

PRO BONO REPORT

2024

OUR MISSION

From its founding, Lowenstein Sandler has been committed to advancing the public interest and serving communities in need. The Lowenstein Center for the Public Interest embodies this commitment, directing the firm's strong pro bono program and other forms of civic and philanthropic engagement. Through these efforts, the center addresses significant social problems and offers meaningful assistance to low-income and other marginalized people, along with the organizations that advocate for and support them. This work engages the full range of the firm's talents and reflects the core values that imbue all the firm's efforts: to perform work of the highest quality in a manner that maximizes results for our clients and causes.

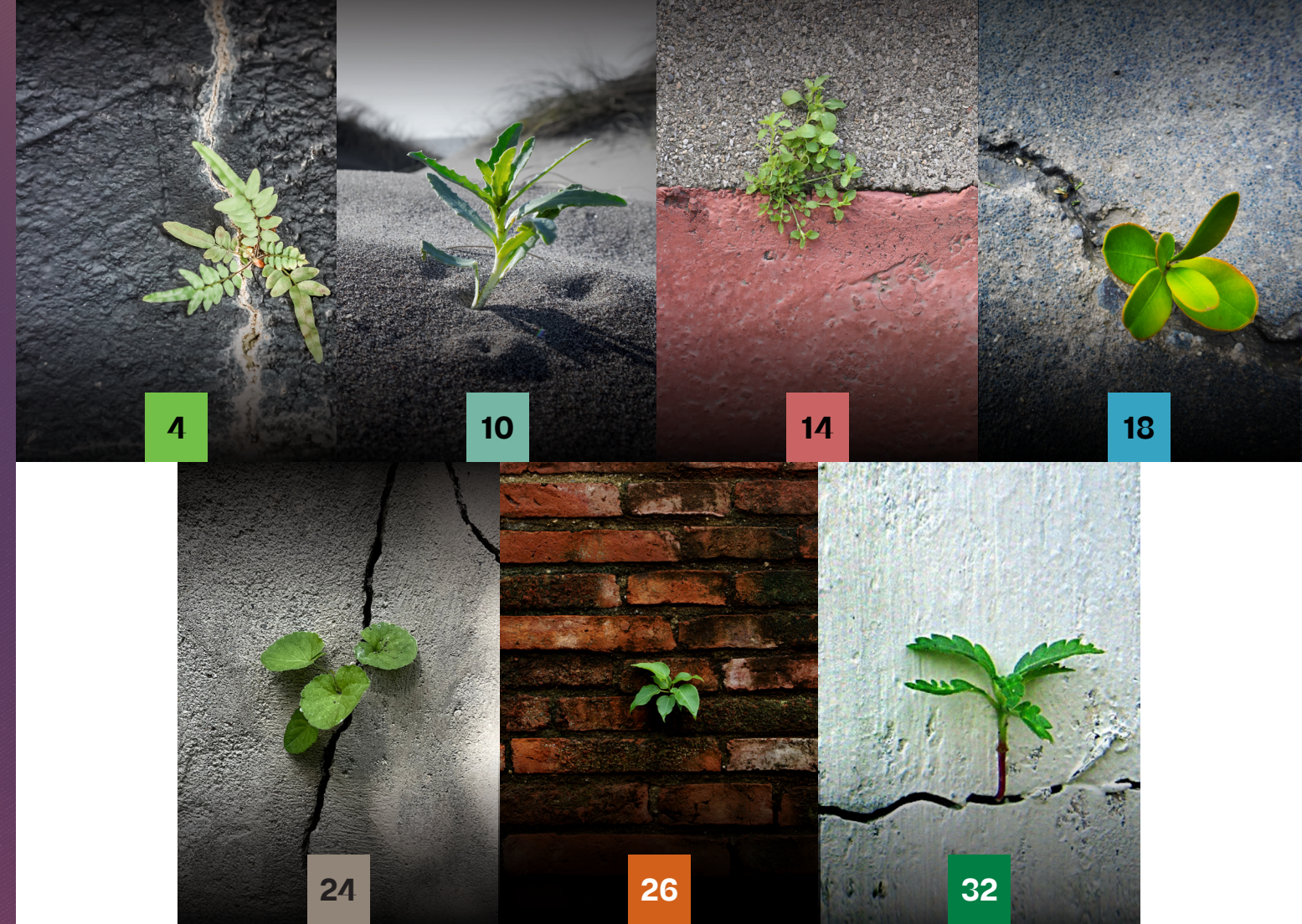


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Resilience

On November 5, 2024, we sat in a conference room with a team of volunteers helping resolve issues identified by voters who called into a nonpartisan voter protection hotline. We received what seemed like endless complaints from voters in Burlington County, NJ, who remained steadfast and stood in line for many hours on a dark and cold night to cast their votes, while hotline field volunteers offered reassurance, up-to-date information, and even pizza and water to help alleviate some of the discomfort and inconvenience experienced by these voters. That story has a somewhat happy ending: armed with our reports from voters, the Attorney General sued and obtained an order extending voting hours in impacted polling places so that as many eligible voters as possible could cast their ballots. This is just one of many examples of resilience that our clients, volunteer lawyers, and pro bono partners exhibit every day.

“Johnny” and “Jane” are two clients for whom we filed petitions seeking clemency under Governor Murphy’s innovative categorical clemency campaign. They each received life sentences for their roles in serious crimes soon after they turned 18—far longer sentences than they would have received under today’s sentencing scheme. Many people in their situation would give up and resign themselves to a lifetime of incarceration. But our clients showed astonishing grit and transformed their lives while in prison. They both obtained bachelor’s degrees with highest honors and, even then, continued their education. They demonstrate that young people can change and that people need not be defined by the worst thing that they have ever done.

Our nonprofit clients inspire us too. Take Brick by Brick Training & Development Corporation, a nonprofit committed to stabilizing low- and

moderate-income neighborhoods by transforming vacant and abandoned properties nationwide into affordable housing units. In recent years, we assisted Brick by Brick in a number of complex transactions that resulted in the acquisition of almost 800 properties for development into affordable housing. We also advised the organization on acquiring and rehabilitating properties damaged during Superstorm Sandy, turning loss into opportunity for communities in need. Nonprofits like Brick by Brick that work to revitalize communities demonstrate the power of resilience.

We have for years worked with a coalition of advocates to address the fact that tenants—97% of whom are unrepresented in court—are frequently evicted based on eviction complaints that do not satisfy the minimum requirements of applicable laws and court rules. Determined to improve the process, the coalition is now collaborating with the judiciary and other stakeholders on reforms that we hope will promote due process in eviction proceedings—reminding us that advocacy takes many forms and the path towards lasting change is often long and paved by many.

Our clients, colleagues in the nonprofit and legal services sectors, and volunteers are tough, and we are proud to stand with them. We draw strength from their examples, as we know we will all, inevitably, find ourselves in need of resilience at one time or another.

Alexander Shalom
Chair,
Lowenstein Center
for the Public Interest

Natalie J. Kraner
Legal Director,
Lowenstein Center
for the Public Interest

PRO BONO BY THE NUMBERS

THE FIRM DEDICATED

29,553 hours to pro bono work in 2024

LOWENSTEIN SERVED

743 pro bono clients in 2024

ON AVERAGE, EACH LOWENSTEIN LAWYER SPENT

79 hours on pro bono matters in 2024

THE FIRM HAS DEDICATED

575,783 hours to pro bono work over the past 28 years

CIVIL RIGHTS AND LIBERTIES

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

DR. MARTIN LUTHER KING, JR.



