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Our Man in Skopje

Tom Jersild was in a hurry. He had to catch a plane from Skopje, Macedonia to Baku, Azerbaijan. He was heading for the capital of the Western Asian Republic to present a week-long seminar on corporate governance.

For the past year, Tom has been serving as a volunteer with the American Bar Association's Central and East European Law Initiative (CEELI) in Skopje. CEELI provides technical legal assistance to 22 former communist bloc countries including Russia. Tom is drawing upon more than 35 years of corporate law experience at Mayer, Brown & Platt as he helps Eastern European countries establish new commercial institutions.



Macedonia

Establishing Commercial Law

It's been an ambitious year. After a week in Baku, Tom was scheduled to return to Skopje to plan a major international fall conference on company law and corporate governance in the countries that are transitioning to market economies. Legal and business experts from 17 countries were planning to participate. Additionally, he has completed 30 seminars and workshops on such issues as business finance, loan agreements, and international project finance.

Macedonian Mission

However, his central task in Skopje now is to work with Macedonian officials in rewriting the country's corporation law as part of a project that involves CEELI and several other international institutions. It is work that he was grateful to discuss in a recent phone interview.

"I am doing legal work that is on the same intellectual level as the work back home, but in a completely different atmosphere," said Tom. "You can

see "Skopje" on page twelve

Launching a New Transactions Program

Pro bono litigation tends to overshadow transactional work. Saving someone from jail is a dramatic way of making a difference in the client's life. But transactional work—such as doing the legal work in launching an art museum—may benefit a whole community.

It's for such programs that Mayer, Brown & Platt has stepped up its encouragement of pro bono transactional work. Richard Newman, a partner before serving as Vice President and General Counsel at Amalgamated Bank & Trust Company of Chicago, recently rejoined the firm to strengthen the firm's training activities for transactional attorneys. As part of that work Richard is doing transactional pro bono training and matching lawyers with groups needing assistance.

He has a wealth of banking and finance experience in private practice and as in-house counsel, including 14 years in the law department at Continental Bank. He sees a number of opportunities to draw upon that experience.

One of the projects the firm is undertaking is work with the Latin American Museum of Arts in Chicago. Mayer, Brown & Platt attorney Leigh Zeising Frishman is reviewing various grant documents and providing general legal counsel to the museum.

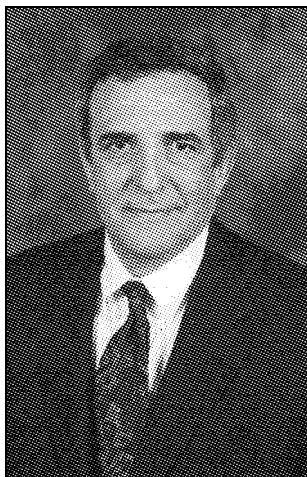
"There are a lot of hopes and dreams associated with this museum," said Richard. "We're glad that we can be part of it."

On his desk recently were requests for assistance from a number of other groups such as a soup kitchen, low-

income women's business group, licensed home-based child care center, and a store to benefit AIDS victims.

Many of the requests involve start-up assistance, incorporating as a non-profit organization, drafting and adopting bylaws, and obtaining tax exemptions. There are a number of other projects on the drawing board.

"We are going to be working with Lawyers for the Creative Arts, the Community Economic Development Project and other community-based groups," he said. "I expect that we will have the opportunity to handle matters that touch on a number of different areas, including intellectual property, corporate, finance, and real estate."



Richard Newman

Pro Bono Director Marc Kadish says Richard provides an added dimension to the pro bono practice. "I have a background in clinical education and trying criminal cases," said Kadish. "It's great to have someone with Richard's experience in the transactional area."

His expertise is also a selling point in recruiting attorneys to do pro bono transactional work.

"What's nice about transactional work is that the time commitment can be clear," said Marc. "Once the transaction is finished, the work is complete. I think this is really a major boost to our pro bono efforts." •



Letter from Kadish

The Other Approach to Pro Bono

Besides the legal services we provide through our pro bono program, we also make monetary contributions to a variety of legal public interest groups. You'll notice throughout this issue photos of attorneys presenting checks to representatives of these groups.

The budget for such contributions is approximately \$300,000 annually. Unlike most other firms, MBP entrusts the parsing of the budget to a single person (me), subject to the approval of the Policy and Planning Committee. In portioning out funds, I have tried to establish some principles to guide us.

- Gifts should be made by each office within the firm.
- The size and number of gifts should reflect in a general way the size of each office.
- Each office decides where its contributions should be made.
- The contributions are made only to legal organizations.

There is another budget the firm utilizes for general charitable gifts, which is not handled by the pro bono program.

Demonstrated Interest

In deciding where the Chicago office's contributions should be made, I am guided by whether someone from the firm is active with the organization. When partner Stuart Litwin became President of the Chicago

Lawyers' Committee for Civil Rights Under Law this year, we increased our contribution to the organization. Counsel Don Zeitham is active with Cabrini Green Legal Aid Clinic, associate Addison Braendel is involved with the Center for Disability and Elder Law, and partner Carrie Huff works with the Chicago Legal Clinic. We make contributions to each of these organizations. In this way, we support their work with these organizations and gain a better understanding of the work of the organizations.

I am also impressed when an organization actually exists within a community in the city and uses community people as staff. I recently met with three people from Centro Romero, an organization on the north side of Chicago established to assist Central American refugees with their dealings with the immigration system. It has grown into a full service organization. It also has a small legal program. The Executive Director is Daysi Funes, a Salvadoran who immigrated to this country with her family because other members of her family had been murdered in El Salvador.

