

Pro Bono Report

Skadden



Summer 2016

Pro Bono

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The stories in this edition of the *Pro Bono Report* demonstrate what we can accomplish when we team up with *pro bono* service providers outside the firm — nonprofits, clients and even other law firms. For example, we take a look at our work with the Clemency Project, which has brought justice to over 100 inmates nationwide; recent partnerships with clients, which multiply the impact of our *pro bono* services on a wide range of projects; and the Associates Committee, which was established by Los Angeles associate **Corey Laplante** and funds public service initiatives by encouraging philanthropy among Big Law associates.

Meanwhile, our spotlight on Chicago highlights the work of associates **Shauna Prewitt**, the 2015 winner of the Chicago Bar Foundation's prestigious Weigle Award, **Pamela Martin** and **Pete Korzynski**, who each helped secure asylum for a client facing threats of violence, and **Dave Wagener**, who successfully advised a World War II veteran seeking disability benefits for the loss of hearing he suffered 70 years ago. Finally, in their "What I'm Working On" profiles, partners **John Furfaro**, **Lisa Gilford** and **Fred Goldberg** discuss their efforts on large-scale and smaller *pro bono* matters.

This report, of course, covers only a small fraction of our recent *pro bono* efforts. I'd like to recognize the efforts of everyone at Skadden who has helped us build on the firm's long-standing commitment to public service.

Regards,



Thank You for Your Work

In 2004, Washington, D.C. energy regulation and litigation counsel **John Shepherd** began volunteering at the Landlord Tenant Resource Center. Four years later, a young woman named Bridget Whalen came in with a complicated case: Her landlord, who was also her roommate, had evicted Bridget and filed a claim for back rent, and Bridget wanted to pursue her own claims stemming from the eviction. Bridget earned too much to qualify for *pro bono* representation, eliminating John's ability to advise her through LTRC, and too little to afford an attorney. Confident that the best option for Bridget was to represent herself, John armed her with the information she would need to do so successfully, outlining a strategy for her case and putting together a comprehensive package of the relevant precedents. Eight years later, Bridget sent John the following email:

Dear John,

You probably don't remember me as it has been years since we met, but for some reason I was thinking of you and your incredible generosity this morning. I am so truly grateful for the time and attention you gave to me and my little case. You gave me the knowledge and confidence I needed to stand up for myself. You went above and beyond what I would imagine most volunteers do in these situations. I reviewed all the cases you [sent] and ended up learning [them] and feeling very empowered on my day in court. I did win after a lengthy appeals process, and none of it would have been possible without you sharing your knowledge, expertise and advice.

I'm not sure if you still volunteer services like this but I'd like to donate \$1,000 to go towards you helping someone else that might be in need. I know that probably isn't much, but I would like to do something to contribute and thank you for your work. I so value and appreciate the differences you make for individuals and the work you do to guide them to justice, no matter how big or small the case may be.

Thank you again!
Bridget Hunnicutt (formerly Whalen)

What happened in between involved a nearly two-year legal battle that Bridget successfully waged on her own. Armed with John's advice and research, she ultimately secured victory at the D.C. Court of Appeals, the highest court of the District of Columbia, which threw out the landlord's \$922 claim against her and granted her \$1,662 counterclaim. As for the \$1,000 donation, per John's recommendation, Bridget made it to the D.C. Bar Pro Bono Center, which operates the Landlord Tenant Resource Center.



Skadden Lawyers Pursue Clemency for Nonviolent Drug Offenders

Early one morning in March, as Washington, D.C. M&A partner Mike Rogan and his wife, Sue, were rushing to San Francisco International Airport to return home from a vacation, Mike received a call from his assistant, Mary Boley. Mary had just heard from the Department of Justice's Pardon Attorney's Office: President Barack Obama had approved the clemency petition Mike filed on behalf of Robert Lee Lane, a 61-year-old Florida man who already had served nearly 30 years of a life sentence for selling 50 or more grams — about 1.7 ounces — of cocaine.

Skadden attorneys
from across the U.S.
and Europe have
taken on more than
130 applications

Mike spoke with a representative from the Pardon Attorney's office, who arranged for him to speak with Mr. Lane. Later that morning, Mike called the Atlanta prison where Mr. Lane had expected to spend the rest of his days to give him the good news.

"Sharing that moment with Mr. Lane was a truly powerful experience," Mike recalls. "We do *pro bono* work in order to 'make a difference' in people's lives, and helping to secure this belated measure of justice could hardly make a greater difference for him and his family."

Mike was assigned the case by Clemency Project 2014, a collaborative effort launched in support of the DOJ's initiative to encourage federal inmates serving lengthy terms for nonviolent, drug-related crimes to petition the president to commute their sentences. In announcing the initiative, the DOJ urged attorneys in private practice to provide *pro bono* support for the tens of thousands of potential petitioners, and a coalition of nonprofits — including the American Bar Association, the National Association of Criminal Defense Lawyers and the American Civil Liberties Union — heeded the call, forming the Clemency Project to recruit and train attorneys throughout the profession to screen applicants and represent those who meet the criteria.

Skadden's involvement began shortly after the founding of the Clemency Project, when one of the collaboration's nonprofit partners, the Lawyers' Committee for Civil Rights, enlisted Washington, D.C. *pro bono* counsel **Don Salzman** — a former state public defender who had frequently worked with the organization — to help support its efforts to develop a nationwide system to recruit and train volunteer lawyers to help eligible inmates submit petitions. Don reached out to his Skadden colleagues and quickly recruited scores of volunteers.

"The response throughout the firm was extraordinary," Don recalls. "People recognized what a unique opportunity this is to provide an essential service to a population locked up under a truly unjust sentencing regimen."

Under Don's leadership, the firm has held several programs to boost participation and more efficiently address the Clemency Project's backlog. In December 2015, Skadden hosted a videoconference training clinic, during which 65 Skadden lawyers across the firm learned how to screen requests and then reviewed over 400 inmates' presentencing reports to determine their eligibility. With support from Clemency Project experts, the Skadden team identified approximately 200 likely candidates for clemency and took on more than 60 of their cases. (The remainder were assigned to other volunteers.) And in February, Skadden and Citi launched a partnership, joining forces to better handle the large number of requests waiting to be screened. Approximately 10 Skadden and 10 Citi attorneys, including the bank's global head of litigation, participated in a training session in Skadden's New York office, then broke into teams to work on cases. "We're thrilled to be partnering with a major firm client on such an important *pro bono* project," said New York *pro bono* counsel **Brenna DeVaney**, who helped coordinate the collaboration.

To date, more than 35,000 prisoners have asked the Clemency Project for assistance. Skadden, Citi and the other Clemency Project partners will continue to screen cases and file petitions as long as the Obama administration will consider them. Thus far, the president has commuted sentences for 348 inmates, more than 100 of whom were represented by Clemency Project volunteers.

In June, Bennit Hayes became the second inmate represented by a Skadden attorney — Boston litigation associate **Michael Walsh**, with assistance from legal assistant **Tsynslei Spence-Mitchell** — to receive a commutation.



Clockwise from top left: New York associate Collin Rose, the Clemency Project's Caprice Jenerson, and (L-R) D.C. *pro bono* counsel Don Salzman, the Clemency Project's Steven Logan and Ms. Jenerson

Mr. Hayes, who was sentenced in 2003 to life in prison for his role in a nonviolent cocaine-distribution conspiracy, will be released on Oct. 1. In an email he sent to a leader of the Clemency Project, Mr. Hayes described the phone call in which he learned about President Obama's order:

"The voice was that of Mr. Michael Walsh. He started crying as well. Mr. Walsh had [Tynslei] with him, who he wanted me to [know] had put a lot of work in on my petition with research among other things. I thanked them repeatedly ... He said that after reading my story and my trial transcripts and getting to fairly know me he really, really wanted to help me. The lady (I was crying so hard that I missed her name) told me to continue to walk by faith and not by sight ... Thank you, thank you, thank you. I am at a loss for words."

It says a lot about the project that attorneys from 11 Skadden offices are participating, Don says. "It's a huge undertaking, and Skadden lawyers have stepped up in a major way to make a significant contribution to this nationwide effort."

More than 165 Skadden attorneys — from every U.S. office, as well as London and Frankfurt — have signed on to help. To date, Skadden lawyers have screened over 500 requests for representation and have been assigned over 130 inmate files to conduct in-depth screening and, for those eligible, to submit clemency petitions on the inmates' behalf. While Robert Lee Lane and Bennit Hayes are the only Skadden clients granted clemency thus far, other Skadden attorneys have submitted strong clemency petitions that are currently in the pipeline.

