

Pro Bono News

Summer Edition Vol. 28 No. 2

Director's Message

Kristen Wagner, Director of Pro Bono Services



Wagner

The Pro Bono Services Department at the New York State Bar Association has been busy this year. Between our new Immigration Pro Bono Portal, the growth of Free Legal Answers,

and our inaugural Pro Bono Coordinators' Training Day, we have a lot of exciting updates for you!

Immigration Pro Bono Portal

Announced this past spring, and launched early this summer, NYSBA's Immigration Pro Bono Portal (www.nysbaprobono.org) is up and running. In response to the urgent need for immigration legal assistance across the country and state, many NYSBA members reached out to us to find out how they can help. In order to best address this uptick in attorneys seeking to do pro bono work, while supporting the non-profit and legal service organizations actively serving New York's immigrant communities, NYSBA paired up with The New York Bar Foundation and Legal.io to create a web-based portal through which attorneys can be referred to volunteer opportunities in a tailored and timely fashion. Please see NYSBA Pro Bono Immigration Fellow, Yuriy

Pereyaslavskiy's article in the following pages to learn more about this exciting project and how to get involved.

Free Legal Answers

NYSBA's Pro Bono Services Department continues to administer New York's Free Legal Answers website (ny.freelegalanswers.org), which provides low-income New Yorkers who are at or below 250% of the federal

have any questions about Free Legal Answers or would like to volunteer, please visit ny.freelegalanswers.org or call 518-487-5640.

Pro Bono Coordinators' Training Day

Thanks to a grant from The New York Bar Foundation, NYSBA's Pro Bono Services Department was able to host its first-ever Pro Bono Coordi-

The Pro Bono Coordinators' Training Day was created to provide an opportunity for pro bono professionals across the state to network and innovate together.

poverty line access to free, brief legal advice on simple, civil legal matters. With 119 volunteer attorneys signed up and over 400 client accounts created, as of August 2017 a total of 126 questions have been submitted on Free Legal Answers. About one-third of the questions submitted are related to Family/Divorce/Custody issues. The other most common topics include Housing/Property, Debts & Purchases, and Employment related issues. We continue to spread the word about Free Legal Answers to the public so they are aware that this service is available to them, and we continue to encourage attorneys to sign up and volunteer. Both attorney and client involvement continue to increase on Free Legal Answers. If you

nators' Training Day at the State Bar Center in Albany on July 27th. This full-day event was attended by over 35 members of New York State's pro bono and legal services community. Inspired by the ABA's Equal Justice Conference, the Pro Bono Coordinators' Training Day was created to provide an opportunity for pro bono professionals across the state to network and innovate together, with the hopes of doing so on a bi-annual basis (when Partnership Conference is not taking place). Thanks to nearly 20 panelists from across the state¹, everyone in attendance had the opportunity to communicate, collaborate, and ideate together on topics such as volunteer needs, training and support, technology, collaboration, and emergency

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The Pro Bono Newsletter is available online at www.nysba.org/ProBonoNews

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Editor: Kristen Wagner, Esq.

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preparedness. We hope to hold this event again in 2019.

Looking Forward

Now that the summer is coming to an end, we have much to look forward to this fall and the remainder of the year. Of course, October is a busy month for everyone in the pro bono community as Pro Bono Week will be taking place October 22-28. Keep an eye on our website (www.nysba.org/probono) to see what NYSBA has planned, and please share your Pro Bono Week events with us by emailing probono@nysba.org! Take pictures and share your stories to be included in a Winter Edition of the Pro Bono Newsletter (deadline TBD). Fall is also the time for law firms to start collecting their attorneys' pro bono hours to be submitted for NSYBA's Empire State Counsel® program. All attorneys who are active NYSBA members and

complete over 50 hours of pro bono work over the course of the year receive the honor of being an Empire State Counsel®. Watch out for the call for nominations for Empire State Counsel® honorees, to be recognized at the annual Justice For All Luncheon during NYSBA's Annual Meeting in New York City in January.

1 Nicole Komin (Center for Elder Law & Justice); Michele Sleight (Legal Aid Society of Northeastern New York); Lynn Kelly (City Bar Justice Center); Saralyn Cohen (Shearman & Sterling); Samantha Howell (Prisoners' Legal Services of New York); Michaela Rossettie Azemi (Legal Assistance of Western New York); Susan Pattenaude (The Legal Project); Adam Heintz (Legal Services NYC); Anna Steele (Just-Tech); Melody Harkness (Legal Aid Society of Northeastern New York); Brittany Belknap (Volunteer Legal Services Project of Monroe County); Kristen Wagner (New York State Bar Association); Mike Grunenwald (ProBono.net); Quisquella Addison (LawHelpNY); Deborah O'Shea (Volunteer Lawyers Project of Onondaga County); Christine McMenamin (Neighborhood Legal Services); Melinda Saran (University at Buffalo School of Law).

NEW YORK STATE BAR ASSOCIATION

"Pro Bono in Your PJs"

Log onto NY.freelegalanswers.org and sign up to be a volunteer today!

Questions?

Contact Kristen Wagner
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New York State Bar Association's Immigration Pro Bono Portal

**Yuriy Pereyaslavskiy, Pro Bono Immigration Fellow
New York State Bar Association**



Pereyaslavskiy

On average, 20 people, half of whom are children, were driven from their homes every minute last year, or one every three seconds – less than the time it takes to read this sentence¹. Why should New Yorkers care? Because as of 2014, New York was home to nearly 4.4 million immigrants, second only to California². Immigrants account for 22 percent of New York State's population, well above the national figure of 13 percent, and New York is also among the leading states in welcoming refugees, with more than 35,000 settling in the State over the past decade³.

Immigrants in the United States are facing a myriad of obstacles; besides a national policy of increased immigration enforcement, immigrants continue to face complex legal issues, unfamiliarity with legal proceedings, language, economic and cultural barriers, and high costs of hiring an attorney, just to name a few. The stakes are high – at the very least, deportation is a life-changing event that routinely separates the deported from family in the United States, returns them to persecution, puts them at risk of physical harm or even death in their countries of origin via proceedings that lack the basic due process protections that are afforded in criminal law proceedings⁴.

While nationally only about 37 percent of all immigrants secured legal representation in their removal cases⁵, the government's interests are represented by a government attorney every time. The end result is often that immigrants are unjustly denied their rights – the immigration benefits they qualify for under the law.

The importance of counsel in general, and the important role attorneys play in an individual's ability to navigate the immigration legal system cannot be understated; represented immigrants fare better at every stage of the process as compared to their unrepresented counterparts. The research shows that represented immigrants in removal proceedings were nearly five times more likely than their unrepresented counterparts to obtain relief if they sought it, and among detained immigrants, those with representation were twice as likely as unrepresented immigrants to obtain immigration relief⁶.

Besides legal injustice, immigrants face economic injustice, as they often encounter a lack of access to housing, education, healthcare, transportation, and social services, because of their status. There seems to be a stereotype that immigrants lack education and drain public benefits and welfare systems. In New York, however, the research shows that our immigrant population tends to be better educated than the national average⁷, participate in the labor force at higher percentages than the national and New York non-immigrant average⁸, and is more likely to be employed⁹. Despite these promising statistics, poverty and lack of access to legal services are realities for many immigrants and their families, often with devastating results. Immigrants in New York City are nearly three times as likely to worry about food or to be hungry than the overall population. One-third of children with immigrant parents live in families that have difficulty affording food¹⁰. Language access issues create significant barriers to justice and services for low income immigrants¹¹.

In light of the above, providing quality pro bono legal service to our immigrant community is more essen-

tial than ever. Tackling these issues through pro bono representation is not a novel idea; the duty to provide pro bono help in itself is a well-established legal principle. U.S. Supreme Court Justice, Sonia Sotomayor has summarized that:

"We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society - to ensure that justice exists for all - both legal and economic justice."¹²

U.S. Supreme Court Justice, Ruth Bader Ginsburg echoed that principle by saying that:

"Lawyers have a license to practice law, a monopoly on certain services. But for that privilege and status, lawyers have an obligation to provide legal services to those without the wherewithal to pay, to respond to needs outside themselves, to help repair tears in their communities."¹³

The New York State Bar Association has long recognized the importance of pro bono work, as well as the urgent need for lawyers to assist immigrant New Yorkers in need of representation. According to NYSBA's past President, Claire P. Gutekunst:

"Doing the public good is part of our Association's mission and one of our core values. The power of the State Bar in this area lies in encouraging pro bono service, creating opportunities for service, facilitating connections with legal service providers and providing training for those who want to help but need some guidance to put their skills to the best use. . . The legal community stands ready to help protect the rights of immigrants in our communities."¹⁴

Non-profits and legal services organizations have been instrumental and indispensable in providing essential legal services to our low income and

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New York State Bar Association's Immigration Pro Bono Portal

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immigrant communities, and they have stepped up their work to cope with the increased and urgent need for immigration legal assistance. To increase efficiency, many legal services organizations partner up to combine their efforts in providing more uniform training to volunteer pro bono attorneys, utilizing resources more efficiently by sharing materials and training, and expanding the community by organizing common events. Besides countless impact cases and individual success stories, legal services organizations have been systematically erasing language barriers through advocacy with public agencies, policy work and litigation; city agencies in New York are now required to provide language assistance in top six languages spoken by New Yorkers.

In response to the needs of our communities and to help our legal service organizations to continue doing their good work, the New York State Bar Association and The New York Bar Foundation partnered together with Legal.io to connect pro bono lawyers with nonprofit groups serving immigrants across New York through the New York State Bar Association Pro Bono Immigration Portal.

