

The Metropolitan Corporate Counsel[®]

www.metrocorpcounsel.com

Volume 16, No. 8

© 2008 The Metropolitan Corporate Counsel, Inc.

August 2008

Pro Bono – Law Firms

A Major Step Forward For A Leading Pro Bono Program

*The Editor interviews **Kenneth H. Zimmerman**, Lowenstein Sandler PC.*

Editor: I think our readers would be very interested in your public service background.

Zimmerman: Following law school, I spent a year clerking for the Chief Judge of the United States District Court for the Northern District of California. I went on to start my legal career as a legal services lawyer in Oakland, California through a fellowship made available by Skadden Arps. The focus of the program was the provision of services for homeless people, and the first case I brought was against the federal government for discrimination in the provision of disaster relief services in connection with the 1989 Loma Prieta earthquake. In 1991 I joined the Civil Rights Division of the Justice Department and spent the following years bringing fair housing and fair lending cases around the country. For a young attorney, this was a wonderful opportunity to develop litigation skills.

Editor: And from the Civil Rights Division you went to Housing and Urban Development?

Zimmerman: Yes. I became the Deputy Assistant Secretary for Enforcement in HUD's Office of Fair Housing and Equal Opportunity. What that entailed was overseeing HUD's fair housing enforcement structure. And it took me from a courtroom setting where I litigated matters I had initiated to managing an enforcement

program that both relied on individual complaints submitted to HUD and on HUD's own authority to initiate complaints and to promulgate regulations in the fair housing arena. I also supervised two grant programs, each of which was about \$15 million, which distributed funds to nonprofits or state and local governments to promote fair housing enforcement. The grants were for the purpose of tying individual cases to the larger policy dimensions of how the country was going to address fair housing issues.



Kenneth H. Zimmerman

Editor: Would you tell us about the New Jersey Institute for Social Justice?

Zimmerman: In 1999 I was recruited by Alan Lowenstein to come to New Jersey and become the founding executive director of a newly established non-profit, the New Jersey Institute for Social Justice. Alan, the founder of the Lowenstein Sandler firm and a lawyer of great competence and integrity, had put together an extraordinary governing board, including former U.S. Attorney General Nick Katzenbach, Doug Eakeley and Ted Wells, along with a number of other luminaries, to function as a "think-and-do tank" and address the challenges that prevented urban areas from reaching their full potential. We spent considerable time working to maximize employment opportunities for urban residents in the context

of an \$8.6 billion state school construction program. On one hand, we identified policy changes the State could make to promote local employment and contracting. More importantly, we developed a partnership among the construction trade unions, the public schools and a variety of community organizations that resulted in over 200 urban residents becoming construction trade union members and led the State to replicate the program elsewhere. I also spent time on predatory lending issues, including litigating the first appellate case that recognized predatory lending as a civil rights violation and was involved in drafting New Jersey's anti-predatory lending statute, which became something of a model around the country.

Editor: You then became chief counsel to New Jersey Governor Jon Corzine.

Zimmerman: Governor Corzine asked me to become his chief counsel in September of 2006. It was a remarkable opportunity for me to work with someone who was committed to many of the issues on which I have based my career. Among my major responsibilities was reviewing all legislation making its way through the legislature and to make recommendations to the governor. One of the highlights of my time as chief counsel was working on the legislation that led to the abolition of the death penalty. Another major highlight revolved around the Supreme Court decision that led the legislature to establish the civil union statute that ensured that same-sex couples had the same rights as heterosexual couples. A second set of

Please email the interviewee at kzimmerman@lowenstein.com with questions about this interview.

responsibilities involved overseeing the State's relationships with a variety of independent authorities, including the Port Authority of New York and New Jersey and the Meadowlands Sports Authority. Another major responsibility during my term of office involved recommendations concerning the appointment of judges and prosecutors, which included two chief justices of the New Jersey Supreme Court.

Editor: How did you come to Lowenstein Sandler?

Zimmerman: I had known Alan Lowenstein both as a mentor and friend for some time, and over the course of my public service career I had developed a great respect for his firm. Lowenstein Sandler's commitment to pro bono service and civic engagement is well known. The opportunity to build on an already strong pro bono platform at the firm was very attractive.

