

# Pro Bono Report

Skadden



Summer 2015

# Pro Bono

## Contents

### **02 A \$14 Million Verdict and an Important Precedent for Trafficked Workers**

---

Skadden joined forces with a dozen firms to secure a large award with significant implications for hundreds of Indian workers.

### **04 Death Row Representation**

---

Our attorneys have recently gotten two inmates off death row and aided another in a crucial Supreme Court victory regarding DNA testing.

### **08 What I'm Working On**

---

From an AIDS-related Social Security case to the development of community gardens throughout New York City, three Skadden partners discuss their *pro bono* service.

### **12 In the Spotlight: Europe**

---

Our European attorneys' *pro bono* clients include nonprofits working on behalf of Indian women, Afghani skateboarders and a Scottish island.

### **15 Skadden Fellow: Haben Girma**

---

A deafblind Skadden fellow discusses her motivation for attending law school and her two years at Disability Rights Advocates.

### **18 News & Awards**

---



In this issue of our *Pro Bono Report*, former Executive Partner **Bob Sheehan** gives a warm tribute to the late **Steve Kolleeny**, a longtime Skadden litigator who personified our dedication to *pro bono* service. For nearly the entirety of his more than three decades with the firm, Steve headed our in-house asylum practice. His work impacted not only the hundreds of clients whose cases he oversaw, but also, as Bob writes, the countless Skadden attorneys whom he mentored and instilled with his passion for *pro bono* work.

That dedication to public service is apparent in the recent *pro bono* highlights featured in this issue, including our role in helping to secure a \$14 million verdict and an important precedent in one of the largest labor-trafficking cases in recent U.S. history. Led by Boston litigation partner **Eben Colby**, a team of more than 70 Skadden attorneys and summer associates from eight offices has contributed to this unique collaboration among Skadden, a dozen other major law firms and five national civil rights organizations.

This edition also looks at several of the 19 cases the firm is handling involving the death penalty; in “What I’m Working On,” three of our partners share their differing perspectives on incorporating *pro bono* service into their practices.

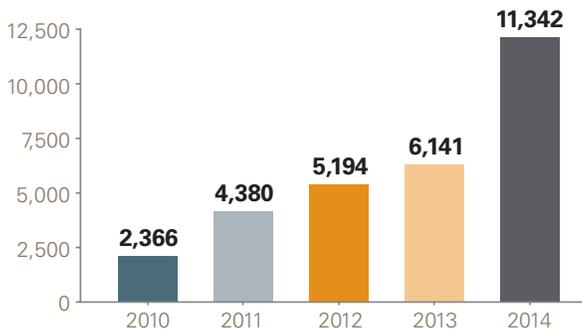
Finally, this issue discusses the work of our attorneys in Europe, where the number of hours dedicated to *pro bono* service has increased fourfold since 2010 (see charts below). We’re pleased to highlight a small sample of our European offices’ recent accomplishments and to talk with the new head of our London *pro bono* program, corporate restructuring partner **Dominic McCahill**, in the “Spotlight.”

Although the *Pro Bono Report* covers only a small sample of our efforts, I’d like to thank everyone across the firm for their extraordinary dedication to public service.

Regards,

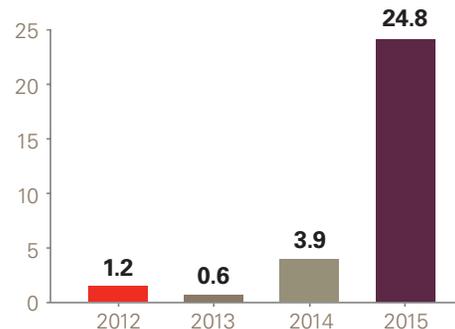
## The Growth of Skadden’s European *Pro Bono* Program

The number of *pro bono* hours worked by our European attorneys has increased by nearly 400 percent since 2010.\*



\* Includes Brussels, Frankfurt, London, Moscow, Munich, Paris and Vienna (through 2013).

Our **Frankfurt and Munich offices lead this year’s charge in Europe**, with a significant rise in their average *pro bono* hours per attorney during the first five months of 2015.



*Pro bono* hours per attorney in Frankfurt and Munich in first five months of each year.



# A \$14 Million Verdict and an Important Precedent for Trafficked Workers

---

A multi-office team of Skadden attorneys helped secure a \$14 million verdict in February for the plaintiffs in a federal action stemming from one of the largest labor-trafficking cases in recent U.S. history.

The plaintiffs in this and a series of related actions claim that ship-repairer Signal International and its co-defendants brought nearly 600 Indian men into the United States with promises of permanent residency and employment as welders and pipefitters repairing oil rigs and other facilities damaged by Hurricane Katrina. Many workers used their life savings, sold their homes or borrowed money to pay the recruitment fees of up to \$20,000 in order to secure the positions. They instead received only temporary work visas and

were forced to live in inhumane conditions in overcrowded trailers in a guarded “man camp.” Based on the type of work visa they were given, had they left the camp it would have meant certain deportation. Considering the steep cost they had paid to get to the United States, that was not a viable option.

Boston litigation partner **Eben Colby**, who has led the Skadden team (see box on the right) since former Skadden Fellow Chandra Bhatnagar asked the firm to participate in 2012, says that the victory would not have been possible without the remarkable collaboration between a dozen of the nation’s top law firms and several leading civil rights organizations, including the Southern Poverty Law Center and the American Civil Liberties Union.



Left and opposite page: Workers protesting outside the gates of Signal International's Pascagoula, Mississippi shipyard.

“Signal thought it won when it defeated class certification,” he says. “Under ordinary circumstances, the individual workers would never get their day in court and never have an opportunity to even seek justice, much less obtain it. The resources needed to litigate the multiple, separate cases would simply be prohibitive.”

By working together, the alliance was able, for example, to jointly review and analyze 2.5 million internal Signal documents produced just a few weeks before depositions commenced. The firms and organizations represent more than 200 workers in total and have completed more than 90 days of depositions, which required more resources than any one firm likely would have been able to provide. “It would have been extraordinarily difficult for the trial team to conduct discovery on its own, much less do so on the expedited schedule given by the court,” Eben says. The firms joined forces to address discovery disputes, find witnesses, prepare hundreds of briefs and other filings, and develop a joint trial strategy. Each firm also contributed technical resources, such as litigation technology, and experience in areas including bankruptcy, accounting, labor and employment, and complex multijurisdictional litigation.

The first action to go to trial was decided in February. In addition to awarding the five plaintiffs \$14 million, the U.S. District Court for the Eastern District of Louisiana jury’s verdict laid important groundwork for resolution of all the cases.

The Skadden team assisted in developing evidence and testimony that proved critical at the month-long trial and serves as lead counsel in a related case also in the Eastern District of Louisiana, representing 28 additional workers. Skadden lawyers also have stepped in as trial counsel for four additional workers whose claims are scheduled to go to trial in Texas this summer.

The firm has taken a lead role in the next phase of the action as well. Questions have been raised regarding Signal’s ability to satisfy the verdict and compensate the victims, with Signal publicly indicating that it may file for bankruptcy. New York corporate restructuring partner **David Turetsky** is overseeing this aspect of the matter. “I am extraordinarily proud of Skadden’s willingness and ability to be a leader in pursuing justice and compensation for these clients,” he says. “Whether it is trying cases or pursuing an alternative solution for our clients, we have the depth and commitment to represent our clients’ interests.”

