

Pro Bono Report 2022

Our Mission

From its founding, Lowenstein Sandler has been committed to advancing the public interest and serving communities in need. The Lowenstein Center for the Public Interest embodies this commitment, directing the firm's strong pro bono program and other forms of civic and philanthropic engagement. Through these efforts, the center addresses significant social problems and offers meaningful assistance to low-income and other marginalized people, along with the organizations that advocate for and support them. This work engages the full range of the firm's talents and reflects the core values that imbue all of the firm's efforts: to perform work of the highest quality in a manner that maximizes results for our clients and causes.

Cover image: *Kwok Noise*, 2016, made by 1,115 participants from 16 schools and community organizations / *Photo by Steven and William Ladd*

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Collages



Throughout this report, you'll see images from one of our nonprofit pro bono clients, **Scrollathon**. Brothers and artists Steven and William Ladd founded Scrollathon to engage communities in the creation of art through storytelling. Each of the now tens of thousands of Scrollathon participants rolls together ribbons of fabric into small scrolls. Participants may then name their scroll or tell a story about it. Eventually, every scroll is embedded with others in wooden frames that are attached together to make giant collages.

Scrollathon's work captures something important about this moment—that people can and do listen to the stories of those who are not like them and find inspiration in both individual expression and collective action.

This report includes many examples of people coming together to uplift and expand what they define as their communities.

- When Afghan refugees arrived by the tens of thousands after the Taliban retook that country, neighborhoods throughout the United States found ways to welcome them, and lawyers at Lowenstein and scores of other firms mobilized to help them gain the legal right to stay here.
- When the Supreme Court overturned *Roe v. Wade* and many states enacted bans and other severe restrictions on abortion, lawyers (including more than 60 at Lowenstein), activists, health care providers, and supportive government officials convened to secure and enhance abortion access in the states where providers will need to treat patients traveling in search of safe and legal reproductive health care.

- When nonprofits and microbusinesses brought us their legal needs, we responded by strengthening their infrastructure so that they can sustain our communities.
- When social science, neuroscience, and relentless activism and advocacy revealed how over-incarceration had broken individuals and decimated communities of color, the legislatures and courts finally began to repair some of the damage. This year, our lawyers won the release of people who had served decades in prison for offenses they committed when they were young and succeeded in holding prison officials to account for placing inmates with known mental illness in prolonged solitary confinement.

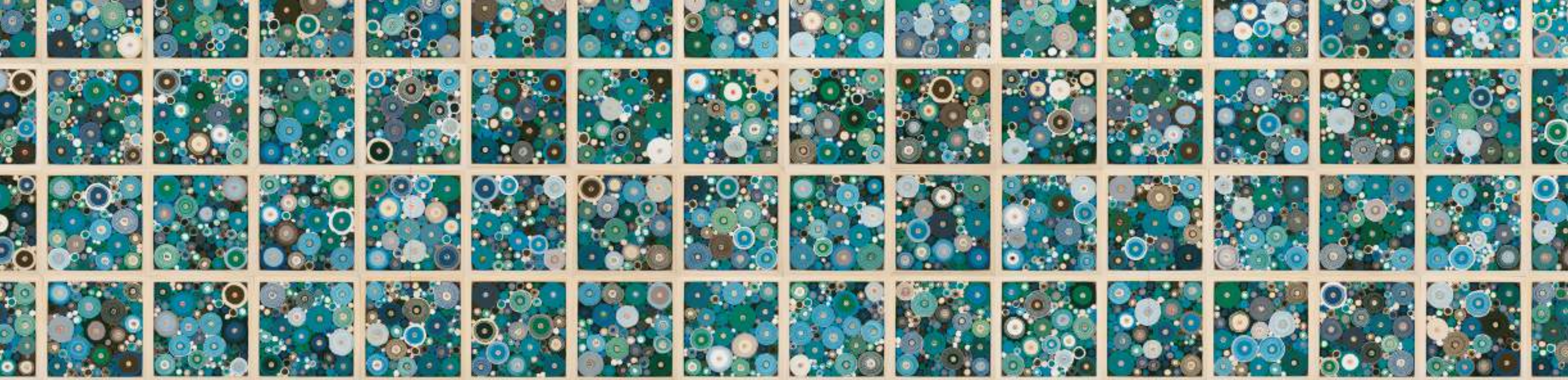
These acts reflect not only compassion and generosity but also defiance. Every time we invite strangers in and look for ways to connect with them, we take a stand against division, rage, and selfishness. We remember that we can be a counterpoint to oppression and an antidote to despair, and that together we can make a giant collage with space for all our stories.

