

Pro Bono News

SUMMER 2021

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	Daniel Lennard	Jeff Trachtman
	Gil Liu	Reyhan Watson

Kramer Levin Racial Justice Initiative

This year we celebrate the anniversary of Kramer Levin's formation of the Racial Justice Initiative, which was established in response to and in support of the clear and continued outcry for racial and social justice. This important initiative, which is led by our Pro Bono Committee, pursues pro bono opportunities focused on opposing racial injustice and inequality, including through criminal justice reform, which has been a long-standing focus of our pro bono work. We remain committed to supporting actions that can effect real change.

Because of our efforts to support communities of color through pro bono projects, Kramer Levin was named one of the National Legal Aid & Defender Association's (NLADA) 2021 Beacon of Justice Award recipients in recognition of the firm's pro bono work to address systemic racial disparities in 2020.

This award and our continued work in this area highlight Kramer Levin's commitment to right racial injustice and inequality, not only through our pro bono legal work but also through our commitment to various alliances and organizations that support communities of color. Over the past year, we took on a variety of projects with this mission in mind.

Organization/ Project Name	Description
Urban Design Forum and Van Alen Institute (Neighborhoods Now)	Urban Design Forum and Van Alen Institute collaborated to launch Neighborhoods Now, an initiative connecting four neighborhoods hit hard by the COVID-19 pandemic (Bed-Stuy, Washington Heights, Kingsbridge and Jackson Heights) with law firms, design professionals and community health experts to develop safe and effective reopening strategies. Kramer Levin volunteers advised community-based organizations on a range of legal issues that may arise relating to permitting and city requests, Department of Buildings complaints, leasing challenges, nonconforming uses, and other factors.

Kramer Levin Racial Justice Initiative (cont.)

Organization/ Project Name	Description
NYC Business Solutions (Small Business Clinic)	Kramer Levin, in collaboration with the Harlem and Morningside Heights offices of NYC Business Solutions, helps low- and lower-income entrepreneurs in Upper Manhattan and the Bronx as they restart, maintain and grow their businesses. Many of these businesses have been especially hard-hit by COVID-19 and the shutdown. They are in great need of legal assistance — whether it be in considering Paycheck Protection Program loans and forgiveness; seeking debt and contractual forgiveness with existing vendors, service providers and lenders; or considering challenges regarding reopening.
City Bar Justice Center (Veterans Assistance Project)	The Veterans Assistance Project helps disabled veterans apply for medical benefits after they have been previously denied them. The disabled veteran client base is approximately 75% persons of color, and these New Yorkers typically face a range of systemic challenges on top of negotiating often deeply difficult disability conditions. Kramer Levin assists with reviewing the claims files and making recommendations as to whether the claim should be filed.
The Legal Aid Society (Assistance to Arrested Protesters)	Legal Aid put together a network of lawyers to support protesters affected by police violence or bad arrests. The limited-scope legal work involved educating and guiding clients through the steps required for filing a complaint with the Civil Complaint Review Board.
Election Protection (Voting Hotline)	Election Protection is the nation’s largest nonpartisan voter assistance organization. Kramer Levin volunteers staffed phone banks to answer voter questions and ensure fair voting practices throughout the country.
Asian American Legal Defense and Education Fund (Election Day Poll Monitoring)	Kramer Levin volunteers signed up to be nonpartisan poll monitors at the election sites in New York City and New Jersey on Election Day, focusing on ensuring that no one eligible to vote was turned away and that equal access conditions at the polling stations were as they should be.
VOLS Unemployed Workers Project (Unemployed Workers Project)	Volunteers have been advocating at unemployment hearings on behalf of claimants who have lost jobs in the wake of the COVID-19 crisis, which hit communities of color the hardest. Hearings before the Unemployment Insurance Appeals Board are currently held by phone before administrative law judges and do not require in-person appearances or travel.
Legal Aid Society (Plea Appeal Project)	Volunteers are working on appeals of guilty plea convictions in the New York Supreme Court Appellate Division, First Department. These appeals challenge the validity of the guilty plea and/or the excessiveness of the sentence, emphasizing that the goals of sentencing could be better served by a reduction in the penalty. Kramer Levin lawyers draft a legal memorandum marshaling the mitigating evidence presented in the record regarding the nature of the case and the defendant’s background and circumstances. Lawyers then have the opportunity to present oral argument on the appeal.

Many of the above projects were highlighted in the fall 2020 edition of *Pro Bono News*. Since then, we have taken on additional projects and have had many successes. We highlight a few of these below.

Kramer Levin Joins Alliance for Asian American Justice

Kramer Levin has joined the Alliance for Asian American Justice (the Alliance), a national pro bono initiative of 40-plus law firms and in-house counsel committed to standing up for victims of anti-Asian hate crimes and advocating for the prevention of future acts against the Asian community. The Alliance aims to aid victims in accessing legal representation and overcoming barriers often hindering members of the Asian community from obtaining assistance when they are the subject of hate crimes.

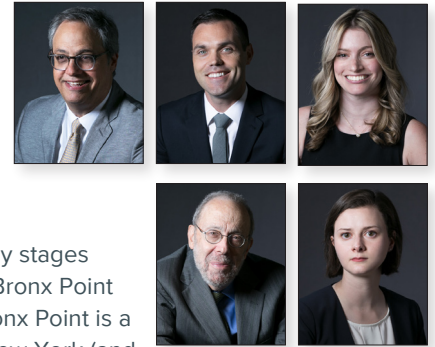


Martin Ascher volunteering for the AALDEF poll monitoring.

