

ECBA VOLUNTEER LAWYERS PROJECT

2013 ANNUAL REPORT



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A Joint Letter from Our President and CEO:

Dear Friends:

We want to take this opportunity to thank VLP's staff, Board, volunteers, funders and everyone who has enabled VLP to have another successful year. We could not have such a positive impact on the community without the support of each of you. The entire organization, and all of our clients, appreciate all that you have done.

During 2013, VLP staff and volunteers represented clients in 2,951 cases, benefitting 7,494 people. We also provided information and referral service to 2,761 more people. This work has been incredibly important for our clients and their families. We helped keep families from becoming homeless, by defending against tax foreclosures and evictions. We helped unaccompanied minors and immigrant victims of human trafficking receive fair treatment under the immigration law. Our newest project was the creation of a Family Court Help Desk, which not only assists litigants, but helps the court operate more efficiently. The list could go on and on, but there is one constant; in each case VLP has had a genuine impact on our clients' lives, often helping them support and keep their families safe.

Thanks for helping us to provide all of this help to others. We look forward to an even more productive 2014, and hope for your continued support.

Kevin M. Kearney
President
Robert M. Elardo
Managing Attorney/CEO

Celebrating Our 30th Anniversary

VLP was created in 1983 as a joint project of the Bar Association of Erie County and Neighborhood Legal Services. After VLP was established and began to grow, the Bar Association incorporated VLP as a

separate not-for-profit corporation in 1988.

The incorporation of VLP helped facilitate bringing increased amounts of state and federal dollars into Erie County to support VLP's services. By

2013, the VLP staff had grown from its original 3 to 17 and many of our services are now available in the surrounding counties of Western New York.

After 30 years, over 2,000 local attorneys have represented over

27,000 clients on a pro bono basis. During that period, VLP (with its staff and volunteers) has represented over 55,000 clients and provided information and referral to approximately 72,000 more people.



2013 PRO BONO AWARDS

2013 ANNUAL REPORT

ATTORNEY OF THE MORNING

MICHAEL J. METTILLE, Esq. is a solo practitioner who served as our Attorney of the Morning (AOM) 15 times and represented 75 low income clients facing eviction in the past year. He has often saved the day by filling in at the last minute when another lawyer had to cancel. Michael has done an excellent job of settling cases so that either the tenancy was saved or the clients had extra time before moving so that they did not become homeless.

FAMILY LAW

FRANK J. LONGO, Esq. has been a trusted volunteer since he spent time volunteering in our office as a law graduate in 1996. This year, he has handled 5 non-parent custody cases in Family Court. He is always willing to take on our difficult Family Court cases and he always goes the extra mile to provide the clients with thorough and expert representation. His combination of Family Court experience and life experience help him to successfully negotiate not only the Court process, but also complicated family situations that often arise in non-parent custody cases. Frank spent 23 hours completing 3 of the cases and is currently working on 2 more.

AUDREY ROSE HERMAN, Esq. is an associate at Gibbons & Stadler. She was admitted to practice in February of 2012 and by June of 2012 she was following the example set by the partners in the firm and was volunteering with VLP. She has already handled 4 non-parent custody cases, including one complicated one that she stepped in to handle for a VLP staff attorney that went out on maternity leave. Audrey has also handled an unemployment case and several shifts as our Attorney of the Morning.

IMMIGRATION

KEVEN J. MULVEHILL, Esq., an associate attorney at Phillips Lytle LLP, handled the case of a detained individual from Dominica, who, since 1998, was a long-term lawful permanent resident. Mr. Mulvehill's *pro bono* representation effectively handled a number of evidentiary challenges in the case and the client was granted cancellation of his removal. Kevin also took on the asylum case of a physician who feared return to Zimbabwe. Over the course of a year, Kevin committed over 100 *pro bono* hours to the case and prevailed on the asylum claim. We are immensely grateful to Mr. Mulvehill and appreciate his commitment.

