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Pro Bono Update

June 2002

Hector Gonzalez Appointed Chairman of New York's Police Review Board



With Hector Gonzalez at his side, New York Mayor Michael Bloomberg announces Hector's appointment as chairman of New York's Civilian Complaint Review Board (CCRB).

New York Mayor Michael R. Bloomberg in April appointed Mayer, Brown, Rowe & Maw partner Hector Gonzalez as chairman of the city's Civilian Complaint Review Board (CCRB). "It is important to both the public and the Police Department that the CCRB handle citizens' complaints fairly and in a timely manner," Mayor Bloomberg said. "Hector Gonzalez, a distinguished lawyer and former prosecutor, has performed superbly as a member of the CCRB, and his combination of experience and judgment will ensure that the CCRB investigates every complaint thoroughly."

The CCRB is an independent agency with power to receive, investigate, hear, make findings, and recommend action upon complaints by members of the public against the Police Department that allege misconduct involving the use of excessive or unnecessary force, abuse of authority, discourtesy, or use of offensive language.

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"Hector is an extraordinary lawyer and a valued partner," said Ty Fahner, chairman of Mayer, Brown, Rowe & Maw. "Mayor Bloomberg's appointment of Hector as Chairman of the CCRB is recognition of his distinguished prior public service, as well as his thoughtfulness and sensitivity to the needs of the citizens of New York."

Hector has served as a member of CCRB since June 2000. He also was a federal prosecutor at the United

States Attorney's Office for the Southern District of New York where he was chief of the narcotics unit, and a state prosecutor at the Manhattan District Attorney's Office.

Hector has handled a number of pro bono matters at the firm. Most recently in the December 2001 Pro Bono Update, we reported Hector's trip to El Salvador as part of a groundbreaking effort to launch a pro bono program with 10 Salvadorian law firms. •

Save the Date: June 18, Annual Pro Bono Luncheon

The firm's Annual Pro Bono luncheon will be held in the Chicago office June 18. This year's luncheon will honor Tom Jersild for his work as a volunteer with the American Bar Association's Central and East European Law Initiative in Macedonia. For more than a year, Tom oversaw a CEELI office of nine people in Skopje that provided technical legal assistance to governments and business leaders in the region. CEELI's Executive Director David Tolbert will be the featured speaker at this year's luncheon. •



Tom Jersild's CEELI work in Macedonia got an assist from David Curry in April when David traveled there to conduct bankruptcy training workshops. Pictured here are (L to R) Samir Latif, Elisabeta Georgieva (both ABA/CEELI Macedonian professionals), David Curry, Ljubica Ruben (Chairperson of the Macedonian Bar Association's Education Committee), and Tom Jersild.

Court Asked to Rehear Case of Slain American Church Women

The families of four American church women slain in El Salvador in 1980 have lost in their latest appeal to hold accountable two former commanding generals of the convicted killers. In an April 30 decision, the 11th Circuit affirmed the lower court decision, which, we argued on behalf of the families, was tainted by erroneous jury instructions. The families have since filed a petition for rehearing, citing issues of proximate cause and command control responsibility.

Plain Error Not Shown

The largest hurdle the families of the church women had faced in getting the verdict overturned was the standard of review on appeal. The appeal had to show plain

error in the trial judge's jury instructions and abuse of discretion in allowing the expert testimony. In affirming for the lower court, however, the 11th Circuit stated that plaintiffs' trial counsel had "invited" one of the errors in the jury instructions by proposing the erroneous instruction; accordingly, the 11th Circuit declined even to consider whether that error qualified as plain.

As to the second error in the jury instructions, the 11th Circuit concluded it was not plain. Judge Barkett's concurring opinion, addressing the invited error analysis, suggested that the 11th Circuit rehear the case en banc in order to adopt an exception to the invited-error rule

see "Slain" on page 17



Letter from Kadish

Growing Pro Bono

The first issue of the *Pro Bono Update*, in December 1999, was 12 pages long with an equal number of stories. The majority of them dealt with criminal cases that I had brought with me to establish our new pro bono program. Only two of the stories were about pro bono activities outside the Chicago office.

Measuring Pro Bono's Growth

Over time, I like to think, the *Update* has expanded along with the practice's scope and ambitiousness. This issue—our seventh—is 20 pages long and discusses cases and projects not only in other U.S. offices but in London and Frankfurt as well. It reflects the broader spectrum of work we now do: appellate litigation, non-litigation projects, International Human Rights work, work with public interest legal groups, our unique partnership with the Northside College Preparatory High School, signature projects, and our sponsorship of legal Fellowships through Equal Justice Works (formerly National Association of Public Interest Law "NAPIL").

Attorney time devoted to pro bono work within the firm increased by more than 5,000 hours in 2001 to over 41,000 hours. Several projects have been established for paralegal involvement in the program. Mickey Raup now joins Tom Durkin as co-chair of the re-invigorated Pro Bono Committee. Five new members have joined the Committee.

Local Level Work

The New York office, under the leadership of committee members Philip Lacovara and Andrew Schapiro and with the encouragement of Bob Ward, head of litigation in that office, has increased its hours dramatically. The Washington office, under the leadership of co-chair Mickey Raup and committee member Adrian Steel and

in partnership with Evan Tager and Mark Ryan, is developing an interesting "budget of hours" approach towards pro bono work. The Charlotte office and individual lawyers from several offices in the firm have donated more than \$150,000 to the United Way campaign in Charlotte. Part of it is being used to establish a tax clinic in which Charlotte associate Amy Murphy will serve on the Board of Directors. The Houston office has devoted many hours to an appointed federal habeas corpus case in a death penalty case. The Los Angeles office, under the leadership of Todd Stark, continues work on its signature adoption project.

New IP Project

We are just starting an exciting new project with the Intellectual Property practice that demonstrates how pro bono and training work together at our firm. Mike Warnecke, head of IP, asked me to find worthwhile pro bono IP projects for the junior associates in the group. I contacted Lawyers for the Creative Arts and the Community Economic Development Project to establish a steady source of cases. The program is now established and cases have been coming in. Deborah Schavey Ruff and Debra Bernard are supervising the associates and helping with the case selection. Debra Bernard is also one of the new members of the Pro Bono Committee.

A Fresh Element

Our next issue will introduce a fresh element to the *Update*: opinion-commentary by experts on some of the over-arching issues in pro bono work. Esther Lardent has agreed to address the argument, recently raised in a Federalist Society report, that pro bono work tends to favor liberal causes. Esther is the President of the Pro Bono Institute at Georgetown University Law Center. The Institute is noted for its projects in support of enhanced pro bono services at major law firms and legal departments. The Institute's annual conference in Washington is the main forum to hear about and discuss developments in the pro bono area. Given our politically heterogeneous readership, we expect Esther's remarks to excite some debate.

- Marc Kadish

Assisting Immigrant Victims of Domestic Violence

Immigrant victims of domestic violence often face increased obstacles, says Camille Carey, who represents abused immigrant women as an Equal Justice Works (EJW - formerly, National Association of Public Interest Law or NAPIL) Fellow at the Legal Aid Society in Brooklyn.

