

# Pro Bono News

2024 Partnership Conference Edition

## Department of Public Interest Message

The New York State Bar Association hosted the 2024 Legal Assistance Partnership Conference from September 25 – 26 at the Capital Center in Albany, New York. More than 500 program directors, attorneys, pro bono coordinators, and other civil legal service professionals gathered to attend the conference. This year's conference theme was "Pearls of Wisdom: 30 Years of Partnership Past, Present and Future" and it consisted of 25 CLE programs.

We had the pleasure of hearing NYSBA President Domenick Napoletano and the Chief Judge of the New York State Court of Appeals, Rowan D. Wilson address the conference attendees at the Opening Plenary, and the Deputy Chief Administrative Judge for Justice Initiatives Edwina G. Richardson at the Denison Ray Civil Awards and Phil Dailey Award ceremony.

I would like to extend my sincere thanks to this year's Partnership Conference Steering Committee members and the NYSBA staff who all helped to facilitate a great program.

I would also like to thank our generous sponsors, exhibitors and supporters who helped make this conference event better than in years past.

Thank you to all those that attended, planned, and otherwise contributed time and effort to the 2024 Legal Assistance Partnership Conference!



### Steering Committee Co-Chairs

Heidi Dennis, Executive Director, Rural Law Center of New York

Hon. Edwina Martin, Public Administrator of Richmond County

### Steering Committee Members

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Tanya Douglas, Director, Disability Advocacy Project Legal Services NYC

John D. Feerick, Dean Fordham University School of Law

Gretchen Gonzalez, Executive Director, ECBA Volunteer Lawyers Project

Sarah Beth Hedden, Center for Elder Law & Justice

Rezwanul Islam, Deputy Executive Director, Legal Services of Long Island

Anne Malak, Managing Attorney, Legal Aid Society of Northeastern New York

Pat Malone, Pro Bono Net

Kelly McGovern, Director of Pro Bono Affairs, Legal Assistance of Western New York, Inc.

Abja Midha, Executive Director, Volunteers of Legal Service

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# Opening Plenary

This year's Opening Plenary included welcoming remarks from NYSBA President Domenick Napoletano and Keynote Speaker Chief Judge Rowan D. Wilson. They set a perfect stage for the CLE panel that followed, Amplifying Legal Services Client Stories to Support Policy Reform and Advocacy, presented by Rachel Braunstein, Director, Policy at Her Justice and Susanna Saul, Director, Immigration Practice at Her Justice.



*NYSBA President Domenick Napoletano*



*Chief Judge Rowan D. Wilson*



*From left to right:  
Chief Judge Rowan D. Wilson and  
NYSBA President Domenick Napoletano*



*From left to right: NYSBA President Domenick Napoletano,  
Chief Judge Rowan D. Wilson and President's Committee on Access to  
Justice Co-Chair, Rezwanul Islam.*



*From left to right: Susanna Saul and Rachel Braunstein*

# 2024 Denison Ray Civil Awards and Phil Dailey Award Ceremony



Deputy Chief Administrative Judge Edwina G. Richardson leads the New York State Unified Court System's Office for Justice Initiatives (OJI), which is tasked with ensuring meaningful access to justice for those appearing in all New York State courts regardless of income, background, or ability. Judge Richardson was appointed to lead OJI in 2017. Under her leadership, OJI has grown to house six focus areas: Access to Justice, Child Welfare & Family Justice, Civic Engagement, Diversity & Inclusion, Policy & Planning, and Youth & Emerging Adult Justice. Additionally, Judge Richardson and OJI provide programmatic oversight of the Judiciary Civil Legal Services grant. This grant provides nearly \$125 million for legal assistance to underserved communities to ensure the essentials of life.

Under Judge Richardson's guidance, the Division of Policy & Planning (DPP) provides guidance and support in commercial and residential foreclosure matters and elder justice endeavors. DPP also supports the nearly 350 problem-solving and accountability courts (PSCs) throughout New York. PSCs enable judges and court staff to better respond to individual, family, and community needs by looking into the underlying issues leading to court involvement and employing innovative approaches to address those issues, such as treatment and rehabilitation. The New York State Unified Court System currently has the following types of PSCs: community, drug treatment, family treatment, human trafficking,

mental health, opioid, and veterans treatment courts. DPP also provides support to our state's Domestic Violence, Integrated Domestic Violence and DWI accountability courts.

