Skadden

Pro Bono Report

ASYLUM ACROSS THE GLOBE | IN THE SPOTLIGHT: BOSTON | WHAT I'M WORKING ON

PARTNERING FOR JUSTICE
IMPACT PROJECT
CHANGING LIVES

SUMMER 2014

Pro Bono

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I recently received a summary of the firm's *pro bono* work thus far in 2014, and I'm proud to note several promising trends.

We've once again seen a rise in the number of *pro bono* hours worked by our partners, whose participation is essential to attract the extraordinary types of *pro bono* matters handled by our team. Several features in this edition of the *Report* highlight our new matters, including the recurring "What I'm Working On" profiles, in which senior attorneys discuss their recent and ongoing projects.

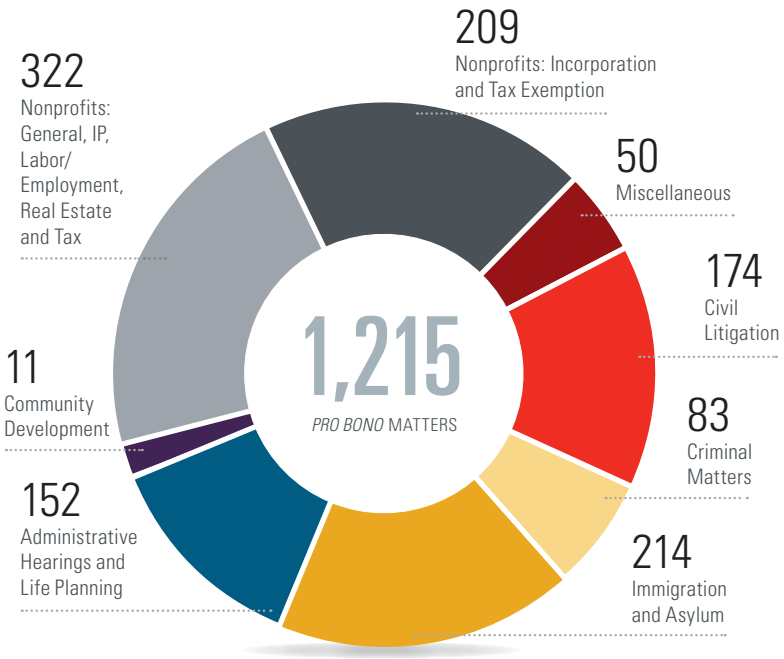
We've also experienced a steady increase in the number of *pro bono* hours worked by our international attorneys. Paris presently leads the way, with attorneys averaging *pro bono* hours in excess of the 3 percent target for our U.S. offices as signatories to the Pro Bono Institute's Law Firm Pro Bono Challenge. A few examples of our international attorneys' contributions are detailed in this issue, including a look at the London office's new Impact Project and a story about the Hong Kong office's asylum work.

Perhaps the most important accomplishment captured by the recent numbers is the continued dedication to public service of Skadden attorneys of every level, in every practice and at every office. In 2013, our U.S. attorneys each averaged more than 90 hours of public service; our attorneys, summer associates and legal assistants together spent more than 150,000 hours on *pro bono* matters. We presently have more than 1,200 ongoing projects (see chart). These numbers reflect our firmwide commitment to leveraging our expertise on behalf of our communities.

Now is a particularly auspicious time of the year for all attorneys to consider taking on new matters. Our new summer associate class recently joined us, and we want every participant to gain hands-on legal experience via public service. Providing summer associates with a diverse range of *pro bono* projects affords them the opportunity to experience the satisfaction of representing those most in need. The stories in this *Report* illustrate just how much of an impact our *pro bono* work can have, and I'm proud of the extraordinary effort so many of you make in this area.

Regards,

In a typical year, Skadden's U.S. attorneys each devote on average more than 90 hours to *pro bono* service. What are we working on? As of the spring of 2014, we have 1,215 open and active *pro bono* matters (as defined by the Pro Bono Institute's Law Firm Pro Bono Challenge):



HELPING REFUGEES ACROSS THE GLOBE FIND ASYLUM

For more than 30 years, Skadden lawyers have represented refugees who have endured cruel and unjust treatment because of their race, religion, political beliefs or sexual orientation in countries all over the globe. Since 2010, our attorneys have helped more than 80 individuals from over 30 nations secure asylum in the U.S. alone. Here, we take a look at recent matters handled by four Skadden attorneys.

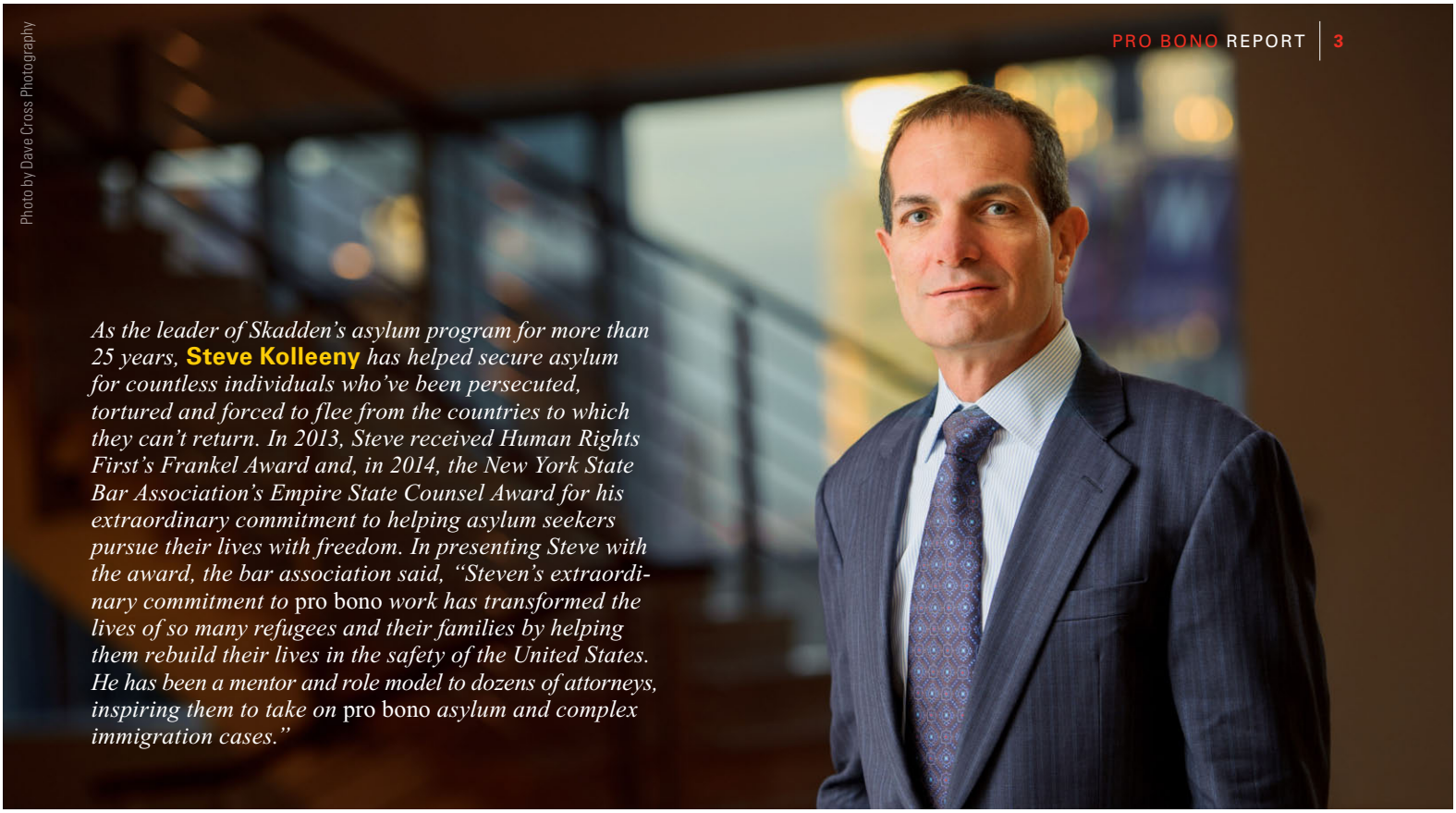


Photo by Dave Cross Photography

As the leader of Skadden's asylum program for more than 25 years, **Steve Kolleeny** *has helped secure asylum for countless individuals who've been persecuted, tortured and forced to flee from the countries to which they can't return. In 2013, Steve received Human Rights First's Frankel Award and, in 2014, the New York State Bar Association's Empire State Counsel Award for his extraordinary commitment to helping asylum seekers pursue their lives with freedom. In presenting Steve with the award, the bar association said, "Steven's extraordinary commitment to* pro bono *work has transformed the lives of so many refugees and their families by helping them rebuild their lives in the safety of the United States. He has been a mentor and role model to dozens of attorneys, inspiring them to take on* pro bono *asylum and complex immigration cases."*

STEVE KOLLEENY

NEW YORK / SPECIAL COUNSEL / CORPORATE AND SECURITIES LITIGATION

THE CLIENT: When Mr. B. was 8, he witnessed soldiers in his native Guinea brutally beat and kidnap his father, an active member of a political opposition party who later died in prison. Mr. B.'s uncle, with whom Mr. B. fled to the U.S. in 2003, was murdered by the Guinean government after returning to the country to support the opposition party. Human Rights First referred the case.

THE STRATEGY: Assisted by former student intern Jonathan Vogeler and former summer associate Shahmeer Halepota, Steve argued in a brief filed in New York Immigration Court that Mr. B. endured terrible persecution from age 6, including the loss of his father and uncle to political violence and his separation from his mother and siblings. Using the expert testimony of a clinical psychologist, Steve argued that the major depressive and post-traumatic stress disorders caused by these events, along with Mr. B.'s minor status and the turbulent living arrangements he endured in the U.S., prevented Mr. B. from filing for asylum within the required one-year period. Steve also called upon a University of Chicago history professor who testified that Mr. B. faced probable persecution if forced to return to Guinea.

