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Wearing a Different Hat

by **Gretchen S. Sween**



Thanks to Dechert's pro bono program, I was recently reminded of a story I loved as a kid called *The Hat*. This children's tale has nothing to do with cats in hats. In fact, the premise of this hat story is fairly antithetical to the Seuss classic featuring a renegade feline, although in both stories the hat in question is a source of magical power. But the magical hat-without-a-cat was entirely a force for good, not whimsical mischief. Written by an Alsacean fellow named Tomi Ungerer, *The Hat* describes how a man's fortune takes a decided turn for the better after a mysterious, elegant top hat lands on his head. By donning this hat, the protagonist goes from rags—as a penniless, maimed veteran—to riches, dashing off on a honeymoon after a midlife marriage to a countess. Notably, the hat transforms the man's fate simply by putting him in a position to do good deeds. The hat helps the hero save a wealthy tourist from a falling projectile, put out a fire in a baby carriage, save a woman from a horse that has run amok, and so forth. As a direct result of using the hat to perform these noble deeds, the man flourishes.

Dechert's pro bono program functions a bit like that hat. When donning the hat, we corporate lawyers are able to channel our inner Atticus Finch, employing skills and resources honed in the service of valued clients on behalf of the least among us. Dechert's institutional commitment to encourage its lawyers to put on the do-gooder hat reflects the firm's recognition that its individual lawyers, the firm as a whole, and society-at-large can be enriched as a result.

This past year, I was able to put on that hat as part of a team led by partner **George G. Gordon** in the Philadelphia office and supported by associates **Sarah E. Mendola** in New York and **David L. Sluis** in Washington. We participated in a case involving a difficult, yet socially significant question at the nexus between law and science. Specifically, we were asked

to draft an amicus curiae brief on behalf of the American Association on Intellectual and Developmental Disabilities (AAIDD) in a capital case pending in Florida.

Dechert's institutional commitment to encourage its lawyers to put on the do-gooder hat reflects the firm's recognition that its individual lawyers, the firm as a whole, and society-at-large can be enriched as a result.

The AAIDD, which recently changed its name from the American Association on Mental Retardation, is the leading authority on defining and classifying the intellectual disability commonly referred to as "mental retardation." Since 2002, when the U.S. Supreme Court issued its landmark decision in *Atkins v. Virginia* (a case in which the AAIDD also participated as an amicus), persons with mental retardation have been categorically exempt from the death penalty under the Constitution's Eighth Amendment. In *Atkins*, the Supreme Court directed states to identify persons with mental retardation by relying on definitions that generally conform to the scientific consensus. More specifically, the Court directed states to rely on definitions of mental retardation published by the AAIDD and the American Psychiatric Association—definitions that are essentially the same. *Atkins* then gave states the discretion to develop procedural machinations for identifying those individuals who can fairly be diagnosed as having mental retardation and for ensuring that these individuals are not executed.

We submitted our amicus brief last summer to the Florida Supreme Court along with a motion asking the Court to consider AAIDD's position regarding the proper interpretation of "mental retardation" and how the disability had been misconstrued in a specific case in which the defendant/appellant had sought to have his death sentence vacated on the grounds that he has mental retardation. Our chief

goal was to urge the Florida Supreme Court to revisit its relatively recent pronouncements about how mental retardation is assessed in the death penalty context. We noted that these developments have placed Florida out of step with the contemporary scientific consensus in the field. Ultimately, the Court granted permission to file the brief and then granted oral argument in the case, which it does not always do. Next, we were invited to share some of the defendant's time at oral argument, which took place in Tallahassee.

During the argument before the seven members of the Florida Supreme Court, I knew that I was addressing several justices who had authored a 2003 opinion that had launched the line of cases we were asking the Court to reconsider. Coming in as a "friend of the court" to suggest that this particular court had gone off track in the eyes of the germane scientific community is, to say the least, an inherently awkward position. I endeavored, however, to emphasize that the Court's impulse to rely on the plain language of the applicable statute was perfectly correct. That is, I noted that there is nothing wrong with the words that Florida's legislature used to define mental retardation. The problem arose from the interpretation of those words. The Florida Supreme Court had read into the statute an arbitrary IQ cutoff of 70 as a bright-line test for determining who has mental retardation—a specific cut-off that is not in the statute and that does not reflect the contemporary scientific understanding as to how a mental retardation determination is made.

