

LOWENSTEIN SANDLER  
CENTER FOR THE PUBLIC INTEREST  
IMMIGRATION  
LOWENSTEIN  
GIVES BACK  
COMMUNITY  
SERVICE ACTIVITIES  
CIVIL & HUMAN RIGHTS  
THE ARTS  
CRIMINAL JUSTICE  
CHILDREN &  
EDUCATION  
COMMUNITY &  
SUSTAINABLE  
DEVELOPMENT

**PRO BONO**  
REPORT

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# INTRODUCTION



We're pleased to present Lowenstein Sandler's inaugural **Pro Bono Report**. While the firm's current efforts and expanded commitment are the focus of this report, it is worth beginning with some history.

When Alan Lowenstein and Dick Sandler founded the firm in 1961, the original partnership agreement stipulated that one of the firm's fundamental principles was a commitment to community. The firm has reinforced that commitment in the decades since by dedicating hundreds of thousands of *pro bono* hours. The firm has brought cases to challenge racial profiling and spur child welfare reform, served as a charter member of the Pro Bono Institute, established fellowships with legal service providers and helped organize and support numerous other non-profit entities. This legacy is a key part of the firm's culture, reflected in the breadth and depth of the firm's *pro bono* activities and in the civic and professional leadership roles so many of our attorneys and staff play.

The following pages reflect the past year's activities that fulfill this commitment. They include nationally significant impact litigation to promote integration of disabled students and to protect individuals from warrantless entry by immigration officials, transactional work on behalf of charter schools and to enable supermarkets to enter urban areas, and policy work on behalf of the Blue Ribbon Panel established by New Jersey Governor Jon Corzine to address immigrant issues in the state, to name a few. We are appreciative that these efforts have been recognized by many of our non-profit partners and have earned the firm, for the fourth year in a row, the distinction as the top firm for *pro bono* work in New Jersey and increasing national recognition.

This report also reflects something new: the firm's decision to expand upon its historic commitment by creating the Lowenstein Center for the Public Interest. As set out in these pages, the Center, which recently began operations, is designed to maximize the impact of the firm's work in the communities in which we live and work. We have already begun to achieve this by concentrating our efforts in several key areas reflected in this report and deepening our partnerships with leading non-profit and community organizations to best use the talents and passions of our firm lawyers and staff.

It has been a privilege to lead this effort with the full support of firm leadership, and collectively undertake this innovative and exciting approach to the principles that have always guided this firm. As we all realize, it has been especially important to take on these challenges at a time when so many in our communities experience the fallout of the economic downturn and the significant cuts in public and foundation resources.

Thank you in advance for your ongoing interest.

**Kenneth H. Zimmerman**

Chair, Lowenstein Sandler Pro Bono Committee

## PRO BONO BY THE NUMBERS

<b>1:</b>	Lowenstein Sandler's rank in the <i>New Jersey Law Journal</i> annual list of the state's top <i>pro bono</i> programs
<b>32:</b>	Number of the firm's <i>pro bono</i> partners
<b>53:</b>	Lowenstein Sandler's rank in the 2009 <i>American Lawyer Pro Bono Report</i> of the nation's top <i>pro bono</i> programs.
<b>78:</b>	Average number of hours each firm attorney dedicated to <i>pro bono</i> work in 2008
<b>242:</b>	Number of <i>pro bono</i> matters handled by Lowenstein attorneys in 2008
<b>19,117:</b>	Total hours firm attorneys dedicated to <i>pro bono</i> work in 2008

# LOWENSTEIN SANDLER OPENS CENTER FOR THE PUBLIC INTEREST

Building on its commitment to address significant social issues and provide community assistance, Lowenstein Sandler has established the Lowenstein Center for the Public Interest. Led by Kenneth H. Zimmerman, Member of the Firm, the Center focuses on six areas: children and education; immigration; criminal justice; civil and human rights; the arts; and sustainable and community development. The Center began operations in May 2009, following its announcement at Lowenstein's Third Annual Pro Bono Celebration in October 2008.

**"Without question, my greatest satisfactions in life, apart from my family, have come from the services I have rendered to individuals and families and, on a larger scale, to my community."**

**—Alan V. Lowenstein**

"The Lowenstein Center for the Public Interest proactively identifies issues, programs and partners, in particular helping low-income, disadvantaged and other vulnerable people and the organizations that advocate for and support them," said Mr. Zimmerman.

As part of the program, five of the firm's associates and counsel dedicate 25 percent of their time to the Center's projects and help spearhead the firm's overall *pro bono* efforts, which in 2008 involved approximately 75% of our lawyers and totaled 19,117 hours of attorney participation.

Initial projects include serving as the lead New Jersey law firm working with **KIND (Kids in Need of Defense)**, which provides universal legal representation to unaccompanied children in immigration proceedings; responding to the mortgage lending crisis by assisting **HANDS** and other local non-profits develop the **Community Asset Preservation Corporation** to enable revitalization of foreclosed properties; and continuing major impact litigation, such as the statewide case undertaken with the **Seton Hall Center for Social Justice** challenging the raids on immigrant homes conducted by the Immigration and Customs Enforcement agency.

**Lowenstein Center  
for the Public Interest**

"The firm has been committed to public service since its founding," said Lowenstein Sandler Managing Director Gary M. Wingens. "The Center enables attorneys, professional staff and others in the firm to engage in meaningful *pro bono* and civic opportunities, reaffirming Lowenstein's dedication to maximizing the impact of our *pro bono* activities."

# CHILDREN & EDUCATION

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**The firm's history of *pro bono* work on behalf of children has shown the power of legal representation in making the promise of opportunity a reality for children who have faced immense deprivation.**

## LOWENSTEIN HELPS KIDS IN NEED OF DEFENSE

Imagine that you are a 14-year-old from Sub-Saharan Africa. You speak no English, you are a defendant in a deportation proceeding in a U.S. immigration court, and in your native country you have no right to have a lawyer appointed to represent you. According to **Kids in Need of Defense (KIND)**, a national program created by actress Angelina Jolie and Microsoft Corporation, this situation is reality for more than 8,000 unaccompanied immigrant children who arrive in the United States each year. Most do not have a lawyer and face adversarial legal proceedings that could result in their return to the difficult and dangerous circumstances they fled.

