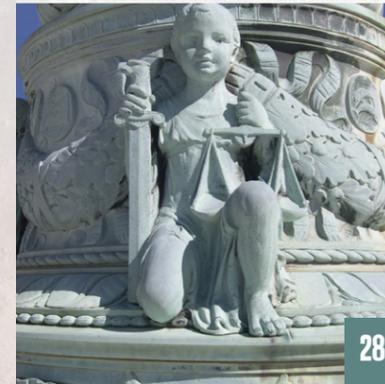
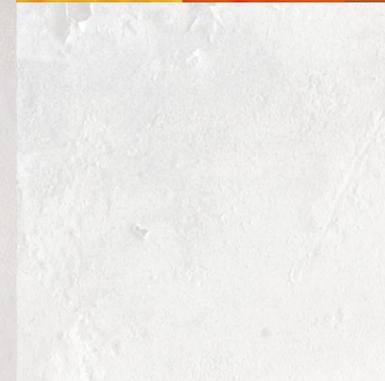
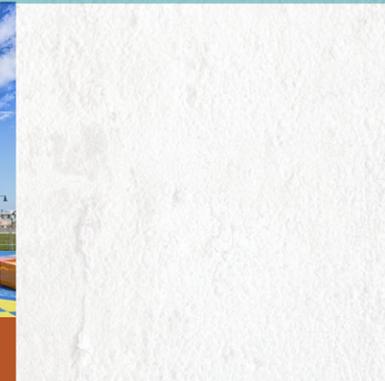


# PRO BONO REPORT 2021



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## 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 of the firm's efforts: to perform work of the highest quality in a manner that maximizes results for our clients and causes.

Cover sculpture "Equal Before the Law" by Eldon Garnet, artist, 2012. Photo by Mark Stegel.

# CRACKS IN THE WALL



In September, I attended a webinar with poet and author Clint Smith. Given the deluge of online words I only half-absorb, I am surprised by how often I've since thought about something Mr. Smith said. For African Americans, he said, hope is not a feeling but a discipline. It is continuing to chip away at a wall even if you have no good reason to believe that you, your children, or your children's children will ever see the wall come down.

I'm not sure why this metaphor took up residence in my mind. Maybe it's because in this long, anxious season, hope has survived more as a discipline than as a feeling. Or maybe it's because in 2021, the wall gave way a little.

The barriers that separate us from people in prison are hardly metaphorical, but even in the criminal justice system, some cracks appeared. After months of advocacy, the firm and its juvenile justice coalition partners persuaded the New Jersey Legislature to eliminate all monetary penalties associated with adjudications of juvenile delinquency. The law applies not only prospectively but also retroactively to vacate outstanding balances. Young people leaving juvenile facilities can now focus on their education and employment without fear that unpaid debts will land them back behind bars. Meanwhile, the firm settled a long-running case on behalf of a transgender woman who was assaulted when placed in male units in two local jails. In addition to compensating her for the harms she suffered, the defendants agreed to terms that will require them to search, transport, and house transgender inmates in accordance with their gender identities rather than based on the sex they were assigned at birth.

In housing too, we have seen real progress. As part of a large coalition of tenant advocates, we helped draft and pass a law in New Jersey that prohibits eviction based on rental debt that accrued during the COVID period. Under the law, landlords can sue to collect

a money judgment but cannot evict a tenant whose debt arose in the covered period and who certifies to a qualifying household income. The law also appropriated \$500 million to help low-income tenants pay rent going forward, on top of more than \$700 million previously allocated to paying rental arrears. These measures should help prevent mass eviction.

Young immigrants are also better off than they were. We are on the brink of settling a class action that has restored the right of 18-to-21-year-olds to attain Special Immigrant Juvenile Status (SIJS). As of December, the government had approved the SIJS petitions of 715 class members out of the original 759, and it had abandoned the policy of disqualifying applicants in this age group. Moreover, our advocacy and litigation have helped stop illegal attempts to deport children with approved SIJS petitions.

The walls we're chipping at may be high and wide, but we have many tools to wear them away until the light seeps through. Despite everything, or perhaps because of the collective will a crisis can generate, some people's lives got better. Thank you to our clients, our colleagues in the nonprofit sector, and our volunteers for making this happen. It takes all of us to sustain the discipline of hope.

Warmly,

**Catherine Weiss**  
Chair, Lowenstein Center for the Public Interest  
Lowenstein Sandler

# PRO BONO BY THE NUMBERS

THE FIRM DEDICATED

**23,757 HOURS**

TO PRO BONO WORK IN 2021

LOWENSTEIN LAWYERS SERVED

**623 PRO BONO CLIENTS**

IN 2021

ON AVERAGE, EACH LOWENSTEIN LAWYER SPENT

**64 HOURS**

ON PRO BONO MATTERS IN 2021

THE FIRM HAS DEDICATED

**488,815 HOURS**

TO PRO BONO WORK OVER THE PAST 25 YEARS



Sculpture by Hank Willis Thomas. Photo by Brynn Anderson/AP.

# CRIMINAL JUSTICE

## FIGHTING FOR FAIRER SENTENCES FOR YOUNG PEOPLE

Over the past 15 years, the United States Supreme Court has repeatedly recognized that youth matters in criminal sentencing. Social science and scientific research have conclusively demonstrated that children are developmentally and neurologically different from adults in ways that make them categorically less culpable. Young people have also demonstrated a greater capacity for reform.

Despite this recognition, New Jersey still treated young offenders the same as adults by subjecting them to 30-year mandatory

minimum sentences without the possibility of parole for homicide offenses. Along with co-counsel, the **Rutgers Criminal and Youth Justice Clinic**, the firm submitted a [friend-of-the-court brief](#) to the Supreme Court of New Jersey in support of two incarcerated youth who challenged the constitutionality of their respective sentences of 30 and 42 years of imprisonment without parole. Amici included the **Campaign for the Fair Sentencing of Youth, Incarcerated Children's Advocacy Network, New Jersey Parents' Caucus, Transformative Justice Initiative, The Beyond the Blindfold of**

**Justice Project**, and 10 formerly and currently incarcerated young offenders.

The brief argued that a 30-year mandatory minimum sentence did not take into account the factors at play when the defendant is a minor at the time an offense is committed. Such a lengthy parole bar deprives young people who commit serious crimes of a meaningful opportunity to seek release once they can demonstrate their maturation and rehabilitation, which for many occur long before 30 years.

The brief presented numerous stories of young people who became productive and law-abiding

members of their communities after serving prison time for homicide offenses (for those outside New Jersey, the term is often far less than 30 years). These individuals are currently social workers, business owners, paralegals, law students, community organizers, teachers, youth mentors, and justice advocates. Their stories demonstrate the distinct rehabilitative potential of young people and the arbitrariness of a 30-year mandatory minimum as applied to them.

The brief also highlighted the racial disparities that infect criminal sentencing. According to a [recent report by The Sentencing Project](#), New Jersey ranks as the worst state in the nation with respect to racial disparities in its prison population. Black residents are incarcerated at 12.5 times the rate of whites; although Black people make up 13 percent of New Jersey's population, they make up more than 60 percent of the state's total prison population. The report also shows that the state has the 10th-highest Latinx-to-white racial disparity in the nation. Sentencing patterns are even more racially skewed for young offenders, resulting in overwhelmingly Black and Brown youth spending most of their adult lives behind bars without being afforded a chance to demonstrate that they have matured into peaceful and productive adults.

We urged the Court to create

**The Court ruled that the state's mandatory 30-year parole bar is unconstitutional because "it does not conform to contemporary standards of decency."**



Photo courtesy of Sincere Capers, SPUD, Inc.

Students participate in an audio-recording session through a program for at-risk youth set up by a client who was formerly incarcerated.

an opportunity for resentencing or release for offenders who were minors at the time of their offense but were sentenced as adults to lengthy prison terms. And it did. The Court [ruled](#) that the state's mandatory 30-year parole bar is unconstitutional because "it does not conform to contemporary

standards of decency." The Court found that "in many cases, [30 years] may be grossly disproportionate to the underlying offense" and that traditional penological justifications are not served by applying a 30-year mandatory minimum sentence to juveniles. To redress these constitutional violations, the Court held that people sentenced to long prison terms as juveniles are entitled to petition for release after serving 20 years. New Jersey thus joins more than a dozen other states that have instituted a look-back period for young offenders, a reform that is supported by society's current understanding of a young person's brain development and the decreasing incidence of recidivism as a person matures.

