

President's Pro Bono Awards honor lawyers who aid poor

By Brandon J. Vogel

Domestic violence victims seeking to end their marriages, senior citizens in need of assistance with their estates, and asylum seekers who have fled persecution in their home countries all benefited last year from the legal assistance of some of the state's best lawyers working pro bono to make life better for low-income and disadvantaged New Yorkers. The Association honored some of the outstanding volunteer lawyers with its 2008 President's Pro Bono Service Awards.

The Association presented the 18th annual awards on May 1 at The State Room in Albany. The 2008 awards honored lawyers representing 10 of New York's 12 judicial districts, a young lawyer, a senior lawyer, a large law firm, a small/mid-size law firm, a law student, and a law student group.

President's remarks

"This year's honorees have demonstrated their selfless commitment to increasing access to justice for New Yorkers. Attorneys in New York have a long and distinguished tradition of helping the less fortunate and this ceremony celebrates a remarkable group of volunteers who have provided free legal services on behalf of the most vulnerable among us," said President Kathryn Grant Madigan. "Their extraordinary work provides us with inspiring examples of what is possible and helps to raise public awareness of the importance of access to justice for all, not just for those who can afford it. It is an honor and privilege to recognize their outstanding contributions to improving the greater public good."

Winners' biographies:

Aaron Frankel (1st Judicial District: Manhattan) – Kramer Levin Naftalis & Frankel LLP, Manhattan. An Empire State Counsel, Frankel is co-coordinator of Kramer Levin's pro bono asylum program and sits on the firm's Pro Bono Committee. He donated 197 hours of pro bono services in 2007, including serving as lead counsel on one political asylum case, supervising 10 other cases, and drafting a will for a low-income elderly person referred by Volunteers of Legal Services. He won two asylum cases for Immigration Equality and supervised three cases in 2007. He was the recipient of Immigration Equality's 2006 *Safe Haven Award* for his work on behalf of LGBT and HIV-positive refugees.

Cynthia Feathers (3rd Judicial District: Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, Ulster counties) – Arroyo, Copland & Associates, Albany. Feathers, past NYSBA

Director of Pro Bono Affairs and an Empire State Counsel, provided services in the *Matter of Julia BB*, 42 AD3d 208 (3rd Dept. 2007). Julia BB was admitted to Albany Medical Center in 2003 with multiple medical symptoms, including fractures, and the child was removed from her parents' care. In April 2006, the Family Court terminated the parental rights of Julia BB's parents and freed the child for adoption, despite medical testimony that Julia BB suffered from a variant form of Osteogenesis Imperfecta. Feathers took on the appeal case pro bono. She assembled a 7,000-page record, authored a brief and argued the case before the Appellate Division Third Department. Her efforts secured a unanimous reversal of the Family Court Decision and an Order directing the child be returned to her parents, with the Court adopting nearly all of Feathers' arguments. Julia BB returned to her family's custody and the case will have an impact on future child protective proceedings in providing precedent for more balanced prosecution.

Richard I. Gardner (4th Judicial District: Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren, Washington counties) – Public Defender's Office, St. Lawrence County. In 2007, Gardner developed and implemented the first *pro se* divorce clinic in St. Lawrence County for uncontested divorces. In conjunction with the clinic, he devoted approximately 25 hours to developing a Power Point presentation to guide *pro se* clients through the process of filling out their divorce paperwork. In addition, Gardner is credited with personally assisting 33 clients file the necessary paperwork to legally end

their relationships, including people with abusive spouses.

