SEEING THE BENEFITS
LONDON IMPACT PROJECT DELIVERS JUSTICE TO LOCAL AREA

ESTABLISHING SHELOMO SELINGER’S MUSEUM
A PIECE OF HISTORY

RISING STARS
SKADDEN HELPS ‘HATCH’ ENTREPRENEURS
In November 2016, The Global Network for Public Interest Law (PIJnet) held its annual European pro bono conference in Amsterdam, which brought together representatives from law firms and NGOs to explore how they can best collaborate to address some of the most pressing issues of social justice, including the current refugee crisis. Other hot topics on the agenda were climate change, business and human rights, and the Sustainable Development Goals (SDGs), themes that were echoed at the United Nations (UN) Forum on Business and Human Rights just a few days earlier.

The SDGs were adopted by the UN last year and are a new universal set of seventeen goals and corresponding 169 targets that UN member states will be expected to use to frame their agendas and political policies over the next 15 years. The SDGs follow and expand on the Millennium Development Goals, which expired at the end of 2015. The SDGs are shaped around three main agendas: end extreme poverty, fight inequality and injustice, and tackle climate change and its impacts. All sectors of society, including governments, the private sector, and civil society are expected to contribute to their realisation.

Goal 16 recognises the need to promote peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable and inclusive institutions at all levels. Essentially, this is seen as recognition of the importance of the rule of law as the bedrock of sustainable development. This goal represents a pivotal moment for the international community to unite efforts in advancing access to justice and human rights.

The inclusion of the rule of law as part of the SDGs also gives the legal profession a unique opportunity to be an active contributor to the international community to unite efforts in advancing access to justice and human rights. The inclusiveness of the rule of law as part of the SDGs also gives the legal profession a unique opportunity to be an active contributor to the agenda by working out the impact of firms’ pro bono projects in line with the goals.

This issue of the European pro bono Highlights outlines only a small number of the Skadden European offices’ pro bono activities, which contribute to this agenda by supporting local access to justice initiatives and providing legal advice to not-for-profit organisations to grow their capabilities. This edition features projects from London, Frankfurt, Munich, and Paris.

In the “An Interview With,” partner Alex Jupp, who leads the London office’s Welfare Benefits Impact Project alongside partner Stephen Sims, discusses the group’s advocacy programme to assist residents of East London with welfare appeal claims. In February 2016, the London office’s Domestic Violence Impact Project Group also launched a new Family Law Clinic in partnership with five other law firms. The collaborative clinic serves the communities in East London and is open to individuals seeking initial legal advice on family law and domestic violence matters. The law firms’ collaborative efforts were recognised at the British Legal Awards 2016, where the clinic was shortlisted for the CSR/Diversity Initiative of the Year award and, separately, at the LawWorks Awards for the Most Effective Pro Bono Partnership awards. This edition also showcases the London office’s long-term pro bono relationship with business incubator Hatch, which is a social enterprise specifically supporting young entrepreneurs in South London.

Attorneys in Skadden’s Frankfurt and Munich offices have focused efforts on supporting international development not-for-profit organisations. These include Skateistan, which uses skateboarding to empower and connect children to education in Afghanistan, Cambodia, and South Africa. Skadden’s German offices also assisted the Global Poverty Project, an education and advocacy organisation that works towards the end of extreme poverty, to successfully launch the event “United Against Poverty” on the eve of the G7 Summit in Munich. The event saw musicians, political figures, activists, global citizens and celebrities join together to call on world leaders to show the courage needed to overcome extreme poverty by 2030.

Finally, the report features a project from Skadden’s Paris office that involved tackling complex legal issues around the creation of a biographical museum dedicated to Shelomo Selinger, a French-Israeli artist and Holocaust survivor.
Skadden Teams up with Social Enterprise for Entrepreneurs

London Counsel Andrew Brown has helped establish a charity called Hatch that coaches financially and socially disadvantaged young people in setting up and launching their own businesses. The average small business survival rate, six months post-programme, is 95 percent, compared to a national average of 20 percent.

The Youth Enterprise Incubator Programme is the brainchild of the social entrepreneur Dirk Bischof. It is based in Lambeth and Southwark, which have some of the highest unemployment rates in London.

