

A World of Good

In this issue

- p1 Camden, New Jersey:
The Cutting Edge of
Health Care Reform
- p2 A Little Time Can
Make a Big Difference
- p3 Hope in the Face of
HIV Discrimination
- p4 Good Results &
Interesting Matters
in 2009
- p5 Chris Michie Honored
by New Jersey ACLU
- p8 Awards & Recognition
throughout 2009

Camden, New Jersey: The Cutting Edge of Health Care Reform



by **Beth L. Rubin**
and **Teresa L.
Salamon**

September 22, 2009
was a great day for

Camden's residents, hospitals, and community. On this day the press was invited to listen as Dr. Jeff Brenner announced the rollout of the Camden Health Information Exchange (HIE). The HIE is made up of the unlikely bedfellows of three competing hospital systems in Camden, led by the Camden Coalition of Healthcare Providers (Coalition). Spearheaded by Dr. Brenner, the HIE gives physicians and other caregivers access to shared patient information in almost real time. The hospitals will upload medical information, such as discharge summaries and laboratory results, so that when a discharged patient follows up with his regular physician, the physician will have his latest information. Follow-up care is enhanced overall, most importantly by removing the need for duplicative laboratory tests and decreasing medication errors. For patients with chronic illnesses such as diabetes or high blood pressure, continuity of care can become a reality.

The Coalition, as part of a Care Management Project, helps patients apply for government assistance benefits, secure temporary shelter, enroll in medical day programs, assists in coordinating primary and specialty care, and provides in-home or in-shelter transitional care through a nurse practitioner. The providers are a group of local caregivers on staff at one of the three hospital systems who will treat certain patients through a medical home model that emphasizes the treatment of the patient as a whole, improving quality of life and reducing the high cost of uncoordinated care. Using a team approach, a case manager, a health outreach worker, and a nurse practitioner work together to stabilize the patient's social environment and support accessing

care through a medical home. The hospitals benefit by having these patients cared for through coordinated efforts in the community, before a condition becomes critical. This reduces both the high costs associated with frequent hospital readmissions and the utilization of emergency rooms to treat conditions best cared for in an office or clinic setting. The benefits to the community include a healthier population with an improved support system for its most medically needy citizens.

We are honored to represent the Coalition and to be a part of this grassroots healthcare reform. Together with **Susan M. Hendrickson** and **James J. Johnston**, we drafted a myriad of agreements and documents for the Coalition such as physician collaborative services agreements, licensing agreements with the software provider, and participation criteria for sharing data. In drafting these agreements we have addressed issues of confidentiality, security and reporting of information breaches, intellectual property, and fraud and abuse. We have become facile with state-of-the-art medical models that will undoubtedly make headline news in the future. We have become a part of what is the best and most real and worthwhile effort in health care reform—taking better care of our most vulnerable populations.

Dr. Brenner graciously recognized Dechert's efforts at the press conference that was attended by Dr. Heather Howard, the New Jersey Health Commissioner. Dr. Howard praised the Coalition's efforts to create the exchange as the "first of its kind in the state." We share in Dr. Howard's praise for Dr. Brenner, the Coalition, its staff, and all the participants in the HIE for taking on this daunting but worthwhile project.

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A Little Time Can Make a Big Difference



by **Jamie L. Halavais**

New York City is a wonderful place to live, but for families living at or near the poverty line, making ends meet can be challenging. This struggle is made even harder when family problems are added to economic ones, and sometimes the Family Court system is the only place these troubled families can turn for help. Unfortunately, the Family Court system, like all court systems, is not an easy place for a layperson to negotiate. Procedures that seem obvious to an attorney, such as the method for proper service of a petition or the need to have a financial statement notarized, are understandably unfamiliar to most Family Court pro se litigants. This is where the New York City Family Court Volunteer Attorney Program steps in. Providing legal advice and education about available resources makes a great difference for families in need as they navigate an unknown system.

Dechert attorneys staff the Project offices two days each month, giving limited-scope, one-time-only legal advice to litigants appearing pro se in Family Court proceedings in the areas of child support, paternity, child custody, visitation, domestic violence, and guardianship. The procedure is simple. Clients come to the courthouse to file a petition and while the petition is being prepared they are able to meet with a volunteer attorney to discuss their problems and receive concrete advice. The advising sessions usually last 15 minutes to an hour. Although the clients' questions are often difficult, between our nine hours of training and the court attorneys available to us as resources, we are able to prepare the clients for the challenges of proceeding pro se. Our representation ends after the initial appointment, hopefully with the client better able to represent himself in court.

