

# Pro Bono News

WINTER 2024

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## Pro Bono Fair

In celebration of **Pro Bono Week** and to welcome our new associates, Kramer Levin held a Pro Bono Fair on Oct. 24, 2023, in the New York office. Attendees participated in a raffle while learning how to become involved in the firm's many pro bono projects. Kramer Levin's small business owner clients, Katerina Bogatireva of **Precycle** and artist **Tesfaye Tessema**, also spoke about the impact Kramer Levin had on setting up and growing their businesses. Attendees enjoyed refreshments from Precycle, whose mission is to reduce environmental impact by reducing food and packaging waste. The event also collected new board games to be donated to our pro bono client **Sanctuary for Families**.



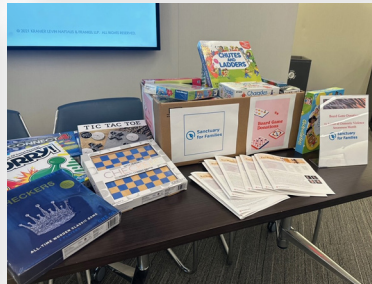
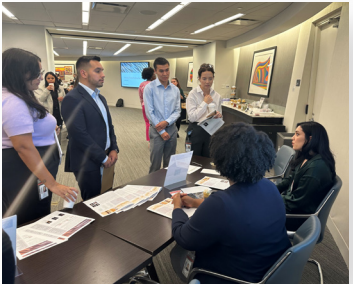
Yasmeen Al Bader and Danielle Moody at the Racial Justice Initiative table; Rita D'Souza and Genevieve Burger-Weiser promoting the P.S. 188 School Clinic and Family Court Volunteer Attorney Project; Nada Llewellyn and artist Tesfaye Tessema; Marisol Casilla, Gisselle Sabala and Ines Dominguez.

# Pro Bono Fair (Cont')



Mary Christie with swag bag; Pamela Badolato, Tre Dennis-Brown and Jamie Porco with raffle sign and raffle box; Hannah Sosland, Katy Telfer and Rachel Czwartacky at the asylum table; Molly's Cupcakes sign; Precycle owner Katerina Bogatireva with Christopher Auguste, Jamie Porco and Aaron Frankel.

Associates gather around a project table; Pamela Badolato signing in new associate Violaîne Brunet from the Silicon Valley office; the pro bono panel.



Rita D'Souza at the Family Law & PS 188 Clinic table with Abigail Badway and Katie Rubery; savory snacks from Precycle; a panelist's view of the room.

Mia Victoria Collins speaks with Edward Chen at the small business clinic table; games collected for Sanctuary for Families.

## Honors and Awards

### Jonaki Singh Honored with Outstanding Young Lawyer Award from the New York State Bar Association



At the [New York State Bar Association Constance Baker Motley Symposium](#) on Jan. 17, Kramer Levin commercial litigation associate [Jonaki Singh](#) received the Outstanding Young Lawyer Award for her pro bono representation of refugees and asylum seekers. In one case, she represented a former Eritrean soldier who had been tortured by the military and sought refuge in the United States. An immigration judge initially denied his request for asylum, but Jonaki successfully obtained a reversal of the decision.

In accepting her award, Jonaki acknowledged that pro bono work continues to inspire her to use her knowledge to benefit others, noting, “My value is using my legal knowledge to give my clients a voice and agency in their lives.”

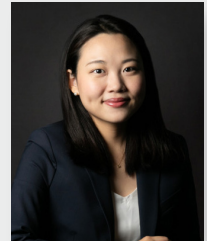
Presented by the association’s Young Lawyers section, the Outstanding Young Lawyer Award honors an attorney who has practiced for fewer than 10 years and has a distinguished record of public service and professional activities.

## Pro Bono Highlights

### Policy Resource Hub for Reproductive Health Launch

A team of Kramer Levin lawyers helped launch the Policy Resource Hub for Reproductive Health (Hub) as part of the [Reproductive Health Legal Assistance Project](#) (RHLAP) established by [Lawyers for Good Government](#). Following the Supreme Court’s 2022 decision in *Dobbs v. Jackson Women’s Health Organization*, state laws around abortion have been changing regularly. As part of RHLAP, around 1,000 pro bono attorneys and law students across the nation have been conducting state-specific research and monitoring the changing abortion laws to help medical personnel, lawyers and advocacy groups stay updated on the current status of the law. In particular, the Kramer Levin team has been responsible for researching and submitting daily legal updates on state abortion laws for Connecticut and Maine.

