



Catherine Weiss

Partner
Chair, Lowenstein Center for the Public Interest

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A lifelong public interest lawyer, Catherine is committed to maximizing the impact of Lowenstein Sandler's pro bono work. As Chair of the Lowenstein Center for Public Interest, she brings strategic focus to the firm's pro bono efforts and deepens its partnerships with leading nonprofit and community organizations across the country and within the firm's local communities.

Under Catherine's direction, the Center has expanded on the firm's historic commitment to public service by building an award-winning program that serves hundreds of low-income individuals and the nonprofit organizations that support them. The firm boasts extensive pro bono experience in areas such as immigration, education, and housing.

Catherine brings to her pro bono work at Lowenstein Sandler a significant background in public interest law. Before joining the firm, she served as Director of the Division of Public Interest Advocacy in the New Jersey Department of the Public Advocate, Deputy Director of the Democracy Program at the Brennan Center for Justice at NYU School of Law, and Director of the Reproductive Freedom Project in the national office of the ACLU.

As part of her role overseeing the firm's pro bono work, Catherine maintains a substantive practice as a litigator. She approaches matters with an appellate lawyer's eye, constructing challenges to unjust laws or policies and winning decisions that reform the law. When she isn't leading her own teams in appeals or impact litigation, she manages and participates in a number of Lowenstein Sandler's signature pro bono initiatives, including representation of children in immigration proceedings; victims of persecution in asylum proceedings; survivors of domestic violence seeking orders of protection and custody of their children; veterans in disability hearings; low-income individuals in bankruptcy proceedings; tenants trying to avoid eviction; low-income entrepreneurs who need business advice; low-income inventors who need assistance with patent applications; adults seeking to become legal guardians of children in their care; and nonprofit organizations seeking counsel and assistance in corporate and governance matters.

EXPERIENCE

- > Represented 25 church-state scholars in an amicus brief to the Supreme Court of the United States, arguing that the Establishment Clause prevents religious nonprofits, colleges, and universities—as well as closely held for-profit companies—from shifting the burden of their religious objections to contraceptive coverage to their employees and students by declining to file paperwork they view as making them complicit in the provision of such coverage by other entities.
- > Leads the firm's representation of children in immigration proceedings, ensuring that many each year are placed with safe custodians, protected from persecution in their home countries, and defended from deportation.
- > Represented leading national immigration organizations as amici in the Supreme Court of New Jersey in a case that clarified the role of the state courts in cases involving Special Immigrant Juvenile Status and lifted barriers to this key form of immigration relief for children.
- > Partnered with Merck and Legal Services of Northwest Jersey to create and run the Veterans Justice Initiative, which was recognized as a model private-nonprofit partnership at the 2014 White House Access to Justice Forum. Enlisted corporate legal departments at Bristol-Myers Squibb and Sanofi in the initiative. Helped secure pro bono medical evaluations for veterans seeking disability benefits.
- > Partnered with Merck and Volunteer Lawyers for Justice to create and run a Chapter 7 Bankruptcy Program and argued an appeal in the Supreme Court of New Jersey that successfully dispelled unfounded legal ethics concerns about the program, clearing the way for broader nationwide participation by the bankruptcy bar in pro bono practice.
- > Partnered with Prudential and Volunteer Lawyers for Justice to design and launch an ongoing, court-based pro bono clinic to provide legal advice and document-drafting to assist low-income tenants in defending themselves from eviction.
- > Represented twenty-one church-state scholars in an amicus brief to the Supreme Court of the United States, arguing that the Establishment Clause prevents the government from allowing for-profit corporations to shift health care costs to their employees by claiming a religious exemption from the Affordable Care Act's contraception mandate.
- > Represented leading national Latino and Asian organizations in an amicus brief to the Supreme Court of the United States, demonstrating that an Arizona law requiring documentary proof of citizenship to vote impeded registration by naturalized citizens in violation of federal law. Helped persuade the Court to invalidate the law.
- > Represented legal academics in an amicus brief to the United States Supreme Court arguing that a storefront bakery is a classic public accommodation which, like all other

commercial businesses open to the public, cannot succeed in claiming a First Amendment exemption from its obligation to serve its customers without discrimination based on sexual orientation.

