



Debevoise  
& Plimpton

# Make it Matter

2013/14



“Debevoise’s commitment to pro bono is part of the firm’s DNA and a big part of what makes this place so special for the practice of law. The vast majority of the pro bono work we do is brought to the firm by associates, counsel and partners who are inspired by a cause. Our lawyers make their matters count by making them their own, and our clients notice the difference.”



Named the winner of the “10-Year A-List”  
by *The American Lawyer*.



Craig A. Bowman  
Partner, Co-Chair of  
Pro Bono Committee



Matthew E. Fishbein  
Partner, Co-Chair of  
Pro Bono Committee



Marjorie J. Menza  
Pro Bono Counsel

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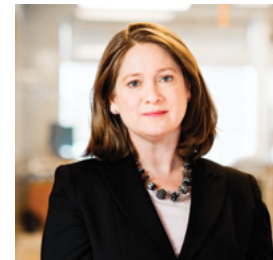
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Defending Justice



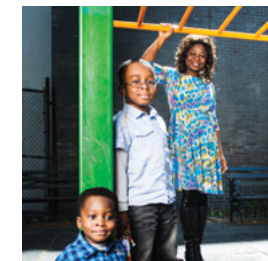
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“I used to say: ‘Show me someone who does lots of pro bono work, and I will show you someone who really likes being a lawyer and is willing to go outside her comfort zone and take risks. It’s from those ranks that our most successful lawyers, particularly litigators, come.’”

John H. Hall  
Of Counsel



# Defending Justice



## Q&A with John H. Hall

**John, you hold some of the greatest institutional memories of the firm and its pro bono program. When you joined the firm in 1967, what do you recall the climate was for pro bono?**

I was in the middle of a six-year band of young lawyers – classes of '67 through '72 – who expected to be able to change the world and to be able to do that through the courts. The Warren years were coming to an end, but we had confidence that judicially driven social change would continue. We also understood that the rights recognized by the Court over the preceding decade were still to be implemented on behalf of individuals.

We were also intent on changing the way law firms thought about public service. Debevoise had a strong tradition of public service, but much of that work had involved bar service, service on charitable boards and legal work for large-budget charities, schools, arts organizations, religious entities and the like. Service to individuals was not part of the mix. The new generation thought that was an outdated model and that we ought to be getting our hands dirty doing individual service work.

We believed that it would change the system if judges saw lawyers from the established bar in the courthouses looking out for the interests of the underclass. Getting us into the trenches would change us as well and perhaps take away the sting of working for the establishment.

To that end, the firm was instrumental in founding the Community Law Offices in East Harlem. Francis Plimpton cut the ribbon when CLO opened its office in East Harlem. CLO had lawyers and members of the East Harlem community on its board. Its cases were largely handled by volunteer lawyers from the big law firms, especially Debevoise.

On arrival at the firm, I started doing CLO volunteer work – civil cases at the outset, but soon criminal defense work. In September 1971, after the Attica rebellion and state police response, I was one of a few volunteers who joined the Criminal Rights Division of the Legal Aid Society in counseling inmates who had been involved in the rebellion. Later that fall, I had a one-week felony jury trial in the Bronx. After those two experiences, I was hooked. I joined CLO as a staff criminal defense attorney for 18 months. I got terrific stand-up experience, had great fun and got my hands dirty doing demanding and rewarding work.

**Why did you come back to the firm from CLO?**

I missed the firm – the work and the people. I don't think I was burned out, but I longed for a securities fraud case, some knotty accounting issue and the time to prepare finished work product, as we used to call it at the firm. On the other hand, I had learned that I, as a person and a lawyer, needed a large diet of public interest work. I thought that there was a reasonable opportunity at Debevoise to have my cake and eat it too. So I returned hoping that would be the case. To go straight to the end of the story, it worked out even better than I could have hoped. I was able to do a ton of richly varied public service work while at the same time being in the center of the firm's business litigation practice. I don't feel that I slighted either part of my practice. They actually complemented each other.

“All clients want and deserve the same kind of service. There is no better place, in my view, to learn what that service needs to be than in a foxhole shared with an individual whose life is on the line.”

Early after my return from CLO, a committee was set up to study the firm’s public service commitment. The committee’s report recounted the firm’s historical commitment to public service and used that as a launching pad for a renewed commitment to a wide range of work including impact litigation and individual representation. It recommended establishing a Pro Bono Committee to administer the work, to review proposed new representations, to help provide adequate staffing and generally to encourage lawyers to do pro bono work.

George Lindsay was the first Chair of the Committee. When George became Presiding Partner (of the firm), Bob Geniesse, a senior litigation partner, took over. When Bob moved to D.C. to open our office there, I took over as Chair. And when I took over as co-head of the Litigation Department (along with John Koeltl) in 1991, John Kiernan replaced me. And from there, he became Co-Chair of the Litigation Department. I guess this shows that a path to firm leadership runs through the Pro Bono Committee, and, perhaps more importantly, that the firm takes its pro bono work seriously and that those who do pro bono work are among the most successful of our lawyers.

**Tell me about your interest in criminal defense work, and later, death penalty work.**

Street crime interests me. When I worked at CLO, I got to know the East and Central Harlem neighborhoods well. I found them interesting, exciting places. I liked the people. I enjoyed being able to make a difference, especially for the young kids whose lives could be turned around if they had good representation and other support. I enjoy taking the side of the out-resourced underdog. I am also a fan of the substantive criminal law.

In the late ’70s, a young associate recruited me to support his work on a death penalty case in the New York Court of Appeals. We submitted the sole amicus brief and the only brief that addressed the constitutional – New York and federal – issues in the case. The Court adopted, in large part, our arguments, and ruled that the statute violated the New York Constitution. That was the case that launched me into post-conviction capital cases. We had a case in Florida where, after a lengthy hearing, our client’s sentence was reduced to life.

Thereafter we took on a Louisiana case, representing Dalton Prejean, who was mentally retarded and just 17 at the time of the offense. Dalton’s case was stayed by the Supreme Court while it considered these issues in other cases. The Court has since ruled that the mentally retarded and persons under 18 are not eligible for the death penalty, but those rulings came too late for Dalton. We also had a clemency recommendation to the Governor from the Louisiana Board of Pardons and Parole, which Governor Roemer did not see fit to follow. The case was profiled on *60 Minutes*, and Dalton was interviewed by Mike Wallace shortly before his execution. The team was devastated by our inability to save Dalton.

Our next representation was Roger Coleman, a Virginian sentenced to death in connection with the murder of his sister-in-law, Wanda McCoy. The case was referred to us by an ex-Debevoise lawyer who had worked on the Prejean case. The issue was whether a one-day late filing of an appeal in the state post-conviction review process had waived all of Coleman’s federal constitutional issues. Trial counsel for Coleman had been abysmal, and there was a strong basis to believe that he was innocent. We did a comprehensive investigation, including of DNA evidence, but were limited by the procedural mess resulting from the late filing. Dan Goldstein (a senior associate) argued the case before the 4th Circuit.

We lost in a split decision from which we petitioned for certiorari. The Court agreed to take the case on the procedural default issue. I argued that issue before the Supreme Court, incidentally just a few hours after the birth of my daughter, Samantha. We lost that 6 to 3. *Coleman v. Thompson* set the high-water mark on procedural default, holding that because there is no constitutional right to post-conviction counsel, there can be no claim based on the ineffective performance of such counsel. In the last few years, the Court has cut back just a bit on that sweeping ruling, including in cases of actual innocence – far too late for Roger. Roger appeared on the cover of *Time* magazine two days before he was executed over the title: “THIS MAN MIGHT BE INNOCENT . . . . THIS MAN IS DUE TO DIE . . . . The courts have refused to hear the evidence that could save him.” Following his execution, the DNA evidence was reviewed; it did not clear him.

**Let’s talk about retirement and working with Equal Justice Initiative.**

On retiring, I revived the firm’s death penalty practice and brought it back to the regular Debevoise docket. We have formed large, strong congruent teams for two Alabama cases where we partnered with Equal Justice Initiative. There are efficiencies in getting up the curve on Alabama law and lore in handling these post-conviction cases. The proposition with EJI was, “Give us the next cases that come up that fit on our schedule rather than go through and find one that seems a good fit or deals with a special issue.” We have two clients on death row in Alabama: Aundra Marshall and Roderick Byrd. Byrd has an intellectual disability and this presents a clear *Atkins* issue. With Marshall, we are pursuing a few areas, including his innocence and undeveloped mitigation issues.

