

Pro Bono News

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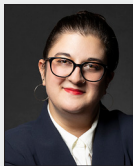
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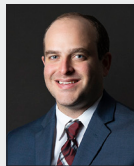
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Reyhan Watson

Congratulations and Welcome to the New Pro Bono Committee Members!



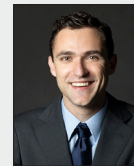
Rachel Czwartacky
Law Clerk
Litigation



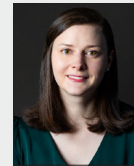
Scott Eckl
Law Clerk
Litigation



Danielle Moody
Associate
Litigation



Luke Pizzato
Law Clerk
Litigation



Julia Quigley
Associate
Environmental

Pro Bono Program Highlights: Kramer Levin Racial Justice Initiative

The Racial Justice Initiative (RJI) was launched in 2020 in order to demonstrate through concrete action the firm's commitment to racial justice in the wake of George Floyd's murder. The RJI encourages Kramer Levin lawyers and staff to pursue pro bono work focused on assisting communities that have historically been, and continue to be, adversely impacted by racism, including in the areas of voting rights, housing, civil rights and race discrimination.

Kramer Levin has taken on impact litigation to support civil justice, preserve voter rights and combat racially discriminatory changes to immigration laws. Our lawyers and staff host a monthly pro bono clinic to assist low- and lower-income entrepreneurs in Upper Manhattan and the Bronx, help individuals file complaints with the Civil Complaint Review Board related to police misconduct, and file appeals to prevent the names of individuals from being wrongfully included in a gang database, along with many other active projects. We have more than 150 staff and lawyers involved, across offices and practice areas.

Kramer Levin Racial Justice Initiative (cont.)

Amicus Brief in Montana Supreme Court on Behalf of the ACLU and ACLU of Montana Foundation

Kramer Levin filed an amicus brief with the Supreme Court of Montana on behalf of and as co-counsel with the American Civil Liberties Union and ACLU of Montana Foundation Inc. in support of the plaintiff-appellant in *L.B. v. United States*, Supreme Court No. OP 21-0395. Plaintiff-appellant is a Native American woman and resident of the Northern Cheyenne Reservation in Montana who was raped by a Bureau of Indian Affairs (BIA) officer. The issue before the court was whether the BIA may be held vicariously liable for the officer's act of rape. The brief argued that the BIA should be held vicariously liable.

The brief explained that there is a crisis of sexual violence against Native American women and girls and that many law enforcement officers are known by Native American communities to be perpetrators of such violence. Failing to hold law enforcement institutions accountable for such systemic issues degrades faith in law enforcement and, further, discourages reporting of crimes on the reservations. Vicarious liability is an essential vehicle to hold law enforcement agencies accountable, especially when their employees commit acts of sexual violence and, in particular, violence against Indigenous communities. The brief further argued that liability at the governmental level can incentivize law enforcement agencies to take valuable steps toward reducing misconduct by their officers, including adopting more rigorous hiring criteria, improving oversight of officers and swiftly investigating allegations of wrongdoing.

Advocating for the rights and safety of Native American women is at the core of Kramer Levin's commitment to racial justice. The filing of the firm's amicus brief in support of the plaintiff-appellant coincided with Native American Heritage Month, and the firm is proud to have supported Native American women and girls on this important issue before the Montana Supreme Court, the resolution of which could have profound and positive impacts on the Native American community.

The Kramer Levin team consisted of Litigation partner **Steven Sparling**, Land Use counsel **Jeffrey Braun**, Litigation associate **Chase Mechanick**, Environmental associate **Julia Quigley** and paralegal **Santo Cipolla**. They were assisted by ACLU of Montana, the ACLU Women's Rights Project and the ACLU Racial Justice Program.

Read the brief [here](#).



Victory for a Pro Bono Client in New York's Appellate Division, First Department

Kramer Levin secured a victory in the Appellate Division, First Department, for a pro bono client in a criminal case. Together, the team secured an early termination of probation for a client who received an excessive sentence for drug possession. As part of its Racial Justice Initiative and working with partners at the Legal Aid Society, Kramer Levin submitted briefs and conducted oral argument in New York's Appellate Division, First Department.

Kramer Levin successfully argued that because this client had no previous or subsequent arrests and had already taken steps to reform his life, an additional year of probation beyond the statutory minimum was unnecessary, and that it would be in the interests of justice to reduce the length of his sentence. Kramer Levin argued the appeal in person in the First Department, which agreed and quickly reduced the sentence accordingly within two weeks.

Advocating for those given excessive sentences is at the core of Kramer Levin's commitment to racial justice.

