

Pro Bono News

Fall 2020 Edition

President's Message

Scott M. Karson, President, New York State Bar Association

Voluntary Pro Bono: An Important Part of My Professional Life



Those of you who have studied Latin know that the term “pro bono publico” means “for the public good.” However, the term – which has been shortened in common parlance to “pro bono” – has taken on a specific meaning to members of the legal profession: lawyers understand pro bono to mean the voluntary provision of free legal representation to those who are not able to afford the services of an attorney.

The concept of voluntary pro bono service is embodied in the New York Rules of Professional Conduct. Rule 6.1 provides in pertinent part:

(a) Lawyers are strongly encouraged to provide pro bono legal services to benefit poor persons.

(b) Pro bono legal services that meet this goal are: (1) professional services rendered in civil matters, and in those criminal matters for which the government is not obliged to provide funds for legal representation, to persons who are financially unable to compensate counsel; (2) activities related to improving the administration of justice by simplifying

the legal process for, or increasing the availability and quality of legal services to, poor persons; and (3) professional services to charitable, religious, civic and educational organizations in matters designed predominantly to address the needs of poor persons.

For me, the concept of voluntary pro bono legal service was irrevocably instilled during my years of leadership of the Suffolk County Bar Association. I was one of the founding members of the Suffolk County Bar Pro Bono Foundation (where I eventually served as managing director); I became a director of Nassau-Suffolk Law Services Committee (where I continue to serve as vice chair of the board of directors); and I accepted case assignments from the Pro Bono Project (a joint enterprise of the Foundation and Nassau-Suffolk Law Services).

As I moved into a leadership role in the New York State Bar Association, my involvement in pro bono continued. I was a long-time member of the President's Committee on Access to Justice and, when I became president-elect of the Association, I served as co-chair of PCAJ.

I was also a regular attendee at the justice for all luncheon during NYSBA's Annual Meeting. At that luncheon, recognition is given to lawyers who have distinguished them-

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The Pro Bono Newsletter is available online at [NYSBA.ORG/ProBonoNews](https://www.nysba.org/probono)

selves by providing extraordinary pro bono service. It occurred to me that it would be a great example to our membership if leaders of the Association were to take on pro bono cases and, perhaps, be recognized along with their colleagues at the luncheon.

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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.



Questions about pro bono service?

www.nysba.org/probono
(518) 487-5641
probono@nysba.org



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Make no mistake: it was not my goal to see NYSBA leaders receive more plaques; rather, it was – and is – my goal to encourage more lawyers to step up and provide badly needed pro bono service to clients in dire need of free legal services.

Accordingly, when I ran for president-elect, I pledged that if I was successful, I would, as NYSBA president, handle a pro bono matter. Now that I am serving as the Association's president, I am in the process of following through on my pledge by signing up to represent a client pro

bono. I hope that many of you will follow. Here is some information on how to volunteer to do so:

If you are an attorney looking to volunteer, please visit the Pro Bono Opportunities Guide at https://www.probono.net/ny/nysba_oppsguide/ to search for volunteer opportunities tailored to your specific interests and requirements, or visit the NYSBA COVID-19 Pro Bono Network webpage at <https://nysba.org/covidvolunteer>.

Thank you,

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- 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.



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The COVID-19 Pro Bono Network and Its Task Force: Expanding Pro Bono in Unprecedented Times

By: Katie Marren and Bharath Mohan

In March 2020, when the long-term impact of the COVID-19 pandemic on New Yorkers started to become clear, former Chief Judge of the New York Court of Appeals Jonathan Lippman and then-NYSBA President Hank Greenberg sprang into action. Both knew that the state's legal community would be critical to helping the tens of thousands, if not millions, of people who were going to be adversely impacted by the pandemic. They were also acutely aware of both the significantly increased success rates for individuals represented by counsel and the increased efficiency of cases with attorneys on both sides, and they knew that the Bar would rise to the occasion.

Armed with this knowledge and the backing of the current Chief Judge of the New York Court of Appeals, Janet DiFiore, and the New York State Unified Court System, the COVID-19 Pro Bono Network (the "Network") and its task force were born. Led by Chief Judge Lippman and then-President Greenberg followed by current NYSBA President Scott Karson, the task force is composed of 23 leaders from New York law firms, legal service organizations, companies, the courts, and law schools, with Latham & Watkins LLP providing support. The Network's goal is to enhance the delivery of effective, comprehensive, and efficient pro bono legal services in urgent civil and criminal matters to all New Yorkers in need during, and in the wake of, the COVID-19 pandemic.

Since April, the task force has created twelve working groups, one for each of the major areas of legal need impacted by the pandemic. These

groups have or are in the process of identifying both pro bono projects that can help alleviate the burden on legal services organizations and operational improvements to make providers' and New Yorkers' lives easier. Each working group is a collaborative effort led by a task force member, and in most cases, supported by a law firm team and members of the legal services community. The working groups typically meet with legal services organizations, law schools, in house counsel, local bar association leadership and other stakeholders to identify legal needs, get input for the group's initiatives, and recruit and place pro bono volunteers.

The Network's first major initiative was aimed at helping New Yorkers who lost their job as a result of the pandemic to obtain successful resolution of their unemployment benefits claims and appeals. The Network recruited and trained over [300] pro bono volunteers across the state and collaborated with eight legal services organizations to provide counsel on over [1,750] unemployment insurance claims across the state.

The task force's housing working group, led by Alan Levine, senior counsel at Cooley LLP, gathered experts with experience representing tenants and landlords as well as members of the state judiciary from New York City and upstate New York to prepare a set of recommendations to Chief Judge DiFiore and to Governor Cuomo. Those recommendations sought to alleviate the burden on the courts and improve outcomes for both tenants and landlords who have been adversely impacted by the pandemic. As part of those recommendations, the housing working

group supported a right to counsel for every tenant statewide for eviction proceedings. To accomplish this, the task force is spearheading several efforts to enhance recruitment of pro bono counsel. For example, despite a historical lack of experience in housing work at the major NYC law firms, the law firm Cooley LLP, in partnership with The Legal Aid Society of New York, has established a devoted team of partners and associates to take on new eviction cases each week. The Network's task force, with Cooley's support, is working with other major law firms to establish similar structures to support housing-related cases. Nearly 100 pro bono attorney volunteers, including solo practitioners, in-house counsel, and attorneys at small to mid-size firms have also volunteered through the Network to work with organizations in upstate New York on housing cases.

Another impactful initiative has been led by task force members Hon. Gail Prudent, Dean of the Maurice A. Deane School of Law at Hofstra University, and John Morken, Partner at Farrell Fritz, P.C., together with a coalition of approximately 30 students from three law schools, about 15 law firms, several bar associations and legal services organizations across Long Island. This group has created a comprehensive network to provide legal assistance for COVID-19 related legal needs across Nassau and Suffolk counties and will be working to share its platform with other regions around the state.

The Network and task force have instituted a number of other successful projects, including hosting a non-profit legal relief seminar with

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attendees from nearly 200 non-profit organizations across the state; providing pro bono representation to resolve [70+] small estates of individuals who died of COVID-19; and connecting [30+] incarcerated individuals seeking emergency release from prison due to risk of infection from COVID-19 with pro bono legal assistance. Another working group is helping to coordinate pro bono representation to litigants in child support modification cases, an area of significant need in light of the increased unemployment rates due to the pandemic. The Network's task force is also currently planning initiatives to provide life planning services through medical/legal partnerships and help process claims for Medicaid reimbursement issues.

Legal services organizations form the backbone of this Network and are critical to the mission of providing equal justice for all. Accordingly, the Network's task force has prioritized advocating for additional resources from the state and federal governments for legal services organizations. The Network's task force has also been encouraging law firms to provide increased support to legal services organizations at this time, particularly in the form of attorney secondments. The hope is that these resources will provide a critical life-

line to bridge the gap between existing support from legal services organizations and pro bono attorneys and the volume of need which will (and is) skyrocketing due to COVID-19.

Through these efforts, the Network and the Bar at large is not only helping directly address legal needs stemming from the COVID-19 pandemic, but is also helping to address the distressing indicators of systemic economic and racial inequities highlighted by the pandemic. The Network has also sought to help pro bono attorneys foster more compassionate and effective representation for their clients who may have very different backgrounds by creating an interactive training series titled, "Cultural Humility Sessions to Build Competence: A Training for Pro Bono Attorneys," created by the task force's diversity and inclusion working group.

