

## Contents

First Impressions . . . . .	1
Fighting for a Chance for Citizenship . . . . .	2
Letter from Kadish . . . . .	3
The Fish Case . . . . .	4
Family Law . . . . .	6
The Law's "Gray" Area . . . . .	8
"No Winners" . . . . .	10
Tanzania Postscript . . . . .	11
A Singular Stake in Pro Bono . . . . .	12

## First Impressions

Mayer, Brown & Platt attorneys won a fourth reversal in our 7th Circuit project December 29 when Audrey Fried Grushcow secured a reversal of a trial-level decision by Judge Milton I. Shadur. The other reversals were obtained by Mike Forde, Joe Weber, and Pat Jones. It is a remarkable record given that, of the approximately 30 appeals we have now accepted, approximately 20 have been completed—more than any other firm in the 7th Circuit, if not the nation (see sidebar on back page).



### "Do Pro Bono"

For Audrey, arguing her first case before the 7th Circuit was like a homecoming. Prior to joining Mayer, Brown & Platt last year, she had clerked a year for Judge William Bauer of the 7th Circuit, and as she departed for private practice, the repeated advice she heard was, "Do pro bono when you get there."

She lost no time in seeking out Marc Kadish and signing on for a case representing an inmate at Tamms Correctional Center, the notorious prison in the southern tip of Illinois, built in 1998 "not to rehabilitate or even warehouse inmates," according to the *Chicago Sun-Times*, "but to isolate the worst of them from the rest of Illinois's 41,000 prisoners and break them of their violent habits through strict isolation." Her client had brought civil rights suits against several prison officials.

The suits had been dismissed as frivolous—the work of a jailhouse lawyer with too much time on his hands, many might have assumed—but one claim seemed to merit attention on appeal. It involved the inmate's dispute with a prison nurse, whom he had accused of shirking her responsibilities, including skipping his regular tuberculosis medications and retaliating against him for his complaints with reports of misconduct that cost him points and privileges in prison. The Court—without requiring an answer to the complaint or any fact development—quickly dismissed this claim along with others. In so doing, it finally gave him an issue of substance.

### "Unlikelihood" Not a Standard

"We argued that the district court dismissed our client's retaliation claim based on the supposed unlikelihood of the allegations, without waiting to find out more about the facts as it should have," Audrey explains. The standard for dismiss-

# Fighting for a Chance for Citizenship

**O**n September 25, 1990, 17-year-old Gabriel Sandoval agreed to join two friends to rob a Chicago grocery store. It was a fateful decision that cost him a prison term and twice being deported to Mexico. However, his subsequent rehabilitation would lead him to become one of the top boxers in the world, known as Jesus "El Matador" Chavez, and an inspiration to Latino youths.

Mr. Chavez is now seeking to become an American citizen. As part of that effort, he is asking Illinois Governor George Ryan for executive clemency. Mayer Brown Co-Chair Tyrone Fahner and Marc Kadish are representing Mr. Chavez on a pro bono basis in his petition for executive clemency and pardon.

"I spent much of my life as a prosecutor, but I believe in rehabilitation," said Ty Fahner, "and I believe this young man has turned his life around."

## Large Consequences

Mr. Chavez came to the United States with his family in 1979 when he was seven years old. His father and younger brother are U.S. citizens, and his mother and sister are legal permanent residents. Because Jesus returned to Mexico to live with his grandparents for about one year in 1982 when his mother was suffering from a heart condition, he never became a legal permanent resident. The repercussions of this apparently insignificant fact loom large today.

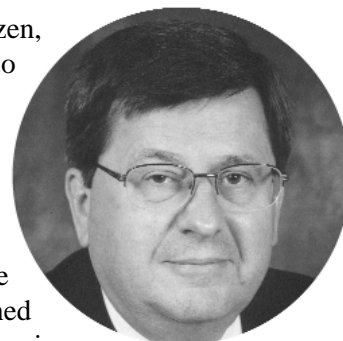
At the time of the robbery, his public defender, Susan Horn, said Jesus showed remorse, and shame about "being so stupid" to have street gang "friends" talk him



Jesus "El Matador" Chavez

into joining them that day. He pled guilty and served three and a half years in prison.

Because he was not a U.S. citizen, he was deported directly to Mexico from prison after completing his prison term. Mr. Chavez returned illegally to the United States in 1994, boxing in Austin, Texas, where he quickly became a local hero. He lived in the gym where he trained so that he could focus his energies exclusively on training.



