attended the presentation, thought an on-site legal clinic at the facility would be a valuable service for veterans, and Paul Lupia, LASMNY'S Executive Director, agreed. With the approval and enthusiastic support of Mr. Scalise, planning for the clinic began in the Fall of 2008.

The first Veterans Legal Clinic was held on July 22, 2009, shortly after the opening of the new Veteran's Center

at 726 Washington Street in Utica. Veterans received half hour appointments with Utica attorney Richard Frye, of Foley Frye and Carbone. Attorney Frye, who has been volunteering for Legal Aid since 1990, answered questions on a range of legal topics, including family law and debt issues. "It was gratifying to help provide this needed service and we look forward to assisting many more veterans in the future," said LASMNY paralegal Renee Kolwaite, who supervised the project. The clinics will be held monthly and are open to any veterans in Herkimer, Lewis, Madison and Oneida counties seeking advice on civil legal matters.

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## Pro Bono: As Much For You As Those We Serve

Hon. Mark L. Powers\*, Acting Supreme Court Justice & Schenectady County Family Court Judge

Too often attorneys jokingly refer to the unpaid debts of their practice as their own pro bono efforts. This sentiment is understandable as many attorneys are struggling to balance serving their clients and maintaining their practice. However, those who make the time for public service, as small as it might be, find that pro bono work is not solely "for the public good," as its Latin translation suggests. Those attorneys who undertake pro bono representation quickly discover the greater meaning behind those two words: that when we serve others, we serve ourselves.

As a Family Court judge, every day when I step into my courtroom I am reminded that the need for pro bono representation is larger than ever. Studies show that, currently, civil legal aid only serves about 20% of low-income people in need of representation and every day persons choose not to pursue viable claims simply because they cannot obtain legal representation. Larger firms, in recogni-

tion of this void, have implemented new ways to support and encourage pro bono work. For example, Skadden Arps not only allows associates to undertake pro bono work in any area that interests them but they also allow attorneys to include the hours expended in their pro bono representation as billable hours. While smaller firms and solo practitioners may not have the ability to provide these enticements, luckily, pro bono work provides its own incentives.

First, many pro bono opportunities require simple legal work like explaining a set of forms. For example, one attorney took a few hours twice a month to review argument submissions for uncontested matrimonials, meet with the parties, and explain why certain forms were needed. This assistance was simple, yet invaluable to the parties. Second, pro bono work allows you to expand into a new practice area or get out from behind the desk and back into the court room once in a while. The greatest incen-

tive though is the feeling you get from engaging in public service – you are helping someone achieve justice that they may not obtain without your help. It is a feeling that cannot be replicated - not even by the biggest legal victory you have ever had.

No matter what type of pro bono work you perform, you will have the support and respect of the legal community. The judge will refer you to resources that will aid in your representation. Your adversary will generally seek to be fair and honest in their dealings with you. Lastly, your colleagues will admire your decision and may even be encouraged to take on pro bono work as well.

The point is to become involved, feel good not just about what you do, but about yourself. Pro bono work identifies you as someone who makes a difference in the profession, and most importantly, in the lives of the people we serve.

# Pro Bono: The VOLS Matching Model

William J. Dean\*, Executive Director, Volunteers of Legal Services, Inc.

At Volunteers of Legal Service (VOLS), we are very partial to the matching model in our pro bono work.

In a match, a law firm agrees to accept pro bono cases from the entity with which it has been matched by VOLS. The entity may be a hospital, school, economic development agency, or other non-profit organization. There are many advantages to a matching arrangement. Pre-screened pro bono cases identified by the matched partner come to the law firm on a regular basis. The law firm and matched partner develop close and productive working relations. The firm develops areas of pro bono expertise and so can handle a larger number of cases expeditiously.

In addition, lawyers at the firm work as a team on the project, sharing experiences and information. Participating lawyers feel part of a collegial undertaking, instead of doing pro bono work in isolation. A law firm sees tangible results from its pro bono program, instead of dispersing its energies and efforts in many directions at once.

