

# Pro Bono News

Winter 2014 Vol. 24 No. 1

## Greetings!

**Herron Arthur\***

find of interest. Also included in this issue is a calendar of meetings usually attended by members of the civil legal services community.

### **Stephen C. Krane Special Committee on Student Loan Assistance for the Public Interest Announces Four SLAPI Loan Recipients for 2014**

On Monday, January 27th, Co-Chairs **Edwina Francis Martin\*** and **C. Bruce Lawrence\*** (Boylan Code) will announce the recipients of the 2014 Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest (SLAPI) loans. These loans are made possible thanks to the many generous donations made to the New York Bar Foundation in memory of the special committee's past Chairman Steven C. Krane.

The SLAPI program allows public interest attorneys employed five or more years to continue working in the jobs they love – providing zealous legal representation to low-income individuals and families who could

Welcome to Annual Meeting Week 2014! Described below are some of the programs that legal services providers, pro bono coordinators/counsel and pro bono volunteers may

not afford to hire an attorney when threatened with the loss of basic life necessities such as food, shelter, safety, or asylum.

It's no secret that public service attorneys typically earn a mere fraction of what their counterparts are paid by big law firms or corporations. Not surprisingly, this pay disparity, in combination with the daunting law school loan debt, tends to dissuade many from pursuing a public service career or staying in the field for the long term.

The 2014 loan recipients are:

**Michelle DeMareo**, a dedicated staff attorney, has been employed at Legal Assistance of Western New York for more than eleven years and 2014 marks the third time that she has received a loan through the SLAPI program. During 2013 she helped prevent 417 people from becoming homeless. In addition, she trained new Americorps paralegals and attorneys in real property law and eviction defense. She also represents claimants in administrative hearings to prevent their loss of Section 8 housing assistance benefits. Noting that her commitment to legal services has never wavered, Michelle expressed her gratitude for continued financial assistance stating, "The SLAPI loan has allowed me to continue doing what I love to do without having to struggle as much financially."

**Alexandra Heinegg**, a first time SLAPI loan recipient, went to law school in order to pursue her interest in public service. Since graduating from law school in 2008, she has

worked exclusively in civil legal services, most recently employed with The Legal Aid Society as a staff attorney in the Housing Development Unit. For the past three years Alexandra has been working with tenant associations, both in trying to resolve landlord-tenant issues, and in assisting tenants to form low-income co-ops so they can become empowered through home ownership. Writing about the satisfaction she derives from being a housing attorney, Alexandra stated that, "...I am happy I am able to spend every day working to help some of the most vulnerable members of our society."

**Andrea Ibrahim** is the first public defender to receive a SLAPI loan. She has been employed by The Legal Aid Society since 2007. Although she described her job as a public defender as difficult, Alexandra noted that, "There is a sense of fulfillment when I am able to change the course of a client's case, as it directly affects the course of the client's life. ... When the odds are stacked against a person, which they often are in the criminal justice system, there is a sense of purpose in helping make that (sic) scale a little more balanced."

**Kelly McGovern** has spent her entire career employed in legal services since graduating law school in 2006. At Legal Assistance of Western NY, Kelly represents low-income clients in public benefits, elder law, unemployment, and access to justice issues. In addition, she supervises AmeriCorps members and coordi-

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nates the organization's employment work group. This past year she has been involved in developing staff performance evaluation standards. Kelly also is a second time recipient of a SLAPI loan.

### **Charity Corps: Lawyers Helping Nonprofits Presents an Important MCLE Program Getting Ready for the Nonprofit Revitalization Act 1.5 MCLE credits in areas of Professional Practice**

**Tuesday, January 28th, Murray Hill  
West, 2nd Floor, 9:00am-10:30am**

If you represent nonprofit organizations this is the one Annual Meeting MCLE program you cannot afford to miss. Charity Corps Chair **Lesley R. Rosenthal\*** (Lincoln Center of the Performing Arts) has assembled a knowledgeable panel of attorneys to demystify the most comprehensive update of New York State Not-for-Profit Corporation Law in over forty years. Passed by a bipartisan legislature during 2013, the Nonprofit Revitalization Act was signed into law on December 18, 2013 by Governor Andrew Cuomo and goes into effect on July 1, 2014. The Act is intended to simplify and improve the efficiency and administrative processes of nonprofit organizations' management. Using real-life scenarios, the 1.5 hour program will focus on the anticipated impact of the new law and the changes to New York charities' corporate law, governance and compliance procedures for 2014. The program is suitable for all attorneys, including those who are newly admitted.

### **Committee to Ensure Quality of Mandated Representation Presents "Scene of a Crime": Analyzing Factors that Give Rise to False Confessions and Whether Due Process Requires Expert Testimony on These Factors**

**2.5 MCLE credits in areas of  
Professional Practice**

**Wednesday, January 29th, Clinton,  
2nd Floor, 10:00am -12:30pm**

Whether you are a prosecutor or a defense attorney, this MCLE program is not to be missed! Attendees will be shown excerpts of the real life videotaped confession of Adrian Thomas, a Troy, New York father of six, who was tried and convicted of murdering his premature infant son. Thomas finally accepted the police version of events and confessed to killing his son after enduring a grueling nine hour long interrogation in which police coached him about various scenarios which might have caused his son Matthew's death. The Thomas case was just argued on January 14, 2014 before the New York Court of Appeals and has generated considerable controversy about whether police deceit and trickery can render a confession involuntary as a matter of law.

The CLE program will begin with an overview of the facts provided by Thomas' defense attorneys former Rensselaer County Public Defender **Jerome K. Frost** and former Assistant Public Defender **Ingrid Effman**. A knowledgeable panel of experts will then examine the legal ramifications of police using deceptive tactics during interrogations of suspects and whether a defendant who claims his confession is false should be allowed to introduce expert testimony on factors that might contribute to a false confession.

Panelist include: **Barry Scheck**, Co-founder and Co-Director of the Innocence Project; Professor **Allison Redlich**, an internationally recognized expert on police interrogations and false confessions; **Richard Greenberg**, Attorney in Charge of the Office of the Appellate Defender; **Kristine Hamann\***, Visiting Fellow at the Department of Justice/Bureau of Justice Assistance and the former Executive Assistant District Attorney to Manhattan District Attorney Robert M. Morgenthau; and **Robert Masters\***, Executive Assistant District Attorney,

An asterisk appears next to the name of NYSBA members who contributed to writing of an article or who worked on one of the many diverse legal projects highlighted in this issue.

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Queens County. **Norman P. Effman\***, Chair of the Committee to Ensure Quality of Mandated Representation and a seasoned criminal defense attorney is the Moderator.

## **Justice for All Luncheon: Recognizing the Pro Bono Contributions of the 2013 Empire State Counsel®**

**Thursday, January 30, Sutton Center, 2<sup>nd</sup>  
Floor, 12:30-2:00pm**

Each year during the New York State Bar Association's Annual Meeting the President's Committee on Access to Justice and the Committee on Legal Aid host the Justice for All Luncheon. The luncheon celebrates and advances the Association's commitment to ensuring that all New Yorkers

have equal access to our court system, regardless of the individual's ability to pay. January 30<sup>th</sup> marks the 13<sup>th</sup> anniversary of the Justice for All Luncheon.

