

Pro Bono News

National Pro Bono Week Edition Vol. 24 No. 5

Recognizing Excellence in Pro Bono Service

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



Herron Arthur*

In celebration of National Pro Bono Week, October 19-25, the New York State Bar Association is hosting two events – one in Albany and one in New York City – honoring pro bono volunteers from around the State. The Albany reception, co-sponsored by the Capital Region Pro Bono Committee, takes place on Tuesday, October 14 at the State Bar Center. The members of the Capital Region Pro Bono Committee include: the Albany County Bar Association; Albany Law School; the Legal Aid Society of Northeastern New York; the Offices of the Fourth and Third Judicial District Administrative Judges; Prisoners' Legal Services; The Legal Project; and NYSBA's Department of Pro Bono Affairs. The New York City celebration, sponsored in collaboration with the New York State Courts Access to Justice Program and the New York County Lawyers Association, takes place at NYCLA headquarters, 14 Vesey Street in Manhattan, on October 23.

National Pro Bono Week is the time when legal services providers, bar associations and members of the pro bono community gather together to recognize the invaluable contributions pro bono volunteers make to our state, our system of justice, our communities, and, most importantly, to the clients they serve. It is also a time dedicated to educating the public, the bench and the bar about the growing need for more volunteers to provide legal assistance to the poor, near poor, and persons of modest means who cannot hire a lawyer when threatened

with the loss of shelter, food, safety, health or education. Throughout the month of October, an array of continuing legal education programs are offered free of charge as an enticement to get more attorneys to volunteer to do pro bono.

Expanding Access to Justice in the Capital Region

Those of you who have been members of the Association for many years are familiar with NYSBA's slogan "Do the Public Good! Volunteer for Pro Bono!" All of the volunteers selected for recognition personify the essence of this phrase and the spirit of National Pro Bono Week. The depth, breadth and scope of the volunteers' pro bono contributions demonstrate how readily pro bono can be incorporated into any practice, regardless how large or small it may be or the age and experience of the volunteer. The Capital District Honorees are:

Michelle Wildgrube* has been involved with The Legal Project for more than 11 years as a volunteer and board member. Ms. Wildgrube volunteers in the Affordable Housing Attorney Assistance Program (AHAA); lectures first-time home buyers at Better Neighborhoods Inc.; trains attorneys to handle pro-bono real estate closings for AHAA; handles pro bono closings for first-time home buyers; and mentors other attorneys participating in AHAA program. Michelle also helped develop the new Wills Program which assists low income individuals with wills, health care proxy and other end of life legal issues. In addition, over the years, Ms. Wildgrube has spent considerable time mentoring and educating The Legal Project staff and law student volunteers.

Kristie Cinelli, although not an attorney, was the driving force behind the

development and success of the Legal Aid Society of Northeastern New York's (LASNNY) Private Attorney Involvement (PAI) Program. From 2007 until the end of 2013, as PAI Director, she developed, implemented and oversaw the programs which are currently in operation today, always with an eye toward best serving as many clients as possible with compassion and professionalism. Ms. Cinelli established and fostered long-standing relationships with LASNNY's pro bono attorneys, which is absolutely vital for the success of the program. In addition, her relationships with LASNNY's community partners have allowed for trainings throughout the years for new and seasoned pro bono attorneys, in addition to collaborations on outreach events and new programs. These community partners include the Albany County Bar Association, The Legal Project, Prisoners' Legal Services, the New York State Bar Association, and Albany Law School.

Ms. Byrgen Finkelman*, a solo practitioner, has been an invaluable resource for the Legal Aid Society of Northeastern New York. On a pro bono basis, Byrgen represents individuals with transgender name changes, by collaborating with In Our Own Voices, an organization dedicated to addressing the many needs of the LGBT community. She brings in and represents pro bono clients outside of this collaboration as well. Byrgen consistently takes her pro bono commitment to the next level by mentoring law students, giving them an opportunity to be integrally involved in the delivery of pro bono services. In this way, she both provides clients with life altering representation while simultaneously affording law students invaluable hands-on legal experience.

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

Views expressed in published articles are those of the authors alone and are not to be attributed to the Pro Bono Newsletter, its editors, or the New York State Bar Association, unless expressly so stated.

Article authors are responsible for the correctness of all information, citations and quotations. Articles may be edited for clarity and length.

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Legal Aid Successfully Challenges Policy Holding Sponsors of Immigrants on Public Assistance Liable for Benefits

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

The Legal Aid Society, in partnership with Latham & Watkins LLP, has successfully challenged a policy that sought to hold sponsors of immigrants on public assistance liable for the immigrants' benefits. With the support of the New York City Council and the de Blasio Administration the policy has been discontinued. New York was the only municipality in the nation to have such a policy.

The Legal Aid Society and Latham & Watkins LLP filed a lawsuit challenging this policy in April 2013 on behalf of a sponsor whose elderly, disabled mother was receiving benefits at a time that her daughter, the sponsor, was unemployed (*Pelegrin v. Doar*). The City Council intervened in the case to challenge the policy. The City of New York discontinued the policy in February 2014. The parties filed a settlement that, among other provisions, requires that the policy be withdrawn and provides relief for the over 200 sponsors who had already paid the City close to one million dollars pursuant to this policy.

"We are pleased for New York City to be rid of the ill-conceived and punitive policy and are grateful that this administration agrees," said Susan Welber, a Staff Attorney in the Civil Practice's Law Reform Unit. "This will have a big impact on elderly immigrants especially those whose only means of support are often subsistence benefits. Such immigrants will no longer be deterred for fear that their family members will end up being charged thousands of dollars that they cannot afford to pay." Sumani Lanka, also a Staff Attorney, represented the plaintiffs.

Elizabeth Marks and Thomas Giblin*, attorneys at Latham & Watkins, represented plaintiffs in the case. Mr. Giblin said: "We are excited to have reached this agreement with the City of New York and to have put this policy to rest, not only for our own client but also for the hundreds of immigrants and sponsors who have been impacted, as well as those who would have been impacted in the future. As pro bono counsel, it is always gratifying to find common ground as we did here."

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Recognizing Excellence in Pro Bono Service (Continued from page 1)

Louis Pierro* has distinguished himself as a staunch supporter and mentor to Albany Law School's Pro Bono Programs. For more than 20 years he has been an integral partner in the law school's well-respected Senior Citizen's Law Day which he is credited with starting. More recently, he helped the law student led Veterans Rights Project develop Veterans' Law Day, and has volunteered at each law day program for the past three years. Law Day programs bring vital know-your-rights information to the public and provide residents of the tri-cities the opportunity to sign-up for one-on-one brief legal advice and counseling sessions with a knowledgeable legal practitioner and a law student intern. Last year, Mr. Pierro's law firm underwrote the costs of the newly created Special Needs Planning Law Day. Besides generously donating his time and talent to mentoring law students, Mr. Pierro encourages the lawyers at his firm to volunteer at pro bono clinics and year-round veterans' legal assistance initiatives.

Seth R. Leech has been a supervising attorney for the Iraqi Refugee Assistance Project (IRAP) at Albany Law School since its inception. The project provides comprehensive legal representation to refugees seeking resettlement by assisting them in navigating the incredibly opaque refugee admissions system. Some of the IRAP's past work includes helping families that were targeted because of their help translating for the United States military, individuals who were targeted in Iraq because of their sexual orientation, along with many countless other refugees whose lives were in danger and who desperately needed resettlement to a safe new country. Mr. Leech has been a vital part of the Iraqi Refugee Assistance pro bono project contributing his vast expertise in the field and tenacious work ethic.

Terrance McGuiness took over a pro bono case from a colleague at his law firm when the attorney was not able to continue representing a prisoner in a challenge to a paternity claim. Through his dedication and hard work, Mr. McGuiness was able to achieve a favorable outcome for his client, removing one more potential obstacle to the client's smooth re-entry to society.

Lisa Mills is not only an active volunteer with the Private Attorney Involvement

(PAI) program of the Legal Aid Society of Northeastern New York, but also serves on the Program's Advisory Committee. Ms. Mills has been known to devote in excess of 50 hours on a single pro bono divorce matter – something that is highly unusual. Lisa was instrumental in developing and teaching a pro se divorce clinic for low-income residents of Greene and Columbia Counties who otherwise would have been unable to receive assistance in obtaining a divorce. She is also a reliable volunteer with The Legal Project.

