

PRO BONO MATTERS

Clifford Chance Partners with NYLPI to Advocate for Housing Access

Member firm **Clifford Chance US** has been partnering with NYLPI for the past year on a new Housing Access Project (HAP). This signature project was created to obtain and improve housing access for people with disabilities.

The partnership was created after NYLPI's intake department was flooded with requests from low and moderate income people with disabilities who were living in inaccessible private housing. NYLPI reached out to member firms for support in tackling these cases.

Clifford Chance jumped at the opportunity, and their dedication to this important work has been unwavering. The tremendously successful partnership between NYLPI and Clifford Chance demonstrates the effectiveness of signature projects in assisting many clients who urgently need assistance, while developing expertise in a specific area of the law within a firm. Training and advice is

provided to attorneys on an ongoing basis by NYLPI Senior Staff Attorney Dennis Boyd.

NYLPI has referred a series of matters to the firm, which have been staffed by attorneys from both corporate and litigation departments. In these varied cases, attorneys have advocated with owners, co-op boards, and management companies. If settlement cannot be reached, they have sought relief from administrative agencies and through the court system. The administrative agencies include the New York City Commission on Human Rights, the New York State Division of Human Rights, and the U.S. Department of Housing and Urban Development. "The HAP team project offers an excellent opportunity for junior associates to draft complaints and litigate in administrative hearings, as well as develop negotiation skills," said Warren Feldman, the part-

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National Campaign to Restore Civil Rights

This spring marks the fiftieth anniversary of the Supreme Court's ruling in *Brown v. Board of Education*. This landmark decision and the Constitutional protections of civil

series of 5-4 decisions in cases such as *Garrett v. University of Alabama*, *Alexander v. Sandoval*, and *U.S. v. Morrison*, the Supreme Court has enhanced the power of the states and shielded them from liability under civil rights laws, limited the private citizen's right to go into court to enforce the law, and raised significant questions about the powers of Congress to legislate in this area. Numerous other novel attacks on civil rights laws are percolating in lower courts and gaining momentum.

NYLPI has worked with a number of the nation's top civil rights practitioners, organizers and academics to spearhead an effort called the National Campaign to Restore Civil Rights. Housed at NYLPI, the Campaign brings together representatives from women's rights, racial justice, disability rights, environmental justice, language rights, worker's rights, and other stakeholder organizations.

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THE FILM, TAKE BACK THE COURTS, IS FREE AND AVAILABLE BY EMAILING rollback@nylpi.org

rights that followed have been threatened in recent years by what the advocacy community is calling the rollback of civil rights. In a



(“HOUSING ACCESS...” CONTINUED FROM PAGE 1)

ner in charge of *pro bono* at Clifford Chance.

In one matter, attorneys at Clifford Chance represent William D., who has a complex neurological disorder. Mr. D. was seeking three accommodations from his co-op board: permission to have a companion animal, installation of an electronic door, and a handicapped parking space. The Clifford Chance team obtained the first two accommodations by writing letters to the co-op board and negotiating with the board’s attorney. They continue to advocate on Mr. D’s behalf for the parking space and may soon be compelled to file suit.

Because the team has addressed a variety of housing access issues, they are amassing a large body of relevant knowledge, which they are putting into a research memo, to serve as a resource for their attorneys working on future HAP cases. “We’re working hard to develop both substantive expertise in the area, and a body of collective experience that we can all draw on to develop the best strategies for getting good results for our clients,”

said Steven Schwartz, a partner at Clifford Chance who is supervising the project.

“Clifford Chance has been a wonderful partner in fulfilling the needs of many people with disabilities who seek to be able to use and fully enjoy their apartments,” Dennis Boyd says. “Without Clifford Chance’s assistance, we would not have been able to preserve homes for many people with disabilities who have little or no options in New York City’s ever-tightening housing market.”

Clifford Chance Housing Access Team

Warren Feldman, Partner
Shepard Melzer, Partner
Steven Schwartz, Partner

William Bocra
Grant Buerstetta
Thomas Carroll
Marye Cherry
Jeffrey Drichta
Thomas Filardo
Douglas Gibson
Amy Halpert

Elizabeth Lynch
Alina Pastiu
Moirra A. Reilly
Teresa Schiller
Lisa Shryer
Zachary Sturges
Tara Swidler
Matthew Tasto

The US Supreme Court recently ruled in *Tennessee v. Lane* to uphold the rights of people with disabilities, in a critical case addressing the ability of private citizens to challenge a state in federal court on a violation of the Americans with Disabilities Act. The Court ruled 5-4 that Mr. Lane, who uses a wheelchair, had a right to damages from the state of Tennessee after he was forced to crawl up the stairs of the courthouse for his court appearance.