- > Ran voter hotlines for Election Protection in several national and state elections, creating materials that outlined the election laws of various states, training and managing hundreds of volunteers in responding to questions from voters, and working with election officials to solve problems as they arose on Election Day and in the surrounding weeks.
- > Represented legal New Jersey residents of Latino descent in a federal constitutional challenge to nonconsensual, warrantless, predawn raids of their homes by U.S. Immigration and Customs Enforcement (ICE) as part of its "Operation Return to Sender." Withstood repeated motions to dismiss and defended an interlocutory appeal on qualified immunity in the United States Court of Appeals for the Third Circuit. Ultimately settled on terms favorable for the clients.
- > Represented a wide range of national religious organizations in an amicus brief to the Supreme Court of the United States, arguing that crisis-level overcrowding in the California prisons had resulted in inhumane, degrading, and unconstitutional conditions. Helped persuade the Court to affirm an order to reduce overcrowding.
- > Represented national and state child advocacy organizations in an amicus brief to the Supreme Court of New Jersey that presented the legal framework on which the court decided that children in foster care have a legal right to visitation with their siblings and that this right survives even after adoption, and over the objection of an adoptive parent, if the children would be harmed by severing relationships with their siblings.

HONORS & AWARDS

- > **National Law Journal (2018)**
Catherine Weiss – Recipient of the Immigration Trailblazer Award for her significant impact on pro bono practice, policy, and strategy in the immigration field
- > **Thurgood Marshall College Fund, Award of Excellence (2017)**
For professional distinction and commitment to justice, civil rights, and education.
- > **New Jersey Law Journal, Lifetime Achievement Award (2016)**
One of 25 lawyers recognized for their roles in shaping New Jersey law
- > **Common Cause, Champion of Democracy Award; New Jersey League of Women Voters, Hurricane Heroes Award (2013)**
For running Election Protection hotline and protecting voters' rights in the aftermath of Hurricane Sandy

NEWS & INSIGHTS

Publications

- > April 2, 2019
"2018 Pro Bono Report," Lowenstein Center for the Public Interest
Catherine Weiss, Natalie J. Kraner
- > May 6, 2018
"I'm an immigration attorney. ICE should stop locking up people for no reason.," The Star-Ledger
Catherine Weiss
- > March 28, 2018
"2017 Pro Bono Report," Lowenstein Center for the Public Interest
Catherine Weiss, Natalie J. Kraner
- > October 2017
"Preventing Unjust Eviction," New Jersey Lawyer
Natalie J. Kraner, Catherine Weiss

In the Media

- > December 20, 2019
Catherine Weiss, partner and Chair, and **Natalie J. Kraner**, senior public interest counsel, of the **Lowenstein Sandler Center for the Public Interest** are both featured in a story in **NJ Spotlight** about the legal and personal struggles families face when they are separated at the border. The story focuses on a mother and her young son, represented by Lowenstein Sandler, who were reunited after a six-week separation in the summer of 2018. This family was brought back together under the preliminary injunction in *Ms. L v. ICE*, a class action challenging family separation. Weiss notes that more than 5,000 children have been separated from their parents since July 1, 2017, including 1,100 who were separated despite the injunction in *Ms. L v. ICE*, which orders family reunification unless a parent is "unfit or presents a danger to the child." Kraner disputes the government's assertion that these ongoing separations protect the child's safety. "We've seen cases where mom or dad had a conviction for a \$5 destruction of property 20 years ago where they're separating the child," she said. "That really has nothing to do with safety."
- > October 25, 2019
Catherine Weiss comments in *The Guardian* on the forcible separation of immigrant children from the adults who raised them when those adults are not the children's biological parents or legal guardians. "Once separated, there's no real mechanism for reuniting children with the adult relatives who raised them," she says. "It is regularly the case that the adult who crossed with that child will be removed while the child remains." The article follows the story of a young Guatemalan woman who raised her niece after the murder of their family. The two fled to the United States, only to be separated at the border, kept thousands of miles apart, and limited to occasional phone calls to speak with each other. For many other families, such "phone calls with children don't happen at all," says Weiss. "If that person is not the biological parent or legal guardian, there is no guarantee of

communication.”

