

Dechert OnPoint

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A World of Good

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Dechert's Los Angeles Office Assists Families in Adoption Matters



by **James C. Wald**

Over the past several months, Dechert's Los Angeles office has assisted families in adopting disadvantaged children. The project brought the entire office together to work on these matters, from the attorneys who guided our efforts, to the secretaries who assisted with the extensive paperwork, and other staff who provided translation services for our non-English speaking clients. Associate Constance Beverly (Los Angeles) was especially instrumental in helping facilitate these matters.

Our team's efforts resulted in the successful adoption of two toddlers on National Adoption Day. This national celebration occurs during the week before Thanksgiving each year and focuses on finding permanent homes for underprivileged children and children in foster care. Since 2000, more than 40,000 adoptions have been finalized on National Adoption Day. This year, more than 350 local events were held throughout all 50 states, Puerto Rico and Guam, including adoption ceremonies at courthouses and private family celebrations.

For our clients and their new daughters, National Adoption Day was an experience they will never forget. After navigating the court system for more than a year, the day their family would be united had finally arrived. Ordinarily, the courthouse has a tense feeling as advocates argue and maneuver for strategic advantage. This day was different. Families laughed and played with children outside. Inside the court hallways, extended families and friends took dozens of photographs. Typically, cameras are not allowed in the building. Teddy bears were even waiting for the children inside the courtroom at the plaintiff's and defendant's tables.

After carefully reviewing the adoption application to make sure that everything was correct, the judge presented our clients with certificates of adoption.



Two of Dechert's smallest clients celebrate their recent adoption with their new family.

Family members cried tears of joy. Friends smiled. Our delighted clients embraced their new daughters. After the ceremony, the court deputy invited everyone to approach the bench to take photographs with the judge. It was now official. Our clients celebrated with a party the next day for their extended family and friends, and are enjoying a new chapter in their lives.

We were truly humbled and honored to help unite our clients with their new daughters and help give these deserving toddlers a better life, but we could not have done it alone. In handling these matters, we partnered with Public Counsel, the largest pro bono law firm in the nation and the official public interest law firm of both the Los Angeles County and the Beverly Hills Bar Associations.

Each of the professionals in our office recognizes that pro bono work is an integral part of our practice and a hallmark of the firm. Although the Los Angeles office is less than a year old, we have focused a significant amount of time on pro bono matters. The professionals in our office acknowledge our responsibility to extend the firm's deep and longstanding pro bono practice to the Los Angeles area.

Later this month, we will be finalizing the adoption of a seven-year-old girl in time for the holiday season. Similar adoption programs are available year-round at locations throughout the United States. If you would like to work on an adoption matter in your area, we would be happy to make the appropriate introductions.

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Dechert Supports Increased Pro Bono Initiatives in Germany and Across Europe

by **Dr. Michael H. Meissner, LL.M.**

More than 300 lawyers from international and domestic law firms, multinational corporations and pro bono clearinghouses, as well as non-governmental organizations' representatives and scholars from Europe and beyond, gathered in Berlin for the fifth annual European Pro Bono Forum on November 17-18, 2011. Organized by PILnet, a global network for public interest law, and co-sponsored by Dechert, the forum is a testament to the growing support for pro bono casework across the continent and constitutes the first major conference of its sort to convene in Germany. I served as a host committee member and attended with Dechert pro bono partner Suzanne Turner, who was a planning committee member and serves on PILnet's board of trustees. We participated in various workshops and sessions on behalf of the firm.

Offering free legal services to those who cannot otherwise afford them has been traditionally regarded as the state's responsibility, and the feeling that voluntary activities should not replace the critical role of the state in providing basic legal aid remains strong within the European legal profession. However, the combination of budget cuts, increased economic strain on government-funded social projects, a demand for internationally coordinated social responsibility activities, and various court decisions relaxing the strict rules concerning lawyer's fees in Germany have resulted in a drastic shift in Germany's legal culture.

This spirit is also reflected in the recent foundation announcement of "Pro Bono Deutschland e.V.," a registered German association based in Frankfurt that seeks to achieve greater recognition and implementation of the concept of pro bono legal services among private practice lawyers in Germany. The 16 international law firms affiliated with the association, including Dechert, share a strong commitment to the provision of free legal services for charitable purposes. Through its obligation to the principles of social justice, democracy and the rule of law—particularly the recognition of human rights—this pro bono association is advocating for increased German engagement in pro bono legal services.



Michael Meissner (Munich) and Suzie Turner (Washington) discuss the expanding role of pro bono in Europe at the 2011 European Pro Bono Forum in Berlin.

