

Pro Bono News

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National Night Out: A Personal Encounter with Families in Need

Gloria Herron Arthur*, Esq., Director, Department of Pro Bono Affairs, New York State Bar Association



Herron Arthur

It was a dark and stormy night... I know that is such a cliché! But really, although it started out a little cloudy and overcast, it quickly turned into a dark and stormy night - one of a succession of violent summer storms that brought down trees, flooded city streets and stranded many in the Capital District on the evening of August 5th. Members of the Capital District Pro Bono Committee¹ were gathered in Lincoln Park to hand out information about free legal services for low-income residents living in the tri-cities during the National Night Out, a celebration intended to promote community awareness and to encourage city residents to reclaim their neighborhoods from violence.

The entrance into the inner city park was blocked off to street traffic. Vendor tables ringed the park, some, like ours were covered by a canopy. Music was playing and the smell of hotdogs and hamburgers cooking on the grill drifted through the air. A multicolored bouncy-bounce was set up at the other end of the park. About 40 people were in the park and laughter filled the air. Small groups of people wandered among the various

tents which were set up with display tables, filled with information and give-away items.

Our booth had a table covered with pamphlets about free legal services, together with tee-shirts, and tote bags. As people strolled by, we called to them, inviting them to stop by to learn about the free legal services available in the Capital District.

One of the people who stopped by our table was a young mother, thin, with stringy brown hair and a young baby in what appeared to be a second or third hand stroller. The baby had on a tee shirt and pant, but no shoes or socks. The mother stood there, looking frightened and very small. After a few minutes peering at the materials on the table, she timidly asked if we had information about domestic violence. In a quiet voice she told us how she had fled from another state to escape an abusive relationship and was staying with a friend. We offered her information about area service providers who could likely assist her. Eileen gave the young woman her card and encouraged her to call the Albany County Bar office the next day so that she could personally assist her in finding the resources she needed.

Another visitor to our booth was an elderly wheelchair-bound grandmother who was accompanied by her four grandchildren. The grandmother explained that she came to the

park, hoping to pick-up free school supplies for her grandchildren. The children ranged in age from about 5 to 13 years. Their hair was uncombed. Their clothes were dirty and ill-fitting. We gave them each a tee shirt and a tote bag.

Then the rain began; first as a drizzle, but quickly picked up in intensity. The wind began to blow and we could hear thunder rumbling in the distance. Before we knew it, the wind was howling through the park as more and more people began to crowd under our tiny canopy. Ever the optimists, we continued talking to each one, asking if they were aware of the free legal services available in the area, all the while hoping the rain and wind would ease up. But it didn't.

By now, most of the people in the park had left and only a few stragglers remained as tables were blown over and canopy tops were upended by the heavy rain and wind. Huddled under our canopy remained the four of us, the grandmother, her grandkids and the young mother and her baby.

We asked the young mother if she had transportation to her friend's home. She did not. Given the ferocity of the wind and rain, an umbrella would have offered scant protection, but she did not have one, anyway. The young mother and her baby were soaked to the bone. Dannielle's car was parked nearby so she drove the

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A single asterisk* next to a name indicates the individual is a member of NYSBA. A double asterisk** indicates a law student member of the Association.

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New York-Based Project Gives Associates Experience in Front Line Criminal Defense

Charlie Giudice, Staff Attorney, Queens Volunteer Lawyers Project, Inc.

The Legal Aid Society, the primary public defender in New York City, handles nearly 240,000 trial level and post-conviction cases annually.

The New York County Criminal Defense Externship Project (the Project), now in its sixth year, is a rotational externship opportunity in which associates allocate either a third of their time over a nine-month period or full-time over a six-month period, to assist with this enormous caseload while gaining valuable litigation experience.

Under the leadership of Irwin Shaw, attorney-in-charge of the Manhattan trial office and Laura Stasior, supervising attorney, the Project provides basic criminal law training in November, including a comprehensive overview of the path of a case as well as related issues likely to arise during the course of representation. Each pro bono attorney is assigned a Legal Aid mentoring attorney who works with them on their individual cases.

The associates initially shadow their mentors at arraignments and then sign up to cover arraignment shifts themselves. Handling all aspects of their misdemeanor cases, their responsibilities include engaging in research, conducting criminal investigations, drafting motions and memoranda, negotiating plea bargains, preparing witnesses and potentially conducting hearings and trials on their cases. They also can serve as part of litigation teams on complex felony matters.

Supervising Attorney Laura Stasior holds weekly meetings with all of the associates where they discuss their individual cases and strategize as a group. Laura began her legal career at Sullivan and Cromwell, where she represented clients who were the targets of government investigations. She subsequently worked at a small boutique firm that specialized in white collar criminal mat-



Legal Aid Supervising Attorney Laura Stasior

ters. Laura joined Legal Aid's Criminal Defense Practice in 2002 and got involved in the Project as a mentoring attorney, prior to becoming a supervisor. Laura has high praise for the commitment of the associates in the Project and loves teaching them. "The associates come to the Project so excited to do this work. They are not interns; they are representing clients who are relying on them. They pour themselves into these cases and our clients get great representation. Participating in the Project also opens their eyes to the unfairness of the justice system and because of this, associates are often outraged at what they see. They go back into the world seeing it differently."

continued on page 4

National Night Out (continued from pg. 1)

young mother and baby home.

The grandmother had no transportation either, having been dropped off at the park by public transportation for the disabled. For the next hour and a-half, we unsuccessfully tried to arrange transportation for the grandmother and her charges. The public transportation system she relied on was unavailable for several more hours due to other pre-scheduled pick-ups. Efforts to engage a private Medi-cab service were equally unsuccessful as they informed us it would be at least another hour before they could dispatch someone to pick the family up.

By now, we were all soaked through to the bone and cold. Undeterred, Nic Rangel walked in the pouring rain to retrieve her car, so the grandmother and the children could sit in it until we figured out how we could get them safely home.

None of our vehicles could accommodate the grandmother's electric

wheelchair which could not be folded up. By now the only people left in the park were us and the man who was dismantling the bouncy-bounce machine. The bouncy-bounce man had a large, enclosed truck, which to our eyes, looked as if it could nicely accommodate the grandmother's motorized wheelchair. Without prompting Nic, set off across the park to enlist the aid of the bouncy-bounce man. Thankfully, he graciously agreed to drive the grandmother's wheelchair to her home. Since Nic already had the grandmother and children inside her car, she drove them home.

Although the *National Night Out* event was rained out, we dubbed it a success. Despite the rain, we managed to distribute information about legal services to individuals and families who otherwise would not have known these services were available. We also were very fortunate to have met the young woman and her baby

and the grandmother and her grandchildren. Our interactions with them, demonstrated the interconnectedness between poverty and legal needs. The next day, we started a drive to collect donations of school materials and clothes to benefit inner city school youth. We also planned our next outreach event which will take place on Saturday, September 13th during the annual Mississippi Day² at Lincoln Park. I hope it doesn't rain. But just in case, we're bringing our raincoats and some extra umbrellas!

¹Members include representatives from the Albany County Bar Association, Albany Law School, The Legal Project, the Legal Aid Society of Northeastern NY, Prisoners' Legal Services, the New York State Bar Association, and the Unified Court System's Access to Justice Program. Eileen Guinan, Pro Bono Coordinator, Albany County Bar Association; Nic Rangel*, Albany Law School Pro Bono Fellow; Danielle Hille, my administrative assistant and right hand, and I staffed the booth.

²Mississippi Day celebrates the heritage of residents who migrated from Mississippi to Albany.



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Front Line Criminal Defense (continued from pg. 2)

After their externships are over, the associates are given the option to keep their cases until they have been resolved; many associates choose to do so.

Every year at the end of the externship period, Project supervisors and Legal Aid's Pro Bono staff meet with law firm partners, pro bono counsel, and associates to receive feedback about the year's experience and plan for the next class.

Joshua Elmore, an associate with White & Case LLP, is a current participant in the Project. "As an extern with the Legal Aid Society, I handle a part-time caseload of clients facing misdemeanor charges from arraignment onward, including charges of assault, drug possession, trespassing, theft and harassment. I have had the opportunity to visit clients in their homes and in jail and investigate cases in apartments, synagogues and restaurants throughout Manhattan. Gaining the trust of clients has at times been challenging, especially when bars separate you from the client at the first encounter. Nonetheless, it is rewarding to see clients believe they have an advocate fighting for their interests and to see clients receive much needed resources by working alongside Legal Aid's social workers. The work has been incredibly meaningful and I am grateful for the opportunity to ensure that my fellow New Yorkers' most basic rights are protected."

In addition to handling his own misdemeanor cases, Josh had the opportunity to second seat his mentoring attorney on a felony robbery case for pre-trial hearings and the plan is for him to second seat the trial itself.

Shirin Hakimzadeh, a Davis Polk & Wardwell LLP associate, recently completed a seven month full-time externship with the Project. "During that time, I worked on a wide range of cases from arraignments through disposition. It was a true privilege and honor for me to work with some of the best and brightest public defenders in the country while serving the city's most vulnerable population and often in the face of extremely challenging circumstances. I learned that so much of being a public defender is not just about understanding a client's criminal case, but also their life outside the courthouse, including issues relating to mental health, housing, employment, immigration and more. I was impressed by Legal Aid's holistic defense model and experienced first-hand how effective it is in practice."