Apart from increasing the delivery of pro bono services to New Yorkers and working to alleviate the increased strain on legal services organizations, the Network's task force has also focused on identifying and finding solutions for obstacles to effective representation during the pandemic. For example, one such obstacle is working with clients remotely as a result of social distancing practices. Several of the Network's working groups are identify-

ing ways to better connect pro bono attorneys with their clients remotely, while also leveraging the remote working trends by connecting clients in so-called legal "deserts" with pro bono attorneys from more populous areas (particularly, New York City).

A full roster of the Network's task force members and a list of each of the working groups is available at <https://nysba.org/committees/covid-19-pro-bono-recovery-task-force/>. In addition, several organizations including but not limited to the following have supported the working groups: Akin Gump Strauss Hauer & Feld LLP; Bloomberg Associates; Cooley LLP; Davis Polk & Wardwell LLP; Debevoise & Plimpton LLP; Gibson, Dunn & Crutcher LLP; Farrell Fritz, P.C.; Latham & Watkins LLP; Morgan Stanley; Shearman & Sterling LLP; and Sullivan & Cromwell LLP. The task force thanks the many members of the Network from across the legal community who have volunteered their time to further this initiative.

We encourage individual attorneys who would like to get involved in the Network's projects to volunteer at <https://nysba.org/covidvolunteer/>.

If your law firm or organization is interested in getting involved or has any questions about the Network and its initiatives, please contact probono.lwteam@lw.com.

VOLS Provides Relief to Unemployed Workers During the Pandemic

By Victoria (Tori) Roseman, Staff Attorney at Volunteers of Legal Service (VOLS)

When the COVID-19 pandemic crisis hit New York, Volunteers of Legal Service (VOLS), like so many other legal service organizations, acted swiftly to help New Yorkers through this confusing and difficult time. As the city closed down, so did restaurants, stores and other businesses, costing many New Yorkers their employment and in turn, their income. In March and early April, claims for unemployment insurance skyrocketed to unprecedented numbers.

For VOLS, the answer became clear: we re-launched a 10-year old project and hotline that served New Yorkers during the Great Recession in order to field questions for New Yorkers attempting to claim state unemployment insurance or Pandemic Unemployment Assistance (PUA). Olga Medyukh, who directed the prior project, began the Unemployed Workers Project and became its Directing Legal Advisor to assist New Yorkers with these claims. Olga jumped into the work, utilizing VOLS' broad network of pro bono attorneys at law firms and companies to field questions and give brief legal advice. In addition to this network, VOLS collaborated with the COVID-19 Task Force of the New York State Bar Association in an effort to provide much needed relief for New Yorkers seeking guidance on unemployment insurance. This gave way to the NYSBA Pro Bono Initiative, in which VOLS participated, to assist struggling unemployed New Yorkers. This network of pro bono attorneys became an irreplaceable tool to reach as many claimants as possible – VOLS fielded hundreds of calls in the months after the shutdown of the city.

At the end of May 2020, the project faced a new challenge of how to represent claimants remotely. Unemployment insurance hearings, where claimants are able to plead their case for benefits, were to resume over the

phone. In addition to the challenge of remote hearings, New Yorkers continued to face layoffs as a result of COVID-19. By late May, many were struggling to find new work and make rent for June.

Representation in phone hearings ramped up the work of the project. In addition to the brief advice offered by VOLS staff and participating pro bono attorneys, claimants needed advocates to walk them through the process of a hearing. In June, VOLS brought on Staff Attorney Victoria Roseman to assist with the workload, given her experience in unemployment insurance hearings over the previous three years in law school.

Unemployed workers face issues that are unique to this moment. PUA is part the Coronavirus Aid, Relief and Economic Security (CARES) Act passed on March 27, 2020. Starting mid-summer, hearings about PUA eligibility and claims began. All of these legal issues are novel – there are no appeal board hearings to refer to, no case law, nothing to use as the basis of the argument. We encounter claimants who are in positions never seen before – claimants who are trapped abroad, forced to move because they could not afford rent, not receiving timely or any notices from the Department of Labor, and those who are afraid to go to work in light of COVID-19. The favorable decisions we have received are the first of their kind. The unfavorable decisions offer opportunities to strengthen a new argument. At VOLS, we continue to receive calls every day about unique factual situations. We are representing claimants who have unique issues related to the CARES Act and state unemployment. We continue to receive calls from those facing new COVID-19 related layoffs.

Based on the novel issues we are seeing, VOLS is compelled to advocate on behalf of unemployed New Yorkers. We work alongside the Unemployment Insurance Coalition,

a group of attorneys and advocates who engage in unemployment work, to uncover administrative and legal issues and discuss how to resolve such issues. This advocacy can be seen on both a small and large scale. Coalition members frequently discuss issues that emerge and seek to remedy the problem. One example of this collaboration is when claimants were only receiving notices of impending hearings about ten days out from the hearing itself. Oftentimes, this leaves claimants with little time to prepare and secure legal representation. After discussing the issue and noting its effect on claimants' due process rights, we advocated to the NYS Unemployment Insurance Appeals Board to remedy the problem. Fruitful discourse led to longer notice times – now, hearing notices are mailed fourteen days before the hearing, allowing for extra time to prepare and find representation.

Another distinctive element of the pandemic work is how past misgivings impact COVID-19 relief. If a claimant defaulted in some way on their unemployment insurance in 2019, 2018, 2017 – it may affect their entitlement to benefits during this pandemic. Some claimants were not even aware of their mistakes or misrepresentations to the DOL until they attempted to claim again in 2020, desperate for economic relief. At times, these past errors have prevented claimants from collecting current benefits. One example of this is forfeiture – when a claimant makes a misrepresentation to the Department of Labor, they may “forfeit” or be ineligible for the first few weeks of their next claim. In the pandemic six weeks of forfeiture could be as much as \$6,624. It has been imperative for VOLS and other advocates for unemployment insurance to push back on these old penalties to ensure those who need benefits are able to receive the compensation they are entitled to.

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VOLS

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The variation and newness of the work is what makes it so very exciting. We are consistently presenting issues in court for the first time. We are helping claimants receive thousands of dollars in COVID-19 relief. We are answering questions New Yorkers have about unemployment, collaborating with NYSBA, the COVID-19 task force and various other organizations, and advocating for a better system for New Yorkers to obtain benefits. In a time of great uncertainty, we have provided real human connection and assistance for those who felt hopeless and desperate.

We are incredibly proud of the work and look forward to continuing to help New Yorkers who need it most.

"After several lawyers declined my case due to conflicts of interest with my ex-Employer, I was referred to VOLS. This organization was a godsend. They used their network to locate representation for me, despite the challenges of the shutdown, the massive pile-up of unemployment cases, and a suspension of Dept. of Labor hearings. After several months' delay, a truly wonderful team of lawyers signed on, and with minimal preparation time, they

devised a remarkably effective legal strategy, helped shape my testimony and prepped me with patience and skill. Thanks to their guidance, insights and expertise, the Judge's decision on August 18th was a full victory for us on all the issues and I am entitled to receive the full Unemployment Benefits due to me."

VOLS client, M.P. 8/2020

If you would like more information about this project, please contact the VOLS Unemployed Workers Project hotline: 347-521-5720



The New York State Bar Association thanks the 200 Attorney Volunteers who have taken a Client through the Unemployment Insurance and Surrogate's Court Pro Bono programs. Your extraordinary service exemplifies the best of the legal profession to do the public good.

Visit nysba.org/covidvolunteer to view the list of Attorney Volunteers and for more information on the COVID-19 Pro Bono Network.



Responding to COVID-19: How NYSBA, Clio, and Paladin Built a Pro Bono Referral Network in Just One Week

By Adam La France, Product Manager at Clio

It's no secret that while the COVID-19 pandemic is primarily a public health crisis, the forced economic shutdown to limit the spread of the virus also caused widespread economic impact, including the loss of employment for millions of Americans. As the epicenter of COVID cases in the US at the beginning of the year, New York state residents were hit especially hard by both the pandemic and the resulting financial impact.

In fact, the surge in Unemployment Insurance (UI) claims caused the NY Department of Labor's website to crash due to overwhelming demand. Not only was there a huge increase in the number of claims being made, there was also a corresponding increase in the number of UI claims that were denied. Such claims are subject to an appeals process, and data indicates that UI claimants who receive legal assistance with their claims are more likely to successfully appeal their denial and receive UI benefits. But how were so many applicants going to find the legal help they needed, if they even knew they needed legal help at all?

In response to this challenge, the COVID-19 Pro Bono Network was created. This project, initially announced by Governor Andrew M. Cuomo on April 11, 2020, aimed to help New Yorkers better understand the New York Unemployment Insurance benefits system, and connect them with pro bono lawyers who could help navigate the appeal process if their initial UI claim was denied.