## ELIMINATING FINES AND FEES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM

The Lowenstein Center for the Public Interest has advanced a number of initiatives to improve New Jersey's juvenile justice system. Most recently, we collaborated with the **Rutgers Criminal and Youth Justice Clinic**, the **Juvenile Law Center**, the **New Jersey Institute for Social Justice**, and the **New Jersey Office of the Public Defender** to advocate for legislation that would eliminate the exorbitant debt that families incur when youth interact with the juvenile justice system.

Generally, fines are imposed by a juvenile court at the end of a case

as a penalty for a youth's actions, and fees are charged to help fund the court system or a particular service or program. New Jersey had some of the most punitive fines in the country, and many youth (some as young as 13) and their families owe thousands of dollars they cannot afford to pay. In addition to increasing economic instability for families, these debts can stall rehabilitation, as young people remain tethered to the justice system. Unpaid debt can lead to extended probation, revocation of parole and placement in a facility, civil judgments, the issuance of warrants, and driver's license

suspensions. Moreover, fines and fees disproportionately impact low-income communities, particularly communities of color, and punish families for their poverty.

In just seven years, 15 states have reformed their laws to curb juvenile fines and fees and protect system-involved youth, and New Jersey has been a leader among them. In 2020, the state enacted [S48/A5586](#), which, in addition to many other significant reforms we reported on in our [2019 Pro Bono Report](#), eliminated court-ordered juvenile fines and financial penalties. Most recently, in December 2021, the Legislature passed a follow-up provision, [S3319/A5507](#), which was signed into law on January 10, 2022.

The new law eliminates the remaining statutory costs, fees, and penalties imposed on juveniles involved in the justice system. Significantly, the new law applies to past debt. It discharges and vacates any outstanding balances of fines and fees previously assessed against a juvenile or the juvenile's parent or guardian, as well as any unsatisfied civil judgments based on these monetary penalties. The law also vacates any warrants issued for failure to pay or to appear in court to pay the monetary penalties arising from involvement in the juvenile justice system.

As one impacted young person who participates in the New Jersey Institute for Social Justice's [Camden Youth Council](#) explained, "If someone is trying to get back on the right foot, they shouldn't have to pay to do it."

## PETITIONING FOR CLEMENCY

The firm sought executive clemency on behalf of individuals who received sentences that are unfair under current sentencing laws and practices.

### "ANDREA"

"Andrea" is a sex-trafficking and child-abuse survivor seeking a pardon from Governor Murphy for a conviction she received when she was only 16 years old. Andrea's conviction arose from an encounter during which she killed one of her sex traffickers, "Jim," a 70-year-old man who forced Andrea to engage in sex acts in exchange for shelter while he accepted money from the state to house her.

Andrea's history of physical and sexual abuse by her caretakers began when she was an infant and persisted throughout her childhood. She was repeatedly removed from family members' custody and placed in foster care by the agency then known as the New Jersey Division of Youth and Family Services (DYFS). She was then sexually assaulted while in foster care and ran away multiple times because she felt safer living on the streets. DYFS was aware that Andrea suffered serious psychiatric conditions as a result of severe and repeated childhood trauma, but it failed to provide her recommended treatment or a safe place to live.

Jim found Andrea when she was 16 years old and living on the streets. At that time, DYFS had determined that there was nothing more the agency could do for Andrea, so it paid Jim—a stranger who was 54 years her



"Andrea" and her godson

Photo by Bernard DeLierre

CRIMINAL JUSTICE

senior—to allow Andrea to stay in his apartment in an "independent living arrangement." Jim's own family reported that he had a history of violence and sexually inappropriate behavior, but DYFS did not vet him, and the New Jersey Family Court ordered Andrea to live with him even though a neighbor had reported to the police and DYFS that Jim was physically abusing and sexually exploiting her.

One day, the abuse became too much for Andrea. During a fight, she killed Jim in self-defense and immediately turned herself in to the police, expressing remorse. Despite Andrea's strong legal defenses and significant mitigating

factors (her age, impaired mental state, long history of child abuse and sex trafficking, and lack of prior criminal history), Andrea was transferred from juvenile court to adult court, convicted, and sentenced to 30 years without parole at the infamous Edna Mahan Correctional Facility, where guards habitually abused female inmates.

Years later, an appeals court reversed her sentence, and Andrea was released on parole. She then began a long journey to safety and recovery. She is now 44 years old and spends most of her time working and doting on her grandnieces and rescue dogs. The firm seeks an executive pardon



Illustration by Nathalie Matthews-Ramo for Slate

Through both legislation and executive clemency, states are relieving trafficking survivors of the stigma of their convictions.

on Andrea's behalf because she deserves an opportunity to rebuild her life without the stigma and collateral consequences attendant to a homicide conviction.

Andrea's case is part of an ongoing reform effort. The juvenile and criminal justice systems in New Jersey have markedly evolved since Andrea was convicted 27 years ago. Today, highly traumatized young people like Andrea, with substantial mitigating factors, are more likely to remain in the rehabilitative juvenile system instead of ending up in adult criminal court and violent prisons. Moreover, survivors of sexual abuse and exploitation have defenses and legal remedies against their abusers that simply were not available when Andrea was convicted in 1994.

On a national level too, society has begun to reevaluate how we treat victims of sex trafficking who have been held responsible for the deaths of their abusers. Through both legislation and executive clemency, states are relieving trafficking survivors of the stigma of their convictions. Such measures not only result in justice for victims of sexual violence but also send a powerful message to our community at large, including the countless children and women enduring similar trauma—that we

stand with and for survivors, and we choose mercy and healing over punishment.

### "KYLE"

The firm also represents "Kyle" in his petition for gubernatorial clemency stemming from a decades-old marijuana arrest—Kyle's only encounter with the criminal justice system. Kyle was born in Trinidad and Tobago and has lived in the United States since he was nine years old (he is now 46).

Kyle is deeply embedded in his local community. He is an appointed member of his township's Civil Rights Commission and an active member of several charitable and civic organizations, including the NAACP, his neighborhood development corporation, the Poor People's Campaign, UndocuBlack Leadership Council, his township's community pre-K, and his local

church. In a true testimony to Kyle's character, the same police officer who arrested him 17 years ago has written a letter endorsing his clemency petition.

This arrest has prevented Kyle from becoming a lawful permanent resident, and his lack of immigration status has created significant obstacles for him. He is a college graduate with a degree in psychology but has been unable to find consistent and lawful employment. He is a caregiver to his mother but cannot earn a proper living wage.

While gubernatorial clemency may not fix all of Kyle's federal immigration challenges, the forgiveness it comes with will help heal a decades-old wound and will spotlight the need for comprehensive immigration reform that enables contributing members of society to remain lawfully in their adopted home.



"Kyle"

Photo by Bernard DeLierre



## STOPPING SOLITARY CONFINEMENT OF INMATES WITH SERIOUS MENTAL ILLNESS

The firm represented the **National Disability Rights Network (NDRN)** in submitting a [friend-of-the-court brief](#) in support of an appeal filed in the Third Circuit Court of Appeals by an inmate with serious mental illness. NDRN is an association of nonprofit organizations that provide legal representation and related advocacy services to individuals with disabilities and investigate abuse and neglect of these individuals in a variety of settings.

The inmate who brought the appeal had been diagnosed with manic depression and paranoid schizophrenia, for which he was being treated while incarcerated. He was placed in solitary

confinement for months at a time, and he alleged that his placement was in retaliation for his mental illnesses, loud voice, or minor rule infractions.

The District Court for the District of Delaware dismissed the inmate's claims that the prison was violating his constitutional rights by holding him in solitary confinement for long periods without access to adequate mental health services. The court concluded that the prison officials were immune from suit because the inmate had not shown that "housing a mentally ill inmate in solitary confinement for long periods of time violates a clearly established Eighth Amendment prohibition of cruel and unusual punishment."

Our brief argues that the District Court erred when it dismissed the inmate's claims because the prison officials knew or should have known that holding the inmate in those conditions could amount to a constitutional violation. The brief identifies both case law and scholarship documenting the well-known psychological and physical harms that prolonged solitary confinement can cause inmates with serious mental illness. It also highlights other cases from the Third Circuit and the District of Delaware that found placing a mentally ill inmate in isolation can amount to cruel and unusual punishment.

The appeal remains pending.



Sculpture by Olalekan Jeyifous.  
Photo by Laura Hatcher Photography.

