



THE NEW YORK BAR FOUNDATION

# NEWSLETTER

SPRING 2010  
Vol.5 No.1

## \$1.2 Million Working to Raise Awareness of Tenant Records Screening Issues

**T**he Foundation has awarded grants to four New York City-based legal aid organizations and to the New York State Bar Association to fund tenant screening training and outreach programs. The funds were distributed as part of a \$1.2 million *cy pres* class action settlement fund in the case of *White v. First Advantage SafeRent, Inc.* and are being used for education and awareness projects. In addition to the State Bar, the programs are being conducted by The Legal Aid Society, Legal Services NYC, City-Wide Task Force on Housing Court, and the Neighborhood Economic Development Advocacy Project.

The first round of grants from the \$1.2 million fund was distributed in January with the remaining funds to be distributed to the five organizations in early 2011. The funds are helping to achieve the goal of increasing awareness of tenant screening and the duties and obligations under fair credit laws, and enabling the recipient organizations to attend and conduct training programs; conduct outreach to community groups, tenants, and small property landlords in the New York City area; and create and distribute educational and training materials about tenant screening issues.

The grant awards included \$137,428 to City-Wide Task Force on Housing Court; \$133,115 to The Legal Aid Society; \$122,114 to Legal Services New York City; \$135,808 to Neighborhood Economic Development Advocacy Project; and \$67,250 to the New York State Bar Association.

The *White v. First Advantage SafeRent, Inc.* case was first brought in 2004 as a class action that alleged the defendant had issued thousands of tenant screening reports to prospective landlords that violated the Federal Fair Credit Reporting Act, the New York Fair Credit Reporting Act and the New York Deceptive Practices Act by failing to accurately, completely and clearly disclose information about Housing Court cases brought against New York City tenants. Part of the settlement of the case, which was approved by Southern District of New York Judge Lewis A.

Kaplan, included the payment of damages that are funding the training and education programs.

This *cy pres* fund distribution to The New York Bar Foundation is a result of the collaborative leadership efforts of the New York State Bar Association and the Foundation.



Photo by Joshua Salter



Foundation Board Directors Lesley F. Rosenthal, far left, and Richard Raysman, far right, presented grant awards for tenant records screening programs to Josh Zinner, Co-Director, Neighborhood Economic Development Advocacy Project; Louise V. Seeley, Executive Director, City-Wide Task Force on Housing Court; David Robinson, Senior Staff Attorney, Legal Services NYC, Legal Support Unit; and Adriene Holder, Attorney-in-Charge, Civil Practice, The Legal Aid Society.

Foundation Board Director Cristine Cioffi presented a grant award for tenant records screening programs to New York State Bar Association President Michael E. Getnick.

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

# Message from the President

**I**t is very rewarding to learn that the Foundation's grants for the tenant records screening programs are having a positive impact on tenants, landlords and attorneys alike. The Foundation is pleased to be playing an important administrative role in procuring the funds and overseeing their use for educational projects that will be conducted in New York City over the next two years.

The Foundation is also very pleased to establish *The Mark H. Alcott Fund* that was created to support *pro bono* legal services for the poor. We extend our thanks to Mark's wife and family and his firm, Paul Weiss, for their generous gifts to create this Fund in his honor.

Throughout this newsletter, there are articles about a few of the 57 grants for law-related projects that the Foundation awarded earlier this year. It is only because of your generous gifts to the Foundation that we have been able to partner with New York's not-for-profits and bar associations to support their much-needed projects. All grantees must provide a written report to the Foundation about how their grant award was used and you should know that your gifts are being spent very wisely. Because of our grants, adults and children in our neighborhoods and communities are benefiting from legal representation, advocacy, and counseling as well as seminars and programs that are educating them about their rights and the law.

Thank you for your encouragement and best wishes for a successful Foundation program. Please continue to share your ideas, vision, support and financial resources to sustain it.



