

Pro Bono News

National Pro Bono Week Vol. 24 No. 3

Greetings!



Herron Arthur

The month of October has always been a favorite and exciting time of year for me. The oppressive summer heat has finally lessened. Early mornings feel crisp and fresh. I find myself often looking skyward to marvel at the wondrous sight of leaves changing from varying shades of green to bronzed orange, to fire-engine red and molten yellow.

October also is the time when I start recruiting pro bono volunteers to join the elite ranks of the Empire State Counsel®, working with my *pro bono* partners to plan recognition events and CLE attorney recruitment programs for National Pro Bono Week, as well as coordinating with the chairs of my various NYSBA committees the vast array of programs and meetings which will take place during the Asso-

ciation's Annual Meeting in January.

October also is the time when we commemorate National Pro Bono Week which takes place October 20-26. This issue is dedicated to National Pro Bono Week. Many thanks to the legal services providers, *pro bono* volunteers, local bar association volunteer lawyers' projects, and law firm *pro bono* counsel who contributed articles about the diverse array of dynamic and innovative *pro bono* projects taking place around the state.

This issue has an informative article about the 2013 Empire State Counsel® Program. If you performed 50 or more hours of *pro bono* during this calendar year and are a NYSBA member, we hope you will join the more than 7,017 Association members who have earned this distinguished recognition since the program launched back in 2006.

Featured also is a calendar of some of the events planned during October which will recognize *pro bono* and

access to justice contributions made by distinguished members of the legal professions, free CLE recruitment events for attorneys willing to accept *pro bono* case referrals, and numerous legal clinics for the public on a variety of legal issues including: estate planning, consumer debt issues, uncontested divorce and housing.

Learn how volunteering to do *pro bono* led to a dream job for a prominent in-house corporate attorney. Included also are several articles about clients' whose lives were changed for the better thanks to the vigorous advocacy of *pro bono* volunteers. Another article describes how technology can be used to enhance the delivery of civil legal services, while several other articles highlight the contributions law students make in the delivery of access to justice.

We hope you will be both inspired and challenged by this issue. Happy reading!

Gloria Herron Arthur

Laren Spierer* to Direct *Pro Bono* Programs at Columbia Law School

Laren E. Spierer was recently named as the inaugural Director for *Pro Bono* Programs at Columbia Law School. As part of the Social Justice Initiatives staff, Laren will advise J.D. and LL.M. students, work with student groups and outside organizations to create and foster In-House *Pro Bono* Projects and Spring Break Caravans - which further

increase access to justice for under-represented people - and present programs regarding *pro bono* opportunities and practice.

Laren is an attorney with extensive experience and relationships in the *pro bono* legal community. Most recently, she was the *Pro Bono* Manager at Debevoise & Plimpton LLP, where

she assisted associates and partners in identifying and pursuing projects with numerous not-for-profit groups in the U.S. and abroad. She also served as a *pro bono* volunteer through the New York City Family Court Volunteer Attorney Program. Laren can be reached at laren.spirer@law.columbia.edu and (212) 854-1148.

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A single asterisk appears next to the name of NYSBA members who contributed to writing an article or who worked on one of the many diverse legal projects highlighted in this issue. A double asterisk appears next to the name of law student members of the Association.

Message from the Office of the President



Schraver

Dear NYSBA member:

In the past several months, we have been making some exciting changes that we hope will make

your NYSBA membership even more valuable. Two noteworthy changes are our **completely redesigned website** and a new member benefit that will provide **free and low-cost legal research resources through a partnership with Fastcase.**

The new NYSBA website features intuitive navigation, an improved responsive design for mobile devices, easier access to the products and events that are most relevant to you, opportunities to participate in private, interactive online professional communities, and many other new features. New navigation menus and search filters will make it even easier to quickly find the content you need. And our private, members-only communities will offer a new way to communicate with colleagues, share and discuss files and work collaboratively on projects. You will have the option to participate through email, on the NYSBA website or using your mobile device.

The new member benefit through **Fastcase** will provide free and low-cost legal research resources for New York State Bar Association members. This benefit will be offered through a partnership with Fastcase, a legal research service with a comprehensive national law library as well as primary law from all 50 states.

Starting this month, all NYSBA members will receive free and unlimited access to the following libraries: Decisions of N.Y. Court of Appeals, 1950-present; A.D. Decisions, 1955-present; Misc. Decisions, 1950-present; N.Y. Consolidated

Laws; N.Y.C.R.R.; N.Y.S. Constitution; U.S. Code; 2d Cir. Decisions from 1924; and U.S. Supreme Court Decisions.

Fastcase also offers a full subscription with access to other federal libraries and resources from all 50 states, which is typically available for a list price of \$995 per year. Through this exclusive agreement, NYSBA members can subscribe to the full Fastcase library for only \$195 per year – a discount of 80%. In addition, starting in October, new attorney members (those in their first two years of admission) will receive access to the full Fastcase library free of charge as a NYSBA member benefit.

In order to help you get the most from this new benefit, we will provide Fastcase training this fall, free of charge for NYSBA members. We will distribute details about Fastcase training in the coming weeks.

Fastcase has garnered praise from attorneys who value its user-friendly search engine, easy downloads and printing, and ability to quickly locate relevant resources. We hope you enjoy this exciting new member benefit, and that you find it to be a convenient and valuable resource that improves your practice.

To sign up, visit NYSBA.org, log in to your NYSBA member account, and click the Fastcase banner at the top of our homepage. If you do not know your password please enter your email address at www.nysba.org/pwhelp. If you do not know the email address NYSBA has on file for you, please contact the State Bar Service Center at 800-582-2452 to get assistance logging in.

Sincerely,

David M. Schraver, President

Recognizing Judges Who Support *Pro Bono* and Access to Justice Initiatives

Gloria Herron Arthur*, Esq., Director, Department of Pro Bono Affairs



Herron Arthur

In celebration of the fourth anniversary of National Pro Bono Week, the New York State Bar Association, in collaboration with its *pro bono* partners, is hosting a luncheon awards ceremony on Friday, October 18 from 11:30am – 1:30pm at the State Bar Center in downtown Albany. Association *pro bono* partners include: the Albany County Bar Association, Albany Law School, Legal Aid Society of Northeastern NY, Prisoners' Legal Services of NY, The Legal Project, and the staff of the Third Judicial District Administrative Office.

Association President-Elect Glenn Lau-Kee will be joined by Chief Judge Jonathan Lippman, and Jenna Dana, President of the Albany Law School's Pro Bono Society, in recognizing the *pro bono* contributions and access to justice initiatives of some of our state, federal and city court jurists. The distinguished honorees are:

Hon. George B. Ceresia, Jr. Justice of the Supreme Court Rensselaer County



As the Administrative Judge for the Third Judicial District, Judge Ceresia personified the spirit and purpose of National Pro Bono Week. He not only formed the Third Judicial District *pro bono* committee, but also actively participated in its work. The *pro bono* committee consists of representatives from Capital District legal services provider organizations, state and local bar associations, members of the Albany Law School faculty, and staff from the office of the Administrative Judge. Under Judge Ceresia's leadership the *pro bono* committee has successfully collaborated on various

strategies to raise professional awareness about local *pro bono* opportunities and the need for more volunteers in the Capital Region.

Judge Ceresia has actively recruited and encouraged lawyers and judges to participate in *pro bono*. For example, he helped organize the first successful *Pro Bono Expo* which was held in 2007 and hosted law firm managing partner breakfast meetings in 2008 and 2009 to raise awareness about the need for greater law firm participation in *pro bono*. In 2011, Judge Ceresia launched the first Community Law Day event to provide the public with information on legal topics ranging from governmental benefits, family law, child custody, mortgage foreclosure, and consumer debt/credit issues. Thanks to Judge Ceresia's guidance and vision, Community Law Day has evolved into a biannual event, held in the Spring and the Fall. In 2012, Community Law Day was further expanded from a one day event to two days. Since its inception, Judge Ceresia has personally attended each Community Law Day to show his support and appreciation to the lawyers who staff the event.

Judge Ceresia has always been open to creative ways to increase *pro bono* involvement and access to justice in the Third Judicial District. Among other access to justice initiatives, Judge Ceresia supported The Legal Project's Reduced Fee Matrimonial Program as an innovative way to assist those who "fell between the cracks" in obtaining legal assistance in domestic violence divorce cases. Similarly, he supported a collaboration between Prisoners' Legal Services ("PLS"), Albany Law School, and Albany County Supreme Court to recruit and train law students to review prisoners' *pro se* Article 78 petitions for possible referral to *pro bono* counsel. Over the years, Judge Ceresia also has supported *pro bono* recruitment at the Legal Aid Society of Northeastern NY through district wide mailings.

Hon. Christine M. Clark Justice of the Supreme Court Schenectady County



Judge Christine Clark has a long history of recognizing the importance of *pro bono* and the importance of facilitating access to justice, particularly for women who are survivors of domestic violence.

Since she was first elected to the Family Court bench, Judge Clark regularly would refer domestic violence victims to The Legal Project for *pro bono* assistance. She freely handed out The Legal Project's brochures from the bench, reflecting her recognition of the importance of having specialized knowledge of domestic violence in her referrals to specially trained *pro bono* attorneys.

Judge Clark also has a keen awareness of the importance of the role of domestic violence advocates in assisting victims with safety planning and supporting them through the sometimes unwieldy court process. Judge Clark has spoken at many CLEs and on educational panels for students and *pro bono* attorneys, such as at a recent panel on women in the judiciary for the Center for Women in Government and Civil Society, as well as served as a guest speaker at The Legal Project's Matrimonial Law Breakfast Club meeting on the topic of "Best Practices from the Judiciary."

Hon. Robert E. Littlefield, Jr. Chief Judge, U.S. Bankruptcy Court



Insolvency is a common plight for many low income people. For many, bankruptcy protection is the best option to start anew. However, filing *pro se* can be

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Recognizing Judges Who Support *Pro Bono*

Continued from page 3

a daunting and difficult process. Chief Judge Robert Littlefield knows the importance of having representation and has been invaluable in promoting *pro bono* in bankruptcy cases. He is extremely sensitive to the stress and sense of crisis that those facing bankruptcy experience, and he fully supports the vital need of clients to have equal access to representation and assistance through the process.

Chief Judge Littlefield has publicly spoken on the need for *pro bono* and for lawyers to get involved. In addition, he has graciously served as a panelist in various CLE programs to recruit new *pro bono* volunteers.

Chief Judge Littlefield also recognizes the importance of acknowledging *pro bono* volunteers' efforts. He recently attended the Albany Law School *Pro Bono* Society's bankruptcy training to personally thank the students for their involvement and initiative in starting the *pro bono* bankruptcy program. Chief Judge Littlefield also posts the names of attorneys who do *pro bono* on the Northern District of New York's court website.

Hon. George M. Lowe* **Retired, U.S. Magistrate Judge** **And Co-Chair of the President's** **Committee on Access to Justice**



The Honorable George H. Lowe served as a United States Magistrate Judge for the Northern District of New York from 2004-2012. Before being appointed to the bench he was a partner for twenty-one years at the Syracuse firm of Bond, Schoeneck & King, concentrating in white collar criminal defense and federal court civil litigation.

Throughout his career both on and off the bench, Judge Lowe has been an exemplary leader having served as President of the Onondaga County Bar Association, Chair of the Fifth Judicial District's Committee on Character and Fitness, an Officer and

Director of Legal Services of Central New York, a Director of the Onondaga County Bar Foundation, former Chair of the Onondaga County Bar Association's Pro Bono Practice Committee, an Officer and Trustee of the Federal Court Bar Association for the Northern District, a founding member of the State Bar Association's Senior Lawyers Section, and a member of the Chief Judge's Task Force to Expand Access to Civil Legal Services.

Since 2007, Judge Lowe has served as the Co-Chair of the New York State Bar Association's President's Committee on Access to Justice. In that capacity he was instrumental in reaching out to members of the federal judiciary in an effort to raise their awareness about the unique, administrative oversight role the New York Bar Foundation could play in assisting the bench in identifying related non-profit legal services organizations to which unclaimed funds remaining in class action settlements and awards could be made.

Judge Lowe played a key role in shepherding the Association's development of a "white paper" on the need for the creation of a civil right to counsel in basic human needs areas such as housing, sustenance, benefits, and domestic violence. As a result of his leadership, in October 2008, the white paper was approved by the Association's Executive Committee for publication. The paper appears in the Special 25th Anniversary edition of the *Touro Law Review*, an issue dedicated exclusively to "*An Obvious Truth: Creating an Action Blueprint for a Civil Right to Counsel in New York State.*" Subsequently, in November, 2008, the Association's House of Delegates approved a two prong resolution: (1) supporting the creation of a right to counsel for vulnerable low-income people who face eviction or foreclosure; and (2) extending the existing right to counsel for unemployment insurance claimants to administrative hearings.

Hon. Gary Stiglmeier **Albany City Court Judge**



Judge Stiglmeier's commitment to *pro bono* extends to supporting emerging attorneys, law students, who engage in *pro bono* work. During the year and a half

that Albany Law School ran a housing clinic, Judge Stiglmeier gave students the opportunity to observe a housing calendar. Albany Law School Prof. Benjie Louis reports that her students appreciated the judge's professionalism and words of wisdom. "The chance to have guidance and comments from a distinguished jurist like Judge Stiglmeier was an invaluable teaching tool."

Besides his support and encouragement of law students' *pro bono* efforts, Judge Stiglmeier was instrumental in implementing the "Attorney for the Day" program in housing court in October, 2010. This program affords low-income tenants representation at their first appearance on a housing matter. Providing counsel at the first appearance usually results in the amicable resolution of the matter. Each year since the program launched, Judge Stiglmeier has personally appeared at the annual training to recruit volunteers where he speaks on the benefits of tenants having representation in housing cases since the landlord almost always will. Without Judge Stiglmeier's dedication and support of this program, many poor people would have been rendered homeless.

Nassau Suffolk Law Services Celebrates National Pro Bono Week



At last year's event, pro bono attorneys were honored at a Pro Bono Dinner co-sponsored by the Suffolk County Bar Association and Law Services

Since 1981, Nassau Suffolk Law Services has collaborated with the Nassau County Bar Association ("NCBA") and Suffolk County Bar Association ("SCBA") to provide *pro bono* services to the Long Island community. These partnerships include bankruptcy and matrimonial clinics, a landlord/tenant Attorney of the Day Project in Nassau, and a Foreclosure Settlement Conference initiative in Suffolk.

Thanks to these joint efforts, hundreds of low income clients receive free legal assistance from generous

pro bono attorneys supplementing the legal services being provided by Law Services staff attorneys. In this ongoing effort, Law Services works cooperatively with the Nassau County Bar Association's Access to Justice Committee and the Suffolk County Bar's *Pro Bono* Foundation to study initiatives that will promote free and reduced fee legal services.

To commemorate National Pro Bono Week, Law Services will be partnering with the local bar associations for two special events. Law Services,

the NCBA, and the Coalition Against Domestic Violence are co-sponsoring a *Pro Bono* Legal FAIR (Free Assistance, Information, and Referral) to be held at the Nassau County Bar Association in Mineola, N.Y. on October 24, 2013 from 3:00-6:30 P.M. For more information or to register call (516) 747-4070.

