



## Lawyers Alliance Provides Legal Assistance and Information to Nonprofits Affected by Hurricane Sandy

AS HURRICANE SANDY bore down on the region this fall, few anticipated the havoc it would cause in the New York City area or the severity of the damage to vulnerable communities. Nonprofit organizations serving these communities have been assisting those affected, even while dealing with many of the same issues – such as flooding, a lack of electricity, and transportation problems – themselves. Lawyers Alliance immediately ramped up its Disaster Relief initiative, first launched after September 11th, to help New York nonprofits directly impacted by the storm and those assisting disaster victims, with legal information on topics such as operating a disaster relief program, human resource challenges, government grants and loan programs, real estate issues, and insurance.



photo: Alexandra Silversmith

Lawyers Alliance is assisting nonprofits with the following services:

**Online information:** Beginning on the day of the storm, Lawyers Alliance has been providing Sandy-specific news and resources on the Disaster Relief page of our website, [www.lawyersalliance.org/disaster\\_relief.php](http://www.lawyersalliance.org/disaster_relief.php).

**Webinars for nonprofit organizations:** Webinars are a fast and effective method of reaching participants in a short time frame, allowing for timeliness of subject. Lawyers Alliance has offered five webinars to date on post-Sandy issues. Past webinars are available for free download on the Disaster Relief

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# Cornerstone Awards Honor Outstanding Pro Bono Achievements



**Caroline Kruse (left) and Christine Datz-Romero of Outstanding Renewal Enterprises with Honoree Scott Gordon**



**Honoree Michael Twersky with Mojisola Bafunso, Committee for Early Childhood Development, and Sunday Bafunso, Administration for Children's Services**



**Honorees David Portal and Joann Moolsintong with John Lobrano, Lawyers Alliance Board Chair**

A dedicated group of Lawyers Alliance for New York volunteers, client representatives, supporters, and friends gathered on November 13, 2012 for the Cornerstone Awards, held just two weeks after Hurricane Sandy. Presented annually, the awards recognize outstanding pro bono legal services to nonprofit groups. In addition to saluting its more than 1,400 volunteers from the past year, Lawyers Alliance honored two firms and eight individual attorneys. **Credit Suisse** hosted the volunteer recognition event.

“This year’s honorees have delivered exemplary pro bono services, helping nonprofit organizations to provide vital programs and services during difficult financial times,” said **John D. Lobrano**, Chair of the Board of Directors of Lawyers Alliance.

## Institutional Honorees

**Sean Delany**, Executive Director of Lawyers Alliance, presented the institutional Cornerstone Awards, remarking, “The institutional Cornerstone Awards reflect substantial breadth and depth of pro bono legal work, and therefore represent the most significant volunteer honor conferred by Lawyers Alliance.”

**Skadden, Arps, Slate, Meagher & Flom LLP:** This international law firm, year after year, has demonstrated top leadership in the quality and quantity of its pro bono legal services to nonprofit organizations bettering New York communities. During the past thirty years, Skadden attorneys have worked on more than 400 pro bono matters for approximately 350 nonprofit clients through Lawyers Alliance, including 17 new projects since July 2011 and 18 active pro bono relationships that have been ongoing for more than five years. Skadden pro bono attorneys have provided mission-critical legal advice to nonprofit organizations with respect to formation, real estate, mergers and strategic alliances, community loan fund financing, intellectual property protection, employment, and many other legal issues.

**Herrick, Feinstein LLP:** As a mid-sized law firm committed to top-tier service, this law firm stands out for its premier and increasing pro bono legal work on behalf of community-based and other nonprofit organizations. With 25 pro bono attorney-client relationships established through Lawyers Alliance during the past four years, Herrick is making a major impact on nonprofit organizations that provide child care, educational, arts, community renewal, and economic resources to low-income children, seniors, and other New Yorkers. Herrick pro bono attorneys have provided helpful legal advice related to board governance, personnel, facilities, advocacy, and real estate.

CORNERSTONE  
AWARDS  
2012

## Individual Honorees

**Elizabeth Guggenheimer**, Lawyers Alliance's Deputy Executive Director, highlighted the achievements of each individual honoree. She stated, "While their legal work may vary, what the individual recipients of the 2012 Cornerstone Awards have in common is a superlative commitment to organizations that serve the neediest New Yorkers."