Patrick Radel* has performed more than forty hours of pro bono service, over the last year, representing an indigent inmate in filing a writ of habeas corpus and appealing the denial of the writ. Patrick dove head first into the case and represented his client zealously and with determination.

Regina Treffiletti* has been a guiding force in the efforts by the Third Judicial District to support pro bono recruitment and providing general legal information for the public in the tri-cities. Those involved in organizations which provide pro bono services in the Capital District call her a good friend and a dedicated, hardworking colleague when it comes to promoting pro bono services and raising community awareness about available free legal services for residents of the tri-cities.

Attorney Emeritus and Newly Minted Attorneys Help Bridge the Justice Gap

Equally inspiring are the volunteers who will be recognized during the New York City Pro Bono Celebration. Among the New York City honorees are two Attorney Emeritus Volunteers, a new attorney and a seasoned practitioner. The differences these volunteers have made in the lives of their pro bono clients is truly remarkable. Honorees to be recognized in New York City:

John McQueen, a retired Nixon Peabody partner (Rochester office), has demonstrated profound dedication to assisting the most vulnerable individuals and families in the Rochester community. At times Mr. McQueen has gone beyond providing legal representation and advice to clients. For example, he recently assisted an 87 year old man with a quitclaim deed. Mr. McQueen not only assisted the client with

advising and preparing the quitclaim deed and attending to the registration of same, but he also made arrangements for the payment of the registration fees to alleviate the financial burden associated with the transfer on the client's very limited financial resources. Throughout his years serving Volunteer Legal Services Project (VLSP) clients Mr. McQueen has handled over 62 cases, donating over 286 hours. Mr. McQueen exemplifies the outstanding pro bono contributions made by Attorney Emeritus every day.

George Sacco* and **Deon Morris-Belo** volunteer their time and talent at the Staten Island CLARO program. The Civil Legal Advice & Resource Office (CLARO) is a free weekly walk-in clinic where consumers can obtain free information about debt collection. Mr. Sacco and Ms. Morris-Belo provide limited legal advice and assistance to Staten Island residents on consumer debt collection issues. Many of the CLARO visitors are economically distressed and victims of the economic downturn; others are working poor or persons living on disability, unemployment, and other public benefits. These volunteers have distinguished themselves by their compassion and exceptional commitment to providing high-quality legal assistance so that consumers can represent themselves more effectively in consumer debt collection actions.

Henri M. Gueron has volunteered with the Refugee Assistance Program (RAP) since 2002. During that time, Henri has won asylum for over 20 asylum seekers, from countries as varied as the Democratic Republic of Congo, Kyrgyzstan, Colombia, Iraq and Tibet. Mr. Gueron is RAP's longest serving and most active volunteer. His passion and commitment to his clients is unparalleled and evidenced by the fact that even after winning asylum for them, Henri continues to assist them by helping them to apply for their green cards and also to petition for their spouses and children.

The Association is deeply grateful to each of the National Pro Bono Week honorees for their generous pro bono contributions. We also extend our warmest thank you to our colleagues and friends in the legal services provider and pro bono communities for bringing these very special volunteers to our attention.

VLSP Volunteer Recognized by Legal Services Corporation Board

Sheila A. Gaddis*, Esq., Executive Director, Volunteer Legal Services Project

On Monday, October 6, 2014 volunteer Frank Beretta was recognized by the Legal Services Corporation Board for his exemplary pro bono service with the Volunteer Legal Services Project of Monroe County (VLSP). Mr. Beretta's solo law practice is located in the Town of East Rochester, southeast of the City of Rochester in Monroe County, New York. According to the 2013 census data, there were 6,582 people living in East Rochester.

Since its founding in 1982, VLSP has played a significant role in making the justice system more accessible for Monroe County's low-income population; and more productive and efficient for the legal service providers and the judiciary. Frank Beretta, wanting to give back, continually steps forward to accept complex family law cases. Since 2005 he has been a highly committed volunteer, one of the select pro bono attorneys who always has an open VLSP case. He has substantially contributed, for many years, to addressing the unmet legal needs of domestic violence victims.

Those in the close and tightly knit legal community have observed, with great admiration, Mr. Beretta's willingness to volunteer and his dedication to the delivery of quality legal representation to the economically disadvantaged. Frank is unique in his leadership and inspiration to the legal community in that he does not seek recognition or acclaim for his pro bono activities. He eschews public acclaim, even though he, again and again, accepts the most difficult matrimonial matters. Frank, in his dedication and commitment to VLSP, has significantly contributed to its ability to deliver legal services. As an experienced practitioner he is often called upon to provide training, mentoring and support to

newly admitted attorneys and to other VLSP pro bono attorneys. He is patient, generous with his knowledge and his time which is especially difficult for a solo practitioner.

Since 2005, Frank has completed to closure fourteen cases and currently has three open VLSP cases pending. Of the fourteen cases mentioned, four were divorces, two were Orders of Protection, three were child support and five were custody matters. In the above cases, he expertly represented parents and non-parents. Frank reported 151 hours to VLSP, although we are well aware that he does not report all of his time because he feels "it is his duty."

We recognize that pro bono awards usually are presented to pro bono practitioners who have an exceptional number of cases and report hours of representation that number in the hundreds and perhaps thousands. However we, at VLSP, believe Frank Beretta has made an extraordinary contribution and is an inspirational and unique pro bono attorney. For example, Frank accepted a VLSP non-parent custody case in which he appeared and filed a motion on the client's behalf. In court, the client changed her mind and withdrew the petition. Frank had waited so long for the case to be called that when he left the court,

he found a parking ticket on his car. He paid the fine and accepted this expense as a part of his pro bono obligation.

In another case Frank wanted to seek attorney's fees so the fees could be used to pay down the client's credit card debt. How do you quantify an attitude of service?

What really drives Frank to accept pro bono cases is his commitment to access to justice and also he clearly has a big heart. Because he accepts complex cases that are difficult to refer, he has had an enormous impact on both the quality and quantity of VLSP pro bono legal services. He, without question, sets a high standard for our legal community.

The VLSP Board of Directors and staff, on behalf of our clients, commend solo practitioners who do not have the resources of the large firms and despite the enormous economic impact on their business, dedicate themselves to volunteerism.

Frank Beretta, though always humble about his efforts to assist VLSP clients, is clearly an extraordinarily dedicated attorney, volunteering without compensation, and goes above and beyond to ensure that each client's legal needs are expertly met.

We are enormously grateful for his efforts.

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Upcoming Pro Bono Awards & Recognitions

Empire State Counsel®

Launched in 2006, the Empire State Counsel® Program recognizes NYSBA members who, during the calendar year, performed 50 hours or more of pro bono legal services either through direct legal representation of a low-income/vulnerable individual, or donating free legal services to an organization whose services are designed primarily to address the legal and other basic needs of persons of limited financial means, or providing free legal services to an organization dedicated to increasing the availability of legal services to vulnerable and/or low-income populations.

Empire State Counsel® honorees receive a certificate suitable for framing, the signature Empire State Counsel® lapel pin, and may use this honorific designation as a credential on their resume. For more information and to download the verification form visit <http://www.nysba.org/empirestatecounsel>.

Deadline: December 31, 2014 to be included in the Justice for All Brochure.

Presidents Pro Bono Awards

Each year the Association proudly bestows the President's Pro Bono Service Awards. These awards recognize outstanding pro bono contributions made by individual attorneys, law students, law firms, corporate counsel and/or government offices.

Although nominees do not have to be members of the New York State Bar Association, to be eligible for one of these prestigious awards an attorney must be admitted to practice in New York State and must have rendered her/his pro bono service or participated in a pro bono program within the state. For more information and to download the nomination form visit <http://www.nysba.org/PBAwards>.

Deadline: March 13, 2015



DO YOU HAVE A STORY TO SHARE...