> October 15, 2019

Catherine Weiss, partner and Chair of the **Lowenstein Center for the Public Interest**, comments in **Law360** on new guidance from the U.S. Citizenship and Immigration Services (USCIS) that will make it more difficult for young people to obtain special immigrant juvenile status (SIJS). Under the new guidance, USCIS imposes additional requirements on the contents of state court orders that are a necessary part of any SIJS application. When USCIS adjudicates a juvenile’s SIJS application, the agency relies on a state court order making certain child welfare findings, including that the juvenile has been subject to parental abuse, neglect, abandonment, or something similar. Under the new policy, USCIS requires the state court order to include specific citations to the child protection statutes under which the findings are made. Weiss says: “Every time a new requirement is imposed on the content of the state court order, it makes it harder for juveniles to apply for and get SIJS because the ... order has to meet this increasingly high threshold set by the government.” She notes that these rules are part of a trend toward requiring more details in family court decisions: “That kind of requirement makes the state court orders more elaborate and creates the risk that it will take the lawyers who represent youth, the unrepresented youth, and the family courts a while to catch up and make sure that the state court orders meet the increasingly high standards set by the federal government.”

Weiss also welcomes USCIS’s official, nationwide abandonment of an earlier policy that had unlawfully disqualified many SIJS applicants who were between the ages of 18 and 21, but she notes that the shift will do nothing to help those who have already had their applications delayed, questioned, denied, or revoked under the now-defunct policy.

(subscription required to access article)

> September 13, 2019

Law360 reports that the government and a group of young immigrants represented by the **Lowenstein Center for the Public Interest** have agreed to a class certification order in a New Jersey federal action challenging the government’s policy of denying Special Immigrant Juvenile Status (SIJS) to young people who were between 18 and 21 years old when they obtained child welfare findings from a state juvenile court, a necessary predicate to applying for SIJS. The article cites a letter submitted by Lowenstein partner **Catherine Weiss**, Chair of the Center, to the Hon. Madeline Cox Arleo of the U.S. District Court for the District of New Jersey, arguing that “in order to effectively provide notice to the proposed class, and to properly proceed in this litigation, class certification is necessary.” The proposed order would certify a class of plaintiffs who have already filed or will file SIJS petitions “based on New Jersey Family Part Orders that were entered between the petitioners’ 18th and 21st birthdays, and whose SIJ petitions are, have been, or will be delayed, questioned, denied, or revoked on the ground that the Family Part lacks the authority, power, or jurisdiction to make the required child welfare findings as to petitioners in this age group.” The order would appoint Lowenstein Sandler as class counsel and direct the parties to propose a notification system for class members about the order. **View Lowenstein’s news announcement about this matter.**

> April 29, 2019

Reuters and **Law360** highlight Lowenstein Sandler’s filing of a class action lawsuit in the U.S. District Court for the District of New Jersey against various federal agencies and their leaders on behalf of young immigrants wrongfully disqualified from receiving Special Immigrant Juvenile Status (SIJS). According to the suit, the plaintiffs’ SIJS applications were unfairly denied because they were between 18 and 21 years old when they obtained child welfare findings from a state juvenile court, a necessary predicate to applying for SIJS. At least 100 other immigrants in New Jersey are facing similar denials. (The Lowenstein team included: **Catherine Weiss, Natalie J. Kraner, Craig Dashiell, Eric R. Suggs, Tracy F. Buffer, and Claudia Lorenzo.**) *(subscription required to view certain content)* **View Lowenstein’s news announcement about this case.**

