

May 2006

A regular bulletin of the
Legal Aid Society of
Northeastern New York

Legal Aid *matters*

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, Schoharie, Warren and Washington Counties, and the St. Regis Reservation.

executive director

Lillian M. Moy

inside:

Find out about free CLE trainings on page 4

Hot topic— Immigration funding reduced, page 7

The Harvard Din & Tonics are coming—see page 8

Focus on people:
Chris Curtin page 4,
Richard Croak page 5,
Hiscock Barclay page 6

A Helping Hand for Seniors

Senior Legal Services fills a gap in Legal Aid for our elders

In her second year at Albany Law School, Ricja Rice took an introductory course in Elder Law simply because it fit into her schedule. But this “accidental” introduction to Elder Law ended up giving direction to Ricja’s career path.

“I began to associate the issues that were discussed with being able to help people in my life because my grandparents are such a influential part of



Ricja Rice (L) and Anne Malak, attorneys for Senior Legal Services in the Albany office.

my life,” says Ricja, who took several more advanced elder law courses and recently assumed a position with Senior Legal Services at the Legal Aid Society of Northeastern New York.

Ricja’s SLS caseload in Albany County includes work related to social security, food stamps, pensions, utilities/HEAP, tenant issues, home repair fraud, Medicare/Medicaid, nursing

home issues, elder abuse, financial exploitation, grandparents’ rights and consumer issues.

With several years experience with this caseload, Anne Malak understands the urgency. She says, “It’s a time when seniors are getting hit from all sides by people telling them different things, giving them advice about signing over their houses or qualifying for Medicare. They don’t know what to do.” Anne is supervising attorney for Senior Legal Services in the Albany office, which seeks to assist 200 seniors each year.

Anne remembers one client vividly. He had been denied Social Security benefits back in the 1970s, and when he came to Legal Aid, a class action suit had reopened his case. He needed assistance with his appeal. “Nobody wanted the case,” says Anne, “because Social Security had lost his file, and we had to

“...seniors are getting hit from all sides by people ... giving them advice about signing over their houses or qualifying for Medicare. They don’t know what to do.”

reassemble everything after 25 years. We proved his claim, and he got \$77,000 in back benefits. We really, really helped him.”

continues on page 7



FROM THE *executive director*

Changing Clients' Lives

Dear Friends:

I hope you have noticed our new look and title, *Legal Aid Matters*. When I was interviewed by the Equal Justice Magazine, I was asked to complete the sentence, "Legal Aid matters because ..." I answered, "Legal Aid matters because Legal Aid changes lives."

I have seen how the work of our attorneys and attorney volunteers creates substantial change in the lives of our clients. Among the most obvious, our assistance to victims of domestic violence in obtaining safety from a batterer and our representation of those at risk of homelessness. More long term is our work on behalf of low income children with disabilities—ensuring that a

child gets the services and supports she needs to succeed in school is one of the moments when we know our legal services creates change for a child, and indeed, her whole family.

It is true that sometimes Legal Aid lawyers represent low income tenants to prevent homelessness, only to find their client in the same situation the next year. Given that our low income clients have the least choice when it comes to safe and affordable housing, it's not surprising. For those clients, Legal Aid matters because Legal Aid can provide both the legal services to prevent an unwarranted eviction, and the case management services needed to help keep their family housed. Whether we do this through our own senior paralegals providing advocacy and case management services, or in partnership with community agencies which provide these services, we long ago realized that Legal Aid matters most when we bring a client the stability they need.

Legal Aid matters because we are able to bring some of the best and brightest new lawyers and paralegals, as well as support staff, to dedicate themselves to helping our low income clients. Legal Aid matters because the volunteer lawyers who represent our clients, who serve on our Board, or who help with our fundraising, put service above self so that more can be served. Legal Aid matters most particularly because we provide a voice for those who might otherwise not be heard.