To address this problem, Lowenstein Sandler became a founding member of **KIND**, whose goal is to provide universal legal representation for all unaccompanied children who are in U.S. immigration court proceedings. **KIND** is coordinating the *pro bono* efforts of law firms and corporate legal departments across the country, providing legal representation that helps children understand the procedures they face and the options and remedies that may be available to them under the law.



As the initiative's lead law firm in New Jersey, Lowenstein handles cases and provides financial support and office space for **KIND**'s New Jersey Pro Bono coordinator, who trains, mentors and supervises volunteers. Lowenstein Sandler is currently handling a case involving "S," a 16-year-old boy from Sierra Leone. His entire family was murdered by a revolutionary group that forced him to serve as a child soldier. After the war ended, a short documentary about "S" was made and he traveled to the United States to speak about the film. "S" applied for asylum in the United States and Lowenstein Sandler is representing him in his immigration proceedings.

Children are among the most vulnerable members of our society, and unaccompanied immigrant children are perhaps the most vulnerable of the vulnerable. The firm's history of *pro bono* work on behalf of children has shown the power of legal representation in making the promise of opportunity a reality for children who have faced immense deprivation. Our work with **KIND** enables us to fulfill our commitment to these issues.



*Among Other Examples of Our Work for Children:*

## **AID FOR CHILDREN WITH DISABILITIES**

A team of Lowenstein attorneys is litigating a lawsuit in the United States District Court for the District of New Jersey against the New Jersey Department of Education and the New Jersey State Board of Education. The action seeks to enjoin the defendants from violating the rights of children with disabilities to receive an appropriate education in an inclusive environment with their non-disabled peers. Lowenstein Sandler is representing plaintiffs **Disability Rights, Inc.**, the **Education Law Center**, the **Statewide Parent Advocacy Network of New Jersey** and **The Arc of New Jersey** on behalf of children with disabilities across the state, who are often unnecessarily segregated and denied the right to be educated alongside children who do not have disabilities. The lawsuit seeks to enhance the quality of education for children with disabilities by increasing—to the extent appropriate—their inclusion in the general education setting. The State’s motion to dismiss was denied and the case is now in discovery.

## **FIRM FILES AMICUS BRIEF WITH SUPREME COURT OF COLORADO**

In November 2008, Lowenstein’s Appellate practice group filed an amicus brief with the Supreme Court of Colorado in a case on behalf of **Education Justice**, a national initiative at Newark-based **Education Law Center**, to advance educational equity for the nation’s disadvantaged public school children. “In Colorado, as in other states, poor students and students of color turn to the court, as a last resort, to address claims of unequal school funding,” said David Sciarra of the **Education Law Center**.

In this case, the Supreme Court of Colorado was asked to interpret the mandate found in the Education Clause of the Colorado Constitution that the State provide a “thorough and uniform system of free public schools.” In particular, the legal issue concerned whether claims regarding the adequacy of school funding brought pursuant to this constitutional provision present nonjusticiable political questions. The amicus brief argued that the judiciary should—and, indeed, was required to—interpret the Constitution and determine whether the defendant state board of education was in compliance with the constitutional mandate. This appeal, which will determine whether all children in Colorado receive the resources they need to succeed in school, was argued on June 9, 2009. The Court has not yet issued its decision.

## **VICTORY FOR HOMELESS CHILDREN**

Lowenstein Sandler recently represented a woman and her minor children in an administrative law action brought by the Belleville Township Board of Education. The action concerned whether the Belleville school district should be responsible for continuing to provide education to the children, who had been attending schools in that township when they became homeless and went to live with various relatives in Newark. The issue involved whether the family should be considered “homeless” under those circumstances, since a school district must continue to provide education to homeless children. Lowenstein attorneys argued that the children, particularly two boys who were learning disabled, would best be served by remaining in the Belleville district rather than being uprooted to Newark. The Lowenstein team was able to prove that the family was “homeless” under applicable law. ■

*Lowenstein attorneys are litigating a lawsuit against the state to ensure that children with disabilities receive an appropriate education in an inclusive environment with their non-disabled peers.*

# IMMIGRATION

## PUTTING HUMAN RIGHTS FIRST

Providing *pro bono* legal representation to immigrants seeking asylum and other forms of relief in the United States is not new for Lowenstein Sandler. In fact, over the past five years, Lowenstein attorneys have represented 26 immigrants referred by our *pro bono* partner, **Human Rights First**. One such case is particularly noteworthy because the firm's work—along with the work of **Human Rights First**—led to a favorable outcome not only for our client, but for an entire population of deserving refugees.

Our client was a teacher in Myanmar when he allowed members of a group called the Chin National Front (CNF) to speak at his school about the importance of democracy. The CNF is one of many activist groups working to restore democracy in Myanmar, which is currently under the illegitimate rule of an oppressive military junta. In retaliation for his actions, our client was captured, imprisoned without trial and tortured by members of the junta. Eventually, he was able to escape and make his way to the United States, where he applied for asylum.

Our client's asylum application was initially barred by a far-reaching statute declaring inadmissible any individual who provides "material support" to one who engages in "terrorist activity." The statute defined those terms so broadly that the CNF members who spoke at our client's school were deemed to have engaged in "terrorist activity" because of their ongoing conflict with the junta, and our client's actions were deemed "material support." As a result of Lowenstein's advocacy and **Human Rights First's** lobbying efforts, Congress held hearings featuring our client's case and ultimately passed new legislation that explicitly carved out of the material support bar the CNF and other "groups that do not pose a threat to the United States." This new legislation paved the way for hundreds of deserving refugees, including our client, to obtain asylum in the United States. Equally important, Lowenstein is currently working to reunite our client with his wife and two children, who remain in cyclone-ravaged Myanmar.

**Human Rights First** singled out the Lowenstein team for its handling of this case, which it described as "a real challenge" requiring "innovative, creative and persistent" advocacy. In recognition of our work on behalf of this client and other deserving immigrants, **Human Rights First** presented the firm with the Marvin E. Frankel Pro Bono Award in February 2008.

As a result of Lowenstein's advocacy and **Human Rights First's** lobbying efforts, Congress held hearings featuring our client's case and ultimately passed new legislation that explicitly carved out of the material support bar the CNF and other groups that do not pose a threat to the United States.

