

Volume V, Number 1 January-February 2011

SUFFOLK COUNTY PURSUES NEW PRO BONO VETERANS' INITIATIVE

By Linda Novick
Suffolk County ProBonoNY Coordinator

The Suffolk County Courts' Pro Bono Action Committee, the Suffolk County Bar Association's Pro Bono Foundation, and the various entities that comprise our county's structured pro bono services began an initiative to implement pro bono services for our local veterans. In particular, the Suffolk County Bar Association's Military and Veterans' Affairs Committee raised concerns regarding the unmet legal needs of our unrepresented veteran population. In an effort to address those needs, in April of 2010, the Suffolk Academy of Law, the educational branch of the Suffolk County Bar Association, offered a CLE training course regarding the representation of veterans. Twenty-three attorneys enrolled in this cost-free program and agreed to handle at least one pro bono matter for a local veteran. Their sensitivity to veterans'

[Continued on page 2, column 1.]

FIFTH DISTRICT PRO BONO TENANT ASSISTANCE IN EAST SYRACUSE VILLAGE JUSTICE COURT

By Jim Williams
Fifth Judicial District ProBonoNY Coordinator

Early in 2010, the Fifth District Pro Bono Action Now Committee began working with the Volunteer Lawyers Project (VLP) of the Onondaga County Bar Association (OCBA) to explore the possibility of replicating OCBA's successful Syracuse City Court Pro Bono Tenant Assistance Project in one of the Justice Courts in a Town or Village in Onondaga County. The pilot project in East Syracuse Justice Court has been up and running since June.

Since the early 1990's, OCBA volunteer lawyers have been advocating for low-income tenants facing eviction in Syracuse City Court. Most tenants who appear in eviction proceedings do so without counsel, and many simply don't show up and default. Too often, proof is

[Continued on page 2, column 2.]

**SUFFOLK COUNTY
VETERANS' INITIATIVE**

[Continued from page 1.]

issues led to our committee's proposed initiative to host a pro bono event addressing the legal needs of veterans.

In observance of National Pro Bono Week, the Suffolk County Pro Bono Action Committee and Touro College Jacob D. Fuchsberg Law Center co-hosted the "Veterans' Pro Bono Advisory Clinic." Twenty pre-selected veterans attended this clinic on October 27, 2010, at the law school. On that day, volunteer lawyers provided consultations in family law, bankruptcy, and foreclosure matters. Those veterans in need of legal assistance in separate military-related matters, such as veterans' benefits, compensation, and disability issues, received consultations by the Director of the Veterans' Rights Clinic of Touro College, and the clinic's attorney supervised law students participating in the event.

The success of this event was the foundation for planning a program to resolve veterans' civil matters by providing pro bono representation. This initiative responds to the civil needs of those who serve or have served in a branch of the United States military. Immediate family members of veterans

[Continued on page 3, column 1.]

**FIFTH DISTRICT PRO BONO
TENANT ASSISTANCE**

[Continued from page 1.]

entered within seconds, and decisions are made rendering individuals and their families homeless. But, with help from volunteer lawyers who negotiate settlements and raise defenses, tenants often retain their homes or at least may get extra time to make other living arrangements. The project is overseen by OCBA VLP Coordinator Deborah O'Shea. Deb screens the tenants on the day's calendar for eligibility—clients whose income is at or below 187% of federal poverty guidelines are eligible for assistance. Deb then does a brief interview of the client and prepares a fact summary for the volunteer attorneys. Tenants frequently arrive without pertinent paperwork, do not understand their rights as tenants, and need assistance working out agreements with their landlords.

East Syracuse was selected for a pilot project to replicate the Syracuse City Court program because at least 65% of the housing stock in East Syracuse is rental. In addition, one of the Bar Association's free talk-to-a-lawyer advice and referral clinics is based at a church in East Syracuse, and clients at the clinics frequently present housing issues. The

[Continued on page 3, column 2.]

**SUFFOLK COUNTY
VETERANS' INITIATIVE**

[Continued from page 2.]

are also provided assistance. Any veteran in need of representation in a matter involving expertise in matrimonial, bankruptcy, foreclosure, or other civil matters is referred to a private pro bono practitioner. The Spring 2010 CLE attendees are the new program's initial source of pro bono representation. Separate military-related matters are directed to the intake office of the Veterans' Rights Clinic of Touro College. The distinction between the Suffolk County Bar Association's Pro Bono Foundation's new veterans' initiative and the one-day clinic held at Touro on October 27th is that the latter provided clients with advice only, while the former seeks to provide full pro bono representation.

