

Pro Bono News

Summer Edition Vol. 30 No. 2

Director's Message

Thomas Richards



Richards

I am very pleased to share the Summer 2019 NYSBA *Pro Bono Newsletter* with you. The New York State Bar Association is grateful to the authors for their inspirational submissions and for the opportunity to share these highlights with our members.

I would like to congratulate several of our new and returning committee chairs: President's Committee on Access to Justice Co-chair President-Elect Scott Karson, Co-chair Edwina Martin, and Vice Chair Tiffany Liston; Committee on Legal Aid Co-chairs Sally Curran and Adriene Holder; and Committee on Immigration Representation Co-chairs Camille Mackler and Sarah Rogerson.

Mark your calendars – the 2020 Annual Meeting will be held January 27-February 1, 2020 at the Hilton Midtown. Planning is also underway for the next Legal Assistance Partnership Conference, which will be held Wednesday, September 16-Friday, September 18, 2020 at the Albany Capital Center.

The Association continues to speak out on the ongoing immigration crisis. The Association, in response to shocking reports of deplorable conditions at detention centers along the Mexican

border, called for an end to the inhumane treatment of immigrant children and an immediate reunification of separated families. The House of Delegates at its June meeting approved a resolution urging the Governor and state Legislature to establish a right to counsel in immigration proceedings as a statutory requirement under New York law. If passed into law, New York would become the first state in the nation to grant such a right.

Several other reports of interest were adopted as Association policy at the April and June meetings of the House of Delegates. Recommendations from the Task Force for the Evaluation of Candidates for Election to Judicial Office were adopted, together with a set of best practices to guide local bar and regional screening committees. The Task Force on Incarceration Release Planning and Programs recommended ways to reduce recidivism and facilitate the reentry into society of formerly incarcerated persons; the Task Force on Wrongful Convictions recommended that each district attorney's office in New York have a conviction integrity unit to evaluate and review convictions; and the Task Force on the School to Prison Pipeline recommended a decrease in the use of suspension and an increased focus on restorative justice practices to address student misbehavior.

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The Pro Bono Newsletter is available online at www.nysba.org/ProBonoNews

Pro Bono Opportunities Guide

www.nysba.org/probono

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Editor: Thomas Richards, Esq.

Director's Message

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President Hank Greenberg has announced several major initiatives as the public policy goals of his presidency. The following article summarizes these initiatives and highlights some of the exciting work to come over the next year.

Thank you,

Thomas Richards

Greenberg Announces Groundbreaking Public Policy Initiatives

By Christian Nolan

Hank Greenberg was sworn in as NYSBA's 122nd president in June and launched several groundbreaking public policy initiatives for the coming year. Here is a quick look at six of these important initiatives.

Task Force on Autonomous Vehicles and the Law

This task force, led by Dean and Professor of Law Aviva Abramovsky, of University at Buffalo School of Law, will study and understand the seismic impact that autonomous vehicles will have on our legal system and society, and make recommendations on how New York state and its legal institutions can prepare for this revolutionary technological change. The initiative will focus on, among other things:

- Studying the potential impact autonomous vehicles may have on lawyers, their clients, courts and the civil justice system
- Assessing what laws and regulations may need to be enacted
- Reviewing potential privacy and data protection issues
- Analyzing safety concerns
- Considering the potential impact on injury and insurance law, and licensing

"Autonomous vehicles are already being tested in some areas of the country and their role in our transportation systems will continue to grow, but there has been little discussion about what laws and regulations need to be put in place, and the potential impacts on our justice system and our everyday lives," said Greenberg. "NYSBA is proud to lead the national discussion and begin the necessary work to understand this immense technological innovation."

Task Force on Free Expression in the Digital Age

The decade-long decline in local journalism has been driven by dramatic changes in technology and the economics of advertising. There is a compelling need to consider whether there are appropriate legal responses to this crisis.

The task force will be co-chaired by David McCraw, deputy general counsel for The New York Times, and Cynthia Arato, a partner at Shapiro Arato Bach, and will examine how changes in the law may help assure local government transpar-

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Greenberg Announces Groundbreaking Public Policy Initiatives

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ency and accountability even as the economic landscape of local journalism is fundamentally altered. The task force will make recommendations on how to maintain and strengthen the public's ability to engage in appropriate oversight of the institutions of local government amidst the challenges of our ever-changing digital age.

"The rapid and ever-growing rise of social media as a source of news has triggered a substantial decline in local journalism. This places at risk First Amendment values and a vibrant, fearless free press. Now more than ever, our local news outlets need the support to hold truth to power," said Greenberg. "The future of local journalism is in jeopardy, but there has been no major effort to find ways to provide support. NYSBA is taking the critical first step in trying to address this problem."

Task Force on Rural Justice

The task force will investigate the impact of rural attorney shortages on access to justice, challenges in delivering legal services in rural areas, and the unique practice needs of rural practitioners. The task force will also make recommendations for potential changes in law and public policy and will identify viable solutions to support rural law practice and greater access to justice in New York's rural communities.

Taier Perlman, staff attorney at Albany Law School's Government Law Center and who leads their Rural Law Initiative, and State Supreme Court Justice Stan L. Pritzker, Third Judicial Department, will co-chair the task force.

"Research confirms what many attorneys in upstate New York already know – that there is an access to justice crisis in rural areas throughout New York and across the country," said Greenberg. "NYSBA remains committed to ensuring access to justice for all New Yorkers, regardless of where they live, and the important work of this task force will go a long

way toward enacting the necessary reforms to achieve that goal."

Task Force on the Parole System

The mission of this task force will be to study the current parole system with a focus on release practices as well as revocation and reincarceration. It will seek to identify problems in the current system and propose policy solutions, including new concepts in the administration of the parole system and changes in the law.

The task force will be co-chaired by past NYSBA President Seymour W. James, Jr., a longtime criminal defense lawyer who is currently a partner at Barket Epstein Kearon Aldea & LoTurco in New York City, and William T. Russell, Jr., a NYSBA Executive Committee member and partner at Simpson Thacher & Bartlett in New York City.

"The state Legislature has undertaken wide-ranging criminal procedure reform in areas of bail, speedy trial guarantees, and the discovery process," said Greenberg. "However, these reforms have focused on issues that arise prior to the trial, conviction, and sentencing. The task force will examine our state's parole system, as it continues to present problems of fairness and due process for the thousands of parolees statewide."

Diversity Initiative

"A troubling fact is that the legal profession is one of the least diverse professions in the nation," said Greenberg. "Our clients are women and men, straight and gay, of every race, color, ethnicity, national origin, and religion. Yet, the legal profession is not nearly as inclusive as the people we represent. Indeed, a diversity imbalance plagues law firms, the judiciary, and every other sphere where lawyers work."

On diversity, NYSBA will lead by example. This year, through the presidential appointment process, all 59 standing committees will have a

chair, co-chair or vice-chair who is a woman, person of color, or otherwise represents diversity. Additionally, NYSBA will develop and implement an association-wide diversity and inclusion plan.

"It is a moral imperative that our profession better reflects the diversity exemplified by our clients, and we can no longer accept empty rhetoric or half-measures to realize that goal," Greenberg said. "It's the right thing to do, it's the smart thing to do, and clients are increasingly demanding it."

Working Group to Review NY Bar Admission Questionnaire

Greenberg has established a blue-ribbon multidisciplinary work group to review New York state's bar application questionnaire to ensure mental health treatment will not be a deterrence to gaining admission to the profession.