Fellowships

I also try to leverage our contributions by working through NAPIL (National Association for Public Interest Law). NAPIL administers a matching grants program for the Soros' Open Society Institute. We have been involved with NAPIL Fellowships in Chicago, New York and Washington. The current Chicago NAPIL fellow, whom we co-sponsor with Foley and Lardner, is Maria Baldini Poterman. Maria works at MIHRC (Midwest Immigrant & Human Rights Center). The recent New York Fellow, Jennifer Arons, worked at the Legal Aid Society on behalf of youth needing legal services, and former Washington Fellow, Bill Anderson, whom we co-sponsored with Sidley and Austin, worked at the Legal Counsel for the Elderly.

Thus our pro bono program contributes time *and* money. The leadership of the firm is fully committed to the pro bono program and continues to seek the balance between our fee work and our free work. Part of my task is to be creative and establish meaningful, interesting pro bono legal work that will help society and us. •

- Marc Kadish

What Goes Into a Pro Bono

For all of the Supreme Court pro bono cases we report on in this and other firm publications, the discussion is typically confined to the legal issues and results of the case. But how do our appellate lawyers prepare a case—what exactly is involved in the process? Don Falk, a partner with our appellate group in Washington, recently provided an inside look at the intensive preparation involved in arguing his first pro bono case before the U.S. Supreme Court. The following piece appeared in the August 14 Legal Times.

Fighting Fire Before the High Court

By Donald M. Falk

One day in May of last year, while flipping through a stack of slip opinions, I came across Dewey Jones' case. Had I overlooked it, I would have missed the opportunity that led to my first argument before the U.S. Supreme Court.

Jones had tossed a Molotov cocktail into his cousin's living room. Fortunately, no one was hurt. Unfortunately, Jones was charged by federal rather than state authorities. On his three federal counts - arson, use of a destructive device, and manufacturing an explosive - Jones received a mandatory minimum sentence of 35 years, many times the likely term under state law.

I was familiar with the federal arson statute, which applies to property used in an "activity affecting . . . interstate commerce." Courts read those terms broadly, so that there was nothing unusual about the tenuous links relied on in Jones' case: The action affected his cousin's out-of-state insurer, mortgage lender, and the provider of natural gas to the home.

Meanwhile, my pro bono work dwindled as I had approached partnership. Having become a partner four months earlier, I was ready to take the plunge again.

An Interesting Opportunity

This case was attractive for a few reasons. For one, it would allow me to explore the commerce clause directly. In 1995, the Supreme Court had decided *United States v. Lopez*, finding that the commerce clause, like other powers enumerated in Article I, granted limited rather than unlimited power to the federal government. The 7th Circuit had rejected Jones' argument that *Lopez* barred his conviction, but

acknowledged that other circuits had held that the statute could not be constitutionally applied to private residences.

In addition, I was more than ready to make a run at getting my first oral argument in the Supreme Court. More than a dozen of my partners had argued there in the last few years, and I wanted to take my place among them.

I called Jones' lawyer. After confirming that his client was indigent, I offered to handle the case pro bono in the Supreme Court. After a week or so of letters and phone calls, the case was mine. Now all I had to do was get certiorari granted and win.

I knew I would need help, and I wandered down the hall in search of help from a top associate. Sharon Swingle was always overloaded, and I almost walked past her door. But I stuck my head in, just in case. Sharon signed on, and was invaluable the rest of the way.

The Petition

Crafting the petition was largely a matter of simplifying the issues. There were additional circuit conflicts nested within the one acknowledged on the face of the 7th Circuit opinion. The challenge was to leverage the conflict acknowledged in the opinion, show that the disagreement ran more deeply into fundamental issues of commerce clause analysis, yet avoid getting bogged down in hair-splitting minutiae.

It also seemed prudent to provide some suggestion of the proper commerce clause analysis. After all, the conviction had been allowed to stand under the com-

Supreme Court Case?

merce clause, but there was nothing commercial about Dewey Jones' arson.

Two days before the Supreme Court was scheduled to consider the petition, I did a last search for new cases that might deepen the split between the circuits.

Earlier that week, the 5th Circuit had held - under two different rationales - that the federal arson statute could not constitutionally be applied to the arson of a church building. I banged out a supplemental brief calling the case to the Court's attention, and filed it a few hours after discovering the case.

Our case did not appear on the next order list. The next week, however, I was tied up on a conference call when my partner, Alan Untereiner, burst into my office with the news: "They granted *Jones*!"

Mr. Jones was pleased. I warned him that we hadn't accomplished anything for him yet.

A Stroll to the Gallows

December was frantic. I had far less time than planned to revise the draft of the merits brief, squeezing a few days at the end of the month. I went home the night before the brief was due, planning to dial in to work remotely and catch an hour or two of sleep. Computer problems changed those plans. I drove back into the office and worked through the night. As morning began to turn into midday, the printer called, exhorting us to deliver the proofs quickly if we planned to file on time. We barely made it.

A moot court rehearsal is essential in our practice. As intended, it helped me focus in the way a stroll to the gallows concentrates the mind. I could hope that the justices would not be just as biting, skeptical, and persistent as my colleagues Kenneth Geller and Lawrence Robbins, as well as the other experienced Supreme Court advocates in the room. But I couldn't be sure.

The way I was going, I would never get past the meaning of the word use and would lose that point. My clear vision of the limits of the commerce clause didn't come out so clearly when I tried to explain it in that room. Robbins - who is handling a federal arson case on

habeas - suggested a better opening strategy and offered to do a last-minute one-on-one moot at the end of the week. Two moots later, I was in much better shape.

