

Skadden

# Pro Bono Report

ASYLUM | CLINICS | DEATH PENALTY | SAME-SEX MARRIAGE | SCHOOLS



SPRING 2009

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP & AFFILIATES

# Pro Bono

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The importance of *pro bono* work always has been part of the Skadden, Arps culture. Our founders saw the value of contributing to the profession by providing free legal services when needed, and encouraged young attorneys to partake in *pro bono* activities early on. Today, the hallmarks of the firm — a dedication to superior client service, a commitment to diversity and a belief that supporting the public interest benefits us all — are still rooted in the philosophies of Marshall Skadden, Les Arps, John Slate, Bill Meagher and Joe Flom.

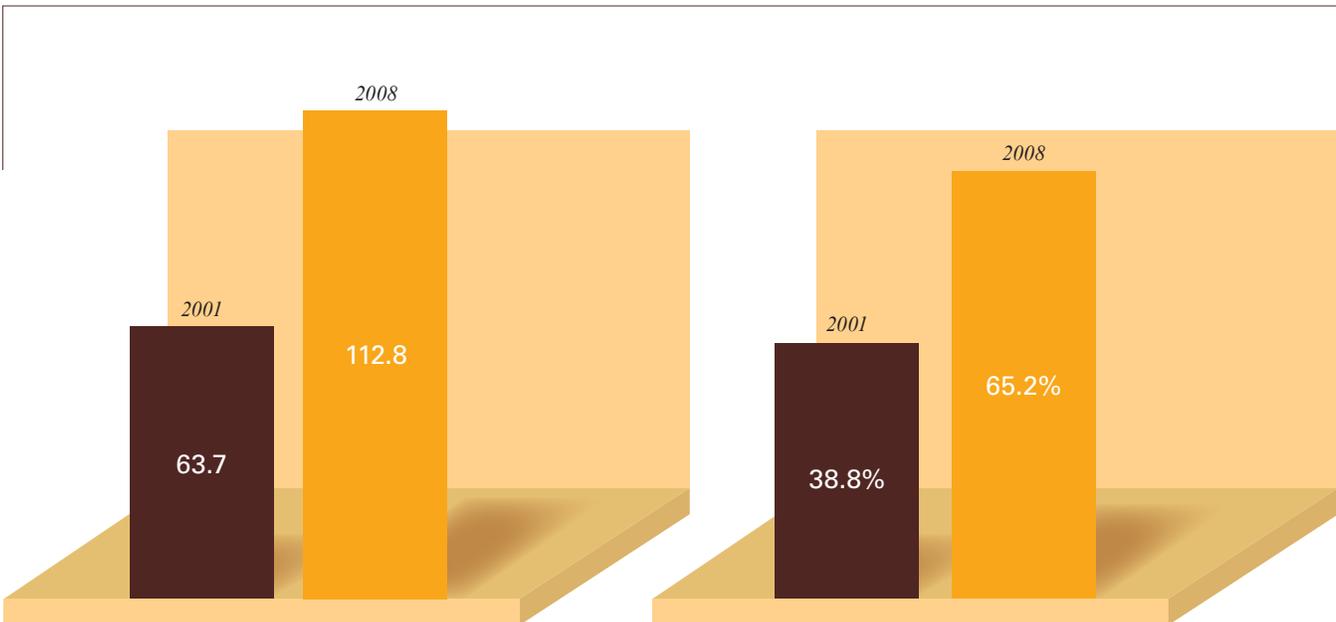
With this backdrop, it is a pleasure to share the first issue of the new *Pro Bono Report*, which highlights the work our attorneys have done on behalf of clients in need. In this issue, we look at a case, handled by our Wilmington office, in which a school board’s efforts to keep prayer in school functions led to the harassment of two Jewish families. A death penalty story features the work of attorneys from various offices throughout the firm who have secured new evidentiary hearings, tackled racial profiling in jury selection and dealt with countless other issues.

Summer associates, whom we encourage to take on *pro bono* assignments, share their firsthand experiences with client representations, and we are updated on some of the many legal clinics where our attorneys volunteer. The *Pro Bono Report* also includes a Q&A with Covenant House Executive Director George Lozano, who discusses his organization’s needs and challenges, as well as some of its successes.

Our asylum work, a substantial source of *pro bono* for the firm, is featured in the stories of three individuals for whom we successfully won asylum. Additionally, we provide updates on relevant news, awards and victories for *pro bono* clients. We hope you enjoy the *Pro Bono Report* and welcome your feedback on this new publication.

Regards,

Robert Sheehan and Eric Friedman



Average *pro bono* hours per Skadden attorney\*

Percentage of Skadden attorneys with more than 20 *pro bono* hours\*

\*Figures are for U.S. offices only.



Photo by Scott Robinson

# School Prayer

When a Jewish family's request for nonsectarian prayers at school functions was met with harassment, Wilmington partner **Tom Allingham** stepped in.

**T**he Dobrich family had lived in Sussex County, Del., for many years, and their children had attended Indian River District schools nearly their whole lives. They had no reason to think their daughter's high school graduation would be anything but a joyous experience. But during the ceremony, a pastor prayed over the graduates and proclaimed that he wanted the students to know the "truth that only comes from Jesus." The Dobriches are Jewish. On their family videotape of the event, their daughter can clearly be seen jerking her head upright in shock, seeking her mother in the crowd.

Originally, the Dobriches felt this matter required only a conversation with the school board. Ms. Dobrich attended a school board meeting to ask for nonsectarian prayers in the future, but her request was put on the backburner, to be dealt with at a subsequent meeting.

At the next meeting, approximately 800 people were bused in from local churches to support the school board, and they vehemently and vocally attempted to intimidate the Dobriches. When their 10-year-old son tried to talk, there were shouts

that he should take his yarmulke off. One man said that Ms. Dobrich should remember what well-known atheist activist Madalyn Murray O'Hair had learned about a higher power. Laughs and applause echoed through the room — at the chilling reminder that Ms. O'Hair had been murdered and dismembered.

This was when the Dobrich family knew they would need legal representation to deal with the school board, and that led Wilmington litigation partner **Tom Allingham** to step in.

The ACLU had been working with the Dobrich family but had been unable to find a Sussex County lawyer to represent them, due to the high-profile nature of the case. The organization contacted Tom in 2004. Tom had concerns about potential harassment as well — and conferred with his wife before taking the case — but ultimately felt the issues at stake demanded his *pro bono* help.

"It sounded like the Indian River School District was, at least, carelessly violating the rules," Tom says. "I am a pretty religious guy and a churchgoer, and I think that society only

functions well if everybody makes an effort to play by the rules. The rules we've all signed onto include, at the highest level, the Constitution."

The Constitution demands separation of church and state, which means that public schools cannot promote one religion. The fact pattern that emerged from Tom's investigation demonstrated that the violations of this rule were both widespread and deliberate. Bible distributions to students were announced over the PA systems. Teachers regularly discussed their own religious faith during class periods.

"The situation when we looked at it in the fall of 2004 seemed to reflect community-wide willingness to ignore Constitutional principles," Tom says.

Nor did the Indian River School District deny this — yet despite their clear misconduct, they were unwilling to back down. For months, they refused even to return Tom's phone calls. Having no other choice, Tom filed suit on behalf of the Dobriches and another family, who chose to remain anonymous. Tom was joined by litigation associates **Rick Horvath**, **Brian Lenhard** and **Tim Kearns**.

"I was an older law student, so I already have children, which made this of interest to me," Brian says. "Certain people in this world try to enforce their views on others. It's one thing to do this to an adult, but quite another to do it to a young child. When I think that these government officials — adults — are trying to inculcate one specific religion into children too young to understand what's going on, it really bothers me. I feel strongly that everyone should be entitled to grow up and have their own beliefs, rather than those of the government."

Despite the commitment of Tom's team, the path to a settlement with the Indian River School District was a rocky one. Initially, Tom met with the school district's representatives over a period of months, working out a fair set of policies. Tom's past experience as a school board member helped him address many potential situations the faculty and staff might face.

Yet, just when it seemed that a peaceful conclusion to the suit was at hand, the Indian River School Board unanimously chose to reject the very settlement its members had helped to negotiate — at a public meeting, where they sang "Onward Christian Soldiers" to an appreciative group of voters. Tom was not appreciative. It's almost unheard of for a party to unanimously reject a settlement it helped to draft.