Shirin just won a full acquittal of her client following a bench trial of a misdemeanor DWI case. Laura Stasior praised Shirin's exemplary dedication and hard work: "Shirin handled all aspects of the trial, including the cross examination of two police officers during the pretrial hearing and four police officers during the trial. She also conducted a direct examination of an expert witness who she found and flew in from Washington State to give testimony about how our client's medical condition led to an inaccurate breathalyzer test result. She did an excellent job, and was complimented by the judge for her preparedness and presentation of the case."

Shirin credits the Project not only for helping her to improve her legal skills but also for educating her about the larger issues faced by indigent criminal defendants. "I'm incredibly thankful to both Legal Aid and Davis Polk for their collaboration in making the externship program possible. The experience has not only provided me with concrete advocacy skills, both inside and outside the courtroom, but on a more personal level, has changed my understanding of our criminal justice system and the individuals and families who are affected by it."

In order to continually improve the Project and ensure meaningful experiences for the participating associates and firms, every year at the end of the externship period, Project supervisors and Legal Aid's Pro Bono staff meet with law firm partners, pro bono counsel, and associates to receive feedback about the year's experience and plan for the next class.

Firms who have participated in the Project include **Cooley LLP; Davis Polk & Wardwell LLP; Debevoise & Plimpton LLP; Kramer Levin Naf-talis & Frankel LLP; Weil, Gotshal & Manges LLP** and **White & Case LLP.**

Thank you to all of the firms and associates who have participated in this important pro bono project that provides law firm associates with the unique opportunity to develop criminal defense professional skills and contributes to ensuring fairness in the criminal justice system.

*For more information about the Project,
please contact Louis Sartori, Director, Pro
Bono Practice, at LSSartori@legal-aid.org*

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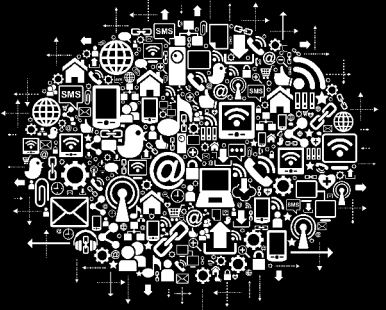
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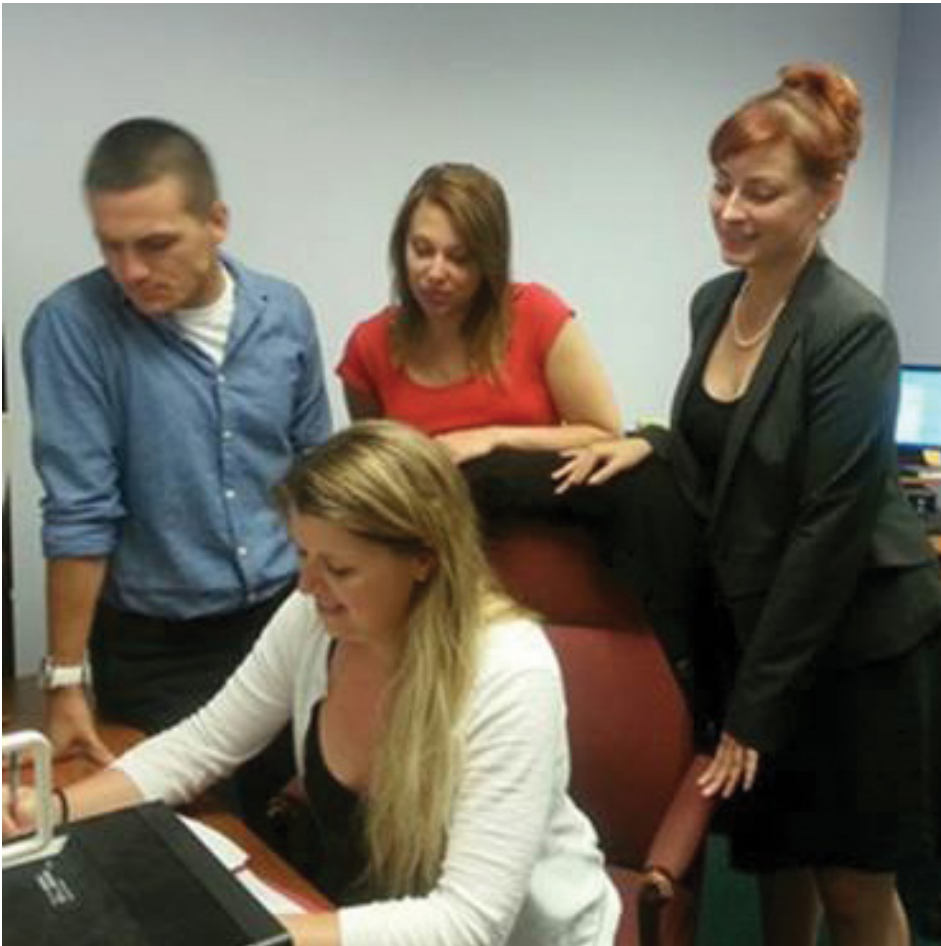
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The Legal Project Develops New Domestic Violence Fellowship Program

Lisa A. Frisch, Executive Director, The Legal Project



Standing left to right: Albany Law School interns Joe Williams and Alexis Kutski and Katz Fellow Gracia Nowak (Albany Law '13) with Managing Attorney Lorraine Silverman (Albany Law '05).

Background and Recent Innovations

The necessity of civil legal services to help support our communities' social and economic structure has come into increased focus with the recent efforts of the New York State Bar Association, Chief Judge Jonathan Lippman* and the Task Force to Expand Access to Civil Legal Services. This has provided vital support to help maintain core services and to consider innovative

changes that will enhance services and allow programs to reach more people in need. Enriching existing collaborations and developing new ones has the potential to leverage strengths—not only for cost savings, but most importantly, to provide more comprehensive services to clients in need.

An example of a recent innovation is the development of law school “incubator” programs, to provide important training and experience to recent graduates prior to their join-

ing or starting their own law firms. Many of these programs are part of or are affiliated in some way with clinical programs at the law schools, often with a focus on assisting the poor or specific client populations. Others are mainly concentrated on the business side of a law practice. Inspired initially by concerns about available employment opportunities for recent graduates, these programs have long-term impacts of introducing extensively trained new attorneys, many with an understanding and appreciation for pro bono and public interest law, into the legal market.

Collaboration and Goals of Fellowship Program: Opportunities for Practical Experience

The Legal Project in Albany, NY has augmented its existing domestic violence civil legal services program by developing a fellowship program for recent graduates of Albany Law School who have been connected with the Law School's Family Violence Litigation Clinic & Immigration Project or the Domestic Violence Prosecution Hybrid Clinic. This fellowship program is the seed for the development of a larger incubator program within The Legal Project for Albany Law School recent graduates. By employing a new Albany Law School graduate to ultimately carry a caseload of Family Court and matrimonial cases, more victims in desperate need of immediate safety and independence from their abusers will be assisted by The Legal Project. The Fellowship Program also provides in-depth, real life training to new attorneys in working with clients, interviewing techniques, trial skills, legal research and, coordination with other community services.

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Katheryn D. Katz Fellowship Program

The fellowship program, made possible by funding from the New York State Office of Court Administration and, to date, more than \$70,000 in donations from private law firms throughout the region, will employ current law students and recent graduates from Albany Law School. The Legal Project also received \$165,000 in Senate domestic violence grant funding through the support of Senator Hugh Farley and Senator Kathy Marchione.

Named in memory of the late Albany Law School Professor Katheryn D. Katz (Albany Law '70), who was the first in the nation to bring domestic violence education into law schools, the fellowship program is a three-part pipeline comprised of law school in-house clinical practice; law student placements; and two-year, paid post-graduate fellowships, during which the graduates will be public interest staff attorneys at The Legal Project, serving victims of abuse. Gracja Nowak* (Albany Law '13), is the program's first fellow. Kayla Molinaro, who graduated from Albany Law this past May, began her fellowship in September and Joseph Williams (Albany Law '15) is expected to be the incoming fellow upon his graduation next year. Managing Attorney Lorraine R. Silverman* (Albany Law '10) states "Fellows in this program receive intensive supervision and hands-on training beginning in their second-year of law school and continuing through their second year of admission to the bar, resulting in young attorneys who can transfer seamlessly to either public service or private practice. They see, first hand, the positive effects that their work can have on their clients and on the community as a whole. Ultimately, we are able to serve more

clients in a more holistic way by providing each client with a team of Katz Fellows to assist them."

In addition to the support from the Office of Court Administration and the Senate, founding sponsors of the Katheryn D. Katz Fellowship Program include the Katz family and the following law firms: **Martin, Harding & Mazzotti, LLP; Deily & Glastetter LLP; O'Connell & Aronowitz, PC; LaFave, Wein & Frament, PLLC; McNamee Lochner Titus & Williams, PC; Hacker Murphy, LLPC; Tabner Ryan & Keniry LLP; Mack & Associates, PLLC** and the **Spada Law Firm**. "We see our support of this fellowship program as an investment in our community, not only providing students and new graduates with a tremendous opportunity for experiential learning, but also increasing vital legal resources to serve victims of abuse," said Paul Harding* of Martin, Harding & Mazzotti. Each sponsor of the program will be recognized on October 15 at The Legal Project's Pro Bono Awards Luncheon, applauding them for their investment in this innovative new effort.