Furthermore, the association aims to heighten awareness of existing pro bono cases involving German lawyers and offer guidance to those lawyers. In cooperation with domestic and foreign bar associations and other legal associations, and drawing on the examples of other countries where pro bono legal advice is a more established component of the legal culture, the association is drafting a pro bono "best practices" guide. The association also seeks to partner with domestic and foreign bar associations, public authorities and legislative bodies to further improve the legal framework for the provision of pro bono legal services, and association members are striving to involve lawyers and firms not yet involved in pro bono work. This is a crucial aspect of the association's work, as it does not itself render any legal services, coordinate pro bono activities or solicit pro bono mandates for its members.

The corresponding press release by the German pro bono association was covered by several media outlets, highlighting the impetus for pro bono work among German legal professionals. Additionally, UBJ, a German national network of engaged businesses and local non-profit intermediary organizations with members like ArcelorMittal, BMW Group, E.ON Energy and European Central Bank, nominated "Pro Bono Deutschland e.V." as the "Project of the Month." This new focus on pro bono in Germany and across continental Europe will create more opportunities for Dechert attorneys to get involved with their communities and help provide more access to justice for low-income individuals and organizations.

Special thanks to Heike Schmuhl for her contributions to this article.

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Leading the Way in Educating Future Appellate Advocates



by **Cheryl A. Krause** and
Justin C. Danilewitz

Dechert's Philadelphia office has partnered with the University of Pennsylvania Law School's

Clinical Program to form the Penn-Dechert legal clinic since 2009. Through this partnership, we have guided four University of Pennsylvania law students throughout their participation in the Federal Appellate Clinical Externship each year since the program's inception. Dechert lawyers are invited to serve as pro bono counsel to indigent parties, including civil rights plaintiffs and prisoners, in both individual and class actions. A number of these appeals have resulted in oral arguments that are handled by the law students themselves, when they are available, or Dechert associates. Our lawyers enjoy working with the young oral advocates, and our joint efforts have won praise from the Third Circuit. In one instance, a student who argued on behalf of the appellant in *McPherson v. United States*, No. 08-3757 (3d Cir. July 25, 2010), was commended in the court's opinion for his advocacy.

"The Federal Appellate Litigation Externship... has proven to be a remarkable educational opportunity for our students to engage in appellate lawyering under the tutelage of outstanding advocates at the firm."
– Louis Rulli, Penn Law Director of Clinical Programs

Working with a Dechert lawyer, the law students assist in researching and writing appellate briefs and also attend the firm's seminars on appellate advocacy and practice. According to Louis Rulli, Penn Law's Director of Clinical

Just a reminder . . .

All Dechert attorneys based in the United States, including partners, 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 contact your local Pro Bono Committee member now so you can 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 (see [directory on last page](#)).

Programs, "The Federal Appellate Litigation Externship is a great partnership between Penn Law School's Clinical Program and the Dechert law firm and, under Cheryl's leadership, it has proven to be a remarkable educational opportunity for our students to engage in appellate lawyering under the tutelage of outstanding advocates at the firm, while also providing an invaluable service to the court and to the public through pro bono representation of indigent parties."

The Penn-Dechert legal clinic offers a unique opportunity for students to participate in federal appellate litigation that benefits an underserved population. It also challenges the Dechert team to provide the students with our best training for their future law careers.

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Bay Area Offices Partner with Stanford Law to Advocate for Children's Special Education Needs



by **Carl Gismervig**

Dechert's San Francisco and Silicon Valley offices have partnered with Stanford Law School's Mills Legal Clinic and its Youth and Education Law Project (YELP) to represent students with special education needs. The Dechert team of Sarah Wager, Chris Scott Graham and Carl Gismervig of the Silicon Valley office, and Amy Thayer and Mark DiPerna of the San Francisco office, is focusing on individual students with autism, ensuring that their local schools provide a free and appropriate public education in the least restrictive environment possible. We will advocate for the students by meeting with the teachers and administrators within the school district who direct each child's education. When necessary, we will also pursue relief through administrative hearings and file compliance complaints under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act and relevant California laws.

As we embark on our first case, Stanford Professor Bill Koski, Director of YELP, and Carly Munson, a teaching fellow at Stanford, are co-counseling with three Dechert lawyers. Our client is a 14-year-old young man with an autism spectrum disorder, and the team is working with his school district to create an Individualized Education Program that will eventually help him graduate high school and develop the interpersonal and academic skills necessary to enter the work force or attend college. All children deserve the opportunity to learn and grow, and we hope this partnership will provide the resources to make this possible for California's students with special needs.

