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Pro Bono – Law Firms

Lowenstein Sandler's Pro Bono Program: Casting A Wide Net

The Editor interviews Ralph Berman, Robert Boneberg, Samantha E. Friedman, Paul Salvatoriello and Jeffrey J. Wild, Lowenstein Sandler PC.

Editor: Would each of you tell us something about your professional experience?

Boneberg: I am a member of Lowenstein Sandler's litigation department, and chair of the firm's pro bono committee. My professional experience is in general commercial and corporate litigation, primarily in the federal and state courts in New York.

Wild: I am also a member of the firm's litigation department. I began my career with the Paul, Weiss firm following my graduation from Columbia Law School. I was one of Lowenstein's first lateral associates, and I became a member of the firm in 1994.

Berman: I am a senior counsel in the litigation department of the firm's New York office. I spent ten years at Cadwalader Wickersham & Taft after Harvard Law School and, after starting my own firm and after some time at another firm, came over to Lowenstein in 2003. My area of concentration is general commercial litigation, with an emphasis on bankruptcy and real estate litigation.

Friedman: I graduated from Washington University in St. Louis and am in my third year in the litigation group. I do mostly commercial litigation.

Salvatoriello: Following graduation from Georgetown Law School in 2001, I clerked for the New Jersey Supreme Court. I came to Lowenstein directly from my clerkship. I have been engaged in commercial litigation, and I have done some environmental

work as well.

Editor: Lowenstein Sandler has an outstanding reputation for pro bono service, in New Jersey and beyond. Can you tell us something about the origins of the program?

Boneberg: The firm's commitment to pro bono began when the firm first opened its doors. Alan Lowenstein and Dick Sandler were personally committed to pro bono service, and that commitment has permeated the firm's culture. Today that legacy is exemplified by Lowenstein partners such as Doug Eakeley and David Harris, but it also has come to define the firm as a whole.

Wild: Alan Lowenstein believed that we were very fortunate to be lawyers and that this good fortune translated into a moral imperative to reach out to those less fortunate. He also felt that if you just wished to maximize wealth, you should become a Wall Street investment banker, but that if you wished to have a career with some balance, including an opportunity to help others, then Lowenstein Sandler was for you.

Editor: And today? Please give us an overview of the program.

Boneberg: We do not focus the program on a particular area. Our projects reflect the needs of the community and the interests of the attorneys involved. Our corporate department handles the incorporation of many non-profit organizations, applications for tax-exempt status, and the like. We have handled a number of political asylum and domestic violence cases as well. The basic idea is to encourage our attorneys to take on pro bono matters, and we leave it up to them to determine the type of matter.

Let me add that in New Jersey attorneys can be assigned pro bono cases by the courts. That occurs frequently, and most of these cases are criminal matters.

Editor: I am sure there are more requests for help than you can meet. How are decisions made on what matters to accept and what must be turned away?

Wild: The reality is that we are not issue-driven. If someone hears about a situation and thinks they can help, Bob Boneberg will get a call. Almost invariably, Bob and the committee will respond affirmatively. As for me personally, I believe that any litigator can win an easy case, so I am on the lookout for the most difficult cases – where someone deserves help but has been unable to get it in our legal system.

Boneberg: If there is a conflict, we may turn down a case. We recently represented children in a class action against the New Jersey Division of Family and Youth Services (DYFS), and we have an ongoing responsibility to monitor the implementation of reforms. From time to time, parents will ask us to represent them against DYFS, and sometimes we are compelled to respond that we represent the children, not the parents, and try to direct them elsewhere.

Editor: I gather a number of you worked on the release of Warren Matthei. Can you tell us about that case?

Wild: I was the partner involved in the case, which was originally assigned to Javier Cuebas, a corporate attorney with the firm, by the court system. When someone is assigned a case outside of their area of expertise, we try to support them from elsewhere in the firm. This case involved someone who had

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been imprisoned for failing to pay his divorce lawyer. The amount in question approximated \$80,000, and the astonishing thing was that ten years after having been imprisoned, he continued to languish in jail under the *capias ad satisfaciendum* writ – a holdover from the days of debtor's prison. Anyway, we went to work and, just a month ago, managed to have him released.



**Ralph
Berman**

Editor: Samantha, you worked on the John Kogut case. Please tell us about that experience.

