

PRO BONO MATTERS

NEW YORK LAWYERS FOR THE PUBLIC INTEREST - SUMMER 2015



L to R: NYLPI Legal Director Katie Rosenfeld, clients Diana McCourt and Rachel Pollock of Job Path, NYLPI Board Member Bradley J. Bondi of Cahill Gordon & Reindel LLP, and Monica S. Harris of Cadwalader, Wickersham & Taft LLP

On the Path to Secure Housing

Since 1978, Job Path has served people with developmental disabilities, aiming to assist them in leading full and active lives, particularly through securing employment and housing opportunities in the community. Last December,

Job Path came to NYLPI seeking representation in a housing dispute concerning a landlord in a fast-gentrifying building who refused to renew Job Path's apartment leases for two apartments it rented in order to provide housing in the community to four individuals

with disabilities. The landlord insisted that Job Path and its four clients vacate the property within two days, because it no longer wanted to rent these units to programs such as Job Path's that serve people with disabilities.

(continued on page 3)

Scoring One for Kids

Physical education during the school day improves children's health, focus, and academic performance. The New York State Education Department has set clear minimum requirements for physical education instruction, including standards for instructional time and frequency, space, and personnel. However, New York City public schools are failing to meet these standards, threatening the health and well-being of thousands of young New Yorkers. A 2011 audit conducted by then City Comptroller John Liu found that none of the elementary schools surveyed complied fully with state regulations. Data from the Department of Health and Mental Hygiene suggests that students of color disproportionately lack access to physical education. A 2015 report from City Comptroller Scott Stringer further established the scope of the problem as well as the disparate impact in low-income neighborhoods with higher rates of obesity.

(continued on page 4)

Message from the Executive Director



Dear Friends,

We're very excited to share our *Pro Bono Matters* Newsletter with you this month! You may notice our new and improved design.

Recently, White & Case LLP's marketing team devoted a substantial amount of pro bono time to create the newsletter you have before you. The team – Chief Marketing Officer Michael Hertz, Global Director of Creative Services Robin Colangelo, Graphic Design Manager Kim Robak, and Consultant Caroline Caldwell – graciously took the lead in improving our format and guided us in a re-branding effort. In

particular, we owe a debt of our deepest gratitude to Patricia Turken, who conceived and originated the layout and design. We'll now be able to provide timely updates about our work in an improved, engaging, accessible way. Everyone at NYLPI joins me in thanking White & Case LLP for their outstanding guidance.

In this edition of *Pro Bono Matters*, you'll read of our recent litigation that prevented housing discrimination against several clients with disabilities and kept them in their homes. You'll also learn of our burgeoning efforts to improve childhood health and academic focus by bringing physical education in City public schools up to state standards with the Phys Ed 4 All Campaign. "Scoring One for Kids" highlights our successful efforts to pass a bill requiring schools to notify parents about the results of environmental testing in their children's schools. We also cover our work with the Senior Citizen Rent Increase Exemption program ensuring that elderly, longstanding city residents are not forced from their homes amidst skyrocketing rents.

Stay tuned for future issues that will highlight our leadership role in the New York Healthy Nail Salons Coalition, which is working to combat the pervasive exploitation, poverty wages, and health risks borne by workers in New York's nail salon industry. We'll also tell you about our comprehensive immigration legal services and wraparound support targeting seriously ill, undocumented immigrants in New York City.

Thank you for partnering with us to make this work possible.

Thank you,

A handwritten signature in black ink that reads "McGregor". The signature is written in a cursive, slightly slanted style.

McGregor

Pro Bono Matters
Summer 2015

Editor
Heidi Kim

Contributors
Sascha Murillo
Ashley Shan
Tatianna Witter

NYLPI Launches New Ad Campaign

FIND YOUR SUPER POWER

BECOME A SUPERHERO — VOLUNTEER OR DONATE NOW.

The attorneys who support New York Lawyers for the Public Interest are real-life superheroes, working to advance equality and civil rights in New York City.

NYLPI www.nylpi.org

NYLPI is proud to launch a new advertising campaign highlighting the tremendous impact pro bono attorneys have in volunteering their time and services. This campaign will thank current volunteers and engage new volunteers by recognizing their inner super powers, which support the important work of nonprofits. This ad campaign will be featured in *The New York Law Journal* and *The American Lawyer*.

Many thanks to **White & Case LLP** who designed these impactful ads, as well as to ALM who donates the valuable space to NYLPI.

On the Path to Secure Housing (continued from page 1)

The prospect of this abrupt upheaval would have proved devastating to the very health and well-being of the four residents, each of whom live with serious disabilities such as autism. Furthermore, these individuals had lived in these apartments for over a decade and would have been forced to abandon not only their homes and routines but also their longstanding neighborhood relationships.