In gratitude for the dedication shown by our volunteers, Law Services is also joining with the Suffolk County Bar Association to salute our *pro bono* attorneys at a Suffolk *Pro Bono* Recognition Luncheon to be held at the Great Hall of the Suffolk County Bar Association on October 22, 2013. For more information call (631) 234-5511.

To further promote National Pro Bono Week, Nassau Suffolk Law Services is sponsoring a community training event, General Advocacy Skills, at its offices in Islandia, N.Y. on October 23, 2013 from 9:30-12:30. Although this training is open to all community advocates, *pro bono* attorneys interested in learning how to work effectively with low income and disabled clients are encouraged to attend. Call (631) 232-2400 x 3357 for more information.

New *Pro Se* Assistance Clinic at Onondaga County Surrogate's Court

In 2012, Ellen Weinstein, Chief Clerk of the Surrogate's Court approached the Volunteer Lawyers Project of Onondaga County to seek help in providing legal counsel and assistance to unrepresented low-income people who access Surrogate's Court, because there simply are not enough resources in the community to assist them. In May 2013, Judge Raphael and her staff welcomed twenty *pro bono* attorneys in the court and provided a free CLE training on the online *pro se* assistance program. The new VLP Surrogate's Court Clinic began assisting clients in June 2013.

At the clinic, volunteer attorneys experienced in trust, estates and elder law matters provide assistance with *pro se* filings for 17-A guardianships, small estates and safe deposit boxes, as well as consultations regarding any other trusts, estates and elder law issues. The clinic, which takes place at the Surrogate's Court, is by appointment only and takes place the second and fourth Wednesdays of every month from 11am – 1pm.

Since the debut of the VLP Surrogate's Court Clinic in June 2013 the Volunteer Lawyers Project, with the assistance of the Surrogate Court, has

held six clinics and assisted twelve families. *Pro bono* attorneys have assisted with filing a 17-A guardianship, executing a power of attorney and health care proxy form, and helped other clients understand their rights in the probate process.

The community has quickly recognized this clinic as an invaluable asset which can assist them during difficult times. Currently, VLP already has clients scheduled for appointments a month in advance. We look forward to continuing to develop this clinic.

NYLAG Pro Bono Partnerships Spell Success for Clients with Unique Needs

Alison Sclater, Esq., Director of Pro Bono, New York Legal Assistance Group



Batten



Kelly

Like other legal services agencies, NYLAG offers private attorneys the opportunity to take on a range of civil legal matters that affect the lives of low-income New Yorkers. We provide assistance and guidance as necessary, in many cases mentoring *pro bono* attorneys and helping them develop legal strategy. But sometimes, we find

ourselves reversing roles, and turning to the private bar to draw on particular legal expertise in areas outside of our core capabilities. This has resulted in the development of unique, non-traditional relationships with *pro bono* attorneys – and great outcomes for our clients.

Peter Batten, of Counsel at Bingham McCutcheon LLP, and Kathryn A. Kelly, an associate at Gibson, Dunn & Crutcher LLP, have played invaluable roles in helping NYLAG clients facing potentially devastating legal challenges by taking on long-term, extremely time-consuming and technically demanding representations.

Kathryn, a member of Gibson Dunn's Tax Practice Group, helped two NYLAG clients navigate a U.S. tax system whose compliance burdens she believes fall disproportionately on the working poor. In a dispute with the IRS, a *pro se* client with limited tax knowledge has little chance of success, and the problems are exacerbated by

some tax return preparers whose bottom line is often more important than their clients' best interests.

As Kathryn says, "People with limited resources and time may find it especially difficult to deal with complicated tax issues on their own. I sit down to do my own taxes, and I am amazed by the complexity involved – and I'm a tax lawyer. As a result of this complexity, low-income individuals can be particularly susceptible to problems with the IRS because they often turn to unqualified tax return preparers who target vulnerable populations."

In one case, NYLAG sought Kathryn's help after we were contacted by a 50-year-old man diagnosed with stage-four cancer. He had been forced to leave his job to seek treatment for his progressing illness, and had withdrawn funds from his pension plan to pay his mounting medical bills. After he filed a tax return and paid his taxes, his pension plan informed him that he could be liable for more than \$7,000 of additional tax on his withdrawal. Federal tax law imposes an additional ten percent tax on pension distributions made before the beneficiary reaches retirement age. Kathryn reviewed the client's medical files and tax documents and determined that he should not be liable for the additional tax because of his disability, but that he had not claimed the necessary exemption with the IRS. She worked with a reputable tax return preparer to prepare and file a proper claim of exemption on behalf of the client, avoiding a dispute with the IRS and resolving the matter without the client having to pay any additional tax.

In another matter, Kathryn again turned tragedy into victory for a recent immigrant to the United States, who had hired a tax return preparer to prepare and file his individual tax return for 2010—a year in which he earned less than \$10,000. The preparer claimed a deduction to which the cli-

ent was not legally entitled. The IRS assessed the client a civil penalty of \$5,000 for the error—an amount that was more than half of his income for the year and nearly five times his actual tax liability. After over a year of fruitless efforts to resolve the matter himself, the client sought our assistance, and we referred the matter to Kathryn. Through her expertise and persistence, the IRS reduced the amount of the penalty assessment from \$5,000 to \$500, saving the client \$4,500.

"Although the focus of my practice is advising clients on the tax aspects of transactions and investments, I am able to use my knowledge of the rules to craft the right solutions for my individual clients with very different needs," says Kathryn. "I consider it my responsibility to use my knowledge to help the underprivileged. And, I feel so fortunate to be a part of Gibson Dunn, where *pro bono* work is valued as highly as our representation of paying clients."

Peter Batten, who practices general real estate law at Bingham, is no stranger to *pro bono* work, but he considers his involvement with NYLAG something unique, and the attorneys at NYLAG he has worked with all agree. For the last two years, Peter has functioned essentially as our retained counsel, advising NYLAG attorneys specializing in family law on the ins and outs of real estate law. Our client was a victim of long-term abuse at the hands of her husband, who physically assaulted her and regularly demeaned her in front of their four children. She finally summoned the courage to call the police when she found guns belonging to her husband, who was then arrested and excluded from their home as a result. After he was arrested, the husband managed to sell the marital home to a third party purchaser, while his wife was still living

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LASMNY Expands its *Pro Bono* Programs in 2013

Arlene Sanders*, LASMNY *Pro Bono* Managing Attorney

Legal Aid Society of Mid-New York (LASMNY) has added new programs in 2013 to meet the needs of low income residents in its 13 county service area. These programs also offer expanded opportunities for volunteer attorneys to provide *pro bono* service.

LASMNY now offers an innovative new way for *pro bono* attorneys to volunteer through its Legal Helpline. The Binghamton, Syracuse and Utica offices have established *Pro Bono* Helpline stations where volunteer attorneys can sign in and pick up calls from clients seeking legal advice on a wide range of topics. The *pro bono* attorneys work “virtually” alongside LASMNY Helpline staff attorneys. Once volunteer attorneys log into the Helpline computer program they are able to access the *pro bono* attorney queues where they can choose from one or more subjects, including consumer, family law and housing. By “clicking” on the desired subject they can then access a list of callers (already prescreened for eligibility by LASMNY intake staff). The attorney “clicks” on the call, and the number is automatically dialed up for the attorney who then speaks to the caller or leaves a message. LASMNY paralegal Pam MacLaren, who regularly works with the volunteers, reports that the

attorneys really enjoy using this cutting edge technology to serve clients.

LASMNY has also expanded its offerings to clients seeking advice and referrals for divorces.

LASMNY’s Syracuse and Utica offices are now offering monthly counsel and advice clinics that also screen participants for *pro se* divorces.

The Syracuse clinics are staffed by Hiscock & Barclay attorneys under the leadership of partner Sue Katzoff*. In addition, private attorney Deborah Abramovsky* also volunteers at each clinic. All volunteer attorneys, most of whom did not have previous matrimonial experience, underwent special training for the clinics.

At the clinics the attorneys meet individually with clients who are seeking a divorce and review a check list of questions to determine their readiness to proceed. The attorneys assist the clients in filling out a packet of information that will later be used to fill out the *pro se* divorce forms. Clients are then referred to the Onondaga County Bar Association Volunteer Lawyer Program which then assists them in completing their *pro se* divorces. That program, under the leadership of Sally Curran*, Esq., and Deborah O’Shea, has helped dramatically to streamline the process and

improve outcomes for *pro se* divorce plaintiffs. Says LASMNY paralegal Jim Guilford, who runs the screening clinics at LASMNY, “we have a wonderful working relationship with the volunteer attorneys and VLP and these partnerships have provided a great service to low-income residents of Onondaga County.”

To staff the Utica advice clinics, which serve seven upstate counties (Cayuga, Herkimer, Jefferson, Madison, Lewis, Oneida, and Oswego), paralegal Renee Kolwaite contacted several attorneys who readily volunteered: Kenneth Bobrow*, Keith Eisenhut*, Richard Frye*, Brian Miga, Paul Norton*, and Harris Samuels*. These attorneys, many of whom have extensive matrimonial experience, screen for *pro se* divorce eligibility and provide general advice on the divorce process. Participants who are deemed eligible are referred back to Kolwaite who then schedules them for one of LASMNY’s *pro se* divorce clinics. Clients who have more complicated divorce issues may be referred to a private attorney for representation. Paralegal Kolwaite notes that these programs in combination offer a full range of divorce services to eligible applicants.

Pro Bono Services to The Legal Aid Society Increased by Nearly 15% in 2012

The Legal Aid Society is pleased to report that in 2012, a year in which *pro bono* participation decreased nationally, the Society and its clients experienced a 15% increase in *pro bono* services. Volunteers contributed nearly 283,000 hours of *pro bono* services valued at more than \$74 million.

Overall, 3,741 volunteers, including law students, provided their time and talent to The Legal Aid Society in 2012, and helped us carry out our mission to ensure “that no New Yorker is denied access to justice because of poverty.” Of those volunteers, 3,124 were attor-

neys, paralegals, and other legal professionals, – primarily from New York’s leading law firms and corporate law departments – who contributed over 107,000 hours of *pro bono* legal services

Over 600 unaffiliated volunteers worked directly with the Society, including over 535 students who worked alongside the dedicated staff of The Legal Aid Society providing life-changing legal assistance to the neediest New Yorkers. Unaffiliated *pro bono* attorneys contributed nearly 15,000 hours of volunteer service, including over 4,800 Second Acts®/Attorney Emeritus hours.

Volunteers worked on over 8,700 matters, expanding the Society’s capacity during a time of static funding to provide access to justice for New York City’s low-income families and individuals.

Civil Practice: 2,414 volunteers worked on 3,494 matters.

Criminal Defense Practice: 836 volunteers worked on 3,919 matters.

Juvenile Rights Practice: 184 volunteers worked on 1,298 matters.

An Adoption For A Remarkable Mother

Bill Lienhard*, Executive Director, Volunteers of Legal Services



Markowitz*

Volunteers of Legal Service's School-based Children's Project builds relationships between public schools and law firms. The firms provide *pro bono* legal

assistance to families at the schools to resolve issues that threaten to disrupt children's education.

Fried, Frank, Harris, Shriver & Jacobson is one of seven law firms that participate in the project. This year, Fried Frank volunteers were able to help an incredible woman who made a choice that few of us would have the generosity to make, and fewer would have the persistence and compassion to carry out.

In early 2002, Lisa's friend Muriel introduced her to Tammy¹, a homeless, pregnant woman who was addicted to drugs. Lisa works at a shelter for homeless families, and she offered to coach Tammy through the process of entering the shelter system and finding some kind of housing. Unfortunately, Tammy didn't follow through.

Tammy gave birth to a boy, Zeke, while she was still homeless and con-

stantly moving from one dangerous housing situation to another. She had a hard time taking care of Zeke, and, according to Lisa, kept "leaving him with people who she shouldn't have." Lisa helped out as much as she could. Just over a year before, she had given birth to a baby boy who died a day later, so it was difficult for her to see Zeke in such risky situations.

A few weeks later, Muriel called Lisa from the park. Tammy had just handed Zeke to her, and asked her to give the baby to Lisa. Lisa already had three daughters, and she also spent all of her time at work serving homeless families. Most people would have said that this was simply too much to ask. But not Lisa. She immediately took Zeke in. Tammy consented to give Lisa guardianship of Zeke, and then left – for good. She didn't say where she was going, and she didn't give Lisa any way to contact her.

For the next eight years, Lisa raised Zeke as her own, but she was not his legal parent. This caused constant problems with school and government officials. Lisa knew that she wanted to adopt Zeke, but was daunted by the difficulty and expense.

Then one day, Zeke brought home a booklet from his school listing all the services available to families. Lisa was elated to see that these included legal assistance. She told Fried Frank lawyers her story at a clinic held at

the school, and the firm agreed to help her adopt Zeke. Fried Frank associates Erica Markowitz and Crystal Doyle worked on the adoption, under the guidance of partner Janice Mac Avoy and Special Counsel Jennifer Colyer.

It took months to find Tammy, the birth mother. Tammy consented to the adoption, but told the Fried Frank attorneys that she had used an alias on Zeke's birth certificate. There was no documentary evidence that Tammy was Zeke's birth mother. The Fried Frank volunteers had to convince Tammy to submit to a DNA test. She did, and the test proved that she is Zeke's biological mother. Fried Frank submitted the evidence, and in 2013, the court granted Lisa's petition to adopt Zeke. Though Lisa made Zeke a member of the family from day one, due to the efforts of the Fried Frank volunteers, now it's official.

Describing her experience volunteering in VOLS' Children's Project, Erica Markowitz said:

"I appreciated getting to know Lisa in the office and connecting with her family at their home. She is an admirable woman with strength of character. Among the many lessons I have learned while practicing law, I value the lessons of self-sacrifice, charity and idealism that I learned from Lisa."

NYLAG Pro Bono Partnership

Continued from page 6

there with their children.

NYLAG was retained to represent the client in her divorce and immediately filed for injunctive relief, impleaded the third-party purchaser and filed a *lis pendens*, which prevented a further transfer while we litigated the legality of the sale. That was where Peter came in. Over the course of over two years, he has advised NYLAG throughout the pendency of the litigation, including impleading the third party, making out a claim for fraudulent conveyance, and ulti-

mately negotiating an agreement for our client to receive her share of the proceeds of the home. We expect the closing to occur soon, with our client receiving enough money to begin a new life free of abuse.

Kate Wurmfeld, one of several NYLAG attorneys Peter has worked with over the course of the case was amazed at his responsiveness and commitment to helping her client, "Peter is not just a great real estate lawyer, throughout this case he has been my partner. If I email him with a draft or question, within an hour I

get an answer. This would never have been possible without Peter."

For his part, Peter feels that this NYLAG project has been unique, "I have done my share of *pro bono* work, and lots of community activities as well, but on the engagement level, my work with NYLAG has been far greater than usual – Kate's energy was contagious and as a transactions lawyer it was interesting and fun to be on the litigation side. Most of all, I helped to right wrong. That's why we all do this work."