## CIVIL RIGHTS AND LIBERTIES

### PROTECTING TRANSGENDER INMATES

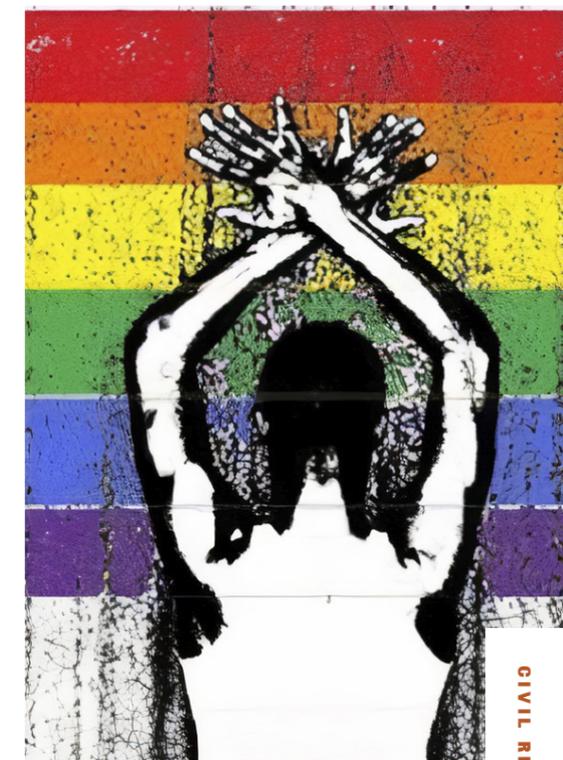
**K**ate” is a transgender woman who spent almost three weeks in custody, first at the East Orange police headquarters and later in the Essex County jail. Throughout her detention, Kate repeatedly identified herself as “legally female” and requested that she be housed with female inmates. She feared that other inmates would harass, abuse, and physically harm her if she were placed in a male unit. At each step in her detention, however, police and corrections officers ignored Kate’s female gender identity and legal status and rejected her housing requests. They housed her with males after subjecting her to multiple cross-gender searches and medical examinations, conducted solely to confirm her biological sex. Predictably, she experienced a litany of humiliations, assaults, and violations of her constitutional rights while confined with male prisoners.

In February 2019, a federal court appointed the firm to represent Kate in a lawsuit against the police, the jail, the corrections officers who failed to protect her, and the warden and others responsible for the jail’s policies on the housing and treatment of transgender

inmates. (Our [2019 Pro Bono Report](#) provides a full description of Kate’s lawsuit and what happened while she was in the defendants’ custody.)

After exchanging written discovery and conducting multiple depositions, the firm negotiated a settlement with the defendants in 2021. As part of the settlement, Kate will receive compensatory damages from Essex County in the amount of \$150,000 and an additional \$25,000 from East Orange. The settlement also requires Essex County and East Orange to commit to significant policy changes by adopting and implementing the directives, policies, and procedures contained in [Attorney General Law Enforcement Directive No. 2019-3](#) (the AG Directive). The AG Directive was designed to ensure that all individuals are guaranteed safety and dignity in their encounters with law enforcement, regardless of their sexual orientation, gender identity, or gender expression.

By adopting the AG Directive, the defendants, and Essex County jail in particular, have agreed to stop housing inmates based on their external genitalia or sex assigned at birth. Rather, Essex County jail will now be required to “[h]ouse, place, or otherwise detain individuals in



CIVIL RIGHTS AND LIBERTIES

line with their gender identity or expression, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics unless [the detainee requests otherwise].” Likewise, when conducting a search, defendants are required to “treat a transgender woman as they would treat any other woman, and officers shall treat a transgender man as they would treat any other man, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics.”

By adopting these reforms, the police and jail are satisfying their constitutional and statutory obligations with respect to the care and treatment of transgender individuals in custodial settings.

**Defendants will now be required to “house, place, or otherwise detain individuals in line with their gender identity or expression.”**

## ADVOCATING FOR CIVIL RIGHTS IN THE WORKPLACE

**T**he firm represented the **National Women’s Law Center, Americans United for Separation of Church and State**, and 26 other organizations in a [friend-of-the-court brief](#) in a significant case testing the workplace protections available to employees of religious schools. Submitted to the New Jersey Supreme Court, the brief argues in support of Victoria Crisitello, an unmarried art teacher at a Catholic elementary school whose employer fired her after learning that she was pregnant.

Victoria worked first as a teacher’s aide in the toddler room and then as an art teacher at the school. She never taught religion as part of her job duties. She also did not participate in any religious activities at the school, such as leading the students in prayer or attending mass. The school told Victoria that she was being fired pursuant to its general employee ethics code because her pregnancy violated the Catholic Church’s views on premarital sex.

The New Jersey Law Against Discrimination (LAD) protects employees from discrimination based on marital status, sex, and pregnancy. Victoria filed a complaint against the school for violating her rights under the LAD, claiming in part that the school discriminatorily singled her out for punishment based on these protected grounds. The trial court and two intermediate appellate courts agreed that Victoria had a right to pursue a LAD claim.

On appeal to the state’s highest court, Victoria’s employer is arguing that it is not subject to the LAD because the First Amendment’s “ministerial exception” applies to her. This exception protects the autonomy of religious institutions to make internal management decisions essential to their core mission. When it applies, it exempts the institutions from nondiscrimination laws such as the LAD.

Our brief argues that the ministerial exception does not apply because Victoria was an

art teacher and did not perform any “vital religious duties” that would make her a “ministerial” employee. The brief explains that applying the exception in this case would extend the doctrine beyond recognition because it would allow religious institutions to determine unilaterally when the exception applies without consideration of an employee’s actual duties. Under this rationale, janitors, school bus drivers, secretaries, nurses, or any employee of a religious institution (including religiously affiliated schools and hospitals) could lose workplace protections. The brief describes the harms that would flow from this outcome, in particular to women, people of color, LGBTQ individuals, and other at-risk groups.

A decision in the case remains pending.

**Our brief argues that the ministerial exception does not apply because Victoria was an art teacher and did not perform any “vital religious duties” that would make her a “ministerial” employee.**



Photo by SIR Moore

*Our client at a BLM protest in Paterson*

## STANDING UP FOR PROTESTERS

**T**he firm is standing up for individuals who were wrongly arrested for exercising their First Amendment rights during peaceful protests against police brutality and institutionalized racism.



As described in [last year’s Pro Bono Report](#), the firm represents

**The firm is standing up for individuals who were wrongly arrested for exercising their First Amendment rights during peaceful protests against police brutality and institutionalized racism.**

Keith Boykin, a journalist whom the New York Police Department (NYPD) arrested during a protest following the murder of George Floyd. Keith was riding a bicycle and photographing the peaceful protest when police officers handcuffed, arrested, and detained him for hours in a city jail. The city charged Keith with “walking on the highway” and “disorderly conduct—blocking vehicular traffic.” During negotiations with the city, the firm proved that Keith did not exhibit any disorderly behavior, and the city withdrew the charges. The firm now represents Keith in a lawsuit against the city and the NYPD for violating his civil rights.



Along with co-counsel **ACLU-NJ**, the firm also represents two Black Lives Matter (BLM) activists in their case for wrongful arrest and suppression of free speech filed against the city of Paterson and the Paterson Police Department. Paterson police officers

arrested our clients in January 2019 while they were protesting the suspicious death of a young man who died in transit to a medical facility after visiting the Paterson Police Department for assistance. Our clients spoke at City Hall during those protests. Police officers then arrested them, without warning, while they marched with others after the rally. The officers held the protestors overnight and charged them with rarely used municipal offenses: “obstructing highways and other public passages” and “interference with transportation.” The municipal court dismissed the charges after a trial.

In their civil lawsuit, the BLM activists seek compensation for the deprivation of their constitutional rights as well as the deterrent effect the police department’s actions had on other peaceful BLM protests.

Both civil rights suits remain pending.



Sculpture by Tania Bruguera. Photo by Steve Weinik for Mural Arts Philadelphia.

## IMMIGRATION

### WINNING PROTECTION FROM RELIGIOUS PERSECUTION

**L**ongtime pro bono clients Harry Pangemanan and Yana Sunarto have won asylum at last. The couple began seeking the right to remain permanently in the United States close to 20 years ago.

Harry and Yana have resided in this country for decades and raised their two daughters here.

They have long been leaders in the Indonesian Christian community. They helped found and lead an Indonesian Christian congregation in the late 1990s before joining the general congregation at the Reformed Church of Highland Park. That church has since become the centerpiece of their lives. Harry has twice taken sanctuary there to

protect himself from threatened detention and deportation, in one case living in the church for nearly a year. The couple and their children attend services every week, sing in the choir, and cook weekly dinners in the church's refugee/asylee-run restaurant, the Global Grace Café. They are also anchors in the church's community service

programs. For example, Harry managed the church's extensive relief efforts after Hurricane Sandy, leading to the family's participation in disaster relief nationwide, and the couple provides support to more than 230 tenants with special needs living in federally supported housing in Central Jersey.