In *Legal Aid Matters*, you'll see continued attention to our Private Attorney Involvement (PAI) program. We will also provide you with information about members of the Board of Directors and about some of the services Legal Aid lawyers and paralegals deliver to clients throughout Northeastern New York. In this inaugural issue of *Legal Aid Matters* and in future issues, we will share with you thoughts from local leaders on why "Legal Aid matters". Please take a moment to send me an email at lmoy@lasnny.org and tell me why you think "Legal Aid matters."

I look forward to hearing from you and working with you in the year to come.

Legal Aid matters because...

"Legal Aid matters because justice matters. In order for us to have confidence in our justice system, it must be available to every citizen."

Kara Kreisher Leopold, Nixon Peabody, winner of the 2005 NYSBA "Young Lawyer" award

Legal Aid *matters*

Published by the Legal Aid Society of Northeastern New York, Inc.

Offices:

55 Colvin Avenue, Albany, NY 12206
(518) 462-6765, (800) 462-2922

1170 Riverfront Center, Amsterdam, NY 12010 • (518) 842-9466, (800) 821-8347

17 Hodskin St., Canton, NY 13617
(315) 386-4586, (800) 822-8283

100 Court St., P.O. Box 989
Plattsburgh, NY 12901
(518) 563-4022, (800) 722-7380

112 Spring St., Suite 109
Saratoga Springs, NY 12866
(518) 587-5188, (800) 870-8343

The 2005
**JUSTICE
 FOR ALL**
 Campaign

The Legal Aid Society of
 Northeastern NY gratefully
 acknowledges the legal
 community for contributing
 \$131,320 for the unmet civil
 legal needs of the poor.

\$200, or more, per firm attorney
 Arroyo Copland & Associates, PLLC
 Robert A. Becher, Attorney at Law
 Bartlett, Pontiff, Stewart & Rhodes P.C.
 Bond, Schoeneck & King, LLP
 Buckley, Mendleson & Criscione, P.C.
 Capasso & Massaroni, LLP
 Cohen, Dax & Koenig, P.C.
 Crane, Greene & Parente, P.C.
 Dreyer Boyajian, LLP
 E. Stewart Jones, PLLC*
 Englert, Coffey & McHugh, LLP
 Girvin & Ferlazzo P.C.
 Gleason, Dunn, Walsh & O'Shea
 Goldberger & Kremer
 Gordon, Tepper & DeCoursey
 Harris, Balzer & Conway, PLLC
 Hinman Straub P.C.
 Hiscock & Barclay LLP
 Iseman, Cunningham, Riester & Hyde LLP
 Kindlon and Shanks, P.C.

Law office of Stephen A. Johnston
 Law Office of Patricia Rodriguez
 Law Office of Mark A. Schneider
 Lavelle & Finn, LLP
 Martin Harding and Mazotti, LLP
 McCary & Huff, LLP
 McNamee, Lochner, Titus & Williams P.C.
 Nigro Companies
 Nixon Peabody, LLP
 O'Connell & Aronowitz, P.C.
 Powers & Santola, LLP
 Pelagalli, Weiner & Rench, LLP
 Rapport, Meyers, Whitbeck, Shaw &
 Rodenhausen, LLP
 Kenneth M. Schwartz, P.C.
 Thorn Gershon Tymann & Bonanni, LLP
 The Towne Law Offices, P.C.
 Whiteman Osterman & Hanna LLP*
 Young Sommer Ward Ritzenberg Baker &
 Moore, LLC
 * designates gifts of \$10,000 and over

ADVOCATES

Individual gifts over \$250
 John L. Allen
 Jeffrey S. Baker
 Charlotte S. Buchanan
 William J. Kenneally
 Amelia M. Klein
 Gary L. Lombardi
 Howard A. Levine
 Timothy P. Morrison
 Irene B. Moy
 Lillian M. Moy
 Thomas J. O'Connor
 Stephen W. Parker
 Lisa A. Payne
 Margaret Z. Reed
 E. Guy Roemer
 Nancy E. Schoep
 James Sevinsky
 Arthur J. Siegel
 Grace Sterrett
 F. Michael Tucker
 James T. Towne Jr.
 G. Kimball Williams
 William Yates
 Greene County Bar Association
 Tri County Council of Vietnam
 Era Veterans

\$100-\$199 per firm attorney
 Gordon, Siegel, Mastro,
 Mullaney, Gordon &
 Galvin P.C.
 Roemer, Wallens &
 Mineaux, LLP
 Sneeringer, Monahan,
 Provost & Redgrave, Title
 Agency Inc.

