

Legal Aid *matters*

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.

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

executive director

Lillian M. Moy

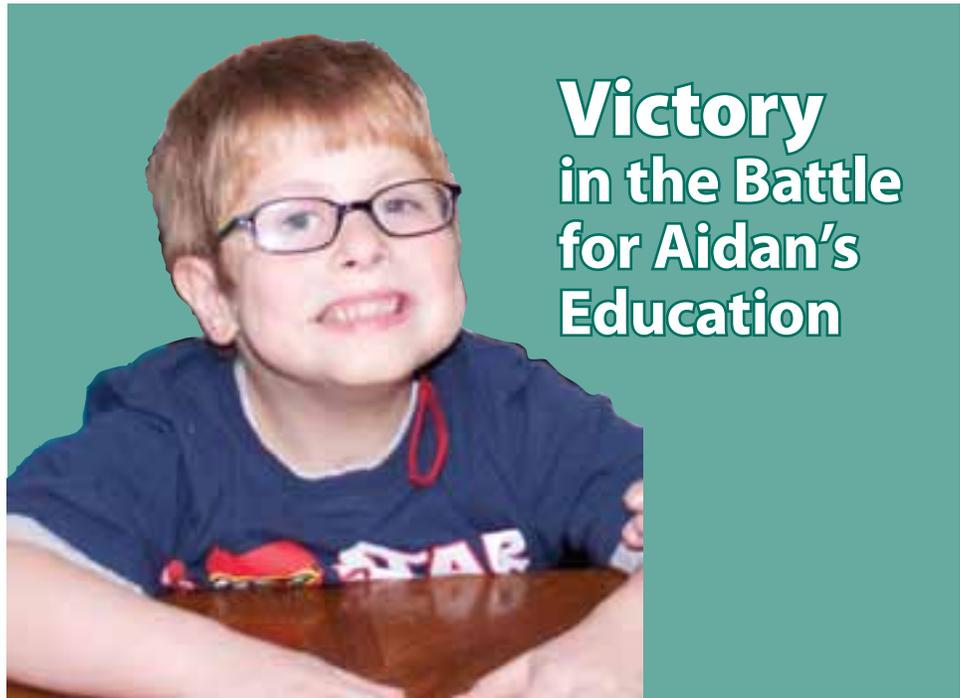
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Victory in the Battle for Aidan's Education

Aidan Raffe is a cheerful, energetic second grader who lives with multiple disabilities. Born 13 weeks premature, he uses a wheelchair, wears leg braces and receives nutrition through a gastric feeding tube. A constant blur of activity, Aidan enjoys building with his Star Wars Legos, frolicking with Scooter, the family's Bichon Frise and "zipping around in his chair like a NASCAR driver," says his mother Lauren Raffe. He enjoys playing and socializing with his classmates.

But if his school district had their way, Aidan would stay at home with a tutor, isolated from his peers, or be bused to a facility outside the district. In 2009, when the family moved from Ithaca to the Capital Region, they researched area school districts to identify the best resources for disabled students. Well versed in education law, the Raffes knew that their son had the

right to learn in the "least restrictive environment." Initially, local school officials agreed to place Aidan in a regular classroom attended by a nurse. One item of concern to the parents was the gastric feeding tube (G-tube), which must be reinserted within five minutes of becoming dislodged, or else Aidan would require emergency surgery.

After meeting with the school to develop Aidan's Individual Health Plan (IHP), the school nurse refused to comply with the doctor's instructions to re-insert the G-tube. Further, the district would not allow anyone to reinsert the feeding tube on school property. That left Raffe two options: pull Aidan out of school or fight back.

Choosing to fight, Raffe contacted Judy Swierczewski, staff attorney at LASNNY's Children's Law Project, which provides civil legal assistance to low-income children with disabilities.

