

Pro Bono News

SUMMER 2022

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Pro Bono Committee

Chris Auguste Aaron Frankel Co-Chairs	Yasmeen Al-Bader Michelle Ben-David Barry Berke Dan Berman Colin Bumby Boaz Cohen Rachel Czwartacky Rita D'Souza Scott Eckl Carolyn Forstein Barry Herzog Susan Jacquemot Sam Koch Michael Korotkin Darren LaVerne Hannah Lee	Gil Liu Daniela Manzi Danielle Moody Laurence Pettit Luke Pizzato Andrew Pollack Jacqueline Ryu Robert Schmidt Norman Simon Steven Sparling Daniel Stewart Gary Tarnoff Jeff Trachtman Reyhan Watson
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City Bar Justice Center Honors Kramer Levin and Deloitte

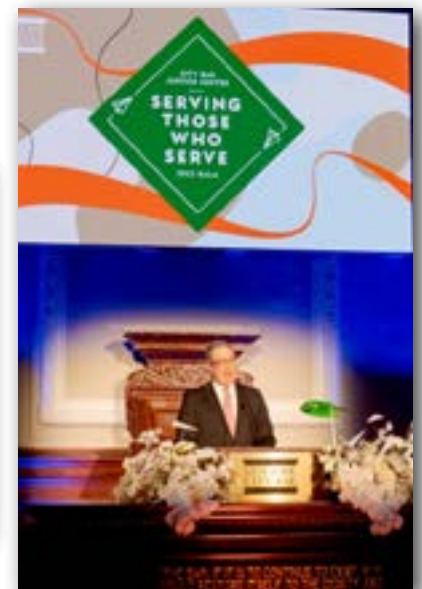
The City Bar Justice Center honored **Kramer Levin and Deloitte with the 2022 City Bar Justice Award** for leadership and dedication to public service. Kramer Levin and Deloitte attorneys teamed up to support the Veterans Assistance Project in assisting disabled veterans who were wounded in the line of duty and are living on or below the poverty line to apply for disability benefits. The gala held in honor of the event raised over \$1 million.



Kramer Levin and Deloitte clinic participants at the award ceremony



Norman Simon and Paul Schoeman



Paul Schoeman accepting the award

Kramer Levin Racial Justice Initiative

Kramer Levin launched the **Racial Justice Initiative (RJI)** in 2020 in order to demonstrate through concrete action the firm's commitment to racial justice in the wake of George Floyd's murder. The RJI encourages Kramer Levin lawyers and staff to pursue pro bono work focused on assisting communities that have historically been, and continue to be, adversely impacted by racism, including in the areas of voting rights, housing, civil rights and racial discrimination. Now, two years later, we re-establish our commitment to the mission of the initiative to engage Kramer Levin lawyers and staff in helping to close the justice gap. Read more about the initiative in the **Savoy article** authored by Chief Diversity and Inclusion Officer **Nada M. Lewellyn**, titled "Kramer Levin: The Racial Justice Imperative."



Over the past two years, Kramer Levin has taken on impact litigation to support civil justice, preserve voter rights and combat racially discriminatory changes to immigration laws. Our lawyers and staff host a monthly pro bono clinic to assist low- and lower-income entrepreneurs in Upper Manhattan and the Bronx, help individuals file complaints with the Civil Complaint Review Board related to police misconduct, and file appeals to prevent the names of individuals from being wrongfully included in a gang database, along with many other active projects. We have more than 150 staff and lawyers involved from offices and practice groups across the firm.

A Snapshot of the Many Projects We Have Undertaken

- Urban Design Forum and Van Alen Institute – Neighborhoods Now
- NYC Business Solutions – Monthly Small Business Clinics
- City Bar Justice Center – Veterans Assistance Project
- The Legal Aid Society – CCRB Complaints / Guilty Plea Appeals Project
- Election Protection – Voting Hotline
- Asian American Legal Defense and Education Fund – Election Day Monitoring
- Article 78 Appeals – Gang Database
- VOLS Unemployed Workers Project
- Universal Hip Hop Museum Project
- TransLatin@ Coalition & the Black LGBTQIA+ Migrant Project
- TrustLaw Legal Health Check Workshop
- ACLU Amicus Brief, Montana Supreme Court
- Naturalization and Asylum Clinics – Immigration Equality
- Formation of Nonprofits
- Presentations for J&J, Juneteenth and Hispanic American Heritage Month

Introducing the 2022 RJI Scholars

Kramer Levin's Racial Justice Initiative selected the firm's **2022 Racial Justice Initiative Scholars (RJI Scholars)**. In keeping with our commitment to diversity and inclusion, our RJI Scholars program is offered to 1L law students at Columbia Law School, Fordham University School of Law and NYU School of Law. Scholars participate in monthly clinics focused on combating racial injustice and inequality. The RJI clinics help RJI Scholars jump-start their legal career by exposing them to the practice of law in a real-world setting where they are supervised and supported by practicing lawyers. They have participated in many of the clinics and programs described below.



