

# THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

## Pro Bono SPOTLIGHT

### Fourth Department 'pro bono' trailblazers

One of the qualities that set the best leaders apart is the ability to listen and respond to the needs of those he or she seeks to lead. When it comes to *pro bono*, the Hon. Henry J. Scudder, presiding justice, Appellate Division, Fourth Department, is such a leader.

Justice Scudder was interviewing candidates applying for court attorney positions in the spring of 2009 when Emina Poricanin, a particularly promising candidate, inquired about the court's *pro bono* policy. A long time supporter of *pro bono*, Justice Scudder decided the time was right to develop a policy.

The Appellate Division, Fourth Department's *Pro Bono* Legal and Volunteer Services policy, signed by Justice Scudder in September 2009, affords both attorneys and staff the opportunity to give back to our community. The Fourth Department's policy was New York State's first — and remains its only — such policy, as confirmed by John Ritchie, Special Counsel to the Hon. Fern A. Fisher, deputy chief administrative judge for New York City Courts and director, NYS Courts Access to Justice Program.

"*Pro bono* service is a core value of the legal profession. I am proud that we are the first appellate court in New York State to implement a formal policy," Justice Scudder said recently.

Under the policy, Appellate Division attorneys are encouraged to set a personal goal of at least 20 hours per year of *pro bono* legal service, in accordance with Rule 6.1 of the New York State Rules of Professional Conduct. The Appellate Division's *pro bono* policy was recently used as a model for another government office in the development of a policy for its attorneys.



**Scudder**

At Justice Scudder's invitation, VLSP participated in a volunteer recruitment presentation during the American Bar Association's First Annual National Celebration of *Pro Bono* in October 2009. Many attendees, from senior members of staff to first year court clerks awaiting bar admission, signed up as VLSP volunteers.

"I am grateful for the assistance of VLSP in identifying *pro bono* opportunities that are well suited for government employees. Their help has been invaluable," Justice Scudder said.

In the approximately 18 months since the initial recruitment

presentation, James Mulley, executive assistant to Justice Scudder, has been instrumental in encouraging and supporting attorney and staff involvement in *pro bono* activities. Rising to the occasion, Appellate Division attorneys and staff have distinguished themselves as outstanding volunteers, stepping up to handle a broad array of civil legal problems for low-income residents of Monroe County.

"The court has provided a framework that encourages participation in *pro bono* and volunteer activities," Justice Scudder said. "The real credit belongs to our employees who have responded to the policy by providing valuable *pro bono* and volunteer services in the community. They honor their profession, and do the judiciary and citizens a great service by participating in these activities. They are making a real difference in the community."

Deputy Clerk of the Court Frances Cafarell, and court attorneys Tara Lynch, April Orłowski and Erin Tubbs, have been among VLSP's most dedicated Consumer Law Hotline volunteers. They have resolved numerous client matters by dispensing brief advice by telephone.

By efficiently determining whether or not matters require full representation, these dedicated volunteers help VLSP maximize its resources by insuring proper allocation of *pro bono* attorney time. Last month, Lynch and Orłowski conducted training for attorneys in private practice as a means to further increase the efficiency of the VLSP consumer law hotline.

Emina Poricanin, the attorney who inspired the Appellate Division's policy, has been a regular volunteer at VLSP's Family Law Clinic, where she advises clients as to whether or not their circumstances warrant the filing of a custody or visitation petition in family court. Poricanin also volunteers for VLSP's *Pro Se* Divorce Clinic, helping to provide guidance for 30 to 50 clients in a classroom setting as they complete the paperwork necessary to obtain a default divorce.

Principal Appellate Court Attorney Kim Koski Taylor is a frequent *Pro Se* Divorce Clinic volunteer. Other Appellate Division family law clinic volunteers include court attorneys Sanjeev Devabhakthuni and Erin Tubbs and staff member Carrie Ludwig.

*Continued ...*



**By LINDA KOSTIN**

Daily Record  
Columnist

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## Continued ...

A January in-house recruitment drive coordinated by Taylor has led to a further increase in *pro bono* services rendered by Appellate Division attorneys and staff. Devabhakthuni, together with fellow court attorneys Cory DeCresenza and Colleen Loughran, volunteered for VLSP's February Wills Clinic at AIDS Care in Rochester. Appellate Division staff member Laura Opiela typed wills and related documents executed by clients at the clinic.

Appellate Division attorneys also have accepted VLSP cases for full representation. Chief Appellate Court Attorney Craig Peterson has drafted wills, health care proxies and powers of attorney for VLSP clients facing serious illnesses, going out of his way to meet with clients in their hospital rooms and homes. Peterson has served as a mentor to a court attorney interested in learning how to draft wills.

