



## ***Innovations and Partnerships At Work***

***By Lorna Blake,***

***Executive Director of the IOLA Fund of the State of New York***

Looking back over the events of the past year and the response to those events by our many grantees has been an inspiring task. Our grantees answered the needs of the victims of September 11<sup>th</sup> with stepped up energy and commitment even while experiencing their own extreme hardships and, in some cases, loss of offices caused by the attack. Additionally, many of our grantees continued work on projects planned well in advance of the events of last September and in this issue of *In The Works* we welcome the opportunity to highlight these innovations and partnerships working together to better serve our community.

Several of our grantees have expanded already existing partnerships as well as formed associations with a variety of law firms to increase pro bono services to address needs ranging from legal representation of teen parents to providing legal advice to microentrepreneurs. In the area of technology, grantees have formed collaborations to provide an online research service and new online tools to combat viruses spread by email have recently been implemented. Through *In The Works*, IOLA will continue to highlight innovative and collaborative efforts.

The Fund itself has felt the ripple effect from current events; notably the general economic downturn which has reduced revenue by close to 25%. While 2002 grant levels were not affected, the prospects for 2003 are significantly more challenging. Moving forward, innovation and collaboration will be key in serving the legal needs of New York's low income population, especially in the current economic context

## ***New York's Plan For Justice***

***By Sherrie Kahn***

On July 11, 2002, the New York State Planning Steering Committee – co-chaired by Anne Erickson, Executive Director of Greater Upstate Law Project, Tom Maligno, Director of Public Interest at Touro Law School and Andy Scherer, Executive Director of Legal Services for New York City – submitted *New York's Plan For Justice* to the Legal Services Corporation. On August 16, LSC accepted the plan.

The plan addresses statewide issues and defines new upstate service areas for LSC grantees. New York City and Long Island issues were addressed separately by LSC and its grantees there.

Acceptance of the plan marked an important landmark in a many-year effort by LSC-funded legal services programs in the state to fulfill the LSC's requirement that its grantees in New York and throughout the country engage in detailed, collaborative planning about the delivery of legal services.

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**In the Works**

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The New York State Interest on Lawyer Account Fund ("IOLA") helps the poorest and most vulnerable people in New York State to obtain help with legal problems affecting their most basic needs, such as food, shelter, jobs and access to health care by providing financial support to civil legal service organizations that serve low-income clients.

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## ***New York State's Plan For Justice***

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In its preface to the plan, the steering committee noted that: "the plan outline(s) New York's progress toward – and its continuing commitment to – creating a client-centered, integrated and dynamic system of delivering the full range of legal services to New York's poor and low income populations through comprehensive and coordinated delivery models."

In accepting the plan, LSC officer Bob Gross, said: "... we asked you to build upon the strengths of New York's justice community and take it to a new level. We believe the plan positions you to do just that." Gross complimented the steering committee by noting: "You have deepened and expanded your partnerships and positioned the equal justice community to better realize its dreams. . . . The New York equal justice community and its clients are fortunate to have your participation and leadership as it moves forward. And we are glad to be your partners."

While service area reconfiguration is an important part of the plan, it also details how providers intend to improve delivery in major areas of their work: client access to services; training, leadership and diversity; pro bono; resource development; intake systems and technology. A copy of the plan and the LSC approval letter are at [www.wnyc.net](http://www.wnyc.net), under planning.

In 2004, new LSC service areas will include five regions: Hudson Valley, Northeast, Central, Finger Lakes/Southern Tier and Buffalo/Niagara.

The geography of New York City and Long Island service areas remain unchanged. The plan does not specify the identity of the provider that will serve each region. But programs in several regions have or are close to determining their future relationships in light of the new map.