The Kramer Levin team included Litigation special counsel **Karen Kennedy**, paralegal **Angela Chan**, several members of the managing attorney's office, former Litigation associate Martin Ascher and former summer associate Alex Kronman.



Kramer Levin Racial Justice Initiative (cont.)

RJI CLE Presentation in Honor of Juneteenth

The firm sponsored a presentation titled “Juneteenth, Democracy and the Fight to Protect Black Voting Rights,” featuring Abdul Dosunmu of pro bono client YBLOC (Young Black Lawyers’ Organizing Coalition). Mr. Dosunmu spoke on the origins and importance of Juneteenth, as well as contemporary voting rights and political participation challenges that YBLOC continues to address. Previously, as part of our Racial Justice Initiative, we collaborated with YBLOC to research and write a “People’s Brief” to educate the general public on the history and importance of the Voting Rights Act in protecting access to the ballot box, the pending John Lewis Voting Rights Act, and the numerous state voting rights laws and legislative proposals impacting the right to vote. Mr. Dosunmu and YBLOC are on the front lines of these issues.



Dana Bazelon CLE Presentation on Misdemeanor Prosecution and Parole/Probation

Dana Bazelon, senior policy counsel to Philadelphia District Attorney Larry Krasner, hosted a CLE discussion, sharing insights on Mr. Krasner’s criminal justice reform initiatives, including in the areas of misdemeanor prosecution and diversion, probation, and parole. Along with Mr. Krasner and the rest of his team, Ms. Bazelon was featured in the outstanding PBS documentary “Philly D.A.”

LatinoJustice PRLDEF CLE Presentation on Protecting Latino Civil Rights in the 21st Century

In honor of National Hispanic American Heritage Month, the firm sponsored a presentation titled “LatinoJustice PRLDEF — Protecting Latino Civil Rights in the 21st Century,” featuring Jose Perez, deputy general counsel and legal director of LatinoJustice PRLDEF (Puerto Rican Legal Defense and Education Fund). Mr. Perez spoke about LatinoJustice’s impact litigation efforts in the areas of immigration, voting and housing rights, and workplace exploitation, and also shared ways that lawyers and staff can be involved in pro bono projects.



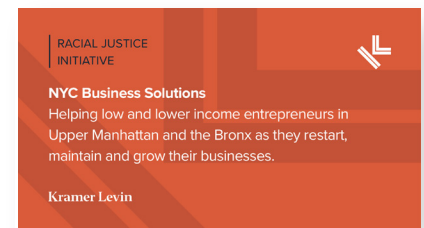
U-Visa Clinic With Pro Bono Partner NYLAG

In recognition of National Hispanic American Heritage Month, the firm hosted a virtual pro bono clinic. The firm worked with New York Legal Assistance Group to assist low-income immigrants who are the victims of serious crimes in seeking legal status through the U Visa program. Volunteers worked in pairs to meet with clients, walked through a series of questions and prepared the U Visa applications that will be filed at a later date.



NYC Business Solutions Monthly Virtual Clinics

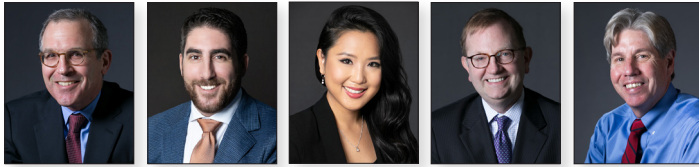
Kramer Levin held its monthly Small Business Clinic and collaborated with the Harlem and Morningside Heights offices of NYC Business Solutions to help low- and lower-income entrepreneurs in Upper Manhattan and the Bronx as they restart, maintain and grow their businesses. Many of these businesses had been especially hard hit by COVID-19 and the shutdown.



Pro Bono Successes

Transactional Law Highlights

Representation of AFFIRM in Combination With the Aspen Institute



Kramer Levin client American Foundation for Firearm Injury Reduction in Medicine (AFFIRM), a nonprofit company, announced that it had agreed to be acquired by the Aspen Institute (the Institute). The resulting enterprise — AFFIRM at the Aspen Institute — was run under the auspices of the Institute’s Health, Medicine & Society Program. Founded in 2017 by two emergency physicians, AFFIRM is the country’s leading organization dedicated to ending the nation’s firearm injury epidemic using a public health approach. AFFIRM at the Aspen Institute worked to develop and implement effective strategies to prevent firearm injury, with a goal of helping end the epidemic of gun violence and reduce firearm injuries and deaths.

The Kramer Levin team advising AFFIRM was led by Corporate partner **David Berg** and included associates **Benjamin Edlin** and **Michelle Park**, Employment Law partner **Robert Holtzman**, Intellectual Property counsel **Kevin Moss** and Tax associate **Mariya Khvatskaya**.

