NEW YORK STATE BAR ASSOCIATION

Pro Bono News

Summer Edition Vol. 29 No. 2

Director's Message

Kristen Wagner, Director of Pro Bono Services

Wagner

In 2018, we have seen attorneys all across the state of New York step up to do pro bono work like never before. As you will read in this edition of the Pro Bono Newsletter, exemplary work is being done everywhere – Erie, Albany, Westchester, New York counties – and in a huge variety of legal practice areas. Law students, retired attorneys, in-house counsel, litigators from large firms, and every other type of attorney there is are motivated by the needs of the time, and taking advantage of volunteer opportunities at well-established pro bono programs that are making enormous differences in their communities. The New York State Bar Association is proud of all of the pro bono work being done, and commends all of the attorneys and organizations involved.

NYSBA's Immigration Pro Bono Portal

Last summer, NYSBA launched its immigration pro bono portal (www.nysbaprobono.org) in an effort to better connect attorneys with immigration pro bono volunteer opportunities. This platform became very useful in 2018 because not only did the need for immigration pro bono attorneys skyrocket over the course of the year, but the number of attorneys wanting to do immigration pro bono work did as well. In response to families being separated by the current Administration's Zero Tolerance policy, NYSBA encouraged attorneys to reach out for assistance in getting connected with pro bono work. When over 300 ICE detainees arrived at the Albany County Correctional Facility, NYSBA was able to refer volunteers to the Detention Outreach Project, a volunteer effort rapidly organized by NYSBA's Committee on Immigration Representation co-chairs, Camille Mackler of New York Immigration Coalition and Prof. Sarah Rogerson of Albany Law School in conjunction with The Legal Project. Thanks to the portal, NYSBA has been able to make connections between attorneys seeking immigration pro bono work and organizations requiring pro bono assistance.

I encourage attorneys who are interested in doing immigration pro bono work to register on the portal as a Volunteer Attorney. Likewise, I encourage all organizations and service providers that require pro bono assistance – whether it is legal in nature or not – to register on the portal so NYSBA is aware of what your needs are and can refer volunteers to you. It's a win-win situation that allows attorneys to volunteer, and helps organizations get the volunteers they need.

New York Free Legal Answers™

In addition to the immigration pro bono portal, NYSBA's Pro Bono Services Department continues to administer New York's Free Legal Answers™ website. Low-income New Yorkers with all kinds of civil legal problems continue to post questions on the site, looking for basic legal advice and guidance from attorneys. Family law related questions are the most common type of question to be posted on the site (divorce, custody, child support, maintenance, etc.). Many questions are also posted in the topics of property, employment, landlord-tenant, consumer debt, and public benefits. I encourage all New York attorneys with expertise in any of these areas (especially family law) to sign up to be a Free Legal Answers™ volunteer attorney. And I encourage all legal service organizations to refer individuals seeking legal advice to the site, when it is appropriate and helpful to do so.

2018 Legal Assistance Partnership Conference

NYSBA's Pro Bono Services Department is very excited about the upcoming 2018 Legal Assistance Partnership Conference. Registration is open, but filling up fast! NYSBA's Partnership Conference is the premier civil legal services educational and networking conference in New York State. The

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

Editor: Kristen Wagner, Esq.

Director's Message

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Partnership Conference is attended by leaders of civil legal service organizations and private law firms from across New York State.

Individuals and groups from all corners of the state travel to Albany, NY every other year to attend the conference, earn continuing legal education credits, and attend the Denison Ray Civil Awards dinner to honor attorneys', directors', and nonprofits' extraordinary leadership and commitment to access to justice.

The theme for the 2018 Partnership Conference is Uniting for Justice and will be held from October 2, 2018 through October 4, 2018 at the Albany Capital Center. Check it out at www.nysba.org/partnership2018. If you have any questions about the conference, call the Pro Bono Services Department at 518-487-5641.

NEW YORK STATE BAR ASSOCIATION

VOLUNTEER FOR FREE LEGAL ANSWERS™

Free Legal Answers™ is an online version of the pro bono walk-in clinic model where clients request brief advice and counsel about a specific civil legal issue from a volunteer lawyer. Lawyers provide information and basic legal advice without any expectation of long-term representation. The purpose of the website is to increase access to advice and information about non-criminal legal matters to those who cannot afford it. There is no fee for the use of the system or for the advice and information provided by the lawyer. Sign up to be a volunteer today at **NY.freelegalanswers.org**!

Questions?
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Pace Women's Justice Center's Director of Pro Bono Programs Receives the 2018 Above the Bar's Most Socially Conscious Attorney Award

Charles F. Lacina, Pro Bono Attorney, Pace Women's Justice Center

A large and very energetic crowd gathered at Whitby Castle in Rye on Tuesday, June 5th for one of Westchester County's Premier Events for the Legal Community: The 12th Annual Above the Bar Awards Ceremony. Sponsored by Citron Cooperman, the Westchester County Business Journal and the Elisabeth Haub School of Law at Pace University, this program honors Westchester attorneys each year who have been judged by their peers as outstanding members of the bar in five categories: Pace Setter, Most Socially Conscious Attorney, Leading Civil Rights Attorney, Leading Attorney Under 40, and Most Promising Pace Law Student. Natalie J. Sobchak, the Director of Pro Bono Programs at the Pace Women's Justice Center was selected as this year's Most Socially Conscious Attorney Award recipient.

