

Pro Bono News

Winter 2011 Vol. 20 No. 1

Shining the Light on the Need for Civil Legal Services for New Yorkers in Need

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



Younger

Through December 2010, 1124 NYSBA members donated in excess of 200,000 hours of free legal services through the Association's Empire State Counsel® Program. When the

final 2010 numbers are tallied at the end of this February, we anticipate that our Empire State Counsel® easily will surpass their formidable 2009 record, when Empire State Counsel® Honorees donated nearly a ¼ million hours!

Across the country, attorneys have contributed a huge amount of pro bono time to Americans in need. Although the 2010 numbers are not yet available, The American Lawyer reported that in 2009 the 200 largest law firms donated more than 5.7 million hours of free legal services. No other profession can claim such incredible volunteer service.

Despite the generosity of NYSBA members, it is estimated that more than 2.3 million unrepresented litigants flooded New York State's civil courts last year alone. In some courts - such as housing court - the unrepresented made up well over 90 percent of the docket. This crisis has been made worse by the devastating effects the economic downturn has had on the poor in our state. That so many litigants go without counsel clearly shows

that we cannot fix the access to justice crisis in our courts through pro bono service alone.

As a result, the legal community owes a tremendous debt of gratitude to Chief Judge Jonathan Lippman for establishing the Task Force to Expand Access to Civil Legal Services in New York. The Task Force held hearings in each of the State's four Judicial Departments in order to assess the nature, scope and extent of the crisis affecting our civil legal services delivery system. The State Bar was privileged to co-chair these hearings.

As opposed to focusing solely on legal services providers and their clients, the Chief Judge broadened the scope of the hearings to include testimony from Judges, business leaders, and local government officials. This testimony persuasively demonstrated how society is harmed when litigants lack counsel in matters dealing with basic necessities of life such as shelter, subsistence benefits, and personal safety.

The Task Force, under the sterling leadership of Helaine Barnett, also is to be commended for its superb job integrating the evidence into a persuasive report. The report not only contains a thoughtful analysis of the current civil legal services delivery system, but outlines a practical, incremental plan for alleviating some of the barriers that impede low-income and vulnerable New Yorkers from obtaining access to our civil courts.

Among other things, the report confirms what legal services providers and judges have been saying all along - i.e., that the lack of representation leads to delays, overburdened dockets, increased financial burdens on opposing parties who enjoy legal representation, and a loss to the State of hundreds of millions of dollars in federal benefits. Significantly, the work of civil legal services providers brings more than \$300 million in federal dollars back into New York, saving state and local governments almost \$100 million. As financially strapped as our State is, prudent fiscal management requires that we adequately fund our civil legal services programs.

The Association commends Chief Judge Lippman and the Judiciary for taking a stand in favor of access to justice, and we enthusiastically support the request that the Judiciary budget include \$25 million this year for civil legal services.

We also extend our sincere gratitude to all the 2010 Empire State Counsel® Honorees for their volunteer legal work on behalf of the most vulnerable among us. Thank you to everyone - lawyers, law students and paralegals - who selflessly does the public good by doing pro bono all year long. This is what our profession is all about.

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Happy New Year!



Herron Arthur

their communities' neediest residents: handling mortgage foreclosure settlement conferences; battling unjust evictions in housing courts throughout the State; defending low-income consumers burdened with crushing debt; and the list goes on and on.

As we all know, pro bono is not just about the "good we do". To the contrary, pro bono is very much about the intangible benefits we receive from doing it. While it may sound corny, pro bono really does change lives — the lives of those who receive it as well as the lives of those who perform this service. Several articles in this issue deal with the life-altering impact pro bono clients have on the lives of the attorneys who represent them.

2010 was a year of new and dynamic partnerships that were forged among legal services providers, law firms, members of the private bar and law schools. Inside you will find various articles identifying some of the law firms, individual attorneys, and creative projects that flourished. Association members are identified by the asterisk* which appears next to their name.

I am confident that 2011 also will be a stellar year with even more attorneys becoming involved in pro bono. Need help getting started? Inspiration can be found in this issue which contains a list of the top 11 reasons to do pro bono. Looking for new ideas for pro bono projects? This issue contains a wealth of program ideas as well as information about available free training opportunities to recruit more volunteers, whether seasoned attorneys or enthusiastic law students.

Congratulations to all of the 2010 pro bono volunteers. Whether in New York City, Long Island or rural upstate New York, pro bono lawyers helped to improve the lives of some of

This issue also proudly salutes the 2010 Empire State Counsel® Honorees – the Association members who perform 50 hours or more of free legal services. At the time this issue went to print in early January, approximately, 1124 NYSBA members were enrolled in the program. Collectively, the Empire State Counsel® Honorees donated more than 200,000 hours of free legal services during 2010. At press time, more than six new law firms had enrolled in the Empire State Counsel® Program for the very first time. Also, featured in this issue is the 2010 Empire State Counsel® Photo Gallery.

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As part of the Association's continuing commitment to recognize the positive contributions attorneys make, we are pleased to announce the launch of a new webpage entitled *Expressions* where we will feature essays about attorneys' contributions to their community. So, if you have a volunteer you would like to recognize for her outstanding contributions to the community or if you have an inspirational story you would like to share from your personal experience, send them to *Expressions*. Essays are not limited to pro bono activities.

Many thanks to each of you who contributed to this issue! Your generosity of spirit, time and talent fills me with hope for the coming year. Best wishes for a happy, healthy and pro bono filled New Year!

Across the State Pro Bono Lawyers Step Up to Prevent Mortgage Foreclosures

Jerry Wein, Esq., Director of Training, Empire Justice Center

There are many stories in the media about the continuing mortgage foreclosure crisis, but one story that has not gotten much publicity is the number of New York attorneys who have stepped up to provide pro bono representation to homeowners facing the loss of their homes.

Throughout New York State, county and specialty bar associations, working with legal services and free-standing pro bono organizations, are training lawyers to represent clients at mandatory settlement conferences and linking them to clients seeking assistance.

In the past two years, mortgage foreclosure prevention training was co-sponsored by county bars in: Albany, Brooklyn, Dutchess, Erie, Monroe County, Nassau, New York, Oneida, Onondaga, Orange, Queens, Richmond, Rockland, Saratoga, Schenectady, Suffolk, Warren, and Westchester. Additionally, the New York State Bar Association co-sponsored (and continues to sponsor) all of the foreclosure pro bono training.

Other co-sponsors include Adirondack Women's Bar Association, Capitol District Black and Hispanic Bar Association, Eighth Judicial District Pro Bono NY Committee, Metropolitan Black Bar Association, Middletown Bar Association, Pro Bono NY Orange County Local Action Committee, Staten Island Women's Bar Association, Westchester Black Bar Association, Women's Bar Association of Orange & Sullivan Counties.

Mortgage foreclosure prevention training, which reached over eighteen hundred participants in 2010, helps recruit pro bono attorneys who, working with a pro bono project or legal services organization, then provide direct client representation. For example, the Brooklyn Bar Association Volunteer Lawyers Projects Pro Bono Foreclosure Intervention Program has

assisted 221 homeowners since the program began in March 2009; the Queens Foreclosure Conference Project has assisted 215 homeowners.

Need for Representation Continues

Mortgage foreclosure statistics continue to tell a distressing story. According to the New York State Banking Department, 134,000 ninety-day pre-foreclosure notices were issued in New York between February

and October 2010. Approximately half of those notices (70,871) were sent on mortgages originated during the height of the foreclosure crisis, between 2005 and 2007. As of December, 55,975 foreclosure homes are on the market in New York State.

New York City, Long Island and Westchester accounted for roughly half of all New York State foreclosure notices. The top five counties in terms of volume and percent of total notices were:

1. Suffolk (19,880 notices, 14.8% of total)
2. Queens (15,184 notices, 11.3% of total)
3. Nassau (13,611 notices, 10.2% of total)
4. Kings (11,037 notices, 8.2% of total)
5. Westchester (6,309 notices, 4.7% of total)

Free Training Available in 2011

Free mortgage foreclosure prevention training is available throughout 2011. The trainings, co-sponsored by the New York State Bar Association, and underwritten by the New York State Division of Housing & Community Renewal, also provide Continuing Legal Education Credits. The training is led by Kirsten Keefe, senior staff attorney in the Consumer, Housing and Community Development

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unit of Empire Justice Center. Kirsten utilizes lawyers and court personnel from the region where the training is taking place to serve on the training team. Each training program includes a hands-on settlement conference guide, as well as materials customized to reflect practices in each Judicial District.

This training can be provided directly to your membership in your community. Bar associations and other organizations interested in co-sponsoring a training program customized for your membership may contact me: jwein@empirejustice.org, 585-295-5721.

Albany Law School Community Partners' Testimonials



Stephen P. Younger*, President, New York State Bar Association

"The Bar Association is delighted to partner with Albany Law School's innovative and rigorous Pro

Bono Program. Through our NYSBA Leaders Partnership Program, we currently have nearly 30 students providing assistance to section chairs and taskforces across the state. Our sense is that the collaboration is successful on all fronts: NYSBA benefits from the service of talented law students; the students gain invaluable legal experience; and we forge a closer connection between the legal community and the law school. I eagerly look forward to expanding this mutually beneficial collaboration with Albany Law's Program."



Susan Patnode*, Executive Director Rural Law Center, Plattsburgh, NY

"Accessing legal services is a critical problem for New York's low income, rural seniors. Through our collaboration with the new Pro Bono Program at Albany Law School, we were able to expand our efforts to educate rural seniors about their rights. The law students have been motivated and the law school's professional staff made this program efficient and workable. We look forward to our growing partnership!"



Maran Turner, Executive Director Freedom Now, Washington, DC

"Freedom Now is delighted to be able to work with Albany Law students.

They are energetic and ambitious, and show great dedication to our work. As a small nonprofit, we rely on assistance from law firm attorneys and law schools, and Albany Law School has been an important partner in helping us to carry out our efforts on behalf of prisoners of conscience."



Linton Carney, Executive Director The Pro Bono Project, New Orleans, LA

"In response to the BP Oil Disaster, students from Albany Law

School volunteered to tackle a variety of research topics aimed at ameliorating the effects of the disaster on low-income clients in the Gulf region. The research topics were developed with input from participants in a regional consortium formed by public interest attorneys in the area and included: the existence of regulations for minority business loans which might increase forbearance periods; the rights of vessel owners when their boats are seized for loan defaults (with an eye to turning that work into a sample pamphlet for client use); remedies available to people indirectly affected by the oil spill; the scope of maritime claims; the use of state law

to expand the definition of compensable claims under the protocol issued by the Gulf Coast Claims Facility; and causation principles under general maritime law. The Albany Pro Bono Program provided timely and vital assistance to the consortium and those working with it. Their work provided very useful information to the attorneys at the participating public interest agencies, and freed up overtaxed staff to allow them to concentrate on other pressing matters. We look forward to future collaboration with the Albany Law Pro Bono Program in this matter and in others in the future."

Expanding the Scope of Legal Services Through Collaborative Relationships

Kristie Cinelli, PAI Director, The Legal Aid Society of Northeastern New York

The Legal Aid Society of Northeastern New York (LASNNY) continues its commitment to provide quality legal services to low-income and vulnerable clients residing within its ten county catchment area¹. In 2010, LASNNY partnered with the Columbia County Bar Association and the Schenectady County Bar Association to provide representation to victims of domestic violence in divorce proceeding through its Private Attorney Involvement Program (PAI). Kristie Cinelli, LASNNY's PAI Director, works with a representative from a local bar association to place eligible client cases with members of the local bar for free representation. Special thanks to Juliette Crill, Esq.* (Columbia County Bar Association) and David Burke, Esq. (Schenectady County Bar Association), for graciously agreeing to serve as the referral contact for their respective associations.

