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

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April 2013

Legal Aid matters

A History of

CHAMPIONS and ADVOCATES

As LASNNY marks its 90th Anniversary, the firm continues and expands its tradition of service. This community built organization was established to serve the legal needs of the economically disenfranchised in Albany. These needs are still the prize that staff and volunteers eye in their day to day work providing high quality representation to individuals and families, not just in the city of Albany, but to low income people from the Catskills to Canada.

Leaders from a cross section of Albany realms — politics, commerce, religion and the law — came together in 1923 to address the civil legal needs of people without means.

This concept was spreading across the nation because of a book titled Justice and the Poor. Written by Reginald Heber Smith and published in 1919, the work spurred the American Bar Association to form the Special Committee on Legal Aid Work, which inspired bar associations to also form such committees on regional levels.

Renowned performer Paul Robeson thanks Arthur Harvey for successfully arguing the case to allow him to perform in Albany.

The Legal Aid Society of Northeastern New York Celebrates 90 Years

Ruth M. Miner was the first attorney, paid $50 a month

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Growth and Change

There has been a great deal of growth and change at the Legal Aid Society. With the hiring of our new Managing Attorneys — Steve Baker, Anne Malak and Bob Romaker — we are moving forward with our management restructuring. Welcome to Kelcie Racino, Diane DeGroat, Laura Dwyer, Adam DeFayette, Sara Neitzel, Bronson Stephens, Robert Magee, Ann Zagare and Karen Magnusen who have recently joined our team, thanks to our Judiciary Civil Legal Services and Home Ownership Protection Project (HOPP) funding. We will be working on mortgage foreclosures and other cases to meet our clients’ basic necessities.

I’m also pleased to announce that LASNNY is convening a new Private Attorney Involvement (PAI) Advisory Committee. The members of the Committee thus far include Hon. Vito Caruso, Dan Hurteau, Hon. Thomas Mercure, Lisa Mills, Malcolm O’Hara, Joel Peller and Bethany Schumann-McGhee (committee in formation). The PAI Advisory Committee will help us develop new PAI programs to fill gaps in services at the Legal Aid Society and the local community. Our Board Pro Bono Committee – Steve Johnston and John Caffrey – and Kristie Cinelli, our PAI Director will also work with our Advisory Committee. Please thank our members for devoting their time to this worthy effort. Your thoughts for improving and expanding our PAI Program are welcome as well.

We are also planning our 90th Anniversary Celebration for May 2, 2013. I’m pleased to announce that Chief Judge Jonathan Lippman will receive the inaugural Arthur J. Harvey Award. I am also delighted to announce that my long term colleague Mary Withington will receive the Ruth M. Miner award.

I’m interested in any articles, cases, or memorabilia our Legal Aid alumni have — email me at lmoy@lasnny.org if you have something to add to our history. Details on our celebration to follow.

As a member of the Chief Judge’s Task Force to Expand Access to Civil Legal Services, I’m delighted that the Administrative Board has already adopted the Task Force recommendations to increase the aspirational goal for pro bono by lawyers throughout New York from 20 hours to 50 hours. In addition, over time, I hope that mandatory reporting of pro bono hours and financial contributions to civil legal aid organizations will enhance both. I salute the Chief Judge and the Administrative Board for all their efforts to create access to justice.

I am also grateful for another successful year in our Justice for All campaign. Your generous donations make our work possible. My deepest thanks for your support.

I hope to see you all on May 2.
A life-long dedication

“I would say that in large measure, my life is the law,” said E. Stewart Jones, Jr., the new chair of the LASNNY Board of Directors. The Troy native, who has tried civil and criminal cases for 45 years, is the third generation in his law firm, which started in 1898.

“I’ve always been for equal opportunity whether it’s education, civil justice or criminal justice,” said Jones.

PROFILE: board member

“People regardless of their means should have the opportunity to participate effectively and meaningfully in the system.”

