

### MICHAEL ROTHENBERG

Three months ago, we lost one of the nation's leading public interest law figures and our executive director, Michael Rothenberg. Over the course of 11 years, Michael used his impressive talents to vastly expand NYLPI's capacity and effectiveness. He convinced New York's top law firms to contribute their time and generous resources to strengthening NYLPI's mission in advancing equality and civil rights. He reinforced the organization's core commitment to the principles of community lawyering and the use of multifaceted approaches in solving deep societal problems. He did it all with a human warmth and kindness that will be missed as much as his brilliance.



Photo by Harvey Wang

Michael's seriousness of purpose about living a life grounded in principles he held deeply was leavened by a razor sharp wit and penchant for puns. In addition to his work at NYLPI, in 2010 Michael was appointed by Jonathan Lippman, Chief Judge of the State of New York, to serve on his task force to expand access to civil legal services in New York. He was one of six leaders of legal services groups to receive such an honor. In the same year, The New York Times Company honored Michael's leadership by awarding NYLPI its prestigious Nonprofit Excellence Award, which recognizes management excellence in the city's nonprofit community. NYLPI was the first legal organization to win this award.

Born in New York City, Michael graduated from Stuyvesant High School, Hamilton College and New York University Law School. Michael's interest in social justice initially stemmed from observing his parents struggle to find schooling for his developmentally disabled brother.

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As a law student at NYU, Michael became president of both the Public Interest Law Foundation and Equal Justice Works, an organization devoted to providing funding for public advocacy training to law students across the country. He also was awarded an Arthur Garfield Hays Civil Liberties Program Fellowship. After graduating from NYU Law School, Michael became a litigator in the housing unit of Brooklyn Legal Services. He then won a fellowship at the Rockefeller Family Foundation, and subsequently worked on jury reform at the Vera Institute of Justice. Drawn to institution-building, Michael joined New York Lawyers for the Public Interest as Associate Director in 1997 and was named Executive Director in 2001.

Michael is survived by his wife, Zerline Goodman, and their children, Brice, Garon, and Zaya.

Miranda Massie, Legal Director, is serving as Interim Executive Director.

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## REMEMBERING MICHAEL

“Michael was a visionary -- creative, driven, energetic; he spurred every person he worked with to try harder, to think more deeply, to envision strategies to help the less advantaged among us, to find ways to help those left out of the system get back into the system. Michael called on us to be our best selves and, inspired by his own passion and dedication, we responded.”

—David Brodsky, NYLPI Emeritus Board Member, **Brodsky ADR LLP**

“Michael was the best executive director I've ever seen. He was committed to including staff in shaping the direction of the organization. On a personal level, I just remember Michael's infectious good humor, that kind of incongruous laugh he had, his jokes during meetings and just the million small ways he was thoughtful about those around him. Michael had a real passion for the work and the clients, especially in disability cases where he was so tuned in to the concerns of our clients and their families.”

—Roberta Mueller, NYLPI Disability Justice Co-Director

“Michael's passion and drive for creating lasting social change has left a deep imprint on NYLPI and will have a lasting impact on everyone who had the pleasure of knowing him. Thousands of people across New York City have been touched by Michael's vision and the work NYLPI does every day. Whether advocating for the right to a healthy and toxic-free environment, promoting the civil rights of individuals with disabilities or fighting institutional barriers to accessing quality health care, Michael has been a tireless advocate for communities in need.”

—Shelley Dropkin, NYLPI Board Chair, **Citigroup Inc.**

“Michael was a wonderful person, mentor and leader. I am thankful that I was lucky enough to work with him. When I first became a mom, Michael would often regale me with parenting advice and funny, moving little anecdotes about raising his own children. He was a joyful man who was generous with his humor and good advice. Despite the grief and the loss, I do know that we can and will carry on NYLPI's mission, in no small part because of the many ways he connected with us all.”

—Genevieve Gazón, NYLPI Community Organizer

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“Michael’s accomplishments are many, and the breadth of his vision was astonishing. For years to come, they will remain embodied in the work of New York Lawyers for the Public Interest, whose staff will carry on his beloved mission.”