"Oftentimes, an immigrant victim's batterer will use the victim's immigration status as a *situs* for further control and abuse," said Camille. "If the woman is undocumented, the batterer will threaten to report her to the INS for possible deportation if she attempts to leave him or seek help."

A batterer who is married to his victim might file paperwork with the INS to acquire a green card for his wife but discontinue the process midway, again leaving the woman vulnerable due to her immigration status and the batterer's control over it.

"I assist women with Violence Against Women Act self-petitions and battered spouse waivers, which allow certain battered immigrant women who are married to green card holders or citizens to seek green cards without their husband's sponsorship," said Camille. "Approximately one-half of my clients are in need of immigration assistance."

In a two-year project, which began last September and is sponsored by Mayer, Brown, Rowe and Maw, Camille provides legal services to immigrant victims of domestic violence who live in Brooklyn, and she also provides community outreach and education.

Legal Representation

Camille provides direct representation in the areas of family law, public benefits, immigration law, and housing law. This might involve representing a woman in multiple cases if necessary. "One client might have a divorce case in the Supreme Court, a child support case in Family Court, and an immigration case through the Immigration and Naturalization Service," said Camille.

Outreach and Education

To reach clients, Camille conducts outreach to domestic violence shelters and agencies as well as community-based organizations that serve immigrant communities in Brooklyn. At these sites, she conducts training sessions and presentations for domestic violence support group participants, staff members, and the larger community.

The work includes conducting regular legal clinics at the Arab-American Family Support Center and the New York Asian Women's Center. She has also conducted outreach to the Haitian-

American and Chinese-American communities in Brooklyn.

Camille has developed relationships with domestic violence agencies in New York City that refer clients. These agencies include the Park Slope Safe Homes Project, the New York Asian Women's Center, and the Jewish Board of Family and Children's Services.

"I really enjoy my job," said Camille. "I am working with some amazingly strong people." •



At a firm luncheon, Camille Carey discusses her legal work with immigrant women who are victims of domestic violence. Camille is a NAPIL (Equal Justice Works) fellow, sponsored by Mayer, Brown, Rowe & Maw, working at the Legal Aid Society in Brooklyn.



Building an Effective Pro Bono Program

Virtually every survey on the legal needs of the poor has concluded that their legal needs are not being met. Private lawyers acting on a pro bono basis try unsuccessfully to fill the gap. But to establish an effective pro bono program we can't take on every case that comes our way. One of our goals is to limit projects to those coming from organizations with which we have a relationship. We try to provide these organizations with assistance by serving on their boards, and providing case and leadership assistance and financial aid. In return the organization prescreens cases for indigency and worthwhileness. Our on-going work with the Midwest Immigrant and Human Rights

Kate Clark won the 2000
ABA Pro Bono Leadership
Award for her work on
behalf of
Martha Garzon Perez



Center (MIHRC) and Chicago Legal Clinic (CLC) are models for the kind of relationship we want to encourage.

MIHRC

MIHRC describes itself as an "anti-poverty, human rights organization that advances the human rights and responds to the human needs of endangered populations." Much of its work involves representing foreigners seeking political asylum in the United States.

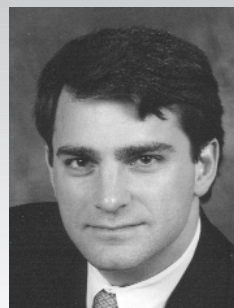
The firm's involvement with MIHRC began several years ago when Gary Feinerman responded to a MIHRC solicitation to represent a person in a deportation proceeding before the INS immigration court. (Gary won his client asylum and the man now holds a green card and has been able to bring his family over to the United States.)

Today, we not only handle cases for the organization, but promote involvement through conferences, sponsorship of a fellowship and involvement in the daily activities of the organization. On behalf of MIHRC,

Marc Kadish spoke at a conference at DePaul Law School on "Immigration Consequences of Criminal Convictions for Non-Citizens." We have hosted recruiting luncheons at our Chicago offices. Kate Clark of Mayer, Brown, Rowe & Maw won the 2000 ABA Pro Bono Leadership Award for her work on behalf of Martha Garzon Perez, a political asylum seeker from Colombia sponsored by MIHRC.

We have a number of cases underway with MIHRC. Associates Mariam Farah and Tom Stiebel recently worked with Marc Kadish on a habeas case involving a young Chinese woman. Although we took on the case, we were not able to prevent her deportation back to China. Marc is working with Christine Rebman and Tom Stiebel on a new case involving a Pakistani man driven out of his country by its anti-gay laws and customs. Both he and his family faced severe punishment and ostracism because of his orientation. Although U.S. immigration law recognizes sexual orientation as a valid basis for political asylum, the man's case presents secondary complications due to several years' residency in France prior to coming here. Kate Clark, Mariam Farah and Tom Stiebel are just beginning new cases.

We sponsor an Equal Justice Works (EJW - formerly, National Association of Public Interest Law or NAPIL) Fellowship position at MIHRC. EJW is an organization of law students devoted to training and supporting the next generation of public interest lawyers. An EJW



The firm's involvement
with MIHRC began several
years ago when Gary
Feinerman responded to a
MIHRC solicitation

Fellowship is used to hire new lawyers to work in low-income and other under-served communities, while encouraging careers in public service. (Our New York office EJW Fellow is discussed on the facing page.)

Continued on the next page

The current MIHRC fellow is Adriana Ysern, who is helping develop MIHRC's Immigrant Children's Watch Project, where she works with "unaccompanied" immigrant children and non-citizen youths with guardians in the Chicago area. There are some 60 such children in local INS custody in any given year—5,000 nationally. "Sometimes they enter the country seeking protection from abuse or persecution," explained Mary Meg McCarthy, Director of MIHRC. "Often they are victims of trafficking."

Adriana was born in Venezuela but moved to the United States with her family as a child. She earned her J.D. at Northeastern University and received the fellowship upon graduation. At any given time, she might carry as many as 35 cases in various stages of progress, she explains, "but the turnover rate is quite rapid. I took on four more cases just today, for example, but also resolved a similar number."

Much of her day-to-day work involves locating families of clients and counseling new arrivals at the local shelter about knowing their rights. Domestic violence cases are also numerous. Adriana creates guidelines for other children's advocates to be used on adjudication of asylum claims throughout the country. She presses for reform in such immigrant children's issues as the slave traffic among immigrant children here in the United States.

What's the profile of a typical client? "A majority are from Central America, but the next largest groups are from China and India. The typical age group is 14 to 17 year-olds, but it's not unusual to deal with 4 and 5 year-olds," She explains. "My youngest 'client' was just 18 months old."

CLC

Our involvement with the Chicago Legal Clinic goes back even further. Partner Carrie Huff has been an active member of CLC's Board since 1994; she served on its Executive Committee from 1995 to 2000.

The CLC was created in 1981 by Father Thomas Paprocki and Edward Grossman, who began their part-

nership while law students at DePaul University. It began as the South Chicago Legal Clinic, a storefront operation aimed at providing "accessible and affordable bilingual legal services in areas of the law essential to individual well-being"—i.e., housing, consumer and family law and entitlements, centered particularly around the needs of former steel workers in South Chicago who had been displaced by recent mill closings.