About NYLPI

New York Lawyers for the Public Interest (NYLPI) was created in 1976 to address the unmet legal needs of disadvantaged New Yorkers. NYLPI finds unique ways to tackle the problems faced by low-income and underrepresented people throughout New York City using two complementary approaches:

1. NYLPI’s in house legal program provides advocacy, organizing, and legal services to low-income and underrepresented communities in three areas: disability rights, environmental justice, and access to health care.
2. Our *Pro Bono* Clearinghouse provides not for profits and community groups with free legal assistance on a wide range of issues by drawing on hundreds of volunteer lawyers from more than 80 of New York’s most prestigious law firms and corporate legal departments.

PRO BONO MATTERS SUMMER 2004

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Elexia P. Urrea, DLC and Health Organizer
Denise P. White, Executive Assistant
Janette Wipper, Staff Attorney
Pauline H. Yoo, Staff Attorney



New Board Chair Elected

Sharon Y. Bowen, a partner in the corporate department at **Latham & Watkins**, begins her tenure as NYLPI Board Chair on June 23, 2004. Sharon succeeds Kent Stauffer, of AIG, the current Chair, who said, "I am very excited by the prospect of Sharon's leadership of this great organization. She has been an active and enthusiastic member of our Board, serving as Secretary and a member of the Executive Committee prior to her selection as Chair-Elect. She brings to this position both experience and a commitment to public interest law."

At Latham, she represents corporations and financial clients on a broad range of corpo-

rate, finance and securities transactions. Sharon received her JD from Northwestern University in 1982, as well as an MBA from the Kellogg Graduate School of Management in the same year. She earned a BA, with distinction, from the University of Virginia. Sharon has been a committed member of NYLPI's board since December of 1992. She said of NYLPI, "I am deeply honored to serve as Chair of this tremendous organization. It exemplifies our profession's obligation to provide *pro bono* representation at the highest level of excellence."



Sharon has served on various city, state and national bar association committees, including the Bar Association of the City of New York Committee on Corporation Law, the New York State Bar Association House of Delegates and Committee on Minorities in the Profession and the American Bar Association House of Delegates and Conference of Minority Partners at Majority Firms. She also serves as a member of the board of directors of Harlem School of the Arts, the New York City Economic Development Corporation, UrbanAmerica, Inc., and is on the Advisory Counsel of the New York Women's Bar Association Foundation, and the Northwestern University Law Board.

("NATIONAL CAMPAIGN..." CONTINUED FROM PAGE 1)

The Campaign is not intended to duplicate the work of other organizations, which have developed well-defined approaches to litigation and advocacy, state or federal reform, or judicial nominations. Instead, the Campaign creates an opportunity for sharing information across these activities. Given the dearth of information available to the public about the rollback of civil rights and the highly technical language used by the courts in these cases, the Campaign has prioritized the development of a public education effort, to provide information to people across the country with a stake in the future of civil rights laws and civil rights enforcement. For the last three years the Campaign has convened monthly conference calls to strategize, exchange information and offer support to each other's projects.

The Campaign has also organized three significant conferences. The first one was the National Strategy Conference, which took place in the fall of 2002 at Columbia Law School and was attended by more than 300 people. In the summer of 2003, the Campaign convened a message and media retreat in Washington D.C. The most recent gathering took place last February at Columbia Law School. The one-day program

included some of the top civil rights attorneys and educators in the country, who focused on the most effective way to enforce federal rights in light of recent court decisions.

The Campaign's website will launch later this year. The Campaign also commissioned a film entitled "Take Back the Courts," which was created for the Campaign by award winning filmmaker Stanley Nelson at Firelight Media. The film has been shown to conferences, student groups and other gatherings across the country, and is provided free of charge to advocacy organizations. The Campaign's book committee has also recently signed a contract with Carolina Academic Press to publish a book that will outline strategies to address the rollback. As has been the case since its inception, the Campaign continues to support the work of the many organizations fighting the rollback, including the Leadership Conference on Civil Rights, the work of disability rights and civil liberties groups, state efforts to pass waivers of sovereign immunity (which would make the states accountable for violations of the Americans with Disabilities Act and the Age Discrimination in Employment Act), and organizations working for a fair and moderate federal judiciary.

Member firm **Debevoise & Plimpton** has donated \$125,000 to NYLPI from legal fees earned as co-counsel in *Brad H. v. City of New York*. *Brad H.* resulted in a landmark settlement, with the City agreeing to provide discharge planning for inmates with mental illness who are released from the City's jails. This generous gift will be directed to NYLPI's Access to Health Care program, which strives to improve access to health care for New York's most vulnerable populations. In addition to serving people with disabilities, the Access to Health Care program assists people with limited English language proficiency and recent immigrants. "Our collaboration with NYLPI has been incredibly successful, on *Brad H.* and on other matters as well," Chris Tahbaz, a partner at Debevoise and NYLPI Board member, said. "We are happy to donate a portion of our *Brad H.* fees to further NYLPI's important work advocating for the rights of underrepresented communities in New York."

To participate in the campaign, e-mail rollback@nylpi.org or contact Chris Johnson, the Campaign Coordinator.

