

# Pro Bono News

Winter Edition Vol. 29 No. 1

## Director's Message

Kristen Wagner, Director of Pro Bono Services



Wagner

### Free Legal Answers Update

As of November 30, 2017, over 18,500 client questions were submitted to ABA Free Legal Answers™ and over 4,100 pro bono attorneys were registered to respond to legal questions. On average, the number of questions posted on Free Legal Answers™ sites increased by 32% over the last three months. Currently, 42 jurisdictions are committed to participate in the ABA Free Legal Answers™ project. Of those jurisdictions, 38 are connected to the site in various stages of access by clients, pro bono attorneys and/or state administrators.

New York's Free Legal Answers™ site has been up and running for over a year now. Approximately 40 questions, on average, are posted to [ny.freelegalanswers.org](http://ny.freelegalanswers.org) each month. 77% of these questions have been answered by volunteer attorneys. The remaining 23% have been answered by me, providing the individual with a referral to an appropriate legal service organization for further assistance.

One third of the questions posted on NY Free Legal Answers™ fall within the category of Family/Divorce/Custody. 15% of the questions posted

fall within the category of Housing or Property Owned, and 12% fall within the Debts & Purchases category. The rest of the questions fall within a variety of categories, ranging from Work to Immigration to Health Care and others.

Over 160 attorneys have signed up to be Free Legal Answers™ volunteers in New York. Nearly 40% of these attorneys actively respond to posted questions on a regular basis. To recognize the good work of these volunteer attorneys, the New York State Bar Association's President's Committee on Access to Justice has created two Free Legal Answers™ awards, the first of which are to be presented at the annual Justice for All Luncheon taking place in New York City on January 25<sup>th</sup> as part of NYSBA's Annual Meeting. One award will be presented to the Free Legal Answers™ volunteer attorney who has had the largest impact on Free Legal Answers™ clients. The second award will go to the law firm that has the most associates and partners participating in Free Legal Answers™.

New York's Free Legal Answers™ service is having a positive impact on many low-income New Yorkers' lives, but we could be doing so much more. We are making consistent efforts to reach out to local communities to make them aware of this wonderful service. We share information and send flyers to any and all community organizations and offices that want them. If you know of any such places, please email us at [probono@nysba.org](mailto:probono@nysba.org)

to help us spread the word.

Keep in mind that we will be presenting Free Legal Answers™ awards on an annual basis, so get your firms involved, do the public good, and get the recognition you deserve.

### NYSBA's Immigration Pro Bono Portal

NYSBA's Immigration Pro Bono Portal, made possible in part by funding from The New York Bar Foundation, has been up and running since July. This initiative was conceived in January 2017 when the Trump Administration's Executive Orders enhancing enforcement of our immigration laws were announced. The portal is designed to help the many attorneys seeking to do pro bono work in the immigration field find volunteer opportunities, and help legal service organizations get the volunteers they need.

Through the portal, organizations that provide assistance to New York's immigrant communities and are actively seeking pro bono volunteers can create listings detailing their specific pro bono needs. Similarly, attorneys looking to do pro bono immigration work can register on the site and provide information about themselves so that we can provide them with tailored referrals to pro bono volunteer opportunities across the state.

As of December 2017, 24 organizations have created listings on the portal, and over 50 attorneys have

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**The Pro Bono Newsletter is available online at [www.nysba.org/ProBonoNews](http://www.nysba.org/ProBonoNews)**

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*Article authors are responsible for the correctness of all information, citations and quotations. Articles may be edited for clarity and length.*

**Editor: Kristen Wagner, Esq.**

## Director's Message

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signed up for referrals to pro bono opportunities. We are also proud to announce that we have implemented a more streamlined attorney registration process within the website. Go to [www.nysbaprobono.org](http://www.nysbaprobono.org) and check it out! For more information about the portal, contact 518-487-5642 or [probonoportal@nysba.org](mailto:probonoportal@nysba.org).

### Pro Bono Week "Pro Bono Ethics for Government Attorneys" Training

In celebration of Pro Bono Week, NYSBA's President's Committee on Access to Justice, Local and State Government Law Section, and Committee on Continuing Legal Education sponsored a "Pro Bono Ethics for Government Attorneys" CLE program in Albany. Fifty four government attorneys attended the program, which was presented by six panelists (Kristen Wagner, NYSBA; Samantha Howell, formerly of Prisoners' Legal Services of New York; Michaela Azemi, Legal Assistance of Western New York; Steven Leventhal, Committee on Ethics and Professionalism; Myleah Misenhimer, Legal Aid Society of Northeastern New York; and C. Kenneth Perri, Legal Assistance of Western New York) and moderated by Co-chair of the President's Committee on Access to Justice, Edwina Martin.

The panel discussed the ethics rules governing the provision of pro bono services, generally, and then went on to discuss specific rules pertaining to government attorneys. Both the President's Committee on Access to Justice and the Local and State Government Law Section have created model pro bono policies for government attorneys. The PCAJ's model policy was drafted for use by attorneys in state and federal government agencies, and was approved by NYSBA's House of Delegates in 2016. The Local and State Government Law Section's model policy was drafted for attorney-employees of local governments and local government agencies, and has been approved by the Section's Execu-

tive Committee. Steven Leventhal and C. Kenneth Perri discussed the differences between the two policies.

The panel was concluded with a discussion around how it is indeed possible for government attorneys to do pro bono work and should be encouraged to do so. If you have any questions about pro bono opportunities and ethics rules for government attorneys, please contact NYSBA's Pro Bono Services Department at 518-487-5641 or [probono@nysba.org](mailto:probono@nysba.org).

### Save the Dates...

The annual Justice for All Luncheon will be held on Thursday, January 25th in New York City as part of the Association's Annual Meeting. At this luncheon, all attorneys that qualify for Empire State Counsel® designation are honored, and several firms and two individual attorneys will be recognized for their pro bono service over the course of 2017. In order to qualify for the Empire State Counsel® designation, an attorney must have completed over 50 hours of pro bono service over the course of the year and be an active NYSBA member. To learn more about the Empire State Counsel® program, go to [www.nysba.org/ESC](http://www.nysba.org/ESC).

The annual President's Pro Bono Service Awards will take place on May 1, 2018 at the State Bar Center in Albany. The President's Pro Bono Service Awards honor attorneys from all 13 judicial districts, as well as a government attorney or office, in-house counsel attorney or office, young attorney, senior attorney, law student, law school group, large law firm, mid-sized law firm, and small law firm. To learn more about the President's Pro Bono Service Awards and to access the nomination form, go to [www.nysba.org/PBAwards](http://www.nysba.org/PBAwards). Nominations will be accepted through March 9, 2018.

The 2018 Partnership Conference: Uniting for Justice will be held October 2-4, 2018 at the new Capital Center in Albany. Keep an eye out for the registration and conference schedule on NYSBA's website in May.

Questions? Contact NYSBA's Pro Bono Services Department at 518-487-5641 or [probono@nysba.org](mailto:probono@nysba.org).

# Pro bono volunteers and smart legislative policies are needed to protect immigrants and their positive impact on New York economy

Yuriy Pereyaslavskiy, Pro Bono Immigration Fellow



**Pereyaslavskiy**

What do Richard and Maurice McDonald, Estée Lauder, Henry Ford, Elon Musk, Walt Disney, Steve Jobs, Jeff Bezos, and Thomas Edison have in common? Besides being very successful and founding the biggest Fortune 500 companies, they are first or second generation immigrants. The list of select Fortune 500 companies founded by an immigrant or a child of an immigrant include household names such as: Advance Auto Parts, Alphabet (Google), Amazon, Apple, AT&T, Disney, eBay, Facebook, Ford, GE, Harley-Davidson, Home Depot, IBM, John Deere, Kohl's, Loews, McDonald's, Netflix, Nordstrom, O'Reilly Automotive, Paypal, PepsiCo, Staples, Tesla, Yahoo, and many more. New York State is home to 54 Fortune 500 Companies, 33 of which are immigrant-founded. Collectively they provide employment to 2,262,248 people and boast a staggering \$882.3 billion in revenue. The largest New York immigrant-founded companies include Verizon, JP Morgan and Chase, and Citigroup<sup>1</sup>.

It is also important to keep in mind that entrepreneurship is only one of the many ways in which immigrants and children of immigrants add value to the U.S. economy. Immigrants in New York generate an estimated \$230 billion in economic output<sup>2</sup>. They are nearly twice as likely as individuals born in the United States to start a business. In New York, immigrant-owned businesses and firms alone generated more than \$6

billion in business income in 2014 and employed nearly half a million New Yorkers<sup>3</sup>. They are also workers, consumers, and taxpayers who contribute to economic growth and job creation in many other important ways.

Despite the fact that nearly one out of every four New Yorkers is foreign-born<sup>4</sup> and statistics show the significant contributions of these individuals to the state's economy, New York lags behind other states in passing the legislation to support immigrant success. Other states have been able to pass legislation that allows undocumented immigrants to obtain driver's licenses (Utah), financial aid for undocumented students (Illinois) and implements comprehensive groups of policies limiting the ability of local agencies to engage in immigration enforcement

efforts (TRUST Act Illinois)<sup>5</sup>. New York has had a lot of similar legislative proposals, but faced significant challenges in passing the legislation. Between 2005 and 2007, the campaign to make driver's licenses available to undocumented immigrants resulted in an executive order requiring driver's licenses to be provided to undocumented immigrants, but the resulting backlash forced the governor to rescind his executive order. Similarly, a comprehensive group of immigrant friendly policies, the New York State DREAM Act, would have expanded financial aid to undocumented students. Ultimately, after several years, it failed to pass. For years this took away the focus from other areas of critical need in immigration.

