

NEWSLETTER

ProBonoNY

AN ACCESS TO JUSTICE PARTNERSHIP FOR THE POOR

For Local Action Committees

SPONSORED BY THE NEW YORK STATE UNIFIED COURT SYSTEM, OFFICE OF THE HONORABLE JUANITA BING NEWTON, DEPUTY CHIEF ADMINISTRATIVE JUDGE FOR JUSTICE INITIATIVES
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Fifth District Matrimonial Project

By Jim Williams

Too often, low-income people are unable to afford the cost of obtaining a divorce. This not only impacts the parties to the marriage—children of these families suffer because child custody and visitation issues remain unresolved. The Fifth Judicial District Pro Bono Action Now Committee is working with judges, bar associations, the private bar, and legal services providers throughout the Fifth District to try to meet this unmet civil legal services need for people whose incomes are at or below 200% of the federal poverty guidelines, through greater pro bono involvement and reliance on Judiciary Law §35(8).

Under §35(8), the Supreme Court may assign counsel in a divorce action to represent a litigant on the issues for which a Family Court litigant would be entitled to appointment of counsel under §262 of the Family Court Act—child custody/visitation and orders of protection. Working with legal services and legal aid organizations and the private bar, the Committee is recruiting attorneys who would be willing to accept such assignments who are also willing to handle the rest of the issues in the divorce case on a pro bono basis. Already, in Onondaga, Oneida, and Herkimer Counties, the Committee has recruited legal services providers willing to take on these cases, and the Committee is now working closely with bar associations in those counties, recruiting members of the private bar for the project.

The Committee believes that this project has the potential to benefit litigants, their families, the courts, and attorneys. More low-income people will be able to obtain divorces and then get on with their lives. Children will benefit as child custody and visitation issues will be resolved. Courts will benefit because more parties will have the benefit of representation, and court resources will be conserved. One court will be able to help resolve

all of the issues in a case—divorce, as well as child custody and visitation and the other issues that may arise in particular cases. Attorneys will benefit not only by being compensated in part for their work, but also by helping to ensure that people in need obtain quality civil legal services.

The Committee hopes to encourage expansion of similar efforts throughout the State. As part of that effort, the Committee will share model forms and policies developed in this project. On May 19, in Albany, the Committee's representatives made a well-received presentation on this project to the NYSBA President's Committee on Access to Justice.

Notes and Comments

By John Ritchie

Following this compendium Summer issue, the Newsletter will return to monthly publication beginning in September.

GREAT NEWS! Though it has taken longer than we had hoped, ProBonoNY has now added a fourth attorney pro bono coordinator—Linda Kostin, working with the Seventh Judicial District Pro Bono Committee. Linda is headquartered at Volunteer Legal Services Project of Monroe County, in Rochester, and can be reached at 585-295-5703. More soon about Linda and her background and the Seventh District Committee's projects.

We plan to add another coordinator in the Sixth District very soon, and we have begun the process that we hope will lead to another in the Tenth District/Suffolk County within the next few months. And there are further plans

ON THE WEB. The Eighth District Committee has now joined the Fifth District Committee in having a website as part of the court system's public website. Please see www.nycourts.gov/8jd/probono/index.shtml. I hope other committees will be interested in doing something similar in the near future.

**PRO BONO CONFERENCE IN
BUFFALO, APRIL 25-26,
2008**

An exciting event: the Eighth District Pro Bono Committee, in partnership with The Baldy Center For Law & Social Policy at the Law School at SUNY Buffalo, sponsored a conference entitled **Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession.**

Held April 24-26, the conference featured prominent keynote speakers: Deborah Rhode, Stanford Law School, "Where is the Public in Lawyers' Public Service? Pro Bono and the Bottom Line," and Karen Mathis, immediate past president of the ABA, "A Second Season of Service." Members of the Eighth District Committee attended and participated; and, on Saturday morning, April 26, the Committee offered a four-credit CLE program on handling matrimonial cases, free to attorneys who committed to handling at least one pro bono divorce within a year.

The opening reception and keynote address, late afternoon Thursday the 24th, were held in the former Bank Lobby at the Main-Seneca Building, 237 Main Street in downtown Buffalo. On Friday the 25th, there were morning and afternoon CLE programs, three credits for each program, at a cost of \$75 for one three-credit program, \$150 for both (a little less for members of the Erie County Bar or the UB Law Alumni Association). The Friday programs, as well as the Saturday matrimonial program, were held in O'Brian Hall at UB Law School.

I attended the conference—very worthwhile, absorbing material and excellent speakers, with a particularly strong matrimonial CLE program.

This Space Available!

The Newsletter continues to solicit your contributions—brief discussion of any topic of general interest, report on some event or activity, or an announcement about some upcoming event. As noted above, the Newsletter will return to monthly publication in September—aiming for each issue to be circulated by electronic and snail mail about the middle of the month.

Contact Information

I suspect some of my addresses for both First Class Mail and electronic mail are in need of updating. Also, there are addresses of both kinds that I just plain don't have. It would be greatly appreciated if someone from each committee could provide me with updated contact information for all committee members at earliest convenience. Thanks!

I'm looking forward to seeing you all soon, as we enter the busy Fall season . . . and I'm looking forward to opportunities to attend and hear about every committee's ongoing and new activities. On a related point: don't forget that we have some funds—limited though they be—to support special receptions, training programs, and other committee activities.

FORECLOSURE HELP

As you are probably aware, the Legislature passed and the Governor recently signed legislation establishing, among other things, a structure of mandatory or optional settlement conferences in a large universe of foreclosure cases. Pro bono help will be vital, and I hope we can start to consider how to support this. More later.