Even in these early stages, a steady stream of local veterans have already been placed with private pro bono attorneys. As our Suffolk County practitioners continue to join together to raise the pro bono bar, the civil legal needs of our local veterans will be met with the high standard of professionalism they deserve.



**FIFTH DISTRICT PRO BONO
TENANT ASSISTANCE**

[Continued from page 2.]

Village's 1.6 square miles is home to 3,178 people. It is part of the Town of DeWitt and is located at the crossroads of NYS routes 690 and 481, just south of the NYS Thruway. The Village has many major retail chains and a manufacturing plant of the pharmaceutical company Bristol Myers-Squibb.

Similar to the Syracuse City Court tenant assistance project, the goal in this Justice Court pilot program is to work out a reasonable settlement for indigent tenants and avoid homelessness. The project was developed within the Pro Bono Committee of OCBA. The Committee began by discussing the feasibility of the project with David Gideon, Special Counsel to the Fifth Judicial District Supervising Judges of the Town and Village Courts. Mr. Gideon also serves as a Justice in the Town of DeWitt. Preliminary concerns were how many landlord-tenant cases arise each month in the Village of East Syracuse and whether the court would be willing to modify its calendar so that the landlord-tenant cases would be taken first to accommodate the schedules of volunteer

[Continued on page 4, column 2.]

NOTES AND COMMENTS

By John Ritchie

As the ProBonoNY committees consider plans for 2011, I hope they will be able to incorporate the following elements into their plans for the year:

1. If possible, each committee should plan to sponsor (or co-sponsor with local bar associations or other entities) at least one substantial pro-bono-oriented CLE program in June or earlier this spring, to recruit new volunteers and re-energize current volunteers. I know several committees are already planning more than one such program—usually, serving different parts of their districts-- this spring and early summer.

These CLE programs may be of several kinds: (a) “Best Practices” programs crafted to address specific areas of practice of particular importance in local courts, with judges strongly represented as presenters; (b) general educational programs, perhaps focusing on areas of law in which developments require updating information on substance or procedure, or areas of interest, such as legal ethics, for which educational programs are hard to find; or (c) training programs geared directly to the subject matter of specific committee-

[Continued on page 5, column 1.]

FIFTH DISTRICT PRO BONO TENANT ASSISTANCE

[Continued from page 3.]

lawyers. Justice Gideon recommended that East Syracuse Village Justice Donald Benack and DeWitt Town Justice Robert Jokl, who hears cases in the East Syracuse Village Court, be included in the discussion to facilitate calendaring and scheduling and to address any ideas or concerns that the Justice Court might have about the project.

One challenge facing anyone trying to replicate such a project is figuring out how to have a volunteer available when needed in a court that does not have a regularly scheduled time when it hears L&T cases. That the Village Court of East Syracuse has had a practice of scheduling L&T cases one or two afternoons a month made the project feasible. Additionally, because of the existing Syracuse City Court tenant assistance project, there was an existing pool of experienced volunteers. Experienced volunteers from Bond Schoeneck & King were recruited to staff the project and have been doing so for the past eight months. As at the Syracuse City Court project, VLP staff member Deb O’Shea conducts an intake session with the client in order to confirm

[Continued on page 5, column 2.]

NOTES AND COMMENTS

[Continued from page 4.]

sponsored pro bono programs, including matrimonial and family law, landlord-tenant matters, unemployment benefits, etc., either full representation pro bono work or limited-scope pro bono work in clinics, attorney-for-the-day programs, and the like.

2. Then another such CLE program in the fall (or more than one), possibly combined with a volunteer recognition and awards program. It would be great to have a program timed in observance of National Pro Bono Week, at the end of October.

The more participation in these CLE programs by judges, the better. Attorneys respond enthusiastically to judges' views on the great value of pro bono work as well as to judges' views on law and practice articulated in the course of CLE presentations. Indeed, the more participation in these events—including in the ministerial aspects of organizing them and the work needed to grant CLE credits—by all committee members, the better. Lawyers also respond enthusiastically to the involvement of other lawyers in these pro bono activities. Ask your committee's coordinator what you can do to participate!

FIFTH DISTRICT PRO BONO TENANT ASSISTANCE

[Continued from page 4.]

eligibility and elicit the circumstances leading to the eviction proceeding. The project has assisted between one and three tenants once or twice a month since it began in June of 2010.

The first case handled by the volunteer in the Village of East Syracuse presented an issue we regularly see in Syracuse City Court—the petition was brought by a non-attorney agent of the absentee landlord rather than the absentee owner or an attorney representing the owner in the owner's absence. Justice Jokl dismissed the petition without prejudice, and the tenant was very grateful about the assistance from the Volunteer Lawyer Project available at the Village Court.

• • •