

Davis Polk

Pro Bono Matters

2021

Since our founding, we have proudly upheld a commitment to serve pro bono clients with the determination and legal excellence that define our broader culture.

Pro Bono Matters

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Highlights



Diane Lucas, the Promise of Justice Initiative

We recently sat down with Pro Bono Counsel for Racial Justice Initiatives Diane Lucas to discuss the firm's partnership with the Promise of Justice Initiative (PJI), a nonprofit that works toward positive change and fair treatment for people in the criminal legal system.

Why did the Pro Bono team choose to work with PJI?

Prior to my arrival, the Pro Bono team learned of PJI's Jim Crow Juries: Unanimous Jury Project and immediately recognized one of the most compelling sets of cases that we can work on in the racial justice space. PJI has taken on an unconstitutional law that allowed people to be convicted even when the entire jury did not agree they were guilty. The majority of people in prison because of this law are black and brown. Most of our clients are incarcerated in the Louisiana prison Angola – a former plantation. After the U.S. Supreme Court ruled in April 2020 that the Sixth Amendment to the U.S. Constitution requires that guilty verdicts for criminal trials be unanimous, 1,500 people became eligible to challenge their convictions. PJI found itself in desperate need of attorneys. It was an easy choice for our team to dive in.

How many cases is our team taking on?

In the last few months, our team has expanded the cases we have taken on to 23 – a huge undertaking. Personally, I wanted to work on these cases because they are directly in line with my mandate for racial justice initiatives. My goal was to help build out this partnership so that we could take on more cases and support the lawyers who were already working hard to put the best case forward for our clients. Our team of 50+ includes Special Counsel for Pro Bono Sharon Katz and Pro Bono Counsel Dara Sheinfeld, who help to supervise the whole project.

Is there a particularly meaningful ongoing case or client outcome you would like to share?

On March 31, 2021, our client M.D. – convicted in 2008 by a non-unanimous jury and sentenced to life in prison plus 198 years – was resentenced to time served and released, having spent more than 18 years in the Louisiana State Penitentiary at hard labor. Having already served six years awaiting trial, M.D. was found guilty of three counts of armed robbery and sentenced under the Louisiana habitual offender statute. In February, our team and co-counsel from PJI requested a new trial for M.D. The New Orleans District Attorney's Office offered to waive all objections to the motion and offered a deal in which M.D. pled guilty to a single count of armed robbery. The DA further agreed not to seek a sentence in excess of 25 years and not to pursue a habitual offender sentence. At the resentencing hearing, the judge cited M.D.'s work history and dedication to bettering himself through educational courses while incarcerated as evidence of his rehabilitation.

How can people get involved with racial justice initiatives at Davis Polk?

Reach out to us. Let us know your availability – we would love to have you work with us. We have a number of active matters and others in the pipeline addressing systemic racism. We send out periodic emails about matters, but if you'd like to work on something specific, contact the Pro Bono team.

Since January 1, 2020

Pro Bono by the numbers

86

clients assisted with asylum, U visa, green card, employment authorization and citizenship applications

115

court appearances in federal, state appellate or family court by

41

lawyers

51

small business clinic consultations

64

nonprofits advised on corporate and transactional matters

Congratulations to the winners of our fifth annual Davis Polk Pro Bono Awards! We are grateful for their tireless commitment to pro bono work and applaud their outstanding achievements. In honor of the winners, the firm donates to a nonprofit of their choice.



First Place: James Park

James has been engaged in appeals before the Second Circuit and related efforts in state court to prevent the removal of detained immigrants. Much of his work focuses on the complex issue of whether a state law conviction subjects an immigrant to removability under the Immigration and Nationality Act based upon the “categorical approach” analysis. One appeal led to a petition for a writ of certiorari as well as a collateral motion in state court to vacate the underlying guilty plea on the ground that the client was misled to believe that it would not have immigration-related consequences. James has also continued his work on behalf of affirmative asylum seekers.



Second Place: Catherine Kennedy

Catherine has been actively involved in work on U-Visa and defensive asylum matters. She is currently working with a team to assist a derivative child of a U-Visa client who has been denied a visa.