Mr. Lane's sentence perfectly fit the DOJ's requirements, Mike says. The first criterion is that the petitioning inmate would have

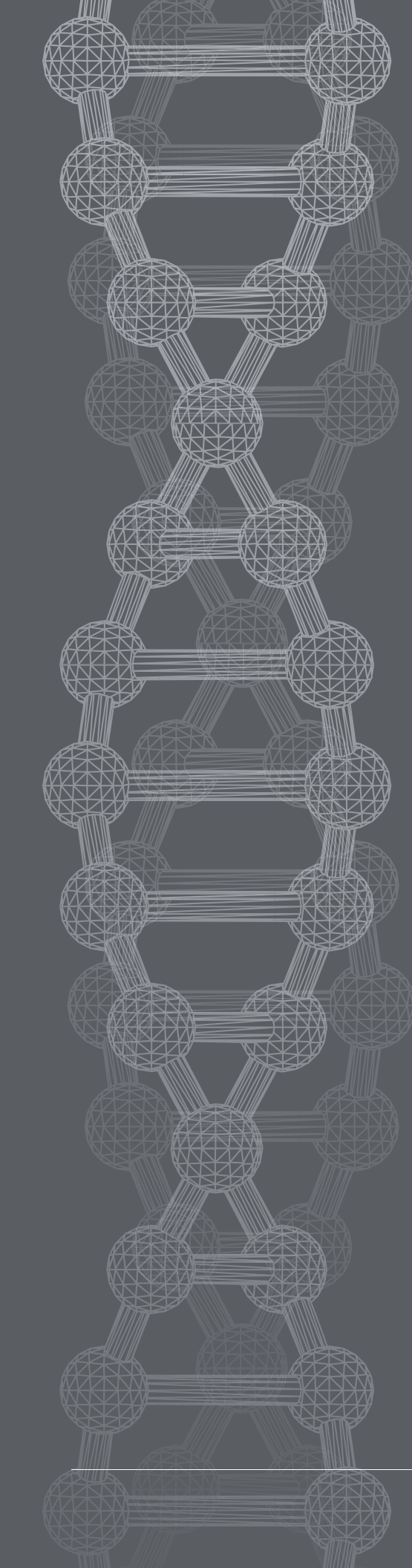
"It's a huge undertaking, and Skadden lawyers have stepped up in a major way to make a significant contribution to this nationwide effort."

received a "substantially lower sentence if convicted of the same offense today." Because of Mr. Lane's previous drug-related convictions — none of which involved violence (the second criterion) — the judge was required under federal law to impose a sentence of life in prison without the possibility of parole. Under the current, revised guidelines, Mr. Lane would have faced a sentence of approximately three-and-a-half to eight years. Sentenced in 1990, when he was 34, Mr. Lane had already served nearly three times the 10-year requirement set forth by the DOJ's clemency guidelines and, as also required, had been a model inmate, with no record of violence in prison.

As for Mr. Hayes, under current sentencing law and policy he would face a guidelines range of 14 to 17 1/2 years, and the sentencing court would be free to impose a lower sentence. But at the time of his prosecution in 2003, the government filed a notice of enhancement under 21 U.S.C. § 851, which required the court to impose a mandatory minimum life sentence without the possibility of parole — even though Mr. Hayes had only been imprisoned for a total of approximately one year for his prior (nonviolent) crimes.

After participating in the Clemency Project's online training and several of its weekly seminars, Mike drafted the memorandum in support of the petition and completed a 99-page submission on behalf of Mr. Lane with assistance from summer associate **Drew Newman**, who will join the firm as a first-year associate in the fall.

"Not only was the case a life-changing success for our client, it also was a great introduction to Skadden's commitment to public service for Drew," Mike says. "Of course, it was a one-of-a-kind experience for me as well."



DC Team Helps Exonerate Innocent Client

Pro Bono Client Freed After 33 Years in Prison

In April, a Washington, D.C.-based Skadden team used DNA evidence to help secure the exoneration of Keith Harward, who had served 33 years in Virginia prison for a rape and murder he did not commit.

Countless factors had to line up in Mr. Harward's favor for him to be freed. His conviction was based almost exclusively on a bite-mark comparison, a form of evidence since discredited as "junk science." The Innocence Project, which can only represent a fraction of the inmates who reach out to it, was engaged in a strategic litigation effort to eliminate the use of bite-mark evidence across the country. In the course of that effort, the Innocence Project discovered Mr. Harward's request for help among the thousands of files awaiting its

review. Because his case included bite-mark comparison evidence, the Innocence Project agreed to represent Mr. Harward to pursue its strategy in Virginia. Once involved in the case, Mr. Harward's team located physical evidence from the crime that had been preserved for more than 30 years, at which point the Innocence Project reached out to Skadden to join in the effort to exonerate Mr. Harward. Later, the team learned that the new evidence included testable DNA that not only eliminated Mr. Harward as the perpetrator but also identified the real culprit.

The Skadden team included counsel **Liz Malone** and **Don Salzman**, associates **Jim Perry** and **Julia MacDonald**, and legal assistant **Hilary Quinn**.

“I’m just thankful to have had the opportunity to work on this case,” Jim says. “I learned a tremendous amount from our partners at the Innocence Project and from the Skadden team — and from Keith Harward who endured an unspeakable injustice with inspiring grace, humor and optimism.”

Mr. Harward was a sailor on the USS Carl Vinson in 1982 when a rape and murder occurred near the Newport News, Virginia, shipyard where the ship was undergoing renovations. The rape victim reported to the police that a man wearing a sailor uniform appeared in her bedroom in the middle of the night, beat her husband to death with a

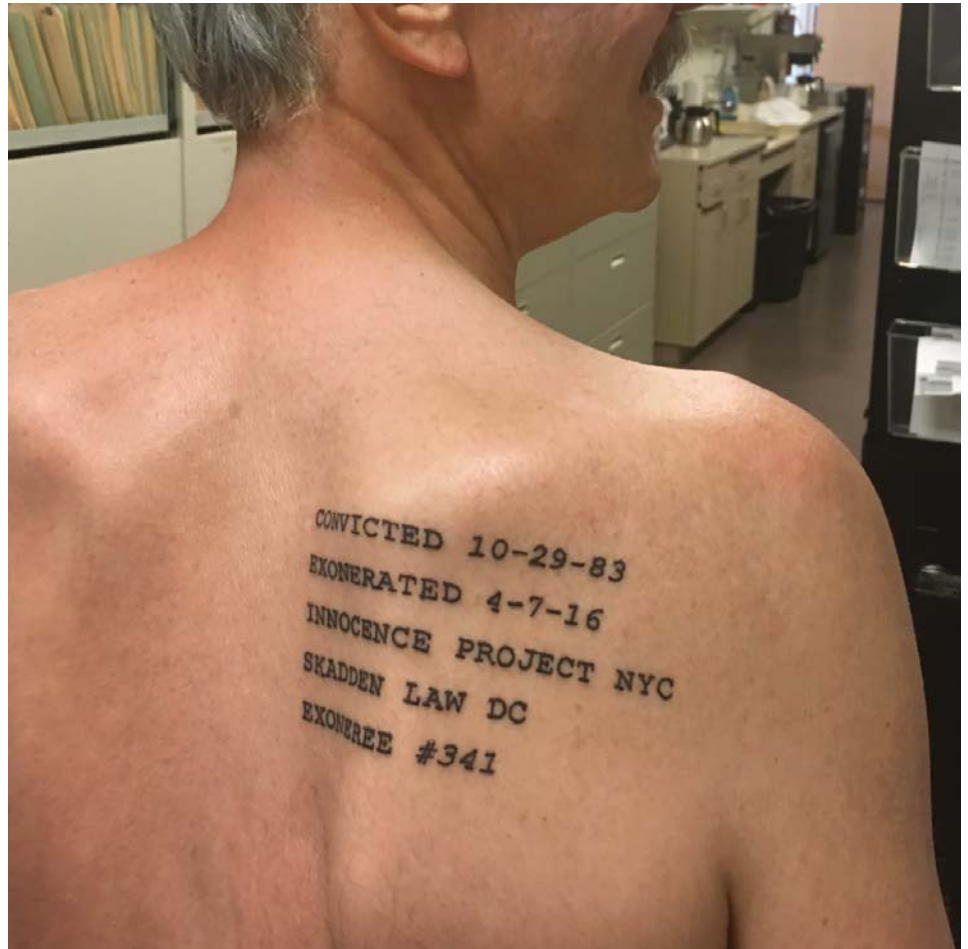
metal tire iron and violently raped her. She also said that the attacker bit her on the leg during the rape.

Months later, Mr. Harward was arrested and charged with capital murder. He was tried and convicted twice — the first time avoiding a death sentence only because the jury split on the punishment — based almost exclusively on expert bite-mark comparison testimony. The only other evidence presented against him was the testimony of a shipyard security guard, who several months after the crime identified Mr. Harward as the drunk sailor he saw returning through the shipyard gate with blood on his uniform.

Skadden became involved in the case in April 2015 at the request of the Innocence Project, which had been working with the Commonwealth of Virginia to locate physical evidence collected from the crime scene. Skadden and the Innocence Project secured the state’s consent to a court order requiring DNA testing for certain physical evidence. When that testing excluded Mr. Harward — and implicated another sailor from his ship — Skadden and the Innocence Project filed a petition for a writ of actual innocence with the Supreme Court of Virginia.

Skadden also worked with the Innocence Project to review investigation files obtained

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Keith Harward’s tattoo honoring Skadden and the Innocence Project

from the Newport News Police Department and the Naval Criminal Investigation Service (NCIS). The review revealed exculpatory evidence that was not presented to the jury at Mr. Harward's trials, including laboratory notes from the Virginia serologist that indicated that the secretions found in fluids from the rape kit examination did not match Mr. Harward's blood type. To the contrary, the serologist's report indicated that the secretion testing was inconclusive. The suppressed police files also showed that the two key eyewitnesses for the prosecution — the shipyard security guard and the rape victim — had been interviewed under hypnosis, during which they appeared to have recalled additional details about the crime and the alleged perpetrator. Skadden and the Innocence Project then located Mr. Harward's former trial attorneys and secured affidavits documenting that this exculpatory evidence had not been disclosed to his attorneys by the prosecution and that, had it been, they would have argued the case differently.

Based on the exculpatory evidence found in the police and NCIS files, Skadden and the Innocence Project also filed a petition for a writ of *habeas corpus*, arguing that the failure to disclose the evidence, as well as the false trial testimony provided by the commonwealth's serologist, violated Mr. Harward's constitutional rights and called into question the jury's verdict. The *habeas* petition became moot when, on April 7, 2016, the Virginia Supreme Court granted the writ of actual innocence, vacated his convictions and ordered his criminal record expunged.

Mr. Harward was released from prison the following day.

Helping the Innocence Project Address Its Backlog

Facing a backlog of more than 4,000 requests from prisoners to take on their cases, the Innocence Project reached out in 2015 to New York real estate partner **Vered Rabia**, who has worked with the nonprofit since law school. The Innocence Project, which seeks to exonerate the wrongly convicted primarily through DNA testing, needed help with the second step of its three-step evaluation process: reviewing questionnaires completed by inmates and recommending that the organization either proceed or reject the application, or seek additional information. The two key factors to be evaluated are whether identity is at issue (*i.e.*, whether it is possible that another person committed the crime) and whether DNA evidence could prove actual innocence (in New York, the Innocence Project only takes on DNA-related cases). When reviewing the files, the attorneys also consider why the defendant might have been wrongfully convicted — *e.g.*, misidentification, a false confession or bad science — and whether the defendant claimed innocence in the questionnaire.

Skadden, in conjunction with Weil Gotshal, set up two training sessions totaling six hours of instruction on the Innocence Project's mission, the use of DNA evidence and the process of evaluating the questionnaires. More than 75 Skadden attorneys completed the training and are active participants in the project. The firm initially took on 546 questionnaires. As of May 1, Skadden attorneys had completed 450 evaluations, recommending "proceed" for 30 percent of the cases, requesting additional information for 15 percent and advising "reject" for the remaining 55 percent. The other 96 questionnaires from the first batch have been assigned and remain under review. The firm received 382 additional questionnaires in April.

"I've always advised associates that there is no better way to get involved in *pro bono* service than to work with the Innocence Project — it can be an incredible opportunity to make a life-changing impact for a client who truly needs our help," Vered says. "It's been remarkable for us all to share that experience on such a large scale."

New York partners **Matt Zisk** and **Steve Napolitano** have assisted Vered in reviewing the completed evaluations; former legal assistant Nicolle Perry played an invaluable administrative role.

Three-Step Evaluation Process

Step 1

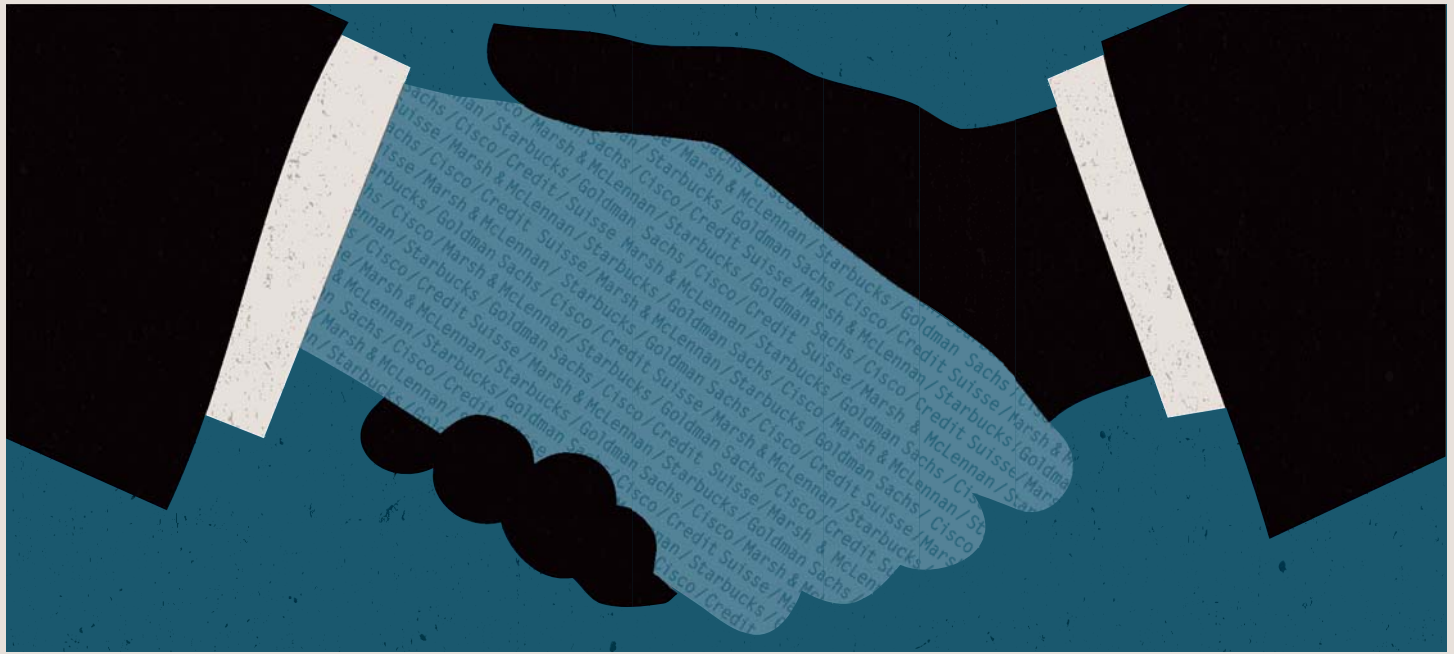
Review request for assistance, then send inmate questionnaire regarding case.

Step 2

Review completed questionnaire.

Step 3

If moving forward, contact inmate and continue with case.



Partnering With Clients to Provide *Pro Bono* Support

Over the past three years, Skadden has increasingly combined our resources with those of clients and legal services providers to enhance the delivery of *pro bono* services while strengthening relationships. Since 2013, we've undertaken over 30 client partnerships — including our Impact Projects — in which the firm collaborates with corporate counsel, and often legal services organizations, to provide *pro bono* assistance on a broad scale.

New York *pro bono* counsel **Brenna DeVaney**, co-chair of Skadden's Global *Pro Bono* Committee and a leader in the firm's efforts to team up with clients, calls the *pro bono* partnerships a unique way to amplify the impact of our public service while also creating valuable opportunities for the firm and our attorneys. "*Pro bono* partnerships provide an occasion for attorneys from both Skadden and our clients to work together on shared-value projects and develop relationships outside the typical attorney-client structure, in addition to offering legal assistance to underserved communities," Brenna says.

Boston litigation partner **Jim Carroll** agrees, calling *pro bono* client partnerships "a win-win situation for everyone involved." Jim, along with New York labor and employment partner **John Furfaro** and Washington, D.C. health care partner **Greg Luce** and tax partner and Global *Pro Bono* Committee co-chair **Fred Goldberg**, joined up with the general counsel of the Marsh & McLennan Companies to establish a partnership focused on veterans

assistance. The long-term undertaking consists of three components: pursuing strategic litigation, researching and drafting a white paper calling for benefits reforms, and — with Starbucks and Goldman Sachs — building a veterans disability benefits advice clinic (see the story on page 11).

Jim says in-house legal departments often have the desire but not the necessary infrastructure to pursue *pro bono* work. That's where Skadden comes in. "We have the ability to put their lawyers to work in tandem with our lawyers and open up a world of *pro bono* opportunities that, because they have yet to establish the connections or resources, are otherwise difficult for them to access," Jim says. "Corporate counsel are a tremendous, largely untapped reservoir of legal talent that wants to do *pro bono* work but sometimes needs training and other help."

The general counsel of Marsh & McLennan and Cisco are among a number of senior leaders from firm clients involved in joint *pro bono* efforts. Fred says general counsel, litigation and regulatory affairs heads, and managing directors are directly and actively involved in a number of these projects. "This active involvement by corporate leaders is a natural outgrowth of our clients' commitment to corporate social responsibility as a business imperative," he says.

Fred adds that clients are increasingly interested in taking on complex, collaborative

Over 30 client partnerships since 2013

pro bono efforts that align with the geographic reach of their own companies: multi-office and cross-border. “These types of efforts pose special challenges because of their size and scope,” Fred says, “But they also offer Skadden and our clients the exciting opportunity to impact lives on an international scale.”

Skadden also partners with clients to provide clinics that offer advice to individuals on a range of legal topics. New York office head **Bruce Goldner** worked with Credit Suisse during a clinic for the New York City Bar Association’s Neighborhood Entrepreneur Law Project, which advises low- to moderate-income micro-entrepreneurs on starting businesses. He also participated with Citi in a clinic for Volunteer Lawyers for the Arts, which provides legal aid to artists and arts organizations.

Bruce agrees that when Skadden and in-house lawyers work together as attorneys for a third party, it provides an opportunity to interact in a less formal way than the typical roles of adviser and client. “When our attorneys work elbow to elbow with our clients — not on the phone, or over email, but side by side, in the same room — it’s refreshing,” he says. “You get to know each other on a more personal level.”

The joint clinics also foster a uniquely energetic environment, Bruce says. “I think the clients who come in and receive legal advice find it to be a very dynamic and helpful experience, given the energy in the room,” he says. “It makes for a lively exercise in doing good.”

Other types of *pro bono* client partnerships the firm undertakes include longer-term representations for individuals and nonprofits.

In one such collaboration, our lawyers partnered with attorneys from Cisco to represent victims of sex trafficking in their applications for immigration relief. Skadden also provides clients with program development consulting, helping the general counsel offices at companies launch their own *pro bono* initiatives. We advise on matters such as picking a focus, addressing compliance and risk, recruiting volunteers and selecting legal services partners.

