

# PRO BONO MATTERS

SPRING 2005

## NYLPI Advocates Garbage Equity

New York City produces over 40,000 tons of solid waste every day. But where does it go? As of now, about 80% of the trash produced in the five boroughs is sent to land-based waste transfer stations clustered in just three neighborhoods: Williamsburg-Greenpoint, Brooklyn, Jamaica, Queens, and the South Bronx. The Borough of Manhattan handles none of its own trash.



WASTE BEING TRUCKED TO LAND-BASED TRANSFER STATION

These transfer stations, and the hundreds of garbage trucks that come and go all day and night, create constant noise and odor, poor

### DID YOU KNOW?

- Manhattan handles none of its own garbage.
- 80% of the trash produced in New York City goes to Williamsburg-Greenpoint, Brooklyn, Jamaica, Queens, and the South Bronx.

air quality, high asthma rates, damaged infrastructure and an overall diminished quality of life.

To address the persistent environmental and health problems caused by these waste transfer stations, NYLPI worked with leaders from these and other impacted communities in 1996 to help form the Organization of Waterfront Neighborhoods (OWN), a city-wide coalition of more than two dozen community groups.

(CONTINUED ON PAGE 2)

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## Suit Filed Against Hospital for ADA Violations

New York Lawyers for the Public Interest recently filed suit on behalf of two individuals who are deaf against Interfaith Medical Center, in Brooklyn, alleging violations of the Americans with Disabilities Act and other laws. The suit stems from Interfaith's failure to provide effective communication to patients who are deaf or hard of hearing.

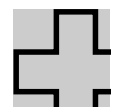
The plaintiffs, identified as Jane and John Doe, are married and are both deaf. The suit, filed in the United States District Court for the Eastern District of New York alleges that in March 2003, Jane Doe was hospitalized for nine days for psychiatric observation and treatment at Interfaith. Throughout those nine days, Interfaith refused virtually all of the Does' requests for an interpreter.

As the Complaint alleges, the lack of inter-

pretation at Interfaith severely compromised Jane Doe's psychiatric care and rendered her virtually unable to participate in her own treatment. It also denied her husband the opportunity to participate in and understand his wife's medical care.

"Medical providers have a legal obligation to provide effective communication to patients who are deaf or hard of hearing," said Rebecca Price, a Staff Attorney and Skadden Fellow at NYLPI.

The lawsuit seeks to compel Interfaith to comply with the law by providing effective communication to patients who are deaf and hard of hearing, as well as compensatory damages to the Does for the violation of their civil rights. "Although I was hospitalized to treat my depression," said Jane Doe, "my inability to communicate with my doctors and therapists, and to participate in the group therapy prescribed, made me feel isolated and depressed."



(“NYLPI ADVOCATES SOUND...” CONTINUED FROM PAGE 1)

OWN’s formation is consistent with NYLPI’s philosophy of community lawyering. NYLPI believes that legal strategy should grow from the communities themselves, rather than being imposed externally by attorneys.

This past year NYLPI provided technical and legal assistance to OWN, which was presented with the unique opportunity to participate in the development of a citywide solid waste management plan. NYLPI attorneys provided commentary on the plan and worked with OWN groups on the plan’s regulatory aspects.

In October of this year Mayor Bloomberg unveiled his Solid Waste Management Plan, which establishes an environmentally sound and equitable system for managing the City’s solid waste over the next 20 years. Rather than continuing to rely solely on truck-based transfer stations, which are predominantly

**“Through OWN, community leaders [from Brooklyn, the Bronx and Queens] reached an unprecedented unity and clarity of purpose to ensure that, this time, infrastructure planning would be informed by principles of environmental justice.”**

—Eddie Bautista, NYLPI Director of Community Planning

clustered in low-income communities, the plan calls for the rebuilding of existing marine transfer stations, which are equitably distributed throughout the City.

By allowing for the transport of the City’s solid waste by barge, the marine transfer stations will significantly reduce the pollution generated by heavy truck traffic, providing low-income communities with much needed relief. The plan also calls for the continued involvement of stakeholders, such as community groups, elected officials, and environmental advocates, and reinforces the City’s commitment to recycling.

In the coming year NYLPI and OWN will work to ensure implementation of the Mayor’s plan, developing strategies with

community groups to make certain the Mayor’s plan moves forward in an equitable manner.

This victory, which demonstrates the influence that organized communities can exert on public policy, was due in large part to the efforts of NYLPI’s community organizers, in partnership with staff attorneys, who have worked tirelessly to involve communities that had previously lacked representation in the solid waste campaign.

Eddie Bautista, Director of Community Planning at NYLPI, explained, “Infrastructure investments on this scale happen maybe once in a generation in this town, and have historically victimized our most vulnerable communities.”

With the power of organized communities, real change seems to be in the works.

## About NYLPI

### OUR MISSION

New York Lawyers for the Public Interest is a nonprofit, civil rights law firm that strives for social justice. In partnership with member law firms, corporate law departments and other organizations, NYLPI helps underrepresented people develop legal strategies to serve their vision for themselves and their communities.

### OUR WORK

Created in 1976 to address unmet legal needs, NYLPI combines a *pro bono* clearinghouse with an in-house practice which blends innovative lawyering, community organizing and advocacy.

**The Pro Bono Clearinghouse** provides community groups and nonprofit organizations with free legal assistance by drawing on hundreds of volunteer lawyers from New York’s most prestigious law firms and corporate law departments.

