



NYSBA 2009

President's Pro Bono Service Awards





Today marks the 19th Anniversary of the President's Pro Bono Service Awards. Based upon their pro bono service rendered during the past year, the awards recognize those who have rendered extraordinary pro bono service to low-income and disadvantaged New Yorkers. The Association proudly acknowledges the invaluable assistance that these volunteer lawyers provide in facilitating equal access to justice to all residents of New York State, regardless of income.

Our pro bono awardees' contributions are particularly remarkable this year. 2008 will be remembered as one of the most turbulent years since 1987. The economic downturn, coupled with the dramatic loss in investments, rising foreclosure rates, bankruptcies, and ever escalating unemployment rates took a toll on every profession - including our own. Even when times were good – legal service providers had to turn away more than *one million people* annually. Our state and federal governments have left the poor chronically underfunded since the legal services began.

According to statistics, this coming year, 2009, the number of people who cannot afford to hire an attorney will skyrocket. The underserved likely will include more and more members of the middle-class. They, along with low-income individuals, are feeling the full brunt of the current economic crisis in the loss of jobs and homes. Federal, state and local municipalities have already predicted that there will be little or no money to spare for funding traditional civil legal services programs — programs which were never intended to benefit the middle class. Now, more than ever before, volunteer lawyers will need to come to the aid of not just low-income individuals, but anyone, regardless of income, who cannot afford to hire an attorney to represent them in defense of basic human needs.

Viewing the remarkable contributions made by the 2009 honorees, I am confident that despite the tough economic times, New York lawyers will continue to answer the call to "*Do the public good. Do pro bono.*" Although volunteer attorneys alone cannot possibly bridge the ever growing justice gap which exists between those who can afford to hire an attorney and those who cannot, they, nevertheless, continue to make a dramatic

and significant difference. I am therefore proud of our profession, whose members, time and again, offer their services pro bono.

On behalf of the New York State Bar Association, I humbly thank each of the 2009 recipients of the President's Pro Bono Service Awards for your selfless dedication, tenacity, and commitment to ensuring that no New Yorker should have to come before the bar of justice without a zealous, confident, and competent advocate.

A handwritten signature in black ink, appearing to read "Bernice K. Leber", with a stylized flourish extending to the right.

Bernice K. Leber
President

THE NEW YORK STATE BAR ASSOCIATION

Proudly Salutes
The 2009 Recipients of the
President's Pro Bono Service Awards

These awards are intended to recognize outstanding pro bono service and to convey a message to the legal profession and the public about the life-altering impact such service has on the lives of the women, men, children and families who are the beneficiaries of free legal assistance when they need it most—when threatened with deportation, eviction, loss of custody, unjust denial of subsistence benefits, or being victimized by an abusive spouse. The award recipients are representative of the countless attorneys who selflessly give of their time and talent to ensure that all New Yorkers—regardless of income—have meaningful access to justice.

Based on pro bono service rendered during 2008, four criteria were used in selecting the awardees:

- Number of pro bono clients served;
- Number of pro bono hours of service;
 - Impact of service on clients; and
- Impact of service on a pro bono program.

A brief profile, gleaned from their nominating materials, describes some of the contributions each award recipient has made to pro bono. Also included are comments taken from letters supporting the honorees' nominations, provided by some of their clients attesting to the impact the volunteer lawyers' efforts have made in their lives.



First Judicial District

Ronald Abramson, Esq.

Hughes Hubbard & Reed LLP

New York, New York

Nominator

Hughes Hubbard & Reed LLP

New York, New York

A partner at Hughes Hubbard & Reed LLP, Ronald Abramson has devoted hundreds of hours providing pro bono assistance to New Yorkers needing help, be it assisting with an application for permanent residency, appealing an unjust conviction, or guiding an inventor through the patent and trademark application process. Since 2005 Mr. Abramson and his team at Hughes Hubbard have worked with the Legal Aid Society and the New York Legal Assistance Group (NYLAG) to bring a successful class action lawsuit challenging the City and State's systematic denial of public benefits to immigrant victims of domestic violence in violation of the provisions of the Violence Against Women Act and other laws.

Shortly after MKB and her two minor children arrived from Jamaica to live in New York City with her lawful permanent resident spouse and the father of her children, her husband became increasingly verbally and physically abusive towards them, resulting in their fleeing to the safety of a Manhattan homeless shelter after he threatened to kill her and poison their children. MKB and her children were denied all public benefits because the case workers handling their case did not realize that, as battered immigrants, they were eligible for assistance from the government. Without any benefits the family was forced to eke by on less than \$200 per month. MKB's story is similar to that of hundreds of other battered immigrant women throughout New York City.

Following nine months of highly accelerated litigation the court issued a decision certifying the class and granted plaintiffs' motion for a preliminary injunction, finding that plaintiffs made an "overwhelming showing" that defendants' employees had violated plaintiffs' federal and state rights and that the defendants systematically denied the entire plaintiff class benefits to which they were legally entitled. Subsequently, in early 2007, the parties entered into a settlement agreement in which

the City and State agreed to take remedial action to address the faults in their systems. Mr. Abramson and his team continue to monitor the City's and State's efforts, identifying unresolved problems in the way public benefits are distributed, as well as representing individual class members in advocacy for their cases.

Mr. Abramson's efforts and those of his team have shed light on the plight of those who fall between the cracks of the public benefits system and have helped save those families, like MKB's, from suffering needlessly.



Second Judicial District

Kim L. Zinke, Esq.

Solo Practitioner

Brooklyn, New York

Nominator

Brooklyn Bar Association

Volunteer Lawyers Project

Brooklyn, New York

Described by his nominator as exemplifying the true spirit of "*pro bono*," during his four years as a volunteer lawyer, Mr. Zinke has donated hundreds of hours advocating on behalf of low-income clients in Kings County, tackling some of the more complicated Chapter 7 bankruptcy cases including two cases involving the discharge of student loan debt. These matters were adversarial proceedings, sometimes requiring lengthy conferences which were held as often as once a month addressing issues of discovery, possible motion practice, other administrative matters, and prospects for resolution of the dischargeability claims through administrative proceedings. By taking a problem-solving approach to the discharge dispute, Mr. Zinke was able to successfully resolve cases by forging settlements that represented an excellent result for both sides.

