



## PRO BONO NEWSLETTER OCTOBER 2011

### SIMPSON THACHER & BARTLETT LLP PRO BONO REMOVAL DEFENSE PROGRAM WITH THE LEGAL AID SOCIETY PROVIDES MODEL FOR PRO BONO PARTNERSHIPS



*Paul Gluckow, Partner  
Simpson Thacher & Bartlett LLP*

Since 2007, **Simpson Thacher & Bartlett LLP** has provided invaluable pro bono assistance to immigrants by creating a removal defense program in which it co-counsels removal cases in Immigration Court with attorneys from **The Legal Aid Society's Immigration Law Unit**. Simpson's pro bono clients are eligible for relief from removal, but must prove that they are entitled to such relief by presenting a comprehensive, detailed account of their lives here in the United States. Simpson pro bono attorneys help with every step of the process. They meet with clients frequently, collect supporting documents, research legal issues that arise, write briefs where necessary, prepare evidentiary packets for submission to court, prepare clients and witnesses to testify and perform direct examinations of clients and support witnesses before an Immigration Judge. To date, in addition to pending cases, Simpson has successfully completed 13 cases – thus enabling 13 immigrants to avoid deportation and stay in the United States with their United States citizen and permanent resident families.



*Juan Arteaga, Senior Associate  
Simpson Thacher & Bartlett LLP*

In addition to the substantive work Simpson has done, it has also established a highly effective collaborative model that can be replicated by others. Under the leadership of Simpson partner Paul Gluckow, and senior associate Juan Arteaga, a team of senior associates administers the program – facilitating trainings for new associates each year and maintaining a forms database. These senior associates have

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### **THE YEAR IN PRO BONO: 2010 AT A GLANCE**

In 2010, **3,427** attorneys and other legal professionals volunteered their services with The Legal Aid Society. This includes the pro bono work of **2,174** attorneys, primarily from major law firms

**36** public interest externs contributed **19,035** hours of volunteer service in **2010**

The total valuation of pro bono services contributed to The Legal Aid Society was over **\$74.5 million**, an approximate increase of **20%** from 2009

Volunteer attorneys and other legal professionals contributed over **241,000** hours of pro bono services to The Legal Aid Society in 2010

Law Firm pro bono attorneys contributed **104,026** hours of volunteer service

Unaffiliated pro bono attorneys contributed **9,921** hours of volunteer service

**Volunteer attorneys worked on over 6,500 pro bono matters in 2010 (including matters handled by externs):**

- |                                      |   |
|--------------------------------------|---|
| <b>CIVIL:</b>                        | <b>1573</b> volunteer attorneys worked on <b>2378</b> matters |
| <b>CRIMINAL (including appeals):</b> | <b>514</b> volunteer attorneys worked on <b>3179</b> matters  |
| <b>JUVENILE RIGHTS:</b>              | <b>87</b> volunteer attorneys worked on <b>967</b> matters    |

## CHIEF JUDGE JONATHAN LIPPMAN TO PRESIDE OVER THE LEGAL AID SOCIETY'S 2011 PRO BONO AWARDS

On November 9th, The Legal Aid Society's 2011 Pro Bono Awards Ceremony will honor the leading pro bono lawyers, legal support staff, law firms, and corporations for their outstanding pro bono services provided to The Legal Aid Society and the Society's clients during the past year. This select group of professionals was nominated by the Society's staff from a pool of more than 3,400 pro bono attorneys and paralegals who contributed professional services on behalf of our clients. The volunteers and their firms will be recognized for legal excellence in handling administrative hearings, trials, appeals, class actions, and transactional cases on behalf of senior citizens, children and adults with disabilities, domestic violence survivors, abused and neglected children, immigrants facing deportation, homeless and imminently homeless children and adults, indigent criminal defendants, inmates in correctional facilities, and other vulnerable low-income New Yorkers.



*Jonathan Lippman, Chief Judge of the State of New York*

**The Awards Ceremony on Thursday, November 9, will be held at Espace, 635 West 42nd Street between 11th and 12th Avenues. The program commences at 5:30 p.m. and concludes at 7:30 p.m.**

### LAW FIRMS CO-COUNSEL WITH THE LEGAL AID SOCIETY ON LAW REFORM AND APPELLATE WORK THAT SEEK SYSTEMIC CHANGE AND CORRECTION OF UNJUST LEGAL DETERMINATIONS

The Legal Aid Society, the nation's oldest and largest provider of free legal services to the indigent, has been part of New York City's social fabric since 1876. Through a network of neighborhood and court-based offices, the Society provides a full range of civil legal services as well as criminal defense work and juvenile rights representation in Family Court. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform work benefits some 2 million low income families and individuals in New York City and landmark rulings in many of these cases have a State-wide and national impact.

