

PRO BONO MATTERS

FALL 2004

Inside:	
Toxic Tour	3
Docs Without Docs	4
Debevoise Summer Event	4
Associate Matters	5
Best Practices	5
Clearinghouse Matters	6
ABA Online Programs	8
Demise of a Hospital	8
June Lunch	8
NYLPI Summer Associates	9
In-House Update	10

Adopt A Nonprofit: Pro Bono General Counsel

NYLPI's Clearinghouse typically places *pro bono* matters on a case-by-case basis, matching nonprofits and community groups with attorneys at member firms for clearly-defined projects. Recently, however, attorneys interested in developing long-term relationships with *pro bono* clients have approached us looking for groups that need general counsel services.

For *pro bono* attorneys, serving as general counsel offers a chance to get to know a group well and to support its mission by assisting with its everyday operations. It is also a great chance for firms to put together

teams of lawyers who can work collaboratively across departments.

The benefits of these relationships are on both sides of the table. For nonprofits without the deep pockets or human resources of a large corporation, having a *pro bono* general counsel provides a great deal of security. Having someone to call whenever legal issues arise can be a tremendous help, as groups frequently wait for a legal problem to become serious before seeking counsel.

NYLPI has been very successful in helping to create these relationships. Here are two examples.

The Bronx River Alliance and Winston & Strawn

Riding Metro North through the Bronx and along the Bronx River, John Denne, a partner at member firm **Winston & Strawn**, noticed evidence of the cleanup process, but little could he have imagined that he would soon float down the river in a canoe, all thanks to some *pro bono* work. John volunteered, along with his firm, to assist the Bronx River Alliance and has enjoyed the partnership. "If I could do anything in a small way to help, I was looking for the opportunity," he comments.



CANOING ON THE BRONX RIVER AS PART OF PROTECTION AND RESTORATION EFFORT

(CONTINUED ON PAGE 2)

Hospital, Hôpital, Szpital

Along with our partners Make the Road by Walking and the Fort Greene Strategic Neighborhood Action Partnership, NYLPI facilitated the signing this September of an agreement with Brooklyn Hospital to ensure language access for people who are Limited English Proficient, deaf, or hearing impaired. Senior Staff Attorney Michael Scherz said, "The hospital has recognized that quality patient care and quality communication are inextricably linked. The community came together and made certain that the hospital provided needed language assistance services."

Recent immigrants to the United States and other linguistic minorities face a profound shortage of doctors and facilities that provide

services in languages other than English. Legal protections designed to ensure that non-English speakers receive care and materials in their language are not being enforced. NYLPI's goal is to ensure real, meaningful access to hospitals and other health care providers across New York City, particularly as Medicaid consumers are enrolled in managed care.



NYLPI'S MICHAEL SCHERZ SPEAKS AT SIGNING AT BROOKLYN HOSPITAL

("PRO BONO GENERAL COUNSEL" CONTINUED FROM PAGE 1)

The Bronx River Alliance (the Alliance) is a group working to protect and restore the Bronx River corridor and greenway so that they can be ecological, recreational and educational resources for the Bronx communities. The Alliance works with over 60 community groups, government agencies, cultural institutions, businesses and schools and is committed to the values of inclusion, environmental justice, ecological restoration and public access. Among their many contributions, they are working to implement a plan for a continuous bike/pedestrian path along the Bronx River, and they monitor and manage river conditions and train volunteers to monitor air quality.

The team of Winston & Strawn attorneys, which also includes Michael Sirgado and John Fehrenbach, was drawn from corporate,

If you are interested in learning more about how to become a *pro bono* general counsel or in securing a general counsel for your organization, please call Marnie Berk or Anna Humphreys at 212-244-4664.

employment, and environmental groups, in order to best serve and anticipate the organization's needs. So far, the bulk of the work the firm has done has related to personnel issues and to navigating the relationship between City agencies and the nonprofit.

Linda Cox, Executive Director of the Bronx River Alliance, laughed and said, "What nonprofit doesn't need that kind of help? The best part is that we didn't have to choose what we needed most." She continued, describing the kinds of assistance the firm has been able to give, "Winston & Strawn has been very generous with us, and has really expressed a wonderful openness to being consulted."

John describes his role as being "generally on-call," and says that they have not yet encountered a matter the firm has had to turn down. "It's a pleasure to work with Linda,

and the questions are different than what comes up in normal day-to-day representation, which makes it more interesting," he remarks. "I find the type of questions posed to be challenging and interesting. It has been rewarding, and I've enjoyed it very much."

The Fortune Society and Sonnenschein, Nath & Rosenthal

Staffed primarily by former prisoners, the Fortune Society is a nonprofit community-based organization dedicated to educating the public about prisons, criminal justice issues, and the root causes of crime. They also help ex-prisoners and at-risk youth break the cycle of crime and incarceration through a broad range of services.

Wendy Seligson, Deputy Executive Director of the Fortune Society, says that they decided to seek a *pro bono* general counsel when they realized that the organization was expanding so quickly that the legal issues were more than they could manage alone. The Fortune Society currently has about 200 employees.

NYLPI matched the Fortune Society with a team at member firm **Sonnenschein, Nath & Rosenthal**, who have handled issues ranging from subpoenas related to healthcare privacy matters to real estate questions. The firm treats the Fortune Society with the same attentive respect it accords every client. Wendy says, "The firm has diverse resources and lots of expertise, and we don't feel like anything other than just another client."

Sonnenschein healthcare partner Jordana Schwartz says, "The Fortune Society is a very significant community service organization that serves a lot of people. To be able to help in a variety of capacities is very rewarding."

