our mission

The Legal Aid Society of Northeastern New York provides effective, free civil legal services and education to and advocacy for people with low income or other barriers to accessing the legal system. We secure basic needs, protect and preserve legal rights, provide equal access to justice and seek fairness and dignity for our clients.


executive director

Lillian M. Moy

inside:

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People who need legal assistance live all over northeastern New York, not just in our urban areas. Closing the Gap, a new program funded by the Legal Services Corporation’s Pro Bono Innovations Fund, allows rural clients access to legal help even if they’re far from LASNNY offices.

In April, the Legal Aid Society of Northeastern New York (LASNNY), in collaboration with Legal Assistance of Western New York (LawNY), Volunteer Legal Services Project (VLSP), and Pro Bono Net (PBN) rolled out a new program called Closing the Gap. The program hopes to close the rural justice gap by virtually connecting Capital Region and Rochester based attorneys with rural clients.

The program’s goal is to increase not only the number of clients served, but also the level of service they receive. Through their virtual consultations with attorneys, clients will be able to participate in remote review of documents and the generation of pro se answers. The goal is to equip the client with a pro se pleading that is complete and ready to file.

To receive assistance, interested clients will visit their local, rural office and once they’re screened for eligibility, the program coordinator will set up a time for them to come in to the office for a virtual consultation via webcam. Mike Grunenwald, a program developer for ProBono.net, manages the website that remotely connects clients with volunteer attorneys. Grunenwald worked with other developers and LASNNY attorneys Rob Vanderbles and Tara

continues on page 9
The first six months of 2016 have been a busy time for the Legal Aid Society of Northeastern New York (LASNNY). Recently Executive Director Lillian Moy sat down to chat about what’s been happening in 2016 so far. As the organization works to serve over 16 counties, they’re looking to expand to meet demand. Moy says that they are currently in the process of identifying a location and facility to accommodate this exciting growth. Besides serving an increasing number of clients, the organization has also been busy launching new programs and applying for a number of grants.

New Initiatives

One of the most recent developments is the Closing the Gap Program (see article on page 1). Through a partnership with Legal Assistance of Western New York (LawNY), Volunteer Legal Services Project (VLSP), and Pro Bono Net (PBN), LASNNY will virtually connect Albany and Rochester-based attorneys with rural clients. The goal is to equip clients with pro se pleadings for consumer debt and housing cases. Trainings were held in April and the first clients have already been referred to the program. “This is an exciting combination of leveraging traditional pro bono work with technology,” says Moy.

LASNNY has also partnered with the Albany Housing Authority to utilize a HUD grant for the Juvenile Re-Entry Assistance Program (JRAP—see article on page 8). This program is aimed at young adults with a connection to the housing authority and will provide outreach as well as correction and sealing of court records. “This is especially important because an individual’s criminal record can sour everything from a housing application to job prospects,” says Moy. She continues, “I think that this is a great partnership; both the Albany Housing Authority and LASNNY are very committed to serving the low-income community.”

Core Funding

A third initiative in 2016 is working to secure core funding for LASNNY. “We’re working on a very important grant right now for Judiciary Civil Legal Services funds,” Moy says. This fund is set aside by the court to stabilize the legal services system and Moy admits, “It’s a little daunting to be competing for funds again.” This year, LASNNY is seeking to match previous funding as well as seeking an increase in aid. “This is the heart of our funding,” Moy says. “It ensures that we can meet the essential legal needs of our clients and it’s how we’re able to expand staff and services.”

Another exciting development comes from the New York Bar Foundation, the philanthropic arm of the New York State Bar Association. They recently awarded LASNNY with $15,000 to support the Capital Region Re-Entry Program. Moy says, “This was a high priority item for us because there are so many formerly incarcerated... continues on page 10
Donors contributed $270,000 in 2015, improving access to justice for low income neighbors in Northeastern New York. Thanks!

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To donate, contact dgrimaldi@lasnny.org or online at www.lasnny.org.

This appeared in the Business Review 2016 Book of Lists.
In the past four years, Byrgen Finkelman has filed eighty-seven transgender name change petitions in twenty-four New York counties.

