

# Pro Bono News

Summer Edition Vol. 24 No. 3

## 2014 Partnership Conference: "Moving Towards Civil Gideon"

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



Herron Arthur\*

*M*oving Towards Civil Gideon is the theme of the 2014 Partnership Conference which will be held in Albany, New York on September 10<sup>th</sup> through 12<sup>th</sup> at the Albany Marriott. Spon-

sored biennially by the Association's Committee on Legal Aid, the Partnership Conference is the premier continuing legal education training program for civil legal services attorneys.

### Association President Glenn Lau-Kee\* to kick-off Partnership Conference

NYSBA President Glenn Lau-Kee will welcome legal aid attorneys, paralegals and pro bono coordinators from around New York State to the opening plenary session of the 2014 Partnership Conference. President Lau-Kee's participation in the conference underscores the Association's ongoing commitment to and support of the civil legal services community.

### Join us for a Conversation with Chief Judge Jonathan Lippman\* about Civil Gideon and Access to Justice Issues

The legal services and pro bono community owes a tremendous debt of gratitude to Chief Judge Jonathan Lippman. Judge Lippman has earned

a well-deserved reputation as a visionary leader. Among other accomplishments Chief Judge Lippman has institutionalized law student pro bono in New York; made it easier for in-house counsel who are not licensed to practice in New York to do pro bono, created the Attorney Emeritus pro bono initiative which encourages seasoned attorneys to focus on pro bono work as they wind down their careers; and most recently launched the Pro Bono Scholars program which will pave the way for early bar admission for students who devote a semester to an intensive legal services internship. All of these efforts have greatly enhanced access to justice for low-income and vulnerable New Yorkers. A staunch supporter of civil legal services organizations, Chief Judge Lippman also has vigorously fought for and secured increased funding for programs that serve the legal needs of low-income and vulnerable persons.

Chief Judge Jonathan Lippman is the featured speaker at the Opening Plenary session of the Conference on Thursday, September 11<sup>th</sup> where he will answer questions posed by Moderator Andrew Scherer\*, a well-known legal services advocate, about Civil Gideon and access to justice issues. "Having Chief Judge Lippman join us as we kick-off the 2014 Partnership Conference greatly enhances the reputation and importance of this prestigious conference," commented Edwi-

na Francis Martin\*, immediate past co-chair of the Committee on Legal Aid and Conference Chairperson.

Conference attendees are encouraged to submit questions for the Chief Judge in writing to Moderator Andrew Scherer at [ascherer@andrewascherer.com](mailto:ascherer@andrewascherer.com).

### Steven Banks, Commissioner of the NYC Human Resources Administration, to Speak at Denison Ray Awards Dinner

The Conference Steering Committee is pleased to announce that Steven Banks will deliver the keynote address at the Denison Ray Awards Ceremony honoring outstanding civil legal services attorneys, executive directors and pro bono coordinators.

Appointed by New York City Mayor Bill de Blasio to head the Human Resources Administration, Commissioner Banks is well-known in the legal services community, having served as the former attorney-in-chief of the New York City Legal Aid Society; the oldest and largest legal services organization in the country.

A career public interest attorney and advocate on behalf of low-income and vulnerable New Yorkers, Commissioner Banks will share his reflections on the role of government in addressing poverty from the perspective of someone who has moved from advocating for policies to being responsible for making and implementing them.

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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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Editor: Gloria Herron Arthur, Esq.  
Assistant Editor: Dannielle Hille

# CLARO Queens Celebrates Sixth Anniversary

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

On January 25, 2008, the first session of Queens' Civil Legal Advice and Resource Office (CLARO) was held in Queens County Civil Court.

Six years and more than 300 sessions later, Queens CLARO has provided more than 6,000 free legal consultations to approximately 4,000 unrepresented defendants in consumer credit collection lawsuits. More than 150 lawyers have volunteered at Queens CLARO advising people who lack the resources to hire private counsel.

"Simply by coming to CLARO and receiving free legal advice, pro se defendants significantly improve their chances of a positive outcome in court," said Mark Weliky\*, executive director of the Queens Volunteer Lawyers Project (QVLP), which co-founded and continues to administer Queens CLARO. "Many of our CLARO visitors are able to negotiate settlements for thousands less than the amounts demanded. Sometimes, the cases may even be dismissed or discontinued."

"What makes CLARO a success," said April A. Newbauer\*, "is the collaborative relationship between law schools who provide student interns to assist at CLARO sessions, legal service providers, bar associations, attorney volunteers and the courts."

Newbauer previously served as Attorney-in-Charge of the Queens Neighborhood Office of the Legal Aid Society and Chair of the New York City Bar Association's Civil Court Committee. She played a key role in establishing the pilot CLARO project in Brooklyn and expanding to Queens County.

"By having everyone pitch in and collaborate, we were able to put together a program that has assisted so many unrepresented litigants," said Newbauer, now a Court of Claims Judge who sits in the Supreme Court, Bronx County.

"One attractive feature for volunteer attorneys is the limited-scope

nature of the service," Newbauer said. "Attorney volunteers need only agree to provide service within the hours of the clinic. They do not have to represent clinic visitors in their court cases. Supervision and support are available to volunteers on-site."

One typical CLARO visitor was Mr. T. (name changed to protect confidentiality). When he arrived at CLARO, he had a trial date scheduled, but had just received papers in the mail from the debt-buyer Plaintiff. He was looking for help to understand what the papers meant.

The papers turned out to be a summary judgment motion from Plaintiff, returnable before the trial date. A CLARO volunteer explained to Mr. T. that his papers required him to come to court before his scheduled trial date. The volunteer attorney also discussed several affirmative defenses with Mr. T. QVLP staff assisted Mr. T. by preparing an affidavit in opposition to Plaintiff's motion. Mr. T. appeared for his motion date and submitted the opposition to the judge. Plaintiff's motion was denied, and, at trial, based on the affirmative defenses identified at CLARO, the case was dismissed.

While CLARO has been successful in assisting its visitors and providing greater access to justice, the debt collection industry, with its prolific filings in the courts of New York State has remained rife with issues.

In his 2014 Law Day remarks on April 30, New York State Court of Appeals Chief Judge Jonathan Lippman\* highlighted reoccurring issues in consumer debt collection cases that tip the scales unfairly against uncounseled debtors. Among the most reprehensible practices identified by the Chief Judge, was that of creditors obtaining default judgments by filing hearsay affidavits filled with boiler-

*continued on page 4*

## 2014 Partnership Conference (continued from pg. 1)

### Huge Selection of CLE Accredited Poverty Law Workshops Offered

The 2014 Partnership Conference features a wide assortment of CLE accredited programs. Attendees can choose to attend workshops on the Affordable Care Act and Medicaid; housing and foreclosure; diversity; benefits; immigration; pro bono and pro se; consumer debt and credit; family law; re-entry; and meeting the legal needs of limited English language proficient clients. In addition, workshops on ethics will be offered. A workshop on how to use technology to expand access to civil legal services is also scheduled. A copy of the Conference Agenda is included

in this issue. To view the Conference Agenda and information on-line go to [www.nysba.org/partnership](http://www.nysba.org/partnership).

