



CLEARY
GOTTLIEB

**PRO BONO PRACTICE
2011 ANNUAL REPORT**

2011 New York Community Legal Assistance Committee

Kimberly Brown Blacklow, *Chair*

Christopher P. Moore, *Vice Chair*

Ryan T. Becker

Arminda B. Bepko

Lev L. Dassin

Avi E. Luft

Jane Pek

Brian T. Sandstrom

Evan A. Davis, *ex officio*,
Director, Center for Family Representation

Steven G. Horowitz, *ex officio*,
Member, Legal Aid Society Advisory Board

Jennifer L. Kroman, *ex officio*,
*Member, City Bar Pro Bono
and Legal Services Committee*

Lewis J. Liman, *ex officio*,
Director, Legal Aid Society

Mitchell A. Lowenthal, *ex officio*,
Director, Urban Justice Center

Francesca L. Odell, *ex officio*,
Director, Volunteers of Legal Service

David E. Webb, *ex officio*,
Member ABCNY Pro Bono Committee

Mark Leddy, *ex officio*

2011 Washington DC Pro Bono Committee

Paul Marquardt, *Chair*

Kenneth L. Bachman

Matthew D. Slater

Katherine Mooney Carroll

Valerie Schuster

Teale Toweill

Introduction

Welcome.....3

We Helped

Small Businesses.....4

Not-for-Profits7

Trafficking Victims8

We Fought For

Democracy Around the World..... 11

Civil Rights 12

We Prevailed

A Just Legal System 15

Erskine Johnson Victory – Interview with David H. Herrington..... 16

Immigration 19

Civil Litigation20

Externships

MFY Legal Services, Inc.23

Lawyers Alliance for New York.....23

Partners In Education

Washington Irving High School Partnership.....24

Select 2011 Awards

S. Jeanne Hall Pro Bono Service Award

Volunteer Lawyers for the Arts

Capital Pro Bono Honor Roll

DC Bar Pro Bono Program

Annual Pro Bono Recognition Award

Legal Services NYC

Pro Bono Publico Award

The Legal Aid Society

Above and Beyond Pro Bono Achievement Award

Sanctuary for Families



“In 2011, we took on a wide variety of pro bono matters. The breadth of our work reaffirms that pro bono work is – and always has been – an integral part of the lives of Cleary Gottlieb lawyers.”

Jennifer L. Kroman, Director of Pro Bono Practice

Welcome

Cleary Gottlieb lawyers bring a sense of purpose and conviction to all their pro bono efforts. In 2011, Cleary Gottlieb once again surpassed its pledge to devote at least three percent of billable hours to pro bono work. This steadfast commitment reflects our longstanding philosophy on pro bono work: it is a privilege to practice law and a duty to give back to the community.

Cleary Gottlieb lawyers worked on a broad spectrum of pro bono projects throughout 2011, devoting more than 70,000 hours to pro bono and public service projects.

Among other things, our lawyers:

- Won a new trial for a former death-row inmate after 15 years of advocacy
- Argued and won path-breaking decisions for immigrants
- Guided not-for-profit organizations through the incorporation process and beyond
- Assisted sex trafficking victims with the expungement of prostitution convictions
- Prepared bankruptcy petitions for *pro se* applicants
- Furthered democracy around the world
- Helped prisoners achieve justice
- Negotiated a new policy with the City of New York designed to ensure that transgender people have equal access to marriage licenses
- Helped small businesses realize their dreams

In the following pages, you'll learn more about the many ways Cleary Gottlieb lawyers helped, fought for and prevailed on behalf of our pro bono clients.

Small Businesses

QEDC

For many small business owners, the path from an idea to reality is a long road. The Queens Economic Development Corporation (QEDC) helps microentrepreneurs navigate this road. They assist their clients with business plans and provide one-on-one counseling and workshops.

In 2011, Cleary Gottlieb launched a partnership with QEDC to provide legal representation to QEDC’s diverse clients. Thus far, Cleary Gottlieb lawyers have helped a laundromat, a school uniform retail company, a performing arts center, and many other small businesses with their diverse legal needs. Legal work has included tax advice, contract negotiation and drafting, business formation, and intellectual property advice. Cleary Gottlieb lawyers also conduct workshops for small business owners on common legal issues facing small businesses.