We are very fortunate to expand the PAI program in 2011 to include the Saratoga County Bar Association and are grateful to President Marne

Onderdonk* for supporting the program's expansion into Saratoga County. Special thanks also to Joseph McPhillips* for volunteering to serve as the Saratoga County referral liaison and to all fourteen (14) members of the SCBA who have signed up to accept referrals.

The Legal Aid Society also launched the "Attorney For A Day" Project, on October 22, 2010 in conjunction with the Albany County Bar Association and the New York State Bar Association. This program was made possible by the generous support of the Community Foundation of the Greater Capital Region. Twenty-two attorney volunteers were trained in landlord-tenant issues. The volunteers provide low-income tenants legal advice during their first appearance on a housing matter in Albany City Court. The program would not have become a reality without the support of the Albany City Court staff and our volunteers who include: Amanda Maleszweski*, Malcolm McPherson*, Christopher Liberati-

Conant* and Douglas Shartrand*. In 2011, Albany Law School students will assist with intake and client screening at the Court to allow us to serve as many clients as possible.

On March 10, 2011 LASNNY will partner with the New York State Unemployment Insurance Appeals Board, the Albany County Bar Association, and the NYSBA to conduct a free Unemployment Insurance training program in Albany, New York. As more and more workers lose their jobs, more employers are challenging their claims for unemployment insurance benefits. Employers are almost always represented whereas claimants usually are not. Studies have shown that with representation, claimants tend to prevail more often in their fight to obtain benefits. If a client is improperly denied benefits, it is imperative that s/he receives competent, skilled representation to ensure that benefits are restored. The only way to continue to help our clients is to increase the number of lawyers willing to assist in this area. Hopefully, this training will do just that. For more information about the free training program, please call Kristie at (518) 689-6322 or e-mail her at kcinelli@lasnny.org. Here is to 2011 and making more ideas a reality through collaborative relationships!

1. LASNNY serves eligible clients living in the following upstate New York counties: Albany, Clinton, Columbia, Greene, Montgomery, Rensselaer, St. Lawrence, Saratoga, Schenectady, and Warren.

Albany Law School Pro Bono Projects: A Sampling

* Economic Justice: with the Empire Justice Center, the Urban Justice Center, and Brooklyn Legal (Faculty Advisor: Professor Ray Brescia*)

* International Human Rights: with Freedom Now's Freeing Political Prisoners Project (Faculty Advisor: Professor Peter Halewood)

* Know-your Rights: with LawHelp/NY (Faculty Advisor: Dean Susan Feathers*)

* Seniors Education Project: with the Rural Law Center (Faculty Advisor: Professor Dede Hill)

* Prisoners' Rights: with Bronx Defenders and Prisoners Legal Services (Faculty Advisor: Professor Laurie Shanks*)

* Criminal Defense: with New York Civil Liberties Union and Albany Public Defenders (Faculty Advisor: Professor Vincent Bonventre)

* NYSBA: with the New York State Bar Association's Pro Bono Leaders Program students provide legal research assistance to Sections and Task Forces (Faculty Advisors: Dean Connie Mayer*, Dean Patricia Salkin*, and Dean Susan Feathers*)

Chief Judge Jonathan Lippman Presides Over The Legal Aid Society's 2010 Pro Bono Awards

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

On November 4th, the Society's 2010 Pro Bono Awards Ceremony, held at Espace, honored 274 leading pro bono lawyers along with 46 law firms, one corporation and community representatives for their outstanding pro bono services with The Legal Aid Society during the past year. This select group of professionals was nominated from more than 3,000 attorneys and paralegals – primarily from New York's leading law firms and corporate law departments - who handled more than 3,500 matters on behalf of our clients.

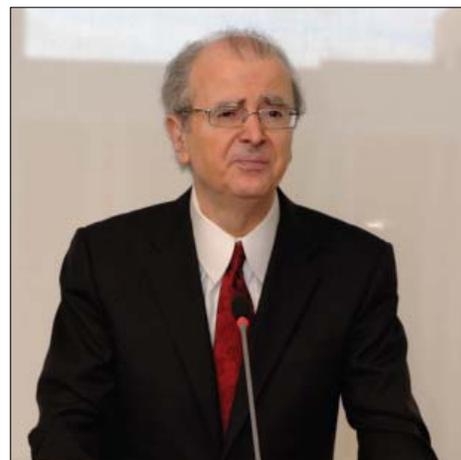
The volunteers and their firms were recognized for legal excellence in handling administrative hearings, trials, appeals, class actions, and transactional cases on behalf of senior citizens, children and adults with disabilities, domestic violence survivors, immigrants facing deportation, homeless children and adults, inmates in correctional facilities, and other vulnerable low-income New Yorkers. The outpouring of pro bono assistance added another notable chapter to the 134 year pro bono partnership between The Legal Aid Society and the private bar

to secure fundamental legal rights of low-income New Yorkers in critical need of counsel but unable to afford it.

New York State's Chief Judge presided over the ceremony, honoring recipients with the presentation of their awards. Chief Judge Lippman* praised the New York Bar for its stalwart pro bono commitment.

In addition to individual awards, a number of law firms were highlighted for specific projects. The Pro Bono Honor Roll lists all of the law firms recognized for their outstanding commitment to the cause of equal justice.

Cooley LLP was the recipient of the 2010 Pro Bono Publico and Public Service Law Firm Award for its extraordinary pro bono commitment to The Legal Aid Society and its clients. Cooley, under the leadership of Alan Levine, the outgoing Chairman of The Legal Aid Society's Board and Partner in Charge of the New York office, provides legal assistance to clients throughout the Society's three Practices: Civil, Criminal, and Juvenile Rights. The firm has served as co-counsel on major litigation impacting clients, including class action litigation



Chief Judge Jonathan Lippman presides over 2010 Pro Bono Awards.*

tion to end the shackling of children in Family Court. Cooley was the first firm to "Adopt-a-Building" to ensure that low-income tenants live in habitable apartments and maintain crucial rent subsidies. The firm expanded its traditional pro bono immigration practice to include preparation and filing of tax returns for immigrants seeking to remain in the United States, as well as dedicating substantial attorney hours to the representation of adults accused of criminal behavior.

Legal Aid Society of Mid-NY Holds Two Pro Se Divorce Clinics Using the New No Fault Ground

Renee Kolwaite, Paralegal, Legal Aid Society of Mid-NY, Inc.

On October 22, 2010, the Legal Aid Society of Mid-NY, Inc. held its first Pro Se Divorce Clinic in Oswego, NY, using the new "No Fault" ground. Pro Bono Attorney Courtney Radick*, along with Legal Aid Staff, Susan Faust, Esq. Kim Crisafulli, and Renee Kolwaite assisted ten individuals in completing a newly revised pro se divorce packet which included the new ground (marriage irretrievably broken for a period of at least six months). So far three individuals have received their Final Judgment of

Divorce, and several others have been submitted and are awaiting decision.

On October 27, 2010, the Legal Aid Society of Mid-NY, Inc. held its second Pro Se Divorce clinic using the new No Fault ground, at the main office in Utica, NY. Pro Bono Attorney Thomas Atkinson*, volunteer Kristi Fanelli, Legal Aid staff, Danielle Mustard, Esq. and Renee Kolwaite helped thirteen individuals from Oneida, Herkimer and Madison Counties complete the newly revised pro se divorce packets.

Paralegal Renee Kolwaite coordi-

nated the two clinics, including screening clients and recruiting attorneys. She also met individually with each client after the clinics to make sure their papers were prepared correctly and ready for submission. Says Kolwaite, "the new 'No Fault' ground has made it much easier for clients to proceed through the clinics, as they do not have to draft lengthy statements under other grounds, and are less frequently disqualified due to lack of grounds."

Attorney for a Day Program

Siobhan C. Blank, Pro Bono Coordinator, Albany County Bar Association

On October 22, 2010, the Albany County Bar Association and the Legal Aid Society of Northeastern New York teamed up to introduce a new "Attorney for A day" Project in Albany City Court. There, a volunteer attorney will be available at Albany City Court to represent tenants being evicted from their apartments. The attorney will offer representation on the first appearance for qualified tenants. A representative from the Albany County Bar Association or the Legal Aid Society will also be present to assist with any questions that arise. This is a unique program for our area, allowing the Albany County Bar Association and the Legal Aid Society of Northeastern New York to serve the numerous clients who are facing eviction. This program is possible under

the auspices of The Community Foundation for the Greater Capital Region.

In anticipation of the Attorney for a Day Program's kick-off, the ACBA, Legal Aid and the New York State Bar Association co-sponsored a CLE training seminar which was free to attorneys who agreed to commit to the Attorney for a Day program for three appearances. The seminar panelists included Albany City Court Judge Gary F. Stiglmeier, Clerk Christopher Aldrich, Bruce Rosenthal*, Robert Serenka*, and Wendy Wahlberg* of Legal Aid. Thanks to the training, we now have 24 volunteer attorneys for the Attorney for a Day program! We are thankful to each of the volunteers, to NYSBA and to Albany City Court judges and personnel for their support and guidance on this project.

Since the program has been underway, attorneys have already assisted more than 20 tenants who were facing eviction. We would like to extend a special thanks all of the attorneys who attended the training and to Douglas Shartrand* of Whiteman, Osterman & Hanna for committing to the program on a long term basis. In addition, Christopher Conant*, Amanda Maleszweski*, Malcolm McPherson* and Douglas Shartrand* have also represented tenants. The program is sure to be a success and we look forward to its growth in the months and years to come!

Maine Foreclosure Whistleblower to Speak at Justice For All Luncheon

Pat Sears Doherty, Editor State Bar News



Cox

Thomas Cox, the pro bono lawyer from Portland, Maine who blew the whistle on a mortgage employee who was signing off on foreclosure documents without verifying

their accuracy, leading to the halt of mortgage foreclosures in 23 states, will be the special guest speaker at the Justice For All Luncheon on January 27 at the State Bar's Annual Meeting at the Hilton New York.

The luncheon is held annually to recognize those lawyers who have attained the honorary designation of Empire State Counsel® in the past year. Empire State Counsel® have performed at least 50 hours of pro bono service to clients. The program was

the brainchild of former State Bar President Mark H. Alcott of New York (Paul, Weiss, Rifkind, Wharton & Garrison LLP). The luncheon is attended by the current State Bar president and several other leaders and has grown in attendance and prestige over the past several years.

The extent of the foreclosure improprieties became clear in December when Cox appeared before the House Judiciary Committee as a presenter at its hearing on "Foreclosed Justice: Causes and Effects of the Foreclosure Crisis."

A veteran volunteer

Cox is retired from private practice, but he still plays a substantial role in the Maine Attorney's Saving Homes (MASH) program of the Maine Volunteer Lawyer Project as a volunteer lawyer screening mortgage foreclosure cases, handling referrals to volunteer lawyers on the MASH panel, co-coun-

seling on select cases and acting as a consultant to those lawyers.

He has been instrumental in the start-up of Maine's new foreclosure mediation program, is a consultant to Pine Tree Legal Assistance in managing the litigation strategies of its Foreclosure Prevention Program, and has participated in four appeals of key Maine foreclosure issues to the Maine Supreme Court.

Cox received his undergraduate degree from Colby College and earned his law degree at the Boston University School of Law.

A Firm Commitment to Pro Bono

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



Seated left to right Paul T. Missal, Mario J. Pirrello. Standing left to right Steven E. Feder and Michael J. Personte.

What makes a great pro bono attorney? While there is no set recipe, there are several key ingredients. Compassion. A commitment to justice. Superb skills. A willingness to step outside one's comfort zone.

Over the years, longtime Volunteer Legal Services Project of Monroe County, Inc. volunteers Paul T. Missal and Steven Feder, partners at Pirrello, Missal, Personte & Feder, have amply demonstrated these qualities in handling a broad range of matters for low-income people.

