

NYLPI and Chadbourne & Parke Fight to Preserve Access to Health Care

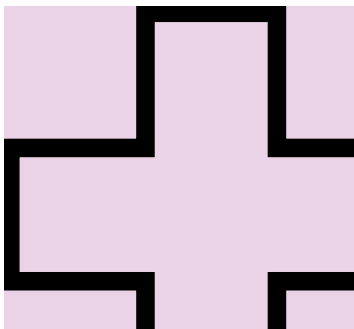
NYLPI and **Chadbourne & Parke LLP** are in the midst of litigation to challenge the constitutionality of the New York State Commission on Health Care Facilities in the 21st Century, also known as the Berger Commission.

The Berger Commission was created by the State legislature in 2005 to review the status

of health care resources in the State, and make recommendations to downsize, close, or merge hospitals that were underperforming financially in an effort to save costs. The

"Losing Westchester Square will completely disrupt my access to vital health care. I simply cannot afford to lose accessible emergency and hospital services."

—Mary McKinney



recommendations of the Commission were set to automatically become law on January 1, 2007, without a legislative approval process.

NYLPI's suit involves a specific hospital, Westchester Square Medical Center, that serves the Parkchester neighborhood of the Bronx. Parkchester is a low-income commu-

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Community Demands Toxic-Free Schools for Children

NYLPI is working with local community members who are concerned about the City's plans to build four new schools in the Concourse Village section of the Bronx. The property where the City intends to build the schools contains a number of potentially harmful contaminants, and the community is concerned about the safety of residents, as well as the students and teachers who will learn and work at the school.

The Bronx Committee for Toxic-Free Schools, which NYLPI represents, was organized by community members, teachers, and other stakeholders to ensure that proper remediation of the site takes place before the construction of additional schools.

"We don't oppose the building of these schools," said Dave Palmer, Equal Justice Works Fellow and NYLPI Staff Attorney. "We just want to be able to assure our clients

and the community that the site will be safe for children."

In December 2006, NYLPI provided testimony to the City Council in connection with the City's application for site approval and publicly criticized the City for moving for-



Toxic Free Schools – D. Lee Ezell, Chair of Community Board 4, speaks at a press conference to voice her concerns about the School Construction Authority's plan

ward without enough information. In response, the City pulled their site applica-

(CONTINUED ON PAGE 4)

("CHADBOURNE & PARKE FIGHT TO PRESERVE ACCESS TO HEALTH CARE..." CONTINUED FROM PAGE 1)

nity of color that has seen significant divestment of health care resources in the last few decades, and Westchester Square is one of the few remaining hospitals in the area.

The Berger Commission recommended the closing of eight hospitals statewide, includ-

NYLPI thanks Chadbourne & Parke LLP for their work on this case, and specifically recognizes the following attorneys:

- Thomas Bezanson, Partner**
- C. Ian Anderson, Associate**
- Robert Grossman, Associate**
- Jason Park, Associate**

ing Westchester Square, as well as the restructuring of 50 other facilities. On January 3, NYLPI and Chadbourne filed suit on behalf of Mary McKinney, a resident of the Parkchester area of the Bronx, as well as Mechler Hall Community Services, which runs a local senior center. Both Ms. McKinney and the senior citizens of Mechler Hall rely heavily on Westchester Square for their health care treatment.

Ms. McKinney is a 64-year-old woman who is diagnosed with cancer and asthma. She

has relied on Westchester Square for decades. "Losing Westchester Square will completely disrupt my access to vital health care. I simply cannot afford to lose accessible emergency and hospital services," she said.

The suit alleges that the Berger Commission violated the New York State Constitution by permitting an unelected commission to institute massive policy changes in the distribution of health care resources in the State. NYLPI and Chadbourne argue that resources could be spent more effectively to alleviate the massive disparities in health care access for communities of color.

"It is simply unacceptable for the state to develop health care policy in this manner," stated NYLPI Senior Staff Attorney Amanda Masters. "Nothing affects New Yorkers more than issues concerning their health care, and the public must play a meaningful role in any effort to reshape the distribution of health care resources."

The case was filed in Bronx Supreme Court, and on January 4, the judge issued a temporary restraining order preventing the State from taking any action to close Westchester Square. On March 9, the judge denied a preliminary injunction and dismissed the case, but NYLPI and Chadbourne are appealing to the First Department.

PRO BONO MATTERS

SPRING 2007

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NYLPI Welcomes the Following New Staff

- Cristobal Joshua Alex**, Campaign Coordinator, NCRCR
- Barbara Malament**, Executive Assistant to the Executive Director
- We also welcome the following new interns for the Spring 2007 semester:
- Rachel Aghassi**, Fordham Law School
- Cecilia Culverhouse**, Fordham Law School
- Bridget Kennedy**, Columbia Law School
- Maya Miller-Vedam**, Amherst College
- Oroma Mpi**, Benjamin Cardozo School of Law
- Juliana Pechincha**, Columbia Law School
- Tricia Perry**, New School University
- Marisol Rodriguez**, Tufts University
- Ian Vandewalker**, New York University School of Law



Chadbourne partner Tom Bezanson and NYLPI staff attorney Jin Hee Lee at a press conference at Bronx Supreme Court

Bettina B. Plevan, Esq., Honored at 2007 Law & Society Award Luncheon

On March 15, 2007, NYLPI hosted the Law & Society Award Luncheon, which honors an attorney for her contributions to the profession and to society. This year, we honored Bettina B. Plevan, partner at **Proskauer Rose LLP**. The event was held at The Waldorf Astoria, and was attended by over 800 lawyers.