Importantly, Mr. Zinke's commitment to his *pro bono* clients is not limited to addressing their legal problems. He takes a compassionate, holistic approach, recognizing the other significant challenges in his clients' lives and in some cases arranging appropriate mental health care and other social services for them, all the while carefully and thoughtfully guiding them through each new step.

Writing in support of Mr. Zinke's nomination for the President's Pro Bono Service Award, the Honorable Elizabeth S. Stong, United States Bankruptcy Judge for the Eastern District of New York, noted that, *"courts depend on pro bono programs like the Brooklyn Bar's Volunteer Lawyers Project and pro bono attorneys such as Mr. Zinke to be sure that the promise of equal access to justice can be fulfilled."*



Third Judicial District

Jena Ruth Rotheim, Esq.

Nixon Peabody LLP
Albany, New York

Nominator

Legal Aid Society of
Northeastern New York
Albany, New York

An associate in the Albany Office of Nixon Peabody, during 2008 Ms. Rotheim performed an extraordinary 250 hours of pro bono service to low-income and needy clients. Representing parties in two complex divorce cases, Ms. Rotheim donated 171 hours on behalf of clients of the Legal Aid Society, and 79 volunteer hours were spent handling an SSI case, a family court matter, a matrimonial case and a prisoner's civil rights case. In handling her pro bono cases, Ms. Rotheim has traveled to various parts of the Third Judicial District, litigating at least two contested matrimonial cases in Greene County.

Ms. Rotheim is well respected by her clients, her colleagues and by the judges before whom she has appeared. The managing partner at the Albany office of Nixon Peabody observed that Ms. Rotheim has capably managed the rigorous demands placed on her by the firm's many institutional clients while incorporating pro bono as an important component of her practice.

One Legal Aid client Ms. Rotheim represented in an SSI claim commented that, *"She wanted to know what my life was like. At the hearing, it came out that Jena had so much information about my illness. She mastered it! She even called after everything was said and done just to make sure everything was okay. She was both a lawyer and a human being."*

A matrimonial client writing in support of Ms. Rotheim's nomination recalled that when she met her that, *"My life was in a tailspin. I had no home and limited physical abilities on account of surgery on my hands. I was so alone at this time in my life and I had no where to turn. I met with Ms. Rotheim and she explained the course of events that needed to take place. She was clear and concise as well as confident. Her confidence was what I needed most at that time."*



Fourth Judicial District

Cheryl L. Maxwell, Esq.

Solo Practitioner

Plattsburgh, New York

Nominator

Legal Aid Society

of Northeastern New York

Albany, New York

Cheryl L. Maxwell has been a long time pro bono volunteer in Clinton County. In 2008 she handled a total of ten matrimonial cases for Legal Aid, including closure of six cases, totaling in excess of 53 hours. Aside from her volunteer efforts with Legal Aid, Ms. Maxwell rendered an additional 66 hours of free legal services in ten other cases. Another 40 hours were donated to ten custody and family court cases. Ms. Maxwell's level of pro bono service would be significant for any attorney, but it represents a special sacrifice for a solo practitioner.

Her clients offered the following comments about Ms. Maxwell's work: *"I am so grateful to Cheryl for handling my legal matter. She has been so compassionate, giving and reassuring and [she] always [gets] right to the point of the matter."* *"Cheryl gives 100%. If I had to refer anyone to an attorney, I would refer them to Cheryl."*



Fifth Judicial District

Edward F. McArdle, Esq.

Assistant Attorney General
Syracuse, New York

Nominator

Onondaga County Bar Association
Syracuse, New York

As an Assistant Attorney General in the Syracuse Regional Office of the New York State Attorney General's Office, Mr. McArdle has successfully turned his professional interests in health law issues and patient advocacy into a powerful resource for the Central New York community by creating and serving at the University Hospital/Crouse Hospital Legal Clinic — an innovative volunteer program that he aptly describes as a coordinated effort to *"match unmet patient legal needs with lawyer skills."* The hospital legal clinic is a project of the Fifth Judicial District Pro Bono Action Now Program and Legal Services of Central New York in collaboration with the Onondaga County Bar Association (OCBA).

Through the program, volunteer lawyers provide on-site legal assistance, information and navigational support to patients to obtain payment from insurance and other third party payers, to explore alternative payment sources, to negotiate payment agreements, and to provide information to patients about their health care choices. In addition, attorneys provide representation in traditional areas such as preparation of wills, health care proxies, and living wills, assistance on housing and eviction issues, and other civil non-litigation issues.

Writing in support of Mr. McArdle's nomination, the Chairman of the OCBA Pro Bono Practice Committee and a colleague commented that, *"He is the best example of what each of us should strive to do in our pro bono work to serve those who do not have resources to, otherwise, obtain legal help."* Based on a long professional history with Mr. McArdle, the Executive Director of Legal Services of Central New York observed that, *"... simply because someone works for the government and is sometimes on the other side in some of our cases, does not mean that they cannot also work in collaboration with us to benefit low-income people and to ensure access to justice."*

In addition to his substantial volunteerism with the hospital legal clinic program, Mr. McArdle also is an active member and presenter for the OCBA's Elder Law Fair, the inner-city "Talk to a Lawyer" drop-in program and the Consumer Law Clinic program, both of which offer free legal assistance to low-income individuals who are unable to afford an attorney or who may not even know whether they need professional legal services.



Sixth Judicial District

Thomas Miller, Esq.

Solo Practitioner

Binghamton, New York

Nominator

Legal Aid Society of Mid-New York, Inc.

Binghamton, New York

Changes in regulations relating to the practice of bankruptcy had an unintended effect on many bankruptcy practitioners, resulting in many lawyers who practiced in this area of law either drastically reducing their practice or abandoning bankruptcy practice entirely.