Missal is a regular volunteer at VLSP's Family Law Clinic, during which attorneys counsel clients in the filing of custody and visitation petitions in Family Court. A 1961 graduate of Albany Law who regularly practices in the areas of family law and consumer law, Missal began volunteering after being approached by VLSP Staff Family Law Attorney Mary Beth Conway*.

"At VLSP's Family Law Clinic, I was exposed to extremely sad circumstances – things I never knew existed, like an adult daughter trying to get custody of her siblings from their chemically dependent mother. Many people don't have any understanding of the law. They desperately need our help," said Missal recently. In addition to clinic service, Missal accepts full case referrals for Family Law Clinic clients with particularly compelling circumstances.

A 1986 graduate of Syracuse University College of Law who concen-

trates his practice in the areas of commercial and construction litigation, debtor/creditor law and personal injury, Feder has provided extensive pro bono service to VLSP consumer law clients.

Feder vividly recalled volunteering with VLSP through a now defunct program serving people recovering from addiction. "These clients didn't have a lot of self-worth, and they were being told unbelievable things by debt collectors. One woman was in tears because a debt collector told her that her children would be taken from her. You can't fix their situation, but you can show them a way to deal with it."

Feder continues to help clients deal with their often difficult circumstances through VLSP's Debt Clinic. Instrumental in the development of Debt Clinic, Feder worked closely with the late Hanna Cohn on the development of forms still in use. Feder also serves as a mentor for attorneys new to Debt Clinic.

Both Missal and Feder have stepped outside their principal areas of practice to render pro bono assistance to VLSP clients. Missal recently attended a VLSP continuing legal education program to train attorneys to represent clients at foreclosure settlement conferences. Michael Personte, another partner in the firm who concentrates his practice in the area of bankruptcy law, also stepped outside his usual area of practice to attend the CLE and assist VLSP clients facing foreclosure.

"Although this isn't my usual area of practice, I volunteered because some people facing foreclosure need a helping hand. They've done all they can do and it isn't enough," said Missal.

One client made 11 attempts to submit the necessary documentation to the bank's attorney, but each time it was rejected because it was stale by the time it was received.

"The client sent the documentation promptly, but one hand didn't tell the other, so to speak," Missal noted.

The client fell behind on the mortgage after a death in the family neces-

sitated a trip to a southwestern state. Now that Missal is representing him, the bank has given the client more time to resubmit the documents.

In addition to his service to VLSP's consumer law clients, Feder volunteers to assist VLSP's family law clients in custody, child support and visitation cases. "Mary Beth (Conway) at VLSP knows I will take on some of the more convoluted cases. For example, when one side is represented by counsel and the VLSP client is a disadvantaged respondent or defendant. One of my VLSP clients was the victim of a pattern of litigation harassment, and it was rewarding to be able to put an end to it!" Feder said.

In the current economy, Missal and Feder have observed a change in VLSP's clientele. "Previously, VLSP clients were uniformly less educated and had a lower level of literacy. Now, they're across the board," Feder observed recently.

"I represented a professional with a Master's Degree, but because of debts and a lack of child support, she qualified for VLSP's services," said Feder. "I've yet to have a VLSP client who was the stereotypical person on the dole. A lot of VLSP clients are working fulltime or attending school," he added.

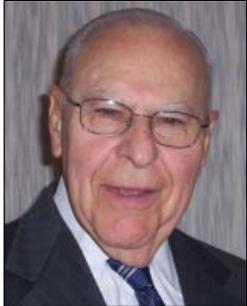
Feder and Missal note several reasons to volunteer pro bono. For Feder, who likes to have a VLSP case at all times, pro bono provides an opportunity to take a case purely because he wants to. "If I won the lottery, I'd still practice. Imagine the freedom to take cases based on what you thought was the right thing to do, or because they presented interesting issues! VLSP cases give lawyers a little piece of that dream," said Feder recently.

Missal enjoys the chance to give back to the community by doing pro bono. "You get a great feeling when you're really helping someone. We're educating people and keeping them from getting stepped on," Missal said.

Both Missal and Feder enjoy the opportunity to help improve the public image of the profession through pro bono work.

Keeping it Honest: Judge Holds Opposing Counsel to Professional Standards in Recent Post Foreclosure Eviction Case

Maria Dosso, Esq., Director of Communications, Nassau Suffolk Law Services



de Winter*

Rudolph (Rudy) de Winter¹ of our Nassau Suffolk Law Services' Volunteer Lawyers Project recently represented a client in a post foreclosure holdover proceeding in which he not only prevailed in the case, but also was granted reasonable attorney's fee totaling in excess of \$14,000. The attorney's fee award will help support Law Services pro bono services to the community. In addition, the court imposed a monetary sanction on opposing counsel payable to the Lawyers' Fund for Client Protection in the amount of \$5,000. See, *Federal Home Loan Mortgage Corp., v. Paul Raia, et al.*, Index No. SP 002253/10 (Fairgrieve, J., District Ct., Nassau Co.).

In recent months there has been considerable discussion about creditors and banks selling account information

to *debt buyers* that is unverified and fraught with errors. At Law Services we have seen the effects of this sloppy and often fraudulent record keeping on the part of creditors and their attorneys. See *Beware of Debt Buyers* June/July 2010 Law Services News at p. 2. http://www.nslawservices.org/newsletter_docs/junejuly2010.pdf. Ultimately in the collection litigation, the plaintiffs often lack the essential information required to prove their claims. Court rules require that anyone submitting an affidavit to a court against a debtor must have proof of the claim along with the documentation.

A similar trend has emerged in foreclosure cases where mortgage loans are sold to other banks or entities and the related financial paperwork is often incomplete or incorrect as it passes from lender to lender. In the case at hand, the attorney for Federal Home Loan Mortgage Corp (FHLMC) falsely alleged that his client was the actual lender, when in fact the predecessor, Wells Fargo, was the original lender to the owner/occupant

of the premises. Dismissing the post foreclosure eviction proceeding the Honorable Scott Fairgrieve, Nassau County District Court, found that,

"Far from submitting a petition with immaterial false statements, the false statements at issue went directly to the heart of the matter of standing. As eloquently put by Mr. de Winter, appearing for Volunteer Lawyers Project '[F]alse allegations cannot be so cavalierly dealt with by claiming they were mere 'errors,' when in point of fact, these allegations served, until challenged, as a means to disguise petitioner's lack of standing.' [Respondent's Brief in Support of Sanctions.] Bringing legal proceedings where there is no legal right to do so, due to lack of standing, stalls the efficient administration of justice in the system."

Congratulations Rudy on a job well done!

1. Rudolph de Winter is an Attorney Emeritus and a 2008 recipient of the President's Pro Bono Service Award for the 10th Judicial District.

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Law Firms Honored for Innovative Pro Bono Programs, Externships, and Prisoners' Rights Class Action Litigation

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



Clockwise from left, April Newbauer, Attorney in Charge, Queens Neighborhood Office; Blaine "Fin" Fogg, Legal Aid Society President; Chief Judge Jonathan Lippman*; Andrew Lizotte*, Criminal Trial extern; Jennifer Oh*, Immigration extern; Imtiaz Yakub*, Health Law extern; Jonathan Sorkowitz*, Housing extern; Katherine Spenner*, Corporate Counsel extern, all from White & Case LLP; Janet Sabel*, General Counsel and Chief Administrative Officer; Timothy Rountree, Attorney in Charge, Queens Criminal Trial Office; Eunice Rho, Community Development volunteer; Alan Schindler*, Criminal Trial extern; and Brooke Sharpe*, Criminal Trial extern, all from White & Case LLP.*

This past year traditional externship programs were augmented by law firms offering deferred first year associates and current associates the opportunity to volunteer up to one year with public interest organizations. The Legal Aid Society recognized the following firms for this innovative pro bono model: Alston & Bird LLP; Dechert LLP; Dewey & LeBoeuf LLP; DLA Piper LLP; Kelley Drye & Warren LLP; McDermott Will & Emery; Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., Morgan, Lewis & Bockius LLP; Orrick, Herrington & Sutcliffe LLP; Proskauer Rose LLP; Ropes & Gray LLP; Shearman & Sterling LLP; Sidley Austin

LLP; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates; Weil, Gotshal & Manges LLP; and White & Case LLP.

Davis Polk & Wardwell LLP; Fried, Frank, Harris, Shriver & Jacobson LLP; Milbank, Tweed, Hadley & McCloy LLP; Simpson Thacher & Bartlett LLP, Skadden, Arps, Slate, Meagher & Flom LLP; Weil, Gotshal & Manges LLP; and White & Case LLP were honored for their traditional Externship Programs that provide exceptional client representation and pro bono assistance in the areas of criminal defense, general litigation, immigration, juvenile rights, and transactional law, and as corporate counsel.

Debevoise & Plimpton LLP; Dechert LLP; and O'Melveny & Myers LLP were recognized as outstanding pro bono co-counsel with the Society's Prisoners' Rights Project to remedy unconstitutional conditions and illegal practices in the New York City jails and New York State prisons. These firms have worked to protect female inmates from sexual abuse; ensure that prisoners receive adequate medical care; and stop the barbaric shackling of hospitalized inmates.

Launching a Pro Bono Program

Susan J. Feathers, Esq.¹, Assistant Dean, Albany Law School



Assistant Dean Susan J. Feathers*

The task of creating, reorganizing or overseeing a pro bono program may seem overwhelming. This article attempts to offer materials and suggestions for law schools seeking to launch or refine their programs. In recent decades, we have witnessed an emergence of a pro bono “profession” within the legal community.

National organizations such as the Association of American Law Schools and the American Bar Association have also devoted substantial resources to institutionalizing pro bono through their professional standards. Major Law firms have increasingly promoted pro bono opportunities in law school recruiting efforts and have hired specialized administrators to manage their programs. Organizations such as Equal Justice Works have increased awareness about public service legal careers through post-graduate fellowships. Dramatic and tragic events such as the September 11th terrorist attacks and Hurricane Katrina also have galvanized lawyers into a greater appreciation for and dedication to pro bono work.

We are also witnessing a legal education reform movement over the future of legal education in which pro bono and service play a critical role. The Carnegie Report for the Advancement of Teaching -- Preparation for

the Profession of Law and the Clinical Legal Education Associations Report addresses the importance of teaching professionalism and service. Both emphasize the importance of access to justice issues and specifically recommend that law school students should have the opportunity to engage in issues regarding poverty law and to integrate those experiences into their law school curriculum.

The majority of ABA accredited law schools have responded to both the pro bono movement in the profession and the call to reform law school. Indeed, since the founding of the first program in 1989, over 130 pro bono programs have become institutionalized. Now, to attain or maintain accreditation, law schools must offer students substantial opportunities to participate in pro bono activities (ABA Standards for Approval of Law Schools and Interpretations Standard 302[b][2]). At least for the moment, pro bono work performed by law students has become institutionalized within American law schools.

This article offers concrete suggestions and sample materials for how to launch a program that both educates law students about the importance of pro bono, and provides meaningful legal assistance.

(1) Host a Pro Bono Fair for Community Partners Seeking Pro Bono Assistance.

One of the most effective and easy ways to educate students about pro bono opportunities in your community is to invite attorneys seeking pro bono interns to your law school for an informal informational fair. This provides a way for both your students and prospective partners to meet ‘face-to-face’ and get a sense of the broad range of opportunities.

(2) Develop a Student Handbook.

In the student handbook you can detail the various components of your program, including your definition of pro bono, the time expectations and the procedure for signing up and giving feedback. In the handbook it is critical to address the many profes-

sional responsibility issues that may arise in the context of pro bono placements including confidentiality, conflicts of interest and the potential for unauthorized practice of law.

(3) Develop a Supervisory Manual for your Community Partners.

