

## Helping Homeless Populations Across New York City

PROVIDING SERVICES AND SHELTER to people experiencing homelessness is a challenging task for nonprofit organizations. Even more daunting is the work conducted by homeless outreach teams that canvass the streets of New York City. Lawyers Alliance volunteers provide legal services to the organizations that have the contracts to cover all of New York City under the Department of Homeless Services' homeless outreach program, including: Breaking Ground in Brooklyn, Queens, and the middle of Manhattan; BronxWorks in the Bronx; Goddard Riverside Community Center in Upper and Lower Manhattan; and Project Hospitality on Staten Island.

The outreach teams conduct arduous and formidable tasks. Many of those living on the streets are chronically homeless and are referred to as the "hard to house." They may suffer from numerous physical ailments, live with HIV and AIDS, drug and alcohol addictions, and may have mental health issues. They are afraid or resistant to staying in a shelter. The tasks conducted by the outreach teams may include checking in on the same people daily, assessing their safety in sub-zero temperatures, and cajoling them into accepting essential services or to take shelter. The teams collect information about their potential clients in the hope of connecting them to shelter, essential benefits, psychiatric services, medical help, drug and alcohol treatment, crisis intervention, and ideally, permanent housing.

For many nonprofits that participate in homeless outreach services, this is not their only mission. Organizations provide a panoply of services including housing, counseling, job training, educational programs, and other services for children, teens, youth aging out of foster care, and senior citizens.



Photo: Goddard Riverside Community Center

**Goddard Riverside Community Center provides social, educational, and supportive housing services.**

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#### 2016 Cornerstone Awards

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# Cornerstone Awards Honor Outstanding Pro Bono Achievements



**Adashima Oyo, a.i.r. nyc; Honoree Shellie Weisfeld Freedman; Shoshanah Brown, a.i.r. nyc; and Honoree David M. Feldman**



**Deirdre Simmons, Dress for Success Worldwide and Honoree Mara B. Levin**



**Honoree David Harty; Richard Bengloff, Goddard Riverside Community Center; and Yulia Padey**

The Cornerstone Awards, Lawyers Alliance for New York’s annual volunteer recognition event, brought volunteers, nonprofit clients, colleagues, friends, and family together for a celebratory evening. Held on November 17, 2016 at **Viacom**, this year’s event thanked Lawyers Alliance’s more than 1,600 volunteers and paid special tribute to two law firms and 12 individuals for their outstanding pro bono legal services to nonprofits. **Kimberly Brown Blacklow**, Vice Chair of Lawyers Alliance’s Board of Directors, welcomed guests and said, “These honorees inspire us and exhibit the finest qualities of the legal profession.”

## Institutional Honorees

“Lawyers Alliance is gratified to present these two extraordinary firms with Institutional Cornerstone Awards. Their work with nonprofit clients has truly made a difference in communities across the City,” noted **Sean Delany**, Lawyers Alliance’s Executive Director.

**Cahill Gordon & Reindel LLP:** The firm has provided pro bono assistance to Lawyers Alliance for many years, with Cahill lawyers providing a variety of legal services that benefit low-income New Yorkers. Cahill’s work for Lawyers Alliance clients has helped improve urban health and sustainability, the quality of life for children, older youth, and New Yorkers of all ages, and stimulated economic development in underserved neighborhoods. Cahill has substantially increased its participation in Lawyers Alliance matters in recent years, representing more than 30 community development organizations since 2013, including representation in 21 active matters over Lawyers Alliance’s past fiscal year. Cahill’s advocacy of Lawyers Alliance is part of its long and honored pro bono tradition, and the firm’s efforts have had a major impact in and around New York City. **Elai Katz**, Partner and Co-Chair of the firm’s Pro Bono Committee, accepted the Award on behalf of Cahill.