The Broome County Bar Association's Lawyer Referral Panel of bankruptcy attorneys was hard hit as evidenced by the fact that the panel members shrank from 11 down to 2 in a matter of months. Although the effect on the general population searching for a bankruptcy attorney was significant, for those persons with incomes falling below the poverty line, it was devastating. Thankfully, Attorney Thomas Miller stepped in to bridge the gap.

Thomas Miller has demonstrated an exceptional commitment to Legal Aid and its Private Attorney Involvement (PAI) Program. The PAI is a joint initiative of Legal Aid and a panel of private attorneys to serve the legal needs of low-income residents of the Mid-New York area. A solo practitioner, during 2008 Mr. Miller provided approximately 150 hours of free legal services to 53 Legal Aid clients in bankruptcy matters. Not only does Mr. Miller accept case referrals from Legal Aid, when prospective clients contact him and appear to be within Legal Aid's financial guidelines, he refers them to Legal Aid for screening and then handles their cases pro bono — a process dubbed by Legal Aid as a "*reverse referral*." Notably, Mr. Miller makes almost as many reverse bankruptcy referrals to Legal Aid as he accepts from them.

In addition to representing low-income clients in Binghamton, Mr. Miller also accepts referrals from the entire catchment area served by Legal Aid of Mid-New York, including Chenango, Delaware and Otsego counties. In 2008, Mr. Miller and his legal assistants provided several hours of training to Legal Aid staff in bankruptcy filing procedures. He also arranged with his bankruptcy software provider for Legal Aid to obtain a free license which resulted in a substantial monetary saving for the legal services organization. Recently, Mr. Miller donated and installed video cameras in Legal Aid's main offices, enabling staff to hold "virtual meetings" with staff and clients across the agency's 13 county service area.

Attorney Miller's pro bono work is not limited to representing clients in bankruptcy matters. He also volunteers regularly at Legal Aid consumer clinics giving advice to those with debt collection and other consumer problems. He is also an active member of the Broome County Bar Association's Pro Bono Committee and has devoted considerable time and energy in helping plan Broome County's Annual Senior Legal Clinic, a program co-sponsored by the Broome County Bar Association and Legal Aid.



Seventh Judicial District

Jane Gabriele, Esq.

Solo Practitioner

Rochester, New York

Nominator

Empire Justice Center

Rochester, New York

Having once been a beneficiary of free legal services, Jane Gabriele's positive experience with the lawyers at the Monroe County Legal Services Corporation (MCLAC) motivated her to volunteer with them on landlord-tenant, special education, predatory lending, and elder law cases long before she attended law school. Determined to help others in the manner that she had been helped and to ensure that she could provide the full measure of legal representation to low-income clients, Ms. Gabriele decided to attend law school.

Since her graduation she has devoted countless hours doing pro bono work for the Empire Justice Center and its predecessor organizations. Ms. Gabriele has focused her volunteer efforts on education law and spe-

cial education issues. In this regard, she has represented over 100 parents in their special education cases, winning in 2008 an important legal victory in a residency appeal. In *Appeal of Crawford*, the State Commissioner of Education held that once a court has legally transferred custody of a child, the Commissioner will accept the court's order as determinative for residency purposes and will not look behind the decision to determine if the custody transfer was made merely to take advantage of local schools. This decision enabled Ms. Gabriele's client to continue to attend school in the district where his guardian lived.

"For over 23 years, Jane Gabriele has volunteered her time to provide, free, essential legal services to clients who otherwise would go unrepresented. Her pro bono contributions uphold the highest ideals of the legal profession," stated her nominator.



Eighth Judicial District

Barbara R. Ridall, Esq.

Bulan Chiari Horwitz & Ilecki LLP

Williamsville, New York

Nominator

Erie County Bar Association

Volunteer Lawyers Project, Inc.

Buffalo, New York

Barbara R. Ridall performs volunteer legal work in the Eighth Judicial District. For over ten years Ms. Ridall has been an active volunteer lawyer with the Erie County Bar Association Volunteer Lawyers Project (VLP), willingly taking on a large volume of cases and clients who are difficult to refer. Her contribution to ensuring equal access to justice for all, regardless of ability to pay, is succinctly stated by her nominator who writes that, *"She has had a big impact on the pro bono services we can help provide. In addition, she is always so pleasant and upbeat that it lifts our spirits to talk with her."*

In 2008, Ms. Ridall represented eight pro bono bankruptcy clients through the VLP and has initiated discussions with VLP about how to entice more lawyers to accept pro bono bankruptcy cases. Importantly, because of her expertise she frequently takes on the more complex and difficult cases, such as Chapter 13 cases which are difficult to refer because they can remain open anywhere from 3 to 5 years.

One of Ms. Ridall's grateful clients wrote, "Just a simple 'thank you card' or such seems very inadequate for all that you had to do for me for my bankruptcy . . . the paperwork, contacting people, coming to court and everything along the way that you've done on my behalf is greatly appreciated, especially because you doing it pro bono for me and treating me with such respect."

Another client, who desperately needed to make a fresh start after a recent divorce, a failed attempt to be a real estate agent, and trouble with the IRS noted that Ms. Ridall's representation made a "tremendous" difference in her life. Similarly, Attorney Ridall's legal work made a significant difference in the life of a mother of three children living in subsidized housing whose meager wages, earned from her three-day-a-week job, were being garnished and her tax refund seized by the government to repay unemployment benefits.



Ninth Judicial District

Simon Haysom, Esq.

Solo Practitioner

Goshen, New York

Nominator

Legal Services of the Hudson Valley

White Plains, New York

The recent economic downturn has resulted in a dramatic increase in the number of clients in desperate need of Chapter 7 Bankruptcy protection. People are being assailed from all sides – losing jobs, benefits, and, often, a roof over their head. Legal Services of the Hudson Valley (LSHV), a not-for-profit civil legal services law firm serving the poor, did not have enough resources to handle the overwhelming demand. Moreover, the private bar had a finite number of attorneys practicing in this specialized area of law. Even if all of them would have accepted a pro bono bankruptcy case, it still would not have been sufficient to assist the growing numbers of clients that were coming to LSHV for help.