M. Catherine Richardson



M. Catherine Richardson

## Foreclosure Intervention Program Helping Brooklyn Residents

**T**he Foundation's recent grant award to the Brooklyn Bar Association Volunteer Lawyers Project (VLP) is supporting its Foreclosure Intervention Program. The grant is helping to expand legal services for distressed Brooklyn residents facing the loss of their homes. Many of those who are benefiting from the program are the elderly and residents of hard hit minority neighborhoods.

VLP is assisting low-income homeowners who have been affected by sub-prime mortgages, predatory lending or fraud, and discriminatory practices. Through public education forums, residents are receiving advice, counsel and information on foreclosure prevention. VLP is also conducting monthly advanced-topic seminars to support a Foreclosure Intervention Panel that is actively providing representation in the complex foreclosure area. The Panel is representing homeowners at mandatory court settlement conferences and in foreclosure defense litigation. Additionally, VLP is recruiting volunteers who will present monthly CLE training sessions to prepare *pro bono* attorneys to represent homeowners at settlement conferences.



**Kings County Administrative Judge and New York Bar Foundation Board Director Barry Kamins presents Volunteers Lawyers Project Executive Director Jeannie Costello with a Foundation grant award. Accompanying Costello were (from left): the Project's Board President James P. Slattery, Supervising Attorney Sidney Cherubin, Pro Bono Coordinator Jessica Spiegel, and Foreclosure Intervention Director Jaime Lathrop.**

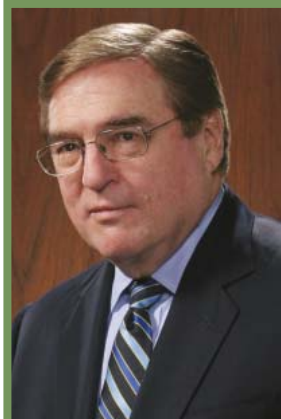
Photo by Ryan Thompson/Brooklyn Eagle

# Mark H. Alcott Fund to Support *Pro Bono* Legal Services for the Poor

**T**he Foundation has established a new restricted fund in honor of former New York State Bar Association President, Mark H. Alcott, Esq. An initiative spearheaded by the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP of New York (Paul, Weiss) and Mark's wife, Cantor Susan B. Alcott, **The Mark H. Alcott Fund** will support *pro bono* legal services for the poor.

Gifts totaling \$10,000 already have been contributed to the Foundation from Paul, Weiss and Mr. Alcott's family to establish the Fund. The Firm's gift serves as a tribute to Mr. Alcott for his years of dedicated and ongoing commitment to the legal profession.

Distributions from the Fund will be used to provide financial support through the Foundation's grant making program for projects that provide *pro bono* legal services for the poor. Grants will be awarded to legal services agencies or other nonprofit organizations throughout the State of New York as determined by the Foundation's Board of Directors. The Board has discretion to allocate the funds as it sees fit. However, every effort will be made to distribute grant awards to upstate and downstate New York organizations in an equitable manner.



Mark H. Alcott

Mark Alcott has spent his professional career as a trial lawyer at Paul, Weiss focusing on commercial litigation. He has extensive experience handling a wide range of major cases, in both state and federal courts in New York and throughout the United States, as well as abroad. In addition to his substantial client responsibilities, he served for several years as partner in charge of the Paul, Weiss Public Matters Committee, which oversees the Firm's extensive *pro bono* and public service efforts.

While serving as President of the State Bar, Mr. Alcott led the fight for independence and diversity of the bench and the bar and against discrimination in the profession. His many initiatives included proposals to reform judicial selection procedures, develop a new civil rights agenda, and enhance opportunities for lawyers in transition between positions, including those who temporarily leave the profession to care for children or other family members and those who leave involuntarily because of adverse economic conditions. He initiated and led the effort to end mandatory retirement policies in the profession, a proposal that won endorsement by the American Bar Association and led to significant favorable changes in this practice. He created the Empire State Counsel program that promotes free legal services for the poor and he advocated an extensive reform agenda.