OJI also leads the court system's Equal Justice in the Courts Initiative, which implements the recommendations to combat racism in the courts contained in the October 2020 Report of the Special Adviser on Equal Justice, as well as the recommendations in the November 2020 Gender Survey report from the Honorable Betty Weinberg Ellerin Committee on Women in the Courts. Judge Richardson and OJI also support endeavors to make New York courts fair and accessible for the LGBTQ+ community.

Judge Richardson is an active Judge on the Court of Claims. She first joined the court system as a Court Attorney-Referee in Queens County Family Court after representing clients in New York City Housing Court, Family Court, and Supreme Court. Judge Richardson became a Family Court Judge in 2003, the Queens County Supervising Family Court Judge in 2008, and the Administrative Judge of all New York City Family Courts in 2009.

Judge Richardson earned her law degree from CUNY Law School and holds a Ph.D. in Criminal Justice from the CUNY Graduate Center. She maintains active membership and leadership positions in bar associations, judicial associations, and court committees seeking to improve our

legal system's delivery and quality of justice services.

## Awards Criteria

### Denison Ray Civil Awards

The Awards are named in memory of career legal activist Denison (Denny) Ray, who led legal services programs in New York and other states.

**The Civil Legal Services Staff Attorney Awards** recognize individual attorneys' extraordinary commitment to:

- The provision of creative, skilled, and zealous representation of low-income clients;
- Collaboration with pro bono volunteer attorneys from the private bar to expand access to justice opportunities for low-income clients; and/or
- Efforts to inspire, mentor, and support colleagues in the delivery of exceptional legal representation to low-income clients.

**The Director Award** recognizes outstanding leadership at a civil legal services or pro bono program by an executive director or legal director who inspires the kind of extraordinary commitment by staff and service to the community set forth in the above criteria.

**The Nonprofit Organization Award** recognizes extraordinary commitment to:

- Strengthening access to justice initiatives;
- Delivering or facilitating the provision of civil legal services to low-income and/or disadvantaged clients;
- Increasing the provision of pro bono services; and/or
- Marshaling resources to maximize services to the community.

### Phil Dailey Award

Much of the advocacy work in civil legal services and pro bono programs is done by advocates who are not attorneys. The Phil Dailey Award was created in 2016 in memory of Phil Dailey, a Paralegal at Legal Assistance of Western New York in Geneva, NY, to acknowledge the vital services of non-attorney staff who demonstrate

an excellence and dedication to providing equal access to justice.

Selection criteria:

- A non-attorney staff member of a civil legal services or pro bono provider who is recognized for creative, skilled, and zealous representation of low-income clients; and/or
- Collaboration with pro bono volunteer attorneys from the private bar to expand access to justice opportunities for low-income clients; and/or
- Efforts to inspire, mentor, and support colleagues in the delivery of exceptional legal representation to low-income clients.

## Awards Committee

Award recipients are selected by a committee consisting of the chairs of the President's Committee on Access to Justice, the Committee on Legal Aid, the Pro Bono Coordinators' Network, and the Director of the NYSBA's Department of Pro Bono Services.

## 2024 Honorees

### Civil Legal Services Staff Attorneys

**Kaitlyn Lauber, Esq., Staff Attorney  
Erie County Bar Association Volunteer  
Lawyers Project Inc.**

Kaitlyn J. Lauber is Staff Attorney at Erie County Bar Association Volunteer Lawyers Project, Inc. serving domestic abuse survivors and other crime victims in civil matters across Western New York. Her practice primarily focuses on family law and divorce litigation. The New York State Bar Association previously honored Kaitlyn with its President's Pro Bono Service Award in 2021 for her work assisting pro se litigants during the peak of COVID-19 pandemic. Kaitlyn was admitted to practice in 2022 and is a member of the New York State and Erie County Bar Associations. She is a member of the Family Court Practice and Procedure Committee.

Kaitlyn has dedicated her career to pursuing accessible and lasting justice for all. As part of her efforts, she has written about various social and economic barriers litigants face when navigating the legal system. She earned her Juris Doctor degree from the University at Buffalo School of Law in 2021. Prior to entering law school, Kaitlyn

attended Buffalo State University, where she received a Bachelor of Arts degree in communication studies. She is a member of the national communications honor society, Lambda Pi Eta and a local philanthropic sorority, Zeta Chi Omega. Kaitlyn has participated in several panel discussions center-

School. Shortly after, I joined VISTA and was sent to Western New York to assist in a new flood relief legal services program.

