

A Dedication to Pro Bono Service

Ropes & Gray's *pro bono* commitment is one of the firm's proudest hallmarks. In 2013, our legal professionals spent almost 115,000 hours on *pro bono* service, with attorneys accounting for more than 100,000 of that number. This year promises to be just as busy. In this issue, we highlight some notable recent *pro bono* activity, including our role in the launch of a pioneering juvenile justice initiative.

If you would like to join our *pro bono* efforts, please contact probonogroup@ropesgray.com, our director of *pro bono* legal services, Roz Nasdor, or our *pro bono* coordinator, Byrne Harrison.

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SPOTLIGHT

Ropes & Gray Supports Innovative Massachusetts Juvenile Justice Pay for Success Initiative

Ropes & Gray corporate lawyers provided extensive *pro bono* support to the Massachusetts Juvenile Justice Pay for Success Initiative, an innovative new program aimed at reducing recidivism of young men who are in the probation system or exiting the juvenile justice system. Massachusetts Governor Deval Patrick joined key program organizers in Boston on Jan. 29 to celebrate the launch of the program, which was developed and is being overseen by Third Sector Capital Partners Inc.

Anticipated to serve more than 900 young men between the ages of 17 and 23 in the Boston, Chelsea and Springfield, Mass. areas, the program provides counseling, key life skills, education and vocational training through Roca, a Massachusetts-based nonprofit with a 25-year track record of high-impact intervention. The program is a “pay for success” initiative under which providers of commercial and philanthropic funding — including Goldman Sachs, The Kresge Foundation, Living Cities, The Boston Foundation and New Profit Inc. — have committed \$18 million to finance the program with the condition that they

will be repaid by the Commonwealth of Massachusetts if the program demonstrates measurable social impact and saves the Commonwealth money it would have otherwise spent on incarceration.

Ropes & Gray worked with Third Sector Capital Partners for many months to help establish the initiative. Ropes & Gray finance partner **Win Minot** explained that the complex initiative, the largest of its kind ever attempted in the United States, involved drafting, negotiating and signing 27 separate agreements among the parties involved.

“Since it’s never really been done on this scale before, we had to think of every issue that could crop up, knowing this could be a template for others in the future,” Ropes & Gray associate **Matt Doeringer** told *Massachusetts Lawyers Weekly*. “We left no stone unturned when it came to lurking issues. We felt a responsibility to make sure everything was done right.”

The firm has contributed over 1,500 *pro bono* hours to ensure the success of this important program.

“The effort and hours, wisdom, and expertise that Ropes & Gray brought to bear are a testament to the firm’s dedication to *pro bono* work,” said John Grossman, partner and general counsel of Third Sector Capital Partners. “And while each member of the team has our gratitude, special thanks go to **Matt Doeringer**, [former associate] **Mike Allen**, **Zach Cloyd** and **Brittany Cvetanovich**, who each put their heart and soul into the project and made themselves available weekends, late nights, and throughout Christmas and New Year’s, and to **Amy Olson**, who did the same but also became a counselor to me and the deal, winning the respect of all the parties and their counsel and really teaching me what the job of a lawyer on a complex transaction is.”

Led by **Win Minot**, the Ropes & Gray team included those attorneys listed above, as well as private equity partner **Howard Glazer**; tax partners **Amanda Holt** and **Kendi Ozmon**; investment management partner **Win Quayle**; associates **Sandy Boer**, **Sara Clevering** and **Pam Glazier**; and paralegals **Rebecca Hadad** and **Norris Henry**.



Matthew Cox



Kasia Walawska

London-based finance partner Matthew Cox and associate Kasia Walawska discuss how they and several other colleagues from the London office have been working with The Nature Conservancy to help preserve the world's imperiled coastal areas through an innovative finance program.

Q: When and how did you get involved with The Nature Conservancy and debt-for-climate adaptation swaps?

MC/KW: We got involved in the debt-for-climate adaptation projects in 2012. Our Boston colleagues already were helping The Nature Conservancy set up local trusts across different Small Island Developing States (SIDS). It was a perfect opportunity for our London lawyers to be able to help with *pro bono* projects that involve complex and innovative financial structures.

The purpose of the debt-for-adaptation to climate change swaps is to facilitate the transaction of donations and investments aimed at climate change adaptation as well as biodiversity conservation. It also provides highly indebted countries with an innovative financial tool for obtaining debt relief while securing capital flows for investments into climate change adaptation activities. These debt swaps allow national governments to direct capital streams that otherwise would be used for debt service into climate adaptation and conservation activities.

Q: What debt-for-climate adaptation swaps have you been involved in?

MC/KW: We are helping The Nature Conservancy negotiate debt-for-adaptation to climate change swaps in the Seychelles, Antigua and Barbuda, and Grenada. The Seychelles debt swap is the most advanced. The government of Seychelles would like to announce it at the SIDS conference to be held in Samoa in September 2014 (the SIDS conference is held every 10 years).

Q: What is the future for these types of financial structures?

