

Robinson+Cole

Pro Bono

At a Glance



July 2018

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### MESSAGE FROM PETER KNIGHT, PRO BONO PARTNER

As you all know, our friend and colleague Nuala Droney recently accepted an appointment to the State bench. Nuala was an important member of our Domestic Violence Restraining Order (DVRO) team, in which R+C attorneys help victims of domestic abuse obtain restraining orders. The Program has been one of our hallmark pro bono initiatives, and we've represented dozens of clients under often incredibly immediate and stressful circumstances. With Nuala's departure, the Pro Bono Committee has been looking at ways to energize the program, first and foremost by encouraging our lawyers to get involved!



To practice what we preach, I recently teamed up with my EE+T colleague Emily Deans to represent a Manchester resident seeking a restraining order. The case was complicated, and somewhat atypical as the relief our client was seeking ultimately was better addressed through a custody agreement. After a twisting and unpredictable hearing, our motion was denied and Emily and I, now 0 for 1 in our DVRO careers, wondered what difference we had made for our client, since the outcome surely would have been the same if she had filled out the application and appeared at court by herself.

For those of us privileged to represent clients in pro bono matters, be it transactional or litigation, the answer was what it most often is. We showed up. We listened. We sat next to her on a hallway bench and spoke on her behalf at a podium. We brought the resources of a truly great law firm to represent a client who otherwise would have needed to navigate the legal system alone or with very limited help. So while the ultimate outcome likely was the same in either instance, I'd suggest we made a big difference in that case, and in every matter we handle for clients who otherwise would not have full access to the legal system.

One of the “messages” from that experience is that the pro bono work we do, especially when we work outside of our day-to-day practice areas, often requires no more than our greater experience and legal common sense to make a difference. Also, and more specifically, R+C’s DVRO program is pro bono at its best [click [here](#) for a related article]. If you’re looking to take on a pro bono assignment, please consider volunteering!

#### **ROBINSON+COLE ATTORNEYS PREVAIL IN CASE INVOLVING STATE’S SEIZURE OF INMATE’S CIVIL RIGHTS JUDGMENT**

In a case that illustrates the importance of pro bono representation, even in potentially unpopular matters, the pro bono efforts of J. Tyler Butts and Linda Morkan recently led to a federal judge ruling in favor of our client, prison inmate Rashad Williams. Mr. Williams fought the State of Connecticut’s efforts to seize a portion of a \$300,000 jury award he received following a finding from an earlier proceeding that a state prison employee violated his civil rights. Williams, who represented himself at trial, was severely beaten by another prison inmate after being put into a cell with his attacker, a violent gang member, in spite of repeatedly voicing his objections, and his fear of a likely assault, to the prison guard. Williams was awarded damages. The State of Connecticut, which agreed to indemnify the prison employee for any damages for which he was held liable, only gave Williams a portion of the \$300,000 award because it deducted the costs of Williams’ incarceration pursuant to state statute. We argued that the State’s actions in agreeing to indemnify its employees and, at the same time, reducing the overall amount of Williams’ award through the application of statutory setoffs, were unconstitutional and conflicted with the goals of federal civil rights law. Our team argued in court documents, “The State has gone to significant lengths to reduce its liability and to deny Mr. Williams full compensation for his damages.” U.S. District Court Judge Michael Shea agreed with our argument, concluding that the impact of the State’s actions would nullify the deterrent effect of civil rights damages [click [here](#) for a related article].

#### **JIM NAULT HELPS VETERAN WHO WENT AWOL AMIDST TRAGEDIES GET BENEFITS**

After receiving pro bono assistance from Jim Nault, a Marine Corps veteran was able to obtain health benefits through the Department of Veterans Affairs. The client became a Marine in 1986, with a four-year service obligation, but he went AWOL in the fall of 1988, a time in his life when he endured a series of personal tragedies. If a veteran is AWOL for more than six months, they are barred from benefits absent “compelling circumstances.” Jim, a member of our Business Litigation, Intellectual Property Litigation, and Appellate Groups, petitioned the VA on the man’s behalf, arguing that he did indeed have compelling circumstances. Over a short period of time, the client lost his father, younger brother, mother, and grandfather. Then, two of his cousins were murdered. He knew he should return to the Marines, but feared leaving his family and felt he needed to be there for them. A 2018 Department of Veterans Affairs administrative decision states, “The fact that there were so many deaths after he went AWOL supports his claim that he was emotionally compromised and feared to leave his family to return from AWOL. Based on this information, it is determined that extenuating circumstances existed at the time the claimant’s misconduct began.” The decision concludes that the claimant’s discharge was under honorable conditions for the purpose of eligibility for VA benefits. After he was able to obtain those benefits, the client was extremely appreciative of Jim’s compassionate advocacy.