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**Please note that a pro bono attorney from Legal Services of the Hudson Valley was misidentified in the last issue of the Pro Bono Newsletter. The correct name is included below.**



*Ricardo Gonzalez, Marian Genio, Priscilla Chaclin, Suzette Recinos, Sherry Bishko*



# Pro bono volunteers and smart legislative policies are needed to protect immigrants and their positive impact on New York economy

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Far worse, this year, the nationwide policy of increased immigration enforcement and rescission of DACA had not only a chilling effect on the New York economy, but also on the administration of justice and basic rights, such as access to courts. The research shows that since 2016 there has been nearly a 900% increase in ICE arrests at New York courthouses, including Family, Criminal, Traffic, Human Trafficking Intervention and Community Courts, as well as the Youth Parts<sup>6</sup>. The research also shows that about 15% of targeted immigrants are documented, including green card and valid visa holders. Of the people detained, 20% had no criminal history and were reporting to court on low-level violations, including traffic infractions<sup>7</sup>. A recent survey of New York legal services providers shows that immigrants now have a profound fear of going to courts, often having to choose between defending their rights in court and risking being detained by ICE. Legal services providers report that among survivors of violence: 67% of providers had clients who decided not to seek help from the courts, 48% of providers had clients who failed to seek custody or visitation, 46% of providers had clients who expressed fear of serving as a complaining witness, and 37% of providers had clients who failed to pursue an order of protection, all because of fear of ICE. They also report that 29% of those surveyed worked with clients who failed to appear in court due to fear of ICE. Fifty-six percent of those surveyed reported having clients who expressed fear of filing a housing court complaint due to fear of ICE<sup>8</sup>. If ICE continues to target victims and witnesses in court, there are likely long lasting consequences that will ripple through our communities regardless of immigration status or national origin. The solution to these issues will have to involve combined effort from both legal and legislative communities through advocacy and smart policies.

Following several executive orders announcing travel bans and a nationwide policy of increased immigration enforcement, the legal community has increased its efforts in delivering vital immigration legal services to our communities and thousands of attorneys volunteered to donate their time and services on a pro bono basis. The New York State Bar Association has received multiple inquiries from its members about how they can help. In order to best address the rise of attorneys seeking to do pro bono work, while supporting the non-profit and legal service organizations actively serving New York's immigrant communities, NYSBA paired up with The New York Bar Foundation and Legal.io to create a web-based portal through which attorneys can be referred to volunteer opportunities in a tailored and timely fashion. Available online at [www.nysbaprobono.org](http://www.nysbaprobono.org), New York State Bar Association's Immigration Pro Bono Portal provides access to current volunteer opportunities, a calendar of training events, and a library of training resources, all of which are updated daily.

We encourage attorneys who are interested in volunteering their time to serve New York's immigrant communities to visit [www.nysbaprobono.org](http://www.nysbaprobono.org) and register as a volunteer attorney so that we may provide you with

tailored referrals to volunteer opportunities for which they may be well suited. We also encourage organizations across the state that both serve New York's immigrant population, and have a need for pro bono volunteers, to visit the site and create a listing. Organizations should indicate their volunteer needs, so we may refer suitable volunteers to them. If you have any questions about NYSBA's Pro Bono Immigration Portal, please contact me at [probonoport@nysba.org](mailto:probonoport@nysba.org) or 518-487-5642.

1 "Immigrant Founders of the 2017 Fortune 500" (2017), Center for American Entrepreneurship, available online: <http://cae.stagingserver.co/>

2 *Id.*

3 "Blueprint for Immigrant New York" (November 2017), NYIC, available online: [http://www.thenyic.org/userfiles/file/nyic\\_Blueprint\\_for\\_ImmigrantNY\\_v5.pdf](http://www.thenyic.org/userfiles/file/nyic_Blueprint_for_ImmigrantNY_v5.pdf)

4 *Id.*

5 *Id.*

6 "ICE in New York State Courts Survey" (2017), Immigration Defense Project, available online: <https://www.immigrantdefenseproject.org/ice-courts-survey/>

7 "Ice Courthouse Arrests in New York" (2017), Immigration Defense Project, available online: [https://www.immigrantdefenseproject.org/wp-content/uploads/IDP\\_IceCourthouseArrests\\_Infographic-1024x682.png](https://www.immigrantdefenseproject.org/wp-content/uploads/IDP_IceCourthouseArrests_Infographic-1024x682.png)

8 "ICE in NYS Courts, Legal Service and Advocates Survey" (2017), Immigration Defense Project, available online: <https://www.immigrantdefenseproject.org/wp-content/uploads/ICE-out-of-courts-survey-final-1.pdf>

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## New Apps

Stephen W. Yale-Loehr

In fall 2017, Steve Yale-Loehr launched a new clinical course at Cornell Law School, the Technology, Innovation and the Law Clinic. Law students in the clinic wrote software applications for partner agencies helping low-income immigrants who can't afford a lawyer. One app focuses on documenting wage theft; another on preparing families who are at risk of deportation; and a third helps immigrants fill out a complicated green

card application form online. A video of student presentations about the new apps is at [bit.ly/2A6Uu57](http://bit.ly/2A6Uu57). The apps themselves are available at:

**I-130 app:** [education.neotalogic.com/a/cctompkinstioga](http://education.neotalogic.com/a/cctompkinstioga)

**Wage theft app:** [education.neotalogic.com/a/reporteniceapp](http://education.neotalogic.com/a/reporteniceapp)

**Family preparedness app:** [education.neotalogic.com/a/familyprep](http://education.neotalogic.com/a/familyprep)

# Precedential Pro Bono: Co-Counseling at the New York State Court of Appeals

Michaela Rossettie Azemi, Regional Pro Bono Coordinator, Legal Assistance of Western New York

Legal Assistance of Western New York, Inc. (LawNY®) has been fortunate to co-counsel on a number of high-impact litigation cases with large firm pro bono attorneys sharing significant expertise on federal and state cases. This co-counseling model, where urban firms provide remote pro bono support to rural civil legal services attorneys, has led to compelling precedential outcomes.

Most recently, LawNY®'s Co-Deputy Director of Operations and fearless advocate, Kate Woods, Esq., represented a mother in a Family Court Article 10 case. Attorney Woods' tenacity took the case from a Family Court trial to the New York State Supreme Court Appellate Division, Fourth Department and then ultimately to the New York State Court of Appeals.

In the initial case, the child was removed from her mother's care one week after she was born in November 2014, pursuant to an ex-parte pre-petition order. Four days after the removal, the Wayne County Department of Social Services filed a neglect petition. More than a year later, the fact-finding hearing was held and the Family Court determined that the Department of Social Services failed to prove neglect and dismissed the petition. The Department of Social Services did not appeal the trial court's decision. Instead of being returned to her mother upon dismissal, the child remained in foster care and the Family Court held a second permanency hearing in January 2016.

The issue presented on appeal was whether the New York Family Court Act Article 10-A provides for continuing jurisdiction if the underlying neglect petition is dismissed. The Appellate Division, Fourth Department affirmed in a 3-2 decision, construing Article 10-A to allow the Family Court to retain subject matter

jurisdiction despite the dismissal of an underlying neglect petition, and therefore keeping the child in foster care.

When LawNY® decided to pursue the next level of advocacy at the Court of Appeals, family law advocates around New York State, like Saul Zipkin from the Bronx Defenders and Professors Christine Gottlieb and Martin Guggenheim of New York University School of Law's Family Defense Clinic, were already on high alert, concerned about the impact of this recent Fourth Department decision. The Bronx Defenders and the NYU Family Defense Clinic professors reached out to LawNY® to offer assistance in the appeal. These advocates forged a pro bono connection between LawNY® and Paul, Weiss, Rifkind, Wharton & Garrison, LLP ("Paul, Weiss") a large law firm with a reputation for zealous advocacy and a willingness to take on family defense pro bono cases. When the litigation partner Roberto Finzi and associates Kate Roh and Jennifer Garrett from Paul, Weiss stepped in to assist, a pro bono support team formed. The advocates collaborated tirelessly on every aspect of the case from strategic planning, to writing and editing. In the brief, the litigation team described the grave constitutional dilemma in the Fourth Department's decision depriving a parent custody of their child without a finding or pending claim of abuse or neglect. The attorneys argued that the legislative history illustrated that the dismissal of a neglect petition terminates the Family Court's jurisdiction over the family. Associate Jennifer Garrett of Paul, Weiss explained "just as a criminal defendant is set free upon a not-guilty verdict, a parent cleared of neglect allegations should retain custody of his or her child."

Paul, Weiss covered the cost of printing, binding, and postage and

handled all logistics to perfect the appeal. As the oral argument date approached, the pro bono support team organizing a moot for LawNY®'s Attorney Woods on New York University Law School's campus. The case also received additional pro bono assistance from other firms working alongside agencies, like Lawyers for Children, Inc. and The Legal Aid Society's Juvenile Rights Practice, who co-wrote a supporting amicus brief.

