

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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Don't give up and don't give in!

Children's Law Project helps families fight for education service

CLP attorney Judy Swierczewski joins former client Kyle Hayner at his H.S. Graduation

Parents want their children to succeed. Instinct tells them to challenge anything that stands in the way. And although Angeline Hayner is not afraid to put up a fight, she needed assistance removing obstacles to her son's education.

Angeline's son Kyle has dysgraphia, a learning disability that interrupts his ability to express thoughts and ideas through words on paper. The condition makes schoolwork and exams, which almost always include written elements, quite challenging.

The good news is that services and technologies exist to help students like Kyle and that the law requires schools to provide them. The bad news is that districts sometimes fail to comply.

Angeline worked with Watervliet Junior/Senior High School to secure resources for Kyle, but she faced ongoing

problems even though, she says, "The case was clear-cut. The school wasn't doing what it needed to do."

Angeline's plea for help began with a call to the Legal Aid Society's intake line. She connected with Judy Swierczewski, coordinator of the Children's Law Project and the attorney who would help with Kyle's case.

Initially, even LASNNY couldn't make an impression on the school board, so with Judy's help Angeline went to the State Education Department. Angeline says, "I didn't know where to go next, but Legal Aid knew."

Angeline's frustrations are not unique because navigating the education process is complicated and facing Committees on Special Education can

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FROM THE *executive director*

Still Need Funding for Civil Legal Services

By the time you read this column, the Trustees of the IOLA Fund, with the support of the Spitzer Administration and the IOLA Fund's Executive Director, Lorna Blake, will have adopted new regulations that could dramatically increase the amount of IOLA funds available to support civil legal services in New York. While this is great news, we should remember that even if IOLA grantmaking were to double, funding would still be less than 1992 grantmaking levels. We must continue to work to increase funding for civil legal aid in the 21st century.

As you know, any increase in State funding will be a welcome addi-

tion to shore up the base, the infrastructure we've been able to cobble together throughout northeastern New York. We need greater financial stability and hope new state funds

...to help more people and provide expanded services

will allow offices and organizations to grow proportionately. We also must also try to offer Legal Aid lawyers a workplace that provides a career, not a stopping place. And obviously, with new funds we would hope to help more people and provide expanded services.

In the meantime, the work continues. With the help of our staff and community partners, our domestic violence project has served over 630 victims in less than two years. Thanks to all our DVLAP staff—Stuart Kaufman, Shannon Woods, Gerry Schafer, Charles Bayer, Carlotta Palmer and Mary Withington—and our partners throughout the service area—STOP Domestic Violence/Behavioral Health Services North, St. Lawrence Valley Renewal House, Community Action Agency of Greene County, Inc., Catholic Charities of Saratoga, Warren and Washington Counties, Mechanicville Area Community Service Center, Domestic Violence & Rape Crisis Services of Saratoga County, Family Counsel Center of Fulton County, Catholic Charities of Fulton & Montgomery Counties, Catholic Charities of Schoharie County, ComLinks Domestic Violence Intervention Program and the Rural Law Center—for helping to make our two-day site visit from the U.S.

Client Programs:

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

Volunteer & Donor Programs:

- Private Attorney Involvement Program (PAI)
- Justice for All Campaign
- Law Day Celebration
- Legal Aid Legacy Fund

Department of Justice so successful. Our DVLAP really reminds me of how powerful partnership can be.

Best wishes for a colorful Fall. As always, please let me know your concerns, ideas, suggestions or thoughts about the work we're doing. You can reach me at lmoy@lasnny.org or 689-6304.

Thanks to our SEFA and JFA donors who contributed at the Advocate Level in 2006:

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Legal Aid matters

September 2007

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

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The 2006 JUSTICE FOR ALL

Campaign

The Legal Aid Society of Northeastern NY gratefully acknowledges the legal community and our corporate sponsors for contributing over \$175,000 for the unmet civil legal needs of the poor.

