

Pro Bono Reporter

FALL 2017



FROM THE CHAIR

“(Not quite) Millions Served”

With mild trepidation of revealing my age, I remember well those times as a kid passing by a McDonald’s golden arches to see the running burger tally “...millions (later billions) served.” I remember thinking that the burger tally would grow until McDonald’s had served everyone in the world. (And by now it has, in fact, served the equivalent of everyone in the world – McDonald’s ceased the running burger tally in 1994 after it reached 99 billion burgers served.)

I was reminded of the strong impression that the burger tally had on me earlier this year when I received a notice from accounting that WS pro bono matter 999997.5000 had just been opened. On the day I joined the firm in 2004, the firm opened matter number 999997.1490, which means we’ve served nearly 4,000 clients since I joined the firm. [And that doesn’t even compare to Pro Bono Committee chair emeritus Kimball Anderson, who is still actively working client matter 999997.00048, which was opened in 1988.] That’s about 275 new pro bono matters opened per year, or more than one new pro bono client served every working day for the past thirteen years. Not quite millions served, but that’s tremendous output.

Although impressive, the volume of clients served is not central to our pro bono mission. We “measure” our success by less objective criteria. The outcome for the client is of course paramount. As important (but perhaps more obtuse) is the “humanity served” in nearly every pro bono matter. By that I mean the mental and emotional gains our lawyers receive during the provision of services; and the respect and hope they confer on our clients.

Inside this year’s Pro Bono Reporter you will see what I mean by “humanity served” in every featured entry. Take a look on page 15, for example, which highlights our representation of Andrew Thomas, an inmate on Tennessee’s death row. We commenced our representation in 2006. Eleven years later a team of New York lawyers over-turned Thomas’ death penalty on appeal in the Sixth Circuit after the team’s investigation revealed that the prosecutor had secretly paid a key witness and failed to disclose this to defense counsel. Or look on page 12, my Charlotte colleague Alyson Traw is pictured with her two clients, an elderly couple who had just participated in a swearing-in ceremony for new U.S. citizens.

Humanity served and served again.

Read and enjoy...

Amanda



PRO BONO COMMITTEE MEMBERS

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Kimball Anderson
Ken Berry
Michael Bittner
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Kevin Warner
Kristen Wickler
Stewart Worthy

AWARDS AND HONORS



Houston Office Recognized by Disability Rights Texas as Law Firm Pro Bono Partner of the Year

Disability Rights Texas (DRTx), the federally mandated protection and advocacy entity in the State of Texas, recognized Winston's Houston office as its *Law Firm Partner of the Year*. Winston attorneys accepted numerous matters during 2016, including representation of students with disabilities seeking access to education related accommodations, assisting disabled vets with PTSD to combat discrimination based on their use of a service dog, and challenging a cap on state funding for disabled students.

Los Angeles Office Receives Champions of Education Award from the Learning Rights Legal Center

The Learning Rights Legal Center (LRLC) honored the firm's Los Angeles office with its *Champions of Education Award*. Through referrals from LRLC, numerous Los Angeles office attorneys assisted disabled children and their families advocate for appropriate implementation of Individual Educational Plans advocacy, contributing several hundred hours. LRLC also noted that in 2016, every attorney in the Los Angeles office contributed 20 hours of pro bono.

Linda Coberly Receives Northern District of Illinois Excellence in Pro Bono Service Award

Chicago managing partner **Linda Coberly** was awarded the 2017 *Award for Excellence in Pro Bono Service* by the U.S. District Court for the Northern District of Illinois. This award is presented annually to individuals for their contributions in helping those most in need of assistance through pro bono work before the District Court for the Northern District of Illinois. Coberly was recognized for her efforts in securing relief for a class of individuals subject to detainers issued by U.S. Immigration Customs Enforcement without probable cause.



Linda Coberly

New York Team Honored by the Legal Aid Society for Ensuring Access to Affordable Healthcare for All New Yorkers

The Legal Aid Society of New York, the largest legal aid organization in New York City, recognized a team of attorneys that are leading significant litigation challenging aspects of New York's delivery of health care services. One lawsuit, filed on behalf of a class of Medicaid recipients asserts that the state failed to exercise appropriate oversight over providers delivering services pursuant to the transition to Medicaid managed health care plans. A second lawsuit asserts that New York is improperly providing Hepatitis C medication at a time after it will be effective in treatment. Those honored include: **Jeffrey Amato, Jill Freedman, Jeffrey Kessler, and Angela Smedley**; and former attorneys John Aerni and Eddie Rooker.



Jeffrey Amato

Chicago Office Awarded Outstanding Law Firm by the Family Defense Center

The Family Defense Center, an organization that advocates for family rights in proceedings before the Illinois Department of Children and Family Services, honored the firm with its 2016 *Outstanding Law Firm Pro Bono Service Award*. Winston attorneys were recognized for their excellent work in protecting several families wrongly accused of neglect by the Illinois Department of Children and Family Services. Those attorneys recognized include: **Kathleen Barry, Julie Bauer, Kathryn Bayer, Whitney Ising, Lowell Jacobson, Michael Mayer, Emma McGovern, Alyssa Ramirez, Joelle Ross, Maureen Rurka, Stephen Schulte, Reid Smith, Joanna Wade, Brett Walker, and Chris Wilson**.



Kathleen Barry



Kathleen Chastaine

Kathleen Chastaine and Blaise Latella Recognized by the Lawyers Alliance for New York

New York partner **Kathleen Chastaine** and associate **Blaise Latella** were recognized by the Lawyers Alliance for New York for their outstanding accomplishments serving pro bono client the Bronx High School of Science Alumni Foundation. The attorneys were recognized for their dedication, expertise and commitment of pro bono hours to help the Alumni Foundation achieve its mission to better serve alumni of the prestigious high school.



Shawn Gebhardt

Chicago Associate Shawn Gebhardt Receives Rising Star Award

Chicago associate **Shawn Gebhardt** was presented with the *Rising Star Award* by the National Immigrant Justice Center in recognition of his high quality representation to clients with complex immigration cases. The award is annually presented to ten attorneys who have made outstanding achievements to promote, protect, and advance human rights throughout the world.



Monique Ngo-Bonnici

Los Angeles Attorneys Monique Ngo-Bonnici and Jason Campbell Honored for Service to Child Care Providers

Los Angeles Partner **Monique Ngo-Bonnici** and associate **Jason Campbell** were selected by the Public Counsel’s Early Care and Education Project (ECE) for the 2016 *Public Counsel Pro Bono Award* for their dedication in handling multiple labor and employment advisory matters for ECE’s child care providers. Their work was essential in ensuring educational resources are available for vulnerable children in the greater L.A. community.

