

Pro Bono Firm Of 2014: Patterson Belknap

By **Linda Chiem**

Law360, New York (October 21, 2014, 6:04 PM ET) -- Patterson Belknap Webb & Tyler LLP notched another standout year in pro bono work, launching a class action to ensure New York City's runaway and homeless youth are adequately sheltered and helping veterans secure the benefits they deserve, earning the firm a spot on Law360's Pro Bono Firms of 2014.

Those two projects are just a sampling of New York-based Patterson Belknap's robust pro bono program, which was built on partnering with the nation's most respected legal services and public interest groups and gets everyone from the firm involved. In 2013, the firm's attorneys and staffers achieved a 100 percent participation rate for the 10th consecutive year.

"We have a reputation for affording attorneys broad opportunities to give back for the privilege of practicing law," managing partner Lisa Cleary, who has chaired the firm's pro bono committee for the past two decades, told Law360. "People don't come to our firm if they're not interested in doing pro bono service."

The firm's approximately 200 attorneys averaged 114 hours on pro bono matters in 2013, with a total of 23,658 hours devoted to pro bono work, closely following a firmwide ethos that calls for giving back to the most underserved and frequently overlooked populations.

Over the past year, the firm has tackled law reform and individual cases in the areas of death penalty, human rights, special education, housing preservation and homelessness, disability rights, foster care reform, and civil rights. Its pro bono committee is a 10- to 12-member committee comprised of a diverse cross-section of the firm, including partners, associates, counsels and administrators.

In one of its more ambitious undertakings aimed at spurring legal reform, Patterson Belknap, along with the Legal Aid Society, in December 2013 filed a federal class action in the Eastern District of New York alleging city officials have provided woefully inadequate shelter to the nearly 4,000 youth between the ages of 16 and 20 who are left homeless in New York City each night.

The city's failure to provide enough shelter to meet the demand, as well as its failure to transition homeless youth to more stable living arrangements, violates the New York Runaway and Homeless Act, the complaint alleges. That law requires city youth bureaus to provide a shelter bed to each homeless youth who needs one, and to assist these youth in either reuniting with their families or moving on to independent living, the complaint alleges.

The federal class action, which includes 11 named plaintiffs and also alleges violations of the due process and equal protection clauses of the U.S. Constitution, was conditionally certified this summer, a significant step in moving the case along, senior litigation associate Jason Gould told Law360.

“It’s challenging and very rewarding to work on a case like this to try to achieve the results of getting these young people legal help,” he said.

Cleary added that the aim is to secure meaningful change within the system.

“The goal of the suit isn’t just to provide shelter for the runaway or homeless youth but also to ensure that sufficient services are provided to them with the end goal of allowing them to be independent, self-sufficient adults,” Cleary said.

Patterson Belknap, which has been recognized as one of Law360’s Pro Bono Firms for the third consecutive year, also took on a new pilot pro bono program earlier in 2014 to help U.S. veterans of recent wars upgrade the terms of their discharge from the military services.

Patterson Belknap currently represents five veterans who have received “other than honorable” discharges from the military — a designation that can seriously impact veterans by denying them certain medical and GI Bill benefits.

“The idea is to provide meaningful representation for veterans who would otherwise be unrepresented and to represent as many veterans as we can to restore the benefits they’re entitled to and to eliminate the stigma associated with having this designation “ Saul Shapiro, chair of Patterson Belknap’s litigation department who works on the veterans discharge project, told Law360.

Negative discharges of veterans from Iraq and Afghanistan often result, at least in part, from undiagnosed or misdiagnosed post-traumatic stress disorder or traumatic brain injury, Shapiro said. And a negative discharge from the military can exclude veterans from receiving employment and medical and GI Bill benefits, which can make it difficult for veterans to resume a normal civilian life, he said.

As part of the project, Patterson Belknap attorneys will prepare submissions to the discharge review boards of the relevant branch of the military and, if necessary, before the Board for Corrections of Military Records. The proceedings can be slow and complicated.

“The trickiest aspects of our representation of the veterans has been getting information from the military, which can be extremely frustrating and difficult because things move much more slower than we would hope,” Shapiro said. “The leverage you have at your disposal to speed things up are limited.”

Litigation associate Ben Rossen, who also works on the veterans discharge project, said it’s a challenging area of the law given that many of the current discharge upgrade laws are really from the Vietnam War era.

“It really is fundamentally about fairness,” Rossen said. “It’s really an area of huge unmet need. There’s not a lot of people [working in this area] to make sure that the veterans who are serving our country are treated better than they have been.”

Patterson Belknap has also spent the past year continuing to co-sponsor a pro bono project with the New York County Lawyers' Association to represent individuals seeking to expunge listings on New

York state's Central Register of Child Abuse and Maltreatment.

According to the firm, there are hundreds of thousands of New Yorkers on the statewide central register, and most of the people listed on the SCR never had the opportunity to contest their listing. Once a person's name is on the SCR, he or she may be denied employment in a variety of fields, including child care. So Patterson Belknap's attorneys are helping to represent clients in getting the listings expunged from their records either through letter-writing campaigns or so-called fair hearings.

While the firm's pro bono work is largely focused on the New York City region, Patterson Belknap is also leaving its mark in the South.

The firm represents James Ben Brownfield, an inmate on Alabama's death row, in a capital appeal in which the firm is trying to overturn his capital murder conviction and sentence on the basis of what the firm calls "constitutionally ineffective assistance of counsel" during his trial.

Brownfield was convicted of capital murder in 2004, after a trial in which his lawyers provided an incoherent and contradictory defense at the guilt phase, then made a woefully inadequate and incomplete presentation of mitigating evidence at the penalty phase, the firm said.

Patterson Belknap stepped in and started representing Brownfield on his certiorari petition to the U.S. Supreme Court on direct appeal. But the high court denied certification, so the firm filed a post-conviction challenge, called a Rule 32 petition, in Alabama state court. The firm's attorneys participated in a four-day evidentiary hearing in Scottsboro, Alabama, in July and August 2013, in support of Brownfield's motion to reverse his 2004 murder conviction and death sentence. In May Patterson Belknap submitted an extensive brief backing up its argument that the evidence presented at the hearing justified reversing Brownfield's conviction and sentence. The firm is currently waiting on the state's response.

While many of the pro bono matters the firm works on aren't always widely publicized or considered ultra high-profile, the work that Patterson Belknap's attorneys oversee impacts clients in their daily lives by making the difference between being sheltered or homeless, healthy or sick, or having a voice in the courtroom or before an administrative agency.

"People here do it not only because it makes them feel good [but] they want to be part of an enterprise that offers opportunities for working with other public interest groups in public interest work," Cleary said.

--Editing by Edrienne Su.