The Society's indelible partnership with New York's major law firms has supported Legal Aid's unique ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. Throughout its history, the Society and its pro bono law firm partners have worked tirelessly to achieve systemic change and justice for the clients of our Civil, Criminal, and Juvenile Rights Practices and their respective appellate units.

Most recently, Cooley LLP; Cravath, Swaine & Moore LLP; Debevoise & Plimpton LLP; Dechert LLP; Hughes Hubbard & Reed LLP; Patterson Belknap Webb & Tyler LLP; Orrick Herrington & Sutcliff LLP; Paul, Weiss, Rifkind, Wharton & Garrison LLP; Shearman & Sterling LLP; and Weil, Gotshal & Manages LLP have contributed thousands of hours on behalf of homeless families and individuals, immigrants, inmates, adults accused of criminal behavior, inmates, children accused of acts of juvenile delinquency or the subjects of abuse and neglect proceedings, and death row prisoners. Their work on impact litigation, landmark appeals, and capitol defense cases are highlighted below.

- John F v. Carrion: Cooley joined the Society in a challenge

to the New York State Office of Children and Family Services' (OCFS) practice of routinely shackling children whom the agency transported to Family Court. The New York State Supreme Court declared that OCFS's policy lacked legal authority and was in contravention of governing regulation.

- People v. Kareem Bellamy: Cravath won a rare new trial order in a murder case in Queens on grounds of newly discovered evidence, and successfully defended the ruling on appeal. After the District Attorney declined to re-prosecute, Mr. Bellamy was released from prison after serving 14 years.

- Amador v. Andrews: Debevoise & Plimpton has been dedicated co-counsel since 2003 on behalf of women prisoners who have been sexually abused by male correctional officers in New York State prisons. In August 2011, the Second Circuit Court of Appeals reinstated the claims of the women prisoners and the case is before the U.S. Southern District Court where plaintiffs again will seek class certification on behalf of some 2,200 current prisoners, as well as future female inmates.

- State v. Casey McWhorter: Dechert joined Legal Aid as pro bono counsel on behalf of an Alabama death row inmate who was sentenced to death for a crime committed just a few months past his 18th birthday. An appeal is pending in Alabama's Court of Criminal appeals, requesting a new sentencing hearing based upon ineffective assistance of counsel at the original penalty trial, and also asking that the conviction be vacated because a trial juror withheld important information about her background during the jury selection process. The firm also has been steadfast co-counsel on Milburn v. Goord, a class action to ensure that prisoners at the Green Haven Correctional Facility receive adequate medical care.

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## EXTERNS EXTOL THEIR LEGAL AID EXPERIENCE; PLAN TO BRING PRO BONO PROJECTS BACK TO THEIR FIRMS

For the second year, several major law firms deferred their incoming first year associate class, providing recent law graduates an opportunity to volunteer for up to 12 months with public interest programs. In response, The Legal Aid Society once more expanded its regular externship program to accommodate 15 externs in the Civil, Criminal, and Juvenile Rights Practices. Near the conclusion of their year with The Legal Aid Society, externs report that they have been fully integrated into the Society and have developed legal skills to help address the legal needs of low-income New Yorkers. The externs attribute the program's success to exemplary supervision and the support and assistance of Legal Aid's staff.

The externs, deployed in the Civil, Criminal, and Juvenile Rights Practices, have augmented the Legal Aid Society's capacity to provide comprehensive legal services during a period of continuing decreased government funding and continuing substantial decreases in the Interest on Lawyers' Account ("IOLA") funding. In the Criminal Defense Practice, as has been the case for several years, externs participated in the Society's comprehensive six-week training and joined trial complexes in the Manhattan trial office. The Civil Practice externs have volunteered in four neighborhood offices and in several city-wide specialized units: community development, law reform, immigration, and family law. Externs in all three practices have praised the expertise of their supervisors, expressed their admiration for the Legal Aid staff, and complimented the high quality of oversight and training provided by the Society.

We look forward to working with the 2010-2011 class of externs when they return to their firms and throughout their legal careers. Many plan to leverage their experience at Legal Aid into new and expanded law firm pro bono projects. Meredythe Ryan, an extern with the Immigration unit, returns to Ropes &



*From left: Gretchen Reeser, Melissa Causey and Jad Itani, deferred associate externs with The Legal Aid Society's 2010-2011 class*

Gray with four pro bono cases and hopes to be instrumental in establishing an immigration pro bono practice at the firm. Dewey LeBoeuf LLP offered their Public Interest Fellows who are externs with the Society an opportunity to extend their pro bono apprenticeship. As a result, Rachel Stanton, with the Queens Juvenile Rights Trial office, will continue at Legal Aid until January 2012 and Joy Wang, with Manhattan Criminal Defense Trial office, will continue at Legal Aid until December, 2012.

