

Pro Bono At a Glance



Spring 2020 Edition

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In this edition of Robinson+Cole's Pro Bono At a Glance newsletter we look back on a number of the accomplishments, successes and feel-good stories that have come out of the pro bono services our lawyers have provided over the last several months. Since the new year, dozens of R+C volunteers have dedicated hundreds of hours to serve the legal needs of individuals and institutions without ready access to the justice system. Despite these efforts, the unmet need for pro bono legal services is pronounced in the best of times.

As I write, a vastly wider swath of our neighbors, small local business and non-profit providers are confronting an uncertain and, in many cases, frightening future – one that will create an unprecedented demand for attorneys to volunteer their time and skills to navigate. Many of the legal needs occasioned by COVID-19 and its impacts are immediate. Some of these are novel, such as non-profits addressing employment issues related to an entire workforce now working remotely, pro bono litigants facing extensive delays in court proceedings, and force majeure claims in non-profit projects due to virus-related work stoppages. Others are more routine but present in overwhelming numbers, such as bankruptcy and unemployment claims.

The pro bono needs that will emerge after the immediate crisis wains remain to be seen. What is certain is that the number of deserving pro bono clients and matters will only increase. While this presents a daunting challenge to non-profit and low-income communities, it presents pro bono attorneys with an unprecedented opportunity to help meet those legal needs. The Pro Bono Committee is hard at work on the formation of a COVID-19 small business clinic program. Details to follow shortly!

We all will be called on in the days, weeks and months ahead to give of ourselves in ways we could not have imagined even a short time ago. As attorneys and legal providers, we possess unique skills that can assist our pro bono clients in navigating this uncertain future. The Pro Bono Committee will continue to identify worthy clients and matters and match those with our attorneys. We all will individually come across potential pro bono matters as we navigate a return to normalcy. Each should be considered. This crisis will no doubt serve as an inflection point for legal service providers as we evaluate our collective and individual pro bono efforts, let alone our own practices. Let us keep our under-represented and underserved communities in mind as we meet the challenges - and opportunities - that will face us all.

A Brief Summary of Recent Achievements

Robinson+Cole and the **Pro Bono Partnership (PBP)** have long enjoyed a close relationship, which has provided the Partnership's non-profit clients with no-pay legal assistance on myriad transactional and employment matters. In turn, our attorneys have had the privilege of counseling some incredible organizations through a host of interesting and thorny issues. In 2019, our attorneys worked on 51 PBP matters for 45 nonprofits in Connecticut and New York. A dedicated group of more than 30 R+C attorneys generously contributed their time on these matters, a few of which are noted in this newsletter. The Partnership seamlessly matches up their non-profit clients with volunteer attorneys. If you are a transactional attorney, there is no easier way to lend your talents to some very worthy and appreciative clients. If you practice in other areas but would like to lend a hand, our senior transactional lawyers have been terrific about overseeing PBP matters. We look forward to continuing our special relationship with the Pro Bono Partnership in 2020.

In a good example of a “typical” Pro Bono Partnership matter, **Jeffrey Volpintesta** and **Stephen Cooper** represented The New Haven Land Trust, Inc., a Connecticut non-stock corporation, on a pro-bono basis, in connection with its merger with New Haven Farms, Inc., another Connecticut non-stock corporation, with the Trust as the sole surviving entity. While this was a fairly straight forward representation, it serves to illustrate the range of pro bono matters in which our lawyers are willing and able to engage.



Robinson+Cole Attorneys Support Children in Immigration Matters

In November, the Stamford office hosted a full-capacity training program presented by the **Center for Children’s Advocacy (CCA)**. A number of R+C attorneys already work with CCA to provide pro bono legal representation for Connecticut youth who may qualify for Special Immigrant Juvenile Status (SIJS). Immigrant children in Connecticut have few legal advocates and need representation to avoid deportation and receive needed support to stay safe and succeed in school. Many of these applicants have fled abuse and neglect, and suffered significant trauma related to their arrival in the U.S. They live in constant fear of being returned to what are often life-threatening conditions. R+C attorneys in Boston and Providence do this same work in concert with Kids in Need of Defense. Unlike other immigration matters, which can be long and drawn out, SIJS applications tend to be procedurally less complicated and often are processed more quickly.

Through a referral from **Kids in Need of Defense**, **Deborah George** and **Leticia Pimentel** in the firm’s Providence, RI office currently represent two Guatemalan high-school siblings who were granted special immigrant juvenile status after entering the U.S. as unaccompanied minors in 2015. Deborah and Leticia are working to have the children’s status adjusted to permanent residents, so they can continue to live in the U.S. legally.



Pro Bono at the Appellate Level

The **CT Public Defender’s Appellate Bureau** brought to **John Cordani**’s attention a violation of probation case filed in the Appellate Court. He and **Jenna Scoville** wrote the brief.



