

Pro Bono News

Winter Edition Vol. 30 No. 1

Director's Message

Thomas Richards, Director of Pro Bono Services



Richards

I am very happy to share the Winter 2019 NYSBA Pro Bono Newsletter with you. This issue features updates from statewide legal service providers, law firm pro bono coordinators and attorneys, and the New York State Attorney Emeritus Program. The Department of Pro Bono Services is grateful to the authors for their inspirational submissions and for the opportunity to share these highlights with our members.

I enjoyed meeting many of you at the 2019 Annual Meeting in New York City. The Justice for All Luncheon, featuring Solicitor-General Barbara Underwood and honoring the 2018 Empire State Counsel® Pro Bono Volunteers, Law Firms, and Free Legal Answers™ award recipients, was one of the high points of the week. The next issue of the Pro Bono Newsletter will be exclusively devoted to the 2018 Empire State Counsel® and their achievements. Stay tuned for this issue later in the spring.

NYSBA continues to advocate for access to justice issues, including help for unrepresented litigants. The House of Delegates at its November 3, 2018 meeting approved a proposed amendment to the 2015 Revised Standards for Providing Mandated Representa-

tion. The amendment specifically provides for pre-petition representation of parents during Family Court cases and recognizes the importance of full representation in guaranteeing the due process rights of the parents and the stability of the family unit.

The House of Delegates also approved The Report and Recommendation of the Local and State Government Law Section Regarding a Model Pro Bono Policy for Attorney-Employees of Local Governments and Local Government Agencies. This policy complements the existing NYSBA policy for attorneys employed by state and federal agencies and addresses concerns unique to the municipal attorney. We hope that both policies will stimulate interest and encourage more government-employee attorneys to engage in pro bono representation.

The Department of Pro Bono Services is always ready to share news and updates with members and the pro bono community. Please feel free to contact me if you have news to share with a NYSBA committee, section, or the Pro Bono Coordinators' online community.

Thank you,

Thomas Richards
Director of Pro Bono Services

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Pro Bono Opportunities Guide

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Lawyers Address ICE in the Courts

Christian Nolan

Much to their ire, many lawyers in courthouses across the state are on alert.

They are on alert for plain-clothed Immigration and Customs Enforcement (ICE) agents conducting civil arrests of immigrants exiting courtrooms, walking in courthouse hallways, stairwells, alcoves, or at nearby bus stops arriving for their court appearance.

These courthouse arrests have increased 1700 percent since 2016, according to the Immigrant Defense Project.

"It looks like a kidnapping," said Terry Lawson, director of Bronx Legal Services' Family and Immigration Unit. "A swarm of people, who don't identify themselves, don't have a warrant...take the individual and put them in a vehicle. It's terrifying for the people around them."

Lawson's remarks came as part of a panel discussion addressing the presence of ICE in New York courts, which took place during Annual Meeting at the New York Hilton Midtown. The event was co-sponsored by the Committee on Civil Rights and the Committee on Immigration Representation.

Other panelists included Andrew Wachtenheim, a supervising attorney with the Immigrant Defense Project; Tina Luongo, attorney-in-charge of the criminal defense practice of The Legal Aid Society; and Joanne Macri, state-wide chief implementation attorney for the state Office of Indigent Legal Services. The event was moderated by Sarah Rogerson, director of Albany Law School's Immigration Law Clinic and co-chair of NYSBA's Committee on Immigration Representation.

The panelists explained how the courthouse arrests have caused fear among immigrant and mixed-status communities seeking access to justice and protection of fundamental constitutional rights. They said prosecutors have noted that it has had a chilling

effect on witnesses coming forward in other cases. Even domestic violence victims have been reluctant to report violations of orders of protection for fear of retaliation such as being reported to ICE.

In late 2017, defense lawyers in the New York City area began protesting outside courthouses after ICE would make arrests inside the courthouse. "ICE-free NYC" and "Hell no, ICE must go," they reportedly chanted outside the Brooklyn courthouse.

Luongo said that lawyers at courthouses began alerting one another to potential ICE apprehensions. They would text each other "watch out, ICE agent" and provide the location. Sometimes the lawyers have been able to delay a case and avoid apprehension. Other times it has allowed them to at least be able to tell their client not to say anything to the ICE agents when the arrest is inevitable.

"For ICE, it's a very safe place to pick up our clients," said Luongo.

Luongo said it's especially convenient for the ICE agents if a court officer assists ICE in providing them with the date, time and exact location of the court appearance of the defendant they are looking to apprehend.

Many of the panelists are hopeful that legislation is enacted to address the issue. As of press time, the Protect Our Courts Act was a pending piece of legislation this session, sponsored by Senator Brad Hoylman and Assembly Member Michaelle Solages. The bill would make it unlawful for ICE to arrest anyone going to or from court unless they have a warrant from a federal judge.

Panelists explained that currently ICE arrive to courthouses with an administrative warrant, which is signed by only an ICE supervisor instead of a judge and is not based on any probable cause.

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Article authors are responsible for the correctness of all information, citations and quotations. Articles may be edited for clarity and length.

Editor: Thomas Richards, Esq.

Reaching a New Generation of Pro Bono Attorneys

Gretchen Gonzalez, Esq., Deputy Director Erie County Bar Association Volunteer Lawyers Project.

This past year ECBA Volunteer Lawyers Project (VLP) celebrated our 35th Anniversary. In reflecting on the history of the organization, we discovered that over time we have engaged over 2,500 volunteer attorneys to provide free legal services to low income people throughout Western New York. We have always been fortunate to have a legal community dedicated to pro bono service. Unfortunately, we also started to realize that many of our long standing volunteers are now reaching retirement age. VLP had to take a deeper look into how to engage a younger class of volunteers in order to fulfill our mission of effectively involving volunteers in the delivery of legal services. After brainstorming ideas to reach a younger generation, we decided to go to the source and create a young professionals affiliate board called Rising Champions for Justice (RCJ). Who better to reach a young volunteer base than their peers?