Pro Mujer

In 2011, Cleary Gottlieb lawyers in our Buenos Aires, New York and London offices continued to provide legal advice to Pro Mujer, a long-standing not-for-profit client that helps the poorest women in Latin America gain economic independence through microfinance, business and empowerment training, preventive health education, and primary healthcare services. Cleary Gottlieb assisted Pro Mujer with a structural reorganization and analyzed how local organizations in several Latin American countries could become eligible to take deposits and make loans.



“ I found myself going through the confusing and difficult process of establishing and operating an emerging nonprofit arts organization. The team at Cleary Gottlieb helped me navigate this difficult terrain. I feel honored by their generosity and often feel as though I am their only client.”

Raquel Miller, Founder & Executive Director of NICODA (Referred to Cleary Gottlieb by QEDC)

Photo by Bryan Pace

"Our work establishing a charter school with The Children's Aid Society not only helped the community, it also presented complex issues and allowed me to develop important legal skills. Working with The Children's Aid Society has been a thoroughly rewarding experience, both professionally and personally."

Christopher Maier, Law Clerk



Photo courtesy of The Children's Aid Society

Not-for-Profits

In 2011, Cleary Gottlieb lawyers helped many new and existing not-for-profits. Here are just a few assignments from 2011:

Trans Bodies, Trans Selves

Forty years ago, the book [Our Bodies, Our Selves](#) became the seminal resource for women all over the world and tackled many topics that were once regarded as taboo. Trans Bodies, Trans Selves is striving to do the same for the transgender community via the forthcoming book, [Trans Bodies, Trans Selves](#). The book will serve as a comprehensive resource guide for the transgender population, covering health, legal, cultural, and social questions. In 2011, Cleary Gottlieb lawyers began assisting the organization with incorporating as a not-for-profit and providing advice on best practices in governance.

Children's Aid Society

Cleary Gottlieb lawyers are helping The Children's Aid Society establish a charter school in the Morrisania neighborhood of the South Bronx. The school will strive to provide the neighborhood's at-risk students with an excellent education. Cleary Gottlieb is assisting the school with incorporating, obtaining tax-exempt status, and is structuring the school in relation to The Children's Aid Society.

Compass Yoga

Cleary Gottlieb lawyers helped Compass Yoga incorporate as a not-for-profit and obtain federal tax-exempt status. Compass Yoga focuses on improving the health of people by teaching the therapeutic benefits of yoga and meditation through free and low-cost classes and workshops.

WE HELPED

Trafficking Victims

Human trafficking is a form of modern-day slavery. In 2011, Cleary Gottlieb lawyers tackled the issues of sex and labor trafficking in a variety of ways:

- **Expunging Prostitution Convictions:** Many sex-trafficking victims are forced to work in the sex trade and then are arrested and prosecuted for prostitution. In 2010, New York State passed a groundbreaking law enabling survivors of sex trafficking to vacate their convictions for prostitution related offenses. Cleary Gottlieb has joined with The Legal Aid Society to represent these survivors in their quests to clear their records. In 2011, Maryland passed a similar law and Cleary Gottlieb associates in Washington, DC are launching a similar project.
- **Unpaid Wages for Domestic Servants:** Working with The Legal Aid Society, Cleary Gottlieb filed suit in May 2011 in federal district court seeking damages on behalf of two women trafficked into the United States from India for involuntary domestic servitude.
- **Immigration Relief:** Forced into slave labor and persecuted by her diplomat employer after being trafficked to the United States, a Lesotho native turned to Sanctuary for Families and Cleary Gottlieb. Cleary Gottlieb filed a T-visa application on behalf of the client, which was approved in 2011.

Cleary Gottlieb associates representing sex trafficking victims in expunging prostitution convictions. Clockwise from top left: Samantha Duplantis, Emily Weiss, Jennifer Palmer, Ludivine Van der Heyden, Kerrin Klein, Moira Heiges



“These women were not only victims of sex trafficking in the past, they remain victims today because their criminal record still haunts their lives. With every case that we bring on behalf of these women, we are building precedent under the new law and this is an amazing experience.”

Ludivine Van der Heyden, Associate

“Independent Diplomat is extraordinarily fortunate to work closely with Cleary Gottlieb Steen & Hamilton LLP. Their advice and assistance on a diverse range of issues has been consistently exemplary. From guiding us through setting up our organization in New York five years ago, to briefs on complex issues in public international law, we – and those we serve – are ever grateful. We look forward to continuing the partnership and celebrating our shared successes.”

