

# Pro Bono News

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## NYSBA Mobilizes to Assist Communities Caught in Superstorm Sandy's Path

Gloria Herron Arthur\*, Director, Pro Bono Affairs



**Herron Arthur**

President Seymour W. James, Jr.\* quickly mobilized a team of staff to respond to Superstorm Sandy. Within days of the storm making landfall the Association's emergency Hotline was up and running, taking calls for assistance from distressed residents in the storm ravaged areas which stretched from Ulster County to the farthest tips of Long Island sound. Callers receive a free legal consultation of up to 30 minutes from volunteer attorneys. The Association's Lawyer Referral and Information Services (LRIS) Department quickly assembled a team of lawyers to field the calls. Many hotline volunteers had prior experience in flood related claims issues as a result of their past volunteer efforts assisting persons impacted by Hurricanes Irene and Lee. The LRIS worked collaboratively with the American Bar Association's Young Lawyers Division in establishing the hotline.

Staff from the CLE and Pro Bono Departments joined forces to put together a Continuing Legal Education (CLE) seminar on storm related legal issues. The live program, which took place at the State Bar Center, also was simultaneously webcast to more

than 2000 viewers, including attorneys from 28 states and three other countries. The program and materials are archived on the Association's Superstorm Sandy web page.

Held on November 15<sup>th</sup>, the CLE program included an overview of state and federal disaster relief programs. Panelists included representatives from the American Red Cross, FEMA, Coast Guard, Small Business Administration, state Department of Labor and state Department of Financial Services. Panelists also included attorneys with experience in the legal issues Superstorm Sandy victims might face, such as insurance, housing (landlord/tenant), home foreclosure, disaster unemployment insurance, replacing lost wills, deeds, or other legal documents, banking, consumer debt/credit, and family law issues. Attendees earned 2.0 Mandatory Continuing Legal Education Credits (1.0 in professional practice and 1.0 in skills).

The goal of the November 15<sup>th</sup> CLE was to provide attorneys and law students interested in volunteering with a sound overview of the legal issues which likely would arise in the wake of the Superstorm. To encourage pro bono participation in on-going disaster relief efforts, the program was offered free of charge to NYSBA members and non-members.

President James also immediately established weekly telephone confer-

ence calls with the executive directors of the local bar associations in the counties affected by Superstorm Sandy. The goal of the conference calls was twofold: (1) to ensure that county bar leaders were informed about the scope of the disaster and the diverse, statewide recovery resources which were available to assist them; and (2) to encourage local bar leaders to bring to leadership's attention common issues on which the Association could mobilize its vast membership and resources to lend meaningful assistance.

As a result of the conference calls, the Association expanded its Superstorm Sandy webpage so that it could better meet the emerging needs of the legal community and the general public. The website was redesigned to serve as a useful resource of information for the general public, featuring information about free legal relief clinics offered in the affected counties, providing information about available state and federal disaster relief services for the public, and offering assistance to potential *pro se* individuals seeking to appeal FEMA denial of their claims for financial assistance.

For attorneys, the website contains information about volunteer pro bono opportunities such as legal clinics; free access to archived training materials; notices of on-going training opportunities; legal resource reference materi-

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## NYSBA Mobilizes

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als covering many of the substantive law issues victims of disaster may be face; FAQ addressing some of the most frequently asked questions that arise in disaster situations like Sandy; and provides important links to a myriad number of other state and federal disaster relief services.

The conference calls with the bar leaders will continue for the foreseeable future.

Without question, New York lawyers immediately rallied to provide free legal assistance to the scores of

the Court should consider invoking the Major Disaster Rule (22 NYCRR 520.11[d]), which would authorize attorneys licensed to practice in other United States jurisdictions to provide pro bono legal services to residents of the designated disaster counties. The Chief Judge concurred and invoked the Major Disaster Rule which paved the way for experienced attorneys from New Orleans and other states to provide limited pro bono assistance to New Yorkers.

The Association has received offers



*Superstorm Sandy webcast panelists (left to right): Rolando Gonzalez, Tara Moffett\*, Michelle Wildgrube\*, Saima Akhtar\*. Not pictured Professor Tracey McGaugh*

individuals and families affected by Superstorm Sandy. Yet, as the magnitude of the impact of Superstorm Sandy was realized it quickly became apparent that New York attorneys would benefit from pro bono assistance offered by out-of-state attorneys who had extensive experience in flood, hurricane and other disasters. Accordingly, President James consulted the Chief Judge regarding whether

of assistance from the American Health Care Association, the Georgia Bar Association, the Louisiana Bar Association, and from law firms in New Jersey. We are deeply grateful for the overwhelming support from the national legal community.

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

# Allegany County Court-based Pro Se Divorce Clinic Uses On-line Document Assembly Program

**Amy L. Christensen\*, Deputy Director, Southern Tier Legal Services, a division of Legal Assistance of Western New York, Inc.®**

In 2012, a new court-based pro se divorce clinic was launched in Allegany County as a result of a partnership involving Legal Assistance of Western New York, Inc.®, the Hon. Terrence Parker, Allegany County Court Judge, the Allegany County Bar Association, and the 8th Judicial District Pro Bono Committee. The project involves volunteer attorneys who meet with participants on-site at the courthouse to assist participants with uncontested pro se divorces using a new on-line divorce document assembly program. The divorce document assembly program, known as the SOPHIA Project, was developed by LawNY® Geneva office attorney Jeff Hogue\* as part of a Technology Initiative Grant from the Legal Services Corporation. It is available for use by pro bono attorneys through the LawHelp Interactive website at [www.lawhelpinteractive.org](http://www.lawhelpinteractive.org).

The Allegany County Bar Association helped recruit volunteer attorneys for the pro se divorce clinic and hosted a training for them on the use of the document assembly program. Judge Parker has made space available at the courthouse for use by the volunteer attorneys meeting with pro se divorce clinic participants. Laura Gabler, Chief Clerk for the Allegany County Supreme and County Courts,

and her staff have been very supportive and helpful with the start-up of the project. The Clerk's Office is referring potential participants to LawNY® for screening and completing the initial paperwork for the clinic. LawNY® staff are also scheduling meeting times for the participants and volunteer attorneys, as well as providing ongoing support and assistance to the volunteer attorneys.

The project began with a training for the volunteer attorneys on the use of the online document assembly program. Judge Parker and Hon. Paula Feroletto\*, Administrative Judge of the 8th Judicial District, were both in attendance at the training to thank the pro bono attorneys for volunteering their time to assist low-income participants in obtaining uncontested divorces. They helped highlight a number of advantages of the new project. By donating a discrete amount of time to meet with pro se divorce litigants, volunteer attorneys are able to provide very efficient assistance with drafting divorce pleadings, using the document assembly program. The process is convenient for both the participants and the volunteer attorneys, because it is on-site at the courthouse. The volunteer attorneys are able to answer questions for the participants,

which will alleviate the burden on the Clerk's Office caused by pro se divorce litigants who currently come to them with questions. The project will also alleviate the burden on judges and law clerks who must spend extra time addressing problems with pro se pleadings that do not conform with all of the requirements of a divorce proceeding.

Carolyn Kellogg-Jonas, Chair of the Allegany County Bar Association's Pro Bono Committee, volunteered to be the first pro bono attorney to meet with a pro se divorce clinic participant, and she has now assisted with three pro se divorces. Although she says she does not consider herself a technology expert, she has found the new document assembly program easy to use. "I remember when I used to volunteer with our pro se divorce clinic years ago, and it took us at least three times as long to produce the pleadings. I think this program is going to allow us to help many more people, and it is much more convenient for the volunteer attorney."

Hon. Paula Feroletto, in her role as Co-chair of the 8th Judicial District Pro Bono Committee, is hopeful that this pilot project in Allegany County can be a useful model for other counties in the 8th Judicial District.



# A Tale of Helping and Being Helped After Sandy

Yisroel Schulman\*, President, New York Legal Assistance Group

The New York Legal Assistance Group (NYLAG) has had its hands full since October 29, 2012. When Hurricane Sandy came crashing into New York that day, it created a demand for disaster assistance unprecedented in the State's history, including thousands of poor and low-income families needing free legal advice in the wake of the storm's destruction. NYLAG itself had been hit hard by the storm – our downtown offices were flooded, knocking out all communications and displacing attorneys, support staff, and countless volunteers. But thanks to the help of 11 law firms across the City, who immediately offered temporary office space, we were able to mobilize and respond almost overnight, with staff working around the clock, often in a volunteer capacity, to ramp up services. As of December 31, our new Storm Response Unit has helped more than 2,500 storm victims address their most critical storm-related legal needs. As the New Year begins we are poised to launch a vastly expanded program to address the entrenched, long term legal challenges that those affected by the storm will face.

We could never have responded as quickly or as effectively to Sandy without the extraordinary support of the legal community of New York. Once it was known that our offices were not habitable, law firms from across the city contacted us offering space, phones, computers and pro bono support. It was New York City at its best.

NYLAG was in a good position to respond rapidly to Sandy thanks to earlier experiences in providing free civil legal assistance in a crisis situation. After 9/11 our attorneys provided legal services to thousands of people who lost loved ones or were displaced following the terrorist attack. And in 2010 NYLAG created the first and largest program to help Haitian immigrants obtain "Tempo-



*Pro bono attorney greets a client affected by Superstorm Sandy outside NYLAG's Mobile Legal Help Center, which travels to hard-hit neighborhoods across New York.*

rary Protected Status" in the wake of the earthquake in Haiti. In both instances, a key was being able to leverage volunteers to provide legal services on a large scale.

Within 48 hours of Sandy, NYLAG was operating a dedicated Storm Help Hotline out of office space donated by the UJA-Federation of New York, where NYLAG's management team and new Storm Response Unit resided. To gain insights in delivering disaster relief legal services after an unprecedented natural disaster we reached out to Southeast Louisiana Legal Services, which worked with victims of Hurricane Katrina. Based on their experience NYLAG trained 100 of its own legal staff and subsequently over 1,500 pro bono attorneys, using in-depth webinars and existing manuals from Louisiana and other legal aid organizations.

Initially staff and pro bono attorneys, functioning much like first

responders, were deployed to dozens of community sites throughout impacted areas, or worked aboard NYLAG's Mobile Legal Help Center. Their work largely involved helping clients with urgent short term needs like FEMA and Small Business Administration applications or housing issues, public benefits, and insurance. But just as with Katrina, the two most critical needs emerging are shelter and economic stability, and we do not expect these problems to be short lived.

Many people are still living in the dark without heat, some with mold spreading to their living spaces from flooded lower level apartments, creating landlord-tenant disputes over habitability and repairs. And for homeowners who were facing foreclosure prior to the storm, lenders are now demanding to inspect properties prior to moving forward with loan modifications and settlements, a stalling tac-



*Sea Gate, Brooklyn, a community devastated by the storm.*

tic that is in direct violation of orders from the Attorney General. At the same time, applying for benefits and unemployment and filing insurance claims is a convoluted process that

can be difficult for people. The community-based organizations we work with are reporting numerous clients who need help appealing claims that have been denied. And people who have lost a home or job need financial counseling on how to deal with debt, how to get credit and benefits, and recover lost documents.