Today the CLC has three neighborhood offices—in Pilsen, Austin, and South Chicago—as well as a downtown office around the corner from Mayer, Brown, Rowe & Maw's offices. The Clinic reports that it has served more than 80,000 clients in its 20 years of existence—9,234 in 2001 alone. Staff size stands at 29 people, which doesn't include interns, volunteers, and its pro bono panel of more than 200 lawyers.



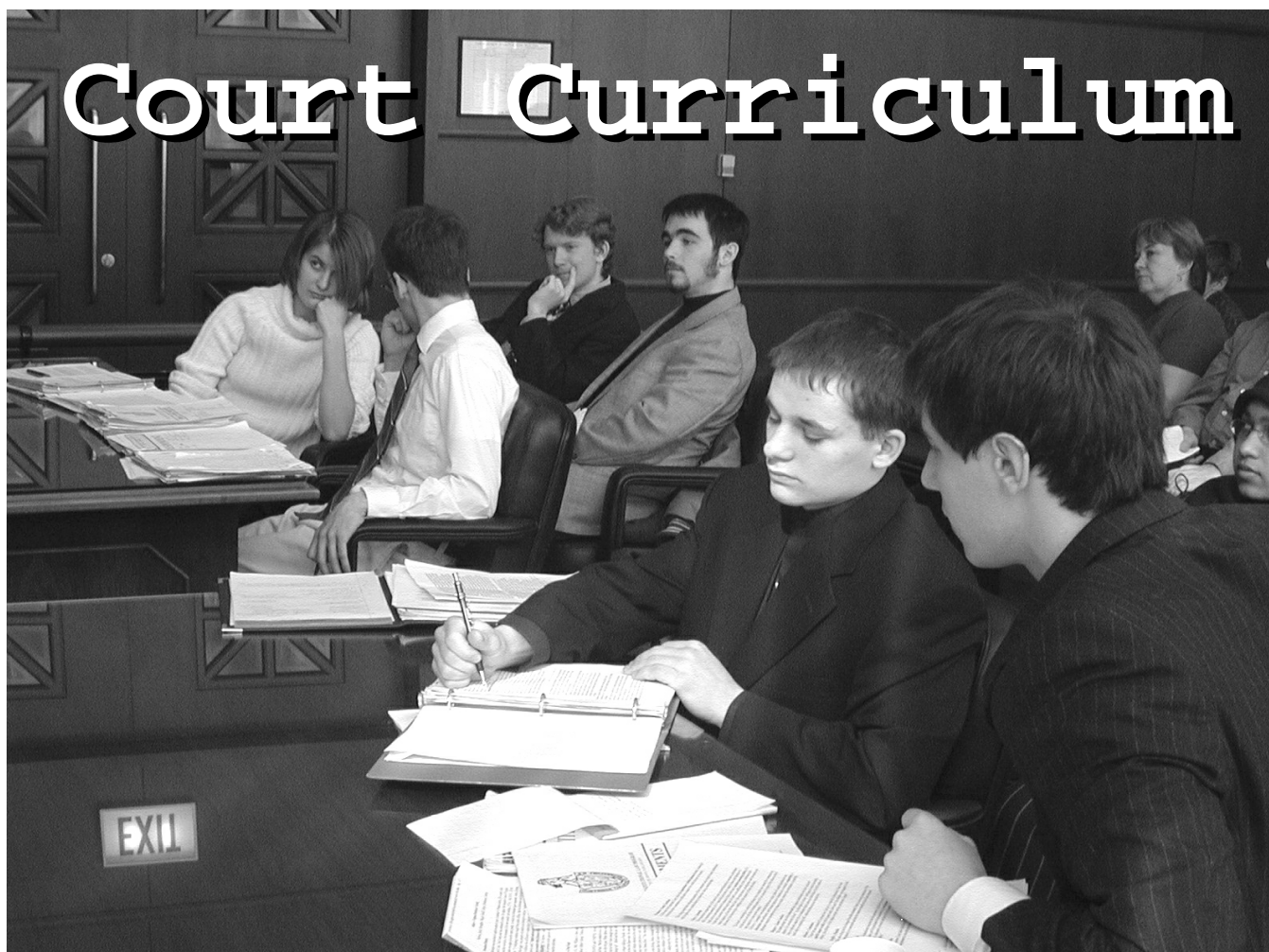
MIHRC Director Mary Meg McCarthy (R) reviews plans with EJW Fellow Adriana Ysern.

Mayer, Brown, Rowe & Maw's original project for CLC, in 1994, was to help create an endowment fund for the Clinic. Since then, several of our lawyers have represented clients in employment cases; a music

studio before the Illinois Department of Revenue; and the so-called "Children's SSI Project," which has involved representing disabled children whose rights to receive social security benefits were terminated due to a change in the law. This representation entailed representation at hearings before an administrative law judge. Through our involvement, the families of dozens of disabled children were able to receive much needed financial and medical benefits.

Ed Grossman and Marc Kadish have collaborated on several of the cases. "Working with Marc to help clients has been a pleasure," Ed observed. "He is a very 'can-do, follow-through' person, and together we have achieved a very good result for the clients."

The firm has also participated in mock trial training for CLC staff lawyers. Mayer, Brown, Rowe & Maw donates more than \$15,000 annually through our pro bono contribution budget and from contributions from lawyers in the firm which are then matched by the firm. •



The philosophy at Northside College Preparatory High School, with which MBR&M has partnered since the Spring of 2001, is "to expand students' vision well beyond the theoretical realm of textbooks and into experiences where students find application, meaning and understanding for their work." Shortly after September 11, for example, the Global Issues class decided to examine strategies a government might consider in combating terrorism. Teams within the class took on the role of State Department specialists on subjects such as the Mideast, terrorism, and internal security, and researched strategies and developed recommendations to be presented to the National Security Council and, ultimately, the President. A culminating briefing was held in November at which our lawyers served as the NSC members, evaluating the State Department advice and closely questioning the students' conclusions.

American Constitutional Law

For more than a year, Tim Devine, who teaches the Advanced Placement U.S. Government and Politics course at Northside Prep, had been developing a project that would immerse his students in American constitutional law (Tim's father is Cook County State's Attorney Dick Devine). He proposed the idea in the Spring of 2001, and Pat Sharkey, whose daughter attends Northside Prep, quickly reserved a spot for Mayer, Brown, Rowe & Maw in the project.



Tahreem Basheeruddin, accompanied by Arthur Izak-Damiecki (L), delivers the opening statement on behalf of the Petitioner in *Thomas v. Chicago Park District*.

Over the summer, they developed specifics of a curriculum. The goal of the project was to give the students a first hand experience of the role of

In early November, Pat Sharkey recruited the lawyers—perhaps the easiest part of the project



ideas and arguments, since there isn't an established template for the case."