Anniversary Day of Service for NYLPI Staff

NYLPI staff and volunteers celebrated 27½ years of dedication to the public interest with a day of service, through Habitat for Humanity.

Together, staff spent a day helping to construct a building in Harlem that will house 10 families. The building is part of Habitat-NYC's Green Housing Project, and it will be EnergyStar efficient, using 30% less energy than other new construction.

Carin Horowitz, Disability Rights Advocate, said, "It was a great experience: a chance for NYLPI staff to work together toward a common goal that really speaks to what we try to do in our work."

NYLPI is excited to welcome two new staff members!

Gabriel Dusenbury, Program Associate
Janette Wipper, Staff Attorney

We are also delighted to welcome the 2004 summer interns:

Anthony Cecutti—Brooklyn Law School
Fabiana Esposito—George Washington University Law School
Rommel Gallo—Columbia Law School (Schulte, Roth & Zabel fellow)
Catherine Hodgetts—University of Maryland Law School
Rachel Kleinman—Fordham University School of Law
Brian Murphy—Columbia Law School
La-Verne Parris—Hofstra University Law School
Michelle Torres—Columbia Law School (Schulte, Roth & Zabel fellow)



NYLPI STAFF CELEBRATING 27½ YEARS OF DEDICATION TO THE PUBLIC INTEREST AT A HABITAT FOR HUMANITY SITE IN HARLEM.



KIM SWEET, ASSOCIATE GENERAL COUNSEL, AND YESENIA GUTIERREZ, STAFF ATTORNEY



MICHAEL ROTHENBERG, EXECUTIVE DIRECTOR; LIANA HARPER, LEGAL ASSISTANT; BENARDETTE McEVOY, DISABILITY RIGHTS ADVOCATE; AND AMANDA MASTERS, STAFF ATTORNEY

NYLPI and White & Case Reach Settlement Agreement with Parkway Hospital

In early May, NYLPI and co-counsel **White & Case** announced that they reached settlement agreements on behalf of Norman Posner and Queens Independent Living Center (QILC) with Parkway Hospital in Queens that require Parkway to provide effective communication to patients with hearing impairments. Parkway has installed an audio-video conference system to ensure prompt access to interpreters, and also has agreed to supply live interpreters when a patient requests one.

In 2001, Norman Posner rushed his wife, Sarah, to the emergency room of Parkway Hospital in Queens. Upon arrival, the Posners, both of whom have been deaf since birth, requested that the hospital provide a sign language interpreter. The Posners spent more than five hours in the emergency room, during which time Parkway never provided an interpreter. Sarah Posner was admitted later that day to Parkway's Coronary Care Unit. As Mrs. Posner was seriously ill, the hospital requested that her husband make medical decisions on her behalf. Mr. Posner and his family repeatedly requested that the hospital provide a qualified sign language interpreter so that he could understand his wife's medical condition and make informed decisions about her treatment. Instead, Parkway insisted on using a physical therapist, who was far from fluent in American Sign Language and only knew a few signs, as the family's interpreter for complex medical information.

Sarah Posner was discharged from Parkway two months after she was admitted and transferred into a nursing home. She passed away shortly after being admitted to the nursing home. In filing this suit, Mr. Posner said, "I want a policy in place that would meet the needs of future deaf patients so that

they won't have to go through the suffering and agony that I went through."

Communication is essential for any patient needing health care, but patients who are deaf or hard of hearing are often denied effective communication by hospitals and health care providers, impeding these patients' ability to participate in their own medical care. The settlement agreements in this case originated with a complaint filed in federal court on September 27, 2002 by NYLPI and White & Case on behalf of Norman Posner and QILC, alleging that Parkway violated the Americans with Disabilities Act (ADA) and other laws, and that the lack of interpretation

"I'm thrilled that Parkway has agreed to provide interpreters to people who are deaf," said Norman Posner.

prevented Mr. Posner from obtaining information about his wife's medical diagnosis and treatment. The lawsuit sought injunctive relief to prevent future violations of the law as well as compensatory damages. The U.S. Department of Justice also filed claims.

"Norman Posner needed a qualified sign language interpreter so he could understand his wife's medical condition and make medical decisions on her behalf. Parkway failed to provide a qualified interpreter, depriving Mr. Posner of his fundamental right to participate in his wife's medical care," said Michael Silverman, an attorney at NYLPI who negotiated the agreements with Parkway.

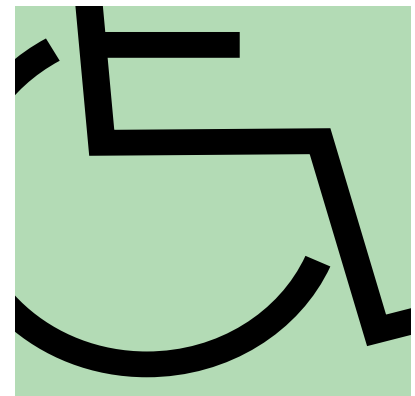
"We are delighted to have achieved with New York Lawyers for the Public Interest such a just result through settlement for the Posners, QILC and all patients who are deaf or hard of

hearing and their family members," said Allison White of White & Case, co-counsel for the Posners and QILC.