**Dentons US LLP:** Along with its predecessor firms, Dentons has partnered with Lawyers Alliance for more than eighteen years, providing pro bono assistance to more than 75 nonprofit clients on more than 90 legal matters since 1998, including 22 cases during the past year. Dentons attorneys provide critical guidance throughout the lifecycle of exempt organizations, including negotiating and preparing strategic agreements and offering significant employment law support to improve personnel management. Helping communities in need is at the heart of the firm’s pro bono and corporate responsibility work, just as it is core to Lawyers Alliance’s focus on strengthening nonprofits that are improving quality of life in low-income communities. **Brian S. Cousin**, Partner and member of Lawyers Alliance’s Board, and **Sandra D. Hauser**, Partner, accepted the Award on behalf of Dentons.

## Individual Honorees

**Elizabeth M. Guggenheimer**, Lawyers Alliance’s Deputy Executive Director and Director of Institutional Advancement, said of the Individual Honorees, “Since the inaugural Cornerstone Awards in 1997, only 196 of our more than 7,000 volunteers have received an Individual Cornerstone Award. The merits and math are clear.” The 2016 winners are:

**Jonathan Bloom and Jessica Falk, Weil, Gotshal & Manges LLP:** For enhancing access to government information about nonprofits, allowing for greater transparency and benefiting the entire nonprofit sector.

**Rita Dattola, Holland & Knight LLP:** For providing expert real estate legal advice to nonprofits and championing pro bono service, helping to connect colleagues with pro bono opportunities.

**Anthony J. Distinti, Stroock & Stroock & Lavan LLP:** For helping nonprofits understand and comply with complex federal tax laws and procedures.

**David M. Feldman and Shellie Weisfeld Freedman, Gibson, Dunn & Crutcher LLP:** For negotiating contracts related to Medicaid Redesign to allow an asthma support organization to expand its health services.

**David Harty, Kaye Scholer LLP:** For utilizing valuable legal and negotiation skills to help nonprofits rent affordable space to deliver multiple social services.

**Michael Kessler, Clifford Chance US LLP:** For providing ongoing supportive legal advice to a children's arts organization, enabling it to pursue national fundraising.

**Mara B. Levin, Herrick, Feinstein LLP:** For active and responsive employment law assistance to a wide variety of nonprofits working to improve and enhance the quality of life for low-income New Yorkers.

**Paul Pollock, Crowell & Moring LLP:** For providing sophisticated corporate legal advice to a workforce development organization, allowing it to expand its services and protect its intellectual property.

**Jill Rosenberg, Orrick, Herrington & Sutcliffe LLP:** For making pro bono service a priority throughout her career, offering expert employment law support to numerous nonprofit organizations.

**Mark Schonberger, Goodwin Procter LLP:** For building a trusted relationship with a Business Improvement District from its formation to present day, helping to advance the quality of life in its neighborhood.

Congratulations to all of the 2016 Cornerstone honorees!



**David Allyn and Juliet Buder of Oliver Scholars with Honoree Michael Kessler**



**Joe Long, Bedford Stuyvesant Gateway Business Improvement District and Honoree Mark Schonberger**



**(back row, left to right) Mark Schonberger, Goodwin Procter LLP; Glen G. McGorty, Crowell & Moring LLP (accepted on behalf of Crowell & Moring's Paul Pollock); Brian S. Cousin of Institutional Honoree Dentons US LLP; Elai Katz of Institutional Honoree Cahill Gordon & Reindel LLP; Jessica Falk, Weil, Gotshal & Manges LLP; Mara B. Levin, Herrick, Feinstein LLP; Jonathan Bloom, Weil, Gotshal & Manges LLP; and David M. Feldman, Gibson, Dunn & Crutcher LLP (front row, left to right) Michael Kessler, Clifford Chance US LLP; Rita Dattola, Holland & Knight LLP; Jill Rosenberg, Orrick, Herrington & Sutcliffe LLP; Anthony J. Distinti, Stroock & Stroock & Lavan LLP; Sandra D. Hauser of Institutional Honoree Dentons US LLP; David Harty, Kaye Scholer LLP; and Shellie Weisfeld Freedman, Gibson, Dunn & Crutcher LLP**

# Helping Homeless Populations Across New York City

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Lawyers Alliance staff and volunteers have a long history of representing and supporting the work of these four nonprofits. Collectively, our work with these organizations includes eighty cases, spanning a period of twenty years. These nonprofits' needs range from representation in real estate, employment, and intellectual property matters to providing advice regarding the Health Insurance Portability and Accountability Act (HIPAA) compliance and negotiating service contracts.