NOT FOR PROFIT GROUPS

MARTHA BUYER, Esq. has been volunteering since 1996. During that time, she has represented 11 not for profit groups and two individual clients. Ms. Buyer works to legally set up the group as a not for profit corporation and obtain tax exempt status for them. Two cases stand out, where internal power struggles developed during her representation. In each case, she helped to educate them about proper Board process and even helped mediate their internal disputes. In another case, she spent time helping a group to refine its own mission statement so that she could then proceed with the legal work.

UNEMPLOYMENT INSURANCE BENEFITS

SEAN W. COSTELLO Over the past several years Sean has worked on many cases for VLP. In this case, the client's ex-wife was allegedly, fraudulently collecting unemployment benefits in his name while he was working for his ex-father-in-law. Our client risked jeopardizing his delicate family dynamic, and faced the possibility of owing the Department of Labor more than \$10,000. Sean was able to handle this complex case with a high degree of professionalism and competency. Sean dedicated nearly 45 hours tirelessly working on this single case ending in a favorable result.

LAW FIRM COMMITMENT AWARD

HURWITZ & FINE, PC has provided significant and consistent pro bono time and financial support for VLP. The firm's Pro Bono Coordinator, PAUL SUOZZI, sets a good example by having worked on 7 cases himself over the past few years. DAN KOHANE has an open torts defense case and has closed 3 others over the past few years. This year, CHRISTOPHER POTENZA spent 63 hours working on a torts defense case and MARC A. SCHULZ spent 25 hours on another. EDWARD ROBINSON handled an emergency power of attorney for an extremely ill client. JENNIFER KELLEHER handled an estate matter and represented a not for profit group this year. Over the past few years, she has donated a total of 106 pro bono hours on 9 VLP cases.

HISCOCK & BARCLAY LLP dramatically increased their pro bono participation when ROBERT HEARY was named their Pro Bono Coordinator. In the past year, the firm has handled 87 pro bono cases for VLP. Bob Heary handled 2 guardianship matters and 2 not for profit groups. ERIC SCHULTZ handled 2 immigration matters and mentored others that handled other immigration cases. RAYMOND MCCABE handled a QDRO and 3 not for profit groups. JENNIFER CASTALDO handled 11 eviction defense cases and a subrogation claim. KIMBERLY COLAIACOVO handled a tort defense case and an adoption. STEPHANIE LAMARQUE handled 8 eviction defense cases and an immigration matter. JONATHAN BARD handled a real property issue. MEGAN MORAN, CLAIRE FORTIN, and JAMES DAVIS had handled several eviction defense cases.

JUDICIAL AWARD

HON. MICHAEL F. GRIFFITH is an acting Supreme Court Justice and the Supervising Judge of the Family Courts in the 8th Judicial District. Judge Griffith has assisted VLP in many ways over the years. Recently, he has worked with VLP and the Erie County Family Court to create the Family Court Help Desk which is staffed by a combination of pro bono attorneys, law students and VLP staff. Judge Griffith also spoke at our introductory training and helped to recruit volunteer attorneys to staff the Help Desk. His involvement made a large impact in VLP's launch of this innovative project that provides limited scope advice to Family Court petitioners and litigants.

DIVORCE

BERNADETTE M. HOPPE, Esq. has been a committed volunteer since 2005 and has handled a total of 25 cases in that period. During the past year, Bernadette has worked on 5 VLP divorces. In each case, she was representing the client in Family Court and when the matter grew into a divorce action, she volunteered to handle the client's divorce. This created efficiencies since she already knew the parties and it saved VLP's staff from having to find lawyers to match with the clients. In addition, she was our first volunteer attorney to staff the Family Court Help Desk and she served as a trainer at the recruitment training that VLP sponsored.

SOLO PRACTITIONER

JENNIFER P. STERGION, Esq. is a solo practitioner who has provided over 250 hours of pro bono services over the past 5 years. This past year, she has focused her pro bono work in the family law arena. She has completed two custody/visitation cases and is currently working on a divorce and two child support matters. In addition, when we hired Natalie Stutz to be our Staff Attorney concentrating on Family Court matters, Jennifer acted as a mentor, allowed Natalie to shadow her in Family Court and then allowed her to 2nd chair in a child support trial and in a custody trial.