Third Place: Kanysha Phillips

Kanysha has assisted with a Legal Aid appeal, represented an incarcerated person in Louisiana as part of the Promise of Justice Initiative, seeking relief from a conviction based upon a non-unanimous jury verdict, and joined the Justice Task Force support team. She also teaches trial skills to fifth graders at the One World School in the Bronx.

Project Award: COVID-19 Project

Forty-eight lawyers and legal assistants, comprising the COVID-19 Project, helped over 30 small businesses in New York City address legal issues they faced due to the pandemic. Through remote clinic consultations, the volunteers advised small businesses on financial relief available under the CARES Act, commercial lease issues, CARES Act unemployment relief, contracts and tax issues.

Participants include partners Brian Lichter and Mario Verdolini, counsel Welton Blount, Katia Brener, Susan Kennedy and Daniel Newman, Pro Bono Counsel Nancy Marchand, associates John Atchley, Michele Babkine, Eric Cheng, Hillary Coleman, Michael Comstock, Rachel Feldstein, Gene Goldmintz, Paulina Gordon, Ryan Johansen, Jennifer Kalmanides, Elina Khodorkovsky, Eric Lewin, Suiwen Liang, Dmitry Molchanov, Russell Quarles, Tyler Senackerib, Brad Sherman, Nicholas Soilleux, Greg Swanson, Lex Varga, Liang Zhang and Brooke Zheng, legal assistant Wenjia Yu, former counsel Daniel Forester, former associates Cory Bettel, Brendon Francis, Joseph Gerstel, Rachel Hoberman, Morgan Lee, Charlie Lin, Sean Pinckney, Nadia Raynes, Carol Rodrigues, Jeremy Sklaroff, Brittany Taylor, Kim Won, Lucas Wozny and Jolie Yang, former claw clerk Brendan Costello and former summer associates Anya Nandkeolyar and Marquis Pullen.



Law Society of Hong Kong

Davis Polk and eight of the firm's lawyers were honored at the Law Society of Hong Kong's 2020 Pro Bono and Community Work Recognition Program. Davis Polk received a Silver Award in recognition of our commitment to pro bono and community service. Over the year, lawyers and staff from our Hong Kong office took on a range of important and impactful projects, including appellate and first-instance work with refugees, advocacy for the LGBTI+ community and providing advice to social enterprises and charities. The Law Society also presented Individual Gold Awards to counsel Jonathan Chang, associate Katy Choi and trainee solicitor Leanne Chu. Trainee solicitors Jacky Fung, Kirstie Leung and Caroline Wang and former associate Vivian Chow received Individual Silver Awards, and associate Lincoln Jim received an Individual Bronze Award.



Sanctuary for Families

Sanctuary for Families honored Davis Polk at the 2020 Above & Beyond Virtual Pro Bono Achievement Awards, which recognizes members of the legal community who have gone "above and beyond" by providing outstanding pro bono representation and advocacy to victims of domestic violence, sex trafficking and related forms of gender violence. Davis Polk was honored for our pro bono work on the Virtual Courtroom Advocates Project, which provides virtual pro se assistance to survivors of domestic violence seeking orders of protection from abuse and violence.



Bellevue Program for Survivors of Torture

At its inaugural annual benefit, Bellevue Program for Survivors of Torture honored Davis Polk with the Steve Kolleeny Pro Bono Service Award, which recognizes law firms for their diligence and persistence in bettering the lives of their pro bono clients. The Bellevue Program for Survivors of Torture's mission is to assist individuals and families subjected to torture and other human rights abuses to rebuild healthy, self-sufficient lives and to contribute to global efforts to end torture. Davis Polk was presented with the Steve Kolleeny Pro Bono Service Award, which recognizes law firms for their diligence and persistence in bettering the lives of their pro bono clients.

COVID-19 Recovery Task Force

Davis Polk’s Pro Bono team partnered with Deputy Chief Administrative Judge, Office for Justice Initiatives, Edwina Richardson Mendelson to assist the COVID-19 Recovery Task Force, a group formed through a partnership of the New York State Bar Association and the New York State Courts, in developing a child support pilot that expands a video-conferencing platform created by Legal Information for Families Today (“LIFT”) to bring child support legal consultations to litigants throughout the state. The pilot aims to help the growing number of unrepresented New Yorkers litigating child support petitions in the wake of the pandemic.