His relationship with LASNNY began in the form of donations. LASNNY Executive Director Lillian Moy asked him to lead the Justice for All Campaign in 2004 in order to fortify LASNNY’s annual fund. The request came to Jones because of his longstanding support of area nonprofits, and his position as a community leader.

“The objective was to develop an annual campaign in which we would go to lawyers and large firms and ask them to make substantial financial commitments on behalf of the firms or themselves individually,” said Jones, who met with dozens of firms throughout the region.

The campaign is a success, solidifying the annual fund and providing a solid means of financial support for legal aid beyond government funds and grants. Perhaps the achievement can be attributed to Jones’ ability to articulate the necessity, obligation and duty for lawyers and law firms to stand behind equal justice.

“We are lucky to be lawyers. It’s a great profession and for it to be an honorable and noble profession, we have to make sure everyone can participate,” he said. “Criminal justice has public defenders. Civil justice needs organizations like Legal Aid whose attorneys are trained to do a variety of things that most private practitioners don’t do.”

Jones remains co-chair of the campaign. During his service on the board of directors, he’s seen how complex the organization is, and is impressed by the competence and skill of its leadership and driving force, Lillian Moy. Jones looks forward to helping Moy, Deanne Grimaldi and the organization face the challenges of its next decade, which he sees as primarily economic.

“The economic challenges have a ripple effect,” he said. “One, it makes more difficult the work they do, because there’s an increasing demand for their services. Yet there’s greater difficulty to secure adequate funding through the government and grants.”

Lillian Moy says, “It’s a great honor to have Stu as president. His knowledge of and commitment to LASNNY is so deep that this is a perfect position for him.”

Jones’ goal is to give LASNNY a more prominent voice and representation in the legal community. Such awareness can translate to direct financial support, as has been the case with the Justice for All Campaign.

HONOREES

Arthur J. Harvey Award
Chief Judge Jonathan Lippman

Ruth M. Miner Award
Mary Withington, Esq.
The walls of Mike O’Donnell’s living room are decorated with pictures of cities and stadiums, and he looks forward to collecting team pennants on trips with his son, Derrick. The father and son do not live together now, but that will soon change, thanks to the help of LASNNY PAI volunteer Mike O’Brien, who just announced O’Donnell won custody of Derrick this March.

O’Brien has been handling O’Donnell’s custody and visitation case since late 2011. O’Brien and O’Donnell are both veterans. The client served in the Army Airborne in Vietnam, and the lawyer served 34 years in the National Guard. When O’Brien retired from the NYS Health Department in 2010, he came to LASNNY with an interest in helping veterans. It was a synchronous moment, because the organization had just set up a counseling project for veterans. This put the two men in each other’s path.

Mike O’Donnell volunteers at the Vet House on First Street in Albany, one of the sites where O’Brien counsels veterans. When Derrick moved from his mother’s house to foster care, Mike lost contact with his son, and he approached the lawyer for help.

O’Brien advised O’Donnell to stay in touch through letters and build a rapport with caseworkers at Schoharie County Social Services.

“Last summer the boy started asking for his father to visit,” said O’Brien. Now, the two are having regular visits, at least every other week, either at the Berkshire Farms facility where he lives, or weekend visits in Mike’s Albany apartment.

After almost two years of living in foster, group and residential homes, Derrick sent a letter last December to the Schoharie Family Court requesting that he be allowed to live with his father and attend Albany High. He wrote the judge that he realizes that no one can help him but himself, and is committed to self-improvement.

The fourteen year old described his sense of responsibility, writing of plans for holding a part time job, and preparing for college. It included a report card, showing a record of applying himself to his studies. But it didn’t directly state what his father and lawyer have said: that the boy is a mentor for others at Berkshire Farms, and is really turning his life around.

“I kept telling him to work hard in school, and he did,” said O’Donnell, who is very proud of his boy’s initiative.

This PAI case is far more involved than most PAI cases.

