

VOLS PRO BONO FORUM

A Publication of *Volunteers of Legal Service*

SPRING 2010

In this issue of our newsletter, we highlight the launch of our newest project, the VOLS Unemployment Insurance Advocacy Project, and recent accomplishments of our other projects, with some of the success stories that exemplify our mission and goals.

UNEMPLOYMENT INSURANCE ADVOCACY PROJECT

This project was launched late last year to provide legal assistance to claimants denied unemployment insurance benefits. Claimants call the **VOLS Unemployment Insurance Hotline—347-521-5720**—where cases are screened for merit. Claimants receive brief legal advice or are assigned a volunteer lawyer.

At a time of widespread economic distress, volunteer lawyers are assisting New Yorkers who find themselves jobless, some unable to meet basic living expenses, like rent. At hearings following denial of benefits by the New York State Department of Labor, an unrepresented claimant will prevail only 28 percent of the time. When represented at a hearing, a claimant's success rate more than doubles.

VOLS welcomes **Robyn Weinstein** as director of this project. Robyn is a graduate of Cardozo Law School where she received the Unemployment Action Center Advocate of the Year Award and served as regional co-chair of the eight UAC chapter law schools in the metropolitan area.

SINCE THE LAUNCH OF THE PROJECT:

- 74 lawyers from 15 law firms trained.
- 218 claimants denied benefits provided brief legal advice.
- 27 claimants denied benefits assigned to volunteer lawyers for representation.
- Summer associates from major law firms to participate in the project.

A SUCCESS STORY:

A teacher was denied unemployment insurance benefits as a result of leaving her position to care for her dying father. **Robert C. Sheehan** and **Damian Catoir** of **Skadden, Arps** successfully appealed the denial by demonstrating that she had good cause to leave her position and that it was not a voluntary departure. In addition to being denied benefits, the claimant also faced a penalty of over \$4,000 for allegedly collecting unemployment insurance benefits under false pretenses. The lawyers appealed the penalty and again were successful. The claimant told her lawyers that without them, she would have given up.

Lawyers and law firms interested in participating in the Unemployment Insurance Advocacy Project should contact Robyn Weinstein, Project Director, at rweinstein@volsprobono.org

CHILDREN: HOSPITAL-BASED PROJECT

RECENT ACCOMPLISHMENTS

- 165 families served by volunteer lawyers.
- 208 volunteer lawyers and 30 legal assistants provided services to these families.
- 10,000 pro bono hours contributed.

In this project, volunteer lawyers work with doctors and social workers at hospitals to improve health outcomes for poor children through the provision of pro bono legal services. Thus, a child whose asthma may be triggered by conditions in the family's apartment will have a lawyer available to secure housing improvements.

VOLS recruits both hospitals and law firms for the project, matches them, and provides mentors with expertise in immigration and housing law, as well as additional support. The project sites and VOLS matched law firms are:

- The Children's Hospital at Montefiore (Cravath, Swaine & Moore);
- Harlem Hospital Center (Dewey & LeBoeuf);
- Metropolitan Hospital Center (Patterson, Belknap, Webb & Tyler);
- Morgan Stanley Children's Hospital of New York-Presbyterian (Cravath);
- New York-Presbyterian Hospital, Weill-Cornell Campus (White & Case);
- New York University Medical Center (Proskauer Rose and Pillsbury Winthrop); and
- Bellevue Hospital Center (Paul, Weiss, Rifkind, Wharton & Garrison).

A SUCCESS STORY:

Two young children were experiencing severe asthma attacks, the result of water leaks creating mold conditions in the family's apartment. Volunteer lawyers arranged for the family's transfer to an apartment free of asthma-triggering conditions.

THE CLIENT WROTE:

Hello Dream Team,

You did it. You all have worked so hard on behalf of me and my sons. We are truly blessed to have such great lawyers.... But most of all, my sons thank you cause they can now breathe fresh air in their room and not have to go through having asthma attacks every month—do not have to miss school due to a hospitalization for a severe asthma attack. They are completely healthy and doing extremely well in school.

CHILDREN: SCHOOL-BASED PROJECT

RECENT ACCOMPLISHMENTS

- 135 families served by volunteer lawyers.
- 176 lawyers and 62 legal assistants provided services to these families.
- 10,577 pro bono hours contributed.

In this project, VOLS matches law firms with schools to address civil legal problems facing families that threaten to disrupt the education of their children. As an example, an eviction can lead to children having to withdraw from the school they are attending.

THE PROJECT SITES AND VOLS MATCHED

LAW FIRMS ARE:

- Bronx Lab School, a high school in the Gun Hill section of the Bronx (WilmerHale);
- The Bushwick Campus, four high schools in

Brooklyn on a single campus, matched with Simpson Thacher & Bartlett. The four high schools are School for Social Justice, New York Harbor School, Academy of Urban Planning, and Academy for Environmental Leadership;

- Dream Charter School, an elementary school in East Harlem (Baker & McKenzie);
- Essex Street Academy, a high school on Manhattan's Lower East Side (Hughes, Hubbard & Reed);
- KIPP Academy, a middle school in the Mott Haven/Morrisania section of the Bronx (Debevoise & Plimpton);
- Public School 11, an elementary school in Chelsea (Kramer Levin Naftalis & Frankel); and
- Public School 146, an elementary school in East Harlem (Fried, Frank, Harris, Shriver & Jacobson).