This program is a wonderful opportunity to help those who have had little or no experience with the court system, and cannot afford to hire an attorney. To our benefit, more junior attorneys experience client contact early in their careers, learning the critical skills of listening to clients, analyzing their problems, and advising them on reasonable solutions. We have even had summer associates "shadow" our advising sessions, and although they do not advise clients, they have enjoyed the exposure to hands-on pro bono work.

After staffing the program a few times, it is easy to see that many of the clients have similar concerns, ranging

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This Dechert pro bono update is a publication of the firm's Pro Bono Committee. If you have items you would like included in the next edition, please forward them to Erin Martell at erin.martell@dechert.com.

from how to serve a respondent when you do not know where they live, to what the options are when one parent stops paying child support. It is amazing how advising a client about something that is second nature to you can change her outlook toward what she believed was an insurmountable problem. Sometimes, all the client needs is a sympathetic ear. No matter how many clients we advise, be it two or 10, we leave knowing we made a difference in these families' lives.

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Dechert was one of the original participants when the program began in 2006, with six New York law firms each staffing the pro bono office at the Brooklyn Family Court one day per month. Now the program has 20 firms and company legal departments staffing the Brooklyn, Manhattan, and Bronx Family Court Pro Bono offices, with plans to expand to a fourth borough in the near future. Helping New York's families in need is just one more way that Dechert attorneys continue to make a difference, even when they only have a little bit of time to give.

Other Dechert attorneys who have participated in the Program include: **Brian H. Brick, Catherine L. Capeless, Elizabeth K. Dylke, Parveet S. Gandoak, Adam I. Gehrie, Jenny Hughes, Daniel Kaufman, Eric C. Kirsch, Kathleen N. Massey, Debra D. O'Gorman, Michael E. Planell, Michael J. Ryan, Meredith Schaum, Joseph M. Schuster, George A. Senich, Joshua I. Sherman, Shmuel Vasser, and David Venderbush.** If you are interested in participating in this project, please contact Jamie Halavais at extension 3656.

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Hope in the Face of HIV Discrimination



by **Susan Cooke Anderson**

In April 2009, through a referral from the Whitman-Walker Clinic in Washington, D.C., I took on the representation of a married couple and their son from Uzbekistan who needed help applying for asylum in the United States.

The couple, “B” and “D,” was diagnosed with HIV in early 2005 when they were undergoing tests in connection with a second pregnancy. Their first child, who was born in 2001, tested negative for the virus, but when the state-employed doctors’ learned the mother tested positive for HIV, they strongly suggested she have an abortion. They required the couple to sign a document acknowledging criminal penalties for transmitting the disease to another individual, but did not inform them of available treatments for HIV or methods to prevent transmission of the disease to the unborn child. Instead, the couple was told the fetus had a 99% chance of contracting the disease. Despite very much wanting the baby and the pregnancy being in its 27th week, the couple agreed to the abortion out of fear of criminal penalties and “certain” transmission to the child. The abortion was performed at a state-run hospital using a particularly painful and outdated termination method.

Just a reminder . . .

all U.S.-based attorneys, including partners, counsel, associates, and staff attorneys, are required to perform at least 25 hours of pro bono work a year. This policy is on an FTE basis, so part-time attorneys are only required to do a proportionate amount. We urge you to think about the type of pro bono work you want to do now and not to wait until the end of the year, so that the Pro Bono Committee can help you find the type of project that best meets your skills and interests. If you have any questions about the policy or getting involved in the pro bono program, please contact Suzie Turner or any other member of the Pro Bono Committee.

After this traumatic event, the family, having nowhere to go, was forced to remain in Uzbekistan. They were consistently denied medical care on the basis of their HIV-status and were never offered anti-retroviral treatments. For example, “D” was forced to conceal her HIV-status when she required emergency gall bladder surgery. The final incident occurred in late 2008, when “B” was admitted to the hospital for paralyzes in his legs, a side effect of HIV. Upon learning he had HIV, the staff removed him from the hospital. The family fled to the U.S. to stay with a relative who had recently moved to Washington, D.C.