No Brick Walls

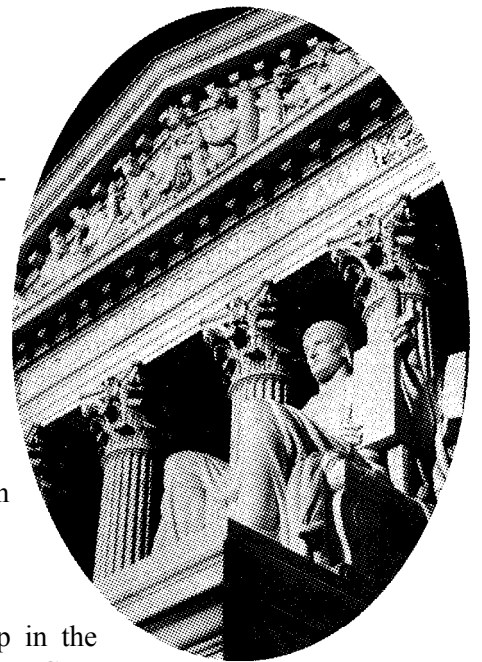
When I stood up in the well of the Supreme Court on March 21, I got exactly as far as I thought I would - about 90 seconds. But I had laid down my marker: The government was asserting unlimited power where only limited power had been granted.

The argument was challenging, but much more pleasant than that first moot. Justice Anthony Kennedy asked the questions about use that Ken Geller had pressed in the moot, but this time my answers got me some relief. Justice John Paul Stevens and I discussed the tension between our argument and a unanimous opinion that he had written 15 years ago, construing the same statute in the context of rental housing. Justice Antonin Scalia drew out my doubts about the constitutionality of that decision, doubts that, I continued to argue, need not be resolved in deciding Mr. Jones' case.

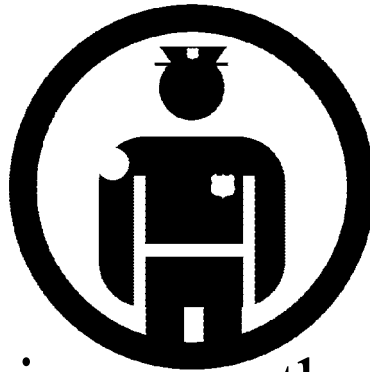
One by one, the justices weighed in with one concern or another, but I did not run into a brick wall with any of the justices. I sat down. The deputy solicitor general came under steady bombardment from the beginning. He handled the questions deftly, but things looked promising for our side.

A Unanimous Opinion

Two months later, we had won unanimously. In an opinion by Justice Ruth Bader Ginsburg in *Jones v. United States*, the Court construed the statute to avoid the constitutional concerns, concluding that a private



see "Fighting Fire" on page fifteen



Policing the Police

Monitoring police conduct is not for the faint of heart. It is a highly charged undertaking performed by civilian boards in the glare of the media spotlight, political posturing, and public pressure. MBP lawyers Scott Davis and Hector Gonzalez serve on two of the country's most closely watched boards—those of Chicago and New York City.

Chicago Police Board

Scott Davis, a senior partner in our Chicago office, is an 11-year veteran of the city police board. He was originally asked to serve by Mayor Richard M. Daley in 1989. Scott has been reappointed twice since that time and was made vice president of the board in 1996.

The board consists of nine civilians, all appointed by the mayor, with two primary charges: to decide police disciplinary cases and to nominate candidates for Chicago Police Superintendent (Scott has been involved in two of the latter so far). The board has no investigatory role with regard to alleged police misconduct. Instead, it acts in a judicial capacity, deciding cases brought to it. Scott estimates his work with the board occupies about 200 hours annually, which the firm absorbs. Scott began with the board on a purely pro bono basis, but the work now pays a stipend.

He continues to enjoy serving on the board despite the inevitable pressures that accompany the work. Some of the city's most sensational cases in recent years—the decision to fire accused suspect-torturer Jon Burge, the alleged police beating of Jeremiah Mearday, and, perhaps most notorious, the shooting of LaTanya Haggerty and the subsequent firing of three officers involved—have been the responsibility of the Chicago Police Board. Scott is able to tolerate the controversy

and take satisfaction in the "pure law" aspects of the work.

NYPD

Hector Gonzalez, on the other hand, is the newest member of the New York City Civilian Complaint Review Board (CCRB). The CCRB is responsible for investigating and recommending action on complaints against New York City police officers accused of abuse of authority or using excessive or unnecessary force, discourtesy, or offensive language. The Amadou Diallo case—in which NYPD officers shot and killed a West African man they mistook to be reaching for a gun when he was merely retrieving identification papers from his inside coat pocket—subjected the board to international scrutiny.

Hector was nominated to the board by Mayor Rudolph Giuliani earlier this year. Although the board is formally a mayoral agency (that's where it gets its budget), it is, of necessity, a careful balance of mayoral appointees and city council appointees (five each) with three remaining spots chosen by the police commissioner. Each member serves a three-year term. Like nearly all the mayor's appointees, as well as the mayor himself, Hector is a veteran of the U.S. Attorney's Office in New York.

The board's primary responsibility is to adjudicate complaints. To handle the workload, which averages 350 complaints a month, the board is supported by a full-time staff of some 200 professionals, half of whom are investigators. It is the staff that does the ground-work of investigating cases, developing the file and writing a closing report for the board's review.