In our amicus brief and during oral argument, we explained that qualified professional organizations like the AAIDD have expressly rejected the notion that mental retardation can be accurately assessed by recourse to a hard IQ cutoff because individual IQ scores must always be understood in terms of a range of confidence, not a precise number. As the AAIDD's manuals have explained since at least 1992, interpreting an IQ score requires the clinician to consider a phenomenon known as the standard error of measurement for the specific instruments used as well as the instruments' strengths and limitations. Therefore, we asked the Court to rethink the direction that it has given to the courts below it, so that individuals with mental retardation who are now or may be convicted of a capital crime in Florida will not be inadvertently executed. We explained that the law in this area is supposed to reflect contemporary scientific thinking because the U.S. Supreme Court itself, in finding that executing persons with mental retardation is at odds with contemporary "standards of decency," expressly mandated that the relevant legal standard must comport with the definitional directives of contemporary science.

We will now have to wait to see if our client's message will resonate with the Court and prompt an adjustment in the way mental retardation claims are assessed under Florida criminal law. Meanwhile, I am grateful that Dechert's pro bono program enabled me to put on a hat that carried me temporarily far from my office in Austin, Texas where I work principally on complex commercial litigation. While wearing this different hat, I was able to speak on behalf of the nation's oldest and largest interdisciplinary non-profit

A World of Good

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.

organization in the field of intellectual and developmental disabilities in the hopes of educating a powerful and august legal body about the scientific consensus regarding mental retardation in a context where the consequences are, quite literally, a matter of life or death.

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Anti-Homosexuality Bill in Uganda

by Carolyne R. Dilgard



The introduction of the Anti-Homosexuality Bill in the Uganda Parliament in September 2009 drew the attention of human rights advocates in Uganda and abroad.

The Bill, as proposed, provides for marriage to be only between a man and a woman and further prohibits and penalizes homosexual behavior and related practices. For example, life imprisonment would be imposed on persons convicted of the offense of "homosexuality" and the death penalty for individuals who are convicted of the new offense of "aggravated homosexuality." The Bill targets any person who, in one of several ways, supports homosexuals or homosexual-related identity or rights with criminal penalties, including up to seven

years imprisonment. If a “person in authority” knows of a violation of this law and does not report that violation within 24 hours, he or she may be fined and imprisoned for up to three years. The Bill also prohibits granting a license to organizations that promote homosexuality and prevents the ratification of any international agreements that would be contrary to the provisions of the Bill. The Bill purports to exert extra-territorial jurisdiction over an offense committed outside Uganda by a citizen or permanent resident of Uganda, and claims to authorize extradition of individuals charged under the Bill.

We were asked by the Foundation for Human Rights Initiative (FHTI), a non-partisan, not-for-profit, non-government organization based in Uganda, to provide an analysis and commentary on the Anti-Homosexuality Bill from an international human rights and comparative law perspective. Our goal was to present them with a foundation to challenge the passage, and, if enacted, the enforcement of the Bill.

The outcry from human rights groups and other governments is believed to have played a role in the committee's recommendation.

We provided FHTI with a comprehensive memo addressing possible challenges to the Anti-Homosexuality Bill under international laws and norms, including regional and broad-based international treaties and other instruments. In addition, our report gave an overview of comparative law, with a focus on other African nations along with examples from outside of Africa. The comparative law portion cited a range of cases, both moving toward greater acceptance of homosexuality and toward criminalizing and prohibiting homosexuality. These cases illustrated possible approaches to preventing the passage of the Bill and/or diffusing its more severe provisions.

Media outlets in the United States recently reported that a special committee organized by the president of Uganda recommended that the Bill be withdrawn from parliament and indicated that analysts think it is likely that the Bill will be dropped. The outcry from human rights groups and other governments is believed to have played a role in the committee's recommendation.