This area has been and is one of the most satisfying parts of my legal career. Upon retiring, I wasn’t ready to stop being a lawyer. There is a double bonus because I get to do the cases that I find fascinating and rewarding, and I get to work directly with young, committed lawyers. Senior lawyers doing commercial cases seldom get to do that. I see directly the work of the younger lawyers – written, investigative and stand-up. I tell them what I think of their work and give them immediate feedback. We do these cases together.



“There is a crisis in Alabama’s criminal justice system because the state does not provide post-conviction counsel to those who have been sentenced to death. From the moment John Hall decided to take on these cases, he and his team have demonstrated an unwavering commitment to fairness and the idea that even condemned prisoners deserve to be treated with respect and dignity. Debevoise’s effort on behalf of Mr. Marshall and Mr. Byrd is inspiring and has created a great deal of optimism for everyone fighting for justice in Alabama’s courts – lawyers and clients alike.”

Bryan Stevenson

Executive Director, Equal Justice Initiative

# Fighting for Inmates on Death Row

## GEORGIA

Working with Georgia counsel as part of the Georgia Federal Defender Program, Debevoise is representing a Georgia death row inmate petitioning for habeas corpus relief. After a week-long evidentiary hearing and extensive post-hearing briefing, the Georgia Superior Court concluded that misconduct by the bailiff and jurors during the sentencing phase of the client’s trial deprived him of his state and federal rights. As a result, the Court vacated the client’s death sentence. The Debevoise team, which consists of partner Joseph P. Moodhe, counsel Philip A. Fortino and associates Rebecca Jenkin and Samantha J. Rowe, is now awaiting a re-sentencing hearing.

## MEXICAN NATIONALS

The *Avena* and *Medellin* cases invoke the international treaty rights of 50 Mexican nationals on death row in the United States, and comprise one of the firm’s long-standing impact litigation matters. The litigation took place in both the International Court of Justice and the U.S. Supreme Court, led by partners Donald Francis Donovan and Dietmar W. Prager, former partner Catherine M. Amirfar, counsel Carl Micarelli, and a host of former associates. In 2013, Debevoise entered appearances on behalf of two Mexican nationals who were facing execution dates.

Despite pleas from Secretary of State Kerry, Mr. Edgar Tamayo was executed in Texas on January 23, 2014. Debevoise also represents Mr. Cesar Fierro, another member of the class of Mexican nationals from the *Avena* case. Mr. Fierro has been on death row in Texas for more than 30 years and has a claim of actual innocence. The Debevoise teams for Messrs. Tamayo and Fierro have been led by John H. Hall and have included associates David Gopstein, Irene J. Hahn and Z.J. Jennifer Lim, and former partner Catherine M. Amirfar.

## ALABAMA

Referred by the Equal Justice Initiative, Debevoise has represented Aundra Marshall and Roderick Byrd in their post-conviction proceedings in the Alabama state courts since 2010 and 2012, respectively. They were convicted of capital murder and sentenced to death. Debevoise has filed petitions arguing that each client’s counsel provided ineffective assistance in violation of state and federal constitutional rights. The firm continues to investigate the evidence and is preparing for motion practice and evidentiary hearings. The team for Messrs. Marshall and Byrd is led by John H. Hall and includes counsel Erich O. Grosz and associates Kerith Davies Knechtel, Cari A. Wint, Sarah Wolf, Amanda M. Bartlett and Olivia Cheng.

## FLORIDA

Led by of counsel Frederick T. Davis in the Paris office, with counsel Kristin D. Kiehn (New York) and associates Corey S. Whiting (Hong Kong), Elizabeth A. Kostrzewa (New York), Alex Ginsberg (New York) and Amanda Lee Wetzel (Paris), Debevoise is representing Jerry Michael Wickham, a 68-year-old Florida death row inmate who suffers from schizophrenia and brain damage. Mr. Wickham is fighting his 1988 conviction and death sentence on the grounds that the state withheld crucial exculpatory evidence that would likely have negated a death sentence; that Mr. Wickham’s trial counsel was ineffective; and that his mental health issues made him unfit to stand trial and incapable of planning a premeditated murder. The Debevoise team is currently preparing Mr. Wickham’s petition for a writ of habeas corpus in federal court in the Northern District of Florida.



In 2013, Debevoise represented 6 inmates on death row in the United States.

Each year, lawyers in the firm's offices take on matters or issues that are sure to have an impact on the justice system and on the communities in which we work. The vast majority of these matters come to the firm from associates or partners who care deeply about an issue and bring that passion to bear on the legal advocacy that follows.

# High Impact

## THE EDGAR MORALES CASE

In a landmark decision in December 2012, New York's highest court, the New York Court of Appeals, unanimously established that New York's Anti-Terrorism Act was not intended to apply to regular gang violence. In the first-ever case of a gang member tried as a terrorist, Debevoise represented Edgar Morales in appealing his 2007 conviction under the Act, a statute passed six days after the September 11<sup>th</sup> terrorist attacks, for a gang fight that resulted in the shooting of two bystanders. Morales was prosecuted as a "terrorist" under the Act, and his sentence was enhanced to life in prison. Recognizing this injustice and the dangerous potential for similar street crime to be prosecuted as terrorism, former Debevoise partner Catherine M. Amirfar stepped in. She argued before the intermediate appellate court for a principled definition of terrorism, seeking to balance the sensitivity around security in a city with heightened vigilance to terrorism against the liberty and due process interests of citizens. She argued that the state's legislature never intended to include gang conduct, and that the Bronx D.A.'s use of it to prosecute gang members was an impermissibly broad use of the statute.

The appellate court agreed and ordered that the terrorism convictions be reversed, although it maintained the convictions for the underlying crimes. The Bronx D.A. appealed this ruling to the Court of Appeals, and Debevoise cross-appealed the ruling

that Morales was not entitled to a new trial due to the prejudice caused by including the improper terrorism charges in the earlier trial. Ms. Amirfar argued before the New York Court of Appeals, again addressing key questions regarding the intent behind the Anti-Terrorism Act, and the impact of this case on the national prosecution of terrorism.

In its groundbreaking decision, the New York Court of Appeals stated: "The concept of terrorism has a unique meaning and its implications risk being trivialized if the terminology is applied loosely in situations that do not match our collective understanding of what constitutes a terrorist act." It further held that Morales was entitled to a new trial because of the otherwise inadmissible evidence introduced because of the initial terrorism charges.

With a resounding decision from the highest court in a state considered a national leader on questions concerning terrorism, the case already has had a profound impact on the country's definition of terrorism and the ways in which future terrorist acts are punished.

The Debevoise team handling the appeals consisted of Ms. Amirfar, partner Daniel M. Abuhoff, and the retrial includes partners Matthew E. Fishbein and Helen V. Cantwell, and associates Jeremy N. Klatell, Jilan J. Kamal, Leigh E. Sylvan, Sarah Garvey-Potvin and JoAnna C. Tsoumpas.

## Spotlight on Catherine M. Amirfar



In August 2014, Pro Bono Committee Co-Chair and partner Catherine M. Amirfar left Debevoise to serve as Counselor on International Law to the Legal Adviser at the U.S. Department of State. Catherine joined Debevoise as an associate in 2002, quickly rising to partner in 2008 in the International Dispute Resolution Group.

In 2013, she was asked to co-chair the firm's Pro Bono Committee. It was a natural position for Catherine, whose law practice at Debevoise began with her tireless work on behalf of the Government of Mexico and its foreign nationals on death row on issues of adherence to treaty rights, making her one of the

youngest advocates to argue before the International Court of Justice. Catherine then went on to serve as co-counsel with the ACLU in challenging the five-year detention of an individual who had been arrested in the post-September 11th sweeps, but quickly cleared by the FBI. Catherine won the detainee's release and refuge to Canada. In November 2012, Catherine argued on behalf of Edgar Morales, a criminal defendant, before the New York Court of Appeals, in a landmark case that tested the boundaries of New York's Anti-Terrorism Act. For this work and her leadership with the Pro Bono Committee, Catherine was named *Chambers USA's* "Pro Bono: Private Practice Lawyer of the Year."

"In the last year, Debevoise & Plimpton LLP has achieved several key pro bono victories, including a landmark win in a case that has redefined how prosecutors apply anti-terrorism laws."