This highly trained and skilled cadre of pro bono externs will be returning to the following firms: Dewey & LeBoeuf LLP; Mayer Brown LLP; Mintz Levin LLP; Ropes & Gray LLP; and Weil Gotshal & Manges LLP.

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## LAW FIRM SUMMER ASSOCIATE PROGRAMS REPRESENT LOW INCOME NEW YORKERS WITH DISABILITIES AND PUBLIC HOUSING TENANTS

Although law firms continue to have smaller summer associate classes, The Legal Aid Society's pro bono partners have upheld the tradition of representing low-income New Yorkers with physical and/or mental disabilities seeking Social Security Income Disability ("SSI") benefits and preventing the eviction of New York City Housing Authority ("NYCHA") tenants. Summer associates, working with senior Legal Aid attorneys and supervising associates at their firms, have accepted NYCHA cases to save affordable housing for tenants and their families facing homelessness and SSI cases to ensure that low-income New Yorkers with physical and/or mental disabilities receive basic assistance for food and shelter. This long-standing partnership with seven law firms - Cahill Gordon & Reindel LLP, Debevoise & Plimpton LLP, Hughes Hubbard & Reed LLP, Kaye Scholer LLP, Kasowitz, Benson, Torres and Friedman LLP, O'Melveny & Myers LLP, and Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates - expands the capacity of the Society's Civil Practice to provide legal services to indigent clients. In addition, summer associates from Fried, Frank, Harris, Schriver & Jacobson LLP volunteered with the Community Development Project at the Harlem Community Law Office as externs.

This more than 20-year tradition of engaging summer associate classes in the work of The Legal Aid Society exposes the next generation of law firm attorneys, at the onset of their legal careers, to the positive experiences and professional development opportunities pro bono work affords.

## CHANGING LIVES, OFFERING SECOND CHANCES:

### CLEARY GOTTLIEB STEEN & HAMILTON LLP TEAMS WITH THE LEGAL AID SOCIETY TO VACATE CRIMINAL CONVICTIONS OF HUMAN TRAFFICKING VICTIMS



*Cleary Gottlieb Steen & Hamilton LLP associates attend the Advocacy for Trafficking Survivors training presented by Legal Aid attorneys Kate Mogulescu and Nancy Rosenbloom*

The Legal Aid Society recently was awarded a two-year grant from the NoVo Foundation to implement the Trafficking Victims Legal Defense and Advocacy Project (“TVLDAP”), an innovative interdisciplinary pilot project that addresses the comprehensive needs of victims of human trafficking who are arrested and prosecuted for prostitution in New York County. An estimated 17,500 foreign nationals are trafficked annually into the United States. The number of U.S. citizens trafficked within the country is even higher, with over 200,000 U.S. children at high risk of trafficking into the sex industry each year. In New York County, there were more than 650 prostitution-related arrests in 2009. A significant number of those arrested for prostitution related charges are victims of exploitation and trafficking. The extent of this victimization rarely is revealed as these cases are processed in Criminal Court. Under current practice, trafficking victims continue to be criminalized as they cycle in and out of the criminal justice system.

Cleary Gottlieb has joined with the Legal Aid attorneys, Kate Mogulescu and Nancy Rosenbloom, to represent people who are the victims of human trafficking and seek vacatur of their convictions. Their efforts will provide these exploited young people a second chance, enabling them to gain employment and achieve economic independence. Firm partner Lewis Liman, a Director of the Society, and Jennifer Kroman, Director of Pro Bono Practice, will head the Cleary legal team. Legal work is supported and enhanced by a Legal Aid clinical social worker and interns.

The TVLDAP’s success has been highlighted in The New York Times, The New York Daily News, and Reuters, which reported on the first U.S. citizen to have her prostitution conviction overturned under New York’s sex-trafficking law. The victim, now 22, was forced into the sex trade at the age of 13. “This is a landmark moment,” Steve Banks, the Attorney-in-Chief of The Legal Aid Society, told The New York Times. “There are thousands of women who will benefit over time. It removes a blot on their lives.”

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## FOURTEENTH ANNUAL LEGAL AID SOCIETY CLE PRO BONO TRAINING SERIES ANNOUNCED

The Legal Aid Society is proud to present its 14th annual CLE Pro Bono Training Series, which commences on November 30, 2011 with a session on Not-For-Profit incorporation and extends through May 2012. The training sessions will be conducted at participating New York City law firms. Seminars will cover diverse aspects of the Society’s practice: administrative hearings and appeals, community economic development, criminal appeals and practice, immigration law, low-income taxpayers’ rights, prisoners’ rights, and general civil practice. The outstanding faculty from The Legal Aid Society and the private bar are experts in their fields of practice.

