

# Lawyer Referral

The Lawyer Referral and Information Service Newsletter



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## Volunteer Lawyers Project of Onondaga County Receives State Bar's Cometa Award



Former NYSBA President Sharon Stern Gerstman and OnVLP's Samantha Agum

The Volunteer Lawyers Project of Onondaga County, Inc. (OnVLP) has been honored with the New York State Bar Association's 2018 Angelo T. Cometa Award for its work facilitating legal referrals for residents of Central New York.

"OnVLP's program is built on a foundation of collaboration and the recognition that appropriate legal representation is an essential element

of our justice system," said State Bar President Sharon Stern Gerstman, who presented the award at the Association's House of Delegates dinner in Albany on April 13. "Their devoted team of lawyers and staff have developed a highly effective model for working seamlessly with local law firms, programs and agencies to ensure that residents of Syracuse and surrounding areas get the most appropriate and best possible referrals for legal services."

OnVLP provides free legal help and referrals to low-income community members and served 3,100 clients in 2016 through a panel of 750 volunteer attorneys, law students and non-lawyer volunteers.

The organization maintains a referral guide that is available at all of the programs and legal clinics it operates around the Syracuse area. The comprehensive and frequently updated referral guide helps OnVLP direct clients to the individual or entity that can serve them most effectively and affordably.

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# Q&A

In an effort to assist you and your staff with some common inquiries below are answers to frequently asked questions.

## **What is the LRIS membership fee?**

LRIS panel members pay an annual fee of \$100 (\$250 for non-NYSBA members).

## **What is the referral fee if a client retains my services?**

LRIS panel members agree to remit 10% of their entire fee if the fee is \$500 or more.

## **Do I need to carry malpractice insurance?**

Yes, LRIS panel members are required to provide proof of malpractice insurance in the minimum amount of \$100,000.

## **How much should I be charging for the initial ½ hour consultation?**

The consultation fee is \$35.

## **What if I can't help a client that was referred to me?**

If you decline a referral for any reason, you should refer the client back to the LRIS. A LRIS client can also be seen by another attorney in your firm but the referral will be tracked as a referral to you.

## **How do I sign up?**

Download the LRIS application at [www.nysba.org/joinlr](http://www.nysba.org/joinlr) or call 1.800.342.3661 or email [lr@nysba.org](mailto:lr@nysba.org) to have an application mailed to you.

\* Go to [www.nysba.org/joinlr](http://www.nysba.org/joinlr) for a complete list of service counties.

# 1st Quarter LRIS Stats

**Referral requests: 3,000**

**Panel attorneys: 83**

**Consultations: 330**

**Top 3 referrals practice areas:**  
Family, Labor, Real Property

**Engagement rate: 13.3%**  
(ABA average 3%-8%)

**Countries:**  
Bosnia, Canada, Costa Rica,  
Hungary



# New York State Bar Association Urges Governor to Sign Legislation Providing Attorney-Client Privilege to Lawyer Referral Services

New York State Bar Association President Sharon Stern Gerstman applauded the state Senate and Assembly for passing legislation that would provide attorney-client privilege to lawyer referral services, and urged Governor Andrew Cuomo to sign the measure into law.

Each year thousands of New Yorkers rely upon lawyer referral services to help find an attorney or be directed to the appropriate resource. Consumers may provide details that include information that could be potentially damaging to their criminal or civil case if disclosed to opposing parties.

“People who rely upon lawyer referral services for assistance do so with

the assumption that the detailed information they provide is both necessary to receiving a referral, and confidential,” said Gerstman. “This legislation would resolve any potential question about the confidentiality of communications between the state’s 20 lawyer referral services and those who rely on them for help, and the New York State Bar Association strongly urges Governor Cuomo to sign it into law.”

The bill (S.5845 / A.9029) was developed in consultation with the New York State Bar Association’s Committee on Lawyer Referral Service and the New York City Bar Association. The bill would amend the state’s Judiciary Law Section 498 to add a subdivi-

sion providing that communications between a lawyer referral service and a consumer of the lawyer referral service be deemed privileged on the same basis as those under the law for communications between an attorney and client.

The bipartisan bill is sponsored by Senator John Bonacic, R-Mount Hope, and Assemblyman Jeffrey Dinowitz, D-Bronx.

*As of this publication, bill has not been signed.*

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## *Cometa Award, continued from page 1*

OnVLP collaborates closely with the Onondaga County Bar Association’s Lawyer Referral Program and other legal services groups in the area to further streamline the referral process and also to monitor the need for specific legal services and help providers avoid offering overlapping services.

Samantha Aguam, a staff attorney at OnVLP, accepted the award on behalf of the organization. The award, sponsored by the State Bar’s Committee on Lawyer Referral Service, recog-

nizes individuals or groups in New York that demonstrate an extraordinary commitment toward advancing the goals of the Lawyer Referral and Information Service (LRIS).

The LRIS is a public service of the New York State Bar Association. Among its goals are to serve the public by administering a coordinated lawyer referral and information system throughout New York State and to provide information to the public about community and legal services available, including local bar refer-

ral services, legal aid societies, legal service programs, public interest law organizations and other appropriate service providers throughout the State of New York.