Wendy says that the relationship has developed well, and that the firm has not yet turned any matters down, including litigation-related questions. "The best part is really building the relationship," Jordana adds.

The rest of the team of attorneys includes Fran Kleiner, Gina Cavalier, Cliona Levy, and Jackie Finnegan.

PRO BONO MATTERS

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NYLPI

About NYLPI

OUR MISSION

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

OUR WORK

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

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

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

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

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

Members

New York Lawyers for the Public Interest would like to thank the following Member Firms and Corporate Legal Departments for their generous annual contribution.

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Debevoise & Plimpton
Shearman & Sterling

Skadden, Arps, Slate, Meagher & Flom
Weil, Gotshal & Manges

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Goodkind Labaton Rudoff & Sucharow
Morvillo, Abramowitz, Grand, Iason & Silberberg
Patterson, Belknap, Webb & Tyler

NYLPI Leads Toxic Tour

NYLPI Staff Attorneys Gavin Kearney and Janette Wipper and Community Organizer Larry Tilley, along with City Councilman Leroy Comrie (D-St. Albans) and representatives of the Federation of Civic Associations, led a "toxic tour" of Southeast Queens for journalists. The goal was to point out the inequitable distribution of waste transfer stations in the City and the impact of these facilities on the neighborhoods in which they are clustered.

Currently, 60% to 70% of the stations are located in three neighborhoods—South Queens, the South Bronx, and Williamsburg-Greenpoint, Brooklyn. NYLPI is providing technical assistance to a citywide coalition of community groups pursuing an equitably distributed marine-based system for handling the City's garbage. According to Gavin, "The goal of this tour is to help people realize that the City's current system of waste management is environmentally

unsound and discriminatory, and to generate support for significant reforms."



TRUCKING OF WASTE SEEN ON TOXIC TOUR

Docs Without Docs

On August 12, NYLPI settled a lawsuit against a doctor for discriminating against an individual based on national origin and disability. The case was brought against a doctor in New York City on behalf of Murtaza Yousaf, a 22-year old of Pakistani descent who has mental retardation.

New York's low-income residents have historically struggled to obtain quality health care services. For those who face additional barriers to service, such as language or disability, ensuring access to preventative care, specialists and treatment has been particularly difficult. NYLPI's Access to Health Care Program strives to improve access for New York's most vulnerable populations.

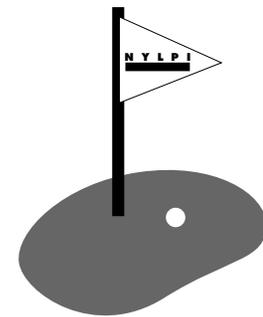
NYLPI recently formed a Pro Bono Advisory Committee made up of associates from our member firms and corporate counsel. Our kick-off meeting, held in October, was attended by over 20 associates who spoke of ways to fulfill their passion for public

In March of 2002, the doctor refused to provide medical services to Mr. Yousaf during a scheduled appointment because he could not present a passport, despite presenting his Medicaid card. Civil rights laws prohibit doctors from denying medical care to an individual based on race, national origin, color, disability and other characteristics. "By conditioning the provision of health care services on the production of a passport, the doctor intentionally discriminated against Mr. Yousaf on the basis of national origin," said Michael D. Silverman, Senior Staff Attorney at NYLPI.

The settlement provides that the medical practice will no longer insist upon presentation of a passport and will accept any form of government-issued photo identification. Additionally, the doctor's office will pay \$10,000 to Mr. Yousaf as compensation for the violation of his civil rights.

service. The Committee will be planning several associate events throughout the year. If you are interested in joining or learning more please call Marnie Berk at 212-244-4664 or mberk@nylpi.org.

NYLPI's Second Annual Golf Outing was held on Tuesday, August 3rd, 2004 at the Red Course at Bethpage State Park in Farmingdale, NY. The day's activities began for the 50 attendees with lunch, followed by an afternoon of golf and concluded with a cocktail reception, awards ceremony, and a sports memorabilia silent auction. NYLPI Board Member and ace golfer Joe McDonald happily supplied Executive Director Michael Rothenberg with *pro bono* golf tips. All proceeds from the Golf Outing go to fund NYLPI's efforts on behalf of underrepresented New Yorkers. To receive information on our 2005 Golf Outing, please contact Robin Naismith at 212-244-4664 or rnaismith@nylpi.org.



Debevoise & Plimpton Hosts Summer Event

NYLPI and the National Campaign To Restore Civil Rights would like to thank member firm **Debevoise & Plimpton** for hosting a cocktail party and a screening of the film *Take Back the Courts* for summer associates. On July 28, summer associates from a number of our member firms gathered to see the civil rights documentary. NYLPI General Counsel Marianne Engelman Lado also spoke about the Campaign's ongoing work.

Take Back the Courts

This new 20-minute film describes the human consequences of the rollback of civil rights by the federal courts. It tells three stories: one about a group of children in need of health care; another about a woman discriminated against by her employer; and a third describing a community fighting to make the air clean for its children. Produced by Firelight Media, the film is

being distributed by the National Campaign to Restore Civil Rights. If you would like copies to show at your organization or firm, please contact Chris Johnson at cjohnson@nylpi.org or 212-244-4664.

The National Campaign to Restore Civil Rights is a national collaboration of lawyers, academics, students, community activists, and concerned individuals who have joined together in response to recent federal court decisions that are eroding civil rights protections. The Campaign works to link individuals and groups from the many communities affected by the rollback of civil rights in the courts, including people and groups interested in workers' rights, women's rights, disability rights, racial justice, environmental justice, age-discrimination, and language rights.



