



IN THE BALANCE

A Shiny Apple for PAIR

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

PAIR—Protection and Advocacy of Individual Rights. Imagine you're wheelchair bound and have limited use of your hands, yet you are an independent individual who can get around in your motorized wheelchair. Suppose one day you attempt to get on a public bus and are told that you can't because your wheelchair is too big. What do you do? This dilemma is just one of many that take place daily in the lives of the disabled. Recently, our advocates in the Disabilities Unit were presented with a scenario of this nature.

Snapping into action, our advocates armed with a digital camera and measuring tape took photographs of our client's wheelchair.

The president of the bus company alleged that his wheelchair was too big (55 inches long) and exceeded the size limit for the bus. Our photos clearly depicted the wheelchair as being 43 inches long, 5 inches under the ADA's definition of common wheelchair. 8x10 photographs at various angles together with a letter brief went straight to the president of the bus company. Despite this and numerous follow-up phone calls, no one responded to our communications.

The client called the office of the County Executive and requested they call the bus company president. They did this and were told "the letter was in the mail". However, no letter was ever received by the client or us.

Our trusty advocates threatened a law suit if no action were taken by weekend. That same day we received a letter stating the bus company had a change of heart and that our client was welcome to ride the bus once again.

Our highly skilled attorneys and advocates understand the needs of the disabled. They've spent years learning their craft and are sympathetic to the complexity of hardships the disabled face daily. Preserving the rights of those who are challenged is one of the missions we at W/PLS take in earnest.

We provide our clients with a full range of assistance from advice, brief service and referral to full representation in matters litigated in local, state and federal courts. Whenever possible we try to negotiate a positive outcome for our clients. When it becomes evident that this is not achievable, our seasoned attorneys jump into action and commence litigation.

Providing comprehensive civil legal services to our clients is our mission. Through PAIR we serve clients in Westchester, Putnam, Dutchess, Orange, Rockland and Sullivan Counties.

We extend our services to community based organizations, social service agencies and private attorneys with community legal education and training events scheduled throughout the year.

From The Desk of the Executive Director



Barbara Finkelstein, Executive Director
Westchester/Putnam Legal Services

WHAT ABOUT FUNDING FOR LEGAL SERVICES

On February 5, 2003, New York State Supreme Court Justice Lucindo Suarez took the extraordinary step of judicially imposing an increase in the assigned counsel or 18-B rates to \$90.00 per hour because the current unconscionably low rates "result in many cases, in denial of counsel, delay in the appointment of counsel, and less than meaningful and effective legal representation." The same can be said for indigent persons in dire circumstances who need legal representation but do not have the right to have an attorney assigned to them. Without qualified representation, indigent persons lose their children, their homes, their income and, in many instances, their ability to live independently and productively in their communities.

Nonetheless the plight of those in need of civil legal services is virtually ignored although the unmet need for critical civil legal services among poor New Yorkers has been thoroughly documented and is worsening.

The 2000 census showed the numbers of poor persons in New York State has increased yet the resources available to help them with civil legal problems continues to shrink. In the service area covered by Westchester/Putnam Legal Services (WPLS) the poverty population has increased by 36% over the last ten years. Staff attorneys at WPLS spend long hours representing the poor with problems ranging from eviction prevention and domestic violence to health care for the elderly and special education for children. All of this is done for wages equal to or lower than those paid to court appointed attorneys, although the results of the work more often than not save money for every level of government.

In the past ten years the principal sources of funding for civil legal services for poor persons in New York State have been the federal Legal Services Corporation and the IOLA Fund. Today those sources of income generate almost \$40 million less than they did in the past. New York is not alone in this problem; however, unlike New York many other states have decided to provide permanent state funding earmarked for civil legal services by appropriating general state funds and/or channeling increased fees on the judicial system back into the judicial system. New York State still has not made that commitment and, although it ranks 3rd among all states in poverty population, shamefully ranks 33rd in state funding for civil legal services with only \$1.66 spent per poor person.

In his 2003-04 proposed budget, Governor George Pataki proposed an increase in assigned counsel rates to be paid for by increasing the attorney registration and civil court fees. This creates the perfect opportunity for the legislature to make a down payment on an Access to Justice Fund to also fund critical civil legal services for the indigent.

Barbara Finkelstein, Esq., Executive Director

In The Spotlight

After a rousing year of success in our ongoing efforts to represent the poor of Westchester County there are many accomplishments worthy of sincere accolade. In 2002 we opened files for, and served, nearly 50% more clients in your Yonkers office than we did in 2001. This by no means indicates that we have reached as many folks as need help, or as many as we can. But as a benchmark for improvement it bodes well for our future.

Yet as I survey the extent of the work and effort I cannot help but focus on one of our most dedicated and hard working employees. Her name is Kathleen Jones, known to us as Kathy or Kay. She has been with our organization longer than anyone else on board and its time to give her some recognition.