Protecting the Right to Vote

The firm demonstrated its long-term commitment to ensuring that eligible voters were able to cast their ballots by once again partnering with **Election Protection**, the national, nonpartisan voter hotline organized by the **Lawyers' Committee for Civil Rights Under Law**. The firm was responsible for responding to Connecticut, New Jersey, New York, and Rhode Island voters who contacted the hotline and for reaching out to elections officials to report problems identified by those voters. On Election Day, our volunteers handled almost 1,400 interactions with voters—resolving voter issues in real time by answering questions about registration status, polling place location, and absentee ballots, among others. Volunteers also reported and helped remedy systemic issues such as machine malfunctions and extended wait times at the polls.

One example where voter reports led to meaningful change was in Burlington County, New Jersey. Throughout Election Day, volunteers received

dozens of reports at several polling locations of wait times of three or more hours. In response, a team of Lowenstein volunteers, in collaboration with the **ACLU of New Jersey**, **Disability Rights New Jersey**, the **League of Women Voters of New Jersey**, the **New Jersey Institute for Social Justice**, and the **Prison Legal Advocacy Network**, escalated the issue to local and state officials. Armed with information from the hotline, state officials obtained a court order that extended the closing time for polling places in the county and required the distribution of emergency paper ballots, ensuring that more eligible voters had the opportunity to cast their ballots.

Our commitment to election protection extended well beyond Election Day. From our work with state and federal agencies to prepare for and resolve any issues that occurred prior to Election Day to post-election advocacy, we will continue to collaborate with our nonprofit partners to promote fair, accessible, and efficient voting processes.



Voters stand in a long line outside a polling place in Burlington County as they wait to cast their ballots on Election Day.
© Chris LaChall – USA TODAY NETWORK via Imagn Images



Standing Up for Transgender Rights

The firm continues to stand with and support transgender people in exercising their rights to access health care and to live safely and authentically.

DOE V. LADAPO

Florida legislators passed a law that banned medical care for transgender adolescents (subject only to a narrow exception) and restricted that care for transgender adults. Along with co-counsel from **GLBTQ Legal Advocates & Defenders (GLAD)**, **Human Rights Campaign Foundation**, **National Center for Lesbian Rights**, and **Southern Legal Counsel**, lawyers from Lowenstein Sandler sued to enjoin the law.

After a three-day trial in December 2023, at which plaintiffs presented extensive expert testimony demonstrating that these restrictions have no medical basis, the trial court found that the bulk of the Florida statute was motivated by disapproval of transgender people and violates the equal protection rights of transgender individuals and parents of transgender minors in Florida.

The firm continues to stand with and support transgender people in exercising their rights to access health care and to live safely and authentically.

Most challenges to laws that target transgender people have relied on the theory that the laws make classifications based on gender, subjecting the laws to heightened scrutiny. But that legal approach was not available in Florida, as the U.S. Court of Appeals for the Eleventh Circuit had recently held that this sort of law did not target people on the basis of gender. As a result, Lowenstein and its co-counsel argued that Florida's law violated the Constitution because it resulted from invidious discrimination—an effort by the state of Florida to harm transgender

people because they are transgender. In June 2024, the district court agreed that we had proven the law was based on hostility against transgender individuals and issued an injunction, which is a court order that stopped the law from being enforced. The state of Florida appealed that decision, and in August 2024, the Eleventh Circuit allowed the law to take effect while the appeal progresses. The appeal was argued in January 2025, and we are waiting for a decision on the merits.

UNITED STATES V. SKRMETTI

Florida was not alone in passing laws that limit the ability of transgender adolescents to access medical treatment recommended by their doctors and approved by their parents. Tennessee passed a law that banned the use of puberty blockers and hormone therapy—only when used to affirm an adolescent's gender that is inconsistent with their sex at birth. In other words, under the law, if a girl had a medical reason to delay menstruation, she could take puberty blockers, but a transgender boy who would suffer if he developed breasts could not. Advocates and the United States sued Tennessee to enjoin this ban on gender-affirming medical care.

The U.S. Supreme Court agreed to hear the case to decide whether laws like Tennessee's make gender-based classifications that require special justification. The case received significant attention—individuals and organizations filed more than 70 friend-of-the-court briefs urging the Court to decide the case one way or another.



One of the critical questions the Court had to grapple with was the extent to which this medical care was safe and effective. Proponents of the law relied on a United Kingdom study, known as the Cass Report, to argue that there was a medical basis for Tennessee's law. But there are significant flaws in the Cass Report's methodology, and even if it were sound, it did not call for a total ban on care for transgender adolescents like the challenged law did.

The firm filed a friend-of-the court brief on behalf of a group of expert researchers and physicians, who have cared for thousands of transgender youth and have published hundreds of peer-reviewed studies, detailing the reasons why the Court should not rely on the Cass Report. A decision in the case remains pending.

FIGHTING AGAINST SCHOOL DISTRICT POLICIES THAT VIOLATE THE LAW AGAINST DISCRIMINATION

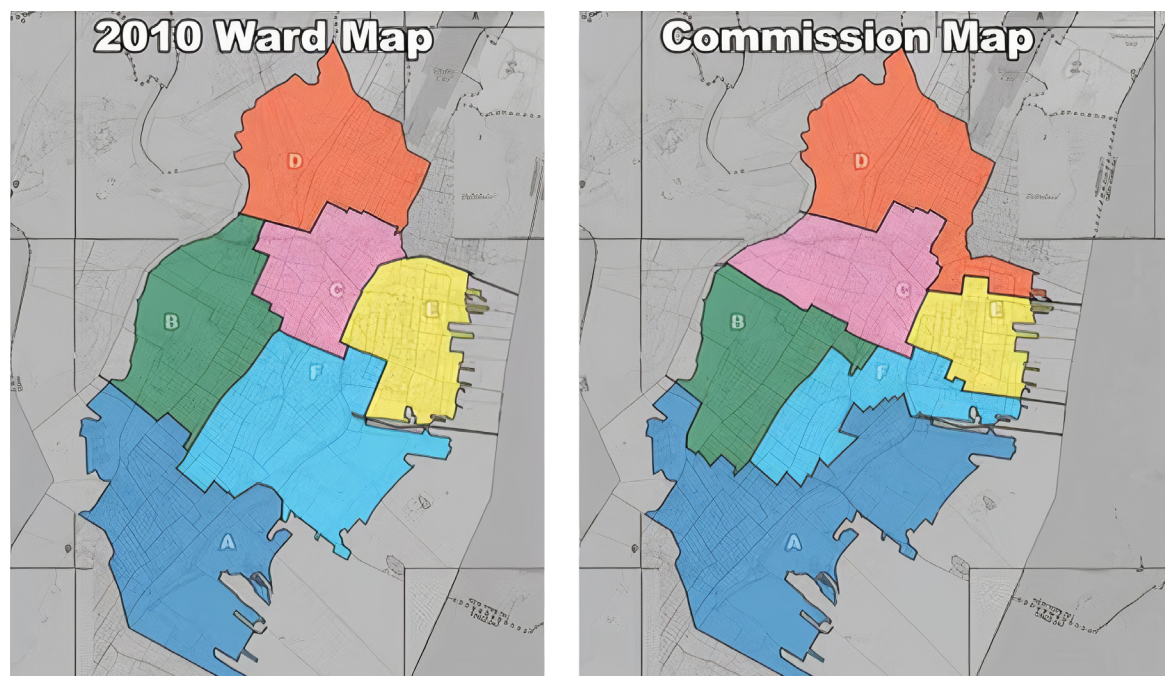
Most New Jersey school districts have policies in place to protect the health and safety of transgender schoolchildren. But in 2023, a few school districts changed course and adopted policies that would force school administrators to notify parents, over their child's objection, whenever their child indicated that they were transgender or gender nonconforming or asked for accommodations, such as the use of their preferred name and pronouns or to use a restroom or join a sport team or club in accordance with their gender identity.