The board itself is divided into several panels, each including one appointee from the three political inter-

est groups. Each panel reviews a separate set of closing reports and renders a final recommendation for disposition of the case. The New York process gives final decision-making authority to the police commissioner, who can either accept or reject the CCRB's recommendation. There have been a number of instances when the commissioner rejected the board's recommendations.

Credibility

In fact, the board's independence and authority continue to evolve. The board was formed in 1953 but was not independent of the Police Department until 1993. Its scope has never included police corruption cases, which historically have been the work of ad hoc commissions such Knapp in the 1970s and Mollen in the 1990s. "It's a continuing struggle to define our role and establish our credibility," Hector explains.

In addition to their work on the police investigation panels, each member serves on special committees con-

sidering questions such as, recently, the use by the NYPD of hollow-point bullets and pepper spray. Hector serves on the committee that produces the semi-annual report tracking the level of police misconduct in the city—always much anticipated and treated by many as a barometer of the city's civic health. Hector devotes anywhere from 25 to 30 hours per month to the CCRB—time the firm absorbs as pro bono work.

In his four months on the board, Hector has already come to appreciate the impact of the board. "For better or for worse, we're in the newspapers almost every day. A police force is the frontline of local government, and we have a direct effect on their activities and, by extension, on the daily well-being of the city. It leaves us open to a lot of public controversy and criticism, but the positive impact we're having feels like a fair tradeoff." •



A protestor holds a cross for slain West African immigrant Amadou Diallo as he and nearly a thousand people march during a protest against Mayor Rudolph Giuliani and the New York City Police Department last April in New York. Diallo was shot 41 times by four New York City Police officers from the street crimes unit. The four were acquitted of all charges. (AP Photo/Kathy Willens)

Three Cases of Murder

In November 1999, Judge James Linn appointed Mayer, Brown & Platt to represent a defendant in three pending murder cases. If he was convicted of the separate cases, he would have been eligible for the death penalty.

Thus far, the team has tried and won the first two murder cases. Ken Merlino, Skip Sneeringer and Marc Kadish tried the first one to a bench before Judge Linn. Originally the Judge had found the defendant guilty of Second Degree Murder. We filed a Motion for New Trial and conducted a hearing on the motion, in which we were able to impeach testimony from the earlier trial. The judge was sufficiently persuaded to reverse himself and acquit our client.

In the second case, we mounted another aggressive defense. Ken, Skip, Eric Harris (a summer associate), and Dazlynn Pinkston, Marc's summer extern from Providence-St. Mel (see box below), worked with Marc on the trial. He describes his own role as largely that of "a proud father watching them perform." Ken

Merlino did the open, close, and cross-examination of all the other witnesses. "He was magnificent," in Marc's estimation. He also recounts how "Skip cross-examined one police officer and was responsible for convincing the prosecution to enter into a favorable stipulation regarding the absence of our client's fingerprints on the murder weapon." On August 16, 2000, after deliberating for one hour and ten minutes, a jury found our client not guilty in the second case.

Eric wrote a complicated motion involving attorney-conducted voir-dire, helped with jury selection, and was generally helpful throughout the trial. Dazlynn helped throughout the trial, including having a voice in jury selection.

After the jury returned the verdict, Judge Linn praised the Mayer, Brown & Platt team to the jury and explained how they did the case for free, both as a means of training associates and giving something back to society. •

Only More Sure

When Marc Kadish attended the annual fund-raiser at Providence St. Mel high school earlier this year, he couldn't help but be impressed by the poised senior girl who was doing double duty as a flutist in the band and master of ceremonies that evening. Her name was Dazlynn Pinkston. Upon learning that Dazlynn wanted to become an attorney, Marc returned in May for the school's career day and sought out Dazlynn, offering her a paying summer intern job with the Pro Bono department.

Although the job required more than enough filing for Dazlynn's taste, it also afforded her a close look at criminal law. Some of her chores over the summer included answering correspondence from prisoners requesting pro bono assistance, reading and evaluating potential cases, and helping out with the Summer

Associate Litigation Training program. Marc also made sure to involve Dazlynn in a big murder case, where she had the opportunity to assist in jury selection.

Dazlynn explained, "When I learned that the victim in the case was a girl younger than myself, I felt that maybe the whole profession was over my head. It was when I saw how dedicated our lawyers were to the case that I began to feel more involved. I felt that even though I was only there to learn, my opinion could help our client in so many ways. I saw the gratitude and respect our client had for us, and from that I gained more respect for the profession."



Dazlynn Pinkston

"My experience this summer has de-glamorized the practice of law in one way—it's a lot harder than what you see on Ally McBeal and L.A. Law—but it hasn't altered my enthusiasm. If anything, it's grounded the whole thing for me in reality and makes me want to pursue it but for new reasons." Her internship ran from June 5 to August 25, shortly after which she began her first year at Oberlin on a full scholarship, where, she reports, she's doing quite well.

Marc Kadish is proud of the work Dazlynn did and thinks she speaks well for Providence St. Mel and our firm's commitment to that institution. •

Choosing a Law Firm:

What's Your Pro Bono Work Like?

The American Bar Association Standing Committee on Pro Bono and Public Service and Center for Pro Bono recently issued a pamphlet entitled: *An Interviewing Tool for Law Students: The Path to Pro Bono*.

The brochure is designed to help law students who are interviewing with law firms to assess a law firm's commitment to pro bono. They reason that showing an interest in pro bono both encourages firms to step up their pro bono effort—"If enough law students express an interest in pro bono, law firms will strive to make their pro bono program a selling point"—and reflects well on the law student—"most law firms value lawyers who demonstrate a moral and ethical commitment to their community."