Recent studies have shown that law school students are experiencing anxiety, depression, stress, and other mental health issues at alarming rates and are not seeking the help they need because they are concerned that doing so will negatively impact their bar admission. In fact, one study discovered that 42% of surveyed law students believed they needed help for emotional or mental health issues in the past year, but only half sought assistance. That is because 45% of the respondents feared that seeking help could pose a threat to their bar admission.

NYSBA's workgroup will review the potential removal of questions from the questionnaire that address an applicant's mental health issues. The workgroup is composed of representatives from NYSBA's Young Lawyers Section, Committee on Disability Rights, Committee on Legal Education and Admission to the Bar, Law Practice Management's Attorney Wellness Sub-Committee, and Lawyer Assistance Committee.

Legal Aid Society of Northeastern New York Celebrates Volunteers and Project Expansion

By Melody Harkness

It's been a very busy summer with the Legal Aid Society of Northeastern New York Private Attorney Involvement department! We have been celebrating the many accomplishments of our pro bono attorneys and interns throughout the summer and implementing the much needed expansion of our housing programs.



In April, we celebrated Sharon Couch Debonis and Amanda Rose at NYSBA's President's Service Awards. Sharon and Amanda were NYSBA's Third and Fourth Judicial recipients. Sharon Debonis, a Troy solo practitioner, was nominated as the Third Judicial recipient for her active involvement in our *Attorney for the Day* program, both as a mentor and volunteer. Sharon has participated in all three locations – Albany, Troy and Glens Falls – for our *Attorney for the Day* program. Amanda Rose, also a solo practitioner, was nominated as the Fourth Judicial recipient for her active participation in our Fulton, Montgomery and Schoharie county *pro se* divorce clinics.



In May, we celebrated Marc Ehrlich on the American Bar Association Pro Bono Publico nomination at the Rensselaer County Bar Association Annual Dinner. Marc Ehrlich of Ehrlich & Acordia PC is a longstanding and active contributor of our *Bankruptcy Referral* program, assisting low-income debtors by providing them Chapter 7 discharges. Ehrlich assists some clients who are at risk of immediate garnishment and subject to enforcement of liens. He will be formally recognized at the American Bar Association Annual Meeting in August, held in San Francisco, CA.



In June, we celebrated Jellisa Joseph at the Capital District Women's Bar Association's Annual Dinner on her New Outstanding Attorney nomination! Joseph, Associate Counsel with the NYS Senate Democratic Conference, has been an active volunteer with our *Closing the Gap* program since 2018. *Closing the Gap* is a pro se program that assists unrepresented litigants with attorneys, remotely, for limited, brief services in their consumer debt and housing matters. Joseph has eagerly utilized the Private Attorney Involvement office space available for pro bono attorneys at the new Center for Civil Legal Services at 95 Central Ave in Albany.

Attorney for the Day Expansion Is Necessary

More recently the surge of new tenant protection laws passed in June.

The indications of housing crisis are evident around us, where we work, where we live, where we entertain. Not too far away is someone at risk of losing housing. Many are suf-

fering from the cost of living. Homelessness is on the rise. Evictions and foreclosures are conventional. Today's cities are filled with segregation and poverty.

The National Low Income Housing Coalition reports, "According to the standard measures of affordability, there is no U.S. state where a full-time minimum wage worker can afford to rent or own a one-bedroom dwelling. Nationwide, nearly half of all renting households spend an unsustainable amount of their income on rent, a figure that is only expected to rise."

It has been an exciting and overwhelming time applying the new laws that have been implemented for stronger tenant protections.

Attorney for the Day (AFTD) is a collaborative effort with participating courts, pro bono attorneys, Legal Aid Society of Northeastern New York and Albany Law School student volunteers to assist tenants facing eviction in the cities of Albany, Troy, and Glens Falls. Private firms such as Whiteman, Osterman and Hanna, LLP have been sending associates on a monthly basis for several years. Whiteman associates gain valuable negotiation and litigation experience participating in this program (see pictured).



I offer an AFTD experience because it provides the background to our program's mission and purpose, our "Why." There were moments in the hallway of a city court after a large calendar settles, and I was approached by a property owner, who asks, "What is your goal? Why do you help? Aren't

you aware that property owners have mortgages and taxes to pay? Assisting a tenant facing eviction is harmful to my business." I find it interesting that he used the term "business" in the context of this story because from my experience many tenants are just trying to survive, living paycheck to paycheck in search of better job opportunities or a way to supplement their fixed income. One party is seeking to make a profit off of their rental property and another party is seeking to sustain safe, affordable housing.

Attorney for the Day's goal is to sustain or assist low-income tenants with transitioning to new affordable housing, to address concerns with inhabitable properties, and/or to provide tenants with the information and advice that they need to advocate for their housing rights. It has been very exciting to hit the ground running putting the new tenant protections into practice.

Increase in Name Change Referrals

There is an increase of persons who identify themselves using other nontraditional gender terms, research suggests. Legal Aid Society of North-

eastern New York, In Our Own Voices, Inc. and private firms like Nixon Peabody, LLP respond to the needs of gender nonconforming persons, meaning that they don't always self-identify as the sex they were assigned at birth, who wish to change their name and gender.

LASNYY offers these services through our *Private Attorney Involvement - Name and Gender Marker Change referral* project. Persons contact us directly or are referred by community organization, such as, In Our Own Voices, Inc. to connect with pro bono leaders such as Tina Sciocchetti and Dan Hurteau, partners at Nixon Peabody, LLP (see pictured). Petitions are filed in the Supreme Court of the applicant's jurisdiction to change their name.



Some may not understand how important it is to be addressed and identified in a manner that is consistent with their own self-identification. Our pro bono attorneys at Nixon Peabody, LLP get it. Discrimination and fear of rejection in employment, health care and educational institutions add an additional barrier for the LGBTQ community to overcome.

The College of American Pathologists survey data shows, despite existing protections, LGBTQ people face disturbing rates of health care discrimination – from harassment and humiliation by providers to being turned away by hospitals, pharmacists, and doctors.

It is empowering to have the laws in various New York jurisdictions prohibiting sexual orientation discrimination in public employment, private employment, public accommodations, education and/or housing. Projects like our *Name and Gender Marker Change Referrals* support these laws and allow us to provide a broad range of services impacting the lives of people in both our local and regional communities.

Helping Nonprofits Serve New York's Aging Populations

By Benita von Lilienfeld-Berry

New York City is growing older. According to the New York City Department for the Aging,¹ the City was home to more than 1.6 million adults over the age of 65 last year, which made up around 19.2% of the population and is projected to grow to 1.86 million by 2040. Between 1990 and 2016, the national elderly poverty rate has also increased from 16.5% to 18.4%. This simultaneous increase in the population and poverty rate of the elderly population makes public services like transportation, health care, economic opportunities, and safe and affordable housing vitally important.

In an effort to address these needs, Lawyers Alliance for New York ("Lawyers Alliance") has assisted over 900 elder-serving nonprofits with their business and transactional legal needs over the past 50 years through its network of pro bono attorneys. In one instance, pro bono attorneys helped a large Brooklyn-based organization supporting the aging population with a contract review for a project to share the stories of its elderly clients, thereby raising the sometimes quieted

voice of older generations. In another case, a team of pro bono attorneys reviewed governance policies for a multi-service social support agency serving more than 5,000 adults in Southeast Queens to ensure that they were in compliance with the most recent version of the New York Not-for-Profit Corporation Law.

