

INDIVIDUAL HONOREE



LAWRENCE S. LUSTBERG, *Gibbons P.C.*

Constitutional law and public interest leader successfully protected nonprofits from unnecessary donor disclosure regulation

In 2016, New York enacted a law requiring 501(c)(3) organizations to publicly disclose its donors if it makes a financial or in-kind contribution to 501(c)(4) social welfare organizations engaged in more than a minimal amount of lobbying. This law would have had unintended consequences, including requiring public disclosure of donors by nonprofits that provide technical assistance or make grants to other nonprofits, where the assistance is not aimed at supporting a particular lobbying campaign or political activity.

Lawrence Lustberg successfully represented Lawyers Alliance and Nonprofit New York as plaintiffs in a case brought in 2017 in U.S. District Court for the Southern District of New York. The Court struck down the law as unconstitutional in September 2019. The ruling found that a “substantial number” of the statute’s applications “are likely to result in interference with the rights to freely associate and speak.” In January 2020, the court issued a permanent injunction. New York State did not appeal.

Q. How and why did you first become involved with Lawyers Alliance?

I was honored to represent Lawyers Alliance in a significant challenge to a New York statute that required that donor lists be disclosed, having been asked to do so by Laura Abel, Lawyer Alliance’s brilliant and accomplished Senior Policy Counsel and former Gibbons Fellow, who recognized the obvious constitutional – and practical – problems with such legislation. Fortunately, the result was an important First Amendment decision striking down the legislation, which we were pleased to be able to assist in obtaining.

Q. Share a tip for making time for pro bono during the COVID pandemic.

I do pro bono work for a living (or at least that is half of my job) so I am the wrong person to ask about “making time” for it. But I will say that finding important pro bono work during the pandemic is not difficult.

Q. What’s the most rewarding aspect of pro bono work?

What is rewarding about doing pro bono work is what is rewarding about being a lawyer – uniquely, we lawyers can make our government (in the form of a Judge) respond to us, by filing motions, pursuing appeals, and doing appropriate advocacy with government agencies, all within the four corners of practicing law. It is an honor to have a job that creates such opportunities; it is why I went to law school. And it has made my career, in which I have spent so much time doing pro bono work, incredibly rewarding.

“Larry Lustberg jumped into action when he learned about the impact this new law would have on Lawyers Alliance and our nonprofit clients. He filed a complaint, drafted compelling and well-researched briefs, and made a persuasive oral argument before the federal district court. Lawyers Alliance was honored to be represented by him and his firm.”

— Elizabeth M. Guggenheimer
Executive Director, Lawyers Alliance for New York

Employment:

Gibbons P.C.
Co-Chairman, Commercial and Criminal Defense Department
Director, John J. Gibbons Fellowship in Public Interest & Constitutional Law

Graduate of:

B.A. Harvard College
J.D. Harvard Law School