After law school, Byrgen practiced at Aswad & Ingraham, a small firm in Binghamton, but as her young family grew, she took a step back from the law. She explains, “I never planned on coming back to practice, but a few years ago, I helped a transgender friend do a name change pro se, and that really changed things for me.” Byrgen says, “When the DMV handed my friend his new [temporary] license, his whole body relaxed, seconds later he stood taller than I had ever seen him before. That’s when I realized that a lawyer needed to be doing name changes for transgender individuals.”

Unfortunately, many low-income transgender individuals can’t afford the $210 court-filing fee, but Byrgen is able to connect them to Legal Aid to see if they qualify for a waiver of the filing fee. If so, Byrgen represents them in their name change pro bono through the Private Attorney Involvement (PAI) program. Once Byrgen receives the name change court order, she helps clients navigate changing their name and gender on their identity documents. In New York State, one can obtain a driver’s license with the correct name and gender as well as an updated social security card. With these documents, transgender individuals can then apply for a corrected birth certificate. Byrgen adds that in the past 18 months there’s been an exciting development, “Now you can change your gender on your birth certificate without a sex change [operation].” Byrgen explains that being able to get a birth certificate with the correct name and gender is huge. Often, it even leads to employment because you need the proper paper work to prove your eligibility to work.

Kate T., a trans woman, is one of Byrgen’s most recent pro bono clients.

Kate explains, “In the past I had done a common law name change, but since [the events of] 9/11, a common law name change is no longer legally accepted.” She continues, “In order to get my driver’s license and other documents corrected, I needed an official name change, but I didn’t have the money because I’m disabled and on a fixed income.” Fortunately, Kate contacted Legal Aid and her case was assigned to Byrgen. Kate says that for low-income individuals like herself, Legal Aid is a lifeline. “If you’re arrested you get a public defender, but for civil cases, you have to have the money to hire someone to represent you. It’s so great that Legal Aid is there to assist people who can’t afford to do that.”

While the process took a couple of months to complete, Kate says everything went very smoothly. She says, “I was so impressed with Byrgen and Legal Aid; it was an extremely painless process, I think I made a total of three phone calls and filled out two forms.” She continues, “I didn’t even have to go in to the Legal Aid office.” Kate is also thankful for Byrgen’s concern for her clients’ safety and privacy. She explains, “In New York

What’s in a Name?

Attorney Byrgen Finkelman is passionate about helping the transgender community.

Attorney Byrgen Finkelman continues on page 11
PAI Program Update

The PAI Program is bustling as usual, and during the last few months, we’ve welcomed two new staff members. Ariel Ahr is our new PAI Coordinator who is working with the rest of the PAI staff in the Saratoga Springs office. Melody Harkness has joined us all the way from North Carolina to be the PAI Coordinator for the Legal Services Corporation’s Pro Bono Innovation Fund Grant Project, “Closing the Gap.”

“Closing the Gap” is well under way! Through this program, we are connecting urban volunteer lawyers in Albany remotely with rural clients in several of the other 16 counties within our service area so that these rural clients can be assisted with their housing and consumer matters. Generation of pro se answers will be accomplished by linking these lawyers and clients through the innovative use of remote assistance technology, including real time video sessions, remote review of documents, and interactive legal forms. If you were not able to attend our training and launch of the program in April, but are interested in learning more and becoming a volunteer, please contact Melody at mharkness@lasnny.org, for more information and a demonstration of the website.

As we head into the second half of 2016, our goal is to strengthen existing programs, and develop new ones. Our volunteers have allowed the PAI program to flourish over the years, and for that, we’re truly grateful. Thank you for your continued dedication and service to our clients.

If you are interested in participating please contact:

Michele Sleight, PAI Director, or Cheryl Dedes, PAI Coordinator, in Albany (serving Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren and Washington Counties) at (800) 462-2922 ext. 322; or msleight@lasnny.org, cdedes@lasnny.org or aahr@lasnny.org.

Linda Larue, PAI Paralegal in Canton (serving St. Lawrence County & St. Regis Reservation) at (315) 386-4586 ext. 14 or llarue@lasnny.org.

