

PEOPLE, PROGRAMS AND PERSPECTIVES AROUND THE COURTS



DIY Forms: Self-Help Tools for Litigants Without Lawyers

Free, fast and easy. The court system's Access to Justice Initiative DIY (do-it-yourself) forms are all three.

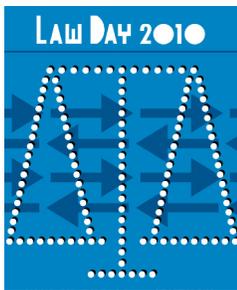
[Read more...](#)



Court System Launches Attorney Emeritus Program for Retired Attorneys

Since the onset of the nation's economic downturn, the New York court system—like state judiciaries across the country—has experienced a dramatic rise in unrepresented litigants.

[Read more...](#)



Call for Equal Justice for Indigent Civil Litigants at Law Day

The 2010 Law Day ceremony, held at the Court of Appeals in Albany, brought a historic announcement from Chief Judge Jonathan Lippman: a call for free legal representation for indigent civil litigants.

[Read more...](#)



QUEST: A Hopeful Alternative to Juvenile Detention and Placement

A special event honored Queens Engagement Strategies for Teens, QUEST—an innovative, new after-school juvenile justice program co-sponsored by The Center for Court Innovation and nonprofit organizations.

[Read more...](#)



Women and the Law: Toward a New Discourse

The ethical dimensions of law and life were on the mind of Professor Paula Franzese, keynote speaker at the New York County Supreme Court's Women History Month celebration.

[Read more...](#)

Welcome to Focus on the Courts—featuring stories that keep you up to date on new initiatives, events and opportunities in and around the courts. Look for rotating features in the coming weeks and months.

DIY Forms: Self-Help Tools for Litigants Without Lawyers

Free, fast and easy. The court system's Access to Justice Initiative's DIY (do-it-yourself) forms are all three.

"DIY programs are part of our continuing effort to make the courts more accessible to the ever-growing number of New Yorkers who are unable to afford an attorney," says Fern Fisher, Deputy Chief Administrative Judge of New York City Courts and Director of the New York State Courts' Access to Justice Program, which ensures access to justice in civil and criminal matters for New Yorkers of all incomes, backgrounds and special needs.

The program oversees the creation of court-ready documents that convert litigants' information into personalized forms with step-by-step instructions, ready to print, serve and file in court, all available online at www.nycourts.gov/courthelp/.

For example, 95% of the people who file the support modification to request a change in child support orders are unrepresented. Now, they have the option of using the online DIY program, available statewide.

The Access to Justice Program will not release a form until it has been tested by judges, litigants and clerks, and evaluated by a plain-language specialist. “I’ve seen people who have never used the Internet before sit down, and with the click of a mouse, easily follow these

“DIY programs are part of our continuing effort to make the courts more accessible to the ever-growing number of New Yorkers who are unable to afford an attorney.”

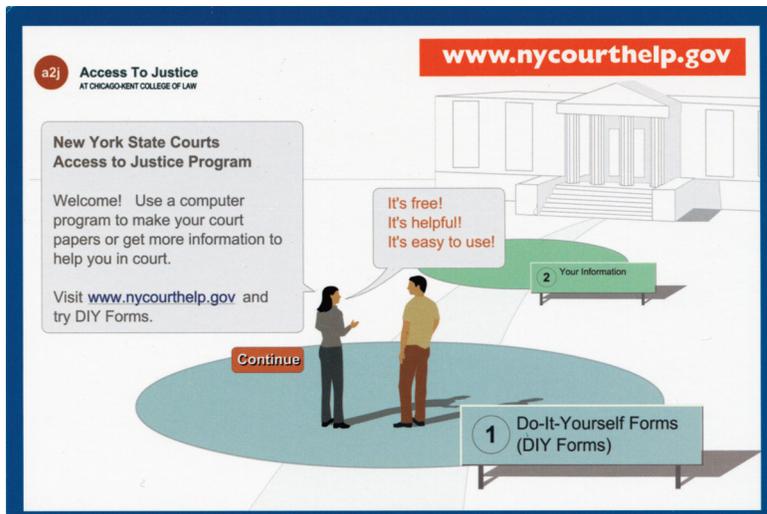
Fern Fisher, Deputy Chief Administrative Judge of New York City Courts and Director of the New York State Courts’ Access to Justice Program

forms,” says attorney Rochelle Klemptner, of the Access to Justice Program. “It’s a valuable use of the courts’ time and money because we reach so many people.”