Our team was led by **Robert A. Cohen** in New York, with assistance from myself and **Nicole B. Herther-Spiro** in Philadelphia, **Daniel G. Bowers** in Washington, D.C., and **Brielle M. Rey** in New York. Since the team was

comprised of associates from different fields, we each offered a diverse perspective on the research and analysis. The academic nature of the research, the high stakes involved (literally life or death for certain Ugandans), and the human rights aspect of this project made it both interesting and rewarding for our team.

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Dechert Helps Doctors Without Borders Establish a Drug Development Program

Dechert is currently advising the internationally-heralded Doctors Without Borders (Médecins Sans Frontières) on a life sciences drug development collaboration with Paris-based Institut Pasteur. Doctors Without Borders is a global non-profit organization established to promote the volunteering, provisioning, and support of medical and health services in underprivileged sectors of the world, including war-torn areas. Doctors Without Borders is seeking to establish a drug development program with Institut Pasteur that will allocate IP ownership and profits in-line with future work efforts on key chronic drugs and, just as importantly, promote the distribution of basic drugs to combat chronic diseases in Third and Fourth World countries globally.

The Dechert team is led by **Emmanuelle Trombe** in Paris, with assistance from **David E. Schulman** in Washington, D.C. Drawing upon its cross-border experience with large pharmaceutical and biotech companies, Dechert is providing Doctors Without Borders with a variety of different business collaboration paradigms utilized by life science companies in the for-profit sector.

The project is ongoing and a 2010 completion is targeted.

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Spring Associates Make Their Mark

Prior to starting at Dechert, the Spring Associates spent time doing pro bono work for a diverse collection of non-profit and governmental organizations.



Rose L. Amandola – I worked as an Assistant District Attorney in the Brooklyn District Attorney's Office through its Fellowship Program. I worked in the Appeals Bureau, where I wrote and submitted to the court several briefs and motions. It was a very enjoyable and valuable experience.



Melissa Brody – I volunteered with Bridges Across Borders Southeast Asia in Thailand. While abroad, I taught legal rights at the Chiang Mai Juvenile Detention Centre and Wildflower Home for Single Mothers. In addition, I assisted in the coordination of the legal clinic at Vietnam National University, Hanoi.



John C. Bumgarner – I volunteered as a private attorney for Legal Aid of North Carolina in the LANC Winston-Salem Office. Most of my time was spent serving the needs of low-income people, helping them understand and assert their rights in employment insurance benefits matters.

This included advice in assessing the facts of each individual's case and navigating the appeals process, as well as representing them in appeals hearings before the officers of the Employment Security Commission of North Carolina. Having an immediate impact on people's lives with direct client contact was a rewarding experience, and I hope to have more such opportunities to serve throughout my career.



David S. Caroline – I had the opportunity to serve as a pro bono associate at Pennsylvanians for Modern Courts (PMC). As one of only three attorneys on staff, I was involved in nearly every facet of the organization's efforts to reform the state court system in Pennsylvania, and particularly in advocating for a switch from partisan elections to merit selection of judges. I worked closely with the PMC attorneys, interns, and staff researching election laws and judicial ethics rules; drafting press releases, blog posts, and newspaper editorials; lobbying state legislators and

editing proposed legislation; preparing for CLE programs; and co-writing a law review article. It was an incredible opportunity to learn about our state court system and to participate in the inner workings of a nationally respected court reform association.



Erin M. Carter – I worked with the Pennsylvania Health Law Project (PHLP), a non-profit legal services organization providing legal help to low-income persons, senior citizens, and mentally and physically disabled individuals who are navigating government-run health care systems.

I worked with the legal helpline, assisting clients with access and eligibility decisions as well as gaining access to health care. I represented clients in administrative appeals to get health plans to pay for health care services like home nursing for children and also gave technical assistance to other legal services and social work organizations and wrote educational materials and newsletter articles about PHLP's policy goals.



Teri-Lynn A. Evans – I worked at the Rutgers University Children's Justice Clinic in Camden, New Jersey. I had the opportunity to represent underprivileged youths facing juvenile delinquency charges, and I advocated for the juveniles' rights subsequent to the resolution of the delinquency charges. I also had the opportunity to work with the Nationalities Services Center representing a refugee from Iraq who faced charges in both Pennsylvania and New Jersey.



