

# ABA award recipient honored to be attorney for “heroes”

By Christina Couto

How many attorneys can call their clients heroes? At least one New York City attorney does.

“My pro bono work has allowed me to represent clients who are such heroes that it is truly an honor to call myself their attorney,” said Daniel L. Brown, who received the American Bar Association’s (ABA) Pro Bono Publico Award in Chicago on August 1.

“As the many attorneys who do pro bono know, the work in and of itself is the reward,” said Brown (Sheppard, Mullin, Richter & Hampton LLP), who performs extensive pro bono work in the areas of disability rights and human rights.

Brown’s first pro bono case involved his brother, a quadriplegic, who was among dozens of wheelchair racers during the 1998 New York Marathon stopped at the Queensboro Bridge so that the able-bodied runners could pass. Seeing this as discriminatory, Brown filed a class action suit that included his brother—an amateur racer, and other elite wheelchair racers. The case ultimately led to a favorable settlement.

“I will never forget standing at the finish line of the New York Marathon the year after settling that first pro bono case that sought equality for wheelchair athletes in the largest spectator event in the world,” Brown said.

The case would prove to be the first of many disability cases for Brown—all completed after-hours, on weekends and during his free time. Coincidentally, Brown’s ABA award coincided with the 25<sup>th</sup> anniversary of the Americans with Disabilities Act.

## Accomplished attorney

A partner in his firm’s Business Trial Practice Group, Brown chairs the Pro Bono Committee. He concentrates his practice on high-stakes, complex, commercial litigation and arbitrations, including consumer class action cases. He is a member of the State Bar’s Antitrust Law Section and its Class Action Committee and the Trial Lawyers Section.

In the years since his first pro bono case, Brown has worked on many disability cases in conjunction with both the Center for the Independence of the Disabled in New York City and Disability Rights Advocates (DRA), a nonprofit legal rights center with offices in New York City and San Francisco.

“Daniel Brown has made an enormous impact on the rights of the disabled through his novel use of legal theories and zealous courtroom battles,” said Sid Wolinsky, co-founder and director of litigation for DRA.

As the lead outside counsel for DRA, Brown represented a class of more than 900,000 individuals with disabilities who filed a suit in the wake of Hurricane Irene. *Brooklyn Center for the Independence of the Disabled, et al. v. Bloomberg, et al.* alleged that New York City failed to adequately plan for people with disabilities in emergencies.

After a landmark trial victory, the case was settled in September 2014, with New York City agreeing to what Brown said is the most comprehensive disaster plan for persons with disabilities ever established in the country, aimed at improving the lives and safety of New Yorkers with disabilities.

“This is a model that other cities and will be looking to,” Brown said. “It’s a model because it’s the only one out there.”

The case also is another example of how pro bono clients can inspire and challenge attorneys to become better litigators.

“There I was, fighting the good fight for an issue that couldn’t be more important, in a dramatic trial that included testimony from people with disabilities recounting harrowing details of their experiences trying to stay alive, or find shelter or transportation, during Hurricanes Irene and Sandy,” Brown said.

He also successfully fought to improve the accessibility of New York City’s taxi fleet. In January 2014, only 231 yellow cabs were wheelchair-accessible. *Taxis for All Campaign v. Taxi & Limousine Commission* resulted in the requirement that half of New York



**Working for heroes**—Daniel L. Brown, recipient of the American Bar Association’s Pro Bono Publico award, poses with Mary K. Ryan, chair of the Standing Committee on Pro Bono and Public Service, left, and Amy Lorenz-Moser, chair of the ABA’s Pro Bono Publico Awards Subcommittee. [Photo courtesy of the American Bar Association]

City’s yellow cabs must be wheelchair-accessible by 2020.

## New causes

Currently, Brown is litigating *Center for Independence of the Disabled v. the City of New York*, also on a pro bono basis, on the issue of accessible sidewalks in New York City.

In addition to disability cases, Brown volunteers for Human Rights First, a human rights advocacy organization with offices in New York City, Washington, D.C. and Houston. Among the many cases he has worked on for the organization, Brown has won asylum for human rights activists in Sudan and Syria.

“I will never forget the moment when I received an e-mail informing me that my first asylum client, a refugee from the Sudan who was persecuted and tortured because of his human rights work in that country, would be permitted to remain in the United States,” Brown said.

The individuals who seek assistance from Human Rights First face signifi-

cant financial, linguistic and other barriers to legal assistance. They include refugees who have suffered terrible persecution in their home countries, explained Elisa Massimino, president and CEO of Human Rights First, in nominating Brown for the ABA award.

“In his relentless pursuit of their freedom and their right to live without fear, Dan has been instrumental in fundamentally changing lives and, in so doing, representing what is best about our country,” said Massimino.

And Brown’s advice to those attorneys who struggle to find time for pro bono work?

“Whether it is a complicated case of just giving guidance when it is needed most, I encourage all attorneys to take on a pro bono case,” Brown said. “Because, doing pro bono will make you a better lawyer and, more importantly, a better person.”

And they might even encounter a few heroes along the way. ♦

Couto is NYSBA’s senior media writer.

## New book, ‘Understanding Second Amendment’ result of Gun Violence task force work

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tomed to it, to accept it,” said Tennant and Brown in a joint media statement. “This book is designed to bring the facts of gun violence into sharp relief while examining the Second Amendment and cases construing it, to provide everyone with a solid understanding of the issues and enable

informed discussion.”

The task force’s 19 members are from across the state, and include lawyers who identified themselves as gun owners, hunters, gun collectors and avid sportsmen. Among its ranks, the task force includes an active-duty police officer, prosecutors, criminal

defense attorneys and lawyers in private practice.

The book can be downloaded at no charge at [www.nysba.org/2ndamendment](http://www.nysba.org/2ndamendment). Members also can purchase hard copies for \$15 (\$25 for non-members).

View a presidential video message

on the work of the Task Force on Gun Violence at [www.nysba.org/videos](http://www.nysba.org/videos). ♦

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