



THE NEW YORK BAR FOUNDATION

NEWSLETTER

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Real Property Law Section gives \$10,000 for Fellowships for Minority Law Students

Earlier this year, under the leadership of then Real Property Law Section chair, Harry G. Meyer (Hodgson Russ LLP, Buffalo), the Section's executive committee began to deliberate if giving a gift to The New York Bar Foundation would be an appropriate use of the Section's treasury. Ultimately, the committee agreed that the answer was an unequivocal "YES". The committee voted to give a gift of \$10,000 to The Foundation to establish a restricted fund which will provide funding for fellowships for law school students.

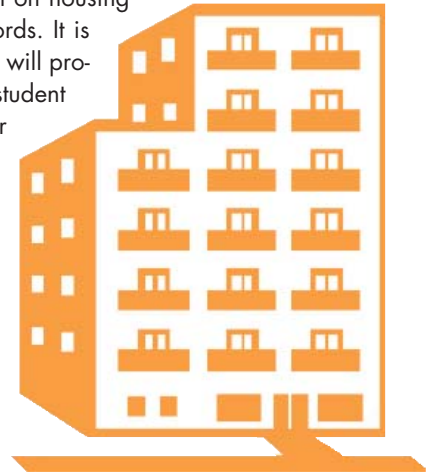
Each fellowship will be presented to a minority student attending a law school in New York State to assist a public interest legal organization in representing tenants in local landlord/tenant courts. Three fellowships will be awarded for summer 2008 and will take place in separate geographic regions of the state.

Karl B. Holtzschue (New York), current chair of the Real Property Law Section said, "The officers and members of the Real Property Law Section

are pleased to contribute this gift to The New York Bar Foundation. Each fellow will have a distinct opportunity to obtain direct exposure to real property law practice and its effect on housing issues involving tenants and landlords. It is our hope that this work experience will provide a meaningful benefit to each student who is planning to pursue a career in the legal profession."

Mr. Meyer feels passionate about lawyers doing good for others in society and believes that it adds greater credibility to the profession as a whole when lawyers give back and show that they care about others.

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High School Kids *who want to study Law!*

The welcome bar-b-que dinner for high school students attending this year's mock trial camp went off without a hitch on a warm August evening. Here was a mix of complete strangers, boys and girls from high schools throughout New York State, gathered together for their first shared meal at the camp. There was a little bit of small talk at the tables, but the NYSBA Law Youth and Citizenship (LYC) staff, camp director, Brian Adessa, and camp counselors had no doubt that in six short days the degree of chatter would rise to voluminous levels. Strong bonds would be forged, much would be



High School Mock Trial Camp students and counselors

learned about the law, and tears of good-bye would be shed as the students parted ways on their last day together at mock trial camp.

But how were these 38 kids selected to attend and where did the money come from to bring them to this camp?

We'll answer the last part of the question first by telling you that part of the money used to conduct this rather unusual camp that teaches students about the law was provided from a Foundation grant award. Your contributions to The Foundation helped to provide the funding for this grant.

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...dedicated to aiding charitable and educational projects to meet the law-related needs of the public and the legal profession.

Message from the President

This newsletter will bring you up-to-date with some of the recent activities that have been taking place at The New York Bar Foundation. But first of all...let me say thank you for your generosity. Your gift is especially important for us to be able to reach some of the neediest people in our state with their urgent law-related needs.

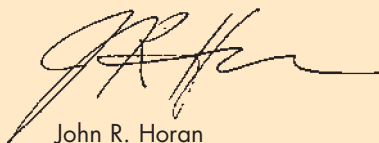
During the summer months, we

- gratefully accepted a generous gift of \$10,000 from the Real Property Law Section that will be used for minority law student fellowships,
- awarded 19 new grants for law-related projects (listed on page 4 of this newsletter),
- conferred scholarships on law school students at Albany and Columbia Law Schools, and
- had an opportunity to meet with people from various nonprofit organizations to learn more about the programs we funded and the people who run them.

The next few months will be a busy time for The Foundation as we begin to review another round of grant applications for pressing issues relating to the law, reach out to lawyers across the state to ask each for financial support for our activities, and have various committees of the Board of Directors review governance and other policies of The Foundation.