Sarah A. Hall – I supervised and advised students at the Wake Forest Community Law and Business Clinic. I took on my own clients through the Clinic and assisted small businesses and non-profit organizations with issues such as entity formation, employment law issues, trademark applications, securities law issues relating to small business financing, and 501(c)(3) applications. I also helped draft a no-action letter on behalf of a non-profit organization that is in the process of forming a social equity fund.



Anthony M. LaGreca – I worked at Philadelphia VIP, a pro bono legal referral service. I was staffed on the LawWorks project that provides legal services to homeowners, nonprofits, and small business owners. Most of my time was spent

referring cases to volunteer attorneys and assisting them with questions regarding their ongoing pro bono matters. However, I was able to take on several cases of my own including assisting a small business client in incorporating and adopting bylaws; obtaining tax exempt status recognition for a nonprofit client; and preventing the sheriff's tax sale of a client's home, as well as quieting title to the property in the client's name.



Laura E. Meehan – I worked at a non-profit organization called the National Center for Law and Economic Justice. Most of the work I did involved suits brought against state or local government agencies with systematic delays in processing their public benefits applications. All of the agencies are outside the federal timeline for processing applications. The Center brings suits in various states, mostly in federal court. I worked on several different cases at different stages, including filing the complaint and working on various appeals. When I left, I was assisting on an appeal in the Fifth Circuit.

Bene I. Ness – I worked as a Special Assistant District Attorney for Suffolk County Massachusetts in Chelsea District Court. I had a great experience. I was in court every day representing the Commonwealth in arraignments, pre-trail conferences, motions to dismiss, motions to suppress, and restitution hearings. During my experience, I was able to do two bench trials and one jury trial.



Wayne I. Pollock – I was a Legal Fellow at the Student Press Law Center in Arlington, Virginia, where I assisted high school and college journalists with issues that arose in a number of areas of law, such as First Amendment law, copyright law, Internet law, and open meetings/open records law.

I answered incoming phone calls and e-mails from student journalists and conducted legal research on emerging issues affecting their craft. The most exciting thing I did while at the SPLC was write an amicus brief that the organization submitted to an Illinois state trial court considering whether the Illinois shield law applied to student journalists. I was thrilled that the version submitted to the court was very similar to the version that I circulated as a draft.

Manroop Purewal – I worked for the California Attorney General's Office in the Public Rights Division. Given the California budget crises, the office was pleased to utilize my services. I worked on many interesting matters ranging from drafting a JMOL motion in a breach of contract case

to forming legal theories and managing discovery for a statewide consumer fraud action. This placement provided a great stepping stone into my legal career.

Kelly A. Timoney – I worked at Central Jersey Legal Services. CJLS provides legal assistance in civil matters to low-income people. I practiced family law which involved family matters generally and quite a bit of domestic violence work.



Christopher M. Varano – I worked for the Education Law Center in Philadelphia, where I researched and wrote memoranda on issues in education law and policy, reported on state and federal policy meetings, addressed client issues, and represented students in expulsion hearings. It was exciting to be involved in state and federal politics while at the ELC as I was able to travel to Harrisburg on multiple occasions to meet with state Representatives and Senators to lobby for various education reforms and attended meetings with representatives from most states on the Federal Race to the Top program. I also really enjoyed litigating expulsion hearings because it was a great opportunity to hone my skills in direct and cross examination, motions, closing arguments, and client management. I am thrilled that Dechert has an ongoing relationship with the ELC doing pro bono work and would encourage others to get involved in this exciting and rewarding work.



W. Ian Wallace – I served as a Fellow in the Commercial Law Unit of the City of Philadelphia Solicitor's Office where I counseled city departments on a range of matters including regulatory compliance, licensing of intellectual property, and the solicitation and award of contracts for goods and services.