Under the agreements, Parkway will:

- ensure that auxiliary aids and services, including qualified interpreters, are available to patients with hearing impairments;
- evaluate patients and/or companions with hearing impairments to determine whether auxiliary aids and services are necessary for effective communication;
- provide ADA training programs for staff having contact with patients or companions with hearing impairments; and
- pay \$100,000 to Norman Posner, and an additional \$25,000 to Mr. Posner's adult children.

"These agreements are a giant step forward for people with hearing impairments seeking equal access to health care," said Lucy Birbiglia, Executive Director of QILC.



Best Practices

“Best Practices,” a regular column in *Pro Bono Matters*, highlights innovative systems or methods that assist firms to expand their *pro bono* programs, become more effective or improve *pro bono* client relations.

Mandatory Pro Bono Shearman & Sterling

In New York State, *pro bono* is not mandatory, but is rather “aspirational.” Attorneys are encouraged to devote time and resources for the work and are commended for doing so. Most firms in New York and across the country follow suit and leave *pro bono* work and the values that inspire it up to the individual. In 1980, the American Bar Association rejected a proposed mandatory *pro bono* rule, but elected to encourage lawyers to volunteer more services to the indigent. The ABA’s model rule encourages lawyers to render 50 hours of *pro bono* work.

Recently, NYLPI member firm **Shearman & Sterling** instituted a mandatory *pro bono* policy across their U.S. offices, requiring that each attorney spend at least 25 hours per year on *pro bono* work. An attorney’s *pro bono* work is also taken into account in the review process. This policy is intended to encourage *pro bono* activity and to formalize the firm’s long-standing tradition of *pro bono* work. It is emblematic of the firm’s belief that *pro bono* should be an important aspect of one’s career at the firm and that it is a part of being a well-rounded attorney.

About the new policy, Shearman’s Senior Partner David Heleniak says, “We are committed to improving our track record in *pro bono* and are extremely pleased to report that last year our numbers were up 56%. As a global law firm, we are able to lend assistance and have an impact in areas such as the International Criminal Tribunal for Rwanda — efforts that transcend national boundaries.”

One distinction between this policy and many firm-wide *pro bono* pledges is that a firm-wide pledge allows the firm to aggregate the *pro bono* hours spent firm-wide rather than requiring every attorney to render service. Mandatory *pro bono* policies may help firms to distribute *pro bono* work across the firm instead of relying on a small coterie of public-interest-minded associates. Opponents of mandatory *pro bono* policies suggest that lawyers should come to the work through a genuine desire to volunteer their time.

The debate about mandatory *pro bono* has taken place not just at firms and on the state bar level, but also at law schools. Columbia Law School and a small handful of others across the country now require students to undertake *pro bono* work during law school.

By instituting the policy Shearman hopes to distinguish themselves as a top-tier contributor to *pro bono* causes and expose their lawyers to new and different opportunities and experiences.

Pro Bono Works — Chadbourne & Parke

Pro bono attorneys Anne-Marie Shelley and Sheila Peluso at member firm **Chadbourne & Parke** have made a continuing commitment of time and legal expertise to a new foundation dedicated to helping children in Jamaica.

“Anne-Marie’s and Sheila’s work will continue into the future to make a contribution to society in which we can all take pride,” said Thomas Bezanson, a partner at Chadbourne and NYLPI Board member. “This is another excellent example of how the opportunities provided by NYLPI create significant benefits. Affirmative, cooperative efforts such as this are particularly inspiring.”

The Rockhouse Foundation is a group working on behalf of children in rural and inner city Jamaica. The owners and friends of the Rockhouse Hotel in Negril, Jamaica established the foundation. Specifically, Rockhouse works with a school in the community surrounding the hotel, the Negril All-Age School. Most recently the group completed a reading room at the school, funding the purchase of materials and labor.

Rockhouse approached NYLPI in the fall of 2003, hoping to formalize and expand their fundraising capacity by creating a New York nonprofit. They were also interested in a longer-term relationship with an attorney, hoping to find someone who would serve as *pro bono* general counsel. Chadbourne attorneys Anne-Marie Shelley and Sheila Peluso were excited by the opportunity to work with a client in a more extended way. “It is very rewarding to become involved with a client

such as Rockhouse because we can assist the group with its short-term and long-term legal needs and see tangible results as Rockhouse pursues its mission,” said Sheila.

Anne-Marie and Sheila began by incorporating the Rockhouse Foundation and just received word of their tax-exempt status. They also held the organizational meeting of the Board of Directors, on which Anne-Marie serves, as part of her commitment to the important work of the foundation.