“Like the other areas where we’re teaming with clients, the program development consulting work provides an opportunity to expand the reach of our public service and help our clients in their efforts to give back, while also giving us all a chance to connect with each other,” Brenna says.

After Skadden’s Litigators Help Secure a Landmark Verdict for Trafficked Workers, Firm’s Bankruptcy Attorneys Help Ensure Payment



In our summer 2015 issue of the *Pro Bono Report*, we reported on a team of nearly 70 Skadden attorneys led by Boston litigation partner **Eben Colby** that helped secure a \$14 million federal jury verdict for five Indian laborers. The men were among nearly 500 workers lured with false promises of permanent U.S. residency by Signal International in the aftermath of Hurricane Katrina. The case was one of a dozen related actions — and the first to go to trial — that together comprised one of the largest labor-trafficking cases in recent U.S. history.

Since our report, there have been a number of significant developments. Following the verdict, Signal indicated that it would file for bankruptcy, and the trafficking victims were at risk of recovering nothing. Eben and New York corporate restructuring partner **David Turetsky** engaged in months of intense multiparty negotiations with Signal and its largest secured creditor. The Skadden team convinced Signal and its secured creditor that a consensual resolution that fairly compensated the trafficking victims would be in everyone’s best interest. As a result, the parties entered into a settlement agreement to be implemented through a “renegotiated” bankruptcy case. The settlement order directed that more than \$20 million be paid to Signal’s victims (including our clients) from the proceeds of a \$32 million note payable by the buyer of Signal’s Texas shipyards. In one of the more unique aspects of the settlement, Skadden also obtained an apology from Signal to its victims. In a letter sent to each of the plaintiffs in September 2015, Signal CEO Richard Marler apologized for “failing to ensure that the guest workers were treated with the respect and dignity they deserved.”

In November 2015, the deal was approved by the Delaware bankruptcy court.



What I'm Working On

Three Skadden partners discuss whether they prefer representing individuals or taking on large-scale *pro bono* matters.

John Furfaro
Not-for-profits,
supporting veterans

Lisa Gilford
Real estate,
immigration,
homelessness and
board service

Fred Goldberg
Tax, housing and
board service



John Furfaro

Partner / Labor and Employment / New York

I try to focus on advising nonprofits, because that's where I can make the greatest impact. By assisting a variety of organizations that are doing good work for the community at large, I'm helping provide services to a greater number of people than I could reach on my own.

Over the years, this approach has led me to advise numerous organizations, including Legal Services NYC, which is the largest nonprofit provider of civil legal services to indigent people in the U.S. The organization handles a tremendous number of disability benefits, housing discrimination, government benefits and rent-related cases. I've represented them in arbitration proceedings relating to their collective bargaining agreement, advised them regarding contract interpretation and the resolution of grievances, and counseled them regarding compliance with employment laws. I've also worked with the USO of New York and the Catholic Big Brothers and Big Sisters, among others.

Recently, I've focused on a project that combines the firm's *pro bono* and diversity efforts. In 2014, two New York associates, George Fleming and Garen Marshall, started SkadVets, an affinity network for veterans. I agreed to be a sponsor — I come from a family with a long history of military service and was glad to have an opportunity to provide my support. George and Garen began looking for large-scale veterans-related *pro bono* projects for the group to work on — like me, they wanted to find a way to make a broader impact. Last fall, we began zeroing in on the well-publicized problems relating to veterans' disability and medical benefits. One particularly problematic issue is the exceedingly lengthy appeals process for denials of claims, which can take seven or eight years to resolve — during which time, the applicants get sicker and sicker while waiting for their benefits.

Right now, we have about a dozen attorneys involved in the project, including D.C. partners **Greg Luce** and **Fred Goldberg** and Boston partner **Jim Carroll**, and five legal assistants. George and Garen are both on federal clerkships, so New York associates **Joe Penko** and **Christine Lacku** and D.C. associate **Page Griffin** have stepped in and are helping

to lead the project. We decided to focus on the appeals process and approach it — with firm client Marsh & McLennan Companies — from three different angles.

The first project is a white paper, summarizing the specific problems for vets appealing claims denials and some potential remedies. We're working with veterans' representatives to get a better understanding of the appeals process and its deficiencies and to develop some initiatives that might make it easier for veterans to get their cases moved through the system. We also recently learned of proposed legislation that advocates for some of the same positions we support, such as a fast-track docket for cases that can be more easily decided, and other proposals we'll incorporate into our work. We'll finalize our recommendations soon. For now, my primary focus is reviewing the proposed legislation and, with input from the veterans' representatives, seeing if we can make it better. It seems that the Veterans Administration is finally responding to the calls for change in a positive way, so we don't want to miss this opportunity.

The second prong focuses on the potential for system-changing impact litigation. The VA is a somewhat unique system, as there is no authority allowing for class actions. We've come to the conclusion that we can only bring individual cases, so we're looking for the best ones out there, ones that allow us to help veterans one at a time but with the hope that the cases highlight defects in the system and support the changes proposed in the white paper. Over the last few months, we've done a lot of research and developed a strategy for individual litigation, and one of the veterans' advocacy groups we work with is going to help us find the individual cases. We expect to begin working on those cases in the next several months.

The third initiative, which we expect to launch with Goldman Sachs and Marsh & McLennan this summer, is a veterans' legal clinic, as part of Starbucks and William & Mary Law School's Military Mondays program. Our clinic will be the first in New York and will provide counseling regarding disability benefits issues.





Lisa Gilford

Partner / Mass Torts, Insurance and
Consumer Litigation / Los Angeles

My practice centers on class actions, which tend to be large and complex and last a long time, so I like to take on smaller *pro bono* matters that I can really wrap my arms around — ones that present greater opportunities for associates to go to court and take depositions, to participate in all aspects of the case. I also tend to gravitate to cases where I can make an immediate impact for people who are vulnerable and don't have any other recourse. That said, given my expertise, if there's a big impact case where my knowledge and skill set might be useful, I'm happy to step in and be part of a larger team.

I recently handled a real estate matter for an undocumented woman who was living with her family in a converted garage that she rented. The owner had to sell and deeded the house to a real estate agent, who hounded our client and essentially forced an eviction. I worked on it with counsel **George Fatheree** and associates **Alyssa Clover** and **Kasonni Scales**. We handled everything, soup to nuts, and succeeded in getting a settlement from the real estate agent's employer. It's fun to be on the plaintiff's side, and it's a good exercise — trying to figure out the best relief we can get for the client, which is a very different posture than when you're representing a defendant.

I'm also very interested in immigration issues and have handled a number of asylum matters for South American immigrants, particularly children. In L.A., there's a tremendous need for support for refugees, particularly unaccompanied children. The state attorney general put out a call for help with a backlog of cases, and Skadden worked with **KIND** and other groups to represent kids in need. Associate **Devon Hein** and I were able to get two children temporary asylum. It's a tremendous feeling when you can impact a young person's life like that.

I recently found a *pro bono* matter very close to home. My alma mater R.B. Stall High School, in Charleston, South Carolina, has

an increasing challenge with student homelessness. When I lived there years ago, the main employer was the military, and the school served an integrated, middle class community. When the bases closed in the 1990s, the neighborhood and school became resegregated and poverty stricken. The high school has more than 20 homeless students. The principal, Kim Wilson, started a foundation to buy shelter to house these students and their families. When I read about his work, I called up to offer anything he might need, and he asked for help setting up the foundation's 501(c)(3) status. The project is particularly meaningful to me because it helps a community and a school that I credit with much of my personal and professional success.

I'm also involved in a number of board activities. I've always been drawn to organizations that promote and advance women in the legal profession. Before I came to Skadden, I was the president of the National Association of Women Lawyers, and I continue to be heavily involved. It's the oldest women's bar association in the country — founded in 1899, before women even had the right to vote — and it's near and dear to my heart. I'm on the board of the California Women's Law Center, a legal services organization that supports impact litigation for women and girls. I'm very active with Bet Tzedek, which in addition to its work for holocaust survivors handles immigrant rights work, housing and a number of projects involving protection against elder abuse. I'm also involved with the Music Center, a cultural organization that owns a number of L.A. arts theaters.

Board service is a great way to make a wide-ranging impact, and for our younger lawyers, to develop leadership skills that directly relate to practicing law. You can get a feel for what goes on in a boardroom, for the stewardship of an organization. Board membership can be truly invaluable in terms of professional development.

Fred Goldberg

Partner / Tax / Washington, D.C.
Co-Chair, Global *Pro Bono* Committee

Building on my experiences as commissioner of the IRS and assistant secretary of the Treasury for Tax Policy, my *pro bono* focus for almost 25 years has been on the role the tax system plays in promoting financial well-being and opportunity for low- and lower-middle-income families.

The IRS job taught me the importance of, and the challenges and opportunities created by, broad-based financial platforms. My role at the Treasury showed me the part that tax policy can play. Since that time, I'm reminded frequently that while policy is — at least for me — fun and interesting, what matters is implementation, execution and real-world outcomes.

My activities have included board work (for the Corporation for Enterprise Development (CFED) and Doorways-to-Dreams); volunteer work with other nonprofits, federal and state agencies, and several Federal Reserve banks; and thousands of hours of *pro bono* legal services on programs to implement various savings initiatives, focused primarily on children and universal savings accounts for post-secondary education.