NYLAG recognized from the beginning the need to shift from crisis response to a coordinated long term recovery mode. And thanks to generous grants from The Robin Hood Foundation, UJA-Federation of New York and others, we have been able to do just that. NYLAG has hired 20 new attorneys, three paralegals and four financial counselors, bringing our dedicated Storm Response team to a total of 27 professionals, increasing the number of intake sites and expanding the Mobile Legal Help Center to a six-day schedule to reach hard-hit neighborhoods. All team members have been trained to provide general storm-related intake and advice, while also marshaling specialized expertise

in the key legal areas, including evictions, mortgage/foreclosure matters, private insurance, appeals and financial counseling.

NYLAG will be looking to the pro bono community for their support in the months ahead. We expect to expand the number of pro bono attorneys working alongside NYLAG staff to advise and represent victims. Individual law firms are encouraged to partner with us to provide ongoing pro bono services at designated sites and neighborhoods devastated by the storm, and should contact us directly at [probono@nylag.org](mailto:probono@nylag.org) for more information on opportunities.

The legal community has always been there for NYLAG and our clients. They even put a roof – eleven of them – over our heads when we needed it. In the weeks and months ahead we will need their pro bono support as never before. We have a long road ahead, and we are so grateful to know we can continue to count on them.

## Are You feeling overwhelmed?

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

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

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

**Call 1.800.255.0569**

NEW YORK STATE BAR ASSOCIATION  
LAWYER ASSISTANCE PROGRAM





# Attorneys be Prepared – Implement a Crisis Plan<sup>1</sup>

*Do not be lulled into believing we will not experience another Sandy in future*

Alison Arden Besunder\*, Law Office of Alison Arden Besunder



**Alison Arden Besunder**

My article in the April 2012 issue discussed how to plan for protecting your clients' interests and your own reputational legacy in the event of your death, disability, or incapacity. Hurricane Sandy and its devastating aftermath have highlighted the real need to implement a crisis plan, for ourselves (both personally and professionally), and for clients. This article summarizes some of the basic steps lawyers should implement to be prepared and have peace of mind that we can act calmly under pressure.

## Make a personal disaster plan for yourself and your family – create a plan

Develop a written crisis plan. Samples and guidelines are available on

the NYC Office of Emergency Management website located at [http://www.nyc.gov/html/oem/html/get\\_prepared/prepared\\_plan.shtml](http://www.nyc.gov/html/oem/html/get_prepared/prepared_plan.shtml). Share the plan with your family. Better yet, upload the plan to a document share site on the "cloud" like dropbox or google docs, and download it to your phone, so you and others can access it even if the computer goes down (see below). Your plan should cover:

- Where your household and family members will reunite after a disaster. Identify two places to meet: one right outside your home and another outside your neighborhood, such as a library, community center, or place of worship.
- Identify all possible exit routes from your home and neighborhood.
- Designate an out-of-state friend or relative who household members can call if separated during a disaster. If New York City phone circuits are busy, long-distance calls may be easier to make. Your out-of-state contact can help you and your family to communicate when local land lines and cell towers are down.
- Identify a place to where you could evacuate in the event of a flood.
- Account for everyone's needs, especially seniors, people with disabilities, and people who do not speak English.
- Ensure that household members have a copy of your household disaster plan and a "short form" card with emergency contact information to keep in their wallets and backpacks.
- Pack a "go" bag that has sufficient emergency supplies for all household members and pets. Make sure

your "go" bag includes cash for immediate money needs (like gas stations, ATM machines do not operate in power outages.)

- Decide how you will handle caring for any pets and whether you will take them with you. Have a copy of your veterinarian's contact information and any pet insurance policies in your "go" bag.
- Your children are never too young to review the plan with you. Instruct them on exit routes in the event of a fire and reinforce the neighborhood meeting place.

## When they tell you to evacuate, grab your flashlight and run

Too many people stayed where they were during Hurricanes Irene and Sandy despite clear evacuation orders. This was also what proved Hurricane Katrina to be so disastrous in 2005. The issue is not just surviving the storm, but being able to weather the aftermath if rescue teams cannot get to you.

Know your flood zone and those around you (To see if you are in a flood zone check <http://www.free-flood.net>). The saying, "better safe than sorry" is all too applicable. A family reportedly stayed behind in Sandy because their house was looted during Irene, only to have the mother and son perish in the flood. You can replace the stuff. You can't replace a life. Be smart, be safe and be prepared to leave when necessary.

1. This article was originally published in The Suffolk Lawyer, December 2012, Vol. 28 No.3. It is reproduced with the permission of the author and the Editor in Chief.

## Make a personal financial crisis management plan

Mitigate the mess. Are you insured? Where are your insurance policies (homeowners, life, auto, disability)? Are they up to date? Are all your valuables on your homeowner rider? Are you covered in cases of flood or hurricane or do you need a separate rider? Confirm that you do not need any additional insurance to protect you. Take an inventory of all your home, auto, disability, and life insurance policies, put it in writing, upload it to the cloud and keep written copies in your go-bags. You should also keep a detailed list of your bank accounts, investments, trusts, titles and deeds, mortgages and home equity loans, credit and debit cards, and tax records in a safe and secure place, together with all contact information and online passwords.

## Make a Legal Plan

Although this should be preaching to the choir, too many lawyers do not have the basic estate planning documents such as a Last Will and Testament, Health Care Proxy, or Power of Attorney. For those with children, an appointment of a Standby Guardian and Medical Authorization is also helpful. Review the documents every few years or anytime you or a close family member experiences a significant life change such as marriage, divorce, or the birth of a new family member. Every review should ensure appropriate beneficiary designations and titling of assets. Keep copies in your go-bags.

## Put it Online

Many companies offer “online vaults” to give you secure access to your legal and financial documents from any location with an internet connection. Many financial service companies and financial planners offer this as a courtesy to their customers and clients. Putting everything in a secure online database is a great way to back up your original and photocopy records.

## Make a business disaster plan for your law practice - do your research

There is no one-size-fits all plan for every disaster, but you can be better prepared by consulting a variety of resources tailored to your specific practice. NYSBA is providing a free non-accredited informational video on emergency preparedness strategies for attorneys. The program – *Disaster Planning and Emergency Preparedness: Best Practices for Solos* – was designed to help attorneys prepare for unforeseen crises that can jeopardize their practices. The program also includes helpful information and steps to take following a disaster. The video is available, free of charge, through the month of November, at: <http://www.totalwebcasting.com/view/?id=nysbarlpm>.

## Put it in writing

Your business disaster plan should include the following:

- **A business continuity plan.** Make sure your practice can continue to run as smoothly as possible in the event that you or your employees cannot physically get to the office, or when power goes down for some employees. This should include organizing and updating your contact database (see below) keeping a list of client matters and their current status; having a written procedure manual detailing the normal workflow of your practice and all emergency procedures; keeping your billing and time records up to date; and executing estate planning documents for your law firm. You may want to consider moving your files or at least an automated backup to the cloud so that you can access files remotely even if power goes out in your office.
- **Insurance information.** Hurricane Sandy caused significant damage to many businesses. Should any of your business assets be affected by a natural disaster, you need to be able to contact your insurer immediately to ensure maximum

coverage under your policy. You should also take photographs of any and all damaged assets, and save receipts for any work done in repairing or replacing business assets. Now is the time to make sure you have the right insurance in the event your office is flooded or inaccessible. A colleague of mine was denied access to her office (and her purse) for two months when she left her 40th Street office after the steam-blast explosion in Manhattan. Business interruption insurance allowed her the ability to keep her law practice afloat. Look into business interruption insurance which can help cover losses incurred as a result of natural or unanticipated disasters.

- **Loan information.** If you need a business loan following a disaster, you can contact the SBA Office of Disaster Assistance at 1-800-659-2955 or email [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) for loans that may be available to your business.
- **Additional support** - Additional support for businesses can be found at the NYC Department of Small Business Services (<http://www.nyc.gov/html/sbs/html/home/home.shtml>) and the NYC Economic Development Corporation (<http://www.nycedc.com/backtobusiness>).
- **Contact information maintenance** - Be sure to retain all contact information in a safe and accessible location so that you can act quickly and efficiently towards business recovery. This should include not only all disaster-related recovery services, but also alternative and emergency contact information for your employees. In our age of smartphones, there is no excuse for not having your contacts synched to your password-protected device.

It is worth the investment of time to prepare a reliable strategy and plan that allows you to be prepared when faced with economic and natural disasters. Be well, stay safe, and do not get lulled into complacency that we won't see a storm like Sandy again.

# Bath Office of LawNY® Collaborates with Bath VAMC Opening Pro Bono Veterans Legal Clinic

Amy L. Christensen\*, Deputy Director, Southern Tier Legal Services, a division of Legal Assistance of Western New York, Inc.®

In 2012, the Bath office of Legal Assistance of Western New York, Inc.® (LawNY®) entered into a new cooperative effort with the Bath Veterans Administration Medical Center (VAMC) to establish a pro bono veterans' clinic. This collaborative effort has involved the hard work of many individuals, including a local attorney and veteran, Terry Northrup. Ms. Northrup, who has offices in Bath, New York, has spent many hours consulting on the design and implementation of the project. She has also taken primary responsibility for recruiting other Steuben County pro bono attorneys to participate in the veterans' clinic sessions.

In addition to the work of Ms. Northrup, a VAMC Homeless Veter-

ans Program Outreach Social Worker, Ann Smith-Howles, helped identify the areas of need for legal information and consultation. She is publicizing the informational sessions to veterans receiving services there, as well as handling the logistics of scheduling the clinic sessions on-site at the VAMC.

The first component of the clinic involves a series of informational sessions to veterans on a variety of legal topics. The series began with a presentation on child support issues, provided by a LawNY® attorney, David Pels, and Ms. Northrup. This first program, held in July 2012, was attended by sixteen veterans. The second part of the model offers an opportunity for veterans to meet one-on-one with a pro

bono attorney for a half-hour consultation about their legal issues. Following the initial informational session on child support issues, four veterans received half-hour consultations from two pro bono attorneys.

Future clinic sessions will address issues including custody/visitation, consumer debt and housing/homelessness issues, and another session will provide pro bono assistance to veterans in obtaining a will and a health care proxy. A similar effort is underway in the LawNY® Geneva office in collaboration with the Canandaigua VA Medical Center and local pro bono attorneys.

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



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

*powered by* **probono.net**

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



NEW YORK  
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ASSOCIATION



**VOLS**  
Volunteers of  
Legal Service



# Chief Judge Lippman\* Presents Skadden, Arps, Slate, Meagher & Flom LLP with The Legal Aid Society's 2012 Pro Bono Publico Bono Award

Marlene Halpern\*, Supervising Attorney for Pro Bono, The Legal Aid Society

On November 19<sup>th</sup>, The Legal Aid Society honored 331 leading pro bono lawyers and other legal professionals along with 41 law firms and two corporations for their outstanding pro bono service at the 2012 Pro Bono Awards Ceremony, held at The Liberty Theater in Manhattan. These select professionals— primarily from New York's leading law firms and corporate legal departments – were nominated from the nearly 3,000 attorneys and other legal staff who participated in the Society's pro bono program during the past year and handled close to 3,000 matters on behalf of our clients.