Since 2006, the Justice Luncheon has served as the venue where we recognize our members who have been inducted into the elite ranks of the Empire State Counsel® Program. The Empire State Counsel® Program recognizes NYSBA members who have performed 50 hours or more of free legal services to low-income individuals, vulnerable persons, and the non-profit organizations that serve them. Over the past seven years, close to 10,000 NYSBA members, located in virtually every state in the United States, as well as in Europe, Indonesia, Africa, Canada and India, have achieved this honorific distinction. Collectively, the

Empire State Counsel® have donated more than one million hours of free legal services in the areas of mortgage foreclosure, landlord-tenant issues, bankruptcy, immigration, asylum, domestic violence, child custody, and vital government benefits.

This year's keynote luncheon speaker will be **James R. Silkenat\***, President of the ABA. Mr. Silkenat will be joined by **Chief Judge Jonathan Lippman\***, NYSBA President **David M. Schraver\*** (Nixon Peabody), and President-Elect **Glenn Lau-Kee\*** (Lau & Lau-Kee).

The luncheon is free for Empire State Counsel® members, law firm pro bono counsel/coordinators, and legal services providers.

Looking forward to seeing you at Annual Meeting!

# **WilmerHale Helps Pro Bono Clients Become New Parents in Adoption Case**

**Bill Lienhard\*, Executive Director, Volunteers of Legal Services**

On August 8, an adoption case nearly 16 years in the making concluded when a couple from New York officially adopted two boys they had fought to protect and nurture since 1997. For the WilmerHale attorneys who guided the couple through the legal triumphs and setbacks since the firm took on the case, it was an especially proud moment.

"This pro bono adoption case turned out to be more complicated than we initially thought," says New York based Senior Associate Joseph Yu\*, who inherited the matter along with Associate Cyndy Chueh\* from former WilmerHale associates Ronnie Lin and Kimberly Chehardy.

The case was referred to WilmerHale in March 2010 through the firm's pro bono program with Bronx Lab School, where one of the boys was a student. WilmerHale works with the Bronx Lab School through Volunteers of Legal Service's Children's Project. The team, supervised by Partner Dino Wu, met with clients Charles and Sarah Smith<sup>1</sup>, a married couple who were the teenage boys' legal guard-



**Chueh**

ians and who wanted to adopt the boys.

The Smiths first met the two boys through their son, Thomas, who in 1997 believed that he was their biological

father. The Smiths, believing themselves to be the paternal grandparents, spent time with the boys regularly, though the boys lived with their biological mother and maternal grandmother. During a visit in February 1997, the Smiths noticed one of the boys had a swollen finger. The maternal grandmother claimed her grandson had seen a doctor; nevertheless, the Smiths brought the boys to a hospital, where they were informed that both boys exhibited signs of abuse.

The hospital released the boys to the Smiths' custody after the Smiths promised not to send them back to



**Yu**

their biological mother and grandmother. The Smiths then petitioned the Bronx County Family Court to become legal guardians.

During the guardianship hearings, the boys' mother and maternal grandmother contested the Smiths' guardianship petitions, and the grandmother insisted that Thomas Smith undergo a paternity test. That test proved that he was not the boys' father, and that the Smiths were not related to them. Nevertheless, the Smiths pursued guardianship. They succeeded in April 1998, after the court agreed that it was in the best interest of the children that they be cared for by the Smiths.

"By the time we took on the case, the Smiths had been the boys' legal

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guardians for 15 years," explains Yu. "But the judge who granted guardianship warned the Smiths that if the birth mother shaped up her act, the boys would have to go back to her. Our clients were scared that would happen. They thought of the boys as their own sons, so they pursued adoption."

The biological mother ceased contacting the boys not long after the Smiths became legal guardians. By the time WilmerHale filed the adoption petitions in March 2012, the biological mother had not contacted her sons in more than 10 years.

After the adoption petitions were filed, the court required that the biological mother be served notice, even though the Smiths did not know where she was. With help from Assistant Managing Attorney Saverino Mercadante\*, the team attempted to serve the mother at the mater-

nal grandmother's home—her last known address. The grandmother informed the process server that the mother no longer lived with her, and even provided a fake address to throw the team off track. The team also checked area hospitals, prisons and government agencies, and their efforts to locate the mother formed the bases of a motion for substituted service. The court granted the motion, and the team delivered the notice papers to the grandmother's home.

"The true test came during the notice hearing, where we were certain the mother would finally show up to contest the adoption," says Yu. "I waited at the courthouse for hours, but no one showed, so the judge scheduled an inquest to establish that the elements of abandonment had been met."

At the inquest on August 8, 2013, Sarah Smith testified to how she and her husband met the boys and obtained custody, and how the mother had not contacted the boys in more than 10 years. Judge Peter Passidomo found clear and convincing evidence that the elements of abandonment had been met, and finalized the adoptions.

"The judge stated that he could not imagine how different the boys' lives would have been had the Smiths not stepped in years ago," says Yu. "I've heard both boys are thriving, with one attending an academic camp before returning to high school, and the other attending college. While this case didn't sail through the court as easily as we thought it would, the end result made all the work worthwhile."

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1. The names of the clients have been changed to protect the family's privacy.

## The Capital Region Immigration Collaborative and The Legal Project's Pro Bono Immigration Program

Natalie Birch-Higgins, Immigration Program Legal Services Coordinator, The Legal Project

The Legal Project and the Empire Justice Center had worked together in the past on immigration services, but recognized a need for greater collaboration in the local community. There are a great deal of excellent programs and individuals working with the immigrant community in the Capital Region but many of us had the same questions. When we get a call from an individual in our community with a particular immigration issue, who do we refer them to? Which organizations work with immigration issues, and which types of issues? How can we ensure that we are not inappropriately duplicating services? How can we find ways to communicate and collaborate more effectively? How do we provide better guidance on legal issues to those who cannot afford a private attorney? These were

all questions that we felt we should help find the answer for. So the initiative to start a collaborative group of immigration service providers began. From its beginnings in 2010 with two initial stakeholders-The Legal Project and Empire Justice Center--the Collaborative has now grown to over 50 members.

The members of the Collaborative are what make this group significant. In addition to The Legal Project and Empire Justice Center who facilitate the meetings, the Collaborative brings together non-profit organizations such as Catholic Charities and the U.S. Committee for Refugees and Immigrants (USCRI), private immigration attorneys, Albany Law School, Legal Aid Society of Northeastern New York, and others, such as members of the faith community, who are active

in the immigrant community. The Collaborative holds regular meetings where members can bring their experiences and questions to the table, and there are regular guest speakers from local organizations, government agencies and members of the group itself. One very significant priority of the Collaborative was to create a panel of pro bono immigration attorneys, coordinated by The Legal Project, to offer free consultations on a variety of immigration issues, with its strength laying in the varied experience of its members. The Collaborative is also key when someone comes in for a consultation and is specifically looking for representation or further services, as resources can then be drawn from the group. The Collaborative serves as an important referral system

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where its members can feel confident in knowing that if they are unable to help or additional services are needed, they can reach out to the group for assistance and referrals.