SLAPI to Host Free November Webinar on Student Loan Repayment Assistance; 2014 Loan Applications Now Being Accepted

Edwina Frances Martin*, Co-Chair, Steven C. Krane Special Committee on Loan Assistance for the Public Interest and Co-Chair NYSBA Committee on Legal Aid



Martin

The Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest (SLAPI) was created by former NYSBA President Steven C. Krane in the summer of 2001 to review the impact of law school indebtedness on the ability of government and public service employers to attract qualified attorneys to undertake careers in public service, and to develop a plan to assist new attorneys in pursuing public service careers by reducing indebtedness.

In January 2011 the Committee held a convening of stakeholders during the Annual Meeting, including representatives from New York State law schools, members of the Committee on Attorneys in Public Service, members of the Committee on Legal Aid, members of the President's Committee on Access to Justice, and a sampling of staff from legal services organizations, to find out their views on Loan Repayment Assistance Programs (LRAP) and what assistance, if any, NYSBA could provide. In addition to the convening, the Committee also established working relationships with Heather Jarvis, a specialist in loan repayment assistance, and with Isaac Bowers and Radhika Sing Miller, the loan repayment assistance specialists at Equal Justice Works. Following this process, SLAPI determined to target a grant program that focuses on people who do not qualify for federal loan repayment assistance.

The Committee now has a two-fold focus: to continue to provide financial assistance to mid-level government

and public interest attorneys burdened with large educational debt (who are less likely to qualify for federal loan repayment assistance), and to help educate attorneys and employers on the developments in the loan repayment assistance landscape. SLAPI's page on the NYSBA website has also been revamped to become a resource page for loan repayment, with relevant links, documents and videos.

Given current national dialogue regarding law school debt, NYSBA's SLAPI program remains as vital and important as when it was first formed, as it is the only NYSBA vehicle which addresses educational debt.

SLAPI's next educational webinar on loan repayment, including updates on new and recent developments in the law, will take place on **November 14th, 2013, at 3:00 pm**, and will be hosted by Equal Justice Works.

SLAPI is pleased to announce that applications are now being accepted for 2014 loans. Attorneys employed five or more years in the public sector are eligible to apply. Loan recipients will be announced on Monday, January 27, 2014 during the Association's Annual Meeting. Loans are forgiven after three years provided the recipient remains employed in the public sector. The **2014 application is available on-line and must be submitted no later than December 27th, 2013**. For more information on the loan repayment program, and/or to register for the loan repayment webinar, please visit the SLAPI website at www.nysba.org/SLAPI, or contact Gloria Herron Arthur, Esq., Director, *Pro Bono Affairs*, at (518) 487-5640; garthur@nysba.org.

Correction

In the last issue of the Pro Bono Newsletter the below 2012 Empire State Counsel® and their law firms were inadvertently omitted:

Debevoise & Plimpton LLP
Andrew N. Berg

Fried Frank Harris Shriver & Jacobson LLP
Maribel Hernandez Rivera

Hogan Lovells
Ben Lewis

Jones Day
Jordan Cerruti

Millbank Tweed Hadley & McCloy LLP
Jonathan D. Grossberg

Perkins Coie LLP
Howard Ross Cabot
Elvira Castillo
Kristina J. Holm
Abha Khanna
Jeffrey L. Shuchat

Perla and Perla LLP
Mary C. Chan

Phillips Lyte LLP
Joanna Jung-Yao Chen
Chad W. Flansburg, Esq.
George Hajduczuk
Timothy W. Hoover
Michael R. Law
Kenneth A. Manning
Susan Marriott
Kevin I. Mulvehill
Peter C. Obersheimer
Gregory L. Peterson
William J. Simon

I Got My Dream Job through *Pro Bono*

Lesley Rosenthal*, Vice President, General Counsel, and Secretary of Lincoln Center for the Performing Arts¹



Rosenthal

Imagine you're a 20-something junior associate on the Habitrail at a big law firm. You're supposed to feel lucky you've got a job at all, yet the hours are

killing you. Your college roommate, always the free-spirited one, has just joined a new modern dance company and invites you to its upcoming benefit. You spring for two tickets at \$40 apiece. You find your way down to the hovel/dance studio in a downtown neighborhood you rarely get to see. The choreography is beautiful, the people are friendly, and your \$80 makes you the company's largest donor to date.

Voilà, you've just been asked to join their board of directors—and be their outside *pro bono* general counsel!

This is not fiction. This was me, a few years out of law school. My decision to say yes set me on a pathway toward my dream job, as general counsel of Lincoln Center for the Performing Arts.

I learned a lot from working on the legal and governance matters of the fledgling dance company. With the supervision of a partner at my firm, I helped the company get legally-mandated workers' comp and disability insurance. When it got its big break—to perform at a major dance venue uptown—I helped it clear the rights to the music underlying its choreography. As a director, I attended board meetings, recorded minutes, helped inform important decisions about the mission and future of the organization, and sent out invitations to my friends to attend their next benefit and otherwise support the company.

Later on, I was asked to serve as outside *pro bono* general counsel and director of a larger and more sophisticated nonprofit, which advocated for quality child care on behalf of working parents nationwide.

Serving on these nonprofit boards was flattering, prestigious, and invaluable for my professional development. It was also a great remedy for lawyerly ennui and isolation. In few other settings could I have so quickly become a trusted and valued team member. Unlike the rest of the world, nonprofit boards love lawyers. They are looking for free legal expertise and perspectives, stature, good judgment, negotiating skills, and, of course, financial contributions and introductions.

However, many nonprofits, particularly smaller or less-sophisticated ones, may erroneously believe that having a lawyer on the board is the same thing as having a lawyer. They may not recognize that the establishment of an attorney-client relationship is a formal matter, with an engagement letter (legally required in some states) and stated professional understandings as to the scope of the representation, fees/fee waivers, and expenses. For our part, lawyers may not be in a position to deliver legal services to the client for any number of reasons: core competency, time and availability, conflict of interest, or lack of malpractice insurance.

If you do decide to represent an organization as well as serve on its board, be mindful of the following:

- Be clear about your role before you join. Clarify whether you are joining as a lawyer, director or both. If providing legal services, document the inception, scope and terms of the attorney/client relationship.
- Avoid private inurement. Don't go in expecting to generate billable work from a nonprofit client on whose board you sit. *Pro*

bono is the best way to avoid the issue—do your business development indirectly or elsewhere—but if your legal services must be fee-bearing, be sure to follow the organization's conflict-of-interest policies and, once the relationship is cleared, follow the rules for continuing disclosure.

- Inform the board when you switch the director hat for the lawyer hat. The privilege can be waived, and those communications can become discoverable in litigation, if formalities are not observed.
- Watch out for conflicts of interest. This is particularly true if you are asked to give a legal opinion on board actions in which you participated. If the organization becomes party to a litigation, you may be unable to try the case on behalf of the client if you are also a witness.
- Check liability coverage first. Some legal malpractice insurers will not cover either the lawyer or her firm if one of its lawyers serves on the board of the client. Other policies will provide coverage only where the lawyer was acting as a lawyer but not as a director. The organization may have directors' and officers' liability insurance, but this coverage may not apply when you're providing legal advice.

Take precautions, then embrace the chance to lead, serve, and grow through nonprofit board service. Your better self awaits.

1. Ms. Rosenthal is the author of *Good Counsel: Meeting the Legal Needs of Nonprofits* (John Wiley & Sons 2012). This article first appeared as a blog in The Careerist blog, American Lawyer Media.

Varied Collaborations and Methods of Service Lead to Success

Kristie M. Cinelli, Director of Private Attorney Involvement Program, Legal Aid Society of Northeastern New York

There has been an increased demand by clients for assistance with unemployment insurance benefits claims over the past few years. Through collaborative efforts with solo practitioners, firms, retired lawyers and Albany Law School, the Legal Aid Society of Northeastern New York (LASNNY) has created ways to offer clients various levels of service in this area. Our experience has shown that lack of prior experience in unemployment law is *not* a barrier for lawyers who want to volunteer in this area.

Janet Axelrod* is a prime example. While her career did not focus on unemployment insurance law, since retiring as an associate general counsel at New York State United Teachers in August 2011, she's given advice to nearly 150 people. "I sat in on a couple of consultations with one of the other attorneys who had been giving advice in this area," she said. Janet also read up on the process, and eventually took a course on unemployment insurance law offered by the New York State Bar Association. "The consults are an interesting, interactive process and I find the act of helping people extremely rewarding."

Joe Dougherty started as an associate at Hinman Straub, P.C. working in the areas of government relations and regulatory law. Volunteering on unemployment insurance benefits (UI) cases with LASNNY, Joe found the experience invaluable. He said, "I wanted to give back and in doing so I helped develop my professionalism as well as my skills." Volunteering in UI cases allowed Joe to represent *pro bono* clients before administrative law judges, cross-examine witnesses, and the opportunity to write persuasive briefs – tasks not commonly assigned to young associates. Joe is now a principal at Hinman Straub, P.C. and still does *pro bono*. He also continues to use

pro bono as a training tool, assigning other principals and associates to handle UI matters.

A more formal clinic structure at **Albany Law School** helps students gain litigation skills. Each semester, students work with clients from LASNNY in a clinic that focuses on UI benefits cases. "We're educating future lawyers to become holistic, reflective and ethical attorneys once they graduate and pass the bar," said Professor C. Benjie Louis*, who runs the program. "We are also helping the community by providing legal services." The clinical experience benefits law students in practical and meaningful ways while introducing them to the concept of access to justice. The students in the UI clinic interview clients, develop legal arguments and prepare case to be brought before an administrative law judge. The clinic helps fill a critical justice gap since there are not a lot of private attorneys who take these cases *pro bono*.

"If you're representing a claimant, you don't get paid unless they win, and then only after you submit a bill to the board and it's approved," noted **Lynn A. Papazian*** who handles UI cases *pro bono* at LASNNY and also in her solo practice. As Lynn began her career, she shadowed an attorney experienced in unemployment law, but her work extends beyond this area. "It's nice that I can actually do something for somebody else," said Papazian. "I'm very lucky in that if I needed legal work done I have a very helpful and supportive family, and I know enough attorneys to get the help I'd need but not everyone is as fortunate and volunteering a few hours to help someone is a positive way to be reminded of what you do have." An awareness that is common to the attorneys interviewed for this story.

"Access to justice need not be an abstract concept. Though it is some-

times undervalued, helping people successfully navigate the legal system can have a meaningful impact on their lives," said **Morgan Ruthman*** who is continuing a family tradition of serving at LASNNY, as his father served on the board. Morgan is currently working as in-house counsel to a real estate development firm. Although his prior experience in litigation did not relate to labor and employment matters, he's gained help from a number of different sources, including his wife, who is a labor and employment lawyer.

Another resource Morgan draws on is **Earl T. Redding*** of Roemer, Wallens, Gold & Mineaux LLP. An experienced labor and employment law practitioner, Earl is available to answer questions and mentor others. In his practice Earl represents management. Seeing the employee side of the story has given him a different perspective on UI cases. When a fellow attorney asked if volunteering would take much time, Earl replied, "It doesn't take any more time than the time you want to put into it. We have the ability to find time because there's always time. We find time to help an individual navigate what can be very difficult for a lay person to handle."

Mr. Redding noted that Kristie Cinelli and other staff at Legal Aid make the process simple, handling all the UI paperwork so that people can offer their services in the most efficient way possible.

If you are interested in volunteering with UI cases, please contact Kristie Cinelli at kcinelli@lasnny.org or (518) 689-6322.

Celebrate *Pro Bono* with The Legal Project

Lisa A. Frisch, Executive Director, The Legal Project

For 18 years, The Legal Project has provided free civil legal services to victims of domestic violence and the working poor in the Capital Region of New York State, both through a cadre of *pro bono* lawyers and staff attorneys. With a home base in Albany, The Legal Project has over 225 attorneys who generously volunteer their expertise and time to low income individuals and victims of domestic violence who are in desperate need of legal services. This year we are holding a special awards luncheon in honor of those volunteers and community partners who have gone above and beyond in their service to our community. The Legal Project's Awards Luncheon will be held on October 16th from 11:30-1:30 at The Century House in Latham, NY and will be hosted by WTEN's Lydia Kulbida. We are proud to announce our honorees that represent the wonderful work and support of so many in our community:

Hon. Eric Schneiderman*, Attorney General

The 2013 Legal Project Champion Award



A hallmark of Attorney General Schneiderman's tenure has been standing up to powerful interests on behalf of everyday New Yorkers, including holding the banks accountable for their role in the foreclosure crisis and providing meaningful relief to homeowners. Last year, he announced the launch of the Homeowner Protection Program, his office's commitment of \$60 million over three years to fund housing counseling and legal services for struggling New York homeowners. The housing foreclosure crisis has had a devastating impact not only on families whose homes are subject to foreclosure, but on surrounding communities and the State

as a whole. He therefore dedicated a substantial portion of funds awarded to New York under the National Mortgage Settlement to support the work of direct service providers who specialize in delivery of legal services and housing counseling to at-risk homeowners affected by foreclosures, called HOPP—the Homeowner Protection Program. Thanks to the Attorney General's commitment, The Legal Project and their community partners have received funding to provide these vital services, helping hundreds of Capital Region homeowners avoid foreclosure.

Jerrold Bartman*

2013 Kurt Clobridge Memorial Award for *Pro Bono* Service



One of The Legal Project's programs in most demand is the bankruptcy program, which relies on experienced bankruptcy attorneys to volunteer their time to assist clients who cannot afford private representation. Of the many wonderful attorneys who give their time, Mr. Bartman stands out as one who almost always says yes to a request for help, and who has taken on a remarkable 45 *pro bono* cases for The Legal Project—20 clients in 2013 alone. He is always available to take cases when needed, responding quickly and consistently saying "send as many over as you need to." He not only expresses his personal commitment to *pro bono*, he lives it.

Lawrence Zimmerman* 2013 Brigid Nolan Memorial Award for *Pro Bono* Services To Victims of Domestic Violence



Mr. Zimmerman, a Partner and *Pro Bono* Coordinator in the law firm Hiscock & Barclay in Albany with a national expertise in real property law, has a quiet

demeanor that belies his zealous representation of *pro bono* domestic violence victims. He has taken on a number of cases for The Legal Project, including cases that present more complex and difficult issues than the typical *pro bono* case. He has encouraged other members of his firm to get involved with the *pro bono* legal panel, which in turn has helped The Legal Project to serve more clients. He fights hard for his clients, providing them with compassionate advocacy during some of the most difficult and stressful times in their lives. His patience and understanding has helped bring these cases to a positive end, helping these victims become survivors of abuse, and allowing them to move on with their lives with dignity and safety.

Robert Knightly*

2013 Stanley A. Rosen Memorial Award



Prior to relocating to downtown Albany in 2007, Mr. Knightly was a trial lawyer with the New York City Legal Aid Society's Criminal Defense Division and previously was a Lieutenant of Police in the New York Police Department. He has used these experiences to inform the mystery

novels that he has published, based in NYC. Mr. Knightly barely learned his way around the Capital Region when he contacted The Legal Project and offered to volunteer to assist in our Domestic Violence Legal Connection program. Since that time, he has taken numerous cases and is always open to helping in the most egregious of cases. He is committed to our clients and to our community—doing all he can to ensure that those in need of his expertise are able to receive this critical assistance.

