

Volume III, Number 2 September 2009

NOTES and COMMENTS

By John Ritchie

This is the first issue of the ProBonoNY BULLETIN, successor to the ProBonoNY Newsletter published since 2007. As reflected in the new masthead, Hon. Fern A. Fisher is Director, New York State Courts Access to Justice Program, which includes the responsibilities of the former Office of Justice Initiatives headed by Hon. Juanita Bing Newton, who is now Dean of the Judicial Institute.

Under Justice Fisher, we have new perspectives and new projects, as well as continuing ProBonoNY and other Access to Justice programs. In addition to this Bulletin, we will have a Newsletter covering all aspects of the Court system's Access to Justice Program, including ProBonoNY. That Newsletter will have a broad circulation to judges, lawyers, and the public generally. This Bulletin, intended as a forum for ProBonoNY committees to report on their activities and events, as well as share ideas and future plans, will ordinarily be published only electronically, by e-mail to committee members.

As before, I plan to include a "Notes & Comments" column in every issue of the Bulletin.

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NEWS from the SEVENTH DISTRICT

By Linda Kostin

The first Cayuga County Pro Se Divorce Clinic, co-sponsored by the Seventh Judicial District ProBonoNY Committee and the Legal Aid Society of Mid-New York, will be held Friday, September, 25, at Options for Independence in Auburn, NY. Clients at the clinic will receive instruction in a classroom setting from Seventh Judicial District Pro Bono Action Now Committee member Roberta Williams.

In July, ProBonoNY and Western New York Law Center videotaped two VLSP Debt Collection volunteers—ABA Pro Bono Publico Award winner Hope Olsson, of Olsson & Feder, and C. Bruce Lawrence, of Boylan Brown—as they delivered their instructional presentations for legal clinic clients. DVDs of the presentations will be made available at cost to pro bono programs in the Seventh Judicial District's rural counties, to facilitate replication of the clinic in rural communities.

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But I hope most of the **Bulletin's** content will be provided by committee members and our pro bono coordinators—perhaps most often the coordinators will report on committee activities, but I urge other committee members also to please consider contributing to the **Bulletin**.

National Pro Bono Week is the last week in October. ProBonoNY committees are sponsoring and co-sponsoring many events around the State, some featured in this issue of the Bulletin, and some to be covered in forthcoming issues. If your committee has not yet finalized plans for at least one celebratory event, perhaps other committees' plans will assist the planning process. Activities include "meet and greet" events at local court houses, CLE programs, receptions, recognition events, and other models. And we can provide help with incidental expenses—please contact me in advance about these.

Lastly for now, I would like to call everyone's attention to a very helpful judicial ethics opinion, Opinion 09-68, available on the court system's public web site (click on "Judges," then select "Ethics Opinions" from the menu). The opinion approves letters of appreciation from judges to volunteer attorneys who have accepted pro bono assignments. It has long been clear that judges may actively participate in pro bono action committees and, avoiding an appearance of coercion, may also individually solicit attorneys, in writing and orally, to take part in voluntary pro bono representation of the poor.

Additionally, Opinion 09-68 explicitly confirms that a judge serving on a court-sponsored pro bono action committee "may sign and send formal or handwritten letters or notes of appreciation on the committee's behalf, either soon after an attorney accepts a pro bono assignment or

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after the pro bono case is resolved at the trial court level, using either court letterhead or committee letterhead, to attorneys who serve as volunteer pro bono advocates before other judges."

Seventh District News

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Thirty-three attorneys, including the President of the Monroe County Bar Association, Harold A. Kurland, were recruited to attend a workshop co-sponsored by ProBonoNY and VLSP to create art to be sold at VLSP's upcoming silent auction. ProBonoNY anticipates increased pro bono participation as a result of this event.

The Committee is planning to celebrate National Pro Bono Week by co-sponsoring with VLSP "Pro Bono Idol." With apologies to American Idol, Pro Bono Idol is a twist on a traditional pro bono fair, targeted toward a wide range of attorneys: solos; attorneys in small, medium, and large firms; and corporate law departments. There will be five "auditions," over the lunch hour, Monday, October 26, through Friday, October 30.

During the auditions, attorneys will hear brief presentations from several organizations offering pro bono opportunities. Members of the Seventh Judicial District's Pro Bono Action Now committee will be invited to attend all Pro Bono Idol auditions and will serve as "judges." Attorneys will have their pick of pro bono volunteer opportunities for the month of November, and they will be featured in the Pro Bono Spotlight Column, which runs monthly in Rochester's Daily Record newspaper.

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SUFFOLK COUNTY'S PRO BONO WEEK EVENTS

By Linda Raphan

The Suffolk County Pro Bono Action Committee, in cooperation with the Suffolk County Pro Bono Foundation and the Pro Bono Project, has placed priority upon the recruitment of attorneys for matrimonial, guardianship, foreclosure, and bankruptcy matters. Accordingly, the Fall 2009 projects have been designed for implementation with an emphasis upon these substantive areas. In furtherance of these objectives, the Suffolk County Bar Association and its Academy of Law have scheduled a full-day CLE seminar entitled, "**Matrimonial Boot Camp**," for Friday, October 2, 2009. Attendees will receive nine CLE credits and a choice either to pay a tuition fee for the seminar or to attend tuition-free in exchange for taking a *pro bono* case.