NATIONAL CAMPAIGN TO **RESTORE CIVIL RIGHTS**

Associate Matters

Rachel Harris
Paul, Weiss, Rifkind, Wharton,
& Garrison

Elizabeth Seton Childbearing Center (the Center) was the first free-standing birth center in the country, and the only free-standing birth center in Manhattan. It was formed almost 30 years ago as an option for women who wanted an alternative to hospital birth. The birth center's philosophy was based on the principle that women have the right to health care that is safe, fits their lifestyle, and recognizes and respects their needs.



After the Center was forced to close due to the termination of its malpractice insurance, two staff members organized a

group, now known as Friends of the Birth Center. When it became clear that keeping the center open was not an option, the group's goal became the future re-opening of a birth center in Manhattan. The group reached out to NYLPI to incorporate and obtain tax-exempt status, and *pro bono* attorney Rachel Harris, with the supervision of Alan S. Halperin, at member firm **Paul, Weiss, Rifkind, Wharton & Garrison** has been working with them for almost a year.

What began as a simple project became more complex as the group, with Rachel's help, navigated the approvals they needed in order to establish a nonprofit. At this point, they are awaiting determination from the IRS. The relationship has grown, and she has been able to advise them on various questions regarding fundraising. "I was interested because it's an incredibly important community issue," Rachel

says. "I was surprised that options for non-hospital births wouldn't be available anywhere in Manhattan."

Maria Freytsis, President of Friends of the Birth Center says, "We are very grateful to Paul Weiss for providing legal guidance and counsel to us in our first year of operations. Rachel made herself incredibly available by phone and in person and always responded immediately to our inquiries despite her busy schedule. Her support throughout this process is greatly appreciated."



RACHEL HARRIS OF PAUL, WEISS, RIFKIND, WHARTON & GARRISON

Best Practices

"Best Practices," a regular column in *Pro Bono Matters*, highlights innovative systems or methods that assist firms in expanding their *pro bono* programs, be more effective or improve *pro bono* client relations.

Pro Bono Coordinators

In recent years, many law firms committed to being in the top tier have invested in *pro bono* by having fulltime *pro bono* coordinators. Coordinators, who can be designated partners or associates, or non-attorneys, typically work in tandem with *pro bono* committees who make policy decisions about the use of the firm's *pro bono* resources. Having a full-time person dedicated to overseeing the firm's *pro bono* program allows firms to increase the amount of *pro bono* work being done, track what they are doing, and provide better support for the associates.

Much of the day-to-day work for coordinators involves the administration of the program:

distributing *pro bono* matters from legal service providers, providing training, and processing new matters, including conducting conflicts checks and staffing projects. Marketing the work internally to attorneys includes removing any real or perceived barriers, such as how to open a matter or get supervision. One coordinator described the role as "making the work as un-mysterious as possible for people to do." When the system and procedures are set out clearly from the beginning it's easy to involve associates early in their careers.

Elly Spiegel, **Chadbourne & Parke's Pro Bono** Coordinator, spoke of her job as a matchmaker, "finding out what people are interested in and finding a *pro bono* assignment that suits their needs." The coordinator's role as *m a t c h m a k e r* extends outside the firm to the organizations that provide



opportunities for volunteer attorneys. Many coordinators, such as Annie Mohan, *Pro Bono* Assistant at **Cadwalader, Wickersham & Taft**, feel that part of doing the job well entails "building and maintaining strong relationships with legal service providers."

At several firms, coordinators also provide substantive legal advice and supervision on *pro bono* matters by reviewing briefs, advising on civil procedure, and serving as a mock jury for lawyers headed to court. Amy Rossabi, the *Pro Bono* Coordinator at **Davis Polk & Wardwell**, began as an associate in both the firm's corporate and litigation departments. Amy, who feels that having had diverse experience at her firm is helpful in her position, says that working with associates on legal writing is one of the more rewarding aspects of her position.

Coordinators also increasingly work to monitor and keep statistics on their firm's *pro bono* activities, both for internal purposes

(CONTINUED ON PAGE 9)

Recently Placed Clearinghouse Matters

5/11/04 to 9/10/04

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.

AALDEF- Park Row

Dewey Ballantine

Aldo Badini, Maren Wax

The firm is helping The Asian American Legal Defense and Education Fund (AALDEF) to address the impacts of Park Row's closure on Chinatown.

Advocacy Inc.

Stroock & Stroock & Lavan

Kevin Curnin, Debbie Drooz

The firm is helping Advocacy Inc. to file a lawsuit on behalf of six students with disabilities against the Texas Education Agency, alleging that the agency has not met its legal responsibilities to students with disabilities who resided in residential care facilities in Texas. Procedural issues, sovereign immunity and standing will most likely be the focus of the suit.

Awareness of Rape and Incest Through Art

Fish & Neave

Benjamin Singer, Richard Inz

The firm is helping Awareness of Rape and Incest Through Art, which aims to empower and heal survivors of sexual abuse through art, to help draft a release for the survivors to sign.

Center for Constitutional Rights

Debevoise & Plimpton

Hans Kriefall, Darlene Routh

The firm represented the Center for Constitutional Rights, a legal and educational nonprofit organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights, during the closing for a line of credit for the organization.



Coastal Marine Resource Center

Shearman & Sterling

Stephen Giove, José Martinez, Scott Reinhart

The firm is helping the Coastal Marine Resource Center, an organization dedicated to increasing the awareness of social and ecological coastal conservation issues, to incorporate and obtain tax-exempt status.