MC/KW: Over the next decade, The Nature Conservancy aims to conclude multiple debt-for-adaptation to climate change swaps for SIDS. It aspires to purchase US\$1 billion of sovereign debt, resulting in a combination of immediate and future debt relief, funding of the on-the-ground adaptation to climate change activities across these SIDS, and raising endowments, which will fund future adaptation to climate change activities.

It is also expected that the debt-for-adaptation to climate change swaps will attract significant international recognition and publicity. Climate adaptation projects will be showcased at the annual Clinton Global Initiative meeting, which takes place every September in New York, and presented at international conferences such as the annual United Nations Framework Convention on Climate Change.

Safeguarding the Rights of Low-Income People Living with HIV in a Case of First Impression under the Affordable Care Act

Working with Lambda Legal, a national organization committed to advancing LGBT rights, and New Orleans-based Phelps Dunbar, a Ropes & Gray *pro bono* team continues its successful efforts on behalf of low-income people living with HIV. The lawsuit, *East v. Blue Cross and Blue Shield of Louisiana, et al.*, No. 3:14 cv 115 (M.D. La. 2014), is among the first cases filed under the civil rights provisions of the Patient Protection and Affordable Care Act, popularly known as Obamacare or the ACA. This litigation highlights important contours of the ACA, including non-discrimination obligations imposed by the new law.

The case began on Feb. 20, 2014 with the filing of a class-action complaint, led by named plaintiff John East of New Orleans, alleging that all three health care insurers participating in Louisiana's ACA exchange were poised to refuse federal Ryan White premium assistance funds earmarked to help low-income people living with HIV secure health care. Mr. East contends that he and others similarly situated cannot afford health insurance without these critical federal funds. On Feb. 24, Chief Judge Brian Anthony Jackson of the U.S. District Court for the Middle District of Louisiana sitting in Baton Rouge entered a temporary restraining order against the defendants based on Ropes & Gray's papers, enjoining the insurers from refusing Ryan White Fund premium assistance payments. The court later lifted the TRO when all three insurers promised to maintain the status quo voluntarily and to accept Ryan White Funds past the preliminary injunction hearing set by the court for March 10.

At the March 10 hearing, the Ropes & Gray team presented arguments and evidence to the court to support preserving the status quo beyond the close of the ACA's first open enrollment period on March 31, 2014, and until the court could hold a full trial on the merits. During a break in the proceeding, each defendant agreed to continue accepting federal Ryan White Funds until at least Nov. 15, 2014, on the exchange and off, for any current or newly enrolled insured individuals eligible for such assistance. Nov. 15 kicks off the next ACA exchange open enrollment period.

In the wake of the March 10 proceeding before Chief Judge Jackson, Mr. East and other low-income people living with HIV and eligible for Ryan White assistance could enroll in the Louisiana insurance exchange before the March 31 deadline with confidence that their health care coverage and critical medical care would not be interrupted due to a refusal of those funds.

Apparently in direct response to the events in Louisiana, the Centers for Medicare & Medicaid Services (CMS) quickly published a rule requiring Qualified Health Plans, including those participating in the ACA exchanges, to accept Ryan White Funds and monies from other state and federal programs. This

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Litigation Team Secures Favorable Result in Pro Bono Ninth Circuit Immigration Appeal

In partnership with the National Immigrant Justice Center, a Ropes & Gray litigation team recently obtained a second chance for a gay 31-year-old Salvadoran woman to remain in the United States, following an appeal to the Ninth Circuit Court of Appeals.

The firm's client grew up in a conservative community in which LGBT individuals were routinely mistreated. In 2009, she attempted to enter the United States but was ordered removed. After her return to El Salvador, she attempted to re-enter the United States. An immigration judge ruled that she was not permitted to apply for asylum because of agency regulations that prohibited applications for asylum by aliens who previously had been removed.

After the Board of Immigration Appeals (BIA) affirmed the judge's decision, Ropes & Gray took on the matter, appealing the BIA decision to the Ninth Circuit. Based on Ropes & Gray's arguments that (i) the regulations prohibiting asylum applications by aliens who had previously been removed contradicted the asylum statute, and that (ii) the immigration judge failed to consider all the evidence of past persecution in denying withholding of removal, the government agreed to give the firm's client a new hearing before an immigration judge, who will be obligated to consider her both for withholding of removal and for asylum.

Comprising lawyers from the firm's San Francisco, Boston and Chicago offices, the Ropes & Gray team was supervised by San Francisco-based partner **Rocky Tsai** and included associates **Matthew McGinnis**, **Leslie Wright**, **Emily Derr**, **Samuel Brenner**, **Rebecca Harlow** and **Idin Kashefipour**.

Attorneys, Staff Unite to Help Boston Marathon Bombing Victims

As we approach the first anniversary of the Boston Marathon bombings that occurred last April, we would like to acknowledge the efforts of the Ropes & Gray attorneys and staff from across the firm's offices and practice groups who volunteered their time, knowledge and energy to assist victims and their families in a variety of ways. Attorneys in the tax and private client groups, for example, used their experience with gift planning, charitable donations and income tax considerations to help victims' families struggling in the aftermath of the bombings. Firm attorneys also helped prepare a checklist of relevant legal issues for individual victims for the Boston Bar Association and victim rights groups. Throughout the months following the bombings, Ropes & Gray's *pro bono* team coordinated efforts with other law firms and charitable organizations providing assistance.