Enhancing Existing Linkages and Planning for Incubator Program

Many of the other new incubator-type programs across the country are either essentially made an extension of the law school itself, or require a separate infrastructure, which is costly in and of itself. Rather than creating a whole new structure, the program that The Legal Project and Albany Law School is proposing uses and extends the existing, core framework and administration of their existing institutions, which is cost-effective and has allowed the project to hit the ground running in working with clients and training new attorneys. Start-up time has been minimal as the relationships and even some of the structures are already in place.

Diversity of Legal Issues and Community Coordination

Although The Legal Project is a major pro bono program in the Capital Region, with over 225 volunteer attorneys, it also has seven staff attorneys, five of whom provide direct services in domestic violence and three who do foreclosure prevention. The supervising attorneys also oversee and manage the pro bono attorneys—who provide legal advice and information in the full array of civil legal services and, direct representation in programs such as foreclosure, wills and end of life planning, legal assistance for first time, low income homebuyers, bankruptcy, small business and immigration. Having the structure of experienced staff attorneys who have a history of working directly with law students—as well as training and managing volunteer attorneys—adds another level of quality control to this project.

Another important component of this project is collaboration, not only of The Legal Project and Albany Law School, but with each of the community partners providing civil legal services in the region, as well as local domestic violence service providers. This program provides additional services to the community, and works in coordination with all of the legal services partners, with cross referrals and joint CLE training. The Fellows have the opportunity to attend local task force meetings and develop important relationships with other non-profit and civil legal services partners in the community, thus developing a big picture understanding of how legal services and pro bono fits within the communities' responses to social and legal issues. The attorneys who graduate from the Fellowship and Incubator program will be a tremendous asset to the greater community.

City Bar Justice Center Launches LGBT Advocacy Project

Carol Bockner, Director, Pro Bono Initiatives
City Bar Justice Center



Kohanowski

The City Bar Justice Center recently launched its LGBT Advocacy Project to provide direct civil legal services to low-income LGBT New Yorkers. In addition to screening clients and matching them with pro bono attorneys, the project will collaborate with other New York-based LGBT projects to address unmet legal needs and provide volunteer trainings to serve LGBT individuals seeking asylum and transgender individuals seeking name and gender changes.

K. Scott Kohanowski, a staff attorney at the CBJC, is directing the project. He is a member of the City Bar's LGBT Rights Committee, and a board member of the LGBT Bar Association of Greater New York.

"While the LGBT community has won significant protections in housing, employment, public accommodation and the right to marry in large parts of the U.S., many low-income LGBT New Yorkers do not fully understand how these achievements can benefit them, or they face significant hurdles in implementing these new rights," said Kohanowski.

Identifying as gay, lesbian or transgender may still carry a significant stigma at school, at home, in the workplace, and when seeking housing or services. Elderly gay men and lesbians face the legacy of reduced income and savings due to historic workplace discrimination and are

much less likely to have family support structures as they age. Transgender individuals are twice as likely to live in poverty than the general population and it is believed that one in five have experienced homelessness since first identifying as transgender. An extraordinary 20 percent of homeless youth are LGBT and have a significantly higher suicide rate than their heterosexual counterparts. While marriage equality increases opportunities, it also raises novel questions about parenting, property rights and benefits, especially when the relationship ends or the couple travels to other jurisdictions.

The project is consolidating existing cases in other projects with new cases referred from the CBJC's Legal Hotline and outside organizations. Matters under the new project include housing preservation, intestacy issues, elder law, estate planning, same-sex divorce, second-parent adoption, and marital rights.

Mr. S., for example, came to the CBJC's foreclosure project because he received an auction notice of his coop apartment – a home in which he has lived most of his life. The foreclosure project then referred the matter to the LGBT advocacy project. Mr. S. is a 70-year-old single gay man with a disability, no family support, and social security as his sole source of income. He agreed to a reverse mortgage on his property with the understanding that if he signed over the \$300,000 in equity, he would be able to live the remainder of his life in his apartment. This reverse mortgage, however, was subprime and predatory in nature and not guaranteed by HUD, unlike the vast majority of reverse mortgages. The originating lender made the loan to Mr. S. with full knowledge that he would soon default on his coop fees because his meager income barely covered the fees. A HUD-guaranteed reverse mortgage requires the lender to pay such fees out of the existing equity. When Mr. S. defaulted

on his coop fees, which was a certainty, the lender paid the fees and commenced foreclosure to recover them. While the project was able to halt the auction sale, this matter will require affirmative litigation to bar any further attempt by the lender to strip the equity out of the coop apartment and evict Mr. S.

The CBJC recently held a roundtable dinner discussion inviting members of the legal, not-for-profit, and city government communities to brainstorm about the ripple effect of the new legal rights and how we can make sure that low-income clients are adequately served. It was a lively discussion tackling questions, such as, where do we see the gaps in access to legal help for low-income LGBT members of the community and what will be the best focus for the new pro bono project during the coming year?

Potential clients may call the CBJC's Legal Hotline at 212-626-7383 to speak with a trained attorney. If you are an attorney licensed to practice law in the State of New York and are interested in volunteering with the LGBT Advocacy Project, please send your resume and a brief description of your interest in the project and its work to Scott Kohanowski at skohanowski@nycbar.org.

About the City Bar Justice Center

The City Bar Justice Center, the pro bono affiliate of the New York City Bar Association, increases access to justice by leveraging the resources of the New York City legal community. The CBJC operates the city's busiest legal hotline and annually provides direct legal representation, information and advocacy to more than 20,000 poor and vulnerable New Yorkers in areas including foreclosure, bankruptcy, elder law, homelessness, veterans assistance, cancer advocacy and several immigration projects. www.citybarjusticecenter.org

Eight Ways You Can Promote Access to Civil Legal Services in Your Community

Christine Nyamekye Appah, Staff Attorney, The Legal Aid Society

There are various ways that practitioners can increase access to pro bono legal services. The following suggestions can help to guide you as you consider ways that you can serve your community. Before engaging in pro bono activities, be sure to assess your availability to assist. Whether you are considering taking a long term case, or hoping to provide your first brief advice session, be mindful of the ethical obligations that your volunteer work will entail. Be prepared to be challenged and know that your work will be appreciated.

Take part in a CLE to gain competence in an area of pro bono practice that interests you

You can start by familiarizing yourself with some of the topics that pro bono attorneys often face. Pro bono-oriented CLE programs will often start with the very basics: helping you to gain the professional competence you will need to be of assistance. Basic training is essential for practitioners who are new to volunteering. Although you may be aware of some of the principles of these topics, you may not know how they impact affected communities in need. CLE courses can help to address some of the more nuanced issues that you may face. Check with your local legal services organizations to find out if they offer trainings for new volunteers. If you are unable to find a CLE in the specific area you are looking to work in, consider reaching out to some fulltime legal services practitioners knowledgeable in the area who can offer you some practical insight and guidance.

Volunteer for non-legal activities

Many people with unmet legal needs may not be aware of the availability of free legal services. Working on a volunteer activity that provides other services to communities in need can help you to meet more potential clients. Perhaps you already volunteer at a local community health or sporting event. Advise

the activity director to let people know who you are and that you are there and willing to help. Consider preparing a contact sheet of referral information that you can take with you as you volunteer. If you are also considering serving on the board of an organization, be sure to distinguish your role as a board member from your interest in legal service assistance. There is often a need for both – decide in advance which capacity you would prefer to serve and then get familiar with the obligations involved.

Look at what needs are unmet with the people you meet every day

Consider reaching out to your friends to find out if they know anyone who has fallen on hard times and could use an attorney, but simply cannot afford one. Sometimes the need is a lot closer than we can imagine. Pro bono cases can come from a fellow member of your place of worship or your weekend intramural team. As lawyers, we are sometimes asked legal questions within minutes of informing someone of our profession. Take that as an opportunity to offer a referral to a local bar association or a possible pro bono opportunity for a colleague.

Promote a “Day of Service” at your organization

We all know that a lawyer’s busy schedule can change at a moment’s notice. As such, it may be difficult for lawyers to plan “out of the office” time to volunteer for pro bono work. Consider asking your organization to conduct a “Day of Service” where your co-workers can “drop in” to speak with clients when they are available. This allows people to provide pro bono advice with a minimal time commitment. Consider this: if every lawyer at your organization spared 30 minutes over the course of eight hours, your organization could meet with dozens of people. Be mindful that these types of volunteer events require significant amounts of advanced planning to run smoothly. Contact your HR department to find out who can assist you in this process.

Bring a friend

As practitioners, we should take every opportunity to encourage one another to devote more time to pro bono service. Bring a colleague along to your next pro bono activity. Even if you are new to volunteering, having a friend who is new to the area as well can be helpful as you learn together. Your altruism could encourage others to challenge themselves to deliver pro bono services, too.

Contact your law school

Alumni service projects are a great way to get involved in pro bono legal service activities. Check with your alumni office to find out if there are any local upcoming projects that you can be involved in. If there are no upcoming projects, consider that as an opportunity to start something new!

Make use of your social media network

In addition to enhancing your professional reputation and keeping you connected, social media is a great tool to promote advocacy and public service. Take the opportunity to bolster the issues that are important to you within your social network. Social media challenges can also help to increase fundraising. Consider reaching out to your contacts and encouraging them to do the same.