The volunteers and their firms were recognized for legal excellence in handling administrative hearings, trials, appeals, class actions, and transactional cases on behalf of senior citizens, children and adults with disabilities, domestic violence survivors, immigrants facing deportation, homeless children and adults, inmates in correctional facilities, and other vulnerable low-income New Yorkers. The outpouring of pro bono assistance added another distinguished chapter to the 136-year pro bono partnership between The Legal Aid Society and the private bar to secure fundamental legal rights of low-income New Yorkers in critical need of counsel but unable to afford it.

The Hon. Jonathan Lippman\*, New York State's Chief Judge, presided over the ceremony, honoring recipients with the presentation of their awards. Chief Judge Lippman praised the New York Bar for its outstanding pro bono commitment.



Left – Right - Steve Banks\*, Attorney-in-Chief, The Legal Aid Society; Richard Davis, Chairman of the Board; Robert Sheehan, Counsel, Skadden Arps; Chief Judge Jonathan Lippman\*; Blaine ("Fin") Fogg\*, President, The Legal Aid Society.

Skadden, Arps, Slate, Meagher & Flom LLP was the recipient of the 2012 Pro Bono Publico and Public Service Law Firm Award in recognition of its exceptional pro bono commitment to The Legal Aid Society and the Society's clients. The firm is an outstanding pro bono partner, sustaining a litigation externship with the Harlem Community Law Office since 1999 and initiating an uncontested publication matrimonial practice with the Bronx Neighborhood office. For more than 16 years, the firm's associates have provided counsel to hundreds of low-income New Yorkers facing eviction from public housing or being denied Social Security Disability Benefits. The firm has also dedicated substantial resources to low-income taxpayers. Under the leadership of Stuart Finkelstein\*, the firm's tax practice has

become a mainstay of the Society's Low-Income Tax Clinic's Volunteer Intake Program. Skadden attorneys provide critical assistance in minimizing tax collections, safeguarding Social Security benefits, and protecting clients from identity theft consequences. In addition, with the assistance of Brenna DeVaney, the firm's Pro Bono Counsel, associates provide crucial legal services to domestic violence survivors trapped in marriages when spouses disappear, working diligently to locate absent spouses, obtain publication notice, and finalize uncontested divorces.

The firm also has supported The Legal Aid Society through the leadership of Blaine V. (Fin) Fogg\*, the Society's President and a long-time leader at the firm who is now Of Counsel at Skadden.

# Erie County Bar Association Volunteer Lawyers Project Salutes Outstanding Volunteers

**Robert Elardo\***, Executive Director, ECBA Volunteer Lawyers Project

The Erie County Bar Association Volunteer Lawyers Project (VLP) recently thanked some of their best volunteers and the law firms that have provided the most financial support during the past year. The VLP Pro Bono Awards and commemorative plaques were presented at an Awards Reception on November 30<sup>th</sup>. The Reception immediately preceded the 5<sup>th</sup> Annual Champions for Justice Bash which VLP co-sponsors with Legal Services for the Elderly (LSED). VLP presented eleven Pro Bono Awards. The categories and awards winners were:

Attorney of the Morning  
(Eviction Defense)  
Christopher R. LaFever\*

In House Volunteer  
Meghan A. Corcoran (law student)

Family Law Award  
James C. DeMarco III

Divorce Award  
Katherine J. Bestine\*

Government Attorney  
Joseph M. Guerra III\*

Bankruptcy Award  
Matthew B. Herdzik, Jr.

Unemployment Benefits  
Brett D. Tokarczyk

Attorney Emeritus  
Modesto A. Argenio\*

VLP "VIP" Award  
Joshua E. Dubs\*

Immigration  
Kenneth A. Cohen\*

Law Firm Commitment  
Jeffrey Freedman Attorneys

The winners were just a few of the nearly 400 pro bono attorneys that represented over 1300 VLP clients in 2012. Three of the award winners are previous recipients of the NYSBA President's Pro Bono Award for the Eighth Judicial District. They are Jim DeMarco (2006), Matt Herdzik (2005) and Jeffrey Freedman\* (1986).

VLP's staff attorneys combined with its volunteers to handle over 3,200 cases in 2012. Financial support is, of course, crucial to keeping such an effort viable. Local law firms have provided not only pro bono attorneys,

but also funding to help support the VLP infrastructure and to make all of the pro bono work possible.

VLP presented plaques to seven law firms for their outstanding financial contributions. The firms thanked were:

## **VLP BENEFACTOR LAW FIRMS (\$7500 or more)**

Cellino & Barnes  
Damon Morey LLP  
Hodgson Russ LLP  
Phillips Lytle LLP

## **VLP PARTNER LAW FIRMS (\$3,500 or more)**

Brown Chiari LLP  
Jaackle, Fleishmann &  
Mugel, LLP  
Lipsitz, Green, Scime &  
Cambria LLP

The Champions for Justice Bash has become a much anticipated annual event for the Buffalo legal community. It is an excellent example of on-going collaboration between two programs and also serves as a major fundraiser for VLP and LSED. Approximately 330 people attended the fun filled event.

# LASNNY- 2012 Year in Review

**Kristie M. Cinelli, Director, Private Attorney Involvement Program  
The Legal Aid Society of Northeastern New York**

After working at Legal Aid Society of Northeastern New York (LASNNY) for the past seven years, I tend to think of the game of baseball when I think about what we do each day. We are thrown more curveballs and sliders than pitches right down the middle. We get a walk, we strike out. However, there are also those times when we hit it out of the park. These are the times that I remember the most.

In 2012, the Legal Aid Society continued its efforts to provide free civil legal services to those who are most in need. Through collaborations, both cherished old and promising new, we were able to successfully execute our mission. Like many other programs, the primary funding for our Private

Veterans. This was made possible through our collaborations with the Albany County Bar Association, the Albany Housing Coalition, **Hiscock and Barclay, Mike O'Brien** and our newest partner, the Stratton VA Medical Center. We were able to assist 56 Veterans. Amazingly almost one-half, 24, were referred for more than advice. In 2013, we will continue to serve low income Veterans and will add a new program, "The Veteran's Bankruptcy Assistance Program", thanks to **Laura Silva and the Albany Law School Veterans Pro Bono Program**.

2012 continued to challenge many low and no-income people. Unemployment was still at a high in our service area. Individuals continued to climb uphill to find jobs and ways to

**Papazian\* and Earl Redding\*.**

Bankruptcy also continued to be at the forefront of the PAI program's mission. With no in-house staff to handle these matters, it was more important than ever to support our awesome volunteers. 148 clients applied for assistance with a bankruptcy. Of that number, 80 were eligible for the program and referred for representation. This would not have been possible without those volunteers who graciously agree to take cases on a monthly basis: **Tony Arcodia\*, Jerrold Bartman, Guy Criscione, Marc Ehrlich\*, Michael O'Connor\* and Christian VanNiekerk.**

2012 also could be called, "The Year of the Divorce". With the implementation of DRL 170(7), the "irretrievable breakdown" ground for divorce, we had an outpouring of requests for help with divorce: 351. Of that number, the PAI program was able to assist 160 clients through a pro se divorce clinic or by extended representation in a divorce. Many thanks to **David Burke and the Schenectady County Bar Association, Lisa Mills, Andrew Moses, Joel Peller and Bethany Schumann-McGhee\*** who assisted a total of 86 clients at our 2012 clinics. An additional 108 clients were provided with advice.

Each year we continue to think of ways to increase the number of people we can assist while still maintaining high quality services. Now, more than ever, we must work together to make sure we do not duplicate efforts and ensure that those who want to volunteer continue to do so.

We are grateful for the mix of funds and the variety of community and legal partners that help in making what we do possible. Mostly we are grateful for the volunteers who each bring something unique to our clients.

*Each year we continue to think of ways to increase the number of people we can assist while still maintaining high quality services. Now, more than ever, we must work together to make sure we do not duplicate efforts and ensure that those who want to volunteer continue to do so.*

Attorney Involvement (PAI) program decreased. Luckily, thanks to the persistence of Chief Judge Jonathan Lippman\*, we were provided with a new source of funding, Judiciary Civil Legal Services Funds.

Previously, we had only one source of pro bono funding - the Legal Services Corporation (LSC). With the Judiciary Civil Legal Services Funds, we now are able to utilize two sources of funding which enables us to not only maintain existing services, but also expand and create new service opportunities. LASNNY is committed to building and maintaining sustainable pro bono programs.

Last year, we started "Year Two" of our pro bono programs for low income

support themselves and their families. We continued our work with our treasured volunteers **Janet Axelrod\* and Alyssa Talanker\***. Through Alyssa and Janet's unsurpassed dedication, 103 clients were provided with advice regarding possible defenses and how to prepare for a hearing. We were also fortunate to have the Albany Law School Litigation Clinic; spearheaded by **Professor C. Benjie Louis\* and assisted by Rosetta Rawlins**. The Law School took 24 cases for representation over two semesters. Our need for volunteers to assist clients at hearings continues to be substantial. We are grateful for those that continue to volunteer for our clients including **Joe Dougherty\* at Hinman Straub, Lynne**



# Legal Aid Society of Mid-New York Hosts Variety of Programs in Honor of National Pro Bono Week

**Arlene Sanders, Managing Attorney, Pro Bono Unit, Legal Aid Society of Mid-New York**

Legal Aid Society of Mid-New York hosted a variety of events during October in honor of National Pro Bono week, coordinated by paralegals Jim Guilford, Renee Kolwaite and Pam MacLaren. The programs served clients within LASMNY's 13 county service area and included telephone advice clinics to benefit those who were unable to attend in person. Among the events were pro se divorce clinics held in Binghamton, Oswego, and Utica, consumer bankruptcy clinics held in Binghamton and Syracuse, and advice clinics co-sponsored with the Binghamton Vet Center to assist both vets and active duty service members. Other October programs included a child support clinic in LASMNY's Syracuse office and an eviction defense program in Binghamton City Court.

Also in October, Broome County Bar Association and LASMNY co-sponsored Broome County's Sixth Annual Senior Legal Clinic for seniors age 60 and over. The 2012 clinic had the highest turnout to date, with 15 attorneys advising approximately 120 seniors on estate planning, debt collection, grandparents' rights, housing, and other issues. Earlier in the year LASMNY worked with the Elder

Law Group at Binghamton's Levene Gouldin and Thompson, LLP to develop a similar clinic for Chenango County seniors, which was held for the first time in May 2012. Attendees were extremely pleased with the new program and appreciative of the free legal advice.

LASMNY offered two free CLE programs in 2012, including a CLE held during National Pro Bono week and co-sponsored with the Oneida County Bar Association. Another program held in May was co-sponsored with the Broome County Bar Association and the Sixth Judicial District Pro Bono Committee. Both programs, which were offered free to attorneys who signed up for a pro bono case or clinic, featured topics in housing, foreclosure and matrimonial law, as well as some practical "tips from the bench." The programs were attended by over 30 attorneys, many of whom have already accepted at least one new pro bono matter.