A long-time volunteer with LSHV, Attorney Haysom willingly rose to the challenge of meeting this increasing demand for bankruptcy representation by developing a series of pro se bankruptcy clinics in conjunction with LSHV. Held in Poughkeepsie, New York, the site of the Bankruptcy

Court for the Mid-Hudson region, these clinics serve as a beacon of hope to clients who otherwise would not have been able to access the justice system and secure much needed bankruptcy protection.

In 2008, Mr. Haysom led two clinics which served 20 clients. In addition, he took on several individual cases for clients who were unable to attend the clinics on account of physical infirmities. He is known for staying at the clinics, long past the allotted time period, to ensure that every question is answered and every clinic attendee understands the process. He is patient and compassionate. His impact on the life of the participants is immense. People who arrive wary and afraid leave the session reassured by his calm manner and armed with the knowledge necessary to handle their legal matters.

Attorney Haysom's impact on the pro bono community is wide-reaching. He is a distinguished role model to other lawyers in his area of practice, serving as the President of the Mid-Hudson Valley Bankruptcy Bar Association. Mr. Haysom truly leads by example.



Tenth Judicial District

Charles S. Sherman, Esq.

Solo Practitioner

Garden City, New York

Nominators

Nassau/Suffolk Law Services Committee, Inc.
Hempstead, New York

Nassau County Bar Association
and the Volunteer Lawyers Project
Mineola, New York

Since its inception in the early 1980's, Attorney Charles S. Sherman has been the mainstay of the Volunteer Lawyers Project of Nassau/Suffolk Law Services Committee, Inc. His long history with the Project speaks to the depth of his commitment to the lawyer's professional responsibility to provide legal counsel for the indigent. His value arises not only from the many hours he spends volunteering with the organization's clients, but also from his many years of mentoring other attorneys on the panel and lawyers on staff of the Nassau/Suffolk Law Services Committee.

Illustrative of the fact that he never hesitates to tackle a difficult case is that for the past three-years he has provided on-going legal representation to a

Russian immigrant in an on-going child custody and visitation matter. Undeterred by the language barrier and cultural differences, Mr. Sherman has worked diligently to earn the client's trust. Earning her trust has not been an easy task since her experiences in her homeland made her distrustful of authority figures and very guarded about providing information.



Eleventh Judicial District

Nicholas De Cesare, Esq.

Law Office of Vincent Toomey

Flushing, New York

Nominator

Queens Volunteer Lawyers Project, Inc.

Jamaica, New York

Mr. De Cesare has distinguished himself as a pro bono volunteer attorney with the CLARO-Queens Consumer Debt Clinic, a program of the Queens Volunteer Lawyers Project, Inc (QVLP). The CLARO clinic provides free legal assistance to numerous low-income Queens residents facing consumer debt issues. Many of these individuals are elderly or disabled and may have a restrained bank account due to a default judgment. In many instances the judgments were obtained by the use of questionable collection practices and often the debtor never received notice of the lawsuit which had been filed against her.

"Although we value all of our pro bono volunteers, Mr. De Cesare stands alone in the level of service he has provided over the past 14 months at our CLARO-Queens clinic," writes Mark Weliky, Executive Director of the QVLP. "He has been the bedrock of our program and his frequent appearances at the clinic have been crucial during various times of the year when we were short-handed for a lawyer."

Besides being a dependable volunteer lawyer, Attorney De Cesare has distinguished himself as a knowledgeable mentor, invaluable resource, and role model for new volunteers starting out at the clinics — whether they are lawyers or law student volunteers. He also has been helpful in the administration of the clinic by making suggestions and observations which have helped to improve the quality of service to the low-income clients.



Twelfth Judicial District

Isabelle L. Curro, Esq.

Solo Practitioner

New York, New York

Nominator

InMotion, Inc.

New York, New York

Nominated by InMotion, a non-profit organization that assists women in New York City with matrimonial, family and immigration law issues, Isabelle L. Curro provides pro bono representation to women residents of the Bronx. Among other matters, she has represented clients in child support, uncontested and contested divorce proceedings in Bronx Family Court and Bronx Supreme Court. She is described by her nominator as a *“zealous advocate, who does not hesitate to seek the maximum relief available to her clients.”* For example, Ms. Curro was successful in getting the Bronx Family Court to impute income to a respondent who was paid in cash, resulting in a favorable child support order based on the respondent’s true income and, thereby, tripling the amount of monthly child support from \$350 to \$1,049.

In a contested divorce case, Attorney Curro obtained a temporary child and spousal support order for a Spanish-speaking survivor of domestic violence with five children. However, the client did not have a bank account into which the support payments could be deposited and payment in cash was not an option as the client had a final order of protection against her abusive spouse. Ms. Curro facilitated the opening of a checking account for the client and donated the required initial deposit to the client.

Writing in support of her nomination, the nominator commented that, *“Ms. Curro demonstrates her commitment to serving women in need, regardless of the amount of work and time involved. Her willingness to take on a variety of complex tasks without reservation and to work on difficult matters is a testament to her professionalism and capabilities as an attorney, one who strives to serve clients in an earnest and compassionate manner. Volunteers like Ms. Curro, who donate their time and expertise to represent indigent women, are at the very heart of InMotion.”*



Young Lawyer

Jennifer P. Stergion, Esq.

Solo Practitioner

Buffalo, New York

Nominator

Erie County Bar Association

Volunteer Lawyers Project, Inc.