The sheer number of UI claimants needing to be matched with pro bono attorneys meant that addressing this

demand couldn't be solved by manual effort alone. It necessitated a scalable technological solution that could both handle the intake volume of claims from NY residents and match those claimants with pro bono attorneys.

The New York State Bar Association (NYSBA) reached out to Clio, the leader in cloud-based legal technology, the following day (April 12) asking for help to build the software to make it happen. Clio's CEO, Jack Newton, immediately tapped a few people on the (virtual) shoulder to help sketch out what this might look like. Jack also reached out to Kristen Sunday, co-founder and COO at Paladin, for assistance, given their experience in enabling larger law firms and in-house legal teams to run more efficient pro bono programs.

After some brainstorming, the team hit on the idea of using Clio Grow, Clio's client intake software, to help NYSBA triage these cases. As the team got up to speed on the project, the overall concept had been clarified: an intake form would be provided on NYSBA's website for those who wished to appeal the denial of their UI claims. Clio Grow's existing client intake features would direct these requests to a Grow account specifically set up for NYSBA, where the Association's team could triage incoming claims and prepare them for attorneys. Once an attorney had been selected, they would receive the relevant details and documents in a new Clio Manage account, which Clio provided for free to support this pro bono work.

With modifications to Clio Grow, the team was able to get a functional

triaging workflow up and running within a week. But the work didn't stop there. Given a list of attorneys in New York state who had expressed interest in the program via Paladin, the next step was to build a system that would automatically match them up with a case and give them the opportunity to accept it after performing due diligence like conflict-checking.

In the space of two weeks, NYSBA, Clio, and Paladin worked together to create an online portal to connect over 1,000 lawyers with UI claimants in New York. Over 800 requests for legal assistance have been successfully referred out to pro bono lawyers.

This was not only a true team effort, it was also a great learning opportunity about the power of technology to improve access to justice. Legal tech provides an infrastructure and a support system that both addresses the immediate need related to a specific cause but also opens up broader opportunities to give back through pro bono services. The end-to-end solution that was built can be re-used and extended to address other types of pro bono legal needs arising from the COVID-19 pandemic, which happened on May 14 when the program expanded to include surrogate probate claims. The work here has laid a foundation for the continued use of technology to enable lawyers to help more people, and it is an example of how lawyers, bar associations, and legal tech companies can be a force for good.

If you would like to volunteer with the COVID-19 Pro Bono Network, please visit [NYSBA.org](https://www.nysba.org).

Hundreds of Attorneys Participate in Project to Assist Protesters

By Andrew Childers, Pro Bono Administrator, The Legal Aid Society

New Yorkers throughout the city took to the streets this Summer to show their support for the Black Lives Matter movement and to protest police brutality in the wake of the death of George Floyd while in police custody in Minneapolis. Thousands of protesters were arrested by the New York City Police Department, and many hundreds have shared with Legal Aid their experience with police misconduct and brutality while participating in these peaceful protests.

In order to assist the protesters in protecting their rights, The Legal Aid Society's Cop Accountability Project launched a pro bono clinic which engaged over 300 attorneys from 19 of the nation's most prestigious law firms. Utilizing a unique online platform, volunteer attorneys were able to remotely access training, sample complaints and client information allowing them to assist protesters with filing complaints at the Civilian Complaint Review Board (CCRB) as well as provide additional advice on other options to ensure their rights

were protected. Nearly 100 clients have reached out to The Legal Aid Society since this project began and each has been matched with a team of trained volunteer attorneys who guide them through the filing process. Law firms participating in this clinic include; Cleary Gottlieb Steen & Hamilton LLP; Cravath, Swaine & Moore LLP; Davis Polk & Wardwell LLP; Debevoise & Plimpton LLP; Freshfields Bruckhaus Deringer LLP; Gibson, Dunn & Crutcher LLP; Jenner & Block LLP; Kramer Levin Nafatalis & Frankel LLC; Milbank LLP; O'Melveny & Myers LLP; Orrick, Herrington & Sutcliffe LLP; Ropes & Gray LLP; Schulte Roth & Zabel LLP; Sidley Austin LLP; White & Case LLP; and Willkie Farr & Gallagher LLP.

In announcing the project, Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice at The Legal Aid Society, said "For New Yorkers who were falsely arrested, brutalized or who witnessed misconduct during the demonstrations, you have a right to file a complaint with

the CCRB and a lawsuit against the city to establish that your rights were violated. This can oftentimes be an intimidating and arcane process, and this clinic will ensure that New Yorkers can get connected to lawyers who are standing by and ready to assist them in holding cops accountable for their misconduct during the protests."

The Cop Accountability Project, or CAP, works to improve police accountability and transparency by advocating against problematic policing policies and fighting police secrecy laws. To empower organizations and communities across New York City to hold police officers accountable for human rights violations, CAP launched a database that tracks police misconduct in New York City so that public defense, civil rights, and human rights lawyers can better advocate for transparency and accountability. The database has become a national model for defenders collecting police misconduct materials.



List your organization at
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The New York State Bar Association's Pro Bono Immigration Portal:
Is a new and exciting initiative created to address the growing needs of our immigrant communities and public service organizations, inspired by an overwhelming response of New York attorneys wishing to contribute and help out in any way they can. Browse available opportunities and volunteer directly, or use the tailored referral service to get connected with volunteer opportunities at organizations that work closely with immigrants.

Questions?
Email probonoport@nysba.org
or call 518-487-5641.



How to Prepare for the Short Days and Long Winter Ahead

By Stacey A. Whitely, Lawyer Assistance Director

The daylight hours are getting shorter and the temperatures are dropping a little each day which means winter is nearing. There are many who truly enjoy the winter season and they look forward to wearing chunky sweaters, sipping cocoa by a fire and the warm feelings associated with the holidays. But there are a significant number of people that find the winter months dreadful. Coupled

face on things. Instead, this radical acceptance of how things are right now, will free up space in your mind so you can focus your energy on the things you can control, giving you a better sense of self determination and providing more opportunities to recognize and celebrate the joys and successes, big and small, that will present themselves to you over the new few months.

ing program, or have been meaning to dust off the treadmill, now is the time to do it. Use these precious few months leading up to winter to start incorporating exercise into your day. Putting in place a routine that you enjoy now will be an immense help to you later. Having an established exercise plan will give you something to look forward to as well as help your body's resiliency in fighting off



with COVID-19 precautions, this group of people is even more apprehensive about the upcoming change of seasons.

To help manage your mood and health through this COVID winter, the advice offered by many mental health specialists is to fully accept and understand the current reality. Accept that the pandemic and the restrictions imposed because of it are not going to go away soon, and for the foreseeable future life will continue to be uncertain, disruptive, and abnormal. Accepting the reality as it is does not imply approval nor should it be considered complacency; it also is not denial of the situation nor is it an attempt to paint a happy

In addition to practicing radical acceptance, there are additional practical actions you can take that will help you successfully manage, and maybe even thrive, through the winter season.

First and foremost, continue to follow the guidelines set forth by the CDC and your local health agencies. Wash your hands often, wear a mask, maintain social distancing, and avoid large crowds, especially indoors. Each geographic area of the state is regulated by varying standards depending on numbers of positive cases currently reported, so stay aware of the numbers and be flexible with your plans and expectations.

If you have been planning to sign up for a yoga class, or an online box-

winter's cold and flu bugs. Research shows that exercise not only helps improve mood, but also helps sharpen mental acuity, benefits which will help stave the winter blues.

Speaking of the flu, make sure to get a flu shot. Call your primary care doctor, stop into your local pharmacy, or make an appointment at one of the many clinics that are located around your community and get your shot. It will be one more tool in your toolbox that will be working all winter to keep you healthy.

Learn to love (or just moderately tolerate) being outdoors in colder weather and prepare yourself to be

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How to Prepare for the Short Days and Long Winter Ahead

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outside more than usual this winter. Purchase a few pieces of quality cold weather gear, invest in an outdoor patio heater, or sharpen those ice skates and skis and make being outside as comfortable and as fun as possible. Socializing outdoors is safer than indoors, and the light, fresh air, and if you choose, exercise, will be a boost to your mood and health.

Begin purchasing extra healthy staples for your pantry and freezer on your grocery shopping trips, so when the weather is unwelcoming or there's shortages at the market, you have healthy meal supplies at the ready. A healthy diet will go a long way in keeping your mood stable and your body sound. This does not mean that you should start to hoard food, but by purchasing an extra bag of frozen vegetables or a couple of boxes of whole wheat pasta when you shop now will help you make healthy dinner decisions during the winter and may ease some stress should grocery stores experience shortages again.