In addition to describing the parameters of your program, be sure to offer advice about how to recruit, train and supervise pro bono interns. In addition, give thought to how to effectively craft assignments and offer meaningful feedback.

(4) Host Trainings for Student Interns.

Most community partners will train pro bono interns in the substantive area of the law in which they will be practicing. In addition, it is useful to provide training to student interns on a range of issues that may arise in their pro bono placements --- e.g. cultural competency, client interviewing and ethics in the context of poverty law. These may be led by faculty and/or community partners and are another way of ensuring that the pro bono experience is an educational one.

(5) Create a sustainable model.

One of the more formidable challenges to launching and sustaining a pro bono program is insuring that your law school makes pro bono an institutional priority. Indeed, despite the consensus among law school deans that creating structured pro bono programs is very important, many law schools do not have adequate staffing and resources to insure that students receive a meaningful experience. One way of insuring that your pro bono program has adequate staffing and resources is to create a self-sustaining model. One such model is Albany Law School’s Pro Bono Donor Project, a student-initiated model for building and sustaining meaningful pro-bono programs at law schools nationwide. This new program utilizes the fundraising formula used by marathons, but rather than soliciting sponsorship for the number of miles raced, stu-

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Pro Bono Client Impacts Attorney's Life Helping Renew Her Spirit of Service

Douglas Groene, Esq., Research Specialist, Legal Resources Network Nassau County Coalition Against Domestic Violence

Sometimes a client impacts an attorney's life just as profoundly as the attorney impacts her client's life. In Dina DeGiorgio's case, her pro bono client helped her transform a sense of disillusionment into a renewed spirit of service.

Dina has always tried to help people achieve a better life, especially the poor and those in need of a voice. After college, the Bronx native decided to go to Fordham Law School in hopes of someday serving the public and "doing something bigger."

In law school, she fell in love twice. First, she met and fell in love with the man who was to become her future husband. Second, she fell in love with using her newly acquired legal knowledge to promote justice. She gained entrance into an exclusive clinic program that allowed her to represent victims of domestic violence for one semester and criminal defendants for one semester. The clinic taught Dina essential legal skills like client interviewing, negotiating, and arguing in court. It also taught her that she could make a critical difference in the lives of her clients.

"All of the clients were indigent and they were all very grateful. I liked representing a person, helping an individual," said Dina. "Being a lawyer is powerful—you can impact peoples' lives profoundly, for bad or for good."

Dina's passion for helping individual clients led her to leave the firm where she worked after law school and create her own family law practice. "The firm had more of an upscale clientele, and the work was not as fulfilling. I went out on my own because I wanted greater flexibility. I built my own practice from nothing," explained Dina. While raising two children, now ages 11 and 13, Dina managed to create a bustling law practice.

Starting her own firm has given Dina the freedom to practice law in her own style, which she hopes can be more civil and less adversarial. A skilled mediator, Dina has made mediation an increasing part of her matrimonial practice, and she also practices collaborative law.

"I learned that I can only do so much—it isn't my life. But I feel it is really important to empower women. When you help a woman escape domestic violence you are saving the children too."

As a family law attorney, Dina has represented a fair number of victims of domestic violence. But one case had a lasting impact. The client, Sarah, was the victim of terrible abuse at the hands of her husband and came to Dina for a divorce. Over the next few weeks, Dina met with Sarah several times to flesh out the details of the abuse and prepare the paperwork for a divorce based on cruel and inhuman treatment. Sarah brought pictures of bruises all over her body and told compelling accounts of the terrible beatings her husband had inflicted upon her.

Sarah's abuser engaged in the classic abuse "cycle." For months he would vow that he had changed, and would control his violence. However, these "honeymoon" periods would invariably end, and he would resume battering Sarah. It was during one of these "honeymoon" periods that Sarah came to Dina for a divorce—it had been 8 months since the last incident of abuse. But the last incident was the one that finally drove Sarah to get help. For the first time, the abuser not only hurt Sarah, but also hit her son. She needed to get away to protect her two small children.

Dina fought to get an order of pro-

tection for Sarah that would force the abuser to leave the house and stay away. But the judge was skeptical.

"The judge questioned her motives. 'You stayed with him all this time and NOW you want to get him out of the house?'" recalled Dina. "I replied to the judge, 'so basically you are saying that unless the victim comes forward right away she waives her right to get help and she should actually be punished for finally getting the courage to come forward?'" The argument became heated, but the judge relented and begrudgingly signed the order.

Everything seemed to be going well until a few days later when Dina received a phone call from Sarah. "She told me she decided to reconcile with the abuser and wanted me to drop everything," remembers Dina.

"I was adamantly against it. I refused to drop anything unless she went to court and allocuted on the record. I was hoping she would change her mind or that if I could only speak to her face-to-face I could convince her to reconsider or to get counseling before deciding."

But Sarah did not reconsider—she went to court and told the judge she wanted to withdraw everything. Perhaps most heart-wrenching was the explanation she gave to Dina afterwards. "I am not like those other women you represent," Sarah told Dina. "I was really to blame for bringing those beatings on myself."

For a while afterwards, Dina felt disillusioned. "It made me sad and angry," she recalled. "I went through a phase in which I said to myself, 'I should have saved her.' For a while I couldn't [emotionally] handle that kind of case. The people I felt the most sorry for were the children."

But when the Nassau County Coalition Against Domestic Violence's Legal Resource Network (www.legalresourcenetwork.org) contacted Dina in need of volunteers, she felt the opportunity was too important to pass up. "I learned that I can only

do so much—it isn't my life. But I feel it is really important to empower women. When you help a woman escape domestic violence you are saving the children too."

Despite her negative experience with Sarah, Dina agreed to represent one of the Coalition's clients, pro bono. The client, a victim of domestic violence, had a "stay-away" order of protection and custody of the children when she came to the Coalition, but needed help with a divorce. The abuser did not want to contest the divorce, which made the process less complicated.

"This was going to be an uncontested divorce," said Dina. "I was

impressed by her. She was articulate and very thankful I was helping her. She shared all of the details of the abuse with me when we contemplated filing under cruel and inhuman treatment. She was a mother of 3, who went through so much, but she turned her life around."

The client had tried unsuccessfully to get a divorce on her own. But with Dina's help, the client was able to escape her abuser permanently.

"She wanted to turn her life around so her children would not have to follow the same path. I felt really good about being able to help her. When she came to sign the final paperwork, she was so grateful. She had tears in

her eyes. It felt terrific- it was very powerful."

Dina has already taken other cases from the Coalition's Legal Resource Network and plans to not only continue her pro bono work with the Coalition, but to serve as a mentor to other volunteers.

"I get so much out of pro bono," Dina said of her experience with the Legal Resource Network. "If you can save a family from violence you give the woman a chance to succeed and you break the cycle so you also give the children a chance to succeed. I particularly care about the children because they are innocent and didn't ask to grow up in violence."

The Suffolk County Bar Association's Pro Bono Foundation Honors Outstanding Pro Bono Attorneys

Linda Novick, Esq.*, Suffolk County Pro Bono Coordinator, Suffolk County Bar Association

On Tuesday, October 26, 2010 the Suffolk County Bar Association hosted its annual honorary gala event at the Watermill Restaurant in Hauppauge, New York. Over 70 attorneys and judges attended the dinner/reception, held in honor of 8 Suffolk County volunteer pro bono attorneys. These honorees were selected because they donated the greatest number of hours and completed cases for our local residents who could not afford to pay for legal services.

Each honoree provided countless hours of pro bono service in areas of the law including bankruptcy, matrimonial and/or foreclosure matters. All of our honored guests previously were named Pro Bono Attorney of the Month, with many having achieved that recognition on more than one occasion. The 2010 Pro Bono Recognition Award recipients included Richard F. Artura*, Stuart P. Gelberg*, Melvyn L. Jacoby*, Richard A. Jacoby*, Patricia F. Neumann*, Leif I. Rubinstein*, Harvey Savitt* and Mitchell M. Shapiro.

Richard F. Artura, Stuart P. Gelberg, Melvyn L. Jacoby, Richard Jacoby

and Leif I. Rubinstein all previously were named Suffolk County Pro Bono Attorney of the Month on three separate occasions. With expertise in bankruptcy matters, these dedicated pro bono practitioners devoted end-

less hours to helping indigent clients. These attorneys either regularly served as pro bono counsel at the Nassau/Suffolk Law Service's bankruptcy clinic or generously agreed to represent clients referred through the clinic. Honoree, Leif I. Rubinstein is the new Assistant Professor and Director of the Mortgage, Foreclosure and Bankruptcy Clinic located at Touro College Jacob D. Fuchsberg Law Center. Mr. Rubinstein and the Touro law students he mentors assist hundreds of the Suffolk County Pro Bono Fore-

closure Settlement Conference Project volunteer attorneys. The volunteer participants in the Project continue to provide free legal assistance to recently named defendants in pending Suffolk County foreclosure actions.

Each honoree provided countless hours of pro bono service in areas of the law including bankruptcy, matrimonial and/or foreclosure matters. All of our honored guests previously were named Pro Bono Attorney of the Month, with many having achieved that recognition on more than one occasion.

Harvey B. Savitt, Mitchell M. Shapiro and Patricia F. Neumann also were named Suffolk County Pro Bono Attorney of the Month on three prior occasions. With expertise in matrimonial law, these practitioners handled complicated pro bono matters which required an extensive time commitment, and included issues of equitable distribution and domestic violence.

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Social Security Serves Veterans

Caryl Tetro¹, Social Security Area Work Incentive Coordinator

On November 11, we honored our Nation's veterans for their service to America. What better time than now to tell you about the many benefits and the wealth of information Social Security has available for veterans and military personnel.

In September, the agency published final rules about the Heroes Earnings Assistance and Relief Tax (HEART) Act. The HEART Act changes the way we treat some cash payments to members of the uniformed services and veterans under the Supplemental Security Income (SSI) program. As Social Security Commissioner Michael Astrue noted at the time, "This law allows the men and women of our armed forces, veterans, and their families to keep more of their military-related payments while also maintaining eligibility for valuable cash and healthcare benefits."

The HEART Act does the following:

- Treats most cash military compensation as earned income for SSI purposes, which generally provides a higher benefit to the service member as a result of the SSI program's more favorable consideration of earned income.
- Excludes certain State annuity payments to disabled, blind or aged veterans from countable income and resources used to determine SSI eligibility.
- Excludes any cash or in-kind payments provided by AmeriCorps State and National and AmeriCorps National Civilian Community Corps from countable income.

Social Security also makes it easy to get information about benefits for wounded warriors. The first place to go is our website designed specifically for our wounded veterans: www.socialsecurity.gov/woundedwarriors. There, you will find answers to a number of commonly asked questions, as well as other useful information about disability benefits and Supplemental Security Income (SSI). Please pay special attention to the fact

sheets available on that website, *Disability Benefits for Wounded Warriors* and *Expediting Disability Applications for Wounded Warriors*.

You will also find a "webinar" that explains the Social Security disability application process and expedited processing available to wounded warriors. This outreach program provides general information about Social Security disability benefits as well as topics unique to wounded warriors, and is a great way to become familiar with disability benefits for veterans and active duty military.

It is important to note that benefits available through Social Security are different than those from the Department of Veterans Affairs and require a separate application.

Military service members are covered for the same Social Security survivors, disability, and retirement benefits as everyone else. Military personnel have been covered under Social Security since 1957, and people who were in the service prior to that may be able to get special credit for some of their service.

To learn more about Social Security for current and former military service members, read *Military Service and Social Security*. You can find the publication online at www.socialsecurity.gov/pubs/10017.html.