When discussions began again, Tom informed the Indian River School District that "the price of poker had just gone up" — making it clear the school board could no longer negotiate in bad faith. The new terms Tom suggested for his clients demanded far more than the original settlement had. The school district's insurer sued the district to cancel the policy, arguing that their actions make them a liability risk and they had therefore forfeited coverage. (That suit is still pending.) Finally, Tom was able to get their agreement on a partial settlement that set out model policies for the school district and compensated the Dobriches and the other plaintiffs for the difficulties they'd faced.

One point remains in contention: Whether the school board can pray at its meetings. Tom had originally withdrawn the demand to stop school board prayers, but when the school board rejected the first settlement, Tom reintroduced the issue.

"It's really pretty fascinating, working on a case where you really don't know what the final result will be, because you can make arguments on both sides, given the state of the law," Rick says. "The question of school board prayer is our chance to make new law."

## Magnet Schools Can Use Race as Admissions Criteria

In a groundbreaking case in California, Skadden helped defeat a challenge to the admissions policies at the Los Angeles Unified School District's (LAUSD) successful magnet schools and the related Permits With Transportation Program that provides voluntary busing to the schools. The ruling in Los Angeles County Superior Court on Dec. 11, 2007, which was affirmed by the California Court of Appeal in December 2008, allows the schools to continue to use race as an admissions criteria. The California Supreme Court denied the plaintiff's petition for certification in March 2009.

The magnet schools and PWT Program are the key components of the LAUSD's court-ordered desegregation program. The 1981 Crawford Order requiring the creation of the magnet schools ended decades of litigation over the racially segregated school system.

The plaintiff, the American Civil Rights Foundation (ACRF), argued that the use of race as an admissions criteria violated California's Proposition 209, which amended the state constitution to forbid public institutions from discriminating or granting preference on the basis of race. It has been used to challenge affirmative action programs; however, Proposition 209 contains a specific exemption for "in force" court orders.

Litigation counsel and Los Angeles office *pro bono* coordinator **Stacy Horth-Neubert** orchestrated our involvement in the case, along with Los Angeles litigation partner **Jason Russell**. According to Stacy, ACRF argued that the Proposition 209 exemption should not apply to the magnet schools because the court did not retain jurisdiction over the school district after issuing its 1981 order.

Generally, court orders are in force whether the judge is watching or not; and although such orders can have end dates, this one did not. But ACRF's theory was complex, and the U.S. Supreme Court recently held unconstitutional the use of race in voluntary desegregation programs in Seattle and Kentucky.

"This case had a huge impact in our community," Stacy says. "The magnet schools provide racially integrated educational opportunities in a district that, even now, is otherwise almost entirely racially segregated. The bright shining lights in the school district are these schools."

"If we had lost, it would've been a disaster," Jason adds. "This is one of the cases that I felt most personally vested in during my career, that I wanted to win more than any other."

Litigation associates **Dolly Hansen**, **Jennifer del Castillo** and **Virginia Milstead** worked on the case, along with legal assistant **Jason Sickler** and former associate Jeremy Ross and former document clerk Eddie Borges.



# Death Penalty

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Trying to ensure fairness in cases that involve the highest penalty allowed under the law

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**M**arino Rosales has spent the last 23 years of his life on death row, but a pattern of racial profiling in jury selection in the Texas county where Rosales was convicted raised questions about his case that ultimately resulted in an order requiring a new trial.

A New York-based team of Skadden lawyers worked with the NAACP Legal Defense Fund for more than a year, examining 23 years of research on racial profiling in jury selection. Partner **Vaughn Williams**, associates **Veronica Di Camillo**, **Josh Gray** and **Mimi Hunter**, former associate Danielle Gray (now in the office of the White House Counsel) and former legal assistant **Taras Czebiński** all worked on the case. What they discovered was a pattern among Harris County, Texas, prosecutors of excusing black jurors in capital cases. In the Rosales case, the pattern was particularly pronounced: The prosecutor used a peremptory strike on seven black jurors.

“This is still a very current issue, and there continue to be Supreme Court cases on this topic,” Mimi says. “Some prosecutors continue to do this in outrageous ways.” Christina Swarns, director of the Legal Defense Fund’s Criminal Justice Project, says racial profiling on juries is prevalent beyond the courtrooms of Harris County. In

the past six years, the U.S. Supreme Court has reviewed and found error four times in *Batson* claims, which assert that jurors have been excluded solely on the basis of their race.

However, *Batson* claims are just one area of death penalty law in which we have contributed *pro bono* assistance. Ensuring that appropriate guidelines exist and are available to individual defendants is important to the validity of the justice system regardless of the severity of the case, but when the resulting sentence could mean death for the defendant, the sanctity of the legal process is even more critical. Recent Supreme Court cases have held unconstitutional the use of capital punishment in certain circumstances (including for defendants with mental retardation). Moreover, there are often constitutional issues arising from the complex sentencing phase in capital cases.

Whether asserting that racial profiling occurred in jury selection or challenging other aspects of a death row inmate’s case, our involvement arises from the desire to ensure a fair and valid process. Coordinated by special counsel **Ron Tabak**, Skadden lawyers are involved in numerous death penalty appeals like the *Rosales* case, some of which have been brought to the U.S. Supreme Court.

**Doug Robinson**, Washington D.C. of counsel, has represented numerous clients in death penalty cases during his tenure with the firm, including one whose innocence he proved. Currently, Doug and New York associate **Maria Cruz Melendez** are representing Henry Skinner, a Texas death row inmate serving a sentence for the alleged murder of his girlfriend and her two sons in 1993. Doug and Maria are arguing in the Texas Court of Criminal Appeals that DNA evidence was recovered from the crime scene but never tested, and they are seeking reversal of the trial court's decision denying such testing. Along with other mitigating factors, the DNA possibly could have cleared Skinner of the charges. In addition, Skinner's federal *habeas* petition is before the Fifth Circuit Court of Appeals, where the *pro bono* team is seeking reversal of a district court decision denying relief.

In the Chicago office, litigation partner **Frances Kao** is leading two death row appeals, both in Mississippi, referred by the ABA Death Penalty Representation Project. In one case, associates **David Pehlke** and **Amy Van Gelder** petitioned for and were granted post-conviction relief for Fred Spicer in 2007. The appeal was based on ineffective counsel during trial and failure to introduce mitigating evidence. Private investigators found evidence of a long history of abuse and poverty, and a psychiatrist observed Mr. Spicer as having a schizoaffective disorder and an IQ of 75. His trial counsel admitted to doing little or no research, and in the transcript of the trial, the defense amounted to just two pages of double-spaced typing.

"Our client was awarded a new evidentiary hearing, which is pretty rare for someone already on death row," Frances says. "So he will be able to get a second chance."

The second death row appeal is for Quintez Hodges and also involves alleged ineffective assistance of counsel during trial. Mr. Hodges hired a private lawyer who did not prepare the case, antagonized the judge, theorized that there was a conspiracy theory against him and suffered from an untreated bipolar disorder for which he was self-medicating. His lawyer did not provide any mitigating evidence and let Mr. Hodges take the stand without any preparation. Additionally, on Sept. 12, 2001, the prosecutor asked the jury to consider the actions of the terrorists the day before and to treat Mr. Hodge's offenses in a similar manner. Also appearing as counsel in this case are Chicago associates **Torey Chambers**, **Justin Heather**, **Su Ji Lee** and **Christie Tate**. The team is in the process of filing a reply brief on the writ of *habeas corpus*.

In Mr. Rosales' case, the discovery of a pattern of racial profiling in Harris County prompted the NAACP Legal Defense Fund and Skadden attorneys to file a motion in February 2007 seeking discovery and an evidentiary hearing on his *Batson* claim. After filing additional evidence supporting his claim in April 2008, we secured a victory for the client when the judge vacated the conviction and Mr. Rosales' death sentence on Dec. 12, 2008.

At the time the Legal Defense Fund's Swarns began representing Rosales, along with the nonprofit Texas Defender Service, she already had a number of capital cases on her plate, and she welcomed the assistance from Skadden attorneys.

"Vaughn was extremely helpful early on assisting us with our strategy," Christina says. "And with the enormous amount of work and research we had to do, I can't say enough how fabulous the Skadden team was. They really dug into the issue and dedicated themselves to the client. From top to bottom, they were one of the best firms I have ever worked with."

Attorneys at Skadden found the experience equally rewarding. Now a second-year associate, Veronica said the opportunity to work on the case was especially exciting because the drafting and research she was required to do was not typical of what first-years get on every case. Taras said that the group all felt like experts in *voir dire* by the time the research was concluded.