The pro bono consultations have already made a significant, positive impact on those in need of legal information and guidance.<sup>1</sup> One example of the importance of the panel is the case of DK, who is a young man of Tutsi origin who was living in a refugee camp in Uganda before coming to the U.S. in search of asylum. DK was born in the Democratic Republic of the Congo, where war has been raging between the Tutsi rebels and the Hutu government army for most of his young life. DK and his family are Jehovah's Witness. Their duty is to refrain from participating in any armed conflict. In essence he is a pacifist. His family was also an important part of the Witness community. As a result of his open practice and preaching of nonviolence, DK's father was so badly beaten in prison that he died soon after. This was when DK was still just a boy.

As he grew older, DK too began to preach, a requirement of his community. When the war intensified

between the rebels and the DRC government about two years ago, soldiers came to his house and took away his uncle. He was told they would come back for him. He and members of his family then fled to a refugee camp in Uganda. However, the hostilities in his home in the DRC were replicated in the refugee camp in Uganda, since both rebel forces and government soldiers had fled there. Since there was no safety for DK in Uganda, his uncle helped him to get to the U.S. DK's application for asylum is currently pending. Empire Justice Center has now filed his application for work authorization, which he should receive within the month. He has found a home with a local family and is continuing his work with the local Jehovah's Witness community.

To date the Pro Bono Panel has provided 77 consults and over 117 individuals have contacted us inquiring about our services. In 2014, The Legal Project hopes to increase the capacity of its' pro bono panel and continue to add to the members of the Collaborative as we move forward. The Collaborative will also be working on increasing our community outreach and services to those in

need. To date, everything from VAWA cases to Asylum and DACA cases come through the door. Sometimes the only advice that can be given is that Immigration relief is not an option at this time. Some of our clients have previously paid hefty sums to private attorneys to hear that there is no immigration relief for them, or even worse, they have paid money to unscrupulous non-attorneys (*Notarios*) for legal advice. The Pro Bono Panel, and the network of the Capital Region Immigration Collaborative, offers a free, safe, confidential and trustworthy place where individuals from the community can address their legal questions and obtain referrals to programs that can help them with their immigration needs. For more information, contact Natalie Birch-Higgins at (518) 435-1770 or [nbirch@legalproject.org](mailto:nbirch@legalproject.org).

1. Immigration cases for pro bono representation also come to the Legal Project through monthly Immigration Consultation days sponsored by the Office of New Americans (ONA) Opportunity Center and staffed by ONA Legal Counsel. Barbara Weiner\*, Senior Attorney at the Empire Justice Center, is ONA Legal Counsel in this area. The work of ONA is funded through a grant from the Department of State.

# 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.

**Call 1.800.255.0569**

NEW YORK STATE BAR ASSOCIATION  
LAWYER ASSISTANCE PROGRAM



# Planning and Estates Law Project is Newest Addition to City Bar Justice Center's Pro Bono Programs

**Isedua Oribhabor, Project Coordinator, PELP, City Bar Justice Center**

The City Bar Justice Center (CBJC), the non-profit affiliate of The New York City Bar Association, provides free legal assistance, through direct representation pro bono projects and a telephone Legal Hotline, to approximately 20,000 low-income New Yorkers who do not have access to other legal resources.

The Legal Hotline, which assists nearly 800 callers a month on a wide range of civil issues, receives dozens of calls relating to estates and Surrogate's Court matters. While the Hotline counselors were able to provide general advice on these issues, the need remained for greater assistance with estates matters, particularly with preparing legal documents for probate and administration proceedings.

The Planning and Estates Law Project (PELP), the latest addition to the CBJC, began in February 2013, when Pamela Ehrenkranz\* head of the Trusts & Estates practice group at Wachtell, Lipton, Rosen & Katz, perceived this need. "Everyone—regardless of economic resources—should have access to competent legal counsel with respect to these deeply personal issues affecting their legacies and personal affairs at death," said Ehrenkranz. "We at the bar have an obligation to meet these needs." Therefore, PELP grew from receiving referrals from the Hotline to include a panel of T&E attorneys and a separate intake line devoted solely to Trusts & Estates matters.

PELP provides services to New Yorkers and others seeking assistance with New York estates, who are at or below 200% of the Federal Poverty Guidelines. Therefore calls that come



*Attorneys, law students, and clients at our third clinic on September 17, 2013. From left facing the camera: Raquel Finkelstein (3L, Columbia Law School), Mary Croly (PELP attorney), Glenn Opell (PELP attorney), Hong-An Tran (paralegal, Wachtell, Lipton, Rosen & Katz), Jason La (3L, Columbia Law School).*

through the intake line are screened by PELP staff at the CBJC, headed by Libby Vazquez, Esq., director of the Hotline, to ensure that the callers are eligible for pro bono assistance. Cases are then referred to the panel attorneys, who provide advice and assistance to the clients. Since February 2013, PELP has provided legal assistance to more than 100 individuals and families who would have been unable to find help elsewhere, and hosted five clinics where clients met personally with a panel attorney. PELP has also successfully incorporated an internship for law students, giving the students the opportunity to deepen their understanding of Trusts & Estates law, and to work closely

with both attorneys and clients.

Private attorneys who were part of the initial panel Ms. Ehrenkranz recruited for the PELP panel are Glenn Opell\* of Cullen & Dykman LLP, Mary S. Croly\* of McLaughlin & Stern LLP, Chi-Yu Liang of Withers Bergman LLP, and Jurij Mykolajtchuk\* (Law Offices of). The panel has since grown to also include Stephanie Gabor\* of Wachtell, Lipton, Rosen & Katz, Jessica Gonzales of Chadbourne & Parke LLP, and Bridget LaRosa of Fox Rothschild LLP. Isedua Oribhabor is the CBJC's Project Coordinator and can be reached at [ioribhabor@nycbar.org](mailto:ioribhabor@nycbar.org).

# Volunteer Lawyers Project Launches Family Court Help Desk

Gayle T. Murphy\*, Esq., Pro Bono Coordinator, Erie County Bar Association, Volunteer Lawyers Project, Inc.

The Erie County Bar Association ("ECBA") Volunteer Lawyer Project's Family Court Help Desk, located in Erie County Family Court, opened its doors on September 16, 2013. This limited scope legal representation program for pro se litigants in Erie County Family Court was made possible with the generous assistance and support of the Erie County Family Court, and the ECBA's Practice and Procedure in Family Court Committee. Natalie M. Stutz\*, ECBA Volunteer Lawyers Project ("VLP") Family Court Staff Attorney and Help Desk Supervisor, coordinates all aspects of the Family Court Help Desk. The Family Court Help Desk is open from 11:30 am – 2:00 pm Monday, Tuesday and Friday.

Through the efforts of Hon. Michael F. Griffith, Supervising Judge of the Family Courts, 8<sup>th</sup> Judicial District, the Family Court Help Desk found a home on the 6<sup>th</sup> Floor of the Erie County Family Courthouse. Bernadette Hoppe, co-chair of the ECBA Practice and Procedure in Family Court Committee, was instrumental in the planning stages of the Help Desk, recruiting attorneys who are skilled in Family Court matters, and contributing her expertise to the September 26, 2013 Help Desk Training CLE. In addition, Bernadette Hoppe was the Family Court Help Desk's first pro bono attorney!