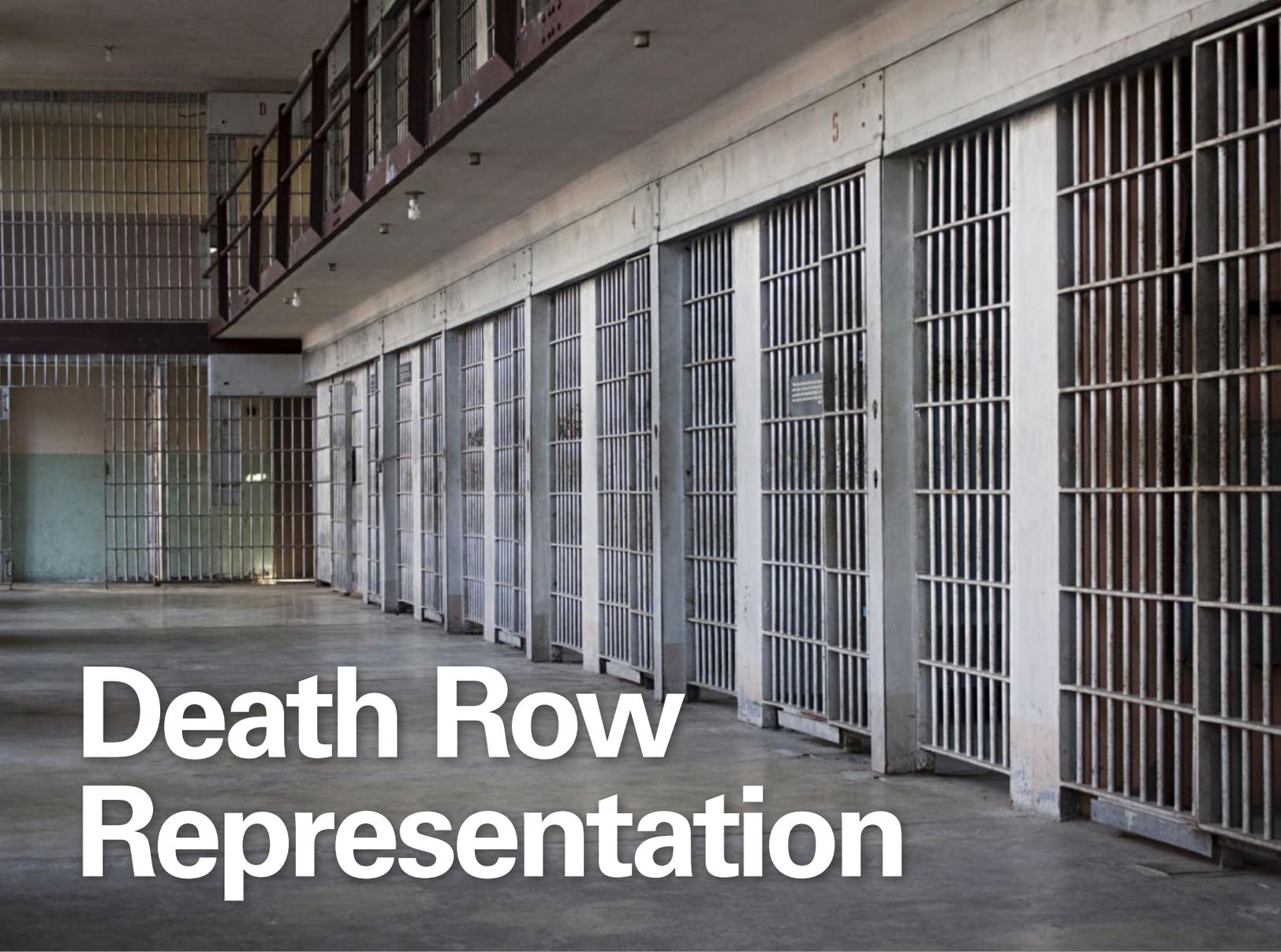
Though the matter is far from over, Eben calls the recent victory an “extremely rewarding experience” that hopefully will set the tone for the remaining trials. He adds that the innovative collaboration among competing firms also has been especially satisfying: “This is a rare instance where we all have a common goal. We pooled a huge amount of resources for a very important cause that wouldn’t have gotten this far without everyone’s efforts.”

---

**Over the last three years, the Skadden team has included nearly 70 attorneys and summer associates from Boston, Chicago, Houston, Los Angeles, New York, Palo Alto, Washington, D.C. and Wilmington:**

Carel Ale, Jason Beesinger, Laura Bernescu, Mary Boland, Daniel Bolia, Brendan Brodeur, Abra Bron, Jim Carroll, Joseph Casey, Pramode Chiruvolu, Anthony Clark, Stephen Della Penna, Jack DiCanio, Josh Dockus, Lindsay Dunbar, Paul Eckles, Jessica Fjeld, Alexander Fleming, Immanuel Foster, Jordan Garman, Indraneel Ghosh, Justin Gonzales, Celso Gonzalez-Falla, Mary Grinman, Wallis Hampton, Christine Hung, Mehar Jagota, Jigang Jin, Judge Bentley Kassal, Michael Klebanov, Rebecca Klotzle, Nick Kodes, Matthew Kriegel, Ken Kumayama, Janet Lee, Jason Liberi,

Esty Lobovits, Daniel Mayerfeld, Jane Meisel, Timothy Miller, Pushkal Mishra, Young Moon, Aaron Morris, Huzefa Mun, Audrey Murga, Christopher Novak, Sara Padua, Charles Rogerson, Lexi Rubow, Janisha Sabnani, Kasonni Scales, Erika Schmidt, Michael Scudder, Lindsey Sieling, Peter Simshauser, Adam Sleeper, Bram Strohlic, Tarek Sultani, Abraham Tabaie, Ronald Tabak, Sean Tepe, David Turetsky, Caroline Van Ness, Jacob Walker, Michael Walsh, Joshwa Wang, Logan Wayne and Kiersten Zaza.

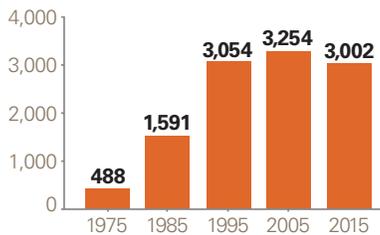


# Death Row Representation

Death penalty cases present many unique challenges for *pro bono* counsel. They often take decades to litigate. The stakes, even for attorneys who routinely handle multibillion-dollar deals, could not be higher. Research and investigation of the alleged crime can require significant resources. Besides guilt or innocence, the cases often turn on such complex claims as intellectual disability or mitigating factors, like mental illness or the defendant's severe childhood abuse.

Skadden attorneys are working on **19 cases** involving the death penalty, including the following discloseable matters:

### Death Row Inmate Population by Year



Source: Bureau of Justice Statistics: 'Capital Punishment'

---

#### Rodney Reed

**The Case:** Rodney Reed, an African American, was convicted and sentenced to death in 1998 by an all-white Texas state court jury for the kidnapping, rape and murder of Stacey Stites, who was white. The prosecution's highly circumstantial case relied on a dubious, now disproven, "scientific" theory to establish a timeline that ostensibly linked Mr. Reed to the killing. From the start, Mr. Reed has contended that he was having a secret affair with Ms. Stites, whom he says was killed by her jealous fiancé, a policeman who since has been jailed for abducting and raping another woman. State and federal appeals, as well as an attempt to obtain DNA testing of the belt used to strangle Ms. Stites and other evidence, were unsuccessful.

**Status:** Mr. Reed was scheduled to be executed on March 5, 2015. However, in recent months, new witnesses have come forward and confirmed Mr. Reed's affair with Ms. Stites. In addition, new forensic analysis shows that Ms. Stites died earlier than previously believed, at a time when she was unquestionably at home alone with her fiancé. The new developments resulted in a *habeas* action in Texas state court and a clemency petition to the Texas Board of Pardons. Just days before Mr. Reed's scheduled execution, the Texas Court of Criminal Appeals issued a stay of execution, which will provide time for it to consider the new evidence of Reed's innocence and, if allowed by the court, for completing the DNA testing.

**Team:** Wilmington partner **Mark Chehi**, counsels **Rob Weber**, **Joe Larkin** and **Jason Liberi**, associate **Nicole DiSalvo**, managing law clerk **Wendy LaManna** and administrative assistant **Becky Renshaw**; Houston associate **Michelle Davis**; and Los Angeles associate **Angela Makabali**

---

#### Hank Skinner

**The Case:** Hank Skinner was sentenced to death in 1995 for the murder of his girlfriend and her two adult sons, in a small town in northern Texas. In 2010, only 45 minutes before Mr. Skinner's scheduled execution, the Skadden team and University of Texas law professor Robert Owen secured a U.S. Supreme Court stay of execution, which allowed the Court to consider whether Mr. Skinner could test DNA his attorney had opted not to test at the original trial. In a ground-breaking ruling, the Court found that Mr. Skinner had the right to sue under 42 U.S.C. § 1983. This led the Texas Attorney General's Office to agree to the requested analysis.

**Status:** Even though the results of the DNA test raised additional doubts regarding Mr. Skinner's guilt, in 2014 a state district court ruled that the results likely would not have changed the outcome of the original trial. That ruling is now on appeal to the Texas Court of Criminal Appeals, which heard arguments in April. A decision is expected this summer.

**Team:** Washington, D.C. of counsel **Doug Robinson** and former New York associate Maria Cruz Melendez

# Death Row Representation

---

---

## Fred Spicer

**The Case:** Fred Spicer was sentenced to death in 2003 for fatally stabbing his housemate with a sword. In 2006, the Mississippi Supreme Court granted Skadden's motion to remand the case for an evidentiary hearing regarding the trial counsel's failure to investigate and present mitigating evidence during the trial's penalty phase. On remand, the Circuit Court judge ruled that trial counsel's actions were inexplicable and did not reflect reasonable professional judgment. The judge therefore vacated the death sentence and ordered a new jury trial solely on the issue of sentencing. After this rare victory in Mississippi state court, the prosecution decided not to seek death again, and in 2012 the court sentenced Mr. Spicer to life in prison without parole.

**Status:** The Skadden team continues to represent Mr. Spicer in his habeas proceedings regarding the guilt phase of his case. A petition has been filed, and the team awaits a response from the Mississippi Attorney General's Office.

**Team:** Chicago counsel **Amy Van Gelder** and Washington, D.C. associate **David Pehlke**

---

## Larry Ray Swearingen

**The Case:** Larry Ray Swearingen was sentenced to death for murdering Melissa Trotter, whose body was discovered in a forest in January 1999, 25 days after she disappeared and 22 days after Mr. Swearingen was arrested and held on unrelated charges. After his conviction, newly discovered forensic evidence demonstrated that it probably was impossible for him to have murdered Ms. Trotter. Multiple pieces of evidence, including the ligature used to strangle

her and her torn clothing, have not been tested for DNA evidence even after male DNA obtained from fingernail scrapings of Ms. Trotter's left hand was determined not to have come from Mr. Swearingen.

