

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

executive director

Lillian M. Moy

Impact: One Case at a Time.



Rita and Walter Cole

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Walter and Rita Cole aren't the only people who benefited when Legal Aid Society attorney Monique Thomas worked on their foreclosure case. Although Legal Aid Society attorneys usually perform routine legal work for individuals, they are gratified when the results address a systemic problem, and impact other clients. This impact work has lasting effects for both the individual client and others who are facing the same situation.

In early 2009, Walter and Rita Cole, then ages 77 and 79, were facing foreclosure when they applied for help from the Legal Aid Society. A bank had submitted a motion for summary judgment and did not want to discuss

terms of agreement. LAS attorney Monique Thomas went to the first conference with the Coles and got the bank to consider settlement. She worked with the Coles to submit multiple loan packages and none were accepted by the bank. They tried to get a reverse mortgage but they did not have enough equity in the house.

Then, they submitted an application to the Home Affordable Modification Program (HAMP) administered by the U.S. Treasury Department. HAMP, established in 2009, was designed to help homeowners avoid foreclosure by modifying loans to affordable levels that are sustainable over the long term. The program provides monetary

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I am so proud...

By the time you read this column, Legal Aid will have completed a Program Quality Visit by our major funder, the Legal Services Corporation. We've done some painting and spackling to look our best – revisiting many of our systems, policies and protocols. It has been an affirming process – I am so proud of the work we do at Legal Aid and the way we do it. From how our support staff handle the thousands of low income people in need who call us, more than twice the number we can actually talk to, advise and represent – to our paralegals who provide both advocacy and case management services to formerly homeless families and those at risk of homelessness – to the lawyers who go to court or administrative hearings each week to fight for our clients rights under the law, their safety, their lives – to our amazing management team that helps keep it all together.

FROM THE *executive director*



Most of you have heard me speak of changing and improving our clients' lives through our legal services taking a more quantitative approach, the upcoming visit prompted me to calculate the economic impact of some of the legal services. Taking a more quantitative approach The Report of the Chief Judge's Task Force to Expand Access to Legal Services gives guidance on how to do this. I updated actual shelter costs to our local counties and reviewed data from our region on the causes of homelessness. Considering the Social Security Disability and SSI benefits we win for clients, the food stamp benefits we qualify clients for, the cost savings to the public from preventing homelessness and from representing victims of domestic violence, our impact is significant. Using the US Department of Commerce multiplier to calculate the additional economic impact of the benefits we bring to our region being spent in our communities on rent, utilities, food, medication LASN- NY's total estimated impact in 2010 was about \$18,685,264. Based on this work alone, in 2010 for every \$1.00 in revenue, we brought about \$3.34 to northeastern NY!

As Judge Lippman so aptly recognized, funding legal services is good for New York and New Yorkers. We are grateful for his leadership and immensely grateful for the generous grant we have just received. This

first infusion of funds from the Judiciary to LASN- NY will help us meet the urgent civil legal needs of Northeastern New York. I hope Judiciary Legal Services funding will help us weather impending cuts at the federal level as well.

The next time you see one of our staff, I hope you will congratulate them and thank them for helping their client and the whole community. And my thanks to the judges, PAI volunteers, bar leaders, and community partners who took time from their busy schedules to talk with our visitors from the Legal Services Corporation. My office is especially clean right now so if you are near to 55 Colvin, I hope you'll stop by!

I hope to see many of you from our JFA Leadership Firms at our kick off on September 8 at the Fort Orange Club – it is always a wonderful celebration! Best wishes for a fabulous Fall,

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)

Donate through the
SEFA Campaign.

Our SEFA number:
150-50

Legal Aid matters

September 2011

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

Offices:

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

1 Kimball St., 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



**You are cordially invited
to the 2011**



Campaign Kickoff

**Thursday, September 8th
5:30 – 7:30 pm**

at the

Fort Orange Club

110 Washington Avenue, Albany NY 12210

This reception is complimentary for all partners, and their designated associates, of firms in the 2010 and 2011 Justice for All Campaign. Also complimentary for individuals who donate \$225 or over.