The Hub will serve as guidance for the general public as well as for medical personnel and advocates to understand reproductive rights and continue supporting the broader objective of reproductive healthcare accessible to all. The Kramer Levin team consisted of former special counsel Arielle Warshall Katz and associate [Hailey Tahk](#).



### Racial Justice Initiative Files Amicus Brief on Behalf of Native American Woman

As part of our Racial Justice Initiative, Kramer Levin is continuing our important pro bono work in support of Native American women. On Nov. 27, 2023, in partnership with the [ACLU Women’s Rights Project](#) and its affiliate offices in Montana, Alaska, Arizona, Northern California, Oregon, Nevada, Hawaii and Washington, we filed an amicus curiae brief in the U.S. Court of Appeals for the Ninth Circuit. The brief supports the appeal by L.B., a Native American woman residing on the Northern Cheyenne Reservation, of an order by the U.S. District Court for the District of Montana granting the U.S. government summary judgment and dismissing her claim against the government under the Federal Tort Claims Act (FTCA). The claim seeks damages resulting from a sexual assault by an on-duty Bureau of Indian Affairs officer who threatened to arrest her if she did not comply with his sexual advances.

## Pro Bono Highlights (Cont’)



The brief argued that the officer acted within the scope of his employment when he abused his law enforcement authority to commit sexual assault, making the U.S. government vicariously liable as his employer under the FTCA. It also argued that vicarious liability in such situations would improve law enforcement accountability on reservations, highlighting that police sexual misconduct is enabled by the nature and culture of police work, the rampant victimization of Indigenous women, and the incentivizing power of civil liability on law enforcement agencies. This issue on appeal is critical for Indigenous women like L.B., especially given that sexual assault, human trafficking and other forms of violence have reached crisis levels on Indian reservations. When federal officers themselves are perpetrators, it exacerbates these vulnerabilities, makes justice for survivors even more unlikely, and discourages tribal members from reporting crimes or seeking assistance from law enforcement.

At an earlier stage of the lawsuit, Kramer Levin worked with the ACLU to submit an amicus curiae brief to the Montana Supreme Court.

The Kramer Levin team consisted of former Land Use counsel Jeffrey L. Braun, Litigation associates **Danielle Moody** and **Chloe Bootstaylor**, paralegal **Christine Chase-Carpino** and administrative assistant **Tara Amidon**.

### Land Use and Environmental Departments Secure Building Permit for Williamsburg Charter High School

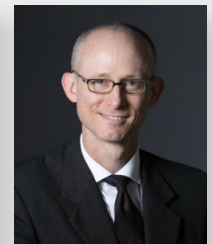
Kramer Levin’s Land Use and Environmental departments won approval from the New York City Board of Standards and Appeals (BSA) on Nov. 14, 2023, for a special permit to allow the **Williamsburg Charter High School (WCHS)** to build a new gym facility in Bushwick, Brooklyn. The gym will be located in a manufacturing zoning district, where school facilities are allowed only through a BSA special permit.

Founded in 2004, WCHS serves approximately 960 students in grades nine through twelve, but the school today lacks a proper gym. The new gym will be an approximately 8,278-square-foot facility located adjacent to the school’s existing building. It will allow the school to host volleyball games, basketball practices and other athletic activities on-site, rather than have students travel to off-site facilities.

The building will also house flexible spaces for music practice and yoga classes, as well as additional classrooms to aid the flexibility of programming at the school.

The special permit approval involved a rigorous public review process and required negotiation with the Department of Transportation, Department of Environmental Protection and other city agencies.

Land Use counsel **Gary Tarnoff**, special counsel **Patrick Sullivan**, Environmental special counsel **Toni Finger** and Land Use planner **Carlyn Maksymuk** assisted the school in securing this approval.