Creative Little Garden

Skadden, Arps, Slate, Meagher & Flom

Aileen Dowd

The firm is helping Creative Little Garden, a small community garden, to incorporate and obtain tax-exempt status.

Daniel Blank/Design

Skadden, Arps, Slate, Meagher & Flom

Peter Cohen

The firm is helping Daniel Blank/Design, a youth-run graphic design firm and winner of the Fleet Youth Entrepreneur Day competition, with sample contracts and letters of employment.

Equal Benefits Law Case

Sullivan & Cromwell

David Braff, Steve Holley, Brad Smith,

Julian Swarengin

The firm is helping the New York City Council, in a possible legal challenge by the Mayor against the City Council over the Equal Benefits Law. The law, which took effect in October of 2004, requires that the City enter into contracts only with companies that provide the same employment benefits to employees with domestic partners as they provide to married employees.

FutureYew

Shearman & Sterling

Roger Baneman, Gary Arvanitis, Tania Mattei

The firm is helping FutureYew, which produces educational documentary films and events that explore the rich traditions of artistically and culturally relevant expression in different communities, to incorporate and obtain tax-exempt status.

Generation Schools

Sonnenschein Nath & Rosenthal

Frances Kleiner

The firm is helping Generation Schools, which is working to create a network of schools based on a small group model, to incorporate and obtain tax-exempt status.

Indian Knanaya Catholic Community of Greater New York

Greater New York

Schulte Roth & Zabel

John Skinner

The firm is helping the Indian Knanaya Catholic Community of Greater New York, which was incorporated to preserve and foster that community's religious, social, moral, and cultural heritage, to obtain tax-exempt status.

Intercert

Shearman & Sterling

Oren Azar, Roberta Cherman, Russell Franklin

The firm is helping Intercert, a for-profit entity, specializing in hands-on computer job skills and net-

work training, to incorporate a nonprofit arm and apply for tax-exempt status.

International School of Brooklyn

Morrison & Foerster

Christine Sommella, Andrew Weiner

The firm is helping The International School of Brooklyn (ISB), which aims to be an independent, not-for-profit, non-sectarian school where students are taught in a caring, loving and challenging environment in order to become bilingual at an early age, to negotiate a lease.

Jamaica Business Resource Center

Esanu Katsky Korins & Siger

Adrienne Koch

The firm is helping Jamaica Business Resource Center, a prestigious national small business pilot project, which works to build the economic development capacity of small minority- and women-owned businesses, in a litigation and intellectual property matter.

Jamaica Business Resource Center General Counsel

Schulte Roth & Zabel

Jonathan Schulman, Mark Wittenbach,

Brooks Burdette

The firm is serving as *pro bono* general counsel to Jamaica Business Resource Center.

Jean Baptiste Firefighter Foundation

Dechert

Stephen Skonieczny

The firm is helping the Jean Baptiste Firefighter Foundation, which was created by a father of a firefighter killed on 9/11, to incorporate and obtain tax-exempt status.

LOGOS International Foundation

Shearman & Sterling

Lisa Jacobs, Manual Frey

The firm is helping LOGOS International Foundation, which publishes a quarterly journal, sponsors panels, conferences, film series, and other public events dealing with current issues in politics, the arts, society, and culture, to complete the application for tax-exempt status.

Neighborhood Economic Development

Advocacy Project

Fish & Neave

Edward Arons, Richard Inz

The firm is helping the Neighborhood Economic Development Advocacy Project, a nonprofit resource and advocacy center that works with community groups to promote access to sound and affordable financial services, with a licensing agreement.

New York Coalition to Expand Voting Rights
Cleary, Gottlieb, Steen & Hamilton

Jessica Blumenfeld, Joung Huang

The firm is helping New Immigrant Community Empowerment (NICE), a lead partner in the New York Coalition to Expand Voting Rights, a broad-based coalition working to restore voting rights for immigrants in New York City municipal elections, with various questions regarding immigrant taxpayers.

New York Sustainable Communities

Shearman & Sterling

Bernard Weintraub

The firm is helping New York Sustainable Communities, which will work to promote the practice of sustainable methods of living, to incorporate and obtain tax-exempt status.

Npower NY

Skadden, Arps, Slate, Meagher & Flom

Jose Esteves

The firm is helping Npower NY, a nonprofit organization that provides technology assistance to other nonprofit organizations in New York City, to review basic contracts and an Acceptable Usage Policy.

NYLPI-Environmental Justice Research

Davis Polk & Wardwell

Amy Miller, Margaret Vining

Dewey Ballantine

Lee Vartan

The firms are helping New York Lawyers for the Public Interest's Environmental Justice and Community Development Project by researching and developing innovative legal strategies for addressing a long-term solid waste management system for the city.

SPARK

Morgan, Lewis & Bockius

Sang-Hoon Song

The firm is helping Spirited Action, Release, and Kindness (SPARK), a grassroots volunteer group founded in 2002 to provide free energy based therapy to combat stress related to 9/11, to incorporate and obtain tax-exempt status.

TOUCH Foundation

Torys

Ariana Jaffe, Lauren Krasnow

The firm is helping the TOUCH Foundation, a foundation focused on training medical professionals in the developing world, to answer labor questions related to international hiring.

Trendsetters Network

Skadden, Arps, Slate, Meagher & Flom

Christine Bromberg

The firm is helping the Trendsetters Network, whose mission is to create an alliance of women's organizations to foster leadership in girls and increase

their representation in nontraditional career fields, to incorporate and obtain tax-exempt status.

