

Pro Bono News

Spring 2023 Edition

A Message from President-Elect Richard Lewis



Access to Justice is an issue that confronts us every day in our practices and pro bono work. It means access to competent representation regardless of race, ethnicity, income, assets, political position, or geography. We

believe that the Access to Justice gap must be closed, but there is no easy fix.

The divide between the haves and have-nots is growing and affecting more middle-class families who need legal services. There is much that we can advocate for as an association to confront this issue, including working toward regulatory and rules reform that will free up our practices to provide more time for pro bono work and lower the cost of litigation. Fewer unnecessary regulations burdening our practices will also allow us the time to care for ourselves and our loved ones. A renewed focus on attorney well-being benefits our businesses and the communities we serve.

Assigned Counsel

Competent representation is a constitutional right and justice is served when all sides have equal access to resources. I am proud to continue the fight to increase the hourly rate for assigned counsel representation. A higher rate will allow more attorneys to devote time to indigent client representation. Our work to increase the hourly

rate and availability of assigned counsel speaks to the heart of our mission, and we believe in it so strongly that we have filed a lawsuit to compel the state to provide proper funding. We are taking this fight to both the courtroom and the Capitol.

From Warsaw to Woodbury, lawyers willing to take assignments from the court are becoming harder to find. An increase in the hourly rate will permit more attorneys to join assigned counsel panels. The lack of resources is especially urgent in our underserved urban areas and rural counties.

Housing

Access to housing to meet the many needs of New York's homeless population is an issue dear to me. When you walk through our cities, including my hometown of Binghamton, you can't help but notice more people who are homeless. We are in the richest and greatest country in the world, and we must do better. Homelessness has an impact on so many facets of life: access to health care, education, veterans' needs and economic issues, not to mention issues involving drug addiction and domestic violence. I plan to look for solutions to this seemingly intractable problem during the year to come.

Diversity

As president-elect, I have the privilege of serving as co-chair of the President's Committee on Access to Justice. This year, we took on significant issues that confront the profession, such as how people are

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Pro Bono Opportunities Guide

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This easy-to-use guide will help you find the right volunteer pro bono opportunity. You can search by county, subject area, and population served.



Questions about pro bono service?

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Editor: Thomas Richards, Esq.



President's Message

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addressed in court and how to confront bias during the jury selection process. During a program in December, "Communicating Across Differences: Why Interrupting Biases Matter," hundreds of lawyers in attendance came to understand unconscious stereotypes and how to practice in a more inclusive manner. The committee's work is so important, and I gained enormous insight during my time as co-chair.

Openness and communication will be at the center of my initiatives in the coming year. My goals include reaching out to all bar members in every region of our state. We want to hear from you and provide resources and services that will help you and your practice. This includes monitoring and

reviewing any proposed changes to court rules and practices and working to ease notarization requirements. Working for you helps all of us work better for our clients.

We need input from everyone on the issues that make it more difficult to practice law. Some of these issues may have to do with rules or procedures that do not have any solid reasoning behind them. Others may have to do with the lack of resources in some of our rural counties and some of our more urban areas. We need to hear from you so that we can try to confront the issues that impact our members.

Thank you,

A handwritten signature in black ink that reads "Richard C. Lewis".

Ensuring Accessible Pro Bono Legal Services for Older New Yorkers

By: **Elisa M. Tustian, Senior Staff Attorney – Senior Law Project** and **Peter Kempner, Legal Director**



The Volunteers of Legal Service (VOLS) Senior Law Project serves older New Yorkers with a focus on end of life and incapacity planning. By providing our clients with last wills and testaments, powers of attorney, health care proxies, and other advanced directives, we help ensure that our clients can take control of their futures. These documents allow our clients to make their wishes clear and ensure that the people they love and trust the most are empowered to act on those wishes both during their lifetime and after they pass away. We do this work by partnering with volunteer attorneys from our pro bono network.

Older New Yorkers come to us from diverse backgrounds and with wide ranging ability. We serve clients ranging from their early 60s who are being proactive about their future planning, to clients who are over 100 years old and are just getting around to putting their plans in place. Many of our clients are able to attend in-person clinics, travel to their volunteer attorney's office, and complete the life planning process with ease. We also have clients with differing abilities regarding vision, hearing, cognitive function, and who do not ambulate or travel with ease. We work hard to ensure that all of our clients are accommodated and can access our services regardless of their age and ability. This means taking advantage of legal and practical tools to help our clients access our services and equipping our pro bono partners with the same.

At VOLS we regularly remind ourselves that we cannot allow age or disability to determine a person's entitlement to civil legal services. By continuing to pay attention to our inclusivity, and the accommodations we provide, we can work towards treating all our clients with equal dignity while they participate in our services. Internally, we provide professional development opportunities to our staff who then use the

knowledge obtained from these sessions, and from our practice with our clients, to support our pro bono partners.

This past spring, we conducted a continuing legal education program entitled "Pro Bono Practice: Serving Aging and Disabled Clients – Overcoming Implicit Bias, Assessing Capacity and Accommodating Disabilities," which was attended by dozens of our pro bono partners. At the training we encouraged our pro bono partners to check the language they use in talking to – and talking about – their clients. For example, rather than saying that the client "suffers" from a disability, simply say that a client has a disability or lives with a disability. Instead of "suffers" from a vision impairment, say a client has a vision impairment. Suffering can suggest unpleasantness and aversion and is contrary to modern disability inclusivity. We outlined an attorney's obligations under the Rules of Professional Conduct to ensure that clients with disabilities can fully participate in their representation and our obligations under state and local human rights laws to accommodate clients.

We also highlighted how to use both legal and practical tools to accommodate clients and provide greater access to services. For instance, New York State law allows a client with physical limitations to direct another person to sign powers of attorney, health care proxies, control of remains forms, and last wills and testaments on their behalf. Awareness of these provisions opens access to a broader range of clients. We strive to ensure that clients with limited ability to physically sign a document are not only accommodated, but also that the document is executed in compliance with applicable statutes and will stand up to scrutiny if challenged.

A practical tool that VOLS encourages our pro bono partners to use with clients who do not see easily is a "signature guide." A signature guide is the size of a credit card, made of hard plastic or metal, with a cutout rectangular window. It can even be fashioned out of cardboard or paper, if necessary, when a formal guide is not available. It allows individuals who cannot see where the signature line is to easily sign their name and can be a critical tool to help clients sign documents when necessary. There are many clients who have memorized their signature and can sign whether they can see it well or not but have trouble seeing the signature line

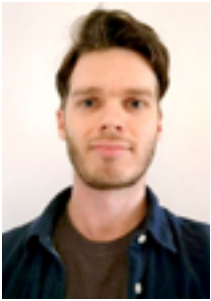
in order to know where to place it. For these clients, the signature guide can be utilized, and a magnifying glass or other tool can be used to confirm/view the signature, if the client wishes. The signature guide provides support for pro bono to be able to give the client more participation in the execution of their documents should they choose this option over directing someone else to sign for them, with a reminder that we leave the choice to the client.