Michael J. Sciotti (5th Judicial District: Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego counties) – Hancock & Estabrook, LLP, Syracuse. Sciotti, a partner in the law firm of Hancock & Estabrook, has served as pro bono trial counsel for prisoners in Section 1983 civil rights actions and for plaintiffs in Title VII cases. In addition, he is chair of the Pro Bono Committee of the Federal Court Bar Association's Northern District. In that capacity, Sci-



Proud recipients—Winners of the President's Pro Bono Service Awards, along with Association officers and members of the Court of Appeals and other dignitaries, gathered on May 1 for a gala luncheon at The State Room in Albany. [Photo by Colleen Brescia]

otti has worked closely with judges of the district, the clerk's office, and members of the bar to assure that *pro se* litigants obtain quality representation and that pro bono attorneys have a meaningful experience. Sciotti created a training manual and program for attorneys who are appointed as pro bono trial counsel in Federal Court. The manual includes forms and outlines for jury charges, pre-trial stipulations, verdict sheets, trial briefs, and addresses jury selection and substantive legal issues involving excessive force, medical indifference and retaliation. CLE programs will be conducted in Syracuse, Albany, Binghamton and Utica. It is expected that the training

bono flood panel following the devastating floods suffered by the Southern Tier in 2006. He is a member of the Broome County Bar Association's pro bono military panel, offering legal consultation to the families and members of the armed services while these servicemen and women serve in Iraq and Afghanistan.

Jeffrey Wicks (7th Judicial District: Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates counties) – Jeffrey Wicks, PLLC, Rochester. Wicks provided legal representation in the *Matter of Patricia Martinez v. County of Monroe, Monroe Community College, et. al.* Martinez married her same-sex partner in Ontario, Canada, but her employer denied spousal health care benefits to her partner. Wicks provided an estimated 200 hours of pro bono services over the course of four years and, in February 2008, secured a favorable decision for Martinez from the Appellate Division, 4th Department, reversing the lower court's refusal to declare the Canadian marriage valid and entitled to recognition in New York. While the defendants have elected to appeal the decision, Wicks intends and expects to continue his representation, pro bono.

Kenneth A. Manning (8th Judicial District: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming counties) – Phillips Lytle, LLP, Buffalo. Manning serves as co-chair of the 8th Judicial District Pro Bono Committee. He offered his and his firm's time and resources to design a Pro Bono Committee brochure and

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—President Kathryn Grant Madigan

manual and program will serve as a model for other judicial districts.

Herbert A. Kline (6th Judicial District: Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga and Tompkins counties) – Coughlin & Gerhart LLP, Binghamton. In addition to an active law practice, Kline has dedicated countless hours to multiple bar programs, including the CLE Committee, Senior Lawyers Committee and the Pro Bono Committee. He volunteered for the Broome County Bar Association's pro

Annual pro bono awards celebrate lawyers for willingness to help others

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registration form that has resulted in an increase of attorneys signing up to do pro bono. Through his work and the committee's, a contract was secured with the Office of Court Administration to allow for the hiring of an 8th Judicial District Pro Bono Coordinator, whose job is to recruit pro bono attorneys to handle cases for clients of the various pro bono programs in the 8th District. Due to his efforts, more clients in need of civil legal services in the district will gain access to justice through pro bono.

Devon Salts (9th Judicial District: Dutchess, Orange, Putnam, Rockland, Westchester counties) – Law Office of Devon Salts in Somers. Salts volunteers with Legal Services of the Hudson Valley and primarily handles bankruptcy cases. She has proven to be a tireless volunteer, taking on more pro bono cases than any other attorney currently participating in the bankruptcy program. She was cited for her ability to interact with clients from different walks of life and her patience and kindness to her clients.

Rudolph de Winter (10th Judicial District: Nassau and Suffolk Counties), Retired. Since his retirement in 2002, de Winter has donated 1,302 hours of pro bono services in more than 700 cases through the Landlord/Tenant Attorney of the Day Program, sponsored by the Nassau County Bar Association. He has been active in the Nassau County Bar Association's Mortgage Foreclosure Task Force, which is developing ideas and initiatives to help those struggling due to the sub-prime mortgage crisis. At the celebration of his 80th birthday, he asked that guests, in lieu of gifts, make donations to the Nassau/Suffolk Law Services, earmarked for the Volunteer Lawyers Project.

Michael M. Cohen (11th Judicial District: Queens County) – Cohen Schneider, LLP, Bayside. Cohen was designated Empire State Counsel by NYSBA in 2007 for donating more than 50 hours of service. Cohen volunteers through the Queens Volunteer Lawyers Project, Inc., primarily handling matrimonial cases, as well as cases involving paternity, child support, spousal support and guardianship of a minor. Cohen's six completed cases in 2007 all had positive resolution for clients.