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

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

Cadwalader, Wickersham & Taft's Women's Leadership Initiative Launches Housing Clinic in Partnership with The Legal Aid Society

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

Every day The Legal Aid Society works with indigent New Yorkers and their families who are in danger of losing their homes. For the first time in decades, more people are moving to and staying in New York City which has led to ominous housing consequences for low-income New Yorkers who already face a dearth of affordable housing. It is now more important than ever to protect these families from becoming homeless. Cadwalader, Wickersham & Taft LLP is one of the many firms that increase the Society's capacity to provide access to justice for these otherwise unrepresented litigants and help ensure they do not become homeless.

This spring, Cadwalader's Women's Leadership Initiative ("WLI"), in collaboration with the firm's Pro Bono & Public Service Department, launched the WLI Housing Clinic. The WLI Housing Clinic partners with The Legal Aid Society's Queens Neighborhood Office ("QNO") to represent women at New York City Housing Authority ("NYCHA") administrative hearings where they potentially face the loss of their homes. The firm's WLI Pro Bono Subcommittee co-chairs Christina Holder, Heather Murray and Kelly Newsome, and Cadwalader's Manager of Pro Bono, Annie Mohan, developed the clinic in an effort to both benefit women in need and provide junior attorneys with an opportunity to gain practical skills to further their professional development. Annie Mohan credits Cadwalader's successful pro bono partnership history with the Society as laying the groundwork for this current project.

Providing representation at a NYCHA administrative hearing is vitally important because a tenant who is unsuccessful at the administrative level often has very little



Pictured from Cadwalader are: Chao Huang, Ari Silverman, Gillad Matiteyahu, Alisa Chau (summer associate), Lauren Brown*, Heather Murray, Brian McGovern*, and Erik Graham-Smith*.*

Not pictured: Aaron Buchman, Gillian Burns, Lynna Cobrall, Yan Grinblat*, Ellen Halstead, Marissa Levy, Annie Mohan, Kelly Newsome, Nicholas Norden*, Rita Rausch, Cory Santos, Trevor Wilson*, and Eugene Zilberman (summer associate).*

chance of prevailing in housing court and is therefore at high risk of becoming homeless. Cadwalader's focus on assisting women is particularly important in the area of housing. According to the Department of Housing and Urban Development's 2010 Annual Homeless Assessment Report to Congress, "A typical homeless family consists of a mother and two children, and people in families experiencing homelessness are more likely to be headed by a woman."

Brian McGovern*, the partner who supervises this pro bono project at Cadwalader, emphasizes the importance of the Clinic: "Maintaining affordable public housing for financially struggling women and their families can have a huge and positive impact on the quality and security of their lives. Cadwalader is pleased to partner with The Legal

Aid Society on this important pro bono project and to offer our associates the opportunity to develop professionally while serving and advocating for clients in need. It is professionally gratifying for me to be part of this team of committed Cadwalader lawyers."

Cadwalader associates participating in the Clinic attend bi-weekly breakfast meetings to discuss case-specific issues with Brian and Assistant Supervisors Ellen Halstead, Gillian Burns and Ari Silverman*. Sateesh Nori, Attorney-in-Charge of The Legal Aid Society's QNO, has supervised the Clinic since its launch, training and mentoring Cadwalader's pro bono team.

As of July, Cadwalader associates had successfully represented four families referred by the Society's QNO and they continue to represent

vulnerable women. In one case, Cadwalader attorneys, Lauren Brown* and Ellen Halstead, helped a mother and member of the Armed Forces on active duty, her children, her sister, and her sister's children to keep their apartment and obtain a lease despite NYCHA's insistence that the family had no right to remain in their home. Lauren and Ellen's work effectively prevented eight New Yorkers from becoming homeless.

Sateesh is clear that the work of Cadwalader's WLI Housing Clinic has expanded the Society's capacity to provide access to justice. "Thanks to Cadwalader, some of our most vulnerable clients, many of whom Legal Aid would not have the resources to help, have a chance at saving their apartments, their families, and their homes." The Legal Aid Society looks forward to continuing this successful partnership with the WLI Clinic and Cadwalader for years to come.

Did YOU know?

- Legal Aid attorneys and pro bono partners collaborating with The Society have 98% success rate in securing favorable outcomes for our clients at administrative housing hearings
- 39.7% of tenants report NYCHA had lost their paperwork—often resulting in unjust repercussions such as loss of "good standing" or eviction*
- Only 20.3% of tenants received notice for a meeting at NYCHA headquarters before meeting with local management*
- 18.5% of tenants have faced eviction proceedings

*According to A Report Card For The New York City Housing Authority published in August 2011.

Are you feeling overwhelmed?

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

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



Albany County Family Court Help Center

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



Michele Sleight*

October is a special month for the Legal Aid Society, our community partners here in the Capital Region, as well as for organizations nationwide which provide civil legal services to those in need. In the legal services and pro bono communities, October is National Pro Bono Month and the week of October 19-25 is officially designated as National Pro Bono Week. Year round, we are grateful

for the commitment and dedication of our volunteer attorneys, but particularly so in October. One project which has garnered enthusiastic support from area pro bono attorneys is the Albany County Family Court Help Center. LASNNY, the Albany County Bar Association, and the Unified Court System have teamed up to coordinate and staff the Help Center with attorneys who provide assistance to pro se litigants in the Albany County Family Court. Attorneys sign up through Legal Aid and ACBA for two hour, or longer shifts. During the shift, volunteers assist pro se litigants with filling out and submitting documents, as well as with other questions they may have. The hope is that through the Help Center, litigants will be able to more easily navigate through Family Court. Since the Help Center launched in May, attorneys have assisted many litigants, and additional volunteers continue to come on board as time goes on. Unique to Legal Aid's Private Attorney Involvement (PAI) Program, which coordinates the volunteers for the Help Center along with

ACBA, is that the Legal Services Corporation (LSC), Legal Aid's funder, prohibits the use of their funds for projects such as the Help Center. The PAI regulation, 45 C.F.R § 1614, requires that clients are screened for income and asset eligibility before LASNNY, or its volunteers, can assist them. In this way, PAI activity is restricted to clinics and programs in which legal assistance is provided only to clients who have been screened as LSC eligible. Per the preferences of the Court and the judges, and so as to reach as many clients as possible, the pro se litigants who are assisted at the Help Center are not screened. Thus, Legal Aid is not able to use LSC funds for any of the time that it spends on Help Center matters. As a result Legal Aid is limited in terms of the time that it can spend on this very important program.

LASNNY has submitted comments to LSC regarding their proposed revisions to 45 C.F.R § 1614. It is hoped, that in the future, LSC will permit Legal Aid to expend PAI time on the Help Center, as there is certainly a need for this type of assistance. Legal Aid would like to continue this partnership with the Albany County Family Court and the Albany County Bar Association for years to come.

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



NEW YORK
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Epstein Volunteer Awards to Kick off Pro Bono Week at the NY City Bar Justice Center

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

In honor of the 2014 National Pro Bono Week, the City Bar Justice Center will award a selection of exceptional volunteers with the Jeremy G. Epstein Award for outstanding pro bono service. Honoring the most outstanding volunteer attorney in each of the Justice Center projects, the awards will be presented at a Celebration of Service reception on October 20th, as part of National Pro Bono Week. "This year's Epstein Award winners managed to juggle busy legal practices with outstanding pro bono service, helping to bridge the justice gap by providing much-needed assistance to New York's poor and disadvantaged," said Lynn M. Kelly*, City Bar Justice Center Executive Director. This year's awardees are:

Elisa Alcabes

Simpson Thacher & Bartlett LLP

Elizabeth M. Columbo*

Nixon Peabody LLP

Livia Corredor

Forest City Ratner Companies

Frank A. DeLucia Jr.

Fitzpatrick, Cella, Harper & Scinto LLP

Marianne M.N. Jensen

Maurice Kassimir & Associates PC

Michael P. Kessler

Proskauer Rose LLP

Ann V. Kramer

Reed Smith LLP

Robert P. Lewis

Baker & McKenzie LLP

Melissa C. Monteleone and Katriana G. Roh*

Paul, Weiss, Rifkind, Wharton & Garrison LLP

Glenn A. Opell*

Schram Graber & Opell PC

Jeremy G. Epstein was a partner at Shearman & Sterling LLP and a longtime board member at the City Bar Justice Center. He passed away in May 2009, having devoted much of his time to pro bono service over 20 years. As a person who not only dedicated himself to pro bono work, but who also encouraged his peers to do the same, Mr. Epstein's legacy lives on each year through the City Bar Justice Center's Epstein Awards.

