

our mission

The Legal Aid Society of Northeastern New York is a non-profit law firm that advocates on 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

Remember our
SEFA number:
150-50

Legal Aid matters because...

"It gives help and hope to the most vulnerable and disadvantaged among us."

Mark H. Alcott,
President, NYSBA

Clients recover \$2 million through Disability Advocacy Project

Life is hard to manage if you can't work due to a medical condition, especially if you've been denied Social Security Disability. It may seem impossible to challenge the ruling against you. Put yourself in these shoes; then add the stress of not being able to afford a lawyer.

Now, imagine the kind of relief you'd find through assistance from the Legal Aid Society of Northeastern New York. What a difference!

The difference, with the Legal Aid Disability Advocacy Project (DAP), is just over \$2 million in benefits, direct money for more than 400 clients in 2005, dollars that are spent in our local communities. Hundreds of thousands of dollars are also recovered for New York State.

Through a grant from the NYS Office for Temporary Disability Assistance, the LASNNY DAP helps low-income individuals throughout its 16-county service area appeal the denial of Social Security Disability benefits.

Each case begins with exhaustive interviewing and collection of all evidence. Peter Racette, Deputy Director and DAP coordinator, says, "The medical records themselves don't show that a patient meets legal standards for disability. We have to tie the two together—the medical findings with the criteria for social security—and make an argument to the judge."

The client's attorney prepares material for an initial administrative hearing, a subsequent administrative appeal, if necessary, and on occasion, a case before the U.S. District Court. At any

step in the process, the case can be remanded to previous stages. Says Peter, "With cases bouncing up and down, back and forth, and six to seven month waits between every stage, the social security administrative appeals process is particularly laborious. We win the majority at the original hearing, but we have a number of cases that have been opened for more than five years, some going on 10 years."

As DAP coordinator, Peter documents for the NYS Office for Temporary Disability Assistance effective utilization of grant funds. The State has very specific criteria for the grant, including requiring grant recipients to win 65 percent of their cases; Peter reports that the LASNNY wins 80 to 85 percent.

On investment of its grant money, the State also expects a return, which it evaluates in terms of dollars recovered for NYS. If a case is successful and the client is paid retroactively, Social Security must return to the State any money it expended on public assistance while the client was without disability income. Through this avenue, LASNNY cases recovered \$650,000 for the State in 2005.

In addition, the State tracks what it recovers when the results of a case change the Medicaid reimbursement schedule and also what it saves during the projected time disability payments may keep a client off public assistance in the future. Here, the State expects \$2 from for every \$1 it spends. "On our \$430,000 grant, that means \$860,000 in indirect savings," says Peter, "and we've always met that."

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FROM THE *executive director*

Housing Matters

Just when the summer was off to a good start, we got bad news at the Legal Aid Society. We were just notified that our Emergency Shelter Grants—about \$115,000 in total—were not renewed. The grantmaking process is extremely competitive, and while we knew it was an uphill battle, we were nonetheless very disappointed.

This grant supported our core legal services in the field of housing. Attorneys helped prevent homelessness for clients throughout the Legal Aid Society's service area. While it is a blow, we will make every effort to recover and maintain some representation to low income families at risk of homelessness. With the loss of our United Way funding for this same project, it is a moment of great concern for our housing clients. If you can support continued housing

Legal Aid matters because...

"It is a "barrier buster" to accessing the legal system by economically disadvantaged individuals, particularly our senior citizens. Thus, appropriate legal assistance is delivered to those less fortunate people who would otherwise not be afforded such services."

*Vincent W. Colonno,
Commissioner, Albany County
Department for Aging*

representation by making a contribution, please send us your donation and write "housing matters" on the check. If you can help by taking a pro bono housing case, please email our new PAI Paralegal, Kristie Cinelli, at kcinelli@lasnny.org.

Earlier this summer, Schoharie and Montgomery Counties were declared federal and state disaster areas due to flooding. Kristie Cinelli, our new PAI Paralegal, reached out to local lawyers and bar associations for their assistance in handling pro bono matters for flood victims. I also worked closely with Kate Madigan, President-Elect of the New York State Bar Association, and Lai Sun Yee, General Counsel to the State Emergency Management Office, to ensure that pro bono resources are available for low income flood victims.

