

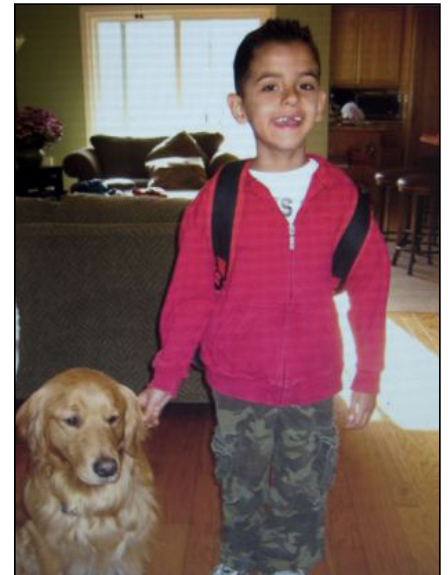
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## Team Sets Precedent for Autistic Boy and Service Dog to Attend School

In a matter of first impression, Los Angeles Associate **Drew Robertson**, supervised by partner **John Gibson**, secured a temporary injunction that allowed our client Caleb, a six-year-old child with severe autism, to bring his service dog, a golden retriever named Eddy, to school. The Cypress School District in Orange County had refused Caleb permission to use Eddy's services in school. Robertson successfully argued at the injunction hearing in federal district court that Eddy has a calming influence on Caleb, which minimizes behavioral problems, and that keeping Caleb and the dog apart would violate the Americans with Disabilities Act. After the court required that our clients secure a bond in the amount of \$100,000, Gibson was able to reduce that to \$5,000 by emphasizing that the burden on the school was not significant because it bore no hard costs and need only train certain personnel how to manage the relationship with Eddy and Caleb. Caleb's parents had raised \$14,000 through various fundraisers to purchase Eddy because they did not have the means to purchase Eddy on their own.



Caleb and "Eddy"

## FROM THE CHAIR

*Reflections on the Role of Pro Bono Work at Winston & Strawn*

Kimball Anderson



This marks my 27th year as Chair of the firm's Pro Bono Committee. Yes, I am the poster child for term limits. Once again, however, I have vanquished the many wannabes who cherish this powerful management position. And, once again, I have the privilege of reporting to you

about our firm's annual pro bono accomplishments. Without further fuss, here are some highlights.

Winston & Strawn launched two initiatives designed to strengthen our pro bono efforts and increase overall participation. One initiative is the new Public Interest Fellowship Program. Through the fellowship program, incoming associates, beginning with the 2011 associate class, who choose to participate will receive a stipend to work at local public interest law organizations during the period following graduation and prior to their official start date at the firm. The fellowship program should provide additional training and also increase the firm's pro bono hours.

The second initiative is the new "Pro Bono Dashboard." The Dashboard provides easy access to all personnel regarding pro bono productivity. Individual attorneys are able to access their own hours and aggregate information regarding office/practice group/rank achievement of productivity metrics (like average/hours attorney and 20-hour percentage). Through the Dashboard all members of the firm will understand the extent of their personal contributions to the firm's goals.

While it is too early for these initiatives to have a measurable impact, our productivity thus far in CY 2012 nonetheless remains high relative to prior years. U.S. attorneys have contributed more than 43,000 hours, which exceeds last year's total hours. Forty-four percent of our attorneys have contributed at least 20 hours of pro bono time. This is on pace to meet the 62 percent goal established for this year. The firm-wide "20-hour percentage" is a key metric for

*American Lawyer* pro bono and A-List rankings. Mr. Fitzgerald, among others, would like to see us on the A-List.

As importantly, we continue to make significant impact for our clients. Washington, D.C. office attorneys Jay Levine, Adèle Keim, Amadou Diaw, Greg Ewing, and Lu Racco were honored by the Washington Lawyers' Committee for Civil Rights and Urban Affairs for their extraordinary efforts to secure a groundbreaking settlement on behalf of deaf inmates incarcerated within the Virginia Department of Corrections. Among other things, under the terms of the settlement, Virginia will be the first prison system in the nation to make sign language interpreters available to deaf inmates on a 24-hour basis via video remote interpreting technology.

In a matter of first impression, Los Angeles Associate Drew Robertson, supervised by partner John Gibson, secured a temporary injunction for an autistic boy who was prevented from bringing his service dog to school. The district court found that keeping the boy and the dog apart was a violation of the Americans with Disabilities Act.

In a reported decision, San Francisco associate Nick Short, supervised by Dean Morehous, secured an order in the Northern District of California that set out the standards for when a court must appoint an expert when an inmate alleges that prison health care providers were deliberately indifferent to his medical condition.

All these achievements would not be possible without the participation of hundreds of individuals across all offices in the firm. For those of you seeking pro bono opportunities, please speak with pro bono counsel Greg McConnell, who has developed many interesting opportunities.

Thanks to all who make us proud to work at Winston & Strawn LLP.

## AWARDS AND HONORS

### Most Innovative Use of Technology for a Pro Bono Project

The firm's IS department received the "Most Innovative Use of Technology For a Pro Bono Project" award from the *Legal Technology News* (LTN), an American Lawyer Media publication, for developing InnocenceRecord.org, a Web site and on-line repository of the court cases involving nearly 300 DNA exonorees (see full description in above article). LTN highlighted the extraordinary efforts of **Cheryl Garrett, Oz Ortiz, Brian Cis, Dave Siarny, Michi Goto, Joe Crowley, and Bob Silaj.**

### Anti-Defamation League First Amendment Freedom Award

Firm **Chairman Dan Webb** and Chairman Emeritus Gov. James Thompson were honored by the Anti-Defamation League for their commitment to the public interest including their contributions during their service in the U.S. Attorney's Office in Chicago.

### Impact Litigation Volunteer of the Year

Public Counsel honored **Jason Hamilton** as the Impact Litigation Volunteer of the Year at its annual Volunteer Gala. He was recognized for his work launching the new "impact litigation" project at Public Counsel and developing its casework during the first year of the project.