Kramer Levin Racial Justice Initiative (cont.)

Kramer Levin Closes Lease for Universal Hip Hop Museum

Kramer Levin client Universal Hip Hop Museum (UHHM) announced that it has signed a long-term lease in connection with a much larger closing involving L+M Development Partners (L+M), the city of New York, the NYC Economic Development Corp. (EDC), NYC Housing Development Corp. (HDC), Housing Preservation & Development (HPD) and Wells Fargo. This was the culmination of over two years of work, with the UHHM lease a central component of the transaction.



Kramer Levin began representing UHHM in November 2018. At that time, UHHM was in the early stages of negotiating a term sheet with L+M for 50,000 square feet of space at the to-be-constructed Bronx Point affordable housing project located on the Harlem River and 145th Street in the South Bronx. Bronx Point is a city-backed development project on a large parcel of riverfront property owned by the city of New York (and leased to L+M), and UHHM will be the anchor tenant. The project will include over 500 residential apartments, retail space and other community facility space in addition to UHHM. The Kramer Levin team negotiated the term sheet for over a year and spent the past 10 months negotiating the lease. Some of the major issues in negotiation included consent rights for alterations of the museum premises (including for museum exhibits), UHHM's ability to sublet portions of its space, fundraising requirements and museum planning milestones, museum construction and fit-out obligations, and negotiation of condominium documents.

As we approached closing, we were introduced to the other parties in the transaction, including the city of New York, EDC, HDC, HPD and Wells Fargo. As a result, the rights negotiated under the UHHM lease with L+M came under pressure by certain requirements of these third parties. The final few weeks of negotiations were spent primarily trying to ensure that the museum's rights under its lease, and its ability to operate mostly unfettered by these third parties, would not be unduly burdened. Ultimately, we reached a resolution on these issues that pleased our client.

Construction of the museum space is anticipated to be completed in 2023, and UHHM plans to open its doors to the public in 2025. The Kramer Levin team included Real Estate partner **Andrew Charles**, counsel **Stephen Senie**, and associates **Daniel Stewart** and **Meigan Serle**, and Environmental Law associate **Julia Quigley**.

Kramer Levin Obtains Preliminary Injunction Blocking “Death to Asylum” Rule That Would Have Barred Most Claims and Particularly Harmed LGBTQ Refugees

On Jan. 8, 2021, U.S. District Judge James Donato of the Northern District of California granted a Kramer Levin team's request for a preliminary injunction blocking the outgoing Trump administration's changes to the asylum rules from going into effect in less than three days. The changes, referred to by opponents as the “Death to Asylum” rule, would have negatively impacted almost every aspect of the asylum system, and would have made it nearly impossible for LGBTQ and HIV-positive refugees who are fleeing persecution in their home countries to receive asylum in the United States. Likewise, the changes would have almost entirely banned asylum for those making gender-based claims and for victims of nonstate violence.



Kramer Levin filed the suit against the Department of Homeland Security and the Department of Justice with co-counsel Lambda Legal Defense and Education Fund and Immigration Equality, two long-standing pro bono partners, on behalf of multiple immigration legal services providers who represent LGBTQ and HIV-positive refugees. Since the final rule was published, the team worked around the clock to prepare the 100+ page complaint and Temporary Restraining Order motion papers. Because the Trump administration's changes were the result of agency rulemaking, President-elect Biden could not simply undo the damage by executive order after his inauguration. If the rules had not been blocked from going into effect, tens of thousands of refugees with meritorious claims would have faced removal to life-threatening situations before the rules could be undone through further rulemaking.

Kramer Levin argued that, among the rule's many flaws, it was invalid because purported DHS Acting Secretary Chad Wolf lacked authority to promulgate the rule as he had not been validly appointed, which several other courts have found. In granting the injunction and rejecting defendants' attempts to defend Wolf's appointment, Judge Donato found that, “[i]n effect, the government keeps crashing the same car into a gate, hoping that someday it might break through. ... But our system has no room for relitigating the same facts and law in successive district court cases ad infinitum. ... Plaintiffs provide legal services and other assistance to those seeking asylum and similar protections from persecution or violence in their home countries. They have provided ample evidence that if enacted, the Rule would harm this mission. ... A nationwide injunction is warranted.”

The team was led by Litigation partner **Jeffrey Trachtman**, Intellectual Property partner **Aaron Frankel** and Litigation special counsel **Jason Moff**, and included Litigation partner **Alan Friedman**; Litigation associates **Chase Mechanick**, **Ryan Gander** and **Irene Weintraub**; Intellectual Property associate **Austin Manes**; and former associate Charlotte Courtade.

Kramer Levin Racial Justice Initiative (cont.)

Kramer Levin Joins Forces With VOLS on the Unemployed Workers Project

As part of our Racial Justice Initiative, the Diversity and Pro Bono committees have arranged for the firm to assist the Volunteers of Legal Service (VOLS) Unemployed Workers Project in advocating on behalf of claimants at unemployment hearings. Most of these claimants have lost jobs in the wake of the COVID-19 crisis, and communities of color have been hit the hardest. With unemployment remaining at historic highs, unemployment insurance benefits are a lifeline for an individual or family for whom there is no other source of income.