Felicia Reyes
Columbia Law School



Mark Kim
NYU School of Law



Soorim Song
NYU School of Law



Rose Wehrman
Columbia Law School

Racial Justice Initiative Pro Bono Clinics

TrustLaw Legal Health Check Pro Bono Clinic

As part of our Racial Justice Initiative, we were pleased to co-sponsor a virtual pro bono Legal Health Check Workshop. We partnered once again with TrustLaw, the Thomson Reuters Foundation's global pro bono legal program, to provide a pro bono "health check" for NGOs and social enterprises that serve diverse and underrepresented communities. We assisted **African Communities Together**, **Epitome of Soul** and **Life Project 4 Youth**. We were also pleased to assist organizations that support the Asian American and Pacific Islander (AAPI) community as part of our acknowledgment of AAPI Heritage Month: **Apex for Youth**, **Asia Initiatives** and **Womankind**.



Emma Hunt (top) and Kelsey Lee (bottom) of TrustLaw during clinic training

Asylum Clinic With Neighbors Link

The Pro Bono Committee and Racial Justice Initiative, along with pro bono partner Neighbors Link, sponsored a limited-scope pro bono clinic to help secure asylum for Haitian nationals — a group of people who have long been victims of discriminatory immigration policies. Volunteers participated in a training and met with clients to assist with asylum applications, and Neighbors Link completed the filings after the clinic.



Karin Anderson (top) and Elizabeth Mastropolo (bottom) from Neighbors Link

Women’s History Month Pro Bono Clinic With Her Justice

In March, and in honor of Women’s History Month, Kramer Levin’s Racial Justice Initiative co-sponsored an Uncontested Divorce Clinic with Her Justice. We provided full legal representation to non-English-speaking female victims of domestic violence who needed a divorce but could not afford a lawyer, and who have been on a waiting list to receive free legal representation for many months. An uncontested divorce can provide a client with a new start in life, free from the abuse of her former spouse.



Kramer Levin hosted a training where volunteers learned relevant procedural and substantive law along with the ins and outs of filing and serving uncontested divorce papers. During the clinic, Her Justice staff lawyers supervised the volunteers as they interviewed their clients and drafted initial pleadings for filing in Supreme Court. The teams of volunteer lawyers are now working with their clients to obtain uncontested divorces.

Veterans Benefits Pro Bono Clinic

The third installment of our Veterans Benefits Clinic with Deloitte and the City Bar Justice Center took place this March. Kramer Levin assisted low-income veterans who have become disabled by injuries sustained while serving in our armed forces in applying for medical benefits. After the clinic, Kramer Levin lawyers worked with their veteran clients for the remainder of the case and filed their application for medical benefits. The City Bar Justice Center honored Kramer Levin and Deloitte with its [2022 City Bar Justice Award](#) for dedication to public service in recognition of this program.



Identity Theft Pro Bono Clinic With Her Justice

In observance of Black History Month, the Pro Bono Committee and Racial Justice Initiative sponsored an Identity Theft Advocacy Clinic and CLE presentation. Working with Her Justice, we assist low-income women who have been victims of identity theft and who have had difficulty achieving justice because of the role racism plays when reporting that identity theft.



Identity theft has devastating financial consequences on communities of color, people living in poverty and those trapped by bad credit scores. While most identity theft cases are considered “stranger” theft, many Her Justice clients know that the perpetrator is also their abuser — a spouse, partner or family member — with continuing access to their personal information and past or current control over their finances. For many Her Justice clients, the steps to recovering from identity theft are difficult to navigate due to language, resource, racial and informational barriers.

Kramer Levin lawyers are helping clients start their journey to recovery from identity theft by reviewing their credit reports, preparing a Federal Trade Commission Identity Theft Report, and drafting dispute letters to the credit reporting agencies (CRAs) and creditors. Properly written disputes can form an important basis for the client’s continued self-advocacy to address the fraud with both the CRAs and financial institutions.

Racial Justice Initiative Programming

Critical Cultural Competencies for Racial Justice Lawyering

The Racial Justice Initiative sponsored a training by Professor Llezlie L. Green titled “Critical Cultural Competencies for Racial Justice Lawyering.” This interactive program identified key cross-cultural competencies that facilitate lawyers’ effective representation of their clients, with a particular focus on racial justice work.



From the top: Nada Llewellyn, Jamie Porco, Professor Llezlie Green

Diversity, Inclusion and Elimination of Bias: Practice Pointers for Pro Bono Advocacy

The City Bar Justice Center’s Diversity, Inclusion and Elimination of Bias CLE presented a conceptual framework, a concrete skills tool kit and an interactive exercise intended to enhance lawyer competence in pro bono advocacy. The presentation paid particular attention to diversity and inclusion and their connection to furthering access to justice; cultural competency; the disruption of implicit biases when working with economically disadvantaged clients; and pro bono challenges and tips.