Added Josh, "We can offer big firm resources and support in a case like this. We are enormously grateful to have had this opportunity."

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Away from the courtroom, our lawyers also contribute to death penalty issues. **Ron Tabak** writes extensively on the subject, including a chapter in the ABA Criminal Justice Section's annual book, *The State of Criminal Justice*, and is chair of the Death Penalty Committee of the ABA Individual Rights and Responsibilities Section. He has helped create policies on mental illness and the death penalty adopted by the American Psychiatric Association, American Psychological Association and the ABA. The firm also participates in training sessions with the City Bar concerning *pro bono* representation of death row inmates. Additionally, Skadden was one of the first three firms to receive an award from the ABA Death Penalty Representation Project, in 2006.

Finally, we have gotten involved with innocence issues that affect both death penalty cases and other criminal cases. In 2007, our examination of the FBI's use of bullet lead analysis at trial was featured on CBS's "60 Minutes" and in *The Washington Post*. The now-discredited science of matching lead in bullets to a single box of ammunition was used by the FBI for more than 40 years in thousands of convictions, but the defendants in the cases that may have contained the flawed testimony were not notified. New York complex mass torts partner **Steve Napolitano** headed up the team responsible for the discoveries in these cases through his collaboration with the Innocence Project, a national nonprofit dedicated to exonerating wrongfully convicted people through DNA testing.

The Innocence Project has asked Steve to work on another investigation of cases involving the testimony of pathologist Dr. Stephen Haynes, which Steve is handling with litigation partner **Maura Grinalds**. Dr. Haynes' testimony has come under scrutiny (including in a death penalty case that Skadden worked on in which the client was exonerated), and they are reviewing convictions that resulted from his testimony.

"When you read about how innocent people are exonerated after serving so many years in prison, it makes me realize how important this kind of work is," Steve says.

**YOU'RE HELPING PEOPLE NAVIGATE A VERY DIFFICULT PROCESS. YOU FEEL THE WEIGHT OF WHAT YOU ARE DOING.**



*Los Angeles associates Sara Baird, Sam Krause and David Peyman*

# Clinics

From helping Holocaust survivors to assisting individuals with employment issues, wills and civil litigation, to aiding families with adoptions, attorneys and paralegals around the country serve as volunteers at numerous clinics. They say the experience is not only extremely gratifying but also an efficient way to log *pro bono* time.

One of those clinics, established in connection with the German Ghetto Work Payment (GGWP) Program, has involved attorneys and paralegals in Los Angeles, New York and Washington, D.C., helping Holocaust survivors complete applications for compensation from the German government reparations program for those who worked in German-controlled ghettos.

Bet Tzedek, a Los Angeles-based public interest firm, launched its Ghetto Work clinic in 2007 after the German government created the GGWP to pay €2,000 to those who worked in so-called ghettos during World War II. It was so successful that the model was replicated on a national level.

“In my 10-plus years as an attorney, it was the most satisfying experience I’ve had,” says Los Angeles associate **Sam Krause**, who has worked at the clinic with fellow associates **David Peyman** and **Sara Baird**. “You’re helping people navigate a very difficult process. You feel the weight of what you are doing.”

There are an estimated 50,000 Holocaust survivors alive today, 20,000 of whom live in the United States. Those who worked in the ghettos are eligible to apply for reparations through this program. Attorneys in our Washington, D.C. office volunteered to help create a local clinic. Partner **Jeremy London**, *pro bono* counsel **Donald Salzman** and counsel **Louis Greenstein** developed training materials and recruited other law firms to help staff several clinics held at Jewish Social Services Agency. By the end of 2008, the Bet Tzedek Holocaust Survivors Justice Network — established in 28 cities nationwide — filed more than 2,200 applications, with \$1 million in claims already approved.

“There are not that many [Holocaust survivors] left; soon there will be none,” Louis says. “The opportunity to hear firsthand their life stories, particularly the incredible adversity they had overcome, while assisting them in completing their reparation applications was a once-in-a-lifetime experience.”

For the past year, Skadden attorneys in New York have coordinated the participation of four New York City law firms (Sullivan & Cromwell, Stroock & Stroock & Lavan, Nixon Peabody and Shearman & Sterling) in the GGWP. Every two weeks, a team of Skadden lawyers and legal assistants meet with participants from the four other firms at the Boro Park Y in Brooklyn, where survivors complete applications for the GGWP program. Our team assigns individual survivors to each law firm, whose lawyers also provide *pro bono* assistance in connection with applications under the GGWP program.

In addition to New York litigation counsel **Jerry Lawton**, the coordinating lawyer for the program, associates **David Katz** and **Veronica Di Camillo** and legal assistants **Erin Hiltbrand** and **Richard Winkler** supervise, organize and operate the clinics, together with the other participating firms. Skadden lawyers who have participated at the clinics include partners **Heather Cruz** and **Stephanie Teicher**, counsel **Deborah Tuchman**, and associates **Ran Barak**, **Stacey Cohen**, **Jamie Eichinger**, **Nizan Geslevich**, **Shari Graham**, **Evan Hudson**, **Samuel Kardon**, **Vladimir Kleyman**, **David Luder**, **Daniel Medalie**, **Elise O’Connell**, **Dvir Oren**, **Cindy Ruback**, **Matthew Rymer**, **Elliot Silver** and **Melissa Tiarks**.

## ADDITIONAL CLINIC WORK

In other *pro bono* clinic work, firm attorneys and paralegals in Los Angeles volunteer every week at a local guardianship clinic operated by Public Counsel, which renamed it the Skadden, Arps’ Guardianship & Conservatorship Clinic in 2007 after the firm donated \$200,000 to endow the program. The clinic serves an average of 20 families daily and creates guardianships for more than 1,200 vulnerable children and conservatorships for about 300 senior citizens annually, according to Public Counsel.

A group of attorneys in New York have been working since summer 2008 to represent homeless families in Brooklyn shelters through the New York City Bar Association’s Homeless Project. Litigation associate **Joanne Gaboriault** is among those who advocate to get public assistance benefits restored to families who have lost them.

“It makes a huge difference in these people’s lives,” Joanne says. “Nonlawyers would have a difficult time navigating this system, let alone people who are as fragile as the residents in these shelters.”

In the Washington, D.C. office, clinic work has included assisting the Spanish Language Advice and Referral Clinic by providing legal information to Spanish-speaking individuals. We also participated in a tax clinic and aided the D.C. Bar Community Economic Development Pro Bono Project in offering legal assistance to nonprofits working to revitalize low-income communities.

**Takahiro Tsumagari**, a Tokyo real estate associate, has volunteered regularly for the last three years, answering legal questions through a local call-in service organized by the Legal Counseling Center, which is operated by the city’s three bar associations. Callers to the Telephone Guide ask about everything from car accidents to inheritance issues to renter rights. Takahiro likes the fact that the diversity of the calls exposes him to other areas of law.

He says that one of the biggest differences is that in his day-to-day work, “the client is always a company. But on the Telephone Guide, I’m always working for individuals.”

# Summer Associates

*Pro bono* projects offer summer associates access to deep levels of client representation on issues ranging from asylum to disability, civil rights to adoption. In 2008, summer associates provided more than 13,500 hours of *pro bono* assistance. Several described the lessons they learned.

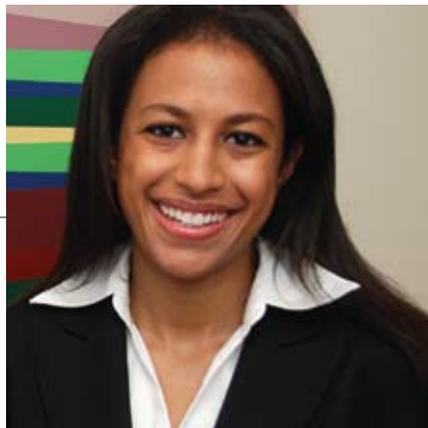
**JELENA  
MADUNIC**  
(NY)



**JORDAN  
PALMORE**  
(CHI)



**KATE  
MOORE**  
(NY)



**GALIA  
RIVLIN**  
(NY)



**GREGORY KAY  
VANESSA YORKE  
ROBERT FRINGS**  
(LA)



**JESSICA  
WALKER**  
(LA)



### Jelena Madunic (Univ. of Toronto)

**THE CASE:** Mr. A. left his native Libya to study in the United States, and after living in this country for several years, he applied for asylum on the basis of his sexual orientation. Libya is profoundly hostile to homosexuality, and Mr. A. wanted to remain in the United States to continue his life as an openly gay man.