THE OUTCOME: Mr. B. was granted asylum in September 2013. Now 23, he has completed his high school equivalence requirements and plans to study computer science. Steve says the success of Mr. B.'s asylum application was particularly gratifying. "We gave hope and restored freedom to a young man who had lost his family and home at a tender age. He now has a chance to live a happy and prosperous life instead of having to go back to Guinea, where at best he would be a stranger and at worst he would be marked for death," Steve says.

MATT MAJARIAN

WILMINGTON / ASSOCIATE / LITIGATION

THE CLIENT: Mr. L. faced harsh persecution and abuse in Ukraine because of his homosexuality. Members of the local community — including a Ukrainian police officer — violently attacked him on multiple occasions, and Mr. L. was the target of threatening graffiti and hate mail. The police offered no protection. He came to the United States on a student visa, then stayed past its expiration and reached out to Immigration Equality, which referred the case. Matt took on the matter, spurred by an interest in asylum work developed while in law school.

THE STRATEGY: Matthew interviewed Mr. L. and assembled his asylum application, which included Mr. L.'s account of the brutal treatment he endured, a letter from his mother and affidavits from acquaintances corroborating his account, as well as materials establishing the pervasive mistreatment of gays in Ukraine and a memorandum of law. Mr. L. also provided medical records of injuries that he sustained when he was beaten by neighbors and thrown down a set of stairs. After a U.S. Citizenship and Immigration Services examiner denied Mr. L. a discretionary grant of asylum at his initial interview — on the basis of Mr. L's inability at the interview to recall the name of an attacker who had been named in his earlier affidavit — Matthew filed an appeal. As Mr. L.'s merits hearing approached, Matthew updated his brief and supporting materials to reflect the deteriorating conditions for LGBT people in Ukraine and prepared Mr. L. to testify and be cross-examined.

THE OUTCOME: After Mr. L. testified for 45 minutes, recounting for the court his brutal treatment in Ukraine, the Immigration and Customs Enforcement attorney declined to cross-examine him. N.Y. Immigration Court Judge Aviva Poczter simply said,

"This monumental decision allowed me to truly understand the impact of our asylum work."

– VINCENT SZE

"Congratulations," and granted asylum. "It was wonderful," Matthew says. The decision gave Mr. L. the opportunity to work toward the graduate-level degree in economics he'd been pursuing in Ukraine and travel. "His life now has certainty," Matthew says. "He no longer spends every day looking over his shoulder, stuck in neutral. Life is moving forward."

VINCENT SZE

HONG KONG / ASSOCIATE / CORPORATE

THE CLIENT: After facing persecution as an opposition politician in Uganda, Mr. O. was forced to flee the country. His *pro se* application for asylum in Hong Kong and subsequent appeal were denied by the United Nations High Commissioner for Refugees (UNHCR) on what seemed to be credibility grounds. (Through an agreement with government authorities, the UNHCR administers protections for asylum seekers in Hong Kong in the absence of national laws providing relief to refugees.)

THE STRATEGY: Mr. O. filed an appeal application, which the UNHCR rejected. The Hong Kong Refugee Advice Centre (HKRAC) and Vincent then filed an application on behalf of Mr. O., seeking to reopen his case. With the help of the HKRAC and Vincent, Mr. O. was able to make use of certain contacts and evidence previously overlooked by the UNHCR. In addition, Mr. O. supplemented his testimony with a letter from a Chinese University of Hong Kong professor who had travelled to Uganda and met with Mr. O.'s family.

THE OUTCOME: After many months of waiting, Mr. O. finally received the UNHCR's decision, which auspiciously arrived on the afternoon of World Refugee Day: The commission had granted Mr. O. asylum. As is typical for asylum cases, the UNHCR provided no reasons for its decision, but Vincent believes that legal representation played a significant role in Mr. O.'s successful application. Vincent and the HKRAC helped Mr. O. present his case in a logical manner that allowed the UNHCR to see the relevant facts rather than focusing its attention on the minor discrepancies or omissions it initially found in Mr. O.'s self-prepared testimony. "This monumental decision allowed me to truly understand the impact of our asylum work," Vincent says. "Mr. O. is now able to relocate to a country where he may live free from persecution."

MATT ESTES

WASHINGTON, D.C. / COUNSEL / ENERGY

THE CLIENT: Matt has secured asylum for three refugees, but the case he thinks about most often is the one he lost. When the son of Togo's dictator seized power following his father's death, Ms. D., an opposition leader, participated in a protest. Afterward, security forces beat her with baseball bats and clubs. Though she escaped, security forces searched for her, forcing her into hiding until she fled to the United States. In her asylum application and at her hearing, Ms. D. mistakenly said that the protest took place one week earlier than the date reported by the U.S. State Department, leading the judge to find her testimony that she had been beaten at the protest was not credible, despite its consistency otherwise with all published reports of the protest, her sister's testimony and six written statements supporting her claims.

THE STRATEGY: After the Board of Immigration Appeals (BIA) affirmed the judge's denial of Ms. D.'s application, Matt took the case to the Fourth Circuit Court of Appeals. Faced with the difficulty of appealing a decision based on a credibility determination, Matt focused on legal infirmities in the judge's and BIA's decisions. He argued that the original denial should be overturned because the judge failed to address all the statutory factors required in making a credibility determination and refused to consider the written statements because they weren't sworn, contrary to Fourth Circuit precedent. Matt also emphasized the many consistencies between Ms. D.'s testimony and the written record.

THE OUTCOME: In a 2-1 decision, the Fourth Circuit upheld the BIA's decision denying Ms. D.'s application, finding that the one-week mistake constituted substantial evidence to support its credibility determination. The third panel member wrote a lengthy, impassioned dissent. Matt's request for a rehearing *en banc* was denied. "I'm devastated by this result — no one ever seems to have fully considered all the evidence that Ms. D. submitted," he says. "One of the hardest things I've ever had to do was look Ms. D. in the eye and tell her that her appeal had been denied and nothing more could be done to prevent her from being deported back to the same country whose government had caused her to be severely beaten."

What I'm Working On

When a senior attorney takes on a new matter, it often provides *pro bono* opportunities for other attorneys at the firm. Here, six Skadden attorneys discuss their recent and ongoing *pro bono* work.

CHUCK SMITH
FEDERAL APPEALS
v

CHARLES SCHWARTZ
NONPROFIT LITIGATION
LEGAL ETHICS
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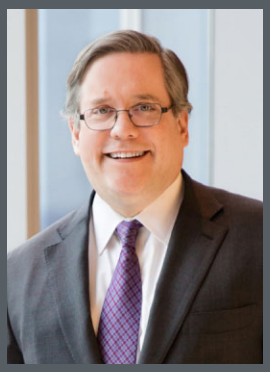

JUDGE JUDITH KAYE
PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN
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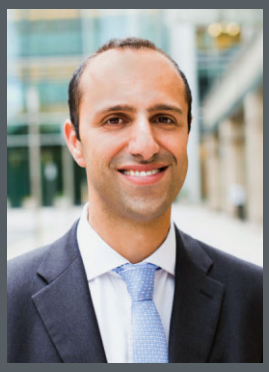

DANNY TRICOT
PRO BONO COORDINATOR
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KAREN CORMAN
EMPLOYMENT ISSUES IN NONPROFIT AGENCIES
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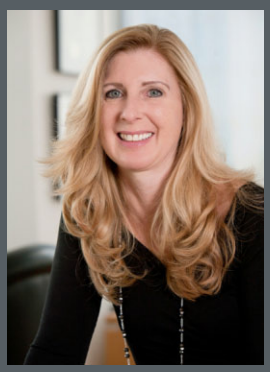

LINDA HAYMAN
HUMAN TRAFFICKING
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Chuck Smith

LITIGATION PARTNER / CHICAGO

PROJECT / FEDERAL APPEALS

Since 2008, I've served as the *pro bono* partner for the Chicago office, though I've handed off most of the heavy lifting to mass torts counsel **Mark Rakoczy** and *pro bono* coordinator **Eddie Houlihan**. The position is largely administrative — to keep the trains running. I meet with people from nonprofits and discuss the ways we can support them, while also making sure that our attorneys have access to diverse *pro bono* opportunities.

As an associate, I handled a wide range of *pro bono* Seventh Circuit appeals — race discrimination, alleged police brutality, an asylum case. Now, as a partner, I do a fair amount of oversight on associates' appellate briefs. Most of the cases involve immigration and asylum matters. I'll typically read drafts of the briefs and make suggestions for arguments, but my goal is to give ownership to the associates. It's their case, and I'm simply an adviser, a resource and a quality check (though their briefs are invariably strong). I'll make suggestions, I'll moot court them for oral arguments and then I'll get out of the way.

My most high-profile matter, and perhaps my favorite, was in support of the infamous Westboro Baptist Church's right to protest at funerals. I find the church's tactics — anti-gay picketing at soldiers' funerals — repugnant, but I'm also as close to a free speech absolutist as you can get. In 2006, the family of one of the soldiers sued the church and its pastor for defamation, invasion of privacy and intentional infliction of emotional distress. A jury awarded $10.9 million, which was reduced to $5 million and then thrown out on appeal. When the Supreme Court granted *cert.*, University of Missouri School of Law Professor Christina Wells — now a First Amendment scholar and leading expert on funeral protest laws, but once a member of my first-year class at Skadden — reached out to me. She said that a number of academics wanted to file a brief in support of the church's right to protest. I agreed to represent them, along with litigation associate **Jessica Frogge**.