The New York State Bar Association's new Pro Bono Immigration Portal allows organizations to post listings describing their pro bono projects and detailing the needs for volunteer pro bono attorneys. Volunteer attorneys can register by filling out a short questionnaire about their skills and experience and receive customized referrals to volunteer opportunities, based on their needs and abilities, or browse the listings and directly reach out to the ones they feel strongly about. The portal also hosts a variety of training materials and resources, as well as a calendar of upcoming events related to immigration law. The portal is empowering New York attorneys, volunteers, and legal services organizations to deliver vital legal services to our immigrant population.

Since January, thousands of attor-

neys across the country volunteered to assist immigrants after the federal government initiated heightened enforcement efforts. The online portal was inspired by this overwhelming response of New York attorneys wishing to contribute and help out in any way they can, and was created to help address the growing needs of our immigrant communities and legal service organizations.

We encourage attorneys who are interested in volunteering their time to serve New York's immigrant communities to visit www.nysbaprobono.org and fill out the attorney questionnaire so that we may provide you with a tailored referral to a volunteer opportunity for which you may be well suited. We also encourage organizations across the state that both serve New York's immigrant population, and have a need for pro bono volunteers, to visit the site and create a listing, indicating your volunteer needs, so we may refer suitable volunteers to you.

If you have any questions about NYSBA's Pro Bono Immigration Portal, please email me probonoport@nysba.org or call 518-487-5642.

1 According to the United Nations High Commissioner for Refugees, the number of refugees globally is at an all-time high: approximately 65.6 million or 1 in 114 people in the world, half of whom are children, are now displaced and are seeking refuge. Available online: <http://www.unhcr.org/en-us/news/stories/2017/6/5941561f4/forced-displacement-worldwide-its-highest-decades.html>

2 "A Portrait of Immigrants in New York", report, Office of the New York State Comptroller (November 2016), available online: https://www.osc.state.ny.us/reports/immigration/immigration_2016.pdf

3 *Id.* at 2.

4 "Two Systems of Justice: How the Immigration System Falls Short of American Ideals of Justice," Ben Winograd, American Immigration Council, The Immigration Policy Center's Special Report (March 2013).

5 "Access to Counsel in Immigration Court," Ingrid Eagly, Esq. and Steven Shafer, Esq., Special report (September 2016).

6 *Id.*

7 Over 73 percent of foreign-born individuals in New York over age 25 have a high school education or higher, compared to 70 percent nationwide. The immigrants are motivated to

pursue their education even further: almost half of the State's immigrants have earned an associate's degree or completed additional college, including 29 percent with a bachelor's, graduate or professional degree. "A Portrait of Immigrants in New York", report, Office of the New York State Comptroller (November 2016), available online: https://www.osc.state.ny.us/reports/immigration/immigration_2016.pdf.

8 The labor force participation rate among the immigrant population aged 16 and over in the United States was 67 percent in 2014, higher than the participation rate of 63.9 percent for the total population. Similarly, in New York, the labor force participation rate for immigrants of 65.4 percent was somewhat higher than the total participation rate for the State of 63.5 percent. *Id.* at 14.

9 Besides the strong labor force participation rate for the immigrant population in New York, the unemployment rate among immigrants is low. In 2014, the unemployment rate for the immigrant labor force was 5.6 percent nationally as compared to a total unemployment rate of 6.2 percent. In New York, the results are similar, with an immigrant unemployment rate of 5.4 percent as compared to 6.3 percent statewide. *Id.*

10 "New Yorkers In Crisis", a report by Legal Services NYC (January 2009), available online: <http://www.lsc.gov/sites/default/files/attach/resources/NeedsAssessment-LegalServicesNYC.pdf>

11 *Id.*

12 "Sonja Sotomayor reflects on her success", J. Beck (November 4, 2002), newspaper, available online: http://archive.org/stream/ERIC_ED480987#page/n209/mode/2up

13 "Remarks from Justice Ginsburg", Pro Bono Institute (May 2014), available online: <http://www.probonoinst.org/events/annual-conference/2014-pbi-annual-conference/remarks-from-justice-ginsburg/>

14 "Pro Bono Newsletter Spotlight Edition 2017," Claire P. Gutekunst, New York State Bar Association Pro Bono News, available online: <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=73969>



Responding to the Immigration Crisis

**Caprice R. Jenerson, Director, Pro Bono & Volunteer Unit
New York Legal Assistance Group**

Just four days after I joined the New York Legal Assistance Group (NYLAG) as the Director of the Pro Bono and Volunteer Unit, President Trump signed an executive order suspending the entry of immigrants from seven Muslim-majority countries – Syria, Iran, Iraq, Libya, Sudan, Yemen and Somalia – for 90 days and stopping all refugees from entering the United States for 120 days. Another set of executive orders outlined President Trump’s plan for increased immigration enforcement. These orders included the expansion of those considered priority for deportation and called for a drastic increase in the number of immigration enforcement officers while making it easier to deport certain immigrants without due process. Although NYLAG routinely serves the immigrant population in New York, the executive order created widespread fear. Fortunately, NYLAG is known for its ability to quickly mobilize and respond to crisis, as it did after 9/11 and Superstorm Sandy.

NYLAG’s Response

NYLAG’s dedicated staff members were a constant presence at JFK and Newark International Airports, helping to assist travelers and worried families. We expanded our efforts to disseminate Know Your Rights Materials in several languages and to conduct presentations at community-based organizations. Our leadership quickly formulated policies and strategies to guide NYLAG’s delivery of excellent legal services and fostered partnerships across agencies throughout New York.

With so many legal and social service agencies in the immigration space, NYLAG focused, in part, on providing training and support to the private bar, enabling more lawyers to assist undocumented persons in seeking a path to legal status. Thus, the Immigration Boot Camp Training Series was launched. The boot camp series was held from mid-February through the end of March. There were five training sessions hosted by five law firms -



New York Legal Assistance Group attorneys at JFK airport. L to R: Irina Matiychenko, Lauren Reiff, Lia Capri Minkoff and Domna Antoniadis

Shearman & Sterling, Kirkland & Ellis, Greenberg Traurig, Dentons, and Proskauer. The topics included an Overview of the Executive Orders, Basic Immigration Law, U Visas, Representing Asylum Seekers, and VAWA Self-Petitions and Battered Spouse Waivers. NYLAG received a substantial response. An estimated 275 lawyers from approximately 33 big law firms, 6 corporations, 2 law schools, and a host of medium-sized law offices and solo practitioners, attended one or more of the training sessions. Pro bono attorneys were able to participate in-person or via simultaneous webcast and were eligible to receive CLE credit. NYLAG specifically asked those attending the training to commit to taking on full representation of immigration clients during the 2017 calendar year.

Impact

Since the completion of the boot camp training series, NYLAG has held three full-service asylum clinics during which 18 cases were placed with law firms and two U Visa/VAWA clinics where law firm partners took on full representation of ten matters. Additionally, NYLAG has organized four naturalization clinics directly reaching more than 100 immigrants. Our Immigrant Protection Unit has conducted multiple community-based immigration screening clinics, which have impacted approximately 147 NYC immigrants. Finally, 15 additional full-

representation, complex immigration matters were selected by individual pro bono attorneys from NYLAG’s monthly case list. We expect the momentum and support of our many pro bono partners to continue to build and look forward to forging new relationships as carry on this important work.

Because of the amplified immigration enforcement tactics being employed by the federal government, the fear and apprehension of our clients remains high. We are grateful to our law firm and corporate partners who continue to support NYLAG programming and are committed to assisting us in addressing the needs of poor and vulnerable communities.

NYLAG could not reach so many clients without the widespread support of the private bar. Our many thanks to the firms mentioned above that participated in the Immigration Boot Camp Training Series and to Proskauer, Cravath, Morgan Lewis, Wilmer Hale, DLA Piper, Latham & Watkins, and Winston Strawn for stepping up to provide quality legal representation to clients who would not otherwise have access to justice.

Contact Sara Levine, Esq., Pro Bono Manager, at www.SRLevine@nylag.org to engage in a limited scope or extended service clinic that is hosted by a law firm and/or corporate partner, take on an individual matter, or otherwise support NYLAG’s robust immigration work.

Mobilizing for Immigrants' Rights

Pro Bono Net, Immigration Advocates Network

Recent executive actions against refugees, immigrants and other vulnerable individuals make clear the need to take action in support of immigrants' rights. In the wake of these executive orders we saw an unprecedented turnout of lawyers and other professionals at their local airports to try to help. This was incredibly inspiring to see in the pro bono community, but it also highlighted challenges faced in mobilization, training and preparation in these situations. This is why we created the #STANDWITHIMMIGRANTS (www.standwithimmigrants.org) campaign – a large-scale mobilization effort to activate lawyers and other professionals to protect and promote the rights of immigrants.

Launched in collaboration with leading immigrants' rights groups in May this year, the campaign engages lawyers and other professionals around the country in skill-based volunteering to protect the rights of immigrants.

"The campaign seeks to empower legal advocates and other immigrant allies across the United States to protect our friends and neighbors from deportation and ensure fair treatment

and due process," says Matthew Burnett, Director of the Immigration Advocates Network. "We will mobilize, train, connect, and support lawyers, mental health professionals, translators, interpreters, and others who are ready to use their skills to take a stand and protect the rights of immigrants in the United States."

A great number of us want to help, but don't always have the training or guidance we need in order to do so. This campaign will provide the following so that more can volunteer their time and expertise to helping immigrants in our country:

- free training on immigration law and immigrant rights;
- access to volunteer guides and opportunities;
- connections to local, state and national advocacy opportunities; and
- guidance on engaging with government and businesses around inclusive policies.