LITIGATION AWARD

JOHN P. FEROLETO, Esq. is a solo practitioner who graciously handles tort defense cases for VLP. Over the past year he has had two unusual cases. In the first case, a client with a very modest home was sued by someone alleging that 18 years ago she visited the client's home and was exposed to lead paint. The client did not know the plaintiff and did not know how the alleged exposure could have happened. In the second case, a woman was sued after her teenage son got into a fight with another boy. The son did not live with the client, but lived with a court appointed guardian. John gladly took both cases and is providing quality representation.



IMMIGRATION

2013 ANNUAL REPORT

*"Thank God for all the work VLP does
for people who have little."*

SPOTLIGHT ON IMMIGRATION

We obtained a T visa for an immigrant victim of human trafficking who had escaped from domestic servitude in the U.S. We also obtained derivative T visas for her children and then worked with the International Organization for Migration (IOM) to help the children reunite with their mother in the U.S. Our client especially wanted to reunite with her children because their father had passed away, leaving them in the care of her elderly father.

VLP's Immigration Project employs four full-time attorneys. Some of our work is funded by the U.S. Department of Justice's Executive Office for Immigration Review, via the Vera Institute of Justice, to conduct legal orientations and pro se workshops to men and women detained by U.S. immigration authorities for removal.

We also recruit, train and mentor pro bono attorneys to represent both detained and non detained non-citizens in removal proceedings, focusing primarily on asylum cases and waivers for long-term permanent residents.

The Immigration Project, through the International Institute of Buffalo, is also funded to represent non-citizen survivors of domestic violence and human trafficking so that they may obtain special relief under U.S. immigration laws. Given our work, we serve on the WNY Human Trafficking Task Force and Alliance along with law enforcement agencies and other organizations.

Finally, through a contract with the U.S. Department of Health and Human Services, we represent non-citizen unaccompanied minors who are in foster care to obtain permanent residency through special immigrant juvenile provisions of the law. We also handle select naturalization cases.

POSITIVE INDIVIDUALS & FAMILIES

2013 ANNUAL REPORT

The Positive Individuals and Families Project serves people living with HIV/AIDS in all eight (8) counties of Western New York.



Attorneys Ileah Welch (left) and Gretchen González (right)

"[This representation] made my life better. And while I was under stress, she helped me when no one else cared! Thank you for helping me when I needed the help most."

SPOTLIGHT ON POSITIVE INDIVIDUALS & FAMILIES

A developmentally delayed man who was a lawful permanent resident for 30 years had lost his "green card". He needed the card to be able to stay at Benedict House, which is a residential home for people in the later stages of HIV/AIDS. VLP was able to get the man a replacement green card and then U.S. citizenship which gained him access to the benefits which he needed for his care.

Funded by the New York State Department of Health, the project has a special focus on creating end of life plans and care and custody plans for individuals and families facing HIV/AIDS. In partnership with Neighborhood Legal Services, the project also provides generalist civil legal services covering such topic areas as: health care issues, family law, discrimination, confidentiality, debtor/creditor issues, housing issues, public benefit issues, and tax issues.

Attorneys in the Positive Individuals and Families Project are also very involved in community outreach and provide training to community members and service providers on the HIV Confidentiality Law, and other issues surrounding HIV status and disclosure.

FAMILY COURT HELP DESK

2013 ANNUAL REPORT

"[my attorney] saved the life of two small children...I am just amazed with all the help I was given. Please continue to help others the way you helped us."

