

**Volume IV, Number 5 July-August 2010**

**TENTH DISTRICT/SUFFOLK COUNTY:  
COLLABORATIVE TRAINING  
FOR PRO BONO GUARDIANS**

By Linda Novick  
Suffolk County ProBonoNY Coordinator

Former Chief Judge Kaye envisioned a pilot court that would bring a holistic approach to guardianship proceedings. In February of 2005, this vision was realized. The Suffolk County District Administrative Judge, the Honorable H. Patrick Leis III, was designated the Presiding Justice of the newly created Model Guardianship Part for New York State. The mission of the Model Guardianship Part: to maintain and/or restore dignity and respect to the lives of incapacitated persons that come before the Court. A strong emphasis is

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**Announcement:**

**TASK FORCE TO EXPAND  
ACCESS TO CIVIL LEGAL  
SERVICES--  
SCHEDULED PUBLIC HEARINGS**

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**SEVENTH DISTRICT NEWS:  
RECRUITING RETIRED  
ATTORNEYS**

By Linda Kostin  
Seventh Judicial District ProBonoNY Coordinator

A recent Seventh Judicial District initiative focused on recruiting attorneys age fifty-five and older for the Attorney Emeritus program. Implemented by the Unified Court System on January 1, 2010, the program confers a new status upon attorneys who have completed the active phase of their careers and have committed to volunteering their legal skills to make a difference in the lives of low-income New Yorkers.

Championed by Chief Judge Jonathan Lippman, Attorney Emeritus is offered as an alternative to retired status. While in Rochester in June, Chief Judge Lippman spoke of the program as a means to symbolically pin a gold star on the chests of participants, signifying their commitment to increasing access to justice for all New Yorkers.

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placed upon utilizing emotions such as empathy and compassion in implementing policies and decisions that seek to protect the needs of the individuals alleged to be in need of a guardian.

While protecting the rights of incapacitated individuals has enormous challenges, the Model Guardianship Part is presented with the additional task of protecting the rights of incapacitated individuals who may be without funds to pay the costs of this special proceeding. Accordingly, the Suffolk County Courts, the Suffolk County Bar Association, Nassau/Suffolk Law Services, and all the entities that collaboratively work as the Suffolk County Pro Bono Project have formed a *pro bono* guardianship initiative to enlist *pro bono* volunteers to draft guardianship petitions, serve as counsel to the incapacitated person, act as Court Evaluator, and mentor less experienced *pro bono* guardianship attorneys.

To facilitate the appointment of well-trained guardians, the Suffolk County Pro Bono Project and the Suffolk Academy of Law presented a 3.5-hour CLE program entitled "Basic Article 81

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**ATTORNEY EMERITUS PROGRAM**

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While agencies including Volunteer Legal Services Project of Monroe County have had senior attorneys accept pro bono assignments in the past, the Attorney Emeritus program provides a formalized way to recognize their accomplishments.

Gary Van Graafeiland, who retired in 2005 as General Counsel of Eastman Kodak, recently enrolled as an Attorney Emeritus. He is the first volunteer at VLSP to do so. Since retirement, Mr. Van Graafeiland has accepted numerous referrals in the area of wills, powers of attorney, living wills and disposition of remains, and standby guardianships.

When approached, Mr. Van Graafeiland readily agreed to speak to the Monroe County Bar Association's Senior Attorney Committee and the Committee's meeting on June 25, 2010. As he is very well known in the Rochester legal community, Mr. Van Graafeiland's support of the program was extremely helpful from a recruitment perspective. In addition to sharing his experiences serving low-income clients, Mr. Van Graafeiland spoke in detail about the training VLSP provided which enabled him to transition seamlessly into an area

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Guardianship Training.” A modest fee was paid by registered lay persons training for a guardianship appointment of a family member. The training was offered tuition-free for attorneys willing to handle a guardianship matter on a *pro bono* basis.

Among the several presenters were the Honorable H. Patrick Leis III, Suffolk County District Administrative Judge, the Honorable Martha L. Luft, New York State Supreme Court, Suffolk County guardianship Part, and Jeffrey Grabowski, Esq., Guardianship Referee. Other outstanding presenters included Bronwyn M. Black, Esq., Richard A. Weinblatt, Esq., and Carolyn B. Lindenbaum, Esq.

Approximately 60 of the 70 CLE attendees agreed to participate in the Suffolk County Pro Bono Project’s Guardianship Program. To date, an additional 12 attorneys have requested a free copy of the CLE’s DVD with the understanding that program participation is required. In addition to the program’s training materials, each attorney received a “Suffolk County Pro Bono Project Guardianship Mental Hygiene Law Article 81 Referral Procedure Packet.”