Ty Fahner

## Role Model

In Austin, he was very open about his past and served as a role model for at-risk teens. He spoke to student groups through a program sponsored by the Travis County Juvenile Court and through programs at Austin elementary and high schools, and through a partnership with a police officer. These speeches were a continuation of his participation in the "Scared Straight" program in Chicago where Jesus spoke to young adults about the dangers of becoming involved with street gangs.

He developed maturity and earned his high school equivalency diploma while in Austin and donated portions of his earnings to charity. He developed such a local following that Austin Mayor Kirk Watson declared August 7, 1997, as Jesus "El Matador" Chavez Day.

Over the course of his professional boxing career in the United States, Mr. Chavez captured the World Boxing Council's Continental American title and the North American Boxing Federation's Super Featherweight and Junior Lightweight titles.

## Large Consequences II

Mr. Chavez stood at the top of boxing's superfeatherweight class when he applied for a Texas driving license. The application triggered a trace of his record which revealed his illegal status in the U.S. He was

deported to Mexico a second time in 1997. Mr. Chavez applied to the INS for permission to return to the U.S. despite his previous deportations. Recognizing his rehabilitation and accomplishments, the INS approved his request. On February 7, 2001, Mr. Chavez was granted permanent residence (a green card). However, he can become a U.S. citizen only if the pardon is granted.

### **Mounting a Comeback**

Dozens of documents supporting Mr. Chavez's clemency petition have been submitted, including various letters on his behalf from two Texas Congressmen, members of the Texas House and Senate, other Texas and Illinois officials, and a retired FBI agent. His life has also been featured in an inspirational documentary,

*Split Decision*, which has been shown at film festivals around the country, as well as to many high school students through outreach programs.

On Friday, February 23, Mr. Chavez won a bout nationally televised on ESPN, a TKO over former world champion Thomas "Boom Boom" Johnson, who failed to come out of his corner for the eighth round. On Wednesday, February 28, the Texas House and Senate passed resolutions recognizing Mr. Chavez.

"He paid his price for what he did," said Marc Kadish. "He is now doing all he can to give something back and let his life serve as a good example for other youths." •



## Letter from Kadish

### **Career Development—Pro Bono and Training**

People are attracted to a top firm, in part, because of the promise of pro bono and training opportunities. People remain at a firm, in part, if those promises are kept.

Several years ago we promised that we would develop a more comprehensive training program. The new Litigation Training Program (see the schedule on page 9) is in its first year. Fact Investigation Programs have already been conducted in Chicago and New York. The next national program—the Privileges program, which was developed for us by Morgan Cloud of Emory Law School—was held in Chicago on March 8 and 9.

### **Formal and Practical Training**

Although I have substituted the title of Director of Litigation Training for Director of Clinical Legal Education, my "clinical" role continues. I personally led a team of associates in a highly emotional insanity-

defense case (see "No Winners" on page 10) and continue to recruit lawyers for our single-most ambitious and educational enterprise, our so-called Seventh Circuit Project. A similar project is in its infancy in our New York office.

Besides the litigation training program and the clinical mentoring work, other training programs are being developed or are already in place. Richard Newman has started a series of Wednesday lunch seminars for transaction lawyers in the Chicago office. He is also planning seminars at other offices in the firm. Educational programs already exist in all of our offices.

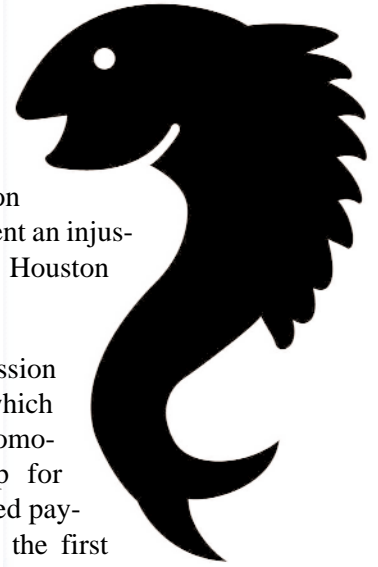
### **How to Manage the Opportunities**

The question then becomes how should a busy associate organize his or her time in order to take advantage of both the training and pro bono opportunities that exist within the firm?

