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NEWS

Healing From the Holocaust

HOUSTON AND DALLAS ATTORNEYS TO HELP SURVIVORS NAVIGATE NEW REPARATIONS PROGRAM

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Weil, Gotshal & Manges' Sylvia Mayer (left) and Vinson & Elkins' Ellyn Haikin Josef
Image: John Everett

Above all, you have to take it slow. That's what retired Houston businessman Larry Steinfeld has learned from interviewing countless survivors of the Holocaust.

He first documented survivor stories in the early 1950s while working in Europe as a translator for the U.S. Army Judge Advocate General's Corps. More recently he helped interview survivors for the Holocaust Museum Houston, where he has worked as a docent for the past 13 years.

"Have a glass of water there for them. Ask, "How do you feel? Are you OK?' and "Do you want to continue?' " he instructs. "And have sympathy — there's a Yiddish word, rachmones, which means sympathy or pity — because these people have been through a living hell."

Steinfeld hopes to share that advice and more with a handful of Houston lawyers on July 10. That's the target start date for an ambitious pro bono legal clinic designed to help area Holocaust survivors apply to a new war reparations program sponsored by the German government. When it launches, it will be the first clinic of its kind to open in Texas and one of only five in the nation.

Leading the effort in Houston are Ellyn Haikin Josef, pro bono coordinator and staff attorney at Vinson & Elkins, and Sylvia Mayer and Elizabeth Black Berry of Weil, Gotshal & Manges, where Mayer is a partner and Berry is manager of information resources, professional development and pro bono.

Efforts also are under way in the Dallas-Fort Worth area, spearheaded by Seth A. Shapiro, senior vice president and assistant general counsel at Countrywide Financial Corp. in Plano, and Baker & McKenzie

associate Elliot D. Schuler in Dallas.

The Ghetto Labor Compensation Fund was set up last fall. The Ghetto Fund attempts to recognize "victims of persecution" and the work they did in one of the many ghettos across Europe, the Ukraine and even in China during World War II that "did not constitute forced labour." That's according to an informational flier issued by the German government's Bundesamt fuer zentrale Dienste und offene Vermoegensfragen — the federal office for central services and unresolved property issues that is administering and funding the reparations program. The flier explains how Jews and others persecuted by the Nazis during the war may be eligible for a one-time payment of ¨2,000 — about $3,000 — from the German government if they were employed under certain circumstances while imprisoned in one of the ghettos.

The official application barely reaches the eight-page mark, but its simplicity can be deceiving — which is how lawyers got involved in the first place.

When the German government issued the federal directive on Oct. 1, 2007, lawyers at Bet Tzedek, a Los Angeles nonprofit providing legal services to low-income seniors, mobilized to help those eligible in the L.A. Jewish community. After all, it had a 30-year-plus track record of working with Holocaust survivors and two staff lawyers dedicated to "Holocaust services," including Volker J. Schmidt, a former diplomat licensed to practice in the United States and Germany.

With Schmidt's specialized knowledge, the Bet Tzedek team set to work dissecting the application to figure out what the German government wanted. They had reason to be wary: In 2002, the German government tried to reimburse survivors who worked in ghettos, but only 10 percent or so of those applications ever got approved.

But there are still concerns about the application process today. To begin with, there were translation issues with the new program's form, says Wendy Levine, deputy director of litigation at Bet Tzedek, and "glitches" bound to happen with any "large administrative program."

Another sticking point was the way the application described eligible employment. To be eligible for the program, survivors had to have performed a job in a ghetto that was done "without coercion" and could not be considered "forced labor." But in a sense, all labor done in a walled, guarded compound could be considered to have an element of force and coercion involved.

It was an issue that Shapiro, when he was going through training to coordinate the Dallas program, says stood out to him immediately. "That is part of the tricky part of the application process," he says. But when you drill down, he says, "it could mean survivors weren't forced into the work or that there was something voluntary about it, like they could decide when to take a break."