The Davis Polk team is led by Special Counsel for Pro Bono Sharon Katz and Pro Bono Counsel Dara Sheinfeld and includes associates Alexa Lutchen and Elizabeth Weinstein and legal assistant Monica Lee. Davis Polk’s pro bono efforts were highlighted by Chief Judge Janet DiFiore in her December 7, 2020, COVID-19 update, “Coronavirus and the New York State Courts.”





Domestic Violence Survivors Justice Act

Counsel Denis McInerney and Pro Bono Counsel Dara Sheinfeld lead Davis Polk’s efforts to secure release for incarcerated survivors of gender-based violence in New York. Together, the team works to not only get survivors out of prison early, but to also provide them with resources and support needed to be successful once back in the community.

Signed into law in 2019, New York’s Domestic Violence Survivors Justice Act (DVSJA) is landmark legislation that provides the most significant sentencing relief for domestic violence survivors in the country. Pursuant to the DVSJA, an individual who has been sentenced to at least eight years in prison can be resentenced pursuant to a substantially lower sentencing range if she can establish that 1) she was the victim of substantial domestic violence, 2) the abuse was a significant contributing factor to her criminal conduct and 3) her original sentence was unduly harsh given all of the facts and circumstances. The DVSJA also applies to original sentencing proceedings for victims of domestic violence convicted after the law took effect. The potential sentence reductions can be quite consequential (e.g., reducing what would otherwise be a range of five to 25 years to one to five years).

It is estimated that there are several hundred individuals currently incarcerated in New York prisons who are potentially eligible to be resentenced pursuant to this new law. “Before our first case was even resolved, we were already getting calls asking us to take on more cases,” says Pro Bono Counsel Dara Sheinfeld, who spearheads Davis Polk’s DVSJA efforts along with counsel Denis McInerney.

“This was a new law,” Denis explains. “We had to work through a number of strategic and practical considerations with our partners at Legal Aid, Sanctuary for Families and other defense organizations to identify meritorious cases and determine the most effective way to move forward with them.” The team relies on expert psychological evaluations and extensive fact-gathering efforts to make these cases. These efforts include sensitive, heart-wrenching client interviews, as well as the collection of critical corroborating documentary and testimonial evidence. Denis and Dara both stress the importance of trauma-informed lawyering and minimizing re-traumatization of the survivors through this legal process.

The initial hope in each case is to persuade the prosecutors of the merits of the resentencing application before it is even filed with the court. To this end, there is

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– Denis McInerney

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– Dara Sheinfeld

usually significant pre-filing engagement with the prosecutors in these cases, with the goal of convincing them to not only not oppose the DVSJA application, but to actually join in it. Thus far, that goal has already been met in four of the 14 DVSJA cases on Davis Polk’s docket. As a result, to date, three women have walked out of prison early (the first in April 2020, the second in August 2020 and the third in March 2021). The fourth – whose DVSJA application was filed with the court just days before her prison term had expired – had her five-year term of post-release supervision entirely wiped out within approximately one month of the application.

“We went from novices to specialists in the course of the 20 months that the statute has been in effect,” Dara noted. “Other firms are now coming to us to workshop their cases and strategize together in a collaborative approach that should really be a model for other new pro bono initiatives across the legal community.”

Davis Polk’s support of these clients does not end with their release from prison. The team helps to connect clients with programs tailored to the needs of the formerly incarcerated, including workforce training programs, counseling and other therapeutic support. The firm works with Sanctuary for Families and other nonprofits that are able to provide our clients with the services that will help them to not just transition to their new world, but to thrive in it. An intensive career readiness training program, Sanctuary’s Economic Empowerment Program (EEP) helps survivors develop a wide range of skills, which include attaining Microsoft Office Specialist certifications in Word, Excel and Powerpoint, and then connects them to invaluable internships (fully paid for by Sanctuary) to gain the experience they need to obtain a living wage job. Notably, because COVID-19 compelled EEP to become a virtual program, Sanctuary was able to expand the geographic scope of the program, enabling formerly incarcerated survivors returning to their homes upstate to participate.