To participate in our 2007 Campaign, contact Deanne Grimaldi at 518 689-6336 or dgrimaldi@lasnny.org

www.lasnny.org



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Pro bono work on domestic violence case refreshes Amsterdam attorney

PROFILE: *PAI volunteer*

Before a coworker told her about Legal Aid, Kim Soto feared the impact of her violent marriage on her son. "As he got older, he understood what was going on," said Kim. "I could no longer tell him when I got a black eye I'd fallen and hit a doorknob."

She wasn't safe and knew she needed a divorce. On her own, she handled as many of the legal actions as she could before reaching out for help.

And that's when Kim met Kelli McCoski.

Kelli, an attorney in private practice in Amsterdam, recognized Kim's

need immediately. She said, "Sometimes you come across someone who definitely needs to be divorced and move on with her life but can't afford an attorney. That was Kim Soto."

Kelli helped Kim with divorce proceedings, including equitable distribution of assets, donating approximately 10 hours in court appearances, office appointments and paperwork. The case wrapped up just six months after it began.

Kelli describes her relationship with Kim as a partnership. She says, "It was nice to work with someone who knew there was work involved. It was refreshing to work with her."

Today, Kim is divorced and feels positive about her wellbeing and that of her son. "He's made a complete turn-around at school. He's a lot happier," she says. "Without Kelli or the Legal Aid Society, I'd be stuck in a domestic violence marriage without family support, without help. Kelli was wonderful."



The Wave Of The Future

By Kristie M. Cinelli, PAI Paralegal for LASNNY

Together, we strive to reach Legal Aid's Mission: Equal Access to Justice for All. The mission remains the same, however, the manner in which we achieve it is continuously evolving. It is now the era of providing unbundled services. The most recognizable format is that of the pro se divorce clinics. Special thanks to Richard Antokol, Eugenia Brennan, David Burke, Richard Gardner, Barbara King, Anne Reynolds Copps and Geri Pomerantz for staffing the 2006 clinics.

They also allow you the option to volunteer for a few hours, in spite of a hectic schedule.

If you are interested in advising at a clinic or shelter, please call (689-6322) or e-mail me at kcinelli@lasnny.org.

As we continue to respond to community needs, we continue to expand our unbundled services. We currently staff an advice clinic for victims of domestic violence; we hope to expand clinics to serve the homeless, elderly and other vulnerable client groups. We will not only provide advice when needed, but also educate the community so that they know how to avoid a potential legal problem e.g., consumer education clinics or estate planning needs. Unbundled services are definitely the wave of the future. They allow us to help more clients cost effectively.

Thanks to the following attorneys who have accepted cases

From March 1 Through June 30, 2007:

- | | | | |
|---|--|---|--|
| <p>Albany County:
Albany Law School (14)
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Dave Burke & Richard Antokol (12)
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Peter McHugh (4)
Greg Schaaf
Laura Silva
Warren County:
Kara Dopman
Christopher Nenner
Michael O'Dell
Michael Toomey</p> |
|---|--|---|--|

Helping Habitat for Humanity

The Albany County Bar Association—Young Lawyers Committee held a community service event in conjunction with the Habitat for Humanity Build on Emmett Street in North Albany on May 19, 2007. Approximately 30 volunteers participated in the event, making it a huge success.



Clockwise from upper left: Katrina Dryer (left, Legal Aid) and Morgan Moldoff; Kristie Cinelli (Legal Aid); Colleen O'Connor—one of our high school volunteers; Elizabeth Schuster (Legal Aid).



St. Lawrence County

by
Linda LaRue

The Legal Aid Society of Northeastern New York, Inc, formerly North Country Legal Services, in Canton, New York, continues to expand legal assistance and representation to low income people through the Private Attorney Involvement (PAI) Referral Program.

The PAI program in St. Lawrence began in 1984. The number of private attorney pro bono volunteers has increased over the years; I hope

for 100% participation in St. Lawrence County. This would allow us to further expand the legal services we provide to clients who would otherwise go unrepresented. Currently, the majority of cases referred to the panel are divorces, legal separations, bankruptcies and adoptions. On occasion, we have referred cases concerning land contracts.