On January 5, 2015, NYLPI filed an affirmative lawsuit in federal court, seeking a preliminary injunction against any eviction efforts and asserting claims for disability discrimination and source-of-income discrimination under the federal Fair Housing Act and the New York City Human Rights Law. Ours was the first case of the year to be filed in the Southern District of New York. In mid-February, after a tense and lengthy hearing, Judge Katherine Polk Failla granted the injunction in full, giving our

clients some much-needed stability and peace of mind.

In late April, our team, comprised of NYLPI's Legal Director Katie Rosenfeld, Disability Justice Co-Director Roberta Mueller, and Disability Justice attorney Maureen Belluscio, alongside our pro bono partners Monica S. Harris and Peter J. Isajiw of **Cadwalader, Wickersham & Taft LLP**, led by NYLPI board member Bradley J. Bondi (now at **Cahill Gordon & Reindel LLP**), secured a favorable settlement agreement with the landlord, which allows our clients to remain in their homes for several years and provides for training in the fair housing laws for the landlord's employees. We are grateful to have helped Job Path and to have protected the rights of these residents to live free of discrimination in their longtime homes.

Pro Bono Highlights

The Alliance for Digital Fabrication Education works to create equal access to meaningful learning opportunities for under recognized youth with the use of digital fabrication tools. **Milbank, Tweed, Hadley & McCloy LLP** is helping them with incorporating and becoming tax-exempt.

The Ali Forney Center is dedicated to providing homeless LGBTQ youths with the support and services they need to escape the streets and begin to live healthy and independent lives. **Herrick, Feinstein LLP** is counseling the organization on a vendor dispute.

The Institute for Psychoanalytic Training and Research is a membership society committed to the lifelong study of psychoanalysis. **Sutherland Asbill & Brennan LLP** is helping the institute review their bylaws.

The Buckminster Fuller Institute facilitates innovations in design science by combining unique insight into global trends and local needs with a comprehensive approach to design. **Stroock & Stroock & Lavan LLP** is helping the institute with intellectual property protection.

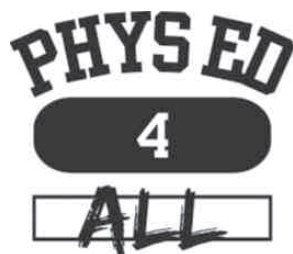


Sascha Murillo, Health Justice Community Organizer, addresses a rally for Phys Ed For All

Scoring One for Kids

(continued from page 1)

NYLPI co-leads the **Phys Ed for All Coalition**, which advocates for increased access to quality physical education in NYC schools. The coalition brings together a diverse set of organizations, including health and education advocates, community-based organizations, and parents. Since the fall of 2014, the coalition has been working with City Council to pass a physical education reporting bill. Efforts to improve PE are hampered by the Department of Education's (DOE) failure to track, and make public, basic data on physical education provision in schools. The bill, **Intro 644**, is sponsored by Councilmember Elizabeth Crowley from Queens, and will require the DOE to report on all aspects of physical education, including space, facilities, minutes of instruction, and instructor certification. This reporting bill will inform where reform efforts should be directed to have the greatest impact on students' access to quality physical education instruction.



“Our children have a right to healthy, active lives—and that starts with healthy, active schools. We hope that the passage of Intro 644, the PE reporting bill, will spur the City to improve physical education, and to tackle health and educational disparities among New York City children.”

— Sascha Murillo, Health Justice Community Organizer

Helping Seniors Stay in Their Homes

Last summer, New York Lawyers for the Public Interest partnered with Lenox Hill Neighborhood House, **Weil, Gotshal & Manges LLP**, and **Morgan Stanley** to expand the Senior Citizen Rent Increase Exemption (SCRIE) partnership project. SCRIE is a program that affords low-income senior New Yorkers the opportunity to maintain their independence through ensuring economic security despite the increasing costs of living. Under SCRIE, all eligible seniors living in rent-stabilized apartments have their rents frozen and all future rent increases are distributed to the landlord as property tax abatements.

NYLPI partnered with Lenox Hill to design and plan this project, which has served over 50 New York seniors. Lenox Hill staff pre-screen potential clients for the program and refer approved applicants to the volunteer attorneys. The attorneys then guide seniors through either the initial application or the recertification process during SCRIE clinics.

The Weil team, led by Jonathan D. Polkes and Ashish D. Gandhi, and the Morgan Stanley team, led by James J. Mangan and Erin Law, have made a tremendous impact, expanding the reach of this program, which has been successful for many years thanks to **Paul, Weiss, Riffkind, Wharton & Garrison LLP** and **Citigroup Inc.**



Joseph Diaz and Irisa Chen of Weil, Gotshal & Manges LLP and Matthew Morningstar and Michele David of Morgan Stanley

Special Acknowledgements

So much of NYLPI's work is supported by the volunteers and resources of its many amazing partners.