Above the Bar Awards Recipients Natalie J. Sobchak (Most Socially Conscious Attorney Award – middle left) and Kim Berg (Leading Civil Rights Attorney Award – middle right), with members of the Westchester Women's Bar Association who nominated both award recipients. From the left: Deborah A. Scalise, Lisa Denig, Natalie J. Sobchak, Kim Berg, Marian Genio, and Natanya Briendel.

Being honored by one's peers is a truly humbling experience, particularly for an award which recognizes one's passion for access to justice and dedication to public service. The keynote address of the evening was given by the Honorable Kathie E. Davidson, Administrative Judge of the Ninth Judicial District, who spoke of a lawyer's ability to be more than a problem-solver, more than an instrument to fix "a bad situation." Judge Davidson told those gathered that night that "the law could be used effectively to secure fundamental social change" – a philosophy espoused by the late, great Dr. Charles Hamilton Houston. Those of us working for access to justice embrace the idea of a lawyer being a "social engineer," who Dr. Houston described as "a highly skilled, perceptive, sensitive lawyer who understood the Constitution of the United States and knew how to explore its uses" to better the conditions of the vulnerable, the underserved, and the underprivileged.

As Ms. Sobchak told the legal community gathered at Whitby Castle that night, her work at the Pace Women's Justice Center's Director of Pro Bono Programs gives her the opportunity to work with a dedicated team of volunteers who readily donate over 9,000 hours of their time each year to work with survivors of domestic violence, sexual assault and elder abuse in Westchester and Putnam Counties. Ms. Sobchak interviews each individual volunteer, finds the pro bono opportunity that best matches their interests and our clients' needs, trains and supervises them, and keeps them engaged in PWJC's organization and mission. PWJC volunteers help survivors get orders of protection and uncontested divorces, draft and execute wills and advanced directives, research and draft motions and briefs, staff a Legal Helpline and Walk-in Clinic, provide emotional support to our clients at court appearances, and provide general support to our attorneys and staff. As Ms. Sobchak has told me many times, "without the volunteers, our organization could not assist nearly as many people as we do - their generosity and commitment to our vision of a world free of interpersonal abuse is what motivates me to work harder, to do better, and to find new and innovative volunteer opportunities to tap into their skills and experience."

The Above the Bar Awards Committee singled out Natalie J. Sobchak to be this year's recipient of the Most Socially Conscious Attorney Award because of her work at the Pace Women's Justice Center for the last seven years. It is a tribute to her that so many of the volunteers with whom she works not only supported her nomination for this award, but also attended the awards ceremony.

Generous Grant from Bar Foundation Allows NYSBA Pro Bono Appeals Program to Partner with the University at Buffalo School of Law in Fourth Department

Michael Snyder, Co-Chair, NYSBA Pro Bono Appeals Program

In March 2018, The New York Bar Foundation awarded an $8,000 grant to the NYSBA Committee on Courts of Appellate Jurisdiction's Pro Bono Appeals Program ("PBAP" or the "Program") in order to assist PBAP's partnership with the University at Buffalo School of Law's Clinical Legal Education Program. PBAP was formed by the Committee in 2010 to handle select civil cases in the Third Department and expanded in 2011 to include family court and matrimonial appeals. In 2013, the program expanded to include appeals in the Fourth Department. PBAP is designed to help meet the needs of the many litigants who need legal representation in state appellate courts, but cannot afford to hire an appellate attorney and are not eligible for assigned counsel. In addition to family law matters, the Program has handled appeals involving education, health, housing and public benefits. Since its inception, PBAP volunteer attorneys have donated hundreds of hours of free legal services and have handled appeals resulting in landmark Appellate Division decisions.

Since 2011, PBAP has partnered with the Rural Law Center to handle the administrative aspects of the Program. With the New York Bar Foundation award, the University at Buffalo School of Law's Clinical Legal Education Program will partner with PBAP to provide pro bono expertise, outreach to the community, extensive administrative support, and CLE training in the Fourth Department.

PBAP invites agencies and attorneys to make referrals for representation if a client's income is less than 250% of Federal Poverty Guidelines and the client wishes to appeal a trial court order or judgment to the Appellate Division, Third or Fourth Department or, having won in the trial court, is responding to an appeal by the losing party. The Program conducts a pre-screening process, based on income and subject matter criteria. Cases that meet the threshold criteria are then referred to the Committee, which examines the cases and determines which ones should be accepted, based on several discretionary factors. These factors include the issues presented, the merits of the appeal, the likelihood that the appeal could establish valuable precedent, the number of appeals currently being handled in the Program, and the number of available volunteer lawyers. Appeals identified as eligible will be sent to the pool of volunteer attorneys in order to place appeals with an appropriate attorney, based on experience or interest. Applicants that are accepted enter into a retainer agreement with the volunteer attorney outlining the free legal services that will be provided for the appeal and the process that will be followed.