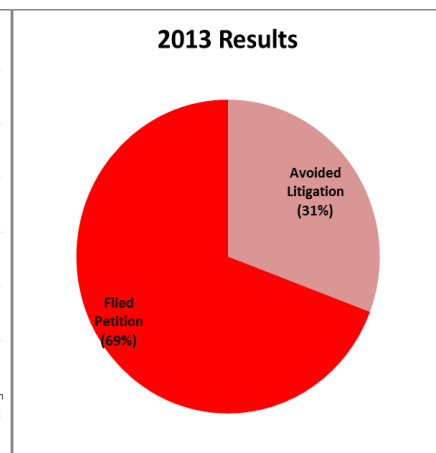
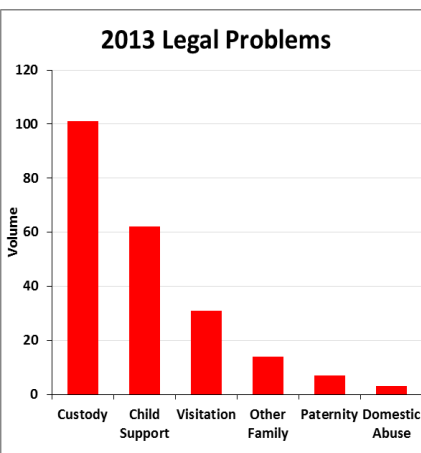
SPOTLIGHT ON FAMILY COURT

A father with learning disabilities was having trouble providing all of the help that his young teenage daughter suffering from mental illness needed. VLP represented his stepdaughter who was a recent college graduate to obtain joint custody with the father. This allowed the step daughter to help the father to deal with the medical and therapeutic needs of the child.

In September 2013, The Volunteer Lawyers Project, with the assistance and support of the Erie County Family Court, created the Family Court Help Desk. Clients can speak to an attorney at Family Court prior to filing their petition or prior to their court appearance.

Our goal is to help inform unrepresented litigants of the Family Court process and rules. We also hope to reduce the number of unnecessary petitions that are filed, and to reduce the number of proper petitions dismissed due to issues with petition drafting or filing.

Clients are also provided with general information that helps the client navigate Family Court more effectively. This information includes: referrals to programs that may be able to represent the client; information about Assigned Counsel and how to obtain an attorney through the program; and general advice regarding the court process for clients who are unfamiliar with the procedure, particularly explaining what occurs at the first court appearance and what the client can do to prepare for Court.



UNEMPLOYMENT INSURANCE BENEFITS

2013 ANNUAL REPORT

VLP's Unemployment Insurance Benefits program serves individuals throughout Western New York in obtaining or maintaining their entitlement to receive unemployment insurance benefits (UIB). The program is primarily funded by a grant from the Office of Court Administration.

Available assistance includes helping clients during the application process for benefits, as well as direct advocacy with the New York State Department of Labor. Representation during these preliminary steps is offered in an attempt for clients to be found eligible for benefits without the need for a hearing. The main focus of the program is to provide legal representation to individuals at unemployment hearings. The program also handles select unemployment appeals. In 2013, we won over \$210,000 in retroactive benefits for our clients.

In addition to the work of our UIB staff attorney, the program also trains and mentors pro bono attorneys to handle unemployment matters.

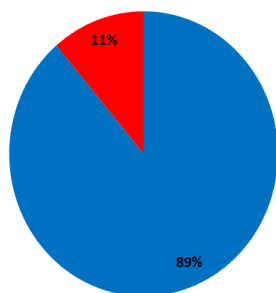
"I thank you so much and I don't think I could have made it without your help."

SPOTLIGHT ON UNEMPLOYMENT

A secretary with a history of mental illness was absent from work for several days due to a severe episode of depression and anxiety. Although she called in each day to report her absence, the employer fired her. VLP represented her at a hearing, but received an unfavorable result. Refusing to give up, VLP represented the worker on appeal and successfully obtained benefits for her, including more than \$11,000 of retroactive benefits to which she was entitled.