1. Caryl Tetro is an active member of the New York State Bar Association's Committee on Volunteer Lawyers. The Committee on Volunteer Lawyers is unique in that its members consist of lawyers and non-lawyers with expertise in various state and federal government benefits programs. The Committee's mission is to provide free legal assistance to residents who are soon to be successfully discharged from treatment at in-patient residential treatment centers in any matter related to their successful re-entry into society. Among other things, residents receive legal and technical assistance to clear their drivers license records; complete applications for relevant benefits; obtain copies of their criminal history records; etc. These volunteer legal services are provided to residents on site.

Launching a Pro Bono Program

Continued from page 14

dents solicit sponsorship from friends, family, and the community for the number of hours of pro-bono related work that they complete.

Conclusion

The essence of an effective pro bono program is remaining responsive to unmet community needs while also responding to student interests. Ideally, an effective pro bono program has the capacity to provide an important educational experience in professionalism and the importance of service, while also expanding the infrastructure of the public interest legal community.

1. This article was recently published in the National Association for Legal Career Professionals (Volume 23, No.1, January 2011) and is adapted from that article and reprinted with permission from NALP.

The Suffolk County Bar Association's Pro Bono

Continued from page 13

As a token of appreciation, the members of the Suffolk County Bar Association's Pro Bono Foundation bestowed upon each honoree a personally engraved plaque. These honorees are a sampling of Suffolk County's exemplary practitioners who recognize that addressing the need of Suffolk County's low-income and vulnerable residents is an ongoing and continuous effort.

LatinoJustice PRLDEF Joins Forces with White & Case, Lawyers' Committee and NALEO for 2010 Election Protection

Jose L. Perez*, Associate General Counselor and Madeline Friedman, Coordinator for Media Relations and Outreach, LatinoJustice PRLDEF



Alvaro Arce, an Associate at Skadden Arps using hotline phone to speak to a caller.*

This year, LatinoJustice PRLDEF again partnered with the National Association of Latino Appointed & Elected Officials (NALEO) and the Lawyers' Committee for Civil Rights Under Law's Fair Elections project to ensure that Latino voters across the country received the access and assistance that they are guaranteed by law.

LatinoJustice and NALEO organized a hotline call center as part of NALEO's national *Ya es Hora: Ve y Vota* ("It's time: Go and Vote!") campaign. The call center was part of the civil rights organization's annual election protection effort to protect the Latino community's right to vote. LatinoJustice lawyers Jose Perez and Jackson Chin along with Julissa Gutierrez, NALEO's Northeast Director of Civic Engagement recruited and trained over 30 volunteers to answer calls from Spanish-language voter concerns from across the country.

The New York *Ve y Vota* call center was once again hosted by the law firm of White & Case, which has generously supported this project and proven that they are committed to protecting Latino voting rights. White & Case staff-- including Pro Bono Coordinator Patrick Rickerfor-- worked closely

with LatinoJustice PRLDEF and NALEO to organize and manage the call center on November 1 and 2.

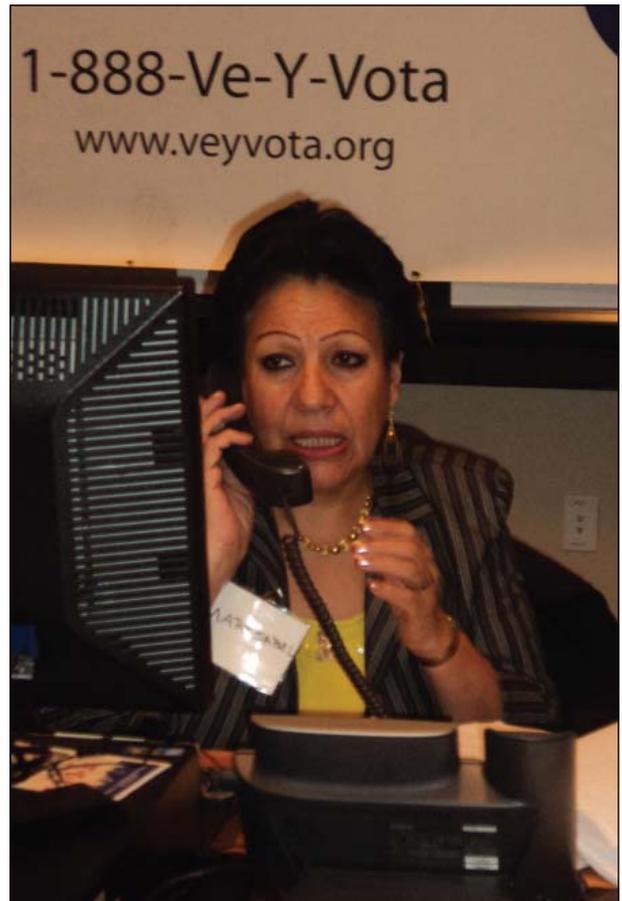
Among the many volunteers were bilingual attorneys from White & Case (Carolina Ramirez*, Jorge Garnier), Skadden Arps (Alvaro Arce), and Hughes Hubbard & Reed (Sara Echenique), law students and grads from St. John's University Law School (Joel

Acevedo), TOURO Law Center (Michael Nunez, Alex Penagos) and Northeastern Law School (Brian Hillburn) as well as professionals from all over the New York metro area. Returning volunteers from 2008 included Nicolas Stable, Rosann Feller, and Monica Villegas.

LatinoJustice PRLDEF's legal and community outreach staff were also on the ground with volunteers in several states monitoring areas with a history of failing to provide bilingual materials and other assistance to non-English proficient voters as is required by Sections 203 and 4(e) of the federal Voting Rights Act which requires that states or jurisdictions with a certain number of language minority speakers must provide assistance and ballots in the language of the "applicable minority group," as well

as in the English language.

LatinoJustice Senior Counsel Jackson Chin visited polling places in Suffolk County, NY, where the Department of Justice had previously sued to enforce Section 203, and Senior Counsel Diana Sen* monitored polling places in Volusia County, Florida where LatinoJustice had sued in 2008 to force the county to provide bilingual voting assistance and materials at its polls. They were joined on the ground by Associate Counsel Christina Iturralde in Tampa, and Director of Community Engagement John Garcia in Orlando.



*Marisabel Kanioros, a Legal Assistant at LatinoJustice answering calls during national *Ya es Hora: Ve y Vota* ("It's time: Go and Vote!") campaign.*

Pro Bono: A “Real Life” Experience

Samantha Howell*, JD, Albany Law School, May 2010

As a student at Albany Law School, I did what was demanded: I attended school-sponsored events and I took classes that interested me, but I always found myself most satisfied – and stimulated – when I was getting “real life” experience. During my second year, I participated in a clinic and had two part-time positions. Each one taught me important lessons on working in legal environments, completing legal assignments and even on socializing in a professional world. I was constantly surprised by my own abilities and by how much I learned every day I was “on the job.” So, in the fall of 2009, when the new Assistant Dean asked me about expanding the pro bono opportunities offered at the law school, I could hardly contain my excitement.

Beginning in August 2009, Assistant Dean Feathers* and I – along with the student leaders of the Pro Bono Society, the predecessor to the Pro Bono Program – began working to expand the program. We began by ensuring that proper trainings were offered and that students and community partners had manuals containing the rules for the program as well as forms for submitting completed hours, evaluations and even consideration requests for new projects. Recruiting was also an important goal and, by the end of the fall semester, we had over 150 students enrolled in the program – approximately one-fifth of the student body!

This year, we have continued expanding the project, encouraging both student involvement and community partnerships. We have added 9 programs, each of which offers students an opportunity to not only experience a different area of the law but also sharpen their writing and researching skills. Additionally, each of our programs has community partners who supervise the work done by the students and also provides substantive trainings on the areas of the law involved. Finally, Assistant Dean Feathers has worked tirelessly at obtaining faculty advisors for each Pro Bono project so that students have

not only several professional resources at their disposal but also an additional set of eyes and ears supervising the Pro Bono experience.

While creating this program has been one of the best experiences I have had at the law school, I won't pretend it has been easy. In fact, there have been times that it has been a downright pain in the hind-end! What keeps me involved – even seven months after graduating – is the overwhelming benefit I see the students (and the school) getting from our program. Not only have we expanded the pro bono opportunities in response to a growing demand, we have also enlisted the genius and support of leaders and experts in the community and amongst the faculty.

Since my fateful meeting with Susan Feathers, I have dedicated a great deal of time to the Pro Bono Program. Indeed, even during bar review, looking over project proposals or revising manuals provided a nice – and productive – break from the sometimes monotonous memorization of endless flashcards and outlines. Pro Bono also has provided me with wonderful – and seemingly endless – networking and learning opportunities. I meet wonderful people in the legal community and have learned a great deal about areas of the law that I never before had a chance to study. On the other hand, it requires a great deal of time and dedication with very little return – I guess it is called “Pro Bono” for a reason!

Admittedly, my experience with Pro Bono has been quite different than that of the student participants. I have been involved primarily as an “organizer” – drafting and revising handbooks and forms, meeting with community partners, scheduling trainings, tracking hours and meeting with the Student Leaders. However, for those interested in participating in the Albany Law Pro Bono Program – or ANY pro bono program – I cannot encourage you enough!

The Pro Bono Program is an excellent way to compliment academic and

co-curricular activities. Since there is no weekly class and the hours are flexible, a Pro Bono project can often fit easily into a student's schedule. Additionally, Pro Bono projects are wonderful ways to prepare for and compliment clinical or externship work, by allowing students another avenue to improve researching and writing skills, or work in a different capacity on the same area of law. Finally, Pro Bono is ideal for 1L students. There is a minimal time commitment, the hours are generally quite flexible for the individual student and there is sufficient training and supervision for all completed work.

It has been quite something to be involved in this program over the last year and a half. While we had a program to grow from, the current program has really grown into something that is not only engaging for students but also receiving attention and community support. In addition to the tremendous substantive work that has been accomplished – in no small part to our Student Director and Student Leaders, both this year and last year – we also have been working on a novel fundraising program that, hopefully, will allow us to remain a successful program in the future. Led by students from the Class of 2012, Pro Bono participants will seek sponsors to commit funds on behalf of a specific student or to the program generally. For example, earlier this fall, Stephen P. Younger, President of the New York State Bar Association, pledged \$1 for every hour worked through our program! The funds raised through this program – referred to as Pro Donor – will be used to support the Pro Bono Program.

All in all, it is an exciting new opportunity for Albany Law School and the Pro Bono Program and I look forward to the adventures sure to come in the New Year!

For more information please visit <http://www.albanylaw.edu/> and <http://www.pro-donor.org>.

Pro Bono: Not Just Good for the Soul

Daniel J. Hurteau*, Partner, Nixon Peabody LLP



Hurteau*

When making the case for pro bono – it is often suggested that pro bono work is good for the soul. The pitch is that pro bono work is the ethical, moral, just and right thing

to do. As a matter of good conscience, the argument is that professionals should take on cases for those in the community that cannot otherwise afford representation.

While all, or some, of that may be true, it is not always sufficient motivation to encourage pro bono work. Indeed, with the pressures and demands of the profession, attorneys often feel that they do enough within the community (*e.g.*, not-for-profit Board Membership, donating time and money to charity, *etc.*) without actually taking on work for and/or representing poor people in the judicial system. Thus, attorneys many times feel that whatever moral or ethical obligations they have as professionals are sufficiently met doing other and various things within the community.

But pro bono work is more than just good for the soul. Pro Bono work is good for business.

Clients and prospective clients are demanding that attorneys be involved in pro bono work. Indeed, many large companies, governmental agencies and well-endowed not-for-profit clients are asking that competing law firms discuss their pro bono activities as part of the RFP process. The same type information is sought during attorney interviews and pitches. And decisions to hire, or not hire, law firms or attorneys are being made based on those responses and the commitment of law firms and individual attorneys to pro bono work.