## CHALLENGING IMMIGRATION RAIDS

Lowenstein, along with the **Seton Hall Center for Social Justice** (the **Center**), is litigating a case in federal court in Newark on behalf of nine victims of unconstitutional raids conducted by federal immigration agents in violation of fundamental privacy and due process rights. The incidents that gave rise to the lawsuit include the entry by Immigration and Customs Enforcement (ICE) agents into families' homes in the early hours of the morning, without a warrant and without obtaining the voluntary, informed consent of the families to enter and search those homes. In the case of one of the plaintiff families, ICE agents physically apprehended the father (who had just exited his van outside the house), forced him to open the door and then pushed him into his own house so that the agents could look for people they described as "illegal." After entering the home, the agents displayed their firearms to a nine-year-old child and threatened—in the child's presence—to have him taken away from his parents. The agents made this threat even though they had already determined that the person they were looking for was not present and that the family was lawfully present in this country.

This is the first lawsuit in the country to focus on the consistency of such raids over a substantial period of time and across an entire state. It has raised fundamental questions about ICE's "Operation Return to Sender," a program that has created strong incentives for unconstitutional behavior by establishing unrealistic quotas for immigration agents, and that has been implemented without adequate guidelines, training or safeguards.

In a companion suit, the firm and the **Center** brought a federal action seeking records under the Freedom of Information Act (FOIA) related to these raids. The government initially refused to produce most of the documents that the **Center** and *The Brazilian Voice* newspaper sought. After Lowenstein commenced the litigation, however, the government produced substantial amounts of material related to dozens of home raids across the state, including critical policy documents inconsistent with the government's initial description of the objectives of the "Operation Return to Sender" program under which those raids were conducted.



## LOWENSTEIN SERVES AS COUNSEL TO GOVERNOR'S BLUE RIBBON PANEL

Lowenstein Sandler served as counsel to New Jersey Governor Jon Corzine's **Blue Ribbon Advisory Panel on Immigrant Policy**. Governor Corzine charged the panel with making "recommendations for a comprehensive and strategic statewide approach to successfully integrate the rapidly growing immigrant population in New Jersey." Lowenstein provided each of the **Panel's** subcommittees (Education, State and Local Government, Labor and Social Services) with legal advice ranging from analysis of constitutional issues to evaluating state laws and regulations. During this process Lowenstein attorneys attended public forums, internal **Panel** meetings and subcommittee meetings.

The **Panel's** report was presented to the governor in March 2009. Particularly significant recommendations pertain to the **Panel's** proposed revisions to the New Jersey Attorney General's Law Enforcement Directive No. 2007-03, which establishes the manner in which state and local law enforcement interacts with federal immigration officials, including parameters in questioning individuals about their immigration status and reporting unlawful presence to Immigration and Customs Enforcement. Other significant recommendations include the creation of an Office of Immigrant Affairs; improving adult education for English as a second language; ensuring that labor standards and work protection laws are enforced; opposition to the E-Verify program, an Internet-based system operated by the Department of Homeland Security in partnership with the Social Security Administration that allows participating employers to electronically verify the employment eligibility of their newly hired employees; and developing community navigators to help immigrants access social services. ■

*Lowenstein, along with the Seton Hall Center for Social Justice, is litigating a case in federal court in Newark on behalf of nine victims of unconstitutional raids conducted by federal immigration agents in violation of fundamental privacy and due process rights.*

# COMMUNITY & SUSTAINABLE DEVELOPMENT

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*Lowenstein Sandler actively supports leading neighborhood and community development organizations that help revitalize areas and support families who reside in low-income areas. By bringing to bear the corporate, real estate and other expertise of the firm, Lowenstein Sandler furthers the missions of these organizations and more broadly, strengthens the communities in which we live and work. Several examples follow.*

## KEEPING IT IN THE COMMUNITY

**Lowenstein Sandler has taken a lead role in assisting the NJCDC create a charter school for elementary school students.**

Working to improve our local communities, Lowenstein has partnered with the **New Jersey Community Development Corp. (NJCDC)**, which is dedicated to improving Paterson, New Jersey by providing housing, education, youth development, vocational services and community building initiatives.

Lowenstein Sandler has rendered extensive *pro bono* legal services in support of the **NJCDC's** efforts since 2001, including real estate projects and construction law. Recently Lowenstein Sandler has taken a lead role in assisting the **NJCDC** create a charter school for elementary school students. The **NJCDC** purchased a 33,000-square-foot building to house the school and engaged contractors to perform extensive renovations to the facility. Four hundred elementary students began attending classes at the renovated facility in August 2009.

As a state-financed project, the content and bidding of the construction contracts had to meet stringent statutory requirements. Lowenstein attorneys helped the **NJCDC** comply with these requirements by drafting numerous contracts, attending and overseeing the public bid opening conference, inspecting the bids for responsiveness and addressing disputes. Since bid opening, the firm's attorneys have also staffed a "construction law hotline" to provide timely legal advice to the **NJCDC** to address and mitigate the many issues and disagreements that often impact a construction project.



## FORECLOSURE MEDIATION

In early 2009, the New Jersey Supreme Court launched a Foreclosure Mediation Program, designed to help homeowners who are in arrears on their mortgage payments stay in their homes, while helping lenders avoid foreclosure costs and reduce the number of non-performing loans in their portfolio. Foreclosure mediation may be requested up to the time of the sheriff's sale. Volunteer mediators who have received mediation training provide their services at sessions held in the county courthouses.

Lowenstein Sandler has mediated multiple cases in Passaic County and Essex County. All have resulted in settlements that allowed the homeowners to remain in their homes as long as they meet the new payment terms. In one case, the lender agreed to a six-month forbearance agreement, conditioned upon the homeowner's payment of half the normal payment for those months, an arrangement that gave the homeowner time to resolve a disability claim. Other mediations resulted in several months of payments at the normal rate, to assist in bringing down some of the arrearages, followed by a modification of the loan to a lower interest rate. The mediations have also used the newly enacted Homeowners Affordable Mortgage Program guidelines, which allow for three reduced monthly payments and possible refinancing at lower interest rates.