Revisit setting up online get-togethers with friends and family. This often-used practice from the beginning of the COVID crisis continues to be a useful way to foster a sense of community and belonging. Although many feel that there are already too many meetings online, meetings that are not work related and celebrate friendships and family will help keep you connected and centered. Seeing people you care about, even if it is over a screen, is vital to ensuring your social network remains intact and strong during the colder months. There's more to do during an online social gathering than just the tried and true happy hour, so get creative and have fun, your mental health will thank you.

Finally, understand that there may be periods during this winter that will seem to drag on forever and may bring your mood and energy down pretty low. But always keep in mind that winter will end; winter in the Northeast only feels like it lasts forev-

er, spring will arrive in due time. This quote from author Hal Borland sums it up best, "No winter lasts forever; no spring skips its turn." Remember, you have gotten through other long winters and you already have successfully managed through months of much more severe lockdowns, so you can get through this winter and all it brings with it. But if you cannot shake a low mood after a few days or can-

not summon the energy to take care of yourself, find a way to reach out for assistance. Text your friends or family, call your primary care doctor or therapist, access your employee assistance program or call the Lawyer Assistance Program (800.255.0569) and talk to someone. Help is available.

With the right planning and attitude, you just might find yourself healthier and happier come spring.

NEW YORK STATE BAR ASSOCIATION

QUALIFIED. CONSISTENT. TRUSTED.

LAWYER REFERRAL PROGRAM

In the age of online marketplaces, the legal profession is experiencing a moment of opportunity. By deeply embedding these tools in our program, we have laid the foundation for seamless connection between our Lawyer Referral Service members and the public.

Better yet, NYSBA's Program meets the ABA Standards for Lawyer Referral. You can trust the growth of your practice to a top-notch referral service.



- NEW, QUALITY REFERRALS
- WEB & MOBILE BASED
- COST EFFECTIVE
- TRUSTED

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The Attorney Emeritus Program Supports Government Agency's Partnerships with Select Legal Services Organizations to Help Close the Justice Gap for Injured Workers

By Asia Haywood, Attorney Emeritus Program Upstate Coordinator, Legal Assistance of Western New York

Since its inception in January 2010, the Attorney Emeritus Program (AEP) has mobilized seasoned lawyers to provide pro bono legal services to low-income New Yorkers. The program was pioneered by former Chief Judge Jonathan Lippman, and calls on attorneys age 55 and up with at least 10 years of experience to commit to at least 60 hours biennially of pro bono legal assistance. AEP volunteers are under the supervision of qualified legal services providers, bar associations and court-sponsored volunteer lawyer programs. The program has seen significant growth over the past decade, including a partnership with Legal Assistance of Western New York, Inc.[®] which has allowed the AEP to reach the upstate New York region, including many rural areas. Now, the AEP's newest partnership will allow the program to reach another growing population of New Yorkers seeking pro bono legal services-- injured workers seeking medical treatment whose claims have been denied by their insurance carriers.

The New York State Workers' Compensation Board Injured Workers Legal Assistance Project (IWLAP), spearheaded by Elizabeth Lott, Special Counsel, is a program designed to provide pro bono legal services for injured workers. In many cases, when a claimant needs medical care, it is common for them to be unrepresented, while the insurance carrier is represented. The IWLAP was created to level the playing field, by providing claimants with legal representation when they are appealing the denial of a medical claim. Access to this representation makes a huge difference in the claimants' lives, and through the AEP, attorneys from all substantive areas can be a part of this remote

opportunity. Lott offers details on the new program stating:

"The New York State Workers' Compensation Board Injured Workers Legal Assistance Project (IWLAP) is pleased to offer the opportunity for volunteer attorneys to represent injured workers in claims with a medical dispute. The Board conducts all hearings remotely and attorneys can attend hearings using a phone, laptop or tablet from anywhere. Volunteer attorneys will also have remote access to the injured worker's electronic case folder to prepare for a hearing. Training is provided that explains how medical disputes arise and the forms and procedures relating to these denials of requests for prior authorization. All claims have already been accepted by the insurer, and there will be no attorney fees awarded. CLE credit is pending. IWLAP, in partnership with legal

service providers, currently offers this pro bono opportunity through AEP, and is actively pursuing partnerships with state and local bar associations."

Attorneys interested in providing pro bono legal services for claimants can contact the AEP Coordinator to apply to become AEP volunteers through a host legal services organization.

Asia Haywood is the 2020-2021 Attorney Emeritus Program Upstate Coordinator. For more information and how to apply to the Attorney Emeritus Program, please contact aep-coordinator@lawny.org.

For more information on the New York State Workers' Compensation Board Injured Workers Legal Assistance Project, please contact IWLAP@wcb.ny.gov



Attorney Emeritus Program
New York State Unified Court System



Workers'
Compensation
Board

Virtual Adaptations of Programming Engages New Pro Bono Attorneys While Providing Ongoing Opportunities for Dedicated Volunteers

By Amanda M. Warner, Director of Pro Bono Programs at the Center for Elder Law & Justice



CENTER FOR ELDER LAW & JUSTICE

October 7, 2020 marked the one year anniversary of the Erie County Surrogate's Court Help Center (the Help Center) grand opening. And, it probably goes without saying, what a year it has been.

While the Help Center has been operating since November 2018, last October marked the beginning of a new phase, implementing changes in response to feedback from stakeholders and transitioning to a more user-friendly approach to serving the hundreds of unrepresented litigants attempting to navigate the Surrogate's Court without the assistance of an attorney every year. From the grand opening on October 7, 2019 to early March 2020, when courts and offices shut down in response to COVID-19 mandates, CELJ's pro bono attorneys assisted 130 new clients through the Help Center.

After the shutdown, CELJ quickly adapted many of its programs to continue assisting clients remotely, including the Help Center pro bono

program. We started by asking our roster of Help Center pro bono attorneys if they were willing to provide brief phone consultations to clients seeking Surrogate's Court related advice and counsel. Not surprisingly, many of them agreed without hesitation.

Shortly thereafter, the Bar Association of Erie County's Elder Law and Surrogate's Court Committees spread the word that we were looking to expand our roster of volunteers experienced in Surrogate's Court to provide phone consultations, which led to several attorneys new to the Help Center to get involved.

This has been one of the silver linings in adapting our live, in person Help Center consultation program to a virtual model. Private attorneys who may have been unable to participate in the past due to conflicting schedules or offices far from the court are now engaged pro bono attorneys actively assisting the underserved and unrepresented. A more significant sil-

ver lining has been our ability to assist many clients who might otherwise have been unable to receive assistance in person due to mobility or transportation issues, inflexible work schedules, or lack of paid leave to seek legal assistance.

As we head into National Celebrate Pro Bono Week, CELJ wants to thank our dedicated, longstanding Help Center volunteers who quickly came on board and patiently worked with us to develop a virtual program: Benjamin Cranston, Joshua Dubs, Henry Gartner, Kathleen Garvey, Jane Harrington, Terrie Benson Murray, Mary Moorman Penn, Barbara Schaus, Daniel Schaus, Daniel Shonn, and Mary Virginia.

We also want to thank those attorneys new to the Help Center pro bono roster, who responded to the call once we steadied our virtual footing enough feel confident in expanding our volunteer base for the program: Chuck Beinhauer, Kelly Coughlin, Victoria D'Angelo, Linda Gear, Nicole Mutignani, Cara Smith, Tom Steffan and Michael Wrona

Without this exemplary group of attorneys, 100 clients would have been denied assistance during what can already be a particularly stressful, confusing and emotional time in their lives, let alone on top of the everyday stress, fear and anxiety felt by all during this global health crisis. Western New York attorneys with Surrogate's Court and estate planning experience who are interested in becoming part of this rewarding program can contact me, Amanda Warner, at (716) 853-3087, extension 241, or at awarner@elderjusticenyc.org.

VLP'S Remote Programs: Providing Pro Bono Services Throughout the Pandemic

By Gretchen Gonzalez, Deputy Director, and Maria Valeri, Pro Bono Recruitment Coordinator

Erie County Bar Association Volunteer Lawyers Project, Inc.



The Erie County Bar Association Volunteer Lawyers Project (VLP) operates 8 off site legal clinics utilizing our pro bono volunteers to provide free legal services to low-income people in community settings. VLP also provides full representation in a variety of subject areas. We are extremely proud of our leaders and staff who came together back in March to quickly implement remote programs so that we could continue to assist our low income clients during the pandemic. Throughout these many months, we've found new and alternative ways of reaching our clients and working with our attorney volunteers and student interns to ensure continuous services. This process has strengthened our bonds, our resolve to do whatever it takes to provide quality pro bono services, and has readied us for the future, come what may.