Harry and Yana are strong advocates for asylum for themselves and others in their position. Harry has spoken at dozens of events on the need for asylum for practicing Christians from Indonesia, and the couple agreed to serve as lead plaintiffs in *Pangemanan v. Tsoukaris*, a federal class action the ACLU filed in 2018 that succeeded in preventing the deportation of members of their community to give them time to seek asylum.

The need for protection has increased with each passing year in the past decade, as militant Islamists have gained power throughout Indonesia, resulting in intensifying persecution against Christians and other religious minorities. Indonesian Christians are now subject to widespread and severe violence and frequently find themselves with no place to worship as their churches are blocked, shut down, burned, and bombed. In May 2018, three Christian churches were destroyed and 15 people were killed in coordinated bombing attacks in Surabaya, where Yana used to live. And on Palm Sunday in 2021, two



Harry, Yana, and their family at the immigration court after asylum was granted

suicide bombers attacked Christian parishioners in Makassar, Harry's hometown, injuring at least 19 churchgoers.

Lowenstein Sandler has worked with the **ACLU-NJ** and the **Immigration Justice Campaign** on behalf of this couple and other Indonesian Christian residents in Central Jersey since 2017. The firm

drafted model papers for motions to reopen asylum applications for members of the community, making it easier for volunteer lawyers from around the state to take on clients. The firm also agreed to represent Harry and Yana in their motions to reopen, which the Board of Immigration Appeals granted in August 2021, and in their subsequent asylum applications, which the immigration court granted in October 2021. After a long struggle, Harry and Yana have won the right to remain safely in the United States with their daughters and to worship freely and openly with their coreligionists.

**After a long struggle, Harry and Yana have won the right to remain safely in the United States with their daughters and to worship freely and openly with their coreligionists.**

## STRENGTHENING SPECIAL IMMIGRANT JUVENILE STATUS

Special Immigrant Juvenile Status (SIJS) is a form of immigration relief for children who have appeared in state family court for reasons related to their care and welfare. If the state court finds that a child cannot be safely reunified with one or both parents because of abuse, neglect, abandonment, or something similar and that it would not be in the best interest of the child to be returned to their home country, then the child may apply to the United States Citizenship and Immigration Services (USCIS) for SIJS. If USCIS approves the SIJS petition, the child may seek lawful permanent residence (a “green card”) in the United States.

### W.A.O. v. CUCCINELLI

In April 2019, Lowenstein Sandler filed *W.A.O. v. Cuccinelli*, a class action on behalf of more than 750 juvenile immigrants whose SIJS petitions USCIS had unlawfully refused to approve. USCIS had adopted a policy that effectively disqualified 18-to-21-year-old petitioners. But federal law sets the cutoff for SIJS eligibility at age 21, and 18-to-21-year-olds whose parents are not fit to care for them can receive protection from New Jersey family courts in a wide range of circumstances. USCIS had wrongly concluded that the New Jersey family courts lacked the power to order protection for youth older than 18. Based on this incorrect conclusion, USCIS determined that young people in this age group could not qualify for SIJS, and it therefore delayed, questioned, denied, or revoked the SIJS petitions of hundreds of young people.

Class counsel at the firm argued that the USCIS policy violated the federal Administrative Procedure Act both because it conflicted with the law and because USCIS adopted it without following the rules for federal policymaking. On July 3, 2019, the federal District Court for the District of New Jersey entered a preliminary injunction ordering USCIS to stop enforcing the policy, which had been in effect since early 2018.

In the intervening years, the firm monitored the government’s compliance with the preliminary injunction, reviewing files to ensure that no class member was denied SIJS on a basis that conflicted with the court’s orders. In the end, USCIS approved the SIJS petitions of 715 class members.

The parties have now entered into a final settlement. Under the settlement, USCIS will not enforce or rely on the challenged policy to delay or deny the SIJS applications of older youth. The government will

also work with class members who are in deportation proceedings to ensure that they have a fair chance at avoiding deportation while they wait for the opportunity to get their green cards after having been granted SIJS. And the government will pay \$500,000 in attorney’s fees, which the firm will donate to nonprofit organizations that provide free legal representation and advocacy services to young immigrants. The settlement will end the litigation.

The hundreds of class members whose SIJS petitions were approved can now enjoy the immigration protection they were always entitled to as they continue down the path toward achieving permanent residency.

### PREVENTING THE DEPORTATION OF SPECIAL IMMIGRANT JUVENILES

A young person whose petition for SIJS is approved becomes eligible to apply for lawful permanent residency, and federal law exempts the child from many common bars to achieving this status. But thousands of young people with SIJS must wait years before applying for green cards because of limits on the number of visas available.

Historically, SIJS beneficiaries were safe from deportation while they waited to pursue a green card. During the wait (and often long afterward), most of them lived with the family members or agencies with whom a state court had placed them after finding that at least one of their parents had abused, abandoned, or neglected them and that it was not in their best interest to be sent back to their home countries.

In a series of cases around the country in the past few years,

however, Immigration and Customs Enforcement (ICE) has prosecuted cases in immigration court, and sometimes actually executed deportation orders, against children whom USCIS had previously approved as Special Immigrant Juveniles based on such state court findings. In these cases, the children stand to lose the fragile stability they have gained.

When appeals of deportation orders against Special Immigrant Juveniles began to appear on the dockets of the federal courts, Lowenstein convened a group of leading nonprofit organizations that represent immigrant children to discuss strategic responses. The group decided on a two-pronged strategy.

◆◆◆

First, the firm would file friend-of-the-court briefs on behalf of these organizations in every pending federal court case of which we were aware. We have so far filed [six friend-of-the-court briefs](#) in the United States Courts of Appeals for the Third, Sixth, and Tenth Circuits, and in the Eastern District of Virginia. In each case, the government agreed to hold the litigation in abeyance to allow the young person to pursue a green card and seek dismissal of the deportation proceedings. We have also filed a related brief in the Ninth Circuit to hold USCIS to the statutory deadline for adjudicating SIJS petitions; that appeal is pending.

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Second, the group would advocate with the federal government to end deportation proceedings against young people with SIJS. We have made significant progress on this front. After the coalition sent a letter to and met with officials in the Department of Homeland Security, the critical agencies

The government is now regularly joining motions to terminate deportation cases against Special Immigrant Juveniles. As a result, these young people can stay in the United States to become lawful permanent residents, just as Congress intended.

issued helpful guidance to the field offices. In May 2021, the Principal Legal Advisor, who oversees the prosecution of cases in immigration court, issued [interim guidance](#) advising government lawyers to exercise their discretion to dismiss deportation proceedings when “a child . . . appears prima facie eligible to pursue special immigrant juvenile status.” And in August, a [directive from ICE](#) announced that the agency “will exercise discretion to defer decisions” on executing deportation orders against young people with SIJS until USCIS makes a final decision on their green card applications. In response to these instructions, the government is now regularly joining motions to terminate deportation cases against Special Immigrant Juveniles. As a result, these young people can stay in the United States to become lawful permanent residents, just as Congress intended.



Named plaintiffs in the *W.A.O.* class action

Photo by Benard DeLierre

## ADVOCATING FOR ONCE-SEPARATED FAMILIES

**T**anok” and “Kabil,” a father and son, were part of a small Indigenous community in Guatemala. In an effort to drive them from the land their family farmed, a rival group beheaded Tanok’s father and uncle (Kabil’s grandfather and great uncle) and sent notes that threatened the same fate for Tanok and Kabil. They fled together in early 2018 and came to the United States.

Immigration agents picked them up near El Paso, Texas, and placed them together in one of the “freezers,” so named because these

temporary holding cells are kept very cold and brightly lit 24 hours a day. After three days in the freezer, Tanok and Kabil were forcibly separated. Agents handcuffed Tanok in front of his son and told them to say goodbye “because they were not going to see each other again.” The government sent Kabil, then 12 years old, to a shelter in Texas, where he cried every night and stopped eating and sleeping. The authorities transported Tanok to a detention center in New Mexico, where he had repetitive nightmares about the separation, along with severe head- and stomachaches.

Father and son were separated for 37 days.