As part of this project, Litigation special counsel **Karen Kennedy**, former associate **Xue Li** and Corporate law clerk **Andrew Barondess** successfully secured unemployment benefits for a New York City substitute teacher. The client had been laid off during the pandemic and awarded unemployment benefits, but the Department of Labor then sought to recoup some of the benefits. Over the course of several months, the team reviewed documents and worked closely with the client to prepare him for a remote hearing conducted before an administrative law judge at the Unemployment Insurance Appeal Board. The team then conducted the hearing remotely and secured a swift decision allowing the client to keep all of his benefits.

Kramer Levin Obtains Asylum Interviews for the Staten Island Lunicorns

Kramer Levin partnered with Legal Services NYC to file a successful mandamus lawsuit to compel the United States government to conduct asylum interviews for five refugees. All five are transgender women from Mexico who suffered transphobic violence and sexual assault and now seek asylum in the United States. They are also members of the Lunicorns, which is the first Latinx LGBTQ advocacy group on Staten Island. The clients are featured in a video essay by a Staten Island newspaper, and the case received front-page coverage in the *New York Law Journal*. While the law requires that the government conduct asylum interviews within 45 days, each of the clients waited more than four years without receiving an interview. Due to a last-in, first-out policy put in place by the Trump administration, U.S. Citizenship and Immigration Services (USCIS) prioritized giving interviews to applicants who had recently filed applications. Because the USCIS receives more applications each month than it is able to schedule interviews for, applicants such as the Lunicorns who did not receive an interview right away found themselves stuck in legal limbo, facing an indefinite wait to have their claims adjudicated. After extensive briefing on plaintiffs' standing to seek relief, the government relented and scheduled all five clients for asylum interviews. Kramer Levin partnered with Immigration Equality to file a similar suit in April 2019 on behalf of two refugees who had also been waiting for years for an asylum interview. The government eventually relented and held interviews for both clients, who then received asylum. Legal Services NYC and Immigration Equality are using Kramer Levin's papers as a model to file suits on behalf of others similarly situated. The Kramer Levin team included Intellectual Property partner **Aaron Frankel**; Litigation associates **Michelle Ben-David** and **Dan Lennard**; former associates John McNulty, Sam Brill, Allison Parr and Michael Vatcher; Assistant Managing Attorney **Samantha Ford**; and paralegal **Erick Ramirez**.



The Lunicorns meet with Kramer Levin.

Kramer Levin Racial Justice Initiative (cont.)

Kramer Levin Helps LGBTQ Refugees Apply for Asylum Before ‘Death to Asylum’ Rule Was To Go Into Effect

Shortly before the end-of-year holidays, the Trump administration published a package of changes to the asylum system, referred to by opponents as the “Death to Asylum” rule, which would have negatively impacted almost every aspect of the asylum system. These procedural and evidentiary changes would have made it nearly impossible for LGBTQ and HIV-positive refugees who are fleeing persecution in their home countries to receive asylum in the United States, even if they have strong meritorious claims and a very high likelihood of persecution if returned. Longtime pro bono partner Immigration Equality, which represents LGBTQ and HIV-positive refugees, lacked the resources to help all its clients apply for asylum before the Jan. 10, 2021, effective date of the rule. A Kramer Levin team took five asylum cases on referral from Immigration Equality and worked through the holidays to evaluate the cases, and then prepared and successfully filed the applications before the deadline. The team included Bankruptcy and Restructuring associate **Nancy Bello**, Intellectual Property associate **Austin Manes**, Litigation associate **Seth Schinfeld**, Business Immigration associate **Michelle Velasco**, Intellectual Property associate **Jerome Ma**, former associate Charlotte Courtade and paralegal **Santo Cipolla**. Intellectual Property partner **Aaron Frankel** supervised the effort.



Racial Justice Initiative Clinics and Programming

Juneteenth Presentation

In honor of Kramer Levin’s observance of Juneteenth, the firm’s Racial Justice Initiative sponsored a presentation titled “Juneteenth, Democracy and the Fight to Protect Black Voting Rights,” featuring Abdul Dosunmu of pro bono client YBLOC (Young Black Lawyers’ Organizing Coalition). Mr. Dosunmu spoke on the origins and importance of Juneteenth, as well as contemporary voting rights and political participation challenges YBLOC is addressing. Recently, as part of our Racial Justice Initiative, we collaborated with YBLOC on voting rights research and public education to protect access to the ballot box. Mr. Dosunmu and YBLOC are on the front lines of the effort to protect and ensure the right to vote.

Pride Month Presentation

As part of our celebration of Pride Month and in connection with the firm’s Racial Justice Initiative, Kramer Levin hosted a panel discussion regarding its victory in *Immigration Equality v. DHS*.

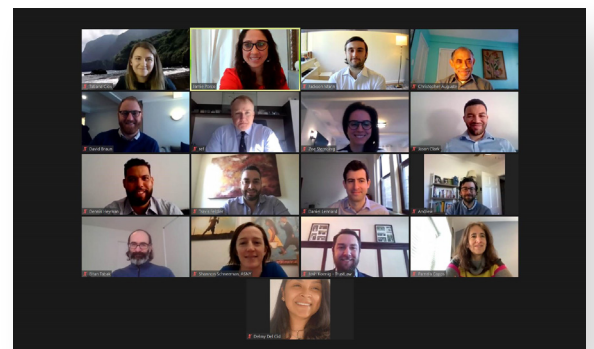
The all-star lineup of panelists shared behind-the-scenes insights into the development of the winning legal strategy, the challenges of seeking emergency relief, the devastating impact the Department of Homeland Security’s proposed rules would have had on LGBTQ refugees, and our hopes for reform from the new administration (see “Kramer Levin Obtains Preliminary Injunction Blocking ‘Death to Asylum’ Rule That Would Have Barred Most Claims and Particularly Harmed LGBTQ Refugees” for more detail). The panel, moderated by **Aaron Frankel**, the co-chair of the Pro Bono Committee, included:



- **Omar Gonzalez-Pagan** (senior attorney, Lambda Legal; conducted the oral argument for an injunction)
- **Bridget Crawford** (legal director, Immigration Equality)
- **Bamby Salcedo** (president/CEO, TransLatin@ Coalition)
- **Zack Mohamed** (organizer, Black LGBTQIA+ Migrant Project)
- **Chase Mechanick** (associate, Kramer Levin)

TrustLaw Clinic in Honor of Black History Month

As part of our Racial Justice Initiative, our Diversity and Pro Bono committees co-sponsored a virtual COVID-19 Legal Health Check Workshop. We partnered with TrustLaw, the Thomson Reuters Foundation’s global pro bono legal program, to provide a pro bono “health check” for nongovernmental organizations and social enterprises that serve Black and Brown communities. The workshop functioned as a legal screening clinic where members of various departments at Kramer Levin met with the organizations on different areas of law, including tax, corporate and privacy, among others. We assisted the following organizations: America SCORES New York, Highbridge Voices, The Money Hub, TechRow Fund and Good Call.



Virtual TrustLaw Clinic in honor of Black History Month.

Kramer Levin Racial Justice Initiative (cont.)

Racial Justice Issues in the Criminal Justice System Panel Discussion With Johnson & Johnson

In honor of Black History Month and as part of our Racial Justice Initiative, Litigation partners **Dani James**, **Darren LaVerne**, **Michael Martinez**, **Norm Simon** and **Steve Sparling** hosted a panel discussion with firm client Johnson & Johnson on how issues of race result in the disparate inclusion and treatment of members of the Black community in the criminal justice system. The panel addressed the arc of the criminal justice process, from how racial bias can lead to individuals in the Black community being categorized as suspects by the police to how cash bail disproportionately impacts the Black community to how race leads to disparate results in sentencing. Special thanks to Litigation associate **Danielle Moody** and former associate **Astrid Ackerman** for their assistance in preparing the presentation.



Voices From the Racial Justice Initiative



“The RJI represents the best of Kramer Levin. The level of volunteerism, expertise and collaboration of our lawyers and staff has resulted in successful RJI matters aimed at eliminating racial injustice.”

— *Christopher Auguste, Corporate partner, Pro Bono co-chair and Diversity Committee co-chair*



“I joined RJI because I wanted the opportunity to take on more cases that could directly impact people of color in positive ways. This is especially important to me as a Black lawyer.”

— *Danielle Moody, Litigation associate*



“I was excited to join RJI, and especially the small business clinics, so that I could be a better ally and neighbor to my fellow Harlemites in the fight for racial justice.”

— *Mary Christie, legal secretary*



“I became a lawyer because racial justice and equal protection under the law are core values for me, and I believe safeguarding those values is a fundamental obligation of a lawyer. The RJI allows me to meet that obligation.”

— *Steven Sparling, Litigation partner*



“I got involved in Kramer Levin’s Racial Justice Initiative because as lawyers we have both the ability and the obligation to advocate for a more just world.”

— *Martin Ascher, Litigation associate*

Pro Bono Program Spotlight

Her Justice Debt Buyer’s Defense Clinic

In honor of Women’s History Month, Kramer Levin co-hosted a Virtual Debt Buyer Defense Legal Clinic with Her Justice. Volunteers successfully drafted affidavits and orders to show cause to vacate the judgments for three women who could not afford lawyers and who have consumer debt default judgments against them in civil court.

Kramer Levin and Neighbors Link Virtual Citizenship Clinic

Kramer Levin co-hosted a clinic with Neighbors Link to provide free citizenship screening and naturalization application assistance. We were joined by lawyers from Johnson & Johnson and Shiseido.



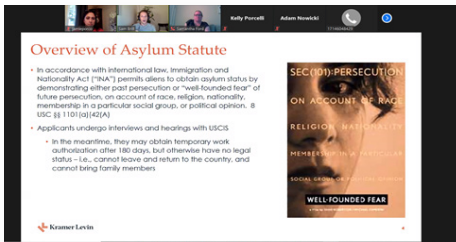
Virtual Citizenship Clinic with Neighbors Link.

Pro Bono Program Spotlight (cont.)

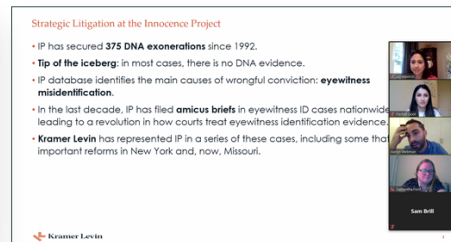
Mentor/Mentee Pro Bono Meetings

We continued to host our mentor/mentee gatherings virtually during the fall and winter. At our meeting on Oct. 28, 2020, Assistant Managing Attorney **Samantha Ford** and former Land Use associate **Sam Brill** presented on a mandamus asylum action, Litigation associates **Aaron Webman** and **Rachel Goot** discussed an Innocence Project matter, and Bankruptcy associate **Doug Buckley** spoke about volunteering with Election Protection’s voter hotline.