## Pro Bono Highlights (Cont')

### Kramer Levin Secures Victory for Disabled NYC Student

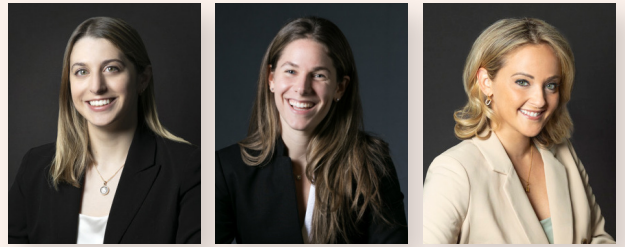
On Dec. 14, 2023, Kramer Levin secured another victory on behalf of a disabled student in the New York City public school system. The student, a 6-year-old boy diagnosed with severe autism and intellectual disability, suffers from cognitive, emotional, physical, communicative and behavioral deficits.

Last year, Kramer Levin won a hearing against the Department of Education, requiring the department to fund specialized

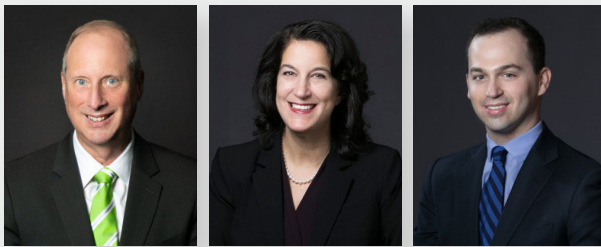
behavioral and educational services for the student on a “push-in” basis at the student’s current public school. These services resulted in the student’s significant educational, emotional and behavioral progress.

This year, Kramer Levin filed a “due process” complaint to mandate the continuance of these services until an appropriate nonpublic school placement could be found. Following a one-day trial in which Kramer Levin put forth three witnesses, Kramer Levin received a 13-page decision ordering the full relief requested. Specifically, Kramer Levin secured an order finding that the Department of Education had failed to provide the student with a free and appropriate public education, requiring the Department of Education to continue to fund specialized behavioral and educational services from an independent provider across the student’s entire school day, and requiring the Department of Education to refer the student to the Central Based Support Team to locate an appropriate nonpublic school placement for the future.

The Kramer Levin team consisted of associates [Daniela Manzi](#), [Reni Weintraub](#) and [Jennifer Weisser](#).



### Kramer Levin Files Amicus Brief Supporting Congestion Pricing for New York City



On Dec. 15, 2023, Kramer Levin filed a [motion for leave to submit an amicus brief](#) on behalf of 11 environmental, transportation, real estate and public interest groups, including the [Environmental Defense Fund](#), the [New York League of Conservation Voters](#) and [Transportation Alternatives](#), supporting the congestion pricing plan for New York City that the MTA hopes to launch in 2024 (the Plan).

The motion and proposed brief were filed in the U.S. District Court for the District of New Jersey in *State of New Jersey v. United States Department of Transportation, et al.*, No. 23 Civ. 038835.

The state of New Jersey has filed suit to block the Plan from going into effect, arguing that the United States Department of Transportation and the Federal Highway Administration within the Department of Transportation should have undertaken a more thorough environmental review, including the preparation of a full environmental impact statement, before approving congestion pricing for New York City.

Kramer Levin’s [proposed amicus brief](#) makes three arguments in favor of the environmental, health, transportation, equity and accessibility, environmental justice, and economic and financial benefits of establishing a large-scale congestion pricing program:

**First**, implementing the Plan would improve the quality of life for millions of people in the New York/New Jersey/Connecticut region, including New Jersey commuters and members of New Jersey communities.

## Pro Bono Highlights (Cont')

**Second**, after an extensive outreach and analysis of the potential environmental justice impacts of the Plan, the MTA has committed to the mitigation of adverse impacts on communities affected by predicted traffic increases.

And **third**, the success of similar congestion pricing programs in other cities and their surrounding areas around the world provide compelling support for the proposed Plan in Manhattan.

The motion was filed by partner **Andrew Otis**, former partner Charles S. Warren, special counsel **Karen Steinberg Kennedy** and associate **Nathan Schwartzberg**.

### Kramer Levin Wins Asylum Victory for Honduran Woman

On Dec. 21, 2023, a Kramer Levin team obtained a grant of asylum in Immigration Court for Ms. G, a woman from Honduras who escaped continued harassment and death threats from a community member because she is HIV positive, as well as discrimination because she is a Black Garifuna woman. Ms. G's two sons were also granted asylum in the same proceeding. The Kramer Levin team's pre-hearing materials demonstrated that Ms. G had been persecuted by her neighbor because of her HIV status, the government of Honduras was unable or unwilling to protect her because of her race, and Ms. G would be unable to relocate to another part of the country were she to return to Honduras. The team argued that Ms. G should be granted asylum on the grounds of her membership in the particular social group of Honduran people who are HIV positive.