Buffalo, New York

Admitted to practice in 2008, Jennifer P. Stergion, through the Volunteer Lawyers Project's (VLP) Attorney of the Morning Program (AOM), represented 85 low-income tenants who were facing eviction. Ms. Stergion's commitment to helping tenants in jeopardy of losing their homes is best illustrated by the fact that even when it is not her duty day, if she is present at housing court on private matters and sees that the AOM program is short-staffed she never hesitates to pitch in and handle a case or two. During this past year she has done a remarkable job of settling cases so that either the tenancy has been saved or the client has been given extra time before moving, thereby avoiding homelessness. As landlords lose their properties in foreclosure proceedings, the lives of their tenants are being turned upside down as they are forced out by the banks who want the properties empty in order to resell them.

In addition to her pro bono tenants' work, Attorney Stergion has been advocating for better services for veterans, resulting in her convincing the Erie County Bar Association in 2008 to establish a Special Committee on Veterans & Service Members. She is the current chair of the committee and is representing the first referred case seeking VA benefits.



Senior Lawyer

Hon. Robert J. Nicholson

Retired

Oswego, New York

Nominators

Onondaga County Bar Association

Syracuse, New York

Oswego County Bar Association

Oswego, New York

Since retiring from the bench at age 72, Judge Nicholson has donated his endless energy and vast legal experience to providing pro bono legal services to low-income residents of Onondaga and Oswego counties. Judge Nicholson volunteers weekly at the Franciscan Legal Services Clinic where he is able to use his broad legal experience in handling a variety of matters, such as family and child support cases, bankruptcies, and landlord-tenant disputes. Through Judge Nicholson's efforts the Franciscan legal clinic was able to expand its service delivery from its traditional evening legal services program to include a weekly afternoon clinic program. *"Judge Nicholson has been a tremendous asset to our organization. His commitment and dedication have taken our ability to serve the community to a new level and we are grateful for the many hours he has volunteered here and for his friendship,"* writes Sister Delores Bush, Director of the Franciscan Northside Ministries.

In Oswego County, Judge Nicholson actively participates in the County Bar Association's Volunteer Legal Clinic (VLC) assisting individuals with a variety of civil legal issues, including landlord-tenant, family matters, and immigration law issues. He staffs the clinic every Friday afternoon. In addition to his own personal efforts on behalf of the VLC, Judge Nicholson has used his vast connections among members of the legal community to match clinic clients with area attorneys who can handle at low-cost or no cost, in-depth legal problems that cannot be adequately addressed during the clinic's regular business hours. Judge Nicholson also has coordinated with the Fifth Judicial District Pro Bono Action Now Program to set up free CLE training in exchange for Oswego County Bar Association members who pledge to donate volunteer time at the legal clinic.

“Judge Nicholson has worked tirelessly in the past several years to improve legal service to the underprivileged and to promote greater awareness and a sense of responsibility within the County Bar Association for pro bono programs,” commented Gregory R. Gilbert, President of the Oswego County Bar Association. “He has an extraordinary ability to grasp the most complex of legal issues. What is even more impressive is his ability to deliver clear, concise and practical solutions to everyday problems in a language that everyone can understand,” observed Gilbert.



Large Law Firm

Kaye Scholer LLP

New York, New York

Nominators

Lawyers Alliance for New York

New York, New York

New York Lawyers
for the Public Interest

New York, New York

The Legal Aid Society

New York, New York

Kaye Scholer’s pro bono program sets a strong leadership standard for the legal profession in New York and beyond. The firm’s responsibility to and leadership within its community are exceptional. In 2008, Kaye Scholer’s New York attorneys performed **27, 115** hours of pro bono work, averaging **79 hours per attorney** — up from 59 hours per attorney in 2007 — an impressive 22% increase. Worldwide, the firm performed **33,056** hours of pro bono work on nearly **350** matters.

Kaye Scholer has a long history of representing mentally and physically disabled individuals seeking Social Security Disability benefits. In 2008, the firm successfully represented 25 individual clients referred by the Legal Aid Society. To support this pro bono practice area, the firm has created an infrastructure that includes a senior attorney to supervise and coordinate associates working on these cases, document templates, and an in-house decision database.

Referred by New York Lawyers for the Public Interest, Kaye Scholer attorneys undertook representation of a Hispanic youth by advocating that the school system provide him with an adequate education as required by the Individuals with Disabilities Education Act and New York law. The firm ensured that the lead counselor in the case was a native Spanish speaker so as to facilitate communication with the youth and his family. The student's educational needs were successfully redressed by having him placed in an appropriate 12:1 student to teacher ratio classroom, transportation to and from school was arranged, and measures were taken to ensure that the student's bilingual needs were met.

Attorneys at the firm also have taken on matters referred by New York Legal Assistance Group (NYLAG) ranging from wills and other life planning matters for low-income elderly and disabled clients, to political asylum applications for immigrant victims of torture and persecution, to petitions for Holocaust survivors seeking pension funds from the German Government for work performed in ghettos.

Kaye Scholer pro bono attorneys also have represented clients referred by Sanctuary for Families who are domestic violence victims in contested, uncontested and publication divorces. Uncontested divorces become complicated when the abuser disappears and cannot be personally served with divorce papers. When the plaintiff can make a showing of a diligent search for the defendant, some courts have allowed service by publication. These "publication divorces" are work-intensive, time consuming, and expensive to complete. In addition to taking on these tough cases, Kaye Scholer has coordinated trainings, and underwritten the cost of publication divorces for low-income clients.

Kaye Scholer also puts its business and transactional legal expertise to use helping nonprofit organizations thrive. During 2008, the firm represented **126** nonprofits pro bono. Among those represented by the firm were:

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- New York City Charter Schools – in conjunction with Lawyers Alliance for New York, the NYC Center for Charter School Excellence and the legal division of Pfizer Inc., Kaye Scholer presented a Charter School Legal Assessment Day. Charter school leaders from across New York City were invited to learn about legal issues that schools encounter, and to meet with volunteer attorneys to discuss schools' legal needs and identify issues for follow-up legal assistance;
 - Echoing Green is a grant-making organization, based on the venture capital model, which gives fellowships to start-up nonprofits committed to social entrepreneurship. Kaye Scholer has partnered with Echoing Green to ensure that current fellows and U.S.-based program alumni have access to free legal services through the firm. Some of the projects that the firm provides legal representation to are Youth Represent, an organization that provides legal representation, reentry advocacy, and social services to youth under the age of 24 who are or have been involved in the juvenile or criminal justice system; and Access Center for Education, an organization that provides consulting services for parents of special needs children, resources to school districts through trainings and seminars, and works to increase public awareness about issues related to special education; and
 - Kaye Scholer represents some of the longest-standing settlement houses in New York, providing these organizations with on-going volunteer general counsel services, anti-harassment and anti-discrimination training to employees and transactional and litigation pro bono legal services.