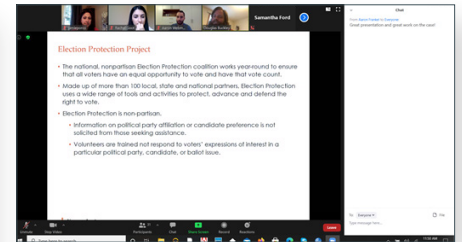
We met again on Feb. 24, 2021. We heard from **Chase Mechanick** and **Jason Moff**, who presented on the “Death to Asylum” rule and our victory in blocking the overhaul of the asylum system that would particularly harm LGBTQ claimants. **Rey Watson** and **Julia Quigley** discussed the appellate victory for a pro bono client seeking to enforce a child support order.



Samantha Ford and Sam Brill presenting during the October meeting.



Aaron Webman and Rachel Goot presenting during the October meeting.



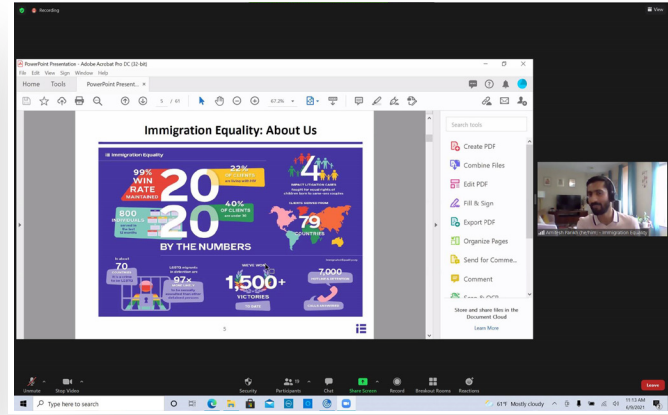
Doug Buckley presenting during the October meeting.

Pride Month Asylum Pro Bono Clinic With Johnson & Johnson and Immigration Equality

On June 9 and 10, in honor of Pride Month, Kramer Levin and Johnson & Johnson teamed up with Immigration Equality for a virtual pro bono clinic to assist LGBTQ and HIV-positive individuals in preparing applications and filing for asylum. Worldwide, individuals face violence, prison time or the death penalty due to their sexual orientation or gender identity. Joint Kramer Levin and Johnson & Johnson teams assisted six pro se applicants in preparing applications for asylum.



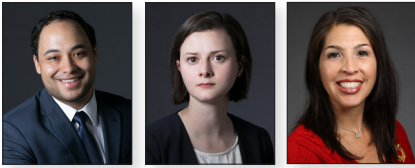
Norman Simon welcomes clinic participants.



Amitesh Parikh walks the participants through the clinic day and training.

Pro Bono Successes — Family Law Highlights

KL Secures Appellate Victory for Pro Bono Client Seeking To Enforce Child Support Order



The New York Supreme Court Appellate Division, First Department, unanimously upheld a Bronx Family Court decision that the

respondent, who owed over \$17,000 in child support arrears to our client, had willfully violated a child support order and committed him to jail for a period of six months absent payment of a \$7,500 “purge” amount. The Family Court’s decision, now affirmed, was the culmination of multiple direct examinations, cross-examinations and closing arguments by our Kramer Levin lawyers over half a dozen hearings. The First Department accepted each of our arguments on appeal, ruling that the father failed to meet his burden of presenting an inability to pay child support or even make reasonable efforts to obtain gainful employment, and that he admitted he did not intend to pay child support. Kramer Levin’s zealous advocacy on appeal in the midst of a pandemic not only resulted in our client’s vindication in court but also prompted payment of the \$7,500 purge amount, along with regular child support payments — something that had not happened in the five years that the child support order had been in effect — while the appeal was still pending. The outcome was particularly rewarding given that the client has struggled as the single parent of a young child in the ongoing global pandemic. The Kramer Levin team consisted of Litigation associate **Reyhan Watson**, Environmental Law associate **Julia Quigley**, former special counsel **Samantha V. Ettari** and paralegal **Pamela Badolato**.

KL Secures Favorable Prima Facie Determination in VAWA Self-Petition



Kramer Levin succeeded in securing a favorable prima facie determination on Ms. G’s Violence Against Women Act (VAWA) self-petition, in addition to securing employment authorization for both Ms. G and her son. Ms. G is a victim of domestic violence and was referred to the firm by

Her Justice. Kramer Levin previously obtained a final order of protection for Ms. G and will continue to work with her and her son on VAWA and related immigration applications. The Kramer Levin team representing Ms. G is led by Litigation associate **Rupita Chakraborty** and included former Litigation associate **Hanna Seifert**.

Successful Divorce Filing for Her Justice Client



Corporate associate **Jeruska Lugo-Sanchez**, former special counsel **Samantha V. Ettari** and former associate **Charlotte Melbinger Bhandari** helped a client from Her Justice obtain an uncontested divorce from her abusive husband. Fortunately, they were able to complete the filings just prior to

the beginning of New York’s lockdown in March 2020, and the divorce was issued without any unusual delays.

KL Successfully Petitions Removal of Client From the NY State Central Register



Litigation associates **Anna Boltyanskiy** and **Reyhan Watson** and law clerk **Daniela Manzi** successfully represented our client in appealing her placement on New York’s Statewide Central Register of Child

Abuse and Maltreatment (SCR). An administrative proceeding to place someone on the SCR automatically begins whenever the New York City Administration for Children’s Services (ACS) starts a family court proceeding against a parent. Although placement on the SCR has serious collateral consequences, SCR proceedings continue even when the family court case is dismissed — and sometimes without the party’s knowledge. Our client, who was referred to us by Brooklyn Defender Services, faced placement on the SCR even after the family court case against her was dismissed. ACS alleged that our client maltreated her 1.5-year-old son when, after drinking alcohol one night, she had an unexpected seizure and fell unconscious the next morning while caring for him — even though she had an effective safety plan that led to her prompt medical treatment and her child’s never being at risk of any harm. The Kramer Levin team conducted a full-day trial, with direct examination, cross-examination and closing arguments. After trial, the administrative judge issued a ruling not only accepting our arguments but going a step further and dismissing the entire case against our client. This victory was critical for our client because of her desire to adopt a child and pursue a career in child care, both of which would have been impossible if her name had remained on the SCR.