In the main, both training and pro bono activities constitute creditable rather than client-chargeable time. (The exceptions to this are "grandfathered" pro bono projects, Seventh Circuit project cases, court appointments in federal court, and individual projects granted client-chargeable time at the discretion of an individual practice area administrator.) So long as you fulfill the 2,000-hour client-chargeable requirement and accumulate 2,100 hours creditable time annually, you will meet the firm's minimum requirement. Bear in mind, though, that to be eligible for the creditable time component of the bonus program your creditable time must be at least 250 hours—150 hours over the annual minimum—time that can be well spent on pro bono or training.

see "Training" on page nine

# The Fish Case



"This is the case that never should have happened," Hutson Smelley recalls. When the case began, Hutson had been a first-year associate in the Houston office longing for an interesting pro bono case where MBP's help could prevent an injustice. When he read the summary of Luedene Buik's case in the weekly log of the Houston Volunteer Legal program, he knew he had found just such a case.

## Free Estimate

In September 1999, Luedene Buik visited a local transmission shop about a suspected transmission leak and was promised a free estimate from the shop's manager. It turned out, according to Ms. Buik, that nothing was

shop than the car's transmission completely seized up, at which point Ms. Buik had the automobile taken to another shop for extensive repairs. She stopped payment on her \$325 check to the first shop. The transmission shop then repossessed Ms. Buik's automobile, never attempting to communicate with her about the stopped check. Ms. Buik spent nearly \$900 to retrieve her automobile, which she discovered had been severely damaged during the repossession. Without the means to hire counsel or the desire for litigation, Ms. Buik (who is retired) began peaceably picketing the transmission shop and two others under the same ownership.



Client Luedene Buik on the picket line.

free. Without authorization, the shop fully disassembled the transmission. When she called the shop for the estimate, she was informed that she could pay over \$1,500 for repairs having nothing whatever to do with the suspected leak (a full rebuild), or pay \$325 to get her car reassembled and returned to her.

Ms. Buik saw no alternative but to pay the \$325 under duress to retrieve her car. No sooner had she left the

The shop's response, again without ever attempting to contact Ms. Buik or to resolve this dispute, was to institute a lawsuit alleging libel and business interference on behalf of the shop, its owner, the owner's son, and the shop manager. In addition to the suit, the plaintiffs immediately served Ms. Buik with voluminous and harassing discovery. Ms. Buik contacted the Houston Volunteer Lawyers Program, a legal-aid organization funded by the Houston Bar Association, for help. Terri Truitt Griffiths and Hutson Smelley of the Houston Mayer, Brown & Platt office took the case.

## Free Speech

"She was essentially being told by the plaintiffs that truthful and peaceful picketing is libel," Terri explains. "It's her fundamental right to free speech." According to Ms. Buik, her daily picketing had been no hayride. She had been cursed, threatened, physically assaulted with rocks, the shop employees had thrown fish carcasses at her (hence, "The Fish Case"), her property had been stolen and destroyed, another manager attempted to run her down with his car, shop employees hung large signs declaring our client an extortionist and welfare free-loader. After all this, our client was sued for libel and business interference. MBP answered the frivolous suit on behalf of Ms. Buik and counterclaimed alleging fraud, Deceptive Trade Practices Act violations,

assault, battery, conversion, destruction of property, libel and negligence.

The litigation would prove as interesting as the facts of the case. Our client did not picket alone—she always carried a tape recorder and camera. The plaintiff shop manager, and later his wife, called Hutson Smelley accusing Ms. Buik and MBP of blackmail and home-wrecking. They claimed that Ms. Buik had taken a picture of the shop owner with a mistress and demanded the



The Fish Team: Terri Griffiths, Hutson Smelley, Luedene Buik and Wendy Bera

photograph. In fact, no such photo existed, but plaintiffs' counsel amended the lawsuit against Ms. Buik to include claims for emotional distress and civil conspiracy. Plaintiffs then deposed Ms. Buik's family members (her sister and niece) focusing on the whereabouts of the mysterious photograph that really did not exist. Plaintiffs not only directed this harassment toward Ms. Buik, but also toward her counsel. Plaintiffs' counsel even wrote a letter to Hutson Smelley alleging ethical violations and threatening action with the State Bar because he did not force our client to pay the plaintiffs to settle the case. On a more positive side, a consumer

advocacy website that posted a summary of Ms. Buik's story began to catch national attention.