The Attorney General, through the Division on Civil Rights, obtained a court order preventing the implementation of these forced-outing policies, which it contends violate the state's antidiscrimination law because of the differential and detrimental treatment of transgender students. The firm submitted a friend-of-the-court brief on behalf of **Garden State Equality** and the **ACLU of New Jersey** in the appellate proceedings, highlighting the harms that LGBTQ students face when they're not ready to come out or have a family that's not supportive. The brief also argued that parents do not have a constitutional right to such notification, which the districts claim in defense of their forced-outing policies. The appellate court agreed and relied on arguments made in our brief to uphold the court order preventing the implementation of the forced-outing policies.

HELPING TRANSGENDER PEOPLE NAVIGATE THE LEGAL NAME CHANGE PROCESS

Sometimes the rights of transgender people are vindicated in high-stakes arguments before appellate courts; but far more often, people just want to live their lives with dignity and authenticity. For years, Lowenstein lawyers have worked with **Advocates for Trans Equality** to seek name changes for indigent transgender New Jerseyans whose identification documents do not match their chosen names or gender identities. In 2024, our lawyers and staff represented 44 indigent people seeking name changes.





Former and proposed district maps of Jersey City, demonstrating that the shape of Ward F changed from a somewhat square shape to a jagged, sideways L shape.

Advocating for Fair Voting Districts

The firm has a history of defending democracy by arguing against unconstitutional gerrymandering. In 2017, we submitted a brief in *Gill v. Whitford* arguing that severe partisan gerrymandering undermined the basic democratic principle that elected officials should represent and be accountable to their constituents. Similarly, in 2019, we filed briefs in *Rucho v. Common Cause* and *Lamone v. Besinec* arguing that election manipulation through partisan gerrymandering violated fundamental American democratic principles of representativeness and accountability in government.

Our commitment to ensuring fairly drawn redistricting maps continued in 2024. Jersey City is required to be organized into political subdivisions that by law must be roughly equal in size, compact, and contiguous. In the latest redistricting process, Jersey City ran afoul of these principles and created a redistricting map that transformed one district into a crescent shape and divided several historical neighborhoods, and even some residential buildings, into different districts. Community groups

sued to strike the proposed map. When the case reached the New Jersey Supreme Court, on behalf of the **ACLU of New Jersey**, we submitted a friend-of-the court brief in *Jersey City United Against the New Ward Map v. Jersey City Ward Commission*.

Our brief argued that the current redistricting map in Jersey City violates the state's Municipal Ward Law, dividing communities of interest and historical districts. The Municipal Ward Law requires ward commissioners to "fix and determine the ward boundaries so that each ward is formed of compact and contiguous territory," which did not occur here. Our brief further argued that the court should use the standard common in courts throughout the country for defining compactness of districts.

We await an opinion in this case and are hopeful that the New Jersey Supreme Court will allow for a robust remand hearing to allow plaintiffs to show that the map is insufficiently compact and unfairly divides communities, which will help restore fair voting districts in Jersey City.

Recent Civil Rights Victories

In last year's annual report, we discussed a number of civil rights cases that have since been resolved in favor of our clients. Below, we provide an update on those matters; the full write-ups on the facts and legal claims are available in the [2023 Annual Report](#).



Firm client who was wrongfully arrested while protesting.
Photo by Ira L. Black/Corbis via Getty Images

OBTAINING COMPENSATION FOR FORMERLY SEPARATED FAMILIES

The firm has long represented three families who sued the government for money damages under the Federal Tort Claims Act for the harms they suffered, and continue to suffer, as a result of their forced separations when they arrived at the southern border in 2018. Those cases have now settled, and the families received financial compensation for the horrific trauma they endured.

VINDICATING THE RIGHT TO PROTEST

The firm obtained a substantial settlement on behalf of two Black Lives Matter activists who were wrongfully arrested in Paterson, New Jersey, in 2019 while peacefully protesting for police accountability.

PROTECTING VULNERABLE PRISONERS

The firm obtained a substantial settlement against corrections officials who failed to protect a pretrial detainee at Essex County Correctional Facility from being physically assaulted and raped by his cellmate even though the officers were aware of the daily threats of physical and sexual violence.



"Jacob" and "Leya," a father and daughter who were separated at the border in 2018
Photo by Bernard DeLierre



Obtaining Court Access for Detained Immigrants

The firm, along with co-counsel **Legal Services of New Jersey** and the **Harvard Law School Crimmigration Clinic**, filed a lawsuit against the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), and various governmental officials, on behalf of the **American Friends Service Committee's** Immigrant Rights Program and a putative class of individuals currently detained in the Moshannon Valley Processing Center (Moshannon) in Philipsburg, Pennsylvania. The lawsuit challenges a federal policy that denies individuals detained at Moshannon their constitutional rights to access state and municipal courts to contest criminal charges levied against them.

The policy prohibits individuals detained at Moshannon from appearing virtually at criminal court hearings in New Jersey by barring access to Zoom, Microsoft Teams, and the telephone—even though that technology is used at the facility to allow these same individuals to participate virtually in their immigration proceedings. Instead, the policy requires detained individuals to navigate the criminal legal system in New Jersey and apply to the state criminal courts for judicial orders for in-person production, known as “writs”—frequently without counsel and without phone or video access to these courts. And the policy requires in-person production even though many municipal courts only operate virtually.