"Over the past several months, the legal community has shown its readiness to defend immigrants and assert the rule of law in the face of government overreach," says Pro Bono Net's Executive Director Mark O'Brien.

"Stand with Immigrants will use technology to promote collaboration, communications and resource sharing to ensure that lawyers and others across the country can provide effective pro bono assistance in the face of overwhelming need."

Millions of people who live, work and pray in our communities are at risk of deportation and abuse. Through this campaign we can mobilize more volunteers, increase the resources available to vulnerable immigrant populations, and ensure the rights of all.

Volunteer opportunities and in person trainings for volunteer attorneys in New York are currently available. Please visit www.standwithimmigrants.org to sign up and stand with us today.

#STANDWITHIMMIGRANTS campaign is a collaboration between Pro Bono Net, Immigration Advocates Network (IAN), Catholic Legal Immigration Network, Inc. (CLINIC), American Immigration Lawyers Association (AILA), UNIDOS US (formerly National Council of La Raza), and the Advocates for Human Rights.

Katten Muchin Rosenman Attorneys Represent Producers of "Stand for Rights: A Benefit for the ACLU"

Jonathan K. Baum, Director of Pro Bono Services Katten Muchin Rosenman LLP

Intellectual Property special counsel David Sherman led a team of Katten attorneys in representing the producers of "Stand for Rights: A Benefit for the ACLU," a modern-day telethon on Facebook Live that raised more than \$500,000 (and counting) for the American Civil Liberties Union (ACLU). The event featured appearances from Hollywood A-listers such as Tom Hanks, Tina Fey, Alec Baldwin, Amy Poehler, Paul Rudd, Steve Buscemi, Jane Kra-

kowski, Tracy Morgan, Padma Lakshmi, Uzo Aduba, Jon Hamm, Maggie Gyllenhaal, Zosia Mamet, Andrew Rannells, Fred Armisen, Cecily Strong, Colin Jost and Ike Barinholtz, and musical performances by Usher, The Roots, Ryan Adams, and Norah Jones, among others. Sherman, together with Katten partner Doron Goldstein and associates Lauren Dell and Cynthia Reed, assisted the event's producers in forming a nonprofit entity, securing

rights to use a wide range of audio-visual and graphic content, preparing form releases for participants, and negotiating multiple sponsorship agreements, including one with The Huffington Post. The event was broadcast live from New York City on March 31 via the Facebook pages of Stand for Rights 2017, Funny or Die and The Huffington Post.

City Bar Justice Center Launches Pro Bono Response to Emerging Needs in Immigration and Discriminatory Harassment

Christina Overton, Communications and Development Coordinator
City Bar Justice Center

In November of 2016, the City Bar Justice Center convened its staff from the Legal Hotline and eleven projects, each headed by expert attorneys in immigration, family law, housing, benefits and other civil legal areas, to strategize and determine the greatest areas of pro bono need in the coming months. Fast forward to present day, and the outcome of this pro bono forecasting has materialized in new Justice Center programming to protect the rights of immigrants and those facing discriminatory harassment.

Emergency Preparedness for Immigrant Families

The start of this year began with the New York legal community showing up in full force to stand up for immigrants, from the immediate volunteer response at JFK in January to the packed, Justice Center co-sponsored panel, “Emergency Preparedness for Families Affected by the Executive Orders on Immigration” held at the New York City Bar Association in March for over 300 members of the legal profession. In response to the onslaught of inquiries from anxious immigrant parents and social workers, the Justice Center began collaborating with law firms to advise immigrant families on what legal measures they may take to protect their citizen children in the event that parents are detained or deported. With support from Fragomen Fellow Danny Alicea, the Justice Center’s Immigrant Justice Project held immigrant family emergency planning legal clinics with Willkie Farr & Gallagher LLP and Kirkland & Ellis in April and May, respectively.

The April 27 clinic at Willkie’s office began with a training for attorneys led by Danny Alicea. Alice



April training on Emergency Preparedness for Immigrant Families at Willkie Farr & Gallagher LLP

Morey, the Justice Center’s Managing Attorney, Jennifer Kim, Immigrant Justice Project Co-Director, and Stephanie Guzman and Lorena Ramirez, Project Coordinators, facilitated the clinic at which 20 Willkie Farr attorneys advised 13 families on their legal rights. Most of the clients at the clinic were parents who have been living in the U.S. for more than 20 years and are facing the wrenching possibility of being removed from their citizen children.

In addition, the Immigrant Justice Project has an active schedule of community clinics and Know Your Rights presentations, while closely monitoring immigration law changes. The Project is rapidly working through existing cases to ensure that every client who is eligible to file for immigration relief does so.

New Anti-Harassment Project Mobilizes Legal Community to Fight Discriminatory Harassment

In response to the spike in hate crimes nationally following the presidential election, the Justice Center co-sponsored a training in December

of 2016 at the New York City Bar Association on Assisting Victims of Hate Crimes & Bias and Representing Peaceful Protesters. Video of the training and a toolkit with materials from the New York City and State agencies who presented are available online at www.bit.do/probono-toolkit.

To step up the Justice Center’s ability to develop a pro bono attorney response to victims facing discriminatory harassment, the Justice Center launched the Anti-Harassment Project with a grant from the New York Community Trust. The Project provides pro bono legal assistance to New Yorkers who are threatened, harassed or coerced because they belong in a class of people who are protected under the law, including race, gender, religion, national origin, disability or sexual orientation. Christin Damiano, an experienced attorney on the Justice Center’s Legal Hotline with a background at the HIV Law Project, leads the Project.

On June 27, the Justice Center sponsored a CLE on Assisting Victims of Discriminatory Harassment following up on the December training. The CLE

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City Bar Justice Center Launches Pro Bono Response to Emerging Needs in Immigration and Discriminatory Harassment

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updated the audience on the proliferation of bias incidents, discriminatory harassment litigation and administrative proceedings, including the possibility of undocumented immigrants obtaining U visas for helping government officials in the investigation of criminal activity. Speakers included Christin Damiano, Coordinating Attorney for the Anti-Harassment Project; Antony Gemmell, Staff Attorney, New York Lawyers for the Public Interest; Afaf Nasher, Executive Director, Council on American-Islamic Relations New York; Michael Silverman, Supervising Attorney, New York City Commission on Human Rights; and Suzanne Tomatore, Co-Director of the Justice Center's Immigrant Justice Project.

In the last four months, approximately two thirds of callers screened by the Justice Center's Anti-Harassment Project identify as female. These



December Training at the New York City Bar Association: Assisting Victims of Hate Crimes & Bias and Representing Peaceful Protesters

women are facing issues that include being forcibly prevented from using the restroom appropriate to them, being attacked because of perceived national origin, and being harassed by a landlord for being married to a person of a

different race or national origin.

For updates on the Immigrant Justice and Anti-Harassment Projects, visit www.citybarjusticecenter.org and subscribe to the Justice Center newsletter.

White & Case and Legal Aid Allege Sixth Amendment Violation in Motion for Contempt against New York City

Cameras destroy confidentiality of attorney client communications

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

On March 30th The Legal Aid Society and Pro Bono co-counsel White & Case LLP filed a contempt motion against the City of New York and the Department of Corrections (DOC) in *Grubbs v. Safir*, a Federal District Court case alleging that the videotaping of pre-arraignment interviews in Staten Island violated the Sixth Amendment Right to Counsel.

To address the fact that the City has installed cameras in the attorney client interview booths in the Staten Island Courthouse, the Society and White & Case filed a motion to compel compliance with a stipulation entered in a previous litigation focusing on

conditions in City Criminal Court arraignment parts in October of 2015. The motion sought a preliminary injunction to remove the cameras and a temporary restraining order to shut them off while the action is pending. At a hearing Judge Daniels ordered the City to shut off the cameras. In the wake of that order the City announced that it would resume recording, one minute on and one minute off, with no notice to counsel. Following written objections from us the court once again ordered the cameras to be shut off until the City could develop a less intrusive plan. They have never produced that plan and despite some

initial conversations with them, the Court's order remained in place.

In March, the Society began receiving reports from staff that some of the cameras were turned on and taping for a period of time. In response to our inquiries, the City has admitted that someone in DOC "accidentally" turned the cameras on. We have demanded all footage be destroyed and are awaiting confirmation from the City that they have actually destroyed all footage.

The contempt papers demand sanctions and physical removal of cameras to prevent future violations.

Legal Aid Society, Hughes Hubbard & Reed Class Action Settlement Promises Relief for Thousands Facing Eviction and Homelessness

State and City to Increase Rent Assistance for Low-Income Families with Children

The Legal Aid Society Communications Department

On February 27, 2017, The Legal Aid Society and Hughes Hubbard & Reed announced the filing of a settlement agreement with New York State which could result in dramatic increases in rent supplements for families facing homelessness. Under the terms of the settlement agreement – which is subject to court approval – a family of four facing eviction, will be eligible to receive a rent supplement of up to \$1,515 to rent a two-bedroom apartment. The current limit for the program is only \$900 for a family of four, a cap that has not been changed since 2004. The lawsuit, *Velez et al vs. Roberts*, was originally brought by Legal Aid and Hughes Hubbard on behalf of three city families with children who were on the brink of eviction and homelessness.

“This settlement agreement should mark a very significant step in addressing the human needs of thousands of families facing homelessness,” said Seymour W. James, Attorney-in-Chief of The Legal Aid Society. “It does not make sense to force families out of their homes and into the City’s shelter system at a cost of more than \$3,000 per month, when relatively-affordable apartments can be saved.”