The combination of perseverance, precision and pro bono led to a precedential unanimous decision at the Court of Appeals on November 20, 2017. In *Matter of Jamie J.*, 2016 NY Slip Op 07424, the Court of Appeals reversed the Appellate Division, Fourth Department holding that the Family Court does not retain subject matter jurisdiction to conduct a permanency hearing once the underlying neglect petition has been dismissed. LawNY®'s Kate Woods' post-decision reaction was "vindication" for her client, followed by appreciation for the incredible pro bono collaboration which contributed to the reversal. Similarly, Paul, Weiss Associate Jennifer Garrett expressed gratitude for the pro bono opportunity, as a junior associate, to meaningfully participate in the brief-writing and observe the Court of Appeals Judges quoting language from the brief at oral argument. This successful collaboration sets a precedent in pro bono initiatives for future remote opportunities to co-counsel on high impact litigation.

To find out more about the pro bono collaboration on this case, and learn of pro bono opportunities with LawNY® please contact Michaela Rossettie Azemi, Esq. at [mazemi@lawny.org](mailto:mazemi@lawny.org).

# Legal Aid Society, Cleary Gottlieb Continue Push for City to Disclose NYPD Disciplinary Summaries

**Redmond Haskins, Deputy Communications Director, The Legal Aid Society**

The Legal Aid Society and Cleary Gottlieb Steen & Hamilton LLP reaffirmed their push for the City to improve police accountability and transparency by filing an appeal on October 6, 2017 against the New York City Police Department (NYPD) in *Luongo v. NYPD Records Access Officer*.

In May 2016, The Legal Aid Society submitted a Freedom of Information Law (FOIL) request for the “Personnel Orders” to the NYPD, citing the already public nature of the materials. The NYPD denied the request and then informed The Legal Aid Society that it would not only deny its FOIL request, but that it also would no longer be making the summaries available to the media.

Subsequently, Mayor Bill de Blasio announced that while he was in favor of releasing the materials as a policy matter, he believed a provision of state law, Civil Rights Law 50-a, pro-

hibited him from doing so. Governor Andrew Cuomo publicly disagreed, stating that releasing the records is a decision for New York City. Though Civil Rights Law 50-a shields certain individual officers’ personnel records from public disclosure, the City’s current interpretation of the law is overly broad and inconsistent with over 40 years of practice.

Legal Aid and Cleary Gottlieb argued that the NYPD is required to release this information—which is of substantial public interest—and is not within the scope of Civil Rights Law 50-a. In early June, Judge Joan Lobis decided that these records fall under the scope of 50-a. The October 6 filing is appealing that decision.

“For over 40 years, these summaries were disclosed to the public with zero hesitation. The City’s reversal in favor of secrecy by manipulating an outmoded law counters any rela-

tionship the NYPD is trying to build with the blocks it polices,” said Tina Luongo, Attorney-In-Charge of the Criminal Practice at The Legal Aid Society. “So long as acts of police brutality continue to proliferate in black and brown neighborhoods, proof that the NYPD’s accountability system responds remains critical if we’re going to have true transparency and accountability.”

“When the legislature decided to protect personnel records, it limited that protection to records that are actually used in evaluating police officers,” said Roger Cooper, a partner at Cleary Gottlieb Steen & Hamilton LLP. “After publishing these personnel orders for 40 years, the NYPD now seeks to expand Section 50-a to cover records that have never been used to evaluate police officers.”

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## Prisoners’ Legal Services Welcomes New Pro Bono Coordinator

**Karen Murtagh, Executive Director, Prisoners’ Legal Services**

In October 2017, Samantha Howell, Prisoners’ Legal Services’ (PLS) first Pro Bono Coordinator, left PLS to explore other career opportunities. We thank Samantha for her years of dedication and commitment and for helping to develop PLS’ now extremely successful Pro Bono Program. On November 1, 2017, PLS welcomed John Amodeo as our new Pro Bono Coordinator. John began his career as a NYC Legal Aid Society staff attorney and after two years

was promoted to senior staff attorney. After he left Legal Aid, John served for approximately five years as law secretary to Judge Harold Beeler in the NYC Criminal and State Supreme Courts. From there John became Associate Counsel to the NYS Assembly Codes Committee, where he served for four years before moving to the Office of Court Administration to serve as Assistant Deputy Counsel for Criminal Justice. From 2007 to 2009 he served as Counsel to the NYS

Commission on Sentencing Reform and then became Chief Counsel to the NYS Senate Codes Committee where he served until 2011. Immediately prior to joining PLS, John served for nearly seven years as Deputy Counsel, and as Interim Chief Ethics Officer, for the NYS Attorney General’s office. We are thrilled to have John on board at PLS and we are extremely excited to have him at the helm of our Pro Bono Program.



# Innovative Approach to Pro Bono: The Law Student “Alternabreak”

**Gayle Murphy, Pro Bono Manager, Erie County Bar Association Volunteer Lawyers Project**  
**Michaela Rossettie Azemi, Regional Pro Bono Coordinator, Legal Assistance of Western New York**

The institution of the 50-Hour Pro Bono Requirement for all New York bar admittees in 2015 sparked numerous creative service opportunities across New York State, including remote research, client intake via videoconference, and service field trips. Short on time and eager for practical experience, many law students are turning to the “alternabreak” to capitalize on pro bono hours, maximize client interaction, and develop practice ready skills in a condensed time frame. These public service trips transport students outside their law-school bubble and provide them a chance to directly impact a community in need.

Two upstate organizations, Erie County Bar Association Volunteer Lawyers Project (VLP) and Legal Assistance of Western New York, Inc. (LawNY®) became early adopters of the “alternabreak” in the first week of September, 2017 when eight Stanford Law students traveled to Upstate NY



*Connecting with the Steuben County Bar Association*

and spent two weeks learning about access to justice and sharing their talents. Michaela Azemi, regional pro bono coordinator at LawNY®, and Gayle Murphy, pro bono manager at VLP, collaborated to develop a detailed schedule of training, service, courtroom observation, client-interviewing, and interaction with the local private bar and the judiciary. The stu-

dents spent one week in rural offices at LawNY® and one urban week in Buffalo at VLP. The students, working in small groups, focused on three separate areas of practice for the duration of the trip at each agency: Family Law, Housing, and Community Development.

Organizing this cross-country “alternabreak” involved not only program development, event planning, and juggling attorney court schedules to plan a worthwhile trip for law students but it also required cultivating buy-in from staff at each agency. We spent time attempting to convince our staff that the benefits would outweigh the cost in this beta-test for a new wave of law student volunteer involvement.



*Learning valuable lessons from Hon. Lawrence J. Vilardo, District Judge of the Western District of New York State*

At the conclusion of the two week trip, students met with both organizations for a combined debriefing session. The results were far more impactful than anticipated. In just two short weeks, law students drafted memoranda and motions, researched legal issues on individual cases and broader reforms, observed settlement conferences and court hearings, met

with judges and interacted with community leaders. We estimate that the students provided our organizations with over 600 hours of volunteer service during the two weeks. Feedback from both organizations’ staff attorneys included awe and appreciation for the quality of assistance provided on several cases in such a limited time frame.

The students shared that although many had taken a poverty law class and learned of “the average American’s seven unmet needs,” the statistics meant very little before actually meeting a client facing eviction who was also requesting assistance sorting out a will, negotiating a foreclosure with the bank, and filing for a restraining order from an abusive

partner. They had memorable firsthand experiences working with clients facing a “waterfall of need” for civil legal services in both locations. They developed a greater understanding of the enormous need for increased civil legal services for low income New Yorkers facing a myriad of legal problems. We were pleased to confirm

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# Innovative Approach to Pro Bono: The Law Student “Alternabreak”

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that one of the successful outcomes for the students was the exposure to new communities and diverse clients across the country, which increases law student cultural competency and develops more effective attorneys.

This two-week experience also gave the law students an opportunity to connect with and observe the interplay between public interest attorneys and their private bar colleagues. One of the students, Carly Hite, noted that students may have had differing career paths, but that the “alternabreak” experience gave each a new perspective. In the debrief, she explained that “a few of us that will practice in the private bar now want to ensure that our future firms are connected with local legal services agencies and those of us who will practice in the public interest, now recognize the importance of network-



*Working in a LawNY® rural office in Bath, NY*

ing and maintaining positive relationships with the private bar to ensure that as many of our clients as possible receive the help they need at a quality they deserve.” It is evident that the short service trip transformed into a sustainable pipeline for each organization of empathetic future pro bono attorneys.

The Stanford Law students left an indelible mark on both organizations by reenergizing staff desire to pursue access to justice and civil legal advocacy for those in need. In a field susceptible to burnout, the motivational boost from the law students’ energy was as inspiring as a keynote speaker at a statewide conference. For exam-

ple, one staff bankruptcy attorney had the opportunity to explain his role to the visiting students as an advocate for people attempting to climb out of a financial hole, often caused by catastrophic illness or unexpected job loss. He passionately described the reality for low-income people facing bankruptcy, and how without repre-



*Touring Buffalo City Hall*



*Meeting with Daniel Marren, Confidential Law Clerk to the Hon. Paula L. Feroletto, Administrative Judge, 8th Judicial District, and Court Officer Daniel Milligan.*

sentation the law would continue to be more punitive than appropriate for the average individual. This attorney’s words lit a fire in the students and in turn, reinvigorated the host organization’s bankruptcy practice.

In another instance, the students assigned to the community development projects at each organization observed “attorneys assisting in holistic, proactive work, such as forming nonprofits and provide job training,

lobbying for land trusts, and create educational opportunities for youth” and as a result, planned to spread these innovative community lawyering practices into their communities. Similarly, the community development attorneys at VLP and LawNY® expressed gratitude for the legal work the students accomplished and its significant impact on their cases. The staff responses were entirely positive and the “alternabreak” experience proved to be capacity building in so many ways for each organization.