The Board to Fund Equal Justice,

chaired by Arthur Siegel and E. Stewart Jones, Jr., was founded in 2004 by area law firms. The Board's goal is to solicit multi-year leadership gifts to support the work of the Legal Aid Society of Northeastern New York in the face of unstable state and federal funding.



**E. Stewart Jones,
 Stephen Coffey
 and Donald
 Boyajian, of the
 Board to Fund
 Equal Justice**

Co-Chairs

E. Stewart Jones E. Stewart Jones Jr., PLLC	Arthur J. Siegel Bond, Schoeneck & King, PLLC
Martin D. Auffredou Bartlett, Pontiff, Stewart & Rhodes, P.C.	Philip H. Gitlen Whiteman Osterman & Hanna, LLP
Jeffrey S. Baker Young Sommer Ward Ritzenberg Baker & Moore, LLC	Daniel J. Hurteau Nixon Peabody LLP Amelia M. Klein Bond, Schoeneck & King, PLLC
James C. Blackmore Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C.	Timothy P. Morrison Lavelle & Finn, LLP
Donald W. Boyajian Dreyer Boyajian, LLP	Lorraine Power Sharp Whiteman Osterman & Hanna, LLP
Peter V. Coffey Englert, Coffey & McHugh, P.C.	James T. Towne, Jr. The Towne Law Offices, P.C.
Stephen R. Coffey O'Connell & Aronowitz, P.C.	Fred B. Wander O'Connell & Aronowitz, P.C.
Gloria Arroyo Copland Arroyo Copland & Associates, PLLC	G. Kimball Williams McNamee, Lochner, Titus & Williams, P.C.
Salvatore D. Ferlazzo Girvin & Ferlazzo, P.C.	

To participate in our 2006
 Campaign, contact
 Deanne Grimaldi at
 518 689-6336 or
 dgrimaldi@lasnny.org

A Special Thank You to Chris Curtin

Last year, **Chris Curtin** accepted his first pro bono referral from Legal Aid, expending 55 hours in preventing evictions for two low income families. Chris took on difficult cases, including one for a low income client in a subsidized housing unit. He made an immediate appearance in Housing Court and represented the same client through two separate eviction proceedings. His work included research on fair housing issues and learning about the federally subsidized Section 8 program.

Chris stepped up to the plate in two difficult and fast moving eviction matters. His work maintained housing for two low income families, benefitting six individuals.

But pro bono services are not the only services Chris Curtin has given to the Legal Aid Society. For the last two years, Chris has served as pro bono counsel to the Society in



its labor matters. We are grateful to Chris and to his firm, Bond, Schoeneck & King, for all their support for the work of the Society and its clients.

Legal Aid matters because...

"I met a man in the Finger Lakes region of New York. He was celebrating his 92nd birthday. He was a farmer. He was a large lumbering guy with big beefy hands that displayed a long life of hard work. I asked him what the secret of his longevity was. Without a moment's hesitation he said 'Work hard helping others who have less than you do.'"

*Rich McNally,
Holbrook, Johnston,
Tate & McNally*

Legal Aid matters because...

"Legal Aid Society embraces the dream of justice for all."

*Paul D. Tonko,
Member of the NYS
Assembly*

Free Trainings Offered for Pro Bono Attorneys

The Legal Aid Society and the Rural Law Center of New York, Inc., are co-sponsoring two free CLE trainings for attorneys willing to take one case annually pro bono from LASNNY to represent a victim of domestic violence in a divorce proceeding.

The full day training, "Matrimonial Proceedings Involving Domestic Violence," will be held in **Glens Falls on Friday May 19, 2006**, and in **Plattsburgh on June 9, 2006**.

For more information, contact the Rural Law Center at 518-561-5460, or toll-free at 866-324-1183.

