

Skadden

Pro Bono Report

ASYLUM | CLINICS | NONPROFITS | WRONGFUL CONVICTIONS



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

Pro Bono

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Nothing reflects our strong tradition of *pro bono* work more than the stories of the people and organizations who have benefited from the free legal assistance our lawyers and staff provide. In this second edition of the *Pro Bono Report*, you'll read about just a few of our recent successes.

Former Navy sailor Danial Williams was freed from prison after serving 12 years because of factually flawed rape and murder convictions. A nonprofit organization broke ground on a housing development in the Bronx with 55 units designated for people with special needs. A political refugee won U.S. asylum after being beaten by police officers in his native country and arrested during an anti-government protest. Corrie Stassen, whose four-day-old son was diagnosed with a congenital heart defect, founded a group to help families facing the very same medical and emotional challenges with their children.

This issue also focuses on *pro bono* initiatives with long-term implications. We include a story highlighting the efforts of

Skadden attorneys to compile the first global, comparative analysis of how the 1990 U.N. Convention on the Rights of the Child has been implemented by its signatory states. And we provide details of the asylum and human-rights project being developed at the University of Pennsylvania Law School with the help of a \$1 million gift from the firm and its partners in honor of former executive partner and current *pro bono* of counsel Bob Sheehan for his lifelong commitment to public interest work.

We hope you enjoy this edition of the *Pro Bono Report* and welcome your feedback.

Regards,

Eric Friedman

In a record year for the firm, our lawyers spent more than 200,000 hours performing *pro bono* legal services during 2009.

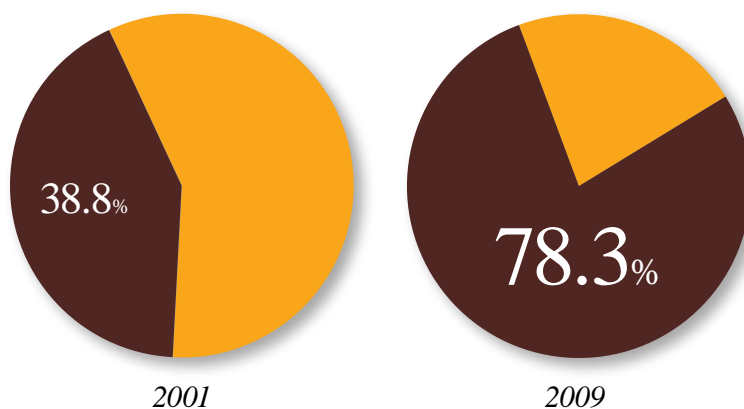
63.7

Average *pro bono* hours per Skadden attorney in 2001*

133.9

Average *pro bono* hours per Skadden attorney in 2009*

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



*Figures are for U.S. offices only.



Front row, from left: Dave Ginensky, Julia Kazaks, Don Salzman, Warren Allen: Back row, Mike Tierney

Wrongful Convictions

Sailors Freed After Lengthy Legal Battle

On August 6, 2009, *pro bono* client Danial Williams was granted a conditional pardon by then-Virginia Gov. Timothy Kaine and was released from prison, where he had been serving two life sentences for 12 years. Danial was one of a group of U.S. Navy sailors known as the “Norfolk Four,” who all were prosecuted in extremely dubious fashion for the same 1997 rape and murder.

A Washington, D.C. Skadden team has been representing Danial *pro bono* since 2004, while teams at two other law firms represented the two others of the Norfolk Four who also received life sentences. (The fourth sailor was convicted of the rape only and spent more than eight years in prison before being released.) The Norfolk Four filed a joint petition for clemency with then-Virginia Gov. Mark Warner in 2005, based on innocence, and have been pressing the case ever since.

Washington, D.C. *pro bono* counsel **Don Salzman** became involved after one of the lead lawyers at another firm contacted him. “We didn’t make any commitments except to look independently at the case,” Don says. After his examination of all the available evidence, Don quickly became convinced of Mr. Williams’ innocence.

All four sailors had no prior criminal records. After long interrogations, which included threats of the death penalty, each man provided “confessions” to a Norfolk, Va., police detective who previously had been demoted for securing false confessions from multiple suspects in another case. The prosecution’s assertion was that as many as eight men had been involved in the rape and murder — although both the relative orderliness of the crime scene and the identical direction and depth of the victim’s fatal wounds strongly suggested a single assailant. Despite glaring inconsistencies between the sailors’ “confessions” and the crime scene, and despite the fact that DNA found on the victim’s body matched none of the Norfolk Four but did match someone else — Omar Ballard, who separately confessed to the crime and said he acted alone — the commonwealth’s attorneys pursued their case against the Norfolk Four and convicted them solely on the basis of their false confessions.

Each of the three law firms assembled full teams, which at Skadden included, in addition to Don, Washington, D.C. partners **Julia Kazaks** and **John Moot**, former partner **Jeff Pade**, associates **Warren Allen**, **Albert Starkus** and **Mike Tierney**, former associate **Kelly Makins Baugh** and *pro*

Pro Bono Client Freed After 28 Years in Prison

bono coordinator **Dave Ginensky**. After realizing that their clients already had exhausted almost all of the ordinary channels for post-conviction relief, the three firms decided that their best option was a joint clemency petition.

Developing the petition required extensive research. The firms reached out to experts on crime scene investigations, forensics, autopsies, time and manner of death, DNA and — critically for this case — false confessions.

The petition that was filed “laid out, in a very detailed way, the facts of the case and the deeper layers,” Don says. In preparing the petitions, an important challenge was to explain why defendants would falsely confess, and to show that false confessions do occur. The team recognized that it would be extremely helpful to contrast each of the multiple false confessions extracted from the Norfolk Four: “When we compared the men’s statements, they were fundamentally inconsistent with each other and fundamentally inconsistent with the crime scene evidence,” says Julia. The team used the example of the unjust convictions in the “Central Park Jogger” case, as well as other less-known examples, to explain further the phenomenon of multiple untrue confessions in a single case.

The firms summoned other forms of support as well. A distinguished, bipartisan group of Virginians supported clemency for the Norfolk Four, including several former Virginia attorneys general, 31 former special agents of the Federal Bureau of Investigation, a past president of the Virginia Bar Association, prominent state and federal law enforcement officers, former judges and prosecutors from around the country (including Skadden’s **Judge Bentley Kassal** and Skadden alumna **Judge Susan Getzendanner**), and 13 jurors in two of the underlying criminal cases.

The petition originally was filed with then-Gov. Warner, but he left office a few months later without having considered it. For the next few years, the firms worked together to win favorable press coverage and otherwise encourage the next governor, Tim Kaine, to consider the issue.