The Department of Homeland Security challenged Ms. G's credibility following her testimony at the hearing, as well as other elements of Ms. G's asylum case. However, after reviewing the evidence and arguments presented by the Kramer Levin team and hearing Ms. G's direct testimony, Immigration Judge Thomas Bartleson granted asylum to Ms. G and her children on the grounds discussed above.

The Kramer Levin team consisted of associates **Sean Cassidy** and **Brian Hilburn**, and legal assistants **Gisselle Sabala** and **Luis Villanueva** (who both provided translation during hearing preparation).



### Kramer Levin Files Amicus Brief in the U.S. Supreme Court in Support of the Federal Prohibition of Bump Stocks

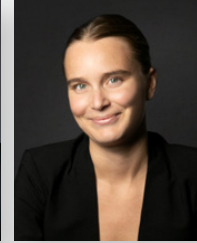
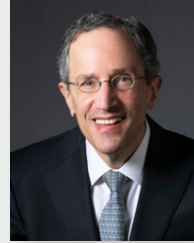
On Dec. 26, 2023, Kramer Levin filed an **amicus brief** in the U.S. Supreme Court on behalf of the **American Medical Association**, the **American Academy of Pediatrics**, the **American College of Physicians** and the **American College of Surgeons**. The brief, filed in *Garland v. Cargill*, supports the reversal of a Fifth Circuit decision that 26 U.S.C. 5845(b), the federal law that prohibits civilian ownership of machine guns, does not apply to bump stocks that enable semi-automatic firearms, with a single pull of the trigger, to initiate the continuous firing cycle of a machine gun.

The brief provides the firsthand experiences of 15 distinguished emergency physicians, surgeons, pediatricians, other healthcare providers and firearm violence researchers from across the country. Many have witnessed the devastation military assault-style weapons inflict and have treated victims of some of the most notorious mass-casualty shootings, including in Aurora, Columbine, Las Vegas, Newton, Oak Creek and San Bernardino. They describe the extraordinary

## Pro Bono Highlights (Cont’)

lethality of shootings involving such weapons and the physical and psychological consequences for victims, their children, other family members, neighbors, bystanders, first responders and hospital staff.

For example, **Dr. Martin Schreiber**, a chief of the Division of Trauma, Critical Care and Acute Surgery at Oregon Health & Science University and a colonel in the U.S. Army, observes that the AR-15 has been used in at least 10 of the 17 most deadly mass shootings in America and that when the AR-15 is combined with a bump stock, it becomes a machine gun, suitable for the battlefield. An AR-15 modified with a bump stock fires 600 rounds per minute, similar to an M-16 automatic military rifle. When such weapons cause injuries to the head, Dr. Schreiber explains, “survival is virtually impossible.” **Dr. Babak Sarani**, professor of surgery and emergency medicine



at George Washington University School of Medicine and the director of Trauma and Acute Care Surgery at The GW Medical Faculty Associates, notes that with every round fired, the probability of a shot striking the head increases.



**Dr. Thomas Lew**, assistant clinical professor of medicine at Stanford University School of Medicine and attending physician at Stanford Health Care Tri-Valley, recounts that in 2017 his family was on vacation in Las Vegas when a shooter in their hotel fired AR-15-style rifles, several modified with bump stocks, into a music festival, killing 60 men, women and children and wounding hundreds of others. Members of Dr. Lew’s family were just floors below the shooter. They barricaded themselves in a room with other vacationers and prayed.

**Dr. William Begg**, an emergency physician and the Endowed Chair of Emergency Medicine at Danbury and New Milford hospitals, was the emergency physician on duty at Danbury Hospital during the morning of the Sandy Hook mass shooting. He describes the horror of the scene — each child endured three to eleven gunshot wounds — and the particular damage to the body that AR-15 bullets cause when they explode, obliterating organs and leaving nothing to resuscitate. The lethality is only made worse by bump stocks.

