



THE
NEW
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FOUNDATION

NEWSLETTER

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Fellowship to Preserve Legacy of Hon. Charles L. Brieant, Jr.

The Foundation has established the Honorable Charles L. Brieant, Jr. Fellowship to commemorate the selfless dedication of Judge Brieant to public service and the federal courts. The \$5,000 fellowship will be available to any judicial intern who has been selected by the Chief Judge of the United States District Court for the Southern District of New York to serve under the auspices of the Court as the Honorable Charles L. Brieant, Jr. Judicial Intern. Through an application process, the fellowship will also be available to any law student who has already been selected to intern in a state court or under the auspices of a federal court in the State of New York or in a recognized public service agency in the State of New York.

Judge Brieant was appointed a United States District Court Judge for the Southern District of New York in 1971. He served on the Court for 37 years and as the Court's Chief Judge for seven of those years. Southern District Court Chief Judge, Kimba M. Wood, summed up his life by saying that, "Judge Brieant uplifted the spirit of justice and uplifted the spirits of his colleagues and litigants with his deep sense of fairness, honesty and independence."

The creation of the fellowship was spearheaded by the law clerks and judicial interns who served in Judge Brieant's chambers during his years of judicial service. Proudly known as members of Judge Brieant's Judicial Family, the law clerks and judicial interns all share the commitment of preserving the memory of Judge Brieant and passing on his wit and wisdom to those who will serve as the Judge Brieant Fellows in the years to come. Former U.S. Chief Bankruptcy Judge Melanie L. Cyganowski, one of Judge Brieant's former clerks, noted that "whether we left his chambers to serve as lawyers, teachers or judges, we all were touched by his commitment to public service and to approach our work always with common sense, humor and the perspective of history."

A native of Ossining, Judge Brieant was a graduate of Columbia Law School and served in the Army Air Forces in World War II. He wrote 700 reported decisions as a district court judge and 20 while sitting by designation on the U.S. Court of Appeals for the Second Circuit. During

his tenure as Southern District Chief Judge, he oversaw the construction of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York and a new courthouse in White Plains, which was named in his honor by Congress in August. Earlier in his career, Judge Brieant served as Ossining town justice, Westchester County assistant district attorney, the Briarcliff Manor village attorney, Ossining town supervisor, and a Westchester County legislator. Judge Brieant was a Fellow of The New York Bar Foundation.

Contributions to The New York Bar Foundation for the Hon. Charles L. Brieant, Jr. Fellowship Fund should be sent to The New York Bar Foundation, One Elk Street, Albany, NY 12207 or an online donation can be made at www.tnybf.org. A bequest in your will in the minimum amount of \$1,000 designated for The New York Bar Foundation and restricted for The Hon. Charles L. Brieant, Jr. Fellowship Fund will permit you to accept membership in The New York Bar Foundation Legacy Society.

"Judge Brieant uplifted the spirit of justice and uplifted the spirits of his colleagues and litigants with his deep sense of fairness, honesty and independence."

Hon. Kimba M. Wood
Chief Judge
United States District Court
for the Southern District of New York



Honorable Charles L. Brieant, Jr.

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

Message from the President

Our fall newsletter brings to you information about the many important initiatives taking place as a result of your gifts to The New York Bar Foundation. The Board of Directors was very pleased to establish the Hon. Charles L. Briant, Jr. Fellowship Fund to honor the memory of the judge and his important accomplishments in serving the courts and the people of New York. He was a distinguished judge and for over fifty years an highly respected member of the legal profession whose presence will be missed.



John R. Horan

The Foundation will confer its Lifetime Achievement Award on Maryann Saccomando Freedman at the Fellows' annual dinner meeting in January. Maryann was the first woman president of our Foundation and elevated its grantmaking program and fundraising efforts to new heights while serving as an officer and director on our Board. An article about her service is on the following page.

The cost of tuition, books and other expenses continue to climb for students pursuing a law degree. To help offset these escalating costs, The Foundation has awarded several scholarships and fellowships to students attending New York law schools during this past year. We are grateful to the law firms and the various law sections of the New York State Bar Association for providing the needed funding to The Foundation for these beneficial awards, some of which are described throughout this newsletter.

I ask you to please continue to support the activities of The Foundation by making a generous gift by December 31st. Your charitable contribution can help to reduce your income taxes and will make a difference in what we can do to bring law-related projects, not only to lawyers and law students, but to children in foster care, the elderly, the disabled and many others throughout New York State who seek assistance.