Kramer Levin is proud to have represented AFFIRM on myriad issues since its formation, including trademark registration and employment issues and, during COVID-19, the establishment and spinoff of GetUsPPE — a successful effort to procure and distribute critical personal protective equipment to front-line health care workers and underserved communities during a time of national shortage. Our work for AFFIRM has been a result of Litigation partner **Michael Dell**’s service on AFFIRM’s board and is part of the firm’s commitment to supporting anti-gun violence organizations.

KL Was Recently Retained To Represent the Following Organizations on Various Ongoing Transactional Matters:

- Concordia Conservatory
- Concrete Safaris
- Lo Nyamship Association USA Inc.
- National Alliance on Mental Illness (NAMI) – Metro NYC
- National Organization for Rare Diseases (NORD)
- Push for Empowered Pregnancy
- Ranked Choice New York
- Williamsburg Charter High School
- The Women’s Building
- Young Black Lawyers’ Organizing Coalition (YBLOC)

Amicus Brief Highlights

Amicus Brief for NYIPLA Urging the Court To Overturn the Federal Circuit’s Per Se Application of Estoppel



The U.S. Supreme Court, in *Minerva Surgical, Inc. v. Hologic, Inc. et al.*, upheld the doctrine of assignor estoppel, vacated the judgment

of the Federal Circuit and remanded for further proceedings consistent with its opinion. Kramer Levin filed a merits-stage **amicus brief** on behalf of the New York Intellectual Property Law Association (NYIPLA), urging the Court to overturn the Federal Circuit’s per se application of estoppel in favor of an equitable approach that considers the specific facts of the case in determining whether estoppel should apply. Consistent with NYIPLA’s arguments, the Supreme Court, while endorsing the doctrine of assignor estoppel, recognized that “the Federal Circuit has applied the doctrine too expansively” and that “the doctrine is not limitless.” It clarified that its boundaries “reflect an equitable basis: to prevent an assignor from warranting one thing and later alleging another.” The Court also clarified that assignor estoppel only “applies when an invalidity defense in an infringement suit conflicts with an explicit or implicit representation made in assigning patent rights.” Read the Supreme Court’s **opinion**.

The Kramer Levin team included Intellectual Property partners **Irena Royzman** and **Hannah Lee** and associate **Daniel Williams**.

CA Supreme Court Ordered Courts To Omit Misleading Eyewitness ID Instruction; KL Files Amicus Brief



On behalf of the Innocence Project (and affiliated organizations the California Innocence Project, the Project for the Innocent at Loyola Law School and the Northern California Innocence Project), as amici curiae in the California Supreme Court, Kramer Levin filed an amicus brief in *People v. Lemcke* arguing that California’s criminal jury instruction on eyewitness certainty was misleading and increased the risk of wrongful

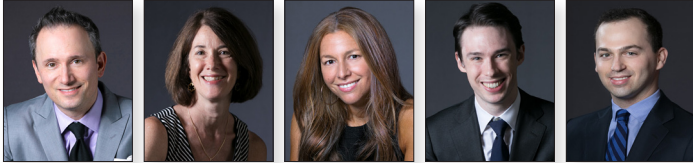
convictions. The brief discussed the scientific consensus that while eyewitness certainty is generally not probative of accuracy, laypeople are unaware of that fact and tend to give undue credence to a witness’s self-reported confidence. The brief argued that the instruction, by directing jurors to consider accuracy, endorsed the false notion that confidence and accuracy are closely correlated. In a decision issued on May 27, 2021, the California Supreme Court “agree[d] with amici curiae that a reevaluation of the certainty instruction is warranted.” Noting the “now near unanimity in the empirical research that eyewitness confidence is generally an unreliable indicator of accuracy” and recognizing that “the current version of the instruction might confuse jurors about the relationship between confidence and accuracy,” the court directed the “Judicial Council and its

Pro Bono Successes (cont.)

Advisory Committee on Criminal Jury Instructions to evaluate whether or how the instruction might be modified to avoid juror confusion regarding the correlation between certainty and accuracy” and directed courts to omit the faulty jury instruction in the interim.

The Kramer Levin team consisted of Intellectual Property partner **Hannah Lee**, Litigation counsel **David Frankel**, Litigation associate **Aaron Webman**, paralegals **Phillip King** and **Steve Dennison**, and former associate **John McNulty**.