**Dr. Kathleen Clem**, an emergency physician at Dartmouth-Hitchcock Medical Center and a professor at the Geisel School of Medicine at Dartmouth University, observes that the awful effects of the use of military assault weapons are not confined to the gunshot victims. The families, the hospital staff and entire communities are deeply impacted. The mass casualties resulting from shootings involving automatic weapons overwhelm treatment centers, stretching resources thin. **Dr. Jeffrey Sankoff** reports that an American College of Emergency Physicians task force is considering how to import military strategies into the civilian sector to manage the casualties. The cost associated with these plans is enormous. Federal grants reimburse only a fraction.

As mass shootings proliferate in this country, allowing bump stock devices increases the likelihood of more catastrophic and deadly outcomes. Common sense dictates that should not be allowed to happen. The federal ban on machine guns should correctly be applied to bump stocks. A three-judge Fifth Circuit panel found the Bureau of Alcohol, Tobacco, Firearms and Explosives regulation adopted in the wake of the 2017 Las Vegas mass shooting correctly determined that bump stock-type devices are “machineguns” as defined in Section 5845(b). One year later, the Fifth Circuit en banc reversed. Our brief summarizes the research that shows that prohibiting the use of bump stock devices to convert semi-automatic firearms into automatic weapons saves lives.

The brief argues that when Congress enacted the **National Firearms Act of 1934** to prevent civilian use of automatic weapons, it cannot have intended to allow devices (such as bump stocks) that transform firearms into the very weapons the act sought to prohibit. The Kramer Levin team includes Litigation partner **Michael J. Dell**, associates **Daria Schieferstein**, **Ashish Virmani** and **Catherine Engelmann**, and paralegal **Angela Chan**.

# Clinics and Trainings

## Mandamus Actions Filing Training

On Nov. 14, 2023, Kramer Levin and **Immigration Equality** co-hosted a virtual training on filing mandamus actions to compel USCIS to schedule asylum interviews.

Several years ago, **USCIS** (an agency responsible for handling applications for asylum) changed its scheduling policy from “first in, first out” to “last in, first out.” The policy shift meant that applicants waiting in line for years for their asylum interviews would now wait even longer, stuck in the asylum “backlog.” In practice, with rare exception, only new asylum applicants are receiving interviews. In short, many of our clients’ asylum claims have been pending for five or more years and are in de

facto indefinite suspension. Moreover, since USCIS gets more applications every month than it adjudicates, these cases will never be heard unless the system changes.

To address this problem, asylum applicants can file a mandamus/Administrative Procedure Act (APA) action in federal court to force USCIS to grant asylum interviews. Using this method, we have been able to obtain interviews for many of our asylum clients who were stuck in the backlog.

This training covered the current state of the asylum backlog, the legal theories behind a mandamus/APA suit, the nuts and bolts of filing suit, and criteria to assess whether a particular asylum client is a good candidate for a mandamus/APA action.

## Veterans Benefits Pro Bono Clinic with Catalent and City Bar

In honor of Veterans Day, on Nov. 16, 2023, Kramer Levin hosted a virtual pro bono clinic to assist the surviving spouses of low-income veterans in obtaining benefits. The clinic was co-sponsored by Kramer Levin and the **City Bar Justice Center**. Prior to the clinic, volunteers from Kramer Levin and firm client **Catalent** watched a CLE-eligible three-hour recorded training and were given a client file to review. They were then placed on teams to interview clients and help with drafting applications for benefits.



The Kramer team at Catalent giving a CLE presentation on the firm’s pro bono program.

## NYC Business Solutions Virtual Small Business Clinics

Throughout last quarter, Kramer Levin held monthly Small Business Clinics, collaborating with the Harlem and Morningside Heights offices of **NYC Business Solutions** to help low- and lower-income entrepreneurs in Upper Manhattan and the Bronx as they restart, maintain and grow their businesses. To participate in a future small-business clinic, please contact **Colin Bumby**.

## 2024 Kramer Levin Pro Bono Challenge

The firm encourages every attorney to achieve the aspiration set forth in **New York Rule of Professional Conduct 6.1** of providing **at least 50 hours per year** of pro bono legal services to poor persons. The Pro Bono Challenge will recognize attorneys and qualifying staff who meet thresholds of hours of pro bono legal services in a given calendar year at the annual Marvin Frankel Pro Bono Awards Ceremony. **The 2024 levels are:**

- 20 hours:** Pro Bono Counsel
- 50 hours:** Pro Bono Advocate
- 100 hours:** Pro Bono Champion