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NEWS FROM THE SEVENTH JUDICIAL DISTRICT

By Linda Kostin

Seventh Judicial District ProBonoNY Coordinator

October's National Celebration of Pro Bono Week featured a *pro bono* presentation at the Appellate Division, Fourth Department, in Rochester. In September 2009, Presiding Justice Henry J. Scudder implemented New York State's first Pro Bono and Volunteer Services Policy for Appellate Division attorneys and staff, and the October presentation was intended to acquaint potential volunteers with a variety of *pro bono* opportunities.

To date, twelve Appellate Division attorneys have volunteered for a broad range of *pro bono* assignments, available through Volunteer Legal Services Project of Monroe County. Appellate Division volunteers are participating in VLSP's Family Law Clinic, *Pro Se* Divorce Clinic, Alternatives for Battered Women Clinic, and Consumer Law Hotline. One Appellate Division attorney accepted a

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SUFFOLK COUNTY PRO BONO LAWYERS: RAISING THE BAR

By Linda Raphan

Suffolk County ProBonoNY Coordinator

"Pro Bono: Raising the Bar" is a newly adopted mantra for Suffolk County's *pro bono* legal community. These words accurately reflect our practitioners' view of *pro bono* service as the cornerstone of our profession. Suffolk lawyers do not ask "if" *pro bono* services should be performed, but rather "how" their expertise could best serve the local, unrepresented population.

The Suffolk County Pro Bono Action Committee, under the leadership of the Hon. H. Patrick Leis III, and in cooperation with the Suffolk County Bar Association, Nassau/Suffolk Law Services, and Touro College Jacob D. Fuchsberg Law Center, continues to collaboratively design new *pro bono* programs. These programs offer mutual benefit to the client

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NEW ATTORNEY EMERITUS
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Wills case referral. He mentored an Appellate Division law clerk awaiting bar admission, who drafted the Will, for a terminally ill forty-eight-year-old man.

As an additional contribution to the National Celebration of Pro Bono, the Seventh Judicial District's Pro Bono Action Committee held a Pro Bono Idol contest. In a creative spin on both American Idol and the traditional *pro bono* expo, Pro Bono Idol gave volunteer attorneys the chance to take center stage in a week-long series of "auditions" sponsored by ProBonoNY, the Monroe County Bar Association, and VLSP.

Harter Secrest & Emery, Hiscock & Barclay, Thomson Reuters, and Woods Oviatt Gilman "auditioned" to be named Rochester's Pro Bono Idol. Attorneys and paralegals heard lunchtime presentations by VLSP, the Arts & Cultural Council for Greater Rochester, Flower City Habitat for Humanity, Farmworker Legal Services of New York, Catholic Charities of Wayne County, the La Casa Residence in Wayne County, and the Legal Aid Society of Rochester.

Fierce competition resulted in a Pro Bono Idol tie. Harter Secrest

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and the practitioner. The ultimate goal is to provide representation to the financially disadvantaged, who cannot afford to bear the cost of legal fees. However, the programs also serve to expand counsel's training, award CLE credits, and provide networking opportunities and self-fulfillment.

An exemplary program which addresses the *pro bono* client's imminent legal needs while promoting enhanced professional training is Suffolk's new Pro Bono Foreclosure Settlement Conference Project. Created by members of the Suffolk County Bar Association in May of 2009, the program has already enrolled over 125 new attorneys who provide counsel to unrepresented homeowners in jeopardy of losing their homes.

Upon volunteering for this project, the attorney receives a CLE training DVD, materials, and an evaluation form. Upon completion of the DVD training, the *pro bono* attorney is asked to contact the Suffolk County Bar Association to schedule a date to appear for an initial consultation with the client.

Recently, Touro Law Center in Central Islip was designated as the new

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dominated in the attendance category. It was literally standing room only as 100 attorneys and legal assistants packed the firm's largest conference room to hear *pro bono* presentations. Hiscock & Barclay likewise proved themselves to be formidable contenders. Their Pro Bono Idol audition was attended by over 80% of the 29 attorneys who regularly practice at Hiscock & Barclay's Rochester office. Proving that when it comes to *pro bono*, it's a firm's commitment, not the size of their office, that matters.