Washington, D.C. Attorneys Named to the Capital Pro Bono Honor Roll

Congratulations to the following Washington office attorneys who were named by the D.C. Access to Justice Commission and the D.C Bar Pro Bono Center to the 2016 Capital Pro Bono Honor Roll (at least 50 hours of pro bono service) and High Honor Roll* (at least 100 hours of pro bono service): **Brian Benko, Sarah Bily*, Allen Black, Eric Bloom*, Gordon Coffee, David Diaz*, Jeremiah Egger, Cyrus Frelinghuysen, Kyllan Gilmore, Eric Goldstein, John Harding*, Patrick Hogan*, Victoria Hsia, Jeff Johnson, Steffen Johnson, Paul Kanellopoulos*, Heather Kafele, Joanna Kerpen, Tomás Leonard*, Matthew Lewis, Charles Li*, J.C. Masullo, Erika Mayer, Daniel McNeely*, Matthew Mezger*, Stephen Migala*, Adam Nadelhaft, Kimberly Ognisty, Peter Osyf*, Alexander Pepper*, Scott Phillips*, David Rogers*, Scott Schipma, Nicole Silver*, Christine Tillema*, Michael Woods, and Ilan Wurman*.**

Charlotte Attorneys Named to the Inaugural North Carolina Pro Bono Honor Society

Congratulations to Charlotte attorneys **Elizabeth Ireland, Woody Lay, Jeff Wilkerson, Danielle Williams, and Owen Zingraff**, who are among 170 attorneys named to the inaugural *North Carolina Pro Bono Honor Society* by the North Carolina Supreme Court for contributing a minimum of 50 pro bono hours in 2016. The Honor Society was created by the North Carolina Pro Bono Resource Center, a project of the North Carolina Access to Justice Commission, as part of its efforts to promote and expand pro bono resources throughout the state.



PUBLIC INTEREST / LEADERSHIP



Eric Sagerman
Learning Rights Law Center

Los Angeles managing partner Eric Sagerman joined the board of directors of the Learning Rights Law Center, an organization that seeks to achieve education equity for low-income and disadvantaged students in the public education system within the greater Los Angeles area.



David Rogers
Washington Legal Clinic for the Homeless

Washington, D.C., partner David Rogers, who recently joined the firm, is a longstanding member of the board of directors of the Washington Legal Clinic for the Homeless. The Clinic assisting its clients access housing, shelter, and life-saving services by providing low barrier, comprehensive legal services at intake sites throughout the District of Columbia.



Bryce Cooper
Cabrini Green Legal Aid

Chicago associate Bryce Cooper joined the board of directors of Cabrini Green Legal Aid, a longtime Chicago legal aid organization that provides both criminal and civil legal services, integrated with social work support, to individuals facing barriers stemming from an encounter with the criminal justice system.



Frank Battaglia
Equip for Equality

Chicago attorney Frank Battaglia joined the junior board of Equip for Equality, a non-profit that strives to advance the human and civil rights of people with disabilities. He has been involved with a number of Individualized Education Plan matters through the organization, during which he successfully advocated for his clients.



Daniel McNeely
Young Lawyers Alliance of the Legal Counsel for the Elderly

Washington, D. C. associate Daniel McNeely joined the Young Lawyers Alliance of the Legal Counsel for the Elderly. A project of AARP, Legal Counsel for the Elderly assists low-income seniors in the District of Columbia with an array of legal services.

Partnerships with Commercial Clients Expand Service to Clients

Increasingly, the firm's commercial clients are making pro bono a priority and reaching out to the firm to develop appropriate and meaningful "partnering" opportunities. Collaborating with local pro bono organizations, the firm has developed the following programs that assist deserving pro bono clients:

Houston Office



Houston –Centerpoint DACA clinic

A contingent of Houston office attorneys collaborated with attorneys from the legal department of client **CenterPoint Energy** and Catholic Charities in a clinic assisting eligible immigrant youth apply for immigration relief under the Deferred Action for Childhood Arrivals Program (DACA). Clinic participants met with the client to prepare required renewal of benefit applications which they completed shortly after the clinic.

In order to qualify for immigration relief under the DACA program, the clients must demonstrate that they arrived in the U.S. under the age of 16 and have met criteria demonstrating productive engagement in society. Eligible persons receive protection from removal for two years and employment authorization. Participating Houston attorneys include: **Kimberly Englebert, Chris Ferazzi, Michael Fillingame, Rich McCarty, Robine Morrison, Katy Preston, Brad Ratliff, Cori Stone, John Strasburger, and David Thaxton.**

Chicago Office

Joining with members of the Legal Department at **JPMorgan Chase** during its annual "Day of Service," a team of Chicago attorneys advised tenants on issues regarding problems with the condition of their unit and how they can pursue potentially available remedies under relevant Chicago landlord-tenant laws. This training and brief service event was community focused and took place on the premises of the Metropolitan Tenants' Union on Chicago's Southside. Participating attorneys include:

Sean Apfelbaum, Frank Battaglia, Nolan Bolduc, James Croke, Allie Gecas, Lowell Jacobson, Greg Murray, Steve Schulte, Lindsay Shake, Michael Skokna, Jamie Snyder, Andrew Steiger,
and **Ben Wojcik.**



Greg Murray



Christine Edwards

Partnering with client **Discover Financial Services**, a team of Chicago attorneys led by partner **Christine Edwards** are representing military veterans discharged under the military's "Don't Ask, Don't Tell" and predecessor discriminatory policies. The teams will petition the appropriate military branch to correct the clients' discharge records resulting from these unjust discharges. Discover and Winston attorneys participated in a training presented by former partner Peter Perkowski, Legal Director at Outserve, an LGBT advocacy organization. Participating attorneys include **Peter Clarke, Jasmine Fannell, Delilah Flaum, Jamie Lepri, Jason Pesick, Sterling Sears, Terri Soni, Justin Trapp,** and **Brett Walker.**

IMPACT & CLASS ACTION CASES

CHALLENGE AND PROTECT

Several teams in various offices have undertaken strategic efforts to improve the lives of thousands impacted by illegal or unjust application of state and federal laws. Here is a summary of various impact matters across the firm:

Challenging Illinois' Solitary Confinement of Inmates

A Chicago office team represents a class of Illinois inmates who have been assigned to "segregation" or solitary confinement. The federal class action asserts that their assignment is an unlawful violation of the Constitutional prohibition against "cruel and unusual punishment" and due process protections. The team has successfully litigated FOIA requests to secure relevant IDOC data regarding transfers to segregation, and recently fended off a motion to dismiss. Denying the motion, the court held that the conditions in the segregation units, as described by prisoners, were so bad that prisoners could not be transferred to solitary confinement without a hearing, and that Illinois violated prisoners' constitutional right to due process by holding what the prisoners described as "sham" hearings. The team is led by partner **Kimball Anderson** and associate **Alyssa Ramirez** and includes attorneys **Ross Corbett, Joanna Cornwell, Matt DalSanto, Shawn Gebhardt, Elizabeth Grden, Nasir Hussain, Sarah Kalemeris, Cara Lawson, Kate Watson Moss, Matt Poplawski, Reid Smith, and Michael Toomey**; advisors **Parfait Gasana** and **Yujing Want**; and paralegals **Ken Berry** and **Greg Skogg**.



Alyssa Ramirez

Securing Health Care Services to New York's Medicaid Recipients

The New York Office, working in conjunction with the Legal Aid Society of New York, has undertaken multiple lawsuits designed at protecting services provided to low-income Medicaid recipients. Two teams are engaged in the below similar efforts to protect services to Medicaid recipients:

Coverage of Hepatitis C Direct-Acting Antiviral Drugs

Representing a group of Medicaid recipients with chronic Hepatitis C Virus (HCV), the team successfully asserted that the clinical criteria adopted by the New York Department of Health violated the Medicaid Act. The purpose of New York's Medicaid program is to provide the poor with medically necessary care and services to cure disease and prevent consequential injuries or potentially death. The team strenuously argued that the new criteria violated this purpose because, among other things, they essentially forced our clients to risk permanent liver damage before they would be covered by physician-prescribed medications that have proven extremely effective in curing HCV. In the backdrop of threatened litigation involving a permanent injunction, the team negotiated a favorable application of the State's clinical criteria. Involved attorneys include: partners **Jeffrey Amato** and **Jeffrey Kessler**, associate **Angela Smedley**, and support from paralegals **Rachel Benjamin, Jennifer Doran** and **Arielle Peters**. Former partner John Aerni and former associate Eddie Rooker contributed substantially.