**Christine M. Fitzgerald and Jason Habinsky, Hughes Hubbard & Reed LLP:**

For their trusted employment advice and counsel to 18 nonprofit organizations on a wide range of legal issues, including time-sensitive consultations and complex worker classification matters.

**Scott J. Gordon, Kirkland & Ellis LLP:** For his expert contract and corporate law assistance that has enabled Business Center for New Americans, Chinatown Partnership Local Development Corporation, and Lower East Side Ecology Center to advance their programs.

**Zhuo "David" Huang, Paul, Weiss, Rifkind, Wharton & Garrison LLP:** For his dedicated pro bono legal services to help nonprofit Exponents create a for-profit subsidiary to leverage its expertise in educational and rehabilitative programming.

**David W. Lowden, Stroock & Stroock & Lavan LLP:** For generously sharing his nonprofit law expertise with 15 newly-forming and established nonprofit organizations and countless attorney colleagues over many years.

**Joann Moolsintong and David Portal, Nixon Peabody LLP:** For their coordinated pro bono teamwork, extraordinary energy and willingness to help six nonprofit organizations navigate real estate law questions about leases and license agreements.

**Michael J. Twersky, DLA Piper LLP:** For using his legal skills in real estate and real estate financing to provide quality assistance that has helped YWCA of Brooklyn, Committee for Early Childhood Development, and Sinergia to finance, upgrade, and operate key facilities.

Congratulations to all of the 2012 Cornerstone honorees!



**Sean Delany, Lawyers Alliance for New York, with Robert Sheehan of Institutional Honoree Skadden, Arps, Slate, Meagher & Flom LLP**



**Rashida Ladner-Seward (left) and Sajda Ladner of Universal Temple of the Arts with Louis Goldberg of Institutional Honoree Herrick, Feinstein LLP**



**Lawyers Alliance for New York 2012 Cornerstone Award Honorees: (Left to right) Christine M. Fitzgerald, Hughes Hubbard & Reed LLP; Jason Habinsky, Hughes Hubbard & Reed LLP; Scott J. Gordon, Kirkland & Ellis LLP; Robert C. Sheehan, Skadden, Arps, Slate, Meagher & Flom LLP; David W. Lowden, Stroock & Stroock & Lavan LLP; Michael J. Twersky, DLA Piper LLP; Zhuo "David" Huang, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Louis Goldberg, Herrick, Feinstein LLP; Joann Moolsintong, Nixon Peabody LLP; and David Portal, Nixon Peabody LLP**

# Helping Nonprofits Affected by Hurricane Sandy

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page of our website. Upcoming webinars are listed at [www.lawyersalliance.org/workshops.php](http://www.lawyersalliance.org/workshops.php).

**Written legal alerts:** These summaries of frequently asked questions and answers on discrete legal topics are posted on our Disaster Relief web page and are aimed at non-lawyers.

**Telephone consultations:** Lawyers Alliance answers general questions about current legal issues through our Resource Call Hotline at (212) 219-1800 ext. 224. Staff attorneys return voice messages within 48 hours. Nonprofit managers, pro bono attorneys, government staff, and members of the public have used this resource.

**Resource Call Example:** A human service organization in Brooklyn had several employees directly impacted by the storm. It sought Lawyers Alliance's guidance on the parameters for establishing an employee relief fund, including eligibility criteria.

**Direct legal representation:** Lawyers Alliance staff and pro bono attorneys have the legal expertise, practical experience, and resources to best serve nonprofits. These legal services are tailored specifically to affected nonprofits and

include help to operate a disaster relief program; resolve real estate issues; address employment law, independent contractor, and volunteer management matters; apply for government grants and loans; understand the impact on government contracts; and seek insurance reimbursement.

**Case Example: Gaining Tax Exempt Status and Establishing a Relief Fund.** Lawyers Alliance staff attorneys were already working with **Alliance for Coney Island** (the "Alliance"), a newly forming organization, to incorporate as a nonprofit corporation when Hurricane Sandy hit. Coney Island was one of the areas most affected by the storm and in the aftermath the Alliance realigned its priorities from promoting increased visitorship to the neighborhood to disaster relief. The Alliance is raising and administering a fund to support the recovery of Coney Island. Lawyers Alliance is providing legal assistance with establishing the relief fund and seeking expedited granting of its tax exempt status. The Alliance has launched an initiative, #ConeyRecovers, to help small businesses, nonprofit organizations, and residents recover from the storm.