The City Bar Justice Center applauds the wonderful work that its volunteers do for the projects year round. Their commitment to their pro bono work is not only highly appreciated, but inspiring as well.

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

National Pro Bono Month – A Chance to Enhance the Reach of Civil Legal Services

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



Samantha Howell (PLS), Barbara Weiner (Empire Justice Center) and Rosa Cohen-Cruz* (PLS) at an Immigration Roundtable with Congressman Tonko in Albany on August 6, 2014*

The importance of competent legal representation in civil cases is a topic of great concern for both clients facing civil legal problems and civil legal service providers. The vast majority of New Yorkers who have civil legal needs are frequently forced to proceed on their own, without legal representation. Proceeding pro se not only puts litigants at a distinct disadvantage, but also causes delays in the courtroom. In a continued effort to address the problem, this spring, Chief Judge Lippman* announced several efforts to ensure that New Yorkers are represented in cases involving the “essentials of life”: housing; family stability; access to health care and education; and subsistence income and benefits. These efforts include increased funding for civil legal service agencies, the use of non-lawyer volunteers to provide assistance to unrepresented litigants in Brooklyn Housing Court cases and consumer debt cases in the Bronx and Brooklyn, and the development of the Pro Bono Scholars Program.

Incarcerated New Yorkers also face ‘essentials of life’ problems and for nearly forty years Prisoners’ Legal Services (PLS) has provided this population with representation on those issues. Like so many other legal services providers, PLS’ resources are limited. As such, many incarcerated New Yorkers are forced to fend for themselves in legal proceedings. PLS does what it can to provide representation on cases involving conditions of confinement, including challenges to disciplinary hearings that result in solitary confinement; access to adequate medical and mental health care; child support and visitation; and reentry matters. But, the unmet need is great. Despite having 13 full-time attorneys, PLS currently has an attorney to prisoner ratio of 1:4514, far afield from the American Bar Association recommendation of one attorney per four hundred persons in need of civil legal services.

One way that PLS helps address this shortfall is with its Pro Bono Partnership Program, through which pro bono attorneys represent incarcerated New Yorkers in state and federal courts and provide individuals

with advocacy and legal information.

PLS’ Pro Bono Immigration Initiative, now in its second year, represents immigrant individuals in the Immigration Court at Ulster Correctional Facility. This project was developed with the support of Hon. Robert Katzman, Chief Judge of the Court of Appeals for the Second Circuit, Hon. Robert Weisel, Assistant Chief Immigration Judge and Hon. Roger Sagerman, Immigration Judge, and funded, in part, by the New York Bar Foundation. This program is now seeking participation by pro bono volunteers. Specific issues addressed through the Initiative include cancellation of removal, derivative citizenship and Convention Against Torture (CAT) claims.

PLS also warmly invites you to its National Pro Bono Week event, to be held in Albany on October 22nd. The event, entitled Within Prison Walls: Reflections on 100 Years of Incarceration in New York State, will feature stories from persons incarcerated in New York from 1914 and 2014. Tickets are \$20 in advance (\$25 at the door) and proceeds will go to support the PLS Pro Bono Partnership Program.

On October 24th, Prisoners’ Legal Services will be celebrating the 40th anniversary of its beginnings as a clinic at Albany Law School in 1974. The day will begin with CLEs from 9:30 a.m. to 5:00 p.m., featuring several panels of experts on incarceration and human rights, and conclude with a cocktail hour, benefit dinner and awards ceremony beginning at 5:30 p.m. The full day of CLEs is \$135. Tickets for the cocktail hour, dinner and awards ceremony are \$125.

Tickets for the Pro Bono event and/or the 40th anniversary celebration may be purchased by remitting a check to Prisoners’ Legal Services, 41 State Street, Suite M112, Albany, NY 12207, indicating the desired event(s) in the notes section.

Human Trafficking Legal Access Center Launched in April

Molly Haley, Development Associate, Pro Bono Net

In April 2014, in collaboration with the American Bar Association (ABA) and Polaris Project, Pro Bono Net unveiled the new Human Trafficking Legal Access Center. This exciting new initiative connects pro bono lawyers with non-profits who serve human trafficking survivors.

Human trafficking is one of the fastest growing criminal industries in the world. While the number of trafficking survivors in the U.S. is largely unknown, it is estimated that hundreds of thousands of U.S. citizen minors are at risk of commercial sexual exploitation. 12.5% of endangered runaways reported to the National Center for Missing and Exploited Children in 2012 were likely child sex trafficking victims and 68% of global human trafficking victims are victims of forced labor.

Human trafficking survivors have a tremendous need for legal services, yet the complexity of their cases often prohibits pro bono attorneys from becoming involved. "There is still a lot of knowledge that needs to be gained about what human trafficking looks like," explained Audrey Roofeh, Training and Technical Assistance Coordinator at Polaris Project. "The experience for human trafficking survivors might not be something a pro bono attorney is familiar with from other cases." One survivor may have immigration needs, a criminal conviction, family law concerns, and more – easily too much for one attorney to handle. The new site eases these barriers and involves more pro bono lawyers in the human trafficking field.

The site stemmed from past ABA president Laurel Bellows' keen interest in helping human trafficking survivors with their legal needs. As Bellows entered the final year of her presidency, the ABA looked at key collaborating organizations in the human trafficking



field. They discovered that local organizations across the country were identifying the plethora of legal needs that survivors encountered but were often unable to provide legal assistance. "We saw that having access to a lawyer would be essential to survivors," explained Vivian Huelgo, Chief Counsel on the ABA's Task Force on Human Trafficking.

The primary purpose of the site is to serve as a matchmaker between lawyers looking to donate their time and service organizations looking for lawyers to help survivors. Both Roofeh and Huelgo also expressed additional goals for the site beyond the central matching services. "We want to promote the good practices of some of the great organizations that are doing this work," explained Roofeh. Local organizations have made great strides in determining the best practices for helping survivors overcome a variety of obstacles and Roofeh hopes that these practices will now be shared with the greater community.

The site also highlights the need for more human trafficking service providers. In their research prior to developing the site, the ABA discovered

both a lack of providers and available funding. The lack of experienced and dedicated attorneys prohibits more pro bono attorneys from volunteering in the field, as there is no one to mentor and train them on the complexity of human trafficking cases. The site is working to increase the supply of training and support, allowing more attorneys to get involved. A calendar feature on the site helps people discover trainings held by partner organizations and the site will also connect people remotely to experts.

"The experience for human trafficking survivors might not be something a pro bono attorney is familiar with from other cases."

The site has excited the anti-human trafficking community due to its potential to increase awareness about this pressing issue and ability to help more survivors gain access to the resources they need.

2014 PARTNERSH



SHIP CONFERENCE



Community Development Project Honors Key Pro Bono Partners at Celebration

Kelly Glenn, Housing Paralegal & Development Coordinator, Community Development Project, Urban Justice Center



Harvey Epstein, CDP Project Director, presents the Ally for Justice Award to Katharine McDaniel and Terence Leong* of Kirkland & Ellis LLP.*



Marc Ashley with CDP Attorney David Colodny

The Community Development Project (CDP) at the Urban Justice Center supports grassroots community organizing efforts in low-income and excluded communities throughout New York City. CDP relies heavily on pro bono work from allied firms to help litigate cases in housing, workers' rights, consumer, and transactional matters; as well as research and policy work, to advocate for social and economic justice. On September 18, CDP held its fourth annual celebration of victories in support of community organizing, "Supporting Movements for Change" and honored two important pro bono partners for their significant contributions.

Marc Ashley received the Community Service Award for an outstanding individual contribution to CDP's work. Mr. Ashley is a partner in the litigation department at Chadbourne & Parke LLP, where he represents clients in complex commercial litigation with a focus on securities litigation,

bankruptcy litigation, antitrust litigation, and class actions. He has been a leading partner of CDP for eight years. Working with CDP, Mr. Ashley led pro bono teams to victory on four separate federal court litigation matters that recovered over \$1.4 million in unpaid wages for workers. The class members were organized by CDP's grassroots partners National Mobilization Against Sweatshops, Chinese Staff & Workers' Association and the Restaurant Opportunities Center of New York.