From left to right: Avia Bramovsky, Dean of University at Buffalo Law School; Michael Snyder; and Professor Kim Diana Connolly, Vice Dean for Advocacy and Experiential Education and Director of Clinical Legal Education at UB Law School.

Attorneys seeking further information about the Program or those who wish to volunteer their services should contact the University at Buffalo School of Law's Clinical Legal Education Program at law-pbap@buffalo.edu or 716-645-6199 in the Fourth Department, and The Rural Law Center at info@probonoappealsny.org or 518-477-7137 in the Third Department.

Legal Aid Challenges NYC Department of Education Proposed Settlement on Bullying Policy

Redmond Haskins, Deputy Communications Director, The Legal Aid Society

"New York City's children deserve a comprehensive plan to reduce school bullying and improve school climate," said Cara Chambers, Director of the Kathryn A. McDonald Education Advocacy Project at The Legal Aid Society. "This settlement fails to provide necessary resources and does not address the underlying causes of bullying, including trauma and mental health issues. It's a bad deal for New York City youth, and the court should reject the proposed settlement."

The proposed settlement fails to incorporate the explicit recommendations of the City's own Leadership Team on School Climate and Discipline calling for increased resources for all affected students and staff training designed to reduce bullying behaviors. Instead, it focuses primarily on mandating timely complaint notifications and investigation.

While a step in the right direction, it would not address or reduce the behaviors underlying bullying incidents, and it does not provide benchmarks to allow for effective monitoring of the settlement requirements. The proposed settlement offers limited benefit to students beyond what is already required by law or regulation. Instead, it insulates the DOE from future legal action demanding the implementation of necessary reforms to improve school culture, provide student supports and develop alternative methods to address conflict.

The Legal Aid Society, represented by Cooley LLP, filed the objections with a request to be heard at the fairness hearing on the proposed settlement before Judge Nicholas Garaufis on June 26, 2018.

The Legal Aid Society has significant experience in educational advocacy, having represented more than 250,000 school-aged children and youth over the past decade in its Juvenile, Civil, and Criminal Practices. These students, many of whom have trauma histories, are most likely to be involved in bullying incidents. The Legal Aid Society hopes to contribute its expertise and insight to a proposed settlement that comprehensively addresses the issue of bullying in New York City's schools.

Immigrant Children Sue Over Denial of Youth Humanitarian Status

Lawsuit Challenges U.S. Citizenship and Immigration Services' New Policy Regarding Special Immigrant Juvenile Status, Which Protects Abused, Abandoned, Or Neglected Children; New Policy Potentially Impacts Thousands Of Pending Applications In New York State And Many More Nationwide.

Redmond Haskins, Deputy Communications Director, The Legal Aid Society

Four young adults who were brought to the United States as children brought a federal class action in the U.S. District Court for the Southern District of New York challenging the U.S. Citizenship and Immigration Services' (USCIS) new eligibility interpretation for Special Immigrant Juvenile Status (SIJS). The agency's unannounced policy change, which negatively impacts thousands of immigrant youth across the country, was first reported in April. The Plaintiffs are represented by The Legal Aid Society and Latham & Watkins.

The lawsuit challenges USCIS' new policy that New York State Family Courts are not "juvenile courts" and are therefore not authorized to issue the orders the young immigrants need to support their applications for SIJS. The policy runs counter to a decade of practice. The lawsuit alleges that the agency's new policy violates the federal Administrative Procedures Act (APA) because it contradicts the statute that created SIJS.

Since 2008, SIJS has served as a legal pathway for unaccompanied minors under the age of 21, who have been abused, abandoned, or neglected by one or both parents, to obtain lawful permanent residency. However, under the Trump Administration's policy change, individuals who are over 18, but not yet 21, no longer qualify for SIJS, despite there being no change in the law or regulations related to SIJS. This is a sharp departure from a decade of consistent policy, where SIJS applications filed by children between 18 to 21 years of age who were placed under guardianship by New York Family Courts were consistently, and properly, granted.

"The USCIS interpretation adopted in January 2018 further marginalizes an already vulnerable population. It takes away fundamental humanitarian protections for abused, abandoned, and neglected children and young people seeking refuge in the United States. These actions are not only unlawful but inconsistent with our shared values. We look forward to addressing this injustice in court," said Beth Krause, Supervising Attorney of the Immigration Law Unit at The Legal Aid Society.

City Bar Justice Center Pro Bono Partners Find New Ways to Deliver Legal Services to Vulnerable New Yorkers

City Bar Justice Center

One of the brighter news items of late has been the continued, if not growing, commitment by law firms and corporate legal departments to vulnerable New Yorkers. The numbers of low-income and otherwise vulnerable New Yorkers with often daunting legal problems have remained high – and in some cases increased – but the city's legal community has been stepping up efforts to provide pro bono legal services. Two recent City Bar Justice Center ("CBJC") initiatives typify the good work being done.