Andrew has provided pro bono assistance to Hatch since 2014. He has undertaken a number of tasks to help the charity, including securing charitable status, offering employment law-related advice and navigating a spin-off process. He also has provided legal advice to the young entrepreneurs participating in the programme.

“The inspiration behind this programme is that, by putting a support system in place for people who may have bleak prospects, it enables them to thrive and help themselves,” Andrew says.

Improving Global Accountability

Skadden’s pro bono activities in Germany have recently included advising the International Civil Society Centre (ICSC) on drafting cooperation agreements for a project and amending its governance documents to ensure its equivalence to a charity under U.S. law.

The ICSC, a nonprofit organisation based in Berlin, helps international civil society organisations (ICSOs) maximise their impact by providing a global platform for collaboration and knowledge sharing. As part of this mission, the ICSC has partnered with eight other well-established civil society accountability networks to develop a global accountability standard for ICSOs. The project aims to make the work of civil society organisations more effective by improving accountability codes and practices and reducing transaction costs.

Initially, the German-based team included associates Michael Albrecht, Damien Simonot and Richard Roeder and focused on developing the necessary cooperation agreements and governance documents for the effort to develop the global accountability standard. The project soon took on a broader mission — changing the corporate governance of the ICSC itself — which was led by partner Matthias Horbach. This new goal was necessary to ensure that the ICSC, which already was recognised as a charity in Germany, would also be deemed a charity under U.S. law and, therefore, enjoy tax privileges in both countries.

The change of statute already has had a measurable impact on the work of the ICSC, which has been able to secure funding from a number of U.S. institutions.
An Interview with Alex Jupp

Tax partner Alex Jupp leads the London office’s Welfare Benefits Impact Project, which was commended in the 2016 Financial Times ‘Innovative Lawyers’ report for “Innovation in Social Responsibility.” Skadden attorneys provide legal advice to people who have had welfare benefits claims denied, supporting them through the appeal tribunal. We spoke to Alex about the initiative and the successes it has had so far.

Why did you decide to use the Impact Project structure for this initiative, rather than a traditional approach to pro bono?

The Impact Project initiatives differ from traditional pro bono in that they are “virtual practices” using the same formation as our fee-paying practices: led by a partner, staffed by more junior attorneys and utilising support staff services. In this way, we provide a service equivalent to what we provide to fee-paying clients. The Impact Project initiative already had been so successful, and we thought it suited this particular project perfectly.

Why did the London office choose welfare benefits as a focus for its Impact Project?

There has been much upheaval in the UK’s welfare benefits system recently, with cuts to legal aid and the introduction of Universal Credit. These changes have negatively impacted many of the country’s most vulnerable people, including those living in our London office’s neighbourhood, in the borough of Tower Hamlets. The borough has one of the highest levels of benefits claimants in the UK, so we saw an opportunity to make a great difference right on our own doorstep.

Who has Skadden partnered with in support of this project?

One of the keys to the project’s success is our partnership with University House, one of Tower Hamlets’ most successful and prominent charity organisations. When we set up the initiative, University House provided in-depth training to Skadden attorneys on the law and practice of Employment and Support Allowance benefits appeals. Now that the programme is underway, University House helps us by referring appeal cases that we can take on and run independently. As a result of this collaboration, we’ve now also partnered with University House in running domestic violence clinics.

How could this project appeal to lawyers looking to get involved in pro bono service?

The Welfare Benefits Impact Project provides the opportunity to make a clear and tangible difference to the lives of those in need within our local community. It also enables lawyers to build their expertise in areas outside their usual practice, including advocacy, in which many junior lawyers rarely gain direct experience. A barrier that can discourage some attorneys from getting involved in pro bono work is the worry of taking on too much within an already busy schedule. However, welfare benefits appeals have a set and manageable term, which makes them much easier to plan around.

What results has the team seen so far?

Statistics published by the Ministry of Justice for October to December 2015 show that the success rate at welfare tribunals (across all benefit types) was 55 percent. By contrast, our pioneering Welfare Benefits Impact Project had an 80 percent success rate during the same period — which has risen to over 90 percent to date in 2016. We are extremely encouraged by this improvement and what it represents: vulnerable people being able to access essential funds they otherwise would have been denied.