Among other sources of information, the

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of the law in which he had no prior experience.

Also at the MCBA’s Senior Attorney Committee meeting, the ProBonoNY Coordinator shared a PowerPoint presentation explaining the details of the Attorney Emeritus program. Pro bono opportunities offered by the Arts & Cultural Council for Greater Rochester, Catholic Charities of Wayne County, the Legal Aid Society of Rochester, Farmworker Legal Services of NY, Habitat for Humanity, and VLSP were discussed, including brief service at a number of clinics and a consumer law hotline, in addition to case referrals. In addition, the presentation addressed office support, malpractice insurance, and training offered by VLSP.

A lively discussion ensued. Several senior attorneys in attendance completed information sheets expressing an interest in the Attorney Emeritus program.

Media coverage further supported the recruitment initiative. *The Daily Record*, Rochester’s legal and business communities’ newspaper, ran a front-page article on the Attorney Emeritus

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packet includes blank case status update forms and CLE credit affirmation forms to be completed by the *pro bono* attorney and returned to the Pro Bono Project.

*Pro bono* practitioners also received written instructions on how to apply to be a fiduciary for guardianship appointments pursuant to Part 36 of the Rules of the Chief Judge. CLE credit for attending the June 24<sup>th</sup> seminar will be awarded upon notification of the *pro bono* attorney's appointment to the guardianship list or referral of a matter through the Suffolk County Pro Bono Project.

Suffolk County's efforts to raise the bar have led to a surge of *pro bono* activism in the County. The driving force behind this momentum is the heart and soul of its dedicated *pro bono* attorneys. For the endless hours they donate in the best interest of the County's most needy residents, Suffolk County *pro bono* volunteers deserve the highest quality of legal training available. Suffolk County's Pro Bono Project will continue to work collectively to meet that standard.

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program on June 30, 2010. The qualifications for Attorney Emeritus status, as well as the benefits of enrolling in the program, were described in detail. Marcia Wishengrad, a long-time VLSP volunteer now considering enrolling as Attorney Emeritus, was interviewed for the article, as well as Mr. Van Graafeiland.

The monthly Pro Bono Spotlight column that appeared in *The Daily Record* on July 8, 2010, further promoted the Attorney Emeritus program.

To support recruitment in the rural counties of the Seventh Judicial District, one hundred Attorney Emeritus brochures have been received from the Unified Court System and will be distributed in targeted mailings.

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CHIEF JUDGE'S TASK FORCE TO  
EXPAND ACCESS TO CIVIL LEGAL  
SERVICES IN NEW YORK

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## NOTES AND COMMENTS

By John Ritchie

### TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

Of great interest to ProBonoNY committee members is Chief Judge Lippman's recent announcement of the creation of a Task Force to Expand Access to Civil Legal Services, to serve as the centerpiece of the Chief Judge's efforts to establish a comprehensive approach to providing counsel to low-income New Yorkers in civil cases.

On August 5, 2010, the court system added to its website the original June 10, 2010 press release announcing the Task Force's creation, a list of the members of the Task Force, and a notice of hearings (with opportunity to submit testimony) that the Task Force will hold in each of the four Appellate Division Departments this fall. For this valuable collection of materials, please see [www.nycourts.gov/ip/access-civil-legal-services/](http://www.nycourts.gov/ip/access-civil-legal-services/).

Public Hearings are noticed for September 28 in Manhattan (10 a.m. to 1 p.m.), September 29 in Rochester (11 a.m. to 2 p.m.), October 5 in Albany (10 a.m. to 1 p.m.), and October 7 in Brooklyn (10 a.m. to 1 p.m.). Hearings will be at the

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Court of Appeals in Albany and at the Appellate Division Courthouses at the three other locations. The notice of hearings prescribes procedures to be followed to submit written testimony or seek an invitation to present live testimony before the Task Force. Some committee members may very well wish to submit testimony, and in any event I hope that many committee members will be able to attend the nearest session of the Task Force's public hearings.

Chief Judge Lippman will conduct the hearings together with the Presiding Justice of each of the Appellate Divisions, Chief Administrative Judge Pfau, and Stephen P. Younger, NYSBA President. Deputy Chief Administrative Judge for New York City Courts Fern A. Fisher, as Director of NYS Courts Access to Justice Program, is a member of the Task Force *ex officio*.

I note that five members of the Task Force are members of ProBonoNY Committees in the Fifth, Seventh, and Ninth Judicial Districts and the ProBonoNY Discussion Group in the Third District. During the Task Force's deliberations, they will be able to discuss on the basis of personal experience the role of the ProBonoNY Committees in helping to advance the goal of providing counsel to low-income New Yorkers.