

Legal Aid *matters*

A Long and Winding Road

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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Legal Aid Society attorneys guide a complicated case involving immigration, housing and domestic violence issues to a happy resolution.

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Nallaris Fanas (right) with her daughter Rochely Vasquez

New Directions for 2014

Thanks for reading my first column of 2014. I have to start with sad news for the Legal Aid Society and our Private Attorney Involvement Program. Kristie Cinelli, our long term PAI Director, has decided to return to the private sector and accepted a position as a Paralegal at Wilson Elser Moskowitz Edelman & Dicker, LLP. We are very sad to see Kristie leave. In her tenure as Director of our PAI

Program, Kristie built our PAI program substantially, allowing us to serve many new clients and recruit and support many new PAI volunteers. Kristie saw the gaps in our services and filled them with the help of our many PAI volunteers. She specialized in creating opportunities that worked for our clients, the Legal Aid Society and PAI volunteers. She will be missed. At Kristie's suggestion, we hired an attorney to fill the PAI Director position. I'm pleased to announce Michele Sleight recently came on board as our new PAI Director. I hope you'll meet her soon.

I hope I can count on all of our PAI volunteers to stay with us. As always, if you are representing a client pro bono who may qualify for our services, please contact us to see if we can provide some support for your pro bono work.

In other, more positive news, I am thrilled to report that the Legal Aid Society has purchased a new building in Saratoga Springs at 40 New Street. Contact me to find out how you can get support this exciting new venture.

Other positive news includes renewal of our Low Income Taxpayer Clinic project by the Internal Revenue Service. We have been notified that we have been renewed on a multi year basis. This project is available to provide representation to low income taxpay-

FROM THE *executive director*



ers (with incomes up to 250% of poverty). Typical cases can be for non-filers, innocent spouses and

individuals seeking the Earned Income Tax Credit. Please spread the word about our Low Income Taxpayer Clinic — Sarah D'Allesandro can be reached at 518-533-5921.

Our Nutrition Outreach & Education Project grant proposal was mostly renewed. We are uncertain about the future of our HUD funding — cuts and new HUD priorities put much of our long term funding to serve the homeless at risk in this round of applications. More to be revealed in our next issue. Until then, a happy, healthy and prosperous 2014!

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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
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Saratoga Springs Homelessness Prevention Program
Senior Legal Services Program
Upstate New York Immigration Law Project

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Law Day Celebration
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Private Attorney Involvement Program (PAI)
Saratoga Springs Capital Campaign

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Legal Aid matters

May 2014

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

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on ours?*

JUSTICE FOR ALL

Campaign

The Annual Fund for
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Northeastern New York

Thanks to our donors who
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www.lasnny.org.

To join the 10th Anniversary,
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Attorney for the Day

Collaborative Program Helps People Stay in Their Homes

The Attorney for the Day Program (AFTD) is a joint project of the Albany County Bar Association and the Legal Aid Society. Launched in October 2010, the AFTD helps tenants facing eviction by providing legal assistance. Lawyers sign up for Friday mornings, twice a month.

We've found it immensely rewarding to be able to help out people who are clearly in need

The concept of emergency eviction defense is not new at LASNNY, and Solutions to End Homelessness Program (STEHP) is the name of one plan that tackled this issue. NYS funds the current iteration.

"Historically attorneys would be called in on a case-by-case basis but there was no guarantee that we could secure someone in the timeframe," said Tara L. Moffett, Associate at Girvin & Ferlazzo. Moffett's familiarity with homelessness prevention comes from her experience at LASNNY, where she started

her career.

The timing was tight between people being served court papers and seeking legal aid, she explained. Finding a lawyer available for court dates was tricky.

"This is a more formalized system where every other Friday there is a known entity of attorneys on the spot in order to assist individuals who may qualify," said Moffett.

The calendar year is stocked with lawyers, some of whom are long-term volunteers. Others come to the program through training sessions.

"We advertise a CLE, continuing legal education, where attorneys come in and are taught how to represent a person who is being evicted," said Eileen Guinan of the Albany County Bar Association. Guinan coordinates the Attorney for the Day program with LASNNY's PAI Director, until recently, Kristie Cinelli.

