

NEW YORK STATE BAR ASSOCIATION



Justice Rising

2016 Legal Assistance Partnership Conference

Denison Ray Civil Awards

September 15, 2016

The Albany Marriott
189 Wolf Road
Albany, NY 12205



Justice Rising

2016 Legal Assistance Partnership Conference
Denison Ray Civil Awards Dinner

Welcome & Remarks

Keisha Williams, Co-Chair
Committee on Legal Aid

Introduction of Keynote Speaker

Adriene Holder, Attorney-in-Chief/Civil Division
The Legal Aid Society

Keynote Address

Maya Wiley, Chair
New York City Civilian Complaint Review Board (CCRB)

President's Remarks

Claire P. Gutekunst
President, New York State Bar Association

Presentation of Denison Ray Civil Awards

Keisha Williams & Bryan Hetherington
Co-Chairs, Committee on Legal Aid

Presentation of Phil Dailey Award

Ken Perri, Executive Director
Legal Assistance of Western New York

“The arc of the moral universe is long, but it bends towards justice.”

– Martin Luther King

The New York State Bar Association is pleased to host the 2016 Denison Ray Civil Awards. The Denison Ray Civil Awards, given biennially, are bestowed in memory of Denison Ray, a career legal aid activist who served as executive director of legal services programs in New York, Maine, Missouri, and North Carolina. His work challenging racial discrimination and promoting and championing access to justice for the disenfranchised won him numerous honors and, more importantly, established case law that continues to positively impact the lives of low-income New Yorkers half a century later.



During the Partnership Conference, New York’s legal services and pro bono community gathers to celebrate and laud the accomplishments of those organizations, directors, and staff attorneys whose work best represent the ideals exemplified by the career of Denison Ray.

The concept of Equality before the Law has no meaning without unrestricted access to justice. The State Bar recognizes that without dedicated public interest lawyers far too many low-income families, limited English proficient (LEP) individuals, and physically and mentally challenged clients would not be able to access our courts or administrative tribunals. The most vulnerable of our society often face the greatest obstacles when attempting to uphold and enforce their rights. By providing marginalized and vulnerable groups with low cost/free legal services, our community ensures an inclusive legal system, and minimizes the effects of the barriers that impede fair and equitable access to justice.

The 2016 Denison Ray Civil Awards recognize the extraordinary commitment of public service organizations, attorneys and staff that provide exceptional service and zealous representation to low income and/or disadvantaged clients.

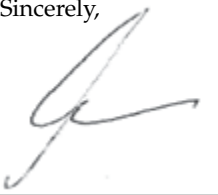
In addition, this year, for the first time, the NYSBA will present the Phil Dailey Award, in memory of the late Phil Dailey, a paralegal at Legal Assistance of Western New York in Geneva, NY. Phil had an unparalleled commitment to the rule of law and the concept of equal justice under the law. He dedicated his career to the notion that the law must be applied uniformly to all people, regardless of their circumstances or their station in life. His work influenced both his own program and the broader civil legal service community.

The Phil Dailey Award recognizes the vital services of non-attorney staff who have demonstrated an excellence and dedication in service to legal service organizations in fulfilling their mission to provide all New Yorkers with equal access to justice.

Delivering tonight's Keynote address is Maya Wiley, Chair, New York City Civilian Complaint Review Board (CCRB). Ms. Wiley's career, like Denison Ray's, personifies commitment to civil rights and social justice. She is the Founder and former President of the Center for Social Inclusion, a national policy strategy organization on racial inclusion. Ms. Wiley is a civil rights attorney and policy advocate; she has litigated, lobbied the U.S. Congress and developed programs to transform structural racism in the U.S. and in South Africa.

Congratulations and best wishes to the 2016 Award honorees, their families, their organizations and the communities they serve. The statewide legal services community is strengthened and inspired by their example.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keisha A. Williams', written over a horizontal line.

Keisha A. Williams
Co-Chair
Committee on Legal Aid

A Word of Thanks

The Committee on Legal Aid is grateful to the nominators for taking the time to identify so many worthy candidates. The nomination packets were assembled with great care and supported by letters from colleagues of the nominees who are personally familiar with their contributions to the legal services and pro bono communities.

The Committee also extends a heartfelt thank you to the members of the Nominating Committee. Nominating Committee members carefully vetted each nominee and selected the honorees by consensus based on the awards criteria. Because the nominees were all outstanding candidates, it was extremely difficult to choose the award winners.