The groundwork to develop and implement this “alternabreak” was definitely worth the effort. Expected goals for both the law students and the organizations were surpassed. This group of eight talented, committed and fascinating law students left our programs with a greater understanding of the importance of our work to meet the civil legal needs of

our low income clients. They also reenergized our staff, reminding us of our passion and commitment to access to justice initiatives.

If your organization is interested in hosting law students for an “alternabreak” or if you are a law school in search of a host organization, please reach out to Gayle Murphy, Esq. at gmur-

phy@ecbavlp.com and Michaela Rossettie Azemi, Esq. at mazemi@lawny.org for tips, tricks and templates. Many thanks to the incredible Stanford Law Students, Jonathan Berry-Smith, Drew Flood, Lauren Gorodetsky, Carly Hite, David Huang, Ann Niehaus, Sarah Rowan, and Brittany Riley, for their remarkable pro bono work, insightful feedback, and boundless enthusiasm for civil legal services.



# Success Through Social Media at VLSP Rochester

Scott R. MacPherson, Staff Attorney, Volunteer Legal Services Project of Monroe County, Inc.

Each year, during the American Bar Association's celebration of Pro Bono Week, it can be a struggle to come up with creative ways to highlight your organization's work while also inspiring new volunteers to come aboard and respond to our low income community's demand for legal help. Ide-



ally, your event will be simple, low cost, and accessible to a large, targeted audience. One of the simplest and easiest ways to accomplish this is through social media. A well placed and hashtagged post can be found and viewed by anyone, anywhere, at any-time. Just add some eye-catching visuals and you will make a lasting impression on your viewers that can easily be shared with others.

With these goals in mind, Volunteer Legal Services Project of Monroe County, Inc. ("VLSP") decided to put on a social media photo campaign for Pro Bono Week 2017. The campaign would showcase some of our 1,600 volunteers and their motivations for doing pro bono work. Without requiring a great deal of effort on our part, the photos would provide an effective method to recognize the efforts of current volunteers and to inspire future volunteers to come forward and donate their time and skills.

First, we needed a way for volunteers to express their motivation

through a photo, so I designed a simple card they could hold while being photographed. We wanted our cards to be straightforward, easy to reproduce, and bright enough to grab people's attention. Each card was white and red so it would stand out and also coordinate with our logo, which was placed in an upper corner. At the bottom of each card, hashtags were displayed referring viewers back to our organization and the Pro Bono Week event on social media. In the middle, each card read, "I Pro Bono to \_\_\_\_\_", and participants were asked to put in a word or two on the line summing up what drives them to volunteer.

Now that the card was set, we had to ensure our campaign would have widespread participation. We began approaching volunteers early--about 2 months before Pro Bono Week--and started by enlisting our own board members. The board was enthused to participate, and helped get the word out by sending the event information to members of their own organizations. Next, we reached out to our other volunteers via email, and scheduled many of their pictures conveniently at our office during client meetings or clinics. For those that wouldn't be visiting our office, a VLSP staff member would go to the attorney's office to quickly take each photo in front of an appealing backdrop where possible. In some cases, we were able to save time by scheduling a group photo with multiple attorneys in front of their firm's logo.

Over the course of the next two months, as word spread of our campaign, we obtained many photos including those of solo practitioners, law students, and attorneys from firms or other organizations. We compiled all of the photos in a Google Drive folder, along with signed releases permitting us to display them on social media, until it was time to post. In the meantime, we could edit and improve the appearance of each photo for the

benefit of participants, and make sure the photos were vibrant enough to grab viewers' attention. Photos could be edited directly in Google Drive or through one of the many of the free photoshopping programs out there.

During Pro Bono Week, we began posting on VLSP's Facebook and LinkedIn. We posted a few photos a day, and saw a rise of over 2,000 views throughout the course of a week. Additionally, the posts were easily shared on participants' personal media pages to get even more attention. I posted my own photo on LinkedIn and received



an additional 800 views, and was able to share it on Instagram and Facebook through Hootsuite to reach an even wider audience. Hootsuite is a management platform that allows you to submit one post to multiple social media outlets simultaneously.

Beyond simply increasing viewership, our social media campaign became a great way of introducing new members of our legal community to our followers. This included our new executive director, Tina M. Foster (pictured), recently admitted attorneys, and new firm hires.

This isn't the first time a nonprofit has used a photo campaign to engage both current and potential volunteers, but it is still a very effective way of getting the word out without having to spend much staff time or funds. The campaign turned out to be a great, easy way to increase our social media viewership, and to bring our work to the attention of potential supporters.

# Taking the Leap From Private Sector to Public Interest & Securing Justice for WNY's Seniors

Nicole M. Komin, Pro Bono Coordinator, Center for Elder Law & Justice

Is the grass really greener on the other side? When I was working at a private firm I often thought about employment in the public sector. I wanted to utilize my creativity while simultaneously having an impact on the community. I wanted to help those in need and those who could not fight for themselves. Most importantly I wanted fulfillment and meaning in my career.

When I finally made the leap, I was curious how my skills as a private attorney would transfer to my new position as Pro Bono Coordinator at the Center for Elder Law & Justice (CELJ). Within the first few months, I quickly recognized the benefits of my private sector experience as I began to expose private attorneys to the pro bono program and the legal issues the senior community face. I learned that I could be the bridge that encourages private attorneys to make pro bono service and access to equal justice an integral part of their practice. I recognized my ability to market to the private sector was largely based upon my own experience and understanding of what life is like as a private, billable hour, attorney.

As such, we at CELJ have created continuing opportunities for attorneys in Western New York to provide meaningful and fulfilling representation to our seniors, those with disabilities and low-income individuals. Our services help people maintain the essentials of life – access to health care, securing safe and affordable housing, protective services to remain free from violence, and access to sufficient income to improve the overall quality of life. Two of our newer units are addressing the needs of older refugees and LGBT seniors. CELJ's mission is to use the legal system to help clients *live independently and with dignity*.

At CELJ, we are seeing a continuous growing demand for our services.

In just the past three years, we have increased the number of people we've served with direct legal representation by 40%. In Erie County, older adults make up almost 25% of the population, and navigating the court system, especially for seniors, disabled and low income individuals can be daunting. Approximately 59% of adults aged 65 and older have difficulty with basic actions or complex activities and 37% report having at least one disability. Some seniors are even physically unable to get to the courthouse. For older adults with a disability or serious illness, a prolonged case duration and multiple appearances are barriers to seeing a case through to the end, thus limiting or preventing them from obtaining much-needed legal relief.

Moreover, more than 25 million Americans over age 60 are facing economic insecurity and live at or below 250% of the federal poverty line. Many of these individuals face issues related to debt, housing and health care that can leave them vulnerable to abuse and financial exploitation. Therefore, the need is high for pro bono attorneys to help address the specialized legal needs of seniors in the community.

The need for legal representation for these groups is growing in the WNY community. I encourage private attorneys to think about the grass on the other side and seek out pro bono work—Realize you have the tools and skills to make a profound, permanent change in someone's life for the better.

NEW YORK STATE BAR ASSOCIATION

## "Pro Bono in Your PJs"

Log onto  
**NY.freelegalanswers.org**  
and sign up to be a  
volunteer today!

### Questions?

Contact Kristen Wagner  
Director, Pro Bono Services, NYSBA  
kwagner@nysba.org | 518.487.5640



# AEP at Fordham Law School

**Cora Vasseman, Attorney Emeritus Program Coordinator, Feerick Center for Social Justice, Fordham Law School**

The legal system has the potential to be a powerful tool for social justice and for alleviating poverty. Effective legal representation can help earn fair wages, prevent eviction and housing discrimination, and maintain families. However, when about 80% of the legal needs of the poor continue to go unaddressed, the legal system can easily strengthen racial and economic inequality. This well-documented disparity between the need for legal assistance and the resources available to low-income individuals is called the Access to Justice Gap.

As a part of their Access to Justice Initiative, Fordham Law School's Feerick Center for Social Justice worked with then Chief Judge Jonathon Lippman to create the New York State Attorney Emeritus Program (AEP). The program seeks to lessen the justice gap by connecting senior lawyers interested in volunteering with legal service providers that serve communities lacking access to legal resources. Attorney Emeritus Program Pro Bono practice rules encourage active and retired attorneys to volunteer and provide pro bono assistance to clients unable to pay for essential legal representation.

Currently there are 41 states with active Attorney Emeritus programs, each with their own set of AEP rules. New York is one of the strongest programs, with 1,062 attorneys currently engaged with the program. In 2015, the American Bar Association collected data on participating states' programs, and found that California had 85 total attorneys registered under Emeritus practice rules, Utah has 646, and Oregon has 297. In New York State, retired Emeritus attorneys are exempt from registration fees and

CLE requirements. Active Emeritus attorneys are able to count a portion of their volunteer hours towards their CLE requirement. By lessening the barriers to performing Pro Bono service, the AEP Rules hope to mobilize the senior attorney population and to support any lawyer interested in volunteering.

The Attorney Emeritus Program partners with courts, legal services providers, bar associations, and law schools. Emeritus attorneys volunteer with approved pro bono legal service programs and assist to help meet the needs of New Yorkers who cannot afford counsel. Through this mutually beneficial partnership, the Center is able to capture the valuable resource that is the experience and expertise of senior attorneys.