In this connection, I should say that while I may take on compensated work from time to time, my primary responsibility is Lowenstein Sandler's pro bono program, including the development of a strategic plan for the program. The retention of someone whose primary efforts are devoted to pro bono undertakings is a reflection, I think, of not only the firm's commitment to public service but also its recognition that the only way in which to maximize its intellectual capital in this arena is to utilize the resources that are available to the compensated side of the house. To put it more concretely, in 2007 the firm committed more than 19,000 hours to pro bono work. To fulfill our professional obligations as citizens and lawyers and to do so in a way that improves communities and lives to the greatest extent possible, that effort – as impressive as it is – must be focused and implemented in a strategic manner. Lowenstein Sandler constitutes a tremendous resource for the communities in which we live and practice, and we are going to leverage it to the fullest extent possible.

Editor: As part of your duties, you have been named chair of the firm's pro bono committee. Please tell us about the committee and its work.

Zimmerman: In taking on this responsibility, I am going to be building on the

work of a good many others, including Bob Boneberg, Doug Eakeley and David Harris. The firm's pro bono committee has a distinguished history. The firm was one of the initial signatories to the Pro Bono Challenge, committing to expend at least three percent of its total billable hours on pro bono work. Over the years the firm has handled some very high profile matters, including the litigation that led to DFYS, New Jersey's social welfare department, being placed in receivership, and it has led to significant reforms to improve the well being of children entrusted to the agency's care. And more recently the firm has filed a very significant action against the Department of Homeland Security concerning raids on the homes of Latinos in the State, in the absence of either warrants or consents, by the Immigration and Customs Enforcement Agency. The manner in which this is being done is, we believe, a violation of the constitutional rights of all citizens and lawful residents. This litigation is an example of the kind of high-impact case which we have handled in the past and plan to continue handling in the future.

We also have a long-standing externship program at the local legal services office and an appellate partnership with the public defenders' office. This enables us to handle appeals where novel issues have been raised. It affords us an opportunity to offer our attorneys, and particularly our associates, appellate experience at an early stage in their careers, and it serves to maximize the impact of our work in connection with the pressing social issues of the day.

Out of our strategic discussions on the subprime mortgage crisis has come the representation of a non-profit organization which is in the process of purchasing a number of properties on the verge of foreclosure. This is being looked at nationally as a potential model of the manner in which local communities can develop ways to help people faced with displacement.

Editor: Is there a particular focus to the firm's pro bono efforts?

Zimmerman: We are in the process of developing a strategic plan, but I think it is safe to say that our focus on children, and particularly disadvantaged children, will continue. Asylum and immigration cases have also been important in the past, and I think that will continue. And com-

munity development – which will include partnering with organizations such as the New Jersey Institute for Social Justice – is going to receive considerable attention as we go forward.

Editor: Recognizing that you are still working on your strategic agenda, where would you like to see Lowenstein Sandler make its mark in the pro bono arena?

Zimmerman: The firm has had a robust pro bono program for some time, so I look forward to building on a reputation for pro bono service that is already in place. That said, I would like to see the hallmark of this program lie in its innovation and in its potential to effect substantive change where possible. If our work is strategically oriented to maximize the impact of our services, I think this is within our reach. That means that we must offer a wide range of pro bono projects to our people – and I would include an array of projects for corporate and transactional lawyers as well as first-class litigation opportunities – and we must bring to them all of the resources in terms of expertise and experience that the firm possesses. Applying those resources in a strategic fashion to the communities in which we live and work will serve to make a real difference.

Editor: Our readers would be very interested in your thoughts about the rewards of pro bono service.

Zimmerman: Marian Wright Edelman of the Children's Defense Fund said that pro bono service is the rent we pay for the privileges that are afforded us. I think that Alan Lowenstein was very much aware of what a strong commitment to this kind of activity meant to a law firm. The lawyers who believe in this kind of work are those with whom I wish to practice, and I believe that this culture of commitment to others, and particularly those who are not in a position to speak for themselves, informs the very best firms in this country. I believe that a firm with a strong professional reputation is, almost invariably, a firm that is committed to pro bono and community service. This work reinforces the idea that a law firm is more than a collection of cases and transactions, however important they may be. It is an organization with values that are reflected in how it commits and utilizes its resources.