The month of October also featured the first 5K fundraiser for LASMNY, sponsored by the Oneida County Bar Association. The "Trial Run 5K and Fun Walk" was held on October 21 at SUNY IT and included about 100 runners, walkers and volunteers.



*LASMNY's Paul Lupia\* accepts check from Oneida Co. Bar Assoc. President Elizabeth Fortino\* at 5K fundraiser.*

A chilly and rainy morning did not dampen the spirits of participants some of whom traveled over 100 miles to attend. Approximately \$5,000 was raised from the event thanks to generous contributions from local businesses and 5K participants. The race concluded with an awards ceremony hosted by Oneida County Bar Association President Elizabeth Snyder Fortino\* at which she presented the check to LASMNY Executive Director Paul Lupia\* amidst cheers and applause. Lupia expressed his appreciation to Snyder, the bar association, and all contributors for their generosity and support.

# Law Firms Honored for Innovative Pro Bono Programs and Law Reform Litigation

Marlene Halpern\*, Supervising Attorney for Pro Bono, The Legal Aid Society

In 2012, The Legal Aid Society recognized firms that made a significant pro bono commitment to expand access to justice for low-income New Yorkers. These firms established programs that permitted their attorneys to contribute a substantial amount of time to the Society and its clients, created a law firm project under partner leadership that handled a significant caseload, and acted as co-counsel on major law reform class actions that benefit virtually the entire low-income population of two million children and adults in the City and have State-wide and National impact.

Cooley LLP; Davis Polk & Wardwell LLP; Debevoise & Plimpton; Kramer Levin Naftalis & Frankel LLP; Weil; and White & Case LLP either allocated a six-month extern or a third of at least one associate's time over a nine-month period to partake in an innovative project that provided additional legal resources to assist The Legal Aid Society's Criminal Defense attorneys with their caseloads. Davis Polk made an extraordinary commitment in providing a high-level legal team to assist The Legal Aid Society in conducting innovative data research and investigation to assist in the implementation of the landmark State criminal defense case cap law to address the Criminal Practice's excessive criminal defense caseloads, and in representing the Society in litigation to support the City's indigent defense plan to assign the Society non-conflict and conflict cases. The firm was also recognized for its work as outstanding co-counsel in a lawsuit that seeks to prohibit the arrest of people who possess small amounts of marijuana. Cleary Gottlieb Stein & Hamilton LLP piloted a pro bono initiative to represent victims of human trafficking, providing counsel for 10 victims who sought vacatur of prior prostitution convictions under a recently enacted New York law. On the Civil side, Weil,

Gotshal & Manges LLP developed a unique public housing tenant representation pro bono project to address the justice gap for low-income tenants. Led by firm partners and counsel, first year associates -- both corporate and litigation -- represented 25 individual clients. More senior firm attorneys also contributed invaluable resources as co-counsel on actions to address systemic issues. The firm was outstanding co-counsel with the Society on a class action that secured \$110 million in rental assistance for ten months for 16,000 formerly home-

and the guests of tenants in NYCHA housing developments. Cooley LLP was recognized for its exceptional work as co-counsel on a successful class action lawsuit that obtained past and prospective relief on behalf of more than 10,000 families with minor children who were wrongfully deprived of millions of dollars of public assistance. Milbank, Tweed, Hadley & McCloy LLP has provided exceptional co-counsel assistance in a disability discrimination case against the City seeking relief on behalf of 25,000 class members.

*Milbank, Tweed, Hadley & McCloy LLP has provided exceptional co-counsel assistance in a disability discrimination case against the City seeking relief on behalf of 25,000 class members.*

less families and individuals in order to preserve their apartments when the City attempted to precipitously end the Advantage rent subsidy program. Shearman & Sterling LLP and Credit Suisse were honored for their sustained staffing of a Supplemental Social Security Income Waiver Clinic, which assists individuals with disabilities who are threatened with loss of crucial benefits due to alleged overpayments. This unique law firm/corporate pro bono project has contributed nearly 3,100 hours of legal assistance on behalf 57clients, enabling them to maintain subsistence federal disability assistance.

Debevoise & Plimpton LLP was recognized as outstanding pro bono co-counsel with the Society's Prisoners' Rights Project to protect female inmates from sexual abuse. Paul, Weiss, Rifkind, Wharton & Garrison LLP was honored for providing excellent co-counsel representation in a class action lawsuit to stop unlawful police trespass arrests of both tenants

In addition, a number of firms were honored for their work as co-counsel with the Society's Juvenile Rights Practice. Patterson Belknap Webb & Tyler LLP excelled as co-counsel in a successful class action that challenged the Administration for Children's Services failure to provide appropriate and less restrictive foster care placements for children ready to be discharged from psychiatric hospitals. Davis Polk served as co-counsel in another successful class action challenging the Administration of Children Services' failure to ensure that children aging out of foster care have stable and adequate housing. Orrick, Herrington & Sutcliffe LLP was honored for its outstanding pro bono contributions as co-counsel on a federal civil rights lawsuit on behalf of children confined in upstate residential centers who are subjected to unconstitutional and excessive force by staff and are deprived of legally-required mental health services.

# Lenox Hill Neighborhood House Honors Mayer Brown with Elizabeth Rohatyn Award for Community Service

**Mia R. Kandel\***, Supervising Attorney, Health Care Access Project, Lenox Hill Neighborhood Home

On April 26, 2012, Lenox Hill Neighborhood House recognized Mayer Brown's commitment to pro bono legal work with the 2012 Elizabeth Rohatyn Award for Community Service. More than 100 Lenox Hill Neighborhood House staff and volunteers were in attendance to honor Mayer Brown's pro bono accomplishments during our 23<sup>rd</sup> annual Volunteer Recognition Ceremony.

Mayer Brown has been working with Lenox Hill Neighborhood House's Legal Advocacy department since late 2009, when the Supplemental Needs Trust pro bono project was created. The Supplemental Needs Trust initiative has flourished greatly since its inception; to date, Lenox Hill Neighborhood House has trained 35 volunteer attorneys who have assisted more than 45 low-income and disabled Medicaid recipients with joining Supplemental Needs Trusts.

Supplemental Needs Trusts enable disabled individuals to maintain Medicaid health insurance coverage while at the same time being able to afford daily living expenses such as rent and food. Without the trust, clients would have to choose between paying for their health care or other monthly bills: a situation that could



*Left-Right – Jarman Russell\*, David Lizmi, Gina Del Tatto\* and Michael Letito (Mayer Brown attorneys); Mia Kandel\* and Carolyn Silver (Lenox Hill attorneys); and Thomas J. Edelman (President, Lenox Hill Neighborhood House Board of Directors) at Awards Ceremony.*

lead to devastating outcomes for these vulnerable adults. The clients assisted by this project, many of whom rely on Medicaid to pay for their twenty-four hour homecare, greatly appreciate the dedication and commitment of the Mayer Brown attorneys who have helped them to improve their quality of life.

Lenox Hill Neighborhood House is thankful to have Mayer Brown as partners in this project, which allows us to greatly expand our capacity to provide this essential service to disabled and elderly New Yorkers.



# Lenox Hill Neighborhood House Partners with the Elder Law Clinic at CUNY School of Law to Help Homebound Seniors Plan for the Future

**Mia R. Kandel\***, Supervising Attorney, Health Care Access Project, Lenox Hill Neighborhood Home

The Legal Advocacy and Organizing Department of Lenox Hill Neighborhood House recently launched a partnership with CUNY Law School's Elder Law Clinic to help low-income, homebound seniors prepare advance planning documents.

Receiving training, supervision and oversight from their Clinical Law Professors and Lenox Hill Neighborhood House, 14 law students participated in the project, which assisted frail seniors with preparing a will, power of attorney, health care proxy and living will. Students, along with their supervising attorney, visited homebound seniors in their homes and counseled seniors on their advance planning options. After drafting the documents to reflect the client's wishes, the students returned to the clients' homes with the prepared documents for signing. Through this process, homebound seniors were given the opportunity to explore their wishes with regard to end of life healthcare decisions and for many, this was the first time they had spoken to anyone about these difficult matters. Finalizing these

advance planning documents allowed clients to feel secure knowing that their financial and healthcare matters would be handled in accordance with their desires should they be unable to take care of these matters on their own. Moreover, through the signing of simple wills, clients ensured that their testamentary wishes would be honored when they ultimately pass away.

In addition to providing peace of mind for our homebound clients, who could otherwise not afford to pay for a private elder law attorney, this project taught students important lessons about providing direct client legal services, and about best practices for drafting and executing advance planning documents, an experience that many do not gain in law school. For example, in assisting a 65 year old disabled man who had recently suffered a series of strokes rendering him homebound, one law student, along with her supervising attorney, met with the client to discuss his concerns and desires, and also met with the client's family members to discuss their roles in carrying out his wishes. These

comprehensive services put our client's mind at ease.

Our Homebound Advance Directives Project falls well within the mission of Lenox Hill Neighborhood House; a 118-year-old settlement house that provides an extensive array of integrated services—social, educational, legal, health, housing, mental health, nutritional and fitness - to 20,000 people in need each year, ages 3 to 103, on the East Side of Manhattan and Roosevelt Island. Our Legal Advocacy department serves thousands of older adults each year, the majority of whom live on low-level fixed incomes with a wide variety of legal services, including housing, access to health care, government benefits, employment law and advance directives. Due to the success of this partnership, we are excited about our continued relationship with the Elder Law Clinic at CUNY School of Law and in the coming months, we expect to assist more of our homebound clients plan for the future.

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## MFY Announces New Pro Bono Coordinator

Barbara Graves-Poller\*, a 2004 NYU law graduate, has been appointed MFY's new pro bono coordinator and supervisor of MFY's Kinship Caregiver Law Project, a new full-time position. Ms. Graves-Poller litigated complex disability rights cases as a staff attorney at MFY, and she brings years of experience focusing on chil-

dren's rights issues as well as her private sector practice to the post. Those interested in volunteering or doing pro bono work at MFY can contact Ms. Graves-Poller at [bgravespoller@mfy.org](mailto:bgravespoller@mfy.org).



*Barbara Graves-Poller\**

# MFY Legal Services Expands Its Capacity to Help Ex-Offenders Re-enter Workforce Through Pro Bono Initiative with Ropes & Gray LLP

Dolores Schaefer, Director of Development & Communications, MFY Legal Services, Inc.

MFY Legal Services' work to help New Yorkers with criminal convictions to re-enter the workforce is part of MFY's broad commitment to economic justice that takes many forms, from securing unpaid wages for workers whose employers have violated federal and state wage and hour laws to defending low-income consumers from unscrupulous debt collectors. In tough economic times, when competition is stiff even for low-wage jobs, protecting workers' rights to be properly paid is even more important. MFY's work on behalf of those re-entering the workforce has been expanded thanks to a partnership with Ropes & Gray wherein associates take on these cases and represent individuals at administrative hearings to secure licenses for work as security guards, taxi drivers, nurses' aides, and other skilled occupations.