The board serves several purposes: 1) to engage and grow a class of young attorney volunteers; 2) to groom and prepare young attorneys for potential service on VLP's Board of Directors; 3) to increase VLP's presence and profile in the legal community and in the community at large; and 4) to host networking and fundraising events. We created a set of guidelines covering areas such as terms of service, the creation of an executive board, and required contribution. Members are required to contribute \$500 per year, this can be met in several ways including through pro bono volunteer hours. We also made the conscious decision not to limit board membership to attorneys in hopes that we could get some professionals from other industries (such as marketing, public relations or tech industries) to also donate their time to VLP.

We spoke to our board members, to our law firm partners, and our partners at University at Buffalo Law School and quickly got a list of nomi-



nees. We wanted to make sure we had at least one attorney from all the larger firms that support our organization, but also that we used this opportunity to approach firms that do not have a strong history of pro bono engagement. We also included some in house corporate attorneys in hopes of further expanding our volunteer base. Rising Champions for Justice is now a group of 20 attorneys and 1 marketing professional dedicated to making RCJ

a success. Once the list was finalized we held elections to fill a five member executive board in charge of paving the way for this group in its inaugural year. They have already come up with several ideas for new recruitment initiatives that are innovative and targeted specifically at a new generation of pro bono volunteers. The group is being led by an executive board that is engaged and dedicated to VLP's mission as you can see from their profiles.



Katie Ireland, President: Katie is staff counsel at National General Insurance and a 2012 graduate of SUNY Buffalo Law School. She was a paralegal for 10 years prior to becoming an attorney. She served as co-chair of the BAEC's Young Lawyers Committee for 3 years, and as a board member for Lawyers for Learning for 3 years. She has served on the Women's Bar Association of the State of New York, Western New York Chapter's Judiciary Committee and previously co-chaired the Working Parents Committee. Katie has experience as a VLP volunteer attorney. She has spent time at our Attorney of the Morning Program (eviction defense) and has represented a client in an immigration case. She is also a member of the Grand Island Volunteer Fire Department and is taking classes to be an EMT.

see other bios on next page

Reaching a New Generation of Pro Bono Attorneys



Christina Gullo, Vice President. Christina is an associate at Schnitter Ciccarelli Mills, PLLC, focusing on insurance defense, insurance coverage, and personal injury litigation. Previously she served as a Staff Attorney for the Legal Aid Society of Rochester's Family Law Unit, focusing on serving victims of domestic violence in both Supreme Court and Family Court proceedings. Christina has volunteered for VLP at our Family Court Help Desk.



Aalok Karambelkar, Secretary. Aalok is an associate attorney at Kenney, Shelton, Liptak, Nowak, LLP in their Insurance Defense Group. He graduated from University at Buffalo Law School in 2011. He has also worked with a nonpartisan political organization on campaign finance reform issues. Aalok is a member of the Erie County Bar Association and the New York State Bar Association.



Caitlin O'Neil, Vice President. Caitlin is a 2015 UB Law graduate and an associate at Connors LLP. Caitlin concentrates her practice on personal injury and the defense of licensed professionals. She serves on the board of the UB Law GOLD Group and is a very involved member of the Women's Bar Association of Western New York.



Krista Grow Heffernan, Treasurer. Krista is our first non-attorney RCJ member. Krista holds an MBA in Global Supply Chain Management and Logistics from Canisus College Wehle School of Business. She currently works as a Senior Digital Project Manager for the advertising agency Crowley Web. Krista was brought in to help facilitate the growth of the project management and digital departments, and now works with internal and external teams to divide responsibilities on specific client projects and focus on the budgeting, execution and delivery of all digital projects. Krista has volunteered for VLP in the past, using her capstone project for her MBA to create a social media strategic plan for VLP that we continue to implement today.

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For Immigrant Children, Pro Bono Attorneys Make a World of Difference

Mary E. Armistead, Esq., Equal Justice Works Crime Victims Justice Corps Fellow at The Legal Project

Under the current administration, it has become increasingly difficult for immigrants to seek and obtain lawful status in the United States. Changes implemented by the current administration have added numerous difficulties and barriers to the process of seeking lawful status, often through means that require little or no Congressional intervention. Changes in long-standing policies of immigration agencies are restricting available relief or making it more difficult to seek such relief.

Nonetheless, many people continue fleeing to the U.S. from Central America, Mexico, and elsewhere around the world. The total apprehension of undocumented or inadmissible immigrants at the southern border was higher at the beginning of fiscal year 2019 than it has been since the summer of 2014.¹ Over 120,000 of these apprehensions at the southern border were of unaccompanied immigrant children or family units.² In accordance with these numbers, The Legal Project has seen a recent increase in undocumented immigrant children in New York's Capital Region seeking legal services. These children are usually fleeing violence, extreme poverty, or other danger, but often are not eligible for asylum under our increasingly-complex legal definition. However, many of these children are eligible for Special Immigrant Juvenile Status (SIJS)—a status for children who meet five criteria, including (1) inability to reunify with at least one parent based on abuse, abandonment, neglect, or a similar basis under state law and (2) for whom it is not in their best interests to return to their home country.³ Before submitting a SIJS application to the United States Citizenship and Immigration Services (USCIS), children must first obtain certain predicate orders from a New York State family court, including an Order of Special Findings that the child meets

each of the five SIJS requirements as defined by federal law.⁴

The process for obtaining the predicate order through the family court is complex, especially because the language and law that must be included in the Order of Special Findings is being increasingly scrutinized by USCIS. As such, these SIJS-eligible children need an attorney to represent them through the process. Because of the lack of legal services in the greater Capital Region,⁵ especially for immigrants,⁶ volunteer pro bono attorneys are critical to The Legal Project's ability to serve these children. Approximately two years ago, The Legal Project, in coordination with The Justice Center at Albany Law School, developed a pro bono panel specially dedicated to connecting SIJS-eligible children with pro bono attorneys. Over the past two years, half a dozen attorneys have helped over two dozen children obtain predicate orders from the family court. Several of these attorneys have continued to help children along their path to Lawful Permanent Residence, providing pro bono representation before USCIS and in immigration court. While The Legal Project is greatly appreciative of the efforts of all of our pro-bono SIJS attorneys, three deserve special recognition.

