



FOUNDATION

NEWSLETTER

# Judith S. Kaye Youth Court Fund to Benefit New York's At Risk Children and Teens

The Board of Directors of The New York Bar Foundation has renamed its Youth Court Fund to honor retired Chief Judge, Judith S. Kaye. **The Judith S. Kaye Youth Court Fund** will provide financial support through grant awards for activities in New York State's Youth Courts.

Adolescence is a time of particular stress and challenge for many young people. Careless choices during adolescence may permanently impair their chances for happy, productive lives and they may become a danger to all of society. Far too many enter their teens illiterate, drop out of school, perhaps becoming parents themselves and criminal behavior is tempting. Youth Courts are an opportunity to offer *offramps*. In other words, chances to intervene constructively.

The idea of Youth Courts—peers judging peers—is not new. More than 100 Youth Courts currently operate in cities, towns and villages throughout New York State. They are collaborations of courts, local criminal justice agencies, schools, police and the community. Judge Kaye's project (interest, passion) is intended to build on all that experience.

The core of the Youth Court concept is young people hearing the charges against their peers and imposing sanctions. Youth Courts are by no means a free ride—they hold offenders accountable for negative behavior while teaching them to respect themselves, their families and others in the community. Receiving the right message from one's own peers is uniquely powerful.

Judge Kaye *envisions* strengthening Youth Courts at three junctures. *First*, a good grounding in the justice system will be provided for local schools who choose to be part of this project. Clearly, the justice system insiders need to do a better job of educating young people about courts and the law. Underscoring the seriousness of the Youth Court education program, participants will have to pass a "bar examination" before becoming eligible to hear cases and staff the courtroom.

*"Thousands more children every day are in our courts, victims of abuse, neglect, family dysfunction and bitter family dissolution. Some are there on delinquency charges; and some young teenagers are there to be tried and imprisoned as adult felons. With presumably many years of life ahead for these children, doesn't it make sense for us to devote serious time to finding, and supporting, meaningful early interventions? It's their future, but ours too."*



Hon. Judith S. Kaye

**Hon. Judith S. Kaye**  
*New York State Bar Association Journal, January 2008. Our Children, Our Future—A special issue on New York's children.*

*Second*, once qualified, young people become the justice system for an offender accused of misconduct such as assault, vandalism, trespass, joyriding, criminal possession of stolen property and substance abuse. The offender must first admit responsibility for the misconduct. Under attorney supervision, local high school students who are sitting in an actual courtroom then assume the roles of judge, juror, lawyer, clerk, or bailiff. They question the offender about the conduct and determine the appropriate sanction. The sanction may include restitution, community service, writing a letter of apology and behavior modification classes. Most significantly, this is a one-time opportunity for offenders to avoid a criminal conviction that, otherwise, will follow them through applications for school, jobs and housing.

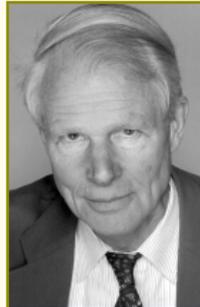
*Third*, mentors will be provided for the offenders, hopefully for all Youth Court participants. The mentors might be senior lawyers, the Young

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*...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 write this note to you as my third-year term as president of The New York Bar Foundation comes to a close. It has been a gratifying three years that have quickly passed by as we implemented fundraising initiatives, grew our endowment and planned gifts, and enhanced our grant making activities. A few of the programs are highlighted in this spring issue of our Newsletter.



John R. Horan

I would like to express my heartfelt gratitude to you for your generous support which permitted our Foundation to continue to fund important law-related projects, scholarship and fellowship programs, and other strategic initiatives. Your philanthropy continues to demonstrate that you willingly undertake your share of social responsibility to help improve the lives of others. I would also like to thank our outstanding Board of Directors for their unyielding support, insight into the legal challenges facing New York's residents, and dedication to meeting the law-related needs of the public and profession.