Successful Mid-Pandemic Divorce and Custody Hearing



Kramer Levin successfully obtained a mid-pandemic divorce and sole custody for a single mother caring for her 2-year-old son. The client was referred to us by Her Justice just prior to the outbreak of the COVID-19

pandemic, and the case required Kramer Levin to navigate the court system throughout a prolonged period of court closures, delays and uncertainty. Obtaining this positive result required consultations with the client, negotiations over visitation, drafting of legal documents, and serving and filing of papers during a global pandemic. Litigation associate **Andrea Maddox** handled the case and associate **Rey Watson** supervised; they were assisted by **Liliya Suris** from the Managing Attorney’s office.

Success for Child Support Enforcement Case



Kramer Levin filed a petition for violation of a child support order on behalf of a single mother who was owed thousands of dollars

in child support needed to care for her young son. After a willfulness hearing, on May 27, 2021, Kramer Levin successfully

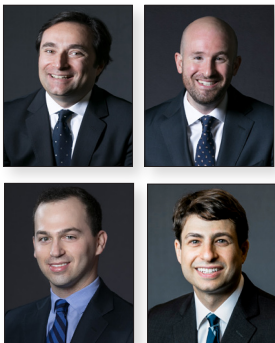
Pro Bono Successes (cont.)

obtained an order from the Manhattan Family Court finding that the respondent willfully violated the child support order by failing to pay over \$11,300 in arrears. The support magistrate also recommended imposing the maximum jail time of six months if the arrears are not paid in full by Sept. 16, 2021. In making its willfulness determination, the court credited Kramer Levin's arguments that the respondent, a barbershop owner, prioritized other expenses and failed to meet his burden of establishing an inability to pay child support. It rejected the respondent's claims that he could not pay due to a reduction in earnings because of the coronavirus pandemic, and found "incredible" claims that he had not paid any bills for his barbershop for many months. The court also credited evidence presented by Kramer Levin of two prior willfulness findings against the respondent for previous violations of the order in 2018 and 2019. Ultimately, the court held that "[i]t is clear to this Court that Respondent has been prioritizing other bills at the expense[] of his support order. It is also clear that Respondent will not pay child support unless coerced by the threat of possible incarceration." This outcome was particularly rewarding for the client, who has not received any child support from the respondent in over 20 months and has never received weekly payments as mandated by the order.

The Kramer Levin team included Litigation associate **Rachel Goot**, Corporate associate **K. Kaelin Brittin**, former associate **Erin Klewin** and paralegal **Pamela Badolato**. Litigation partner **Alan Friedman** supervised this matter.

Immigration Law Highlights

KL Client Released From Immigration Detention While Petition for Review Is Pending Before Second Circuit Court of Appeals



Kramer Levin client Mr. B — who had been in immigration detention in Natchez, Mississippi, for nearly four years while challenging his order of removal from the U.S. — was recently granted bond by a New York immigration judge. He has since been released from detention to his home in New York City. The Kramer Levin team also briefed Mr. B's petition for review of his order of removal, which is currently pending before the U.S.

Court of Appeals for the Second Circuit. Mr. B is thrilled to return home while his appeal is under review. The Kramer Levin team representing Mr. B includes Litigation partner **Darren LaVerne** and Litigation associates **Sam Koch**, **Nathan Schwartzberg** and **Daniel Sugarman**.

KL Succeeds in Overturning Denial of Asylum for Cuban Political Dissident



Kramer Levin succeeded in overturning the denial of asylum for a Cuban political dissident who had been beaten, interrogated and detained by the Cuban national police before he escaped the country on a makeshift raft. He had spent nearly two years in immigration detention in Louisiana. Kramer Levin got involved in the case in the summer of 2019, after the immigration court denied his pro se application for asylum on a finding that his mistreatment had not amounted to persecution and his fear of future persecution was not well founded. Kramer Levin appealed the denial to the Fifth Circuit on the existing record and, simultaneously, moved the Board of Immigration Appeals (BIA) to reopen the administrative proceeding based on newly available evidence that Cuban authorities were still searching for the client at the family home and had beaten, interrogated and detained his father in an effort to locate him. The BIA granted the motion to reopen. On remand, the immigration court granted the asylum request, mooting the Fifth Circuit appeal. While these appeals were pending, Immigration and Customs Enforcement (ICE) attempted to deport the client to Cuba. The team won emergency stays of removal from both the Fifth Circuit and the BIA. The client was returned from the airfield to a detention facility, where he remained until he was granted asylum. ICE rejected our requests to have him released from detention during the pandemic. The Kramer Levin team consisted of Litigation associates **Aaron Webman**, **Alexander Gelb**, and former associate **Astrid Ackerman**, who were supervised by special counsel **Marjorie Sheldon**. **Jerry Henriquez** and **Santo Cipolla** provided paralegal assistance.