As a resident of Yonkers Kathy has been with our office since legal services programs throughout the country were a new idea. She has remained with the office as a loyal and dedicated worker. She is the first contact that many people have with the office, both clients and non-clients alike. In a very big way she is the face (and right arm) of the organization.

Currently she is a paralegal in charge of intake for housing, elder, and government benefits units, not that those are her limits. She performs intake for our other units as well, when circumstances demand. Her knowledge of the community is invaluable. Whenever we have a question about a particular neighborhood, building, politician, or family Kathy is highly likely to know the answer, and to know the persons involved. And among our client community she is a reference point. "They told me to call Kathy Jones" is a refrain often heard from potential clients.



Kathleen Jones

Kathy is one of the very first people that clients meet when they come to the office. Her office is next to reception and she often substitutes in the reception area. She greets and interviews the majority of our clients as well as handling a caseload (of hundreds) herself.

Many of our new clients come with an eviction notice. Kathy knows so many of the landlords and their attorneys that she can often resolve an issue, or convince someone to wait a very valuable day or two, with a phone call. Similarly she knows when to direct a client to go to the court immediately because the circumstances prevent any informal negotiations. Many, if not all most, of the non-profit agencies in Westchester that serve the poor know her and have a working relationship with her, which leads to quicker resolutions of problems that might otherwise languish.

All of this is to say that we appreciate the job that Ms. Jones does for our organization, and we want the community to know what a resource Ms. Jones is, both at work and outside.

***Lewis Creekmore, Esq., Managing Attorney,
Yonkers Office***

A Few Thoughts About Charitable Giving

We have all heard the many explanations as to why charitable giving is projected to decrease in the near future. Whether it be an uncertain economy, international unrest, or a new generation unaccustomed to giving, we have been presented with a rather bleak picture. I believe that given this scenario it is a bit too easy to lower our expectations, thus establishing a self-fulfilling prophecy. However, I believe that this view overlooks the very fundamentals of why donors give and the responsibility of nonprofit organizations to create an atmosphere for giving. With this as a backdrop, it might be best to start at the beginning, with a very simple question - what is charitable giving?

Let's start with the basics - what exactly is giving all about. One need only look at the word itself - philanthropy. A word that comes from the Greek, meaning *love of mankind*. Rather than trite, I believe this is a basic and profound description of the human condition. We are all social creatures, we live and work together, we rely upon one another, we know that we are all connected in some way. In effect, our collective psyche is one that values mankind and most of us have an innate feeling as to those who are less fortunate. Call it conscience, obligation, or humanitarianism, we see this over and over. One need only look at the scene of a disaster. Within a short time of any calamity, we see the response of neighbors. Be it a gift of clothing or a check, people respond. But to what are they responding? They are responding to the plight of a fellow human being. Yes, there is considerable truth to the adage, "But for the grace of God, go I".

We live during an interesting and challenging time. It is a time in which all of us understand our vulnerability. It is this very common fear and concern that is now binding people who never before felt a shared concern. This is evidenced by the most recent figures from the American Association of Fund Raising Counsel and the Association of Fundraising Professionals - giving in 2002 has surpassed the \$200 billion mark. In simple terms people are responding to their neighbors and they are giving. What makes this even more interesting, is the fact that individual giving continues to grow.

One of the aftermaths of the September 11th, has been the extraordinary response of individuals. Gifts by people of all financial backgrounds increased significantly. This can only be attributed to their concern and commitment to their fellow citizens. Also, this included younger donors who previously were not in the donor pool. Not only did they make gifts, they are continuing to make gifts. Hence, a new generation of givers has stepped up to the challenges that lie before us.

As fund raisers we must be able to not only continue proven practices, but to also embrace and work with this new generation of "givers". They are our future and it is our responsibility to educate and involve them. If we rise to this task, we will see the rewards.

Let us always remember that this is country of individuals who care about their neighbors. For this we should be most thankful.

George Colabella, Development

DONOR APPRECIATION

To show our appreciation to our individual donors, W/PLS held a reception the evening of March 19, 2003 at the main office in White Plains.

Members of the Board of Directors joined staff in giving guided tours of our offices and expressing gratitude for their support.

The reception was the perfect venue to personally interact with donors who support our mission. It gave us the opportunity to show them the fine work our attorneys and advocates produce for our clients.

When Federal guidelines and grant restrictions limit our ability to serve a client, it's the private funds from individual donors that provide us with the means to represent individuals and ensure access to justice for those in need. Without their help all too many needy individuals and families who come to us for representation would have to be turned away.

Recent funding cuts coupled with a 36% rise in the poverty population have increased our need for private funding from individual donors.

As a not-for-profit agency all contributions are tax deductible.



Donor, Caroline Blankenship, Esq. (left) poses with Staff and Board members. Rosalie Cicogna, Director of Administration, Barbara Finkelstein, Esq. Executive Director, Jack Vaughan, Esq. Board Member, and Joseph Medic, Esq. Staff Attorney.



Donor Howard Rosen, Esq. is flanked by Board member Lucille Oppenheim, Esq., (left) and Executive Director, Barbara Finkelstein, Esq., (right)

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