Amicus Brief on Behalf of September 11th Families for Peaceful Tomorrows in *U.S. v. Husayn*

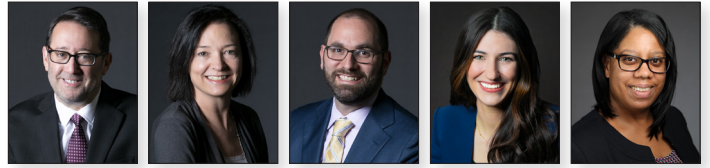


Kramer Levin filed an **amicus brief** on behalf of September 11th Families for Peaceful Tomorrows in *U.S. v. Husayn*, pending before the U.S. Supreme Court. Peaceful Tomorrows is an organization of more than 250

family members of those killed in the attacks of Sept. 11, 2001, who have united to turn their grief into action for peace. Peaceful Tomorrows was founded in February 2002 with the mission to develop and advocate for peaceful actions in the pursuit of justice — breaking the cycles of violence engendered by war and terrorism.

The case before the Supreme Court concerns the U.S. government’s invocation of the state secrets privilege to quash subpoenas seeking testimony concerning the government’s torture of Abu Zubaydah in Poland as part of the CIA’s “enhanced interrogation technique” program. Mr. Zubaydah has been detained by the government in Guantanamo Bay, Cuba, for more than a decade without trial or charges. The government has publicly conceded that he was not a member of al-Qaeda and was not involved with the Sept. 11 attacks. The government has also publicly acknowledged, in great detail, that Mr. Zubaydah was subjected to waterboarding, sleep deprivation, burial alive and many other brutal forms of torture as part of the CIA’s enhanced interrogation technique program. The Kramer Levin team that represented Peaceful Tomorrows was led by Litigation partner **Steven Sparling** and included special counsels **Marjorie Sheldon** and **Arielle Katz**, associates **Ryan Gander** and **Nathan Schwartzberg** and paralegals **Angela Chan** and **Santo Cipolla**.

SCOTUS Brief Supporting State Authority To Enact Reasonable Gun Laws



Kramer Levin filed a Supreme Court amicus brief supporting reasonable gun legislation on behalf of numerous major religious organizations and faith leaders. The brief included the presiding bishop and president of the House of Deputies of the Episcopal Church, the Evangelical Lutheran Church in America, the Central Conference of American Rabbis, the General Synod of the United Church of Christ, the Reconstructionist Rabbinical Association, and the Church of the Brethren Office of Peacebuilding and Policy, among others. It also included more than 400 individual clergy and faith leaders from United Methodist, Presbyterian, Episcopal, Evangelical Lutheran (ELCA), United Church of Christ, Mennonite, Disciples of Christ, African Methodist Episcopal (AME), Church of God in Christ, Unitarian Universalist, American Baptist, Cooperative Baptist, Jewish, Catholic, multid denominational and other faith traditions. The Supreme Court case, *New York State Rifle & Pistol Association v. Bruen*, No. 20-843, challenged the constitutionality of a New York law that required applicants for a permit to carry a concealed handgun in public to show “proper cause” — generally speaking, a bona fide need for self-defense. The brief addressed the burdens on religious institutions and individuals imposed by the unrestricted ability to carry concealed weapons. Amici argued that concealed weapons disturb prayerfulness and upset the serenity of a worship space, that the prospect of congregants carrying concealed weapons in houses of worship may deter members of the community from joining religious congregations and attending services, and that more mass shootings against religious communities may occur without protection against concealed weapons.

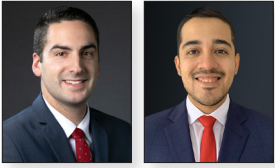
The brief additionally observed that religious institutions may be forced to implement costly and burdensome security measures (like metal detectors and armed security guards) if New York’s law were invalidated, as well as incur higher insurance costs due to the increased risk of gun violence and liability. Moreover, the occurrence of more mass shootings in houses of worship would likely lead congregants who obtain concealed carry licenses to bring them to religious services, which itself raises the risk of gun violence.

The Kramer Levin team included Litigation partner **Jeffrey Trachtman**, special counsel **Susan Jacquemot** and **Jason Moff**, associate **Rachel Goot**, former associate **Martin Ascher**, and paralegal **Denise Reid**. Read the complete brief [here](#).

Pro Bono Successes (cont.)