In July I also had the chance to prepare our first full six-month report on our Domestic Violence Legal Assistance Project (DVLAP) serving rural victims of domestic violence in 13 of our 16 counties. It is horrifying to read the stories of battering, degradation and violence our clients face—it is gratifying to know that our DVLAP attorneys are working very hard to free them from abuse. With cases ranging from housing matters to matrimonials, Legal Aid lawyers are using their skills to ensure that victims and their children will be safe from violence. This project also allows us to establish relationships with ten community and faith-based domestic violence service providers so that mutual referrals and support services are provided to our domestic violence clients. We are also offering free trainings on "Best Practices in Matrimonial Proceedings" to private attorneys who agree to accept a pro bono case for a victim of domestic

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violence. Special Thanks to the Hon. Vito Caruso, Hon. J. Timothy Breen, Hon. Stephen Ferradino and Hon. Courtenay Hall for training at our "Best Practices" event in Fort Edward, NY. We'll be in Amsterdam and Plattsburgh with this event later this Fall.

Summer has also been marked by the efforts of our summer law clerks and volunteers. Special thanks to Bob Barrowman, Justin Myers, Aleksandar Nicolic, Stuart Reff, Meghan Slutsky, Valerie Vander Wal and David Young who assisted our staff in our Albany office; to Jennifer Clark, who assisted our staff in our Canton office, and to Lettie Dickerson, who assisted our staff in our Saratoga office, for your service at the Legal Aid Society this summer.

Thank you for your ongoing support. Please feel free to email me at lmoy@lasnny.org with your questions and concerns.

Sincerely,

Legal Aid matters

September 2006

A regular bulletin published by the Legal Aid Society of Northeastern New York, Inc.

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Our Towne

James Towne isn't native to the Capital District, but it's a place he's truly proud to call home. Teasing, like many of us do, that it's the "transplants" like him who most appreciate the area, Jim says, "The Capital Region has been very generous to me. It's a nice place to live."

He has been in the region since 1972, when he entered Albany Law School. He recognized that the area offered a lifestyle where he could "spend more time with my family and not be in an environment where I had to commute." Jim grew up outside New York City, where long commutes were a reality for many people. He says, "The biggest reason I decided to stay is because it's a great community."

His affection for the people and communities here has fueled his desire to give something back, he says, "to a community that's been so good to me and my family." For Jim, a partner in The Towne Law Offices, P.C., the general law practice that bears his name, "giving back" manifests itself as volunteer work with numerous organizations, including the Legal Aid Society of Northeastern New York.

The Legal Aid Society has recognized Jim's pro bono work with a nomination for an American Bar Association pro bono award and with bestowing upon him its Private Attorney Involvement Distinguished Service Award twice. But Jim's service to the Legal Aid Society extends far beyond volunteering to handle casework—Jim has been a member of the Board of Directors for approximately 17 years.

Legal Aid matters because...

"Legal Aid gives hope in hopeless situations."

Barbara Davis, Executive Director, Albany County Bar Association



PROFILE: *board member*

This significant commitment to Legal Aid illustrates both Jim's dedication to the legal profession and his pride in fellow attorneys who, he believes, stand out among all other professionals. He says, "I like to support the organization. I hold my right to practice law in very high regard. The Legal Aid Society is the only professional society—for any profession—that is organized and paid for by its members. There's no Dental Aid Society, for example. We're the only ones."

Lillian Moy, the Society's Director, says "I am so grateful for Jim's constant support through the years. He's a Board member who really gets involved in our work—from Board committees to pro bono cases to our Justice for All campaign."

As senior principal at his firm, Jim, with partner Susan Bartkowski, leads a team of attorneys, paralegals and assistants.

Through offices in Albany, Saratoga and Schoharie Counties, the mid-sized practice serves clients in various areas of the law.

Jim resides in Burnt Hills with his wife Susan. They married after meeting through Cub Scouts, where they each had a son participating. Their boys are now 29 years old; one lives in Boston, the other in the New York City area.

When the boys were young, the family lived on a small farm in Saratoga County where they owned four or five thoroughbred horses. Shortly after the kids went off to college, he and his wife gave it up, deciding it wasn't as much fun without the boys.

Jim's main passion is sailing. He calls himself an "avid sailor," and he's had many adventures, including a trans-Atlantic race a few years ago. He has also sailed off the coast of Africa.

