

Pro Bono Firm Of 2013: Patterson Belknap

By **Stewart Bishop**

Law360, New York (September 17, 2013, 7:45 PM ET) -- From its yearslong fight to stop discrimination against disabled children in New Orleans public schools, to its work helping victims of Hurricane Sandy obtain much-needed aid, Patterson Belknap Webb & Tyler LLP's commitment to the disadvantaged has earned the firm a spot on Law360's Pro Bono Firms of 2013.

For the ninth consecutive year, 100 percent of Patterson's attorneys have participated in its pro bono practice, averaging 115 hours per lawyer in 2012, for a total of 26,189 pro bono hours logged by Patterson that year, a new record for the firm.

Its pro bono committee, chaired by partner Lisa Cleary since 1994, is comprised of a diverse cross-section of the firm, including partners, associates, counsels and administrators, and it maintains close connections with several public interest groups.

Cleary told Law360 that as a New York City firm, much but not all of Patterson's pro bono work is local, and most of it is focused on providing services to the poor and working poor.

A strong commitment to pro bono work is ingrained in the firm's ethos, Cleary said, so much so that its support staff also contribute to the effort.

"It's a firm that from top to bottom believes that with the privilege to practice law comes an obligation to give back," Cleary said. "People that come to our firm want to be at a place with this kind of unwavering commitment."

Over the past year, Patterson has helped tenants displaced by a record seven-alarm Chinatown fire in seeking damages for lost property from negligent landlords, an Alabama death row inmate whose lawyers botched his trial and home-bound patients seeking to prevent providers from reducing services without notice or process due to a change in Medicaid.

After Hurricane Sandy hit New York City last fall, Patterson housed the displaced Legal Aid Society and the Legal Assistance Group. It deployed its attorneys to help hurricane victims fill out applications for aid from the Federal Emergency Management Agency, as well as food stamp applications and insurance claims.

"As soon as the call for help came, we were delighted we could be of help to both groups," Cleary said. "That's what you do when you have a disaster."

Patterson has also gone to bat for some of the most vulnerable people in New York City, by taking on

owners and operators of so-called three-quarter houses, which while promoted as sober living programs with all manner of services for at-risk populations such as the homeless, the poor and ex-convicts, are in many cases nothing of the sort.

Associate Jim Kerwin says a class of hundreds of three-quarter residents he is representing were often coerced into signing over their meager public benefits in exchange for residency, only to find out that none of the promised services were available, the houses were overcrowded and pest-infested and the operators routinely violated tenant law.

Three-quarter residents were often evicted without cause or due process, locked out of the houses during certain parts of the day, had their property destroyed by the operators and were forced to attend particular substance abuse programs regardless of whether such treatment was appropriate, according to the firm.

Patterson has reached multiple settlements with the owners of some of the three-quarter buildings and is continuing to press its case against the operators.

Currently, Kerwin says the firm is in the midst of an appeal of a three-sentence handwritten order granting summary judgment to the operators. He said he likes his chances at the New York state appeals court.

“Based on recent decisional law, we hope the Appellate Division will reverse the trial court ruling and establish unequivocally that three-quarter house residents have tenancy rights,” Kerwin said.

This type of work exemplifies the best part of being a lawyer: getting to make a difference, Kerwin said.

“It’s a very fulfilling way to have spent some time. Serving this population of very vulnerable clients is what a lot of people got into law to do,” Kerwin said. “It’s a big part of the reason I chose this firm.”

In another case far from the Big Apple, but that also seeks to help a disadvantaged population, Patterson, the Southern Poverty Law Center and others have taken on the state of Louisiana on behalf of disabled schoolchildren in New Orleans who have been shut out of a decentralized school system that attorneys say shuns or neglects those with disabilities.

In the aftermath of Hurricane Katrina, New Orleans’ public schools were shifted to a primarily charter-based system, resulting in a city with 63 individual school districts, 60 of which are comprised of charter schools.

Patterson co-chair William Cavanaugh said the SPLC began to receive mounting complaints from families of disabled students claiming their kids were being denied enrollment because of their disability and that charter schools that did enroll the disabled failed to provide the proper services for them as required by the Americans With Disabilities Act.

“The problem is the lack of centralization creates opportunities for decision-making at individual schools that runs contrary to the law,” Cavanaugh said.

Patterson associate Timothy Waters said a number of New Orleans parents of kids with disabilities would mention their child’s affliction when applying at a charter school and would be told the school won’t enroll the child or lacks the resources to educate them.

Waters said that even those parents who managed to enroll their disabled children soon found out that no special education services existed for students with disabilities. With no specialized instruction, the children would often fail out or be removed for disciplinary reasons.

"Once we get past the enrollment issues, we have numerous parents who request over and over again for help, and the schools ignore those requests," Waters said. "Anything from physical accommodations to counseling to meeting with a tutor. But these services often don't exist."

Cavanaugh said the decentralized system has charter schools competing for money and access, and the often higher cost of educating disabled students acts as a disincentive for their enrollment. Additionally, with no individual government entity responsible for enforcing equal access for disabled students, those students often fall through the cracks.

"Allocating resources to kids with special needs is just not a priority from what we've seen," Cavanaugh said. "That's why it's so important for the state to make sure that charters are allocating resources, but they're not."

Patterson, SPLC and the others brought a class action on the students' behalf against Louisiana state agencies alleging violations of the ADA, the Individuals with Disabilities Education Improvement Act and the Rehabilitation Act of 1973.

After surviving attempts by the state to take the case out of New Orleans, Patterson prevailed on motions to dismiss and for judgment on the pleadings and is now moving for class certification.

Waters said the recent filing of summaries by the parents of the difficulties they face in enrolling and securing special services for their children has reminded him that this pro bono work is sorely needed.

"Some parents are taking the bus to five different schools basically begging for their child to get a spot," Waters said. "Hearing these parents' stories, it has an emotional impact and also underscores the importance of what we're doing."

What has made a lasting impression on Cavanaugh is the dedication of the parents trying to change New Orleans' schools for the better.

"They have taken an active role in this litigation," he said. "I give them enormous credit."

Cavanaugh said as firm co-chair, it's important for him to be involved in these cases, in order to demonstrate the firmwide commitment to pro bono work and to watch talented associates like Waters grow and prosper as they take lead roles in major cases.

"I don't know if it makes me a better lawyer, but it makes me a better person," Cavanaugh said.

--Editing by Melissa Tinklepaugh.