“B” was so sick when he arrived in the U.S. that an ambulance was required to transport him from the airport to a hospital. He was immediately enrolled in clinical trials, and both “B” and “D” finally began receiving appropriate treatment for their HIV through the Whitman-Walker clinic. Unfortunately, the treatments were too late for “B.” His HIV has already progressed to AIDS, an outcome that likely could have been postponed had he received proper treatment in Uzbekistan.

Given “D’s” forced abortion and clear case law from Chinese restrictive family planning cases granting refugee status to those who have undergone forced abortions, I filed the application for asylum under her name in May. I based the claim on past persecution on account of “political opinion” (the category for those who have undergone forced abortions) and “membership in a particular social group” (a category that has been oft cited by those with HIV/AIDS, but rarely successful). Case law was clear that the spouse of a woman that had undergone a forced abortion was subsumed under her application, if they were married at the time of the abortion. This was easily proved by producing their marriage certificate.

I prepared and represented “D” and three witnesses at an asylum hearing in June and a month later her application was granted. Needless to say the family was overjoyed, repeatedly telling me I had literally saved their lives.

Now, the couple is diligently learning English, and their son is enrolled in elementary school. “B” is gradually learning to walk again, and his overall health is improving thanks to treatment.

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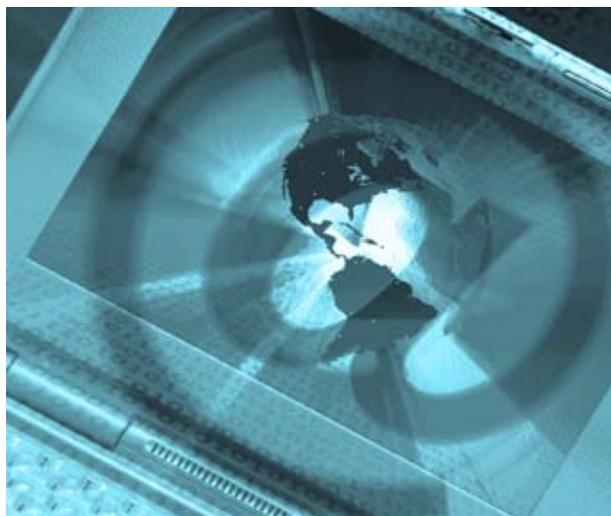
Good Results & Interesting Matters in 2009

Joybell Chitbangonsyn of the Boston office represented a nun from the Congo seeking asylum in the United States. The client had been very outspoken concerning child soldiers in her country's civil war. After being attacked and threatened by Rwandan rebels and government forces, she fled to the United States and applied for political asylum. Joybell presented the client's case to the U.S. Immigration office and, soon after, the client was informed that her asylum application was granted.

Dechert Washington's **Catherine Botticelli** and **Craig Falls** were successful in a U-visa matter for an Argentinean woman who was the victim of domestic violence while in the United States.

Francois Quintard-Morenas of the New York office has achieved great results in two challenging immigration cases. His first client was granted a permanent green card after experiencing domestic abuse and his second, along with her son, was granted U-visa status.

Congratulations to **Joseph R. Heffern** of the Philadelphia office for a truly impressive job representing a challenging



Pro Bono Net

www.probono.net is an internet-based pro bono resource. The site has some national practice areas as well as practice areas that are specific to certain cities/states. The site contains an online library of training materials and model pleadings, postings of volunteer opportunities, descriptions of legal services organizations, and a calendar of pro bono training events.

client in an SSI appeal. After almost two years of effort, multiple conversations with the ALJ and the client's psychiatrist, beyond-the-call-of-duty efforts to be sure the client went to all his legal and medical appointments, and briefing and hearing, Joe obtained ongoing benefits and two years of back benefits for his client. The matter was particularly rewarding as the client told the ALJ that Joe was the only person he trusted.

The team of **Hal E. Borden** (Philadelphia), **Daniel L. Clausen** (New York), **Anna D. Di Gabriele Petti** (New York), **Michael Hirschfeld** (New York), **Frederick J. Gerhart** (Philadelphia), **Lisa R. Price** (New York) and **Daren R. Shaver** (Philadelphia) assisted Pets for Patriots in obtaining their tax exempt status, which required significant IP work. Pets for Patriots is an organization dedicated to helping military personnel and veterans adopt adult shelter animals and providing them with reduced cost lifetime pet care.