Please RSVP by August 25 to rsvp@lasnny.org

For more information or to become a member of the 2011 Campaign contact Deanne Grimaldi at 689-6336 or dgrimaldi@lasnny.org, or donate at www.lasnny.org

2010 Campaign Co-chairs

E. Stewart Jones, Jr. and Thomas J. O'Connor

2010 Campaign Leadership

Albany County Bar Association
Anderson, Moschetti & Taffany
Arroyo Copland & Associates
Balzer & Leary

Bartlett, Pontiff, Stewart & Rhodes

Bond, Schoeneck & King

Breakell Law Firm

Buckley, Mendleson, Criscione & Quinn

Cannon, Heyman & Weiss

Capasso & Massaroni

Carter, Conboy, Case, Blackmore, Maloney & Laird

Conway & Kirby

Couch White

Deily, Mooney & Glastetter

Dreyer Boyajian

E. Stewart Jones Law Firm

Englert, Coffey, McHugh & Fantauzzi

Friedman, Hirschen & Miller

Ganz Wolkenbreit & Siegfeld

Girvin & Ferlazzo

Gordon, Tepper & DeCoursey

Hacker & Murphy

Heslin Rothenberg Farley & Mesiti

Hinman Straub

Hiscock & Barclay

Iseman, Cunningham, Riestler & Hyde

Lavelle & Finn

Law Office of Geri Pomerantz

Law Office of Jean Mahserjian

Law Firm of Mark Mishler

Law Office of Melody A.

Mackenzie

Law Office of Patricia Rodriguez

Law Office of Stephen Johnston

Linnan & Fallon

Lombardi, Walsh, Wakeman, Harrison, Amodeo & Davenport

**Martin, Harding & Mazzotti
McNamee, Lochner, Titus & Williams**

Nixon Peabody

O'Connell & Aronowitz

Rapport Meyers

Reed & Vella

Rosenblum, Ronan, Kessler & Sarachan

Stafford, Carr & McNally

Stanclift, Ludemann & McMorris

St. Lawrence County Bar Association

Thuillez, Ford, Gold, Butler & Young

Tuczinski, Cavalier, Gilchrist & Collura

Whiteman Osterman & Hanna

Wilson, Elser, Moskowitz, Edelman & Dicker

Young Sommer Ward Ritzenberg Baker & Moore

Bold=\$10,000+

Firms under \$225 per attorney

McPhillips, Fitzgerald & Cullum
Moynihan, Hayner & Moynihan
Roemer Wallens Gold & Mineaux

Corporate Leaders

ABS Solutions
General Electric Foundation
Nigro Companies

New in 2011

List in formation
Towne, Ryan & Partners
Maxwell & Van Ryn

“Brief” Service, “Meaningful” Service

Who said you can't teach an old dog new tricks? Well, if you are pet lover like me, you know it's never too late. In a time where the demand for legal services is on the rise, it is important to find innovative, meaningful ways to help more low-income clients. This year has been my opportunity to learn a few new tricks...and good ones!

With the economy at a standstill and escalating prices, people face the reality that they just can't keep up with everyday bills. Making it more difficult is the loss of a job and being denied unemployment benefits. It has been a challenge to create a mode of service that would provide clients with the tools to handle these types of legal issues. Luckily, thanks to volunteers like Alyssa Talanker and Vicki Ramundo, we have been



Christopher Fain, our new PAI Coordinator, joins LASNNY after nine years working as a legal assistant/paralegal in local law firms, specializing in matrimonials and family law. Welcome Christopher!

able to offer valuable and useful legal advice to 66 clients this year, as of June 30th.

Alyssa and Vicki met with clients one-on-one and advised them on their particular legal concern. The clients benefitted and Alyssa and Vicki were able to schedule appointments around their availability, allowing them to be able to help more people. It is an amazing feeling to fill a much-needed void. If you are

interested in volunteering in a brief and meaningful way, please call me or Christopher at 518-689-6322 or 518-689-6334. If you rather, send us an e-mail at kcinelli@lasnny.org or cfaain@lasnny.org.

—Kristie Cinelli, Director of PAI



Thanks to the following attorneys who have accepted cases

From January 1 through June 30, 2011:

Platinum Members

(20 or more cases):
Victoria Ramundo (21)
Alyssa Talanker (53)

Gold Members

(10 or more cases):
Jerrold Bartman (13)
Michael J. O'Connor (10)
Schenectady County Bar Association (12)

Silver Members

(5 or more cases):
Tony Arcodia & Marc Ehrlich (8)
Guy Criscione (8)
Hiscock & Barclay Cheryl Maxwell (6)
Cathleen O'Horo (5)
Bethany Schumann-McGhee (8)
Douglas Shartrand (5)
Whiteman, Osterman & Hanna (8)

Albany County:

Albany Law School
Steve Bailly
Matthew Barry
Heather Behnke
Christopher Conant (3)
Kathleen Copps DiPaolo (2)
Kathleen Dick
Albert Hessberg, III. (3)
Daniel Hurteau
Kristen King (2)
Amanda Maleszweski (4)
Tara Moffet (2)

David Price (3)
Cynthia Stallard (2)
Edward J. Trombley
Steve Volkheimer
Richard H. Weiskopf
Robert Young

Clinton County:

Maryann Bukolt
James W. Clute
Allan B. Cruikshank

Columbia County:

Jonathan Cohen
VJ Guntur
Kevin Thiemann
Max Zacker

Greene County:

David Rikard
John Winans

Montgomery County:

William Lorman

Rensselaer County:

Robert Johnson, III.
Creston Laager, IV.
Geri Pomerantz

St. Lawrence County:

Natasha Hill
Jerry Leek
Andrew Moses (2)
Charles Nash

Saratoga County:

Dean Coon
James Cox
David Devall (2)
James Doern & Stephen Rodriguez (2)
Alan LeCours
Christopher Luhn
James P. Trainor (2)

Schenectady County:

Peter Coffey
Richard DiMaggio
Peter McHugh
Stephen Rockmacher
Edward Salvo, Jr.
Laura Silva

Warren County:

Joseph W. McPhillips
Michael J. Toomey

Albany & Rensselaer County Assigned Counsel Program

Gloria Arroyo Copland	Stewart M. Finton Michael Friedman	George Mchugh Nestler & Gibson
Robert L. Adams Chad Balzer	David L. Gruenberg Michelle Haskin	O'Connell & Aronowitz
Diana Bangert-Drowns	Larry Kivitz Albert Kolakowski	Arnold Proskin Jo Ann Shartrand (2)
Lisa E. Brown Vincent Capasso, Jr.	Jo M. Katz Barbara King	Thomas Snyder David Swyer
Murray Carr Jo Ann Coughtry	Suzanna Latimer Gerald Leary	Tully, Rinkey Margaret Tabak
Paige E. Crable Paul Devane	Matthew Mann Jeremiah Manning	Michael Traynor Paul W. VanRyn

Trainings:

It's Time – to Share the Future

For attorneys who represent victims of domestic violence.

Friday September 9, 2011

Best Western University Inn
Rte 11, 90 E Main St., Canton

Two hours CLE Credits

Sponsored by: St Lawrence County Bar Association, LASNNY, St Lawrence County DV Task Force, Center for Court Innovation and Albany County Bar Association

Info: Linda LaRue at 315-386-4586

Columbia County Domestic Violence PAI Program

Nadja Garland highly recommends her attorney Max Zacker. Garland, a Kinderhook resident, came to the Legal Aid Society of Northeastern New York (LASNNY) in June of 2009 seeking a divorce. She was fortunate that the Columbia County Bar Association had just started collaborating with the Legal Aid Society to provide victims of domestic violence with divorce representation.

Kristie Cinelli, LASNNY's Private Attorney Involvement Director, turned to Juliette Crill, Esq., who volunteers as the Columbia County Bar Association's contact. Crill, who is dedicated to finding a local attorney to handle pro bono cases, asked Max Zacker if he would be willing to take Garland's case after Garland finalized her custody and support matters.

Max Zacker was a new attorney in Hudson. He graduated from Rutgers School of Law in 2009 and moved to Hudson where his brother lives because local attorneys told him there was legal work available. This was Zacker's first divorce case.

"After carefully looking at the law and with my training, the case was pretty easy to figure out with the help of colleagues and Legal Aid," said Zacker.

Max Zacker is not a guy who dreamed of being a lawyer while watching Perry Mason reruns. He majored in philosophy at the University of Vermont and graduated in 2004. "Not many folks are hiring philosophers these days," he said, so he looked into law.

From Chester, New Jersey, Zacker visited Hudson many times to see family. After moving to the area, he trained for the Attorneys for Children Panel and "hung out" watching court proceedings. He now acts as assigned counsel in family and criminal courts when he is appointed. In small communities, the public defender's office can get disqualified often because they have represented opposing parties in earlier proceedings.



Nadja Garland, satisfied client.

After finishing the Garland case, Zacker asked for another pro bono case. When I finish one, I take another. "Not all attorneys have the time," he said, but if you do, "it is good to give back."

Nadja Garland said she is, "extremely happy with the Legal Aid Society. They are very open and helpful. I'm thankful for all the work they've done and for finding an attorney for me."