But the efforts of Lawyers Alliance pro bono attorneys do not stop there. We recently assisted the lead agency and social service provider for a naturally occurring retirement community located in Brooklyn with an update of its bylaws and employee handbook to ensure good governance and clear policies and structure for its employees and caregivers. A waiver drafted by a pro bono attorney helped a hub for educational and cultural activity in the Bedford-Stuyvesant and Crown Heights neighborhoods of Brooklyn protect the intellectual property rights of one of its projects that explored the stories of veterans of color and their important role in a rapidly changing neighborhood. Finally, though certainly not exhausting the list of Lawyers

Alliance cases that have improved the lives of New York's seniors, real estate pro bono attorneys assisted a mental health service provider with multiple rounds of lease modifications for a space in Manhattan that is now used to facilitate clinics for the elderly and related administrative services.

Lawyers Alliance also collaborates on outreach and educational projects with nonprofit umbrella organizations whose members include nonprofits engaged in programs, services, and advocacy that benefit low-income seniors.

Lawyers Alliance advocates to ensure that the City's community-based organizations and other nonprofits receive a wide range of capacity-building services and information to successfully serve the City's aging populations. As New York's residents grow older, Lawyers Alliance looks forward to continuing to partner with our dedicated pro bono attorneys to assist New York City's nonprofits in making life a bit easier for the elderly and their caregivers.

¹ <https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/DFTAAnnualPlanSummary2018.pdf>

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Matrimonial Mentoring Program Announced for Erie County

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

Erie County Bar Association Volunteer Lawyers Project, Inc.



As many a young lawyer has found, practicing law is very, very different from studying law. It can be quite challenging in our rapidly changing profession for newly admitted attorneys to find the training and guidance necessary to develop their skills and hone their professional judgment. While larger law firms have the ability to mentor their new associates in-house, what opportunities exist for young lawyers who join smaller practices or those who bravely hang their own shingle?

With this in mind, we are pleased to announce a Matrimonial Lawyer Mentoring Program for Erie County Supreme Court. Conceived by the Honorable Mary L. Slisz, J.S.C., with the support of the Administrative Judge of the 8th Judicial District, Honorable Paula L. Feroletto, the Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP) and the Matrimonial and Family Law Committee of the Bar Association of Erie County, this new and exciting program will link experienced matrimonial attorneys with lawyers who are new to matrimonial practice for the purpose of elevating the competence, professionalism and success of all involved.

Participants and their mentors will work together on a pro bono matrimonial case for a low-income VLP client. Attorneys new to matrimonial practice will have the opportunity to see a seasoned attorney's approach first hand and to learn by working on a real case. To date, twenty-three private practi-

tioners have volunteered to teach and guide their paired mentees through the handling of a VLP referred pro bono matrimonial case from start to finish. Once the initial case has concluded, participants will take on a second matrimonial case to handle on their own, though mentors will remain available to consult if needed.

"After being assigned to the Matrimonial Expedited Part, it was apparent that young lawyers struggled to find mentors in matrimonial law and that low-income litigants needed more access to justice. With great enthusiasm, the matrimonial practitioners rose to the occasion and agreed to share their time, talent, education and experience for this initiative. Partnering with VLP brought the whole program together. To all involved I will be forever grateful." - Judge Slisz.

It is our hope that this program will create many professional relationships among colleagues that can continue long after the program has been completed. The program will also expose a new group of attorneys to the joy of taking on a pro bono case and providing assistance to a client who would otherwise be forced to proceed without representation. Participants will see that they are not only gaining experience but also providing a much needed benefit to an underserved population.

In order to participate, lawyers new to matrimonial practice will register for and attend a free, three-hour "Papers, Preparedness and Professionalism" CLE, at the end of which they meet their mentor. Topics to be covered include client interviews, uniform court rules, default procedures, motion practice and professionalism. This CLE is intended to be a basic foundation in matrimonial practice which participants will then build on through working on a case with their mentor.

This program is a "win" for everyone involved. Attorneys new to mat-

rimonial practice will gain an invaluable foundation for becoming skilled, professional, matrimonial lawyers. The mentors will help elevate the practice of law in their field and help to support and foster the development of the next generation of matrimonial practitioners. The court will benefit by expanding the pool of experienced attorneys practicing before it and by helping to provide legal representation to over forty low-income litigants who would otherwise have no access to legal representation. Teamwork truly does make the dream work.

Thank you to the many esteemed members of the Bar that have volunteered to be mentors in this program including:

Samuel A. Alba
Kristin Langdon Arcuri
Mark S. Carney
Michelle G. Chaas
Michael J. Colletta
Andrew F. Emborsky
Carol A. Flaherty
Steven H. Grocott
Susan S. Hogan
Keith I. Kadish
Terri L. LoTempio
Patricia A. Maxwell
Cheryl McFadden Zak
Jon F. Minear
Catherine E. Nagel
Barbara O'Neill
Chad Pidanic
Shari Jo Reich
Keith B. Schulefand
John L. Trigilio
Lana V. Tupchik
Paul A. Vance
Brian R. Welsh

Thank you to the Hon. Mary L. Slisz, J.S.C., the Hon. Paula L. Feroletto, and the Matrimonial and Family Law Committee of the Bar Association of Erie County and to our sponsor, Counsel Press, for supporting and creating opportunities to expand access to justice in our community.

The Legal Aid Society and Pro Bono Partners File Amicus Briefs in the U.S. Supreme Court

By Louis S. Sartori, Director, Pro Bono Practice, The Legal Aid Society

Preventing Discrimination Based on Sexual Orientation or Gender Identity

On July 3, 2019, attorneys from each of Legal Aid's practice areas, together with **Goodwin Procter LLP**, filed an amicus brief in *Altitude Express Inc. v. Zarda*, *Bostock v. Clayton County, Georgia*, and *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission*. The cases address whether Title VII of the Civil Rights Act, which prohibits employment discrimination "because of sex", also prohibits discrimination because of sexual orientation and/or gender identity. Legal

Aid's brief in support of the terminated employees demonstrated through the lived experiences of our clients that anti-trans and anti-gay discrimination are rooted in sex stereotyping.

The bullying and harassment that our clients face comes from their failure to conform to the traditional stereotypes of the sex that was assigned to them at birth. We argue that no one should be discriminated against for their transgender status or sexual orientation. Oral arguments are scheduled for October 8, 2019. Contributing to the brief were **Richard Blum**, **Karen Cacace** and **Beth Hofmeister** from the Civil Practice, **Lisa Freeman**

and **Kathryn Wood** from the Juvenile Rights Practice and **Cynthia Conti-Cook** and **Aisha Lewis-McCoy** from the Criminal Practice.

Special thanks to the team from **Goodwin Procter LLP: Brian T. Burgess, William Evans, Frederick H. Rein, Michael B. Cottler, Amanda B. Protes** and **Nicole S. Tate-Naghi**, who also worked with Legal Aid on the amicus previously filed on the *Zarda* case in the Second Circuit.

Protecting the Fourth Amendment Rights of Detainees

Legal Aid's Criminal Defense Special Litigation Unit filed an amicus brief on June 19, 2019 in support of petition for a writ of certiorari, the formal request that the U.S. Supreme Court review a decision. Four justices must agree to hear the case in order for the "cert" to be granted. In *Emmanuel Diaz v. New York*, the appeal would be taken from the New York State Court of Appeals, which held that persons at Rikers Island have no legitimate expectation of privacy when using public phones monitored by the Department of Corrections. Mr. Diaz was a teenager arrested and housed as a pretrial detainee at Rikers for nearly a year before his trial.

Steve Wasserman of our Criminal Defense Practice, working with a team of pro bono attorneys from **DLA Piper LLP: Ilana H. Eisenstein, Jeffrey D. Rotenberg, Marc A. Silverman** and **Katharine Suominen**, argued that the geographic isolation of Rikers Island makes it very difficult for detainees to contact their families or even their legal counsel by any means other than the monitored telephones and have a legitimate expectation of privacy. In addition, the systematic collection and review of pretrial detainees' phone records for prosecution purposes cannot be justified as consensual and amounts to a warrantless seizure.