Special thanks to **Mayer Brown LLP** for their recent generous donation of furniture to the NYLPI office.

Our gratitude to **Skadden, Arps, Slate, Meagher & Flom LLP** and **Proskauer Rose LLP** who graciously allowed the NYLPI staff to use its offices for several essential strategic planning sessions.

NYLPI congratulates **Shearman & Sterling LLP** on its well-deserved President's Pro Bono Service Award from the New York State Bar Association. NYLPI along with the Legal Aid Society and Lawyers Alliance for New York nominated the firm for its outstanding pro bono work.

NYLPI sincerely thanks **White & Case LLP** for volunteering its marketing and design resources in helping us refresh our marketing and advertising materials. Their hard work and talent are deeply appreciated.

Special Events

Law & Society Luncheon



1. NYLPI's annual Law & Society luncheon was held this spring to honor Don H. Liu, Executive Vice-President, General Counsel and Secretary for Xerox Corporation and Carey R. Dunne, Partner and Chair of the White Collar Criminal Defense Practice at Davis Polk & Wardwell LLP, (center) pictured above

with Executive Director McGregor Smyth and NYLPI Board Chair Lawrence T. Gresser.

2. Executive Director McGregor Smyth addressed over 700 distinguished guests at the twenty-second annual luncheon honoring Mr. Liu's and



Mr. Dunne's unwavering commitment to public service.

3. Members of the NYLPI Board of Directors gathered at the luncheon to celebrate the honorees and NYLPI's work.





4. Monica S. Harris of Cadwalader, Wickersham & Taft LLP with NYLPI staff members Aditi Shah and Maureen Belluscio.

5. NYLPI Board Member Douglas T. Schwarz and Pro Bono Advisory Council Member Ari M. Selman of Morgan, Lewis & Bockius LLP with NYLPI Legal Director Katie Rosenfeld.

6. NYLPI Board Member John Siffert, Executive Director McGregor Smyth and past honoree Steven A. Reiss of Weil, Gotshal & Manges LLP.



Please save the date
Thursday, February 11, 2016
12:00 to 2:00 pm

For the 23rd Annual

LAW & SOCIETY AWARD LUNCHEON

Honoring
Brian T. Moynihan
CEO, Bank of America

Law firm honoree to be
announced in the coming months.

Special Events

Honoring Innovative Leaders



1. NYLPI honored South Bronx Unite, a community based coalition, for its work with NYLPI's Environmental Justice team, pictured above with their pro bono attorneys from Schindler, Cohen & Hochman LLP at its annual Felix Fishman luncheon.

2. Disability Justice Co-Director Kelly McAnnany also presented Nisha Agarwal, Commissioner of the Mayor's Office of Immigrant Affairs, with the Fishman Award for her dedication and long-standing commitment to public interest work.

3. Led by Pro Bono Advisory Council (PBAC) member Charles Stern (center), a team from Milbank, Tweed, Hadley & McCloy LLP won NYLPI's record-breaking PBAC trivia night fundraiser.



Environmental Justice Report Card

Signing of Local Law 12

NYLPI's Healthy School Environments Campaign achieved a major victory this year with the unanimous passing and signing of Local Law 12 of 2015, which requires prompt notification of parents whenever environmental tests in public schools reveal potential health risks. Ensuring the environmental health of schools built in low-income communities of color, where environmental hazards are most prevalent and pose the greatest risks to children's health, has been a core part of NYLPI's environmental justice (EJ) work. Most recently, NYLPI has utilized community organizing, litigation, community education and legislative advocacy around the issue of New York City schools built on contaminated former industrial sites known as *brownfields*. Many of these schools have been constructed without proper remedial action and oversight to protect the health of children and school staff from lingering environmental hazards, about which the Department of Education (DOE) has failed to communicate. The new bill will require the DOE to notify parents within 7 days of any environmental test results they receive that exceed health standards and to post all test results on its website, ensuring direct access to the information. Environmental Justice attorney Mark Ladov and Environmental Justice Director Gavin Kearney did tremendous work to shape the bill drafts into an effective law and keep it intact through negotiations with the DOE. Northwest Bronx Community and Clergy Coalition serve as important partners in NYLPI's ongoing work to protect children's health.

“We commend the City Council—in particular Speaker Melissa Mark-Viverito, Councilmember Fernando Cabrera and Education Committee Chair Daniel Dromm—for protecting New Yorkers’ right to know about the environmental health of our schools.”

— Mark Ladov, NYLPI
Environmental Justice attorney



New York City Mayor Bill de Blasio signs Local Law 12, ensuring parents are notified of environmental tests

A very special thank you to the following attorneys who have volunteered their time and effort through the NYLPI Pro Bono Clearinghouse in the last six months.

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