Finally, a permanent position opened in the newly established Olean, NY office. However, in approximately 1982, severe budgets required the closing of the Olean



*Left to right: Gretchen Gonzalez, Esq., Kaitlyn J. Lauber, Esq., Abja Midha, Esq.*

ing on topics related to domestic and family violence issues. As a survivor of family violence, Kaitlyn takes an understanding and compassionate approach to uncover sustainable solutions in each case she handles. Kaitlyn is originally from the Central New York area and has made Buffalo her home for more than a decade.

**Mark H. Wattenberg, Esq., Supervising Attorney  
Legal Assistance of Western New York,  
Inc.**

In 1969, I graduated from Columbia College and in 1973, from Columbia Law

office.

For the ten years following, I went into private practice but with a contract to provide legal services in Cattaraugus and Allegany Counties.

In 1992, I returned to my passion for legal services and began working in the Bath, NY office of Southern Tier Legal Services, now known as Legal Assistance of Western New York, Inc.

My current practice mostly involves homeowner protection including foreclosure defense, constructive trusts, and bankruptcy proceedings. My foreclosure defense cases include mortgages, property taxes, and land contracts. Witnessing the harm



*Left to right: Gretchen Gonzalez, Esq., Mark H. Wattenberg, Esq., Abja Midha, Esq.*

that land contracts may cause due to largely being unregulated by New York State, I have filed a number of cases seeking title on behalf of land contract buyers.

Working closely for many years on cases with Michele Kreamer, a highly experienced paralegal, I have an active bankruptcy practice. Through this practice and my co-coun-



*Left to right: Gretchen Gonzalez, Esq., Kristin Brown, Abja Midha, Esq.*

sel Kari Talbott, now the LawNY Director of Litigation, we successfully preserved the homes of two low-income households in Chapter 13 proceedings. This was under a bankruptcy proceeding known as “avoidance” where transfers such as tax foreclosures can be set aside if the homeowner did not receive “reasonably equivalent value.” The case ultimately ended up in the Second Circuit Court of Appeals, brilliantly argued by Kari, and certiorari was denied by the U.S. Supreme Court. *Gunsalus v. Cnty. of Ontario, New York*, 37 F.4th 859 (2d Cir.), cert. denied, 143 S. Ct. 447, 214 L. Ed. 2d 254 (2022)

In a somewhat related tax foreclosure case, the U.S. Supreme Court issued a decision requiring refund to the homeowner, after a tax foreclosure auction, of the auction surplus, after the tax arrears are paid. *Tyler v. Hennepin Cnty., Minnesota*, 598 U.S. 631, 143 S. Ct. 1369, (2023) Up until then, homeowners faced loss of their entire equity for a relatively small amount of tax arrears. We were able to file a number of tax surplus cases in Steuben County and obtain badly needed refunds for our clients, on consent of the county. In Allegany County, where initially the County opposed returning the surplus, we obtained a favorable memorandum decision. *Ahl v. Allegany County*, Index Number: 49940 (Allegany Co. Sup. Ct. 2023)

## Legal Services Director Kristin Brown, President & CEO, Empire Justice Center

Kristin Brown has spent her career advocating for the civil legal rights of low-income New Yorkers. A graduate of Hartwick College and a Rockefeller Col-

lege of Public Affairs Center for Women in Government Fellow, she is most proud of being part of the effort to expand access to legal and financial resources that help to put food on the table and keep families in their homes across the state of New York every day. Over the course of 18 years, Kristin built Empire Justice Center’s policy and government relations practice into a



*Left to right: Gretchen Gonzalez, Esq., Rachel Halperin, Esq., Abja Midha, Esq.,*

well-known source of legal expertise at the state capitol and worked in coalition with other civil legal aid and nonprofit agencies to push for changes to the law, grounded in solving challenges faced by marginalized

communities. She helped found and lead numerous successful advocacy campaigns that now provide hundreds of millions of dollars annually to support the provision of civil legal services to low-income New Yorkers. She was named President and CEO of Empire Justice Center in July of 2019. Over the past five years, Kristin has worked at the state and national level to bring the most pressing needs of civil legal services agencies and clients to the attention of decision makers. She has also focused on strengthening Empire Justice Center’s 360-degree approach to systems change – we practice the law, we teach the law, we change the law -- which combines policy advocacy, impact litigation, training and legal support to maximize impact, always with a focus on supporting and collaborating with community and legal organizations who serve the same communities. Prior to joining Empire Justice Center, Kristin worked in several not-for-profit roles and small business management. After several years of serving on the Board of Directors, including leading their advocacy committee, Kristin was elected President of the New York Legal Services Coalition this past spring. She was a statewide leader in the effort to protect the Interest on Lawyers Account (IOLA). Kristin is also a member of the Office of Court Administration’s Permanent Commission on Access to Justice, a member of the New York Child Poverty Reduction Advisory Council Public Assistance Com-

mittee, a member of the New York State Bar Association’s Committee on Legal Aid, a Board member of JustCause in Rochester, NY and an Associate member of the Hartwick College Alumni Board of Directors.