The members of the Nominating Committee:

Bryan Hetherington

Co-Chair

Committee on Legal Aid

Keisha Williams

Co-Chair

Committee on Legal Aid

William Russell

Co-Chair

President's Committee on Access to Justice

Sharon Stern Gerstman

Co-Chair

President's Committee on Access to Justice

Deborah O'Shea

Co-Chair

Pro Bono Coordinators' Network

Saralyn Cohen

Co-Chair

Pro Bono Coordinators' Network

Maya Wiley



Maya Wiley is a nationally renowned expert on racial justice and equity. She has litigated, lobbied the U.S. Congress, and developed programs to transform structural racism in the U.S. and in South Africa. Ms. Wiley is currently the Senior Vice President for Social Justice at the New School and the Henry Cohen Professor of Urban Policy and Management at the New School's Milano School of International Affairs, Management & Urban Policy, as well as the Chair of the New York City Civilian

Complaint Review Board (CCRB) – the independent oversight agency for the City's Police Department.

Prior to her roles with the New School and the CCRB, Ms. Wiley served as Counsel to the Mayor of the City of New York from 2014-2016. As Mayor Bill de Blasio's chief legal advisor and a member of his Senior Cabinet, Wiley was placed at the helm of the Mayor's commitment to expanding affordable broadband access across New York City, advancing civil and human rights and gender equity, and increasing the effectiveness of the City's support for Minority/Women Owned Business Enterprises. During her tenure, she also served as the Mayor's liaison to the Mayor's Advisory Committee on the Judiciary.

Before her position with the de Blasio Administration, Ms. Wiley was the Founder and President of the Center for Social Inclusion. She has also worked for the Open Society Foundation in the U.S. and in South Africa, the NAACP Legal Defense & Educational Fund, Inc., the American Civil Liberties Union and U.S. Attorney's Office for the Southern District of New York.

Awards Criteria

These prestigious awards are bestowed in memory of Denison Ray, a career legal activist who led legal services programs in New York and other states.

Individual attorney nominees are evaluated based on a variety of criteria, including, but not limited to: the overall quality of their legal representation; impact of their representation on significant legal issues affecting a broad spectrum of members of the low-income/vulnerable population groups such as the elderly, domestic violence survivors, chronically and seriously ill individuals, and immigrants. Also considered are the individual attorney's personal efforts to inspire, mentor and support their colleagues; as well as their creative and innovative collaborations with pro bono volunteers to expand access to justice for all.

Many of these same criteria also are considered in evaluating nonprofit organization nominees. In addition, nonprofit organizations are judged based on their ability to enhance and expand access to justice opportunities through the development of successful collaborative relationships with other service providers and law firms. Another important factor in evaluating an organization is the extent to which it has been able to expand the pool of volunteers it can draw on for assistance in delivering legal services by creatively using law students, college students, and members of the private bar.

All of the above criteria are considered in evaluating nominees for the Director's Award. Moreover, the director's vision for her/his organization, ability to inspire staff to provide consistently high quality and zealous legal advocacy in all client matters is taken into consideration.

The Committee on Legal Aid and the Steering Committee for this year's Partnership Conference created the Phil Dailey Award in memory of the late Phil Dailey who was a paralegal at Legal Assistance of Western New York in Geneva, New York. The award recognizes the vital services of non-attorney staff who have demonstrated an excellence and dedication in service to legal service organizations in fulfilling their mission to provide all New Yorkers with equal access to justice.

Civil Legal Services Attorney Honorees



David Kagle, Esq.

David grew up in Westchester County and the Bronx before attending Swarthmore College, where he earned a B.A. with a major in Biology in 1999. After beginning law school at Cardozo, he transferred to Cornell University, where he received a J.D. cum laude in 2008.

David has been a staff attorney at the Bath office of Legal Assistance of Western New York, Inc. (LawNY) since 2013. Previously, he worked with the Chemung County Department of Social Services, primarily in child support matters, as well as for Sayles and Evans in Elmira, New York.

David lives in Caton, New York with his wife, Jeanne, children Arthur and McKenna, and more pets than he feels are entirely necessary.

David's practice at LawNY is focused on housing. In addition to working on code enforcement issues, David works to preserve private and subsidized housing, improve housing conditions, and address abuses by sellers in land-contract situations.

The Civil Legal Services Attorney Honorees



Josh Cotter, Esq.