Thomas H. Lee II is representing a client challenging a Pennsylvania state law against blasphemy. In the process of incorporating a production company, the client's chosen name, I Choose Hell Productions, LLC, was rejected by the state as blasphemous. The 1977 law currently prohibits corporate names from being "words that constitute blasphemy, profane cursing or swearing or that profane the Lord's name" but does not define what that means or who will decide which names are blasphemous. The suit will attempt to have the law struck down as unconstitutional. **Matthew L. Bleich** and **Leora F. Eisenstadt** are also working on this matter.

Kathleen M. Mylod of the Hartford office represented a toddler with complex medical needs in a termination of parental rights proceeding. After 18 months, the matter was concluded when the child was adopted by her foster parents.

Dechert New York's **Meredith Schaum** and **Michael E. Planell** had a wonderful victory in their first social security benefits case. The ALJ ruled in favor of their client from the bench and complimented them on their fine work.

Through the efforts of **Parveet Singh Gandoak** (New York), **Frederick J. Gerhart** (Philadelphia), and **Gwoon Lee** (New York), the Rowayton Civic Association in Rowayton, Connecticut was granted 501c3 status. The association will serve to enrich the lives of Rowayton's by providing cultural programs, educational events, and support of local community initiatives.

Chris Michie Honored by New Jersey ACLU



by **Ezra D. Rosenberg**, **Regan H. Crotty**, and **Jennie B. Krasner**

Christopher J. Michie was presented the Legal Leadership Award by the New Jersey American Civil Liberties Union at their annual awards dinner. Ed Barocas, ACLU-NJ's Legal Director, extolled Chris' excellence as an advocate and his unique ability to use his Scottish brogue to convince others that "the just result is the right result." Mr. Barocas thanked Dechert for its substantial support of the ACLU's work, and Chris gave an eloquent address, reminding all, as one who comes from a country without a constitution, of the importance of the Bill of Rights. Chris was singled out for his representation of the Montclair State University's student newspaper when the Student Government Association suspended the paper's funding, his representation of the ACLU-NJ in an Open Public Records Act case, and, most prominently, his continuing representation of inmates at Passaic County Jail.

Pro Bono Section of Dechert's Intranet Site

Remember, the firm's intranet site has a separate section on pro bono including sample forms, a directory of pro bono referral organizations, and a listing of training opportunities.

<http://intranet.dechert.com/dechertapps/probono>

Federal judges have referred to the jail as "a notably deplorable institution," "absolutely intolerable," "degrading," "shameful," "overly punitive," "not right" . . .

Chris, along with **Jennie B. Krasner** and **Regan H. Crotty**, began working on the Passaic County Jail matter in September 2008 when Dechert's Princeton office joined forces with Seton Hall University's Center for Social Justice and the ACLU to file a federal class action on behalf of the inmates in response to deplorable conditions within the jail. The famed Russian author Dostoyefsky wrote that "the standards of a nation's civilization can be judged by opening the doors of its prisons," but if the Passaic County Jail in Paterson, New Jersey is



Coming Soon: The Annual Pro Bono Recognition and Awards Reception

The 2010 Pro Bono Recognition and Awards Reception, the firm's annual event to recognize the outstanding pro bono work performed during the past year, will be held Monday, March 1. *The Samuel E. Klein Pro Bono Award*, given annually to those at Dechert who demonstrate exceptional commitment to providing pro bono legal services, is presented at this time. Marc Gary, Executive Vice President and General Counsel of Fidelity will be speaking.

We hope that you will be able to attend this year's Reception!

any measure, our society is indeed a savage one. Inmates, many of whom have not been convicted of any crime but cannot afford bail, are crammed like sardines into squalid rooms with temperatures often exceeding 100 degrees during summer and plummeting to levels described as “freezing cold” in winter. Deprived of sleep, they eat undercooked food contaminated with rodent droppings, in some cases within three feet of other inmates who are defecating. Passaic County is the only jail in New Jersey that uses dogs to “control” inmates, and complaints

about inmate beatings are commonplace. A few months ago, an 18-year old detainee was found hanging in his cell after prison staff placed him in the general prison population in violation of a New Jersey court’s order.

Federal judges have referred to the jail as “a notably deplorable institution,” “absolutely intolerable,” “degrading,” “shameful,” “overly punitive,” “not right,” and “not human.” The County continues to ignore the criticism, actively soliciting new inmates from other states for the already-overcrowded jail, a program generating more than \$10 million per year for the County’s coffers. Class certification was granted in May 2009 and this matter is expected to conclude successfully in the near future. Congratulations to Chris on being honored for this excellent work.