Under this policy, state and municipal authorities must use limited resources to transport people back



A judge preparing for a virtual court hearing
Photo by RJ Sangosti/MediaNews Group/The Denver Post via Getty Images / Contributor

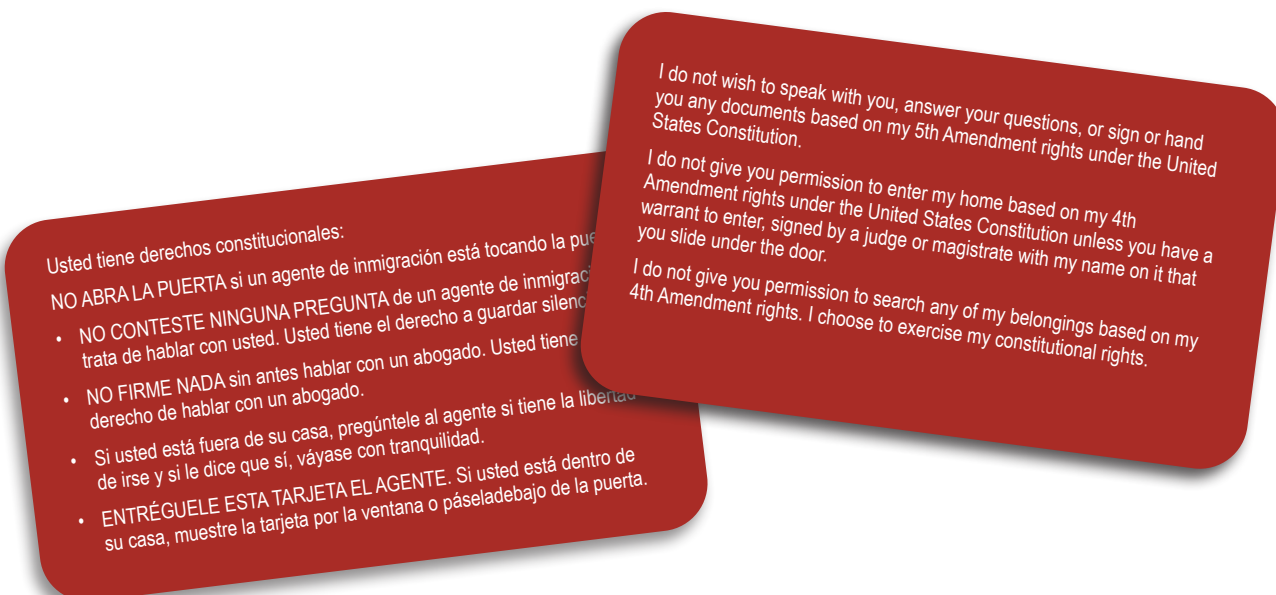
and forth hundreds of miles across state lines to Moshannon. Courts therefore rarely issue orders for in-person production; detainees from Moshannon were produced for their criminal proceedings using the writ process only eight times during the past two years. As a result, most detained individuals with pending charges in New Jersey are prevented from appearing either virtually or in person at state court criminal proceedings, and those same unresolved charges are then used by immigration authorities to deny release requests and prolong the detention of noncitizens.

Recognizing the significant harm that the policy is causing, we asked the federal court to issue an order that would require the defendants to immediately provide virtual access to the New Jersey court system and halt this unlawful and unconstitutional policy while the case proceeds. The court granted a preliminary injunction that requires ICE to ensure that people detained at Moshannon have access to New Jersey courts.

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“Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world.”

HARRIET TURMAN



Preparing for Increased Immigration Enforcement

The current federal administration's stated intent to prioritize and increase deportations has raised questions and concerns for nonprofit and community-based organizations that provide services to immigrants. In response, the firm created Advisories for New York and New Jersey nonprofits that provide guidance on how to respond if federal immigration authorities

appear on-site to conduct enforcement actions. The Advisories explain the rights of nonprofits to permit or deny entry and provide practical advice and protocols on how to interact with law enforcement officials. The advice is grounded in rights arising from the U.S. Constitution (in particular, the Fourth Amendment) and current federal and state policies and practices, which are susceptible to change. The firm intends to update the Advisories if there are changes to the relevant laws, regulations, policies, or enforcement practices.

The firm has also been providing Know Your Rights trainings and presentations to ensure that nonprofits, schools, and other providers of services to immigrants are prepared for increased enforcement actions and feel equipped to proceed with their work in a manner that will permit their employees and the communities they serve to continue participating in these mission-driven services as safely as possible.

The firm has been providing Know Your Rights trainings to ensure that providers of services to immigrants are prepared for increased immigration enforcement actions.

Celebrating Immigration Victories

We were able to celebrate many victories for our immigration clients in 2024. Here are a few highlights:

- ▼ We helped three clients who fled Afghanistan in the wake of its fall to the Taliban obtain asylum and are now assisting them with their applications for green cards.



Our clients and their daughters come together in prayer. / Photo by Bernard DeLierre



Photo by Bernard DeLierre

- ▲ We helped two clients from Indonesia who obtained asylum in 2021 secure their green cards. The couple, devout Christians who faced religious persecution if they returned to Indonesia, now have a path to citizenship in the United States, where they can work and practice their religion freely.



Photo courtesy of "Rafael"

- Our clients from Guatemala who obtained asylum in 2021 were able to reunite with their family in the United States after their family's asylee relative petition was approved.

Using Data to Drive Reforms in Landlord-Tenant Court

For nearly five years, Lowenstein lawyers have worked with a coalition of tenant advocates to promote due process in eviction proceedings. This year we joined with other advocates to urge the New Jersey Supreme Court to adopt and enforce more thoroughgoing procedures for reviewing eviction complaints for deficiencies that should prevent their filing.

We partnered with the **Housing Justice Project of the Center for Social Justice at Seton Hall Law School, Volunteer Lawyers for Justice**, and the **Housing Justice Program at Rutgers Law School** to conduct a study and issue a report, Unjustified Residential Evictions in New Jersey, which received significant press coverage.

Based on data collected and analyzed by the coalition, the report concluded that landlord-tenant courts enter as many as 29,000 eviction judgments or defaults against tenant families each year in cases where the landlords' complaints fail to comply with the applicable rules and laws for filing. These judgments rest on quicksand because the New Jersey courts, historically protective of the rights of tenants, have long held that they lack jurisdiction in cases where the complaint does not meet the standards for filing.

Tenant lawyers and other legal professionals working with the coalition collected the data in the late spring and summer of 2024. The team reviewed a substantial sample of residential eviction complaints filed on eCourts, the public access site for court filings, and assessed their compliance with the laws and court rules that govern such

filings. They then shared preliminary data with the Administrative Office of the Courts, which identified some errors. Experienced tenant lawyers then went back into eCourts and rechecked all the data, making corrections as needed.

After reviewing 1,378 complaints, including samples from each county in New Jersey, the coalition found that:

- 69 percent of eviction complaints filed by landlords contained at least one significant legal deficiency;
- 15 percent of complaints filed had three or more legal deficiencies; and
- the courts issued deficiency notices in only 11 percent of the cases in which landlords had filed deficient complaints.

Notably, in landlord-tenant courts across New Jersey, 97 percent of residential tenants do not have a lawyer to defend them from eviction. Without legal representation, self-represented tenants have little to no capacity to identify the legal deficiencies that regularly lead to dismissals in the few cases in which tenants have lawyers.

The report's findings highlight the pressing need for continued reform and oversight to ensure that eviction judgments are entered in landlord-tenant courts only when there is a sound legal basis to do so. In response to the report, the judiciary and stakeholders are collaborating on reforms that we hope will ensure that eviction complaints are legally compliant before the entry of judgment.

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the courts issued deficiency notices in only

11%

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"When you have exhausted all possibilities, remember this—you haven't."

THOMAS EDISON

Supporting Nonprofits in Affordable Housing Development

According to the Pew Research Center, almost one-third of households in the United States spend more than 30 percent of their household income on housing costs. Nonprofits throughout the country have acted creatively and resourcefully to help reduce this burden and develop affordable housing units for low- and moderate-income families.