Susanna Emmet, Managing Director, Independent Diplomat



Democracy Around the World

Cleary Gottlieb worked across offices this year to further the cause of Democracy around the World:

Independent Diplomat

Independent Diplomat (ID) is a non-profit diplomatic advisory group that provides confidential advice and practical assistance in diplomatic strategy and technique to inexperienced and marginalized governments and political groups. It works to amplify the voices of those who have the most at stake in diplomatic processes. ID's work promotes greater inclusiveness in diplomacy and contributes to more just and sustainable solutions to international problems.

Attorneys from our Brussels, Washington, DC, London, New York, and Paris offices joined together in 2011 to provide ID with comprehensive legal support on a myriad of issues ranging from internal governance to questions of treaty interpretation to public international law issues.

PILPG

The Public International Law & Policy Group (PILPG) is a non-profit organization that operates as a global *pro bono* law firm to provide free legal assistance to states and governments involved in peace negotiations, advise states on drafting post-conflict constitutions, and assist in prosecuting war criminals.

PILPG has advised over twenty states and governments on the negotiation and implementation of peace agreements and post-conflict constitutions, including Darfur, Kosovo, Iraq, the Ivory Coast, Nepal, Somaliland, South Sudan, Libya, and Egypt. PILPG has also provided legal assistance to every international criminal tribunal.

Since partnering with Cleary Gottlieb, attorneys from the firm have assisted PILPG and their clients in the Government of South Sudan, the Constituent Assembly of Nepal, key stakeholders working on constitutional reform in Bosnia, and members of the judiciary and government ministries working on justice sector reform in Kosovo.