Good Results & Interesting Matters

Eliot J. Walker of the Austin office was successful in his representation of a Cuban citizen before the Board of Immigration Appeals. The client had supported and financed a Cuban political party that opposes the ruling party platform. Cuban officials arrested him in 2002, interrogated him, and threatened to imprison him if he continued his activities, so he built a boat and fled to Florida. The Immigration Judge granted him withholding of removal under INA § 241(b)(3) after finding that he would most likely be imprisoned by Cuban authorities for his political opinions if he returned. The Department of Homeland Security appealed, alleging that he was not credible and had not shown that he deserved relief. Eliot convinced the BIA to dismiss the DHS appeal. The BIA found that the Immigration Judge had made no clear error in his credibility determination and had correctly assessed his likelihood of future persecution.*

In January, Dechert Boston's **Timothy C. Blank, Joybell Chitbangonsyn**, and **Owen C.J. Foster** were asked to represent a federal inmate suing the United States after he fell in prison on a slippery waxed floor and broke his hip. They took the case on and prepared for trial on very short notice. During the course of the case, the government attorneys created all sorts of obstacles, changed their story several times, produced witnesses who said things that were directly contradicted by documents, and failed to produce documents that were harmful to their case. Joybell and Owen fought through all the difficulties, took five key depositions, met with the client several times, spoke with several additional witnesses, and worked the case for trial. As trial approached, **Jessica Howell**, also of the Boston office, joined the team and wrote some key motions. At 6:00 p.m. the Friday night before the trial, the government attorneys produced a batch of documents that should have been produced long before and which fully supported the claim that the government knew the floors were slippery and dangerous. These documents would never have been produced without Joybell and Owen's extraordinary efforts. They reviewed the documents over the weekend, incorporated them into the case, and were ready to go to trial Monday morning. When they arrived at court, the government attorneys approached them about settlement. Joybell and Owen negotiated and reached an extremely favorable settlement for the client. The judge sent a message through his clerk thanking Dechert for taking the case and specifically pointing out that Joybell and Owen had done excellent work.

Bene I. Ness of the Boston office received a letter of commendation from the District Attorney for her excel-

lent work and outstanding result prosecuting several thefts of copper welding lead from the Massachusetts Water Resources Authority while she was serving as a Special Assistant District Attorney in Suffolk County.

José R. Almonte (New York) and his pro bono work at Dechert are profiled in a new American Bar Association pamphlet, "Opening the Doors of Opportunity," that highlights the accomplishments of those who have received an ABA Legal Opportunity Scholarship.

Sarah E. Mendola of the New York office represented an individual from the Republic of The Gambia seeking asylum. Her client has spoken out in support of human rights and democracy for The Gambia, both while living there and in the United States. The client has a minor daughter, and was afraid she would be forced to undergo female genital mutilation if the family had to return to The Gambia. The client had been granted relief on both a well-founded fear of future persecution based on political opinion and derivative female genital mutilation. The Department of Homeland Security appealed to the Board of Immigration Appeals where Sarah represented the client. After a wait of a year and a half, the BIA agreed with the immigration judge that the client had a well-founded fear of future persecution from the government of The Gambia and dismissed the appeal. As such, the BIA did not address the issue of derivative female genital mutilation. **Nicolle L. Jacoby** and **Michael Z. Goldman** supervised, and **John P. O'Brien** assisted in this matter.

New York's **Michael Z. Goldman** received a favorable result in an asylum matter on behalf of a Togolese national seeking asylum for past persecution suffered as a result of the client's political activities. Michael presented such a strong case that the government withdrew its opposition and stipulated not to appeal a favorable asylum determination. The judge knew that Michael was acting on a pro bono basis and thanked Dechert for its pro bono commitment. **Charles I. Poret** and former summer associates **Meredith Drakesmith** and **Sara Corris** provided invaluable assistance in preparing the case for trial.

Daniel M. Becker and **Rebecca J. Wais** of the Silicon Valley office assisted a bioengineering graduate student charged with irregular behavior by the National Board of Medical Examiners. The most serious of the potential sanctions included a lifetime ban on licensure to practice medicine. The representation was enlarged when an internal judicial affairs complaint was brought against the client on the same facts. Dan guided the student through the judicial affairs process, submission of a written response to the NBME,

and representation at the NBME hearing in Philadelphia. The process resolved favorably, and following the hearing, the NBME declined to find irregular behavior.

Julien Bourgeois, Adam T. Teufel, and Jeanette A. Wingler of the Washington office successfully represented a veteran in a benefits appeal.

