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'Pro Bono' Idol continues

By **ELIZABETH STULL**
Daily Record Reporter

Who will be the next *Pro Bono* Idol? The judging will continue throughout the week as the Volunteer Legal Services Project of Monroe County Inc. auditions area law firms and solo practitioners to recruit lawyers for clinics and other *pro bono* services.

The contest is being co-sponsored by the state courts' Access to Justice Program during national *Pro Bono* Week, Oct. 25-31, a project of the American Bar Association.

"The goal is to help publicize the role of the [local *pro bono*] committees and help them increase their activity," John Ritchie, special counsel to the Office for Justice Initiatives, said.

On Monday, about 100 Harter Secrest & Emery LLP attorneys attended the VLSP's inaugural *Pro Bono* Idol presentation.

MCBA President Harold Kurland made opening remarks and representatives of four other local non-profit organizations — the Arts & Cultural Council, Farmworker Legal Services of New York, Catholic Charities of Wayne County and the Legal Society of Rochester — made brief presentations to encourage volunteerism on their behalf.

Pro bono also took center stage at the Appellate Division, Fourth Department later in the day.

The Fourth Department appellate court became the first in the state to have an official policy on *pro bono* legal and volunteer services.

"The policy encourages volunteer activity so the entire staff can participate," Appellate Division, Fourth Department Presiding Justice Henry J. Scudder said.

He noted that the new Rules of Profes-



From left to right: Appellate Division, Fourth Department Presiding Justice Henry J. Scudder; Beth Mascitti-Miller, principal at School 58; Sheila Gaddis, executive director of the Volunteer Legal Services Project of Monroe County Inc.; Kris Resch, a counselor at School 58; Linda Kostin, *pro bono* coordinator, Seventh Judicial District, *Pro Bono* Action Now Program.

sional Responsibility strongly encourage attorneys to perform *pro bono*.

Appellate court attorneys are limited in the types of volunteer legal work they perform, however. They may not represent clients in court or in consultation, because doing so could create a conflict of interest if the case eventually is appealed.

In VLSP clinics, people are told specifically that there is no attorney-client relationship, VLSP Executive Director Sheila Gaddis said.

The written policy issued Monday by the appellate court designates as "generally approved" those volunteer activities sponsored by the VLSP, Rochester City School District World of Inquiry School 58 and the Monroe County Bar Association's Lawyers for Learning Program.

Presiding Justice Scudder said the policy was developed because a prospective law assistant asked about

the court's *pro bono* policy during her interview. (She was hired.)

"That's what really gave me the idea," he said.

A *Pro Bono* and Volunteer Services Committee which includes the clerk of court, deputy clerk of court and the executive assistant, will oversee implementation of the policy.

School 58 Principal Beth Mascitti-Miller described the school's "expeditionary learning" process and urged attorneys to participate in a new mock trial program she hopes will begin in January 2010.

Linda Kostin, *pro bono* coordinator for the Seventh Judicial District's *Pro Bono* Action Now Program, described several VLSP volunteer opportunities, including clinics, a consumer law hotline and the Campaign for Justice fund raiser.

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