*Law360*, September 3, 2013



Catherine M. Amirfar named "Pro Bono: Private Practice Lawyer of the Year" at the 2014 *Chambers USA Women in Law Awards* for her groundbreaking work in the *Morales* case.



## Spotlight on Jennifer R. Cowan



Jennifer R. Cowan, counsel in the Litigation Department, has been representing detainees in Guantanamo Bay since 2005. In 2013, Jennifer, with associates Rushmi Bhaskaran, Nwamaka Ejebe, Rebecca S. Hekman, Michael T. Leigh and J. Nicole Stankewicz, achieved an important and unprecedented victory on behalf of one of their detained clients, Mr. Ibrahim Idris of Sudan.

Mr. Idris was captured by Pakistan on the Afghanistan-Pakistan border in December 2001 and was among the first detainees brought to Guantanamo, in January 2002. Jennifer first met him in early 2006. Mr. Idris suffers from a severe schizophrenic disorder and a number of other health issues and spent a good portion of the past few years in various delusional states, presenting challenges – but not obstacles – to Debevoise’s representation and the obtaining of his release.

Over eight years, Jennifer and her team pursued two different paths to obtain Mr. Idris’s release and repatriation. The first was to file a habeas petition in District Court.



Debevoise has represented  
5 Guantanamo detainees, 3  
of whom have been released.

The second was a separate executive branch review process, through which the executive branch has discretion, albeit not judicially enforceable, to decide to release certain detainees.

Through the team’s advocacy, Mr. Idris was found to be severely ill by a court-ordered psychiatric evaluation and cleared for release through the executive review process, but prohibited from release by statute that barred transfers to Sudan. Jennifer and her team then tried a new approach. Army Regulation 190-8, which incorporates the Geneva Conventions into domestic law, requires severely ill detainees to be repatriated. Detainees at Guantanamo cannot invoke the Geneva Conventions, but can invoke domestic law. In the summer of 2013, Debevoise filed a motion for judgment in the habeas action on the grounds that, under domestic and international law, a person can only be detained as an enemy combatant in order to prevent his return to the battlefield. If a detainee was so ill that he could not otherwise be returned to the battlefield, the team argued there was no continuing basis to detain that person. After several extensions, the government decided not to oppose the motion and Judge Lamberth of the D.C. District Court granted the writ of habeas corpus. Mr. Idris was returned to Sudan just before the New Year.

“One of the wonderful things about these Guantanamo representations is that there is an enormous network of lawyers – at law firms big and small, public defenders and military counsel – all of whom have worked together as frequently as possible to advance this litigation.”

# No-Fly

Partner Robert N. Shwartz, with counsel Jennifer R. Cowan and associates Rushmi Bhaskaran, Erol Gulay, Rebecca S. Hekman and Christopher S. Ford, are co-counsel with the Center for Constitutional Rights (“CCR”) and the Creating Law Enforcement Accountability & Responsibility (“CLEAR”) project at CUNY Law School in representing several plaintiffs in a federal court lawsuit in New York to challenge their placement on the No-Fly List.

The plaintiffs allege, *inter alia*, that their names were added to the list solely in retaliation for their refusal to become confidential informants in American Muslim communities for the FBI. The suit also alleges that the lack of due process in being placed on the list and the absence of an effective mechanism for petitioning for removal from the list allows law enforcement to use improperly the No-Fly List to coerce individuals to become confidential informants.



Photo Courtesy of Getty Images

## Fighting for the Right to Pump

Partners Jyotin Hamid and Courtney M. Dankworth, with associates Christine Ford and Joshua Weigensberg, assisted the ACLU and its Women’s Rights Project in a pregnancy discrimination case on behalf of Pennsylvania factory worker Bobbi Bockoras, who alleged that she was denied adequate accommodations for breast milk expression and then retaliated against for seeking them. Under the Affordable Care Act, all companies must offer new mothers a “reasonable” amount of unpaid time, and a “private, non-bathroom place,” “free from intrusion from coworkers,” in which to pump breast milk. Employers are also forbidden to retaliate against workers who complain about their employers’ failure to comply with these requirements.

According to the complaint, following the birth of her daughter, Ms. Bockoras returned to her employment with Verallia North America, a glass manufacturer, where she was told that if she wanted to pump breast milk she would have to do so in the bathroom. When she objected, she was directed to the first aid room, where she was harassed by some male coworkers. The next space she was offered was a room with glass walls

and no locks on the door, then the company’s shower room, and finally an old, hot and unsanitary locker room. Ms. Bockoras’s continued protestations earned her a worse shift – rotating nights and early mornings – and she was told that she would be harassed “regardless of what shift” she was given. After 10 weeks of this treatment, Ms. Bockoras could no longer produce milk. She decided to pursue legal action against her employer.

Debevoise and co-counsel defeated a motion by the defendant to dismiss the complaint or strike some of the relief sought. The defendant argued that Ms. Bockoras’s reassignment to the rotating shift was not a materially adverse action under the Fair Labor Standards Act, in part because it did not affect Ms. Bockoras’s pay or benefits. Judge Mark Hornak of the Western District of Pennsylvania denied the motion, holding that the materially adverse standard is context-specific and that the relief sought by Ms. Bockoras may be necessary and proper to effectuate the purpose of the anti-retaliation statute. After court-ordered mediation, the matter was settled to the parties’ mutual satisfaction.



## Q&A with Megan K. Bannigan and Rebecca Jenkin



In 2012, Debevoise joined the Connecticut Coalition for Justice in Education Funding and others in a groundbreaking constitutional challenge designed to provide an adequate and equal education to all of the state's children. This case will address the fact that Connecticut has the largest educational funding and achievement gap in the country.

**Tell me about how you became involved in this matter.**

**Rebecca:** The client, which is the Connecticut Coalition for Justice in Education Funding, got in touch with us to represent them pro bono in relation to an adequate funding for education claim in state court in Connecticut. The lawsuit had been ongoing with assistance from Yale's Education Law Clinic and a local firm, David Rosen & Associates. We came on board because of an upcoming trial date and the need for a large law firm to step in. The then-head of the clinic at Yale knew Debevoise partner Chris Tahbaz who tipped him over to Helen [Cantwell].

**Megan:** At Debevoise, I worked on an education matter with the ACLU in Louisiana and saw the huge impact our work had on one family who would have had no way of challenging the state on their own. I wanted to take those lessons and work on a matter where we have the potential to help the entire state, especially families with students residing in the lower-income school districts. And that is just what we are doing. Since working on the Coalition for Justice matter, I have joined the Junior Board of Advocates for Children.

**Rebecca:** I saw this matter as an opportunity to engage in high impact, civil litigation, as a complement to the white collar work I do on a daily basis at the firm. It is unique because we are also working with law students at Yale. They each bring real passion to the issues from a policy standpoint. Part of the teaching we do is showing those students how to bring that passion for policy into direct advocacy. It makes all of us better lawyers.

**Tell me about the state's motion to dismiss.**

**Megan:** The state filed a motion to dismiss very late in the game after the matter was pending for eight years, on the basis that the governor had passed certain reforms that may have an impact on legislation over the next few years, essentially stating that our arguments were now moot, or (paradoxically) not ripe. They also filed a motion challenging CJEF's standing and argued what constitutional standard should apply to our claims. I argued the motion to dismiss on the moot and ripeness points.

**Rebecca:** I argued the standing and constitutional standard issues. We were prepped for argument by just about everyone. Helen [Cantwell] was fantastic. Shannon Selden also helped moot us, along with the clinic and David Rosen. We had two junior associates, Dustin Nofziger and David Noland, who helped us prepare and were indefatigable. The entire argument was broadcast on the state public access cable channel. It was an important day for the client, the state, and also for us.

**So what is next?**

**Rebecca:** The trial date is set for January 2015, for 12 weeks. This will be a full-blown trial with experts, fact witnesses – the whole package. Our team has since grown to include David Gopstein, Emily Johnson, Olivia Cheng, Maurene Comey and Alex Thompson.



# Social & Economic Justice



“The great thing about Debevoise is that pro bono work is like any other work: it counts.”

## Q&A with Ezra Borut

**You received the Lawyers Alliance for New York's Cornerstone Award for your work over the years, largely in advising community development organizations.**

The firm has had a long relationship with Lawyers Alliance. Peggy Davenport had served on their Board of Directors until, due to term limits, she asked me to join. From my position on the Board, I had great exposure to the broad set of projects that they supported and provided resources for. One of their distinguishing features is that they have full-time staff members with expertise in particular areas of the law. So projects are really co-counseling – that is, in some ways, unique among the legal referral organizations. For a corporate lawyer, this is the dream of pro bono legal activity. You are doing transactional work and supported by the experience of LANY's lawyers.