Dechert secured a great outcome for the Equal Rights Center (ERC) in its lawsuit against AvalonBay Communities, Inc. (AvalonBay) alleging that AvalonBay engaged in a pattern and practice of violating the Fair Housing Act and the Americans with Disabilities Act with respect to more than 100 residential properties. After helping the ERC beat a motion to dismiss, which centered on questions about standing and statute of limitations, and a motion for interlocutory appeal, the case ultimately settled. Highlights of the settlement include:

- AvalonBay agreed to remediate a minimum of 7,425 units at 109 properties and must survey 8,250 units,
- AvalonBay agreed to pay \$925,000 and agree to pay the ERC \$6,000 per quarter for compliance-related activities, and
- AvalonBay committed to participate in a program designed to facilitate compliance with the Fair Housing Act and the Americans with Disabilities Act at a cost of \$50,000 per year for 10 years.

Perhaps most importantly, as a practical matter, our work will help make the lives of many disabled individuals a bit easier.

The team was initially composed of **Paul H. Friedman, Doug W. Britt, Gorav Jindal**, and two summer associates. To prepare for discovery and trial, **Brenden P. Carroll, Scott Taggart, Matthew Curtin**, and **Carlotta D. King** joined the team.

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Appointments

Glenn E. Siegel has been accepted to serve on the steering committee of the New York City Bankruptcy Assistance Project. The New York City Bankruptcy Assistance Project is part of Legal Services NYC and provides free bankruptcy assistance to low-income residents of New York City who are considering bankruptcy.

Martin Nussbaum was elected to serve on the Board of Directors of the Legal Aid Society at the Society’s 133rd Annual Meeting. The Legal Aid Society provides free legal assistance to New Yorkers who live at or below the poverty level and cannot afford to hire a lawyer when confronted with a legal problem.

I Recommend . . .



by **Megan C. Johnson**

I have had the challenging and rewarding experience of participating in the District of Columbia's Earned Income Tax Credit Campaign (EITC) as a tax preparer for the past three tax seasons. I enjoy helping clients understand their tax liabilities and obtain the refunds to which they are entitled. Understanding a person's tax situation involves discussing many sensitive issues, and I have applied the client interview and communication skills I develop there to my day-to-day practice. As a plus, the volunteer sites have set hours allowing time commitment to be controlled. I would recommend working on the EITC to anyone who wants to interact with a wide variety of clients and is looking for a project that has consistent hours.

There are EITC campaigns in almost every U.S. city. Contact Erin Martell if you would like to get involved!

Success in Ohio Voting Rights Matter



by **Neil A. Steiner**

For more than a decade, the State of Ohio failed to comply with the section (Section 7) of the National Voter Registration Act (the NVRA), requiring state and local agencies providing public assistance to offer to their clients the opportunity to register to vote. Several voting rights groups had sought for more than a year to push Ohio into compliance without recourse to a lawsuit. When those efforts failed, Dechert joined the team to serve as lead counsel against Ohio's Secretary of State (who is also Ohio's Chief Election Official under the NVRA) and the Director of Ohio's Department of Job and Family Services (ODJFS, Ohio's public assistance agency).

In September 2006, **Robert W. Topp** and I, along with co-counsel, filed an action in the Northern District of Ohio against these defendants on behalf of two Ohio citizens receiving public assistance who had not been offered the opportunity to register to vote, and a not-for-profit organization, some of whose members receive public assistance. Defendants moved to dismiss the action on the ground that they were not the proper defendants because, under Ohio's public assistance system, benefits are distributed locally by public assistance agencies in each of Ohio's 88 counties. According to the defendants, plaintiffs should have sued all 88 counties rather than suing the state officials. The defendants' argument convinced the District Court, which dismissed the complaint.

However, on appeal, we were able to convince the Sixth Circuit Court of Appeals to reverse the District Court's decision. The Sixth Circuit held, in a matter of first impression, that the NVRA requires state officials to ensure compliance by political subdivisions of the State. Back at the district court, the defendants obstinately refused to admit the State's noncompliance with the NVRA. Therefore, we were forced to perform extensive discovery, including the depositions of approximately two dozen state and local officials, to establish both defendants' and the local agencies' noncompliance with Section 7. By the end of discovery, it was clear that (i) the defendants had done little to require Section 7 compliance (with the ODJFS finally admitting as much in response to an interrogatory), and (ii) Section 7 compliance by Ohio's largest counties, among other counties, was terrible. As a result of our discovery efforts, we obtained a successful settlement of the action with a consent decree entered into late 2009, whereby the defendants agreed to make extensive changes to their procedures and oversight, including revising the public benefits application to include a voter registration application and revising the public benefits computer system to remind caseworkers to offer the opportunity to register to vote. Voting rights groups estimate that these changes will result in hundreds of thousands of low-income Ohio citizens registering to vote or updating their voter registration address.