Christine Galvin has represented three families, each with three children, in the family court process. For two of these families, she obtained the predicate family court orders and submitted SIJS applications to USCIS. For one family, she also obtained an order of protection from the abusive spouse/father as well as the predicate document that enabled the mother to also file for immigration status as a victim of domestic violence. Christine further connected this mother with a pro bono divorce attorney. Christine has worked through difficult issues in her cases, including effectuating

service of process on parents in foreign countries and/or with unknown addresses. Christine has also represented several proposed guardians in family court proceedings where the SIJS-children were represented by either The Legal Project or The Justice Center at Albany Law School. Such proposed guardians, especially those who are undocumented, often need representation to obtain advice on complex issues, such as the scrutiny that the court may place on them in determining whether to appoint them as the SIJS-eligible child's guardian.

Since the 2016 election, Judith (Judy) Lee has sought to learn as much about immigration law as possible, taking numerous CLEs and even classes at New York Law School. She has used her new knowledge to help immigrant children: Judith has represented three SIJS-eligible children and one proposed guardian. For two sisters, Judith obtained the predicate family court orders, filed SIJS applications with USCIS, and continues to represent the sisters before the New York City immigration court. Judith submitted multiple motions in a time of great turmoil in immigration court as a result of administrative decisions from former Attorney General Jeff Sessions. Despite the setbacks, Judith was able to achieve a best-case scenario for SIJS-eligible children in removal proceedings. Recently, Judith took on a case wherein she has less than three months to obtain the predicate orders. Unforeseen difficulties have complicated the case, but Judith has persevered in obtaining information, drafting documents, and doing all she can to complete the case under the tight timeline.

James (Jim) Bilik has provided pro bono representation benefitting six SIJS-eligible children. He recently stepped in on short notice to provide

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For Immigrant Children, Pro Bono Attorneys Make a World of Difference

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representation to help two SIJS-eligible children; while pro se motions were filed, the complexities of family court necessitated an attorney. James has also represented two undocumented proposed guardians, including in Judith's recent time-sensitive and complicated case. James has also volunteered on several occasions to help mixed-status or undocumented families make safety plans in the case of detention or deportation by Immigration and Customs Enforcement (ICE).

Without the attorneys on our SIJS pro bono panel, we would not be able to meet the needs of immigrant children in the Capital Region. Despite the phenomenal work by our existing pro bono SIJS attorneys, The Legal Project is working to add attorneys to this panel as the need increases. If you are interested, please reach out to us at cric@legalproject.org.

1 <https://www.cbp.gov/newsroom/stats/sw-border-migration>

2 *Id.*

3 8 U.S.C. § 1101(27)(J) and 8 C.F.R. § 204.11(c)(1).

4 These requirements in full are: 1. The child is under 21; 2. The child is unmarried; 3. The child has been declared dependent on the court (based on the guardianship or custody order); 4. The child cannot be reunified with at least one parent due to abandonment, abuse, neglect, or a similar basis under state law (i.e. a deceased parent); and 5. It is not in the child's best interests to be returned to their country of origin. 8 U.S.C. § 1101(27)(J) and 8 C.F.R. § 204.11(c)(1).

5 See, e.g., Susan Patnode, Julie A. Davies, and Lisa A. Frisch, *Behind The Scenery: A Rural New York Portrait*, NYSBA GOVERNMENT, LAW AND POLICY JOURNAL VOL. 17 No. 1 (2017);

6 See, e.g., Denny Chin, *Representation of the Immigrant Poor: Upstate New York*, 33 CARDOZO L. REV. 351 (2011).

Prisoners' Legal Services of NY Announces Pro Bono "Deportation Defense" Component

John Amodeo, Pro Bono Coordinator

Prisoners' Legal Services of New York (PLSNY) is a statewide program providing civil legal services to people incarcerated in New York State prisons. PLSNY engages in administrative advocacy and litigation primarily in cases involving civil rights, claims of deliberate indifference to serious mental health and medical needs, conditions of confinement, prolonged placement in solitary confinement, the mental health treatment provided to juveniles and veterans, child visitation and support, excessive use of force, immigration and sentence computation issues. PLSNY has a number of specialized units including a Family Matters Unit that focuses on family visitation and support issues, a Mental Health Project that focuses specifically on the mental health issues of juveniles and veterans, an Immigration Unit and a Pro Bono Partnership Program.

Recently, PLSNY announced the expansion of its Pro Bono Partnership Program to include a dedicated

"deportation defense" component focused on recruiting volunteer attorneys to assist PLSNY's Immigration Unit with immigration removal cases in several of the Immigration Courts located around New York State.

In 2017, PLSNY expanded its immigration program to offer free representation to all New York State prisoners been placed in immigration removal proceedings while serving their criminal sentence. These proceedings take place in three Immigration Courts located inside New York State correctional facilities: Ulster Immigration Court in Napanoch, NY; Downstate Immigration Court in Fishkill, NY; and Bedford Hills Immigration Court in Bedford Hills, NY. As part of this program, PLSNY also provides free representation to indigent detained non-citizens in the Albany County Jail in Albany, NY, and the Clinton County Jail in Plattsburgh, NY.

In light of the current federal Administration's drastic expansion of immigration enforcement, in addition

to the Attorney General's restrictions on eligibility for relief, PLSNY's docket represents some of the most difficult and challenging cases in the field of immigration law. As such, PLSNY is seeking volunteer attorneys who are interested in defending non-citizens' due process rights in a complex and fast-changing field of law. These attorneys would ideally be interested in appearing in Immigration Court and in traveling to visit detained and incarcerated clients. Spanish or another second language is helpful, but not necessary, as PLSNY has a dedicated language line for interpretation services. PLSNY's experienced attorneys will provide supervision and technical support and will be accessible on an as-needed basis.

Attorneys interested in learning more about pro bono "deportation defense" work at PLSNY should contact PLSNY's Pro Bono Coordinator, John Amodeo, at (518) 445-6050 (x1101) or jamodeo@plsnny.org.