You may contribute to *The Mark H. Alcott Fund* by sending your check, made payable to The New York Bar Foundation, to The New York Bar Foundation, One Elk Street, Albany, NY 12207 (please note on the check it is for The Mark H. Alcott Fund). Or you may contribute to this restricted fund by credit online at [www.tnybf.org](http://www.tnybf.org) or by phone at 518/487-5651.



**During its winter meeting** in New York City, the Foundation's Board of Directors recognized the plaintiff's attorneys in the class action lawsuit, *White et al v First Advantage SafeRent, Inc.* Attorneys James B. Fishman (Fishman & Neil, LLP, New York), Seth R. Lesser (Klafter Olsen & Lesser LLP, Rye Brook), Andrew P. Bell (Locks Law Firm, New York) and Stacy J. Canan (AARP Foundation) were commended for their efforts to have the remaining cy pres funds in the case directed to the Foundation.

The Foundation's Cy Pres Committee is comprised of Lesley F. Rosenthal, Chair, Robert L. Haig, John R. Horan, Susan B. Lindenauer, Sharon M. Porcellio and Justin L. Vigdor

*Left to right: Robert L. Haig, Lesley F. Rosenthal, James B. Fishman, Seth R. Lesser, Andrew P. Bell, Susan B. Lindenauer, John R. Horan and Justin L. Vigdor*

# University at Buffalo Law School Student Wins Inaugural Elder Law Section Scholarship

**M**arrisa Jenna Trachtenberg, a student at the University at Buffalo Law School was recently selected to receive the inaugural **Elder Law Section Scholarship** which is administered by the Foundation. The \$2,500 award was available to second- or third-year law students who were enrolled in a law school in New York and actively participating in an Elder Law Clinic at the school during the 2009/2010 academic year. Named for the State Bar's Elder Law Section, the scholarship has been applied to Ms. Trachtenberg's law school tuition for the current academic year.



Marrisona Jenna Trachtenberg

Ms. Trachtenberg is finishing her second year of study and serves in the following capacities at the school: *Buffalo Journal of Gender Law & Social Policy* clerk, *Buffalo Public Interest Law Journal* clerk, and mentor for the Buffalo Public Interest Law-Lawyers for Learning program. She holds a M.A. degree in Public Policy and a B.A. degree in Political Science and Sociology (*summa cum laude*) from Stony Brook University on Long Island. She was awarded the 'William J. Sullivan Award for Public Service' and elected Phi Beta Kappa while pursuing her undergraduate degree.

*"We are pleased to have The New York Bar Foundation confer the inaugural Elder Law Section Scholarship on Ms. Trachtenberg. We are confident her experience as the lead student attorney on her primary case in the elder law clinic will sharpen her research and legal writing skills and result in a meaningful experience while working with the elderly."*

*Michael J. Amoruso, Chair  
Elder Law Section, New York State Bar Association*

A resident of Freeport, NY, Ms. Trachtenberg was a legal intern during summer 2009 at Franchina & Giordano, P.C., a law firm in Garden City, where she performed legal research and worked on elder law issues. Additionally, she has completed internships with Congressman Tim Bishop (Coram), the Nassau County District Attorney's Office (Hempstead), and the Nassau County Attorney's Office (Mineola). As the Elder Law Scholar, Ms. Trachtenberg is currently guest member of the Elder Law Section and has been invited to attend the Section's executive committee meetings this year.

The goal of the Elder Law Section Scholarship is to create a network and to cultivate relationships among lawyers practicing elder law and law students planning to practice elder law, and to encourage the practice of elder law among lawyers throughout New York. The Elder Law Section encourages law students, through an elder law clinic experience, to learn about important legislative developments, regulations, and case laws impacting the elderly and to provide representation to elderly clients struggling with a variety of legal issues and problems related to aging and incapacity. Through the scholarship, the section aspires to advance opportunities for the disabled by implementing a preference for awarding the scholarship to a student who demonstrates a present and permanent physical or mental disability that substantially limits one or more of the major life activities of the individual.

