

# VOLUNTEER LEGAL SERVICES PROJECT



**Volunteer Legal Services Project**  
of Monroe County, Inc.

Meeting unmet civil legal needs with pro bono attorneys

ANNUAL REPORT FISCAL YEAR 2010

# MESSAGE TO THE FRIENDS OF VLSP



## Message to the Friends of VLSP:

Without a doubt, pro bono legal services agencies and those we serve face challenging times. In ever increasing numbers, members of our community who once considered themselves middle class now qualify for VLSP's services as the result circumstances such as job loss and long-term unemployment. The Great Recession has been equally hard on those who were low-income prior to 2008. In both cases, the need for legal services has expanded dramatically. At the same time, there have been drastic cuts in state and federal funding.

Despite these challenges, as our annual report shows, VLSP continues to make tremendous strides toward our mission of improving the quality of life of low-income residents of Monroe County by ensuring the existence of a readily available panel of skilled volunteer attorneys to resolve serious legal problems.

How is this possible? Thanks to the generous support of the legal community, both in terms of financial assistance and donated hours. Notwithstanding the challenges of the current economy, the 2009 Campaign for Justice surpassed its goal of \$235,000 by raising \$235,825 in pledges. VLSP extends sincere gratitude to all who supported the Campaign.

Many thanks, as well, to the attorneys and paralegals comprising VLSP's panel - over 1,000 strong. The value of their donated services is a truly inspirational \$1,900,000. Through our volunteers' generosity, over 2,000 clients received assistance in full case referrals, brief service in our five legal clinics, and on our new consumer law hotline. Our dedicated volunteers handle diverse civil legal matters including matrimonial, family court practice, landlord-tenant, unemployment insurance, mortgage foreclosure settlement conferences, kinship custody, bankruptcy, consumer, immigration, tort defense and wills, among others.

The continued support of judges, attorneys, paralegals and others in our community is essential to ensure that low-income people have access to quality pro bono civil legal services. With your ongoing support, VLSP will continue to weather the current economic storm.

Thank you for living up to the highest ideals of the legal profession by striving to make equal justice for all a reality.

Sheila A. Gaddis, Esq.  
Executive Director



A handwritten signature in cursive script that reads "Sheila A. Gaddis".

Michael S. Schnittman, Esq.  
Board President



A handwritten signature in cursive script that reads "Michael S. Schnittman".

# OUR MISSION, VISION & GUIDING PRINCIPLES

## OUR MISSION

VLSP improves the quality of life of low-income people in Monroe County by insuring the existence of a readily available panel of skilled volunteer attorneys to resolve serious civil legal problems of the poor.

## OUR VISION

That there are no unmet civil legal needs of the poor in this community.

## OUR GUIDING PRINCIPLES

### I. Responsiveness

VLSP offers high quality legal services to the poor that are accessible to clients and which produce positive outcomes for clients. VLSP continually monitors and improves its processes and programs in order to identify changing civil legal needs of the poor, to be responsive to those needs and to be responsive to the needs of volunteer attorneys.

### II. Coordination

VLSP works collaboratively and in coordination with other legal services programs and human services programs to ensure that volunteer attorneys are used to meet needs that are not met elsewhere, that clients can easily find legal help they need and that clients will readily access a range of services to meet their needs.

### III. Efficiency

VLSP maximizes productivity and efficiency in the delivery of legal services through systems and techniques that will include, among others, optimal use of technology, promotion of simplified procedures to address client problems and use of volunteers.

### IV. Maximizing Volunteer Resources

VLSP maximizes volunteer delivery of legal services to the poor through aggressive recruitment, particularly in substantive areas of high client demand, and through high quality training and support.

### V. Fiscal Stability

VLSP obtains sufficient financial resources and maintains stability of funding sources to meet the operational needs of the program, while limiting expenditure of staff and board time in fundraising.



# PRO BONO HONOR ROLL

Volunteer Legal Services Project acknowledges and thanks the attorneys and paralegals listed on this page who worked on a VLSP case, advised and assisted clients at VLSP's Debt Collection Advice Clinic, Family Court Custody Clinic, Pro Se Divorce Clinic or Wills Clinic, represented tenants in the Lawyer of the Morning program, presented training seminars or served on the VLSP Board of Directors between April 2009 and March 2010.