In addition to developing the project, VOLS arranges the match between the law firm and entity, and provides ongoing project coordination.

## (1) Hospital-based Children's Project

In this matching project, lawyers work with doctors and social workers at hospitals to improve health outcomes for children through the provision of pro bono civil legal services. Case example: A child with asthma, where the asthma may be triggered by conditions in the family's apartment, will have a lawyer available to work with the landlord.

The seven hospitals participating in the VOLS Children's Project, and their matched law firms, are:

- Bellevue Hospital Center (Paul, Weiss, Rifkind, Wharton & Garrison);
- The Children's Hospital at Montefiore (Cravath, Swaine & Moore);
- Harlem Hospital Center (Dewey & LeBoeuf);
- Metropolitan Hospital Center (Patterson, Belknap, Webb & Tyler);
- Morgan Stanley Children's Hospital of New York-Presbyterian (Cravath);
- New York-Presbyterian Hospital, Weill-Cornell Campus (White & Case);
- New York University Medical Center (Pillsbury Winthrop Shaw Pittman and Proskauer Rose).

In 2008, 143 volunteer lawyers and 34 legal assistants from the matched law firms participated in this project.

## (2) School-based Children's Project

In this project, VOLS matches law firms with schools to address civil legal problems facing families that threaten to disrupt the education of their children. Case example: A housing or immigration problem can lead to children having to withdraw from the school they are attending.

The six schools participating in this project, and their matched law firms, are:

- Public School 146, an elementary school in East Harlem (Fried, Frank, Harris, Shriver & Jacobson);
- KIPP Academy, a middle school in the Mott Haven/Morrisania section of the Bronx (Debevoise & Plimpton);
- The Bushwick Campus, four high schools in Brooklyn on a single campus (Simpson Thacher & Bartlett);

*The law firm and matched partner develop close and productive working relations. The firm develops areas of pro bono expertise and so can handle a larger number of cases expeditiously.*

- Bronx Lab School, a high school in the Gun Hill section of the Bronx (WilmerHale);
- Public School 11, an elementary school in Chelsea (Kramer Levin Naftalis & Frankel); and
- Dream Charter School, an elementary school in East Harlem (Baker & McKenzie).

In 2008, 121 lawyers and 28 legal assistants from the match law firms participated in this project.

## (3) Low-Income Microentrepreneur Project

In this project, VOLS matches law firms with economic development agencies. The agencies identify low-income microentrepreneurs in need of legal assistance on business-related issues. Case examples: Appropriate structure for business, negotiating commercial leases, preparation of partnership agreements, intellectual property issues.

In 2008, 18 law firms and one corporation were matched by VOLS with 16 economic development agencies in New York City. 214 lawyers participated in the project.

VOLS welcomes inquiries from law firms and legal services organizations interested in establishing a matching project.

*Please contact*

*Bill Dean, by telephone at*

*212-966-4400, ext. 2102;*

*or e-mail: [wdean@volsprobono.org](mailto:wdean@volsprobono.org)*

# CLARO: A Success Story, Three Years In The Making

John Buhta\*, Brooklyn Law School Graduate, Class of 2009

CLARO (the Civil Legal Advice and Resource Office) is an innovative walk-in clinic providing pro bono legal advice to *pro se* litigants sued in civil court by debt collectors and creditors. Founded in 2006 by the Brooklyn Bar Association Volunteer Lawyers Project in conjunction with Brooklyn Law School and with the support and encouragement of several Civil Court judges and members of the New York City Bar Civil Court Committee, Brooklyn CLARO has gone from a single volunteer lawyer assisting approximately five litigants one evening a week to a technologically sophisticated clinic staffed by a crew of volunteer lawyers and law students consistently serving upwards of thirty litigants over the course of weekly afternoon and evening sessions. Two essential components of CLARO's growth and success are the steady hand of the BVLP's Supervising Attorney, Sidney Cherubin, and the unwavering commitment and creative energy of the Brooklyn Law School students, organized into a public interest action group known as

CLARO/SAG. In the past year alone, Brooklyn CLARO has assisted over 1,000 individuals with navigating the court process, understanding their litigation options, negotiating with creditors, and settling their cases.