Warmly,

Catherine Weiss

Catherine Weiss
Chair, Lowenstein Center for the Public Interest
Lowenstein Sandler

◀ *Scroll Space*, 2019, made by 1,700 participants, including students, seniors, youth in detention centers, and people with visual impairments / Photo by Steven and William Ladd



Yesterday, Today and Tomorrow, 2019, made by 750 participants of many ages and from a wide range of backgrounds / Photo by Steven and William Ladd

Immigration

Protecting Afghan Refugees

On August 15, 2021, the Afghan Republic collapsed and the Taliban returned to power. During the chaotic and violent days surrounding the Taliban’s resurgence, the United States and its allies attempted to evacuate Afghans who feared retribution. While many were left behind, tens of thousands of Afghans arrived in the United States seeking humanitarian protection. The government responded by giving Afghan nationals certain benefits,

including Temporary Protected Status, humanitarian parole, and an expeditious process for their asylum applications, among other things.

Our longtime pro bono partner **Human Rights First** created

Project Afghan Legal Assistance (PALA) to coordinate legal representation for Afghans in the United States. Through PALA, we represent two individuals who escaped Afghanistan with the assistance of the U.S. military

Afghan refugees walk through a refugee camp at Joint Base McGuire Dix, Lakehurst, N.J., on Sept. 27, 2021 / Photo by AP Photo/Andrew Harnik



and its allies. We have submitted asylum applications for our clients and represented them in interviews in the asylum office. They now await a decision on their pending applications.

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“Hadad” was a high-ranking official within the Joint Special Operations Command (JSOC), composed of Afghan and American special forces. In March 2021, a Taliban double agent infiltrated his unit. The insider collected information on JSOC leadership and provided Hadad’s name, picture, and call-sign (a unique military identifier) to Taliban leadership. Even before the Taliban seized power, Taliban agents were looking for Hadad and had threatened to kill him.

Hadad was able to escape Afghanistan with U.S. forces, but he was not able to retrieve his wife and two small children before fleeing. Within days of the



Certificate “Hadad” received from the United States Army

Taliban’s takeover, Taliban fighters went to Hadad’s home to kill him, only to find it empty. The fighters approached Hadad’s brother and

his neighbor and asked about Hadad’s whereabouts. To protect Hadad, his brother and neighbor responded that he and his family

had left Kabul. In reality, Hadad had been evacuated by American forces, and his family remains in hiding and in danger to this day.

Hadad is currently employed full time and enrolled in a pharmacy technician vocational program at a community college. He lives in constant fear for his wife and children. Once Hadad obtains asylum, he can petition for his family to join him in the United States.

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“Ziba” is a single, educated woman who was a well known public advocate for women’s rights in Afghanistan. While pursuing her university degree in midwifery, Ziba founded a women’s rights and social organization with the goal of helping women in her community advance financially and empower themselves with knowledge of their bodies and health. Ziba registered the organization under her name

with multiple government offices in Afghanistan. Her identity and affiliation with the women’s rights group are therefore now known to the Taliban. Ziba’s work with this organization, her education, and the fact that she chose to remain single are all an affront to the Taliban’s views of the role Afghan women hold in society.

Ziba is also part of the Hazara ethnic group, which is often perceived as “Westernized,” and she is a Shi’a Muslim in an overwhelmingly Sunni Muslim country. Based on the view that Shi’a Hazara are not “real Muslims,” the Taliban often discriminates against them and targets them for violence. All these aspects of Ziba’s identity place her at significant risk of persecution.

Ziba was living and working in Kabul when the Taliban regime took over, and she decided to try to make it to the airport to see if she could secure a spot on one of the planes evacuating Afghanistan.



“Ziba” / Photo by Bernard DeLierre

Her life was saved when U.S. forces pulled her from the crowd and placed her on a plane that would bring her to safety.

Since coming to the United States, Ziba has acclimated to her community, is employed full time, and has been accepted to nursing school. She looks forward to living in this country without fear of violence and retribution for her political opinions, ethnic and religious identities, and lifelong commitment to supporting women’s rights.

Securing Other Victories

The firm represented several other clients seeking refuge in the United States. Some, including the ones described below, received welcome news in 2022.

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“Fadima” was enrolled in medical school in Burkina Faso with a very promising future when she was kidnapped, taken to a small village, and forced to live with a stranger who physically and sexually abused her. In 2013, she fled the country and came to the United States. Here, Fadima reconnected with the love of her life, “William,”



whom she had met as a teenager in Burkina Faso. Fadima and William married, and they now have two children with another on the way. After enrolling in college and restarting her educational journey, Fadima is now a licensed nurse.