**The Disability Law Center** protects and promotes the civil rights of people with disabilities.

**The Environmental Justice and Community Development Project** provides organizing and legal assistance to low-income neighborhoods and communities of color that bear an unfair burden of environmental threats.

**The Access to Health Care Program** works to ensure access to quality health care for people in medically underserved communities or facing barriers due to limited English proficiency, racial and ethnic discrimination, and disability.

## PRO BONO MATTERS

### SPRING 2005

Editor: Anna Humphreys

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**NYLPI**

## **NYLPI Honors Kenneth Feinberg at Law & Society Award Luncheon**

Kenneth R. Feinberg, Special Master of the 9/11 Victim Compensation Fund, was named the 2005 recipient of the Law & Society Award on March 2, for his tireless efforts to ensure justice. As Special Master of the Fund, he was charged with developing and publicizing regulations governing the administration of the Fund, which was created by Congress to compensate survivors and families of victims of 9/11. Mr. Feinberg was also responsible for administering all aspects of the program, including evaluating applications, determining appropriate compensation, and disseminating awards.

A dedicated public servant, Mr. Feinberg elected to perform this critical service pro bono. Mr. Feinberg, who is the founder and managing partner of The Feinberg Group, is a leading expert in mediation and alternative dispute resolution. Prior to his role as Special Master, he held many prominent positions, including Administrative Assistant to Senator Edward M. Kennedy and Assistant United States Attorney for the Southern District of New York.

**"The September 11th Victim Compensation Fund succeeded in large measure because of the determination, competence, and integrity of our profession. The willingness of so many to represent 9/11 families and victims in need, and to do so pro bono, helped assure that our nation would respond to the tragedy with compassion, generosity, and understanding."**

—Kenneth R. Feinberg



KENNETH FEINBERG

## **LAW & SOCIETY AWARD LUNCHEON**



KENNETH FEINBERG AND NYLPI BOARD MEMBER LINDA WILLETT



NYLPI EXECUTIVE DIRECTOR MICHAEL ROTHENBERG, KENNETH FEINBERG, NYLPI BOARD CHAIR SHARON BOWEN AND JUDGE JACK WEINSTEIN

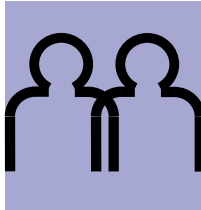


THE LARGEST CROWD IN THE HISTORY OF THE LAW & SOCIETY AWARD LUNCHEON SITS FOR LUNCH.

## Associate Matters

**Amy Miller**  
**Maggie Vining**  
**Davis Polk & Wardwell**

On behalf of community groups throughout New York City, NYLPI's EJ Project has been advocating for an equitable solid waste management system for many years (see page 1). As part of its work on behalf of these overburdened communities, NYLPI's EJ Project sought *pro bono* assistance to research and develop innovative legal strategies for advancing an economic, environmentally sound, and equitable solid waste management system.



Associates Amy Miller and Maggie Vining at member firm **Davis Polk & Wardwell** have been working with NYLPI Staff Attorney Janette Wipper on

this project since last summer. What began as one memo has grown into a longer-term relationship, with Amy and Maggie providing necessary research assis-

**"They are both brilliant, motivated, and committed to providing quality legal representation to the communities we represent."**

tance and advice to the project as a whole. Their role is active and essential to the project. To date, they have written two formal memos addressing federal, state, and local legal authorities relevant to the project, as well as provided continuous legal advice as necessary.

Amy says, "I care deeply about environmental issues, and this was a great chance to do some environmental *pro bono* work."



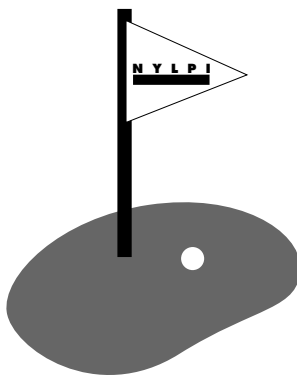
AMY MILLER

Another way the project has been successful is in building a team, not only with a public interest lawyer, but with a colleague at the firm. "This was a great project for me because I am using my limited free time to work on something I really care about," Maggie remarks, "Also, working with Amy ensures that the client gets the help they need, even if I'm busy."



MAGGIE VINING

Maggie and Amy's assistance has been vital to the project, and Janette has been very appreciative of their willingness to pitch in, even when that means working on a *pro bono* project during their free time. "They are both brilliant, motivated, and committed to providing quality legal representation to the communities we represent," summed up Janette.



### Save The Date

NYLPI's Third Annual Golf Outing  
Tuesday, July 12, 2005  
Bethpage State Park/ Red Course

## Latham's Fair Housing Partnership

NYLPI has recently coordinated a partnership project with HELP USA's new Fair Housing Justice Center and member firm Latham & Watkins. The Fair Housing Justice Center, a new legal service organization in New York, plans to find new and creative ways to combat housing discrimination using a combination of testing, investigation, litigation, and policy work.

"Latham & Watkins' partnership with NYLPI and the Fair Housing Justice Center provides a unique opportunity to the housing community and the Latham associates serving on this project," says George du Pont, lead Latham associate on the project. "Through this alliance, our associates will help to combat the injustice of housing discrimination in court, while gaining valuable, hands-on litigation experience."

Attorneys at Latham & Watkins will work with the Fair Housing Justice Center to litigate cases. Stay tuned for updates on this exciting new project!