Enthusiastic Response

In early November, Pat Sharkey recruited the lawyers—perhaps the easiest part of the project. "I assumed I'd have difficulty getting people to find the time, but the idea of the project stirred a lot of enthusiasm among our lawyers," Pat recalls. "With a single e-mail to our lawyers, I got more responses than I could accommodate. I had to turn people away." Lawyers Wayne Tang and Josh Yount kicked off the project as guest lecturers at Northside, providing an overview of the constitutional issues involved in the Supreme Court cases the students would be assigned. Wayne and Josh, along with eight other Mayer, Brown, Rowe & Maw lawyers, also served as coaches for each team.

The blessings of e-mail would prove themselves time and again, as much of the lawyers' coaching would take place through electronic writing. The students were responsible for the research and brief-writing, all of which the attorneys would review and comment on. E-mail allowed attorneys to turn around the students' work as their own schedules permitted. Mayer,

Brown, Rowe & Maw lawyers identified over 100 relevant cases which Tim Devine posted on a special website for the students to study. While MBR&M librarian Bobby Towns introduced students to the "real" law library located on the Firm's 40th floor, Mark Levin, MBR&M's WestLaw representative, trained the students in on-line legal research and arranged for students to receive special access numbers to do their own legal research. The lawyers developed a "Legal Eagle Scavenger Hunt," challenging the students to use citator systems, key words and other tools to locate case law and secondary sources supporting their arguments.



(L or R) Mayer, Brown, Rowe & Maw lawyers Dan Hildebrand, Pat Sharkey, and Sue Cowell serve as judges in *Thomas v. Chicago Park District*, a case involving 1st Amendment, prior restraint, and permit procedures.

Briefs

After the holidays, the students began the second stage of the project—legal analysis and writing. Beginning by outlining key case law opinions, the students ultimately drafted their own Supreme Court briefs. Some Mayer, Brown,



Wayne Tang (R) goes over last-minute strategy with his "cohort" (L to R) Sean Conejos, Bo An, and Karen Komaravalli, attorneys for the Petitioner in *Zelman v. Simmons-Harris*, which dealt with school vouchers and their possible threat to the 1st Amendment and the Establishment Clause.

Rowe & Maw lawyers visited Northside Prep for face-to-face discussions with their teams and closer analysis of the cases and arguments. But more often the students came downtown to the Firm in small groups to meet with their lawyer-mentors, ask questions and map out their arguments. Wayne Tang—who participated in the earlier anti-terrorism program and also guest-lectured in other classes at Northside Prep—has earned a special place in the minds of the students exposed to his Socratic grillings: to be caught in a logical lapse has come to be known at Northside as being "tanged."

A unique bonus of the program was an afternoon at the Firm offices for a program called "Inside the Supreme Court." It featured a panel of our lawyers who had served as clerks to Supreme Court Justices, who described their experiences and the everyday workings of the Court. It also permitted some interesting reminiscences about the personalities of the Justices themselves.

The Oral Argument

The oral argument phase of the project consisted of much preliminary non-oral work: drafting opening statements and anticipating adversarial challenges. During this phase, students worked closely with their lawyer-coaches. A key function of the



Attorneys for the Respondents in *Atkins v. Virginia* (L to R) Franklin Ettinger, Anton Durbak, Lindsay Realmuto and Don Garcia prepare to defend the Commonwealth of Virginia's position on the subject of capital punishment of the mentally handicapped.

lawyers, according to Tim Devine, was to "provide more questions than answers"—i.e., to help the students construct meaning and understanding for themselves. In the weeks leading up to the oral arguments, small groups of students and their lawyer-mentors could be found munching brownies and arguing points of law in conference rooms all over the firm.

Roles had been assigned to each team member—one would give the opening statement, and each of the others would become the team "expert" on a point of law or issue expected to be raised in hearing. Stage-

management points were considered. Should they stand at the bar as a group or only as their topics were raised? (Most did it as a group.) The reality of thinking on their feet became apparent.



A lighter moment for *Atkins* Petitioners (L to R) Jeremy Strohmayer, Satiya Shariff, David Peterson and Megan Monaghan.

Showtime

On Saturday, March 23, all of their preparation was on display. Formal oral arguments were held in the Illinois Appellate Court chambers at 160 North LaSalle Street. Beginning promptly at 9 a.m., Safiya Shariff, speaking for the Petitioners in the case of *Atkins v. Virginia*—a case for which our own appellate lawyers submitted an *amicus* brief to the U.S.

Supreme Court last fall—presented her opening argument. Presiding justices were Jim Gladden, Pat Sharkey, and Wayne Tang. The case focused on the question: Does the execution of mentally retarded individuals convicted of capital crimes violate the Constitution's 8th Amendment prohibition against cruel and unusual punishment? The justices interrupted with a question and Safiya's teammate Megan Monaghan stepped up to the bar. Before long, the other team members, Jeremy Strohmayer and David Peterson, responded to questions from the justices, and their self-confidence grew. What might have seemed an agonizingly long time lasted only an hour and ten minutes—a strictly enforced time limit.

Verdicts

Four more cases were heard that day. They considered questions of prior restraint on free speech, Establishment Clause limits on school voucher programs, and the scope of permissible search and seizure under the 4th Amendment. Throughout the day, the fourteenth floor of the Old State of Illinois Building was crowded with teams of students huddling with coaches and adjusting strategy based on what they were seeing in the courtroom itself. Outside chambers, veteran court watchers such as the Court's real-life Bailiff opined on performances: "I saw you this morning," she called out to one student who had impressed her with her poise, "You're ready, girl. Take the bar!"

The lawyer-coaches were impressed with the results. "They were even better prepared than I'd expected," said Kim Roosevelt, who had coached the winning Respondents in *Zelman v. Simmons-Harris* concerning school vouchers. "They really knew their case law."

Wayne Tang remarked on the experience of dealing with "smart people who haven't yet been indoctrinated as lawyers. We all think like lawyers here, so it's stimulating to bump up against the students' smart but fresh outlooks."

Parents milled about after their children's trials, beaming as if their heirs had spoken before the real Supreme Court. "This entire program is extraordinary," said Judy Mendels-Peterson, mother of David Peterson, a Petitioner in the *Atkins* case. "I think Mayer, Brown [Rowe & Maw] has done a wonderful service in helping in this program. Where else are kids going to have an experience like this?" Pat Sharkey and Tim Devine were repeatedly recognized as the prime movers of the project and are to be congratulated.

Tim Devine reports that student post-mortems were also encouraging. Sean Conejos, who helped argue the school vouchers case, admitted the program "forced me to think about both sides of a complex issue, and my writing skills and analytical skills developed quite a bit." Sean's co-counsel, Bo An agreed: "[The program] helped my overall academic ability—reading, writing, thinking, and verbal presentation."

Many thanks are also due to: Team Mentors Sheila Finnegan, Dan Hildebrand, Dan Parish, Kim Roosevelt, Matt Shabatt, Wayne Tang, Sue Walton, Drew Worseck, and Josh Yount; our Supreme Court Clerks Panel Participants Linda Coberly, Gary Feinerman, Kim Roosevelt, and Mike Scodro; Justices-for-a-Day Sue Cowell, Jim Gladden, Jim Metropoulos, and Joe Seliga; and MBR&M Librarian Bobby Towns and WestLaw's Mark Levin and his staff. Kudos to all!