One particularly notable project began in 2010, when a number of us at Skadden started working with the city of San Francisco, CFED and our client Citibank in navigating novel and complex regulatory issues as part of the successful launch of the city's Kindergarten-to-College program — a first-in-the-nation program providing starter college-savings accounts for every kindergartner attending S.F. public schools. Since that time, similar efforts have been launched by other communities and nonprofit organizations. Currently, I'm working with several other colleagues on two large projects. The first, for a large city *pro bono* client, is the most ambitious governmental effort to date to implement universal child-development accounts. The second project, in which we're working to implement child-development accounts with a newly formed nonprofit partnering with a D.C. Head Start program, has necessitated a number of innovative implementation, design and programmatic features.

While asset policies have been my primary focus, in recent years I've become more engaged with direct-service work focused

on access to justice, primarily through my work at the Landlord-Tenant Resources Center as part of the D.C. office's Impact Project and, more recently, on the firmwide clemency project initiative (see the story on page 2). While policy and large-scale programs can accomplish a great deal and are my comfort zone, there's something special and rewarding about connecting with individual, underserved clients and helping them navigate our daunting and challenging legal system, which too often is stacked unfairly against them.

In addition to my individual *pro bono* matters, I co-chair the firm's *Pro Bono* Committee. Thanks to numerous Skadden partners and the committee's co-chair, *pro bono* counsel **Brenna DeVaney**, we're accomplishing much of what Executive Partner **Eric Friedman** envisioned when he relaunched the committee less than two years ago, such as bolstering our efforts to work with clients and recruit attorneys who share our dedication to public service. We're now partnering with more than 30 Skadden clients on *pro bono* efforts, representing artists, small businesses and veterans, among many others (see the story on page 8). As part of this work, we're also consulting with in-house GCs seeking to establish their own *pro bono* platforms. With respect to new talent, we have presented programs on "*pro bono* and Big Law" at the Yale, Harvard and Stanford law schools this year. We plan to expand our outreach this coming year. For me, the most gratifying aspect of this effort has been spending time with remarkable and diverse students who want to be a part of our firm but wonder whether we'll allow them to pursue their interests in *pro bono*, as part of an increasingly inclusive community. I deeply believe that they can, because that is who we are.

Finally, a more personal note. Work in the public interest is central to us as a family. Our five kids (Ben, Abby, Jake, Sam and Rachel) teach public school, focus on social determinants of health, work with subsistence farmers in east Africa, serve as a public defender and represent indigents on appeals of criminal convictions, respectively. And each week, my wife, Wendy, puts in more hours than I do, working more than full time on challenges relating to the intersection of health care and education faced by D.C.'s most vulnerable communities.



In the Spotlight: Chicago



In each issue, our *Pro Bono* Spotlight takes a look at the recent work of attorneys in a different Skadden office. In this edition, we review some of the contributions of our Chicago attorneys.

Pro Bono Clients From Honduras and Dominican Republic Secure Asylum

In April, tax associate **Pamela Martin** helped secure asylum for a 30-year-old mother and her two daughters, asserting that the mother, who with her husband had owned a bodega, was a member of the protected class of “Honduran business-owners who resist paying gang ‘taxes.’” The client’s brother had been killed by a gang and her husband kidnapped. Pam took over the case — her first asylum matter — when the associate handling it, Mairead Schwab, went on secondment. Pam argued the matter at a merits hearing in Chicago immigration court. After several hours of testimony, the judge took a recess and executed a written order granting asylum. The government agreed to waive appeal, a fairly rare occurrence in immigration matters. “For years, our client had been protecting her family against various threats — the gangs in Honduras, financial insecurity, even the U.S. government, in the sense that it might send her and her children back to Honduras,” Pam says. “She finally got a break. The judge told her that the United States would protect her, which was a very powerful thing for her to hear.”

In June, corporate associate **Pete Korzynski** successfully argued an immigration case before the U.S. Court of Appeals for the Seventh Circuit. The client, a 40-year-old native and citizen of the Dominican Republic, applied for asylum and withholding of removal based on her membership in a social group she describes as “Dominican women in relationships they cannot leave.” The court agreed with Pete and co-counsel from the National Immigrant Justice Center that the Board of Immigration Appeals erred in denying their client’s asylum application by, among other issues, rejecting the challenge to an adverse credibility determination without analysis of unreliable preliminary interview summary notes that served as the key basis for the board’s denial of the application, and remanded the case. The Skadden team also had included alumni Erin Kennedy Ryan and Kristine Lieb.

Association of Legal Administrators Honors Chicago Office for Its 30 Acts of Giving Project

In May, Skadden’s Chicago office received the Association of Legal Administrators’ IDEA Award for its 30 Acts of Giving project. The award recognizes unique programs, services and events that improve the legal community and advance the business of law. The Chicago office undertook 30 charitable acts as a way of commemorating its 30th anniversary. The acts included supply drives, service and *pro bono* projects, donations, walks and races, events and fundraisers. The project focused on issues relating to poverty and hunger, health and family, diversity, education and literacy, the military and veterans, the environment and animals, and the arts. Office administrator **Kerry Mansfield** accepted the award at the organization’s national conference.

Shauna Prewitt Honored With Chicago Bar Foundation's 2015 Weigle Award



Associate Shauna Prewitt speaking at an event hosted by Rape Victim Advocates

Chicago litigation associate **Shauna Prewitt** received the Chicago Bar Foundation's 2015 Weigle Award, which is awarded to a single attorney each year in recognition of his or her *pro bono* service and contributions to the legal profession. The Foundation selected Shauna on the basis of her "profound commitment to furthering the ideals of the profession through her *pro bono* service, her local and national advocacy and leadership, and her sincere dedication to ensuring the justice system is fair and accessible for all." The Foundation noted that in Shauna's first five years with the firm, she devoted more than 2,600 hours to *pro bono* service, on such matters as guardian *ad litem* cases, nonprofit incorporations, U-visa applications, veterans' matters and litigation on behalf of prisoners.

Shauna also established herself as a leading advocate for women who raise children conceived through rape. Following her open letter to former Rep. Todd Akin (R-MO) regarding his infamous statement that "legitimate rape rarely leads to pregnancy," the issue gained national attention — Shauna has shared the story of her own rape and

pregnancy on CNN, MSNBC and Jon Stewart's "Daily Show" — and Shauna began playing an essential part in developing and passing state and federal laws limiting the custody rights of rapists. She has now drafted and/or helped pass legislation in 14 states, and she is currently working with two more considering such legislation. Shauna also helped draft the federal Rape Survivor Child Custody Act, which was signed into law by President Obama in 2015. The act incentivizes states to enact laws that block some parental rights, such as custody and visitation, for parents whose children resulted from their criminal actions. In recognition of her efforts, the White House presented Shauna with the pen that President Barack Obama used to sign the act into law.

"Shauna's courage in speaking out for so many women and kids who cannot advocate for themselves continually amazes me," says Chicago litigation partner Chuck Smith. "The criteria for the Weigle Award, which honors a young Chicago lawyer who has made a great impact through *pro bono* work, describe Shauna perfectly. We are proud to call her our colleague and friend."

World War II Veteran Wins Disability Benefits Appeal

In September 2015, Chicago banking associate **Dave Wagener** secured a ruling from the U.S. Department of Veterans Affairs Board of Veterans' Appeals (the BVA) granting client Earl McClain 100 percent disability benefits for a hearing loss claim originally filed in 2006. Mr. McClain's hearing loss arose from his exposure to combat noise during the battle of Okinawa in 1945, the largest and bloodiest battle in the Pacific theater, in which Mr. McClain served as a seaman on a merchant marine ship. "There really wasn't a major intervening factor. He wasn't going to loud rock concerts every weekend for five years straight, and the type of work that he did in between just didn't expose him to any loud noises," Dave says. He began working on Mr. McClain's claim in 2009, and in 2014 argued the appeal before the BVA. The BVA awarded Mr. McClain more than \$24,000 in back benefits and a monthly benefit of over \$3,000. "You don't run into people, even the ones you know, but especially the ones you don't know, that [do as much as] David has," Mr. McClain told the *Chicago Daily Law Bulletin*. "And it's something that you can't give enough thanks or give enough anything for."



Client Earl McClain and associate Dave Wagener



Associates Give Back

New Nonprofit Fosters Philanthropy

While eating lunch together at Horse Thief BBQ in early 2014, Los Angeles litigation associate Corey Laplante and real estate counsel George Fatheree began to discuss the idea of fostering dedication to philanthropy among a large number of Big Law associates.

“George had been toying with this idea of creating a member-funded grant foundation for Big Law associates, but he didn’t have the time to spearhead it himself and encouraged me to take it on,” Laplante recalls. “The moment George began sharing the idea with me, I knew it had real potential. There’s a ton of passion for public interest law at firms like ours, and I saw this as a powerful way to harness it.”

Over the next few months, Corey began meeting with colleagues and former law school classmates to invite them to become the first members of the Associates Committee, a new nonprofit dedicated to supporting public interest organizations that supply legal services and to encouraging philanthropy among young corporate lawyers. The first attorney Corey convinced to join was

associate (and now alum) Cameron Mabrie, who also agreed to handle the incorporation and formation work. With the assistance of Los Angeles M&A partner **David Eisman** and litigation counsel **Stacy Horth-Neubert**, Cameron handled the incorporation work, including drafting the bylaws and articles of incorporation and filing the 501(c)(3) application, which has since been granted.