The settlement agreement comes as skyrocketing rent increases and cuts in other rent supplement programs have helped drive New York City’s homelessness population into record numbers as families are unable to keep or find affordable housing given the out-of-date shelter supplements.

“Working with The Legal Aid Society, our team brought this case that was a long time coming,” said Ted Mayer, managing partner of Hughes Hubbard & Reed. “There are far too many families in New York who face the risk of homelessness each year,

and we are thrilled that the State of New York and New York City came to an agreement that will ultimately help thousands of New Yorkers stay in their homes. Through this settlement, and the new ‘Family Homelessness and Eviction Prevention Supplement’ (FHEPS) Program, families will be protected from eviction and homelessness. The need is an urgent one, and we look forward to the approval process and to swift implementation of these critical measures.”

The fair market rent (FMR) for a one bedroom apartment across the five boroughs in New York City is now up to \$1,419, and a two-bedroom apartment is \$1,637. The FMRs are released by the federal government’s Department of Housing and Urban Development (HUD) and are used to set Section 8 rent subsidy levels. But the federally-funded Section 8 program has long been hampered by budget cuts, with families facing waiting periods of many years for the coveted vouchers, another factor that has helped drive homelessness.

The settlement agreement also promises relief for another major cause of homelessness in New York City and elsewhere – domestic violence. Under the previous FEPS program families fleeing an apartment out of fear of an abusing spouse or partner were not eligible for the State rent supplement program unless they were also being sued in housing court, which was not generally the case.

“We are very appreciative of the fact that the State is proposing to join with the City to address domestic violence as a cause of homelessness,” said Susan Bahn, a veteran Legal Aid Society attorney who specializes in homelessness prevention. “Studies from the Independent Budget Office and others have documented that

domestic violence is one of the main reasons why families with minor children end up in shelter.”

While the City was not a party to the litigation, it has formally endorsed the settlement agreement. Under the terms of the settlement, the Family Homelessness and Eviction Supplement (“FHEPS”) program will run for at least five years under an agreement between the State Office of Temporary and Disability Assistance and the City Department of Social Services.

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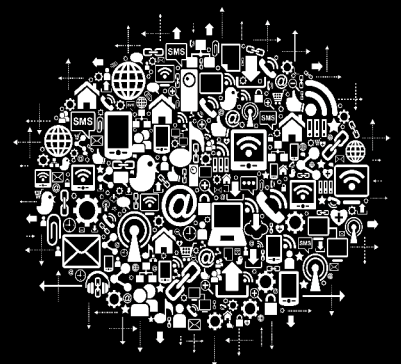
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Legal Services of the Hudson Valley Celebrates National Volunteer Week

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

Every April, we have the opportunity to acknowledge our volunteers during National Volunteer Week. This year, we offered a CLE entitled “Representing the Pro Bono Client” and hosted a reception for volunteers who have done pro bono work for Legal Services of the Hudson Valley, as well as those who were interested in learning about the work of our organization.

Guests had the opportunity to meet LSHV staff as well as pro bono attorneys who actively support our agency. Attorneys with expertise in different areas of the law, and at different stages in their careers shared information with each other. Over twenty individuals who had not worked with us previously became acquainted with our volunteer attorney program. They learned that we offer trainings, mentorship and support to attorneys who assist our clients either by providing direct representation, presenting at clinics or consulting with and giving guidance to our staff attorneys.

Among the topics addressed in the CLE were the benefits of pro bono work, ethics, cultural competency and limited scope representation. It was explained that LSHV clients referred to a volunteer attorney must be low-income in accordance with the national poverty level as annually adjusted by the Federal Office of Management and Budget. Cases referred to volunteer attorneys may be in the areas of family law, consumer law, housing, trusts and estates, bankruptcy and unemployment.

Realizing the need for legal assistance by those clients who cannot afford to pay an attorney, many of the



Pro Bono Staff - Marian Genio, Sherry Rozansky, Carol Neiditch, Judith Zirin-Hyman



Judith Zirin-Hyman

attendees committed to taking a case in return for free CLE credits. Those accepting a pro bono assignment are eligible to receive one credit for every two hours spent working on a case,

and can report ten credits for pro bono work during each reporting cycle.

PepsiCo and Legal Services of the Hudson Valley – Partners in Uncontested Divorce Clinic

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

2017 brought an enthusiastic group of pro bono attorneys to Legal Services of the Hudson Valley. One of our Westchester neighbors, PepsiCo, whose headquarters is located in nearby Purchase, became our newest corporate partner. Seven dedicated, attorney volunteers agreed to help our clients prepare the forms required for filing an uncontested divorce. Although they filed as pro se clients, the individuals needed assistance navigating the many complicated forms required for the process.

The first step in the collaboration was a training on uncontested divorce. LSHV's Legal Trainer presented a CLE to PepsiCo attorneys. Included in the presentation was a discussion of cultural competency which explained some of the challenges in working with indigent clients. After explaining the substance of divorce law in New York State, she discussed uncontested divorce in depth. Accompanying materials were comprised of a reference manual and the official New York Court forms. Armed with this information, the corporate attorneys were ready and eager to work with our clients at the clinic.

For this project we chose to invite clients who did not have minor children. Those who qualified received a questionnaire to be completed before the day of the clinic. Pertinent information was transferred to the court forms and PepsiCo attorneys received client files for review prior to the clinic. At the clinic, clients were paired with volunteer attorneys who assisted them in completing the voluminous forms. The fact that a few of the PepsiCo attorneys were Spanish speaking was helpful to those clients who were more comfortable with their native language.

Though ostensibly the forms could be completed by pro se clients without assistance, the task is a daunting



Judith Zirin-Hyman



Ricardo Gonzalez, Marian Genio, Priscilla Chaclin, Stacy Grindal, Sherry Bishko

one. Having the help of an attorney to answer questions about both substantive law and procedure was comforting to clients going through an emotional time. Attorneys from LSHV's Pro Bono Unit, as well as volunteers Loretta Miraglia and Sherry Bishko, both experienced matrimonial attorneys, were on hand to coordinate and review completed forms. At the conclusion of the clinic, LSHV clients were prepared to go to Westchester County Supreme Court to file the first set of papers required to commence an action for divorce. They expressed their thanks to both staff and volunteers for making this happen.

We are grateful to Charles Biener, Priscilla Chaclin, Ricardo Gonzalez, Stacy Grindal, Megan Hurley, Suzette Recinos and Sarah Ryan of PepsiCo, who took time from their busy schedules to participate in the project. Everyone agrees that the uncontested divorce clinic is a valuable resource to LSHV clients. In discussions following the project, it was agreed that everyone participating enjoyed the experience and would like to be involved in clinics in the future.

Our goal is to offer additional clinics to our clients throughout the year, and we look forward to continuing our partnership with PepsiCo.

Lawyers Alliance and Pro Bono Attorneys Help Nonprofits Engaged in Issue Advocacy and Promoting Civic Engagement

By Laura Abel, Senior Policy Counsel, and Juliet Lewis, Summer Intern, Lawyers Alliance for New York

Since the Presidential and Congressional elections last fall, nonprofits on all sides of the political spectrum have been mobilizing to weigh in on federal government programs and policies. Prior to the last election season, Lawyers Alliance for New York would typically receive requests for advocacy-related legal guidance several times each week. Since the election, we have been receiving those requests several times each day.

Organizations are dealing with immediate challenges, such as the new federal administration's immigration policy and proposed revisions to the Affordable Care Act. They are also planning for the next four years, considering how to ramp up their advocacy and community organizing activities, while facing potentially disastrous cuts to their own funding and to the programs that sustain their communities. At the same time, legal and regulatory developments resulting from revised federal policy preferences may shift the landscape and require those organizations to adapt to a new regulatory environment. Careful legal compliance is particularly important this year, as many grassroots organizations anticipate that their advocacy activities will prompt close scrutiny by government or non-governmental actors that may seek to exploit legal compliance vulnerabilities and media attention.

Lawyers Alliance for New York, with the help of a large pro bono network, provides business and transactional legal services for nonprofit organizations that are improving the quality of life in New York City neighborhoods. Through legal representation and legal education, Lawyers Alliance connects nonprofit leaders to the expertise of our staff attorneys and our network of pro bono attorneys from corporate legal departments and law firms. Helping nonprofit orga-

nizations maximize their impact by advising them on the rules regulating their nonpartisan political activity and lobbying is an important part of our work.

We jumped into action on the eve of President Trump's inauguration, when a false rumor spread around the internet, saying that nonprofits could not express an opinion on the incoming administration. The rumors began after the President sent a routine form to the Federal Elections Commission, notifying them that he had met a legal threshold for filing for reelection in 2020. According to the rumor, because public charities cannot take a position on who should win an election, the filing of this form effectively prohibited all nonprofit organizations from commenting on the administration's actions lest they lose their tax-exempt status. Lawyers Alliance debunked this false rumor by issuing a legal alert explaining that nonprofit organizations, even those with 501(c)(3) status, *can* speak out about controversial government actions.¹ While these organizations cannot take a position on which candidate should win an election, they can: praise or criticize sitting public officials, including the President, for actions taken while in office; take a position on issues, such as the environment, refugees, or school reform; and take a position on specific government actions, including Executive Orders, and proposed laws and regulations. This means that nonprofit organizations and their employees are free to comment on the President's actions as long as those comments do not mention the 2020 election. The Snopes fact-checking website agreed, warning its many readers that the rumor was "false."²

Our network of pro bono attorneys has been busy helping clients with advocacy-related legal matters, too. Volunteer attorneys from **Skadden**,

Arps, Slate, Meagher & Flom LLP are assisting **Showing Up for Racial Justice (SURJ)**, a national network of groups and individuals organizing to undermine support for white supremacy. The Skadden attorneys helped **SURJ Action** incorporate and obtain 501(c)(4) tax-exempt status, and they are now helping its sister organization, **SURJ**, seek 501(c)(3) tax exempt status. Thanks to pro bono counsel's help, SURJ is able to support the work of its nearly 200 chapters around the country as they strive for racial justice.