Remember that you can take advantage of tax benefits if you give a gift of appreciated assets such as stock to The Foundation or if you establish a Gift Annuity with us. We have included a short article in this newsletter that will expound on the merits of year-end giving. For details on options for immediate or planned gifts, please contact Rosanne Van Heertum at Foundation headquarters at 518/487-5650 or rvanh@tnybf.org.

Please accept our best wishes for a Happy Thanksgiving!



John R. Horan



John R. Horan

Lina Martinez Completes Commercial and Federal Litigation Section Fellowship on a Positive Note

By Kay Crawford Murray

I recently had the pleasure of meeting with Lina Martinez, a student at Fordham Law School, to discuss her experience as a Fellow with the Honorable Charles Ramos in the Commercial Division of the New York State Supreme Court, New York City. Ms. Martinez was awarded the inaugural Commercial and Federal Litigation Section Minority Fellowship by The New York Bar Foundation earlier this year.

Ms. Martinez explained that a major benefit of the fellowship experience was the opportunity to develop her legal writing skills while working on actual cases being tried in the Commercial Division, as well as becoming familiar with the terminology used by the court. A typical assignment from her supervisor, who was one of Judge Ramos's three law clerks, required her to prepare a memorandum based on a case file involving real litigants and real issues, a task which made the fellowship particularly interesting.

In addition, Ms. Martinez found valuable the opportunity to hear oral arguments on motions as well as to review those submitted on papers. She and the other law students assigned to the Commercial Division were encouraged to visit different parts of the Supreme Court and other courts to observe proceedings, including trials. Interns and fellows assigned to different judges were urged to take advantage of opportunities to attend various bar events, which she found informative and enjoyable.

Ms. Martinez said that she will be writing for the *Environmental Law Review* at Fordham Law School this fall. When she graduates from law school in 2009, she is considering working first with a law firm and then possibly practicing law in the public sector.

Based on the excellent learning experience provided by the fellowship which took place this past summer, Ms. Martinez said that she feels more confident about her legal writing ability and highly recommends the fellowship experience.

The Commercial and Federal Litigation Section of the New York State Bar Association contributed a gift of \$10,000 to The Foundation to establish a fund to provide fellowships to first-year students of color attending law school in New York State who demonstrate an interest in litigation.

The Foundation will accept applications for the 2008 Commercial and Federal Litigation Section Minority Fellowship until December 31, 2007. For further information or an application for the 2008 Fellowship, please send your request by e-mail to foundation@tnybf.org.

Kay Crawford Murray, a Fellow and a member of the Board of Directors of The New York Bar Foundation, serves on several Board committees including the Grant Proposal Review Committee.



Kay Crawford Murray
and Lina Martinez

Albany Law student writes winning legal essay

The Foundation awarded the 2007 Judge Bernard S. Meyer Scholarship to Robert F. Manfredo, a student at Albany Law School, for his winning essay, *Public Use & Public Benefit: The Battle for Upstate New York*.

Mr. Manfredo's paper discusses federal and state cases relating to eminent domain law and the intention of New York Regional Interconnect Inc. to use this law in relation to the construction of a high-voltage transmission line in New York State. The proposed purpose of the project is to increase the flow of efficient energy to New York City. The paper also describes the project's proposed benefits and the anticipated burdens to New York State residents.

Mr. Manfredo was recently honored at a reception at the Garden City office of Meyer, Suozzi, English & Klein, P.C. The event took place in the Bernard S. Meyer conference room, dedicated in memory of the Judge. A. Thomas Levin, a partner with the firm who



Robert F. Manfredo, Emily F. Franchina and A. Thomas Levin

Go to "Success Stories" at www.tnybf.org to read the entire essay.

serves on The Foundation's Board of Directors, spoke about the activities of The Foundation. Emily F. Franchina (Franchina & Giordano, P.C., Garden City), also a member of the Board who served as a judge on the committee to select the winning essay, attended as well.

Andrew J. Turro, a partner with Meyer Suozzi and judge in the essay selection, spoke at the reception about Bernard S. Meyer—the man, judge, lawyer and friend and about the law scholarship judging process. Another partner with the firm, Michael A. Ciaffa, also served as a judge on the selection committee. The winning essay is selected through a blind process.