**You have been with Debevoise since you joined as an associate in 1996. When did you first get involved in pro bono?**

I came to Debevoise expecting to engage in pro bono, and like many of us, it was one of the reasons I chose Debevoise.

**How did you become active in the community economic development world?**

We had worked with the Business Center for New Americans for many years, starting in 2002 when they were under the umbrella of the New York Association of New Americans. In the '80s and '90s, NYANA had assisted many Russian-Americans in the U.S. It was a small-business lender at the time. Over the years, we provided a series of seminars on small businesses and represented individual business owners who came through the Center. We developed this great relationship with the organization; there are four or five people we have known at BCNA for at least 10 years.



**Ezra Borut named recipient of Lawyers Alliance for New York's 2013 Cornerstone Award.**

**What has kept you committed to pro bono work?**

The work is a rare opportunity to have a material impact on an individual's life. This can be achieved by representing an organization that serves certain groups of individuals, or representing individuals themselves. For me, the most gratifying work was working with a group of individuals who opened a restaurant, or on an asylum project where I worked with corporate, tax and litigation attorneys helping an asylee and his family from Congo fight what was then the INS's attempt to reopen his case. On both of these matters, my work and the team's work actually changed the course of someone's life.

**How has your involvement in pro bono enriched your experience at the firm?**

The pro bono work teaches you to stretch and try areas of practice that you might not naturally have tried. Working with a small restaurateur, there are regulatory issues, such as health and sanitation and applying for a liquor license. Small business clients know their businesses better than anyone, and they know what risks and concerns they have. Listening to what those risks and concerns are and determining how to navigate the legal issues that may arise is great work. Adding to that, you are dealing with someone's livelihood. It motivates you and focuses you. These clients are flying without a net and you are their support. Really, these are the same skills that you utilize when advising corporate clients.

I have also found pro bono work as a great entry assignment to get to know junior lawyers. All of the lawyers I work with now, the first assignment we did together was in pro bono. Not long ago, we helped a map maker in Brooklyn expand his distribution arrangements. I worked with a junior lawyer on that matter who really impressed me, and when I needed to staff a billable assignment, he came immediately to my mind. The great thing about Debevoise is that pro bono work is like any other work: it counts.



## Microenterprise

### Start Small Think Big

When Jennifer DaSilva began her legal career at Debevoise, she knew she would eventually dedicate her career to public service. When she launched Start Small Think Big, a not-for-profit that provides access to legal and financial services for low-income entrepreneurs in New York City, she knew just where to turn. Debevoise provided Start Small Think Big with pro bono corporate advice, helping establish the LLC and secure 501(c)(3) approval. Now, Debevoise regularly represents Start Small Think Big's clients in matters ranging from trademark advice and registration to incorporation and contract negotiation.

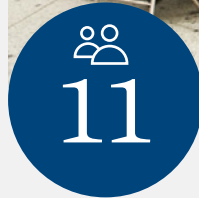


Photo Courtesy of Start Small Think Big

In 2013, Debevoise attorneys represented 11 microentrepreneurs in the Bronx, Brooklyn and Harlem, and conducted small business legal clinics in New York City during the evening.

## The Dalston Pop-up Clinic

Since 2005, Debevoise's London office has participated in a legal advice clinic run in conjunction with Hackney Community Law Centre (HCLC), BPP Law School, Faegre Baker Daniels and LawWorks. Changes in HCLC funding saw the clinic go "on hold" in 2011 to reduce the demand on the Centre's resources.

Led by Rebecca Greenhalgh, Pro Bono Manager in Debevoise's London office, the team developed a new clinic model that placed minimal demand on HCLC's own resources, enabled the provision of basic pro bono advice and freed up HCLC staff to focus on complex cases or vulnerable people with a need for representation. Instead of using the limited space and facilities available at HCLC, the new model was also designed as a "pop-up" clinic that would run in a local library each week and allow the wider community to access the service.

The results of a clinic pilot were hugely encouraging, with HCLC front-line staff reporting an instant positive impact on their own workload. After minor tweaks, the pilot was established as a long-term blueprint for serving the local community, with a form-filling clinic run alongside it to provide further assistance.

In 2013, the initiative won the Pro Bono Team of the Year accolade at the inaugural Halsbury Legal Awards, as an outstanding example of pro bono legal work in the UK over the last year, and the "Best Pro Bono Partnership" accolade at the LawWorks Pro Bono Awards. Commenting on the awards, Ian Rathbone,

Chair of HCLC, said: "Without our great friends at BPP Law School, Debevoise & Plimpton, and Faegre Baker Daniels, we could not have set up our innovative Dalston Pop-Up service. They have brought their professionalism, authority and wide knowledge to boost a much-needed service in one of the poorest areas in the UK. We are pleased that lawyers from other parts of the legal world are prepared to come and find out what it's like at this end of human affairs, and to be supportive of the work we do under difficult circumstances."



Recipient of Halsbury Legal Award for Pro Bono Team of the Year.



Recipient of LawWorks Award for Best Pro Bono Partnership 2013.

## Bankruptcy

### Dance New Amsterdam

Debevoise advised Dance New Amsterdam ("DNA") Inc., a New York dance company, in its Chapter 11 case after it filed for bankruptcy without restructuring counsel, in order to halt a foreclosure proceeding. Debevoise filed "first day" pleadings, put together bankruptcy schedules and operating reports, advised on the development of a business plan and engaged a pro bono financial advisor. DNA was not able to secure adequate funding and partnerships to develop a viable business plan, so Debevoise assisted in an orderly wind-down of its operations. Granting our motion to dismiss, SDNY Bankruptcy Judge Glenn closed the proceedings with: "Every case is important to me, Mr. Bruens [Debevoise counsel]. ... I'll just repeat it again. I always appreciate when a firm of your firm's quality and the representation you've provided to Dance New Amsterdam in this case, when you step up and take a case on a pro bono basis. ... I certainly appreciate your efforts and your colleagues' efforts in taking this matter on."



Debevoise attorneys in London logged 495 hours advising social entrepreneurs through the "UnLtd" charity and social enterprise pro bono clinic.



In total, Debevoise attorneys and staff logged 568 pro bono hours for the microenterprise community in the New York metropolitan area in 2013. Globally, the firm logged more than 1,000 hours helping low-income start-ups.



Debevoise assisted 11 individuals through the New York City Bankruptcy Assistance Project (NYC-BAP), a pro se clinic founded in part by litigation partner and Co-Chair of the Litigation Department, John S. Kiernan, with restructuring partner M. Natasha Labovitz serving on its Steering Committee. The clinic assists individuals with Chapter 7 filings.

# Civil & Environmental Rights

Each year, Debevoise takes on dozens of new and exciting matters affecting civil and environmental rights of individuals in the United States and abroad. These matters range from transactional assistance to not-for-profits providing shelter in New York City's most vulnerable communities, to administrative hearings for SSI benefits, to defense of women trapped in abusive relationships, to ensuring and defending the rights of the LGBT community at work and at home, in the U.S. and abroad.

“The representation provided by Debevoise at every stage of the case has been nothing short of outstanding. The strategic and tactical advice they have given, the staff resources they have poured into preparing for and arguing the case, and the coordinating role they have played to pull the various parties together and keep the litigation moving has been crucial.”

HUMAN DIGNITY TRUST

”

## LGBT RIGHTS

### International

Lord Goldsmith QC, supported by a team from the London office (International Counsel Jessica Gladstone and associates Nicola Leslie and Conway Blake), has been working with the Human Dignity Trust, the International Commission of Jurists and the Commonwealth Lawyers Association, who have intervened in a constitutional challenge to the Belize Penal Code, which criminalizes homosexuality. Lord Goldsmith appeared before the Belize Supreme Court at the week-long hearing in April 2013, and the team has since provided advice on similar legal challenges arising in other countries, most recently in Singapore, where Lord Goldsmith is assisting a homosexual couple challenging the Singaporean Penal Code before the Singaporean Court of Appeal.

### U.S.

In coordination with TLDEF (Transgender Legal Defense and Education Fund), Debevoise filed two amicus briefs on behalf of transgender individuals pursuing employment discrimination and insurance reimbursement claims. In the weeks preceding the Supreme Court's decision in *Windsor*, Debevoise provided critical support to Lambda Legal, outlining what the post-DOMA benefits landscape might look like and, later, support on issues involving the National Guard and conferral of benefits in certain southern states.



In 2013, attorneys and staff at Debevoise logged 1,887 hours defending the rights of the LGBT community both in the U.S. and globally.

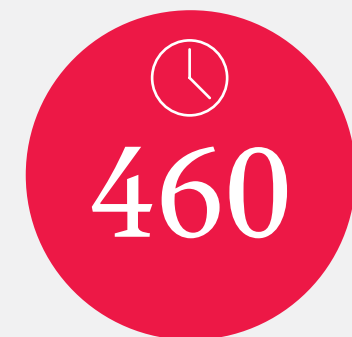
## ENVIRONMENTAL JUSTICE

### Scenic Hudson

Debevoise represented Scenic Hudson, a nonprofit organization dedicated to protecting and restoring the Hudson River and the Hudson River Valley of New York State and a longtime client of the firm. Partner Sarah A.W. Fitts serves on its board.



Photo Courtesy of Scenic Hudson



Debevoise advised on 16 different Scenic Hudson transactional matters in 2013, logging more than 460 hours on behalf of the organization.



“A clean environment, healthy locally grown food, parks and outdoor activities – prior generations enjoyed them and future generations should, too. Through my legal practice, where I have worked with many new energy technologies, I know we are at a technological inflection point, and that new technologies should give us the ability to maintain our way of life in a cleaner, more efficient and more sustainable way. At the same time, there is growing urgency around protecting, preserving and restoring our open spaces and natural resources in the face of climate change, sprawl and economic pressures. I get great satisfaction working with environmental clients and colleagues on tangible projects that have an immediate impact on communities as well as an impact on future generations.”

Sarah A.W. Fitts, Debevoise partner (NY)



Sarah A.W. Fitts



Globally, the firm spent more than 1,370 pro bono hours on environmental matters in 2013.



Pro Bono Counsel Marjorie J. Menza working with associates on a housing matter referred by MFY Legal Services, Inc.

“I decided to focus my pro bono efforts on housing cases because, from my own personal experiences growing up, I recognized that having access to stable and affordable housing is a basic requirement to living a healthy and productive life. Representing indigent tenants in eviction and other proceedings ensures that their rights are protected and that some of New York’s most vulnerable citizens are kept out of homelessness.”

Jan Mensz, former Debevoise associate

## HOUSING

### Westchester Monitor

Since August 2009, Debevoise partner James E. Johnson has served as the court-appointed Monitor of a landmark settlement involving Westchester County’s obligations, in connection with its receipt of federal funds, to affirmatively further fair housing. In September 2013, Debevoise converted its work in support of the monitorship to pro bono, donating the monitor fees instead to develop a highly sophisticated tool kit to facilitate the design of environmentally sound and aesthetically pleasing affordable housing that is more likely to be approved and implemented by community leaders.



James E. Johnson



In 2013, Debevoise attorneys and staff dedicated 860 pro bono hours to housing matters in the U.S. This work ranged from individual housing defense, where Debevoise attorneys kept seven families from losing their low-income housing in Housing Court, to advising shelter providers like Nazareth Housing and the Neighborhood Coalition for Shelter on a range of corporate and litigation matters. Globally, the firm spent 2,225 hours on pro bono matters involving housing and property rights.



2013 recipient of the Legal Aid Society of New York’s Pro Bono Publico Award.



2013 recipient of Sanctuary for Families of New York’s “Zero Tolerance” Law Firm Leadership Award.



Associates Daniel Farrell and Michael P. McGuigan honored by Partnership for the Homeless.



Associate Benjamin Amos and former associate Karli Robyn recognized by New York County Lawyers Association for their work in New York City Family Court.



# Immigration

Debevoise Immigration Clients



Debevoise's pro bono immigration practice dates back decades, and lawyers at the firm have seen their clients grow from young asylum seekers – just arrived, at times with wounds still fresh – to U.S. citizens watching their children graduate from college. The program reaches every department in the firm's New York and D.C. offices. Lawyers participate in individual representation as well as policy analysis and advocacy work on behalf of refugees in the U.S. and abroad.



In 2013, working with organizations like Human Rights First, Her Justice, Sanctuary for Families and Immigration Equality, attorneys in Debevoise's New York and D.C. offices represented 43 individuals in immigration matters ranging from asylum to U-Visa petitions and cancellation hearings, resulting in more than 2,400 pro bono attorney hours.

“The pro bono representation provided by attorneys at Debevoise has literally saved lives by protecting refugees from being returned to persecution. We often turn to Debevoise for our most complex or our most sensitive cases. We know that our clients are safe in competent, careful hands.”

Eleanor Acer  
Director, Refugee Program, Human Rights First



## Spotlight on Karli Robyn



“Client advice takes on a different meaning when it is on something that’s personally and vitally important to the client. Knowing that I’m making a huge difference in their lives is really rewarding.”

Karli Robyn

Karli, pictured above, a former member of the Employee Benefits practice, represented women and their children from Poland, Ghana, Guatemala and Ecuador in their applications for U-Visa status. She recently joined immigration law firm Fragomen, Del Rey, Bernsen & Loewy.



In 2013, Debevoise represented 5 women and their families in applications for U-Visas. In 2014, Debevoise has committed to more than doubling that number.

## Funds for DACA Applications

In 2013, the Lawyers Alliance for New York recognized the outstanding volunteer accomplishments of Debevoise partner Maurizio Levi-Minzi, associates Sasha Linney and Brita Siepker, and former associate Oran M. Ebel, for their work on behalf of the Neighborhood Economic Development Advocacy Project (“NEDAP”). The Debevoise team created collaboration agreements for NEDAP and its partners in the NYC DREAMer Loan Fund, enabling immigrants to borrow funds for the Deferred Action for Childhood Arrivals (“DACA”) application fee.

The NYC DREAMer Loan Fund made its first loan in December 2012 and received loan applications throughout 2013 and 2014. It is estimated that 60,000 immigrant youths in New York City may qualify for the DACA program, which allows immigrants who were brought into the U.S. as children to qualify

for deferred action in which the individual will not be removed from the country for a two-year period, and may also receive employment authorization. The agreements that the Debevoise team created for NEDAP have been shared with a similar coalition in California, allowing the fund structure to be replicated quickly there. NEDAP is a resource and advocacy center that works with community groups to promote financial justice in New York City’s low-income communities through direct services, education and outreach, policy advocacy, coalition work, capacity building, and research to eliminate discriminatory economic practices that harm communities and perpetuate inequality and poverty. Lawyers Alliance for New York provides business and transactional legal services for nonprofit organizations that are improving the quality of life in New York City neighborhoods.



“The work Brita, Sasha and Oran did with the New Economy Project brought together the best of our pro bono efforts. Our team wanted to make a difference for immigrant children in New York City; we did so by deploying our transactional skills to help put in place a safety net for children across the country. Helping stabilize their immigration status was an important contribution.”

Maurizio Levi-Minzi  
Debevoise partner (NY)



# Global Pro Bono

**Q&A with**  
Lord Peter Goldsmith





Debevoise's foreign offices are engaged fully in pro bono work. Matters range in complexity from Lord Goldsmith's groundbreaking advocacy fighting criminalization of homosexuality in the Caribbean and Southeast Asia to the London office's award-winning "pop-up" advice clinic for low-income Londoners grappling with consumer debt issues. The Paris office scored a recent victory as co-counsel with Human Rights Watch and other NGOs defending against spurious criminal defamation charges brought by the President of Equatorial Guinea before a Parisian investigative magistrate. Debevoise partners, international counsel and associates work to bring justice to all corners of the world.

**Peter, I want to start with the obvious: You have had a long and prestigious career in public service. Can you describe how that commitment became important to you?**

I've always had an interest in public service. Obviously, during my years in government I was full time in public service, but I did a lot of other stuff too. I was Chairman of the English Bar, and I played a big part in some international bar organizations as well. But at an even earlier stage, I suppose my first involvement was when I was just qualified and I started what turned out to be a legal advice center, a pro bono legal advice center in the East End of London, which was quite an underprivileged area. A friend of mine from university had become the sort of guy in charge of what was an old university settlement, which was a building – Victorian charitable giving – with social clubs and adult education courses, and he told me that he had a lot of kids coming who were in trouble with the police, but didn't actually know how to deal with it and didn't trust lawyers. So we concocted this scheme that I would go down and pretend to help with the disco in jeans, not in pinstriped suits, get to know the kids and then start saying, "Hey, I'm a lawyer, I can help you with this problem." Actually that worked very quickly and what happened was, I did do some work for the kids but very quickly their parents said,

"Hey, we understand you're a lawyer. Can you help us with this?" So we ended up setting up a legal advice center in this place, with some lawyers, some who've gone on to great things, doing quite a lot of work, and then ultimately it became a funded law center in the East End. So that's in a sense where that started.

**How did you carry on your interest in public service as you continued your career?**

I always thought it was really, really important to help people in that way. And it continued over the years when I stopped being Chairman of the Bar but wanted to carry on the pro bono side, and so I established an organization called the Bar Pro Bono Unit. I am still president of the Unit – although I have no active role in it. The Unit asks barristers to commit three days of their time a year to pro bono cases. We set up a clearinghouse system so we had a system for receiving applications for cases, assessing them, working out who was the right person to do it and then pushing them out – because barristers, being individual practitioners, can't themselves have that sort of system. And that's grown considerably. I got a tremendous response from the Bar. In the UK we have a cost-shifting rule so that when cases are fought in court the losing party normally pays the other side's costs. That can't work unless the other side is liable to pay their own

lawyer's costs – a rule called the "indemnity rule." So pro bono lawyers would do the case, win the case, then the judge would say, "Do you want your costs?" And they would say, "Well I can't have my costs because I'm not charging anything." And there was no way of doing anything about that. So when I was Attorney General I promoted, with the support of the judiciary, legislation which said that at the end of a pro bono case, the court could order what would've been the costs otherwise to be paid to a charitable organization, which would then use it to fund pro bono organizations. Now that ended up as an organization called The Access to Justice Foundation, which I was then asked to chair. So what we do is: we get money in, we distribute it to law centers, to legal advice centers, to pro bono organizations that need money to help particularly at the moment it is very difficult. I am very excited that a law firm just gave us a £100,000 donation, which we are looking forward to using to support some of these organizations. So that's a very, very long answer to what was a short question, but this gives you the overall background about it.

**You obviously had a lot of options in terms of joining a law firm when you left your position as the UK's Attorney General. The rumor on the street is that you chose Debevoise in large part because of its commitment to pro bono and its pro bono practice. I've got no hesitation in saying that that's absolutely the position.**

**So let's talk about what you have been doing since you joined Debevoise. What has come near and dear to your heart in terms of some of your own pro bono practice?**

I've got two big public interest matters on at the moment which I think are really very important. One is helping with the campaign to decriminalize homosexuality. Now, there are something like 76 to 80 countries in the world which still criminalize homosexuality. And I'm not talking about whether they allow same-sex marriages or give the same treatment to same-sex couples. I'm talking about people who are actually subject to the threat of imprisonment, because of what they do in private consensually as adults.

So we've taken on some of this work. I've argued in Belize, a hearing on a constitutional challenge to the laws against homosexuality on the grounds that they've breached a right to privacy, right to equality, right to dignity.

What was great about that case was that I am quite confident that whatever the outcome of the legal decision, we have made a difference. And I say that for two reasons. One, because after the hearing we went and talked to a number of the people who have been supporting us in court; we had a lot of supporters in court and a lot of opponents of what we were doing in court. And the supporters said to me, "People have been talking about this. It's been on the radio, it's been on the television, it's been in the newspapers, this has never happened before. People are talking about us. And that means that this country will never be the same again whatever the outcome of the case." Two, about two weeks after that the prime minister of Belize, with whom I have a lot of other litigation against, so I'm not in his favorites camp at all, made a speech at the independence day of Belize in which he said that he recognized there was a problem. He completely supported the Church's right to express their views on morality and homosexuality, but he explicitly said on the other hand we have to recognize that all our citizens have the right to live their lives, the right to privacy, and the right to not experience discrimination. And he was making a very clear pitch for exactly what we've been arguing for. Now, that gives me some comfort to think that even if we lose the legal case, he may now determine that he's going to do something about it on a legislative basis.

**That's a remarkable development. What is the hardest question you fielded during those five days?**

We covered a huge area of comparative law, and we cited U.S. jurisprudence. I think the most difficult question you face is, ultimately, "Why should we, the courts, do this? Why shouldn't we leave this to our legislature to do? Aren't they the best people to judge what the public needs?" To which the answer has to be: democratic rule, parliamentary legislative rule, is a great form of government. It's very good at looking after the majority, but it's not so good sometimes at looking after the views of the minority and actually the only place that minorities, particularly whose conduct or views are disliked by much of the population, can actually turn to is the courts so as to uphold their laws, to uphold their rights. And that I think is the most significant, trickiest question. And it's a very, very important answer because it's an answer that actually hits at the heart of the relationship between the courts, the legislature and the people.

**What issue are you excited about grappling with next?**

Well, we've been working on another pro bono case which concerns the dispossession of 300,000 people from a township in Lagos, Nigeria, 18 years ago, who have been fighting for compensation for redress through the Nigerian courts. They were thrown out with a great deal of force, dispossessed of their property, their land, some very bad things happened to them. I went to see them and they are still living in, frankly, squalid conditions with open drains in another part of the country – the place where they had lived before now being a rather upmarket, developed district. And after four years we got the African Commission on Human and Peoples' Rights to declare our claim admissible, so we are in the process at the moment of finalizing the merits stage. So I'm looking forward to that.

I just want to underline one thing, though, if I may, and I think it's very important when one is talking about pro bono work. It's not just the glamorous headline-grabbing cases that matter. I've often mentioned a remark made by Janet Reno when she was Attorney General. When she was talking to a lot of Wall Street lawyers, and she said, how important it was not just to do the \$3-4 million billing on a death row case, though that was very important, it was also important to deal with people's everyday problems, not glamorous. And she talked about "Adopt a Block." She was saying you should actually find a tenement block which was near your downtown office and look after the people there because they can't deal with the building supervisor, with the principal of the local school; they can't deal with other local agencies in the way that professionals can. So I think it's very important to do that as well. So I'm very proud of the fact that, for example, in the London office, everybody gets asked to help with one of the consumer and charity advice clinics that we work with other law firms to run across the city.



London associate Conway Blake awarded the Junior Lawyers Division Pro Bono Award (LawWorks).

**Last question: If there was something you could change about the legal profession in this respect what would it be?**

I want to say I would want people to be prepared to do more of this but that's sort of unfair because I think that the willingness to do it is, generally speaking, there. You know I've said that when I asked people, barristers, to sign up, they did. I also sort of worry about making things an obligation – because I think it's better if people do things from their heart than because they are obliged to do so. But on the other hand I'm not against saying, "If you want promotion in this business, if you want to get onto whatever the next rung of the ladder is, you need to have this on your CV," and if that is a way of getting people actually into doing pro bono work I'm happy to do that. At the end of the day, we are a very privileged lot as lawyers, but we do perform an activity which is very, very important to everybody around us. You can't live in today's society without coming into contact as an individual, as a consumer, as a parent, as a student, as a worker, with a whole network of laws, which is often very difficult to handle. And I think that the legal profession has got a responsibility to try to help people to deal with that.

# Moscow: The Together Fund

A Debevoise team partnered with the Together Fund to provide legal services to a program for Russian orphans. In the past four years, the Together Fund has bought two dachas (country houses with a small amount of land) to provide a home to teenaged Russian orphans who would otherwise often be placed in technical boarding schools with far lower levels of attention and mentoring from adults.

The "Dacha Program" fosters orphans' independence through growing their own food and participating in construction projects and practical skills seminars. After a successful start, the Together Fund wanted to establish a partially self-funded model for the program. Debevoise lawyers produced comprehensive documents outlining how the Together Fund could legally reinvest money from the sale of its produce back into its own programs and formalize the relationship between staff and participants.

Debevoise was introduced to the Together Fund by an organization called PILnet, which was set up in the 1990s, after the fall of the Berlin Wall, to promote the use of law as a tool to serve the interests of society as a whole. The Debevoise team included associates Daria A. Serebrova and Anna V. Maximenko, and former associates Natalia Putilina and Anna Eremina. Debevoise's pro bono program in Moscow is run under the oversight of partner Alyona N. Kucher.

"PILnet's Russia Pro Bono Clearinghouse first brought the Dacha Program to the attention of Debevoise & Plimpton in 2011. Lawyers from Debevoise, a firm with a longstanding and consistently lauded commitment to pro bono, produced comprehensive documents outlining how the NGO can legally reinvest money from the sale of its produce back into its own programs, and formalize the relationship with staff and participants. Debevoise's contribution in hand, the Dacha Program, alongside the youth it supports, can now begin to harvest its efforts for the future."

PILNet

"I'm incredibly impressed by the job that the Debevoise specialists did, the attention to detail and the depth of research."

Jenya P. Haps  
Chair, Together Fund



“After nearly 18 years of fruitlessly waiting for justice in domestic courts, the MEC (Maroko Evictees Committee) has – thanks to the efforts of Debevoise – put their case before the African Commission on Human and Peoples’ Rights. While the final outcome of the African Commission on Human and Peoples’ Rights case will not be known for some time, this case is already historic for several reasons. First, it is a beacon of hope for the Maroko evictees. Second, it is the first case filed at the ACHPR on forced eviction affecting the urban poor, thus, a positive decision on the case is likely to be precedent-setting.”

Felix C. Morka  
Executive Director, Social and Economic  
Rights Action Center (SERAC)

## International Human Rights

Debevoise leverages its international disputes practice, across all offices, to engage in cutting-edge international pro bono work, from advising low-income nations to appearances in courts worldwide vindicating the human rights of some of the world’s most marginalized communities. The firm’s deep cross-border transactions practice advises a number of international non-governmental organizations dedicated to, among other things, health care, transparency and social justice.

### AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

With Lord Goldsmith QC at the helm, Debevoise is acting for the Social and Economic Rights Action Center (“SERAC”), a Nigerian-based human rights NGO, in representing roughly 300,000 people before the African Commission on Human and Peoples’ Rights following a large-scale eviction by the state of Nigeria in the Maroko township in Lagos, Nigeria, in 1990. Maroko residents were given little notice of the eviction and no attempt was made to resettle the majority of those evicted. With no housing or compensation for lost property, the Maroko evictees have spent 24 years attempting to seek redress through the domestic courts without avail.

After learning of the case in 2008, Debevoise offered pro bono assistance to SERAC as it sought to file an application to the African Commission on Human and Peoples’ Rights alleging multiple violations of the complainants’ rights under the African Charter on Human and Peoples’ Rights. This collaboration originally resulted in the filing of a Communication before the Commission in 2008 on behalf of all Maroko evictees against the state of Nigeria, and after five years of delays the Commission finally declared the Communication admissible in July 2013.

Between July and December of 2013, led by partners Lord Goldsmith QC and Sophie Lamb and their team in London (international counsel Jessica Gladstone and associates Nicola Leslie, Michael Howe, Conway Blake, Samuel Pape and Ciara Murphy), the team worked closely with SERAC to file an extensive legal submission and over 20 statements of evidence, including boxes of exhibits collected from complainants in Nigeria. The full submission and evidence were lodged with the Commission in December 2013, and an oral hearing has been requested so that the complainants’ case can be presented before the Commission.

### INDEPENDENT DIPLOMAT

Independent Diplomat (ID) is a unique, nonprofit diplomatic advisory group. ID provides confidential advice and practical assistance in diplomatic strategy and technique to under-resourced and marginalized governments, as well as political groups who lack diplomatic expertise. It operates across the three pillars of modern diplomacy: political and diplomatic strategy, international law and public diplomacy. Work has been performed by former partner Catherine M. Amirfar and partner Natalie L. Reid, international counsel Jessica Gladstone, associates James B. Amler, Rebecca Jenkin, Nicola Leslie, Rushmi Bhaskaran, Ivona Josipovic and JoAnna C. Tsoumpas, and former associate Christina Prusak.

“Debevoise’s assistance on matters of public international law has been critical to ID’s ability to provide sophisticated advice to its clients, often under intense time pressure. Whether the topic be climate change, the jurisdiction of the International Criminal Court, or the scope of the UN Secretary General’s powers under the UN Charter, we can rely upon Debevoise lawyers to provide succinct, clear legal advice which is easily able to be adapted into the broader advice ID provides. We are very grateful for the depth of talent we have access to at Debevoise. They have been a pleasure to deal with.”

Jennifer Lake  
Legal Advisor, Independent Diplomat



Photo Courtesy of Rwanda Works' Global Health Builders

### RWANDA WORKS

When Rwanda Works determined that it wanted to pursue projects outside of Rwanda, it had to contend with organizational documents that limited its activities to projects specifically for development within the Republic of Rwanda. To get around this, Rwanda Works found Debevoise. Led by partner Sarah A.W. Fitts, with partner Seth L. Rosen, counsel Judith L. Church and associates Vincent J. Bianco and Jilliana K. Liu, the Debevoise team developed a reorganized structure for the charity that included the formation of a new nonprofit corporation named “Global Health Builders, Inc.,” with a broad charitable purpose covering any developing nation. Global Health Builders, Inc. has a linked board and management to its affiliate, Rwanda Works. Debevoise also advised the group with respect to the branding of its new global affiliate, which included the modification of logos, slogans and even the corporate name, from Health Works, to Health Builders, and ultimately, to Global Health Builders.

**“I think many people consider pro bono work to be limited to litigation work, such as housing disputes and immigration issues, or filing tax applications with the IRS. The Rwanda Works project demonstrates how an associate can use the corporate lawyering knowledge and skills developed at Debevoise to greatly benefit charitable organizations.”**

Vincent J. Bianco  
Debevoise associate (NY)

### GASANA

Lawyers in the New York office and from multiple departments (partner Ivan E. Mattei and associates Adam Hankiss, Noelle Duarte Grohmann, Susan E. Moser, Mark D. Wasco, Jarrod Shobe, Emily F. Huang, Stephanie Margulies, Verity A. Van Tassel Richards, Frank Y. Liao and Elizabeth Guidi) are working with the Eugène Gasana Jr. Foundation (“Gasana Foundation”) to further its plans to provide training, supplies, equipment and infrastructure support to improve healthcare for children with cancer in Rwanda, and eventually in other African countries. Founding members of the Foundation include Eugène Gasana, permanent representative of Rwanda to the UN, and Dr. Tanya Trippett, pediatric oncologist at the Memorial Sloan-Kettering Cancer Center. Debevoise has worked to incorporate the Foundation and is helping prepare its application for tax-exempt status. The nature of the Gasana Foundation’s work raises unique domestic and foreign legal issues related to fundraising, health care, money laundering, OFAC and grants to foreign organizations.

### ANIDAN

As pro bono counsel, Debevoise helped Kenyan NGO Anidan secure its nonprofit status in the U.S. Anidan’s primary goal is to develop the family and social environment of local impoverished children by providing basic needs and emphasizing education and cultural tolerance among local tribes. Through its shelter, Anidan houses more than 140 children and feeds, dresses, cares for and educates more than 250. Apart from basic care to recover from malnutrition and disease, Anidan seeks to develop a tolerant atmosphere, where carers and children from different ethnic backgrounds and with different beliefs and traditions live together peacefully. The Debevoise team consisted of counsel Huey-Fun Lee, associates Anne-Lise Quach, Munir Zilanawala, Jaime Doninger Schechter, Noelle E. Lyle and Lale Uner.



## Business & Human Rights

International recognition of the corporate responsibility to respect internationally recognized human rights has rapidly increased in recent years. Most significant was the UN General Assembly’s unanimous adoption of the Guiding Principles on Business and Human Rights in July 2011. They require that states protect human rights, that businesses respect human rights, and that both provide effective mechanisms of redress for instances when rights are not protected or respected.

In order to provide businesses with guidance regarding their human rights responsibilities, Debevoise launched its Business & Human Rights Initiative in 2013, the first formal Business & Human Rights practice of any major U.S. law firm.



# Criminal Defense



Sean Hecker

“I left my public defender job about eight years ago, but I still think of myself as a criminal defense lawyer. My pro bono work helps me remain true to that calling, provides opportunities to appear regularly in front of federal judges in the SDNY and EDNY, and, working closely with colleagues who share a passion for defense work, to occasionally succeed in preventing, or righting, a wrong in our criminal justice system.”

Sean Hecker  
Debevoise partner (NY)



Working with organizations such as the Federal Defenders, the Office of Appellate Defender, The Bronx Defenders, Equal Justice Initiative, the Legal Aid Society and more, and through our appointments via the Criminal Justice Act panels in the Southern and Eastern Districts of New York, Debevoise advocated on behalf of more than 50 individuals in the criminal justice system. This resulted in more than 12,000 pro bono attorney hours in the New York and D.C. offices in 2013 alone.

One of the most robust practices at the firm, Debevoise's pro bono criminal defense practice is supported by its White Collar and Regulatory Defense group. Lawyers are engaged in all aspects of criminal defense, from arraignment to appeal, including reinvestigation. Debevoise attorneys also provide pro bono transactional support to organizations looking to make systemic changes in the U.S. criminal justice system.

## INDIVIDUAL REPRESENTATION

In 2011, Debevoise partner Matthew E. Fishbein was asked by a colleague to represent Ravon Andrew, a father and small business owner, who had been charged in Brooklyn with second-degree murder and, until then, represented by counsel that Mr. Andrew's family feared was not up to the task. Reading through transcripts, listening to tapes and poring over police reports, Debevoise lawyers and staff discovered significant holes in the District Attorney's case as well as conduct that included the deliberate withholding of exculpatory evidence and allowing a witness to lie to the grand jury. With the evidence properly gathered, Debevoise established that Mr. Andrew had been targeted by, and indeed suffered, the victim's first shot prior to firing his own weapon in self-defense. On the eve of jury selection, the Brooklyn D.A. agreed to drop all charges against Mr. Andrew but for possession of an illegal weapon. Mr. Andrew was released from prison in 2014. The Debevoise team was led by partner Matthew E. Fishbein and included partner Natalie L. Reid, associate Jehan Pernas, and former associates Derek Ettinger, Jaime Kraybill and Brandon Hasbrouck.

## FOCUS FORWARD

Focus Forward Project, Inc. is a nonprofit organization dedicated to providing federal pretrial inmates with tools to better use their period of incarceration to plan for reentry, with the goal of helping participants gain confidence and skills to successfully move forward following completion of their sentences. Partners Peggy Davenport and Sean Hecker along with associate Jill Greenfield have advised Focus Forward on a number of transactional and liability matters.

Participants in the Focus Forward program complete weekly reading and journal assignments and focus on life skills that include resumé writing, goal setting, conflict resolution, public speaking, interviewing, self-motivation and reentry planning. Since June 2012, more than 50 inmates have graduated.



24 individual criminal defendants are represented in federal court through the Criminal Justice Act panel. Partners Matthew E. Fishbein, Sean Hecker and Helen V. Cantwell serve on the panel.

“The Bronx Defenders has worked with Debevoise & Plimpton on individual trial matters as well as appeals with systemic implications. We have consistently found the firm and the attorneys to be of the highest caliber and exceedingly generous with their time, resources and staffing, and driven by an unwavering passion and commitment to justice for our clients and their communities.”

Annie Pineda  
Pro Bono Attorney, The Bronx Defenders

# Culture & The Arts

Lawyers in nearly all Debevoise offices are engaged in pro bono matters protecting and promoting the arts. Representations range from museums to smaller collectives and individual artists, protecting their work not only through contract assistance but also protecting the artist herself in housing litigation or benefits appeals.

## MUSEUMS

### Wedgwood Society of New York

Wedgwood Society of New York is in an ongoing dispute regarding the disposition of hundreds of ceramics donated for permanent loan for exhibition at the Nassau County Museum, and, instead, indefinitely warehoused. Debevoise (Pro Bono Counsel Marjorie J. Menza and associates Clay Hubbard Kaminsky and Cara Soffer) is assisting the Society in securing the collection and loaning it for public display at the Birmingham Museum of Art in Birmingham, Alabama.

### Queens Museum

Debevoise assisted the Neustadt Collection of Tiffany Glass ("NCTG") in negotiating a long-term exhibition and cooperation contract with the Queens Museum. In exchange for an annual monetary contribution to the museum, NCTG will have exclusive use of one of the new galleries for 15 years and storage for its extensive collection (lamps, windows, painted glass items and other works of art created or inspired by Louis C. Tiffany). The Museum will also provide educational programming and exhibit support. The Debevoise team included partner Sarah A.W. Fitts and associates Adam Hankiss and Chantal Tortoroli.



Photo Courtesy of MOFAD

## MOFAD

The Museum of Food and Drink's ("MOFAD") mission is to change the way people think about food and to inspire day-to-day curiosity about what we eat and why. Debevoise has advised MOFAD in a number of ways, including assisting with 501(c)(3) documents, after which Debevoise associate Peter Kim left the firm to become MOFAD's Executive Director. The firm has continued to assist MOFAD by advising on its organizational structuring and in its attempt to find a permanent home on the Lower East Side of New York City. To that end, the firm's Real Estate Group assessed MOFAD's compatibility with a number of competing developers as it navigated the RFP process.

Debevoise also advised MOFAD in the development of its first exhibit, "BOOM! The Puffing Gun and the Rise of Cereal." In planning the exhibit, MOFAD considered featuring, among other items, cereal boxes and cereal advertisements, and drawings of the original "puffing gun." Debevoise provided advice concerning the copyright and trademark issues in including such items in the exhibit, as well as in the exhibit name and advertising materials. Debevoise also represented MOFAD in negotiations with cereal manufacturers concerning the use of certain images. The Debevoise MOFAD team has consisted of partners Maurizio Levi-Minzi, Seth L. Rosen, counsel Andrew E. Schultz and associates Jessica Batzell, Joseph William Weissman, Ethan A. Marcovici and Anjali Salooja.

## JAZZ FOUNDATION OF AMERICA

For more than 23 years, the Jazz Foundation of America has been dedicated to saving the homes and lives of elder jazz and blues musicians in crisis. The Foundation has helped thousands of musicians around the country, providing housing, health care, social services and meaningful, dignified work.

For the past 18 years, the Foundation's partners at Englewood Hospital, through the Dizzy Gillespie Memorial Fund, have provided free medical care and operations, worth many millions of dollars, to more than 1,000 musicians. Debevoise regularly provides the Jazz Foundation advice on corporate governance, tax and contractual matters.

Counsel Michael D. Devins not only sits on the Board of the Jazz Foundation, but also conducts intake at the Jazz Foundation for its musicians in need. Various associates then take on a number of housing defense matters each year on behalf of the musicians referred.

**"The Foundation has helped thousands of musicians around the country."**



Photo Courtesy of the Jazz Foundation of America

## LAWYERS VOLUNTEERING FOR THE ARTS

Debevoise's London office has played a leading role in creating a new pro bono initiative to serve the low-income arts community across England and Wales. Lawyers Volunteering for the Arts comprises a large group of law firms, all of whom pledge to assist arts organizations with a range of legal queries.



Lawyers Volunteering for the Arts (a Debevoise-led initiative) awarded the National Pro Bono Centre Award (LawWorks).



# Environmental Responsibility

## GREEN INITIATIVES

Debevoise's Green Committee formed several years ago, and is led by partner Sarah A.W. Fitts and counsel Stuart Hammer, and includes Director of Operations Ellen Breitner, associate groups, litigation support and administrative support. A leader among New York City law firms, the Committee has instituted the following:



### Reduce

In 2012, Debevoise changed the default settings on all copy/print machines to print double-sided.

This simple step resulted in a 12% reduction in paper usage in 2013.

## Compost

Some of the largest strides Debevoise has made are in composting. The New York office was the first major client to negotiate a composting agreement with a large-scale waste management company.



In cooperation with Flik, Debevoise's food service provider, the firm composts 677 gallons per week, or 32,500 gallons of food per year. The compostable waste is converted to organic fertilizer. Every two weeks, the firm donates approximately 40 gallons of used vegetable oil to Tri-State Biodiesel to convert it into fuel.

## Biodegrade

One of the first and most successful efforts of the Green Committee was ridding the firm of disposable plastic and Styrofoam products. Now, as you walk through our cafeteria or coffee bar, what look like plastic cups, forks and spoons are actually made from biodegradable corn resin. All napkins are made from unbleached, 100% recycled content paper, and take-out trays are made from sugar cane fiber.

## Reuse

Still and sparkling water for conference rooms and meetings are now serviced with reusable, refillable glass bottles. Debevoise was the first law firm to implement this change in New York City.



Each year, this saves 39,000 plastic bottles from landfills.

## Members of the Global Pro Bono Committee



For more information on our global pro bono program, please contact:

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