## LA CASA DE DON PEDRO

**La Casa de Don Pedro (La Casa)** is a well-respected Newark, New Jersey-based non-profit that for 30 years has been providing a broad array of services to empower and promote the revitalization of Newark's North Ward. When **La Casa** was approached with an opportunity to expand its services in the fields of health care, especially HIV intervention, by acquiring the assets of another non-profit in the area that had fallen on hard times, Lowenstein Sandler signed on as *pro bono* counsel.

In the course of a complicated transaction that occupied **La Casa's** board and Lowenstein attorneys for more than a year, **La Casa** relied on Lowenstein attorneys to help ensure that it could take over critical services and continue to make them available to the community while appropriately addressing the corporate, employment, funding, tax, real estate and other related issues that arose. As Ray Ocasio, **La Casa's** Executive Director stated, "The unknown elements involved in acquiring the assets of the organization seemed perilous at times, but we were able to do so through the comprehensive and meticulous representation from our attorneys at Lowenstein Sandler." The transaction itself involved the acquisition by **La Casa** of substantially all the assets of the not-for-profit corporation, El Club del Barrio, as part of El Club's dissolution, as well as new financing for **La Casa** that provided a substantial portion of the funding for the transaction.

## HELPING HANDS

In the face of the foreclosure crisis, Lowenstein attorneys assisted **Housing and Neighborhood Development Services, Inc. (HANDS)** in developing an innovative approach to address the consequences of foreclosures in neighborhoods where they have been concentrated. With the support of local public officials and other non-profits, **HANDS** spearheaded an effort to prevent the decline of such neighborhoods by acquiring mortgages for foreclosed properties in bulk and facilitating their transfer to non-profits that would promptly rehabilitate the properties. Lowenstein lawyers helped **HANDS** incorporate a new organization, the **Community Asset Preservation Corporation**, and facilitate the purchase of 47 mortgages in a single transaction—recognized as the single largest non-profit acquisition of its kind in the country. **HANDS** has received national attention for these efforts. As Secretary of Housing and Urban Development, Shaun Donovan explained, "With their 'Operation Neighborhood Recovery,' **HANDS Inc.** and the **Community Asset Preservation Corporation** have been pioneers in purchasing foreclosures in the Greater Newark area and redeveloping them as affordable housing." The organization's goal is to redevelop 900 properties over the next eight years. ■

*Lowenstein  
attorneys assisted  
Housing and  
Neighborhood  
Development  
Services, Inc.  
(HANDS) in  
securing previously  
foreclosed  
properties in  
Essex County, NJ  
that will be  
redeveloped as  
affordable housing.*

# CRIMINAL JUSTICE

## LANDMARK CASE EXEMPLIFIES FIRM'S COMMITMENT TO UPHOLDING THE RULE OF LAW IN THE CRIMINAL JUSTICE SYSTEM

Prisoners in state and federal correctional facilities are a particularly vulnerable population, given the nature of their circumstances and their limited access to the courts. Consistent with our long history of fighting for those whom society has forgotten, Lowenstein works to provide much-needed *pro bono* representation to these individuals.

In one notable case, the firm secured a favorable settlement for a New Jersey State Prison inmate who was repeatedly assaulted by prison guards. The inmate, a Greek national, had a disagreement with a guard about a policy in the prison handbook, initially resulting in threats by the guard and then, after the inmate filed a grievance, an actual beating that occurred in a part of the prison that was under constant video surveillance. When guards attempted to cover up the assault by filing against the inmate a prison disciplinary charge of assaulting an officer, they triggered certain due process rights, including rights to a hearing and to evidence preservation. Despite the inmate's multiple requests for the video evidence, it was not preserved. The inmate was found guilty in the disciplinary proceeding and ultimately served time in solitary confinement.

After the inmate brought a *pro se* suit in federal court and withstood a motion to dismiss, Lowenstein attorneys entered the case as his *pro bono* counsel and aggressively pursued discovery regarding the videotape of the assault. The court ruled that the guards had spoliated critical evidence. And in what may be the first decision of its kind in the United States, an inmate's pre-suit request for preservation of videotape evidence resulted in both an adverse jury instruction and an award of attorneys' fees.

Lowenstein Sandler changed my life by representing me in a civil rights case. The firm helped me gain my freedom and helped me gain the largest settlement to date in my landmark case.

With special thanks,  
M. K.

In one notable case, the firm secured a favorable settlement for a New Jersey State Prison inmate who was repeatedly assaulted by prison guards.

On the eve of trial, our client was assaulted again, this time by another guard purportedly acting in concert with the named defendants. This assault resulted in our client’s transfer to another prison and a punishment of “suicide watch,” including several days of forced nakedness with only a suicide-proof blanket for cover and 24-hour lights on in his cell. When Lowenstein attorneys finally reached him, they convened an emergency conference call with the court. The infuriated district judge admonished the Deputy Attorney General, saying that it appeared the guards were not only retaliating against the inmate, but obstructing justice as well. At the Order to Show Cause hearing shortly thereafter, the guards and prison administrators were examined by Lowenstein attorneys, and the case was subsequently settled in the client’s favor.

In a letter to the firm, the District Judge commended Lowenstein for “the extraordinarily diligent and skillful role” the firm played in achieving “a highly favorable outcome for [its] client.”



This case received widespread media coverage, including articles in *The Star Ledger* and the *New Jersey Law Journal*, pictured above.

## CRIMINAL APPEALS

Attorneys in the firm’s White Collar Criminal Defense practice group make a concerted effort to put their unique skills and expertise to work for the public good. For example, each year, these attorneys take on a number of *pro bono* appeals for the New Jersey Public Defender’s office. Their task is to comb through the record, spot issues that may not have been raised in the lower courts, draft appellate briefs on behalf of our clients and argue before the Appellate Division.

In one noteworthy case, Lowenstein attorneys secured reversal of the client’s criminal conviction because of the prosecutor’s misconduct during the trial. The prosecutor improperly commented on the client’s presence throughout the trial, accusing him of tailoring his own trial testimony in light of the testimony and other evidence that had been presented. The Appellate Division held that this improper comment infringed upon the client’s right to be present at trial, to be confronted with the witnesses against him, to hear the State’s evidence, to present witnesses and evidence in his defense, and to testify on his own behalf.