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Nassau Suffolk Law Services Outstanding Attorney Recognition

By Maria Dosso, Esq., Director of Communications and Volunteer Services

Eve Nowak, Esq., one of Nassau Suffolk Law Services' outstanding volunteer attorneys, has been awarded the New York State Bar Association President's Pro Bono Service Award for the 10th Judicial District. Since 2015, Eve has played a critical role in the Suffolk Pro Bono Project, screening hundreds of pro bono applicants every year and giving advice on child support matters. Her generous assistance ensures that the high volume of callers receive prompt attention and services, and in the appropriate cases, receive assignment to a pro bono attorney for full representation. The awards were presented at the NYSBA awards ceremony in Albany on May 1, 2019. Kudos for this well deserved award!



Eve Nowak, center, pictured with NYSBA President Michael Miller, left and President-elect, Henry M. Greenberg, right

Wendy Hamberger, Esq., pro bono attorney in Nassau Suffolk Law Services' Volunteer Lawyers Project (VLP), was chosen by the Nassau County Bar Association (NCBA) as the recipient of the *Thomas Maligno Pro Bono Attorney of the Year* award "in recognition of selfless commitment to the furtherance of the most noble traditions of the organized Bar." Wendy generously devotes hours of her time each week in our VLP, assisting litigants in uncontested matrimonials. The celebration took place at the NCBA's Law Day dinner on May 1, 2019. Congratulations!



Wendy Hamberger is pictured center with Jeffrey Seigel, NLSL Exec. Director, and the staff of the Volunteer Lawyers Project

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

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

By Christopher Oldi, Pro Bono Director, Legal Services of the Hudson Valley

In 2015, Legal Services of the Hudson Valley (LSHV) launched a *Housing Crisis Prevention Project* in partnership with **Patterson Belknap Webb & Tyler LLP**. Through this collaboration, Patterson Belknap's attorneys have been handling on a pro bono basis an average of 5 to 10 cases a year focusing on preventing homelessness for children and families.

Through Patterson Belknap's partnership with LSHV, a team of pro bono attorneys at the Firm have successfully defended many tenants facing eviction and the threat of homelessness. Patterson Belknap's LSHV leadership team includes litigation Partner **Erik Haas** and the firm's Chief People, Diversity and Professional Development Officer, **Michelle Cohen**, as well as a litigation team that has included over a dozen associates.

Alejandro H. Cruz is a litigation Partner at Patterson Belknap and is a dedicated volunteer for LSHV's Housing Crisis Prevention Project. "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 outcomes, 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 Cruz. The simple reality is that "representation matters," says Cruz, which is reiterated by the reflections of other members of the pro bono team at Patterson Belknap.

Associate **Helen O'Reilly** represented a client who had never seen a copy of her lease before her public housing authority threatened to terminate her tenancy. O'Reilly's advocacy,

persistence, and patience empowered her client in obtaining "basic respect and fair treatment." "I really had to fight for my client to ensure a fair process," says O'Reilly, but representation "gave her dignity" throughout that process. O'Reilly was able to ensure that her client was able to remain in her apartment.

Associate **Nathan Monroe-Yavneh** said, "The Project highlights how important it is that low-income individuals have access to counsel in these types of cases. Without representation, many of these individuals are out-matched 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."

Tenant success is significantly greater with an advocate (nearly double or more). On average, 60% of tenants have a legal basis to fight an eviction. 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 detailed administration necessary to maintain their subsidies.

Although New York City adopted the Right to Counsel law in 2017 giving low-income tenants facing an eviction in housing court a right to an attorney, in the Hudson Valley – including Westchester, Putnam, Dutchess, Ulster, Orange, Sullivan, and Rockland Counties – there is no such right to counsel.

In an effort to build upon the project launched in collaboration with Patterson Belknap, LSHV won a Pro Bono Innovation Fund Grant in 2018 from the Legal Services Corporation to recruit, train, and cultivate pro bono partnerships with new firms. This past year, firms including **Boies Schiller Flexner LLP**, **Paul, Weiss, Rifkind, Wharton and Garrison LLP**, and **Kasowitz Benson Torres LLP**, have all taken cases, while **McCabe & Mack LLP** is preparing to do so.

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-existent, especially for those already struggling to pay rent. That's why partners like Patterson Belknap and so many others are so important... they help fill the justice gap and quite literally prevent homelessness for children and families. Thank you all for your support!

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 lsauerhoff@lshv.org or call (914) 949-1305 Ext. 145 to join the cause.

Attorney Emeritus Program Celebrates 10th Anniversary: Benefits All Around

By Dora Galacatos, Executive Director, Feerick Center for the Social Justice Fordham Law School

In January 2020, the New York Attorney Emeritus Program (AEP) will celebrate its first decade since its establishment by its pioneering creator, former Chief Judge Jonathan Lippman. The first ten years have been marked by steady growth and progress, in great part due to the invaluable and visionary support of New York State Chief Judge Janet DiFiore as well as that of other key court officials who have led and lead the state's access-to-justice initiatives, including Justice Fern A. Fisher, former Deputy Chief Administrative Judge for New York City Courts and Director of the courts' Access to Justice Program; Justice Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives; and Michelle Smith, Justice Mendelson's Chief of Staff.

To commemorate this important milestone, Fordham Law School's Feerick Center for Social Justice is organizing a program that will take place on December 2, 2019 at the Law School. The Feerick Center has provided administrative and programmatic support to the AEP since its inception in 2010. At the 10th anniversary event, leaders of the judiciary and the organized bar as well as other stakeholders will gather to reflect on the progress made in the last ten years, learn from other Emeritus programs in other parts of the country, and discuss opportunities for the Program's future. Chief Judge DiFiore, Judge Lippman, American Bar Association President-Elect 2018-2019 Judy Perry Martinez, and Fordham Law School Dean Matthew Diller are expected to be in attendance.

From the outset, a central objective of the AEP has been enhancing and expanding civil pro bono capacity in New York State. As the Permanent Commission on Access to Justice has documented over many years, the "justice gap" presents many chal-

lenges to people with low and moderate incomes, throughout the state, who cannot secure or afford counsel. The Commission estimates that approximately 1.8 million New Yorkers navigate civil legal processes each year without the benefit of counsel. This gap in civil legal services creates significant burdens for adjudicators and courts and can complicate the fair administration of justice; its impact is felt keenly by individuals, families and communities, in urban, suburban, and rural settings alike.

Through the AEP, attorneys who are 55 years and older, in good standing, and who have practiced for at least 10 years can volunteer with either an approved legal services organization or a court-sponsored pro bono program. Since its inception, nearly 3,000 attorneys have enrolled. Hundreds of volunteers have served thousands of New Yorkers in need in a wide variety of critical matters, including public benefits, housing, consumer debt, and family law. Some emeritus attorneys volunteer through limited-scope clinics and hotlines, while others provide full representation; others engage in community education, undertake appeals, engage in policy advocacy, and help lead special projects. Over 60 legal services organizations throughout the state serve as AEP host organizations and provide legal malpractice insurance, training, and supervision to Emeritus attorneys. In Fiscal Year 2018, 119 emeritus volunteers served through 27 IOLA-funded organizations; these emeritus attorneys donated over 13,600 hours of service and helped close nearly 1,000 cases.

