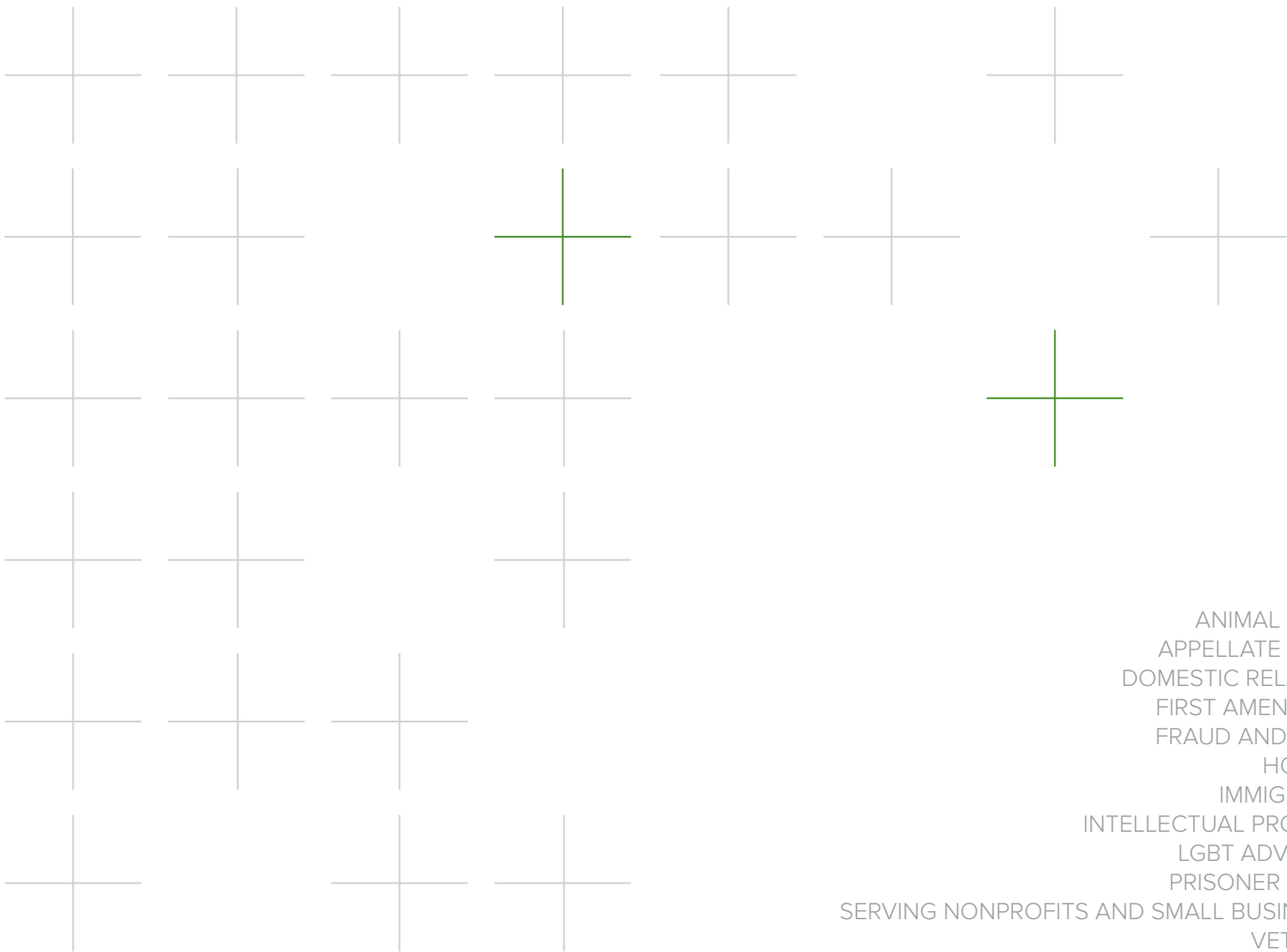


# Pro Bono Reporter

Summer 2014



ANIMAL RIGHTS  
APPELLATE IMPACT  
DOMESTIC RELATIONS  
FIRST AMENDMENT  
FRAUD AND ABUSE  
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# FROM THE CHAIR



## Behind the Numbers

Every year in July, *The American Lawyer* ranks the largest U.S. law firms based on their pro bono productivity. I confess to mixed feelings about these rankings. On one hand, the rankings affirm what I know to be the case, that the firm's pro bono program is vibrant and dynamic with widespread participation among all our attorneys. In 2013, 71% of our attorneys contributed at least 20 pro bono hours and the firm as a whole contributed nearly 65,000 hours. So it is no surprise to me that for the second year in a row the firm is ranked among the top 25 law firm pro bono programs based on *AmLaw's* mathematical formula = [(ave. PB hours/attorney) + (Percentage attorneys who perform at least 20 PB hours)] ÷ 2

But the rankings do not contemplate the impact of our efforts, either on our clients or on our attorneys. Take for example the Washington, D.C. team that won nearly \$1 million for our client after a bench trial. (See *article on p. 18*). As a federal inmate, the client could only file his claim under the Federal Torts Claim Act, which does not allow for attorney fees. Thus, despite his substantial injuries, his case was of limited value to traditional plaintiffs'

counsel and he very likely would have proceeded pro se but for our involvement – and my guess is he would not have prevailed. And what about the benefit to our team? Four associates took a substantial role at trial, gaining invaluable professional experience that is difficult to secure. Two partners led the team and not only had the fun of knocking it out of the park but also had the chance to teach and mentor young associates. *AmLaw* does not measure either "knocking it out of the park" or "teaching and mentoring young associates."