Small/Mid-Size Law Firm
Delbello Donnellan Weingarten Wise
& Wiederkehr LLP
White Plains, New York

Nominator

Legal Services of the Hudson Valley
White Plains, New York

In 2008 Legal Services of the Hudson Valley (LSHV) witnessed a surge in the number of filings for unemployment insurance benefits claims which was quickly followed by a sharp increase in the number of claims being denied and requests for hearings. These benefits often are a low-income

client's only source of income and means of feeding their families while they struggle to find another job. Having just two attorneys dedicated to these types of cases, LSHV recognized that without help from the legal community they would be forced to turn away scores of claimants who desperately need their help. Unemployment insurance claimants represented by an attorney at these hearings are almost twice as likely to prevail as compared to claimants who appear without representation. Although handling these types of proceedings was not a typical practice area for the firm, Delbello Donnellan Weingarten Wise & Wiederkehr, LLP heard LSHV's call for help and, following a training program in the basics of Unemployment Insurance Benefits hearings, the firm mobilized its staff of 33 attorneys to pitch in and agreed to accept clients referred by LSHV.

Over the course of a few months, the firm took on ten cases in which it either offered advice and counsel to claimants or represented them in Unemployment Insurance Benefits hearings. The claimants prevailed in at least half of the referred cases. One particularly memorable case involved that of a victim of domestic violence who was forced to leave her job in order to escape from her abuser. Originally the Department of Labor rejected her claim for UI benefits, siding with the employer who claimed she had voluntarily left her job. Represented by a volunteer lawyer from the firm, the Administrative Law Judge ruled in the claimant's favor, finding that her recent abuse at the hand's of her children's father and her attempts to relocate away from her abuser constituted *"good cause to leave her employment"* and, therefore, *"her job ended under circumstances that were not disqualifying for unemployment purposes."*

The impact of the firm's participation in this project extends well beyond these ten cases. The firm has influenced the legal community by serving as a role model to other area law firms and encouraged another law firm to devote a panel of its lawyers to represent claimants in these administrative proceedings. A second free training was held and attended by over **40 pro bono volunteers** each of whom agreed to represent at least one claimant in an Unemployment Insurance Benefits case. With the worsening economy and more and more people losing their jobs, the demand for volunteer attorneys in this arena will continue to grow. So long as firms like Delbello Donnellan Weingarten Wise & Wiederkehr, LLP continue to emerge as leaders in the pro bono effort, LSHV will be able to continue its commitment to provide quality legal representation to low-income individuals and their families in the Hudson Valley.



Law Student

Siana McLean

State University of New York at Buffalo
Law School
Buffalo, New York

Nominator

Volunteer Legal Services Project of Monroe
County, Inc.
Rochester, New York

A second year law student at the State University of New York at Buffalo Law School, Ms. McLean was determined to pursue a public interest law internship. When no positions were available in Buffalo, she commuted daily during the summer of 2008 to work at Volunteer Legal Services Project of Monroe County (VLSP) in Rochester, New York. At VLSP Ms. McLean worked tirelessly on a research project regarding the assignment of counsel in Supreme Court divorce actions pursuant to Judiciary Law Section 35(8). This statute raised the possibility of pro bono attorneys receiving payment as assigned counsel for their work on custody and visitation issues in divorce cases, providing an incentive for volunteering. Ms. McLean prepared a highly detailed memorandum of law and played a significant role in disseminating to the Monroe County legal service providers and the court a historical and factual explanation of the law. In addition, Ms. McLean went the next step by making well-reasoned recommendations to help make this law more productive and efficient, not only for legal service providers and the judiciary, but for the most important individuals — the clients.

Ms. McLean also collaborated with staff from Monroe County Legal Assistance Center by helping to finalize the Manual for Certificates of Relief from Disability (CORD) which was used to provide CLE training to volunteer attorneys in October 2008.

Ms. McLean also worked directly with VLSP's clients, helping 208 clients who attended VLSP's Family Law, Pro Se Divorce and Debt Clinics during June, July and August of 2008. Among other things, she interviewed clients and reviewed questionnaires. As an older student, Ms. McLean's maturity and life experiences enabled her to deal effectively with a variety of people and situations.

Among the top 15% of her class, Ms. McLean currently serves as the Articles Editor for the Buffalo Human Rights Law Review, the Northeast Regional Director of the Frederick Douglass Moot Court Competition and the Vice President of the UB's Black Law Students' Association. Since August 2008, Ms. McLean has been a Graduate Assistant at the State University of New York at Buffalo Immigration Services. Upon graduating from law school Ms. Mclean plans to practice immigration law and is already planning to incorporate pro bono into her future practice by taking a course in refugee law this semester.



Law School Group
Syracuse University College of Law
Bankruptcy Practice Group
Syracuse, New York

Nominator
Onondaga County Bar Association
Syracuse, New York

In 2007 a new Bankruptcy Court was established in Syracuse, New York. It soon became apparent that many debtors were appearing in court without representation. Given the complexities of bankruptcy law, debtors found the process too difficult to navigate on their own. Problems frequently arose and the Court was forced to intervene more and more often, increasing the load on the already overburdened system.