This year alone, attorneys from Ropes & Gray have won licensing appeals for seven clients, with two other cases pending. MFY's work to remove barriers to employment has had a particularly profound and lasting impact on the lives of people with criminal records who are trying hard to secure jobs that will give them a new start in life. Begun several years ago as a small part of MFY's Workplace Justice Project, the program has grown in both size and scope as more people seek assistance to secure licenses or to remove errors from their records that would otherwise prevent them from obtaining a work-related security clearance. Ropes & Gray's participation allows MFY to offer full representation to many more clients that we could otherwise assist.

## Facilitating Access to Jobs that Pay Decent Wages

"Many young people wind up with criminal records simply because they exercised poor judgment," said Bernadette Jentsch, the MFY senior staff attorney in charge of the project. "Our project helps them get back on track, and we're thrilled that Ropes & Gray is helping us to serve many more clients."

Poor judgment was the cause of Mr. J's (*pseudonym*) problems. He came to MFY seeking help to become a Licensed Practical Nurse (LPN). During his freshman year in college some eleven years earlier, he became intoxicated and wound up in someone else's apartment. Although nothing was stolen, he was sentenced to five years' probation for burglary. After working in several retail jobs and as a certified nurse's assistant, he completed an LPN program and received a job offer pending approval of his license. MFY helped Mr. J craft his license application statement explaining his single offense, assisted him in gathering proof of rehabilitation, and represented him at the initial investigative interview. His license was approved. He now happily works in a field he enjoys, earns a living wage, and looks forward to opportunities for professional advancement.

## A License to Work is Life Changing

"I have never had an option in my life. Now I have options." That was Mr. B's (*pseudonym*) reaction when he learned that he had won his appeal to the New York Department of State

and had been granted a license to work as a security guard.

A year earlier, Mr. B had worked successfully as a security guard for several months but was unable to advance to permanent employee status until he secured a license. In light of his conviction history, he had to show that he had been rehabilitated and was eligible to be licensed, notwithstanding his criminal record.

Mr. B's life had been difficult. He had experienced periods of homelessness and received several criminal violations and misdemeanors. Despite these obstacles, he was working hard to secure gainful employment and move his life forward. When he sought MFY's assistance, his record had been clean for the previous four years, and he was employed part-time at an overnight delivery company. With MFY's help, he was able to document his rehabilitation and present credible testimony at his licensing hearing. For Mr. B, having another employment option was a new and welcome experience.

## Dignity and a Fresh Start

"Although the work that many clients seek is not highly paid, getting a job as a security guard or taxi driver gets people off public assistance and gives them the dignity they deserve," said Ms. Jentsch. Recent cases reflect the personal transformation and decades of increased earning potential that MFY's re-entry work has helped clients to realize. One 44-year-old client who had collected \$1,644 per year in public assistance payments was able to earn \$25,950 per year after

obtaining a security guard license. A 46-year-old woman who had been receiving \$7,728 per year in SSI and SSD benefits became eligible to earn \$20,700 per year after getting a security clearance to work as a home health aide. A 38-year old client who secured a "For Hire Vehicle" license can now earn \$25,620 a year. A 29-year-old man who had been supported by his mother became a Licensed Practical Nurse, a profession that pays \$41,170 per year. Not only do these clients and their families benefit from this shift from aid recipient to wage earner, their communities – many of which are disproportionately African Ameri-

can and/or Latino – are enriched by the professional opportunities that MFY helped these clients to secure.

### MFY Offers an Array of Pro Bono Opportunities

Ropes & Gray also supports MFY's mission by providing externs to MFY. Launched in July 2012, the Ropes & Gray extern works a six-month rotation in MFY's Seniors Project, helping to prevent evictions of the elderly in housing court. Similarly, the law firms of Cleary Gottlieb Steen & Hamilton LLP and Willkie Farr & Gallagher LLP also provide externs who work

in MFY's housing unit. Some 40 other firms provide assistance to MFY's clients, representing grandparents and other relatives seeking to adopt or secure legal guardianship of related children as part of MFY's Kinship Caregiver Law Project. Several firms, including Abbey Spanier Rodd & Abrams, LLP, DLA Piper, Emery Celli Brinckerhoff Abady PC, Harwood Felfer LLP, Paul, Weiss, Rifkind, Wharton & Garrison, LLP, Patterson Belknap Webb & Tyler LLP, and Weil, Gotshal & Manges are co-counseling class action lawsuits and other impact litigation with MFY.

## New York Lawyers – The Good We Do

# EXPRESSIONS

# Expressions

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

Have you worked on a special Pro Bono project?

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

Has your community service work improved the lives of others?

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

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

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

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





# Steven C. Krane Special Committee On Student Loan Assistance For The Public Interest Grants Awarded; Webinars Assist Those With Loan Debt

Edwina Frances Martin\*, Co-Chair, NYSBA Committee on Legal Aid and Co-Chair, Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest



**Martin**

The Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest (SLAPI) was created in the summer of 2001 to review the impact of law school indebtedness on the ability of government

and public service employers to attract qualified attorneys to undertake careers in public service, and to develop a plan to assist new attorneys in pursuing public service careers by reducing indebtedness. The Committee has a two-fold focus: to provide financial assistance to mid-level government and public interest attorneys burdened with large educational debt (who are less likely to qualify for federal loan repayment assistance), and to educate attorneys and employers on loan repayment assistance options.

To further its education mission, SLAPI co-hosted two webinars on loan repayment in 2012, in March and November. The webinars were geared towards public interest/government attorneys out of law school three (3) to six (6) years, and government and public interest employers, to help educate them on developments in the loan repayment assistance landscape, in particular regarding federal government loan repayment programs available. The webinars were co-hosted with Equal Justice Works, a public interest advocacy organization which pioneered the area of loan repayment

assistance education, and with Heather Jarvis, an experienced consultant on loan repayment issues.

In 2012, SLAPI, in conjunction with the NYSBA Bar Foundation, also awarded new loan repayment assistance grants of \$4,000 – the first such grants awarded since 2008 – to four mid-level public interest attorneys, and in 2013 there will be three (3) SLAPI grantees:

## Michelle De Mareo

Staff attorney Michelle De Mareo, also a 2012 SLAPI grantee, is a ten (10) year employee with Monroe County Legal Assistance Center (MCLAC) in Rochester. Ms. De Mareo represents low-income individuals and families, many of who are disabled and at risk of homelessness. Ms. De Mareo defends low-income tenants and families in private and subsidized housing in eviction proceeding throughout Monroe County. In addition she represents tenants in administrative hearings to preserve their rental subsidies, such as Section 8 Housing benefits.

## Jeffrey Hogue\*

Jeffrey Hogue has been with Legal Assistance of Western New York, Inc., since January 2000, after graduating from Cornell Law School. He is a supervising attorney and represents low-income clients in the areas of housing, education, and family law. He is also a regional technology coordinator, coordinating technology policy and implementation of innovative technology tools for use by advo-

cates and clients as part of LawHelp.org/NY, receiving a NYSBA Denison Ray Award for his work in this area in 2010.

## Kelly McGovern\*

Kelly McGovern is a Staff Attorney with Legal Assistance of Western New York, Inc., drawn to the office from her experiences as an AmeriCorps paralegal with the office prior to law school, and as an AmeriCorps Equal Justice Works Legal Fellow with the program immediately following law school. Since September 2008 she has represented clients in the areas of employment and public benefits. Legal Assistance of Western New York covers a large geographical area, and Ms. McGovern has been able to work in offices in several counties, allowing her to “[draw] upon [her] root and [her] rural upbringing when working with clients, treating each client the way [she] would treat a neighbor.”

The 2013 SLAPI grant recipients will be announced during the NYSBA Annual Meeting in New York City on Monday, January 21st at 10:00 a.m. For more information on SLAPI, loan repayment awards, or on upcoming loan repayment webinars, please contact Gloria Herron Arthur\*, Esq., Director, NYSBA Department of Pro Bono Affairs, (518) 487-5641; garthur@nysba.org. More information regarding loan repayment is also available on the SLAPI webpage at [http://www.nysba.org/AM/Template.cfm?Section=Steven\\_C\\_Krane\\_Special\\_Committee\\_on\\_Student\\_Loan\\_Assistance\\_for\\_the\\_Public\\_Interest\\_Home](http://www.nysba.org/AM/Template.cfm?Section=Steven_C_Krane_Special_Committee_on_Student_Loan_Assistance_for_the_Public_Interest_Home).

# The Legal Aid Society and 430 Law Firm/Corporate Partners Assist Thousands of Low-income New Yorkers Devastated by Superstorm Sandy

Marlene Halpern\*, Supervising Attorney for Pro Bono, The Legal Aid Society

During Superstorm Sandy and in its aftermath, managers, staff attorneys and support staff of The Legal Aid Society have provided extraordinary legal services to low-income New Yorkers. Even as the storm had just died down, Legal Aid Society staff, using personal tablets and cell phones, were assisting public housing residents with FEMA and emergency food stamp applications and other legal needs in Red Hook, Coney Island, the Rockaways, the Lower East Side and Staten Island.

Law firm and corporate volunteers quickly complemented this effort, traveling with Society staff to devastated neighborhoods that had neither power nor heat and helping to provide disaster relief hotline assistance. By December 31, 2012, the Society's staff and pro bono partners had assisted more than five thousand families and individuals through The Legal Aid Society's Mobile Justice Unit, in the evacuation shelters and hotels, at FEMA and community sites in the affected communities, and through the Society's disaster relief hotline.

To expand the availability of legal help for disaster victims, The Legal Aid Society converted its Access to Benefits Hotline into a Disaster Relief Hotline to assist individuals by answering specific disaster related questions including, but not limited to: FEMA, housing, insurance, public benefits, employment, education and health related legal issues. Supervised by Legal Aid staff, volunteers from the private bar have answered hundreds of calls from disaster-affected residents. A number of individual firms have committed staff for the hotline on an ongoing basis, adopting a day of the week that their attorneys have



*Legal Aid staff helping Coney Island residents with FEMA and emergency food stamp applications.*

volunteered through December, and longer during January as the need continues. Moreover, in December, on two days notice, law firm volunteers made more than 2,000 calls over a 24 hour period to inform the Society's clients that they needed to immediately file for Disaster Supplemental Nutrition Assistance Program (D-SNAP) before the City ended the application period.

In addition, The Legal Aid Society's Community Development Project and representative law firms from the Project's Advisory Board have focused on assisting small businesses in Red Hook, Staten Island, Coney Island, and Lower Manhattan.

The following law firms and corporate partners have made exemplary efforts in aiding The Legal Aid Society in providing Disaster Relief. They are: BNY Mellon; Cahill Gordon & Rein- del LLP; Chadbourne & Parke LLP;

Cleary Gottlieb Steen & Hamilton LLP; Covington & Burling LLP; Davis Polk & Wardwell LLP; Dechert LLP; Fried, Frank, Harris, Shriver & Jacobson LLP; Friedman Kaplan Seidler & Adelman LLP; Goodwin Procter LLP; Hughes Hubbard & Reed LLP; Kaye Scholer LLP; Kasowitz, Benson, Torres, Friedman LLP; Kelley Drye & Warren LLP; Kramer Levin, Naftalis & Frankel LLP; Latham & Watkins LLP; Millbank, Tweed, Hadley & McCloy LLP; Orrick, Herrington & Sutcliffe LLP; Patterson, Belknap, Webb & Tyler LLP; Paul, Weiss, Rifkind, Wharton & Garrison LLP; Proskauer Rose LLP; Ropes & Gray LLP; Shearman & Sterling; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Stook & Stook & Lavan LLP; Weil LLP; White & Case LLP; Wilmer, Cutler, Pickering, Hale and Door LLP.