Josh's humble and unassuming manner belies the tremendous work he accomplishes on behalf of his clients. In the past year, Josh's cases have included advocacy on behalf of children held in solitary confinement, disabled prisoners denied access to reasonable accommodations and basic services, and immigrant families who fled war torn countries only to be placed in deplorable housing in Syracuse. Josh sued on behalf of minors in solitary confinement in Cayuga and Onondaga Counties; a prisoner in Onondaga County, deaf since birth, who was denied a sign language interpreter, adequate time on a teletypewriter to make calls, and access to other services; filed a Federal lawsuit (on appeal in the 2nd Circuit) and won for an inmate with cerebral palsy deprived of use of his motorized wheelchair; and a class action lawsuit on behalf of Somali refugees who were placed in an apartment complex owned by an out of state landlord and rife with health and safety hazards.

Josh maintains a drop-in legal clinic in Oswego County, and handles all manner of cases in The Advocacy Group unit, especially cases relating to evictions and housing emergencies.

In addition to his work at LSCNY, Josh is also a board member of the CNY Chapter of the NYCLU and serves on the NYCLU Legal Committee.

Civil Legal Services Program Director Honoree



Karen Nicolson, Esq.

Karen L. Nicolson, Esq. has been CEO of Legal Services for the Elderly, Disabled or Disadvantaged of Western New York (LSED), Inc. for the past sixteen years. LSED provides free civil legal services to seniors in the counties of Erie, Niagara, Cattaraugus, Chautauqua, Wyoming, Allegany, Orleans, and Genesee, as well as to the Seneca Nation of Indians. As CEO, she feels privileged to support its mission to utilize the legal system to help our clients live independently and with dignity.

Karen is a community leader and spokesperson for the senior, disabled and low income populations on a statewide level. She currently serves on the Governor's Advisory Committee on Aging, the New York State Bar Association's Committee on Legal Aid, and the Town of Amherst Senior Services Advisory Board. She is a member of the Erie County Age Friendly Initiative, a collaboration with Erie County Senior Services, AARP, and the Center for Inclusive Design at SUNY Buffalo. In addition, she serves on the Elder Justice Working Group through the NYS Unified Court System under the leadership of Judge Deborah Kaplan, Statewide Coordinating Judge for Family Violence Cases. She is a delegate to the New York Inaugural WINGS Guardianship Core Group through the New York State Unified Court System and a member of the Advisory Committee of the Crime Victims Legal Network Project. She currently is a member of the Think Group for the New York State Legal Services Initiative, a partnership of the NY State Office for the Aging, the NY State Office of Court Administration, the NY State Bar Association and the NY State Office for People with Developmental Disabilities. Karen was named a National Federation for Just Communities Leader in 2010 and in 2015 The Amherst Senior Citizen's Foundation named her their Senior Community Leader.

This year, she was appointed by Senate Majority Leader John Flanagan to the NYS Committee for the Coordination of Police Services to Elderly Persons.

One of Karen's most significant accomplishments is in founding the Western New York Coalition Pooled Trusts (WNYCPT) in 2003. Drawing from the expertise of LSED board members and forging a partnership with People, Inc., the WNYCPT was developed. It has become a valuable resource for people with disabilities in our community and serves as a means for people to stay in their community, both because of the high cost of institutional care and the many benefits of being able to live at home. The WNYCPT makes it possible for people to maintain their benefits such as SSI and Medicaid, but also be able to access funds needed to stay in the community. The trust has grown from a single client at its inception to now having 450 clients, with a value over \$6 million. Karen continues to support the growth of the WNYCPT by providing community presentations and working with the local bar associations to promote the use of the trust as a valuable tool when planning for the immediate and future needs of a person with a disability.

Prior to becoming CEO, Ms. Nicolson was a staff attorney with LSED for eleven years; before that, she worked briefly at the Legal Aid Bureau of Buffalo. She is a past chair of the Board of Directors of the Western New York Law Center and past Secretary of the Erie County Bar Foundation. She is a past chair of the Erie County Bar Association's Elder Law Committee and a recipient of the Special Services Award from the ECBA. She frequently lectures on elder abuse, pooled trust and elder law issues. Ms. Nicolson lives in Amherst, New York with her husband, Thomas Smith, and their daughter, Haley.

Civil Legal Services Nonprofit Organization Honoree



Community Service Society of New York – Next Door Project

For more than eight years, the Community Service Society’s Next Door Project has assisted New Yorkers in obtaining, understanding and correcting mistakes on their NYS rap sheets, applying for certificates of relief from disabilities and certificates of good conduct, and addressing discriminatory employment practices through legal advocacy and litigation. Their work is done in close collaboration with a dedicated cadre of specially trained and closely supervised older adult volunteers, many of whom hail from the same communities as their clients and all of whom believe in second chances. Working together, they see hundreds of clients each year and help put them in the best possible position to seek and obtain jobs and occupational licenses. The Next Door Project is led by Carlos Jesse, Project Director, supported by George Hairston, Project Assistant, and further supported by General Counsel Judy Whiting, Associate Counsel Kim Westcott, Senior Staff Attorney Estee Konor, and Equal Justice Works/AmeriCorps fellow Emily Hoffman.