### Early Bird Discounts Make Attending Conference Even More Affordable

Over the years, the Association has managed to keep the registration fee for the 2 ½ day conference very affordable to encourage attendance by the greatest number of legal services attorneys. In keeping with this commitment, the Conference Steering Committee has instituted early bird registration discount rates. NYSBA members who register for the conference before July 31<sup>st</sup> can attend for as little as \$100 per person. If four or more NYSBA members register at the

same time, the cost is even cheaper, a mere \$95 per person. Similar discounts are available for non-NYSBA members who register before July 31<sup>st</sup>. The Conference fee includes breakfast, lunch, and the Denison Ray Reception and Awards Dinner. For more information on the new registration fee schedule, please contact the State Bar Service Center at [sbsc@nysba.org](mailto:sbsc@nysba.org) or call (800) 582-2452. The Steering Committee also has secured affordable lodging for conference attendees at the Albany Marriott located on Wolf Road in Albany, New York. Single or double room occupancy rates remain at \$132 per night. Hotel accommodations may be made at: <http://goo.gl/Zig9L5>.

NEW YORK STATE BAR ASSOCIATION

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## Moving Towards Civil Gideon

## 2014 Legal Assistance Partnership Conference

September 10-12, 2014 | The Albany Marriott  
189 Wolf Road, Albany, New York

For more information visit [www.nysba.org/partnership](http://www.nysba.org/partnership)



## CLARO Queens (continued from pg. 2)

plate language so lacking in specificity that a layperson could not tell whether he or she was actually responsible for the underlying debt. Use of such boilerplate affidavits is known as ‘robo-signing,’ a practice in which mass-produced affidavits are signed in bulk by individuals lacking knowledge of the information contained in the affidavits. Many times the affiant has not written or even read the affidavit. This practice has flourished because many debt collection lawsuits are filed by third parties on debts that are several years old and may have been sold several times.

“By the time these so-called ‘zombie’ debts show up in court, it is extremely difficult for debtors – 98% of whom are unrepresented – to assess the validity of the claims against them,” Lippman said. “In fact,” Lippman went on to say, “many debtors first realize that they have been sued when they find their bank accounts frozen or their wages garnished.”

Many of the issues highlighted by Lippman in his remarks – missing documentation, defendants never being served, the high rate of defaults and even judgments being issued against incorrect parties – have been prevalent for years. A 2007 report by the Urban Justice Center found that 80% of collection cases filed in New York City Civil Courts resulted in default judgments. Approximately 320,000 collection cases were filed in the New York City civil courts in 2006 alone, according to the report. That number exceeded the number of federal civil and criminal cases filed nationwide that year.

The vast majority of the small number of defendants who did appear were unrepresented. “These numbers are relatively unchanged today,” Judge Lippman said. He also said that, “‘sewer service’ – in which fraudulent affidavits of service are filed with the court when the defendant was never actually served – remains a problem even after crackdowns by the courts and licensing agencies.” According to the Chief Judge, “significantly more than half of these cases filed across the state result in default judgments.”

“CLARO owes its existence to this explosion of consumer collection lawsuits. The problem first became apparent around 2005,” Newbauer said.

“In addition to our existing work at Legal Aid, we were seeing consumers coming in with judgments; people with fixed incomes with wages garnished and bank accounts frozen,” Newbauer said.

Dora Galacatos, director of the Feerick Center for Social Justice at Fordham Law School, which administers CLARO in Manhattan, the Bronx and Staten Island, agreed. “Default rates citywide were astronomical,” she said.

Resources to address this need were scarce. Newbauer said that at the time, “Legal Aid had ‘half of a full-time attorney’ to address this expanding area of need. We really had to borrow people’s time to work in the neediest areas.”

“What was needed,” Newbauer said, “was a citywide approach emphasizing collaboration among legal service providers, law schools and the courts.”

“We needed cooperation and we got it,” Newbauer said, emphasizing the roles played by Judge Fern A. Fisher, the deputy chief administrative judge for New York City Courts; Judge Bernice D. Siegal, then the supervising judge of Queens Civil Court, now a justice of the Queens Supreme Court; the law schools; The Legal Aid Society and the Volunteer Lawyers Project. “It ended up being a good thing for everyone, including the court.”

Today, there are CLARO clinics in all five boroughs of New York City, as well as in Westchester and Erie counties. The program may expand to other counties in the future. Judge Lippman in his Law Day remarks specifically mentioned CLARO as an “excellent” program that can be used as a resource to increase legal assistance.

Visitors to CLARO, meet with staff and volunteer attorneys, assisted by law student interns, to receive advice regarding their cases. The attorneys

can assist with vacating default judgments, filing answers, and responding to motions and discovery requests from creditors.

CLARO does not represent visitors in their court appearances. Visitors may be eligible to referrals to other free legal service providers for additional services. CLARO clinics refer visitors to other free legal service providers as appropriate.

Over time, the assistance provided at Queens CLARO has expanded. “At first,” Weliky said, “volunteer attorneys would assist visitors mainly with answers and advice. When debt collecting plaintiffs began making lengthy discovery demands and motions for summary judgment before the next scheduled court date, Queens CLARO adapted by assisting pro se litigants to respond to the discovery demands, including objection to improper questions, and to oppose summary judgment motions.”

*“What was needed,” Newbauer said, “was a citywide approach emphasizing collaboration among legal service providers, law schools and the courts.”*

Queens CLARO is held every Friday that court is in session at 1:30 p.m. in Room 116 of Queens Civil Court.

“Visitors to Queens CLARO who have achieved successful outcomes in their cases are too numerous to mention,” Weliky said. “CLARO volunteer lawyers have uncovered fraudulent affidavits of service, incorrect account numbers, instances of mistaken identity and material misstatements of facts in plaintiffs’ papers. This bit of knowledge can make all the difference to an unrepresented defendant.”

“Defendants who know what the Plaintiff needs to prove fare better in court,” Weliky said.

# Cleary Gottlieb Steen & Hamilton Partner with Legal Aid Society's Immigration Law Unit on New Pro Bono Project

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

Where would you go if you had nowhere to call home? Legal Aid Society client V.S., a 60 year-old refugee, was faced with this question when U.S. Immigration authorities placed him in removal proceedings in May 2009. Born in Minsk, now a part of Belarus, V.S. came to the United States in 1988 as a political refugee with his family—including his parents, sister, ex-wife, and daughter. In 1990, he became a lawful permanent resident and settled in Brooklyn working as an optician. In May 2009, V.S. was detained—though later released—and placed in removal proceedings on account of minor criminal convictions. Facing expulsion, statelessness, and separation from his home and family, V.S. sought the

assistance of The Legal Aid Society's Immigration Law Unit ("ILU").