## Denison Ray Civil Award for Nonprofit Organization

### Legal Services of the Hudson Valley

The mission of Legal Services of the Hudson Valley (LSHV) is to provide high quality counsel in civil matters for low-income individuals and families and other vulnerable persons who do not have access to legal representation to maintain their basic needs, and to pursue equity through dismantling systemic oppression. This includes urgent legal matters such as: domestic violence, housing emergencies like eviction and foreclosure, healthcare, disability benefits, elder law, consumer

Our Pro Bono Unit currently consists of four attorneys and two paralegals and is tasked with the recruitment, training, support, and retention of all volunteer's agency wide. In addition to administering and supervising the Virtual Housing Advice Clinic, Consumer Debt Defense Clinic, and Asylum Application, the Unit vets and places various civil legal matters for consultation and full or limited-scope representation.

## Phil Dailey Award

**James M. Denson, Staff Paralegal, Long Island Legal Services**

Adelphi University, I was undecided: Do I want to be a lawyer, or a teacher? After two stabs at the LSAT, I chose to pursue some legal experience before possibly taking the test for a third time.

That experience, as a paralegal at Nassau-Suffolk Law Services, has allowed me to both develop expertise in an area of law (social security) that I deeply identify with; and provided numerous opportunities to share that knowledge and collaborate in ways I could not have imagined otherwise.

I represent physically and mentally impaired clients at social security hearings. That often means listening with empathy and urgency when clients struggle to keep their appointments with me and with their doctors. The most enjoyable parts of my work are preparing my pre-hearing written arguments and anticipating challenges to those arguments. Furthermore, after my supervisor many years ago acted on my suggestion that I assume a significant role in federal court work, I appreciate being heavily involved with brief-writing in those cases of mine that have since reached federal court.

A newer aspect of my work over the past 4 years has been that I collaborate closely with an attorney at the beginning of each case (not just at the federal court stage), and we act as co-counsels on each other's social security cases. The give-and-take has been stimulating, as she benefits from my more than 25 years of social security case experience, and I benefit from her equally long experience as a litigator.



*Left to right: Gretchen Gonzalez, Esq., James M. Denson, Abja Midha, Esq.,*

fraud and much more.

With the gap separating those who can and cannot afford legal representation widening each day, we work to ensure that everyone has equal access to justice, regardless of their ability to pay. As the only provider of comprehensive civil legal services in the lower and mid-Hudson Valley (Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan), LSHV is proud to have handled over 12,000 cases impacting more than 27,000 household members, including 9,000 children, last year.

I became fascinated with law in high school when I read *Simple Justice*, Richard Kluger's classic about how the *Brown v. Board of Education* case originated. The book was also my first introduction to the iconic Thurgood Marshall, who inspired me to be respectful of those in society who have been routinely overlooked and ignored. That includes people like myself, who grew up with both cerebral palsy and a serious stutter. Throughout high school, college at Colgate University, and when I earned my paralegal certificate from




*Left to right: Hon. Edwina G. Richardson, Mark H. Wattenberg, Esq., James M. Denson, Abja Midha, Esq. (Co-Chair, Committee on Legal Aid), Gretchen Gonzalez, Esq. (Co-Chair, Committee on Legal Aid), Kaitlyn Lauber, Esq., Kristin Brown, Rachel Halperin, Esq., Rezwanul Islam, Esq. (Co-Chair, President's Committee on Access to Justice and Hon. Edwina Frances Martin (Co-Chair, Partnership Steering Committee)*

NEW YORK STATE BAR ASSOCIATION

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- **Have you worked on or do you know of a special pro bono project?**
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We invite you to submit articles showcasing excellence in pro bono service for upcoming editions of the Pro Bono Newsletter. For more information, go to [www.nysba.org/probono](http://www.nysba.org/probono).

