

Milbank is serious about its commitment to pro bono legal representation. Our firm and our lawyers have been recognized as dedicated to public service through the pro bono awards we win, our top five ranking in *The American Lawyer's* elite A-List and our pro bono Fellowship program, available to first- and fourth-year associates. Many of our women attorneys have changed the lives of their pro bono clients through successful legal representation. These amazing stories deserve attention, so we've decided to focus this issue of Outlook on Milbank women and their pro bono service.

Milbank works with a wide array of prominent non-profit organizations, many of which advocate for women, both locally and globally. In addition to the examples written about in this newsletter, many of our attorneys have partnered with organizations such as Human Rights First, Sanctuary for Families, Lambda Legal and others to successfully represent women requiring pro bono assistance. Milbank attorneys also regularly work with InMotion, which provides free legal services to low-income women in domestic crisis in New York City. Whether it is work that changes an individual's life or helps to change the lives of many, every day our lawyers are vigorously advocating for the less fortunate.

This issue highlights a few of the many pro bono matters led by Milbank women. I hope the work these women have done inspires you to take on a pro bono matter. To learn more about pro bono opportunities, or to introduce a qualified pro bono organization, contact Tony Cassino.

Stacey J. Rappaport, Chair
Milbank Women's Initiative

We want to hear from you.
You can write to us at:
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Milbank Women Honored for Pro Bono Work

Each year in July, Milbank hosts its Pro Bono Awards Reception at which attorneys are recognized for excellence in pro bono. This year, three women associates and one Of Counsel were honored for their work.



Nicole Doppelt, an associate in Alternative Investments, has spent more than 400 hours helping children through Milbank's pro bono program. Most of these children had been living in the United States because it was detrimental for them to be reunited with their parents, and not in their best interests to return to their home countries. In many of Nicole's matters, the children sought Special Immigrant Juvenile Status (SIJS), which is a pathway to citizenship for unmarried children under 21 who are dependent on the Family Court and lack immigration status. The process involves obtaining

a guardianship order from Family Court, and a special findings order confirming that there are specific circumstances supporting a need for residence in the United States. Once that special findings order is entered, the young person can apply for permanent residency (a green card) and eventually obtain citizenship.

During her fellowship alone, Nicole helped 13 young people obtain green cards.



While on pro bono fellowships in Legal Aid's Juvenile Rights Division, **Alicia Bove**, an associate in Litigation, and **Regina Gromen**, an associate in Alternative Investments,

received an assignment to represent a baby born addicted to amphetamines, barbiturates, heroin, cocaine and marijuana. A neglect charge had been filed against the mother, who was incarcerated, and the City's Administration for Children's Services (ACS), placed the newborn temporarily with the foster mother of three of the baby's siblings.

At the first hearing, the mother was absent but a man appeared, claiming he was the baby's father and petitioning for custody. Pressed by the court for documentation, the alleged father produced an acknowledgment of paternity (AOP) and a birth certificate in which he had handwritten his name. The Milbank team objected and the court ordered a DNA test, which indicated with 99.9% certainty that he was not the baby's father. Despite this, the law in New York dictates that a conflicting DNA test cannot supersede an AOP.

Soon after, ACS learned that the man had been convicted of sexual molestation of

young girls three times before. The team moved to vacate the AOP on various grounds, but, pursuant to New York's Family Court Act, only the signatories to an AOP have standing to vacate it. In this case, the signatories were the

jailed mother and the convicted pedophile. Undaunted, Alicia and Rebecca argued that because of the primacy of formal adoption procedures, a phony certificate of paternity cannot be used as an end run around the adoption statute. Empowered by the case law presented by Alicia and Regina, Judge Douglas Hoffman held hearings on paternity, as well as the broader question of the baby's best interests.

As the team was preparing for the hearing, ACS called with another bombshell: the mother was dead. The pedophile, who had already been stripped of his technical defense to vacatur, withdrew his custody petition and the court vacated the AOP. This cleared the way for the right result—an unchallenged placement of the baby with a caring foster family, who has already adopted three of the baby's sisters. These proceedings continue to move forward and our client is scheduled to be adopted.