In November 2007, Bet Tzedek enlisted the help of the L.A. Jewish community, including Jewish Family Service of Los Angeles, to get the word out and also pre-screen survivors for eligibility. Bet Tzedek held its first legal clinic on Nov. 29, Levine says, to assist survivors with the application process. "We expected to see between 150 and 500 clients, but we've already seen 646 clients," Levine says. It may seem impressive, but Levine says it's just a small portion of the U.S. survivor population. The German government estimates that, of the potential 60,000 survivors eligible for the reparations, 20,000 of them live in the United States. Levine thinks there could be many more.

Of the 646 applications that Bet Tzedek clinics have sent to Germany so far, 195 have been approved, and none have been denied, she says.

Based on this success and on feedback from lawyers who had participated or wanted to, Levine says the organization decided to take its clinic model national. It created a training DVD to walk volunteer lawyers through the application process, and on May 16, it hosted a video training session that Levine says was "attended" by lawyers in 35 cities around the country, including Houston and Dallas.

Additionally there are weekly conference calls where volunteers can ask questions about substantive problems they're having with the paperwork or with setting up programs in their areas, she says, and a Web site is on the way that will help coordinate efforts and make forms and information easier to access.

"Our model is really that we have tried to train people on what we've done in L.A. and what's worked for us in L.A., so they can figure out what will work for them in their communities," she says. While each city faces different issues, one hurdle is the same: time. "Every day there are fewer survivors than there were before," she notes.

Launch Time in Houston

The first week in June, Josef mailed a flier to those 300 survivors as well as to community media outlets, the Holocaust museum and area synagogues. The two-paragraph note explains the payment, sets out the offer of free legal assistance and provides a Houston Jewish Family Service contact number for more information.

Josef says the Houston clinic's first official session likely will take place in a conference room at the Holocaust Museum — a relatively quiet place midweek with plenty of parking. As of presstime, the program had identified 10 survivors who could be eligible for the Ghetto Fund. Five of those survivors will be interviewed on July 10, she says, and the remaining five will visit with lawyers during a second clinic, which will be set up soon.

Only V&E and Weil, Gotshal lawyers will staff the initial session, she says, and she believes there will be two lawyers assigned to help each survivor. Lawyers from other firms will be able to volunteer starting with the second clinic — lawyers who have been recruited in part through e-mails, word-of-mouth and the efforts of the Houston Volunteer Lawyers Program. Josef says she already has a list of about 60 lawyers.

She'll likely continue the same two-lawyer team approach. "That way we'll get more lawyers involved, because we have so many people who want to do this."

Mayer says she's in the beginning stages of recruiting volunteers at Weil, Gotshal but one of the first V&E lawyers to sign on was partner Kevin P. Lewis. In fact, it was Lewis who started the ball rolling in the first place, bringing the clinic program to the firm's attention after hearing about it in April from a friend of a friend who worked with Bet Tzedek's Los Angeles clinic.

"It seemed like a very worthwhile project. There are so many ways to give back to the community, and to me this appeared to be a good one," he says. "It was unique, and the event to which it is related is so historic and so horrific, we thought it would be great if we could play a role."

From there, Josef and V&E partner Scott Fletcher, the firm's pro bono chairman, reached out to Mayer, who coordinates pro bono for Weil, Gotshal's Houston and Austin offices. It was an easy sell, Mayer says, as her firm already was involved with the clinics, serving as the coordinating firm in New York City.

Berry was last to join the coordination team. When Mayer described the project to her and asked if she'd be willing to help, Berry says she "literally got chills." The answer, she says, "was an immediate yes."

For Lewis personally, though, volunteering is a way to honor friends who lived through the war's atrocities. "I have such enormous respect for their courage, what they suffered through and how they put their lives together to honor those who didn't make it and to honor their own survival."

The opportunity also resonates with V&E partner Glen A. Rosenbaum, a longtime volunteer for Jewish causes whose mother survived the Holocaust. Helen Rosenbaum, now 84, was taken prisoner when the war started and forced to work as a seamstress repairing uniforms for the German army, he says. "Then when they were being transferred on a forced march to another camp, she escaped and spent the remainder of the war in the eastern part of Germany, hiding out with a farm family outside Berlin." The farm was so close to Berlin, he adds, that she could hear the thunder of Allied bombs dropping on the capital city.