Sarah Bell (Young Lawyer) – Pryor Cashman LLP, New York. Bell devoted approximately 200 hours to two Family Court cases. Her first case, which she has handled for more than a year representing the client in various related custody battles, has resulted in her going to court at least 20 times. In the second case, she represented the

client from the first appearance through the trial and final deposition. In doing so, she achieved complete victory for her client: an order of protection and full custody. She handled a variety of matters within these cases including custody, foster care, guard-

The . . . awards honored lawyers representing 10 of New York's 12 judicial districts, a young lawyer, a senior lawyer, a large law firm, a small/mid-size law firm, a law student, and a law student group.

ianship, visitation and orders of protection. Bell also supervised summer associates in Family Court, helping to expand her previous firm's summer associate pro bono program.

Warren Heilbronner (Senior Lawyer) – Boylan, Brown, Code, Vigdor & Wilson LLP, Rochester. An executive committee member of the Association's Trusts and Estates Law Section, Heilbronner serves pro bono as chair of the NYSARC Incorporated's Trust, which holds disabled persons' monies away from any government claims, enabling them to have a better quality of life. Due to his efforts, 1,856 individuals in the Community Trust II are able to continue living in their own homes with assistance from home healthcare workers instead of nursing homes. Heilbronner also serves pro bono as chairman of the Managers of the Pooled Self Settled Trusts.

Milbank, Tweed, Hadley & McCloy (Large Law Firm) – New York. In 2007, attorneys in Milbank's domestic offices performed 37,000 hours of pro bono work on nearly 500 different matters. The New York office alone performed 27,290 pro bono hours, with an average of 87 donated hours per attorney. The firm achieved a participation level of 90 percent in the New York office and was ranked #11 on the AmLaw A-List. New Milbank attorneys spend their first three months of practice with a public interest group. The firm worked with Legal Aid Society of New York on *Lovely H v. Eggleston*, a federal class action that established federal and state disability discrimination laws to prohibit New York City from forcing disabled public assistance recipients to use one of only three "hub centers." The firm also successfully represented a 20-year-old Guinean man in securing a visa for "special immigrant juvenile status," which allows children who have been abused, neglected or abandoned to obtain green cards and avoid deportation.


Blitman & King LLP (Small Law Firm) – Syracuse. The firm, comprised of 16 attorneys, donated 260 hours to unemployment insurance benefits cases, 135 hours to prisoners rights cases, 100 hours handling disability discrimination, and 20 hours for *pro se* uncontested divorce clinic work. The firm has made special efforts through the Volunteer Lawyer Project to reach out to indigent individuals to assist them with the handling of unemployment insurance claims.


Katherine Steiner Higgins (Law Student) – Cornell University Law School, Ithaca. Higgins is a second-year law student at Cornell. She was a summer associate and fall semester volunteer at the Legal Assistance of Western New York, Ithaca Office. She worked 346 hours, assisted 39 clients, participated in three clinics, and created eight new educational materials. She assisted attorneys with client interviewing, factual investigation, case management, and legal research and writing. Her most significant contributions to the LAWNY office were supporting the recently established Prisoner Re-entry and *Pro Se* Divorce clinics.


Safe Passage Project of the Justice Action Center of New York Law

School (Law School Group) – New York. The program addresses the need for pro bono representation for unaccompanied juveniles in the immigration system and provides ongoing support, resources and mentoring for the pro bono attorneys. In 2007, the project expanded to aid the New York chapter of the American Immigration Lawyers Association in hosting the first annual free Citizenship Day event. Volunteer lawyers and law students assisted community organizations in their citizenship efforts. The Project set up Web sites in English and Spanish to provide information to prospective naturalization applicants and trained more than 125 lawyers and students in 2007 to assist in free citizenship clinics. The Project has held two formal citizenship days at the law school and has sent professors and attorneys to assist community organizations in their citizenship efforts. For each Citizenship Day Clinic, the Project recruited pro bono attorneys and paired them with trained student volunteers to assist in the preparation of applications for naturalization. ♦

Vogel is NYSBA's Media Writer.