The pamphlet provides a list of questions the law student might ask of the prospective firm. We have taken the opportunity to provide Mayer, Brown & Platt's responses to the questions.

Q: If the firm has a billable hours target, does pro bon work count towards billable hours? Does the firm have a maximum number of pro bono hours, which may be applied toward the billable requirement?

A: We have a 2100 hour requirement. 2000 of the hours must be spent on client billable matters. 100 hours may be devoted to pro bono work, recruitment and other non-client billable work on behalf of the firm. However, all pro bono projects begun prior to March 2000 count towards the 2000 hour requirement. In addition, any appointments by a federal district court Judge also count towards the two thousand hour requirement. In the Chicago office, work done on U.S. Court of Appeals for the Seventh Circuit appointments are counted as follows: The first 100 hours count towards the "one hundred hour requirement," the second 100 hours count towards the 2,000-hour requirement. In addition, individual Practice Area Administrators have the discretion to permit pro bono projects to count towards the 2,000-hour requirement.

Q: How does pro bono factor into compensation, performance reviews and partnership decisions?

A: First, the quality of legal work on pro bono matters is just as important as that for paying clients. Second, we value the commitment shown by a lawyer's doing pro bono work. Third, we recog-

"If enough law students express an interest in pro bono, law firms will strive to make their pro bono program a selling point"

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The American Bar Association Standing
Committee on Pro Bono and Public Service
and Center for Pro Bono

nize that valuable developmental experience is derived from doing pro bono work, sometimes at an earlier stage of practice than is available in the work for paying clients.

Q: Does the Firm have a written pro bono policy?

A: Yes.

Q: If the Firm has adopted a pro bono policy, has the Firm made any recent changes to its policy? If so, why?

A: We raised our starting associate salaries to \$125,000. All other MBP associate salaries were also raised. Prior to these raises, all pro bono work counted towards client billable requirements. As a result of the raises, the changes list-

ed in the answer to the first question were implemented.

Q: Does the Firm have a structured pro bono program? For example, does it have a pro bono committee?

A: The Firm has a pro bono committee. The Chairman of the committee is Thomas Durkin. The other members of the Committee and their offices are:

Rodney Alexander - Charlotte
Trent Anderson - Chicago
Debora de Hoyos - Chicago - Managing Partner
Robert Duffy - Charlotte
Lorrie Soares Griffen - Los Angeles
Terri Truitt Griffiths - Houston
Marc Kadish - Chicago
Philip Lacovara - New York
Stuart Litwin - Chicago
Robert Lyon - London
Denny Mayer - Chicago
Scott McCue - Chicago
David Narefsky - Chicago
Richard Newman - Chicago
Jeff Piell - Chicago
Mickey Raup - Washington, DC
Mark Taylor - Chicago
Alan Untereiner - Washington, DC

Q: Does the Firm have a pro bono coordinator? Is this person an attorney? Is this person a partner? Does this person work full-time or part-time on pro bono matters?

A: Marc Kadish is the Director of Pro Bono Activities and Litigation Training. He is considered a member of the Senior Administrative Staff of the law firm because he is in charge of two departments. He is the only attorney on the Senior Administrative Staff.

Marc came to the law firm in June 1999 from Chicago-Kent College of Law, where he had been a clinical professor of law. He worked in the Criminal Division of the clinical program. He also taught evidence, criminal law, and various lawyering skills courses.

Recently, Richard Newman rejoined the firm as a transactional trainer. Richard has specialized in

banking and finance law. Richard and Marc will help coordinate the training of all associates throughout the firm. One of the goals of the pro bono program is the combination of public interest work and training. Therefore, Richard will coordinate transactional pro bono work for the firm.

Q: What percentage of the lawyers in the Firm did pro bono work last year? What percentage of the partners? What percentage of the lawyers who made partner this year handled a pro bono case?

A: 47% of the lawyers in the Firm did pro bono work last year. 53% of the associates and counsel did pro bono work. 35% of the partners did pro bono work. Of the 18 attorneys who became partners in 1999, 9 did pro bono work that year.

Q: Is the Firm a signatory to the Law Firm Pro Bono Challenge?

A: Yes.

Q: What other resources does the Firm make available to attorneys who perform pro bono work? For instance, is training available? Is support staff permitted to work on pro bono cases?

A: Our Pro Bono Program was established with the twin goals of doing legal work in the public interest with the notion of helping to train associates. Marc Kadish was selected, in part, because as a clinical law teacher, he both worked in the public interest area and trained law students to become competent attorneys.

Our program is tailored to present summer associates and associates with legal opportunities that both advance the public interest and their training. Our Seventh Circuit Project has accepted 27 appointments since its inception in April 1999.

Once a pro bono case is opened, it is handled no differently than any other case. There is no specific pro bono budget for case expenses. The attorneys normally contact Marc Kadish to discuss case expenses but will do what is necessary to prepare and complete a matter.

Support staff is encouraged to work on pro bono cases. A paralegal is assigned to work on every court-appointed criminal matter.

Q: How does the Firm define pro bono work?

A: Mayer, Brown & Platt's formal policy manual defines pro bono work as "legal work performed in the representation of clients or provision of legal advice or services to clients who are not charged for the time expended. Pro bono work does not include bar association and other professional activities or participation in civic or charitable affairs that does not involve the provision of legal services."

Q: Do partners supervise pro bono work?

A: Marc Kadish, Richard Newman, partners and senior associates are all involved in the supervision of pro bono work.

Q: How does the Firm decide which pro bono cases the Firm will accept?