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Expanding access to civil legal services

FROM THE *executive director*

On October 5, 2010, Chief Judge Lippman and Presiding Justice Anthony V. Cardona, former New York State Bar Association President Kate Madigan and Administrative Judge Anne Pfau, presided over an unprecedented hearing in the Third Department at the Court

the Civil Services Employees Association, Denise Berkley, and Patricia Bentley, member of the Board of Directors of NYS United Teachers, spoke about union members who have been represented by civil legal services providers, some-



times in life-saving cases. Steven Longo, Executive Director of the Albany Housing Authority and Earl Eichelberger, Director of Catholic Charities, testified as to the importance of having legal services available to ensure that tenants are as well represented as landlords like the Albany Housing Authority are. Next came a panel of judges, including Hon. Helena Heath Roland from Albany City Court, Hon. Michael Conway of the Nassau Village Court, Hon. Mark Powers from Schenectady County Family Court and Hon. Judith O'Shea from Supreme Court in Chemung County. They spoke about the challenges of handling a busy trial court when there are so many pro se litigants. A panel of rural legal and community providers highlighted the particular challenges of serving the rural poor. The hearing concluded with a powerful group of LASNNY, TLP and Empire Justice Center clients who shared their stories to highlight the importance of legal services to individuals. The hearing is archived online at **The Chief Judge's Hearings on Civil Legal Services - Live Broadcast on Tuesday, October 5 from 10 a.m. to 1 p.m. (Albany Third Department Hearings)**. I hope you will take a few minutes to tune into some of the testimony.

helps Legal Aid lawyers to save lives and bring stability and hope to our clients. With these funds we will be able to provide a significant amount of empathetic and expert legal assistance to victims of domestic violence in the most rural parts of our service area.

Over the next 18 months, along with our partner, the Albany County Bar Association, we will also offer free trainings to lawyers who are willing to provide pro bono services to our clients. Finally, we will work in concert with ten local domestic violence service providers to ensure that our clients have access to both legal and other supportive services that they need.

Finally, it is the end of the year so I ask you to please prioritize a gift to the Legal Aid Society so that we can continue to provide life-changing legal services to your low-income neighbors. As always, I welcome your suggestions at lmoy@lasnny.org or at 518-689-6304.

Legal Aid Society Board of Directors

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of Appeals on the issue of expanding access to civil legal services. The panel heard powerful testimony from Albany County Executive Michael Breslin and Warren County District Attorney Kate Hogan on the cost-effectiveness and urgent need for civil legal services. A panel of labor and community leaders, including NYS AFL/CIO President Denis M. Hughes, Statewide Secretary for

Client Programs:

- Children's Law Project
- Community Legal Education and Training
- Disability Advocacy Project
- Domestic Violence Legal Assistance Project
- Foreclosure Prevention Project
- HIV/AIDS Legal Consortium
- Homelessness Intervention Project
- Legal Aid Society Homelessness Project
- Medical Legal Partnership for Children and Families
- Nutrition Outreach & Education
- Protection & Advocacy for the Developmentally Disabled
- Protection & Advocacy for the Mentally Ill
- Saratoga Springs Homelessness Prevention Program
- Senior Legal Services Program
- Upstate New York Immigration Law Project

Volunteer & Donor Programs:

- Justice for All Campaign, Annual Appeal
- Law Day Celebration
- Legal Aid Endowment Fund
- Private Attorney Involvement Program (PAI)

Legal Aid matters

December 2010

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

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(518) 587-5188, (800) 870-8343

On other fronts, we were recently notified that our federal grant to provide free legal services to rural domestic violence victims was approved. In a bittersweet turn of events, this is the grant I drafted on the night I had my stroke. While I can't say it was worth it, I can say how happy I am that the work I do

A Rising Star

PROFILE: *justice for all leadership*



Tucker Stanclift recalls sweating bullets in a criminal case he took from the Warren County Court's assigned counsel program. The judge was ready to release his client from incarceration on one condition: enroll in a substance abuse treatment program in Albany. The catch—the client had no transportation. Just as the judge was about to renege on the offer, Stanclift heard himself saying, "I'll drive him there myself!"

Realizing the importance of that breadth of representation in a small town with limited social services was what sparked Stanclift's passion for LASNNY's Justice for All Campaign and his recent decision to join

the Board to Fund Equal Justice. Indeed, Tucker has had to carve out time from his packed schedule—he is principal of his own firm, Stanclift, Ludemann and McMorris in Glens Falls—and has served many roles in the New York State Bar Association's Young Lawyers Section. Last year, Tucker helped organize the Bar's Trial Academy at Cornell University, a five-day program that helps young and new attorneys hone their courtroom skills.

A trained actor who performed Shakespeare in college, Tucker is a

lifelong drama lover who has been active in local and regional theatres, including the Glens Falls Community Theatre and the Hudson River Shakespeare Company, and is on the board of the C.R. Wood Theater in Glens Falls.

His demonstrated leadership in the community earned Tucker, 38, one of the Post-Star's "20 under 40" awards last year. "Tucker is a rising star and we're fortunate to have him involved in JFA leadership," says Thomas J. O'Connor, Co-Chair of the Board to Fund Equal Justice.