As part of a story being done on the website by *The Early Show* (hosted by Bryant Gumbel), Ms. Buik was asked to be interviewed regarding her fight with the transmission shop. Ms. Buik declined the interview because of genuine fears that a national broadcast of her interview would lead to more defamation claims by the plaintiffs.

### Mediation

The case had quickly become heated and was headed for trial, so another associate in the Houston office, Wendy Bera, got on board. Written discovery was completed and several depositions were taken by Hutson and Wendy. Months into the litigation, when plaintiffs realized Ms. Buik was represented by MBP on a pro bono basis, they made a claim on their insurance and brought in new counsel. Plaintiffs then non-suited their case against Ms. Buik in the face of a hearing on numerous special exceptions to their petition put together in large part by MBP summer associates.

Now, only Ms. Buik's claims remained. On the eve of trial, the plaintiffs requested a mediation. Although the plaintiffs insisted that the terms of the settlement remain confidential, Ms. Buik's claims were settled to her satisfaction. In the end, MBP Houston prevented the miscarriage of justice that might well have happened had Ms. Buik had no counsel to defend the suit against her.

Besides the lessons learned in hard-nosed litigation, both Hutson and Wendy have learned to appreciate the support of their Houston colleagues. "We haven't done this alone," Wendy explains. "In addition to Terri Griffiths, we've had help from practically every lawyer in the litigation practice. With the publicity and eccentric features of the story, the whole office has taken the case to heart." •



*You and the Law.* What are your rights when you are arrested? How does the system work? Pro Bono Director Marc Kadish joined host Barry Gordon and Katherine Walz, Executive Director of First Defense Legal Aid, to answer some of these questions recently on the Chicago Bar Association's "You and the Law" television series. The program was created and produced by Paul Marcotte, of Mayer, Brown & Platt's Marketing and Communications Department. First Defense offers 24-hour legal representation to persons taken into custody who cannot afford a lawyer. The program was broadcast Tuesday, March 6 at 5:30 p.m. on cable channel 19 in Chicago. The program will be rebroadcast on April 10, 5:30 p.m. and April 11, 12:30 p.m.

Teddy Bears and applause are not a typical part of a court hearing. But they were part of the proceedings on December 14 in finalizing the adoption of 10 Los Angeles County foster children.



←  
Zeven Damian Sellers and his new mom, Joanne Sellers, who has been Zeven's foster mother for most of his life.



→  
Valentino Arcia hugs his new second cousin Christopher Ortiz.

# Family Law

Initially a few of the children and their adoptive parents nervously watched as Referee Steve Marpet presided over the adoptions at the Ed Edelman's Children's Court in Monterey Park. The children, who ranged in age from two to seven, had been in foster care most of their lives. They were all being adopted by either relatives or their foster parents. By the time the proceedings were over, everyone was smiling and the children left the courtroom with a teddy bear and a family.



↑ Left to Right: MBP attorney Todd Evan Stark and MBP paralegal Judy Knutson with the Fredrickson family, Cynthia Fredrickson, Carl Fredrickson (holding new daughter Mariah Marie Fredrickson) and new brother Cameron (arms folded), who joins new sister and brother Jennifer and Thomas (foreground).



↑ MBP attorney Karen Tang (left) with Thelma Turner and new daughter Ivon Kimble.

We facilitated the adoptions with the Alliance for Children's Rights. Mayer, Brown + Platt attorneys Todd Stark, Susan Booth, Karen Tang, Jamie Wrage, and Kristen Green represented the adoptive parents with assistance from Judy Knutson, Ita Garcia-Moses, and Alison Madsen.



↑ Benjamin Eugene Lunnon and his new parents, Renee and Anthony Lunnon, who had been his foster parents.



← Brothers Derek (above) and David Valeriano were adopted together.



Todd is a board member of the Alliance, which provides free legal services, information, and social service referrals to poor children in Los Angeles County. He has enlisted the firm's support in providing ongoing pro bono representation with the Alliance in adoption cases. Attorneys typically undergo a brief training session prior to meeting the adoptive parents and an additional eight to 10 hours of work before the day of adoption. Much of the work includes completing numerous legal forms required in adoptions.

The Alliance, with the help of outside attorneys, facilitates over 1,000 adoptions per year, helping move adoptions much more quickly through the court system. Without the Alliance's help, some foster children wait years for their adoptions to be finalized. •



← Damiek Barrow (holding daughter Amirah), Referee Steve Marpet, Ashaad Barrow and his new mom, Kimberly Barrow.