"I know it's going to be a very challenging but hopefully rewarding experience," says Rosenbaum, who plans to participate in the clinic. "For people who have not yet met any survivors, it will be a glimpse into a very special breed of people who unfortunately will not be with us very much longer."

Mayer agrees: "We have this group of people who had this life experience, and they're passing. This may be the last time we can be of service to them."

Come July 10, the museum conference room will be turned into a command center of sorts. There will be computer stations set up, a printer hooked up and a translator on hand, just in case, Josef says. She has also reserved three offices for the interviews to ensure privacy for the survivors. "We're ready to go. The files are all ready and the forms are all ready," Josef says, as is the list of bank codes for the wire-transfer portion of the application — a task Berry says was surprisingly difficult. She eventually found a list through a law librarian contact in California, she says.

Before meeting with survivors, however, lawyers will undergo 90 minutes of training with the Bet Tzedek DVD, Josef says. At that point, she says, she'd like to have Steinfeld speak with the group about survivor-specific interview techniques.

When the survivors arrive, lawyers will walk them through an annotated application and also have them sign a limited power of attorney "so that the volunteer attorneys have the ability to speak for the survivor if there are any follow-up questions" from the German government, Josef says.

Bet Tzedek lawyers have agreed to review the Houston clinic's first few applications "just to make sure they're complete," Josef says, and once they give the "all clear," Josef will send the bundle to Bonn, Germany, via an international delivery service.

"The only deadline on the form is that the survivor has to be alive when the application is filed, so we are very motivated to send them very quickly to Germany," she says.

Based on the experiences of the Bet Tzedek lawyers, Josef says it takes about a month to get a notice of receipt from the German government. Then, survivors wait one or two months after that to receive payment, which is deposited directly into their bank accounts.

Of course the effectiveness of the Houston program depends on getting the word out to the survivor community. Like with the Bet Tzedek model, the lawyers teamed up with Jewish Family Service in Houston to coordinate outreach efforts among the city's group of 300 or so survivors. Josef says many survivors also will receive information sent directly to them from the German government.

Dallas' Different Approach

Efforts also are under way in the Dallas-Fort Worth area to reach survivors who may be eligible for Ghetto Fund reparations. In June, a similar flier was sent to a mailing list of survivors in the DFW area, says Shapiro, who adds that he and Schuler are in the early stages of their survivor outreach and prescreening campaign.

They've been working closely with the Jewish Family Service of Greater Dallas and the Dallas Holocaust Museum to reach the area's estimated 150 to 200 survivors, says Schuler.

Jewish Family Service of Greater Dallas already has pre-screened a few survivors who may qualify, but Shapiro and Schuler say the Dallas program will likely differ from Houston's clinic model. First of all, the survivor population is smaller, they say, and seems to be a bit more frail. "One of the challenges we've found is that many of the survivors are home-bound," Shapiro says. "We are willing to visit people in their homes and in nursing homes if necessary. We'll just have to see how many people we'll have to visit and what resources we'll need."

Schuler says he and Shapiro plan to meet personally with two survivors soon, one of whom is in a nursing home. Schuler says he and Shapiro are at the "early stages of training individual lawyers" and they have no shortage of potential volunteers.

"We've had quite a few lawyers who have expressed interest," Shapiro says, noting that there are 20 people in Countrywide's legal office alone — lawyers and staff — who want to be involved. "But I have been very careful in not wanting to train a whole bunch of attorneys without knowing what kind of response we're going to get."

Although the program is just getting off the ground, Shapiro was one of the first Texas lawyers to express an interest in replicating Bet Tzedek's outreach efforts in the Lone Star State.

"Countrywide did one of [Bet Tzedek's] first clinics in L.A., and we got an e-mail from Seth saying, "How can we take this to Texas?' " Levine confirms. His timing was impeccable. "Because of my reaching out to them at the early stages of them establishing the program, I got involved as the leading person to spearhead the efforts in the Dallas-Fort Worth area," Shapiro says.