A: Generally, pro bono projects are first brought to the attention of Marc Kadish. Ultimately, the decision to accept a pro bono project is left to the Pro Bono Committee. The Chairman of the Committee, Tom Durkin, also has the power to accept or reject a pro bono matter. He normally defers to the Committee's decision.

Q: Does the Firm encourage attorneys to perform a minimum number of hours of pro bono work?

A: Yes - the Firm encourages attorneys to perform a minimum of 20 hours of pro bono work annually.

Q: In addition to a pro bono policy, does the Firm have other programs encouraging public service - e.g., summer rotation, split summers or post-graduate fellowships?

A: All incoming associates are given the option to become PILI (Public Interest Law Initiative) Fellows during the Summer after graduation

The ABA pamphlet includes a quote from Managing Partner Debora de Hoyos (below) on the role of pro bono work in a large law firm:



"Pro bono work at Mayer, Brown & Platt not only helps others, it makes us better lawyers. Through pro bono work, young associates gain valuable trial and appellate experience. Recently, associates were instrumental in helping us win a pro bono case before the U.S. Supreme Court. Our pro bono policy also lets our attorneys, even junior attorneys, make a difference

worldwide, handling pro bono work in Africa, Asia, and Eastern Europe. Your first job is about more than paying back student loans—it's about building a career. Pro bono is a critical component of the profession and should be a critical factor you look for in your job search."



Pro Bono Committee Chairman Tom Durkin (left) and Senior Partner Bob Helman (right) present Shel Roodman of the Legal Assistance Foundation with a \$50,000 check. Bob is one of four co-chairs of the Campaign for Justice, which has raised \$1 million from the Chicago legal community for the LAF.

“Skopje”

continued from page one

see yourself helping people. The people here are extremely appreciative and they show it.”

Tom oversees a CEELI office in Skopje that has nine people including several lawyers, an economist, and an administrator. “Our staff is tremendous. We are lucky to have such good people – they make it all possible,” he said. CEELI covers Tom's living expenses in Skopje, but he is donating his time on a pro bono basis.

Mayer, Brown & Platt has contributed to the work by providing Tom research material, a laptop computer, and a regular secretarial contact. He has stayed in touch with colleagues in the U.S. and UK via e-mail and has regularly requested legal research on such varied topics as equipment leasing, corporate structures, and the convening of shareholder meetings. Christof Gaudig in our Cologne office provided Tom with advice about German corporate law, which is one of the models Macedonian officials are considering. “I am grateful for the regular Care packages I'm getting from home,” Tom said.

An Hour's Drive to a War

His messages home have conveyed the emotional impact of his experiences in Eastern Europe. (See box on top of page 13.) One such message to colleague and Chicago partner Trent Anderson described a visit in August to war-torn neighboring Kosovo.

“I spent yesterday in Kosovo, my first trip there even though it is so close. The border crossing averaged an hour each way . . . My

driver showed me an Albanian village burned out by the Serbs, a Serbian village burned out by the Albanians, a gypsy village that he said could have been destroyed by either, and we drove alongside several buildings and an oil tank farm destroyed by American precision bombing. At one point we were pulled off the highway and searched (and I mean really searched) by Swedish soldiers who were guarding a small Serb village on the road to Pristina. This is all within an hour of where I live, if you don't count border crossing time which on bad days can take four or five hours.”

While in Skopje, he has struck up a friendship with the American ambassador and worked closely with top Macedonian officials. He also acknowledges the surreal proximity of war zones to the pleasures of trips to Istanbul and Vienna, and the Dalmatian Coast, not to mention the American ambassador's Halloween costume party which he attended as a Ninja.

Gratifying Experience

Although he was scheduled to return home this fall, CEELI asked him to extend his stay to complete a number of projects. So he currently plans to return home next June, and is thankful for the experience of a lifetime.

“This has been a remarkable experience ... I've been able to see a whole different world.” said Tom.. “It's been extremely personally gratifying.” •

DISPATCHES

Tom Jersild is a senior counsel of Mayer, Brown & Platt doing pro bono work with the American Bar Association's Central and East European Law Initiative in Macedonia. His e-mails home to colleague J. Trent Anderson and others at the law firm describe the impact the experience is having on his life.

12/18/99 — "I HAVE GOTTEN TO KNOW [AMERICAN] AMBASSADOR EINIK — I WENT AS A NINJA TO THE EINIKS' HALLOWEEN COSTUME PARTY AT THEIR HOUSE. I MET HIM SEVERAL TIMES AT THE EMBASSY TO DISCUSS MY PROJECT ON AMENDING THE CORPORATION LAW, IN WHICH HE TAKES A STRONG PERSONAL INTEREST; THE CORPORATION ACT IS 196 PAGES LONG, IS FIENDISHLY COMPLEX AND UNCLEAR . . . I THINK I HAVE BEEN RECEIVED VERY WARMLY BY THE LEGAL PROFESSION AND BAR ASSOCIATION AND JUDGES ASSOCIATION . . . I ALSO MET WITH THE PRESIDENT OF THE COUNTRY IN HIS OFFICE WHEN I GOT HERE AND DESCRIBED WHAT I AM DOING."

5/13/00 — "HELLO EVERYONE. THINGS ARE GOING NICELY HERE. NOW I NEED SOME MORE HELP OF THE TYPE MBP HAS BEEN EXTREMELY GOOD ABOUT AND NOW IS NEEDED IN YOUR [TRENT ANDERSON] AREA, FINANCE LAW. I AM ENDING 15 WORKSHOPS ON CORPORATE GOVERNANCE AROUND THE COUNTRY AND STARTING UP A NEW SERIES, ON BUSINESS FINANCE . . . MBP SENT ME LITERALLY BOXES OF USEFUL MATERIAL . . . ANYTHING CAN BE SENT TO LORRAINE, WHO SENDS ME PERIODIC CARE PACKAGES FROM MBP AND SHE CAN INCLUDE THIS STUFF."