According to volunteer attorney Geri Pomerantz, "There is great need for legal services for victims of domestic violence, particularly in Columbia County."

Seven attorneys from the Columbia County Bar Association are volunteering: Douglas Coleman, John Connor, Juliette Crill, VJ Guntur, Rapport Meyers, Pomerantz and Zacker. The Bar Association is looking for more participating attorneys.

Although Legal Aid operates a Pro Se divorce clinic in the county, the referral service is important, according to Kristie Cinelli, because, "it is best that domestic violence victims do not come in contact with their spouses due to safety concerns." The Pro Se divorce clinic works with residents who do not have any assets for distribution, have family court orders in place for all minor children, know the spouses' whereabouts, have spouses who agree to the divorce, and are income and asset eligible.

Two other bar associations in the LASNNY's service area, Saratoga and Schenectady, have similar referral arrangements. Contact Kristie Cinelli at 518.689.6322 or kcinelli@lasnny.org if you are an attorney in one of these counties and would like to accept a pro bono case and help a local victim of domestic violence.

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 Homes and Community Renewal, 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, Joseph'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.

Guardian of Justice:

Mary Withington, Supervising Attorney

It is rare for an employee to bequest part of their estate to their employer. But the Legal Aid Society has several staff who are so committed to its mission that they joined the Guardians of Justice, including LASNNY in their estate plans. The Guardians ensure civil legal aid will be available for low-income and vulnerable families in perpetuity. Members are committed to securing the future of LASNNY by building a permanent endowment fund. Gifts are typically made from capital assets and bequests.



Mary Withington

and with every fiber of my being,” said Mary Withington, LASNNY supervising attorney.

That is why Withington included her employer in her estate plans. She is one of five Legal Aid staff persons who have made long-term commitments to give funds to the LASNNY endowment fund. Others include Lillian Moy, executive director, Wendy Wahlberg, deputy director, Deanne Grimaldi, director of development and Carol Kautzman, intake attorney.

“I believe a society should be measured by how it treats the least fortunate among them. Those who are disadvantaged should have the best legal talent available to assist in the struggle for justice and fairness. I support the work of the Legal Aid Society with my time, my resources

“The Guardians of Justice give us all a wonderful gift, the ability to leave a legacy no matter how large or small our estates,” said Grimaldi.

The Legal Aid website, www.lasnny.org, has sample bequest language. If a donor has questions, contact Lillian Moy at 518-689-6304.

GUARDIANS OF JUSTICE

Legal Aid Endowment

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Jeffrey and Martha Baker
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Peter and Mary Coffey
John R. Dunne
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Leslie Thiele and Ken Larsen
Deborah Reynolds and C. Kautzman
The Ruthman Family
Arthur and Ronnie Siegel
Keith C. St. John
Henda and Samuel Strasser
Wendy L. Wahlberg
G. Kimball Williams & Margaret. J. Gillis
Mary Withington

NEW LAWS

Marriage Equality Act

On June 24, 2011, the New York State Senate voted to pass the Marriage Equality Act which will permit gender neutral marriages for both same sex and opposite sex couples. The Assembly had previously passed the act and Governor Cuomo immediately signed the legislation. (Our gratitude to Senator Roy McDonald for his courage in supporting passage of this law.) While allowing gender neutral marriages, the law prohibits state and local courts and governments from imposing any penalty on any religious group or organization for

refusing to sanctify or recognize marriages in contradiction with doctrine or practice or for refusing to provide services or accommodations for such marriages. The law became effective on July 24, 2011. There will be changes to the domestic relations laws; state income, estate and gift tax laws; state defined benefits and plans to name just a few areas. However, until there is a repeal of the Defense of Marriage Act (DOMA) and changes at the federal level, there is still work to be done to achieve marriage equality.



Geri Pomerantz, one of our most dedicated PAI volunteers helped make history. The Third Department, in *Dickerson v. Thompson*, decided that New York state has the power to dissolve civil unions entered into in Vermont. This case permits gay and lesbian couples to dissolve an existing civil union, freeing them to marry someone else under the recent Marriage Equality Act.

New York is, “highly skilled and committed. They work enormous hours and provide great legal services to thousands of clients every year.”

Growing up in an Italian-American family in Schenectady, Mazzotti graduated from Siena College and

Pace University Law School. He is a founding partner of Martin, Harding and Mazzotti LLP, and is in charge of the firm’s litigation department. His older son, Victor, works in the law firm’s accounting department. His other son, Philip, attends law school.