Olivia Cassin, ILU Staff Attorney, in partnership with a team of attorneys and a paralegal from Cleary Gottlieb Steen & Hamilton LLP worked tirelessly to represent V.S. before the New York Immigration Court and to secure cancellation of his removal proceeding. The team was successful in obtaining the cancellation—allowing V.S. to remain in the United States with his family. The Cleary team was led by Roger Cooper, a partner from the firm's New York office, and former pro bono coordinator Maurya Couvares. The tenacious group of associates from Cleary included: Alexandra McCown\*, Bryan Warner, Tim Vogeler\* and paralegal Catherine Campoverde.

V.S.'s story is unfortunately not unique. There are hundreds of individuals facing removal from the United States without the assistance of counsel as there is no right to free legal services in removal proceedings, even though deportation often means separation from family, systems of support, jobs, and frequently, medical services and treatment. Cleary Gottlieb, under the leadership of Pro Bono Counsel Jennifer Kroman, has launched a pro bono pilot project with the Society's ILU to represent non-detained long-term permanent US residents facing removal from the United States but who are eligible for relief such as cancellation of removal. The project has allowed the Society to expand its services to this vulnerable population.



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# Congratulations to Barbara Davis on Her Retirement

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



Barbara Davis



Law Day 2014 Recognition



Community Law Day Event

Retiring this June, after close to 30 years of dedicated service as the Executive Director of the Albany County Bar Association, Barbara Davis leaves behind a distinguished legacy. Her many friends and colleagues in the legal profession gathered on June 12th

at the Schyler Meadows Golf Club to thank her for her service and to wish her well in her retirement. At Barbara's insistence there were no speeches at her party – just good food and fine wine, not to mention scrumptious deserts! Forgive us, Barb, but some of us sim-

ply could not resist sharing our fond remembrances of times spent working with you. This article is a token of our appreciation of you and our last opportunity to express our gratitude to you for your generous contributions to the Capital District legal community.



*I had the pleasure of working with Barb over the last several years. She is one of the kindest, most enthusiastic and energetic people I know – just watching her work makes me tired! I have joked that 'retirement' for Barb is working 40 hours a week.*

*Barb has always been supportive and eager to see those around her grow and mature – a quality that is too rare. Her dedication to her work and loved ones is inspiring and I am proud to call her a friend and colleague. I wish Barb all the best in her retirement!*

Samantha Howell\*, Esq.  
Pro Bono & Outreach Services Coordinator  
Prisoners' Legal Services of New York



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*Barbara Davis has been incredibly supportive of me and the Albany Law School Pro Bono Program in a myriad of ways. She always was available to lend assistance wherever needed. Barb has been thoughtful in every possible way. Barb also has been a wonderful mentor and a true friend to me. As a newer member of the Albany County Bar, Barbara Davis is the smiling face of the organization; she represents all of the best things membership to the bar has to offer.*

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



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*Barbara, you have been such a big part of my life for so long – we are like an old married couple. Seems like yesterday we started this ride at the Courthouse. Of course we can’t go back (aside from the fact it is now a men’s room); we have grown into what we are due to your vision and perseverance.*

*‘Thank you’, seems so inadequate. You believed in me before I did. You helped me in every aspect of my life, not just work. Barb you have been there for me regardless of the time of day, I know I can call on you for anything and everything, and I have, and you have responded as a friend, not just a boss. For you are – a great friend.*

Rosemary Elacqua-Simmons  
Former Administrative Assistance  
Albany County Bar Association



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*Barbara Davis was one of my first friends in the legal community. She introduced me around and has led the ACBA to be a strong supporter of access to justice. Over the years, the Legal Aid Society could not have asked for a better partner in serving those in need – collaborative, easy going, reliable and fun! Barb modeled how to make working with a bar association responsive to both the community and its lawyers. She will be greatly missed!*

Lillian M. Moy\*, Esq.  
Executive Director  
Legal Aid Society of Northeastern New York

*continued on page 8*



*Through her stewardship, Barbara Davis leaves the Albany County Bar Association a far larger, stronger and better county bar association. The thousands of lawyers who have been members under her leadership owe her their gratitude. None of the presidents who served under her could have been effective or useful without her guidance. She will be greatly missed, and we wish her all the best on her post bar association life.*

Michael P. Friedman,\* Esq.  
Friedman & Molinsek, PC



*Barbara Davis is a dynamo! I am going to miss our times together handing out information about free legal services available in the Capital District during our Community Law Day events at Cross-gates Mall. Barb could always be counted on to make the coffee run! Occasionally, she also was known to include a stop at Macy's as part of her law day itinerary!*

*Barb never ceased to amaze me with her boundless energy and sincere desire to assist low income residents of the Capital District. In the seven years I have been at the State Bar, I always knew I could count on Barb to come early to one of my events – just in case I needed a little last minute help! Her kindness and generosity of spirit has been inspiring. Best of luck Barb as you embark on next steps. Fondly,*

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



*Barbara Davis has been the rock upon which the Albany County Bar Association has been built. For 30 years, hundreds of attorneys and members of our community have relied upon her assistance and good judgment. She can best be described as dedicated, dependable, detailed and dynamic. Barbara has served as the Executive Director of the ACBA since 1984 and in all those years, she has devoted her efforts to expand the services and projects sponsored by our bar association. From social events to continuing legal education programs, everything proceeds without a glitch because of her superb organizational and leadership skills. And, as we all know, she is ever gracious and helpful to all who contact her. We thank her for all she has done to make membership in our legal community so rewarding and beneficial. The ACBA could never have achieved such growth without her. With sincere appreciation,*

Hon. Victoria A. Graffeo \*  
Senior Associate Judge  
New York Court of Appeals



# Fragomen Fellow and Pro Bono Attorney Win Release of Father from Immigration Detention

Barbara Camacho, Esq., Fragomen Fellow, City Bar Justice Center



**Barbara Camacho**

The City Bar Justice Center (CBJC) successfully reunited a father with his adolescent son after one and a half years of

detention. When the client, Mr. E., was referred to the City Bar Justice Center, Barbara Camacho, the Fragomen Fellow at the CBJC, sprang into action. She and Simone Archer, a pro bono attorney, represented Mr. E.

Mr. E. had a green card and lived and worked lawfully as a craftsman in the U.S. for twenty-five years. He was a dedicated father committed to raising his children. Several years ago, Mr. E. was arrested for minor crimes as a result of his struggle with alcoholism. By the time Mr. E. was placed in

removal proceedings, he had successfully completed an alcohol rehabilitation program and had been sober for years. Facing banishment from the United States to a country where he had no family ties, Mr. E.'s community came to his aid and described the good works Mr. E. had contributed to his church and neighborhood.

Supported by the Fragomen Fellow, Ms. Archer deftly assisted Mr. E. and his family in developing crucial evidence and, following his hearing, Mr. E. walked out of the courtroom a free man.

In describing her pro bono experience, Ms. Archer said, "I appreciated Barbara Camacho's guidance and support through this process. If it wasn't for her expertise, compassion and support, I wouldn't have had the courage to take on this case."

Seven years ago, the global immigration firm of Fragomen, Del Rey,

Bernsen & Loewy, LLP (Fragomen) created the Fragomen Fellowship at the CBJC as an innovative pro bono effort to

increase outreach to and representation of immigrants in dire need of high quality free legal services. The Fragomen Fellowship has been a huge success in improving the ability of a wide range of pro bono lawyers to work in the complex and rapidly changing areas of immigration law. The Fragomen Fellowship has become a national model for expanding legal services to low income immigrants by leveraging thousands of hours of pro bono service.