“Case Closed” Leverages Law Firm Volunteers to Seal Prior Records

Andrew Childers, Pro Bono Administrator, The Legal Aid Society

A criminal record can pose a significant roadblock for clients who are striving to move out of poverty. By restricting someone’s ability to find employment, join the armed forces or pursue educational opportunities, clients are often left with few options to increase their ability to advance. But thanks to a 2017 change in the Criminal Procedure Law, individuals in New York who meet certain requirements are eligible to seal their criminal records, allowing them to move on with their lives without a past mistake hampering them.

Through our Case Closed Project, eligible clients work with an attorney to prepare all the proper paperwork to make a motion to seal their prior record. This is work that changes the lives of the clients, and Legal Aid is fortunate to have two pro bono partners, Sullivan & Cromwell LLP and Winston & Strawn LLP, assisting these clients. These firms take on full representation in criminal record sealing application cases. Work includes meeting with clients, gathering documents, submitting motions to Criminal and Supreme courts in all five boroughs, as well as guiding clients throughout the process. Emma Goodman is the Legal Aid Staff Attorney who oversees Case Closed. Although Emma is available to the firms at every stage of representation, the pro bono attorneys generally handle all aspects of the case. Additionally, the firms are developing internal expertise, so with time they will need less support which allows Legal Aid to help more people.

Case Closed can also be impactful for the volunteers, as Emma notes “I have heard one story after another of law firm attorneys being moved by the work that they do to help our clients. I think that spending time with our clients is truly eye-opening to attorneys that may not know what it’s like to be struggling to support yourself financially in New York City. They see firsthand what people’s lives are like and develop a better understand-

ing of how incredible our clients are.”

Currently, Emma is the only attorney at Legal Aid who focuses exclusively on sealing work and she has over 150 eligible clients. Sullivan & Cromwell and Winston have taken on about 25 clients allowing Emma to devote more time to other clients and focus on broader areas of community outreach and legislative advocacy. Of the 26 successful sealing applications in the last year, 11 clients were represented by pro bono attorneys. Several of these clients have already found new jobs that they were previously unable to get before their records were sealed.

Still, more work needs to be done. Case Closed hopes to not only expand its work providing direct representation, but also by advocating for broader legal reform through class action and other affirmative litigation. “We all know that the laws are only effective if they are followed, and pro bono partnerships can help us to ensure that sealing protections are available to all New Yorkers, regardless of their income,” said Emma. The impact that record sealing can have is truly life-changing, and we look forward to expand this work in the future to help more clients.

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Expanding Attorney for the Day

Myleah Misenhimer-Frery, PAI Director of LASNNY

The Legal Aid Society of Northeastern New York (LASNNY) has big plans for expanding in-court limited scope representation in 2019! For many years, LASNNY has held Attorney for the Day (AFTD) in Albany City Court twice a month. It is run by LASNNY's PAI paralegal, Melody Harkness, together with PAI Coordinators Ryland Wiseman and Sarah Buckowski, student volunteers from Albany Law School, and private attorney volunteers. AFTD is a program by which volunteer attorneys represent eligible tenants at their first appearance only in landlord/tenant matters. We receive consistent firm involvement from firms like Whiteman, Osterman & Hanna, LLP and Nixon Peabody LLP which provide litigation attorneys to assist tenants in their first appearances. We also have many dedicated sole-practitioners, who are the true heart of the program, and without whom we could not operate. At the end of 2017, LASNNY evaluated how many individuals we were able to assist through this program, as well as the level of assistance we are able to provide. We determined we needed to shuffle our appearance dates around, add a third day per month and have one of the three days fall on a morning devoted to public housing issues. Additionally, we decided to try splitting the program into a two-tier approach, drawing on two

different panels of volunteers. The first panel would be our "limited-scope" panel, and largely carry out the traditional duties of our AFTD volunteers by representing tenants at their first appearances. The second panel would be comprised of volunteers who step in on a full representation basis if a case is put down for trial. This approach not only ensured our clients were taken care of after their first appearance, but provided two different levels of volunteer service for attorneys to choose from. In February of 2018, we made the aforementioned changes. Albany City Court Judges Helena Heath and John Reilly have always been gracious hosts, and were very patient with us as we worked through the expansion and new approach. Early on, it was apparent that our numbers were increasing rapidly and our outcomes were improving. I am very proud to report that one year later we have more than quadrupled the number of clients we assisted this time last year. We also doubled our number of volunteers.

Since the program was doing well in Albany City Court, we decided that in 2019 we would further expand it. This time, our focus is bringing the program into different locations. Two locations that were suggested early on were Glens Falls City Court and Troy City Court. I was fortunate enough to connect with Judge Nikki Moreshi and Judge Gary Hobbs at a Warren County Bar Association dinner and they were both very welcoming to the idea and to us generally. On February 28, 2019, LASNNY will hold an AFTD CLE Training at the Warren County Municipal Center. It

is free to any attorney who agrees to sign-up for 2 AFTD mornings within the calendar year. Once the training is complete, we will officially start AFTD one day per month at Glens Falls City Court. We also reached out to Judge Matthew Turner at Troy City Court and he was equally hospitable. We are busy putting together an AFTD training to be held in Rensselaer County at the end of March. Following the training we will start a 3-month pilot of AFTD in Troy City Court and appear one day per month. In addition to the panel of presenters at these trainings, Judge Moreshi and Judge Turner have agreed to attend a speak briefly on their hopes and expectations for the program.

For more information on either of these trainings please e-mail mmisenhimer@lasnny.org or rwiseman@lasnny.org.

We are very excited about this expansion and hope the end-of-the-year outcome is even better than it was last year! Depending on the results, we may look to get in to additional City Courts. As with all of our programs, AFTD could not continue to help low-income tenants or expand without volunteer attorneys. We are so grateful for our current panel(s) of volunteers and look forward to meeting many more of you at the upcoming trainings. We are also grateful for the support and assistance of the Clerks of each court and Beth Diebel, the Third Judicial District Executive. If you are interested in volunteering for AFTD, but cannot attend one of the trainings, please e-mail Melody Harkness at mharkness@lasnny.org.