“I’ve been seeing vets with money issues, vets who need shelter, or need help applying for SSI or veteran benefits,” O’Brien said of his other work for LASNNY. He’s given about 100 hours to this custody and visitation case, helping with bare logistics like transportation for O’Donnell, to the real meat of the matter, case management meetings and court sessions. The investment is paying off, just in terms of the connection the father and son have developed. The potential that the father and son may live together this summer is very rewarding, too.

“Most of the cases you work on you don’t see such a nice progression,” said O’Brien.

The satisfaction appears to be mutual. “I could not have done a thing without Mike,” said O’Donnell, who regularly praises the aid LASNNY offers to veterans.
Private Attorney Involvement (PAI) directs a portion of funds from the Legal Services Corporation toward facilitating private attorney involvement in legal aid service organizations. The 1984 regulation was unpopular because it diverted money from providing free legal services to low income people. However, over time, feelings in the legal aid community toward this requirement have softened.

“The fact that we were required to interact more with members of the bar led to strong relationships with local bar associations,” said Lillian Moy.

These relationships serve the cause of equal justice in a number of ways. Spending an amount equal to 12.5% of LSC funding on staff and programs to facilitate private attorney involvement has brought lawyers in private practice in direct contact with the work and mission of legal aid agencies, and broadened awareness of the demand for free legal aid. This awareness created strong allies for legal aid as funding comes under fire on the national level.

“Initially there was distrust on both sides, but eventually it led to a pretty collaborative working relationship that benefits the whole community,” Lillian Moy explained.

LASNNY has staff dedicated to providing the infrastructure that makes it easier for pro bono attorneys to volunteer services. Offering liability insurance is one element, as is screening for eligibility on the basis of income and a case’s merit, and a collaborative working relationship.

Mike Foster, who worked at LASNNY from 1979-2005, was the first staff member to tackle the PAI requirement. He recalls going to bar association meetings to solicit participation and support, and building a panel of private attorneys to work on cases. The involvement made sense, especially as the lawyers brought in new skillsets and expertise.

“There were areas of law we were not as well versed in as the private bar,” said Foster, such as foreclosures, and some family law matters.

Kim Williams trained in landlord tenant law with LASNNY almost 25 years ago, and has been volunteering as a private attorney in this area since. He finds the work very satisfying.

“By and large, the tenant in city court is up against a very knowledgeable landlord, if not the landlord’s attorney, and is therefore at a distinct disadvantage,” said Williams. “When private attorneys get involved the roles are often reversed. The tenants are in much a better position and the prospects of a resolution that is fair to both sides are greatly improved.”

In one case, Williams helped a woman, who had set aside part of her monthly welfare grant to start a daycare, but then ran into problems with the post 9/11 climate and insurance requirements of the public housing in which she lived. She needed legal aid to fight the housing authority’s efforts to evict her and her daycare. Her framed thank you note, and a picture of the children in her daycare, are on the wall of his office.
Leaders from a cross section of Albany... came together in 1923 to address the civil legal needs of people without means."

In Albany, a board of directors populated by the city’s mayor, leader of Catholic Charities, and head of the Chamber of Commerce among other prominent community members, gave shape to the idea. Ruth M. Miner was the first attorneym paid $50 a month from an unusual fund—a hat passed at monthly board meetings to collect her salary. That first year, 1923, 93 clients were served. By the late 1930s, almost 900 clients a year received help from LAS, and Ruth Miner had migrated to president of the board, where she continued to serve the agency until the late 1950s. The next lead attorney, Arthur Harvey, came to work at LAS in 1934. “I don’t recall a dinner in our house,” he remembers, “but there was this whole family atmosphere at LAS. They had this champion, Jonathan Harvey, and people tipping their hats and greeting Harvey as they passed on the street in downtown Albany. “He always felt that he was an underdog and these people were the underdogs. Now they had this champion, and that was the habit of a lifetime for him,” said Harvey. “We knew that the representation of these people gave him joy.”