**Status:** Skadden assisted the Innocence Project in drafting multiple petitions for *habeas* relief to the U.S. Supreme Court based upon scientific evidence of the victim's time of death, all of which have been denied. Skadden and the Innocence Project have continued to seek post-conviction DNA testing of previously untested evidence. In 2013, the Montgomery County District Court granted Mr. Swearingen's motion, but the Court of Criminal Appeals remanded the case, requiring proof of the existence of biological materials on the evidence in question. Following the submission of additional evidence, the district court again granted Mr. Swearingen's motion for DNA testing. The state's appeal of this order has been fully briefed and remains pending.

**Team:** New York partner **Jeff Mishkin**, counsel **Stacey Cohen** and associate **Devin Kothari**; Washington, D.C. counsel **Geoff Wyatt**; and Palo Alto associate **Robert Magee**

---

## Patrick Andrews

**The Case:** While serving life sentences for convictions for two Washington, D.C. murders in separate cases tried in 2002, Patrick Andrews was charged with the 2007 murder of a fellow West Virginia prison inmate. The two underlying convictions led to Mr. Andrews' eligibility for the federal death penalty. A D.C. judge appointed Skadden attorneys to represent Mr. Andrews on potential challenges to the 2002 convictions. The Skadden team filed a *habeas* petition alleging that in one of the cases the trial attorney had a

disabling conflict of interest, that prosecutors withheld exculpatory evidence and that Mr. Andrews was actually innocent.

**Status:** The team presented evidence during a four-day evidentiary hearing and was preparing to file claims challenging the other prior murder conviction when the posture of the case changed dramatically: Based in part on the Skadden team's work, Attorney General Eric Holder agreed to withdraw the death notice in exchange for a guilty plea to the West Virginia murder. In April 2015, Mr. Andrews pleaded guilty and was sentenced to life in prison.

**Team:** Washington, D.C. *pro bono* counsel **Don Salzman**, associates **Mike Bailey**, **Mike McIntosh**, **Angela Kim** (now in London), **Jim Perry**, **Julia MacDonald** and **Rob Ziff**, *pro bono* administrative legal assistant **Lauren Morehouse**, managing law clerks **Judy Jackson** and **Libby McGill** and former partner Michele Roberts

---

## Danny Hill

**The Case:** In 1986, Danny Hill was convicted and sentenced to death by the state of Ohio for the sexual assault and murder of a 12-year-old boy. At the time, Mr. Hill was a functionally illiterate 18-year-old with an IQ under 70. With no physical evidence tying Mr. Hill to the crime, his conviction was based in large part on bite-mark evidence, an area of analysis that has been largely discredited in the nearly 30 years since Mr. Hill's trial and conviction: Since 2000, at least 17 people convicted of rape or murder based on purported bite matches have been exonerated. The Innocence Project has called such analysis "the poster child of unreliable forensic science."

## For exonerees nationwide, the average time between being sentenced to death and exonerated: 11.3 years.

Death Penalty Information Center

**Status:** Skadden is working with the Innocence Project and the Federal Public Defender's Office in Ohio to secure a new trial based on the faulty science and "expert" testimony underlying Mr. Hill's conviction and sentence. The firm contributed briefing on the motion seeking a new trial, as well as additional research and factual investigation. The motion is pending.

**Team:** New York partner **Steve Napolitano** and associates **Spencer Short** and **Ed Tulin**

---

### Timothy Hurst

**The Case:** In 1998, Timothy Hurst was convicted in Florida state court of first-degree murder and sentenced to death. The capital scheme under which Mr. Hurst was sentenced did not require the jury's recommendation of death to be unanimous (five of the 12 jurors voted against the death penalty) or the jury to specify whether it found facts supporting

aggravating circumstances that would allow the elevation of a life sentence to a death sentence. Sixteen years later, in May 2014, the Florida Supreme Court affirmed his sentence; in March 2015, the U.S. Supreme Court granted a writ of certiorari.

**Status:** On behalf of the Constitutional Accountability Center, Skadden recently joined in an *amicus brief* in support of Mr. Hurst. The brief addresses whether Florida's death-sentencing scheme violates either the Sixth Amendment or the Eighth Amendment, particularly in light of the Court's 2002 holding in *Ring v. Arizona*, which requires jurors, not a judge acting alone, to determine whether aggravating factors justify an imposition of the death penalty.

**Team:** Washington, D.C. partner **Cliff Sloan** and associates **Paul Kerlin**, **Marisa Van Saanen** and **James Altman**



### Ron Tabak Honored for 'Life-Long Dedication to Challenging the Death Penalty'

In July, special counsel Ron Tabak received the Norman Redlich Capital Defense Distinguished Service Award, which the New York City Bar (NYCB) presents each year to an attorney who has emulated the late New York University Law School dean's "life-long dedication to challenging the death penalty." Ron spoke about capital punishment at the award presentation, which capped the NYCB's Annual Capital Defense Training Program, and copies of his most recent book chapter on the death penalty were distributed to attendees.



**Julia Kazaks**  
 Criminal defense,  
 immigration and  
 asylum matters  
 <



**Vered Rabia**  
 Nonprofits,  
 real estate and  
 board service  
 <



# What I'm Working On

Three Skadden partners discuss their approach to *pro bono* service and recent notable matters.

**Mike Scudder**  
 Criminal defense, board service  
 and supporting veterans  
 >



# Julia Kazaks

Partner / Palo Alto / Tax Litigation

**My very first *pro bono* matter was a Social Security disability appeal for a young woman with AIDS. This was in the early 1990s, when AIDS was the leading cause of death for Americans her age and there still had been little success containing the virus. Before we took on the case, our client had received a denial of coverage, which was hard to explain to someone essentially facing a death sentence. Thankfully, we were able to get her the benefits she needed, which made for an incredibly gratifying introduction to *pro bono* service.**

That case set the framework for my approach to *pro bono* service. Throughout my career, almost all of my *pro bono* work has been outside my practice area. I'm a tax litigator, representing taxpayers and corporations in disputes with various taxing authorities, and I love my work, but I've always looked at *pro bono* as an opportunity to broaden my practice. In college, I chafed at having to narrow my studies and choose a major. Similarly, at Skadden there are a lot of other practices I would have liked to have tried. *Pro bono* gives me that chance.

The majority of my work has involved criminal defense, typically appeals and habeas matters, almost always with the help of Washington, D.C. *pro bono* counsel **Don Salzman**, who is such a tremendous asset to the firm. For the last 11 years, Don and I have represented Danial Williams, one of the "Norfolk Four" Navy sailors wrongfully convicted in 1999 of rape and murder and sentenced to life in prison. About a dozen other people have helped over the years, including counsel **Warren Allen**, associates **Luke Meisner** and **Colin Ram**, and legal assistant **Lauren Morehouse**. When we took on the case, all of Danial's judicial remedies had expired, so we sought executive clemency from the Virginia governor, first Mark Warner and then Tim Kaine, who in August 2009 granted a conditional pardon. Danial was released that same afternoon. The happiest day of my legal career was spent driving down a rural Virginia road with Don behind the pickup truck in which Danial's mom and dad were taking him home to Michigan after 11 years in a Virginia prison. It still chokes me up to remember that day.

Unfortunately, Danial's case is not over. Gov. Kaine reduced Danial's sentence to time served but didn't overturn the conviction. So Danial still has rape and murder convictions on his record, and he's still subject to probation, which in Michigan requires him to wear an electronic monitoring device on his ankle and register as a sex offender in public listings available to neighbors and potential employers. We view our responsibility to Danial as we would to any client — we bring all of our resources to bear in our fight for a successful outcome for as long as it takes to achieve the right result. We were, of course, very satisfied to get Danial out of prison, but his problems are not over and justice has not yet been served. We're seeking complete relief in an ongoing action in federal court in Virginia.

Since I transferred from D.C. to launch our Palo Alto tax practice in 2012, I've become interested in another area — immigration and asylum matters. One notable case I'm working on, with associate **Indy Ghosh**, is on appeal to the Ninth Circuit, where we're raising an issue of first impression — whether vocal resistance to El Salvadoran gangs constitutes a "political opinion." Persecution for a perceived political opinion, or even fear of persecution, may be grounds for asylum. Our argument is that in many countries, including El Salvador, powerful gangs function in quasi-governmental roles, and thus opposition to such gangs is tantamount to a political opinion. A number of countries, including the U.S., classify such gangs — and El Salvador's MS gang in particular — as "transnational criminal organizations." We're arguing that this official categorization recognizes a gang's pervasive, government-like power.

I am proud and honored to have had the opportunity to represent many clients in my *pro bono* practice and to help other Skadden lawyers do the same. Every day the news brings more stories of people who need a lawyer's help but can't afford it. There will always be more than I and my Skadden colleagues can do.





## Vered Rabia

Partner / Real Estate / New York

**Although essentially all of my *pro bono* work has been in some way, shape or form related to real estate, the matters I've worked on have been surprisingly diverse. I've been fortunate to contribute to a lot of very interesting projects for a number of important causes. I don't have a single favorite "type" of matter — different *pro bono* projects are gratifying for different reasons.**

Many of the matters have come from nonprofits with long-standing ties to the firm, such as the New York Restoration Project and Harlem RBI. NYRP restores neglected parks and community gardens in New York City's poorer neighborhoods — real estate of counsel **Ben Needell** has chaired its board since 2001, so the firm has handled a lot of its matters over the years. I've done two projects for NYRP: the acquisition of 50 vacant lots from the city, which NYRP then restored and redeveloped as community gardens, and an agreement with the New York Rowing Association relating to a collaboration to develop and manage a boathouse on the Harlem River. Harlem RBI is a youth-development program that provides year-round sports and educational programs for kids — former Executive partner **Bob Sheehan** is on the board. We're in the process of developing a new home for its DREAM Charter School (where Skadden lawyers regularly hold legal clinics) and a new office space for its headquarters. Most recently, we've been involved in negotiating a development agreement with its developer and a funding agreement with New York City.

