

NEW YORK STATE BAR ASSOCIATION

Pro Bono News

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Volunteer Attorneys Helped Vulnerable New Yorkers Plan for an Uncertain Future During the COVID-19 Pandemic

By Peter Kempner, Legal Director, Volunteers of Legal Service

For over two decades the Volunteers of Legal Service (VOLS) Senior Law Project (formerly the Elderly Project) has helped low-income seniors plan for the future by providing them with Last Wills and Testaments, Powers of Attorney, Living Wills, Health Care Proxies, and other advance directives with the help of the volunteer attorneys from our pro bono partners.

In the early days of the COVID-19 pandemic the importance of planning for incapacity or end of life wishes became a reality not just for elderly but for those most at risk for COVID-19 – frontline workers.

Tapping into the pro bono resources of New York's legal community VOLS stepped in to organize help. Otherwise, young and healthy frontline workers were facing unprecedented risk to themselves while providing essential care to fellow New Yorkers. Wills and advance directives that may have been done years into the future became evermore important to finalize now. VOLS worked to make sure future planning was not one more hardship on their shoulders.

Having the right plan in place prior to the most stressful of times can be one of the most helpful things we do for those that are assisting us during these events. There is comfort in knowing that one's wishes will be carried out as planned but also reassurance to those caring for us that they are doing as their loved one wanted if the unimaginable happens.

On June 1, 2020, VOLS launched the COVID-19 Frontline and Healthcare Workers Initiative, a project to support those working on the frontlines during the COVID-19 crisis. The idea for the project was simple: we wanted to ensure that frontline workers would have access to free legal counsel to put the right plan in place in the event they themselves suc-

cumbed to COVID-19 while they were caring for others. By providing these frontline workers with free access to counsel, we could provide them with piece of mind and give their families the tools they would need if something went horribly wrong.

Providing legal services through a pandemic and minimizing potential exposure for all parties has its challenges. With the assistance of Lawyers for Good Government and Kirkland and Ellis LLP, VOLS built an intake platform that could be initiated remotely with assistance online. Prior to the pandemic these types of intakes would be in person, so our staff and volunteers had to adapt to provide services while maintaining all safety precautions. We tapped into our network of pro bono partners to help rewrite our training materials and model documents to account for new rules which temporarily allowed for remote notarization (NY Executive Order 202.7) and remote witnessing of documents (NY Executive Order 2022.14) during the state of emergency. We trained and engaged over 100 volunteer attorneys from over a dozen law firms and corporate legal department with the help of Cadwalader, Wickersham & Taft LLP who hosting our CLE training program and reviewed our pandemic era training materials. We teamed up with DC 37's Municipal Employees Legal Services program, who provide legal services to the members of the nation's largest municipal employees union whose members were working on the frontlines throughout the pandemic, and who's attorneys were already doing this work for their members but were overwhelmed by the need.

When we sunsetted the project this past summer, we had drafted hundreds of advance directives for frontline workers. We served doctors, nurses, EMTs, teachers, public health

workers, and so many other dedicated New Yorkers that tirelessly served us during the state of emergency.

Volunteer attorneys from Akin Gump Strauss Hauer & Feld LLP; Arnold & Porter Kaye Scholer LLP; Cadwalader, Wickersham & Taft LLP; Clifford Chance LLP; Covington & Burling LLP; Davis Polk & Wardwell LLP; Fried, Frank, Harris, Shriver & Jacobson LLP; Kirkland & Ellis LLP; McDermott Will & Emery LLP; McGuireWoods LLP; Morrison & Foerster LLP; O'Melveny; Orrick Herrington & Sutcliffe LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Stroock & Stroock & Lavan LLP; Simpson Thacher & Bartlett LLP; and Pfizer worked on these cases.

In addition to our Frontline and Healthcare Workers Initiative, we also connected with the New York State Bar Association's COVID-19 Pro Bono Recovery Taskforce and conducted a two-part training series for attorneys seeking to help their fellow New Yorkers plan for the future. For these trainings we partnered with the New York Legal Assistance Group's Legal Health program and the Center for Elder Law & Justice.

VOLS did all this while continuing to provide the same services to the clients of our Senior Law Project and our Veterans Initiative, again with the help and dedication of our network of volunteer attorneys using the VOLS approach: responsible and supported pro bono, involving community partners to serve clients in need.

As we continue through the current phase of the pandemic, we are helping clients and supporting our volunteers as they face new and evolving legal challenges. The lifting of the state of emergency has ended the ability to

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use remote notarization and witnessing to reach vulnerable clients. Recent amendments to the NY General Obligations Law which reformed the New York Statutory Short Form Power of Attorney has forced us to again revise the training materials and model documents used by our volunteer attorneys.

As the need for pro bono services grew during the pandemic VOLS is thankful for our dedicated partners. Partners that know pro bono service is vital to our city and that by giving back through our Frontline and Healthcare Workers Initiative some piece of mind was given to those that helped shepherd us through these very hard times.



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