

Anderson & Kreiger's Pro Bono Highlights from the Last Year

Anderson & Kreiger is committed to providing pro bono legal services to those most in need and in cases that make a wide impact. While attorneys are free to select pro bono projects of personal significance, our pro bono efforts during the past year have focused on the following areas:



- Arts
- Children and Health Services
- Community Development
- Green Initiatives
- Immigration & Asylum
- Land Preservation

Victories

Our pro bono victories during the past year include the following:

- **Federal Court Orders FDA to Finish Overdue Graphic Warning Labels For Cigarettes**

On September 5, 2018, Judge Talwani of the U.S. District Court for the District of Massachusetts [ordered](#) the U.S. Food and Drug Administration to comply with a 2009 Congressional mandate requiring full color graphic warning labels on cigarette packs and advertising. Studies have shown that graphic warnings on cigarette packs and advertising are effective at informing consumers about health risks of smoking, preventing children and nonsmokers from starting to smoke, and motivating smokers to quit. More than 120 countries require large, graphic warnings on packs of cigarettes, but the United States has yet to do so. FDA promulgated a rule concerning text and images in 2011, but the portion of the rule regarding images was struck down by the D.C. Circuit. Since remand to the agency, the Court found that FDA has completed “little to no work” on the graphic images, despite a Congressional deadline to act.

In its ruling, the Court agreed with the Plaintiffs, which include the Campaign for Tobacco Free Kids, American Academy of Pediatrics, American Cancer Society, American Lung Association, and other public health organizations and Massachusetts pediatricians, that the FDA has “unlawfully withheld” and “unreasonably delayed” promulgating a final rule on graphic warning labels. In light of this delay on an issue of “substantial” public health importance, the Court wrote that it “must compel agency action.” FDA must provide an expedited rulemaking schedule to the Court by September 26, 2018 for the Court’s review.

Scott Lewis and Jessica Wall represent the plaintiff public health organizations and Massachusetts pediatricians in this action.

- **Supreme Judicial Court Rejects Challenge to Charter School Cap – *Preserving Funds***

For Public Schools

The Supreme Judicial Court unanimously affirmed the dismissal of *Doe v. Peyser*, a lawsuit in which five Boston public school students sought to have the Court declare the Massachusetts statutory cap on charter schools unconstitutional. In its ruling, the Court agreed with state officials defending the cap and several *amici* – including students of color, students with disabilities, English language learners and several civil rights organizations – that the lawsuit failed to state a claim for relief under the Education Clause or the Equal Protection Clause of the Massachusetts Constitution.

The Court concluded that the plaintiffs could not show that the state, in establishing the charter school cap, had failed to fulfill its constitutional duty to educate its students, or that the cap reflected an irrational or arbitrary allocation of scarce education resources. “There is no constitutional entitlement to attend a charter school,” the Court said. The Court also emphasized that a majority of Massachusetts voters, including those in the plaintiffs’ own school district, had rejected a ballot measure that would have expanded the number of charter schools in the state, and that the “Constitution demands respect for the products of the democratic process.”

Melissa Allison presented oral arguments on behalf of the *amici* students and civil right organizations in support of the state Attorney General’s motion to dismiss the case.

• **Y2Y Network, Inc. – *A Safe Place For Homeless Young Adults***

In 2014, two recent Harvard alums, Sarah Rosenkratz and Sam Greenberg, approached A&K to ask for legal help for a novel idea. Using what they learned through work with the Phillips Brooks House Association (PBHA), a student-led non-profit with over 70 social service programs, including the Harvard Square Homeless Shelter (and a long-term partner of A&K), Sarah and Sam proposed to open a shelter for homeless youth in Cambridge. The shelter would immediately double the number of beds available to 18-24 year olds in Boston and Cambridge, and help provide a safe space for this especially vulnerable segment of the homeless population. Sam and Sarah asked us to provide our expertise on zoning, real estate, construction, and governance matters to help lease and construct space for the shelter, and by Fall of 2015, their wild idea was a reality.

Since the shelter’s opening, A&K has continued to provide advice to Sam, Sarah, and their growing staff on a number of issues. We helped them create a new non-profit organization to grow their shelter services, draft a framework for collaborative work with PBHA and other stakeholders going forward, and implement privacy and security policies to protect guests. Most recently, we have been advising the newly formed Y2Y Network, Inc. on its goals to open up its first out-of-state shelter in New Haven, Connecticut.

Mina Makarious has served as Y2Y’s “lawyer on call” and has worked with David Wiener, Art Kreiger, and Austin Anderson on leasing, non-profit formation, permitting, and contract issues for Y2Y.

New Pro Bono Relationships

Anderson & Kreiger is working with the Political Asylum/ Immigration Representation (PAIR) project to obtain political asylum for a client who fled her home country after being subjected to threats, kidnapping and intimidation due to her support of opponents of the ruling party.

PAIR (<https://www.pairproject.org>) is the leading provider of free immigration legal services to asylum-seekers and immigrants unjustly detained in Massachusetts. In addition to providing direct legal services, PAIR partners with pro bono lawyers who volunteer to represent low income asylum applicants and provides volunteers with training and mentoring.