I handle a lot of one-off projects as well. I've worked on a few financings for museums, including the Lower East Side Tenement Museum, which came to us for a bond financing to expand the footprint of the museum. I've been advising two other charter schools in connection with leases for their schools, Hellenic Classical Charter School in

Brooklyn and the Global Community Charter School in Harlem. The school and museum projects are particularly satisfying because you're able to see the fruits of your labor — you can visit the new campus or see how they've expanded.

In recent years, a big part of my *pro bono* service I've done has involved serving on boards. I'm on the board and do a lot of work for the Innocence Project, which I've worked with since law school. I help with fundraising and increasing awareness of the organization's efforts, both within and outside the legal community. Currently, we're looking for ways to expand the project's relationship with Skadden. The firm already does a lot on the litigation side, but we're trying to find a way to assist with the intake process, in particular to help manage the backlog of more than 4,000 requests, some of which are at least four or five years old.

I'd recommend the Innocence Project to any lawyer looking to get more involved in *pro bono* service. There is nothing quite like meeting with someone who, after being convicted for a crime they didn't commit and spending anywhere from 10 to 30 years in prison, has been exonerated and released. It's an experience that's so special I don't even know how to describe it. A couple of years ago, I learned that John Restivo, whose case I worked on when I was in law school — I had read his first letter and opened his case — had been exonerated and released, and that a Skadden staff attorney, **Jennifer Smith**, had worked on John's case while in law school and had seen him through exoneration and release. Jennifer arranged a meeting with John, so we could talk in person. It was incredible. As with all exonerees, he was so grateful for his freedom — it reminds us all of how much we take for granted.

A portrait of Mike Scudder, a man with short brown hair and glasses, wearing a dark grey suit, a light blue shirt, and a yellow patterned tie. He is standing in front of a window with vertical blinds.

# Mike Scudder

Partner / Litigation / Chicago

---

**The benefits that come from taking on *pro bono* work early in your career are hard to overstate. The work provides a tremendous opportunity for young lawyers to develop their skills, gain courtroom experience and learn to manage client relationships while providing immeasurable help to individuals and organizations in need. The experience I've gained through *pro bono* service has made me a better lawyer and enabled me to connect with and give back to the local community.**

Prior to joining Skadden, I had the honor of serving as an assistant U.S. attorney for the Southern District of New York and as general counsel of the National Security Council in the White House, under President George W. Bush. When I decided to re-enter private practice in 2009, I wanted *pro bono* work to again be a meaningful part of my practice, which led me to get involved in the Illinois Federal Public Defender's program. As part of that program, I volunteer as a duty-day intake lawyer, taking on cases that come in that particular day and representing the defendants until the matters are resolved. My duty days have resulted in more than 20 cases for the Chicago office's lawyers. Associates attend the duty days with me and then take on the cases under my supervision and guidance. This approach has led to some very meaningful experiences, for them and for me, and some extraordinary results. The cases run the gamut from guns and drugs to public corruption and fraud.

One former associate had the chance to work on two jury trials and successfully argued an appeal before the Seventh Circuit. In another duty-day case, our team represented a cooperating witness in a corruption case against a former Chicago police officer. A duty-day case from 2013 that I worked on with associate **Allyson Miller** and counsel **Mark Rakoczy** recently ended with a tremendous success. Our client faced very serious federal charges. On our advice he cooperated, and we were able to get his case transferred to the state system, which resulted in probation.

My most recent duty day was in April 2015, and I am working with several associates on appeals under way right now, including an upcoming Seventh Circuit argument.

Our partnership with the Federal Public Defender's office has given me an opportunity to engage associates in meaningful and important *pro bono* work that enables them to gain invaluable experience practicing law and communicating with clients, judges and juries, and provides a service that improves the functionality of our legal system. Legal service organizations across the board often are short of resources and funding. Attorneys in private practice have an important duty to support individuals and organizations in need in their communities.

In addition to my work with the Federal Public Defender's office, I've had the opportunity to serve Catholic Charities of the Archdiocese of Chicago, which is one of the largest private, not-for-profit social service agencies in the Midwest. I serve on its board of directors and the board's Executive Committee, along with partner **Chip Mulaney, Jr.** I also help lead the Veterans Service Subcommittee. Catholic Charities does a tremendous amount of work in support of veterans, which happens also to be a focus of our office's *pro bono* program, including our Impact Project. Once a month, several associates and I volunteer at either St. Leo's Campus for Veterans, a living facility for formerly homeless veterans, or at Cooke's Manor, a similar facility, but for veterans struggling with substance abuse. We meet with the veterans individually to assist them with legal issues. These brief legal-advice meetings empower the veterans to continue moving forward as they strive to get back on their feet.

The experience of engaging in *pro bono* work has proved to be an extraordinarily rewarding one for me, providing opportunities to mentor young attorneys, work with local organizations in the community and, most importantly, provide legal services to those in need — a calling of our profession that yields immeasurable benefits and opportunities.

# In the Spotlight: Europe



Partner **Dominic McCahill**, the new head of our London *pro bono* program, discusses his office's *pro bono* efforts, including the recently launched Impact Project.

## Skadden's Impact Project Takes on a British Accent

### How does the London office's Impact Project compare with the firm's original one, in Washington, D.C.?

Our program follows many of the core tenets of the original initiative, including teaming with legal service providers in the areas about which our associates feel most passionate and where we believe we could make the greatest "impact." As in D.C., we've set up three virtual practice groups, with an emphasis on matters that allow our attorneys to develop specialties and work together. Perhaps the biggest difference is that we've selected two new practice areas — in addition to domestic violence, we're focusing on welfare benefits and public international law.

### What distinguishes the Impact Project from the firm's other *pro bono* initiatives?

By working with a number of the U.K.'s most accomplished legal services agencies, we can harness all our particular strengths.

In addition, we view the three types of matters as new "virtual practice" groups, which means that we approach new projects as we would for essentially any other practice. We train attorneys and dedicate resources as we would for a fee-paying practice area, and our lawyers develop specific skills and experience targeted to their particular "practice." Most other *pro bono* matters are "one-offs" — you can have a great success but may then never have the opportunity to redeploy the knowledge and experience you've gained. By creating practices and building relationships with outside agencies that provide us with both training and new clients, the Impact Project gives our attorneys the chance to build skills over time and take on increasingly challenging matters.

### Over the last few years, the number of hours dedicated to *pro bono* service has increased not only in our London office but, it seems, throughout the U.K. What factors do you think have contributed to this rise?

One of the key drivers for the U.K.'s emerging *pro bono* culture is the significant reduction in legal aid in recent years. In many other countries, there has long been limited legal aid for the poor, which has required attorneys from private practice to fill the void, and we're now seeing a very similar dynamic here in the U.K. That's one of the reasons Skadden recently became involved in the U.K. Collaborative Plan, an action plan to help large- and medium-sized firms work together to coordinate and improve the delivery of *pro bono* service.

In addition, I believe that one of the reasons the Impact Project has been so successful is that clients are increasingly interested in the broader footprint of the firms they engage — not only the firms' *pro bono* work but also their diversity efforts and general approach to corporate social responsibility.

### Is there a way for non-attorneys to get involved in our *pro bono* work?

Although "*pro bono*" technically refers to the provision of legal services without charge, there are opportunities for everyone to get involved in public service. We encourage anyone who is interested to find a way to give back to our communities, and we support those efforts by providing plenty of options. We've had great participation in, for example, the Primary Reading Partners and Head to Head interview initiatives in partnership with Tower Hamlets schools. Our renowned dedication to public service is by no means limited to our attorneys.

## Advising European Nonprofits

Throughout the firm, our work on behalf of nonprofits constitutes a significant portion of our *pro bono* service. Below are four examples from our European offices.

### Gallery Exhibition Documents ‘Skate Girls of Kabul’ / Frankfurt

In April, London’s Saatchi Gallery presented “Skate Girls of Kabul,” an exhibition of photographs of Afghan girls learning to skateboard in a program run by Skadden Frankfurt *pro bono* client Skateistan. Founded in 2007, the nonprofit uses skateboarding to connect children to education in Afghanistan, Cambodia and South Africa. Partner **Matthias Horbach** and associate **Tobias Reiser** have advised the organization regarding corporate governance and other matters since January 2014.