While the benefits of civil pro bono are often noted for clients, legal services organizations, the courts, and indeed broader society, one key beneficiary group has frequently been overlooked: Emeritus volunteers themselves. According to the Corpo-

ration for National and Community Service (CNCS), the federal agency charged with promoting volunteerism in the United States, "[a] growing body of research shows an association between volunteering and mental and physical health benefits; [i]n particular, older volunteers report lower mortality rates, lower rates of depression, fewer physical limitations, and higher levels of well-being."¹ Among other aspects of the AEP, the December 2019 event will provide an opportunity to spotlight this important value and contribution of the program.

The research results from two longitudinal studies commissioned by CNCS are quite striking: volunteers 55 years and older enjoyed health benefits after just one year of involvement, including decreases in anxiety, depression, loneliness, and social isolation and improvements in physical capacity and life satisfaction.² Another exhaustive study that undertook a comprehensive literature review found that "volunteering is associated with both improvements in social, physical and cognitive functioning and reduced functional impairment."³

National data show that older adults who volunteer typically serve more hours annually than any other age group.⁴ To successfully engage and retain older adult volunteers, pro bono programs must consider key best practices such as carefully matching volunteers to appropriate pro bono engagements, providing professional development opportunities and supports, and "treating volunteers as valued partners"⁵ – including, critically, recognizing their efforts.

The December 2, 2019 10th anniversary program will provide a wonderful opportunity to examine the broad array of benefits of the AEP, including to emeritus volunteers themselves. The organizers very much hope that

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Attorney Emeritus Program Celebrates 10th Anniversary: Benefits All Around

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those involved in pro bono efforts—from pro bono coordinators at legal services organizations and law firms to those supporting programs in the courts, law schools, and the organized bar—will be able to attend to connect, share their experiences, and learn from one another.

Dora Galacatos is the Executive Director of the Feerick Center for Social Justice at Fordham Law School. For more information on the Attorney Emeritus Program, please contact

Daniella Torres, the 2019-2020 Greater NYC AEP Coordinator at dtorres39@fordham.edu or Casey Booth, the 2019-2020 Upstate AEP Coordinator at cbooth@lawny.org

1 Corporation for National & Community Service, *The Health Benefits of Volunteering for Older Americans: A Review of Recent Research* 1 (May 2012), https://www.nationalservice.gov/pdf/healthbenefits_factsheet.pdf.

2 Kim Hayes, *Senior Volunteers Reap Health Benefits: Lower depression rates seen after only one year* (July 27, 2017), <https://www.aarp.org/health/healthy-living/info-2017/health-benefits-volunteering-seniors-fd.html>. See also Erin L. Waddell & Joy M. Jacobs-Lawson, *Predicting Positive Well-Being in Older Men and Women*,

70 INT'L J. AGING & HUMAN DEV. 181, 184 (2010) (noting that "being active by participating in volunteer work is associated with greater well-being and is a significant predictor of life satisfaction").

3 Anderson, Nicole D. et al., *The Benefits Associated with Volunteering Among Seniors: A Critical Review and Recommendations for Future Research*, PSYCHOLOGICAL BULLETIN 1, 21 (2014), <http://dx.doi.org/10.1037/a0037610>. The authors noted that "the initial evidence is encouraging" that volunteering may reduce dementia risk, citing two studies that reported "improved memory and executive functioning associated with seniors' volunteering." *Id.*

4 Corporation for National and Community Service, *supra* note 1.

5 *Id.* at 2.

Open House June 2019

by Gale D. Berg

The Nassau County Bar Association held its semi-annual Open House on June 13, 2019, where residents of Nassau County were able to register to speak with an attorney to receive an answer to any legal question.

Approximately fifty attorneys volunteered to show their support by participating in the Open House at Domus, and answered legal questions for nearly 100 residents. The areas of law included family law, real estate, labor, and mortgage foreclosure, as well as other areas.

Since 2011, NCBA has hosted an Open House jointly with Nassau Suffolk Law Services and The Safe Center L.I. twice a year. The next Open House will be during New York State Pro Bono Week on October 24, 2019.

Help is provided on various issues, including mortgage foreclosure, matrimonial and family, bankruptcy, labor and employment, trusts and estates, immigration, and even questions concerning trademarks. The public registers to ask questions on any legal topic they have and receive guidance on how to resolve it.

"Because of the Mortgage Foreclosure Project, the Nassau County Bar Association's dedicated staff, and the volunteer lawyers who generously donated their time, the Open House was a success," remarked Kevin McDonough, Co-chair

OPEN HOUSE VOLUNTEER ATTORNEYS

Zeena Abdi
Michael Amato
James A. E. Asquith
Rachel Baskin
Howard R. Brill
Lauren B. Bristol
Gail Broder-Katz
Adam L. Browser
Cristina Cerón
Michelle Cuevas
Adam D'Antonio
Jay Jeffrey Davis
Nicole Della Ragione
Hon. Anthony Falanga
Joanne Fanizza
George P. Frooks
Stuart P. Gelberg
Douglas J. Good

Joseph R. Harbeson
Tracy A. Hawkes
Carol M. Hoffman
Joy Jankunas
Stanford Kaplan
Gail Kenowitz
James R. Klein
S. Robert Kroll
Christina Lamm
Rhonda L. Maco
Kathleen Maher
Kimberly B. Malerba
Douglas D. Moyal
Jon Press
Ashley Pulito
Seth M. Rosner
Anna Rusanov
Anthony W. Russo

Vanessa Sanders
Vincent David Scala
Thomas R. Scanlon
Michael A. H. Schoenberg
Elizabeth Schulman
Kranz
Harold M. Somer
William J.A. Sparks
Rita Stein
Ronald M. Terenzi
Nathalie Thomas
Donna June Turetsky
Jonathan I. Ullman
Ingrid J. Villagran
Jerold L. Wank
Matthew Weinick
Esther S. Zelmanovitz

of the Access to Justice Committee. "The people who came for legal assistance were very appreciative and hopefully we were able to help resolve some of their problems or point them in the right direction."

Our volunteer attorneys met one-on-one with residents to explain complicated legal issues and provide guidance, counsel and referrals. When asked, many of the attorneys who volunteer their time at the NCBA

Open House clinics will say that it is a rewarding experience.

Mortgage Foreclosure clinics are held twice a month, and volunteer attorneys are always needed. Please volunteer if you haven't already done so. In addition, you can also become a member of the Access to Justice Committee to help recruit volunteers. The next meeting is scheduled for Wednesday, September 4, 2019 at 12:30 PM at Domus.

Addressing Need in the Suburbs with Pro Bono

By Maurice Segall, Esq. Director, NY and Fairfield County, CT Program Pro Bono Partnership

People don't generally associate poverty with the suburbs, but it is a real and growing issue. In her 2017 testimony to the House Ways and Means Committee, The Brookings Institution's Elizabeth Kneebone noted that while the overall number of people living below the federal poverty line has started to decrease, not all communities across the country are affected equally. In fact, according to the report, "Between 2000 and 2015, the poor population in smaller metropolitan areas grew at double the pace of the urban and rural poor populations, outstripped only by poverty's growth in the nation's suburbs. Suburbs in the country's largest metro areas saw the number of residents living below the poverty line grow by 57%... All together, suburbs accounted for nearly half (48%) of the total national increase in the poor population over that time period."¹

In New York State, Pro Bono Partnership (the Partnership) provides free business legal help to nonprofits in the suburban areas of Westchester, Rockland, Putnam, Orange, Nassau, and Suffolk Counties (the Partnership also assists nonprofits in Connecticut and New Jersey, visit <https://www.probonopartner.org> for more information). Perceived as "affluent counties," all of these communities are more economically diverse than you might think, which can complicate the response to an increasing poor population. For example, according to a US Census Bureau study published in December 2018, the total number of individuals living in poverty in those six counties is 355,417. Of that, nearly 31% are children under age 18.