Jeffrey Kessler



Angela Smedley

Protecting Home Health Services

On behalf of a class of elderly Medicaid recipients, a New York team filed a federal class action lawsuit against the New York Health Department and a private non-profit business that oversees two managed long-term care plans for the state. The complaint alleges that the state of New York is knowingly contracting non-for-profit companies that are

“systematically failing to provide medically necessary services” to residents who receive Medicaid services in order to stay in their homes. There are currently around 16,000 New York residents who receive Medicaid services through the program to prevent them from being institutionalized. The care provided, however, is often grossly inadequate, putting the recipients’ health at risk. Involved attorneys include partners **Jeffrey Amato** and **Jeffrey Kessler**; attorneys **Emily Ellis**, **Jill Freedman**, **Johanna Hudgens**, **Kathryn Kantha**, **Lane Lerner** and **Angela Smedley**; and paralegals **Rachel Benjamin**, **Jennifer Doran** and **Arielle Peters**. Former partner John Aerni and former associate Eddie Rooker were instrumental contributors.

Protecting Free Speech and Civil Rights of Jewish Students

A team representing a group of San Francisco State University (SFSU) students and members of the local Jewish community filed a federal lawsuit under Title VI of the Civil Rights Act of 1964 and other laws which asserts that SFSU and its administrators have refused to protect the free speech rights of the client group and knowingly fostered discrimination and hostile environment, which has been marked by violent threats to the safety of Jewish students on campus. The lawsuit alleges that SFSU has a long and extensive history of cultivating anti-Semitism and overt discrimination against Jewish students.

The lawsuit was triggered following the alleged complicity of senior university administrators and police officers in the disruption of an April, 2016, speech by the Mayor of Jerusalem, Nir Barkat. The lawsuit alleges that at the event, Jewish students and audience members were subjected to genocidal and offensive chants and expletives by a mob that used bullhorns to intimidate and drown out the Mayor’s speech and physically threaten and intimidate members of the mostly-Jewish audience. At the same time, campus police stood by, on order from senior university administrators who instructed the police to “stand down” despite direct and implicit threats and violations of university codes governing campus conduct. The team includes partners **Robb Adkins**, and **Krista Enns**, and **Larry Hill**, associates **Lowell Jacobson**, **Alexa Perlman**, **Adrienne Rosenbluth**, and **Seth Weisburst**, and paralegal **Nikkole Gadsen**. The team is co-counseling with The Lawfare Project.

Invalidating Unlawful Warrant-less Immigration Detainers

A team led by partner **Linda Coberly** and including associates **Lee Muench**, **Patrick O’Meara**, **Jeffrey Salomon**, **Sean Suber**, **Joanna Travalini**, and paralegal **Carol Abing**, along with attorneys from the National Immigrant Justice Center, successfully challenged the practice of U.S. Immigration and Customs Enforcement (ICE) to issue “detainers” or written requests that request local police to detain individuals beyond the time when they otherwise should be released, ostensibly so the immigration agency may take the individuals into custody. Detainers have formed the foundation for many immigration enforcement policies, which have relied on local law enforcement agencies to assist in the detention of more than one million immigrants – including some U.S. citizens.

While the ruling in the class-action lawsuit only invalidates detainers issued out of the Chicago Field Office’s area of responsibility, its legal reasoning means that nearly all the millions of detainers issued by ICE over the past decade have been unlawful. The court ruled that the detainer program violates federal law because it exceeds ICE’s limited warrantless arrest authority. This decision will nullify thousands of detainers issued out of ICE’s Chicago Field Office to law enforcement in Illinois, Indiana, Kansas, Kentucky, Missouri, Wisconsin, as well as some detainers sent to law enforcement in 24 other states.



Seth Weisburst



Adrienne Rosenbluth



Joanna Travalini

Challenging Suffolk County Sheriff's Arrest of Immigrants without Judicial Warrant

Representing a putative class, a team led by New York partner **Aldo Badini** and including associates **Meg Ciavarella**, **Shanna Lehrman**, and **Frank Restagno** filed a lawsuit alleging that the Sheriff of Suffolk County (NY), has illegally held individuals beyond their scheduled release date solely on the basis of warrant-less detainers issued by Immigration Customs and Enforcement (ICE). ICE detainers request local law enforcement agencies to maintain custody of an inmate for 48 hours after they would otherwise be released so that federal immigration agents can determine whether to physically take the individual into federal custody. The Sheriff had previously agreed to stop honoring ICE detainers and detaining inmates pursuant to these administrative requests unless they were accompanied by a judicial warrant. In 2016, the Sheriff announced that he was reversing his position and said he would again "honor" ICE detainers, in part due to ICE's changes to the detainer form.



Meg Ciavarella

Pursuing Safety and Communication Accommodations for Hearing-Impaired Illinois Inmates

For nearly a decade, a Chicago team has represented deaf and hearing-impaired inmates in a class action lawsuit against the Illinois Department of Corrections (IDOC). The complaint alleges that IDOC has violated the statutory and constitutional rights of deaf and hard of hearing inmates by failing to provide them with adequate means of communication while incarcerated. Among other claims, the class asserts that, in various prison settings, IDOC has failed to provide American Sign Language interpreters, hearing aids and other critical accommodations needed by deaf and hard of hearing inmates in order to communicate effectively in prison. Without these accommodations, deaf and hard of hearing prisoners have been put in danger and deprived of meaningful participation in and access to medical care, grievance procedures, disciplinary proceedings, religious services, educational and vocational programs, telephones, televisions, library services, and pre-release programs. The lawsuit, while still ongoing, has already resulted in various changes in how IDOC tracks and treats deaf and hard of hearing inmates. The team is led by partner **Bob Michels** and includes partner **Joe Motto**; associates **Jennifer James**, **Mary McCarthy**, **Kate Watson Moss**, **Joelle Ross**, and **Matthew Wissa**; and paralegals **Pat Pratt** and **Ken Berry**.



Bob Michels



Jennifer James

APPELLATE

Chicago Team Wins Remand for Impaired Inmate Denied Counsel

After argument in the U.S. Court of Appeals for the Seventh Circuit, a team led by Chicago associate **Michael Meneghini** scored a remand victory for an Illinois inmate, who was attacked by a prison guard and filed a lawsuit for redress of his injuries. Immediately upon filing his lawsuit, our client told the lower court judge that he suffered from mental and intellectual disabilities that severely impaired his ability to prosecute his case, essentially making him blind to the legal process. He repeatedly asked the court for the assistance of appointed counsel. The district court repeatedly refused, saying his case was not "unduly complex." Eventually, after our client failed to respond to the defendant's discovery requests—though still filing renewed requests for counsel—the court dismissed the case for want of prosecution. Still unassisted by counsel, our client did not even file his appeal on time.