To accommodate the wide range of first year associate start dates at major New York City law firms, sessions particularly targeted for first year associates will begin in 2012. Training seminars on New York City Housing Authority, Public Benefits Fair Hearings, and Social Security Disability administrative hearings, practice areas that are handled successfully by junior associates, will be held in February and March of 2012.

As with past years, the CLE training program addresses urgent, emerging legal needs of low income families and individuals. The varied menu of seminars offer significant pro bono opportunities to litigators, transactional counsel, and in-house corporate attorneys. We continue to feature sessions on “Article 78 Proceedings” and “Overview of the Foreclosure Process and Defenses”, which will equip volunteer attorneys with the requisite knowledge and skills to represent clients who are facing the loss of their homes.

For more information on seminars, including registration information and a complete schedule, please visit the Pro Bono section of our website at [www.legal-aid.org](http://www.legal-aid.org).

**To download a full schedule of our 2011-2012 CLE Pro Bono Training Program, please visit our website, [www.legal-aid.org](http://www.legal-aid.org), or visit the New York City Pro Bono Center Website, [www.probono.net/ny/nyc](http://www.probono.net/ny/nyc)**

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previously worked on removal cases and are able to provide guidance to new pro bono associates – reviewing work product and discussing representation issues as they arise. This clear internal review structure develops institutional expertise within Simpson, ensures consistently excellent results and maximizes the resources of the Immigration Law Unit which can then accept more cases for individual representation. The Simpson pro bono model was showcased at a recent colloquium organized by the Katzmman Study Group for Immigration Representation at Cardozo Law School titled “Innovative Approaches to Immigrant Representation: Exploring New Partnerships.” The Immigration Law Unit thanks Simpson for its efforts and congratulates the firm on its many successes so far.

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## **LAW FIRMS CO-COUNSEL WITH THE LEGAL AID SOCIETY ON LAW REFORM AND APPELLATE WORK THAT SEEK SYSTEMIC CHANGE AND CORRECTION OF UNJUST LEGAL DETERMINATIONS**

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- **M.K.B. v. Eggleston:** Hughes Hubbard has served as co-counsel on this class action lawsuit that challenged the systemic failure of the City and the State to provide public benefits to eligible documented immigrants, including domestic violence survivors and their children. Although settled in 2007, the work on behalf of the class continues to require outreach to thousands of potential class members and enforcement litigation to assure receipt of retroactive cash benefits and defendants’ compliance.
- **A.M. et al. v. Mattingly:** Patterson Belknap was co-counsel on a federal class action civil rights lawsuit that resulted in an settlement prohibiting the City of New York from continuing practices that cause children in its care to languish in psychiatric hospitals longer than medically necessary. The settlement provides relief to approximately 14,000 children, requires the City to comply with applicable federal and State laws, provides substantial reforms, and requires relevant training for Administration of Children’s Services staff.
- **G.B. et al. v. Carrión et al:** Orrick, Herrington & Sutcliffe is co-counsel on a class action that seeks freedom from physical abuse and the right to mental health care for children in juvenile prisons. The federal District Court for the Southern District recently dismissed the defendant’s motion for summary judgment on the issue of exhaustion under the Prison Litigation Reform Act, finding that that the grievance system was either unavailable to the plaintiff children or that special circumstances existed for the named plaintiffs.
- **Davis et al. v. City of New York et ano:** Paul, Weiss is co-counsel with The Legal Aid Society and the N AACP Legal Defense Fund in a class action lawsuit against the New York City Police Department and the New York City Housing Authority, which challenges the NYPD trespass arrest procedure. The practice has resulted in an increase in the number of illegal trespass arrests, particularly of tenants and visitors who have a legitimate reason to be on Public Housing grounds.
- **Wrongful Conviction Matter:** Shearman & Sterling, working closely with the Society’s Criminal Appeals Bureau, spearheaded an investigation into the wrongful conviction of our client. Their efforts resulted in the vacatur of the conviction and our client was recently ordered released on bond after serving 20 years in prison.
- **DeBruce:** Weil has provided extraordinary resources in the matter of Derrick DeBruce, an inmate on Alabama’s death row who was sentenced to die after a three-day trial in which his lawyer was ineffective at both the guilt and sentencing phases. The firm has joined in the Society’s pro bono representation of Mr. DeBruce on his federal habeas proceeding in the 11th Circuit Court of Appeals and is pursuing legal remedies for inadequate medical treatment for a chronic debilitating gastrointestinal disease.

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