—John Siffert, NYLPI Emeritus Board Member, **Lankler Siffert & Wohl LLP**

“Michael was a good leader and a great mentor to me. I was fortunate enough to know him and to work under his leadership for 13 years. He had a great vision for our organization and I was a witness of his passion to carry on our mission. He will always be in my thoughts!”

—Paola Martinez-Boone, NYLPI Community Organizer

“Michael and I worked to promote greater diversity in the legal services world -- he talked the talk AND walked the walk. He opened the door for many people of color in our work world and pushed me to think big on this issue. He helped us to benchmark our status so that we could measure our progress. He was engaging and persuasive when he talked about what we had to do to make our community more diverse. We'll continue the work in his honor.”

—Lillian Moy, **Legal Aid Society of Northeastern NY**

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## MICHAEL ROTHENBERG FELLOWSHIP



To honor the memory of Michael Rothenberg, our exceptional executive director and friend, and create a long-lasting tribute to his dedication to civil rights, NYLPI’s Board and Emeritus Board have established the Michael Rothenberg Fellowship.

The Michael Rothenberg Fellow will be an attorney working in the area of disability justice, an area of civil rights especially important to Michael. Michael’s interest in social justice stemmed from watching his own parents struggle to find schooling and obtain services for his brother, who was born with a developmental disability. A tireless advocate, Michael dedicated his life to ensuring that all New Yorkers,

regardless of economic status, race, national origin, or disability, had access to justice.

The Board and Emeritus Board have made extremely generous pledges to fund the Fellowship. To join this extraordinary effort to continue Michael’s legacy and commitment to social justice, please visit [nylpi.org](http://nylpi.org).

 **NYLPI IN THE NEWS**

**The New York Times**

*“In Deal, Hundreds of  
Mentally Ill People Will  
Leave Confinement of  
Nursing Home”*



Governor Cuomo signs the executive order

## NYLPI FIGHTS INJUSTICES FACED BY LOW-INCOME NEW YORKERS WITH MENTAL ILLNESSES

New York Lawyers for the Public Interest, together with co-counsel at Disability Advocates and **Schiff Hardin LLP**, secured a profound victory for low-income New Yorkers with mental illness in *Joseph S., et al. v. Hogan*. The case, brought against the State of New York, alleged that the state violated federal laws by unnecessarily housing over 1,000 New Yorkers with mental illness in nursing homes. The finalized settlement ensures that New Yorkers with mental illness will no longer be unnecessarily institutionalized in nursing homes and deprived of their freedom.

Our legal team argued that the state failed to properly evaluate or provide community discharge options to individuals in state psychiatric centers and psychiatric hospitals. These individuals, many of whom have no need for skilled nurses, are being discharged from New York psychiatric hospitals to nursing homes, rather than to integrated community settings, which would afford more appropriate levels of care and autonomy. Residents of these nursing homes live in segregated units in conditions similar to minimum security prisons. They cannot leave their floor without staff accompaniment, and they have no control over who their roommates are, what they eat, or what activities they engage in.

The settlement agreement requires New York to evaluate and assess the most appropriate setting for those currently living in such conditions, and to revise current policies and procedures to prevent future unnecessary institutionalization.

This victory exemplifies the work of the Disability Justice Program—fighting for the integration, freedom, and dignity of people with disabilities.

## VICTORIES FOR LIMITED ENGLISH PROFICIENT NEW YORKERS

NYLPI has achieved two tremendous victories for 2.5 million limited English proficient (LEP) New Yorkers. For over a decade, NYLPI and our community partners have been advocating for the enforcement of federal laws that mandate interpretation and translation services as well as expanding the rights and protections that LEP individuals have at the state and local level.

In October, Governor Andrew Cuomo signed an executive order that will improve access to government services by requiring state agencies that directly serve the public to provide interpretation and translation services for vital forms and information. This executive order will ensure that LEP victims of crime can seek police assistance and that individuals who have lost their jobs can access critical support services such as unemployment insurance and public benefits.

We are proud to have worked with allies including Make the Road New York, Legal Services NYC, the Minkwon Center for Community Action, and the New York Immigration Coalition. Many thanks also to **NERA Economic Consulting** for developing a rigorous financial analysis of

the executive order, demonstrating that a strong language access policy is not only good public policy, it is also sound economic policy.

