

## Appeals Program

The New York State Bar Association's Committee on Courts of Appellate Jurisdiction has created a Pro Bono Appeals Program to help meet the needs of the many litigants who need legal representation in state appellate courts, but cannot afford to hire an appellate attorney and are not eligible for assigned counsel. The Program serves litigants in upstate New York whose income is less than 250% of the Federal Poverty Guidelines.

Representation is provided in selected appeals involving issues in one or more of these categories: shelter and housing, subsistence income and benefits, health and education, personal safety, and family stability. The Program does not provide representation for criminal issues.

The Program's partners in this venture are The Legal Project and The Rural Law Center of New York. These nonprofit civil legal services programs assist the Committee in outreach and screening. Referrals are sought from local attorneys, legal services organization, and human services programs which have identified persons with a critical need for an appellate attorney.

## Program Criteria

The Committee invites agencies and attorneys to make referrals for representation if a client meets these criteria:

- The client wishes to appeal a trial court order or judgment to the Appellate Division, Third Department or, having won in the trial court, is responding to an appeal by the losing party.
- The litigation occurred in a county within the Third Department (see list in this brochure).
- The applicant's income is less than 250% of Federal Poverty Guidelines.
- The appeal presents an issue in a category listed above.



# NYSBA Pro Bono Appeals Program

A Collaboration of the New York State Bar Association Committee on Courts of Appellate Jurisdiction, The Legal Project, and The Rural Law Center of New York



NEW YORK STATE BAR ASSOCIATION  
One Elk Street  
Albany, NY 12207



## Application and Pre-Screening

- Prospective clients must fill out the Appeals Program application form, available from the websites of the Committee, The Legal Project, and The Rural Law Center of New York (see list below). The client should fill out the application with the referring attorney or program. A completed application constitutes an agreement for the Appeals Program to contact the prospective client's trial attorney to ask questions about the case. The application forms and conversations concerning the case will be kept confidential and used solely to determine whether to accept the case and to select an appeals attorney.

## The Websites:

[www.nysba.org/probonoappeals](http://www.nysba.org/probonoappeals)

[www.legalproject.org/pro\\_bono\\_appeals.html](http://www.legalproject.org/pro_bono_appeals.html)

[www.rurallawcenter.org/probonoappeals](http://www.rurallawcenter.org/probonoappeals)

## Selection of Appeals

- Application forms should be faxed to (518) 435-1773, emailed to [probonoappeals@legalproject.org](mailto:probonoappeals@legalproject.org) or mailed to:

### Pro Bono Appeals Program

c/o The Legal Project  
Stuyvesant Plaza  
1475 Western Avenue, STE 59  
Albany, NY 12203-3705

- The Program will conduct a pre-screening process, based on income and subject matter criteria. The prospective client may receive a letter stating that representation cannot be provided or may be contacted for further information.
- Cases that meet the threshold criteria will then be referred to the Committee, which will examine cases and determine which ones should be accepted, based on several discretionary factors. These factors include the issues presented, the merits of the appeal, the likelihood that the appeal could establish valuable precedent, the number of appeals currently being handled in the Program, and the number of available volunteer lawyers.
- Preferences will be given to applicants who do not qualify for assigned counsel.
- There is no guarantee that the Committee will select any particular case or that pro bono counsel will be found. Therefore, prospective clients should not forgo efforts to seek other counsel for the appeal.

- Appeals identified as eligible for representation will be described in a case summary sent to the pool of volunteer attorneys. An appeal will be placed with an appropriate attorney, based on experience or interest.
- If a case is accepted and a volunteer attorney is found, the attorney will contact the client directly. The client will be asked to sign a retainer agreement outlining what free legal services will be provided for the appeal and the process that will be followed.

## Expenses

Appeals involve expenses for transcripts, copying records and briefs, and filing fees. If the client is able to pay for some or all of these expenses, the retainer agreement will specify the client's responsibility. Otherwise, the volunteer attorney will make an application for free transcripts and a waiver of filing fees in an effort to minimize expenses. If such application is denied, the Program may not be able to handle the appeal.

## Volunteer Attorneys

Members of the Committee will serve as volunteer attorneys and will supervise other volunteers. The Legal Project and The Rural Law Center of New York will provide training programs and support from staff attorneys.

## Counties Covered by the Appeals Program

Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington.

## 2011 Federal Poverty Guidelines

<i>Persons in Family</i>	<i>Poverty Guidelines</i>	<i>250% of Poverty Guidelines</i>
One	\$ 10,890	\$ 27,225
Two	14,710	36,775
Three	18,530	46,325
Four	22,350	55,875
Five	26,170	65,425
Six	29,990	74,975
Seven	33,810	84,525