### "Moxie Award" for Support of Victims of Sexual Assault

Associates **Nisha Verma** and **Brian Nisbet** received the Illinois Coalition Against Sexual Assault's (ICASA) "Moxie Award" for helping to ensure that victims of sexual assault receive the support and assistance they deserve.

### Washington, D.C. Team Breaks New Ground for Deaf Inmates



A team of Winston attorneys and staff that included partner **Jay Levine**; associates **Adèle Keim, Amadou Diaw, Greg Ewing, Rachel Miras-Wilson, and Luciano Racco**; and administrative assistant **Diana Vidutis** received an award from the Washington Lawyers' Committee for Civil Rights and Urban Affairs for negotiating a groundbreaking statewide settlement on behalf of deaf inmates in Virginia state prison.

The team secured a wide-ranging set of accommodations for the inmates' disabilities that will allow them to access mental health and educational programming, meaningfully participate in disciplinary proceedings, and provide for their safety in emergencies.

Under the terms of the settlement, Virginia will be the first prison system in the nation to make sign language interpreters available to deaf inmates on a 24-hour basis via video remote interpreting technology. The new technology will allow inmates to communicate with friends and family outside of prison on a regular basis, which many prison experts regard as a key factor in motivating inmates to change their lives. The use of new technology to deliver services makes it the first of its kind in the nation.

## About the Pro Bono Reporter

Content for the Reporter was prepared by Greg McConnell, Pro Bono Counsel. Nicole Pérez, in Graphic Resources, developed the layout, design and production. Please contact Greg (gmcconnell@winston.com) or Nicole (nperez@winston.com) if you would like additional copies of the Reporter, or have questions about the information presented.

PUBLIC INTEREST / LEADERSHIP

Lawyers Alliance of New York

Glynnna Christian



New York corporate partner **Glynnna Christian** joined the board of the Lawyers of Alliance of New York (LANY), the largest pro bono organization in the country serving exclusively nonprofit clients. She replaces partner Susan Berkwitz who served on the LANY board for the past six years.

Mississippi Justice Center

Doressia Hutton



Partner **Doressia Hutton**, a Mississippi native, accepted a position on the board of the Mississippi Justice Center. The Center provides much needed legal assistance to low income residents of Mississippi through the use of national and local pro bono attorneys.

The Chicago Volunteer Legal Services Foundation

Arnie Gough



Chicago corporate partner **Arnie Gough** and corporate associate **Greg Hawver** joined CVLS's board and associate board, respectively. CVLS is the largest provider of pro bono services in Chicago, providing legal assistance to low income persons in high demand areas such as family, consumer, and bankruptcy.

Disability Rights Law Center (L.A.)

Anthony Borrego



Los Angeles of counsel **Anthony Borrego** succeeded Anna Masters on the board of the Disability Rights Law Center, a prominent advocate for the disabled in Southern California.

OneJustice (San Francisco)

Krista Enns



San Francisco partner **Krista Enns** joins the Board of OneJustice, an organization that promotes public interest legal work throughout California.

The National Law Center on Homelessness and Poverty

Linda Leibfarth



Washington, D.C. environmental associate **Linda Leibfarth** agreed to join the associate board of the National Law Center on Homelessness and Poverty, whose mission is to prevent and end homelessness by serving as the legal arm of the nationwide movement to end homelessness.

Tahirih (Houston)

Georgianna Braden



Houston litigation of counsel **Georgianna Braden** joined the advisory board of Tahirih Justice Center (Houston), an organization that works to protect immigrant women and girls seeking justice in the United States from gender-based violence.

John Howard Association (Chicago)

Gina Oderda



Chicago trusts and estates associate **Gina Oderda** joined the associate board of the John Howard Association, an organization that monitors prisoner conditions in the Illinois correctional system.

Team Defends Two Families Wrongly Accused of Child Abuse

Chaitanya Maddali



A team of attorneys including associates **Mike Bess**, **Jason Burke**, **Chaitanya Maddali**, and **Joanna Wade**, under the supervision of partner **Julie Bauer**, secured success for two families that sued the Illinois Department of Children and Family Services (DCFS) for wrongly removing their children from their homes after they were wrongly accused of child abuse.

In one case the team secured a \$35,000 settlement for a family that was accused of abuse after their child took a tumble while learning to walk and hit her head on a coffee table. Initially, child welfare investigators and local police officers visited the home and found the child safe and well-cared for. Days later, however, DCFS social workers took the child from her parents for several hours. The parents alleged that the social workers illegally threatened them with the continued custody of their daughter and placement in a shelter unless they signed a safety plan restricting their custodial rights.

In the second case, we represent a second set of parents whose child was removed from the home under similar circumstances as the first case. After the district court dismissed the claims on summary judgment, we successfully appealed the ruling to the Seventh Circuit, setting favorable standards for when DCFS may remove children from their parents' custody. Mike Bess argued the matter before the Seventh Circuit.

**Chaitanya Maddali** (*Chicago Litigation, Class of 2007*), who passed away in December 2010, was honored by the Family Defense Center post-humously for his commitment to the team. The team and the firm will suffer the loss of Chaitanya's commitment, energy, and intelligence.



Chaitanya's mother Vijayalaxmi, wife Anita, and daughter Amelia, pictured with partner Julie Bauer and FDC director Diane Redleaf.

PROJECTS IN ACTION

FAMILY LAW PROJECT

Greg Jacob and Mary Lenahan Protect Abused Mother and Daughters in Custody Battle

Greg Jacob



Labor partner **Greg Jacob** and associate **Mary Lenahan** secured a successful outcome for our client, the mother of two daughters (ages nine and 11), who was the victim of rape and domestic abuse, and was in a custody battle with the perpetrator and father of the two girls. The father, who has not seen the girls since 2007, was seeking full custody on the basis that our client suffered from Munchausen by Proxy Syndrome, which involves a sustained effort to implant memories of abuse

in a child's head accompanied by deliberately harming the child to manufacture an apparent picture of abuse. At trial the team was able to preserve the mother's custody, keep the existing no-contact order in place for four months, and condition the father's participation in therapy before any visitation will be permitted.