It's a Dog's Life!



Legal Aid staffers (and their dogs and kids) join the Albany County Bar Association's Run Against Domestic Violence



Dedicated LASNNY volunteer receives NYS Bar Association Pro Bono Award

The New York State Bar Association has awarded Hon. James E. Doern its 2006 President's Pro Bono Service Award for an individual attorney in the Fourth Judicial District. Jim, who has served the Legal Aid Society as a member of its Private Attorney Involvement (PAI) Panel since 1997, accepted the award at the annual Law Day luncheon on May 1.

Recipients for the President's Pro Bono Service Awards were selected based on pro bono services provided in 2005; Lillian Moy, executive director of the Legal Aid Society of

PROFILE: PAI volunteer

Northeastern New York, nominated Jim for the prestigious award earlier this spring. In her nomination, she not only noted Jim's years of participation on the PAI Panel but also mentioned that his level of service has increased with each year. In 2005, Jim volunteered more than 75 hours in pro bono work, including cases for the Legal Aid Society that ultimately benefited 21 people.

"Folks that qualify with the Legal Aid Society are very low income. Without LAS services," says Jim, explaining his strong commitment to the organization, "they'd have no access to legal assistance and suffer creditor harassment. This gives them some relief. They're already struggling."

Jim has been involved with the Legal Aid Society for approximately 15 years—for as long as he's been in practice, he says. He is a partner in the Saratoga Springs law firm Rodriguez & Doern, PLLC, whose primary focus is helping clients navigate bankruptcy proceedings, most frequently under Chapters 7 and 13.

Jim is also a part-time judge in Saratoga Springs City Court, past president of the Saratoga County Bar

Association and vice president of the Capital Region Bankruptcy Bar Association. He says his work as a City Court judge gives him a unique perspective on the importance of making sure people have access to legal services.

"I believe it's part of the professional responsibilities of attorneys to provide some free legal services to low income people. Personally, it's a moral responsibility, as well. Helping is the right thing. Nothing's more fundamental."

"The firm as a whole," he adds, "has that philosophy. We do a lot of bankruptcy work on a pro bono basis."

He expresses great pride in his participation on a relatively new committee specific to the Fourth Judicial District for the State of New York. Spearheaded by Administrative Judge Vito Caruso, the committee examines

pro bono services currently provided by attorneys in the district and seeks to raise the amount of pro bono work done in each county within the district.

Originally from Tarrytown, New York, Jim came to the Capital District to attend Skidmore College and Albany Law School. He has since settled in the area, living with his wife and their two children, ages six and nine. Outside his practice and his family, Jim enjoys fishing. Although he tried



Jim Doern with Hon. Judith S. Kaye, Chief Judge of the State of New York, at the award ceremony.

fly-fishing recently, he is a spin-caster, primarily, who fishes for bass. He loves it, he says, because "you don't have to be good at it. The worst fisherman can have the best day fishing."

Free PASS: Pro Bono Law Clerks for PAI Attorneys

The Legal Aid Society is pleased to announce a new cooperative venture with the Albany Law School's Pro Bono Society. The Pro Bono Society is a group of ALS law students committed to offering pro bono opportunities to ALS students. Upper class students will be recruited to volunteer for our new Free PASS (Free Private Attorney Support Services) program. Through this program, second and third year law students will volunteer to provide three to four of free legal research on a pro bono matter for a PAI volunteer. At the time you accept a case, please let Kristie Cinelli, our PAI Paralegal, know that you are interested in having the assistance of a free law clerk. She will attempt

to match you with a volunteer from the Pro Bono Society. In addition to the Free PASS program, a group of upper class students at Albany Law School will receive basic training in landlord-tenant matters. They will be available to assist in legal research and drafting pleadings for eviction or other housing cases you have accepted on a pro bono basis.

Please take advantage of this exciting new resource. The Legal Aid Society especially wants to thank Olivia Nix and Justin Myers, who will coordinate the program for the Albany Law School's Pro Bono Society.

E-mail Kristie at kcinelli@lasnny.org if you need the assistance of a pro bono law clerk.