> November 12, 2018

The Commerce and Industry Association of New Jersey’s (CIANJ) **Business Beat** newsletter notes that the Lowenstein Center for the Public Interest received a 2018 Community Leadership Award from HANDS, Inc. (Housing and Neighborhood Development Services, Inc.). HANDS bestowed the award in recognition of the significant legal advocacy the Center has provided to advance HANDS’ urban revitalization efforts. **View Lowenstein’s news announcement about this transaction.**

> August 3; September 4, 2018

NJ Spotlight and the **American Apartment Owners Association** quote **Catherine Weiss** in an article discussing New Jersey’s ongoing eviction crisis despite a statewide reduction in eviction filings. Weiss outlines the obstacles that tenants facing eviction must overcome, including a challenging legal process, little time to prepare a defense, and pressure to agree to pay fees that they could otherwise fight with the help of legal counsel.

> August 14, 2018

The Asbury Park Press quotes **Catherine Weiss** in an article reporting a racially charged confrontation at a Jersey Shore gift shop and examining the applicability of federal and state civil rights laws governing places of public accommodation. Weiss notes that while retailers such as the business involved here are not covered by federal law civil rights law, they do fall under state law.

> May 30, 2018

The **National Women’s Law Center** (NWLC) highlights Lowenstein Sandler as counsel in an amicus brief filed by NWLC and 40+ organizations urging the U.S. Court of Appeals for the Ninth Circuit to uphold a nationwide court order blocking two federal rules that allow corporations to deny insurance coverage for birth control.

> February 8, 2018

In **NJ.com**, **Catherine Weiss** comments on the costs and benefits of bringing public attention to immigration enforcement cases.

> January 29, 2018

In **InsiderNJ**, **Catherine Weiss** comments on the critical need for ensuring access to counsel for low-income New Jersey immigrants who are detained and facing potential deportation.

> May 31, 2017

In **The Star Ledger**, **Catherine Weiss** comments on the pro bono community’s efforts to persuade the state to create a publicly funded program to provide free, appointed counsel to low-income, detained immigrants facing deportation.

> November 8, 2016

In **The Wall Street Journal**, **Catherine Weiss** comments on the firm’s Election Protection hotline that helped protect the voting rights of citizens in New Jersey, Oklahoma, and Kansas.

- > July 26, 2016
Catherine Weiss comments in **NJ Spotlight** on her experience representing immigrant children.
- > August 27, 2015
In **Law360**, **Catherine Weiss** is mentioned with regard to the firm's representation of leading immigration organizations in a state supreme court case that lifts state court barriers to children's application for Special Immigrant Juvenile Status.
- > January 5, 2015
Catherine Weiss is mentioned in the **New Jersey Law Journal** regarding the clarity of exemptions for lawyers working on pro bono cases.
- > August 15, 2014
In **Law360**, Lowenstein Sandler is highlighted for winning a ruling from the state Supreme Court that will increase pro bono assistance for low-income people filing for bankruptcy. **Catherine Weiss** comments on the court's decision approving the pro bono bankruptcy clinic run by Volunteer Lawyers for Justice in conjunction with the firm and the legal department at Merck.
- > July 2, 2014; July 11, 2014
In **Law360** and the **New Jersey Law Journal**, **Catherine Weiss** and Lowenstein Sandler commented on a New Jersey Supreme Court decision approving a pro bono bankruptcy clinic run by Volunteer Lawyers for Justice, in conjunction with the firm and the legal department at Merck. The Court holds that the Rules of Professional Conduct pertaining to conflicts of interest pose no barrier to a lawyer's pro bono representation of low-income debtors in no-asset Chapter 7 bankruptcies even if their firms represent creditors of those debtors in unrelated matters.
- > April 1, 2014
Catherine Weiss is mentioned in the **New Jersey Law Journal** and **The Pro Bono Wire** in connection with the firm's representation of Volunteer Lawyers for Justice in an appeal to the Supreme Court of New Jersey seeking a legal ethics opinion to lower perceived hurdles to participation in a Chapter 7 bankruptcy clinic for low-income debtors.
- > March 12, 2014
In the **New Jersey Law Journal**, **Catherine Weiss** comments on proposed revisions to the court rules governing pro bono practice.