With variations in the harrowing details, this story has been repeated for thousands of families. The numbers of separated families have been elusive from the beginning because the government did not bother to keep records. In June 2018, when it blocked the family separation policy in [Ms. L v. ICE](#), a class action filed by the ACLU, the federal court condemned the government’s inability even to identify the families affected: “The unfortunate reality is that under the present system migrant children are

not accounted for with the same efficiency and accuracy as property.” Over the years since 2018, the government, a steering committee assembled by the ACLU, and a host of others have attempted to reconstruct which parents and children were subject to the policy. The numbers remain in constant flux.

Still, we know something by virtue of the firm’s longtime participation in the *Ms. L* case on behalf of several legal service providers that represent immigrant children in federal custody. On September 22, 2021, the government filed a sworn statement in *Ms. L* acknowledging “5,648 children known to have been separated between July 1, 2017 and January 20, 2021.” While their family stories have fallen out of the headlines, thousands of these children and their parents remain in the United States, and the vast majority are still waiting for justice.

Given the large number of affected families, the data are alarming on how few have had the opportunity to secure permanent immigration status. A small subset of parents and children have opted into settlement procedures that allowed them to pursue asylum. Among them, the government reported on November 3, 2021, that it had granted asylum to five parents and six children. Nonprofits associated with the court-appointed steering committee track larger numbers, and they estimate that between one and two percent of families have won permanent status so far. The government has not denied relief to the rest; their cases are either pending along with more than [1.5 million other cases in the immigration court backlog](#), or the government has not initiated deportation proceedings.

Tanok and Kabil are among the lucky few. The firm won asylum for Kabil in May 2021 and for Tanok in September. As asylees, they are entitled to remain here safely together, and in due course they will be eligible to apply for lawful permanent residency and, later, citizenship.

The firm is representing Tanok, Kabil, and other formerly separated families, not only in their immigration proceedings but also in damages actions against the federal government for compensation for the trauma inflicted on them. At the same time, we are closely watching the progress of the Biden Administration’s Family Reunification Task Force and the lawyers in the *Ms. L* case as they

The families have waited long enough for the safety and stability they hoped to find here.

negotiate about what immigration status should be available to formerly separated families. We hope these conversations move ahead swiftly. The families have waited long enough for the safety and stability they hoped to find here.

## SECURING STATE FUNDING TO REPRESENT IMMIGRANT CHILDREN

**I**n June 2021, New Jersey adopted a budget that included a landmark \$3 million to create the Legal Representation for Children and Youth Program. This appropriation will provide legal services for unaccompanied immigrant children and similarly situated youth who live in New Jersey. With the creation of this program, New Jersey became the second state, after California, to fund a representation program dedicated to immigrant children.

This funding is an outgrowth of work the firm began in 2015, when it collaborated with the state’s leading nonprofits and law schools to create the **New Jersey Consortium for Immigrant Children**. That coalition finally raised sufficient funds to hire a

full-time executive director in 2020, and in 2021, the Consortium worked with other key partners, including **Kids in Need of Defense (KIND)**, to persuade the state to fund ongoing case management and representation for vulnerable children who cannot and should not face deportation proceedings alone. From October 1, 2020, through September 30, 2021, the government released [5,911](#) unaccompanied immigrant children to families in New Jersey. They join thousands of others who were released to the state in prior years. While the new funding will not come close to ensuring representation for all of them, it is a big step forward on the long path to providing universal representation for immigrant children in deportation proceedings.



“Tanok” and “Kabil”

Photo by Bernard DeLierre



Sculpture by Richard Woods. Photo by Catherine Boardman.

# HOUSING

## LEGISLATING TO PREVENT MASS EVICTION

Since COVID-19 first overtook us in 2020, Lowenstein has been working to prevent the mass eviction of tenants who lost income as a result of the pandemic and could not keep up with their rent. As part of a coalition convened by our nonprofit partner **Volunteer Lawyers for Justice**, we have reviewed, negotiated, revised, renegotiated, and revised again

legislation to protect tenants from losing their homes during a period when sheltering in private has been the best defense against the spread of infection.

In August 2021, New Jersey passed one of the bills we had shepherded for months. The law accomplishes several critical goals, including:

◆◆◆

**Eviction Prevention** – The law protects low-, moderate-, and

middle-income households from eviction based on various forms of rental debt, including nonpayment of rent, habitual late payment of rent, or failure to pay a rent increase. Households that certify their eligibility cannot be evicted because of rental debt that accrued between March 1, 2020, and either August 31 or December 31, 2021, depending on their income level. This protection is permanent.

A tenant who has established eligibility may never be evicted based on rental debt that came due during the applicable “covered period.” The landlord can still sue to collect the debt, but only as a money judgment.

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**Credit Protection** – The law prohibits landlords from giving information about rental debt that a household accumulated during the applicable covered period to

another residential landlord, a debt collector, or a credit reporting agency.

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**Rental Assistance** – The law appropriates \$500 million that will be used primarily to help pay prospective rent for eligible families starting in 2022. This money will supplement the funds previously dedicated to helping pay rental arrears that accumulated in 2020 and 2021. Because the total amounts

are not sufficient to meet the need, we continue to seek additional funding, but the state estimates that the \$500 million appropriated in August will reach 28,000 households who might otherwise have faced eviction for rental debt that has accrued or will accrue after the covered period.

The firm is proud to have been part of the monthslong effort to craft this legislation and the ongoing work to extend protection for tenants.

Households that certify their eligibility cannot be evicted because of rental debt that accrued between March 1, 2020, and either August 31 or December 31, 2021, depending on their income level. This protection is permanent.

## REFORMING THE EVICTION PROCESS

In parallel with the legislative effort, the firm led the coalition's participation in a court-reform process. While the substantive laws that protect tenants in New Jersey are strong, the residential eviction process has long functioned to displace tens of thousands of unrepresented tenants without much regard for whether the eviction comported with the law. Judges and other court staff meaningfully reviewed only a small fraction of cases; most cases were resolved by negotiations between unrepresented tenants and landlords' lawyers in the hallways outside courtrooms throughout the state. These negotiations between parties with unequal bargaining power produced predictably unfair, and often illegal, results.

In response to sustained advocacy, the New Jersey Supreme Court appointed a committee in early 2021 to consider how best to reform the process. The firm represented a large coalition of tenant advocates on this committee. The committee produced a [report](#) recommending changes, and the coalition filed [comments](#) on the report and testified at a Supreme Court hearing on the proposed reforms.

In July, the Supreme Court adopted some, but not all, of the recommendations:

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**Enhanced Screening** – Court staff will conduct enhanced initial review of certain complex cases, including those brought against subsidized tenants, to identify possible deficiencies in the pleadings.

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**Pretrial Conferences** – For the first time, tenants and landlords will be called to a pretrial conference where they will have the opportunity to describe their claims and defenses to a neutral, trained “landlord-tenant legal specialist” who is a member of the judiciary staff. The specialist will also conduct settlement discussions, with the possibility of outcomes less tainted by the parties' unequal bargaining positions.

◆◆◆  
**Better Information** – The court revised and updated the information to be shared with landlords and tenants, describing both the process and the substantive rights that apply.



Sculpture designed for Edmonton Coalition on Housing and Homelessness

◆◆◆  
**Virtual Conferences and Trials** – The court determined that pretrial conferences and trials will generally remain virtual, to be conducted by video. This will be a boon to some litigants, who will not have to travel to and spend the day in court, but others will have difficulty accessing and navigating the technology. Courthouse “technology rooms,” and the option for in-person appearances on request, may help mitigate these difficulties.

◆◆◆  
**Improved Court Forms** – The court created an array of new forms, including written judgments that will explain the basis of the decision and advise the parties of potential post-judgment remedies.

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While these changes will make the process fairer and more transparent, much remains to be done. Unrepresented tenants still have limited means to understand

and vindicate their rights, and the stakes are high. Eviction leads to a cascade of other harms, including exposure to unsafe and overcrowded housing alternatives—especially dangerous during a pandemic—and long-term disruption of adults' employment and children's education. The bottom line is that the eviction process will not be truly fair until tenants are guaranteed the right to counsel.

## DEFENDING ACCESS TO DECENT HOUSING

Lowenstein and The Legal Aid Society in New York City are co-counsel in a class action aimed at defending access to decent housing for recently homeless New Yorkers. The litigation centers on a dispute over New York City's Special One-Time Assistance (SOTA) program, which assists individuals and families living in New York City shelters by providing one year's rent for apartments in New York City or elsewhere. After the program began in 2017, many recipients used the assistance to relocate to Newark

but subsequently encountered problems with uninspected and uninhabitable units, often without heat or working electricity or with leaks and water damage, collapsed ceilings and floors, or insect and rodent infestations.