Unfortunately, while Fadima was waiting for her asylum hearing, a man attacked her at her apartment in the Bronx, causing her to miscarry and seriously injuring both her and her then-12-day-old nephew, who was in her arms at the time of the attack. Determined to see her attacker brought to justice, Fadima worked with law enforcement to secure his arrest and conviction. In doing so, she became eligible for a U-Visa, a form of immigration relief reserved for victims of certain crimes who have suffered mental or physical abuse and who help law enforcement in the investigation into or prosecution of criminal activity. Fadima applied for a U-Visa in early 2016 and included her husband as a derivative applicant. There are a limited number of U-Visas available, and it takes many years for the government to process the application.

Finally, in December 2022—nearly eight years after Fadima submitted her application—she was granted lawful permanent residence in the United States based on her U-Visa. Fadima, William, and their children can now safely reside in this country.

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“Juana” is a Garífuna woman from Honduras. The Garífuna are an indigenous community of African descent that has historically been ostracized and discriminated against in Honduran society. Many Garífuna live on ancestral lands that the Honduran government

gave them in the early 1800s, which are now the subject of land disputes as foreign corporations attempt to purchase and develop the land for tourism.

Juana is a leader and activist among the Garífuna people. Because of her efforts to protect her community’s land rights and improve access to employment and educational opportunities, she and other leaders faced grave danger and were at particular

risk for violence and persecution. Juana was badly injured by the Honduran police during a protest, and she began receiving death threats from unknown men who came to her family home and followed her around the community. Many Garífuna activists have disappeared and been murdered while the local police and Honduran government turn a blind eye. Fearing for her life and having nowhere to go for protection, Juana fled to the United States to seek asylum.

The firm submitted an asylum application on Juana’s behalf, claiming that she had a well-founded fear of future persecution because of her political activity and Garífuna identity. The immigration court agreed and granted Juana asylum. She can now safely remain in the United States, where she is currently receiving lifesaving cancer treatment.

“Juana” can now safely remain in the United States, where she is currently receiving lifesaving cancer treatment.



“Juana” / Photo by Bernard DeLierre



Scroll Space Maquette 4, 2019, made by students, seniors, youth in detention centers, and people with visual impairments / Photo by Steven and William Ladd

Civil Rights and Liberties

Protecting Reproductive Rights

Even before the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* was leaked in May 2022, advocates for reproductive rights were planning for a future without

federal constitutional protection for abortion. That future would depend on robust protections in states that intended to ensure that residents and visitors would keep control over their bodies and decisions about pregnancy.

MINORS

The **New York Civil Liberties Union (NYCLU)** was especially concerned about whether minors would continue to be

able to consent to confidential contraception and abortion services if *Roe v. Wade* were overruled. On the NYCLU’s behalf, Lowenstein researched and analyzed long-standing New York laws regarding minors’ rights to consent on their own to a range of health services, such as mental health care, testing and treatment for sexually transmitted diseases, addiction recovery, contraception, and abortion.

These laws tended to show that minors would retain their rights, and a more recent statute, the New York Reproductive Health Act, reinforced this conclusion by guaranteeing to “every individual,” without reference to age, “the fundamental right to choose to carry the pregnancy to term, to give birth to a child, or to have an abortion.”

The NYCLU shared Lowenstein’s legal memo with the New York Attorney General’s Office and Department of Health, both of which responded by issuing guidance documents making clear that New York law would continue to protect minors’ independent and confidential access to reproductive health care regardless of the deterioration of federal constitutional protection.

FAQs AND OUTREACH

More than 60 Lowenstein volunteers did research to create FAQs designed to help people in or traveling to New Jersey understand the protections they enjoy and the legal risks they face in the wake of the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*. Three of the FAQs are posted on the firm’s [website](#): one for

reproductive health patients, one for those who assist such patients, and one for employers. A fourth, for health care providers, has guided a series of webinars offering education on the relevant law for the members of various professional health care associations. The firm undertook this work in collaboration with the **ACLU of New Jersey** and the statewide reproductive rights coalition.

In addition, the firm has presented on the shifting reproductive rights landscape to interested legal organizations, including the Women in Law Section of the New York State Bar Association and a Bench and Bar Conference hosted by the Association of Black Women Lawyers of New Jersey and the Garden State Bar Association.

STATE CONSTITUTIONAL AMENDMENTS

Both New York and New Jersey are considering amending their state constitutions to protect decision-making about pregnancy. The firm is working with the ACLU affiliates in both states as they consider what positions and approaches to take and what language should be included in any such amendments.

ADVICE AND COUNSEL FOR REPRODUCTIVE RIGHTS FUNDERS

The loss of federal constitutional protection for reproductive rights and the rapidly changing landscape of state-level restrictions and protections have created uncertainty for organizations that fund abortion services and practical support for abortion patients. The firm has stepped in to represent such organizations and guide them through decisions that require them to balance the mitigation of risk against the effectiveness and reach of their programs.

