



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #24

Attached is a report from Association Secretary David P. Miranda, chair of the Committee on Resolutions, with respect to implementation of the recommendations of the Special Committee on Veterans, the Special Committee on Immigration Representation, and the Task Force on Nonlawyer Ownership.



NEW YORK STATE BAR ASSOCIATION

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TO: Executive Committee Members

RE: Special Committee on Veterans
Special Committee on Immigration Representation
Task Force on Non-Lawyer Ownership

In 2012, the House of Delegates approved reports issued by the above-referenced entities. The Committee on Resolutions has prepared recommendations for the implementation of recommendations contained in these reports. For your information, we are providing the enclosed three charts, which show our recommendations. As a next step, we plan to send letters to the sections, committees, and other entities referenced in these charts to request their assistance with implementation. We will keep you apprised of the status of this implementation.

Sincerely,

David P. Miranda

Enclosures

New York State Bar Association
Resolutions Committee
Implementation of Recommendations Contained in the
Report of the Special Committee on Veterans

Recommendations		Implementing Entities
VETERANS TREATMENT COURTS		
1.	NYSBA should explore and facilitate the spread of Veterans Treatment Courts throughout New York State. (2, 5)	- Committee on Court Structure and Operations - Special Committee on Veterans
2.	NYSBA should facilitate the means by which every veteran in New York State may gain access to a Veterans Court and/or treatment tracks so that a veteran living in a jurisdiction without a veterans' court may have his/her case referred to a county where those services exist, preferably a neighboring county. (2, 5)	- Committee on Court Structure and Operations - Special Committee on Veterans
3.	NYSBA should expand access to veterans' courts and/or tracks by amending court rules, changing existing legislation, or creating new legislation. (6)	- Committee on Court Structure and Operations - Committee on Legislative Policy - Special Committee on Veterans
4.	NYSBA should include the proposed new Article 5-C of the Judiciary Law as part of its legislative agenda for 2013. The new Article 5-C would be entitled "Veterans Courts" and would consist of the following: (a) section 178-a ("Establishment of courts for veterans"); (b) section 178-b ("Transfer of cases to courts for veterans; how effectuated"); and (c) section 178-c ("Procedure in a court for veterans upon transfer of cases thereto"). (6)	- Committee on Legislative Policy - Special Committee on Veterans
LEGAL TRAINING		
5.	NYSBA should develop and present continuing legal education programs for attorneys interested in representing veterans in civil legal matters. The programs should familiarize attorneys with military culture and psychology, their potential impact on veterans' reintegration into civilian life, and the ways military culture may affect how a veteran	- Committee on Continuing Legal Education - Special Committee on Veterans

deals with his/her legal issues. (3, 7)	
6. NYSBA should provide regular and on-going training opportunities for attorneys interested in providing civil legal services for veterans – whether paid or pro bono. (7)	• Committee on Continuing Legal Education • Special Committee on Veterans
7. NYSBA should acquaint attorneys interested in representing veterans with the complex area of laws governing veterans' benefits so that they may be sufficiently aware of potential benefit claims issues to appropriately refer veterans either to attorneys who practice in this highly specialized area of law or to veterans' organizations that offer free representation and advice on benefit issues to veterans. (8)	• Committee on Continuing Legal Education • Special Committee on Veterans
LEGAL SERVICES	
8. NYSBA should undertake efforts to raise awareness among NYSBA members about the civil legal needs of veterans and encourage interested attorneys to volunteer to serve on the committee. (9)	• Committee on Legal Aid • President's Committee on Access to Justice • Pro Bono Coordinators' Network • Special Committee on Veterans
9. NYSBA should encourage those local bar associations that have existing veterans' committees to expand their membership to include all lawyers who have training and background in the substantive civil areas of law in which veterans have disproportionately more legal problems (e.g., divorce, support, bankruptcy, foreclosure, debt collection, and eviction). (8-9)	• Committee on Lawyer Referral Service • Special Committee on Veterans
10. NYSBA should encourage those local bar associations that do not have existing veterans' committees to establish such a committee and to include not only attorneys who are veterans on such a committee, but also any lawyers who have training and background in the substantive civil areas of law in which veterans have disproportionately more legal problems (e.g., divorce, support, bankruptcy, foreclosure, debt collection, and eviction). (8-9)	• Committee on Lawyer Referral Service • Special Committee on Veterans
11. NYSBA's Committee on Lawyer Referral Service should consider developing a panel of attorneys who would be willing to assist veterans in various civil legal needs by providing them with a free, half-hour initial consultation and, if retained, would accept the case at their usual hourly rate discounted by 25%. (9-10) It is recommended that if a Veterans' Lawyer Referral hotline is created, it should operate from Veterans Day through Memorial	• Committee on Lawyer Referral Service • Special Committee on Veterans