## New York State Elder Abuse Summit Funded by Foundation Grant

With funding provided through a Foundation grant award, Lifespan of Greater Rochester plans to bring together a multidisciplinary group of experts from across the State of New York for an Elder Abuse Summit. The goal of the 3-day program is to develop recommendations for a program that will help to ensure the state becomes a leader in the recognition, prevention and prosecution of elder mistreatment and neglect. Summit participants will review and reprioritize the New York State Elder Abuse Action Agenda that was developed during a similar program held in 2004.

Lifespan anticipates this year's Summit will include representatives from government, legal services, advocacy organizations, domestic violence agencies, the legal community, health and medical services, researchers in academia, criminal justice and law enforcement, aging services and protective and intervention services. Additionally, leaders from the religious community, financial institutions, disability organizations and victims' assistance programs are expected to attend the summit.

Lifespan is dedicated to providing information, guidance and services that help older adults take on both the challenges and opportunities of longer life.

# Inaugural New York State Youth Court Conference Hosted by Foundation

**In April, the Foundation had the honor** of hosting the inaugural New York State Youth Court Conference which was held at the New York State Bar Center, Albany. The conference was co-sponsored by the Center for Court Innovation, the Association of New York State Youth Courts and New York State Courts Access to Justice. It consisted of several workshops designed for participants to learn about ways to support, advance and strengthen New York's Youth Court system.

*"The stakes for juveniles today could not be higher, and Youth Courts are a key part of the solution for a juvenile justice system that is currently in a state of crisis. Youth Courts provide the right message and the right messenger to educate young people about the law and about the importance of civic participation."*

*Hon. Judith S. Kaye  
Retired Chief Judge of the Court of Appeals of the State of New York*

There are more than 80 Youth Courts operating throughout New York. Participating teens are trained to serve as jurors, judges and attorneys, and hear real-life cases of their peers involving offenses such as truancy, school fighting, vandalism, marijuana possession and shoplifting. Sanctions from the Courts typically include community service, letters of apology, essays and counseling. The Courts are overseen by volunteer judges, attorneys, educators, and law enforcement officials and use positive peer pressure to ensure that young people who commit even minor offenses give back to the community and avoid further involvement in the justice system.



**Susan B. Lindenauer, Foundation Board Director and Chair of the Fellows, and Alfred Siegel, Deputy Director of the Center for Court Innovation.**

Hon. Judith S. Kaye, keynote speaker at the conference, commended



**Hon. Judith S. Kaye and the Center for Court Innovation's Project Director, Nancy Fishman, look on as Stephen P. Younger, President-elect of the New York State Bar Association, informs conference attendees of his intention to create a Special Committee on Youth Courts in June. Judge Kaye will serve as the Committee's Chair.**

conference attendees for all of their hard work and for their interest in strengthening and expanding the state's Youth Courts to make them a model for New York and the world. Topics included opportunities for promoting youth development through active participation in community service, developing and supporting Youth Court mentoring programs, and using social media platforms such as Facebook, Twitter and blogs to promote the concept of Youth Courts.

During the conference, Foundation Board Director and Fellows Chair, Susan B. Lindenauer, presented three grant awards to the Center for Court Innovation. The grants will provide funding to expand an existing initiative to develop a recommended practices manual to support New York State's network of Youth Courts; for the Staten Island Youth Court, a leadership development program that provides opportunities for local teens to hear cases involving low-level offenses committed by youth; and for the Youth Justice Board which seeks to influence juvenile justice through a model participatory democracy program that brings the voice of well-informed youth directly to policy-makers.