### FIWAL / London

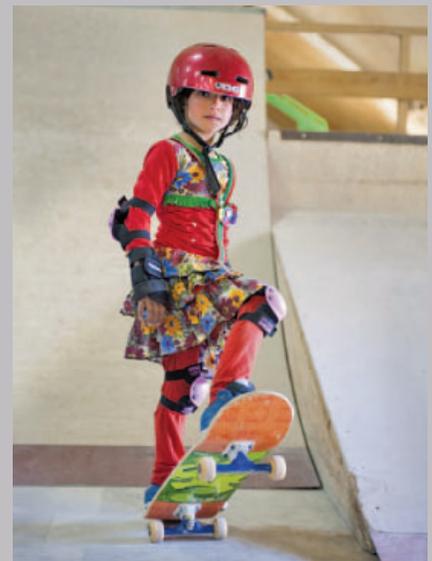
A London-based team has assisted Federation of International Women’s Associations in London (FIWAL) — an umbrella organization of 32 clubs that aims to broaden friendship, understanding and communication among London’s international women’s associations — in updating its constitution. Associates **Jisun Choi** and **Jo Jimenez** and trainee solicitors **Claudia Upton** and **Brittany Cummings** worked closely with FIWAL’s former president, Neena Dugal, to review and amend the organization’s previous constitution to better fit its needs. In particular, the Skadden team focused on allowing more flexibility in FIWAL’s membership and appointment of officers. Neena and the team also worked closely to draft membership terms and conditions for the organization.

### Jyoti – Fair Works / Frankfurt and Munich

Attorneys from Skadden’s Frankfurt and Munich offices are assisting Jyoti – Fair Works, a nonprofit that raises funds for women in southern India by selling their handmade clothing and bags online in Germany and throughout Europe. The earnings are used for, among other things, literacy programs, health insurance, and clinics on labor law and women’s rights. Partners **Bernd Mayer** and **Stephan Hutter**, associates **Myriam Kirschner**, **Jasmin Kocak** and **Michael Steiner**, and staff attorney **Rebecca Kiesow-Hill** are addressing a wide range of issues for Jyoti, including several related to the importation of garments from India into Germany and privacy law aspects for Jyoti’s website.

### Special Olympics, Inc. / Moscow

In 2014 and early 2015, a Moscow-based team, led by office co-head **Dmitri Kovalenko**, assisted Special Olympics, Inc. with the registration of its Moscow branch. The nonprofit U.S. corporation organizes and raises funds for sports training and athletic competitions in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them opportunities to develop physical fitness and a sense of community. The Moscow branch will support the organization in transforming more lives for the better for many years to come while providing a new fundraising platform in Russia.



Two participants in Skateistan’s program in Kabul.

# In the Spotlight: Europe

---

## Skadden *Pro Bono* Client Honored for Environmental Efforts

In April, Skadden *pro bono* client Community of Arran Seabed Trust (COAST) received the Goldman Environmental Prize at a ceremony in Washington, D.C. The prize was presented to COAST's chairman, Howard Wood, in recognition of the organization's successful campaign for the designation of a 250-square-kilometer Marine Protected Area (MPA) in the waters surrounding the south coast of Scotland's Isle of Arran. The MPA aims to protect and restore sea grass and maerl beds as well as many other sensitive habitats and species that have functional importance as fish nurseries and breeding grounds. Brussels partner **Simon Baxter** serves as legal advisor to the organization. Washington, D.C. partner **Kady Ashley** attended the event and helped COAST celebrate this prestigious honor.

## Skadden Paris Helps Sciences Po Establish Law Clinic

Retired partner **Chris Baker** and associate **Olivier Boulon** have played a major role in the establishment of a law clinic at the Paris Institute of Political Studies (Sciences Po), one of Europe's most prestigious universities. Inspired by the law school clinical teaching movement, Sciences Po sought to provide practical legal experience for law students and *pro bono* legal services to the community. The Paris-based Skadden team worked with Dean Christophe Jamin, Assistant Dean Anne-Solenne de Roux and Professor Jeremy Perelman of the Sciences Po Law School to structure and develop the clinic's activities in three areas — access to justice, international human rights, and corporate social responsibility and innovation.

The Skadden team supervised students on a wide variety of matters, including drafting a code of best practices on social responsibility issues addressed to small companies. The clinic is thought to be the first of its kind in France and is inspiring similar projects in France.



**“My clients have included several French citizens involved in jihadist networks in Afghanistan, Syria or Iraq.”**

## First-Person Perspective

---

### Paris Corporate Associate Léon del Forno on Terrorism Criminal Defense

I was elected secretary of the Conférence des Avocats of the Paris Bar in January 2014. Each of the secretaries is appointed to represent indigent defendants in serious, complex criminal proceedings. My clients have included several French citizens involved in jihadist networks in Afghanistan, Syria or Iraq. All of the men were arrested while either leaving or returning to France, charged with “associating with a terrorist conspiracy” before any formal investigation and jailed pending trial.

Procedurally, cases led by the “anti-terrorist” section of the Paris Court tend to be similar, though each case nonetheless retains a unique set of features, mainly related to the profile, background and story of the client. While I can't discuss specifics as the cases remain ongoing, I can say that there is no “one-size-fits-all” approach to these matters. The presumed jihadists come from a variety of ethnic origins and social backgrounds. Some are teenagers, others are family men in their 40s. Many attempted to travel to the Middle East on their own, others left France with their wives and children. While some had been identified by French secret services as supporters of Islamic radical groups before they left, others had undergone a sudden and quick conversion process, which no one, not even their relatives, had witnessed or anticipated. Many of those who joined the fight against Bashar al-Assad, which France partly supports, believe they've broken no laws; others reject the notion of secular justice altogether and believe that only God can judge their actions. Their differing circumstances necessitate differing defenses, and a key challenge lies in convincing the client of the most effective line of defense, with scant case law to rely upon. In addition, clients too often are prone to be influenced by improper advice from fellow inmates — most presumed jihadists are now grouped in a distinct division of the Fresnes prison, outside Paris.

There are many other unique challenges to the work. French anti-terrorism laws, considered among the strictest in Europe, are wide-reaching and rapidly evolving. The courts' rulings can be unpredictable and often are impacted by external factors, such as a new terrorist attack or the growing strength of a particular jihadist group, such as ISIS. There usually is no conclusive evidence of the defendants' whereabouts and activities in the war zone, nor of their intentions and motivations for returning to France — which, in the current political climate, with French courts understandably risk-averse, makes the cases harder to defend. Of course, many of the cases attract heightened attention from the government, the media and the public.

Defending accused terrorists has changed my perspective on practicing law, by requiring me to take on a wide array of complex and novel issues that I would never encounter as a corporate attorney. It has allowed me to play an active part in, and gain first-hand knowledge of, one of the more challenging issues France faces — the debate over balancing security and civil liberties.

---

Skadden Fellow

# Haben Girma

Fellowship / Disability Rights Advocates (2013-15)

As a deafblind undergraduate at Lewis & Clark College, **Haben Girma** fought for her right to access the dining hall menu, which in its printed form was of no use to her. When the dining staff brushed her off and told her they were too busy to email her the menu every day, she threatened to file suit.

“Suddenly, they started taking me seriously,” says Haben, who relies on technology such as screen readers and speech-to-text transcription with a digital Braille display. “They began to actually provide accessible menus that I could read. After that experience, I realized that the law is a powerful tool.”

She decided to attend Harvard Law School, becoming the school’s first deafblind graduate, in 2013. That same year, she was named a White House Champion of Change for her work on behalf of students with disabilities and began her Skadden Fellowship at the nonprofit legal center Disability Rights Advocates (DRA) in Berkeley, California.

When Haben applied for the fellowship, she had envisioned one day litigating high-impact cases that would result in schools providing accessible instructional materials to students with disabilities, but she had no expectation that an opportunity to work on such a case would present itself early in her career. Then, in July 2014, Haben and other DRA attorneys filed a lawsuit on behalf of the National Federation of the Blind (NFB) against Scribd, the digital service that provides more than 40 million books and documents to subscribers. A decision in the lawsuit already has set a noteworthy precedent.

Digital content must be coded to be compatible with screen readers for the blind, which take visual information on a computer and convey it in either audio format or digital Braille. The majority of Scribd’s titles, however, lack this coding. DRA contends in the complaint that the lack of this essential coding violates

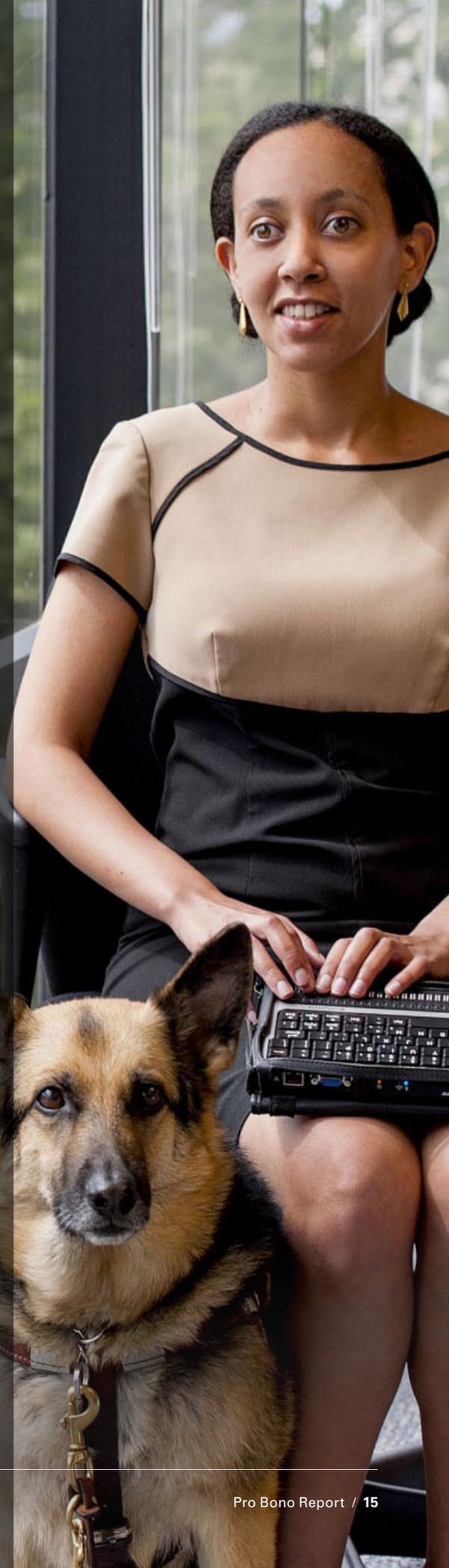
the Americans With Disabilities Act (ADA), by denying blind persons equal access to all of the “services, privileges, advantages, and accommodations” Scribd offers. In its motion to dismiss, Scribd argued that the ADA exempts online-only businesses. On March 19, Judge William K. Sessions III of the U.S. District Court for the District of Vermont denied the motion, holding that the ADA does apply to Scribd and other online services. With this substantial victory already under its belt, the DRA team expects to take the case to trial in 2016.