Richard Gardner, solo practitioner in Canton, was instrumental in implementing a pro se divorce clinic where he instructs and generally advises eligible clients of Legal Aid on how to complete the divorce packet. The clinic has provided a valuable avenue for low income people to obtain assistance in obtaining a divorce. Our pro se divorce clinics are scheduled for the fourth Friday of each month. Many thanks to Dick Gardner for the quality time he provides to make sure the clinics are a success.

In the future, my goal is to provide additional assistance in the area of Small Claims Court matters (i.e., help desk set up monthly in courtrooms) and representation and

education in land contracts. If any attorney in St. Lawrence County is interested in working with me on these projects, please contact me at llarue@lasny.org, or at (315) 386-4586, ext. 14.

Thank you to all of the attorneys on the pro bono panel who volunteered their services this year to the poor people of St. Lawrence County.

Legal Aid matters because...

"They ensure that all people throughout the region, regardless of background or socioeconomic status, are assured of proper legal representation and entitled to the basic civil liberties upon which this country was founded."

Lyn Taylor, President, Albany-Colonie Regional Chamber of Commerce

Save-The-Date:

Family Offense Basics

December 7, 2007
Albany, NY

Bankruptcy & Ethics Training

Fall 2007
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Children's Law Project

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be daunting and time-consuming. "Unfortunately," says Judy, "since these cases are not money-generating, not many attorneys do them." This illustrates the critical need for

2007 CLP Conference: Educational Rights of Children with Disabilities

November 30, 2007, The Clarion Hotel, Albany. To register call 462-6765

services offered by the Children's Law Project, a program that assists low-income children with mental

and physical disabilities in a nine-county area.

According to Judy, Kyle needed an Individualized Education Program (IEP) to provided extra time on writing assignments and tests, an aide to help him take notes and stay organized and technology tools, such as a laptop, with assistive software. Eventually, complaints were successful and the school was forced to take a number of corrective actions over the course of three years.

"The Hayners," says Judy, "had a hard time with the school. Everything was a battle. It was so rewarding to put in the work and see him succeed."

Although Kyle, still a teenager, is way too cool to agree to an interview about his success in school, Angeline reports that his grades sky-rocketed from the sixties and seventies to the eighties and nineties and that he graduated Watervliet Senior High School on time, winning four awards. He will be a freshman at Southern Vermont College this fall.

The Children's Law Project is funded by the Interest on Lawyers Account Fund, DCJS and the New York State Bar Foundation. In 2006, the CLP handled over 100 cases on a budget of just \$110,000, which covers staff, publications and a conference for parents and advocates.

2007 Law Day Festivities

The May 1 Law Day Reception this year honored valuable members and supporters of the legal community. Pictured here (clockwise, from upper right) are Joanmarie M. Dowling (Associate Award), E. Stewart Jones Jr., with John and Cara Nigro of the Nigro Companies (Community Advocate Award), Peter V. Coffey (center, Attorney Award) and his entourage, Honorary Chair Judge Howard A. Levine with his wife Barbara,

and Shervon Small (center) recipient of the Albany Law School Student Award, with friends.



Donate to our
Justice for All Campaign
ON LINE
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IRA Donations

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- **Give Now:** Only contributions made between January 1, 2006 and December 31, 2007, are eligible.
- **Age:** Donors must be 70½ years old or older.
- **Limit:** Total rollover contributions cannot exceed \$100,000 annually.
- **Eligible Charities:** Contributions must go directly to a public charity. Supporting organizations, donor-advised funds, and private foundations usually do not qualify.
- **Eligible Accounts.** Distributions can only be made from traditional IRAs or Roth IRAs. Donations from other retirement plans are ineligible.
- **Direct Distributions:** must be made directly from the IRA trustee to the public charity.
- **No Gifts in Return.** Donors cannot receive any goods or services in return for their contributions.
- **Written Receipt.** Obtain written substantiation of each contribution from each charity.