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Legal Aid Society of Mid-New York's New Pro Bono Eviction Defense Program in Town and Village Courts in Broome County

Erin Van Vleck, LASMNY staff attorney
Kristin Alvarado, LASMNY paralegal
Josh Solomon, LASMNY paralegal

Legal Aid Society of Mid-New York's Town and Village Eviction Defense Program in Broome County has provided legal representation in 83 eviction proceedings and assisted 215 people (including children and family members) since June of 2018. The program, which is funded by a Legal Services Corporation Pro Bono Innovation Fund grant, provides pro bono legal services to tenants facing eviction in the Village of Endicott, Village of Johnson City, and Town of Conklin.

Legal Aid Society of Mid-New York (LASMNY) recruits and trains attorneys from various practices and stages in their careers to represent tenants. Volunteers have included retired attorneys, solo practitioners, first-year associates from mid-sized firms, attorneys in small firms, law graduates completing their New York pro bono service requirement, and law interns. Landlord-tenant law and eviction defense was a new practice area for every volunteer.

Of the 84 cases handled in the program, 57 were resolved with settlements. Eviction was avoided in 34 cases (13 by dismissal, 17 by pay-to-stay agreements, and 4 by withdrawal), and eviction was delayed in 40 cases. For most of the cases, the representation resulted in a waiver or reduction

of the money judgement. The waivers and reductions saved tenants a total of \$74,854.08 in alleged rent arrears.

The program's positive impact is best conveyed with an illustration: A tenant in a non-payment summary proceeding had fled a domestic violence situation and returned to Broome County. When a family member suffered a traumatic brain injury in a motor vehicle accident, the tenant fell behind on her rent when she helped her family member pay for emergency surgery and get back on her feet. Because of past traumas and anxiety associated with the eviction proceeding and the courtroom setting, the tenant was unable to advocate for herself. Both the tenant and her teenage son were distraught when they appeared at court. In speaking with the distraught tenant, the pro bono attorney sorted out the pertinent facts and discovered that the rent arrears had been paid since the proceeding was commenced and only part of the current month's rent was owed, but this had not been accounted for by the landlord or conveyed to the landlord's attorney by the landlord (who was not at court). The pro bono attorney negotiated a payment plan for the rent remaining for the current month and

prevented the tenant's eviction and the awarding of a money judgment. The grateful tenant embraced her attorney in a hug and thanked her for helping her remain in "the little home we have made for ourselves." She wrote in an evaluation that she "will be forever grateful" for the attorney's and LASMNY's assistance. The attorney is certain that the tenant would have been evicted if not for the program.

In implementing the program, LASMNY staff attorney Erin Van Vleck and paralegal Josh Solomon created a comprehensive manual on eviction defense, which is used by pro bono attorneys in the program. The legal sections, written by Attorney Van Vleck, were put into a separate comprehensive manual and given to the President of the Magistrates Association for Broome County, Special Counsel to the Administrative Judge for Town and Village Courts in the 6th Judicial District, and other attorneys and agencies throughout the state. At the Pro Bono Coordinators' Network Meeting at the 2018 Partnership Conference in Albany, Attorney Van Vleck presented on the implementation of the program and the manuals with the hope that the program could be replicated outside Broome County.



List your organization at **NYSBAProBono.org** today!

The New York State Bar Association's Pro Bono Immigration Portal:

Is a new and exciting initiative created to address the growing needs of our immigrant communities and public service organizations, inspired by an overwhelming response of New York attorneys wishing to contribute and help out in any way they can. Browse available opportunities and volunteer directly, or use the tailored referral service to get connected with volunteer opportunities at organizations that work closely with immigrants.

Questions?

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



Legal Services of the Hudson Valley Partners with Patterson Belknap Webb & Tyler LLP on Housing Crisis Prevention Project

WHITE PLAINS, NY – Legal Services of the Hudson Valley (LSHV), the only provider of free, comprehensive, civil legal services in the Hudson Valley to those that cannot afford an attorney when their basic human needs are at stake, is proud to partner with Patterson Belknap Webb & Tyler LLP on our Housing Crisis Prevention Project. Since the Project was founded in 2015, Patterson Belknap’s attorneys have been handling an average of 5 to 10 cases a year.



Alejandro H. Cruz is a Partner at Patterson Belknap specializing in complex commercial litigation in trial and appellate courts and is a dedicated volunteer for Legal Services of the Hudson Valley’s Housing Crisis Prevention Project. Through Patterson Belknap’s partnership with LSHV, he and his team of pro bono attorneys at the firm have successfully defended many tenants facing eviction and the threat of homelessness.

“This is work that matters in people’s lives in ways that are all too real because an unfavorable result often means that your client—including children— will be homeless. That is an outcome that stays with families for a long time, manifesting in physical health, mental health, school out-

comes, and instability of the family unit. In that way, this is work that can have an immediate positive impact for a family that needs help now,” says Attorney Cruz. The simple reality is “representation matters,” says Attorney Cruz, which is reiterated by the reflections of the pro bono team at Patterson Bellknap, as they recall their “eye-opening” experiences in this project:

Associate Helen O’Reilly represented a client who had never seen a copy of her lease, despite asking for it and called to account under it through her public housing authority. Attorney O’Reilly’s advocacy, persistence, and patience empowered her client in obtaining “basic respect and fair treatment” against “a bureaucrat inflated with power.” Her client, like many other tenants, become accustomed to long waits, unanswered requests, and being treated dismissively by the local housing authority when attempting to assert their right. “I really had to fight for my client against an opposing counsel who was dripping with disdain for [her] and her ‘sob story’... My presence with my client gave her dignity where it might otherwise have been stripped from her.” Attorney O’Reilly understands that by participating in this Project with LSHV, she is directly confronting the complex and messy reality of poverty and making inroads to stem it.

Pro bono attorneys appreciate the Project’s opportunity to flex their litigation and advocacy skills to make a tangible difference in the lives of LSHV clients. A pro bono attorney assigned to represent a LSHV client takes the lead in these matters as the primary advocate, further developing their skills in counseling, litigation, and negotiating, all within a condensed time frame – ranging from a few weeks to a few months.