Based on feedback gathered from online questionnaires, the forms have been received enthusiastically. A filer using the paternity

petition DIY form called it “private, confidential and very clear.” Another, who used the DIY program to ask the Family Court to change a child support order resulting from the filer’s change of circumstances, “actually liked doing the program myself.”

The Access to Justice interface, designed by the Chicago-Kent Law School, was developed



for maximum user-friendliness. Users are literally walked through the program by a speaking guide that moves them closer and closer to the virtual courthouse steps as they answer questions that individualize their form. The program is available to legal service organizations and others developing free programs for people unable to hire attorneys.

In addition, the program provides outreach to social

service agencies and the clergy so that the forms can be found online in as many accessible locations as possible for those who otherwise might not have access to computers.

The result is a marked increase in DIY program usage. In 2008, 8,000 forms were completed in Family Court, Surrogate’s Court and Supreme Court in New York City’s five boroughs. With the four additional statewide programs launched in spring 2009, the number of completed forms soared to 25,000 by the end of 2009.

Three more DIY programs are currently being tested for release later this year: one for guardianship applications; another, a fact sheet that will direct people to resources on issues including elderly abuse, teenage dating and orders of protection; and one that will provide unique help for homeowners or leaseholders in New York City who have problems with roommates and trouble evicting them.

For many, the court system can be overwhelming. The DIY Program provides a virtual, step-by-step guide before one even gets to the actual courthouse steps.

Call for Equal Justice for Indigent Civil Litigants at Law Day

The 2010 Law Day ceremony, held on Monday, May 3rd at the Court of Appeals in Albany, brought a historic announcement from Chief Judge Jonathan Lippman: a call for free legal representation for indigent civil litigants. It has long been a legal requirement to provide representation to criminal defendants who are not able to afford the counsel of an attorney.



Chief Judge
Jonathan Lippman

“I see this as one of the great challenges facing our justice system today. No issue is more fundamental to our constitutional mandate of providing equal justice under the law,” said Chief Judge Lippman.

The first Law Day was held in 1958 with the theme, “Democratic Society’s Commitment to the Rule of Law.” As we move into the second decade of the 21st Century, speakers addressed the theme of “Enduring Traditions, Emerging Challenges.”

Solicitor General of the State of New York Barbara Underwood urged the assembled group of legislators, judges, attorneys and court personnel “to move past token representation to genuine inclusiveness. When there’s more than one (representative of a minority group),” she said, “that person is heard as an individual and in that way the experience of the group and the individuals in it can truly be heard.”

Governor David Paterson spoke passionately about the challenges the courts have faced in the pursuit of justice. “The true measure of one’s self worth,” he said, “is the ability for the imprint of the downtrodden to move our collective souls.”

Chief Judge Lippman addressed the “longstanding challenge that has grown even more difficult and urgent for our state in these dire financial times. A challenge representing one of the most essential elements of the rule of law and one of the foundations of our democracy: equal access to justice.”

He noted the escalating roster of new cases in areas including home foreclosures, consumer debt and custody petitions that are the direct “human fallout from the recent economic collapse,” citing the more than 2 million litigants who appear in civil cases each year without the help of lawyers.

Judge Lippman called for a task force to examine the most pressing needs for legal services for the indigent. The group will be chaired by Helaine Barnett, former president of the Legal Services Corporation—the largest provider of civil legal aid for the poor in the nation—as well as a cross section of judges and attorneys. The panel expects to recommend which kinds of civil cases should be required to provide free legal representation, and identify sources to finance these services by December 1, 2010.

“It is impossible to be afforded a fair outcome without representation,” said Judge Lippman.

Women and the Law: Toward a New Discourse

The ethical dimensions of law and life were on the mind of Professor Paula Franzese, keynote speaker at the New York County Supreme Court’s Women’s History Month celebration.

“As we continue to work toward eradication of the barriers to true equality, let us remember



Paula Franzese,
Peter W. Rodino
Professor of Law at
Seton Hall University
School of Law

that we cannot live only for ourselves,” Professor Franzese advised the audience. The event took place in a large hall usually reserved for jurors waiting to be assigned to trials, adding particular resonance to her words.

Professor Franzese is one of the country’s leading experts in government ethics and property law. She has spearheaded ethics reform initiatives on behalf of three governors, serving as special ethics counsel to former New Jersey Governor Richard Codey, and is chair of the New Jersey State Ethics Commission.

Much of Franzese’s speech focused on the ways all people can enhance their humanity in everyday life, but she emphasized in particular the duties of women, long cast as underdogs themselves, to become champions of others who may now be in that same position.