In addition, the firm is currently representing an individual on appeal from his conviction on narcotics and other related offenses. This appeal involves issues concerning the trial court’s improper admission of expert narcotics testimony, failure to sever narcotics- and weapons-related offenses and demonstration of bias against the defense, as well as improper investigatory procedures by the police. ■



*Attorneys in the firm’s White Collar Criminal Defense practice group make a concerted effort to put their unique skills and expertise to work for the public good.*

# CIVIL & HUMAN RIGHTS

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*Lowenstein Sandler has a long history of bringing cases on behalf of disadvantaged groups and to promote civil and human rights. Notably, the firm served as co-counsel in the landmark litigation that resulted in New Jersey's child welfare system being placed into receivership—a development widely heralded as the key to transforming the lives of thousands of abused and neglected young people. Recent examples of the firm's ongoing commitment to fighting for the rights and interests of vulnerable and disadvantaged individuals and families include the following:*

**Lowenstein  
attorneys spent  
Election Day 2008  
in the Morris and  
Passaic County  
Courthouses, representing  
voters and serving  
as courtroom observers.**

## ELECTION DAY REPRESENTATION

Every year on Election Day, scores of voters are turned away at their polling places because of problems with their voter registrations. They may have moved from one New Jersey town or county to another, and believed that the completion of a Motor Vehicle Commission's Change of Address Form would suffice to transfer their voter registrations (the "Motor Voter Law"). They may have never voted before, and registered at a work or campus voter drive event, trusting that their registrations would be submitted by the event organizers. They may be homeless, and thus unable to provide a permanent address to the Board of Elections. Under federal and state laws, all these people should be allowed to vote on Election Day, but unfortunately they are often turned away. For those who choose to pursue their right to vote in court, however, there is hope.

Lowenstein Sandler joined the efforts of the **ACLU-NJ**, **Rutgers School of Law-Newark** and the **Department of the Public Advocate** on Election Day 2008 for the Voter Protection Project. Eight Lowenstein attorneys spent Election Day in the Morris and Passaic County Courthouses, representing voters and serving as courtroom observers in an effort to ensure that all those with the right and the desire to vote were able to do so.

Among the numerous voters Lowenstein successfully represented was a young mother who had previously voted, moved and mailed a voter registration with co-workers at an office registration event, but had never heard back from the Board of Elections. Because she had mailed a new registration instead of a change of address form, she was not registered at her new polling place. The Court allowed her to vote, recognizing her efforts to register and her reliance on the fact that she received no notice that her registration was ineffective.

Lowenstein attorneys also represented a woman who lived in a newly constructed home in Montclair. Though her mailing address was in Essex County, she and all her neighbors received municipal services through Clifton in Passaic County. She paid taxes to Clifton and even served jury duty in Passaic County just one month prior to Election Day. The Court refused to accept the Board of Elections' argument that her mailing address alone should govern her registration. Instead, the Court ruled that equity required that she be allowed to vote in the county in which she paid taxes and that the voter records be corrected so that she would not be turned away the next time she attempted to vote.



## FREE THE SLAVES

There are more slaves today than ever before in human history. An estimated 27 million men, women and children are enslaved throughout the world, and experts say that number is growing. The United States government estimates that 17,000 slaves are trafficked into the United States each year to provide forced, free labor to the domestic, sex, agriculture, factory and restaurant industries, among others.

Lowenstein Sandler has joined the effort to eradicate slavery and remedy its effects. We provide general corporate legal services to **Free the Slaves**, a Washington, D.C.-based organization that seeks to end all modern forms of slavery wherever it exists.

## FARMWORKER'S RIGHTS

Lowenstein Sandler and **Legal Services of New Jersey** represented a farm worker in a federal court case against his former employers, asserting violations of the Trafficking Victims Protection Act, the Fair Labor Standards Act, the New Jersey Wage and Hour Law, and the Migrant and Seasonal Agricultural Protection Act. Our client, who does not speak English, alleged that the employers exploited and abused him by forcing him to live in inhumane conditions and work on their farm. In particular, he alleged that the employers used psychological coercion and threatened physical harm (including attacks by dogs), detention and deportation as a way to control him. Our client also alleged that he was forced to sleep on wood and cardboard in an unventilated plastic shelter where agricultural chemicals were used, and to drink untreated water from a hole in the ground. This *pro bono* matter recently was resolved by way of a favorable settlement to our client.

## NOT TAKING THE WAIT

Title II of the Americans With Disabilities Act requires states to provide, with "reasonable promptness," the most integrated community setting possible in which developmentally disabled individuals may gain access to resources and services under the Act. The statute also provides for Medicaid reimbursement to states that submit a waiver detailing the scope of how they will provide such services. Notwithstanding these unambiguous directions, there are more than 8,000 New Jersey citizens who meet all the Act's requirements for services and yet are currently being denied access to those services under a state "wait list." These individuals have no guarantee, and little hope, that they will ever have access to these much-needed services. Working on behalf of our client, **New Jersey Protection and Advocacy, Inc.**, Lowenstein has filed suit against the State of New Jersey, seeking a ruling that this practice of "wait-listing" eligible citizens is not a substitute for providing the essential services that are required by law.

*An estimated 27 million men, women and children are enslaved throughout the world and experts say that number is growing.*



## LOWENSTEIN TURNS DEFAULT JUDGMENT AGAINST FACTORY WORKERS INTO A SUBSTANTIAL SETTLEMENT

Lowenstein attorneys successfully turned a default judgment against our clients, a group of laid-off factory workers, into a substantial payment in their favor. The workers, who had asserted workers' compensation claims against their company, became defendants (along with their prior law firm) in a RICO case brought by their employer. Lowenstein became involved in the case only after a \$2.2 million default judgment was entered against the employees. As a result of the firm's efforts, the default judgment was vacated and the company agreed to pay the workers more than \$400,000 in settlement of their claims. ■

# THE ARTS

*Lowenstein Sandler has a long commitment to supporting the arts through its pro bono program and the board activities of its attorneys, which have included service for organizations such as the **New Jersey Performing Arts Center** and **The Bill T. Jones/Arnie Zane Dance Company**. This commitment continues, particularly through application of the firm's intellectual property and corporate expertise.*

Lowenstein attorneys drafted every production agreement for the **Michael Chekhov Association's** film, "Beautiful Hills of Brooklyn." The film went on to win several awards and was accepted to the prestigious Short Film Corner at the 2009 Cannes Film Festival.