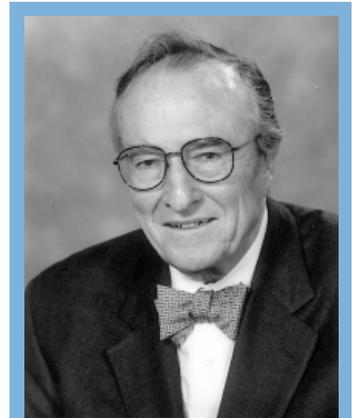
We look forward to the continuing growth of The New York Bar Foundation under the leadership of The Foundation's incoming president, M. Catherine Richardson. I am optimistic that with our exceptional Board of Directors and with your generous financial support, we will continue to implement The Foundation's strategic plan to strengthen our commitment to aid in funding charitable and educational law-related programs and the people they serve throughout the State of New York.

A handwritten signature in black ink, appearing to read 'JRH'.

John R. Horan

## Sullivan & Cromwell Law Firm Gives \$50,000 for MacCrate Fund

**S**ullivan & Cromwell LLP has contributed a gift of \$50,000 to The Foundation for the MacCrate Fund. **The MacCrate Fund to Preserve the Core Values of the Legal Profession** was established by The Foundation's Board of Directors in 2007 in honor of The Foundation's former president, Robert MacCrate. The endowed fund will provide financial support through grant awards for educational programs for attorneys that uphold and preserve the core values of the legal profession including equality, fairness and justice and which are guided by the highest ethical standards.



Robert MacCrate

Bob MacCrate was first elected to The Foundation's Board of Directors in 1972 and served as president from August 1972 to July 1973 and again from 1976 to 1991. During his tenure he advanced the objectives of The Foundation to improve the justice system, facilitate the delivery of legal services, increase public understanding of the law, and enhance professional competence and ethics. He was responsible for overseeing the building renovation and period restoration of 5 and 6 Elk Street in Albany, New York (now part of the New York State Bar Center) and for spearheading the fundraising of \$6.8 million for the Bar Center's expansion project. He was a partner for many years with Sullivan & Cromwell LLP and is currently Senior Counsel there.

The Foundation conferred its inaugural Lifetime Achievement Award on Bob MacCrate in January 2008. The Lifetime Achievement Award was established to honor former Officers or Directors of The Foundation who, due to term limits, are no longer able to serve in that capacity. The honoree's service and leadership must have significantly advanced the purposes of and brought significant recognition and acclaim to The Foundation. The Lifetime Achievement Award is not an annual award.

Headquartered in New York, Sullivan & Cromwell comprises approximately 750 lawyers. The firm serves its clients around the world through a network of 12 offices located in leading financial centers in Asia, Australia, Europe and the United States.

**The Foundation is accepting contributions to The MacCrate Fund.** Please make an online contribution today to the restricted fund, **The MacCrate Fund to Preserve the Core Values of the Legal Profession**, at [www.tnybf.org](http://www.tnybf.org) or mail your check (made payable to The New York Bar Foundation) in the envelope included in this newsletter. Please note on the envelope the gift is to be directed to The MacCrate Fund.

## Court Approves \$1.2 Million Cy Pres Distribution to New York Bar Foundation in Tenant Screening Class Action

Southern District of New York Judge Lewis A. Kaplan has signed an order approving a plan submitted by the plaintiffs for distribution of a **cy pres** fund (a class action settlement fund) of approximately \$1.2 million in **White v. First Advantage SafeRent, Inc.** (04 CV 01611). The funds have been distributed to The New York Bar Foundation, which will provide funding through its grant making program for projects to be conducted by The Legal Aid Society, Legal Services NYC, City-Wide Task Force on Housing Court, Neighborhood Economic Development Advocacy Project and the New York State Bar Association.