What’s next for the initiative?

In terms of next steps, we want to encourage more of our lawyers to get involved and help us take on more of these cases. Specifically, we hope to build up expertise in this area before the full-scale roll out of Universal Credit, which will create even greater need for legal support in the community. We plan to be well-equipped to help with a long-term societal need that is right outside our doors.

**Results Since Project Launch**

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Alex Jupp is a partner in the London office. His practice covers a broad range of UK and cross-border matters, with a particular focus on the tax aspects of corporate acquisitions, financings and restructurings, group structure planning, corporate relocations, employee incentives, and asset management structures and related activities.
Skadden Assists UN in Upholding Rights of Women Refugees

To help address the recent influx of migrants into the European Union, Skadden is providing pro bono legal advice to UN Women, a United Nations’ entity dedicated to championing gender equality and empowerment for women, in support of its advocacy initiatives concerning the legal rights of women refugees and asylum seekers in the EU.

A team led by London partner Hilary Foulkes and European counsel and Co-Head of the Public International Law Pro Bono Group Melis Asunlar prepared a report that highlights specific gender-related issues that disproportionately affect women refugees, and makes recommendations on how to use or modify the existing legal frameworks to protect women and girls more effectively.

The report outlines the substantive grounds and procedures to claim refugee status in the European Union and analyses them from a gender perspective. In particular, it examines how various acts of violence against women have been interpreted to qualify, or not, as grounds for refugee status under the 1951 Refugee Convention and 1967 Protocol, and the laws implementing legislation at the EU and domestic levels. The report focuses on sexual violence, ‘honour’ crimes and forced marriage. The team also assessed the gender sensitivity of existing procedures for claiming refugee or asylum status, and identified gaps in protection and possible solutions.

As part of the project, Melis met with Ingibjorg Guadadottir, the regional director for UN Women for Europe and Central Asia, in UN Women’s Istanbul office.

The report was prepared to assist UN Women in preparing for various conferences in the summer of 2016 concerning the global refugee crisis, particularly in Europe and in the Middle East, starting with the World Humanitarian Summit held in Istanbul in May 2016.

Next steps on the project include updating the report to reflect recent developments, particularly in Europe, and providing a shortened version for UN Women to publish and distribute to various policy-makers in Brussels and elsewhere, including in preparation for the upcoming meetings of the European Women’s Lobby.

Skadden also provided comments to UN Women on the gender sensitivity of draft Serbian legislation on asylum and temporary protection.

Hilary and Melis are leading a team of London associates comprising Tom Southwell, Katie Sutton, Emma Farrow, Paula Henin and Ioanna Pantelaki, Interim Sophie Lokhari and summer associates Nour El-Kebbi and Shannon T. Mercer provided invaluable assistance.

Busy Bees

Frankfurt Labour and Employment counsel Ulrich Ziegler is supporting Social Bee uG, a Munich-based start-up that helps integrate refugees into the work environment by acting as an agency for temporary employment. The organisation offers an integration plan, which includes language courses, professional qualifications, socioeducational supervision and leisure activities with the goal of finding permanent employment for all refugees within one and a half years.

Ulrich assisted the project in obtaining the required license for temporary worker agencies; drafting various templates of agreements between Social Bee and its customers, its regular employees, its founder (as managing director) and the temporary workers; and advising and undertaking research on a broad variety of questions brought up by Social Bee’s management team. The nonprofit recently started its operating business, and the engagement remains ongoing.
Skadden’s German offices are helping young children in Afghanistan, Cambodia and South Africa become “leaders for a better world” by assisting the award-winning nonprofit organisation Skateistan.

Skateistan was founded in 2007 when the Australian skateboarder Oliver Percovich visited Kabul, bringing his skateboards with him, and started working to establish and build the NGO—a very first skateboarding school in Afghanistan. Since then, Skateistan has expanded with schools in Cambodia and South Africa, offering innovative programmes such as “Skate and Create”, “Back-to-School” and “Youth Leadership”. Skateistan focuses on the hardest-to-reach youth, in particular girls and street children, over 1,500 of whom now attend Skateistan programmes every week.