The law firm has a visible charitable

presence in the Capital District. They donate free bicycle helmets to children and taxi rides to drinkers, and are involved in other charities such as the American Heart Association. Immediately following the devastating tornado in Springfield, Massachusetts, where they have an office, they donated hotel rooms to those who lost their homes. “I’m proud to have Martin, Harding and Mazzotti’s leadership and commitment to justice for all and to the whole community,” said Lillian Moy, the Society’s Director.

Mazzotti serves on the boards for the Schenectady High School Student Aid Fund, Schenectady County Community College Foundation Board and New York State Trial Lawyers Association. He is President of the Church Council for Immanuel Lutheran Church.

When asked why he is working on the Justice for All Campaign, Mazzotti said, “The Legal Aid Society

He was there to help folks and protect their legal rights.

is an important part of our community and society. Providing free legal services to poor people is what it is all about. Legal rights must be protected. It is the right thing to do. I am honored and privileged to be part of the campaign.”

Impact

continued from page 1

incentives for the lenders, and borrower payments are limited to 31 percent of gross monthly income with initial interest as low as two percent. Early in 2010, the Coles got an acceptance of this mortgage package from the lender.

The Coles also had a second mortgage. Thomas was able to get this company to accept the same terms as was offered by the HAMP loan.

After the Coles made three monthly payments on their first mortgage, however, they began getting default mortgage notices again in 2011. Mrs. Cole called Thomas in February saying they were back in foreclosure proceedings.

Thomas had never before seen a bank deny the existence of a written settlement. After investigating, she found that contrary to HAMP guidelines, the first lien holder neglected to get a subordination agreement signed by the second lien holder prior to offering a permanent modification to the Coles.

Thomas attempted to negotiate to reinstate the HAMP terms but the lien holder refused. Thomas then contacted the US Treasury department and worked with their representative. After two months, the Coles’ loan modification was reinstated and all fees and interest from the restart of the foreclosure waived. Thomas’ insistence that US Treasury make lenders abide by HAMP regulations

is what made all the difference in the Coles’ case.

Unfortunately, the Coles have suffered tremendously during the last two

years. Walter Cole, now 79, has been in and out of the hospital several times with many health issues including bladder cancer and glaucoma. He gets care from ten physicians with co-payments required on every service. Rita Cole, now 81, has high blood pressure and recurrent infections.

“We have many medical bills and prescriptions,” said Mrs. Cole, “but I pay our mortgage first.

Monique is a wonderful, wonderful person and so easy to talk to. She straightened everything out.”

Thomas is delighted at the case results. “It would have been a shame if the Coles became homeless in the final stages of their lives. I felt so good to get this kind of resolution, so they continue to live the rest of their years in their original home.”

And she hopes the U.S. Treasury Department will take action when other low-income families facing foreclosure are caught in the confusion of loan sales.



LAS Attorney Monique Thomas

Legal Aid Society Board of Directors

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Legal Aid Society
of Northeastern
New York, Inc.

Fighting for **Fairness**
Promoting **Justice**

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Save the Date:



2011 Campaign Kickoff
Thursday, September 8th
5:30–7:30 pm
at the
Fort Orange Club
110 Washington Ave., Albany
RSVP@lasnny.org
*Complimentary for all members of
JFA leadership firms*

**Law Day performance of
"Twelve Angry Jurors"**

Capital Rep Theatre
Monday, May 7, 2012
A staged reading excerpted from the
play by Reginald Rose

In for Life

Victor Mazzotti made a lifetime commitment after clerking at the Legal Aid Society while in law school. It was not only a beneficial experience, he says, "but opened my eyes to the legal needs of the poor." He represented clients at Social Security and Medicaid hearings, and knew he made the right choice in a profession. He was there to help folks and protect their legal rights.



Mazzotti continues that today in both his practice representing the wrongfully injured and as a board member of the Justice for All Campaign, the annual fundraising campaign to provide operational support for the Legal Aid Society's work.

The campaign asks law firms to

commit to a minimum of \$225 per attorney. "With state government cutting back on legal services funding, there is an even greater need now to provide financial support. We look to our colleagues. We've received a

good response from a majority of law firms. We have a caring legal community" said Mazzotti. "With a commitment of over \$600 per attorney or \$10,000, Martin, Harding and Mazzotti is one of the largest donors to the campaign," said Deanne Grimaldi, the LAS Development Director.

Mazzotti explained that the staff of the Legal Aid Society of Northeastern

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