Immigration Law Highlights

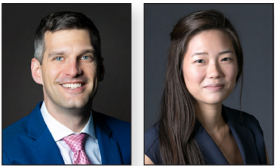
Asylum for Pro Bono Client From El Salvador



Kramer Levin obtained asylum for Ms. C, a single mother from El Salvador who endured persecution at the hands of M-18 gang members. While living in El Salvador alone with her young children in her own home,

Ms. C became a target of local M-18 gang members. The leader of the M-18 gang, El Tattoo, demanded that she become his “girlfriend” or pay him large amounts of money. When Ms. C refused, the gang threatened to rape her and harm her family. When she attempted to report the gangs to the police, she was told if she informed police, her family would be killed. Gang members continued to threaten her, break into her house, and leave threatening notes and dead animals on her doorstep, including the family’s own dog. Ms. C was forced to flee her home country, without one of her children, after El Tattoo showed up at her house, followed her to work, and shot at her in an attempt to murder her. She escaped by hiding in a cave by the sea with her infant son, and both almost drowned at high tide before a friend rescued her in his boat. The Kramer Levin team consisting of IP Litigation associate **Jonathan Pepin** and law clerk **Seal Ortega-Rodriguez** successfully demonstrated that Ms. C suffered persecution due to her status as a member of a protected social group and that if she were returned to El Salvador, she would face future persecution without protection from the police or the government. Human Rights First referred Ms. C to Kramer Levin.

Asylum for Gay Russian Man



Mr. D endured brutal physical assaults and a lifetime of persecution in Russia because of his gay identity and HIV-positive status. The Kramer Levin team presented compelling evidence concerning the systemic violence

and discrimination that homosexuals in Russia face from the government, the medical sector and private citizens. Real Estate partner **Seth Niedermayer** and associate **Jackie Ryu** worked on the matter.

Successful Application for Her Justice Naturalization Client



Business Immigration partner **Matthew Dunn** and associate **Melissa Drennan** prepared a naturalization application for a woman from Antigua who is living in New York and is a domestic violence survivor, referred to us by

Her Justice. This past August, the client passed her naturalization exam, and in September, she was sworn in as a U.S. citizen.

Family Law Highlights

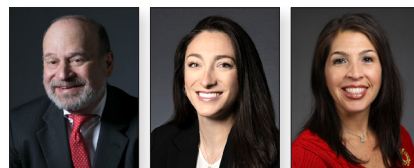
Successful Petition for Removal of Client From the NY Statewide Central Register



Litigation associates **Reyhan Watson** and **Daniela Manzi**, and former associate Anna Boltyanskiy successfully represented our client in appealing her placement on New York’s Statewide Central Register

of Child Abuse and Maltreatment (SCR). An administrative proceeding to place someone on the SCR automatically begins whenever the NYC Administration for Children’s Services (ACS) starts a family court proceeding against a parent. Although placement on the SCR has serious collateral consequences, SCR proceedings continue even when the family court case is dismissed — and sometimes without the party’s knowledge. Our client, who was referred to us by Brooklyn Defender Services, faced placement on the SCR even after the family court case against her was dismissed. ACS alleged that our client maltreated her 18-month-old son when, after drinking alcohol one night, she had an unexpected seizure while caring for him and fell unconscious until the next morning — even though she had an effective safety plan that led to her prompt medical treatment and her child never being at risk of any harm. The Kramer Levin team conducted a full-day trial, with direct examination, cross-examination and closing arguments. After trial, the administrative law judge issued a ruling not only accepting our arguments but going the step further of dismissing the entire case against our client. This victory was critical for our client because of her desire to adopt a child and pursue a career in child care, both of which would have been impossible if her name had remained on the SCR.

Success in Child Support Enforcement Case



Kramer Levin filed a petition for violation of a child support order on behalf of a single mother who was owed thousands of dollars in

child support needed to care for her young son. After a willfulness hearing, on May 27, 2021, Kramer Levin successfully obtained an order from the Manhattan Family Court finding that the respondent willfully violated the child support order by failing to pay over \$11,300 that was in arrears. The support magistrate also recommended imposing the maximum jail time of six months if the amount in arrears was not paid in full by Sept. 16, 2021. In making its willfulness determination, the court credited Kramer Levin’s arguments that the respondent, a barbershop owner, prioritized other expenses and failed to meet his burden of establishing an inability to pay child support. It rejected the respondent’s claims

Pro Bono Successes (cont.)

that he could not pay due to a reduction in earnings because of COVID-19, and found “incredible” his claims that he had not paid any bills for his barbershop for many months. The court also credited evidence presented by Kramer Levin of two prior willfulness findings against the respondent for previous violations of the order in 2018 and 2019. Ultimately, the court held that “[i]t is clear to this Court that Respondent has been prioritizing other bills at the expense[] of his support order. It is also clear that Respondent will not pay child support unless coerced by the threat of possible incarceration.” This outcome was particularly rewarding for the client, who has not received any child support from the respondent in over 20 months and has never received weekly payments as mandated by the order.

The Kramer Levin team was supervised by Litigation partner **Alan Friedman** and included associate **Rachel Goot**, Corporate associate **Kaelin Brittin**, paralegal **Pamela Badolato** and former associate Erin Klewin.