Approximately two years ago, the effectiveness of the project led to its expansion beyond Kings County Civil Court to Queens and New York Counties. This past summer, Bronx CLARO opened its doors. In each instance, CLARO is the result of dynamic collaboration: in Queens, it is the Queens Volunteer Lawyers Project and students from Fordham Law School; in New York County, it is the New York County Lawyers Association and students from Fordham Law School; and in the newly-opened Bronx CLARO, it is a joint venture of the Bronx County Bar Association, the New York City Bar Association and Fordham Law School students.

In a further expansion, Queens CLARO recently hired a part-time supervising attorney to oversee volunteer "lawyers-for-a-day" who will represent CLARO clients at a single court appearance. The "lawyer-for-a-day" model has been highly effective in promoting access to justice for low-income litigants in New York County Housing Court and should perfectly compliment the CLARO project. A similar supervising attorney position to oversee representation of Brooklyn CLARO clients was recently announced in partnership with the Appleseed Foundation. This development is one example of how bi-monthly citywide CLARO Council meetings, presided over by the Hon. Fern A. Fisher, Deputy Chief Administrative Judge for New York City Courts, provide an opportunity to share information and best practices among supervisors of the clinics and the judiciary. Coordination between the clinics also facilitates the scheduling of CLE training sessions for volunteers.

As with all pro bono projects, the success of CLARO can be attributed in



*Volunteer Attorney Nicholas Chandler (seated, right), assists a CLARO visitor while Brooklyn Law School Students help to keep the session running smoothly.*

large part to the commitment of the many volunteer lawyers who have participated in the project over the past three years. Volunteer attorneys at CLARO range from legal services lawyers who are experts in consumer law, to retired government lawyers, to recent law graduates looking for practical legal experience as they begin their careers, to seasoned private sector lawyers seeking pro bono work with a discrete time commitment. Many of the volunteers return to CLARO week-after-week, adding to the wealth of experience and knowledge available to the patrons of the clinic. With the recent downturn in employment and a tightening of credit, debt collection activities have increased and the service provided by CLARO clinics across New York City has become more important than ever. Fortunately, given the quality of volunteer lawyers and the strength of its citywide network, CLARO is positioned well to serve this heightened demand.

## Improve a Life



Hon. George B. Ceresia, Jr.  
District Administrative Judge  
Third Judicial District

Lawyers donate more than 25.7 million hours of pro bono service each year. Yet, in these harsh economic times, the need and opportunity for pro bono service has never been greater. In order to highlight these issues, National Pro Bono Week is designed to honor local lawyers who have shown an extraordinary commitment to pro bono service, to educate the public about how these lawyers are improving the lives of the less fortunate, and to inform the legal community about the wide range of pro bono opportunities available in our area.



# Pro Bono - Doing Good Is Good For You

Daniel S. Kahn\*, Litigation Associate, Davis Polk & Wardwell LLP



**Kahn**

For the six years that I have worked at Davis Polk, I have tried to take on as many pro bono cases as possible, and doing so has provided me my most memorable experience

at the firm. We represented Lonnie Jones, a man who had been wrongfully convicted of murder and sentenced to thirty-seven years to life in prison based on the false testimony of one eyewitness. Led by Carey Dunne\* and James Berkard\*, two partners at the firm, and Chris Withers, a senior associate, we successfully obtained a reversal and a new trial. At the second trial, we represented Lonnie and put on three witnesses who all testified that the supposed eyewitness was not even near the crime scene at the time of the murder. A jury acquitted him on all charges after less than two hours of deliberation. As Lonnie collapsed into the arms of his wife and mother for the first time in six years to the calls of his mother screaming, "my baby is coming home," for the first and only time, I cried as a

result of something work-related. Davis Polk asked me to continue representing Lonnie as lead counsel in a suit against the State of New York under Court of Claims Act § 8-b for damages resulting from his wrongful conviction. Two years of work culminated in a two-day trial and a judgment by the court awarding \$1.8 million in damages.

