

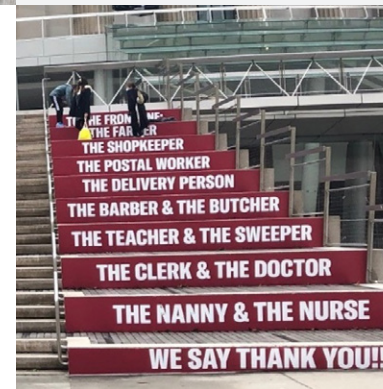


PRO BONO REPORT 2020

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 mural by [@pejac_art](#), [www.pejac.es](#)



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2020—A TRIBUTE?

The most anticipated moment of 2020 was its end. Starting sometime in November, phone calls and Zoom meetings regularly included ardent wishes for the year to be over already. A rash of social media posts featured nasty send-offs to the year.

Honestly, 2020 deserved the hostility we heaped on it. The COVID-19 pandemic sequestered all of us in tight circles that excluded people we love and long to see but whom we fear infecting. New babies were born into our families, and we have never held them. In the worst cases, we lost loved ones and could not be with them as they left us.

Compounding the hardship, the pandemic brought economic devastation to the communities hardest hit by illness. Health care workers, first responders, grocery store employees, food servers, drug store clerks, teachers, child-care workers, public transportation workers, factory workers, and countless others faced a toxic combination of increased exposure to the virus and heightened risk of unemployment, mounting debt, and housing instability. Neighborhood businesses that had been part of our daily routines closed their doors, cutting off not only livelihoods but also the small interactions that ground us in the places where we live and work. We had more than enough reason to say good riddance to 2020.

And yet. 2020 brought with it the kinds of surprises that emerge from crises—surprises that remind us how generous and creative we can be in response. This report is full of such surprises. As soon as the federal CARES Act passed, for example, our corporate lawyers stepped up to assist hundreds of microbusinesses and nonprofits in securing Paycheck Protection Program loans (convertible into grants) that kept them

in operation. Likewise, the regular volunteers in our tenancy clinic helped build new coalitions of housing advocates to work collectively to prevent mass eviction in the wake of the pandemic.

Toward the end of the year, volunteers came out in force to protect our much-assailed democracy by helping eligible voters cast valid ballots in the 2020 election. In the midst of loud and sometimes violent attempts to undermine the election, our volunteers reminded us that democratic ideals are only as strong as we are, and we are pretty strong.

The year also seemed to sensitize us to injustice. Fierce and courageous opposition to racism has been as much a part of American history as racism itself, but following the murder of George Floyd, a reckoning with racism spread to people, places, and organizations that had not much examined it before. This reckoning is ongoing, and the work of repair has hardly begun. Still, a renewed focus on racial justice is another step on a path we must travel together, and an equity lens is increasingly shaping the firm's pro bono practice.

Thanks to our nonprofit partners, our volunteers, and our clients for all you do to support, sustain, and inspire the pro bono practice.

Warmly,

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

PRO BONO BY THE NUMBERS

The firm dedicated

23,527
HOURS

to pro bono work
in 2020

Lowenstein lawyers served

778
PRO BONO
CLIENTS

in 2020

On average, each
Lowenstein lawyer spent

65
HOURS

on pro bono matters
in 2020

The firm has dedicated

465,058
HOURS

to pro bono work over
the past 24 years

HELPING NONPROFITS AND MICROBUSINESSES SURVIVE A GLOBAL PANDEMIC

The pandemic brought urgent financial challenges to nonprofits and microbusinesses across the country. Nonprofits had to use their limited resources to shift to a remote environment, and many microbusinesses were forced to close their doors for weeks or months at a time, losing essential sources of revenue. Black-owned businesses were particularly hard hit: [41 percent of Black-owned businesses, compared to 17 percent of white-owned businesses, had been shut down by COVID-19 by the end of April 2020](#). When Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act and federal stimulus relief became available, nonprofits and microbusinesses needed help navigating the financial options that could help save their organizations.

In particular, they needed access to loans—convertible into grants—through the Small Business Administration (SBA) Paycheck Protection Program (PPP).

Together with Pro Bono Partnership and Start Small Think Big, we launched an initiative to assist nonprofits and microbusinesses with their questions about and applications for federal relief. We helped more than 200 clients assess their eligibility for PPP loans, fill out their applications, understand the restrictions that applied to spending the funds they received, and apply to have their loans forgiven.

We educated the public by creating and regularly updating [FAQs](#) about how nonprofits and microbusinesses could benefit from the PPP.

By the end of 2020, firm volunteers had provided guidance to 59 nonprofits and 173 microbusinesses on their questions about and applications for the PPP and other federal and state relief programs.

By the end of 2020, firm volunteers had provided guidance to 59 nonprofits and 173 microbusinesses on their questions about and applications for the PPP and other federal and state relief programs.

Through this work, we gained firsthand knowledge of the challenges faced by our clients—particularly minority-owned microbusinesses—in securing the funds they badly needed. For example, many of our clients lacked lender relationships or otherwise had trouble connecting with representatives from financial



Photograph by Timothy A. Clary /AFP via Getty Images

Mural by Tristan Eaton

In response to the COVID-19 pandemic and the sharp economic downturn it caused, the firm redoubled its work for at-risk nonprofit organizations and under-resourced microbusinesses (defined as businesses with 10 or fewer employees). In collaboration with **Lawyers Alliance for New York, Pro Bono Partnership, and Start Small Think Big**, we provided a broad range of services to clients with pandemic-related legal issues. Our mobilization of resources and efficient systems for client referral and intake allowed us to reach a large number of nonprofits and microbusinesses, providing them with timely legal counsel on critical issues such as obtaining loans and grants and navigating employment and safety issues.

NONPROFITS AND MICRO-BUSINESSES



The firm assisted Wine Down, a small business in San Francisco, with PPP issues.

Courtesy of Wine Down SF

institutions that would process and manage the loan. Others were deterred from applying because the rules governing loan forgiveness were complex and frequently shifting.

With the goal of ensuring that the PPP would become more responsive to the particular needs of our clients, we drafted and signed on to [letters to Congress](#) that made many recommendations for improving the program, including the following:

- Ensuring fair and equitable access to PPP funds for nonprofits and microbusinesses
- Reopening the PPP after the program closed in August 2020
- Collecting demographic data for loan recipients to better track the program's impact on minority and female borrowers
- Providing automatic forgiveness of loans under \$150,000
- Enhancing spending flexibility
- Earmarking funds for microbusinesses and community financial institutions

Many of these recommendations were adopted as Congress amended the CARES Act and the SBA updated its guidance. Throughout this ongoing process, our volunteers continued to educate themselves on federal stimulus relief and advised their clients on the resources available to them so that they could remain in operation.