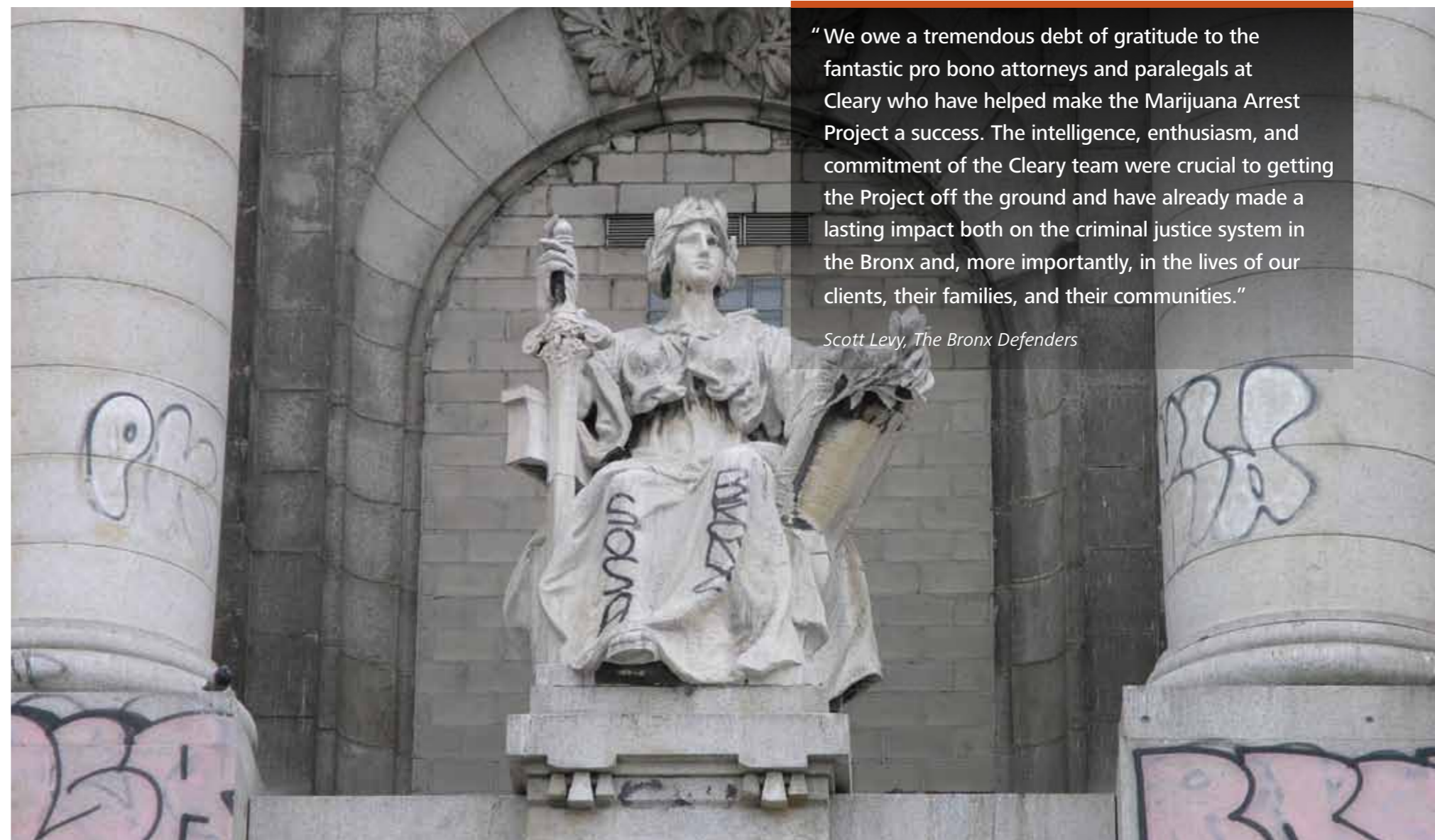
Civil Rights

Stop and Frisk Project

In 2011, more than 50,000 people were arrested for low-level marijuana possession in NYC. These arrests are typically the result of “stop and frisk” encounters with police. In many cases, the police lack the reasonable suspicion required to make the stops. These unjustified arrests may have serious collateral consequences for the persons arrested, affecting their employment, immigration status, and eligibility for housing and student financial aid. Moreover, the arrests show a disparate racial pattern: nearly 90 percent of those arrested are African-American or Latino. In the Fall of 2011, Cleary Gottlieb began a partnership with The Bronx Defenders to collect data measuring the prevalence of these unlawful arrests and to represent the individuals wrongfully arrested. Nearly 40 lawyers are actively involved in this project.

Name Changes

For many transgender people, a legal name change is a first step towards conforming their legal identities to the way they identify and live their lives. However, securing a legal name change can be an intimidating experience. It involves interaction with the court system and judges, and these interactions are foreign to many people. By ensuring that transgender people have adequate legal representation when seeking name changes, Transgender Legal Defense and Education Fund’s (TLDEF) Name Change Project ensures that they can successfully negotiate the legal process and move forward with their lives. In 2011, Cleary Gottlieb helped five people change their names.



“We owe a tremendous debt of gratitude to the fantastic pro bono attorneys and paralegals at Cleary who have helped make the Marijuana Arrest Project a success. The intelligence, enthusiasm, and commitment of the Cleary team were crucial to getting the Project off the ground and have already made a lasting impact both on the criminal justice system in the Bronx and, more importantly, in the lives of our clients, their families, and their communities.”

Scott Levy, The Bronx Defenders



“The best part about working on this matter has been the client himself. Through all of his adversity, Erskine remains incredibly positive. He manages to lead a peaceful, disciplined, intellectual, and meaningful life that touches so many others, both inside and outside of the prison walls. Erskine infuses the whole team with inspiration.”

Shira Kaufman, Associate

Photo courtesy of Rick Kopstein/New York Law Journal

A Just Legal System

Erskine Johnson

In 1985, Erskine Johnson (who later changed his name to Ndume Olatushani), was convicted of a murder stemming from a robbery in Tennessee and was sentenced to death. When Cleary Gottlieb took the case in 1995, Mr. Johnson was on death row. In 2001, Cleary Gottlieb succeeded in having his death sentence set aside on Brady grounds, based on withheld exculpatory evidence. Since then, Cleary Gottlieb has been litigating in the Tennessee state courts to have Mr. Johnson’s conviction reversed.

Most recently, the Cleary Gottlieb team filed a “writ of error coram nobis” arguing that newly discovered evidence entitled Erskine to a new trial, especially in light of the substantial exculpatory evidence that the State wrongfully withheld from the defense when the case was first tried. The lower court disagreed and dismissed the writ. However, on December 9, 2011, the Tennessee appellate court, in a 3-0 decision, reversed that judgment, vacated Erskine’s conviction, and remanded the case for a new trial. More than 25 Cleary Gottlieb lawyers have advocated for Mr. Johnson over the 15 years.

Rockefeller Resentencing

Working with The Legal Aid Society in 2011, the firm filed an appeal in the First Department of the trial court’s denial of resentencing of Mr. L under the Drug Law Reform Act. Following oral arguments, the First Department unanimously reversed the denial of Mr. L’s application, finding Mr. L’s positive prison record and rehabilitation were not outweighed by his criminal history.