“The Chadbourne team has been amazingly supportive,” said Paul Salmon, Rockhouse Foundation President. “They have brought skills to the table and have made the whole process straightforward.”

“It is a real opportunity for us to use our skills as attorneys for the benefit of such a great cause,” said Anne-Marie.



ANNE-MARIE SHELLEY,
COUNSEL AT CHADBOURNE & PARKE



SHEILA PELUSO,
ASSOCIATE AT CHADBOURNE & PARKE

NYLPI Nominees Win 2004 New York State Bar Association President's Pro Bono Awards



C. BRUCE LAWRENCE, CO-CHAIR OF THE PRESIDENT'S COMMITTEE ON ACCESS TO JUSTICE; CARRIE GRIMM, PRO BONO COORDINATOR AT CLEARY, GOTTLIEB, STEEN & HAMILTON; STEVEN B. HOROWITZ, PARTNER AT CLEARY, GOTTLIEB, STEEN & HAMILTON; A. THOMAS LEVIN, PRESIDENT OF THE NEW YORK STATE BAR ASSOCIATION



C. BRUCE LAWRENCE, CO-CHAIR OF THE PRESIDENT'S COMMITTEE ON ACCESS TO JUSTICE; SARALYN COHEN, PRO BONO ATTORNEY AT SHEARMAN & STERLING; A. THOMAS LEVIN, PRESIDENT OF THE NEW YORK STATE BAR ASSOCIATION

The New York State Bar Association President's Pro Bono Service Awards were created 14 years ago to honor law firms, law students and attorneys who have provided outstanding pro bono service to low income people. Each year, awards are given to one individual from each of New York's judicial districts and to one large firm. NYLPI, Lawyer's Alliance for New York, and the Legal Aid Society joined together to nominate Saralyn Cohen for the 1st District award and Cleary, Gottlieb, Steen & Hamilton for the large firm award.

Saralyn Cohen, 1st District

Saralyn Cohen, the Pro Bono Attorney at member firm **Shearman & Sterling**, has worked tirelessly to promote numerous cooperative *pro bono* efforts. Raising the level of *pro bono* work and collaboration both within and outside her firm, Saralyn initiated a partnership geared towards educating and assisting community-based HIV/AIDS service providers, instituted a *pro bono* ethics training program for law

firms and public interest organizations, and created a network of New York City *pro bono* coordinators. She also has continually represented those impacted by the World Trade Center tragedy, as part of the coalition of law firms created by NYLPI, helping 14 surviving families navigate their legal rights.

Cleary, Gottlieb, Steen & Hamilton, Large Law Firm

Cleary, Gottlieb, Steen & Hamilton's lawyers increased their total number of *pro bono* hours by 16 percent in 2003 over the previous year. Their outstanding work included securing educational opportunities for students in underserved districts, ensuring clients' access to education for special needs students, ensuring access to healthcare for the elderly, protecting the rights of domestic violence survivors, assisting immigrant communities, and representing not-for-profit organizations on community development and affordable housing projects.

NYLPI Staff Joins Health Care Coalition to Lobby in Albany

Stop the inequalities in our health care system! Support legislation that would address the discriminatory practices of our health care system! Health Care for all! These were the messages NYLPI advocates took with them for a lobbying day in Albany this spring. The trip was organized by Bronx Health REACH, a coalition of community based organizations, health advocates and health institutions, clergy and community residents from the Bronx.

Michael Scherz, a senior staff attorney at NYLPI, and Anthony Feliciano, an organizer for NYLPI, attended the lobby day. About 300 people of all ages from the Bronx participated in a rally and joined together in small teams to speak to over 100 legislators from the New York State Senate and New York State Assembly.

Anthony says, "I believe that we need to create a health care system where access is the rule for everybody."

Recently Placed Clearinghouse Matters

2/5/04 to 5/10/04)

(The attorneys listed below took initial responsibility for each matter. NYLPI would also like to thank other attorneys and support staff at our member firms who have worked on these matters.)

Asian Pacific Alumni Association

Swidler Berlin Shereff & Friedman

Melissa Ostrower

The firm is helping the Asian Pacific Alumni Association, a group of SUNY-Albany alumni of Asian Pacific descent, to incorporate and obtain tax-exempt status.

BASIC

LeBoeuf, Lamb, Greene & MacRae

Thomas Koltis, Andjana Pachkova

The firm is helping Brothers And Sisters Combined Unitermy, Incorporated (BASIC), a group dedicated to developing youth leaders by providing community service opportunities and other activities to inner-city children, to review its incorporation and tax-exemption paperwork, as well as to advise it about expansion in other states and appropriate filings for new activities in New York.

Calpulli Mexican Dance Company

Torys

Ivana Mantell

The firm is helping Calpulli Mexican Dance Company, a new performing arts organization aiming to promote Mexican cultural heritage through live performance and community outreach, to incorporate and obtain tax-exempt status.