**Simone Archer**



*Save the Date!*

Meet the new NYSBA President  
2014 New York State Bar Association Non-Resident Member Reception

At the ABA Annual Meeting in Boston, MA  
Sunday, August 10, 2014 | 4:00 p.m. – 6:00 p.m.  
North Star Room | Westin Copley Place



# Large-scale Legal Clinics Bring Relief to Hundreds of Haitians

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

Four years after the 2010 earthquake that devastated Haiti, the country is still suffering from a lack of infrastructure and unsafe conditions. In March and April, with the help of a team of pro bono attorneys and law students, NYLAG conducted a series of free legal clinics organized in response to the redesignation of Haiti for Temporary Protected Status (TPS) by the US government. Haitians who hold TPS are permitted to remain and work legally in the United States rather than return to their devastated home country.

Hosted by New York City Councilmember Mathieu Eugene, the clinics made it possible for hundreds of Haitian nationals to reregister for TPS, and in the process pursue a range of other immigration relief options.

The Department of Homeland Security (DHS) announced the TPS extension in early March, with an enrollment window of just 60 days. It was critical to reach the large population of Haitians, many living in the Councilmember's Brooklyn district, who were eligible to reregister – and who would be at risk of deportation if they did not. NYLAG and the Councilmember's staff mobilized quickly, following the model for executing large-scale clinics that had been developed by NYLAG staff attorney Maryann Tharappel in the fall of 2012, when DHS first redesignated Haiti for TPS.

"By this time, we had our process down," remembers Maryann. "The Councilmember's staff got the word out to the community about why reregistering was so important – and how limited the period was for doing so. And because our pro bono attorneys and law students were able to gear up so quickly, we were able to address an urgent need in record time."

Councilmember Eugene's staff, trained by NYLAG attorneys, did much more than just schedule appoint-



**NYLAG volunteers assisting Haitian immigrants.**

ments, which was daunting enough (they handled up to 75 calls a day). They also took the time to explain the intake process, gaining the trust of sometimes fearful immigrants, and identifying individual issues in advance of the clinics so that legal staff could address them more effectively.

Meanwhile, NYLAG reached out to New York City's legal community and rapidly trained pro bono attorneys and students via webinar, an efficient and cost-effective way to leverage volunteer resources in an abbreviated timeframe. NYLAG also enlisted the help of volunteer translators, making the process as efficient, comfortable and stress free as possible for clients and attorneys alike.

In a little more than five weeks, NYLAG's legal team advised 525 Haitian immigrants at nine clinics. All clients were screened for TPS reregistration, but also for other possible avenues for immigration relief, such

as eligibility for fee waivers, special status designation, or permanent residency. Approximately half of all cases were selected by NYLAG attorneys for extended services to explore additional relief options. The others were assisted with the preparation of paperwork necessary to file for TPS reregistration within the DHS deadline.

NYLAG's Haitian TPS clinics could never have reached so many clients so efficiently without the 34 pro bono attorneys and law school students, and eight volunteer interpreters, who together contributed nearly 400 hours of their time. Our thanks to the following firms and law schools: Fried, Frank, Harris, Shriver & Jacobson LLP; Hogan Lovells LLP; Morgan, Lewis & Bockius LLP; Schnader Harrison Segal & Lewis LLP; Cardozo Law School; Columbia Law School; New York Law School; St. John's University Law School; and Touro Law Center.

# Legal Aid Society Announces New Pro Bono Supervising Attorney

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



Karen Fisher Gutheil

The Legal Aid Society is pleased to announce that Karen Fisher Gutheil\*, a senior staff attorney in the Special Litigation and Law Reform Unit of the Juvenile Rights Practice (JRP), will be the new Supervising Attorney for the Pro Bono Practice.

Karen has been with the Society since 1998, first as a Staff Attorney in JRP's Manhattan trial office and for the past nine years with the Special Litigation and Law Reform Unit (SLLRU). In that role, Karen has worked with litigation teams from several of the Society's Sustaining Law Firms and has co-counseled impact litigation focusing on the child welfare and juvenile justice systems. Karen was also involved in JRP's legislative advocacy and provided ongoing training to her colleagues regarding the work of the SLLRU. Additionally, she has collaborated with Civil Practice attorneys from the Homeless Rights and Health Law Units on a project to reunite families in Tier Two shelters and advocating for the continuation of Medicaid benefits for foster children aging out of care.

Karen has also held leadership roles at both the Association of the Bar of the City of New York and the New York State Bar Association. She chaired the City Bar's Family Court and Family Law Committee for several years, is a member of the Council on Children, and served as the City Bar delegate to State Bar's House of Delegates. She currently chairs the State Bar's Children and the Law Committee and sits on the Task Force on Family Courts. Recently, she was appointed a member of the NYSBA's Committee on Legal Aid and the Pro Bono Coordinators Network, a subcommittee of the Association's President's Committee on Access to Justice.

## 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**  
PO Box 101 Geneseo, NY 14454 | [jerry.alonzo@gmail.com](mailto:jerry.alonzo@gmail.com)  
[jerryalonzo.com](http://jerryalonzo.com)

# Moving Towards Civil Gideon

## 2014 Legal Assistance Partnership Conference

### September 10-12, 2014

The Albany Marriott  
189 Wolf Road, Albany, New York

For more information and to register online visit  
[www.nysba.org/partnership](http://www.nysba.org/partnership)

#### WEDNESDAY, SEPTEMBER 10th

10:00 am – 1:30 pm

Joint Meeting of the NYSBA Committee on Legal Aid and President’s Committee on Access to Justice, including lunch

**Affinity Group Meetings — 1:30 pm – 4:45 pm** [unless otherwise specified]

DAP\* [10:00 am – 5:00 pm]

NYS Legal Services Association

Welfare\* [10:00 am – 5:00 pm]

Health Law\*

Pro Bono Coordinators Network

DV/Family [1:30 pm – 6:30 pm]

5:00 pm – 6:30 pm

LawHelp Stakeholders Forum

Diversity Task Force

New York Immigrant Assistance Consortium (NYIAC)

Meetings marked with an (\*) will be held at the New York State Bar Association located at 1 Elk Street, Albany

#### THURSDAY, SEPTEMBER 11th

7:30 am – 8:45 am

Continental Breakfast

8:45 am – 9:45 am

Welcome by NYSBA President Glenn Lau-Kee

*A Conversation with Chief Judge Jonathan Lippman about Civil Gideon and Access to Justice*