Michael Meneghini

Rather, seven months later, he filed a Rule 60(b) motion, seeking “extraordinary” relief. The district court again said no, and the team stepped in to handle the appeal. Although facing the unforgiving standard of a denial of a Rule 60(b) motion, the Seventh Circuit agreed with the team’s argument that our client’s case presented extraordinary circumstances justifying relief under Rule 60(b)(6). As Judge Posner, writing for the court, stated simply, “[he] needs help—needs it bad— he needs a lawyer desperately.” Partner **Steve D’Amore** supervised with assistance from partners **Matt Carter**, **Brook Long**, and **Maureen Rurka**.

CRIMINAL DEFENSE

Chicago Team’s Intervention Prevents Conviction Based on Mistaken Identification



Samuel Mendenhall

Understanding the importance of quickly intervening in cases where questionable identifications have been made, a Winston team led by partner **Samuel Mendenhall**, associate **Christopher Wilson**, and paralegal **Ken Berry** responded to the unsolicited call of a mother who emphatically asserted that her son had been wrongly identified as the perpetrator of an armed robbery. Four months later, through rigorous investigation and committed advocacy, the team obtained a dismissal of the armed robbery charges, a class X felony which carries a mandatory sentence of at least 21 years.

The criminal indictment was based solely on the robbery victim’s identification of the client as the person who robbed him with a gun in his back while he was awaiting an elevator. The victim identified the client about three hours after the crime occurred when he saw him enter the emergency room at a local hospital. No other evidence connected the client to the crime. The client had no previous record of criminal activity. The team immediately visited the crime scene, interviewed the client concerning the events in question, and gathered photographic evidence of the scene. The team also obtained a video taken by a security camera showing the robbery as it occurred, and other video of the perpetrator using the victim’s ATM card at various cash stations.

The evidence clearly demonstrated that the perpetrator of the crime was taller and larger than the client and strongly refuted the conclusion reached by the police that he was the perpetrator. With the assistance of a private investigator, the team met with the victim and shared the evidence with him, including the videos and the photographs of the robbery and the client. The victim agreed that the client was not the perpetrator and that his identification of him was a mistake.



Ken Berry

“...through rigorous investigation and committed advocacy, the team obtained a dismissal of the armed robbery charges, a class X felony which carries a mandatory sentence of at least 21 years.”

HOUSING

Washington Team Wins Settlement for Elderly Couple Victimized by Shady Contractor

Washington D.C. attorneys **Daniel McNeely** and **Drew Sommers** assisted a 92-year-old man and his 89-year-old wife, who live on a fixed income, secure a sizeable financial settlement from an unlicensed contractor. The contractor inspected their roof for potential damage and reported a litany of issues with the roof and performed before he performed unnecessary and inferior services for which he charged the clients an exorbitant amount of money. An expert contractor inspected the work performed and confirmed that a majority of the work was unnecessary or not completed correctly, and there were no signs of water damage. The team filed a complaint and, while preparing initial discovery and motions, received an offer to refund the entirety of the clients' money.



Daniel McNeely

Los Angeles Team Advocates for Holocaust Survivor's Section 8 Housing Benefits

Partner **Saul Rostamian**, associate **Diana Hughes Leiden**, and former associate Amy Stern represent an elderly Holocaust survivor, who is living on limited income and with several medical impairments, whose Section 8 housing benefits were terminated. She had resided in the same apartment and receiving benefits for more than 15 years. The team is pursuing a writ petition in Los Angeles Superior Court seeking, among other things, reinstatement of her benefits. Although still litigating the matter, the team has successfully secured an initial remand and an agreement from the housing authority to drop any claim for a repayment.



Diana Hughes Leiden

IMMIGRATION

New York Team Secures Asylum for Saudi Arabian Victim of Honor-Based Violence

A team, including partners **Eva Cole** and **Molly Donovan**, associates **Mikaela Evans-Aziz** and **Evan Miller**, and paralegal **David Pfeiffer**, secured asylum for a Saudi Arabian woman who suffered substantial abuse over a number of years at the hands of her eldest brother, who disagreed with his sister's decision to marry a man outside of her nationality and religious tribe. The client, a mother of six, suffered death threats, repeated beatings, and was even set on fire, causing her, among other things, to miscarry a child, suffer permanent hearing loss, and endure permanent scarring. Despite being beaten and burned, the Saudi Arabian police refused to even investigate the attacks. Fearing her life, and the life of her children, the client sought asylum in the United States. The team pushed the government to expedite the client's interview following the client's diagnosis with Stage III breast cancer, and finally obtained asylum after accompanying the client to her interview.



Eva Cole

Chicago Team Wins Asylum for Somali Whose Family Fell Victim to Tribal Violence

Associate **Ross Corbett** supervised by partner **Michael Nutter** secured a grant of asylum for a Somali man who had faced violent conflict in his home country. Their client, who belongs to a minority tribe, was forced to flee Somalia in January of 2016 four days after his father was killed. The client's father owned land and when he refused to give up his land to members of a more powerful regional tribe, the client's father was murdered. In an act



Ross Corbett

of revenge, the client's paternal uncle killed one of the murderers leaving the client forced to flee to the United States. Because of the strength of their pre-hearing brief, the team was able to convince the government to concur that their client's story would make him eligible for asylum, if believed. Through the team's hard work, during a brief examination the immigration judge found their client credible and deserving of asylum.

San Francisco Team Obtains Trial Victory for El Salvadorian Domestic Abuse Survivor

Partner **Yelitza Dunham** and former associate Kyle Bonacum represented at hearing a young woman from El Salvador, who was forced to flee to the United States to escape her physically, sexually, and emotionally abusive ex-partner. Even after leaving the home they shared, he continued to stalk, harass, and abuse the client and her immediate family members, including the client's sister. Fearing for her life, and the life of her son, the client decided to flee El Salvador in late 2014.



Yelitza Dunham

Typically, the applicant must testify at trial and face cross-examination from a government attorney as a test of credibility. However, upon arriving at the hearing, the government informed the judge that the government was persuaded by the team's briefing waived the need for both the client's testimony and the expert testimony, reserving only a limited legal issue. With the government effectively conceding the case, the judge granted the client and, by extension her son, full asylum.

Charlotte Attorney Obtains Citizenship for Elderly Venezuelan Couple



Alyson Traw Citizenship clients

Charlotte attorney **Alyson Traw** successfully obtained citizenship for an elderly Venezuelan couple who had been living in the United States for years. The couple, married for over 50 years, had originally come to the U.S. so that the husband could obtain his master's and PhD degrees. They remained in the country as

political turmoil intensified in Venezuela. Traw attended the moving naturalization ceremony where more than 50 new Americans from more than 20 different countries were given citizenship status.

Chicago Team Wins Asylum Trial for Guatemalan Who Testified against Deadly Gang

A Chicago team led by associate **Kevin Wolff**, with assistance from associates **Marissa Simms** and **Katie Clausing**, and supervised by partner **Jim Herbison**, obtained asylum after a trial in immigration court for a 39 year-old man who fled Guatemala. The client had witnessed the brutal murder of his childhood friend at the hands of gang-affiliated contract killers and barely escaped with his life.