Center for Constitutional Rights

KMZ Rosenman

Gerry Rosenberg, Cheryl Blum

The firm assisted the Center for Constitutional Rights by providing advice regarding their ability to rent space without jeopardizing their tax-exempt status.

City Project

Stroock & Stroock & Lavan

David Lowden, Tony Nguyen

The firm is helping City Project, a small nonprofit organization that undertakes policy research and analysis, education, advocacy, technical assistance and coalition building around New York City's budget and other fiscal and management issues, to help revise their bylaws.

Class Size Matters

Milbank, Tweed, Hadley & McCloy

Jordan Grant

The firm is helping Class Size Matters, an organization of parents and others dedicated to the goal of

smaller classes in schools, to incorporate and obtain tax-exempt status.

College English Preparation Project

Sonnenschein Nath & Rosenthal

Ira Roxland, Dan Rosenbaum, Stephen Semian

The firm is helping College English Preparation Project, after-school writing workshops in public high schools, to help it incorporate and obtain tax-exempt status.

Friends of the Birth Center

Kelley Drye & Warren

Helen Respass

The firm is helping the Friends of the Birth Center, a new nonprofit working towards establishing a natural childbirth center, with several questions related to HIPAA regulations.

Girls Education and Mentoring Services

Kirkpatrick & Lockhart

Kelly Talcott, Catherine Keenan

The firm is helping Girls Education and Mentoring Services, a nonprofit agency that provides preventative and transitional services to young women, ages 13-21 years, who are at risk for or involved in sexual exploitation and violence, in regards to a video they produced, prior to its distribution.

Homeless Prevention Inc.

Debevoise & Plimpton

Lisa Ono

The firm is helping Homeless Prevention Inc., which plans to help people in danger of becoming homeless by providing rent and utility payment assistance and supportive services, to file for tax-exempt status.

Leadership and Program Resource Institute

Paul, Weiss, Rifkind, Wharton & Garrison

Rachel Harris

The firm is helping the Leadership and Program Resource Institute, which plans to serve nonprofits and faith-based organizations, both domestically and abroad, to help it apply for tax-exempt status.

Legal Information for Families Today

Stroock & Stroock & Lavan

Abby Keppler

The firm is helping Legal Information for Families Today (LIFT), which is dedicated to improving the lives of children and families involved with the New York City Family Court and child welfare systems, with the reviewing of their notices to former employees and their treatment of their part-time employees.

LES Gallery and Café

Willkie Farr & Gallagher

Courtenay Seabring

The firm is helping Moxie Works Café/LES Gallery, a multi-cultural venue on the Lower East Side that



nurtures artists and exhibits a variety of artistic works, to incorporate and obtain tax-exempt status.

Mariachi Academy of New York

Chadbourne & Parke

Scott Berson

The firm is helping the Mariachi Academy of NY, a free music school located in East Harlem, serving kids ages 9-16, to incorporate and obtain tax-exempt status.

Metrofly

Skadden, Arps, Slate, Meagher & Flom

Ashur Kalub, Chad Langley

The firm is helping Metrofly, an organization formed for the purpose of hosting monthly benefit parties, raising funds for worthy causes, to incorporate and obtain tax-exempt status.

M'Finda Kalunga Community Garden

Debevoise & Plimpton

Lisa Ono

The firm is helping M'Finda Kalunga Community Garden, a community garden on the Lower East Side, to change its name.

Mountain of Fire and Miracles Ministries

Chadbourne & Parke

Thomas Hall, Christy Rivera, Jennifer Wilson

The firm is helping Mountain of Fire and Miracles Ministries, a nonprofit church, in a litigation matter.

New York Lawyers for the Public Interest

KMZ Rosenman

Judi Scott, Rob Shmalo

The firm is helping New York Lawyers for the Public Interest (NYLPI) by reviewing lease issues.

Roc-A-Fella Outreach for Children/Team Roc

Skadden, Arps, Slate, Meagher & Flom

Byron Dailey, Albal Dabela

The firm is helping Roc-A-Fella Outreach for Children/Team Roc, an outreach group that works

with children from disadvantaged backgrounds to develop leadership and organizational skills, to incorporate and obtain tax-exempt status.

Rowland Reading Foundation

Schulte Roth & Zabel

Scott Kareff

The firm is helping Rowland Reading Foundation, which provides phonics-based reading materials to early elementary children and supporting research into reading programs, in registering their logo and perhaps to secure rights to some materials they hope to publish.

Women in Islam

LeBoeuf, Lamb, Greene & MacRae

Dennis Huang

The firm is helping Women in Islam, a group of professional women whose work focuses on the empowerment of Muslim women through increasing knowledge and practice of their religion, to obtain tax-exempt status.

Young Lions Educational and Development

Institute

Milbank, Tweed, Hadley & McCloy

David Albert

The firm is helping the Young Lions Educational and Development Institute, which offers mentoring programs, physical fitness courses, tutoring and test preparation and field trips, as well as other enrichment activities for preteen and teenaged Latino and African-American boys in Brooklyn, to incorporate and obtain tax-exempt status.