UNAIDS

LeBoeuf, Lamb, Greene & MacRae

Stacey Spain

The firm is helping UNAIDS, which is a joint United Nations Program on HIV/AIDS, to incorporate and obtain tax-exempt status in the United States.

United Sri Lanka Society of New York

Shearman & Sterling

William Justi, Christian Mortinger

The firm is helping United Sri Lanka Society of New York, which seeks to foster friendship, goodwill, peace, and unity among all Sri Lankans in New York and to celebrate Sri Lankan culture and heritage, in reviewing its incorporation documents and in obtaining tax-exempt status.

Voter Protection Project

Kirkpatrick & Lockhart

Sommer Coutu, Shazneen Gandhi, Michele Higgins, Eric Moser, Jerome Walker

Weil, Gotshal & Manges

Renee Fishman, Todd Ommen, Harris Yale

The firms helped America's Families United, which initiated the Voter Protection Project, a non-partisan effort to support national voter registration efforts in historically underrepresented and low-income communities, by developing Voting Guides for one or more states.

Disability Rights Task Force Matters

Matter of K.O.

Heller Ehrman White & McAuliffe

Lenor Marquis, Danielle Prill

The firm is representing K.O., a 12-year-old girl who was born with congenital deafness, at a hearing against a hospital that failed to provide a sign language interpreter during her stay.

Housing Access Matters

Matter of Rosemary M.

Clifford Chance US

Jeffrey Drichta, Steven Schwartz, Matthew Tasto

The firm is representing Rosemary M., a woman with multiple physical disabilities, in a housing access matter.

Matter of J.O.

Debevoise & Plimpton

Pablo Valverde

The firm is co-counseling with NYLPI to represent J.O., who lived in a private building in New York

that was inaccessible to him because he uses a wheelchair, in a housing access matter.

Special Education Matters

Matter of Dominique S.

Sonnenschein Nath & Rosenthal

Rachel Balaban, Richard Sadowsky

The firm is representing Dominique S., a 10-year-old boy with ADHD, at an impartial hearing at the Department of Education to secure an appropriate placement.

Matter of Jennifer U.

Heller Ehrman White & McAuliffe

Gina Parlovecchio

The firm is representing Jennifer U., a 14-year-old girl with a complex profile of disabilities, in a complaint against the Department of Education seeking an appropriate educational setting.

Matter of Shearon L.

Dewey Ballantine

Monica Coakley

The firm is representing Shearon L., a seven-year-old boy with autism and mental retardation, in an impartial hearing at the Department of Education to obtain the services that he needs.

Matter of Troy D.

Weil, Gotshal & Manges

Janet Horn

The firm is representing Troy D., a seven-year-old boy diagnosed with Pervasive Developmental Disorder, at an administrative hearing to attempt to secure placement in a private school and to request public payment of tuition.

Matter of Yaniel E.

Davis Polk & Wardwell

Jane MacRae

The firm is representing Yaniel E., a 14-year-old boy who has been having significant trouble in school ever since being placed in special education, to ensure that the Department of Education provides the services that he needs, as well as placement in a private school.

Matter of Yoelmi G.

Stroock & Stroock & Lavan

Rebecca Green, Liza Negron, Kevin Curnin

The firm is representing Yoelmi G., a 14-year-old boy with severe dyslexia, at an impartial hearing at the Department of Education to obtain public funding for a specialized private school that can meet his needs.

ABA Releases Online Pro Bono Programs

The ABA Standing Committee on Pro Bono and Public Services (www.abaprobono.org), its project the Center for Pro Bono (www.abaprobono.org), and ABA CLE (www.abanet.org/cle/clenow/) recently released two online, complimentary audio-CLE programs designed for use by *pro bono* program staff and their volunteer attorneys. Use these free CLEs to hone your skills, meet CLE requirements in your state and as a recruitment tool for *pro bono* attorneys. Now obtaining CLE credits is easy—no need to leave your desk. All you need is a computer, an Internet connection, and the free RealPlayer program installed.

Ethical Aspects of Providing Legal Advice and Legal Information (www.abanet.org/cle/clenow/probonoethicsreg.html)

Expanding Your Horizons through Pro Bono Mediation (www.abanet.org/cle/clenow/probonomediationreg.html)

Please Save
Wednesday, March 2, 2005
For the 12th Annual

**LAW & SOCIETY
AWARD LUNCHEON**

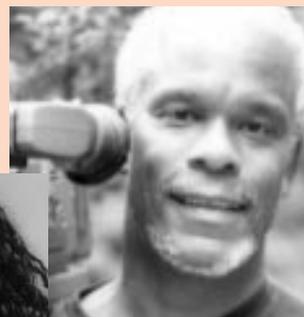
Honoring
Kenneth Feinberg, Special Master
Of the September 11th Victim
Compensation Fund

Demise of a Hospital

The Community Alliance for Retaining Equitable Services (C.A.R.E.S.), a new coalition of community residents, medical and health professionals, health activists and civil rights groups from across the NYC metropolitan area, coordinated by NYLPI, united this summer behind a campaign to stop St. Vincent's Catholic Medical Center Corporation from closing St. Joseph's Hospital in Queens and Bayley Seton Hospital in Staten Island. Although St. Joseph's did close, on August 27, the coalition was able to make sure that there were public hearings, that community input was taken into account, and that a plan for transferring services to other locations would be undertaken. C.A.R.E.S. advocates will be monitoring the transition carefully. Bayley Seton is slated to close in June 2005.