“Sanctuary has welcomed our formerly incarcerated clients with open arms and has tailored their programs and services to fit our clients’ distinct reentry needs,” Dara said. “We’re developing a unique set of skills to help domestic violence survivors to both obtain early release, and to then prosper thereafter.”

For Denis, moments like August 21, 2020, when he, Dara, associate Stephanie Mazursky and former associate Patrick Moroney were able to greet their client as she walked out of prison – and then join her for her first hamburger and fries in eight years – are priceless: “In my 37 years as a lawyer, that was hands-down one of my most satisfying and cherished experiences.”



Photo credit: Sara Bennett

Monica Szlekovics: One year later

Davis Polk client Monica Szlekovics was granted clemency in January 2020 after serving 23 years of a 50-to-life sentence, the result of an extensive clemency application and galvanizing support from leaders of prominent domestic violence and women’s justice organizations throughout New York. Monica – a victim of severe domestic violence – used her time in prison to educate herself, counsel other women, and solidify her commitment to advocating for other victims of domestic violence. Over a year later, we sat down with Monica to talk about the life she is building now.

Navigating life outside

“I came home to a house full of people,” said Monica, now living in Rochester, New York with her sister’s family, including five nephews. “They’ve been welcoming and supportive. It really afforded me the time to get acquainted with them in a way I hadn’t been able to because of the distance.” Monica is adjusting to her new day-to-day. Her sister helped her familiarize herself with two decades of technological and cultural changes, from smart phones to cashless grocery shopping. “It was a culture shock,” Monica said. “I can’t even say I’m starting over,” she said. “I’m starting.”

Applying her skills

While incarcerated, Monica gained nearly a decade of valuable experience managing the facility’s college program, in partnership with Marymount Manhattan College – also earning her bachelor’s degree with honors through the college. She built upon that role and now works as a paid program assistant for the facility’s college program, recently planning and executing a two-day conference. She also serves as an advisory committee member for the Survivors Justice Project, housed at Brooklyn Law School, which is a collective of formerly incarcerated women, attorneys, students and activists working together for the release or resentencing of domestic violence survivors. Monica recently graduated from Sanctuary for Families’ Economic Empowerment Program, a rigorous career readiness program, receiving certifications in Microsoft Word, Excel and PowerPoint. This summer, she is doing a fellowship with the Frederick Douglass Project for Justice.

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Looking ahead

On the anniversary of Monica's release, the Davis Polk team hosted a Webex meeting, where many who were instrumental in her clemency celebrated her first year of freedom. The team included Pro Bono Counsel Dara Sheinfeld, associate Jennifer Kalmanides, former associates Peter Bozzo, Jaryn Fields and Brooklynn Moore, and former legal assistants Emma Schwartz and Maya Kapelnikova (both current summer associates). Partner Tatiana Martins, counsel Denis McInerney and Special Counsel for Pro Bono Sharon Katz provided guidance. At this joyous event, Monica was joined by the lawyer who prosecuted her two decades before, the current District Attorney of Monroe County and attorneys from the Governor's Clemency Bureau, who had reviewed her application – all promising her their continued support. During the meeting, Monica had a moving dialogue with her former prosecutor, speaking to him openly about how his words had shaped the way she viewed herself for 20 years, but also how his support for her clemency and belief in her transformation had helped her accept that she was worthy of forgiveness. "Seeing the support I had shifted my perspective about all that had happened," Monica said. "It was the final piece I needed to move forward."



Creation of tax-exempt organizations

We recently sat down with partner Mario Verdolini and Pro Bono Counsel Nancy Marchand to discuss our work with tax-exempt organizations. Mario leads a cross-practice – and often cross-border – Davis Polk team that helps an array of nonprofit organizations set up the tax structures needed to successfully address community needs.