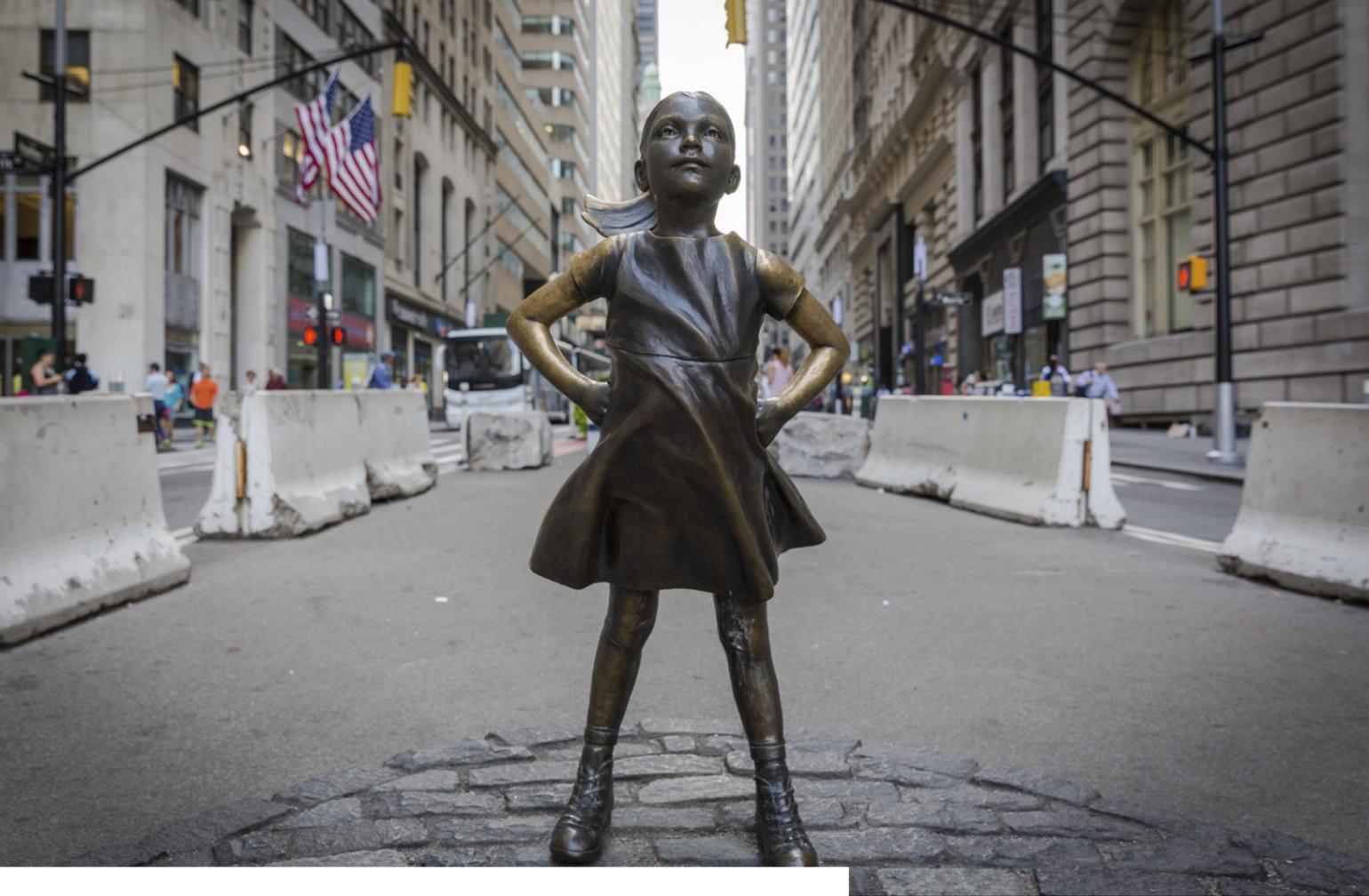
In 2019, Newark responded to the SOTA program by amending its municipal code to require housing inspections and reporting by any agency or person providing rental subsidies to tenants in Newark. Unfortunately, the ordinance also prohibited any person from “knowingly bring[ing], or caus[ing] to be brought, a needy person to the City of Newark for the purpose of making him or her a public charge.” It further restricted the ability of third parties providing rental subsidies to prepay rent on behalf of SOTA recipients.

In November 2020, Lowenstein and The Legal Aid Society entered the case on behalf of tenants then residing in New York City shelters who were eligible for SOTA and wanted to move to Newark. While welcoming the inspection requirements Newark had imposed, the tenants objected to the

provisions of the ordinance that aimed to restrict their subsidies and exclude them from the city.

In March 2021, Newark filed a motion to dismiss, arguing that the tenants had failed to assert a sound legal claim. The firm and Legal Aid defended, and in October 2021, the federal district court upheld our clients' claims. First, the district court concluded that the tenants' complaint adequately alleged that Newark's ban on prepaid rental subsidies violated New Jersey's Law Against Discrimination, which protects tenants from discrimination based on their use of lawful subsidies to pay their rent. Second, the district court held that the tenants stated a claim that Newark's ban on bringing needy people into the city violates the United States Constitution. The Constitution prevents states from interfering with the right of the people to travel and move from one state to another. The district court thus concluded that our clients could pursue their challenge to Newark's attempt to close its borders to low-income residents.

The district court held that the tenants stated a claim that Newark's ban on bringing needy people into the city violates the United States Constitution.



Sculpture by Kristen Visbal. Photo by Alex Proimos CC BY-NC.

# IMPACT INVESTING, MICROBUSINESSES, AND NONPROFITS

## IMPACT INVESTING

**T**he past two years have brought the country's history of racial inequity into sharp focus. One of the many areas in which racial disparities persist is the endowments of historically black colleges and universities (HBCUs). According to a [government study](#), HBCUs have a \$15,000 average

endowment per student, while comparable non-HBCUs have an average \$410,000 endowment per student. HBCUs therefore enjoy less financial stability and security. They may also face challenges providing scholarships and academic support for students and financing teaching, facilities management, and research activities.

One cause for the staggering difference in HBCU and non-HBCU endowments is that wealth-building strategies used by non-HBCU institutions are inaccessible to most HBCUs. For example, few HBCUs invest their limited endowments in venture capital and private equity funds, whose high returns

drive growth in many non-HBCUs. A variety of structural barriers such as minimum investment requirements, perceived risk, long investment horizon, and not being well connected to the venture capital community, inhibit HBCU participation.

To help spur HBCU participation in the venture capital asset class and

build wealth in HBCU endowments, we formed a pre-launch fund that allows venture fund managers to donate an ownership stake in their venture capital funds to a pooled fund and makes HBCUs partial owners of the fund. Volunteer lawyers from our investment management and tax practices developed a bespoke legal structure

to ensure the tax-deductibility of fund managers' donations of fund interests, which is important to make the pooled fund sustainable. The pooled fund will include HBCUs within the community of limited partners that regularly benefit from the success of and opportunities flowing from venture capital funds.

## ASSISTING MICROBUSINESSES

**I**n 2021, we expanded our representation of entrepreneurs who need free legal counsel to start and grow their businesses.

Through our partnerships with **Start Small Think Big** and **Rising Tide Capital**—nonprofits that provide business development services primarily to minority- and women-owned small businesses—we helped 35 clients, in California, New Jersey, and New York, with 44 distinct legal matters. Our transactional lawyers applied their business law skills to help these clients choose the right entity structure, negotiate commercial leases, draft policies to protect their

online business, review and draft contracts, and more.



Rising Tide Capital client Towanda McEachern reached out when she needed time-sensitive assistance reviewing and negotiating her first-ever commercial lease for her Newark-based business, **A Life Recycled**. **A Life Recycled** offers personal and professional development services for women. The business had grown during the pandemic, and Towanda was ready to move it from online to in person. A Lowenstein volunteer helped her understand the proposed lease and successfully negotiate

more favorable lease terms. Another volunteer team is helping her register her business' service mark so that the intellectual property of her business is protected.



Another Rising Tide Capital client, **Angel Hugs 4 All**, sells handcrafted dolls out of Jersey City. In addition to selling her retail product, the company's founder, Angela Huggins, also teaches doll-making classes in Jersey City. We helped Angela convert her business from a sole proprietorship to an LLC in 2016. After experiencing significant business growth, Angela returned to the firm this year for assistance drafting a template purchase order to be used by customers making custom doll purchases. The firm also prepared a service agreement for Angela to use when providing doll-making classes to students visiting her shop and at community centers around Jersey City.