Phil Dailey Award



Awarded Posthumously to Phil Dailey

Phillip Dailey was born in Penn Yan, New York on August 21, 1968. He served in the U.S. Army from 1992 to 1995. He served with the 7th Infantry Division, the 101st Airborne Division, and was stationed at Guantanamo Naval Base during Operation Safe Harbor. After his Honorable Discharge in 1995, Phil obtained an A.A.S. degree from Finger Lakes Community College in 1997 and a Bachelor of Arts degree in Political Science from Hobart College in 2000.

Phil's life of service continued after college. Phil signed up for AmeriCorps, and came to the Geneva office of Legal Assistance of Western New York, Inc. as an AmeriCorps Paralegal in 2001. He served two 12 month terms of service as an AmeriCorps Paralegal. At the end of his second AmeriCorps term, LawNY hired Phil as a staff paralegal, and he continued in that role until he passed away on 4/22/16.

Phil had an unparalleled commitment to the rule of law and the concept of equal justice under the law. He dedicated his career to the notion that the law must be applied uniformly to all people, regardless of their circumstances or their station in life. He served in a rural part of New York State, where local agencies and judges knew the background and family history of the people that they judged on a day to day basis. Phil held these folks accountable for the biases that they exhibited toward his clients, and forced them to follow the letter of the law. He exhibited a photographic memory and encyclopedic knowledge of the rules and regulations that applied to public assistance benefits, veterans benefits, subsidized housing, and landlord-tenant law.

LawNY launched a veterans' hotline in February 2012. The hotline was Phil's brainchild, and until recently he ran it almost single-handedly. The hotline was initially intended to provide legal information and referral to veterans and their families in a 5 county area surrounding Geneva, NY. Word of the hotline spread quickly through the veteran community, and we were soon getting calls from across New York State and beyond. The hotline handled 581 calls in 2015.

For several years, Phil was a valuable member of the LawHelpNY team. He was largely responsible for organizing, reviewing and adding to the Veterans and Military topic area on the LawHelpNY website, and he was a leader on the team of legal services attorneys that developed the interactive forms that help a person in need request and then win a Fair Hearing if they lost or were denied public benefits.

Previous Denison Ray Honorees

Civil Legal Services Attorney Honorees

- 2014 Susan C. Antos
Lori M. O'Brien
- 2012 Michael Hanley
Ian F. Feldman
- 2010 Pamela J. Bayer
Jeff Hogue
- 2008 Jason D. Hoge
James T. Murphy
- 2006 David E. Ralph
- 2004 Sarah Betsy Fuller
Judith Studebaker
- 2001 Carole Boccumini
Joshua Zinner
- 2000 Marc Cohan
Peter O'Brien Dellinger
- 1998 Michael Hampden
Mary M. Withington
- 1997 Leslie D'Cora Holmes
Barry Strom
- 1995 Margaret H. McDowell
Douglas Roy Ruff
Wendy H. Wahlberg
- 1994 Sheryl Randy Karp
Jerrold M. Levy
William F. Mastroleo

Previous Denison Ray Honorees

Civil Legal Services Program Director Honorees

- 2014 Alan S. Harris
- 2012 Michael Rothenberg*
- 2010 Steven B. Telzak*
- 2008 Lillian M. Moy

Pro Bono Program Director Honorees

- 2012 Richard S. Hobish
- 2006 Lisa A. Frisch

Non-Profit Organization Honorees

- 2014 Prisoners' Legal Services of New York, Albany
- 2012 New York Legal Assistance Group (NYLAG)
- 2010 LegalHealth, a Division of the New York Legal Assistance Group (NYLAG)
- 2008 The Worker's Rights Law Center of New York, Inc.
- 2006 Western New York Law Center of Buffalo and its Executive Director, Joseph Kelemen, Esq.
- 2004 inMotion Inc.
- 2001 Greater Upstate Law Project (GULP), Inc.

* Awarded Posthumously.

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**NEW YORK STATE BAR ASSOCIATION
PRO BONO SERVICES**

One Elk Street, Albany, NY 12207

Phone: 518.487.5640

Fax: 518.463.4276

Email: probono@nysba.org

www.nysba.org/probono