ESHIN staff touring a potential property with an engineer
Photo courtesy of ESHIN

One nonprofit that we worked with in 2024 is **Equitable Solutions for Housing in New Jersey (ESHIN)**. ESHIN's mission is to develop healthy, secure, high-quality affordable housing for residents qualifying for affordable housing in Essex, Union, and Morris counties of New Jersey using a combination of government funding, community capital, grants, and private donations. Firm volunteers played a key role in establishing ESHIN, assisting with its formation and helping the organization secure tax-exempt status. With these foundational steps complete, ESHIN can begin its work creating housing for families in need. The organization has already formed an agreement with a borough in New Jersey to develop, populate, and manage properties for low-income families.

We also worked with **Brick by Brick Training & Development Corporation**, a New Jersey-based nonprofit committed to stabilizing low- and moderate-income neighborhoods by transforming vacant and abandoned properties nationwide into affordable housing units. For nearly five years, our firm has provided essential legal support, helping Brick by Brick establish a strong foundation. Firm volunteers have reviewed and refined the organization's governance documents and actively collaborate with its board to ensure and enhance operational sustainability.

Beyond governance, we have advised Brick by Brick on a number of complex transactions to create the legal framework to finance the acquisition of almost 800 properties for development into affordable housing. Our commitment to Brick by Brick continues as we assist with the acquisition of additional properties, including those damaged by Superstorm Sandy in New York. Through our ongoing partnership, we are helping Brick by Brick expand its impact, revitalize communities, and increase access to safe, affordable housing across the country.

Keeping the Unhoused Safe

When the U.S. Supreme Court issued its recent decision in *Grants Pass v. Johnson*, which held that municipalities can impose criminal penalties on individuals sleeping and camping in public, unhoused individuals across the country faced increased risk of being fined, ticketed, or arrested simply for being homeless. In many states, including New Jersey, the shortage of beds in homeless shelters prevents those who are unhoused from accessing a safe space to live and sleep. In order to protect this community, we represented a group of approximately 50 individuals living in an encampment in the woods in Toms River, New Jersey. The encampment was home to elderly residents, veterans, and people with disabilities.

We worked closely with the city's Mayor, government officials, and nonprofits to negotiate agreements to prevent the criminalization of homelessness in New Jersey. We also collaborated with community stakeholders to relocate our clients to safe, indoor temporary housing and connected our clients to resources that will help them secure permanent housing.

To further support the unhoused community, we represented a group of nonprofits that provide resources to individuals and families in need in Lakewood, New Jersey. **Cristo Libera, Destiny's Bridge, Food Angels, Lifting the Fallen Ministries, and Spirit of Truth World Vision Outreach** have distributed holiday meals and other necessary supplies in the town's public square for years. Recently, the town prevented these organizations from distributing necessities by requiring permits for their presence in the square. We negotiated an agreement with the city that allowed the nonprofits to continue their important work so that low-income and unhoused individuals had access to basic resources and other items that would allow them to have a holiday meal.

We collaborated with community stakeholders to relocate our clients to safe, indoor temporary housing.



A firm client outside of his new indoor housing / Photo by Bernard DeLierre



Providing Second Chances Through Clemency

Clemency has been a dramatically underutilized tool in New Jersey, with only 105 people receiving clemency between 1994 and 2022. But on Juneteenth in 2024, Governor Murphy announced a plan to change that. He issued Executive Order No. 362, which establishes certain categories of clemency applications that will receive expedited review. Among the categories of applications eligible for expedited review are those from individuals who are serving sentences that reflect an excessive trial penalty (i.e., where the sentence after trial far exceeds the plea offer) and people whose convictions would have resulted in a less severe sentence under current law or policy.

The firm immediately began working with the **ACLU of New Jersey**, which had been at the forefront of pushing for the expanded use of clemency as a tool to combat systemic injustices. In partnership with the ACLU of New Jersey, the firm has filed two clemency petitions and is preparing others for individuals who qualify for expedited consideration under the Executive Order.

“JOHNNY”

When Johnny was 19, he was a functionally illiterate person who had been living on his own for five years, supporting himself by selling drugs. He and some friends planned to rob a drug dealer. During the robbery, Johnny shot and killed the dealer, and he was arrested, tried, and convicted. At sentencing, instead of finding Johnny’s youth to be a mitigating factor—as modern sentencing law requires—the judge relied on the now-debunked “super-predator theory,” which called for the harsh sentencing of young people, particularly young Black boys. The judge called Johnny a “malevolent missile of mayhem” and sentenced him to life in prison with a mandatory minimum sentence of 40 years.

Some people would respond to a judge imposing such a severe sentence with bitterness and anger, but Johnny responded differently: He sought to prove the judge wrong. He first learned to read; then, after he obtained his high school diploma, he began tutoring other incarcerated people who

RUTGERS HEALTH

University Behavioral Health Care
151 Centennial Boulevard
Piscataway, NJ 08854

August 8, 2024

Re: [REDACTED]

To Whom It May Concern,

[REDACTED] is a graduate [REDACTED] of the Corrections Peer Orientation Program, which I facilitate. The foundation of this program is geared to encourage participants to begin making changes and setting goals in their lives now, rather than wait until their release into society. It is a strength-based empowerment program which is designed to guide the participants to look at themselves from a different perspective, identifying their strengths, positive traits and skills, as these are necessary tools in order to utilize change.

[REDACTED] worked hard to identify barriers and challenges that deterred his achievements in the past and addressed areas such as his thinking, feelings behaviors, impulses and former routines and habits. In addition, he learned coping skills to utilize when faced with adversity.

I am grateful to have met and work with [REDACTED] as he is an integral part of the success of these groups. He is always supportive to his peers and encouraged them when making small changes were difficult. He has certainly made a difference in the lives of other mentors, peers, and is always readily willing to help anyone. He should be acknowledged and valued for his integrity, wisdom, empathy, and compassion. I truly believe [REDACTED] will thrive upon his release personally and professionally and continue to make a difference in people’s lives as he has in mine.

Respectfully,

Debra Pascarella, CRSP

Peer Recovery Support Practitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

“One doesn’t have to operate with great malice to do great harm. The absence of empathy and understanding are sufficient.” Charles M. Blow

Letter courtesy of “Johnny”

were struggling with illiteracy. But he did not stop there—he obtained an associate degree; earned a bachelor’s degree, summa cum laude; and he has even completed coursework for a master’s degree in theology. He is putting his education to good use: He has been a prison paralegal, a frequent preacher, and a volunteer tutor, serving other incarcerated people.

“JANE”

Jane was convicted for her role in a robbery-murder more than 30 years ago. Jane was only months past her 18th birthday when she participated in a robbery in which her older co-defendants

“Each of us is more than the worst thing we’ve ever done.”

BRYAN STEVENSON



Governor Murphy marked Juneteenth by signing Executive Order 362, expediting clemency reviews and advancing criminal justice reform. / Photo by Spencer Platt/Getty Images

killed the victim. Prosecutors recognized Jane’s diminished culpability based on her age and her more limited role in the crime—they called her a follower and acknowledged that she had not actively participated in the killing—and offered her a plea bargain under which she would serve 30 years in prison. She turned down the offer, went to trial, was convicted, and was sentenced to life in prison, with a mandatory minimum term of 40 years.