## BEAUTIFUL HILLS OF BROOKLYN

The **Michael Chekhov Association** is renowned for its work in theater. For its first film project, the company requested that Lowenstein Sandler serve as "production legal." Lowenstein attorneys drafted every production agreement for the company's film "Beautiful Hills of Brooklyn," which stars actress Joanna Merlin as an elderly woman who is confronting the changes in her life and in her beloved Brooklyn neighborhood. The film went on to receive stellar reviews and win several awards, including first prize for "Best Short Film" in the Beverly Hills Hi-Def Film Festival and first place in the Big Apple Film Festival. "Beautiful Hills of Brooklyn" was also accepted to the prestigious Short Film Corner at the 2009 Cannes Film Festival.



## LOWENSTEIN HELPS LAUNCH NEW ARTS MAGAZINE

Launching a new magazine is a daunting task. Aside from all the content issues that need to be addressed, the magazine must have a catchy name and an appealing logo to extend the organization's brand identity. The best way to protect these invaluable intellectual property assets is through trademark law. When the **Monmouth County Arts Council** needed trademark counseling in support of the launch of its new magazine and Web site, it turned to Lowenstein Sandler. Several of our attorneys shepherded the organization through the entire process and prosecuted two trademark applications on its behalf. The result is *X.it artzine* (pictured right), launched in 2008.



## CITY WITHOUT WALLS

**City Without Walls** is an urban gallery of emerging art located in the heart of Newark. When the gallery needed legal advice regarding various elements of its business, it looked to Lowenstein Sandler. We counseled the organization on virtually every important area in its early phases, including researching and drafting critical agreements and other documents. **City Without Walls** is now a thriving organization making a positive creative contribution to the Newark community.

## SOUNDS OF SYMPHONY

Lowenstein attorneys continue to support and advocate on behalf of artists, arts organizations and other members of the arts community. In recent years, Lowenstein has successfully counseled and represented the **Lesbian and Gay Big Apple Corps (BAC)**, as well as its parent organization **TriMusicAngle, Inc. (TMA)**, in several litigation and corporate-related matters. Founded in 1979, **BAC** is one of the leading lesbian and gay musical organizations in the nation. Its mission is to provide the “lesbian and gay community with a supportive and friendly environment for musical and artistic expression and, through performance, to promote social acceptance, equality and harmony for all.”

Today, **BAC** is New York City’s premier symphonic and marching band. The band performs several concerts each year in venues ranging from local schools and churches to the Lincoln Center. Larger concerts are often performed in partnership with the **Lesbian and Gay Band Association** and have included performances at the Paramount Theatre, the Hollywood Bowl, the 2000 March on Washington, both inaugurations of President Bill Clinton and Gay Games events around the world.



## HELLO HOLLYWOOD

With dreams of making it in Hollywood, two friends embarked on the long and exhausting process of creating a movie. They wrote a script, shot a trailer to raise money and started to shop the project around. But creative differences got in the way, leading to a protracted and bitter dispute. After months of negotiations, Lowenstein attorneys were able to settle the matter for an extremely grateful client, by securing for him all the rights in the screenplay. ■

*Lowenstein attorneys continue to support and advocate on behalf of artists, arts organizations and other members of the arts community.*

# LOWENSTEIN GIVES BACK

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## FIRM SUPPORTS ORGANIZATIONS THAT PROVIDE LEGAL SERVICES TO LOW-INCOME AND OTHER DISADVANTAGED PEOPLE

Recognizing the critical need low-income people have for legal services, Lowenstein Sandler continues to invest in organizations that provide much-needed legal services to those in need. The firm aims to expand these organizations' capacity to provide legal services and leverage *pro bono* work by co-counseling or accepting cases from them, providing financial assistance, and in many cases, through member involvement on their boards. These organizations include the **Lawyers Committee for Civil Rights, Legal Services of New Jersey, Legal Aid Society of New York, Human Rights First, Legal Services Foundation**, the **ACLU, Volunteer Lawyers for Justice, Volunteer Lawyers for the Arts**, the **Pro Bono Partnership** and the **Education Law Center**.

**A Lowenstein Fellow led ENLS's representation of a low-income, disabled subsidized housing tenant in eviction proceedings that raised an issue of first impression under New Jersey law.**

## LOWENSTEIN FELLOW AT ESSEX-NEWARK LEGAL SERVICES HELPS DISABLED TENANT FIGHT EVICTION

As part of its ongoing commitment to provide exceptional training opportunities for young lawyers, each year Lowenstein Sandler offers three associates the opportunity to participate in a four-month fellowship in the Housing Unit of **Essex-Newark Legal Services (ENLS)**. This fellowship enables associates to develop and hone valuable skills in the areas of client representation and dispute resolution.

In one notable case, a Lowenstein Fellow led **ENLS's** representation of a low-income, disabled subsidized housing tenant in eviction proceedings that raised an issue of first impression under New Jersey law concerning the application of the reasonable accommodation requirement in the context of the state's Anti-Eviction Act. The landlord sought to evict the tenant after she damaged property in an incident caused by a manifestation of her disability—bipolar disorder. Under the federal Fair Housing Act (FHA), **ENLS** requested reasonable accommodation, based on client's status as a disabled tenant facing eviction on grounds relating to that disability. Despite the tenant's agreement to refrain from further property damage and increase visits to her mental health providers to assist in behavior regulation, and the promise of status and compliance reports from the providers to the landlord, the landlord refused the accommodation, even after being provided with an expert report concluding that the incident was caused by a manifestation of the bipolar disorder.

In a decision of great significance for disabled tenants throughout the state, the appellate court reversed and remanded the case for further factual development on the issue of the landlord's compliance with the FHA's reasonable accommodation requirements. **ENLS** continues to litigate the case on behalf of the tenant.