Family Court Matters

One of our first tasks was to create a helpline to take the place of our Family Court Help Desks, which provide same day advice and counsel to litigants in Family Court matters. VLP runs three Family Court Help Desks in Erie, Niagara and Chautauqua counties. VLP's office closed to the public as of March 17th, and that same day we were able to launch a direct phone line to help litigants not only in the three counties we were serving, but in all eight counties of Western

New York where clients could reach an attorney and get advice and counsel on their family law matters five days a week. Initially the calls were answered directly by VLP's family law attorneys, however, as the courts began to hear cases again, we have modified our model to involve our student interns. The helpline allows for clients to leave messages daily on the direct line, law student interns return the calls and perform intakes, then the clients receive a call back within 24 hours from one of VLP's two family law staff attorneys. All of these interactions happen remotely. Our University at Buffalo law student interns are conferenced in on the client callbacks providing them invaluable experience in preparation for their future careers. Since March, nearly 800 clients have received legal advice, help accessing and filing petitions and/or obtained orders of protection in emergency matters.

As the pandemic stretched on, we recognized that child support issues were some of the most common cases coming through the helpline. Erie County Support Magistrates John Aman and Julie Dee presented a VLP hosted virtual CLE in June in which they advised on best practices for support cases stemming from the COVID-19 economic shutdown. Topics included child support modification based on COVID related economic loss, enforcement of unpaid support and a review of case law that may be applied to this novel crisis. Thirty local attorneys attended this informative training free of charge in exchange for handling a direct referral from VLP in the coming year. As the courts begin to hear more family law cases, we are grateful to have this new pool of volunteers to address the increased need for pro bono representation in child support cases.

Housing/Eviction Defense

Since 1990, VLP and our partner, Neighborhood Legal Services, have been running the Attorney of the Morning (AOM) program in Buffalo City Court, providing same day representation to low-income tenants facing eviction. The long-standing program was halted when Governor Cuomo declared a state of emergency. The shutdown not only affected countless tenants who had upcoming court dates that would be left unresolved, but also left 56 of our clients in legal limbo who already had settlement agreements to delay warrants of eviction. It was clear from the beginning of the shutdown that there was a need for clear information regarding evictions. VLP quickly expanded our Housing Helpline to provide housing advice and assistance in all eight Western New York counties, five days a week during the crisis. The most common questions received are from tenants whose landlords have threatened eviction in some manner and who need to find out what their rights are and how the legal process works. We've had nearly 200 calls to date and stand ready and waiting to represent tenants when the eviction moratorium ends and tax foreclosure begins. Law students and volunteer attorneys stand ready with us, some of them having come forward through the New York State Bar Association COVID-19 Pro Bono Network.

Federal Court Pro Se Assistance Program

VLP, in partnership with the Volunteer Legal Services Project of Monroe County, University at Buffalo School of Law and the US District Court of the Western District of New York, operates the Pro Se Assistance Pro-

continued on page 14

VLP'S Remote Programs: Providing Pro Bono Services Throughout the Pandemic

continued from page 13

gram that provides free in person advice and counsel on Federal Court Matters for low income litigants proceeding pro se two days a week. At the request of the Chief United States

FREE LEGAL ADVICE
VLP IS HERE FOR YOU

FAMILY LAW QUESTIONS
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TO BECOME A DIVORCE CLIENT
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IMMIGRATION QUESTIONS
(716) 847-0662 X 301

UNEMPLOYMENT BENEFITS QUESTIONS
(716) 847-0662 x 303

FOR ALL OTHER TYPES OF CASES
(716) 847-0662 x 324

District Judge for the Western District, Frank Paul Geraci, Jr., VLP implemented a remote helpline to continue assisting pro se litigants formerly seen in the on-site clinic. Intakes are handled by VLP staff within 24 hours of message retrieval and clients are then scheduled to receive callbacks by one of the practicing federal court attorneys that generously volunteer their time and talent to this program. More than fifty callers have been helped since going remote in May of 2020.

Unemployment

The shutdown in March led to an unprecedented number of Unemployment Insurance Benefits claims and major changes to the law related to these benefits. To address the need, another dedicated phone line was swiftly setup to advise people who lost their jobs during the pandemic and were having difficulty navigating the system. Our unemployment insurance benefits attorney staffs this helpline and handles telephonic unemployment hearings. We also partnered with the

New York State Bar Association which trained pro bono attorneys to handle these cases. We are grateful for the dozens of client referrals and attorney volunteers received from the New York State Bar Association.

End of Life Planning

In the face of a pandemic, it didn't take long for us to see an uptick in the number of callers concerned with having their essential documents in order should their health be compromised. To address client needs, VLP hosted a virtual CLE in June to train pro bono attorneys on how to prepare a Last Will & Testament, a Health Care Proxy and a Power of Attorney with a special emphasis on serving low-income populations. We also included a section on Governor Cuomo's Executive Order allowing for the remote execution of end of life planning documents. Fourteen attorney volunteers were trained along with our own and other non-profit staff attorneys who are ready to assist these clients moving forward.

Immigration. While the Buffalo Immigration Court for non-detained clients shutdown when the state of emergency was declared, the Batavia Immigration Court (which is inside the detention facility) did not. Despite a widespread outbreak of COVID-19 within the facility, VLP clients detained in the Buffalo Federal Detention Facility had their cases move forward as the court kept a full calendar. To promote staff safety, VLP refused to allow our staff to go into the detention facility. Staff attorneys were forced to conduct trials over the telephone as requests for continuances were consistently denied. Despite these obstacles, the Batavia team has carried on defending their clients from removal. Because of the circumstances in which trials were proceeding, VLP is anticipating an increase of cases going up on appeal. To prepare for this possibility, in May of this year, private practitioner Julie Kruger guest presented a VLP hosted virtual CLE on how to appeal an immigration

court decision to the Board of Immigration Appeals wherein 17 attorney volunteers were trained and agreed to handle an appeal to the BIA within the coming year.

Student Internships

After hearing about the large number of students whose summer internships had fallen through because of the pandemic, we were determined to try and run our summer program as best we could. Nine law students were counting on us. VLP staff worked together to implement an online group orientation and organize the sharing of work assignments and work product in the cloud. In addition, a weekly Zoom program schedule brought staff and interns together in the spirit of learning. We thank those from the Partnership for the Public Good, the Erie County Supreme Court, PeacePrints of Western New York, Personius & Melber, the UB Institute on Trauma Informed Care and Dr. Ursuline Bankhead for sharing their expertise in their various practice areas with us. Nearly 1,700 student intern hours were logged during the two month program and the feedback from the students was extremely positive.

Finally, while we look forward to getting back to "normal" soon, however that may look, we pause to realize how much we've grown these past six months. We've learned new ways of communicating, new technology, developed new support systems, and a better understanding of ourselves and each other. Throughout the many frustrations of working remotely, we somehow are more "connected" than before. We are always humbled to see how our volunteers step up during a crisis and this pandemic has shown us that our legal community is always there to help those in need. We applaud all of our pro bono attorneys who have reached out asking for new ways to help during the COVID-19 pandemic. Thank you for doing the public good!