**WHAT JELENA DID:** After Immigration Equality referred the case to her, Jelena assembled the materials for review, working alongside New York investment management associate **Janson Mao**. The relevant information included Mr. A.'s own testimony about the violence he had suffered as a gay youth in Libya, as well as corroborative affidavits from his brother, who described the tension regarding sexuality in their country, and a gay friend in New York, who described Mr. A.'s inclusion in the local gay community. The most powerful statement was Mr. A.'s retelling of his rape by police in Libya. "That was evidence of the kind of social stigma he faced and evidence that this prejudice permeated the government structure and law enforcement itself," Jelena says.

**THE RESOLUTION:** Mr. A. has been granted asylum and will continue to live in New York. "I had done some work for a student legal aid clinic at my university, but nothing to do with asylum," says Jelena, who performed the interviews, drafted the corroborating affidavits and assisted in the human rights research on the case. "This was the first time any work I had done contributed to making a huge difference in somebody's life."

### Kate Moore (Fordham)

**THE CASE:** After a series of car accidents, Mr. R. suffered from chronic neck and back pain, herniated discs, nerve damage in his feet and a torn meniscus in his knee. This left him unable to work, and shortly after he quit working, he was diagnosed with kidney cancer. Despite this, the Social Security Administration initially denied Mr. R.'s application for benefits. Mr. R. went to Manhattan Legal Services for help, and they brought the case to Skadden.

**WHAT KATE DID:** Kate was given Mr. R.'s medical records in order to prepare for his hearing, but she realized quickly that they were out of date and not extremely helpful. Kate then contacted all of the hospitals Mr. R. had visited during the past year to obtain newer medical records that would support his case. Kate also met with Mr. R. numerous times in order to prepare him for his hearing before an administrative law judge and drafted a prehearing memorandum. She worked with her supervising attorney, New York project finance partner **Hal Moore**, as well as firm associates who were experienced in Social Security Disability benefits cases. New York complex mass torts and insurance litigation associate **James Nonkes** accompanied Kate to court for Mr. R.'s hearing. "I was able to get to know so many different attorneys because of my participation in the *pro bono* program," Kate says.

**THE RESOLUTION:** Mr. R. was awarded Supplemental Security Disability Benefits by the administrative judge at the hearing. "The opportunity to work on a *pro bono* case, especially one where I was given significant responsibility and able to see the entire process from start to finish, was truly an invaluable experience," Kate said.

### Jordan Palmore (Univ. of Pennsylvania)

**THE CASE:** Mr. J. had been denied Social Security Disability benefits, despite suffering from various heart conditions. However, he had been evaluated only by doctors with the Social Security Disability office.

**WHAT JORDAN DID:** Because Mr. J. only spoke Spanish, Jordan interviewed him through an interpreter to learn more about his medical history. She discovered that his treating physician — who had not been in contact with the Social Security office — had found that Mr. J. was unable to stand for more than 10 minutes at a time and could hardly walk at all. Jordan drafted a memo (reviewed by her supervising attorney, New York white collar crime associate **Jonathan Shih**) that incorporated the complete record of Mr. J.'s physical condition.

**THE RESOLUTION:** After the hearing — at which Jordan appeared on Mr. J.'s behalf — Mr. J. was awarded full benefits. "I had been in court before, but never as somebody's representative," Jordan says. "I had the opportunity to run many aspects of the case myself, such as preparing for the hearing and giving the opening and closing statements. It's nice, as a summer, to have something all your own."

### Galia Rivlin (NYU)

**THE CASE:** Ms. C.'s physician had prescribed Nexium, which proved to be the only medication appropriate for her condition. However, her prescription insurance company refused to cover the cost of the medication — despite repeated appeals by Ms. C.

**WHAT GALIA DID:** "It was so frustrating to see that they refused to cover the drug," says Galia, of her decision to take the case. "I was interested in handling some *pro bono* work, so I could interact directly with a client, but mostly — this situation seemed so unfair." Working alongside New York tax partner **Stuart Finkelstein**, Galia found additional medical information to back up Ms. C.'s need for Nexium. Due to Ms. C.'s advanced age, Galia often corresponded or worked with her client's son, rather than the client herself. "It was my first case, and Stuart was very helpful," Galia says. "He went through the appeal I wrote, through every e-mail I wrote, and if revisions were needed, he would explain why. Because of this support, I felt that I could act more independently as the case went on."

**THE RESOLUTION:** Ms. C. finally received an affirmative decision, and her prescription insurance company will cover Nexium going forward. "I'd recommend *pro bono* work for every summer associate," Galia says. "You see a different side of the firm, one I think is important."

### Jessica Walker (USC)

**THE CASE:** Jessica was one of several Skadden summer associates who worked alongside other Skadden lawyers on Adoption Day. "Essentially, all these families are fostering children who are wards of the state," says Los Angeles corporate associate **Ryan Newburn**, who helped coordinate Adoption Day efforts. "Often, the adoptive families are relatives, maybe grandparents, or uncles and aunts." Adoption Day involves shepherding these families through the bureaucratic processes to finalize the adoptions, as well as linking families with social services that may be available for the children, such as medical care or tutoring.

**Jessica Walker** *Continued from previous page*

**WHAT JESSICA DID:** Jessica took on two adoption cases, working with Los Angeles corporate associate **Eileen Uy** and corporate restructuring associate **Emily Ma**. “I liked having client contact during the summer,” Jessica says, and she was able to work extensively with both families. “In one of our cases, the child has been with his foster family for six years, and he’s 9 now. His great-aunt and great-uncle are so excited to make it official.” Jessica wrote letters to the Department of Children and Family Services regarding the funds each family needs to receive to provide health care for the children’s medical conditions. She discovered that one child was not receiving the full amount allowed by the law and drafted a memo asking for the higher rate.

Jessica’s enthusiasm was matched by the Los Angeles office as a whole. Fundraising efforts last summer resulted in nearly \$4,400 for gifts for the children and their families on Adoption Day.

**THE RESULT:** On Adoption Day, Aug. 2, the adoptions of 16 children by 12 families were finalized. “It’s quite a joyous experience,” says Ryan.

**Vanessa Yorke** (USC), **Gregory Kay** (USC),  
**Robert Frings** (UCLA)

**THE PROJECT:** Vanessa, Gregory and Robert handled a project that was part of a research program run each summer by the Anti-Defamation League (ADL). Teams of summer associates at firms around the country research the legal issues surrounding recent questions being considered by the ADL. They worked on the following, mostly hypothetical, question:

A public high school principal in Tennessee, as part of attempts to limit public displays of affection on campus, asked that students and teachers report suspected romantic couples to her. She then compiled a list and posted it where teachers and other students

could read it. Moreover, the principal allegedly called the parent of one student who was listed as part of a same-sex couple and discussed that student’s status in the couple. The student has come to you for legal advice. What are her potential claims, and what are the school district’s defenses?

**WHAT VANESSA, GREGORY AND ROBERT DID:** The team split the various issues raised and worked on them separately, although they found that they often turned up information vital to questions other than their own. “I wanted a summer project that would involve both writing and research,” Gregory says, “and this looked like a cutting-edge topic. Previously, the only state law I had researched was California law. This memo allowed me to research Tennessee cases and gain experience with another state’s law.” Vanessa primarily reviewed right-of-privacy issues, while Gregory concentrated on freedom of expression, freedom of association, the possible intentional infliction of emotional distress and potential sovereign immunity defenses. “We bounced ideas off each other,” Vanessa says. “This was a really great assignment to handle as a team.” They were guided through the process by Los Angeles litigation associate **Tasneem Dohadwala**.

**THE RESOLUTION:** The ADL will use the team’s memo in considering issues that arise in the future.

FOR MORE INFORMATION ON OUR  
PRO BONO WORK, VISIT OUR  
PRO BONO/PUBLIC SERVICE PAGE AT  
WWW.SKADDEN.COM

## Skadden Assists Virginia Tech Probe

Lawyers in our Washington, D.C. office advised state panels that investigated the April 2007 tragedy on the Blacksburg, Va., campus in which 32 students were killed. Virginia Gov. Timothy M. Kaine established the Virginia Tech Review Panel to provide an objective analysis of the circumstances leading up to, during and immediately after the incident. Panel members included Tom Ridge, the former U.S. Secretary of Homeland Security, and nationally recognized experts in higher education, law enforcement, emergency services, victims’ services and mental health. Washington, D.C. litigation partners **Rich Brusca** and **Amy Sabrin** led our effort.