While incarcerated, Jane has transformed herself. She entered prison as a particularly immature 18-year-old without a high school education. In the past three decades, she, like Johnny, has received a

high school diploma, an associate degree, and—with highest honors—a Bachelor of Arts from Rutgers University. And her transformation is not limited to educational attainment; she is now a well-respected leader among her peers, providing tutoring and mentorship. She is also a published author.

When Jane was sentenced, courts had no mechanism to recognize that an 18-year-old was less mature and, therefore, less culpable than an older person. But today, New Jersey sentencing law does just that, providing for consideration of youth as a mitigating factor for people under 26. Had Jane been sentenced under the current scheme—or had she accepted the plea bargain—she would have already been released.

Clemency for Jane and Johnny is about more than just mercy. It is a recognition that young people—even young people convicted of very serious crimes—are capable of redemption and change.

Clemency is a recognition that young people are capable of redemption and change.

A.A., B.B., C.C., D.D., E.E., AND F.F.,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

COLONEL PATRICK J. CALLAHAN,
in his official capacity as Superintendent
of State Police,

Defendant.

) SUPERIOR COURT OF NEW JERSEY
) LAW DIVISION: MERCER COUNTY
)
) DOCKET NO. MERL-L-002001-23
)
) Civil Action
)
) **INTERIM CONSENT ORDER**
)
)

FILED **AMICUS BRIEF**

Spearheading Change as Friends of the Court

SEEKING COMPLIANCE WITH THE STATE’S EXPUNGEMENT LAWS

New Jersey law allows people with certain criminal convictions to have the matter expunged—removed from their criminal record for most purposes—when the conviction reflects a one-time mistake rather than a pattern of misbehavior. For many, the right to expungement is crucial to their ability to reintegrate into the community. For those individuals seeking expungement, their petitions are time sensitive. The law recognizes that and provides that individuals who seek expungement of their criminal convictions are statutorily entitled to a hearing within 60 days of filing their petition, and prosecutor’s offices and other state agencies must file any objections to an expungement petition within that same 60-day period.

Despite the clear mandate of the expungement law, the Essex County Prosecutor’s Office (ECPO) was routinely failing to meet the 60-day deadline. The Office of the Public Defender (OPD) filed suit, seeking to compel ECPO to meet its deadline or to have the court proceed without ECPO’s input, as the law allows. The court refused the OPD’s request, and the OPD asked the state’s intermediate appellate

court to hear its appeal. Because the decision the OPD seeks to appeal was not a final decision in the case, there is no automatic right to appeal, and the OPD must seek permission for appellate review at this stage of the proceedings. The firm represented **Volunteer Lawyers for Justice (VLJ)**, a nonprofit legal services organization that ensures access to justice for people experiencing poverty through its several legal programs, including a reentry legal services program, as a friend of the court in support of the OPD’s request for permission to appeal.

The friend-of-the-court brief argued that ECPO’s decision to spend its resources elsewhere, and the trial court’s belief that it would be onerous for Essex County courts to follow the expungement statute’s clear requirements, does not provide authority for the trial court to ignore the law. The brief asked the Appellate Division to grant the OPD’s application for interlocutory review of the trial court’s order on an accelerated basis. The Appellate Division denied the OPD’s request for leave to appeal, and the OPD and VLJ have now moved before the New Jersey Supreme Court for permission to have the appeal heard and decided by the state’s highest court.

ADVOCATING FOR BEST PRACTICES IN POLICING

Following several years of litigation stemming from the New York Police Department's (NYPD) response to various Black Lives Matter protests in 2020, the U.S. District Court for the Southern District of New York was presented with a landmark settlement agreement in *Payne v. de Blasio* that would transform the way the NYPD polices First Amendment activity to protect the public and press from intimidation and excessive use of police force during demonstrations.

Everyone involved in the litigation, with one exception, signed off on a settlement that would ensure that the NYPD utilizes best practices in accordance with a court-issued consent decree. The Police Benevolent Association of the City of New York (PBA), in an effort to transform its role from a labor union into that of a policymaker, intervened in the case and objected to the consent decree.

After the district court ruled that it would enter the consent decree, the PBA appealed. The firm represented the **Law Enforcement Action Partnership (LEAP)** and submitted a

friend-of-the-court brief in the appeal. LEAP is a nonprofit organization comprised of police officers, prosecutors, judges, and other law enforcement officials dedicated to improving the criminal justice system. It seeks to mobilize the voice of law enforcement in support of evidence-based criminal justice policies that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working to improve the relationships between police officers and the communities they serve.

The brief argued that existing Supreme Court precedent prohibited the PBA from overriding the settlement because the proposed consent decree neither disposed of any of the PBA's claims nor imposed any obligations upon it. The district court had given the PBA an opportunity to intervene in the case, air its objections, and introduce evidence in support of its opposition—that was all the process the PBA was due. The U.S. Court of Appeals for the Second Circuit agreed and affirmed the district court's approval of the proposed consent decree, which will spearhead institutional change within the NYPD and put an end to complicated and years-long litigation.

Improving the Criminal Justice System Through Legislative and Executive Reform

RECOMMENDING COMMON-SENSE IMPROVEMENTS TO THE STATE'S SENTENCING SCHEME

In 2009, New Jersey created the Criminal Sentencing and Disposition Commission to examine racial and ethnic disparities in the state's criminal justice system. In 2024, Governor Murphy named Christopher Porrino, Lowenstein Partner and Litigation Chair, to lead the Commission.

Upon his appointment, Governor Murphy said of Chris that "he is exactly the right person to build consensus for reforms that will make our sentencing

laws fairer and more equitable." Under Chris's leadership, and with legal and research support from firm lawyers, the 13-member Commission has already released a report recommending a series of legislative reforms. The Commission is comprised of designees of prosecutors and law enforcement, the Attorney General's Office, the Public Defender's Office, and the judiciary, as well as public members appointed by the Governor and the Legislature. The Commission has operated by consensus: All four of its recent recommendations were arrived at unanimously, with the entire body agreeing that the reforms would bring about "a more rational, just, and proportionate sentencing system."

The Commission recommended:

- Abolishing mandatory minimum sentences for nonviolent drug crimes;
- Permitting judges to reduce or waive fines or fees for defendants who cannot afford them;
- Allowing judges to consider abuse that a defendant suffered at the hands of their victim in mitigation of sentence; and
- Providing an opportunity for older incarcerated people who have served lengthy prison sentences to earn opportunities for early release.

The Commission is continuing to meet and recommend common-sense sentencing reforms.

REFORMING THE STATE'S PAROLE SYSTEM

Firm lawyers helped the Governor's office draft proposed legislation that aims to address the 1,700 people who are incarcerated for technical parole violations in the state of New Jersey. Technical violations include failing to reside at an approved address, failing to obtain permission to relocate, failing to report to a parole officer, and possessing or using illegal substances. Technical violations do not include any new criminal charges; they exclusively pertain to violating supervision conditions.

Under the current system, once parole is revoked, the person is returned to state prison for a minimum of seven months (and an average of more than 14 months) before their custody is reviewed. Research demonstrates little to no public safety benefit to revoking parole for technical violations: These violations cannot reliably serve as a proxy for new criminal behavior, and reincarceration has no significant impact on rearrests.