To me, the case, *Snyder v. Phelps*, was about, *Are we willing to bend the law because we don't like the speaker*? The church's actions may have been abhorrent, but I believe that's when we have to argue the strongest — the answer isn't shutting them up, which is contrary to the First Amendment, but rather counter-speech and protests. The Court agreed, ruling 8-1 in our favor.

I'm also a member of the board of the Chicago Bar Foundation, which provides legal services to the underserved and professional support for individual public interest attorneys.

In all the work I've had the chance to do, I've noticed a consistent theme: The Skadden brand not only opens doors to businesses and potential clients but also to *pro bono* opportunities — you can serve your community in so many different ways.

Photo by Katie Basil

Photo by Dave Cross Photography

Linda Hayman

COMMERCIAL LAW OF COUNSEL / NEW YORK

PROJECT / HUMAN TRAFFICKING

Two years ago, the incoming American Bar Association president asked me to co-chair her Presidential Task Force on Human Trafficking. At the time, I knew very little about human trafficking — I thought it was primarily a problem involving women in Asia or perhaps Eastern Europe. My limited knowledge of the subject matter coupled with the travel demands suggested the best course was to politely decline. But the Firm encouraged me to take on this challenge and was supportive in many respects, not the least of which was the research help of summer associates. I quickly learned that trafficking is big business in the United States and involves both women and boys. The victims are not coming from Mexico or Europe but are likely to be U.S. citizens. While the sex-trafficking side of modern slavery gets more headlines, labor trafficking is a lucrative global business and, in many ways, is far more complex.

The task force is essentially a coordinating group whose mission is to harness the ABA's resources in the fight against modern slavery. The association's members are located in every U.S. state and 55 countries and are expert in (and already organized by) almost every area of the law — employment, immigration, sports and entertainment, litigation, business, *pro bono*, human rights, corporate governance, corporate responsibility. We developed a series of projects to harness these diverse resources.

One of our first projects was to work with the Uniform Law Commission to draft a uniform trafficking law. The text of that law was approved by the ULC in July and is now being presented to the legislatures of all 50 states.

Our group set up a team of litigators to train "first responders" (*i.e.*, judges and prosecutors) to recognize trafficking victims. Often, a victim is prosecuted for prostitution, while the trafficker goes free — recognizing this dynamic is an essential first step. Over 1,000 first responders have already been trained, and another 1,000 will be trained in the coming year.

The business law section drafted model corporate policies to address trafficking in supply chains. Only a few years ago, most companies did not recognize their potential exposure to trafficking. Now they are aware that they not only face reputational risk for labor trafficking in their supply chain but also civil and criminal liability. As part of the effort to support the business community, annual reports analyzing Fortune 100 corporate policies will be issued.

Initially, I expected my commitment to end in August 2013. However, the ABA's board of governors took the somewhat unusual action of extending the work of the task force for another year. And once again the Firm agreed to continue its support. It's hard to turn away from the fight to eradicate modern slavery.

Danny Tricot

CORPORATE PARTNER / LONDON

PROJECT / *PRO BONO* COORDINATOR

Prior to 2009, our London lawyers handled many matters thanks to **Shelagh Taylor**, who leads our knowledge management efforts. However, more coordination and support were needed, as well as a more concerted effort encouraging attorneys to participate.

Shelagh, partner **Allan Murray-Jones**, *pro bono* coordinator **Marika Somero** and I worked together to reinvigorate our efforts. We focused on areas where our lawyers could add the most value. As many members of our legal team concentrate on transactional corporate matters or international arbitration, our challenge was to identify the types of projects that could leverage those skills. We discovered two kinds of organizations played to our strengths: charities and non-governmental organizations facing international law issues.

U.K. charities are not eligible for the Government's Legal Aid scheme and are therefore entirely reliant on *pro bono* services. We had a lot to offer in this area. Whether advising on governance issues, the optimum corporate form or tax matters, our corporate lawyers — particularly associates — could provide charities with much-needed assistance while enhancing their own skills. And that's exactly what has happened. Junior lawyers have the chance to lead matters that help the people, organizations and communities these charities serve. We have assisted a wide range of organizations, from local groups such as Cheshire Aspergers Parents Support and the Seeing Dogs Alliance, to charities making an impact outside the U.K., such as the anti-human trafficking Walk Free Foundation.

To capitalize on our cross-border expertise, associates from various practice groups have teamed up with Skadden's international offices to assist organizations with international research projects. Our litigators have worked with the Child Rights Information Network in conducting the first comparative analysis of the U.N. Convention of the Rights of the Child. A team from the London, New York, Boston, Palo Alto, Washington, D.C., Hong Kong and Sydney offices advised the Africa Freedom of Information Centre on the development of Uganda's freedom of information laws.

We also have strived to involve our support staff in our *pro bono* program. Our Primary Reading Partners scheme is a collaboration with the Tower Hamlets Education Business Partnerships. Every Tuesday, a group of lawyers and support staff devote an hour at lunchtime to helping young children learn to read at a local primary school. The school is in Tower Hamlets, one of the poorest areas in London.

I'm incredibly proud of everyone's efforts in making the London office's *pro bono* program shine. We have more than doubled our *pro bono* work in recent years and, with *pro bono* work now included in our English lawyers' training program, it has become a fundamental part of our lawyers' careers from day one.

Photo by ThisCity

Photo by Dave Cross Photography

Judge Judith Kaye

LITIGATION OF COUNSEL / NEW YORK

PROJECT / PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN

I have been interested in children and the justice system for a long time and, as chief judge of the state of New York, supported a number of court initiatives focused on children and families. When I came to Skadden, I continued my work with the state's Permanent Judicial Commission on Justice for Children, which I have chaired since 1985.

Our main focus is keeping children out of the courts and in schools. The trend over the last two decades has revolved around making schools safe by removing the "bad" kids. But who are the bad kids? And when you get them out, where do they go? All too often the answer is incarceration, contributing to the "school-to-prison pipeline."

We decided to bring together city leaders from education, the judiciary and law enforcement to discuss practices that would keep more students in school and out of the justice system. I've always said judges are great conveners — when they ask people to come to something, they come. We held the symposium at Skadden in 2009 in conjunction with Advocates for Children of New York, and the turnout was fantastic.

Following that symposium, we launched the New York City School-Justice Partnership Task Force to more deeply research the issue. School representatives, advocates, parents and members of the courts participated, and I was deeply inspired by the number of former Skadden Fellows whose desire to help kids led to their involvement.

Beginning in June 2011, we held more than 30 meetings at Skadden's New York office, ultimately publishing our final report in May 2013. We developed recommendations for the New York City school and justice systems, including the use of a graduated response protocol that would reserve the use of punitive measures such as suspension, arrest and summons for the most egregious cases.

Simultaneously, we organized a national conference, which brought people from all over the United States to New York in March 2012. Chief judges, education officials, civil rights leaders and other experts from 45 states, Washington, D.C., Puerto Rico and the Virgin Islands gathered to hear the latest research and to share ideas and strategies. We set up tables for all 48 jurisdictions, and attendees reviewed their particular jurisdictions' school discipline statistics and discussed ideas to address the issues. The two predominant recommendations were to focus on mental health services and find preventive ways — rather than punitive — to address adolescent misbehavior.

The project is on a roll, with recognition from the U.S. attorney general and the secretary of education, among others. We also hosted a statewide conference here in New York and regional conferences throughout the state last fall.

This is not a school or police problem alone. Lawyers and judges can take a leading role. You don't just look at a case, you evaluate the situation and try to make things better, especially for kids. Working on these issues is the essence of my professional life.

Karen Corman

LABOR AND EMPLOYMENT PARTNER / LOS ANGELES

PROJECT / EMPLOYMENT ISSUES IN NONPROFIT AGENCIES

I took on my first *pro bono* matters as a junior associate more than 20 years ago. Those cases resonated deeply and made me want to get involved even more. I still very clearly remember my first two matters. In one, our client was a grandmother who wanted to adopt her two young grandchildren because their mother (her daughter) suffered from drug addiction and was unable to care for the kids. The other matter involved a client seeking to adopt his spouse's biological child. In that case, the adopted child was so grateful for our work that she made me a beautiful glass vase that I've kept in my office to this very day. That's what hooked me on this work — the positive impact you can have on a person's life or an organization.

These days, most of my *pro bono* work focuses on labor and employment issues. There's a huge variety of matters that allow me to utilize skills from my day-to-day practice. In the last few years, I've helped with collective bargaining negotiations and strike avoidance, union grievance negotiations, employee disability accommodations, internal investigations of sexual harassment complaints, workplace restraining orders and drafting employee handbooks, among other matters.

I've built relationships with a number of great organizations that I regularly assist, such as Phoenix Houses of California, Covenant House California and Boy Scouts of America. Last year, we helped the Los Angeles Regional Food Bank negotiate a new collective bargaining agreement with a unionized unit of warehouse workers and drivers and avoid a strike that could have impacted getting food to hungry families. A few years ago, I helped the Museum of Contemporary Art through a particularly difficult round of employee layoffs, including advising on a legally compliant selection process and severance and release agreements. At any given moment, I'm typically involved in several *pro bono* matters.

One of the many reasons I love this work is that I can help these clients preserve funds to pursue their missions. I also enjoy the chance to work with associates from other practice areas. It's beneficial for the project, of course, to have a well-rounded team, but it also gives the associates a chance to develop as lawyers and to work toward leading their own *pro bono* projects. I recently worked with litigation associate **Angela Colt** on a successful restraining order case for Covenant House, and I frequently work with associates from the labor and employment group who take the lead in representing clients at unemployment hearings, wage claim hearings and EEOC mediations. Palo Alto labor associate **Christy Peetz** has been invaluable in providing day-to-day preventative advice and assistance to our *pro bono* clients on a broad range of employment law issues. There are also frequent opportunities in this area for transactional associates to help with contract, IP and tax matters.