Ithaca Responds to Tenants in Crisis: Pro Bono and a Practicum

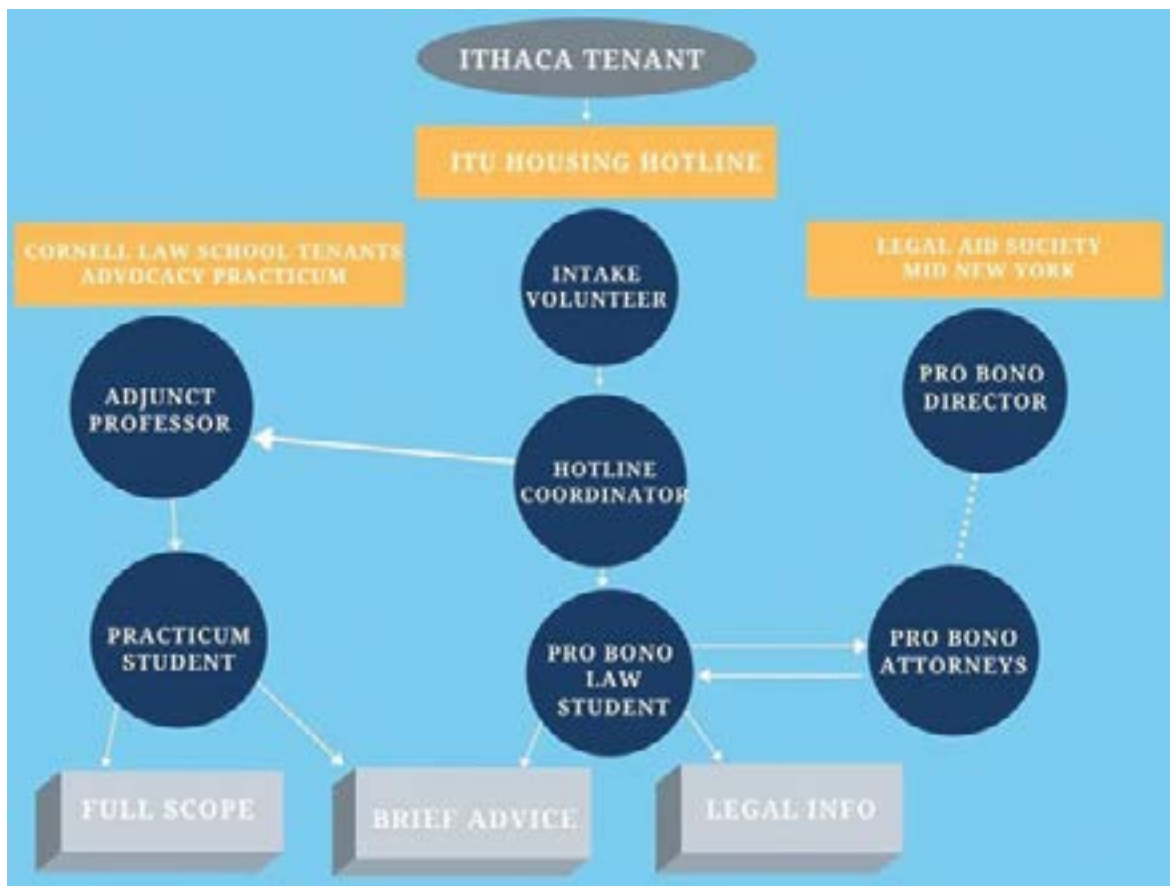
By Michaela K. Rossettie Azemi, Esq., Director of Pro Bono Services & Externships, Cornell University, Hannah Middlebrooks, Cornell Law School, and Daniel Norris, Coordinator of the ITU Housing Hotline, Cornell University.

In June of 2020, Cornell Law School partnered with the Ithaca Tenants Union and the Binghamton office of the Legal Aid Society of Mid-New York to establish the Ithaca Tenants Union Housing Hotline (ITUHH). With the help of numerous dedicated law student and undergraduate vol-

unteers, local attorneys, and a grant from Cornell's Office of Engagement Initiatives, the ITUHH has provided legal assistance to more than 100 Ithaca tenants since its inception. Here's how the ITUHH works. Tenants seeking legal advice for a housing matter submit an intake form which is then assigned to a Cornell Law student. The law student reviews the case, confers with a volunteer attorney, and then gives the client brief

legal advice. This fall, a practicum course titled the Tenants Advocacy Practicum was established at Cornell Law School as an expansion of the work of the hotline. The practicum is taught by Legal Services of Central New York attorney William Niebel, and provides Cornell Law students themselves in precarious housing situations. Though the New York State eviction moratorium has prevented many tenants from facing eviction thus far during the pandemic, eviction is far from the only problem tenants face. The ITUHH regularly assists clients recover security deposits, address issues of habitability, and more.

A 2018 study in Ithaca City Court showed that only about 3% of tenants in Ithaca who were evicted had legal representation, as compared to 97% of landlords. Furthermore, where race was identifiable, 54% of people evicted were Black despite comprising a mere 7% of the Ithaca population. Unlike in other parts of New York State, there is no right to counsel in Ithaca. The ITUHH and Cornell Law School's creation of the Tenants Advocacy Practicum together seek to address the starkly disproportionate



unteers, local attorneys, and a grant from Cornell's Office of Engagement Initiatives, the ITUHH has provided legal assistance to more than 100 Ithaca tenants since its inception.

Here's how the ITUHH works. Tenants seeking legal advice for a housing matter submit an intake form which is then assigned to a Cornell Law student. The law student reviews the case, confers with a volunteer attorney, and then gives the client brief

the unique opportunity to participate in the local Ithaca community. Students take on ITUHH cases as part of their coursework, which allows the ITUHH to efficiently take on an increased volume of cases. Though the practicum is new to Cornell Law, it has already garnered an exciting level of interest from law students.

Given the widespread economic hardship caused by the pandemic, many tenants in New York State find

themselves in precarious housing situations. Though the New York State eviction moratorium has prevented many tenants from facing eviction thus far during the pandemic, eviction is far from the only problem tenants face. The ITUHH regularly assists clients recover security deposits, address issues of habitability, and more.

If you are interested in helping to protect housing rights during these uncertain times by mentoring law students or offering pro bono services virtually, please contact Cornell Law School Director of Pro Bono Services and Externships Michaela Azemi at ma688@cornell.edu.

Remote Legal Help: How Legal Information for Families Today and Legal Aid Society of Northeastern New York Are Using Technology to Connect Pro Se Litigants with Pro Bono Attorneys

By Melody Harkness, PAI Paralegal at Legal Aid Society of Northeastern New York
Samantha Ingram, Esq., Director of Pro Bono Programs, Legal Information for Families Today
Jeanne Ortiz-Ortiz, Pro Bono and Strategic Initiatives Manager, Pro Bono Net



The coronavirus pandemic has unmasked the civil justice crisis in a truly unprecedented way, with millions of low-wealth families struggling with issues related to health, housing, family, and consumer debt. A recent survey report from the American Bar Association's COVID-19 Task Force revealed that the pandemic caused a surge in demand for legal services. Over 90% of respondents said they anticipated additional legal needs arising from the pandemic in the future. Many legal aid and pro bono programs have turned to digital solutions to ensure high-quality legal help and assistance while also protecting the health of staff, volunteers, and clients. In New York, and before the pandemic, Legal Information for Families Today (LIFT) and the Legal Aid Society of Northeastern New York (LASNNY) pioneered Pro Bono Net's remote legal support technology to help connect pro se litigants with pro bono attorneys, regardless of their location. Despite delays in several cases because of the pandemic, both programs continued to use the platform uninterrupted, including helping pro se litigants with COVID-19 related matters. Although the use

of technology for legal help is not an exclusive solution to close the justice gap, it can help facilitate one-on-one connections that would not have happened otherwise because of barriers such as shelter-in-place orders, transportation, scheduling issues, or wait times at in-person legal clinics. Technology can also connect pro se litigants with helpful resources and provide them with an opportunity to talk with an attorney about their self-representation strategy for court.

LIFT's virtual Family Legal Connection (FLC) program was created as a way to support Family Court litigants throughout New York State by leveraging the support of pro bono attorneys. For litigants, the convenience and impact of having a video chat with an attorney over their smart phone or computer is enormous. Using FLC's technology, pro se litigants can get critical legal advice in the areas of child support, custody and visitation without, for instance, having to take time off from work, secure childcare or travel to family court or an attorney's office. From the perspective of pro bono attorneys, LIFT provides family law training and the FLC program gives them the opportunity to have a meaningful impact in a client's life in a pre-scheduled one-hour video chat. LIFT attorneys are also available in real time to support the pro bono volunteers during the consultations via a live chat feature on the FLC platform. Another helpful feature of FLC is that it allows pro se litigants and pro bono attorneys to share documents with

each other. For example, litigants can upload copies of court papers they would like to discuss and pro bono attorneys can help litigants fill out new petitions during a consultation, which they would then upload to the client's profile so the client can finalize and file the document.

The ease of use and utility of the FLC program have been further highlighted during the COVID-19 pandemic. As a virtual program, FLC was in a prime position to continue helping pro se litigants statewide without skipping a beat after the COVID-19 crisis began, bringing with it many unique questions and challenges for litigants dealing with issues of child support, custody and visitation. For example, a litigant named J.S. recently came to LIFT seeking help with a contentious custody dispute over her three children. J.S. had recently filed a petition for an order of protection against her ex-husband and he retaliated by filing an emergency custody petition. The father hired an attorney, but J.S. could not afford to do so because she recently lost her job due to COVID-19. With an upcoming virtual hearing in Family Court, J.S. was able to meet with a pro bono attorney through LIFT's FLC program to learn about her rights and prepare for court. The volunteer lawyer advised her of her right to request a free, court-appointed attorney at the next hearing and equipped her with the confidence to raise this request and advocate for her needs by explaining the circumstances of how she lost her job. They also discussed J.S. filing a cross-petition for custody to protect

her rights, in addition to a separate petition for child support so she could get some financial assistance in caring for the children. Through FLC, J.S. was able to get critical legal advice to help protect her rights and prepare for her upcoming Family Court hearing.