Federal Benefits Protection Project (FBPP)

Willkie Farr & Gallagher is working with the Legal Support Unit of Legal Services of New York (LSNY) and NYLPI to assist clients who have been overpaid their Social Security and SSI benefits.

Matter of Jacqueline W.

Willkie Farr & Gallagher

Laura Capiello

Matter of Miguel M.

Willkie Farr & Gallagher

Scott Singer

Matter of Nadine S.

Willkie Farr & Gallagher

Caren Van Winkle

Matter of Sharon K.

Willkie Farr & Gallagher

Lara Parker

Special Education Matters

Matter of Bianka W.

Schulte Roth & Zabel

Michael Chernis, Ramona Nicholson

The firm is representing Bianka W., an 11-year-old girl with learning disabilities, to represent her at an administrative hearing to compel the Department of Education to pay the tuition for Bianka's current private school.

Matter of Christopher O.

Heller Ehrman White & McAuliffe

Joseph McLaughlin, Marny Zimmer, Lenor Marquis

The firm is representing Christopher O., a 10-year-old boy with learning disabilities, to represent him at an administrative hearing to attempt to secure placement in a private school.

Matter of Edward R.

Stroock & Stroock & Lavan

Jeong Lee, Jeremy Rosof, Kevin Curwin

The firm is representing Edward R., a 14-year-old boy with severe learning disabilities, in an administrative hearing to secure private school for him.

Matter of Justin P.

Stroock & Stroock & Lavan

The firm continues to represent Justin, an 11-year-old boy with cerebral palsy, in a second administrative hearing in order to secure assistive technology.

Matter of Maximo Q.

Weil, Gotshal & Manges

Michele Lamberti, Stephen Radin

The firm is representing Maximo Q., a child with significant developmental delays, in order to obtain funding for private education.

Matter of Robinson A.

Kelley Drye & Warren

Ada Davis

The firm is representing Robinson A., a 14-year-old boy with a learning disability, in an impartial hearing in order to secure private school for him.

Matter of Sherley R.

Debevoise & Plimpton

Michael Wiles, Darlene Routh,

Evelyn Baltodano-Sheehan

The firm is representing Sherley R., a 16-year-old girl with significant deficits in her language abilities and social skills, in an administrative hearing to secure funding so that she can stay in the private school where she has been extremely successful.

Matter of Whitney H.

Mayer Brown Rowe & Maw

Sarah Slover

The firm is representing Whitney H., a 12-year-old boy with autism, at an impartial hearing to help ensure he receives all the services he requires.

Many thanks to **Morgan, Lewis & Bockius** for organizing a wonderful legal workshop for the 2004 winners of Fleet Youth Entrepreneur Month! Citizens for NYC's Fleet Youth Entrepreneur Month Awards are part of a competitive program that supports and recognizes youth entrepreneurs, promotes youth innovation, increases the number of non-profit organizations supporting youth entrepreneurship, and links youth-run ventures to the many business sectors in New York City. Participants in the workshop received valuable information about their businesses' corporate, tax, and intellectual property needs. Joe McDonald, NYLPI Board Member and Senior Counsel at Morgan Lewis, said, "The panel of *pro bono* attorneys was fascinated to see the variety and complexity of the various business projects undertaken by this year's award winners."

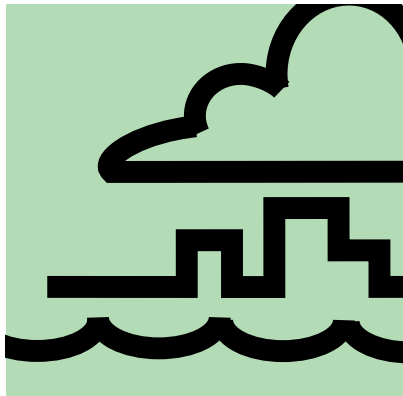
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In-House Update

Environmental Justice (EJ)

OWN v. Department of Sanitation: The Environmental Justice and Community Development Project, on behalf of the



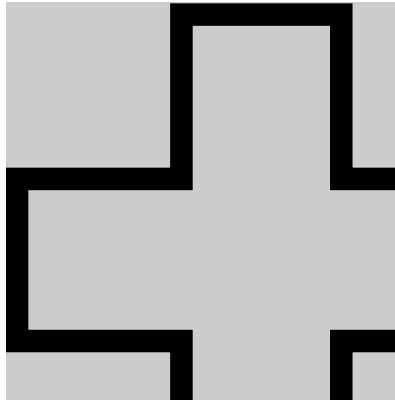
Organization of Waterfront Neighborhoods (OWN) and the Federation of Civic Associations, reached a settlement with Regal Recycling and the Department of Sanitation regarding Regal's application for a 21,600 square foot expansion and four-fold increase in the amount of putrescible waste it handles. In return for OWN's agreement not to challenge Regal's permit, Regal agreed to forgo any future increase in putrescible capacity for two years; to install a bailing system to reduce the truck traffic, odor, and other impacts of the added waste; to re-route trucks to minimize the impact on surrounding residences; and to participate in a process for community monitoring of their compliance. In addition, DOD agreed to issue no variances that would allow waste transfer stations to expand in or enter M1 zones (which are often adjacent to residential zones) until DOS promulgates new siting regulations, and agreed to incorporate most of Regal's commitments as conditions of their operating permit.