Kirkland & Ellis LLP accepted the Ally for Justice Award for their firm's demonstrated commitment to promoting social justice in New York City. Kirkland & Ellis has been a long-term partner with CDP in representing low-wage workers. However, their expertise extends far beyond wage and hour law. Through a pro bono relationship with CDP, the firm also has sued landlords to enforce the housing code; defended tenants from eviction; and offered transactional, tax, and real

estate assistance to organizations looking to incorporate as non-profits.

CDP also honored Community Action for Safe Apartments (CASA) with the Activist Award. CASA is the tenant organizing initiative of New Settlement Apartments which builds power and cultivates leaders among tenants in the Bronx to promote and preserve affordable housing. Through tireless organizing on the ground with thousands of tenants in Mt. Eden and the surrounding neighborhoods, CASA connects CDP and its pro bono partners with tenants in need of representation for repairs, eviction defense, and other pressing needs.

CDP is grateful for our strong partnerships with dedicated pro bono partners from firms across the city. If your firm is interested in establishing a pro bono relationship with CDP and receiving monthly updates of cases we are seeking to place with pro bono counsel, please email kglenn@urbanjustice.org

probono.net Expands to Massachusetts

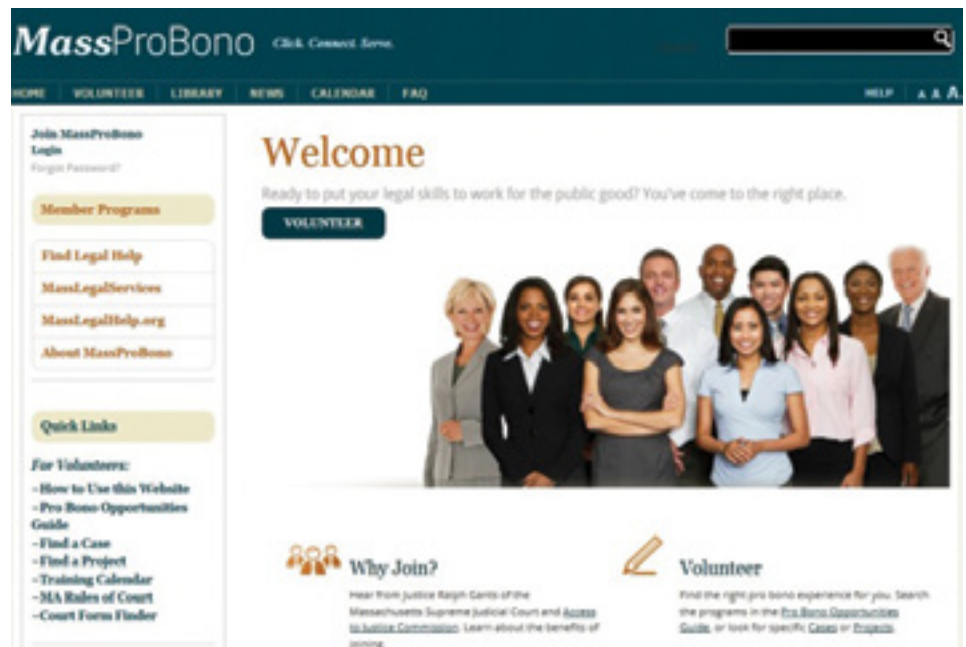
Molly Haley, Development
Associate, Pro Bono Net

In the late 1990s, during the technology boom, the legal aid community in Massachusetts sat down to talk about the need for statewide websites. They planned to have three websites: MassLegalServices, to support legal aid advocates; MassLegalHelp, to provide general legal information to the public; and MassProBono, to connect private attorneys to volunteer opportunities. MassLegalServices and MassLegalHelp were built into successful sites over the years. While the URL for MassProBono was reserved, the site never came to fruition.

MassProBono, a site 15 years in the making, launched in late April. Barbara Siegel, Project Manager at the Volunteer Lawyers Project of the Boston Bar Association, discussed with us the history behind the site and the exciting plans for how it will bolster legal services in the Commonwealth.

Three years ago, legal aid coordinators from across the state began meeting together again after a long hiatus. The renewed idea for MassProBono grew out of these conversations, and the Volunteer Lawyers Project (VLP) received a Technology Initiative Grant from the Legal Services Corporation to help the idea finally become a reality. Pro Bono Net was the natural choice to help build the site. While Massachusetts has a strong existing legal services network, MassProBono will fill a critical void in pro bono needs, efficiently matching volunteer lawyers with legal services organizations across the state.

The site is also a product of coordination with the Massachusetts Law Reform Institute and the Massachusetts Bar Association (MBA), which for years maintained a pro bono opportunities guide that listed organizations needing volunteers. However, the MBA was using an antiquated listing system and



agreed to collaborate with VLP on an Opportunities Guide for MassProBono that will encompass all existing listings from the decommissioned MBA guide.

The new MassProBono site will serve primarily to match pro bono volunteers with opportunities. "It's giving pro bono programs a forum where they can be very visible to a wide population," explained Siegel. "The other side of that," she noted, "is letting people out there who are interested in pro bono really see the wide array of what is available and the different ways that they might be able to volunteer based on their background and how much time they have." Like other Pro Bono Net sites, MassProBono also raises awareness of the need for pro bono and highlights the great work that the legal community is undertaking.

MassProBono strives to involve organizations from across the state. The Greater Boston area is typically well served thanks to easy access to a large legal community; however, other areas of the state have the potential to gain great benefits from the new site. Siegel explained that the site also makes geography less of a barrier through online mentoring functions and pooled resources.

In addition to an attractive new layout, Pro Bono Net developed several exciting features for the Massachusetts site. Resources can now be directly submitted to the site library using an email form, allowing for easier

and more efficient sharing. The site also features a new projects tool that allows volunteers to find short-term pro bono opportunities such as walk-in legal clinics. This tool grew out of a shift in the pro bono field towards more unbundled and limited assistance representation. The availability of these short-term opportunities has proliferated and the projects tool on MassProBono will connect volunteers with limited available time to these projects. The opportunities guide for the site also has been integrated with the projects and cases tools, allowing members to quickly discover all available opportunities.

The launch of the site was met with excitement from the Massachusetts legal community. Programs that are not already tied into the legal community were particularly eager to begin utilizing the new site, according to Siegel. These programs are now able to connect with the greater pro bono community in Massachusetts and gain access to the wealth of available resources. On the other side of the equation, lawyers in the community are also excited about the new site – particularly those not employed by large firms. "A lot of pro bono is done by people in small firms and people who are unemployed and they don't have access to a pro bono coordinator who will give them a list of opportunities," said Siegel. "I'm really excited about what the site can do for those folks."

Legal Aid Society of Mid-New York Hosts a 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 (LASMNY) will host a variety of events during October in honor of National Pro Bono Week, coordinated by paralegals Renee Kolwaite and Pam MacLaren, and Staff Attorney Emily North*. The programs will serve clients within LASMNY's 13 county service area and include telephone advice clinics to benefit those who are unable to attend in person. Among the scheduled events are divorce screening and advice clinics held in Binghamton, Syracuse 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 include weekly Pro Bono Helpline telephone advice and counsel for consumer, family and housing matters; and a daily eviction defense program in Binghamton City Court.

Also in October, Broome County Bar Association and LASMNY will co-sponsor the Eighth Annual Senior Legal Clinic for seniors age 60 and over. The 2014 clinic, which will take place at the Broome County Library on October 25, is expected to host at least 100 attendees who will be able to receive advice in areas ranging from 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 & Thompson, LLP to develop a similar clinic for Otsego County seniors, which was held for the first time in June 2013. Attendees were extremely pleased with the new program and appreciative of the free legal advice.

Legal Aid will co-sponsor a 5K race with Coughlin & Gerhart, LLP in October to raise funds and increase awareness about the justice gap in civil legal services for low-income persons. The Coughlin & Gerhart Race for Justice 5k Run/Walk to benefit Legal Aid will take place on October 5 at the Peacemaker Stage in Downtown Binghamton. Over 100 participants are expected to run or walk in support of Legal Aid and its programs.