Friedman: John Kogut was convicted of a rape/murder in 1983, sentenced in 1986 and imprisoned for 17 years. The DNA evidence that emerged did not support the prosecution's presentation of the facts to the jury – and the prosecutor agreed – but wanted to retry the case on the basis of a confession and other evidence. That was when we became involved – I had been with the firm about six months at that point – and I thought I would be helping senior attorneys with basic research. As it turned out, I worked on the case for over a year, and it involved preparing expert witnesses, studying autopsy reports, working with medical examiners and writing briefs. In the end, the judge entered a verdict of not guilty. For me, it was an exhausting, and exhilarating, experience.

Editor: Ralph, would you tell us about the Abundant Life Alliance Church of New York?

Berman: This case came to us through another firm which represented the Abundant Life Alliance Church – a church composed primarily of Korean and Korean-American parishioners – in land use matters but lacked the litigation resources to vindicate the organization's rights in court. The church had purchased an industrial condominium in the College Point, Queens urban renewal area, which was subject to ordinary city zoning and to a specific urban renewal plan. The church knew that they would need to apply for an amendment of the latter and for a waiver of zoning restrictions to permit the establishment of a religious house, but another church had been allowed on another site in this urban renewal area, and they did not anticipate a problem. They submitted the appropriate documentation.

Under both the United States Constitu-



**Robert
Boneberg**

tion and that of the state of New York, a governmental entity is *required* to make a reasonable effort to accommodate religious use. During discovery we determined that the EDC had made no attempt to determine whether religious use could be accommodated. They identified several concerns but did not engage in any investigation to validate those concerns.

After discovery we made a motion for summary judgment. We conceded that the EDC might have the right to administer an urban renewal plan, but argued that a house of worship is entitled to accommodation within the plan. The court agreed with our position. The City was ordered to forward the application to the New York City Planning Commission, which has the final word on such accommodations. Incidentally, while this case was pending, the city zoning was modified to permit a house of worship in the type of area at issue, but the Urban Renewal Plan will still require modification to permit a religious use in the Urban Renewal Area.

Editor: Paul, you have been active on the political asylum front.

Salvatoriello: After handling a successful appeal for a Haitian journalist before the Board of Immigration Appeals, I was asked to handle an immigration appeal for a Colombian – gay, politically active in the Bogotá area and targeted by the FARC guerrillas. After being attacked three times, he was able to get to the United States and apply for asylum. The court recognized the danger he faced in Colombia but would not grant asylum. We took the matter up to the Board of Immigration Appeals, which granted him full asylum status.

Editor: Cases like this say something about the culture of a firm. Can you tell us about the connection between pro bono service and firm morale?

Boneberg: I think the people here take a great deal of pride in being part of an institution that gives back to the community, and what makes being here particularly gratify-



**Samantha E.
Friedman**



**Paul
Salvatoriello**

ing is the degree to which that commitment to pro bono service really defines the firm. We are not the largest firm in the country, nor are we the wealthiest. But we *are* known for our pro bono work.

Wild: In much of the work we do for paying clients, someone else would be available if we were not there. That is not the case with most of these pro bono matters. We really make a difference, and if we were not there for these clients, no one else would be. That makes for a very different feeling in approaching these cases, and the resulting satisfaction is, accordingly, very profound.

Editor: How does a program like this help in recruiting young people just out of law school and young laterals? And in retaining them?

Friedman: As someone who falls into that category, I can say that it is very exciting to interview with a firm that conducts a strong pro bono program, and almost everyone coming into the firm looks to such a program as one that reflects the real values a firm espouses.

For myself, being able to handle DYFS cases where I have been able to represent mothers at risk of losing their children makes me very grateful to be where I am.

Salvatoriello: The personal rewards are extraordinary. When you help people in need, they remain in your life.

My first Haitian client was in detention for over a year. With a client in prison, and putting all his faith in me, I felt an awesome sense of responsibility. The resulting victory was all the sweeter, and I too am very grateful to the firm for permitting me to do this work.

Editor: What about the future? Are there new areas of pro bono practice that you would like to enter?

Boneberg: As the firm grows, we will try to look at pro bono work that might not be as locally focused as it is today. I think it is fair to predict that we will continue to try to help those who are most in need of our help.



**Jeffrey J.
Wild**