Nor do the rankings account for the mundane but hallmark activity of pro bono, giving respect and dignity to clients who rarely receive as much.

Nor do the rankings account for the mundane but hallmark activity of pro bono, giving respect and dignity to clients who rarely receive as much. Houston associate Kevin Keeling helped an artist who was cheated by a gallery owner who thought he could walk away with the proceeds from selling her artwork. It was a routine matter for Kevin to secure the default judgment. Collecting was a different story. Kevin wrote letters. He called. He even stopped at the gallery to see if he could speak directly with the owner. He helped his client file a criminal complaint with the police because she was uncertain how they would treat her. He gave her not only counsel, but respect.

I do not take issue with *The American Lawyer's* formula or its rankings. In fact, I applaud its attention to law firms' pro bono efforts. But as you read this year's Reporter, consider the substantial impact you and your colleagues have had on your communities, on each other, and the firm.

Amanda

# AWARDS AND HONORS

## Linda Coberly Receives National Immigrant Justice Center's Human Rights Practitioner Award

Partner **Linda Coberly** was chosen by the National Immigrant Justice Center to receive its Human Rights Practitioner Award for her exceptional commitment to pro bono service for immigrant and refugee clients.



## San Francisco Team Garners Federal Pro Bono Project Award from Northern District of California

Attorneys **Yelitza Dunham**, **Noelle Formosa**, **Matt Narensky**, and **Alvina Wong**; former associates **Leda Moullem** and **Laura Guillen**; paralegal **David Rosenthal**; and partner **Amanda Groves** were recognized by the Northern District of California for securing a dismissal for our client, an elderly and infirm immigrant, and her family in a unique case filed under the federal Comprehensive Environmental Response, Compensation, and Liability Act.

## Oscar David and Emily Mraz Honored for Merging Illinois Agencies Serving the Developmentally Disabled

Chicago corporate attorneys **Oscar David** and **Emily Mraz** were honored with the President's Award for their extraordinary pro bono commitment at the annual "Dare to Dream" benefit sponsored by UCP Seguin, a social service agency serving developmentally disabled adults and children. David and Mraz represented Seguin Services, Inc., in its merger with United Cerebral Palsy Association of Greater Chicago.



## Firm Recognized with the Animal Legal Defense Fund's Advancement in Animal Law Pro Bono Achievement Award

Acknowledging the contributions of associate **Rachel Kaufman** and former partner **Eric Nelson**, the Animal Legal Defense Fund (ALDF) awarded Winston with the 2013 Advancement in Animal Law Pro Bono Achievement Award. The award recognized the team's dedication, expertise, and commitment of pro bono hours in helping ALDF achieve its mission to protect the lives and advance the interests of animals through the legal system.



## Lawrence Hall Youth Services Honors Winston as Corporate Citizen of the Year

Lawrence Hall, a prominent Chicago-area social service agency, recognized the firm for its contribution and services in resolving several legal issues. Among those recognized were partners **Derek Barella**, **Michael Falk**, **Christi Graff** and **Brian Schafer**, and associates **Greg Hawver** and **Andrew Skowronski**.

# PUBLIC INTEREST / LEADERSHIP



## John Strasburger – Houston Volunteer Lawyers Project; Lone Star Legal Aid; Lawyers’ Committee for Civil Rights Under Law

Houston partner **John Strasburger**, who recently joined the firm, is board chair of the Houston Volunteer Lawyers, a member of the board of Lone Star Legal Aid, and a member of the board of the (national) Lawyers’ Committee for Civil Rights Under Law.



## Kathleen Barry – Family Defense Center

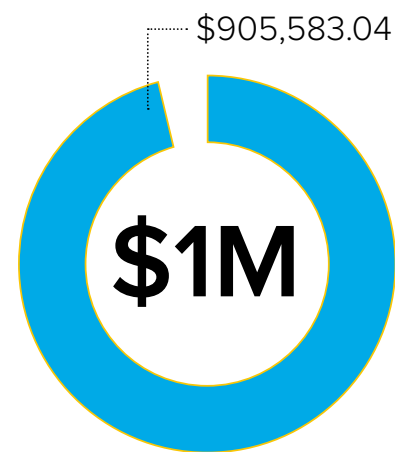
Chicago of counsel **Kathleen Barry** joined the board of the Family Defense Center, a Chicago-based organization that ensures the rights of children and parents in proceedings before the Department of Children and Family Services.

## Lauren Cuneo – Brooklyn Family Defense Project

New York associate **Lauren Cuneo** joined the associates advisory board of the Brooklyn Family Defense Project (BFDP), which defends the due process rights of low-income families in custody and abuse proceedings.

## Cyrus Frelinghuysen and Ted Farrell – Mid-Atlantic Innocence Project

Washington, D.C. associates **Cyrus Frelinghuysen** and **Ted Farrell** joined the Young Professionals Network of the Mid-Atlantic Innocence Project, whose mission is correcting and preventing the conviction of innocent people in the District of Columbia, Maryland, and Virginia.



largest pro bono judgment recovered in firm history by D.C. trial team in 2014

## Special Prosecutor Team Secures Conviction in Politically Charged “Cold Case”

In March 2012, Firm Chairman **Dan Webb** accepted the challenging appointment to serve as a Cook County Special Prosecutor to investigate possible criminal activity in connection with the 2004 death of David Koschman. A seemingly straightforward investigation into a fistfight, the cold-case investigation was complicated by the possible involvement of Richard Vanecko, a nephew of powerful former Chicago Mayor Richard M. Daley. Webb, working with an exceptional Winston team, was also charged with investigating possible misconduct by the Chicago Police Department and Office of the Cook County State’s Attorney. Few experts thought the team could secure a conviction in the 10-year-old “cold case.” Undaunted, the team secured Vanecko’s guilty plea to a charge of involuntary manslaughter. A *Chicago Sun Times* reporter described the conviction as a “stunning” and “remarkable” achievement accomplished by a Winston team with “ferocious talent and tenacity.”