As promised, the winners received fabulous prizes, including public acknowledgment in Rochester's monthly *Daily Record* "Pro Bono Spotlight" column. Our Pro Bono Idols also received the first pick of *pro bono* opportunities for the month of December, which resulted in the placement of cases in the following areas: minor guardianship, name change, torts, family law, Arts & Cultural Council intellectual property matters, and Habitat for Humanity closings. As an added bonus, the Committee partnered with Farmworker Legal Services of New York to place an immigration case from a rural county.



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forum for the initial consultation between the *pro bono* foreclosure project attorney, client, and law student intern. This meeting provides counsel with an opportunity to review pertinent documents and, when necessary, direct the client to bring additional information to the settlement conference. The law student observes and assists counsel with the formation of affirmative defenses to the foreclosure action. In the absence of any affirmative defenses, they discuss viable modifications of terms of the loan that can be presented to the lender's representative at the conference. The second meeting, the mandatory settlement conference, is scheduled in either Riverhead or Ronkonkoma, one day a week, with morning and afternoon calendars. Upon completion of the commitment, the volunteer receives a 4 CLE credit award.

In the past six months, over 120 additional Suffolk County attorneys have volunteered for *pro bono* work in other areas, such as matrimonial, guardianship, and bankruptcy matters. Suffolk's Pro Bono Action Committee continues to explore methods to maintain a high

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quality of *pro bono* legal services. Accordingly, the Committee has implemented mentor programs which serve to ensure knowledge and confidence in the volunteer attorneys. These one-on-one programs allow a free flow of ideas in an informal setting. From the comfort of their own homes and offices, volunteer attorneys can discuss procedural and substantive areas of the law, as well as appropriate and creative legal strategies, with seasoned counsel, who also serve on a *pro bono* basis.

Moreover, Suffolk County's Administrative Judge, Hon. H. Patrick Leis III, has recently implemented the formation of subcommittees to the Pro Bono Action Committee in matrimonial and guardianship matters. The matrimonial subcommittee is exploring the concept of early neutral evaluation. If implemented, a panel of experienced matrimonial attorneys will advise litigants as to the likely outcome of the case. For example, litigants would receive feedback as to how issues of equitable distribution, support, and custody would likely be resolved, if adjudicated. The process is being examined by the subcommittee as a means to curtail unnecessary and costly matrimonial litigation. The guardianship subcommittee is exploring issues of public guardianship. Its agenda also includes

addressing issues of additional training and mentoring opportunities for professional and lay guardians in proceedings under Mental Hygiene Law Article 81.

While Suffolk County's *pro bono* programs have met with much success, we have no intention of resting on our laurels. The collaborative, ongoing efforts of all the members of Suffolk County's *pro bono* legal community will continue to raise the level of the bar.

ATTORNEY EMERITUS STATUS

ProBonoNY Committees will want to consider recruitment benefits and other aspects of the new attorney registration status just recently announced by the court system. Briefly summarized, the program permits attorneys to register as Emeritus Attorneys if they are attorneys in good standing, age 55 years or older, and have practiced for at least 10 years.

In registering for that status, the attorneys must commit to performing at least 30 hours of *pro bono* work per year in programs sponsored by legal service organizations, bar associations, or the court system. Emeritus Attorneys are exempt from paying a biennial registration fee and from mandatory CLE requirements (except free training necessary to provide *pro bono* services).

See www.nycourts.gov/attorneys/volunteer/emeritus.shtml.



EIGHTH JUDICIAL DISTRICT: CHAUTAUQUA COUNTY

Readers will recall that last month's Bulletin included a report of the attorney recognition event honoring "Chautauqua County's Pro Bono All Stars" held on November 2, 2009. Here is a photograph taken at the event that we were unable to run in December's Bulletin. Those pictured are (from left to right): retired Supreme Court Justice Joseph Gerace; Chautauqua County Surrogate's Court Judge Stephen W. Cass (behind Justice Gerace); Todd Thomas, Esq.; Jill Spayer, Esq.; Michael Sullivan, Esq.; Richard Sotir, Esq.; Sally Jaroszynski, Esq.; Robert Schnizler, Esq.; Sandra Swanson, Esq.; Peter Johnson, Esq. (behind Sandra Swanson); Lydia Evans, Esq.; Michael Bobseine, Esq.; Hon. Paula L. Feroleto, Administrative Judge for the Eighth Judicial District; Chautauqua County Family Court Judge Judith S. Clair; Chautauqua County Judge John T. Ward.