A handwritten signature in black ink, appearing to read 'John R. Horan', written in a cursive style.

John R. Horan

Alternative Courts Changing Lives of Teen Offenders

The Board of Directors of The Foundation recognizes the significant importance of Youth Courts to communities throughout our nation and has determined that funding for these courts is minimal. As a result, The Foundation is undertaking a campaign to raise funds to provide financial support for New York's Youth Courts through its grantmaking program. We invite you to partner with us in this important effort that will positively impact the lives of thousands of youth in our state.

There are more than 100 Youth Courts in cities, towns and villages in New York State that deliver justice to youths. The purpose of each is to seek to improve juvenile justice outcomes through an alternative to the criminal justice system for community youth. Youth Courts have been emerging as the fastest growing juvenile intervention programs in the country and are patterned after the Family Court process. They are collaborations of local criminal justice agencies, schools and the community and are operated by high school-age youth for young people who have committed a crime or an offense in a community.

Youth Courts have been emerging as the fastest growing juvenile intervention programs in the country

Girls and boys, who have committed an offense no greater than a misdemeanor, are helped by early intervention and education while learning to appreciate the justice system and the law through a Youth Court experience. Youth Courts hold offenders accountable for negative behavior, and at the same time, teach them to respect themselves along with individuals, families and property in their own communities. In the majority of cases, the youth offender receives a sentence of participation in community service. In addition to community service, an offender's sentence may include writing a letter of apology, victim restitution, taking risk and responsibility classes, and service in a Youth Court in the future.

Youth Courts in New York State are organized and managed by local government agencies such as youth bureaus and law enforcement agencies.

Please make an online contribution for the Youth Court Fund at www.tnybf.org or send your check, made payable to The New York Bar Foundation, to The New York Bar Foundation, One Elk Street, Albany, NY 12207.

NY State Bar Association's Business Law Section to Help Consumers in Mortgage/Credit Crisis

The Foundation recently received a gift of \$20,000 from the Business Law Section of the New York State Bar Association. The newly created Business Law Section Fund will provide financial support to nonprofit organizations for programs that assist consumers facing financial hardship due to actual or potential foreclosures on their homes, personal bankruptcy, and related matters. The Foundation will provide grant awards for this purpose to nonprofit organizations in New York State.

James W. Orband (Hinman Howard & Kattell, LLP, Binghamton), chair of the Business Law Section, said, "The officers and members of the Business Law Section are pleased to make this contribution to The New York Bar Foundation so that funding will be provided for programs assisting struggling consumers facing the difficult prospect of losing their homes or filing for bankruptcy. Consumers have a need to understand their legal rights and we anticipate that programs, funded through this gift, will avail them every opportunity to actively participate in the court process."

John R. Horan expressed his gratitude, on behalf of The Foundation's Board to the Business Law Section for its generous contribution. He said, "Individuals and families, overwhelmed by mounting financial pressures from foreclosures and consumer debt, frequently do not know where to turn for help. The Foundation anticipates that the nonprofit organizations awarded grants from The Business Law Section Fund will bring much-needed support and legal assistance to those seeking help during this crisis. The section is acting in the finest tradition of the organized bar as we work together to serve New York's legal profession, the justice system and its communities."

Foundation Board member, James B. Ayers, left, accepted the Business Law Section's \$20,000 gift from former section chair, David L. Glass, who initiated the proposal to make the gift.



Foundation to Confer Lifetime Achievement Award on Maryann Saccomando Freedman

The Foundation will honor its former president, Maryann Saccomando Freedman, with its Lifetime Achievement Award. The Award will be conferred during the Fellows' annual dinner meeting on Friday, January 30, 2009 at the Metropolitan Club, New York City.

Ms. Saccomando Freedman holds the distinction of having been elected the first woman president of the New York State Bar Association, the Erie County Bar Association, and The New York Bar Foundation. She was first elected to The New York Bar Foundation's Board of Directors in 1982. She served as its president from 1997 to 2000, vice president from 1994 to 1997, and as a director from 1982-1994 and 2000-2008. She was chair of the Committee on Grants-Delivery of Legal Services from 1989 to 1997. Additionally, she served on numerous Foundation committees. She was elected a Fellow of The New York Bar Foundation in 1983.

During her tenure as president, Ms. Saccomando Freedman created the positions of Fellows District Chairs with each Chair assuming responsibility for raising awareness of the Fellows program and the activities of The Foundation in the district. She established higher levels of giving for Fellows by creating the \$2,500 Sustaining and Life Sustaining categories, and took meaningful steps to increase contributions to The Foundation. Additionally, she brought visibility to the work of The Foundation and enhanced its important grantmaking program. In 2004, the Fellows' Maryann Saccomando Freedman Circle of Giving was established by The Foundation in her honor.