Office of the Appellate Defender

In 2011, Cleary Gottlieb took on four clients through The Volunteer Appellate Defender Program of the Office of the Appellate Defender (OAD), which gives attorneys the opportunity to represent indigent defendants in felony criminal appeals in the Appellate Division, First Department.

Current Cleary Gottlieb team representing Erskine Johnson. Clockwise from top left: Elizabeth Vicens, David H. Herrington, David E. Brodsky, Carmine D. Boccuzzi, Benazir Teeluck (paralegal), Marla Decker, Shira Kaufman

Erskine Johnson Victory – Interview with David H. Herrington

David H. Herrington first started working on Erskine Johnson’s death penalty case in 1996, when Mr. Johnson was on death row. Fifteen years later, David presented the oral argument before the Tennessee Court of Criminal Appeals that resulted in a December 2011 decision overturning Erskine Johnson’s conviction and remanding for a new trial.

What impressed you most about Cleary Gottlieb’s representation of Erskine Johnson?

A huge number of Cleary Gottlieb lawyers have been part of the team over the years. They all have had their own intersections with the case and their own relationships with Erskine, and they all helped move the case forward. The firm and the team have been completely committed to doing whatever we could to handle this case in the right way.

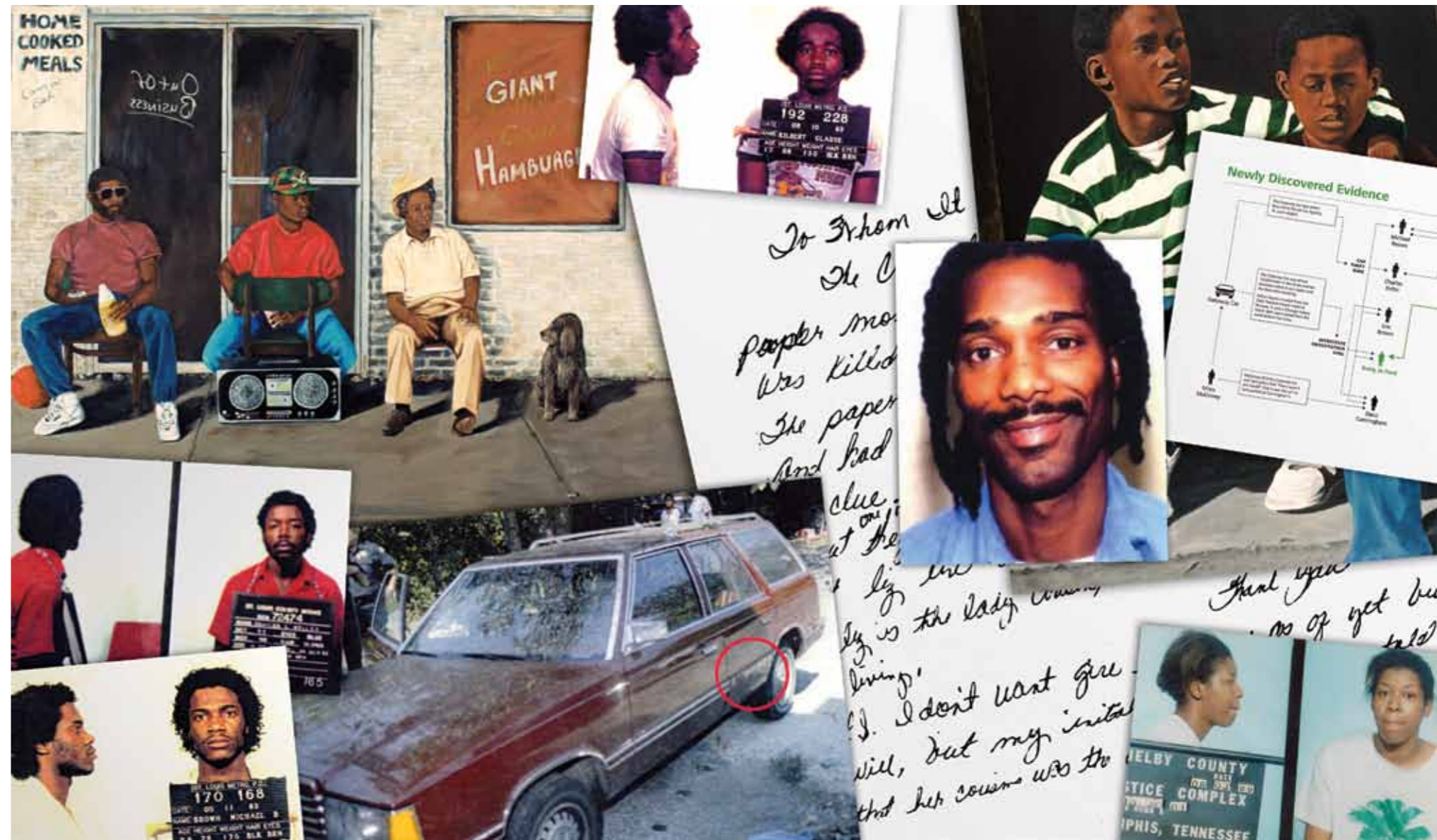
What was the most difficult part about representing Erskine?