AEP volunteer Wendy Cooper speaks to this:

"The AEP has exceeded my expectations in providing me the opportunity to use my legal skills in retirement to assist disadvantaged New Yorkers and simultaneously maintain my license. In both AEP approved programs where I've volunteered the excellent training and supervision gave me confidence that I was well-equipped to advise the clients despite having no previous experience in those practice areas. Both programs also easily accommodate my schedule. In addition, I am covered by legal malpractice insurance and am meeting and working with bright and committed volunteer attorneys and law students."

For many, volunteering is a challenging and engaging way to continue practicing law after retirement. Emeritus Attorneys often explore a new area of law as a volunteer, as AEP

host organizations are required to provide supervision and training for volunteers. Linda Clarke, a volunteer with Mobilization for Justice, said of her experience, "volunteering through the AEP is a fantastic way of staying involved in legal services and to give back—it's all very worthwhile."

By providing their valuable time, experience, and knowledge, AEP volunteers quickly become integral members of the organizations with which they work. A representative with the New York City Bankruptcy Assistance project spoke about his experience working with AEP volunteer Larry Alexander:

"Larry Alexander has long been a champion of New York's dispossessed with a deep commitment to social justice through the law ... As with most of our clients, Larry's were predominantly struggling single moms with nowhere else to turn ... [his] diligent work preparing their bankruptcy petitions got them out of that nightmare, so that they and their children could get a fresh start."

Fordham Law School Professor John D. Feerick and Fern Schair chair the Attorney Emeritus Advisory Council. As Ms. Schair said:

"It is so gratifying to see the change in the legal culture in New York. Now, moving towards retirement has become an opportunity to continue using your legal skills to help those in need."

In the future, we hope to grow the Attorney Emeritus Program and encourage increasing numbers of senior attorneys to use their valuable legal experience and skills to help create a more just and equitable community for all New Yorkers.



# Legal Aid of Mid-New York, Inc. (LASMNY) Receives Two New Grants to Expand Pro Bono and Other Services in Broome County

**Arlene Sanders, Director of Pro Bono Programs, LASMNY**

In September LASMNY received notification from Legal Services Corporation (LSC) that it was one of 15 Legal Aid organizations chosen (out of 60 applicants) to receive funds to expand its pro bono services. LASMNY's project, the "Town and Village Attorney of the Hour Program" seeks to expand its "Attorney of the Hour" Eviction Defense Program, which provides pro bono representation to tenants in Binghamton City Court, to town and village courts in Broome County. The two year grant will include funding for a paralegal and experienced attorney to recruit and train pro bono attorneys and supervise the new programs

in various town and village courts within Broome County. The grant will also fund a rental housing counselor through Opportunities for Broome to provide services and further support to tenants receiving LASMNY representation in Binghamton City Court. Letters of support for LASMNY's proposal were submitted to LSC by Hon. Molly Fitzgerald, on behalf of the Sixth Judicial District Pro Bono Committee, and Broome County Bar Association President Judith Osburn, Esq., on behalf of the Broome County Bar Association Pro Bono Committee.

LASMNY has also been awarded a one year grant from the NYS Divi-

sion of Criminal Justice Services to expand pro bono and in-house legal services to Broome County veterans. LASMNY will partner with the Binghamton Vet Center to expand pro bono clinics offered to veterans. In addition LASMNY will provide advice and representation in the areas of foreclosure, divorce, bankruptcy, child support, end of life planning, and other civil legal matters, through referrals to pro bono and LASMNY attorneys.

LASMNY was recommended for the grant by the Binghamton Vet Center and New York State Senator Fred Akshar.



*LASMNY's other programs are awarded funds to serve Broome County Veterans.*

# Lawyers Alliance Cornerstone Awards Honor Individual Attorneys and Institutions for Superior Pro Bono Service to Nonprofits

Stacey Fahey and Victoria Gaffney, Pro Bono Counsel, Lawyers Alliance for New York

Nonprofit organizations work tirelessly to improve the quality of life in New York City neighborhoods. In doing so, they often encounter a complex array of legal issues that impact their programs, staffing, structure, and finances. By providing invaluable legal assistance, Lawyers Alliance for New York, the leading provider of business and transactional legal services for nonprofit organizations and social enterprises, enables these organizations to provide vital services to low-income and disadvantaged individuals.

On November 14, 2017, Lawyers Alliance celebrated its twentieth Cornerstone Awards, the highest business law honor in New York, saluting two law firms and 14 individual volunteers for their exceptional volunteerism.

"This year marks the 20th Anniversary of the Cornerstone Awards, and Lawyers Alliance is thrilled to celebrate the generous and talented attorneys who have helped nonprofit clients thrive over the years. This year's winners exemplify the legal sector's commitment to helping New York City's low-income communities," said Darren M. Nashelsky, Chair of the Board of Directors of Lawyers Alliance.

The 2017 honorees' stories reflect the impact of successful pro bono projects; their indispensable legal assistance is imperative for nonprofits to sustain and operate dynamic programs. This year's honorees exhibit the finest qualities of the legal profession.

**Latham & Watkins LLP's** dedication to pro bono is a source of pride for the firm. Last year, Latham provided free legal services valued at approximately \$135 million. The firm has partnered with Lawyers Alliance for more than 20 years, substantially increasing its participation in sophisticated pro bono corporate matters in



## *Lawyers Alliance for New York 2017 Cornerstone Awards*

*(back row, left to right) Matthew DeAtley, Paul Hastings LLP; Abid Qureshi of Institutional Honoree Latham & Watkins LLP; Benet O'Reilly, Cleary Gottlieb Steen & Hamilton LLP; Richard G. Kass, Bond, Schoeneck & King PLLC; Daniel J. Venditti, Simpson Thacher & Bartlett LLP; Chris M. Smith, Shearman & Sterling LLP; Eric Allendorf, Paul Hastings LLP; Scott Feira, Arnold & Porter Kaye Scholer LLP; and William X. Lang, Winston & Strawn LLP*

*(front row, left to right) Marcia Tavares Maack of Institutional Honoree Mayer Brown LLP; Karen Kim, Menaker & Herrmann LLP; Susan L. Ross, Norton Rose Fulbright US LLP; Joann B. Birle, Herrick, Feinstein LLP; Oren Epstein, Skadden, Arps, Slate, Meagher & Flom LLP; Karen Peled, NBCUniversal Media, LLC; and Cheryl L. Davis, Menaker & Herrmann LLP*

*Photographer: Lily Kesselman*

recent years. Since 2012, Latham has assisted more than 25 nonprofit clients on more than 30 legal matters, with 22 new matters in the last two years. The firm's corporate, transactional, regulatory, and other pro bono legal services reflect its collaborative approach to client service. As a result of Latham's pro bono assistance, nonprofit clients have been able to develop stronger programs, operations, finances, and facilities to better serve New Yorkers in need.

**Mayer Brown LLP's** dedication to fostering an equitable society is close-

ly aligned with Lawyers Alliance's aim to improve the quality of life in low-income New York City neighborhoods. Last year, the firm provided more than 58,000 hours of pro bono work to help the disadvantaged. Mayer Brown's steadily increasing volume of Lawyers Alliance pro bono work includes 31 legal projects for more than 25 organizations since 2012, with 21 new matters since July 2015. Thanks to Mayer Brown's high quality legal assistance, nonprofit clients have been able to navigate complex cor-

*continued on page 14*



*continued from page 13*

**Scott Feira, *Arnold & Porter Kaye***

“Since the inaugural Cornerstone Awards in 1997, only 210 of our 7,500 volunteers have received an Individual Cornerstone Award. These are Lawyers Alliance’s strongest of our strong volunteers, and they demonstrate how lawyers can positively affect their communities,” said Elizabeth M. Guggenheimer, Lawyers Alliance’s Deputy Executive Director and Director of Institutional Advancement.





# White & Case LLP Honored With 2017 Honorable Jonathan Lippman New York Pro Bono Publico & Public Service Law Firm Award

Louis S. Sartori, Director, Pro Bono Practice, The Legal Aid Society

In 2014 White & Case LLP became actively involved in bringing *Butler et al. vs. City of New York*, a federal class action case challenging disability-based discrimination in the City's homeless shelter system. There are over 60,000 people sleeping the City's shelter system each night, and a high proportion of them have difficulties as a result of a disability. For some, it's a simple thing such as needing an air conditioned room to fend off asthma attacks or mitigate respiratory illnesses; or having a place to plug in an oxygen tank. For others it involves people who can't walk being left stranded on upper floors of buildings with no working elevators. The City's emergency shelter systems do not currently comply with numerous New York State statutes and federal civil rights laws governing accommodations of individuals with disabilities.

Partner Paul Carberry, along with Associates Evelyn Fanneron, Jade Harry, and Erin Smith, worked alongside the Society's Homeless Rights Unit; Beth Hofmeister, Joshua Goldfein, Kathryn Kliff, Dylan Colbert, Judith Goldiner and Kenneth Stephens and in August of 2017 were able to secure a settlement with the City on behalf of a class of individuals who have a disability and who cur-

rently live in shelter, who will seek shelter in the future, or who tried to access shelter on or after May 14, 2012. The settlement will result in the City changing its policies, practices, and facilities to make them more accessible to people with disabilities who need reasonable accommodations. It will also require Department of Homeless Services to train its staff on the rights of people with disabilities, as well as making it easier for disabled individuals to request reasonable accommodations in shelter. This settlement is groundbreaking and will not only improve living in shelter for the over 42% of residents who are disabled, but also for their friends and families who will see improvements in services and access as a result.