Thanks to the following attorneys who took cases:

November 30, 2015 to June 30 2016

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Heather Brondi
Jordan Chisolm
Nina Daratsos
Jami Durante Rogowski
Byrge Finkelman (15)
Albert Hessberg, III
Michael Kogut
Mark McCarthy
Brittany McMahon
Tara Moffett
Michael O’Brien (4)
Michael O’Connor (14)
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Albany/County Assigned Counsel Program

UPCOMING TRAINING

Attorney for the Day/ Landlord-Tenant Training

Thursday, October 6, 2016

NYS Bar Association,
One Elk Street, Albany

Registration: 3:30 p.m.;
Program: 4:00 - 7:00 p.m.
When Sandy Safeer received a phone call from someone claiming to be from the Federal Bureau of Taxation, she wasn’t sure what to believe. She says, “They said I owed taxes from 2008 and threatened to throw me in jail for six months with no legal recourse.” Sandy is disabled and doesn’t usually need to file taxes, but she was concerned the threats might somehow be legitimate. “It was very scary and upsetting,” she says. Feeling unsafe and afraid, Sandy says she grabbed a bag full of personal belongings, jumped in her car, and drove to a friend’s house.

Her friend, a former policeman, advised Sandy to try and look up her past tax records. At this point, Sandy knew she needed legal help, so she made the call to Legal Aid and staff attorney Krzysztof Wendland urged her to come to the Albany office. “I was meeting with Krzys not even an hour later,” Sandy says. Together, Krzys and Sandy called the phone number back and when they inquired about the situation, the person on the other line hung up. At this point, Krzys had a hunch that this was a scam, but he wanted to confirm that his client was in the clear. Through power of attorney, Krzys was able to verify that there were no outstanding balances. Sandy says, “Krzys checked the records for the IRS, NYS Department of Taxation and Finance, and the PA Department of Revenue and saw that I didn’t owe any money.” Sandy’s relief was immediate. Reassured that she didn’t owe any back taxes, Sandy was able to return to her home without fear of being arrested. She says, “Once I sat down with Krzys, I knew everything was going to be okay. Legal Aid is just an amazing resource.”

Krzys says, “We see quite a few of these cases, it’s in the news all the time and it’s very scary for the clients.” And unfortunately, since many of the calls are untraceable, it can be tough to track down and stop the con artists. “This scam affects everyone – they’re literally calling everyone in the phone book,” Krzys explains. To get to the bottom of things, Krzys says individuals need to confirm whether there is any income tax issue that prompted the call. He says, “Sometimes people don’t file their tax returns and a scammer will file a return on their behalf [in order to claim a refund].” He continues, “If the IRS sees this, they may have questions or they may try to make an assessment on the return. This could lead to social security or disability check garnishment or a call from a revenue officer.”

To protect themselves, Krzys says that individuals should always file a return, even if their income level doesn’t make it mandatory. He explains, “I always tell people to file a return because this prevents a scammer from using your social security number and it keeps your address record up to date.” However, Krzys acknowledges that for many people, dealing with the IRS can be intimidating, so he urges anyone with questions or concerns to contact Legal Aid.
in Roslyn, New York and purchased an apartment on the Upper East Side, in preparation for a career in New York City. However, life had other plans. The day they were scheduled to move was September 11, 2001 and the tragic event really impacted the couple. “I had worked in the World Trade Center from the time I graduated from college through 1997,” he explains.

Edward and his wife decided to regroup at their vacation home in upstate New York. They found it so pleasant that they stayed put and once Edward was admitted to the bar, he opened a private practice in Hunter, New York. For the next 12 years, he grew his practice and was eventually asked to serve as the Assistant County Attorney. In December 2014, Edward was officially appointed the Greene County Attorney and closed his private practice.

As County Attorney, Edward says his day-to-day responsibilities involve reviewing and negotiating contracts, acquiring and conveying real private, and handling any civil/legal aspect that the county needs assistance with. “I’m also the Freedom of Information Officer for the county and my office prosecutes PINS and Juvenile Delinquency actions in Family Court,” Edward says. When it comes to his work as a public servant vs. life in private practice, he says there are definite differences. He says, “The hours and the flow of business are more predictable.” He continues, “And it’s easier to organize and manage the workflow as opposed to private practice when you’re at the mercy of clients and opposing counsel.” Edward’s term runs through December 2018 and he hopes to be reappointed.