From the top: Cassandra Celestin, Jamie Porco, Ramona Morel

The Fight for Civil Rights: How the Fight Has Changed (and How It Remains the Same)

On Jan. 26, 2022, Kramer Levin’s Racial Justice Initiative sponsored a dialogue titled “The Fight for Civil Rights: How the Fight Has Changed (and How It Remains the Same),” featuring **Damon Hewitt**, president and executive director of the **Lawyers’ Committee for Civil Rights Under Law**, and Litigation partner **Steven S. Sparling**. The conversation covered election protection, partisan gerrymandering, anti-eviction defense efforts and other timely issues.

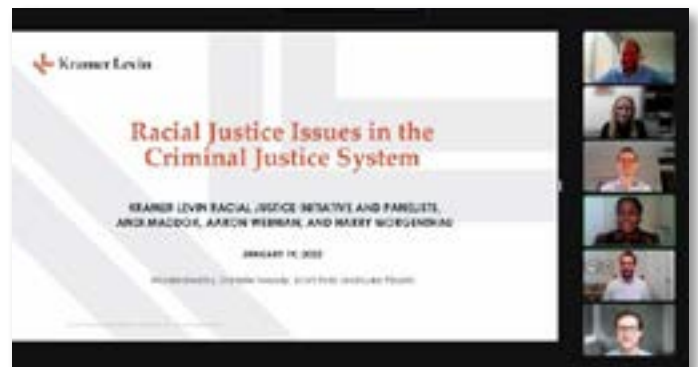


From the top left: Nada Llewellyn, Steven Sparling, Damon Hewitt

Racial Justice in the Criminal Justice System

In honor of Dr. Martin Luther King Jr. Day, the Racial Justice Initiative sponsored a discussion about how issues of race result in the disparate inclusion and treatment of members of communities of color in the criminal justice system. Panelists **Harry Morgenthau**, **Andi Maddox** and former associate **Aaron Webman** shared insights about their experiences working on recent pro bono projects in the criminal justice space, followed by a Q&A connecting their projects to broader racial justice issues. RJI Planning Group members **Danielle Moody**, **Scott Eckl** and **Luke Pizzato** moderated.

The panel addressed the arc of the criminal justice process, including how the gang database, pretrial detention, low pay for indigent defense and disparate sentencing decisions disproportionately impact communities of color.



From the top: Scott Eckl, Andi Maddox, Harry Morgenthau, Danielle Moody, Aaron Webman, Luke Pizzato

New Pro Bono Projects

Post-Dobbs Pro Bono Projects

Our Pro Bono Committee has identified two initiatives offering opportunities for the KL community to assist.

- The Reproductive Health Legal Assistance Project With Lawyers for Good Government
- Hotline for Abortion Legal Services With New York's Attorney General's Office

Please contact [Jamie Porco](#) if you are interested in participating.

TPS Pro Bono Project for Ukraine Clinics

Kramer Levin partnered with Lawyers for Good Government (L4GG) and Kirkland & Ellis to launch the TPS Pro Bono Project for Ukraine. This nationwide pro bono remote legal clinic provides legal services for Ukrainian nationals in the U.S. to apply for Temporary Protected Status. Please contact [Jamie Porco](#) if you are interested in participating.

Legal Screening of Afghan Evacuees

In partnership with Human Rights First, Kramer Levin volunteers are screening Afghan evacuees to identify viable forms of immigration relief. While the need for this assistance is substantial, no prior experience with immigration law is necessary and the time commitment to participate is minimal. Volunteers will watch a 30-minute training video and then sign up to conduct one or more one-hour screenings with clients. The screening calls can take place by telephone or Zoom, and can be scheduled when convenient. Volunteers will follow an online screening form, and interpreters will be available as necessary. After the screening call, volunteers will draft a summary memo to submit to Human Rights First, which will conclude the representation. Kramer Levin volunteers have already assisted over two dozen Afghan refugees. Please contact [Jamie Porco](#) if you are interested in participating.

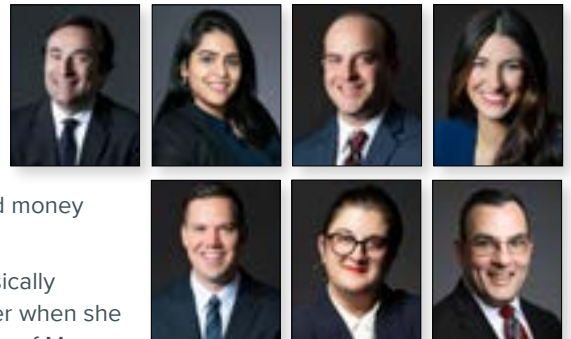


Impact Litigation

Kramer Levin Represents Victim of Sex Trafficker and Abuser During Trial

Litigation partner **Darren LaVerne**, Litigation associates **Rupita Chakraborty** and **Scott Eckl**, and former Litigation associates Genevieve Burger-Weiser and Rachel Goot, through the Criminal Justice Act Panel, represented a victim-witness who testified for the prosecution in the four-week trial of Lawrence Ray before Judge Liman in the Southern District of New York. On April 6, 2022, Mr. Ray was convicted by a unanimous jury of Racketeer Influenced and Corrupt Organizations Act violations, extortion, sex trafficking, forced labor, tax evasion and money laundering offenses.