Photo by Leslie Barton

Photo by Gittings Studios

Charles Schwartz

LITIGATION PARTNER / OFFICE HEAD / HOUSTON

PROJECT / NONPROFIT LITIGATION, LEGAL ETHICS

My personal interests in *pro bono* work are a bit outside the mainstream. But that's one of the wonderful things about Skadden — the firm is supportive of all types of *pro bono* work. Typically, I look to take on interesting litigation for nonprofits, charities and the state bar, which allows me to become involved in a variety of exciting cases for great organizations.

Last year, I worked with associates **Dan Bolia** and **Pamela Brantley** on an unusual case for the United Jewish Appeal Federation (UJA). In seeking to hold the UJA liable for an allegedly unfavorable ruling in a child custody case, the plaintiff claimed that the UJA's donations to Israeli charities aided and abetted Israeli torture and crimes against humanity. The complaint raised several international jurisdictional issues that threatened to set dangerous precedents for nonprofits operating in foreign countries. Ultimately, the court granted our motion to dismiss in a published opinion based on our arguments. The U.S. Supreme Court subsequently came to the same conclusion in a separate case involving similar issues.

I also worked with Dan on a case on behalf of Dartmouth College, which had been sued by a former research professor for allegedly stealing his intellectual property. I'd noticed this case had been filed in Houston against Dartmouth and immediately thought of our late, great partner and friend **Roger Aaron** — knowing his dedication to his *alma mater*, I felt it would be a fitting tribute to offer our help. We argued that Dartmouth was not subject to personal jurisdiction in Texas and that the plaintiff had failed to state a plausible claim. The plaintiff dismissed his claim soon after we filed our motions.

I also dedicate some of my *pro bono* time to legal ethics. I'm a member of the Texas Commission for Lawyer Discipline and have defended the State Bar in numerous cases. In one noteworthy matter, the commission had lost an important Texas Supreme Court case and asked me and litigation partner **Noelle Reed** for assistance on a motion for rehearing. We helped the commission lawyers refocus their arguments, and the court unanimously reversed itself and granted a rare motion for rehearing upholding the commission's position.

Recently our office participated in a clinic for the Tahirih Justice Center, which protects immigrant girls and women from violence. I'd been speaking with Executive Partner **Eric Friedman**, New York litigation partner **Julie Bedard**, New York energy and infrastructure projects and banking partner **Julia Czarniak**, and a senior attorney from Exxon Mobil about undertaking a major joint *pro bono* project. Together, we organized a program that allowed a group of nine Skadden attorneys and support staff as well as attorneys from Exxon to staff a two-day clinic, helping prepare U-visas for victims of domestic violence. Our team included partner **Ann Hawkins;** counsel **Celso Gonzalez-Falla**, and **Wallis Hampton**; and associates **Heather Lohman**, **Jennifer Johnson** and **Sara Padua**.

IMPACT PROJECT ENTERS SECOND YEAR

PROGRAM EXPANDS TO OTHER OFFICES

Since reporting on its launch in the last issue of the *Pro Bono Report*, our Washington, D.C. office's Impact Project, a joint effort with six corporate and legal nonprofit partners that helps low-income families with guardianship, housing and domestic violence issues, has gained significant momentum.

To date, the project has taken on over 60 cases, representing more than 200 individuals (see chart).

"It's really taken off, especially in the context of promoting broader public interest work for our newer attorneys," says D.C. *pro bono* counsel **Don Salzman**. "We had 100 percent participation in *pro bono* from incoming associates last year; more than half of them got involved through the Impact Project."

The success of the program also has spurred other firm offices to pursue similar ventures. "We devoted the first year of the D.C. office's Impact Project to building the infrastructure," notes D.C. office leader **Mike Naeve.** "Now the introduction of new programs in other offices will increase attorney participation firmwide and allow each office to decide how it can make the greatest impact."

PALO ALTO

Calling it her "proudest moment" at Skadden, environmental counsel **Stacy Kray** led a Palo Alto team in launching its Impact Project on October 23, 2013, before a packed house of more than 50 members of Silicon Valley's business community.

Unlike the larger D.C. office, the Palo Alto office is focusing on a single program. Partnering with Legal Advocates for Children and Youth (LACY), Skadden Palo Alto created "Know Your Rights and Know the Law: Sexual and Social Media Misconduct," a program that seeks to engage young people about the potential legal impact of sharing sensitive information on the Internet. Intellectual property counsel **Carrie LeRoy** conceived of the program after speaking with her children about high-profile local news stories about sexual misconduct and "cyberbullying" in local schools. Palo Alto attorneys chose the program by popular vote from a handful of programs that were proposed by a steering committee formed to investigate gaps in local legal services.

"Social media gives young people extremely powerful tools for recording and disseminating information," Carrie says. "We feel our Impact Project will engage teenagers and give them a broader context about the world they're living in — including the ability to

recognize and respond to abuse, be it physical or online."

Skadden and LACY, which is a program of the Law Foundation of Silicon Valley, worked together to design the program, in which firm lawyers and in-house attorneys conduct interactive presentations at high schools on the legal ramifications of electronic communication, including "sexting" and cyberstalking. The program teaches teens to recognize illegal behavior and respond effectively. Attorneys from several high-profile Bay Area technology companies are participating in the program and updating content to reflect ever-changing trends in teen use of social media. To date, more than one-third of Palo Alto office attorneys have participated in the project, which is led by Stacy, Carrie, partners **Jack DiCanio** and **Amy Park**, and associate **Janisha Sabnani**.

CHICAGO

For its Impact Project, the Chicago office is formally expanding its focus on military veteran matters.

Pro bono coordinator **Eddie Houlihan** and litigation partner **Mike Scudder** have been running "pop-up" legal clinics staffed by Skadden associates on Chicago's South and West sides since 2010, helping formerly homeless veterans with housing and other issues associated with returning to civilian life.

In adopting the Impact Project model, the Chicago office will work with public interest and in-house partners to address veterans' other needs, such as overcoming bureaucratic obstacles to medical or mental health treatment, and representation for longer-term matters, including benefits cases. Banking associate and U.S. Army veteran **Dave Wagener** is leading the knowledge management component of the project, including gathering the research that will form the training curriculum for Skadden lawyers and in-house counsels.

The Legal Assistance Foundation of Metropolitan Chicago has been confirmed as a nonprofit partner. Foundation staff attorney and Skadden Fellow Margaret Kuzma ('12), who focuses on providing direct legal services to Illinois military families, will work with the Chicago team to develop the project.

LONDON

Skadden's London Impact Project, which is just underway, will focus on domestic violence, welfare benefits and public international law projects.

The first two areas have been subjected to significant cuts in U.K. legal aid, which has created an urgent need for them. The third area — providing legal assistance on issues involving justice and human rights to states, governments, and U.K. and international organizations — is an area of interest that was expressed by lawyers during project discussions.

The next step is to identify legal nonprofits that can develop the training programs necessary for each area. Partner **Danny Tricot**, who oversees the office's *pro bono* efforts (*see Page 8*), is coordinating with several working groups of London lawyers to advance this effort.

NEW YORK

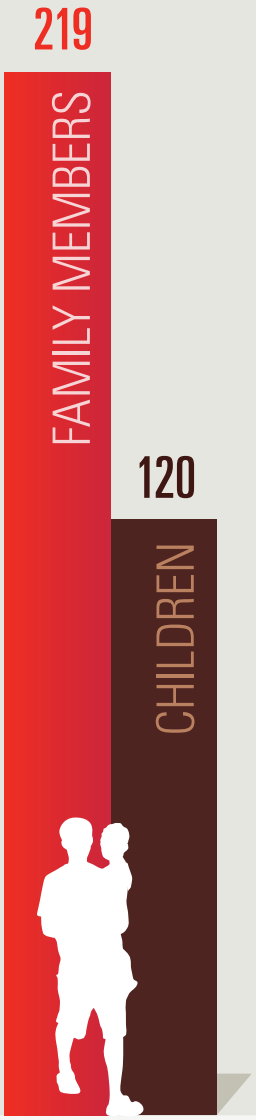
In New York, office head and intellectual property partner **Bruce Goldner** is spearheading a new initiative that draws its inspiration from the D.C. and Palo Alto initiatives, yet is tailored to the office's larger size and greater number of practice groups. Each practice group has elected to align with (or is in the process of electing to align with) one or more particular public service organizations or initiatives, or court-based programs — the sources that already provide the vast majority of the office's *pro bono* matters, though currently on a less formal and less institutionally focused basis.

"Our hope is that each project will serve as a foundation for the development of a deeper ongoing relationship between one or more of our practices and a particular organization, while allowing us to substantially increase our in-house expertise and familiarity with each participating organization and its mission," Bruce says. "We also hope each of the New York office's practice groups will make at least one particular project a priority and that these projects will lead to opportunities to partner with our corporate clients, a number of which have expressed interest in working with us to serve these organizations."

Finally, the project's leaders envision hosting several "Skadden *Pro Bono*" days each year, in which the office would invite several of the program's participants and their *pro bono* clients to the firm's offices so that the sponsoring practice groups and corporate client-partners can simultaneously provide real-time legal advice to those in need.

INDIVIDUALS SERVED THROUGH D.C.'S IMPACT PROJECT

(SEPTEMBER '12 – MARCH '14)



SPOTLIGHT BOSTON

In each issue, our Pro Bono Spotlight takes a look at the recent work of attorneys at a different Skadden office. In this edition, we highlight the efforts of our Boston attorneys.

Boston Leads Multi-Office Representation of Trafficked Workers

Lawyers from Skadden's Boston office are leading the firm's representation of 28 Indian workers allegedly enslaved and defrauded by a Gulf Coast corporation and labor recruiters during the cleanup of Hurricane Katrina.

