

Lawyers Required to Report Pro Bono Hours

By Charisma L. Miller, Esq.

Brooklyn Daily Eagle

New York State Chief Judge Jonathan Lippman has announced a new reporting requirement for New York attorneys. Beginning this month, attorneys must report the amount of hours spent providing free volunteer legal services and the amount of financial contributions made to organizations that provide legal services to the under-served.

"While the legal profession in our state selflessly provides millions of hours of pro bono work to help people of limited means each year, the civil legal needs of low-income New Yorkers are enormous and continue to grow as a result of the uncertain economy and the recent devastation of Superstorm Sandy," Lippman said in a statement.

The new reporting requirements of Part 118 and Rule 6.1 of the Rules of Professional Conduct were based on the recommendations of the Task



Jonathan Lippman
NY State Chief Judge

Force to Expand Access to Civil Legal Services in New York. According to the Task Force, New York joins seven other states that have instituted pro bono reporting requirements to promote and encour-

age pro bono participation.

New York does not require that attorneys provide volunteer legal services, but there is a benchmark for the suggested amount of hours an attorney should spend providing legal help to those in need. It is recommended that an attorney provide 20 pro bono hours a year; that benchmark has been increased to 50 hours.

The increase in suggested pro bono hours is a result of a recent American Bar Association survey of pro bono participation in New York. The survey revealed that the average attorney already performs 66 hours of pro bono each year.

Lippman has made pro bono service a priority. As previously reported by the *Brooklyn Daily Eagle*, New York became the first state to require lawyers to perform 50 hours of pro bono work as a condition for getting a license. Law students sitting for the bar exam in 2015 will have to show that they have

performed the mandated pro bono hours before they can sit for the New York State Bar Exam. The new rule is aimed at helping to fill the legal needs of New York's poor.

"I have every confidence that the steps we take today will help increase pro bono service and narrow the enormous access to justice gap in our state," Lippman stated.

Currently, while New York lawyers are required to report their pro bono hours, providing volunteer free legal services is still a suggested recommendation and is not mandated for licensed New York attorneys.

Brooklyn attorney Bruce Baron said, "Chief Judge Jonathan Lippman is a true visionary enhancing the groundwork for New York State lawyers and their pro bono activities. All of us fortunate enough to be members of this noble profession should be committed to serving the disadvantaged and those less fortunate whenever possible."

Lawyer Cautioned by Brooklyn Appellate Division Suspended for 'Lying Addiction'

By Charisma L. Miller, Esq.

Brooklyn Daily Eagle

Nathaniel Weisel, a New York attorney, has been suspended from the practice of law for a period of nine months for forging documents, neglecting client matters, and lying to a client.

A client retained Weisel, a solo practitioner, in 2009 to commence a civil action. Weisel neglected to begin the lawsuit as his client requested and repeatedly assured the client that Weisel had everything under control. In an attempt to persuade his client that the matter

was being handled, Weisel created a fake stipulation of settlement document and included a false index number, caption and settlement amount, essentially making a fraudulent court document appear official. Weisel went so far as to choose an attorney at random as his opposing counsel and forged his signature at the bottom of the fake stipulation of settlement.

Weisel never filed this false document with the court.

His fraud was eventually revealed when the "opposing counsel" discovered that Weisel forged

his signature on a fake document. Weisel explained to the attorney that he "did not know how to properly file an action on behalf of [his] client, and felt this would buy [him] time to properly file same." Weisel also wrote that his client claimed that he had an "addiction [to] lying" similar to a drug addiction.

This is not Weisel's first interaction with the disciplinary system. He has received two letters of caution and sanctions from the Appellate Division, Second Department, for failing to file documents in Family Court matters. The presiding justice of the 2nd Department Appellate Division also had Weisel removed from the 18-b Panel, the list for selected court-appointed attorneys.

It is against the New York Rules of Professional conduct for an attorney to engage in dishonest, fraudulent, or deceitful conduct or conduct that involves misrepresentation, as well as neglect client matters.

Representing himself in the disciplinary action, Weisel acknowledged that he engaged in dishonest conduct by admitting that he created the false document and presented it to his client. The Disciplinary Committee's hearing panel hearing the case noted that Weisel's "admission must be taken seriously." The hearing panel further noted, "The thought and planning that it took for Respondent to fabricate the Stipulation and forge another lawyer's signature cannot be overlooked."

The Appellate Division, First Department, the ultimate arbiter in this case, ordered a nine-month suspension from the practice of law. In addition, Weisel must take and pass the ethics portion of the New York State Bar Exam before seeking readmission "to appropriately address his pathological behavior."