10:00 am – 1:15 pm

Morning Workshops

	ACA/Medicaid	DAP	Foreclosure & Housing	DV/Family	Program Improvement
10:00 am – 11:30 am	A. Medicaid in 2014: Impact of Federal and State Reform	E. From Childhood to Adult: An Overview of SSI Age 18 Reviews	L. Understanding the Basics of the New York State Foreclosure Process – A General Overview for Non-Foreclosure Defense Attorneys	P. Cornerstone Advocacy: An Interdisciplinary Approach to Working With Families	W. The Future of Technology in the Effective Delivery of Legal Aid
11:45 am – 1:15 pm		F. Typical Mental Impairments in Young Adult SSI Claims	M. Avoid Foreclosures Through Chapter 13 Bankruptcy Plans	S. Economic Issues and Family Law: Navigating the Intersections of Consumer, Family, Bankruptcy and Foreclosure Laws	X. Governance and Management Changes in New York Law

1:15 pm – 2:45 pm

Lunch and Networking

**Presentation:** *Diversity in Law School and Legal Services: How Are We Doing?*

3:00 pm – 6:15 pm Afternoon Workshops

	Benefits	Foreclosure & Housing	DV/Family	Program Improvement	Pro Bono/Pro Se
3:00 pm – 4:30 pm	C. Meeting a Client’s Immediate Needs: An Intensive Treatment of a Emergency and One-Time Assistance	Special Time: 3:00-5:00pm	Q. The Color of a Bruise: Addressing Racial Inequalities in Legal Protection for Victims of Bruising Injuries	U. Community Lawyering: Sharpening Our Theory & Developing Our Toolbox	Z. Using Business Law and Partnerships with Pro Bono Attorneys to Assist Small Businesses and Non-Profit Organizations in Order to Improve the Quality of Life of Individuals in Low-Income Neighborhoods
4:45 pm – 6:15 pm		N. Preservation Issues in HUD Subsidized Housing			
		Special Time: 5:15-6:15pm	AC. Tax 101 for the Legal Services Practitioner		
O. Low Income Housing Tax Credit Developments: Issues in the Identification of the Unique Occupancy and Eviction Requirements of those Developments and Strategies for Representing Occupants of LIHTC Housing					

6:30 pm – 7:15 pm Reception

7:15 pm – 9:00 pm Dinner and Denison Ray Awards

## FRIDAY, SEPTEMBER 12th

8:00 am – 9:00 am Continental Breakfast

9:00 am – 12:15 pm Morning Workshops

	Benefits	DAP	Diversity	Other	Pro Bono/Pro Se
9:00 am – 10:30 am	B. Intentional Program Violations and Related Welfare/Food Stamp Fraud Issues	G. Problems Proving Vocational Issues in Young Adult Disability Claims	J. Beyond Law Reform: Building a Practice that Meets the Needs of Lesbian, Gay, Bisexual and Transgender Clients	AD. Criminal Law for the Civil Practitioner: Bridging the Gap Between Arrest and Reentry to Work Towards Holistic and Transformative Delivery of Direct Legal Services	Y. Cultivating Pro Bono Leaders
10:45 am – 12:15 pm	Diversity	H. Proving Young Adult Disability Claims: Mock Hearing			AA. Filling in the Gap: Using Non-Lawyers to Educate & Assist Pro Se Litigants
	I. Immigrant Eligibility for Public Benefits in New York State: New Developments & Review of the Basics				

12:15 pm – 1:15 pm Lunch and Networking

1:30 pm – 3:00 pm Afternoon Workshops

	Consumer	Diversity	Program Improvement	Other	Program Improvement
1:30 pm – 3:00 pm	D. Defending and Assisting Consumers in Debt Collection Lawsuits	K. Breaking Down the Barriers to Language Access	V. It Will Happen to Us All: An Essential Guide to Delivering Disaster Legal Aid	AB. Implementing Federal Rights: The American Private Enforcement Model	T. Effective Legislative Advocacy for Lawyers and Advocates

continued on page 14

For additional program information visit [www.nysba.org/partnership](http://www.nysba.org/partnership)  
 To view program descriptions and presenters visit: [www.nysba.org/PCtopics](http://www.nysba.org/PCtopics)

## IMPORTANT DATES

<i>June 1, 2014</i>	Registration Opens	<i>July 31, 2014</i>	Early Bird Registration Deadline
<i>August 13, 2014</i>	All cancellations received after this date will incur a \$50 processing fee. All cancellations received after <b>August 27, 2014</b> will not be refunded.		
<i>August 31, 2014</i>	Registration Closes		
<i>August 28, 2014</i>	Marriott Albany Reservation Deadline (Booking available now). Standard Guest Room \$132.00 per night (king or double), To book a room visit: <a href="http://goo.gl/Zig9L5">http://goo.gl/Zig9L5</a>		

## FEES

Members		Non-Members	
Early Bird	Regular	Early Bird	Regular
\$100.00	\$125.00	\$150.00	\$175.00

**Group Registration** | Four (4) or more registrants.

Members – per person		Non-Members – per person		Group registrations can only be processed by mail, fax or email. To download a group registration form please visit <a href="http://www.nysba.org/partnership">www.nysba.org/partnership</a>
Early Bird	Regular	Early Bird	Regular	
\$95.00	\$115.00	\$145.00	\$165.00	

**Schedule subject to change**

**All meals will require a meal ticket.** You must be registered for a meal (Breakfast, Lunch, and/or Dinner) in order to be served.

**To register online visit [www.nysba.org/PCregister](http://www.nysba.org/PCregister)**

# Lisa A. Levy Awarded Lawyers Alliance 2013 Cornerstone Award for Outstanding Pro Bono Service<sup>1</sup>

## Leveraged Tax Acumen Helps Establish Organizations that Improve Educational Outcomes for Urban Youth



Lisa Levy

Lisa A. Levy is a tax partner<sup>2</sup> at Fried, Frank, Harris, Shriver & Jacobson LLP. On November 6, 2013 Ms. Levy was the recipient of Lawyers Alliance for New York's 2013 Cornerstone Award honoring outstanding pro bono legal services to nonprofits.

Ms. Levy has leveraged tax expertise to guide new nonprofit organizations through the process of incorporation and tax exemption. She led a team of Fried Frank attorneys who incorporated and secured tax exemption for *Beyond the Bricks Project* ("BTBP"), also providing governance guidance and intellectual property advice. BTBP is a media and international community engagement initiative to encourage community-based solutions to increase educational and social outcomes for school-age Black males. As a result of Ms. Levy's work, BTBP now reaches more than 75

young people annually and is operating programs in five cities.

Ouida Washington, BTBP Co-Executive Director, says of Ms. Levy and the entire Fried Frank team, "These volunteers treated us like high paying clients while assisting us through every phase of getting our nonprofit status, and protected all of our intellectual property as well as negotiating contracts with our college partners. We could not have done it without their professionalism, commitment, and insight."

In 2010, Ms. Levy also offered her tax expertise to *FoodFight*, working with a team of Fried Frank attorneys to incorporate and secure tax exemption for the organization. *FoodFight* works to revolutionize the way food education is taught in urban schools by educating and inspiring stakeholders to claim their power as consumers, demand healthier options, and reclaim the integrity of the food system. Currently *FoodFight* is being used in 30 schools throughout New York City and in five additional cities.

Deborah Lewison-Grant, *FoodFight*'s Executive Director, says, "All the support we received from Fried Frank was invaluable in getting us through the incorporation and tax exemption process. They recognized that the legal process of securing exemption was new to us and guided us through the process in a congenial and helpful way."