Instead of paying for CLE Credits, the attorneys agree to represent defendants twice during the year in Albany City Court. While both attorneys and clients understand the



In October 2013, Judge Gary Stiglmeier received the Distinguished Service Award for his work in the Attorney for the Day program.

arrangement is for representation only on that day, some attorneys, Guinan said, have followed clients through trials. "This is purely pro bono, purely on the attorney's own time, and because they could do something for somebody," she said.

During National Pro Bono Week last October, the New York State Bar Association honored Judge Gary Stiglmeier for his leadership role in establishing the Attorney for the Day Program.

"The judge was instrumental in the program starting and being a success," said Guinan. "Judge Stiglmeier was wonderful in allowing lawyers who were not versed in the area the time and the guidance they needed to represent the case properly."

The system suited the Judge's

continues on page 10

PROFILE: PAI volunteers

Kristie Cinelli



William Pfeiffer



Douglas Shartrand



Tara Moffett



End of One Chapter—the Beginning of Another

by Kristie Cinelli

As you may know, I have resigned from my post as PAI Director for the Legal Aid Society of Northeastern New York. It was very hard for me to make this decision. It has been a privilege to work with the Legal Aid attorneys, paralegals and support staff who bring justice to low income New Yorkers in our 16 counties. I have learned so much from each of you – thank you.

It was an honor to work with amazing volunteers and our community partners to increase pro bono assistance for Legal Aid Society clients for over 7 years. During this time I have gotten to know many of you not just for your volunteerism and dedication but as peers working towards a common goal: justice for all. Together we achieved this — not because we had to but because we wanted to. And, with any good recipe for success, I believe this was the special ingredient for our great many successes.



Kristie Cinelli (left) made her farewell to LASNNY at the holiday party last December. Here with LASNNY Executive Director Lillian Moy and daughter Marie Santos-Moy.

With your help, the PAI Program has grown to meet some of the gaps in services faced by people who need it most. Together we were able to create programs to assist people in the areas of unemployment, bankruptcy, divorce and housing; to name a few. We were able to assist Veterans and

victims of domestic violence by placing them with volunteers who were not only qualified but compassionate, patient and dedicated.

I am so proud to have been part of a program made up of such wonderful people. To **Lillian Moy, Wendy Wahlberg, Mary Withington, Lisa Borthwick, Linda LaRue, Becky Buchanan** and **Geri Pomerantz**, thank you for showing me the way when I was new to all of this.

To **Anthony Arcodia** and **Marc Ehrlich, Jonathan Cohen, Jim Cox, John Deily** and **Steve Rodriguez, Heidi Dennis, Bill Favreau, Chris Nenner, Mike O'Connor, Mike Toomey** and **Kevin Theimann**, thank you for working with me diligently over the past seven years to make sure we can place bankruptcy matters.

To **Janet Axelrod, Joe Dougherty, Benji Louis, Lynne Papazian, Earl Redding, Morgan Ruthman, Alyssa Talanker** and **Tom Welsh** for making the unemployment program bigger and better than I could ever have hoped for. *continues on page 7*

Thanks to the following attorneys who took cases:

October 1, 2013 through April 24, 2014

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Amanda Maleszweski
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A Long and Winding Road

Nallaris Fanas is now a citizen of the United States, and she is very grateful to the Legal Aid Society and Brian Wang for helping her become one.

“They helped me a lot,” said Fanas, who is from the Dominican Republic. “I thought I was never going to make it, and he made everything possible for me.”

I wanted to show them that everything is possible if you work hard

To hear Brian Wang and Marlene Morales tell the story, however, Nallaris Fanas is responsible. They just facilitated her success.

Brian Wang focuses on immigration law and the Upstate New York Immigration Law Project. Marlene Morales works on housing issues. Nallaris Fanas’ case was out of the ordinary in a few ways. The first was the number of problems she was facing.

“For her, a lot of factors that affect our clients’ lives sort of came together,” said Wang. These include domestic violence, single parenting,



and a house fire in which she lost all of her documents.