“We lose the moral high ground as soon as another can feel our underlying contempt. As we go forth to make the difference that only we can make,” she said, “it’s important that we have an answer to the inevitable question: Who do we think we are?” She continued, “Who do I think we are? We are givers of hope, beacons of light in a world fraught with too much darkness. We may weary as we advance the cause of the good, but we will never be defeated.”

Franzese advised the group to be of service and impeccable with their words. “It is in our own best interests,” she said, “because our words shape our character.” Addressing the age-old self-esteem issues which continue to afflict girls and women, she implored women to “remember to remember not to be diminished by others’ opinions.”

Her words brought a balanced message of empowerment and empathy, one that men and women are particularly connected to as we work toward a more equitable and opportunity-rich culture for all, particularly girls from at-risk backgrounds. After the presentation, Administrative Judge for the New York County Supreme Court, Civil Term, Sherry Klein Heitler, reflected on her own trajectory. “I was lucky because I was taught I could do anything a boy can,” she said. “It’s transformative for girls to get positive reinforcement from a young age that they can do whatever they want to do.”

A ceremony to honor a woman who began her career in the courts in 1961 as a key-punch operator and retired as administrator of the New York County Clerk’s office ended the special event. Betty Piervencenti received the New York County Supreme Court’s distinguished service award for her 49-year service to the court system.

The event was sponsored by the Gender Fairness Committee of the New York County Supreme Court, among a network of local court committees across the state that provide a forum for the informal resolution of gender bias complaints, along with training on gender fairness-related issues. Co-chairpersons are Acting Supreme Court Justice Deborah Kaplan and court attorney Anna Rumberg.

Court System Launches Attorney Emeritus Program for Retired Attorneys

There is a broad range of opportunities for litigators, no matter what their practice specialties.

Since the onset of the nation’s economic downturn, the New York court system—like state judiciaries across the country—has experienced a dramatic rise in unrepresented litigants. One of the newest pro bono programs sponsored by the court system to address the escalat-

ing legal needs of these litigants—more than two million appear in our courts each year—is Attorney Emeritus.

The program was initiated by Chief Judge Jonathan Lippman to “harness the energy and experience of retired attorneys who want to remain involved in the law and have the experience

and eagerness to help the growing number of New Yorkers who cannot afford counsel.”

Attorney Emeritus—A Volunteer Lawyer Program for Retirees 55 or Older

- **Attorneys provide legal advice and assistance in civil and family law matters**
- **Program participants must provide 30 hours of unpaid legal assistance in a one-year period**
- **Lawyers are placed in their area of the state**
- **Participating attorneys are not subject to the state’s biennial \$350 attorney registration fee**
- **Mandatory continuing legal education requirements are waived**
- **Free on-site training and supervision are provided**

For more information on this program, call 877-800-0396 or visit our website at <http://www.nycourts.gov/attorneys/volunteer/>.

Attorney Emeritus is the newest addition to the courts’ Volunteer Attorney Program, which operates in New York City and Nassau County, providing free assistance to self-represented litigants to ensure that they have access to competent legal advice.

Attorneys Emeritus are exempted from the state’s biennial \$350 registration fee and mandatory continuing legal education requirements, and afforded free training and malpractice coverage.

Retired attorneys in the program advise the unrepresented about their rights, how to navigate a lawsuit and assist clients in the preparation of complaints, petitions and other legal documents.

Since the program was announced at the beginning of February, more than 130 lawyers have signed up. Letters have already gone out to retirees 55 or older who have practiced for a minimum of ten years, inviting them to volunteer their legal skills.

Many of the legal services organizations operating in New York and around the country are authorized to represent litigants who make up to twice the poverty level, currently \$39,000 for a family of four. The court’s Volunteer Attorney Program does not have such a restriction. “We can help people with moderate means, says Jacqueline Haberfeld, who coordinates the program, “and there are a lot of people of moderate means who cannot afford counsel.”

Training currently offered to retired attorneys via this program includes foreclosures, consumer debt assistance, uncontested divorces and landlord-tenant disputes. Program areas are developed in response to what Fern Fisher, Deputy Chief Administrative Judge of the New York City Courts and Director of the New York State Access to Justice Program, perceives, via the docket, are the largest number of litigants in need.