In an action pending in Louisiana federal court, the plaintiffs claim that they, along with nearly 600 other Indian workers, were induced to pay upwards of $10,000 in "recruitment fees" with the promise by Signal International and other defendants of long-term work and green cards. Instead, the workers allegedly were housed in prison-like dormitories, forced to work in dangerous conditions, and required to pay exorbitant fees for insect-infested food and substandard housing. "Signal personnel told the workers … they should not complain because the food was better in the camp than the food in India," according to the complaint.

The plaintiffs allegedly were forced to endure the horrendous treatment and working conditions because they had used savings, sold property and taken on debt to pay the defendants' fees. The defendants did not secure green cards for any of the workers nor, as promised, refund any of the recruitment fees for their failure to do so, the plaintiffs say.

The Skadden team comprises more than 50 professionals in our Chicago, Houston, Los Angeles, Palo Alto, New York, Washington, D.C. and Wilmington offices. The team is led by **Eben Colby** and includes **Ariana Abrams**, **Abra Bron**, **Brendan Brodeur**, **Jason Cohen**, **Indraneel Ghosh**, **Andreas Glimenakis**, **Justin Gonzales**, **Celso Gonzalez-Falla**, **Rebecca Klotzle**, **Ken Kumayama**, **Esty Lobovitz**, **Aaron Morris**, **Audrey Murga**, **Nicholas Ranalli**, **Peter Simshauser**, **Iliana Swick**, **Jacob Walker** and **Michael Walsh**.

"This matter, particularly our efforts to interview all our clients and capture in detail each of their personal stories — the way that being trafficked has impacted their lives — has required significant contributions from attorneys throughout the firm," Eben says.

The case, originally filed in Mississippi, was transferred to the Eastern District of Louisiana, where related cases were pending, and is in the midst of pretrial proceedings. The firm also is pursuing the president of the recruiting firm Global Resources in his ongoing bankruptcy proceedings.

Skadden Attorneys Represent Victims of Marathon Bombings

In the summer of 2013, Boston partner **Dave Clancy**, associate **Chris Clark** and summer associate **Emily Jennings** volunteered to represent two victims of the April 2013 marathon bombings in their interactions with the One Fund, a centralized charity for collecting donations for victims of the attack.

The first victim was standing approximately 15 yards from one of the blasts. Immediately following the explosion, he suffered significant hearing problems and ringing in his ears that continued for days.

The second victim was standing on Boylston Street outside of a restaurant at the time of the second bombing. She suffered significant leg and ankle injuries and was sent by ambulance to a nearby hospital, where doctors told her that an X-ray revealed that her wounds were "through and through" — *i.e.*, that no foreign bodies remained in her ankle — and that the injuries did not warrant overnight hospitalization. Over the next few weeks, she experienced continued ankle pain, concussive-like symptoms, and hearing loss and pain. A subsequent MRI revealed that two pieces of shrapnel were lodged in her ankle. Doctors also determined that she had experienced a concussion and sustained inner ear damage. The injuries have rendered her unable to use her left leg for mobility and may require surgery.

Both victims sought representation through a Boston Bar Association program for victims of

the bombing and were put in touch with the Skadden team. The BBA program provides lawyers to help victims apply for compensation from the One Fund, which was established by Mass. Gov. Deval Patrick and Boston Mayor Thomas Menino to collect and distribute donations for victims of the marathon bombing from donors in Boston and around the world. The volunteer lawyers gather medical information, decide whether more information needs to be specially requested from hospitals, prepare clear and accurate written descriptions of the injuries, and, in some cases, appear for in-person interviews with the fund administrator, Kenneth Feinberg, the attorney who also oversaw the disbursement of donations to victims of the September 11 attacks, the BP oil spill, and the Aurora and Sandy Hook shootings. David and Emily met with Mr. Feinberg to discuss the claim filed by the client injured outside the Boylston Street restaurant.

Both of Skadden's clients received an initial distribution as part of the One Fund's initial distribution of $60 million in the summer of 2013. Since that time, the One Fund has continued to receive donations totaling more than $10 million.

Dave, Chris and Emily, as well as other volunteer attorneys representing bombing victims, continue to advocate on behalf of their clients. They recently received a letter from the One Fund offering to give certain victims additional consideration as the fund develops plans for the additional donations. "It's great to have been part of this program," Dave says. "The involvement of lawyers in this process reduces the burden for people who do not need yet another thing to worry about, and gives them confidence that everything is in order on an issue that is very important to them and their families."

Chris says that, in addition to appreciating the opportunity to help victims of the bombings, he welcomed the opportunity to apply his advocacy skills in a new context. "Assisting our client in interactions with a charitable organization is very different from our usual work in a court or arbitration," Chris says. "In this context, there are no standard procedural rules in place, and there are a variety of competing concerns and interests that the One Fund is attempting to consider as it fulfills its mission."

Associate Secures Free Speech Victory for Banished Official

At a Shirley, Massachusetts, town finance committee meeting in May 2011, committee member Robert Schuler expressed his frustration that the board of selectmen, as the executive branch of the government is known in most New England towns, had yet to act on an outstanding budget issue. In an offhand remark that he made with a laugh, Mr. Schuler asked his fellow board members, "What have the selectmen done with this, if anything? Don't tell me they haven't done anything with it, or I'm going to pull my gun out and start shooting or something. It drives me nuts!"

A week later, the board of selectmen treated the aside as an actual threat and permanently banished Mr. Schuler from all town property. The board issued a notice of trespass that precluded Mr. Schuler, a member of the finance committee and sewer commission, from attending meetings or even entering public buildings in order to vote.

Associate **Nick Leitzes** and the ACLU of Massachusetts represented Mr. Schuler — a longtime town resident who has held several other civic positions and has no criminal record or history of violence — in seeking to overturn the ban. After two years passed with no prospect of a settlement, Nick drafted and filed a complaint in the U.S. District Court for the District of Massachusetts, alleging that the contested statement was protected political hyperbole and that the permanent ban violated Mr. Schuler's First and Fourteenth Amendment rights and constituted unlawful retaliation for his criticism of the selectmen. Following initial discovery, Nick drafted and filed a motion for summary judgment seeking a declaration that the ban was unlawful. Rather than respond to the motion, the defendants voluntarily lifted the ban and agreed to pay attorneys' fees of $35,000 to the ACLU, which had done pre-lawsuit work and guided Nick.

"We are very happy with this result," said Nick. "There was no reason to believe that Mr. Schuler posed a credible threat, and a permanent ban was inappropriate under the circumstances."

Two Local Restaurants Recover Domain Names

A Boston-based team represented two local restaurants — Laz Cafe and Espresso Pizza Medford — in connection with the unauthorized use of two Internet domain names by a national online food delivery service, Eat24. The restaurants initially signed up to participate in Eat24's delivery program, but cancelled after the transaction fees became too high for them. Eat24 then used two domain names — previously registered on behalf of the restaurants and incorporating the restaurants' names — to create websites that redirected customers to the Eat24 website, which was replete with advertisements for dozens of competing restaurants. The two local restaurants — both small businesses — experienced a noticeable drop in sales as a result. The team successfully negotiated the removal of the two unauthorized websites and the return of the domain names. Both restaurants have since launched new websites using the once-infringing domain names. The team included associates **Aaron Morris** and **Chris Clark** and legal assistant **Iliana Swick**.

City of New York Wins Another Appellate Dispute

Boston associate **Elliott Davis** earned a third appellate victory for the City of New York in the Appellate Division of the New York State Supreme Court, First Department. Boston legal assistant **Adam McCall** provided invaluable assistance. This motor vehicle accident lawsuit concerned a motorist who was rear-ended by a city employee driving a pickup truck. Under New York law, a motorist who rear-ends another motorist is generally liable as a matter of law. Elliott convinced the First Department to uphold the trial court's order denying summary judgment to the plaintiff on the grounds that trial was necessary to determine whether the accident was caused by an unanticipated slippery condition rather than driver negligence. The First Department also credited Elliott's alternative argument, raised for the first time on appeal, that the accident may have been caused by an unexpected brake failure.