# The Law's "Gray" Area

The June 2000 issue of *The American Lawyer* devoted its cover story to the "graying" of the legal community and reported that the current number of lawyers in the United States over the age of 50 will nearly double to some 560,000 lawyers in the next 20 years. The firms in which many of these lawyers are partners will face increasing pressure to reduce the size of their partnerships to increase profits and to make room for new partners. The blunt question becomes: what to do with all these baby boomers?

Add to this phenomenon the fact that pro bono work has dropped throughout the profession 35% since 1992 and that national forecasts predict that increases in associate pay levels (and billable hours requirements) will erode associates' participation even further, and it becomes clear that new approaches are needed.

## Adrian's Answer

Adrian Steel, of our Washington office, thinks he has an answer. He formed a group called the Senior Public Interest Lawyer Project (SPILP), which is composed of lawyers and other professionals trying to develop new and practical ways of providing legal services to the indigent and needy. Marc Kadish, MBP's Director of Pro Bono Activities & Litigation Training, is also a part of the group, and together they are promoting the idea of law firms getting behind the movement, by enabling interested attorneys either to retire early or to devote substantial time to the project.

"There are senior attorneys who have already initiated a move into public interest work—Tom Jersild's work with CEELI [Central and East European Law Initiative], for example," Adrian explains. "But a well thought-out and structured program is likely to attract even more such lawyers." He believes the interest is already there—and has been for many lawyers since the beginning. "This kind of an option would give more lawyers the opportunity to work in an area that, for many of them, was at least a partial motive for their becoming lawyers in the first place."

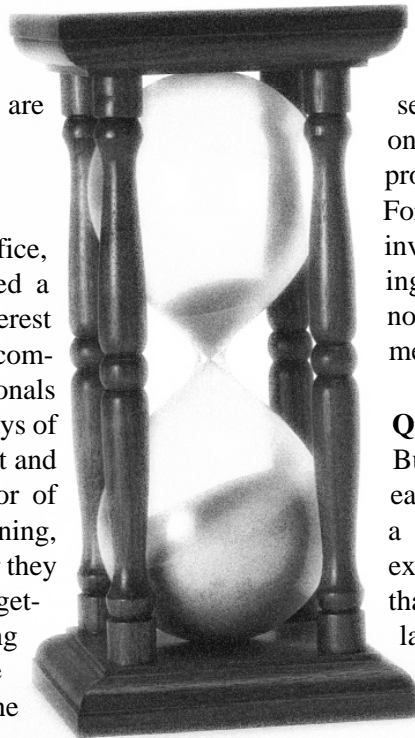
SPILP proposes a choice of approaches, depending on the firm. A senior lawyer could join the firm's pro bono department. In other cases, the attorney could remain a part of the firm but work at a legal services provider, such as the local legal aid society. In these scenarios,

the lawyer could take early retirement or assume a part-time or counsel status. A third alternative would allow the attorney to remain a part of the firm but work at a newly established legal services organization formed by his or her firm and other law firms. In any of these settings, the attorney could work not only on traditional litigation-oriented pro bono projects, but also on transactional matters. For instance, senior attorneys could make invaluable contributions towards revitalizing poor neighborhoods by representing non-profit groups on community development projects.

## Questions

But why would a lawyer want to take early retirement or go part-time? Isn't that a step down for him or her? Adrian explains, "There is a growing recognition that a significant number of baby boom lawyers who went to law school in the 60s and 70s are expressing interest in a structured opportunity to do public interest work for several years before they retire." *The American Lawyer* article cites research that reveals "lawyers in prestigious, high-income specialties rank lowest in job satisfaction. Public interest work seems to generate the most career fulfillment, and private practice, especially in large firms, the least."

Then why would law firms want to devote part of their resources to such a project? "Keep in mind," Adrian notes, "that law firms would receive credit towards their pro bono commitments for work done by these lawyers." But beyond that bottom-line benefit, a firm would be offering an alternative career and compensation track to its lawyers. Career patterns are expected to get only more varied with time, and the more options that a firm can offer talented people, the more attractive it makes the firm. For example, a senior lawyer with a substantial book of business can remain with the firm,





maintain client relationships, mentor other lawyers in their work for those clients, and focus more attention on public interest law.

Firms are likely to generate a more favorable public image through such a program. It would indicate not only a sense of social responsibility—the in-house corporate law departments of many large corporations have already taken up the flag of pro bono work—but an image of innovation that would resonate with both clients and law students.