The team at Latham includes:

### Partners

David Brodsky  
Kurt Rogers

### Associates

Andres Alvarez  
Stephen Amdur  
Adam Burk  
Meaghan Chmura  
George duPont  
Althea Henedige  
Courtney Oliva  
Neel Parekh  
Andrew Purdy  
Johanna Schiavoni

## NYLPI Associate Committee Holds First Event

This fall New York Lawyers for the Public Interest brought together a group of associates to think about ways to enhance their public service commitment while working at large law firms in New York. This group, the NYLPI Associate Committee, held its first event on Tuesday, February 08, 2005, at Clifford Chance US, and addressed the subject of Nonprofit Board Service for Law Firm Associates.

A panel of speakers, moderated by Debevoise & Plimpton partner and NYLPI board member Christopher Tahbaz, addressed issues including: what boards expect from their members, how to combine board service and a busy associate schedule, and how to find an appropriate board.

On the panel were associates Ignatius Grande (Clifford Chance US), Julissa Reynoso (Simpson Thacher & Bartlett), and Anthony Michael (Kaye Scholer), as well as Brooke Mahoney, Executive Director of the Volunteer Consulting Group, which developed [www.boardnetUSA.org](http://www.boardnetUSA.org), a unique website dedicated to connecting nonprofit boards needing leadership and individuals wishing to serve as board members.

The event was attended by over 125 associates from 45 firms.

If you are interested in joining the NYLPI Associate Committee, please call Marnie Berk at 212.244.4664.

**If you are interested in learning more about nonprofit board service, please visit the pro bono section of our website, [www.nylpi.org](http://www.nylpi.org), where you can find a portal to BoardnetUSA.**



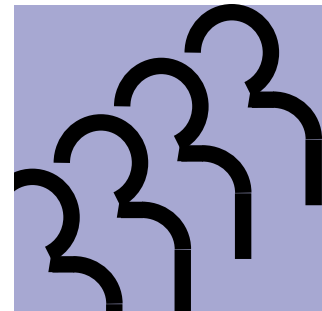
ASSOCIATE COMMITTEE MEMBERS WITH PANELISTS: (L-R) MICHAEL KUH, PHILIPPINE DODD, JULISSA REYNOSO, JOE DRAYTON, CHRIS TAHBAZ, IGNATIUS GRANDE, BROOKE MAHONEY, AND ANTHONY MICHAEL.



CHRIS TAHBAZ MODERATES THE DISCUSSION, WHILE IGNATIUS GRANDE, JULISSA REYNOSO, AND ANTHONY MICHAEL LOOK ON.



PANELIST BROOKE MAHONEY SPEAKING ON THE ROLE OF ATTORNEYS ON NONPROFIT BOARDS.



## Recently Placed Clearinghouse Matters

9/11/04 to 2/5/05

*Aceh Humanitarian Relief Project*

**Skadden, Arps, Slate, Meagher & Flom**

*Sina Toussi*

The firm is helping Aceh Humanitarian Relief Project provide grants and other resources to Acehese civil society organizations working in Aceh, Indonesia.

*Active Eye*

**DLA Piper Rudnick Gray Cary US**

*Daniel Goldberg, Alice Hsu*

The firm is helping Active Eye, a performance company that creates innovative theatrical productions, to incorporate and obtain tax-exempt status.

*Argentine Forensic Anthropology Team*

**Chadbourne & Parke**

*Carlos Albarracín*

The firm is advising the Argentine Forensic Anthropology Team, a nonprofit organization based in Buenos Aires, Argentina that conducts forensic investigations of human rights violations around the world, on matters related to operating as a foreign corporation in New York.

*Bronx Studio*

**Milbank, Tweed, Hadley & McCloy**

*Tony Cassino, Richard Exantus*

The firm is helping the Bronx Studio, an organization dedicated to affordable housing and job training, to incorporate and apply for tax-exempt status.

*Brooke Hospital for Animals*

**Bingham McCutchen**

*Edward Maluf*

The firm is helping the Brooke Hospital for Animals, an organization that relieves the suffering of farm animals working for people in the developing world, with corporate, tax and regulatory advice.

*Campo Misionero Sarepta/Arca de Salvacion*

**Sullivan & Cromwell**

*David Gilbert*

The firm is helping Campo Misionero Sarepta, a soup kitchen on the Lower East Side who joined forces with the Iglesia Pentecostal Arca de Salvación, to help coordinate an agreement between the organizations.

*Center for Anti-Violence Education*

**Stroock & Stroock & Lavan**

*Kristopher Hansen, Douglas Mammal, Shannon Nagle*

The firm is helping the Center for Anti-Violence Education, a nonprofit organization based in

Brooklyn, with the process of filing for bankruptcy.

*Center for UN Reform Education*

**Mayer, Brown, Rowe & Maw**

*Ruby Sekhon, Sumana Setty*

The firm is helping the Center for UN Reform Education, a nonprofit organization in New Jersey whose mission is to promote discussions on ways to improve the effectiveness of the United Nations, with a certificate to allow it to do business in New York.

*Change for Kids*

**Weil, Gotshal & Manges**

*Michael Bonafede, Todd Chandler, Steven Kahn, David Lange*

The firm is serving as *pro bono* general counsel to Change for Kids, an organization dedicated to improving children's education in four public elementary schools in New York that are targeted based on need. Change for Kids facilitates school supply donations, as well as field trips and music classes.