Andrew Levy, Executive Director of The Lend a Hand Project (<https://www.lendahandproject.org>), which assists the needy on Long Island, said that his community provides a stark example of the national study's findings. "It is no secret that Long Island is one of the most expensive places to live in the United States," Mr. Levy

said. "However, there is a lot of poverty here, and it is not limited to the 'obvious' centers of poverty—it could be your next-door neighbor. The biggest difference is that the problems are more concentrated in urban areas, and in suburban regions it is easier to hide the poverty and easier to avoid it," he continued.

The Partnership's service area is home to approximately 23,000² nonprofits, like The Lend a Hand Project, that address gaps in food security, education, housing, employment, social and health services, and a wide variety of other issues for area residents. The Partnership eliminates the burden of legal concerns for these nonprofits so that they can better and more effectively provide crucial services in our communities.

Making a Difference

When lawyers volunteer with the Partnership, they join 1,400 of their peers in corporate legal departments and law firms in counseling nearly 900 nonprofits in the tristate area annually. All of the Partnership's nonprofit clients serve the disadvantaged and enhance the quality of life in our neighborhoods by feeding the hungry, housing the homeless, promoting the arts, protecting the environment, and providing essential programs to children, the elderly, the disabled, and the unemployed. These nonprofits have the same business legal needs as for-profit entities. However, many choose to forgo legal advice because they are unable to pay for legal services without significantly impacting resources for programs.

Anahaita Kotval, Chief Executive Officer of Lifting Up Westchester (www.liftingupwestchester.org), a longtime Pro Bono Partnership client, said, "Every year, Lifting Up Westchester serves over 3,500 Westchester County residents in its shelters, community kitchen, employment, housing, and youth programs for homeless children. With over 200 employees, multiple facilities and programs, Lift-



ing Up Westchester confronts many of the same legal issues as any organization—employment, compliance, real estate, policy, and governance issues, etc. We have used the Pro Bono Partnership staff and their network of in-house and law firm volunteers on half a dozen matters in the past two years. This has saved our agency tens of thousands of dollars in legal fees. As important, the Partnership has provided us access—often within 24 or 48 hours—to experts in their fields who also appreciate the particular nuances of operating as a nonprofit organization. We believe their partnership has greatly enhanced our agency's effectiveness."

Manageable Matters, Meaningful Contributions

Pro Bono Partnership volunteer attorneys are not asked to handle all of a nonprofit's legal needs. Rather, a volunteer takes on a discrete project within their area of expertise. Volunteers typically handle the same types of matters they deal with in their daily practice, including employment, real estate, intellectual property, HIPAA

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Addressing Need in the Suburbs with Pro Bono

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and privacy, and other non-litigation-based projects. The Partnership's opportunities are uniquely structured to get the most out of skills-based volunteering, with an understanding of the needs of busy in-house and law firm attorneys.

All clients are screened by a Partnership staff attorney, and a Partnership staff attorney is also assigned to every project to provide volunteers with support, backup, and model documents as needed—in particular, on nonprofit and tax-exempt issues. Many of the Partnership's projects take a few hours or less to complete, and nearly all can be done remotely and are not time-sensitive.

Helping Nonprofits Thrive

Sometimes, access to free legal assistance is what makes it possible for nonprofits to exist and serve constituents. As Pro Bono Partnership client Paul Alcorn, Co-Founder of Emergency Shelter Partnership (www.emergencysHELTERpartnership.org) noted, "Emergency Shelter Partner-

ship (ESP) is a group of faith-based congregations addressing the issue of suburban homelessness in Westchester and Northern Westchester Counties. If Pro Bono Partnership had not been there to help in the beginning, ESP would not exist today. The Partnership helped us create a more formal structure to improve institutional stability, and to establish clear boundaries between ESP and host congregations. Their leadership, guidance, and advocacy have been invaluable, and have given us the support and encouragement we needed to keep going and to improve and expand our services."

Getting Started Is Easy

If you like the idea of giving back to your community, please view our current volunteer opportunities at <https://www.probonopartner.org/attorneys-volunteers/volunteer-opportunities/>, or email volunteer@probonopartner.org to receive a bi-weekly email in your inbox. You can sort opportunities by location, practice area, or type of organization to quickly find what interests you most.

Since almost all of the projects can be handled remotely, you can be anywhere in New York State and still help! Note that signing up to receive information, or even indicating your interest in an opportunity, does not obligate you to take on a matter. A further incentive: doing pro bono work for certain Pro Bono Partnership clients is even eligible for NY CLE credit. Learn more about becoming a Partnership volunteer at: <https://www.probonopartner.org/attorneys-volunteers/become-volunteer-attorney/>

Please Share!

I hope you'll help me spread the word about the much needed, widely available, and easy-to-access business law pro bono opportunities that will help make our neighborhoods better places to live and work. If you only have 2 minutes right now, please pass along the probonopartner.org website to a few colleagues or sign up for our emails. If you have 5 minutes, please complete the form to become a volunteer attorney, or comment and share our posts with your social media network. I know from experience that any and all of these things will be a valuable use of your time, so thank you in advance.

Maurice Segall is the New York and Fairfield County Program Director at Pro Bono Partnership. Maurice provides direct legal services to nonprofit groups, coordinates and supervises the work of staff and volunteer attorneys, and frequently lectures on legal issues for nonprofits and attorneys. You can reach him at msegall@probonopartner.org or 914-328-0674 x323.

1 The Changing Geography of US Poverty, February 15, 2017. <https://www.brookings.edu/testimonies/the-changing-geography-of-us-poverty/>

2 <https://www.baruch.cuny.edu/mspia/centers-and-institutes/center-for-nonprofit-strategy-and-management/cnsdata>.

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NEW YORK STATE BAR ASSOCIATION
LAWYER ASSISTANCE PROGRAM



Legal Aid Society of Mid-New York, Inc. Receives Grant to Expand Bankruptcy and Consumer Services

By Amy Holmes, Paralegal

Legal Aid Society of Mid-New York, Inc. (LASMNY) has received a grant from the American College of Bankruptcy Foundation (Foundation) allowing us to improve and expand the bankruptcy services we offer. We have established Consumer Clinics in our Utica office and with three clinics already completed have assisted sixteen clients. We have also increased the number of counties we serve through our collaboration with Upstate Institute of Colgate University (CBLP). With the addition of three counties, Jefferson, Lewis, Oswego, to the current counties we serve, Herkimer, Madison, Oneida; we are now able to assist low income eligible LASMNY residents in six counties.

After a client completes an intake and is deemed eligible for our services, they are referred to a paralegal who schedules their clinic appointment.

The client must complete a Consumer Law Clinic Debt Assistance Interview Form, which is either mailed to them or completed by phone with the assistance of the paralegal. This is used to aid the attorney when giving counsel and advice to the client. The form was reworked before the start of the Utica clinics and the changes have proven to be extremely helpful to the pro bono attorneys who conduct the clinics. The assessment covers pertinent area such as previous bankruptcies, ownership of vehicles or a home, monthly expenses and estimated amounts and types of debt. This allows the attorney to easily discern if the client is judgement proof and if so they will receive advice and a packet of information on how to cope with debt, including cease and desist form letters.

The Consumer Clinics which are offered in our Utica office are an opportunity for clients to meet with

an attorney, one on one, who will provide counsel and advice on consumer issues and also screen for bankruptcy. We offer the option of phone appointments for clients who are unable to travel or prefer to speak with an attorney by phone, thus allowing us to reach clients who would otherwise not be served.