VOLS recently teamed up with the MetLife legal department and Proskauer Rose LLP's Private Client Services Department to provide future planning services for the residents of Selis Manor. Located on West 23rd Street in Manhattan, Selis Manor provides housing for a population that is blind and visually impaired and offers support services and design interventions that make the daily experiences of those residents easier. The building also welcomes the wider blind and vision impaired community through Visions, a rehabilitation and social service organization, which offers a variety of programs to youth and adults, helping them lead independent and active lives. Through this partnership we were able to help the residents of Selis Manor put their future plans in place and our volunteers deployed these tools effectively.

At VOLS our strong pro bono partnerships allow us to serve thousands of Senior Law Project clients every year with accommodation for disabilities and language access. Our pro bono partners have provided attorneys that are native speakers of a variety of different languages, and we arm pro bono partners with affidavits of translation and interpretation, affidavits of reading, and affidavits of signing assistance, as needed. We try to accommodate our clients with volunteers who speak their native language to foster trust and community. We also participate in the attorney emeritus program for the same reasons. Having an attorney in your same age group, living with your same disability, or who speaks your same native language fluently are each a way to build trust and community. While none are exclusively necessary, any can serve to build attorney-client trust, which is beneficial to the well-being of the client and helps to guarantee a pleasant experience during what can be an emotional process.

VLP Responds to Afghan Crisis And Announces New Efforts to Represent Noncitizens

By: William Pugliese, Esq., Afghan Asylum Project Mentor



In April 2021, President Joe Biden announced that all remaining U.S. military personnel in Afghanistan would withdraw by Sept. 11 of that year. This announcement, timed to the 20th anniversary of the

9/11 attacks, set in course a chain of events which would see nearly 80,000 Afghan refugees evacuated to the United States. In the span of a few months in 2021, the U.S. military evacuated tens of thousands of people. These evacuees transmitted through bases in Qatar and Germany where they were subject to further security screening en route to the United States. While this is a sizable number, some 250,000 Afghans are estimated to be eligible for immigration to the United States based on their past military or governmental service. Subsequently, over 40,000 Afghans left behind in their country submitted applications for humanitarian parole, a special permission to circumvent the normal multiyear admission process on account of the humanitarian and human rights situation in that country. State Department statistics reveal that fewer than 5% of these requests were ultimately granted.

Today, nearly two years after President Biden's announcement, the overwhelming majority of Afghan evacuees in the United States still do not have a permanent legal status. While Congress has authorized two pathways for Afghans to acquire one – Special Immigrant Visas (SIVs) for those who worked or fought with the U.S. military and asylum for those who experienced or fear future persecution in Afghanistan – there is no streamlined administrative path for permanent legal status in the United States. The proposed Afghan Adjustment Act, modeled after similar legislation passed to grant green cards to Vietnamese allies of the United States after the Vietnam War, has stalled in Congress.

In the face of the ever-changing and uncertain legal situation facing the Afghan

community, the Erie County Bar Association Volunteer Lawyers Project (VLP) has worked diligently to secure a permanent legal status for Afghans in the Buffalo area. As of early 2022, some 456 Afghan refugees were referred to Buffalo resettlement agencies, the highest number relative to population in New York State. This number is out of a statewide total of approximately 1,800 Afghan refugees in a state where New York City and its suburbs represent 60% of the population. The disproportionate share of refugees has at once presented challenges for the local resettlement, social services, and legal communities, but also opportunities for future growth.

To meet these challenges, VLP established its Afghan Asylum Project and brought on board mentoring attorneys to advise local pro bono counsel on the substantive and procedural rules of immigration and asylum law. Working in partnership with law students from the University at Buffalo School of Law, law firms such as Hodgson Russ and Phillips Lytle, retired attorneys, and private practitioners, VLP has helped to file asylum and related applications for over 40 principal applicants. Derivative asylum status will also ultimately extend to these applicants' spouses and minor children, securing a permanent legal status for over a hundred people (asylees can receive green cards one year after the approval of their asylum application).

In tandem with this concerted legal effort, VLP has also worked with local agency partners like the International Institute of Buffalo (IIB), Catholic Charities and Journey's End to address clients' holistic needs. A key example of this coordination is taxes, an area in which Afghans had no pre-existing experience and where certain bad actors encouraged clients to claim the child tax credit, a benefit they are not entitled to by law. VLP has worked with clients to amend and, where necessary, enter into repayment plans for funds received from these erroneous filings.

Presently, the vast majority of VLP Afghan clients are awaiting decisions on their asylum applications. Once approved, their "immigration journey" is not over. All

of these applicants will eventually need to apply for green cards and, later, naturalization. For those whose spouses and children are still abroad, they will have to undertake the convoluted petition process to bring them to the United States, something which can take years due to bureaucratic delays and backlogs. To date, the U.S. Citizenship and Immigration Services and the Department of State have given no indication that they will prioritize or expedite petitions for eligible family members in Afghanistan despite the country's worsening humanitarian crisis and the erosion of basic rights and freedoms under the Taliban, particularly for women and girls. After a fitful start, the Taliban have now effectively banned all education for women – from primary school to college – and again deprived women of the ability to work or to even leave their homes without male "guardians."

The challenges the local Afghan community has faced – from a bewildering array of legal processes, public benefits rules, and tenuous immigration statuses – is not a situation only relevant to this community. Immigration is a notoriously complex area and one in which there is no right to counsel for individuals in removal proceedings. This reality persists despite the fact that an adverse decision in immigration court can lead to deportation from the United States, separating families and fracturing communities.

Today, there are over 10 million undocumented people in the United States and some 1.5 million removal cases active in immigration court. There are only approximately 500 immigration judges nationwide for this extraordinary docket. Some 700,000-800,000 asylum cases alone remain pending in immigration court, with hundreds of thousands of additional cases to be heard at asylum offices throughout the United States. The average time from initial application to adjudication now stretches into years, with some clients still not interviewed after 5 years of waiting.