A free CLE training was provided for attorneys interested in volunteering at the Family Court Help Desk. At that training, Judge Griffith emphasized the importance of volunteering and thanked the attorneys for their support of the Help Desk. Natalie Stutz furnished detailed information about the program and discussed the critical role of the volunteer attorneys for the success of the Help Desk. Bernadette Hoppe discussed the importance of the new Help Desk in Erie County Family Court, shared her experience volunteering at the Help Desk and provided further support of the benefits of volunteering.

During the Fall 2013 semester, two legal interns from the SUNY Buffalo Law School Women, Children and Social Justice Clinic provided invaluable assistance to the Family Court Help Desk. Emily Berry and Shelby Maroselli, second year law students, are supervised by Suzanne Tomkins and Remla Parthasarathy. The interns conduct client intake, screen clients for financial eligibility, and identify the legal issues presented by the client. In addition, the student interns prepare memos of law which are added to the Family Court Help Desk's memo bank.

Prospective clients learn about the Family Court Help Desk when they present to the Petition Processing Unit of Erie County Family Court. Clerks provide the pro se litigant with an information sheet about the Help Desk, and direct the pro se litigants to the Help Desk for free legal assistance with family court matters. The pro bono attorneys provide general legal advice and information to assist the client in navigating the complex family court system; explain the role of Attorney for the Child, provide information about the assigned counsel program, and may refer the client to programs for further assistance. The pro bono attorneys may explain the legal standard for modification and support; may review the court documents; and may assist the client in preparing a well-written legally sufficient petition.

The goal of the Family Court Help Desk program is to better inform pro se litigants by assisting them in effectively navigating the Family Court system. Better informed pro se litigants will reduce the burden of unnecessary and ineffective litigation on the Family Court. In 2012, there were approximately 39,000 petitions filed in Erie County Family Court; many of which were insufficient or had no legal basis and were subsequently dismissed. This overwhelming number overburdens Court staff and clogs the family court system. The Help Desk hopes to pro-



*UB Law Student Intern Shelby Maroselli (left) conducts intake at the ECBA Family Court Help Desk*

vide litigants with guidance that will prevent untimely or baseless petitions from being filed and to provide litigants with key language to use when writing a petition to ensure that it is legally sufficient. Natalie Stutz reflects on the successful launch of the project, "We are encouraged by our early data that 21% fewer petitions have been filed by clients who utilized our Family Court Help Desk. We anticipate that this number will grow as the program continues. We are excited about the support of our pro bono attorneys, who realize that volunteering for the program from noon-2 pm fits easily into their work day."

The Family Court Help Desk pro bono attorneys are skilled Family Court practitioners who are familiar with the difficult legal issues faced by our clients. We have been capably assisted by the following pro bono attorneys in the first two months of our successful program: Sara Lee Anthis, Ann Anderson, Michele Brown\*, Elizabeth Ciambrone, Jamie Codjovi\*, Cecile Dorliae, Audrey Rose Herman\*, Bernadette Hoppe, Eileen Katz, Mindy Marranca, Edward Martnshin, Bridget O'Connell, Joseph Stadler, Jennifer Stergion, Francis Tesseyman\*, and John Trigilio. The support of the bar has been outstanding, and attorneys have committed to volunteer with the ECBA Family Court Help Desk through April 2014!

# Long Island Attorneys Respond to Foreclosure Crisis

Ellen R. Krakow, Esq., Coordinator, Suffolk County Pro Bono Project, Nassau/Suffolk Law Services

Turnout was high at the December 12, 2013 Continuing Legal Education program offered by the Suffolk County Bar Association (SCBA) - "Foreclosure Training for the Suffolk County Pro Bono Foreclosure Settlement Conference Project." The aim of the Suffolk event was to both recruit and train new attorney volunteers to represent clients at settlement conferences and to offer enrichment for the Project's existing volunteers. As a result of this program, underwritten by the Suffolk Pro Bono Foundation, the Project added a substantial number of new volunteers to its ranks. Barry Smolowitz\*, who is responsible for the concept of the original Project, was pleased with the attorney participation. "This program was very important in order to keep the Project's attorneys up to speed on the law and to provide instruction to new volunteers interested in helping out."

The Suffolk County Pro Bono Foreclosure Settlement Conference Project is jointly operated by the SCBA and Nassau/Suffolk Law Services, offering free legal representation to Suffolk homeowners facing foreclosure. Presenters at the December 12<sup>th</sup> SCBA event, most of them long-time volunteers with the pro bono program, provided valuable instruction on the several phases of foreclosure litigation, from the commencement of the action to appeals, with particular emphasis on the settlement conference. In addition to instructing participants on the substantive law, presenters also described the various ways the Project provides ongoing support and technical assistance to new volunteers.

With Long Island's home foreclosure rate still steadily rising, the demand for legal assistance continues to grow. While nationwide the number of foreclosure filings this Fall were down 34 percent from the same time last year, on Long Island the number of foreclosure filings over the same period *increased* 25 percent, according

to numbers compiled by Realty Trac, and recently reported by Newsday and Bloomberg Press. Experts attribute Long Island's trend-bucking spike in foreclosures to the slower pace of Long Island's economy, as compared to other regions, coupled with New York's lengthy foreclosure legal process. September 28, 2013 Newsday article, "Rising Foreclosures Hurt Island as Nation Recovers."

The number of foreclosure actions presently in New York State's judicial pipeline is staggering. Foreclosure cases constitute a full third of New York State Unified Court System's Supreme Court civil caseload. Statewide, between October 2012 and October 2013, over 91,500 foreclosure settlement conferences were held. In more than a third of these, homeowners appeared without counsel. The Project has successfully responded to this need for foreclosure counsel on Long Island. Since its inception in 2009, the Project has assisted over 2,000 clients, through the volunteer services of approximately 200 lawyers.

Nassau/Suffolk Law Services (NSLS) administers the day to day operation of the Project, and is the initial contact for potential clients. NSLS schedules the client intake and then registers appropriate clients for the Project. Once referred, the client controls the degree and length of the attorney's involvement. Using an "attorney-of-the-day" system, an attorney is assigned to represent the client at the scheduled settlement conference. During the settlement conference, that attorney will negotiate with the bank, and, whenever possible, help the client obtain a loan modification to save the home. Where loan modifications are not appropriate, the attorney will help the homeowner negotiate an alternative outcome, such as deed in lieu of foreclosure.

The Project's original coordinator, Mr. Smolowitz, has devoted hundreds of pro bono hours designing, pro-



moting, and managing the program through the SCBA. In 2009, Smolowitz developed the Project's on-line case management system, aptly named "FAST" (Foreclosure Appointment Status Tracker), on which all case assignments, scheduling, communications between Project attorneys, and document sharing are done electronically. Each of the Project's attorneys has access, allowing the attorneys to assign themselves to client meetings and settlement conferences based on their availability. Client documents and case notes collected and prepared by one attorney are uploaded to FAST, allowing other Project attorneys later assigned to the same client immediate access to the prior attorney's work. Court forms and case law are also available on the system.

The Project has grown considerably since its inception in 2010 and continues to assist a high volume of clients. While proud of the Project's successes, Mr. Smolowitz, who continues to actively assist in oversight of the Project, says he looks forward to the day he can disband the program, "when there's no longer a need for our services."

For more information about the Suffolk County Foreclosure Settlement Conference Project and other Long Island pro bono opportunities, contact Maria Dosso\*, Esq., Director of Communications and Volunteer Services, Nassau/Suffolk Law Services, (631) 232-2400.