In March, Governor Andrew Cuomo and the New York State Legislature passed SafeRx, which requires chain and mail order pharmacies to provide oral interpretation and written translation to clients who are limited English proficient (LEP). Patient-centered medication instructions will also be created to ensure that seniors and many others are better able to understand how to take their medicine. SafeRx is designed to reduce health disparities and improve access to care for millions of people of color, immigrants, seniors, and individuals with disabilities, among others across New York State.

A very special thank you to all those who made this possible, including our community partner Make the Road New York, the SafeRx Coalition, and especially Governor Andrew Cuomo, Assembly Health Committee Chair Richard Gottfried, Senator Tom Duane, and Senate Health Committee Chair Kemp Hanon and many others in the New York State Legislature. Many thanks to **NERA Economic Consulting** for its pro bono work developing a thorough financial analysis of SafeRx that demonstrated its minimal costs to pharmacies and other cost-savings results of implementing the bill.

These victories represent major steps forward in our advocacy to ensure access and equity for New York's diverse communities.



## Bingham McCutchen Education Fellowship

Thanks to the generosity of **Bingham McCutchen LLP**, NYLPI is pleased to announce the establishment of a three-year public interest fellowship. The recipient of the fellowship will work directly with the leadership of NYLPI's Education Program to protect and promote the educational rights of students with disabilities in New York City.

"The Bingham fellowship will be a tremendous help in our efforts to ensure that students with disabilities have equal access to education in the New York City school system," said Shelley J. Dropkin, chair of the board of directors of NYLPI. "We are incredibly grateful for the firm's support."

Bingham has a rich history of working with and supporting pro bono legal service organizations, particularly in the areas of children's rights and education. "We have a long-established relationship with NYLPI," said Edward Maluf, a partner in Bingham's New York office, co-chair of the firm's national Pro Bono Committee and a member of NYLPI's executive board. "NYLPI advocates on behalf of two core areas of interest for Bingham's pro-bono practice — children and education."



BINGHAM

## ABCs, NOT PCBs

“We are confident that the NYC DOE will be obliged to address the epidemic of leaking PCB light fixtures on a timeline that puts children’s and school staff’s health first.”

—Christina Giorgio,  
NYLPI Staff Attorney

### Leaking Lights Discovered; City Council Defends Parents’ Right to Know; Litigation Progressing

The Environmental Justice Program’s three-year campaign to remove toxic PCBs from New York City schools has continued to pick up steam in recent months. Under pressure from NYLPI and community partners, the city commenced a pilot study in summer 2010 that produced a major revelation: testing revealed that obsolete fluorescent lighting fixtures are leaking the toxin and creating PCB air levels in classrooms vastly in excess of EPA health-based guidances. Caulk in windows and doors had previously been considered the primary source of PCBs in schools. Concerned by what appeared to be a potential epidemic of leaking PCB light fixtures throughout our city’s schools, in early 2011 the EPA spot inspected seven school buildings and found leaking PCB light fixtures in 93% of the classrooms and other school areas inspected.

NYLPI responded to this development with a comprehensive advocacy strategy, working with community partner New York Communities for Change to engage elected officials, inform affected parents, reach out to the media, and explore legal avenues. In response to our advocacy, the city council unanimously passed two bills in December 2011 insisting that parents have a “right to know” if their child’s school is likely to contain PCB lighting and mandating that the Department of Education report to the council on the status of ongoing PCB remediation across the city. Letters will go out to approximately one million parents this April.

On the litigation front, NYLPI filed a second federal lawsuit in July 2011 after the city announced that it planned to take 10 years to remove all the PCB lighting fixtures – needlessly extending the exposure of children and school staff to toxic levels of PCBs. Asserting claims under the Toxic Substances Control Act and Resource Conservation and Recovery Act, the complaint seeks injunctive relief requiring the city to remove the PCB lights on a much shorter timeline. Our cause has been strengthened immeasurably by our partnership with pro bono co-counsel **White & Case LLP** and board member Richard Horsch. Rick’s team has brought both substantial expertise and exceptionally generous resources to the effort.