The HomeSave Coalition

2013 Field of Dreams Award

The HomeSave Coalition is a collaboration of experienced housing counseling and legal services providers working together to effectively coordinate the provision of foreclosure prevention assistance for Capital Region homeowners. The Coalition is being awarded the 2013 Field of Dreams Award for being an integral part of The Legal Project's ability to create and implement a Homeowner Protection Project to assist homeowners facing foreclosure. Our Coalition partners include housing counseling agencies Affordable Housing Partnership of the Capital Region, Albany County Rural Housing Alliance, Better Neighborhoods Inc., Housing Resources of Columbia County, and TRIP NeighborWorks Homeownership Center. In addition to The Legal Project, legal services partners include Empire Jus-

tice Center, Legal Aid Society of Northeastern New York, and the Albany Law School. An important Coalition partner is United Tenants of Albany, assisting tenants who reside in homes in the process of foreclosure. Other members include the Community Loan Fund of the Capital Region and Albany Community Land Trust. The HomeSave Coalition epitomizes the word "collaboration"—working together to make a difference in our community.

Susan Arbetter

2013 Friend of the Legal Project Award



Emmy Award winner Susan Arbetter hosts and produces the syndicated public radio program "The Capitol Pressroom", which broadcasts from the

State Capitol in Albany each weekday from 11am to noon. She is also the Director of News & Public Affairs for Syracuse public broadcaster, WCNY. Ms. Arbetter has long been a friend of The Legal Project, often hosting events and as a longtime member of The Legal Project's Advisory Board. Ms. Arbetter has been a tremendous ally in helping to shed light on the importance of access to justice, immersing

herself in the issues and often interviewing those who have championed this, such as Chief Judge Jonathan Lippman*, Assemblywoman Helene Weinstein and Attorney General Eric Schneiderman*.

Carolyn A. D'Agostino*

2013 Barry A. Gold Law Firm Leadership Award

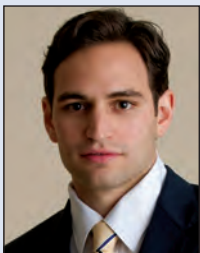


Carolyn D'Agostino is a 1994 graduate of Loyola University of Chicago Law School, *magna cum laude*. She returned to law school when her two older

children were preschoolers, having been a stay at home mom for four years. In law school, she clerked for two federal judges, the Hon. Hubert Will and the Hon. James B. Zagel in the Seventh Circuit. Upon graduation, she returned to the northeast with her family and was employed at the Albany law firm of Whiteman, Osterman and Hanna for two years, then at the Office of the State Comptroller for ten years, ultimately becoming Director of Hearing Administration and Matrimonials for the New York State Retirement System. In 2006, she opened a statewide firm that specializes in the division of retire-

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The Community Development Project Welcomes New *Pro Bono* Co-Coordinators



De Barbieri*



Pham

co-coordinators, Senior Staff Attorney Edward De Barbieri* and Development Coordinator HaQuyen Pham. Mr. De Barbieri, a 2008 Brooklyn Law School graduate—who first joined CDP as an Equal Justice Works fellow—represents community-based non-profits and small businesses on business and transactional law matters, and negotiates community benefits agreements. Ms. Pham, a graduate of the University of Dayton with an M.A. in Communications, joined CDP in 2008

as a paralegal in CDP's Housing and Consumer Justice practice areas. Ms. Pham and Mr. De Barbieri can connect volunteers with opportunities in any of CDP's practice areas, including housing, workers' rights, and consumer justice, as well as transactional projects for community organizations and worker cooperatives. Please feel free to contact Ms. Pham at hpham@urbanjustice.org or Mr. De Barbieri at edebarbieri@urbanjustice.org for more information about *pro bono* work with CDP.

Malaria No More, a *Pro Bono* Client of Crowell & Moring, Underscores the Power of One Dollar

Jeffrey A. Smith*, Partner, and Robert J. Stein, Associate, Crowell & Moring LLP

Children in Africa infected with malaria will soon have easier access to treatment thanks, in part, to attorneys in the New York office of Crowell & Moring LLP.

In fall 2012, Malaria No More, a nonprofit organization that aims to end malaria deaths in Africa, approached Novartis Pharma AG (www.malaria-novartis.com) to join forces on a campaign designed to help treat African children who have been infected with malaria, a blood disease caused by the *P. falciparum* parasite and transmitted to humans by the Anopheles mosquito.

Malaria No More has been a *pro bono* client of Crowell partner Jeffrey A. Smith since 2009. For this transaction, Jeff paired up with associate Robert J. Stein.

The resulting alliance has assisted Malaria No More further its “Power of One” call to action: every dollar donated buys and delivers a full course of life-saving treatment for a case with malaria. Novartis signed on to provide millions of dollars toward the cause through 2015. It also plans to match the first one million treatments purchased by the public each year for three years, totaling two treatments for every dollar donated.

Jeff and Robby also represented

Malaria No More in negotiations with Alere, Inc., the world’s leading provider of rapid-diagnostic tests for several diseases, including malaria. Alere committed to donate two million rapid-diagnostic malaria tests through 2015.

Martin Edlund, CEO of Malaria No More, said that without Crowell’s legal counsel to match Novartis’ sophistication in the negotiations, the partnership might never have seen the light of day. “The Power of One campaign has the potential to revolutionize the way the consumer public and corporations engage with global issues,” he added. “We are extremely proud to welcome Novartis, Alere and the other forward-thinking corporate and media partners who have signed on to help us end malaria deaths one dollar and one child at a time.”

Malaria no More thinks their campaign is part of a new philanthropic wave—dubbed “Charity 2.0”—partnering a small nonprofit and large company for the greater good, all the while engaging the public via mobile.

The *pro bono* deal was an edifying one for Robby, personally and professionally. “Working on behalf of Malaria No More with Novartis was highly fulfilling,” he said. “Novartis’ in-house counsel is sophisticated and

talented, and our negotiations were consistently focused and reasonable, as we strived to structure a novel deal for our respective clients. I found the work challenging and engaging, and developed a relationship with Novartis that was at all times professional and deeply respectful, rooted in the profound importance of the cause. It even culminated in friendship: they most kindly gave me two enormous bars of delicious Lindt chocolate. What a compliment, especially from the Swiss!”

“But confections aside, the personal highlight of this deal was knowing as I worked with a multinational pharmaceutical corporation, whose market capitalization regularly exceeds \$150 billion, on behalf of a non-profit organization, that I was contributing to a mission that saves lives. It remains rewarding with gratification on a level I have not previously known.”

How might you, your family and your friends get involved? Demonstrate the “Power of One” via the donation opportunities by clicking on the below links. And remember: Every dollar donated treats a child with malaria.

Power of One: www.Po1.org

Donate to Malaria No More: <http://www.malarianomore.org/give>

The Legal Project

Continued from page 13

ment assets upon divorce. Carolyn has provided *pro bono* legal services to legal aid organizations throughout the Capital District and the state, including the Legal Project, the Legal Aid Society of Northeastern New York, and Mid-Hudson Legal Services. Ms. D’Agostino’s extremely generous assistance has allowed The Legal Project to help many more victims of domestic violence who often have property or an income on paper, but no access to these funds—making a

tremendous difference in their lives.

The Legal Project will continue to celebrate *pro bono* and our honorees during National Pro Bono Week at our 18th Annual *Pro Bono* Reception which will be held on Thursday, October 24, 2013 from 5:30-8:00 pm at the beautiful Hart Theater Lounge at The Egg in downtown Albany. As a follow up to our Awards Luncheon the previous week, we will celebrate the work of The Legal Project’s many volunteers and supporters with a cocktail reception with a beer and wine open bar, and delicious selections from a variety of local restaurants as well as a won-

derful Silent Auction and raffle. In the past three years, over 400 people came to help us celebrate the work and generosity of our volunteers and supporters. The *Pro Bono* Reception is The Legal Project’s major fundraiser of the year and 100% of the proceeds from the event will help support our *pro bono* programs, specifically our Domestic Violence Legal Connection. For more information about our honorees or these events, please contact Lisa Frisch at lfrisch@legalproject.org or go to www.legalproject.org.

National Pro Bono Week Events

October 20-26 marks the 5th Anniversary of National Pro Bono Week. During National Pro Bono Week legal professionals unite to recognize the contributions *pro bono* attorneys make in bridging the justice gap in America. Legal Services programs do a yeomen's job in representing as many low-income and vulnerable persons as their dwindling resources permit. But despite their best efforts, more than 2.3 million people are turned away. Unrepresented litigants don't stand a fair chance when fighting alone for the basic necessities of life. Each side in an action needs an advocate – this is the very foundation of our justice system and without it, there is no justice.

Pro bono service is vitally important to help ensure full access to justice for all. National Pro Bono Week is the ideal time to educate the public and the legal profession about the urgent need for more volunteer lawyers; as well as share news of exciting *pro bono* opportunities available in the community. Below are some of the exciting events planned in commemoration of National Pro Bono Week. To view a more comprehensive listing of events taking place across the state go to www.probono.net/NY.

CAPITAL DISTRICT

Thursday, October 3

Why We Need a Right to Counsel in Civil Matters Where Basic Human Needs Are at Stake
New York State Bar Association
Albany, NY
5:00pm–6:30pm

2013 is the 50th Anniversary of the US Supreme Court's decision in *Gideon v. Wainwright*, in which the Court established the right to representation by an attorney, at government expense, for people who cannot afford to pay for counsel. The court found that it was an "obvious truth" that a criminal defendant cannot have a fair trial unless counsel is appointed. The New York State Bar Association is hosting a forum on the important need for a right to counsel in civil legal matters. Find out why it is an equally obvious truth that there should be a right to counsel for low-income people who face court cases that may result in orders evicting them from their homes, denying them custody of their children and affecting other basic human needs.

The program is free and open to the public, but pre-registration is required. To register to attend the live program, please contact the Department of *Pro Bono* Affairs at (518) 487-5641 or probono@nysba.org.

Friday, October 4

Unemployment Insurance CLE
The Citizens Bank Building
833 Broadway
Albany, NY
9:00am–3:00pm

Attorneys interested in learning the basics of unemployment insurance benefits claim defenses are encouraged to attend this informative 5 hour MCLE accredited program (4.0 Skills; 1.0 Ethics). The distinguished panelists include Administrative Law Judges and attorneys knowledgeable in unemployment benefits claims. This program is free for attorneys who agree to accept two *pro bono* UI case referrals or \$75 registration fee for those who are unable to accept a *pro bono* referral at this time. For more information and to register, contact Eileen Guinan, *Pro Bono* Coordinator at the Albany County Bar Association at eguinan@albanycountybar.com. This event is sponsored by the Albany County Bar Association, Legal Aid Society of Northeastern, NY, New York State Bar Association, and the NYS Unemployment Insurance Appeal Board.

Thursday, October 10

Landlord Tenant CLE
Jurors Lounge
Albany County Judicial Center
6 Lodge Street
Albany, NY
4:00pm–7:00pm

Attorneys interested in learning the basics of tenants' defenses in eviction cases are encouraged to attend this informative 3 hour MCLE accredited program (2.0 Skills; 1.0 Ethics). The distinguished panelists include the Honorable Gary Stiglmeier and attorneys knowledgeable in landlord tenant and real property law. This program is free for attorneys who agree to accept two *pro bono* landlord tenant case referrals or \$75 registration fee for those who are unable to accept a *pro bono* referral at this time. For more information and to register, contact Eileen Guinan, *Pro Bono* Coordinator at the Albany County Bar Association at eguinan@albanycountybar.com. This event is sponsored by the Albany County Bar Association, Legal Aid Society of Northeastern, NY, and the New York State Bar Association.

Wednesday, October 16

The Legal Project: Inaugural Pro Bono Awards Luncheon

**The Century House
Latham, NY**

11:30am–1:30pm

The Legal Project's first annual *Pro Bono Awards Luncheon* will be held on Wednesday, October 16, 2013 at The Century House in Latham, NY from 11:30 am-1:30 pm. Volunteers and community partners who have gone above and beyond to promote *pro bono* and access to justice in our community and elsewhere will be honored. Among other worthy awardees, the Legal Project Champion Award will be presented to NY Attorney General Eric Schneiderman, in recognition of his leadership in supporting civil legal services and *pro bono*, specifically, assistance for homeowners facing foreclosure. Luncheon is \$35 per person or \$25 for students/non-profit employees. See www.legalproject.org for more information or call Rose Porter at 518-435-1770.

Friday, October 18

Luncheon & Awards Ceremony: Recognizing Judges Who Support Pro Bono

**New York State Bar Association
11:30am–1:30pm**

National Pro Bono Week is October 20-26. You are cordially invited to attend a Luncheon and Awards Ceremony recognizing judges who have made significant contributions to expanding access to justice through their support of various *pro bono* initiatives within the Capital District and elsewhere. The honorees include retired Magistrate Judge George H. Lowe, co-chair of the President's Committee on Access to Justice; Hon. Christine M. Clark (4th Judicial District); Hon. Gary F. Stiglmeier (3rd Judicial District); Hon. Robert E. Littlefield, Jr. (Chief Judge, US Bankruptcy Court); and the Hon. George B. Ceresia (3rd Judicial District). The event is free, but pre-registration is required. Contact probono@nysba.org or (518) 487-5641. This event is sponsored by the Department of Pro Bono Affairs of the New York State Bar Association in collaboration with its *Pro Bono Partners*,

the Albany County Bar Association, Albany Law School, Prisoners' Legal Services of NY, The Legal Project, the Legal Aid Society of Northeastern NY, and the office of the Administrative Judge for the Third Judicial District.

Saturday, October 19

Veterans Law Day Event: Serving Veterans and Service Members
**Albany Law School
Albany, NY
9:00am–5:00pm**

Veterans and their families may seek legal advice from *pro bono* attorneys on matters including VA benefits, file or document corrections, family matters, and economic matters. There will also be a resource fair for attendees to meet service providers, including veteran's service, mental health services, housing and recreational resources. This event is free and open to the public. To schedule a free appointment, please contact (518) 445-2365 or jbennett@albanylaw.edu.

Monday, October 21

Bookends: The Effects of Incarceration on Children and the Elderly
**Capital Repertory Theater
111 N. Pearl Street
Albany, New York 12207
6:00pm–8:30pm**

Prisoners' Legal Services of New York, in collaboration with the Soul Rebel Performance Troupe, is hosting "Bookends: The Effects of Incarceration on Children and the Elderly." Local actors will perform poems and stories submitted by incarcerated New Yorkers, providing an intimate look at how incarceration has affected their relationships, health and selves. The evening will start with a cocktail hour and conclude with an awards ceremony, honoring our *pro bono* volunteers. Tickets are \$10 ticket and can be purchased by contacting Samantha Howell, *Pro Bono & Outreach Services Coordinator*, Prisoners' Legal Services, at (518) 445-6050, or showell@plsny.org.

Thursday, October 24

The Legal Project: 18th Annual Pro Bono Reception

**The Egg
Albany, NY
6:00pm–9:00pm**

The Legal Project's 18th Annual *Pro Bono Reception* will be held on Thursday, October 24, 2013 from 5:30-8:30 pm at the Hart Theater Lounge at The Egg in downtown Albany. As a follow up to the Awards Luncheon the previous week, the work of The Legal Project's many volunteers and supporters will be celebrated with a cocktail reception with a beer and wine open bar, and delicious selections from a variety of local restaurants as well as a Silent Auction and raffle. 100% of the proceeds from the event will help support *pro bono* programs, specifically the Domestic Violence Legal Connection. *Pro Bono Reception* is \$50 per person or \$35 for non-profit employees or students. See www.legalproject.org for more information or call Rose Porter at 518-435-1770.