Criminal Law Highlights

KL Successfully Settles Civil Rights Case Against the City of New York



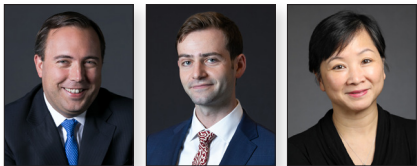
Litigation partner **Michael Martinez** and Litigation associates **Seth Schinfeld** and **Anna Boltzanskiy** successfully settled their client's Section 1983 civil rights case against the city of New York in the Eastern

District of New York. The client's claims against the city and various police officers centered on two allegedly false arrests, malicious prosecutions, and due process violations relating to certain property the city seized and never returned to him. This

Pro Bono Successes (cont.)

settlement is particularly notable because it was achieved prior to the completion of document discovery, depositions or summary judgment motion practice. The client intends to use the money he has received from this settlement to secure representation in other important legal actions he is pursuing. Litigation associate **Aaron Webman** and former associate Elise Funke were also instrumental in positioning the case to reach this significant outcome.

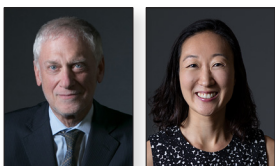
Parole Release Secured for Individual Incarcerated for Over Half His Life



Kramer Levin successfully secured parole release for a pro bono client who spent more than half of his life incarcerated since

entering prison as a teenager. The Kramer Levin team presented an extensive submission to the New York Parole Board on the client's behalf, which included letters from family, friends and correctional officers who supported the client's release. Working remotely, the team prepared the client for his parole interview and helped him develop post-release plans. The team included Litigation associates **Nolan Robinson** and **Daniel Kugler** and paralegal **Angela Chan**.

California Supreme Court Orders Trial Courts To Omit Misleading Instruction on Eyewitness Identifications; Kramer Levin Filed Amicus Brief on Behalf of the Innocence Project and Affiliated Organizations



Kramer Levin, representing the Innocence Project Inc., the California Innocence Project, the Project for the Innocent at Loyola Law School and the Northern California Innocence Project, as amici curiae in the California Supreme Court, filed a brief in *People v. Lemcke* arguing that California's criminal jury instruction on eyewitness certainty was misleading and increased the risk of wrongful convictions. The brief discussed the

scientific consensus that while eyewitness certainty is generally not probative of accuracy, laypeople are unaware of that fact and tend to give undue credence to a witness's self-reported confidence. The brief argued that the instruction, by directing jurors to consider accuracy, endorsed the false notion that confidence and accuracy are closely correlated.

In a decision issued on May 27, 2021, the California Supreme Court "agree[d] with amici curiae that a reevaluation of the certainty instruction is warranted." Noting the "now near unanimity in the empirical research that eyewitness confidence is generally an unreliable indicator of accuracy" and recognizing that "the current version of the instruction might confuse jurors about the relationship between confidence and accuracy," the court directed the "Judicial Council and its Advisory Committee on Criminal Jury Instructions to evaluate whether or how the

instruction might be modified to avoid juror confusion regarding the correlation between certainty and accuracy" and directed courts to omit the faulty jury instruction in the interim.

The Kramer Levin team consisted of Litigation counsel **David Frankel**, Intellectual Property partner **Hannah Lee**, Litigation associate **Aaron Webman**, paralegals **Phil King** and **Steve Dennison**, and former litigation associate John McNulty.

KL Obtains Unanimous Reversal of Conviction on Appeal for Pro Bono Client



The New York Supreme Court Appellate Division, First Department, unanimously reversed the conviction of C.A. for burglary and sexual abuse in the first degree and ordered a new trial. The court held that a juror,

a retired New York City Police Department detective, "acted extensively as an unsworn expert witness" in jury deliberations by providing opinions regarding the feasibility of obtaining forensic evidence, whether evidence relating to a set of keys in evidence was suppressed and the defendant's truthfulness. It further held that "[t]hese opinions, which were communicated to and apparently influenced the jury, were within the scope of the juror's specialized expertise and were explicitly offered on the basis thereof, and at least some of these opinions concerned material issues, including defendant's credibility and whether he entered the victim's apartment by mistake." The court also held that evidence found on the defendant's phone that he accessed a pornography website "should have been excluded at trial as improper propensity evidence," and that even if "it may have been admissible to establish defendant's intent in entering the victim's apartment, its probative value was outweighed by prejudice." The Kramer Levin team consisted of Litigation associates **Daniel Ketani** and **Danielle Moody** and paralegal **Santo Cipolla**.

Other Pro Bono Highlights

KL Obtains Permanent Delay in IRS Collection for Pro Bono Client

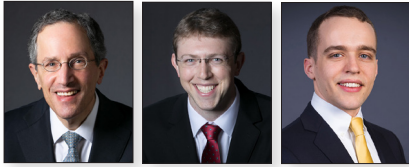


Tax partner **Pamela Capps** and associate **Rita D'Souza** successfully assisted our unemployed, disabled client in obtaining a potentially permanent delay in IRS collection with respect to several years of

outstanding federal tax debts. Shortly after our client's New York City cab driver husband tragically passed away from COVID-19 complications in the spring of 2020, she learned for the first time that the IRS had engaged a third-party collection agency to collect unpaid taxes, penalties and interest from her. We were able to immediately cease those collection efforts and negotiate with the IRS to classify our client's debts as "currently not collectible" so that they will not be subject to enforcement action and after 10 years will be cleared completely, unless the taxpayer's financial situation changes.

Pro Bono Successes (cont.)