## Case examples:

Running an outreach center to process homeless clients requires a location that is central to the neighborhood served. For **Goddard Riverside Community Center**, a nonprofit organization that provides social, educational, and legal services to homeless people and other populations, finding a suitable location in lower Manhattan proved quite challenging. The proximity to the Financial District and Tribeca meant that rents were high and landlords unwilling to accommodate the foot traffic generated by a homeless outreach center. More than one landlord backed out of a lease deal when they realized the nature of Goddard's clients. David Harty, a 2016 Cornerstone Award honoree from **Kaye Scholer LLP**, has represented Goddard in negotiations for a variety of leases and recently worked through the obstacles presented downtown, enabling Goddard to secure the needed space.



Photo: Breaking Ground

**Breaking Ground offers supportive housing and social services to homeless New Yorkers.**

**Project Hospitality**, a Staten Island-based homeless services organization providing adult shelter, workforce programs, alcohol and substance abuse treatment centers, HIV care centers, and services for immigrants, has needed to lease, purchase, and finance multiple sites. Over a period of nearly 15 years, Lawyers Alliance and our volunteers have handled seven lease negotiations and four acquisitions for Project Hospitality, enabling it to implement its expansive programs.

The ultimate goal for these organizations is permanent housing for their clients. With help from pro bono counsel at **Winston & Strawn LLP**, **BronxWorks** recently negotiated a services and subsidy agreement with STB Owners LLC, a joint venture developing a 314-unit low-income housing project in the Bronx. BronxWorks helps individuals and families in the South Bronx improve their economic and social well-being through a variety of social services. Fifty of the building's units will house the homeless, with BronxWorks providing supportive services and a rental subsidy for the units.

In some instances the legal work performed by Lawyers Alliance volunteers is indirectly related to the services provided by the outreach teams. For example, to implement its important work in serving those suffering from homelessness, an affiliate of **Breaking Ground** rents out the Beaux-Arts style ballroom at the Prince George Residence for events to bring in revenue that supports Breaking Ground's programs. Renting event space at the Prince George requires a license agreement and vendor agreements for florists, caterers, and audio-visual providers. Volunteer attorneys from **Lowenstein Sandler LLP** reviewed Breaking Ground's vendor contract, advising it on how to strengthen the contract and ensuring that vendor contracts are uniform.

Lawyers Alliance and our volunteers are committed to supporting the essential work that nonprofits and their homeless outreach teams provide as they serve some of the City's most vulnerable citizens. For more information on Lawyers Alliance's work with homeless and affordable housing organizations, please contact Senior Staff Attorney **Hedwig O'Hara** at (212) 219-1800 ext. 226 or [hohara@lawyersalliance.org](mailto:hohara@lawyersalliance.org).

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# A Lawyer's Role in Good Fiscal Management

Prudent management of financial assets is a core tenet of the fiduciary obligations of nonprofit Board members. In the absence of sound policies about responsibilities and decision-making, staff and Board members are more likely to operate under a set of inaccurate assumptions that can lead to unnecessary legal and business risks. Moreover, federal, state, and local authorities require registration and financial reports to encourage public disclosure and prevent malfeasance. Lawyers Alliance and its pro bono network provide a range of legal assistance to ensure nonprofit organizations are well positioned to manage their finances.

## Internal Controls

It generally falls to the finance team to oversee day-to-day finances, but the Board is responsible for reviewing and implementing appropriate internal controls intended to prevent waste and fraud. An attorney can help ensure the controls meet statutory requirements and conform to best practices urged by the New York State Attorney General and charity watchdog groups.

