



IN THE BALANCE

BARBEQUE AT LYNDHURST MEET THE JUDGES



Westchester County Executive Andy Spano Addresses the guests at the Lyndhurst Barbeque

A lawyer has an obligation to render public interest and pro bono legal service. A lawyer may fulfill this responsibility by providing professional services at no fee or at a reduced fee to individuals of limited financial means or to public service or charitable groups or organizations, by participating in programs and organizations specifically designed to increase the availability of legal services. In addition, lawyers or law firms are encouraged to supplement this responsibility through the financial and other support of organizations that provide legal services to persons of limited means.

-from the New York State Lawyers Code of Professional Responsibility



L to R Julie Domonokos, Executive Director My Sisters Place, Barbara Finkelstein, Executive Director WPLS, Hon. Michael J. Spano, NY State Assembly

Two events marked the beginning of what we hope will become a long lasting tradition for Westchester/Putnam Legal Services. In September WPLS hosted an outdoor barbeque at Lyndhurst in Tarrytown. Brenda Resnick Spano, wife of Westchester County Executive Andrew J. Spano, was the honorary chair of the event. It was well attended with many dignitaries from the County, including Westchester County Executive Andrew J. Spano, County Legislators, Lois Bronz, Chair of the Board, Thomas J. Abinanti, George S. Latimer and New York State Assemblyman Michael Spano.

In his welcoming remarks, Larry McGovern, President of WPLS, spoke of the tremendous efforts of Executive Director, Barbara Finkelstein citing her vision and successful lobbying efforts on behalf of the agency. He also lauded her work as a member of the New York State Planning Committee and announced that WPLS' primary funder, The Legal Services Corporation, had accepted a state plan with an expanded Hudson Valley service area beginning in January 2004, including the counties of Rockland, Orange, Ulster and Sullivan, in addition to Westchester, Putnam and Dutchess, which WPLS will bid for and hopefully run.

Barbara took the podium and expressed the need for participation from the private bar in doing pro bono work. She also cited the need for private funding to fill the gaps left by restrictions of public grants. Others who spoke on behalf of WPLS and noted our many accomplishments were Westchester County Executive Andrew J. Spano, County Legislators, George S. Latimer and Thomas J. Abinanti. Both Abinanti and Latimer echoed Ms. Finkelstein's sentiments citing the heavy caseload maintained by our attorneys and their efforts in advocating for our clients.



Larry McGovern, President WPLS At the Lyndhurst Barbeque

In October WPLS and the Westchester County Bar Association hosted a "Meet The Judges" night. Held at the Pace University School of Law's Preston Hall, the purpose of the event was to inform law students and new attorneys of the mission of Westchester/Putnam Legal Services. WCBA Executive Director, Amy Patterson thanked the many members of the judiciary that attended and took the time to introduce themselves to the students and new attorneys. She also acknowledged the need for the private bar to become involved in supporting our mission affirming the New York State Lawyers Code of Professional Responsibility. With WPLS now being accredited to offer CLE credits for pro bono work, she stressed the merit of volunteering time to this noble cause. Barbara Finkelstein addressed the attendees citing the importance of public interest law and urged students to consider entering this rewarding field of practice. She acknowledged Bill Pollack, President of the New York Law Journal for his help with distribution of WPLS's newsletter in the Law Journal. His efforts have help spread the work of WPLS's mission. Despite the many fiscal cutbacks that loom on the horizon, we will continue with our best efforts to assist those most in need.

From The Desk of the Executive Director



Barbara Finkelstein, Executive Director
Westchester/Putnam Legal Services

financial and health benefits, survivors of domestic violence received legal protection, and children obtained appropriate educational services. In total over 20,000 persons were assisted and able to remain or become self-sufficient members of their communities.

WPLS has been rewarded for its successful outcomes by continuing to receive funding from governmental agencies, private foundations and individuals while being sought as a partner by a wide range of not-for-profit agencies. We have also received the support of our client community who came out in force to testify in support of continued funding for WPLS at public budget hearings in Westchester County. To them and to all of our friends and supporters, the board of directors and staff of WPLS commit to continue our tradition of providing high quality legal representation to those most in need.

I hope the New Year finds all of you well and ready for the challenges facing us individually and as a part of a larger community. Here, at Westchester/Putnam Legal Services, we can look back at our accomplishments in 2002 with pride and satisfaction in a job well done.

Although WPLS faced the challenge of providing services under growing economic hardship, our struggles were nothing compared to those encountered by our clients. In 2002, affordable housing grew scarcer, jobs paying a living wage were in short supply, and quality child care was non-existent for most of those seeking it. The number of persons living below the federal poverty guidelines in WPLS' service area of Westchester, Putnam and Dutchess Counties increased by 36%, while services for its poorest children and the elderly did not keep pace with the numbers needing them.

