

## First Annual Davis Polk Pro Bono Awards



We are pleased to present the winners of our inaugural Pro Bono Awards and acknowledge their outstanding pro bono achievements!

- **First place – Lara Buchwald** – Lara is a member of the team that has assisted Legal Aid in efforts to reduce excessive caseloads borne by indigent defense lawyers, and successfully litigated to the New York State Court of Appeals the issue of whether the City of New York may assign institutional defenders to handle the conflict cases of other institutional defenders. The result of years of work is legislation passed and rules imposed by the State of New York that led to the hiring of more than 250 new Legal Aid attorneys.
- **Second place – William Pollak** – Will was victorious in two criminal hearings with The Bronx Defenders and two resentencing appeals that he argued before the First Department. He has led teams in drafting significant amicus briefs on death penalty issues and the evolving science of “Shaken Baby Syndrome.” Will was the senior associate on the team that secured the release of Nancy Smith, who was wrongfully convicted and serving a 30 to 90 year sentence.
- **Third place – Scott Wilcox** – Scott was lead counsel on a case filed in the Eastern District of New York on behalf of 39 U-visa applicants. The case challenged the government’s failure to timely provide plaintiffs with employment authorization documents to enable them to obtain social security cards and lawful employment. Scott negotiated a settlement that resulted in plaintiffs’ receipt of the full relief sought, plus “deferred action” while their applications are pending.

### Honorable mentions

- **Craig Cagney** – Craig undertook the laboring oar on securing the release, after 27 years of wrongful imprisonment, of Robert Hill, a victim of disgraced New York City detective Louis Scarcella.
- **Jonathan Chang** – Jon has worked on immigration and education matters, criminal appeals, Section 1983 cases, and veterans’ appeals. He volunteered to help establish a pro bono component at the new Pro Se Clinic in the Eastern District of New York.
- **Angela Li** – Angela has done work for the Asia Society HK, Public Interest Law Advocacy Center, Justice Centre and Sow Asia Foundation.
- **Laura Turano** – Laura has advised the Hispanic Society of America and its Board of Trustees on transactional and governance matters, and has advised Lincoln Center Education on a variety of matters.
- **Andrew Yaphe** – Andrew serves as pro bono coordinator of the Menlo Park office. He recently argued a prisoner civil rights case in the Ninth Circuit, which vacated the district court’s order of dismissal and remanded with instructions that the district court grant leave to amend the complaint and appoint counsel.

### WINTER 2017

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## Frances Bivens

Frances Bivens is a partner in Davis Polk's Litigation Department and has experience in a broad range of high-profile commercial litigation matters in federal and state courts around the country and arbitrations around the globe.

### **DAVIS POLK: How long have you been doing pro bono work?**

I have been doing pro bono work since I arrived at the firm in 1995. Early on, I often did cases with other Davis Polk lawyers, which was very rewarding. Ed Boyle and I had some memorable pro bono victories together. In an echo from the movie "Philadelphia," we got a substantial recovery for a man who had been terminated from his job at Tower Records after being diagnosed with AIDS in an attempt by Tower to avoid paying his health benefits. We also recovered another significant sum for a prisoner who was beaten at Rikers Island. I also did some high-impact cases back then, one in particular with Sharon Katz (who was the real engine behind the case) was a class action litigation that resulted in a very important consent decree regarding special education in the New York City public school system.

### **DAVIS POLK: What have you done since then?**

Since then, I have had the wonderful experience of supervising teams of associates working on very exciting cases. For example, I supervised several cases in which Davis Polk partnered with the Asian American Legal Defense Fund, representing workers who were not being properly compensated under the wage and hour laws. I worked on two different cases involving garment workers and another involving restaurant workers. The associates did a fabulous job on those cases and got meaningful settlements for the workers. In another matter with AALDF, the associates got an important recovery for a woman who had been a victim of trafficking – brought to the U.S. from Korea to do household work, but never paid for

her work after years of service. I also did impact litigation to get NYC grocery and drug stores to widen aisles and checkout lines so they would be accessible to people in wheelchairs.