**“One of the reasons I was drawn to the law was because I realized that the law is a tool to empower people who often don’t have power.”**

The decision to file suit had echoes of Haben’s experience back in the Lewis & Clark dining hall: DRA initiated the legal action after NFB asked Scribd to make its content accessible to blind readers and got no response. “When you try friendly solutions and they don’t work, litigation becomes the last resort,” she says. “One of the reasons I was drawn to the law was because I realized that the law is a tool to empower people who often don’t have power.”

Haben credits the fellowship with not only giving her an opportunity to use this tool in support of disability rights, but also affording her the time needed to do so effectively — to research the best use of the law to target barriers to reading, to understand what students with disabilities need to obtain equal access to education.

Her work at DRA won’t stop when the fellowship ends — DRA has offered Haben a staff attorney position, which she has accepted. “I truly value this work,” she says. “I intend to continue to use the law as an advocacy tool to ensure equal access.”



# News & Awards

---



Skadden Houston celebrates its 2014 *pro bono* service.

## Houston Office Holds *Pro Bono* Reception

In March, Houston attorneys, legal assistants and alumni attended the Houston Office *Pro Bono* Reception in honor and celebration of *pro bono* work performed in 2014. On average, the firm's Houston attorneys devoted more than 102 hours to *pro bono* service, with a participation rate of 86 percent. Five attorneys were recognized for 100-plus hours of service as defined by the Pro Bono Institute: **Jason Beesinger**, **Heather Lohman**, **Rouzhna Nayeri**, **Juliana Ong** and **Rebekah Reneau**. Four attorneys who performed more than 200 hours of *pro bono* work, **Celso Gonzalez-Falla**, **Wallis Hampton**, **Daniel Mayerfeld** and **Suellen Perry**, were honored with \$500 donations to public interest legal groups or not-for-profits of their choice.

## DC Office Honors *Pro Bono* Contributors

In June, at its first *Pro Bono* Awards reception, Skadden's Washington office recognized 51 lawyers, legal assistants and staff members nominated by their peers for their extraordinary *pro bono* efforts. The winners were senior docket clerk **Judy Jackson** (Staff Award), **Yesenia Flores** (Legal Assistant Award), **Mike McIntosh** (Associate Award), **John Beahn** (Counsel Award), **Don Frost** (Partner Award) and associate **Dave Pawlik** (Impact Project Award). "These six individuals made meaningful contributions to the lives of many *pro bono* clients which were, in some cases, life-changing," said office leader **Mitch Ettinger**. "We are proud of the contributions made by each of the nominees this year as collectively this group exemplifies Skadden's deep commitment to *pro bono* service."

## Frankfurt *Pro Bono* Client Honored for Supporting Access to the Internet for the Disabled

In May, Skadden Frankfurt *pro bono* client Begleithilfe.de received the jury prize at the ZRK Social Entrepreneurship Conference in Cologne, Germany. The prize was presented to the project's founder Ali Yildirim, a legally blind entrepreneur developing a barrier-free website and apps for the visually impaired and others with disabilities, in recognition of the charity's support for the elderly and disabled. The client is advised by partner **Anke Sessler** and counsel **Ulrich Ziegler**.

## Unaccompanied Juvenile Immigrants Obtain Green Cards

In two separate cases decided in May, Boston associates **Esty Lobovits** and **John Alessi** each successfully represented a juvenile in obtaining a green card, utilizing the Special Immigrant Juvenile Status provisions of the Immigration and Nationality Act. For both cases, the process involved obtaining a special findings order from the state probate court that the juvenile was a victim of abuse, neglect or abandonment by one or both of her parents, followed by filings and an interview with U.S. Citizenship and Immigration Services and, ultimately, an individual hearing before the federal immigration court. Their clients, from Guatemala and El Salvador, respectively, made arduous journeys to the United States, where they were detained and faced removal proceedings. Boston associates **Christopher Clark** and **Catherine Jones** assisted Esty in connection with her case.

## Chicago Office Celebrates Completion of 30 Acts of Giving Project

In May, Skadden's Chicago office held a reception to celebrate the local charitable organizations with which it partnered for its 30 Acts of Giving project. Over the past year, the office undertook 30 charitable acts in support of the organizations' philanthropic goals as a way of commemorating the office's 30th anniversary. The event was attended by more than 200 people, including members of the public interest community, clients and alumni.

## DC Team Secures Modified Custody Order

In April, a District of Columbia Superior Court judge entered a custody order based upon the recommendations of Washington, D.C. environmental associate **Ben Clapp** and tax associate **Natalie Walet**. The judge had appointed Ben and Natalie as guardians *ad litem* in November 2014, in a contested custody dispute regarding a minor child. Ben and Natalie interviewed family members, school administrators and the child and then assessed the child and advocated for the child's best interests. After several

## “A growing body of research links bans on same-sex marriage with adverse health effects on lesbian, gay, and bisexual individuals.”

From *amici curiae* brief opposing ban on same-sex marriage filed on behalf of American Public Health Association and Whitman-Walker Health

hearings, the judge issued an order modifying custody in line with Ben and Natalie’s recommendations.

### Mom Obtains Significant Child Support Award in Complex Case

In April, New York staff attorney **Jennifer Smith** and associate **Ashly Davis** (with an assist from summer associate Lily Huang) obtained a substantial child support award on behalf of a *pro bono* client. The client is a member of the U.S. military, as was her ex-husband, who is the father of her minor child. Because of their shared experience with military pay scales, the client strongly suspected that her ex-husband, with his mother’s help, was lying about his income and hiding assets. The team filed a motion to compel discovery, subpoenaed several banks and secured a positive response from the Department of Veterans Affairs to a Freedom of Information Act request and hired an outside firm to investigate the ex-husband. Based on the evidence the team assembled, the magistrate found that the ex-husband was “possessed of sufficient means” to meet his obligations, including special schooling for the child.

### Father Secures Favorable Custody Order

A District of Columbia Superior Court judge entered a custody order in favor of Mr. M., whom Washington, D.C. derivatives associates **Graham McCall** and **Trevor Levine** represented in a disputed case regarding custody of Mr. M.’s son. After the boy’s mother was murdered by her boyfriend in 2014, Mr. M. became the custodian of his 5-year-old son. Overcoming his history of drug-related arrests, Mr. M. had become a law-abiding citizen after his son’s birth and worked in the community. The child’s maternal aunt and uncle, represented by counsel, filed for custody and were granted temporary sole legal and physical custody at an ex parte hearing. In April, Graham and Trevor settled the case very favorably to Mr. M. He has sole legal and physical custody of the child, and the aunt and uncle have visitation rights.

## Success as a Friend of the Court

Skadden has recently submitted *amicus curiae* briefs in support of *pro bono* clients who prevailed in three high-impact cases.

### Same-Sex Marriage

The firm was counsel of record on an *amicus* brief filed with the U.S. Supreme Court supporting the petitioners in their successful challenge to a U.S. Court of Appeals for the Sixth Circuit’s ruling upholding bans on same-sex marriage. Filed in March on behalf of the American Public Health Association and Whitman-Walker Health, the brief highlights a growing body of research linking bans on same-sex marriage with adverse health effects on lesbian, gay and bisexual individuals. The brief argues that eliminating same-sex marriage bans would help mitigate the negative health effects of discrimination and stigma, and allow individuals in same-sex relationships to avail themselves of the health benefits associated with marriage. The team included **Boris Bershteyn, Román Rodriguez, Michael Springer, Sam Auld, Audrey Feldman** and **Stefanie Neale**. Hogan Lovells served as co-counsel on the brief.

### Affordable Care Act

Skadden was counsel of record on an *amicus* brief filed with the U.S. Supreme Court supporting the respondents in *King v. Burwell*, who successfully opposed the petitioners’ challenge to a Treasury Department Rule that made Affordable Care Act tax credits available to all taxpayers who purchase health care through an exchange, regardless of whether the exchange was established by their state or the federal government.

The U.S. Court of Appeals for the Fourth Circuit upheld the rule, and in June 2015, the Supreme Court affirmed, finding that the rule’s interpretation of the statute comported with the intent of Congress. Filing on behalf of a group of former senior government officials, the team included **Boris Bershteyn, Román Rodriguez, Michael Springer, Micah Ferguson, Breanna Fields** and **Stefanie Neale**. Nicholas Bagley of Orrick, Herrington and Sutcliffe served as co-counsel on the brief.

