

NEW YORK STATE BAR ASSOCIATION

Pro Bono News

2016 Empire State Counsel® Spotlight Edition





Sharon Stern Gerstman
President-elect
Co-chair, President's Committee on Access to Justice

I spent the majority of my career working in Supreme Court in Erie and Niagara Counties. When I began to work for the court, there was an absolute prohibition on doing any outside practice, including pro bono. In the 1990's, that rule changed to permit employees of the Unified Court System to render legal services through a pro bono provider, so long as the employee used annual leave time and so long as there was no conflict with the employee's legal position within the courts. As a judicial law clerk in Supreme Court, almost everything presented a conflict, since most matters could find their way to Supreme Court. One exception was the Attorney of the Morning program, run by the Volunteer Lawyers Project of Erie County, in Buffalo City Court. There, I could represent tenants facing eviction, and if any matter was appealed, it would go to County Court and then the Fourth Department, avoiding any conflict.

I must admit I was skeptical at first. I knew next to nothing about the RPAPL and I wondered if I could really be helpful to the tenants I would be representing. But, the VLP promised training, which qualified for MCLE credit, and so I signed up— free CLE for a commitment to be Attorney of the Morning twice. The training was given by an expert in poverty law, who walked us through the applicable provisions and provided a user-friendly “cheat sheet” of likely issues and the applicable law. And so, armed with this training and the cheat sheet, I went to Buffalo City Court. I was assigned 6 clients, who had cleared the

eligibility and conflicts tests given by a VLP paralegal. For some of the clients, I found irregularities in the summary proceeding petition or procedure, for others I negotiated to buy some time before they left voluntarily. By the end, I had done something helpful for each of the 6 clients— either by settlement or by successful motion to dismiss the petition. I was no longer skeptical— I was now an Attorney of the Morning junkie. Over the years, I volunteered as much as I could-- often as a standby, in case another volunteer had to cancel.

The point of sharing my pro bono story with you is to convince you that EVERYONE can do pro bono. In my case, it was for a few hours of limited scope representation, when I had the time. Even though I knew nothing about the law or practice area, the training provided me all that I needed to be a good advocate. Even though I was neither encouraged nor supported by my employer to take the matters on, it was well worth it to me to take annual leave for those few hours. It gave me an opportunity to stand before the court and argue a case (something missing in my day job), it allowed my interaction with other lawyers and judges as an advocate, and it gave me tremendous satisfaction to actually make a difference in the lives of my clients. You will find all of that as a continuing theme in the stories of the Empire State Counsel— lawyers inspired to provide at least 50 hours of service per year.

For many of you, you may find that your firm encourages and supports your

efforts to take matters on. Or you might be able to find a client who needs services in your area of law. For younger lawyers, taking a pro bono matter may give you experience in court and with more seasoned colleagues from whom you will learn a lot. For all of you, you will find your service fulfilling, educational and enjoyable. So, do the public good.

There are unlimited opportunities in types of programs and types of cases and clients. Start by contacting your firm's pro bono coordinator or your local volunteer lawyers project. If you are a member of a NYSBA section, you may also find a clinic at which you can volunteer— knowing that the matters will fall within your expertise. But don't be afraid to learn something new. The trainings are incredibly helpful— and who knows— you might be drawn to a new area of law.

Many of you are deeply concerned about the treatment of immigrants or proceedings involving undocumented children. You can provide pro bono assistance— take the training on immigration law, or provide assistance to these individuals for their other legal problems. The NYSBA portal to match you with programs providing such assistance will be up and running soon. In the meantime, contact your local VLP directly to volunteer.

Thanks to all of you for all the pro bono you do, especially those who have Empire State Counsel status. For those of you still sitting on the dock, what are you waiting for? Jump in, I promise you'll enjoy the swim.