Even before he went to law school, partner Mario Verdolini was active in assisting nonprofits. He has built upon that passion throughout his career, having worked with hundreds of diverse organizations. He now spearheads the cross-practice Davis Polk team advising tax-exempt corporations with missions all over the world.

“All nonprofits we work with address some kind of community need,” Mario said, from assisting disadvantaged individuals to addressing racial injustice to supporting the arts. In addition to setting up new nonprofits, the team works with existing nonprofits, government organizations and other not-for-profit community projects.

He described working with a woman who gives tens of thousands of gifts out to children of families who can’t afford them. “She’s been doing it alone for years, but it became so large that she incorporated,” Mario said. “The gifts are for holidays, birthdays, achievements – it’s so important for children to receive recognition for the special events in their lives.”

Cross-practice and cross-border

Like most other teams at Davis Polk, the lawyers work across practice groups to tackle these nonprofit tax matters.

“Setting up a new nonprofit is a great opportunity for corporate and tax lawyers to work together on a pro bono matter,” said Pro Bono Counsel Nancy Marchand, who recently became involved in the corporate side of the nonprofit work. “It fits right into the firm culture of strong cross-departmental collaboration.”

“All nonprofits we work with address some kind of community need.”

– Mario Verdolini

“Nonprofit founders are passionate about what they do. If we can help them take care of tax and corporate formalities, they can focus more effectively on their missions.”

– Nancy Marchand

The nonprofits are based around the United States, but also all over the world – Italy, Ethiopia, Germany, Guyana, Israel, the UK and other countries. Working cross-border comes with its own set of challenges. Davis Polk corporate and tax lawyers are currently helping a number of pro bono clients outside the United States set up new U.S. nonprofit corporations relating to their missions. This includes a Florence-based research and cultural center fostering understanding of Black history and a group of educators focused on global peace.

“Setting up a corporation can be complicated, particularly if there are cross-border aspects,” Mario said. The team has to consider corporate governance, bylaws, environmental issues and more. “When a corporation is tax exempt, there are limits to what it can and can’t do.”

Diverse causes

Davis Polk takes on tax and corporate work for nonprofits with an array of different causes, including issues at the forefront of society right now. Mario and his team are assisting a new organization devoted to eliminating violence and discrimination against Asian American and Pacific Islander (AAPI) individuals, including by conducting surveys to better identify issues in the current climate.

Mario and Nancy are constantly connecting with up-and-coming nonprofits with the potential to make positive change. The team recently began working with an environmental nonprofit helping set up solar energy centers in communities across New York. “The founders have been working for nearly a decade on improving solar energy,” Mario said. As we spoke, the team was also preparing for a call with New York City business leaders setting up a nonprofit to improve access to capital for Black-run businesses.

“Nonprofit founders are passionate about what they do,” Nancy said. “If we can help them take care of tax and corporate formalities, they can focus more effectively on their missions.”



Election protection

Davis Polk lawyers, alumni, paralegals and summer associates worked together to operate the Election Protection voter hotline remote call center for New York on November 2-3, 2020, as part of a nationwide, non-partisan voting rights initiative of the Lawyers Committee for Civil Rights Under Law.

Over the two days, more than 300 volunteers answered calls from citizens with questions about how to exercise their right to vote. Voting obstacles and issues reported by voters to volunteers were monitored at the call center and escalated to partner nonprofit organizations working on the ground at polling stations and with local boards of elections to support fair elections in compliance with voting laws. During the weeks leading up to Election Day, in preparation for participating in the Davis Polk Election Day call center, our volunteers answered calls from citizens in all 50 states at remote regional call centers operated by the Lawyers Committee.

Davis Polk lawyers and paralegals alone, not counting the significant turnout of our alumni, contributed over 2,000 hours of pro bono work to election protection. Throughout the election season, the hotline fielded 185,000 calls from voters in 11 languages, including 30,000 calls on Election Day itself.

Get involved!

For more information about our Pro Bono practice, please visit davispolk.com/pro-bono.

Pro Bono Committee:

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Our committee

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We devote tens of thousands of hours to pro bono cases, and our people are dedicated to corporate social responsibility and volunteering in our communities around the world.