The case was brought in 2004 as a class action that alleged the defendant had issued thousands of tenant screening reports to prospective landlords that violated the 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 Judge Kaplan, included the payment of damages, that ultimately will fund tenant screening and awareness programs.

John R. Horan, Foundation president, said, "The New York Bar Foundation is very pleased to receive the cy pres fund distribution from this important case. This distribution is a result of the leadership efforts of the New York State Bar Association and The Foundation. We anticipate the same type of collaboration among the organizations involved will provide the highest quality programs to those affected by the tenant screening process."

The plaintiffs were represented by James B. Fishman of New York (Fishman & Neil, LLP), Andrew Bell of New York (Locks Law Firm), Seth Lesser of White Plains (Klafter Olsen & Lesser), and Stacey Canan of Washington, D.C. (AARP Foundation).

These funds will be used to further the goal of increasing awareness of tenant screening and the duties and obligations under fair credit laws and will enable the recipient organizations to attend and conduct training programs; conduct outreach to community groups, tenants, and small property landlords; and create and distribute educational and training materials about tenant screening issues. The projects will be conducted through joint efforts by the organizations and in an efficient and cost-effective manner.

## Foundation Helps Tackle Consumer Debt Issues

Thanks to your generous gifts, The Foundation awarded ten grants in January to assist in funding programs that are helping people struggling with mortgage foreclosure, consumer debt or other related matters. Individuals and families are being helped through the following programs:

- The *Foreclosure Intervention Program* of the [Brooklyn Bar Association Volunteer Lawyers Project](#) is working to reduce the number of foreclosures in Kings County.
- [Northern Manhattan Improvement Corporation](#) is providing legal representation, advice, education, advocacy and counseling in the area of consumer debt to the working poor.
- The *Mortgage Foreclosure Protection Project* of the [Legal Aid Society of Northeastern New York](#) is responding to the mortgage foreclosure crisis in the Capital Region by increasing the amount of expert attorney representation available to low-income borrowers facing foreclosure.
- [Legal Services for New York City](#) is providing legal assistance to New York's neediest debtors in filing Chapter 7 and Chapter 13 bankruptcy petitions through its *Bankruptcy Assistance Project*.

- [New York Legal Assistance Group's Foreclosure Prevention Project](#) provides legal services to low-income homeowners in New York and is training other attorneys on foreclosure proceedings to increase the number of attorneys who can provide free legal services to clients.
- The *Community Development Project* at the [Urban Justice Center](#) matches *pro bono* attorneys with low-wage workers who need legal representation in the areas of housing and consumer debt.
- [Legal Services for the Hudson Valley](#) is providing legal services to individuals struggling with mortgage foreclosure in a seven-county area. Grant funds are covering client costs associated with appraisals, title searches, discovery for foreclosure proceedings and the cost of credit counseling.



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# Elder Law Section Scholarship to Aid Law Students Addressing Issues Facing the Elderly



Foundation Board member **Cristine Cioffi** thanks **Timothy E. Casserly**, Elder Law Section chair, for the section's gift to establish a scholarship for law students.

The Elder Law Section of the New York State Bar Association has contributed a gift of \$10,000 to The Foundation to establish the **Elder Law Section Scholarship**. Between 2009 and 2012, a \$2,500 scholarship will be awarded each year to a second or third year student who is enrolled in a law school in the State of New York and is actively participating in an Elder Law Clinic at the school.

Through the scholarship, The Foundation and the Elder Law Section aspire 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. A preference will also be given to a student who demonstrates financial need.

The 2009 scholarship, valued at \$2,500, will be awarded to one student enrolled in a law school in the State of New York on a full or part-time basis during the 2009 fall semester. The student must be actively participating in an Elder Law Clinic at the school during the 2009/2010 academic year. The scholarship will be applied to the student's 2009-2010 academic year tuition. The recipient will be invited to be a guest member of the Elder Law Section and to attend meetings of the section's executive committee during 2010.