Edward is a long time volunteer for the Legal Aid Society and after winning a substantial award for a client in a contested matrimonial case, he says he even ended up in the LASNNY newsletter. Around this time, Executive Director Lillian Moy inquired about him joining the Board of Directors. He says, “I was happy to, of course. I think it’s a tremendous organization with excellent leadership.” In addition to the Board of Directors, Edward also serves on the Executive Finance Committee for LASNNY and has been a member of the Appellate Division Third Department’s Gender Fairness Committee for the past 10 years. In the recent past, he served as a member of the NYS Bar Association House of Delegates as well as the President of the Greene County Bar Association.

When he’s not giving his time to LASNNY or serving the people of Greene County, you can find Edward on the mountaintop town where he lives. He enjoys hiking and skiing with his wife and adult daughter, and he’s an avid cyclist who tries to get out on the roads most days of the week.

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**Save The Date**

**Saturday, September 10, 2016**

Schenectady County Bar Association

Annual Bryan Simmerman Memorial Golf Tournament to benefit LASNNY

For more info contact dgrimaldi@lasnny.org
Reducing barriers to housing, jobs and education for youth

Having a juvenile or a criminal record can severely limit a person’s ability to seek higher education, find good employment and secure affordable housing. Furthering the Obama Administration’s commitment to helping young people involved in the justice system find jobs and housing, the U.S. Department of Housing and Urban Development (HUD) and the Department of Justice (DOJ) awarded $300,000 to Public Housing Authorities and legal service providers in Syracuse, Albany and New York City to address the challenges justice-involved individuals face in their quest for work and a place to call home.

The Juvenile Reentry Assistance Program (JRAP) will help youthful ex-offenders mitigate the consequences of their criminal convictions, opening the door to employment, more stable family relations, educational opportunity and housing. Funded by DOJ’s Second Chance Act funds, HUD and DOJ are teaming up to help young Americans who are reintegrating back into their communities and trying to establish a stable future. JRAP funding was awarded to Public Housing Authorities and partnering nonprofit legal service organizations with experience providing legal services to juveniles.

In Albany, LASNNY and Albany Housing Authority’s T.H.E Center (also known as the Wage Center) are teaming up to implement JRAP after being awarded the grant in May. T.H.E Center, located at the AHA central offices on Green Street, provides access to educational training, employment placement and core services for public housing residents in Albany. To help alleviate collateral consequences associated with a juvenile or criminal record JRAP will help young people up to age 24 residing in public housing, or who would be residing in public housing but for their record, by:

- Assess youthful offenders for eligibility for correction of criminal records; the attorney will assist the ex-offender in obtaining a copy of their criminal record.
- Seal or correct criminal records
- Secure Certificates of Relief from Disabilities or Certificates of Good Conduct
- Track and report to the AHA on the program and its performance measures.

“Providing support and re-entry assistance will reduce barriers to public housing, employment and educational opportunities. Our intention is to support youth in realizing their full potential,” said Wendy Wahlberg, LASNNY’s Deputy Director of Strategic Operations. “The Albany Housing Authority has always been a valued community partner. Our additional re-entry-focused legal services are a natural complement to T.H.E Center’s expansive and holistic services for public housing residents.”

For more background information, see the Annie E. Casey Foundation 2016 Kids Count Data Book showing state trends in child well-being at: http://www.aecf.org/resources/the-2016-kids-count-data-book/

50–75% of adolescents who have spent time in juvenile detention centers are incarcerated later in life*

55,000 youth were detained in residential placements in the US in 2013. Males and racial/ethnic minorities are heavily overrepresented in this population.*

5,502 number of people under age 24, with criminal justice involvement in the Capital Region between 2010 and 2014

5,502 number of people under age 24, with criminal justice involvement in the Capital Region between 2010 and 2014

55,000 youth were detained in residential placements in the US in 2013. Males and racial/ethnic minorities are heavily overrepresented in this population.*

Persons under age 21 detained, incarcerated, or placed in residential facilities in New York in 2013:**

1,650

*source: http://www.childtrends.org/?indicators=juvenile-detention
**source: datacenter.kidscount.org
2013 is the most recent year statistics are available.