Kevin Wolff

The client had cooperated with law enforcement authorities to provide information and testimony against the killers and, as a consequence, received numerous death threats from the gang members. Although he was offered witness protection, a high-level government supervisor told him privately that he would never be safe due to the level of corruption in Guatemalan law enforcement, and advised him to leave the country as soon as possible.



Marissa Simms

Once in the U.S., the Guatemalan consulate offered our client help in applying for asylum, but this was conditioned on his providing additional testimony. He testified live by video conference at the trial of one of the killers, but never received the promised assistance with applying for asylum and was threatened again by the gang.

San Francisco Team Obtains Asylum for 10-Year-Old Nicaraguan Fleeing Sexual Abuse

A San Francisco team, supervised by partner **Yelitza Dunham** and including attorneys **Jonathan Goldstein, Tim Maes, Charles Olson,** and **Philip Privitelli,** won asylum for a 10-year-old girl who fled to the U.S. to escape her abusive family in Nicaragua. At the hearing, the team forcefully asserted her well-founded fear of persecution as a female member of her family if she were forced to return to Nicaragua. The client's grandfather and uncles were drug dealers and users, were involved with gangs, and regularly sexually abused several different female members of her family.



Charles Olson

LGBT ADVOCACY

Teams Establish That Perception of HIV Should Be Considered in Removal to Countries Repressive of LGBT Community

In *Velasquez-Banegas v. Lynch*, 846 F.3d 258 (7th Cir. 2017), the victory by a team led by Washington, D.C. associate **Ilan Wurman** prevented the U.S. government from removing an HIV-positive man from Honduras. The client entered the U.S. undocumented in 2005, and subsequently contracted HIV. After the government initiated removal proceedings against him in 2014, the client argued that he would be persecuted in Honduras both on account of his HIV status and on account of the widespread perception in Honduras that HIV positive men are gay. The immigration court rejected both claims, arguing that the client was unlikely to be perceived of as gay, and further that any discrimination or deprivation on account of his HIV status did not rise to the level of persecution needed to obtain asylum.



Ilan Wurman

On appeal, the team argued that evidence and testimony need not be *about the petitioner himself*, but rather specific enough about his circumstances to raise the inference that he is more likely than not to be persecuted on account of his protected status. The Seventh Circuit agreed, remanding the case and instructing the court to give the general evidence appropriate weight. The court also implied that, given the country conditions in Honduras, which has the highest crime rate in the Western Hemisphere and which has been particularly repressive of the LGBT community in recent years, HIV positive men are likely to assert persecution on the basis of sexual orientation as a basis for asylum. Chicago partner **Linda Coberly** supervised, and was assisted on moot by several attorneys, including partners **Eric Bloom, Geoff Eaton, Tom Frederick,** and **Scott Glauber**; and associates **Eric Goldstein, Paul Harold, Jeff Johnson, Stephanie Maloney, Christopher Mills,** and **Eimeric Reig.**

In *Gonzalez v. Lynch*, (7th Cir., no. 16-2229), a team led by New York associate **Mulan Cui** spring-boarded off the holding in *Velasquez-Banegas v. Lynch*, to secure a remand for a 50-year-old gay Guatemalan man living with HIV. The client had spent half his life as a lawful permanent resident of the U.S., but following convictions for fraud-related crimes, he was served with a notice of removal proceedings. At trial, he conceded he was subject



Mulan Cui

to removal based on his criminal record, but applied for relief under provisions of the Convention Against Torture that protect those who face a likelihood of persecution or torture if forced to return to their countries of removal. The immigration court denied the client's application, and the Board of Immigration Appeals dismissed his appeal.

On appeal, the team filed an opening brief highlighting the dangerous conditions in Guatemala facing the gay and HIV-positive communities, and pointed to the court's recent decision in *Velasquez-Banegas v. Lynch*. The government moved to remand the case to the Board of Immigration Appeals, so the agency could reconsider his request for relief. Partner **Luke Connelly** is supervising, and paralegals **Steve Russo**, **Rachel Benjamin**, and **Socorro Fargas** have provided substantial support.

Challenging Port Authority's Profiling and Arrests of LGBT Men

A New York office team filed a federal class action lawsuit against the Port Authority of New York and New Jersey, as well as individual Port Authority Police Officers. The lawsuit alleges that the Port Authority Police Department engaged in a pattern and practice of unlawful public lewdness arrests in the Port Authority Bus Terminal restrooms, targeting men based on perceived sexual orientation or gender identification. Involved attorneys include: partners **Michael Elkin**, **Thomas Lane**, **Ross Kramer**, and **Seth Spitzer**; and including associates **Cesie Alvarez**, **Emily Ellis**, **Matt Stark**, and **Dorian Slater Thomas**, with support from **Lane Lerner**. The team is co-counseling with the Legal Aid Society of New York.



Thomas Lane

New York Corporate Teams Defend LGBT Russians Fleeing Persecution

A team of New York office corporate group attorneys hosted an asylum clinic for seven gay individuals from Russia who were forced to flee to the U.S. after all experiencing extensive abuse on the basis of their sexual orientation. In Russia, homosexuality is widely unaccepted, often leaving many gay individuals subject to discrimination and violence. The clinic served as an opportunity for the teams of attorneys to meet with their clients and begin the asylum process. Involved attorneys were **Michelle Chan**, **Katie Chastaine**, **Travis Cherry**, **Jee Chung**, **Matt Edwards**, **Drake Glesmann**, **Bryan Goldstein**, **Arya Gourazdi**, **Jenny Hu**, **Samantha Katz**, **Jennifer Kurtis**, **Kelsey Lam**, **Austin Leach**, **Justin Levy**, **Kelsey McCarthy**, **Brett Mueller**, **Lola Olawole-Anjorin**, **Lilli Scaletar**, and **Ryan Walden**.



Jee Chung

New York Team Secures Asylum for Gay Peruvian Man

A team of New York attorneys, including **Ben Gordon** and former attorneys Susan Chalfin, Anna Lamut, and Adrienne Scerback and advised by Los Angeles pro bono practice attorney **Nareeneh Sohbatian**, obtained asylum for a young Peruvian man who had survived violent persecution on the basis of his sexual orientation. The client had been subjected to verbal and physical harassment since his childhood by both family members and strangers. As the client grew older, the attacks became more and more violent. Fearing for his life, he fled Peru to the United States. Through extensive briefing and testimony from the court, along with affidavits of support from family and friend in Peru, the Winston team was able to convince the court that the client was credible, and had a well-founded fear that if he was forced to return home to Peru he would face future persecution.



Ben Gordon



Nareeneh Sohbatian

Washington Team Halts Removal for Transgender Individual

Associate **Christine Tillema** supervised by partner **Tom Buchanan** and with the translation and other assistance of **Kathy Ames**, convinced an immigration judge to halt removal proceedings and reopen the asylum case of a young woman from El Salvador. The client was forced to flee to the U.S. to escape persecution from government officials and gang members due to her gender identity. Shortly after entering into the U.S. our client was taken into custody and brought to an immigration detention center where she was placed with the male population. Thereafter, she was released on bond, but due to circumstances beyond her control, the immigration court issued an *in absentia* order of removal. The team successfully moved to reopen and rescind the *in absentia* order, paving the way for our client to reapply for asylum.