On October 17, the Sixth Judicial District Pro Bono Action Committee will hold its semi-annual meeting to review the progress of pro bono work within the Sixth Judicial District. The Committee, chaired by Administrative Judge Robert Mulvey, is comprised of judges, local bar leaders, and key staff at legal aid organizations and law schools within the District. The recent focus of the committee has been the expansion of pro bono services and program in rural areas.

NATIONAL PRO BONO WEEK EVENTS – OCTOBER 2014

LASMNY's Binghamton office
168 Water Street
Binghamton, NY 13901
Pamela MacLaren, Pro Bono Paralegal
(607) 231-5925.

Coughlin & Gerhart Race for Justice 5K Run/Walk to Benefit Legal Aid Society of Mid-NY.
October 5, Kickoff at 12:00 Noon, Peacemaker Stage-Downtown Binghamton.

Pro Bono Helpline providing telephone counsel and advice on consumer, family and housing issues.
Every Wednesday in October from 10:00am-Noon

Pro Bono Eviction Defense Program
Every Monday, Wednesday, Thursday and Friday during October 9:00-10:00am – Binghamton City Court, 38 Hawley Street, Binghamton

Pro Bono Divorce Advice & Screening Clinics
October 8 (12:00 noon-2:00 pm) & October 22 (1:00 pm-3:00 pm) LASMNY Binghamton office

Pro Bono Bankruptcy Advice & Screening Clinics
October 15 – 10:00am-Noon – LASMNY Binghamton office

Vet Center "Talk to a Lawyer" Program
October 15 – 10:00 am-Noon – Broome County Vet Center, 53 Chenango Street, Binghamton

Sixth Judicial District Pro Bono Committee Meeting
October 17 – 2:00 pm – Sixth Judicial District Administrative Office, 31 Lewis St., Binghamton

Senior Legal Clinic (for Broome County Seniors, age 60 and over)
October 25 – 9:30am-12:30pm – Broome County Public Library, 185 Court Street, Binghamton

LASMNY's Syracuse office
472 South Salina Street, Suite 300
Syracuse, NY 13202
Emily North, Staff Attorney
(315) 703-6645

Pro Bono Divorce Advice and Screening Clinic
October 29 – 4:00 pm-6:00 pm – LASMNY Syracuse Office

Pro Bono Bankruptcy Advice & Screening Clinics
October 1 & 21 – 4:00pm-6:00pm – LASMNY Syracuse office

LASMNY's Utica office
255 Genesee Street, 2nd Floor
Utica, NY 13501
Renee Kolwaite, Pro Bono Paralegal
(315) 793-7061

Divorce Counsel & Advice and Pro Se Clinics
October Dates and Times TBA

Pro Bono Helpline Telephone Counsel and Advice
October – Every Wednesday

Long Island Attorneys Join in Celebrating National Pro Bono Week

Maria Dosso*, Esq., Director of Communications & Volunteer Service, Nassau Suffolk Law Services



Pro Bono Attorneys honored at 2013 luncheon.

The Long Island legal community continues to be a leader in serving the growing number of people who have fallen on hard times. Since 1981 Nassau Suffolk Law Services has developed a strong collaboration with the Nassau County Bar Association and the Suffolk County Bar Association to provide pro bono services. These partnerships include bankruptcy and matrimonial clinics; a Foreclosure Settlement Conference Project; and a Landlord Tenant Attorney of the Day initiative. Thanks to these joint efforts, hundreds of low-income clients receive free legal assistance from generous volunteer attorneys who supplement the legal work provided by Law Services staff.

This year, in celebration of National Pro Bono Week, Law Services will again partner with the bar associations to sponsor pro bono events.

- Nassau Suffolk Law Services joins The SAFE Center of L.I. and Nassau County Bar Association (NCBA) to sponsor the fourth

annual Pro Bono Legal FAIR (Free Assistance, Information, and Referral) to be held Thursday, October 23, 2014 at the NCBA in Mineola. Volunteer attorneys will be on hand to discuss a wide variety of legal issues with Nassau county residents and provide valuable information and referral. Call (517) 747-4070 for more information.

- A Bankruptcy Clinic will be held at the Nassau County Bar Association during Pro Bono Week where low-income Nassau resi-

dents can meet individually with experienced bankruptcy attorneys to be screened for full representation by a pro bono attorney.

- In Suffolk County a Bankruptcy Clinic will be held at the offices of Nassau Suffolk Law Services. Prospective pro bono clients will discuss their bankruptcy cases with Pro Bono Project attorneys joined by students from Touro Law Center. Applicants accepted for pro bono representation will then be referred to a pro bono attorney.
- In gratitude for the dedication shown by our volunteers, Law Services is joining with the Suffolk County Bar Association to salute our pro bono attorneys at a Suffolk Pro Bono Recognition Luncheon to be held at the Great Hall of the Suffolk County Bar Association on October 23, 2014. We will proudly honor Suffolk attorneys who have demonstrated their active commitment to the pro bono effort by completing a case.

We welcome attorneys who are interested in volunteering their time, especially in the practice areas of bankruptcy, landlord/tenant, matrimonial and foreclosure. Please call Maria Dosso, Esq. at (631) 232-2400 x 3369.

"We are bound by a responsibility to use our unique skills and training - not just to advance cases, but to serve a cause; and to help our nation fulfill its founding promise of equal justice under law...The obligation of pro bono service must become a part of the DNA of both the legal profession and of every lawyer."

– Eric Holder, U.S. Attorney General

Legal Services NYC and the Asian American Bar Association of New York (AABANY) Partner to Provide U-Visa Assistance to Low-Income Clients

Adam J. Heintz*, Director of Pro Bono Services, Legal Services NYC

The Asian American Bar Association of New York (AABANY) is partnering with Legal Services NYC (LSNYC) to expand pro bono legal services to low-income Asian Americans in New York City. More than thirty AABANY members have joined the effort. The collaboration began this summer with a pilot program offering AABANY members CLE training on immigration remedies available to victims of domestic violence.

In collaboration with LSNYC attorneys, AABANY volunteers are now helping clients to obtain U Nonimmigrant Status, commonly known as "U-Visas." U-Visas are available to crime victims who have suffered sub-

stantial physical or mental abuse and have cooperated with law enforcement. Volunteers take cases that are pre-screened by Legal Services NYC and then interview survivors, prepare their narratives, and offer legal advice through the difficult-to-navigate path to legal status.

The Asian American community is the fastest growing ethnic group in New York City, doubling in size from 1990 to 2010. Nearly one in six New Yorkers is an Asian American. Many low-income Asian Americans face special challenges accessing public services because of limited English proficiency. The collaboration expands services to a population that is desperately in need of assistance, while enabling vol-

unteer attorneys and law students to engage in meaningful pro bono work. AABANY and LSNYC hope to expand this project to offer opportunities and continued support for pro bono service for low-income Asian Americans in additional practice areas.

"The partnership between LSNYC and AABANY helps us to provide low-income Asian American clients with culturally competent representation by attorneys with compatible language abilities completely free of charge. We are thrilled to expand our commitment to this underserved community," said June Lee, Staff Attorney at the Queens Office of Legal Services NYC, and co-chair of AABANY's Pro Bono and Community Service Committee.

NEW YORK STATE BAR ASSOCIATION



Justice Is...
what is it?

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

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

Using the other side of this card, I hope that you will take a few minutes to jot down, in about 25 words or less (I have to engrave them), your thought on justice. It could be what you think justice is or an act you saw or one you performed. You will not be identified on the work, only your words will appear. Please take extra forms back to your colleagues.

We are a community that shares a heightened interest in justice. Our combined thoughts will enable us to learn from one another. You may email or mail me your ideas. Thank you.

Jerry Alonzo
PO Box 101 Geneseo, NY 14454

jerry.alonzo@gmail.com
jerryalonzo.com



NYLAG's Summer Pro Bono Celebration

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



Stefanie Wool and Andrew Katzenberg accept Pro Bono Firm of the Year Award on behalf of Kirkland & Ellis LLP.*



Alison Sclater, NYLAG Director, Pro Bono & Volunteer Department, Honoree Micah McOwen, Paul, Weiss, Rifkind, Wharton, Garrison LLP, and NYLAG President Yisroel Schulman.