The Lifetime Achievement Award was established last year to honor former officers or directors of The Foundation who, due to term limits, are no longer able to serve in that capacity, or who, prior to the establishment of term limits, served a minimum of ten years as an officer or director of The Foundation. The honoree's service and leadership (as officer or director) must have significantly advanced the purposes of The Foundation and must have brought significant recognition and acclaim to The Foundation.



Columbia Law's John B. Quigley Awarded Kelley Drye & Warren LLP Scholarship

John B. Quigley, a student at Columbia Law School, has been chosen as the recipient of The Foundation's Kelley Drye & Warren LLP Scholarship. The Scholarship was applied to Mr. Quigley's tuition for his second year of law school. A native of Jackson Heights (Queens), he holds a Bachelor of Arts degree, *cum laude*, in political science from Amherst College (MA). During his first year at Columbia, Mr. Quigley achieved leadership positions in areas of international and public interest law. He worked as an intern in the organized crime division of the United States Attorney's Office in the Eastern District of New York this past summer.

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. This is the third consecutive year that the Kelley Drye & Warren LLP Scholarship has been awarded to a student at Columbia Law School.

Kelley Drye & Warren LLP is an international, multidisciplinary law firm of nearly 400 lawyers and other professionals who are resident in seven offices in the U.S. and one affiliate office in India. The firm traces its roots to 1836 and provides legal expertise in more than 30 areas of law.



John B. Quigley, center foreground, is congratulated by James J. Kirk, left, managing partner at Kelley Drye & Warren LLP, and former Foundation president and a partner at the firm, Robert L. Haig. Also present were several Columbia Law School alumni who practice law at Kelley Drye including, left to right, Howard S. Steel, associate; John A. Garraty, partner; Daniel Schimmel, partner; Sung W. Kim, associate; Alison S. Pally, associate; Merrill B. Stone, partner; and David E. Retter, partner.

University at Buffalo Law School Student Helps Poor with Mortgage Foreclosure Litigation

Real Property Law Section Fellow works for Western New York Law Center

Rufus Williams was named a Real Property Law Section Minority Fellow by the Western New York Law Center, Inc., Buffalo. The summer fellowship was funded through a grant from The Foundation. Mr. Williams, currently a third year student at the University at Buffalo Law School, assisted the Center with mortgage foreclosure litigation and conducted research and writing on issues arising from the sale of homes at foreclosure auctions, predatory lending and anti-flipping.



Foundation Board member, Paul Michael Hassett, center, presented a Foundation grant award to Joseph A. Kelemen, executive director of the Western New York Law Center. The grant provided funding for a Real Property Law Section Minority Fellowship which was awarded to Rufus Williams, right.

As the Real Property Law Section Fellow, Mr. Williams researched claims for attorney's fees charged to clients facing foreclosure. One case involved an instance where no retainer agreement existed. The examination of this claim under case law involved an analysis of quantum meruit arguments for work. Another case involved a question of the amount that could fairly be charged to a client facing foreclosure as part of the foreclosure action. Mr. Williams also researched issues of contract law including unconscionability and duress.

A native of Milton, Ontario (Canada), Mr. Williams plans to practice law in New York State. He now has an interest in real property law and has acknowledged that it wasn't something he contemplated in the past. He said, "I have enjoyed my work at the Center and see myself practicing in this area of law in the future. The staff at the Center is really doing great things for the City of Buffalo and helping a lot of people in this area. I am happy I could learn and make a little difference in the lives of people in Buffalo."

Harry & Jeanette Weinberg Center Will Prepare Lawyers to Identify Elder Abuse

The Foundation recently awarded a grant to the Harry & Jeanette Weinberg Center for Elder Abuse Prevention, Intervention and Research at the Hebrew Home at Riverdale. The grant will provide financial support for a project that will help to build a growing body of attorneys who would be trained and available to identify the types, signs, symptoms and causes of elder abuse.

The funding will be used to expand the schedule of elder abuse trainings and continuing education opportunities available to elder law and other attorneys, retired attorneys, law students and paralegals. The attorneys will provide the legal expertise and advocacy that will assist the elderly in obtaining the legal redress critical to their successful transition from victim to self-empowerment at the Weinberg Center.