In June, CBJC began a pilot partnership with the New York State Courts Access to Justice Program to staff a new civil court pro bono brief services project. Dozens of attorneys interested in volunteering for the project attended a half-day training to learn about assisting unrepresented litigants at the courts' Help Centers with small claims, name change, consumer debt, and other civil matters. Prospective volunteers come from the ranks of all three of CBJC's prime pro bono constituencies: City Bar members, partner law firms and corporate legal departments – including more than a half-dozen American International Group (AIG) in-house attorneys. In opening remarks to attorneys gathered for the project's training, Deputy Chief Administrative Judge Edwina G. Mendelson reminded those gathered that individuals assisted by the program "are our neighbors," and observed that volunteer attorneys who devote their "time and expertise to increasing access to justice . . . make our city and state stronger, because only a just society is a truly strong society."

Pro bono attorney involvement at the help centers will provide critical assistance to both the court and litigants. By providing basic information about legal forms, procedures, and timelines, the courts' Help Centers seek to redress "the justice gap" – the myriad challenges faced by unrepresented litigants that include intimidation by court processes, lack of legal and procedural knowledge, low reading comprehension, and limited English proficiency. By partnering with the court, the new CBJC project will leverage the skills and generosity of pro bono attorneys to provide basic legal advice to many of the 1.8 million unrepresented individuals who enter New York's courthouses each year seeking help.

Also in June, CBJC's inaugural Homeowner Stability Clinic celebrated Pride Month and showcased the result of months of collaboration between CBJC's Homeowner Stability and LGBT Advocacy Projects and Goldman Sachs' Community TeamWorks program. After being contacted by organizers at Goldman Sachs who were interested in partnering with CBJC for a program serving the LGBTQ community in New York City, CBJC attorney Scott Kohanowski set about brainstorming how to tie together the two main client groups served by the projects he directs: the LGBTQ community, and vulnerable NYC homeowners. The idea for a clinic to address stabilizing homeownership for vulnerable members of the LGBTQ population, such as senior citizens and those living with disabilities, seamlessly matched Goldman Sachs' financial and legal expertise. With the assistance of Goldman attorneys and financial advisers, the 15 clients who attended the clinic learned strategies for maximizing income and maintaining control over their assets and expenses. Following a two-hour panel presentation that included Mr. Kohanowski, as well as experienced Trusts & Estates attorney Glenn Opell, and Goldman Sachs financial planner Justin Murphy, clients were given the opportunity to meet with a team of highly skilled Goldman Sachs representatives and attorneys to conduct an individual financial and legal assessment and identify any potential threats to the stability of their homeownership. The clinic attendees expressed great satisfaction with the quality of both the presentation and the advice provided by the Goldman Sachs volunteers.

VLP's Immigration Volunteers Make a World of Difference

Emma Buckthal, Supervising Immigration Attorney, Erie County Bar Association Volunteer Lawyers Project, Inc.

Even though most of us think "vacation," when we think "summer," the Erie County Bar Association Volunteer Lawyers Project (VLP) Immigration Program has been lucky to have two in house volunteers who thought "do pro bono work" instead of making a run for the beach. With their help, we have been able to expand our services to assist clients for whom we would otherwise have lacked capacity.

Jim Morrissey, an experienced Buffalo attorney, retired from the New York Attorney General's Office this spring after spending nineteen years as an Assistant Attorney General. Jim focused his work at the Attorney General's office on protecting the "little guy" by fighting fraud and scams against consumers. Prior to joining the Attorney General's Office, Jim cofounded the Western New York Law Center together with Joe Kelemen and served as the Executive Director of Neighborhood Legal Services.

Upon retiring, Jim wanted to continue his work for the "little guy" here in Western New York. He is volunteering with the Western New York Law Center's consumer debt program. He also reached out to VLP, let us know that he'd been intrigued by immigration matters, and asked whether there was something he could do to help our Immigration Program. We knew that Jim would be an outstanding volunteer because of his litigation experience, years drafting declarations, and passion. Soon enough, we had planned that Jim would spend most Wednesdays at VLP's Buffalo Office working on immigration cases.

In a summer of Wednesdays, Jim has already made a huge difference for two asylum seekers living in Buffalo. Unlike our work involving survivors of domestic violence and human trafficking, unaccompanied minors, and immigrants in detention, VLP has no specific funds to handle these very compelling cases. We are only able to accept their cases as time and resources permit, which makes volunteer help critical to filling the gap between our clients' needs and our staff's ability to help.