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## NYLPI ACHIEVES VICTORY FOR ENVIRONMENTALLY OVERBURDENED COMMUNITIES

Low-income communities of color occupy only 3% of New York State's land area. Yet 63% of major power plants operating in the state today are located in or near these communities. These facilities are a major source of air pollution and are known to cause respiratory and cardiovascular illness, particularly in communities with multiple polluting facilities. For more than a decade, NYLPI has worked with community partners to address the discriminatory way that energy generating facilities are sited in New York. Our work has taken on increased urgency as the government debates the closure of Indian Point, which supplies 25% of electricity used in New York City.



To address this imminent shortfall, New York passed Power NY Act in 2012, which streamlines and expedites the permitting process. Due in significant part to the efforts of NYLPI and partners such as the New York City Environmental Justice Alliance, the act also requires all power plant applicants to avoid or offset negative impacts on already overburdened communities. It also provides funding for communities to hire legal and technical experts to help them participate in the siting process in an informed manner. In the coming months, NYLPI will work with its partners to ensure that the act is being enforced. The Power NY Act is a powerful step forward for impacted communities.

## PROTECTING MEDICAID BENEFITS FOR SENIORS

Medicaid provides crucial support to many of New York City's senior citizens, but their benefits can be jeopardized if they do not adhere to stringent income eligibility limits. When a senior's income is above these strict limits, they must pay their medical costs out-of-pocket and then be reimbursed before their Medicaid coverage will be reactivated, often forcing them to choose between paying for medical expenses and other necessities like food, shelter and clothing. Seniors must also travel to Medicaid offices, wait in lines, and prove their eligibility each month, a particular hardship for the elderly.

To address these hardships and protect seniors from losing their benefits, NYLPI has connected **Mayer Brown LLP** with Lenox Hill Neighborhood House to help seniors navigate the process of joining the NYSARC trust. By joining this large supplemental needs trust, seniors can protect their benefits by setting aside funds to ensure they satisfy Medicaid eligibility limits. Lenox Hill Neighborhood House screens seniors and provides training and advice to the Mayer Brown attorneys, who help their clients join the trust. The team at Mayer Brown, led by partner Hank Bullock, has donated over a thousand hours to help seniors maintain their quality of life.



Members of the Mayer Brown LLP team

**PRO BONO MATTERS**  
**Spring 2012**

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## Highlights from Pro Bono Matters

Community, Growth and Opportunity is a nonprofit organization based in Staten Island that provides services to women and children in education, job training, placement services, and domestic violence counseling.

**Fulbright & Jaworski L.L.P.** is assisting CGO in negotiating a lease.

Luz International aims to assist needy students attending challenged and underfunded public schools in poor, rural and urban areas in Latin America. They will provide supplies to teachers and students, create scholarships and other financial assistance and develop a support network to develop students' and teachers' skills.

**Debevoise & Plimpton LLP** is assisting the organization in incorporating

Storahtelling is an educational innovator, a training institute, and a network of educators, artists, and performers who invigorate Jewish identity through modern stagecraft and the art of storytelling. Storahtelling makes ancient stories and traditions accessible to new generations, advances Judaic literacy and restores relevance to modern Jewish life. **Milbank, Tweed, Hadley & McCloy LLP** is working with the organization to amend their bylaws and review their employee handbook.

New York City H2O offers educational programs about New York City's water system utilizing lectures, hikes and bike tours. The group teaches about NYC's water and sewer systems to interested community members with the goal of raising awareness about the water system and expanding understanding about the significant resources and skills required to maintain it. **Stroock & Stroock & Lavan LLP** is assisting the organization in incorporating and obtaining tax-exempt status.

The Disability Justice Program of NYLPI is founded on the principles of equality of opportunity, self-determination, and independence for people with disabilities. We assert the rights of New Yorkers with disabilities to equal access to a range of programs and services, including education, health care, housing, and police protection. **Sullivan & Cromwell LLP** is assisting NYLPI with research regarding students with certain disabilities in schools and the resources and services provided to these students.

Uptown Dance Academy is dedicated to providing high-quality dance discipline, training and professionalism for young minority students in the East Harlem area. They seek to expose children to the diverse world of dance as they prepare for the professional stage. **Cravath, Swaine & Moore LLP** is providing assistance in a dispute with a contractor.