The many benefits of pro bono have undoubtedly been recounted in this newsletter many times before — the opportunity to help those in need; the feeling you get when you are able to make a difference in someone's life for the better; and the chance to take on tremendous responsibility early on in your legal career, just to name the most frequently recited. But one advantage that often is underestimated, if not overlooked, is the variety it offers. Our brain appreciates a change every once in a while, almost like cross-training. The same principle explains why many of my lawyer friends refuse to watch legal dramas on television when they go home at night, or why we would get bored (and perhaps mercury poisoning) from eating sushi every night of the week.

No organization better recognizes the value of varying pro bono oppor-

tunities, both legal and non-legal, than the New York Lawyer's for the Public Interest and its Pro Bono Advisory Council ("PBAC"). The PBAC's mission is to enhance the public service commitment of the legal profession. It organizes a number of panels throughout the year to provide young lawyers with information about a diverse range of pro bono opportunities, including discussions on how to obtain a position on the board of a non-profit organization, how to transition from the private sector to the public, and how to expand the pro bono practice at your firm. All the opportunities discussed have two things in common — each provides a chance to do good, and each offers a different type of work.

So if you do have an interest in learning more about pro bono opportunities of any kind, try attending the next PBAC panel, or simply contact the council directly ([www.nylpi.org](http://www.nylpi.org)). Even if the pro bono project you work on turns out not to be what you expected, that can be a very good thing.

*\* The writer is a member of NYSBA and a member of NLPI's Pro Bono Advisory Council.*

**Peter V. Coffey**  
NYSBA Member



I remember a conversation with an attorney who had an extremely successful legal career — he was generally acknowledged as the top in his field and additionally had substantial financial success. I do not know what caused him to say it but he suddenly reflected "I have never really done anything for the poor." To hear and

feel that regret had such an impact.

I recall one case in particular. A foreclosure in which the client held an entire extended family together. Frankly the lending institution was simply not helpful nor understanding and it might be said neither were its attorney. We went through two motions for summary judgment and because of a very complex set of facts had to fend off a tax foreclosure by the City. Ultimately we won. In my final conversation with the bank attorney she commented that after all was said and done would I now acknowledge that in the end it really was not worth it. Worth it — I will talk about that case until they carry me out of here.

Do not be that attorney. Do not be the first attorney. You have to do pro bono to understand the emotional well being this activity can bring you.

**Edward I. Kaplan, Esq.**  
NYSBA Member



When recently asked why I am inclined to provide legal services, on a pro bono basis, I immediately thought, because there is work to be done, that's why. When there is work to be done, I do it. I am a competitive person by nature. I was introduced to the Legal Aid Society of Northeastern New York by my partner Eugenia

Brennan-Heslin. Eugenia has always made it a point to represent indigent clients; especially woman in need of matrimonial or family law services. I have always held her in high regard for her tireless pro bono efforts. Not to be outdone, I got involved. Pro bono has given me the opportunity to hone my legal skills in areas of law in which I have interest, but little or no opportunity to practice. I am much too busy in my own practice to stop and think why I do what I do. There is an old adage: "if you want to get something done, give it to a busy man." I have a great deal of respect for the people who dedicate themselves to working for the Legal Aid Society. The folks at the Legal Aid Society of Northeastern New York eagerly share their work excitement and I find it refreshing. Their enthusiasm is infectious; they call, I'm in. I love their spark and their energy.

# Part Of The Solution . . .

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

We all know there are huge gaps in the availability of civil legal services, particularly in this time of shrinking fiscal resources. Traditional legal services organizations alone are able to address only a small percentage of the unmet legal needs in the community. Many people who do not qualify for traditional legal services programs cannot realistically afford to retain private attorneys, and may either forego legal remedies or attempt to represent themselves. Programs like The Legal Project have the flexibility to create programs to address unmet legal needs, and to do it in a creative and responsive way. Since its inception over 14 years ago, The Legal Project has tried to address needs that were not addressed anywhere else in the Capital Region of New York State.