# Hogan Lovells Pro Bono Team Achieves Significant Victory in Fair Housing Case

In a long-awaited and historic decision, a federal district judge in the Eastern District of New York has ruled that the Village of Garden City in Long Island violated the federal Fair Housing Act, the United States Constitution, and other civil rights statutes by enacting a discriminatory zoning ordinance in 2004. The court found that the Village's action illegally discriminated on the basis of race and national origin and perpetuated segregation, which has allowed Garden City to remain a white enclave surrounded by predominantly minority neighboring towns. A team from Hogan Lovells, along with lawyers from the Lawyers' Committee for Civil Rights Under Law and the Law Offices of Frederick K. Brewington, represented the plaintiffs.

In 2004, Garden City considered a zoning proposal that would have made affordable housing possible on a Nassau County-owned site that was for sale in the village. However, in the face of racially motivated public opposition, the village rejected the proposal in favor of low-density zoning favoring high-cost single-family homes and townhouses. The district court found that "discrimination played a determinative role" in Garden City's decision to reject the originally proposed zoning and that minorities in Nassau County "bore the brunt of the negative impacts" of that decision.

Stanley Brown\*, lead counsel for the plaintiffs and partner in Hogan Lovells' New York office, said: "This case is a prime example of housing



*Peter Dennin, Ben Fleming, Stanley Brown, Caroline Cheng, Sarah Gregory, Andrew Sein, and Raymond Torres (pictured left to right) led the Hogan Lovells US LLP trial team to victory on the fair housing pro bono case in Garden City.*

discrimination and exclusionary zoning practices that are being used by too many communities across the country to block affordable housing that would be occupied by minorities."

In the eight years since this lawsuit was filed, many Hogan Lovells lawyers and staff have worked on the matter. Partner Stan Brown led the current team, along with partner Pete Dennin\*; associates Chava Bran-

driss, Andrew Sein\*, Sarah Gregory, Ben Fleming\*, Leah Rabinowitz\*, Ben Reed, and Caroline Cheng; paralegals Ray Torres, Linda Schepp, and Don Sparks; and litigation support analyst Miguel Lugo. Former partner Paul Sweeney and former associates Sabrina Cochet, Kim Bykov, Toby Smith, Jenny Rubin Robertson, Renee Garcia, and Luz Henriquez also contributed much to this case over the years.

# Legal Aid Society of Mid-NY Expands Innovative Pro Bono Referral Program

Arlene Sanders, Pro Bono Managing Attorney, Legal Aid Society of Mid-NY, Inc.

The Legal Aid Society of Mid-NY's (LASMNY) vast 13 county service area has presented an ongoing challenge to its pro bono staff in placing cases. "We have many willing attorneys out there but basically a skeleton staff to do this work," says LASMNY Executive Director Paul Lupia\*. LASMNY has attempted to address this by assigning an unusual role to key members of the private bar. The attorneys – leaders in the profession and active bar members – help place pro bono cases for LASMNY in various counties. In exchange, LASMNY awards CLE credit to these "referring attorneys" for the time spent analyzing the merits of the cases that are placed.

The procedure is simple and a huge

time savings for LASMNY. A caller contacts LASMNY's Legal Helpline where the staff screens for eligibility and completes a form detailing the caller's legal issue. That form is forwarded to the referring attorney for the caller's county who then contacts various other attorneys within that county to see if one of them will accept the case. The referring attorney's work is done when the attorney finds another lawyer willing to accept the case. LASMNY staff prepares all necessary paperwork to complete the referral.

Bruno Colapietro\*, a prominent matrimonial attorney who practices in Broome County, has been the referring attorney for LASMNY's pro bono

child support program since 2011 and has a 100% success rate in placing cases. Attorney Colapietro, who also handles pro bono matrimonial cases for LASMNY says that, "there is nothing to it—I call up my colleagues and they are ready and willing to help."

LASMNY has joined with the 6<sup>th</sup> Judicial District Pro Bono Committee, chaired by Administrative Judge Robert Mulvey, to expand the referral program to several rural counties. Bar presidents may designate attorneys in their counties to make the referrals. The designation will typically be for a finite time period such as one year.

## More Than a Legal Victory

Alison Sclater, Director, Pro Bono & Volunteer Department, New York Legal Assistance Group



Lee

No one who has witnessed what goes on in housing court today needs to be reminded that virtually no tenants are represented by a lawyer, while landlords almost always are – with

the predictable result that landlords almost always win, and tenants almost always lose. Such was the case for a frustrated, and grieving, client who met with NYLAG staff attorney Jennifer Peck early in 2013.

The client's younger sister had died in 2012 at the age of 60. Just months before her death, the sister had finally closed the book on a protracted dispute with her landlord involving the rent-stabilized apartment she had lived in for over 30 years. The landlord was trying to buy her out of the

apartment, but she did not want to leave. Unfortunately, she became seriously ill and was unable to continue working. With no income, she could no longer afford her rent, and the landlord filed eviction proceedings against her in housing court. The parties eventually settled, with the tenant agreeing to vacate by December 31, 2011, and the landlord agreeing to pay her \$13,000. At the time the agreement was signed, the landlord's attorney, seeing that the tenant was clearly very sick, inserted a handwritten provision stating that payment was to be made to "the respondent, and only the respondent, and no survivors," to ensure, based on the tenant's obvious poor health, that the money would not be paid if she died before she moved out.

The tenant kept her end of the bargain and moved out of the apartment as agreed, after which she was placed in a nursing home and eventu-

ally became incapacitated. In January 2012 the landlord sent her a check for \$13,000, but she died in March without having the opportunity to deposit the check. The landlord, who by this time had sold the apartment for \$1.3 million, filed a motion in April 2013 seeking to have the funds released from escrow and returned to him, claiming that the decedent's estate was not entitled to the payment due to the "no survivors" provision and, incredibly, stating that the tenant's failure to deposit the check meant that she "essentially rejected the payment."

The client turned to NYLAG and Ms. Peck, who assisted her in becoming the administrator of her sister's estate to obtain authority for her to continue the housing court case on the estate's behalf, with the express purpose of using the money to pay her sister's outstanding debts, including medical bills and funeral costs.

*continued on page 11*

The client appeared in court pro se in September 2013 and argued that the estate was entitled to the payment. The judge told her she needed an attorney to file an opposition to the motion, or risk defaulting. Although NYLAG did not have the resources to provide direct representation, the agency was able to find her a pro bono attorney, Alvin Lee, an associate in the Litigation Department of Orrick Herrington & Sutcliffe LLP, who was willing and ready to advocate on her behalf -- despite the fact that the next hearing was scheduled in little more than a month.

"Alvin and I reviewed the details of the case, brainstormed ideas for arguments opposing the landlord's motion and discussed litigation strategies," said Ms. Peck. "He made the client feel as though she finally had the tools to stand up to the landlord and his attorneys. Her feelings of helplessness and impotence ebbed away and her confidence and optimism returned as he stood by her side in housing court and surprised the landlord's attorney and judge with her sophisticated legal counsel."

Mr. Lee is an experienced litigator who has represented clients across a range of commercial legal matters, but this was his first foray into housing court. What struck him immediately was how out of her depth his client

was when they first met.