Such a project could also lead to improved associate development, morale, and retention rates arising from strengthened relationships with senior lawyers training and mentoring associates on pro bono projects. The staffing, structure, and quality of the firm's pro bono work would also benefit from the systematic use of more senior attorneys. And the senior lawyers themselves will be allowed to approach "retirement" as a productive experience that might offer new and unexpected life opportunities.

### Next Steps

SPILP has informally discussed the possibility of implementing the Project with a number of major firms, including MBP, and the response has generally been very supportive. Marc, Adrian and other members of SPILP will present the Project at the Annual Pro Bono Institute seminar in Washington, and they expect that a submission will be made in April to a number of foundations interested in assisting with the establishment of programs such as SPILP.

"The idea is in its infancy," Adrian acknowledges, "and most of our time is spent explaining the idea. But we're convinced that all the ingredients are there to make it work. Marc and I are anxious for the day when firms can implement the Project and start helping people."

Please contact Marc or Adrian if you would like to learn more about the Project. •

## Training

continued from page three

Plan your year at its beginning. Choose which training programs you want to attend, and take into account when they are offered and how long they take. Try to clear time in advance. Plan vacations long in advance. First year associates, with no billable-hour requirements their first quarter, should steer themselves toward training. The first year, Fact Investigation and Privileges should be taken. The second year would be appropriate for deposition training, and the third year for the various NITA advocacy programs. The expert opinion workshop is designed for more experienced lawyers in the firm.

### Litigation Training Program -- Spring-Summer 2001 Schedule

Month	Date	Program	Location
February	21	Fact Investigation	Washington
March	2-11*	NITA Trial Advocacy	Chicago
	8-9	Privileges	Chicago
	23	Fact Investigation	Houston
June	1	Fact Investigation	Los Angeles
	13-15	Deposition	Chicago
	20-22	Deposition	New York
July	11-13	Expert Opinion	Washington

*\* This is the date of the Midwest Regional Program. If you are interested in attending a NITA Trial Advocacy program in your area, you should contact Marc Kadish and your practice area administrator. Lawyers in the New York office should remember that their office conducts an internal Trial Advocacy program every Summer.*

Additional programs being planned or considered: Negotiation Program, Use of Technology During Discovery, Motion Practice, Mentoring Program.

The firm recognizes the need to make the Mayer, Brown & Platt experience fulfilling to its lawyers. In this issue's article, "The Law's Gray Area," there's a finding reported from *The American Lawyer*: "[L]awyers in prestigious, high-income specialties rank lowest in job satisfaction. Public interest work seems to generate the most career fulfillment, and private practice, especially

in large firms, the least." Besides the intrinsic good our public service work does for those we serve, Mayer, Brown & Platt benefits in the quality of people our program attracts. Facilitating their advancement is now a recognized goal. On that level, Pro Bono is an extension of recruiting.

*- Marc Kadish*

# "No Winners"

Larry F.'s slide into insanity had been progressive, if less than perceptible. Following an unexceptional childhood in a loving family—he and his sister had been adopted together by a successful architect and his wife—he began showing signs of paranoid and delusional behavior. In his early twenties, he'd had an episode that landed him in a mental hospital for a month, but he appeared to recover, finding work and starting a family with his girlfriend. But their relationship was stormy and given to violent confrontations, and on Valentine's Day 1997, Larry F. strangled her with a clothesline.

Mayer, Brown & Platt became involved only after the case had passed through four other attorneys, including three public defenders. The judge asked Marc Kadish to take on the case, and Marc was able to recruit Kaspar Stoffelmayr, Steve Keeley, and paralegal Sharon Klaber. Marc made it clear that it would be a hard case to win. The charge was first degree murder, and the evidence (which included a signed confession as well as a 911 tape on which Larry all but confessed to the murder) seemed overwhelming.

## The Surface

Despite Larry's apparently mad actions, the insanity defense sets a high standard of proof. His demeanor at the time of the killing—he was clearly aware of who, what, and where he was and communicated without revealing unusual, paranoid, or confused thinking—

seemed to undermine his insanity claim. On the afternoon of February 14, 1997, the couple got into a squabble in the basement portion of the two-flat where they rented a downstairs apartment and where their baby was napping at the time. The argument escalated into a physical conflict that ended only when Larry choked his girlfriend to death with a length of clothesline. After she lost consciousness, he sat with the body for nearly a half-hour.