VLP is committed to doing its part to address these sobering statistics. In partnership with the Office for New

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Forming the Pro Bono Habit

By: David Crossman, Harper Dean, and Victoria Esposito

I. Introduction

All three authors of this piece are affiliated with Albany Law School—David Crossman as a staff attorney for The Justice Center, Harper Dean as a 1L, and Victoria Esposito as a visiting assistant professor. Until the summer of 2022, both David and Victoria worked at the Legal Aid Society of Northeastern New York (LASNNY), where he was a staff attorney specializing in housing and she was most recently the advocacy director. David was also a pro bono scholar at Albany Law School, which led him directly to his work at LASNNY. For her part, Harper is a member of the Landlord-Tenant Pro Bono Society; she is a student of Victoria's and has accompanied her to do pro bono eviction defense through LASNNY. We wanted to bring our varying perspectives on pro bono, both in and out of the academy, to this article.

Harper: A Student's Perspective



As a first-year law student, pro bono work enables me to actively help people in my local community while building relationships with other students and professionals who strive to improve the material conditions

of those hurt by poverty, class disparity, and other systems of power and hierarchy. An understanding of the procedures and rules of law is a privilege, offering its holders the ability to abate suffering for those who fight daily for necessities such as food, water, and shelter. While the legal field is often generalized in popular culture and discourse as cutthroat, individualistic, and profit-motivated, many who work within it are also motivated by empathy, collectivism, and a commitment to equity. The reality is, of course, not so black-and-white; any lawyer or law student likely holds a wide array of passions, influences, and intentions. Regardless of motivation and career path, pro bono work provides a gratifying outlet to its participants, and a crucial lifeline to its beneficiaries.

Since my first month of study at Albany Law School, I have worked with the Landlord-Tenant Pro Bono Society (LTPBS), where the other members and I speak to tenants on behalf of UTA (United Tenants of Albany) and discuss a wide variety of issues. The call logs are regularly filled with tenant inquiries about habitability issues, lease disputes, rental assistance, and (both lawful and unlawful) evictions, to name a few issues. I speak to tenants every week about problems as ghastly as sewage leaks, utility failure, and infestation. From the first tenant call I witnessed at LTPBS, I felt a drive to help aid in the efforts to inform tenants of their rights, within my ethical

boundaries as a non-lawyer. As someone who has experienced firsthand the hardship of poverty, eviction, foreclosure, and bankruptcy, housing issues are particularly poignant to me, and the opportunity to address them boosts my motivation to excel in the legal field.

During December of my first semester, I shadowed my lawyering professor, Victoria Esposito, as she attended Albany City Court as part of the Legal Aid Society of Northeastern New York's Attorney for the Day program. In the Attorney for the Day program, lawyers offer to counsel defendants who would otherwise appear pro se in civil litigation, on the day of their scheduled court appearance. On the day I attended City Court, Professor Esposito and several other volunteer attorneys served as counsel for tenant defendants facing claims from landlords regarding housing issues. Attending City Housing Court brought the issues I discuss with tenants for UTA into focus by opening a window into the real-world arena for housing actions. Whether tenants and landlords' eviction or warranty of habitability claims and defenses make it to a courtroom or find resolution elsewhere, the decisions made at a judge's bench can have dramatic effects on the lives of the parties to any such case. Many are often financially unable to hire counsel, appear pro se and mostly unprepared, or worse, fail to appear at all and receive a default judgment against them. As I saw in court, a

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Americans, VLP has joined with the Volunteer Lawyers Project of CNY, Inc., The Legal Aid Society of Rochester and Just Cause to train, mentor, and support pro bono volunteers to represent noncitizens. In February 2023, we began a pilot program in Buffalo Immigration Court – a Pro Bono Immigration Intake Clinic – to screen respondents for relief and attempt to place their cases with pro bono attorneys. This program aims to not only secure representation for respondents and

vindicate their substantive rights, but also to contribute to the efficient and effective resolution of cases in immigration court. In helping respondents navigate an inscrutably complex system, the program has received a warm welcome from immigration judges themselves, who are on the front line in explaining basic procedural practices and rights to respondents, and government attorneys at the Department of Homeland Security.

Cumulatively, these efforts on behalf of the Afghan refugees and the new Pro Bono

Immigration Intake Clinic are just some of VLP's responses to the enduring challenges of our nation's inadequate and overburdened immigration system. These programs aspire to provide tangible and effective representation to members of the local community, while demonstrating the essential role of community legal service providers in meeting the challenges of today.

To volunteer with VLP, please contact VLP's Pro Bono Manager, Maria Valeri, at mvaleri@ecbvlp.com or 716.847.0662 x321.

tenant will often appear alone attempting to stave off an eviction claim likely to render them homeless, and face-off against plaintiff attorneys familiar with the law, legal procedures, and court rules.

Currently, indigent defendants facing civil claims in our area have no statutory or common law right to counsel, and therefore regularly appear pro se. Aside from the terrible impact such a situation can have on indigent defendants, a lack of representation for those with few financial resources harms the public image of lawyers and courts in general. A system in which only comparatively wealthy parties appear with counsel will likely seem wholly unjust, at least to poor and working-class people. Programs like Attorney for the Day provide much-needed aid towards the end of equity in access to justice. Seeing firsthand the difference the provision of a necessity such as legal representation can make further strengthens my resolve to leverage my legal education for public benefit.

Independent of a law student or lawyer's career path, pro-bono work is an essential part of a balanced legal practice. Projects like Attorney for the Day and LTPBS have a tangible positive impact on the lives of community members and provide extremely fulfilling work for those who participate. While systemic harm can be best alleviated through the passage of legislation and changes in common law doctrine, pro bono work at any level allows legal scholars and professionals to serve on the front lines in pursuit of equity throughout our society. A legal education is a rare asset, the implementation of which is often necessary to avoid unfairness, and I view its use towards the public good as a duty for all who are fortunate enough to attend law school or practice in the legal field.

II. David: The Pro Bono Influence

I came to Albany Law School after a career as a low-level bureaucrat – first in Vermont, then Alaska. I believed that I would return to a state job after law school, albeit in a different state. I had such a job lined up. However, that changed when I became a pro bono scholar ('17).



The Pro Bono Scholars program, the brainchild of retired Court of Appeals Chief Judge Jonathan Lippman, lets accepted law students in their final year sit for the February bar exam. Fresh off the bar exam, students begin a 12-week pro bono placement. Each 45-hour week includes a classroom component. The accelerated pace is a benefit for the law school participant who knows, usually before law school graduation, if he or she has passed the bar exam. The pace also allows those students who have passed the bar to begin their careers very shortly after graduation.

In late-2016, I interviewed as a pro bono scholar with the Legal Aid Society of Northeastern New York (LASNNY) in their housing department. I started my placement in landlord-tenant law with LASNNY shortly after the February 2017 bar exam. By that time, I also had a tentative job lined up within the State of New York government – back to my comfort zone.