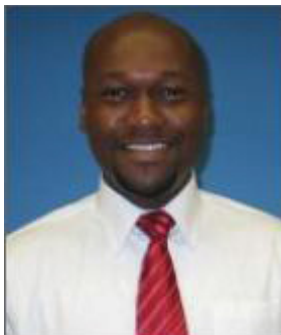
Write to your local elected official to encourage funding for legal services in your community

Unmet legal needs can be a consequence of the limited availability of pro bono legal services. Limited availability is often the result of limited funding. Consider reaching out to your local elected official as a concerned voter and ask them to increase government funding for civil legal services.

Ultimately, meeting the demand for free or low-cost legal services has proven to be a state and nationwide challenge. By increasing your awareness of social issues and community needs while expanding your views of where help is needed, you can help to expand access to legal services in new and creative ways.

New York Banks and Law Firms Team Up for Pro Bono Clinic

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



Williams

On July 31, summer interns and attorneys from **Goldman Sachs & Co., Barclays, and UBS** joined forces with attorneys from **Morgan Lewis & Bockius, Sullivan & Cromwell LLP, and Linklaters LLP** to help put 25 immigrants on the path to citizenship. In partnership with the New York Legal Assistance Group (NYLAG), the summer interns and attorneys conducted a free clinic to assist immigrants in preparing their naturalization petitions. Thirteen pro bono attorneys, along with 18 Goldman Sachs, Barclays and UBS summer law and college interns, participated in the clinic, which was hosted by Morgan Lewis.

The naturalization clinic was the brain child of Bernard Williams, Jr., an attorney with Goldman Sachs and a member of the firm's Pro Bono Steering Committee. Williams had been looking for a summer project that would give the firm's interns a taste for the strong

pro bono culture at Goldman – and expose them to the highly connected world of financial services among New York City's top banks.

"The number-one goal was to give our interns a meaningful day of pro bono community service, which is an integral part of our culture at Goldman," said Williams. "But in addition, as future colleagues, I wanted them to get a sense for how close-knit and connected the City's legal banking community is. People move around – the former GC of Barclays is now at UBS Wealth Management – people's paths cross again and again as our careers blossom and we get to know and admire each other."

Williams found NYLAG after doing some online research, seeing that the agency had a good track record of offering project-based volunteer opportunities, and a good reputation among people he works with. Once he connected with NYLAG, the project took shape quickly.

Each bank reached out to a law firm with whom they had working ties and asked them to enlist pro bono volunteers to staff the clinic. The goal was to team up a pro bono lawyer and an intern, who would then meet with one or two clients during the clinic to

review the necessary forms and documents, and draft naturalization petitions. NYLAG staff prescreened clients to make sure that they were eligible, provided on-site supervision and guidance during the clinic, and was responsible for the final review and filing of all completed petitions. In advance of the clinic, all volunteers received webinar training on the preparation of petitions and the logistics of NYLAG's naturalization clinics.

According to Williams, the clinic was a success because everyone was fully committed to ensuring that the interns had a robust experience, working directly with pro bono attorneys, interacting with clients – and making a difference in the lives of immigrants and their families.

Community service comes naturally to Williams. "When I was very young, I was volunteering at soup kitchens in Brooklyn with my family on Thanksgiving Day before I really knew what it meant to 'give back.' I am proud to be a part of a company that values and encourages community involvement. Thanks to NYLAG and our pro bono colleagues, we were able to do good in the universe, and inspire young people at the very start of their careers to carry on that tradition."

DO YOU HAVE A STORY TO SHARE...

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

We invite you to submit articles showcasing excellence in pro bono service for upcoming editions of the Pro Bono Newsletter. Guidelines for article submission and important dates are available at www.nysba.org/pbdates

Increasing Access to Justice through the Power of Collaborations and Technology

Jacob (Jake) Hertz, Program & Communications Associate, Pro Bono Net

A recent partnership in Minnesota crystallizes the power of collaboration and technology to increase access to justice and provide Americans with the legal advice they so desperately need.

The partnership began thanks to a lucky happenstance. One of the leading attorneys at the Hennepin Bar Association was also a board member at United Way, and learned about the problems their 2-1-1 hotline was encountering with legal referrals. The problems were two-fold: operators often lacked basic legal knowledge (e.g., the difference between criminal and civil), which meant referrals were often redundant and off-target.

Enter Ellie Krug and Call for Justice, a nonprofit dedicated to closing the Justice Gap through two initiatives: the aforementioned 2-1-1 partnership and the innovative Legal Liaison Program. Ellie was kind enough to speak with me a few weeks ago to discuss Call for Justice, the 2-1-1 partnership, and increasing access to justice through collaboration.

The 2-1-1 Partnership

When the 2-1-1 partnership began, Ellie's mission was to train lay folks with little legal knowledge so they were able to accurately assess a caller's situation and direct them to the best available resources. She hypothesized that a small increase in legal knowledge would massively increase 2-1-1's efficiency and efficacy. Ellie held training sessions for the call operators, bringing in speakers from non-profits and legal services providers. This strategy not only trained the call operators, but also fostered collaboration between United Way and additional legal

services providers and non-profits, growing the referral database.

The trainings and networking were an enormous success. Now, operators are able to make at least one primary and one back-up referral. The primary referral is often an in-person service such as court-based lawyer for the day projects, while the secondary referral is a static resource, such as a website.

Our friends at LawHelpMN have served as a key cog in this process. With LawHelpMN, people in need of legal assistance can go online at 3 am and get legal information, resources, and referrals when they are in crisis. After the partnership began, referrals to LawHelpMN increased 800 percent!

The Legal Liaison Program

Over the past few years, Call for Justice has continued to grow as a facilitator with the innovative Legal Liaison Program (LLP). The LLP increases collaboration through facilitating communication between normally unconnected groups. Ellie highlighted the Jeremiah Program, a nonprofit that helps single mothers escape poverty, which was adopted by two law firms. The firms provide legal assistance and work with Jeremiah's life coaches to employ a holistic approach to serving clients. For example, life coaches can explain legalese and help the clients understand how legal developments will affect their lives. Thanks to this collaboration, clients are able to get a variety of services from "one" provider, increasing their ability to escape from poverty. To facilitate such collaboration, LLP hosts two-hour meetings, with one hour devoted

to a Speed Networking Program. It's kind of like speed dating, but for networking! Attendees go around the room briefly explaining their programs and exchanging business cards, exposing providers to opportunities and laying the groundwork for future collaboration.

The Expanding Future

Building on this incredible record of success, Ellie hopes to take the 2-1-1 model to a national audience. Just as a small investment made a big difference in Minnesota, so too can it across the country. Ellie says the key is relationship building – or what she refers to as "Nonprofit 101." She sees relationships as the key to Call for Justice's success and says that innovators must develop connections with a variety of stakeholders, including law firms, court personnel, social services agencies, and the media. In Minnesota the LLP is smoothing this process and helping organizations develop crucial connections to expand their reach. With these relationships in hand, legal services providers, community based organizations, and other non-profits will be able to replicate the amazing, collaborative success of Call to Justice and United Way's 2-1-1 legal referral program across the country.

Legal Services NYC and Con Edison Partner to Help Low-Income Veterans with Student Debt

Adam Heintz*, Esq., Director, Pro Bono Services, Legal Services NYC

Legal Services NYC (LSNYC) and Consolidated Edison Company of New York (Con Edison) have created an innovative pro bono Veterans Student Debt Initiative.

The initiative pairs low-income New Yorkers who are unable to repay their student loans with volunteers at Con Edison. Advocates secure discharge of the debt, consolidate debt, and get clients into income-based repayment plans.

Since launching this spring, the program has already helped a number of veterans and enrolled two dozen volunteers from Con Edison's Law Department. Con Edison Senior Attorney Shira Rosenblatt and Attorney Rossalyn Quaye* worked together with Legal Services NYC Veterans Justice Program Director Audrey Carr*, Director of Pro Bono Services Adam Heintz and Consumer Debt Attorney Johnson Tyler to create the project.

As a civic-minded corporate citizen, Con Edison contributes to the social, cultural, and economic vitality of its service areas by partnering with hundreds of nonprofit organizations whose activities advance strong, vibrant communities. Con Edison provides support through grants, volunteering, board service, in-kind contributions, as well as matching employee gifts.

Ms. Rosenblatt and Ms. Quaye co-facilitate Con Edison's Pro Bono Committee, which Ms. Rosenblatt founded in 2013. Since its inception, the committee has engaged several different organizations and helped dozens of individuals in need. The Veterans Student Debt Initiative

with LSNYC is Con Edison's first foray into direct representation of individual clients.

This initiative fills a tremendous service gap. Low-income New Yorkers frequently obtain federal student loans to pay for programs that they believe will help them gain a decent education and secure a job. Many of these "schools" collapse before a student can obtain a degree, or fail to deliver on promised career placements. The education provided by sham schools has little lasting value, but the accrued student debt endures. Even those who attend legitimate institutions fall on hard times, and need help to address their student debt and respond to aggressive debt servicers. Veterans have been particular targets of predatory trade schools, because veterans can access supplemental education benefits.

Ms. Rosenblatt and Ms. Quaye have been instrumental in creating and executing this new initiative. They first reached out to LSNYC in late 2013 about potential veteran-related pro bono projects. Together, LSNYC and Con Edison identified student debt as an area of great need. With Con Edison's resources, and LSNYC's expertise and client base, we embarked on this project together. Legal Services NYC provides training, a manual, mentorship, and oversight on all cases. Pro Bono advocates at Con Edison work directly with clients and negotiate with the Department of Education and student debt collectors to discharge debt or create manageable debt repayment plans.