## Joan L. Ellenbogen Fellow, Lauren L. Hunt, Assisted with Matrimonial Law Cases at The Legal Project

**B**uffalo native, **Lauren L. Hunt**, a 2009 graduate of Albany Law School, recently pursued the **Joan L. Ellenbogen Memorial Fellowship** at the Capital District Women's Bar Association's The Legal Project in Albany. A \$5,000 Foundation grant was awarded to The Legal Project to conduct the Fellowship. During fall 2009 and winter 2010, Ms. Hunt provided domestic violence victims representation in contested and uncontested divorces and various Family Court matters through the Domestic Violence Legal Connection and the innovative Domestic Violence and Military Families Project.



Lauren L. Hunt

During her Fellowship at The Legal Project, a non-profit civil legal services program, Ms. Hunt advocated for her clients both inside and outside of the courtroom in cases involving a wide range of issues before the judges and justices of the Family and Supreme Courts. In so doing, she appeared on the record countless times, successfully negotiated multiple settlements, and conducted (and won) her first solo trial. In fact, the morning after being admitted to the Bar, Ms. Hunt appeared in court for her first hearing. She credits her experience of working with domestic violence victims through a *pro bono* program for deepening her commitment to engaging in *pro bono* service as she moves forward with her career in law. As she states, "Hearing the joy in my client's voice after telling her that she was free from her abuser and knowing that my effort made that happen solidified my commitment to *pro bono*."

While attending Albany Law School, Ms. Hunt was a law intern with both The Legal Project and Albany Law School's Family Violence Litigation Clinic, served as the Executive President of the Student Bar Association and as a Senior Editor of the *Albany Law Review*, and participated in the Dominick L. Gabrielli Appellate Advocacy Moot Court Competition. During summer 2007, she studied at the Nairobi International Law Summer Institute, Nairobi, Kenya. In 2009, she received the Martin H. Belsky Graduation Prize and the Student Service Award from Albany Law School in recognition of her service to the legal and non-legal communities. She also received the Zonta Club of Albany's Zelda Uthe Fellowship in Law which allowed her to spend summer 2008 working at The Legal Project and during the Fellowship co-authored an article, *Expanding Civil Access to the Courts to Victims of Domestic Violence: A Long Time Coming in Some States*, which was published in the *Domestic Violence Report* in April 2009.

Ms. Hunt graduated from the University at Albany with a B.A. (*magna cum laude*) in political science. While there, she studied at the American International Program in Valencia, Spain during summer 2005. She is a member of Pi Sigma Alpha (Political Science Honor Society) and served as its Secretary from 2003 to 2005. She recently became an Associate in the Matrimonial & Family Law practice area with the law firm of Maynard, O'Connor, Smith & Catalinotto, LLP in Albany and plans to continue her *pro bono* work whenever possible.

### Attorney Representation Increases for Capital Region Homeowners Facing Mortgage Foreclosure

A Foundation grant award to the Legal Aid Society of Northeastern New York is providing funding for expert attorney representation for low- to moderate-income homeowners facing the risk of foreclosure. Residents bearing the trauma of possibly losing their homes in the Capital Region counties of Albany, Rensselaer and Schenectady are being assisted through Legal Aid's *Mortgage Foreclosure Prevention Project*.

With a part-time attorney dedicated solely to mortgage foreclosure representation, Legal Aid is expecting to serve an additional 37 homeowners this year with advice,

brief service and full representation. The Society is working collaboratively with other local affordable housing counselors on this project and has an excellent mutual referral relationship with them.

The Legal Aid Society of Northeastern New York provides effective, free civil legal services and education to and advocacy for people with low income or other barriers to accessing the legal system. It secures basic needs, protects and preserves legal rights, provides equal access to justice and seeks fairness and dignity for its clients.