Starting in 2010, Mr. Ray psychologically, emotionally, sexually, financially and physically abused members of a group of college students whom he met through his daughter when she was a student at Sarah Lawrence College. During its two-year representation of one of Mr. Ray's victims, Kramer Levin successfully argued that the client's medical and psychological records should be protected from disclosure under the psychotherapist-patient privilege as articulated by the Supreme Court in *Jaffee v. Redmond*, 518 U.S. 1 (1996). The representation culminated in preparing the client for direct and cross-examinations at trial. Former Litigation associates John McNulty and Hanna Seifert, as well as current Litigation associates **Randy Kreider** and **Rachel Czwartacky** and Litigation paralegal **Santo Cipolla** also assisted.



Kramer Levin, Legal Aid Society Obtain \$22 Million Class Action Settlement for More Than 54,000 New Yorkers Whose Public Assistance Benefits Were Wrongfully Reduced or Stopped by the City and State

Since 2010, Kramer Levin has served as co-counsel with The Legal Aid Society (LAS) in *Smith v. Proud*, a class action litigation against the city and state of New York on behalf of public assistance recipients whose benefits were wrongfully reduced or stopped due to alleged violations of work requirements, which mandate that recipients seek and maintain employment. The plaintiffs alleged that notices sent to recipients by the NYS Office of Temporary and Disability Assistance and the NYC Human Resources Administration between 2007 and 2015 failed to adequately apprise them of the ways in which they could avoid a sanction by showing they had a legitimate reason to miss a work-related appointment, such as illness or an inability to obtain child care. The Supreme Court (Hon. Lucy Billings) certified the case as a class action in 2013 and denied the defendants' motions to dismiss, finding that plaintiffs presented viable claims for violations of the New York Social Services Law.

In 2018, the parties reached a settlement that required the city and state to pay retroactive benefits to eligible class members and remove any sanctions imposed during the class period from class members' sanction history. Pursuant to the settlement, the city and state distributed payments totaling approximately \$20.4 million to more than 49,000 class members between 2019 and 2021. In July 2021, after discovering that the city and state had failed to issue payments to all eligible class members, LAS and Kramer Levin returned



to court to enforce the settlement, and as a result, in May 2022, an additional 4,800 individuals received settlement payments totaling \$1.7 million, bringing the total amount of retroactive benefits paid by the defendants under the settlement to more than \$22 million.

Litigation special counsel **Susan Jacquemot** has acted as co-counsel with LAS throughout the case, assisted by former associates Kurt M. Denk and Matthew B. Moses, and Litigation paralegal **Denise L. Reid**.

Pro Bono Successes

Amicus Brief Highlights

Kramer Levin Files Amicus Brief in U.S. Supreme Court for the American Medical Association and Other Amici



Kramer Levin filed an amicus brief in the U.S. Supreme Court for the American Medical Association, the Medical Society of the State of New York, the American Academy of Pediatrics, and the American Academy of Child and Adolescent Psychiatry, asking the Court to reject a

challenge brought by the New York affiliate of the National Rifle Association to New York’s law requiring applicants for a permit to carry a concealed firearm to show “proper cause” to do so.

The American Medical Association is the largest professional association of physicians, residents and medical students in the United States, with more than 200,000 members. The case, *New York State Rifle & Pistol Association v. Bruen*, was the most important Second Amendment case since the *Heller* decision recognized a right to use a gun for self-defense in the home more than a decade ago.

The brief urged the Supreme Court to uphold New York’s commonsense restriction on concealed carry licenses. It noted that more than 358,000 Americans have died from firearm-related injuries in just the past decade, including more than 14,000 children under the age of 18.

The brief provided firsthand experiences of the grim realities of firearm violence from 14 distinguished leaders of the medical community, including trauma surgeons, emergency physicians, child and adult psychiatrists, and rehabilitation specialists. They included physicians who have owned firearms, have grown up around firearms, currently hold a concealed-carry permit or were deployed overseas with the U.S. Armed Forces.

They explained that “far too many young people — disproportionately Black men and boys — die excruciating deaths as a result of inexplicable acts of firearm violence.” They described the “catastrophic damage that a single bullet can wreak on the human body.”

Underscoring that this is a uniquely American scourge, the amici pointed to data that shows that among high-income countries, more than 90% of the women, 80% of the men and 96% of the infants under age five who are killed by guns are killed in this country.

Kramer Levin Litigation partner **Michael J. Dell** and former Litigation associate Chase Mechanick prepared the brief. Read the brief [here](#).

Read Michael Dell’s [article](#) on the Supreme Court’s decision striking down New York’s gun safety law.