Finally, Gov. Kaine freed the three men — but only with conditional pardons. He said that while he had “grave doubts” about the men’s guilt, there was no “conclusive proof” they were innocent. Therefore, although they were released from prison, the governor did not lift their convictions.

“The governor set a standard for granting an absolute pardon based on innocence that no one could ever meet,” Don says. “If the standard of ‘conclusive proof’ is not attainable with DNA evidence and a confession by the real killer, our position is that the standard Gov. Kaine set is unattainable by anyone.”

Mr. Williams and the other men are encountering challenges in re-entering society with the stigma of rape and murder convictions over them, and their dishonorable discharges from the Navy deny them veterans’ benefits. They are subject to 20 years of parole, including at least 10 years of supervision with such restrictions as electronic monitoring and frequent drug testing, and must register as sex offenders. Their counsel are considering next steps to address these difficulties clear their clients’ names.

Skadden personnel have spent more than 2,000 hours on this case, and Don emphasizes that the representation will not end unless Mr. Williams is granted a full pardon or otherwise establishes his complete legal — as well as actual — innocence.

“We believe the facts in our case are overwhelming, and that Danial and these men deserve full relief,” Don says.

Much like in the Norfolk Four case, a Chicago office team obtained freedom for a *pro bono* client serving life behind bars because of a wrongful conviction.

For nearly 30 years, Mark Clements vehemently maintained his innocence. He was convicted in 1982 on four counts of murder resulting from a fire he allegedly helped set in a Chicago building. He received four life sentences without the possibility of parole.

Shortly after his arrest, Mr. Clements, then 16 years old and with a limited education, was not provided an attorney or allowed to contact his parents. He “confessed” to having a role in the fire, and this was the only evidence properly admitted at trial linking Mr. Clements to the crime. However, Mr. Clements consistently maintained, in his trial and thereafter, that his “confession” was the result of coercion and physical abuse at the hands of Chicago police detectives — who were later implicated in several other allegations of torture.

The Northwestern University School of Law Center on Wrongful Convictions referred the case to Skadden’s Chicago office. A team comprised of retired Chicago partner **Tim Nelsen**, counsel **Mark Rakoczy**, associates **Christal Lint** and **Daniel Mayerfeld**, former associate **Rachel Julis** and legal assistant **Julia Raden** conducted an extensive investigation into the backgrounds and records of the officers who took Mr. Clements’ “confession,” and interviewed numerous witnesses, as well as both of Mr. Clements’ initial trial counsel. The work eventually paid off. The team obtained substantial evidence that a local motorcycle gang whose members allegedly had frequented the building and purchased drugs from the building owners may have committed the crime.

In preparing Mr. Clements’ post-conviction petition, the team faced a daunting challenge: The petition likely was Mr. Clements’ last chance at freedom because he had exhausted all other direct and collateral appeals years before Skadden attorneys entered the case. In early 2009, the team filed the petition with the Circuit Court of Cook County, Ill., Criminal Division. The petition argued that Mr. Clements’ “confession” was the result of coercion; that he was in fact innocent; and that his trial counsel had conducted virtually no investigation into the true cause of the fire and thus provided ineffective assistance. Shortly after the filing, the team successfully moved to disqualify the entire Cook County State’s Attorney’s Office from any further litigation involving Mr. Clements. Special prosecutors were then appointed to litigate the case on behalf of the state of Illinois.

After extensive negotiations, a plea agreement was reached, whereby the state would vacate Mr. Clements’ then-existing convictions, and he would plead guilty to one count of murder in exchange for a sentence of



Summer Associates

Pro bono projects broaden the legal experience of summer associates while providing much-needed legal support to the disadvantaged.

In 2009, as part of Skadden's record year for public interest work, our summer associates helped literally hundreds of *pro bono* clients. Among the many areas of focus was providing assistance to incarcerated individuals and their families.

On behalf of the Transgender Legal Defense & Education Fund (TLDEF), summer associates in our Wilmington and London offices examined the rights of transgender people in prison.

The team, which included 2009 summer associates **Chris Howland**, **Aaron Keaden**, **Portia Rosemond** and **Joseph Roy**, researched the case law regarding transgender prisoners in 50 states to determine which states had the most and least favorable policies or cases on point. "We were specifically interested in prison policies targeted at transgender individuals, though, unsurprisingly, there were not many," Chris says. The summer associates prepared a memo that discussed two main areas regarding incarcerated transgender individuals: health care and access to hormones, and living conditions and housing.

They found that prisons either did not provide hormones for transgender individuals or, if they did, prison policy mandated that an individual's level of hormone therapy be kept equal to the individual's pre-incarceration level. "Very often, this policy left people who had not sought treatment for their serious condition before entering the prison system with no possibility of getting hormone therapy," Chris says. On some occasions, the litigation regarding health care focused on whether transgenderism constituted a "serious medical need" under the statutory definition. TLDEF will use the memo's findings in

attacking what it alleges is discriminatory treatment of incarcerated transgender people in prisons.

An additional project that dealt with incarceration issues included New York summer associates **Claire James**, **Matthew Collin** and **Gideon Hart**. The group researched the issues surrounding the needs of children of incarcerated parents for a project on behalf of the New York State Division of Criminal Justice Services that will help the Division identify strategies to meet the unique needs of these children. These included law enforcement training and protocols for meeting the needs of children who are present at the time of their parent's arrest, child-welfare programming implemented specifically to meet the needs of children when their parents are incarcerated, related education and housing matters, and issues related to visitation and parental contact.

One component of the project involved researching strategies that various communities and school districts have used in combating truancy. "Truancy is a major problem in many school districts," Gideon says. He researched the use of truancy prevention programs that matched local school districts with local law enforcement, social support services for the children and parents, and the local court system. "These types of multifaceted programs have been highly successful at lowering the rates of truancy throughout the country," Gideon says.

The matter was referred by former Skadden Fellow **Jacqui Greene**, who is the Division's Director of Juvenile Justice Policy, and supervised by New York associate **Lincoln Wilson**.

2010 SUMMERS

As the Pro Bono Report goes to press, our 2010 summer associate program recently concluded its public interest activities. The following are just a few samples of the wide array of pro bono service our summer associates provided.

