

Latham & Watkins Takes On Rikers In Pro Bono Project

By **Aebra Coe**

Law360, New York (May 1, 2017, 2:13 PM EDT) -- New York Mayor Bill de Blasio recently vowed to shutter the massive incarceration complex on Rikers Island within the next decade and instead move to a system of smaller community jails, a decision that was prompted by a 98-page report Latham & Watkins LLP attorneys helped put together pro bono.

Latham & Watkins lawyers have devoted more than 3,000 pro bono hours to date drawing up the hefty report for the New York City Criminal Justice and Incarceration Reform Commission in which they suggest Rikers Island's jails should be closed. The report closely examines New York City's criminal justice system, focusing on three broad areas, including criminal justice reform, incarceration practices and possible future uses for the land on which Rikers sits.

Thirty Latham & Watkins attorneys and staff worked on the pro bono project, led by New York partner Kevin M. McDonough.

"We have a strong interest in being involved in impactful and high-profile pro bono matters in the communities where we live and work," McDonough said of his law firm. "For the New York office, we viewed this as a significant pro bono matter where we could help shape an important dialogue about criminal justice reform in New York City in a way we knew could impact generations of New Yorkers."

The report, titled "A More Just New York City," was released March 31 and was spearheaded by Latham & Watkins of counsel and former New York Court of Appeals Chief Judge Jonathan Lippman, who serves as chairman of the 27-member Independent Commission on New York City Criminal Justice and Incarceration Reform.

Rikers Island is located on the East River, between Queens and mainland Bronx, and houses an average daily population of approximately 10,000 inmates.

In his introduction to the report, Lippman asserted that the commission recommends, "without hesitation or equivocation," permanently ending the city's use of Rikers Island as a jail facility and instead strive to reduce overall incarceration rates and move to a borough-based jail system.

"Rikers Island is a stain on our great city. It leaves its mark on everyone it touches: the correction officers working back-to-back shifts under dangerous conditions, the inmates waiting for their day in court in an inhumane and violent environment, the family members forced to miss work and travel long

distances to see their loved ones, the attorneys who cannot easily visit their clients to prepare a defense, and the taxpayers who devote billions of dollars each year to keep the whole dysfunctional apparatus running year after year,” Lippman said.

According to McDonough, he was made aware of the opportunity to provide pro bono counsel to the commission through Lippman, who also serves on Latham & Watkins’ pro bono committee.

“Judge Lippman recognized that the commission would need sophisticated legal counsel, but pro bono legal counsel. We strategized together on how Latham could bring its resources to bear by serving the commission as legal counsel,” McDonough said.

The work took just over a year and involved a good deal of effort and sacrifice on the part of Latham & Watkins attorneys and staff, according to McDonough.

“We had a typical BigLaw practice experience around the report because the deadline had been moved up a couple times, such that the timing became quite tight and people here were putting in hours literally around the clock to get it done on time and with the quality you would expect,” he said.

But, he added, all of the effort put forth was backed by the law firm’s management.

“It was an ambitious undertaking for us, but one where we knew we had the resources to support the commission and the full backing of the management at the firm in order to be involved in something like this,” he said.

The Latham & Watkins lawyers’ involvement included vetting candidates for the commission, supporting the commission in its work by answering legal questions posed by subcommittees and at meetings, doing legal and factual research, negotiating access to city criminal justice data, and assisting with the drafting of the commission’s ultimate report.

McDonough expressed gratitude that he was able to be part of a team of attorneys working on a pro bono project that holds the potential to impact the lives of so many people in his city.

“The commission’s work has already advanced the dialogue in New York City about what to do with Rikers and about criminal justice reform in the city,” he said. “We believe [the report] will continue to be a part of that important dialogue as the months and years roll on.”

--Editing by Rebecca Flanagan and Edrienne Su.

Clarification: An earlier version of this story didn't make Latham's role in the report clear.