After the bar, I accompanied LASNNY's housing attorneys to court and to habitability inspections as a pro bono scholar. At that time, LASNNY attorneys performed in-person inspections, which were conducted in pairs for safety reasons. As a law clerk, I was frequently available to tag along, from apartments in Albany, Schenectady, and Troy to rural parts of LASNNY's service area in Greene and Columbia counties. These inspections continued once I became a LASNNY housing attorney myself (spoiler alert) and were one of the first and most valuable lessons I learned about representing tenants in the Capital Region, literally meeting tenants where they lived.

The actual system and method of eviction was another obvious lesson. I learned that in the normal course of things an eviction is a "summary proceeding." Oftentimes, this means that tenants – even those who are lucky enough to have representation – must make snap decisions in court regarding their home and family. Until housing advocates successfully lobbied for the Housing Stability and Tenant Protection Act of 2019, failure to make a rent payment within three days could lead to an eviction. And an eviction at that time meant that the tenant only had three days to prepare to go . . . somewhere else.

I took a temporary job in Summer 2017 at LASNNY, after my pro bono placement ended but before I was scheduled to go to my state job. At the end of that time, I could not abandon the work or my new-

found desire to do the work. I became, at least in my mind, "the clerk who didn't leave," and took a full-time job representing tenants through LASNNY.

There have been highs such as getting a petition dismissed, negotiating a settlement that allows the tenant to avoid temporary homelessness, or getting a favorable decision on appeal. There have also been lows like watching a single mother of four being evicted in less than a week despite her my best efforts. Or watching an unrepresented but severely disabled man desperately hand a check to his landlord's attorney, although that amount would not legally save his tenancy. Or talking to a tenant whose landlord nailed the doors shut on her, trapping her inside, when she attempted to collect her belongings. I'm grateful to Albany Law School and the Pro Bono Scholars program for helping put me on the path to experience the lows and the highs that allowed me to grow as an attorney, an advocate, and a person. With all due respect to the U.S. Army and their slogan, pro bono work – in my case representing tenants – is the toughest job you'll ever love.

III. Victoria: Fostering Pro Bono Early

I have spent the vast majority of my legal career teaching or working for the public,



first as a prosecutor and then in civil legal services. For a period of time, I oversaw LASNNY's Private Attorney Involvement (PAI) program, so I am well aware of the great need both for civil legal services and for pro bono

attorneys. I also believe that there is a great deal of confusion among the general public about what civil legal services attorneys do, about what they offer, and about low-income individuals' access to attorneys for even the most pressing needs, such as eviction defense.

I am one of the Albany Law School professors teaching first year law students Introduction to Lawyering, which is a two-semester class encompassing legal research, legal writing, basic professionalism, and an introduction to client interviewing/counseling. The students get a legal problem or issue in the first semester

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New York State Court Procedural Processes to Vacate a Default The Self-Represented Litigant[©]

By Hon. Cenceria P. Edwards, NYS Supreme Court Justice, 2nd Dept. Civil Term

The pro-se (self-represented) litigants' request to vacate their default for not answering the summons and complaint, or appearing – in the action, at motion call, or at hearing/trial is a timeless issue litigated before the trial courts. Informing self-represented litigants on the courts' processes and procedures benefits the judiciary, court personnel, and lawyers as it will enable courts to function more efficiently and expend less administrative resources in time and money. Also, it will reduce hours incurred for both lawyers and judges litigating and determining these cases, respectively. New York's courts system provides in-depth information on its website and in courthouses for judges, attorneys, and self-represented litigants on its courts' processes and procedures. <http://www.nycourts.gov/courts/nyc/ci>.

In line with New York's courts "access to justice" initiative and strong public policy, courts prefer to determine cases on the merit and not on default. At the trial

level, if a default is not vacated or arbitrarily granted, a litigants' right to be heard will be lost. Although general administrative assistance and court resources are available for self-represented litigants, they must be prepared to litigate their action and are not entitled to any favors because of their pro se status (*see Gounder v Commnicar, Inc.*, 55 Misc 3d 146[A], 2017 NY Slip Op 50679[U], **2 [App Term 2017]).

Courthouse Procedures to Vacate a Default

The Order to Show Cause

There are two types of motions litigants may file to request vacatur of their default. The most common motion the self-represented litigant files is an Order to Show Cause (OSC) with use of the court's pre-printed OSC form. An Order to Show Cause is an ex-parte – emergency application to the court where the moving litigant demands an immediate hearing before a

judge to grant its relief requested.

The second method by which one can request vacatur of a default is by filing a notice of motion. This is the preferred method utilized by attorneys, with advance notice to all litigants, when the relief sought does not require the court's immediate attention. Unlike the Order to Show Cause, a benefit of moving by notice of motion is that it allows the movant the opportunity to respond ("Reply") to the opposing litigant's papers. New York Civil Practice Law and Rules (CPLR) 2214 govern the rules of service for motion papers.

For the most part, the court's Order to Show Cause forms are fillable, check-the-box forms with lines for the moving litigant to articulate reasons/defenses for their default. Self-represented litigants usually will complete the OSC form in the courthouse where the default was entered and pay the filing fee or request a waiver thereof. Thereafter, the litigant may be directed to appear before a judge to explain why the

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and write an objective memo about it. In the second semester, they move on to motion practice, appellate briefs, and oral argument. One of my class sections is representing the landlord in a dispute, while the other section represents the tenant. As I write this in late February, the students are working on competing motions to dismiss; they will argue this motion in March and then move on to appellate work.

I think that it is important for students to understand this area of law, regardless of what area and setting they ultimately practice in. However, I also believe that there is no substitute for seeing how this works in practice, and I think that it's difficult to describe or imagine the scope of need without actually seeing it in practice.

Therefore, when I agreed to go to court to provide limited representation eviction defense through LASNNY's pro bono "Attorney for the Day" program, I imme-

diately thought about bringing students with me. Since I knew that Harper was interested in evictions and active in the law school's Landlord-Tenant Pro Bono Society, I asked if she would be able to come, and I was delighted that she was able to.

On that first court date in December 2022, Harper and one of her classmates assisted the pro bono attorneys appearing at Albany City Court. They interviewed clients to ensure their financial eligibility and the scope of their problems; they sat in on client interviews; and they attended negotiations and eviction hearings. (I'm pleased to say that Harper remembered a possible defense from her work during the first semester.) From my perspective, this was successful enough that David and I have been bringing students to court with us once a month or so. They have learned from the LASNNY staff, the other pro bono attorneys, and the clients. They have

seen and understood the need in the communities around us, and they have sat in client conferences and at counsel table. The judges in the city courts have been very happy to have students in the courts (and the court officers have been gracious about adding extra seats to the counsel table!).