Successful Petition for Removal of Single Mother From NYS Central Register



Litigation special counsel **Karen Kennedy**, associate **Danielle Moody** and former summer associate Aaron Jacobs worked with Brooklyn Defender Services to get a client’s placement on New York’s Statewide

Central Register of Child Abuse and Maltreatment amended and sealed. This result was particularly important to the client, a working single mother, because she hopes to pursue a career in elder services. Inclusion on the register would have severely impeded her ability to find work in that field.

Other Pro Bono Highlights

NYCLU Advocate for Individual Rights



Intellectual Property partner **Hannah Lee** and associate **Shannon Gillespie McComb** are conducting research for the New York Civil Liberties Union (NYCLU) with respect to pharmacists who refuse to dispense prescriptions for birth control and gender reassignment on religious or moral

grounds. The research includes a detailed analysis of state legislation, federal regulations and the applicability of the First Amendment, to assist the NYCLU in its strategy to help advocate for individual rights.

Successful Representation of Pro Bono Client in Employment Matter Before US Federal Court



Kramer Levin successfully represented Ms. K in an employment matter before the U.S. District Court for the Southern District of New York. The matter settled after protracted negotiations and multiple mediation sessions before Magistrate Judge Katharine Parker when Ms. K’s former employers agreed to pay her \$22,000. Kramer Levin Litigation associate

Zachary Naidich worked on this matter under the supervision of special counsel **Jason Moff**.

Bar Associations Sue the City and State of New York To Stop Violation of Right to Counsel

Kramer Levin filed a lawsuit on behalf of seven leading bar associations in New York City against the state of New York, the city of New York and other defendants, alleging that they had failed to ensure that children and indigent individuals were provided adequate legal representation in family and criminal court proceedings as required by the New York and U.S. constitutions. The plaintiff bar associations are the New York County Lawyers Association, the Bronx County Bar Association, the Queens County Bar Association, the Richmond County Bar Association, the Assigned Counsel Association of New York State Inc., the Macon B. Allen Black Bar Association and the Latino Lawyers Association of Queens County.

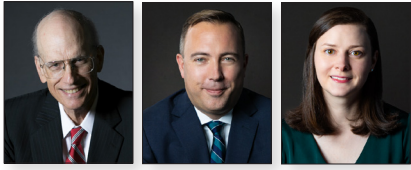
The 48-page complaint, filed in New York state court in Manhattan, explains, “Plaintiffs bring this action for declaratory and injunctive relief to prevent the continuing violation of the constitutional right of children and indigent adults to meaningful and effective legal representation by assigned private counsel in family and criminal court proceedings at the trial and appellate levels in New York City. The State and City of New York have not met their obligation to ensure such representation because they have failed to increase the compensation for such counsel for more than seventeen years.” As the complaint alleges, Chief Judge Janet DiFiore stated in her 2020 State of the Judiciary Address that “[a]s 18-B and Attorney for the Child compensation rates have stagnated, it has become increasingly difficult to recruit and retain experienced lawyers willing to provide these critical services,” causing a “crisis that cannot be ignored.” In a March 2021 letter, Chief Judge DiFiore urged Gov. Andrew Cuomo, State Senate Majority Leader Andrea Stewart-Cousins and State Assembly Speaker Carl E. Heastie to act, and said an increase in compensation is “critical now more than ever as the criminal and family courts statewide confront unavoidable backlogs left in the wake of the COVID-19 public health emergency.”

Litigation partner, **Michael Dell** led the Kramer Levin team, which included special counsel **Jason Moff**, associate **Aaron Webman** and paralegal **Phillip King**. Former summer associates David Alexander, Aaron Jacobs and Nathan Wolfe assisted with the complaint.

In a similar high-profile lawsuit in 2003, the court found that the failure to increase assigned counsel compensation for the prior 17 years had created a severe and unacceptably high risk that children and indigent adults were receiving inadequate legal representation in violation of their constitutional rights. The court ordered an increase and the legislature increased compensation rates in 2004. But the state and city have failed to increase compensation since then, even though the court found in 2003 that “recurrent visitation” of the compensation rate was required, and even though the rate paid to assigned counsel in federal court proceedings has been increased 14 times since then and is now \$155 per hour, more than double the highest rate of \$75 per hour paid to assigned counsel in state court proceedings. In September 2021, the *New York Law Journal* and *Law360* reported on the filing of the complaint.

Pro Bono Successes (cont.)