Thanks to the following attorneys who have accepted cases

Richard Croak: Distinguished Service

from
November 11, 2005
to March 31, 2006

Albany County

- Jeffrey S. Berkun
- Amanda Davis Twinam
- Paul Devane (2)
- John Doherty
- E. David Duncan
- Michael P. Friedman
- David Goldin
- Lisa Gordon
- Harris, Balzer & Conway
- Gayle E. Hartz
- Peter Hickey
- Daniel Hurteau
- Randall Kehoe
- Valerie Kerker
- Stephen Molinsek
- Kevin O'Brien (2)
- O'Connell & Aronowitz
- Louis-Jack Pozner
- Robert Randall

Columbia & Greene Counties

- Michael Howard
- Edward Kaplan

Rensselaer County

- Jerome K. Frost
- Jo M. Katz
- Joseph L. Kay
- Frederick Kirwin
- Larry Kivitz
- Albert P. Kolakowski
- David Levy
- Timothy Nugent

St. Lawrence County

- Paul Fischer
- Richard Gardner
- Charles Nash
- Cathleen O'Horo (5)

Schenectady County

- Eleanor DeCoursey
- Paul M. Callahan

Warren & Washington Counties

- Malcolm O'Hara

For the last 18 years, attorney Richard Croak has specialized in bankruptcy law. As a result, he understands the financial hardship faced by so many individuals in need of quality legal services and sees firsthand the positive impact of these services.

People considering bankruptcy, for example, face conflict daily; the potential for dramatically improving clients' quality of life motivates him to put in long hours on their behalf. "They can't sleep at night, and their marriages are falling apart. It's a huge relief for them to be relieved of their debts," he says.

In 2005, he filed well over 500 cases between his offices in Albany and Kingston. Richard's practice focuses on issues related to business and consumer bankruptcy. In addition, the firm counsels clients in corporate, business and real estate law, specifically mortgage foreclosures and dissolving corporations.

"I love it," he says. "I have found my niche in the law. There's a lot that can be done, a lot of ability to help the people coming in the door and the people they owe. We get the chance to revive a lot of dead businesses and marshal resources to pay debts."

Throughout the process, Richard says, "We do a lot of education. It's 'Here's the wrong way to buy a car; here's the right way to buy a car. Here's how to prioritize your bills.' It's also making people aware of what credit card companies are charging them."

He says the pro bono work he does—and he does a significant amount, recently

earning the Legal Aid Society's PAI Distinguished Service Award—helps the people most in need of bankruptcy counseling. "They are the people who benefit most," he says. "They may lose their apartment or house or they may not have food to eat if they don't get the help." Recognizing Richard's valuable work, the New York State Bar Association has selected him for the 2006 President's Pro Bono Service Award for the Third Judicial District.

Last year, he did nearly 20 pro bono cases, and half of them were referrals from the Legal Aid Society. "If they qualify and Legal Aid sends them over, we'll help them," he says, noting that some changes in the bankruptcy regulations have improved his ability to help clients. For example, filing fees are now waived for individuals at 150 percent of the poverty level, removing one obstacle to filing. In addition, many credit counseling agencies can waive their fee for the same population.

Richard jokes that his bankruptcy practice is his only hobby, although he says it should be home improvement projects. He says the house in Troy, where he lives with his wife, is "in constant need of repair." His wife is a social worker in Rensselaer County, and his sons, ages 30 and 23, work as a computer programmer and a writer, respectively.

Richard began practicing 30 years ago, working initially for the Legal Services Corporation and later for both the State of New York and the U.S. Department of Justice before opening a solo bankruptcy practice.

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.

“Justice for All” leadership role extends 150-year tradition of service for Hiscock Barclay

With full-service offices in Albany, Buffalo, New York, Rochester and Syracuse, Hiscock Barclay stakes its claim as the law firm with the most “strategic and substantial presence” in New York State. With its generous contribution to this year’s Justice for All campaign, the practice claims its place among the leading advocates for bridging the justice gap.