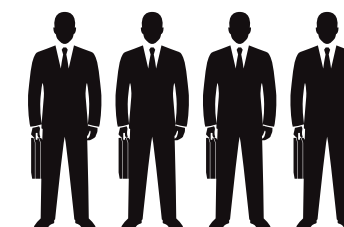
Koschman died in the early morning hours of April 23, 2004. He and a group of his friends were leaving Chicago’s popular nightlife district known as “Rush and Division” when they bumped into another group of people on the sidewalk. Words were exchanged and the encounter escalated into violence. According to eyewitnesses, a man later identified as Vanecko (6’ 3” and 230 pounds), punched Koschman (5’ 5” and 125 pounds) and then fled with one of his friends. The force of the punch knocked Koschman backwards and he hit his head on the pavement and died 11 days later.

Twice, in 2004 and 2011, the Chicago Police Department and the Cook County State’s Attorney’s Office investigated Koschman’s death. On neither occasion, despite substantial evidence, was anyone charged with a crime. Alleging that a cover-up had occurred, lawyers for Koschman’s mother sought the appointment of a Special Prosecutor and on April 23, 2012, Cook County Circuit Court Judge Michael Toomin appointed Webb as the special prosecutor.



Webb and the team interviewed 146 witnesses, reviewed 300,000 pages of documents, obtained an indictment of Richard Vanecko for involuntary manslaughter, and submitted to the court a 162-page report detailing the deficiencies by police and prosecutors in their previous handling of the case. This extraordinary effort led Vanecko to accept a guilty plea to the charge of involuntary manslaughter in January 2014. He also apologized in open court to Mrs. Koschman.

Webb was assisted in the investigation by partners **Steve Senderowitz**, **Dan Rubinstein**, and **Derek J. Sarafa**; associates **Sean Wieber**, **Matt Hernandez**, **Jenny Bekkerman**, **Matt Carter**, **Thomas Weber**, **Shannon Murphy**, **Jared Hasten**, **Solana Flora**, **Katy Boyle**, **Bonnie Keane**, **Andrew Barr**, and **Michael Claus**; paralegals **George Dragicevich**, **Vickie Kennedy**, **Abigail Mast**, **Martha Calvo**, **Maranda Foor**, and **John Poziopoulos**, e-Discovery manager **Zarko Djurovic**, and graphics expert **Chris Kupczak**.



the number of times Chairman Dan Webb has been appointed Special Prosecutor, including the 2012 appointment to investigate the death of David Koschman

# ANIMAL RIGHTS



## Charlotte Team Takes Action to Protect Against Animal Abuse at Roadside Zoo

A team of Charlotte attorneys, including **Amanda Groves**, **Elizabeth Ireland**, and **Alex Wilson**, assisted by paralegal **Kristen Parsons**, representing the Animal Legal Defense Fund, filed a civil animal cruelty claim under North Carolina law in an effort to convince a “roadside zoo” to discontinue abusive treatment of animals. A focal point of the lawsuit is Archie, a chimpanzee who is housed in isolation at the King Kong Zoo, based in Murphy, North Carolina. A retained (pro bono) expert visited Archie at the zoo and prepared a report which concludes “there is no question in my mind that ‘Archie’ is suffering, by living in an inappropriate situation—solitary confinement. Chimpanzees are very social animals and holding this poor animal in bleak isolation is not humane.” He noted bald patches on Archie’s arms, suggestive of hair-plucking, a tell-tale sign of psychological distress. The Global Federation of Animal Sanctuaries has offered to place Archie in an accredited sanctuary if the team secures his release.



“Archie”

## New York Team Wins FOIA Battle Against Police for Information about Horse Drawn Carriages

Representing the Animal Legal Defense Fund (ALDF), the firm initiated a strategic fact-finding initiative to determine the compliance of the horse drawn carriage industry with regulations issued by the State of New York and New York City. As part of this initiative, the firm made FOIA requests on several state and city agencies, including the New York Police Department (NYPD), seeking enforcement and compliance information. Most agencies fully complied, but NYPD provided no documents at all, asserting that it had no records to produce. As a result, the firm filed an Article 78 petition, seeking a court order requiring that the NYPD produce documents. At argument, a New York judge agreed with associate **Chris Wlach**’s contention that the NYPD’s lack of records was “hard to believe.” The judge ordered that the NYPD review its records again—this time broadening its search—and promptly disclose any responsive records to ALDF. **Gerry Shargel** supervised the hearing. **Rachel Kaufman** and former partner Eric Nelson also assisted.



# APPELLATE IMPACT

## Team Foils Effort to Negate Prisoner Claims Through Strategic Mootness

A team comprised of **Sam Park**, **Kristin Palmer**, and **Chris Wilson** obtained a victory in the Eleventh Circuit Court of Appeals, establishing the legal standard on mootness and standing, where a defendant voluntarily ceases its challenged conduct during the course of a lawsuit. The case resulted from years of severe mistreatment of our client by the Bureau of Prisons (BOP). Our client is a high-security prisoner who was sexually assaulted by a correctional officer and subsequently agreed to serve as an FBI informant in incriminating the officer. Having cooperated, he was labeled a “snitch” by other inmates and officers and became the target of brutal retaliation. BOP denied his repeated requests to be transferred to a safe and appropriate facility, as promised for his informant work. He eventually filed suit against the BOP seeking injunctive relief to secure his transfer. Less than two weeks before trial, BOP transferred him to a state facility and then sought to dismiss the case, arguing it was moot. The trial court agreed, but on appeal the Eleventh Circuit panel unanimously reversed, and fully adopted the team’s proposed legal standard.

