

Legal Aid *matters*

our mission

The Legal Aid Society of Northeastern New York is a non-profit law firm that advocates in civil matters for low income people to secure their basic needs, protect and preserve their legal rights and provide equal access to justice.

Serving the low-income and needy residents of Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, St. Lawrence, Schenectady, Schoharie, Warren and Washington Counties, and the St. Regis Reservation.

executive director

Lillian M. Moy

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There's No Place Like Home

Deputy Director Wendy Wahlberg, who's charged with LASNNY's efforts to ensure that people don't become homeless, has seen a huge upsurge in cases this year. It's due in large part to rising real estate values and speculation, deteriorating housing stock, and unaffordable rents.

Wahlberg, who's been helping people maintain a home since 1982 said "we are at a crisis level—we've reached a new point where people can't move into new housing," if they're forced to move out of their apartment because they can't afford the rent or they are ordered to vacate their apartments due to housing code violations by their landlord. There is a tremendous number of people who are in shelters—they land there and they can't get out."

LASNNY staffers often provide information over the phone if a client needs advice on how to handle such issues as what to do if a landlord fails to return a security deposit. "Staff lawyers or paralegals can also provide more in-depth services when funded through grants that enables us to represent people

people living at or below the poverty level are spending 70 to 90 percent of their income on rent

threatened with eviction or who are members of a certain population such as persons living with HIV Aids, domestic violence victims, or the elderly or the homeless," said Wahlberg.

Adam Michelini is one of those staff attorneys who represent people in Schenectady, Columbia, Greene, and Rensselaer Counties. Over 90 percent of

his cases involve single mothers facing eviction because of money or they're not aware of their rights. "When you work in a fast food restaurant making \$250 a week, and you have three kids to feed, you just can't make ends meet," said Michelini. Many of his clients hold Section 8 vouchers in a market where affordable housing is increasingly hard to find. "If



... paused for a photo at the Albany office. Pictured are (L to R) standing: Wendy Wahlberg, Julia Munteer; seated: Malcolm McPherson, Lisa Borthwick, Adam Michelini, Rebecca Woloszyn.

you lose your Section 8 voucher (after an eviction) you can lose a \$480 housing payment per month."

Michelini recalls protecting one family from eviction by a landlord who was terminated from the Section 8 program because he wasn't adequately maintaining his apartment. "I talked to the landlord, and he ended up withdrawing his petition," and fixing up his property. "So many other people aren't so lucky," he said. "I'll go to court and see 20 or 30 people, and they have no lawyers representing them. I think sometimes if there were more of

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FROM THE *executive director*

I hope you will indulge me...

It's that time of year again—the Justice for All Campaign is in full swing. My friends begin to avoid me and even I begin to think I have only one note. What can I say? This is the time of year when making the contact, asking for a leadership gift and getting that gift, ensures we'll be there for our clients in the future. If I seem cold and single-minded, forgive me. It is the weight of ensuring that each of us does as much as we can to ensure that low income people in northeastern New York have access to Legal Aid that pushes me to push each of you.

as I bake Christmas cookies with my daughters, a low-income child becomes homeless

In the midst of our fundraising season, the excellent work of our staff and volunteer attorneys continues.

As I started to write this column, I emailed my colleagues asking for a brief description of their recent victories. One Legal Aid staff attorney prevented the eviction of a severely disabled woman from subsidized housing in a small town in the North

Country. His colleague in Albany recently won disability benefits for a 50 year old grandmother, caring for her granddaughter, who was no longer able to work as a bus driver and cafeteria aide in the local public schools. Another lawyer won the dismissal of an eviction of a 71 year old woman who spoke only Spanish and was served by "nail and mail" while hospitalized after a fall. Another North Country colleague won four disability claims for local residents during one recent Social Security hearing calendar (creating income and stable health care for two sets of grandparents raising grandchildren). And another colleague wrote describing the "usual victories"—just like the powerful results described above—and added a recent victory for a homeless man seeking public assistance whose initial application was denied due to "whereabouts unknown."

Many of you have heard me speak about the justice gap—the yawning gap between our current resources and the urgent, unmet legal needs. During this time of year in particular, my challenge is to ensure that lawyers and other leaders in our community understand that the Legal Aid Society simply cannot help every client who calls us. Within the justice gap are not only the 4000 people Legal Aid had to turn away at away at the door for lack of staff to serve them, but also the thousands of poor people who do not even call Legal Aid because they don't realize that they have a legal problem or that we might be able to help. It is heartbreaking to know that as I bake Christmas cookies with my daughters, a low-income child becomes homeless at the holidays because her family cannot access a lawyer to stop an unwarranted eviction.