Houston Team Wins Favorable Result for Client in Contested Divorce

Melinda Lackey



A Houston team including associates **Melinda Lackey**, **Ashley Dickey**, and **Trey Mahoney**, supervised by **John Keville**, with support from paralegals **Beverly Searles** and **Lewis Smith**, secured a favorable settlement for a client who was involved in a contested common law divorce. The defendant

ultimately admitted that the couple were married and conceded that he misappropriated community property funds, a flood insurance payment of over \$20,000, of which our client received none. The defendant signed a settlement agreement wherein he admitted that they were married under Texas law, reimbursed the misappropriated funds by signing over his entire interest in the community property residence, and gave our client 33 percent of his current retirement account (valued at over \$18,000 at the time of settlement).

### Chicago Office Takes Lead Role in New Domestic Violence Project



Christie Bolsen

In response to the tremendous volume of pro se litigants appearing in Cook County Domestic Violence Court, the chief judge of the division developed a pilot project designed to involve law firms in representing persons seeking protective orders against

their abusers. Under the guidance of associate **Christie Bolsen**, nearly 30 Chicago associates have participated in the project. Attorneys meet with prospective clients at the courthouse, then represent the clients during a hearing to secure the temporary protective order. Thereafter, the attorneys represent clients pursuing permanent orders during the plenary hearing. Participating associates include: **Julie Amajuoyi, John Arendhorst, Mike Bergerson, Nikki Bhargava, Christie Bolsen, Meaghan Burnett, Averil Edwards, Matt Flaherty, Laura Greenspan, Tori Langton, Jennifer Maurer, Michelle Miner, Jon Raffensperger, Gina Rozman, Scott Sakiyama, Stephanie Sebor, Quinn Shean, Andrew Sullivan, Shawn Taylor, Elizabeth Thompson, Nisha Verma, Joel Wallace, Kevin Wolff, and Andrew Yahkind.**

### POVERTY LAW PROJECT

#### San Francisco Office Assists Tenants Facing Eviction



Beth Derby

Associates in the firm's San Francisco office, led by **Beth Derby**, organized regular participation in the Housing Negotiation Project, through which attorneys represent tenants facing eviction at court-mandated settlement conferences. Sponsored by the Bar Association of San

Francisco's Volunteer Legal Services Program, this project provides limited scope representation to individuals and families facing eviction during the settlement process. Associates participating include **Laura Carter, Emily Garcia, Noelle Formosa, Nisha Patel, and Deepi Punia.**

### Chicago Associate Scott Sakiyama Wins First Jury Trial in New Municipal Court Project



Scott Sakiyama

Chicago associate **Scott Sakiyama** won the first jury trial in the new Municipal District Court Pro Bono Program. This program, which is a partnership between the court and various Chicago public interest law groups, is designed to provide representation to pro se litigants

in need of trial counsel and provide opportunities for attorneys to gain trial and other litigation skills. Winston & Strawn was one of four firms invited to participate in the pilot phase of the program. Sakiyama was appointed to represent an individual in a civil lawsuit that had been ongoing for approximately three years. At the conclusion of a completed jury trial, and after an hour of deliberations, the jury returned a unanimous verdict in favor of our client, awarding him 100 percent of the claimed damages.

### Firm Attorneys Continue to Secure Benefits for Holocaust Survivors



Bill Shafton

Attorneys in various offices continue to represent survivors of the Holocaust in their efforts to secure benefits from two reparations funds made available by the German government: the German Ghetto Workers Payment Plan (GGWP) and the ZRBG

pension plan. To establish eligibility for a one-time lump-sum payment under the GGWP, claimants must show that they were interned at a ghetto during WWII, and provided "voluntary" labor for which they were not compensated. The ZRBG pension offers a more lucrative life-time pension for persons providing forced labor in German ghettos. Our team has seen continuing results. Among others, Los Angeles associate **Bill Shafton** secured a ZRBG pension award for a client of approximately 38,000 Euros in payment arrears and a monthly benefit of 455 Euros. New York senior business development manager **Doug Lancel** secured a similar award with 34,000 Euro arrearage payments and a monthly pension of 455 Euros.

### Elizabeth Timkovich Assists Mother of Three Avoid Eviction and Recover Rent Payments



Elizabeth Timkovich

Charlotte associate **Elizabeth Timkovich** represented a single mother of three children who received an eviction notice from her landlord for allegedly failing to pay rent. Elizabeth filed counter-claims for failure to maintain the property to

code, highlighting that the furnace did not work and electrical wiring was not in code compliance. In fact, a city inspector recommended that our client leave the property immediately because of the dangerous condition. When our client produced payment receipts, the landlord caved on his demands and not only agreed to waive his claims to payments, but also agreed to repay her \$2,000 in past rent payments.

## INMATE CIVIL RIGHTS PROJECT

### San Francisco Attorneys Set New Standard for Appointment of Experts

San Francisco associate **Nick Short**, supervised by **Dean Morehous** and supported by **Marcus Hidalgo**, achieved a significant victory for pro se litigants. The team accepted an appointment to represent an inmate suffering from serious kidney diseases, who alleges that prison health care providers were deliberately indifferent to his condition. The magistrate had



Nick Short

granted summary judgment on the basis that our client failed to submit the necessary expert report, even though the government had opposed his efforts to secure such testimony. The district court agreed with our team's arguments that the court had violated our

client's procedural due process rights when it denied his request for a neutral, court-appointed expert. Significantly, the 14-page published Order also articulated standards judges should use when pro se plaintiffs are seeking the appointment of an expert to prove up an essential element of their case.