## RACHEL COALITION/PARTNERS FOR WOMEN AND JUSTICE

**The Rachel Coalition/Partners for Women and Justice** operates under the umbrella of **Jewish Family Service of MetroWest** and **United Jewish Communities of MetroWest New Jersey**, combining the resources and commitment of affiliated and partner organizations to assist domestic violence victims and their children. Lowenstein Sandler attorneys have provided *pro bono* support during the past year, helping domestic violence victims in Essex County obtain Final Restraining Orders against their abusers through a joint venture with **The Rachel Coalition's** partner organization, **Partners for Women and Justice (PWJ)**. With leadership and support from Lowenstein Sandler, **PWJ** has been able to organize and maintain a roster of more than 50 attorneys who each agree to donate two days a year to be "on call" for client court appearances, alleviating some of the stress and panic that many domestic violence victims face as they contemplate an approaching court date, unable to afford representation.

The firm's partnership with **The Rachel Coalition** and **PWJ** continues to deepen and grow, as attorneys have begun to take on appellate work when certain defendants appeal the granting of a Final Restraining Order, as well as other legal services on an ad hoc basis. Lowenstein has also committed to provide corporate and other legal services for a planned **Family Justice Center** in Newark. Modeled after successful projects in Seattle and other cities, the **Family Justice Center** is envisioned as a safe and secure "one stop" resource for domestic violence victims and their children, offering police assistance and social services in one physical location.

## HELP FOR THOSE CALLED TO SERVE

By the end of 2008, virtually all New Jersey military reserve units were fully deployed to Afghanistan and Iraq. In anticipation of some of the legal needs of these brave Americans, the firm has assembled a team of litigation partners and associates to work with the **New Jersey State Bar Association** to represent injured veterans in their military disability proceedings. For example, the firm has successfully represented one veteran with significant issues impacting his discharge and is working on a military law handbook that will be a resource for other attorneys and firms that are interested in this worthwhile effort.

## ACTION AGAINST HUNGER

Since 1979, the international non-profit **Action Against Hunger** network has delivered food, water and sanitation, food security, and public health programs to more than 5 million people in 40 countries. For more than a decade, Lowenstein has provided *pro bono* employment and immigration advice and representation to the **Action Against Hunger-USA (AAH-USA)** office in New York City. The firm has handled personnel issues, provided employment contracts and policies for **AAH-USA** employees, and obtained visas and approvals that have enabled **AAH-USA** to bring to and employ in the United States the experts who run its missions abroad. ■

# COMMUNITY SERVICE ACTIVITIES

*The firm's commitment to civic engagement, while highlighted by pro bono work, expands far beyond. Firm attorneys and staff contribute to the community in many ways. Following are a few examples.*

**Lowenstein Sandler is an annual supporter of Kids Corporation, hosting holiday toy drives and back-to-school drives to benefit the non-profit.**

## KIDS CORPORATION

Founded in 1971, **Kids Corporation**'s mission is to improve the lives of Newark children through activities that bolster academic skills, promote healthy development and stimulate a love of learning. Lowenstein Sandler is an annual supporter of the organization, hosting holiday toy drives and back-to-school drives to benefit the non-profit. Each year, **Kids Corporation** works with more than 3,600 children through direct service programs and outreach services. Initiatives include Kids School, an after-school and summer enrichment program, and Kids Camp, which provides a rustic woodland classroom for academic, health and character-building activities.

## HOOP-A-PALUZA

Founded by a Lowenstein partner and his wife, **The Hoop-A-Paluzza Foundation** provides support to charitable organizations that focus on promoting the health and well-being of children in New Jersey and New York. It also works to instill the importance of philanthropy in children through programs that involve them in fundraising and volunteerism.

The **Foundation**'s banner event is Hoop-A-Paluzza, an annual carnival-style fundraiser featuring hoop shooting and other carnival games. The event works like a walkathon. Participants, or "shooters," recruit family and friends to be sponsors. For every foul shot they make, money is donated to charities that help ill or disadvantaged children.

Since its founding in 2002, **Hoop-A-Paluzza** has raised nearly \$2 million to support many children's charities in the New Jersey/New York area, including **Children's Aid and Family Services, YCS, Tomorrow's Children's Fund, Team Walker** and **Alpine Learning Group**.

## THE SUBSCRIBERS

A Lowenstein attorney donates his time and musical talents to **The Subscribers Foundation**, a rock band and 501(c)(3) charitable organization that performs solely for the benefit of worthy charitable causes. He and several other professionals—mainly hedge fund managers—founded the band in 2004 as a vehicle to raise money and awareness for **A Leg To Stand On**, a non-profit organization that provides prosthetic limbs and corrective surgery to children in developing countries. In 2006, the band expanded the reach of its fundraising efforts and began playing at events to benefit a number of different causes, including **The Leukemia & Lymphoma Society, Voices Against Brain Cancer, One Hundred Women in Hedge Funds, The American Cancer Society** and a host of others. In 2007, **The Subscribers Foundation**, with the help of Lowenstein Sandler, became a registered non-profit corporation. Since its inception, the band has helped to raise more than \$7 million for more than a dozen registered charities.

## 100 WOMEN MAKING A DIFFERENCE



Lowenstein has been an early and active supporter of **One Hundred Women Making a Difference, Inc.**, a 501(c)(3) entity that provides busy, philanthropically-minded women with the opportunity to give back to their communities through an annual financial contribution of \$1,000 to \$10,000. The majority of funds raised each year are awarded to existing local non-profits that already provide much-needed services to improve the lives of people in local communities. In addition, the organization awards annual college scholarships to young women who live in a community where at least one member of **One Hundred Women** resides. The firm has devoted significant resources to support this charitable endeavor by providing *pro bono* legal services and sponsoring an informational meeting and membership drive.

## LOWENSTEIN SUPPORTS CASA

Lowenstein Sandler has supported **Essex County Court Appointed Special Advocates (CASA)** since its inception 23 years ago. **CASA** is an independent, court-authorized, non-profit organization that works through professionally trained and supervised volunteers to promote the welfare of children in Essex County who have been removed from their homes because of neglect or abandonment. **CASA** serves as a child's "Voice in Court," working to ensure that needed services and assistance are made available while helping to move the child toward a safe and permanent home. Lowenstein attorneys have had strong representation on **CASA's** Board of Trustees for the past 12 years, serving as both corporate counsel and nominated trustees.

## FIRM LAUNCHES COMMUNITY SERVICE INITIATIVE

In 2008, Lowenstein Sandler launched the Community Service Initiative, which expands the firm's community work beyond *pro bono* service to offer non-attorney staff members the opportunity to participate in local volunteer activities.