Charlie Y. Oh of the Silicon Valley office represented a client who was receiving demand letters for more than \$17,000 by a finance company after the client's vehicle was repossessed and sold after the police impounded the vehicle. Charlie took the position that the finance company's Notice of Intent to Dispose of Vehicle violated several California statutes, and succeeded in getting the finance company to clear the client of all outstanding liability.

*Adapted from the CLINIC BIA Pro Bono Project Newsletter

By earning her trust and helping her become comfortable enough to speak openly about her experience, we were able to gather significant facts and provide support for the elements of her T visa application. In drafting the T visa application, we described the multiple forms of coercion used to subject our client to involuntary servitude, focusing on the employer's fraud in bringing the client to the United States and then refusing to pay our client wages once here. We interviewed friends and family members of the client who had spoken with her during and after her ordeal and prepared affidavits to support her T visa application.

In addition, we represented our client during her interviews with law enforcement officials. By attending these meetings with our client, we helped alleviate her fear and anxiety in speaking to the investigators about her former employer and trafficking experience. Further, we helped demonstrate to U.S. Citizenship and Immigration Service (USCIS), the agency that would ultimately review her application, that our client had cooperated fully with all law enforcement requests in investigating a human trafficking crime, a key element of a T visa application.

Providing Immigration Protection to Victims of Human Trafficking

by **Shveta Kulkarni**

Federal investigators have uncovered a number of cases of foreign diplomats trafficking domestic workers to the United States. Many of these cases are unreported because victims do not, or cannot, come forward. Traffickers threaten to use or do use force, coercion, abduction, fraud, and deception while taking advantage of their victims' vulnerable social and economic status to maintain control over them. In the case of trafficking by foreign diplomats, the specter of political power heightens the victims' sense of vulnerability, causing them to fear cooperating with investigators. Several Dechert attorneys and I provided representation to one such person. We sought immigration protection for our client by helping her obtain T nonimmigrant status to allow her to stay in the United States.

We met with our client on several occasions and discussed the circumstances under which she had been trafficked as a domestic worker for a diplomat. During the interviews, we were extremely sensitive to the client's background and personal situation. The trafficking experience is traumatizing and recounting the experience can be difficult, particularly if the victim is discussing these details with a person she has not known for very long. To be effective advocates, we focused on developing a strong rapport with her early in the attorney-client relationship.

Many victims of human trafficking are unable to speak out against their traffickers because they fear retaliation and punishment.

We also researched the conditions of our client's country of origin including the physical and psychological harm she would suffer if forced to return. The client told us about the extreme hardship she would face because of the threats to punish her made by her trafficker.

Upon completion of the T visa application, we submitted it to USCIS for review. After making a determination that the elements of the T visa had been satisfied, USCIS granted our client a T visa and employment authorization. With the T visa and the work authorization, our client is permitted to remain in the United States and work for four years. She may eventually be eligible to apply for lawful permanent resident status.

Many victims of human trafficking are unable to speak out against their traffickers because they fear retaliation and punishment. They may also fear law enforcement officials and the legal system based on prior negative experiences in their home countries. By representing victims of human trafficking, we help them realize that laws can protect them and that attorneys will assist them in their efforts to prosecute the perpetrators.

Annual Pro Bono Recognition and Awards Reception

Dechert recently hosted 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. Nearly 500 people attended simultaneous receptions on linked by video-conference in each office worldwide.



Andrew Levander greets Marc Gary, executive vice president and general counsel of Fidelity

Dechert Chairman **Barton J. Winokur** hosted the event, the highlights of which included a keynote speech from Marc Gary, executive vice president and general counsel of Fidelity Investments. Mr. Gary has been a long-time supporter of pro bono initiatives. He is a member of the Board of Directors of Equal Justice Works, the Advisory Board of Suffolk Law School's Rappaport Center for Law and Public Service, the Pro Bono Institute's Corporate Pro Bono Advisory Board, the Board of Trustees of Greater Boston Legal Services, and the Jewish Theological Seminary in New York City. He has served on the Board of Trustees of the Lawyers' Committee for Civil Rights Under Law, as the first Chair of the Georgia Supreme Court's Committee on Civil Justice, and currently chairs the Corporate Counsel Institute at Georgetown University Law Center. Mr. Gary is a Fellow of the American Bar Foundation and the Georgia Bar Foundation and a member of the American Law Institute. He is also the recipient of the 2005 Laurie D. Zelon Award from the Pro Bono Institute for outstanding

leadership in the areas of pro bono, diversity, and access to justice. Mr. Gary spoke eloquently about the potential for collaboration in pro bono between law firms and their corporate clients and the positive experiences that attorneys performing pro bono can have.