#### **STEVE ELBAUM AND KIRSTEN YERGER CLOSE DEAL FOR BRASS CITY CHARTER SCHOOL**

Two of our Real Estate + Development lawyers, Steve Elbaum and Kirsten Yerger helped the non-profit Brass City Charter School in Waterbury with its recent real estate closing, prompting school Chairman Andy Sternlieb to write, “We couldn’t have done it without you.” The school purchased the St. Margaret’s Church of Waterbury and associated buildings this spring for about \$1 million. Previously, the school had been leasing space from the parish, but when the Archdiocese of Hartford decided to sell because of parish consolidations, organization leaders saw an opportunity to purchase the property. Now that the deal is finalized, Brass City Charter School officials plan to renovate its new property, a \$6 million project. The firm also is working with the school going forward on the financing, with David Panico and Christie Jean of the firm’s Public Finance Group also assisting. The school serves children from pre-kindergarten through grade 8. Sternlieb wrote in a thank you letter in April that the staff wants “to thank you and the others from Robinson+Cole who’ve worked on this deal for all

you've done for BCCS – our kids, families and staff. Your willingness to do this on a pro bono basis is greatly appreciated.”

#### **ROBINSON+COLE LAWYER HELPS IRAQ VETERAN IN BENEFITS CLAIM**

Ted O'Hanlan, a retired Naval Reserve captain, secured a victory for a Connecticut veteran early this year, by helping the man, who served in the Iraq War, get a lifetime disability pension and benefits. Ted assisted the client in appealing a disability claim before the Navy Council of Review Boards in Washington, D.C. The client, a Milford resident, served with the United States Naval Construction Battalions, better known as the Seabees. Because of wounds from an improvised explosive device, he now suffers from post-traumatic stress disorder, severe depression, and short-term memory loss. Ted filed a Petition for Relief on the man's behalf, after a disability evaluation board reduced his temporary disability rating and found he had only a 10 percent disability. This would have meant discharge with only a small severance payment. After receiving our petition, however, the Navy Physical Evaluation Board reversed the decision and awarded our client retirement with a 50 percent permanent rating. This means he will have a lifetime disability pension and medical benefits. Ted collaborated on the petition with a Navy legal officer at the Washington Navy Yard. This was sort of a “coming home” for Ted, who worked in that same office on disability/benefits cases in 1982 in his first assignment on active duty.

#### **STEPHEN ARONSON ADVISES NON-PROFIT ORGANIZATION ON TERMINATING EMPLOYEE**

When a non-profit organization needed urgent advice on firing an employee, it reached out to the Pro Bono Partnership, which connected it to Stephen Aronson, a member of the firm's Labor, Employment, Benefits and Immigration Group. The South Windham-based organization, Horizons, Inc., helps individuals with developmental disabilities. Janice Chamberlain, Horizons' director of human resources, thanked the Pro Bono Partnership for connecting her so quickly to Steve to provide guidance with a challenging situation. The request came in at 5 p.m. on a Friday night. “Stephen listened and responded in a very concrete, non-judgmental, and direct way with his answers to my questions,” Chamberlain wrote, in a thank you email. “His direct approach worked well for me.” Steve gave her suggestions in advance of her meeting with the employee so she would be well-prepared. According to Chamberlain, after implementing Steve's strategy, the employee confessed to acting inappropriately and agreed his employment should be terminated. Chamberlain reported, “We terminated his employment with no other consequences.”