**Case Example:** Pro bono counsel from **Shearman & Sterling LLP** assisted **Praxis Housing Initiatives** with reviewing the legal issues for certain of the organization's accounting and communications systems. The organization stabilizes chronically homeless persons with HIV/AIDS and other special needs through supportive housing. The policies updated include protocols for handling funds received and expended, reporting to Praxis's directors and officers, maintaining inventory records, and implementing personnel policies. Praxis is now better equipped to manage financial risk and the Board is better able to exercise effective financial management.

## Investment Policies

Since 2010, when New York State enacted the Prudent Management of Institutional Funds Act (NYPMIFA), nonprofits with "institutional funds" of any kind are required to consider in investment decision-making eight concrete factors such as current economic conditions, the likelihood of inflation or deflation, and the possible tax consequence. They must adopt investment policies that address ten specific issues such as the organization's overall investment goals, risk tolerance, and procedures for monitoring investment performance.

**Case Example:** A Lawyers Alliance volunteer attorney from **Credit Suisse** (formerly of **DLA Piper LLP**) assisted **Alley Pond Environmental Center** (APEC) with drafting investment policies. APEC is an environmental education and advocacy organization dedicated to educating children and adults in the New York metropolitan area, protecting and preserving Alley Pond Park in Queens and other open spaces and bodies of water. Updated investment policies help the organization comply with NYPMIFA while planning for its long-term financial health.

## Transparency in Financial Reporting

Nonprofit organizations show their accountability through publicly available financial reports. Legal services help them to understand their obligations and present financial information accurately to government regulators and the public.

**Case Example:** Lawyers Alliance pro bono attorneys assisted a community center with preparing for an IRS audit related to earned income. The community center offers arts, tutoring, and gardening programs. Pro bono counsel also provided legal guidance on financial management practices going forward. With this help, the organization is able to maintain its tax-exempt status and community programming.

## Conflicts of Interest Procedures

The duty of loyalty requires that Board members pursue the interests of the organization with undivided allegiance. Legal considerations include the prohibition on personal pecuniary profit and financial gain, as well as federal and state rules about related party and interested party transactions. New York not-for-profit corporations must have a written conflict of interest policy that meets certain specific statutory requirements.

**Case Example:** **Time In Children's Arts Initiative**, a program of HiArt!, offers arts programs to children in Harlem public schools whose parents are unable to pay. Pro bono counsel from **Debevoise & Plimpton LLP** assisted Time In with updating and preparing governance documents, including a conflicts of interest policy and whistleblower policy, to comply with the New York State Nonprofit Revitalization Act and Grants Gateway. A client representative reports, "Our pro bono attorneys were remarkable and we are incredibly thankful for their help."

# Legal Assistance for Nonprofits Leveraging Technology

Increasingly, technology is part of nonprofit missions, used to address problems in low-income communities.

New technology enables nonprofit organizations to manage a larger portfolio of donors, volunteers, and program participants. Increasingly, technology is also part of nonprofit missions, used to address problems in low-income communities. Greater use of mobile devices, a larger volume of data, development of software services, and increased use of digital marketing are changing the way nonprofits operate. However, technology solutions can come with legal risks. Lawyers Alliance assists organizations as they discover and implement technological solutions.

## Data Security

Nonprofits need legal guidance to comply with laws governing data privacy and security. Information technology lawyers advise on how to minimize the risk of a data breach and protect the organization and its clientele in the event of such a breach. Lawyers can also develop privacy policies and terms of use agreements to establish guidelines for use of personal information gathered via a website or other online platform.

**Case Example: The Financial Clinic** has a virtual community on a web-based platform called Change Machine, through which those in the financial development field and beyond can collaborate on ways to address financial insecurity barriers facing the nation's poor. Upon exploration of a subgrant agreement partnership with another organization, the Clinic decided to seek out a third-party data security assessment. While the partnership has been put on standby, the pro bono attorneys at **Skadden, Arps, Slate, Meagher & Flom LLP** helped the Clinic to conduct a very thorough plan for implementation of the assessment's findings, which will help shape the future of the Clinic's security measures.