He finally went to a bar across the street to call for an ambulance. The bartender later told investigators that the defendant's behavior appeared normal. After placing the call Larry returned to his house only to discover he was locked out. He waited for the ambulance to show up. It soon arrived, along with the police, to whom he gave a detailed description of events. Several of the officers testified at trial as to the defendant's "normal" demeanor, particularly his rational, "goal-directed" actions following the killing.

## What Lay Beneath

The defense was thus faced with building a life profile of incipient madness—variously diagnosed as, among other things, "paranoid schizophrenia" and "schizoaffective disorder." What had appeared to be occasional lapses had to be shown to be a continued, if not obvious, deterioration over the years. (Meanwhile, Sarah Olson and Stephanie Sawyer, two summer associates, performed critical research that supported our analysis of the insanity plea.) As witnesses, his parents recalled depressive phases during his first years away from home at Northern Illinois University. After leaving college, there had been one instance where he had walked around wearing a sign with the single word "Pervert" written on it. On this day, however, his roommate found him naked in front of their apartment building screaming and eating refuse from the ground.

He was checked into a nearby mental hospital for about a month, after which he checked himself out. He then moved to Chicago and tried to start a new life. It was during this period he moved in with his girlfriend and



resumed a relationship that might have only fed his mental instability. A former employer recalled him "starting to slide" in early 1996, but there is reason to believe that it had been a continued, if unmonitored, decline.

By November of that year, his sister was concerned enough to persuade him to check into St. Mary of Nazareth Hospital in Chicago. He stayed ten days, but given his reasons for checking himself out—he believed the doctors were trying to poison him—he was not a well man when he returned home. In the weeks that followed he complained of phantom ailments—back pains, toothache—and sought attention at Cook County Hospital. He finally talked to a psychiatrist in early February, scheduling a second visit for the week following Valentine's Day. That meeting, as it turned out, would be too late.

Two psychiatrists examined Larry in jail and testified on his behalf in court. They uncovered a mind that had been struggling with itself for years. His paranoia about the doctors at St. Mary's was only a part of a complex delusional world he inhabited. He believed he had powers of telepathy that allowed him to control the weather and to cause plane crashes. He also believed he could communicate telepathically with his child. Less benign was his delusion that the FBI was persecuting him. In fact, he believed the murder of his girlfriend was part of an elaborate FBI trap for him. He was initially convinced that she was only feigning death—accounting for his lingering with the body before summoning medical help.

## Restored

Piece by piece, Kaspar and Steve assembled a picture of a person with no firm grip on reality but with an apparent lucidity that allowed him to "pass." According to expert witnesses, the defendant spent three months in jail before betraying any signs of mental illness. Only by recruiting an army of witnesses that included his parents, former employers, neighbors, and psychiatrists, did the truth of his condition begin to emerge. "I would credit our two psychiatrists as the key witnesses," Kaspar recalls. "They helped the judge put together the lay evidence we'd given him and helped him understand how Larry could have been as sick as we claimed while appearing outwardly quite normal." The judge ruled Larry not guilty by reason of insanity but added, recognizing the toll of the trial on lawyers and family alike, "There were no real winners here." •

## Feedback

"Eternal Thanks." I have started and restarted this letter so many different ways, and all words seem inadequate to express our feeling for and our depth of gratitude to Mayer, Brown & Platt and especially to [Marc Kadish], Kaspar [Stoffelmayr], Steve [Keeley], Sharon [Kluber], Stephanie [Sawyer] . . . who worked so hard on behalf of Larry. We believe that with any less talent, expertise, and dedication on Larry's side, our outcome could so easily have been much different—despite what we truly believe was the right verdict for our son. We will live with the ache of this tragedy forever, but you have given us much hope. Hope for Larry, our daughters, and our entire family. For this, and for the professional talent and personal compassion you extended on both sides, you have our eternal thanks. Sincerely, *Parents of "Larry F."*

## Tanzania Postscript

Our May 2000 issue reported on Jennifer Rakstad's journey to Tanzania with the Northwestern University School of Law's International Team Project, a yearly fact-finding trip studying the legal systems of certain East African countries. Jennifer's report on her findings will be published later this year in the *Southern California Review of Law and Women's Studies*. The article, which Jennifer co-authored with Charlotte E. Kaiser and Kris T. Pribadi, is titled "The Progress of Tanzanian Women in the Law; Women in Legal Education, Legal Employment, and Legal Reform in Tanzania."