#### **THE CENTER FOR CHILDREN'S ADVOCACY HONORS TWO R+C ATTORNEYS**

Jessica Hamilton and Jonathan Small were honored in May for their pro bono work on behalf of Connecticut's immigrant children. The Center for Children's Advocacy recognized the two Insurance + Reinsurance Group lawyers during its Spring for Kids! Champion of Children Awards Gala in Hartford. Jessica and Jon participated in the center's Special Immigrant Juvenile (SIJ) status training, which prepares attorneys for pro bono representation of undocumented children who have been abused, neglected or abandoned. Afterward, Jessica and Jon represented children in obtaining SIJ status, which allows these young people to apply to be lawful permanent residents. Jon also helped run one of the trainings at the firm's Hartford office in an effort to encourage more firm lawyers to assist in this cause. The Center for Children's Advocacy is a private, non-profit organization dedicated to protecting the legal rights of poor children whose care is dependent on Connecticut's judicial, child welfare, health, mental health, education, and juvenile justice systems. The organization serves hundreds of individual children each year, providing the legal advocacy needed to give these children a chance to lead healthy, productive lives.

#### **NEW YORK ATTORNEYS HELP INDIVIDUALS NAVIGATE FAMILY COURT**

On May 30 and 31, lawyers from the firm's New York office volunteered at the New York City Family Court Volunteer Program. The Volunteer Program provides an opportunity for individuals to meet with volunteer lawyers at the courthouse for quick and immediate help navigating the judicial system. Matthew Mazzola, Kirsten Yerger, Anna Jinhua Wang, Daniel Bryer, and intern Justin Zarka consulted individuals seeking guidance for their upcoming court appearances regarding issues ranging from child support to custody to protective orders, all pending in Kings County Family Court.

The subject matter in these cases varied widely, as seen in the examples below.

- Our lawyers provided guidance and advice to a disabled veteran and victim of domestic violence who was ordered by the court to respond to cumbersome written discovery demands served by opposing counsel in a child support case.
- We also advised a woman seeking an emergency hearing for the immediate return of her three-year-old daughter. The woman and the child's father had an oral agreement in which the woman had custody of the child and the father had weekly visitation. The child's father failed to return the child to the mother, moved her to a different borough and enrolled her in a new school. We helped the mother outline her argument to the court in support of her emergency application for custody in the best interests of the child.
- In a similar situation, we provided advice to a father seeking the return of his two-year-old son. In his situation, the child's mother took the child from daycare and refused to return him to his primary residence with his father. The father believed the mother had been diagnosed with, and suffers from, mental illness. We provided advice in advance of the custody hearing, including identifying evidence to support his claim as primary caregiver and requesting a mental health evaluation of both parents.
- Additionally, we advised a union worker who was deemed disabled by his doctor and was seeking a downward modification of his support payments for the period he is physically unable to work. We advised the man as to the evidence he should gather from his doctor, the union, and his job, to show how his change in circumstances warranted a downward modification of the order of support.

The clients we advised were all very appreciative of our time, help, and advice. They all entered our advisory sessions unsure of how to proceed in the system and feeling alone. We were able to provide guidance for navigating the Family Court, but we were also someone who listened to each person and tailored advice to each individual's situation. The R+C attorneys who participated in this program, which continues to grow in the NY office, were gratified to touch lives in the community and help people who were able to benefit from our legal training and knowledge.

#### **ROBINSON+COLE RECOGNIZED FOR SIGNIFICANT DEDICATION TO PRO BONO WORK**

The Hartford County Bar Association (HCBA) presented Robinson+Cole with its 2018 Pro Bono Award during the organization's annual Law Day Ceremony at Hartford Superior Court on May 4, 2018. Statewide Legal Services (SLS) of Connecticut is a civil legal aid program offering free legal services to low-income men, women, and families living in all 169 Connecticut towns. SLS nominated the firm for the award in recognition of the many Robinson+Cole attorneys who provide an array of pro bono legal help to assist the agency's most vulnerable clients.

"Robinson+Cole continually demonstrates significant and long-standing dedication to the delivery of pro bono legal services," said SLS Pro Bono Attorney Manager Ashleigh M. Backman. "The law firm has shown distinguished leadership in its efforts to bridge Connecticut's access to civil justice gap affecting low-income men, women, and children in Connecticut."

Among the pro bono examples cited in SLS's nomination are Robinson+Cole's Domestic Violence Restraining Order Program, which gives victims of domestic violence, who otherwise would not be represented, access to attorney advice and help in navigating the court system; Robinson+Cole's financial underwriting of the annual Stand Down community outreach event, which provides legal educational materials to homeless veterans; and Robinson+Cole's partnership with SLS to promote law firm institutional awareness of the importance in providing pro bono legal services to Connecticut low-income individuals. [View](#) press release.

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