# Patton Boggs & Staten Island Legal Services Fight to Help Blind Client Keep His Home

Antonia E. Woodford, Staten Island Legal Services

With pro bono assistance from Patton Boggs LLP, attorneys at Staten Island Legal Services (a program of Legal Services NYC) sued the New York City Housing Authority (NYCHA) for discriminating against a blind tenant and Section 8 subsidy recipient by repeatedly sending him written notices that he cannot read.

The lawsuit is on behalf of Staten Island resident Justin Williams, but if it is successful it should have broader

implications for other blind and/or visually impaired individuals who receive Section 8 rental assistance from NYCHA. Filed in November 2010, the lawsuit alleges that the agency violated federal and city anti-discrimination laws when it terminated Williams' Section 8 rental subsidy without notifying him in an effective way given his disability.

*Our hope is that NYCHA will finally comply with disability laws and provide notices in an accessible form, and will make reasonable accommodations for all individuals who are blind or visually impaired in New York City," said Shelly Agarwala, supervising attorney for the family law unit at Staten Island Legal Services and one of Williams' lawyers.*

agency continued to mail him written notices. Throughout the 15 years he received Section 8, he went to NYCHA's Staten Island office in person to recertify so that he could get help filling out the relevant forms, but the closing of that office in late 2008 left him vulnerable.

"I had no choice," Williams said of his decision in the summer of 2010 to seek help from Staten Island Legal Services. "Nobody else was helping.

Everyone was giving me the run-around." He is now being represented by Philip Smith\*, a partner at Patton Boggs; Agarwala and Nancy Goldhill of Staten Island Legal Services; Kevin M. Cremin of MFY Legal Services, Inc.; and Edward Josephson of Legal Services NYC's Legal Support Unit.

Agarwala called the fact that NYCHA lacks a policy for communicating Section 8 information to visually impaired people "extremely troubling and a violation of the law." The lawsuit charges that NYCHA violated the Americans with Disabilities Act, the Rehabilitation Act, the Fair Housing Act, and the New York City Human Rights Law by failing to make reasonable accommodations for people with disabilities, and that NYCHA also denied Williams due process of law and violated regulations of the Department of Housing and Urban Development and the provisions of the First Partial Consent Judgment in *Williams v. New York City Housing Authority*.

NYCHA reinstated Williams' Section 8 benefits after the lawsuit was filed, and moved to dismiss the case in 2011. But a federal judge in Brooklyn ruled in July of this year that the case may proceed, and Williams and his lawyers said they will continue to litigate until NYCHA acknowledges its mistakes and takes steps to provide reasonable accommodations – not only for Williams, but for all tenants in comparable situations.

"Until it gets done, I don't care if the case takes 10 years," Williams said. "This is not just for me; it's for other blind people too."

Agarwala and Smith said they are pleased with the progress so far and expect a judge to eventually rule in their favor.

"We've got a pretty high-powered group of public interest lawyers – it's an excellent team," Smith said.

Agarwala said Staten Island Legal Services is fortunate to be helped by Smith, a partner at Patton Boggs with substantial experience. At Patton Boggs, Smith focuses on securities class action defense and merger and acquisition litigation, as well as other financial and commercial disputes, but has done pro bono work "off and on" for several years. This is his first time collaborating with Staten Island Legal Services.

Smith said attorneys from firms like his can be particularly useful to legal services organizations in assisting with "heavy-duty discovery" at the beginning of a lawsuit.

"It's the right thing to do," Smith said of pro bono work, "and both our firm, and previous firms I've been at, support lawyers who do pro bono work. We can have a pretty big impact because I think we're pretty skilled at what we do, and we can really make an impact on any kind of case that we bring."



# Prisoners' Legal Services Celebrates Pro Bono Partnership's One Year Anniversary

Samantha Howell\*, Pro Bono Coordinator, Prisoner' Legal Services



Paul J. Curran's son, Thomas J. Curran of Peckar & Abramson, presented the award to Jessica M. Gorman\*.

On October 25, 2012, and in conjunction with the annual National Pro Bono Celebration, Prisoners' Legal Services of New York (PLS) celebrated its inaugural year of the PLS Pro Bono Partnership Project. PLS held its celebration event, "Walking a Mile in Their SHUs,"

at the Fort Orange Club in Albany, NY. "SHU" (pronounced "shoe"), is an acronym used by the Department of Corrections and Community Supervision for its "Special Housing Units," areas of a prison where people are placed in solitary confinement for disciplinary reasons, often for years at a time. The event featured six local actors performing dramatic interpretations of letters, poems and stories submitted by individuals incarcerated in New York State prisons. The passionate, and often heart-wrenching performances, shone a light on the use of solitary confinement in New York State and provided guests a window

into the world of isolation and the impact solitary confinement has on an individual and his/her family. The event also included a silent auction that featured extraordinary artwork, also submitted by prisoners.

The event provided PLS an opportunity to recognize volunteers and educate the public about PLS' Pro Bono Partnership Project, a statewide network of *pro bono* attorneys who provide assistance and representation to indigent inmates on a variety of issues. Through this program, over the past year, a dozen incarcerated persons have received representation in family cases, divorce cases and challenges to disciplinary hearings and parole denials. Law students, through the Albany and Syracuse Law Schools have also participated in the program by volunteering their time to research legal issues, draft legal memoranda, correspond with clients and assist on drafting legal pleadings.

The evening culminated with Jessica M. Gorman\*, one of PLS' *pro bono* volunteers, receiving the Paul J. Curran Award for Pro Bono Service. Paul J. Curran was the Chairman of PLS' Board of Directors for over a decade and was a prominent public and political figure who was committed to PLS and its mission. He believed vehemently in defending any individual's

civil and constitutional rights, and in the need for the State to treat all of its citizens in a decent and humane fashion. Paul passed away in September 2008, and the award was created by his family to honor an individual who has demonstrated a commitment to *pro bono* work and defending the rights of incarcerated individuals in New York State. Ms. Gorman was given the award for her representation of an incarcerated individual in an Article 78 proceeding. The case challenged a disciplinary hearing that resulted in her client being placed in solitary confinement. Ms. Gorman's work resulted in her client's solitary confinement penalty being reduced by one year, and the return to her client of one year of good time and privileges (commissary, packages and phone) which had been taken away as a result of the hearing.

PLS offers our sincerest *thank you* to everyone who submitted a contribution, attended, or assisted in the organizing of our celebration event. We would also like to thank the *pro bono* attorneys and students who have dedicated their time, energy and spirit to help our program and the fight for justice.

# Pro Bono Counsel and Second Acts® Attorney Honored at 2012 Pro Bono Publico Awards

**Marlene Halpern\*, Supervising Attorney for Pro Bono, The Legal Aid Society**

Donald Curry, Fitzpatrick's pro bono chair, received The Legal Aid Society's 2012 Public Interest Leadership Award for his extraordinary vision and leadership in the establishment of a pro bono partnership with The Legal Aid Society. He is a constant source of support to the Society and its clients, repeatedly volunteering to provide counsel on emergency legal matters. As a supervising partner and pro bono attorney, Mr. Curry has focused on filling the gaps in pro bono representation. For example, he led the firm's intellectual property attorneys in an initiative to defend homeowners in foreclosure proceedings and quickly responded to the Society's request for the creation of a sustainable Article 78 project to save crucial Section 8 housing subsidies for low-income New Yorkers.

Meanwhile, Louise Gruner Gans, a former Acting Supreme Court Justice, Civil and Criminal Court Judge, and Family Court Judicial Hearing Officer, was the recipient of the Society's Second Acts® Leadership Award. She devotes two days or more each week in the Harlem Community Law Office, continuing a life-long career dedicated to public service. Judge Gans began her career with The Legal



*Chief Judge Lippman\*; Honorable Louise Gruner Ganz; Blaine "Fin" Fogg\*, President, The Legal Aid Society; Elizabeth Hay, Civil Practice, The Legal Aid Society.*

Aid Society and prior to assuming a judicial role she was the Coordinating Attorney for Family Law at LSNYC (formerly C.A.L.S.). She was a member of the plaintiffs' legal team in the landmark case of *Goldberg v. Kelly* and participated in the first U.S. Supreme Court case argued solely by female counsel. As a pro bono attorney, Judge Gans handles Social Security disability hearings, housing cases, and family matters that have resulted in clients obtaining more than \$30,000 in retroactive federal disability benefits, permanent housing, and guardianships of orphaned children.



*Chief Judge Lippman\*; Donald Curry, Partner Fitzpatrick Cella, Harper, & Scinto; Blaine "Fin" Fogg\*, President, The Legal aid Society.*

# Pro Bono Counsel Honored at Community Development Project's 2012 Celebration: Supporting Movements for Change

Michelle Kennel Shenk, Development Coordinator, Community Development Project

The Community Development Project (CDP) at the Urban Justice Center presented the 2012 Community Service Award to **Brent T. Starks**, associate at **Kaplan Rice LLP** for his outstanding dedication to pro bono service. Beginning in 2008, Brent took on pro bono representation of an elderly rent-regulated tenant who was living in a low-rent apartment in the Lower East Side. Brent spent countless hours drafting motions, briefing legal issues, preparing for oral arguments and interviewing witnesses during the course of more than four years of litigation. Throughout the case, he not only was a zealous legal advocate for his client but a source of emotional support to her during very trying times.

CDP presented the Ally for Justice Award to **Paul, Weiss, Rifkind, Wharton & Garrison LLP**. Paul, Weiss has provided exemplary pro bono services to CDP in a variety of capacities, including co-counseling on numerous lawsuits on behalf of low-income New Yorkers, assisting a number of CDP community non-profit partners to obtain their 501(c)(3) status, and providing assistance on intellectual property and real estate matters. Through the years, Paul, Weiss's commitment to pro bono has allowed CDP to increase the impact of its work pro-



*Brent Starks, Associate at Kaplan Rice LLP, accepts the Community Service Award from Sadia Rahman, Supervising Attorney, Community Development Project. Photo by Jamie Fishman.*

tecting low-income individuals and supporting community-based organizations in New York City.

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



*Aaron Delaney, Associate, accepts the Ally for Justice Award on behalf of Paul, Weiss, Rifkind, Wharton & Garrison LLP. On right, Harvey Epstein\*, Community Development Project Director, Associate Director of the Urban Justice Center. Photo by Jamie Fishman.*

assisting with the formation of new organizations and cooperatives, and providing technical and transactional assistance in support of their work for justice in New York City's low-income and other excluded communities. CDP highly values the contributions of all our existing pro bono partners and offers new transactional and litigation opportunities throughout the year.



# Paying Employees in the Aftermath of a Natural Disaster<sup>1</sup>

Christine Michelle Duffy, Senior Staff Attorney, Pro Bono Partnership



Duffy

Following a natural disaster, employers may wonder if they must pay employees if their offices were closed, or if their offices were open and employees did not

come to work. This article generally summarizes the relevant wage and hour rules. Please note, these rules may be subject to some exceptions, so employers should speak to an experienced employment lawyer if they need further guidance.