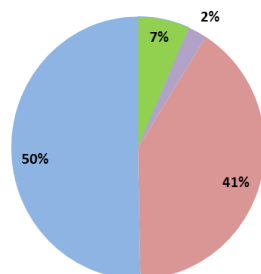
Case Outcomes

■ Favorable ■ Unfavorable



Types of UIB Cases

■ Appeal ■ Agency Decision
■ Hearing ■ Brief Service or Advice



ATTORNEY OF THE MORNING

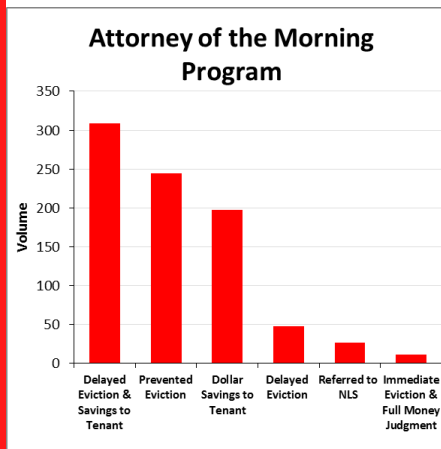
2013 ANNUAL REPORT

"If it had not been for Dennis Schaeffer's help, I would've lost my home. Thank you so much for allowing Dennis to represent me & save our home. He was a God-send & a blessing to know. I would recommend your services to anyone..."

SPOTLIGHT ON AOM

A client with two children (one of which was disabled) was facing eviction where the landlord was seeking \$2,160 in rent even though the client only owed \$600. The apartment had repair issues and the client wanted to move and use the little money she had to find a new place. A VLP volunteer attorney negotiated a Stipulation that gave the family one month to move, with no rent owing and no money judgment, thereby preventing the family from becoming homeless.

2013 marks the 23rd year trained volunteer attorneys, assisted by VLP staff and student volunteers, represented low income clients facing eviction in Buffalo City Court through our Attorney of the Morning Project (AOM). This highly successful program, replicated across the country, helps vulnerable families in our community avoid homelessness.



Clients consult with a VLP attorney who will assist them in negotiating a settlement with their landlord or in arguing their case in front of the judge. AOM is also a valuable experience for our volunteer attorneys, providing them the opportunity to complete client intake, negotiate with opposing counsel, and argue before the court.

DIVORCE, BANKRUPTCY & TAX

2013 ANNUAL REPORT

DIVORCE: VLP has a long history of representing people seeking as well as defending a divorce. VLP assists low income clients who fall through the gaps created by other programs' rules. Divorce is a subject matter where we always have a long list of clients waiting to be referred to a pro bono attorney. VLP has a group of attorneys committed to handling pro bono divorces, relieving a great deal of stress for both the clients and the VLP staff.

BANKRUPTCY: We see many individuals and families who are in need of a fresh start, facing the loss of their homes or garnishment of an already insufficient income. Our bankruptcy volunteer attorneys do an outstanding job representing our clients in bankruptcy proceedings to protect their property and their income.

TAX: The number of people unable to pay their income tax obligations has increased over the past few years. In addition, even those who are trying to pay their taxes can have trouble understanding and complying with our complex system of tax laws and end up in trouble. VLP attempts to assist low income taxpayers who have controversies with the IRS by providing advice and, when needed, representation before the IRS concerning the establishment and collection of income tax obligations.

"...the VLP is perfect just being in existence for people who don't have a lot of money but has legal problems that need to be fixed."

SPOTLIGHT ON DIVORCE

A volunteer attorney represented a woman in a divorce after the husband abandoned her and their young children. Although the husband worked "off the books", the attorney was able to establish his income so that the woman and children could obtain the support that they needed.

TAX FORECLOSURE

2013 ANNUAL REPORT

"VLP saved our home. Without them we would have lost everything"

SPOTLIGHT ON TAX FORECLOSURE

A mother of two found the house she lived in for 30 years was in danger of being lost through tax foreclosure and was cited for housing code violations. Her mother was the owner of the property, but had recently passed away. We were able to keep the family from becoming homeless by negotiating a stipulation and repayment agreement with the attorney for the City of Buffalo; getting title into her own name; and qualifying her for a STAR exemption on property taxes and low income home owner loans to fix up the property. We were also able to get her time to finish repairs.

Each year, the City of Buffalo puts thousands of properties on an In Rem Tax Foreclosure list. The properties can be foreclosed upon if they have arrears in property taxes, sewer tax or user fee (for garbage collection). Old water bills that had been the previous cause for an In Rem action could also land properties on the list.