Of course, I'm very happy that my students are able to see what they're learning jump from classroom to courtroom. However, more broadly I hope that the students who have attended landlord-tenant court remember the good that a pro bono attorney can do in even a short amount of time. I hope that they remember the clients who appreciated that finally someone was listening to them. And I hope that through and after their time in law school, they continue to form and live the habit of pro bono work.

judge should sign the OSC.

An issue that often arises with the self-represented litigants' completion of the pre-printed OSC form is that some of the boxes may or may not be checked. Also, their arguments at the OSC hearing are sometimes inconsistent with the boxes checked and statements written. Unbeknown to the self-represented litigant, the questions on the OSC form correlate to legally cognizable theories that a judge relies on to determine vacatur of the default.

Both the Order to Show Cause and notice of motion require the moving litigant to submit an affidavit of facts/merit. In most instances, the judge must deny an OSC or notice of motion (usually without prejudice) which does not include an affidavit from someone with personal knowledge of the facts (*see Soroundi v River Terrace Apt. LLC*, 42 Misc 3d 151[A], 2014 NY Slip Op 50434[U]),

*1 [App Term 2014]).

Once the judge signs the OSC, it must be served with all supporting papers upon the plaintiff and other parties in the action exactly as ordered by the judge. If proof of service is not filed in court before the return date, then it must be given to the clerk of the court or judge on the return date of the hearing. Failure to follow the judge's service instructions will result in denial of the OSC.

The Order to Show Cause Hearing

The parties must appear timely at the hearing date at the courthouse and court room directed. If not, a default will be issued for failure to appear at the hearing. To vacate it, the defaulting party will be required to file an Order to Show Cause or notice of motion and provide both a reasonable excuse for not appearing at the hearing along with a meritorious defense/claim, CPLR 5015(a)(1). Either litigant has the right to request the judge to enter a default in appearance. If the plaintiff fails to appear at the hearing, the defendant may ask the judge to vacate the default and restore the case to the calendar, *inter alia*. But the optimum judicial response is to mark the OSC fully submitted and unopposed for judicial review to determine if the defendant met its burden of proof. If the defendant fails to appear at the hearing, the plaintiff may ask the judge to deny vacatur of the default and mark the Order to Show Cause off the calendar.

In General, Vacating A Default

The primary statutes the judge usually relies on when determining whether to vacate a default are CPLR 5015 (relief from judgment or order) and CPLR 317 (defense by a person to whom summons not personally delivered).

Litigants' Burden of Proof

When seeking to vacate a default, the litigant must submit an affidavit of facts/merit that demonstrates either or all: (1) that there was no default (CPLR 5015[a] [4]); (2) provide a reasonable excuse and a potentially meritorious defense (CPLR 5015[a][1]), (*see Sharestates Inv., LLC v Hercules*, 166 AD3d 700, 701 [2d Dept 2018]); (3) or that they did not personally receive notice of the summons in time to defend against the action (*see* CPLR 317).

CPLR 5015(a)(1) – Reasonable Excuse and Meritorious Defense

CPLR 5015(a)(1) requires the movant to provide the court with sufficient proofs to demonstrate both a reasonable excuse and meritorious defense. The defendant must first prove a reasonable excuse and then a meritorious defense – in that specific order. If the defendant fails to provide and demonstrate a reasonable excuse, then the court need not consider any meritorious defense proffered (*see Rizzo v Gmes, LLC*, 190 AD3d 995, 998 [2d Dept 2021]). A motion to vacate a default judgment pursuant to CPLR 5015(a)(1) has a time limit; if the motion is not made within one year after service of the copy of the judgment or order with notice of entry served upon the defendant the motion will be denied (*see Martson v Cole* 147 AD3d 678, 679 [1st Dept 2017]).

Reasonable Excuse

Self-represented litigants have successfully vacated their default for failure to appear and provided reasonable excuses. Courts have determined reasonable excuse(s) to include, defendant did not receive notice of the hearing date (*see Bank of New York v Segui*, 120 AD3d 1369, 1373 [2d Dept 2014]; illness (*see Matter of Sylvia G.*, 139 AD3d 851, 853 [2d Dept 2016]; and service at the wrong address (*see Caesar v Harlem USA Stores, Inc.*, 150 AD3d 524, 524 [1st Dept 2017]).

On the other hand, courts have held that

failure to answer the complaint because it is difficult, financially burdensome, confusing or defendant is a pro-se litigant or otherwise, is not excusable default (*see Matter of Kelly v Hinkley*, 186 AD3d 1842, 1843 [3d Dept 2020]). Courts have determined a self-represented defendant's excuse not reasonable where defendant adjourned the case numerous times to retain an attorney and then failed to do so (*see People by Abrams v Scudds*, 195 AD2d 778, 779 [3d Dept 1993]).

Meritorious Defense

The moving litigant is required to establish a "potentially" meritorious defense/claim based upon non hearsay evidence. Litigants need not prove that they would prevail on their meritorious defense/claim, but simply state a meritorious defense (*see David Sanders, P.C. v Harris A. Sanders, Architects, P.C.*, 140 AD2d 787, 789 [3d Dept 1988]). Importantly, a meritorious defense cannot be based upon conclusory allegations unsupported by facts (*see id.; Tech. Career Insts. v Rosario*, 66 Misc 3d 138[A], 2020 NY Slip Op 50079[U], *1 [App Term 2020]; *Daejan (NY) Ltd. v Perez*, 65 Misc 3d 148[A], 2019 NY Slip Op 51832[U], *1 [App Term 2019]).

Judicial Discretion

The judge has discretion to determine what constitutes reasonable excuse when considering whether to vacate a default pursuant to CPLR 5015(a)(1), (*see Garcia v City of NY*, 189 AD3d 788, 788-789 [2d Dept 2020]). Factors judges should consider include any prejudice to the other parties, the length of the delay in moving to vacate a default, willfulness, and a strong policy to determine cases on their merits (*see Singh v Sukhu*, 180 AD3d 837, 840 [2d Dept 2020]).

CPLR 5015 (a)(4) - Lack of Jurisdiction to Render the Judgment or Order

In moving to vacate a default most self-represented litigants generally assert the defense of lack of service or that the plaintiff did not properly effectuate service — perhaps since it is intuitive- reflex thinking, and/or sometimes, one of the first defenses presented on the Court's pre-printed Order to Show Cause form.

CPLR 5015(a)(4) provides,

"The court which rendered a judgment or order may relieve a party from it upon such terms as may be just, on motion of

any interested person with such notice as the court may direct, upon the ground of lack of jurisdiction to render the judgment or order”.