Recently staff and Board members of the Legal Aid Society spent time together to reaffirm our commitment

to the Legal Aid Society's mission. Staff and Board members share many of the same values—compassion and commitment to serving the poor, seeking fairness and respect for our clients, securing their basic needs and giving them access to justice.

I hope you will indulge me this holiday season if I bend your ear about the importance of living our values so that we might continue the usual victories. Without your generous support—indeed, without your leadership—the Legal Aid Society will not have the flexibility and resources it needs to respond to the urgent need for legal services. Thanks to the many lawyers and law firms in our community who have stepped up to the plate and are shoulder to shoulder with us in creating justice for all in Northeastern New York. I hope I can count you among them. My best wishes to you and your loved ones during this holiday season and a healthy and prosperous New Year to all.

Sincerely yours,

Legal Aid matters because...

"Legal Aid helps people who often don't have anywhere else to turn. It's essential."

Rex Smith, Editor, Times Union

Legal Aid matters

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Left: Amy Klein thanks the law firm partners for their support of the Legal Aid Society.



Below: Tom O'Connor, Managing Partner at Hiscock Barclay, talks with LASNNY staffer Judy Swierczewski.



E. Stewart Jones and Kim Williams, co chairs of the 2006 Justice for All Campaign.

Right: Don Boyajian enjoys his captive audience Scott Fein and Michael Whiteman of Whiteman, Osterman and Hanna.



Below: Michael Whiteman, Lillian Moy and Peter Coffey.



Dear Friends,

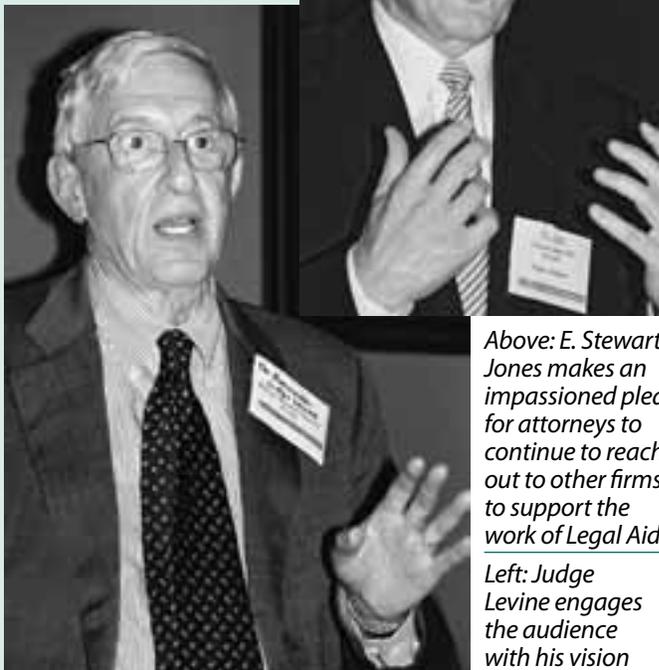
On October 12th over 50 attorneys gathered at Angelo's 677 Prime to launch the 2006 Justice for All Campaign. The Campaign, which enlists law firms and individual attorneys to support the work of LASNNY with multi-year gifts, has grown every year since its start in 2004. Our goal is 100% financial commitment from area law firms, in addition to generous gifts from individuals.

Please give generously to the Justice for All Campaign this year. To donate, visit us at www.lasnnny.org, or call Deanne Grimaldi at 689-6336.

Co-chairs

E. Stewart Jones, Jr.

G. Kimball Williams



Above: E. Stewart Jones makes an impassioned plea for attorneys to continue to reach out to other firms to support the work of Legal Aid.

Left: Judge Levine engages the audience with his vision of equal justice.

Whiteman Osterman & Hanna

continued from back page

Osterman & Hanna need to be vigilant in ensuring that LASNNY is adequately funded.

"One of the big reasons we like LASNNY," said Gitlen, "is that the group is accessible to the indigent population. People who need their services know who they are and where to find them."

But Gitlen realizes LASNNY can sometimes be hamstrung by financial constraints. "They're limited only by their resources," he said. Whiteman Osterman & Hanna LLP, "are trying to show that the (legal) profession supports Legal Aid so they're able to attract even more resources including public funding."