Pro bono counsel from **Osler, Hoskin & Harcourt LLP** are assisting the **Center for Popular Democracy (CPD)**, along with its sister organization, **CPD Action**, which work to create equity, opportunity, and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. The volunteers are helping both organizations update their governance documents to ensure compliance with recent changes in the law. This assistance helps CPD's board oversee the organization's campaigns to promote a pro-worker, pro-immigrant, racial and economic justice agenda and to win victories to improve people's lives.

In addition to co-counseling with pro bono attorneys on legal matters for clients, Lawyers Alliance holds workshops explaining how charitable nonprofits can encourage nonpartisan civic engagement and undertake issue advocacy while staying within IRS rules. With the fall 2017 election season quickly approaching, it is important for public charities to know that they *can* undertake get out the vote campaigns, publish voter guides, host candidate forums, and more, provided they remain focused on increasing participation and not

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Lawyers Alliance and Pro Bono Attorneys Help Nonprofits Engaged in Issue Advocacy and Promoting Civic Engagement

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on helping or hurting any specific candidate or political party. Organizations interested in participating in this kind of advocacy should be aware that specific guidelines govern each of these activities, and should seek legal guidance to ensure compliance with the appropriate regulations. In 2017, demand for this sort of information has been very high: between January and June we held or presented at 10 different workshops and webinars focused on nonpartisan engagement in elections.

Nonprofit organizations must also be aware of the rules surrounding their lobbying activities. Public charities need to stay within IRS limits on the amount of legislative advocacy they are permitted to do. In addition, trying to influence legislation (including the budget), change agency rules, or receive government funding may trigger an obligation to register as a lobbyist and report lobbying expendi-

tures to the House and Senate, New York State's Joint Commission on Public Ethics, the New York City Clerk, or other local lobbying regulators. Ensuring compliance with these regulations helps protect nonprofits from the risk of incurring taxes or civil penalties or losing their tax-exempt status.

Lawyers Alliance staff and pro bono attorneys are available to help nonprofits with tax, campaign finance, lobbying disclosure compliance, and other legal topics. Through our Resource Call Hotline, we provide general information over the phone on legal issues of importance to nonprofit staff and Board members, lawyers, regulators, and members of the general public. While we provide specific legal advice only to clients, we offer helpful information and referrals to hundreds of Hotline callers each year. Lawyers Alliance also provides legal alerts, FAQs, and checklists on advocacy and lobbying compliance on

our website.

The number of nonprofits seeking Lawyers Alliance's assistance continues to grow, and attorneys in the pro bono network continue to eagerly take on new matters as they arise. On a yearly basis, Lawyers Alliance works with more than 1,800 volunteer attorneys from 130 law firms and corporations, whose legal services allow nonprofits to continue to improve the quality of life for low-income New Yorkers. If you are interested in learning more about Lawyers Alliance or the process of becoming a pro bono volunteer, please visit our website at www.lawyersalliance.org or contact Stacey Fahey, Pro Bono Counsel, at sfahey@lawyersalliance.org.

1 http://www.lawyersalliance.org/pdfs/news_legal/Nonprofit_Organizations_Can_Speak_Out_About_Controversial_Government_Actions_FINAL.pdf.

2 <http://www.snopes.com/trump-filed-reelection-stop-political-speech-nonprofits/>

Nassau Suffolk Law Services (NSLS) Recruits Pro Bono Attorneys to Assist with Disability Applications

**Maria Dosso, Director of Communications and Volunteer Services
Nassau Suffolk Law Services**

Jane Reinhardt, NSLS Senior Staff Attorney and Andrea Sasala, NSLS Staff Attorney recently teamed up to provide CLE training for NSLS staff and private attorneys on the topic of "SSI/SSD: How to create a winning application." With special emphasis on addressing the special challenges presented by clients with behavioral health conditions and cognitive impairments, the trainers spoke to an attentive group at the Suffolk County Bar Association on June 16, 2017 with the purpose of preparing pro bono attorneys to assist clients, pro se, with their applications. Thanks also to Mike Wigutow, Senior Staff Attorney, who participated in the role play.

Several NSLS staff were among the attendees, taking advantage of this valuable and practical CLE.

The CLE is part of a new Suffolk Pro Bono Project endeavor working to recruit pro bono attorneys to enhance the assistance provided to disabled clients.



Immigration Advocacy Project Wins New York State Pro Bono Award

Ray Legendre
Fordham Law School

The Immigration Advocacy Project, one of Fordham Law's public service student groups, received the 2017 NYSBA President's Pro Bono Service Award for its outstanding volunteer efforts on the behalf of asylum seekers held in a family immigration detention center in Dilley, Texas.

Since March 2016, thirty IAP students donated more than 1,000 hours providing aid to Central American women and children at the South Texas Family Residential Center. Volunteer groups, such as the IAP, ensure detained families do not face complex expedited removal proceedings, including credible fear interviews, unrepresented.

"It's a recognition not just of the individual students who put in a week's worth of time every time we go to Texas but also a reflection of the immense support we get from the Law School," said IAP co-chair Emerson Argueta of the NYSBA award.

Argueta and fellow co-chair Alex Mintz thanked the Feerick Center for Social Justice and Fordham Law Dean Matthew Diller for their extensive and continuous support of the project. The IAP is the Feerick Center's student partner in planning, recruiting, training, and executing service trips to Dilley.

In March 2016, a group of six Fordham Law students made their inaugural journey to Dilley as part of the CARA Family Detention Pro Bono Project. Since then, Fordham has sent three student groups and one alumni group there to work with asylum seekers.

While in Dilley, volunteers help women prepare for their credible fear interview, a requirement of U.S. immigration services for those who want to apply for asylum and are subject to expedited removal. If an asylum officer finds an individual to have credible fear of persecution or torture, the officer refers her case to an immi-



gration judge for a full hearing on the asylum claim.

"Nothing exhibits Fordham Law School's motto of 'In the service of others' more than helping people who have no chance at representation without us," Mintz said.

From a law school perspective, the IAP's work is important for two fundamental reasons, according to the Feerick Center's Bree Bernwanger, who, along with Feerick Center Executive Director Dora Galacatos, has accompanied students on volunteer trips to Dilley.

First, the Trump administration's prioritization of immigration enforcement policies, without offering protections for asylum seekers, is expected to increase the need for services like those the IAP offers. Second, the work prepares a new generation of service lawyers for the challenges of working with a hostile administration and within systems seeking to deny access to counsel.

"IAP has shown exceptional leadership, grit, and dedication in responding to one of the most inhumane affronts to due process and American values of our time: the detention of vulnerable, non-criminal, asylum-seeking women and children along the Texas border," Bernwanger

wrote in her nomination letter to the NYSBA.

Policies at Dilley have evolved in new and challenging ways in recent months since President Trump's inauguration. Volunteers are not allowed in the physical space where services are administered unless they have a clear appointment. Changing procedural tactics have provided real world learning experiences for students on how to maintain composure and focus on their objectives in settings where the law is constantly evolving, Argueta noted.

These changing tactics have demonstrated the need for even greater volunteer involvement at Dilley. During the last week of March, the IAP, in conjunction with the Coalition of Concerned Students, displayed a large installation on the third floor of the Law School featuring a map of Central America illustrating the geographic and legal journey for asylum seekers; in traveling this route some of the women and children fleeing violence and oppression will ultimately meet Fordham Law students, such as Argueta and Mintz, this August and for years to come.

Pro Bono in the Making: A Recipe for Summer Internship Success

Michaela K. Rossettie Azemi, Regional Pro Bono Coordinator
Legal Assistance of Western New York, Inc.

LawNY® has a long history of cultivating future public interest lawyers and pro bono attorneys through law student volunteerism. Sponsoring a quality law student internship experience involves dedication of staff to train in substance and skill, supervise in poverty law issues and ethics, and cultivate advocacy opportunities for law students in court. LawNY®'s Summer Internship Program truly expands on our capacity to serve our clients.

Ingredients:

- 17 talented law students recruited from 12 law schools nationwide:
 - ❖ University of Michigan Law School
 - ❖ Yale Law School
 - ❖ Syracuse School of Law
 - ❖ Cornell University School of Law
 - ❖ Case Western Reserve University
 - ❖ University of Wisconsin School of Law
 - ❖ University at Buffalo School of Law
 - ❖ Widener University Delaware Law School
 - ❖ University of North Carolina School of Law
 - ❖ Georgetown University School of Law
 - ❖ University of Denver School of Law
 - ❖ George Washington University School of Law
- 12 dedicated Staff Attorney Supervisors to train, guide, and mentor 2-3 law students each in their substantive law practice areas
- 15 Pro Bono Attorney mentors, including 2 Attorneys Emeritus
- A dash of institutional support from LawNY® Directors, Managing Attorneys, staff, and Diversity & Inclusion Committee

Preparation:

- Gather law student interns and supervisors for an in-person full day orientation
- Create a space for multiple interactive learning styles for Advocacy Skills, including Client Interviewing (Narrow vs. Open Questions), Counseling (Vicarious Trauma and Working with People in Poverty) and Negotiation (Know your Client, know the Case, Listening Skills and Confidence)
- Add Ethical Considerations and Professional Conduct, in the office and the courtroom
- Craft and distribute a list of Tips & Expectations for Law Student Interns and Supervisors
- Infuse weekly lunch and learn webinars with both Career Development Advice, including "resume review," "public service loan forgiveness" and "interview best practices", and Substantive Law Trainings" on a weekly basis



Tip

Do not bake the orientation full of in depth legal analysis as students will only be able to absorb a finite amount of information at one time

Directions:

- Combine ¾ of the interns with an outside expert trainer, Milo Primeaux, Esq. from Empire Justice Center and several pro bono attorneys

to implement 2 Name & Gender Change CLEs and Clinics in Corning and Ithaca, NY.