Pursuant to CPLR 5015(a)(4), if a defendant proves that the plaintiff failed to properly serve notice to appear in court or answer a summons and complaint, then the defendant need not offer a reasonable excuse or a meritorious defense, contrary to the requirements to vacate a default pursuant to CPLR 5015(a)(1), (*see Toyota Motor Credit Corp. v Lam*, 93 AD3d 713, 713-714 [2d Dept 2012]). Moreover, if defendants’ arguments are successful under CPLR 5015(a)(4), the default must be vacated, as a matter of law, without the judge ordering any conditions upon the defendant (*see Velez v Forcelli*, 125 AD3d 643 [2d Dept 2015]).

“[W]hen a defendant moves to vacate a default pursuant CPLR 5015 (a)(1) and (4), the court is required to resolve the CPLR 5015(a)(4) jurisdictional question before determining whether it is appropriate to grant a discretionary vacatur pursuant

to CPLR 5015(a)(1)” (*see Capital Equity Mgt., LLC v Carrozza*, 65 Misc 3d 153[A], 2019 NY Slip Op 51888[U], *2 [App Term 2019]).

CPLR 317 – Failure to Receive Summons not Personally Delivered

CPLR 317 permits the defendant to defend the action within one year after learning of the entry of the default judgment but no longer than five years after entry of the default. Unlike CPLR 5015(a)(1), CPLR 317 does not require defendants to provide a reasonable excuse for their failure to answer the complaint; however, the defendant must still provide a “potentially” meritorious defense (*see 259 Milford, LLC v FV-1, Inc.*, 211 AD3d 658, 660 [2d Dept 2022]).

Whether the defendant in moving to vacate a default relies on either CPLR 5015(a)(1) or CPLR 317 the judge has discretion to base its decision on either of the statutes that the court deems appropriate (*see Eugene DiLorenzo, Inc. v A.C. Dutton Lbr. Co.*, 67 NY2d 138 [1986]).

Conclusion

When self-represented litigants thoroughly present/argue their case in clear and concise language with detailed explanations/defenses as to why their default should be vacated, the judge will be relieved from deciphering through extraneous papers and will render a Decision/Order quicker, which promotes judicial efficiency and satisfies the courts’ standard and goals requirements. The more informed the self-represented litigant is on courthouse procedures and the law, then fewer court resources are required to ensure all litigants have their fair day in court. New York’s courts are resolute in its commitment to fairness and “access to justice” for all litigants who enter its courthouses.

Hon. Cenceria P. Edwards, NYS Supreme Court Justice, 2nd Dept Civil Term, Presiding, Foreclosure Resolution Part, Kings. Author: “A View from the New York City Civil Court Bench: Vacating Default Judgments Covid-19 and Beyond – The Self-Represented Litigant”; Lexis

Volunteer Lawyers Project of Central New York Launches Pro Bono Immigration Project

By: Grace Zaiman, Supervising Attorney, Pro Bono Immigration Project

Volunteer Lawyers Project of Central New York is excited to announce the launch of the Upstate New York Pro Bono Project. The project is funded by the Office for New Americans in an effort to minimize existing gaps to representation for non-citizens across Upstate New York. VLP of CNY is collaborating with the Erie County Bar Association Volunteer Lawyers Project, The Legal Aid Society of Rochester, and JustCause to recruit, train, and support pro bono volunteer attorneys who are interested in accepting immigration cases. The funding covers a wide variety of cases including asylum; protections for victims of domestic violence and other violent crime;

protections for unaccompanied minors; and defense against deportation. This grant is critical because it allows legal service providers to offer ongoing technical assistance throughout each individual case and to meet pro bono attorneys at any level of skill and experience.

The grant officially launched on Nov. 1, 2022, and in our first quarter we placed 10 cases for full representation and screened an additional 19 cases. We were very pleased to place a removal defense case so early in the grant and are hopeful that one of our clients who came to us facing an order of removal will win his case for permanent residence later this year. We are exceptionally grate-

ful to all of the volunteers and pro bono attorneys who have already offered their assistance. To best recruit and support volunteers we offer ongoing trainings throughout the year. We also offer all of our volunteer’s complete access to resources including recorded trainings, telephonic interpreters, templates, and regular office hours with an experienced immigration attorney. We are excited to watch this program develop and look forward to working closely with volunteer attorneys across New York. If you have any questions or are interested in learning more about this program, please contact Grace Zaiman at gzaiman@vlpcny.org or (315) 907-4303.

From Small Town to Big Town and Back Again



Arlene Sanders, Director of Pro Bono Programs for Legal Aid Society of Mid-New York, Inc., spoke to pro bono volunteer Tom McDonald about his work and how he became

interested in volunteering.

Tom, pictured above, has an office in Washington D.C. and volunteers virtually at Legal Aid's Eviction Defense Program in Binghamton, N.Y.

Arlene: Tell me a little about your professional background?

Tom: I attended the International School at George Washington University and University of Minnesota School of Law. I began my career at a large corporate law firm in Cleveland before later moving to Washington, D.C.

I've always worked in "Big Law" and am presently an equity partner at Taft Stettinius & Hollister, LLP practicing commercial litigation. I've been registered as a congressional lobbyist since 1985. I am also a former ambassador to Zimbabwe! My work takes me all over the country and the world.

Arlene: Why did you choose to volunteer in Binghamton, of all places?

Tom: It's where I was raised.... I have wonderful memories of growing up in Binghamton and still feel a strong connection even though I have not lived there since the age of 18. I go back to visit family and friends a few times a year. I've always maintained a membership with the local Broome County Bar Association and have tried to attend events when they coincide with my schedule.

Last year I attended Law Day. That's where we connected. As I remember, I was chatting with a judge and mentioned that I was interested in volunteering. She led me over to you! You proceeded to tell me about the various ways I could volunteer from afar.

Arlene: What interested you in our Eviction Defense Program?

Tom: That program – helping low-income tenants – really struck a chord with me. Growing up, my family was not

wealthy. There were six of us; my parents, three brothers, and me. My dad was not college educated. My mom was a nurse. Our home was small and crowded. When I was 15 my dad passed away, and my mom became the sole bread winner. I know what it feels like not to have financial security and I can relate to the experiences of tenants, especially those with children, who are struggling.

Starting around middle school I also became interested in social justice issues and ways of bettering my own community.

My window into what was happening around the world was The New York Times. My middle school got one copy of the paper daily and the school secretary would give it to me. I learned about politics, poverty, civil war, discrimination.

I became involved in raising money for children living in poverty in war torn areas. In high school, I continued these types of efforts. Locally, I also helped salvage a beautiful old building in downtown Binghamton. We raised funds to commission a study and the building was designated a historic site.