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Alston & Bird LLP
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Davis Polk & Wardwell LLP
Dentons US LLP
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Nixon Peabody LLP
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2016 Empire State Counsel® Outstanding Pro Bono Volunteers and Law Firm Honorees

Outstanding Pro Bono Volunteers

Laurie Styka Bloom

Counsel

Nixon Peabody LLP

Shawndra G. Jones

Associate

Axinn Veltrop & Harkrider LLP

Law Firm Honorees

Skadden Arps Slate Meagher & Flom LLP

Simpson Thacher & Bartlett LLP

Milbank Tweed Hadley & McCloy LLP

Nixon Peabody LLP

Barclay Damon LLP

Phillips Lytle LLP



Claire P. Gutekunst
President, New York State Bar Association

"Service to others is the rent you pay for your room here on earth." – Muhammad Ali

Attorneys who earn the designation "Empire State Counsel" understand the need for and joy of service to others. They devote 50 hours or more a year to pro bono service because it is meaningful and satisfying work. And, they like it. Pro bono service is lawyering stripped to its essence: As a lawyer, your job is to have an impact – for the better – on the lives of others.

Doing the public good is part of our Association's mission and one of our core values. The power of the State Bar in this area lies in encouraging pro bono service, creating opportunities for service, facilitating connections with legal service providers and providing training for those who want to help but need some guidance to put their skills to the best use.

And it is a rich time for pro bono opportunities. Last summer, as part of the

American Bar Association's national Free Legal Answers project, we launched NY.freelegalanswers.org, where low-income New Yorkers can ask simple civil legal questions online and attorneys can log on at their convenience and answer them.

As my presidential initiative, we partnered with the Women's Bar Association of the State of New York to create a Domestic Violence Initiative to help educate attorneys about the issue, develop pro bono programs that can be adopted in underserved communities, and offer trainings for volunteers. We recently taped a five-part training program that was presented for free on May 9 to more than 325 people and will be available online for others to view, which we hope will encourage them to volunteer to represent domestic violent victims.

In response to expanded interior enforcement of immigration laws, we stepped in to help ensure that immigrants' legal rights are protected. With a grant from The New

York Bar Foundation and funding from the Association, we are developing an online portal to connect pro bono volunteers, mentors and service providers with each other and with training resources, and creating a one-year immigration pro bono fellowship to staff this effort. To help increase the pool of volunteers, we are sponsoring basic trainings and "train the trainer" programs.

But none of what the State Bar does is effective, or helps anyone, without you. And while the number of unrepresented civil court litigants remains stubbornly high, you are the reason that so many New Yorkers do get the help they need.

So as you read the stories of those honored at the Justice for All luncheon in January, understand them as a reflection of the valuable and important service all Empire State Counsel provide. Your rent is paid in full. And we – and those you help – can't thank you enough.

Outstanding Pro Bono Volunteers



Laurie Styka Bloom **Counsel, Nixon Peabody LLP**

Laurie Styka Bloom is Counsel at Nixon Peabody LLP. She represents clients in complex and commercial litigation as well as environmental based litigation claims.

Working with the Transgender Legal Defense and Education Fund (TLDEF), Ms. Bloom represented a local transgender man in connection with a name change application. This was the second time Ms. Bloom had represented on a pro bono basis a transgender individual seeking a name change. In January 2016 the trial court denied the name change application, citing only an old case that required medical proof before a name change would be granted for a transgender person. That law had been repudiated by later cases. Ms. Bloom then moved to reargue the matter before the same judge, citing the more recent law. That motion was summarily denied. We then pursued relief through the appellate court (Fourth Department). In November 2016 the Fourth Department granted the name change application, reiterating that all people have the right to call themselves anything they want so long as it is not done to defraud or to evade criminal responsibility. The client has now changed his name to match his gender and is happy to have this matter behind him.

Ms. Bloom also wrapped up a case that had been pending for a while where she represented a Muslim inmate in the State correctional system man who was put into sustained solitary confinement in a New York prison, purportedly because he might be a catalyst for organizing and advocating for other Muslim prisoners, and because he'd asked for special food for observation of a Muslim holiday. Such cases rarely settle, but she was able to obtain a cash settlement for her client, who is now out of prison and leading an upstanding life.

While representing another client at a hearing, she heard the plight of a family that emigrated from Puerto Rico that was trying to keep their hypoallergenic family pet – a micropig (about the size of a medium-sized dog). The local zoning authorities labeled it a farm animal and ordered the family to get rid of the pig. The family couldn't afford a hypoallergenic dog, which are quite expensive. She listened to the woman's children testify as to how they loved the pet (naming him "Ham Solo") and begged to keep him as they were highly allergic and desperately wanted a pet. On behalf of the family, she brought the matter to court. Working with the Town, she has now re-applied for a permit to keep the pig under different criteria and the matter will be reconsidered in January.