**A completed application form and supporting documentation must be submitted to The New York Bar Foundation by October 15, 2009 to apply for this year's scholarship. You may access scholarship details and an application at <http://www.tnybf.org/ScholarshipFellowships.htm>.**

## JUDITH S. KAYE YOUTH COURT FUND, CONTINUED FROM PAGE 1

Lawyers Committee of the Bar Association, or any other volunteer group willing to undergo training and donate their time.

The benefits of Youth Courts include:

- wider education for intermediate and high school students in our justice system, thus encouraging law-abiding lives and a more informed citizenry;
- a one-time opportunity for a deserving young offender to avoid a criminal conviction;
- building an "offramp" at a proven key moment, from a life of escalating crime and other bad behavior;
- providing mentors at an important time in all teenagers' lives;
- providing families with an opportunity to engage in positive dialogue with their child and to learn more about the justice system; and

- enabling communities to recover losses due to juvenile crime along with regaining confidence and pride in local youth.

Hon. Judith S. Kaye served as Chief Judge of our state's highest court, the New York Court of Appeals, from 1993 until her retirement on December 31, 2008 and was the first woman to occupy the State Judiciary's highest office. Additionally, she became the first woman to serve on the Court of Appeals when Governor Cuomo appointed her Associate Judge in 1983.

Judge Kaye has been recognized for her extraordinary commitment to and affection for New York's children and families and held many posts during her tenure as Chief Judge that were of direct benefit to children, including Chair of the Permanent Judicial Commission on Justice for Children for more than 17 years. In addition to the countless

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# Lorraine Power Tharp Endowment Fund Preserves Legacy of Former Foundation Treasurer

The Board of Directors of The New York Bar Foundation has established an endowment fund in memory of Lorraine Power Tharp, who passed away in October. **The Lorraine Power Tharp Endowment Fund** recognizes her dedication to the law, service to the legal profession, selfless public service and, in particular, her commitment to the mission of The New York Bar Foundation. A past president of the New York State Bar Association (2002-2003), Lorraine was a member of the Board of Directors of The Foundation since 2003 and served as its Treasurer from January 2007 until her death. The Foundation will use the fund to aid in supporting charitable and educational projects to meet the law-related needs of the public and the legal profession.

Lorraine Tharp was elected a Fellow of The New York Bar Foundation in 1994 and is a member of The Foundation's Legacy Society. Her leadership extended far beyond The Foundation to many other organizations, including years of service to the New York State Bar Association. She was a member of the American Bar Association, serving as a Delegate to the ABA House of Delegates.

A 35-year practicing lawyer, Lorraine was a partner with the firm of Whiteman Osterman & Hanna LLP, Albany, where she chaired its commercial and residential real estate practice group. She frequently lectured and wrote on real estate practice throughout New York. She was the first woman lawyer at McNamee Lochner Titus & Williams, P.C. in 1978 and later became its first woman partner in 1981.

A Massena native, Lorraine received her law degree from Cornell Law School and was a graduate of Smith College. She received the Albany Law School's prestigious Kate

Stoneman Award in 2003 and the Outstanding Women of the Bar honor in 2004 from the New York County Lawyers' Association.

Lorraine was an active member of her community and devoted substantial time and energy to many charitable organizations including those relating to the arts, health and equine. She served as a commissioner of the New York State Racing Commission and was the first woman to serve on the Commission. She chaired the Saratoga Springs Planning Board and served on the Board of Directors of the Saratoga Performing Arts Center, Inc. She received the 1995 Leadership Saratoga Distinguished Alumni Award, the Saratoga Soroptimist Club's 2002 Woman of the Year Award and the Woman of Excellence in the Professions Award from the Albany-Colonie Chamber of Commerce in 2003.



Lorraine Power Tharp

Please make an online contribution today to the restricted fund, **The Lorraine Power Tharp Endowment Fund** at [www.tnybf.org](http://www.tnybf.org) or mail your check (made payable to The New York Bar Foundation) in the envelope included in this newsletter. Please note on the envelope the gift is to be directed to The Lorraine Power Tharp Fund.