On Tuesday, July 15 the New York Legal Assistance Group (NYLAG) held its 2014 Summer Pro Bono Celebration. The cocktail reception was spearheaded by NYLAG's Associate Board, which hosted the event to celebrate the contributions of the agency's pro bono partners, and recognize the outstanding achievements of law firms and attorneys who have gone above and beyond in their commitment to partnering with NYLAG to provide legal assistance to low-income and vulnerable New Yorkers. The event was held at the Heath, a chic bar located in Chelsea's McKittrick Hotel, and despite a thundering sky outside, the room was packed, spirits were high and the speeches heartfelt but brief.

"We could not accomplish all of the great work that we do at NYLAG without our Pro Bono Partners," said Yisroel Schulman*, NYLAG's President and Attorney-in-Charge. "The people and the firms we honor here tonight have played an integral role in helping NYLAG provide legal assistance to thousands of vulnerable New Yorkers. NYLAG is incredibly grateful for the expertise, passion, and dedication of our partners."

NYLAG's Associate Board, established in 2008, works to introduce new ideas, raise money, expand public awareness and help increase pro bono services at NYLAG. The agency's robust program offers a wide range of meaningful opportunities for attorneys, law graduates and law students to engage in pro bono service and increase access to justice for low-income New Yorkers.

The event paid tribute to thirteen law firms and fifteen attorneys (listed below) who contributed their resources, time and talent to NYLAG. Individual NYLAG staff members presented the awards to the pro bono partners with whom they had worked, describing in detail how the honoree had helped to improve the life of their client.

NYLAG 2014 PRO BONO AWARDS

Kirkland & Ellis LLP
Pro Bono Firm of the Year

Rene A. Kathawala*, Orrick, Herrington & Sutcliffe LLP
Pro Bono Coordinator of the Year

INDIVIDUAL HONOREES:

Meaghan L. Atkinson* and Howard M. Topaz*, Hogan Lovells LLP

Michael Barkow, Manatt, Phelps & Phillips, LLP

Blaire Cahn, Weil, Gotshal & Manges LLP

Stacey Corr-Irvine, Shearman & Sterling LLP

Kathryn A. Kelly, Gibson, Dunn & Crutcher LLP

Alexandra (Sasha) Lewis-Reisen

Lisa Lupion, Orrick, Herrington & Sutcliffe LLP

Michael Massman

Micah McOwen, Paul, Weiss, Rifkind, Wharton & Garrison LLP

Jane W. Meisel*, Skadden, Arps, Slate, Meagher & Flom LLP

Christopher C. Paci, DLA Piper
Maritza C. Schaeffer and Lance Soderstrom, Alston & Bird LLP

Participating in Limited Pro Bono Legal Services Programs – What are Your Ethical Obligations?

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

The New York State Bar Association Committee on Professional Ethics Opinion 1012, released on July 30, 2014, clarifies questions attorneys may have about their ethical obligations when participating in limited pro bono representation programs. This Opinion resulted from a letter of inquiry submitted through a collaborative effort between ECBA Volunteer Lawyers Project’s CEO/Managing Attorney Robert Elardo, staff attorneys, and pro bono attorneys; members of the Association’s President’s Committee on Access to Justice, the Committee on Legal Aid, and the Pro Bono Coordinators Network.

A copy of the Opinion may be obtained online at: www.nysba.org/ethicsopinion1012/

As more limited scope pro bono legal representation programs (Programs) spring up around the state, conflicts of interest questions important to pro bono programs, law firms, and attorneys providing valuable pro bono legal assistance abound. While Rule 6.5 is very clear that the more relaxed conflict rules for pro bono work apply to limited scope clinic participation, attorneys have been hesitant to volunteer at these programs because it was unclear whether Rule 1.10 of the New York Rules of Professional Conduct would bar a volunteer attorney’s law firm partners from later representing an adverse party, despite the relaxed conflicts rules set forth in Rule 6.5 of the New York Rules of Professional Conduct for work at the limited scope clinics.

The Opinion answers two questions:

1. **“If a lawyer has represented a client in a limited pro bono legal services program, may that same lawyer later represent another client with interests materially adverse to the Program Client in the same or a substantially related matter?”; and**
2. **“If a lawyer in a firm has represented a client in a limited pro bono legal services program, may another lawyer associated in the same firm represent a client with interests materially adverse to the Program Client in the same or a substantially related matter?”**

The Opinion concludes that, “A lawyer who has represented a client in a limited pro bono legal services program is prohibited from subsequently representing a materially adverse client in the same or a substantially related matter only if the lawyer has actual knowledge of the conflict. Even if the lawyer has actual knowledge of such a conflict, however, the conflict is not imputed to others in the lawyer’s firm. Whether or not anyone in the firm represents a client adverse to the limited-services client, the lawyer who represented the limited-services client remains bound by confidentiality obligations to that client.” (Emphasis added.) These are the answers that all of us engaged in limited scope pro bono legal services were hoping for.

The Opinion notes that, “Rule 6.5 is written from the perspective of the individual Participating Lawyer and addresses what the lawyer must consider when undertaking a limited-services

assignment. It makes the usual conflicts rules inapplicable unless the Participating Lawyer has “actual knowledge” that the representation of the client involves a conflict of interest. In the absence of such actual knowledge, the lawyer does not need to make any further conflicts inquiry and may provide the short term services.” Participating Lawyers are **not** required to first consult the firm’s conflict-checking system before determining if a conflict exists while volunteering at a Program. Moreover the limited-services relationship **does not** have to be entered into the law firm’s conflict-checking system.

But what happens after the short-term legal services ends? Do the relaxed conflicts rules that applied during the Program follow the volunteer attorney upon return to the law firm? The Opinion provides a definitive answer; Rule 6.5 continues to relax the conflict rules until there is actual knowledge of a conflict. This helps a volunteer attorney who meets with a prospective client months after volunteering at a Program. Unknown to the attorney, there is a potential conflict arising from the lawyer’s participation in the Program. If a volunteer lawyer lacks actual knowledge of a conflict with a client from the Program, then the attorney may represent the prospective client. However, the Opinion makes it clear that the relaxed rules apply only with respect to short-term legal services clients. If the limited scope representation later develops into full representation, then the firm conflict check of the prospective client must be undertaken to check for possible conflicts with current firm clients and former firm clients.

continued on page 21

“It makes the usual conflicts rules inapplicable unless the Participating Lawyer has ‘actual knowledge’ that the representation of the client involves a conflict of interest. In the absence of such actual knowledge, the lawyer does not need to make any further conflicts inquiry and may provide the short term services.”

N.Y. State Ethics Op. 1012 (2014).

The Opinion is clear that if at any time the lawyer has actual knowledge of a conflict, then Rule 6.5 is no longer applicable, the regular conflicts rules apply, and the attorney may not represent the prospective client absent the former limited-services client’s informed consent in writing.

The Opinion also answers whether the volunteer attorney’s conflicts are imputed to the law firm. The short answer is a resounding no. The Opinion provides a detailed and thorough analysis. “...Rule 6.5 not only limits the application of underlying conflict provisions such as Rules 1.7 and 1.9, but also – at least as to a Participating Lawyer – limits the application of the imputation provisions of Rule 1.10...” Now it has been clarified that if the volunteer attorney discovers after returning from the Program that the firm represents a client in the same or substantially related matter on which the attorney represented a client at the Program, the conflict will not be imputed to other members of the firm. It is also clear that even when a new client seeks to retain the law firm in a matter that is the same as or substantially related to a matter on which the volunteer attorney represented a Program client, and there is a known material adversity between the two, Rule 1.10(a) does not preclude other members of the firm from representing the new client. However, the Opinion also explains that an attorney’s duty of client confidentiality as defined by Rule 1.6 is not modified by Rule 6.5.

Finally, the Opinion reminds us that, “The ethical obligations arising from participating in the Program extend beyond the participating Lawyer.” Rule 5.2(a), (b) requires the law firm and its managers to take reasonable efforts to ensure that the firm’s attorneys conform to ethical obligations including, “(i) the Participating Lawyer’s duty of confidentiality to the Program Client and (ii) the Participating Lawyer’s duty of confidentiality to refrain from representing a client materially adverse to the Program Client when the Participating Lawyer actually knows of a conflict prohibiting such representation.”