Arthur Harvey is remembered for one high profile case in particular. He represented the Carver Society when their attempt to bring Paul Robeson to Albany was thwarted in 1947. Judge Bookstein heard Harvey’s arguments and ordered that the permit for the concert be reinstated, but that Robeson was only to sing and perform, not make a political statement. Jonathan Harvey recalls that his mother was not sure that the state police would protect her or her father if violence broke out. The evening was peaceful, and Robeson circumnavigated the judge’s order by singing a number of songs in Chinese. “People who were familiar with his repertoire knew they were rabid Communist liberal left wing songs,” said Harvey.

As with the inception of the LAS, what was happening on a national level influenced legal aid on the local level. During the 1940s, LAS tackled many cases for veterans of WWII. In the 1960s, President Johnson’s Great Society vision directed funding to legal aid. As the political climate, economy, and the prevailing winds toward social services shifted in the country, however, local support for legal aid was strong.

Rex Ruthman was a young attorney when he joined the Legal Aid Society Board in the mid-1960s. Ruthman remembers, “Arthur Harvey, the famous old lion of legal aid, had just retired. Larry Klepfer was the director and, with his fellow attorneys, carried the torch. From the cornerstone of a vision, the organization emerged as a cornerstone of a just society. We were led by two outstanding men: Arthur Harvey, the famous old lion of legal aid, had just retired. Larry Klepfer was the director and, with his fellow attorneys, carried the torch. From the cornerstone of a vision, the organization emerged as a cornerstone of a just society. We were led by two outstanding men: Arthur Harvey, the head of the Chamber of Commerce, Catholic Charities, and the Legal Aid Society.”

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Legal Aid handles "Domestic Actions." 

LAS served 879 clients in "social problems" including family law, landlord-tenant, surrogate’s court, wage claims and collections.

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Representative Gerald Solomon agreed to meet with Meislahn at his office in Troy. Miriam Netter came to this meeting, too. “We got him to agree to a reduction of only 25%, that is, restore at least 75% of funding,” said Meislahn. That outcome was considered very satisfactory, given the era and its pressures.

The success of this effort, at least in terms of the local legal community rallying to support legal aid, can perhaps be traced to earlier work Harry Meislahn performed, creating a bridge between the Albany Bar Association and the Legal Aid Society. (This work is more fully described in the Guardians of Justice profile of Mr. Meislahn on page 12.)

During this time, characterized by past board president Tom Kenney as “a starvation of funds from the federal government to legal aid,” consolidation of offices in the area began. Troy and Schenectady branches moved to the Albany office, and the Saratoga office of the newly named Legal Aid Society of Northeastern New York was opened in 1981. In all, LASNNY had 19 attorneys and 21 staff in 1982.

Kenney recalls Denison Ray, who became Executive Director in 1984, as an outstanding leader. Entering the organization at a difficult time, Ray weathered the storm, and led LASNNY with aplomb. “First of all, his dedication to providing legal services for poor people was most admirable. Secondly, he was a very charming and enjoyable person to be with,” said Kenney, discounting these good qualities as not as important as his legal abilities and skills as a lawyer.

The admiration Kenney has for Ray’s dedication shines a light on a characteristic common to the many lawyers and others who have volunteered their time, donated money, and lobbied in Washington and at the State Capital for the necessity of this work. People believe in legal aid, and more than that: they act on their beliefs. While there is a professional code that encourages and even compels lawyers to be generous and give back to the profession, the level of community commitment to the work of LASNNY goes beyond obligation.

Guardian of Justice Dick Bartlett has acknowledged the importance of legal aid with a legacy donation in his will, and has been supportive of the organization for decades. He grew up in Glens Falls, and can recall when legal aid did not exist. “I’ve been a lawyer for 60 odd years and before there was a formal structure for representing the indigent in civil cases, it was hit or miss,” said Bartlett.

“We worked hard to make one Board, and one organization, stronger and larger than ever before”.