KL Files Amicus Brief Supporting Petition Challenging Pennsylvania Laws Barring Gun Control Ordinances



Kramer Levin filed an amicus brief on behalf of nine leaders of the Philadelphia medical community at the largest hospitals and

trauma centers in Philadelphia that care for the victims of gun violence and the Coalition of Trauma Centers for Firearm Injury Prevention. The brief supports a complaint filed by members of the minority community and the city of Philadelphia against the commonwealth of Pennsylvania that claims Pennsylvania laws that bar Philadelphia from enacting ordinances to control gun violence are unconstitutional. The amicus brief tells the physicians' stories of the awful effects of gun violence on the victims, particularly young Black men, their families and communities, the hospital staff, other patients in the hospitals, and the city as a whole. The brief explains that gun violence is a public health crisis and the

Pennsylvania laws fundamentally undermine the indefeasible constitutional rights of Philadelphians in low-income minority neighborhoods to “enjoy[] and defend[] life and liberty” and “pursu[e] their own happiness.” The Kramer Levin team consists of Litigation partner **Michael Dell** and Litigation associates **Boaz Cohen** and **Thomas Twitchell**.

KL Successfully Represents Client in Housing Dispute

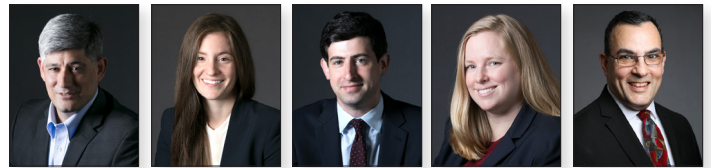


Kramer Levin successfully represented Mr. M before the Bronx County Housing Court. Kramer Levin commenced this action on Mr. M's behalf after his landlord failed to correct multiple defects that had rendered Mr. M's apartment unlivable. The matter was settled when Mr. M's landlord agreed to make the repairs within 30 days. The repairs have since been completed to Mr. M's satisfaction. Litigation associate **Zachary Naidich** worked on the matter under the supervision of Litigation associate **Daniel Lennard**.

Honors and Awards

Kramer Levin Honored at 2020 Safe Haven Awards

Immigration Equality recognized Kramer Levin at the 2020 Safe Haven Awards presented by Marriott International. The Safe Haven Awards celebrate the strength of Immigration Equality's clients and honor the dedication of its pro bono lawyer partners. Kramer Levin received a Safe Haven Award for our work with Immigration Equality to obtain asylum for LGBTQ and HIV-positive refugees and for filing a mandamus lawsuit in the U.S. District Court for the District of New Jersey to compel USCIS to give asylum interviews to Immigration Equality clients stuck in the immigration backlog. USCIS recently started prioritizing scheduling asylum interviews for newly filed claims while ignoring asylum applications that have been pending for years. Under this policy, asylum applicants who do not immediately receive an interview will wait indefinitely. Prior to filing the mandamus suit, our clients had waited at least four years for an interview, with no end in sight. After Kramer Levin filed suit, USCIS relented and scheduled our clients for interviews. All our clients then received asylum. The Kramer Levin mandamus team includes Intellectual Property partner **Aaron Frankel**, Litigation associates **Michelle Ben-David** and **Daniel Lennard**, former associates John McNulty and Sam Brill, Assistant Managing Attorney **Samantha Ford**, and paralegal **Santo Cipolla**.



View Immigration Equality - Safe Haven Awards [here](#).



Jason Moff Named One of the 2021 President's Pro Bono Service Awards Honorees by NYSBA

Litigation special counsel **Jason Moff** was one of the honorees at the 2021 President's Pro Bono Service Awards, presented by the New York State Bar Association (NYSBA). The annual awards honor those who have provided extraordinary pro bono service to those in need in the face of unprecedented challenges over the past year.

Honors and Awards (cont.)

Her Justice 2021 Commitment to Justice Above and Beyond Awardees

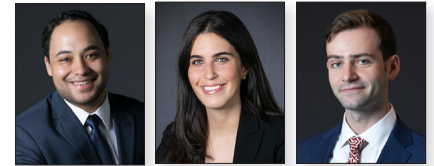
The Her Justice Commitment to Justice Above and Beyond award is given to organizations and individuals whose support in pro bono and fundraising efforts have gone above and beyond the call of duty. Congratulations to our Kramer Levin awardees who have been recognized for their zealous representation and commitment to their clients! The awardees were **Rupita Chakraborty**, **Rachel Goot**, **Julia Quigley**, **Reyhan Watson**, former special counsel **Samantha Ettari**, and former associates **Erin Klewin**, **Hanna Seifert** and **Jessica Weigel**.



Twitter Feature

New York Legal Assistance Group

@nylag: HUGE shoutout to @kramerlevin attorneys **Reyhan Watson**, **Samantha Alman** and **Daniel Kugler**, who adeptly navigated preparing emergency filings — even before the newly created electronic filing system — and conducting oral argument to help ensure a mother had continued uninterrupted (and at times expanded) access to her children during COVID-19. Our pro bono partners have been essential to providing services during #COVID.



VOLS Recognizes Rita Celebrezze D'Souza at New York, Together Awards

Tax associate **Rita D'Souza** was among those recognized as a 2021 Dean's List: VOLS Pro Bono Star, presented by Volunteers of Legal Service (VOLS) at their 2021 New York, Together Awards on June 17. Rita was recognized for her dedication and committed leadership in heading up the PS 188 law clinic through VOLS' Children's Project.

Pro Bono Challenge

The firm encourages every lawyer 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 lawyers 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 2021 levels are:

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