Early on, I realized that my small efforts, especially within a larger group, could be impactful.

Arlene: Tell me about your training for the program?

Tom: I had no landlord-tenant experience, so I relied on Legal Aid to bring me up to speed. I worked closely with paralegal Pam MacLaren, who supervises the program. She made sure I had all the information and training I needed to feel confident. The most helpful part was to virtually shadow experienced volunteers. After a few times I felt ready.

Arlene: What happens at court?

Tom: On the day of my shift, I get a team's link which brings me into the courtroom. If a tenant is eligible and wants representation, they are assigned to me. Usually, I can negotiate a favorable outcome, such as more time to stay in the apartment, a waiver or reduction in rent. I have even helped groups of tenants being evicted from a condemned building.

Arlene: What do you like about the work?

Tom: It's very fast-paced, which I enjoy.

I also find it interesting that I know most of the neighborhoods where tenants live. Being able to apply my skills in "getting to yes," developed over so many years of negotiating on behalf of corporate clients to solve a tenant's problem, is a great feeling.

Arlene: What advice do you have for attorneys considering Legal Aid pro bono work?

Tom: Take an interest in helping others, whether through a program like this or something else. It's so rewarding to be a part of the Legal Aid community. They are a lifeline.

LawNY Works to Increase Access to Justice

By: Kelly McGovern, Esq., Director of Pro Bono Affairs, Legal Assistance of Western New York, Inc.

The regional reentry team staff at Legal Assistance of Western New York, Inc. (LawNY) and 45 Cornell University (Cornell) law students, LLM students, and undergrad students are working together to increase access to justice in rural areas through increasing assistance to justice-involved individuals. The demand for these legal services is overwhelming, as an estimated one out of three American adults has a criminal record, many of which are eligible for clearing. Divided into teams and using training modules, the student volunteers assist clients with criminal conviction sealing applications and other legal services to improve their employability. LawNY staff and the student volunteers also work closely with Opportunities, Alternatives, and Resources (OAR), a community organization dedicated to helping justice-involved individuals, by exchanging client referrals, conducting outreach, doing onsite intakes, and providing presentations about LawNY services and criminal records issues. Cornell also purchased a fingerprinting machine to assist OAR consumers and LawNY clients with obtaining copies of their criminal records. LawNY collaborates extensively with the director of Criminal Justice and Employment Initiative at the Cornell School of Industrial and Labor Relations and the director of Pro Bono Services and Externships at Cornell Law School. LawNY anticipates that 15-20 clients will be assisted via this project.

The Center for Elder Law and Justice Honors Pro Bono Attorney Robert Feldman

By Amanda Warner, Director of Pro Bono Programs, Center for Elder Law & Justice



The Center for Elder Law & Justice (CELJ) joins the Western New York legal community in mourning the passing last fall of Robert J. Feldman, a volunteer at CELJ, and a long-time partner in the Buffalo law firm Gross Shuman P.C.

In the fall of 2020, CELJ approached a few Western New York bankruptcy attorneys about the possibility of assisting over 40 low-income seniors who had been defrauded by Michael Tomaszewski, a Batavia funeral home director, in excess of \$525,000 collectively. Tomaszewski was arrested in the summer of 2020 on more than 200 charges originating from complaints that he mishandled customers' prepaid funeral deposits. Because he had filed for bankruptcy prior to his arrest, his victims were at risk of having the debts owed to them (ranging from \$350 to \$15,500 per family) discharged. To avoid these discharges, they had to file proofs of claim as creditors in Bankruptcy Court, and object to the discharge of those debts on the basis of fraud.

Feldman not only answered this call

for assistance without hesitation, but also helped to recruit other local bankruptcy attorneys to assist pro bono. He left no stone unturned in aggressively charting a course of action and drafting necessary documents to guide the other pro bono attorneys in their collective efforts to convert the initial Chapter 11 filing into a Chapter 7. In doing so, he gave a voice to victims who would have otherwise been overlooked. Without the pro bono attorneys' assistance, the money fraudulently mishandled by Tomaszewski would likely have been discharged in bankruptcy, or drastically reduced as part of an unsecured creditor settlement. Instead, orders were granted to protect Tomaszewski's victims, ensuring that the debts owed to them were exempt from discharge.

When asked about her experience in working on this effort with Feldman, a fellow pro bono attorney working on the matter, expressed deep gratitude for his generosity toward both clients and his colleagues.

"I cannot say enough about how wonderful Bob Feldman was as a person and an attorney. He was so willing to provide advice and sample documents in [this] bankruptcy matter. He offered to act as lead in the court appearances and conferences, always stating very clearly exactly how he

wanted our mutual clients to be protected and suggesting ways to see it happen. It was a real pleasure working with him. He will be greatly missed by our legal community."

One client told CELJ, "Mr. Feldman worked tirelessly to keep me and other clients in the same situation apprised of all developments in our case. He was always extremely organized and available to speak to me whenever I had a question. However, what impressed me the most was his compassion for all of us. He took our case and wanted nothing in return but to see justice served. What a kind, caring and compassionate man he was."

Feldman was also well known for being a mentor and sounding board for countless colleagues and peers over the course of his 45-year legal career, always generous with his time, expertise, and depth of knowledge. While the void left in the legal community by Feldman's sudden passing last fall is significant, so too is the legacy he left behind in generously sharing his time, expertise, and experience to help those in need, and in restoring vulnerable clients' trust in the legal system. CELJ appreciates the opportunity to honor that legacy.



Crime Fighter Becomes Lawyer to Continue the Fight against Domestic Abuse

By: Carolyn McQuade, Suffolk Pro Bono Coordinator, Nassau Suffolk Law Services



The Suffolk County Pro Bono Project is very lucky to have a volunteer attorney who is on a mission to help as many Domestic Abuse clients that he can. Stephen Hellman started his professional life as a police officer after he graduated from Stony Brook University in 1983. He became a member of Stony Brook's University Police and after several years he went to law school while continuing to fight crime part-time.

As a law student, Stephen became interested in working in the area of Family Law when exposed to the work of Law Guardians (now known as AFCs or Attorneys for Children) and 18B panelists during a Court clerkship. Upon admission to the bar, he started his practice working as an AFC and an 18B attorney and obtaining vital experience in the area of Family Law.