Indeed, the profession is, more and more, being judged by the pro

bono work that firms and attorneys are doing. Several surveys and publications rank law firms on their pro bono commitment. For instance, the American Lawyer ranks the top 200 Pro Bono “Powerhouses” and “Laggards,” looking to pro bono activities as one of the four criteria (revenue per lawyer, pro bono, associate satisfaction and diversity, with revenue per lawyer and pro bono receiving a double weighting) to determine the ultimate rankings. These rankings are published every year with great fanfare and specifically directed to in-house counsel throughout the country. The Vault also has a list ranking law

aspects of the practice of law. Organizations like Legal Aid Society of Northeast New York or the New York State Bar Association offer free CLE in various substantive areas of the law in exchange for taking on a pro bono matter. When working on pro bono matters, attorneys can get the training and proficiency in an area of law that is needed to then be able to advertise to paying clients that one is experienced and capable to handle particular types of cases. Pro bono matters also offer valuable training and experience to young attorneys that the firm, or the firm’s clients, may not want to pay for. Pro bono work can

Pro Bono work is good for business. The profession is, more and more, being judged by the pro bono work that firms and attorneys are doing.

firms’ and attorneys’ commitment to pro bono and this is relied upon by prospective clients and law students when choosing law firms and lawyers.

It is also the case that sponsoring organizations, like the Legal Aid Society of Northeast New York or the New York State Bar Association will often recognize (in several different ways [*i.e.*, the Empire Counsel® Program]) the law firms and attorneys that contribute to them and take on pro bono work. When that pro bono work achieves success – the sponsoring organizations are again out in front, further publicizing the pro bono efforts and achievements. Firms can also, and many times successfully do, publicize pro bono efforts, and victories, on internal and external web sites and client publications, which are often visited by existing and potential clients. This clearly impresses current clients, and potentially attracts new clients to the firm and the attorneys doing the work.

Pro bono is not only a way to distinguish a firm or individual attorney, but provides the opportunity to learn and become proficient in many

be an important part of practice and lawyer development, both of which fall to the bottom line for a law firm.

In fact, the experience of many law firms throughout the country is that the bottom line can be increased by an emphasis on pro bono work. Indeed, many firms that have reported to NALP or the American Lawyer increases in pro bono hours per attorney over the last several years – even during this recession – have consistently been able to increase profitability for the firm as a whole. Pro bono work is not at all a drain on resources or a negative to the bottom line. Quite the opposite – pro bono work is and should be considered an add to any attorney or law firm bottom line.

Thus, working on a pro bono matter provides not only a positive experience, but a positive add to your practice. One should consider handling pro bono matters not only because it is good for the soul and the right thing to do, but because it can be a dynamic way to improve and expand a thriving and progressive practice.

Pro Bono Counsel and Second Acts Attorney Honored at 2010 Pro Bono Publico Awards

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

David Januszewski, the pro bono partner at Cahill Gordon & Reindel LLP, received the Public Interest Leadership Award for Cahill's multifaceted pro bono partnership with the Society. Under his stewardship, the firm has developed an extensive pro bono program with all three practices. The firm represents low-income tenants, adults and children with disabilities, and foster children with special education and developmental needs, and provides appellate counsel for adults convicted of criminal charges.

Herbert Sue, a former Associate General Counsel with Ernst & Young, was the recipient of the Society's Second Acts® Award, as an exemplary model for continuing a lifetime of dedication to the law while serving the public good. During the past year he volunteered on a consistent basis

with the Civil Practice's Community Development Project, working with a number of nonprofits with roots in the East Harlem community.

Firms participating in new and creative pro bono programs were recognized for their contributions to the Criminal and Civil Practices. Cooley LLP; Davis Polk & Wardwell LLP; Debevoise & Plimpton LLP; Kramer Levin Naftalis & Frankel LLP; O'Melveny & Myers LLP; Simpson Thacher & Bartlett LLP; Weil, Gotshal & Manges LLP; and White & Case LLP either allocated a six-month extern or a portion of the time of several associates over a nine-month period to participate in an innovative project that provided additional and much needed legal resources to assist the Legal Aid Society Criminal Defense attorneys with their enormous casel-

oads. On the Civil side, Cooley LLP, Debevoise & Plimpton LLP; Hughes Hubbard & Reed LLP; Kaye Scholer LLP; Kirkland & Ellis LLP; Paul, Weiss, Rifkind, Wharton & Garrison LLP; and Willkie Farr & Gallagher LLP volunteered to "Adopt-a-Building", preventing the loss of low-income housing due to unlivable conditions and addressing the systemic nature of this problem through group representation that remedies uninhabitable conditions for all of the affected tenants residing in the building. Shearman & Sterling LLP and Credit Suisse initiated an innovative law firm/corporate partnership, which assisted individuals with disabilities who are threatened with loss of crucial benefits due to alleged overpayments. This unique pro bono project has successfully represented 30 clients.

Top 11 Reasons to do Pro Bono

Daniel J. Hurteau*, Partner, Nixon Peabody LLP

- 11. Professional and Ethical Obligation** – as licensed professionals we all have an obligation to serve those in our communities that are underserved and underprivileged.
- 10. Improves Job Satisfaction** – all involved in the practice of law, staff, paralegals and lawyers alike, want to feel that they are part of something more than just doing a job. Pro Bono provides the opportunity to give back, do more and get involved outside our small windows on the world.
- 9. Improves Recruitment** - motivated young lawyers and laterals are looking for laws firms and places of employment that "do the right things" both in the office and community.
- 8. Improves Retention** – see job satisfaction – people like to work in an environment where they feel the organization is not only doing great work but doing great things in the community. Happy people stay.
- 7. Great Training** – for all, pro bono offers opportunities and experiences clients simply do not want to pay for. From gaining confidence in client relations all the way to trying a case, the training is invaluable.
- 6. CLE** – many referral sources, for example The Legal Aid Society of Northeast, New York, are qualified CLE providers and a percentage of your pro bono work is given CLE credit.
- 5. Resume Builder** – a great way to learn and get hands on client and even trial experience with new areas of the law that can fill holes in the resume and expand new areas of practice.
- 4. Great Publicity** – so much bad press is directed at the legal profession, that it is refreshing to see attorneys out in the community helping others and getting recognized for the positives.
- 3. Visibility** – whether you want recognition or not – our peers, neighbors and friends do see the good that we do through pro bono.
- 2. Good for Business** – more and more clients and prospective clients are asking and making hire decisions based on commitment of attorneys to pro bono and community investment. Several important local and national rankings of law firms include as a component the firm commitment (based on hours per attorney) to pro bono.
- 1. It Just Feels Good** – nothing is better than the feeling of doing something that you know and see helps people in a very real and positive manner.

Without an Attorney the Scales of Justice are Weighted against the Poor

Shekar Krishnan*, Associate, Weil, Gotshal & Manges LLP



Krishnan*

Chief Judge Jonathan Lippman's recent proposal to increase state funding for civil legal services represents a critical step forward for our state. After spending time in Brooklyn Housing Court, I could not be more convinced of this. Law school did not prepare me for the sense of powerlessness I felt during the course of the last year - my first year in practice - when I observed individuals fight for their basic right to shelter without an attorney. That was part of my daily education in housing court - the only court most poverty-stricken tenants know, "Supreme Court for the poor."

After graduating law school and before starting as an associate at a firm, I took a one-year position at Brooklyn Legal Services Corporation A, which has advocated for the indigent residents of north Brooklyn for over forty years. Working out of its storefront office, I represented low-income tenants across the communities of Williamsburg and Greenpoint. With the influx of new residents into these neighborhoods, long-term, poor tenants are being displaced at alarming rates. While slumlords are directly to blame for the baseless evictions, courts are ill-equipped to vindicate the rights of the poor, most of whom are unrepresented, in these instances.

That's the lesson I took from housing court - when individuals do not have access to lawyers, they are ignored by our judicial system.

In many ways, Brooklyn housing court resembles a raucous open-air market, not what law school taught me to expect of any court. "Justice" is often peddled on the cheap in the building's hallways, where landlord lawyers pressure unrepresented tenants to sign stipulations to settle disputes over rent and repairs. These one-sided negotiations are jarring given the seriousness of the disputes. Inside the courtroom, scores of unrepresented tenants - almost all individuals of color - pack the galley, waiting hours for their case to be called. When they are finally instructed to approach the bench, the tenants plead their case as best they can, but without any real awareness of their basic rights. They

English. Explaining that his case was about to be called for trial, Mohan asked me why he was being evicted and what he should tell the judge. I frantically flipped through the court file, unsure of what to say. Glancing over a document, I discovered that the landlord had started the eviction proceeding one day earlier than permitted by law. This technical yet crucial error meant the case had to be dismissed. When I confronted the landlord's counsel, he smirked and immediately agreed to withdraw the case. It was evident he knew of the mistake, but assumed it would go unnoticed. After a close call, Mohan was able to return home.

Mohan's case demonstrates how glaring inequities in access to legal services can be exploited. An individual is evicted illegally, and a basic right is trampled because there is

Mohan approached me in court; he did not have a lawyer and spoke little English. Mohan asked me why he was being evicted and what he should tell the judge. I frantically flipped through the court file. Glancing over a document, I discovered that the landlord had started the eviction proceeding one day earlier than permitted by law. This error meant the case had to be dismissed. When I confronted the landlord's counsel, he smirked and immediately agreed to withdraw the case.

are easily overwhelmed by opposing counsel, who know the applicable laws and how to manipulate the law for the benefit of their clients.

The same scene of the poor tenant without a lawyer pitted against a landlord with a lawyer arises every day in housing court and other civil courts just like it. No matter the substance of the case, the playing field is shockingly unequal. The inequity has dire consequences.

Take the case of Mohan, a tenant facing eviction from his rent-stabilized apartment in Bedford-Stuyvesant. Mohan approached me in court; he did not have a lawyer and spoke little

no lawyer to ensure that the procedural rules are followed. It happens routinely. While I never saw Mohan again after that day, I knew he would eventually be back in housing court: the landlord was sure to bring a new eviction case. Who would help Mohan then?

Chief Judge Lippman's proposal will not immediately repair all of these problems, but it is a very important first step. Until the neediest in our society have ready access to a lawyer, the scales of justice will remain weighted against them.

Addressing the Economic Crisis: Morrison & Foerster LLP Uses Pro Bono to Help People Denied Unemployment Benefits, Bringing Badly Needed Monies – and Hope – to Low-Income Communities

Batya Miller, Pro Bono Coordinator, Brooklyn Legal Services Corporation A¹

In 2009 the firm of Morrison & Foerster LLP partnered with Brooklyn Legal Services Corporation A to create an Unemployment Insurance Advocacy Project. This project has enabled Brooklyn A and its unemployment insurance specialist, Julie Chartoff, to

employment insurance are being contested. The project has been supervised by partner Rachel Wertheimer*, who not only has been involved in every case but also has handled matters independently, and pro bono counsel Jennifer K. Brown.

Appeals Board agreed that he was within his rights given the employer's suggested alternatives, which included finding a tenant who would let him use their bathroom – during his overnight shift! Another was a truck driver with asthma who submitted a doctor's note showing he was medically cleared for work, but was never called back to the job. He was overjoyed when the firm not only won benefits for him going forward, but also a substantial check for back benefits that erroneously had been denied. Another client, whose request for her check was mistaken for her resignation, was charged with recoupment of benefits already paid as a penalty for allegedly misstating her claim. Morrison & Foerster attorneys established that she was fully deserving of the benefits she had received, removing the threat of recoupment.

According to Julie Chartoff of Brooklyn A, the attorneys at Morrison & Foerster generously offered their help at a time when Brooklyn A was overwhelmed by the number of calls coming in from individuals who were being wrongfully denied their unemployment insurance benefits. "We are very grateful for the collaboration and look forward to working with them further on this important project," said Julie.