Bartlett. “It’s an organized method by which the indigent are afforded counsel in civil cases.”
Legal Aid Society Board Presidents
1976 to present

Roger Kiley: 1982–1984
George F. Carpinello: 1986–1988
G. Kimball Williams: 1999–2000
Peter V. Coffey: 2004–2005
Jeffrey S. Baker: 2006–2007
Tim Morrison: 2008–2009
Amy Klein: 2010–2012
E. Stewart Jones Jr.: Current

In 2004, LASNNY merged with North Country Legal Services, serving five northern counties. Peter V. Coffey was President of the Board during the merger and says, “We worked hard to make one Board, and one organization, stronger and larger than ever before.” Most recently, Board Presidents Tim Morrison of Whiteman, Osterman & Hanna and Amelia Klein of Bond, Schoeneck & King have guided the agency through an unprecedented period of growth. Tim recalls his commitment to increasing the starting salaries of attorneys: “We needed to do all we could to recruit the best and brightest.” Amy Klein led LASNNY through its most recent strategic planning. “We took a hard look at our structural and litigation goals and made changes to enhance our ability to do targeted litigation.”

As the organization approaches its first century, Executive Director Lillian Moy has a vision of broadening its works to help more clients in as many ways as possible.

“We’re standing on the shoulders of those who came before us, but also looking ahead to ways we can maintain our traditions and do things a little differently,” said Moy.

Moy sees LASNNY continuing to provide high quality, impactful representation to individuals and families. She also sees the organization stretching its reach to try to meet some of the unanswered demand for services. Nationally, 2.3 million people received legal aid in 2011, but more than 64 million Americans were eligible. In northeastern New York, it is estimated that about 186,857 low income

The Justice For All Campaign began in 2004, with E. Stewart Jones and Art Siegal as chairs. The motto “This year and every year,” works to impress upon law firms the steady need for a regular commitment to equal justice.

Seeking a minimum commitment of $225 per attorney per year, JFA encourages giving at higher levels too, setting silver, gold and platinum rates. The campaign reminds law firms that this is not charitable giving, but part of the profession’s responsibility to serve justice equitably.

Law firms in the region take this responsibility seriously, as evident each year in the success of the campaign.
people will experience at least one legal problem this year. “Our current challenge and goal is trying to make our work even more meaningful by trying to work on cases that affect more than one individual,” said Moy.

For example, staff attorney Lisa Robertson alerted the Marshall in the City of Rensselaer that weekends are not included when calculating eviction dates. Now, people facing evictions in the city will have the full thirty days to resolve their situation that the law allows. The city faces 200 eviction petitions each year, and of these petitions, about 25–30 cases result in lock-outs. This work of LASNNY gives each and every tenant more time to find alternate permanent housing.

Ruthman continues, “I hope we recognize there can be no true democracy or social justice where there are millions of people who still cannot access the law because of their means and, often, their insecurity about their rights and responsibilities in our increasingly complex economic and political environment. Law is not a static structure by which our civil and economic identity is defined; it is a dynamic and fundamental political and social resource for daily life. Those without meaningful access to the law are as disenfranchised as if they were denied legal being. We are on the verge, I think, of recognizing that a fundamental right of one’s civil participation in our society is the right of access to the power and protection of the law. “

He concludes, “Over thirty years later, I still warmly recall the extraordinary people I worked with. They were much more than faces on a train; they were interesting and distinct personalities; committed, intellectually and personally, to working together to bring full meaning to the phrase legal aid.”

“…there can be no true democracy or social justice where there are millions of people who still cannot access the law…”

On May 2, Judge Lippman is being honored by LASNNY at their 90th Anniversary Celebration, for his extraordinary advocacy for increased funding for legal services.

The Legal Services Corporation (LSC) is America’s Partner for Equal Justice. Congress established the private non-profit organization in 1974 to help people of limited means secure access to civil legal assistance. The LSC is funded through congressional appropriations, and the President of the United States appoints its bipartisan board of directors.