In 2008 Syracuse Law Associate Professor Gregory Germain, a practicing bankruptcy attorney for 15 years, recognized this problem and, in conjunction with Legal Services of Central New York, developed an internship program at Syracuse University College of Law to offer free legal assistance to clients in need who file for bankruptcy. Besides devot-

ing 200 hours to get the program up and running, Professor Germain approached Bankruptcy Court Judge Margaret Cangilos-Ruiz to inquire about the possibility of law students appearing in Bankruptcy Court on behalf of indigent clients. Impressed by the professor's commitment, the Court adopted an Administrative Order (09-03) governing Student Practice before the Bankruptcy Court. Pursuant to this procedure, Syracuse law students under Professor Germain's guidance have actively undertaken representation of clients seeking relief in Bankruptcy Court. Commenting on the project, Judge Cangilos-Ruiz observed that, *"This work has proven to be an invaluable contribution to the provision of specialized legal representation to some of our most vulnerable members of our community."*

Forty of Professor Germain's students who volunteered to participate in this initiative were trained in the basics of bankruptcy law with an emphasis on the new filing procedures. Students work in teams of three, led by a third-year law student. The students are responsible for meeting with clients, reviewing the client's financial circumstances, assembling required paperwork, and following appropriate bankruptcy filing procedures. Currently students are representing ten clients. Professor Germain does not receive any compensation for his efforts on behalf of the Bankruptcy Clinic. Moreover, the students do not receive any law school credit or monetary compensation for work performed through the clinic. On average, student volunteers spend between 30 to 50 hours per case.

The Syracuse Bankruptcy Project is a proud participant in the Fifth Judicial District Pro Bono Action Now Program Committee's initiative to help low-income residents in Central New York access free legal assistance in bankruptcy cases. Other groups involved in this initiative include the Syracuse Bankruptcy Court, the Central New York Bankruptcy Bar Association, the Federal Court Bar Association of the Northern District of New York, volunteer lawyers, Legal Services of Central New York and the Legal Aid Society of Mid-New York.



In-House Counsel

Legal Department of IBM Corporation

Armonk, New York

Nominator

Pro Bono Partnership, Inc.
White Plains, New York

Under the leadership of Robert C. Weber, Senior Vice President, Legal and Regulatory Affairs and General Counsel, and Michelle Browdy, Vice President and Assistant General Counsel, IBM's legal department has become one of the Partnership's most prolific partners in providing volunteer legal assistance to nonprofit organizations that aid the disadvantaged. Among other things, Mr. Weber and Ms. Browdy assembled a pro bono committee to encourage IBM attorneys to become more active and to make it easier for them to find pro bono opportunities that would interest them. In addition, they set the example for their staff by joining the Partnership's Board of Directors in 2007. Today, several IBM attorneys also have joined the boards of other nonprofit organizations.

In 2008, thirteen members of IBM's New York Legal Department handled **22** different legal matters for **16** Partnership nonprofit clients, delivering substantial benefit to the Westchester County nonprofit sector where nearly all of these clients are located. In many instances these nonprofit organizations operate on shoe-string budgets, leaving no money to pay for critical legal advice. Some of the various legal issues IBM attorneys tackled for their nonprofit clients include corporate governance, leases and sales of real estate, compliance with government regulations, and employment matters.

IBM attorneys contributed hundreds of hours of free legal assistance to organizations that provide critical services to the disadvantaged in 2008, thereby enabling these nonprofit organizations to conserve their funds for important community programs. Among the nonprofits receiving free legal assistance from IBM's legal department are the following:

- Westchester Residential Opportunities, an organization dedicated to fair and affordable housing;
- Greyston Foundation, a pioneer in social entrepreneurship, hires and trains individuals considered "hard to employ," such as ex-offenders;
- The Bridge Fund, which provides loans and financial instruction to individuals at risk of losing their homes;
- Today's Students Tomorrows Leaders, a program which recruits and trains economically challenged students to become teachers;
- The Volunteer Center of the United Way, an organization serving the community in a variety of ways ranging from serving food to the homeless, creating websites for nonprofits, and visiting the lonely and isolated;
- Westchester Institute for Human Development, a nonprofit organization providing medical services, training and education services to the community, and research in the areas of disability and child abuse and neglect;
- Westchester Disabled on the Move, Inc., a small not-for-profit residential Independent Living Center for individuals with a broad range of disabilities whose services include benefits advocacy, peer mentoring, housing assistance and information, employment assistance, transition assistance for high school students with disabilities, ADA monitoring and compliance, nursing home transition, and public education and awareness.

Counties in the 13 Judicial Districts

First:	New York
Second:	Kings, Richmond
Third:	Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, Ulster
Fourth:	Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren, Washington
Fifth:	Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego
Sixth:	Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga, Tompkins
Seventh:	Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates
Eighth:	Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming
Ninth:	Dutchess, Orange, Putnam, Rockland, Westchester
Tenth:	Nassau, Suffolk
Eleventh:	Queens
Twelfth:	Bronx
Thirteenth:	Richmond County at St. George, Staten Island

Previous Recipients of the President's Pro Bono Service Awards 2008-2000

2008

Aaron M. Frankel – *1st*
Cynthia Feathers – *3rd*
Richard I. Gardner – *4th*
Michael J. Sciotti – *5th*
Herbert A. Kline – *6th*
Jeffrey Wicks – *7th*
Kenneth A. Manning – *8th*
Devon Salts – *9th*
Rudolph de Winter – *10th*
Michael M. Cohen – *11th*
Sarah Bell, *Young Lawyer*
Warren Heilbronner, *Senior Lawyer*
Milbank Tweed Hadley & McCoy
LLP, *Large Law Firm*
Blitman & King LLP,
Small/Mid-Size Law Firm
Katherine Steiner Higgins,
Law Student
Safe Passage Project of the Justice
Action Center of New York Law
School, *Law School Group*

2007

James W. B. Benkard – *1st*
Michael J. O'Connor – *3rd*
Matthew H. Dwyer – *4th*
(*Awarded Posthumously*)
Martin L. Fried – *5th*
James R. Franz – *6th*
Jodie L. Ryan – *7th*
Francis J. Offermann, Jr. – *8th*
Edith Sullivan – *9th*