Saturday, October 26

Senior Citizen's Law Day: A Free Event for Capital Region Seniors & Their Caregivers
**Albany Law School
Albany, NY
9:00am–5:00pm**

Senior Citizens and their families may attend a series of free workshops and lectures on health coverage, housing options, debt and scam issues, elder abuse, wills, advance directives and other end of life documents, and more. The day will begin with The Nancy Sills Memorial Lecture, and, in addition to the workshops, includes free 30 minute consultations with *pro bono* attorneys (on a first come, first serve basis), free light breakfast, reduced cost cafeteria lunch by Charwells, and a raffle give-away. Pre-registration is not required to attend the workshops. Attendees may register the day of the event for a free consultation. For more information call (518) 445-2304.

NASSAU COUNTY

Monday, October 7

Mortgage Foreclosure and Sandy Recovery Free Legal Consultation Clinics

**Nassau County Bar Association
Headquarters
15th and West Streets,
Mineola, NY
3:00pm–6:00pm**

Nassau County Bar Association volunteer attorneys will help families with advice and strategies to keep their homes during one of the worst recessions in modern history, as well as after one of the most devastating storms in recent memory, by presenting the Mortgage Foreclosure and Sandy Recovery Free Legal Consultation Clinics. Homeowners concerned about foreclosure matters or are already in the foreclosure process involving property in Nassau County will be able to meet one-on-one with a volunteer attorney for free legal guidance, to receive loan modification assistance and bankruptcy information – all in one room. Attendees are asked to bring their mortgage documents to the clinic. Bi-lingual attorneys fluent in Spanish will be on site. Attorneys bi-lingual in Russian, Haitian Creole, Korean, Chinese, Hindi, American Sign Language and many other languages will be made available upon request when homeowners call to make reservations. Reservations are required by calling the Bar Association at 516-747-4070.

NEW YORK CITY

Thursday, October 24

National Pro Bono Week Attorney Recognition Reception

**New York County Lawyer's Association
14 Vesey Street
New York, NY
6:00pm–8:00pm**

In recognition of National Pro Bono Celebration Week, the NYS Courts Access to Justice Program, along with the New York State Bar Association, the New York County Lawyers' Association and the Office of the Mayor of New York City will host a *pro bono*

awards ceremony at the New York County Lawyers' Association on Thursday, October 24th from 6:00 - 8:00 PM to honor volunteer attorneys for their *pro bono* service. The program will give special recognition to some of the outstanding attorneys and programs that assisted Superstorm Sandy survivors as well as the *pro bono* contribution of Emeritus Attorneys. The program will include remarks by representatives from the sponsoring organizations. The event is free, but reservations are required. RSVP at volunteerattorneys@courts.state.ny.us.

SOUTHERN TIER

October 1, 3, 8, 10, 15, 22 & 29

Pro Bono Eviction Defense Program

**Binghamton City Court
38 Hawley Street
Binghamton, NY
10:00am–Noon**

Serving low-income clients in Binghamton, New York, the Legal Aid Society of Mid-NY, is hosting a *Pro Bono* Eviction Defense Program where volunteer attorneys will represent tenants in eviction cases. To register for the program contact *Pro Bono* Paralegal Pamela MacLaren at (607) 231-5925. Persons residing outside Broome County may request a telephone consultation

Wednesday, October 2

Pro Bono Divorce Advice & Screening Clinic

**Legal Aid Society of Mid-NY
168 Water Street
Binghamton, NY
2:00pm–4:00pm**

Low-income clients residing in Broome, Chenango, Delaware and Otsego counties may sign-up for one of two free advice and screening clinics on divorce issues at the Binghamton office of Legal Aid Society of Mid-NY. The first clinic will take place on October 2nd. To register for the clinic contact *Pro Bono* Paralegal Pamela MacLaren at (607) 231-5925. Persons residing outside Broome County may request a telephone consultation.

Friday, October 11

Consumer and Bankruptcy Advice and Screening Clinics

**Legal Aid Society of Mid-NY
168 Water Street
Binghamton, NY
9:00am–11:00am**

Persons residing in Broome, Chenango, Delaware and Otsego counties can register for Consumer/Bankruptcy clinics where they meet with an attorney, individually, to discuss financial situations and receive advice and counsel. The first clinic will be held on October 11th and the second clinic will take place on October 23rd. To register for the bankruptcy clinics contact *Pro Bono* Paralegal Pamela MacLaren at (607) 231-5925. Persons residing outside Broome County may request a telephone consultation.

Wednesday, October 16

Pro Bono Divorce Advice & Screening Clinic

**Legal Aid Society of Mid-NY
168 Water Street
Binghamton, NY 13901
9:00pm–Noon**

Low-income clients residing in Broome, Chenango, Delaware and Otsego counties may sign-up for one of two free advice and screening clinics on divorce issues at the Binghamton office of Legal Aid Society of Mid-NY. To register for the second clinic on October 16, contact *Pro Bono* Paralegal Pamela MacLaren at (607) 231-5925. Persons residing outside Broome County may request a telephone consultation.

Wednesday, October 16

Veterans "Talk to a Lawyer" Program

**Broome County Vet Center
53 Chenango Street
Binghamton, NY 13901
10:00am–Noon**

Broome County veterans will be able to ask *pro bono* attorneys questions on an array of legal issues including: estate planning, debt collection, real estate, and housing. To schedule an appointment for a free consultation contact *Pro Bono* Paralegal Pamela MacLaren at (607) 231-5925.

Saturday, October 19

Senior Legal Clinic
Broome County Public Library
185 Court Street
Binghamton, NY
9:30am–12:30pm

Volunteer lawyers will be available to answer questions on an array of legal issues ranging from estate planning to debt collection for Senior Citizens, age 60 and above, residing in Broome County. To schedule an appointment for a free consultation contact *Pro Bono* Paralegal Pamela MacLaren at (607) 231-5925.

Wednesday, October 23

Consumer and Bankruptcy Advice and Screening Clinics
Legal Aid Society of Mid-NY
168 Water Street
Binghamton, NY
9:00am–11:00am

Persons residing in Broome, Chenango, Delaware and Otsego counties can register for Consumer/Bankruptcy clinics where they meet with an attorney, individually, to discuss financial situations and receive advice and counsel. To register for the bankruptcy clinic contact *Pro Bono* Paralegal Pamela MacLaren at (607) 231-5925. Persons residing outside Broome County may request a telephone consultation.

SYRACUSE

Wednesdays, October 2 & 16

Child Support Clinics
Legal Aid Society of Mid-NY
472 South Salina Street, Suite 300
Syracuse, NY
9:00am–11:00am

Eligible low-income persons residing in the Syracuse area may receive free advice on child support issues. For more information about the Child Support Clinics contact *Pro Bono* Paralegal Jim Guilford at (315) 703-6617.

Wednesdays, October 9 & 23

Consumer and Bankruptcy Advice and Screening Clinics
Legal Aid Society of Mid-NY
472 South Salina Street, Suite 300
Syracuse, NY
4:00pm–6:00pm

Persons residing in Cayuga, Cortland, Jefferson, Onondaga and Oswego counties can register for Consumer/Bankruptcy clinics where they meet with an attorney, individually, to discuss financial situations and receive advice and counsel. To register for the clinic, contact *Pro Bono* Paralegal Jim Guilford at (315) 703-6617.

Wednesday, October 30

Pro Se Divorce (uncontested) Advice and Screening Clinic
Legal Aid Society of Mid-New York
472 South Salina Street, Suite 300
Syracuse New York, 13202
1:00pm–6:00pm

Low income clients residing in Onondaga County seeking to file for Uncontested Divorce may sign up for a free advice and screening clinic at the Syracuse office of Legal Aid Society of Mid-NY. To register for the clinic, contact *Pro Bono* Paralegal Jim Guilford at (315) 703 6619.

UTICA

TBA

Pro Se Divorce (uncontested) Advice and Screening Clinic
Legal Aid Society of Mid-NY
255 Genesee Street, 2nd Floor
Utica, NY

Low income clients seeking to file for Uncontested Divorce may sign up for a free advice and screening clinic. The date, time, and location of the event have not yet been finalized. For more information contact *Pro Bono* Paralegal Renee Kolwaite at (315) 793-7061.

Saturday, October 19

Bench & Bar CLE: Representing LGBTQ Clients
Mohawk Valley Community College
IT Room 225
1101 Sherman Drive
Utica, NY
9:00am–Noon

LASMNY is hosting a free 3.0 hour MCLE credit course, including 1.0 Ethics. The informative program will examine ethical responsibilities related to being culturally competent. The CLE program will feature a discussion of representation on *LGBTQ* clients with respect to dissolving legal relationships, the recent Supreme Court decision on gay rights, and the impact of DOMA on marriages. To register contact (315) 724-4901 or email diane@oneidacountybar.org.

LawHelpNY's College Internship Program Works to Increase Access to Justice In New York City

Irma Anne Rivera**, *Juris Doctor, 2013, New York Law School Pro Bono Fellow, LawHelpNY, Fall 2013*



Rivera

For many college students, summer vacations are a time of fun and relaxation. This summer, however, a group of college interns decided to devote their summer to community outreach for LawHelpNY. LawHelpNY's community outreach program, called TIPS (Training & Information Program Statewide), is designed to increase community awareness of online legal resources at a time when there aren't enough free legal services to meet the needs of all eligible clients. Many end up going to court or face a legal challenge without an attorney. LawHelpNY accomplishes its goal of empowering low-income New Yorkers with crucial legal information in part through the *pro bono* commitment of hardworking, socially minded college and law students. This summer's interns witnessed firsthand the profound need for access to free legal and social services. The interns came from all over the tri-state area and from places as far away as the U.K. and Sweden. They came to help spread knowledge about online legal information available to those in need.

TIPS' interns were sent to the furthest ends of Brooklyn, Queens and Staten Island, to the areas hardest hit by Superstorm Sandy. Now, a year after the storm, there are still many individuals homeless or people otherwise suffering who have not been able to collect on insurance policies or get sufficient FEMA or other benefits. When the storm hit, LawHelpNY acted quickly to disseminate emergency information and referrals to legal services programs for victims of the storm, utilizing its blogs and other social media as the essential delivery method for recovery assistance and a calendar of free

legal clinics throughout NYC and Long Island.

As LawHelpNY continues to evolve with the changing needs of New Yorkers, the TIPS interns were able to improve their public speaking and community outreach skills as well as learn about different civil legal issues. TIPS intern, Mattie Hunt stated that after being out in the community and doing outreach, she learned "of the need for organizations such as LawHelpNY. Many counselors and social workers I spoke to expressed relief upon learning about LawHelpNY because so many of their clients experience legal issues and didn't know where to start. Many of the community board offices especially impressed me with the large amount of resources they had available and the energy of the staff." For others, the community outreach had a sobering effect. TIPS intern, Natalie Omary stated that her experience doing community outreach "further emphasized that wealth and resources are heavily concentrated in certain neighborhoods and in certain populations. It

is astounding that there can be such discrepancies in access and resources for people and organizations."

Through the assistance of the TIPS interns, we expanded the use of LawHelpNY and hopefully improved access to justice for low-income New Yorkers. TIPS intern, Abbisola Oxley sums it up best, "my absolute favorite part of the program was going to community events ...because it gave me a chance to see how different needs varied depending on the community. I also enjoyed this part of the program because I felt like it was the one way that I directly provided a service- *information*."

LawHelpNY would like to thank the Summer 2013 TIPS interns: Megan Cattell (Fordham University), David Coard (Bennington College), Mattie Hunt (Oklahoma State University), Natalie Omary (Clark University), Sham Khan (University College, London), Alice Odeen (St. Johns & Uppasala University, Sweden), and Abbisola Oxley (DePauw University) for their perseverance and diligent work this summer.

Are You feeling overwhelmed?

The New York State Bar Association's Lawyer Assistance Program can help.

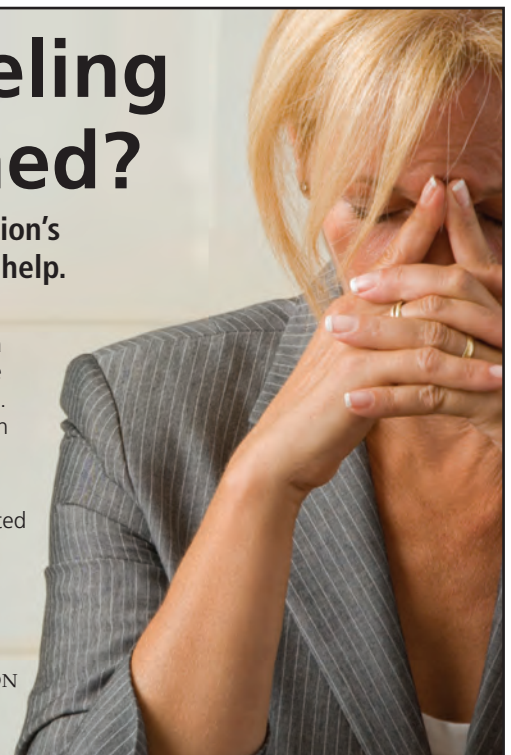
We understand the competition, constant stress, and high expectations you face as a lawyer, judge or law student. Sometimes the most difficult trials happen outside the court. Unmanaged stress can lead to problems such as substance abuse and depression.

NYSBA's LAP offers free, confidential help. All LAP services are confidential and protected under section 499 of the Judiciary Law.

Call **1.800.255.0569**



NEW YORK STATE BAR ASSOCIATION
LAWYER ASSISTANCE PROGRAM



Pro Bono and Technology Combine to Help Sandy Victims

Adam Friedl*, Pro Bono Coordinator, and Jake Hertz, Program Associate, Pro Bono Net

In the days after Superstorm Sandy, relief efforts focused on addressing emergency needs such as food, shelter, and heat. For many victims, however, these critical supplies could not address their biggest loss: the destruction of their home or other valuable property. Hundreds of thousands of victims had their initial applications for assistance denied by the Federal Emergency Management Agency (FEMA), and the demand for help to appeal threatened to overwhelm the legal community's already stretched resources.

To address this enormous demand, Pro Bono Net began working with *pro bono* and legal services attorneys to explore whether document assembly technology might be able to give FEMA appellants the resources to help themselves. Online interviews would be able to walk users through gathering all of the necessary information, and then the technology would assemble it into a properly formatted appeal letter to mail to FEMA. After three months of development, including substantial input and testing from *pro bono* attorneys with FEMA appeals expertise at Weil, Gotshal & Manges, this idea became FEMAAppeals.org. The site contains an easy-to-use, interactive interview that asks a series of questions to gather the required identification and case-specific details, and then transforms the information into an appeal letter that accords with FEMA guidelines. Additionally, the site provides hotline numbers, a calendar of upcoming relief clinics, and other resources for both the application and FEMA in general.