(Left) Clients whose home was saved by VLP.

People owing as little as \$201 could lose their home through this process and end up homeless. VLP brought a team of people to County Court the week before the sale was scheduled to occur. We worked cooperatively with other legal services providers to assist low income owner occupiers and their families. We interviewed clients and opened files at the Courthouse. VLP was able to negotiate stipulations which saved 61 homes.

In addition, VLP was part of a consortium of legal services programs that testified before the Common Council, proposed amendments to the City Charter, and negotiated with the City's Corporation Counsel to ease the City's policies on In Rem cases.

PRO BONO ACTIVITY & TRAINING

2013 ANNUAL REPORT

VLP offers a wide range of opportunities for our volunteer attorneys who in turn assist VLP in achieving our goal of “speaking for those who are not heard.” VLP matches the pro bono attorney’s interest, experience and availability in assigning a case.

Volunteer attorneys may undertake full representation of an individual’s civil legal case; or they may provide limited scope legal representation in Buffalo City Court for eviction defense proceeding or at our Family Court Help Desk.

We offer Free CLE training programs regularly. VLP maintains a library of training videos, and has its own You Tube Channel, providing a nontraditional CLE format that attorneys can complete on their own time. VLP provides mentoring for our volunteers and litigation support from law student volunteers. VLP also assists attorneys in meeting the aspirational goal of providing 50 hours of pro bono service each year.

VLP’s volunteers are recognized annually at our Awards Reception. Many are members of the Empire State Counsel Program, which honors members of the NYSBA who provide 50 hours or more of pro bono service a year. VLP volunteer attorneys routinely receive the NYSBA President’s Pro Bono Service Award for the Eighth Judicial District. Matthew B. Herdzik, Jr., won this Award in 2013.

“It changed my life in so many ways. I can’t begin to express how grateful I am to VLP and my volunteer attorney. Thank you from the bottom of my heart. I have a new start in life.”

SPOTLIGHT ON PRO BONO

“To me, having a law degree and license to practice is the functional equivalent of having a superpower: I have the power and the know-how to do something many Americans do not. And with all superpowers come great responsibility. For lawyers, that responsibility comes in the form of helping those who need it the most, but can afford it the least. Our entire justice system is dependent on a legal community not beholden only to those who can afford to pay us lavishly for our work. I use my superpower to help those who need it, and by doing so I give back to the justice system which gave me my career.”