- Add a pinch of initiative and unparalleled work ethic displayed by interns and newly recruited pro bono attorneys to replicate these Name & Gender Change Clinics in Jamestown and in Olean.
- Blend 6 interns with 4 Estate Planning pro bono attorneys and 1 Attorney Emeritus to draft and finalize 12 wills for low income clients, and 3 Veterans at an estate planning clinic held at the Bath Medical VA center



- Serve clients as representatives in Supreme Court, Surrogate's Court, Justice Court, and Administrative Hearings under a practice order from the Supreme Court of the State of New York, Appellate Division, 4th Department
- Stir pro bono attorneys with law students to provide advice and counsel on child support modification and arrears cases for Veterans at the Canandaigua Medical VA center

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- Mix in a weekly social events calendar of activities planned for interns to connect, network, and share experiences across seven offices

Reviews:

"LawNY® not only provided its interns with extensive substantive training in the fields that they were working in, but it provided trainings on cultural competency which acquainted both staff and interns with legal problems trans people face and the best practices on how to be respectful."

- Zachary Perdek, Syracuse University School of Law, JD Candidate 2019

"I appreciate that LawNY®'s Pro Bono Coordinator noted my particular interest in community development and systemic change. She paired me with the head of the Community Development and Economic Justice Project (CDP) as my supervising attorney. Under her mentorship, I learned a great deal about the type of advocate I want to be and how I can achieve that in practice."

- Makenna Osborn, Georgetown University Law Center, JD Candidate 2019

"As an intern I had several opportunities to discuss the public interest career path generally, as well as the day-to-day experience and the skills necessary to do it well. Seeing attorneys make a difference each day emboldened me to make a career in public interest law—indeed it is hard to know what it's all about until you have someone to serve as a role model. For these reasons I had many moments this summer where I thought: "Yes, this is it."

- Matthew Lutwen, Cornell Law School, JD Candidate 2019

"My summer internship at LawNY® was vastly different from the internships my classmates working at firms experienced. I worked directly with clients and used my legal research skills to help people overcome legal problems. I was encouraged to communicate with my supervisor about my interests to ensure that the program was providing me with the experiences I needed to grow as an advocate."

- Sarah Lentz, University of Wisconsin Law School, JD Candidate 2018

"LawNY® provided me with a great opportunity to work alongside vari-

ous pro bono attorneys and Attorneys Emeritus and to have their guidance in drafting Wills, Health Care Proxies, and Power of Attorney Documents. The pro bono attorney's willingness to donate their expertise allowed us to gain knowledge about estate planning and broaden LawNY® services to further help clients, particularly Veterans living in our community."

- Jennifer Klemenz, Widener University Delaware Law School JD candidate, 2019

"I had volunteered at several legal clinics since starting law school, but LawNY® gave me my first opportunity to plan one of them in the form of a name and gender change clinic. I'm grateful that LawNY® provided me with the opportunity to take the lead on this project."

- Allison Hight, University of Michigan Law School, JD Candidate 2018

"LawNY® provided great networking experiences with private attorneys and other professionals in the area. I was fortunate to have the opportunity to attend two collaborative law divorce meetings during my internship. At these meetings, I was able not only to meet the private attorneys, but to learn from them during presentations about different legal considerations in the divorce context and about alternative dispute resolution."

- Marissa Rivera, Cornell Law School, JD Candidate 2019

"I was able to get amazing practical career advice and connections through LawNY®'s great partnerships with different organizations that they team up with to cosponsor events. These events create the ability to network while doing meaningful work. One such event was a clinic where I met an amazing attorney who was assisted me in connecting with another organization and lined up an internship when I return to school in the fall."

- Mark Demarest, George Washington University Law School, JD Candidate 2019

"Career services can only go so far. While I was able to get some advice from my school regarding what employers want and what they look for in a resume, the ability to get direct feedback on my own resume from a potential employer was a valuable experience. LawNY® taught me how to improve my resume and pro-

vided me with an opportunity to ask not only what changes to make, but why those changes worked."

- Irving Talavera, Cornell Law School, JD Candidate 2019

"As a LawNY® intern, I was able to gain valuable practical experience by meeting with a variety of clients in one-on-one settings. LawNY®'s uncontested divorce program provided me with an opportunity to guide clients through the divorce process from the initial intake interview, to drafting and submitting the divorce pleadings, to a successful final judgment of divorce for the client. Furthermore, with the help of experienced pro bono attorneys, I went from being unfamiliar with estate planning, to meeting with clients and successfully drafting their wills and other advanced directives. At each step of the process, the pro bono attorneys provided valuable information that resulted in efficient services for the client."

- John Dagon, Case Western Reserve University School of Law, JD Candidate 2018

"I was given the opportunity to get first-hand experience speaking and working with clients. This included managing both the clients and my own expectations about the possible results. LawNY® provided the experience of preparing and representing a client at a UIB hearing. From listening to client prep sessions to assisting with mock cross examinations, the attorneys made sure I was prepared."

- Olivia Fontana, Syracuse College of Law, JD Candidate 2019

"Representing clients in summary proceedings for repossession following non-payment entails navigating a justice system unlike one my trial advocacy class or moot court competitions could have prepared me for. I was in front of a small court justice, which meant I had to be prepared for the case to be dismissed or go to a hearing, regardless of glaring jurisdictional defects. After this summer, I have gained some familiarity with the depth of legal analysis required in housing law, but more importantly, I have learned that access to affordable and quality housing is pivotal for extricating oneself from poverty."

- Sujata Ramaiah, University of Denver, J.D. Candidate 2017

VLSP Rochester Launches a Free Legal Clinic in a Rural Library: A Story of Success Through Collaboration

Scott R. MacPherson, Staff Attorney
Volunteer Legal Services Project of Monroe County, Inc.



MacPherson

In May 2015, Volunteer Legal Services Project of Monroe County, Inc. (“VLSP”) launched the Family Law Remote Assistance Project. Starting a free, portable, webcam

legal advice clinic in rural communities, with urban pro bono attorneys, promised to be a unique opportunity. However, at the time, I didn’t realize that giving away free legal services would be one of my biggest challenges.

The VLSP Family Law Remote Assistance Project (“Project”) was designed to assist rural families in completing Family Court petitions and associated paperwork, and provide brief advice legal services all via webcam. The Project has recently been expanded to offer guidance on legal issues associated with consumer debt.

As a pro bono provider, our mission is to match pro bono attorneys with clients who have an identified legal need. Time after time we heard from rural clients that they struggled to access Family Court due to transportation and childcare limitations. An additional barrier was the lack of pro bono attorneys in some of the more remote rural areas. There were simply not enough local attorneys.

Fortuitously, VLSP was aggressively upgrading its technology, merging databases and integrating its client, fundraising and volunteer software. At the same time our Court Help Center was well received by the City, County, Supreme and Surrogate’s Courts and expanding to the downtown Rochester Central Library. The role of libraries in providing legal services was a recurring theme in

statewide and national legal services discussions. Libraries are also often a starting point for many unrepresented litigants seeking information on how to resolve a legal issue.

We had learned quite a bit from the Help Centers and were prepared technologically to expand our pro bono footprint to meet the need in rural adjacent counties. VLSP is committed to partnership and collaboration so I met with local attorneys, bar association leaders, community based program directors, librarians, and court personnel to ascertain the need and concerns. As a result of these meetings, VLSP partnered with libraries located in our clients’ communities.

The libraries provided a private meeting space equipped with internet for our clients to speak with Rochester attorney volunteers over webcam. VLSP committed to recruiting family law attorneys, training attorney volunteers in the use of the technology, and real time monitoring and supervision. The ultimate goal was to provide legal consultation and representation for rural clients and reduce travel time and expense for our clients and volunteers.

The goal was laudable but nothing was as easy or automatic as originally surmised. Barriers to legal services were not limited to a lack of local attorneys, transportation, or childcare.

As I traveled to rural counties and shared program details, the launch was met with great excitement and the promise of significant client referrals based on the perceived need for family law legal services. Unfortunately, weeks went by and there were few potential client inquiries despite making the Project available in 7 counties, including Livingston, Ontario, Orleans, Schuyler, Steuben, Wayne, and Yates. Discouraged but undeterred, I continued to blanket the areas with flyers, speaking engage-

ments, telephone calls, emails, and even generated an online client sign up page. Librarians included the Project description in their newsletters and discussed it at their meetings.

Facing disappointing client numbers, I sought guidance from rural legal services providers. My colleagues were knowledgeable and very helpful, suggesting that lack of trust was more the culprit than convenience or innovativeness of the Project. It was a lightbulb moment for me and something I had not considered. Although in retrospect it seems obvious.