Kramer Levin Files Supreme Court Amicus Brief on Availability of Bivens Claims Against Federal Border Patrol Agent

On Jan. 26, 2022, Kramer Levin and the American Civil Liberties Union (ACLU) filed an amicus brief in the U.S. Supreme Court advocating for the availability of *Bivens* claims for First and Fourth Amendment violations. *Egbert v. Boule*, No. 21-147. Kramer Levin represented amici curiae the ACLU, the ACLU of Washington, the Cato Institute, the Roderick & Solange MacArthur Justice Center, the National Immigration Litigation Alliance and the Northwest Immigrant Rights Project.

The *Egbert* case arose from alleged constitutional violations committed by a U.S. Border Patrol agent, Erik Egbert, and raised questions about the availability of *Bivens* claims to redress Egbert’s alleged misconduct. The plaintiff in the underlying action, Robert Boule, operated a bed and breakfast (B&B) out of his home in Blaine, Washington. According to the complaint, Egbert entered the B&B property without a warrant to confront a foreign national visiting the B&B property. When Boule intervened and asked Egbert to leave the premises, Egbert allegedly shoved Boule and knocked him to the ground, causing injuries. Egbert then confirmed that the foreign national was legally in the country. Boule reported Egbert’s actions to the agent’s supervisors and filed an administrative Federal Torts Claims Act complaint in connection with the alleged misconduct. In the lawsuit that was before the Supreme Court, Boule alleged *Bivens* claims under the Fourth Amendment in connection with Egbert’s warrantless entry onto the B&B property and the use of excessive force, and under the First Amendment for Egbert’s alleged retaliation in response to Boule’s complaints. Specifically, Egbert allegedly instigated investigations of Boule by the Internal Revenue Service, the Social Security Administration and other organizations.

The issues before the Court in *Egbert* were (1) whether a cause of action existed under *Bivens* for First Amendment retaliation claims and (2) whether a cause of action existed under *Bivens* for claims against “federal officers engaged in immigration-related functions” for allegedly violating a plaintiff’s Fourth Amendment rights. The amicus brief analyzed 50 years of precedents and congressional actions upholding *Bivens* jurisprudence and argued that the Court should have rejected Egbert’s invitation to categorically preclude *Bivens* in new contexts, because such preclusion would eliminate the Court’s long-standing two-part test for allowing *Bivens* claims in new contexts. In addition, the brief argued that Boule’s Fourth Amendment claim is a garden-variety constitutional claim that has been and should

Amicus Brief Highlights (cont.)

be recognized as viable under *Bivens*. The fact that this case involved a Border Patrol agent is of no moment. Finally, the amici argued that Boule's First Amendment retaliation claim should be upheld under the Court's two-part test, noting that Egbert's alleged retaliation against Boule's exercise of his First Amendment right to petition the government implicated fundamental constitutional rights that could have been adequately redressed only through a *Bivens* claim. The court ultimately rejected the extension of *Bivens* suits against federal officials.



The Kramer Levin team consisted of Litigation partner **Steven Sparling**, Land Use counsel **Jeffrey Braun**, Litigation associate **Alexander Gelb**, Intellectual Property associate **Shannon Gillespie McComb** and former Litigation associate Chase Mechanick.

Immigration Highlights

Kramer Levin Robbins Russell Wins Appeal Challenging Deportation

In May 2021, Kramer Levin Robbins Russell won a difficult appeal challenging the deportation of a longtime permanent resident who had been arrested for two state-law misdemeanors. We successfully argued that the state offense was not a categorical crime of violence under federal law. That argument was not intuitive given that the state offense was for a "threat to commit any crime of violence." To make matters worse, the Third Circuit (in an opinion by then-Judge Alito) had held that a prior version of the same state law was a categorical match for federal law. Kramer Levin Robbins Russell overcame those obstacles by digging deep into state decisions to find cases where Pennsylvania courts had interpreted the state "crime of violence" language to be more expansive than its federal counterpart. And we argued that the Third Circuit's prior decision, while never formally overruled, had been overtaken by both those later state decisions and more recent federal precedent.

Kramer Levin Robbins Russell won an unqualified victory for our client. After unsuccessfully moving to remand the case without decision, the government conceded error based on the "extraordinarily complex and hyper-technical legal issues" identified in our brief. And we persuaded the Third Circuit to depart from its usual practice of remanding for further proceedings and instead expressly instruct the Board of Immigration Appeals to dismiss the deportation proceedings entirely. Kramer Levin Robbins Russell also obtained a \$40,000 award of attorneys' fees pursuant to the Equal Access to Justice Act. A portion of the award was used to reimburse our client's prior legal expenses (for which fee-shifting was not available). The remainder was donated to the Asian Pacific American Legal Resource Center, a nonprofit that provides legal resources to low-income Asian Americans in the Washington, DC, area.

Litigation partner **Brandon Arnold** litigated the appeal, and paralegal **Joanna Lee** provided invaluable assistance in both preparing our briefs and translating for our client.