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Dechert Teams Litigate Two Important Appeals on Right to Counsel



by **Karen C. Daly** and
David T. Jones

Two Dechert teams in Philadelphia recently had the opportunity to litigate two important federal appeals addressing the right to counsel.

The United States Court of Appeals for the Third Circuit appointed Stephen McConnell and Karen Daly (Philadelphia) as amicus counsel on behalf of two *pro se* litigants with demonstrated mental health problems. Dechert was asked to brief the issue of whether the courts below had erred in granting summary judgment against these individuals without taking any steps to protect their interests, such as appointing counsel or appointing a guardian. The team briefed these issues with the assistance of a law student as part of Dechert's appellate law project with the University of Pennsylvania Law School. On October 24, 2011, Karen argued the litigants' right to appointment of counsel or a guardian before the Third Circuit. A decision is pending.

Dechert is also representing a federal inmate in his Federal Torts Claim Act (FTCA) appeal before the Third Circuit (Stephen Brown, David Jones and Galia Porat). The client's claims arise from his contraction of MRSA, a dangerous and highly contagious staph infection, while in prison. After declining to appoint counsel for the inmate, the District Court dismissed his claims as untimely by only two *days* under the FTCA's statute of limitations. Dechert's appellate briefs raised three arguments: the District Court improperly resolved questions of fact as to when the client's claims accrued under the FTCA; the District Court



erred in declining to apply the prisoner mailbox rule; and in declining to appoint counsel for the client, the District Court failed to adequately consider the *Tabron v. Grace* factors, including the novelty and complexity of the legal and medical issues in the case. On October 26, 2011, David argued his case before the Third Circuit. The team is also awaiting a decision in this matter.

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Iraqi Rock Musicians Find Safety with Dechert's Help



by **Eric R. Cochran**
and **Sean R. Murphy**

Charles Poret (New York)
and Eric Cochran and Sean
Murphy (Washington, D.C.)
recently won asylum for

their pro bono clients in a highly unique case. Although many Dechert attorneys have represented clients in the asylum process, few have represented real life rock stars. In fact, our clients' celebrity statuses in their home country of Iraq played an integral part in our argument for asylum.

Although the pair had lived outside Iraq for several years, their music and videos remained popular throughout the Arabic-speaking world. As a band, they often sang in English, dressed in Western styles and consistently denounced violence through their lyrics. These characteristics made them unpopular with members of Iraq's extremist insurgency. As a result, when one of the band members returned to Iraq in late 2010, members of the insurgency attempted to abduct him off the street. After failing in their first attempt, the insurgents came to his family's home and wrote death threats directed at every member of the band.

Our strategy in handling this case was to tie our clients' band activity into the claim for asylum without letting

it overpower the gravity of their story. In the death threats, the extremist Sunni insurgency called our clients "apostates" and denounced their Shiite and Christian beliefs. The insurgents also attacked our clients' political opinions, which did not favor the insurgency and consequently rendered them traitors. We latched onto these threats, using them to successfully argue that, regardless of our clients' actual beliefs, the insurgency had imputed upon them certain religious beliefs and political opinions. Their rock star status enabled us to better argue that they were highly recognizable and, thus, could not safely return to any part of Iraq.

"Their rock star status enabled us to better argue that they were highly recognizable and, thus, could not safely return to any part of Iraq."

To say that our clients were "highly recognizable" may be an understatement. Their music videos abound on the Internet, and they are often recognized by Arabic-speaking fans in the United States. Now, those American fans can see them perform live in their new home country, free from persecution and fear.

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Dechert's D.C. Office Partners with Washington Legal Clinic for the Homeless



by **Anne M. Laughlin**

Dechert's Washington, D.C. office recently partnered with the Washington Legal Clinic for the Homeless (WLCH) to provide pro bono legal assistance to D.C.'s homeless population. With approximately 16,000 individuals comprising the homeless population each year, D.C. has one of the highest rates of homelessness in the United States. WLCH, founded in 1986, works to end the unnecessary suffering caused by poverty and advocates for justice for people who are homeless or at risk of becoming homeless in D.C. The organization offers a unique combination of direct representation, class action litigation, policy and budget advocacy, and community outreach and organizing. To date, WLCH has opened more than 25,000 individual client matters, the majority of which originate at intake sites staffed, and subsequently handled by, the organization's network of nearly 200 volunteer lawyers and paralegals.

"The first intake session was a learning experience for the team, and we returned to the office with a sense of accomplishment and ideas for making future intake sessions a more enriching experience for all involved."