Laurie Bloom has been selected by her peers for inclusion in The Best Lawyers in America© 2017 in the field of Commercial Litigation in Buffalo, NY. She has been listed in Best Lawyers in America since 2016.

She has also been named to the Legal Elite of Western New York 2014 under the Legal Elite Leaders section, a supplement of Buffalo Business First and Buffalo Law Journal. She has also been recognized for her leadership as president of the Erie County Bar Association.

Laurie was selected as one of the Top 25 women lawyers in Upstate New York, based on a peer-review survey conducted by New York Super Lawyers magazine, 2009 Upstate Edition. She is a graduate of University at Buffalo Law School.



Shawndra G. Jones

Associate, Axinn Veltrop & Harkrider LLP

Shawndra Jones, an associate at Axinn Veltrop & Harkrider LLP in New York, practices in the areas of commercial litigation and labor and employment law. Ms. Jones's experience includes actions before state and federal courts and administrative agencies. As part of her labor and employment law practice, Ms. Jones has counseled employers concerning various issues, including family and medical leave, disability accommodation, wage and hour matters, veterans' rights, equal employment opportunity concerns, and questions arising at the intersection of technology and the workplace. Ms. Jones also lectures on the legal and ethical implications of emerging technologies, such as social media.

Ms. Jones, whose parents and brother instilled in her a zeal for giving back to the community, considers pro bono work to be an important part of her practice and has devoted a significant number of hours to that work, including by supervising fellow attorneys' pro bono work. Ms. Jones is grateful that she has had opportunities not only to perform pro bono work but also to do so with wonderful colleagues who likewise value such work. Indeed, Ms. Jones was delighted when another attorney recently told her that she motivated others to do more pro bono work.

The International Rescue Committee, Inc. ("IRC"), a nonprofit organization, is one of the clients to whom Ms. Jones has provided pro bono legal services. Created with Albert Einstein's help in 1933, IRC provides humanitarian aid to individuals affected by natural disasters or conflict by helping them survive, recover, and rebuild. Providing services to victims of human trafficking, refugees, asylees, and other immigrants, IRC works in over 40 countries and 29 cities in the United States. Working with both in-house counsel and human resources professionals located at IRC's headquarters in New York, Ms. Jones has advised IRC on employment law matters.

Ms. Jones is also involved in organizations serving the legal and other communities. Her professional memberships and activities include the National Bar Association, Labor and Employment Law Section & Women Lawyers Division; American Bar Association, Section of Labor and Employment Law; New York State Bar Association, Labor and Employment Law Section (Workplace Rights and Responsibilities Committee) & Commercial and Federal Litigation Section (Social Media Committee); New York City Bar Association, Judiciary Committee & Diversity in the Judiciary Subcommittee; Association of Black Women Attorneys; Volunteer Lawyers for the Arts; and Practicing Attorneys for Law Students Program, Inc.

Ms. Jones is a 2016 recipient of the National Bar Association's "40 Under 40 Nation's Best Advocates" and "Excellence in Innovation" awards. She was also selected to become a member of The National Black Lawyers – Top 40 Under 40 – for New York in 2016 and a Fellow of the American Bar Foundation.

After graduating cum laude with Distinction in Psychology from Yale University, Ms. Jones earned her juris doctorate from Columbia Law School, where she was a Harlan Fiske Stone Scholar and editor in chief of the Columbia Journal of Law and Social Problems. Following law school, Ms. Jones clerked for the Honorable Alvin W. Thompson in the United States District Court for the District of Connecticut before entering private practice at Cravath, Swaine & Moore LLP.

Law Firm Honorees

The logo for Skadden, featuring the word "Skadden" in a white, serif font centered on a solid red rectangular background.

Skadden, Arps, Slate, Meagher & Flom LLP

Skadden, Arps, Slate, Meagher & Flom LLP and affiliates strongly encourages its lawyers, summer associates, and legal assistants to do pro bono work for those individuals and groups unable to afford legal services. The firm is a charter signatory to the Law Firm Pro Bono Challenge, pledging to commit time equivalent to at least 3% of its annual billable hours to work on pro bono matters. In 2015, New York office lawyers and summer associates reached 4.6% of billable time. Firmwide, Skadden attorneys, summer associates, and legal assistants recorded 148,150 hours of pro bono legal work in 2015.