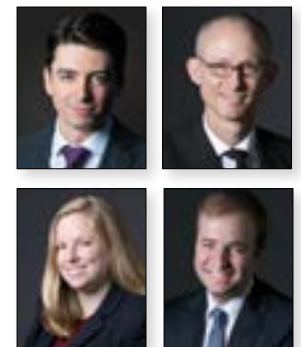


Kramer Levin Assists Law Foundation of Silicon Valley

Intellectual Property associate **Missy Brenner** performed legal research to help the Law Foundation of Silicon Valley prepare for a hearing on whether R.R.G., a 7-year-old child, should be returned to Guatemala under the Hague Convention on the Civil Aspects of International Child Abduction. The Hague Convention is a jurisdictional mechanism that returns children to their home state almost automatically upon the showing of a prima facie case, so that a parent who brings a child across borders cannot benefit from the parent's choice of jurisdiction. R.R.G.'s father brought her to the U.S. a couple of years ago. She is now involved in dependency proceedings to help determine her best interests, and she strongly desires to stay in the U.S. Her mother in rural Guatemala sought her return. Our research helped provide guidance on the unique circumstances of a Hague petition with simultaneous dependency proceedings. Following off-the-record discussion with the court and all counsel for the mother, the father and R.R.G., the mother voluntarily dismissed her petition. This allows R.R.G. to stay here, and the U.S. courts can decide her best interests on the merits.

Successful Asylum for Jamaican Citizen

Kramer Levin obtained asylum for a Jamaican citizen who faced years of discrimination, harassment and violence in his home country on account of his sexual orientation. The client testified that he fled Jamaica in 2017 following a direct threat to his life made by a local gang member. Following his testimony, Immigration Judge Barbara Nelson issued an oral decision granting asylum, and the government waived its right to appeal. Litigation associate **Martin McSherry** argued the motion, and the Kramer Levin team included Land Use special counsel **Patrick Sullivan**, Kramer Levin assistant general counsel **Samantha Ford** and Litigation associate **Daniel Ketani**.

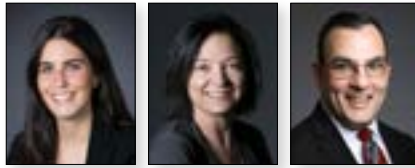


Successful Adjustment of Status for Client in Removal Proceedings

Kramer Levin filed a prehearing brief that persuaded a New York immigration judge to grant permanent resident status to Ms. M, who has been in removal proceedings since 2008. The brief demonstrated that Ms. M did not know a translator had prepared and submitted a falsified asylum application on her behalf as part of an immigration fraud scheme, and that she

Immigration Highlights (cont.)

had disavowed the application immediately upon discovering it. The brief therefore argued that Ms. M lacked the requisite knowledge



or intent to have committed fraud or willful misrepresentation, which would have made her ineligible for adjustment of status. Following submission of the brief, Brooklyn Legal Services represented the client at a 30-minute hearing at the conclusion of which the judge ruled from the bench that Ms. M was entitled to an adjustment of status. Kramer Levin's brief was prepared by Litigation associate **Samantha Alman**, who was supervised by Litigation special counsel **Susan Jacquemot** and assisted by Litigation paralegal **Santo Cipolla**.

Family Law Highlights

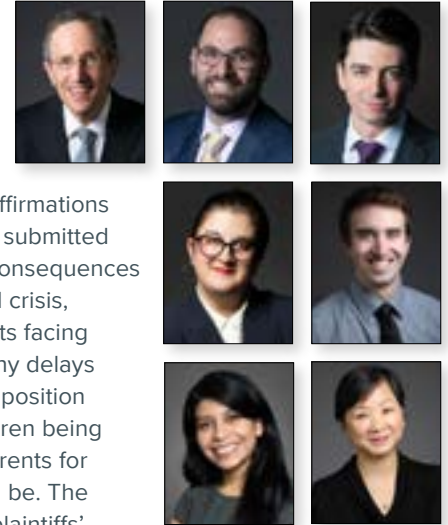
Kramer Levin Seeks Injunction to Protect Constitutional Rights of Children and Indigent Adults

On Feb. 2, 2022, Kramer Levin filed a motion for a preliminary injunction on behalf of 10 bar associations — the New York County Lawyers Association; the Bronx County Bar Association; the Brooklyn Bar Association; the Queens County Bar Association; the Richmond County Bar Association; the Assigned Counsel Association of New York State Inc.; the Metropolitan Black Bar Association; the Macon B. Allen Black Bar Association; the Latino Lawyers Association of Queens County; and the Asian American Bar Association of New York — to prevent the state and city of New York from continuing to violate the constitutional rights of children and indigent adults to meaningful and effective legal representation by assigned private counsel in family and criminal court proceedings. The plaintiffs' motion, which was the lead story on the front page of the *New York Law Journal* on Feb. 4, explains that the defendants have not met their obligation to ensure such representation because they have failed to increase the compensation for assigned counsel for more than 18 years. This has resulted in a crisis in the family and criminal courts and in the assigned counsel system.