It’s scary to be working for a client who is facing the death penalty, and you just have to hope that you will be able to get that turned around.

Please describe Erskine and your relationship with him.

Erskine had a choice about how he would respond to being convicted and sentenced to death for a crime that he’s always said he never committed. He could just be filled with rage and have ill will toward everyone around him. But Erskine was able to maintain those feelings of being indignant and at some level outraged by what happened to him, while in his day-to-day life being a very loving, respectful and positive person. He has incredibly positive relationships with everyone who comes into contact with him. For me it’s a relationship that is different from any other relationship I have. It’s a very deep friendship.

Paintings by Erskine Johnson (Ndume Olatushani)



“Knowing that we’ve helped Ms. H stay safe and start a new life in the United States is an incredible feeling. We were able to empower Ms. H by helping her navigate the immigration system, which is a maze that no one should have to go through without good representation.”

Pooja Dadhania, Associate



Immigration

In 2011, more than 75 Cleary Gottlieb lawyers in New York and Washington, DC worked on more than 30 immigration matters.

Immigration Victories:

- Ms. H is a native of Pakistan who was brutally treated, physically abused, and raped by her ex-husband. Following their divorce, Ms. H’s ex-husband’s family continuously threatened and harassed Ms. H and her family both in the United States and Pakistan. Ms. H sought help from The Tahir Justice Center, who referred the matter to our Washington, DC office. In 2011, Cleary Gottlieb won a grant of asylum for Ms. H. In granting her petition, Immigration Judge Phillip T. Williams concluded that Ms. H was persecuted on account of her membership in the particular social group of oppressed and abused Pakistani women who resist male domination in conflict with social mores, and that the Pakistani government has failed to provide adequate protection to women in Ms. H’s position.
- Mr. T, a high-ranking Tibetan monk who suffered serious persecution by the Chinese government for his religious beliefs while living in Tibet, left his home to seek refuge in the U.S. Cleary Gottlieb took on his representation after Mr. T’s initial asylum application was filed. The Cleary team prepared for further asylum proceedings and secured Mr. T’s employment authorization. After years of legal wrangling, Cleary Gottlieb attorneys succeeded in winning a grant of asylum for Mr. T.
- Targeted because her mother was a single working woman raising her and her brother independently in Islamabad, fifteen-year old N was kidnapped from her home and gang-raped for several days. When N was finally rescued by police, the rapists used their political influence to turn the police and the courts against N in an effort to force her to drop the charges against them. When N refused to drop the charges, the police and the rapists turned against the entire family, threatening their lives. The family fled to the United States in July 2008 and sought help from Sanctuary for Families, who referred the case to Cleary Gottlieb. In March 2011, Cleary Gottlieb won asylum for the entire family.