An earlier iteration of this federal effort was the Legal Services Program, part of the Office of Economic Opportunity and Lyndon B. Johnson’s war on poverty. Passing the act to create the LSC was several years in the works, and funding for the LSC has been threatened during times of political pressure.
Recalling 30 Years with LASNNY
Mary Withington’s Remarks to the LASNNY Board of Directors on the occasion of her 30th anniversary with the Legal Aid Society

My father, an Episcopalian minister, dropped me off at college on a Saturday afternoon. The next morning, a Sunday, after attending the 8:00 o’clock service at the Church of the Redeemer, I stopped in at one of the college cafeterias, applied for and was given a job as a dishwasher and line server, a job I kept all four years at Bryn Mawr. As a line server, my classmates would come through with their plates and I would distribute whatever version of hotdog or wurst or mystery meat was the selection of the day. With rare exception, I was ignored or treated dismissively by the very same students with whom I attended classes and lived in the dorms. In all fairness, a number of these students were international students, coming from rich homes with servants. I was clearly there on an academic scholarship. When I went home for the fall break, I told my father about this experience. Paraphrasing Mark Twain he said, “It is no sin to be poor. It’s just damn inconvenient.”

I studied political science and history while at Bryn Mawr, from Plato to Marx to Hannah Arendt and back, running across Rousseau and the social contract theory which is the view that peoples’ moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. It is a notion that a person must surrender personal interest for the greater good of society. It is a theory rooted in the idea that we have an obligation as a society to look out for one another. It is the theory by which the Legal Aid Society is constructed: Board of Directors and Executive Management Team, legal and support staff, the indigent clients whom we have a societal duty to serve, all integral parts of the delivery system, the whole, which is the Legal Aid Society, greater than the sum of its parts.

Many of you in this room and on the telephone are lawyers. We are by education and training given the tools necessary to advocate for ourselves and for our clients. How powerful and liberating it is to have those skills. And for our clients, how powerful and liberating it is to have an attorney to advocate for their interests. How powerful and liberating it is to know that the attorney who is there to assist you is from a law firm whose letterhead declares that we, the Legal Aid Society, are “Fighting for Fairness and Promoting Justice.” It is a privilege to be an attorney. It is an even greater privilege to be a Legal Aid attorney.

To the Board, the Executive Management Team and to the clients I have been privileged to serve for thirty plus years, a profound thank you for the opportunities you have provided, the intellectual challenges and the satisfaction which comes from helping others, and the support you have provided me throughout the years.
Another Step in Life’s Journey

Harry P. Meislahn sees his efforts to help the Guardians of Justice as the next step in a decades-long commitment to LASNNY.

“My commitment is an active one that began in 1970. This is a continuation of that,” said Meislahn. “People can play different roles based on where they are on life’s journey. When I was a younger attorney, I was a board member. When I was a middle aged attorney, I was a board leader. Now that I’m older, it’s more in the planned giving and the major gift category.”

Meislahn served on the board for most of the 1970s and was president of the board toward the end of that period. During his tenure, he helped bridge a perceived disconnect between the Albany Bar Association and the Legal Aid Society.

“The Association felt the LAS was doing too much theoretical work, too many test cases, too many high profile things,” Meislahn said.

There was a sense that a line of people stood outside the door needing services while the agency chased windmills, so to speak. While Meislahn found this not to be the case, he did identify a practical problem: there were almost no members from the organized bar on the board. Meislahn changed that by talking to friends in the large law firms in Albany.

“I said we need you or somebody like you to come on the board of LAS so we have the proper mix between people practicing law and people who are not,” said Meislahn. This transformed the relationship between the LAS and the bar itself as a group, which gained a better understanding of what the agency was doing.

Now he works to help his peers understand the work of legal aid on another, more intimate level. Meislahn and his wife designated a gift in his will through the Legal Aid Legacy Fund, but they didn’t let that gift sit silently in the endowment. Instead, they hosted a small reception at their home to speak about the importance of giving to the Guardians of Justice.

“We invited longtime friends of mine involved with Legal Aid, including