Ms. Rosenblatt and Ms. Quaye generated tremendous enthusiasm for the initiative within Con Edison. Since LSNYC delivered its training in April of this year, more than two dozen participants have joined the effort, ranging from non-attorney staff to vice presidents. Con Edison took nine clients immediately, and the project is designed to be sustainable, with a continual stream of clients receiving quality pro bono representation.

One client who has already benefitted from the initiative is Mr. S., a veteran of the Iraq war who is in default on \$175,000 in student loans. He now suffers from mental illness, and is unable to work. Mr. S. contacted LSNYC because he was receiving collection letters, and was terrified of being sent to prison. Con Edison volunteers helped Mr. S. to complete a disability discharge application that, if successful, will get Mr. S. out of default, and keep him from having to repay the loans for the duration of his illness.

LSNYC has the nation's largest veterans justice program, serving nearly 1,000 low-income veterans every year, across all practice areas. Pro bono projects like this one allow us to expand the reach and impact of our services. LSNYC is thrilled with the great dedication of Con Edison's pro bono volunteers, and the high level of service that our clients are receiving. What is more, Con Edison has established a model of service that LSNYC will now be able to replicate with other corporations and private attorneys, to serve even more clients.

Innovation in Pro Bono: Squire Patton Boggs' Public Service Initiative

Jacob (Jake) Hertz, Program & Communications Associate, Pro Bono Net

In the fall of 2009, Squire Sanders (which became Squire Patton Boggs on June 1 through a combination with Patton Boggs) launched the Public Service Initiative (PSI), a new model of pro bono delivery that enables the firm to: 1) devote more time and resources to taking on complex cases and, 2) assist pro bono attorneys across the country with needed services such as communications and public relations consultants. In particular, the PSI focuses on death penalty, prison, and innocence cases, which can be years-long efforts requiring substantial groundwork and investigation to litigate. Squire Patton Boggs hired George Kendall to develop and run the PSI.

The two full-time attorneys assigned to the PSI, Corrine Irish* and Carine Williams, devote 70 percent of their time to pro bono cases and the remaining 30 percent to paying matters. Through the PSI, Squire Patton Boggs is able to help close the justice gap by tackling cases that are beyond the scope of most pro bono attorneys. Rather than be discouraged by the cost and time of complex pro bono litigation, Squire Patton Boggs has developed a model that allows them to devote a large law firm's attention and resources to these difficult cases.

Recently, Squire Patton Boggs col-

laborated with **Holland & Knight** and **Miller & Chevalier** to represent Richard Cooper, a 30-year resident of Florida's death row. In 1982, Cooper was convicted of capital murder in a case where the only evidence presented in his defense was his mother's testimony. His trial counsel did not attempt to discover any other evidence. George began working on the case in 2004 at Holland & Knight and brought it with him to Squire Patton Boggs and the PSI in 2009. In 2011, a federal appeals court overturned the death sentences, but the Florida District Attorney filed for a retrial despite Cooper's "remarkably positive record." The case was finally resolved in May with Cooper receiving three life sentences.

In 2013, the PSI was able to marshal its unique resources to overturn the 1974 murder conviction of Herman Wallace, an innocent man who spent 41 years in solitary confinement. Wallace was convicted of murdering a prison guard despite an absence of physical or forensic evidence, and on the testimony of witnesses influenced by the state. Over the next 26 years, Louisiana steadfastly refused to disclose evidence necessary for Wallace's defense. In 1990, Wallace appealed pro se and in 2005, while at Holland & Knight, George joined the case and a corresponding civil rights

suit against Louisiana's use of solitary confinement. When George moved to Squire Patton Boggs in 2009, he brought Wallace's case with him to the PSI and, after 19 unsuccessful years in Louisiana Courts, PSI lawyers filed a federal habeas corpus petition for Wallace in 2009. On October 1, 2013, US District Court Judge Brian Jackson declared Wallace's conviction unconstitutional and ordered his immediate release from prison. Wallace, 71, and suffering from advanced terminal liver cancer, returned home to his family and passed away three days later.

The PSI provides Squire Patton Boggs with capacity to devote the time, resources, and care that is integral to success in these complicated and life-altering cases. George is particularly proud that Squire Patton Boggs has established a proven model for providing cost-effective and successful pro bono services on complex cases. Lawyers have a monopoly on the provision of legal services, but with that great power comes great responsibility and firms and the legal community can only fulfill their duty to meet the massive unmet demand for services through collaboration. As the PSI moves towards its five-year anniversary, George hopes to fortify the initiative by taking on more difficult cases and fostering collaboration with other firms on costly and lengthy litigation.

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



NEW YORK
STATE BAR
ASSOCIATION



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, through the New York State Bar Association Web site at www.nysba.org/pbnet, through the New York City Bar Justice Center's Web site at www.nycbar.org, and through the Volunteers of Legal Service Web site at www.volsprobono.org.

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Out of the Depths - A Personal Reflection on the Role of Partnerships in Sandy Relief Efforts

Patricia Sturm*, Esq., Sandy Volunteer Expansion Coordinator, VISTA Attorney, Touro Law Center

Nearly two years have passed since Superstorm Sandy struck Long Island and the surrounding region. Millions of New Yorkers, especially the elderly, the disabled, immigrants, and low-income residents suffered devastation. Legal service agencies were overwhelmed by demands for assistance, while their own ability to function was partially or totally destroyed by Sandy.

The New York pro bono community had never faced such a devastating natural disaster but came together to help the affected agencies serve their clients. The effort's success highlighted the importance of collaborative partnerships among all sectors of the legal community. Law firms, law schools, law students, private attorneys, legal services providers, and bar associations all stepped up to help. I participated in a three-fold partnership between Touro Law Center, the federal anti-poverty program AmeriCorps VISTA (Volunteer in Service to America), and my sponsor, Montana Legal Services Association.

As a VISTA volunteer attorney coordinating the Sandy Volunteer Expansion project, I learned the importance of nourishing and maintaining those partnerships long after the initial aftermath of any disaster is addressed. Survivors need assistance even after the disaster fades from the front page, the evening news broadcast, and people's minds.

Many believe that everything is normal again for Sandy survivors. Sadly, that is not true. Many survivors are still experiencing what Benjamin Rajotte, director of Touro Law Center's Disaster Law Clinic, calls "the second crisis" involving protracted struggles with their insurance carriers to obtain fair compensation for their losses. The clinic provides free legal assistance on complex legal issues related to the storm.

Survivors also face a confusing maze of federal, state, and local regulations when applying to programs established to help rebuild damaged homes.

The VISTA Superstorm Sandy Volunteer Expansion Project sought to augment the availability of pro bono legal assistance to Sandy survivors by:

1. Recruiting law students from across the country to volunteer during spring break and summer vacation to help legal service providers serve more survivors.
2. Matching law student volunteers with the appropriate legal service provider.
3. Enlisting members of the private bar to take on survivors' cases on a pro bono basis.
4. Developing educational materials to educate residents and volunteers regarding disaster legal issues.

Touro Law Center's experience in offering disaster legal assistance helped me coordinate the Sandy Volunteer expansion project. Since Katrina struck in 2008, students from Touro's Student Disaster Response Network (SDRN) traveled regularly to Louisiana and Mississippi to assist residents with ongoing legal issues left by Katrina. The students cancelled the December 2013 trip to help Sandy survivors at home.

Touro Law Center escaped unscathed by Sandy; other local legal services providers did not. Within 72 hours after the storm, Touro established TLC HEART (Hurricane Emergency Assistance and Referral Team) a pro bono telephone service providing affected businesses and residents with legal assistance and referrals. Students, faculty, and alumni answered phones and developed a resource guide to help answer callers' questions. In March



Sturm

2013, a generous Rausch Foundation grant enabled Touro Law Center to hire a Student Pro Bono Trip Coordinator to manage the numerous offers of assistance from law schools and bring in volunteers for the summer and fall of 2013. This enabled Touro to undertake a large-scale legal needs survey to gauge unmet needs of affected communities. Two of the schools participating were Southern Law School and University of York Law School (UK).

In November 2013, I became the VISTA Sandy Volunteer Expansion Coordinator. Part of my job was to expand outreach to law schools nationwide and lay down a foundation to help address future disasters. In March 2014, Touro held its first Alternative Spring Break Service Week project. Each week a group from either **Brooklyn, Columbia, Cooley, Duke, Northwestern, or Villanova** law schools came and worked with **Touro's Disaster Law**

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Out of the Depths (continued from pg. 13)

Clinic, the Institute for Land Use and Sustainable Development, the Elder Law Clinic or Jack Evans, the staff attorney for **Touro's Public Advocacy Center**. Students also worked with Touro's partner agencies such as **Empire Justice**, the **New York Legal Assistance Group (NYLAG)** and the **Nassau Supreme Court Foreclosure Part**.