QUEST: A Hopeful Alternative to Juvenile Detention and Placement

In a special event honoring Queens Engagement Strategies for Teens, QUEST—an innovative, new after-school juvenile justice program co-sponsored by The Center for Court Innovation and nonprofit organizations—keynote speaker Chief Judge Jonathan Lippman cautioned the assembled group at the Queens Family Courthouse that the juvenile justice system has reached a critical crossroad.

photo: Rick Kopstein



From left to right: Commissioner of the NYS Office of Children and Family Services Gladys Carrion, Chief Judge Jonathan Lippman, Family Court Judge Edwina Richardson-Mendelson and Commissioner of the NYC Department of Probation Vincent Schiraldi

A recent U.S. Department of Justice report found widespread violence in New York's current youth prisons and confirmed that by incarcerating thousands of children in these facilities, the largest of which closely resemble adult prisons, New York State is harming its children, wasting money and endangering the public.

For Judge Lippman, the cause of juvenile justice has become a passion.

"Nothing is more important to the future of our court system than the health of our children," he said. He called current youth prisons "high schools for crime."

About 1,600 young people are placed in these prisons each year at an annual cost per individual of \$210,000. That is roughly ten times the cost of the most expensive community-based alternative to incarceration.

"It is an understatement to say that the return on this investment is abysmal. An estimated 89 percent of boys incarcerated in New York's juvenile detention facilities go on to commit additional crimes, especially troubling when we know that so many youngsters are sent to these facilities for misdemeanor-level offenses." Low- and moderate-risk offenders who receive community-based services, he said, are much less likely to commit future crimes.

"A remarkable team of reformers both on the city and state level has attempted to build a better, more humane system," he continued, "trying to make it everything that it should be. Thanks to all of them the seeds of renewal have been planted and are now beginning to flower."

"The state court system and the Family Court are 100 percent behind programs like QUEST, of which we need so many more."

Chief Judge Jonathan Lippman

Judge Lippman described QUEST, currently located in the basement of a church in Jamaica, Queens, as "a tough love regimen that combines health with accountability."

Whether it's counseling, computer training, homework help or just a few hours of recreational activity, QUEST gives young people with delinquency matters pending in Queens Family Court something positive and meaningful to do after school, and for those who need mental health treatment QUEST's on-site clinical team conducts in-depth assessments and links young people to necessary services while providing intensive monitoring. Staff closely monitors compliance with judicial orders through daily telephone calls and, when necessary, home visits—making sure that young people appear in court, attend school and follow curfews and any other condition set by the judge.

Among the other speakers at the May event were Gladys Carrion, Commissioner of the New York State Office of Children and Family Services, who oversees all foster care, adoption and protective services for children and is responsible for programs for juvenile offenders and delinquents. Calling QUEST "exactly what we need," she said the recommendation of the Governor's task force for the transformation of juvenile justice is "to divert teens from detention and alternate placement," adding, "I need a lot of partners and a lot of support to be able to do that, and QUEST is an important new partner in that strategy."

New York City Family Court Administrative Judge Edwina Richardson-Mendelson, who also addressed the attendees, spoke of the burden placed on her colleagues as they balance the need for community safety and the needs of children. The QUEST after-school and compli-

ance monitoring program “provides our courts with a bright light in a dim juvenile justice climate,” she said.

A national leader in the field of juvenile rehabilitation, Vincent Schiraldi, Commissioner of the New York City Department of Probation, was appointed in November 2009 by Mayor Bloomberg. He advised the group of the intense need for the system to tailor programs to fit the problems of youngsters, not the other way around.

Once the burgeoning program reaches its full capacity, QUEST will work with 225 young people each year. More than 200 young people have already successfully completed the program and avoided being placed in an upstate facility.

“I was fearful that my son would become another statistic,” said Vanessa Laureano, one of several parents who spoke to the audience so movingly of the effect of the program on their children. “They saw in Orlando what I as a mother saw all along—that he wasn’t a lost cause nor should he be seen as one. My son received the skills to remain safely and productively in society,” she said. “QUEST also gave me the knowledge and insight to advocate for my son on my own. Thanks to QUEST my son has not been remanded. Thank you for seeing that he wasn’t a product of his environment but a child who needed help.”

Another parent, Dwayne Kelly, credited QUEST for turning his daughter’s life around. “It takes teamwork to make the dream work,” he said.

His wife, Angie Locus-Kelly, a youth pastor, was particularly troubled to see her own daughter enter a juvenile justice system she was already very familiar with through her work. “I really honor this program because I go into detention centers on a monthly basis and I see that children there do not have hope. I look at QUEST as a strategy, and when I look at the word ‘strategy’ I see strength and success.”

Judge Lippman believes when courts join together with partners in philanthropy and the non-profit sector, it is possible to craft better outcomes for children, families and communities. “The state court system and the Family Court are 100 percent behind programs like QUEST,” he said, “of which we need so many more.”