The attorney who volunteered for our last clinic, which was all phone appointments, commented on how gracious and thankful our clients were to speak with him. He was so moved by the experience he volunteered to do another clinic, in addition to the two he has done and also offered, when a pro bono attorney was needed, to take a few bankruptcy referral cases.

We are continuing to recruit attorneys to staff our clinics and/or accept referrals. We have been successful in

recruiting two pro bono attorneys to not only staff our clinics but also to take bankruptcy cases. Both of the attorneys have also offered to take any questions and offer guidance or advice to the paralegal who coordinates the clinics. They will also make themselves available to do a phone appointment of an urgent matter, so that the client will not have to wait for the next clinic.

The grant which LASMNY received from the Foundation has allowed us to serve clients who would otherwise be underserved and to enhance the consumer and bankruptcy services we offer. The gratitude our clients express and the spirit of volunteering in our pro bono attorneys, demonstrate the value of this grant. We look forward to continuing to expand our services with this new grant.



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CLE/CJE in Binghamton on the Housing Stability and Tenant Protection Act of 2019

By Erin Van Vleck, LASMY Staff Attorney, and Joshua Solomon, LASMNY Paralegal



On July 25th, the Broome County Bar Association, 6th Judicial District Office of Court Administration, and Del-Chen-O Women's Bar Association presented a combined Continuing Legal Education/Continuing Judicial Education (CLE/CJE) program on the Housing Stability and Tenant Protection Act of 2019 at the Binghamton Club.

Panelists included Erin Van Vleck of Legal Aid Society of Mid-New York (LASMNY); Bill Niebel, George Haddad, and Chris Smith (Managing Attorney in Binghamton) of Legal Services of Central New York (LSCNY); landlords' attorney Rachel Miller from Aswad & Ingraham; Cortland City Court Judge Elizabeth Burns; and Town of Union Justice Veronica Gorman. Joshua Shapiro, Special Counsel to the Administrative Judge for Town and Village Courts for the 6th Judicial District, moderated the program. Attorney Erin Van Vleck supervises

a pro bono eviction defense program in several town and village courts in Broome County.

The CLE/CJE had 108 attendees, including 42 judges and justices and many of the pro bono attorneys who work with LASMNY's eviction defense programs. The pro bono attorneys will play an integral role in helping tenants understand their new rights and raise defenses arising from the Housing Stability and Tenant Protection Act. Pro bono attorneys with LASMNY's eviction defense programs in Broome County assist hundreds of tenants annually.

The panelists discussed most all of the provisions of the Act relevant outside New York City, including revised time frames for rent demands and service of process, new anti-retaliation rules, and revised requirements for executing warrants. The CLE/CJE was done in a panel format and generated thoughtful questions from the audi-

ence and fruitful discussion about the Housing Stability and Tenant Protection Act provisions and their application.

The planning committee efficiently planned and held the CLE/CJE just six weeks after the new legislation passed, with a similar program to take place in Oneonta the following week. The panelists and moderator, along with Broome County Bar Association Executive Director Sindy Garey, LASMNY paralegals Dan Norris and Josh Solomon, and LSCNY Staff Attorney Willa Payne, made up the planning committee.

Supporting the Volunteers Who Support Us!

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

One day last year, I met one of our pro bono attorneys, Reyna Marder Gentin, for coffee. Reyna had retired from her position as a legal services attorney when I first met her a few years ago and I knew instinctively that she would be a natural fit as a pro bono attorney with the Pace Women's Justice Center's Family Court Legal Program helping survivors of interpersonal abuse obtain Orders of Protection. I also knew Reyna was pursuing her dream to be a published author. That day over coffee, she told me she had just gotten word that a publisher with whom she was negotiating agreed to publish the novel she had written, *Unreasonable Doubts*. The more we talked, the more excited I was for her. She gave me a little insight into her writing process and the logistics of finding an editor and publisher. It was fascinating, and I knew our colleagues at PWJC – both staff and volunteers – would think so, too. And so the seeds of a PWJC Meet the Author Book Event were sown! We sent invitations to the staff and volunteers and the response (not surprising) was overwhelming! Reyna talked to us about the characters, the plot twists, her inspiration for the story, and the challenges she faced getting to that final published product. It was an amazing experience to talk directly with the author about her book, and more so because it was an attorney we all knew.

As pro bono coordinators, we are focused on the needs of our clients and organizations (and rightly so), but I think it also is important to incorporate into our practice ways to recognize our volunteers and support them. Now, did Reyna need to interrupt her book tour to come to the office for a Meet the Author night? Probably not. But that evening was more than just an author talking about her work. That evening was a way for us to give back to one of our dedicated volunteers and show her how much we



support her and how much we share in the joy of her accomplishment, just as she supports PWJC's mission and shares in the joy of each of our client's victories, no matter how great or small!

Our support for volunteers happens in a number of different ways: providing free Continuing Legal Education programs; hosting Lunch and Learns on relevant topics; inviting guest speakers to discuss nuances in the law, new trends, or social service resources; keeping volunteers updated on new case law, new statutes, and news articles regarding our practice areas; inviting volunteers to community events relevant to our mission; nominating volunteers for awards; and recognizing professional accomplishments. These are the very traditional ways in which we, as pro bono coordinators, interact with our volunteers. I am inspired by our volunteers to support them in non-traditional ways: a card celebrating the birth of a grandchild, attending a concert in which a volunteer per-

formed, or having a book night to celebrate a published novel.

Our volunteers support our organizations in so many different ways. Let us think more outside the box to find ways to support them, as well.



Prisoners' Legal Services of NY

PLS' Expanding Pro Bono Partnership Program to Celebrate Nine Years of Service on Oct. 25th with *Immigration: Voices From Behind the Wall*

By Karen Murtagh, Executive Director, and John Amodeo, Pro Bono Coordinator

Prisoners' Legal Services of New York (PLS) is a non-profit organization that provides civil legal services to indigent persons incarcerated in New York State correctional facilities. Since its creation in 1976, PLS's mission has been to provide high-quality, effective legal representation and assistance to its clients, to help them to secure their civil and human rights, and to advocate for more humane prisons and for a more humane criminal justice system. With its current roster of 23 staff attorneys, tasked with fielding more than 10,000 requests for assistance each year, PLS has become adept at leveraging its resources to increase access to justice for incarcerated persons.

Incarcerated individuals and their families, like other families, have been adversely impacted by 21st century economics. The economic downturn increased the civil legal service needs of New Yorkers, including many of the nearly 50,000 persons incarcerated in state facilities and their families. In an effort to address this growing hardship, PLS, in 2011, mobilized a statewide group of volunteer attorneys and law firms to take the cases it lacked the resources to staff. New York attorneys responded robustly to the call, and the result was PLS' Pro Bono Partnership Program (PBPP).

Now in its ninth year, the PBPP connects volunteer attorneys and firms with cases involving challenges to prison disciplinary hearings that result in the imposition of solitary confinement; claims of excessive use of force where incarcerated people have received serious injuries; jail time; parole jail time; merit time and sentencing; access to medical and/or mental health care; medical parole; Conditional Parole for Deportation Only; clemency; First Amendment rights; and prisoner reentry issues. 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 cases. Attorneys volunteering with the PBPP benefit from a host of support services, including assistance from PLS staff attorneys who are experts in prisoners' rights issues, liability coverage, assistance in filing/serving documents, and the pre-filing review of pleadings.