A native of Lake Placid, Tucker was drawn more to hockey than academics in high school. Indeed, a well-meaning guidance counselor tried to discourage him from pursuing a law career, advice that only motivated him to push harder toward his goals off the ice. "I'm not one to be told I can't do something," he said. Fortunately, Tucker found encouragement from an English teacher who saw his talents. Scholarship funds from local Rotary and Kiwanis clubs got him across the pond to England, where he spent a summer studying Shakespearean drama and English art history at Oxford University. When he graduated from the University at Buffalo Law School in 1997, Tucker became the first member of his family to earn a professional degree.

Tucker sees his involvement in the JFA campaign as a way of giving back to the community. "It's an obligation to the profession that benefits us all," he reflected. "The billable hours we devote to this cause are nominal in the scope of what we're privileged to do on a daily basis—be lawyers." "I'm really excited that Tucker has joined the Board to Fund Equal Justice. His ideas and energy really add to our campaign," says Lillian Moy, LASNNY's Executive Director.



Lauren Raffe

Aidan's Education

continued from page 1

Swierczewski recounts, "if inclusion is the ultimate goal of special ed law, the school was clearly not in compliance."

Swierczewski

then contacted the school's lawyer about the issue with the G-tube. "The attorney had no idea about the refusal to reinsert the feeding tube, and informed me that they had hired a nurse for Aidan." Instead Aidan's IHP stipulated calling the mother. Once again Swierczewski contacted the school's counsel, and both attorneys argued over whether or not the nurse could reinsert the feeding tube. "Education law said yes," said Swierczewski, "but the school's attorney's concern was that it would be a violation of the Nurse Practice Act." However, Swierczewski's careful research determined that it was well within the scope of practice. Once again Swierczewski countered

the school, this time with a written opinion from the New York State Board of Nursing supporting her case. She insisted, as well, that the school nurse be trained and required to do the procedure. Swierczewski then obtained a commitment to train all nurses in the district, so that any nurse that had contact with Aidan would be able to reinsert the G-tube. The district revised Aidan's IHP to stipulate that the school nurse—at any school he attends in the district—will reinsert the tube. This plan remained in place this fall in Aidan's second-grade classroom, where he looks forward to celebrating his seventh birthday with a Star Wars-themed cake.

A year after Aidan's case, Lauren Raffe reflects that the struggle was eye-opening. She realized how easy it is for even activist parents like herself to get lost in the "maze of state agencies" and in the school system bureaucracy itself. Speaking of LASNNY's involvement in her case, Raffe says, "they know the system, and who's responsible for what, and how to get their attention."

JUSTICE FOR ALL

Leaders

At Dale Miller September 16, 2010

Thanks to all who joined us for this year's Justice for All Campaign kick-off at Dale Miller on September 16th.

If you haven't already made a contribution please use the enclosed envelope to support the work of LASNNY.

You can also make a gift online, in memory of a loved one, or as a gift for the holidays with the option of sending an e-mail card. Visit LASNNY on the web and go to the Donate Now button: www.lasnny.org.

Tom O'Connor, E. Stewart Jones
Campaign Co-chairs



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Norma Meacham, Melody McKenzie, Phil Gitlen, Amy Klein



Robert Vanderbles, Tom Moffet, Sal Ferlazzo, Shannon Woods, Liz Woods, Paul Tighe



Tucker Stanclift, Jeffrey Sherrin



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*Vic Mazotti, Honorable Guido Loyola, Leonard
Herman*



*Colm Ryan, Sanjeev DeSoyza, Matthew Young, Hermes
Fernandez*



Richard Weiskopf, Vic Mazotti, Tom O'Connor, Lillian Moy, Sal Ferlazzo



Sarah Lewis-Belcher, Lillian Moy, Caroline Ahn



An eventful pro bono season

After months of preparation we enjoyed a month of celebration of pro bono. We sponsored many events in October in recognition of National Pro Bono Week. We started off with a Landlord Tenant Training on October 13, 2010, which we co-sponsored with The Albany County Bar Association. This training was a stepping stone for recruiting volunteers to participate in our "Lawyer-For-A-Day" program in Albany City Court. A big thank you to Judge Stiglmeier and Judge Heath-Roland, together with Chris Aldrich, Bruce Rosenthal, Bob Serenka and Wendy Wahlberg for being a part of the training. It was a huge success, resulting in twenty two (22) volunteers. We unveiled our Lawyer-For-A-Day Program on October 22, 2010 and special thanks to **Amanda Maleszweski of Whiteman, Osterman & Hanna**, who daringly went through our first run with us!