## Intellectual Property Protection and Permissions

Copyrights and trademark registration, licensing arrangements, user agreements, and terms of service help protect nonprofit organizations from liability. Licensing the use of intellectual property can also be revenue generating. Documented relationships are especially necessary with technology platforms open to third party postings,

such as websites and mobile applications. Lawyers can advise about filing for copyright or trademark protection, licensing agreements to protect against infringement claims, and appropriate terms of use, privacy policies, and limitations on liability.

**Case Example: Artsmith**, which provides arts-centered programming to youth ages six to eighteen in the Bronx, is creating an interactive section on its website to engage the public by inviting visitors to share their views and opinions through participation in art projects. Pro bono counsel from **Mayer Brown LLP** advised Artsmith regarding copyright issues involved in developing such a feature, and drafted terms of use for the website to reduce risk. Among the topics covered in the terms of use are user content, proprietary rights, privacy policy, disclaimers, and limitation of liability.

## Technology Collaborations

As nonprofit organizations bring new technologies to low-income communities, they enter into agreements with vendors, partners, and other collaborators. Lawyers can assist by providing guidance and negotiating provisions to ensure that contracts are balanced and fair and organizations are aware of their obligations under the contract.

**Case example: Red Hook Initiative (RHI)** confronts the consequences of poverty through support in education, employment, health, and community development in Red Hook, Brooklyn. Pro bono counsel from **Weil, Gotshal & Manges LLP** drafted a partnership agreement for RHI with Open Technology Institute to document the parties' roles in the development of a wireless network, and drafted a form license agreement for placing network devices on building rooftops. As a result of the new wireless network, Red Hook public housing residents have enhanced access to information and technology.

## Educational Resources

In addition to providing legal services, Lawyers Alliance is pleased to partner with law firm and corporate institutions on educational resources. Through a series of legal workshops, **BlackRock's Legal & Compliance Department**, with input from Lawyers Alliance, is mentoring and guiding technology nonprofits and other emerging community-based organizations that are affiliated with BlackRock's social responsibility initiatives.

# Friends Profile: Jill Rosenberg

**Jill Rosenberg** is a partner in Orrick, Herrington & Sutcliffe LLP’s employment law practice. Since Ms. Rosenberg spoke at a Lawyers Alliance for New York child care conference in 1994, she has been an integral part of the Lawyers Alliance community. She volunteered on a case in 1997 and subsequently worked on 14 matters for 12 nonprofit clients, including three active today. She served on Lawyers Alliance’s Board of Directors in 2003-2010 and is currently a member of the Board of Advisors. She also regularly mentors law firm associates on pro bono projects.

Ms. Rosenberg’s recent nonprofit clients include **On Site Opera** (OSO), an opera company that performs in community and public spaces and collaborates with community groups and schools to ensure that it reaches historically underserved populations. She assisted OSO with drafting volunteer descriptions and offer letters and determining the correct employment status of its newly hired musical director and its existing creative producer. OSO Founder Eric Einhorn says, “Jill took the time to understand the idiosyncrasies of a small opera company and figure out exactly what we needed. The templates she prepared were incredibly well customized and easy for us to handle and use in the future.”

Ms. Rosenberg also assisted **New Alternatives for Children** (NAC) with issues regarding employees’ performance and supervision. NAC provides innovative high quality services in support of birth, foster, and adoptive families caring primarily for medically fragile children, serving 1,400 children and families annually. The organization has more than 300 employees, about three-quarters of which are full time. Says Gail Auchterlonie, NAC’s Director of Human Resources, “Jill really stood out for the quality of legal thinking, responsiveness, and sensitivity to our needs. She really helped us improve our human resources practices overall.”