“Ms. Plevan is a nationally recognized labor lawyer, a leader in efforts to expand access to justice, and an extraordinary role model,” said John Siffert, Board Chair of NYLPI. “We are delighted to recognize her many contributions to the public weal.”

Since joining Proskauer Rose in 1974, Ms. Plevan has built a successful labor and employment practice, representing clients in a range of industries, including banking and finance, health care, entertainment and publishing. She has held numerous leadership positions at notable legal organizations, including serving as President of the Federal Bar Council. Most recently, she served as President of the New York City Bar, where she worked to strengthen the private bar’s commitment to *pro bono* legal work, ensure due

process for citizen detainees, and increase diversity in law firms and corporate law departments.

Ms. Plevan has served on the boards of a variety of public interest legal organizations working on behalf of low-income New Yorkers, including the Legal Aid Society and Volunteers for Legal Service. She is also a former member of New York Lawyers for the Public Interest’s Board and Executive Committee.



Honoree Betsy Plevan with NYLPI Board Chair John Siffert



(L to R) NYLPI Board Members J. Huntley Palmer and Kent Stauffer with Betsy Plevan, Michael Patrick of Fragomen Del Rey



(L to R) Betsy Plevan with NYLPI staff Paola Martinez Boone, Michelle Kraus, Michael Rothenberg, and Dennis Boyd



Over 800 attendees filled the Grand Ballroom of The Waldorf Astoria for the event

tion before the City Council could vote on the proposal. The City has since resubmitted the application and the Council has approved the site, but only after the Department of Education agreed to a public process to "take under serious advisement" an independent assessment commissioned by NYLPI and our clients.

Since then, NYLPI and the Committee have been advocating to ensure that the construction plan takes the sites' potential environmental hazards seriously and includes provisions for a stronger clean-up plan.

The work in the South Bronx is part of an ongoing campaign to address the problem of school siting on contaminated property. Typically, when new schools are constructed on sites owned by the City, the projects must undergo an environmental review and have opportunities for community input. However, the SCA's position is that when a site is leased, rather than purchased, that site need not undergo the formal approval processes. This policy has resulted in a number of schools being constructed on sites later found to contain a number of environmental hazards.

"As everyone knows, the South Bronx already faces disproportionate environmental burdens – our community can't afford this abuse anymore," noted Yolanda Gonzalez, Executive Director of Nos Quedamos, a member of the Committee.

Help Ensure the Future of NYLPI's Programs

More than thirty years after our creation by Cyrus Vance and other leaders of the New York City Bar in 1976, NYLPI seeks to ensure our financial longevity, which we can do with your support.

NYLPI invites you to become a valued member of the Legacy of Justice Society, a unique group of donors who have shown a strong commitment to social justice by making a planned gift to NYLPI.

Your Legacy of Justice Society gift will:

- Provide you with tax benefits, and in some cases reduce the estate and income taxes of your beneficiaries;
- Provide NYLPI with a long-term financial reserve to support our work protecting the rights of the underrepresented;
- Inspire friends and colleagues to join in your commitment to social justice.

Additional benefits include recognition in our publications (unless you prefer anonymity), invitations to our events, and regular updates on our program work.

For more information on the Legacy of Justice Society, please contact: Michael Rothenberg, Executive Director at (212) 244-4664

Pro Bono Advisory Council Promotes Public Service in Private Practice

On November 14, 2006, representatives of NYLPI's Pro Bono Advisory Council (PBAC) held a panel entitled "Making the Cut: How to Evaluate Law Firms' Pro Bono Practices," for Columbia Law School students. The panel was a joint presentation of the PBAC with Columbia's Center for Public Interest Law.

The speakers were James Clark of **Cleary Gottlieb Steen & Hamilton LLP**, Michael Kuh of **Latham & Watkins LLP**, Joshua Pepper of **Morgan, Lewis & Bockius LLP**, and Sandra Sheldon of **Paul, Weiss, Rifkind, Wharton & Garrison LLP**. The panel was moderated by Kim Bridges of **Hogan & Hartson LLP**.

The associates spoke frankly about their experiences blending work in the public interest with their careers in large law firms. The panelists also provided advice to students on how to evaluate law firms' commitment to *pro bono* work, and whether a firm's culture supports *pro bono* as a regular part of their ongoing practice.

"It seems like law students are presented with only two possible paths: go into a firm or go to a public interest organization," noted Sandra Sheldon. "It was great to be able to spread the word that you

can have your cake and eat it too by selecting a firm that supports its associates' *pro bono* work."