"She did not have much fight left in her at that point. The petitioners may have been on shaky legal ground, but a bad lawyer is better than no lawyer at all," said Mr. Lee. "They used the tool of intimidation extremely well."

Mr. Lee relied on the advice of Orrick senior partner Peter Coll to prepare an opposition motion. He and another Orrick associate, Shasha Zou, based their argument in part on the dictionary definitions of the words "estate" and "survivors," one simply meaning a person's property and the other clearly referring to living persons. They argued, therefore, that the "no survivors" provision did not relieve the landlord of his obligation to pay the estate.

"I felt very strongly that this was about righting a terrible wrong – what the petitioner in this case was trying to do was so unfair. The decedent had done everything they had asked of her," said Mr. Lee. "They were trying to deny her the money she had earned. They wanted something for free – and that in addition to having already profited handsomely from the sale of the apartment."

Mr. Lee is no stranger to pro bono work. He was heavily involved in pro bono work while in law school, and has been able to continue to

do so during his time at Orrick. He especially enjoys the opportunity that pro bono representation provides to become emotionally invested and take ownership of his cases, which he feels "makes any project more meaningful."

In the end, Mr. Lee's expertise as an attorney, and his passion to see justice done, were rewarded. On December 6, the judge succinctly and unambiguously denied the landlord's motion, agreeing that the estate was entitled to the funds, and stating that she found it "difficult to comprehend" the argument that "a check does not constitute the transfer and delivery of funds until payment....The death of respondent does not relieve petitioner of its stipulated obligations."

No one was more gratified by the decision than Ms. Peck: "To me this case was so egregious, so obviously meant to be decided in our client's favor. She simply wished to do the right thing by her deceased sister. Alvin treated our client with respect and courtesy and took her case seriously. He understood that despite the relatively small sum in question, it meant a lot to the client to win this case, financially and emotionally. I was thrilled the day we received the decision in our client's favor and will remember this case as one of our best success stories."

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



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

*powered by* **probono.net**

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



# Private Attorney Involvement Allows LASNNY to Meet Clients' Essential Needs

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

Over the last three years, civil legal services and pro bono providers have been fortunate to receive funding from the Office of Court Administration. These funds have been made available thanks to the leadership of Chief Judge Jonathan Lippmann and the Task Force to Expand Access to Civil Legal Services. Judiciary Civil Legal Services (JCLS) funds allow the Legal Aid Society of Northeastern New York (LASNNY) to help meet our clients' essential legal needs. JCLS funds are used to support our Attorney-for-the-Day program in the Albany City Court, a collaboration with the Albany County Bar Association (ACBA) and the Pro Bono Society of the Albany Law School. The Attorney-for-the-Day program provides representation to low income tenants at their first appearance in the Albany City Court. The program begins each year with an intensive training on landlord-tenant matters designed to prepare the volunteer attorneys who staff the program. The Hon. Gary Stiglmeier, who until recently sat in the Albany City Court's Civil Division, helped train the volunteer attorneys. Albany Law School's pro bono student volunteers

assist in client intake.

ACBA and LASNNY share the responsibility for coordinating pro bono volunteers. LASNNY's Private Attorney Involvement (PAI) volunteers included attorney volunteers from the firm Whiteman, Osterman and Hanna, as well as, a myriad of solo practitioners from around the Capital Region. Typically, the volunteer lawyers are able to arrange sufficient time for the tenant to locate alternative housing or negotiate settlement with the landlord that might include time to pay back rent or a commitment to make much needed repairs.

Another PAI program supported by JCLS funds is the Consumer Bankruptcy Program which gives priority representation to low and moderate income New Yorkers who are not judgment-proof. These clients have everything to lose if they cannot discharge their debts in bankruptcy. Bankruptcy screenings occur monthly and the PAI Program evaluates cases for representation. Occasionally, judgment-proof debtors with extenuating circumstances will be referred to a panel of pro bono attorneys.

In 2012, 67 low income debtors received discharges in bankruptcy. JCLS funds also support a special bankruptcy program for veterans. This program also involves pro bono student volunteers from Albany Law School and is administered by PAI volunteer Laura Silva. Veterans in need of bankruptcy are screened for eligibility for Chapter 7 relief. Attorney Silva trains and supervises students in how to conduct client interviews, prepare the Chapter 7 bankruptcy filing and in representing debtors' at the 341 hearings.

JCLS funds make these PAI volunteer programs possible by paying for staff needed to screen clients for income eligibility, determine the merits of potential cases, clients' eligibility for relief, and all of the other supportive services LASNNY provides to its pro bono volunteers, including reimbursement for out of pocket expenses, malpractice insurance, office space and research assistance. Thanks to this funding, LASNNY is able to utilize its pro bono volunteers to help low income people meet their essential needs.



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# Steuben County Volunteer Attorneys Honored at Reception in Celebration of National Pro Bono Week

Amy L. Christensen\*, Deputy Director, Legal Assistance of Western New York, Inc.

Twenty-nine attorneys from Steuben County were honored at a reception held in celebration of National Pro Bono Week on October 25, 2013

*Pro Bono Leadership Awards were presented to four volunteer attorneys who have taken initiative on special projects...*



*Left – right: Hon. Henry J. Scudder\*, Presiding Justice, Fourth Department; Pro Bono Leadership Award winners Susan Wilks\*, Terry Northrup, and Dale Clark\*; Hon. Craig Doran, Administrative Judge, Seventh Judicial District; and Amy Christensen, Deputy Director, Legal Assistance of Western New York, Inc. Not pictured: Pro Bono Leadership Award winner Wendy Gould\*.*

at Pleasant Valley Wine Company in Hammondsport. The attorneys were recognized for volunteering their time to assist low-income clients through the pro bono program of Legal Assistance of Western New York, Inc. Hon. Henry J. Scudder, Presiding Justice of the Appellate Division, Fourth Department and Hon. Craig Doran, Administrative Judge for the Seventh Judicial District, were on hand to congratulate the recipients and help present the awards.

Pro Bono Leadership Awards were presented to four volunteer attorneys who have taken initiative on special projects, including recruiting their

colleagues to participate. Dale Clark and Susan Wilks both received the Leadership Award for helping to develop a wills clinic that served a group of low-income residents thorough a partnership involving multiple organizations. Terry Northrup

received a Leadership award for helping to establish a veterans clinic in partnership with the Bath VA Medical Center. Wendy Gould received a Leadership Award for offering her matrimonial law expertise to help expand a pro se divorce clinic.

# Student-led Pro Bono Days at Albany Law Provide Hundreds in Need with Free Legal Services

Through Albany Law School's Pro Bono Program, law students have helped hundreds of people, including senior citizens and military veterans, in a series of legal service days held over the past several months. Many of the attendees, who came from throughout the Capital Region and beyond, would not otherwise have access to reliable legal counsel.

More than 200 senior citizens and their caregivers attended Senior Citizens Law Day on Oct. 26, 2013, to meet one-on-one with attorneys and attend workshops on such topics as health care decision making, protecting against scams, and estate planning. The event, which has been sponsored by Albany Law School for nearly two decades, is organized largely by students, with dozens of attorneys and other professionals volunteering their time.