*College Bound Outreach Program*

**Debevoise & Plimpton**

*Nekia Hackworth, Rebecca Richards, Seth Rosen*

The firm is helping College Bound Outreach Program, an organization dedicated to providing summer and after-school activities and academic support, to obtain tax-exempt status.

*Commissions for Kids*

**Bingham McCutchen**

*Margaret Campbell*

The firm is helping Commissions for Kids, a recently-incorporated nonprofit that plans to raise money for children's charities, to obtain tax-exempt status.

*Community Access Inc.*

**Skadden, Arps, Slate, Meagher & Flom**

*Anton Mikel*

The firm is helping Community Access, Inc., a nonprofit organization that helps people with psychiatric disabilities to transition from shelters and institutions to independent living, with an eviction matter.

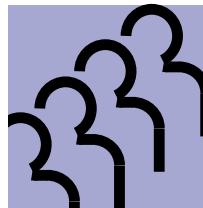
*Concerned Residents Committee*

**Patterson, Belknap, Webb, Tyler**

*Myriam Pham,*

*Andrew Stephenson*

The firm is helping the Concerned Residents Committee, a grassroots organization operating in the Bronx, advocate for a sound environmental evaluation of a site dedicated to the development of a new high school.



*Concerned Residents Committee Incorporation*  
**Sonnenschein Nath & Rosenthal**

*Robert Zimmerman, Ioannis Retso*

The firm is helping the Concerned Residents Committee, a grassroots advocacy group in the Bronx, to incorporate and apply for tax-exempt status.

*Coney Island Avenue Project*

**Davis Polk & Wardwell**

*Diya Kapur*

The firm is drafting bylaws for the Coney Island Avenue Project, a multi-racial, interfaith, community-based organization formed after September 11 to combat racial profiling and racist attacks.

*Council of Literary Magazines and Presses*

**Skadden, Arps, Slate, Meagher & Flom**

*Henry Hutchinson, Richard Ross*

The firm is helping the Council of Literary Magazines and Presses, a nonprofit that provides technical assistance to independent literary publishers, in a merger transaction.

*Cox v. City of Dallas Amicus*

**Chadbourne & Parke**

*Thomas Freedman, Dennis Hopkins*

The firm assisted NYLPI and other civil rights organizations by contributing to an *amicus* brief in a civil rights case before the 5th Circuit Court of Appeals regarding Fair Housing Access issues.

*CUNY Law Foundation*

**Proskauer Rose**

*Robyn Crosson*

The firm is assisting the City University School of Law at Queens College Foundation in a contract dispute.

*Fourth Universalist Society*

**Cadwalader, Wickersham & Taft**

*Christian Pugaczewski*

The firm is drafting a contract for the Fourth Universalist Society, a church dedicated to religious tolerance and inclusion.

*Friends of the Birth Center*

**Proskauer Rose**

*Amy Terry*

The firm is helping Friends of the Birth Center, a new nonprofit working towards the establishment of a natural childbirth center, obtain the rights to some footage for an forthcoming promotional video.

*Gajda v. Mapsto*

**Morgan & Finnegan**

*Christopher Hu, Eric Lane, John Moehringer, Peter Welch*

The firm is representing an individual in an

employment discrimination case against the Metropolitan Transit Authority.

*Generation Xcel*

**Cadwalader, Wickersham & Taft**

*Brian Chelbi, Kelvin Chen, Jason Jurgens, Doug Koff*

The firm is representing Generation Xcel, a faith-based, comprehensive youth outreach program, in a landlord-tenant dispute.

*Growing Minds Safe Haven*

**Holland & Knight**

*Laura Cosovanu, J.J. Leitner*

The firm is helping Growing Minds Safe Haven, a nonprofit that provides children and adolescents in the community with counseling services, social programs and recreational opportunities, to obtain tax-exempt status.

*Haitian United Foundation*

**Weil, Gotshal & Manges**

*Marita Makinen, Greg Stoller*

The firm is helping Haitian United Foundation, an organization dedicated to raising money to help the Haitian community in the United States and in Haiti, to incorporate and obtain tax-exempt status.

*Harlem School of the Arts*

**Shearman & Sterling**

*Christopher Paci*

The firm is helping The Harlem School of the Arts, which is dedicated to enriching the lives of its students through dance, music, theatre, and visual arts, with paperwork associated with a grant they have received.

*Interfaith Adopt-A-Building*

**Dechert**

*William Lippman*

The firm is helping Interfaith Adopt-A-Building, an organization dedicated to creating and preserving affordable housing on the Lower East Side, to preserve several buildings as affordable housing.

*International School of Brooklyn*

**Patterson, Belknap, Webb & Tyler**

*Humberto Guerrero*

The firm is helping the International School of Brooklyn, a nonprofit, non-sectarian school where students are taught to become bilingual at an early age, with the process of sponsoring instructors from other countries.

*Islamic Center of Long Island*

**Dechert**

*Glyndur Lobo, Michael Zuckerman*

The firm is helping The Islamic Center of Long Island to revise its bylaws.

*Korean American Association for Rehabilitation of the Disabled*

**Morgan, Lewis & Bockius**

*Brennan McDonough*

The firm is helping The Korean American Association for Rehabilitation of the Disabled, a community-based nonprofit organization located in Flushing, to ensure that the organization is in compliance with workers' compensation laws.