## Exempt Employees

“White collar employees” – managers, professionals, and administrative personnel who satisfy the regulatory “duties” tests – are exempt from receiving overtime pay and normally must be paid their full salary in any workweek (i.e., the predefined seven-day pay period) in which they perform any work, regardless of the number of hours they work that week. There are several exceptions to this rule, set forth in the U.S. Department of Labor’s regulation 29 C.F.R. 541.602. (Note that Connecticut has not adopted all of the U.S. DOL exceptions, but has adopted the exception discussed below.)

One of the exceptions is for personal absences of one or more FULL days due to personal reasons. Thus, if your office was open and exempt employees did not make it to work (e.g., because they were cleaning up from a flood or there was no available mass transit), you might not have to

pay them for the full days missed. However, if the employees were periodically working from home (e.g., checking voice messages, returning e-mails, and/or preparing a submission to a funder), then you would have to pay them for the days on which they worked.

Please note that had you closed your office for part of the workweek and the employees showed up for work on the days the office was open, then the employees are entitled to their full pay for the workweek, even if they did not work from home on the days the office was closed.

## Nonexempt Employees

With respect to employees who are nonexempt from overtime, generally an employer need pay them only for the hours they actually worked. Thus, regardless of whether your office was open or closed, if employees did not work, then you do not have to pay them. If employees worked from home, they must be paid for the hours they worked.

There are exceptions, including the following. First, if your office was open but closed early in anticipation of the storm, in addition to owing employees for the hours they actually worked that day, you may also owe them “reporting pay”. The rules relating to reporting pay vary by state:

1. Connecticut’s reporting pay requirements do not apply to employees who work in a general office environment, but do apply to employees in retail and wholesale businesses, such as stores and restaurants. Employers need to consult the specific Connecticut “wage orders” that apply to them. If reporting pay is due, then any employees who showed up for

work and were told to go home before four hours were worked must be paid for four hours.

2. In New Jersey, once employees show up for work they must be paid for at least one hour’s work unless their normal workday is less than one hour.
3. In New York, any employees who showed up for work and were told to go home before four hours were worked must be paid “call in pay”, at the New York minimum hourly wage, for at least the lesser of (a) four hours and (b) the number of hours in the employees’ regularly-scheduled shifts. However, if the employees’ earnings, at their regular rates of pay, for the week for the hours they actually worked exceed what they would be paid if you multiply their actual hours worked and any extra call-in hours by the minimum wage, then no extra pay is owed for the non-worked call-in hours.

Second, some employers pay nonexempt employees a weekly salary using the fluctuating workweek payroll method. Those employees must be paid their full salary in any workweek in which they perform any work, regardless of the number of hours they work that workweek and regardless of whether they did not come to work during the storm, even if the nonprofit was open for business. However, if the employees took time off when the office was open, that time can be charged to the appropriate paid-time-off (PTO) account.

Finally, if your employees are unionized, there may be contractual obligations in the collective bargaining agreement regarding whether the covered employees are entitled to pay in connect with emergency situations and/or reporting pay.

1. This article is provided as a general informational service to volunteers, clients, and friends of Pro Bono Partnership. It should not be construed as, and does not constitute, legal advice on any specific matter, nor does distribution of this document create an attorney-client relationship.

# The Pro Bono Partnership - Assisting Nonprofit Organizations and Enhancing Quality of Life in Neighborhoods in New York, New Jersey and Connecticut

Christine Michelle Duffy, Senior Staff Attorney, Pro Bono Partnership

The Pro Bono Partnership provides business and transactional legal services to nonprofit organizations serving the disadvantaged or enhancing the quality of life in neighborhoods in New York, New Jersey and Connecticut. Substantially leveraging the impact of its in-house legal staff, the Partnership annually recruits and mobilizes hundreds of attorneys from major corporations and law firms to donate their time and expertise on behalf of its nonprofit clients, enhancing their ability to improve conditions in their communities, particularly for the poor and vulnerable.

Since its founding in 1997, the Partnership has assisted more than

1,700 nonprofit organizations on thousands of legal matters, enabling them to more effectively feed the hungry, house the homeless, promote the arts, protect the environment and provide essential programs to children, the elderly, immigrants, the disabled and the unemployed.

In its severe impact on residents the tri-state area, Hurricane Sandy did not spare nonprofit organizations. The Partnership responded by reaching out to nonprofits within its service area via email blasts and twitter to offer assistance with legal issues related to emergency relief, employment, leases or real estate, contractual obligations, loss or destruction of

records, insurance and other disaster-generated matters. The Partnership also began aggregating disaster-related resources and links on its website for easy access by nonprofits and attorneys. The accompanying article, "Paying Employees in the Aftermath of a Natural Disaster," by Partnership senior staff attorney Christine Michelle Duffy, is just one of the resources developed in response to the crisis.

For disaster-related legal assistance, contact the Partnership at 914 328-0674 or through its website: [www.probonopartnership.org](http://www.probonopartnership.org).

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## Q & A with Sharon Elliott – Solicitor and Executive Director of London Based Legal Services Program

Gloria Herron Arthur\*, Director, Pro Bono Affairs

The 2012 Partnership Conference welcomed a distinguished guest from the United Kingdom - Solicitor Sharon Elliott. Ms. Elliott is the executive director of Community Links, a legal services program in London England. She also is the 2012 Winston Churchill Fellow. The Fellowship sponsored her visit to the United States where she attended the 2012 Partnership Conference and visited a variety of legal services programs in several different states, studying US legal services programs and pro bono delivery models which might be successfully replicated in the United Kingdom. The following

Q & A is from an interview I had with her.

**Q. How would you compare and contrast the delivery of civil legal services in the UK and the US?**

**A.** At present there is full funding of civil legal services through Legal Aid, a Government funded program for the poor or those on low income. In April 2013 the funding will reduce dramatically and in some cases entire areas of law

will be removed from the scope of government funding. Legal aid lawyers are particularly concerned about welfare benefits advice work being removed from scope as the UK is about to introduce a new welfare benefit system called Universal Credit.

Civil legal services in the UK are delivered by lawyers who work from independent and private law firms who can claim the Government funding or by not for profit agencies such as law cen-

*Continued on page 26*

## Q & A with Sharon Elliott

*Continued from page 25*

ters or charities like Community Links. Civil legal services in the US differ in their constitution and working practices. For example the majority of legal advice in the UK is still delivered face to face. In contrast, in the US I saw some very good projects where legal advice is delivered online or by telephone.

**Q. Based on your visits to diverse legal services providers and pro bono programs, can you identify any elements of these provider systems or pro bono programs that you believe could be replicated in the UK? Why?**

**A.** The need to build strong relationships with the larger law firms and corporate firms will be the key to the success of our ability to provide quality legal services for the most vulnerable in the future. The relationships bring two elements the provision of pro bono support from the lawyers and funding opportunities both of which are important. Innovation and the use of social media was an area that attracted me most, I was impressed with the free online legal tools available to clients and in particular the opportunity for clients to produce pleadings and to gain a better understanding of court procedure. Examples of innovation included providers employing community workers/organizers to provide legal information to people living in social housing.

Social media such as twitter and Facebook were effective tools in engaging and retaining alumni

and pro bono supporters as well as for fundraising and marketing purposes.

**Q.** Did you identify any provider systems or pro bono programs which you believe could not be replicated, why not?

**A.** I visited some projects where there was a total reliance on pro bono support with one or two staff lawyers. In the US there is a strong pro bono ethic embodied in code of professional conduct that is not the case here in the UK and I believe that we would struggle to run a program on that basis.

**Q. What are some of the most pressing civil legal services needs in the UK?**

**A.** The most pressing issues involve welfare benefits - both entitlement and challenging incorrect denials of benefits. Our clients are totally reliant on benefits and because of recent changes we have many clients who are existing without money to pay for food, rent or to take care of their children. The next biggest issue is around debt which has steadily increased following the economic downturn. We have many clients facing eviction from rented accommodations and loss of homes as clients struggle to meet mortgage payments.

**Q. Do you foresee a role for pro bono service in the future of the delivery of civil legal services in the UK?**

**A.** Yes. Pro bono will play a critical role particularly as the legal aid system changes. We have already

built up long standing relationships with large firms who provide client support services for example representing clients at social security tribunals and helping clients to complete social security benefit forms. The pro bono support does need to increase however as demand for legal services will not abate.

**Q. Does the legal education system in the UK incorporate pro bono service as part of its curriculum?**

**A.** Some UK law schools do actively encourage a pro bono ethic in its students. However, during my travels around the US it is evident that pro bono service here is much more embedded and there are long standing established pro bono projects run by students.

**Q. Do you foresee a role for law students in the future delivery of legal services in the UK?**

**A.** Yes. Law students will have an increasing role in delivering legal advice services. The concept of pro bono will be driven by the new generation of law students coming through the ranks. Law students will be best placed to deliver services on behalf of clients and benefit themselves by improving their legal skills.



# State Bar Offers Pro Bono Appeals Program

Cynthia Feathers\*, Esq., Co-Chair, Courts of Appellate Jurisdiction Committee



**Feathers**

You are a legal services staff attorney. Your client needs representation in an appeal, and you would like to help, since you believe that an adverse decision should

be reversed or a favorable decision upheld. You also realize that the appeal could establish precedent that would help many other litigants.

Unfortunately, your program lacks the resources to represent the client, who does not qualify for assigned counsel based on the nature of the litigation or income level. Where can you turn? Try the NYSBA Pro Bono Appeals Program, if the appeal is in the Third Department – and soon, also in the Fourth Department. The two-year old program provides pro bono representation to litigants at 250% or less of Federal Poverty Guidelines in selected appeals involving the essentials of life, such as family law issues, as well as education, housing, and unemployment insurance matters.

## How to Apply for Representation

To apply, simply go to [www.nysba.org/probonoappeals](http://www.nysba.org/probonoappeals), download a program brochure, and help your client complete an application. While the program will consider applications completed by pro se litigants, it is invaluable to have the involvement of trial counsel—whether from nonprofits or law firms—who were involved in the litigation and can describe appellate issues.

The initial review of applications regarding basic eligibility is done via two program partners, the Rural Law Center of New York and The Legal Project in Albany. Merits review is

handled by the State Bar's Committee on Courts of Appellate Jurisdiction ("Appeals Committee"). Factors considered include merit, potential impact, and complexity. Acceptance of an appeal is contingent on finding a volunteer and obtaining free transcripts, if needed.

The first opportunity to volunteer for cases goes to members of the Appeals Committee. Thereafter, a list serve message is sent to appellate attorneys statewide who have volunteered to take pro bono appeals, as well as to the pro bono coordinators of Manhattan law firms that expressed an interest in the Program. The Program welcomes additional volunteers who have extensive appellate experience.

## Goals for 2012 Already Met

For 2012, the Program had three goals: expanding the topics covered, doing 10 appeals, and creating a pro se appeals manual. All of those goals have been met. The Executive Committee approved the expansion; the appeals were placed; and the manual was drafted and will be published shortly and posted on the Program website.