SUPPORTING FRONTLINE WORKERS

Front Line Appreciation Group (FLAG) of Chatham and Madison started out as a local community response to provide simultaneous support to frontline workers and local restaurants during the pandemic. When FLAG was created, the pandemic had hit New Jersey hard—the state had the

second-largest number of verified cases and deaths from COVID-19 in the nation. Medical professionals in New Jersey were risking their health and their lives by working long shifts to provide crucial care to their patients. Many were separated from their families for extended periods so that they would not risk bringing the disease home. FLAG founders mobilized via social media to support these frontline workers and keep local businesses open. Within a few weeks, the founders had collected more than \$25,000 to purchase meals and gift cards

from local restaurants for delivery to frontline workers in the Chatham and Madison communities.

When it became clear that the medical and economic impacts of the pandemic would be long-lasting and FLAG's work would be ongoing, the founders approached the firm for assistance with nonprofit formation and obtaining tax-exempt status. Because FLAG had already received generous pledges of support from the community, expedited processing by the IRS was necessary so that the organization could use the donations to support local businesses and provide meals to local health care workers. The firm helped FLAG become a nonprofit organization and worked with the IRS to get its application for a tax exemption approved within 45 days. FLAG is now a nationwide movement with independent groups working across the country. These groups have collectively raised millions of dollars to feed frontline workers and support struggling restaurants and food service businesses in their local communities.

These and many other frontline workers accepted donations from FLAG.



Courtesy of FLAG



BEYOND THE PANDEMIC

In addition to helping our clients through the pandemic, we maintained our general pro bono practice on behalf of nonprofits and small businesses, working to implement sound governance practices, secure federal tax exemptions, comply with federal and state regulations, protect clients' intellectual property, and undertake complex corporate and financing transactions. By providing free, high-quality legal services, we helped clients focus on their essential work of employing people, anchoring neighborhoods, creating economic opportunity, serving individuals in need, enriching communities through the arts, and promoting a fair and just society.



Courtesy of @feuilleblancheparis for Enfants du Benin Debout

EMPOWERING YOUTH IN AFRICA THROUGH SPORT

Enfants du Benin Debout (EBD) uses sports, education, and culture to empower underprivileged youth in Africa. EBD implements this mission by coordinating youth basketball tournaments, sports camps, and educational programs

across the African continent. Its approach is to organize athletic events that attract young people from diverse backgrounds, providing a forum where they can meet one another and work together. Once youth are involved in EBD's sports activities, EBD mentors

provide opportunities for them to participate in additional educational activities such as tutoring sessions, community debates, museum visits, and meetings with artists and professionals. EBD strives to give youth the knowledge, confidence, and tools they need to live healthy

and active lives and to pursue further educational opportunities. EBD alumni are leaders in their communities, and many have gone on to attend local universities or schools in the United States, where EBD will soon expand its programming. The organization plans to connect U.S. and African youth through sports and cultural exchanges.

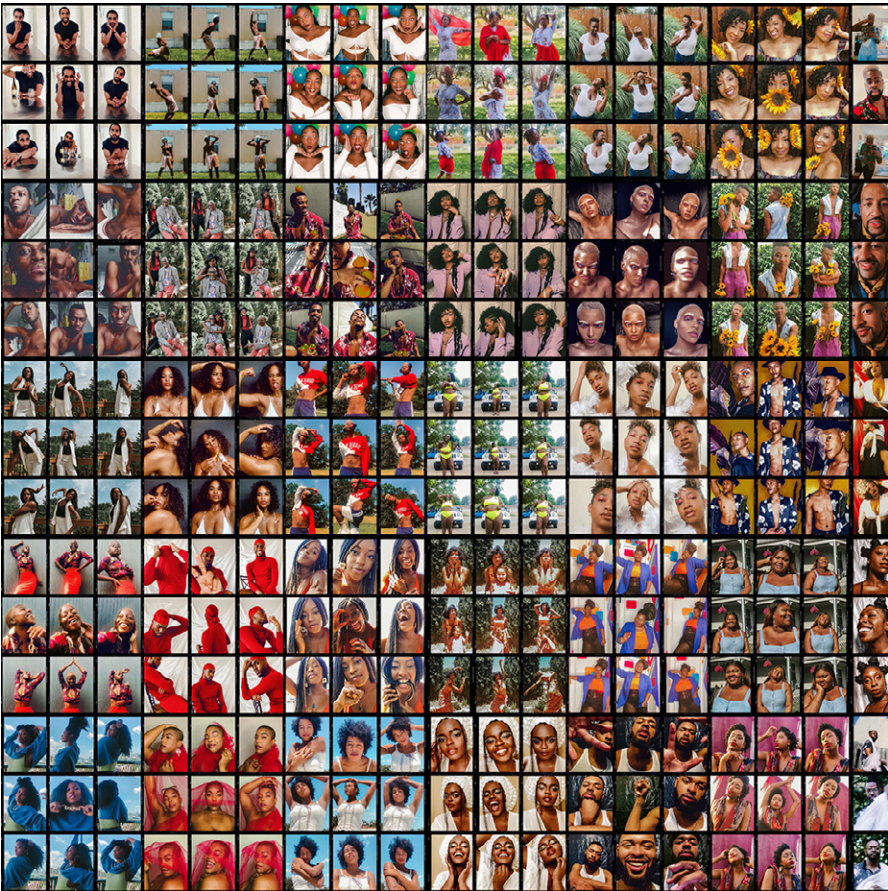
EBD is incorporated under the laws of France. The organization approached the firm to help it establish a comprehensive anticorruption program to ensure that its various activities comply with U.S. anticorruption laws and regulations. This effort is valuable in itself and will allow EBD to expand its programming and fundraising efforts in the U.S. The firm

leveraged its substantial experience developing anticorruption programs for foreign clients to complete the work. Our attorneys have also begun the process of setting up EBD as a charitable organization in the U.S. so that donors can make tax-deductible contributions to help EBD expand its sports, education, and cultural programs and serve even more young people.

ADVANCING RACIAL EQUITY IN THE THEATER

Broadway for Racial Justice (BFRJ) is a nonprofit startup whose mission is to fight for racial justice and equity in the Broadway and theatrical community by providing financial resources, assistance, and amplification for Black, Indigenous, and other people of color. In doing so, BFRJ helps create safe spaces for creativity to thrive while acting as an advocate for underserved and under-recognized members of the theater community.