The Washington Lawyers’ Committee for Civil Rights and Urban Affairs recognized the team with its Pro Bono Leadership Award.



## Sollie Flora Establishes Precedent Confirming Inmate’s Right To Library Access

Chicago associate **Sollie Flora** under the supervision of partner **Linda Coberly** secured a unanimous decision by the court that confirmed our client’s and other inmates’ lack of access to a law library in prison may toll the one-year statute of limitations for filing a federal habeas petition. In his petition, our client had argued that his Sixth Amendment rights were violated when his trial counsel misinformed him of the terms of a favorable proposed plea, which led him to reject the plea agreement. The district court questioned on its own the timeliness of the petition, but ultimately denied the petition on the merits of the claim without holding an evidentiary hearing. On appeal, our client asserted that the one-year filing period had been tolled because he could not access the prison library. The Seventh Circuit agreed, holding that lack of access to a law library in prison may constitute a statutory tolling of the statute of limitations and also held that our client was entitled to an evidentiary hearing.



○ = 1,000 Hours



2013 Pro Bono Hours  
**64,833**

## DOMESTIC RELATIONS

### New York Team Secures Divorce for Abused Pakistani Woman in Arranged Marriage

New York associate **Anna Lamut** and former associate Jamie Porco successfully extricated a Pakistani woman from an arranged marriage that had turned violent. Our client had come to the United States from Pakistan in 2005 in an arranged marriage. The marriage quickly turned both verbally and physically abusive. Our client's in-laws regularly beat and taunted her, inflicting particularly violent abuse after each of her three miscarriages. After her third miscarriage, our client was badly beaten and taken to the airport where she was abandoned. The team represented and guided the client in her divorce proceedings, both in family court and in a mandatory mediation program, eventually settling the case and achieving a favorable spousal maintenance award for her. The client, who trained as a beautician while in Pakistan, now hopes to use her maintenance award to open her own beauty parlor.

HerJustice honored the team for their efforts at their annual benefit.



### San Francisco Team Secures U-Visa for Mexican Victim of Domestic Violence

San Francisco associates **Diana Hughes**, **Tim Maes**, and **Jeanifer Parsigian** obtained a U-visa under the Violence Against Women Act for an immigrant woman from Mexico. Our client was the victim of physical and emotional abuse at the hands of her boyfriend. After she was harassed at work and falsely imprisoned, she called the police who later arrested her abusive boyfriend. Due to her cooperation with the police, she was eligible for a U-visa and with assistance from her Winston team, her petition was approved. Her U-visa gives her legal status in the United States, protection from deportation, and work authorization.

### Los Angeles Attorneys Advise Victims of Domestic Violence About Available “Wrap-around” Legal Services

Los Angeles corporate attorneys **Nicole Johnson** and **Anne Gibbons** participated in a newly formed clinic designed to provide wrap-around legal services in a clinic setting to survivors of domestic violence. Organized by OneJustice and Los Angeles area legal services organizations, this clinic is part of the national “IMPACT” project organized by large law firms to address local legal needs. At the clinic, Johnson and Gibbons along with the other participating pro bono attorneys were connected with survivors to assess issues related to housing, immigration, and public benefits – all under the supervision and guidance of a legal services attorney. Clients were then offered brief advice and/or connected to an attorney who would provide more extensive service.



## FIRST AMENDMENT

### Houston Team Helps Client Avoid Political Insider’s SLAPP

A Houston team comprised of partner **Eric Schlichter** and associates **Rich McCarty**, **Renee Wilkerson**, **Matt Tanner**, and former associate Andrew Ward, won an appeal securing the free speech rights of our clients, Voices in Democratic Action, a political watchdog group, and its representative. When the city of Laredo decided to construct a refrigerated customs inspection facility and hire a private company to manage it, our clients were critical of the privatization of such a public function and they spoke out at city council meetings and in the press questioning the influence of a wealthy customs broker with substantial political ties to the community. In response, the broker initiated a lawsuit, suing our clients on eight counts of defamation. After the lawsuit was granted by the trial court, the Houston team filed an interlocutory appeal under the Texas statute allowing challenges to “SLAPP” (Strategic Lawsuit Against Public Participation) claims. After argument, the team obtained a reversal on all counts.



## FRAUD AND ABUSE

### Washington Team Wins (Triple) Recovery for Victim of Mortgage Modification Fraud

A team of Washington, D.C. attorneys, including associates **Jarrod Rainey** and **Chris Bruno**, supervised by partner **Gordon Coffee**, secured an extraordinary recovery for a fraud victim, a low-income, single mother with limited English language proficiency. In 2012, under the terms of her mortgage loan, our client's monthly payments increased to an amount that she could no longer afford. She sought help from the defendant who held herself out as a loan modification expert and charged our client \$1,800 to help her to obtain a loan modification. When our client received almost no assistance, she sought the help of a non-profit housing counselor who helped our client to obtain a loan modification (and charged our client nothing). Thereafter, the team stepped in and filed a complaint alleging various common law and statutory claims. The team defeated a demurrer and resolved discovery disputes, which led to a settlement agreement between the parties for more than three times the amount of the client's initial loss and the defendant's agreement to discontinue providing modification services.