Doing His Fair Share

Forty-seven year old Alan Lecours, who's been practicing law for 22 years, has happily provided pro bono services from the time the Bar Association admitted him. Currently serving as partner in Lecours, Chertok, & Yates LLP in Saratoga Springs, his enthusiasm for pro bono hasn't wavered one bit.

The Western New England Law graduate is a big promoter of LASN-*NY's* mission to provide legal services to those who can't afford representation. "I think everybody is entitled to have good representation—it's our obligation as members of the Bar to make sure that happens," he said. It's important, too, for lawyers to structure their pro bono work, "so it doesn't become a competition with your practice. Legal Aid can help you to manage your cases."

Lecours received the PAI Distinguished Service Award from the LAS. "Alan has made a long-term commitment to our PAI program, and was recognized for many years of continual and exceptional service," said Lillian Moy, the Society's Director.

Well versed in bankruptcy law, Lecours has done his share to make sure people don't lose their homes as a result of an unmanageable debt burden. Of course, the climate has changed considerably, ever since Washington made it so difficult for those who need protection to get it. "The number of filings are down quite a bit—and it's not because the



economy is great," he added. "People are carrying record debt levels—they are really hurting out there, and they can't get the relief they formerly were able to attain."

The old system enabled lawyers to give clients a reasonable prediction about what they could expect. "And it was a very cost-effective and streamlined process. Now, the cost of filing has doubled, and the paperwork and filing fees are more onerous than ever. Debtors today aren't sure what they're going to get, and they can't afford representation, so they often do without it.

Lecours recalled one couple who came to him the day before a bank foreclosure. "We filed a Chapter 13 bankruptcy to stop the foreclosure," he said, "which wasn't over a lot of money. They got to the point where all the communication between them and the bank stopped, with the bank looking for big lump sum of money that they didn't have." He helped this couple, who had children, to work out a payment plan with the bank, and stay in their house.

He also recalled a woman who had filed for Social Security disability but hadn't received the payments yet. "She couldn't afford to pay insurance on her home because it was in such bad shape," he said. "And because of that cost, she fell behind on her mortgage payments." He was able to help her secure bankruptcy protection so she could keep her home.

"Everyone should do their fair share of pro bono. The public will feel we're responding to their needs. Obviously, there are only so many staff attorneys that Legal Aid can provide," he said. "We should step up and help out. And he cautioned that, "if we don't step up, pro bono may get mandated on us—and that won't work."

Lecours and his wife Laura, a pediatrician, live in Wilton and just celebrated their 25th anniversary in Hawaii. They are parents to Dan and Katie.

Thanks to the following attorneys who have accepted cases

from August 1, 2006 to October 30, 2006

Albany County:

Albany Law School (10)
Richard Croak
Christian Dribush
Marc Ehrlich (3)
Peter McHugh (2)
Michael J. O'Connor (5)
Joseph Rotello (2)
Greg Schaaf
Kathleen Toombs
Richard Weiskopf
Kim Williams

Clinton County:

Keith Bruno

Columbia County:

John Connor
Victor Meyers
Marilyn Carreras

Fulton County:

Albany Law School
John Compani

Greene County:

Jeffrey Baker
Nixon, Peabody
John Winans

Montgomery County:

Nixon, Peabody

Rensselaer County:

Albany Law School (5)
Ira Bloom
Bridget Burke
Michael Cunningham
Marc Ehrlich (3)
Nixon, Peabody
O'Connell & Aronowitz

Saratoga County:

Albany Law School (2)
Catherine Burkly
James Cox

James Doern
Richard Devall

Matthew Jones
Ronald Kim (2)
Alan LeCours
Emily Muller
William Reynolds
Allen Yates

Schenectady County:

Albany Law School (5)
Peter Coffey
Peter McHugh
Ira Mendelson
Schenectady County Bar Association/
David Burke (6)
Laura Silva

St. Lawrence County:

Maureen C. McGaw
John Collins

Thomas B. Wheeler
Michael Crowe
Natasha Hill
Cathleen O'Horo
Jerry C. Leek

Warren County:

Stacey Barrick
Steven Mastaitis
James Trainor

Washington County:

Vicki Bachmann
Robert Bean
James Doern
Thomas Clements
Bernadette Hollis
John Imhof
Daniel Mannix
Jeffrey McMorris



Pro Bono Opportunities

By Kristie M. Cinelli, PAI Paralegal for LASNNY

Pro Bono Opportunities—you hear it all of the time, it sounds kinda catchy but there is a reason why it we call it “opportunities.”