Students in the Disaster Law Clinic worked on flood insurance litigation issues, learning how complexity increases as the recovery process matures. Students in the Land Use Institute analyzed zoning regulations to gauge how municipal codes affect recovery and access to affordable housing throughout Long Island. The Institute is headed by Professor Sarah Adams-Schoen*. Students in the Elder Law Clinic learned how the elderly were especially affected by Sandy. The students worked with pro bono volunteer attorney, Therese Ebarb* under the direction of Professor Marianne Artusio*, Director of the Institute for Aging and Longevity. Students accustomed to the digital age learned the importance of insuring everyone, particularly those unaccustomed to

online technology, has equal access to information about recovery programs. They saw that often applications were available only online and only in English, making it impossible for some elderly and non-English speakers to apply. Students working with Jack Evans helped Sandy survivors facing landlord/tenant issues.

A VISTA project lasts three years, but VISTA volunteers usually serve one-year terms. Thus, as my term ends, my focus shifts to the project's future sustainability. The relationships forged with directors of pro bono at law schools nationwide will help my successor facilitate future student trips. Preliminary responses indicate that approximately 120 to 150 students may be participating in the Spring Break Service Week 2015 project. While outsiders believe that there is no longer any role for law students to play in the pro bono relief efforts, Thomas Maligno*, Executive Director of the Touro Law Center's Public Advocacy Center says, "With each passing day, I am becoming aware of the potential for expand-

ing placements as we move into the next phase of recovery and, more importantly, prevention planning."

My experience showed how effective partnerships leverage resources, thus increasing pro bono assistance available to individuals. The partnership between Touro and VISTA was especially appropriate since the program seeks to augment the poverty-fighting capacities of organizations. Savings and retirement funds were wiped out as survivors replaced personal possessions and simultaneously paid both mortgages on damaged homes and rent on temporary living quarters. Pro bono services contributed by volunteers helped keep survivors out of poverty by enabling legal services to assist more individuals file claims and obtain just compensation for their losses.

Sandy caused widespread suffering, but the pro bono community's commitment ran much deeper than the flood waters. Its efforts helped individuals rise from the depths of the storm's devastation through collaboration among many contributors. It was a privilege to be a part of that effort.

NEW YORK STATE BAR ASSOCIATION



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Remarks By:

NYSBA President Glenn Lau-Kee
Chief Judge Jonathan Lippman

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Tuesday, October 14, 2014 | 5:30 p.m. - 7:30 p.m.
Great Hall, New York State Bar Association



Pro Bono Happenings at Legal Aid Society of Mid-New York, Inc.

Arlene Sanders*, Pro Bono Managing Attorney, LASMNY

In January 2014 the Legal Aid Society of Mid-New York was pleased to welcome to its Syracuse office new staff attorney Emily North, a 2013 graduate of Syracuse University College of Law.

Emily, who spends half her time on pro bono work, has already enhanced the program in many ways. She supervises a divorce screening and advice clinic where applicants meet with private attorneys to discuss their divorce questions and see if they qualify for an uncontested divorce. In addition, Emily runs a consumer clinic where those with debt collection and other consumer problems receive advice from volunteer attorneys. Many of those who attend also are in need of bankruptcy and Emily has begun recruiting additional attorneys to fill that need. She is working with the bankruptcy court to launch a bankruptcy CLE program in October which will be offered free to attorneys who agree to take a pro bono bankruptcy. Emily also looks forward to establishing a court-based advice program to help those in more rural areas access free legal services through the local courthouse where they can meet with volunteer attorneys.

In the spring of this year LASMNY added two pro bono attorneys to its Legal Helpline in the Binghamton and Utica offices. The Legal Helpline is an innovative way for pro bono attorneys to volunteer by answering calls from clients seeking legal advice on a wide range of topics. Once volunteer attorneys log into the Helpline computer program, they are able to access the pro bono attorney queues where they can choose from one or more subjects, including consumer, fam-

ily law and housing. By “clicking” on the desired subject, they can then access a list of callers (already prescreened for eligibility by LASMNY intake staff). LASMNY’s new volunteers William Gibson* and Michael Palczewski have decades of experience in their respective fields and were referred through the Attorney Emeritus Program. Attorney Gibson, former Broome County Attorney, answers calls on family and housing issues during a weekly two-hour shift in LASMNY’s Binghamton office. Attorney Michael Palczewski, a weekly volunteer in the Utica office, also covers a variety of topics in family law. Before relocating to Utica, Attorney Palczewski, a former Commissioner of Social Services, spent his career practicing family law in New York City. Both attorneys report a high level of satisfaction with the program thus far.

In May, LASMNY held its annual “Bench and Bar Pro Bono in Action” CLE program sponsored with the Broome County Bar Association and the Sixth Judicial District Pro Bono Committee. This year’s program, which focused on representing veterans, included army combat veteran John Valentine who spoke in depth about his experiences with PTSD. Binghamton City Court Judge William Pelella* described his efforts to establish a Veteran’s Court in Broome County and the value such a court would provide to veterans and the community as a whole. Attorney Thomas Kniffen*, legal advisor for the Department of Veterans Affairs, gave a primer on veteran’s law and disability benefits. Binghamton Vet Center social worker John Fessenden discussed mental health issues affecting veterans and practice tips for representing veter-

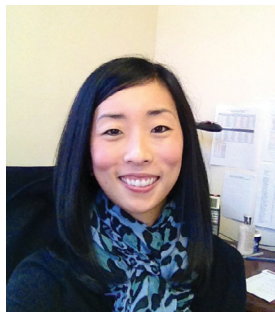
ans. The program was offered free to attorneys on the condition that they accept at least one pro bono matter within a year.

The Legal Helpline is an innovative way for pro bono attorneys to volunteer by answering calls from clients seeking legal advice on a wide range of topics.

In June, LASMNY held its first senior legal clinic in Otsego County, modeled after clinics held annually in Broome and Chenango Counties. The clinic, held at the Elm Park Church in Oneonta, was staffed by four volunteer Otsego County attorneys: Lucy Bernier*, Ronald Haus, Carol Malz and Davis Merzig. Otsego residents age 60 or older who attended received free consultations on matters, including grandparents rights, foreclosure, personal injury, estate planning, housing and consumer issues. Several attendees who required more in depth assistance received further help after the clinic from the attorneys they met with. At the end of the program, seniors were asked to complete evaluations and all expressed their appreciation for the program and the hope that more such programs would be available in the future.

Upcoming Fall Trainings

Michele Sleight*, Esq., Private Attorney Involvement Director, Legal Aid Society of Northeastern New York



Michele Sleight

The Legal Aid Society of Northeastern New York (LASNNY) will offer several CLE trainings during the remainder of 2014. These are excellent

opportunities for novice attorneys and seasoned practitioners alike to learn the fundamentals or brush up on new developments in the law. All of the trainings are geared with an eye toward equipping attorneys with knowledge and skills to enable them to assist our low-income clients in a variety of civil matters.

On October 16, we, along with the Albany County Bar Association and the New York State Bar Association, will co-sponsor a landlord tenant training at NYSBA in Albany. This training will act as a primer on landlord tenant proceedings. Topics to be discussed are an overview of the types of leases and tenancies, how to proceed with a summary proceeding, defenses in summary

proceedings, mortgage foreclosures and evictions, and financial resources for tenants in Albany County. The training is free to attorneys who agree to participate in the "Attorney for the Day" program, also co-sponsored by the Legal Aid Society of Northeastern New York and the Albany County Bar Association. Volunteer attorneys who participate in this program provide limited representation to tenants at their first appearance in Albany City Court.

On November 7, LASNNY will offer an uncontested matrimonial CLE training for attorneys practicing in Fulton and Montgomery counties, which will be held at the Holiday Inn in Johnstown. This training will provide information and practice tips from experts in the field. It will conclude with a question and answer session with the judges who preside over the matrimonial cases in these counties. This is a great opportunity to ask the judges questions about best practices, what not to do in their court, and everything in between.

Finally, on December 5, the Domestic Violence Legal Training Coalition, comprised of LASNNY, The Legal Project, and Albany Law School's Domestic

Violence Clinic, will sponsor their biennial CLE training, "Representing Victims of Domestic Violence in Family Court." The location is still being determined at this time. The topics to be covered in this comprehensive training are the dynamics of domestic violence, Family Offense Basics, an overview of custody and visitation, client interviewing, and safety planning. The training is free to attorneys who agree to accept at least one pro bono case from LASNNY and The Legal Project. There is a great unmet need for legal representation of victims of domestic violence, both in Family Court and for divorce proceedings. This training is a great way for those interested in volunteering to represent domestic violence victims in matters which can be life altering for them.

Basic information about all of the above trainings can be found on our website at www.lasnnny.org/RTF1.cfm?pagename=Volunteer. In addition, emails will be circulated with registration information as the trainings approach. If you have any questions, please feel free to contact me at (518) 689-6322, or msleight@lasnnny.org. We hope to see you this Fall!

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**NEW YORK STATE BAR ASSOCIATION
LAWYER ASSISTANCE PROGRAM**



Albany Law Students Provide Pro Bono Support to Rural Legal Services Providers

Erica Nicole “Nic” Rangel*, Esq., M.P.A.
Albany Law School Post-Graduate Pro Bono Fellow

Recently, Albany Law School hosted a regional conference to discuss the unmet legal needs of our rural communities. The Albany Law School Pro Bono Program is proud of its contributions helping to bridge the justice gap for low-income and traditionally under-represented rural communities in our region through student-led pro bono programming.