Says Ms. Levy, "In the words of Albert Schweitzer, 'The only ones among you who will be really happy are those who have sought and found how to serve.' Lawyers Alliance has given me the opportunity to apply my knowledge as a tax lawyer to further the education and well-being of children and teenagers, and to help expand

their opportunities for successful, healthy lives. I have had the privilege to work with talented and committed organizations devoted to achieving critical goals for our society. This has been a source of deep satisfaction and I encourage others to volunteer."

<sup>1</sup>This is a reprint of a press release originally issued by Lawyers Alliance for New York. Permission to reprint the release was given by Fried, Frank, Harris, Shriver & Jacobson LLP.

<sup>2</sup>Ms. Levy has since become Of Counsel at Fried Frank.

*Lawyers Alliance for New York is the leading provider of business and transactional legal services for nonprofit organizations that are improving the quality of life in New York City neighborhoods. Its network of pro bono lawyers from law firms and corporations and staff of experienced attorneys collaborate to deliver expert corporate, tax, real estate, employment, intellectual property, and other legal services to community organizations. By connecting lawyers, nonprofits, and communities, Lawyers Alliance helps nonprofits to develop affordable housing, stimulate economic development, promote community arts, strengthen urban health, and operate and advocate for vital programs for children and young people, the elderly, and other low-income New Yorkers. During the past year, 13 staff attorneys and more than 1,300 volunteer attorneys served more than 625 nonprofit clients on more than 1,000 different legal matters.*

# Pro Se Assistance Program Volunteers Serve the Community and the Court in the WDNY

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

The Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP) is a proud participant in the newly formed Pro Se Assistance Program. The Pro Se Assistance Program (PSAP) provides limited scope civil legal assistance to pro se litigants who cannot afford to hire an attorney for their civil cases in the United States District Court Western District of New York (WNDY). It is a powerful program that brings together the Court, VLP, SUNY Buffalo Law School, and the WNY Chapter of the Federal Bar Association. The PSAP fosters access to justice for low income people by helping the pro se litigant in Federal Court understand and navigate the unfamiliar and complex Federal Court system. It also assists the Court in managing these cases more efficiently.

On February 12, 2014, financially eligible persons without an attorney who need civil legal assistance with their Federal Court case began attending this walk in legal clinic on Wednesday and Friday afternoons between noon and 2 pm. The PSAP, located in the Clerk's Office at the Robert H. Jackson Federal Courthouse in Buffalo, NY, is staffed by experienced federal court litigator volunteers who are capably assisted by law students from SUNY Buffalo Law School Pro Se Civil Litigation Support Practicum.

The volunteer attorneys provide valuable limited scope legal assistance to the pro se litigants by helping them determine if federal court is the right place to file a lawsuit; assisting with reviewing documents for court filing; providing help with understanding federal law and federal court procedure; and making referrals to other providers of civil legal services or to social services agencies where appropriate.

Law students support the program and the volunteer attorneys by con-

ducting client intake and obtaining essential financial and legal information, preparing the client to meet with the attorney, and accompanying the client to their meeting with the pro bono attorney. By participating in the PSAP, law students are working toward meeting their 50 hour pro bono requirement for admission to the Bar. In addition, law students gain a solid understanding of the importance of pro bono service as a part of our proud legal profession.

*When asked why she volunteers so much time and energy to making the PSAP a success, Jodyann was quick to state, "It is a nice touchstone to remind you why you became a lawyer."*

Critical to the success of the PSAP are the volunteer attorneys. Led by Jodyann Galvin, a partner at Hodgson Russ LLP and the president of the WDNY Chapter of the Federal Bar Association, the inaugural group of volunteers included Bernadette Gargano, Kevin Kearney, Paul Suozzi\*, Jeremy Colby, Ryan Lucinski\*, Earl Cantwell\*, Lynette Nogueras-Trummer, Jeffrey Fiut\*, Marissa Coheley\*, Robert Conklin, Robert Lane, Joshua Feinstein, Tim Graber\*, Robert Heary\*, and Michael Quartarone. These skilled federal court litigators routinely volunteered more than once, and have committed to continuing their support of the PSAP by volunteering over

the summer and again in the fall. Pro bono attorneys added to the summer roster of volunteers include Sheldon Smith\*, Rodney Personius\*, Dianne Bennett, Andrew Fleming, Kathleen Sellers, and Brian Melber\*.

According to Jodyann Galvin, "Volunteering for the PSAP allows attorneys, who otherwise would not have the time in their busy litigation schedules, an opportunity to serve the community and the Court. The program was designed to make it easy to assist the Court in a schedule-friendly way, requiring only two hours of the volunteer's time from noon to 2 pm. Volunteering for the PSAP also enables the attorneys to interact with clients experiencing real life important problems that they might not otherwise see in their practice."

Jodyann Galvin recently met with a woman and her two young sons at the PSAP. The woman was struggling to understand how to get her employment discrimination case through the system. After listening to the woman's story and reviewing her court documents, Jodyann was able to help her understand how to comply with the court's directives. Jodyann's skilled assistance empowered the woman to confidently handle the next steps on her own. When asked why she volunteers so much time and energy to making the PSAP a success, Jodyann was quick to state, "It is a nice touchstone to remind you why you became a lawyer."

VLP's CEO and Managing Attorney, Robert Elardo\*, notes that VLP is a proud partner in the PSAP. "The PSAP provides a unique and valuable pro bono opportunity for attorneys who may not otherwise have volunteered at VLP. Our clients and the Court benefit from highly respected, veteran federal court litigators who are making a difference."



# SAVE THE DATE

FRIDAY, OCTOBER 24, 2014 AT ALBANY LAW SCHOOL

## PRISONERS' LEGAL SERVICES 40th ANNIVERSARY CELEBRATION

*Full Day of Human and Civil Rights CLEs: 10:00 - 5:30 p.m.*

*Cocktail Hour: 5:30 - 6:30 p.m.*

*Awards Program, Dinner and Dancing: 6:30 - 10:30 p.m.*

### HONOREES

- ❖ John R. Dunne, Esq.
- ❖ Jeffrion Aubry, Assembly Speaker Pro Temp  
New York State Assembly
- ❖ Daniel G. Moriarty, Professor Emeritus, Albany Law School
- ❖ NYS Supreme Court, Appellate Division, Third Department  
In Honor of The Honorable Clarence Herlihy, Posthumously

In 1974,

216,000 individuals were incarcerated in prisons and jails across the U.S.;

14,386 individuals were incarcerated in New York State prisons;

NY's Rockefeller Drug Laws were one year old;

The shockwaves of the 1971 Attica Uprising were still being felt across the country;

and

Prisoners' Legal Services Clinic began at Albany Law School.