Since tenant success is significantly

greater with an advocate (nearly double or more), pro bono attorneys are rewarded by their involvement in housing cases. On average 60% of tenants have a legitimate reason to fight an eviction, as landlords often attempt to take advantage of the tenant’s inexperience by filing frivolous claims or pressuring tenants to move based upon legally insufficient technicalities. Many of LSHV’s clients are already working hard to manage a paycheck-to-paycheck budget, and others are managing more serious personal life crises, like job loss, domestic violence, lack of familial support, declining health and/or disability. This collective stress often causes clients to freeze in the face of legal proceedings, even when they have justifiable defenses or alternative resources. Many LSHV clients simply need help with the bureaucracy of maintaining their subsidies, which is greatly supported by the advocacy of an attorney.

New York City recognized the monumental need for counsel on behalf of tenants on August 11, 2017, when the Right to Counsel NYC Coalition won a hard-fought three-year campaign, giving low-income tenants facing an eviction in housing court a right to an attorney advocating for their interests. See The Right to Counsel Local Law 136 of 2017, amending the New York City Admin. Code § 26-1301 et seq.

The Hudson Valley, including Westchester, Putnam, Dutchess, Ulster, Orange, Sullivan, and Rockland Counties, has no such right to counsel.

LSHV staff attorneys cannot provide representation for the thousands of low-income tenants that enter the legal system every year in the Hudson Valley, and private counsel for tenants is virtually non-existing, especially for those already struggling to pay rent.

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Legal Services of the Hudson Valley Partners with Patterson Belknap Webb & Tyler LLP on Housing Crisis Prevention Project

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We are reliant on pro bono partners like Patterson Belknap to help fill the justice gap, and there is no shortage of need.

The Pro Bono Innovation Fund Grant awarded to the agency in 2018 provides LSHV with the resources to recruit, train, and support pro bono partnership with new firms. When joining this Project, firms partner with LSHV, and their attorneys directly represent tenants in housing cases and administrative hearings. LSHV provides support to the partnership at every stage of the representation, including oversight, training, and CLE credit. In return, the pro bono attorneys become a tool in building tenant power, challenging landlord intimidation and harassment, and supporting the fight against gentrification and displacement.

Volunteering for the Housing Crisis Prevention Project assists clients in the basic human and legal right to live in a habitable shelter and protects individuals and communities from

the high costs of homelessness. Our pro bono partners in this Project make a difference, and we greatly appreciate their support. Thank you, Patterson Belknap, for your commitment to LSHV and this cause.

Attorney Nathan Monroe-Yavneh sums up the importance of the Housing Crisis Prevention Project: “The Project highlights how important it is that low-income individuals have access to counsel in civil cases. Without representation, many of these individuals are outmatched during the hearing process and cannot effectively defend themselves. All that it takes to change that, and to give them a fighting chance, is a single attorney. These cases are generally not complex or sprawling, and do not require a large team—but to LSHV’s clients, they mean everything. In a dispute over something as fundamental as access to housing, everyone should have an attorney on their side of the table.”



Legal Services of the Hudson Valley is actively recruiting attorneys and firms for the Housing Crisis Prevention Project. Please contact Christopher Oldi coldi@lshv.org or Lee Sauerhoff at lsauerhoff@lshv.org or call (914) 949-1305 Ext. 145 to join the cause.



CENTER FOR ELDER LAW & JUSTICE

In December 2018, Jesslyn Holbrook, Esq. joined the Center for Elder Law & Justice (“CELJ”) as the new Pro Bono Coordinating Attorney. Jess began her career at the Appellate Division, Fourth Department. After two years as a law clerk, she entered private practice, concentrating her practice in the areas of Health Law, Elder Law, Estate Planning, and

Article 81 Guardianships. Jess has represented private and institutional clients alike.

Embracing that skill set, as well as drawing from a new set of tools, Jess will work with various legal and community partners and stakeholders to grow the agency’s network of pro bono attorneys and develop opportunities to meet the legal needs of the

community and to improve the quality of life for CELJ’s clients. CELJ has various pro bono offerings in addition to full scope representation matters, such as a Senior Advice Helpline, a newly launched Surrogate’s Court Help Center, clinics, and limited scope attorney consultations. Jess is passionate about access to justice and prior to joining CELJ, she was a pro bono volunteer with the agency. She looks forward to carrying forward the mission and goals of pro bono for the agency.

Community Justice Unit Partners with Kramer Levin to Assist Clients Wrongfully Added to Police Database

Andrew Childers, Pro Bono Administrator, The Legal Aid Society

Every day, hundreds of people of color in New York City are being added to NYPD's Gang Database despite not having ever been a member of a gang, simply because of how they look. This inappropriate stigmatizing can result in serious consequences for our clients, including deportation, higher bail, and severe restrictions of confinement for those who are incarcerated. But Legal Aid's Community Justice Unit (CJU), with the help of Kramer Levin Naftalis & Frankel, LLP, is doing something about it.

Under the current framework of "gang policing", communities of color are criminalized wholesale through the database and there are no consti-

tutional protections. People provided no notice of being entered into the database, no opportunity to challenge inclusion, and ultimately no opportunity to be removed entirely. Working with Kramer Levin, Legal Aid has been able help hundreds of potentially impacted people submit requests under our "Do It Yourself" FOIL (Freedom Of Information Law) Initiative. Working with Kramer Levin has allowed the CJU to expand and amplify its work on behalf of these marginalized community members.

Anthony Posada, the Supervising Attorney for CJU describes an added benefit of the collaboration with Kramer; "Pro Bono partnerships reinforce in our clients the sense of dignity

and humanity that the criminal justice system and over-criminalization has consistently stripped them of." He also notes the benefits of this partnership for the pro bono partners, by allowing them to better understand the communities where these injustices are occurring, and empowering them to advocate on their behalf. Pro Bono projects are critical to broadening the scope of the work CJU is able to do, both at an individual and at a policy level. "When our communities receive that positive treatment that welcomes them... they feel that we really care about them and that their lives matter, and that is something you cannot quantify."