### Houston Associate Kevin Keeling Secures Recovery for Artist Victimized by Deadbeat Gallery Owner

Houston associate **Kevin Keeling** represented a local Houston artist in her efforts to collect \$7,000 owed to her for sales of her work from a gallery owner that suddenly closed his shop and “disappeared” without compensating her and several other artists for the sale of their work. After securing a default judgment, Keeling energetically sought to collect the award, including repeated correspondence, phone calls, and even visits to the gallery space, which was located near his residence. As a result, the client recovered more than half of the amount she was owed, a substantial sum for her, and far more than the other artist victims of the gallery owner's charade. Keeling also assisted her in filing an appropriate police report for the remaining balance owed detailing the theft of the client's artwork, including supporting documents for the police report.





## Los Angeles Team Secures Recovery for Family Victimized by Financial Elder Abuse

Associate **Annette Salazar-Shreibati** and partner **Matt Walsh** secured a \$25,000 settlement for a family who was deprived of the proceeds of their father's trust, which consisted principally of the value of his home, by their father's caretaker. At issue was whether the father had lawfully married the caretaker prior to his death and passed the proceeds of the trust to her instead of his children, who were previously designated his heirs. After substantial discovery and mediation revealed potential wrong-doing, the parties agreed to settle the matter.

## HOUSING

### Charlotte Team Assists Family Suffering Medical Problems Due to Unsafe Living Quarters

Charlotte attorney **Alyson Traw**, under the supervision of partner **Elizabeth Timkovich**, successfully negotiated a landlord-tenant dispute on behalf of a tenant renting a duplex in one of the poorest neighborhoods in Charlotte. The City of Charlotte Housing Code Enforcement assessed the home and found 28 code violations, including a serious mold issue. Each member of the family was suffering from medical issues impacted by the mold, including the tenant's nine-year-old child who suffers with asthma. The team negotiated a favorable settlement for the tenant, enabling him to move his family out of the unsafe living quarters.



### Houston Team Wins Impact Settlement for Gay High School Student Coercively "Outed"

In a case that has generated substantial media coverage, a Houston team, including partner **Paula Hinton** and associates **Kevin Keeling**, **Renee Wilkerson**, and **Matt Tanner** with support from D.C. associate **Chris Bruno**, secured a significant policy and financial settlement resolving a five-year federal court battle over a LGBT high school student's privacy rights in East Texas. Our pro bono client, at the time a sixteen-year-old high school student, was locked in a locker room and berated by her two female softball coaches. She was forced to admit that she was dating a girl, and then, under threats of being removed from the team and against her pleas, the coaches "outed" her to her mother. The Winston team became involved at the remand stage after the Fifth Circuit found that the coaches enjoyed qualified immunity and also held students enjoy no "clearly established" constitutional right to privacy in their sexual orientations. When a pretrial hearing proved devastating for defendants, the team was able to secure a hard-fought and favorable settlement. The Kilgore Independent School District now maintains LGBT anti-discrimination and privacy statements in its Board policies and handbooks, and the school's insurer paid our client a substantial monetary settlement.



## IMMIGRATION

### Los Angeles Team Wins Asylum for Cameroonian Election Official

Los Angeles associate, **Chris Kolosov**, **Elizabeth Kwon**, **Jennifer Zhao**, and former associate Seth Richardson won asylum for a native of Cameroon, who was arrested and subsequently tortured after he intervened into suspected election fraud. Although ostensibly a democracy, Cameroon has been ruled for more than 30 years by Paul Biya, who has maintained absolute control through a combination of political violence, corruption, and the manipulation of elections. Our client, a student at the time, served as a ballot monitor during the 2011 presidential elections. He was arrested at the polling site after he had interrupted efforts to stuff the ballot box, including a suspected electrical blackout of the election site. Cameroonian security officials arrested him, placed him in prison, and subsequently brutally tortured him. His family was able to bribe security officers to secure his release from prison and flight to the United States.



### Chicago Team Wins Asylum for Guatemalan Bus Driver Targeted by Gangs

After five years and four separate proceedings, Chicago associates **Steve Flores** and **Michael Skokna** secured asylum for a Guatemalan man who fled persecution targeting him because he organized political opposition against gangs that had persecuted him and bus drivers like him. After facing repeated attacks by the gangs, the client formed a union of bus drivers that publicly protested the gangs and the police's inability to protect them. In response, the gangs intensified persecution of the client and shot and killed his brother while making an attempt on both their lives. The team initially assisted the client file for affirmative asylum, but it was referred to Immigration Court. The immigration judge denied asylum on the grounds that there was no nexus between the client's persecution as a bus driver and his political acts. The team subsequently filed a successful appeal to the Board of Immigration Appeals, which remanded the case to the Immigration Court. After further briefing by the team, the court finally granted our client asylum.



### Houston Office Workshops Assist Immigrants Obtain Citizenship and Deferred Action

The Houston office began a new collaboration with the immigration project of Catholic Charities and participated in both their Citizenship and Deferred Action for Childhood Arrivals (DACA) workshops. At the citizenship workshops, attorneys assisted lawful permanent residents with the application process to become citizens of the United States. The Houston office also hosted a DACA clinic where participating attorneys represented and assisted ten immigrant youth, who entered the United States as young children and graduated or are currently enrolled in school, gain protection from deportation and employment authorization. Participating attorneys included partners **Joan Beckner**, **Melanie Gray**, and **John Strasburger**; and associates **Jude Andre**, **Bill Collins**, **Garrett Johnston**, **Trey Mahoney**, **Phillip Price**, and **Matt Tanner**.