For its exceptional work with The Legal Aid Society's Homeless Rights and Housing Units on behalf of disabled New Yorkers seeking accessible shelters and appropriate subsidies, their continued work defending the Sixth Amendment's protection of the right to counsel, staffing the Criminal Defense Externship in Manhattan, providing counsel in criminal appeals, as well as handling both Immigration and Employment Law referrals through a unique *Attorney Emeritus* mentorship project, The Legal Aid

## WHITE & CASE



*Pictured at right are William Gibney, Christopher Pisciotto, Judith Goldiner & Seymour James of The Legal Aid Society; David Hille, White & Case; Blaine (Fin) Fogg, Society President, Richard Davis, Society Chair; Chief Judge Janet Di Fiore; Paul Carberry, Louis O'Neill and Patrick Rickerfor, White & Case LLP.*

Society proudly presented White & Case with its 2017 Honorable Jonathan Lippman New York Pro Bono Publico & Public Service Law Firm Award. Through their extraordinary pro bono commitment to The Legal Aid Society and its clients, White & Case has clearly demonstrated that the firm shares Judge Lippman's goal of "making equal justice for all not just an ideal, but a reality".

# City Bar Justice Center Celebrates Pro Bono Volunteers at the Jeremy G. Epstein Awards and Veterans Day Breakfast

Christina Overton, Communications and Development Coordinator, City Bar Center

This Fall, the City Bar Justice Center held its two annual volunteer appreciation events to recognize the inspiring impact of the pro bono volunteers who increase access to justice year round for disadvantaged New Yorkers and their families.

## 9th Annual Jeremy G. Epstein Awards for Outstanding Pro Bono Service

The Justice Center launched National Pro Bono Week on Monday, October 23<sup>rd</sup> with the annual Jeremy G. Epstein Awards, which honor the exemplary volunteers from each Justice Center project. The awards were established in honor of the late Jeremy G. Epstein, partner at Shearman & Sterling and pro bono champion who logged over 5,000 hours of pro bono and public service over 20 years.

New York City Bar Association President John S. Kiernan gave the opening remarks and City Bar Fund Board Chair Robert F. Cusumano presented the awards. Alan S. Goudiss and Adam S. Hakki, partners at Shearman & Sterling LLP, delivered the keynote address. In a testament to the firm's commitment to pro bono, Shearman & Sterling fielded a team including Goudiss, Hakki, and Epstein working tirelessly for decades to vacate the death sentence of a man with an intellectual disability.

Hakki and Goudiss shared moving accounts of their time on the case under Epstein's mentorship. Hakki said that Epstein taught them to: "Never quit. Never lose your faith in the outcome you can achieve in the courtroom when justice is on your side." Goudiss elaborated on what Epstein's leadership taught them about pro bono and public service: "They make us better lawyers, they make us better citizens, they make us

better people, and Jeremy understood that and he imparted it to all of us who were fortunate enough to work with him."



## 2017 Jeremy G. Epstein Award Individual Honorees

**Jasmine M. Campirides**, Steptoe & Johnson LLP

**Kurt M. Denk**, Kramer Levin Naftalis & Frankel LLP

**Brenna K. DeVaney**, Skadden, Arps, Slate, Meagher & Flom LLP

**Bridget La Rosa**, Fox Rothschild LLP

**John Powers**, Crédit Agricole CIB

**Oscar S. Straus III**, Solo Practitioner

**Jessica Winchell**, Deutsche Bank Securities Inc.

## 2017 Jeremy G. Epstein Award Team Honorees

**CBS Team:** Patrick Turner, CBS Corporation; Eric Hochstadt and Jennifer Ramos, Weil, Gotshal & Manges LLP

**DLA Piper Team:** John Guarin, Lauren Manton, Maria Matos, Kira Mineroff, Paolo Morante, Michelle Sadowsky, Emily Sanders, Marta Segimon, R. Brian Seibert, Tomasita Sherer, Michael Shin, and Hayley Yandoli

**Norton Rose Fulbright Team:** Thomas Hall, Nicholas Chandler, Nathaniel Putnam, Matthew Lamb, Thomas Commons, Darayl Levy, and Stacey Trimmer

**Shearman & Sterling LLP:** Antonia E. Stolper, the Americas Regional

Managing Partner, accepted the award on behalf of the firm.

## 2nd Annual Veterans Day Breakfast

The Justice Center's Veterans Day Breakfast and Ethics CLE was held on Friday, November 10, 2017 to celebrate the dedicated Veterans Assistance Project (VAP) volunteers who provide legal assistance to New York City's disabled, low-income veterans. Since the project's inception, VAP has helped over 1,500 veterans thanks to the extraordinary work and commitment of over 450 pro bono volunteers.

The program included remarks from Lynn Kelly, Executive Director of the Justice Center, Kent Eiler, Veterans Assistance Project Director, and Steven Lee, Managing Director of Income Security at the poverty-fighting Robin Hood Foundation. Lee remarked that VAP is one of the foundation's most effective grantees when it comes to producing returns for every dollar invested in the project, maximizing the delivery of life-changing tools and resources to one of New York City's neediest populations. As VAP's largest grant funder, the Justice Center is grateful for Robin Hood's support over the last seven years.

To illustrate how effective VAP is in leveraging the resources of the New York City legal community, Steven Simone of Stout, Risius and Ross presented on the valuation model his firm developed as a pro bono project for VAP. The model calculates the long term economic impact of VAP's pro bono legal representation. Simone announced that VAP has returned \$17 million in disability benefits to low-income veterans in New York and is on track to reach \$24 million in benefits this year. CBJC thanks Simone, Analyst in the Investment Banking

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# Pro Bono Attorney Brings Holiday Cheer

Melody Harkness, Private Attorney Involvement Coordinator, Legal Aid Society of Northeastern New York



Harkness

Do you know a holiday pro bono attorney? While some of us travel for the holidays, take time off to enjoy the company of loved ones and/or tie up end-of-the year

knots with work. Some are staying committed to the spirit of service and spreading cheer to homes through pro bono service. At Legal Aid, we always hope the holiday season brings out the giving spirit in others. Jon Crain of Whiteman, Osterman and Hanna LLP, was in the giving spirit this holiday season.

There are many individuals who are evicted from their homes due to not having the benefit of counsel. In many cases, tenants need an attorney to assist with negotiating reasonable settlements that will allow them to stay in their home. Twice a month, pro bono attorneys appear in Albany City Court to assist tenants facing eviction through Legal Aid Society of Northeastern New York's *Attorney for the Day* program. Pro bono attorneys appear in court without knowing how many tenants they will be representing or who they are. *Attorney for the Day* involves the collaboration of pro bono attorneys and Albany Law School students to prevent homelessness by helping low-income households facing evictions. In conjunction with LASNNY's Private Attorney

Involvement (PAI) paralegal, Albany Law students assist with interviewing tenants, information gathering and issue spotting, while private attorneys like Mr. Crain spearhead oversight and mentoring, representing the tenant in their first appearance in housing court.

Just a few weeks before Christmas, Jon Crain represented a tenant with a disabled son who appeared in housing court. The tenant, who previously was out of work due to medical issues, fell behind on the rent and received a notice that meant packing up the family before the holidays. This tenant stressed the importance of having a place to live, immediately returning to work full-time after recovery, while additionally, babysitting evenings to save up the money needed to pay the rent arrears.

Like many New York renters, low-income households spend a significant portion of their income on housing. According to the U.S. Census Bureau's American Community Survey, among "extremely low income" New Yorkers, 70 percent are spending more than half their income on rent. Given the current healthcare crisis, when low-income households encounter a medical emergency, they lose the support needed to sustain their housing. As a result, many low-income New Yorkers find themselves facing eviction from their homes. Not to mention, increases in heating costs leaving families in a financial crisis during the holiday season.

This holiday pro bono attorney negotiated an agreement that kept the



Crain

tenant and son in their home. The tenant exclaimed, "I didn't know whether I should put a tree up or not. A roof over our heads is more important than presents under a tree." Jon Crain is no stranger to litigation, practicing in Whiteman, Osterman and Hanna's Litigation, Arbitration and Mediation Practice Group, he attains a wealth of experience resolving disputes. Mr. Crain joined Whiteman Osterman & Hanna LLP in September 2013. Prior to joining the firm, Mr. Crain served as an Appellate Court Attorney for the New York State Supreme Court Appellate Division, Third Department. Crain has been volunteering for Legal Aid Society for Northeastern New York for 4 years. We are lucky to have such dedicated pro bono attorneys throughout the New Year.

## City Bar Justice Center Celebrates Pro Bono Volunteers at the Jeremy G. Epstein Awards and Veterans Day Breakfast

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Group, as well as Neil Steinkamp, Managing Director of Complex Situations Consulting and Stout's Pro Bono Practice leader, for their work on this project.