The organization works by pooling all of its members’ annual contributions of \$1,000 each and awarding them to public interest organizations endorsed by individual members: To apply for a grant, a nonprofit must be sponsored by a member, and each member may sponsor only one organization per year. Organizations can apply for a grant of \$25,000, \$50,000 or \$75,000. The board of directors, which is comprised of Corey and several of the Associates Committee’s other earliest members, narrows the submissions to 15 finalists, from whom all members ultimately select the grant recipients. The committee then awards the grant money to the organizations receiving the most votes until the money is gone. Each year, the process starts again.

Corey began recruiting members in November 2015. “Basically, I started with people in my personal network and then branched out to LinkedIn,” he says. By May 2016, the Associates Committee had 200 members from more than 40 law firms, including 31 members from Skadden.

Grant applicants must either provide direct legal services to those in need or engage in impact litigation. The application process is exceedingly simple: Each organization must submit a 60-second, unedited video shot on a smartphone stating what the organization does, how much funding it is seeking and how the funds would be used.

The committee also holds an annual event, which it funds through the sale of tickets, to build its membership and, thus, the size of its grants. “Our goal is to put something in place that will last long into the future,” Corey said. “We want this to remain in place long after any of us are associates at our firms.”

Skadden Fellow

Dermot Lynch

Fellowship / Towards Justice (2014-16)

While clerking in Colorado federal court after graduating from Yale Law School, **Dermot Lynch** began looking for a project that would enable him to use his education and training to make a difference. His search led him to a Skadden fellowship with the Denver-based workers' rights advocacy group Towards Justice and the frontlines of a fight in support of Peruvian shepherds and cattle herders on ranches across several Rocky Mountain states.

"It's a very tough existence," says Dermot about the living and working conditions for shepherds and cattle herders, who are on call 24 hours a day, seven days a week, often earning as little as \$2 per hour. "Most of them live in little tin trailers that have no refrigeration or plumbing, or in tents on the side of a mountain."

Dermot's connection with Peruvians and their culture took root a decade ago, when, as a recent college graduate, he spent nearly three years living in and traveling across Peru. As a Skadden fellow, he helps Peruvians address the severe conditions they face as "temporary agricultural workers" on H-2A visas. His work has focused on two class action lawsuits, which set forth claims relating to employers' violations of currently lax employment laws and the substandard conditions in which the federal government allows shepherds to work.

The first class action is against the region's main ranching industry organizations, the Western Range Association and the Mountain Plains Agricultural Service, which are joint employers of H-2A shepherds and fix the wages of all shepherds at the minimum level authorized under the H-2A visa program. Both associations also are responsible for complying with H-2A regulations for reimbursement of expenses the shepherds incur in securing their visas and traveling to the United States.

According to Dermot, at least 80 percent of the approximately 2,000 H-2A shepherds in the Rocky Mountain states hail from small, mountain villages surrounding the city of Huancayo, Peru, a six- to eight-hour bus trip from the capital, Lima, which the visa applicants typically must take at least

four or five times to secure the required criminal reviews, medical records and other paperwork.

The second action, against the U.S. departments of Labor and Homeland Security, challenges in part the visa classification under which the workers operate. Although the H-2A visa was designed to be a temporary visa, many of the workers operate under repeatedly renewed three-year contracts and have no right to stay in the U.S. without sponsorship from their employers. Revising the classification in accordance with the law would give the plaintiffs access to green cards by making them holders of "permanent" worker visas.

"I want to make sure the industry and the government are forced by a court to answer the legitimate concerns that these shepherds have."

Dermot says some ranchers make life particularly hard on workers who attempt to join the fight, either through emotional or even physical abuse or by making their living conditions even worse — reducing their food rations is among the more common tactics. Nonetheless, Dermot has been able to get a number of the workers to join the lawsuits. "I speak Spanish with a Peruvian accent, and I know a lot of the weird slang, idioms and jokes that Peruvians would use. I'm also a '64" white guy, so they think it's hilarious when they hear my Spanish. I think it helps me build a rapport and earn their trust," says Dermot, who was born in Dublin, Ireland. "But, a lot of them see me as a lawyer, and they're scared. If their boss comes up and sees a conversation, they could be endangering their employment."

Dermot's fellowship ends in November, when both cases should be well underway. "I doubt we'll have a definitive ruling on either claim," he says, "but I want to make sure the industry and the government are forced by a court to answer the legitimate concerns that these shepherds have."

Expanding the Impact: Advising Nonprofits

By helping organizations that do good work for our communities, our *pro bono* efforts can reach an even greater number of people. Between January 2013 and March 2016, Skadden attorneys advised more than 550 nonprofit organizations worldwide, from Window Rock, Arizona, to Auckland, New Zealand, including nearly 100 nonprofits outside the United States. Highlighted here are a few specific examples of our work.

20 Countries | **23** U.S. states | **165+** Cities



Geneva

The Internal Displacement Monitoring Centre works to inform and influence government policies and actions in relation to the internal displacement of people within countries across the world as a result of conflict, generalized violence, human rights violations and natural disasters. Skadden attorneys assisted the organization with gathering information and analyzing the legal systems of countries that have not yet adopted or fully complied with the relevant international standards in relation to the protection of internally displaced persons.

Europe and Africa

Skadden's international platform helps us advise clients around the world. Lawyers from our New York office, for example, represented Rwanda-based SHE, which invests in overlooked people and (often taboo) ideas to promote social and economic change, and advised United Hatzalah, an Israeli nonprofit working to reduce emergency response times.

Nairobi, Kenya

The Kenya Civil Society Platform on Oil and Gas and its members advocate for policies that will help manage the expectations, minimize the impact and maximize the benefits relating to new oil and gas finds in Kenya. We are assisting the group in connection with the review of the Kenya Petroleum (Exploration, Development and Production) Bill and the attached form of production-sharing contract, from the perspective of the public interest relating to international best practices for transparency, accountability, and protection of environmental and human rights.

Moscow

Special Olympics International provides year-round training and competitions for athletes with intellectual disabilities. Skadden attorneys from Moscow and Los Angeles have assisted the newly registered Moscow branch in a wide range of matters, including registering the organization with Russian authorities, extending its office lease agreement and submitting reports relating to the branch's activities to the relevant government agencies.



Asia Pacific

Skadden's work on behalf of Asia Pacific-based nonprofits supports organizations across the region, in such disparate countries as India, Kyrgyzstan, Nepal and New Zealand, as well as in countries in which we have offices.

Claremont, Australia

Walk Free seeks to abolish all forms of slavery throughout the world, by raising awareness, supporting projects of existing charities and action groups, and working with multinationals to audit their supply chains and with governments to reform their laws and enforcement processes. The firm provided the nonprofit with legal services relating to the proposed creation of a tax-efficient fund that takes into account the laws and regulations of various tax jurisdictions.

Hong Kong

Crossroads Foundation Limited seeks to address the needs of the indigent by bringing together those in need and those who can help. Skadden Hong Kong attorneys have provided advice to another nonprofit that works closely with Crossroads, regarding privacy law in Hong Kong and the U.K. and legal issues associated with the potential redevelopment of leased premises in Hong Kong. In addition, a multi-office team has assisted the organization in setting up a 501(c)(3) entity and continues to provide advice to that entity on U.S. privacy laws and tax issues.

Expanding the Impact: Advising Nonprofits

Continued



North America

Skadden advises not-for-profit organizations in more than 125 cities across North America, from Seattle, Washington, to Oakville, Ontario, to George Town, Cayman Islands. Many of these relationships extend back a decade or longer — for example, we've represented the New York-based Covenant House, one of the world's largest privately funded child care agencies, on a mix of corporate and litigation matters since 2002.

Menlo Park, CA

K-12 OER Collaborative, an "open educational resources" nonprofit, intends to develop and distribute free, customizable educational software to replace textbooks and offer differentiated learning in public schools. Skadden incorporated the group and has provided additional legal help with corporate governance, contracts and trademarks.

Los Angeles

The Epilepsy Foundation of Greater Los Angeles shares the national organization's mission of supporting individuals and families impacted by epilepsy and seizures, and leading the fight to end the disease. A team of Skadden attorneys is assisting EFGLA in the negotiation of a new headquarters lease, as the nonprofit expands its team to have broader impact.

Tempe, AZ

The Global CO2 Initiative seeks to capture 10 percent of global CO2 emissions and transform them into commercial products with sustained climatological benefits. A multi-office team of attorneys is providing the nonprofit advice and guidance on corporate governance, grant requests and other fundraising efforts.

A stylized map of the United States in shades of gray. Four blue callout boxes are overlaid on the map, each pointing to a specific geographic location. The boxes contain text about legal work performed in those areas. The locations are Westchester, NY; Chicago; New York; and Houston. The map also features several blue dots of varying sizes scattered across the country, with a large cluster of dots in the Northeast region.

Westchester, NY

The Westchester Land Trust protects open space and promotes responsible land use throughout the verdant county directly above Manhattan. Over the years, the firm has advised the nonprofit in connection with litigation, easements, trademarks, donations, land acquisitions, governance documents, employment matters and health care issues.

Chicago

The heart of the redevelopment of Homan Square on Chicago's West Side, the Homan Square Community Center Foundation offers recreation and health and family services to 6,000 visitors weekly. Skadden has advised the community center since 1998, regarding construction projects, leases and other real estate matters.

New York

The Cities for Financial Empowerment Fund helps mayors and other municipal authorities improve the financial stability of low- and moderate-income households by developing, funding and implementing financial empowerment programs and invests in replicating such programs nationally. Skadden has provided structuring advice for CFE's relationships with nonprofits, financial intermediaries and municipal entities, and drafted, negotiated and reviewed the contracts governing those relationships.