As part of its assistance, the firm researched how privacy laws and the mental health commitment process had interacted with regard to Seung Hui Cho, the student who was responsible for the mass murder. Our research indicated that provisions of both federal and state law presented several potential barriers to sharing information in appropriate cases.

That work prompted another panel to seek our assistance. Washington, D.C. associate **Michael Tierney** provided *pro bono* assistance to the Commonwealth of Virginia Commission on Mental Health Law Reform, formed to study further the impact of privacy laws on the commitment process. The commission’s report, issued in December 2007, recommended several changes to Virginia law to ensure necessary information-sharing while maintaining the privacy of individuals in the commitment system. The report’s key recommendations were adopted by the full Commission on Mental Health Law Reform, approved by the Virginia General Assembly, and signed into law by Gov. Kaine in April 2008.

Said Washington, D.C. office leader **Mike Rogan**: “As citizens, and especially as parents, we are pleased that we are able to assist the panel with this very important inquiry.”

# Same-Sex Marriage



## California Supreme Court Issues Landmark Same-Sex Marriage Ruling

Skadden represented a group of religious organizations and clergy as *amici* in a California Supreme Court case successfully challenging the state's ban on same-sex marriages last year. The consolidated litigation, *In re Marriage Cases*, was brought against the state of California by same-sex couples who argued the ban violates the state constitution. In its May 15, 2008 ruling, the California Supreme Court agreed, invalidating the ban and affirming the right of same-sex couples to marry.

"The ruling doesn't change the way I feel about my partner," says former associate Joren Bass, who worked on the case. "But as the Supreme Court recognized, the fact that my partner will soon be my husband will have a profoundly positive impact on our son and other children we may raise, as well as our extended families."

The litigation began after the state Supreme Court's 2004 ruling that annulled the marriages of couples that were permitted by San Francisco Mayor Gavin Newsom in February that year. Former San Francisco associate Philip Leider, who married his partner at the time, left Skadden to pursue the litigation by working at the San Francisco city attorney's office, which won a favorable ruling at the trial court in March 2005. The state appealed the ruling, and when San Francisco litigation partner **Raoul Kennedy** asked Philip to return to the firm in May 2005, Philip's only condition was that he be able to work on the case *pro bono*.

Not only did Raoul agree, but he also joined the effort, as did many other lawyers, legal assistants and staffers in the San Francisco and Palo Alto offices. Raoul says the experience was a team-builder for those who worked on the case. Raoul credits Philip and Joren with spearheading the effort.

"I am the faculty adviser to the science project. They are the catalyst. They made it happen," Raoul says of Philip and Joren. "Being involved in this has been a huge morale-booster for our offices — the support cut across all lines. This has been a tremendous bonding experience for us all."

Skadden attorneys worked with Equality California, an LGBT civil rights and advocacy organization, to identify religious organizations and clergy interested in joining the amicus brief. As the team developed its legal arguments, the list of signatories steadily grew. Ultimately, the firm represented a group comprising more than 400 religious organizations or individual clergy members who support the rights of same-sex couples to marry.

"The opposing side advanced the idea that the vast majority of religions oppose same-sex marriage," Joren says. "We countered that simplistic notion."

Skadden's brief, which San Francisco litigation associate **Elizabeth Harlan** played a key role in drafting, argued that the prohibition against same-sex marriage constitutes an impermissible "endorsement" of religion and unduly burdens the "free exercise of religion" guaranteed under the California Constitution. At the appellate level, the opponents of same-sex marriage prevailed in a split decision. Both the concurring and dissenting opinions quoted heavily from our brief. The proponents of same-sex marriage appealed, the California Supreme Court granted review, and oral argument took place on March 4, 2008. On May 15, the court issued a 175-page ruling declaring California's ban on same-sex marriages unconstitutional. The court's 4-to-3 decision made California the second state (after Massachusetts) to allow same-sex marriages. In the opinion, Chief Justice Ronald George wrote, "the California Constitution properly must be interpreted to guarantee this basic civil right to all Californians, whether gay or heterosexual, and to same-sex couples as well as to opposite-sex couples."

"It's really gratifying to see the highest court in California take this momentous and courageous step," Philip says. "As lawyers we all have occasion to talk abstractly about constitutional rights, but this is an instance where the principles of the California Constitution have made a real, concrete difference in people's lives. I'm proud to have played a tiny part in it."

For Joren, one experience during the case stands out. Just before the Supreme Court brief was due, Joren and his partner got the phone call they'd long been waiting for: a baby was theirs to adopt. A line in a defense brief resonated in a way the state didn't intend.

"One of the arguments the other side made was about the 'importance of marriage to fostering a stable family,'" Joren says. "To be able to be involved in this as we were creating our family — the opportunity and responsibility to work on a case like this — were important to me. I appreciated having the opportunity to do that."

However, the victory was short-lived. In November, California voters passed Proposition 8, which changed the state Constitution to restrict marriage to opposite-sex couples. The gay rights groups that served as lead counsel in *In re Marriage Cases* have filed a petition with the Supreme Court seeking to invalidate Proposition 8 on the basis that a simple majority vote is not a valid way to change the California Constitution. (Skadden has filed an *amicus* brief on behalf of a group of constitutional law professors.) Oral arguments were presented in that case on March 5, almost exactly one year after the arguments in the first case. The parties now await the court's ruling.

# Asylum

Three paths lead to political freedom in the U.S. after *pro bono* teams secure asylum for the clients.



1  
M.B.  
Zimbabwe > Chicago > Boston

2  
H.M.  
Zimbabwe > New Jersey

3  
A.K.  
Uganda > Tanzania > Chicago

For more than two decades, asylum cases have been an important part of our *pro bono* portfolio. Since 1987, special counsel **Steven Kolleeny** has coordinated our political asylum cases, particularly in New York. Skadden has received a number of awards from human rights advocacy groups, including the 2005 award from Bellevue-NYU Programs of Survivors of Torture, the 2006 Marvin Frankel Award from Human Rights First and the 2008 Human Rights Defender Award from Immigration Equality. We also were the first law firm to receive Immigration Equality’s Safe Haven Award for our work with its LGBT clients (see page 18).

“We have worked with Human Rights First on well over 100 refugee cases,” Steve says. “In recent years, we also have successfully handled many cases from Immigration Equality, and our attorneys have been invigorated by the challenges presented by these clients who have been persecuted in their home country based on their sexual orientation, transgender identity or HIV-identity.

Attorneys have helped secure asylum for refugees from numerous countries, including Armenia, Central African Republic, China, Iraq, Israel, Jamaica, Libya, Russia/Uzbekistan and Zimbabwe.

Boston associates **Erin Hayes** and **Amy Moses**, assisted by associates **Phil Torrey** and **Rachel Pfeiffer Bee** and legal assistant **Dan Layo**, were able to win asylum for M.B., who had fled Zimbabwe. Under the reign of President Robert Mugabe, Zimbabwe’s humanitarian situation — and the government’s powerful resistance to foreign aid — have become well-known. Groups such as Amnesty International have documented the Zimbabwean government’s frequent violations of basic human rights, and the country suffers from massive hyperinflation that leads to food shortages.

Despite this official hostility, many nongovernmental organizations continue their operations in Zimbabwe. M.B. had become involved with the relief efforts of an international humanitarian organization, a move for which she was persecuted by officials over several years. She had been abducted, imprisoned, beaten and harassed.

M.B. moved to Chicago, where her sister lives, and where Chicago associate **David Pehlke** first took the case. He was referred by the National Immigrant Justice Center, which David calls a “regular *pro bono* partner” with Skadden’s Chicago office. David met with M.B. several times and focused on the difficult task of getting

necessary documents out of Zimbabwe, but after a few months, M.B. left Chicago for Boston. Chicago *pro bono* coordinator **Eddie Houlihan** reached out to Boston *pro bono* coordinator **Kurt Hemr**, who brought in Erin and Amy to take over.

“I got them up to speed and they took over. It’s great that we were able to keep the case at Skadden, because it made the transition that much smoother, and our client’s case didn’t have to suffer,” David said.

The traumatic difficulties M.B. had endured in Zimbabwe left her unable to handle some elements of her life, so, in addition to taking care of M.B.’s legal needs, Amy and Erin helped her access various benefits (including medical, counseling, financial assistance, transportation and vocational training) and met with her frequently to prepare her asylum application. Erin said that the Zimbabwean government’s record strongly bolstered M.B.’s case.

“We alleged that she was targeted because of her work for nongovernmental organizations, and there’s no shortage of evidence of the opposition being targeted in Zimbabwe,” Amy said.

Despite the difficulties they encountered, Erin and Amy were victorious in front of the asylum officer. M.B.’s success in gaining asylum may have a sequel — right now Erin and Amy are processing forms for derivative asylum for M.B.’s two children, ages 9 and 15.

The firm has worked with asylum seekers detained at immigration jails in New York and New Jersey. For example, we are continuing our successful representation of H.M., a native of Zimbabwe. The attorney team includes then-Executive Partner **Bob Sheehan**, and from the New York office, white collar crime associate **Sylvia Heredia**, and litigation associates **Kelly Schulz** and **Victoria Shin**.



H.M. was part of the Movement for Democratic Change in Zimbabwe, in opposition to President Mugabe. Since becoming involved with the group in 2003, H.M. was overheard expressing negative views of Mugabe. This resulted in imprisonment and beatings. As violence mounted before the 2008 elections, H.M. felt increasingly threatened. In 2008 he was verbally accused of being a traitor and his home was broken into.

“There was a lot of fear in his town because others accused of being a traitor had either disappeared or were killed,” Sylvia says.

In April 2008, H.M. came to the U.S. on a tourist visa. Upon arrival, he was detained in New Jersey after telling customs agents that he was seeking asylum. H.M. was detained for a number of months and was ultimately granted asylum in July 2008. The attorney team has since helped H.M. with housing and has put him in touch with organizations to help him find a job and adjust to life in the United States.

Since he left Zimbabwe, H.M.’s family’s home was broken into again, and the phone lines were cut. As soon as H.M. was granted asylum, the attorney team filed petitions on behalf of his family.

Those petitions were granted in February 2009, and his family is now awaiting their interviews with the U.S. Embassy.

“We are hoping we are able to win asylum for all of them,” says Sylvia.

Chicago corporate restructuring associate **Jessica Kumar** and corporate associate **Sara Lind** recently won asylum for their client, A.K., who faced a similar situation in Uganda. A.K. was opposed to Ugandan President Yoweri Museveni and, as a student, became involved in political activism. In 2000, Museveni gave a speech at A.K.’s college, during which he organized a protest. A.K. was one of a few protesters taken into police custody. Even though he was told he was not being charged with a crime, A.K. was imprisoned for three months, during which time he was burned, beaten and interrogated.

In 2003, A.K. was going to testify that he had witnessed voting flaws and intimidation while working as a poll monitor in parliamentary elections in which Museveni’s candidates easily won. But after numerous threats against his life, he decided not to testify. He also decided he was not safe in Uganda and obtained a visa to Tanzania. A.K. continued his political activism but knew he was not completely safe because the Uganda Embassy in Tanzania had a military component, and the country’s government supports Museveni.

In 2005, the Uganda government began granting amnesty to political opponents and allowed the formation of political parties for the first time. A.K. felt it was safe to return to Uganda and joined the Forum for Democratic

Change. However, the party’s leader was soon arrested and charged with treason. A.K. was questioned by authorities and accused of being a rebel. Many others who faced these accusations were incarcerated for years without trial. A.K. again left Uganda and moved numerous times, each time finding himself under surveillance.

In March 2007, A.K. decided his safety remained in jeopardy, and he came to Chicago to stay with friends. While in Chicago, he discovered the Ugandan government was questioning people at home about his whereabouts. He decided to apply for asylum. The team won asylum for A.K. in 2008; he has found employment and also has obtained a driver’s license.

“It has been an amazing experience to help A.K.,” says Jessica. “Professionally speaking, Sara and I are both second-years and had the experience of managing our own case. But much more importantly, on a personal level, I got to help someone who had nowhere to turn and not many people on his side. It was a very rewarding experience in many ways.”

Meanwhile, new asylum and other refugee cases are being handled in Skadden offices around the globe. The Paris office has taken on two political asylum cases from Afghanistan, and the Hong Kong office is working with the Hong Kong Refugee Advice Centre, which represents clients in refugee cases before the United Nations Office of the High Commissioner for Refugees.



# client q&a

Covenant House, founded in New York 35 years ago, helps some 50,000 homeless youths every year at 21 sites – including 15 in the United States, three in Central America, two in Canada and one in Mexico. In California, the nonprofit organization has facilities in Hollywood and Oakland. Executive Director **George Lozano** talks about the youth his organization serves, its expanding program and the legal issues it faces.

## **How would you describe the mission of Covenant House?**

**GL** To offer at-risk homeless youths an opportunity to turn their lives around. We reach out to abused or neglected youths who have nowhere else to go. A large number have emancipated from the foster care system with no family, no support system and no one to turn to “when they age out.” Hollywood is a magnet that attracts young people who end up on the streets. We try to help them address the issues that led them to the streets and offer them critically needed services to develop skills so they can live on their own.

## **What are your legal needs?**

**GL** There have been a number of real estate issues: we’ve purchased property in Oakland and Hollywood. Skadden reviews all of our contracts with state and federal government agencies. We receive a number of bequests in people’s wills, and Skadden helps us with those issues. Skadden also reviews all of our contracts with our outsourced services, such as food vendors, medical and psychiatric, maintenance services, etc. We’ve also had employee relations issues, such as workers’ compensation, sexual harassment, allegations about our kids; Skadden does preventative work, as well as handling issues that have already surfaced, so the firm’s lawyers have been involved in training the staff on personnel issues.

## **How do youths come to your facilities?**

**GL** We have a street outreach program, with vans and trained staff that cruise the streets of Los Angeles every night to the places where youths congregate. They find homeless youths living in abandoned buildings, under overpasses and in alleys. We offer them food, clothing and counseling.

## **What are your facilities like?**

**GL** In Hollywood, we have a 36,000-square-foot facility with 64 crisis beds, and a transitional living program with 30 beds. We also have a 10-bed supportive apartment program.

We have very comfortable bedrooms; living rooms; recreations rooms; a cafeteria; counseling offices; a medical clinic with three exam rooms, a pharmacy and a lab; an employment and education center with classrooms and a computer lab; group counseling spaces; an outdoor basketball court and an amphitheater.

## **What kind of help do these youths need?**

**GL** They need counseling. Some need substance abuse services because they have turned to alcohol or drugs. Others require our

mental health services. They have little education and poor job skills. Our staff members help with job training, resumes, job searches, GEDs and college applications. Even though they have experienced tremendous abuse and neglect and have been living on the streets, so many of our youths are so resilient and want to turn their lives around.

#### Who gets to stay in your facilities?

**GL** In our residential programs, where we serve 104 youths every night, the average age is 19. Covenant House has chosen to serve youths 18-24 because they are the least served, those that fall through the cracks. They are too old for children's services and too young for adult services, so they are very vulnerable. We have an open intake policy, so we don't turn anyone away. It's dangerous on the streets, so we have created a safe environment, a home, and we don't tolerate violence, weapons or drugs at Covenant House.

#### How was the Skadden connection made?

**GL** Twenty years ago, through (Los Angeles of counsel) **John Donovan**, Skadden helped us with the preparatory work when we wanted to first come to California. He helped us find a facility, provided legal counsel for many years, was on our board of directors and was chair of the board. John introduced us to (Los Angeles partner) **Karen Corman**, who joined our board 10 years ago. She now serves as legal counsel and has chaired our Governance Committee.

*The connection to Covenant House also includes the Skadden Fellowship Foundation. A Skadden Fellow was working for the nonprofit around the time John initiated the firm's pro bono work for Covenant House. Additionally, former Skadden Fellow Kevin Ryan was recently named president of the organization. Last May, Covenant House California recognized Skadden for its pro bono support over the last 20 years.*

We are tremendously indebted to Skadden for its continued and very valuable support and assistance. The firm has helped us provide better quality services and allowed us to reach more kids.

#### You must face myriad legal issues. What lies ahead for Covenant House?

**GL** We just completed a \$6 million capital campaign to help us expand in Oakland and Hollywood and better address the increasing needs of homeless youths. We added bedrooms and counseling offices in Hollywood to serve 16 additional individuals every night. In Oakland, we were able to purchase and renovate a building in order to provide a permanent home for 30 homeless youths each night. While fundraising has been very difficult, we rely on the generosity of so many individuals who have been very loyal. With their support, we hope to continue our work and deliver critically needed services to young people.