Some of our innovative programs are the Domestic Violence Legal Connection, the Affordable Housing Attorney Assistance Program, Legal Clinics, Small Business Legal Clinics, Bankruptcy and Credit, Legally Speaking, and Uncontested Divorce Clinics. We also collaborate with the

Legal Aid Society of Northeastern New York on programs such as the HIV/AIDS Wills Project and the Foreclosure Project. These projects use staff attorneys and/or volunteer attorneys to provide clients with compassionate legal assistance, and provide volunteer attorneys with numerous options to gain knowledge and experience in various areas of law.

Clients often come to The Legal Project by referrals from community agencies with which we work closely – domestic violence advocacy agencies, affordable housing programs, HIV/AIDS service agencies, and other such groups. The Legal Project's operational philosophy is that we have several different groups of clients – actual legal clients, community agencies, the general public, and our funders. If any of these groups is not satisfied with the services or experience they have with The Legal Project, we are not doing our jobs appropriately, and our agency cannot work optimally. Since we operate under no legislative mandate, we can only continue to provide services as long as we

can maintain excellent relationships with all of our "clients."

We also have the ability to develop expertise in certain subject areas, since we focus on specific programs. The Legal Project is one of the premier agencies for representation for victims of domestic violence in the Capital Region. Our staff attorneys can provide representation in matrimonial cases and complex Family Court cases, while our 80+ domestic violence volunteer attorneys provide representation in other Family Court cases. Other attorneys who volunteer with us are always willing to take on non-family law matters for victims, enabling us to provide a comprehensive range of legal services for victims.

The Legal Project continues to create and implement innovative programs to address the many gaps in availability of legal assistance. Our volunteer attorneys are our partners in this effort. We are all part of the solution. For more information on any of The Legal Project's programs please contact [eschell@legalproject.org](mailto:eschell@legalproject.org) or go to our website at [www.legalproject.org](http://www.legalproject.org).

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## Students Attending The Upstate Institute At Colgate University Collaborate With Utica Office Of Legal Aid Society Of Mid-New York To Handle Consumer Bankruptcy Cases

**Susan M. Conn, Project Consultant, Upstate Institute at Colgate University**

The Upstate Institute at Colgate University in Hamilton, NY is beginning its third semester of having students work with individuals facing significant debt from the loss of job, medical costs, or the actions of an abusive ex-spouse, assisting the low-income clients in the compilation of their initial Chapter 7 bankruptcy paperwork. Susan Conn, Esq., a project consultant with the Upstate Institute, has trained and supervised a total of 18 students who have participated in the Consumer Bankruptcy Project. Through a partnership with the Utica office of the Legal Aid Society of Mid-New York, Inc., students compile the

necessary documentation and draft Schedules B, F, I and J as well as file memos. The Legal Aid Society then sends the referral packet to newly recruited pro bono attorneys who provide the representation in bankruptcy court. The project has assisted seventeen clients to date, with 5 new cases being developed during the fall of 2009. The project, funded by a grant from the Community Foundation of Herkimer and Oneida Counties, teaches students about bankruptcy policy, credit, and debt through workshops, readings, and hands-on experience, while building the capacity of the Legal Aid Society of Mid-New York to

handle consumer bankruptcy cases.

A luncheon and a CLE program: Representing the Pro Bono Debtor will be held on Friday, October 30, 2009, co-sponsored by the Central New York Bankruptcy Bar Association and the Upstate Institute of Colgate University with funding from the Community Foundation of Herkimer and Oneida County. A total of 4 CLE credits (one of which will be an ethics credit) will be offered to those who attend. *The luncheon and CLE is free of cost to attorneys who agree to accept 2 bankruptcy referrals during the next 12 months.* For more information contact Renee Kolwaite at LASMNY, (315) 793-7061.