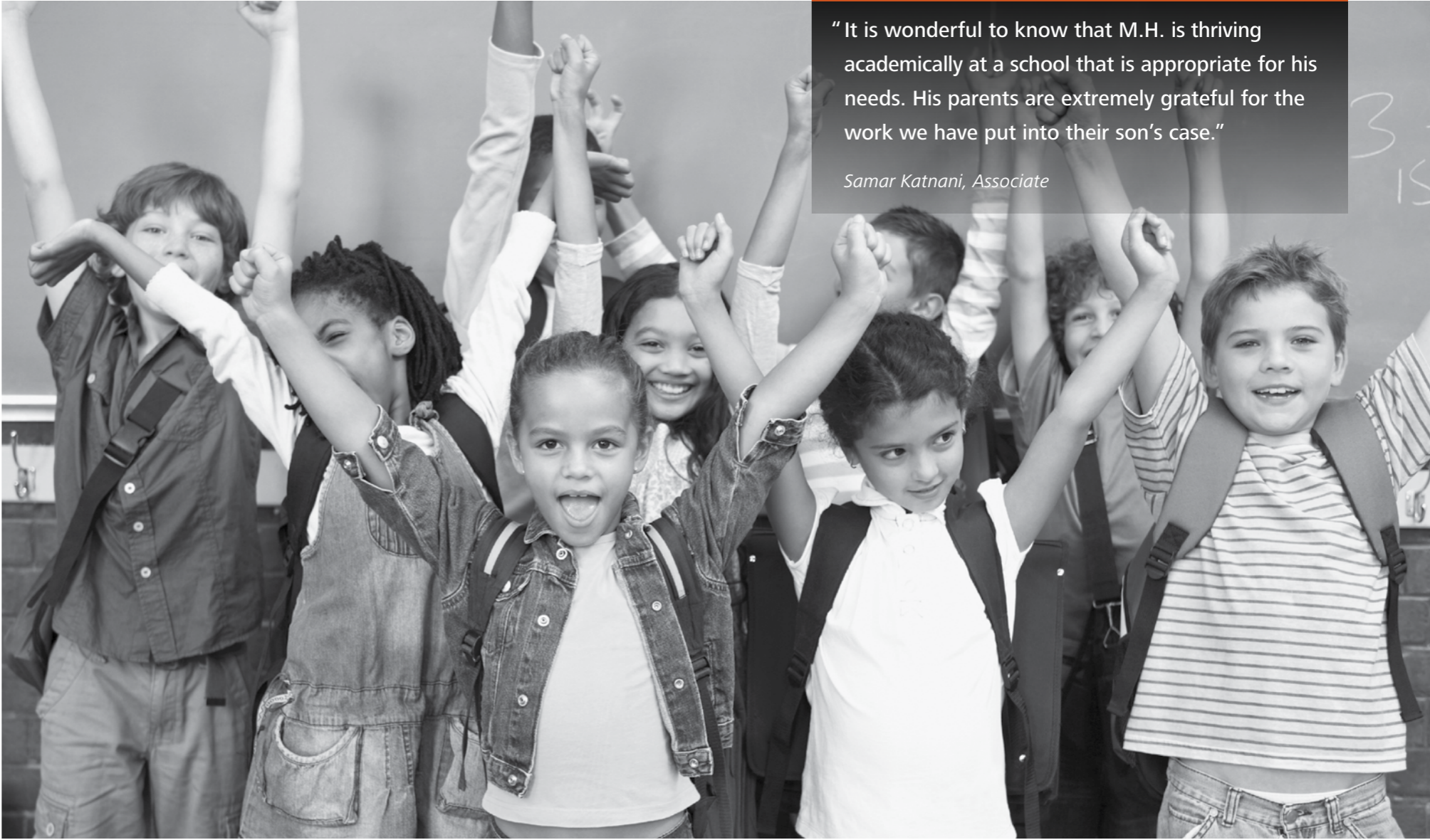
Civil Litigation

Special Education Rights for Child

Cleary Gottlieb successfully brought and settled a claim against the New York City Department of Education ("DOE") on behalf of M.H., a student with autism, and his parents. In their request for an impartial hearing, M.H.'s parents alleged that the DOE failed to provide M.H. with a free and appropriate public education as required by state and federal law by creating an Individualized Education Plan that did not adequately address M.H.'s needs. As a result of this failure, M.H.'s parents unilaterally placed M.H. in a private school appropriate to his needs and sought reimbursement for the cost of tuition from the DOE. The DOE agreed to settle the matter, offering M.H.'s parents full tuition reimbursement for the cost of sending M.H. to the school they chose.

The Homeless and Minimum Wage

In 2011, Cleary Gottlieb continued its work to stop eviction companies in the Washington, DC area from paying their homeless employees less than the minimum wage. Cleary Gottlieb is litigating a class action on behalf of the employees against six Washington-area eviction companies and their principals. Cleary Gottlieb has obtained a court order barring the companies from illegally paying rates below the minimum wage and from conspiring with each other to suppress wages and also obtained an unliquidated judgment on liability. Several defendants have settled with the class, accepting the injunction, paying damages, and cooperating in prosecuting the case against the remaining defendants. Most recently, one of the defendants filed for personal bankruptcy in Virginia. Cleary Gottlieb represents the homeless employees in the bankruptcy proceedings and in negotiating a settlement of those proceedings as well as the district court action in Washington. The case was referred to us by the Washington Lawyers' Committee.