Asylum Petition

CLIENTS: Individuals referred by the Political Asylum/Immigration Representation Project (Boston)

Direct Criminal Appeal Assistance

CLIENTS: Individuals before the U.S. Court of Appeals for the Seventh Circuit (Chicago)

Disability Rights Research

CLIENT: Disability Rights Education and Defense Fund (Wilmington)

Home Buyer Assistance

CLIENTS: Individuals via the Chicago Housing Authority Choose-to-Own Program (Chicago)

Microfinance Research

CLIENT: Abyssinian Development Corporation (New York)

Nonprofit Labor and Employment Assistance

CLIENT: Women Organized to Respond to Life-Threatening Diseases (Bay Area)

Post-Conviction Representation

CLIENT: Individual referred by the New England Innocence Project (Boston)

Translating *Pro Bono* Into German

Nearly 20 years ago, Skadden was among the first group of U.S. and U.K. law firms to establish an office in Germany. While our Frankfurt and Munich attorneys foster traditional client relationships, a firm-supported initiative aims to make public interest work an integral part of the German legal community.

The legal traditions of such countries as the United States and the United Kingdom of providing *pro bono* work are almost unknown in Germany, where indigent and low-income individuals receive legal services through government-paid lawyers. “The idea behind it is to grant everyone access to the legal system regardless of whether one can afford it and at the same time, to prevent the legal advice given from being less professional than it should be,” says Frankfurt partner and newly appointed *pro bono* coordinator **Matthias Horbach**.

However, there is a gap in representation. Although many individuals, charities and other nonprofits do not have to pay for counsel, the preconditions to receiving legal aid are very strict. This leaves a void that the German *Pro Bono* Roundtable hopes to fill.

“We hope to inform people that *pro bono* representation may be available to their organizations, and inform lawyers of the opportunities for *pro bono* work,” says Frankfurt counsel and roundtable participant **Julia Backmann**. The lawyers involved are primarily German attorneys affiliated with U.S. or U.K. firms, often working in concert with the *pro bono* partners and counsel from their home offices. The roundtable has, *inter alia*, made contacts with the body that governs the nation’s attorney system, the German Federal Bar, both to increase visibility and ensure that all the *pro bono* work undertaken by German firms falls within legal parameters.

According to Julia, there is still some question as to how open German law firms are to the concept. The resistance isn’t limited to the argument that protections already exist within German law. Julia points out that practitioners who make their living from government-supported work for the indigent may feel threatened by talk about free legal services. Additionally, Julia notes that some in the legal community still see *pro bono* work as “a marketing tool from big Anglo-Saxon firms for something lawyers did in the past without talking about it.”

However, the attorneys involved in the *Pro Bono* Roundtable, which meets every other month, are working to overcome that resistance. They have published an article in a periodical for German law students, explaining more about the U.S. and U.K. tradition of *pro bono* work and the opportunities for it that exist under German law. The roundtable’s latest plan is to establish a

registered association to promote *pro bono* legal services in Germany, engage in the improvement of the framework conditions and facilitate access to *pro bono* services. One idea is to set up a website where interested individuals and organizations can direct their requests.

“Many people just don’t know that there are so many law offices, almost in every midsize town, where they could go and ask for legal advice,” Julia says. “Raising awareness of the existing system would be a nice side effect.” In the long term, roundtable participants hope not only to represent organizations that could benefit from *pro bono* assistance, but also to strengthen Germany’s existing public law system. A recent project arranged through the Public Interest Law Institute (PILI) best reflects their efforts on both counts.

PILI, a human rights organization based in Budapest, Hungary, contacted Skadden’s Frankfurt attorneys. It sought help in examining, for Mobil mit Behinderung e.V. (MMB), a German nongovernmental organization, whether certain German laws adequately meet the needs of disabled citizens who seek better transportation mobility. Julia and former Frankfurt partner **Hans-Georg Berg**, who facilitated Skadden’s initial role as a roundtable participant, enlisted the aid of Frankfurt associate **Katja Findeisen** and former counsel **Veit Denzer** to conduct a comparative study for MMB. The study compared existing German laws regarding state aid for the acquisition of a motor vehicle equipped for persons with disabilities to the requirements set forth by Article 20 of the United Nations Convention of December 2006. The U.N. Convention requests that Germany (and other agreeing states) ensure the best possible freedom of choice in personal mobility for disabled citizens at an affordable cost.

The study found that current German laws are geared toward providing more funds for public transportation for disabled citizens (*e.g.*, bus and railway access) rather than giving these individuals financial aid to purchase vehicles. The attorneys also noted that while the U.N. Convention’s principles require Germany to take active measures to grant greater motor vehicle aid, it is not required to exceed its financial ability in doing so. “No state is obligated to take disproportionate measures,” Katja said. The study recommends that certain aspects of German law be amended to increase the legal certainty for individuals in need, including provisions that stipulate more precisely the demands and prerequisites for obtaining aid.

MMB has expressed great appreciation for Skadden’s work on the comparative study, Julia said. “They will use elements of the study’s findings to advocate for the conformation of existing German law with Article 20 of the U.N. Convention.”



CLINICS & COURTS

Throughout the year, our attorneys spend hundreds of hours participating in legal clinics and court-sponsored projects. “From every perspective, the clinical experience is enormously important and valuable,” says New York of counsel **Judge Judith Kaye**, who, as New York state’s Chief Judge, was renowned for court reform and her dedication to providing equal access to justice for all of the courts’ users. “First and foremost, I think of course of the litigants, for whom the human connection is so often lifesaving. And I think of the courts, which need and welcome this essential assistance in achieving their objective of delivering justice. There is no better training, no better affirmation of what it is to be a lawyer serving the public,” she says.

Attorneys from the Washington, D.C. and New York offices recently donated their time and knowledge at a variety of clinics and court projects that provide assistance in tax, family and housing issues.

TAX CLINICS

Before Washington, D.C. partner **Armando Gomez** joined Skadden in 1997, he worked with the National Commission on Restructuring the Internal Revenue Service to secure federal funding for tax clinics that assist people who fall below a particular income level. At the time, there were only 10 such clinics in the country. Thanks in part to government funding for expansion, there now are 150 tax clinics in the United States. However, some of these clinics do not qualify for federal funding because they serve people whose incomes slightly exceed the federal government’s limit. Our tax attorneys spend many hours each year advising these and other clients at tax clinics.

Armando and Washington, D.C. partner **Pamela Olson** are members of the board of advisers to the Janet R. Spragens Federal Tax Clinic at the American University Washington College of Law, where they consult periodically with the clinic director and student clinicians and assist with funding under a federal grant program. Skadden attorneys have performed *pro bono* work at this clinic for more than a dozen years.

Additionally, Washington, D.C. associate **Brendan O’Dell** is working on a tax case for a man who suffered from severe depression after his wife died approximately six years ago. He abandoned his property in North Carolina and moved to Baltimore, where his was homeless for nearly four years. During this time, he received direct deposit pension and Social Security checks, for which he

did not pay taxes. Once he received treatment for his depression, he filed tax returns, which led to the IRS garnering his Social Security benefits. Brendan stepped in to assist. “Once I took on the case, I worked with the IRS to set up a payment plan for our client,” he says. “I also filed a request to have the penalties removed during the time he was homeless.”