This year, more than 45 students volunteered on the day of the event to make sure that everything ran smoothly for the attendees, many of whom had attended the event in years past, and at least one of whom had crossed the border from Massachusetts for the free legal counsel. The Pro Bono Program provided every attendee with a comprehensive resource book on issues related to senior law.

Albany Law's Pro Bono Program is relatively new, as well, and has been growing rapidly. During the 2012-2013 academic year, it jumped from fewer than 10 active projects to nearly 25 different projects with more than 200 active student volunteers, and it continues to expand this year. Students who join a pro bono project commit to completing at least 15 hours of service through a project each semester, though many students volunteer in the 50 to 100 hour service range. Last



*Seniors sign in for one-on-one counseling and workshops at Senior Citizens' Law Day.*

year, students completed nearly 2,500 hours for the year.

As the pro bono program grows, more volunteer attorneys are needed to keep pace with the ever-expanding need to provide legal services to low-income and other underserved populations. Other current projects include the Immigration Assistance Project, Veterans Bankruptcy Project, Iraqi Refugee Assistance Project, The "Attorney for the Day" Eviction Prevention Project and many more.

In the spring 2014 semester, the Pro Bono Program will launch another legal services initiative, "Special Needs Planning Law Day: A Program for Individuals with Developmental Disabilities and their Families and Caregivers." The event will be held at the law school on Feb. 22, 2014, and

will cover issues such as guardianship, financial planning, public benefits and special needs trusts.

Not only do these legal service days and other projects provide an invaluable service to the community, helping seniors, veterans and others who might not know where else to turn, but they are also vital to the education of Albany Law School's students. Each project places students in the field, working directly with clients and attorneys, and obtaining the hands-on experience coveted by employers and critical to the successful practice of law.

For more information on Albany Law School's Pro Bono Program, contact Erica (Nic) Rangel\*, Post-Graduate Pro Bono Fellow at [erang@albanylaw.edu](mailto:erang@albanylaw.edu) or 518-445-2304.

# Pro Bono Counsel Honored at the Community Development Project's 2013 Celebration: Supporting Movements for Change

**April Herms, Director of Development and Administration  
Community Development Project – Urban Justice Center**

The Community Development Project (CDP) at the Urban Justice Center presented the 2013 Community Service Award to John Altorelli\*, Partner and Co-Chair of the US Finance practice at DLA Piper LLP, for his outstanding dedication to pro bono service. John led a team of lawyers and legal workers from DLA in co-counseling with CDP to win a community benefits agreement in support

Award to Shearman & Sterling LLP. Shearman has been a dedicated pro bono partner of CDP for many years, particularly on behalf of immigrant workers. In 2007 CDP and Shearman jointly represented 43 Chinese immigrant restaurant workers in a wage-and-hours lawsuit that lasted six years, ultimately leading to a substantial settlement for the workers. In 2009, CDP and a team from Shearman



*Left – right: John Altorelli, Partner at DLA Piper LLP, with Senior Staff Attorney Ted De Barbieri and Project Director Harvey Epstein\* of the Community Development Project, and members of the Northwest Bronx Community and Clergy Coalition. Photo by E. Tammy Kim.*

*CDP has a robust network of firms and individual attorneys who provide pro bono assistance on issues involving all aspects of CDP's work. CDP strengthens the impact of community-based non-profit organizations by winning legal cases...*

of the Northwest Bronx Community and Clergy Coalition's Kingsbridge Armory Redevelopment Alliance. His efforts led to the closing of the agreement in April 2013, which will provide living wage jobs to local people who need them, greening of the Armory, and dedicated community space, among other benefits. This historic development will have an unprecedented impact on the Bronx economy, and would never have been possible without the dedication and expertise of John and his team.

CDP presented the Ally for Justice

represented 13 immigrant restaurant workers in a case involving unpaid wages and tips, sexual harassment and retaliation against organizing, which was ultimately settled after a judge ruled in the workers' favor in 2010. The commitment of Shearman & Sterling's pro bono attorneys has greatly expanded CDP's impact in protecting low-wage workers and supporting the work of grassroots organizations in New York.

CDP has a robust network of firms and individual attorneys who provide pro bono assistance on issues involv-

ing all aspects of CDP's work. CDP strengthens the impact of community-based non-profit organizations by winning legal cases, publishing community-driven research reports, assisting with the formation of new organizations and cooperatives, and providing technical and transactional assistance in support of their work for justice in New York City's low-income and other excluded communities. CDP highly values the contributions of all our existing pro bono partners and offers new transactional and litigation opportunities throughout the year.

# Pro Bono Panel Addresses Effective Assistance of Counsel in Plea Bargains

Marjorie J. Peerce\*, Partner, Ballard Spahr Stillman & Friedman LLP

As a member of the Advisory Group to the New York State-Federal Judicial Council, I was asked to organize a pro bono roundtable last spring to educate lawyers in the State about the impact of two U.S. Supreme Court decisions that essentially reaffirmed the notion that defendants are entitled to effective assistance of counsel at the plea stage. The Council is composed of judges appointed by the chief judges of the State of New York and the U.S. Court of Appeals for the Second Circuit and is assisted by the Advisory Group of judges and practitioners. The Council develops and sponsors pro bono Continuing Legal Education presentations to foster improved communication and cooperation among the federal and state court systems and to share knowledge and resources with New York State lawyers.

The Supreme Court decisions were issued simultaneously in March 2012 in *Lafler v. Cooper* and *Missouri v. Frye*. The Court held that defendants are entitled not only to the communication of plea offers but also to effective advice about the plea offer and the consequences of taking or not taking the plea. The Court noted that 97 percent of cases end in guilty pleas and that our criminal justice system has become "a system of pleas, not a system of trials."

In light of this reaffirmation of a core principle of the Sixth Amendment, the Council thought that a program focusing on these cases and their outgrowth would be helpful to lawyers across the State.

To help develop the roundtable on the two Supreme Court decisions, I organized a committee of lawyers in

various practice areas and judges from state and federal courts across the State. The committee was composed of the Honorable Evelyn Braun\*, the Honorable Steven Gold\*, the Honorable Dora L. Irizarry, the Honorable Barry Kamins\*, the Honorable Raymond Lohier\*, the Honorable William Skretny, Steven Bender, Carrie H. Cohen\*, Peggy Cross-Goldenberg, Alan Gadlin, William Gibney, Joseph M. Guerra III\*, Kristine Hamann\*, Marianne Mariano, Marshall Miller, Alfred O'Connor, Lisa Peebles, Rod Personius\*, and Deirdre von Dornum. We had numerous conference calls addressing plea practices in different practice areas, whether new policies and procedures were being adopted in light of *Lafler* and *Frye*, and what issues the committee thought were important to address in the roundtable.

On April 8, 2013, we presented the roundtable in the Ceremonial Courtroom in the Eastern District of New York. I served as the moderator and the roundtable panel included the Honorable Dora L. Irizarry, the Honorable Barry Kamins, the Honorable Kathleen Hogan\*, Carrie H. Cohen, William Gibney, Joseph M. Guerra III, Kristine Hamann, Alfred O'Connor, Lisa Peebles, and Deirdre von Dornum.