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## ***Farmworker Legal Services of New York***

***by James F. Schmidt, Executive Director***

**I**t all started with an escape. A group of six migrant workers made a break for freedom from what they described as a closely supervised forced labor camp in Orleans County. Unsure of where to go, and unable to speak any English, the desperate group of undocumented Mexican immigrants spent the night hiding in the woods. Fortunately for them, they eventually came across a Spanish-speaking resident who helped put them in touch with Rochester office of Farmworker Legal Services of New York. "But for that, who knows what would have happened?" said Dan Werner, a lawyer in the New Paltz office. Somehow, word made it to another group of four escapees who joined the six others under the agency's protection. The agency, in turn, contacted federal authorities." Buffalo News, June 21, 2002

Farmworker Legal Services of New York (FLSNY) has recently been the subject of state and national press for its involvement

with the issuing of a federal forced labor indictment brought by the U.S. Department of Justice and the U. S. Attorney for the Western District New York. The workers, upon escaping from their employer, contacted FLSNY, which put them in touch with the Justice Department. On June 18, 2002, U. S. Attorney Michael A. Battle indicted 5 labor contractors charging violations of federal anti-slavery, immigration and labor laws.

According to Steven Greenhouse of the New York Times, "United States Attorney Michael A. Battle said the indictments were the first in the nation bringing charges of forced labor under the Victims of Trafficking and Violence Prevention Act of 2000, which increased penalties for forced labor and involuntary servitude.<http://www.nytimes.com>

On June 18, 2002, FLSNY filed a class action against the same five farm labor contractors

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**New York State's Plan For Justice**  
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The Hudson Valley Region will consist of Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties. In 2004, the LSC-funded provider will be Westchester/Putnam Legal Services and will be anchored in White Plains. The LSC grantee currently based in Rockland County will not seek LSC funding but will work cooperatively with Westchester/Putnam.

The Northeast Region will include Albany, Clinton, Columbia, Greene, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Warren and Washington counties. The region will cover the current service areas of the Legal Aid Society of Northeastern New York, North Country Legal Services and include Fulton, Montgomery and Schoharie counties – areas currently served by Legal Aid of Mid New York.. The program will be headquartered in Albany.

The Central Region will be Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, and Otsego counties. Legal Services of Central New York, Legal Aid for Broome and Chenango, Inc. and the Legal Aid Society of Mid New York currently serve the counties of the new region.

The Finger Lakes/Southern Tier Region will include Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates counties. The three programs that currently serve the region are Southern Tier Legal Services, Chemung County Neighborhood Legal Services, Monroe County Legal Assistance and its component, Legal Assistance of the Finger Lakes.

The Buffalo/Niagara Region will cover Erie, Genesee, Niagara, Orleans, and Wyoming counties. Presently, Niagara County Legal Aid Society, Oak Orchard Legal Services and Neighborhood Legal Services each provide LSC-funded services in the region.

The Steering Committee will continue to act as the convener and guiding force behind the implementation of the state

**Public Service Alternative Bar Exam**

The Committees on Legal Education and Admission to the Bar of the Association of the Bar of the City of New York and the New York State Bar Association have proposed a pilot program which would admit to the New York State Bar graduates of New York law schools who successfully complete a program of public service in the New York courts. The Committees recommend the establishment of a Public Service Alternative Bar Examination (PSABE). If approved, a pilot program would commence with a limited number of graduates (fewer than 200) over a two year pilot. Each applicant randomly selected by lottery to participate in the PSABE will be required to participate in an orientation and then work full-time for a three-month period in one or more placements located within the New York State Unified Court System under the direct supervision of court personnel. "Applicants will be evaluated by direct assessment of their on-the-job written work, their on-the-job performance of services, simulation exercises and through limited written exams. Following their admission to the Bar, applicants will be required to provide 150 hours of pro bono work in the Courts over the following three years."