Securing the Vote

In the 2022 midterm elections, the firm once again worked with the **Lawyers’ Committee for Civil Rights Under Law** to run the New Jersey “command center” for Election Protection, a nonpartisan voter assistance hotline. Command center volunteers track issues throughout the election and communicate with election officials to resolve problems as they arise.

While voters faced many challenges at the polls during early voting and on Election Day (broken machines, electioneering at polling places, improper voter identification requirements, and others), a coalition of voting rights advocates in New Jersey worked to identify, report, and help solve those challenges in real time. Together with the **ACLU of New Jersey, Disability Rights New Jersey, Lawyers for Equal Access to Advocacy & Dignity, the League of Women Voters of New Jersey, and the New Jersey Institute for Social Justice**, firm volunteers coordinated responses to help eligible voters get their ballots counted. The coalition worked closely with county boards of elections, the state Division of Elections, and the New Jersey Attorney General’s Office to report issues that were affecting groups of voters. In this election cycle, those issues were concentrated in Mercer County, where machines were out of service throughout Election Day.

We continue to have conversations with state officials to provide feedback on voters’ experiences and suggestions on improving the process for future elections.



Access to Justice

Pro Bono by the Numbers



THE FIRM
DEDICATED

25,422
hours

TO PRO BONO WORK
IN 2022

LOWENSTEIN
LAWYERS SERVED

605
pro bono
clients

IN 2022

ON AVERAGE, EACH
LOWENSTEIN LAWYER SPENT

65
hours

ON PRO BONO
MATTERS IN 2022

THE FIRM HAS
DEDICATED

515,237
hours

TO PRO BONO WORK OVER
THE PAST 26 YEARS

ACCESS TO JUSTICE

◀ *The New Normal*, 2017, made by people detained in the LGBTQ+ housing unit at the Manhattan Detention Complex / Photo by Steven and William Ladd

Access to Justice by the Numbers

22,118 pro bono hours representing **522 CLIENTS** in “signature projects,” including:



Portraits

The firm represents hundreds of individuals who would not otherwise have access to counsel. In 2022, for example, we represented “Jacqueline” and “Inez” in obtaining final restraining orders, along with custody and support orders, so that they can remain safe from their abusers. We helped “Flynn,” a transgender client, petition for a legal name change so that his name matches his identity. We drafted advance directives for “Max” and “Lara,” a veteran client and

his wife, keeping them in control of their health care decisions even if they at some point cannot speak for themselves.

Our civil legal system does not guarantee counsel for low-income people in any of these, or scores of other, life-changing matters. Working in close collaboration with legal services organizations, firms can help meet the needs of clients for whom legal advocacy makes an enormous difference.



“Jacqueline”



“Flynn”



“Inez”



“Max” and “Lara”

Photos by Bernard DeLierre

Nonprofits and Microbusinesses

Nonprofits

INVESTING IN AFFORDABLE HOUSING

According to [Harvard University's 2022 State of the Nation's Housing Report](#), home prices and the cost of renting continued to soar in 2022, putting safe and decent housing out of reach for many Americans. The firm continued its long-standing representation of nonprofits developing solutions to expand the nation's stock of affordable homes. Among our efforts, we represented the affordable housing nonprofit **Hogar Hispano** in a joint venture with several other nonprofit partners that successfully secured financing to acquire 160



Affordable housing property redeveloped by Hogar Hispano / Photo courtesy of Hogar Hispano

defaulted reverse mortgage loans issued by Fannie Mae and the Federal Department of Housing and Urban Development. The transaction saved the properties from abandonment or purchase by

for-profit real estate developers and put them in the hands of nonprofits that will rebuild the homes or sell the mortgage loans to low- and moderate-income families at below-market rates.