I have also sat on the board of directors of Advocates for Children for years and chaired their fundraising committee. I am now on the board of the Lawyers Committee for Civil Rights.

**Jump in and get involved!**  
**There are so many great organizations that need pro bono assistance...**

### **DAVIS POLK: Can you tell us about your recent pro bono work?**

Recently, I (along with several Davis Polk associates) have been handling two child custody cases arising under the Hague Convention, both pending in the Eastern District of New York. These cases are quite different than the matters I have worked on in the past. The issues that come into play when a child's custody and a parent's rights are at stake are weighty, personal and often difficult to resolve in a court proceeding. The cases have been very rewarding – we really feel like we have made a difference in people's lives in a very tangible way.



### **DAVIS POLK: Do you have any advice for lawyers who want to get involved in pro bono?**

Jump in and get involved! There are so many great organizations that need pro bono assistance on a wide variety of matters, it's not hard to find opportunities to do rewarding work and make a difference.

## Amy Starr

Amy Starr is a partner in Davis Polk's Litigation Department. She has experience in a wide variety of state and federal court commercial litigation matters, regulatory enforcement proceedings and bankruptcy-related litigation.

**DAVIS POLK: How and why did you become involved in this work that is so different from your traditional area of practice?**

I originally got involved in pro bono work as an associate, but I reinvigorated my pro bono practice over the past five or six years. Through my position on the board of the Fund for Modern Courts, I met a lawyer who was representing a child seeking Special Immigrant Juvenile Status (SIJS). I was distressed about the treatment of children in our immigration system, and became passionate about helping them access their rights and remedies. Shortly thereafter, I undertook my first pro bono matter in this space – investigating the family court's treatment of SIJS requests with a team of summer associates.

**DAVIS POLK: Can you tell us about your recent pro bono work?**

My work has been a combination of advocating for court reform and representing SIJS clients. SIJS cases focus on obtaining legal status for juveniles under age 21 who have been abandoned, abused or neglected. I am also working on U Visa matters. U Visas provide victims of crimes, primarily domestic abuse victims, with temporary legal status, which can ultimately lead to permanent legal status. It is clear that the New York Family Courts, which must make the factual findings prerequisite to obtaining legal status for SIJS and may often make the necessary findings for U Visa cases were not familiar with these proceedings and were making legal mistakes that had tragic results for women and children.

I started looking for alternatives to reform the programs and published a white paper on my findings. This led to my appointment by the Chief Administrative Judge to the Advisory Council on Immigration Issues in the Family Court for the State of New York. Our Council is tasked with coming up with suggested reforms.

**DAVIS POLK: What have you learned through your pro bono work?**

Patience and persistence. You can't fix everything at once; it takes a long time to affect change. You have to keep banging on the door – but eventually someone will listen.

**DAVIS POLK: How has your involvement in pro bono enriched you as a lawyer?**

My focus on securities cases and complex commercial litigation can be all-consuming, but pro bono work brings you out of your shell and into the real world. It has broadened my world-view and how I view and engage with other people.



**DAVIS POLK: Do you have any advice for lawyers who want to get involved in pro bono?**

Make time to include pro bono as a regular part of your practice. Try different cases until you find an area of the law that really sparks your interest. You'll be at your very best when you are working on a case that you really believe in.

**You can't fix everything at once; it takes a long time to affect change. You have to keep banging on the door – but eventually someone will listen.**

## Associate Interview

Menlo Park

### Ingrid Perez

Ingrid Perez is an associate in Davis Polk's Corporate Department, practicing in the Menlo Park office.

#### **DAVIS POLK: How did you become involved in pro bono?**

I became involved in pro bono work very early in my Davis Polk career. When I was a summer associate I volunteered to assist in an asylum application. The assignment gave me the opportunity to meet the client, gather evidence and draft several sections of the legal brief in support of the asylum application. I also worked with a country expert who provided invaluable support for the case. By the end of the summer, the supervising attorney was able to submit the asylum application and have a good working draft of the legal brief. I kept in touch with the supervising attorney throughout law school. Surprisingly enough, the backlog in the SF asylum office was so long that I came back two years later and was able to pick up the case right where I had left it as a summer associate. I started at Davis Polk in September 2015 and in April 2017 the client was granted asylum.