**For a copy of the report., go to [http://www.nysba.org/Content/NavigationMenu/Attorney\\_Resources/NYSBA\\_Reports/JointRPT614.p](http://www.nysba.org/Content/NavigationMenu/Attorney_Resources/NYSBA_Reports/JointRPT614.p)**

**Diversity in the News**  
**By Lillian A. Moy, Executive Director**  
**Legal Aid Society Of Northeastern NY**

The New York State Diversity Coalition presents training events that help the legal services community address diversity challenges. Most recently, the Coalition presented "Skills to Represent Diverse Clients: Cultural Competence at Work" at the New York State Bar sponsored New York State Partnership Conference held in Albany in June. The lead trainer was Professor Susan Bryant from the City University of New York School of Law. This writer facilitated the training which included presentations by Steven Bernstein, Executive Director of the Brooklyn Branch of Legal Services for New York and Kenneth Lau, Staff Attorney at MFY Legal Services. Steve and Ken made presentations on the steps their programs have taken to more effectively serve the Chasidic and Chinese communities in their service areas.

The workshop has recently been accepted for presentation at the National Legal Aid and Defender Association's Annual Conference to be held in Milwaukee on November 13 - 16, 2002. Professor Bryant and Mr. Bernstein are expected to participate. In addition, Luis Jaramillo, Deputy Director of California Rural Legal Assistance, and Zenobia Lai of Greater Boston Legal Services will join the panel.

Diversity work continues on other fronts as well. The State Plan recently submitted to the Legal Services Corporation by the New York State Planning Committee includes the work plan for the Leadership and Diversity Staff Development work group. Polly Thompson of Legal Services for New York City, Susan Bahn of the Legal Aid Society and this writer are co-chairs. Other members of the group, still in formation, include Bill Hawkes of Neighborhood Legal Services, Peter Racette of North Country Legal Services, Ken Perri of Legal Aid of the Finger Lakes, Anne Erickson of the Greater Upstate Law Project, Dave Robinson of Legal Services for New York City, Marie Richardson of the Legal Aid Society, Jan Walker of Southern Tier Legal Services and Maria Dosso of Nassau/Suffolk Law Services.

Each upstate legal services program will designate a leadership and diversity-responsible person who will work with the group and the Coalition to develop a diversity policy that incorporates both training and leadership development. Additionally, the Coalition expects that training opportunities in diversity will include hiring and other employment practices, providing culturally competent legal services to diverse client communities, and managing a diverse workforce.

The next meeting of the Coalition will be September 30 at 2:00 at MFY Legal Services, 299 Broadway, New York City.

## ***VOLS Microenterprise Project***

***By William J. Dean, Executive Director, Volunteers of Legal Services***

**I**n 1998, acting on a suggestion made by IOLA, Volunteers of Legal Service (VOLS) started a Microenterprise Project with the purpose of providing pro bono legal assistance to low-income microentrepreneurs in New York City.

Many poor people have a skill in a particular area - food preparation, clothing design, operating a beauty salon, child care, writing - and have the entrepreneurial spirit to start their own business, but have little practical knowledge about setting up a business. Many are looking to gradually expand a home-based business. The availability of valuable legal advice is helpful to persons of very modest financial means and limited business experience who, without this project, would have no access to legal services.

In this project, VOLS recruits law firms and then matches the firms with non-profit economic development agencies in New York City working with microentrepreneurs. The agencies identify low-income microentrepreneurs who need legal assistance and transactional lawyers from law firms volunteer to represent the microentrepreneurs.

Volunteer lawyers provide one-on-one representation on business-related issues and make presentations to groups of microentrepreneurs on basic legal matters, such as the

appropriate structure for a business, or the leasing of commercial space. Fourteen law firms and fourteen economic development corporations participate in the project. The project serves microentrepreneurs in all five boroughs of the city. In 2001, 165 microentrepreneurs received legal assistance from volunteer lawyers and nearly 800 attended presentations of business law issues. In addition to assisting microentrepreneurs with business legal needs, the project provides transactional lawyers with opportunities to undertake pro bono work.