Special thanks to the 2017 Veterans Day Breakfast and Ethics CLE Spon-

sors for their generous support: **Bloomberg Philanthropies; Sidley Austin LLP; Davis Polk & Wardwell LLP; Arnold & Porter Kaye Scholer; Skadden, Arps, Slate, Meagher & Flom LLP; American International Group, Inc.; Fitzpatrick, Cella,**

**Harper & Scinto LLP; Kirkland & Ellis LLP; Lowenstein Sandler LLP; McCarter & English LLP; Proskauer Rose LLP; Simpson Thacher & Bartlett LLP; Stout Risius Ross, LLC; and Wachtel Missry LLP.**



# PLS Hosts 7th Annual Pro Bono Event

**John Amodio, Pro Bono Coordinator, Prisoners' Legal Services**

On October 4 – 6, 2017, PLS hosted our 7<sup>th</sup> annual Pro Bono Event at the First Congregational Church in Albany, N.Y., where we recognized the many contributions of our pro bono volunteers who continue to give selflessly of their time, energy and wisdom. Because of these volunteers, hundreds of incarcerated New Yorkers have received the legal assistance they so desperately need. At the event, Jonathan Gradess, former Executive Director of the New York State Defenders Association, was given the John R. Dunne Champion of Justice Award. Lindsay Ray, a litigation associate at Dechert LLP was given the Hon J. Clarence Herlihy Award, Julissa Saragoza-Arroyo, the Pro Bono Specialist at the international New York based law firm of Sherman and Sterling LLP, was given the PLS Pro Bono Service Award and Dena DeFazio, a 3L at Albany Law School, was given the Robert F. Bensing Award for Pro Bono Service by a law student. In addition to these award recipients, during the one-year period from 9/1/16 through 8/31/17, PLS had more than 120 volunteers who

provided nearly 9000 hours of pro bono assistance. We applaud all of our pro bono volunteers and thank them on behalf of the PLS staff, our Board of Directors and all incarcerated New Yorkers.

The PLS Pro Bono Event also included a presentation of a performance entitled "Letters from Home: Incarcerated New Yorkers Reflect on the Love of Their Families" during which volunteer actors from Soul Rebel Performance Troupe performed stories and poems submitted by incarcerated New Yorkers that focused on the importance of maintaining family connections during incarceration. Staying connected with family and loved ones helps people stay grounded and feel secure. For incarcerated people, staying connected with loved ones is even more important because, as studies have repeatedly shown, maintaining healthy family relationships during incarceration improves behavior in prison and reduces the likelihood of recidivism upon release.

We thank Soul Rebel Performance Troupe and Director Jean-Remy Monnay for their time, energy and dedica-



*A portrait of my daughter when she was 10 years old. I've drawn her many times on my greeting cards. She was definitely impacted by my incarceration. So much that her anger transferred over into her dealings with society. She was shot at the age of 19 years old.*

*May she rest in peace.  
Nelson J. Long, Jr.*

tion. At the event, we also displayed artwork (including the above piece by Nelson J. Long, Jr.) that incarcerated individuals submitted focusing on the event's family connection theme.

NEW YORK STATE BAR ASSOCIATION

## Lawyer Referral and Information Service

Interested in expanding your client base?

### Why Join?

- > Expand your client base
- > Benefit from our marketing strategies
- > Increase your bottom line

### Overview of the Program

The New York State Bar Association Lawyer Referral and Information Service (LRIS) has been in existence since 1981. Our service provides referrals to attorneys like you in 46 counties (check our website for a list of the eligible counties). Lawyers who are members of LRIS pay an annual fee of \$100 (\$250 for non-NYSBA members). Proof of malpractice insurance in the minimum amount of \$100,000 is required of all participants. If you are retained by a referred client, you are required to pay LRIS a referral fee of 10% for any case fee of \$500 or more. For additional information, visit [www.nysba.org/joinlr](http://www.nysba.org/joinlr).

**Give us a call! 800.342.3661**

### Sign me up

Download the LRIS application at [www.nysba.org/joinlr](http://www.nysba.org/joinlr) or call 1.800.342.3661 or e-mail [lr@nysba.org](mailto:lr@nysba.org) to have an application sent to you.



# Erie County Bar Association Volunteer Lawyers Project Honors 2017 Champions for Justice

Gayle T. Murphy, Pro Bono Manager, Erie County Bar Association Volunteer Lawyers Project, Inc.

ECBA Volunteer Lawyers Project (VLP) and The Center for Elder Law and Justice (CELJ) honored their dedicated volunteers, community members and law firm supporters at an Awards Reception immediately preceding the 10<sup>th</sup> Annual Champions for Justice Bash on Friday, November 17 at the Hotel@ Lafayette in Buffalo, NY.

This year, the **Hon. Gerald J. Whalen**, Presiding Justice of the Appellate Division Fourth Judicial Department,



*Melinda Disare is addressing the awards ceremony audience.*

kicked off the Awards Reception, expressing his gratitude for the significant commitment of all the award winners toward achieving the ideal of justice for all. BAEC President **Melinda G. Disare** closed the Awards Reception by delivering inspirational remarks about liberty and justice for all.

## The 2017 VLP award winners include:

### Champion for Justice Award

**KATHERINE S. BIFARO**, Executive Director of the Bar Association of Erie County (BAEC), was honored with the Champion for Justice Award, the highest award given jointly from CELJ and VLP. **Ms. Bifaro**, who is retiring from the BAEC at the end of 2017, has been a tireless supporter of legal services organizations and initiatives throughout her career at the BAEC. She has spent a lifetime serving the Bar and our organizations. **Ms. Bifaro's** efforts have been instrumental in enabling



*This group photo combines all the award winners from both VLP and the CELJ.*



*Robert Elardo, Melinda Disare (president of BAEC), Katherine Bifaro (executive director BAEC), and Hon. Gerald Whalen, Presiding Justice Appellate Division Fourth Department*

us to provide increased free civil legal services for our clients.

### Attorney of the Morning (Eviction Defense) Award:

**MICHAEL C. CIMASI, Esq.**, maintains a busy law practice but has committed time to volunteer at our AOM program. Since February 2014, shortly after his Bar admission, **Mr. Cimas**i volunteered over 111 hours representing 194 clients. This year he volunteered over 46 hours at AOM, representing 80 clients. A dependable and dynamic volunteer, **Mr. Cimas**i is patient, kind, and skilled at fully explaining the legal process to clients facing homelessness. We could not ask for a more devoted volunteer than **Michael C. Cimas**i, Esq.

### Divorce Award:

**KEITH B. SCHULEFAND, Esq.**, a valued volunteer who has been representing VLP divorce clients for over a decade. Since 2006, **Mr. Schulefand** has donated an incredible 235 hours handling 19 divorce cases. He approaches each divorce case with the same dedication and skill that he is known for in his private practice. He routinely handles more than one VLP divorce case at a time, and generously handles more complicated matters that are difficult to place. **Mr. Schulefand's** commitment to VLP over the years is nothing short of remarkable. We are pleased to honor **Keith B. Schulefand, Esq.** for his longstanding commitment to VLP and our divorce program.

### Immigration Awards:

**WILLIAM ALTREUTER, Esq.** is a practicing litigation attorney and a professor at Buffalo State College. **Mr. Altreuter** called us wanting to help when he learned that one of his college students, a Lawful Permanent Resident, had been detained at the Buffalo Federal Detention Facility in Batavia, NY. Days before college graduation, our client was released from ICE custody. **Mr. Altreuter** skillfully represented his student in the challenging removal proceeding and won LPR Cancellation of Removal. VLP and our client are truly grateful for

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# Erie County Bar Association Volunteer Lawyers Project Honors 2017 Champions for Justice

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the significant and important involvement by **William Altreuter, Esq.**

The law firm of **DREW & DREW** has been an asset to VLP's Immigration Program for the past 5 years. As a small, three attorney firm, they successfully handled 5 complicated citizenship cases, including one case involving a long term permanent resident client faced with cancellation for a minor crime. **Dean M. Drew, Esq.**, is currently representing a survivor of female genital mutilation seeking asylum in a complex case. Although **Alana Carr, Esq.**, **Dean A. Drew, Esq.**, and **Dean M. Drew, Esq.**, are not Immigration attorneys, they are always more than willing to take on another case, or to learn a new area of law. We thank the attorneys at **Drew & Drew** for their commitment to our Immigration Program.

**MATTHEW L. KOLKEN, Esq.**, with the law firm of **Kolken and Kolken**, is one of the most experienced Immigration litigators in Buffalo. After hearing about young children fleeing brutal gang-plagued violence from Central American countries, Mr. **Kolken** came to VLP offering to help. Since then, he has taken on a significant numbers of Unaccompanied Immigrant Minors cases, usually handling multiple cases at a time. Mr. **Kolken's** exemplary work representing these traumatized children is especially important because we do not know what these children would do to represent themselves in such a complicated area of law. Mr. **Kolken** also presents at VLP's CLE programs and harnesses the power of social media to recruit his colleagues to join him in providing essential pro bono legal assistance to these children. We are so pleased to honor **Matthew L. Kolken**.

## Income Tax Controversy Award:

**E. GREENARD POLES**, the director of the Buffalo Federation of Neighborhood Centers (BFNC) tax program, has spent decades helping

our Buffalo community. His work exemplifies pro bono advocacy for the working poor. Each year nearly 8000 low income people receive invaluable, free tax preparation at the BFNC thanks to **Mr. Poles** and his staff. **Mr. Poles** works closely with VLP's Derek Wheeler and Greg Stewart, regularly providing referrals to our Low Income Tax Clinic (LITC) and directly assisting VLP clients with complex tax preparation to help resolve their tax controversies. **E. Greenard Poles** is a Champion for Justice.