## Washington Associate Vicki Hsia Assists Salvadoran Victim of Domestic Violence



Associate **Vicki Hsia** represented a young immigrant from El Salvador in filing an immigration self-petition under the Violence Against Women Act. Our client's husband was a legal permanent resident and paid a guide, or "coyote," to bring her to the United States from El Salvador. Once in the United States, our client's husband became verbally and physically abusive and frequently threatened to deport her as a means of controlling her. Understanding that her life was endangered, our client sought help from friends and family to secure a small loan and was able to flee her husband and move to a new apartment with her young daughter. With Hsia's assistance, the client's VAWA self-petition was approved, and she is on the path to becoming a lawful permanent resident.

## INTELLECTUAL PROPERTY

### Firm Expands Patent Prosecution for Artists, Individuals, and Small Businesses



Working principally with pro bono agencies based in New York, Los Angeles, and Chicago, the firm has developed a new initiative to help small businesses protect their inventions by assisting them with the patent prosecution process. Partner **Allan Fanucci** oversees the effort and screens potential new clients to confirm the viability of their proposed patent. Thereafter, the clients are partnered with attorneys who handle the prosecution. Current clients are seeking protection for a wide array of inventions, including: an exercise device, ladies' handbag, bicycle rack, fitted leg crutch, dog leash, sports helmet, fire prevention device, geocache hotspot app, and exercise mat. Attorneys participating in the effort include partners **John Keville**, **Dean Lechtenberger**, **Sam Park**, **Pej Sharifi**, **Howard Shin**, and **David Wang**; and associates **Daniel Cho**, **Dustin Edwards**, **Lowell Jacobson**, and **Melinda Lackey**.



the firm's 2013 pro bono ranking by *The American Lawyer* out of 200 Firms

## LGBT ADVOCACY

### Discharge Upgrade Grants the Dying Wish of 79-Year-old Gay Marine

New York associate **Anne Brooksher-Yen** and her pro bono client, Hal Faulkner, received national attention when *The New York Times* and NPR reported on the discharge upgrade he received as a 79-year-old Marine in hospice care. Faulkner was discharged from the Marines in 1956 with the "other than honorable" classification as a result of being categorized as a homosexual, despite his excellent service record and the absence of any aggravating circumstances. The opportunity to seek a discharge upgrade became available to him with the 2011 repeal of the military's "Don't Ask Don't Tell" policy. Working with various advocacy groups, the firm was able to reach the highest levels of the Navy and secure the upgrade for him in only a few weeks after it was filed, while the military typically reviews upgrade requests in closer to a year's time.



### Chicago Litigation Team Wins Injunctive Settlement for HIV Positive Inmate

Chicago partner **Sam Park** and associate **Dan Hoang** won a substantial settlement for our client, an HIV positive inmate, who despite repeated requests was denied his prescribed HIV medication while detained in an Illinois county jail for seven days. Upon arriving at jail, our client informed correctional officers and medical staff that he was HIV positive and needed prescription medication. Although standard medical practices required providing our client with his prescribed HIV medication, the county jail noted that the medication would be costly to provide and refused. Following his release, the team unsuccessfully sought changes in jail policies that would prevent future denials of prescribed HIV medication, and thereafter filed a federal complaint against the county jail and its medical care provider seeking monetary and injunctive relief. After substantial discovery and fact development, the team secured our client a substantial monetary payment. In addition, the jail and health care provider agreed to modify their policies to provide better access to medical care for individuals with HIV and to conduct annual training to ensure those policies are implemented in practice.



### New York Counsel Susan Chalfin Secures U-Visa for LGBT Honduran Victim of Hate Crime

New York counsel **Susan Chalfin** represented a gay immigrant from Honduras in his effort to obtain a U-visa. Our client was the victim of a hate crime in which he and his partner were subjected to homophobic slurs and then physically attacked by a group of several men. While attempting to come to the aid of his partner, our client was stabbed in the arm by one of the men, who then fled the scene. Despite his injury, our client followed and tackled his attacker until he was arrested. His cooperation with the police and district attorney's office in his attacker's prosecution made him eligible for a U-visa.





### Chicago Associate Mike Claus Secures Asylum for Gay Jamaican Man

Chicago associate **Mike Claus** won asylum for a Jamaican client who suffered severe beatings, threats, and taunting in Jamaica because he is gay. Jamaica is one of the most dangerous places in the Western Hemisphere for LGBT people and is the only country that a U.S. Court of Appeals has found to maintain a “pattern or practice” of persecution of gay men. Despite the client having filed for asylum outside of the one year filing deadline, Claus was able to win asylum for the client in a contested hearing before an immigration judge.

## PRISONER RIGHTS

### New York Team Secures Substantial Settlement for Rikers Island Inmate Beaten by Guards



A team of New York attorneys, including associates **Jennifer Stewart, Diana Hughes, Sofia Arguello, Stacey Foltz**, former associate Bianca Forde, and partner **John Aerni**, won a \$50,000 settlement for our client, an inmate at Rikers Island. Our client, age 19 at the time he was incarcerated, was viciously beaten in retaliation for complaining about the conditions of his confinement. Correctional officers assaulted him in his cell and again in an unmonitored medical clinic. Multiple correctional officers delivered repeated blows, kicks, and punches to his head and chest, shouting that this was his punishment for filing grievances and complaints. He was later refused proper medical treatment following the attack and suffered permanent hearing and vision loss, as well as recurring back pain. Aggressive discovery against defendants City of New York and the assaulting officers revealed the details of our client’s inadequate medical care, as well as conflicting and inconsistent testimony from the assaulting officers about the attack. The City filed several motions seeking to avoid or limit its 30(b)(6) deposition. The team repeatedly prevailed on these motions, and in one instance obtained sanctions against the City for its failure to comply.