Like many fledging legal projects, the PBPP started small. Under the leadership of PLS' first Pro Bono Director, Samantha Howell, the PBPP initially developed a pro bono referral panel of some 50 law firms and attorneys, conducted trainings for volunteer attorneys and law students, and assisted more than a dozen incarcerated persons on legal matters ranging from divorce and custody to challenges to prison disciplinary hearings and parole denials. Law students from Albany Law School, Syracuse Law School, and CUNY Law School volunteered their time to research legal issues, draft legal memoranda, correspond with clients, and assist in drafting legal pleadings.

As the need for its volunteer services grew over the years, the PBPP saw a corresponding increase in the number of participating attorneys and pro bono hours worked. In 2014, for example, the PBPP reviewed for possible pro bono referral more than three times the number of cases it reviewed in the prior year, referred out twice as many cases to pro bono attorneys and firms and doubled the number of pro bono service hours, from 1,700 to more than 3,600. In the first seven years of the program, moreover, the number of PBPP attorney and non-attorney volunteers nearly quadrupled, from 32 volunteers in 2011 to more than 120 volunteers in both 2017 and 2018. It is estimated that, in 2018 alone, the dollar value of the attorney-hours worked by PBPP volunteer attorneys was well in excess of \$2.5 million.

Earlier this year, PLS announced the expansion of the PBPP to include a dedicated "deportation defense" compo-

nent aimed at recruiting volunteer attorneys to assist PLS's Immigration Unit with removal cases in several of the Immigration Courts located throughout New York. As part of that expansion, its Immigration Unit has recently begun referring a portion of its Second Circuit caseload both to major New York City-based law firms that are handling the cases pro bono, and to the Immigration Clinic at Cornell Law School.

As the PBPP continues to expand and provide pro bono legal representation to an even greater percentage of New York State's incarcerated population, one critical aspect of the program has not changed: the extraordinarily high quality of representation provided by its volunteer attorneys. In the past year alone, attorneys working pro bono on behalf of PLS have notched hard-fought victories in diverse areas of law governing incarcerated persons in this state. These include a recent Third Department decision holding that § 50-a of the Civil Rights Law does not provide a legal basis for the New York's practice of withholding the names of corrections officers from certain records used at prisoner disciplinary hearings, and a State Supreme Court decision reversing and expunging a disciplinary determination against an incarcerated person suffering from severe mental illness, who was subject to around-the-clock suicide watch at the time of his disciplinary hearing.

From its inception, the PBPP has hosted an annual event during National Pro Bono Week that recognizes the contributions of the pro bono attorneys, law firms, law students, and other volunteers throughout New York State who agree to take on or provide assistance with such cases. Each year, the event centers around a different theme directly related to the personal experiences, tribulations, and aspirations of PLS's incarcerated clients. In 2012, PLS celebrated the inaugural

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Prisoners' Legal Services of NY

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year of the PBPP with an event, "Walking a Mile in Their SHUs." "SHU" (pronounced "shoe"), is an acronym used by the Department of Corrections and Community Supervision for its "Special Housing Units," areas of a prison where people are placed in solitary confinement for disciplinary reasons, often for weeks, months or even years at a time. The event featured six local actors performing dramatic interpretations of letters, poems, and stories submitted by individuals incarcerated in New York State prisons. The passionate and often heart-wrenching performances shined a light on the use of solitary confinement in New York State, and provided guests a window into the world of isolation and the impact solitary confinement has on an individual and his or her family.

In subsequent years, PLS' annual pro bono event has highlighted themes, such as the importance of maintaining family ties during extended periods of incarceration, and at last year's event, the transformational power of education in prison. Each year at the event, moreover, the PBPP honors its outstanding attorney and law student volunteers through the Robert F. Bensing Award for Pro Bono Service by a Law Student, the Paul J. Curran Award for Pro Bono Service by a Solo Practitioner or Small Firm, the Honorable J. Clarence Herlihy Award for Pro Bono Service by a Large Law Firm, and the John R. Dunne Champion of Justice Award.

This year, PLS' pro bono event will be held on Friday, October 25th from 6:00 to 8:30 p.m. at Capital Reper-

tory Theatre, 111 North Pearl Street, in Albany. The event, *Immigration: Voices From Behind the Wall*, will focus on the stories, lives and struggles of incarcerated immigrants, many of whom face imminent deportation from a New York jail or prison to a hostile, or even lethal, environment in their home country. The event is free and open to the public.

Through the generosity of spirit and hard work of its dedicated volunteers, the PBPP has, in a relatively short time, become an indispensable part of PLS' mission to provide high quality legal assistance to the thousands of incarcerated persons it serves.

For more information about PLS and its October 25, 2019 pro bono celebration event, visit our website at <https://www.plsny.org/> or call 518-445-6050 x1101.

Pro Bono Estate Planning CLE and Clinic

By LawNY's Pro Bono Team

In Fall 2018, LawNY received a Legal Services Corporation Pro Bono Innovation Fund grant, which has allowed LawNY to expand its pro bono work by taking on new projects and providing additional free civil legal services to underserved rural areas. LawNY's regional pro bono team includes a Director of Pro Bono Affairs, an Attorney Pro Bono Coordinator and a Paralegal Pro Bono Coordinator, an Attorney Emeritus Upstate Coordinator VISTA member, and a pro bono responsible staff person in each of LawNY's 7 offices.

Together, the pro bono team supports and facilitates pro bono efforts throughout a 14-county Upstate New York service area that covers almost 10,000 square miles. The pro bono team is focused on increasing pro bono services to clients in the legal areas of consumer law and community economic development. However, they also value partnering with local attorneys to serve clients in legal areas with heightened local demand, such as estate planning. LawNY's Ithaca office receives many requests for assistance in drafting Wills, Powers of Attorney, and advanced directives, as well as questions about estate

administration issues. LawNY's regional pro bono team organized a clinic in order to better meet this local need.

In order to prepare and recruit attorneys to assist clients at the Estate Planning Clinic, LawNY recruited Deborah Wolf Miller, Esq., a local private attorney, to do a free CLE presentation on estate planning and recognizing financial exploitation in the estate planning process. The presentation, co-sponsored by the Finger Lakes Women's Bar Association (FLWBA), was held at the Tompkins County Public Library on June 18, 2019, with 26 attendees.

Next, client-directed flyers at community locations provided clinic registration information. Upon registering for the clinic, the client received a mailing with their appointment time and a comprehensive estate planning questionnaire. Each client brought their completed questionnaire to their clinic appointment to review with the pro bono attorney. Also, an attorney recruitment flyer, clinic information, and online registration form link was emailed to private attorneys in the Tompkins/Tioga counties area. Many attorneys independently shared the information with other local attorneys.



The Estate Planning Clinic was held at the Ithaca office of LawNY on July 16, 2019 and was co-sponsored by FLWBA. The clinic facilitated 7 private attorneys, 4 of whom are members of FLWBA, to serve 21 LawNY clients over the course of one day. LawNY staff and interns offered support and assistance to the attorneys and clients throughout the day. LawNY is grateful to everyone who took part in the clinic, especially the private attorneys who graciously and generously volunteered their time and services to make the clinic a success, as well as the FLWBA and its members who volunteered and spread the word about the clinic. We look forward to the opportunity to partner with local private attorneys across our service area at more clinics like this one.



NEW YORK STATE BAR ASSOCIATION
PRO BONO DEPARTMENT

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Do You Have a Story to Share...

- **Have you worked on or do you know of a special pro bono project?**
- **Has a pro bono case made a difference in the lives of others?**
- **Has an individual attorney or firm gone above and beyond to provide pro bono assistance?**

We invite you to submit articles showcasing excellence in pro bono service for upcoming editions of the Pro Bono Newsletter. For more information, go to www.nysba.org/probono.