The Justices issued their opinions on the first Monday in April. •

Seventh Circuit Project Highlighted

Mayer, Brown, Rowe & Maw's 7th Circuit Project was among the work highlighted in a February 28 *Chicago Daily Law Bulletin* article focusing on pro bono work before the U.S. Court of Appeals.

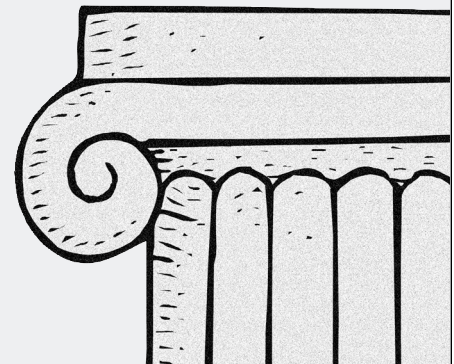
The *Law Bulletin* noted that opportunity for young attorneys to argue cases before the 7th U.S. Court of Appeals is being viewed as a source of valuable experience. In contrast, the *Law Bulletin* stated, "Only a few years ago, some court-appointed lawyers viewed such federal appeals cases as a hassle. The lack of zeal and poor quality of representation in certain cases sparked complaints from the outspoken chief judge at the time, Richard A. Posner, according to several attorneys."

"Now, just a handful of years after key 7th Circuit rules were changed and a recruitment and training program was launched, court appointments to handle federal appeals in civil rights claims or on behalf of criminal defendants have become plums, and big law firms seek them out."

The *Law Bulletin* singled out the firm's 7th Circuit Project and quoted Pro Bono Director Marc Kadish: "Here you may appear before the 7th Circuit in your first year of practice. Recently, Mayer, Brown has turned its '7th Circuit Project' . . . into what we call our signature project, the pro bono project we are proudest of in the Chicago office of our firm."

"Since April 1999, Mayer, Brown has accepted 38 appointments to handle

appeals from the 7th Circuit, more than any other law firm, according to the circuit's own statistics. Kadish said Mayer, Brown is known for its 'written advocacy. People who are attracted to our firm come here because they want to do appellate work.'" •



Saving Soles as a PILI Fellow

At an April luncheon in our Chicago office honoring PILI volunteers, Marc Kadish announced that the firm would hold its Shoe Drive for Afghanistan, in cooperation with the Saving Soles Foundation (SSF). Seen at this luncheon (L to R) are Johanns Williams (SSF), Jason Schmitz, Andrew Gruber, Debbie Ruff, Dwain Johnson (SSF), David Narefsky, William Harness (SSF) and Melissa Beste (Marshall Field's).



Marc Kadish, Andrew Gruber and William Harness (SSF) display some of the many donations collected in the lobby of 190 S. LaSalle Street.

Andrew Gruber is on a mission to save soles.

It started in 1999 when Andrew was a Public Interest Law Initiative (PILI) Fellow at the Community Economic Development Law Project, providing pro bono legal assistance to start-up not-for-profit organizations. The PILI fellowship program allows recent law school graduates to do pro bono work while studying for the bar exam.

During that summer, the Saving Soles Foundation (SSF) was born. SSF collects gently-used shoes from individuals, retail stores and shoe manufacturers and distributes them to thousands of needy individuals and to organizations that serve those individuals. For example, SSF gives winter boots to children in Chicago, dress shoes to welfare recipients making the transition from welfare to work, and has even sent shoes to an orphanage in Romania and to churches in South Africa.

As a PILI Fellow, Andrew prepared corporate organizational documents for SSF and applied to the IRS and obtained 501(c)(3) tax-exempt status for the organization. "Saving Soles started with a simple idea, but the implementation has been more complicated than we expected," said Andrew.

PILI Honorees

Our April luncheon also honored PILI leader Roslyn Lieb, retired firm partners John Clay and Tom Nicholson, Michael Feagley, and senior counsel Pat O'Brien for their work with PILI. John served as PILI's executive director after retiring from the firm. Tom served both as PILI's president and vice president as well as being a board member for a number of years. Tom also brought the concept of the PILI fellowships to the board's attention many years ago at the suggestion of Michael Feagley. Mayer, Brown, Rowe & Maw is sponsoring nine PILI Fellows who will be joining the firm this year (see below).

Mayer, Brown, Rowe & Maw 2002 PILI Fellows

Erik S. Harris

Harvard Law School
Chicago Appleseed Fund for
Justice

Neill Jakobe

University of Michigan Law
School
Chicago Volunteer Legal
Services Foundation

Julie Johnston-Ahlen

University of Minnesota Law
School
Pro Bono Advocates

Jon M. Juenger

University of Minnesota Law
School
Environmental Law & Policy
Center of the Midwest

Mohit Kalra

Harvard Law School
Northwestern University Legal
Clinic

Michelle A. Litavec

John Marshall Law School
Legal Assistance Foundation
of Metropolitan Chicago

Brian H. Nolen

John Marshall Law School
John Marshall Law School
Fair Housing Clinic

John A. Sloat

University of Michigan Law
School
First Defense Legal Aid

Jonathan Wagner

University of Minnesota Law
School
Cabrini Green Legal Aid Clinic

J. David Winters

Northwestern University Law
School
Northwestern University Legal
Clinic

Chae Uk Yi

Loyola University Chicago
School of Law
Community Economic
Development Law Project

At an April firm luncheon honoring PILI volunteers, Andrew and Pro Bono Director Marc Kadish announced the firm's participation in SSF's current campaign to supply shoes to needy individuals in Afghanistan. Our Shoe Drive for Afghanistan was planned to run from May 1 through May 7, with a collection center set up in the lobby of the Chicago office. So enthusiastic was the response, however, that the drive was extended through May 9. In all, some 75 boxes containing approximately 2,000 pairs of shoes were collected and sent to SSF for shipping to Afghanistan. The drive was covered in the *Chicago Daily Law Bulletin* on May 6.



Less than a third of the total contribution yielded by our Shoe Drive for Afghanistan awaits shipment on our loading dock at 190 S. LaSalle Street.

The firm continues to do legal work for SSF.

"When I came to Mayer Brown, I brought SSF with me as a pro bono client," said Andrew. "We effectively serve as general counsel for SSF, providing general corporate and more specialized advice."

In the past three years, the firm has assisted SSF in applying for trademark and copyright protection, in negotiating a lease for warehouse and office space, applying for a grant from the State of Illinois, and providing ongoing corporate and tax advice. Attorneys David Narefsky, Deborah Schavey Ruff, Katie Aune and Jason Schmitz also did pro bono work for SSF. •

Pro Bono Auf Deutsch

The American Secondary Schools for International Students and Teachers (ASSIST) is a non-profit organization begun in the 1960s by an American teacher hoping to provide future world leaders—at that time, leading American and German students, but now including students from throughout Europe and Asia—with a high school exchange program sponsored by selected private and public schools in the United States.

Last August, in the program's thirty-fifth year, a total of 143 top-ranked students from 14 countries began the school year at 75 public and private schools here in the U.S.