Awards & Recognition throughout 2009

- The D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services honored Dechert at its 40 at 50: Judicial Pro Bono Recognition Breakfast. The award recognizes D.C. firms that have 40% or more attorneys performing 50 or more hours of pro bono throughout the year.
- *AmLaw* 2009 Pro Bono Rankings – In July 2009, Dechert placed fourth in the 2008 Pro Bono Rankings, *The American Lawyer's* list of the 200 firms in the country that made the most significant contributions in terms of pro bono services. The report highlighted Dechert's work representing victims of human trafficking and exploitation.
- **Brian H. Brick, Elizabeth K. Dylke, Parveet S. Gandoak, Adam I. Gehrie, Jamie L. Halavais, Daniel Kaufman, Debra D. O'Gorman, Michael E. Planell, Michael J. Ryan, Meredith Schaum, George A. Senich, and David Venderbush** for received Pro Bono Service Awards for their participation in the New York City Family Court Volunteer Attorney Program.
- **Ethan D. Fogel** accepted the Citizens Bank Pro Bono Award on behalf of the Philadelphia office. The award is presented annually by Citizens Bank, the Philadelphia Bar Association, and the Philadelphia Bar Foundation to a Philadelphia law firm or corporate legal department that demonstrates outstanding volunteer efforts in providing legal services to those in need. The award was presented at the Bar Foundation's Andrew Hamilton Benefit.
- The Lawyers' Committee for Civil Rights Under Law gave Dechert special recognition at its 2009 Annual Awards reception for the tremendous contributions of the firm to the 2008 Election Protection program. Dechert was recognized as one of the top 12 firms in terms of pro bono hours donated and/or a significant commitment related to hosting one of the major voter hotline call centers.
- **Lorien Golaski** received the Distinguished Service Award from The Pro Bono Project in New Orleans for her commitment to and ongoing work on quiet title cases stemming from Hurricanes Katrina and Rita.
- **Thomas F. Munno, Glenn E. Siegel, José R. Almonte, Davin J. Hall, David S. Hoffner, Benjamin E. Rosenberg, George Wukoson, David Bigge,** and Dechert were among the recipients of the Legal Aid Society of New York's 2009 Pro Bono Awards. They were honored for outstanding service to The Legal Aid Society and its clients.
- The New York office was recognized as one of June's Outstanding Volunteers by the NYC Pro Bono Center for participating in a new pro bono partnership with The Legal Aid Society, Patterson Belknap Tyler & Webb, Seyfarth Shaw, and Venable that was formed in response to an overwhelming number of landlord-tenant cases recently initiated in New York City. Earlier this year, responding to discriminatory practices against the low-income population, the New York City Council instituted a prohibition on landlords refusing to lease, rent, or sell housing to those receiving financial assistance from the government. The Legal Aid Society took on more than 90 cases for those who continued to experience discrimination after the law was put into effect, but with limited resources was unable to help all those in need. Dechert stepped forward to assist with **Thomas F. Munno**, who took on 19 matters, taking on a leadership position in the partnership.
- **Scott Smedley** of the New York office received the inaugural Jeremy G. Epstein Award for Pro Bono Service from the City Bar Justice Center on October 26, 2009. He was nominated by the Director of the Legal Clinic for the Homeless as the most outstanding volunteer for that project.
- **Christine C. Levin** accepted a 2009 Washington Lawyers' Committee Outstanding Achievement Award presented to Dechert in recognition of the firm's work with the D.C. Prisoners' Project representing individuals at parole hearings, as well as the firm's leadership role in organizing a training to utilize attorneys in the Philadelphia office to help meet this growing need. The award was presented at the Committee's Wiley A. Branton Luncheon.

Dechert's Pro Bono Committee

If you are interested in getting involved in pro bono work, please contact any member of the firm-wide Pro Bono Committee or a member of your local office Pro Bono Committee.

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