Shearman & Sterling is matched with the Business Outreach Center Network. Network member agencies are in Chinatown, Coney Island, Hunts Point, Jackson Heights, Harlem, Oceanhill-Brownsville and West Brighton. Over a six-month period, July 1 - December 31, 2001, Shearman & Sterling provided individual legal counseling to 40 microentrepreneurs. Eight matters related to structure of business issues, 26 to intellectual property matters, four to commercial leases and two to contract issues.

During the first six months of this year, Paul, Weiss, Rifkind, Wharton & Garrison provided legal representation to 40 microentrepreneurs. Fifty-three Paul, Weiss lawyers and eight paralegals participate in the project. Lawyers come from the firm's corporate, tax,

real estate, entertainment, litigation, employee benefits and personal representation departments.

Last year, three lawyers from Chadbourne & Parke made two presentations in Spanish to microentrepreneurs in Washington Heights identified by Credit Where Credit is Due and represented five.

LeBoeuf, Lamb, Greene & MacRae, matched with the Women's Business Center of the Local Development Corporation of East New York, made four presentations and is counseling 13 microentrepreneurs.

White & Case made a presentation to 30 microentrepreneurs in the South Bronx and is representing nine.

Patterson, Belknap, Webb & Tyler made two presentations to microentrepreneurs through its match with the Church Avenue Merchants Block Association in Brooklyn and is representing two.

For the past three years, Cleary, Gottlieb, Steen & Hamilton has been working with ACCIÓN, a non-profit organization that offers loans to self-employed individuals lacking access to traditional forms of business credit.

### ***Cleary, Gottlieb, Steen & Hamilton and ACCIÓN***

**C**leary, Gottlieb, Steen & Hamilton, an international law firm based in New York City, works with ACCIÓN-NY to provide financial and educational tools that foster economic independence. ACCIÓN is a non-profit organization that serves economically disenfranchised neighborhoods of New York City by offering loans to self-employed individuals lacking access to traditional forms of business credit. More than helping a business get on its feet, ACCIÓN provides effective financial and educational tools to perpetuate economic self-reliance. However, ACCIÓN clients often require additional assistance with legal issues that inevitably arise when developing a business. Cleary plays an important role in helping to guide ACCIÓN clients through the crossroads where business and law intersect.

Over the past three years that Cleary has offered pro bono legal services to ACCIÓN-supported businesses, it has assisted approximately 50 individual and group clients of ACCIÓN. Through one-on-one counseling, Cleary attorneys advise on business and tax planning, negotiate and draft contracts and leases, and aid in obtaining licenses, trademarks or patents. Cleary lawyers have assisted an electronic book publisher in negotiating contracts, negotiated retail leases for a beauty salon, grocery store, and other businesses and provided trademark assistances to an empanada factory.

Cleary holds Microentrepreneur Workshops with ACCIÓN clients to deliver basic information and address legal and business topics pertinent to small business owners. Past workshop topics included ways to organize a small busi-

ness, draft an agreement, negotiate a lease, incorporate a business, buy property, and handle tax issues.

Cleary's pro bono services help to achieve the dual goals of the establishment of successful individual ACCIÓN businesses and greater community development as a whole. The firm's partnership with ACCIÓN also provides Cleary lawyers with the opportunity to work with micro-entrepreneurs at a stage where business and legal advice is crucial for the businesses' success. The collaboration between Cleary Gottlieb and ACCIÓN New York has been and will continue to be a rewarding experience for the attorneys and clients alike.

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plan. As of its first challenges, it will review its current composition and create a more permanent structure. The committee has named a number of working groups to tackle immediate issues. In training, a New York Training and Leadership Consortium will be launched, staffed by the Greater Upstate Law Project, Legal Services for New York and the Legal Aid Society of New York City; the Work Group on Intake and Hotlines will review current intake systems; the Pro Bono Work Group has recommended a county-by-county inventory of current private attorney involvement and an assessment of how pro bono services are organized and delivered at the local level. Other areas of work group activity underway or planned include technology and statewide resource development.