Start Small Think Big client **The Jefas Inc.** is a monthly subscription beauty box that features beauty products from Latina-owned businesses. The company aims to fill a gap in the beauty and e-commerce



Photo courtesy of Angela Huggins

Doll-making class with Angel Hugs 4 All

industry by elevating Latina founders and brands. California attorneys are assisting The Jefas with drafting a brand partner agreement template to be used with businesses that manufacture and sell the beauty products included in the subscription box.



Start Small Think Big client **Dirty Soles Footwear Group** is a footwear manufacturing, design, and retail business located in Newark. The company supports local entrepreneurs, designers, and artists in the community by providing an incubator space and teaching the founders' self-designed curriculum, the "Art of Shoe Making," in the Newark public schools. Faced with pandemic-related challenges, Dirty Soles co-founder T. Strong reached out to Lowenstein for help updating

the business' operating agreement to facilitate new investment, drafting consultant and internship agreements, and developing website terms of use and privacy policies. When the business became unable to afford the cost of its retail space due to the effects of the pandemic, our lawyers helped Dirty Soles attempt to renegotiate its commercial lease. When negotiations proved unsuccessful, our lawyers helped the company exit the lease in a manner that minimized significant financial harm to the business.



This work builds on the firm's long-standing commitment to ensuring that under-resourced entrepreneurs have the same access to quality legal counsel as do wealthier businesses.



Photo courtesy of T. Strong

Sneaker-design class in Newark public school with Dirty Soles Footwear Group

## STRENGTHENING NONPROFITS

### FOOD SECURITY

According to the [U.S. Department of Agriculture](#), in 2020, more than 38 million Americans, including 12 million children, were food insecure, meaning that at times they were uncertain of having enough food to meet their needs. Food insecurity [worsened during the pandemic](#): a reported 15 percent of households in the United States—and 18 percent of families with children—did not have enough to eat.

The firm is proud to partner with nonprofit organizations that creatively address the country's food insecurity. Throughout 2021, we worked closely with the **United Way of New York City** to expand **Plentiful**, a free, user-friendly app-based reservation system that

allows food pantry users to find food pantries in their area, reserve a time slot to pick up food, and receive updates on changing conditions at food pantries. The app allows users to incorporate social distancing and improves efficiency, equity, and client dignity in the emergency food system.

Plentiful is jointly owned by United Way of New York City and **City Harvest**. The app is now used by close to half of the food pantries in New York City, reaching more than 900,000 people, and demand for the app is growing across the country. Firm volunteers from various practice groups have supported Plentiful's expansion by drafting template agreements to be used by food banks and food pantries piloting the Plentiful app,

preparing data privacy and security policies, and drafting memoranda of understanding with various stakeholders. The firm also helped United Way of New York City evaluate legal options for a Plentiful spinoff and assisted with the preparation of an agreement with a consultant to oversee the spinoff.

### HOUSING

According to the [U.S. Department of Housing and Urban Development](#), 580,466 people experienced homelessness in the United States on a single night in 2020, a 2.2 percent increase from 2019. People of color are significantly overrepresented in the homeless population, and COVID has made the housing crisis worse.

The firm regularly supports organizations that seek to end homelessness and promote the right to adequate housing. **Goddard Riverside Community Center** is a nonprofit that serves more than 20,000 low-income New Yorkers annually, with a primary focus on Manhattan and parts of Queens. Among its services, the organization provides permanent, affordable, and transitional housing for vulnerable populations, including older adults, formerly homeless people, and people with mental illness. Lowenstein represented Goddard in a strategic partnership with the **Stanley M. Isaacs Neighborhood Center**, an organization that does similar work on the Upper East Side, in which Isaacs became a subsidiary of Goddard. The partnership amplifies the distinct strengths of

each organization and expands their reach and capacity to move families toward stable housing, economic stability, and self-reliance through services both organizations provide to vulnerable New Yorkers emerging from the COVID crisis. The combined organizations now serve more than 26,000 people with holistic programming covering housing, health, education, older adult centers, benefits assistance, legal assistance, and more.

### CRIMINAL JUSTICE

The nonprofit **Newark Police Foundation** seeks to further the Newark Police Division's mission of serving and protecting residents of and visitors to the city of Newark. The organization provides financial resources, which are not readily

available through other means, to fund innovative programs that support public safety.

After several years of inactivity, the Foundation relaunched in 2021 with help from the firm. The reconstituted Foundation focuses on innovative community-engagement initiatives such as the Cops and Kids Community Policing Contest, a citywide contest in which the Foundation provides a grant to each precinct to develop and implement a youth community-policing program. The winning initiative, selected by the Foundation and members of the Newark community, will be replicated throughout the city in 2022, with the Foundation's support. Creative initiatives such as this one seek to foster trust and collaboration between the police and the communities they serve.

### IMMIGRATION

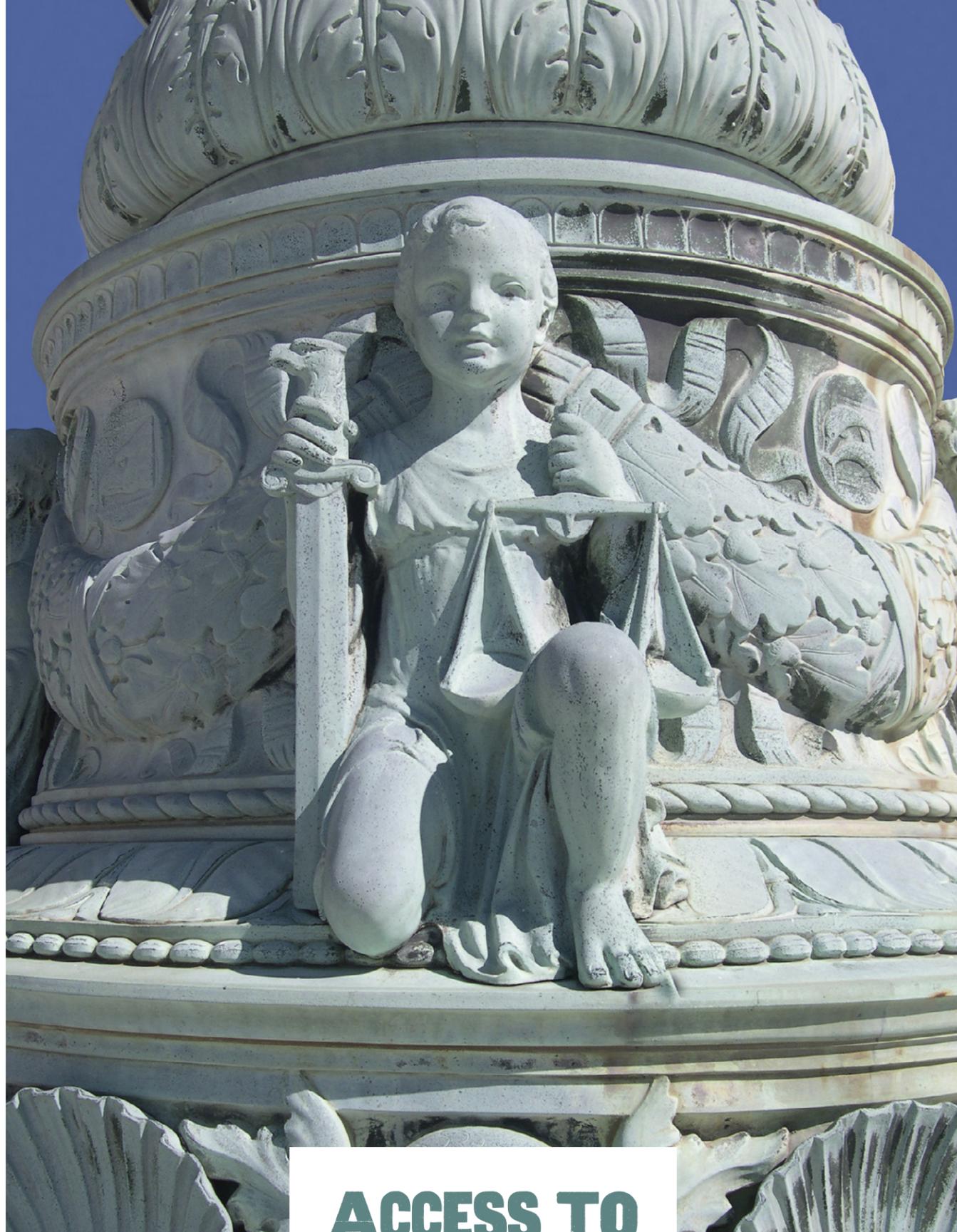
The **Latin American Legal Defense and Education Fund (LALDEF)** focuses on the root causes of immigrant marginalization and seeks to empower immigrants to reach self-sufficiency and thrive by showing them how to navigate the system and find the resources they need. To that end, LALDEF provides an array of direct services to immigrants, including immigration legal services, health services, and education programs.