There was also a foreclosure training held on October 18, 2010 at the New York State Bar with approximately 100 attorneys in attendance. An amazing result, spear-headed by the Empire Justice Center and co-sponsored by the Legal Aid Society

of Northeastern New York, Capital District Women's Bar Association Legal Project and the New York State Bar Association.

On October 26, 2010, our Bankruptcy training took place. This was also co-sponsored with the Albany County Bar Association, The Legal Project and the New York State Bar Association. It was an informative collaboration of presenters, including Judge Littlefield, Cynthia Platt, together with Tony Arcodia, Marc Ehrlich and Mike O'Connor. Eleven (11) attorneys agreed to take bankruptcy cases on a pro bono basis. With the economy in flux, the need for volunteers in this area is more crucial than ever.

We continue to strive to increase our volunteer base to be able to serve more clients. The month of October has become our starting point each year. We aim to keep the momentum



going for the remaining eleven (11) months. Your next pro bono training opportunity is our annual

"Representing Victims of Domestic Violence in Family Court" training on December 10, 2010.

In addition, we are having an unemployment training on March 10, 2011. To register, call or e-mail me at 518-689-6322 or kcinelli@lasnny.org. If you can't reach me, you may also call or e-mail Johanna Williams at 518-689-6334 or jwilliams@lasnny.org.

Thank you for your time, and I am so grateful to have gotten to know you!

Kristie Cinelli
Director of PAI

Thanks to the following attorneys who have accepted cases

From August 1 through October 31, 2010:

Albany
Jerrold Bartman (4)
Ira Bloom
Guy Criscione
Charles Feldman
Dennis Irwin
Robert Knightley
Rebecca Mudie
Michael J. O'Connor (4)
Alex Powhida/Jason Little
James R. Schultz
Thomas Welsh (2)
Kim Williams

Clinton
William Favreau

Columbia
Carl Whitbeck

Greene
Thomas Fori
Edward Kaplan (2)
John Winans

Montgomery
Gerard McAuliffe, Jr.
(9 Pro Se Divorces)
Bethany Schumann-McGhee
(9 Pro Se Divorces)

Rensselaer
Tony Arcodia &
Marc Ehrlich (3)
Robert Johnson, III.
Jennifer Storm

St. Lawrence
Natasha Hill
Maureen McGaw
(10 Pro Se Divorces)
Thomas Wheeler (2)

Saratoga
David Devall
James Doern
Alan LeCours
Gary Palmer

Schenectady
Peter McHugh
Schenectady County Bar
Association (17 Pro Se
Divorce and Referral
Programs)

Warren
Matthew R. Ludemann
Michael Toomey

Albany & Rensselaer County Assigned Counsel Program

Ian Arcus	Marcia Doyle	David Marinucci
Gloria Arroyo	Paul Dwyer	McNamee, Lochner,
Copland	Michael Friedman	Titus & Williams
Michael Belsky	Joyce M. Galante	Mark J. McQuerrey
Ellen Bennett Becker	Karen Gazda	Kevin O'Brien
Caplan & Caplan	David Goldin	Florence Richardson
George V. Collins, III	Gerald Leary	Justine Spada

Trainings:

Representing Victims of Domestic Violence in Family Court

Friday, December 10, 2010

NYS Office for the Prevention of Domestic Violence
80 Wolf Road, Albany
8:30 a.m.–4:00 p.m.
6.5 Hours CLE Credit

Representing the Claimant in Unemployment Benefits

March 10, 2011

Long Awaited Divorce

LASNNY Helps Client Dissolve Marriage to a Vanished Spouse

LBJ was still President when Jack Jones was first married over 40 years ago. After living with him briefly, his wife Lisa left him, disappearing without a trace. For decades, Jones never worried about the fact that he was still hitched: “I was young, and I was convinced that I’d never marry again.” But recently, Jones, who’s been living with his current partner, Rita, for over 25 years, decided that a divorce was long overdue. “Let’s get it done already,” Rita urged him.

It’s important to give back to those who are less fortunate... the pro bono clients I represent (are) tremendously appreciative.