## Alet A. Brown Wins Commercial and Federal Litigation Section Minority Fellowship

*"We are pleased to have The New York Bar Foundation confer this year's Fellowship on Ms. Brown and we are confident she will have a meaningful experience working for Justice Fried. The Commercial and Federal Litigation Section established this Fellowship with the Foundation to help create student awareness of commercial litigation and foster greater diversity among commercial and federal litigators throughout the State of New York."*

*Vincent J. Syracuse, Chair, Commercial and Federal Litigation Section, New York State Bar Association*

**S**t. John's University School of Law student Alet A. Brown has been chosen as the 2010 recipient of the Commercial and Federal Litigation Section Minority Fellowship. As the winner of the \$5,000 Fellowship award, Ms. Brown will work this summer in the Chambers of the Honorable Bernard J. Fried, New York State Supreme Court, New York County, Commercial Division. The Fellowship is administered by the Foundation.



Photo by Rick Kopstein

**St. John's University School of Law student, Alet A. Brown, recipient of the Foundation's Commercial & Federal Litigation Section's Minority Fellowship, with Justice Bernard J. Fried (center) of the NYS Supreme Court, Commercial Division, who will be hosting the Fellow in his Chambers as a summer law clerk, and Robert L. Haig, Foundation Board Director and past President.**

A resident of Brooklyn, Ms. Brown is a graduate of the John Jay College of Criminal Justice (New York) where she earned a B.A. in Criminal Justice (*cum laude*) in 2009. While at John Jay, she was awarded the Howard Mann Humanitarian Award and was a member of the Alpha Phi Sigma National Criminal Justice Honor Society. Additionally, she served as an Associate Justice on the College's Judicial Board, as a member of the Commencement Awards Committee, and a tutor at John Jay's Writing Center. She also participated in the Ronald H. Brown Summer Law School Prep Program at the College. Her community service activities have included serving as a GED Tutor at the Hope Center of the Church of God of East Flatbush, a Mentor/Tutor for the AVID (Advancement Via Individual Determination) Program for Gifted Students at IS 252 Arthur S. Sommers School, and a volunteer at the Urban Justice Center.

Ms. Brown was recognized by the Commercial and Federal Litigation Section and the Foundation during an awards ceremony following the Section's Smooth Moves IV: Career Strategies for Attorneys of Color program on April 27th at the Lincoln Center in New York City.

### *Your Gift... For the Future*

The members of **The New York Bar Foundation Legacy Society** represent the very best humanity has to offer because of their concern for those who will live on after us.

You are invited to join the Foundation's prestigious Legacy Society by designating a bequest in your will of at least \$1,000 or other planned gift to the Foundation as part of your Estate Plan. Please contact Rosanne Van Heertum at 518/487-5650 to discuss a planned gift or to request the Form to complete to join The New York Bar Foundation Legacy Society.

# Inside this issue:

\$1.2 Million Working to Raise Awareness of Tenant Records Screening Issues . . . . . 1

Foreclosure Intervention Program Helping Brooklyn Residents. . . . . 2

Mark H. Alcott Fund to Support *Pro Bono* Legal Services for the Poor. 3

University at Buffalo Law School Student Wins Inaugural Elder Law Section Scholarship . . . . . 4

Inaugural New York State Youth Court Conference Hosted by Foundation . . . . . 5

Joan L. Ellenbogen Fellow, Lauren L. Hunt, Assisted with Matrimonial Law Cases at The Legal Project . . . . . 6

Alet A. Brown Wins Commercial and Federal Litigation Section Minority Fellowship . . . . . 7



Foundation Board Director Glenn Lau-Kee, front row third from left, recently presented a grant award to the **Center for Appellate Litigation**, New York, for *The Family Initiative*, a project of the Prisoner Reentry Program. Accepting the grant are, front row left to right, Reentry Counsel Katharine R. Skolnick, Claudia S. Trupp, Director of the Prisoner Reentry Program, and Reentry Counsel Elizabeth B. Howell; back row left to right, Attorney-in-Charge Robert S. Dean and Social Worker Dwayne Simpson. Partial funding for the grant was directed from the Foundation's *John R. Dunne Fund*.

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