### Chicago Team Clarifies "Three Strike" Rule



Matt Carter

A team led by **Gov. Thompson** and including associate **Matt Carter**, secured a victory in the Seventh Circuit that clarified for purposes of the "three strike" rule set forth in the Prisoner Reform Litigation Act (PRLA), 28 U.S.C. § 1915(g), only claims dismissed in

their entirety are considered frivolous "strikes" against the inmate. Our client had filed several lawsuits in prison concerning the conditions of his incarceration. In October 2009 he filed a federal lawsuit claiming prison officials and employees retaliated against him because of his other lawsuits and grievances about the conditions of his confinement. The district court denied his request to proceed in forma pauperis holding that he had already "struck out" because in

## Firm Creates New Fellowship Program

In July, the firm announced the creation of the new Winston & Strawn LLP Fellowship Program. Through the fellowship program, incoming associates, beginning with the 2011 associate class, who choose to participate will receive a stipend to work at local public interest law organizations during the period following graduation and prior to their official start date at the firm. The program is completely voluntary. Those participating agree to work a minimum of 35 hours/week and for a period ranging from four to eight weeks.

The fellowship program was created to provide participating associates an opportunity to gain valuable legal experience that will enhance their career at Winston & Strawn, and also provide much needed service to our public interest partners that serve the most disadvantaged and vulnerable populations in our communities. In the initial year, 14 new associates participated and worked at a wide range of agencies across the country, including Swords to Plowshares (San Francisco), Legal Aid of Middle Tennessee and the Cumberland (Nashville), Mecklenburg County Public Defender Office, Tahirih (Houston), Chicago Volunteer Legal Services, Public Counsel (Los Angeles), Justice for Children (Houston), National Immigrant Justice Center (Chicago), University of Miami Children's Law Clinic, and Northwestern University Bluhm Legal Clinic.

each of his three prior lawsuits at least one claim had been dismissed for failure to state a claim — although other claims had been permitted to go forward. On appeal, the Seventh Circuit agreed with the team's argument that the dismissal of various claims in our client's prior lawsuits should not count as "strikes" against him because each of those suits included claims that proceeded to a decision on the merits.

### Washington Team Clarifies Exhaustion Includes Compliance with the Prison's Own Regulations



Gene Schaerr

A team led by partner **Gene Schaerr** and including associates **Eric Goldstein** and **Chris Bruno**, secured a reversal for an elderly prisoner pursuing claims he was denied proper medical care. At the prison's urging, the district court held that the inmate had not satisfied the exhaustion requirement

for asserting such a claim in federal court because, in compliance with prison regulations, he had filed suit even though another avenue for redress within the prison was still theoretically open to him. The Sixth Circuit reversed that decision, holding that compliance with the regulations was sufficient to establish exhaustion, and therefore that the suit was proper.

### Chicago Team Closes Down Grievance Form Trap



Imron Aly

Partner **Imron Aly**, with assistance from associates **Lisa Lukaszewski** and **Adam Heer** and senior paralegal **Amy Nelson**, secured a favorable decision in the Seventh Circuit for an inmate client, an adherent of the African Hebrew Israelite (AHI) religion. The decision will have broader implications

for unwary pro se litigants in litigation against the Illinois Department of Corrections. Citing budget cuts, prison officials cancelled even the limited services that they allowed AHI adherents. Prison officials reviewed and rejected the grievance our client filed claiming that his religion was unfairly singled out. When our client later filed a Section 1983 lawsuit against the prison officials, however, the court granted summary judgment on a procedural defect: that he did not name on the grievance form the people responsible for the cancellation. The Seventh Circuit reversed, agreeing with our arguments that the standard grievance form never asked for name information and the defendants never indicated there was a problem with the grievance form.

### Reversal Preserves Defenses for Field Museum in Fight to Protect Antiquities



Sue Benton

A Winston team secured a significant decision involving the Foreign Sovereign Immunities Act (FSIA) that benefits not only our client the Field Museum of Natural History, but also other

museums and cultural institutions defending forfeiture of exhibits possibly owned by foreign governments. The team includes partners **Sue Benton**, **George Lombardi**, **Kevin Banasik**, and **Mike Brody**, as well as associate **Bill Ferranti** (who argued the appeal).

The appeal arose out of attachment proceedings in which victims of a 1997 terrorist bombing in Jerusalem sought to seize Persian antiquities held by the Field Museum and the University of Chicago's Oriental Institute. The plaintiffs won a \$71 million default judgment against the Islamic Republic of Iran (based on Iran's training and funding of Hamas, which carried out the bombing). The plaintiffs then brought that judgment to Chicago to pursue artifacts in the Museums' collections which, they contend, belong to Iran and are subject to attachment. The artifacts at issue include prehistoric pottery, tablets, and other items, some of which are of great historical and cultural significance to Iran.

The district court rejected the Museums' arguments that the artifacts are immune from attachment, holding that FSIA immunity is an "affirmative defense" that must be invoked by Iran personally. The Seventh Circuit reversed, which will allow the Field Museum to argue not only that it is the true and rightful owner of the artifacts in its collection, but also that, even if owned by Iran, the artifacts are immune from attachment.

### New York Team Goes to Jury on Sikh Inmate's Claims of Religious Discrimination



Lauren Cuneo

A team of New York office attorneys represented a former inmate and devout religious Sikh in connection with his Section 1983 action against certain employees of the New York State Department of Correctional Services. The team included associates **Lauren Cuneo**, **Tom Gardner**, **Stephanie Adams** and **Crystal Johnson**, assisted by paralegals **Victor Barnett** and **April Jenkins**, and supervised by partner **Luke Connelly**. Our client alleges that the officers violated his right to certain practices fundamental to his religious beliefs such as the wearing of a Kacchera, a sacred undergarment, and the respectful handling of holy scriptures. He also alleges he suffered injuries as a result of excessive force when removed from his cell. After a four-day trial in the Southern District of New York, the jury found for the defendant and our client's claims were dismissed. Associates **Ken O'Reilly** and **Rachel Kaufman** are leading his pending appeal before the United States Court of Appeals for the Second Circuit.

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### San Francisco Team Secures Settlement for Inmate Assaulted by Correctional Officers



Yelitza Dunham

A team of San Francisco office attorneys consisting of associates **Yelitza Dunham**, **Scotia Hicks**, and **Craig Crockett**, supervised by **Scott DeVries**, represented an inmate who alleged that after he was assaulted by two officers after he was arrested and despite

his injuries was not examined by medical personnel until seven days later. After successfully reopening discovery, our team propounded discovery, took and defended 13 depositions, including several doctors, and engaged an excessive force expert. Expecting the case to go to trial, our team drafted motions *in limine*, a pretrial statement, and jury instructions. The team was able to move the defendants from a settlement offer of \$1,000 made during a court-mandated settlement conference to \$7,500.

## ASYLUM PROJECT

### Georgianna Braden Secures Asylum for Malian Victim of FGM



Georgianna Braden

Houston of counsel **Georgianna Braden** won asylum for a student from Mali, where the population regularly and actively engages in female genital mutilation (FGM) and forced marriages. Our client was forced to undergo FGM as a teenager per the custom in

her village. After the FGM was completed, she was then forced to marry a significantly older man who had two other wives. The husband publicly raped our client in order to prove that the marriage had been consummated. When the elderly husband died she was forced to marry her husband's brother. However, she escaped to the United States to attend school. Shortly after arriving in the United States, our client discovered she was pregnant but later lost the baby. She sought asylum after her parents blamed a poorly administered FGM procedure for the baby's death and demanded that she return immediately to Mali so that she could undergo additional FGM.

### Matt Lenham and Katherine Liao Win Asylum for 65-Year-Old Sudanese Activist



Katherine Liao

Los Angeles associates **Matt Benham** and **Katherine Liao** won asylum for our client, a 65-year old Sudanese woman who has been living with her husband in exile in Saudi Arabia for decades due to her husband's anti-government political activities in Sudan. Our

client was targeted by the Sudanese government in 1999, when her son was kidnapped by the Sudanese army and she had an altercation with several members of the Sudan Security Forces. She was burned with hot metal and threatened with further harm by security forces members, escaping back to Saudi Arabia with her son only after paying bribes to obtain an exit visa. She was placed on a government "black list" of political enemies, who are targeted for detention, torture, or worse.

**Joel Wallace Wins Asylum for Member of High Profile Dissident Belarus Theatre Group**



Joel Wallace

Chicago associate **Joel Wallace** secured asylum for one of the members of the Belarus Free Theatre (“BFT”), a theatre troupe established in the spring of 2005 to use performance art to influence democratic changes in the dictatorial regime of Belarusian

President Alexander Lukashenko. Almost from its inception the BFT has been considered an opposition organization. By September 2005, only six months after its inception, all of BFT’s activities were banned by government authorities. Our client was one of several BFT members arrested in December 2010 for their participation in a mass demonstration of Belarusians defending their vote in presidential elections held that day. Belarus KGB special forces later detained our client and other protestors for 18 hours, while they stood facing a wall with their hands behind their backs, deprived of water, food, and the use of a toilet. The next day, authorities issued an arrest warrant for BFT’s founder because of his participation in the protests and support of the democratic opposition candidate. This action forced the BFT members to flee Belarus through the Russian border and ultimately take refuge in the United States.

**Calvin Koo Secures Asylum for Former Member of Parliament in the Gambia**



Calvin Koo

At a hearing before an immigration judge, New York associate **Calvin Koo** won asylum for our client, a member of the Gambian parliament who fled Gambia after he was (wrongfully) accused of participation in an alleged coup attempt against the

Gambian president. The regime used this alleged coup as a pretext to arrest, torture, and murder political enemies. The government had placed our client on a “blacklist” even though he had no knowledge of and did not participate in the coup but because, as a parliamentarian, he had promoted policies which angered the president. Our client ultimately fled the country after his arrest and interrogation by the feared National Intelligence Agency and after he received multiple warnings from government agents, friends, and family.

**Rhonda Love and Katy Noeth Secure Asylum for Unwed Teen Mother from Saudi Arabia**



Rhonda Love

Washington, D.C. associates **Rhonda Love** and **Katy Noeth** won asylum for a teen mother from Saudi Arabia who was subjected to beatings and FGM, and was nearly killed after becoming pregnant out of wedlock. Our client was physically

abused by her father, a devout and conservative Muslim. When her father found out that she was dating a Saudi boy, he bit, strangled, and beat our client with a belt, and locked her in her room for days without food or water. He continually threatened her with death and, when she was 15-years-old, ordered that she be subjected to female genital mutilation. Our client later became pregnant at the age of 17 and hid her pregnancy under her garments until her mother helped her to escape to the United States out of fear she would become a victim of an honor killing.

**CRIMINAL DEFENSE PROJECT**

**Team Secures Favorable Plea Deal for Client Facing 30-Year Sentence**



Scott Szala

A team consisting of partner **Scott Szala**, associates **Kevin McCormick**, **Jared Hasten**, **Scott Sakiyama**, and paralegal **Ken Berry** was appointed to represent a criminal defendant who was charged with Class X and Class 1 felonies. The charges stemmed

from accusations that he broke into the victim’s residence and attempted to assault her – allegations our client strenuously denied. The team convinced the court to reopen a Rule 402 conference that had been previously conducted by the client’s former counsel in an attempt to negotiate a lesser sentence in exchange for a plea of guilty. The court indicated that based on compelling arguments made by the team and the State’s agreement, he would reduce his previous recommendation for a sentence to 15 years to be served at 50 percent “good time.”

**PRACTICE GROUPS IN ACTION**

**APPELLATE PRACTICE**

**Scotia Hicks Scores Second Victory for Client Facing Deportation**

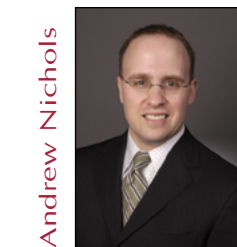


Scotia Hicks

San Francisco office associate **Scotia Hicks** scored her second Ninth Circuit victory for her client, a 41-year-old Vietnam War refugee and ethnic Chinese man who has lived in the U.S. since 1975, paving the way for re-establishing his legal status

in the United States. The Department of Homeland Security sought his removal on the basis of criminal activity that took place over two decades ago. Hicks contested the removal process on various procedural and statutory grounds, including the validity of his wife’s relative visa petition. In 2009, the Ninth Circuit ruled in favor of our client and vacated the decision of the Board of Immigration Appeals (BIA) that rendered him removable. The BIA then decided a second time against our client without any further briefing. On the second appeal the Ninth Circuit once again ruled in our client’s favor. The Department of Justice recently confirmed that it would discontinue its removal proceedings against our client.

**Andrew Nichols Secures Retrial Based on Improper Admission of Snitch’s Hearsay**



Andrew Nichols

Washington, D.C. associate **Andrew Nichols** secured a victory in the Seventh Circuit that overturned the 240-year sentence of a Gary man convicted in 2004 of a quadruple homicide and robbery. The appeals court found that the trial court erred when a police

tipster’s hearsay statement was treated as evidence, noting that our client “suffered repeated violations of his Sixth Amendment right,” to confront his accuser, the source of “two layers of hearsay.” Partners **Steffen Johnson** and **Tom Kirsch** supervised.

**Team Establishes That Filing Extension Tolloed Limitations Period**



Andrew Johnstone

In a case with significant implications for all state habeas petitions, **Andrew Johnstone** and **Nicole Soukup** obtained a reversal in the Seventh Circuit on behalf of a pro bono client who had been convicted in Wisconsin state court for first-degree murder.

After securing a 90-day extension of time from the Eastern District of Wisconsin, our client filed a pro se petition for a writ of habeas corpus. Despite its earlier extension of time, the district court denied the petition as untimely, holding that it had been erroneous to grant him the extension. In a case of first impression for the Seventh Circuit, the court agreed with the team’s argument that the deadline for the client’s habeas petition was subject to equitable tolling in light of the district court’s extension and that the petition was therefore timely.

**Pro Bono by the Numbers**

**55**

Average pro bono hours per attorney during 2010

**48**

Percent of attorneys who provided at least 20 pro bono hours during 2010

**62**

The firm’s 2011 goal for percentage attorneys who provide at least 20 pro bono hours

**1988**

The year the firm opened a matter for the Archdiocesan Legal Network intake clinic (Washington, D.C.), the longest continuously engaged pro bono activity at the firm.

CORPORATE

San Francisco Attorneys Assist Martin–Lyon Health Services Agency Keep its Doors Open



Christine Hoefliger

A team of attorneys including **Dan Hardin, Christine Hoefliger, Marion Goldberg, Jocelyn Wang, and Nisha Patel**, under the supervision of **Jim Topinka**, is providing governance and related assistance to Lyon-Martin

Health Services during a period of dramatic upheaval. Although the clinic accepts all members of the public as patients, Lyon-Martin was founded in 1979 as a clinic for lesbian women who otherwise lacked nonjudgmental health care. It later expanded its mission to provide health care to transgender individuals. In January 2011, Lyon-Martin’s board of directors voted to shut down the health center, but supporters raised more than \$500,000 within a matter of months while the clinic’s staff worked internally to stabilize operations, cut expenses, and find additional revenue sources for the clinic. The clinic re-opened for operations in September 2011.

Los Angeles Attorneys Assist Homeless Transitional Center



Warren Loui

A team of Los Angeles attorneys including partner **Warren Loui**, and associates **Greg Martin, Liz Kwon** and **Kate Leonard**, have provided corporate and governance assistance to the Weingart Center Association, a nonprofit based in the Skid Row

area of Los Angeles focused on transitioning persons out of homelessness (“WCA”), and its affiliated entity, the Weingart Development Corporation (“WDC”). Among other matters, WDC has developed several business activities designed to provide employment opportunities for its participants in a controlled environment. The team is advising WCA on the establishment of the new businesses, including the funding of government grants and maintaining the businesses under the auspices of a separate entity part by observing necessary corporate formalities and practices. They also assisted WCA with negotiating a forgivable loan that will be used for the purposes of constructing a new facility. Finally, Tax partner **Chuck Moll** and associate **Jocelyn Wang** have assisted with property tax issues stemming from the leasing of a health care facility WCA developed in Skid Row.

Tim Kincaid Provides Governance Assistance to Chicago Black Inventors Organization



Tim Kincaid

Corporate associate **Tim Kincaid** provided invaluable corporate governance and structure assistance to the Chicago Black Inventors Organization (CBIO), an organization that holds monthly sessions to help minority investors in underserved communities

navigate the process to obtain patent and trademark protection for their inventions and businesses. A relatively new organization, CBIO was outgrowing its initial legal structure and needed legal guidance through the coming changes. With Kincaid’s guidance, CBIO was able to update its bylaws, change its name, and expand the number of directors from eight to 13 thereby recruiting new talent for the organization. CBIO expanded from just a few members in Chicago to members spread across 26 states, many of whom are now calling for the organization to establish satellite chapters across the country.

Charlotte Team Assists Design Group to Create Farmers’ Market in Rural Community



Project H staff and students (at construction site)

A team of Charlotte attorneys including associates **Jason Bennett** and **Thomas Cooper**, and partner **Dean**

**Warren**, provided corporate and contract assistance to long-time pro bono client Project H Design during the development of a 2,000-square-foot farmers’ market pavilion for the Town of Windsor located in rural Bertie County. The pavilion was created in a design class Project H organized as part of a grant it received to teach at a local high school. The high school students researched, prototyped, and designed the structure (earning college and high school credits). Together, the students and Project H leadership laid out the site, dug holes for the foundation, and poured concrete. The completed market hosted 15 vendors and hundreds of local buyers who come out in droves for their weekly fix of fresh produce. Washington, D.C. associate **Todd Conley** provided significant assistance finalizing the contracts with the town and county.

EMPLOYEE BENEFITS

Employee Benefits Attorneys Assist Nonprofits Update Their Retirement Plans



Steve Flores

Recent changes to IRS guidelines and ERISA regulations have prompted requests for necessary plan document reviews by the firm’s employee benefits lawyers. One such client is Interaction, the largest alliance of U.S.-based international nongovernmental

organizations (NGOs), with more than 190 members working in every developing country. Chicago associates **Matt Wright** and **Steve Flores**, under the supervision of **Mark Weisberg**, are reviewing and updating Interaction’s 401(a) retirement plan to bring the plan into compliance with IRS regulations. As part of the review, they are working closely with the client to revise the formal plan documents and will submit the revised plan and its amendments to the IRS for its approval through the Voluntary Correction Program and the determination letter application process.

Wright and Flores, under the supervision of **Mike Melbinger**, also provided assistance to Thrive, a not-for-profit, social service and mental health agency. The team structures and implemented correction methods to bring Thrive’s 403(b) retirement plan into compliance with ERISA’s plan contribution timing rules and correct its operational failures.

EMPLOYMENT

Ngo-Bonnici Counsels Grassroots Organization Advocating for Children of Color



Monique Ngo-Bonnici

Los Angeles associate **Monique Ngo-Bonnici** advised CADRE, a community-based organization in South Los Angeles that is led by African American and Latino parents and caregivers whose children attend local schools in the Los Angeles Unified

School District. CADRE works for systemic change by supporting parents as the leaders in stopping the push out crisis in schools serving low-income neighborhoods of color.

Charlotte Team Advises Local Nonprofits on Various Employment Issues



Woody Lay

In collaboration with the North Carolina Center for Nonprofits, the Charlotte office has advised several North Carolina-based nonprofits with various employee and policy situations. The Center refers issues raised by its membership, which is comprised of North Carolina

nonprofits seeking resource assistance, including legal help. In the past few months, Woody Lay and Eric Zion assisted the North Carolina Association for the Education of Young Children (Raleigh) and the Hospitality House (Boone, NC).

Geneva Attorneys Assist Smiling Children Foundation



Laurence Burger

Geneva attorneys **Laurence Burger** and **Vanessa Alarcon Duvanel** assisted the Smiling Children Foundation revise and implement the Foundation’s Code of Conduct and model employment agreements, which were drafted in English and French. Smiling

Children is a non-profit organization based in Switzerland and the United Kingdom whose mission is to improve access to education for young girls and to promote the empowerment of women to generate sustainable employment and income in deprived communities and promote social entrepreneurs who generate positive change for women through innovative ideas.

Shane Blackstone Counsels Nonprofit That Assists in Transitioning the Homeless



Shane Blackstone

Chicago associate **Shane Blackstone** provided employment advice and counseling to the Cara Program, a Chicago-based nonprofit providing transitional services to the homeless. Among other things, he assisted Cara in resolving discrimination

claims asserted by two employees arising out of the termination of their employment. Shane also provided general advice and counsel on a myriad of employment issues, including, for example, employment policies and employee discipline and termination procedures.

INTELLECTUAL PROPERTY

Nick Jampol Secures Rights of German Shepherd Rescue Organization



Nick Jampol

Los Angeles associate **Nick Jampol**, supervised by partners **Gail Standish** and **Peter Perkowski**, successfully protected the name and reputation of a Los Angeles animal rescue organization, Westside German Shepherd Rescue of Los Angeles,

when it prevailed on its motion for summary judgment in the Central District of California. A disgruntled former volunteer had started to use the Westside name and informed people in the animal rescue community that he had “taken over” Westside and was in charge of the organization. He registered the volunteer organization’s name as his own with the California Secretary of State, and then attempted to have Westside’s mail—including charitable donations sent to Westside—re-routed to his own address. His use of the name was especially harmful since he kept the dogs that he “rescued” from various shelters in cramped, filthy conditions in his RV or in cages stacked in the back of a pickup truck. The court entered a permanent injunction against the defendant and ordered him to pay Westside damages totaling \$65,000.

Huu Nguyen Protects Content of Afghan War Journalist’s Blog



Huu Nguyen

New York associate **Huu Nguyen** assisted a journalist who was embedded with a military unit in Afghanistan develop the necessary policies and tools to protect the content, including text and photographs, he developed

about his experiences during that war. Among other things, Nguyen created an independent contractor agreement for journalists and photographers that will be contributing content to the project, a privacy release, Web site terms of use, a privacy policy, and a DMCA policy.

REAL ESTATE AND CONSERVATION

DiBenedetto and Hawkins Aid Effort to Save Park From Development



Joe DiBenedetto

New York attorneys **Joe DiBenedetto** and **Ted Hawkins** represented the Port Washington Parks Conservancy in its fight to save from development the Alvan Petrus Park, the only recreational space within walking distance from Harbor Homes, a subsidized

housing complex located in Port Washington, New York. For decades, successive generations of Port Washington residents used and enjoyed the green space. Unfortunately, Alvan Petrus Park was never formally designated as parkland by any government body and the land was technically owned by a private partnership controlled by the local housing authority. Our team represented the Parks Conservancy to combat the partnership’s plan to demolish the Park and build a large development. Through numerous FOIA requests, the Winston team uncovered a host of problems with the development plan. The team also helped rally community support against the development, an effort that eventually gave Harbor Homes residents a political voice in the form of a new civic association. Our team also argued against the development plan when it came before the Port Washington Town Board for approval. The Town Board ultimately voted to deny the partnership’s plan and save the park.