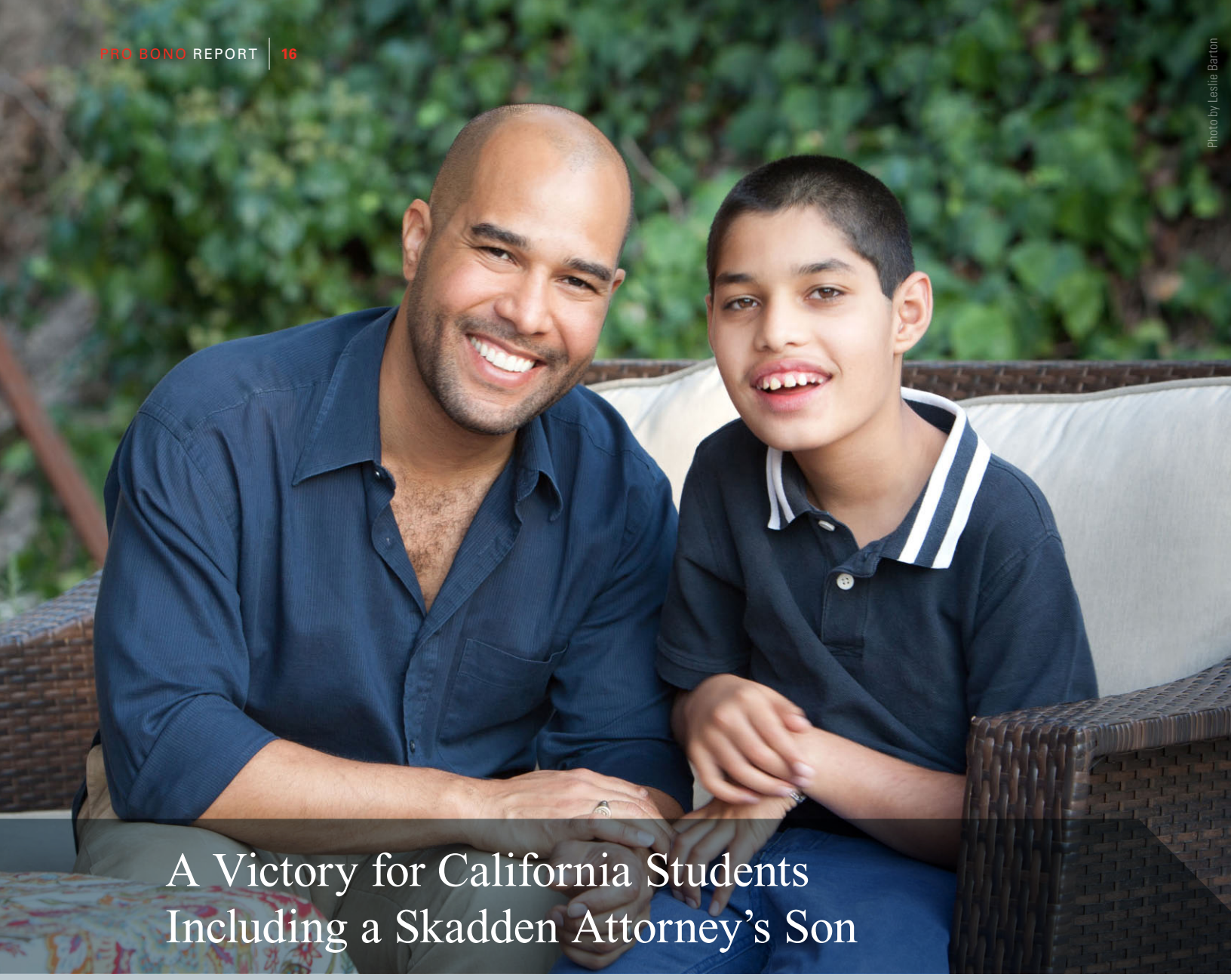


Photo by Leslie Barton

A Victory for California Students Including a Skadden Attorney's Son

In 2011, Los Angeles real estate associate **George Fatheree** took on a *pro bono* case that would later provide what he considers "the most satisfying moment" of his career thus far.

In *American Nurses Association v. American Diabetes Association* (ADA), the ADA sought to reverse decisions holding that only a school nurse or other medical professional may administer insulin to students at school. George organized a Skadden team that submitted an *amicus* brief on behalf of several disability rights organizations from throughout the country in support of the ADA's appeal to the California Supreme Court. In August 2013, the court sided with the Skadden team and the ADA, in a decision the ADA called a "major step forward in protecting the rights of California students to be safe at school and for the rights of all children with disabilities to obtain care in a community environment."

For George, the victory resonated on a more personal level. As a father to an 11-year old with a rare form of epilepsy, George understood the challenge of ensuring that a child has access to essential medication at school. George's son Clayton was diagnosed with epilepsy at 5-months old. "During the worst times, Clayton would have up to 120 seizures a day," George says. Then, in 2005, Clayton's doctor recommended Diastat, the first medication that could be administered by nonprofessionals to stop life-threatening seizures lasting more than four minutes. "It was our miracle drug," George recalls.

However, George and his family faced an obstacle when Clayton was at school: Many schools, including Clayton's, took the position that only nurses could legally administer the medication, notwithstanding the fact that it had been specifically developed and FDA-approved for administration by non-medical personnel. The problem

was that only 5 percent of California schools have full-time nurses. George advocated for legislation that would allow trained volunteers to administer the injection if a nurse was not available, but the California Nurses Association successfully opposed the measure in 2010. (The bill was reintroduced and became law in 2012.)

A few months after George began his advocacy work, he learned of a family facing a similar challenge — their two children with Type 1 Diabetes could not receive insulin at school. "The nurse was there only a few hours a week," George says. "The family had to move near the school, and often one parent had to leave work to administer insulin."

Litigation partner **Jason Russell** and associate **Allison Holcombe** agreed to help George assist the family. "For me, the decision to work on this matter was easy — I have a deeply personal connection to the matter," says George. "But for Jason and Allison, who didn't have that kind of history with the issues, their willingness to take on the case was very generous. I was extremely proud of, and thankful for, their contributions."

The Skadden team advised the family as to their rights under the law — such as the right to reasonable accommodations that would provide their children with access to the instruction available to their peers — and worked with the family to prepare a care management plan, which included identifying multiple staff members at the school who would be responsible for administering insulin when the nurse was not available. School officials agreed to adopt and implement the plan.

That fall, the ADA learned of the victory and called the Skadden team for help in a similar case on appeal. In that matter, parents of kindergarten students asked the state to allow their children to receive insulin at school when nurses were not present. The state agreed, but the nurses' union sued, alleging that the settlement violated state law allowing only medical professionals to administer medication at schools. The ADA stepped in for the parents, but the trial and appeals courts sided with the nurses' union. The ADA asked George if Skadden would prepare an *amicus* brief on behalf of several disability rights organizations for the appeal to the California Supreme Court.

I jumped at the chance. As a parent facing a similar situation, I knew what an important issue this was for tens of thousands of California public school students and their families.

"I jumped at the chance. As a parent facing a similar situation, I knew what an important issue this was for tens of thousands of California public school students and their families," George says. He again reached out to Jason and Allison, as well as partner **Allan Lanstra**, who also agreed to help draft the brief.

The brief attempted to give the court a glimpse of the real-world consequences of barring nonmedical school personnel from administering insulin and argued that preventing children from receiving medication at school denies them their Constitutional right to education under California law. "It's like telling a child in a wheelchair, 'You can go to any school you want, but there are no ramps at any of them,'" Jason says. The Los Angeles Unified School District — the state's largest school district and the one that would be impacted most by the decision — agreed to sign on to the brief, along with the disability rights organizations.

George calls the August 2013 announcement of the court's decision a highlight of his career.

"It's the most important thing I've done with my J.D.," George says. "We were able to play a small role in a hugely important matter for children in California."

Pro Bono Service Days

As part of our Associates Comprehensive Education (ACE) program, new associates in many of our domestic offices participated in Pro Bono Service Days last fall.

Boston ACE participants volunteered at the Greater Boston Food Bank, the largest hunger-relief organization in New England. Associates sorted, inspected and packed groceries, sorting a total of 13,100 pounds of food.

Chicago First years conducted a mock trial for students of William H. Wells Community Academy High School, a public high school on Chicago's northwest side. The students, who acted as jurors, are part of the school's Law Academy, which introduces high-achievers to careers in law and criminal justice through internship programs and mock trials.

New York Through The Legal Aid Society, associates provided advice on housing, employment and benefits-related matters at clinics in the Bronx (above), Manhattan and Queens. They also assisted young immigrants with Deferred Action for Child Arrivals applications. For the City Bar Justice Center, the first years helped low-income debtors evaluate options such as Chapter 7 and bankruptcy petitions.

Continued on back cover

NEWS & AWARDS

Skadden Attorneys Help Persuade New York Legislature to Restore Funding for Spinal Cord Injury Research Program

In April 2014, a team of Skadden attorneys led by New York M&A partner **Nancy Lieberman** helped persuade the New York State Legislature to restore $7.9 million in funding to the Spinal Cord Injury Research Program. New York cut its funding of the program in 2009, despite a statute requiring the state to spend at least $8.5 million annually on spinal cord injury research when it collects that amount from a speeding ticket surcharge. Though the state collected over $150 million from the surcharge in 2010 alone, virtually no money has been allocated since 2008.

After repeatedly meeting with the director of the New York State Department of Budget, who told her that she was misreading the law, Nancy turned to the litigation department, including partners **Maura Barry Grinalds** and **Michael Gruenglas**, associates **Diana Rubin** and **Nicole Schwartzberg**, and former associate Sarah Yardeni. They confirmed Nancy's interpretation of the law. "While litigation is always a last resort, I marched up to Albany this past winter with unambiguous documentation that the state had no basis to deny funding, including some superb memos prepared by associate Diana Rubin," Nancy said. New Yorkers to Cure Paralysis, which Nancy co-founded, organized a massive letter-writing and telephone campaign and led various lobbying efforts, with support from and participation by Skadden attorneys.

"Little by little, our group turned around legislative sentiment and secured substantial restoration of funding," Nancy says. "I cannot tell you how wonderful I feel and how much I appreciate everyone's efforts."

Inmate Obtains 13-Year Reduction in Sentence

In March 2014, Chicago associate **Emily Reitmeier**, with the assistance of former associate Grey Tanzi, obtained a reduction of more than 13 years in the sentence of *pro bono* client Parnell Gulley. Previously, Emily and Grey successfully challenged Gulley's sentence in the U.S. Court of Appeals for the Seventh Circuit, arguing that the Fair Sentencing Act applied to his case. At the resentencing proceeding in federal district court, Emily and Grey argued that while Gulley's two prior drug convictions qualified him for "career offender status," those convictions involved small amounts, and Gulley was not the type of person for whom the harsh career offender guidelines were intended. Emily and Grey also presented evidence that Gulley has been a model inmate. Gulley was initially sentenced to 327 months of incarceration. At the conclusion of the resentencing hearing, the judge reduced Gulley's sentence by almost half, sentencing him to 168 months incarceration.

(from left): Steven Banks, then attorney-in-chief of The Legal Aid Society; Richard Davis, chair; former Skadden Executive Partner Bob Sheehan; Chief Judge Jonathan Lippman; and Blaine (Fin) Fogg, president of the Society and of counsel at Skadden.