"The commitment of so many individuals at the firm is truly remarkable," said managing partner **David Chapin**. "This collective effort is a testament to the culture of public service that is such an integral part of Ropes & Gray."

Safeguarding Rights in Louisiana Case

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development should help prevent future discrimination against individuals qualified for Ryan White Fund assistance across the United States.

The Ropes & Gray team is led by business & securities litigation partner **Jeffrey Bushofsky** and includes benefits principal **Harvey Cotton**; associates **Amanda Phillips**, **Nick Berg**, **Timothy Farrell**, **Anthony Biagioli**, **Evan Hiller**, **Steve Balcof**, **Katie Sullivan**, **Jon Zucker**, **Susan Wilker**, **Paul Kellogg**, **Pete Cavanaugh** and **Michael Marzano**; and litigation paralegals **Halle Koch** and **Mikeisha Walker**.

RECOGNITION

Ropes & Gray is proud to be honored for our *pro bono* service.

Here is a roundup of some recent noteworthy recognition.



Michele Garvin Receives Adams Pro Bono Publico Award for Medical-Legal Partnership Work

Health care partner **Michele Garvin** was honored with a 2013 Adams *Pro Bono*

Publico Award by the Massachusetts Supreme Judicial Court's Standing Committee on *Pro Bono* Legal Services for her work in establishing Ropes & Gray's medical-legal partnerships, which were launched in 2008 and have since become a nationally recognized model for providing high-quality *pro bono* legal services that enhance the health and well-being of low-income families. She received her award from Supreme Judicial Court Justice Ralph Gants at an Oct. 23, 2013 ceremony held at the Adams Courthouse in Boston. Ropes & Gray also was honored at the ceremony by being named to the Supreme Judicial Court's *Pro Bono* Honor Roll for the third consecutive year.



Bob Fischler Receives Matthew J. Leonard Award for Pro Bono Excellence from MFY Legal Services

Business & securities litigation partner

Bob Fischler received the Matthew J. Leonard Award for *Pro Bono* Excellence from MFY Legal Services at an awards breakfast in New York City on Dec. 6, 2013. The award recognized Bob's work with MFY over many years and the firm's sponsorship of an externship program that places Ropes & Gray associates at MFY for six-month rotations.

FIRST PERSON

Why I Represent Veterans

A version of this article originally appeared in the *New York State Bar Association Pro Bono News*, Veterans Edition, 2013.



Steven Zaorski

Before I started as an associate at Ropes & Gray, I worked as a fellow with the Iraq & Afghanistan Veterans of America (IAVA). As the nephew of a Vietnam War veteran and grandson of a World War II veteran, I have always cared deeply about veterans' issues and had the utmost respect for their service. It was not until working with IAVA, however, that I understood how underserved veterans were by the legal community.

Even though I am a private investment funds attorney,

I felt obligated to use my unique skill set to help these veterans and their families, so I contacted the Veterans Pro Bono Consortium Program in Washington, D.C. (the Consortium). Through the Consortium, I was able to attend a full-day training class on representing veterans before the U.S. Court of Appeals for Veterans Claims (USCVC). In exchange for the free training program, the Consortium will place attorneys with veterans benefit cases.

My latest case was the perfect example of how our nation's veterans require lifelong support to recover from the perils of war and how proper legal representation can positively

impact the course of the case. My veteran was seeking a disability pension because he suffered from a completely disabling condition. However, he was denied any benefits because his discharge papers contained an alleged typographical error. Tragically, this same error prevented the veteran from receiving educational benefits, which he thought he was promised by a military recruiter, over 40 years earlier. Recently, through his own research and at his own expense, the veteran discovered evidence which he strongly believed would support his argument that the discharge papers were incorrect. However, he did not know how to connect this newfound evidence to the law in such a manner as to persuade the USCVC to overturn his case.

I volunteered to take his case and together we crafted the legal arguments that successfully persuaded the USCVC to remand his case for a rehearing at the lower tribunal due to the Department of Veterans Affairs's failure to satisfy its statutory duty to assist. It was a very rewarding moment for us because this veteran has been waiting over 40 years for another shot at receiving the benefits he believes he deserves.

In the years ahead, I look forward to many more rewarding experiences representing veterans before the USCVC. It will be a particularly poignant day for me when I represent one of my peers who participated in our nation's most recent conflicts. While I chose a different path coming out of high school, many of my peers chose to serve, at great costs to their families and to themselves. Now as the combat abroad recedes, I strongly believe that it is my time to serve them. I look forward to the challenges ahead and hope to be able to be there for our nation's veterans throughout the rest of my career.

Pro Bono Honor Roll

To date, more than 285 Ropes & Gray attorneys and almost 30 staff members have performed 20 or more hours of *pro bono* service during 2014. Congratulations to all of them. Click [here](#) to view attorney list. Click [here](#) to view staff list.

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