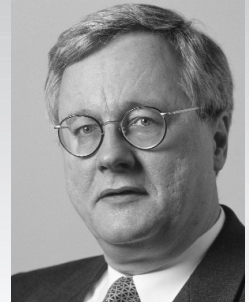
A Leveling Lawsuit

The entire program was recently threatened when a German family, whose daughter had participated in a year's study at a New Hampshire private school, sued the program for exposing her to what they considered (wrongly, in the eyes of ASSIST) to be the worst of American culture—sex, drugs, and the like. The cost of defending the suit was likely to bankrupt the organization, whose money goes almost entirely to paying

tuitions. The future image of ASSIST depended, however, upon winning the suit and refuting the family's slanderous claims against the program and the school.

John Faylor of our Frankfurt office has been involved in ASSIST since 1989. John serves as a member of the ASSIST Support Foundation Advisory Board, the

"Winning this case was a life and death matter for ASSIST."
—John Faylor



German pendant of the organization that provides financial assistance to needy German students wishing to participate in the program. John hoped to help the organization but knew that his standard fees alone could cripple them.

"Giving Them Vision"

Partner John Vishneski and Federal Judge Ann Williams arranged a visit by Faye Newson and members of her church to the 7th Circuit courtrooms following a pro bono-sponsored luncheon at our offices in Chicago. John had found a lost bracelet at last March's Barrister's Ball, where the Barrister's Big Band—a 30 piece swing orchestra made up entirely of judges and lawyers and led by John on clarinet—were providing the entertainment. When a woman (Mrs. Newson) later called John to claim the bracelet, she turned out to be a friend of Federal Judge Ann Williams, better known to some, apparently, as the lead singer of the Barrister's Big Band. When Judge Williams invited Ms. Newson and a youth group from her church to visit her courtroom, they decided



John Vishneski



to include the judge's bandmate at Mayer, Brown, Rowe & Maw, who invited everyone here for lunch.

Dear John [Vishneski]:

Thank you so much for taking time out of your busy schedule to meet with the kids. They enjoyed it; as it was educational, informative, interesting, and filling. Our young people of today need to have more trips as such, giving them vision to do the

right thing. They see so much negativity in the world, but it is a great thing what you are doing—showing them a more excellent way.

Keep up the good work as you continue to MAKE A DIFFERENCE. I will be contacting Marc for a summer visit with a different group of young people. I do look forward to seeing you again. Thanks for your kindness and generosity.

- Faye Consuela Newson

No German Pro Bono

Pro bono law as practiced in the United States is unknown—and usually unnecessary—in Germany, where the government provides free legal assistance to the indigent. ASSIST does not qualify as indigent because it is an organization. John has always worked on a reduced-fee basis for ASSIST and has always contributed a portion of the fees back to the organization as a tax-free contribution. Even on those terms, ASSIST cannot afford our help.

Thus was born Mayer, Brown, Rowe & Maw's first German pro bono case. John approached Marc Kadish about having the firm absorb his work pro bono, and after

a careful examination of ASSIST's financial statements for the past three years by our own lawyers and an accounting firm, Marc sought and received project approval from the Pro Bono Committee. "I was so impressed with the organization, its goals and history, that I have agreed to help ASSIST try to establish a placement at my daughters' school here in Chicago," Marc said.

John Faylor is convinced we're on the side of the angels: "Winning this case was a life and death matter for ASSIST. The program will continue to send top-rank German high school students, many of them from former communist East Germany, for a year of study in the U.S." •

Cristo Rey Project

The following write-up on the firm's Cristo Rey Project appeared in the high school's Spring edition of its alumni newsletter, iVIVA!

MAYER, BROWN, ROWE & MAW

New Name . . .

Same Commitment to

Cristo Rey Student Workers!

"Many of the students have never before entered such a fast-paced stressful work environment, but these young people come in and succeed," commented Vanessa Garcia, Human Resources Supervisor at Corporate Internship Sponsor Mayer, Brown, Rowe & Maw. Ms. Garcia and the firm have been involved with this innovative work-study program since 1998. Only recently completing a merger of two premier law firms, Mayer, Brown, Rowe & Maw is now the tenth largest law firm in the world. It has 1,300 attorneys, nearly \$700 million in annual revenues, and 13 offices worldwide. Currently, 12 students work at the Chicago office of Mayer, Brown, Rowe & Maw filling three, full-time clerical positions in different departments of the firm. Their duties range from filing, answering phones, handling and delivering case files to photocopying and data entry.

Andrea Guzman, a Cristo Rey senior, has spent all four years working at Mayer, Brown, Rowe & Maw and loves being there because of the people that she has had the opportunity to meet. Andrea currently

works in the supply department answering phones, taking supply orders and interacting with employees across the firm. Andrea says the work at the firm has helped prepare her for her future goal of studying psychology at DePaul University. "I have to work and communicate with people with many different personalities to help make our entire office work together." Ms. Garcia proudly beams at watching the growth and



Vanessa Garcia

accomplishments of Andrea, who entered the office and "hit the ground running." Ms. Garcia gives credit, in large part, to the uniqueness of the Cristo Rey work-study program that makes it easy for any company to get involved as a Corporate Sponsor.

The Corporate Internship Program (CIP) suits Mayer, Brown, Rowe & Maw, because it not only allows the firm to support the

educational opportunities for these young men and women, but it also accomplishes real work for the firm. Ms. Garcia candidly notes, "If the students were not adding value to the firm, it would be difficult to continue to support the program." With training and support programs throughout the year, the CIP provides students with the confidence to enter the once foreign corporate environment ready to work diligently and make a positive impact.

For the firm, its commitment to Cristo Rey goes far beyond being a job sponsor. Members of the firm provide a real support system for students and are dedicated to aiding in the success of young people from the Pilsen/Little Village neighborhood. For example, Michael Forde, a lawyer with the firm, has dedicated time and energy toward ongoing programs as well as the development of new initiatives. Most significantly Mr. Forde has been an active participant on the iVIVA! Scholarship Fundraiser Event Committee. He and the firm have supported this event, which provides students with limited financial means the opportunity to attend Cristo Rey.

As Ms. Garcia recalls her own youth growing up in Pilsen, she eagerly anticipates attending the graduation ceremonies for Andrea and all of the students that are working at Mayer, Brown, Rowe & Maw. This prestigious firm is affecting systemic change right here in Chicago by providing work experience and educational opportunity for the young people of Pilsen/Little Village. •