## JUDITH S. KAYE YOUTH COURT FUND, CONTINUED FROM PAGE 4

matters she had undertaken during her tenure, Judge Kaye led the initiative *Babies Can't Wait*, which recognizes that infants in foster care require early medical attention and provides training to court and child welfare staff on infant health and development. Additionally, Judge Kaye led *Adoption Now*, a joint initiative of the court system, the State Office of Children and Family Services, and the New York City Administration for Children's Services, to expedite adoptions for New York's children in foster care. She was the moderator of the New York State Bar Association's 2008 Presidential Summit panel titled, *Breaking the Cycle for Youth at Risk*.

Please make an online contribution today to the restricted fund, **The Judith S. Kaye Youth Court Fund**, at [www.tnybf.org](http://www.tnybf.org) or mail your check (made payable to The New York Bar Foundation) in the envelope included in this newsletter. Please note on the envelope that the gift is for The Judith S. Kaye Youth Court Fund.

## \$30,000 Gift Establishes Joan L. Ellenbogen Memorial Fellowship

The Foundation has received a gift of \$30,000 to establish **The Joan L. Ellenbogen Memorial Fellowship**. Valued at \$5,000 each, three fellowships are scheduled to take place each year during fall semesters 2009 and 2010. The fellowship will be made available through a grantee organization to third-year law students or newly graduated lawyers. Public service or other nonprofit organizations with the need for a fellow to assist with matters relating to matrimonial law are eligible to apply for funding through a grant application.

The fellowship was established with a gift from Marcia C. Goldstein, New York, in memory of her former law firm partner. Each fellowship will be funded through a grant award to a qualifying organization that must submit a grant application to The New York Bar Foundation. The application deadline for the 2009 fellowships was April 1<sup>st</sup>, however, applications for the 2010 fellowships will be accepted until October 15, 2009. A grant application and details about the fellowship are accessible at [www.tnybf.org](http://www.tnybf.org).

The goal of the fellowship is to encourage lawyers and students to consider the practice of matrimonial law so that individuals will have access to representation and a greater understanding of their rights in matters relating to matrimonial and family law in the State of New York.

Along with Marcia C. Goldstein, Joan L. Ellenbogen founded the law firm of Ellenbogen & Goldstein, P.C., New York, in 1979 where she practiced matrimonial and family law until her death in 2001. In 1980, she was the founding president of the Women's Bar Association of the State of New York, a state-wide organization dedicated to the advancement of women in society and in the legal profession. She was the first woman chair of the executive committee of the Association of the Bar of the City of New York. Additionally, Joan was a member of the First Department Disciplinary Committee and served on the Board of Trustees of the Legal Aid Society. She served on the executive com-



Joan L. Ellenbogen

mittee of the Family Law Section of the New York State Bar Association, and in 2001, was the recipient of the Association's prestigious Ruth G. Schapiro Award. A graduate of New York University School of Law, Joan was admitted to the New York Bar in 1965.

Joan Ellenbogen's many other professional activities included serving as president of the Alumni Association of New York University School of Law; being one of the organizers of the Judges and Lawyers Breast Cancer Alert; serving as a member of the Joint Committee on Judicial Administration established by Governor Mario Cuomo and former Chief Judge Sol Wachtler; and serving as a commissioner on the Commission on Judicial Nominations to the Court of Appeals. She was a fellow of the Academy of Matrimonial Lawyers, New York Chapter, a Diplomate in the American College of Family Trial Lawyers, and a frequent lecturer to the bench and bar on matrimonial law. She received many awards and tributes during her distinguished professional career. Joan lost her battle with pancreatic cancer at the age of 59.