**Farmworkers Legal Services Of New York**  
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as well as ten growers related to the same incident. The complaint alleges that farm labor contractors held the plaintiff workers in forced labor in violation of federal human rights laws and the Racketeering Influenced and Corrupt Organizations Act. It also charge the defendants with the torts of fraud, false imprisonment, and intentional infliction of emotional distress. Six of the plaintiffs also brought assault claims against the contractors.

In the civil complaint, the growers and the contractors are charged with routinely failing to pay the federal and state minimum wage and violating nearly every provision of the federal Migrant and Seasonal Agricultural Worker Protection Act ("AWPA"). These AWPA violations include (among others): housing the plaintiffs and others at dilapidated and overcrowded labor camps;

providing false and misleading information to the plaintiffs and others at the time or recruitment; failing to comply with a working arrangement entered into with the plaintiffs; failing to provide the plaintiffs and others with accurate wage statements; failing to pay the plaintiffs for all of the hours they worked; and transporting the workers in unsafe vehicles without adequate insurance.

Farmworker Legal Services of New York, Inc. ("FLSNY"), with offices in New Paltz and Rochester, represents farmworkers statewide. The majority of farmworkers in New York are immigrants from Mexico, Jamaica, Central America, and other locales.

**For more information about FLSNY and its work see: [www.flsny.org](http://www.flsny.org).**

**More On Microenterprise**

Volunteers of Legal Services, Inc. has partnered the following teams to provide legal advice and outreach to a variety of microentrepreneurs :

Law Firms

- Chadbourne & Parke
- Cleary, Gottlieb, Steen & Hamilton
- Debevoise & Plimpton
- Dorsey & Whitney
- Kaye, Scholer, Fierman, Hays & Handler
- LeBoeuf, Lamb, Greene & MacRae
- McDermott, Will & Emery
- Patterson, Belknap, Webb & Tyler
- Paul Weiss, Rifkind Wharton & Garrison
- Shearman & Sterling
- Simpson Thacher & Bartlett
- Skadden, Arps, Slate, Meagher & Flom
- Stroock & Stroock & Lavan
- White & Case

Economic Development Corporations

- Credit Where Credit is Due (Washington Heights)
- Acción New York (citywide)
- Renaissance Economic Development Corporation (Lower East Side, Brooklyn and Queens)
- Project Enterprise (Harlem and East New York)
- Lower East Side People's Federal Credit Union
- Women's Business Center of the Local Development Corporation of East New York
- Bedford-Stuyvesant Restoration Corporation
- CAMBA Economic Development Corporation (Central Brooklyn)
- Business Resource & Investment Service Center (Harlem, Washington Heights and Inwood, and forms part of the Upper Manhattan Empowerment Zone)
- Business Outreach Center Network (citywide)
- Bethex Federal Credit Union (Bronx)
- Women's Venture Fund (citywide)
- Pratt Area Community Council (Fort Greene, Clinton Hill and Bedford Stuyvesant)
- South Bronx Overall Economic Development Corporation

**For more information contact: William J. Dean, Executive Director, Volunteers of Legal Services at (212) 966-4400.**

## **An Orc Is Coming!**

**T**he Greater Upstate Law Project (GULP) and the Western New York Law Center (WNYLC) are pleased to announce the official launch of a new On-Line Resource Center (ORC)!!

Over the next few years, GULP and WNYLC plan to continue to build the ORC into a robust resource for the legal services community. As it stands now, the ORC will serve as an entry point for our Fair Hearing Bank and a searchable Benefits Law database. The new database includes pleadings, unreported decisions and other documents related to public benefits in New York State. Plans are in the works to launch Housing materials within the next few weeks and Disability materials will be added after that.