"It is wonderful to know that M.H. is thriving academically at a school that is appropriate for his needs. His parents are extremely grateful for the work we have put into their son's case."

Samar Katnani, Associate



Lawyers Alliance
for New York

Connecting lawyers, nonprofits, and communities



"My experience as an extern at MFY was fulfilling in so many ways. Working with clients directly and advocating on their behalf in housing court on a regular basis was invaluable to my professional growth. And helping indigent tenants stay in their homes is a great feeling. It was truly a privilege to work with the talented professionals at MFY, serving those who otherwise would be without legal representation."

Kathleya Chotiros, Associate

Externships

Testament to the firm's deep-rooted commitment to pro bono, Cleary Gottlieb became the first law firm to provide public interest law externships in 1968 and has continued to do so for over 40 years. Cleary Gottlieb sponsors two public interest externship programs, whereby on a rotating basis Cleary Gottlieb associates are placed for four months in a full-time position at one of two legal service organizations in New York City (MFY and Lawyers Alliance). Externs pass their cases to the incoming externs after each rotation. By doing this, Cleary Gottlieb is providing an additional full-time staff lawyer position to MFY and Lawyers Alliance.

MFY Legal Services, Inc.

Since 1969, Cleary Gottlieb has sponsored an externship at MFY Legal Services, Inc. (MFY). MFY provides civil legal representation and community education to nearly 5,000 households each year. The organization's effectiveness over the years has been rooted in community participation and its collaborative delivery of services that address the multiple and interrelated problems affecting low income families and individuals. Approximately 156,000 eligible low-income people reside in MFY's Manhattan service areas. Cleary Gottlieb externs generally work in MFY's housing department and represent indigent New Yorkers in housing court.

Lawyers Alliance for New York

Cleary Gottlieb's externship with Lawyers Alliance for New York continues to provide the firm's lawyers firsthand experience in the world of not-for-profit law. Lawyers Alliance is New York City's largest provider of business law services to the not-for-profit community and provides pro bono opportunities for law firms and in-house counsel. Cleary Gottlieb externs work with Lawyers Alliance staff to serve thousands of not-for-profit clients each year, advising them on corporate structure and governance, tax, real estate, employment and other business and transactional law issues.

EXTERNSHIPS

Partners in Education

Washington Irving High School Partnership

In 1991, Cleary Gottlieb initiated a partnership with Washington Irving High School (WIHS), a New York City public school, in order to assist with the major challenge of revitalizing the perceived failure of the New York City public school system. The partnership allows the entire firm to participate in community service in an area where there is dramatic need.

Major partnership programs include mentoring students one-on-one, providing college advising, offering SAT preparation courses, and sponsoring annual events that promote the various academic and cultural talents of the students. The Washington Irving program also includes Mock Trial and Model UN teams. All personnel at the firm are invited to share their time and talents with WIHS students through participation in these programs and events. A partnership coordinator and a committee composed of lawyers, paralegals, and administrative employees facilitate the program.

In 2011, more than 80 lawyers and staff participated in the Washington Irving partnership, helping more than 400 students.

Maurya Couvares, Cleary Gottlieb's Pro Bono Coordinator (pictured top left), with the WIHS Model United Nations Team at Brown University



"The Washington Irving High School Partnership has become an indelible part of Cleary Gottlieb's culture. For over twenty years volunteers from the firm have served as mentors, coaches and tutors through our college advising, mock trial, Model UN, mentoring, and SAT Prep initiatives, impacting the lives of countless students."

Sally Licandro, Washington Irving Partnership Coordinator

CONTACT INFORMATION

Jennifer L. Kroman
Director of Pro Bono Practice

T: 212 225 2348
F: 212 225 3999
jkroman@cgsh.com

Maurya Couvares
*Pro Bono
Coordinator*

T: 212 225 3776
F: 212 225 3999
mcouvares@cgsh.com

Sally Licandro
*Washington Irving High School
Partnership Coordinator*

T: 212 225 3482
F: 212 225 3999
slicandro@cgsh.com

To learn more about Cleary Gottlieb's pro bono practice,
please visit us at www.cgsh.com/pro_bono

CLEARY GOTTlieb STEEN & HAMILTON LLP

www.clearygottlieb.com

Under the rules of certain jurisdictions, this may constitute Attorney Advertising. Prior results do not guarantee a similar outcome.

Throughout this brochure, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities.