

Pro Bono News

Spring 2024 Edition

A Message from President-Elect Domenick Napoletano



Law Day is one of my favorite days of the year. It's a time to commemorate the best of our profession and to reflect and rededicate ourselves to serving others. Since our founding in 1876, the New York State Bar Association

has been at the center of it all, sharing our expertise and influence with lawmakers and policy makers.

This year's Law Day theme is "Voices of Democracy." Our great American experiment is heading into its 60th presidential election this year and our vote will determine the direction of the republic as we have done for nearly 250 years.

Democracy is facing threats this year – but many are threats we have faced and conquered before ... rhetoric about isolating America from the world, a loss of trust in our institutions, the rise of misinformation and propaganda. As lawyers, we are fighters, we are educators, we are defenders of democracy and the rule of law. We stand ready to do the work to keep our democracy strong.

One piece of that work is educating our young people on civic engagement and their right to vote. Next month we will take those issues head on during our Civics Convocation. The New York State Bar Association is bringing in the brightest minds to discuss how we can improve civic education and the engagement of the

public – both young and old – in our government and our elections. We are honored to be joined by U.S. Supreme Court Justice Sonia Sotomayor during the event.

Each May, we gather to honor the lawyers who devote their time and talent to exceptional pro bono work. This year's honorees come from all regions of our state and represent solo practices, small and large firms, and law schools. We also honor attorneys who retired from a practice of law but continue to use their skills in volunteer roles through several legal service organizations. These issues are at the heart of our mission to do the public good.

Our honorees are representing a wide range of people – from the migrant child who arrived in the U.S. alone to the disabled person seeking access to the health care they need. Volunteers are helping clients regain their dignity and personal safety while fighting against domestic violence and human trafficking. Taking time to honor their work renews the spirit of service in all of us.

I encourage all members who can spare the time to make a commitment to increase their own pro bono work and encourage others to do the same. Let's take this energy and goodwill back to our communities and rededicate ourselves to 'do the public good'!

Thank you,

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Pro Bono Opportunities Guide

www.nysba.org/probono

Want to volunteer?

This easy-to-use guide will help you find the right volunteer pro bono opportunity. You can search by county, subject area, and population served.



Make
A
Difference

Questions about pro bono service?

www.nysba.org/probono
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Editor: Thomas Richards, Esq.

Building Collaboration and Community: The Attorney Emeritus Program Hosts a Convening of NY Civil Legal Services Providers

By Spencer Wang, AEP Coordinator

On December 4th, 2023, the Attorney Emeritus Program (AEP) hosted one of its largest events since the pandemic at the Office of Court Administration Offices on Beaver Street. The mission of AEP is to address the civil legal justice gap by leveraging senior attorneys to provide pro bono service hours to civil legal service providers. Administered by staff from Fordham Law's Feerick Center for Social Justice and the NYS Unified Court Systems Office for Justice Initiatives (OJI), the goal of the event was to further develop the AEP's Racial Justice Model Practices (RJMP) with its partner civil legal services organizations. The RJMP is an ongoing initiative to build a network of resources, support and training related to anti-racism, cultural competency, and elimination of bias in volunteer lawyering.

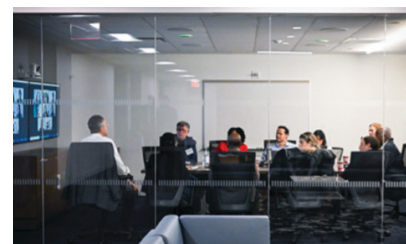


DCAJ Richardson Addressing the Attorneys Emeritus Program Host Organizations

With forty partner civil legal services organizations in attendance and over seventy attendees, the event was kicked off with a warm welcome from Deputy Chief Administrative Judge for Justice Initiatives Edwina G. Richardson. Judge Richardson celebrated the important work being done by AEP Host Organizations and highlighted many of the court's recent commitments towards expanding access to justice for vulnerable communities.

The event then moved to breakout rooms, where organizations of all sizes, practice areas and geographic locations met for candid discussions facilitated by OJI and Feerick Center staff. The landscape of currently available DEIB, cultural competency and anti-racism infrastructure is varied and often isolated to

respective organizations. For many smaller organizations, lack of resources proved a significant barrier in providing support and training to its volunteers, while for larger organizations accountability and outcome metrics are often difficult to systematically measure. With these challenges in mind, attendees shared their organization's experiences and began fostering tangible next steps and possible mediums for collaboration. Statewide Equal Justice Coordinator Randy Bowens expressed great promise in such future partnerships, stating, "[t]he convening fostered great ideas among the participants. I look forward to working with this group in the future."



Breakout Room at the December AEP Racial Justice Model Practices Convening

For many, it was insightful to hear the different perspectives from their colleagues and learn how other organizations were approaching this challenging but important objective. Tony Walters, Director of the NYS Office of Court Administration's Office of Diversity and Inclusion, shared that "[i]t was a pleasure to meet and share information with so many professionals who share our mission to deliver equal justice and ensure that our most vulnerable populations have the support they need to meaningfully engage in the court process." With the continued support of the courts, the AEP is proud to work with this amazing group of organizations to continue improving volunteer services for New Yorkers in need.

For any attorneys aged 55 and older, with 10+ years of legal experience and in good standing with the NYS Bar Association who are interested in the Attorney Emeritus Program and its work please go here to learn more and apply: www.nysattorneyemeritus.law

Legal Aid Society of Mid-New York Collaborates with the Private Bar to Save Clients' Homes from Foreclosure

By Arlene Sanders, Managing Attorney-Binghamton Office of LASMNY

Recently LASMNY collaborated with private law firms to save two homes that were on the verge of being lost to foreclosure. In one instance, a disabled man had become confused about his property taxes, thinking they were being paid by a roommate. By the time he learned that the taxes had not been paid for years, ownership had already transferred to the county and the home was on the verge of being auctioned. Legal Aid attorneys negotiated with the county for the return of the deed if the client succeeded in making his first three payments through a chapter 13 plan. The county agreed and Legal Aid filed the chapter 13 bankruptcy. Soon after, however, the IRS and NYS Department of taxation filed large claims for capital gains taxes, jeopardizing the client's ability to remain in chapter 13. The client explained that he sold shares of an inheritance he received from his mother who had passed a few years earlier. He did not recall receiving much from the sale.

Legal Aid enlisted the help of Fred Griffen,

tax partner at Binghamton Law Firm Hinman, Howard & Kattell, LLP. Attorney Griffen obtained records from the companies whose shares were sold, showing that the capital gains were much smaller than the amounts claimed by the IRS and NYS. Both entities amended their claims to reflect these lowered amounts. The client was able to afford to pay these substantially lower amounts in his bankruptcy. The county has since transferred the deed back into the client's name, enabling him to retain the home he has lived in since childhood.

In a second case a young nursing student was living with her mother and younger sister in a home that was in foreclosure due to mortgage arrears. The mother had recently filed chapter 13 bankruptcy through a private attorney to stop the foreclosure. Shortly after the filing, the mother suddenly passed. Upon her death the bankruptcy was dismissed. The bank was in the process of foreclosing on the home when we were contacted by the nursing student. She and her younger sister were now

alone in a home about to be foreclosed. To make matters worse, the mother passed without a will.

LASMNY quickly filed chapter 13 to stop the foreclosure. However, time was still of the essence. If the deed was not transferred soon the case would be dismissed due to lack of standing, as the daughter was not the homeowner. LASMNY enlisted the help of trusts and estates partner Kristin Luce of the law firm Coughlin & Gerhart, LLP. She filed an intestate proceeding which was completed in time to save the bankruptcy case from dismissal. The daughter, who remains in the home with her younger sister, is about to complete nursing school. With her stable income as a nurse, she will have the ability to easily make payments and successfully complete the chapter 13 case.

These collaborations with the private bar resulted in happy conclusions for clients in dire circumstances.



Department of
Public Interest

Save the Dates!

2024 PARTNERSHIP CONFERENCE

Pearls of Wisdom: 30 Years of Partnership Past Present and Future.

September 25 - 26, 2024

Pro Bono Collaboration: LawNY, Cornell Law School, and Cooley, LLP

By Kelly McGovern, Esq., Director of Pro Bono Affairs, Legal Assistance of Western NY, Inc.



Legal Assistance of Western New York, Inc.® (LawNY) is a not-for-profit law firm that provides free civil legal services to low-income clients in a 14-county area of Western New York State, the Finger Lakes, and the Southern Tier. LawNY's mission is to increase access to justice through excellent legal representation, advocacy, and service. LawNY provides services in virtually all areas of poverty law, including housing, family law, employment, reentry, government benefits, elder law, health law, consumer law, and more.

All of LawNY's substantive areas of legal assistance include serving justice-involved individuals and spotting reentry-related issues, as many formerly incarcerated individuals and their families live in LawNY's service area. Many more rural residents were never incarcerated but were convicted of a crime or have a criminal record. Accessing and maintaining employment establishes financial security, secures housing, and stabilizes families. However, there are few resources or organizations available that address the legality of barriers to employment for justice-involved residents throughout the entirety of Upstate New York. Many justice-involved rural residents are unaware of their legal rights or how to improve their employability. This is especially important now, because Under the Clean Slate Act, effective November 2024, New Yorkers will be eligible to have conviction records automatically sealed three years from sentencing for misdemeanors and eight years from sentencing for felonies, not including time incarcerated.

In early 2023, Cornell Law School's Department of Public Service and LawNY joined together for a Pro Bono Reentry Legal Assistance program. The demand for reentry legal services is overwhelming, as an estimated one out of three American adults has a criminal record, many of which are eligible for clearing. The program engaged more than one hundred Cornell law students and undergraduates to work with pro bono attorneys on behalf of formerly incarcerated people. The group received an Engaged Opportunity Grant from Cornell's Einhorn Center.

In this project, Cornell students worked with fourteen pro bono attorneys from the Cooley law firm and LawNY staff to learn how to review clients' arrest and prosecution records, file for relief certificates, and seal or expunge criminal records. They also developed informational resources, conducted outreach with service providers, and studied case outcomes. LawNY provided training to the attorneys and law students and collaborated on local outreach efforts. The focus of the work was on sealing criminal records so that they do not appear on civil background checks conducted by employers.

The collaboration also resulted in LawNY and Cornell University being awarded Town-Gown Award certificates. The Town-Gown Awards (The TOGOs) celebrate the connections between Cornell University and local communities and highlight the achievements of local leaders who have left or are leaving high-profile posi-

tions. These awards have become an annual tradition in the local community. The TOGO certificates were awarded to LawNY supervising attorney Jason Hoge and two law students. Cornell University noted that formerly incarcerated individuals reentering the local community need free legal assistance but are often unaware of available resources. This project helps to close that gap and provide necessary assistance and information.

Students have shared their experiences and how the project has changed their perspective. One student shared: "I greatly enjoyed representing those who need a helping hand and it is why I am currently seeking to continue to do pro bono work with legal reentry. Giving back is a value that I hold deeply, and this is a way I am able to pursue that value. I get to work on my persuasive writing, interviewing skills and issue spotting skills, while helping reformed citizens lift the weights of past mistakes off of their backs. I will continue to make time for pro bono work whenever I can."

In October 2023, 14 attorneys from Cooley, LLP and 41 Cornell law students volunteered at a virtual criminal record expungement clinic and collaborated on casework. Together, they assisted 20 LawNY clients with sealing motions, allowing them to increase their employability. A Cooley attorney shared: "It didn't require a huge time commitment on my part, but it offered the opportunity to work with and train future attorneys on their legal writing skills, diligence, and client interactions and will hopefully have a positive and meaningful impact for the clients."

LawNY is continuing to work with Cooley, LLP to plan additional clinics and collaborative efforts to serve clients. Cooley attorneys are also continuing to provide pro bono services to LawNY clients in conjunction with Cornell students.

After a Years-Long Battle, The Legal Aid Society, Legal Services NYC, and Selendy & Gay PLLC Successfully Hold Off Numerous Legal Challenges to New York’s Longstanding Tenant Protections

Article by The Legal Aid Society Pro Bono



After the passage of the Housing Stability and Tenant Protection Act of 2019 (HSTPA), several New York City and Westchester County landlords and landlord associations brought a flurry of lawsuits in the U.S. District Court for the Eastern and Southern District of New York in an attempt to dismantle New York’s longstanding rent stabilization laws and recent statewide housing reforms. Rent stabilization, which has deep roots in New York, protects tenants in approximately one million apartments in New York City and thousands more across the state. Rent stabilized tenants are protected from sudden and significant rent increases and hold a statutory presumption to renew their leases. The HSTPA expanded other tenant rights to address loopholes that had existed in the prior legislation. Collectively these tenant protections preserve affordable housing and prevent mass displacement and homelessness in a city and state where the rents are

among the highest in the country and rising.

In September 2020, U.S. District Judge Kenneth M. Karas permitted The Legal Aid Society (LAS), Legal Services NYC (LSNY), and Selendy & Gay PLLC to intervene on behalf of community partners N.Y. Tenants and Neighbors (T&N) and Community Voices Heard (CVH) in two of these lawsuits.

Judge Karas determined that T&N and CVH had “a direct and substantial interest” in the outcome of the case and their “firsthand experience” would “undoubtedly contribute to full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented.” Coalition for the Homeless was later added as an intervenor as these matters and a third related lawsuit for similar reasons.

After winning dismissals on the pleadings in a total of five suits, Selendy & Gay

and its co-counsel from LAS and LSNY defended those decisions on appeal before the Second Circuit, which affirmed the lower courts’ decisions. In February of 2024, the United States Supreme Court declined to review the Second Circuit’s well-reasoned dismissals of these lawsuits. The legal team released a joint statement declaring that the Court’s decision was “... in line with well-established precedent and puts an end to these cases attacking the legal protections depended upon by a million New York households amid an ongoing housing crisis.” The final challenges were thrown out of court in March 2024, and the legal team remains committed to stand with and tenants across the City in the face of future attempts to erode the well-established and lawful protections of New York’s tenant protection laws.

Storytelling as a Tool for Action & Change

By Patricia Desrochers, Director of Communications at Touro Law Center



INTERNSHIP SPOTLIGHT

Storytelling as a Tool for Action and Change

Touro Law Center, along with Herstory Writers Network, has developed a new semester-long pro bono internship project for law students to become part of a unique and powerful movement that uses a story-based strategy for change.

Law student interns will be writing side-by-side with family court-involved young people from Acting Supreme Court Justice Fernando Camacho's Concept Court, an expansion of the youth incarceration-diversion program on Long Island. The students will collaborate with the young people, mentoring and inspiring them to share their stories.

Cate Carbonaro, Touro Law's Director of the Public Advocacy Center and Public Interest who oversees the program stated, "Through this internship, law students will acquire new lenses through which to experience the real needs, aspirations, and dreams of the populations they are studying and will eventually serve as legal professionals. In addition to looking at the impact of current policies and practices on youth

involved in the criminal legal system, we will explore the effects of mass incarceration on families and communities. I know this program will be impactful for all who participate."

Student interns will be leading guided workshops with the involved youth. Together they will write about the criminal legal system, racial injustice, and other relevant and timely issues that law students and young people experience. Students will also be given the opportunity to critically think about structural injustice by looking at police practices, while developing story-based action and advocacy strategies to elevate the voices of those who have not had a place at the table regarding fair access to services, social and criminal justice policies. Utilizing a unique pedagogy based on daring a reading stranger to walk in each storyteller's shoes, the law interns will move a step beyond advocating for young people who need second chances, to helping each young person find the voice to dream new futures and advocate for themselves.

This program was named in honor of Linda Howard Weissman, who served as Assistant Dean for Institutional Advancement at Touro Law Center for nearly 30 years. Linda was on Herstory's board of directors, bringing a number of Herstory Initiatives to Touro, including a celebration of the publication of *Brave Journeys*, a book of stories by 15 young people who crossed the border by themselves, which has since circulated over 10,000 copies, and a special workshop for children of the incarcerated coming from a local high school, leading to the publication of *All I Ever Wanted...* in partnership with Prison Families Anonymous. It was Linda's dream that the Herstory approach to "dare even a hard-hearted person to care" would someday be used by lawyers to help their clients tell their stories in a way that would stir empathy in those who had power over their lives.

*Thank you to the
New York
Bar Foundation!*





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PRO BONO DEPARTMENT

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Do You Have a Story to Share...

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

We invite you to submit articles showcasing excellence in pro bono service for upcoming editions of the Pro Bono Newsletter. For more information, go to www.nysba.org/probono.

