

EUROPEAN PRO BONO HIGHLIGHTS

NEWSLETTER 1 | SUMMER 2015

AWARD-WINNING

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ENDANGERED SEA LIFE
IN SCOTLAND**

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Welcome to the first edition of
European Pro Bono Highlights.

Skadden's European *pro bono* efforts have been gathering momentum, with lawyers dedicating over 16,000 hours of their time since the start of 2014. Projects have included an initiative to engage some of the poorest children in Afghanistan with essential education through skateboarding; a Russian charity working to provide critically needed cancer drugs; and a programme aiding some of London's most deprived communities in accessing crucial welfare benefits. The European offices' efforts have been remarkable, with the firm's achievements across the region recognised in the TrustLaw Index of *Pro Bono* 2015 (Thomson Reuters Foundation) for average *pro bono* hours per fee-earner.

This is the first newsletter devoted to the *pro bono* achievements of our lawyers in Europe. Each edition will select a few matters from the vast array of fascinating cases Skadden lawyers are involved in.

Foreword

An Interview with Dominic McCahill

HEAD OF *PRO BONO* AND THE IMPACT PROJECT IN LONDON

As the new head of London *pro bono*, what do you hope to bring to the initiative and where do you see it going forward?

Having taken over from **Danny Tricot**, I am keen to build upon all his excellent work. First, I want to continue to make the case for all fee-earners to take on *pro bono* work or increase their existing *pro bono* efforts and, second, to develop the Impact Project and see it flourish here in Europe.

Can you explain a bit more about the Impact Project and its origins?

The Impact Project was originally devised by attorneys in Skadden's Washington, D.C. office, and it has now spread to London and other offices in the US. Here we have set up three virtual practice groups: Public International Law, Domestic Violence and Welfare Benefits. These three groups were chosen as areas in which our attorneys can develop a specialism and, as a group, take on cases.

What is distinctive about the Impact Project compared to other *pro bono* initiatives?

What's distinctive is that the groups operate as virtual practice groups — resources and training are developed in the same way as in a fee-paying practice area, but the leadership for each initiative rests mainly with associates and counsel rather than partners. It is also key that the virtual practice groups were chosen because they are causes the associates felt passionate about. The Impact Project specifically looks to build relationships with outside agencies for the long term. All of this together results in the opportunity to develop a new specialism with access to a support group within the firm to help.

When it comes to *pro bono* aims and targets, is the focus firmwide or solely on fee-earners?

Pro bono is technically the provision of legal work without charge. However, more general corporate social responsibility does fall within the same bracket. We are keen to encourage everyone in the office — both attorneys and staff members — to get involved in projects we run that give back to the local community. In the London office, for example, this includes the Primary Reading Partners and Head to Head interview initiatives in partnership with Tower Hamlets schools and a local charity.

What would you say is the main reason for lawyers not getting more involved in *pro bono* work?

More often than not people are just too busy! This is why it is important for our attorneys to get involved in *pro bono* work right from when they first join the firm as a vacation student or trainee, so it becomes part of their normal work. One great advantage in *pro bono* work in particular for junior lawyers from a professional development standpoint is that it gives them the opportunity to have their own clients and run matters right from the start. My first-ever client was a *pro bono* client. At bar school, I represented a man in his compensation claim for a vicious assault. Many people say that doing *pro bono* work makes them feel better about being a lawyer. I would definitely agree.

***Pro bono* work seems to be increasing here in the UK. Would you say this is down to an expectation by clients that firms undertake *pro bono* service?**

Clients today are certainly interested in the broader footprint of firms they engage, including diversity, corporate social responsibility and *pro bono* work. Another reason for the increased demand for *pro bono* work in the UK is the reduction in legal aid over recent years. Skadden has recently become involved in the UK Collaborative Plan. The aim is for law firms to work together both to raise participation across the profession and to collaborate on access to justice projects, and so improve delivery of *pro bono* service.

Finally, what would you say to a Skadden lawyer considering getting involved in *pro bono* work for the first time?

Mainly, I would say just have a go. Speak to me or **Marika Somero**, who coordinates all our London matters and advertises all the new opportunities. In Paris, you should speak to **Pascal Bine**; in Germany, **Matthias Horbach**; in Moscow, **Alexey Kiyashko** or **Dmitri Kovalenko**; and in Brussels, **Simon Baxter**. We can introduce you to a new matter or the Impact Project. All the support and experience you need is here, and there is every reason to get involved.



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MORE ON

DOMINIC McCAHILL

Dominic is a partner in Skadden's London office and head of the London *pro bono* initiative. When he is not working on *pro bono* matters, he specialises in Corporate Restructuring, advising clients including banks, hedge funds and private equity sponsors with a particular emphasis on cross-border situations.

Scottish COAST Project Wins Goldman Environmental Award

On April 22, 2015, in Washington, D.C., Skadden *pro bono* client the Community Of Arran Seabed Trust (COAST) was presented with the prestigious Goldman Prize for its success in campaigning for a Marine Protected Area (MPA) designation on the south Arran coast. This globally renowned award, often referred to as the “Green Nobel Prize”, honours grassroots environmentalists and provides them with international recognition, worldwide visibility and financial support for their cause. COAST, the first-ever UK winner, has credited Skadden with enabling it to achieve this accolade and was accompanied to the award ceremony by Skadden partner **Katherine Ashley**.

SIMON'S INVOLVEMENT HAS GIVEN US THE CREDIBILITY AND CLOUT WE NEEDED TO GO UP AGAINST THE SCOTTISH GOVERNMENT

Skadden's work with this client originated through Brussels partner **Simon Baxter**, who, while taking part in a beach scramble on Arran in July 2011 with his wife and children, first met Andrew Binnie, who now is the executive director of COAST. Andrew described the destructive impact of over-fishing on the marine ecosystem in the waters surrounding Arran. The situation had become critical, with harmful fishing activities such as dredging for scallops causing diverse aquatic species to go into severe decline. COAST, a marine preservation community group, had been lobbying the Scottish government for over a decade to declare protected zones in the sea surrounding the island to try and reverse the damage to the environment.

The conversation piqued Simon's interest, and he soon became involved with COAST, in a partnership that has continued ever since. The main focus of Simon's work with the organisation was its fight to have a specific MPA established off the coast of Arran, which would restrict the fishing activities

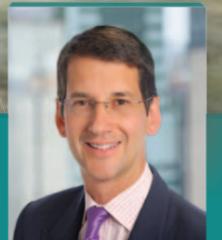
in the area and allow the ecosystem to recover. The problem it faced was that the European Union's Marine Strategy Directive, which required the Scottish government to implement a network of MPAs, was not being effectively followed. Simon's expert knowledge of the internal machinations of Brussels bureaucracy allowed them to match legal pressure exerted on Holyrood by various pro-fishing lobby groups, and the backing of Skadden's global network gave COAST leverage and influence as negotiations took place.

In July 2013, their efforts were rewarded. The Scottish government finally relented and announced the designation of an MPA in the waters surrounding the south of Arran. This historic decision marked the first and only MPA to be proposed and developed entirely by a local community group (with a little help from Simon, of course).

Andrew spoke about the impact Skadden has made on COAST: “Simon's involvement has given us the credibility and clout we needed to go up against the Scottish government, along with the advantage of having contacts in Brussels.” The relationship between Simon and COAST has become a close one, with the team having visited him in Brussels and him stopping by when he is in Arran. However, Andrew clarified that they “try not to drag him into boring meetings when he is on holiday.” They have even returned the favour to Simon – offering him use of their office facilities for Skadden work when the island's technology had let him down.

The successful designation of the South of Arran MPA and the resulting platform of the Goldman Prize for COAST is a clear example of the strong impact *pro bono* work can have on highly deserving organisations and communities. Simon now will be assisting COAST in its next challenge — negotiating the specific terms of the MPA to best protect Arran's marine life and guarantee its preservation for the future.

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SIMON BAXTER

Simon Baxter is a partner in Skadden's Brussels office and the head of the European Antitrust and Competition Group. When he's not doing *pro bono* work, he counsels clients on merger investigations and compliance matters before agencies such as the EU Commission and the UK's Competition and Markets authority.

COAST

COAST is a community group with the aim of protecting and preserving the marine habitat off the coast of Scotland's Isle of Arran and promoting marine conservation across the UK and beyond. Extensive fishing activities have threatened the island's richly diverse marine ecosystem, which includes the basking shark, curled octopus and barrel jellyfish.

Point of View:

Fighting Jihad but Protecting the Innocent

BY LÉON DEL FORNO

I was elected secretary of the Conférence des Avocats of the Paris Bar in January 2014, as I began my third year as a corporate associate in the Paris office. Each year, the Conférence elects young lawyers based on their performance in a debating competition. Once elected, the 12 incumbent secretaries are appointed by the Bar to represent individuals without the means to pay for legal representation in the most serious and complex criminal proceedings before Parisian jurisdictions.

Among the multiple cases that were assigned to me during my year as secretary, those related to jihadist networks have undoubtedly proved the most interesting. I have been defending a number of French citizens who joined extremist groups in Afghanistan, Syria or Iraq, and who were arrested while leaving or returning to France, before being formally investigated on charges of “participating in a terrorist conspiracy,” and jailed pending trial.

Such so-called “jihadist” cases generally present a combination of challenges that distinguish them from other criminal cases. First, French anti-terrorism laws (considered to be among the strictest in Europe) are wide-reaching and evolve rapidly. Likewise, the judges’ decisions and the intelligence services’ practices are rarely predictable and tend to vary depending on events that are external to a given case (e.g., terrorist attacks or the progress of a jihadist group in Syria). Besides, presumed jihadists fit no single profile and come from all ages, ethnic origins and social backgrounds. Similarly, conversion and/or radicalisation processes rarely resemble

one another. More often than not, there will not be a single piece of evidence as to the defendants’ whereabouts and activities in the warzone, nor to their genuine intentions and motivations for coming back to France. Some of them deny having committed any wrong by joining the fight against Bashar al-Assad (which France partly supports); others outrightly reject the notion of secular justice and leave it up to their God to judge their actions. Lastly, such cases are often treated as “high-profile” and attract heightened scrutiny from the executive branch, the media and public opinion alike.

One issue that struck me in particular relates to pilot programmes carried out in certain prisons, where alleged “jihadists” have been separated from other detainees.

PRESUMED JIHADISTS FIT NO SINGLE PROFILE, AND COME FROM ALL AGES, ETHNIC ORIGINS AND SOCIAL BACKGROUNDS

The programmes aim to improve control over radical behaviours and prevent tutoring by other prisoners. At first, I was doubtful about the idea of grouping presumed radical Islamists together, but I have now become entirely convinced that this project is a complete failure. We, as secretaries, came to realise that some clients of ours who struck us a few months ago as the most resentful towards radical ideologies seemed increasingly less willing to embrace new paradigms and values, presumably under the constant and amplified influence of their cellmates.

In summary, my role defending accused terrorists has increased the intensity of my experience as a lawyer, as it has required unyielding attention to a wide array of complex and novel issues. It has also allowed me to question the appropriate legislative and judicial response to terrorist threats in France, against the backdrop of an emerging debate over balancing security and civil liberties.

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LÉON DEL FORNO

Léon is an associate in Skadden’s Paris office. After spending over two years in the corporate department, where he primarily worked on cross-border M&A transactions, he now focuses on litigation, arbitration and white collar crime. Outside of his *pro bono* work, Léon also teaches Legal Theory at Sciences Po (Paris).



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