Research demonstrates little to no public safety benefit to revoking parole for technical violations.



The current system lags behind that of many states in its treatment of technical parole violations. Many states have sophisticated systems for awarding credits to incentivize compliance with parole rules. And many other states have implemented revocation caps, which limit incarceration (or the length of incarceration) for technical violations.

To address these concerns, firm lawyers helped draft legislation that would:

- Restore a standard for parole release that focuses on the likelihood that the person will commit a new crime, rather than their ability to follow rules of parole;
- Expand access to parole compliance credits, which reduce the length of the parole period for parolees who have complied with conditions of parole and increase the rate at which the credits are earned;
- Differentiate the consequences of technical parole violations from non-technical violations, limit the technical violations for which incarceration is permissible, and limit the length of incarceration in those cases;
- Streamline the procedure for handling technical violations of conditions of parole; and
- Create a fair and efficient system for addressing non-technical violations of parole.

ACCESS TO JUSTICE

"There is in this world no such force as the force of a person determined to rise. The human soul cannot be permanently chained."

W.E.B. DU ROIS



ACCESS TO JUSTICE

By the Numbers

23,035 pro bono hours representing

649 clients

in "signature projects," including:



7,901

hours representing

196 Nonprofits

in corporate and tax matters



5,665

hours representing

61 Immigrants

seeking lawful status and/or compensation for the harms of family separation



3,174

hours representing

128 Low-Income Entrepreneurs and Inventors

seeking assistance to start or grow their businesses or file for patents



1,907

hours representing

36 Individuals With Criminal Convictions

seeking to prove their innocence, appeal their convictions, petition for sentence modifications or pardons, or expunge criminal records



1,361

hours representing

47 Life-Planning Clients

in preparing wills, health care proxies, powers of attorney, and other life-planning documents



837

hours representing

11 Domestic Violence Survivors

seeking final restraining orders and/or child custody support orders



807

hours representing

111 Housing-Insecure Individuals

trying to secure stable housing



740

hours representing

44 Transgender Individuals

seeking legal name changes



358

hours representing

4 Veterans

applying for service-related disability benefits or discharge upgrades or seeking consultations to identify their legal needs



285

hours representing

11 Low-Income Debtors

filing for personal bankruptcy to get a fresh financial start

SOCIAL ENTERPRISES AND NONPROFITS



"When I dare to be powerful—to use my strength
in the service of my vision—it becomes less
and less important whether I am afraid."

AUDRE LORDE



Eneza students review their education curriculum on their device. / Photo courtesy of Eneza Education

Helping Social Enterprises Increase Their Impact

In 2024, we represented Kenya's leading education technology (edtech) company, **Eneza Education**, in a corporate transaction with a leading Asian edtech company that led to the formation of an African-Asian edtech venture. The transaction expanded Eneza's ability to deliver low-cost, accessible education solutions to learners in under-resourced communities.

Eneza seeks to improve learning outcomes for 3 billion young people through the use of low-tech solutions that are not dependent on access to high-speed internet. Eneza started out as a portfolio company of FINCA Ventures, the impact investing arm of the poverty-alleviation charity FINCA International. FINCA Ventures chose to invest in Eneza because it delivers affordable, government-accredited curriculum to underserved learners using low-tech mobile phones (as opposed to smartphones, which are not widely used by very-low-income people). Eneza's curriculum supplements in-person education by serving as a digital textbook that can be used at home.

Upon the successful conclusion of the representation, Eneza's CEO shared this kind note:

Thank you so much for providing us with much-needed legal support over the period of [the transaction]. . . . Working with . . . your team has been the best experience I've ever had with a U.S. lawyer. By far. Thank you for being consistently available, for your patience with all my questions, for your generosity with your time and expertise, for taking the time to grapple with and understand our specific circumstances, and giving practical, actionable advice. Working with Lowenstein Sandler on this made the process a lot easier than I had originally feared that it would be. Asanteni sana. (Swahili for "Thank you all very much.")



Merging Nonprofits to Form a More Impactful Organization

Habitat for Humanity plays an important role in building affordable homes for low- and moderate-income families. With 15 chapters serving communities in New Jersey, these organizations strategically consider how to maximize their impact while operating as efficient, independent nonprofits.

After extensive discussion and analysis, **Monmouth County Habitat for Humanity** recognized that merging with another chapter would better serve local communities. The merger offered an opportunity to combine talent and resources, allowing both affiliates to leverage their strengths and share best practices.

We assisted with the merger by conducting comprehensive due diligence, updating organizational documents, reviewing agreements,

The newly formed Habitat for Humanity chapter is now equipped to devote more resources to building homes and fostering hope for deserving families.

and providing guidance to ensure a smooth transition. The newly formed Habitat for Humanity chapter is now equipped to streamline operations, reduce overhead costs, and devote more resources to building homes and fostering hope for deserving families.



Monmouth County Habitat for Humanity volunteers building their 83rd house.
Photo courtesy of Monmouth County Habitat for Humanity



Students during Carnival Day and the middle school building purchased by NJCDC
Photos courtesy of New Jersey Development Corporation



Assisting Education Nonprofits With Real Estate Needs

New Jersey Community Development Corporation (NJCDC) has been a valued and impactful client of the firm for many years. We previously helped the organization rescue a preschool and affirm tax-exempt status for a subsidiary of the organization.

When NJCDC sought assistance with purchasing a nearby middle school, our Real Estate group enthusiastically agreed to assist with this new transaction. NJCDC, which founded the Community Charter School of Paterson in 2008, has a long-standing commitment to providing quality education to Paterson youth. Three years ago, the 400-student middle school relocated to a building leased from a private landlord across the street from the elementary school. When the landlord indicated that he wanted to sell the middle school building to NJCDC, the organization jumped at the opportunity to purchase the property and lease the building back to the school.

Firm volunteers negotiated an agreement of sale for the school property and worked through preliminary

underwriting for bond financing for the purchase. Volunteers also helped NJCDC negotiate fair lease terms with the school. Thanks to these efforts, the purchase was finalized and ensured stability for the school's staff and students.

We also had the opportunity to assist **Urban Dove**, a nonprofit that runs schools that enrich the lives of New York City's at-risk youth by creating a supportive, positive environment where children and teenagers who have fallen off track can develop the life skills and confidence they need to reach their full potential. The school serves over-age and under-credited high school students in Brooklyn, the Bronx, Manhattan, and Queens.

Urban Dove requested assistance with reviewing and negotiating a lease agreement for its new school in East Harlem. Our Real Estate group helped the organization secure favorable terms on a 35,000-square-foot property that is being used to provide transformative education to at-risk high school students.



Guiding Nonprofits Through Dissolutions

A natural part of the nonprofit life cycle is the winding down of the nonprofit after it has fulfilled its charitable mission. Yet many nonprofits face difficulty obtaining competent legal counsel to assist them with the complex dissolution process. Our volunteers address this need by helping nonprofits located in New York, New Jersey, and Florida effectively and responsibly wind down their affairs in a manner that honors the organization's mission and protects

its stakeholders. Volunteers from our Bankruptcy and Emerging Companies & Venture Capital groups spent significant time in 2024 providing crucial guidance to nonprofits that are at the end of their life cycle and ensuring that any remaining nonprofit assets are transferred to other community organizations engaged in similar charitable activities.