The \$5,000 scholarship was applied to Mr. Manfredo's 2007 fall semester tuition at Albany Law School where he is the executive editor for research and writing for the *Albany Law Review*. A New Hartford resident and honors graduate of Siena College (Loudonville), he was the winner of the Domenick L. Gabrielli Appellate Advocacy Competition last fall.

Established in 2004 by Meyer, Suozzi, English & Klein, P.C., the award was available to second-year law students attending a law school in New York State and is presented to the student who exhibits excellence in legal writing and advocacy skills.

Judge Meyer was an Associate Judge of the New York Court of Appeals from 1979-1986 and practiced with Meyer Suozzi from 1987 until his death in 2005. He earned his law degree at the University of Maryland School of Law and was a graduate of Johns Hopkins University. Among his notable accomplishments, he served as special Deputy Attorney General of New York in charge of the Special Attica Investigation and was a member of the Governor's Commission on Integrity in Government.

HIGH SCHOOL KIDS, CONTINUED FROM PAGE 1

Each student had to meet quite a few requirements to attend, including being a member of a high school mock trial team that participates in the New York State High School Mock Trial Program, a recommendation from the team's mock trial coach, having a minimum one-year of mock trial experience, submission of two letters of recommendation along with an essay describing why the student should be accepted to the camp.

At camp, the students participate in a fast-paced, intensive trial practice and work with seasoned trial lawyers on opening statements, direct and cross examination, closing arguments, objections, and rules of evidence. By the time they leave camp they will have increased their knowledge of the law and the legal system, have a better understanding of the trial process and court procedures, and will have actively participated in all phases of a case. Additionally, they will have a greater understanding of the importance of professionalism and civility in the adversarial system.

There is one catch to the students' participation in the camp...they must share what they learn with members of their mock trial team when they return to school. You can be assured that they are eager to do so because they have gained so much in such a short span of time.

The New York State High School Mock Trial Program is the largest in the nation with over 600 schools participating each year.

The New York Bar Foundation has provided funding for the finals of the program for many years. The camp was created to bring intensive training to students from rural high schools that would not ordinarily participate in the Mock Trial Program due to lack of resources including attorneys who are not always available to coach a high school team.



Lorraine Power Tharp speaking at the 2007 New York State High School Mock Trial Finals luncheon

Grants awarded since last we spoke...

- Boys and Girls Republic, New York...for the Self-Government and Citizenship Program
- Capital District Women's Bar Association/The Legal Project, Albany...to continue the Domestic Violence Legal Connection
- CASA Advocates for Children of New York State, Albany...for training on the National CASA Association's new curriculum
- Center for Court Innovation Fund for the City of New York, New York...for a Summit on New York State's network of youth courts
- Community Caregivers, Inc., Altamont...to provide information on *pro bono* and low-cost legal services to seniors and persons with disabilities
- Court Appointed Special Advocates, Inc. (CASA), New York... for Project Family Connect. *Funding was directed from The Thelen Reid Brown Raysman & Steiner LLP Fund.*
- Legal Assistance of Western New York, Inc. (LAWNY), Geneva... to provide law students with *pro bono* opportunities in public interest law firms in the LAWNY service area
- Lifespan of Greater Rochester, Inc., Rochester...to continue the New York State Coalition on Elder Abuse Action Agenda
- Make the Road by Walking, Inc., Brooklyn...for the Low Wage Workers Legal Support Project
- Monroe County Bar Center for Education, Rochester...for the Minority Law Clerk Program
- My Sisters' Place, Inc., White Plains...for the Family Law Unit
- New York Center for Interpersonal Development, Staten Island...to offer mediation services to parents in the Richmond County Supreme Court, Matrimonial Part, in order to facilitate the divorce process
- New York Legal Assistance Group (NYLAG), New York...for its Justice at Work Project. *Partial funding was directed from The Henry H. Shepard Fund.*
- NYSBA Special Committee to Ensure Quality of Mandated Representation, Albany...to provide a one-day CLE course to train institutional and individual providers of representation mandated by constitution or statute for indigent defendants in criminal or family court
- Partnership for Children's Rights, New York...to represent disadvantaged children with disabilities to obtain educational and Supplemental Social Security benefits
- Rural Law Center of New York, Inc., Plattsburgh...to provide direct legal assistance to rural New York low-income seniors facing consumer debt and predatory lending issues. *Funding was directed from The Hon. Richard J. Bartlett Fund.*
- Syracuse University College of Law, Syracuse...for its joint effort Family Advocacy Program
- Unity House of Troy, Troy...to provide legal consultation and representation in civil legal proceedings relating to orders of protection, custody, support, divorce, name change, small claims and eviction
- Volunteer Legal Services Project of Monroe County, Inc., Rochester... to increase *pro bono* activity in Monroe County. *Partial funding was directed from The Robert L. Haig Fund.*