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



Left to right Kimberly Harbin, Associate, Morrison & Foerster; Isaac Raskin Young, Associate, Morrison & Foerster; Jennifer K. Brown, Pro Bono Counsel, Morrison & Foerster; Julie Chartoff, Senior Staff Attorney, Brooklyn Legal Services Corporation A, and Batya Miller, Pro Bono Coordinator, Brooklyn Legal Services Corporation A.*

serve more clients. The project has clocked over 700 hours so far.

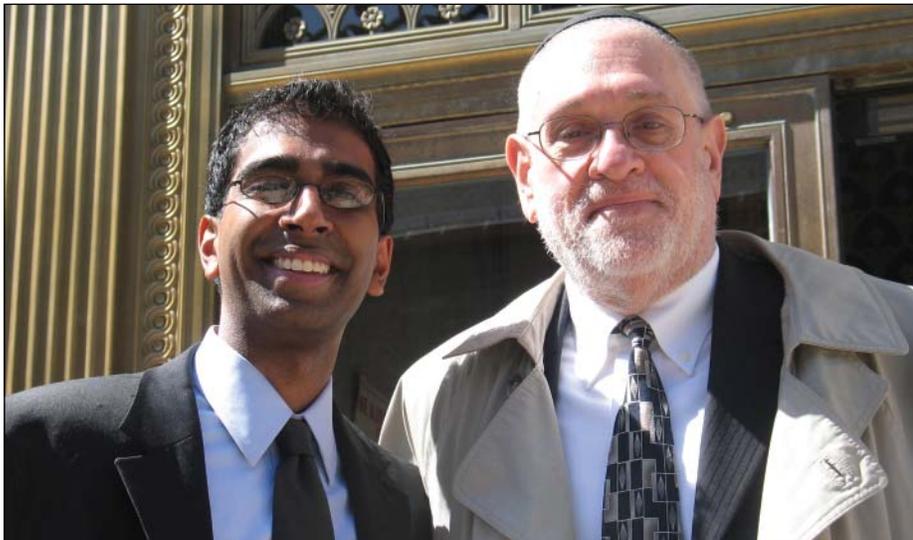
The current economic crisis was the impetus for the project – it has hit low-income people especially hard, and has simultaneously taken a huge toll on the nonprofit groups that struggle to meet their needs for free legal services. This combination of increased need and diminished resources makes *pro bono* services to help people obtain the services and supports they are entitled to more important than ever. Morrison & Foerster attorneys are stepping up to meet these critical needs all over the country. Through this Project, lawyers are providing pro bono representation to individuals whose claims for unem-

The Unemployment Insurance Project is giving Morrison & Foerster lawyers great opportunities to assist clients who really need its help and to get practical experience with trial skills. To date, over 12 attorneys have been working closely with Brooklyn A on the Project and have secured benefits in 10 of the 12 cases they have undertaken; they also have had the satisfaction of representing people who might otherwise have gone without representation.

These cases have involved some interesting situations. One client lost his job as a security guard after he refused to go back to an apartment house where there was no restroom. The Unemployment Insurance

Deferred Associate Focus – A Perfect Marriage: Shekar Krishnan* and the Broadway Triangle Litigation

Batya Miller, Pro Bono Coordinator, Brooklyn Legal Services Corporation A and Shekar Krishnan, Associate, Weil Gotshal & Manges LLP



Left to right, Shekar Krishnan, 2009-2010 Deferred Associate from Weil, Gotshal & Manges LLP and Marty Needleman, Project Director, Brooklyn Legal Services Corporation A.*

In the fall of 2009, Brooklyn Legal Services Corporation A initiated a lawsuit against Mayor Michael R. Bloomberg and the City's Housing Department on behalf of the Broadway Triangle Community Coalition and over forty Brooklyn community organizations in Williamsburg and Bedford Stuyvesant. The litigation challenges the residential rezoning by New York City of an area known as the Broadway Triangle Urban Renewal Area on the grounds that the rezoning violates federal, state, and city fair housing laws prohibiting racial and religious discrimination. In addition, the suit alleges that the rezoning process violated state and city requirements for open community participation.

Shortly after the initial papers were filed, Brooklyn A welcomed Shekar Krishnan, a deferred associate from Weil, Gotshal & Manges LLP. Shekar became immediately involved in crafting the amended complaint and a motion for a preliminary injunction to prevent the City from going forward with its rezoning plans. In

March 2010 Shekar argued the motion, his very first argument in court. For Shekar, it was a transformative experience. The courtroom was literally filled with members of the community organizations represented by Brooklyn A, all of them rooting for Shekar. After the hearing was finished and Shekar exited the courtroom, the community advocates formed an aisle for Shekar, applauding him vigorously as he walked out. That day Shekar understood what it meant to be a community lawyer.

Following the initial hearing on the preliminary injunction, the Court issued a decision expressing serious concerns about the rezoning and ordered a second hearing to further explore these issues. The court also stayed any implementation of the rezoning pending the resolution of Plaintiffs' motion for a preliminary injunction; that stay remains in effect. In June, the Court held an argument on Brooklyn A's request for the City to produce documents in preparation for the second injunction hearing. The Court subsequently ordered

that the City provide virtually all the information that Plaintiffs requested. Between the arguments in court, litigation strategy out of court, and client communication, Shekar has been involved every step of the way. Today, the litigation is moving through the discovery phase in preparation for an upcoming hearing on the request for a preliminary injunction.

Shekar spent the past year presenting the merits of the case to numerous firms and nonprofit organizations in an effort to obtain co-counsel. The recent addition of Emery Celli Brinckerhoff & Abady LLP and the New York Civil Liberties Union to the legal team as co-counsel is a significant and much-welcomed development for Brooklyn A and the Broadway Triangle litigation; their participation has enabled us to move forward as the litigation has become increasingly expensive and complex. Davis Polk & Wardwell LLP also contributed research and drafting services in the initial phase of the case. Without the participation of these firms, organizations, and Shekar, Brooklyn A could not have launched and sustained this lawsuit.

Shekar left Brooklyn A in the fall, but he plans to build on the relationship he so successfully established with the communities we serve: "I personally feel part of the struggle and attached to the community and the cause that we are serving through this litigation. Whatever the outcome, the process of working together with community advocates and seeking justice in court, before a judge who has taken our concerns seriously, has been very meaningful and powerful, both for me and the people we represent." He will be starting at Weil Gotshal in January of 2011; as a result of his experience at Brooklyn A, he decided to switch from the corporate department to litigation.

4th Annual Legal Services NYC Pro Bono Awards Breakfast Recognizes Attorney Volunteers, Law Firm Externships, Deferred Associates, and Projects Addressing the Needs of Low-Income People in the Economic Crisis

Edwina Frances Martin*, Director of Communications and Government Relations, Legal Services NYC



From left to right: Jeffrey Trachtman*, Kramer Levin Naftalis & Frankel LLP; John Aerni, Dewey & LeBoeuf LLP; William T. Russell, Jr.*, Simpson Thacher & Bartlett LLP, and LS-NYC Board Chair; Chief Judge Jonathan Lippman*; and Michael D. Young*, Interim Executive Director, LS-NYC.

Legal Services NYC held its 2010 Pro Bono Recognition Awards Breakfast on Tuesday, December 7th at Debevoise & Plimpton LLP. The event honored the work of pro bono attorneys and other volunteers throughout the Legal Services NYC system, and included a Special Keynote Address from the Honorable Jonathan Lippman, Chief Judge of the State of New York.

The Legal Services NYC 2010 Pro Bono Leaders (recognizing firms or individuals who rendered significant service to our program and our mission through a project or a case) were: Sheila McGinn* of Sargente & McGinn, LLC (Staten Island Civil Legal Advice and Resources Office Pro Bono Program), Skadden, Arps, Slate, Meagher & Flom LLP (family preservation work with the Brooklyn

Family Defense Project), David Fillingame*, NYU School of Law Post-Graduate Fellow (the South Brooklyn Legal Services Employment Advocacy Project), Morrison & Foerster LLP (the Morrison & Foerster/Brooklyn Legal Services Corporation A Unemployment Insurance Project), and The 2009-10 Legal Services NYC Deferred Associate Fellows.

Dewey & LeBoeuf LLP, Kramer, Levin, Naftalis & Frankel LLP, Weil, Gotshal & Manges LLP, and Simpson Thacher & Bartlett LLP were honored as 2010 Pro Bono Visionaries for sponsoring externships with Legal Services NYC offices; the NYC Bankruptcy Assistance Project Steering Committee, chaired by Stephen Karotkin of Weil, Gotshal & Manges LLP, was also honored as a 2010 Pro Bono Visionary.

In addition, awards were distributed to the 2010 Legal Services NYC Pro Bono Honor Roll of volunteers who volunteered 20 or more hours with a Legal Services NYC office.

The following 'resolution' was unanimously passed by the volunteer and legal services attorneys at the event:

Judge Lippman, your leadership in acknowledging the importance to society of providing equal access to the justice system for all is peerless amongst the state court systems in this country. Your commitment to the cause of equal justice for all, in creating the Chief Judge's Task Force on Civil Legal Services, and in giving teeth to the task force's report by including the funding in OCA's budget, is unequalled in this country, and historic. Indeed, to quote the Vice President for Civil Justice Issues of the National Legal Aid and Defender Association, "This would be by several measures the most significant commitment to civil justice any state legislature has made in the country." We thank you for your leadership and commitment to justice and fairness, and we honor you for it. With appreciation from the board and staff of Legal Services NYC.

New Resource for Low-Income People in Debt: St. John's School of Law Partners with Legal Services NYC to Create a Bankruptcy Advocacy Clinic, Providing Legal Help to Eligible Low-Income New Yorkers

Edwina Frances Martin*, Director of Communications and Government Relations, Legal Services NYC



St. John's School of Law Bankruptcy intern students Kristen Freaso and Keith Abrams with NYC BAP and Bankruptcy Clinic head William Z. Kransdorf.*

In August 2010 St. John's School of Law and Legal Services NYC (LS-NYC) announced the creation of the Bankruptcy Advocacy Clinic, through which St. John's law students learn about bankruptcy law while providing bankruptcy assistance to low-income New Yorkers.

The St. John's/LS-NYC Clinic helps overburdened debtors eligible for assistance obtain bankruptcy relief from debt – creating a lifeline for the working poor in the continuing economic downturn by helping them pay their rent or mortgage and buy food, instead of servicing debt.

As a nationally recognized leader in the study of bankruptcy law, St. John's School of Law is uniquely positioned to offer this assistance. The School publishes the American Bankruptcy Institute Law Review, and offers the only Bankruptcy LL.M program in the United States. The School's annual Conrad B. Duberstein National Bankruptcy Moot Court Competition draws competitors from throughout the United States to competitions judged by leading bankruptcy and

appellate court judges. Dean Michael A. Simon* says of the clinic, "the Law School is thrilled to partner with Legal Services NYC to offer this invaluable resource for needy New Yorkers during one of the most difficult economic periods since the Great Depression. Not only are we providing real and meaningful work experience for our students, but we are helping people in our community get back on their feet and enabling them to be a part of reviving our local economy."

The Clinic, taught by William Z. Kransdorf*, is an offshoot of LS-NYC's successful Bankruptcy Assistance Project (NYC BAP), which is also headed by Mr. Kransdorf. NYC BAP has become a national model of pro bono and bankruptcy advocacy. NYC BAP brings attorneys and debtors together through a system of workshops where potential filers first hear an informational presentation about the advantages and disadvantages of bankruptcy. After that, they meet one-on-one with attorneys for assessment, advice, and possible assistance with preparing and filing a Chapter 7 bankruptcy petition. Those who choose to file a bankruptcy petition through the Project will represent themselves in court. In addition to the pro se filings, pro bono attorneys also help with contested matters. Over 600 attorneys have participated, preparing over 300 bankruptcy petitions and providing assistance to nearly 2,500 debtors – virtually all the petitions prepared through the Project have led to successful bankruptcy discharge for the petitioners; on average, over \$42,000 per debtor has been discharged.