The WLCH team in Dechert's D.C. office includes Mike Cowie, Glenn Fine, Suzanne Turner, Rachel Bee, William Bielefeld, Tony Chan, Paul Lee, Sarah Rivard, Jessica Ryan, Abigail Smith, William Tuttle, Sumeera Younis and me. We take turns staffing one-hour intake sessions at the Virginia Williams Family Resource Center (FRC) and handle any resulting cases within WLCH's case selection guidelines under the guidance of WLCH's FRC case counseling attorney, Marta Beresin. The FRC provides homeless families with appropriate referrals to safe shelter and assists families at risk of becoming homeless with information about programs and resources that help prevent homelessness. Accordingly, our team anticipates that most of the cases we open through the intake



sessions will relate to family shelter, supportive housing and various public assistance programs.

Our team's first intake session was held on Wednesday, November 16, 2011. Glenn, Paul, Jessica and I arrived at the FRC to meet with our first clients. We transformed a small office and two quiet corners of the waiting room into spaces where we interviewed four potential clients. The interviews resulted in one active Supplemental Security Income case, two clients who will require some follow-up with housing issues and one referral for a family law matter based on WLCH's case selection guidelines. The first intake session was a learning experience for the team, and we returned to the office with a sense of accomplishment and ideas for making future intake sessions a more enriching experience for all involved.

Our next intake session is scheduled for December 21, 2011. We are excited about the D.C. office's new partnership with WLCH and look forward to providing pro bono legal assistance to the region's homeless population in the coming year.

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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 forward them to Paul Lee at paul.lee@dechert.com.

Good Results



Deron L. Green (New York) successfully upgraded the military discharge of a veteran who had been sexually assaulted during his second stint serving in the Army in the 1980s. Our client had previously served in the Army and

received an honorable discharge. After this assault, his performance deteriorated dramatically, and he was cited numerous times for missing duty assignments. He was subsequently discharged early from the Army with an Under Honorable Conditions (General) discharge. In January 2008, through a service organization representative, our client filed for service-connected compensation for Post Traumatic Stress Disorder due to sexual trauma. The U.S. Department of Veterans Affairs (VA) denied this claim one year later in January 2009, determining that his PTSD was related to his military service.

The client's case was referred to Deron by Philadelphia's Homeless Advocacy Project intake in 2009. Deron met with the client to review his case and discuss the steps to be taken to get him service-connected compensation. Deron submitted a brief containing new evidence from the client's military service records and VA treatment records and requested review of this new material. In the

alternative, Deron also requested a hearing to appeal the 2009 Rating Decision. The case was assigned to the appeals unit, but no hearing was ever scheduled. During this time, the client's health continued to deteriorate, and he was hospitalized numerous times because of suicidal ideation. Finally in September 2011, Deron was able to get the client's file expedited to the appeal's unit and scheduled for a hearing.

The Decision Review Officer, in lieu of scheduling a hearing, reviewed the additional evidence and materials submitted in October 2009 and granted service-connection for the client's PTSD due to sexual trauma. The client was rated 100% disabled and entitled to \$2,673 per month. In addition, the client received a check for back pay for approximately \$113,000. When the client received news of the decision and the check, he was still residing in a VA mental health facility. He had not had a job for nearly a decade and could not remember the last time he had a bank account. Deron continued to counsel the client on opening a bank account and other issues. The client suffered a long time waiting for this decision, and the waiting may have contributed to his suicidal ideation. He was overjoyed when he heard the news and told Deron that he had saved his life.



Eric D. Simanek (Washington, D.C.) represented a homosexual man from Peru seeking asylum in the United States. The man fled Peru in 2000 after he was persecuted due to his sexual orientation. The case was referred to Eric by Immigration

Equality. As the client had missed the deadline for filing an affirmative asylum application by almost

10 years, Eric submitted extensive evidence from a psychiatrist to support the fact that the trauma of his past persecution had caused the kind of mental illness that would excuse his failure to meet the filing deadline. U.S. Citizenship and Immigration Services agreed, and after an asylum interview, Eric's client was granted asylum. He now has permission to remain in the United States indefinitely.

Awards & Recognition

Dechert was recently honored with the 2011 Beacon of Justice Award by the National Legal Aid & Defender Association (NLADA) for “Innovative Public-Private Partnerships That Protect Equal Justice For All Through Appellate Litigation.” The award was presented to 14 firms during the NLADA Exemplar Award Dinner on December 6, 2011 at Union Station in Washington, D.C. **Paul Lee** (Washington, D.C.) accepted the award on Dechert’s behalf.