Houston

A Texas-based nonprofit theater company, the Drama Club specializes in adaptations of classic theater productions with a focus on artist collaboration and inventive design. Skadden attorneys have advised the theater company on a range of general corporate and nonprofit matters and helped the organization obtain tax-exempt status.

News & Awards

Wilmington Associates Publish Article on Racial Disparities in Delaware Justice System

In the spring 2016 issue of *Delaware Lawyer*, Wilmington associates **Lori Will**, **Jessica Kunz** and **Matthew Majarian** wrote about racial disparities in Delaware's sentencing and incarceration rates and the Access to Justice Commission's Committee on Fairness in the Criminal Justice System's efforts to examine possible causes and solutions. The Commission was founded in 2014 by the Delaware Supreme Court. Retired Wilmington partner Tom Allingham co-chairs the Committee on Fairness, and Lori, Jessica and Matthew serve as reporters. The Skadden team said there "appear to be significant patterns of racial disparity in [connection] with the criminal justice system, incarceration, and death penalty sentencing and application"

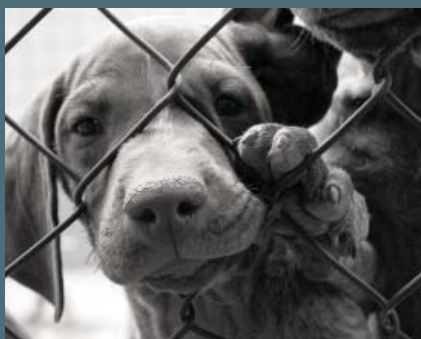
London Helps Launch New Family Law Clinic

Skadden's Domestic Violence Impact Project Group, in partnership with lawyers from five other law firms, helped launch a new Family Law Clinic in February. Jointly run by Account3 and the Legal Advice Centre (University House), the clinic is open to residents of East London seeking initial legal advice on family law and domestic violence matters. DVIPG is co-headed by partner **Dominic McCahill** and associates **Joseph Landon-Ray** and **Jo Jimenez**; *pro bono* coordinator **Marika Somero** helped get the project up and running. Fourteen Skadden attorneys participate in the group, and every two weeks two Skadden volunteers attend the clinic and meet with clients.

Report Examines International Children's Rights

Skadden lawyers provided country-specific child rights reports and reviews on international child rights cases, which were utilized by Child Rights International Network, a global children's rights advocacy network based in London, in its new report, "Rights, Remedies and Representation: Global Report on Access to Justice for Children." The report was presented by CRIN and the chair of the U.N. Committee on the Rights of the Child at a London reception in February. The Skadden team, which began working on this in 2007 and continues to support CRIN in various ongoing projects, is led by London partner **David Herlihy** and associates **Richard Ho** and **Ahmed Abdel-Hakam**, and includes additional attorneys in London, Chicago, Houston, Hong Kong, New York, Paris and Tokyo.

Supporting the Animal Legal Defense Fund's Fight Against 'Puppy Mills'



In 2014, the Animal Legal Defense Fund (ALDF) filed suit against the Southern California pet store chain Barkworks on behalf of several consumers who had purchased sick dogs from its stores. The complaint alleges that Barkworks purchases its puppies from "puppy mills" — large-scale commercial operations

that breed closely related dogs and keep dogs in inhumane and unsanitary conditions — but tells potential customers that its puppies come from reputable, USDA-licensed breeders, denies that the puppies come from puppy mills, and downplays the medical conditions suffered by puppies it sells. The plaintiffs seek monetary damages and injunctive relief that changes the way that Barkworks sources its puppies or requires it to make affirmative disclosures to consumers about the origins of its puppies. In March 2015, several Skadden team members agreed to help ALDF with the case, including partner **Lance Etcheverry**; associates **Doug Smith**, **Max Hirsch**, **Jeff White** and **Kelsey Castleberry**; legal assistant **Jon Powell**; and legal practice assistant **Suzanne Van Arsdall**.

The Skadden team has found additional plaintiffs, drafted and filed an amended complaint, participated in a mediation, developed significant factual evidence and taken depositions. The team recently defeated a demurrer to the first amended class action complaint — the

third win in four decided motions — and uncovered evidence that the company is potentially violating an injunction from the settlement of a prior class action. The Skadden team also continues to engage in extensive factual development, including recently deposing a store manager who revealed potential discovery violations; interviewing several veterinarians who have treated Barkworks' sick dogs; and interviewing additional customers who have been injured by the company's unlawful business practices, including one who spent more than \$20,000 on veterinary expenses and another whose dog died after contracting an illness from a sick puppy purchased from Barkworks.

The next steps for the Skadden team include moving for a preliminary injunction, amending the complaint to create additional classes, moving for class certification and, potentially, seeking to enforce the injunction in the prior, related class action.

Death Row Inmate's Attempts to Prove Innocence Move Forward

A Skadden team from our Wilmington and Houston offices, working with the Innocence Project, is helping Texas death row inmate Rodney Reed in his efforts to obtain DNA testing of evidence that may help prove his claims of innocence. In 1998, Mr. Reed was convicted of murder based on evidence of his sexual contact with the victim. He maintained that they were in a consensual relationship, that he was innocent and that the likely perpetrator was the victim's jealous fiancé. After years of unsuccessful appeals, a panel of forensic experts re-evaluated the case and concluded that the victim died earlier than previously alleged, at a time her fiancé had claimed to have been alone with her. Mr. Reed filed another appeal based on the report and moved for DNA testing of evidence in his case. The trial court denied the motion and scheduled his execution, but the Texas Court of Criminal Appeals stayed it and, in June, ruled that the lower court should have made specific findings as to each item of evidence Mr. Reed sought to test. The appeals court remanded the case to the trial court to make the required findings. The Skadden team includes partner **Mark Chehi**, counsel **Robert Weber** and **Jason Liberi**, associates **Michelle Davis** and **Nicole DiSalvo**, managing law clerk **Wendy LaManna** and assistant **Becky Renshaw**.

Amici Brief on Winning Side of Supreme Court Ruling

In June, the U.S. Supreme Court invalidated certain Texas state law provisions because they placed substantial and undue obstacles in the path of women seeking abortion access and thus violated the Constitution. Skadden represented several health care organizations as *amici curiae* opposing the Texas law. In their brief, the amici argued that any health rationale for the law appears to be pretextual because no competent evidence in the record demonstrated that it would promote health; Texas has regulated abortion providers without imposing similar restrictions on providers of much riskier outpatient procedures; and the public statements of Texas officials indicate that many of the law's supporters

were motivated by a desire to close abortion clinics, make abortions more difficult to obtain and evade the Court's earlier rulings. The team included New York partner **Boris Bershteyn** and associates **Daniel Dobies**, **Stefanie Neale**, **Deborah Machalow**, **David McGhee** and **Shadman Zaman**.

Bob Sheehan to Receive Lifetime Achievement Award

Former Executive Partner **Bob Sheehan** will receive a Lifetime Achievement Award from the *New York Law Journal* as part of its 2016 focus on "Lawyers Who Lead by Example." Bob will be recognized for his longtime commitment to providing free legal services to low- and moderate-income New Yorkers in need and his devotion to public service in the form of improvements to the courts, the laws and the profession. Bob oversees Skadden's *pro bono* program.

High School Student Awarded Compensation From DOE

In March, New York associate **Brittany Dorman** successfully represented a high school student in a special education matter. The bilingual student and his mother sought compensation for one-on-one private tutoring that made up for deficiencies in his educational progress and development arising from the Department of Education's failure to provide appropriate classroom services tailored to his speech-language and learning disabilities. After a hearing, the hearing officer ruled that the DOE had failed to provide necessary academic services and awarded the student and his mother compensation for a substantial portion of the tutoring.

Widow Obtains Benefits Overdue for 10 Years

In May, a Washington, D.C.-based team — including litigation partner **Joe Barloon**, associate **John Coghlan**, staff attorney **Eric Sweeney**, and former associates Patrick Haggerty and Albert Starkus — helped an indigent client prevail after a decade in her effort to receive widow's benefits. A Social Security Administration law judge denied her the benefits, holding that her relationship

with the decedent had not met District of Columbia common law marriage requirements, even though another administrative law judge had previously found that she was the decedent's common law wife. The team eventually appealed the adverse decision to the U.S. District Court for the District of Columbia. The team asserted that the second ALJ's denial was erroneous because the finding by the first ALJ was *res judicata* as to whether the applicant was in fact married to the decedent. The court agreed, noting that principles of "finality and fairness ... bar the agency from revisiting a factual finding that it made over a decade ago."

Client Secures Social Security Disability Insurance Benefits

In February, New York associates **Waseem Salahi** and **Alyssa McAnney** secured a favorable decision for a client with a severe and chronic form of schizophrenia. After being initially denied disability benefits, the client sought review by an administrative law judge. A few weeks before the ALJ hearing, Waseem and Alyssa took on his case. After obtaining additional medical records, interviewing their client and his family members, and submitting an opening brief, Waseem and Alyssa represented the client at the hearing and then submitted a closing brief. Waseem and Alyssa secured an order providing for their client to receive monthly payments, as well as benefits he did not receive following his initial denial in May 2014.

Brenna DeVaney Elected VP of Association of Pro Bono Counsel



In February, New York *pro bono* counsel **Brenna DeVaney** was elected vice president of the Association of *Pro Bono* Counsel. APBCo is an international membership organization of over 175 *pro bono* professionals at more than 100 of the world's largest law firms. Its mission is to maximize access to justice through the delivery of *pro bono* legal services.