Christine Tillema

The panel found that “the prosecutor had a duty to disclose this payment rather than allow the witness to commit perjury by denying its existence” and that failing to disclose this evidence was “particularly egregious.”

New York Team Overturns Death Penalty for Tennessee Inmate

A New York team led by partner **Kevin Wallace**, and including associates **Elizabeth Cate**, **Mulan Cui**, **Mikaela Evans-Aziz**, and **Mollie Richardson**; practice attorney **Lane Lerner**; and paralegals **Rachel Benjamin**, **Jennifer Doran**, and **Matthew Niss**, obtained a significant victory in the U.S. Sixth Circuit Court of Appeals on behalf of a client on Tennessee death row who was seeking habeas corpus relief. Overruling an earlier district court decision, the panel granted the client relief on his state habeas petition, resulting in his felony murder conviction and death sentence being reversed.



Kevin Wallace

Since 2006, Winston has represented the client in two related state and federal habeas petitions pending before a Memphis federal court in conjunction with local counsel from Memphis and the federal defender’s office. During an evidentiary hearing in 2011—nearly 10 years after the original state trial—attorneys from Winston developed evidence during examination that the joint federal and state task force that investigated the crime secretly paid the client’s ex-wife after her testimony against him at the federal trial. The district attorney failed to disclose this fact to defense counsel following the federal trial or in the subsequent state trial, which was an especially critical omission given that his ex-wife was the pivotal witness in both trials. The habeas petitions also raised several other claims, including that the state prosecutor elicited false testimony from the client’s ex-wife and ineffective assistance of counsel. In 2015, the district court denied both the state and federal habeas petitions.

Following argument, the Sixth Circuit issued a decision from the appeal of the state habeas petition, reversing and remanding the district court’s denial of habeas relief in the death penalty case. The panel found that “the prosecutor had a duty to disclose this payment rather than allow the witness to commit perjury by denying its existence” and that failing to disclose this evidence was “particularly egregious.”



Elizabeth Cate

INTELLECTUAL PROPERTY RIGHTS



Team Wins Settlement for Star Trek Fan-Film Producer

A team led by Los Angeles partner **Erin Ranahan** secured a settlement on the eve of trial for a lifelong Star Trek fan, and his small production company, Axanar in a lawsuit brought by Paramount Studio and CBS Studios. The case marked the first time that the studios had ever sued the makers of a fan film, despite a 40-year history of Star Trek fan fiction and fan films. Star Trek (movie) directors J.J. Abrams and Justin Lin made widely publicized statements supporting Axanar while the litigation was pending.

Through limited crowd-funding campaigns, our clients had raised production funding for a 21-minute “mockumentary” fan film, *Prelude to Axanar*, centered on an obscure character appearing in a single 1969 episode of the original Star Trek TV series named “Garth of Izar.” That short film was distributed for free on the internet. Plaintiffs alleged that film and our clients’ plans to produce a longer film, constituted copyright infringement of fifty separate Star Trek works and their rights to countless elements including the Klingon language and the “pointy ears” of the Vulcan species. The settlement allows our clients to continue to show *Prelude to Axanar*, create additional works, use professional actors and raise unlimited private donations.



Erin Ranahan

Numerous attorneys in several offices contributed to defending the case, including handling more than 20 depositions, drafting summary judgment motions and oppositions, and assisting with pre-trial motions, including partners **Jennifer Golinveaux** and **Paul McGrady**, and attorneys **Nikki Bhargava**, **Elizabeth Brodzinski**, **Shilpa Coorg**, **Tom Kearney**, **Diana Hughes Leiden**, **Brian Li-A-Ping**, **Mary Katherine Schweih**, **Stacey Foltz Stark**, **Amy Stern**, and **Dorian Thomas**, and former associates Kelly Oki and Amy Stern. The team also had substantial help from Los Angeles assistant **Patty Waters** and paralegal **Susan Lawrence**.

Chicago Team Wins Artist’s Claim for Unauthorized Use of Farrakhan Portrait

A Chicago team, including associates **Mike Toomey**, **Brett Walker**, **Greg Wilkowski**, former associate Bill Staes and partner **Sam Park**, won a victory in the U.S. Court of Appeals for the Seventh Circuit on behalf of our client, a grandson of the former Nation of Islam leader Elijah Muhammad. The client is a portrait artist who has created the portraits of several well-known and influential public figures, including Dr. Martin Luther King, Robert Kennedy, Muhammad Ali, and Minister Louis Farrakhan.



Greg Wilkowski

“The Seventh Circuit reversed the district court’s decision and remanded the case for an assessment of damages...”

The client sued The Final Call, Inc., which describes itself as the “propagation arm of the Nation of Islam,” for infringing his copyrights in his portrait of Minister Louis Farrakhan. Following a bench trial, the district court rendered a verdict against our client and in favor of The Final Call, holding that our client failed to prove The Final Call’s copying of his work

was “unauthorized.” The team took over the case on appeal and successfully argued that: (1) the district court erred as a matter of law by placing the burden on our client to prove The Final Call’s copying was unauthorized, and (2) the district court clearly erred in finding the evidence at trial sufficient to make out an implied license or first sale defense. The Seventh Circuit reversed the district court’s decision and remanded the case for an assessment of damages against The Final Call and in favor of our client.

San Francisco Team Wins Rare Trademark Trial and Appeal Board Proceeding

A San Francisco team led by partner **Jennifer Golinveaux**, and including associates **Diana Hughes Lieden** and **Matt DalSanto**, with support from paralegals **Melodie Butler** and **Nikkole Gadsden**, obtained a summary judgment in a Trademark Trial and Appeal Board proceeding to cancel federal trademark registrations for the terms “urban homestead” and “urban homesteading.”

“Urban homesteading” has been used as a generic term going back to the 1970s, describing the practice of sustainable living techniques in urban areas, including growing food, raising livestock, producing simple food products, and conserving energy. Our client’s book, *The Urban Homestead: Your Guide to Self-Sufficient Living in the Heart of the City*, was their effort to share their knowledge about these practices and encourage other city-dwellers to create their own urban homesteads. In 2009, the Dervaes Institute registered the terms “urban homestead” and “urban homesteading” as trademarks for “educational services” such as blogging and soon thereafter began threatening their fellow urban homesteaders who used the terms and attempting to prevent the publication of other online content about the practice, including our clients in 2011.

Working with the non-profit digital rights group the Electronic Frontier Foundation, the team petitioned the USPTO to cancel the trademark registrations issued to Dervaes on the grounds that, among other things, the terms were generic. Thereafter, the team successfully moved for summary judgment on the generic-ness claim - convincing the board that the public understands “urban homestead” to generally refer to sustainable living, organic foods, and gardening in city environments.



Jennifer Golinveaux

LOW INCOME TAXPAYORS

Los Angeles Team Wins Refund for Couple Facing Substantial IRS Deficiency

A team led by **Marcy Jo Mandel**, and including associate **David Lin**, won a significant tax court settlement for our clients who after being audited by the IRS were facing substantial charges for unpaid taxes, penalties, and interest. The clients were audited by the IRS for years during which the husband had worked outside the United States. The IRS asserted the clients failed to pay more than \$23,000 for the three-year audit period and also owed nearly \$4,000 in penalties (plus interest). The IRS based its findings primarily on disallowing itemized deductions, including medical expenses for the care of the ailing wife.