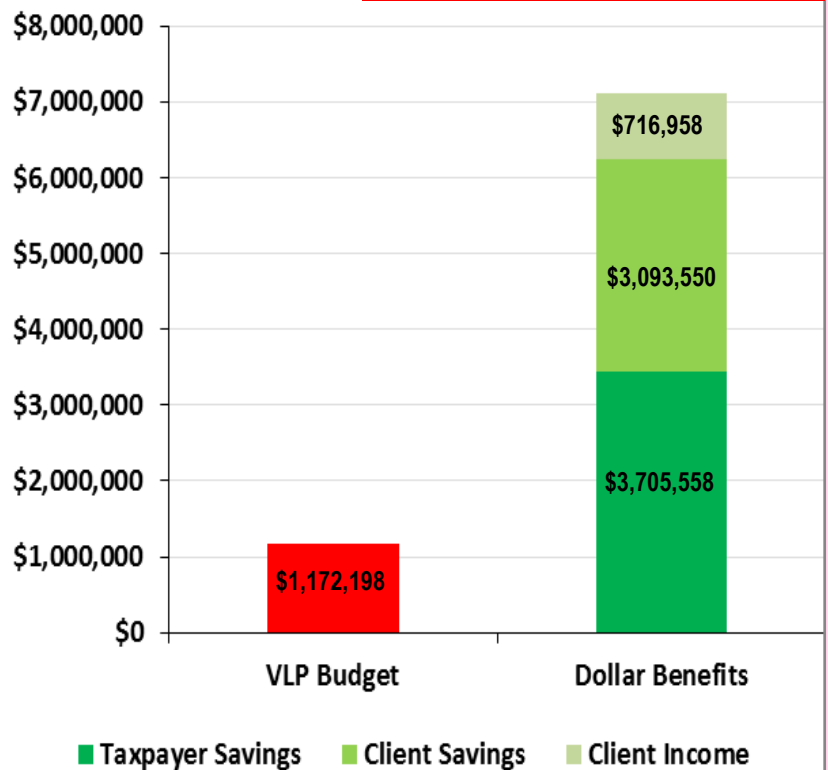
-Joshua Dubs,

*2013 Empire State Counsel
honoree*

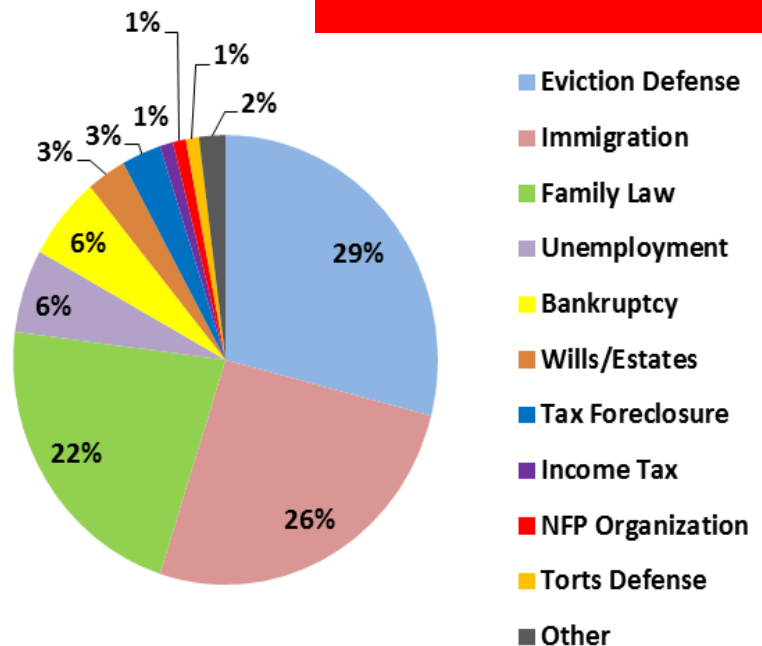
THE VALUE OF PRO BONO

In 2013, pro bono lawyers provided over \$1.1 million dollars in free legal services to VLP clients, in addition to \$1.1 million dollars of services provided by VLP staff. Together VLP staff and pro bono counsel created \$7 million dollars in benefits to clients and taxpayers. In this manner, pro bono services allow VLP to exponentially increase the benefits to the clients and the taxpayer, proving VLP a very worthwhile investment.