In 2021, we helped LALDEF navigate the ever-changing pandemic-era employment landscape so it could focus on providing essential services to the immigrant communities it serves. We updated its employee handbook, assisted with employee benefits questions, and counseled the organization on corporate governance matters.



Photo by Patti Sapone, NJ Advance Media

Newark Police Foundation "Cops and Community Policing Contest"



# ACCESS TO JUSTICE

## BY THE NUMBERS

**19,084** PRO BONO HOURS dedicated to “signature projects,” including:

**6,939** hours representing **195 NONPROFITS** in corporate and tax matters and in applying for forgiveness of federal stimulus loans aimed at supporting operations during the pandemic

**3,197** HOURS representing **37 IMMIGRANTS** seeking lawful status or release from detention

**2,119** HOURS representing **17 DOMESTIC VIOLENCE SURVIVORS** seeking final restraining orders and/or child custody and support orders

**2,013** HOURS representing **97 LOW-INCOME ENTREPRENEURS OR INVENTORS** seeking assistance to start businesses, file for patents, or apply for forgiveness of federal stimulus loans

**1,913** HOURS representing **17 INDIVIDUALS WITH CRIMINAL CONVICTIONS** seeking to prove their innocence, appeal their convictions, petition for pardons or sentence commutations, or expunge low-level criminal records

**884** HOURS representing **33 TENANTS** seeking to avoid eviction and **24 LEGAL AND COMMUNITY ORGANIZATIONS** advocating for procedural reforms in landlord-tenant court

**822** HOURS representing **45 TRANSGENDER INDIVIDUALS** seeking legal name changes

**561** HOURS representing **15 LOW-INCOME INDIVIDUALS** in preparing wills, health care proxies, powers of attorney, and other life-planning documents

**521** HOURS representing **12 LOW-INCOME DEBTORS** filing for personal bankruptcy to get a fresh financial start

**115** HOURS representing **2 CONSERVATORS** seeking legal custody of children and/or young adults with disabilities and **4 ADULTS WITH DISABILITIES** in their uncontested guardianship proceedings

ACCESS TO JUSTICE

## REPRESENTING YOUNG ADULTS WITH DISABILITIES IN GUARDIANSHIP PROCEEDINGS

In 2021, Lowenstein launched a new partnership with the Legal Assistance to Medical Patients Project of **Legal Services of New Jersey** to represent in uncontested guardianship proceedings young people who have developmental disabilities. Most guardianship cases involve a parent who has cared for the child since birth and is seeking legal guardianship to continue making health, financial, and legal decisions once the child reaches adulthood. Under New Jersey law, people with disabilities must be represented by counsel in guardianship proceedings. Historically, there have not been enough lawyers to meet the need. This project aims to narrow that gap by training a cadre of lawyers to provide caring and competent counsel to clients with disabilities to ensure they have a strong voice in their guardianship proceedings.



*Our client with her parents/guardians at her special education graduation ceremony*

## SECURING RELIEF FROM DEBT

The long-lasting effects of the pandemic are not limited to health issues—individuals also experienced acute financial stress because of loss of employment, reduced wages, medical or other debts, and

increased expenses (especially for care for children who were not in school). Working with **Volunteer Lawyers for Justice’s** (VLJ’s) Debt Relief Legal Program, the firm assisted 12 low-income individuals in preparing for, filing, and/or prosecuting personal bankruptcy

cases in 2021. Filing for personal bankruptcy can result in the discharge of most debts, stop or alleviate creditor harassment, and create a path to a new financial future.

One client who is on her way to receiving a fresh financial start

is “Nancy.” Nancy is a 62-year-old widow who lost her job during the pandemic. She has a health condition, and she accumulated medical debt even though she is insured. In addition to her ongoing medical expenses, Nancy owes tens of thousands of dollars in old student loans. When she lost her job and realized her debt

would become unmanageable, she sought assistance from VLJ, which connected her to a team of Lowenstein volunteers. The firm helped Nancy file for bankruptcy.

Nancy’s needs are not unique. The pandemic and the loss of income that came with it forced many like her to make financial decisions that they might not have

considered in the past but that became their best option. As COVID economic relief programs end and eviction moratoriums throughout the country are lifted, an increase in consumer bankruptcies is expected. We will continue to work with VLJ to serve clients who need a fresh financial start.

## SUPPORTING PARENTS IN ENSURING CARE FOR THEIR CHILDREN

In August 2021, New Jersey enacted a law that will improve the process for caregivers to make alternative arrangements for the care of their children when necessary. The firm collaborated with the **Rutgers Child Advocacy Clinic** to draft and advocate for the statute.

The new law permits parents, legal guardians, or custodians:

- to delegate caregiving responsibilities to another adult, hopefully one well known to the child or ward, for up to a year, with the ability to renew and without the need to go to court;
- to make alternative arrangements whenever they have become or may become unable to care for a child or ward themselves;
- to make a delegation effective immediately or to identify an activating event, such as serious illness, immigration detention or deportation, incarceration, or deployment for military service; and



*Sculpture and photo by Michael Stutz*

- to use a sample form set out in the statute.

For households facing catastrophic illness, imminent deployment, and other circumstances requiring sudden separations, the law will provide

some peace of mind. Caregivers who use the power of attorney will be able to avoid the emergency placement of their children in group settings or in the households of strangers, ensuring instead that they are with responsible adults known to the family.

# ACKNOWLEDGMENTS



Sculpture by Leticia Huerta

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

- |   |   |  |  |
|---|---|--|--|
| A Life Recycled                                     | Goddard Riverside Community Center                                | Legal Services NYC                           | New York Lawyers for the Public Interest           |
| ACLU  | Her Justice   | Legal Aid Society of San Mateo County        | Newark Police Foundation                           |
| ACLU of New Jersey                                  | Human Rights First  | Legal Services of New Jersey                 | OneJustice   |
| Americans United for Separation of Church and State | Immigrant Legal Services  | Legal Services of Northwest New Jersey       | Partners   |
| Angel Hugs 4 All                                    | Immigration Justice Campaign                                      | Make the Road New Jersey                     | Plentiful  |
| The Beyond the Blindfold of Justice Project         | Incarcerated Children's Advocacy Network                          | Mi Casa Resource Center                      | Pro Bono Institute                                 |
| Brennan Center for Justice                          | International Refugee Assistance Program                          | National Disability Rights Network           | Pro Bono Partnership                               |
| The Bronx Defenders                                 | The Jefas Inc.  | National Juvenile Defender Center            | Rising Tide Capital                                |
| California Lawyers for the Arts                     | Juvenile Law Center   | National Legal Aid & Defender Association    | Rutgers Criminal and Youth Justice Clinic          |
| Campaign for the Fair Sentencing of Youth           | Kids in Need of Defense (KIND)                                    | National Women's Law Center                  | Rutgers Child Advocacy Clinic                      |
| CASA for Children of Essex County                   | Latin American Legal Defense and Education Fund                   | New Jersey Community Development Corporation | Seton Hall Law School Center for Social Justice    |
| Children's Law Center                               | Law Foundation of Silicon Valley                                  | New Jersey Consortium for Immigrant Children | Stanley M. Isaacs Neighborhood Center              |
| City Bar Justice Center                             | Lawyers Alliance for New York                                     | New Jersey Institute for Social Justice      | Start Small Think Big                              |
| City Harvest  | Lawyers' Committee for Civil Rights of the San Francisco Bay Area | New Jersey Office of the Public Defender     | Transformative Justice Initiative                  |
| Community Hope                                      | Lawyers' Committee for Civil Rights Under Law                     | New Jersey Parents' Caucus                   | Transgender Legal Defense & Education Fund (TLDEF) |
| Community Legal Services in East Palo Alto          | The Legal Aid Society   | New York Civil Liberties Union (NYCLU)       | United Way of New York City                        |
| Dirty Soles Footwear Group                          | Legal Aid Society of the District of Columbia                     |  | Volunteer Lawyers for Justice                      |
| Education Law Center                                |   |  | Volunteer Lawyers for the Arts                     |
| Essex-Newark Legal Services                         |   |  | YWCA of Union County                               |

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](http://WWW.LAWHELP.ORG).

# PRO BONO COMMITTEE

- |                          |                   |                      |
|--------------------------|-------------------|----------------------|
| Arielle Adler            | Mark Kessler      | Jeffrey M. Shapiro   |
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