Jim leapt into this breach to handle an asylum case for a young Middle Eastern woman who is educated, interprets her religion liberally, and believes that she has the right to choose her employment, clothing, and spouse. Unfortunately, elder and influential members of her family disagreed with her. They attempted to force her to marry a relative, which she believed would lead to a lifetime of repression, inability to practice her profession, and physical abuse. When she resisted, they subjected her to physical violence. She soon fled her country to escape this fate. She now believes returning home would be even more dangerous, and could possibly lead to an honor killing.

Together with VLP Equal Justice Works Legal Fellow Mostafa Soliman Mohammed, Jim has spent countless hours preparing his client's asylum application and supporting affidavit, gathering evidence, and arranging for a forensic psychological evaluation. Both Jim and Mostafa have remained extremely patient even when their client's trauma prevented her from coherently telling her story. Their patience and persistence over time caused the client to trust them and tell her whole story.

They will soon submit the client's application and move on to their next matter, which is an asylum case before the Immigration Court in Buffalo for an African political dissident targeted by her government on account of her political views. Given the rapid pace that Jim has been working through cases, we are already looking for new projects to keep him busy. We are excited that he plans to volunteer with us indefinitely and we look forward to the clients we will be able to help together.

Shelby Scibetta, summer intern from University at Buffalo Law School, at Immigration Court in Buffalo, NY.

We have also been fortunate to have Shelby Scibetta, a University at Buffalo Law School rising 2L, as our summer student with funding through AmeriCorps JD administered by Equal Justice Works. Shelby is an alumna of SUNY Geneseo and a former intern of the refugee resettlement program of the International Institute of Buffalo. Prior to law school, she also taught English as a Second Language in Argentina. We have been glad to give her an opportunity to put her enthusiasm for immigration law into motion.

Shelby has been a huge help on our immigration staff's existing caseload. She has tirelessly prepared mountains of repetitive but required immigration forms, done research to find evidence in support of asylum cases, fact checked incoming asylum intakes to make sure potential clients' assertions are supported by evidence, and chased down missing documents so that we can finalize and submit our

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applications. We have been tremendously grateful for her efforts on the necessary but less glamorous side of our work.

In addition to the traditional law student work she has done, Shelby prepared and filed a Violence Against Women Act (VAWA) self-petition from start to finish. The VAWA self-petitions provides a way for spouses of United States citizens subjected to domestic violence to apply for lawful status and pursue a safe life in the United States without involving their abuser. Shelby's client exemplifies this relief. She came to the United States nearly twenty years ago planning to visit and return home to her country. Upon receiving bad advice from a friend, she overstayed her visa and made her life here. About five years ago, she met her current husband, was moved by his seriousness toward her, and started a serious relationship with him. They had a child together and then married.

Unfortunately for our client, her husband neglected to tell her that he had several children, had been married before, and was a registered sex offender. As Shelby's client discovered more and more of the truth, marital disagreements degenerated into physical abuse. Her husband began strangling her and hitting her on a regular basis. In a further stroke of misfortune, our client was encountered by immigration authorities at the bus station in Rochester and placed in removal proceedings. Shelby's client did not know where to turn in the face of her problems. After a final incident of domestic violence, she fled to a domestic violence shelter, which referred her to us for help.

Around the same time, Shelby started her summer with us. She was exactly the help the client needed. She began by marshaling required documents for her client's self-petition and assigning the client to write the first draft of her affidavit. Shelby then spent countless hours to redraft and clarify the affidavit with the client, which had to be done by phone because the client lives in a distant rural county. About a month of work later, Shelby submitted the petition. She then moved on to requesting an adjournment of the client's deportation case. After a brief court appearance which Shelby also handled under a law student practice motion, the adjournment was granted. Her client feels supported and is awaiting a decision secure in the knowledge that instead of being alone, she has a legal team.

2017 – 2018 was a year of change for VLP's Immigration Program, as most of our experienced staff moved to our new office in Batavia to provide increased services at the detention facility. We have also been contending with a great deal of change on the federal level. We are glad to be settling in to our new normal and moving forward with the help of volunteers like Jim and Shelby, both of whom will be continuing with the office into the fall. We look forward to working with more volunteers like them in 2018 – 2019!

NEW YORK STATE BAR ASSOCIATION

Lawyer Referral and Information Service

Interested in expanding your client base?

Why Join?
> Expand your client base > Benefit from our marketing strategies
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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 $100 ($250 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**.

Give us a call! 800.342.3661

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ABA MEETS ABA STANDARDS FOR LAWYER REFERRAL AMERICAN BAR ASSOCIATION

NYSBA

Marcia Levy Named Executive Director of Volunteers of Legal Service

Volunteers of Legal Service

New York, July 18, 2018 – Volunteers of Legal Service is pleased to announce that Marcia Levy has been named Executive Director of the organization. Ms. Levy comes to VOLS after a distinguished career in public service, pro bono and academia, most recently as the Director of Externships and Field-Based Learning and a Lecturer in Law at Columbia Law School. She will assume the role in August.

Prior to her position at Columbia, Ms. Levy was the Executive Director of Pro Bono Partnership, which provides free transactional legal services to nonprofits in the tristate area. Previously, she was Associate Dean of the Office of Career Services and Professor of Professional Development at Benjamin N. Cardozo Law School.