WPLS continued to be the last resort for the increasing number of persons needing civil legal representation to insure that the rights, benefits and protections they are entitled to are obtained. WPLS remained as the only not-for-profit law firm in the region ensuring that families and the elderly were not unjustly evicted, disabled adults received



WPLS client, Fred Towns at the
Westchester County budget hearings.

WPLS TIPS ITS SCALES TO OUR GENEROUS SUPPORTERS



For the past year we have all heard the stories about the downturn in the stock market, the uncertain economy, and the decreasing support of private funders. It has become much too easy to speak about people no longer caring. We at Westchester/Putnam Legal services are proud to state that generosity and concern for those in need continues to remain strong. This past year our corporate, foundation, and private friends have again responded to the critical needs for our clients and through their generosity have helped make our work possible.

All of us at WPLS wish to Tip our scales to these outstanding and caring individuals who have joined with us. In spite of the economy, they have made commitments to our work and have generously responded to the challenges before us.

It is with deep gratitude that we wish to publicly acknowledge the support of these philanthropic and caring supporters:

Philip Morris Employee Fund

Once again the employees of Philip Morris have responded to the needs of our seniors. Their renewed support of our Elder Law Program will greatly advance our work with the many elderly who come to us in times of crisis.

Kraft Foods

Kraft Foods has long been concerned with the insidious nature of domestic violence and the profound impact it has upon our clients. Once again, their support will assist us in addressing the many needs of the women and children who have been the victims of this abuse.

Skadden, Arps, Slate, Meagher & Flom

Once again this prestigious law firm has recognized the outstanding work of WPLS. Their gift for general operating support in 2002 has benefited WPLS in many ways.

Dyson Foundation

The Dyson Foundation joined us in 2002 with a major gift. Through this extraordinary generosity we were able to establish the Children's Advocacy Program in Poughkeepsie.

Noble Trust

The Noble Trust has funded the Children's Advocacy Program since its inception. Through their continued commitment to children, we have been able to assist literally hundreds of boys and girls.

JP Morgan Chase

Recognizing the continued crisis of domestic violence, JP Morgan Chase has joined with WPLS to address this growing problem.

St. Faith's House Foundation

St. Faith's House Foundation has lent its support to the Children's Advocacy Program since its inception. Based upon their strong commitment to children and families, this year the Foundation made a special grant for the establishment of the Family Law Program.

Tow Foundation

With an outstanding commitment to children and the judicial system, the Tow Foundation is a recognized leader in both terms of support and addressing this issue. Once again, the Tow Foundation has made a significant grant to the Children's Advocacy Program, thus ensuring its continued responsiveness.

Lanza Family

More than a donor, Mrs. Lanza has become both a friend and an inspiration to WPLS. Through the Lanza Family's generosity the Children's Advocacy Program was established and a special trust fund established. Concerned for the welfare of children, this year the Lanza family has made a special pledge to establish the Family Law Program.

As we look back upon 2002, we have much to be thankful for. The generosity and personal commitment of these donors and friends remind us of the goodwill that exists in our communities. Not only have they made much of our work possible, they restore our belief in the goodness of people. To each and everyone of them we say thank you for your generosity and thank you for being a friend.

George Colabella, Director of Development

NEWS FROM WHITE PLAINS WPLS AND PACE CELEBRATE

The third anniversary of the Family Court Legal Program was celebrated on November 6, 2002 at the Westchester County Family Court in White Plains. The Family Court Legal Program, a joint effort of Westchester Putnam Legal Services (WPLS) and Pace Law School has been assisting victims of domestic violence receive orders or protection, custody and visitation orders and child support orders since 1999. The project began in 1999 with the majority of its funding coming from Westchester County. Since that time, the project has grown to include a site at the Yonkers Family Court. Mary Grace Ferone, managing attorney and supervisor of the domestic violence unit at WPLS, spoke at the event, which was attended by many members of the local judiciary and county legislature. Ms. Ferone spoke of the great need

for this program and praised the individual attorneys and paralegals that make the project a success. Ms. Ferone also asked Westchester County to continue to fund these efforts as the program has proven to be successful and cost effective.

The Family Court Legal Program is based on the philosophy of "seamless representation" which begins on site at the Family Court. Victims who arrive at Family Court seeking protective orders are directed to the Family Court Legal Program. Under the direction of attorneys from the Pace Women's Justice Center, law students draft ex-parte petitions and appear with the victim, before a family court judge. These petitions result in temporary orders of protection, custody, visitation, etc. However, as these orders are only temporary, victims are directed to WPLS for extended representation. In fact, victims call and make contact with WPLS before they actually

leave the Court.

It is at this point that WPLS prepares the victim's case for full representation. Often this involves assisting the victim with serving the abuser with the temporary orders and notice of the next court date. WPLS appears with the victim at all subsequent court appearances, and will proceed to trial, if necessary, to obtain the permanent protective orders and custody/visitation/ support orders.