Julie Bauer and Andrea Briski Secure Purchase of Historic Farnsworth House



The Farnsworth House

Partner **Julie Bauer** and associate **Andrea Briski** completed the sale and transfer of the Farnsworth House, an internationally acclaimed house designed by Mies Van der Rohe for Chicago Dr. Edith Farnsworth in the late 1940s, to our client Landmarks Illinois. The Farnsworth House is located outside Plano, Illinois on the banks of the Fox River. In 2003, the second owner of the house decided to sell the house at auction. Landmarks Illinois, the National Trust for Historic Preservation and others raised money to buy the house at auction, so that it would not be dismantled and moved or potentially demolished. National Trust held legal title to the house, but Landmarks Illinois operated it until December 31, 2009, when the operations were assumed by the National Trust. Under the terms of the deal, the National Trust paid off a loan our client took out to purchase the house, and donated a preservation and conservation easement on the property, preserving in perpetuity the house and about 25 acres of surrounding land.

TAX

Assisting Start-Up Nonprofits Secure Tax-Exempt Status

The Tax Group—in partnership with the Corporate Group—has continued its energetic efforts on behalf of numerous prospective not-for-profit corporations seeking federal tax exempt status and state incorporation. Last year we secured tax exempt status for the following organizations:

A Blanket For Me



Ethan York

Tax associate **Mike Mueller** and corporate associate **Ben Huffman** assisted this organization founded by litigation partner **Ethan York** that will provide blankets to low-income new mothers that are personal to each child and have such information as the child’s name, birthday, birth weight, and time embroidered around the border of the blanket. **Sara Skinner Chubb** assisted with intellectual property concerns.

James R. Jordan Foundation International



Monique Reid

**Barry Hart** and **Monique Reid** assisted the James R. Jordan Foundation International, which is committed to building capacity in developing communities worldwide. Among other activities, the Jordan Foundation is building a full service hospital in Kenya.

Illinois Patriot Education Fund



David Baroni

**Oscar David**, **Sharon Kadas**, **Emily Mraz**, and **David Baroni** assisted the Illinois Patriot Education Fund, an organization that raises scholarship funds to benefit the spouses and children of Illinois military service men and women who have given their lives or have become disabled while serving our country.

Pro Bono Committee Members

<b>Kimball R. Anderson</b> Chicago	<b>Eric Bloom</b> Washington, D.C.	<b>Barry J. Hart</b> Washington, D.C.	<b>Dave E. Koropp</b> Chicago	<b>Sam Mendenhall</b> Chicago	<b>May E. Wall</b> Washington, D.C.
<b>Steven D. Atlee</b> Los Angeles	<b>Luke A. Connelly</b> New York	<b>Paul H. Hensel</b> Chicago	<b>Thomas Lane</b> New York	<b>Norah Mugambi</b> London	<b>Jennifer N. White</b> New York
<b>Susan Berkwitt</b> New York	<b>Michael T. Dyson</b> Washington, D.C.	<b>Jérôme Herbet</b> Paris	<b>Woody Lay</b> Charlotte	<b>Ashlea Raymond Pflug</b> Los Angeles	<b>Ethan R. York</b> Chicago
<b>Wilder Kendrick Berry</b> Chicago	<b>Christi Graff</b> Chicago	<b>David A. Honig</b> San Francisco	<b>Greg McConnell</b> Chicago	<b>Elizabeth Timkovich</b> Charlotte	



### Cook County Juvenile Temporary Detention Center Foundation



Karen Tsai

**Francesca Guerrero** and **Karen Tsai** assisted the Cook County Juvenile Temporary Detention Center Foundation. This organization offers financial support to the Juvenile Temporary Detention Center, which provides temporary secure housing for youth from the age of 10 through

16 years, who are awaiting adjudication of their cases by the Juvenile Division of the Cook County Courts.

### Andy's Books for Kids: Sounds Like a Plan!



Dania Becker

**Amberlee Cook** and **Dania Becker** assisted Andy's Books for Kids: Sounds Like a Plan!, an organization that promotes child literacy by providing children in underserved areas with access to books they otherwise would not have. The charity was created in honor of the

founder's son, who died in August of 2006 at the age of 22 from a brain tumor.

## TRUSTS & ESTATES

### Trusts & Estates Team Assists Child of Serviceman Killed on Duty in Afghanistan



Mike Moyers

Associate **Gina Oderda**, under the supervision of **Mike Moyers**, is assisting the son of a deceased U.S. Army serviceman, who was killed while on duty in Afghanistan, secure benefits available to him as his father's beneficiary for military death benefits and insurance. The

son lives with his biological mother whom his father divorced before he later re-married. At issue is the amount available to the son and the amount available to his mother as his custodian.

### Firm Launches InnocenceRecord.org – A Searchable Repository of Innocence Files



Culminating more than six years and 24,000 hours of time, the firm

launched the **Innocence Record.org**, the first online, searchable database of court records and other data of the cases of those who have been wrongfully convicted and later exonerated through DNA evidence.

Working in collaboration with the Innocence Project, hundreds of Winston attorneys, IS professionals, summer associates, paralegals, researchers, and staff have devoted thousands of hours scouring the country for every available court record relating to cases in which wrongfully convicted persons were later exonerated by DNA evidence. These documents were then reviewed and abstracted, while the records themselves were digitally scanned and stored electronically in a secure, searchable format. Through Innocence Record.org, for the first time, these case abstracts and records can now be accessed and searched by legal scholars and others. In addition, the factual abstracts from each of these cases can now be compared and contrasted, allowing for sophisticated analyses of patterns and similarities that will provide insight into systemic flaws that cause these injustices to occur.

Partner **Dave Koropp** has overseen this project since its inception with the assistance of several committed volunteers including paralegal **George Dragicovich** and former project assistant **Melissa Smith** (Grisoni). The firm's IS staff designed and implemented the Web site and the underlying database repository. **Cheryl Garrett, Oz Ortiz, Brian Cis, Michi Goto, Joe Crowley, and Bob Silaj** led the IS effort.