The development of FEMAAppeals.org illustrates new and exciting ways *pro bono* lawyers can provide legal assistance. The Weil attorneys, many of whom had developed FEMA expertise assisting victims of Hurricane Katrina and were now working on cases post-Sandy, provided essen-



tial substantive knowledge. Additionally, they developed an FAQ section for the site that provides users with critical information, as well as important insights regarding best practices for communicating with FEMA. Their work was also invaluable in setting up document templates and providing feedback on early versions to ensure that the application produced comprehensive and legally sound documents. The Weil lawyers' generous efforts illustrate that by working on large-scale projects such as FEMAAppeals.org, *pro bono* attorneys can leverage technology to aid many more clients than has traditionally been possible through the direct services model.

The work these lawyers did on the FEMA Appeals document assembly template will continue to benefit natural disaster victims well into the future. Within days of the devastating tornado outbreak in Oklahoma this May, OKLaw.org released a version of FEMA Appeals to victims that required only minor modifications from the original template. Going forward, this resource will be imme-

diately available to help disaster victims to advocate for themselves and understand the often-confusing appeals process.

Interactive interviews and document assembly like that on FEMAAppeals.org are already in use in a wide range of practice areas from consumer debt to housing and immigration matters. As this technology becomes more prevalent, the role of *pro bono* lawyers will also evolve: instead of gathering information and preparing documents from scratch, they will increasingly be able to review computer-generated drafts, a much less time-intensive task. This will allow *pro bono* attorneys to spend more resources on difficult and complex cases while simultaneously assisting a greater number of clients, increasing the quality and quantity of their services and leveraging their resources to help close the justice gap.

The Empire State Counsel® Program is Accepting Verification Forms

Gloria Herron Arthur*, Esq., Director, Department of Pro Bono Affairs

Launched in 2006 by then Association president Mark H. Alcott, the Empire State Counsel® Program recognizes NYSBA members who, during the calendar year, performed 50 hours or more of *pro bono* legal services either through direct legal representation of a low-income/vulnerable individual, or donating free legal services to an organization whose services are designed primarily to address the legal and other basic needs of persons of limited financial means, or providing free legal services to an organization dedicated to increasing the availability of legal services to vulnerable and/or low-income populations. The program is voluntary.

The contributions of Empire State Counsel® honorees and their law firms are recognized during the Association's Annual Meeting at the Justice for All Luncheon. The 2014 Annual Meeting dates are January 27 through February 1, 2014. The Justice for All Luncheon is free and will be held on Thursday, January 30th, from 12:30 -2:30, at The Hilton NY, 1335 Avenue of the Americas, NY, NY. The 2014 keynote speakers at the Justice for All Luncheon will be the Chief Judge Jonathan Lippman, NYSBA President David M. Schraver and James Silkenat, President of the ABA. Law firms and *pro bono* volunteer organizations are encouraged to reserve a table for their Empire State Counsel® honorees who wish to attend.

Participating law firm enrolling the greatest number of Empire State Counsel® are eligible receive a plaque which will be awarded during the luncheon. Plaques are awarded in the following categories: Platinum, Gold, Silver and Bronze. More than one plaque may be awarded per law firm category. In addition, two individual attorneys will be selected to receive a plaque based on either the substantial volunteer hours contributed or the extraordinary nature of their *pro bono* contributions.

Individual Empire State Counsel®

honorees receive a certificate suitable for framing and the signature Empire State Counsel® lapel pin. The honorific designation may be used as a credential on an honoree's resume or curriculum vitae. The names of the individual honorees and their employers are published in a Special Edition of the Pro Bono Newsletter and on the Department of Pro Bono Affairs website. The Special Edition will be published in April 2014.

Since the recognition program was launched six years ago, more than 7,017 NYSBA members have earned this prestigious credential, collectively donating close to 1.3 million *pro bono* hours. Honorees' *pro bono* service is not limited to New York. Empire State Counsel® proudly provide free legal services in virtually every state in the United States, as well as in Europe, Indonesia, Africa, Canada and India. Thanks to the honorees' free legal services, tenants have avoided evictions, the elderly and senior citizens have obtained vital government benefits, and asylum seekers have found refuge.

Enrolling as an Empire State Counsel® is very easy:

- **Individual attorneys** may complete the Verification Form attesting to the number of *pro bono* hours s/he performed during the calendar year, using the *fillable* on-line version located at www.nysba.org/2013ESCVF.
- **Required Fields** on the *fillable* verification form include: the name of the attorney, name of law firm, attorney email address, number of *pro bono* hours donated during the calendar year, address where certificate is to be mailed and whether applicant is a Mr. or Ms. Applicants are encouraged to enter the name exactly as you wish it to appear on the Empire State Counsel® Certificate. This will enable us to avoid issuing a certificate in your nick-name or omitting your middle initial. Specifying whether

the applicant is a Mr. or Ms. is a tremendous help as it may be difficult to determine when an attorney has a unique name.

- **Optional Field** - attorneys are encouraged to submit a brief statement about their *pro bono* experience together with a high resolution color photograph for inclusion in the Empire State Counsel® Photo Gallery. The statement can be about why an attorney recommends doing *pro bono*, what an attorney learned from a particular *pro bono* experience or any other message relating to *pro bono*. During NYSBA's Annual Meeting Week the Photo Gallery Story Boards will be on display in the registration area.
- **Law firm *pro bono* counsel/coordinators** are encouraged to submit a single list of firm attorneys' names, indicating the *pro bono* hours contributed by each attorney together with a *single* verification form, attesting to the accuracy of the *pro bono* list information provided. *Pro Bono* Counsel/coordinators also are urged to provide attorneys given names, as opposed to nicknames. Counsel/coordinators do not have to provide individual attorney email contact information since the Department of Pro Bono Affairs will communicate directly with the firm *pro bono* counsel/coordinator if there are any questions.
- **The verification period** for the 2013 Empire State Counsel® Program is now open and will continue through February 28, 2014. *Pro bono* activities performed from January 1, 2013 – December 31, 2013 will be used to determine eligibility. To be included in the Justice for All Luncheon Brochure and featured in the Photo Gallery, materials have to be received no later than December 31st.

Continued on 23

Onondaga County Bar Association Wins National Harrison Tweed ABA Award for VLP Pro Bono Program



Accepting the prestigious ABA Harrison Tweed Award, Sally Curran (center) Executive Director of the OCBA Volunteer Lawyers Project, is joined by NYSBA President David M. Schraver (left), Lisa Wood (right), Chair, ABA Standing Committee on Legal Aid and Indigent Defendants, and Don Saunders, Vice President for Civil Legal Services at the National Legal Aid and Defender Association.

The Onondaga County Bar Association (OCBA) is this year's sole recipient of the prestigious Harrison Tweed Award from the American Bar Association for the work of its Volunteer Lawyers Project (VLP).

The award, given annually by the ABA Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association, is given to local and state bar associations that have made extraordinary efforts to develop or significantly expand programs to increase access to civil legal services for poor persons.

Founded over twenty years ago, the OCBA's Volunteer Lawyers Project is the premiere provider of *pro bono* legal services in Onondaga County, with over 200 volunteer lawyers assisting over 1,500 clients a year through Eviction Defense Clinics, a *Pro Se* Uncontested Divorce Clinic, neighborhood clinics located at community centers, churches, the local courts, a health center, schools, and the Veteran's Center. The VLP clinics are designed to fill the gaps and meet the critical legal needs of the poor that the other local civil legal services providers currently are unable to meet, thereby helping to make the promise of access to justice in Onondaga County a reality for more members of the low-income community.

OCBA extends gratitude to the hundreds of people in the Onondaga County legal community who have volunteered their time and donated their money to help VLP meet the unmet civil legal services needs of the county.

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"Make New Friends and Keep the Old..."

Kristie M. Cinelli, Director of Private Attorney Involvement Program, Legal Aid Society of Northeastern New York

"One is silver and the other is gold." I spend a lot of time listening to children's songs with a little one and that song describes the importance of cherishing all relationships. In 2013, Legal Aid had the opportunity to rekindle friendships with past volunteers, continue our good work with volunteers we have worked with for many years and start relationships with new ones. This is why we are having a record breaking year serving low income clients through the Private Attorney Involvement (PAI) Program.

I find it very hard to highlight the effort of just one volunteer or just one client's case. Why? Because each client and his or her volunteer is important! I enjoy writing about the efforts of large firms such as **Bartlett, Pontiff, Stewart & Rhodes, Bond, Schoeneck & King, Hiscock Barclay, McNamee**

Lochner, Nixon Peabody, O'Connell and Aronowitz, and Whiteman, Osterman and Hanna. I can brag (endlessly) about the small firms that never say "No." like **Arcodia & Ehrlich, Caffry & Flowers, Englert, Coffey, McHugh & Fantauzzi and Doern & Rodriguez.** By the same token, I enjoy highlighting the amazing contributions made by the solo practitioners whose dedication ensures that our bankruptcy, unemployment, Veterans and *pro se* divorce programs continue: **Janet Axelrod*, Jerrold Bartman*, Guy Criscione*, Byrgen Finkelman*, Jim Gross, Ron Kim*, Cheryl Maxwell*, Lisa Mills*, Andy Moses*, Mike O'Brien*, Mike O'Connor*, Joel Peller*, Victoria Ramundo*, Mark Schneider*, Laura Silva*, Bethany Schumann-McGhee*, Kate Toombs and Christian Van Niekerk.**

In addition to our volunteer lawyers, we have the good fortune to work with amazing community partners who collaborate with us to bring unique trainings, programs and share resources: the **Albany, Schenectady, Warren and Washington County Bar Associations and the New York State Bar Association.**

Lastly, no recognition would be complete without noting LASNNY's unique partnership with the Albany Law School on bankruptcy, housing, veterans and unemployment issues. Special thanks to **Staff Attorney Brett Blair*, Professor Debbie Kearns*, Professor C. Benjie Louis* and Pro Bono Fellow Nic Rangel*.** I cannot thank everyone involved with making Legal Aid's Private Attorney Involvement Program a success. And that, my friends is a good thing!

Seventh Judicial District Court Help Center Serves Community

Christa Hibbard*, Staff Attorney, Consumer Law Department, and Priscilla Osei-Bonsu, Summer Law Clerk, Volunteer Legal Services Project of Monroe County Inc.

The Seventh Judicial District Court Help Center is a *pro bono* initiative established to assist unrepresented litigants gain access to justice within the Rochester community. A collaboration between Volunteer Legal Services Project of Monroe County, Inc. (VLSP), the Seventh Judicial District Unified Court System, the Monroe County Bar Association, and the Center for Dispute Settlement, the Help Center distinguishes itself from other programs in three unique ways.

First, as a collective effort between four distinct organizations, the Help Center reflects the Rochester legal community's commitment to pooling available resources to achieve the common goal of helping unrepresented litigants navigate the court system. Most individuals who enter the court system without an attorney find the process very intimidating, however, the Help Center provides an avenue for litigants to gain important legal and procedural information in an accessible manner. The innovativeness of local organizations to create a resource without startup funding shows that the Rochester legal community's effort to provide access to justice is all the more remarkable.

Second, the Help Center is excep-

tional because volunteer attorneys in the Rochester community donate significant amounts of time to staff the Help Center. *Pro bono* attorneys sign up to staff the Help Center for two-hour time slots, and often sign up for multiple time slots per month. The attorneys are associates and partners at local law firms, in-house counsel at corporations, and solo practitioners who specialize in a wide variety of practice areas.

The broad *pro bono* attorney base ensures that individuals who visit the Help Center have the chance of receiving legal information and assistance in a variety of issues including uncontested divorce, small claims disputes, landlord/tenant issues, and name change matters. The major role volunteer attorneys play in the Help Center reflects the interconnectedness of the Rochester legal community, community organizations and their dedication to assisting low-income individuals.

Third, although the Help Center primarily benefits unrepresented litigants, law school students benefit from the Help Center's existence as well. For instance, this summer, law clerk Priscilla Osei-Bonsu from the award-winning Monroe County Bar Association Diversity Clerkship Program, assisted at the Help Center and worked directly

with clients to help them access and fill out court forms. This daily client contact and valuable hands-on experience is uncommon for students fresh out of their first year of law school. A number of summer associates from Rochester firms also had the opportunity to volunteer at the Help Center, supplementing their law firm work while experiencing valuable client contact.

Not only do law students benefit from the Help Center, but high school students enrolled in law prep programs also have the opportunity to observe the legal system. This offers students the chance to learn more about what the practice of law entails and to speak to law school students about their experiences. With this knowledge, the high school students can take full advantage of their college years, making them more competitive for law school.

The Seventh Judicial District Court Help Center fulfills an important need by providing people who cannot afford legal representation with the assistance of volunteer attorneys. The Help Center also offers law school and high school students a coveted learning experience.

Empire State Counsel® Program is Accepting Verification Forms

Continued from page 21

- **Submission of completed forms/lists** should be returned to the Department of Pro Bono Affairs at probono@nysba.org or by fax to (518) 463-4276. Department of Pro Bono Affairs staff will verify each attorney's NYSBA membership.
- **NYSBA membership records** are not currently searchable by law firm affiliation. Rather, the database is searchable only by individual attorney name. Therefore, it is a huge help to NYSBA staff to be provided each attorney's correct name, including middle initial. It

saves NYSBA staff time and minimizes the possibility that an attorney will erroneously be excluded from the program.

Non-members will be advised and afforded an opportunity to join the Association. The Association offers special incentives to non-members who join the Association for the first time in order to participate in the Empire State Counsel® Program.

- **Certificates and lapel pins** will be mailed during late February. The website list of attorneys and their firms will be finalized by March.

- **Inquires** about the Justice for All Luncheon or the Photo Gallery may be directed to *Pro Bono* Administrative Assistant Ginger Schwartz at (518) 487-5641 or emailed to her at gschwartz@nysba.org. Questions about qualifying *pro bono* service, contact Gloria Herron Arthur at garthur@nysba.org.

We hope you will consider becoming an Empire State Counsel®. NYSBA appreciates your *pro bono* contributions and looks forward to acknowledging your service.

A Storm that Changed Thousands of Lives and One Law School

Patti Desrochers, Director of Communications, Touro Law Center

Hurricane Sandy marked the most significant natural disaster in living memory in the northeast with a direct hit to Long Island – home to 3 million people and Touro Law Center. Immediately following the storm, Touro Law launched a significant community service and *pro bono* outreach effort – providing free legal assistance

Association, Suffolk County Bar Association and many others. We publicly announced a phone number and email address where the public could access help beginning the following week. That week we organized our list of student volunteers, developed in-take sheets, set up a web address and Facebook page where information

to travel to the region and offer help. So far students from several schools across the country have visited and completed *pro bono* hours providing legal assistance to those in need and more trips are scheduled in the coming months.

Lastly, at the suggestion and organization of Touro Law Center, all of the legal service providers on Long Island met together in the same room at Touro Law Center to create an ongoing forum for the open exchange of information and support to enable all of us to better serve those in need. The initial meeting resulted in now weekly coordinated phone calls and wiser sharing and allocation of available resources.

Today, Touro Law Center stands as a leader in the disaster relief effort. We have collaborated with bar associations and non-profit organizations as well as local state and federal government agencies. We have received referrals for assistance from places as varied as local church organizations to the Governor's office to FEMA. By August 2013 Touro Law has had more than 1,400 contacts with individuals and families in crisis. These efforts will no doubt make a lasting and positive impact on the community and on a generation of future lawyers.