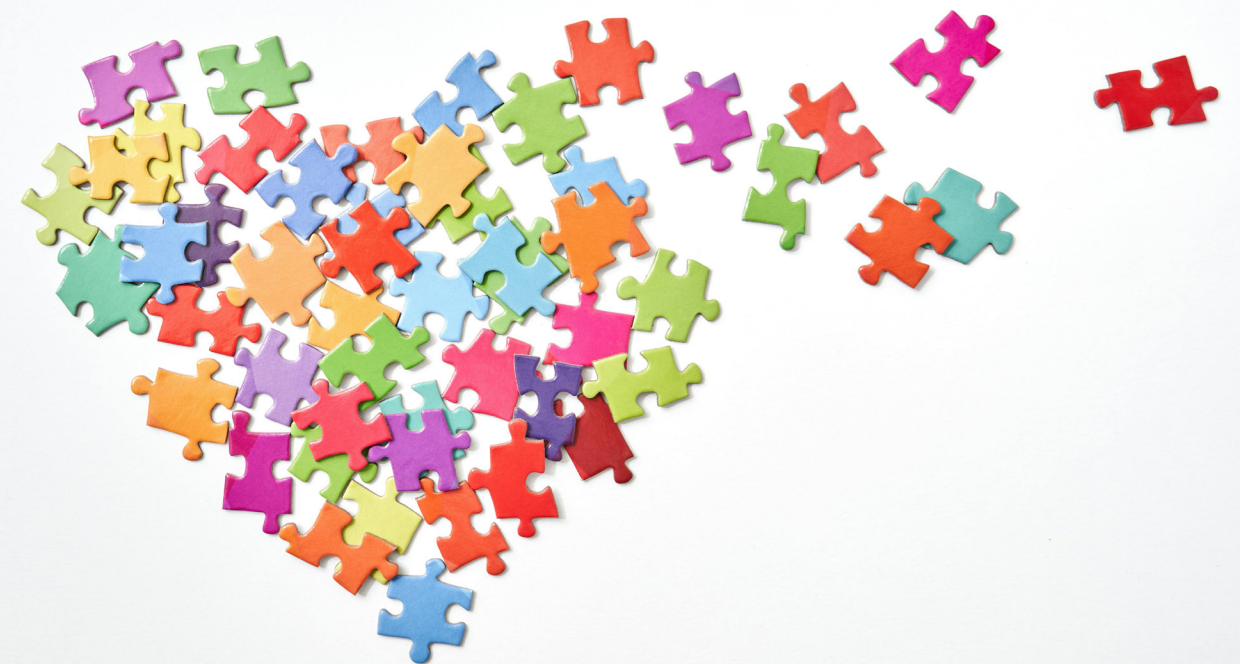
DEI and Race-Conscious Investing Guidance

The U.S. Supreme Court's decision in *Students for Fair Admissions (SFFA)*, which struck down Harvard College's and University of North Carolina's race-conscious affirmative action programs as unconstitutional, has reverberated outside academia. The decision has had a chilling effect on diversity, equity, and inclusion (DEI) programs and race-conscious investing across various sectors, including the nonprofit sector. Anxiety among nonprofits intensified after American Alliance for Equal Rights, the plaintiff from the SFFA litigation, sued a Georgia charity, Fearless Foundation, for awarding \$20,000 grants to startups owned by Black women founders.

The purpose of the grantmaking program was to bridge the well-documented gap in venture capital funding for businesses owned by women of color, which amounts to less than 0.1 percent of total U.S. venture capital funding. American Alliance for Equal Rights argued that the contest was discriminatory and violated Section 1981 of the Civil Rights Act of 1866, which prohibits discrimination based on race in the making and enforcement of contracts. Section 1981 was passed during the Reconstruction era to remedy the persistent economic exclusion of Black people.

Nonprofits engaged in race-conscious philanthropy now face heightened scrutiny from would-be plaintiffs, donors, and the government. In this time of legal uncertainty, we are committed to providing well-informed, practical legal advice to enable nonprofits to continue pursuing their race equity missions within the bounds of the law. In the past year, we have provided counsel to several nonprofits that promote race equity in the communities we serve. We have also partnered with leading civil rights organizations, including **Lawyers' Committee for Civil Rights Under Law** and **Law Firm Antiracism Alliance**, to ensure that small nonprofits have legal counsel to respond to the changing legal landscape.

We are committed to providing well-informed, practical legal advice to enable nonprofits to continue pursuing their race equity missions within the bounds of the law.



ACKNOWLEDGMENTS

LOWENSTEIN WORKS WITH MANY PARTNERS AND CONTRIBUTES TO A WIDE ARRAY OF NONPROFITS, INCLUDING:

ACLU of New Jersey	Harvard Law School	Mi Casa Resource Center	Spirit of Truth World Vision Outreach
Advocates for Trans Equality	Crimmigration Clinic	Monmouth County Habitat for Humanity	Start Small Think Big
American Friends Service Committee	Her Justice	National Center for Lesbian Rights	Together & Free
Brennan Center for Social Justice	Housing Justice Project at Rutgers Law School	National Legal Aid & Defender Association	Urban Dove
Brick by Brick Training & Development Corporation	Human Rights Campaign Foundation	New Jersey Community Development Corporation	Volunteer Lawyers for the Arts
Bronx Defenders	Human Rights First	New Jersey Consortium for Immigrant Children	Volunteer Lawyers for Justice
California Lawyers for the Arts	Kids in Need of Defense (KIND)	New Jersey Institute for Social Justice	Young Center for Immigrant Children’s Rights
California Rural Legal Assistance	Law Enforcement Action Partnership (LEAP)	New York Civil Liberties Union	
CASA for Children of Essex County	Law Firm Antiracism Alliance	New York Legal Assistance Group	
Chesapeake Legal Alliance	Law Foundation of Silicon Valley	New York Lawyers for the Public Interest	
Children’s Law Center	Lawyers Alliance for New York	OneJustice	
City Bar Justice Center	Lawyers’ Committee for Civil Rights of the San Francisco Bay Area	Partners	
Community Health Law Project	Lawyers’ Committee for Civil Rights Under Law	Prison Legal Advocacy Network	
Community Hope	League of Women Voters of New Jersey	Pro Bono Institute	
Cristo Libera	Legal Aid Society of the District of Columbia	Pro Bono Partnership	
D.C. Access to Justice Foundation	Legal Aid Society of San Mateo County	Rising Tide Capital	
Destiny’s Bridge	Legal Counsel for the Elderly	Root and Rebound	
Disability Rights New Jersey	Legal Services Corporation	Rutgers Child Advocacy Clinic	
Eneza Education	Legal Services of New Jersey	Rutgers Criminal and Youth Justice Clinic	
Equitable Solutions for Housing in New Jersey (ESHIN)	Legal Services NYC	Seton Hall Center for Social Justice	
Essex-Newark Legal Services	Lifting the Fallen Ministries	Southern Legal Counsel	
Food Angels	Make the Road New Jersey		
Garden State Equality			
The Gault Center			
GLBTQ Legal Advocates & Defenders (GLAD)			

Lowenstein 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 legal services organization or bar association, or visit www.lawhelp.org.

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