### Prohibition on Assault Weapons and Large-Capacity Gun Magazines

In April, a U.S. Court of Appeals for the Seventh Circuit panel upheld a Highland Park, Illinois, ordinance prohibiting the possession of assault weapons and large-capacity gun magazines. The majority opinion in *Friedman et al. v. City of Highland Park, Illinois* adopted many of the arguments set forth in the *amicus* brief Skadden filed in support of the ordinance on behalf of the Brady Center to Prevent Gun Violence. Judge Frank Easterbrook held that the weapons at issue were not common at the time of the Second Amendment’s ratification and that the ordinance leaves city residents with adequate means of self-defense. The holding that assault weapons and large-capacity magazines are not entitled to Second Amendment protection constitutes a significant victory for the team’s client and other gun safety advocates. The team included **Anthony Dreyer, Ben Halperin, Eliot Ross** and **Stefanie Neale**.

# News & Awards

## Amicus Brief Supports Federal Immigration Initiatives

Skadden is counsel of record on an amici brief filed in April with the U.S. Court of Appeals for the Fifth Circuit supporting the federal government in *State of Texas, et al. v. United States, et al.* The federal government is appealing from a district court's injunction against deferred action immigration initiatives announced by the head of Homeland Security in November. The brief argues that the initiatives would bring much-needed clarity to immigration law enforcement priorities, help level the playing field between employers making diligent efforts to follow the laws and their less scrupulous competitors, and reduce workforce disruption by giving certain low-priority undocumented noncitizens the opportunity to obtain temporary work authorization. The brief also argues that the deferred action initiatives will raise the U.S. gross domestic product, expand the workforce, promote productivity and innovation, and reduce federal, state and local budget deficits. The team includes, in Washington, D.C. and New York, **Cliff Sloan, Boris Bershteyn, Román Rodríguez, Tansy Woan, Sam Auld and Audrey Feldman**. Oral arguments are scheduled for July.

## Firm Supports Ice Hockey in Harlem

At the annual Lawyers' Cup charity event for Ice Hockey in Harlem (IHH) in March, Team Skadden once again took home the Fundraiser's Cup, and raised more than \$19,000 to benefit IHH's support of youth hockey in Harlem. In total, the event raised nearly \$90,000. Led by player-coach-partner and IHH board member **Greg Milmo** and joined by several friends of the firm, Team Skadden won four games but lost in the semifinals by one goal to Proskauer. The team included, top row (left to right), Hudson Sullivan, **Greg Milmo**, **Eben Colby**, **Kyle Hatton**, André Boulay, **Eric Cochran** and **Scott Hopkins**; bottom row (left to right), Brian Durkin, Don Lewis, Keith Gessen, Barish Ozdamar, **Adam Ludemann**, Colin Brown and Brent Stoothoff; and not pictured, **Chris LaVigne**.



Team Skadden

## DC Team Establishes Precedent in Sex-Assault Case

In March, a team of attorneys in the Washington, D.C. office successfully argued a case on behalf of a sexual-assault victim before the District of Columbia Court of Appeals. The court affirmed the Superior Court of the District of Columbia's decision granting the team's client a civil protection order requiring her attacker to vacate his apartment unit in the building where they both lived. In doing so, the appellate court resolved a split between lower courts regarding the scope of a trial court's authority under the Washington, D.C. statute that protects sexual assault victims and established a precedent that will protect victims of sexual assault.

Associate **Luke Meisner** argued the case before the Court of Appeals. The team also included associates **Jose Morales, Susie Lee, James Altman, Lindsey Randall, Daniele Schiffman, Jamieson Greer and Javier Urbina**; former associate Rachel Jacobs; and legal assistant **Yesenia Flores**. The team received guidance from partner **Stephen Harburg**, former partner Michele Roberts and *pro bono* counsel **Don Salzman**.

## Wilmington Team Obtains ADA Accommodation for Family

In March, a Wilmington team, including counsel **Joe Larkin** and associates **Laura Clare** and **Stephen Della Penna**, obtained an Americans With Disabilities Act (ADA) accommodation for a disabled mother and her 5-year-old son, whom the team represented at the request of the Delaware Legal Aid Society's Disabilities Law Program. The mother, a single parent, suffers from spina bifida, which has left her permanently disabled and unable to transport her son to and from school. Because they live less than one mile from the school, the son is not eligible for public busing. The school district repeatedly denied the mother's requests for an accommodation.

The Skadden team investigated the underlying facts of the case, including confirming that the route to school was unreasonably dangerous for travel by foot, and researched

and analyzed the applicable law. Although there was no case law directly on point, the team crafted an argument that the mother's disability was imputed to her son under the ADA and Rehabilitation Act, and that the school district's refusal to transport him denied him the right to a public education under the equal protection clause. After several rounds of negotiations, the school district accepted the team's settlement proposal, agreeing to provide private door-to-door transportation at no cost. Delaware Legal Aid has indicated that this outcome will be precedential in similar cases nationwide.

### **Skadden Receives Empire State Counsel Pro Bono Law Firm Award**

In January, the firm received the New York State Bar Association's 2014 Empire State Counsel Pro Bono Law Firm Award. Of the nine firms honored, Skadden was one of two at the highest award level, platinum. Skadden's NYSBA members who devoted at least 50 hours to *pro bono* service in 2014 amassed a total of 19,181 *pro bono* hours, the highest total of any firm. New York special counsel **Ron Tabak** accepted the award on the firm's behalf.

### **Team Drafts and Negotiates for Young Entrepreneur's Business**

In December, Hypolite Corporation, a startup in the process of designing and marketing innovative fire-safety technology, executed a shareholders' agreement, equity grant awards and a convertible preferred note. A New York-based *pro bono* team, which included associate **Travis Scher** and former legal assistant Christopher Neumann, played essential roles in drafting and negotiating the documents, and tailoring them to the specific needs of the company and its 20-year-old founder, Keanu Hypolite. Their work helped the business obtain sufficient capital to further its product development, compensate its engineers and establish a formal corporate structure. Keanu was referred to the team by the New York City Bar Association's Neighborhood Entrepreneur Law Project, which provides legal services to low- to mid-income micro-entrepreneurs.

### **Hong Kong Office Receives 'Distinguished Pro Bono Law Firm Award'**

The Law Society of Hong Kong presented our Hong Kong office with a "Distinguished Pro Bono Law Firm Award" at a ceremony in December. Skadden was one of only two firms to receive the award, which is the highest honor the organization awards to law firms for their *pro bono* service. In addition to the firm award, eight attorneys in the Hong Kong office received individual recognition, including partner **Alan Schiffman**, associates **Wilfred Ho** and **Yin Lin Ma**, and trainee solicitors **Belinda Huang** and **Cheryl Kong**.

### **Firm Honored With Pickering Award for Outstanding Pro Bono Work**

In November, the Pro Bono Institute presented Skadden with the 2014 John H. Pickering Award in recognition of the firm's long-standing commitment to *pro bono* service. "Skadden is to be applauded for being a pioneer in impactful service," PBI President and CEO Esther F. Lardent said. "As a result of using creative thinking along with a diverse set of skills, the firm has successfully helped many individuals and organizations in dire need of legal assistance." PBI noted the development of the Impact Projects across many firm offices that focus on increasing the positive effect of *pro bono* work on the communities in which the firm's lawyers live and work, as well as our work on numerous asylum-related cases over more than two decades.

### **Palo Alto Team Secures Settlement in Excessive Force Case**

In November, a team headed by retired Palo Alto partner Jim Lyons settled on very favorable terms a civil rights action in which they represented Kaheal P., who allegedly had been beaten in his cell at Salinas Valley State Prison by prison guards who were members of a secret gang of correctional staff known as the "Green Wall." Following the beating, the defendants caused Mr. P. to be disciplined for "obstructing a peace officer" and, the Skadden team alleged, falsified documents to cover up their actions.

The defendants used threats and intimidation to keep Mr. P. from pursuing a lawsuit and retaliated after he filed it. Allegedly, they planted a half-pair of scissors in Mr. P.'s legal files, in an attempt to frame him on false weapon possession charges.

Two weeks before the settlement, the team, which included Palo Alto associates **Claire McCormack**, **Christine Hung**, **Tatyana Shmygol** and **Bill Casey**, defeated a motion for summary judgment. The judge's thorough decision likely will be a road map for future federal excessive use of force actions. As part of the settlement, Mr. P. obtained a substantial monetary payment and the claims of obstruction and weapon possession were expunged from his record.

### **Resolution of Trademark Dispute for Jewelry Designer**

In November, New York intellectual property and technology of counsel **Ken Plevan** and former Skadden associate Xiyin Tang assisted former employee Jane Caselli in securing a dismissal of a trademark dispute before the Trademark Trial and Appeal Board (TTAB) regarding her jewelry line. Ms. Caselli had started a jewelry design business using the trademark "Brooklyn Born and Raised." She filed to register the mark with the U.S. Patent and Trademark Office, and it was cleared for registration, but the application was opposed at the TTAB by the owner of a chain of Las Vegas bars operating under the federal registration "Born and Raised." Finding herself in a federal legal proceeding against an experienced trademark lawyer, Ms. Caselli contacted Skadden and ended up speaking with Ken. Ken and Xiyin took on the representation *pro bono* and helped to quickly secure a dismissal of the TTAB proceeding with prejudice.