In an earlier lawsuit in 2003, the court found that unduly low rates of compensation for assigned counsel created a severe and unacceptably high risk that children and indigent adults were receiving inadequate legal representation, in violation of their constitutional rights. The court at that time ordered an increase and required "recurrent visitation" of the compensation rate. But the Legislature has failed to revisit those rates as ordered by the court. During the same period, the rate paid to assigned counsel in federal court proceedings has increased 14 times, and it is now \$158 per hour — more than double the highest rate paid (\$75 per hour) to assigned counsel in state court proceedings.

Kramer Levin's brief describes how the defendants' failure to act perpetuates the ongoing "justice gap" for litigants of color. Kramer Levin submitted more than 40 affidavits and affirmations, including (1) eight from retired judges, together with the testimony of three other judges; (2) six from experts,

together with a report from a seventh; and (3) 27 from present and former members of the assigned private counsel panels of New York City. These affirmations and the other evidence submitted detail the devastating consequences of the assigned counsel crisis, from indigent defendants facing incarceration and lengthy delays while waiting for the disposition of their charges to children being separated from their parents for longer than they should be. The witnesses support the plaintiffs' call for New York to protect the constitutional right to counsel of indigent children and adults in family court and criminal proceedings.



Litigation partner **Michael J. Dell** leads the Kramer Levin team, which includes Litigation special counsel **Jason M. Moff**, Litigation associates **Martin McSherry** and **Rachel Czwartacky**, former Litigation associates **Jake Goodman** and **Aaron L. Webman**, and Litigation paralegals **Phil King**, **Shannon Guerra** and **Sophia Wang**.

The amended complaint and Kramer Levin's brief can be accessed via the following links: [[Amended Complaint](#)] [[Oral Argument Requested](#)]. The *New York Law Journal* article on the motion can be found [here](#).

Successful Outcome for Uncontested Divorce and Order of Protection



Kramer Levin assisted Ms. S in obtaining an uncontested divorce. A few months after the divorce was finalized, Ms. S's ex-husband harassed and intimidated her. Tax associate **Rita Celebrezze D'Souza** assisted Ms. S in obtaining an order of protection against her ex-husband from the Bronx County Family Court, which was finalized in 2021. Former associates **Charlotte Bhandari**, **Zachary Naidich** and **Julia Quigley** assisted.

Kramer Levin Obtains Divorce Judgment

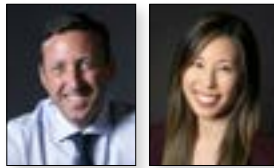
Kramer Levin successfully obtained a judgment of divorce for our client, Ms. P, after several challenges by Mr. K, who was Ms. P's husband and is the father of Ms. P's minor child.

Kramer Levin filed divorce papers in New York County in December 2017, believing Mr. K would not contest the divorce. While Kramer Levin attempted to serve Mr. K with the divorce papers, Mr. K filed a motion to downwardly modify the parties' existing child support order. Kramer Levin agreed to also represent Ms. P in the child support matter.

First, with respect to the child support case, Kramer Levin filed a motion to dismiss Mr. K's motion for downward modification, as well as filed a petition for Mr. K's violation of the existing child

Family Law Highlights (cont.)

support order, and for enforcement of an order of support. After a hearing before a magistrate judge, the court denied Mr. K's petition and granted Ms. P's motion to dismiss Mr. K's petition for failure to prosecute. The court issued an order of disposition continuing the prior order of support and entered judgment in favor of Ms. P and against Mr. K for arrears owed.



Next, Kramer Levin successfully transferred Ms. P's divorce case from Manhattan County to Kings County Integrated Domestic Violence (IDV) Court, where the case could be heard by a judge who was familiar with the parties. The judge who was assigned Ms. P's divorce case in the IDV court had previously granted several orders of protection to protect Ms. P and the minor child from Mr. K. At the time, Mr. K had an ongoing criminal case pending before that judge related to his violation of one such protective order. The judge had also issued a prior custody and visitation order.

Finally, Kramer Levin achieved a favorable result for Ms. P in the divorce case. Mr. K opposed the divorce based on the proposed visitation arrangement. Although the court granted the minor child's court-appointed attorney's request for supervised visits through Comprehensive Family Services, the supervised visits were suspended because of Mr. K's inappropriate behavior during the visits and because he was separately incarcerated for violating the orders of protection. The court entered a judgment of divorce based on the grounds that the marriage was irretrievably broken, and ordered that visitation with Mr. K and the minor child be suspended until further court order.

The Kramer Levin team consisted of Intellectual Property associate **Jeffrey H. Price** and Litigation associate **Dayna M. Chikamoto**.