*Continued on back cover*

## Assisting Nonprofits With Business-Related Needs

Keeping up with complex and changing laws is a daunting task, even for large private companies that employ human resources professionals and have in-house legal departments. For nonprofit organizations, with smaller budgets and fewer resources, these challenges are magnified. Below are some examples of our work in this area.

#### PALO ALTO

Palo Alto attorneys, including partner **Thomas Ivey**, counsel **Kristin Major** and associates **Sean Coutain**, **Melissa Fallon**, **Richard Flores**, **Marie Mackey**, **Christy Peetz** and **Sarah Scollard** assisted numerous California nonprofit organizations with issues such as corporate organization, tax-exempt status, insurance coverage, employee hiring, terminations and disciplinary proceedings. The organizations include BUILD (Businesses United in Investing, Lending and Development), World Savvy and FLY (Fresh Lifelines for Youth).

Also from the Palo Alto office, partner **David Hansen** and associates **Linda Funasaki Wu**, **Jennie Kim**, **Sharon Lee** and **Carrie LeRoy** assisted in the preparation and negotiation of a curriculum license agreement for the Art of Yoga Project, a local nonprofit that licenses its yoga and creative arts curriculum to organizations that support the rehabilitation and empowerment of disadvantaged young women.

#### HOUSTON

Numerous Houston attorneys have assisted nonprofits with their applications for tax-exempt status, including counsel **Christian Callens** for Bastrop 1832 Farmers Market, Inc.; associate **Erin Nix** for T-Bone Walker Blues Fest, Inc.; associate **Jeremy Wagers** for Northwind Farm; counsel **Christian Callens** and associates **David Passarelli** and **Maria Kim** for Project Sunshine; and associate **Nicholas Slavin** for I Need a Lift, Inc. Nick also helped the Texas nonprofit restate its certificate of formation and draft new bylaws.

Attorneys in Houston also provide organizational assistance to nonprofits. Associates **Erin Nix** and **Kulbir Walha** (New York) have helped SAGE (Senior Action in a Gay Environment) in revising its bylaws, and advising on its conflicts of interest policy and name change. Associates **Christopher Bellotti**, **Heather Lohman** and **Clayton Morton** assisted the Logos Preparatory Academy, in reviewing its corporate formation documents and contracts, averting potential litigation, drafting model employment agreements and legal risk mitigation. Counsel **Christian Callens** and associates **Michael Dailey**, **David Passarelli**, **Jeffrey Harrison** and **Nicholas Bigney** assisted It's My Heart, Inc., which advocates for those affected by heart defects, with chapter formation, documentation regarding volunteer services and corporate governance issues.

#### LONDON

Counsel **Ned Swan**, associate **Sayandeb Banerjee** and legal assistant **Richard Low** have been advising Debatewise CIC, which encourages youth to develop debating skills, in setting up a new company limited by guarantee and then applying for its registration as a charity. The team also helped develop the constitutional documents of the charity, culminating in its incorporation, and advised on conflicts of interest and disclosures as part of the registration process.

In addition, Washington, D.C. partner **James Losey**, London partner **Allan Murray-Jones** and London associates **Nicholas Adams** and **Matthew Ebbs** have been advising the U.S. National Trust for Historic Preservation in connection with setting up an International National Trusts Organization.

#### MOSCOW

In the Moscow office, associate **Anthony Milewski** successfully assisted the Transatlantic Partner Against Aids with the re-registration of its Moscow representative office with the Ministry of Justice.

### Bob Sheehan Receives Zelon Award

On March 6, Skadden and then-Executive Partner Bob Sheehan received the Pro Bono Institute's Laurie D. Zelon Award, which is given each year to an organization or individual in recognition of exemplary *pro bono* service. The award is presented in conjunction with the Pro Bono Institute's annual conference, at which individuals from law firms, corporate legal departments and public interest and civil rights organizations in the United States and several other countries focus on ways to enhance and improve *pro bono* service. The Pro Bono Institute stated in its *Pro Bono Wire* publication that the "Zelon Award recognizes Skadden's leadership in providing *pro bono* legal assistance to death row inmates, asylum seekers and community groups, and acknowledges Mr. Sheehan's integral role in the growth and development of Skadden's *pro bono* program as well as his leadership, in conjunction with the Pro Bono Institute, in promoting *pro bono* nationally and globally."



Supreme Court Justice Ruth Bader Ginsburg and Bob Sheehan

The award was presented by Supreme Court Justice Ruth Bader Ginsburg, who spoke about Bob's dedication, saying he is "the very model of a lawyer who cares deeply about the society law exists to serve." Justice Ginsburg mentioned Skadden's work assisting nonprofit groups in mergers, providing aid in intellectual property matters, advocating full enforcement of First Amendment freedoms and representing death row prisoners, among other work.

Before presenting Bob with his award, Justice Ginsburg noted his latest aid to the Pro Bono Institute, the Sheehan Scholars program, which will pay a stipend to several summer law clerks to assist in the institute's *pro bono* endeavors.

### Racial Justice Advocacy Award

Los Angeles employee benefits and executive compensation partner **Michael Lawson**, litigation associate **Tom Haroldson** and

corporate associates **Kevin Malcolm** and **Walter Mosley**, as well as former associate Farhad Amid, received the "Racial Justice Advocacy Award" from the ACLU of Southern California in July 2008. They were honored primarily for their work with the ACLU on a lawsuit that later settled against the Los Angeles Sheriff's Department; the suit alleged that officers engaged in egregious racial profiling when they detained and searched 33 African-American students on a trade school campus. Plaintiffs alleged that the students were held for more than an hour and some were handcuffed. An investigation by the Los Angeles Community College District found that the students' allegations of racial profiling were substantiated. Skadden served as co-counsel on the case. Catherine Lhamon, the director of the ACLU Foundation for Racial Justice, said, "To use a fine legal term, I love Skadden. They have become my go-to partners."

### Legal Aid Campaign

For the second year in a row, Skadden won the Legal Aid Associates' Campaign in New York, in June 2008, with donations totaling more than \$53,000 (once again more than doubling donations from the second-highest contributor). We were one of 41 law firms in New York participating in a citywide fundraising competition to benefit the Legal Aid Society's Civil Practice Division. The campaign was organized by groups of associates at the various firms who solicited donations from individual attorneys within their firms.

### Safe Haven Award

Skadden was honored with the first Safe Haven Award ever given to a law firm by Immigration Equality. The award was presented to New York securities litigation special counsel **Steven J. Kolleeny** at the organization's third annual awards event in May 2008. Skadden was honored for our extensive political asylum work with the LGBT and HIV-positive community. In accepting the Safe Haven Award on the firm's behalf, Steven highlighted the dedicated work of attorneys and legal assistants, the strong relationship our political asylum program has developed with Immigration Equality and the inspiration that the award will provide to attorneys to intensify their efforts to win asylum for their clients.

### Delaware Art Museum Honors Skadden

The Board of Trustees of the Delaware Art Museum held a special dinner at its new building in May 2008, to honor the firm and

a team that, on a *pro bono* basis, successfully settled litigation commenced on the museum's behalf against the new building's architect and engineer. The museum's complaint, filed in the federal district court in Delaware, sought damages for breach of contract, professional negligence and fraud. After more than two years, the litigation was settled on the eve of trial.

The museum's director, Danielle Rice, commended the team, headed by Wilmington litigation partner **Tom Allingham**, for achieving a result that few, if any, of the trustees had thought possible. Tom was elected a trustee of the museum.

In addition to Tom, the team included Wilmington litigation associates **Alyssa Schwartz**, **Victor Clark**, **Timothy Kearns**, and **Brian King**, and corporate associate **Will Ulrich**; San Francisco litigation associate **Richard Horvath, Jr.**; legal assistants **Lauren Karpinski**, **Cindy Senft** and **Sarah Steigler**; legal technology specialist **Patrick Musselman**; former litigation associate Ellen Sturm; and former legal technology manager Michelle Morin.

### The Humane Society

The firm was recognized by The Humane Society of the United States in April 2008 for contributing more than 200 hours of *pro bono* service in 2007. Many Skadden summer associates and staffers played a role in the firm's work for the Humane Society. Washington, D.C. SEC compliance and enforcement partner **Charles Walker** has been performing ongoing research on the animal cruelty laws in various states, and Washington, D.C. litigation associate **Rachel Martin** has prepared a number of memoranda on animal cruelty laws, with assistance from former Washington, D.C. *pro bono* administrative coordinator Mary Anne Hartigan. Jonathan Lovvorn, the vice president of the Humane Society's Animal Protection Litigation team, thanked Skadden for "everything you and your team have done, and are doing, to help fulfill the Humane Society's mission to confront animal cruelty and make sure animals get their day in court."