Like the Fair Hearing Bank, the ORC will allow users to upload their own materials in order to share them with the community. GULP will act as a gatekeeper to ensure that materials are posted appropriately.

These new resources are being made exclusively available to advocates representing poor and low income clients. Those seeking access to the On Line Resource Center will be screened by GULP's substantive law staff for approval. If you are a current registered user of the Fair Hearing Bank and your e-mail address is through wnylc.com you are automatically registered for the public benefits section of the ORC and can use your current username and password to access both the Fair Hearing Bank and the Benefits Law database.

If you are already a registered user of the Fair Hearing Bank with an address other than wnylc.com, you can login as usual and go to My Account to request access to the Benefits Law database. Your request will be reviewed and if approved, you'll be able to use your current user name and password to access the new materials. To access the ORC, You can either go directly to the home page by clicking here or you can go to or and select the link for the Fair Hearing Database.

With thanks to WNYLC and GULP for this announcement.

## **Western New York Law Center On The Attack, Attacks Computer Viruses** **By Joseph Kelemen, Executive Director**

**D**espite the best efforts of businesses and agencies to prevent the spread of computer software viruses, they continue to rapidly spread, according to a study released by the International Computer Security Association (ICSA). Most viruses spread by email. Industry estimates are that up to five percent of all email messages now contain a virus infection. In just the last few months, the Western New York Law Center ("WNYLC") has helped several IOLA -funded organizations reclaim their computers from viruses.

To help stop the spread of viruses, WNYLC has installed anti-virus software directly on its mail server. WNYLC hosts free email accounts on its server for the Legal Aid Society of Rochester, Bronx Legal Services, New York Lawyers for the Public Interest, and many other IOLA grantees. As these accounts are moved to the new server, email sent to or from them will be protected. The antivirus software is updated twice daily and will automatically scan all incoming and outgoing messages sent to the 1500 + mail accounts on the WNYLC servers. If a message contains a virus, the software first attempts to "clean" the virus and pass the message through. If the virus cannot be eliminated, the software deletes the part of the message that contains the virus and sends the rest of the message through with a virus warning to both the recipient and sender.

After the anti-virus software was installed, the software eliminated approximately 50 viruses a day. As the warnings were distributed and people acted to eliminate the source of the virus infections, the number has leveled off to approximately 15 a day. This virus protection has also been extended to all of the email discussion groups hosted by WNYLC so that viruses are not spread through the discussion groups.

For more information on obtaining a free email account or protecting your computers from viruses, contact WNYLC by emailing [wnylc@wnylc.com](mailto:wnylc@wnylc.com). For information on joining the email discussion groups, go to <http://www.wnylc.net:8100/Lists/>

## **Oklahoma Bar Association Reaches Out to Iola Grantees**

**G**ifts from the Oklahoma Bar Foundation (OBF) are helping six IOLA grantees located in lower Manhattan near the World Trade Center disaster site.

After Oklahomans suffered the first terrorist attack on American soil, New Yorkers did what they could to reach out and help. Now Oklahomans, as kindred spirits, have reached out and provided \$1,000 grants to the Legal Aid Society, Lawyers for Children, M Y Legal Services, Legal Services for New York City, Sanctuary for Families and New York County Lawyer's Association Pro Bono Program. OBF President Michael Mayhall said, "The work of these six New York City legal aid organizations is in keeping with the charitable purposes and the OBF mission of "Advancing education, citizenship and justice for all." Our shared missions and their efforts to help their city's low-income population in the shadow of this tragedy made them an obvious choice to receive the disaster relief funds donated by individual attorneys."

The Oklahoma Bar Foundation also contributed additional money to help pay for the specially equipped fire truck presented to New York City from Oklahomans called, "The Spirit of Oklahoma." They donated the truck to honor the 10 fire and rescue workers who helped in the recovery efforts in the Oklahoma City bombing and were killed at the World Trade Center on Sept. 11.