Through our community-based service-learning format, law students partner with rural legal service providers and non-profit organizations to develop “Know Your Rights” legal information presentations for specific interest groups, assist individuals with identifying and accessing legal services, and provide legal information booklets or brochures on various topics. In other projects, students provide legal research and draft documents for attorneys in remote areas of the region. For several years, the Elder Law Pro Bono Society Project has partnered with the Rural Law Center located in Plattsburgh, providing elder law resource books and “Know Your Rights” presentations to senior citizens living two hours away from the campus. Students typically give between six and 10 presentations at rural libraries, community centers and senior citizens centers each semester. In addition to their presentations, this project updates and edits the Senior Citizens’ Resource Book that is distributed to nearly 300 seniors and their caregivers each year during Senior Citizens’ Law Day. In addition, Elder Law Project students assist with the law day event itself.

Similarly, the Labor Law & Worker’s Rights Project has partnered with the Worker Justice Center in Rochester, to provide legal information about the rights of at-will workers on issues such as employment discrimi-

nation, protected concerted activity, wage theft and more. The Social Justice Center in Albany allows students to distribute legal information during business hours as part of a walk-in program. Students also are accepting invitations to give know-your-rights presentations at community centers in the surrounding areas.

In partnership with The Legal Project and the Legal Aid Society of Northeastern New York, law students are providing front-end support to pro bono attorneys during pro se divorce clinics. Among other activities, students conduct intake interviews with unrepresented litigants; assist litigants in completing pro se uncontested divorce packets; and provide pro se litigants with legal information about their divorces. The pro se divorce clinics are held at community centers in the Capital Region, including Mechanicville.

Since 2012, the Veterans’ Rights Project has provided legal information to veterans and their families through direct outreach during area Stand Down programs held at the Albany Stratton VA Hospital and at other veterans’ outreach programs in the region. This team of law students organizes and hosts law day events where veterans receive free legal assistance, attend workshops and engage with representatives from dozens of service providers and agencies specializing in veteran’s issues. In addition to these programs, some members of the project work under student practice orders to represent veterans in bankruptcy. By recruiting attorneys to take on veterans’ legal matters on a pro bono basis, doing the intake interviews and initial information gathering, and coordinating client/attorney meetings, these law day events provide at

least 75 veterans with legal services, including full representation and brief advice, each semester.

Other projects that reach our rural communities include the Anti-Human Trafficking Project; the Animal Rights Project; and LawHelpNY. LawHelpNY provides a unique opportunity for law students to provide legal information to Internet users anywhere in the state through a live chat application. Students sign up for three-hour shifts and assist users with identifying and locating court forms, finding legal service providers in their area, accessing DIY court document modules, and more.

Many of the students who volunteer in our programs have a personal interest in the project they serve in. The student leader responsible for the Elder Law Project, for example, comes from Johnstown, an impoverished rural community in great need of free legal services. This student brings information about our free law day events, legal presentations and legal assistance programs to her community and distributes the information to those who need it. Her involvement in the Elder Law Project is not only a result of her interest in elder law, but also a testament to how much she cares about her rural community and others like it.

Similarly, the Veterans’ Rights Project is led by law student veterans and law students who have family members in the service and the Workers’ Rights Project is led by a student with immigrant parents who faced employment discrimination while trying to provide for their family. Many young lawyers want to use their legal educations to help the people they care about, and for

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Albany Law Students (continued from pg. 17)

many students that includes rural communities.

These students also are technological innovators. A group of students have presented the Pro Bono Program with a proposal to provide laptops with portable printers to students for use during community "Know Your Rights" presentations. Armed with a laptop and printer, students would be able to access LawHelpNY.org to locate and print the appropriate document or court form that a pro se litigant needs. We also have discussed using laptops to Skype with attorneys in Albany or

even New York City, so that unrepresented pro se litigants who attend presentations can receive brief legal advice over the Internet without having to drive an hour or more for an in-office consultation. In the near future, we hope to be able to provide student volunteers with laptops and printers, so they can expand access to justice by making more legal assistance available to people living in rural communities.

Our program is deeply committed to community-based service-learning programming. For Albany, that includes the rural communities

that surround the Capital District. We empower law students to connect with those areas through strategic partnerships in those communities, and we also provide them with the tools they need to be successful. We allow students to borrow the school's cars, for example, so that they can drive to pro bono project sites and we provide some funding or driving reimbursement for students driving long distances to give presentations.

NEW YORK STATE BAR ASSOCIATION



Justice Is...
what is it?

Do you have an example you'd be willing to share?

I ask because I am an artist working on a project called "Justice is..." with the help of the New York State Bar Association (NYSBA). I am a retired practitioner, judge and NYSBA member. With your help, I hope to gather ideas from the New York legal community on justice, and incorporate your ideas into a sculpture with a working title: "Justice is" I plan to share your words by taking the piece to law-related gatherings, such as bar meetings, around the state. I will then offer to donate the piece to the NYSBA. The words will be available for all to see on a website.

Using the other side of this card, I hope that you will take a few minutes to jot down, in about 25 words or less (I have to engrave them), your thought on justice. It could be what you think justice is or an act you saw or one you performed. You will not be identified on the work, only your words will appear. Please take extra forms back to your colleagues. We are a community that shares a heightened interest in justice. Our combined thoughts will enable us to learn from one another. You may email or mail me your ideas. Thank you.

Jerry Alonzo
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State Bar Pro Bono Appeals Program Offers Representation in Civil Gideon Appeals

Cynthia Feathers*, Esq., Director, NYSBA Pro Bono Appeals Program



The New York Bar Foundation presents a check to the Pro Bono Appeals Program (PBAP) of the NYSBA Committee on Courts of Appellate Jurisdiction. Shown L to R: Foundation Board Member James Barnes, Esq.; Cynthia Feathers*, Esq. and George J. Hoffman*, Jr., Esq., Administrators of the PBAP; Rural Law Center of NY Executive Director Susan L. Patnode*, Esq.; and The Legal Project Executive Director Lisa Frisch.*

Pro bono services in the appellate realm present a unique opportunity, since an appeal may not only vindicate the client's rights, but may also shape the law in a way that benefits other vulnerable persons. Recognizing that many public service programs lack the requisite resources to create an appellate program, the State Bar launched an innovative Pro Bono Appeals Program (PBAP) to represent persons of modest means in selected appeals presenting Civil Gideon topics.

With the support of the **State Bar Executive Committee** and **The New York Bar Foundation**, the **Commit-**

tee on Courts of Appellate Jurisdiction (CCAJ) joined forces with two program partners, the **Rural Law Center of New York (RLC)** and **The Legal Project (TLP)**, to offer a pilot program in 2010. Initially, appeals to the Third Department were eligible, and then the PBAP expanded to the Fourth Department, thanks to the support of the Presiding Justices in both Departments. Program support in the Fourth Department also is provided by the **Worker Justice Center of New York**. Topics covered by the PBAP include education, family/divorce, health, housing, unemployment insurance, and worker's com-

pensation. The income cap is 250 percent of Federal Poverty Guidelines.

The program partners bring pro bono expertise and administrative support; the CCAJ offers appellate expertise; and the State Bar provides extensive staff support and other resources. A CCAJ pro bono subcommittee does a careful merits review of applications and then seeks to place selected appeals via a confidential listserv of more than 100 experienced appellate attorneys volunteers. This listserv includes interested CCAJ members, as well as other practitio-

continued on page 20

ners throughout the state. Typically, appeals come from four sources: trial counsel, the litigant, the Appellate Division Departments referring rejected assigned counsel applicants, and public services programs.

In addition to providing representation in selected cases, the PBAP provides brief advice and insights in many cases that are not accepted; and it sends rejected applicants a copy of the Pro Se Appeals Manual developed by the committee in conjunction with the Third Department.

Last year, there were several exciting developments in the PBAP. First, with the support of the RLC, the PBAP established a downtown Albany office staffed by two part-time appellate attorneys affiliated with the CCAJ. These attorneys perform initial case review and analysis and provide ongoing support to volunteer attorneys handling appeals accepted by the PBAP. Second, the PBAP entered into productive relationships with two new program partners—the **Hiscock Legal Aid Society** and the **Monroe County Public Defender's Office**. PBAP volunteers will handle up to five Family Court “mandated representation” appeals per year as of counsel to each organization.

Third, CCAJ met with New York City Bar colleagues to explore possible expansion of the pro bono appeals concept to the First and Second Departments. Fourth, New York's efforts received national attention when CCAJ members spearheaded publication of a manual on pro bono appeals programs for state court appeals.

This 270-page resource, describing 14 states' programs, was highlighted at a conference of the American Bar Association's Council of Appellate Lawyers. To view the manual, go to: www.americanbar.org/groups/judicial/conferences/appellate_judges/appellate_lawyers.html.

The manual reveals that, while pro bono appeal program models vary, one common element is a centralized pool of appellate talent, managed by a state bar appellate group, to provide services throughout an entire state or a large region of a state.

Finally, the desire to shape the law to benefit persons of modest means has been realized by three decisions that made new law in PBAP cases. Most recently, in *Matter of Hazan v. World Trade Center Volunteer Fund*, 987 NYS2d 484, the Third Department reversed a Worker's Compensation Board decision finding that the claimant was not a participant in the World Trade Center rescue operations because he did not serve under an authorized agency.

