

Appeals Program: The Power of Partnership

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 value and success of the Pro Bono Appeals Program is based on the strength of the partnerships of participating organizations with invaluable expertise.

The NYSBA Committee on Courts of Appellate Jurisdiction provides dedicated, experienced appellate attorneys from throughout the state who select cases, volunteer to handle appeals, and oversee the appellate attorneys from outside the Committee who generously donate their services.

The Rural Law Center of New York provides pro bono expertise, outreach to the community, extensive administrative support, CLE training, and malpractice insurance.

Many other organizations play a critical role. The Third and Fourth Departments have provided guidance, insight, and support and helped ensure that attorneys are aware of the program. Nonprofit and legal services organizations throughout the Third and Fourth Departments provide local outreach, refer appeals, assist clients in completing applications, and inspire volunteerism by local appellate counsel. Trial attorneys and human services organizations also refer clients to the Program.

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 or Fourth 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 or Fourth 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.



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New York State Bar Association
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NYSBA Pro Bono Appeals Program

A Partnership of the New York State Bar Association Committee on Courts of Appellate Jurisdiction and the Rural Law Center of New York.



Application and Pre-Screening

- Prospective clients must fill out the Appeals Program application form, available from the website 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. For an application go to www.nysba.org/probonoappeals.

Selection of Appeals

- For the most prompt processing, applications for both Third and Fourth Department appeals should be faxed or emailed to:
(800) 832-9150
info@probonoappealsny.org

For applicants who wish to mail their applications, the following addresses should be used:

Pro Bono Appeals Program
c/o Rural Law Center of New York
1528 Columbia Turnpike
Castleton-on-Hudson, NY 12033

- 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.

Counties Covered by the Appeals Program

Third Department:

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.

Fourth Department:

Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, Wyoming, Yates.

2016 Federal Poverty Guidelines

<i>Persons in Family</i>	<i>Poverty Guidelines</i>	<i>250% of Poverty Guidelines</i>
One	\$ 11,880	\$ 29,700
Two	\$ 16,020	\$ 40,050
Three	\$ 20,160	\$ 50,400
Four	\$ 24,300	\$ 60,750
Five	\$ 28,440	\$ 71,100
Six	\$ 32,580	\$ 81,450
Seven	\$ 36,730	\$ 91,825
Eight	\$ 40,890	\$ 102,225