2004 Felix A. Fishman Awards

On June 23, 2004, NYLPI presented the Felix A. Fishman Award to **Stanley Nelson**, for using film to further the cause of social justice, and **Eva Jefferson Paterson**, in recognition of her leadership in the struggle for civil rights. Stanley Nelson, the Executive Director of Firelight Media, is an award-winning documentary filmmaker and the recipient of a MacArthur Genius Award. He worked with the National Campaign to Restore Civil Rights to produce *Take Back the Courts* in 2002, one of his many projects advancing social justice through film. Eva Paterson is currently the Executive Director of the Equal Justice Society. Her deep commitment to social justice and civil rights has been evident throughout her career, which has included 26 years at the Lawyer's Committee for Civil Rights in San Francisco, co-founding the California Coalition for Civil Rights, and serving as Vice President of the ACLU National Board.

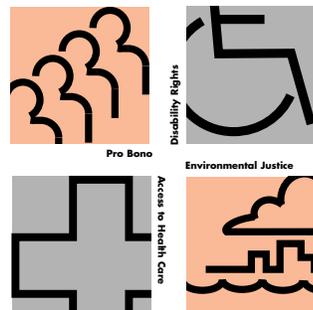


STANLEY NELSON



EVA JEFFERSON PATERSON

Visit NYLPI's Newly Designed and Enhanced Website



www.nylpi.org

Weil, Gotshal & Manges Hosts Visiting Summer Associates

NYLPI would like to thank member firm **Weil, Gotshal & Manges** for generously hosting the first annual Welcome Reception for NYLPI's Visiting Summer Associates Program, on June 10, 2004.

NYLPI's Visiting Summer Associates Program

Each summer, New York Lawyers for the Public Interest (NYLPI) places summer associates from our member firms at public interest law offices in New York City for two-week externships.

A number of years ago, some of our member firms asked us to help enhance their summer associates' experience by arranging externships with public interest law offices. These short visits proved to be quite useful and public interest offices, chronically short-staffed, benefited from additional legal resources, even on a short term basis.

Summer 2004 marked NYLPI's 16th year of running this program. In the summer of 2004, 13 law firms participated, sending 84 summer associates to 30 public interest law offices.

The externships provide summer associates an opportunity to experience public interest law first hand. We hope that the experience will serve as a foundation for a lifetime commitment to *pro bono* work. The work done by summer associates involved in the program varies from legal research to accompanying attorneys to court appearances, handling intake and, in some instances, hearings. NYLPI coordinates the two week placements.

Participating Law Firms

Allen & Overy
 Bingham McCutchen
 Bryan Cave
 Cahill Gordon & Reindel
 Carter Ledyard & Milburn
 Davis Polk & Wardwell
 Debevoise & Plimpton
 Dechert
 Dewey Ballantine
 Fried, Frank, Harris, Shriver & Jacobson
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 Weil, Gotshal & Manges

Participating Legal Services and Public Interest Organizations

ACORN
 BLS Legal Services Corp. Eldercare
 Bronx Defenders
 Brooklyn Legal Services, Corp A.
 Cab Watch
 CASES
 Center for Employment Opportunities (CEO)
 Center for Reproductive Rights

Citywide Task Force on Housing Court
 Harlem Legal Services
 Hebrew Immigrant Aid Society
 Housing Conservation Coordinators
 JASA/Legal Services for the Elderly in Queens
 Legal Action Center
 Legal Aid Office for the Aging, Brooklyn Office
 Legal Aid Society, Brooklyn Neighborhood Office
 Legal Information for Families Today
 Legal Services for New York City (LSNY)
 Legal Services for New York City (LSNY), Manhattan
 Legal Services for New York City (LSNY), Legal Support Unit
 Make the Road by Walking
 Mental Hygiene Legal Services
 MFY Legal Services
 Neighborhood Economic Development
 Advocacy Project (NEDAP)
 New York Lawyers for the Public Interest (NYLPI)
 Office of the General Counsel of the
 New York City Council
 Puerto Rican Legal Defense and Education
 Fund (PRLDEF)
 Vera Institute for Justice
 Welfare Law Center
 WNYC Radio

("BEST PRACTICES" CONTINUED FROM PAGE 5)

and to fulfill external commitments, such as *pro bono* challenges. Another part of the job is participation in firm initiatives to improve the *pro bono* culture of their firms and raise the profile of the work. Many firms now have *pro bono* awards ceremonies to acknowledge the outstanding work of associates.

On a conceptual level, Kevin Curnin, Special Counsel in charge of **Stroock & Stroock & Lavan's** Public Service Project, works to shape the firm's *pro bono* program. "One of our goals is to think about developing our *pro bono* work the way that we develop our commercial business," Kevin says. "We revisit our goals as circumstances change and as areas of the law develop." Kevin also insists that the standard of excellence for *pro bono* work at his firm be on a par with that for commercial work.

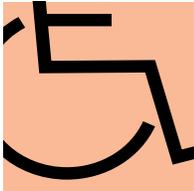
More and more firms realize that being a good corporate citizen is essential to being a first class law firm. A strong *pro bono* infrastructure, including a full time coordinator, is the key to that equation. Despite the challenges of the position, including competition with paid work for attorney time and the battle against apathy, coordinators remain focused on the goal and the importance of their role in providing legal services to needy communities. "I believe that you can change someone's life through a *pro bono* matter," says Amy. If you are interested in exploring the creation or expansion of this position at your firm, please call Marnie Berk at 212-244-4664.

Coordinators at seven of our member firms have formed a peer group called the New York Law Firm *Pro Bono* Coordinators. The group is working to create ways to share resources and information about managing *pro bono* programs within firms and has developed a website and a listserv through www.probono.net. The group will also be hosting an all day conference for coordinators in February. If you are interested in finding out more about the group, e-mail Anthony Cassino at acassino@milbank.com.