Deborah Crocker, a pro se litigant in LASNNY's Closing the Gap (CTG) program received assistance in vacating several outstanding default judgments. Crocker is unable to work and receives Social Security Disability benefits, so she was distressed to receive an income execution notice for \$1,000. An unknown creditor pursued unpaid debts, but because Crocker was never notified of the initial court proceedings, a default judgment was made against her. Crocker contacted her local LASNNY office and was referred to the CTG program, which works to close the urban/rural service gap in northeastern upstate New York through innovative uses of technology and cross program collaborations. Breanna Staffon, Esq. a PAI volunteer in the program, prepared a motion to

have the judgment vacated. Crocker went on to represent herself pro se and as a result, the judgment was vacated, and the matter dismissed indefinitely. After resolving the previous matter, Ms. Crocker worked with the CTG program to search for any other unknown judgments against her. We found two more judgments that she was not aware of and arranged for a pro bono attorney to provide her with limited assistance utilizing the CTG interviews.

Customarily, opposing counsel will have matters adjourned until litigants no longer have the energy to appear and dispute the matters. This was not the case with Ms. Crocker, despite her lack of transportation she appeared at every in-person and remote conference even during the COVID-19 crisis, although she did not receive the same courtesy from the other side who often failed to appear.

Crocker says, "Without the help of LASNNY and Breanna Staffon, I don't even know where I would have begun. I had no idea where

those debt claims were coming from. I would have been at a loss." She explains, "I was really trying to find out why I hadn't been contacted about this or served papers." Fortunately, Staffon was able to dig in and find out who the complainant was. Staffon completed all the necessary documents for Crocker to go to court and represent herself. Crocker says, "I couldn't have done it without Breanna because as they say, 'the devil is in the paperwork.' "

Staffon says, "Crocker never received a Summons and Complaint regarding this debt to this particular creditor, so I prepared an Order to Show Cause, Answer, Demand for Documents and Interrogatories through LASNNY's CTG program. After over a year of appearances, the judge vacated the default judgment against Ms. Crocker." A total of \$13,248.19 in debt against Ms. Crocker was discharged as a result of the services provided in CTG. Last year, we discharged a total of \$193,947.40 for close to 200 pro se litigants through this program. CTG has operated seamlessly and uninterrupted through the COVID-19 crisis as anticipated for a remote pro bono program.

LIFT and LASNNY's remote programs are examples of how technology and pro bono strategies can reach more litigants advocating for themselves, while also allowing volunteer attorneys to provide quick and helpful information and advice. With COVID-19 and its effects nowhere near to an end, they are also invitations to think about creative and innovative ways to help close the justice gap in New York. Attorneys, organizations, or pro bono coordinators interested in learning more about other successful remote legal support projects in New York and elsewhere can refer to Remote Legal Support: A Guide for Non-profit and Pro Bono Innovation. The guide, a collaborative text by over 10 organizations, pools expert resources and experience and features program logistics, processes, challenges, tools, checklists, sample documents, and best practices.



Breanna Staffon, Esq. Legal Aid Society of Northeastern New York pro bono attorney

Prisoners' Legal Services Welcomes New Pro Bono Coordinator

By: Karen Murtagh, PLS Executive Director



Prisoners' Legal Services of New York is pleased to announce the expansion of its Pro Bono Partnership Program (PBPP) by welcoming Joseph Wierschem, Esq. as PBPP's new Pro Bono Coordinator. Joe will be assisting PLS' Pro Bono Director, John Amodeo, in recruiting and training volunteer attorneys to provide a wide array of civil legal services to persons incarcerated in state prisons across New York, including representation in prison disciplinary proceedings, clemency petitions, medical parole applications, immigration matters and cases challenging conditions of confinement. Joe joined PLS' Immigration Unit in 2019 as part of the Liberty Defense Project's Rapid Response Program, a program that provides immigration legal services and direct representation to immigrants in the Capital Region at risk of removal. As a Rapid Response staff

attorney, Joe recently won "humanitarian asylum" for a Guatemalan woman who, along with her young son, suffered years of unspeakable physical and psychological abuse in their home country at the hands of a violent Guatemalan gang member. In his new role as PLS' Pro Bono Coordinator, Joe has already begun recruiting local attorneys with immigration experience to join PBPP's growing roster of volunteers, and will continue to serve part-time as a Rapid Response attorney in the Immigration Unit. Prior to joining PLS last year, Joe had a long and successful career in NYS government, including serving for several years as General Counsel to the New York State Office of Indigent Legal Services, Chief Counsel to the NYS Senate Codes Committee and Team Leader for Public Protection in the NYS Senate. Welcome to PBPP, Joe!

Injured Workers Legal Assistance Project

By Susan S. Pattenau, Policy and Pro bono Director, The Legal Project

The Legal Project has partnered with the New York State Workers' Compensation Board (Board) to assist injured workers in obtaining free legal representation when these workers are seeking medical treatment exclusively (known as "medical-only" claims). Medical-only claims are those where the legal issue before the Board relates only to a medical dispute, such as the denial of a request for authorization for a medical procedure or test. These disputes do not involve matters where the injured worker is losing time from work and seeking benefits for periods of lost time. Rather, they involve a medical issue that will not result in a monetary award to the injured worker. Injured workers whose claims have

been accepted by their employer's insurer may still need legal assistance related to their medical care, even after they have returned to work and are not collecting lost wage benefits. It may be difficult for injured workers with these claims to find representation, as attorney fees are not awarded when there are no lost wages. This new partnership between the Board and legal organizations such as The Legal Project and the Worker Justice Center will help injured workers with medical-only issues get better access to justice and the medical care that they need.

Training is available through the Workers' Compensation Board. Attorneys will meet virtually with injured workers, and can also attend hearings

remotely using the Board's virtual hearings system. The retainer agreement signed by the injured worker and attorney is a limited retainer that will be used only for the issues relating to a specific medical dispute, at no cost to the injured worker. Once the medical dispute is resolved, the attorney-client relationship ends and the volunteer attorney is removed as a party of interest.

If you are an attorney interested in volunteering, please contact The Legal Project at probono@legalproject.org or at (518) 435-1770. This program is also appropriate for attorneys who qualify for the Attorney Emeritus Program, through which The Legal Project serves as a host organization.

Pro Bono Heroes in the Time of COVID

By Susan S. Pattenaude, Policy and Pro bono Director, The Legal Project

The provision of legal services during the pandemic has been challenging in unanticipated ways. But the pandemic has also brought out not only creative ways of providing services, but the best in people willing to step up and volunteer to assist those in need. The Legal Project faced some particular challenges over the last several months and we want to publicly acknowledge and thank some attorneys who quickly and generously stepped up and responded to these challenges by taking domestic violence cases for representation, some at the last minute. These attorneys include Sandra Allen, Robert Knightly, Kayla Molinaro, Anthony Morelli, Denise Resta-Tobin, Joanne White and Joseph Williams. We actually had more attorneys volunteer than cases to assign, and for that we are most grateful and thank each an every one of them. Additionally, attorney Michael O'Connor not only provided services at our monthly legal clinics, but he took on six pro bono clients for representation through our Bankruptcy program during the pandemic, and attorney Dave Munro has continued to represent Wills clients throughout the pandemic, including taking on

some emergency cases where the client was nearing end of life. The pandemic also required the cancellation of The Legal Project's Pro Bono Awards Breakfast, an annual event at which we acknowledge individuals and entities who have made a significant contribution to our organization. In light of the disappointment at not being able to acknowledge our friends and colleagues with the in-person recognition they deserve, we would like to at least acknowledge them here. The 2020 Legal Project award winners are: Wendi Gapczynski – Friend of The Legal Project; Christine Galvin, Esq. – Kurt Clobridge Memorial Award for Pro Bono Service; Veronika Grochowalski, Esq. - Brigid Nolan Memorial Award for Pro Bono Service to Victims of Domestic Violence; Denise Resta-Tobin, Esq. -Stanley A. Rosen Memorial Award for Service to Victims of Domestic Violence; Hon. Bernard "Bud" Malone, Jr. - The Excellence in Pro Bono Service Award; Abraham Bolgatz, Esq. (posthumously) - The Excellence in Pro Bono Service Award; Vella, Carbone & Associates, LLP - Barry A. Gold Law Firm Leadership Award;

Community Loan Fund of the Capital Region - Swyer Companies Corporate Leadership Award; Capital District Asylum Collaborative - The Legal Project Champion Award.