### FOUNDATION HELPS TACKLE CONSUMER DEBT ISSUES, CONTINUED FROM PAGE 3

- The *Consumer Debt Legal Assistance Project* at [Nassau/Suffolk Law Services Committee, Inc.](#) is providing legal assistance to prevent unscrupulous debt collectors from utilizing illegal and deceptive practices and intimidation against Long Island's most vulnerable populations.
- [Pro Bono Net, Inc.](#) is launching a new practice area for foreclosure to support the work of New York City and State advocates.
- The *Foreclosure Training Initiative for Consumers Program* at the [Legal Aid Society, New York City](#), is providing education to low-income residents on how to maintain their home. Staff of community-based organizations, legal services offices, and elected officials is also receiving training to advance information regarding consumer's right in matters of foreclosure.

Funding for grant awards to *Legal Services of the Hudson Valley* and *New York Lawyers Assistance Group* was directed from the BUSINESS LAW SECTION FUND within The Foundation.

## Nia K. N. Jackson Wins Commercial & Federal Litigation Section Minority Fellowship

Hofstra Law School student, Nia Kitwana Ngozi Jackson, has been chosen as the 2009 recipient of the Commercial and Federal Litigation Section Minority Fellowship administered by The New York Bar Foundation. The \$5,000 award is available to first-year students attending a law school in the State of New York who demonstrate an interest in commercial and federal litigation.



**Nia Jackson, left, is congratulated by Hon. Eileen Bransten.**

As the winner of the 2009 Fellowship award, Ms. Jackson will work this summer in the Chambers of the Honorable Eileen Bransten, New York State Supreme Court, New York County, Commercial Division.

A resident of West Hempstead, Ms. Jackson is a graduate of Pepperdine University, Graziadio School of Business and Management (CA) where she earned an International Master of Business Administration (Spanish) degree in 2008. She holds a Bachelor of Arts degree in Communication and Spanish

Language & Literature from Villanova University (PA). While at Pepperdine, Ms. Jackson studied at the Fundação Getulio Vargas, São Paulo, Brazil and was recognized with the Emerging Leaders honor. She was inducted into Lambda Pi Eta (National Communication Honor Society) and Sigma Delta Pi (Rho Pi Chapter, National Spanish Honor Society) while at Villanova. She speaks fluent Spanish as well as Portuguese.

Ms. Jackson was recognized by the Commercial and Federal Litigation Section and The Foundation during an awards ceremony at the Section's Smooth Moves III program on March 25<sup>th</sup> at Lincoln Center, New York City. 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.

## New Board Members Named

**Newly elected to board will begin to serve on June 1<sup>st</sup>:**



**Lawrence R. Bailey, Jr.**  
*Partner*  
Hodgson Russ LLP  
New York



**Stephen D. Hoffman**  
*Partner*  
Siller Wilk LLP  
New York



**Kathryn Grant Madigan**  
*Partner*  
Levene Gouldin & Thompson, LLP  
Binghamton



Keynote speaker Lance D. Clarke addressed more than 80 students from Mercy First and Hempstead, Freeport and Central Islip High Schools at Youth Law Day held at Hofstra University School of Law. During the program, students were introduced to the variety of opportunities available when choosing a career in the legal profession. Youth Law Day was organized in coordination with the New York State Bar Association's Committee on Minorities in the Profession and LatinoJustice (Puerto Rican Legal Defense and Education Fund). Partial funding for the program was provided by a grant from The New York Bar Foundation. Lance Clarke is a former Justice of the Town of Hempstead and immediate past president of the Nassau County Bar Association.

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**Foundation Board member, Susan B. Lindenauer, left, recently presented a Foundation grant award to Northern Manhattan Improvement Corporation, New York. Accepting the award were Board Chairman Jeffrey Rosengarten; Ken Rosenfeld, Director of Legal Services; and Board members Elaine S. Reiss and Michael Karp. The grant is funding a program that provides legal representation, advice, education, advocacy and counseling in the area of consumer debt for the working poor and in a local setting.**

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