Successful Outcome for Uncontested Divorce



Business Immigration associate **Melissa Drennan** together with Her Justice secured a judgment of divorce for a pro bono client. The client, an Antiguan national with three children, was previously in an abusive relationship with her now ex-husband. When Kramer Levin began the client's representation in 2019, she had been separated from her husband for several years, but she did not have the means to pay for a divorce. Kramer Levin worked closely with the client to file the uncontested divorce case in New York. Unfortunately, the COVID-19 pandemic severely delayed the court's processing of the client's case, but during the waiting period, Kramer Levin was able to successfully apply for her naturalization, so she is now a U.S. citizen like her children. When the client received the divorce judgment this past May, she expressed her gratitude for all our firm's hard work in helping her get to this resolution, which she has been seeking for many years.

Other Pro Bono Highlights

Successful Name Change for Transgender Client



Litigation associate **Randy Kreider** successfully obtained a legal name change for a transgender client, Mr. R, who was assigned female at birth and identifies as male. Mr. R sought a legal name change so that his name would be consistent with his identity and appearance. Mr. R worked closely with his Kramer Levin team to facilitate his name change and received his name change order from the court in December. Former associate Julia Quigley assisted.

Kramer Levin Secures Approvals for Supportive and Affordable Housing Development in East Harlem

Kramer Levin has collaborated with the NYC Department of Housing Preservation and Development to obtain approvals from



the City Council for the development of a new building with 81 units of supportive and affordable housing on property located at 107-111 East 123rd Street in Manhattan. The property will be developed by the Fortune Society, a New York City-based nonprofit organization that is nationally renowned for providing services and housing for the formerly incarcerated. The land use approvals include a special permit to maximize the available square footage, the designation of the property as an Urban Development Action Area and Project, and the disposition of city-owned property.

The Kramer Levin team was led by Land Use partner **Elise Wagner**, Land Use Planning and Development specialist **Jeff Mulligan**, and Environmental special counsel **Toni L. Finger**.

Honors and Awards



Jason M. Moff received the LeGaL Community Excellence Award

Jason M. Moff was among the recipients honored for the LeGaL Community Excellence Awards, which recognize New York LGBTQ legal professionals across all fields of practice for their commitment to the LGBTQ community, and for high-level achievement in the profession.

Congratulations and Welcome to the New Pro Bono Committee Members!



Yasmeen Al-Bader
Associate
Corporate



Boaz I. Cohen
Associate
Litigation



Carolyn Forstein
Associate
Litigation



Daniela C. Manzi
Associate
Litigation

Pro Bono Trainings and CLEs

Earth Day Presentation

In celebration of Earth Day, the Environmental Committee sponsored a virtual presentation by Kramer Levin alumnus Ted Lamm. Ted is the senior research fellow in the Climate Program at Berkeley Law's Center for Law, Energy & the Environment. Ted gave an introduction to the center's climate program, the broader context of California's climate agenda, areas of law and policy priority for future development in California, and potential opportunities for pro bono partnership. Former Litigation associate Nolan Robinson shared recent pro bono victories in cases referred to us by Earthjustice.



The Transgender Training Institute's 'Foundations of Knowledge and Action: Trans 101'

As part of our celebration of LGBTQ Pride Month, we engaged the Transgender Training Institute to virtually present "Foundations of Knowledge and Action: Trans 101." The training reviewed common terms; explored topics such as the differences between sex assigned at birth, gender identity, gender expression and sexual orientation; and explored examples of how anti-transgender prejudice intersects with other forms of oppression. The training modeled how to navigate these conversations using up-to-date and affirming language, and reviewed three essential guidelines for supporting transgender and non-binary people in all spaces.



Pride Month Name Change Clinic With TLDEF



As part of Kramer Levin's Pride Month celebration, we co-sponsored a virtual Name Change Clinic with the Transgender Legal Defense & Education Fund (TLDEF) to assist TGNCNB (transgender, gender non-conforming, non-binary) pro bono clients with name change petitions.

The clinic began with a 75-minute CLE training covering the process of name changes in NYC Civil Court, cultural competency and sensitivity, and best practices for working with TGNCNB clients.



After the training, volunteers arranged to meet with their client via Zoom and fill out the name change petition. For many TGNCNB people, securing a legal name change is an important step toward making their legal identity match their lived experience. A lack of appropriate identity documents can deter people from applying for jobs, school and public benefits, and can lead to discrimination. But securing a legal name change can be a challenging experience, involving interaction with the court system and judges, that is foreign to many people. By providing our clients with adequate legal representation, this clinic will help ensure that people successfully complete the process and move forward with their lives.

Mark Your Calendars



Marvin Frankel Pro Bono Awards

July 20, 2022

4:30 – 6 p.m. EDT

1:30 – 3 p.m. PDT

Register [here](#) to attend on Zoom

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. Kramer Levin's Pro Bono Challenge recognizes lawyers and staff who meet thresholds of hours of pro bono legal services at the annual Marvin Frankel Pro Bono Awards Ceremony. The 2022 levels are:

20 hours: Pro Bono Counsel

50 hours: Pro Bono Advocate

100 hours: Pro Bono Champion