### **Firm Counsels Small Business Owners and Nonprofits**

In November, for the second year in a row, Skadden partnered with the Association of Pro Bono Counsel to provide free counseling to small business owners and nonprofits throughout New York. In addition to Skadden,

# News & Awards

---

participants at the “Small Business Legal Academy” included financial services consultants, other law firms, city and state agencies, and law students. More than 100 entrepreneurs attended and received support in a wide variety of areas. *Pro bono* counsel **Brenna DeVaney** assisted in planning the event, former of counsel Sarah Paul served as a panelist, and 10 legal assistants and staff participated in the academy.

## Associates Participate in Firmwide ‘Pro Bono Day’

On October 10, first-year associates from Skadden offices across the United States participated in our firmwide Pro Bono Day. In New York, more than 100 new associates joined either a consumer bankruptcy clinic in partnership with the City Bar Justice Center or traveled to various sites throughout the city with Legal Aid to help low-income seniors apply to freeze their rent. Washington, D.C. associates attended a clinic and completed a variety of projects to support the immigration work of the Archdiocesan Legal Network. In Palo Alto, nine associates participated in The Law Foundation of Silicon Valley’s Volunteer Eviction Assistance Collaborative Clinic. Chicago associates joined Cabrini Green Legal Aid at a clinic serving individuals experiencing collateral consequences stemming from their involvement with the criminal justice system. Los Angeles associates teamed up with Public Counsel attorneys to meet with clients at a one-day Guardianship Clinic. And in Wilmington, new associates partnered with the nonprofit legal aid agency Delaware Volunteer Legal Services to provide *pro bono* assistance to indigent state residents regarding civil legal problems.

In November, new associates and all legal staff from our Asia Pacific offices were invited to attend a program titled “Expanding Skadden’s *Pro Bono* Impact in Asia Pacific,” in person in Hong Kong and via videoconference in our other offices. Hong Kong attorneys discussed the expansion of the office’s *pro bono* involvement over the past few years, their personal *pro bono* experiences, and the firm’s policies and procedures regarding *pro bono* work. Attorneys from Justice Centre Hong Kong, which protects the rights of refugees, other people seeking protection and survivors of modern slavery, spoke on the impact we can make for those without access to justice and how Skadden attorneys and staff can get involved.

## John Furfaro and Caroline Honorowski Included on Pro Bono ‘Top 30’ List

New York labor and employment partner **John Furfaro** and associate **Caroline Honorowski** were recognized among Legal Services NYC’s “Top 30 Pro Bono Attorneys of 2014” at a reception last October. Legal Services NYC, the largest U.S. organization devoted exclusively to providing free civil legal services, assists tens of thousands of low-income New Yorkers each year.

## Skadden Receives Legal Aid Society 2014 Pro Bono Publico Award

Last October, the firm received a Legal Aid Society 2014 Pro Bono Publico Award for outstanding service to the society and its clients. New York office head **Bruce Goldner** accepted the award on behalf of the firm. In addition, former associates Tanisha Creed and Sunjay Mathews, who served as full-time externs at Legal Aid’s Harlem Community Law Offices, received individual awards.

## B.K. Lee Receives Lawyers Alliance Cornerstone Award

---



In October, New York structured finance counsel **B.K. Lee** received a Cornerstone Award from Lawyers Alliance for New York. The Cornerstone Awards are presented annually to attorneys and institutions that have made extraordinary contributions through *pro bono* legal services to nonprofit organizations. Over the past year, B.K. — one of only nine people selected from more than 1,500 Lawyers Alliance volunteers to receive the award — provided extensive assistance to the Cities for Financial Empowerment Fund to formalize its relationships with key partners. The CFE Fund helps mayors and other municipal authorities identify, develop, fund, implement and research pilots and programs that assist low- to moderate-income individuals and families in the development of financial capability. As part of the event, partners **Bruce Goldner** and **Eileen Nugent**, special counsel **Ron Tabak**, counsel **Heidi Goldstein**, associate **Rona Shamon** and legal assistant **Amy Hundert** were acknowledged as members of the “15-Year Circle.”

# More than **4,000** high school students reached by Palo Alto's Impact Project

## **Brenna DeVaney Receives Pro Bono Achievement Award**

New York *pro bono* counsel **Brenna DeVaney** was presented in September with the Abely Pro Bono Achievement Award by Sanctuary for Families' Center for Battered Women's Legal Services. Brenna was honored for her advocacy against sexualized violence and staunch support of Sanctuary for Families and its clients, including victims of domestic violence and their children. She is past chair of the organization's Pro Bono Council and a current member of its Legal Advisory Council.

## **George Fatheree Receives Loyola Law Pro Bono Service Award**

Los Angeles counsel and Loyola Law School alum **George Fatheree** has received the school's Pro Bono Service Award for his active role in *pro bono* work and public service, primarily in areas related to public education reform and disability rights.

George was recognized at the school's celebration of the 50th anniversary of its Albany Street campus in September.

## **Team Wins Significant Increase in Child Support for Victim of Domestic Violence**

A New York-based team including associates **Erin Simmons** and **Jonathan A. Friedman** and summer associate Vanessa Tarpos obtained a judgment in favor of a *pro bono* client who sought to enforce a child support agreement. Prior to the team's involvement, the client, a victim of the obligor-parent's domestic violence, had acquiesced to a coercive agreement providing insufficient funds to care for their two children. Although the respondent claimed his income was insufficient to satisfy the statutory support requirements, the team secured a full victory. This was effectuated by a significantly increased support order, which is now being enforced through automatic wage garnishment.

## **Skadden Los Angeles Provides Legal Support for Special Olympics**

A Skadden L.A. team led by partner **David Eisman**, counsel **George Fatheree** and associate **Rob Frings** assisted with various transactional aspects of the planning and preparation for the 2015 Special Olympics World Summer Games in Los Angeles. The Special Olympics is expected to be this year's largest sports and humanitarian event anywhere in the world. The team helped with procuring and negotiating contracts relating to security, transportation, catering and venue development across the city.



## **Skadden Palo Alto Initiative Educates Teens Regarding Sexual and Social Media Misconduct**

Established in 2013, the Palo Alto office's Pro Bono Impact initiative, "Know Your Rights and Know the Law: Sexual and Social Media Misconduct," has provided more than 4,000 high school students with legal guidance regarding cyberbullying, sexual assault and social media.

Last November, the office held its third training for the program, which was attended by Skadden attorneys and staff, and attorneys from 15 Bay Area companies. In May, the office held three more training sessions — at Skadden, Hewlett-Packard, and the offices of a Los Angeles-based client. The project's practice leaders — co-founder and counsel **Stacy Kray**, partners **Jack DiCanio** and **Amy Park**, and associates **Barnaby Gibson**, **Erika Schmidt** and **Sonia Nijjar** — meet regularly to discuss strategy and implementation of the program and have co-taught classes with clients.

In April, initiative co-founder and counsel **Carrie LeRoy** participated in a roundtable discussion at San Francisco University High School on juvenile texting of unlawful content. The panel covered issues such as cyberbullying, the laws governing teen sexting and what students should do if they receive unlawful content. In March, Carrie spoke at a parenting workshop at the Oshman Family Jewish Community Center on "How Depression Manifests in Children and Teens." She also appeared on KQED public radio in October, in a first-person piece addressing sexual misconduct and social media involving teens. Her efforts as a co-founder and leader of the Impact initiative recently were recognized by *The Recorder*, which named her a "Legal Innovator" at its first-ever Innovators Awards, and the *Silicon Valley Business Journal*, which ranked her among the 100 most influential women in Silicon Valley in 2015.

# In Memoriam

# Steve Kolleeny

---

In the history of our firm, few attorneys have made a more significant contribution to our *pro bono* efforts than special counsel Steve Kolleeny, who passed away last fall at the age of 58.

A Skadden attorney for more than 30 years, Steve developed a particular passion for asylum work soon after joining the firm. In 1987, we asked Steve to start an in-house asylum practice — a first of its kind at a major law firm — which he headed until his passing. Over the years, he handled or oversaw more than 300 asylum cases, with a truly extraordinary rate of success.

Steve's ability to articulate the roots of his dedication attracted many of his Skadden colleagues to the cause, myself included. Under his tutelage, I took on the case of a muckraking Croatian journalist who had been critical of dictator Franjo Tudjman during the country's then-ongoing fight for independence. Steve's mentoring and guidance taught me many lessons, not only about the asylum process, of course, but also about the power and possibilities of practicing law. As Steve made clear, for the parties involved the outcome in an asylum matter has far greater significance than the disposition of even the largest transaction or most adversarial litigation: As in my client's case, an asylum petition is often the best, if not the only, chance for a person to reunite with his or her family or be free from imprisonment, torture or worse.

This is why, although he also was a gifted and accomplished litigator, Steve devoted a significant portion of his career to representing individuals and families seeking refuge in the United States. The recognition he received for his tireless dedication — including Human Rights First's Frankel Award, the Federal Bar Council's Thurgood Marshall Award for Exceptional *Pro Bono* Service and the New York State Bar Association's Empire State Counsel Award — was well-deserved yet insufficient.

Steve's life and career were spent, in large part, in the service of others. There is no more fitting way to honor his memory than to continue his work.



Bob Sheehan