But Jones, an unemployed glazier, was in no position to pay a private attorney. Qualifying for LASNNY’s free legal services, Jones was referred

to Chad Balzer of Balzer and Leary, who take pro bono cases on a regular basis. Balzer’s first step after meeting with Mr. Jones was to make a good-faith effort to find his long vanished spouse and serve her with papers, so that she would have the opportunity to contest the divorce. There was no way to contact Jones through her family, who were scattered across several states, and the couple had no children. Nor were public records searches any help, turning up scores of individuals named Lisa Jones.

Unable to track down the spouse through conventional methods, Balzer made a motion for service by publication, which was granted by the Court. Jones’ divorce summons then appeared in the Albany Times Union. Pursuant to the Court’s pro bono order, the County reimbursed for the costs of the publication, which Jones would not have been able to afford on his own (newspaper display ads range from \$125–\$300). When the required waiting period

PROFILE: *PAI volunteer*



Chad Balzer

had elapsed and no spouse appeared, the Court granted a default Judgment of Divorce. Jones was free.

Jones felt a great sense of relief and joy that he could finally make his relationship with Rita legal. The pair married shortly after the judge delivered his judgment of divorce. “Thank God Mr. Balzer was here,” said Jones. “It’s like a load off my chest.”

Balzer was impressed with Jones’ patience and forbearance in this unusual case. “Pro bono work is an important part of what we do,” he said. “It’s important to give back to those who are less fortunate. They’re seeking recourse in the legal system, and many have no idea how to go about it. I find it personally rewarding to assist people in these matters and find the pro bono clients I represent to be tremendously appreciative.”

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, 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 and Advocacy for Persons with Disabilities, 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, City of Albany, Bank of America as trustee for the Frederick McDonald Trust, New York State Bar Foundation, United Way of the Greater Capital Region, Legal Aid Society of Rochester, Albany Law School, Nutrition Consortium of the State of New York, Assemblyman Robert Reilly Salary Fund, NYS Unified Court System, Office of Court Administration, NYS Division of Housing and Community Renewal, NYS Division of Banking, Barry Alan Gold Memorial Advised Fund, The Equinox, Warren County, City of Saratoga Springs, Schenectady County, Wait House, Albany County Department of Social Services, Opportunities, Schenectady Community Action Program, Corporation for AIDS Research, Education and Services, ’s House, Catholic Charities of Saratoga, Warren and Washington Counties, Charities of Schoharie County, Albany County Rural Housing Alliance, United States Department of Justice Law Firms and private contributors through the Justice for All Campaign.

The Legal Aid Society has a nutrition outreach program. For more information visit our website (under “Special Programs”) or contact (800) 462-2922 ext 327

**JUSTICE
FOR ALL**

Send in your gift by
February 14
or donate online at
www.lasnny.org



Dated Material—Please Expedite



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Miriam (“Mimi”) Netter

There are certain people who represent all that is good about our organization—people who, because of their dedication and devotion to serving the community, embody LASNNY’s core values. Miriam Maccoby Netter, who passed away on Sept. 9, was one of those people.

A pioneer in the field of intellectual property law, devoted to women’s issues, and deeply passionate about her work with charitable organizations, Mimi seemed to be everywhere. Board President of LASNNY from 1984-1986, her work was central to our mission: “Mimi was committed to ensuring that the important law firms in Albany were involved in leading the Society,” recalls executive director Lillian Moy.

Mimi was a person of extraordinary energy and drive. After graduating

with academic honors from Albany Law School, where she was law review editor, she served universities, colleges and nonprofit organizations in the general practice of law. Working with startup companies, Mimi became involved in intellectual property cases, lending her expertise to the NYSBA’s IP section.

Graduating from law school in the early 1970s at a time when female lawyers could expect to face derision from their male colleagues, Mimi was an early activist and mentor for women in the legal profession. She was one of the first female members of NYSBA’s Executive Committee, and served the Advisory Board of the Capital District Women’s Bar Association Legal Project.



In Memoriam

Mimi loved serving the community, supporting an ever-expanding roster of non-profit organizations as donor, legal advisor, and board member. Serving

with Mimi during a climate of federal budget cuts to legal services, fellow LASNNY board member Thomas J. Kenney recalls her “dedication to providing services for poor people.” Lillian Moy says, “Even after her board service was complete, Mimi continued to support LASNNY by lending us her considerable connections and her wise guidance. Mimi was a cheerleader, mentor, friend and tough mother for many women attorneys in the Capital Region, including me. She will be missed.”