Imagine a struggling family member, accused of neglect or other wrongdoing, being offered a free video meeting with some distant big city attorney. I’d probably be a bit suspicious myself under similar circumstances. Many of the clients we serve through this Project live in remote households where families refrain from meddling in their neighbor’s affairs or live in isolation from neighbors.

A new approach was needed if the Project was to be successful. We began building stronger relationships with agencies and other community services in the targeted communities. In many cases the clients were already working with local community based organizations, had a high level of trust and therefore were far more comfortable contacting us for help. Our new collaborations also helped us find new referral sources and to identify community needs. I also switched from sporadically blanketing areas with promotional materials to regularly sending out reminders to keep the Project fresh in people’s minds.

We are now receiving a greater number of client referrals and inquiries for our remote Project; locals know who we are and we’ve learned

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From the End Spring New Beginnings

Myleah Misenhimer, PAI Director
Legal Aid Society of Northeastern New York

I am thrilled to be joining the Legal Aid Society of Northeastern New York as the new Private Attorney Involvement (PAI) Director; however, I am sad to say goodbye to its current PAI Director, Michele Sleight. She has been an integral part in maintaining the programs set in motion by her predecessor, and has worked tirelessly to adopt new programs to better serve our clients' changing needs. The Private Attorney Involvement program is somewhat amorphous by nature, and I only hope to be as adept as she in answering the current communal call and shaping the program accordingly.

As has been Michele's goal in the past few years, it is my goal this year to bolster those programs already in place, as well as create new programs to address new, or in some cases, newly realized legal needs. Our pro se divorce clinics continue to fill to capacity, and although we have some wonderful volunteer attorneys helping out with this program, assistance with divorce is just one of those needs that I don't foresee going away. That being said, we could always use additional volunteers for our clinics. The clinics, which take place in 6 different locations and cover 12 counties, are designed to help pro se litigants seeking an uncontested divorce in filling out and filing their paperwork. Our volunteers have assisted countless clients in leaving behind unhappy, and sometimes ugly situations so that they

can move forward with their lives.

Our bankruptcy referral program also remains in high demand. For those suffering under the weight of asphyxiating debt, a Chapter 7 bankruptcy can be life changing. Finding volunteer attorneys willing to help in this area is not only desired, it is vital. So often these individuals are reaching out for a second chance to "start fresh" and "do things right." It is my goal to find those attorneys out there willing to reach back. There is also a growing need for assistance in the following areas: the drafting of wills, powers of attorney and, less frequently, trusts; veteran's affairs; and name changes, particularly for transgender individuals.

The Attorney for the Day program at Albany City Court, where we pair individuals appearing for landlord/tenant actions with private attorneys, is in full swing. On the first and third Fridays of the month, volunteer attorneys are available to assist tenants who would otherwise be left to fend for themselves. The representation is limited in time and scope, but can and often does have a lasting impact. Additionally, together with the Albany County Bar Association, we are trying to reinvigorate the Albany County Family Court Help Center, where pro se litigants can seek assistance right at the Family Court from volunteer attorneys stationed there.

Lastly, our Closing the Gap program, which is a technology platform

that connects rural pro se litigants in housing and consumer cases with urban pro bono volunteers, completed its pilot period in March. The Closing the Gap website allows pro bono attorneys to conduct virtual interviews with clients located in rural areas via web video chat and document sharing features. The website also utilizes Law Help Interactive Software, so that the answers given during the virtual interview are generated into a specific legal format that the pro se litigant can then print and file. During the pilot period, there were 6 training events held to introduce the program to volunteer attorneys. A total of 55 volunteer attorneys were recruited and 73 clients were served. If you are from the Capital District and are interested in volunteering for this program, please contact Melody Harkness at mharkness@lasnny.org.

Prior to my position as the Director of PAI, I was an associate at Rose-Waldorf PLLC. During my time at Albany Law School I was an active participant in many of the moot court programs, as well as a passionate member of the Animal Law Pro Bono Project. I am a native New Yorker, and grew up in Schoharie County. New York State and its people are truly close to my heart, and I will work to ensure that the PAI program remains strong for those New Yorkers who need our help.

VLSP Rochester Launches a Free Legal Clinic in a Rural Library

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more about other organizations and can make appropriate referrals when necessary.

The Project is successful due to collaboration and partnerships. We continue to trend up in reaching our target population. Collaboration has also proven itself critical in our other programs, including The 7th Judicial District Court and our Monroe Coun-

ty Central Library Help Centers where we have seen increased numbers of unrepresented litigants since the program's kickoff in 2013. The Help Centers provide legal and procedural information as well as forms and referrals to unrepresented litigants. In spring 2017 we hit a milestone of over 300 people seeking assistance monthly at our Help Centers. This is nearly triple the number we saw when the program began, and is due in large

part to the local community and organizations knowing about the program and the services we offer.

I encourage everyone to collaborate with other organizations and legal professionals. Launching the Family Law Remote Assistance Project and working with local providers has taught me greater sensitivity toward my clients' needs and apprehensions, and has led to better legal outcomes for our clients.

VLP's Tax Pro Bono Partnership with Hodgson Russ LLP

Derek Wheeler, LITC Staff Attorney and Gayle T. Murphy, Pro Bono Manager
ECBA Volunteer Lawyers Project, Inc.

The Low Income Taxpayer Clinic (LITC) Program, established in 1998 by the IRS Restructuring and Reform Act, is a matching federal grant program that provides up to \$100,000 per year to organizations that represent low income taxpayers in controversies with the IRS, and to provide education and outreach to taxpayers who speak English as a second language (ESL). ECBA Volunteer Lawyers Project, Inc. (VLP) is one of five pro bono LITC Programs nationally.

Joshua Feinstein, Esq., Pro Bono partner in the Hodgson Russ, LLP Buffalo, NY office, introduced our LITC staff attorney, Derek Wheeler, to Thomas Nelson, the leader of the firm's tax practice area in the summer of 2016. Not long after this meeting, Derek Wheeler developed and presented a CLE program to the firm's tax attorneys. At this program Derek introduced the need for pro bono legal services in Buffalo, NY, as well as handling federal and NYS income tax controversies and collections.

In the past six months, the Hodgson Russ tax attorneys have provided in 324.1 hours of pro bono legal assistance, representing over \$60,000 in matching legal assistance.

Derek Kettner, Esq. was instrumental in assisting a client who faced a federal tax liability of \$30,000. This client, a single mother working part time at a minimum wage job and raising 2 minor children, contacted us because she would never be able to pay off what she owed the IRS. This client's income was below 125% of the federal poverty level. Derek met with the client, completed the necessary forms and submitted them to the IRS, requesting an offer in compromise. While we are waiting for the IRS to decide this application, it is expected that if accepted, the client can pay off the tax liability in full, and use 100% of her income to support her minor children.

Graham Leonard, Esq., represented a newly married husband with a newborn child. This client works multiple jobs, as does his wife, to pay off their bills and support their family of 5. This client ended up with a tax liability of approximately \$28,000 because he failed to adjust his withholdings following his separation from his first wife. Graham put in substantial work on this complicated case involving shared expenses and fluctuating income. He reviewed the documents, and is submitting an offer

in compromise to the IRS. Should the IRS accept this offer, this client will save thousands of dollars and be able to support his family of five.

The participation of the Hodgson Russ LLP tax and transactional attorneys is so important because it allows VLP to accept more tax controversy case. In addition, their matching legal assistance is a key factor in keeping the LITC Program at VLP solvent.

When asked about their experience, Derek and Graham told us that they appreciate the trust that VLP clients place in them. Both attorneys as well as their colleagues at Hodgson Russ continue to receive positive feedback from the program's clients. This feedback lets them feel good about the progress they are making every step of the way. "Volunteering gives us the opportunity to use our technical abilities in ways that improve our community and help those in need."

If you are a tax or transactional attorney interested in learning more about the LITC Program at VLP, or if you are interested in volunteering with the LITC Program, please contact Derek Wheeler, Esq., dwheeler@ecbavlp.com.

NEW YORK STATE BAR ASSOCIATION

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Overview of the Program

The New York State Bar Association Lawyer Referral and Information Service (LRIS) has been in existence since 1981. Our service provides referrals to attorneys like you in 46 counties (check our website for a list of the eligible counties). Lawyers who are members of LRIS pay an annual fee of \$75 (\$125 for non-NYSBA members). Proof of malpractice insurance in the minimum amount of \$100,000 is required of all participants. If you are retained by a referred client, you are required to pay LRIS a referral fee of 10% for any case fee of \$500 or more. For additional information, visit www.nysba.org/joinlr.

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VLP's New Community Economic Development Pro Bono Project Is Off to a Strong Start

**Gretchen Gonzalez, Community Economic Development Staff Attorney and Gayle T. Murphy, Pro Bono Manager
ECBA Volunteer Lawyers Project, Inc.**

Staff attorney Gretchen Gonzalez is directing VLP's Community and Economic Development Project through the combined efforts of VLP staff, community stakeholders, and pro bono attorneys to assist nonprofit organizations, micro-entrepreneurs, coalitions and other groups working to redevelop WNY. Although Buffalo was booming in the mid-1900s, Buffalo's poverty numbers are on the rise. Buffalo is the third poorest among our nation's largest cities with over one-third of the residents, and one half of the city's children living in poverty. The time is right to focus on community economic redevelopment, with the growth of the medical corridor, the inner harbor and waterfront, and the increasing refugee population spurring neighborhood growth.