In 2009, New York *pro bono* associate **Brenna DeVaney** contacted the Fordham Tax Clinic and then, after it provided training, set up *pro bono* opportunities for attorneys in the New York office. “The Tax Group wanted to do clinic work, so this was a great opportunity,” says Brenna. “We have the structure in place to quickly staff matters on which they need our assistance.” Partner **Barney Phillips** has supervised New York tax associates **Rebecca Brown**, **Benjamin Schreiner**, **Elena Virgadamo** and **Thomas Wood**.

Skadden attorneys say the opportunities provided by tax law *pro bono* work can be very rewarding. “It’s great to see the other side of the tax system,” Brendan says. “We usually work with large companies’ tax issues. The vast majority of people who get swept up in IRS matters have issues that are small compared to those of corporations, but are very big to them and can have a huge effect on their lives. I’m glad we’re able to help them through these cases.”

FAMILY COURT

For the fourth year, New York office attorneys are spending two days a month in the *pro se* office of the Bronx, Brooklyn or Manhattan Family Court as part of the New York City Family Court Legal Services Project. Lawyers involved in this project advise litigants on matters such as what to expect in court, how to organize documents and which points to stress in cases involving support, paternity, custody and visitation issues.

New York City Family Court can be intimidating for people who have to appear there because of the personal nature of the cases. New York counsel **Stephanie Feld** has coordinated our involvement with the program since we first participated in it in 2006. She recently advised an individual who was paying child support even though he had custody of the couple’s child. “We advised him how to file a motion to terminate child support,” says Stephanie. “This is a typical case where we can help show someone how to go through the process who doesn’t know what steps to take next.”

While a court lawyer interviews each litigant to see if he or she qualifies for the program's assistance, the court lawyer cannot provide legal advice. So, attorneys from private firms, including Skadden, volunteer their time to fill the void. Attorneys who have participated in the program include **Deborah Bander, Amy Cerciello, Brenna DeVaney, Nizan Geslevich, Paul Hecht, Danielle Li, Mimi Marton, Elise O'Connell, Anita Sinha, Giyoung Song, Elena Virgadamo, Terry Wells, Nori Yokozuka** and **Dwight Yoo**.

"It is gratifying to deal with the litigants on a one-on-one basis," says Stephanie. "They really appreciate not only the clarity and direction we provide, but also just having someone to talk to about their situations."

LANDLORD TENANT RESOURCE CENTER

Attorneys in the Washington, D.C. office also have been providing legal information to individuals at the Landlord Tenant Resource Center (LTRC), affiliated with the Landlord and Tenant Court in Washington, D.C. As part of his role on the D.C. Bar Landlord Tenant Committee, *pro bono* of counsel **Doug Robinson** was one of several Skadden attorneys who helped establish the LTRC. Since that time, our attorneys have served at the center every other week on a rotating basis. Current participants include partner **John Moot**; counsel **David Schneider**; *pro bono* counsel **Don Salzman** and associates **Emily Helms Williams, Vijay Singh, Nike Opadiran, John Shepherd, David Schneider, Ben Clapp, Valarie Ney, David Pawlik, Piers Fennell, Ross Tucker, Andrew Collins, Whitney Washington** and **Jordan Schwartz**; staff attorney **Nicholas Persky** and *pro bono* coordinator **David Ginensky**.

Skadden attorneys help the landlords and tenants by explaining their options and possible next steps in the legal process. Emily, who has been volunteering with the LTRC since 2005, explains that she and the other attorneys meet with people with a wide variety of problems related to housing. Some are on the verge of eviction, some are tenants whose landlords have refused to fix serious housing code violations and some are landlords being taken advantage of by their tenants. "The one thing they have in common is that they all need assistance navigating the legal system," she says. "We are often able to calm nerves and empower people just by explaining the court process to them."

"I really like the LTRC because it gives me an opportunity to step out of my role as a transactional lawyer," says Vijay, who has been volunteering at the center since January 2009. "Many of the disputes presented by customers are not necessarily even about the law, but are more problems in human communication and interaction. The LTRC presents us with the challenge of conquering both."

Tenant Advocacy

Clinics and court-sponsored programs aren't the only ways our attorneys and summer associates have helped many *pro bono* clients with housing matters.



Boston associates **Chris Clark** and **Matt Stein** (with the assistance of then-summer associates **Catie Black, Abra Bron, Kate Holmes, Audrey Murga** and **Taylor Neff**) represented Makesha Howell in a protracted housing dispute with the Boston Housing Authority (BHA). The matter was referred by the Volunteer Lawyers Project.

Ms. Howell lived with her two young sons in a low-income apartment owned and operated by the BHA. In 2006, the apartment was infested with cockroaches, ruining Ms. Howell's personal property (including all furniture) and forcing her family to live elsewhere for several months. When they moved back in, she and her children slept on the floor.

For more than two years, Chris and Matt sought compensation from the BHA so Ms. Howell could replace the destroyed property. After the BHA denied her initial request, Chris and Matt commenced a lawsuit in Massachusetts Superior Court on Ms. Howell's behalf. Throughout the entire course of the litigation, the BHA repeatedly engaged in delay tactics and even attempted to force Ms. Howell to dismiss her lawsuit by twice trying to evict her for purported nonpayment of rent — rent that Ms. Howell was withholding in response to another, subsequent pest infestation (this time, mice). Chris and Matt successfully represented Ms. Howell in those separate proceedings and prevented the BHA from evicting Ms. Howell and her children.

After more than 1,000 hours advocating on Ms. Howell's behalf, our team obtained a favorable monetary settlement that allowed her to repurchase much-needed furniture and household goods. This monetary settlement also was notable, as the BHA typically does not settle cases such as this one.

From the New York office, associate **Peter DiConza**, together with former counsel **Diana Lopez** and associate **Sarah Saylor**, helped Community Access negotiate a joint venture agreement with Alem-bic Development Company to develop a housing project in the Bronx, N.Y. The 106-unit, low-income housing development includes 55 units designated for people with special needs as well as program space for special services. Peter also has done *pro bono* work on several leases for New York-based Community Access, which provides supportive housing for homeless and mentally ill individuals. The New York State Bar Association recognized Skadden's work during its first-ever National *Pro Bono* Week in November 2009. In the Association's release, Peter noted that assisting nonprofits with complicated legal proceedings "helps you to broaden your legal knowledge and your skills."

Asylum

As our attorneys continue to help clients secure asylum, the firm funds the creation of the Sheehan Asylum/Human Rights Project at Penn Law.