Jennifer cites the firm and certain MBP individuals for their help in her writing the article:

"This article is the result of an international team project between the Chicago-based law firm of Mayer, Brown & Platt and Northwestern University School of Law. The partnership consists of the authors who were, at the time of their trip to the United Republic of Tanzania, a second-year litigation associate who participated in this project as part of Mayer, Brown & Platt's pro bono initiative, and a third-year and a second-year law student who were part of a seminar course at Northwestern. The authors could not have completed their research, interviews and editing without the support and encouragement from the law firm of Mayer, Brown & Platt, especially Pro Bono Director Marc Kadish and legal secretaries Bonnie DeRidder and Martha Nurse."

Jennifer's work was also the inspiration for Magali Matarazzi, a Chicago office banking and finance associate, who is going to Vietnam in March with the Northwestern program (which has expanded beyond East Africa to include Cuba, Australia, New Zealand, and South Africa). "I interviewed with Mayer Brown, among other firms, but Mayer Brown's recruiting material included the *Pro Bono Newsletter* with the story of Jennifer's trip to Tanzania. It made an impression on me. No other firm appeared to support this kind of pro bono activity." Magali will be studying financial assistance to rural farmers through the World Bank and other financial cooperatives. She will be there two weeks and is scheduled to visit Hanoi, Hue, Ho Chi Minh City and the rural areas surrounding them. •

## Impressions

continued from page one

ing factually frivolous suits under the Prison Litigation Reform Act was an issue of first impression in the 7th Circuit—a treat for Audrey's first time out. She got all the guidance a rookie might need from Marc Kadish, Director of Pro Bono, and Jim Schroeder, a veteran appellate lawyer in the Chicago office. "I did the research and drafted up the briefs, but they reviewed everything and gave lots of advice," Audrey recalls. Along with Asheesh Agarwal and Mike Scodro, Marc and Jim also staged a rehearsal of her oral argument, grilling and coaching her. "They made a point of posing questions they knew I considered risky to my case and hoped to avoid, which is the best preparation I could ask for."

When she appeared in the 7th Circuit courtroom the following day, she was greeted warmly by her former colleagues. Trying another Mayer, Brown & Platt pro bono case that same day was Joe Weber, who would also win a reversal.

We have since taken six more appeals, which are being handled by Karnig Kerkonian, Kim Roosevelt, Drew Worseck, Britt Guerrina, and Jeff Sarles in the Chicago office and Tom Colby of the Washington office. Other cases are still available, and interested lawyers are asked to contact Marc Kadish at 312-701-8747. •

### A Singular Stake in Pro Bono

**M**ayer, Brown & Platt's 7th Circuit project is coming to be recognized as unique in the country. To our knowledge, no other firm is handling such a caseload, let alone with our success. And we do it for free. Several industry publications have taken notice and inquired about featuring the phenomenon in future issues.

"Mayer Brown is known as a writing firm," says Marc Kadish. "Our oral advocacy is widely respected, but we are renowned for our brief-writing, and that's what these cases mostly consist of. The 7th Circuit knows these cases will get quality advocacy—well-researched, reasoned, and written briefs and professional representation before the court."

They are also mindful that Mayer Brown never bills for its work on these cases. As court-appointed attorneys, we are technically entitled to \$2,500 per case (not including expenses). We donate the fees

and expenses as part of our pro bono commitment. "I estimate we've saved the Circuit, conservatively, \$100,000 for our work so far," Kadish reports.

Our New York office is seeking to participate in similar projects in the 2nd Circuit. Appellate Group Attorneys have discussed the idea with Second Circuit Staff, expressing a preference for pro bono appointments in civil cases, and for cases

with challenging, substantive issues. Members of the group have submitted resumes of all of our New York office appellate lawyers, and requests will be vetted by partners Andy Frey, Philip Lacovara, and Andy Schapiro. The Charlotte office has begun working with the 4th Circuit. Rodney Alexander and Eric Cotrell have both taken on cases. The Washington office has already done work with the 4th Circuit. •



We recently gathered a handful of the 7th Circuit Project attorneys for a photo: (first row, left) Kim Roosevelt, Joe Weber, Andy Campbell, (middle row, left) Pat Jones and Jeff Sarles, and (back row, left) Drew Worseck, John Schomberg, Marc Kadish, and Steve Miller.

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