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FIFTH DISTRICT PRO BONO PROJECT: **Pro Bono Bankruptcy Update**

By Jim Williams

Fifth Judicial District Pro Bono Coordinator

We previously reported on the pro bono bankruptcy project in the Fifth District and want to update our readers about the success of one particular aspect of the project—the involvement of Syracuse University Law School students under the supervision of our volunteer, SU Law Professor Gregory Germain.

Since January of 2008, many low-income people in Central New York have been able to access pro bono bankruptcy assistance through a collaboration coordinated by the Fifth Judicial District Pro Bono Action Now Committee. The initiative brings together efforts of the Syracuse Bankruptcy Court, the Central New York Bankruptcy Bar Association (CNYBBA), the Federal Court Bar Association of the Northern District of New York, volunteer lawyers, Legal Services of Central New York, and the Legal Aid Society of Mid-New York. The initiative also involves the significant help of Professor Germain and several law student volunteers.

During the 2008-09 school year, Professor Germain and his 30 student volunteers took on 10 cases and were recognized for their work by the New York State Bar Association at the 2009 Law Day Celebration. They received the President's Pro Bono Service Award for outstanding pro bono

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SIXTH JUDICIAL DISTRICT HOSTS ITS THIRD AND FOURTH JUDGES' BEST PRACTICES CLE PROGRAMS

By Suzanne S. Myette

Sixth Judicial District Pro Bono Coordinator

The Sixth Judicial District Pro Bono Action Now Committee most recently hosted its fourth **Judges' Best Practices CLE Program** of the year, on Thursday, November 12, at the Moakley House at the Cornell University Golf Course in Ithaca. This CLE program, co-sponsored with the Tompkins County Bar Association, was the committee's kick-off event for our four western counties—Tompkins, Tioga, Chemung, and Schuyler—and served as a combined educational and volunteer recruitment forum, a kind of event that has worked very well throughout the Sixth District this year.

The Ithaca program offered a panel of judges from local Supreme, Family, Surrogate's, and City Courts, as well as a Support Magistrate. Hon. Robert C. Mulvey, our new Sixth District Administrative Judge and co-chair of the ProBonoNY Committee, served as Moderator and was instrumental in recruiting an exceptional jurist panel: Hon. Judith F. O'Shea, Hon. John C. Rowley, Hon. David M. Brockway, Hon. Judith A. Rossiter, and Support Magistrate Michael Costello. The event was free for all attending attorneys who agreed to accept one pro bono case referral from Tompkins/Tioga or Chemung County Neighborhood Legal Services or participate in a

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work performed by a law student group. This year, Professor Germain has recruited over 60 student volunteers, and they have already taken on 15 cases.

We asked Professor Germain what inspired him to undertake this project again. "The program gives students an opportunity to apply their new legal knowledge to a real case," he said. "They act as a fiduciary often for the first time, putting their clients' needs and demands above their own, and balancing their time between school work and their professional responsibilities," Professor Germain added.

Before becoming a law professor, Germain practiced law in San Francisco, representing creditors in large commercial reorganization cases. He did not handle individual bankruptcy cases and always thought such cases to be simple and formulaic. "The paperwork is just as unpleasant and formulaic as I expected, but I have been surprised at how many complex legal problems have arisen in these relatively simple Chapter 7 cases—almost every case has something unusual or new, some problem or legal issue that requires special attention," Professor Germain said.

Students participating in the program have really enjoyed it. Not only has it provided real-world experience, but it has led to a commitment to pro bono work in the future. Nina Hong, 2L, said that the project "ranks on top of my list of experiences at law school" and that participation in the project led her to work in public service this past summer through Equal Justice Works. Sharon Burdicko, 2L, is participating in the project for a second year. She says that, as a 1L, she was looking for something meaningful in which to participate and was drawn to the project because it

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local pro bono clinic program in the upcoming year.