## **In-person consultations in neighborhoods:**

We are participating in nonprofit disaster relief meetings in Staten Island and Coney Island and are planning sessions for the Far Rockaways, Red Hook, and Lower Manhattan. Lawyers Alliance is coordinating with pro bono counsel and nonprofit organizations to host legal clinics for nonprofit organizations in the most heavily impacted neighborhoods.

For more information on Lawyers Alliance's work with nonprofit organizations affected by Hurricane Sandy, or other disaster relief, please contact Legal Director **Linda Manley** at [lmanley@lawyersalliance.org](mailto:lmanley@lawyersalliance.org) or (212) 219-1800 ext. 239.

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**Alliance for Coney Island launched #ConeyRecovers to coordinate and raise funds for relief and recovery efforts in the community.**



photos: Alexandra Silversmith

## New Lawyers Alliance Publication

### *Charting the Course: Legal Help for Nonprofits in Troubled Times*

Since late 2008, many nonprofit organizations have been in a constant state of financial strain. Cash flow has been limited while the need and demand for their services has increased. In response, many nonprofit organizations have made significant changes to their budgets, structures, and services in order to preserve programs and seek stability. The impact of Hurricane Sandy has exacerbated the challenges for New York communities.

Lawyers Alliance for New York has published *Charting the Course: Legal Help for Nonprofits in Troubled Times*, a report that nonprofit organizations and their attorneys can use to address business and legal challenges posed by a protracted weak economy.

*Charting the Course* points nonprofit managers, board members, and legal advisors to five key factors that are critical to their organization's success: mission, people, facilities, funds, and relationships. It shows how, despite a troubling and unpredictable financial environment, nonprofit organizations can pursue strategies in these five areas to sustain and enhance their programs, maximize resources, and better position themselves to accomplish their goals. Legal assistance can help nonprofit managers and board members to implement these strategies.

The report includes hypothetical case examples drawn from the experiences of Lawyers Alliance's staff attorneys and pro bono attorneys from law firms and corporations.

The author of *Charting the Course*, Lawyers Alliance's Deputy Executive Director **Elizabeth M. Guggenheimer**, says, "The economic downturn has created challenges that are real, but not insurmountable. It is important to help the nonprofit sector remain viable and vibrant because millions of people are dependent on its services."

Lawyers Alliance recommends that the nonprofit, legal, and government sectors work together to make the regulatory and funding environments more conducive to the smooth operation of nonprofit programs. *Charting the Course* identifies four public policy areas for prompt attention:

- encourage advocacy by nonprofit organizations,
- eliminate unnecessary regulatory barriers to organizational changes,
- rationalize and prioritize reform of government contracting, and
- increase access to working capital.

This publication reflects on nationwide issues while giving special attention to the experiences and laws affecting New York City's nonprofit sector.

Free PDF copies of the 25-page executive summary, and \$45 hard copies of the 171-page report including the executive summary, are available via Lawyers Alliance's website, at [www.lawyersalliance.org/publications.php](http://www.lawyersalliance.org/publications.php). To order by mail or fax, please contact **Kendra Sykes**, (212) 219-1800 ext. 223 or [ksykes@lawyersalliance.org](mailto:ksykes@lawyersalliance.org) for an order form.



**Case Example:** An organization that offers free and low-cost art classes to children from low-income neighborhoods revamps the format and content of its course offerings. It replaces three full-time instructors, who historically have been treated as employees, with six less expensive part-time "consultants," whom it pays as independent contractors. It simultaneously engages a fundraising consultant to develop an individual donor outreach plan and a trainer to conduct two morning professional development programs for the new part-time workers. After obtaining legal guidance, it reclassifies five of the six part-time workers as employees; the sixth is a professional artist who sets his own schedule and fees and uses the organization's website to promote his course. It continues to classify the fundraising consultant and trainer as independent contractors. When the New York State Department of Labor inquires about the employment status of the trainer, the organization has appropriate records, including a well-drafted independent contractor agreement to satisfy the regulators' concerns, and is not subject to any liability.