### inMotion

Skadden received the 2008 Commitment to Justice Award from inMotion for its role as a founding corporate partner and for the firm's 13 years of support of inMotion, which assists women and families that have suffered from domestic violence. New York litigation partner **Lauren Aguiar** accepted the award on behalf of the firm.

InMotion also presented an award to New

York litigation associates **Shannon Lazzarini** and **Donald Lewis** and former New York legal assistant A.J. Meyers for “Outstanding Legal Team.” This team was successful in obtaining joint custody and visitation rights for a mother of twins who had lost custody of her children.

Additionally, New York associate **Julie Turner** and former associate Teddy Schwarzman received a Legal Team Award from inMotion on Feb. 3, 2009. They received this recognition for their committed representation of a Nigerian immigrant whose husband had abandoned her after more than 40 years of marriage and had re-married in Nigeria without obtaining a divorce. After more than a year of advocacy, Teddy and Julie negotiated a settlement providing for a lump-sum payment equal to their client’s share of the marital assets.

### Attorneys Receive Legal Aid Awards

On Oct. 7, the Legal Aid Society presented awards to the firm for our externship program with Legal Aid and for providing office space and services for a number of Legal Aid staff members from the Harlem Community Law Office during that office’s extensive renovation project. New York special counsel **Ron Tabak** accepted the award from **Chief Judge Judith Kaye** (now retired from the court and of counsel in our New York office). Individual awards were received by New York associates **Leon Willis** and **Bradley Demuth** and former staff attorney Lisa Poursine.

### Legal Services Recognizes Five

On Oct. 30, five Skadden attorneys were among those recognized by Legal Services NYC for *pro bono* work for the organization. Legal Services NYC provides free legal aid to low-income New Yorkers in areas such as family, housing, health, elder, employment and education law, among others. Attorneys who were recognized include partners **Jan Baker** and **John Furfaro** and associates **Julie Boden Adams**, **Gregory Fox** and **Adam Ravin**, along with alumnus Dan Silverman.

### Joy Jankunas Wins Pro Bono Award

New York white collar crime associate **Joy Jankunas** was recognized for her contributions to *pro bono* work on behalf of Sanctuary for Families’ Battered Women’s Legal Services. Sanctuary for Families is the largest nonprofit organization in the state of New York dedicated exclusively to serving domestic violence victims and their children. Joy was recognized at the sixth annual “Above and Beyond *Pro Bono* Achievement Awards and Benefit” on Oct. 27.

### Lawyers Alliance Cornerstone Award

On Nov. 10, New York corporate restructuring associate **Jay Larry** was honored with Lawyers

## Skadden Launches CCNY Honors Program

Skadden and The City College of New York have created a new program to aid in diversifying law schools and the legal profession. The Skadden, Arps, Slate, Meagher & Flom Honors Program in Legal Studies at The City College of New York will provide talented students from diverse backgrounds with the broad support necessary to get into competitive law schools and succeed. The firm has committed more than \$9.6 million to fund the program for the next 10 years.

Announced last April, the timing coincided with the firm’s 60th anniversary and is the second time the firm has created a public interest initiative to mark a milestone. Twenty years earlier, Skadden celebrated its 40th anniversary by establishing the Skadden Fellowship Foundation, which sponsors public interest lawyers working to combat poverty and inequality.

Launched this school year, the Honors Program will offer up to 50 juniors need- and merit-based financial assistance an honors curriculum of special courses and seminars, LSAT preparation, paid summer internships, assistance in transitioning to law school and mentoring by attorneys at Skadden for their junior and senior years. Over the past few months, teams of associates in New York have met with prospective program applicants both on CCNY’s campus and at the firm to describe their respective paths to law school and life as a practicing lawyer. The first class of Skadden Scholars will be selected this April.

The program was developed by CCNY working with a group from Skadden, including senior partner **Joe Flom**, former Chicago litigation partner **Tina Tchen** (now director of the Office of Public Liaison for President Obama), New York litigation partner **Vaughn Williams** and diversity development manager **Melique Jones**. Tina’s experience with the ABA President’s Commission on Diversity, where she worked on pipeline issues, proved valuable. According to Tina, the commission learned that diverse students need to have earlier, more substantial contact with the legal profession and a larger program that creates a community for students.

“These scholars will be going out into careers of all different sorts in the legal profession,” Vaughn says. “They may teach. They may pursue public interest law. Or they may choose to practice at law firms. Whatever they decide to do will benefit the legal profession in the broadest sense.”

Skadden chose to partner with CCNY for a number of reasons, including its diverse student population and the commitment of its president, Gregory Williams, to diversity in the profession. Former Executive Partner **Bob Sheehan** says the college was a “natural fit,” adding that the Honors Program will provide benefits for students from across the country.

“Recognizing our desire to reach out to the whole country, President Williams agreed that he would make it easier for students at other schools who want to apply for the program to transfer to CCNY for their junior and senior years by arranging to have dorm space available,” Bob says.

The Honors Program has recruited a group of top legal educators and professionals to serve on its advisory board, including the general counsels of several prominent companies and numerous deans of top law schools. Former Harvard Law School Dean Elena Kagan, now solicitor general of the United States, had been the first law school dean to join the advisory board.

“We have a terrific group of advisers who represent a broad spectrum of the legal profession and who will provide input and guidance,” Joe says. “I think every person asked to take part said yes right away — they were very enthusiastic and excited about the program’s possibilities.”

Skadden is funding the program and offering internships, and firm attorneys will serve as mentors to the students, but the Honors Program is not intended solely to recruit future big-firm lawyers.

*The Skadden Fellowship Foundation, which further evidences Skadden's commitment to public service, is as integral to the firm culture as our pro bono work. In each issue of the Pro Bono Report, we will highlight a former Skadden Fellow.*

**SKADDEN FELLOW** Steven Choi

**CURRENT POSITION** Executive Director, Young Korean American Service and Education Center (YKASEC)

**FELLOWSHIP** Asian American Legal Defense and Education Fund (2004-06)

Steven and YKASEC serve marginalized Korean-Americans on employment-related claims and have turned to Skadden for assistance on several cases. For example, New York M&A associate **Wing-Sze Choi** secured a settlement on behalf of a deli employee who had been working extremely long hours with no overtime. New York complex mass torts and insurance litigation counsel **Doug Fleming** and associate **Thomas Claps** (now on an unrelated *pro bono* externship) are assisting YKASEC with the representation of a plumber whose employer stopped paying him — then fired him when he asked for the money.

“Our work at YKASEC is about educating folks, teaching them about their rights under the law and thinking about how we can use these cases and work with these clients to achieve greater systemic change,” Steven says.



**Client Q&A** *Continued from pg. 17*

**How do you measure success?**

**GL** Our goal is to get youths off the streets and integrated into society. Some will stay with us a short time and then move on, while others might stay a few years. Their needs are different, but we offer comprehensive services. We have some wonderful success stories. One homeless youth we found on the streets entered our crisis shelter some 12 years ago. He participated in our programs and services for five to six months and then went on his own. He now has a master's degree and owns his own management consulting firm. Paramount Studios offered on-site internships to five of our homeless kids; seven years later, three of them are still working there, two of them in supervisory positions. They have their own apartments and families and are permanently employed and self sufficient. Given the opportunity, these kids can be successful. It's so rewarding when that happens.

**Honors** *Continued from pg. 19*

Alliance of New York's Cornerstone Award for outstanding *pro bono* service to nonprofits. Jay was recognized for assisting the 142nd Street Block Association with its incorporation, tax exemption, bylaws and a conflict of interest policy; helping Families Fathers and Children (which provides services such as visitation trips to prison, parenting classes, home visits and youth development) with its incorporation, tax exemption and bylaws; representing United Way of NYC in revamping loan documentation and establishing protocols for its revolving loan fund program; and aiding Julian's Light (which educates high school kids on financial management) with its incorporation and tax exemption.

**Associates Among Top Fundraisers**

Washington, D.C. associates helped raise a record \$780,000 for the Legal Aid

Society of the District of Columbia during its latest Generous Associates Campaign. Law firms throughout the D.C. area took part, and Skadden ranked second among all large firms participating. The Legal Aid Society provides civil legal aid to individuals, families and communities in Washington, D.C. who could not otherwise afford to hire a lawyer.