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 various civil issues including: 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 University at Buffalo School of Law’s Clinical Legal
Education Program provides pro bono expertise,
outreach to the community, extensive administrative
support, and CLE training.

Many other organizations play a critical role. The
Fourth Department has provided guidance, insight,
and support and helped ensure that attorneys are
aware of the program.

Nonprofit and legal services organizations throughout
the Fourth Department 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, 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
  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.

This Program was made possible by
The New York Bar Foundation.
Application Process
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. 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
To expedite processing, applications for the Fourth Department appeals should be faxed or emailed to:
Fax: Attn: PBAP/ 716-645-6199
Email: law-pbap@buffalo.edu

For applicants who wish to mail their applications, the following addresses should be used:
Pro Bono Appeals Program
c/o University at Buffalo School of Law Clinical Legal Education Program
507 O’Brian Hall, North Campus
Buffalo, NY 14260

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, the attorney will contact the client directly and 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
Fourth Department:

2018 Federal Poverty Guidelines

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<th>Persons in Family</th>
<th>Poverty Guidelines</th>
<th>250% of Poverty Guidelines</th>
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<tr>
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Contact Us
University at Buffalo School of Law Clinical Legal Education Program
Pro Bono Appeals Program
507 O’Brian Hall, North Campus
Buffalo, NY 14260

Phone: 716-645-0508
Email: law-pbap@buffalo.edu

Visit us on the Web:
http://www.law.buffalo.edu/beyond/pro-bono/pbap.html

If your case originates in the Third Department/counties below, please contact the Rural Law Center of New York at info@probonoappealsny.org or (518) 477-7137.