**SPONSORED BY**  
PRISONERS' LEGAL SERVICES  
ALBANY LAW SCHOOL and NYSBA



CELEBRATING

40

*Years of non-profit  
legal services for  
incarcerated  
New Yorkers*

# Summer Time in Albany Law School's Pro Bono Program

Erica ("Nic") Rangel\*, Esq., M.P.A., Post Graduate Pro Bono Fellow, Albany Law School

The spring semester has come to an end, and the Albany Law School community recently celebrated its 163rd commencement at Saratoga Performing Arts Center. We are fortunate to have some of the most dedicated, hard-working, and compassionate students you can imagine. As a result, we will be continuing to provide legal information, services, and assistance, to those who need it most all summer long. Our program will also start developing new project ideas for students to engage in when they return in the fall.

On Friday June 6th, the Albany Law School Pro Bono Program was thrilled to host the New York State Bar Association's day-long symposium entitled, *"The Past, Present and Future of Indigent Defense in New York: Where Has 10 Years of Reform Gotten Us and Where Are We Going?"*. Sponsored by NYSBA's Committee to Ensure Quality of Mandated Representation, the symposium assessed the progress made during the past 10 years of indigent defense reform efforts. Chief public defenders, 18-b panel members, and conflict defenders from around the State brainstormed ideas for charting a course for future reform. Student volunteers were recruited to attend the symposium for pro bono credit or as part of an independent study for pro bono and academic credit. Law student volunteers Peter Stroe\*\*, Laura Sankey, Pamela Lowe, and Miles Altarac will be able to use what they learned during the various breakout sessions to write a White Paper on indigent defense for the New York State Bar Association's Committee to Ensure Quality of Mandated Representation.

While most of our student-led projects scale back significantly while school is not in session, many continue to function seamlessly through the summer break. The newly expanded Albany County Family Court Help Center is in full swing, for example, and is actively

seeking volunteers to start immediately. Students and non-lawyers provide legal information and assistance with family court forms. Attorneys provide brief advice and legal services to pro se litigants who need help with their family matters. This project is particularly convenient because volunteers can choose any number of hours, any time the court is open.

Our Animal Rights Project continues developing a "know your rights" presentation and brochure for companion animal owners during the summer hiatus. The presentation and brochure will provide pet owners with information about their rights and responsibilities, including dangerous dog laws and criminal liability, feral cat issues, and pet licensing. This summer, the Anti-Human Trafficking Project also is developing a "know your rights" presentation for communities at risk of trafficking and organizations that may come into contact with victims. The presentation will help identify risk factors and provide guidance about what to do if it is suspected that someone is being trafficked.

During the summer break, the Elder Law Project plans to resume making presentations to senior citizens and aging adults in Albany County and surrounding area. The LGBT Rights Project will continue working with attorney Byrgen Finkelman\* on pro bono name changes for transgender people. The Labor Law & Worker's Rights Project will continue providing legal information to low-wage workers about their employment rights as part of the Albany Social Justice Center. The law school's Immigration Clinic and the Immigration Pro Bono Project will be making presentations to undocumented detainees held in Albany County about their immigration rights and how to access information regarding immigration status changes. A few other projects will continue their pro

bono work throughout the summer as well. Many of these projects are able to accept new volunteers for the summer, and much of the work can be done after office hours, from home.

Summer can be a convenient time for students to do pro bono work. For many, the summer is quieter and less overwhelming than the academic year, which provides them with free time to build their resume, and explore new areas of law.

The summer is also the perfect time to start planning ahead for the fall and spring semester. We have already started planning our 20th Annual Senior Citizens' Law Day event, scheduled for Oct. 25, and Veterans' Law Day (Date T.B.A.).

If you are a student seeking pro bono opportunities, or you are an attorney who is seeking pro bono opportunities and you would be willing to work with a law student, please contact our Pro Bono Program office at 518-445-2304 or email Nic Rangel at [erang@albanylaw.edu](mailto:erang@albanylaw.edu).

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Join the NYSBA LinkedIn group: [www.nysba.org/LinkedIn](https://www.nysba.org/LinkedIn)

# Shearman & Sterling and The Legal Aid Society's Employment Law Unit Secure Ground Breaking Settlement for Exploited Delivery Workers

Hollis Pfitsch, Staff Attorney, Employment Law Unit, The Legal Aid Society

In January 2010, Shearman & Sterling LLP assigned a group of attorneys and other firm staff to help The Legal Aid Society's Employment Law Unit bring a class and collective action in federal court against a Domino's Pizza franchise. The franchise was engaging in systemic wage theft by forcing delivery workers to work off the clock and removing work hours from their time records. The claims were for unpaid minimum wage and overtime, violations of the tip credit rules, and retaliation against workers who complained, among other violations.

Four years later, in January 2014, the plaintiffs announced a \$1.282 million settlement benefiting 61 current and former delivery workers and requiring the franchise to pay the full minimum wage to delivery workers instead of a lower "tipped" wage. The case has since received significant media attention for the size of the settlement and the fact that the franchisor, Corporate Domino's, was successfully added to the case. Corporate Domino's ultimately contributed to the settlement amount by forgiving an interest payment the franchise owed to Domino's, lowering its interest rate on some payments, and deferring payments owed by the franchise until after the workers are paid.

This impressive result is thanks in very large part to the hard work and dedication of the Shearman team. The firm was undeterred by the challenges the case presented.

First, the initial plaintiffs and a majority of class members spoke many different languages since they

are from countries as diverse as Mexico, Bangladesh, and Burkina Faso. Meetings with plaintiffs and class members involved simultaneous translation with Shearman attorney Mojoyin Onijala speaking in French, Legal Aid attorneys speaking in Spanish, an interpreter speaking Bengali, and clients helping each other understand in Mixteco, Hausa and Moore.

Second, DPNY, the franchise, produced electronic records in discovery which required detailed analysis. Shearman attorney Darren Ishmael used Excel to reveal DPNY's wage theft by comparing various versions of the franchise's time and pay records. We were also able to handle complicated electronic discovery issues with assistance from Technology Support Staff Carine Rubinetti.

Finally, DPNY threatened to declare bankruptcy in the midst of the case, and ultimately did file for Chapter 11 reorganization. Shearman immediately expanded our team, adding counsel with bankruptcy expertise. Susan Fennessey, Jill Frizzley, and Randall Martin led our team's negotiations and litigation in bankruptcy court. They worked with us to develop a strategic plan for opposing DPNY's efforts to abuse the bankruptcy process to evade their liability; negotiating constantly over each step with our adversaries; explaining the bankruptcy law and our options to our clients; participating in discussions with our clients over their negotiating positions; and preparing court papers in opposition to DPNY's efforts to spread the bankruptcy protections to non-debtor defendants. Their persis-

tence, and that of our clients, turned the bankruptcy process in our favor and led to a ground-breaking result.