Equinox Domestic Violence Services referred Fanas to LASNNY in the fall of 2012. Fanas was a lawful permanent resident but lost her green card in the fire.



(From left): Brian Wang, Rochely Vasquez, Nallaris Fanas, Marlene Morales.

“You need that proof to show that you are of lawful status,” said Wang, explaining her Catch-22. Fanas had problems getting unemployment and applying for benefits for herself and her children.

“When I reviewed her case, I informed her she was eligible to apply directly for citizenship,” said Wang.

Fanas had dreamed of becoming a citizen for years but thought she couldn’t do it because there is a \$680 fee to apply, and this was way out of her reach. However, based on her income, she qualified for a waiver.

“We helped her file the application,” said Wang. “She studied very hard, with the help of her children.”

But the story doesn’t skip straight to a happy ending. In the process of straightening out her immigration

status, Fanas faced an eviction notice. This is where Marlene Morales entered the picture.

“She did everything she had to do. She’s very independent and proactive,” said Morales, who was impressed with her client’s resourceful-

ness. When facing issues paying her rent, she went to DSS and applied for assistance.

“She needed more time,” said Morales. “My intervention was to try to get her enough time for the money to be exchanged. I had to do an order to show cause and reopen the case.”

Morales was able to achieve that for Fanas, and the Department of Social Services paid the money that the landlord was owed.



Thank you to the New York Bar Foundation for its continued support for our Immigration Project.

In the meantime, Fanas studied with her daughters for her citizenship interview. Fanas said the work was hard, but she was inspired.

“I wanted to show them that everything is possible if you work hard,” Fanas said of the example she wanted to give her girls. The experience helped her understand the sacrifices her own parents made in raising her.

“I think what stood out to me is she really rose to the occasion,” Wang said of his client. “All along she doubted herself, so it was really a pretty amazing sight to see her passing the exam.”

I thought I was never going to make it, and he made everything possible for me.

As a citizen, more doors are open to Fanas. She is eligible to vote, and to apply for certain jobs. These facts help her feel more a part of this country.

Citizenship also lends another kind of security. When she was being abused she was afraid to seek help from the police.

This kind of misinformation is common, Wang said. People think that if you're not a citizen, the police won't help you.

Fanas has many kind words for her lawyers, and for the Legal Aid Society.

“He was patient, he was lovely,” she said. She tells everyone about Legal Aid, and three people she referred have already gone for services. “Even on the phone they talk to people like they know the people for a long time. They are very, very nice.”

Michele Sleight: new Director of the Private Attorney Involvement Program at LASNNY.



While a law student (grad. 2011), Michele participated in Albany Law School's Family Violence Litigation Clinic, representing victims of domestic violence. Upon graduating, she volunteered at local clinics, assisting people both in pro se divorce matters and with estate planning. She is a hotline volunteer for the Domestic Violence and Rape Crisis Center of Saratoga County, and is on the board of the Adirondack Women's Bar Association, a chapter of the Women's Bar Association of New York. Prior to her position as the Director of PAI, Michele worked in private practice as an associate attorney at DuCharme, Clark & Sovern, LLP.

Farewell from Kristie Cinelli

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And of course, to **Richard Antokol, David Burke, Jim Gross, Barbara King, Cheryl Maxwell, Lisa Mills, Andrew Moses, Joel Peller, Geri Pomerantz and Bethany Schumann-McGhee** for helping to create a pro se divorce program that covers almost all of our sixteen counties.

And to **Mike O'Brien**, because of you we were able to make legal assistance for veterans possible – this project is dear to my heart, thank you.

To **Kurt Bratten, Dan Hurteau, Mal O'Hara, Carl Whitbeck, Kim Williams**, my friends at Whiteman: **Chris Buckley, Robert Rosborough**

and **Vitaly Volpov and Larry Zimmerman** (I hope you are reading this), you always gave me hope and brought many smiles to my face through your dedication and amazing ability to get your firm members involved. Thank you.

I know that while I am not longer “staff” I will continue to do this work. I will do so just as all of you, the volunteers have, through balance and belief. Together, we will all continue in our own ways to ensure that the Legal Aid Society has continued success with its just cause.