"I am grateful to St. John's for having the vision to make this partnership possible," said Mr. Kransdorf,

"this project will help our clients and help to instill a sense of social consciousness and of the importance of indigent legal advocacy in a new generation of lawyers."

Legal help for low-income debtors seeking bankruptcy has never been needed more – unemployment in New York City is at 9.4%, while consumer (mostly credit card) cases in the civil court system have ballooned to 577,000 in 2009, up from 200,000 a decade earlier. In New York City, consumer bankruptcy filings in 2007 were 69% higher than in 2006. And in the third quarter of 2008, the federal courts in Manhattan and Brooklyn recorded about 36% more filings than in the same period a year earlier. And recent data shows that consumer debt continues to escalate – nationally, last quarter bankruptcy filings were up 34%. Yet, with the changes implemented to the bankruptcy laws in 2005, Congress made it far more difficult to file for bankruptcy.

Since starting the clinical program in August, the students have learned bankruptcy law as well as lawyering skills in the context of a bankruptcy practicum, in which they meet clients, gather and organize their financial information and prepare bankruptcy petitions, all under the close attorney supervision of Mr. Kransdorf. The six students completed bankruptcy petitions for 15 debtors, 14 of which have been filed. Next semester, the students will further expand their bankruptcy skills, enabling them to graduate law school with real world lawyering skills while at the same time helping low-income New Yorkers obtain much-needed bankruptcy relief.

“Thank You” Inspires Law Student’s Pro Bono Work

Emily Rena-Dozier, Columbia Law School, JD Anticipated 2013

I think the most remarkable thing about volunteering for LawHelp/NY is that every single client I’ve communicated with has said “thank you.” This is doubly remarkable — first, because all the contact clients have with me is through an online chat program called LiveHelp on the LawHelp/NY website. They can’t see me, I can’t see them, we’re typing at each other through a little text box. Here are all the conditions that are supposed to lead to rampant online incivility, if not threats, profanity, or worse. The theory goes that no one quite believes the person on the other side of the computer screen is real, and so we have no compunctions about making that other person the target of all the irritation and annoyance that seem to go along with the convenience of living our lives online. But the clients who type out their problems to me have usually been frustrated, frequently angry, often frightened — but never uncivil.

In fact, they have never been anything but gracious, which is, as I said, doubly remarkable: not only am I for them only a line of text on a screen, but I am often an *extremely unhelpful* line of text on a screen. Sometimes I feel like all I say/type over the course of a three hour shift is “No”:

No, I’m sorry, I can’t give you any legal advice, but I can try to find you an organization that may be able to give you advice.

No, I’m sorry, I can’t give you my phone number so we can talk about your problem over the phone; I’m sorry your time on the library computer is almost up but I can only talk to you online.

No, I’m afraid we don’t offer help with criminal cases.

No, I’m so sorry, but there are very few lawyers who will work pro bono on divorce cases unless there are special circumstances involved.

And yet everyone says “thank you.”

But sometimes I do feel like I’ve done something more than help people understand that there is no one out there who can help them. There is information that I can provide that is useful: for instance, I’ve gotten very good at scouting out subway and bus stops online so that I can steer clients with children toward public agency offices that are closest to public transportation without too many stairs to climb with a stroller. But much more importantly, I can often put clients in touch with organizations that can and do help with precisely the problems my clients are facing.

Several of NYC’s direct legal service providers put on monthly or weekly clinics on particular legal topics, and these are a lifeline for many of LiveHelp’s clients. Knowing that there is a place where they can speak to an actual person about a specific problem is an enormous relief. When I’ve told a client how to find one of Housing Court Answers’ information tables, or when they can attend a clinic with the Workplace Justice

Project to fill out a claim for worker’s compensation, or which organizations provide assistance in Spanish, or simply given them the number for the City Bar Justice Center Legal Hotline, I do feel that I have been of real use to my client. While contact information for these and many other wonderful organizations is available on the LawHelp/NY website and elsewhere, many clients have trouble navigating through the information, or evaluating which organizations will be able to help them. I can help with that.

But in the end all I can do is pass on the information; I can’t give advice, and I can’t make my clients’ problems any less severe. I’m only an intermediary between people who desperately need help and lawyers who give of their time, their energy and their other resources to diminish some of the staggering barriers to access that many New Yorkers experience every day. So to those of you who staff and support the organizations to which I refer LiveHelp clients, I would like to pass on the words I hear from every client, every day: *Thank you.*

Staggering Statistics

The Task Force to Expand Access to Civil Legal Services in New York found that 99 percent of tenants are unrepresented in eviction cases in New York City, and 98 percent are unrepresented outside of the City; 99 percent of borrowers are unrepresented in hundreds of thousands of consumer credit cases filed each year

in New York City; 97 percent are unrepresented in child support matters in New York City, and 95 percent are unrepresented in the rest of the State; and 44 percent of homeowners are unrepresented in foreclosure cases throughout our State.

Volunteers Needed to Represent Claimants Before the Unemployment Insurance Appeal Board

Goethy Guareno, Pro Bono Coordinator, NYS Unemployment Insurance Appeal Board

Whether you are a legal services provider interested in helping your community or are a solo practitioner who wishes to volunteer, I urge you to consider the New York State Unemployment Insurance Appeal Board (UIAB) as one of the top choices available.

As the pro bono coordinator for the Appeal Board, I am painfully aware of the great need for representation in unemployment hearings and its incalculable benefit for those fortunate enough to be supported by a competent representative who is willing to provide services without a fee. Out of the nearly 50,000 yearly hearings, 90 percent of claimants appear unrepresented before our Administrative Law Judges. When it comes to securing representation, claimants are almost always at a disadvantage - the Section 538 limitations on fees for claimant's representatives frustrates their efforts to find someone willing to help them. These conditions make pro bono representation all the more crucial.

Despite the wonderful work representing claimants that is being performed by groups like the Legal Aid Society and the various legal services organizations, the number of claimants is persistently greater than the number of available representatives statewide. Your fellow underserved New Yorkers need skilled people like you to make a genuine difference in their lives, by choosing to be their voice. Unemployment Insurance (UI) benefits are the lifeline that keeps thousands of citizens from becoming homeless and invisible to society.

In a collaborative effort, the Appeal Board has partnered with several organizations to offer no-cost continuing legal education (CLE) in the basics of representing claimants before the Board to attorneys who agree to accept unemployment cases pro bono. Free seminars have taken place in Albany, Binghamton, Utica, Syra-

cuse, Poughkeepsie, Rochester, White Plains and New York City.

Unemployment Insurance hearings are held in Brooklyn, Buffalo, Garden City, Hauppauge, Manhattan, Rochester, Syracuse, Troy and White Plains. Lawyers interview clients, review documents, develop case theory, conduct direct and cross-examinations, and make closing arguments before an administrative law judge. In addition to doing a good deed, you could earn CLE credit¹ while sharpening your advocacy skills. Plus, you will walk away feeling good. After all, nothing is better than the feeling of doing something that helps people in a very real and positive manner.

If you would like to start a UI project, sponsor a CLE seminar or volunteer your services, contact: Goethy.Guareno@labor.ny.gov; (718) 613-3505.

1. 22 NYCRR 1500.22(j) provides that "continuing legal education credit may be earned for performing uncompensated legal services for clients unable to afford counsel pursuant to [a] assignment by a court; or [b] a program, accredited by the CLE Board, of a bar association, legal services provider or other entity. ... no more than six hours of CLE credit may be awarded in a two-year reporting period for performing pro bono service, and no more than one credit hour of CLE credit may be awarded for every six hours of legal work performed."

New York Lawyers – The Good We Do

EXPRESSIONS *Expressions*

Do you have a story to tell...

Have you worked on a special Pro Bono project?

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

Has your community service work improved the lives of others?

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

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

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

Email your submissions to thegoodwedo@nysba.org.



2010 Empire State Counsel®



Beth Avery – 500 hours – The concept of pro bono legal and public service is one of the family values I grew up with, so it's "in my genes." I have found pro bono

service for a nonprofit is more gratifying than for profit work because they are leveling the playing field by representing the "Davids," who cannot afford to pay for such help, rather than the "Goliaths," who can.



James J. Morrissey, Jr. – 55 hours – I do pro bono legal work to repay the kindness and time given to me by others.



Michael Miller – 100+ hours – I perform pro bono service because those of us who are privileged have a moral debt which can never be fully repaid.



Nelson A. Castillo – 215 hours – Through my pro bono work, I strive to empower people, positively change their lives, and help them

obtain justice.



Elizabeth F. Larsen – 677 hours – I feel privileged to have had the opportunity to serve as Kramer Levin's extern in the Housing Law Unit of South

Brooklyn Legal Services for the first half of 2010. I was able to help a lot of people who otherwise would not have found legal representation in their housing cases.



Janet Michelle Cuevas – 50+ hours – No matter what our religious, political or philosophical affiliations or predilections are, our primary purpose on earth

is to lessen the suffering and discomfort of those who are most vulnerable. Their trust in allowing me to help them resolve their legal challenges is the most meaningful reward of this life.



Magdalena Hale Spencer – 156 hours – Law impacts us all, not just those who can afford legal counsel. I am lucky enough to have the resources avail-

able to me to assist those who need counsel but are unable to pay.



Peter A. Strauss – 167.8 hours – It is my pleasure to assist in the great work of our firm's pro bono clients, such as Teacher U, Lower Eastside Girl's Club and the

Harlem Children's Zone.



James P. McElheny – 75+ hours – Active volunteer with Volunteer Legal Services Project of Monroe County and one of the driving forces

in the county's annual Campaign for Justice, a fundraiser benefiting county legal services programs that serve thousands of low-income clients with legal issues such as domestic violence, threatened loss of housing and consumer abuses.

Photo Gallery



Monica P. McCabe –
51 hours –
I perform pro bono service to help others and to feel connected to a larger community.



Richard C. Schoenstein –
125 hours –
Access to legal assistance should not depend on financial where with all.



David A. Price –
150 hours –
I perform pro bono service because it is very rewarding and as the last phrase of the Pledge of Allegiance reminds me

“with liberty and justice for all.”



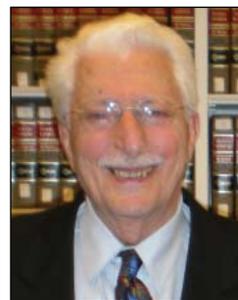
Carl D. Birman –
125 hours –
2010 was a busy and successful year for my pro bono legal work. Among other things, I remain lead counsel for Eric Hoffstead,

whose challenge to New York State’s loitering for panhandling statute continues to work its way through the appellate courts. My client’s victory in New Rochelle City Court, which found Penal Law §240.35(1) unconstitutional in 2007, was upheld this year at the Appellate Term, Ninth and Tenth Judicial Districts. Although the Office of the Westchester County Attorney has sought leave to appeal this important First Amendment ruling to the New York Court of Appeals, my side remains confident of success in this matter. I have had the good fortune of working closely with a Cornell Law School professor and two top law firms on this exciting pro bono project.



Liam G. B. Murphy –
65.25 hours –
Over the course of the past year, I helped a client with a collaborative law divorce, continued my representation of

a prisoner working through significant medical/legal issues and continued to help client’s on a pro bono basis after the closing of their assigned counsel matters. Pro bono helps my colleagues and me maintain good client relationships and to remember to help the whole client.



Eli Vigliano –
1000+ hours –
I believe every lawyer has an ethical responsibility to make our profession and our democratic society better. For more

than 20 years since my retirement, I have lived and practiced that belief to the fullest by rendering pro bono legal and public service on a large scale.



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PRO BONO DEPARTMENT

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