The award was created in 2007 in the honor of Angelo T. Cometa, who served as president of the State Bar in 1990-1991. During his presidency, the Association created its Lawyer Assistance Program, Pro Bono Department and Department of Law Practice Management.

# How I Practice – Anne LaBarbera



## What are your areas of practice?

I concentrate on Media and Entertainment in New York. That includes Trademark and Copyright and Business advice for artists. I do litigation and transactional work. I also have an office in Syracuse and have a more general practice upstate.

## Describe a typical day for you?

I am not sure if there is a typical day for a small firm attorney. It all depends on what you are working on. At times, I can spend all day downtown in court or looking up files and, at times, I spend more time in front of my computer drafting court papers or transactional documents.

## Where do you practice? Do you have a stand-alone office or home office?

My Syracuse office is a physical office in the State Tower Building. In New York, office space is very expensive. At the moment, I utilize services provided to small law firm members at the New York City Bar Association, using their virtual law firm address,

and meeting spaces to meet with clients in midtown. I have phone numbers on mobile phones with area codes for New York, Syracuse, and the Finger Lakes region so my clients can call an area code that seems familiar and those who still have a land line won't have to worry about long distance charges. Work/life balance improves when you have a physical office, so I hope to have one in New York as soon as I can.

## What is the most rewarding thing about having your own practice?

When you need to take some time off, you don't have to convince a boss. You make the calculation yourself as to whether you have the time and will get your work done. On the rare occasion that you don't have any work that needs to get done, you don't have to sit at your desk and look busy, you can just leave.

## What are some of the challenges about having your own practice?

When something has to get done, it has to be you doing it. At times, you may have to stay up late or come in on the weekends. It is a luxury to be an employee and only do the lawyering. When you own your practice, you have to do practice management as well and it takes up some of your time that you don't get paid for.

## What are your must-have tech tools/apps?

My case management software is indispensable. I use MyCase but I know other attorneys who use other software. I would not recommend going it without case management

software. I also have a beast of a laser printer that does letter and legal sized printing and a robust shredder.

## How do you market your practice? How do you find new clients?

I use word of mouth and referral services at bar associations. I use the NYSBA LRIS and, in the past, I have used the Onondaga County Bar Association Legal Referral Service, which I recommend.

## When and where do you interact with other attorneys?

I spend a lot of time at a number of bar associations including NYSBA. Bar associations are everything.

## How do you stay informed with legal news/developments?

Twitter, various publications like Financial Times, Hollywood Reporter Esq., New York Times and the like, as well as networking and participation in NYSBA sections and committees. I am an active member of NYSBA's Entertainment, Arts and Sports Law Section and the Committee on Media Law.

## If a fellow attorney decided they wanted to start their own practice, what is the one thing they should know?

Bar association participation is key. Bar participation will be how you grow as an attorney and how you will grow your practice. I also recommend full participation: be on committees, join sections, come to events, get your CLE credits in person and try to network before and after.



# Legal.io Best Practices: Responding to Requests

**By Amelia Oliver**

The Legal.io platform is designed to make responding to referrals submitted by clients or other attorneys as easy as possible for both parties.

## Responding To Requests

### 1. *Communicate with your LRIS Manager.*

Because LRIS staff is going to be sending you referrals, it is in both your interests that you communicate openly about your availability. For example: If you are sent referrals while out on vacation, your community administrator may not realize you are away, and this may cause confusion, and - ultimately - inefficiency in the client-to-provider process.

### 2. *Be prompt in your responses.*

It is important that you respond to referrals as soon as you are notified for a number of reasons. Your community administrator will be monitoring all

requests and their statuses within your community. Responding as soon as possible will help give them an accurate look at the outstanding referrals still in need of a referral to a provider. This action will also help you to connect with potential clients right when they need legal representation; generating trust within your legal representation. Finally, responding quickly to requests is part of the internal design of Legal.io; giving all parties (legal providers, community administrators, and clients alike) the opportunity to submit a referral and connect with someone in a relatively stress-free and expeditious process.

### 3. *After matching with a client, reach out to them and schedule a consultation immediately. And have your response ready.*

After you've accepted a referral, you and the client will both receive an email introducing you to each other with contact information. Upon

receipt, give the client a call, send them an email, or shoot them a text (depending on whether or not they have a contact method preference) to schedule a consultation. Just like responding to a request, responding to a match requires a quick reply. Additionally, having a template ready for scheduling a consultation is a time-saving habit.

### 4. *After your legal engagement with a client has ended, report the outcome to close it out entirely.*

After closing a referral, the next step is to report the outcome. Because this process is not yet automated, you will have to close out each referral manually.

Further Questions? Contact [support@legal.io](mailto:support@legal.io) for assistance or call (347) 927-3486.

*Amelia Oliver is the Legal.io Director of Customer Success*

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NYSBA's May 2018 Roadshow collaboration with Albany County Bar Association. Lawyer Referral panel presenters NYSBA's Eva Valentin-Espinal (left) and ACBA's Molly Farrell

## Follow us on Twitter @FindaLawyerNYS

Our twitter feed is very active. We share legal resources, information & news. We also pass along consumer alerts, information about our service and the Lawyer Referral community. All mixed in with light hearted legal humor.