The Weinberg Center continues to serve vulnerable, isolated elderly of all income levels who have been abused or are at risk for elder abuse. Its outreach to victims of elder abuse who are ashamed or afraid to say anything about it is increasing. Outreach is also expanding to those who may have some cognitive impairment and cannot report the abuse and to those victims who will attempt to conceal their abuse and refuse help. The Center's outreach teams have trained over 11,000 healthcare personnel, legal law enforcement, clergy and other professionals as well as homecare workers, door-men, and numerous other community groups and individuals who have frequent contact with the elderly. Additionally, the Center's staff has provided elder abuse program training and materials to 21 facilities throughout the United States in its replication program.

According to the National Center for Victims of Crime, older victims usually have fewer support systems and reserves –

physical, psychological, and economic – therefore, the impact of abuse and neglect is magnified, and a single incident of mistreatment is more likely to trigger a downward spiral leading to loss of independence, a serious complicating illness, and even death. *(Burgess and Hanrahan, 2006)*.

The Weinberg Center was created in 2005 by the Hebrew Home at Riverdale and is designed to meet the needs of victims of elder abuse. It is the first and only comprehensive regional elder abuse shelter in the nation. The Center has determined that legal advocacy is a critical component in facilitating

each victim's willingness and ability to leave an abusive situation. While a safe haven is the initial concern, victims face many obstacles in their quest to live an independent and safe life. Their legal needs are diverse and change over time, ranging from initial assistance with orders of protection, financial and marital issues, and the need to address housing, medical benefits and other matters as they approach discharge from the Center.

To date, the Weinberg Center has provided emergency shelter and services for victims of elder abuse who reside, or have formerly resided, in the Bronx and Manhattan, and Westchester and Ulster Counties. The Hebrew Home at Riverdale, a not-for-profit non-sectarian organization, was founded in 1917 as a shelter for the homeless elderly in Harlem. In 1951, it relocated to Riverdale and now serves over 3,000 older people each day from the geographic communities of Bronx, Manhattan and Westchester County.

During 2008, The Foundation also awarded grants to the New York State Coalition on Elder Abuse and the Elder Law Unit of Pace Women's Justice Center.

The Weinberg Center continues to serve vulnerable, isolated elderly of all income levels who have been abused or are at risk for elder abuse.



Foundation Board member, Lesley Friedman Rosenthal, left, presents a grant award to the Harry & Jeanette Weinberg Center for Elder Abuse Prevention at the Hebrew Home at Riverdale. Accepting the grant on behalf of the Center are Joy Solomon, director and managing attorney for the Weinberg Center; Herman Loeffler, a member of the Board of Directors of the Hebrew Home at Riverdale; and Daniel A. Reingold, president and CEO of the Hebrew Home.

Cornell Law Student Wins Judge Bernard S. Meyer Scholarship

By Lucia B. Whisenand

Over the years various law firms have made funds available to The New York Bar Foundation for a variety of charitable endeavors that fall within the ambit of The Foundation's mission. One such restricted fund is the Judge Bernard S. Meyer Scholarship Fund, which provides scholarships to students attending a law school in New York State who excel in legal writing and advocacy skills. This project, established by Meyer, Suozzi, English & Klein, P.C. (Garden City) in 2004, falls within The Foundation's dedication to enhancing professional competence and ethics.

Second-year students at law schools throughout the State are offered the opportunity to submit an essay on any topic relating to the law. The papers are judged by a three-person panel and the author of the most outstanding paper is awarded the \$5,000.00 scholarship. Students are permitted to select their own topic and the papers are submitted to The Foundation. An identifying cover sheet is removed before the papers are sent to the panel which reads each one and then discusses its merits.

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Left to right, Foundation Board members Emily F. Franchina and A. Thomas Levin, a partner at Meyer, Suozzi, English & Klein, P.C.; Scholarship winner Nicholas A. Dorsey; and Lois Carter Schlissel, managing attorney at the firm.

Real Property Fellow's Efforts Enhance Legal Aid's Homelessness Intervention Program

The Legal Aid Society of Northeastern New York selected Albany Law School student, Audrey A. Kim, for its summer Real Property Law Section Fellowship. The Foundation awarded a grant to Legal Aid for the fellowship. Ms. Kim focused her time on housing matters where she assisted Ricja D. Rice, staff attorney for Schenectady and Rensselaer Counties, and Malcom A. McPherson, staff attorney for Albany County. She had the opportunity to work with the Homelessness Intervention Program at Legal Aid whereby people call in from shelters or through other agencies to seek help relating to housing issues. By the time they make the call for help, most have received a court notice of eviction and are close to losing their home.