Many families are helped through programs that receive funding from Foundation grants



Kelley Drye & Warren LLP Scholarship helps pay tuition for Columbia law student

The Foundation has awarded the Kelley Drye & Warren LLP Scholarship to Kenneth S. Gerold, a student in his second year at Columbia Law School. The Scholarship has been applied to the current academic year's tuition.

A native of Long Island and a graduate of Ward Melville High School in East Setauket, Mr. Gerold is a 2006 graduate of Stanford University with BA degrees in economics and political science. He worked with the Legal Clinic for the Homeless to obtain undistributed welfare benefits for a homeless woman and her children during his first year at Columbia.

While at Stanford, Mr. Gerold spent a summer teaching about and testing

for HIV/AIDS in Tanzania with the nonprofit organization, Students for International Change. He studied at the University of Oxford (England) for a term. Additionally, he interned in Congress for a summer, working for the U.S. House of Representatives Policy Committee where he researched domestic and international policy matters involving budgetary appropriations and government-sponsored enterprises. He also assisted in the drafting of legislation related to media censorship in China and Russia. In addition, he was a research assistant for a Stanford professor focusing on nuclear proliferation issues and worked for a civil litigation attorney.

Mr. Gerold describes himself as a devout sports fan and in his senior year at Stanford served as a practice player for the varsity women's basketball team. His long-term career plans are focused on corporate law and he gained experience this summer as an intern at Cahill Gordon & Reindel LLP in Manhattan.

James J. Kirk, managing partner at Kelley Drye stated, "We are proud to recognize Mr. Gerold as the Kelley Drye & Warren LLP Scholar for academic year 2007-08 at Columbia Law School. He has earned this award through his scholarly accomplishments, demonstrated commitment to the law, and outstanding performance in his extracurricular activities."



Foreground left to right: James J. Kirk, Kenneth S. Gerold and Robert L. Haig, a partner with Kelley Drye and immediate past president of The Foundation. In the background are graduates of Columbia Law School who are associates and partners at Kelley Drye.

The \$10,000 award is available to second-year students attending Columbia Law School who have at least a B average and intend to practice law in the State of New York upon graduation. The recipient of the scholarship is selected by Columbia Law School.

REAL PROPERTY LAW SECTION GIFT, CONTINUED FROM PAGE 1

Through these fellowships, the Section is demonstrating that it is willing to help minority law students along with public-interest organizations and their clients who will benefit from the fellows' assistance.

By the Section's example, Meyer wants to spread the word to lawyers and other Sections that not only do they have a responsibility to give back to their communities but that it is possible to do so within the structure of an organization such as the New York State Bar Association.



Foundation Board member John J. Kenney, right, presented Harry Frischer with a recent grant award for **Court Appointed Special Advocates for Children (CASA) of New York City**. Mr Frischer

serves as chair of CASA of New York City. The grant award is providing funding for CASA's Project Family Connect which addresses the specific needs of children in foster care who have

an incarcerated parent. Funding was directed from The Thelen Reid Brown Raysman & Steiner LLP Fund within The Foundation which was established to provide funding for legal services for the benefit of children in foster care.

END OF YEAR GIVING

Now that 2007 is rapidly drawing to a close, it would be a perfect time to review your financial matters. Attentive planning today can help you reach your personal goals while sharing with others through charitable gifts.

Your charitable contribution to The New York Bar Foundation will assist in helping to meet the law-related charitable and educational needs in New York State. By planning and completing your charitable gift to The Foundation by December 31st, you may have the benefit of giving while increasing your tax refund or reducing any taxes you would otherwise owe in April.