BFRJ was founded in the summer of 2020 by artist and activist Brandon Michael Nase. The organization’s recent projects and services include establishing an emergency assistance fund available to Black, Indigenous, and other people of color in the theater industry; operating the volunteer-based BFRJ Hotline which theater artists can use to seek advocacy in response to racism in a theatrical workplace; and spearheading “Allied with BFRJ,” a network of theatrical institutions and educational/



Courtesy of Ellis Dawson for Broadway for Racial Justice

training programs across the U.S. that seek to establish a relationship of accountability with BFRJ to ensure the safety and equity of all artists and staff in their respective theatrical institutions.

The firm is assisting BFRJ with corporate governance matters and

its application for federal tax-exempt status. This work will help BFRJ establish a strong foundation so that it is set up to accept tax-deductible donations and serve as a trusted advocate for racial justice and equity in the theater community for years to come.



Courtesy of Family Promise

Clients of Family Promise pose at their new home.

ASSISTING PEOPLE WHO ARE DISABLED AND EXPERIENCING HOMELESSNESS

Family Promise helps families experiencing homelessness and low-income families achieve sustainable independence through a community-based response. The organization has served more than a million people since its founding and has moved thousands of homeless families into permanent homes. Family Promise provides comprehensive support, including temporary shelter, meals, and case management, to homeless families with children. Through its national network of 200 affiliates, Family Promise provides shelter to

families of various compositions, including multigenerational families and families with children. It is often one of the only organizations in a community that will shelter a family intact, without separating family members based on sex. The organization has experienced an increased demand for its services due to housing dislocation caused by the pandemic.

Family Promise asked the firm for help updating the organization’s policy for serving families in which one or more members have a

disability. Affiliates throughout the country use the policy in administering their temporary shelter programs. Firm lawyers undertook a comprehensive review of the applicable federal laws and drafted a user-friendly policy, together with frequently asked questions, to assist affiliates in administering the policy. We also provided a training session for regional directors to help them understand the policy and offer the best possible service to clients who require accommodations due to a disabling condition.



HOUSING

KEEPING TENANTS SAFE DURING A PANDEMIC

Eviction

Eviction has always flattened families. Children may lose time in school and even their place in the school they had attended. Families end up in shelters or become temporary residents in the often overcrowded and unstable homes of family and friends. Jobs are lost in the shuffle. Routines are disrupted. Possessions are lost. A new home gets more difficult to find, as landlords exclude tenants who show up in court records as having been evicted before.

These hardships fall disproportionately on Black renters, who are evicted at [twice the rate](#) of their white counterparts nationwide. And Black women are particular targets. As Matthew Desmond put it in his 2016 book *Evicted*, “If incarceration had come to define the lives of men from impoverished black neighborhoods, eviction was shaping the lives of women. Poor black men were locked up. Poor black women were locked out.”

Now add COVID-19.

The Pandemic

COVID-19 added two sickening ingredients to this already toxic stew: (1) massive unemployment and under-employment, with the resulting loss of income, and (2) an increased risk of infection and death in congregate shelters or other overcrowded spaces.



The Eviction, Eldzier Cortor/Artists Rights Society (ARS), New York, 1939-1940. Created with the support of the Federal Work Projects Administration, the painting depicts the resolve of African American women in the face of economic dislocation.

The numbers are staggering. Nationwide, roughly 30-40 percent of tenants are at risk of eviction. That's [30-40 million people](#). If anything like this number of households is displaced, [infection rates will soar](#).

The Response

- **Supporting an eviction moratorium:** We urged New Jersey officials to put a hold on evictions. On March 19, 2020, the Governor issued [Executive Order 106](#), placing a moratorium

on the enforcement of eviction judgments. As of this writing, that moratorium remains in place.

- **Broadening the reach of the eviction moratorium:** We advocated with the Governor's Office to issue Administrative Orders [2020-08](#) and [2020-09](#) to clarify that long-term residents of hotels and motels are protected from eviction.
- **Educating the public:** We created and have repeatedly updated [FAQs](#) designed to help tenants and homeowners understand

how they are protected from eviction during the pandemic, as well as their continuing obligations to pay their rent or mortgage. In 2020, more than 89,000 distinct visitors to the firm's website viewed these FAQs.

- **Building a coalition:** We worked with longtime pro bono partners to convene and sustain a coalition of housing and racial justice advocates to address the crisis collectively.
- **Advocating with the courts:** On behalf of and in conjunction with

the coalition, we advocated with the New Jersey courts to:

- [Comply with the federal CARES Act](#) by preventing landlords who received federal assistance from filing eviction complaints for nonpayment of rent during periods when the Act prohibited such filings
- [Protect due process for tenants](#) in virtual settlement conferences the court convened to promote the resolution of pending cases

- Provide more accurate and complete information to tenants and landlords about the eviction process
- Make extensive changes to the form landlord-tenant complaint to ensure that landlords have met the requirements for filing in the first place
- [Improve a proposed court rule to shield certain eviction records](#) so that landlords cannot rely on them to shun tenants who have eviction histories

- [Consider additional reforms](#) that would offer relief for tenants during and following the pandemic
- **Drafting and revising proposed legislation:** We worked with coalition partners on bills aimed at protecting tenants from eviction based on rental debt arising from COVID-19 hardship and allocating funds to cover some of that debt.
- **Stopping illegal lockouts:** We helped draft [a coalition letter](#) asking the New Jersey Attorney

General to work with local police departments to stop landlords from illegally locking tenants out of their homes.

- **Representing tenants facing eviction:** We continued to represent individual tenants throughout the crisis, not only to prevent their displacement, but also to work out payment plans that will reduce their accumulated debt.



Photos by Bernard DeLierre

At the onset of the pandemic, one family—"Andrew," "Melissa," and their newborn son, "Michael"—was living in a motel that had been their home for almost a year. Andrew was working long hours in his truck, helping the drivers of broken-down cars on the Garden State Parkway. Melissa, who suffered from lupus and cared for Michael, also tried to make ends meet by cleaning rooms in the motel, but the landlord stopped paying her after COVID-19 hit and vacancies at the motel soared. The family had nowhere else to go.

Their landlord, the motel owner, started trying to force them out. Even though the eviction moratorium protects long-term motel residents like this family, the landlord taped an illegal

eviction notice on their door. Next, the landlord shut off the air-conditioning as the summer days grew hotter, threatening Melissa's life, given the respiratory problems associated with her illness. Then the landlord cut off power to their stove, which they needed to feed their family.

Through remote filings and hearings, we obtained a temporary restraining order and subsequent injunction to defend this struggling family and keep them safe in their home. To this day, we continue to battle the motel owner and its ever-changing attempts to force this family out.

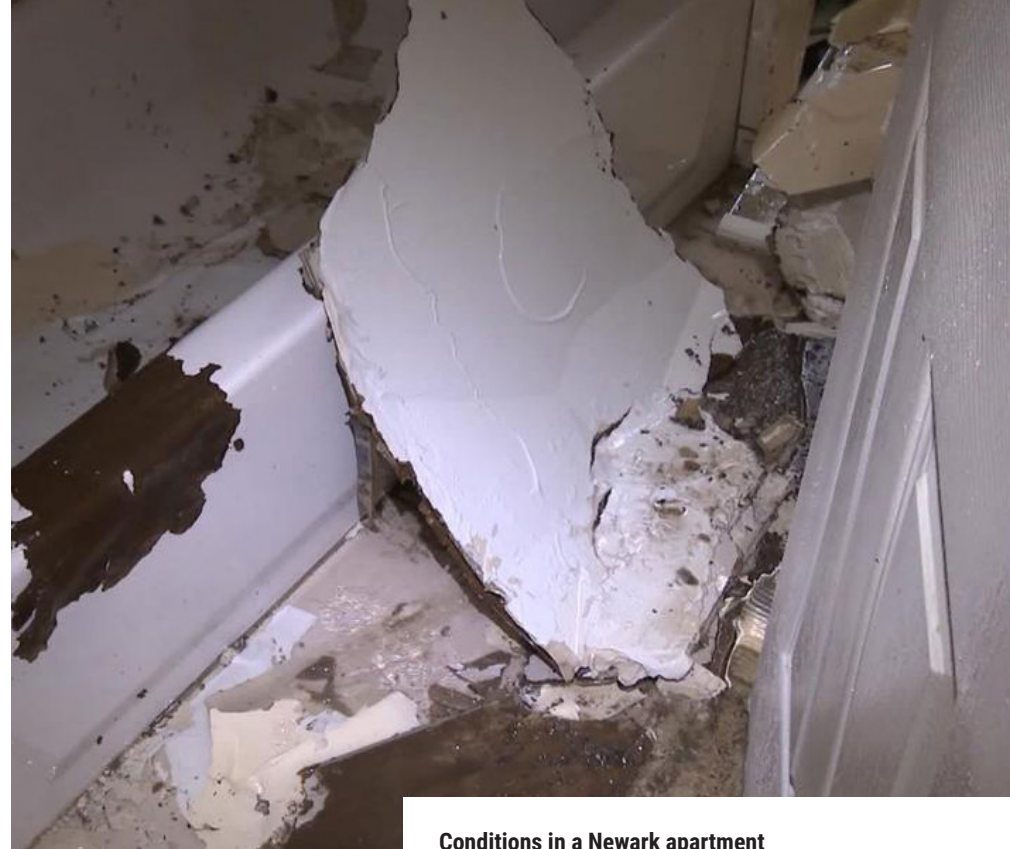
"Andrew," Melissa," and "Michael" have stayed safe in the motel room that is their home.

FIGHTING FOR SAFE, AFFORDABLE, STABLE HOUSING

The firm and **The Legal Aid Society** represent a class of tenants in a lawsuit against the cities of Newark and New York. The cities had sued each other over whether residents of New York City homeless shelters could relocate to Newark using rent subsidies funded by New York City's Special One-Time Assistance (SOTA) program. Realizing that tenants' voices are critical to resolving the dispute, the firm and The Legal Aid Society intervened on behalf of past and future tenants who are recipients of SOTA and wish to reside in safe and habitable housing in Newark.

New York City created the SOTA program in 2017 to help people living in homeless shelters obtain more permanent housing. Participants can receive a one-time grant of up to a full year's rent, paid directly to the landlord, for use in cities across the United States. A significant number of SOTA participants have already moved or plan to move to Newark.

Newark alleges that New York City's representatives failed to inspect prospective housing prior to approving SOTA grants, with the result that a number of SOTA recipients moved into illegal or uninhabitable apartments in Newark. In response, Newark amended its Municipal Code to impose certain inspection and reporting requirements on any agency or person that provides



Courtesy of WCBS

Conditions in a Newark apartment

rental subsidies to tenants seeking housing in Newark. These requirements would protect tenants from being placed in residences that are not up to code and/or that contain dangerous and unlivable conditions. However, the ordinance also prevents 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," and imposes monetary penalties for violations.

After passing the ordinance, Newark sued and asked a federal court to stop New York City from placing SOTA recipients in Newark. The firm and The Legal Aid Society sought permission to intervene in this lawsuit on behalf of two groups of tenants directly impacted by the ordinance: The first group is composed of "SOTA-participant tenants who moved into untenable living situations outside of New York due to defects in the SOTA apartment review process"; the

second group includes "SOTA-eligible tenants who wish to move to Newark but cannot because of conflicting terms in SOTA and the Ordinance." In November 2020, the court granted our motion to intervene in the case.

The SOTA recipients we represent are asking the court to strike the portion of Newark's ordinance that prevents SOTA-eligible individuals from moving to Newark, as it discriminates against these individuals based on their income and need of a subsidy and violates their constitutional right to travel. Like all tenants, SOTA recipients are entitled to secure, safe, and affordable housing, which many did not receive when placed in Newark. Therefore, the SOTA recipients are also asking the court to stop New York City from placing homeless New Yorkers in unsafe and uninhabitable housing, and to require New York City to establish and adhere to minimum apartment inspection guidelines.



Courtesy of NJCC

Completed CAPC affordable housing project

CREATING AFFORDABLE HOUSING

Community Asset Preservation Corporation (CAPC) is a nonprofit organization that acquires vacant and abandoned properties to stabilize and revitalize communities. The organization is a longtime pro bono client of the firm and the subsidiary of another such client, **New Jersey Community Capital (NJCC)**. CAPC partners

with local community builders and contractors to rehabilitate and return properties to productive use as quality, affordable housing. NJCC channels investments from financial institutions, insurance companies, and other socially responsible entities to a network of nonprofits and hundreds of low- and moderate-income families.

In 2020, lawyers in our mortgage finance practice structured a joint venture between CAPC and an unaffiliated nonprofit organization that also focuses on transforming underserved neighborhoods. The joint venture obtained financing to acquire a pool of distressed

properties that will be rehabilitated using CAPC's "healthy homes" standard and sold to low- and moderate-income families as a way of creating intergenerational wealth. Structured programs similar to this one will be replicated and scaled for future CAPC transactions.

Using innovative strategies like these since the Great Recession of 2009, CAPC and NJCC have added approximately 1,300 affordable housing units to the market and helped nearly 1,600 low- and moderate-income families avoid housing displacement.



Mural by Tyanna Buie, Shepard Fairey, Niki Johnson, Tom Jones, Claudio Martinez, and Dyani Whitehawk

CIVIL RIGHTS AND LIBERTIES

SECURING THE RIGHT TO VOTE

In November 2 and 3 (Election Day), the firm once again managed one of several national voter hotlines in an effort to ensure that all eligible voters can participate in the political process. Partnering with **Election Protection**, a nationwide, nonpartisan voter protection coalition led by the **Lawyers' Committee for Civil Rights Under Law**, the firm recruited more than 240 legal professionals, including firm lawyers, support staff, and alumni, to answer calls from voters in New Jersey, Maryland, Pennsylvania, and Georgia.

The firm has a long history of working to advance voting rights through its partnership with Election Protection. This was the third time the firm managed a voter hotline during a presidential election, but the first time it had to do so in an entirely remote setting due to the pandemic. Volunteers had to adapt to new technology, answering voters' calls through their home

In 2020, Election Protection hotline volunteers assisted 246,000 voters nationwide, a significant increase from the previous general election in 2016.



Illustration by Rae Hsu

computers while escalating issues to a virtual command center that, in turn, contacted local elections officials and advocates who could address issues in real time at the polling places.

The pandemic created additional challenges, as the states adopted emergency measures to help voters cast their ballots safely during the public health emergency. Such measures included, for example, the automatic distribution of mail-in ballots (in New Jersey) or mail-in ballot applications (in Maryland) to all active registered voters, the use of secure ballot drop-boxes, a reduction in the number of polling places, more reliance on paper

ballots, and the increased use of online systems to register to vote and track mail-in ballots.

These emergency measures and the use of novel systems, combined with other consequences of COVID-19—a shortage of experienced poll workers, the consolidation of polling locations, and higher than normal numbers of voters with medical emergencies—created administrative challenges that affected whether and how voters cast ballots. Voters relied on Election Protection more than ever to help them cast their votes. In 2020, Election Protection hotline volunteers assisted 246,000 voters nationwide, a significant increase

from the previous general election in 2016.

The pandemic did not deter the firm from stepping up to assist voters. Despite the new challenges arising from an all-remote operation, our volunteers answered thousands of calls on November 2 and 3, and in the weeks leading up to the election when early voting had begun in many states. Voters called to learn about election procedures, to ask whether and where they could vote, and to report issues that threatened disenfranchisement.

Our call center was able to resolve myriad issues, including reports of voter intimidation, long lines and delayed openings/early closures at polling places, barriers faced by voters with disabilities and medical issues, misinformation from and misconduct by poll workers, and improper electioneering.

Since Election Day, the firm has been working closely with the Lawyers' Committee for Civil Rights Under Law, the **ACLU of New Jersey**, **Disability Rights New Jersey**, the **League of**

Women Voters of New Jersey, the **Delaware-New Jersey National Lawyers Guild**, and the **New Jersey Institute for Social Justice** to compile and organize data collected by the call center for use in advocacy work to improve New Jersey's procedures in future elections. In addition, firm volunteers continued their commitment to protecting the right to vote by participating in Election Protection call centers for the Georgia Senate run-off elections on January 5, 2021.

PROTECTING CIVIL LIBERTIES DURING NATIONAL PROTESTS

When protests against police brutality and institutionalized racism reignited in the aftermath of the death of George

Floyd, many participants were wrongfully arrested for disorderly conduct. One such arrestee was Keith Boykin, a journalist who was covering a protest in New York City.

While riding a bicycle and photographing the peaceful protest, Keith was arrested for "walking on the highway" and "disorderly conduct—blocking vehicular traffic." The police detained him for approximately six hours, including four hours in a jail cell. There were about 35 other people in his cell, making social distancing during the pandemic impossible. Keith was eventually released and issued summonses to appear in court several months later for both charges.

Through extensive negotiations with city officials, a team of Lowenstein lawyers proved that Keith did not exhibit any disorderly behavior, and all charges against him were dropped.

Protesters in New York City

Courtesy of Keith Boykin





IMMIGRATION

DEFENDING SPECIAL IMMIGRANT JUVENILE STATUS

Abuse, Neglect, Abandonment, and Child Migration

Since October 2018, more than 115,000 children have crossed the southwest border and entered the United States without a parent or legal guardian. Many factors are pushing them north from their homes in Central America, including unbridled violence by gangs and cartels. Many are also escaping family violence. Various surveys report that 20-30 percent of all unaccompanied immigrant children, and 40 percent of the girls, have experienced abuse, neglect, or abandonment by their parents or other caregivers.

Protection

Congress created Special Immigrant Juvenile Status (SIJS) as a pathway to lawful permanent residency for immigrant children of unfit parents. To qualify for SIJS, a child must first seek protection from a state court. Congress

Various surveys report that 20-30 percent of all unaccompanied immigrant children, and 40 percent of the girls, have experienced abuse, neglect, or abandonment by their parents or other caregivers.



Courtesy of Martha Flores, M.F.A.

enlisted the state courts to make certain factual findings because of their expertise in family law matters. A child is eligible to apply for SIJS if a state court finds that:

- The child is under 21 and unmarried
- The child is dependent on the court or needs to be placed in

the custody of a person or entity appointed by the court

- The child cannot be reunified with one or both parents because of abuse, neglect, abandonment, or something similar
- It is not in the best interest of the child to return to his or her home country

Equipped with a state court order making these findings, a child can apply to federal immigration officials for SIJS. If the child's petition is granted, federal law lifts the most common barriers to the child's successful application for a green card.

Over the years, we have represented dozens of children who have secured SIJS and acquired lawful

permanent residency on this basis. In 2020, we had seven active SIJS cases. Our current clients include, among others:

- Two boys, first cousins, who witnessed the murder of every adult in their extended family in a home attack by a local gang after the family matriarch reported the gang's extortion efforts to the police
- A girl whose parents were such severe alcoholics that they failed to dress, bathe, or feed her when she was toddler, causing her to wander daily in a diaper to her grandmother's house for food
- A brother and sister whose father was murdered by a local gang, which then turned on them, kidnapping them and shooting the brother twice as they fled

The Attack on SIJS

Although SIJS has saved many lives, and we hope it will save the lives of our current clients, the government has launched an attack on this form of relief that rivals its attack on asylum. In a spate of recent cases, the government has prosecuted and defended removal orders against juveniles whose SIJS petitions

have been approved by immigration officials. This point bears repeating because it is irrational enough to cause confusion: One branch of the Department of Homeland Security—Immigration and Customs Enforcement (ICE)—seeks to remove children even though another branch of the Department—U.S. Citizenship and Immigration Services (USCIS)—has granted them SIJS.

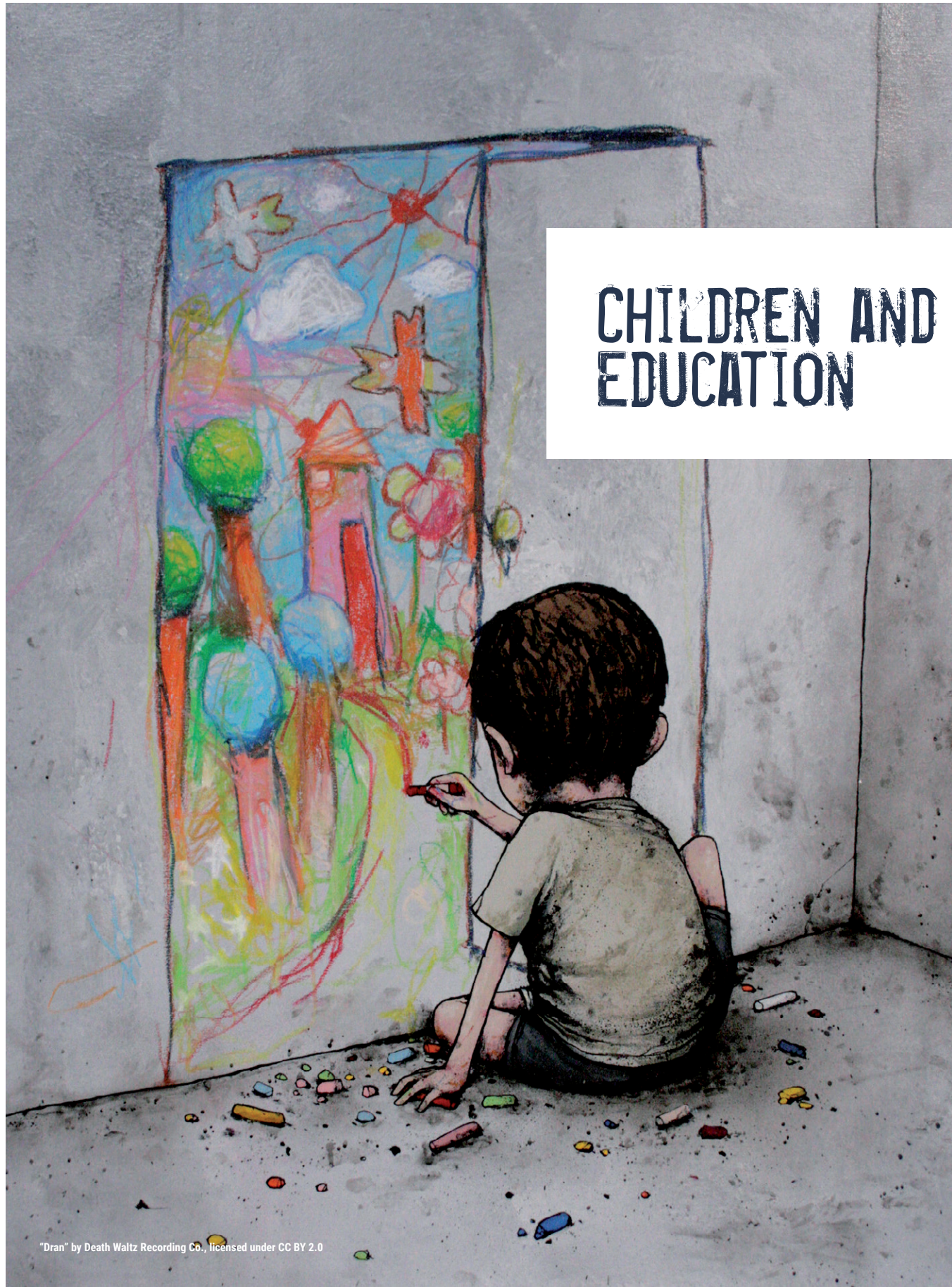
ICE argues that SIJS protects children only once they are able to apply to become lawful permanent residents. But thousands of children, through no fault of their own, must wait years to apply because of annual limits on the number of visas issued to immigrants from their countries. Immigrants from El Salvador, Guatemala, Honduras, and Mexico are subject to visa backlogs. ICE maintains that while children from these countries wait for visas, they are subject to deportation.

The Response

As we learned of cases in which the government sought to remove SIJS beneficiaries, we convened a group of lawyers from immigration organizations all over the country to discuss how best to respond. The result is a series of amicus briefs, so far filed in the Eastern District of Virginia, the Tenth Circuit, and the Sixth Circuit, arguing that federal law prevents the removal of children with SIJS. Courts in which we did not file have cited the briefs, and organizations have relied on the briefs in comments opposing proposed regulations that would further undermine SIJS. Our hope is to ensure that this form of relief remains available to the young people who need it, and that once they are approved for SIJS, the government leaves them be while they wait for the opportunity to apply for green cards.

Listening to the Voices of Unaccompanied Minors was an art project created in 2015 by young clients of Legal Services for Children in San Francisco. The artists drew their experiences of entering the United States as unaccompanied refugee minors.





CHILDREN AND EDUCATION

CREATING ROBUST LEARNING EXPERIENCES DURING THE PANDEMIC

The firm represented the **Maplewood-South Orange Parents Group** in advocating with the local school district to improve its education plan for students during the pandemic. The initial plan gave teachers discretion as to how often they would provide live instruction to students participating in their classes remotely. Parents were concerned about the lack of uniformity and the insufficient opportunities for students to interact with their teachers and classmates.

The firm worked with parent leaders in the district to draft a fair plan for remote learning. After a series of negotiations, the parents group obtained a commitment from the district that its remote/hybrid learning plan for the 2020-21 school year would include live instruction (whether in person or via a virtual platform) to every student for at

least one hour every school day. The district also implemented technology that will allow it to monitor each teacher's compliance with this live-learning requirement. This plan will help ensure that children continue to receive the benefits of an interactive learning environment, while protecting their health and safety.



HELPING SUMMER PROGRAMS OPERATE REMOTELY

The **YM & YWHA of Washington Heights & Inwood** (the Y) is a multi-service community center that, for more than 100 years, has provided educational, recreational, and social services to families, including a summer camp for children age two and up. This year, the Y was forced to cancel

its usual in-person summer day camp in response to the pandemic. The 14th Street Y and the Marlene Meyerson JCC Manhattan also ran summer programs for their members that they had to cancel due to the pandemic. These three organizations were determined to find a way to continue to provide youth in their communities with

a meaningful program during the summer of 2020 and decided to come together to host a virtual day camp.

The firm helped turn this idea into a reality. We prepared an agreement among the partner organizations that allowed them to create and run the virtual day camp, ensuring that the communities served by these organizations had a safe and meaningful way to keep children entertained and engaged during the summer despite the pandemic. The day camp was advertised under its own independent branding and was open to members of all organizations affiliated with the United Jewish Appeal Federation of New York.

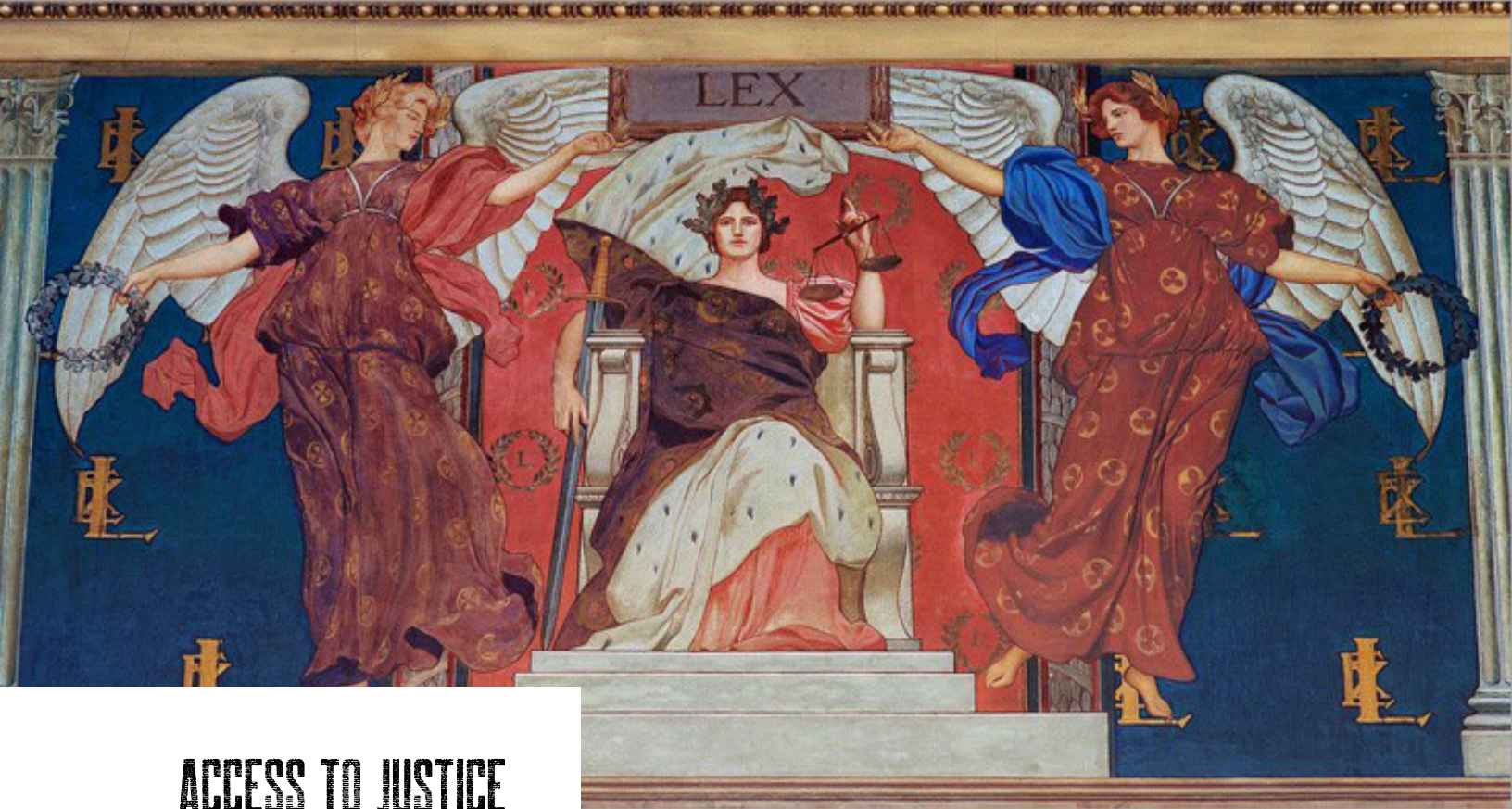


Courtesy of the Y

Virtual summer programming at the Y



**ACCESS TO
JUSTICE**



ACCESS TO JUSTICE
BY THE NUMBERS

20,490

pro bono hours dedicated to
“signature projects,” including:

8,350

hours representing **223 nonprofits** in corporate and
tax matters and in applying for federal stimulus funds to
maintain operations during the pandemic

4,003

hours representing **49 immigrants** seeking lawful
status or release from detention and **16 legal services
organizations** advocating in the courts and administrative
agencies on behalf of their immigration clients

2,093

hours representing **31 individuals with criminal
convictions** seeking to prove their innocence, appeal their
convictions, petition for pardons or sentence commutations, or
expunge low-level criminal records

1,944

hours representing **237 low-income
entrepreneurs or inventors** seeking assistance
to start businesses, file for patents, or secure federal stimulus
funds to stay open during the pandemic

1,517

hours representing **12 domestic violence
survivors** seeking final restraining orders and/or child
custody and support orders

1,298

hours representing **45 tenants** seeking to avoid eviction
and **24 legal and community organizations**
advocating for reforms to protect tenants from mass eviction
during and following the pandemic

591

hours representing **36 transgender
individuals** seeking legal name changes

306

hours representing **15 frontline workers
and low-income individuals** in preparing
wills, health care proxies, powers of attorney, and other
life-planning documents

221

hours representing **7 veterans** applying for service-
related disability benefits

167

hours representing **14 low-income
debtors** filing for personal bankruptcy to get a
fresh financial start

EXPANDING OUR ASSISTANCE WITH LIFE PLANNING

After the success of the life-planning work related to the pandemic, the firm decided to expand this initiative. Through a new project with **Volunteer Lawyers for Justice (VLJ)**, we are helping low-income individuals with life

planning. Our lawyers meet virtually with their clients to collect all necessary materials and then draft documents that offer peace of mind to individuals who otherwise would not be able to afford an attorney to create a coherent estate plan. Volunteers throughout the

firm, from summer associates to partners, have participated in this program and applied their skills and knowledge to help individuals in need of this under-recognized but important service.