*Kosovo Enterprise Program*

**Holland & Knight**

*George Parnell, Savitha Reddy*

The firm is helping the Kosovo Enterprise Program, a microfinance institution in Kosovo, to establish an American entity.

*Life Expressions*

**Bingham McCutchen**

*Melissa Schwab*

The firm is helping Life Expressions, a nonprofit corporation that will provide an Independent Living Program for young people between 13-21 years of age, to incorporate and obtain tax-exempt status.

*Liz Christy Bowers Houston Community Garden*

**Sullivan & Cromwell**

*Jason Padgett*

The firm is helping the Liz Christy Bowers Houston Community Garden in preservation efforts, by reviewing agreements and assisting with the negotiations with the developers and the Parks Department.

*Lower East Side Business Improvement District*

**Schiff Hardin**

*John Becker, Steve Bocknek*

The firm assisted the Lower East Side Business Improvement District in an intellectual property dispute.

*Lower East Side Family Union*

**Patterson, Belknap, Webb & Tyler**

*Hope Plasha, Mary Rocha, Russell Wohl*

The firm is helping The Lower East Side Family Union, a nonprofit human services organization working in the Lower East Side, Chinatown, and Queens, to renegotiate their lease.

*LSNY Tenant Harassment*

**Bingham McCutchen**

*Sanjeeve DeSoyza, Susan Jorgensen*

The firm is working with Legal Services (LSNY) to represent tenants who have been harassed by their landlord.

*LSNY Westgate Amicus*

**Patterson, Belknap, Webb & Tyler**

*Karl Seib, Laura Wood*

The firm helped Legal Services for New York (LSNY) and a consortium of other attorneys work on an *amicus* brief regarding a case involving rent stabilization laws as they apply to Mitchell-Lama housing.

*Marcus Garvey Park Alliance*

**Stroock & Stroock & Lavan**

*Sahra Dalfen, Dmitriy Shamrakov, David Lowden*

The firm is helping the Marcus Garvey Park Alliance to incorporate and obtain tax-exempt status.

*M.E.D. Folk Tours*

**Dickstein Shapiro Morin & Oshinsky**

*Kevin MacLeod*

The firm is helping M.E.D. Folk Tours, an organization that offers educational and entertaining ethnic music and dance events in the United States and in Turkey, to incorporate and obtain tax-exempt status.

*Never Say Never*

**Skadden, Arps, Slate, Meagher & Flom**

*Gopal Burgher*

The firm is helping Never Say Never, an organization dedicated to providing care, counseling and housing to at-risk youth, to incorporate and obtain tax-exempt status.

*NYLPI Trademark Advice*

**Simpson Thacher & Bartlett**

*Philippine Dodd*

The firm is assisting NYLPI with a trademark search for a proposed name for a new newsletter.

*NYLPI Website Advice*

**Credit Suisse First Boston**

*Robert Stewart, Tom Swift*

The firm is helping NYLPI with intellectual property questions regarding a new website and links to external organizations.

*Partnership for Student Advancement*

**Simpson Thacher & Bartlett**

*Colin Hsu, Celine Hwang*

The firm is helping The Partnership for Student Advancement, an organization that will work to assist underprivileged young people with educational advancement and job placement, draft bylaws and obtain tax-exempt status.

*Peaceful Tomorrows*

**Bingham McCutchen**

*Susan Jorgensen*

The firm is helping Peaceful Tomorrows, an organization founded by family members of those killed

on September 11th, to incorporate and obtain tax-exempt status.

#### *PICCED*

#### **Stroock & Stroock & Lavan**

*Sahra Dalfen, Erin Slitt, Hillel Bennet*

The firm is helping PICCED with the administration of the disbursement of funds to nonprofit organizations seeking to acquire and develop brownfields and/or waterfront sites.

#### *Positive Influence*

#### **Cadwalder, Wickersham & Taft**

*Douglas Donahue*

The firm is helping Positive Influence, an organization that aims to provide children living in the Amsterdam Houses with a summer academic program and basketball league, to incorporate and obtain tax-exempt status.

#### *Right Rides*

#### **Shearman & Sterling**

*Helen Doo, Christopher Roehrig*

The firm is helping Right Rides, a free transportation alternative for women coming home late at night from several busy neighborhoods in New York, to incorporate and obtain tax exempt status.

#### *Rollin' Together*

#### **Skadden, Arps, Slate, Meagher & Flom**

*Michael Adamski, Julie Boden, Byron Dailey*

The firm is helping Rollin' Together, a nonprofit that works in the Bronx to enhance life skills for underprivileged children and adults, to obtain tax-exempt status, as well as drafting a contract.

#### *Ryan's Well Foundation*

#### **Chadbourne & Parke**

*Peter Ingerman, Lauren Kelly*

The firm is representing Ryan's Well Foundation, a nonprofit organization incorporated in Canada, to establish a U.S. entity.

#### *Seven Stories Institute*

#### **Holland & Knight**

*Kevin Kong, Jeffrey Levin*

The firm is helping Seven Stories Institute, an organization that bring books about economic and global justice, civil rights and environmental health and literature to communities that don't have easy access to them, with reviewing corporate documents and obtaining tax-exempt status.

#### *StoryCorps Contract*

#### **Simpson & Thacher & Bartlett**

*Edward Lee*

The firm is reviewing a contract for StoryCorps, a national project hoping to instruct and inspire people to record each others' stories in sound.