Stephen began volunteering as a Pro Bono attorney almost since the day of his admission to the Bar in 1998. His stalwart representation of the Project's most vulnerable DA clients have earned him many distinctions over his lengthy career. His particular expertise is in the area of representing victims of domestic abuse and even more specifically financial exploitation. Over these many years as a practicing attorney, he has successfully protected the rights and interests of dozens of Project clients, representing divorce plaintiffs and defendants in both Supreme and Family Courts. He always has several active Pro Bono Project matrimonial cases open at the same time. Most of the Project's divorce clients are victims of physical abuse, emotional abuse and/or financial exploitation. When asked why he accepts so many Project referrals, Mr. Hellman responded, "I appreciate how difficult it must be for a person to be dealing with a divorce and not be able to afford a lawyer. I feel it's important for attorneys to give back to the community. This is a way I can do that." He added, "And, I like the work. I enjoy being in Court, participating in trials, and the Pro Bono Project's cases are always interesting."

Stephen's former Pro Bono clients have even contacted him years after their cases were resolved to thank him for his excellent advocacy. He recently received a family photo from a former domestic violence client. He closed her case in 2018 but she got in touch to let him know that he changed her life and saved her family. This Pro Bono Project client was a defendant in a divorce action and Stephen filed an Order to Show Cause in her case to set aside a separation agreement that was not beneficial to her and didn't comply with the requirements of these types of agreements. Her husband, who was not an attorney, had crafted the agreement from a document he found on the internet. In the Order to Show Cause, Stephen also asked for what's known as pendente lite relief and obtained maintenance and child support payments so that she could live in her home and keep her car while the divorce was proceeding. Stephen ultimately was able to obtain a QDRO (Qualified Domestic Relations Order) so that she could receive her fair share of both of her husband's pensions which had been waived when she was forced to sign the separation agreement. Her husband was earning approximately nine times what she earned. However, under duress, she agreed to the unfavorable separation agreement. As victims of domestic abuse, our clients are often coerced into signing legally binding documents to protect themselves from harm.

This particular client also had the benefit of Stephen's representation in Family Court. Sometimes during the course of Stephen's 18B work he encounters a client who he wants to represent in Supreme Court for his or her divorce. This client was one of those cases. Stephen reached out to the Pro Bono Project and asked that his 18B client be screened for eligibility for assistance from the Pro Bono Project. Once a client is determined to be eligible, then Stephen can obtain CLE credit for representing him or her in their divorce as well. Pro Bono Project attorney volunteers only commit to representing clients in Supreme Court, but Stephen often goes above and beyond for his clients by representing them in Family Court as well.

Another Pro Bono client was terrified

because her abusive husband was trying to take her children from her. Her abusive spouse has been awarded a "refrain from" order of protection against her. We have seen this tactic of savvy abusers manipulating the system in an effort to exert control over their victim families. Employing his financial expertise, Stephen was able to establish that her spouse was actually earning significantly more than he claimed. Stephen was able to obtain maintenance and child support on the spouse's proper wages and more importantly for this client, she was ultimately awarded custody of her children. She is another perfect example of an extremely happy former client.

Stephen has also been successful in obtaining legal fees for some of his work for our pro bono clients. This may seem like a non sequitur but if there is a monied spouse in a divorce, the Courts will sometimes award legal fees to pro bono attorneys who are representing the indigent spouse. In these cases, pro Bono volunteers still get CLE credits (up to 10 hours per attorney registration period) in addition to being awarded legal fees. Stephen recently obtained his fees for one client whose spouse did not pay child support after the divorce judgment was awarded. He moved for contempt for the former spouse's failure to pay court ordered child support and obtained both the child support arrears and his fees. But in these types of cases fees are also available in the underlying divorce action when there is a spouse with resources. His client was so afraid of her spouse that Stephen was able to keep her address confidential and she was allowed to relocate with her children.

Stephen's very caring and comprehensive approach to his pro bono representation makes him such an invaluable member of the pro bono team. He is someone who shows bottomless kindness and consistently goes above and beyond what is required.

In addition to managing his busy practice, Stephen is the father of four children, Ashley, Seaver, Matthew and Jared, and the doting grandfather of three, Alex, Alyvia, and Cameron. He is also an avid sports fan and spends his free time traveling to various arenas to cheer for the Islanders.

From 12 Angry Men to One Fearless Advocate

By: Carolyn McQuade, Suffolk Pro Bono Coordinator, Nassau Suffolk Law Services



When in college at the SUNY- Buffalo, Louis Sternberg starred in the school's production of the timeless class Twelve Angry Men (which originally starred Henry Fonda). If you haven't seen it, run don't walk to Netflix; but sadly, Lou's portrayal is probably not popularly available. Mr. Sternberg takes great pride in his deeply held belief in service to the community. During high school, he volunteered weekly at a local nursing home, providing care and companionship to elderly residents – an experience he defines as “truly gratifying.” A third-generation attorney, Mr. Sternberg decided to pursue a career in the law after his portray Juror #8 in Twelve Angry Men. Moved by the play, Mr. Sternberg changed his major from Ancient

Philosophy to Legal Studies and began the pursuit of his legal education. After receiving his undergraduate degree, Mr. Sternberg attended Touro Law Center from 2006 to 2009. While a student at Touro, he participated in the Family Law Clinic as an intern and then a student attorney. It was through the clinic that Mr. Sternberg had his first experience representing clients in Suffolk County Family Court. Upon graduating in 2010, he obtained a position as a staff attorney at the Touro Law Center Family Law Clinic. A year later, Mr. Sternberg left Touro to start a solo practice in Huntington. His practice now focuses entirely on family and matrimonial matters, primarily in Suffolk and Nassau counties.

Immediately upon opening his practice, Mr. Sternberg began volunteering with the Pro Bono project. That experience with the Pro Bono Project exemplifies the mutual benefits of pro bono work for both the

attorney and the litigant. In the early stages of his career, this pro bono work provided the opportunity to litigate cases with the guidance of more veteran attorneys and each case led to meeting new attorneys and judges. Many years later, these relationships remain invaluable.

Mr. Sternberg recently represented an elderly and disabled domestic violence victim in a contested matrimonial action – first obtaining temporary relief including exclusive use and occupancy of the marital home during the pendency of the case. Mr. Sternberg and his office ultimately obtained a very favorable settlement wherein the client-maintained ownership and occupancy of the marital residence. Since the early days of his practice, pro bono work has remained a passion of Mr. Sternberg who stated that the heartfelt appreciation that each client vocalizes makes it all worthwhile.

There are millions of reasons to do Pro Bono.

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The New York State Bar Association (NYSBA) has a long and proud tradition of advocating for equal access to justice for all New Yorkers in civil matters through a combination of government-funded legal services programs and voluntary pro bono service by private practitioners. The Department of Public Interest provides educational training programs for attorneys employed by legal services organizations and oversees a number of attorney recognition programs that promote, recognize, and honor pro bono service by individual attorneys and law firms through award programs.

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