#### **DAVIS POLK: What types of pro bono work have you done during your time at Davis Polk and why is this work important to you?**

I have worked on asylum cases and volunteered at the housing clinic in Redwood City. The housing clinic is a negotiation exercise. It allows you to negotiate with a landlord for a resolution that immediately impacts a person who may be on the verge of losing their home. I also took on a defensive asylum case when I started as an associate.

I do pro bono work because I believe it is my duty as a lawyer. I also enjoy asylum cases because they are ideal for a corporate associate who wants to continue developing their litigation skills while maintaining control over their corporate schedule and workload. Asylum cases

are compressed cases where one has the opportunity to research, write and argue in court. The ability to help someone find a new home in a country that respects peoples' diverse backgrounds and beliefs is important to me because as a Cuban political refugee, I know how these immigration protections have the ability to shape and change, not just one person's life, but potentially the life of a whole generation.

#### **DAVIS POLK: What have you learned through your pro bono work?**

My pro bono work has taught me many things, from immigration court rules to the intricacies of sharia law in Saudi Arabia. Pro bono work has given me exposure to legal challenges that I do not encounter in my daily practice and allowed me to learn about new cultures. It has also taught me to continually value the privilege I have every day to work with some of the most sophisticated clients in the world while at the same time counsel some of the most disadvantaged people who come from different cultural and socioeconomic backgrounds.

**Pro bono work has given me exposure to legal challenges that I do not encounter in my daily practice and allowed me to learn about new cultures.**



#### **DAVIS POLK: What surprised you about pro bono work in general or your recent asylum work on behalf of your client Ms. V.?**

Pro bono work can surprise you in many ways because you work with an entirely different body of law and you get to work with people from all walks of life and learn about their story. Ms. V.'s case has been particularly interesting because although I am a native Spanish speaker and can communicate with Ms. V. who is from Guatemala and speaks Spanish, her native tongue is not Spanish, but Mam, a Mayan language. It has really forced me to become a better Spanish speaker.

#### **DAVIS POLK: Do you have any advice for other associates who want to get involved in pro bono?**

Just do it. But do it thoughtfully. Think about why you are doing the work and what you hope to accomplish. The work will be equally challenging, if not more challenging than your everyday practice. Pick something that will keep you curious and engaged.



## Davis Polk Provides Corporate and Litigation Advice to iCivics Inc.

Davis Polk has provided legal advice to iCivics Inc. on a variety of corporate, tax and litigation matters since its formation in 2009. iCivics, founded by Justice Sandra Day O'Connor, provides free educational online games and classroom resources to promote civic engagement among students. iCivics serves over 110,000 teachers and educators, and nearly 4 million students each year across all 50 states. Its mission is to ensure every student receives a high-quality civic education regardless of geography and income, and becomes engaged in, and beyond, the classroom.

Our corporate legal advice has included creating and updating iCivics' bylaws and other corporate documents, advising on tax matters, negotiating and drafting software and commercial contracts for the licensing and development of iCivics' online game and curriculum content, and counseling iCivics on issues relating to student privacy and data security regulations. In addition, Davis Polk has provided litigation advice to iCivics from time to time, including recently representing iCivics in a breach of contract action brought in D.C. Superior Court against a licensee of iCivics' content who refused to pay a portion of the licensing fee due to iCivics. The case was dismissed without prejudice after the parties reached a favorable settlement.

The Davis Polk team has included partners Joel Cohen, Pritesh Shah and Mario Verdolini, counsel Michelle Ontiveros Gross and associates Fiona Moran, Gary Lo, Paul Lee and Surya Gopalan.