The project Ms. Kim worked on involved a public agency that provides housing for low-income tenants. The agency had received notification from HUD that 113 tenants were going to be evicted for failure to comply with a regulation that each must perform eight hours of community service per month or attend self-sufficiency training, such as education classes. Most tenants would be exempt from performing the service because they are elderly, disabled, working or caregiving. However, within two weeks of starting her fellowship, Ms. Kim was placed into action as Legal Aid had received word that 65 of the 113 tenants were petitioned to appear in court. She immediately began to compose informational material that would be handed out to the tenants as they arrived for court. When the tenants began to arrive for their "day in court", Ms. Rice, with Ms. Kim's assistance, interviewed and represented 22 clients in court. Ms. Kim helped with intake, determined if the client was income eligible for legal

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Audrey A. Kim

JUDGE BERNARD S. MEYER SCHOLARSHIP, CONTINUED FROM PREVIOUS PAGE

The papers address a broad range of legal issues. This year, for instance, the papers submitted included topics as varied as *The Road to Copyright Reform is Being Paved by Digital Libraries*; *The Darwin Debate: the Establishment Clause & Creationism, Evolution, and Intelligent Design in Public Schools*; *Tuition Reimbursement Ruling May Cause Segregation of Children with Disabilities*; *Post-Conflict Support for the Integration of Women*; and *Illuminating the Court's "Delphian Guidance": Third-Party Liability and the Alien Tort Claims Act in Khulumani v. Barclay National Bank, LTD.*

Nicholas A. Dorsey, a student at Cornell Law School, was selected as the 2008 recipient of the Judge Bernard S. Meyer Scholarship. Mr. Dorsey is recognized for his legal scholarship for a paper he wrote, *Mandatory Reassignment Under the ADA: The Circuit Split and Need for a Socio-Political Understanding of Disability*. The paper discusses the Americans with Disabilities Act of 1990 (ADA) and the various models offered to explain

disability as a social concept. It demonstrates how the text, legislative history, and policy behind the ADA require mandatory reassignment. Mr. Dorsey determines that, "Through a socio-political understanding of disability, one begins to recognize that social institutions were not built neutrally and that mandatory reassignment is an appropriate response to such inequality." You can access the essay at www.tnybf.org under "Success Stories" and a final version will appear in Volume 94:2 of the *Cornell Law Review*.

Lois Carter Schlissel, managing attorney for the firm said, "We are very pleased that the Judge Meyer Scholarship has been awarded to Mr. Dorsey. This essay contest allows the firm to encourage excellence in legal writing and advocacy among future members of our profession while honoring Judge Meyer for his outstanding work and dedication to the law." The firm honored Mr. Dorsey at a reception held this summer at its headquarters in Garden City.

REAL PROPERTY FELLOW, CONTINUED FROM PREVIOUS PAGE

aid, if the tenant was exempt from the regulation, and if there were any other conflicts. Other tenants went to court with the information sheet that she prepared and used it to present their reasons for exemption.

Ms. Kim also prepared memos of law, conducted research and did writing in her time as the Real Property Law Section Fellow. Additionally, she attended court sessions with Ms. Rice and Mr. McPherson and sat in on cli-

ent intakes. After hearing the stories of poverty and need for assistance, Ms. Kim is drawn to advocating for those with no access to legal advice. She stated, "From a personal aspect, public service work is very gratifying. Each case goes by very fast and one doesn't have time to sit and ponder about outcomes. It's [the fellowship] been a good learning experience." As a third-year law student, Kim feels that this experience has helped her to make the decision to pursue a career in public service.



Foundation Board member, Kay Crawford Murray, left, presented a recent grant award to Verona Middleton-Jeter, executive director of the Henry Street Settlement, for the Boys and Girls Republic program. The program is designed to enhance each participating child's academic progress, social development and emotional well-being. The grant will provide funding for a part-time coordinator position for its self-government model.

NEWSLETTER COMMITTEE

Lucia B. Whisenand, *Chair*
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Unless indicated otherwise,
Newsletter articles are authored by
Rosanne M. Van Heertum,
Foundation director of development

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Peter V. Coffey, right, co-chair of the Fellows of The New York Bar Foundation in the Fourth Judicial District, presented a recent Foundation grant award to Richard Hartunian, chair of the Board of Directors, and Katrina Charland, director, Bethlehem Youth Court. The grant is providing funding for law-related education for volunteer student members and jurors who serve in the Bethlehem Youth Court, an alternative court for youth offenders.

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