### Washington Associate Eimeric Reig Utilizes Unusual Habeas Action to Secure Re-sentencing for Client



Washington, D.C. associate **Eimeric Reig-Plessis** secured sentencing relief for a federal inmate using an unusual habeas petition. Our client argued that he should not have been sentenced as a career offender because one of his prior convictions was no longer considered a crime of violence. Although Seventh Circuit case law was overwhelmingly in his favor, our client could not gain relief under the typically used habeas statute because he had already filed one petition under that statute before the Supreme Court changed the law in his favor. The Department of Justice initially opposed the petition, but later removed its opposition following Seventh Circuit precedent, which clarified our position. The client was sentenced to account for time served and the suggested sentence for his other underlying offenses, and is scheduled for release in a few years.



### Chicago Team Settles Claim For Inmate with Non-Hodgkins Lymphoma

On appointment from the Northern District of Illinois, partner **Derek Barella**, with the assistance of associate **Meaghan Burnett**, secured a \$12,500 settlement for our client, an inmate in the Illinois Department of Corrections (IDOC). Our client asserted that various medical professionals and the Department’s health care provider did not diagnose or adequately treat him for Non-Hodgkin’s Mantle Cell Lymphoma or a ruptured spleen while he was incarcerated in IDOC facilities. After taking substantial discovery and fighting off dispositive motions, the team settled the case.

## SERVING NONPROFITS AND SMALL BUSINESSES

### Topinka and Hardin Negotiate Merger of Historic LGBT Health Clinic



San Francisco corporate attorneys **Jim Topinka** and **Dan Hardin** negotiated a merger for longtime client Lyon-Martin Health Services, a health clinic that has served the LGBT community for more than 30 years, but has recently struggled with debt. The clinic, named after lesbian civil rights activists Del Martin and Phyllis Lyon, began as a volunteer effort in 1979 and supported the gay community throughout the AIDS epidemic of the 1980s and ‘90s. Today, Lyon-Martin focuses on providing supportive health care to transgender patients. The tentative merger with HealthRIGHT 360, a group of health centers and behavioral health programs, may ensure Lyon-Martin’s future. If the merger proceeds, Lyon-Martin will keep its name and remain in its current location.

### “Second Chance” Project Assists Persons Overcoming Criminal Records

The firm has played a key organizational role and participated actively in the IMPACT- Chicago “Second Chances” Project. This Project will play a vital role in helping the more than 3.9 million men and women in Illinois with criminal records get the chance to become more productive citizens through criminal record relief. These men and women will gain access to employment, housing, and educational opportunities that were previously denied to them because of criminal records. Since its launch in July 2013, seven on-site client clinics have been organized and more than 125 volunteers from Chicago’s major law firms have assisted clients acquire judicially issued waivers to licensing bars or “certificates of good conduct.” Winston volunteers include **Michael Anderson, Sara Cieniewski, Ed Foote, Greg Gartland, Doressia Hutton, Cathy Joyce, Eleni Kouimelis, Heather Lehman, Ryan Martin, Pete McCabe, J.R. McNair, Dana Schaffner, Ben Waisbren, and Ben Wojcik.**

The IMPACT Chicago initiative is one of a number of programs being launched nationally as a result of a September 2012 meeting convened by Vice President Joe Biden and the board of directors of the Association of Pro Bono Counsel (APBCo). The meeting focused on access to justice issues and from it was born IMPACT, the acronym for Involving More Pro Bono Attorneys in our Community Together. The goal of IMPACT is to create innovative and sustainable solutions that will increase access to free legal services through pro bono volunteers.



## Paris Team Assists Nonprofit that Combats the Causes of Blindness with International Affiliation



Paris attorneys **Jerome Herbet** and **Sara Susnjar** assisted Helen Keller International (HKI), a New York-based non-profit, undertake an intensive, strenuous review and revision of an affiliate agreement with a “sister” organization based in Paris. The two entities are independent, non-governmental, and non-profit organizations registered under the laws of the United States and France, respectively, each with its own bylaws, board of trustees, and staff. Both share a common mission to combat the causes and consequences of blindness and malnutrition by establishing programs based on evidence and research in vision, health and nutrition.

## New York Attorneys Advise Clients Regarding Compliance with New York Nonprofit Revitalization Act



The creation of the New York Non-Profit Revitalization Act of 2013 (the “Act”), which will take effect July 1, 2014, has created substantial demand for assistance to New York non-profits. The goals of the Act were to modernize non-profit law and reduce administrative burdens on non-profits, as well as to improve governance accountability and oversight. Among other things, the Act requires that non-profits incorporated in New York implement a conflict of interest policy with certain specifications, implement a whistleblower policy, set in place safeguards to ensure board independence, and implement policies requiring disclosure of related-party transactions.

Leading up to the effective date, New York office attorneys have been actively assisting non-profit pro bono clients review various governance and regulatory documents to ensure compliance. New York associate **Courtney Schoch** under the supervision of partner **Jeff Elkin** and with the assistance of partner **Harvey Kurzweil**, advised compliance revisions for the Marion E. Kenworthy-Sarah H. Swift Foundation, a New York-based foundation whose purpose is to advance mental and emotional health of young people under age 21. **Jonathan Birenbaum** and **Maureen Lane** separately assisted Helen Keller International with an extensive compliance review of its by-laws, certain governing documents, and policies.