The case involves an appeal on behalf of an indigent individual who pled guilty to some non-violent larceny offenses, received a 30-month sentence, execution suspended. One key condition of probation was that he make restitution of about \$18,000. He subsequently was found to have violated his probation when he did not (and could not) pay the ordered restitution. The trial court revoked his probation and sentenced him to the full 30-months’ imprisonment. Under Connecticut and United States Supreme Court law, an individual cannot be imprisoned solely for being too poor to pay restitution without the court first finding that the failure to pay was willful. To permit otherwise would be to create a debtor’s prison.

The two issues we’ve asked the appellate court to resolve are: (1) whether the trial court erred as a matter of law when it made no finding that our client had willfully failed to pay restitution; and (2) whether the state introduced insufficient evidence to prove that he willfully violated the restitution condition of his probation. Since the trial court made no finding of willfulness in refusing to pay, we assert as a matter of law that our client is entitled to reversal of his sentence and a remand for further consideration of whether he willfully refused to pay his restitution. In fact, we believe the evidence actually demonstrates the opposite - his inability, and not unwillingness, to pay the restitution he owed. Some of the restitution was paid, he did participate in the Probation Office’s employment program, and the difficulties he encountered along the way were attributable to the need to care for his daughter and to pay court-ordered child support. As a matter of Due Process and Equal Protection, a court must satisfy such willfulness findings in order to revoke

probation based on a failure to make financial restitution. For those reasons, we have asked the Appellate Court to reverse and remand this sentence.

The prosecutors get lots of time to respond in their own brief, and we are waiting on that. Once that's received, John and Jenna will write a reply and then attend the oral argument. A decision by the end of 2020 is hoped for. As the case progresses, we will provide updates and any outcome.

Robinson+Cole Attorneys Help Pardon Applicants Get a Second Chance

The one million adults in Connecticut with a criminal record face significant barriers to employment and housing based on their criminal records. Employers and landlords typically conduct background checks on applicants, and those with criminal records are often met with rejection. A full pardon from the state Board of Pardons and Paroles clears a rehabilitated applicant's background. In October, Robinson+Cole attorneys **Stephen Clancy**, **Charles Modzelewski**, and **Stephani Roman** joined over 80 volunteers at a one-day pardon clinic hosted by **Greater Hartford Legal Aid**. Pardons are not doled out lightly, and applicants must meet a high bar. Volunteers met with clients who had been pre-screened by GHLA to help prepare the written application and personal statement and send requests for additional required documentation. The Pro Bono Committee supports this important and worthy cause and is investigating ways to expand similar pro bono opportunities to assist those needing a second chance.



Robinson+Cole Hosts Training for New York City Family Court Volunteer Attorney Program

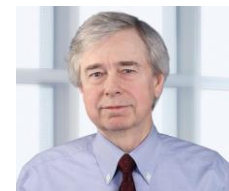
Anna Jinhua Wang and **Janet Kljyan** coordinated a training for the **New York City Family Court Volunteer Attorney Program** hosted in the firm's New York office on February 7, 2020. NYC Family Court staff attorneys Angela Britton and Cheryl Montgomery presented at the session, which trains volunteer attorneys to meet one-on-one with unrepresented litigants on certain family law issues, which typically involve child support, visitation, and custody. Founded in Brooklyn Family Court in 2006, the NYC Family Court Volunteer Attorney Program has since expanded to Manhattan with more than 300 participating attorneys from 40 major law firms and companies. The program continues to be an important part of the pro bono effort in the firm's New York office.



Lawyers from Robinson+Cole's New York Office Volunteer at Family Court Proceedings in New York

Earlier this year, **Brennan Breeland**, **Alan Fox** and **Janet Kljyan** volunteered their pro bono services at the **Kings County Family Court**. The matters they worked on included:

- advising a father with multiple proceedings pending regarding child support for five children and possible avenues to reduce arrears based on hardship;
- advising a mother who sought a final order of protection against an allegedly abusive husband and father;
- assisting a non-custodial mother who sought to modify arrears of child support based on a clerical error;



- counseling an elderly couple regarding dealing with an abusive niece who is occupying an apartment in the couple's two-family home in Brooklyn;
- advising a mother regarding filing an objection to the termination of a child support proceeding; advising a non-custodial father of three children regarding visitation rights and the modification of an existing child support order by reason of his recent loss of employment; and
- counseling a non-custodial father concerning an application for visitation rights regarding his 3-year old daughter.



Anna Jinhua Wang also volunteered at the **New York Family Court Volunteer Program** in Brooklyn. She assisted a single mother with a six-year old daughter, who filed an order of protection for both herself and the child against the father, and at the same time sought child support from the father. Anna discussed ways to serve the father and the potential amount of child support she might be able to get. In addition, Anna assisted a man who had a child support order against him, the amount of which exceeded his ability to pay.

Visit our [website](#) for additional notes on our Pro Bono efforts.

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