The Program is especially grateful for the generosity and expertise of the volunteer appellate attorneys. Each appeal is a substantial undertaking, requiring anywhere from 20 to 100 hours. One appeal recently perfected could have an impact on the validity or invalidity of hundreds or thousands of marriages. An earlier appeal changed the law to make it easier for custodial parents to modify out-of-state child support orders where both parents left the issuing state.

The success of the Program flows from its partnerships. From the outset, the Appeals Committee has worked with The Legal Project, headed by Lisa Frisch, and the Rural Law Center, led by Susan Patnode\*. The Program was launched when Hon. Betty Weinberg Ellerin\*, retired First Department Presiding Justice, chaired the Appeals

Committee. It is now overseen by Cynthia Feathers, a current co-chair of the Appeals Committee, who is also completing a compendium of pro bono appeals programs nationwide for the ABA Council of Appellate Lawyers, headed by former NYSBA President A. Vincent Buzard\*.

The Program was made possible by the support of three funding partners: the New York Bar Foundation, which has provided grants for two years, and OCA and IOLA, which have provided funding to The Legal Project and the Rural Center, some of which goes toward staff attorney time devoted to the Program. There has also been a unique upstate-downstate partnership, with downstate appellate attorneys volunteering to handle a number of Third Department appeals. Attorney fee awards in some appeals may prove to be a source of additional funding.

## Expansion to Fourth Department Planned

Finally, the support of the Appellate Divisions is critical to the success of the Program. Before a pilot version of the Program was launched in the Third Department, the Presiding Justice and Clerk were consulted. Now, thanks to the support of Fourth Department Presiding Justice Henry J. Scudder\*, Justice Erin M. Peradotto\* (a member of the Appeals Committee), and Clerk Frances E. Cafarelli\*, expansion to the Fourth Department is expected in February 2013, following NYSBA Executive Committee approval.

The Fourth Department has already embraced pro bono in other significant ways—it was honored by NYSBA with a 2011 President's Pro Bono Award and by the ABA with a 2012 Pro Bono Publico Award for its innovative pro bono program for its own employees.

For further information on the Pro Bono Appeals Program, contact Cynthia Feathers at [cfeathers@appealsny.com](mailto:cfeathers@appealsny.com)

# Sold Out 2012 Partnership Conference Honors NYS Chief Judge Lippman and NYSBA President James and Introduces Innovative Panel Discussions

By Edwina Frances Martin\*, Co-Chair, NYSBA Committee on Legal Aid and Co-Chair, Steven C. Krane Special Committee on Loan Assistance for the Public Interest

The NYSBA Partnership Conference takes place biennially and is the premier continuing legal education program in New York State for the *pro bono* bar and civil legal services attorneys and paralegal staff. The 2012 conference, "Achieving Access to Justice in a Time of Economic Crisis," was held September 12<sup>th</sup> through 14<sup>th</sup> in Albany and was sold out, attended by more than 450 social justice advocates from throughout New York State attracted by CLE course offerings that covered virtually all critical poverty law subjects such as: building *pro bono* programs; access to fair housing; social security and Medicaid benefits; ethics; technology and its role in the delivery of civil legal services; racial and cultural competency; domestic violence; re-entry; immigration; foreclosure updates; bankruptcy; and the recently enacted New York State Marriage Equality Act.

The sold-out event included an opening plenary session on "Legal Services for the 99%," lunchtime panel discussions on "Legal Services and Vicarious Trauma" and "Achieving a Civil Right to Counsel in New York State," and a workshop on *Pro Bono* presented by Steve Scudder and Cheryl Zalenski of the ABA Center for *Pro Bono* Exchange in Chicago, IL.

The highlight of the Partnership Conference is the Denny Ray Awards Ceremony. The awards are given in memory of Denison Ray, a career civil legal services and civil rights advocate. The 2012 Honorees were:

- **The Civil Legal Services Individual Attorney Award Honorees** – Ian Feldman\*, Director of Legal Services, Mental Health Project, Urban Justice Center, New York, NY, and



*L-R Yisroel Schulman\*, Legal Aid Co-Chair Lewis Creekmore\*; Richard Hobish\*, NYSBA President Seymour James\*, Anne Erickson, accepting award for Michael Hanley\*, Chief Judge Jonathan Lippman\*, Ian Feldman\*, NYSBA President-Elect David Schraver\*, Leah Margulies, Zerline Goodman, accepting award on behalf of her late husband, and Legal Aid Co-Chair Edwina Frances Martin\*.*

**Michael Hanley\***, Senior Housing Attorney, Empire Justice Center, Rochester, NY.

- **The Pro Bono Program Director Award Honoree – Richard S. Hobish\***, Executive Director, Pro Bono Partnership, Inc., White Plains, NY.
- **The Legal Services Director Award Honoree – Michael Rothenberg (Posthumous)**, Former Executive Director, New York Lawyers for the Public Interest, New York, NY.
- **The Nonprofit Organization Award Honoree – New York Legal Assistance Group (NYLAG)**, New York, NY

Special awards were also given to New York State's Chief Judge Jonathan Lippman\* and NYSBA President

Seymour James\*, two national leaders in the legal and social justice world – Chief Judge Jonathan Lippman, for setting the standard for other states to follow in recognizing the importance of funding for civil legal services to bring fairness to the system of civil justice in the United States, and NYSBA President Seymour James, for blazing a trail in the criminal justice system through his leadership of the Legal Aid Society's Criminal Division.

The decennial of LawHelp.org/NY was also recognized; over the last decade LawHelp.org/NY has developed into an incredible resource and wealth of free legal information for low-income New Yorkers seeking guidance in navigating our complex civil legal justice system.



# Pro Bono Anew –Pro Bono Opportunities for Attorneys in the Capital District

Gloria Herron Arthur\*, Director, Department of Pro Bono Affairs

On November 13, 2012 Chief Judge Jonathan Lippman\* and Association President Seymour W. James, Jr.\* delivered opening remarks at “Pro Bono Anew,” a program on volunteer opportunities for attorneys in the Capital District. The program, which was attended by more than 50 attorneys, focused on new pro bono initiatives adopted by the court system as well as local pro bono opportunities for attorneys to provide legal assistance to low-income New Yorkers.

The Honorable Victoria Grafeffo\*, Associate Judge of the Court of Appeals, explained the newly promulgated procedures implementing the requirement that future law graduates perform at least 50 hours of pro bono service before being eligible to practice in New York.

The forum also featured a presentation by Emily Chresomales, assis-



Left – Right: Susan Pattenauze\*, Kristie Cinelli, Eileen Guinan, Samantha Howell\*, Erica (“Nic”) Rangel, Michael Friedman and Moderator, Daniel Hurteau\*

tant deputy counsel Office of Court Administration, who described the expanded rule governing Continuing Legal Education (CLE) credits for pro bono work. In addition, a distin-

guished panel of representatives from area legal services organizations provided an overview of local pro bono programs and opportunities. Attendees earned 1 MCLE credit in Ethics.



## State Bar Association and State Bar Foundation Create Fund to Help Superstorm Sandy Victims Obtain Legal Help

Many victims of Superstorm Sandy are in dire need of legal assistance, and the New York State Bar Association and The New York Bar Foundation have jointly established a fund to help them.

The “Superstorm Sandy Relief Fund” will lend financial support to local bar associations and legal service providers, helping those organizations reach out to those in need and provide essential legal services to storm victims. Among the legal services most sought by victims are help with landlord-tenant issues, insurance matters, obtaining government assistance and dealing with contractors.

State Bar President Seymour W. James, Jr. (The Legal Aid Society in New York City) and State Bar Foundation President Cristine Cioffi of Niskayuna (Cioffi • Slezak • Wildgrube, PC) invite you to make a contribution to this fund.

Tax-deductible donations may be sent to the New York Bar Foundation, One Elk Street, Albany, New York 12207. Checks should be made payable to: The New York Bar Foundation, with the notation, “Superstorm Sandy Relief Fund.” Donors also can contribute online by visiting [www.tnybf.org](http://www.tnybf.org), clicking “Make a Donation,” and choosing this fund from the “Restricted Funds” drop-down menu.

Lawyers caring. Lawyers sharing.  
Around the Corner and Around the State.





# VOLS' Pro Bono Volunteer Makes American Dream a Reality for Nigerian Brothers

Bill Lienhard, Executive Director, Volunteers of Legal Service

James came to the United States from Nigeria to provide a better life for his family. In 2002, a few years after arriving in New York, he arranged for his two sons, Pope and Niko, to come to the United States on 6-month visitor's visas. Wanting his sons to grow up in their father's presence, he made a decision he later regretted; he allowed them to overstay their visas. James married a U.S. citizen and became a permanent resident in 2009, but his sons never renewed their visas. When Pope turned 16 and started thinking about the future, James was worried. Without an improvement in their immigration statuses, Pope and Niko would never be able to apply for financial aid for college or to work legally. The better life James hoped for would be impossible.

legal permanent resident status for both Pope and Niko.

Describing her experience, Yasmin said:

*"I would not have been able to manage the documents and proof required to help Pope and Niko without Elizabeta Markuci's expert assistance. She walked me through all the documents that need to be filed, including the costs associated with such documents, and helped me think through the evidence we needed to file with the applications to prove, among other things, that Pope and Niko originally entered the country on valid visas, that James's divorce from his wife in Nigeria was valid and that his marriage to a U.S. citizen was also valid, and that James will not have to rely on public assistance despite his income being below the written minimum. When I had to research*



Yasmin Carlos, Esq.

*"You have been our God-send. Because of you, my kids will live the American dream. They can go to college. They don't know yet how you've changed their lives – but for now, they're just happy to be able to see their grandparents again this summer. They can finally go back to Nigeria without worrying about being able to come back."*

— James, Volunteers of Legal Service  
Children's Project client, 2012

Fortunately, Pope and Niko attend a school that participates in Volunteers of Legal Service's School-based Children's Project. Through VOLS, the school collaborates with the law firm Debevoise & Plimpton to resolve legal issues that may impede children's education. Yasmin Carlos, an associate at Debevoise, volunteered to take the case under the supervision of partner Robert Goodman. With the assistance of Elizabeta Markuci, VOLS' immigration expert, Yasmin was able to win

*certain issues related to this case, Elizabeta was my first call and she usually had the materials I needed to at least get me started. Because of VOLS, I was able to assist my client in filing for adjustment of status without a hitch – after filing their applications, they were fingerprinted, asked to come in for interviews, and were granted permanent resident visas several weeks after.*

*I am also an immigrant whose parents came to the United States to seek a better life. The only difference here is that I was*

*blessed that my parents had the opportunity and the means to do it right the first time around. Working on this case was rewarding because I was able to see first-hand how my position as a lawyer – made possible by immigrant parents who also came to the United States for a better life – was able to affect other children's lives for the better. I was especially touched when my client called to say, 'You have been our God-send. Because of you, my kids will live the American dream. They can go to college. They don't know yet how you've changed their lives – but for now, they're just happy to be able to see their grandparents again this summer. They can finally go back to Nigeria without worrying about being able to come back.'*

*Truth is, the school and VOLS were their God-send – I was just the little helper."*

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