Kristie Cinelli

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, United States Department of Housing and Urban Development, United States Department of Justice, New York State Legislature, New York State Office of the Attorney General, NYS Office of Temporary & Disability Assistance, NYS Division of Criminal Justice Services, 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, New York State Bar Foundation, United Way of the Greater Capital Region, Albany Law School, Hunger Solutions New York, NYS Unified Court System Judiciary Civil Legal Services, Warren County, Albany County Department of Social Services, Schenectady Community Action Program, Joseph's House, City of Schenectady, City of Albany, City of Troy, New York State Attorney General Homeowner Protection Program, Internal Revenue Service, law firms, corporations and individuals through the Justice for All Campaign. LASNNY is a fair housing/equal housing opportunity provider of legal services.

continued from back page

in the Justice for All campaign.

“We felt that it was important to be, if not a leader, at least an active supporter, a constant and consistent supporter of the program,” said Philip Gitlen, Co-Managing Partner. “Legal Aid like every other organization needs to be able to count on revenue. With budgetary constraints and other economic concerns since 2008, the JFA campaign looked like it was a natural avenue for a consistent source of funding.”

At the launch of the campaign, Gitlen met with the editorial board of the Times Union, seeking and gaining the paper’s endorsement.

“Interrogating the students was, we felt, a violation of individual liberties,” said Gitlen. The firm’s commitment to this case was recognized on

services to the poor. “I went to law school because I wanted to help people most in need,” said Tim. “Many of us, clients included, recognize that

Philip Gitlen



Tim Morrison



Carolyn Slovic



Whiteman Osterman & Hanna—C

“The JFA campaign struck a responsive chord in me because I recognize the responsibility of lawyers individually and collectively to be supportive of legal representation for people who can’t afford lawyers,” said Gitlen.

...because we are blessed in so many ways, we have a moral and ethical obligation to help provide food, clothing and shelter to at-risk individuals and families...

His role as co-managing partner showed him that pro bono efforts are not always cost efficient as the firm does not specialize in the areas where indigent people most often need help.

When the firm can contribute in a non-monetary fashion, however, it does. The best example is the 2005 trial of a 1992 case, *Brown vs. State*. Following an assault that happened off-campus, police in Oneonta sought a list of black students’ names to pursue a suspect.

a national level because of the scope of investment, in terms of dollars and time. Currently the firm’s litigators volunteer regularly for LASN- NY’s Attorney For The Day Program (see PAI article on page 4).

Gitlen is pleased with the work he and his firm have done for the JFA campaign. “The Legal Aid Society has a reasonably constant source of revenue from this program which enables them to actually hire lawyers and have them provide services that in the absence of this program would not be provided,” said Gitlen. “That was the goal. And it’s working.”

Gitlen’s commitment to LASN- NY is powerful, and noticed within WOH.

“He really leads the charge on the JFA campaign,” said Tim Morrison. “He’s absolutely passionate and a tremendous advocate for it both within the firm and with our peers locally.”

Morrison is also a strong supporter of the provision of free civil legal

because we are blessed in so many ways, we have a moral and ethical obligation to help provide food, clothing and shelter to at-risk individuals and families,” he said, so it is important that he can help people at that level, and improve their lives.

Morrison also runs the Thomas Patrick Morrison Foundation for children with rare diseases and disorders.

Despite this work, and his commitments to his job and his life as a father, he still makes time for Legal Aid; he’s served on the board and been the chair.

“It really is a unique network of folks at LASN- NY, and one of the most professionally run not-for-profit organizations that I have ever been involved with,” he said. “That’s a testament to the amazing staff at Legal Aid, and also the compassionate professionals in this community who dedicate so much in service to those in need. It’s been quite humbling to be a part of the collaborative effort.”

The volunteer work that people from WOH do outside of work is a noticeable part of the culture at the firm. The Public Affairs Roundtable Breakfast Series is another example of Whiteman Osterman & Hanna setting the stage to consider the big picture of law, and not just practice in a bubble. The first breakfast was held 19 years ago and the topic was the transition to the Pataki administration. These meetings now draw 85 to 100 people.