The Suffolk County Committee is also coordinating a **Family Law/Mentoring Clinic**, which will structure an ongoing communicative exchange between more experienced matrimonial attorneys and volunteer counsel. *Pro bono* clients will be pre-selected from the Nassau/Suffolk Law Services Pro Bono Project waiting list of potential plaintiffs awaiting representation to commence a divorce action. The location and date of the clinic will be set after the "Matrimonial Boot Camp."

In celebration of National Pro Bono Week, on Thursday, October 15, 2009, at 6 p.m., at the Watermill Restaurant in Smithtown, the Committee, in collaboration with the Suffolk County Bar Association, will be hosting its **Volunteer Recognition Night**. The Guest of Honor will be Hon. Fern A. Fisher, Deputy Chief Administrative Judge for New York City Courts and Director of the Access to Justice Program.

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Honorees will include designated Pro Bono Attorneys of the Month and all volunteers who have contributed to the success of the county's newly implemented Pro Bono Foreclosure Project.

The celebration will continue with a two-part event at the **Touro Law Center**, Touro College, Jacob D. Fuchsberg Law Center, on Tuesday October 27, at 12:30 p.m., beginning with Patricia F. Neumann, Esq., a volunteer attorney, as guest speaker, followed by an advisory clinic, free of charge, for local Suffolk County residents. Confidential consultations will be held on substantive issues involved in matrimonial, guardianship, bankruptcy, and foreclosure matters.

The week's celebration will close with a guardianship proceeding roundtable discussion among judges and attorneys on Thursday, October 29, at 3 p.m. at the John P. Cohalan, Jr. Complex. Hosted by the Committee and the Office of Court Administration, the program's agenda is being designed to address the roles of counsel, court evaluator, court examiner, and guardian in meeting the needs of incapacitated persons.



EIGHTH JUDICIAL DISTRICT NEWS

By Amanda Warner

The near end of summer has brought a flurry of activity and news from the Eighth Judicial District Pro Bono Committee. The Committee has been very busy planning several events for this fall, the first of which is a Family Law Training Series co-sponsored with the ECBA Volunteer Lawyers Project. The series started on September 15 and 17 with a two-part training

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Eighth District News

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program on “How to Handle a Matrimonial Action.” Twenty attorneys attended the program, all of whom have committed to accepting a pro bono divorce within a year’s time. The series will continue on Tuesday, September 22, with “Representing Non-Parent Custody Petitioners,” and on September 29, with “Handling Child Support Matters.” The Committee expects approximately 25 attorneys to attend each program.

One of the Committee’s most active and devoted members, Hon. Paula L. Feroletto, was recently appointed the new Administrative Judge for the Eighth District, in succession to the Committee’s founding Judicial Co-Chair, Hon. Sharon S. Townsend. Judge Townsend has been appointed Vice Dean for Family and Matrimonial Law at the Judicial Institute. Judge Feroletto, like Judge Townsend, has long supported pro bono services in the District and rallied attorneys and judges alike to contribute toward those efforts. The Committee looks forward to continuing its work with Judge Feroletto as its new Judicial Co-Chair.

As part of its observance of National Pro Bono Week, the Committee is co-sponsoring with ECBA Volunteer Lawyers Project a CLE program, “Handling Unemployment Insurance Hearings.” The program will be held October 27, 12 to 2 p.m., at VLP offices, 237 Main Street in Buffalo. Trainers will be Marcella Seaburg-Brackett, Senior Administrative Law Judge at the Unemployment Insurance Appeal Board, and Tracey Covey, Esq., Labor Law Attorney and VLP volunteer.

The program will be free, with 2 CLE credits awarded, to attorneys agreeing to handle at least one pro bono unemployment insurance benefits hearing on appeal to the Unemployment Insurance Appeal Board. Pro bono and legal services programs throughout the state have experienced a surge in clients seeking legal representation on unemployment benefits issues as a result of the current economic climate. The purpose of this nuts-and-bolts training is to prepare attorneys to represent claimants who have been initially denied benefits in appeal proceedings before the Unemployment Insurance Appeal Board. For further information, contact me, at 716-847-0662, ext. 318, or awarner@wnylc.com.

Another notable Pro Bono Week event (though not sponsored by the Committee) is “Champions for Justice Bash 2009,” which is co-sponsored by the ECBA Volunteer Lawyers Project and Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, scheduled for 6-9:30 p.m. October 29, at Rich’s Renaissance Atrium in Buffalo. This is a major party event, including music, food, and a silent auction. For information about cost per person or per couple and other details, contact VLP’s Executive Director, Bob Elardo, at 716-847-0662, ext. 312, or relardo@wnylc.com.

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