# First Do No Harm: The Military Families Project

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

It's not a part of our lawyer credo, but we sometimes have to think about it. Imagine a victim of domestic violence, whose husband is in the military, coming to you for representation in a family offense proceeding. You know just what to do. You provide her the same excellent representation you provide to other such clients, and she gets an Order of Protection removing her husband, the abuser, from the residence. She's happy. You're happy. Then she calls you to tell you that, because of the Order of Protection, she and her children have been told they have thirty days to vacate their housing on the military base, since her service member husband is no longer residing with the family.

This is just one of the potential pitfalls in representing victims of domestic violence who are affiliated with the military. There are issues regarding military retirement, benefits, dependent support, Service Members Civil Relief Act, and many others. The Legal Project, located in the Capital Region of New York State, identified this area as a significant gap in legal assistance being provided to victims of domestic violence. Civilian attor-

neys representing victims of domestic violence who have some connection with the military can inadvertently make their clients' situations significantly worse by doing exactly what they do for non-military-connected clients. Our new Military Families Project is our effort to try to close that particular gap.

We are addressing this problem in two ways. One, the most obvious, is to develop expertise in this subject and provide direct services – whether representation or consultations – to clients who come to us with these issues. Although right now we are building up knowledge of this program, we expect that we will have many more clients approaching us for assistance, and we will then develop a pro bono assistance component.

The other way we are addressing this problem is by providing training and technical assistance to attorneys who are dealing with military-connected victims, or are interested in doing so. We will do this by presenting regionally-based CLE programs on this subject, and then being available to provide resources and answer questions for attorneys on an ongoing

basis. We will then have a statewide group of attorneys to whom we may be able to refer cases when we have clients needing representation outside of the Capital Region.

We are fortunate to have several former military attorneys working with us, providing detailed knowledge from the "inside", while also having staff attorneys developing expertise in this area who are available for technical assistance questions, provision of forms, and other things attorneys might need to provide appropriate comprehensive services to victims of domestic violence who are connected with the military. We see this as one more step toward the day every victim of domestic violence has access to appropriate legal assistance that will not make life harder or more dangerous, but will work within the parameters of each individual's situation to provide safety and independence.

For more information on this project or any of The Legal Project's programs please contact [eschell@legalproject.org](mailto:eschell@legalproject.org) or go to our website at [www.legalproject.org](http://www.legalproject.org).

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## Suffolk County's Pro Bono Action Committee Prepares To Launch Innovative "Classroom Meets Courtroom" Project

Linda Raphan, Suffolk County Pro Bono Coordinator

*The Pro Bono Partnership Program* is a project pairing law students with local attorneys wherein the student does the preparatory work for a case and the attorney supervises the student. Sponsored by Suffolk County's Pro Bono Action Committee, this partnership project will be known as "Classroom Meets Courtroom." The law students are being given an opportunity to gain experience and engage in "networking" within the professional

arena. The practitioner, on the other hand, will save time by monitoring as opposed to actually performing, the legal tasks required to handle a matter.

One event scheduled during National Pro Bono Week in Suffolk County, and sponsored by Suffolk's Pro Bono Action Committee, is a luncheon hosted by Touro Law Center. A volunteer attorney will be addressing law students on the benefits and

achievements resulting from involvement with *pro bono* service. During this event, a sign up sheet will be presented for those students interested in participating in the Pro Bono Action Committee's "Classroom Meets Courtroom" project. It is envisioned that, as this program progresses, a permanent subcommittee will be enacted to monitor the communication and progress between the partners.



# In Their Own Words: Attorneys At Nixon Peabody LLP Share Their Thoughts About What Pro Bono Means To Them

**Jessica Chiclacos, Labor & Employment Associate, Long Island**

I enjoy doing pro bono work because I am able to provide legal services to entities that can not otherwise afford to pay for counsel. I am able to give back to the community as well as gain practical experience as an associate. I typically assist not-for-profits on employment issues and write employee handbooks, and I recently took on an immigration case on behalf of an unaccompanied minor. The best part of pro bono work is the experience I receive and the self satisfaction that I feel from helping others. Every employer has issues with their employees and without pro bono, a not-for-profit can not survive.