“Our firm is committed to providing significant financial support on a regular basis to the Legal Aid

Giving back to the community ... has been a longstanding tradition at Hiscock Barclay throughout a century and a half of continuous operation.

Society,” says Thomas J. O’Connor, managing director in Hiscock & Barclay’s Albany office, which recently authorized an additional donation for the Society’s Law Day event.

The Legal Aid Society kicked off Justice for All (JFA) in October. Co-chaired by E. Stewart Jones and Arthur J. Siegel, the annual fundraising campaign aspires to raise over \$130,000 to assist the Legal Aid

Society in continuing to provide access to quality civil legal services for people throughout Northeastern New York.

Legal Aid Society Development Director Deanne Grimaldi says, “Our ultimate goal is 100 percent participation of the top 35 law firms in this area. It’s significant for us that Hiscock Barclay has come in as a leader.” Grimaldi indicates that the addition of Hiscock Barclay at the leadership level represents growth of support for this year’s campaign; firms who participate at the leadership level donate a minimum of \$200 per attorney.

Giving back to the community through charitable contributions, pro bono service and advocacy work has been a longstanding tradition at Hiscock Barclay throughout a century and a half of continuous operation. “In 2005, the firm celebrated its 150th Anniversary. To commemorate this, each office made a charitable donation. [Our office] chose the Legal Aid Society in Albany because of the important service they provide in our community,” says O’Connor.

This spirit of generosity extends beyond financial contributions, as

well. O’Connor says serving community through volunteer work is a priority: “We support all of our attorneys’ involvement with charitable organizations across the state. They sit on numerous boards, and we like to see active involvement on their part. This includes their personal donation of pro bono work when possible.”

The firm began in 1855 as the L. H. & F. Hiscock Law Office, a partnership formed between brothers L. Harris and Frank Hiscock. Since its humble beginning in Tully, New York, Hiscock Barclay has been home to a U.S. Ambassador; a U.S. Senator; a Congressman; members of the New York State Senate and Assembly; several judges at the local, state and federal levels; District Attorneys and assistants; and a number of prominent corporate attorneys and general counsels for government entities.

The practice has grown to 160 attorneys covering more than two dozen areas of practice, such as energy and utility, environmental, labor and employment, torts, insurance and product liability, health care and human services and real property tax. In addition, Hiscock Barclay has developed expertise in several evolving and increasingly critical fields of practice, including media, first amendment, lobbying compliance, election law and intellectual property law.

For information about how to contribute to Justice for All at any level, please contact Deanne Grimaldi, Development Director, by email: dgrimaldi@lasnny.org, or by phone at (518) 689-6336.

Leaders: Tom O’Connor, Ned Trombly and Ab Hessberg from Hiscock Barclay.



Funding Decreasing for the Immigration Law Project

Over 500 immigrants in upstate New York have been helped by the Immigration Law project since its opening in May of 2002, but funding for the program is decreasing.

The Upstate New York Immigration Law Project (UNYILP) has had a very positive impact in the low income immigrant community in the Capital District and the surrounding 16-county area. In its short history it has provided immigration services to 563 low income people.

The Legal Aid Society of Northeastern NY represents UNYILP clients who are Legal Services Corporation (LSC) eligible. This includes immediate relative petitions, applications to remove conditions on marriage, battered spouse petitions and Legal Permanent Resident card replacements. Clients who are not LSC eligible are referred to the Legal Aid Society of Rochester, for asylum applicants, undocumented immigrants and people with expired visas.

Maria's Story

One of our clients, let's call her Maria, came with her daughter to the U.S. as a result of a Fiancé Application (I-129F). She married her fiancé who filed the appropriate applications to allow her to become a Legal Permanent resident. Maria received a Conditional Resident card, valid for two years. Before the two years elapsed, Maria's husband became verbally and emotionally abusive. He filed for divorce, leaving Maria to fend for herself. UNYIP assisted Maria with an application to remove the Conditions with a Divorce waiver, which was approved. Maria and her daughter are now free from the abuse and able to stay permanently in the U.S.