Panel on Human Trafficking

When does someone qualify as a human trafficking victim? If you answered this question with “when a woman is transported to this country and forced to engage in sex work,” your answer would be only partly right, and decades out-of-date. The standing room only crowd of lawyers and summer associates at a Women’s Initiative Speaker Series panel on human trafficking learned that international protocols define human trafficking much more broadly. Andrea Kelly, a third-year associate in the Litigation group, moderated the panel discussion.

This form of modern-day slavery exacts a breath-taking toll worldwide and has become the fastest growing criminal industry in the world. Trafficking victims can be male or female, sex workers or farm workers, transported or local, and, if they are children, even consenting. The common denominator is that they are vulnerable, and are victims of a highly profitable and disturbingly widespread pattern of crime.

The three speakers, lawyers Kristy Greenberg, Peggy Healy and Dorchen Leidholdt, spoke passionately about their efforts to address human trafficking. Greenberg, an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney’s Office for the Southern District of New York, explained

how cases are built against the predators who violate the federal Trafficking Victims Protection Act. The perpetrators are increasingly gang members, who treat girls as an endless resource for their criminal activities. Healy, Senior Vice President for Latin America of Covenant House International, the largest privately-funded agency for homeless and run-away children in the Americas, and Leidholdt, Director of Sanctuary for Families’ Center for Battered Women’s Legal Services, provided a window into the ruined lives of the victims and how they can be helped. Lawyers, they explained, play a crucial role, by taking on impact litigation and other cases, lobbying for new legislation and working with law enforcement to help them identify trafficking victims by asking more targeted questions. A number of Milbank lawyers in the audience have done pro bono work to assist human trafficking victims.

Human trafficking has been identified as the fastest growing criminal industry in the world and is second only to drug trafficking as the most profitable. In 2008, the United Nations estimated that nearly 2.5 million people from 127 countries were being trafficked around the world.

Pictured (beginning at top left): Dorchen A. Leidholdt, Peggy Healy, Kristy Greenberg, Milbank Associate Andrea Kelly and Partner Stacey J. Rappaport



Milbank Women Honored

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Dorothy Heyl, an Of Counsel in Litigation, was recognized for her outstanding work on impact litigation for the Brennan Center for Justice at NYU Law School and the Innocence Project.

On September 19, 2012, the Second Circuit Court of Appeals affirmed a favorable decision for the Brennan

Center that Milbank had obtained below and defended on appeal. Pursuant to the Freedom of Information Act (FOIA), the Brennan Center had challenged the withholding of a memorandum by the Office of Legal Council (OLC) in the Department of Justice. The memorandum concerned the constitutionality of government statutes requiring Non-Governmental Organizations (NGOs) receiving federal funding to have a policy opposing prostitution – a requirement that the Brennan Center has challenged successfully. As a result

of Milbank’s successful victories at both the district court and appellate levels, the Brennan Center received a document that it has been trying to obtain for years: a government statement finding the statutes unconstitutional as applied to U.S. NGOs.

Dorothy also had an important victory in her work with the Innocence Project, which, among other things, has found that unreliable eyewitness identifications explain many erroneous convictions. In a case involving a late-night campground murder and questionable eyewitness testimony by one of the shooting victims, Dorothy led a team of associates in submitting to the Supreme Court of Oregon an amicus brief on behalf of 20 social scientists who have researched the unreliability of eyewitness identifications. On November 29, 2012, the court ruled in favor of the defendant, relying heavily on the research in the amicus brief, and setting an important precedent. Dorothy and her team also submitted an amicus brief in a pending case before the Washington State Supreme Court involving similar issues.

Women’s Initiative Wine and Chocolate Event for Summer Associates at Locanda Verde in Lower Manhattan



Summer Associate Caylee Hong and Partner Stacey Rappaport



Summer Associates Erika Hauser, Jillian Trezza and Haley Bergman



Partner Alan Stone and Associates Liz Virga and Roxana Azizi



Associates Anne Shutkin and Kate Rhodes Janofsky, with Of Counsel Dorothy Heyl (middle)



Summer Associate Nikki Smith and Partner Jane Morgan

The mission of Milbank’s Women’s Initiative is to create a foundation that supports and promotes an environment rich with opportunities for our women lawyers to build strong careers and achieve their full potential.