# Lawyers Alliance Welcomes New Pro Bono Manager



Michelle Friend

We are pleased to welcome **Michelle Maloney Friend** as our new Pro Bono Manager. Ms. Friend is responsible for managing the intake and screening of new clients and legal matters. Her responsibilities also include sustaining and enhancing pro bono relationships with more than 100 law firms and corporate legal departments, the primary source of Lawyers Alliance's 1,400 volunteers. "I am looking forward to working with Lawyers Alliance's wonderful volunteers and clients and helping nonprofits secure needed legal assistance," says Ms. Friend.

Prior to joining Lawyers Alliance, Ms. Friend was the Associate General Counsel and Compliance Manager of Seedco Financial Services and a corporate associate at Choate, Hall & Stewart LLP. She received her J.D. from Columbia Law School in 2005 and her B.A. from Trinity College in 2001.

## VOLUNTEER SUPPORT:

### What Distinguishes Lawyers Alliance?

We offer several resources to help pro bono attorneys with the legal and practical issues that arise in advising nonprofit and community development organizations:

**Co-counseling** – For each matter placed with a volunteer, a Lawyers Alliance staff attorney serves as co-counsel to answer questions and address other needs related to the pro bono project. Our in-house legal team has specialized knowledge related to the law of nonprofit and tax-exempt organizations, as well as the programmatic and regulatory issues that our clients face. We can facilitate communications between clients and pro bono counsel, direct pro bono counsel to relevant resources, and/or work alongside our volunteers on complex matters.

**Resource calls** – Volunteers can call our Resource Call Hotline at (212) 219-1800 ext. 224 with questions about any legal issue affecting nonprofits.

**Probono.net** – The "Community Development and Nonprofit Law" section of Probono.net in New York contains a Library of downloadable model documents and memoranda relevant to advising nonprofits. Membership is free at [www.probono.net/ny/nonprofit](http://www.probono.net/ny/nonprofit). You also can access the site through [www.lawyersalliance.org](http://www.lawyersalliance.org).

**Publications and trainings** – *Charting the Course*, *Getting Organized*, *Bylaws That Work*, *The Volunteer Workforce*, and our other publications are useful for attorneys representing nonprofits. Online ordering is available at [www.lawyersalliance.org/publications.php](http://www.lawyersalliance.org/publications.php). Stay tuned for details about our next annual CLE seminar on *Advising Nonprofit Organizations*, to be held in spring 2013.

**Forms and other useful links** – Visit the "Lawyers" section of our website – [www.lawyersalliance.org/lawyers.php](http://www.lawyersalliance.org/lawyers.php) – for the CLE for pro bono credit form, volunteer case closing questionnaire, and Internet links to other resources for attorneys.

## Lawyers Alliance Board of Directors

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## Alum Profile: Joseph Guay

**Joseph Guay**, a partner and the Real Estate Section Leader at Holland & Knight LLP, is a 2009 Cornerstone Award winner because of his extensive work for Bridge Street Development Corporation. In 2011, Holland & Knight received the Institutional Cornerstone Award.

### *Q – How did you first become involved as a volunteer with Lawyers Alliance?*

Lawyers Alliance distributes e-mails to law firms detailing available volunteer opportunities. I came across one of those approximately seven years ago and noticed a real estate matter for Bridge Street Development Corporation. It was in my comfort zone and area of expertise, and I was interested in volunteering. I assisted Bridge Street on buying and financing affordable housing in Bedford-Stuyvesant, Brooklyn. I really enjoyed the experience and developed relationships with both Bridge Street and Lawyers Alliance.

### *Q – What is the nature of the work you have undertaken for the nonprofit clients served by Lawyers Alliance?*

The transactional nature of the work is appealing to me, and Lawyers Alliance's clients are doing vital work for low-income communities. Shortly after working with Bridge Street, I assisted Bronx Community Pride Center on a leasing issue for space for the community center. I worked on a facilities agreement for Metropolitan Lighthouse Charter School, a relatively new school in the South Bronx, and an office lease for Center for the Homeless. I have also encouraged my colleagues at Holland & Knight to take on matters involving nonprofit corporate governance, transactions, strategic alliances, intellectual property, employment, and government contracts.