## Model Partnerships

### Goodwin Proctor Works to Preserve Community Gardens

In summer 2010, New York City Community Gardens Coalition (NYCCGC) approached NYLPI in response to new regulations being drafted by the NYC Department of Parks and Recreation and the NYC Department of Housing Preservation and Development. The rules posed a threat to the status of community gardens throughout New York City. NYCCGC fights for the preservation of NYC's community gardens through education, advocacy, and grassroots organizing.

Ankur Parekh of **Goodwin Proctor LLP** counseled NYCCGC by preparing a legal challenge to these new rulings and achieved a major victory by getting the city to revise the new rules. The modified rules strengthened the status of community gardens and gave community gardeners a voice. Aresh Javadi of NYCCGC is pleased with the expertise received from Goodwin Proctor. "NYCCGC is very grateful to NYLPI in bringing to us Ankur Parekh, a key pro-bono lawyer," said Aresh. "He has been instrumental in helping NYCCGC further its mission of protecting and preserving community gardens in New York City." Ankur Parekh has provided ongoing legal assistance to NYCCGC by advising on the legal and strategic aspects of achieving permanent protection for community gardens.



Ankur Parekh of **Goodwin Proctor LLP** speaks on NYCCGC's panel



**A very special thank you to the following attorneys who have volunteered their time and efforts through the NYLPI Pro Bono Clearinghouse in the last three months. We appreciate your hard work on behalf of nonprofits.**

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## LAW & SOCIETY

### 2012 Award Luncheon Honors Stephen M. Cutler and Karen Patton Seymour



Miranda Massie, Interim Executive Director, Honorees Stephen M. Cutler and Karen Patton Seymour, Shelley Dropkin, NYLPI Board Chair

On Thursday, February 16, 2012, NYLPI hosted its annual Law & Society Award Luncheon, honoring Stephen M. Cutler, Executive Vice President & General Counsel of **JPMorgan Chase & Co.**, and Karen Patton Seymour, Partner at **Sullivan & Cromwell LLP**. The award recognizes extraordinary dedication to public service and legal excellence. The event, held at the Waldorf Astoria, was attended by nearly 1000 guests.

Mr. Cutler currently serves on the New York Chief Judge's Task Force to Expand Access to Civil Legal Services, as well as the New York Chief Judge's Task Force on Commercial Litigation in the 21st Century. Prior to joining JPMorgan Chase in 2007, Mr. Cutler served as Director of the SEC's Division of Enforcement. Mr. Cutler serves on the boards of several nonprofit legal organizations, including the Legal Action Center of New York, National Women's Law Center, and Pro Bono Partnership.

Ms. Seymour is currently the head of Sullivan & Cromwell's Criminal Defense and Investigations group. Before joining Sullivan, Ms. Seymour held prominent positions in the public sector, including Chief of the Criminal Division for the U.S. Attorney's Office for the Southern District of New York, where she oversaw all criminal investigations and prosecutions in the district. She was named one of the 50 most powerful women in New York by The New York Post in 2004.

## FELIX A. FISHMAN AWARD

### 2011 Felix A. Fishman Award

On November 17, 2011, NYLPI hosted the Felix A. Fishman Award Luncheon at the New York City Bar Association, recognizing two extraordinary leaders for their advocacy on behalf of underserved communities. Valerie Bogart, Director of the Legal Program at Selfhelp Community Services in New York, was honored for her tireless efforts to ensure justice for older persons and people with disabilities. Theo Oshiro, Director of Health Advocacy and Support Services at Make the Road New York was recognized for his unwavering dedication to improving the lives of people in low-income and immigrant communities. NYLPI is honored to celebrate their outstanding contributions to the community and passionate commitment to social justice.



Honorees Theo Oshiro of Make the Road New York and Valerie Bogart of Selfhelp Community Services in New York with Michael Rothenberg

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**If you work for a nonprofit or community-based group working with underserved people and your organization needs legal assistance, please contact Heidi Kim at 212-244-4664.**

## Member Law Firms and Corporate Law Departments

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