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BIRTH OF A SECTION

The House voted unanimously to create the first new section in recent memory. Here, past President James C. Moore, chair of the Committee on Alternative Dispute Resolution, makes the motion to approve the new Dispute Resolution Section. Joining him at the podium are the new section's officers, L-R, Chair Simeon H. Baum, Vice-Chair Leona Beane and Jonathan Honig, chair-elect.

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LAW DAY CELEBRATION

This year, the Association spread the annual festivities over two days, May 1 and 2. Above, President Kathryn Grant Madigan congratulates the first award recipients in the Youth Service Advocate Program.

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NEW YORK STATE BAR ASSOCIATION State Bar News

Bernice K. Leber: A presidential profile "Helping lawyers, helping clients" is the new president's theme

By Patricia Sears Doherty

Bernice K. Leber has a well-deserved reputation for getting things done. If she commits to a task, or says that she will participate in an event, colleagues, peers and personal friends know that it will happen. Even when she is sitting still, she appears to be in motion—listening, thinking, on the verge of action.

That drive to be productive was evident months before she assumed the presidency when she sent an e-mail greeting to Association members asking them to answer several questions designed to help her learn what issues are important to members and what issues members would like to see the Association address. Just 10 business days later, Leber said she had received approximately 400 responses. She was thrilled.

When Leber, a partner at Arent Fox LLP, becomes the Association's 111th president on June 1, she will cap a journey of purposeful activity for the Association that began when Robert L. Haig (Kelley Drye & Warren LLP), the organizer and first chair of the Commercial and Federal Litigation Section, appointed her as a member of the section's Executive Committee. Leber became that section's chair in 1997.

Leber has been a trial lawyer for more than 28 years. Her practice focuses primarily on intellectual property, securities, and complex financial and

business disputes. She understands the multi-faceted, dynamic perspective that a litigator has as business advisor, hand-holder, client champion, realist and settler—simultaneously.

June 1 will be an historic event for the State Bar—the first time the Association has had a female president succeed a female president. Leber credited President Kathryn Grant Madigan of Binghamton (Levene Gouldin & Thompson LLP) for being a great role model for women lawyers and dear friend. During the past year, as the president and president-elect partnered in leadership duties, the two women crisscrossed New York attending state and local bar events, speaking at seminars and other substantive programs and analyzing the Association's 21st century needs.

Attorney-client symbiosis

The theme of Leber's presidential year is "helping lawyers, helping clients." She plans to have the Association spend a good deal of its time and attention on responding to lawyers' concerns and improving the conditions for the practice of law both to help the lives of lawyers and, equally important, to permit them to respond to clients' needs more fully and efficiently. "I have spent considerable time this year . . . listening to the members' concerns," she said recently. The traveling has been productive. Leber begins her



Bernice K. Leber

presidential year with several clearly defined priorities, including:

- Appointing "a blue ribbon panel" of lawyers from several fields of concentration to a Wrongful Convictions Task Force that will be charged with addressing the growing number of alleged wrongful criminal convictions of inmates throughout the state;

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Association's new President-elect Michael E. Getnick, a gentleman Career-long member known for devotion to service

By Brandon J. Vogel

Through a combination of natural leadership, unfailing politeness, quiet strength and devotion to service, Michael E. Getnick of Clinton has steadily risen through the ranks of the Association since he joined soon after graduating from Cornell University Law School in 1969. Beginning June 1, Getnick, a partner in Getnick, Livingston, Atkinson, Gigliotti & Priore, LLP and of counsel to Getnick and Getnick of New York, will rise further as he assumes the role of President-elect of

the Association.

In the upcoming year, Getnick will chair the House of Delegates and co-chair the President's Committee on Access to Justice. He will work closely with President Bernice K. Leber and Immediate Past President Kathryn Grant Madigan in ensuring that the Interest on Lawyer



Michael E. Getnick

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