## Davis Polk Associate Co-Founds the Rikers Debate Project

On October 19, 2016, *The New York Times* featured an event hosted by the Rikers Debate Project, a pro bono client of the firm. The Debate Project, led by professionals and former college debaters, teaches inmates at Rikers Island the skill of competitive debate in order to help them learn conflict resolution, public speaking and argument analysis. The Debate Project holds classes every Saturday at the George R. Vierno Center at Rikers, and in December plans to begin classes at the Rose M. Singer Center, the only facility on Rikers that houses women.

*The New York Times* article covered a public debate held at Rikers in October. The debate featured two teams, each comprised of one volunteer (both of whom were former successful college debaters) and one student/inmate. The topic was whether prisoners should have the right to vote, and the team arguing in favor of the resolution won. In conjunction with the debate, the Rikers Debate Project has drafted legislation that would make New York the third state in the country granting enfranchisement to the currently incarcerated, and are hoping to have it introduced in the New York Assembly and Senate this upcoming session.

Litigation associate Pat Andriola is a co-founder and board member of the Debate Project, and brought the idea of the firm's representation to Davis Polk. Counsel Katia Brener and associates Jaryn Fields and Fannie Chen from the Corporate Department are assisting in the Debate Project's incorporation, while partner Kathleen Ferrell and associate Caroline Dayton from the Tax Department are handling the 501(c)(3) application process.

Please reach out to Pat Andriola if you are interested in assisting the Debate Project, either as a lawyer or a volunteer. Pat teaches nearly every Saturday and would love to have you come to a class! You can read more about the Rikers Debate Project in *The New York Times* at: <http://www.nytimes.com/2017/10/19/nyregion/debate-team-rikers-inmates.html>.

## Davis Polk Clients Awarded Conservatorship

On September 28, 2016, the San Mateo County Probate Court granted a limited conservatorship to our clients, the parents of a developmentally disabled adult child. Under California law, when individuals with a developmental disability turn 18, their parents no longer have the right to make legal decisions for them. However, the court may appoint a limited conservator for such individuals if the court finds that they lack the capacity to manage their personal needs. The Davis Polk team demonstrated that because our clients' child lacked that capacity, it would be in her best interest to be placed in a limited conservatorship under her parents' care.

The team included associates Andrew Yaphe and Jayeeta Kundu and legal assistant Anna Tumanova. Partner Neal Potischman supervised.

The case was referred to Davis Polk by The Legal Aid Society of San Mateo County.

## Davis Polk Obtains Significant Award for Veteran

On June 23, 2016, a mere three days after oral argument in Washington DC, the Board of Veterans' Appeals ("BVA") issued a written decision granting Davis Polk pro bono client R.A. service connection for his asbestos-related pulmonary fibrosis. Less than a week later, R.A. was awarded approximately \$140,000 in retroactive benefits and a \$3,100 monthly benefit going forward.

R.A. served in the Navy on active duty from March 1962 to March 1964 aboard the USS Forrestal, where he was exposed to asbestos. In 2010, R.A. was diagnosed with pulmonary fibrosis and filed a claim with the BVA for disability compensation, which the Regional Office denied for lack of service connection in 2010, and again in 2013. The latter denial was based solely on the Regional Office's misreading of medical opinions that R.A. submitted from his private physicians. Davis Polk began representing R.A. after the 2013 denial and filed an appeal with the BVA. Due to several administrative errors on the part of the Regional Office, the hearing on R.A.'s appeal was not held until three years later, on June 20, 2017. Among other things, Davis Polk argued at the hearing that the BVA should resolve the appeal quickly because R.A. is in end stage lung failure and deserves to live to see his claim for benefits resolved. The three-day turnaround in getting a decision was remarkable, given that the average decision time for the BVA is four to six months.

The Davis Polk team included counsel Jonathan Chang and associate Antonio Haynes. The team worked closely with three in-house lawyers from Morgan Stanley, Ben Moskovits, Dennine Bullard, and Olaseni Bello, to achieve this result. Partner Michael Mollerus provided support.



(l. to r.): Michael Mollerus, Jonathan Chang, Antonio Haynes

## Davis Polk Secures T-Visas for Trafficking Victim and Her Children

On June 1, 2016, the U.S. Citizenship and Immigration Services granted T Non-immigrant status to Davis Polk pro bono client LR, a sex-trafficking victim, and T-visas to her two daughters, who are still in Colombia.