Pro Bono for Transactional and Real Estate Lawyers: The Homeowner Stability Project

Amelia Dunnell, Project Coordinator, Homeowner Stability Project, City Bar Justice Center
Kurt Denk, Esq., Pro Bono Counsel, City Bar Justice Center

A new legal services project in New York City is broadening the scope of housing services available to low-income and otherwise vulnerable NYC homeowners, in part by leveraging pro bono expertise in novel ways. At the City Bar Justice Center (CBJC), the non-profit legal services arm of the New York City Bar Association, the recently renamed Homeowner Stability Project (HSP) has moved away from a strictly foreclosure prevention-oriented practice to one that assumes a more holistic understanding of housing stability needs for at-risk homeowners. Founded in 2008 as an emergency response to the foreclosure crisis, HSP has evolved to address the myriad issues that at-risk homeowners confront: mortgage delinquency and default; property tax and water/

sewer liens; general budgeting, home financing and estate planning; and distribution of property following the death of a homeowner, among others.

HSP's recent rebrand came about in part after the attorney directing the project, Scott Kohanowski, began noticing diversifying trends in homeowner vulnerability – e.g., increasing predatory financing schemes and forced partition sales, especially in minority neighborhoods with rising home values; harassment of LGBTQ homeowners, often linked with attempts to force them from valuable properties at below-market rates; and complex struggles that senior homeowners and their families face in staying on top of property tax and other housing expenses while living on a modest fixed income, or in transfer-

ring (so as to preserve) ownership to the next generation as an elder reaches life's end. In all such instances, low-income or otherwise vulnerable New Yorkers with a co-op, condo, or other home that is often their sole asset of any financial significance face housing insecurity. HSP seeks to address these challenges and ensure that such individuals or families stay in their homes whenever possible – thereby also preserving New York City's distinctly vibrant social fabric.

The rewards of CBJC's expansion of HSP's practice beyond traditional foreclosure prevention are twofold: clients benefit from a more comprehensive case assessment and response, and pro bono attorneys

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Pro Bono for Transactional and Real Estate Lawyers: The Homeowner Stability Project

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previously conflicted out from foreclosure defense because they work for financial industry-connected law firms or corporations have new volunteer opportunities. HSP's foreclosure-focused forerunner enlisted a relatively small pro bono pool limited to solo and small firm attorneys. In its first 10 months, the new project has rapidly increased CBJC's pro bono partnerships with both solo practitioners and law firms, recruiting volunteer attorneys to serve nearly 20 clients by putting their real estate and transactional legal experience to use for homeowners who need it the most.

A recent HSP pro bono case demonstrates how necessary these services are to New York City property owners. Ms. G and her extended family occupied the same home in Queens for almost 60 years. Initially purchased by her grandmother, who did not prepare a will prior to her death, the property passed by operation of law to several living family members who each inherited partial interest. Though historically the home was not worth a great deal, Ms. G and her cousins continued to occupy it and as gentrification hit the neighborhood, witnessed their equity increase greatly. The limited income family nevertheless could not manage to keep up with property taxes and maintenance, and the City imposed a tax lien. Committed to the lifelong family home, Ms. G took steps to straighten out the title and estate issues so she could obtain assistance to repair the home and pay off the tax lien and other housing expense arrears.

What Ms. G did not know is that an urban underbelly of real estate "investors" preys on heirs and property in this exact situation. While she was working with CBJC and a housing counselor to come up with solutions to save the home, outsiders learned that the home was in financial distress and targeted the other heirs as presumably unwitting accomplices in a scheme to strip the equity in the home through a partition action, which typically results in the auction of a property and a

below-market return for minority interest holders. Ms. G's adversary systematically approached and purchased the interests of Ms. G's twelve fellow heirs, thereby acquiring a controlling ownership interest in what had been Ms. G's longtime family home, and thereafter instituting a partition action to force a sale of the home.

Devastating as this turn of events was to Ms. G, it is consistent with what CBJC has been seeing as investors target financially distressed properties where the original homeowner died intestate, taking advantage of these ownership situations with clouded title and many heirs (some of whom are surprised to find they are entitled to any money from a property), resident owners' inability to keep up with increasing housing expenses, family disputes, or some combination of these circumstances. By acquiring even a partial interest in a home at a steep discount and instituting a partition action leading to an auction, such investors effectively strip owners of equity they could have retained through a traditional sale. Fortunately,

HSP has placed Ms. G's case with pro bono volunteers who will aggressively litigate the matter with the goal of either keeping Ms. G and her family in place, or obtaining a settlement sufficient to locate the family to affordable housing elsewhere.

For those interested in learning more about pro bono opportunities in the real estate field, CBJC attorneys Scott Kohanowski and Kurt Denk along with Jamie Porco, who coordinates pro bono opportunities at Kramer Levin Naftalis & Frankel LLP, will be presenting on these topics at the 2019 Equal Justice Conference in Louisville, KY. They will provide practical tips for developing real estate finance pro bono projects that leverage private bar resources to serve low and moderate income and other vulnerable homeowners, with a goal of keeping such individuals in their homes and keeping their communities intact. To learn more about the unique and innovative work HSP has been doing since its rebrand, read this NY1 profile on the resolution of a recent CBJC client's nearly \$50,000 water bill.

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Pace Women's Justice Center's Pro Bono Attorney, Shirani Ponnambalam,

Receives NYSBA's Senior Lawyers Section's Jonathan Lippman Pro Bono Award at Annual Meeting in New York City

Natalie J. Sobchak, Director of Pro Bono Programs, Pace Women's Justice Center

On Thursday, January 17, 2019, at the Senior Lawyers Section meeting during NYSBA's Annual Meeting, Shirani Ponnambalam was presented with the Section's 2nd Annual Jonathan Lippman Pro Bono Award. Shirani, a volunteer attorney with the Pace Women's Justice Center since 2014, was honored, along with Ronald C. Mayer, a volunteer attorney with the Evelyn Frank Legal Resources Program at the New York Legal Assistance Group for their work in providing free legal assistance to vulnerable members of our community.