When the Skadden team members first heard about Skateistan and its vision, they immediately considered ways in which they could work with Skateistan’s programmes every week.

Over the years, Skadden’s German attorneys have supported Skateistan in a number of ways. At the beginning of the initiative, Tobias and Frankfurt M&A partner Matthias Horbach advised the nonprofit on corporate governance, establishing a global advisory board staffed with recognised professionals in this area. More recently, Skadden’s relationship with Skateistan has been deepened with a tax assignment. Frankfurt tax partner Johannes Frey, associate Jacqueline Schwenk and research assistant Marianna Tcherniakova are currently advising on tax-related matters, including setting up a donation programme that meets German tax law requirements.

Learning how to skateboard might seem commonplace in Europe or America, but for Afghan girls who are not even allowed to play football or ride a bike in public, it can be a rare and meaningful opportunity. Skateistan provides more than just skateboarding lessons—it offers a broadly educational vision, based on the principle of learning through playing. The organisation exposes its young participants to people of different ethnicities, genders and beliefs, and provides a safe environment that allows creativity to flower.

This project is captured in a series of photographs by Jessica Fulford-Dobson in an illustrated book, “Skate Girls of Kabul”. The photographs also were exhibited in London’s Saatchi Gallery, in April 2013.
Carving is the Source of my Freedom

By Of Counsel Stephanie Stein and associate Dimitrie Ramniceanu

In May 2015, one of Skadden’s longstanding French pro bono partners, the Alliance of Lawyers for Human Rights, reached out to us in connection with a project struggling to find advocates—the creation of a biographical museum dedicated to French-Israeli artist Shelomo Selinger. The project would involve several highly challenging legal and practical issues. Although in the end the museum project did not move forward, the firm is proud to have supported this unique artist.

Born in Poland in 1928, Selinger was an eyewitness to the Holocaust. He was 14 years old when he was deported from the Chrzanow ghetto to Faulbrück, a German concentration camp. Over the course of the war, he survived eight additional concentration camps and two death marches. In the 1950s, Selinger moved to France and became a sculptor, saying: “Carving is the source of my freedom.” Over the next 60 years, he became a celebrated international artist, earning in 2005 France’s Légion d’Honneur.

The majority of France’s existing biographical museums were created by public authorities from donations by artists or their heirs, including those for Émile-Antoine Bourdelle, Marc Chagall, Eugène Delacroix, Jean-Jacques Henner, Fernand Léger, Gustave Moreau and Pablo Picasso. In this case, it was envisaged to use the novel approach of selling works donated by the artist himself to fund the museum.

“One of the main hurdles of this endeavour has been turning a family project into a professional organization”

This option involves solving complex legal challenges in areas such as tax and intellectual property, as well as advising on laws relating to nonprofit organizations and fundraising regulations. For four months, we discussed with Selinger and his family how to best serve their project, while liaising with specialists in other fields, such as public notaries, fundraising experts, communication agencies and specialists in the creation of museums. One of the main hurdles has been turning a family project into a professional organisation in line with its ambitious objectives and funding requirements.

We have advised on the most suitable type of organisational structure, taking into account a range of factors, such as costs, flexibility, and the ability to seek and receive tax-deductible donations. Our team also prepared the governance documentation, including the articles of association, the internal regulations of the board of directors and the ethics charter, and briefed our client on the complex rules governing fundraising activities in France.

One of the most interesting tasks was the structuring of control over the museum. Among the questions we addressed was how to ensure the retention by existing and future family members of a certain degree of control over an entity that would be created with no capital, while creating room for external qualified individuals on the board and other committees. Our solution involved the use of reserved board matters, tailor-made veto rights and, building on the two associations already existing and dedicated to promoting Selinger, the appointment of certain officers of these two associations as officers as opposed to in their personal capacity. Solving this array of legal questions brought the Skadden team great professional pride. But the most rewarding part is the satisfaction of supporting this important artist, an individual whose experiences go beyond art and encapsulate much of 20th century history.
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