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Dolin, Thomas & Solomon Cristina Bahr Danielle Guistina			
Duke Law Firm Susan Duke			
Eastman Kodak Company Ann Fichtner Alan Lanio			

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 Bryan Pelkey

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 Michael Joanscu  
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 Stacyann Freckleton  
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 Rene Reixach  
 Andrew Ryan  
 David Shaffer  
 Jason Shelly  
 Erin Smith  
 Javier Tapia  
 Samuel Tilton  
 Marcelle Veater

Xerox Corporation  
 Lloyd Bean  
 Gary Cohen  
 Flor Colón  
 Robert Hutter  
 Kevin Kepner  
 Karen Messina  
 Richard Spooner  
 Dana Wood

Zwicker & Associates  
 Andrew Dick

The list of individual attorneys and paralegals includes single VLSP participants from firms and law departments, as well as solo practitioners.

We sincerely regret any omissions from the lists. If your name should have been listed, please call VLSP at 232-3051, and we will add your name to the next publication of the list.



# PRO BONO OPPORTUNITIES

The range of pro bono opportunities available through VLSP is extremely broad. VLSP assists clients in a wide variety of substantive areas, in a number of different judicial and administrative forums and with non-litigation as well as litigation matters. In addition to direct on-on-one representation of clients, VLSP offers two clinics through which volunteers can provide advice and immediate brief assistance to low income clients.

## ONE ON ONE REPRESENTATION

### Priority Areas

VLSP particularly needs help in the substantive areas of divorce and Family Court practice, standby guardianship, Social Security/SSI, and unemployment insurance denial representation. In these areas, client need often outstrips availability of volunteer attorneys. We hope that volunteers will consider signing up in one of these areas.

### Divorce and Family Court Practice

There is a tremendous demand for representation in the family law area and the need for volunteers is great. VLSP currently handles cases in two priority areas: representing victims of domestic violence and representing parents in custody and visitation disputes. The former type of case generally involves uncontested divorce and occasionally an application for an order of protection. The custody and visitation cases are litigated in either Family Court or Supreme Court. Many of VLSP's family law clients face physical violence in their marriages or have been deprived of access to their children, and they desperately need legal assistance. VLSP has extensive resource materials on matrimonial practice, and expert practitioners are available to consult with and assist volunteers with their cases. In addition, VLSP makes every effort to refer only straightforward cases to volunteers who do not specialize in this area.

### Standby Guardianship

Volunteer attorneys represent parents with HIV and other terminal illness in standby guardianship proceedings, to designate custodians of their children in the event of incapacity or death.

### Social Security/SSI

Many disabled people are denied benefits in spite of medical evidence establishing their disabilities. VLSP needs attorneys (admission to practice in New York is not required) to represent these claimants at administrative hearings. VLSP staff obtains all necessary medical documentation before the file is referred to a volunteer attorney. Extensive training material and expert support are available to attorneys who would like to help in this area but do not have the experience.

### Unemployment Insurance Benefits

Currently, VLSP is the only legal agency in Rochester that provides representation to people who are denied unemployment insurance benefits, and there are only a handful of attorneys who are currently handling these cases. The law in this area is not very complex, and the vast majority of hearings involve factual questions. Unemployment insurance hearings offer a wonderful opportunity to try cases in an adversarial forum. An attorney need not be admitted to practice in New York to handle these hearings.

### Tax

VLSP handles almost any type of dispute with the IRS including, but not limited to, issues with earned income tax credit, dependency exemptions, head of household filing status, pension income, independent contractors, and other tax issues. VLSP can help with examinations or audits, collections, appeals, and injured spouse tax relief.

# PRO BONO OPPORTUNITIES (continued)

## OTHER AREAS OF PRACTICE

### Wills and Estates

Volunteer attorneys assist terminally ill people by preparing wills, powers of attorney and health care proxies. On a limited basis (dependent on income and asset eligibility and value of the estate), volunteers also assist people with estate administration and probate.