Deeply ingrained in the firm's culture, pro bono provides vital help to a wide variety of individuals and organizations in need of legal assistance. Skadden attorneys regularly assist those seeking asylum in the United States and elsewhere in their attempts to escape persecution due to religious or political beliefs or sexual orientation. Attorneys also handle many cases for death row inmates; take on numerous matters involving wrongful imprisonment and prosecution, housing disputes, and family law; and frequently provide legal assistance to legal services organizations and other nonprofits, as well as micro-entrepreneurs.

On May 21, 2015, Immigration Equality presented to Skadden, for the fourth time, the Safe Haven Award, recognizing "law firms that have gone above and beyond to win safe refuge for LGBT and HIV-positive asylum seekers." Special counsel Steve Kolleeny was posthumously honored with a special award at the May 21st event, and with the Federal Bar Council's Thurgood Marshall Award for exceptional pro bono service on June 25. On November 9, 2015, Skadden was awarded The Legal Aid Society's 2015 Pro Bono Publico Award for Innovative Pro Bono Programming. The award recognized the Firm's initiation of three significant and unique pro bono programs that benefit both the Legal Aid and the clients we serve. On November 6, 2014, the Pro Bono Institute presented Skadden with the John H. Pickering Award in recognition of the Firm's "long-standing and remarkable commitment to pro bono."

The logo for Simpson Thacher, featuring the words "Simpson" and "Thacher" in a large, dark brown, serif font, stacked vertically.

Simpson, Thacher & Bartlett LLP

Simpson Thacher & Bartlett LLP is one of the world's leading international law firms. The Firm was established in 1884 and has more than 900 lawyers. Headquartered in New York with offices in Beijing, Hong Kong, Houston, London, Los Angeles, Palo Alto, São Paulo, Seoul, Tokyo and Washington, D.C., the Firm provides coordinated legal advice and transactional capability to clients around the globe.

Pro bono work has strong institutional roots at Simpson Thacher. The particular matters pursued by the Firm are as diverse as the interests of its lawyers. The Firm takes seriously its ethical obligation to support organizations that provide legal services to the poor. Lawyers at every level make significant contributions to legal service programs, government and nonprofits. Simpson Thacher approaches its pro bono projects with the same commitment to excellence as it does all its work and credits its lawyers' contributions on these matters equally with other engagements. In addition to long relationships with organizations for whom the Firm regularly does pro bono work, the Firm represents a wide variety of individuals and organizations both in the United States and abroad, including those relating to civil and human rights, the environment, education and the arts. Beyond the Firm's high-profile projects and work for organizations, many of its pro bono efforts are on behalf of indigent individuals, assisting them in obtaining the basic necessities of life, including housing, public benefits, immigration status, and freedom from abusive partners.

Milbank

Milbank, Tweed, Hadley & McCloy LLP

Milbank, Tweed, Hadley & McCloy LLP is a leading international law firm that provides innovative legal services to clients around the world. Founded in New York 150 years ago, Milbank has offices in 12 global financial centers. Milbank's lawyers collaborate across practices and offices to help the world's leading commercial, financial and industrial enterprises, as well as institutions, individuals and governments, achieve their strategic objectives.

Milbank believes access to legal counsel, regardless of ability to pay, is a fundamental right of all people. The firm's commitment to pro bono service stretches back more than a century, and is reflected in the firm's top rankings on The American Lawyer's A-List, where it placed 3rd among all elite firms overall in 2016, and 8th for pro bono. Milbank's pro bono work reflects the passions, interests and concerns of its attorneys, from redressing human rights violations to bringing safety and security to immigrants and victims of domestic abuse.



Nixon Peabody LLP

Nixon Peabody attorneys and staff have a rich history of supporting the communities in which we live, beginning from our founding days when William Rodman Peabody advised all young lawyers to give one third of their time to public service. Today, from representing refugees fleeing persecution in their home countries to structuring sophisticated deals on behalf of microfinance institutions, our pro bono contributions are many and diverse.