3/13/00 — "I WANT TO SAY ONE MORE THING AND HERE I AM VERY SERIOUS: MY ORGANIZATION CEELI IS DOING VERY GOOD AND VERY IMPORTANT WORK IN THESE FORMER COMMUNIST COUNTRIES AND THERE COULD NOT BE A BETTER CAUSE FOR PRO BONO WORK. THEY HAVE PROJECTS YOU CAN DO FROM YOUR OFFICE, PROJECTS WHERE YOU CAN COME OVER FOR A SHORT TERM (1 - 3 MONTHS) AND PROJECTS LIKE MINE WHICH ARE A YEAR OR MORE."



Tom Jersild in the Balkans

CEELI: Legal Reform in Emerging Democracies

The Central and East European Law Initiative was launched in 1990 as a public service project of the American Bar Association. Its goal is to support the legal reform process in Central and Eastern Europe and the New Independent States of the former Soviet Union.

With the assistance of lawyers, judges, and law professors, CEELI helps to build the legal infrastructure that is critical for strong, self-supporting, democratic, free market systems. CEELI projects are developed in consultation with government and non-government officials, legal scholars, and practitioners from the host country. Many attorneys work in host countries for a year or more, while others consult from their home offices or go on-site for brief periods.

Mayer, Brown & Platt Pro Bono Director

Marc Kadish is seeking to expand the firm's pro bono opportunities with CEELI. "I think it is an exciting program that offers a number of interesting opportunities for attorneys. They have all kinds of projects to draw upon various skills," said Marc. As a first step, he is consulting with attorneys in the various U.S. offices and the London office to match attorneys with some short-term CEELI projects.

CEELI programs include:

Bar Development. CEELI has helped develop new legal associations and work with existing associations in a number of countries.

CEELI Institute. The ABA is establishing a training and educational center in Prague, the Czech Republic. This center's programs will be available to lawyers

and judges from the countries of Central and Eastern Europe and the former Soviet Union before the end of the year 2000.

Commercial Law Reform. This program provides support and assistance to governments, judges, and lawyers as these countries make the transition to free market economies.

Criminal Justice Work. CEELI and the Criminal Division of the U.S. Department of Justice (DOJ) are working together on a project to stem the growing tide of crime and corruption within these countries.

Coalition for International Justice. CIJ, established by CEELI in 1995 with the support of the Open Society Institute, is

continued on next page



Kate Clark (left) holds the Pro Bono Leadership Award presented by Martha W. Barnett (center), President of the ABA, for her work on behalf of the Midwest Immigrant and Human Rights Center headed by Mary Meg McCarthy (right).

Kate Clark Receives ABA Award

On September 18, Katherine M. Clark of our Chicago office, was one of 10 recipients of the American Bar Association's Pro Bono Leadership Award. Kate received the award for her "outstanding pro bono services to clients, including adults and children. [She has] identified and responded to issues impacting asylum seekers nationally and internationally." The award recognizes Kate's work representing a Colombian woman who had been threatened and whose brother had been kidnaped by a paramilitary organization (her story was featured in our last issue). The award further noted: "Kate and additional Mayer, Brown & Platt attorneys conducted extensive research and obtained excellent documentation to support the case, as well as outstanding experts to win the case."

CEELI

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an international non-profit organization providing technical and advocacy support to the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR).

Environmental Law Program. CEELI established the Environmental Law Program in March 1993 to promote environmental law reform in the region.

Gender Issues Program. The gender issues program addresses gender-based employment discrimination, sexual harassment in the workplace, domestic violence, and trafficking (forced prostitution) abroad.

Volunteer Interns. Attorneys working in CEELI's Washington, D.C., office coordinate various CEELI programs.

Judicial Reform Program. CEELI has provided substantial assistance and support to judiciaries as they seek greater independence.

Legal Assessments and Concept Papers. From their own hometowns, legal professionals provide timely technical assistance by reviewing draft legislation and developing legal concept papers.

Legal Education Reform. CEELI is frequently called upon by host country law schools to provide information about the systems and methodologies used in the United States to prepare lawyers for their professional role in a democratic society.

Liaison and Legal Specialist Program. Through the Liaison and Legal Specialist Program, attorneys, judges, and law professors work in host countries for at least

one year, working with host country partners on projects rooted in a spirit of long-term trust and cooperation.

RIGHTS Consortium. In response to the challenge of promoting human rights and the rule of law in countries throughout the world, Freedom House, CEELI, and the National Democratic Institute for International Affairs have established the Rule of Law Initiative and Global Human Rights Training and Support (RIGHTS) Consortium. The RIGHTS Consortium combines the unique strengths, experiences, and outreach of its three partners and its associate partner organizations.

Mayer, Brown & Platt attorneys interested in participating in CEELI programs can contact Pro Bono Director Marc Kadish for more information about the firm's involvement with CEELI. •

Fighting Fire

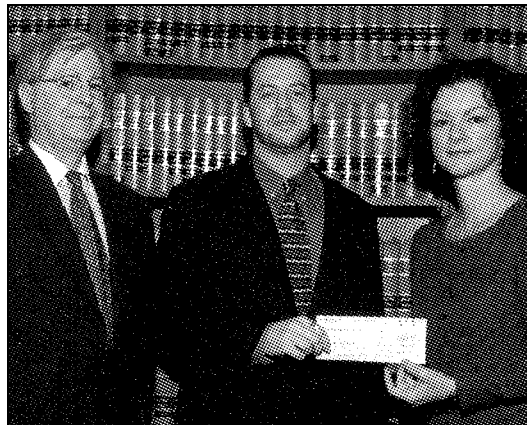
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residence's passive connections with interstate commerce did not come within the statutory terms. This time, when we reached Mr. Jones, we could tell him that we had accomplished something.