**Anita Pelletier\*, Health Care Associate, Rochester**

When I first started with the firm, I got involved with pro bono and I continue to feel it is my professional responsibility to do so. I typically work with charities and tax exempt organizations on their formation, governance review, and strategic planning. To date, I have helped over 100 not-for-profit organizations. I feel great satisfaction from helping the non-profits, who would not be able to form and gain tax exempt status without my pro bono assistance. I often supervise younger associates, who are able to gain practical experience, meet with clients, and get real courtroom experience.

**David Tennant\*, Products Partner, Rochester**

Before joining Nixon Peabody (or even thinking about law school), I worked for a not-for-profit crime victims assistance agency where I helped families of homicide and victims of domestic violence. I decided to attend law school after seeing a homicide trial and being inspired to become a prosecutor. I came to Nixon Peabody following a stint as a prosecu-

tor, and discovered an active pro bono culture in the firm -- a dedicated group of attorneys in the Rochester office who make it their regular practice to provide legal services to the poor. Pro bono cases provide an opportunity to help individuals with pressing legal problems who otherwise would have no legal representation -- in other words, a chance to make a real difference. The stakes typically are high. For example, in a proceeding to remove custody of a child from his or her parent (due to abuse and neglect) and place the child with a grandparent, the child's life may depend on the legal outcome. The benefits of doing pro bono work are many and include the emotional reward that comes from helping others in need, earning good will with the courts, and deepening relationships with corporate clients who partner in the delivery of legal services to the poor. For younger lawyers, pro bono cases may provide courtroom experience that is otherwise hard to get. In short, there are many reasons -- all of them good-- to provide legal assistance to those who cannot afford a lawyer. And we should not forget that it is also an ethical obligation under the rules that govern our profession.

**Tara Daub, Labor and Employment Associate, Long Island**

By taking on pro bono cases, you are able to benefit the community by providing legal services to organizations and individuals who otherwise could not afford them. As a labor and employment attorney, I counsel companies everyday on how to comply with the complex framework of federal, state and local laws governing their relationships with employees. Most of these employment laws apply with equal force to non-profit organizations, which have no lesser need for the services of lawyers with expertise, but many of which would be unable to afford those services in the absence

of lawyers willing to provide pro bono services. In addition to representing not-for-profit organizations, I recently won an asylum case for an Iraqi student that feared persecution if he were returned to Iraq. Another benefit of providing pro bono services is that you are able to interact with a broader group of clients and learn from their diverse experiences.

**Daniel J. Hurteau\*, Health Services Partner, Albany**

At Nixon Peabody, it is expected that attorneys give back to the community by taking on pro bono matters. I typically handle litigation matters such as landlord-tenant disputes, domestic disputes, and commercial disputes and I enjoy working on these cases. Some of the benefits of doing pro bono work are: you get to try cases in front of a jury, you are able to hone your skills and get on the job training, and you have to get up to speed on cases quickly and exercise decision making skills. Pro bono has often provided me with instant satisfaction, as I have been able to change the situation where the clients otherwise may not have known their rights.

**Timothy Broshears\*, Litigation and Dispute Resolution Associate, Rochester**

There is a strong culture at Nixon Peabody which encourages and supports pro bono work. As a litigation associate, I appreciate the opportunity to enhance my litigation skills in family court, administrative proceedings, New York State and federal courts. I am able to exercise decision making and client management skills, and become a better communicator through one-on-one client interaction. More importantly, pro bono provides a sense of gratification and accomplishment through public service as I am providing my skills to those who would not otherwise have an advocate.