Thanks to
the following
attorneys who
have
accepted cases

from April 1, 2006 to
August 3, 2006

Albany County

Linn Baker (2)
John Compani
Guy Criscione, Jr.
Richard Croak
Michael J. Cunningham
Brian F. Mumford
Edwin J. Tobin
G. Kimball Williams

Clinton/Essex/Franklin/ Hamilton Counties

Justin Herzog (5)

Fulton/Montgomery/ Schoharie Counties

Brian Toal

Rensselaer County

Arthur F. Glass
Thomas V. Kenney, Jr.

Saratoga County

Dean M. Coon
James Cox

Schenectady County

Barbara Guzman

Warren/Washington Counties

Lewis Roth



Hello all! My name is Kristie Cinelli and I am the new Private Attorney Involvement (PAI) Paralegal for the Legal Aid Society Albany, Saratoga Springs and Amsterdam offices.

Some background and what led me to, “my saving face.” After graduating from college in 1991, I interviewed with Legal Aid, but lack of experience set me off in a different direction. For a few years, I worked in matrimonial and family law, then in real estate, then as a staff paralegal for Allstate Insurance, in both Albany and Ohio, for eight years. I returned from Ohio in 2004 and began working in the private sector but did not feel I was making a difference in anyone’s life. Finally, I was given the opportunity to do just that at the Legal Aid Society.

While I have only been here for two months, I can hear the impact I have on

a client’s state of mind when they know I am doing all I can to make sure that they get the legal representation or advice that they deserve, regardless of their economic status. When I find them a PAI attorney, all I can do is smile—I can’t think of a better way to spend my day.

I quickly learned a PAI volunteer is *priceless*. A PAI attorney is someone who knows what is right, that the law applies to all and that the only guarantee that everyone is able to receive justice is by volunteering his or her time to make sure of just that! I thank you for taking part in the Legal Aid Society’s mission of ensuring justice for all. For you know that one can not just think about what is right, but one must *do* what is right. Thank you.

I look forward to getting to know you!

Kristie M. Cinelli
Kcinelli@lasnny.org

Remember our
SEFA number:

150-50

*Legal Aid
matters
because...*

“It helps those in
need gain access
to the Courts.”

*St. Lawrence County
Bar Association
Executive Committee*

Free Trainings Offered for Pro Bono Attorneys

Matrimonial Actions and Domestic Violence: A full day CLE training which will include a panel of supreme court judges regarding best practices in matrimonial actions. This training is free to attorneys who will agree to take a pro bono case from the LASNNY (a fee will be charged for non-pro bono attorneys). The training is co-sponsored by the Rural Law Center, Inc. For more information, contact RLC at 561-5460 or 866-324-1183

Dates: (1) Friday October 13: in or around Plattsburgh
(2) Friday October 27: in or around Fonda/Amsterdam

Family Offense Basics: A full day free CLE training for attorneys willing to accept one pro bono case each from both LASNNY and The Legal Project (a fee will be charged for non-pro bono attorneys). For more information contact Kristie Cinelli at 689-6322.

Date: Friday December 1: in or around Albany

Hinman Straub infuses community involvement into firm's culture

Legal Aid Society's JFA campaign welcomes leadership

Community involvement is so important to the law offices of Hinman Straub that the firm created an internal committee to coordinate it and ensure it remained a priority. While attorneys and staff were always active in the community, development of the committee over one year ago formalized this commitment, making it an integral part of the firm's culture.

Laura Turnblom, James Potter and Kevin Quinn chair Hinman Straub's Community Involvement Committee. Laura is an associate attorney practicing health law and government relations; both Jim and Kevin are partners in the firm, with practice areas in litigation and education/government relations, respectively. Jim is also president of the Albany County Bar Association.

Together with the firm's shareholders, the committee decided to support the Legal Aid Society's Justice for All (JFA) campaign at the leadership level, which recognizes firms who donate a minimum of \$200 per attorney. Because Hinman Straub understands the need for legal services beyond what it can offer through pro bono services alone, it elected to make a significant financial contribution to Legal Aid to ensure a broad spectrum of services to those who truly need assistance.

G. Kimball Williams

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attorney annually, he says, "The Legal Aid staff spends an incredible amount of time, disproportionately to time spent securing services, scrambling year to year to get funding. By having attorneys agree to support Legal Aid at this rate, it provides a steady, predictable stream of income and allows the Legal Aid Society to focus more on providing services."