Legal Aid Society Presents Attorneys and Firm With Pro Bono Publico Awards

In October 2013, the Legal Aid Society recognized our attorneys and Skadden with Pro Bono Publico Awards, presented by (among others) New York Chief Judge Jonathan Lippman and New York of counsel **Fin Fogg,** who serves as the organization's president. Recipients included New York partner **Stu Finkelstein** and associate **Trevor Allen** and Los Angeles counsel **Albert Stemp** and associate **Jason Kupper**. The Firm was recognized for providing externs for more than 14 years to the society's Harlem Community Law Office. During the past year, New York associate **Andrew Green** and former associate Cathy Hwang each devoted approximately six months to the organization and its clients. Skadden also was honored for its assistance with the Legal Aid Society's Superstorm Sandy recovery efforts.

Hong Kong Office Expands Its *Pro Bono* Efforts

Over the last year, the Hong Kong office has expanded the breadth of its *pro bono* services, taking on new matters involving personal data protection, artistic and commercial space licensing, public policy and strategy. In the coming months, the office expects to assist a number of Hong Kong's leading charities with 501(c)(3) applications.

In July 2013, office head **Alan Schiffman** gave a presentation on Skadden's *pro bono* commitment at the Shenzhen Public Law Conference. The conference was the first to focus on public interest law in Shenzhen, the Chinese special economic zone adjacent to Hong Kong. In October, the office hosted the launch of the Hong Kong Public Interest Law Group, a nonprofit that will increase awareness of the need and opportunities for public interest lawyers.

Skadden Lawyers Secure New Trial and Acquittal for *Pro Bono* Client

In February 2014, a federal jury returned a not guilty verdict for *pro bono* client Harvey Robinson, who had been charged in 2010 with being a felon in possession of a firearm. After a Chicago jury found Mr. Robinson guilty following his September 2012 trial, associate **Brittany Parling** argued an appeal before the Seventh

Circuit Court of Appeals. In July 2013, the appellate court reversed, citing an error in the trial judge's reading of the jury instructions, and remanded the case for a new trial. The Chicago team continued to represent Mr. Robinson, whose second trial took place in February 2014. This time, the jury returned a verdict of not guilty. The jury was troubled by the inconsistent testimony of the police officers and the fact that the police moved evidence prior to photographing it. The team also included partner **Mike Scudder** and counsel **Mark Rakoczy**.

Eviction Action Dismissed Against Elderly Veteran

Washington, D.C. political law associate **Tyler Rosen** obtained the dismissal of an eviction action against Mr. F. in Washington, D.C.'s landlord-tenant court. Mr. F., a 79-year old veteran, had been living in his apartment for 20 years and is a self-described hoarder. He was given 30 days to cure alleged violations of his lease regarding noise complaints, odor and a dangerously dirty apartment. Although Mr. F. took steps to clean his apartment, the landlord filed an action seeking to gain possession of the apartment due to Mr. F.'s failure to cure the alleged violations. Mr. F. continued to make progress on his apartment, with assistance from a social services nonprofit. Because the bulk of the cleaning took place after the 30-day cure period had expired, Tyler contacted the landlord's attorney to request more time to remedy the alleged violations as a reasonable accommodation pursuant to the Fair Housing Act and the D.C. Human Rights Act. Tyler also informed the landlord's attorney that the landlord had offered to allow Mr. F. to stay in exchange for a rent increase well beyond the permissible increase under Mr. F.'s lease and D.C. law. In response, and in light of Mr. F.'s considerable progress in cleaning his apartment, the landlord agreed to voluntarily dismiss the eviction action and withdraw his attempt to increase the rent.

Ninth Circuit Reversal Permits Effort to Reopen Immigration Removal Proceedings

Los Angeles partner **Allen Lanstra** and associate **Kimberley Miller** secured a victory for Javier Baeza-Castro before the U.S. Court of Appeals for the Ninth Circuit. The Board of Immigration Appeals had denied Mr. Baeza-Castro's attempts to reopen his 2007 immigration removal proceedings, ruling that it was barred by the statute of limitations and other procedural reasons. In August 2013, Kim orally argued the appeal against attorneys from the U.S. Department of Justice. Agreeing with Kim's argument for equitable tolling, the Ninth Circuit found that Mr. Baeza-Castro had received ineffective assistance of counsel from all three attorneys who represented him in the proceedings below (prior to Skadden lawyers taking the case). The attorney team was assisted by clerk **Molly Advincula**.

IRS Releases Levy on Client's Wages

New York tax partner **Stu Finkelstein** and associate **Trevor Allen**, working on behalf of the Legal Aid Society, obtained relief from the IRS regarding a levy on their *pro bono* client's wages. The client, Mr. U., a New York resident living on an annual income of approximately $25,000, was losing nearly half of his take-home pay to the levy when Stu and Trevor became involved. Mr. U. had not filed a tax return since 2000, and the IRS claimed he owed more than $70,000 in back taxes. A number of issues related to a rental property Mr. U. received in 2005 as a gift from his father. Mr. U. claimed he had operated and sold the property at a loss, but he had trouble establishing this to the IRS's satisfaction. Los Angeles real estate associate **Jason Kupper** obtained bank and assessment records supporting the claim, which Trevor used to prepare the prior years' tax returns before approaching the IRS. Once the returns were filed, the team established to the IRS's satisfaction that the levy created an "economic hardship" for Mr. U., and, in September 2013, it was released.

Stephen Dargitz, Emma Glazer and James Mayne Honored by Sanctuary for Families

In October 2013, Wilmington counsel **Stephen Dargitz**, New York associates **Emma Glazer** and **James Mayne**, and Skadden alum Ashley Lott were honored at Sanctuary for Families' 11th Annual Above & Beyond Pro Bono Achievement Awards and Benefit, which recognized attorneys who provided outstanding

Emma Glazer (with her fiancé, Stephen Gardner) receiving her Sanctuary for Families award.

pro bono representation and advocacy for victims of domestic violence and sex trafficking. The organization highlighted James and Stephen's work obtaining a two-year final order of protection and child custody for a Mexican mother who was emotionally and physically abused by her husband. It also singled out Emma and Ashley's successful efforts to obtain a five-year order of protection and full custody for a Filipino mother who had been psychologically and sexually abused.

Department of Homeland Security Allows Immigrant to Care for His Ailing Wife

Washington, D.C. counsel **Matt Estes** secured a successful outcome for *pro bono* client Mr. P., a Guatemalan who sought to remain in the U.S. to care for his wife, who has cancer. After an immigration judge ruled in Mr. P.'s favor, Matt helped Mr. P. oppose the Department of Homeland Security's (DHS) appeal to the Board of Immigration Appeals (BIA). At the BIA hearing, DHS asserted that Mr. P.'s application could not be granted without the submission of a marriage license, a birth certificate and detailed doctor's records to prove that the couple was married and that Ms. P. was a U.S. citizen suffering from cancer. Matt argued that extensive evidence had been presented to the immigration judge on each issue, and that the decision was not clearly erroneous in light of the record evidence. In October 2013, DHS withdrew its appeal and released Mr. P. from detention, thus clearing the way for him to gain permanent residence status.

Scott Musoff accepting NYLAG award on behalf of Skadden

Skadden Honored for Superstorm Sandy Efforts

The New York Legal Assistance Group (NYLAG) recognized Skadden and other law firms, organizations and individuals that provided Superstorm Sandy relief at an October 2013 event commemorating the one-year anniversary of the storm. "We are grateful to Skadden and the entire New York legal community," said Yisroel Schulman, NYLAG's president and attorney-in-charge. "Their support made it possible for NYLAG to respond quickly and effectively to the legal needs of low-income New Yorkers at a time of unprecedented crisis." The storm flooded NYLAG's downtown headquarters, displacing hundreds of staff and volunteers. The firm provided temporary office space for NYLAG's Immigrant Protection Unit and LegalHealth practice, allowing staff to continue providing services to New York's low-income immigrants and those with serious health problems. Our attorneys also were among the first *pro bono* attorneys in several hard-hit neighborhoods, working with NYLAG to advise storm victims.

Adam Tubbs Receives Award for Outstanding *Pro Bono* Service

New York associate **Adam Tubbs** was presented with a Jeremy G. Epstein Award for Outstanding Pro Bono Service by the City Bar Justice Center in October 2013. The annual award honors the most outstanding volunteer attorney in each project of the City Bar Justice Center. Adam was selected by the Immigrant Women and Children Project, with which he has been a "powerhouse volunteer" since 2009, representing six battered women and their families in obtaining lawful status through the Violence Against Women Act. He successfully handled an "exceptionally difficult" matter for a Colombian woman raped by a state correctional officer. Adam had her deportation proceedings closed, obtained work authorization for her and reunited her with her 12-year-old son.

Skadden Associates Provide Legal Help to Memorial Fund Honoring Slain College Football Player

Legal work by Chicago associates **Aaron Okin** and **Sonja Schiller** enabled the creation of a memorial fund for Demarius Reed, a standout football player from Chicago's South Side who was fatally shot in an apparent robbery near the Eastern Michigan University (EMU) campus in October 2013. The first in his family to attend college, Demarius was a mentor in his community, often speaking to youth football players about the importance of staying out of trouble and avoiding gangs. Following his death, **Diana Dixon**, a Chicago word processing coordinator and friend of the Reed family, sought assistance in establishing a memorial fund to help the Reeds pay for Demarius' funeral and other expenses. After corresponding with the family, Aaron and Sonja considered the tax implications and obtained the certifications complying with banking rules. This enabled the creation of the Demarius Reed Memorial Fund.