The event drew 42 attorneys and two paralegals, including attendees from all four of the Sixth District's western counties. There were many favorable comments and positive feedback evaluations about the program, the printed materials, and the individual judges' presentations. Likewise, the judges were enthusiastic and pleased about the opportunity to speak with the attorneys in a forum off the bench. Everyone agreed that this should be an annual event.

The Committee has now co-hosted four Judges' Best Practices CLE events this year through which it has recruited almost 150 pro bono attorneys throughout the District. In addition to the recent program in Ithaca, similar events were held earlier this year in Norwich, Binghamton, and Delhi. All of them were also very well attended and well received by both new and experienced attorneys.

The Committee's third such event was the program in Delhi on Thursday, October 1, in conjunction with the Otsego and Delaware County Bar Associations. Committee member Hon. Carl F. Becker helped organize and orchestrate the Judges' Best Practices presentation in conjunction with a bar association dinner. A panel of three judges representing five courts—Hon. Molly Fitzgerald, Supreme Court; Hon. Gary Rosa, Town and Village Court; and Hon. Carl F. Becker, Family, Surrogate's and County Courts—gave extremely informative presentations to the 25 attorneys in attendance, all of whom agreed to accept a pro bono referral from Legal Aid Society in the upcoming year.

Through these Judges' Best Practices programs and the cooperative efforts of judges, attorneys, bar associations, and legal service providers, the Sixth Judicial District Pro Bono Action Now Committee has made substantial progress toward enhancing the availability of pro bono legal services throughout the District.

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provided the opportunity to gain real practice experience and to help an individual in need. Sharon says that this year the professional experience gained is richer than the first year's because, "I am not wondering what the next step in the process is, but how the team can accomplish that step better than we did last year." She anticipates that having done pro bono work in law school, it will "only be natural to continue volunteer work in my legal practice."

Pamela Young participated in the project as a 3L because she had worked with low-income people in the consumer law area and saw a need for providing low-income individuals the tools they need to manage their money and protect their credit profile. She said that she truly believes in the "fresh start" concept of bankruptcy: "I believe that everyone deserves a second chance."

Judge Margaret Cangilos-Ruiz of the Bankruptcy Court in Syracuse said, "The court is extremely appreciative of the efforts of Professor Germain and the law student volunteers from SU College of Law. Not only are the students helping people in need, they are gaining valuable experience and making pro bono part of their professional lives early in their careers. We fully support this project and feel gratified that it began in part through the efforts of the court to encourage more pro bono." In addition to the Syracuse Bankruptcy Court's effort to encourage expansion of pro bono generally in early 2008, Judge Cangilos-Ruiz said that the court had helped to facilitate the participation of students through its Administrative Order No. 09-03, relating to the Appearance in the Northern District Bankruptcy Courts by Student Practitioners.

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Professor Germain hopes that students' involvement in this work will demonstrate to the Syracuse legal community that SU students want to be involved in real legal work. "Everyone involved in the program has volunteered their time, without any compensation or credit, to gain experience and to give back to the community. While our law school sits on a hill above the city, our students want to be more engaged with the legal community. Our students need mentors and role models. I would like to see the local bar become more involved with the school and its students."

NOTES and COMMENTS

By John Ritchie

Annual Reports.

The annual reports for this year should cover the full calendar year 2009 (not cutting off at the end of November, as we have done in some prior years). As usual, they should provide both quantitative and (brief) narrative information. Ideally, they can be prepared for the most part during December, but with completion held until early January, when the relevant December data are available. Reports should then be sent to Judge Fisher (with a copy to me) as soon in January as they are finished.

Brief narrative material should summarize committee events and activities--perhaps including such items as copies of letters, fliers, or other materials circulated by the committee; copies of articles in local news media concerning committee activities, photographs, etc. The narrative could also include a brief look at plans for the coming year or the first part of the year. Quantitative data should be as we have discussed previously: volunteer attorneys active during the year, hours of pro bono time, numbers of case referrals, some indication of types of cases--and other information that the committee may wish to provide.