Grant Decrease

The project has been funded by an Interest on Lawyer Account (IOLA) grant. The initial funding provided for a full time paralegal to manage the program. Without additional new funds, by June 2006 the grant will be decreased by 40%, allowing only for a part time (3/5) paralegal managing the program. At the same time, the case load has increased, leaving the immigrant community in upstate New York with less of a resource for legal needs.

Senior Legal Services

"This program is so important," says Ricja, "because many seniors do not understand their rights and are taken advantage of. Many of my clients thank me for simple things, such as being able to explain things, make a phone call, or send forms that they need."

Like Ricja, Mary Withington has experienced the gratitude of SLS clients. "They're very grateful for what you have to offer, even if it's just advice," says Mary, supervising attorney in the Saratoga Springs office of the Legal Aid Society.

Senior Legal Services are available out of Mary's location for residents of Washington County. Of the dozens of clients helped in the past three years, most required assistance with documents, such as powers of attorney, health care proxies, last wills and testaments and deeds. Other frequent client needs involve Medicare qualification, nursing home issues and claims against contractors.

Mary says that although some cases involve extensive work, many are resolved with a simple letter: "One

Legal Aid matters because...

"The New York State Senate Republican Majority believes that every individual should have a right to legal services."

Joseph L. Bruno, State Senate Majority Leader

continued from page 1

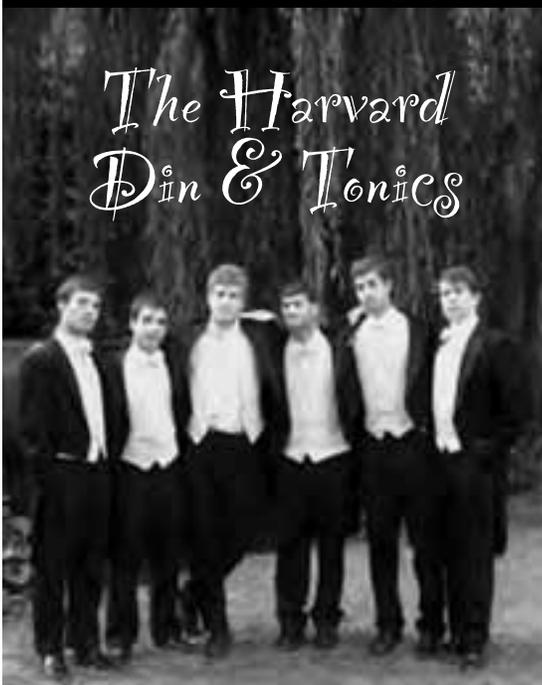
gentleman was scammed by an offer to work at home, and he didn't even have a computer. He had advanced money, and we were able, with just a letter, to get his money back."

For the most part, client issues handled by staff in the Legal Aid Society's Canton office mirror those in Washington County, although Paralegal Linda LaRue says she's also handled some credit card debt issues and adoptions. Linda provides services to low-income seniors in St. Lawrence County and on the St. Regis Mohawk Reservation.

She sees relief on the faces of those she helps. She says, "It gives them a sense of comfort and eases their minds knowing they have all the issues taken care of."

Linda remembers one man, for whom Legal Aid did a will. He had very little to leave and very few family members to leave it to, but when he died, people "crawled out of the woodwork.." Legal Aid's work with him ensured that his wishes were fulfilled. She says, "I will never forget him. I have a soft spot in my heart for seniors."

**Legal Aid...
Unplugged!**



Join us for a Happy Hour (or two) with the
Din & Tonics, Harvard's renowned *a cappella* group.

June 2, 2006, 5:30 to 7:30 p.m.
Franklin's Tower

414 Broadway, Albany, NY

The Harvard Din & Tonics are one of the world's most beloved collegiate *a cappella* groups. With a repertoire centered on the American jazz standards of the 1920s, 1930s, and 1940s, these 13 Harvard gentlemen—who perform in white tie, tails, and lime green socks—have an enviable reputation for their impeccable musicality, snappy choreography, and hilarious antics. Their music is, unquestionably, a cappella “with a twist.”

Log onto www.lasnny.org for more information.