Since 1999, WPLS has assisted over 1,000 women obtain family court orders which help assure their safety and the safety of their children. WPLS believes that representation of this type is a necessity in order for victims breaking the circle of violence. Representation is also important as it gives the victim a sense of power, and the knowledge that she has an advocate who cannot and will not be "bullied" by the abuser. Currently, the project is staffed by Robin Stiebel, Esq., Ira Needleman, Esq., Doneth Gayle, Esq., Aida Ramirez, paralegal and Brenda Arias, paralegal. WPLS looks forward to the continuation and expansion of this program.

Mary Grace Ferone, Esq.

Managing Attorney, White Plains

WPLS' White Plains & Yonkers Domestic Violence Team



White Plains DV Staff (l.to r.) Ira Needleman, Esq., Aida Ramirez, Paralegal, Robin Stiebel, Esq., Mary Grace Ferone, Esq., Managing Attorney, White Plains and Rhona Bork, Esq., newest addition to the unit



Yonkers DV Staff (l. to R.) Doneth "Nikki" Gayle, Esq. and Brenda Arias, Paralegal

POUGHKEEPSIE OFFICE “BRAVO BENJIE”

In an era when habitable, low-income housing is a shrinking commodity in the communities in our service area, the housing advocates at WPLS play an increasingly important role in representing tenants who are at risk of being displaced from subsidized housing. Often the risk factors include the changing financial nature of the housing projects in which they reside. Recently, C. Benjie Louis, housing staff attorney in the Poughkeepsie branch office scored a victory for such a tenant. Her client had been a tenant of public housing since 1991. The complex where she has resided continuously in the same apartment moved from public housing status upon sale to a new company and was converted to Low-Income Housing Tax Credit Property. The new landlord's managing agent Sheldrake Organization (for Eastman and Bixby Redevelopment Company, LLC) sought to evict the tenant for “repeated failure to repay rent in a timely manner,” in Poughkeepsie City Court. It was

undisputed that the tenant had failed to pay the rent on time on a number of occasions.

Ms. Louis defended the tenant through a motion to dismiss asserting that the landlord could not do so summarily because a paragraph of the lease provided that if the tenant failed to carry out any agreement or provision of the lease— including repeated failure to pay rent in a timely manner— without first giving the tenant a 10 day notice to cure specified in a paragraph in the main lease. The landlord argued that repeated failure to pay rent is not “capable of being cured.” The Court disagreed and held that proper notice to the tenant would place her on notice that further late payments would not be tolerated and that she could cure by avoiding any further late payments. The petition was dismissed, and a tenant's housing was preserved due to the successful motion practice of Ms. Louis.

Jacqueline R. Frost, Esq.
Managing Attorney, Poughkeepsie

YONKERS OFFICE

The City of Yonkers is currently a very interesting place to be located. Not only is it the home of the largest concentration of people below the poverty level in Westchester County, but it is the site of intense interest from the Federal Government because of the City's own efforts and desires to develop.

The City enacted a new zoning ordinance within the last two years, designating several square blocks of the downtown area as its Downtown Waterfront Redevelopment Zone. Additionally areas in the City has been designated by the Federal Government as an Empowerment Zone, which makes the City eligible for additional federal funds for redevelopment. The City also has made known its desire to have a minor league baseball team, for which it

intends to sacrifice a major municipal parking lot known historically, and affectionately, as “Chicken Island”. All of this activity comes with cost and impact for the poor population in Yonkers. We recently represented an organization known as Pathways to Housing, Inc. Their offices were located in the newly designated Waterfront Redevelopment Zone. Their primary purpose was, and is, to place people with mental disabilities into permanent apartments and to provide support services to them in their homes. Their program was very successful but ran afoul of the zoning restrictions. They decided to move rather than fight to remain in place but they represent a very real issue in the tension between a municipality which wants to develop and the needs of its communities.

The plans to bring in a minor league baseball team will come at a cost:

Much of the area encompassed by the proposed stadium comprises the shopping district which provides jobs and goods to the poorer residents of the City. There will be intense pressure on these businesses to relocate or face condemnation by eminent domain if the City's plans for a baseball team come to fruition. One of the owners of this real estate has already complained publicly that retail rental units are going un-rented because business owners are wary about setting up shop in a building that may be victim to redevelopment.

Yonkers is currently home to a dwindling supply of lower rent housing. (I say lower rent because in the County of Westchester there does not exist truly affordable housing.) As the City develops there will be pressure on the surrounding areas to upgrade, i.e. become more expensive, which could in turn lead to displacement of neighborhoods that have existed for decades.

Lewis Creekmore, Esq.
Managing Attorney, Yonkers

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