### *Q – How have you encouraged others at Holland & Knight to become involved in pro bono work?*

In 2010 I was promoted to head of the firm's Real Estate Section. In that capacity, I oversee 13 real estate groups and approximately 220 real estate attorneys and professionals nationally and have been able to use my "bully pulpit" to encourage volunteerism. Our firm has a rich history in serving the less privileged members of our community who need access to the legal system. Three years ago our Managing Partner developed a dedicated department to facilitate our pro bono legal service in conjunction with our other community service efforts and charitable giving. We are constantly seeking pro bono and community organizations with which to partner. We need Lawyers Alliance clones across the country so that everyone can participate in this positive pro bono experience.

### *Q – As someone with a continued dedication to pro bono work, what do you find most rewarding about the volunteer experience?*

It is a rewarding way to help organizations that wouldn't otherwise have access to legal services, or to the services of a large firm. The organizations that I've had the opportunity to work with are helping people in great need.

### *Q – How and why are you now involved with Lawyers Alliance?*

I have become familiar with the staff and process at Lawyers Alliance and enjoy working with them. I'll continue to volunteer, as well as promote pro bono within Holland & Knight, which was honored to receive a Cornerstone Award for the firm's serious commitment to pro bono. I also believe that financial support for Lawyers Alliance is important, so it can continue assisting nonprofits.



**Joseph Guay**

### **About Joe**

#### **Employment includes:**

- › Partner and Real Estate Section Leader, Holland & Knight LLP
- › Practice focuses on hotel and resort development, operations and financing as well as general real estate matters throughout the US, Latin America, and the Caribbean
- › Recognized in *The Best Lawyers in America* guide, 2013 and *The Legal 500 US*, 2012
- › *U.S. News and World Report – Best Lawyers*, selected Holland & Knight as "Law Firm of the Year" in the "Real Estate Law" practice area

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

- › Multiple speaking engagements, including Moderator at the 2012 Hotel & Lodging Legal Summit
- › Involved with Circle of Care, a nonprofit organization which provides support for families who are dealing with children with cancer

#### **Graduate of:**

- › Catholic University of America, Columbus School of Law, J.D.
- › University of Connecticut, B.S., *summa cum laude*

*Help us build our archive and alumni database. Send your experiences with the Council of New York Law Associates or Lawyers Alliance for New York to Marketing and Communications Manager Emily Crossan at [ecrossan@lawyersalliance.org](mailto:ecrossan@lawyersalliance.org).*

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# Law Firm Appeal Supports Vital Legal Services for Nonprofits



**David A. Gordon**

Lawyers Alliance's 2012-2013 Law Firm Appeal is co-chaired by **David A. Gordon** and **Miles N. Ruthberg** of Latham & Watkins LLP. The funds raised through the Appeal help Lawyers Alliance provide legal services and educational resources to nonprofits serving low-income neighborhoods throughout New York City.

Mr. Gordon is a partner at Latham & Watkins and a member of the Finance Department and the Executive Committee, as well as one of two Vice Chairs of the firm. Prior to becoming a Vice Chair, Mr. Gordon represented banks, financial institutions, private equity funds, and other private companies.



**Miles N. Ruthberg**

Mr. Ruthberg is a partner at Latham and a member of Lawyers Alliance's Board of Directors. He has been a member of the firm's Executive Committee, Global Department Chair of the firm's Litigation Department, and Chair of the firm's Securities Litigation and Professional Liability Practice Group.

Mr. Gordon remarks, "Many New York City nonprofits were stretched thin before Hurricane Sandy, and are now facing even greater challenges. A contribution to the Law Firm Appeal supports low-cost or pro bono legal services for these organizations, helping them sustain programs, address community needs, and overcome organizational challenges."

Adds Mr. Ruthberg, "As the nation's largest provider of pro bono business and transactional opportunities, Lawyers Alliance offers volunteers a chance to work closely with nonprofits in virtually every neighborhood in the city. The Law Firm Appeal helps ensure that pro bono attorneys can continue to make a difference in the lives of thousands of New Yorkers. Active involvement in the community is a hallmark of Latham's culture, and we're proud to be part of this effort."

To donate to the 2012-2013 Law Firm Appeal, please contact Senior Development Coordinator **Lemont Leige** at (212) 219-1800 ext. 225 or [lleige@lawyersalliance.org](mailto:lleige@lawyersalliance.org).