### Landlord/Tenant and Real Estate

Volunteers are needed to represent tenants in a variety of matters, including those involving conversion by landlords of tenants' personal property (it is not uncommon for landlords to illegally lock out tenants and keep all of their belongings), affirmative warranty of habitability actions and eviction proceedings. VLSP also needs attorneys who will negotiate on behalf of defaulting mortgagors in foreclosure actions.

VLSP handles a limited number of house closings for individuals who purchase homes from Habitat for Humanity and a small number of deed transfers and partition actions.

### Bankruptcy

Wage earners who meet VLSP's eligibility guidelines (no more than 200% of the federal poverty level) and who face income execution need representation in Chapter 7 Bankruptcy proceedings. Clients with debt collection problems are screened for bankruptcy representation at VLSP's debt collection advice clinic.

### Consumer

VLSP represents clients with a variety of consumer problems including unfair and deceptive contracts and debt collection actions for which there are good legal or factual defenses.

### Tort Defense

Litigators represent parties in tort cases involving uninsured motor vehicles and a variety of other miscellaneous tort actions. These actions vary across the board in terms of complexity and subject matter, and serve as an excellent source of courtroom experience for both litigation and non-litigation attorneys.

### Employment/Labor

Clients present a varied array of labor problems including pension cases, disputes with unions, employment discrimination, licensure cases (e.g., state denies employment license) and removing mandatory legal bar of disability imposed as a result of a criminal conviction.

### Miscellaneous

VLSP handles a limited number of welfare hearings/Article 78 and works with grassroots not-for-profit organizations.

# SNAPSHOT OF ACHIEVEMENTS

Volunteer Legal Services Project of Monroe County Inc. (VLSP) opened 2,800 new cases in 2009, serving clients through a wide range of legal assistance provided by pro bono attorneys. 424 cases were referred to pro bono counsel for representation in matters involving domestic violence, eviction and foreclosure, denial of benefits and consumer problems, among many other legal problems. Volunteer attorneys assisted an additional 816 clients with advice and brief service at VLSP's five clinics. Volunteer attorneys also assisted 47 clients with advice and brief service in our new attorney hotline program.

In addition to the 1287 new cases handled by volunteer attorneys in VLSP's direct referral and clinic services, volunteer attorneys represented 134 tenants facing eviction in VLSP's collaborative effort with the Legal Aid Society and the Lawyer of the Morning program.

VLSP representation provided significant benefits for clients. In cases closed in 2009, clients recovered \$153,119 in lump sum awards, and an aggregate \$7,538 per month was awarded to VLSP clients in cases such as unemployment insurance, SSI and child support. VLSP also handles defensive litigation, and we prevented loss of significant financial resources for our clients. VLSP clients avoided recovery of \$1,560,679 in cases handled by volunteers.

In 2009, VLSP continued its participation in a nine agency collaborative (started in 1997) that provides a range of services to people who have completed substance abuse treatment, to support continued sobriety, reunification with families and self-sufficiency and a three-agency collaborative (started in 1998) that offers an interdisciplinary approach to caretakers of children whose parents have died of HIV/AIDS, in an effort to support the stability of these new families. VLSP continued its varied collaborative projects with other legal services providers in Monroe County.

To complement its previous Welfare-to-Work activity, VLSP is continuing its Low Income Taxpayer Clinic in partnership with Syracuse University College of Law's Low Income Taxpayer Clinic, which provides representation to clients who have disputes with the IRS. LITC clients received refunds totaling approximately \$53,540 and taxpayers avoided an IRS recovery of \$179,635. In 2008, VLSP expanded its Low Income taxpayer Clinic to serve deaf and hard of hearing clients, utilizing interpreters and new technology.

In 2009 VLSP continued expansion and refinement of probono.net (launched in 2000) as an informational resource for pro bono attorneys in the Rochester and the Finger Lakes region. This website provides volunteer attorneys with online access to a calendar of training events, news of interest, a list of cases for which VLSP needs volunteer attorneys and a library of pleadings, manuals and reference materials. VLSP is sharing this resource with Legal Assistance of the Finger Lakes and its volunteer attorneys in five rural counties. Discussions are underway to expand the site to include a VLSP collaboration with the Legal Aid Society of Rochester.