This is an incredibly important Ethics Opinion for all of us who work in pro bono programs, for law firm pro bono coordinators, volunteer attorneys and potential volunteer attorneys throughout New York State. We now can feel confident when we assure an attorney who is

volunteering at our limited-services legal clinic that unless they have **actual knowledge** of a conflict when they meet with a client, there is no conflict. We can now safely advise our volunteer attorneys that when they return to the law firm, if there was a conflict, it is not imputed to the firm. We can also remind our volunteer attorneys that they owe their limited-services clients a duty of confidentiality required by Rule 1.6. Finally, we are letting law firms know that the Opinion requires that they must make reasonable efforts to ensure that their lawyers conform to these ethical obligations. To that end, we should all be sharing this Opinion with our colleagues and developing CLE programs to spread the news about Opinion 1012. If you have any questions, please contact Gayle Murphy, ECBA Volunteer Lawyers Project’s Pro Bono Coordinator, at gmurphy@ecbavlp.com.



www.twitter.com/nysba

Stay up-to-date on the latest news from the Association

Reflections from the 2014 Partnership Conference

Edwina Frances Martin*, Esq., Chair, 2014 NYSBA Legal Assistance Partnership Conference

"We must help people in need; without it we are missing our raison d'être as a profession."

*NYS Chief Judge Jonathan Lippman
September 11th, 2014*

So began the inspiring opening plenary of the NYSBA's 2014 Legal Assistance Partnership Conference, "Moving Towards Civil Gideon: A Conversation with Chief Judge Jonathan Lippman about Civil Gideon and Access to Justice." The conversation, moderated by long-time Civil Gideon advocate Andrew S. Scherer*, Esq., was an eloquent colloquy on why a civil right to counsel is vital to a fair justice system. It was an inspiring opening to the three-day conference, which took place September 10th through 12th at the Albany Marriott, and is hosted every two years by the Association's Committee on Legal Aid; 2014 marks the 20th anniversary of the Conference. For the first time since this conference was started, it was sold-out by the end of July with close to 650 registrants (a 48% attendance increase over the 2012 conference).

Civil Gideon, a growing movement to create a right to counsel in civil matters that involve basic life necessities such as housing and food, was chosen as the theme of the conference because New York State is at the forefront of this movement, thanks in large part to steps taken by Judge Lippman* to increase funding for civil legal services. This funding, placed in the Office of Court Administration budget by the

Chief Judge, has reached \$55 million (plus additional funding for the Interest on Lawyers Account Fund, which distributes funds to civil legal services programs), making it a tremendous resource for legal services and pro bono programs statewide.

The conference featured a wide assortment of CLE accredited programs such as: the Affordable Care Act and Medicaid; housing and foreclosure; diversity; benefits; immigration; pro bono; ethics; consumer debt and credit; family law; re-entry; and meeting the legal needs of limited English language proficient clients. Workshops for enhancing the leadership skills of managers of legal services programs, and on how to use technology to expand access to civil legal services were also offered.

A highlight of the biennial conference was the Denison Ray Awards Dinner during which New York's legal services and pro bono communities celebrated the accomplishments of those lawyers whose work best represents the ideals exemplified by the career of civil rights attorney Denison Ray. The keynote speaker for the 2014 Denison Ray Awards Dinner was the Honorable Steven Banks, Commissioner, NYC Human Resources Administration, and former Attorney-In-Chief, The Legal Aid Society. Commissioner

Banks regaled the attendees talking about the challenges and triumphs of moving from the sphere of advocate to policy maker. The 2014 Denison Ray awardees were:

CIVIL LEGAL SERVICES ATTORNEY HONOREES:

Susan C. Antos, Esq.,
Empire Justice Center

Lori M. O'Brien, Esq.,
Legal Assistance of Western NY, Inc

LEGAL SERVICES PROGRAM DIRECTOR HONOREE:

Alan S. Harris, Esq.,
President/CEO, The Legal Aid Society of Rochester, NY

NONPROFIT ORGANIZATION HONOREE:

**Prisoners' Legal Services
of New York**



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Legal Services of the Hudson Valley Partners with Law Firms to Assist Low-Income Families

Marian Genio*, Esq., Pro Bono Director, Legal Services of the Hudson Valley

Legal Services of the Hudson Valley (LSHV) has partnered with two prominent law firms in Westchester County to provide pro bono legal assistance to low-income families seeking help with unemployment benefits and divorce cases. These partnerships help to address the high need for legal assistance and the limited resources for free legal services.

The first collaboration with the Armonk office of Boies, Schiller & Flexner LLP addresses the needs of low income residents who have been denied unemployment benefits. At the project’s launch, attorneys from the firm attended training offered by a LSHV staff attorney. In the spring of 2013, seven lawyers began representing clients at unemployment insurance hearings at the Department of Labor. The Unemployment Benefits Project illustrates the positive impact private attorneys have on the Westchester community when working in collaboration with LSHV.

According to Rosanne C. Baxter, the firm’s coordinator of the LSHV program, “Boies, Schiller & Flexner is proud to continue its long history of working with LSHV. Our lawyers are enthusiastic advocates for the clients and have spread the word to colleagues who are anxious to become more involved in pro bono efforts.” Due to the success of the program, the firm will continue to provide assistance in additional cases.

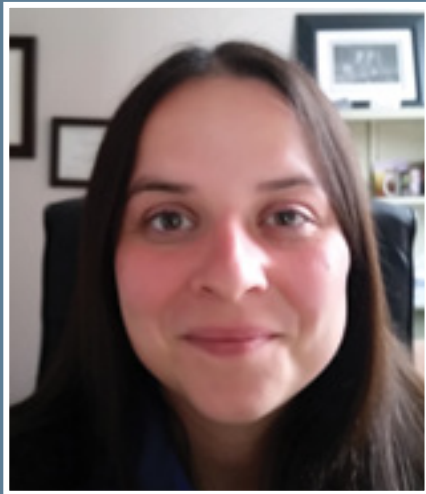
To recognize their contribution to our clients, the Boies Schiller attorneys will be honored by Legal Services of the Hudson Valley at an awards ceremony, followed by a cocktail reception on the evening of Monday, October 20th in celebration of National Pro Bono week.

The second collaboration is between LSHV and the White Plains office of Wilson Elser Moskowitz Edelman & Dicker LLP. Attorneys will be trained by LSHV staff to

assist clients in pursuing uncontested divorces. Two training sessions will take place at Wilson Elser’s offices during October, the second of which will be held during Pro Bono week. The firm’s project coordinators, Steven Young* and Emily Hayes stated “Attorneys at Wilson Elser have expressed a desire to do pro bono work. Working with clients who are going through the divorce process will provide them with that opportunity, as well as expose them to a new area of the law.”

Legal Services of the Hudson Valley’s CEO, Barbara Finkelstein* expressed thanks to those involved, saying “We are grateful to those lawyers who have participated, and look forward to working with others who will be involved in upcoming projects. It is exciting to see that members of the private bar are playing an important role in helping us achieve our mission.”

2014 DENISON RAY AWARDS



**Civil Legal
Services Attorney**
Lori M. O'Brien, Esq.

Supervising Attorney
Legal Services of Western NY, Inc.
Rochester, New York



**Civil Legal
Services Attorney**
Susan C. Antos, Esq.

Senior Staff Attorney
Empire Justice Center
Albany, New York



Nonprofit Organization
Prisoners' Legal Services of New York
Albany, New York

Front row (L-R): Rosa Cohen-Cruz, Esq.; Patricia Kane, Executive Administrative Assistant; Karen Murtagh, Esq., Executive Director; James Bogin, Esq., Managing Attorney; Jennifer Cunha, Esq., Pro Bono Attorney.

Back row (L-R): Maureen Whitcomb, Secretary; Mik Kinhead, Esq.; Sophia Heller, Esq.; Matt McGowan, Esq.; Samantha Howell, Esq., Director of Pro Bono & Outreach; and Hector Nayo, Comptroller.



**Legal Services
Program Director**
Alan S. Harris, Esq.

President & CEO
The Legal Aid Society of Rochester, NY
Rochester, New York