The PBAC will be holding similar events at other law schools in New York to educate students about their options as they decide how to serve the public good while working in the private bar.

If you are interested in learning more about the Pro Bono Advisory Council, please contact Marnie Berk at 212-244-4664.



(L to R) James Clark, Kim Bridges, Sandra Sheldon, Associate Director of Pro Bono Programs at Columbia Adrienne Fitzgerald, Joshua Pepper, Michael Kuh

Felix A. Fishman Awards Luncheon Honors Activists

On November 30, 2006, New York Lawyers for the Public Interest honored Juan Cartagena and Ngozi Moses with the Felix A. Fishman Award. The lunch is an annual gathering of NYLPI's community partners and law firm supporters to recognize unsung heroes for their advocacy.

Juan Cartagena is the General Counsel of the Community Service Society. He was previously the legal director in the New York Office of the Department of Puerto Rican Community Affairs in Puerto Rico and an attorney at the Puerto Rican Legal Defense and Education Fund. He has worked to challenge laws and policies that block the participation of communities of color in the political process, working extensively on voting rights issues.

As the founding Executive Director of the Brooklyn Perinatal Network, Ngozi Moses has worked to reduce infant mortality rates in low-income communities of color. She has collaborated with a wide array of community groups and has participated in the development of citywide and statewide forums that focus on coordinating institutions to maximize resources for maternal and child health services.

NYLPI recognizes Mr. Cartagena and Ms. Moses for their contributions and tireless advocacy on behalf of their communities.



[L to R] Board Chair John Siffert, honorees Ngozi Moses and Juan Cartagena, Executive Director Michael Rothenberg



[L to R] Lawrence Grosberg, Professor at New York Law School, Nanette Hernandez, Juan Cartagena, Debo Adegbile of NAACP LDF, Bryan Pu-Folkes of NICE



[L to R] NYLPI staff Veronica Eady, Isabel Ochoa, Gigi Gazon, Kevin Olson

Weil and NYLPI Partner to Aid People with Disabilities

Since the spring of 2006, **Weil, Gotshal & Manges LLP**, in partnership with NYLPI, has been providing assistance to people with disabilities who rely on durable medical equipment, such as wheelchairs and hearing aids, for daily activities.

NYLPI's Partnership Projects require that firms make a sustained commitment of substantial resources to work in a specific area of the law. Lawyers participating in these projects are trained and provided with ongoing support.

Through participating in Partnership Projects, "lawyers gain useful litigation experience on real impact projects with enthusiastic blessing from their firms. The Weil team has helped a number of people to obtain the medical equipment they need," said Dennis Boyd, Senior Staff attorney at NYLPI.

People who rely on this equipment are harmed by lengthy delays and improper denials from Medicaid, which can result in restricted mobility or serious health complications. Children denied their equipment are often forced to miss school. Weil's team advocates on behalf of these individuals via telephone calls and letter

writing, as well as administrative hearings and state court proceedings.

In one case, a high school-age girl with spastic quadriplegia and cerebral palsy was repeatedly denied her request for a manual wheelchair, despite three applications over a two year period. Weil attorneys, through close collaboration with the child's treatment providers, were able

to successfully petition for the equipment she needed.

"This work has been an eye-opening experience for me. I am amazed that medical equipment can be denied to someone so obviously in need - it was clear to me from the moment I met our clients that we had to fight for them," says Lianne Pinchuk, Weil associate.



Weil DME team [L to R]: Jared Friedmann, Jaime Kaplan, Maria Isabel Guerrero, Erin Law, Claire Webb, Christopher Mochera, Kevin Meade, Lianne Pinchuk, Joshua Amsel, Seated: Board Member David Lender

Clearinghouse Placed Cases

09-16-2006 to 01-12-2007

A Voice for All

Orrick, Herrington & Sutcliffe LLP

Alan D'Ambrosio, Steve Hollander

A Voice For All seeks to address barriers to accessing health care that are faced by people with severe speech impairments. The firm is helping them organize themselves as a not-for-profit corporation.

ABADA-Capoeira NYC

Hughes Hubbard & Reed LLP

Flavio Cardoso, Bruno Petrilli

ABADA trains people in underserved communities in the Afro-Brazilian art of Capoeira. The firm is providing guidance on the organization's corporate structure, and aiding them in obtaining tax-exempt status.

American Association of University Women

Milbank, Tweed, Hadley & McCloy LLP

Michael Berg, Dina Friedman

The organization promotes educational equity for women and girls. The firm is providing them with guidance on a trusts and estates question.

Arts Genesis

Bingham McCutchen LLP

Eugenie Cesar-Fabian

Arts Genesis creates multicultural arts partnerships that enrich, educate and empower communities. The firm is serving as their general counsel on transactional and corporate matters.

ArtHome

Milbank, Tweed, Hadley & McCloy LLP

Andrew Herr

ArtHome helps artists build assets and equity through financial literacy and homeownership training. The firm is helping them incorporate and obtain tax-exempt status.

ArtHome

Nixon Peabody LLP

Ronelle Porter

The firm is helping ArtHome (see above) in a copy-right matter.