It's certainly a cause that holds personal meaning for Shapiro: His father-in-law is a survivor. "It's going to be a very emotional experience, but I know from talking to colleagues [who have volunteered], they said it was one of the most rewarding experiences they've ever had." He says, "I am looking forward to helping survivors get some reparations."

Real Meaning

By all accounts, many of the survivors truly need the money. That's because an estimated one-fourth of all U.S. survivors live at or below the poverty line, Levine says. "Even those who don't live in dire conditions, they're on a fixed income, so although $3,000 is a small amount based on the atrocities they suffered, for many of them it could mean not having to choose between rent and medicine."

But there's also a symbolism to the payment, Mayer says. "It's an admission that they're owed something for what was done."

Levine says she has seen well-off survivors donate their reparations money to local social service organizations. The point is, there is not a finite amount of money where each applicant takes away from a total. "If they don't apply for it, the money will stay in Germany; it will stay and [the fund] will pay everyone who is qualified," she says.

Money became a different kind of discussion point when the Houston Volunteer Lawyers Program came on board, says Josef. She and Mayer reached out to HVLP, and executive director David M. Mandell says he immediately signed on to assist with intake, clinic set-up and malpractice insurance.

The organizational system they set up, he says, works like this: Following the initial eligibility intake by Jewish Family Service, the forms are forwarded to HVLP where they are evaluated based on jurisdiction, income and assets. (For this project, Mandell says the income cut-off is 175 percent of the median federal poverty guidelines.) From there, the information is entered into the HVLP system, and the survivors will be paired up with volunteer attorneys who have already signed up with HVLP. (In the case of the July 10 clinic, the match-ups will be limited to those volunteers from V&E and Weil, Gotshal, he says.)

The volunteer lawyers will sign a document opening the matter in the HVLP system, and when the reparations are received, they will close the matter.

If a survivor exceeds the income guidelines, Mandell says, the firms will simply use their own resources to help that person — a distinction that will be known only to the lawyers. "There may be a survivor who is low-income sitting next to a survivor with a high-income and [they will] not realize any difference in service," says Mandell, who plans to volunteer for the program, too.

For Josef, income isn't an issue because the kind of legal services they are providing, money can't buy. "We are the only people trained to do this sort of thing," Josef says.

That's where Steinfeld comes in. He believes coaching will be key when it comes to getting survivors to open up about their experiences.

Often he'll sit down with a survivor and hear something like, "I was born in 1930 in Germany and then I walked out of Auschwitz in 1945." Drawing out what happened during that 15-year lapse takes some careful questioning. "I go back to their childhood. "What were you doing on Kristallnacht?' " he says. "I ask, "What was life like before the war? Did you experience anti-Semitism?' I try to get a taste of what life was like [before the war]."

Fluent in German, English and Yiddish, Steinfeld is particularly adept at his questioning, but he can also relate to the lives that many of these survivors were ripped away from. Steinfeld lived in Germany until 1939, when he was 9 years old. His Jewish, wine-merchant father was able to secure a visa to the United States for the family through an aunt living in New York City, and the family set sail just in time.

The family of Steinfeld's wife Ruth was not so lucky, he says. When she was 6 and her sister was 7, her Jewish family was herded onto a train and landed in a camp in southern France that was a holding area for the Auschwitz concentration camp. French resistance workers came to the border camp with word that a train was on its way to take everyone to the death camp, and they offered to smuggle out the children. Ruth and her sister were handed over, and days later, everyone remaining at the border camp was transported to Auschwitz and sent to the gas chamber. Steinfeld says his wife and her sister became some of the war's "hidden children," living with French farmers until the war ended in 1945.

Although they married in 1954, Steinfeld says he didn't even know the extent of his wife's story until the

1980s — a situation he says is not uncommon among survivors.

"It's only been in the last 20 years that they've come out of their shells. When they came to the U.S., all they wanted to do was put it behind them, to move on and raise a family," he says. "These are horrible stories, and they don't want to talk about them, but they will if the questions are right."