## Charlotte Counsel Joshua Smith Provides Mitchell Museum of the American Indian Financial Counsel



Charlotte counsel **Joshua Smith**, with assistance from **Jerry Loeser** and **Tom Blakemore**, advised the Mitchell Museum of the American Indian regarding a fiscal sponsor agreement with another organization in the same field. They also reviewed the terms of a line of credit offered by a local lender. The museum is one of only a few museums in the nation that focuses exclusively on the history, culture, and arts of the American Indian and First Nation peoples of the United States and Canada.

# VETERANS

## Winston Convinces New York City Agency to Recognize Veterans with Service-Related Mental Disabilities

Partners **John Schreiber** and **Matthew DiRisio**, associate **Alexandra Kushner**, and former associate Andrew Robbins secured a settlement for our client, a veteran with post-traumatic stress disorder who sought a special vendor’s license under New York General Business law, which allows the award of special vending licenses to veterans with physical disabilities related to their military service. Although our client receives Service Connected Disability benefits from the Veterans Administration, he was denied a license because his disability is not physical but mental. Under the terms of the settlement, the New York City Department of Consumer Affairs has agreed to deem all honorably discharged veterans with service-connected mental disabilities to fall within the scope of “physically disabled” as that term is used in NY General Business Law §35-a, and to amend its application process and associated policies and instructions accordingly, allowing veterans who suffer from mental disabilities the same economic opportunities as physically disabled veterans.



The Team was recognized by Legal Services of New York for its efforts.





Brian Serafin



Andrew Sommer



Chip Molster



Kimberly Paschall



Eric Goldstein



Laurie Curnes

### Washington Team Recovers Largest Ever Pro Bono Judgment For Disabled Inmate

After a two-day bench trial, a Washington D.C. trial team secured a judgment in the amount of \$905,583.04 for our client under the Federal Tort Claims Act. The win vindicated our client in his five-year battle against the U. S. government and the U.S. Bureau of Prisons (BOP) for negligence in failing to properly diagnose and treat a severe—yet once preventable—spinal condition that has left him permanently disabled. The client’s award is the largest pro bono award ever recovered in the firm’s history, and the fifth-largest medical malpractice judgment against the BOP in the last 10 years.

In the two-day bench trial, the trial team presented compelling proof of the government’s negligence. Associate Eric Goldstein elicited evidence from four hostile BOP employees regarding how our client was injured and the government’s mishandling of a prison riot. Associate **Brian Serafin** performed detailed and lengthy direct examinations of two medical experts whose testimony the Court found to be more credible than that of the government’s expert witness. Associate **Kimberly Paschall** directed our client, as well as a life care planning expert who substantiated large portions of the client’s damages claim for future medical expenses. Partner **Drew Sommer** cross-examined the government’s expert, repeatedly exposing his lack of familiarity with the facts and obtaining key admissions that were detailed in the Court’s opinion. Associate **Laurie Curnes** attended to a number of last-minute filings and legal research issues. Partner **Chip Molster** assisted in final trial preparations, ensuring that all of witnesses were ready to testify and providing strategic consultation. Trial support was provided by **Josh Ryder** who provided top-notch hot-seat and graphics support.



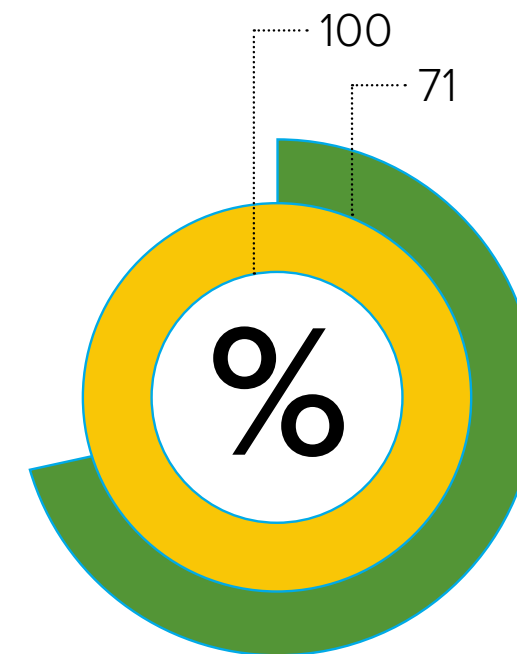
The Washington Lawyers’ Committee for Civil Rights and Urban Affairs recognized the team with its Pro Bono Leadership Award.

### Litigation Chair Jim Hurst Receives Initial Firm “Pro Bono Leadership” Award

The firm presented Litigation Group Chair Jim Hurst with the inaugural Pro Bono Leadership Award at the 2014 Chicago Office awards luncheon. The award recognizes his strategic and energetic efforts toward increasing firm-wide pro bono participation. As chair of the Litigation Group, Hurst established ambitious group goals, including that 100% of all litigation associates and 80% of all litigation attorneys (U.S.) contribute at least 20 pro bono hours in 2013. His tireless encouragement and active individual follow-up with numerous attorneys ensured these goals were accomplished. He also encouraged other practice group leaders to develop similar targeted goals and provide meaningful follow-up initiatives. Hurst was also an early proponent of a pro bono reporting tool that ultimately was incorporated into the firm’s pro bono dashboard and monthly pro bono email report. Equally as important, Hurst has led by example, meeting the firm’s 35-hour expectation in addition to his client and practice management responsibilities.



Jim Hurst



- U.S. litigation associates that contributed at least 20 pro bono hours in 2013
- U.S. attorneys that contributed at least 20 pro bono hours in 2013

## PRO BONO COMMITTEE

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Steven Atlee  
Susan Berkwitt  
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