In-House Update

The Disability Law Center

Posner: NYLPI and co-counsel White & Case brought suit in federal court in the Eastern District of New York against Parkway Hospital for failing to provide effective communication to Norman Posner, who is deaf, during the time that his wife was in the hospital. The Department of Justice filed a related case, and the two lawsuits proceeded in tandem. The case was settled in late April, and the hospital now provides interpretation services for people who are deaf. A fee application is currently pending before the Court.



Brad H.: NYLPI, Debevoise & Plimpton and the Urban Justice Center are now engaged in various monitoring and enforcement activities related to the settlement of *Brad H. v. City of New York*, the state court class action to compel the City to provide adequate discharge planning so inmates with mental illness can continue their treatment on release to the community. Class counsel have been involved in developing numerical indicators against which the court-appointed monitors will measure the city's performance, motion practice and appeals on disputed aspects of the settlement, and other activities to push the defendants toward compliance.

D.A.I. v. Pataki: NYLPI and co-counsel, which include a number of partnering organizations, are working on behalf of adult home residents to compel the state to provide more integrated living arrangements for the thousands of residents with mental illness who are willing and able to move to more integrated settings. Adult homes are for-profit institutional settings that deprive people of the opportunity to become integrated into the larger community, and in some cases have provided shockingly neglectful or abusive care. To date there has been one discovery motion before a Magistrate in the Eastern District of New York, argued by NYLPI, on which we received a favorable ruling.

Polan: NYLPI drafted an *amicus* brief on behalf of the Association of the Bar of the City of New York in the *Matter of Charlene Polan v. State Dept. of Insurance*, which is before the New

York State Court of Appeals. At issue in the case is the proper interpretation of state Insurance Law and whether the law requires the Department of Insurance to require actuarial evidence from insurance companies that want to provide lesser benefits to people with mental disabilities, as opposed to people with physical disabilities. The Court of Appeals held oral argument on June 1, and a decision is expected in early July.

J.O.: NYLPI recently filed an action in state Supreme Court challenging a determination by the New York City Commission on Human Rights, which failed to enunciate a clear standard of proof for landlords to demonstrate that it would be an "undue burden" to provide tenants with disabilities with reasonable accommodations so that they can use and enjoy their apartments. NYLPI also raised objections to the Commission's finding that, because our client was temporarily in a nursing home, the need to mandate retrofits to his housing had become moot. To the contrary, he is ready to return home as soon as the apartment building is made accessible.

Advocacy Services – the Case of R.L.: NYLPI provided advocacy services to R.L., who had filed an application with the New York City Housing Authority requesting an accessible apartment for her and her son, J.L., a 12-year-old with multiple disabilities. R.L., who is not fluent in English, had been waiting for years for a response to her request for an intra-project transfer to accommodate J.L.'s wheelchair and equipment. Working closely with legal staff, NYLPI's Intake Coordinator was ultimately successful in securing an accessible apartment for the family, and they moved into their new space in May.

Voting Rights: NYLPI has been working on voting access for people with disabilities for many years, including conducting consumer training about voting rights and working to ensure physical accessibility to polling sites in New York City and a number of areas upstate. Recently, we have focused on the implementation of a federal law passed in the wake of the 2000 presidential elections, known as the "Help America Vote Act" (HAVA). HAVA mandates the elimination of the old lever machines used across New York State, requiring that they be replaced with machines that would allow people with disabilities, including people who are blind, to vote independently and confidentially. HAVA also requires a statewide voter registration database, new identification procedures for first time voters, and poll worker and voter training.

Foster Care Reform on Behalf of Children with Disabilities: NYLPI has been working closely with children's rights lawyers in the Family Court system to ensure that foster children with developmental disabilities receive needed services and appropriate placements. While systemic issues have been difficult to address, we have had successes finding services and placements for a number of individual children. In addition, NYLPI has provided Continuing Legal Education classes in conjunction with Legal Services for New York City, the Center for Family Representation, and Lawyers for Children regarding the rights of people with disabilities. In these classes, we have sought to educate advocates for parents and children about the rights of people with disabilities and the need for appropriate services. At Legal Services for New York City, we presented a primer on the Americans with Disabilities Act, and strategy on the best way to raise ADA claims in Family Court proceedings. With the Center for Family Representation, we are working on a project to provide additional support for court-appointed 18-B lawyers in the Family Court representing parents with disabilities.

Coler Memorial Hospital: NYLPI has been investigating the placement and living conditions of more than 40 individuals with cerebral palsy and mental retardation living in two units at Coler-Goldwater Special Hospital and Nursing Facility, a long-term care facility on Roosevelt Island. NYLPI is examining issues of placement, the adequacy of care and services, and whether individuals have adequate access to community activities. As an outgrowth of this investigation, NYLPI has been working with the family of one of the residents, a 14-year-old boy who has been living in Coler for four years, providing assistance with an effort to transition to a less restrictive residential setting.

Transition: NYLPI and United We Stand of NY, a community-based organization in Brooklyn, convened the Williamsburg Transition Task Force, an effort bringing together students, community members, and school personnel to focus on improving transition services for high school students with disabilities. The Task Force is working closely with officials at the New York City Department of Education as well as elected representatives to reach out to the Williamsburg business community, with the hopes of increasing internship opportunities for students with disabilities.