Touro Law Center has coordinated a multi-faceted and long-term response to Superstorm Sandy, helping those in need while training students.

and referrals to anyone in need in the wake of Super Storm Sandy. We added a Disaster Law course to our curriculum and opened a Disaster Relief Law Clinic, where students work under close faculty supervision with clients. In addition, we are organizing service trips to the area for law students from around the country who want to come to the region and offer assistance.

Two days after the storm, faculty, staff, students and alumni gathered in our auditorium to brainstorm about what we could do to help our devastated community. We also invited the ABA Young Lawyer Division Representative who is the local liaison with FEMA, the leadership of the Suffolk County Bar Association, and other local NGO leaders. What emerged from that initial meeting of about 80 volunteers was remarkable. It was agreed that we would immediately begin collecting necessities to help individuals and families who had urgent needs for physical items, and that we would organize and coordinate with the local legal services providers, a *pro bono* legal services effort. That same week, on Friday, we held a press conference to announce our intention to serve as a point of coordination and referral with partners including the New York State Bar

could be posted for the public, and we developed a training program for students, faculty, staff and alumni who volunteered to staff the "HEART Line."

Exactly one week after the storm, Touro Law was the first legal services organization in the region to mobilize and launch a *pro bono* effort to help as many people and small businesses affected by the storm as possible. The phone/email referral and assistance center opened which we called TLC HEART (Touro Law Center Hurricane Emergency Assistance Response Team). Still today, trained law students and volunteers provide assistance for a broad array of inquiries including complex legal issues in the areas of insurance, landlord tenant law, labor law and others.

Next we began to develop a more robust plan for sustained leadership and service. Our faculty approved a new seminar course in disaster law to be offered in January 2013 and a new disaster law clinic, which is fully staffed with faculty and students and is actively engaged in providing legal services to our community.

This still was not sufficient to satisfy the unmet legal needs in the community. We were able to hire a coordinator to facilitate the arrival and placement of law students from other schools around the country who want

Prisoners' Legal Services Celebrates Volunteers' Pro Bono Contributions

Karen Murtagh*, Executive Director and Samantha Howell, Pro Bono & Outreach Services Coordinator

This year marks the fifth annual National Pro Bono Week, started by the American Bar Association's Standing Committee on Pro Bono and Public Service. The goals of the annual celebration include recruiting volunteers, increasing legal services available for indigent and vulnerable populations, rallying community support for *pro bono* programs, encouraging and developing collaborative relationships, and recognizing the *pro bono* contributions of volunteers.

For its part, Prisoners' Legal Services (PLS), in collaboration with the Soul Rebel Performance Troupe, will

present an intimate look into the lives of incarcerated parents and senior citizens. On October 21st, PLS will host "Bookends: The Effects of Incarceration on Children and the Elderly," at the Capital Repertory Theater in Albany, New York. Following a cocktail hour, local actors with the Soul Rebel Performance Troupe will perform pieces submitted by incarcerated parents and the elderly.

The event will culminate with several awards for exemplary *pro bono* service. In addition to celebrating the 1700+ hours of *pro bono* work contributed by volunteers, PLS is pleased to

recognize the following for their contributions to PLS and its clients: Craig Mackey**, 2013 Albany Law School Graduate; EvaMaria Kartzian**, 2013 Albany Law School Graduate; Jack Lebowitz, Lebowitz Legal Services, PLLC; and Hiscock & Barclay, LLP.

As seating is limited, we encourage interested individuals to reserve their seats early. Tickets are \$10 each and can be obtained by contacting: Samantha Howell, Pro Bono & Outreach Services Coordinator, Prisoners' Legal Services of New York, 41 State Street, Suite M112, Albany, NY 12207, (518) 445-6050, showell@plsny.org.

Immigration Reform Promotes More Pro Bono Work

David A. Lash, Esq. and Jennifer L. Colyer, Esq.

Last year, lawyers at the country's largest law firms donated almost five million hours of *pro bono* legal services to clients who otherwise would have lost their homes, medical care, dreams and lives. Many of those hours were spent representing immigrants seeking to legalize or adjust their status, to live out their dreams in the United States.

The Senate's immigration reform legislation includes provisions that will enhance *pro bono* representation of immigrants, helping to provide lawyers to some of those who need them most and reinforcing our nation's promise of democracy. Nowhere is that promise more alive than in the lives of immigrants who flee to the U.S. escaping persecution in their native countries. A low-income immigrant, unable to speak English, much less to manage the complexities of immigration law, would be completely lost without a lawyer.

The Senate immigration bill contains many provisions that promote

and make possible expanded *pro bono* representation of the poorest and most persecuted immigrants. Led by the Association of Pro Bono Counsel (APBCo), a membership organization of over 125 attorneys and managers who run *pro bono* practices in 85 of the country's largest law firms, the *pro bono* community rallied together to explain how particular aspects of the bill will advance the access to justice that is the cornerstone of our democracy.

The One Year Filing Deadline

Currently, asylum seekers must file their petitions within one year of entry into the U.S. The filing date has nothing to do with the merits of a client's claim. Yet, many asylum applications that would otherwise succeed are denied on this technicality.

Take Dina, for example. When Dina was 19 years old, she protested against the dictator in her native country, insisting on free elections

and a change of government. For this, she was beaten and raped multiple times, starved and imprisoned in a filthy cell. Enduring this torture caused her to suffer from post-traumatic stress disorder (PTSD) and the terror of her experience left her unable to tell her story. As a result, it took her over two years after she arrived in the U.S. to file for asylum. Despite the fact that her case was well documented and that she was held to be a credible witness, the U.S. Citizenship and Immigration Services (USCIS) and the immigration court both denied her asylum application because she did not file within the one-year filing deadline, granting her "withholding of removal" instead. That remedy left her in limbo, unable to become a permanent resident or a U.S. citizen, and unable to seek lawful status for her husband. Dina's *pro bono* lawyers appealed Dina's case to the Board of Immigration Appeals

Continued on 27

1. David A. Lash is the Immediate Past Co-President of APBCo and Managing Counsel for Pro Bono and Public Interest Services at O'Melveny & Myers LLP in Los Angeles. Jennifer L. Colyer is the Secretary of APBCo and is Pro Bono Counsel at Fried, Frank, Harris, Shriver & Jacobson LLP in New York. The opinions expressed in this article are those of the authors, only.

Prisoners' Legal Services Hires *Pro Bono* Attorney: Looking Toward the Future

Karen Murtagh*, Executive Director and Samantha Howell, *Pro Bono* & Outreach Services Coordinator



Cunha

Prisoners' Legal Services of New York (PLS) is proud to announce the addition of Jennifer Cunha to its *Pro Bono* Partnership Project (PBPP). Ms.

Cunha is a graduate of the University of Wisconsin's Law School and La Follette School of Public Affairs. Prior to joining PLS, Ms. Cunha was involved in the *pro bono* program at her law school, including the organization of a disaster relief program that received over \$13,000 in grants and provided over 1500 hours of *pro bono* legal service. Ms. Cunha joined PLS in September, and came aboard at an exciting time as PLS, in partnership with Albany Law School, is initiating an immigration project and expanding training and recruitment for the PBPP.

Created in 2011, PLS' PBPP is a unique program that provides *pro bono* referrals for individual civil cases involving New York State prisoners. Volunteer attorneys have the opportunity to work on cases involving: chal-

lenges to prison disciplinary hearings that result in the imposition of solitary confinement; excessive use of force claims where prisoners received serious injuries; jail time, parole jail time, merit time and sentencing cases; cases involving access to medical and/or mental health care; First Amendment cases; and cases involving prisoner reentry issues. Prior to any referral, PLS staff review and assess each case, request necessary documents and conduct relevant research. At the conclusion of each case attorneys and clients are provided with evaluation forms so the program's efficacy can be reviewed and improved.

Attorneys also can volunteer to supervise students translating letters, form memos and other legal documents for incarcerated Spanish-speaking New Yorkers. To encourage participation in the translation project, PLS has sought and received accreditation to provide CLE *pro bono* credits for attorneys supervising students doing the translation work.

The PBPP coordinates training, recruitment and support for volunteer attorneys who are eligible to receive CLE credit for trainings provided by PLS as well as for the time spent working on their *pro bono* case. The

PBPP also hosts an annual event that recognizes the contributions of the *pro bono* counsel throughout New York State who agree to take such cases. Finally, to expand awareness of the need for the protection of human and civil rights for incarcerated New Yorkers, the PBPP works to increase involvement from law schools, bar associations and re-entry providers.

This fall, PLS is adding an immigration component to the PBPP, which involves student and attorney volunteers representing prisoners in Immigration Court at Ulster Correctional Facility. In conjunction with the immigration component, the PBPP is currently recruiting attorneys and students fluent in various foreign languages as translators for non-English speaking prisoners facing immigration removal hearings.

Ms. Cunha, PLS' *Pro Bono* Attorney, will assist the *Pro Bono* & Outreach Services Coordinator, Samantha Howell, in implementing these services.

Attorneys interested in volunteering with PLS should contact Samantha Howell, *Pro Bono* & Outreach Services Coordinator, Prisoners' Legal Services of New York, 41 State Street, Suite M112, Albany, NY 12207, (518) 445-6050, showell@plsny.org.

New *Pro Bono* Immigration Clinic Helps 38 Clients in 3 Days in Onondaga County

Diane Chappell-Daly approached the Volunteer Lawyers Project of Onondaga County on behalf of a group of local immigration attorneys from the Upstate chapter of the American Immigration Lawyers Association seeking to create a new *pro bono* immigration clinic. With thousands of refugees and other non-citizens settling in Syracuse, Onondaga County has a growing immigrant and non-citizen population with often complex legal issues, but free legal service provision

has not kept pace. A free immigration clinic would offer critical legal advice on complicated immigration matters.

VLP teamed up with Catholic Charities Refugee Resettlement Program and offered the first immigration clinic on Saturday, February 2, 2013. The clinic was a tremendous success: seven *pro bono* immigration attorneys assisted twenty-five clients over the course of four hours. Five Syracuse University Law Students also assisted, conducting intakes and sitting in on

interviews with clients. Building on the success, VLP has since held another clinic and also teamed up with the Spanish Action League of Onondaga County to provide a Spanish-language clinic. Overall, ten attorneys have volunteered over sixty hours of their time to provide in-depth legal consultations to thirty-eight clients with the assistance of nine law students. VLP plans to conduct another clinic this October.

Mark Your Calendars Now! 2014 Partnership Conference to take Place September 10-12

Edwina Frances Martin*, Co-Chair, NYSBA Committee on Legal Aid and Co-Chair, Steven C. Krane Special Committee on Loan Assistance for the Public Interest

The Committee on Legal Aid is charged with the duty of considering methods and proposals for rendering legal aid to low-income persons and of maintaining a continuing study of the administration of justice as it affects vulnerable and low-income New Yorkers. Amongst other activities, the Committee makes recommendations with regard to remedial measures intended to assist low-income individuals in the protection of their legal rights, encourages the effective and efficient maintenance of legal aid organizations, and cooperates with

other committees, sections, associations and agencies interested in these goals.

A major undertaking of the Committee is the coordination of NYSBA's Bi-Annual Partnership Conference, the premiere New York State conference addressing issues of relevance to public interest and *pro bono* attorneys. In 2012, over 450 attorneys from throughout New York State as well as other states attended the event, which includes over 60 CLE programs over two and a half days, and the Denny Ray Awards Dinner, recognizing out-

standing attorneys and organizations that provide legal services to vulnerable and low-income New Yorkers.

The 2014 NYSBA Partnership Conference will be held **Wednesday – Friday, September 10-12, 2014**, in Albany, New York; for more information regarding the Committee or the 2014 Partnership Conference, please contact Gloria Herron Arthur, Esq., Director, *Pro Bono* Affairs, at (518) 487-5640; garthur@nysba.org. Mark your calendars NOW!

Immigration Reform

Continued from page 25

(BIA) and won, securing a remand of her case. When Dina, who is a Brooklyn resident, is officially granted asylum this October, her case will have taken over four years to win. It should have taken only eight weeks.

Dina's *pro bono* lawyers dedicated a significant amount of time, effort and expense to overcome the one-year filing bar. Because such cases are so resource-intensive, it is extremely difficult for immigrants who miss the one-year filing deadline to secure counsel. By removing this artificial one-year filing barrier, which creates protracted litigation, the immigration reform bill increases immigrants' access to *pro bono* representation.

Border Interviews

The immigration bill allows arriving aliens who wish to pursue an asylum claim to participate in an interview at the border on entry rather than file a petition and begin a lengthy court proceeding. This new procedure will promote efficiency and free *pro bono* lawyers to represent more clients. Additionally, the pool of *pro bono* lawyers may increase because extensive courtroom experience will not be needed.

Resources for Immigration Courts

The shortage of immigration court judges and staff is extreme, causing three, four, and even five-year backlogs in the New York Immigration Court and other immigration courts across the country. The Senate legislation addresses this shortage, which should permit cases to flow faster through the immigration courts. This again will encourage *pro bono* lawyers who are hesitant to take on protracted matters to now consider representing an immigrant in immigration court.

Immigration Gideon

The proposed law would require the Attorney General to appoint counsel for unaccompanied minors and individuals with serious mental disabilities. Consequently, *pro bono* lawyers can focus on cases that do not require expertise in dealing with those populations, and more immigrants overall will be able to secure lawyers.

More LOP

The Legal Orientation Program (LOP) will be expanded under the Senate bill. This will educate more

detainees about available forms of relief, and allow legal services lawyers to better assess and identify clients who would benefit from *pro bono* counsel. The planned expansion should also reduce the time immigrants spend in detention.

Access to Information

The Senate bill requires the Department of Homeland Security to provide essential documents to the immigrant and/or her counsel without requiring them to file Freedom of Information Act (FOIA) requests. This obviates the need for *pro bono* lawyers to spend countless hours chasing key documents. This will also save significant resources, allowing *pro bono* lawyers to represent more clients and spend their time on the merits of their clients' claims.

As a society, we treasure access to justice. Whether we believe in an individual, a cause, or a law, our judicial system can protect and serve us only if we have meaningful entry into, and participation in, that system. The Senate bill honors this truth and gives our legal community a better chance to serve our highest calling.

Outside the *Pro Bono* Box—Different Ways to Offer *Pro Bono* Services

Tricia Fleming, Director of Marketing and Communications, *Pro Bono* Partnership

Traditional *pro bono* services involve providing direct legal services for individuals and nonprofits who cannot otherwise afford to pay for legal services. However, there are other *pro bono* options available to attorneys looking to help.

Pro Bono Partnership, based in White Plains, NY, provides business and transactional legal services to nonprofit organizations serving the disadvantaged or enhancing the quality of life in neighborhoods in New York, New Jersey and Connecticut. The Partnership assists more than 500 nonprofits annually who are unable to pay for legal services without reducing their programs for the community.

Each year, hundreds of attorneys from in-house legal departments and law firms volunteer for the Partnership's nonprofit clients to provide legal services on discrete, time-limited projects that are within the attorney's existing area of expertise. For example, attorneys can review a contract, assist with updating an employee manual, negotiate a lease, obtain trademark protection for a nonprofit name or logo, review a waiver form, and many other discrete matters.