#### *United Generations of Women*

#### **Debevoise & Plimpton**

*Ilana Blass*

The firm is helping the United Generations of Women, an organization that brings together at-risk women and girls through innovative intergenerational programs, to incorporate and obtain tax-exempt status.

#### *Urban Mana*

#### **Stroock & Stroock & Lavan**

*Leonid Bronfman, Sahra Dalfen, Alison Pearsall*

The firm is helping Urban Mana, a community-based organization, established in 2001 to creatively address root causes of socio-economic inequality in New York City, to incorporate and obtain tax-exempt status.

#### *Vital Theatre Company*

#### **Alan Gordon**

Mr. Gordon is reviewing a lease for Vital Theatre Company, an award-winning off-off-Broadway theatre company.

## Special Education Matters

#### *Matter of Asia D.*

#### **Skadden, Arps, Slate, Meagher & Flom**

*Amy Impellizzeri*

The firm is representing Asia D., a 10-year-old girl with significant learning disabilities, in an administrative hearing.

#### *Matter of Danny M.*

#### **Patterson, Belknap, Webb & Tyler**

*Cecilia Loving*

The firm is representing Danny M., a 20-year-old man with autism, in an administrative hearing to seek compensatory education.

#### *Matter of Dovid-Moishe D.*

#### **Mayer, Brown, Rowe & Maw**

*Kim Michael*

The firm is representing Dovid-Moishe D., a student with special needs, in an impartial hearing to seek funding for his private school tuition.

#### *Matter of Emel S.*

#### **Weil, Gotshal & Manges**

*Michele Lamberti*

The firm is representing Emel S., a 10-year-old girl with learning disabilities, to seek funding for a private school.

#### *Matter of Jose F.*

#### **Dechert**

*Tracy Cahill, Nelson Boxer*

The firm is representing Jose F., a 16-year-old high school student with a history of significant trouble

in school since third grade, at an administrative hearing to compel the DOE to pay for Jose to attend private school.

#### *Matter of Oscar S.*

#### **Stroock & Stroock & Lavan**

*Adam Ross, Robert Lewin*

The firm is representing Oscar S., an 11-year-old boy with a multiple disabilities, in an impartial hearing requesting special services to meet his needs.

#### *Matter of Rasely V.*

#### **Stroock & Stroock & Lavan**

*Jessamy Thomison*

The firm is representing Rasely V., a student with special needs, in an impartial hearing to seek funding for his private school tuition.

#### *Matter of Robert R.*

#### **Heller Ehrman White & McAuliffe**

*Sebastian Jerez, Lenor Marquis*

The firm is representing Robert R., an eight-year-old boy diagnosed with a learning disability and ADHD in an impartial hearing requesting a small, special education class.

#### *Matter of Sherley R.*

#### **Debevoise & Plimpton**

*Darlene Routh*

The firm is representing Sherley R., a student with special needs, in an impartial hearing to seek funding for her private school tuition.

## Housing Access Matters

#### *Matter of Margaret O.*

#### **Clifford Chance US**

*David Butler, Shephard Melzer, Monty Steckler*

The firm is representing Margaret O., a woman with Multiple Sclerosis who moved into a co-op apartment building with few parking spaces in a case against the board of directors.

NYLPI would like to thank member firm **Skadden, Arps, Slate, Meagher & Flom** for the generous donation of cds containing the forms required to file for guardianship as part of the firm's continuing commitment to the Guardianship Partnership Project. This project provides workshops for parents of adults with disabilities who need to file for guardianship of their children. Skadden donated 250 cds, which will be used around New York State.

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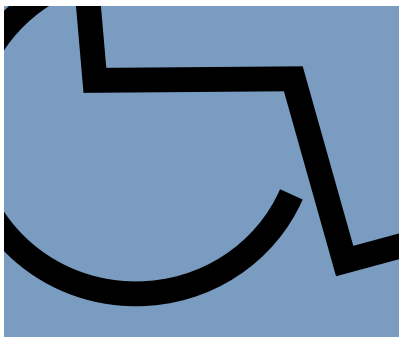
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## Special Education Manual Now Available!

To help the many *pro bono* attorneys who take on Special Education cases through NYLPI's Clearinghouse each year, NYLPI staff has compiled an orientation manual that offers procedural and substantive guidance. Staff Attorneys at NYLPI are available for mentoring on these cases, but the manual is an excellent new resource in this area. It is available for free by contacting Kim Sweet, NYLPI Associate General Counsel, at [ksweet@nylpi.org](mailto:ksweet@nylpi.org).

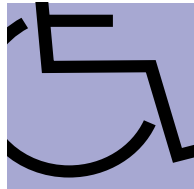
# In-House Update

## The Disability Law Center

**Doe v. Interfaith Medical Center:** NYLPI and **Debevoise & Plimpton** filed a case in the Eastern District of New York on behalf of John and Jane Doe, each of whom are deaf. The case concerns Interfaith Medical Center's failure to provide sign language interpretation to the Does during Jane Doe's 9-day hospitalization for mental health treatment. The Plaintiffs won a favorable ruling on a motion for anonymity, which the hospital had opposed.

**West v. Whitehead:**

After years of investigating incidents of abuse and neglect, NYLPI decided to launch the "PADD Damages Project." The rationale behind the project is that the state should share an interest in developing systems of accountability for supervision in residential facilities and for investigating and disciplining abusive employees. Also, if we could bring them to the bargaining table to work together on a systemic solution, we might be able to remedy a seemingly intractable and complex problem. This winter, NYLPI filed the first suit, *West v. Whitehead*, in which an employee in a residential facility beat Ms. West with a hanger, but was not fired or permanently removed. Instead, it was the resident who was forced to move to another house for safety. In response, the state has agreed to come to the bargaining table to try to develop a systemic remedy.