We initially intended to simulcast the program to federal courthouses across New York, but were unable to do so because of sequestration budget cuts. Instead, we presented it live in the Eastern District and simulcast it to the Western District courthouse in Buffalo and via the Web to individuals around the State. More than 100 law-



Peerce

yers attended the live presentation, 12 attended in Buffalo, and 415 attended via the Web. The program was lively, and the ability to compare and contrast practices in state and federal court and the differences in practices between upstate and downstate were illuminating to all who participated and attended.

The Council decided that the program was so critical for the New York Bar that I have been asked to put on a CLE with the same participants next spring to explore the same issues as they have developed over the ensuing year. Panelists have enthusiastically agreed to participate again.

It is rewarding when you devote countless unpaid hours to help enhance and educate the Bar, especially about such a critical issue. Special thanks should be given to the technology personnel in the EDNY who helped us present what we hope will be the first of many programs utilizing the simulcast and Web-based technologies.

# Erie County Bar Association Volunteer Lawyers Project Salutes Outstanding Volunteers

**Gayle T. Murphy\*, Esq., Pro Bono Coordinator, Erie County Bar Association  
Volunteer Lawyers Project, Inc.**

The Erie County Bar Association Volunteer Lawyers Project (VLP) continued celebrating its 30<sup>th</sup> Anniversary at an Awards Reception honoring the 2013 VLP pro bono awards recipients and law firm supporters. The Awards Reception immediately preceded the 6<sup>th</sup> Annual Champions for Justice Bash, co-sponsored by VLP; Legal Services for the Elderly, Disabled, or Disadvantaged of WNY, Inc. (LSED); and the Legal Aid Bureau of Buffalo, Inc. (LAB). This year's VLP pro bono award winners join an impressive group of over 2000 local attorneys who volunteered their time and expertise to represent over 27,000 VLP clients during the past 30 years.

Each year approximately 400 attorneys volunteer their time and talents to VLP clients, providing over one million dollars in donated legal services. VLP pro bono attorneys represent low income clients in many important civil matters. They represent victims of domestic violence. They assist clients with custody and support matters in Family Court. They represent parties in divorce proceedings. They represent tenants in eviction proceedings to help them avoid becoming homeless. They represent people who have lost their jobs to help them obtain unemployment insurance benefits to keep them off the welfare rolls. They assist people with consumer problems or who are victims of unfair debt collection practices. They work with families affected by HIV, especially with permanency planning for the care of their children. They provide legal assistance for long time lawful permanent residents who are facing deportation due to harsh changes in the U.S. Immigration law. They also represent small not-for-profit groups.

At this year's awards ceremony, Mike Ryan\*, Esq., President of Bar Association of Erie County, welcomed



*VLP Award Winners, pictured in the front row (r-l) Frank Longo, Esq., Sean Costello, Esq., Bernadette Hoppe, Esq., Ann Evanko\*, Esq. (Hurwitz & Fine PC), Kevin Mulvehill, Esq. Back row (l-r) Mike Ryan, Esq., Jennifer Stergion, Esq., Michael Mettille, Esq., Robert Elardo\*, Esq., Robert Heary\*, Esq. (Hiscock & Barclay LLP), Franklin Heller\*, Esq. (Damon Morey LLP) Joshua Feinstein, Esq. (Hodgson Russ LLP)*

the award winners and their supporters, noting that they are truly champions for justice. Each award winner was personally recognized for their important contribution to our clients and received a plaque commemorating their service. In addition, each pro bono award winner received a proclamation from NYS Senator Mark Gricanti applauding their pro bono efforts.

The 2013 VLP award winners include:

**Attorney of the Morning (Eviction Defense) Award:** Michael J. Mettille\*, Esq.

**Family Law Award:** Frank J. Longo, Esq., and Audrey Rose Herman\*, Esq.

**Divorce Award:** Bernadette M Hoppe, Esq.

**Unemployment Insurance Benefits Award:** Sean W. Costello\*, Esq.

**Immigration Award:** Kevin J. Mulvehill\*, Esq.

**Solo Practitioner Award:** Jennifer P. Stergion, Esq.

**Litigation Award:** John P. Feroleto\*, Esq.

**Not for Profit Groups Award:** Martha Buyer\*, Esq.

**Law Firm Commitment Award:** Hurwitz & Fine, PC, and Hiscock & Barclay LLP

**Judicial Award:** Hon. Michael F. Griffith

VLP also recognized the important tax-deductible financial donations by law firms which help VLP to continue to operate its successful pro bono legal services programs providing legal assistance to low income people. Plaques were presented to:

**VLP Benefactor Law Firms (At least \$10,000)**

Hodgson Russ LLP

Phillips Lytle LLP

**VLP Partner Law Firms (At least \$5,000)**

Brown Chiari, LLP

Cellino & Barnes

Damon Morey LLP

Jaeckle, Fleischmann & Mugel, LLP

Following the Awards Reception, approximately 450 people attended the 6<sup>th</sup> Annual Champions for Justice Bash, a much anticipated annual event for the Buffalo legal community, and a major fundraiser for VLP, Legal Services for Elderly and Disabled and LAB.

# Legal Services Community Annual Meeting Calendar

Monday 27 <sup>th</sup>	Tuesday 28 <sup>th</sup>	Wednesday 29 <sup>th</sup>	Thursday 30 <sup>th</sup>	Friday 31 <sup>st</sup>
<b>SLAPI</b> 10:00-Noon <i>Hilton Board Room, 4<sup>th</sup> Floor</i>	<b>Charity Corps CLE</b> 9:00-10:30 <i>Murray Hill West, 2<sup>nd</sup> Floor</i>	<b>CEQMR Meeting</b> 8:00-9:00 <i>Conrad Hilton, 4<sup>th</sup> Floor</i>  <b>Scene of a Crime CLE</b> 10:00-12:30 <i>Clinton, 2<sup>nd</sup> Floor</i>  <b>Joint Meeting</b> 9:00-11:00 <i>Beekman Parlor, 2<sup>nd</sup> Floor</i>  <b>Presidential Summit</b> 2:00-5:00 <i>Grand Ball Room West</i>  <b>Legal Aid Meeting</b> 11:00-1:50 <i>New York Suite, 4<sup>th</sup> Floor</i>	<b>PCAJ Meeting</b> 9:30-Noon <i>Clinton Suite, 2<sup>nd</sup> Floor</i>  <b>Justice for All Luncheon</b> 12:30-2:30 <i>Sutton Suite, 2<sup>nd</sup> Floor</i>  <b>NY Project Directors Meeting</b> 2:30-4:30 <i>Bryant Suite, 2<sup>nd</sup> Floor</i>  <b>LawHelp Consortium Meeting</b> 4:30-6:00 <i>Conrad Hilton, 4<sup>th</sup> Floor</i>	<b>Pro Bono Coordinators Network Meeting</b> 10:00-3:00 <i>Rendezvous Trianon, 3<sup>rd</sup> Floor</i>

## New York Lawyers – The Good We Do

# EXPRESSIONS

# Expressions

*Do you have a story to tell....*

Have you worked on a special Pro Bono project?

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

Has your community service work improved the lives of others?

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

*For a complete set of instructions please go to [www.nysba.org/thegoodwedoguidelines](http://www.nysba.org/thegoodwedoguidelines).*

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

*Email your submissions to [thegoodwedo@nysba.org](mailto:thegoodwedo@nysba.org).*



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