Volunteering allows access to justice for all. Lawyers are the only people who have the opportunity, and more importantly, the ability, to help us fulfill this mission. So, at the end of the day, when you look back at what you’ve done, always remember that you have made it possible—you have given someone an opportunity that they would not have had if it weren’t for you.

Scott & Lisa lived in a house with their eight children. Unfortunately, times were tough for them and they were unable to pay their rent. The day before a holiday weekend, they were served with a 72 hour notice of eviction. Scrambling and not knowing what to do, Lisa contacted The Legal Aid Society for assistance. The court hearing was set for the day after the holiday and we knew it would take a miracle to find an attorney in such a short period of time. Luckily, we make miracles happen every day and were able to find a lawyer for Scott and Lisa. They were able to work out a payment plan and stay in their home.

Claudia, Renee, Karen, Craig & Sandy are just a few of the people facing domestic violence and the issues that result from it. Each have reached out to the Legal Aid Society to obtain a divorce and to start the process of moving on. Luckily, we have attorneys who are dedicated to the cause and who are willing to spend the time to help each of these people. However, we need more attorneys who are willing to help people caught up in this type of circum-

stance. We cannot stress the importance of the work that an attorney provides and the impact that it has on a person like Claudia. The worst part of my job is making the phone call to a client, like Renee, to tell her that I was unable to find an attorney to

help her, especially when I know that Renee truly needed the guidance of an attorney. If you would like to offer your time and services to us in this area, please let us know—this is one difference worth making!

There are numerous benefits that The Legal Aid Society provides to our PAI volunteer lawyers:

- Malpractice insurance (secondary)
- Reimbursement for out-of-pocket expenses (up to \$200 no approval required.)
- Provide Certification of Indigency to cover cost of filing fees for qualifying clients
- Training Programs at no cost and for CLE credit
- Access to Westlaw via our PAI Paralegal
- “FREE PASS” (law students will provide free legal research)
- CLE credit for the time spent on a pro bono matter

Thank you!

Legal Aid matters because...

“We have the greatest legal system in the world, and legal aid provides access to people who would otherwise be denied the benefits of the system.”

*A. Vincent Buzard,
Immediate Past-President of
the NYS Bar Association*

Upcoming Trainings

Friday, December 1, 2006: Representing Victims of Domestic Violence: Family Offense Basics. At Bryant & Stratton, 1259 Central Avenue, Albany, NY

Transitional CLE Credit: 2.75 hours – Skills; 1.5 hours – Ethics; 2 hours – Professional Practice; .75 hour – Practice Management. CLE credits provided by the Women’s Bar Association of the State of New York. Sponsored by The Domestic Violence Legal Training Coalition.

Free for attorneys accepting a pro bono case OR for active PAI volunteers—call for details. For others, fees range from \$20 to \$140. Lunch included. For more information, contact Kristie Cinelli at 689-6322 or kcinelli@lasnny.org.

SAVE THE DATE:

March 14–March 16, 2007: Effective Representation Of Battered Women In Custody Proceedings: 2.5 day trial skills training at Albany Law School.

Mike Levato:

Giving Back to the Community

PROFILE: *board member*

Mike Levato of Canton is one of the longest serving board members on LASNNY, having previously served on the North Country Legal Services board prior to its merger with LASNNY. But his pro bono work actually predates his service on the board. It all started over 20 years ago in Virginia after he graduated from Syracuse law school.

He was an associate attorney from 1984–86, working for the Virginia Legal Aid Society. He recalled saving a family of 23—yes, 23—whose

members were on the verge of being evicted.

“They had fallen behind on their FHA mortgage,” he explained, “and we had to go to federal court.” Without his intervention, this family, consisting of one grandmother, her five daughters, and 17 grandchildren, would have become homeless. The problem, he said, was all about money, even though each of the adults had jobs. They were living so deeply in poverty that they couldn’t make the mortgage payments.

When he returned to his native North Country, landing a position with Leonard, Mellon & Gebo in Ogdensburg, he took his interest in pro bono work with him. “When I came back to New York, there was an opening for someone from St. Lawrence County to serve on the Legal Aid board, and

everybody has an obligation to give back to their community in some way

they chose me.” Lillian Moy, the Society’s Director, notes that Levato’s long commitment to North Country Legal Services and the Legal Aid Society gives him perspective on the challenges Legal Aid faces in 2006. Moy says that “Mike has been invaluable in introducing me to the local Bar in Canton and helping to ensure a seamless transition in 2004.”

