



PRO BONO NEWSLETTER July 2010

DAVIS POLK & WARDWELL LLP'S PRO BONO COMMITMENT SIGNIFICANTLY IMPACTS THE EXPANSION OF INDIGENT CRIMINAL DEFENSE COUNSEL

Davis Polk has made an extraordinary commitment in providing a high-level legal team, headed by Society Board member Daniel Kolb, to assist The Legal Aid Society in conducting innovative data research and investigation for the implementation of the landmark New York State criminal defense case cap law. The legislation, enacted in April 2009 with a four-year implementation period beginning on April 1, 2010, addresses the excessive criminal defense client caseloads in the Society's Criminal Practice. The firm's work supported the Society's presentations to the Chief Administrative Judge, Anne Pfau, prior to her promulgation of the groundbreaking criminal defense case cap rule for New York City this past March. The Chief Administrative Judge's rule adopts the First Department's standards that limit annual criminal defense attorney caseloads to 400 misdemeanors or 150 felonies, with felonies counted as 2.66 misdemeanors in mixed caseloads. Currently, some 83 percent of The Legal Aid Society's front-line criminal defense attorneys has an annual weighted caseload of 718 cases, significantly in excess of the annual standards set by Chief Administrative Judge Pfau. Steven Banks, the Society's Attorney-in-Chief, told The New York



From left: former associate David Steinberg, Partner Daniel Kolb, and Associates Christopher Roche, Lara Samet, and Andrew Krause, Davis Polk & Wardwell LLP

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THE YEAR IN PRO BONO: 2009 AT A GLANCE

In 2009, **1740** attorneys volunteered their services with The Legal Aid Society

36 public interest externs contributed **19,035** hours of volunteer service in **2009**

The total valuation of pro bono services contributed to The Legal Aid Society by volunteer attorneys was **\$61.3 million**

Pro Bono attorneys volunteered over **170,000** hours of their time in 2009 representing Legal Aid Society clients

Law Firm pro bono attorneys contributed **106,290** hours of volunteer service

Unaffiliated pro bono attorneys contributed **45,403** hours of volunteer service

Volunteer attorneys worked on 3,587 pro bono matters in 2009 (including matters handled by externs):

CIVIL PRACTICE:	1,327 volunteer attorneys worked on 1,843 matters
CRIMINAL PRACTICE:	262 volunteer attorneys worked on 1,565 matters
JUVENILE RIGHTS PRACTICE:	136 volunteer attorneys worked on 177 matters
CENTRAL ADMINISTRATION:	15 volunteer attorneys worked on 2 matters

HERB SUE, SECOND ACTS® ATTORNEY WITH THE COMMUNITY DEVELOPMENT PROJECT, ENABLES EAST HARLEM NONPROFIT TO PLACE VOLUNTEERS WITH GRASSROOTS SOCIAL SERVICES AGENCIES



Herb Sue, who was with Ernst & Young for 19 years, retired in 2009 from the firm as one of its Associate General Counsels. Since joining The Legal Aid Society's Community Development Project (CDP) as a Second Acts® attorney, he has worked with a respected faith-based nonprofit organization that has deep roots in the East Harlem community. The organization runs a program in which volunteers are placed in low-income neighborhoods and spend a year living in community housing with other volunteers, working alongside human services and health care professionals. The volunteers may teach, provide social services, organize adult education and after-school programs, and engage in economic development activities.

Herb Sue, Second Acts Attorney

Mr. Sue has provided welcome counsel to the community-based nonprofit. The organization's volunteer placement agreement had never been reviewed by counsel. Working with CDP staff, he re-worked the agreement to clarify the limited nature of the relationship between the nonprofit and the social services agencies following placement. The revised agreement recently was reviewed and adopted by our client.

Second Acts® is a pilot project, funded by the Pro Bono Institute, to establish innovative and replicable public interest law opportunities for transitioning and retired attorneys. Talking about his experience as a Second Acts® attorney, Mr. Sue said, "Second Acts® has allowed me to give back to the community, but I've had the added benefit of making new friends and learning completely new areas of the law."