During the event, three individual attorneys and the two members of the Ohio Motor Voter Team were presented with the Samuel E. Klein Pro Bono Award, given annually to those at Dechert who have demonstrated exceptional commitment to providing pro bono legal services. Each award recipient was presented with a plaque and the firm made a charitable contribution of \$500 to a legal services organization of their choice.

This year the following people received Sam Klein Awards:

Beth L. Rubin – Based in Philadelphia, Beth is counsel in the corporate and securities group, where she focuses her practice on health law. Beth has used her knowledge of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to provide guidance to numerous non-profit organizations as they make their way through this regulatory maze. In addition to providing direct services, Beth developed an easy-to-use HIPAA primer at the request of Pro Bono Partnership that enables social service agencies to determine whether HIPAA applies to them and, if so, how to develop a HIPAA compliance program. In 2008, Beth was recognized by the Legal Aid Society of New York for her work in providing HIPAA guidance to non-profits. Beth also recently assisted the Camden Coalition of Health Care Providers in creating the Camden Health Information Exchange.



Ethan Fogel and Rebekah Klein present the Samuel E. Klein Pro Bono Award to Beth Rubin.



Giovanni Russo receives his thank you gift from Julia Braun

Neil A. Steiner and **Robert W. Topp** – Neil, a partner, and Robert, an associate, focus their practices in white collar and securities litigation in New York. Neil and Robert have taken the lead in litigating a case with respect to the State of Ohio's compliance with Section 7 of the National Voter Registration Act, which requires state and local agencies providing public assistance to provide to their clients the opportunity to register to vote. They filed the case in September 2006, and along the way, successfully argued it before the Sixth Circuit Court of Appeals on an issue of first impression. As a result of their efforts, the case was settled in late 2009 and a consent decree was entered, whereby the defendants agreed to make extensive changes to their procedures and oversight. This includes 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.

Gretchen S. Sween – Gretchen, an intellectual property litigator in the Austin office, has been involved in a wide range of civil liberties matters since joining the firm. These include an effort to reform the disciplinary policies at a juvenile detention facility for girls in Texas, filing an amicus brief in the Florida Supreme Court on behalf of the American Association of Intellectual and Developmental Disabilities with respect to the definition of intellectual disability for purposes of capital punishment (for which she will be presenting oral argument later this

year), preparing a pamphlet relating to voting rights and procedures for the Election Protection Initiative, and researching the status of right to counsel litigation in Texas for the National Coalition for a Civil Right to Counsel. She has also helped with a number of individual cases, including petitions under the Violence Against Women Act.

Additionally, 324 attorneys and paralegals were recognized for performing 50 or more hours of pro bono work in 2009.

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>

I recommend...

by Michael D. Farber

On June 2, the Children's Law Center made a presentation to Dechert attorneys in the Washington office on their guardian ad litem program. I am currently a guardian ad litem in an ongoing custody dispute. Guardian ad litems typically function in a quasi-judicial role and are charged by a family court judge with determining what is in the best interests of a child in custody or domestic violence cases. Guardian ad litems gather facts about the child's situation and present them to the requesting family court judge. I would like to encourage those interested in advocating for children to take on this type of matter. The work is challenging, but rewarding. As a guardian ad litem, you can develop and hone your skills as an investigator, counselor, and mediator. Becoming a guardian ad litem provides an opportunity to make a real difference in the life of a child.

There are opportunities to act as a guardian ad litem in almost every U.S. city. Contact Erin Martell if you would like to get involved!