In 2009, Skadden reaffirmed our dedication to asylum work by establishing the Sheehan Asylum/Human Rights Project at the University of Pennsylvania Law School. The firm donated \$1 million in honor of former executive partner (and current *pro bono* of counsel) **Bob Sheehan**, a 1969 graduate of Penn Law. The school will recruit a full-time professor to guide students as they work on asylum cases in partnership with local providers of legal services to immigrants. The Sheehan Project will be part of Penn Law's Transnational Legal Clinic, where students work with clients across cultures, languages, borders and legal systems on human rights litigation and advocacy.

"Bob Sheehan is not only one of the world's most respected law firm leaders [but also] is a longtime and influential advocate for human rights," says Penn Law Dean Michael Fitts. "He has developed an exemplary *pro bono* program at Skadden that is respected worldwide for its work on criminal appeals, political asylum cases, post-conviction death penalty appeals and other matters. We are honored to receive this gift, which will benefit our students and the clients they represent tremendously."

In his remarks on the establishment of the project, Bob noted, "People from many parts of the world suffer in unimaginable ways simply because of their political and religious affiliations. Guiding them through the U.S. legal system so they can escape persecution is one of the most valuable services we as lawyers can provide."

Our attorneys continue to demonstrate their commitment to helping *pro bono* clients in the ways Bob describes. In the past year, we have helped win asylum for individuals from Cameroon, China, Colombia, the Congo, Ethiopia, Gambia, Georgia, Guinea, Jamaica, Mexico, Peru, Russia, Tibet and Zimbabwe. A few examples of these successes follow.



Ms. T. > Chicago



Mr. L. > California



Mr. M.H. > Boston



Mr. B. > New York

Chicago counsel **Lee Garner** and associates **Ricky Chen** and **Ebba Gebisa** secured a quick grant of asylum for their client, Ms. T., a native of Nepal. Her parents fled to Nepal from Tibet, where her father had been involved in political activities in support of Tibetan independence and human rights. Although born and raised in Nepal, Ms. T. did not have lawful residency status or rights to education or employment.

In her 20s, Ms. T. joined the Tibetan Youth Congress, an international organization committed to Tibetan independence. She began educating other Tibetan refugees in Nepal about the situation in Tibet and, in 2005, she took part in a Youth Congress protest at the Chinese embassy in Kathmandu. Nepalese police officers beat her, arrested her, registered her name and threatened to deport her if she ever participated in another demonstration. At a subsequent protest, she escaped before the police could arrest her. Later, Ms. T. discovered that the police were looking for her, and she feared deportation because her name already was registered.

Ms. T. decided to flee Nepal, but she had no lawful means to obtain a travel visa, so she went into hiding. A friend helped Ms. T. obtain a plane ticket and a false Nepalese passport. After arriving in the U.S., Ms. T. promptly applied for asylum and voluntarily surrendered the inauthentic passport.

For Ms. T.'s asylum hearing, our Chicago team submitted documentation showing that Nepalese authorities had deported Tibetan refugees to China in the past. They also presented evidence that, after the Bush administration had worked with Nepal on a plan to resettle up to 5,000 Tibetan refugees in the United States, Nepal had backed out of the plan. The team argued that the State Department's failed effort demonstrated that it would be unconscionable to deny asylum to a Tibetan refugee who had managed to get to the United States from Nepal on her own.

The Chicago Asylum Office rarely grants asylum immediately following the interview stage. Most applications are routinely denied and then proceed to a trial, which often takes one to two years. During that time, applicants usually are not entitled to lawful employment in the U.S. and often have to survive in conditions of deprivation and danger. In this case, our lawyers created a record compelling enough to win at the interview stage, and Ms. T. was granted asylum without a trial.

“It’s a given that in these cases there isn’t a lot of supporting evidence and some applicants may try to stretch the truth,” says Ebba. “But she was always very honest.”

Los Angeles associates **David Peyman** and **Matt Vandermyde** secured asylum for Mr. L., who was only 15 years old when he fled Mexico to get away from his abusive, alcoholic father. Mr. L. headed for Texas, hoping to make more money for his sister and himself, but he was caught by border patrol.

Ultimately, Mr. L. was transferred to the custody of his deceased mother’s friends in California. When his case began in 2006, Matt, then a summer associate, asked David to work with him on it. Matt was instrumental in communicating with Mr. L., who speaks only Spanish.

“We met Mr. L. and quickly petitioned the state court for special immigrant juvenile status (SIJS) so he could be declared a dependent of the state, which would strengthen his case before the federal immigration judge. Persons under the jurisdiction of a juvenile court who suffer abuse, abandonment or neglect may qualify for SIJS and based on that, prevent deportation by the federal government and ultimately obtain permanent legal residency,” David says.

David and Matt quickly obtained SIJS for Mr. L. David secured numerous affidavits from relatives in Mexico, and Mr. L.’s birth records were found in Guatemala, but the process took considerable time. When Matt returned to Skadden full-time, he again became involved.

Although Mr. L.’s SIJS status lapsed when he turned 18 and was no longer considered a juvenile, David and Matt successfully argued that it still was relevant, because the federal case’s delays were not Mr. L.’s fault. When the case was heard, Mr. L. won his federal case and thereafter secured a green card right away. “The abuse he suffered as a juvenile played a big role in the decision,” David says.

Matt found his first case to be exceptionally rewarding, saying, “I got to know this side of the system and also take the lead in instances where David could not attend. It’s very different from what I do in real estate law.”

“GUIDING [ASYLUM SEEKERS] THROUGH THE U.S. LEGAL SYSTEM ... IS ONE OF THE MOST VALUABLE SERVICES WE AS LAWYERS CAN PROVIDE.”

— BOB SHEEHAN

Boston associate **Nick Leitzes** secured the release of Mr. M.H., a Palestinian national with no criminal record, who had been imprisoned for more than a year because he violated his student visa. During his detention, Mr. M.H. was ordered removed from the United States. His case subsequently was referred to former Skadden Fellow **Muneer Ahmad** of Yale Law School, who reached out to our Boston office for help.

Nick wrote letters and made calls to the Department of Homeland Security (DHS). He asserted that Mr. M.H.’s continued detainment was unlawful under U.S. Supreme Court precedent, holding that it is unreasonable to detain someone for more than six months after an order of removal, if there is no indication that removal is likely in the foreseeable future. Among other things, Nick argued that Mr. M.H.’s

classification as “stateless” due to his Palestinian heritage made it unlikely that he would be removed in the foreseeable future. Nick also drafted a petition for habeas corpus, and notified DHS that the petition would be filed in the U.S. District Court for the District of Massachusetts if Mr. M.H. was not released immediately. The day Nick was going to file the habeas petition, Mr. M.H. was released from custody.