Firm Supports Ice Hockey in Harlem



At the annual Lawyers' Cup charity event for Ice Hockey in Harlem in March, Team Skadden once again took home the Fundraiser's Cup, having raised more than \$20,000 to benefit IHH's support of the educational and athletic growth of children in Harlem through youth hockey. For the first time in the history of the Lawyers' Cup, an IHH graduate participated, as Team Skadden welcomed longtime friend Malik Garvin to the ice. Now a 23-year-old financial advisor at Strategies for Wealth, Malik began participating in IHH at the age of 3, when he would tag along with his 11-year-old brother to Lasker Rink. He has played hockey ever since, including as a student at Western New England University and with Skadden's club team at Chelsea Piers. Team Skadden also included partners **Greg Milmo**, **Eric Cochran**, **Scott Hopkins** and **Eben Colby**; associates **Kyle Hatton**, **Adam Ludemann** and **Colin Brown**; Skadden alumni **Chris LaVigne**, **Don Lewis** and **Matthew Morgado**; and Skadden family members **Josh Nelson** (son of counsel **Tim Nelson**) and **Robin D'Oench** (son of late partner **Toby D'Oench**).

NY State Bar Association Approves Recommendations of Re-Entry Committee

In January, the House of Delegates of the New York State Bar Association unanimously approved the recommendations and report prepared by the Special Committee on Re-Entry, which New York special counsel **Ron Tabak** co-chairs. The recommendations and report concern how best to ensure productive lives and minimize recidivism of formerly incarcerated adults and detained juveniles, as well as adults and juveniles who can avoid convictions and delinquency findings through innovative diversion programs. The special committee includes lawyers from other law

firms, district attorney and public defender offices, public interest groups, courts, law schools and the N.Y. State Department of Corrections and Community Supervision. Ron and New York associate **Rouzhna Nayeri** led the editing of the report. The Skadden team also included New York associates **Anyu Fang**, **Alexander Gelski** and **Madeleine MacNeil**. In February, the *New York Times* praised the "sweeping new report."

Skadden Receives Empire State Counsel Pro Bono Law Firm Award

In January, the firm was presented with the 2015 Empire State Counsel *Pro Bono* Law Firm Award by the New York State Bar

Association at the highest award level — platinum. Skadden attorneys who devoted at least 50 hours to *pro bono* work in 2015 amassed the highest total of any firm. New York special counsel **Ron Tabak** accepted the award on the firm's behalf.

96 DC Attorneys Make Capital Pro Bono Honor Roll

Ninety-six attorneys in our Washington, D.C. office made the *Pro Bono* Honor Roll, jointly sponsored by the D.C. Court of Appeals and the Superior Court of the District of Columbia. The honor roll recognizes D.C.-area attorneys who provide free legal services to people living in poverty and to small, disadvantaged businesses and community-based nonprofits that are critical to the community's economic well-being.

Hong Kong Office and Attorneys Honored for Pro Bono Work

In January, Skadden was commended for its *pro bono* legal services by the Home Affairs Bureau of the government of the Hong Kong Special Administrative Region. Skadden was one of only two international firms to receive a Companies Award, and partner **Alan Schiffman** received an individual award. In December 2015, at a ceremony at the High Court, the Law Society of Hong Kong presented Gold Awards to Alan and associates **James McCurley** and **Katharine Reynolds**; Bronze Awards to associates **Olivia Odell** and **Vincent Sze** and former associate **Jeffrey Kwok**; and a Silver Law Firm Award to the office. Skadden is the only law firm to receive an award from the Law Society for five straight years.

Supreme Court Finds Fla. Capital Scheme Violates Sixth Amendment

In January, the U.S. Supreme Court held in *Hurst v. Florida* that Florida's death-penalty scheme — in which the trial judge, not the jury, determines whether aggravating factors making a defendant eligible for a potential death sentence exist — violates the Sixth Amendment. The firm submitted an *amicus* brief in support of the prevailing party. Our team included Washington, D.C. partner **Cliff Sloan** and associates **Paul Kerlin**, **Marisa Van Saanen** and **James Altman**.

Russian Couple Granted Asylum

Skadden clients Aleksandr Bergan and Ivan Samsonov, who fled from Russia after Mr. Bergan publicly declared his sexual orientation and was verbally and then physically assaulted, were granted asylum last November. Mr. Bergan was a popular artist in the Murmansk region. New York associates **Luke Taeschler** and **Nancy Zeronda** worked on the matter, with assistance from visiting attorney project assistant **Maria Salier**.

Palo Alto Attorneys Help Set Up Nonprofit Technology Coalition

A team of Palo Alto attorneys is assisting the Technology Coalition, which sponsors the development of technology solutions that disrupt the ability to use the internet to exploit children or distribute child sexual abuse content. The coalition comprises large technology companies, including AOL Inc., Yahoo!, Microsoft Corporation, Google, Inc., United Online, PayPal, Facebook and Time Warner Cable. Supervised by partner **Mike Mies**, the Skadden team is assisting the coalition in becoming a stand-alone nonprofit entity. Corporate associates **Mary Boland** and **Naoko Watanabe**, along with counsel **Jason Tomita**, have taken the lead on the preparation of the coalition's governing documents and other aspects of incorporation. Tax associates **Melinda Hightower** and **Su Da**, with partner **Emily Lam**, are helping the coalition with the tax aspects of the 501(c)(6) exemption status.

Skadden Palo Alto Holds Office Olympics

In November, the Palo Alto office held its annual Office Olympics fundraiser for the Second Harvest Food Bank. The office raised approximately \$28,500 — enough to provide more than 56,000 meals to those in need. The event was organized by partner **Amr Razzak**, office administrator **Kitty Dowgert**, technology training coordinator **Jim Hahn**, secretarial manager **Lisa Hild**, recruiting administrator **Caryn Morton**, conference services coordinator **Stephanie Coulter**, secretary **Sissy Lopez**, recruiting coordinator **Liz Jurmu**, office services assistant **Alex Rodriguez** and office administrative assistant **Isabelle Ting**.

New Associates Participate in *Pro Bono* Day



Last October, new associates in offices throughout the U.S. participated in the firm's *Pro Bono* Day:

Boston associates shadowed staff attorneys at the Court Service Center at Boston's Edward W. Brooke Courthouse and met with the executive director of Prisoners' Legal Services of Massachusetts to learn more about the organization and how to get involved.

Chicago associates visited Cabrini Green Legal Aid, where they learned how to assist individuals in clearing their arrest and conviction records through a range of legal remedies and helped analyze criminal records to determine what crimes were eligible for what forms of relief.

Los Angeles associates took the "Justice Bus" to Solvang, California, to staff a Deferred Action for Childhood Arrivals and naturalization clinic. Created by OneJustice, the Justice Bus takes volunteer attorneys to isolated communities, where they hold free clinics.

New York associates volunteered at a personal bankruptcy clinic held at Skadden in partnership with the New York City Bar Association. Others traveled to various sites throughout the city with the Legal Aid Society to help senior citizens with housing-related public benefits applications and health care proxies.

Palo Alto associates attended a *pro bono* training day sponsored by the Campaign for Legal Services, featuring representatives from eight Bay Area legal services organizations. They participated in sessions on cultural competency, housing law, family law, immigration, and seniors and youth.

Washington, D.C. associates volunteered for the Capital Area Immigrants' Rights Coalition and Catholic Charities/Archdiocesan Legal Network, including staffing an intake hotline, representing asylum seekers at U.S. Customs and Immigration Services interviews, and presenting a know-your-rights training for detained immigrants.

In Memoriam

Judge Judith S. Kaye

When Chief Judge Judith S. Kaye retired from the New York Court of Appeals in 2008, Skadden invited her to join the firm to handle basically whatever kinds of cases and matters she wanted. Perhaps the most influential New York jurist of her generation, Judith was best known for her innovative and tireless support of the vulnerable and disadvantaged, including children in particular. What Judith most wanted to do at Skadden was to continue those extraordinary efforts.

In addition to establishing herself as an invaluable contributor to our litigation and arbitration practice, during Judith's seven years at the firm she continued to lead the Permanent Commission on Justice for Children — a cherished position she had held since 1991 — whose mission is, as she put it, "keeping kids in school and out of courts." She also remained a tireless advocate for the state's Youth Courts, as well as the New York State Bar Association fund that supports those courts, the aptly named Judith S. Kaye Youth Court Fund.

Judith was a devoted member of the boards of several nonprofit organizations, including the Legal Aid Society and Volunteers of Legal Service. An ardent lover of opera, she served on the board of the Lincoln Center for the Performing Arts, for whom she also worked on numerous *pro bono* matters. She led the board of the Historical Society of the New York Courts, which she founded while on the Court of Appeals, and served on the boards of the Museum of Jewish Heritage, the American Arbitration Association, the Robert H. Jackson Center and former U.S. Supreme Court Justice Sandra Day O'Connor's online educational project, iCivics. From her very first weeks at the Firm, she was an active and engaged trustee of the Skadden Fellowship Foundation, particularly in her advocacy of projects relating to juvenile justice.

Judith's enthusiasm for *pro bono* work was contagious, spurring countless associates to engage in public service. Her door was always open, and she enjoyed sharing her passion, wisdom and experience with others — for attorneys prepping for court appearances, having the state's longest tenured chief judge serve as a moot court judge was the ultimate master class in the law. A generous, exuberant, gracious and beloved colleague, her service as a mentor ensures that her remarkable impact on the world will only continue to grow.



Barry Garfinkel



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