Court attorney Vincent Miranda recently accepted a particularly compelling unemployment insurance benefits denial case for a Vietnam veteran. Unemployment insurance cases are among the most difficult *pro bono* cases to place. The client literally wept with joy when VLSP staff called to inform him that Miranda had accepted his case.

"The need for the provision of *pro bono* legal services has never been greater," Justice Scudder observed recently. Providing free CLEs in exchange for accepting a *pro bono* case referral is one of the most effective ways to recruit volunteer attorneys.

Justice Scudder, Clerk of the Court Patricia Morgan, Chief Counsel Gregory Huether and Principal Counsel Andrea Tomaino of the Attorney Grievance Committee, Fourth Department, have served as ethics CLE presenters. Their presentations led to over 150 attorneys from all eight counties of the Seventh Judicial District being recruited to provide *pro bono* services. Justice Scudder has provided

additional support on a statewide basis by writing articles for The New York Law Journal in support of *pro bono* and civil legal services.

The continued support of *pro bono* attorneys is likewise essential to VLSP. Attorneys are welcome to attend VLSP's Unemployment Insurance Hearings CLE from 12:15 to 2 p.m. on Friday, April 15 at the Monroe County Bar Association's Rubin Center for Education, 1 West Main St., fifth floor. Hon. Marcella Seaburg Brackett, senior administrative law judge, and Hannah Nezezon, Monroe County Legal Assistance Center, will be the presenters. The CLE is offered free of charge in exchange for a commitment to accept one VLSP case within one year. Please contact me for more information or to register.

In addition to volunteering, there are other ways to support VLSP. Artistic members of the legal community, as well as artistic family members and friends, are asked to donate works of art for VLSP's Art of Lawyering silent auction fundraiser. A gala opening reception will be held at VLSP's offices on Sept. 29. Please contact me for more information.

Legal professionals and their friends and family are invited to the Paralegal Association of Rochester's Charity Casino Night, set for 7 to 10 p.m. April 1, at the Webster Knights of Columbus, 70 Barrett Drive, Webster. Partial proceeds will be donated to VLSP. RSVP by March 28 by e-mailing Michele McKay at Harris Beach PLLC, mmckay@harrisbeach.com or call (585) 419-8758.

VLSP thanks Justice Scudder, the Appellate Division attorneys and staff, and the members of the legal community who stepped up last month to help low-income people cope with a wide range of issues including divorce, grandparent/non-parent child custody, adoption, foreclosure settlement conferences, bankruptcy, wills, name change, mortgage settlement conferences and unemployment insurance benefits denials.

## February honor roll

**Solo practitioners, paralegal and legal secretary:** Maroun Ajaka; Stefani Barnes; Katie Breitenbach; Alexander Budd; Michelle Cimino; Edward Gucker; Jason Espinosa; Christine Halverson; David Kaplan; Shaina Kovalsky; Lisa Morris; Barbara Orenstein; Timothy Pryor; Paul Watkins; paralegal Nicole Heard; legal secretary Louise Novros.

**Attorneys and paralegals at firms:** Mary Fisher, James Metzler (Boylan Brown); Steven Carling (Burns & Schultz); Andrew Cohen (Cohen & Associates); Eileen Buholtz (Connors & Corcoran); paralegal Elsa Trotto (Faraci Lange); David Tang (Harris Beach); F. Paul Greene, Diana Holl, Langston McFadden (Harter, Secrest, & Emery); Amy Kendall, Don Twietmeyer (Hiscock & Barclay); Ashley Baker, Adam Brunner, Dwight Collin, Thomas Farace, Steven Mindy, paralegal Deborah Wilcox Mabry (Nixon Peabody); Jodie Ryan (Phillips Lytle); Paul Missal (Pirrello, Missal, Personte & Feder); Robert Hooks (Woods Oviatt Gilman).

**Government attorneys and Typist:** Cory DeCresenza, Sanjeev Devabhakthuni, Colleen Loughran, Tara Lynch, April Orłowski, Craig Peterson, Emina Poricanin, Kimberly Taylor, Appellate Law Typist Laura Opiela (Appellate Division, Fourth Department).

**Corporate attorney and paralegal:** Brian O'Connor (Eastman Kodak); paralegal Cynthia Winner (Thomson Reuters).

**Mediator:** Robert Hauser (Center for Dispute Settlement).

**Law Student:** Elissa Livingston (University at Buffalo).

**College Student:** Claire Bould (SUNY Geneseo).

*Linda Kostin is the pro bono coordinator for the Seventh Judicial District's Pro Bono Action Now Program. Her office is located at Volunteer Legal Services Project of Monroe County Inc.; lkostin@wnylc.com; (585) 295-5703.*