“I’ve been here 23 years and one of the nicest things about the firm is the community involvement,” said Carolyn Slovic, Marketing Manager.

segments of society who are equally deserving of legal protection.”

Thiele and her husband, through his employment at General Electric, directed monies to the Immigration Project, enabling LASNNY to keep the project alive during a critical moment in funding.

The project has special appeal to her because immigration law is one of her specialties. The work that the LASNNY does matters to her significantly; she is also a Guardian of Justice, a donor to the Society’s endowment fund.

“There is a huge gap in the profes-

A commitment to social justice is a key value for a law firm to not just talk about, but to demonstrate...

Without the ability to be heard in the legal system, he noted, there would be a loss of confidence in the justice system.

“Having the same guarantee of representation in civil litigation as we do in criminal litigation is very good for the country,” he said. “The Legal Aid Society is well equipped to deliver equal justice for all, but it needs more funds in order to make this promise even more of a reality.”

William Nolan, the new LASNNY board member from Whiteman

Constant and Consistent Champions



Leslie Thiele



Judge Howard Levine



William Nolan

“I don’t know if there’s a single attorney who is not involved in giving back.”

Partner Leslie Thiele, who leads the firm’s Immigration Practice Group, sees many good things arising from WOH’s connection to LASNNY.

“A commitment to social justice is a key value for a law firm to not just talk about, but to demonstrate,” said Leslie Thiele. “Incoming associates can see the commitment that we have made to providing legal services, not only to our business clients but to other

sion’s ability to provide legal services for people of limited means and LASNNY is so skilled at providing help,” said Thiele.

Judge Howard Levine, Senior Counsel to the firm, also admires the staff, particularly the way they’ve organized pro bono cooperation from the private bar.

“Our country has had a unique commitment to the concept of equal justice for all, and this is part of our heritage and part of our tradition,” said Judge Levine.

Osterman & Hanna, concurs.

“We can assign an attorney to a case,” said Nolan, noting that the firm does do pro bono work, including Legal Aid’s Attorney for the Day Program in Albany City Court. “Still, I think you can do just as much good by contributing monetarily, as it allows Legal Aid to handle the professional work directly through its own attorneys.”

Whiteman Partner Jim Ayers worked at the Legal Aid Society as a young lawyer. Now supporting the Legal Aid Society in a variety of ways, Ayers notes, “I know firsthand how help from Legal Aid can change people’s lives.” Jim also serves on the Board of the New York Bar Foundation which has made a number of grants to LASNNY. “The Foundation knows the good work that LASNNY does and is confident that under Lillian Moy’s leadership, the grants will be used efficiently to carry out vital projects in the Capital District.”

Attorney for the Day

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interest in finding resolution for both parties.

“We were glad to give it a try and set up parameters for how it would work,” said Judge Stiglmeier, who transferred to Albany Criminal Court in January. “I think the program is fantastic, providing legal representation where people wouldn’t have had access. I’m going to miss working with Kristie and Eileen, and the great group of attorneys involved.”

At the beginning of court sessions where pro bono attorneys are present, the judge announces that the service is available. LASNNY, the Albany County Bar, or students from Albany Law School provide intake to screen potential clients for eligibility, and present candidates to attorneys for interviews.

William D. Pfeiffer, from Girvin & Ferlazzo, like others interviewed for this story, is impressed with how the program is run.

“The assistance they provide in data gathering and screening the clients before they speak with me in city court is critical to my successful participation in the program,” he said. “Being asked to leave your place of residence could be an emotional scenario and the people at Legal Aid are very skilled at trying to work these issues through the system on a

very professional basis.”

Douglas Shartrand, Partner at Shartrand & Shartrand, first volunteered for emergency housing defense in a similar program back in the 1990s.

“At one point in time I represented a lot of landlords, so I’m pretty comfortable in housing court,” he said. Shartrand likes representing people who wouldn’t otherwise have access to an attorney. “It’s just something I like to do.”

Christopher Buckey, Partner at Whiteman Osterman & Hanna, supervises the program for the firm.

“We’ve found it immensely rewarding to be able to help out people who are clearly in need,” said Buckey. “We’ve had some terrific outcomes for people who are in the program.”