Justices Richard Andrias, David Saxe, Karla Moskowitz, Helen Freedman and Sheila Abdus-Salaam sat on the panel.

State Bar President James Marks Law Day by Calling for Justice

Evoking the legacies of President Abraham Lincoln and Martin Luther King, Jr., New York State Bar Association President Seymour W. James Jr., a Brooklyn resident, said on Wednesday that "we must continue to strive for full equality under the law."

At a Law Day ceremony at the state Court of Appeals in Albany, James said that 2013 marks the 150th anniversary of Lincoln's Emancipation Proclamation and the 50th anniversary of King's "I Have a Dream" speech delivered on the steps of the Lincoln Memorial.

Both events "are momentous symbols of our progress," observed James. "But they also represent a continuing call to action — to remain aware of persistent injustice, and to use whatever tools we can to fight discrimination and promote equality."

"Our nation eradicated the legal slave trade nearly 150 years ago, but today human trafficking continues to pose a terrible affront to human rights in the United States and across the globe.

"We have eliminated Jim Crow laws, but discrimination persists against disadvantaged and marginalized groups," he said.

Chief Judge Jonathan Lippman opened the annual Law Day ceremony attended by his colleagues on the Court of Appeals, Attorney General Eric Schneiderman and other elected



Seymour James, president,
NYS Bar Association

officials. The theme of Law Day 2013 is "Realizing the Dream: Equality for All."

James said, "This year's Law Day theme encourages us to consider the Emancipation Proclamation and Dr. King's famous speech not only as important milestones in our nation's history, but also as a challenge to remain mindful of the progress yet to be made, and to continue working toward equality for all."

Attorneys, he added, "have a special responsibility to promote equal rights for all Americans."

The State Bar Association continues to work toward that goal. Its Special Committee on Human Trafficking soon will release a report and recommendations "to ensure fair treatment of victims, strict punishment of traffickers, and other measures to eliminate this form of modern day slavery."

Many more women, people of color and others with diverse backgrounds have entered the legal profession during the past generation, James said.

"However, we can still see the long-lasting effect of discrimination on our profession. In our increasingly diverse nation and even in our own state, the legal profession does not look enough like our society."

The State Bar Association has implemented programs to increase diversity within the association as well as the profession. This year, it will launch an association-wide mentoring initiative, co-chaired by former Court of Appeals Judge Carmen Beauchamp Ciparick and incoming State Bar president-elect Glenn Lau-Kee of New York City.

The 76,000-member New York State Bar Association is the largest voluntary state bar association in the nation. It was founded in 1876.

Supreme Court Calendar

Kings Co. Criminal Term
320 Jay St., Brooklyn

LEGAL EVENTS

Thursday, May 9, Drafting For the Pros: Structuring and Negotiating Sports Industry Commercial Contracts. 6 to 8 p.m. The panel will focus on sponsorship, media rights, athlete endorsement transactions and other commercial contracts that produce revenue and shape today's sports industry. 2 MCLE Credits (Professional Practice). Panelists include Jeff B. Gewirtz, chief legal officer, Brooklyn Nets, and Robert A. Boland, professor of sports business and law at NYU. Sponsored by Brooklyn Bar Association's Entertainment, Arts, and Sports Law Committee. At BBA, 123 Resmen St.

Monday, May 13, Awards Luncheon of Kings County Housing Court Bar Association, 1 to 3 p.m. KCHBA will honor Housing Court Judge Kimberley Moser, court attorney Charles Liu, expeditor Kenneth Berger, court clerk Deborah Giddens and court interpreter Serge Bastien. \$110 per member; \$120 per non-member. At the Forchelli Conference Center at Brooklyn Law School. Kosher meals must be requested before May 10.

Monday, May 20, Forensic Accounting in Family Law, 6 to 8 p.m. Learn how forensic accountants assist attorneys in representing their clients in family law engagements. Acquire the tools and techniques used in discovering hidden assets or unreported or under reported income. Learn about methods used in valuing closely held businesses. 2 MCLE Credits (Practice Management). Presented by Robert I. Schindler, CPA, Cavalcante & Co. Sponsored by Brooklyn Bar Association, Family Law Section. At BBA, 123 Remsen St.

Thursday, May 21, How To Become a Judge, 6 to 9 p.m. Have you ever considered becoming more involved in public service and rising to the bench? A panel of prominent judges and members of the Bar will share their experiences running for judicial elections and getting appointed to don the robes. 2 MCLE Credits (Practical Skills). Presented by Hon. Frank Seddio, Hon. Miriam Cyrulnik, Hon. Gary Marton, ADA Rachel Nash, court attorney Lara Genovesi. Sponsored by Brooklyn Bar Association Legislative Committee. At BBA, 123 Remsen St.