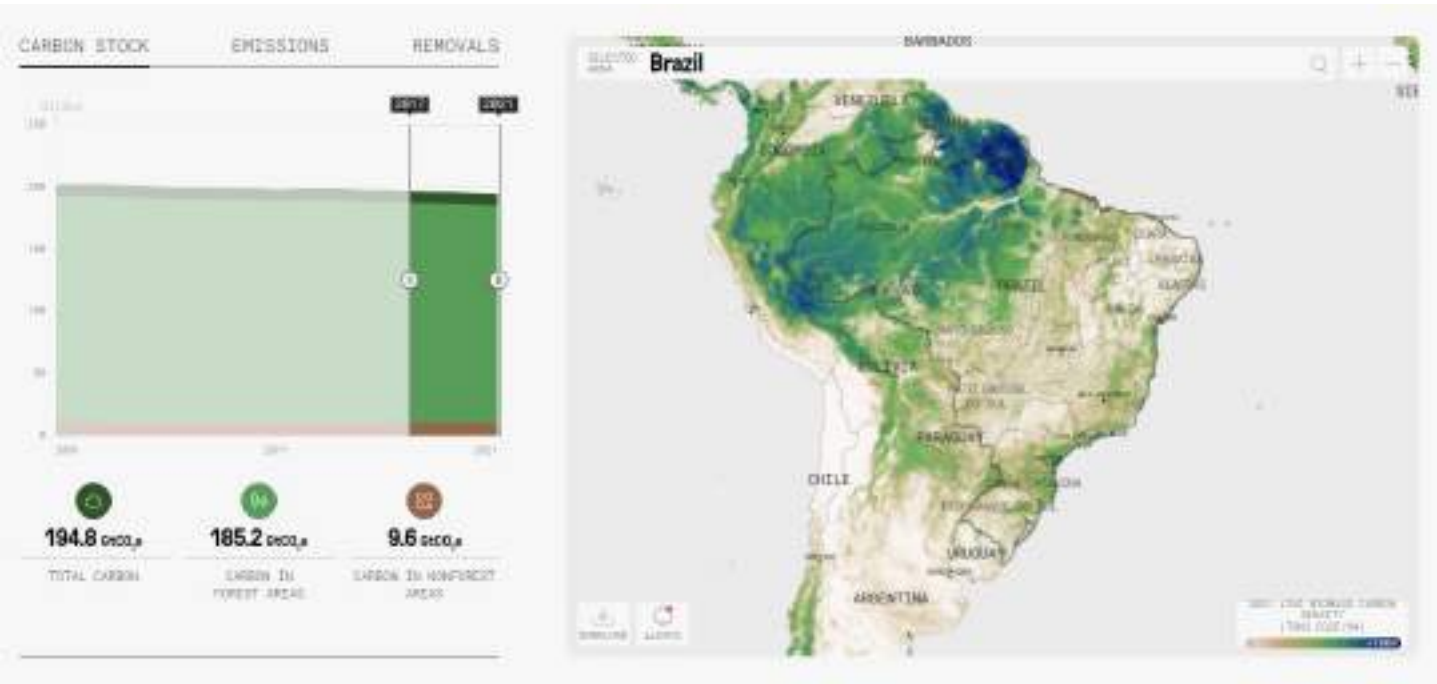
◀ 1960s TV Dinner, 2015, made by 1,086 children and adults from 16 schools and community organizations / Photo by Steven and William Ladd

SUPPORTING CLIMATE SOLUTIONS

CTrees is a California nonprofit whose mission is to track carbon stored in every tree on the planet, producing scientific geospatial data that will equip policymakers and investors to pursue effective and intelligent climate solutions. CTrees uses satellite technology and machine learning to generate

highly accurate data on carbon in forests globally. The organization operates a [free digital platform](#) on its website for tracking carbon stored in trees. Lowenstein’s privacy and cybersecurity team assisted the organization with its website privacy and data security policies in preparation for the launch of its digital platform, which coincided with the 2022 U.N. Climate Change Conference.

The organization operates a free digital platform on its website for tracking carbon stored in trees.



Carbon stock visual in Brazil / Image courtesy of CTrees



Humble Beginnings team with their Lowenstein lawyer / Photo courtesy of Humble Beginnings

BUILDING VIBRANT COMMUNITY CENTERS

Humble Beginnings is a community nonprofit that serves residents of Paterson, New Jersey. Among its activities, the organization is dedicated to the revitalization of Paterson’s Northside neighborhood. The firm’s real estate group represented Humble Beginnings in purchasing the Northside Library from the City of Paterson with the goal of converting the building into a vibrant community center in the heart of the First Ward. The library had been abandoned and left in disrepair for over a decade. The purchase was the culmination

of four years of negotiations with the city government that included discussion of the need for environmental remediation and extensive repairs. Humble Beginnings plans to use the building for substance abuse and mental health counseling; job development; vocational rehabilitation; ex-offender, post-release, and reentry services; and community and economic development. The organization hopes that restoring the library structure to its past glory will inspire the redevelopment of other abandoned structures in the neighborhood.

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Ribbon cutting at QSpot's new community center / Photo courtesy of QSpot

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QSpot is a nonprofit that fosters the health, well-being, and pride of New Jersey's LGBTQ and allied community by providing resources, referrals, education, and outreach. The firm's real estate group helped QSpot purchase a new facility in Asbury Park that serves as a dedicated safe space where LGBTQ and allied community members can socialize, engage, and be supported without fear

of prejudice or discrimination. The community center has a café and indoor and outdoor meeting spaces, and hosts an array of events including QFest, an annual LGBTQ film and digital media festival.