Amanda A. Maleszweski helped get the program running at the firm, and thinks the program itself is terrific.

“The Attorney for The Day program really affords tenants the opportunity to have some initial representation,” she said. “Often the tenants don’t know the law, and take the landlord’s word as gospel. Just having a little bit of legal advice really helps them get their fair day in court.”

Through representation, Robert S. Rosborough IV, Associate, gives tenants a fair shot at the judicial system. “In the cases I’ve represented a client, they’ve been able to come

to some sort of agreement with the landlord. The willingness to do that might not be there without our representation in the process.”

Pro bono work is a pillar at Whiteman Osterman & Hanna, said Rosborough. The work has side benefits, too, of developing well-rounded

“Protecting and assisting people with housing issues is one of those instances where you can really make a difference”

lawyers, and allowing new lawyers to gain experience. Such was the case for associate Vitaliy Volpov.

“I didn’t get too many opportunities to be in court as an advocate before I came here,” said Volpov, who worked for the Court of Appeals, advising judges on cases. “This is a different perspective. You’re actually advocating for someone and you’re in court.”

That advocacy is key for providing stability to low-income people.

“Protecting and assisting people with housing issues is one of those instances where you can really make a difference,” said Tara Moffett.

Housing stability functions as a kind of armor, and by working toward it, you may be able to help people avoid some of the other troubles that evictions cause, such as students being out of school, and loss of jobs and income.

Christopher Buckey



Amanda Maleszweski



Robert Rosborough



Vitaliy Volpov



December 2013 Holiday Party



Above: Distinguished Service awardees Mike O'Connor and Janet Axelrod

Above: Karen Ziegler, Judge Crummey and Barbara Davis



Left: Chris Aldrich,
Judge Gary Stiglmeier,
Judge Margaret Walsh



Above left: LASNNY staff
attorneys Marlene Morales
and Diane DeGrout

Above right: Terry O'Connor
and Judge Graffeo



Above: Lianne Pinchuk, Kristie Cinelli, Mike O'Connor,
Janet Axelrod and Cheryl Dedes



Left: Christine Rhodes-Devey,
Santa and Judge Heath
Roland

Below: Kim Williams, Santa and Deanne Grimaldi

Below left: Joe Dougherty,
Cheryl Dedes, Jim Kelly



Below: Eoin McDonagh and
Ron Kim



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Hold the Date!

Monday, June 9th
 At Capital Repertory Theatre
 5:30 pm Tasting Reception
 7:00 pm Performance

A FEW GOOD MEN

A Staged Reading adapted from the film "A Few Good Men"
 Directed by Yvonne Perry and Tucker Stanclift, Esq.
 With your favorite cast of attorneys

Dated Material—Please Expedite
 ADDRESS SERVICE REQUESTED



Constant and Consistent Champions

Whiteman Osterman & Hanna, the largest law firm in Albany, has long championed the Legal Aid Society. In various forums, the firm has stated and demonstrated that the legal community in the Albany area has a duty to sustain the Legal Aid Society.

Shortly after Whiteman Osterman & Hanna was founded in 1975, the firm observed what they felt was a modest level of support from the legal community for the LAS.

“We decided to make a challenge grant through the Community Foundation,” said Michael Whiteman. The donation was to match any increases in contributions made above what area law firms made to LAS in the prior year. “The bar did step up at that time, and I think since then, with

a level of support that is much more representative of what the bar ought to be doing.”

Whiteman’s own commitment to



Michael Whiteman, founding partner at Whiteman Osterman & Hanna

representation for the indigent started when he was studying law at Harvard. The university’s very active legal aid program helped legitimize, on a national level, the custom of law students representing indigent clients. By latching student participation to oversight by practicing lawyers, Harvard made a structure that could be followed elsewhere.

This experience firmly established in Whiteman the necessity of providing civil legal aid, and helped lead to the young firm’s support in the form of that successful grant challenge.

This practice of suggesting to other law firms and lawyers in the area that the Legal Aid Society deserved assistance, has continued. The next major step WOH took was becoming active

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