**De-Institutionalization of People with Developmental Disabilities:**

NYLPI is investigating the inappropriate placement of individuals with developmental disabilities in nursing homes.

- NYLPI is working to meet the immediate needs of foster children with disabilities inappropriately placed in Bayview, a nursing home; coordinating with the relevant state agency to try to get better placements for some of the children; and meeting with officials in the foster care system to ensure that children are not placed in restrictive nursing homes unless it is medically necessary and the least restrictive alternative.

- NYLPI staff visited Rutland Nursing Home, a part of Kingsbrook Jewish Medical Center in Brooklyn, to investigate a complaint and found a

pediatric unit where approximately 20 children are residing. The children seemed to have various disabilities and varying degrees of function. Beyond the pediatric unit, we learned of approximately 15 adults with developmental disabilities also residing within Rutland's geriatric population. None of the adults seemed to be attending off-site day programs and at this time it is still unclear as to how much programming the facility provides for this population. NYLPI is continuing its investigation, focusing on the process that is leading to the placement of people with developmental disabilities in Rutland, why the residents are not being discharged to less institutional settings, how often non-school activities are provided to these residents, and how frequently residents have access to fresh air.

- NYLPI is reaching out to family members of residents of two units at Coler/Goldwater Memorial Hospital to discuss their placements, the availability of day programs, access to fresh air, and other issues.

**Disability Advocates, Inc. v. Pataki:**

NYLPI and several co-counsel, including Paul Weiss, continue discovery, aiming to compel New York State to provide people who are mentally ill with the choice of going to housing that is less segregated from the community at large than it now provides to the thousands living in adult homes. NYLPI took the lead in a discovery fight and achieved success - this time on access to state data on the diagnoses, functional abilities, etc., of people who live in adult homes and in other more integrated kinds of housing.

**IDEA Comments:**

The Individuals with Disabilities Education Act, which governs the provision of educational services to children with disabilities, was reauthorized and amended in December 2004. Both the federal and state governments are preparing to propose regulatory changes to comport with the statutory reforms. In February and March, NYLPI submitted formal comments to both levels of government on initial ideas and concerns relevant to the new regulations.

**Williamsburg Transition Task Force:**

The Williamsburg Transition Task Force was formed last year by NYLPI with United We Stand of NY to improve transition services for high school students with disabilities in Williamsburg, Brooklyn. Currently, the Task Force is exploring ways to connect students with businesses in the Williamsburg community that are able to give students internship opportunities. One business has already been identified as willing to provide opportunities to students. Initially, it is hoped that the task force will identify internship opportunities for approximately fifteen to twenty students.

**Educational Cases and Robert T.:**

NYLPI staff continue to provide direct services to scores of individual clients, particularly on a range of education-related issues. NYLPI staff are filing a notice of claim on behalf of Robert T, a 15-year-old boy with mental illness who attends school at Hawthorne Cedar Knolls. In January of this year, Robert was beaten by school security guards in a "quiet" or "time out" room at the school.

**Voting Rights:**

Congress passed the Help America Vote Act of 2002 (HAVA) in order to address many of the perceived problems with the 2000 Presidential elections. Among other things, it provides millions of dollars to each of the states in order to allow them to upgrade voting machines and polling sites so that people with various kinds of disabilities can vote independently and confidentially. NYLPI has worked with advocates across the state and in New York City to ensure full compliance with the federal mandates, testing machines, drafting legislation, and suggesting areas for educating poll workers and the public on how to use new voting systems as they are put into operation across the state. NYLPI has also become a voter registration site for walk-in clients with disabilities, and will begin efforts to ensure that people with disabilities who live in group homes, hospitals and other institutions are provided the opportunity to vote.

**Brad H. v. City of New York:**

The *Brad H.* settlement requires proper discharge planning so jail inmates with mental illness can continue their care after release to the community. In January and February, the City argued that those so sick that they are transferred to "prison wards" in the city hospitals are not covered by the settlement. Meanwhile, the NYLPI and co-counsel **Debevoise & Plimpton** and the Urban Justice Center are moving toward enforcement litigation, since compliance with the settlement in many respects appears to be so poor. As an unexpected benefit from compliance litigation, the court ruled that a state provision for temporary benefits in cases of apparent eligibility and immediate need applies to Medicaid as well as cash public assistance. The Appellate Division affirmed, and in December the Court of Appeals denied leave. This holding will benefit not only inmates about to be released from jail, but poor people generally who are in immediate need of Medicaid coverage, and we are publicizing it accordingly.

**Sign Language Interpretation in the Foster Care System:**

For several years, NYLPI has conducted an on-going investigation into whether the City's foster care system has failed to provide sign language interpreters to parents

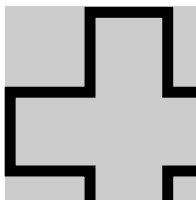
and children who are deaf. Having worked on several cases where the Administration for Children's Services (ACS) has failed in this regard, NYLPI staff and lawyers from **Patterson, Belknap, Webb & Tyler** have scheduled a meeting with the new commissioner of ACS, Commissioner Mattingly, to discuss how to ensure that ACS provides interpreters to people who are deaf more efficiently and effectively.