In 2007, LR, a single mother of two (in dire financial straits and living in Colombia) was promised a job at a restaurant or beauty salon by a close family friend if LR moved to New York. Once in New York, LR was forced to prostitute herself for years to pay back the purportedly ever increasing debt to the family friend for having brought LR to the United States.

Before eventually escaping her traffickers, LR was subjected to numerous incidents of verbal and physical abuse by her traffickers and "clients," and had to live with constant threats to her life and the lives of her two daughters in Colombia.

In July 2014, LR learned about Sanctuary for Families and sought help. Jointly with Sanctuary for Families, Davis Polk represented LR in her meetings with the FBI to investigate the trafficking ring, and assisted LR in applying for T-visas for herself and her daughters. The Davis Polk team included associate David Robles and legal assistant Vanessa Toro-Plaza. Sharon Katz provided support.

## Awards

### LEGAL AID PRO BONO PUBLICO AWARD



On October 26, **Legal Aid** honored Davis Polk for Outstanding Advocacy in Championing the Rights of the Accused. In addition, counsel Lara Buchwald, associates Chris Le Coney, Edith Beerdsen and Jane McCooley, and senior counsel Dan Kolb were recognized for their individual contributions.

### JEREMY EPSTEIN AWARD



On October 24, the **City Bar Justice Center** presented counsel Jonathan Chang with the Jeremy G. Epstein Award for his extraordinary work on behalf a veteran who served in the Navy in the 1960s and had been exposed to asbestos. Jon and his team's efforts resulted in a retroactive award of \$140,000 plus monthly payments of \$3,100 going forward. The client's wife and daughter attended the ceremony, expressing great gratitude to Jon and his team.

### SANCTUARY FOR FAMILIES "ABOVE AND BEYOND" AWARD



On October 19, associates Daniel Spitzer, Nick DiMarino and Rachele Navarro, and supervising partner Joel Cohen were honored at **Sanctuary for Families'** Above & Beyond Benefit for their pro bono work on behalf of a survivor of domestic violence whose abusive ex-husband owed thousands of dollars in child support arrears. Working with Sanctuary attorneys on this particularly complicated procedural matter that took them to both Family Court and Supreme Court, the team not only won a court order compelling the ex-spouse to pay \$20,000 in overdue support but also doubled the amount of child support that would be paid going forward.

### SANCTUARY FOR FAMILIES ABELY AWARD



Davis Polk Special Counsel for Pro Bono Sharon Katz was honored on September 26, at **Sanctuary for Families'** 20th Annual Abely Awards. The event honors individuals who have made a difference in the lives of domestic violence and sex-trafficking survivors.

Sharon received the Abely Pro Bono Achievement Award for her role in expanding high-quality, sensitive pro bono service for marginalized survivors of domestic violence. Sharon participates in and supervises numerous Sanctuary matters ranging from U Visas, T-visas, VAWA petitions, and individual custody cases and child support matters to complex federal suits addressing systemic immigration policy failures.

The Abely Awards celebrate the life and legacy of the late Maryellen Abely, an alumna of Columbia Law School and Davis Polk. Maryellen was one of the first pro bono lawyers at Sanctuary for Families' Legal Center and a tireless advocate for the rights of victims of domestic abuse. She expanded the type of pro bono work that Davis Polk undertook and encouraged many lawyers to volunteer their time to Sanctuary clients.

Upon receiving the award, Sharon remembered Maryellen as committed to the elimination of violence against women. "No one worked harder than Maryellen to help domestic violence victims. To this day, Maryellen's legacy inspires us to continue the fight against all forms of gender violence."

### THE FEDERAL BAR COUNCIL'S THURGOOD MARSHALL AWARD



*Federal Bar Council*

On June 16, Davis Polk associate Scott Wilcox was presented with the

**Federal Bar Council's** Thurgood Marshall Award for Exceptional Commitment to Pro Bono Service. The award celebrates lawyers in private practice who have demonstrated an exemplary commitment to providing or facilitating pro bono legal services in federal courts or agencies within the Second Circuit.