SHEARMAN & STERLING LLP AND CREDIT SUISSE HELP PRESERVE SOCIAL SECURITY BENEFITS FOR DISABLED LOW-INCOME NEW YORKERS

Many of our most fragile clients, physically and/or psychologically disabled individuals, are threatened with the loss of their Social Security Disability benefits due to alleged overpayments. In these instances, the Social Security Administration ("SSA") determines that for a particular period the disabled individual has received benefits in excess of the allocated amount. SSA then seeks to recoup the overpaid amount by terminating or reducing the recipients' benefits. For many of our clients, a Social Security stipend is their sole source of income and even a 10% decrease in benefits has a devastating impact on their lives.

The Legal Aid Society receives many calls for assistance from recipients whom SSA alleges incurred an overpayment. Due to limited resources, however, the Society only can represent a small percentage of these vulnerable New Yorkers living at a subsistence level. In 2009, Shearman & Sterling and Credit Suisse initiated a pro bono partnership to expand the provision of legal services to this population, ensuring a meaningful opportunity to contest the alleged overpayment.

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From left, Dave Rao, Hyan Chung, and Monica Holland, attorneys from Credit Suisse volunteering at a recent SSI Overpayment Clinic held at Shearman & Sterling LLP.

EXTERN CLASS PRAISES LEGAL AID SUPERVISION AND TRAINING; PLAN TO BRING PRO BONO PROJECTS BACK TO THEIR FIRMS

Last year, an unprecedented number of major law firms deferred their incoming first year associate class, providing recent law graduates an opportunity to volunteer for up to one year with public interest programs. In response, The Legal Aid Society expanded its regular externship program to accommodate 42 externs in the Civil, Criminal, and Juvenile Rights Practices, 36 of which started in 2009, with an additional 6 externs joining The Society in January of 2010. Nine months later, externs report that they have been fully integrated into the Society and have developed legal skills to help address the legal needs of low-income New Yorkers. The externs attribute the program's success to exemplary supervision and the support and assistance of Legal Aid's staff.

The externs, deployed throughout the Civil, Criminal, and Juvenile Rights Practices, have augmented the Legal Aid Society capacity to provide comprehensive legal services during a transitional funding year in which the Interest on Lawyers' Account ("IOLA") grant was drastically decreased. Moreover, implementation of the landmark New York State criminal defense case cap law to address the excessive criminal defense caseloads will not occur until this coming Fall. In the Criminal Defense Practice, externs participated in the Society's comprehensive six-week training and joined trial complexes in three boroughs. The Civil Practice externs have volunteered in four neighborhood offices and in citywide specialized units: health law, foreclosure prevention, employment law, law reform, immigration, and prisoners' rights. Externs also have volunteered in the Juvenile Rights Practice's trial offices. Externs in all three practices have praised the expertise of their supervisors, expressed their admiration for the Legal Aid staff, and complimented the high quality of oversight and training provided by the Society.

We look forward to working with the 2009 -2010 class of externs when they return to their firms and throughout their legal careers. Many plan to leverage their experience at Legal Aid into new and expanded law firm pro bono projects. Kelli Lanski, an extern with

the Prisoners' Rights Project, already has contacted Dewey & LeBoeuf about the establishment of a State Prison Advocacy Project to respond to correspondence from prisoners and their families asking for assistance for a variety of legal issues, including access to medical care, guard brutality, inmate assaults, harassment by guards, and destruction of inmate property.

This highly trained and skilled cadre of pro bono externs will be returning to the following firms: Dechert LLP; Dewey & LeBoeuf LLP; DLA Piper LLP; McDermott Will & Emery LLP; Mintz Levin LLP; Morgan Lewis & Bockius LLP; Orrick, Herrington & Sutcliffe LLP; Proskauer Rose LLP; Ropes & Gray LLP; Shearman & Sterling LLP; Sidley Austin LLP; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates; Troutman Sanders LLP; Weil Gotshal & Manges LLP; and White & Case LLP.



From left: Michael Haidas, Jon Sorkowitz, Alexis Berkowitz, Haley Park, and Philip Wells, deferred associate externs with The Legal Aid Society, attend an orientation to welcome the 2009-2010 class.