Making the Most of It

How to Optimize IOLA Funding to LASNNY

One very important source of funding for LASNNY is the Interest on Lawyer Fund of the State of New York (IOLA), an innovative program the State created in 1983 to help fund organizations that provide legal assistance for people whose civil legal problems affect ability to find food, shelter, jobs and access to health care. Although IOLA is administered by a 15-member board appointed by the Governor and leaders of the State Legislature, it is not taxpayer-supported, nor does it provide any of its funding to governmental operations.

As Executive Director Lorna Blake pointed out, IOLA receives its fund-

ing solely from the interest on New York lawyers’ IOLA trust accounts. The Fund uses this income to award grants to non-profit organizations in New York that provide civil legal assistance to low-income people. In 2006, IOLA provided \$10 million in grants to over eighty grantee organizations. In recent years, IOLA grantees annually assisted more than 500,000 individuals with more than 250,000 legal problems, according to IOLA’s website.

Ms. Blake noted that not all IOLA accounts pay the same net rate of interest. “Where lawyers bank can make a difference,” she explained. “Attorneys who wish to help legal services providers such as LASNNY should consult the IOLA website (www.iola.org) to check which banks in their area are paying the best rate on IOLA accounts.” The IOLA website chart reflects that some banks pay as little as .35%, while others pay 2.75%. If all lawyers in New York State were to use the higher paying IOLA accounts, available grant funds would more than double, thus directly benefiting legal services programs like the Legal Aid Society.



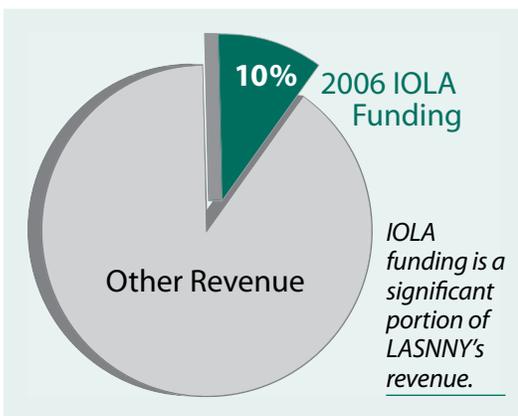
Most of his pro bono work today consists of “helping people with every day problems as simple as somebody getting a

ticket and not having the money to pay to fight it. It could be someone with child support issues needing a lawyer in family court.”

The 49-year-old Levato, who graduated from St. Lawrence University in 1981 and Syracuse Law School in 1984, has been married to his wife, Peggy, for 16 years. Their son, Anthony, is 15 years old.

So why does he do this work? “I think everybody has an obligation to give back to their community in some way—and this is a way to do it.” And even though Levato’s son is a sophomore in high school, he’s decided to remain involved in kids’ programs, serving

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Legal Aid matters because...

"Legal Aid Society provides an immeasurable service to those in need who otherwise would not have access to legal advice, direction and assistance."

*Rabbi Scott L. Shpeen,
Congregation Beth Emeth*

No Place Like Home

continued from page 1

me, how many of those people's housing could be saved?"

LASNNY also relies on its Private Attorney Involvement (PAI) program, in which outside attorneys take cases from LASNNY pro bono. "If we determine a case is meritorious," said Wahlberg, "we try to find a PAI attorney.

"There's no right to affordable or decent housing in this country," said Wahlberg, who pointed out that people living at or below the poverty level are spending 70 to 90 percent of their income on rent. She said if you're a poor person, you simply can't afford a safe, clean place to live "that's in a top-flight school district. This makes our eviction prevention work and our housing attorneys really the last resort as tenants fight to hang on to whatever housing they have found for their families and avoid placement in an emergency shelter."

Funding:

The Legal Aid Society of Northeastern New York is funded by grants from the Legal Services Corporation, the U.S. Department of Justice, the Interest on Lawyer Account Fund of the State of New York, U.S. Department of Housing & Urban Development, New York State Legislature, NYS Office of Temporary & Disability Assistance, NYS Division of Criminal Justice Services, NYS Department of Health, NYS Commission on Quality of Care for the Mentally Disabled, 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 Reservation Office for Aging, City of Saratoga Springs, City of Albany, Bank of America as trustee for the Frederick McDonald Trust, New York State Bar Foundation, United Way of Northeastern New York, Legal Aid Society of Rochester, Albany Law School, Nutrition Consortium of the State of New York, Bank of America, Law Firms and private contributors.