In June 2009, New York associates **Anne-Laure Allehaut** and **Olivia Odell** won asylum for Mr. B., a 20-year-old native of Jamaica, who had lived in the U.S. with his family since age 10. When he was 17, his family kicked him out after he told them he was gay. He then lived on the street or in youth shelters. He initially was unaware of the danger he would be in if he had to return to Jamaica (recently called by *Time* magazine the “most homophobic place on Earth”).

The deadline for filing an asylum application is one year after arrival in the country or within one year of turning 18. However, our attorneys did not get Mr. B.’s case until he was already 20. Anne-Laure wrote a brief arguing that Mr. B. should qualify because he was homeless at age 18 and did not have anyone to make legal decisions for him.

“It was not an easy case from the beginning,” Anne-Laure says. “Our client was young and didn’t have any structure or family in his life.”

An issue emerged “because there were multiple entries and exits on his passport between the U.S. and Jamaica,” Olivia says. Mr. B. said that someone in his family must have used his passport fraudulently. Anne-Laure and Olivia presented evidence that he was in school during the times he was allegedly out of the country.

Because the asylum officer knew Mr. B. could be in extreme danger if returned to Jamaica, she granted him asylum.



It's My Heart was founded in Houston in 2004 to help families affected by a congenital heart defect, the number one birth defect in the United States. Executive Director Corrie Stassen started the organization with the help of Skadden's Houston attorneys. Here she talks about the program that is very close to her heart.

Client Q&A

Why did you decide to start It's My Heart (IMH)?

In December 2003, my son Noah was diagnosed with a congenital heart defect (CHD). He was only four days old. I knew nothing about the diagnosis, and it became a crazy roller coaster for me. I tried reaching out for support, only to find that there was nothing out there. I learned later CHD is the leading cause of death for children under the age of one in this country, but still, there were no resources for me to turn to. So, I decided to do something about it.

What is the group's mission?

Through the organization and its website, the goal is to create awareness, resources and education on CHD. We provide strength and support for those affected by heart defects through offering programs for the entire family, including siblings, grandparents, aunts and uncles. We also want to increase awareness of the condition for expectant parents. And we want to bring attention to CHD by getting legislation passed for more research.

What services does IMH provide?

When a child is diagnosed with CHD, in addition to just informative literature, one of the first things we offer to parents right in the hospital is a comfort bag. Comfort bags include many of the items I wish I would have had at that time, such as a pen and notebook, water, receiving blankets, a camera and hand sanitizer. We also provide four different sizes of heart masks. These are surgical masks for babies, children or young adults who have to wear a mask due because of a compromised immune system. We use fabrics with kid-friendly designs to make the experience as pleasant as possible. The instructions to make them are on our website. We also give Backpack Buddies to children who have to use a heart monitor long-term. These are animal backpacks that a child can wear.

Are there opportunities for the families to interact in a support network?

It's My Heart creates alliances and networks among families, groups, hospitals and the community. For example, through our Family Matching program, we bring together different families in similar situations. We match based on diagnosis and proximity and offer this to any family member who

wants to talk to someone going through the same thing they are. We offer monthly support meetings with a range of speakers including doctors, social workers and even attorneys.

We Got Heart is our support group for teens who are affected, either personally or through a family member, with CHD. This allows them to talk freely with other teens about their experiences. We also hold family events throughout the year, including our annual CHD Awareness Run/Walk.

How has IMH expanded since you first started the organization in Houston?

We started with one chapter in Houston, but now we have almost 20 chapters in Texas, California, Indiana, Massachusetts, Michigan, New Jersey, Ohio, Oklahoma, Oregon, Tennessee and Virginia. Each chapter has its own events and works with hospitals and families in its region. I hope to see up to 30 chapters soon.

How did you end up working with Houston associate Michael Dailey and others at the firm?

When I first decided to start IMH, I didn't know anything about structuring a nonprofit. I knew Michael through my church, though I didn't want to bother him with legal questions. So I started making phone calls to all the attorneys in the area, but not even one returned my call. I almost gave up until I decided to call Michael for some direction. Once he [and his colleagues] got involved, the whole process moved straight ahead. It was wonderful, and I was just thrilled. I can't thank him enough.

What kind of help have our attorneys provided?

They have helped with just about everything you can think of. They got us 501(c)(3) [tax-exempt] status, developed our articles of incorporation, and established and updated our bylaws. They assisted us in creating chapter bylaws and agreements, preparing necessary legal documents and writing disclaimers. The team also advised us on corporate governance issues as well as our intellectual property needs, such as drafting the agreement for our domain name.

Houston associate Michael Dailey, along with counsel Christian Callens and associates Nicholas Bigney, Maria Kim and David Passarelli, worked with It's My Heart since its inception to incorporate and achieve tax-exempt status for the organization. The attorneys also helped It's My Heart draft bylaws, establish chapters throughout the country and create an advisory board. Another Houston associate, Christopher Bellotti, provided counsel regarding potential litigation; Palo Alto counsel Kristin Major assisted with labor and employment matters; and New York partner Stuart Levi provided advice on intellectual property issues and drafted agreements regarding the group's domain name.

Are there any future projects with which the legal team will be assisting?

Yes, we have so many new projects down the road. The attorneys continue to assist as individuals in other cities express an interest in forming a chapter, including looking into the implications of opening a chapter in Canada, which [if successful] will be the first international chapter. I am so grateful for all Skadden has done already. It's My Heart would not even exist if it wasn't for all the help they provided.

A large part of our *pro bono* program involves assisting nonprofits with transactional matters. Our lawyers advise nonprofits that are just starting out as well as those with ongoing business needs. It's My Heart is just one example of literally hundreds of organizations helped each year by our lawyers, and we continue to work with many of them. The following is a small sample of our nonprofit work.

JAZZ AND DEMOCRACY

Palo Alto counsel **Carrie LeRoy** and **Kristin Major** and associate **Sharon Lee** assisted the Jazz and Democracy Project, which is a music integration curriculum linking the arts and U.S. history to encourage community activism among young people. Dr. Wesley Watkins developed the program two years ago when he was a school district consultant, and he wanted to expand the program independently. The Palo Alto attorneys helped Dr. Watkins obtain the necessary permission, crafted independent-consultation participation agreements, and provided trademark advice.