Lowenstein's work with QSpot began five years ago, when the nonprofit faced eviction by its previous landlord. The firm

handled the landlord-tenant litigation and then guided the client in addressing environmental issues and raising funds so that it could accomplish its goal of acquiring a permanent home for its clients.

**UNITING COMMUNITIES
THROUGH ART**

William and Steven Ladd are brothers and visual artists who have collaborated since 2006 on a community art program called **Scrollathon** that helps underserved communities make collaborative art installations using fabric scrolls placed inside frames. These collaborative artworks have appeared in diverse locations, from the SCAD Museum of Art to Rikers Island. Scrollathon is animated by the belief that what unites communities is stronger than what divides them.

In September 2019, the Kennedy Center asked Scrollathon to create an [installation for its new](#)

[REACH campus](#). Following this successful program, the Kennedy Center expressed interest in supporting a new project—National Scrollathon—to celebrate the United States Semiquincentennial (250th anniversary) in 2026.

The firm is assisting Scrollathon, which currently is fiscally sponsored by another nonprofit, with forming an independent tax-exempt organization that can receive grants and donations to support the National Scrollathon. The National Scrollathon will directly engage 33,000 individuals in a world-class art initiative over five years in 50 states, 5 territories, Washington, D.C., and 10 Native communities.

**The National
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a world-class
art initiative
over five years
in 50 states,
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Washington, D.C.,
and 10 Native
communities.**



Abstract Chaos, 2018, made by men detained at the Manhattan Detention Complex / Photo by Steven and William Ladd



Photos courtesy of PAW

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The firm also assisted **Partners in Animal Welfare (PAW)** with several legal matters. PAW advocates for animals in crisis and advances animal welfare through financial and program assistance, advocacy, and education.

PAW came to us with a few legal requests: incorporate in New Jersey, obtain tax-exempt status, and register trademarks. Our volunteers worked with the nonprofit to meet these needs so that it can provide services and resources to animal welfare organizations in New Jersey, solicit donations from its supporters, and protect its intellectual property.

Photo courtesy of CASA of Somerset, Hunterdon and Warren Counties

SUPPORTING SMALL NONPROFITS

The firm continues to be committed to helping small nonprofits with their various transactional legal needs.

For example, this year, the firm assisted several local chapters of Court Appointed Special Advocates (CASA) of New Jersey to achieve independent tax-exempt status. CASA supports and promotes child advocacy so that every child placed in foster care or another out-of-home setting can be safe, find a permanent home, and have an opportunity to thrive. For many years, local New Jersey chapters of CASA had tax-exempt status through a group option. This meant that each individual chapter did not need to file paperwork with the

IRS, as it was covered under CASA of New Jersey’s group exemption. This year, however, local CASA chapters were instructed to obtain individual tax exemptions under Section 501(c)(3) of the Internal Revenue Code—a process that requires knowledge and experience in tax law.

Firm volunteers filed the necessary paperwork for **CASA of Union County** and **CASA of Somerset, Hunterdon and Warren Counties**, both of which now have independent tax-exempt status. The firm also submitted an application for **CASA of Ocean County**, which is currently pending. These organizations can now use new and creative strategies to raise money to support children in the foster care system.

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We helped several local nonprofits, including volunteer-operated **Long Island Lending a Helping Hand (LILAHH)**, review and update their corporate governance policies and practices. LILAHH offers a variety of essential services to people who are experiencing poverty or homelessness. Originally run out of the home of its founder, the organization now operates a food pantry, prepares birthday and holiday gift baskets, and offers math and English language tutoring to neighbors in need. The governance tune-up we provided will prepare the organization to build on its success and continue to expand its operations.

Microbusinesses

In 2022, the firm counseled 49 microbusinesses—companies with fewer than 10 employees—in 55 unique matters. Corporate attorneys participated in virtual legal clinics through which they advised **Start Small Think Big** microbusiness

clients on intellectual property, privacy, and data security matters. We also celebrated our 10th year of partnering with **Rising Tide Capital** and the **NYU Law Social Enterprise and Startup Group** to advise microbusiness owners in underserved areas in New

Jersey. Since the launch of the partnership, Lowenstein attorneys have spent over 3,500 hours helping more than 80 Rising Tide Capital clients with their business legal needs.