We asked Ms. Rosenberg, a 2016 Cornerstone Award winner, to share some thoughts on pro bono legal work, and her responses are below:

### *Please elaborate on the importance of employment law to nonprofit organizations.*

Employees are the heart and soul of a nonprofit organization’s mission and work. Employment laws and regulations are often complex and confusing and can easily trip up nonprofits, especially smaller organizations. From the creation of a nonprofit organization throughout its growth process, access to experienced employment counsel is essential to ensure compliance with the law and avoid employment claims.

### *How has your pro bono experience through Lawyers Alliance affected your professional choices and growth?*

Volunteering through Lawyers Alliance has allowed me to further my skills and experience in giving employment advice. I work with nonprofit organizations in my regular practice as well, so the more groups I talk to and work with, the better idea I have of the issues they are currently facing. In addition, what has always stood out is how appreciative the Lawyers Alliance clients are of the work that I and others do for them.



**Jill Rosenberg**

### **About Jill**

#### **Employment includes:**

- ▶ More than 25 years at Orrick, Herrington & Sutcliffe LLP, Partner since 1994

#### **Current activities include:**

- ▶ Member, Board of Advisors, Lawyers Alliance for New York
- ▶ Former Member, Board of Directors, UJA Federation of New York
- ▶ Current Member, Lawyers Executive Committee and Women’s Executive Circle, UJA Federation of New York

#### **Graduate of:**

- ▶ University of Chicago Law School, J.D.
- ▶ Princeton University, A.B.

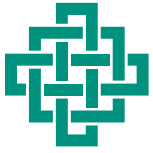


## **Welcome James Valentin, Development Coordinator**

Our new Development Coordinator, **James Valentin**, is a key liaison to Lawyers Alliance’s funders. Previously, Mr. Valentin worked at Downtown Community Television Center, and as an English teaching assistant, and a legal analyst. He received a B.A. in History from Yale University and an M.A. in French Language and Civilization from New York University.

## **Business Law & Leadership Gala — May 2, 2017**

Please save Tuesday, May 2, 2017 for Lawyers Alliance's Business Law & Leadership Gala.



# Lawyers Alliance *for* New York

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## 2016-2017 Law Firm Appeal Supports Legal Services for Nonprofits



**Kim Koopersmith**

Lawyers Alliance's 2016-2017 Law Firm Appeal is co-chaired by **Kim Koopersmith** and **Steven H. Schulman** of Akin Gump Strauss Hauer & Feld LLP. The funds raised through this Appeal help Lawyers Alliance to provide legal services and educational resources to nonprofit organizations serving low-income neighborhoods throughout New York City.

Ms. Koopersmith is the Chairperson of Akin Gump. She guides the strategic direction of the firm and plays a leading role in ensuring the firm's continued commitment to diversity, pro bono work, and attorney excellence. Previously, Ms. Koopersmith was a partner in the firm's litigation practice, where she handled complex commercial litigation matters and served as relationship partner to several of the firm's largest clients.

Ms. Koopersmith remarks, "As a long-time supporter of Lawyers Alliance, Akin Gump is pleased to lead this year's Law Firm Appeal. Our firm is committed to addressing the issues that impact our clients and community. The funds raised through this Appeal will support the highest quality legal

services for nonprofit organizations serving New York City's low-income people and communities."

Mr. Schulman is a Partner at Akin Gump. He leads the firm's pro bono practice worldwide, substantially increasing participation in the pro bono practice since joining the firm in 2006. Mr. Schulman maintains a substantive practice in many areas of public interest law, including human rights, assistance to military personnel and poverty law, and asylum and other immigration cases.

Mr. Schulman notes, "Lawyers Alliance serves as an important legal services partner that offers attorneys meaningful pro bono opportunities as well as training and mentorship through attentive volunteer support. Contributions to the Law Firm Appeal will help to ensure that business and transactional attorneys continue to have significant and rewarding pro bono opportunities that benefit both the volunteers and nonprofit clients."

To donate to the 2016-2017 Law Firm Appeal, please contact Associate Director of Development **Mariel Read Essner** at (212) 219-1800 ext. 230 or [messner@lawyersalliance.org](mailto:messner@lawyersalliance.org).

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**Steven H. Schulman**