Coalition in Push for FDA Repeal of Color Additive Regulation for Lead Acetate



Kramer Levin represented a group of public health nonprofit groups and experts in advocacy before the U.S. Food and Drug Administration

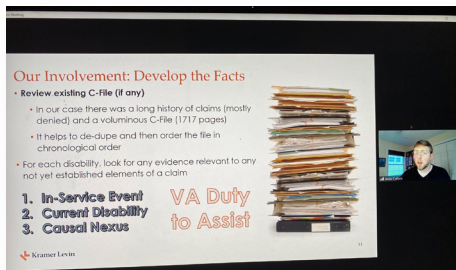
(FDA) to repeal the regulation allowing lead acetate, a neurotoxin and carcinogen, to be included in hair dyes used by American consumers. The coalition included Environmental Defense Fund, Environmental Working Group, Center for Environmental Health, Consumer Federation of America, Breast Cancer Prevention Partners and Dr. Howard Mielke. On Oct. 7, 2021, FDA amended its color additive regulations to effectively prohibit the use of lead acetate in hair dye, nearly three years after our clients presented new data demonstrating the harmful effects of the additive.

FDA originally promulgated a repeal of the rule listing lead acetate as a color additive in 2018, after our clients and Earthjustice filed a joint petition that required FDA to revisit its decision to allow the use of lead acetate in hair dye. The petition laid out new health data available since lead acetate's original

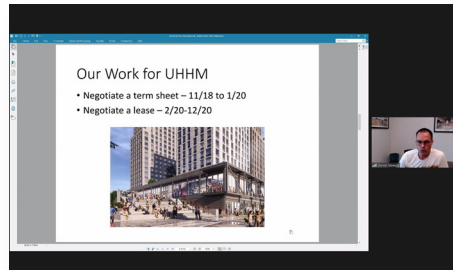
listing as a color additive in the 1980s. Shortly after FDA issued the repeal, on Nov. 30, 2018, Combe Inc., a manufacturer of hair dyes containing lead acetate, including Grecian Formula, submitted objections to the repeal and requested a hearing, resulting in FDA's stay of the repeal. Combe was represented by Covington and Burling LLP.

For over two years, FDA refused to take action on the objections and the stay remained in effect, allowing dyes containing lead acetate to stay on the market. Kramer Levin drafted letters to FDA Commissioner Janet Woodcock, explaining that FDA was empowered to issue a decision on Combe's objections without a hearing and urging FDA to reinstate the rule in order to protect public health. Critically, Combe's objections failed to present any facts or data not already considered by FDA. Under FDA rules, a hearing will not be granted unless the requestor shows, among other things, that "[t]here is a genuine and substantial factual issue for resolution at a hearing." 21 CFR §12.24(b)(1). As such, we argued that FDA was not required to hold a hearing on the objections. FDA ultimately adopted our position in the new rule, available [here](#).

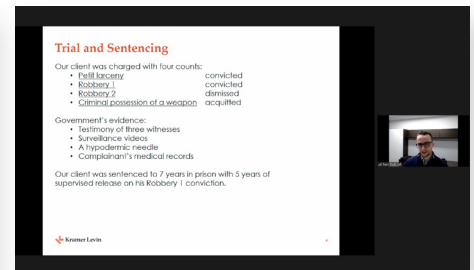
Environmental partner **Chuck Warren**, litigation associate **Nolan Robinson** and Environmental associate **Julia Quigley** worked on this matter. The matter was referred to us by Earthjustice.



Boaz Cohen presents his work with the Veteran's Assistance Project.



Dan Stewart shares information on our workings for the United Hip Hop Museum.



Tom Twitchell discusses his pro bono work and argument in front of a judge.

Clinics

Pride Month Asylum Pro Bono Clinic With Immigration Equality and Johnson & Johnson

In honor of Pride Month, Kramer Levin and Johnson & Johnson teamed up with Immigration Equality for a pro bono clinic, and assisted LGBTQ and HIV-positive individuals in filing for asylum. Worldwide, individuals face violence, prison time or the death penalty due to their sexual orientation or gender identity. Teams will assist pro se applicants in preparing applications for asylum.



Volunteer Lawyers for the Arts Clinic

Kramer Levin teamed up with Volunteer Lawyers for the Arts (VLA) for a virtual pro bono legal clinic to screen artists and small-business owners regarding legal issues in order to assist VLA in placing them with proper pro bono counsel. Teams of lawyers interviewed pro bono clients and gave preliminary advice on topics such as employment, intellectual property, corporate contracts and disputes.



Naturalization Clinic With NYLAG

Working with New York Legal Assistance Group, Kramer Levin assisted immigrants in determining whether they were eligible to become citizens by walking them through a series of questions, giving them an overview of the naturalization process and identifying potential risks to applying.



Veterans Benefits Pro Bono Clinic With City Bar Justice Center and Deloitte Attorneys

In honor of Veterans Day and the City Bar Justice Center, Kramer Levin assisted low-income veterans who became disabled from injuries sustained while serving in our armed forces in applying for medical benefits.



Honors and Awards

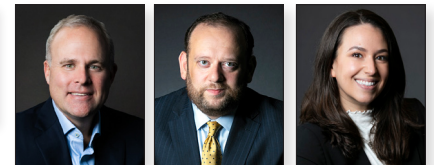


Chase Mechanick Received the City Bar Justice Center 2021 Outstanding Pro Bono Service Award!

Litigation associate **Chase Mechanick** received the City Bar Justice Center 2021 Outstanding Pro Bono Service Award. Chase is one of a handful of recipients of this award, out of the more than 2,000 lawyers who volunteered with the City Bar Justice Center last year. Accordingly, this award is also a testament to the firm's commitment to pro bono, and to the high-quality lawyering and commitment to bettering our community of which everyone at Kramer Levin is very proud.

2178 Atlantic Avenue Team Received the Turnaround Management Association Award

The Turnaround Management Association (TMA), the premier nonprofit serving corporate renewal and restructuring professionals worldwide, has announced winners of the 2021 Turnaround/Transaction of the Year Awards. This year, TMA received over 90 award submissions, a record-breaking 78% increase over the previous record-breaking year, 2019. Among this year's 10 award recipients were Bankruptcy partner **Doug Mannal**, special counsel **Joseph Shifer**, associate **Rose Hill Bagley** and former associate Hunter Blain, who were honored for their work on the 2178 Atlantic Avenue Team, confirming and consummating a Chapter 11 plan of reorganization that allowed a nonprofit housing cooperative of low-income tenants residing in a 16-unit residential building located in Brownsville to regain title to the building.



Legal Aid Society Awards Kramer Levin Attorneys and Paralegal With Pro Bono Publico Award

Litigation special counsel **Karen Kennedy**, paralegal **Angela Chan** and former associate **Marty Ascher** have been recognized by the staff of The Legal Aid Society as recipients of the 2021 Pro Bono Publico Award for outstanding service to Legal Aid and its clients. More than 3,000 volunteers each year provide pro bono assistance to the clients and staff of The Legal Aid Society.



Kramer Levin One of NLADA's 2021 Beacon of Justice Award Honorees

Kramer Levin was named one of the National Legal Aid & Defender Association's (NLADA) 2021 Beacon of Justice Award recipients, in recognition of pro bono work done in 2020 to address systemic racial disparities. The awards were celebrated at NLADA's 2021 Exemplar Award Virtual Gala.



Martha Petrocheilos Received a Certificate of Recognition

The NYS Courts Access to Justice Program awarded a Certificate of Recognition at the Pro Bono Awards to Corporate associate **Martha Petrocheilos** for her dedicated service.

Honors and Awards (cont.)



Reyhan Watson Received Hero of Justice Award

Litigation associate **Reyhan Watson** was honored by New York Legal Assistance Group (NYLAG) as the 2021 recipient of the Hero of Justice Award. NYLAG picked Reyhan, out of thousands of volunteers, to receive its highest honor awarded to individuals. The Hero of Justice award recognizes Reyhan for inspiring the pro bono community through his exceptional lawyering and tireless dedication to achieving justice for a deserving client in a particularly challenging custody and visitation family law case.

NYSBA's Empire State Counsel Program Recognizes Kramer Levin Lawyers for Pro Bono Commitment

The New York State Bar Association's Empire State Counsel Program honored multiple Kramer Levin attorneys with its Empire State Counsel designation. Launched in 2006, the Empire State Counsel Program recognizes NYSBA members who, during the prior year, performed 50 hours or more of pro bono legal services.

- Christopher Auguste
- John Bessonette
- Jeffrey Braun
- Aaron Frankel
- Susan Jacquemot
- Arielle Warshall Katz
- Mariya Khvatskaya
- Daniel Lennard
- Jason Moff
- Gary Naftalis
- Sheila Pozon
- Seth Schinfeld
- Meigan Serle
- Joseph Shifer
- Steven Sparling
- Helayne Stoopack
- Eva Tanna
- Jeffrey Trachtman
- M. Mendel Trapedo



Pro Bono Challenge

The firm encourages every lawyer to achieve the aspiration set forth in New York Rule of Professional Conduct 6.1 of providing **at least 50 hours per year** of pro bono legal services to poor persons. The Pro Bono Challenge will recognize lawyers and qualifying staff who meet thresholds of hours of pro bono legal services in a given calendar year at the annual Marvin Frankel Pro Bono Awards Ceremony. The 2022 levels are:

20 hours: Pro Bono Counsel **50 hours:** Pro Bono Advocate **100 hours:** Pro Bono Champion