Chief Judge Lippman has been a dedicated supporter of pro bono work and access to justice initiatives in New York State. His efforts to create the Attorney Emeritus Program and the Pro Bono Scholars Program, as well as his support for giving Continuing Legal Education credits for pro bono work, and requiring new attorneys admitted to the New York State Bar to donate 50-hours of pro bono work are just some of the initiatives he has championed throughout his career. These programs, along with his support to increase the judiciary's budget to fund pro bono programs and legal services organizations, is a legacy the Senior Lawyers Section wished to recognize when they named this award in his honor last year. Recipients of this award are chosen for their dedication and commitment to pro bono work for low income New Yorkers -- ideals Chief Judge Lippman so readily embraced and supported throughout his career.

Pace Women's Justice Center was thrilled to nominate Shirani Ponnambalam for this award. Shirani has dedicated much of her career to teaching law students both here and abroad, and instilling in them the importance of helping those unable



to afford legal assistance. It was her commitment to the clients of the Pace Women's Justice Center, however, that the Senior Lawyers Section wish to recognize by bestowing on her this award.

Founded in 1991, the Pace Women's Justice Center is a nonprofit legal center in White Plains whose mission is to pursue justice for victims and survivors of domestic violence, sexual assault, and elder abuse, and prevent abuse through quality legal services, community partnerships, and education. Serving Westchester and Putnam Counties, each year PWJC assists nearly 4,000 clients and participates in over 150 trainings, workshops and outreach events in the community.

Since her retirement from private practice nearly five years, Shirani has volunteered with PWJC and has assisted hundreds of vulnerable New Yorkers. In 2018, Shirani donated over 550 hours of her time to PWJC. In a single year, Shirani: (a) spoke to

over 140 women and men who called PWJC's Free Legal Helpline and provided information and guidance to them about their legal issues; (b) represented 20 survivors of domestic violence seeking a divorce from their abusers; and (c) met with 23 clients for consultations in PWJC's Walk-In Clinic, which opened in June 2018. In addition, her background as a professor and her experience as a family law practitioner places Shirani in a unique position of being both volunteer attorney and mentor to other volunteer attorneys and the law students interning with us.

The Awards Ceremony at NYSBA's Annual Meeting last month was a wonderful opportunity to introduce Shirani to our colleagues from around the state. It was made that much more special when Chief Judge Lippman, himself, presented Shirani with the award named in his honor. She truly exemplifies the spirit and legacy of his work.



New York State Attorney Emeritus Program Welcomes First Upstate AmeriCorps VISTA Member

Cora Vasserman, AmeriCorps VISTA Member and AEP Coordinator at Fordham Law School's Feerick Center for Social Justice.

Fordham Law School's Feerick Center for Social Justice has secured support through the Corporation for National and Community Service and its AmeriCorps VISTA Program to enhance and expand the New York State Attorney Emeritus Program (AEP) in upstate communities. The Feerick Center is partnering with Legal Assistance of Western New York (LAWNY) in this effort.

The AEP is a statewide initiative under the leadership of Chief Judge Janet DiFiore, which focuses on engaging senior attorneys in civil pro bono service. The New York State Unified Court System's Office for Justice Initiatives, directed by Justice Edwina G. Mendelson, and the Office's Access to Justice Program provide oversight. Attorneys 55 years and older, with at least 10 years of experience, who are in good standing with the New York State Bar, and are either active or retired are eligible to enroll. Attorneys pledge to volunteer at least 60 hours over a two-year registration period with an approved legal services provider or court-sponsored program.

The AEP was established by former Chief Judge Jonathan Lippman in 2010. Since the Program's inception, Fordham Law School's Feerick Center for Social Justice has taken on the AEP's programmatic and administrative duties. These duties include: managing outreach to the growing pool of attorneys who register as Emeritus; working with AEP-approved host organizations on developing and publicizing volunteer opportunities; recognizing volunteer efforts; organizing trainings, information sessions, and other programming; and matching Emeritus attorneys to volunteer positions that best utilize their skills and fit their schedules.

The impact of the Program has grown over the years. The New York State Interest on Lawyer Account Fund reported that, in Fiscal Year 2018, twenty-seven of its grantees hosted 119 Emeritus attorneys. These attorneys donated 13,614 hours and closed

998 cases. On average, these pro bono attorneys volunteered nearly four times the minimum pledged through the Program. Unquestionably, the AEP is engaging senior attorneys and affording them opportunities to help close the New York State civil justice gap.

The Feerick Center has been awarded grants from the AmeriCorps VISTA program and New York City Civil Corps to hire full-time staff members to serve as program coordinators for the AEP under the guidance of Feerick Center staff. Both the Feerick Center and LawNY are thrilled to welcome AmeriCorps VISTA member Casey Booth as the program's first upstate program coordinator.

The AEP is very fortunate to have been awarded two full-time AmeriCorps VISTA members devoted to the program during the 2018-2019 grant cycle. Cora Vasserman has been serving as a VISTA with the AEP since 2017 and is based at the Feerick Center for Social Justice. Casey just began her term of service and is working out of the Rochester office of Legal Assistance of Western New York, Inc.® As the upstate program coordinator for AEP, Casey's work will focus on expanding

upstate programming, a central goal of the AEP throughout its history and a key priority in 2019. Currently, the AEP has 27 approved host organizations outside of the greater New York City area, and Program administrators hope to increase this number. Increasing capacity for pro bono service upstate, particularly in rural communities, poses very different challenges than working within the greater New York City area. With a VISTA member focused solely on these challenges, the Attorney Emeritus Program can better facilitate pro bono among interested volunteers in upstate counties and increase access to legal services for low-income New Yorkers upstate. Kelly McGovern, Director of Pro Bono Affairs at LawNY, is excited to work closely with Casey to foster collaboration with upstate bar associations, law firms, civil legal services agencies, and law schools, in an effort to increase services to low-income, rural clients.

Eligible attorneys interested in volunteering should reach out to Cora Vasserman or Casey Booth at cvasserman@fordham.edu or cbooth@lawny.org.

Welcome Casey, and thank you for your service!



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