AungZay Institute

Paul, Weiss, Rifkind, Wharton & Garrison LLP

Nima Taylor, Jose Tesoro

The AungZay Institute preserves the rich national heritage of Burma/Myanmar by conserving art, collecting oral histories, and educating the public. The firm is assisting them with incorporating and obtaining tax-exempt status.

AungZay Institute

Hogan & Hartson LLP

Jeanne Archibald

The firm is providing guidance to AungZay (see above) on the potential impact of sanctions regula-

tions against Burma on the organization's mission and programs.

Better Bronx for Youth

Weil, Gotshal & Manges LLP

Josh Brant, Scott Greenberg

Better Bronx for Youth distributes funding to and monitors community-based organizations that serve Bronx youth. The firm is aiding the organization in its dissolution.

Beyond Blackboards

Skadden, Arps, Slate, Meagher & Flom LLP

Aaron Saltz

Beyond Blackboards prevents eating disorders among students through the dissemination of innovative web-based services. The firm is helping it incorporate and obtain tax-exempt status.

The Brooklyn Bear's Pacific Street Community Garden

Brown Rudnick

Peter Adelman

Brooklyn Bear's has maintained three community gardens for over two decades. The firm is providing the group with guidance about a potential challenge to a proposed development that they fear will negatively impact the health of their garden.

Capoeira Angola Palmares Association

Clifford Chance US LLP

Taylor Le, Tony Lopez

The Association runs classes, performances, workshops, and exchange programs about Capoeira Angola. The firm is aiding the organization with incorporating and obtaining tax-exempt status.

Center for the Integration of New Americans

Cooley Godward Kronish LLP

Douglas Jones

CIANA provides transitional services for immigrants that help them integrate into the socio-economic and civic life in the United States. The firm is helping CIANA obtain tax-exempt status.

Certified Naturally Grown

Weil, Gotshal & Manges LLP

Sachin Kohli, Harsh Pais

The organization fosters the growth of sustainable agriculture by providing a certification program for organic producers and providing technical assistance to farmers. The firm is helping them to incorporate and obtain tax-exempt status.

Choice Not Chance

Willkie Farr & Gallagher LLP

Ariel Assa

Choice Not Chance provides sports, recreational, and educational services to children in Staten Island. The firm is aiding them with obtaining a permanent tax exemption.

Community Empowerment Network

Proskauer Rose LLP

Lindy Bau, Anna Jadov

The Network provides safe spaces for low-income adolescent children to engage in activities that will

keep them off the streets. The firm is helping them with incorporating and obtaining tax-exempt status.

Earthsiren

Skadden, Arps, Slate, Meagher & Flom LLP

Paolo Cioppa

Earthsiren is devoted to facilitating activities on international development and sustainability around the world. The firm is helping them to incorporate and obtain tax-exempt status.



Earthsiren

Milbank, Tweed, Hadley & McCloy LLP

Linda Park

The firm is counseling Earthsiren (see above) on a terms of use and privacy policy for their website.

Eidolon Culture

Simpson Thacher & Bartlett LLP

Helena Wolin

Eidolon produces creative projects that explore the intersections among the worlds of art, technology, environment and culture. The firm is helping the organization obtain tax-exempt status.

Far Rockaway Homeowners

Orrick, Herrington & Sutcliffe LLP

Veronica Mullaly, Eileen O'Connor

The firm is representing a group of low to moderate-income homeowners in a dispute with a developer that is blocking access to some of their property.

Fifth Avenue Committee

Morgan, Lewis & Bockius LLP

Michele Coffey, Jordan Weinrich

The organization is a Brooklyn-based community development nonprofit dedicated to advancing economic and social justice. The firm is representing them in negotiations with a contractor.

Fifth Avenue Committee

Patterson Belknap Webb & Tyler LLP

John Delli Venneri

The firm is representing the Fifth Avenue Committee (see above) in a dispute with an engineer and experts that caused FAC substantial financial losses.

Friends of Anderson

Milbank, Tweed, Hadley & McCloy LLP

Peter Jabbour, John Timmerman

FOA supports the educational experiences of students at PS 334 by raising funds to support school programs. The firm is counseling the organization on the launch of an endowment fund.

Friends of Burundi

Seyfarth Shaw LLP

Nanette Heide, Evangeline Chan

Friends of Burundi will implement a range of health and community development-related pro-

jects in the African nation of Burundi. The firm is aiding them in establishing a U.S.-based entity.

Greenhope Services for Women

Cadwalader, Wickersham & Taft LLP

Mary Teague

Greenhope provides assistance to women who are incarcerated, on parole, or involved with the criminal justice system. The firm is representing the organization in negotiations with a vendor.

Greenhope Services for Women

Clifford Chance US LLP

Shannon McCormack

The firm is advocating on Greenhope's behalf with the IRS regarding a tax issue.

HOME Workshops

Kaye Scholer LLP

Jennifer Ahn, Liang Alex Tao

HOME Workshops runs low-cost trainings and educational programs for actors on a range of topics. The firm is helping them incorporate and obtain tax-exempt status.