Systemic Reform in School Policies: NYLPI's Disability Law Center has been handling an increasing number of education cases involving children with ADHD, a number of whom have been sent by their schools to hospi-

tal emergency rooms for psychiatric evaluation without parental consent. In most of these cases, the hospital staff have found that there is no psychiatric emergency and sent the child home. NYLPI recently persuaded the *New York Times* to report on this problem, which also received coverage on Channel 7 and *The Daily News*. The over-use of emergency room referrals highlights the serious deficiencies in the way the school system copes with children who act out. NYLPI is currently working with other organizations to develop advocacy strategies to promote systemic reforms.

Policing Roundtable: As an element of NYLPI's effort to address systemic problems faced by people with disabilities when interacting with the police, NYLPI has helped to facilitate the New York City Policing Roundtable (NYCPR), a coalition of civil rights and public interest litigators, community organizers, advocates, policy analysts, academics, and people affected by police misconduct. This spring, NYCPR launched its Community Oversight of Policing Project, which provides free counseling and limited representation to victims of police misconduct before New York City's Civilian Complaint Review Board. More information about NYCPR can be found at www.nycpr.org.

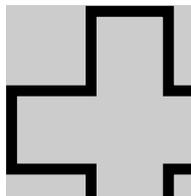
Children's Access to Mental Health Care: NYLPI's current Skadden Fellow has been continuing to reach out to community groups and advocates and to provide training on discharge planning rights. Her docket now includes work on behalf of individual children trying to obtain appropriate mental health care, the development of impact litigation to increase the availability of outpatient mental health treatment, and collaborative efforts with the City Department of Health and Mental Hygiene and the Mental Health Association's Coordinated Children's Services Initiative to provide legal advocacy to children involved in multiple systems. She is developing two new initiatives to increase services for children with mental health needs, one to provide information and training on the development of Section 504 plans for children in school, and the other to provide training and representation of children who are entitled to mental health services under the EPSDT section of the Medicaid Act.

Individual Representation in Special Education Cases: Danny is a 12-year-old who has significant learning disabilities as well as obsessive compulsive disorder. He has received special education services since early intervention, and at age five entered the New York City public schools in a Collaborative Team Teaching Class. Upon entering the fifth grade, his parents moved from one district to another in Queens,

and when the new school district went to place him they decided that his compulsive disorder required that he be placed in a small self-contained class. Danny began to fall apart in this placement. His compulsive behaviors that had been under control rapidly worsened. His parents are Spanish-speaking only, and before they realized it, they had signed documentation that authorized Danny to attend a private school for children with severe emotional disorders. Danny now had become severely depressed and has lost all desire to go to school. NYLPI gathered documentation from Danny's past school history and referred him for an independent evaluation. After multiple meetings with the region, Danny is once again going to attend a Collaborative Team Teaching Class in his neighborhood middle school. All he could say to the team was, "You mean I'm going back to regular school? Thank you, thank you."

Access to Health Care

Bronx Health REACH: NYLPI has been working extensively with Bronx Health REACH, a consortium of community and church groups seeking health equality. This spring, Bronx Health REACH organized its first lobbying day in Albany, with participation by approximately 400 people from the Bronx. NYLPI provided technical support to help Bronx Health REACH prepare a seven-point legislative agenda, logistical support to ensure a smooth day-long event, and mini-seminars to community members on the bus rides to Albany.



Brooklyn Hospital: See Page 1.

Yousaf v. Chowlera: See Page 4.

C.A.R.E.S.: See Page 8.

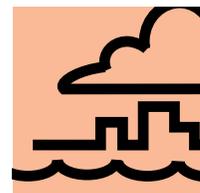
Pressing for Reform at the City Council: On September 22, NYLPI testified at a City Council hearing in support of Intro 22, a bill to strengthen the City's human rights law. NYLPI was again invited to testify at a joint hearing on September 29 of the City Council Committees on Immigration and Health concerning immigrants' access to health care in New York City.

Environmental Justice (EJ)

OWN v. Department of Sanitation: On behalf of the Organization of Waterfront Neighborhoods, NYLPI's Environmental Justice and Community Development Project has taken

an active role to ensure that plans for the equitable distribution of waste facilities in New York City are implemented by the City. NYLPI is working on a number of fronts—providing technical assistance to community-based groups with a stake in the placement of facilities in their neighborhoods, examining policy options, and evaluating litigation strategies.

"Toxic High" in Soundview: NYLPI recently began working with the Concerned Residents Committee (CRC) in the Bronx on environmental justice issues raised by the siting of the new Bronx Academy High School in the Soundview neighborhood. The new school was built at a location previously used as an electronics plant for a defense contractor, and was the headquarters for the trucks that sprayed for West Nile virus. The neighborhood is 90% African American, and 20% of community residents have incomes below the poverty level. Despite the site's history, it has never been subject to an environmental clean-up action. NYLPI is working with the CRC to ensure that a proper review and clean-up of the site is conducted at a level sufficiently safe for a school. An independent environmental assessment of the site is underway.



The Southeast Queens Toxic Tour: See Page 3.

Staffing

After an extensive search, NYLPI is pleased to welcome Janette Wipper and Gavin Kearney to the Environmental Justice and Community Development Project. NYLPI also welcomes Sarah Alvarez, a recent graduate of both Columbia University's law school and school of public health, who joins NYLPI's Access to Health Care Program.

Michelle Kraus joined NYLPI this fall after eight years at the Family Center, where she worked with families of people with terminal illness. Michelle is now working as our Disability Rights Advocate and is supervising Naishia Jackson, another recent arrival at NYLPI. Naishia is working toward a Masters in Social Work at Fordham and is interning in NYLPI's Disability Law Center as her field placement.

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