“When individuals do not have access to counsel to navigate the complex appeals process, the results are serious, life-altering consequences for countless individuals and their families,” said Jo-Ann Wallace, president and CEO of NLADA. “Moreover, it represents a breakdown of our justice system, which is predicated on a system of checks and balances. These 14 firms have shown a true commitment to justice by stepping up to represent issues and people that would otherwise be forced to navigate the appellate process without any guidance. The outcomes in these cases have been true victories not only for the parties to the case, but for the greater justice system. NLADA is deeply grateful to these firms for their contributions to the quest for access to justice for all.”

Dechert’s nomination focused on the diverse civil and criminal appellate work of several attorneys in different offices. This work included the amicus brief submitted by a team led by **Stephen McConnell** (Philadelphia) in the pivotal Supreme Court case *Turner v. Rogers*, the Supreme Court bankruptcy advocacy of **Eric Brunstad** (Hartford) and the Alabama death penalty representation undertaken by **Benjamin Rosenberg** (New York).



Kristopher Brown and **Sean Porter** (New York) were recently awarded the City Bar Justice Center’s 2011 Jeremy G. Epstein Awards for Pro Bono Service. Nominated by the Director of the Neighborhood Entrepreneur Law Project, Kristopher and Sean were selected for the quality and volume of

their work, their leadership in support of pro bono, their demonstrated commitment to the Project and its clients, and their willingness to take on challenging assignments. Specifically, Kristopher and Sean have led a team of Dechert attorneys in staffing a regular small business clinic in Queens that provides low-income entrepreneurs with the legal advice they need to get their ideas off the ground, establish their businesses and improve their surrounding communities. Kristopher and Sean accepted the award at the City Bar’s gala on October 24, 2011 and are currently featured in an [online video](#) highlighting the pro bono work of the City Bar.



The Legal Aid Society honored Dechert’s New York office with one of its 2011 Pro Bono Publico Awards for “outstanding service to the Legal Aid Society and its clients.” The Legal Aid Society will also honor several individual lawyers with Pro Bono Publico Awards, including **David Hoffner, Thomas Munno, Benjamin Rosenberg, Yelena Shreyberg** and **George Wukoson**. The awards ceremony was held on November 9, 2011 in New York City.

Several lawyers in Dechert’s Philadelphia office were named to the First Judicial District’s Roll of Honor. Named for their service to the Philadelphia Bar Association Landlord/Tenant Appellate Mediation Program were **April Byrd, Carolyne Dilgard, Ethan Fogel, Hope Freiwald, Sarah Gelb, Gary Green, Megan Horowitz, Tara Kelly, Jeffrey Legath, Daniel O’Donnell, Francis Rizzo** and **Jeffrey Rubin**.

Named for their service on quiet title and family law cases with Philadelphia VIP were **Elizabeth Balakhani, Kali Enyeart, James Figorski, Helen Santoro, David Stanoch** and **Darla Woodring**.

For their handling of landlord/tenant cases for Community Legal Services, **Jennifer Burdick, David Caroline, Frank Dermody, Ethan Fogel, Anthony Frick, James Hipolit, Kenneth Holloway, Todd Hunter, Dimitrios Mavroudis, Sean McConnell, Nathan McClellan, Justin Pentz, Galia Porat, Eric Reed, Francis Rizzo, Joseph Tate, Christopher Varano** and **Elisa Wiygul** were named to the Roll of Honor. A reception for First Judicial District honorees was held on October 27, 2011 at City Hall in Philadelphia.

The Boston office was acknowledged by the Massachusetts Supreme Judicial Court Pro Bono Recognition Program. **Michelle Peters** and **Grace Guisewite** attended the reception on the firm's behalf on October 26, 2011 at the John Adams Courthouse in Boston.



The Washington office recently dressed down in the name of pro bono, as part of its participation in the National Celebrate Pro Bono Week. Ninety-three law firms, nonprofits, law schools, and corporations across D.C. dressed casually to raise funds for the D.C. Bar Foundation's LRAP. The above photo from the Nov. 2 issue of Legal Bisnow shows several members of the Washington office wearing jeans. In front: **David Vaughan, Jennifer Coon, Katherine Wyman, Christy Preston, Tabetha Griffin, Kimberly Kuhn**; In back: **Jim Fishkin, Jeanette Wingler, Paul Lee, Sean Murphy, Audrey Wagner, Hellen Linsoussi, Eric Cochran, and Christopher Carlson**. **Suzanne Turner** (not pictured) and **Paul Lee** were on the planning committee for this citywide fundraiser.

Contact Us

If you have any questions or comments about Dechert's pro bono program, please let us know!

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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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With offices throughout the United States, Europe, and Asia, Dechert LLP is an international law firm focused on complex litigation and international arbitration, corporate and securities, financial services and asset management, business restructuring and reorganization, intellectual property, labor and employment, real estate finance, and tax law.

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