Awards

- **John V. O'Hanlon** of the Boston office received the Pro Bono Award for his assistance helping Bread & Rose Soup Kitchen establish their endowment fund and the New England Job Show in Chelmsford to create a Volunteer Use Handbook. The award was presented at the Lawyers Clearinghouse 22nd Annual Meeting.
- **Cynthia J. Williams** of the Boston office received the Political Asylum/Immigration Representation (PAIR) Project's 2010 Pro Bono Attorney of the Year award at the organization's annual GALA.
- Dechert received the 2009 Chancellor Award from Philadelphia Volunteers for the Indigent Program (VIP). The award, given to firms that achieve participation from 10% of their attorneys in the Philadelphia office, recognizes Dechert's outstanding support of VIP and was presented at the organization's annual awards ceremony and reception.
- The First Judicial District of Pennsylvania awards ceremony took place on January 27. The awards ceremony recognized all attorneys on the Pro Bono Roll of Honor who provided pro bono services to litigants in the Philadelphia Courts in 2009. The ceremony included a presentation of certificates to those attorneys, along with lapel pins designed to signify their contributions. The following attorneys were on the Pro Bono Honor Roll for 2009: **Irene Ayzenberg-Lyman, Elizabeth Balakhani, Alexander R. Bilus, William H. Bishop, Michael A. Bogdonoff, Jeffrey R. Boles, April M. Byrd, Kathryn L. Connelly, Evan W. Davis, Lorenza De Ieso, Virginia W. Dorsey, Leora F. Eisenstadt, James Figorski, Eben S. Flaster, Ethan D. Fogel, Jill Frankel, Michael I. Frankel, Jamie M. Freedman, Vincent A. Gallo, Sarah B. Gelb, Brandon L. Goodman, Deron L. Green, Kenneth D. Hackman, Todd F. Hunter, Thomas K. Johnson II, David F. Jones, Meghan Rohling Kelly, Tara S. Lawler, Monica M. Lawrence, Stephen M. Leitzell, Christine C. Levin, Molly K. Light, Robert A. Limbacher, H.W. Jerome Maddox, Stephen J. McConnell, Steven J. Molitor, Margaret S. Osborne, Molly Peckman, Justin N. Pertz, Jennifer Porter, Brielle M. Rey, Francis J. Rizzo, Shevon D. Rockett, Jason H. Rozes, Shannon Rushing, Helen R. Santoro, Alyssa Saunders, Gregory A. Scherneck, David C. Schwartzman, Eric Seo, Sheku Sheikholeslami,**
- **Kyle R. Smith, David J. Stanoch, Joseph A. Tate, R. David Walk Jr., Sarah L. Westbrook, Barton J. Winokur, Elisa T. Wiygul, and Tsung-Hui (Sophie) Yang.**
- **Joseph R. Heffern** of the Philadelphia office was chosen by the editorial department of *The Legal Intelligencer* as one of their Unsung Heroes for his work with the Homeless Advocacy Project. Joe has been working with HAP since 2003 staffing the legal clinic at St. John's Hospice and assisting clients in securing social security benefits.
- Dechert and the pro bono team were honored at "Building Bridges, Opening Doors," the annual event for the HIAS and Council Migration Service of Philadelphia.
- **Kevin K. Babikian** of the Orange County office was recognized by the Board of Governors of the State Bar of California with its Wiley W. Manuel Certificate for Pro Bono Legal Services Award in recognition of his outstanding pro bono legal efforts. The award is given for voluntary provision of legal services to the poor. This is the second time Kevin has received this award.
- The D.C. office was honored by the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services at its 40 at 50: Judicial Pro Bono Recognition Breakfast. The award recognized D.C. firms that had 40% or more attorneys performing 50 or more hours of pro bono throughout 2009.
- Dechert is a 2010 recipient of the Washington Lawyers' Committee Outstanding Achievement Award in recognition of the firm's commitment to the organization's work and the successful resolution of ERC v. AvalonBay. The award was presented June 16 at the Committee's Wiley A. Branton Luncheon. Over the course of the case, the ERC v. AvalonBay team included **Douglas W. Britt, Brenden P. Carroll, Matthew V. Curtin, Paul H. Friedman, Gorav Jindal, and Scott M. Taggart**.

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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