For more background information, see the Annie E. Casey Foundation 2016 Kids Count Data Book showing state trends in child well-being at: http://www.aecf.org/resources/the-2016-kids-count-data-book/
Closing the Gap

Glynn to put together a script for the program’s interactive interviews and says the biggest challenge was creating questions that were at the right level – striking the balance between general and specific. Grunenwald says that the interactive interview that attorneys will use is similar to the type of program utilized by sites like Turbo Tax. “The program asks bite sized ‘yes or no’ questions, bit-by-bit to help an advocate who doesn’t know this area of law, become more informed,” he explains.

“This is filling in a pretty significant need. Without Closing the Gap, these individuals would be turned away or would be spending money they don’t have.”

The program will focus primarily on consumer debt cases and eviction cases at first and although some of the program’s volunteer attorneys aren’t experts in these fields, Grunenwald says the interactive interview will allow them to offer appropriate guidance. He continues, “Through video chats and interactive interviews, clients will be able to complete documents that they’ll take to trial.” He adds, “And though they’ll be representing themselves, they’ll have an official document that will hopefully give them a little more legitimacy in court.”

In mid-April the program trained 16 volunteers in Albany and 7 volunteers in Rochester and Grunenwald says the program’s year-end goal is to train 50 volunteers who will serve 150 clients. With two training sessions in the books, he says, “I think this is a very promising start.” Beta testing is now underway and the program’s first clients have been referred. The program also provides an added benefit to attorneys; volunteers will receive one free CLE credit through VLSP in exchange for every two hours of remote client assistance.

LASNNY Executive Director Lillian Moy, who wrote the grants for the program, has been impressed by the backing Closing the Gap has received so far. She says, “We were very lucky because we received great support from the local and state bar associations.” She continues, “We are very grateful for this generous Pro Bono Innovations Grant from the Legal Services Corporation. We think this program will really make a difference for our rural clients.” Ken Perri, the Executive Director of LawNY agrees, “Instead of turning [clients] down for services, we will refer them to this project, through which they can receive limited scope representation.” Grunenwald sums up the program by saying, “This is filling in a pretty significant need.

Without Closing the Gap, these individuals would be turned away or would be spending money they don’t have.” More information on the program can be found at: https://www.closingthegapny.org/
What’s Happening at LASNNY

individuals in the Capital Region trying to transition back in to the community.”

LASNNY is developing a “community listening project,” in which new lawyers will go into the community

“This is exciting. It will help develop our critical assessment of client needs...”

to meet with people eligible for our services as well as local community-based organizations. Moy says they’re tasked with taking the pulse of the community and determining its basic needs. “This is exciting. It will help develop our critical assessment of client needs, which we do every few years,” says Moy.

Finally, LASNNY recently applied to the New York State Office of Temporary and Disability Assistance (OTDA) for five more years of funding for the Disability Advocacy Project (DAP). This program provides representation to low income individuals whose Social Security Disability or Supplemental Security Income benefits have been denied or terminated. Moy says she was thrilled with the level of support, including letters and partnership agreements with every Social Services Department in the 16-county service area. Moy says that there is an ever-increasing need in this particular area and they are hoping to receive more dollars, to help more disabled people get the benefits they deserve. The funding decision is pending, but should be decided by July.

Over the past five years, LASNNY’s Disability Advocacy Program produced over $23.3 million through the increased, maintenance, and securing of SSI/SSD benefits for clients and communities.

New York Bar Foundation Presents Grant To Legal Aid Society of Northeastern New York

The New York Bar Foundation recently presented a grant of $15,100 to the Legal Aid Society of Northeastern New York. The grant will be used to support their Capital Region Re-Entry Program. Part of the grant includes funds from the John R. Dunne Fund.

“Thanks to the NYBar Foundation and its John R. Dunne Fund, LASNNY will launch its Capital Region Re-entry project. Legal services to formerly incarcerated individuals will address many of the barriers they face as they attempt to transition back into the community,” said Lillian M. Moy, LASNNY ED.