Immigrant Voting Rights Project

Orrick, Herrington & Sutcliffe LLP

William Haft, Tai Hacoehen, Chris Min

The Project promotes informed discussion about restoring voting rights in local elections for non-citizen residents. The firm is helping IVP incorporate and obtain tax-exempt status.

Institute for Responsible Fatherhood

Morgan, Lewis & Bockius LLP

Jeffrey Brooks, Edward Hornstein, Kurt Rademacher, John Vassos

The Institute empowers and supports fathers to become engaged in the lives of their children. The firm is representing them in a contract dispute against the City of New York.

Islamic Academy of Greater New York

Dechert LLP

Javad Husain

The Academy seeks to open a private, nonprofit school in West Harlem that will serve Muslim and non-Muslim children and families. The firm is helping to set up the school.

Joseph P. Addabbo Family Health Center

Kaye Scholer LLP

Robert Kandel, Josh Abraham, Melissa Brown, David Tice

The Center is a nonprofit health care center that provides primary care and other social services to medically-underserved residents of Queens. The firm is representing them in a contract dispute.

Legal Action Center

Morgan, Lewis & Bockius LLP

Sandhya Kidd, Philip Hirschhorn

LAC fights discrimination against people with histories of addiction, HIV/AIDS, or criminal records. The firm is co-counseling a case involving the disclosure of a transgender woman's HIV status to her family and neighbors.

LSPA Committee

Kirkland & Ellis LLP

Kate Heptig, David Sussman

The Committee is a community organizing group based in the Corona, Queens neighborhood. The firm is providing guidance on their incorporation and on obtaining tax-exempt status.

Longview School

Ropes & Gray LLP

Sabrina Glaser

The Longview School is a small private school that promotes freedom, trust and responsibility among their students. The firm is assisting them with reincorporating as a nonprofit.

Where Are They Now?

Puerto Rican Legal Defense and Education Fund

Latham & Watkins LLP

Melinda Franek

In a case of housing discrimination, a town in Long Island had summarily evicted over one hundred Latino day-laborers from their homes without prior notice. In response, PRLDEF and Latham won a preliminary injunction against the town to prevent further evictions. In September 2006, Latham and PRLDEF received an overall favorable decision from the Court, which denied the Town defendants' motion to dismiss our complaint on all but one count. The parties are about to enter into the discovery phase of the case, preparing for trial or other resolution on the merits.

Max Reger Foundation

Morgan, Lewis & Bockius LLP

Gary Hermann, Louis Singer

The Foundation promotes the music of Max Reger by sponsoring recitals, concerts, and music research projects, as well as commissioning new works. The firm is counseling them on the tax issues involved with creating a scholarship program.

M.E.G. Foundation

King & Spalding LLP

James Dunlop, Kate Hazelrig

The M.E.G. Foundation provides college or trade school scholarships to qualified children of employees of the Miller Environmental Group, Inc. The firm is helping them obtain tax-exempt status.

Mental Hygiene Legal Service, Second Department

Weil, Gotshal & Manges LLP

Richard Rothman, Nila Williams

The firm is co-counseling with MHLS in a case challenging the failure of a state psychiatric facility to prevent patient-on-patient assault. The suit seeks to require the facility, as well as overseeing government institutions, to establish systems to significantly reduce the incidences of abuse.

National Association for Shoplifting Prevention

O'Melveny & Myers LLP

Maria Kim

The firm is helping the National Association for Shoplifting Prevention in a copyright-related matter.

National Not-for-Profit Bank

Weil, Gotshal & Manges LLP

Conrad Bahlke, Marshall Bell, Walter Zalenski

The firm is providing advice on regulatory issues for a nonprofit bank.

National Disability Rights Network

LeBoeuf, Lamb, Greene & MacRae LLP

Richard Cairns, Kathryn Catenacci, Carol Lafond, John Nonna

NDRN is a membership organization for groups working on behalf of individuals with disabilities. The firm is authoring an amicus on their behalf in a case in the DC Circuit involving the rights of students with learning disabilities.

Neighborhood Housing Services

Sidley Austin LLP

Brenda Szydlo

NHS revitalizes underserved neighborhoods by creating and preserving affordable housing and promoting increased homeownership. The firm is representing them in a property-related litigation.

New York Chinese Cultural Center

Heller Ehrman LLP

Patricia Cody

The Center promotes the appreciation of Chinese culture by preserving traditional genres and nurturing innovative arts programs. The firm is providing them with guidance on how to structure relationships with consultants and contractors.

New York Chinese Cultural Center

Orrick, Herrington & Sutcliffe LLP

Mitchell Kaplan, Wakae Kihara

The firm is representing The Center (see above) in negotiations with their landlord regarding the use of additional office space.

NYC Development and Education Corporation

Proskauer Rose LLP

Marcy Hahn-Saperstein

The Corporation promotes civic and economic empowerment through the acquisition, development, and operation of the nyc Internet top-level domain. The firm is helping them to incorporate and obtain tax-exempt status.

New York Lawyers for the Public Interest

Holland & Knight LLP

Leah Briggs-Pauly

The firm is aiding NYLPI in a research project about the scope and legal enforceability of executive orders in New York State.

New York Lawyers for the Public Interest

Morrison & Foerster LLP

Gabe Meister, Madhavi Batliboi

The firm is providing NYLPI with guidance on lan-

guage, terms, and conditions of an essay contest sponsored by the National Campaign to Restore Civil Rights.

New York Lawyers for the Public Interest

Kirkpatrick & Lockhart Preston Gates Ellis LLP

David Naidu

The firm is conducting real estate research for NYLPI's Environmental Justice Project regarding possible contamination of proposed school sites.

Nicholas Naquan Heyward Foundation

Covington & Burling LLP

Harry Hives, Michelle Garcia

The Foundation was created in memory of a young man whose life was ended by a police officer, who mistook his toy gun for a weapon. The firm is helping the organization to incorporate and obtain tax-exempt status.

Where Are They Now?

New Immigrant Community Empowerment

Hogan & Hartson LLP

New Immigrant Community Empowerment is a Queens-based immigrant advocacy organization. The firm serves as their general counsel, and has advised them on a number of transactional matters, including helping them obtain a license from the MTA for the right to use the registered trademark for the number 7 subway line, as well as advising them on tax questions.

P'Tones Music

Weil, Gotshal & Manges LLP

Matthew Bloch, Thomas Hetherington

P'Tones runs after-school programs for inner-city youth that focus specifically on music recording and production. The firm is helping them to incorporate and obtain tax-exempt status.

Pachamama Peruvian Arts

Skadden, Arps, Slate, Meagher & Flom LLP

Arash Attar Rezvani

Pachamama strengthens the practice of traditional Peruvian music and dance through public education programs. The firm is helping the organization set itself up legally.

Peace Action of New York State

DLA Piper US LLP

Bruce Wein, Anastasios Kastrinakis

Peace Action is committed to the non-violent resolution of conflict, and the abolition of nuclear weapons. The firm is helping them apply for tax-exempt status.

Positive Health Project

Morgan, Lewis & Bockius LLP

Carl Guida

The organization reduces the spread of HIV by providing health and prevention services designed for people who use drugs. The firm is counseling them on an employment-related matter.

ProPEACE

Hughes Hubbard & Reed LLP

Michael Weinsier, Opal Bennett

ProPEACE works to promote peace and justice in various African nations. The firm is helping them to incorporate and obtain tax-exempt status.

PTA of PS 58

Shearman & Sterling LLP

John Sykes

The PTA provides resources and scholarships to a school located in Carroll Gardens, Brooklyn. The firm is helping them obtain tax-exempt status.

Religious Coalition for Reproductive Choice;

New York

Cleary Gottlieb Steen & Hamilton LLP

Matthew Howard, Rumana Siddiky

The organization serves as a faith-based voice for reproductive rights. The firm is helping the organization to officially change its corporate name.

Romare Bearden Foundation

Chadbourne & Parke LLP

William Greason, Jessica Tsai

The Romare Bearden Foundation preserves and perpetuates the artistic and intellectual legacy of renowned African-American artist Romare Bearden. The firm is providing guidance on a memorandum of agreement with a gallery.

Romare Bearden Foundation

Kilpatrick Stockton LLP

Lisa Pearson, Josh Galante

The firm is counseling the Foundation as it works with Romare Bearden's estate to clarify the intellectual property and contractual issues involved with their relationship. The firm is drafting a contract that will memorialize their respective interests.

Society of International Humanitarian Surgeons

Schulte Roth & Zabel LLP

Young Woo, Alex Haliasos

The Society of International Humanitarian Surgeons facilitates the exposure of physicians to surgical care in developing countries. The firm is assisting them with their incorporation.

Soliya

LeBoeuf, Lamb, Greene & MacRae LLP

John Kennedy

Soliya works to bridge the gap between students in the U.S. and those in Muslim nations by using media-related programming. The firm is assisting them with developing policies around intellectual property questions.

Super Manden

Proskauer Rose LLP

Lurie Daniel-Favors, Beatrice Thuo

Super Manden is dedicated to the performance and teaching of West African oral and musical traditions. The firm is helping them to incorporate.

Upper Green Side

Weil, Gotshal & Manges LLP

Matthew Curro

The organization works to make the Upper East Side more environmentally sustainable. The firm is assisting them with the establishment of a tax-exempt entity.

Vampire Cowboys

Stroock & Stroock & Lavan LLP

David Kubikian

Vampire Cowboys is a nonprofit theater company that produces new works based on stage combat and dark comedy with a comic book edge. The firm is helping the firm obtain tax-exempt status.

Warren Street Tenants

Sidley Austin LLP

Jeff Gana, Will Reiss

The firm is representing tenants of a building against their property manager on a range of concerns.

Yenza

Nixon Peabody LLP

Albab Dabela, Rina Patel

Yenza creates and supports innovative projects that promote community and new leadership in African nations. The firm is assisting them with establishing a tax-exempt entity.

Partnership Projects

Durable Medical Equipment

Lawrence K.

Weil, Gotshal & Manges LLP

Lianne Pinchuk, Qiong Sun

The firm is representing Lawrence in his attempt to obtain the medical equipment he needs to support his daily life.

Michael R.

Weil, Gotshal & Manges LLP

Christopher Machera, Kevin Meade

The firm is advocating on Michael's behalf with state agencies to ensure that he receives payment for necessary medical equipment.

Housing Access Project

Matter of Anthony N.

Clifford Chance US LLP

David Djaha

Anthony is a person with a disability on a limited income. He recently attempted to downgrade to a smaller apartment in his co-op, so that he could afford payments, but it was denied. The firm is representing Anthony against the managers of his co-op.

Special Education

Brendan L.

Dewey Ballantine LLP

Mark Allison, Monica Coakley

Brendan is a ten-year-old boy with significant language-based learning disabilities. The firm is representing him against the New York City Department of Education (DOE) to obtain payment for a school.

Eliana C.

Stroock & Stroock & Lavan LLP

Beth Clark, Briane Slider

Eliana is ten years old, but only in third grade because she has been held back multiple times. Her parents have obtained an independent assessment stating that she needs special support. The firm is representing Eliana against the DOE to ensure that she receives the education and services she needs.

Elizabeth S.

Patterson Belknap Webb & Tyler LLP

William Wang

The firm is representing Elizabeth in a proceeding before the DOE to ensure that she receives the appropriate educational services she needs to succeed.

Gloryvee V.

Shearman & Sterling LLP

Navid Mehrjou, Richard Schued

Gloryvee is a fifteen-year-old girl with mental retardation who has not been attending school since September 2005. The firm is seeking to compel the DOE to provide her with an educational program and tutoring services.

Jaedon C.

Heller Ehrman LLP

Michael Delarco, Eric Raphan

Jaedon is a seven-year-old boy with autism who is currently making progress while being home-schooled. The firm is representing him before the DOE to supplement his home-schooling with the services of a special education teacher.

Malik S.

O'Melveny & Myers LLP

Daniel Shamah

Malik is a ten-year-old boy diagnosed with language-based learning disabilities and borderline intellectual functioning. The firm is representing him against the DOE to ensure that he receives the tuition for his specialized school.

Steven S.

Latham & Watkins LLP

Robert Malioneck, Mohammed Badissy, Mason Barney, Tsung-lin Fu

Steven is a thirteen-year-old student in the eighth grade who receives special education services. The firm is representing Steven at an administrative hearing to secure tutoring services for him.

Tibebu A.

Milbank, Tweed, Hadley & McCloy LLP

Tad van Norden

Tibebu is a ten-year-old boy with autism who has attended a number of specialized schools. The firm is representing Tibebu at an administrative hearing to obtain an order requiring the DOE to pay the tuition at his school.

Timothy M.

Heller Ehrman LLP

Joshua Selig

Timothy is a nine-year-old boy with learning disabilities who requires a specialized academic program. The firm is representing him at a hearing against the DOE to obtain payment for a school that will meet his needs.

Troy D.

Davis Polk & Wardwell

Brooke Tucker

Troy is a nine-year-old boy with developmental disabilities. The firm is representing him at an administrative hearing where he will request public payment for Troy's tuition at the private school he has been attending successfully.

Where Are They Now?

Benjamin M.

Skadden, Arps, Slate, Meagher & Flom LLP

Linda Cenedella, Jessenis Paoli

Benjamin is a fourteen-year-old boy with Asperger's Syndrome who requires a small, structured educational setting. Linda Cenedella and Jessenis Paoli advocated on Benjamin's behalf to have the New York City Department of Education provide him with an appropriate placement. Thanks to their advocacy, the DOE awarded Benjamin with full tuition for the 2006-07 academic year.

**Associate Matters
Robyn Crosson**

Since December 2003, Robyn Crosson, now a fifth-year associate at **Proskauer Rose LLP**, has represented the CUNY Law Foundation in a contract dispute involving allegations of fraud and breach of contract by the Foundation's accountant. Robyn recently settled the case on favorable terms for the foundation.

Although similar to Robyn's other work, this case has special meaning: "Having gone to a state school, I understand how important the work of the Foundation is in furthering legal education. It is such a pleasure whenever work comes in on the case. I feel as though I have received benefits all around."

The fact that Robyn has taken on the case *pro bono* allows the Foundation to reserve its funds for deserving students, as opposed to spending it on costly litigation. "[Robyn is] a guardian angel for the limited discretionary funds our school has avail-

able for student group programming," said Michelle Anderson, Dean of CUNY School of Law.

Robyn cited her strong relationship with the Foundation as one of the most rewarding aspects of her work. She specifically appreciated the chance to work with Franklin Siegel, an adjunct professor at CUNY School of Law: "Franklin often calls to give me pointers."

Proskauer partner Thomas Moore has mentored Robyn on the matter. He was second-chair at her first deposition of the plaintiff and said, "It was a pleasure to see her skills improve in just a short amount of time. I watched the rapid growth that occurs over just one day when you get away from the academic discussion of depositions and actually confront a witness."

Robyn valued the opportunity to see a case through from start to finish: "I have learned so much from the clients, who have shown great patience and responsiveness...It has been wonderful to assist them with this work."



Thomas Moore and Robyn Crosson of Proskauer

In-House Update

The Disability Law Center

Education

(Kim Sweet, Coordinator)

A.S.: A. is a sixteen-year-old girl with cerebral palsy who attends a regular education high school where she receives high grades. Due to her disability, she uses a wheelchair and has limited use of her hands. She receives the services of a paraprofessional to help her with various physical tasks, such as note-taking. In order to keep up with classes and complete homework, A.S. needs a scribe to assist her after school. The Department of Education (DOE) repeatedly refused to provide her this service. For each of the last three years, NYLPI has succeeded in compelling the DOE to pay for the assistance that A.S. needs to participate fully in her educational program.



R.: R. is a seven-year-old boy recently diagnosed with Asperger's syndrome, who needed to find an educational program that would address his social needs, and challenge him academically. NYLPI helped R.'s grandmother to advocate on her grandson's behalf with the school, ensuring that R. received a number of services, and allowing his grandmother to look for a specialized school that would meet his needs.

Deinstitutionalization

(Roberta Mueller, Coordinator)

Brad H.: Three years ago, the City agreed that when it released prisoners with mental illness from jail, it would arrange for their treatment upon discharge, rather than leaving them to fend for themselves. Subsequently, the City argued that the settlement did not apply to prisoners who are discharged from city hospitals rather than from jail. NYLPI, the Urban Justice Center, and **Debevoise & Plimpton LLP**, argued the issue before a state Supreme Court judge, who ruled that the City's policy violated the settlement. In September, the First Department upheld that decision unanimously, finding that the prisoners in the hospitals were covered by the settlement.

L.J.: A New York Supreme Court Judge granted our motion to intervene in ongoing litigation between ACS and OMRDD, a major step forward in our work on behalf of children with developmental disabilities who are in foster care. The decision strongly criticized the lack of coordinated services between the two agencies and opined that L.J.'s intervention would transform this case from dispute into a broader discussion about the rights of children with disabilities. The court stated, "Perhaps the creation of such a broad forum will rescue a generation of disabled children from the

stalemate of twenty-five more years of inter-agency disputes." NYLPI and **Patterson Belknap Webb & Tyler LLP** have been joined by Lawyers for Children as co-counsel and amended our complaint to add an additional ten named plaintiffs.

OMRDD Eligibility: Over the course of the last year, the state Office of Mental Retardation and Developmental Disabilities (OMRDD) has put into place a new eligibility process that was developed through negotiations with NYLPI. The new process greatly improves notices and appeal rights. NYLPI is now working with advocates across the state to monitor implementation and assist individual clients who are having difficulty establishing eligibility.

Coler: After more than two years of negotiations on behalf of residents with developmental disabilities in Coler Goldwater's Nursing Facility, NYLPI has observed a number of significant positive changes. All of the residents with developmental disabilities have now been referred to OMRDD, in compliance with legal requirements. As a result, residents will soon be eligible to access a wide range of services and opportunities, including attending daily recreational programs in the community as well as moving to less-restrictive residential settings. Coler is also making strides toward ensuring that residents with developmental disabilities have greater access to fresh air.

Opportunity & Access

(Dennis Boyd, Coordinator)

Please see Page 5, to learn more about NYLPI's work on behalf of people with disabilities who are trying to access durable medical equipment.

Access to Health Care

(Amanda Masters, Coordinator)

Southeast Queens: After months of advocacy by NYLPI on behalf of Southeast Queens in Support of Health Services, the New York State Public Health Council approved the sale of Mary Immaculate Hospital, thus ensuring the hospital's continuing operation. NYLPI participated in the administrative proceedings leading up to the approval by submitting information about health disparities in Southeast Queens and testifying at a subcommittee meeting. The Public Health Council noted that NYLPI's advocacy brought to light important facts about the community's health needs, which was a serious consideration when evaluating the proposed sale.

Immigrant Health Access:

NYLPI continues to work closely with the Immigrant Health Access and Advocacy Collaborative of the New York Immigration Coalition, providing technical assistance on language access issues to a broad range of community groups, including Haitian-Americans

United for Progress, Korean Community Services of Metropolitan NY, the Latin American Integration Center, and Make the Road by Walking.

Environmental Justice

(Veronica Eady, Coordinator)

Please see Page 1, to learn more about NYLPI's work in guaranteeing the environmental safety of school sites.

The National Campaign to Restore Civil Rights

Essay & Quote Contests: The National Campaign to Restore Civil Rights is launching KidsSpeak, our first national essay and quote contest. In conjunction with the Supreme Court's review of two cases concerning when and how to use race as a criterion for student assignment to address racial isolation in schools, students across the country will be asked to contribute their thoughts about the importance of racial and ethnic diversity to education. The Campaign hopes to raise awareness of the role of the courts by fostering conversation among young people across the country and adding their voices to the national dialogue.



NATIONAL CAMPAIGN TO RESTORE CIVIL RIGHTS

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 that 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 or disability.

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