FRIENDS OF PETER'S PARK

Friends of Peter's Park is an active neighborhood association in Boston's South End that was first introduced to the firm by Boston litigation partner **David Clancy**. At the time, Peter's Park was looking to obtain a Massachusetts Certificate of Solicitation from the Massachusetts Attorney General's Office. Since obtaining the certificate, Boston associate **Alpa Patel** has assisted Friends of Peter's Park by drafting a contract for the restoration of the park, providing corporate governance advice and completing a comprehensive revision of the nonprofit's bylaws.

NEW YORK RESTORATION PROJECT

A number of attorneys from Skadden's New York office have provided assistance to the New York Restoration Project (NYRP). Since 2001, partner **Ben Needell** has served as the chairman of the board of NYRP, which was founded by entertainer Bette Midler to reclaim and restore New York City parks, community gardens and open space. Associate **Audrey Rubin** advised NYRP on the acquisition of an abandoned, trash-filled lot at 103rd Street between Park and Lexington Avenues, which NYRP is developing into a community garden in partnership with the Disney Company. Partner **John Furfaro**, counsel **Risa Salins** and associate **Erik Ludwig** have assisted both NYRP and New Leaf Restaurant & Bar, which provides financial support to NYRP, on a number of labor issues, including drafting employment policies and contracts, helping them fulfill workplace poster requirements and advising on conducting employment reviews. Trademark legal assistant **Sylvia Marquez** has worked on applications for various educational and charitable fundraising-services trademarks for NYRP.

Continued on back cover



Children's Rights

From examining national legal systems to helping local individuals become guardians, our attorneys advocate on behalf of children and families.

Since 2007, attorneys across Skadden's network of offices have worked with the Child Rights Information Network (CRIN) in conducting the first comparative analysis of how the 1990 U.N. Convention of the Rights of the Child (CRC) treaty has been implemented by signatory countries.

CRIN operates a free, multilingual database on children's rights. Its goal is to make the relevant laws (and procedures for vindicating those laws) well known to children's rights organizations in each jurisdiction, so that these laws can produce tangible benefits for those they are intended to protect. More than 2,000 organizations and tens of thousands of activists rely on this information.

Central to CRIN's mission is the promotion of the CRC, which was created after 60 years of U.N. advocacy and is based on the premise that children are born with fundamental freedoms. When it was adopted, there was no central body to monitor and report on how the CRC's almost 200 signatory countries were fulfilling their obligations to amend their domestic laws.

London counsel **David Herlihy** and associate **Katie Sutton** have assisted CRIN with several issues relating to the CRC. Many other attorneys and summer associates have worked with them, including, among others, in Hong Kong, **Calvin Chan, Shu Du, Anita Ng** and **Sheena Winter**; in London, former associate **Lara Karam**; in Los Angeles, former associate **Ashim Sood**; and in Washington, D.C., **Jared Wessel**.

Skadden's team drafted detailed comparative reports regarding national legal systems. These reports summarize key domestic legislation and case law affecting children's rights and describe the ways in which the CRC has been implemented in Belarus, Belgium, China, England, Hong Kong, India, Israel, Japan, Lebanon, Romania, Russia, South Africa and Sweden. Each report analyzes the country's compliance with the CRC in numerous areas, including legislation regarding health and welfare, education and child labor, and avenues for redress.

"In addition to educating child rights advocates in the various jurisdictions, CRIN's ultimate goal is to generate a best practices guide, which will draw from actual steps taken by contracting states to the CRC. That will offer helpful guidance to other states, especially developing countries, when they seek to give effect to the Convention in their domestic law," David says.

Our lawyers have assisted CRIN with other discrete projects, such as creating a searchable case law database for decisions by national courts worldwide that involve the CRC or related children's rights issues; and developing a comparative study of how the office of child rights ombudsperson functions in different countries.

"Skadden is among the very few firms worldwide that could provide *pro bono* advice on such a scale. It says a lot about the depth of international talent within the firm," David says.

Guardian Ad Litem Efforts

While the firm's child advocacy work with CRIN is global in scope, we have a longstanding commitment to similar issues in the cities in which we have offices. A number of attorneys in our Wilmington office, for example, volunteer through Delaware's Office of the Child Advocate, each acting as guardian ad litem. In this role, the attorney evaluates a case and identifies a family's needs for the court.

Wilmington associate **Nicole DiSalvo** has acted as a guardian ad litem since her first year at Skadden. She represented the interests of a four-week-old baby who eventually was adopted into a loving home and worked with Wilmington partner **Tom Allingham** on a case involving three children from one family.

Nicole finds acting as a guardian ad litem to be a great learning experience and very rewarding: Not only is she performing a much-needed service for the community, she also is impacting the lives of children, especially in those instances where she acts on behalf of adolescents. Nicole says, "as a guardian ad litem, you're charged with making sure things don't fall through the cracks. I also try to act as a mentor and put them on the right track."

For the past six years, legal assistants in our New York office have participated in the New York Lawyers for the Public Interest's guardianship project. Current program participants include **Jessica Buffman, Eriko Nagao, Skylar Polansky** and **Matthew Twomey**. Twice a month, we host *pro se* applications of the NYPLI clinic for people seeking guardianship of an adult, often a mentally disabled relative. "We are not lawyers and cannot give legal advice, but we give them information to help them properly fill out the forms, which can be very daunting," Eriko says.

The volunteer legal assistants discuss the forms' complicated language, clarifying which portions of the application go to which agencies and describing the process of applying for guardianship. In association with the NYPLI program, our legal assistants helped Citigroup attorneys hold their first guardianship trainings, which were conducted at Skadden's New York office.

Honors & Awards

Firm Honored for Succession Work in New Orleans

New York associate **Daniel Zweben** accepted, on the firm's behalf, the 2009 Distinguished Service Award on Dec. 10, 2009, for our involvement in the Succession Project at the Pro Bono Project, a New Orleans-based nonprofit that provides legal services to low-income individuals. Daniel has spearheaded the involvement of 15 associates and nine summer associates, who have worked more than 475 hours helping residents of New Orleans properly title the properties of deceased relatives. In addition to Daniel, current Skadden participants include **George Ching, Meredith Cohen, Katy Donlan, Jamie Eichinger, Michael Hamilton, Anna Kolontyrsky, Andrew McLean, Katie Norton, Arlene Osterhoudt, Ralph Perez, Chase Stuart** and **Jonathan Tam**.

Family Court Volunteer Award

On Dec. 3, 2009, New York corporate restructuring counsel **Stephanie Feld** received the New York Family Court Volunteer Attorney Program *Pro Bono* Service Award on behalf of herself and other Skadden lawyers who provided legal advice through the New York Family Court Project. The other recipients were partner **Kayalyn Marafioti**; counsel **Dwight Yoo**; associates **Deborah Bander, Amy Cerciello, Brenna DeVaney, Nizan Geslevich Packin, Danielle Li, Miriam Marton, Elise O'Connell, Giyoung Song, Terry Wells** and **Noriko Yokozuka**; and staff attorney **Paul Hecht**.