"Marcia has a long and deep commitment to pro bono work, reflected particularly in her leadership in creating long-lasting partnerships with law firms and corporations and the underserved in New York," said VOLS Board Chair Karen Artz Ash. "She brings to VOLS an extraordinary record of multi-disciplinary work in law and public service, and we are thrilled to welcome her to the organization."

Founded in 1984, VOLS leverages the good will, resources, and talents of New York City's leading law firms and companies to provide pro bono legal assistance to low-income New Yorkers. Last year, nearly 1,000 lawyers from 50 law firms, legal departments of corporations, plus nearly 200 law students and other volunteers, provided pro bono legal services benefitting 3,000 New Yorkers through its projects.

Ms. Levy's career included working as Special Counsel for Pro Bono and Director of Professional Development at Sullivan & Cromwell LLP. As part of her responsibilities, she developed and supervised litigation and transactional pro bono opportunities for the firm's lawyers. Ms. Levy's experience also includes service for the Legal Aid Society, first, as a staff attorney with the Prisoners' Rights Project, and then as an assistant federal defender in the Eastern District of New York. She spent over 14 years in legal education, holding academic positions as a Clinic Director and Clinical Law Professor at the University of Denver Sturm College of Law, Rutgers Law School and Hofstra University School of Law. In addition, she was the first Director of the Eric Neisser Public Interest Program at Rutgers. She was Counsel and is now Special Advisor to the Permanent Committee on Access to Justice.

"I have had high regard for VOLS, ever since I worked with the organization when I was Pro Bono Counsel," said Ms. Levy. "They do an amazing job of creating projects that provide critical legal services for individuals and communities, and that are perfect for partnerships with pro bono attorneys. I am excited for the opportunity to lead VOLS at a time in which pro bono service is essential."

Ms. Levy is a member of the NYC Bar Committee on Pro Bono and Public Service, was a member of the New York State Bar Association's President's Committee on Access to Justice and Committee on Legal Aid, and she served as Chair of the Association of American Law School's Committee on Pro Bono and Public Service. In 2015, the New York Law Journal named her a "lawyer who leads by example" for public service. Ms. Levy was awarded the Robert E. Oliphant Service to the National Institute for Trial Advocacy Award in 2007, and she has been a NYSBA Empire Awardee for Pro Bono Service.

VOLS
VOLUNTEERS of LEGAL SERVICE

Ms. Levy succeeds Bill Lienhard, who successfully led VOLS for seven years.

PLS to Host Annual Pro Bono Event on Friday October 19th at Capital Repertory Theatre

John Amodeo, Pro Bono Coordinator, Prisoners' Legal Services of New York

On Friday, October 19, 2018, from 6 to 8:30 p.m., Prisoners' Legal Services of New York will host its Pro Bono Celebration event at Capital Repertory Theater in Albany. The annual event highlights the critical work of the law firms, lawyers and other professionals who, through PLS' Pro Bono Partnership Program (PBPP), expend countless hours and resources representing indigent incarcerated persons across New York.

In recent months, one attorney with PBPP (Guy Owen, Esq.) notched victories in three separate cases by successfully challenging, via administrative appeals in two of the cases and an Article 78 petition in the third, the results of disciplinary hearings held against three incarcerated individuals. At those hearings, Mr. Owen's clients were found guilty of misconduct by an institutional hearing officer and "sentenced" to serve several months in a "Special Housing Unit" (i.e., solitary confinement). One of the clients also was subjected to a loss of "good time," thereby pushing back by three months the date he would be eligible for release from prison. In those three cases alone, Mr. Owen was able to obtain the expungement of a combined total of more than 11 months of solitary confinement time and the restoration of 3 months of lost "good time." Mr. Owen will be one of several award recipients at the October 19th Pro Bono event.

As in past years, PLS will be teaming up for the event with members of the Upstate Black Theatre Troupe (formerly known as Soul Rebel Performance Troupe), who will perform their artistic renditions of submissions from incarcerated New Yorkers. The theme of this year's event – Education – will focus on the myriad ways incarcerated persons seek to become more self-aware, independent and informed through education, both formal and informal.

Consistent with that theme, PLS will also welcome at this year's event two former members of the Bard Prison Initiative's legendary 2015 debate team, Carlos Polanco and Dyjuan Tatro, who, with their fellow teammate, Carl Snyder, defeated the 2015 debate team from Harvard College.

PLS promises the October 19th event at Capital Rep will be an inspirational experience, leaving no room for doubt as to the transformational role education can play in the life of any person, and especially those facing the extraordinary challenges of incarceration and reentry. The event is free – though "donations will be graciously accepted at the door" – and open to the public.