Sunset Energy Fleet: The Environmental Justice and Community Development Project, along with a broad coalition of groups, filed comments with the Public

Service Commission opposing Sunset Energy Fleet's resubmitted application to build a power plant barge in Sunset Park. The Public Interest Law Clinic at Columbia University took on the case on behalf of UPROSE (United Puerto Rican Organization of Sunset Park), and recently the Public Service Commission rejected the application, ruling the Sunset Energy Fleet did not submit to the necessary public review and that its application was incomplete at the time of the December 2002 filing deadline.

Access to Health Care

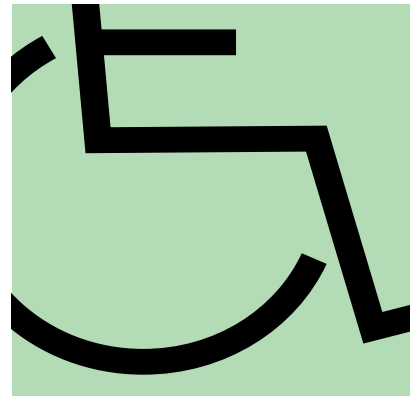
Yousaf: In this case, NYLPI sued a private doctor in Queens for discrimination on the basis of national origin and disability.



Twenty-two year old Murtaza Yousaf, who is of Pakistani national origin and has severe mental retardation, was turned away from a doctor's office six months after September 11 because the doctor would not treat him without first seeing his passport, which he did not have with him at the time. The parties have agreed to the terms of settlement, whereby the doctor has agreed to treat all patients without regard to national origin or disability, and has agreed to pay \$10,000 to Murtaza.

Disability Law Center (DLC)

Disabled in Action, et al. v. Duane Reade: In May, 2001 NYLPI and member firm Fish & Neave filed a complaint in the United States District Court for the Southern District against Duane Reade, alleging that Duane Reade was violating the ADA,



Section 504 and New York City Human Rights Law by blocking use of many of its approximately 250 stores by consumers with mobility impairments. Complaints include inaccessible entrances, counters that are too high, pharmacy and other essential functions located in inaccessible parts of stores, and stock persistently left blocking the aisles. Plaintiffs in the case include Disabled in Action (DIA), an organization with hundreds of members, many of who are mobility-impaired, and nine individual shoppers with mobility impairments. This winter and spring parties have been actively engaged in discussions aimed at settling a range of issues, including signage, counter height, access in bi-level stores, and the accessibility of entrances. We have also begun discovery on the issue of stock in the aisles, about which the parties remain far apart.

A.S.: NYLPI is representing A.S., a 13-year old girl with cerebral palsy who has, since a young age, attended gifted and talented classes. She uses a wheelchair and needs assistance with many everyday tasks. Her Brooklyn middle school provides assistance during the school day, including a paraprofessional who helps with such tasks as note taking and recording answers. Nonetheless, the school has refused to provide her with a note-taker or any other physical assistance to help her complete the two to four hours worth of homework assigned each night, although her Individualized Education Plan (IEP) recognizes her need for such assistance.

Children's Access to Mental Health Care: During the course of Rebecca Price's Skadden Fellowship Project, she has developed a manual to assist parents and

guardians of children in in-patient psychiatric wards with proper discharge planning. This manual will be distributed to parents, guardians, advocates, government agencies and consumers. In an effort to increase mental health care for children from birth to six years of age, Rebecca participates in a task force on early childhood mental health treatment that is developing proposals and initiatives for the expansion of treatment to be presented to the City Department of Health and Mental Hygiene. As part of this Task Force, Rebecca testifies before the City Council Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability services on the Medicaid Neutrality Cap and its effect on services to very young children.

Check out ProBono.Net!

NYLPI has been revising the content available on the disability section of ProBono.Net. If you are interested in disability rights, please consider joining the practice area for access to resources and periodic updates on trainings and issues. You can sign up at www.probono.net/ny/disability.

ProBono.Net seeks to increase access to justice through innovative uses of technology and increased volunteer participation. ProBono.Net has a number of practice areas, ranging from asylum, to the death penalty, to housing.

The disability rights practice area provides a wide array of resources for attorneys working on behalf of people with disabilities, as well as a listing of pro bono opportunities. It covers disability rights issues as they arise in a variety of contexts, including education, housing and employment. The library offers a number of handbooks and publications, while the news section has recent press stories of interest.

Come visit the site!

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