## Community Partner Award

**ROBERT C. BRUCATO, Esq.** is well known to Buffalo's legal community, having managed the Buffalo office of Counsel Press since its opening in 1992. **Mr. Brucato** is involved with multiple legal organizations and associations in Western New York, and is a frequent presenter at CLE programs. He goes above and beyond when he is asked to co-sponsor VLP events. His commitment to young attorneys is impressive. We are grateful for his generous support of all our initiatives, including our Champions for Justice Bash. We are pleased to honor **Robert C. Brucato, Esq.**

## Federal Court Award:

**HURWITZ & FINE, P.C.**, attorneys have supported the Pro Se Assistance Program (PSAP), our walk in legal clinic at the WDNY Courthouse, since it launched in February 2014. Attorneys **Earl Cantwell**, **Mike Perley**, and **Paul Suozzi** have provided important limited scope legal assistance to 41 pro se litigants over the past three years. In addition to helping our clients make sense of the often complex Federal Court procedures, the **Hurwitz & Fine** attorneys are generous mentors for law student volunteers. They go above and beyond to assist the PSAP and are most deserving of this recognition.

## Family Court Help Desk Award:

**KEVIN C. CONDON, Esq.**, a solo

practitioner, began volunteering for VLP in 2006, representing our bankruptcy and divorce clients. In 2014 he joined VLP's Family Court Help Desk pro bono attorneys. Since 2006, **Mr. Condon** has volunteered a total of 146 hours assisting 195 clients. This year alone, **Mr. Condon's** Family Court Help Desk work has been extraordinary, volunteering 58 hours on 24 days to assist 122 clients. His breadth of experience in Family Court combined with his thorough and straightforward manner is invaluable. **Kevin C. Condon, Esq.**, is truly an extraordinary pro bono attorney.

## Law Firm Pro Bono Coordinator Award

**ROBERT P. HEARY, Esq.** is a long-standing supporter of pro bono initiatives in the Buffalo office of **Barclay Damon, LLP**. Much of the credit for our ability to call upon **Barclay Damon** attorneys to represent our clients is attributed to **Robert Heary**. **Mr. Heary** practices what he preaches, volunteering at the PSAP and Say Yes Legal Clinics regularly. He is also a VLP Board member who volunteers an untold number of hours advising VLP on management and personnel issues without ever seeking recognition. In the past year under **Robert Heary's** leadership, 35 attorneys in the Buffalo office of **Barclay Damon, LLP** volunteered over 341 hours representing 178 clients. Thank you **Robert P. Heary, Esq.**, for your dedication to VLP's mission.

## Law Firm Commitment Award

**KENNEY SHELTON LIPTAK NOWAK LLP** attorneys have supported VLP for over 30 years, with **Patrick Kenney** handling a VLP tort defense case as far back as 1989. **Shari Jo Reich**, readily accepts VLP clients with challenging issues, and **Jessica Reich Lynch** handles a number of our divorce clients. Recently, the firm implemented a firm-wide pro bono initiative to increase their pro

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List your organization at  
**NYSBAProBono.org** today!



- Does your organization provide legal services to our immigrant communities?
- Do you have projects that could benefit from volunteer attorneys?
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**You can also:**

- See what other projects are going on elsewhere in the state;
- Post your training events on our Events page

**The New York State Bar Association's Pro Bono Immigration Portal:**

Is a new and exciting initiative created to address the growing needs of our immigrant communities and public service organizations, inspired by an overwhelming response of New York attorneys wishing to contribute and help out in any way they can. Browse available opportunities and volunteer directly, or use the tailored referral service to get connected with volunteer opportunities at organizations that work closely with immigrants.

**Questions? Email [probonoport@nysba.org](mailto:probonoport@nysba.org) or call 518-487-5642.**



THE NEW YORK  
BAR FOUNDATION



# Update From Legal Aid Society of Northeastern New York

Myleah Misenhimer, PAI Director, Legal Aid Society of Northeastern New York

My six month anniversary with the Legal Aid Society of Northeastern New York is right around the corner, and I could not be more excited about some of the projects the Private Attorney Involvement Program (PAI) has in the works. First, my goal for early 2018 is to revive the Veterans' Clinic, which is an advice only clinic that we are looking to hold every couple of months. The clinic will allow veterans to ask our volunteer attorneys legal advice, as well as seek assistance with benefits applications. This year, I was fortunate enough to attend Albany Law School's Veterans' Law Day and meet with some of our remarkable local veterans. On that day it became abundantly clear to me that this clinic is a necessity, and I cannot wait until we are able to get it up and running! If you are interested in volunteering to staff one of the clinics, please contact me at [mmisenhimer@lasnny.org](mailto:mmisenhimer@lasnny.org) or (518)533-5932.

I have recently been in communica-

tion with a Saratoga firm about hosting a Wills Clinic at our Saratoga office on an as-needed-basis, and I am looking for firms near our other offices in Albany, Amsterdam, Canton and Plattsburgh to do the same. If your firm might be interested in talking with me further about the logistics of hosting a clinic, please do not hesitate to contact me.

In October, I was asked to participate on the CLE panel for NYSBA's *Pro Bono Ethics for Government Attorneys* CLE. I was excited to see so many government attorneys attend the event and express interest in doing pro bono work. As I said that day, I am always willing to come up with creative ways to solve some of the issues government attorneys face in doing pro bono work, even if that means setting evening or weekend clinics! If you are a government attorney and want to do pro bono work, but are unsure of how to make this happen, please call me.

In the meantime, check out NYSBA's Model Pro Bono Policy for Government Attorneys.

Since October, we have co-sponsored three different CLE/trainings including a training on tax ethics, our landlord/tenant training, and a training on assisting with transgender name changes. On December 1, 2017, we will co-sponsor one of our biannual trainings on representing victims of domestic violence with The Legal Project. All of our trainings are free for attorneys willing to accept pro bono cases from us on the given topic.

All of our regular programs including our Pro Se Divorce Clinics, Assigned Counsel Program, Bankruptcy Referral Program, Name Change Referral Program, Closing the Gap and Attorney for the Day, remain open and active. We are always looking for volunteers for all of our different opportunities!

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## Erie County Bar Association Volunteer Lawyers Project Honors 2017 Champions for Justice

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bono involvement in our community, thanks to the impressive efforts of associates **Henry Zomerfeld** and **Ashlyn Capote**. The firm now has a strong, consistent presence at AOM, and handles divorces and family law matters, tort defense cases, NFP clients, and wills and estates matters. Last year the firm's attorneys volunteered over 173 hours representing 80 clients. We are grateful for the pro bono innovation and leadership at **Kenney Shelton Liptak Nowak LLP**.

### VLP "V.I.P." Award

**JOSHUA DUBS, Esq.** is the perfect example of how a single attorney can make a huge difference in the lives of our clients. Since 2009, when **Mr. Dubs** came to VLP as a newly admitted attorney, he has volunteered over

376 hours representing 462 clients in cases involving landlord/tenant issues, wills, power of attorney, name change, guardianship, custody and visitation, and divorce. This year he spent over 64 hours representing 100 clients. He always has an open case or two or three. His commitment to the AOM program remains solid, both as a court volunteer and an instructor for our CLE programs. He says the work he does in his private practice pays the bills, but his volunteer work with VLP "feeds the soul". Thank you **Joshua E. Dubs, Esq.**, for being a continuing Champion for Justice.

### Judicial Award

**JOSEPH V. DEREN, Esq.**, and **JONATHAN G. GORMAN, Esq.**, Court Attorneys with Buffalo City

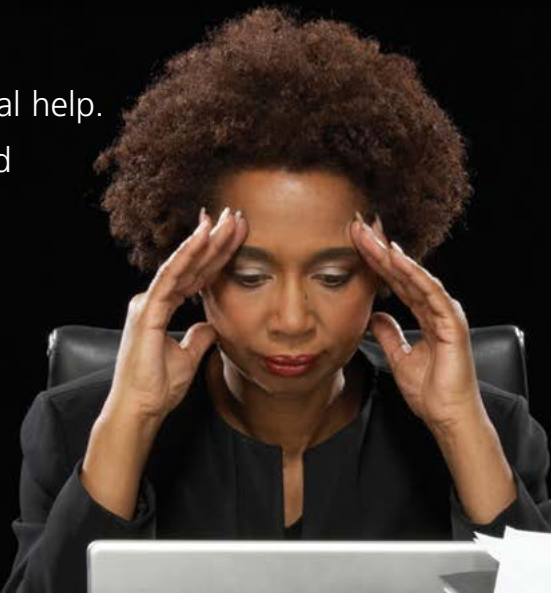
Court, have had an enormous positive impact on our eviction defense work three days every week at the Attorney of the Morning (AOM) program. Both **Mr. Deren** and **Mr. Gorman** play an important role with the fair and efficient operation of the eviction court, providing access to justice for our clients. This year **Mr. Deren** worked with VLP to review court procedures and forms to improve case handling. In addition, **Mr. Gorman** was a lecturer at a VLP eviction defense CLE. Both **Joseph V. Deren, Esq.** and **Jonathan G. Gorman, Esq.** extend the highest degree of professionalism to our clients, staff and volunteers. They are Champions for Justice.

# Are you feeling overwhelmed?

The New York State Bar Association's  
Lawyer Assistance Program can help.

We understand the competition, constant stress, and high expectations you face as a lawyer, judge or law student. Sometimes the most difficult trials happen outside the court. Unmanaged stress can lead to problems such as substance abuse and depression.

NYSBA's LAP offers free, confidential help. All LAP services are confidential and protected under section 499 of the Judiciary Law.



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## *Do You Have A Story To Share...*

- Have you worked on or do you know of a special pro bono project?
- Has a pro bono case made a difference in the lives of others?
- Has an individual attorney or firm gone above and beyond to provide pro bono assistance?

We invite you to submit articles showcasing excellence in pro bono service for upcoming editions of the Pro Bono Newsletter.

For more information, go to  
[www.nysba.org/probono](http://www.nysba.org/probono) or  
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