Additionally, two Legal Project pro bono attorneys were recognized at the 2019 holiday party sponsored by The Legal Project, the Albany County Bar Association and the Legal Aid Society of Northeastern New York. They are Peter Burgess, Esq - Enduring Service Award and James Bilik, Esq. - Unsung Hero Award.

Finally, two Legal Project staffers should also be acknowledged for their creativity and hard work in converting our in person legal clinics to virtual legal clinics. They are Legal Services Coordinators Laurie Allen and Diane Amada.

Many thanks go out to all of our pro bono attorneys who are too many to mention by name. Without their generosity in sharing their time and expertise, The Legal Project could not achieve our mission of providing access to the protections of the law to advance the safety, stability and independence of the people we serve and strengthen our communities.



New York State Bar Association

ANNUAL MEETING

A TWO-WEEK VIRTUAL CONFERENCE

JANUARY 19 - 29, 2021

The banner features a dark blue and purple background with a city skyline silhouette. It includes several circular icons: a scale of justice, a gavel, a globe, a lightbulb, and a video camera. A laptop in the foreground displays the NYSBA logo, which consists of a classical building facade above the letters 'NYSBA'.

Building Relationships With Remote Interns

By Legal Assistance of Western New York, Inc.'s Pro Bono Team

Due to the COVID-19 pandemic, Legal Assistance of Western New York, Inc. (LawNY), like every legal services provider in New York State, has had to pivot in our approach to recruitment, management, and support of pro bono volunteers. This was especially true for LawNY's work with summer interns. The pandemic and subsequent quarantine hit just as LawNY was in the midst of summer intern hiring. We were suddenly met with a large amount of inquiries from law schools and students seeking summer internships to fill the gaps that COVID-related closures had caused. This summer, LawNY recruited and hosted 19 college and law student volunteers, all remote. Due to office closures, none of our staff members or pro bono team members ever met these volunteers in person. However, the regional pro bono team was determined to ensure that the interns had a great learning experience, and that LawNY clients and staff were able to benefit from their work.

While LawNY's pro bono team improved our technological and

remote supervision approaches related to pro bono volunteers, our focus was on relationship-building with the volunteers. We organized a variety of virtual group activities, beginning with an online two-day orientation program. LawNY also held virtual lunch meetings and training sessions on different topics. Supervisors utilized technology, such as Google Hangouts Meet, Zoom, and Jive internet phone systems, to allow interns to shadow their client meetings and telephone hearings. Interns were also able to work together across offices to create virtual webinars and presentations for clients and LawNY colleagues about a variety of legal issues.

Because we could not do typical team building activities, such as events at state parks, wineries, and local restaurants, the pro bono team organized virtual intern events. We participated in a virtual escape room and led a virtual meeting where staff members and volunteers could candidly discuss the law school application process and experience. Addition-

ally, LawNY attorneys and private bar members had virtual one-on-one "coffee breaks" with the interns, allowing them to talk to experts about their substantive legal interests and career trajectories. Our summer internship program concluded with a virtual graduation ceremony video that was shared with all LawNY staff members. All the interns were featured in the video, with each of their supervisors and colleagues celebrating their work this summer. Each intern also received a certificate thanking them for their work and a LawNY t-shirt, mailed to them at the end of the summer. The pro bono team surveyed the interns at the end of their internships, and was happy to hear from one of the interns: "This was a wonderful internship and I was pleasantly surprised by how well LawNY was able to put together such a smooth transition to a virtual workplace. All LawNY staff are kind and willing to help me learn and I could not praise the organization enough."

Are you feeling overwhelmed?

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 **NEW YORK STATE
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COVID Help Only One Email Away

By Ann Burkowsky

The Nassau County Bar Association (NCBA) prides itself on a long-standing history of lending a helping hand to the community in times of need. When Superstorm Sandy ravished the east coast in 2012, the NCBA created a series of free legal help clinics in response that are still well attended today.

Eight years later, the COVID-19 virus has affected our community, country, and world in ways we could not imagine possible. The NCBA is proud of the programs and services it provides to not only members, but the Nassau County community at large as well.

On Wednesday, April 1, 2020, then Nassau County Bar Association (NCBA) President Richard

D. Collins and NCBA Past President Martha Krisel announced the configuration of the NCBA COVID-19 Community Task Force, a group comprised of volunteer NCBA attorney members who made themselves available to assist the local community during these unprecedented times through virtual legal consultations.

The mission of the Task Force is to connect Nassau County residents and small businesses to skilled NCBA member attorneys who will provide them with assistance and guidance related to the pandemic. Nassau County residents are encouraged to reach out to the NCBA by emailing covidhelp@nassaubar.org with their legal questions. As the program continued to grow, for the first time ever, a bi-county pro bono effort was established at the request of the New York State Bar Association. The partners in this project include the Nassau and Suffolk County Bar Associations, Hofstra, St. John's and Touro Law Schools, local legal service providers including Nassau/Suffolk Law Services and the Safe Center of Long Island, and many attorneys from Long

Island's law firms, large and small.

Following the successful launch of the program, the NCBA had another

important group of individuals who needed its help: local law students. As their semesters were cut short, the NCBA aimed to provide law students with the opportunity to gain hands-on, substantive legal experience through the community task force by being paired with a volunteer member to assist them on the COVID-19 community inquiries.

In June 2020, the Task Force welcomed 15 exceptional law students from the Maurice A. Deane School of Law at Hofstra University, the Touro College Jacob D. Fuchsberg Law Center, and St. John's University School of Law to respond to COVID-19 public inquiries. NCBA Past President Martha Krisel and Hon. Maxine S. Broderick, the program's COVID-19 Law Student Pro Bono Program Student Coordinator, have developed a successful remote mentorship program to connect member attorneys and law

students to collaboratively respond to inquiries sent to the bar association. Following its success, the NCBA decided to continue the program into the fall as they welcome 13 new law students who are currently assisting NCBA member volunteer attorney mentors with community inquiries.

The NCBA would like to thank the members who have so graciously donated their time to make this program a success, and to the law students who are eager to help and learn.

The COVID Community Task Force may be reached by email at covidhelp@nassaubar.org. An NCBA staff member will be in touch within two business days to direct them to a volunteer attorney skilled in that area of practice. Residents, small business owners, and NCBA member may also visit the NCBA COVID-19 resource web page at www.nassaubar.org for additional resources and helpful information.

NEW YORK STATE BAR ASSOCIATION

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and sign up to be a
volunteer today!

Questions?

Contact Thomas Richards
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trichards@nysba.org | 518-487-5640



The Legal Aid Society, Paul Weiss, Rifkind Wharton & Garrison and Disability Rights New York Push to Abolish New York's Prison-to-Homeless Shelter Pipeline

By The Legal Aid Society Pro Bono Practice

On August 27, 2020, The Legal Aid Society, Disability Rights New York (DRNY), and Paul, Weiss, Rifkind, Wharton & Garrison, LLP brought new claims in *M.G. v. Cuomo*, litigation, originally filed in January 2019 to challenge New York's systemic failure to provide community-based services to people with serious mental illness upon their release from prison.

Despite determinations that they require and are eligible for community-based mental health housing and supportive services these disabled New Yorkers are left to languish, frequently for months or years after reaching their lawful release dates.

The amended complaint was brought in response to the state's practice of releasing people with serious mental illness to homeless shelters and psychiatric institutions, rather than safe and appropriate housing.

Due to the inadequate capacity of community-based mental health housing programs, the State relies on state-operated, segregated settings to deliver the necessary services to these seriously ill people, or on a patchwork of homeless shelters, hotels, motels, and shelter-like Department of Corrections and Community Supervision (DOCCS) parole housing facilities, all devoid of the essential services that

support community living and prevent unnecessary hospitalization and reincarceration. These vulnerable people remain in limbo on lengthy waiting lists for community-based mental health housing and supportive services proven to be critical for successful reintegration into the community.

"The failure to provide those services creates this revolving door where people get out of prison, end up in homeless shelter, get significantly worse, and end up in an institution," said Stefen Short, Supervising Attorney with Legal Aid's Prisoners' Rights Project.

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NYSBA Membership 2021 Renewal Is Now Open

NYSBA membership grants you access to exclusive benefits and to be part of monumental change. Whether it's adapting to the new virtual environment, participating in health law discussions, or speaking out on racial injustice, we are always looking to increase involvement via leadership and task force opportunities.

Here's a list of existing benefits and partners...with additional ones added throughout the year!

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- **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.