Present at a Workshop

If volunteering for a specific legal matter is not of interest, another way to provide *pro bono* services through the Partnership is by presenting at a workshop or webinar. Each year the Partnership offers a variety of in-person workshops and webinars for nonprofit organizations on a wide variety of legal issues, which help to educate the nonprofits so they can more effectively run their organizations. Many of these workshops are presented by volunteer attorneys who present on a topic in his or her area of expertise, such as employment law basics, corporate governance, intellectual property, social media, real estate, and more. The attendees truly value the workshops and appreciate the time put forth by the volunteers.

Susan M. Corcoran*, a Partner at Jackson Lewis LLP and presenter at the Partnership's Human Resources Boot Camp, said, "Presentations are another great way to perform *pro bono* activities because you can share best practices with a larger audience while at the same time getting to know the participants as you engage them in your presentation."

Write Resource Articles

Attorneys can also help by writing short articles on topics of interest for the nonprofit community. These articles are available on the Partnership's website, and they provide invaluable information on a variety of topics. As with presenting a workshop, this allows attorneys to give back in a way that fits within their existing area of expertise, while helping nonprofit organizations better understand and handle the maze of legal issues they may be facing. The Partnership also has a Resource Call hotline, fielding brief calls from nonprofits, attorneys and others on a variety of legal issues. Volunteers can assist by being available to the Partnership to address these brief calls.

Pro Bono Doesn't Have to be Solo

Finally, the Partnership has organized one day events, bringing together groups of attorneys and nonprofits that have allowed volunteers to limit their work to initial assessments of particular legal issues. During these *audit days* nonprofits meet with attorneys to discuss and identify legal issues in particular areas of practice. For example, during an Employment Law audit day, employment attorneys met with groups of nonprofits to identify employment-related issues and concerns such as exempt/non-exempt classifications, hiring practices, and termination procedures. The Partnership then recruits other volunteers to address the identified issues. This can be a great way for a group of attor-

neys to come together and make a large impact in one day.

Regardless of the type of project, engaging in *pro bono* work does not mean a lawyer has to do it alone. The Partnership welcomes and encourages volunteers to work on projects with a colleague, and we can also partner corporate counsel and law firm attorney on appropriate projects. Additionally, a *Pro Bono* Partnership staff attorney is assigned to every project, and we can provide any assistance or guidance for volunteers, no matter which *pro bono* avenue a lawyer chooses.

"All of the staff and volunteers that I have worked with through the *Pro Bono* Partnership have been wonderful. They are professional and so responsive," said Shirley Acevedo Buontempo, Founder and Executive Director of Latino U College Access, Inc. "The workshops are helpful because the legal material is explained in a manner that I can understand so I know my organization is doing what it is supposed to do. They have helped me with several matters and I truly appreciate the services I receive from the *Pro Bono* Partnership."

If you are interested in learning more about the *Pro Bono* Partnership and becoming involved, please call (914) 328-0674 or visit www.probonopartnership.org for more information.



Onondaga County Volunteer Lawyers Project Spin off from Bar Association Nearly Complete

Sally Curran*, Executive Director, Volunteer Lawyers Project of Onondaga County, Inc.

The Volunteer Lawyers Project (VLP) and the Onondaga County Bar Association (OCBA) are pleased to announce that the spinoff of the *pro bono* program into an independent 501(c)(3) legal services organization is nearly complete. The new organization, the Volunteer Lawyers Project of Onondaga County, Inc., continues to reside within OCBA's offices, receiving OCBA's support for VLP's mission to expand access to justice by identifying and meeting the unmet civil legal services needs of low income people in Onondaga County through increasing the *pro bono* participation of the legal community. "This is a positive development for both organizations," says OCBA President Nancy Pontius*, "freeing OCBA from the administrative burdens of operating a legal services organization and allowing VLP more autonomy in governance and fundraising into the future."

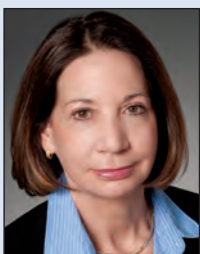
After VLP's successful fundraising campaign led by Bill Bergen* from 2006 through 2010, OCBA's Pro Bono Practices Committee looked at how best to increase VLP's capacity to meet its mission and serve the low-income community in Onondaga County.

"Recognizing the benefit of ongoing fundraising and independent governance, we began to plan for a VLP spinoff" said longtime VLP supporter, George Lowe*. In September 2012, OCBA hired Sally Curran as the Legal Director of the VLP to help lead this transition. In November 2012, the new Volunteer Lawyers Project of Onondaga County, Inc. incorporated in New York State. In May 2013, the new VLP received 501(c)(3) exempt status, making the possibility of increased charitable giving to VLP a reality. The final steps are now being taken to allow all aspects of the *pro bono* program to transition to the new entity.

The new volunteer VLP board is led by President Christopher Wiles*, Assistant Attorney General in the Syracuse Office, Secretary James Williams*, Staff Attorney at Legal Services of Central New York, and Treasurer Anthony Gigliotti*, Principal Counsel of the Attorney Grievance Committee in the Fourth Appellate Division. Other members of the board include: George Lowe, Of Counsel at Bond Schoeneck & King; William Bergan, retired partner of Bond, Schoeneck & King; Laurence Bousquet*, Member

of Bousquet Holstein; Gordon Cuffy, County Attorney for Onondaga County; Honorable Thérèse Dancks*, Magistrate Judge of the Northern District of New York U.S. District Court; Don Doerr*, Of Counsel at POMCO Group; Peter Dunn*, President and CEO at Central New York Community Foundation; Richard Hole*, Managing Partner at Bond Schoeneck & King; Mitchell Katz*, Shareholder of Menter, Rudin & Trivelpiece; Susan Katzoff*, Partner of Hiscock & Barclay; Michael Klein*, District Executive for the 5th Judicial District; Nathaniel Lambright*, Partner of Blitman & King; Bryn Lovejoy-Grinnell, representative for the Central New York Women's Bar Association and Senior Attorney at Hiscock Legal Aid Society; Anthony Marshall*, Member of Harris Beach; Honorable Anthony Paris, Onondaga County Supreme Court Justice; Nancy Pontius, President of OCBA; Ann Rooney, Deputy County Executive for Human Services for Onondaga County; and Suzanne Williams, Executive Director of Syracuse Habitat for Humanity. Sally Curran is the new Executive Director and Deborah O'Shea continues as the *Pro Bono* Coordinator.

Kirkland & Ellis Attorneys Survey Anti-Trafficking and Prostitution Statutes



Carson



Bennett



Forchheimer

report that summarizes laws related to anti-trafficking and prostitution, and provides data on arrests and convictions for those crimes in each of the 50 states. This unique project is

helping to fill a critical void; no comprehensive document exists that summarizes the existence and scope of state anti-trafficking and prostitution-related laws enacted throughout the United States. The report will serve

as a resource for advocates to prevent the exploitation and violence against women who are being trafficked.

More than 60 Kirkland attorneys have donated nearly 1,900 *pro bono* hours to this project. Intellectual property partners Patricia Carson and Oliver Bennett, and partner Daniel Forchheimer led the firm's involvement. On October 23, 2013, Sanctuary for Families will honor Patricia, Oliver and Dan with Above & Beyond *Pro Bono* Achievement Awards for their leadership in working on this *pro bono* project.

Legal Services NYC and *Pro Bono* Attorneys Come Together to Help New Yorkers Clear Their Names: NYCLA SCR *Pro Bono* Project

Maxine Ketcher, Senior Family Law Attorney and Community Outreach Specialist, Family Law Unit, Legal Services NYC-Bronx

The slightest suspicion of child maltreatment can cause the loss of one's long-term employment or prevent one from engaging in any formal care-taking for up to 28 years. While most allegations are never brought before any court, the practical effect is the sudden loss of a career in one of the few growing industries in a shaky economy. This loss is especially devastating for those whose job experience and skills are in care-taking or minimum wage settings and/or have limited educational opportunities.

EG had worked at a residential setting for troubled children for more than sixteen years. She worked her way up the ranks and had become a senior counselor. Then, a disturbed teenager attacked her, and a report of the incident was sent to the New York State Central Register of Child Abuse and Maltreatment (SCR). EG continued to work with the other children at the treatment center for months after the report was made against her and after her employer's own investigation. Despite the fact that EG's co-workers confirmed that she was only defending herself from the out-of-control youth, the report was *indicated* for child maltreatment in the SCR. Based upon the indicated report, EG's employer fired her.

Fortunately, EG came into contact with Legal Services NYC's (LSNYC) Bronx program. This neighborhood office works in collaboration with the New York County Lawyers' Association (NYCLA) SCR *Pro Bono* Project to amend and seal unreasonably indicated reports of alleged child neglect that cause egregious harm to the accused. An indicated report can be maintained in the SCR based upon some credible evidence of the incident, without consideration of any competing factors. The report can be made by anyone and can be anonymous. An indicated report can remain in the SCR until the young-

est child named turns 28 years old, preventing the accused person from working, formally or informally, with or around any vulnerable population. Even a truck driver regularly delivering milk to a school or a custodian cleaning hospital halls may face termination. Approximately one in four New Yorkers are listed on the State Central Register of Child Abuse and Maltreatment.

In 2012, NYCLA's *Pro Bono* Committee created its SCR pilot project to assist New Yorkers caught in this emotionally-charged quagmire. NYCLA *Pro Bono* Committee member Christopher Strong of Hoffmann Marshall Strong LLP, along with several other attorneys from his former firm, Patterson Belknap, united with David Lansner* of Lansner and Kubitschek, Fordham University Law School's Feerick Center for Social Justice and Public Interest Resource Center, New York University's School of Law Family Defense Clinic, LSNYC, Sanctuary for Families, and attorneys Thomas Hoffman (class counsel in *Finch v. N.Y. State Office of Children & Family Servs.*, 252 F.R.D. 192 [2008]) and Robert Beecher to form the project. The project enables firm associates to fully handle clients' cases from client interview, factual and legal strategic development, and drafting advocacy letters and memoranda to representation at a full administrative hearing.

During two formal sessions on the historical background of America's child protective system and current law and procedure, the volunteer associates are trained by experienced attorneys from LSNYC and NYU's Family Defense Clinic. Volunteer attorneys receive additional mentoring, informal training, supervision, and support as needed from the LSNYC and NYU Family Defense Clinic attorneys, as well as from the Feerick Center and other experienced private practitioners. Referrals come through LSNYC, NYU's Family Defense Clinic, Lansner and

Kubitschek, and Sanctuary for Families. Since the initiation of the pilot phase, the project has successfully handled nine cases, including three in which Patterson Belknap attorneys helped survivors of domestic violence to clear their SCR reports based upon alleged "fail[ing] to protect" their children, in accordance with the New York Court of Appeals decision *Nicholson v. Scopetta*, 3 N.Y.3d 357 (2004). White and Case LLP recently agreed to join the project to represent additional New Yorkers in need.

In EG's case, the SCR report was amended to unfounded and sealed after an advocacy letter from attorney Robert Fair of Patterson Belknap. As a result, no employer will be told that EG was suspected of child neglect if she applies for another job, and her prior employer must reconsider her for employment, ignoring the report. Further, LSNYC-Bronx's Robert Gruenwald successfully defended EG's right to collect Unemployment Insurance benefits even after her employer appealed that decision. EG is currently contemplating an affirmative lawsuit seeking reinstatement, back-pay, and to compel the employer to change its policy of automatic termination upon founding of an SCR report.

The project's benefits are comprehensive, and by no means limited to the clients. The volunteer associates are able to develop their legal skills, handling all aspects of litigation, interact with clients, and see the long-term effects of their efforts. Their firms benefit from their associates' learning and experiences. The project frees Legal Services NYC and small firms with limited resources to handle the most complex cases. Finally, the State benefits from having more employed taxpayers and fewer families reliant on government benefits. Based on the success of the pilot, the SCR project will soon seek approval to become a full-fledged NYCLA *Pro Bono* Project.

Goodwin Procter, Patterson Belknap Webb & Tyler, and Simpson Thacher & Bartlett Assist Immigrant Food Preparers Establish East Harlem Microbusinesses

Marlene Halpern*, Supervising Attorney for Pro Bono, and Emily Bormann, Pro Bono Administrator, The Legal Aid Society

The Legal Aid Society's Community Development Project (CDP) works closely with Hot Bread Kitchen (HBK)'s Low Income Food Entrepreneur (LIFE) program, which exclusively serves low-income individuals. HBK is an East Harlem nonprofit whose mission is to improve the lives of foreign-born and low-income entrepreneurs by helping them grow successful food businesses. HBK does this through their culinary workforce and business incubation programs as well as providing access to a licensed commercial kitchen at a sliding scale rate based on income. HBK provides entrepreneurs with individualized coaching to support culinary and professional development, including hands on assistance in developing and scaling up recipes (for example, hours of supervised production time) and in business education (for example, workshops in financial preparedness, accounting, marketing, planning and packaging design).

In 2012, HBK received a one-year Citi Community Development grant to subsidize entrepreneurs who require a licensed commercial kitchen to start-up their food businesses. Prior to using the kitchen, the entrepreneurs had to be incorporated and have the requisite insurance and licenses. Financial barriers, however, limited the ability of low-income entrepreneurs to have access to counsel to assist them with these legal requirements.

In order to make use of HBK's important services, our Community Development Project reached out to Goodwin Procter LLP (Goodwin) and Simpson Thacher & Bartlett LLP (Simpson) for *pro bono* assistance for seven street vendors and home cooks who wanted to create sustainable business but were economically challenged by the legal costs. The firms quickly agreed to represent these extremely low-income women entrepreneurs so that they could expeditiously incorporate and secure the applicable licenses. The entrepreneurs, reflective of their communities, consisted of first-time business owners and immigrants. After nine months, all of the businesses were counseled as to the most appropriate business entity and subsequently formed either a corporation or a limited liability company. But the assistance from both Simpson and Goodwin went beyond simply forming the entities.

Working in teams, the Simpson attorneys advised their clients on intellectual property issues, corporate governance, employment matters, and conducted research on New York State Worker's Compensation Insurance requirements. Harlene Katzman, the firm's *Pro Bono* Counsel, expeditiously engaged attorneys Megan Vasios and Allan Chorny*; Jim Cross* and Phong Quan*; Charles Clinton and Doug Brown*; and Matthew

Levy and Jihyun Chung who provided comprehensive legal assistance to these community-based business owners.

Goodwin provided additional legal services that included help with a difficult tax issue and the filing of a Doing Business As (DBA) corporation, which enabled the entrepreneur to do business using a name other than her own personal name. Thomas Meriam*, Chair of the firm's New York Business Law Department and a member of the Community Development Project's Advisory Board, headed the Goodwin legal team that included Amy Duvall and Samuel Gray.

In addition to providing individual representation, Legal Aid and Patterson Belknap Webb and Tyler LLP (Patterson Belknap) conducted a workshop on employment Issues for the low-income start-up entrepreneurs in the HBK program. The workshop provided an overview of the fundamental employment issues including: the hiring process, the proper classification of employees and independent contractors, the basics of wage and hour issues, verifying employment eligibility, and other small business best practices and small business employment.