Dollar Benefit

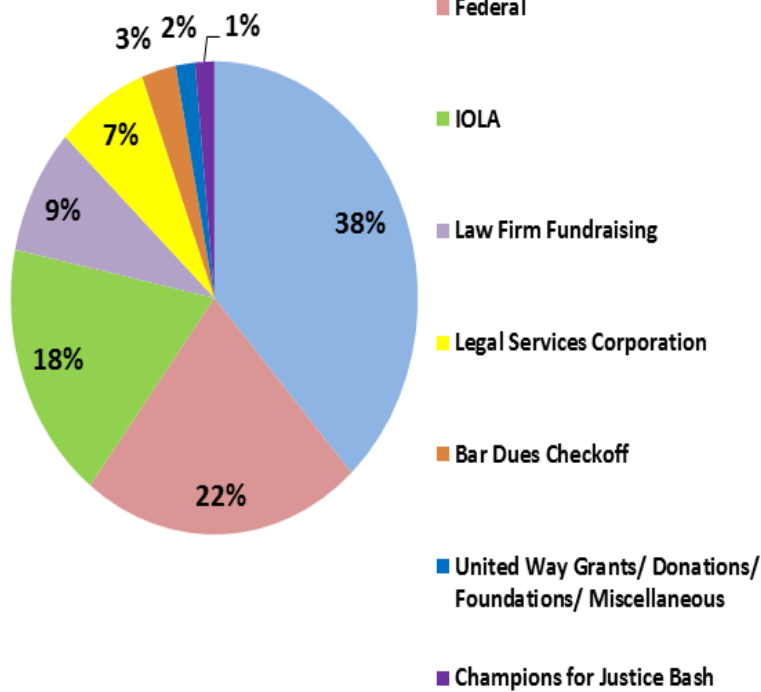


Case Distribution

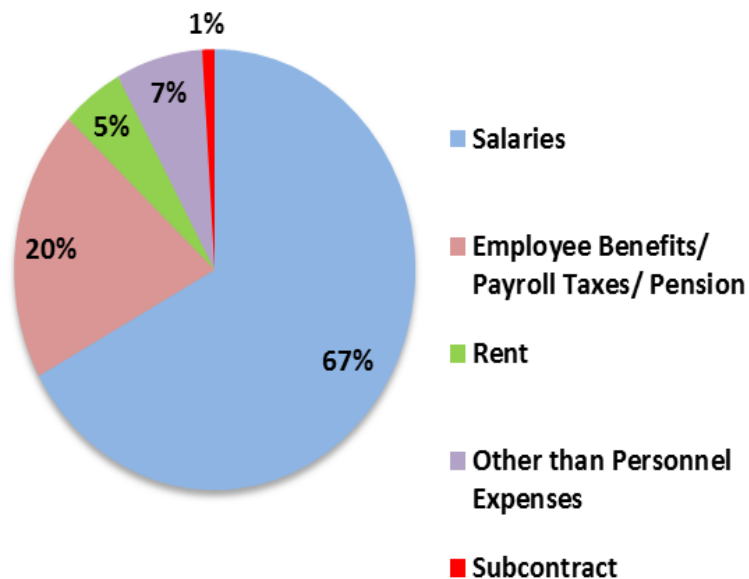


2,951 Total Cases

Revenue \$1,237,325



Expenses \$1,172,198



FUNDING PROVIDED BY

Legal Services Corporation
 NYS Interest On Lawyer Account
 (IOLA) Fund
 NYS Office of Court
 Administration
 NYS Department of Health
 United States Department of
 Justice
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2013 VLP LAW FIRM FUND-RAISING CAMPAIGN

2013 ANNUAL REPORT

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(At least \$10,000)

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Phillips Lytle LLP

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(At least \$5,000)

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Damon Morey LLP

Cellino & Barnes*
Jaekle, Fleishmann & Mugal, LLP

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(At least \$2,000)

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Gross Shuman Brizdle & Gilfillan, P.C.*

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Harter, Secrest & Emery, LLP*

Walsh, Roberts & Grace
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(at least \$150)

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The following attorneys have taken their pro bono obligation to heart and have provided pro bono legal services through VLP on at least one case during 2013. Many thanks to each of you.

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ON THE HORIZON FOR 2014

VOLUNTEER LAWYERS PROJECT

During 2013, VLP did much of the planning and ground work to prepare for the launching of three new programs in 2014



SAY YES BUFFALO: VLP has been funded by Say Yes Buffalo to coordinate and operate outreach/counsel & advice clinics for the families of Buffalo Public School District students. These clinics will be in schools in diverse areas of Buffalo and will be staffed by a combination of volunteer lawyers, paralegals and law students. The initial four clinics will be launched in the fall of 2014.



FEDERAL COURT HELP DESK: VLP will begin operation of a limited scope counsel and advice clinic in the Courthouse to advise pro se litigants involved in Western District of NY cases. This program will be in partnership with the Federal Bar Association Western District of NY Chapter, the SUNY Buffalo Law School, and the Court. It will launch in early 2014.



COORDINATED REFUGEE ASYLEE LEGAL

SERVICE PROJECT: VLP is part of a 7 program effort to establish a coordinated continuum of care in the delivery a wide array of civil legal services to refugees, asylees and immigrants in the Western NY. This effort is being funded by the John R. Oishei Foundation and will launch in the fall of 2014.