Lewis C. Edelstein – *10th*
Regina Alberty – *11th*
Benis Guzman, *Young Lawyer*
Adrienne D. Gonzalez, *Young Lawyer*
Gail Rodgers, *Young Lawyer*
Patterson Belknap Webb
& Tyler LLP, *Large Law Firm*
Costello, Cooney & Fearon, PLLC,
Small/Mid-Size Law Firm
Kaplan and Brennan, LLP,
Small/Mid-Size Law Firm
Olivia Nix, *Law Student*
Willow Baer, *Law Student*
Student Hurricane Network,
Chapters in 12 New York State Law
Schools, *Law School Group*

2006

John M. Aerni – *1st*
Mark A. Beckman – *1st*
Richard Croak – *3rd*
Scott N. Fein – *3rd*
Hon. James E. Doern – *4th*
Anne B. Ruffer – *5th*
Hope W. Olsson – *7th*
James C. DeMarco, III – *8th*
Lee Vartan – *9th*
Patricia F. Neumann – *10th*
Archibong Archibong – *11th*
Richard Bara – *12th*
Vincent J. Roldan, *Young Lawyer*
Madeleine Schachter,
In-House Counsel

Hughes Hubbard & Reed LLP,
Large Law Firm
St. John's University School of Law,
Latin American Law Students
Association, *Law School Group*

2005

Jeffrey Simes – 1st
Ronald J. Tabak – 1st
Jeffrey S. Trachtman – 2nd
Ronald B. Orlando – 3rd
Andrew J. Wylie – 4th
Margaret Murphy Peterson – 5th
C. Bruce Lawrence – 7th
Matthew B. Herdzik, Jr. – 8th
Elisabeth K. Wolfe – 9th
Peter H. Levy – 10th
Floyd Alan Sheeger – 11th
(*Awarded Posthumously*)
Evelyn McCabe – 12th
Proskauer Rose LLP, *Large Law Firm*
Nixon Peabody, LLP, *Large Law Firm*
Siegel, Kelleher & Kahn,
Small/Mid-Size Law Firm
Joshua Sohn, *Young Lawyer*
Kara Leopold, *Young Lawyer*
Judi Coon, *Law Student*
Fordham University School of Law,
Legal Education and Advocacy
Program, *Law Student Group*

2004

Saralyn Cohen – 1st
Bruce Weiner – 2nd
Brian LeCours – 3rd
Barbara King – 4th
Kathryn McCary – 4th
Christopher Wiles – 5th

Albert Kukol – 6th
John R. McQueen – 7th
Noralyn A. Dillon – 8th
Glenn Shapiro – 9th
Robin Abramowitz – 10th
William H. Scott – 11th
David Tomlin – 12th
Cleary, Gottlieb, Steen & Hamilton,
Large Law Firm
Law Offices of Harold I. Silverman,
Small/Mid-Size Law Firm
Gemma Rossi Corbin, *Young Lawyer*
Gloria Bruzzano, *Law Student*

2003

Christopher J. Meade – 1st
Debra Brown Steinberg – 1st
Fern J. Finkel – 2nd
Anne Reynolds Copps – 3rd
Peter V. Coffey – 4th
James T. Snyder – 5th
David E. Butler – 6th
Margaret A. Clemens – 7th
Peter Bergenstock – 8th
Randall S. Lewis – 8th
Frank Muller – 9th
Herbert Harris – 10th
Elizabeth S. Hall – 11th
Rochelle Sendar – 12th
Stroock & Stroock & Lavan LLP,
Large Law Firm
Mackenzie Hughes LLP,
Small/Mid-Size Law Firm
Meade Versace, *Young Lawyer*
Renee Hebert, *Law Student*
Pace University School of Law,
Pace Women's Justice Center,
Law School Group

2002

Kevin Curnin – 1st
Professor Susan Block-Lieb – 2nd
Professor Karen Gross – 2nd
Matthew J. Kelly – 3rd
Christine M. Galvin – 4th
George H. Lowe – 5th
Frank Novak – 7th
Kevin M. Reedy – 8th
Professor Vanessa Merton – 9th
Wallace L. Leinhardt – 10th
Stephen S. Weintraub – 11th
Robert Gilmore – 12th
Simpson Thacher & Bartlett,
Large Law Firm
Hancock & Estabrook, LLP,
Small/Mid-Size Law Firm
M. Akram Fraizer, *Young Lawyer*
Peter Rolph, *Law Student*
CUNY School of Law,
Workfare Advocacy Project,
Law School Group

2001

Andrew Tomback – 1st
Steven D. Cohn – 2nd
Marc S. Ehrlich – 3rd
Glen W. Brownell – 4th
Thomas Atkinson – 5th
Diana Hughes – 6th
Kim Reisch – 7th
Kevin M. Kearney – 8th
Michael E. Uhl – 9th
Robert W. Corcoran – 10th
White & Case, LLP,
Special Recognition Award
Debevoise & Plimpton,
Large Law Firm

McNamee, Lochner, Titus
& Williams, P.C.,
Small/Mid-Size Law Firm
Jayson Wolfe, *Law Student*
Hofstra University School of Law,
Domestic Violence Courtroom
Advocates Project,
Law Student Group

2000

Nancy Lazar – 1st
Mark A. Longo – 2nd
Jo M. Katz – 3rd
David Harper – 4th
Andrea King – 5th
Michael S. Sinicki – 6th
Barbara Roesch – 7th
Regina A. Reitz – 8th
Helga Klessen – 9th
Barbara J. Fritz – 10th
Jason Lutzky – 12th
Weil, Gotshal & Manges LLP,
Large Law Firm
Wolford & Leclair LLP,
Small/Mid-Size Law Firm
Boaz Weinstein, *Law Student*
Fordham Law School,
Family Court Mediation Project,
Law Student Group

N Y S B A

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**VOLUNTEER
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