Scott has devoted more than 1,600 hours to pro bono legal services during his time in private practice – an average of approximately 250 hours per year. He has represented individuals and non-profit organizations in immigration, veterans benefit, arts-related, elder law, non-profit governance and criminal law pro bono matters.

### THE LEGAL AID SOCIETY SERVANT OF JUSTICE AWARD



Davis Polk senior counsel Dan Kolb received the Servant of Justice Award at **Legal Aid's** 39th Annual Awards Dinner on May 12.

The Servant of Justice Award recognizes commitment to the mission of equal access to justice for all within the legal community. Seymour James and Adriene Holder of Legal Aid presented the award.

In his 50-year career at Davis Polk, Dan has dedicated significant time to handling impact cases. Among the many important pro bono projects on which he has partnered with Legal Aid, he has helped to attain critical legislative funding and groundbreaking administrative policies that ensure indigent criminal defendants receive the representation to which they are entitled. He has contributed significantly to an increase in the number of Sustaining Firms supporting the Society's Civil Practice and a substantial increase in the number of lawyers in the Criminal Practice.

Dan has served on The Legal Aid Society's Board of Directors for over a decade and currently serves as Vice Chairman of the Board and Chair of its Development Committee.

# Pro Bono Partner Organizations and Corporate Clients

## Amicus

Brennan Center

California Crime Victims for Alternatives to the Death Penalty

Center for Gender and Refugee Studies

Equality Now

Human Rights First

Innocence Project

Murder Victim Families for Reconciliation

Sanctuary for Families

## Arts Contracts

Volunteer Lawyers for the Arts

## Arts Litigation

Volunteer Lawyers for the Arts

## Asylum

Human Rights First

Immigration Equality

Sanctuary for Families

## Civil Rights

(including prisoners' and workers' rights)

Asian American Legal Defense and Education Fund

Lawyers Committee for Civil Rights

Prisoners' Legal Services

## Clemency Petitions

Clemency Project 2014

Innocence Project

Legal Aid Society

## Criminal Appeals (Defense)

The Legal Aid Society

Office of the Appellate Defender

## Criminal Appeals (Prosecution)

Kings County District Attorney's Office

## Criminal (Non-Appellate)

Bronx Defenders

Federal Defenders of New York

Innocence Project

## Corporate, IP and Tax

Lawyers Alliance for New York

Volunteer Lawyers for the Arts

## Death Penalty

ABA Death Penalty Project

## Elder Law

Volunteers of Legal Service

## Education

Advocates for Children

## Election Protection

Lawyers Committee for Civil Rights

## Family Law

Bronx Defenders

Brooklyn Family Defense Project

Her Justice

Incarcerated Mothers' Law Project

Sanctuary for Families

## General Litigation

The Legal Aid Society

New York Legal Assistance Group

## Holocaust Survivors Program

Bet Tzedek

## Immigration

The Legal Aid Society

New York Legal Assistance Group

Sanctuary for Families

Volunteers of Legal Service

## International Human Rights

International Justice Mission

Public International Law and Policy Group

World Food Programme

## Microfinance

Grameen America

Microcredit Enterprises

Pro Mujer

## Real Estate

Hour Children

Settlement Housing Fund

## Research

Common Sense Media

## Resentence Petitions

The Legal Aid Society

## Transgender Name Change

Transgender Legal Defense and Education Fund

## Unemployment Benefits

Volunteers of Legal Service

U Visas

LatinoJustice/PRLDEF

Sanctuary for Families

Anti-Violent Project

## Violence Against Women Act Petitions

Her Justice

## Veterans Assistance

City Bar Justice Veterans Assistance Program

## Get Involved! Pro Bono Matters

### Learn more!

For more information about our pro bono practice, please visit [www.davispolk.com/pro-bono/](http://www.davispolk.com/pro-bono/)

To participate in our pro bono program, contact:

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### Special Counsel for Pro Bono

Sharon Katz

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