Empire State Counsel promotes pro bono

The New York State Bar Association, ever mindful of the value of pro bono work, has developed a new program to induce attorneys to provide free legal counsel to those who need it. President Mark H. Alcott launched the program, known as Empire State Counsel, on the very first day of his presidency, June 1. "I wanted to do something which would say to all of the lawyers in New York State that this is something that each of you must achieve—this isn't just something to which just a few heroes should contribute— this should be for everyone."

"The program honors attorneys who provide free legal services where they are most needed: to poor individuals," said Cynthia Feathers, Director of NYSBA's Pro Bono Affairs. "The program seeks to achieve the following goals: giving generous attorneys the recognition and congratulations they deserve; inspiring more members of the Bar to provide services to help better meet the vast need for free legal help; and letting the public know about the ways attorneys act in the public's interest."

The Empire State Counsel program gives special recognition to members who provide 50 hours of free legal services to the poor in a calendar year, beginning in 2006. Members who report voluntary service are given the honorific title, "Empire

State Counsel," which they can use as a credential. According to Feathers, participating attorneys receive a certificate suitable for framing, a ribbon, and a lapel pin. In addition, their names will be listed in the State Bar News, on the Association website, and in press releases.

Letters will also be sent to the Chairs of Sections and Committee alerting them to

members who have been named Empire State Counsel. So far almost 85 lawyers have been honored as Empire State Counsel.

To volunteer to do pro bono work call Kristie Cinelli at 518-689-6322.

"Some years ago," recalled Alcott, "there was a lot of talk about mandating pro bono. We at the Bar have always been opposed to that. My view is you don't punish people who fail to do something good. You reward them for doing it."

Mike Levato

continued from previous page

on the Pee Wee League Board. And he still coaches Little League baseball. Peggy is the alumni director for SUNY Canton.

Levato is the first in his family to become a lawyer. Originally, he said he had "no burning desire" to become an attorney. "It was just an option when I graduated from college. I took the LSAT and did well on it," leading him to understand he had a future in law.

A sole practitioner based in Canton, Levato represents clients in Supreme, County, Surrogate's and Family Courts, and every Justice Court in St. Lawrence County. He is a past President of the St. Lawrence County Bar Association, and a past board member for both St. Joseph's (Nursing Home) Foundation, and Citizens Against Violent Acts.



12th Annual
Holiday Party
December 20, 2006
5:30–7:30 PM
The NEW Hampton Inn,
Downtown Albany
Catered by Yono's
Santa and his elf will be
distributing gifts to the children.
For information call (518) 445-7691
or visit us online

new **Donate to our
Justice for All Campaign
ON LINE**
at www.lasny.org
—and check out our new look!

Whiteman Osterman & Hanna LLP:

Ensuring Representation for People in Need

One of the more fascinating things about the LAS Justice for All Board is that its membership firms come from a variety of backgrounds. Whether they specialize in environmental or matrimonial law, they all share one thing in common: a desire to help poor people get the legal services they need. This is true even for firms that may not have a great deal of experience in helping people in need.

to do whatever it could for LASNNY, which is why it agreed to become one of the “leadership” firms in the Justice for All fundraising campaign.

Gitlen, together with partner Michael Whiteman and Senior Counsel Judge Howard Levine, agree that doing the firm’s part to help LASNNY is “important because we recognize that it is the (law) profession’s responsibility to be sure that the indigent are adequately represented.”

assistance in areas such as public assistance or housing. We don’t have experience in that arena.” For example, he has done pro bono environmental law cases, including work for the Sierra Club with regard to public access to waterways and other matters.



Phil Gitlen

By helping to lead this year’s JFA campaign, he said, “we believe we’re able to satisfy our obligation to the public.”

Gitlen said he realizes that fundraising for a not-for-profit group that provides free legal representation to poor people can be a difficult challenge. He said that is why firms like Whiteman

PROFILE: *justice for all leadership*

Take one of the region’s leading firms, for instance: Whiteman Osterman & Hanna LLP. Co-Managing Partner Phil Gitlen will readily admit that “we don’t have a lot of experience in the arena” of helping poor people. Nevertheless, the firm stepped forward

This isn’t to say that Whiteman Osterman & Hanna has not pro-

vided pro bono representation, said Gitlen. But he said the firm’s work has been “limited to the types of cases we can really add something to—which don’t necessarily include the garden variety cases where the indigent need

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