Midwest Center on Law and the Deaf

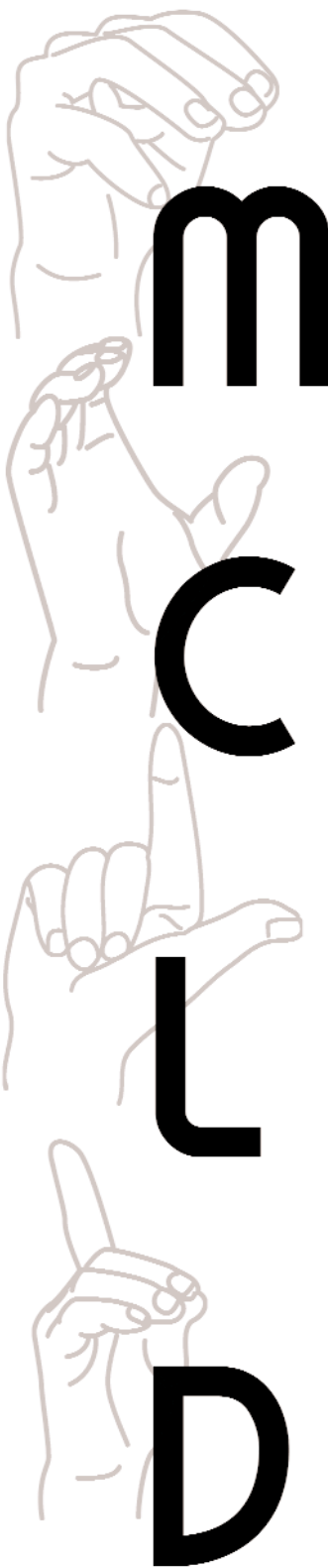
Two facts speak volumes: The Midwest Center on Law and the Deaf is the only such organization in the United States (possibly the World), and its founder, Howard Rosenblum, is the only profoundly deaf lawyer practicing in the State of Illinois. Despite the many apparent gains and entitlements for the disabled, the deaf population is surprisingly under-served by the legal community.

The pent-up need for help was obvious to Howard Rosenblum from the start of his career in 1991. He did not go into the law to be a "deaf lawyer" ("In fact, I wanted to be a patent attorney," he has said), but the role was soon thrust upon him. He was swamped with inquiries from the deaf and hard-of-hearing throughout the United States—those looking for a lawyer who understood the needs of the deaf. More often than not, the client's requirements didn't match his expertise, and he would refer them to other lawyers, gradually building up a network.

He did this for most of the 1990s, until he realized that a more formal network needed to be established. It was in 1997 that he incorporated MCLD and still another two years before he was able to hire somebody else to run it.

Core Mission

A preponderance of MCLD's time is spent helping deaf and hard-of-hearing people find attorneys willing to provide accessible legal services, including helping the lawyers communicate with such clients through sign language interpreters and similar types of assistance. MCLD screens the potential clients for their legal needs before matching them up with the right lawyers. MCLD has an ever-growing database derived from such referral work.



MCLD also stresses the need to train those willing to help. It provides workshops not only to deaf and hard-of-hearing individuals on their legal rights, but attorneys hoping to serve deaf and hard-of-hearing clients. It also trains court personnel, government entities, and other agencies on the legal rights and communication needs of the deaf and hard-of-hearing consumers.

MCLD also acts as a nexus on deafness-related issues and legal issues affecting deaf and hard-of-hearing people. MCLD will advocate for the civil and constitutional rights of the deaf and hard-of-hearing. MCLD directs advocacy efforts to ensure that communication access is achieved in public settings.

But MCLD's work is primarily garden-variety family law, housing, immigration, and discrimination law. "We don't really aim for deaf-oriented cases," says Karen Aguilar, Program Manager. "We aim for ordinary cases that deaf people have to deal with too."

The Extent of the Problem

But the discrimination that the deaf face in "ordinary cases" is surprising in its prevalence and, often, cruelty. The mother of a deaf inmate at a county jail in Wisconsin recently reported the abuse and neglect her son must endure due to a system that doesn't understand the needs of his problem.

He was denied the use of a "TTY" (teletypewriter—a phone that allows the user to type messages that are then sent over the phone line), which was on the premises but locked up, for months at a time, preventing him from contacting legal services or deaf services. Guards would neglect to wake him for meals or linen changes. If he complained or asserted his

rights, he would receive inferior treatment. He was denied work-release opportunities and even kept in the medical ward not because he was ill but because of his deafness. Some of this was petty tyranny, but most of it was ignorance and indifference. MCLD was able to help but knows it's barely keeping up with such abuses.

An advocacy group in Iceland recently contacted MCLD on the very same issue in its country. MCLD's reputation has brought it calls from still other countries where such organizations do not yet exist. A group in Alaska is in the process of setting up a similar service, and MCLD is studying the possibility of going national itself.

Making It Work

"A big trick to succeeding in something like this is not over-extending yourself," Karen Aguilar explains. "Right now we work out of a single office in Chicago and coordinate referrals in eight states. There are many other things an organization like ours might be expected to do, but we focus on the everyday practical stuff for now and leave the bigger issues to other groups. There's a need for what we already do, and we have to keep doing it."

Since she became Program Manager in 1999, MCLD has expanded its list of attorney referrals to more than 60 in Illinois alone—and their number of cases to near-

ly 2,700 in the region. It has increased funding as well, numbering the bar associations of Illinois, Minnesota, Ohio, Indiana, and Chicago among its chief sponsors.

Never Enough

Encouraging lawyers to participate occupies the largest share of the Center's educational effort. "There's a lot of misunderstanding about what's involved in representing the deaf," Karen explains. "You don't have to know sign language to do it. On the other hand, you do need to provide an interpreter if requested—the ADA requires it—but the expense is less than most imagine. Most newcomers simply aren't sure what's needed of them or whether they're 'qualified,' and we want to get out the message that, if they're willing to do it, then they're probably qualified to do it."

The message reached Marc Kadish (who taught Howard Rosenblum in law school), and Mayer, Brown, Rowe & Maw is now the first law firm to contribute to the cause—both money and time. "Marc is one of our referrals for criminal cases," Karen explains. "He also makes a great recruiter for our cause."

All Mayer, Brown, Rowe & Maw lawyers are encouraged to get involved. "It not only forces you to rethink some of your approaches to client services," Howard Rosenblum explains, "but it reminds you of the value of what it is you're doing in the first place." •

"Slain"

continued from page two

in exceptional cases. Judge Barkett explained that the "requirements of justice would be served in this case by a rule that would permit us to review an 'invited' but erroneous jury instruction where ... it is clear that the jury misperceived the law and based its determination on this misperception."

The appellate court did not address many of the substantive law issues raised in the appeal. Relying on Judge Barkett's concurring opinion, in early May the families filed a petition for rehearing—addressing issues of proximate cause and whether the generals had effective control over their troops, said Mayer, Brown, Rowe & Maw lawyer Sandy Weisburst.

Tainted Verdict

Five Salvadorian National Guard members abducted, tortured, raped and murdered four American church women in El Salvador on December 2, 1980. Twenty-one years later, relatives of Maryknoll Sisters Ita Ford and Maura Clarke, Ursuline Sister Dorothy Kazel, and lay missionary Jean Donovan, are seeking to hold two former commanding generals of the killers accountable.

In December 2001, Mayer, Brown, Rowe & Maw lawyer Peter Choharis argued before the U.S. Court of Appeals in Miami that a trial judge's jury instructions tainted the civil trial verdict finding General Carlos Eugenio Vides Casanova and General Jose Guillermo Garcia not liable for the rape and murder of the church women. The generals, who now live in Florida, were commanders of the five Salvadorian guardsmen who were convicted of the murders in 1983.

continued on next page

A West Palm Beach jury returned a verdict in favor of the generals at the conclusion of an October 2000 civil trial. The jury foreman later publicly expressed anguish at being confused by the jury instructions even after repeated requests for clarification.