Attorneys Honored by Lawyers Alliance for New York

In November 2013, New York associate **Jonathan Hillel Ashtor** was one of 10 lawyers to receive a Cornerstone Award from Lawyers Alliance for New York, in honor of his work helping nonprofits "navigate contracts and grow." Jonathan was recognized for developing license and marketing agreements for NPowerNY; negotiating and drafting publishing and employee author contracts for New Leaders; and negotiating and finalizing a fiscal sponsorship arrangement, analyzing IP issues for and incorporating The Art and Music Alliance (TAMA). TAMA's executive director expressed his appreciation for "Skadden's unparalleled support" and said that "Jonathan embodies everything a Cornerstone Award honoree represents." At the same event, counsel **Heidi Goldstein**, associates **Jeremy Hollander**, **Sarah Moros** and **Sangeeta Reddy**, and Skadden alum Paul Broer were recognized for helping New York City's nonprofit community with Superstorm Sandy relief efforts.

Wilmington Associates Secure a Dismissal of Claims — and a $30,000 Award — for *Pro Bono* Client

In November 2013, Wilmington associate **Cliff Gardner** and former associate Chris Foulds successfully resolved an unusual litigation in the Delaware Court of Chancery. In the action, a land developer sued Cliff and Chris's client in the Justice of the Peace Court to quiet title to the client's property and evict her, and sought alleged damages. After the case was dismissed for lack of subject matter jurisdiction, the developer took the matter to the Court of Chancery, where Cliff and Chris argued that the developer had committed usury, failed to disclose (and concealed) severe water damage and engaged in a widespread scheme to induce indigent land owners into unconscionable land sales. On the eve of the summary judgment hearing, the developer agreed to dismiss all claims, waive two years of allegedly past-due rent, and pay Cliff and Chris's client $30,000. At a subsequent hearing, Vice Chancellor Travis Laster praised the Skadden team's work. "You guys did a wonderful job," he said. "Both my clerks and I really appreciated the education that you gave us in

terms of these land contracts … it was a tremendously interesting education for me."

Legal Aid Society of the District of Columbia Honors Marty and Arlene Klepper

Washington, D.C. energy and infrastructure projects partner **Marty Klepper** and his wife, Arlene, were honored in November 2013 as "Exceptional Philanthropists" at the 12th Annual National Capital Philanthropy Day for their long-term support of the Legal Aid Society of the District of Columbia. The nonprofit provides free legal assistance to D.C.'s poorest residents regarding family law, landlord-tenant issues, public benefits and special education. Marty and Arlene have provided significant financial support to Legal Aid and endowed the Klepper Prize for Volunteer Excellence, which is awarded at the annual Servant of Justice Awards Dinner.

Dwight Yoo Recognized as a "Catalyst for Change"

New York corporate finance partner **Dwight Yoo** received a Council of Urban Professionals' "CUP Catalysts: Change Agent in Law Award" at its 4th Annual Lawyers Forum in October 2013. CUP Catalysts celebrates the accomplishments of leaders across the legal services sector who have achieved extraordinary success in law and driven economic growth for their organizations, while also significantly impacting their communities and contributing to the greater good through nonprofit or public sector service, mentorship or philanthropy. Other honorees included U.S. Attorney Preet Bharara, Xerox Corporation General Counsel Don Liu, and NAACP Legal Defense and Educational Fund President and Director-Counsel Sherrilyn Ifill. New York banking partner **Rossie Turman** gave closing remarks at the forum.

London Attorneys Support Australian Anti-Slavery Foundation

Attorneys from Skadden's London office have been advising the Walk Free Foundation, an Australian organization that seeks to end slavery in all its forms, including forced labor, debt bondage and human trafficking. Tax partner **James Anderson** has been the lead adviser regarding the foundation's efforts to establish a global fund that would provide grants in support of existing anti-slavery organizations and their programs. The team did legal work enabling the Foundation to establish a service company in the U.K. and worked on employment contracts for that company. The Skadden team also includes London partner **Danny Tricot**, of counsel **Helena Derbyshire**, and associates **Jisun Choi** and **Caroline Wojtylak**, as well as New York partner **Dan Kurtz** and associate **J.J. Leitner**.

Hong Kong Office Recognized for *Pro Bono* Service

In December 2013, Skadden's Hong Kong office received The Law Society of Hong Kong *Pro Bono* Law Firm Gold Award, which is awarded to law firms that devoted, on average, at least 20 hours per legal and nonlegal staff member to providing *pro bono* legal services. In addition, associate **Richard Hawkins** was awarded a Distinguished *Pro Bono* Service Award, the organization's highest individual *pro bono* honor. Partner **Alan Schiffman**, associate **Alvin Cheung** and former associate Sheena Winter received

Skadden Houston Teams With Exxon Mobil to Aid Immigrant Victims of Domestic Violence

Immigrant domestic violence victims often must overcome challenges beyond those typically faced by others who suffer abuse by family and household members. Language barriers and the fear of deportation, for example, prevent many immigrants from reporting their abusers.

In September 2013, Skadden Houston lawyers and staff partnered with Exxon Mobil to assist seven Latin American domestic violence victims applying for U-visas, which allow immigrant victims to temporarily remain in the U.S. and potentially apply for permanent residency in exchange for helping to investigate and prosecute crime. (*For more on the idea behind the Skadden-Exxon collaboration, please see Page 11.*)

The Skadden and Exxon volunteers assisted the women — all clients of the Tahirih Justice Center — during a two-day clinic organized in part by Skadden Houston counsel. Skadden participants in the clinic included partner **Ann Hawkins**, counsel **Celso Gonzalez-Falla** and **Wallis Hampton**, associates **Heather Lohman**, **Sara Padua** and **Jennifer Johnson**, and staff **Julia Castro** and **Dea Friloux**.

"This was an excellent opportunity to work with a wonderful client of the firm — but not to assist the client — to jointly help members of our community," said former *pro bono* coordinator Christian Callens.

The clinic workers prepared each U-visa applicant's declaration, the sole opportunity to convey her story to the immigration board. Given the discretionary nature of U-visa adjudication, strong declarations are essential for approval. With the guidance of the Tahirih staff, the declarations were completed and the applications submitted before the rapidly approaching deadline — U-visa applications must be filed within six months of the receipt of a certification of assistance.

"Not only did we have the chance to get to know our client better, but one of our attorneys, Heather Lohman, has taken on a U-visa case from Tahirih," Christian said.

Firmwide, Skadden attorneys have worked on more than 60 U-visa cases in the past year.

Legal Aid Society *Continued from page 17*

Palo Alto As part of the office's new Impact Project, new associates trained to participate in "Know Your Rights and Know the Law: Sexual and Social Media Misconduct." The new program educates young people about the laws governing the recording and dissemination of information online, and what constitutes sexual assault and harassment, through interactive sessions led by Skadden attorneys and in-house counsel from client companies.

Washington, D.C. ACE participants worked with the Homeless Children's Playtime Project, which provides educational play activities and advocacy for children living in emergency and transitional housing programs. Associates sorted donations at the D.C. General Family Shelter and assisted with various projects, such as online legal research.

Wilmington First years assisted Delaware Volunteer Legal Services with a research project exploring defenses to state residential foreclosure actions. The research ultimately will be used in a housing handbook that (DVLS) is preparing for its clients and volunteer attorneys.

Gold Awards; counsel **Haiping Li** and associates **Cindy Shammall**, **Alexander Toth** and **Yin Lin Ma** received Silver Awards; and associates **Kam Nijar**, **Vincent Sze** and **Andrew Tam** and trainee solicitor **Jeffrey Kwok** received Bronze Awards.

Ron Tabak Receives Robert F. Drinan Award for Distinguished Service

At a special reception at the American Bar Association's Midyear Meeting in Chicago in February, New York special counsel **Ron Tabak** received the 2014 Robert F. Drinan Award for Distinguished Service, presented by the ABA's Section of Individual Rights and Responsibilities. The award recognizes service that protects and advances human rights, civil liberties and social justice. Ron was recognized for addressing unfairness in capital punishment cases, such as by being a leader in ABA efforts to recruit lawyers for indigent death row inmates; formulating ABA policy to advocate a moratorium on executions until various ABA policies are implemented; and chairing a committee that developed ABA policy on mental illness and the death penalty, chairing the section's Death Penalty Committee, and actively advising the ABA's Death Penalty Due Process Review Project and its Death Penalty Representation Project.

Photos on cover (Clockwise from top left): ThisCity, Dave Cross Photography, Leslie Barton

The Skadden Fellowship Program is as integral to the firm culture as our pro bono *work. In each issue of the* Pro Bono Report*, we highlight a current or former Skadden Fellow.*

SKADDEN FELLOW:
Chandra Bhatnagar

FELLOWSHIP:
Asian American Legal Defense and Education Fund

As a senior staff attorney with the ACLU's Human Rights Program, Chandra Bhatnagar advocates on behalf of immigrant workers, an often-overlooked and particularly vulnerable segment of the U.S. population. His clients include Indian guest workers trafficked to the U.S. by an Alabama-based shipbuilding giant and allegedly subjected to inhumane conditions, including overcrowded and unsanitary labor camps and exorbitant recruiting fees and living costs. Chandra and his co-counsel represent a dozen men and work with several major law firms, including Skadden, which represent hundreds of others in human trafficking and racketeering actions against the same defendants. *(See Page 14.)*

Among Chandra's greatest successes, he says, is a jury trial he and his co-counsel handled for a Nepali domestic worker against her New Jersey employer, who abused her psychologically and only paid her a few hundred dollars for five years of work, forcing her to work long hours day after day, with no medical care. By the time she sought legal help, the statute of limitations for her claims had expired, so Chandra and his co-counsel asserted a novel theory, *quantum meruit*, which required them to show that the employer had been unjustly enriched at the woman's expense. After the jury awarded a substantial amount, the woman brought her family to the U.S. and began working with Adhikaar, a New York-based Nepali community organization that assists other abused domestic workers.

"She's among the most inspiring people I've ever met. Seeing her grow from someone who was so traumatized and abused and believed so little in her own self-worth, to a confident, independent grandmother who is part of this wonderful human rights organization, has been just awesome," Chandra says.

Photo by Dave Cross Photography