SHEARMAN & STERLING LLP AND CREDIT SUISSE HELP PRESERVE SOCIAL SECURITY BENEFITS FOR DISABLED LOW-INCOME NEW YORKERS

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Under the supervision of Anne Callagy and Jocelyne Martinez, the Supervising Attorneys for the Society's Disability Advocacy Project, joint Shearman and Credit Suisse legal teams, composed of attorneys and non-lawyers, conduct quarterly clinics to assist disabled claimants threatened with a reduction of benefits. During the course of the clinics, the clients discuss the circumstances of the overpayment, provide Social Security Administration notices, and supply supporting documentation for the waiver or appeal of the overpayment. The Shearman/Credit Suisse team has helped disabled individuals complete appeals forms that present the strongest argument in support of the recipient's application for reconsideration and/or a waiver. When necessary, the Shearman/Credit Suisse team has followed-up with the client to obtain additional documentation and if necessary, has represented the disabled claimant at an administrative hearing. After three clinics were held, one in October of 2009, one in February of 2010, and one in June of 2010, 30 adults and children have been helped to maintain these essential benefits.

This exceptional pro bono three-way partnership is coordinated by Saralyn Cohen, Shearman's Pro Bono Counsel and Director of Pro Bono, Andrew Hatcher, Credit Suisse Majority Director, Counsel to Chief Operations Office to America's General Counsel, and Andrew Lerner, Credit Suisse Director & Counsel.

SHARI GRAHAM'S REFLECTIONS ON HER SKADDEN EXTERNSHIP

Since 1999, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates has had a rotational litigation externship program with The Legal Aid Society's Harlem Community Law Office. Shari Graham, who recently completed her externship, describes her experience.



Shari Graham, Skadden extern, speaks to a group of incoming externs about her experiences at The Legal Aid Society.

"One year ago this month, I was selected by Skadden to represent the firm on an externship that would change my life forever. Working out of Legal Aid's Harlem Community Law Office (HCLO), I witnessed first-hand the indescribable hardships indigent people face when they don't have basic knowledge of their legal rights or adequate access to legal help. Although statistics about New York City's low income population are themselves frightening enough in isolation,

the stories behind the statistics are what affected me more than the numbers themselves.

While at Legal Aid, I helped an evicted HIV-positive, illiterate male regain possession of his apartment after a padlock had been placed on his door. I assisted a 92-year old homebound woman fight eviction and get recognition of the succession rights to which she was lawfully entitled. I counseled single mothers who were owed years of child support arrears. I ensured that tenants who promptly paid their monthly rent bills were not forced on the streets because of repeated oversights by their management companies. I argued motions in New York City and Supreme Courts, as well as in front of New York administrative bodies. I negotiated with opposing counsel. And these examples merely scratch the surface. What a nine months it was!

Legal Aid is a place where one must love what she does in order to do it day after day after day. During my externship, I was privileged to work alongside such warm, smart, and devoted lawyers, paralegals, and professional staff. I consider many of these individuals as lifelong friends. I take pride each time I read of a new Legal Aid accomplishment, because I now know first-hand that behind every accomplishment are a number of tireless advocates working around the clock to make a difference in an individual's life.

The first thing I did upon returning to Skadden was inquire as to how I could lead the Legal Aid Associates' Campaign and help raise money for the Society so that more people can gain access to the justice that they vitally need. It's the least I can do, though so much more still needs to be done."

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Law Journal that the case cap rule "represents a huge breakthrough" in the defense of low-income individuals charged with crimes, often wrongfully.

Davis Polk also served as counsel for the Society which appeared as amicus curiae in recent successful litigation heard before the New York Court of Appeals regarding the Judiciary's authority to address systemic violations of the right to counsel in criminal cases. The firm's work with the Society will enhance criminal defense representation in New York City as well as throughout the country.