The Foundation accepts gifts of cash, stock or other appreciated assets.

You can establish a gift annuity with The Foundation that will provide income for you and/or others while you will benefit from tax savings.

Becoming a member of The New York Bar Foundation Legacy Society involves directing a minimum bequest of \$1,000 in your will to The Foundation or establishing another type of planned gift.

The Pension Protection Act of 2006 permits you, if you are age 70 1/2 or older, to make a gift to The New York Bar Foundation by transferring funds directly from your IRA. You will avoid paying federal income taxes on the distribution which can be valued up to \$100,000. Your gift must be made by December 31, 2007, and would count towards your minimum required distribution.

For more information, contact Rosanne Van Heertum at 518/487-5650.

More Giving; More Caring

By Carla M. Palumbo and Lucia B. Whisenand

ALL OF OUR GRANTEES are making significant strides in providing direct services to low-income people in New York State or in fostering a better understanding of our legal system and the law. Each grant application that is submitted to The Foundation is carefully weighed and reviewed both by a grant review committee and The Foundation's Board of Directors. The requests generally outnumber the amount available, but The Foundation tries to fund all of the projects that meet its mission and appear to be headed for success.

Three interesting projects funded this year in the target area of facilitating the delivery of legal services are Make the Road by Walking, Inc., Rural Law Center of New York and the Family Advocacy Program at the Family Law and Social Policy Center and the Children's Rights and Family Law Clinic of the Syracuse University College of Law.

MAKE THE ROAD BY WALKING is a not-for-profit agency that combines education, community organizing, and legal services in a holistic approach to help low-income residents improve their lives and their neighborhoods. In addition to its education and community organizing projects, this agency houses a legal department that focuses in on addressing "income disruptions", sub-minimum wage employment, and unstable income streams. Funding is being provided through a grant award for a

particular legal project entitled, *Low Wage Workers Legal Support Project*. This project assists immigrant workers with unpaid wage claims. Services are focused in Staten Island, Brooklyn and Queens in areas geographically distant from existing legal aid and legal services offices. All three boroughs feature high numbers of immigrant workers. This

project anticipates it will provide short term legal services (brief service) to 115 low-income immigrant workers and full case representation to 25 low-income immigrant workers. Services are provided through workshops and legal clinics.

ANOTHER NEW PROJECT funded by The Foundation is the *Rural Senior Consumer Justice Project* of the Rural Law Center (RLC). This program focuses on the provision of legal services to low-income rural seniors facing

consumer debt collection and predatory lending problems. RLC has seen a dramatic increase in the numbers of seniors in a crisis situation brought on by debt, debt collection and predatory lending. Often these seniors are pressured into agreements they do not understand or cannot afford, or face severe consequences of bank account seizure or huge overdraft fees. Additionally, legal services in these areas are scarce or hard to access given the geographic and transportation challenges.

In an innovative approach to reaching as many seniors as possible, this program plans to provide easy access to a lawyer or paralegal through video technology installed in eight rural agency offices. Offices include County Offices for the Aging, public libraries and legislative staff offices.



Mark A. Longo, center, chair of The Fellows in the Second Judicial District, presented The Foundation's grant award to several staff members of Make the Road by Walking including, left to right, Elizabeth Wagoner, Amy Carroll, Julian Gonzalez, Deborah Axt, Raquel Gomez and Theo Oshiro.

RLC will provide the technology and training, online materials and referral to *pro bono* or staff attorneys as appropriate. Services will be provided in eight rural counties: Tioga, Franklin, Saint Lawrence, Orleans, Essex, Cattaraugus, Hamilton and Clinton counties.

TEACHING FUTURE LAWYERS AND DOCTORS to work together to maximize the services that can be used for the benefit of low-income children is the focus of the medical-legal partnership, *The Family Advocacy Program (FAP)* between the Family Law and Social Policy Center and the Children's Rights and Family Law Clinic of Syracuse University College of Law and the University of Pediatric and Adolescent Center (UPAC) of University Hospital of SUNY Upstate Medical University. Approximately 25,000 children in low-income families are seen each year by UPAC, many of whom have medical needs, as well as legal needs. FAP currently serves about 100 children each year.