A SUCCESS STORY:

The father of two children, devoted to his children and their mother, sought for years to regularize his immigration status in the United States. Indeed, when he met with his volunteer lawyers for the first time, he had recently been placed in deportation proceedings. The volunteer lawyers had high barriers to overcome, working on the case for over a year. The end result was a complete success—cancellation of deportation and granting of permanent resident status, thus preventing the breakup of this close-knit family. At a celebratory pizza/pasta supper with the family and their lawyers, the father proudly displayed his newly issued green card.

For more information about the VOLS Hospital and School-based Children's Projects, please contact Sara Effron, VOLS Associate Director, at seffron@volsprobono.org

THE ELDERLY POOR

RECENT ACCOMPLISHMENTS

- Provided legal services on 1,570 cases.
- 393 of these cases referred to volunteer lawyers.
- Over 300 homebound seniors received visits from lawyers.
- 33 legal information sessions conducted for seniors and senior center staff on life-planning and debt-related issues, reaching 740 seniors and 170 staff members. Presentations made in English, Spanish and Chinese, and, on occasion, for deaf seniors, signing is used, and for deaf and blind

seniors, a touch system.

In this project, pro bono legal services are provided to poor persons over the age of 60 living in Manhattan. VOLS conducts twelve legal clinics each month at senior centers and provides legal services to clients from an additional 90 community-based agencies. Areas of legal assistance include wills, medical directives, powers of attorney, housing, consumer matters and Medicaid.

A SUCCESS STORY:

A 67-year-old, non-English-speaking, homebound senior from Washington Heights requested our assistance in the preparation of a health care proxy and power of attorney. The client was finding it increasingly difficult to pay her bills on a timely basis and her children were worried about medical treatment being provided to their mother if she became incapacitated and was unable to make medical decisions on her own behalf. We visited the client to collect the necessary information, prepared the documents and had her execute them in her home. As a result, the client's children now can pay their mother's bills in a timely fashion, avoiding the possibility of an eviction or debt collection proceedings, and all involved can have the peace of mind that the client's wishes will be carried out if she cannot articulate her desired medical treatment to her doctor or the hospital medical staff.

Lawyers interested in volunteering with the Elderly Project should contact Oscar Straus, Elderly Project Director, at ostraus@volspobono.org.

INCARCERATED MOTHERS LAW PROJECT

RECENT ACCOMPLISHMENTS

- 157 mothers in prison or jail received 321 legal visits, with many mothers seen multiple times by lawyers because of the complexity of their cases.
- Additional mothers attended group legal information sessions conducted by lawyers.

Lawyers participating in the VOLS Incarcerated Mothers Law Project provide one-on-one legal counseling to mothers on child custody and visiting issues at

the city's jail on Rikers Island and at two state medium security prisons — Taconic Correctional Facility located in Bedford Hills and Bayview Correctional Facility located at 550 West 20th Street in Manhattan. A VOLS family law consultant provides training and mentoring to the pro bono lawyers.

Over 5,000 children have a mother incarcerated in a New York state prison. Mothers have a strong desire to continue their relationships with their children while incarcerated, but face major obstacles to making visits happen. There are serious legal consequences to prolonged separations. Mothers need forceful legal advocates to work on their behalf.

A SUCCESS STORY:

An incarcerated mother had not seen her son in nearly eight years. Her volunteer lawyer, after meeting with the mother in prison, successfully advocated with the father on the desirability of reuniting mother and son. After receiving a visit from her son, the mother wrote to her lawyer: "I want to thank you so, so much for working hard on my case and never giving up on me or my child. I really appreciate everything you have done to bring me my son into my life. You have made me a happy woman and you have accomplished to make my dream come true, reuniting mother and child to have the chance to see each other."

Lawyers interested in volunteering with the Incarcerated Mothers Law Project should contact Sara Efron, VOLS Associate Director, at seffron@volspobono.org.

LOW-INCOME MICROENTREPRENEURS

RECENT ACCOMPLISHMENTS

- 222 microentrepreneurs served.
- 209 volunteer lawyers from 18 matched law firms and one corporation participate.
- Legal representation provided: Business formation, commercial lease negotiations, intellectual property, loan agreements, contracts and tax.

The VOLS Microenterprise Project provides pro bono legal assistance to low-income microentrepreneurs on business-related matters. Many aspiring microentrepreneurs have a skill and the entrepreneurial spirit to start their own business, but have little practical knowledge about setting up a business, or expanding it. The availability of legal advice is very helpful to persons of

low-income and limited business experience. VOLS recruits law firms for this project; matches the firms with non-profit economic development agencies throughout the city which work with microentrepreneurs, and provides ongoing project support. The agencies identify microentrepreneurs needing legal assistance and volunteer lawyers provide one-on-one representation on business-related issues.

A VOLUNTEER LAWYER PARTICIPATING IN THE PROJECT WRITES:

I have represented eight microentrepreneurs, largely on intellectual property issues. Some clients are sophisticated, some have never been in business before. Some have a great idea and are enthusiastic to start a business, others have been laid off and are looking for a source of income. With start-ups, the sense of enthusiasm is contagious. For existing businesses, it is exciting to help take clients to the next level.

For more information on the VOLS Microenterprise Project, please contact Bill Dean, VOLS Executive Director, at wdean@volspobono.org.



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The mission of Volunteers of Legal Service (VOLS) is to develop projects to provide pro bono civil legal services to benefit poor people in New York City. We identify areas of legal need, create projects to meet these needs, and recruit, train and mentor volunteer lawyers to provide the needed legal services. VOLS projects serve these vulnerable New York City populations: Children, the elderly poor, claimants denied unemployment insurance benefits, incarcerated mothers, and persons with HIV/AIDS. Legal services also are provided to low-income microentrepreneurs on business law matters.

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HELP THE POOR.
—FROM CHEKHOV'S LAST WILL AND TESTAMENT