Tom Allingham Receives ACLU Award

Wilmington partner **Tom Allingham** received the Gerald E. Kandler Memorial Award on Oct. 7, 2009, at a dinner sponsored by the Delaware chapter of the American Civil Liberties Union. Tom was selected for his *pro bono* work, including his 10-year-long representation of an inmate on death row in Delaware, which culminated in an *en banc* ruling from the Third Circuit Court of Appeals overturning his conviction, and Tom's leadership of a Skadden team pursuing Establishment Clause challenges to religious practices in a public school district in southern Delaware.



Legal Aid Society Honors Attorneys

The firm and a number of our attorneys were honored at The Legal Aid Society's 2009 *Pro Bono* Publico Awards ceremony on Oct. 26, 2009, in New York for providing exceptional *pro bono* assistance. Awards were given to the following New York office attorneys: special counsel **Ron Tabak** for his work on a landmark case that mandates the appointment of guardians to represent mentally disabled residents in tenancy-termination proceedings; associates, **Rita Sinkfield Belin, Kamali Willett** and **Kurt Gerry** for researching problems involving attorney access to incarcerated clients in the new Bronx Hall of Justice; and associates **Shari Graham**, and **James Leonard** for their work in the Civil Practice's Harlem Community Law Office while they were serving *pro bono* externships. In addition to these awards, Skadden was honored for its externship program with Legal Aid and was among the law firms named to The Legal Aid Society's *Pro Bono* Honor Roll.

Tim Nelsen Named 'Legal Eagle' for Winning Release of Mark Clements

Retired Chicago Partner **Tim Nelsen** received the 2010 Legal Eagle Award from the Independent Voters of Illinois — Independent Precinct Organization at its 2010 Independents' Day Dinner on June 25, 2010. The award is presented annually "to a lawyer or an organization of lawyers that has made a particularly significant contribution to opening the political or governmental process or worked to the benefit of the general public." Tim received the award for winning the release from prison of Mark Clements, who had spent 27 years in prison on a life sentence with no possibility of parole (see page 5).

Skadden, Thomas Pak Win Family Defense Project Awards

On Oct. 1, 2009, **Ron Tabak** accepted, on behalf of the firm, the 2009 Family Defender Award from the Brooklyn Family Defense Project (BFDF), in recognition of our *pro bono* work for BFDF, which advocates for low-income families in the family court and child-welfare systems. At the same ceremony, New York counsel **Thomas Pak** received the first annual Family Defender Award from BFDF for his work representing a mother falsely accused of abusing her child by New York City's Administration for Children's Services. Thomas reviewed the lengthy record of a full fact-finding trial before Kings County Family Court, which lasted more than 14 days, and then wrote a post-trial brief. The Family Court then found that the child had not been abused and ordered his return to the mother. The case involved highly complex medical evidence from five separate medical experts on the issue of whether the child suffered from "shaken-baby syndrome" (as alleged by the agency) or infectious meningitis and ensuing complications (as determined by the Family Court).



Firm Receives Innocence Project Award

Senior partner **Joe Flom** and New York of counsel **Bob Sheehan** accepted an award on behalf of the firm at the fourth annual Innocence Project Celebration of Freedom & Justice in New York on May 18, 2010. The Innocence Project, a nonprofit legal clinic and national litigation and public policy organization dedicated to exonerating wrongfully convicted people, honored Skadden for its "tremendous contributions" to the organization's work.



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 highlight a current or former Skadden Fellow.

SKADDEN FELLOW:

Rebekah Cook-Mack (2008-2010), current Skadden Fellow Trustee

FELLOWSHIP:

Foreclosure Prevention Project at South Brooklyn Legal Services (SBLS)

Rebekah works in the Foreclosure Prevention Project at SBLS, where she represents low-income homeowners facing foreclosure due to predatory mortgage lending. Many of the cases she sees are people who simply didn't respond to notices that they are going to lose their home in default. "It's an extremely stressful process and sometimes it's hard for people to face the reality that they can lose everything," she said.

In 2008, Skadden of counsel **Judge Judith Kaye** (then New York state's Chief Judge) started the Residential Foreclosure Program to establish an early court presence in foreclosure cases to help reduce the rising percentages of people losing their homes.

The program includes a settlement conference option, on which Rebekah frequently advises clients. The conferences give people the opportunity to explore settlement possibilities. Rebekah says these conferences also are helpful in simply getting a person into court.

Rebekah also helps people who have been victims of predatory lending. "Because foreclosures are public record, once it happens a person will be bombarded with solicitations from agencies to modify the loan," she said. "Most of these are scams."

"Rebekah rose to the occasion as a Skadden Fellow with poise and intelligence," **Susan Butler Plum**, Director of the Skadden Fellowship Foundation, says. "Her work on foreclosure prevention was helpful and informed the deliberations."

Mark Clements *Continued from page 5*

time served. On Aug. 18, 2009, the court approved the terms of the plea agreement, and Mr. Clements entered his guilty plea. At the hearing, the special prosecutors stated in open court that they had "grave concerns" about the constitutionality of Mr. Clements' convictions and sentence.

"Mark would have liked to have been completely exonerated, but he's realistic," Tim says. "He knew the hurdle to succeed on a post-conviction appeal was very high, and he wanted to be able to have a life."

An important part of the deal for Mr. Clements was that he did not have to state expressly that he committed any offense and is allowed to maintain his innocence. Faced with remaining in prison to litigate the case with an uncertain outcome,

Mr. Clements told the press he saw "no choice," in large part because he wanted a real relationship with his daughter, who was an infant when he was arrested. Mark went home with his mother, sister and daughter hours after his plea was entered.

Today, Mr. Clements is continuing a fight in which he became involved years ago: to limit the length of prison terms courts can impose upon juveniles. He advises Northwestern Law School's Bluhm Legal Clinic (and its Children and Family Justice Center) on this topic. He also has had a series of speaking engagements before regional advocacy groups and local law school, college and high school classes about a wide array of criminal justice-related issues.

Nonprofits *Continued from page 13*

THOMAS COLE

New York of counsel **Barry Garfinkel** and senior staff associate **J. Bruce McGuirk** advised the Thomas Cole National Historic Site in connection with leasing arrangements and development issues related to its efforts to become a tax-exempt organization and receipt of property from the Greene County Historical Society. The Thomas Cole National Historic Site provides support to Cedar Grove, the site in New York's Catskill Mountains where artist Thomas Cole lived and worked. Cole is widely regarded as the father of American landscape painting.