For appellate lawyers without government experience, pro bono work is a professional necessity as well as a duty. There is no better way to take the next step up in experience, whether it is one's first oral argument or simply one's first argument in the United States Supreme Court. I enjoy working with business executives and corporate counsel on the antitrust, intellectual property, regulatory, employment, and other business-related issues that occupy most of my practice. But there is something bracing about working for someone whose freedom is at stake - as I am reminded by the hand-drawn thank-you cards that Dewey Jones sends from prison as he awaits resentencing.

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In May Managing Partner Debora de Hoyos (left) and Pro Bono Director Marc Kadish (right) presented a check for \$30,000 to Lee Witte of the Chicago Volunteer Legal Services.



On June 27, Mike Niebruegge, partner in charge of our Houston office (left), and Terri Truitt Griffiths, partner in charge of our Houston pro bono practice (right), presented a check for \$5,000 to Jim Marcus, Executive Director of the Texas Defender Services, which defends those on death row in Texas.



Feedback

To **Kyle Waldinger** and **Nerissa Coyle McGinn**: "I just wanted to tell you how much I appreciate the effort and work you put in on my behalf. . . .I've been prepared to do this whole bit from day one. I'm already about halfway through, so it's all downhill from here. . . . I'll never be able to repay you for all you've done. You went out of your way for me on

more than one occasion. Don't think it went unnoticed. You treated me like a person instead of just another case, and I'll never forget that." *Cody Dekens* (Note: On September 7, 1999, Kyle and Nerissa argued on behalf of Mr. Dekens before Illinois' Third District Appellate Court in a felony murder and drug conspiracy conviction. On March 29, 2000, the court issued its written decision affirming Mr. Dekens' convictions. The Illinois Supreme Court denied the petition for leave to appeal on July 5, 2000.)



Mayer, Brown & Platt's emphasis on pro bono work was noted in a recent *National Law Journal* article "Trickle-Down Theory Not Hitting Pro Bono,"

August 28, 2000. "Chicago's Mayer, Brown & Platt ranked seventh in gross revenues this year, and has been dramatically increasing its pro bono hours. Earlier last year, the firm hired its first full-time pro bono director in order to create a program that combines pro bono and training. According to **Marc Kadish**, the full-time director of pro bono and clinical education, the policies at the firm have changed. The firm now requires 2,100 hours, of which 100 may be pro bono or other nonbillable work. Some pro bono can spill over into the 2,000 hours of billable time, with firm approval."



"The most exciting cases have been the pro bono cases. I've worked with **Graham Grady** in researching potential warning label requirements for the Illinois Council Against Handgun Violence. I was able to present my research directly to the client. I also worked on an attempted murder pro bono case. Another summer associate and I were able to go to Cook County Jail and interview the client on our own. We also accompanied Pro Bono Director **Marc Kadish** on a court appearance on behalf of this client." *Roger Perlstadt, 2000 Summer Associate*



"As you know, Mayer, Brown & Platt through **Javier Rubinstein**, Esq., . . . undertook my representation pro bono, several months ago. The case was accepted by the Supreme Court and is still ongoing. All the attorneys who have worked on my case as a team have done exceptional legal work. They each have my respect and thanks and I would like you and the firm to be aware of their contributions. They include **Gary S. Feinerman**, Esq., **Karnig Kerkonian**, Esq., **Thomas Nachbar**, Esq., **Javier Rubinstein**, Esq., **Andrew H.**

Schapiro, Esq., and **Kaspar Stoffelmayr**, Esq. Javier made an excellent argument before the Supreme Court. I call particular attention to the diligent and excellent work of **Thomas Nachbar** and **Kaspar Stoffelmayr**. . . . Please advise on how I may further praise your pro bono program and these excellent lawyers that deserve much credit. *Ellis E. Nader, Jr., B.A., J.D. (Note: On June 10, 1999, we won a unanimous victory before the U.S. Supreme Court in favor of Mr. Nader. In its 9-0 ruling, the Court held that materiality is an element of the federal mail fraud, wire fraud and bank fraud statutes, and that materiality was erroneously omitted from the jury's instructions. This is an important decision that will have important consequences in helping our clients defend against frivolous civil RICO claims based on immaterial and trivial misstatements. The case will now be remanded to the Eleventh Circuit Court of Appeals to determine whether the trial court's erroneous omission of materiality from the jury instructions was harmless error.)*



"Marc: I just got a chance to read the latest issue of the *Mayer, Brown & Platt Pro Bono Update* and wanted to congratulate you on the newsletter. It is absolutely terrific. As you know, we see lots of pro bono and other firm newsletters here, and yours is simply one of the very best I've ever seen. Beyond that, of course, is the even more important fact that the firm is doing exceptional pro bono work—in individual matters, the Supreme Court, in transactional projects, and internationally. Your work, **Debora's** leadership, and the commitment and skill of Mayer, Brown's lawyers are the exemplar for what a leading national law firm should be accomplishing with its pro bono program. You are an inspiration." *Esther F. Lardent, President, Pro Bono Institute. (8/5/00) •*

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