Both families and pediatricians often lack the knowledge and skills to access legal resources. Because of this, many children experience poor health outcomes that could have been prevented. Working together, lawyers and doctors can lessen the number of patients that experience health crisis caused by social and non-medical factors.

The goal of FAP is to provide advocacy and legal intervention to prevent health crises for young children caused by

Working together, lawyers and doctors can lessen the number of patients that experience health crisis caused by social and non-medical factors.

non-medical factors; provide multidisciplinary training for law students, pediatric residents and medical students; encourage multidisciplinary collaboration between the legal and medical professions; foster a productive relationship between two educational institutions; educate health care providers to identify children's health related issues and become better advocates for their patients; and to cultivate a relationship between the law and medical schools and the greater Syracuse community.

Examples of some of the problems that FAP deals with are assisting parents to get an appropriate Individual Education Plan (IEP) for a child with a disability, helping with a zoning application so that a disabled child can have a wheelchair ramp installed in the home, working with children who are exposed to domestic violence situations and helping children's caregivers to obtain proper custody or guardianship court orders.

Below are examples of how UPAC and FAP are working together to help others:

Amy* a child with several conditions that confine her to a wheelchair, was seen by UPAC staff. During this routine medical visit, Amy's mother informed the doctor that she wanted to build a ramp onto the front of her house for Amy's use but had been unable to obtain a zoning variance to allow her to do so. The doctor referred the mother to FAP for assistance.

The mother had begun the process of getting permission to build a ramp for Amy approximately 3½ years prior to meeting with FAP. However, she was denied a variance by the Board of Zoning Appeals which prevented her from building the ramp and was told to file papers for an appeal. The mother complied with the instructions and, in addition, contacted several City Officials. Her plans, however, were rejected for various reasons. Further, no one within the offices gave her any direction as to how she could correct the plans so that she would be in compliance. The mother was understandably frustrated by the "bureaucracy" of the situation. The law students researched the issue and made several calls to Code Enforcement, Permits and Zoning, and the Common Council Office to understand the basis of her denial. The students were able to obtain information about why the mother's appeal was denied so that she could address these issues on her hearing date. The students learned that much of the information received from these



calls contradicted the information that she had received previously. One law student eventually attended the hearing with the mother. The Board approved the variance and the mother was finally able to build a ramp for Amy.

FAP students assisted Amy's mother with understanding the process and the city ordinances and regulations so that she could effectively advocate for herself. Without FAP assistance, it is unlikely that she would have obtained the variance.

A medical intern examined Marcus* during a routine exam at the clinic while a law student from the clinic observed. Marcus had no medical issues, however, there was a significant history of exposure to domestic violence from his father. His mother recounted her story of leaving the father and taking her three children to a shelter. She also told the intern that eventually, she was able to get a job and find an apartment for the family to live in. The mother said that she needed to divorce her abusive husband. When asked by the pediatrician if she needed a lawyer, the mother said she did. The pediatrician then explained the Family Advocacy Program and pointing to the law student asked the mother whether she wanted some legal help. The mother began to cry and, turning to the law student exclaimed, "It's like an angel sent you!"

The student performed an intake to determine whether they would be able to assist her. Upon realizing that the clinic had a conflict with this particular case, the student contacted the Center to refer the case to a *pro bono* attorney. The Center referred the woman to the Onondaga County *Pro Se* Divorce Clinics so that she could obtain a no-fee divorce.

**not real name*

Carla M. Palumbo is Director of the Civil Division, The Legal Aid Society of Rochester.

Lucia B. Whisenand is an attorney practicing family law in Syracuse.

Both are Fellows of The New York Bar Foundation and serve on its Board of Directors and several Board committees, including the Newsletter and Grant Proposal Review Committees.

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The Fellows in the Fourth Judicial District recently held a meeting in Saratoga Springs. Present were left to right front row: Hon. Paul L. Wollman, Cristine Cioffi and Hon. Richard J. Bartlett; second row: Foundation director of development, Rosanne M. Van Heertum, Peter V. Coffey, Hon. Richard E. Sise, Russell C. Tharp, Jr. and J. Lawrence Paltrowitz. Hon. Wollman and Peter Coffey are co-chairs of The Fellows in the Fourth JD.



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