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# Attorneys Beware: Don't Let Hackers Steal Your Clients' Data

By Christian Nolan

Attorneys should think twice the next time they access sensitive client information on that public Wi-Fi network at the airport or before printing confidential documents on the hotel printer.

The result could be every firm and clients' worst nightmare with the information in the hands of a hacker.

"The e-mail can be read by someone who is also on that network and (the lawyers') connection can be changed in a way that could allow for some sort of malicious attack," said Jonathan Stribling-Uss, director of Constitutional Communications, a nonprofit organization that specializes in information security for professionals and civil society organizations.

James Bernard, a partner at Stroock & Stroock & Lavan in New York City, said many clients, especially those in financial services, are concerned about unauthorized access to customer information so they will use encrypted email when communicating with the firm.

He said some of his clients are subject to demerits if their employer finds out they did not send the data as encrypted to the law firm in order to protect sensitive customer information.

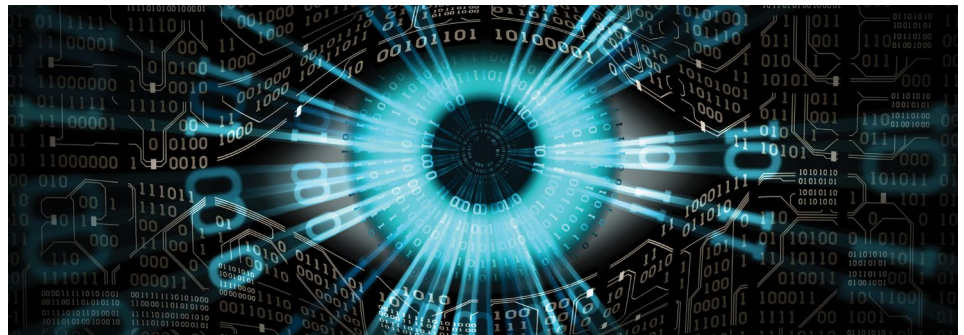
Stribling-Uss and Bernard addressed the issue of whether lawyers who do not encrypt attorney-client emails would be in violation of Rule 1.6 of the New York Rules of Professional Conduct pertaining to confidentiality of information. The rule states that lawyers should make reasonable efforts to prevent inadvertent or unauthorized disclosure.

Stribling-Uss advocates having the rule changed to clearly require encryption for all attorney client communication.

"Otherwise it's just on the client to do that and that's not a good standard

State Bar's General Practice Section and the Committee on Professional Discipline.

Other panelists included retired Justice Karen Peters of the Appellate Division, Third Department who has



for a profession that wants to maintain the integrity of attorney client communication," said Stribling-Uss.

Bernard also pointed out that the American Bar Association's Standing Committee on Ethics and Professional Responsibility issued formal opinion 477 last year, which said using encryption really depends on the circumstances.

"There are no clear black and white lines in this area. It's situational. It's fact intensive . . . What's the nature of that communication?" said Bernard. "I think the real goal of panels like this is to sensitize people to just be smart and start thinking about these issues more often, than for us to give you a clear set of 'Okay here it must be encrypted' or 'It can't be encrypted.'"

The discussion was part of a panel called "Loose Lips and Emailing Lawyers: The Ethics of Protecting Client Confidences" co-sponsored by the

since been named chair of the state's Permanent Judicial Commission on Justice for Children; William K. Rashbaum, a senior writer with the New York Times; and Timothy J. O'Sullivan, executive director and counsel of the Lawyers' Fund for Client Protection in Albany. The panel was moderated by Michael Ross, of the Law Offices of Michael S. Ross in New York City.

## 'Higher obligation'

Peters, when asked by Ross how she would react as a judge to hearing about a law firm getting hacked, said it depended on the kind of firm.

"Are you talking about a large law firm with hundreds of lawyers that have an international presence," Peters responded. "Then I would think that their obligation to ensure confidentiality of client data is a much higher obligation than five attorneys who are practicing in Plattsburgh, New York

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## Committee on Lawyer Referral Service

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**Eva Valentin-Espinal**, Manager,  
Lawyer Referral and Information Service

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*Attorneys beware, continued from page 7*

because the likelihood of hacking is so much higher.

"... So the question I would think for any judge who has this situation in front of him or her," continued Peters, "is what was reasonable under the circumstances and those change depending upon the kind of business you're in."

Hackers aren't the only ones with interest in confidential client information. Sensitive client data could also end up in the hands of a news reporter.

An example raised by the panel was if there is an investigation into the

CEO of a major financial institution for fraud and those documents are printed out using the hotel printer and leak to the media. The news publication is certainly not bound by Rule 1.6.

"As a rule, when someone provides us with documents that are confidential they're newsworthy because they're confidential," said Rashbaum. "We make those decisions based on what the news value is, what the level of public interest is, what our responsibility is to our readers... And you know our primary responsibility is to serve our readers."

*Nolan is NYSBA's senior writer.*

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