In a matter of first impression that could benefit hundreds of other volunteers and that was featured in the New York Law Journal, the reviewing court found that imposing the authorized agency requirement contravened the plain meaning and legislative history of Worker's Compensation Law Article 8-A. The volunteer attorney was Prof. Michael Hutter* of Albany Law School and Powers & Santola, LLP (Albany).

The court in *Oswald v. Oswald*, 107 AD3d 45, disagreed with a 1989 Second Department precedent that held, as a matter of law, that the Universal Life Church was not a church within the meaning of the Religious Corporation Law so as to have the authority to solemnize marriages. In a decision that could impact the validity of hundreds of marriages, the Third Department found issues of fact about the capacity of ULC ministers to officiate at marriage ceremonies. The lead volunteer attorney was Joshua L. Seifert of Skadden, Arps, Slate, Meagher & Flom LLP, one of several New York City law firms participating in the PBAP.

In *Matter of Bowman v. Bowman*, 82 AD3d 144, the Third Department adopted a new interpretation of a provision of the Uniform Interstate Family Support Act that makes it easier for New York custodial parents to initiate, in this state, modifications proceedings regarding out-of-state orders, where both parents have left the state that issued the prior order. Given the mobility of families, this decision could have a significant impact. The volunteer appellate attorney was Cynthia Feathers.

For more information on the PBAP, including an application form, go to www.nysba.org/probonoappeals. If you or an attorney in your organization has appellate expertise and would like to volunteer for the PBAP, please email CCAJ staff liaison Jean Nelson, Esq. at jnelson@nysba.org. If you would have any questions about the program, please email CCAJ member/RLC appellate attorney George J. Hoffman, Jr., Esq. at george@rurallawcenter.org.

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GOOD
VOLUNTEER
FOR PRO BONO

Nassau County Bar Association's Mortgage Foreclosure/Sandy Recovery Pro Bono Clinics Reach 100th Milestone

Valerie Zurbilis, Director of Marketing & PR, Nassau County Bar Association

August 18th marked the Nassau County Bar Association's (NCBA) 100th award-winning Mortgage Foreclosure/Sandy Recovery Free Legal Consultation Clinic. Every month since March 2009, volunteer attorneys have helped residents facing foreclosure to understand their rights and alternatives, to educate them on the many resource opportunities available, and to give hope and direction to dispirited homeowners looking to gain control of their lives. After Superstorm Sandy devastated homes in Nassau County, NCBA held additional clinics to include the many issues involved with restoration. Over the past five years, more than 200 committed attorneys have provided free legal counsel and referral to approximately 7,700 Nassau families, including more than 500 children.

Over the past five years, NCBA attorneys also have represented homeowners at more than 1,500

court-mandated conferences, which are currently held twice a day, Monday through Wednesday.

In addition, NCBA members, fluent in foreign languages, have volunteered and are available as interpreters for over 25 languages including Spanish, Haitian Creole, Russian, Korean, Hindi, Urdu, and American Sign Language.

Working as a team, NCBA has partnered with many community, state, government and not-for-profit organizations. These include the **Community Development Corporation of Long Island; Empire Justice Center; Federal Emergency Management Agency (FEMA); La Fuerza Unida Inc.; Long Beach Lawyers' Association; Make the Road; Nassau County Women's Bar Association; Nassau Suffolk Law Services; NYLAG; New York State Bar Association; NYS Attorney General Eric Schneiderman; Office of the Nassau County Attorney; Pro**

Bono Net; Project Hope; US Small Business Administration Office of Disaster Assistance; US Coast Guard and the Village of Freeport.

Over the past five years, more than 200 committed attorneys have provided free legal counsel and referral to approximately 7,700 Nassau families, including more than 500 children.

The NCBA Mortgage Foreclosure Project is funded through a grant received from the NYS Attorney General Homeownership Protection Program.



Nassau County Bar Association Volunteer Attorney Uwayne Mitchell (center) observes another volunteer attorney, Catherine Carlson, as she helps a homeowner at a recent NCBA Mortgage Foreclosure/Sandy Recovery Free Legal Consultation Clinic

Summer Associates from New York City's Top Firms Continue a Rich Pro Bono Tradition

Emily Bormann, Pro Bono Administrator, Pro Bono Practice
The Legal Aid Society



Hughes Hubbard & Reed LLP summer associates Adam Weinstein and Kate Aufses (left) with their Legal Aid housing client and Hughes Hubbard & Reed LLP associate Matt Reynolds (right).

Each May, hundreds of the best and brightest second year law students from all over the country come to New York City to spend their summers working at the city's top law firms. Continuing the city's rich tradition of performing legal work pro bono publico (for the public good) many of the city's top firms incorporate pro bono work as a major part of their summer programs. For a

summer associate, staffing a pro bono matter gives a law student the opportunity to gain important legal skills at the beginning of a legal career, and helps to bridge the justice gap.

For several decades, The Legal Aid Society has collaborated with a number of partnering firms to present summer associates with discrete pro bono opportunities representing individuals the Society would other-

wise not be able to assist. The 2014 summer associate class assisted clients in conjunction with the Society's Disability Advocacy Unit, Housing Unit, as well as the Access to Benefits (A2B) Helpline. Additionally, the Society expanded the Summer Associate Project this summer to include a unique mock trial opportunity with the Criminal Defense Practice.

Supplemental Security Income/Social Security Disability Administrative Matters

Working with the Society's Disability Advocacy Unit summer associates represented 15 low-income New Yorkers with physical and/or mental disabilities who had been wrongly denied Supplemental Security Income and/or Social Security Disability benefits, at administrative appeals hearings. Acting as lead counsel, under the supervision of their firm and The Legal Aid Society, summers had the opportunity to gather and review medical evidence, prepare clients for direct examination, submit letter briefs, and participate in hearings before administrative law judges. Participating firms included summer associates from **Cahill Gordon & Reindel LLP**; **Debevoise & Plimpton LLP**; **Hughes Hubbard & Reed LLP**; **Kaye Scholer LLP**; **O'Melveny & Meyers LLP**; and **Skadden, Arps, Slate, Meagher & Flom LLP**.

New York City Housing Authority: Public Housing & Section 8 Administrative Matters

The Society's Queens Housing Unit collaborated with summer associates who collectively helped five low-income New York City Housing Authority ("NYCHA") tenants facing the threat of homelessness with their administrative housing hearings. Working with a Legal Aid mentoring attorney and a firm associate supervisor, summer associates conducted client interviews to gather facts, reviewed documentary evidence, engaged in negotiations, prepared their clients to testify, and represented clients before administrative law

judges. Participating firms included summer associates from **Cadwalader, Wickersham & Taft LLP**; **Cahill Gordon & Reindel LLP**; **Hughes Hubbard & Reed LLP**; and **Skadden, Arps, Slate, Meagher & Flom LLP**.

Access to Benefits Helpline

Answering the Access to Benefits ("A2B") Helpline calls, summer associates assisted clients with immigration, health, government benefits, and employment law matters. Working with Jean Marie-Miranda, the A2B Helpline Supervisor, summer associates identified questions and legal issues and provided advice, referrals, and appointments to callers seeking legal assistance. Participating firms included summer associates from **Hughes, Hubbard, & Reed LLP** and **Kasowitz, Benson, Torres & Friedman LLP**.

Criminal Defense Practice Trial Advocacy Program

This summer The Legal Aid Society offered a unique volunteer opportunity which provided assistance directly to the staff of our Criminal Defense Practice. The Society's first year Criminal Defense attorneys participated in a week-long Trial

Advocacy Program which concluded with a series of mock trials. The mock trials provided these new attorneys an opportunity to apply the skills they learned during the program to a courtroom setting. Summer associates, acting as jurors, deliberated openly and offered feedback to our criminal attorneys from their perspective as jurors. Although it did not qualify for pro bono credit, volunteer jurors were a crucial part of the training program. Participating firms included summer associates from **Arnold & Porter LLP**; **Cravath, Swaine & Moore LLP**; **Debevoise & Plimpton LLP**; **Fish & Richardson PC**; **Kasowitz, Benson, Torres & Friedman LLP**; **Kaye Scholer LLP**; **McDermott Will & Emery**; **Patterson Belknap Webb & Tyler LLP**; **Paul, Weiss, Rifkind, Wharton & Garrison LLP**; **Proskauer Rose LLP**; **Simpson Thacher & Bartlett LLP**; **Sullivan & Cromwell LLP**; **Sutherland Asbill & Brennan LLP**; and **Weil, Gotshal & Manges LLP**.

The Summer Associate Project is an important component of the Pro Bono Practice because it educates future lawyers about the importance and value of pro bono and provides the Society with the opportunity to inspire the next generation of pro bono attorneys.



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BACK TO SCHOOL DRIVE



HELPING UNDERSERVED ALBANY
YOUTH IN GRADES K-12

THINGS OUR CHILDREN NEED:

SMALL ITEMS:

Folders, Crayons, Colored
Pencils, Note Books, Glue, etc.

LARGER ITEMS:

Book Bags, Binders (e.g.,
Trapper Keepers), etc.

CLOTHING:

Sweatshirts, T-shirts, etc.

DRIVE BEGINS:

Monday, August 18, 2014

DRIVE ENDS:

Tuesday, September 30, 2014



Capital District
Black and Hispanic Bar Association



DROP OFF LOCATIONS:

Albany County Bar Association
112 State St #1120
Albany, NY 12207

New York State Bar Association
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Albany, NY 12207

Please label all donations with the words "Pro Bono".