ELIMINATING BARRIERS FOR TRANSGENDER PEOPLE SEEKING A LEGAL NAME CHANGE

In December 2020, the Supreme Court of New Jersey amended its court rules to eliminate the requirement that people who obtain court-ordered name changes publish their former and new names in a newspaper. The firm, along with the **Transgender Legal Defense & Education Fund (TLDEF)** and **Garden State Equality**, submitted comments supporting the then-proposed amendments to the court's rules.

Before this rule change, individuals seeking legal name changes were

required to publish in a newspaper a notice of their application, the hearing date, and the court order granting the name change. The comments the firm submitted explained that this former process threatened the safety and privacy of transgender people. Moreover, the publication requirement was outdated and a significant financial barrier to low-income individuals. Rather than informing relevant parties of the petitioner's name change, publication in the newspaper—particularly for transgender petitioners—served

only to divulge private medical information (the fact of someone's transgender status) and give bad actors a road map to interfere with a transgender petitioner's name change and safety.

Transgender people seek legal name changes to align their identity documents with their identities and the names they actually use. Yet, according to the [2015 U.S. Transgender Survey](#), of nearly 28,000 transgender people, only 11 percent had all of their IDs and records accurately listing both their current name and gender. That figure was only 6 percent for people with no income, and more than two-thirds (68 percent) reported that none of their IDs or records had both their current name and gender. The change in New Jersey's court rule will help protect the transgender community and ease barriers to obtaining a legal name change.



Illustration by Ash Cheshire

LIFE PLANNING FOR WORKERS ON THE FRONT LINES OF THE PANDEMIC

The rapid onset of the pandemic resulted in the immediate mobilization of the medical community to care for patients seriously affected by the virus. The all-consuming nature of caring for COVID-19 patients left doctors

and nurses with little time to put their own affairs in order. Shortly after the pandemic began, frontline health care workers reached out to the firm for help preparing their wills and other life-planning documents. We responded to this need, quickly drafting wills,

powers of attorney, and health care directives for frontline workers so that they and their families would be better prepared for the possible consequences they faced, giving them a bit of reassurance to complement their large dose of courage.



Mural by Austin Zucchini-Fowler



Public art installation by Carrie Mae Weems at the Brooklyn Museum

2020 AWARDS

IN 2020, WE WERE HONORED WITH RECOGNITION FROM:

Lawyers Alliance for New York

Recipient of the **Cornerstone Award**, recognizing the firm's extraordinary contributions through pro bono legal services that help nonprofits address critical human needs and improve the quality of life for thousands of low-income New Yorkers

New Jersey State Bar Association

Catherine Weiss—Recipient of the **Pillar of Justice Award** in recognition of her pro bono work during the COVID-19 pandemic, especially her leadership in statewide efforts to prevent evictions

New Jersey Law Journal

Catherine Weiss—Named to the list of **2020 Top Women in Law** in recognition of her efforts to improve access to justice, particularly in the areas of housing and immigration

YWCA Union County

Catherine Weiss—**Centennial Gala Honoree** in recognition of her lifelong commitment to public service and ensuring access to justice for survivors of domestic violence, immigrants, low-income tenants, and other marginalized communities

Volunteer Lawyers for Justice

Eric Weinstock—Recognized as **September 2020 Volunteer of the Month** for his contributions to the life planning project

National Legal Aid & Defender Association

Recipient of the **Beacon of Justice Award** recognizing the firm's pro bono efforts in support of immigrants fighting unlawful deportation, family separations, and wrongful denial of Special Immigrant Juvenile Status

United States Patent and Trademark Office

Recipient of **Law Firm Pro Bono Achievement Certificate** for the firm's and our registered patent practitioners' accomplishments in patent pro bono service

Los Angeles IP Law Association

Benjamin Kimes—Recipient of the **Pro Bono Patent Service Award** for his significant work helping low-income inventors secure patents for their inventions

Volunteer Lawyers for Justice

Mark Heinzelmann—Recognized as **March 2020 Volunteer of the Month** for his contributions to the Tenancy Clinic

ACKNOWLEDGMENTS



Lowenstein works with and contributes to a wide array of nonprofits, including:

ACLU of New Jersey	Enfants du Benin Debout	Legal Aid Society of the District of Columbia	New Jersey Together
Broadway for Racial Justice	Essex-Newark Legal Services	Legal Aid Society of San Mateo County	New York Civil Liberties Union (NYCLU)
The Bronx Defenders	Fair Share Housing Center	Legal Services NYC	New York Lawyers for the Public Interest
California Lawyers for the Arts	Family Promise	Legal Services of New Jersey	OneJustice
CASA for Children of Essex County	Free the Slaves	Legal Services of Northwest New Jersey	Partners for Women and Justice
Center for Social Justice at Seton Hall Law School	Front Line Appreciation Group (FLAG) of Chatham and Madison	Los Angeles Intellectual Property Law Association	Pro Bono Institute
Central Jersey Legal Services	Garden State Equality	Make the Road New Jersey	Pro Bono Partnership
Child Advocacy Clinic at Rutgers Law School	Her Justice	Maplewood-South Orange Parents Group	Solutions to End Poverty Soon (STEPS)
Children's Law Center	Human Rights First	Mi Casa Resource Center	Start Small Think Big
City Bar Justice Center	Immigrant Legal Services	National Juvenile Defender Center	Transgender Legal Defense & Education Fund (TLDEF)
Community Asset Preservation Corporation	Ironbound Community Corporation	National Legal Aid & Defender Association	United States Patent and Trademark Office
Community Health Law Project	Kids in Need of Defense (KIND)	New Jersey Community Capital	Vera Institute of Justice
Community Hope	Law Foundation of Silicon Valley	New Jersey Community Development Corporation	Volunteer Lawyers for the Arts
Community Legal Services in East Palo Alto	Lawyers Alliance for New York	New Jersey Institute for Social Justice	Volunteer Lawyers for Justice
Criminal and Youth Justice Clinic at Rutgers Law School	Lawyers’ Committee for Civil Rights of the San Francisco Bay Area	New Jersey State Bar Association	YM & YWHA of Washington Heights & Inwood
Delaware-New Jersey National Lawyers Guild	Lawyers’ Committee for Civil Rights Under Law	New Jersey Tenants Organization	
Disability Rights New Jersey	League of Women Voters of New Jersey		
Education Law Center	The Legal Aid Society		

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.

The firm also partners with corporate legal departments and vendors in its pro bono program.

- Corporate Partners:**
- Merck
 - Prudential
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