In corollary pro bono projects, Davis Polk has dedicated a full-time six-month extern to volunteer with the New York County Criminal Defense trial office. The firm, which has a long and successful history as appellate pro bono counsel with the Society's Criminal Appeals Bureau has undertaken a large number of appeals and as a partner in The Legal Aid Society's Rockefeller Re-Sentencing Project is representing 20 individuals convicted of narcotics offenses. This collaborative pro bono project provides trained, competent counsel to assist inmates in applying for reductions in sentences following long-awaited changes to the draconian Rockefeller Drug laws.

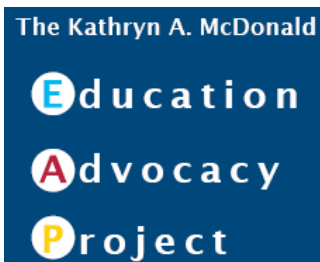
LAW FIRM SUMMER ASSOCIATE PROGRAMS REPRESENT DISABLED LOW INCOME NEW YORKERS AND PUBLIC HOUSING TENANTS

Although law firms have substantially diminished summer associate classes, The Legal Aid Society's pro bono partners have continued the tradition of representing physically and/or mentally disabled low-income New Yorkers seeking Social Security Income Disability ("SSI") benefits and preventing the eviction of New York City Housing Authority ("NYCHA") tenants. Summer associates, working with senior Legal Aid attorneys and supervising associates at their firms, have accepted NYCHA cases, advocating to save affordable housing for tenants and their families facing homelessness, and SSI cases to ensure that physically and/or mentally disabled low-income New

Yorkers receive basic subsidies for food and shelter. This long-standing partnership with seven law firms - Cadwalader, Wickersham & Taft LLP, Cahill Gordon & Reindel LLP, Debevoise & Plimpton LLP, Hughes Hubbard & Reed LLP, Kaye Scholer LLP, O'Melveny & Myers LLP, and Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates - expands the capacity of the Society's Civil Practice to provide legal services to indigent clients. In addition, summer associates from Shearman & Sterling LLP are actively engaged in the Shearman/Credit Suisse signature project that assists SSI recipients who allegedly received overpayments. Summer associates from Wachtell, Lipton, Rosen & Katz LLP are also

providing pro bono support through two week externships at The Legal Aid Society's Law Reform and Special Litigation Units, while Fried, Frank, Harris, Shriver & Jacobson LLP will place two summer associates in the Community Development Project at the Harlem Community Law Office as externs. The more than 20 year tradition of engaging summer associate classes in the work of The Legal Aid Society exposes the next generation of law firm attorneys, at the onset of their legal careers, to the positive experiences and professional development opportunities pro bono work affords.

CAHILL GORDON & REINDEL LLP ATTORNEYS SECURE CRITICAL DEVELOPMENTAL SERVICES FOR ABUSED AND NEGLECTED CHILDREN



The Kathryn A. McDonald Education Advocacy Project (EAP), supervised by Cara Chambers, provides educational advocacy that enables abused and neglected clients to secure services addressing educational and developmental needs. It is

an integral part of The Legal Aid Society's Juvenile Rights Practice, ensuring that our youngest and most vulnerable clients are school ready. For five years, Cahill, Gordon & Reindel LLP has been a key partner in these educational advocacy efforts. The firm's attorneys engage in multiple levels of legal advocacy - factual development and case documentation, negotiation of an appropriate service plan, implementation oversight, and representation at an administrative hearing.

Recently, associates Michael Rosenberg and Peter Mazzone provided outstanding representation for two very young children

with developmental delays. Mr. Rosenberg obtained physical and occupational therapy for a 10-month-old girl with severe gross and fine motor delays. Prior to his representation, an evaluation by the Early Intervention program found her ineligible for services. He successfully navigated several bureaucratic hurdles to have her re-evaluated and is working with her mother and the Early Intervention service coordinator to set up these essential services. Mr. Mazzone's client is a 3-year-old child with delays in cognition, speech and language, and socio-emotional development. He worked closely with the child's mother, guiding her through the preschool evaluation process and attending a critical meeting with the Committee on Preschool Special Education. He accompanied the family on visits to several potential schools and helped them gain admission to one that is well equipped to meet the child's complex needs. Because of his advocacy, the child will attend a full-day special class preschool program with speech/language therapy, occupational therapy, counseling, and transportation services.

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