Criminal Justice



Rikers: Freedom, 2013, made by 25 women incarcerated at Rikers Island / Photo by Steven and William Ladd



CRIMINAL JUSTICE

Holding Prison Officials Accountable for Misusing Solitary Confinement

In [last year's report](#), we described the firm's participation in a significant appeal brought on behalf of an incarcerated individual who was challenging his placement in solitary confinement. In a significant victory, the U.S. Court of Appeals for the Third Circuit ruled that prison officials are not protected by qualified immunity—a doctrine that shields government actors from being held personally liable for constitutional violations—when they place individuals with known

mental illness in prolonged solitary confinement. In a precedential opinion that relies on the “growing consensus” of legal and scientific authority, the court recognized that incarcerated individuals with serious mental illness have a clearly established constitutional right “not to be placed in solitary confinement for an extended period of time by prison officials who were aware of, but disregarded, the risk of lasting harm posed by such conditions.” The court explained further that the plaintiff “alleged conduct that no reasonable corrections officer could conclude was constitutionally permissible.” This [opinion](#) sends a strong message to prison officials about their potential liability for placing individuals in solitary confinement, and we hope it will help stop this overused, cruel, and inhumane practice. As the Third Circuit explained: “No penological purpose was served by irrevocably damaging [the plaintiff's] already severely compromised mental health[.]”



Reducing Juvenile Sentences

Recognizing that young people are developmentally and neurologically different from adults in ways that make them categorically less culpable, Washington, D.C. has taken significant steps to give people who were convicted when they were young an opportunity to reduce their sentences. In 2016, D.C. passed the Incarceration Reduction Amendment Act (IRAA), which allows inmates who committed serious offenses before their 18th birthday to petition the court for resentencing after they have served at least 15 years. Given the success of the IRAA and in recognition of the social and developmental science showing that the brain is not fully developed until age 25, D.C. passed additional

legislation in 2021: The Second Look Amendment Act (SLAA) expands the possibility of a reduced sentence to people who were under 25 at the time of the offense and who have served at least 15 years.

To obtain a reduced sentence under the SLAA, petitioners must show that they are not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification. During an evidentiary hearing, the judge considers the petitioner's entire life, from childhood through their years in prison, to determine whether the evidence demonstrates rehabilitation and a commitment to change.

In partnership with the **Public Defenders Service for the District**

of Columbia, the firm represented "Jeremiah" in his request to modify his sentence under the SLAA. Jeremiah was 20 years old when he was convicted of a felony and sentenced to 21 years to life in prison. He spent nearly 25 years in prison (longer than he was alive before going to prison), during which time he demonstrated that he had become a responsible adult who was ready to return home to his family and community.

Like many emerging adults who are incarcerated, Jeremiah exhibited personal and spiritual development as he aged, illustrating his capacity for growth and change. While incarcerated, Jeremiah obtained his GED and became certified in several trades. To prepare for life after prison, he completed more than 40 programs, including programs

in hospitality and restaurant management, computer support services, commercial driving, and forklift operation. Jeremiah became a mentor to other inmates and a leader who promoted community-building and self-reflection. Overcoming the alcohol

and drug addiction that blighted his youth, Jeremiah has been sober since 2002. He relies on his religion, writing in journals, and the skills he learned through his participation in various programs to get through any conflict or difficult time. He has expressed remorse to his victim's family and continues to reflect on and take responsibility for his role in the offense that led to his incarceration. Finally, Jeremiah was able to present a plan for reentering society as a productive and law-abiding citizen.

The trial court agreed that Jeremiah does not currently pose a danger to the safety of any person or the community and that the interests of justice required him to be resentenced. The court resentenced Jeremiah to a suspended term of incarceration,

ordered his immediate release, and placed him on supervised probation. Jeremiah has now reentered society.

The firm continues to support efforts nationwide to reduce the sentences of individuals who committed offenses while they were minors or young adults. Last year, the New Jersey Supreme Court held that people sentenced to long prison terms as juveniles are entitled to petition for release after serving 20 years. (The firm submitted a [friend-of-the-court brief](#) in that case and advocated for a lookback period.) That [ruling](#) entitles approximately 60 people to petition for release, and the firm is currently representing one such individual who seeks to demonstrate to the court that he is ready to rejoin society.

Like many emerging adults who are incarcerated, Jeremiah exhibited personal and spiritual development as he aged, illustrating his capacity for growth and change.

Advocating for Transparency in the Use of New Technologies in Criminal Proceedings

Many commentators and citizens have raised significant concerns that the government's use of facial recognition technology poses a threat to civil liberties and freedom of expression and association. Real-world events have called the reliability of this technology into question: In several high-profile incidents, innocent people have been arrested based on erroneous "matches" by facial recognition technology.