Pro Bono Net Welcomes New Pro Bono & Strategic Initiatives Coordinator

Jessica Penkoff, New Pro Bono & Strategic Initiatives Coordinator, Pro Bono Net

In March 2018, Jessica Penkoff, Esq. joined Pro Bono Net as the Pro Bono & Strategic Initiatives Coordinator. Jess heads up Pro Bono Net's New York program, providing support to attorneys and law students interested and engaged in civil legal aid and pro bono work in New York. Jess works with our legal service partners to maintain and grow a network of pro bono attorneys, law students, and civil legal aid attorneys working in New York. She is passionate about the access to justice movement and is excited to be able to connect attorneys and students in her community with resources and opportunities to do pro bono work.

Jess joined Pro Bono Net because of their commitment to the access to justice movement - she is a former civil legal aid attorney. As a Staff Attorney at NYLAG, she staffed the walk-in legal help desk for homeowners affected by Hurricane Sandy at the disaster recovery center in Fort Tilden, NY. As a Senior Staff Attorney at CAMBA Legal Services, Jess provided free direct representation in eviction defense to low-income tenants in Brooklyn. Jess has worked as a Volunteer Staff Attorney with Sanctuary for Families where she supported the work of family law attorneys representing survivors of domestic violence. She continues to volunteer with Sanctuary and the LGBT Bar Association of Greater New York at their weekly walk-in legal clinic for homeless/at-risk youth and young adults in the West Village.

As Pro Bono Net continues its mission to create access to justice through the use of technology and innovative collaborations, Jess seeks to further that mission through launching and supporting strategic initiatives designed to do just that. Currently, Jess is working with Pro Bono Net's Disaster Response Legal Fellow, Jeanne Ortiz-Ortiz, exploring pro bono representation models in the context of disaster relief. Jess and Jeanne's work is focused on identifying ways to remotely connect volunteer attorneys and students in metropolitan areas with individuals throughout the country whose post-disaster FEMA applications have been denied.

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Fresh Insight from a Retired Pro Bono Attorney

Nicole Komin, Pro Bono Coordinator, Center for Elder Law & Justice

You're retired, what do you do now? Nicole Komin, Pro Bono Coordinator at Center for Elder Law & Justice (CELJ) sat down with in-house retired pro bono attorney Gary Gleba to discuss private practice, retirement, and his new role as in-house pro bono attorney at CELJ.

Gary, why did you decide to volunteer after retirement?

Retirement for many lawyers is difficult. Volunteering provided a transition that I found appealing: it allowed me to continue to work on interesting legal issues while also maintaining professional and social contacts with my colleagues.

What type of legal work did you do prior to retirement? Tell us about your legal career.

Prior to retirement I specialized in tax and pension law at a private law firm but over the course of my long legal career, I broadened my areas of practice to include general corporate and employment law. Eventually, I transitioned from private practice to a position as general counsel with one of my larger clients. This was an opportunity for me to understand how to practice law from a broader and more complex business perspective.

How often do you volunteer and where?

I am currently volunteering at the Center for Elder Law and Justice in Buffalo where I provide pro bono legal services. I also volunteer as a tutor and at a local food pantry in order to keep mentally, socially, and physically active.

What type of legal work/ cases are you handling for CELJ?

At the Center for Elder Law and Justice I just finished working on an ERISA appeal. It involved the denial of continuation of health plan coverage to a disabled young adult who had been covered under a health plan sponsored by her father's employer. The work was intellectually challenging and allowed me to use my ERISA expertise as well as coordinate with one of the supervising attorneys who was also experienced in health law and had litigated ERISA cases. This made for a stimulating and cordial work environment.

What are you looking for in a volunteer opportunity?

I find that most volunteers are looking for similar things: camaraderie, an opportunity to continue legal work that is intellectually interesting and, often, to expand their legal knowledge and practice skills into new areas by working with an experienced mentor, and, of course, to find fair and equitable solutions to their clients' legal problems.

I'm sure volunteering for CELJ, a public non-profit agency, is much different than private firm life. Has anything about the public sector surprised you?

Volunteering at the Center for Elder Law and Justice is different than working at a private law firm or as in-house counsel in one significant respect: it affords you the time to reflect on legal issues in a broader sociopolitical context. Every issue that you research becomes more than just one client's legal problem that needs an expedient and inexpensive resolution. It also raises questions about legal access, social policy, and the role of pro bono attorneys in the legal process.

Any advice for other retirees who want to do pro bono but don't know where to start?

For those attorneys who may be considering pro bono work, I suggest you first talk to your fellow lawyers. Where do they volunteer? What type of volunteer legal work do they do? Is it similar to the legal work that you do? Who should you talk to at the organization where they volunteer? Start slow and try to build up relationships that may work for you. It takes time and some commitment, but it is worth it in the long term!

If you are interested about volunteering or learning more about opportunities at the Center for Elder Law & Justice, please contact Nicole Komin at nkomin@elderjusticeny.org or (716) 853-3087 Ext. 248.