**Margaret Clemens\*, Labor and Employment Partner, Rochester**

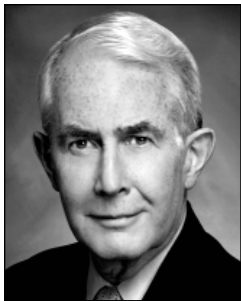
As a law student, I always wanted to be involved with pro bono and give back to the community, specifically helping battered women. I started with Nixon Peabody over 20 years ago because the firm encouraged and supported attorneys who did pro bono as part of their practice. I am

able to make a difference in the lives of those who could not otherwise afford to retain counsel. In addition, I sit on the board of a battered women's shelter where I am able to make strategic decisions to help the shelter. The benefits of pro bono are that I am able to help make a difference by changing a person's life. For example, I have reunited a mother and a child and

helped a woman get out of a home where there is violence. At the end of my career, these are the cases I will remember. As a junior associate, I was able to use pro bono as a way to practice my trial skills and get into court. As a partner, this has resulted in billable work, advising clients on how to deal with domestic violence in the workplace.

## President's Committee On Access To Justice

**Hon. George H. Lowe\* and Stephen P. Younger\*, Co-Chairs, PCAJ**



**Lowe**



**Younger**

In 1990 the New York State Bar Association created the President's Committee on Access to Justice (PCAJ). The Committee's primary mission is to enhance access to the civil legal system by low-income and vulnerable population groups. In keeping with this goal, the Committee works collaboratively with local bar associations, law schools, the

courts, and other public and private associations and agencies to obtain adequate and consistent state and federal funding for programs designed to enhance access to the civil legal justice system.

Reflecting the importance of this Committee, the President-Elect of the Association always serves as Co-Chair, in order to assure that the person is fully familiar with access to justice issues before ascending to the presidency. A more permanent Co-Chair serves a three year term. PCAJ membership consists of members of the private bar and representatives from the judiciary, law schools, and public interest groups. Representatives of the Committee on Legal Aid, the Pro Bono Coordinators Network,

and the IOLA Fund also are on the Committee. Typically, when an issue arises concerning funding for legal services, or pro bono matters, or any other topic affecting access to justice, the PCAJ is the Association's central body to study the issue and provide a report and recommendations to the Executive Committee. Often the PCAJ and the Committee on Legal Aid work jointly on such issues.

One of the most significant accomplishments of the PCAJ during 2008-2009 was its role in developing the Association's policy concerning Civil Gideon. The State Bar Association had long endorsed the concept of Civil Gideon, that is, a right to civil counsel in certain areas of law where basic human needs are at risk, such as housing and public benefits. The PCAJ created a Subcommittee on Civil Gideon, which, among other things, organized a highly successful symposium on the issue that was held in March, 2008 at Touro College Jacob D. Fuchsberg Law Center. In conjunction with the symposium, PCAJ member Laura K. Abel\* authored a white paper entitled, *Toward a Right to Counsel in Civil Cases in New York: A Report of the New York State Bar Association*. The article reviews the scope of the current right to counsel in basic human needs areas and recommends appropriate expansion as needed. The white paper, together with other cutting edge articles dealing with an array of right to counsel issues, is featured in the 2009, 25<sup>th</sup> Anniversary Special Edition of the Touro Law Review. To view these articles visit

[www.tourolaw.edu/lawreview](http://www.tourolaw.edu/lawreview).

On November 1, 2008, the House of Delegates formally adopted a two-prong resolution promulgated by the PCAJ which identified two substantive legal areas in which the Association would lobby the New York State Legislature to expand the civil right to counsel, calling for legislation to provide a right to counsel for vulnerable low-income persons who face eviction or foreclosure from their home; and extending the existing right to counsel for unemployment insurance claimants.

The significance of the Civil Gideon resolution is readily apparent given New York's exceptionally high mortgage foreclosure rate and the ever increasing number of cases on the housing court dockets where landlords routinely seek to evict tenants who literally have no where else to go. Similarly, the dramatic rise in unemployment insurance benefits claims should not be a surprise given the State's high unemployment rate.

This Special Edition of the Pro Bono News features a number of articles addressing innovative collaborations involving volunteer lawyers, law students, law firms and legal services programs who have joined forces to ensure competent legal representation for low-income and vulnerable populations in these substantive legal areas.

The President's Committee on Access to Justice wishes to express its profound gratitude to its members and the legal community for all the good that they do, individually and collectively, to enhance access to justice for all.



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