The firm kicked off the initiative with a holiday food drive to benefit the **Community FoodBank of New Jersey** and **City Harvest** in New York. The drive was a big success, resulting in the collection of more than 1,600 pounds of food and monetary donations in excess of \$10,500, which included a contribution to each organization by the firm.

Lowenstein Sandler sponsored its first Community Service Week, held from May 11 to May 15, 2009. The initiative allows employees to volunteer at local non-profits during the firm's traditional business hours without using personal or vacation time. This year, approximately 50 employees volunteered at the **Community FoodBank of New Jersey** in Hillside, NJ, and the **Mount Pleasant Animal Shelter** in East Hanover, NJ. ■



*Volunteering at the Community FoodBank of New Jersey during Community Service Week, Lowenstein employees sorted and packed more than 500 boxes of food for distribution to local organizations.*

# ACKNOWLEDGMENTS

Lowenstein Sandler gratefully acknowledges the tireless work of our *pro bono* partners:

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|--|--|
| <i>American Civil Liberties Union</i>                              | <i>Lawyers' Committee for Civil Rights Under Law</i>   |
| <i>American Friends Service Committee</i>                          | <i>Legal Aid Society (New York)</i>                    |
| <i>Association for Children of New Jersey</i>                      | <i>Legal Services of New Jersey, Inc.</i>              |
| <i>Community Hope New Jersey</i>                                   | <i>Legal Services Foundation</i>                       |
| <i>Community Outreach Team, Inc.</i>                               | <i>New Jersey Charter School Association</i>           |
| <i>Court Appointed Special Advocates of New Jersey (NJCASA)</i>    | <i>New Jersey Community Development Corporation</i>    |
| <i>Disability Rights New Jersey</i>                                | <i>New Jersey Institute for Social Justice</i>         |
| <i>Education Law Center</i>  | <i>New Jersey Volunteer Lawyers for the Arts, Inc.</i> |
| <i>Essex-Newark Legal Services</i>                                 | <i>New York Lawyers for the Public Interest</i>        |
| <i>Free the Slaves</i>   | <i>North Star Academy Charter School</i>               |
| <i>Housing and Neighborhood Development Services, Inc. (HANDS)</i> | <i>Partners for Women and Justice</i>                  |
| <i>Human Rights First</i>  | <i>Pro Bono Institute</i>                              |
| <i>Innocence Project</i>   | <i>Pro Bono Partnership</i>                            |
| <i>Kids in Need of Defense (KIND)</i>                              | <i>The Rachel Coalition</i>                            |
| <i>La Casa de Don Pedro</i>  | <i>Volunteer Lawyers for Justice</i>                   |
| <i>LatinoJustice PRLDEF</i>  | <i>Wynona's House</i>                                  |

Lowenstein Sandler's Pro Bono Committee acknowledges with thanks and appreciation the attorneys, paralegals, summer associates and administrative staff members who have participated in the firm's *pro bono* efforts. Their support and dedication are the reasons for our success.

LOWENSTEIN SANDLER PRO BONO COMMITTEE	
KENNETH H. ZIMMERMAN, <i>Chair</i>	
Julie A. Boas	John R. Middleton, Jr.
Robert C. Boneberg	Miguel A. Pozo
David L. Harris	Mary E. Seymour
Allen B. Levithan	R. Scott Thompson
Melissa Toner Lozner	
LOWENSTEIN CENTER FOR THE PUBLIC INTEREST STAFF	
Kenneth H. Zimmerman	David M. Reiner
Brooke A. Gillar	Eric J. Weiner
Melissa Toner Lozner	Lisa Hindmarsh, Legal Assistant
Sally Christie Na	

Lowenstein Sandler accepts requests for individual *pro bono* assistance through referrals from approved legal services organizations. Individuals in need of *pro bono* legal help should contact their local bar association or visit [www.lawhelp.org](http://www.lawhelp.org). This Pro Bono Report highlights activities in 2008 and early 2009.

# LOWENSTEIN CENTER FOR THE PUBLIC INTEREST

## MISSION STATEMENT

**F**rom its founding, Lowenstein Sandler has been committed to advancing the public interest and serving the communities in which we live and practice. The Lowenstein Center for the Public Interest embodies this commitment. It couples the firm's strong *pro bono* program with other aspects of the firm's civic engagement to address significant social problems and offer meaningful assistance to low-income, disadvantaged and other vulnerable persons and the organizations that advocate for and support them. In doing so, the Center utilizes the full range of the firm's talents and capacities, while applying the core values that imbue all of the firm's efforts: to perform work of the highest quality in a manner that maximizes results for our clients and causes.

### **THE CENTER:**

- Proactively identifies issues, programs, and partners to ensure that the firm's involvement achieves significant impact for those in need, building on the strong interests and passions of firm attorneys and staff and reinforcing the firm's commitment to civic leadership;
- Encourages the broadest possible participation from all of our attorneys to bring to bear the judgment and experience of our senior attorneys while recognizing the inherent professional development opportunities for all attorneys;
- Ensures that attorneys, professional staff, and others in the firm participate in meaningful *pro bono* and civic opportunities;

### **THE CENTER AIMS TO:**

- Increase opportunities to work with our neighbors and clients, and in our communities to advance the common good;
- Promote collaboration among attorneys and staff and, more broadly, enhance morale and spirit within the firm;
- Advance recruitment and retention of talented attorneys; and
- Fulfill our responsibilities as legal professionals and as citizens.

LOWENSTEIN SANDLER  
CENTER FOR THE PUBLIC INTEREST  
IMMIGRATION  
LOWENSTEIN  
GIVES BACK  
THE ARTS  
CRIMINAL  
JUSTICE  
CHILDREN &  
EDUCATION  
COMMUNITY &  
SUSTAINABLE  
DEVELOPMENT  
CIVIL & HUMAN RIGHTS  
COMMUNITY  
SERVICE ACTIVITIES

Lowenstein Center  
for the Public Interest

**New York**  
1251 Avenue of the Americas  
New York, NY 10020  
212 262 6700

**Palo Alto**  
590 Forest Avenue  
Palo Alto, CA 94301  
650 433 5800

**Roseland**  
65 Livingston Avenue  
Roseland, NJ 07068  
973 597 2500

**Lowenstein  
Sandler**  
ATTORNEYS AT LAW