The church women's case is considered one of the most important human rights cases in the past 10 years. The suit invokes the Torture Victims Protection Act of 1991 and international human rights laws that hold military commanders responsible for the actions of their troops under the doctrine of command responsibility.

At December's oral argument, relatives of the church women were joined by leaders of their religious orders as well as human rights lawyers and national media.

"The families have been seeking justice for these horrific events, and they don't want them to be forgotten," said Peter.

Judge's Critical Mistakes

Mayer, Brown, Rowe & Maw partner Phillip Allen Lacovara has supervised the appeal, and Julie McConnell also has worked on the appeal which argues the trial judge made several critical mistakes in instructing the jury.

One of the judge's mistakes was to require the families to prove that the generals had control over their troops. Well-established law places the burden on military commanders to prove, as part of an affirmative defense, that they took all necessary measures to control their subordinates, said Peter.

The appeal argues the judge also improperly required the families to show that the generals failure to fulfill their "obligations" was the proximate cause of the church women's rape and murder. Command responsibility doctrine places accountability for the actions of troops squarely on the shoulders of their commanders. It imputes responsibility to the generals, and the victims should not have been required to show that the generals' inactions caused their deaths.

"We looked at every relevant case during the last half century and each of them establishes that the instructions were wrong," said Peter.

Command Responsibility

During the 1980s, the Salvadorian military death squads were notorious for their killings of thousands of teachers, students, labor unionists, and religious leaders. Catholic Archbishop Romero was killed in March 1980, eight months prior to the church women's murders, by a sniper in his church, a day after appealing in his homily for the armed forces to "stop the repression."

Several retired U.S. generals have provided valuable assistance during the appeal. The Department of the Army Field Manual endorses the doctrine that commanders are responsible for their subordinates.

"Command responsibility is central to the role of a professional army. It is something the U.S. army recognizes as essential," said Peter. •

AP/Wide World



General Jose Guillermo Garcia

PBS broadcasts "Justice & the Generals"

Public television stations last February broadcast "Justice and the Generals" which tells the story of Maryknoll sisters Ita Ford and Maura Clarke, Ursuline Sister Dorothy Kazel and lay missionary Jean Donovan who were abducted, raped and murdered by five National Guardsmen in El Salvador.

At a prescreening of the public television documentary, Mayer, Brown, Rowe & Maw partner Phillip Allen Lacovara was a speaker along with U.S. Senator Russell Feingold and Mike Posner and Ken Hurwitz of the Lawyers Committee for Human Rights. Peter Choharis wrote a summary of the case for the prescreening audience. For more than 20 years, the Lawyers Committee for Human Rights has supported the families of the churchwomen in their pursuit of justice.



General Carlos Eugenio Vides Casanova

AP/Wide World

London Pro Bono Practice

Julie Dickins, a London office partner, directs all pro bono activities for that office. As she explains in the following message, she has formalized the practice in recent years and sees the combining of Mayer, Brown & Platt and Rowe & Maw as a large step forward in the practice. Julie offers an overview of how pro bono is approached in Britain and what one might expect of it.



Julie Dickins

Towards the end of last year, I was delighted to receive a letter from Marc Kadish with details of Mayer, Brown & Platt's pro bono work. Marc enclosed some issues of the *Pro Bono Update*, and I was very impressed by the extent and variety of the pro bono work being carried on.

Here in England, pro bono work has, historically, been on a smaller scale than in the United States, possibly because of state funding ('legal aid') for people unable to afford legal advice. However, with recent cutbacks in legal aid funding, the last few years have seen a marked increase in pro bono work.

Establishing a Pro Bono Practice

Until 1998, Rowe & Maw had carried out pro bono work on an informal basis, with no real record being kept of what cases were taken on and what time was being spent on them. In November that year, I was asked by our managing partner, Andrew Carruthers, to take on responsibility for co-ordinating the firm's pro bono work. (Andrew has always had a keen interest in pro bono work, and I continue to seek his opinion on important decisions.)

At the time, I was a partner in the property litigation team, and was already actively involved with pro bono work as (with Andrew's encouragement) I had set up and was co-ordinating the rota of R&M solicitors giving advice at the Citizens' Advice Bureau at the High Court. My visits to the CAB (where members of the public drop in for advice on all sorts of matters) made me aware of the need for pro bono work, and I was more than happy to take on the role of firm co-ordinator.

I carried out a survey of the firm to see what pro bono work was already being done, and what sort of work was of interest to people, and found that there were small "pockets" of pro bono activity in many parts of the firm. I drafted a pro bono policy, and we became members of the Solicitors Pro Bono Group (a charity which had just been set up to help and encourage solicitors throughout the U.K. to engage in pro bono work and which we now actively support in a number of ways).

Partnering with Agencies

Because my survey revealed that our lawyers were interested in civil liberties, and also as our Public Law Group was keen to help with human rights issues, we became members of the panel of solicitors who take pro bono cases from Liberty, an eminent civil liberties organization in the UK.

We also joined the panel of the Bar Pro Bono Unit, which provides barristers willing to help on a pro bono basis and which often needs input from solicitors. Since then, we have had a variety of cases referred by both Liberty and the BPBU, ranging from claims against Government bodies (by a disabled prisoner alleging discrimination in his treatment, and witnesses involved with a murder investigation whose names and addresses appeared by mistake in a public report) to helping a talented but penniless cartoonist/ animator who had had judgment entered against her whilst suffering a nervous breakdown.

The survey also showed that, on the non-contentious side, a number of commercial lawyers were interested in the Prince's Youth Business Trust, which helps disadvantaged young people to set up their own businesses and

continued on next page

needs business mentors to help them. The Trust has since trained a number of our solicitors as business mentors.

Firm Programs

Our main schemes now comprise the work we do for the High Court CAB, the Prince's Youth Business Trust, Liberty and the Bar Pro Bono Unit. In addition, we advise charities such as TRANSAID Worldwide. An offshoot of Save the Children, TRANSAID helps Third World countries set up transport systems giving people access to basic facilities and aid such as vaccination centers and schools. (One major project has been assisting Bill Gates in his initiative to get people immunised by helping them to get to the vaccination centres.) Our Corporate, IP and Employment teams have all been involved in giving advice.

There have also been stand-alone projects such as seconding a volunteer to the Low Pay Unit, a charity that helps and advises workers on low incomes.

The latest project is a community scheme, which I set up in response to interest in community work particularly by non-legal staff. The project has received overwhelming support from all over the firm, and a 10% cross-section of staff are now helping 8-10 year olds with reading and numeracy at a junior school in the Tower Hamlets district of East London, Malmesbury Juniors. Other initiatives in Tower Hamlets schools involve mentoring head-teachers and helping pupils with practice interviews.



Some of the volunteers with children and staff from Malmesbury Junior School

Reading about your pro bono work in the States has been a source of inspiration to me; and I hope and believe that each of us will find the pro bono initiatives and ideas throughout Mayer, Brown, Rowe

& Maw a mutual source of benefit, encouragement and vision, as we work together "for the common good".

Julie Dickins

(pro bono and donations partner, MBR&M, London)

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