In early 2015, The New York Bar Foundation allocated over $500,000 in grants to 94 organizations across New York to assist in:

- Increasing public understanding of the law
- Improving the justice system and the law
- Facilitating the delivery of legal services
- Enhancing professional competence and ethics

The New York Bar Foundation is the philanthropic arm of the New York State Bar Association. To learn more about The Foundation and how you can support its charitable programs, go to www.tnybf.org, phone 518-487-5651 or email nybarfoundation@tnybf.org.

(Right to left) New York Bar Foundation Board Member Jim Ayers presents the grant to Legal Aid Society of Northeastern New York Board President Ron Kim and Legal Aid Society of Northeastern New York Development Director Deanne Grimaldi.
What’s in a Name?

continued from page 4

State, you have to publish a name change in a newspaper, but Byrgen found out there’s legal precedent for not publishing trans people’s names in newspapers, so she had my court records sealed.” Byrgen explains that “...there is an incredible need for other attorneys to do this work, especially pro bono” because discrimination and violence against transgender individuals are an unfortunate reality, “I ask the courts to seal the name change records, which is a big plus for my clients.” She says the experience made her realize the need for advocacy work for transgender equality, and she has been actively involved in advocacy work with Affirming Transgender Rights, an organization she co-founded, for several years.

In October of 2015, Kate received her corrected birth certificate and says, “When my new birth certificate was issued, I was so happy that I cried.” Byrgen says that Kate’s reaction is not uncommon, and it’s why she’s so passionate about her work. She says, “It’s so powerful for me to hear that a simple thing like a name change makes such an enormous difference in someone’s life.” She continues, “As more transgender people feel safe to transition to their authentic selves, I get more and more requests for name changes. I get phone calls and emails almost daily; there is an incredible need for other attorneys to do this work, especially pro bono.”

Donate through the SEFA Campaign.
Our SEFA number: 50-00198

Funding:
The Legal Aid Society of Northeastern New York is funded by grants from the Legal Services Corporation, the Interest on Lawyer Account Fund of the State of New York, United States Department of Housing and Urban Development, United States Department of Justice, New York State Legislature, New York State Office of the Attorney General, NYS Office of Temporary & Disability Assistance, NYS Division of Criminal Justice Services, Albany County Department for Aging, Fulton County Office for Aging, St. Lawrence County Office for the Aging, Washington County Office for the Aging, St. Regis Mohawk Tribe Office for the Aging, City of Saratoga Springs, New York State Bar Foundation, Albany Law School, Hunger Solutions New York, NYS Unified Court System Judiciary Civil Legal Services, Warren County, Albany County Department of Social Services, Schenectady Community Action Program, Joseph’s House, City of Schenectady, City of Albany, City of Troy, New York State Attorney General Homeowner Protection Program, Internal Revenue Service, Southern Adirondack Independent Living, Albany Housing Authority, law firms, corporations and individuals through the Justice for All Campaign. LASNNY is a fair housing/equal housing opportunity provider of legal services.
Edward Kaplan knew he wanted to be an attorney from the age of 22, but his path to law school and legal practice would take another two decades. While a bit unconventional, Edward says he wouldn’t want things any other way. In fact, he says, “Being a law student at the age of 44 was the best experience of my life.”

He is now the Greene County Attorney and serves on the Legal Aid Society of Northeastern New York Board of Directors.

Born in New York City, Edward attended Brooklyn Tech High School, Brooklyn College, and then worked trading commodities through COMEX and NYMEX from 1977-1999. He assumed his trading job would be temporary and was even accepted to NYU law school a few years after college. However, life intervened and when he gave his notice, his boss made him a partnership offer he couldn’t turn down. But becoming an attorney remained Edward’s dream and in the late 1990’s, he made it a reality. He explains, “Years later, I decided I wanted to go back to law school, so I called NYU where I had previously been accepted and they sent me over to Cardozo. The Benjamin Cardozo School of Law has an accelerated program especially made for people coming out of a career and I was able to complete my entire 1L year in May, June, and July.”

While he was a law student, Edward says, “I really focused on civil litigation and participated in matrimonial programs for battered women. I also clerked for Justice Ira Gammerman in the New York Supreme Court and interned at the class action securities law firm Kirby, McInerney, and Squire.” As law school came to a close, Edward and his wife sold their home continues on page 7