SPEAKING ENGAGEMENTS

- > Panelist, **The Immigration Crisis and Its Impact on Women and Children**, New York Women's Bar Association Foundation, New York, NY, November 29, 2018
- > Panelist, **Ethical Issues in Representing Immigrant Children in NY**, Immigrant Advocates Response Collaborative Conference, October 26, 2018
- > Speaker, **A Right to Counsel for Low-Income People Facing Deportation, Eviction, and Other Life-Altering Matters**, Princeton Freshman Orientation Program, Roseland, NJ, September 7, 2017; September 4, 2018
- > Presenter, **The Supreme Court's Consideration of *Masterpiece Cakeshop v. Colorado Civil Rights Commission***, Annual Meeting of LGBTQ Section of the NJ State Bar Association, New Brunswick, NJ, March 10, 2018
- > Presenter, **Ethical Issues in Representing Immigrant Children in NY**, Annual Conference of NY Pro Bono Counsel, New York, NY, February 13, 2018
- > Speaker, **LGBTQ Equality and Reproductive Rights**, Equal Justice Conference, Pittsburgh, PA, May 5, 2017
- > Panelist, **The Anatomy of a Pro Bono Partnership**, Pro Bono Institute Conference, Washington, D.C., March 9, 2017
- > Panelist, **Ethical Issues in Representing Immigrant Children**, Pro Bono Institute Conference, Washington, D.C., March 24, 2016
- > Speaker, **Reproductive Rights in the Supreme Court, 1989 to this Term**, Yale College, February 26, 2016
- > Presenter, **Briefing on Special Immigrant Juvenile Status**, U.S. Senate and House of Representatives, October 14, 2015
- > Panelist, **Ethical Issues in Pro Bono Practice**, Prudential Legal Department, June 15, 2015
- > Panelist, **Ethical Issues in Representing Immigrant Children**, Equal Justice Conference, May 7, 2015
- > Panelist, **Pro Bono in Practice: Criminal Justice**, Pro Bono Institute Conference, March 5, 2015
- > Panelist, **Ethics: Conflicts of Interest? A Pro Bono Bankruptcy Case Study**, Pro Bono Institute Conference, March 5, 2015
- > Panelist, **Breaking Up Is Hard To Do: Terminating Representation of a Pro Bono Client**, APBCo (Association of Pro Bono Counsel) Academy, October 8, 2014
- > Panelist, **Real World Ethical Issues in Pro Bono Practice**, NYC Bar Association, June 16, 2014
- > Witness, **Elections in New Jersey**, Tri-State Hearing on Voting Rights, National Commission on Voting Rights, April 11, 2014
- > Panelist, **Public-Private Partnerships: The Veterans Justice Initiative**, White House Forum on Increasing Access to Justice, April 8, 2014
- > Presenter, **Same-Sex Marriage in New Jersey**, Prudential Legal Forum, December 16, 2013
- > Panelist, **Ethical Issues in Pro Bono Practice**, Equal Justice Conference, May 9, 2013
- > Speaker, **Restoring Foreclosed Properties to the Market, Best of the 2013 PBI Annual Conference Series: Marketplace of Ideas - Transactional Pro Bono Projects Webinar**,

April 25, 2013

- > Judge, **New York Law School Moot Court Finals**, September 18, 2011

EDUCATION

- > Yale Law School (J.D. 1987)
- > Yale University (M.A. 1984), National Science Foundation Fellowship
- > Princeton University (A.B. 1981), summa cum laude; Phi Beta Kappa

ADMISSIONS

- > New York
- > New Jersey
- > District of Columbia