The firm recently submitted a [friend-of-the-court brief](#) in the New Jersey Appellate Division in support of a defendant who seeks discovery on the reliability of the facial recognition technology that was used to implicate him in the robbery of a convenience store. In the underlying case, there was no independent evidence, physical or otherwise, that linked



The firm's amicus brief argues that the defendant should be permitted to seek and receive answers from the government about the reliability of the facial recognition technology.

the defendant to the robbery. Detectives had surveillance video footage of the robbery, which captured an image of the perpetrator, but no evidence to establish the identity of the person in that footage. Ultimately, detectives constructed a photo array that included an image of the defendant, and his image was chosen by two eyewitnesses. The only reason detectives included the defendant's picture

in the photo array was that facial recognition technology tagged his picture as a "possible match" to the image generated from the surveillance video footage.

The Constitution gives criminal defendants the right to a meaningful opportunity to present a complete defense. To protect this right and ensure fair trials, New Jersey has adopted an open-file approach to information

sharing between the prosecution and the defense. In line with this approach, the firm's amicus brief argues that the defendant should be permitted to seek and receive answers from the government about the reliability of

the facial recognition technology that produced the "possible match" to his photo and how that technology was used in his case. The defendant's right to a fair trial depends on his access to this information. More generally,

full discovery on the use of new technologies in the criminal justice system is necessary to minimize the likelihood of sending an innocent person to prison.

The appeal remains pending.

Reinforcing the Warrant Requirement

Through a partnership with the **New Jersey Office of the Public Defender**, the firm represents indigent defendants appealing their criminal convictions. This past term, the New Jersey Supreme Court issued a unanimous decision reversing and dismissing our client "Daniel's" criminal conviction. The court held that the state police violated the federal and state constitutions when they entered a home without a warrant or permission and arrested our client.

The decision provides much-needed guidance on the time, place, and manner in which the police may execute an arrest warrant issued by a municipal court under the Automated Traffic System (ATS) for a driver's failure to appear when summoned regarding a motor vehicle violation. In this case, police officers suspected Daniel of criminal activity but did not obtain a warrant to arrest him for that activity. Instead, they went looking for him to make an arrest based on his outstanding ATS warrant. Daniel was standing outside when the police arrived, and then ran into a neighbor's home. The police followed Daniel into that home, searched him, found a weapon, and arrested him. The police claimed that their entry into the neighboring residence was justified under the "hot pursuit doctrine"—an exception to the warrant requirement—and Daniel

was subsequently convicted on a weapons possession charge.

On appeal, the Supreme Court agreed with our argument that the hot pursuit doctrine did not apply and that Daniel was wrongly convicted. The court explained that the ATS warrant authorized entry only into Daniel's home, not another person's residence. Also, because the officers knew that

the ATS warrant related to a minor traffic offense, there was no need to pursue Daniel into an unknown residence to prevent the potential destruction or disposal of evidence related to that offense.

Daniel has now returned to his family and community and is rebuilding the life he had before his wrongful arrest and conviction.

THE 4TH AMENDMENT
OF THE UNITED STATES CONSTITUTION 1791
THE RIGHT OF THE PEOPLE TO BE SECURE
IN THEIR PERSONS HOUSES PAPERS AND
AGAINST UNREASONABLE
SEARCHES AND SEIZURES
SHALL NOT BE VIOLATED
AND NO WARRANTS SHALL ISSUE
BUT UPON PROBABLE CAUSE
SUPPORTED BY OATH OR AFFIRMATION
AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED
AND THE PERSONS OR THINGS TO BE SEIZED



NYC DOC Maquette, 2019, made by men detained at the Manhattan Detention Complex / Photo by Steven and William Ladd

Acknowledgments

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California Lawyers for the Arts	Law Firm Antiracism Alliance	Mid-Atlantic Innocence Project	QSpot
CASA of Ocean County	Law Foundation of Silicon Valley	National Legal Aid & Defender Association	Rising Tide Capital
CASA of Somerset, Hunterdon and Warren Counties	Lawyers Alliance for New York	New Jersey Community Development Corporation	Root & Rebound
CASA of Union County	Lawyers Committee for Civil Rights of the San Francisco Bay Area	New Jersey Consortium for Immigrant Children	Rutgers Child Advocacy Clinic
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City Bar Justice Center	Lawyers for Equal Access to Advocacy & Dignity	New Jersey Office of the Public Defender	Scrollathon
Community Hope	League of Women Voters of New Jersey	New York Attorney General Task Force on Reproductive Rights	Seton Hall Law School Center for Social Justice
Community Legal Services in East Palo Alto	The Legal Aid Society	New York Civil Liberties Union (NYCLU)	Start Small Think Big
CTrees	Legal Aid Society of the District of Columbia	New York Lawyers for the Public Interest	Thrive Coalition
Deirdre’s House	Legal Aid Society of San Mateo County	NYU Law Social Enterprise and Startup Group	Transgender Legal Defense & Education Fund (TLDEF)
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Human Rights First			
Humble Beginnings			
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