Laura notes, "Economic barriers often preclude individuals from receiving necessary legal services. This lack of representation usually involves matters that affect an individual's most basic human needs, such as housing, health-care, disability benefits and food, things that many people take for granted."

Speaking specifically to Hinman Straub's contribution to JFA, she adds, "This support improves access to services that low-income individuals may otherwise



Laura Turnblom, Kevin Quinn and James Potter

be precluded from. Justice for All allows individuals to receive excellent legal services regardless of ability to pay."

Located on State Street in Albany, Hinman Straub P.C. provides expertise ranging from health law to insurance, financial planning, labor, education and government relations. Individual, institutional and corporate clients benefit from the firm's strong relationships with government, judiciary and business leaders and its well-established reputation.

Built over more than 70 years, Hinman Straub's extensive knowledge of

the intricacies and protocols of government positions it as a leader in the practice of government law, including advocating for clients before the New York State legislature and state regulatory agencies, drafting legislation, insuring implementation of new laws and guiding clients through the regulatory process. Nationally, clients turn to Hinman Straub for its expertise in New York State.

Through its Community Involvement Committee, the firm supports individual attorneys and staff as they participate in a wide range of community activities by volunteering, doing

PROFILE: *justice for all leadership*

pro bono work, serving on boards and making financial contributions.

The Legal Aid Society's annual Justice for All (JFA) fundraising campaign enhances the ability of the Society to provide access to quality civil legal services for people in Northeastern New York. To contribute to Justice for All at any level, please contact Deanne Grimaldi, Development Director: dgrimaldi@lasnny.org or (518) 689-6336.

Disability Advocacy

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Although The Legal Aid Society handles the majority of its disability cases under the Disability Advocacy Project, some cases fall under its HIV Project, the Children's Law Project and certain protection and advocacy grants for the developmentally disabled and mentally ill. The statistics provided for 2005 reflect all projects handling disability cases.

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 Dept. for Aging, Fulton Co. Dept. for Aging, St. Lawrence County Dept. for Aging, Washington Co. Dept. for Aging, St. Regis 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, Altria Group Inc., 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, and private contributors.

Join Us
JUSTICE FOR ALL
Campaign Kickoff
Thursday, October 12th
 5:30 p.m., Angelos 677 Prime
 Call for details: 689-6336

**Remember our SEFA number:
 150-50**

Pies, Poker and Pro Bono

When you see Kim Williams, you may be tempted to ask him for legal advice or even for information about the Justice For All campaign, which he co-chairs with E. Stewart Jones for the Legal Aid Society. And those are important topics, for sure.

But if you really want to make things interesting, ask Kim to cater your next coffee hour! You see, G. Kimball “Kim” Williams, a principal in the firm of McNamee, Lochner, Titus &

Kim learned the hard way to avoid heavy gambling. As a child on a trip with his family, he begged his parents to play his allowance in one of the slot machines. He lost everything, his whole allowance, which was 25 cents. He says, “Back then you could buy a butterscotch sundae and a comic book with 25 cents. [It] cured me of gambling.”



they are well-versed with eviction statutes. The tenants are not; they are at a disadvantage. Representation levels the playing field.”

In addition, Kim’s firm, McNamee, Lochner, Titus & Williams, was among the JFA campaign’s first leaders. Says Kim, “We all feel, as attorneys, an obligation to do what we can to ensure people with low income have access to legal services.”

The stakes here are much more significant than pocket change. Kim says, “Some have the misperception that some of what Legal Aid does is outside the mainstream. It’s not like that. These are bread and butter services, addressing homelessness, domestic violence, HIV and health issues. Really basic legal services.”

Encouraging firms to participate in Justice for All at the leadership level, which is a rate of at least \$200 per

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PROFILE: *justice for all leadership*

Williams, P.C., considers himself an accomplished dessert chef, specializing in fancy cookie bars and pie crusts. He might also deal you into his monthly poker game, but be prepared to lay your pocket change on the line. The stakes in a game started years ago by a group of “hockey dads” are small—nickels, dimes, and quarters.

The desire to mitigate risk carries over into Kim’s generous support of Legal Aid. He considers an uneven playing field a liability in our system of justice; as result, he takes a number of cases pro bono. Citing housing disputes as an example, he says, “Landlords have the upper hand because