The City of Buffalo is served by over two thousand nonprofit community organizations providing a wide array of services to our community, and the number is growing. However, many of these organizations lack the budgets and staff to afford the essential legal services necessary to sustain themselves, operate effectively and grow. Groups can apply for free legal assistance in matters such as incorporating, obtaining tax exempt status, zoning, insurance, building

code, leases, personnel matters, corporate governance and dealing with governmental entities.

We are especially grateful to the following attorneys who volunteer their time and talents to assisting our nonprofit clients: Mindy Marranca, Michael Def reitas, Michael Nisen-gard, Timothy Cashmore, Martha Buyer, Robert Knoer, Robert Conklin, Elise DeRose, E.J. Snyder, Raymond McCabe, Molly Krauza, James Donathen, Colleen Allen, Amanda Karpovich, Timothy Cashmore, Paul Bartlett, Anne Evans, Robert Johnson, Clark Trow, Anthony Mancinelli, Rebecca Koval, Riane Lafferty, and Hemy Zomerfeld.

In the early spring of 2017, two community stakeholders, Open Buffalo and the Partnership for the Public Good, introduced VLP to a group in need of pro bono legal assistance. This client is a coalition of 19 different community organizations working together to create a not for profit community land trust. Gretchen Gonzalez was able to link the client with Martha Buyer, Esq., who is providing invaluable pro bono legal assistance with incorporation, tax status and governance documents. Robert Knoer, Esq. is also providing pro bono legal assistance to this same nonprofit by

consulting on the development and sustainability of the land trust going forward.

In August, 2017 VLP launched the Micro-Entrepreneurship Program, a new component of the Community and Economic Development Project. The Micro-Entrepreneurship Program (MEP) is a community economic development and antipoverty tool designed to create jobs, promote economic growth, increase social stability and assist low-income individuals who desire to improve their economic well-being. Through VLP's volunteer attorneys, MEP provides transactional legal services to low income entrepreneurs starting small businesses, with a special focus on businesses providing employment opportunities to economically distressed communities.

VLP is grateful to the generous assistance from our longstanding pro bono attorneys who have represented nonprofits in the past, and to our newer volunteers who are providing critical legal assistance to nonprofits and micro-entrepreneurs. Their efforts are instrumental in our community's economic redevelopment.

New Statewide Program Allows Domestic Violence Victims to Obtain an Order of Protection via Skype

Deanna J. Lucci, Assistant Deputy Counsel
Office of the Statewide Coordinating Judge for Family Violence Cases

In November 2016, Chief Judge Janet DiFiore announced at a press conference the launch of a pioneering initiative to facilitate domestic violence victims in obtaining a temporary order of protection via electronic filing and video conference. The rollout of the program is being overseen and implemented by the Statewide Coordinating Judge for Family Violence Cases, Justice Deborah A. Kaplan, and her staff at the Office for Family Violence Cases (OFVC). The Remote Access to Temporary Orders of Protection (Remote TOP) program is available to petitioners for whom traveling to or appearing in court poses an undue hardship or creates a risk of harm to the petitioner. As of August 2017, the program is available in 15 geographically diverse New York counties, and new counties are being added every month.

As authorized by an amendment of New York's Judiciary Law and



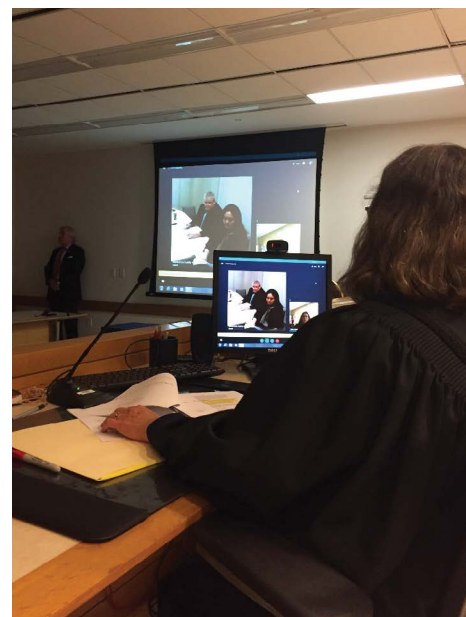
the Family Court Act, the program adapts the automated New York State Advocate Assisted Family Offense Petition Program that was designed for domestic violence advocates and attorneys to assist litigants from remote locations in completing and filing family offense petitions. These remote, secure locations could be a Family Justice Center, a domestic vio-

lence shelter, senior center, hospital or domestic violence advocacy agency. The new program, the first statewide program of its kind, allows a domestic violence victim to electronically file a petition and appear via video conference for the initial ex-parte appearance before a judge. The paperless, electronic process offers greater access to family courts and allows particularly vulnerable people to seek immediate relief that may have been previously infeasible due to lack of transportation, mobility issues, lack of child care, safety concerns or poor health.

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At the press conference, held at New York County Family Court on November 4, 2016
From left: Gwen Wright (Executive Director, OPDV), Assemblywoman Helene Weinstein, Chief Judge Janet DiFiore, Hon. Deborah A. Kaplan, Hon. Jeanette Ruiz, Hon. Lawrence K. Marks, Assemblywoman Latoya Joyner, Hon. Thomas A. Breslin, Hon. Kathie Davidson.



In a simulation of the program, New York County Family Court Supervising Judge Karen Lupuloff demonstrates how a Remote TOP hearing via Skype works while the "petitioner" testifies alongside the domestic violence "advocate" who assisted her with the petition at a remote location, in this case the Family Justice Center

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Counties currently participating as of August 2017 include:

1. Broome
2. Chautauqua
3. Erie
4. Tompkins
5. Monroe
6. Onondaga
7. Jefferson
8. Columbia
9. Sullivan
10. Westchester
11. Saratoga
12. Manhattan
13. Bronx
14. Nassau
15. Suffolk

In conjunction with local court administrators, judges, advocates and the courts' Division of Technology, OFVC continues to add counties to the roster. The OFVC's goal is to roll-out the Remote TOP program in all 62 counties statewide within the next two years.

Success Stories

From Suffolk County

Suffolk County reports on several success stories that demonstrate the potential of the Remote TOP project in increasing court access statewide. A 94-year-old homebound woman who lived nearly 50 miles from a courthouse received a temporary order of protection with the assistance of an advocate in her home. Another family court petitioner with a broken ankle could not drive or afford taxi service to and from court. She was able to meet an advocate at a local library to file and appear electronically. In another case a young woman residing in a domestic violence shelter feared coming to court due to threats from her abuser and petitioned the court with success. Local Suffolk County Police precincts also offer victims fearful of attending court a safe harbor

and have already served as a site for a video conference appearance.

HEAL Clinic in Rochester

In Rochester, at the Strong Memorial Hospital campus, the HEAL program offers on-site access to the Remote TOP project. Through the clinic, patients from the hospital and intimate partner victims from the community can seek comprehensive services and support. The collaborative involves a partnership of Willow Domestic Violence Center, the University of Rochester Medical Center, the Rochester Police Department, Lifespan, RESOLVE, the Legal Aid Society of Rochester and the Monroe County Family Court.

The HEAL collaborative's use of remote filing with the Monroe County Family Court has already changed the lives of several litigants. In one case a woman found herself in the emergency department after having been thrown down the stairs by her abuser. From the hospital, police and advocates provided assistance and she received a temporary order of protection from the Monroe County Family Court via video conference. Another victim encountered her abuser in the parking garage while visiting her baby in intensive care. During the encounter, he threatened to throw the baby out the window. Scared to leave her baby alone at the hospital she filed her petition remotely on site. Another woman on bedrest in the maternity ward continued to be harassed by her ex-partner. Knowing he had access to firearms and unable to leave the hospital, the HEAL staff helped her secure a full order of protection remotely.

Remote Access for Rural Victims Project

Federal funding from the Department of Justice, Office on Violence

Against Women, was secured by OFVC and the Fifth Judicial District to serve rural victims of domestic violence and sexual assault in rural communities near Syracuse. This OVW-funded project with assistance from the Center for Court Innovation has allowed victim advocates from Vera House and the Victim Assistance Center to build mobile response teams where advocates travel to victims in rural communities. These counties represent some of the most remote locations in the state. Jefferson County encompasses over 1,268 square miles and shares an international border with Canada. Onondaga County covers approximately 778 square miles. With the support of court system administrators, advocates have been supplied with mobile laptops and wifi hot spots that will facilitate electronic filing of petitions and video conferencing for temporary orders of protection. The project includes training for stakeholders. Federal funding supported national faith-based training from Safe Havens for the advocates and local clergy to build networks of safe spaces in rural communities for filing petitions and remote appearances.

This pioneering program demonstrates how technology can provide access to justice to New York's most vulnerable litigants, especially older adults who may be homebound or mobility challenged. The OFVC looks forward to further expanding the program statewide in the coming months.

To keep up to date with Judge Kaplan and the OFVC, visit the website at <http://www.nycourts.gov/courts/family-violence/index.shtml>

Suffolk Pro Bono Recognition Luncheon: NSLS' Pro Bono Project and the Suffolk County Pro Bono Foundation proudly recognized the many pro bono attorneys who volunteer in Suffolk providing thousands of hours in service to low income and disabled clients. On June 22, 2017, with over 100 guests in attendance, the group paid tribute to the outstanding spirit of volunteerism which is alive and well in Suffolk County. The **Hon. A. Gail Prudenti** had some inspiring words for the honorees, as did **Patricia Meisenheimer**, President of the SCBA and **Judge Derrick Robinson**, Managing Director of the Suffolk Pro Bono Foundation. **Ellen Krakow** expressed her sincere appreciation to the honorees who consistently and generously donate their time and legal skills to their neighbors in need.





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