Day. (10)	
12. NYSBA should consider establishing a dedicated 800 line to receive veterans' telephone calls and make referrals to lawyers who sign up for the veterans' Lawyer Referral and Information Service ("LRIS") initiative. (10)	• Committee on Lawyer Referral Service • Finance Committee • Special Committee on Veterans
13. NYSBA should encourage local bar association lawyer referral programs to adopt a similar veterans' LRIS initiative. (10)	• Committee on Lawyer Referral Service • Special Committee on Veterans
14. NYSBA should encourage existing pro bono programs to consider developing veteran-specific initiatives similar to those established in Albany, New York City, and Syracuse. (8-10)	• Committee on Legal Aid • President's Committee on Access to Justice • Pro Bono Coordinators' Network • Special Committee on Veterans
15. NYSBA should encourage New York law schools that do not have pro bono veterans' legal clinics to consider implementing such clinics as a means of providing law students with experience and veterans with additional resources to address their civil legal needs. (10)	• Committee on Legal Education and Admission to the Bar • Special Committee on Veterans

New York State Bar Association
Resolutions Committee
Implementation of Recommendations Contained in the
Report of the Special Committee on Immigration Representation

Recommendations	Implementing Entities
1. NYSBA should support the distribution and adoption of the committee's proposed "Standards of Representation of Clients in Immigration Cases" by law firms, attorneys, and service providers throughout New York State. (5-6)	• Special Committee on Immigration Representation • Committee on Standards of Attorney Conduct • Committee on Continuing Legal Education
2. NYSBA should support the committee's recommendation to the Executive Office of Immigration Review ("EOIR") that it develop a training curriculum that all prospective accredited representatives be required to complete (with an exemption for pre-existing accredited representatives until such time as they are required to seek re-accreditation). (28)	• Special Committee on Immigration Representation • Committee on Standards of Attorney Conduct
3. NYSBA should support the committee's recommendation to EOIR that it develop an exam that would test prospective representatives' understanding of the topics covered by the basic curriculum and test their legal analysis and writing skills. (28)	• Special Committee on Immigration Representation • Committee on Standards of Attorney Conduct
4. NYSBA should support the committee's recommendation to EOIR that it mandate continuing legal education-type training in immigration law on a periodic basis for all accredited representatives as a requirement for being re-accredited (currently, accredited representatives must be re-accredited every three years). (28)	• Special Committee on Immigration Representation • Committee on Standards of Attorney Conduct
5. With regard to a proposed EOIR rule relating to immigration representation, the committee should continue to monitor and develop comments for submission to	• Special Committee on Immigration Representation

EOIR during the comment period. (28)	
6. NYSBA should continue a dialogue with the following entities to improve pro bono attorneys' access to detained clients and to each client's immigration file (often referred to as the "Alien" or "A" file): (1) New York State Department of Corrections and Community Supervision ("DOCCS"); (2) EOIR Institutional Removal Program immigration courts; and (3) Immigration Customs Enforcement. (46)	• Special Committee on Immigration Representation
7. NYSBA should explore ways to educate the immigrant detained community and make available current pro se immigration materials. This should include further exploration of ways to work with the EOIR Legal Orientation Program and DOCCS to improve detained immigrants' access to materials and resources (e.g., "Know Your Rights" presentations) that are designed to assist pro se immigrants in immigration matters. NYSBA should also encourage the development of and access to pro se materials for detained and non-detained immigrants who are preparing for removal proceedings. (46)	• Special Committee on Immigration Representation
8. NYSBA should explore alternative service delivery models for immigration representation, including the following: (1) pro bono referrals with training and mentoring support; (2) law school clinical program representation; (3) representation through immigration fellowship and mentoring programs; and (4) bar association training and mentoring programs. (47-48)	• Special Committee on Immigration Representation • Committee on Legal Education and Admission to the Bar • New York State Conference of Bar Leaders

New York State Bar Association
Resolutions Committee
Implementation of Recommendations Contained in the
Report of the Task Force on Nonlawyer Ownership

Recommendations	Implementing Entities
1. NYSBA supports inter-firm fee sharing with a firm in a jurisdiction that permits nonlawyer owners and which has nonlawyer owners.	Committee on Standards of Attorney Conduct