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Jess's work is broadly focused on the proliferation of pro bono work to help close the access to justice gap. Jess enjoys learning about and connecting people to opportunities to do varying levels of pro bono work, especially when those who have been hesitant to take on a pro bono matter due to time constraints or subject-matter inexpertise discover that there are ways to help that don't require start-to-finish full case representation. This reconceptualization of pro bono practice has been facilitated by the contemporary access to justice movement, which utilizes innovative ideas and technology to close the gap. Jess believes that expanding our concept of what a pro bono case should look like, and stepping outside of our comfort zones as attorneys, are necessary to achieve our goal of 100% access. She is proud to pursue that goal together with Pro Bono Net and its partners.

Debtors, Judgments and the Legal System: Partner Takes the Lead in Pro Bono

Melody Harkness, Private Attorney Involvement Coordinator, Legal Aid Society of Northeastern New York

Challenges facing low-income individuals and families primarily involve financial hardship. There are many reasons that lead to financial hardship: job loss, hospitalization or imminent medical crisis, or family issues resulting in income disruption. Income disruptions from job loss are often the leading cause to credit card debt. Although many credit card companies offer hardship programs, which typically reduce the minimum payment or lower the fees and penalties, households are unable to keep up with the payments they previously could afford. Considerable debt is discharged and sold to debt collectors that will attempt to secure a judgment against the individual in hardship.

Peter Holland provides the following examples of challenges that defendants face against the debt buyer industry, in the 2011 Journal of Business & Technology Law; "A victim of identity theft receives a credit card bill for $6,000 on a fraudulent account about which she has no knowledge. Although the bank holding the account acknowledges the identity theft and closes the account, the bank later sells the account to a debt buyer, which makes harassing phone calls and threatens to sue the victim. A widowed senior citizen files for bankruptcy, and obtains a full discharge of all credit card debt. Despite this, two of her credit card accounts are sold to a debt buyer, and she gets sued on an account which the bankruptcy court has already discharged. A veteran settles a debt with his credit card company and obtains a full release from any further liability. Nevertheless, the credit card company sells this account to a debt buyer and he gets sued, even though the debt has already been satisfied. Some version of each of the above scenarios is replicated every day in states across the country."[1]

John Casey, an avid volunteer for LASNNY's *Closing the Gap* program, and senior partner at *Cabaniss*

Casey LLP focuses his practice in the representation of insurers and their insureds in first-party and third-party matters in the areas of personal injury, property damage subrogation and legal malpractice, including trial and appellate representation. John has represented virtually all of the major insurance companies, as well as many smaller mutual and cooperative insurers. Prior to that, he was a partner at Barclay Damon LLP for 11 years and Bouck, Holloway, Kiernan & Casey LLP for over 30 years. Casey joined the *Closing the Gap* panel in the beginning of its pilot in April 2016 and has contributed to the program by providing effective, high quality limited representation through the drafting of *pro se* pleadings.

One case in particular involved a 77 year old resident of Clinton County, in a small town with a population of less than 500. This small town resident received a summons from a debt buyer for a debt amounting to approximately $20,000. Having previously filed for bankruptcy, they were under the impression that the debt in question was discharged. Casey assisted the Clinton County resident by preparing an answer and discovery demand through *Closing the Gap's* remote website, raising meritorious defenses. As a result, the collection agency discontinued their claim. Holland discerns, "debtors who do receive notice usually appear without legal representation because they either (1) cannot afford an attorney, or (2) cannot find an attorney who will take their case. As a result, consumer debtors, who lack any knowledge of their legal rights, must resort to appearing *pro se* and stumble through complex procedural and substantive legal issues that even some trained attorneys do not fully understand. Many debt buyers have been known to exploit unrepresented consumers by pressuring them into unreasonable settlements, by filing claims without having or being able to produce adequate proof, and by ignoring legal requirements with the knowledge that the untrained consumer will fail to object."[2] Fortunately for this debtor, they were able to challenge the debt buyer's claim avoiding a $20,000 judgment.

Former Chief Judge, Jonathan Lippman, said that more than 130,000 debt collection lawsuits filed each year in the state were rife with problems that undermine the due-process rights of debtors, the majority of whom lack legal representation. As a result, many debtors are never served papers and learn they have a judgment against them only when their bank accounts are frozen or their wages are garnished, the judge said. In addition, he said, the mass-produced lawsuits all too often rest on flimsy documentation because the debts have been bought and sold several times on a vast secondary market. "You wind up with big judgments against people that half the time have no basis in fact," the judge said in an interview. [3] This led to the adoption of new rules to prevent unjustified default judgments in the 100,000+ collection cases brought annually in state courts against many elderly and disadvantaged New Yorkers. He said the changes were intended to make debt collectors "reach certain evidentiary standards under the law."[4]

The pro bono work and leadership of firm partners like, John Casey, is vital to pro bono participation and engagement. In his words, "*Wish they all could end like that!*" document

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- **Has a pro bono case made a difference in the lives of others?**
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We invite you to submit articles showcasing excellence in pro bono service for upcoming editions of the Pro Bono Newsletter. For more information, go to www.nysba.org/probono or email probono@nysba.org

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