We have a partner dedicated to connecting our lawyers to opportunities for pro bono service. Our attorneys, paralegals and other staff members are involved with pro bono matters involving societal issues ranging from protecting women who are victims of abuse to helping with transgender name changes, to preventing racial profiling, and ensuring access and diversity in education.

Across the firm, we also partner with clients providing pro bono service, serving side-by-side with them. We develop community-minded lawyers of the future by getting all of our summer associates involved in pro bono projects. And some of our attorneys tap their backgrounds and contacts in government to contribute pro bono service at the policy level—shaping legislation that addresses tomorrow's challenges.

At Nixon Peabody, we give billable credit for pro bono work and recognize our lawyers' achievements through an awards program and at evaluation time. And as a signatory to the Pro Bono Institute's Law Firm Pro Bono Challenge®, Nixon Peabody has committed to spending more than 3% of our time on pro bono. We believe our time giving back is time well spent.

JUSTICE FOR ALL LUNCHEON



William T. Russell, Ronald J. Tabak and Claire P. Gutekunst.



William T. Russell, Harlene Katzman and Claire P. Gutekunst.



William Russell, Sheila Gaddis and Claire P. Gutekunst.



William T. Russell, Shawndra Jones and Claire P. Gutekunst.



William T. Russell, Kenneth A. Manning and Claire P. Gutekunst.

JUSTICE FOR ALL LUNCHEON



David Udell, Executive Director, National Center for Access to Justice.



Claire P. Gutekunst.



William T. Russell.



Shawndra Jones, Anthony P. Cassino, Claire P. Gutekunst, Kenneth A. Manning, Stacey Slater, Sheila Gaddis, William T. Russell, Ronald J. Tabak and Harlene Katzman.



William T. Russell, Anthony P. Cassino and Claire P. Gutekunst.



William T. Russell, Stacey Slater and Claire P. Gutekunst.

BARCLAY DAMON ^{LLP}

Barclay Damon LLP

Barclay Damon has a proud history of giving back to the communities the firm serves, with an emphasis on using its skills to help the most needy among us achieve access to justice through an award-winning and innovative pro bono program. Because volunteer service is such an important part of the Barclay Damon culture, the firm encourages its attorneys to participate in meaningful legal work through a one-of-its-kind program that offers direct economic incentives to associates for their participation. At Barclay Damon, all associates are given billable hour credit toward their year-end performance reviews for pro bono work handled—in the same manner as if the work was performed for a top client of the firm. In 2010, this innovative program earned Barclay Damon the President’s Pro Bono Service Award from the New York State Bar Association in the “Large Firm” category.

The firm’s commitment to pro bono work runs deep and is part of the firm’s core culture. More than three quarters of the firm’s attorneys are currently providing pro bono assistance in their communities. Barclay Damon is especially proud of the full-time associates in each of the firm’s 11 offices—in 2016 they led the way with 100 percent participation in the pro bono program.

As a firm that has been in existence since 1855, a strong commitment to pro bono service has been a priority for Barclay Damon at every stage of the firm’s development. Now the largest law firm in the Northeast based outside a major market area, the firm has more reason than ever to give generously of its time, talents, and passion for pro bono service.



Phillips Lytle ^{LLP}

Phillips Lytle LLP

Pro bono work has been an important commitment for Phillips Lytle throughout its 180+ history. Across all of our eight offices (six of which are in New York State), our more than 190 attorneys are dedicated to providing legal services to the poor, the disadvantaged and those in need. The legal services the firm provides also benefit organizations and institutions that assist the indigent and contribute to the quality of life in our communities. This work includes civil and criminal matters, and non-litigation legal assistance, ranging from matters that broadly impact communities, to representation of those in need in high-volume court settings, to complex individual case representations. As the firm plans for the future, pro bono services remains one of its core values.



EMPIRE STATE COUNSEL® 2016 HONOREES

Pro Bono changes lives. The Empire State Counsel® Program recognizes our members' pro bono contributions. By donating their time and expertise our members help low-income and vulnerable persons, who otherwise could not afford an attorney, gain access to the civil justice system. Since the program launched in 2006, our members have donated almost 1.6 million pro bono hours. The program also recognizes the law firms who support and encourage pro bono. Congratulations to the 2016 Empire State Counsel® honorees and their law firms.

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