**Durable Medical Equipment:** In response to a number of complaints about denials of requests for durable medical equipment (DME) from Medicaid, NYLPI is conducting outreach to spread the word to health care providers that they should properly document requests for DME from Medicaid. NYLPI is also working to make certain that families of children who are denied DME request administrative hearings and are able to present adequate evidence to have the greatest chance of success at these hearings.

### Access to Health Care

#### Language Access:

NYLPI continues to partner with the New York Immigration Coalition, the Legal Aid Society, and community groups in Brooklyn and Queens to survey the availability of interpreter services in hospitals. This month, NYLPI and its partners filed a complaint with the Civil Rights Bureau of the Attorney General against a network for failing to provide language access at its sites. NYLPI and area community groups are also in discussions with Columbia-Presbyterian regarding translation and interpretation services.



**C.A.R.E.S.:** Over the past six months, NYLPI has been working with the Community Alliance to Retain Equitable Services (C.A.R.E.S.), a coalition of community-based groups in Queens, Staten Island, and Brooklyn that are fighting to keep needed health services in their neighborhoods. NYLPI also began to facilitate a newly formed coalition of clergy, community-based organizations, and health care advocates in Brooklyn called the Committee to Save Our Hospitals. The Committee held a Community Call to Action Forum on January 20th, 2005, which was attended by more than 100 community residents, representatives from community-based organizations, clergy, and, local, state and federal elected officials. In recent months, the Committee has convened two meetings with Kingsbrook Medical Center and St. Mary's Hospital of the St. Vincent's Catholic Medical Center network. The hospitals have been

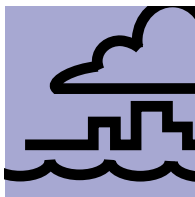
responsive to the Committee's concerns about the pending sale of St. Mary's to Kingsbrook and have agreed to work with the community in the planning of the details of the transfer to ensure that much needed services remain in the community.

### Environmental Justice and Community Development

**Solid Waste:** NYLPI's EJ Project has been advocating for an equitable solid waste management system for many years. Announced by the Mayor at the end of 2004, a new solid waste management plan is being finalized by the City. NYLPI has been actively working with local executive agencies, legislative officials, and others to ensure this new plan provides environmental justice for communities of color overburdened by land-based transfer stations. This month, NYLPI is working with community residents from across the city, who are meeting with their local elected officials about the handling of New York City's waste. (See Page 1 for more on this important issue.)

#### Bushwick Brownfields:

NYLPI has been working with the Coalition for Community Improvement in Bushwick (CCIB) to ensure that community residents have a voice in the future of community development in their area. This winter, the Family Services Network of New York agreed to play a leading role in the coalition. The CCIB has also been developing a very positive working relationship with Community Board #4, and the CCIB and CB #4 are planning a joint effort to get more Bushwick residents involved with the 1974 planning process in their community.



**"Toxic High" in Soundview:** NYLPI has been working with the Concerned Residents Committee in Soundview, raising questions about the failure of the School Construction Authority to conduct a proper environmental review before locating a school on a former electronics site in the Bronx.

### Special Projects

**The National Campaign to Restore Civil Rights:** The National Campaign to Restore Civil Rights is pleased to welcome Rebecca Bauer, who is applying her extensive experience as a website producer to her new job as the Campaign's website coordinator. The website will serve as a clearinghouse of information about the rollback of civil rights in the courts,

including educational and informational tools and materials, a calendar of events, news articles, links to other websites, and resources. The Campaign will launch the site at the end of April, at <http://www.rollbackcampaign.org>.



NATIONAL CAMPAIGN TO RESTORE CIVIL RIGHTS

**Policing:** NYLPI continues to work on a multi-faceted approach to improve police interactions with underrepresented communities, and particularly people with disabilities.

■ In *Cerbelli v. City of New York*, a case challenging police methods for interacting with people with mental illness, we have retained and disclosed information about three experts, including John Pritchard III, a former New York City Police Department First Deputy Police Commissioner, who will cover policing issues; Dr. Katherine Falk, the founder of an organization that provides pro bono psychiatric services to the homeless, who will provide psychiatric expertise; and a forensic scientist. The Defendants have not yet decided whether to use experts in the summary judgment phase of the case, and seem to be attempting to delay the schedule for motions and trial. At our last conference, the Court agreed that an expedited schedule should be set due to the hardship of this delay on Ms. Cerbelli, the deceased victim's mother.

■ Through the Community Oversight of Policing Project (COPP), we continue to train students from Columbia Law School and other law schools on client interviewing, counseling, and advocacy. These students have enjoyed the opportunity to represent victims of police misconduct before the Civilian Complaint Review Board (the CCRB), and to learn about the policy questions at issue through *pro bono* presentations offered by members of the New York City Policing Roundtable.

■ Amanda Masters, a senior staff attorney, has been appointed to the Board of Directors of the National Police Accountability Project (NPAP), a nonprofit organization dedicated to ending police abuse of authority through coordinated legal action, public education, and support for grassroots and victims' organizations combating police misconduct. In October, she edited a best practices model that is in development by NPAP. This spring she will be giving a presentation in Boston with nationally known experts on police misconduct litigation (from plaintiffs' and defendants' sides) at the NPAP CLE, "Representing People with Mental Illness: Fourth Amendment and Americans with Disability Act Claims."

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