David Lin

The team persuaded the IRS to drop the penalties, presented evidence to support deductions, and argued that the IRS had failed to allow and properly calculate the foreign tax credit. While the IRS eventually did allow greater medical expenses than allowed

at audit, various thresholds for deductions stymied securing more than the standard deduction. However, the team hit pay dirt with its argument the IRS should have allowed substantial foreign tax credits during the relevant period. The IRS agreed and re-calculated that our clients had in fact overpaid their taxes by nearly \$10,000, resulting in a net re-calculation benefit (gain) of more than \$35,000.

Dallas Office Quickly Joins the Pro Bono Effort

Opening its doors in February 2017 with a collection of highly accomplished partners and attorneys from eight Dallas firms, the Dallas office has enthusiastically jump-started its pro bono efforts. Partners **Michael Bittner** and **Todd Thorson**, and associates **Brian Jansen** and **Grant Schmidt** joined the firm's pro bono committee and are guiding the office's efforts. Notable developments include:



Taj Clayton

A team of several attorneys volunteered to travel to an immigration detention center located in Youngstown, Ohio, to interview several Iraqis who were detained for purposes of effectuating their removal to Iraq based on removal orders entered 10 to 20 years ago. Many of the clients were members of ancient Christian sects that are the subject of persecution in modern Iraq. The team ultimately engaged three clients and have initiated the process for re-opening and defending removal proceedings on the basis that the clients will likely be tortured or killed if returned to Iraq. Participating attorneys include: **Michael Bittner, Taj Clayton, Lauren Crouch, Katrina Eash, Basheer Ghorayeb, Dilen Kumar, Elyse Lyons, Rex Mann, Josh Merrill, Matt Orwig, Virginia Peters, and Andrea Scheder.**



Lauren Crouch

The Summer Associate team coordinated an intake clinic with the Dallas Volunteer Attorney Project to meet and interview clients seeking assistance with a variety of legal needs, including domestic relations, consumer, housing, and public benefits. Participating attorneys include: **Lauren Crouch, Katrina Eash, Marc Lipscomb, Grant Schmidt, Matt Stockstill,** and **Yang Wang.** Summer associates **Michael Fechner, Rachael Koehn, and Alex Wolens** also participated.



Rachael Gearing

Partner **Todd Thorson** with assistance from **Rachael Gearing** and **LeAnne Nguyen**, have been assisting the National Hispanic Institute, a nonprofit that creates experiences that engage accomplished high school and college age youth in community leadership. The team is serving as governance and general counsel, providing a wide variety of legal services, including advising the board of trustees and day-to-day legal support for the executive team.



Geoffrey Harper

Partner **Geoffrey Harper** and associate **Lane Webster** were appointed by a Texas federal court to represent a poor, disabled woman seeking benefits from an employer life insurance plan. She is the named beneficiary to the policy, but the decedent's two children claim that our client forged the beneficiary designation and they are entitled to the proceeds.

NON-PROFITS

New York Restructuring Partner Assists Community Housing Lender Wind-Down Operations

Partner **David Neier** assisted a community lender unravel and wind-down various corporate entities it had created for the purpose of financing several low-income housing developments in the New York City collar counties. The client had brought together a syndicate of investors including major financial institutions to develop low income housing through the creation of two low-income housing development funds that provided investors with low income housing tax credits while generating the capital needed to build three housing developments. A separate umbrella nonprofit entity was created to oversee fund allocation and protect the community lender's other assets in the event of unforeseen problems. Once the units were completed and the funds and credits were fully exhausted, the community lender, the team assisted the client retire the remaining fractional interest in the funds and dissolve the umbrella entity.



David Neier

London Team Secures Charity Status for Sustainable Fashion Foundation

A London team led by partner **Zoë Ashcroft** and including associates **Daniela Cohen** and **Majithai Shree**, and trainee **Esha Nath**, represented Fashion Revolution C.I.C, in connection with the establishment of a UK registered charity, Fashion Revolution Foundation. Fashion Revolution works with the fashion industry globally, to encourage greater transparency, sustainability and ethics in the fashion industry. Fashion Revolution aims to radically change the way clothes are sourced, produced and purchased, so that what the world wears has been made in a safe, clean, and fair way. The establishment of a UK-registered charity will enable Fashion Revolution to maximize the value of the donations it receives in furtherance of these objectives.



Zoë Ashcroft

Dallas Partner Closes Community Development Financing Deal

Dallas partner **Jeff Cole** closed a loan transaction for long-time firm pro bono client, The Chicago Community Loan Fund (CCLF), the proceeds of which were used to support Community Counseling Centers of Chicago (C4). C4 was established in 1972 to help patients released from psychiatric hospitals into the Uptown and Edgewater communities of Chicago. Since then, C4's operations have expanded to Chicago's North Side and beyond. C4 currently offers a range of mental health and counseling services at four separate facilities (including counseling for sexual assault victims, young adults and children under three years of age). C4 has also partnered with the Chicago Police Department to screen potential criminal suspects for behavioral and mental health disorders before routing them through the criminal justice system. CCLF participated in the financing with IFF, another community development financial institution. C4 used the proceeds of the loan to refinance existing mortgage debt and for purposes of renovating its facilities.



Jeff Cole

PROTECTING PARENTAL RIGHTS



Whitney Ising

Chicago Teams Defends Parents Whose Baby Died Tragically

Partner **Kathleen Barry** and associate **Whitney Ising** successfully convinced the Department of Children and Family Services (DCFS) to expunge an unsupported “indicated” finding of “death by neglect” it had issued against a Chicago couple in connection with the tragic death of their three-month-old son.

The couple woke up one morning to find that their baby son had tragically died in his sleep. After conducting an investigation, DCFS indicated the couple for “death by neglect,” an allegation that by statute requires a finding that the parents were in blatant disregard of their child’s well-being which caused their child’s death. DCFS indicated them on the grounds that they co-slept with their baby and had been intoxicated while doing so.

The DCFS hearing officer initially ruled in favor of DCFS, finding that DCFS did not have to show that the parents’ alleged neglect actually caused their child’s death. The team’s strong appellate brief argued that DCFS had not shown causation and that the ALJ had erred in finding that such showing was not required. They argued that the DCFS caseworkers admitted on cross-examination that DCFS had zero evidence as to what actually caused the baby’s death. Moreover, the team provided substantial evidence that showed neither parent had been intoxicated when going to bed that night, and refuting the common misperception that co-sleeping is inherently unsafe and that, in fact, it has been shown to have proven benefits to both the parent and infant.

SEX TRAFFICKING VICTIMS

Chicago Team Secures Ground-Breaking Relief for Victim of Sex Trafficking

Chicago partner **Caryn Jacobs** and associate **Vivek Krishnan** vacated their client’s prostitution conviction under the Illinois Justice for Victims of Sex Trafficking Crimes Act. Importantly, the team also convinced the court to expunge all public records related to that conviction, on the basis that expungement was “appropriate” additional relief allowed under the statute because the stigma of a *vacated* criminal conviction could still undermine our client’s access to employment and other opportunities.



Caryn Jacobs

The client had been forced for years into sex work by her “boyfriend,” who controlled her through beatings, threats, and dependency. That victimization resulted in our client’s conviction for prostitution (among other harms). When our client finally escaped her tormentor and started to rebuild her life, she lost job opportunities due to her criminal record. Under the statute, anyone victimized by sex trafficking may petition Illinois courts for vacation of criminal convictions resulting from such trafficking. The purpose of the statute was to help these victims rebuild their lives without the stigma of convictions that, in reality, were not their fault.