## VLSP AT A GLANCE

Population Served:	General Low Income Population
Area Served:	Monroe County
FY 2007 Funding (Total):	\$852,939
Program Size	
Total Sta :	9.50
Lawyers:	3.80
Paralegals:	1.80
Other Sta :	3.90

### Types of Services Provided

- Direct Civil Legal Representation
- Brief Services
- Extended Services
- Hotlines and Other Phone-based Services
- Community Legal Education
- Pro Se Assistance
- Support for Other Service Providers
- Major Cases or Other Advocacy Projects

# FACTS & FIGURES

## OUTCOMES

### 6,056 Individuals Benefited from Direct Civil Legal Representation

#### Extended Representation Outcomes

- 139 people obtained a divorce, legal separation or annulment
- 59 people obtained federal bankruptcy protection
- 70 people obtained preserved or increased child support
- 141 people obtained or maintained custody of children
- 1054 people obtained benefits from other “extended representation”

#### Brief Representation Benefits

- 4,384 people benefited from legal advice and counsel
- 1,463 people benefited from non-litigation advocacy services
- 209 people benefited by referral to other sources of help

## BREAKDOWN BY LEGAL PROBLEM AREA

<u>Total</u>	<u>6,056 People</u>
Family	3,070 People
Consumer	1,301 People
Income Maintenance	467 People
Housing	93 People
Other	1,125 People

## NUMBER OF PEOPLE BENEFITED BY LEGAL SERVICES OTHER THAN DIRECT LEGAL REPRESENTATION

<u>Total:</u>	<u>14,910 People</u>
Community Legal Education:	14,750 People
Pro Se Assistance:	160 People

## PRO BONO STATISTICS

In FY10, volunteer lawyers participating in our program achieved the following results:

- Number of cases completed: 1,022
- Hours contributed: 7,938
- Dollar value of services: \$1,403,388

# FINANCIAL STATEMENT

## REVENUE

Donated Services	\$1,403,388
Contributions	\$126,355
United Way	\$55,068
Grants	\$566,859
Miscellaneous	\$88,733
Investment Gain	\$20,638
<b>TOTAL Revenue and Support</b>	<b>\$2,261,041</b>

## EXPENSES

Program Services	\$1,964,939
Management/General	\$75,458
Increase (Decrease) in Net Assets	\$220,644
<b>TOTAL Expenses</b>	<b>\$2,261,041</b>



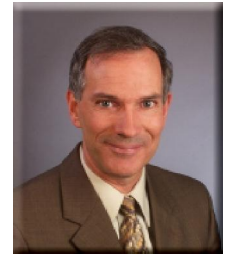
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 Michael R. Wolford, Esq.  
 Brian M. Zorn, Esq.



## VLSP STAFF & CONTACT INFORMATION

VLSP Office:	(585) 232-3051
VLSP Fax:	232-5103
Sheila A. Gaddis, Esq., Executive Director	295-5700
Marlene A. Attardo, Staff Attorney	295-5712
Mary M. Connors, Staff Attorney	295-5705
MaryBeth Conway, Staff Attorney	295-5707
Ann M. Williams, Staff Attorney	295-5708
Linda J. Kostin, Esq., Pro Bono Coordinator 7th Judicial District	295-5703
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Julie A. Petroske, Paralegal	295-5709
Melanie C. Shiree, MBA, Executive Assistant	295-5702
Donna L. Hall, Intake & Administrative Assistant	295-5701
Lourdes Marciano-Stokes, Information & Referral Advocate	295-5710



Hon. Michael A. Telesca Center for Justice  
 One West Main Street. 5th Floor  
 Rochester, NY 14614

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# V L S P

Meeting unmet civil legal needs with pro bono attorneys

Volunteer Legal Services Project  
One West Main Street, 5th Floor  
Rochester, NY 14614  
Tel: (585) 232-3051  
Fax: (585) 232-5103