## THE LEGAL TEAM:

### Shearman & Sterling: Partners

Douglas Bartner  
Adam Hakki  
John Nathanson

### Counsel

Susan Fennessey  
Jill Frizzley

### Associates

Darren Ishmael  
Randall Martin  
Mojoyin Onijala  
James Park  
Doreen Xia

### Technology Support Staff

Carine Rubinetti  
Marek Januszewski

### The Legal Aid Society:

#### Supervisor

Karen Cacace

#### Staff Attorneys

Richard Blum  
Hollis Pfitsch

#### Paralegals

Jean Marie Miranda  
Russell Greene

# The End of an Era and New Beginnings

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



**Michele Sleight**

The Private Attorney Involvement (PAI) Program at the Legal Aid Society of Northeastern New York has undergone significant changes

within the last several months. Long-time and beloved PAI Director, Kristie Cinelli, resigned at the end of 2013, and I was given the opportunity to continue the wonderful and important programs she established over the years. These range from pro se divorce clinics; to referrals to private attorneys for matrimonial clients who are victims of domestic violence and everything in between. These programs have impacted our clients' lives in profound ways. My aim is to carry out these programs in a manner which reaches our clients most effectively.

Becoming oriented with the PAI Program has been quite a learning experience! Acclimating to the details and processes of how the office runs

in order to effectively administer our programs and ensure that our clients' needs are being met will be ongoing, and my colleagues have been nothing but extremely helpful in this regard. In addition, I have had the pleasure of working and becoming acquainted with others in the Capital Region who also provide pro bono services to their clients. In particular, these include the Albany County Bar Association, The Legal Project, Prisoners Legal Services, and Albany Law School. They have been a tremendous source of information, advice and assistance. Thank you!

One exciting new project that LASNNY has had the opportunity to be a part of is the Albany County Family Court Help Center. The purpose of the Help Center is to provide Family Court pro se litigants in Albany County with assistance while at Family Court. Volunteer attorneys sign up for two hour shifts through LASNNY and the Albany County Bar Association. During their shift, they assist litigants with filling out and submitting their documents, as well as with other questions that they may have. The hope is that through the

expanded Help Center, many more clients will be better able to navigate through Family Court.

Prior to my position as the Director of PAI, I practiced as an associate attorney, and volunteered at local clinics which provided assistance both in pro se divorce matters, and to people in need of estate planning documents. While a student at Albany Law School, I participated in the Family Violence Litigation Clinic, providing representation under the supervision of the clinical professor, to victims of domestic violence in Family Court who were unable to afford a private attorney. I found this work to be extremely rewarding, and it instilled in me how very important providing legal assistance is. When a client tells you that they are going to sleep easier at night due to the assistance that was provided to them, there's no better feeling. I think of my past clients often in my daily work now, as they motivate me to make the PAI Program as strong and effective as possible in hopes that more of our clients are able to rest easier with our assistance.

## 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](http://www.nysba.org/pbdates)

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



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

*powered by* **probono.net**

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



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## Are you feeling overwhelmed?

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

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

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



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NEW YORK STATE BAR ASSOCIATION  
LAWYER ASSISTANCE PROGRAM



# Whether Retired or Active the Attorney Emeritus Program Has an Opportunity for You

Katie McConnell, AEP Coordinator, Feerick Center for Social Justice, Fordham Law School

The Attorney Emeritus Program (AEP) is a state-wide initiative of Chief Judge Jonathan Lippman to help address New York State's "justice gap." In 2012, approximately 2.3 million New Yorkers navigated civil court proceedings without the benefit of counsel. As the number of senior New York attorneys grows, we hope to tap their skills and experience to assist in closing this justice gap. The New York State Unified Court System's Access to Justice Program operates the AEP, and Fordham Law School's Feerick Center for Social Justice provides programmatic and administrative support to the program.

The Attorney Emeritus Program connects experienced retired and active attorneys to volunteer opportunities with legal service organizations and court-sponsored programs that utilize pro bono attorneys to serve under-represented litigants in civil matters. Attorneys Emeritus commit to serving 60 hours over the course of two years, and are provided with malpractice insurance by the host organization they serve through. Participating attorneys must be 55 or older, in good standing, and have practiced for at least ten years. Retired Emeritus attorneys have CLE and registration requirements waived, but active Emeritus Attorneys do not. A recent rules change provides AEP volunteers the opportunity to potentially earn up to 15 CLE credits through the Attorney Emeritus Program.

Volunteer attorneys are able to either draw from their existing expertise or explore areas of civil practice entirely new to them. Albany County is fortunate to have a diverse range of participating AEP host organizations, many of which provide training for pro bono attorneys in particular practice areas. For instance, the newly established Albany Family Court Help Center recently

conducted a training that prepared pro bono attorneys to provide limited legal advice in the Center on topics such as child support, custody, and paternity. Generally, training is available for pro bono attorneys seeking to assist in practice areas unfamiliar to them. Other legal areas in which there is a great need for pro bono assistance include housing law, immigration law, elder law, and consumer law, among many others. Time commitments range from several hours in a clinic setting to taking on a full case. The following is a list of local organizations participating in the Attorney Emeritus Program who are able to take on new volunteers at this time:

- **Albany County Bar Association**  
Contact: Ms. Eileen Guinan  
eguinan@albanycountybar.com  
518-445-7691
- **Legal Aid Society of Northeastern New York**  
Contact: Ms. Lillian Moy\*  
LMoy@lasnny.org  
518-689-6304  
  
Ms. Michele Sleight\*  
MSleight@lasnny.org  
518-689-6322
- **The Legal Project**  
Contact: Ms. Susan Pattenaude  
spattenaude@legalproject.org  
518-435-1770
- **Prisoners' Legal Services**  
Contact: Ms. Samantha Howell\*  
showell@plsny.org  
518-445-6050
- **Worker Justice Center of New York**  
Contact: Mr. Lewis Papenfuse  
lpapenfuse@wjcny.org  
800-905-9644

The Capital District Pro Bono Coordinators Committee hosted Albany County's inaugural AEP networking event on June 18th, at the New York State Bar Association headquarters, located at 1 Elk Street in Albany. The event, "55 and About: 55 and Better or Almost There," provided information about pro bono opportunities for the Attorney Emeritus Program to thirty-five attorneys who practice in the Capital District. In addition, Gloria Herron Arthur\*, director of the Association's Department of Pro Bono Affairs, presented an overview of NYSBA's Pro Bono Appeals Program and the Association's award programs that recognize the outstanding contributions of pro bono attorneys. For more information about these programs, please visit [www.nysba.org/probono](http://www.nysba.org/probono) or by phone at (518) 487-5641.

Eligible attorneys may sign up for the AEP either by changing their attorney registration status to Attorney Emeritus or by filling out an application online. For any questions, please contact Katie McConnell at [kmcconnell1@fordham.edu](mailto:kmcconnell1@fordham.edu) or by phone at 212-636-6304.

**N Y S B A**  
**DO THE  
PUBLIC  
GOOD**  
**VOLUNTEER  
FOR PRO BONO**

NEW YORK STATE BAR ASSOCIATION



# *SAVE-the-DATE*

## **National Pro Bono Week**

**Albany Reception &  
Award Ceremony at NYSBA**

### **Remarks By:**

NYSBA President Glenn Lau-Kee  
Chief Judge Johnathan Lippman

*Join Us for a Celebration  
Recognizing Excellence in Pro Bono Service*

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





NEW YORK STATE BAR ASSOCIATION  
**PRO BONO DEPARTMENT**

One Elk Street, Albany, New York 12207-1002

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