The statute also provides for other “appropriate” relief, but the scope of such relief had been untested prior to this representation. Experts in sex-trafficking statutes nationwide consider this ruling ground-breaking and opens the door to new and better relief for such victims. It erases all potential negative effects from a vacated conviction that otherwise would remain on the books, prevents victims from having to satisfy more restrictive generic expunction statutes, and allows relief to be obtained faster and in one proceeding.

“The purpose of the statute was to help these victims rebuild their lives without the stigma of convictions that, in reality, were not their fault.”

SMALL BUSINESSES

Charlotte/Houston Team Assists Micro-Business with FDA Compliance Issues

Houston associate **Erin Villaseñor**, with supervision from Charlotte partner **Amanda Groves** successfully assisted a Texas based micro-business with FDA compliance issues. The client’s mission is to create healthy and delicious food and beverage products that will make customers feel “awesome, radiate energy & thrive.” The issue at hand involved the classifying one of the client’s products called “Zen Matcha Latte Superfood Elixir” as either a “conventional food” or as a “dietary supplement.” Through extensive research of the FDA’s regulations on health drinks and dietary supplements, the team advised the client how the FDA would likely classify the product based on several factors, including its name, labeling and size of bottle, and water content. The team also provided the client with advice as to how to ensure compliance with the FDA’s regulations for dietary supplements.



Erin Villaseñor

SPECIAL EDUCATION

Houston Office Leads Effort to Discontinue Special Education Spending Cap

Houston partner **Jason Billeck** assisted by Washington, D.C. associate **Paul Harold**, in conjunction with Disability Rights Texas (DRTx), represented Coalition of Texans with Disabilities (CTD) as pro bono counsel in securing an end to Texas Education Agency’s (TEA) 8.5% limit on special education enrollment. An investigation by the *Houston Chronicle* revealed beginning in 2004, Texas education officials implemented a “cap” that arbitrarily established what percentage of students should receive special education services (8.5%)



Jason Billeck

regardless of their needs and far lower than the national average of approximately 12 to 13%. Experts estimate that the cap resulted in the systematic denial of special education services and support to tens of thousands of special education eligible students with autism, attention deficit hyperactivity disorder, dyslexia, epilepsy, mental illnesses, speech impediments, traumatic brain injuries, and even blindness and deafness.

In January 2017, CTD, represented by Winston and DRTx, sent a demand letter to the TEA insisting that action be taken to end the cap and laying out the legal arguments as to why the cap violated state and federal law. The letter stated that CTD would pursue legal action if the Commissioner did not respond with an action plan within 30 days. After subsequent communications with TEA, on March 3, 2017, TEA agreed, in response to the demands from CTD, to eliminate the 8.5% cap on special education services.

Chicago Team Clears a Path for Fourth-Grader to Flourish

Chicago partner **Larry Desideri** and associate **Zack Sorman** represented a fourth-grade student suffering from emotional and behavioral setbacks. While the student had been identified by some educators as gifted, difficulties with managing emotions and overcoming adversity were holding her back from achieving her true potential. The team was able to work collaboratively with the parents and the school to ensure that the student received a comprehensive Individualized Education Plan that will enable her to overcome these hurdles. Going forward, the faculty of the school will have a full array of tools to help motivate the student to develop the skills to thrive at school and keep her safe if problems arise.



Zack Sorman

“The team was able to work collaboratively with the parents and the school to ensure that the student received a comprehensive Individualized Education Plan...”

Charlotte Associate Negotiates Comprehensive Plan for ADHD/Autistic Kindergartener

Charlotte associate **Matt Davis** with supervision from Chicago partner **Tim Kincaid** represented a kindergarten-aged child who has been diagnosed with autism and Attention Deficit Hyperactivity Disorder in obtaining an Individualized Education Plan (“IEP”). The child’s mother, a single mom and veteran of the U.S. Navy, had asked her child’s school district to grant her son an IEP numerous times, all to no avail despite the child’s suffering from frequent uncontrollable outbursts and his inability to conform to required classroom behavior. The team ensured that the child obtained an IEP that expressly acknowledged that the child’s behavioral outbursts are often not within his control. With the help of behavioral experts, the team also negotiated a Behavior Intervention Plan that provides unique individualized supports designed to alleviate many of the child’s emotional and behavioral difficulties.



Matt Davis

London-Dubai Project Finance Team Provides Training to the Zambian Government

Pursuant to a request from the African Legal Support Facility, an organization funded by the African Development Bank and established to provide legal advice to African countries, London counsel **Jason Parker** and Dubai counsel **Martin Skehill** travelled to Lusaka, Zambia to present a four-day training session on Public Private Partnerships (PPPs) to officials from the Zambian government's PPP Unit, as well as staff from other Government Ministries involved in PPPs.



Jason Parker

In 2009, Zambia passed a PPP law modeled on equivalent UK legislation, which sets out the applicable legal framework and aims to facilitate private sector investment in the development of infrastructure projects, and the provision of essential social services that are designed to benefit the greater population of the entire country. Infrastructure development is—more than ever—a key priority for the Zambian Government, and tremendous opportunities lie ahead particularly in the real estate, transportation, health, education, energy, and waste management sectors. Key features of the PPP law include

the establishment of a competitive procurement procedure, the definition of the minimum content of any agreement, and the determination of the level of support provided by the Government.

Parker and Skehill presented a four-day training program, that covered the following topics: Introduction to PPPs, structuring a PPP project, project assessment and prioritization, funding & sources, PPP procurement process, project and finance documents, PPP contract management, and interactive case studies. They received substantial assistance from a joint UK/Dubai team including partners **Shibeer Ahmed**, **James Simpson**, and **Campbell Steedman**; associates **Conor Boyle**, **Giulia De Michels**, **Fraser Galloway**, and **Christopher Shelton**; and advisor **Hiroyuki Sakazaki**.



Martin Skehill

The Firm's Strategic Plan for Pro Bono: **Reach the Top 10**

At the 2017 partner's conference, Firm-wide Managing Partner Thomas Fitzgerald presented the firm's 5-year strategic plan containing 10 goals. Goal 6 was to expand the pro bono practice to become a top 10 ranked pro bono firm. To achieve this objective, the firm expects that 95% of attorneys will contribute at the "floor" level of 20 hours, and that 80% will meet the firm's policy directive of 35 hours.

Winston Achieves Another Exceptional Year in 2016

Firm attorneys once again achieved record participation in pro bono activities, providing critical legal services to those who cannot afford counsel. Led by the LA office with 100% 20-hour achievement, the firm secured its highest-ever ranking of 18th by *The American Lawyer*.



The Los Angeles office enjoys In-N-Out Burgers as a reward for achieving 100% participation at 20 pro bono hours

The firm was ranked **18th overall**, **7th in 20-hour participation**, and **32nd internationally** by *The American Lawyer*.

287

newly opened pro bono matters

98%

associates contributed at least 20 hours

87%

of attorneys firm-wide contributed at least 20 hours

823

active pro bono matters

100%

of Los Angeles attorneys contributed at least 20 hours

63,000

Total hours contributed