Bedding and Kitchenware Needed for Homeless Families

Legal Aid's Albany Homelessness Intervention Program (HIP) is a program designed to help individuals find and retain permanent housing for at least nine months by offering case management, legal and advocacy services. These families are starting from scratch and literally have lost everything.

Many of the families that Legal Aid

Client Gratitude Fuels Volunteerism

Jeff McMorris feels good about helping people who do not have the means to help themselves.

Although Jeff has worked in private law practice since graduating from Albany Law School in 1987, he particularly enjoyed his work as a part-time public defender in Washington County.

His participation on the LASNNY Board of Directors has helped him to continue serving people in need. He also has gained a greater appreciation for the depth and breadth of services provided by LASNNY.

"We often have LASNNY staff members attend our meetings and tell us about their work. For example, I was very impressed to hear of the work

PROFILE: *board member*



of Linda Larue, a paralegal in the LASNNY Canton office, who provides senior legal services at the St. Regis Mohawk Reservation."

Legal Aid Society Board of Directors

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Lillian Moy, the Executive Director of the Legal Aid Society, notes that "Jeff's service has been especially valuable. He brings the perspective of many local lawyers and has supported the Society's work in every possible way."

Aside from his professional activities, Jeff also has had significant involvement with The Order of DeMolay, a youth fraternity and leadership development organization for young men associated with the Free and Accepted Masons, and The Order of the Eastern Star, a Masonic organization for men and women.

Jeff has recently begun an exciting new chapter in his life. He and his partner are foster parents interested in adopting three brothers, two to four years of age. Although Jeff concedes that being a parent may limit his ability to stay as involved in some of his volunteer activities, he expects to remain on the LASNNY board until his term expires. He urges all attorneys to consider some type of involvement with LASNNY. "There are so many ways to show support: taking a case, serving on the board, or simply making a donation."

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 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 Northeastern New York, Legal Aid Society of Rochester, Albany Law School, Nutrition Consortium of the State of New York, Bank of America, The Community Foundation for the Capital Region's Sara Huntington Catlin Memorial Fund, Law Firms and private contributors.

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SEFA #150-50

No tax on donations from your IRA

This year, donations to LASNNY from your IRA distribution can be made tax-free. During 2006 and 2007, the newly enacted IRA rollover provision permits individuals age 70½ and above to make charitable donations of up to \$100,000 from Individual Retirement Accounts (IRAs) and Roth IRAs without having to count the distributions as taxable income. Now is your opportunity to take advantage of this valuable incentive.

The IRA Charitable Rollover became law on August 17, 2006, as part of the Pension Protection Act of 2006.

How does the IRA Rollover work? Taxpayers age 70½ and older are required to make annual distributions from their IRAs and pay taxes on the distributions. The IRA Charitable Rollover permits taxpayers to

make donations directly to charitable organizations from their IRAs, without paying taxes on them.

To be eligible for the enhanced tax benefit:

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Increased IOLA Funding

Governor Spitzer Continues His Commitment to Equal Access to Justice

Governor Eliot Spitzer is adding new funding for civil legal services by requiring banks to pay competitive interest rates on IOLA accounts.

Lorna Blake, Executive Director of The IOLA Fund of the State of New York, confirms that the Board of Trustees of the IOLA Fund has adopted new regulations which will require banks to pay interest rates on IOLA accounts which are comparable to the rates that they pay to other customers with similar accounts. The new rates will be subject to

market forces and changes in federal interest rates. The Fund estimates that increased annual revenue will range between \$45 million and \$55 million, approximately.

Ms. Blake reminds lawyers that they can help the Fund increase its revenue even before the new regulation is in place becomes effective. "They can simply go to www.iola.org, scroll down to view the rates paid by participating banks, and either move their existing account, or open a new account at the highest paying financial institution in their area."