

Pro Bono Update

Spring • 07

M A Y E R
B R O W N
R O W E
& M A W



Helping Asylum Seekers Beat the Odds and Escape Oppression

A Guinean national seeks to prevent her relatives from imposing a gruesome cultural practice upon her young twin daughters. An Egyptian man who converts to Christianity fears reprisals back home. A Colombian woman escapes a series of politically motivated attempts on her life and flees to the United States in hopes of finding refuge. These are just a few of the asylum seekers represented recently by lawyers from Mayer, Brown, Rowe & Maw.

Story continues on page 1

In this Issue

| | |
|--|----|
| Helping Asylum Seekers Beat the Odds and Escape Oppression | 1 |
| To Talk of Many Things | 6 |
| Elpidio Villarreal: Excerpted Immigration Speech | 9 |
| Gaining Critical Experience through Court-Appointed Criminal Cases | 10 |
| Developing Future Leaders through Fellowships | 12 |
| Academic Affiliate Eugene Volokh Adds “Pro Bono Counsel” to Lengthy List of Titles | 14 |
| Chicago Pro Bono Luncheon | 16 |
| Teaching a Clinic on the Supreme Court | 18 |
| L.A. Office Helps to Finalize Foster Adoptions on National Adoption Day | 20 |
| Into the Land of the Pashtuns | 22 |
| Teaching in Rural Tanzania | 25 |
| Pro Bono Awards | 28 |
| German Pro Bono Initiatives | 29 |
| In Memoriam: Patrick William O’Brien | 30 |



Helping Asylum Seekers Beat the Odds and Escape Oppression

While the success rate of asylum applicants varies by locality, court, type of asylum sought and a host of other factors, the odds do not favor asylum seekers, especially when faced with post-9/11 U.S. immigration policies. Having the benefit of legal counsel, however, significantly increases

the likelihood that asylum will be granted. “We try to provide a little balance between the resources of the government and the poverty and legal naiveté of the typical asylum seeker,” notes senior counsel and pro bono committee member Philip Lacovara, a longtime board member of Human Rights First, who has been active with human rights causes for more than 25 years. “These are cases in which the involvement of a lawyer makes an enormous practical difference, and may mean the difference between life and death.”



Philip Lacovara

The firm has relationships with a number of organizations, including Human Rights First, Catholic Charities and the National Immigrant Justice Center, that request help with difficult matters on behalf of people who are seeking asylum due to political opinion, race, religion, nationality or membership in a social group.

Putting an End to the Cycle

Chicago counsel Debra Bernard successfully defended a deportation case concerning a Guinean woman, her husband and their six children.

The woman was forced to undergo a very common cultural practice as a child in Guinea: female genital mutilation (FGM), which is inflicted upon most Guinean females despite the physical, psychological and emotional pain associated with it. As an adult, she worked for an organization that opposes the procedure. In 1997, while she was in the U.S. receiving medical assistance for a pregnancy complicated by the mutilation she suffered as a child, her husband’s family forced the procedure upon her three young daughters, despite his objections.

Her political activities increased after she returned to Guinea, and as her profile grew she suffered physical violence, threats and intimidation. In 2002, her in-laws asked to take her then-five-year-old twin daughters “on vacation” while they were on break from school—a common time for FGM to be practiced, as healing requires several months. She then began preparing her family to flee Guinea to take refuge in the U.S., and in November 2004 the family petitioned for asylum.

Bernard came to the case after the family’s asylum application was denied and the matter referred to the Chicago Immigration Court. Bernard and her team, associates Jason Schmitz and Andrea Hutchison and paralegal Darlene Riley, prepared for the case by meeting with the family, fa-

“These are cases in which the involvement of a lawyer makes an enormous practical difference, and may mean the difference between life and death.”

Philip Lacovara

“Seeing a video showing an FGM procedure made me feel like I absolutely had to win, that I couldn’t let these two little girls go through this.”

Debra Bernard

miliarizing themselves with FGM and extensively researching the law. “Asylum is not just substantive law; there are a lot of procedural rules to get down as well, which is a challenge,” Bernard commented. “But there’s no substitute for sitting down and writing a brief to really learn a subject.”



From left, Darlene Riley, Andrea Hutchison, client’s daughter, Debra Bernard, client, Jason Schmitz.

The immigration judge granted asylum, noting that the evidence and testimony established a well-founded fear of future persecution. The Department of Homeland Security waived appeal, rendering the grant final.

“Unlike what we do most of the time, you feel like you have these people’s lives in your hands with a case like this,” Bernard said, commenting upon the emotions around the asylum claim. “Seeing a video showing an FGM procedure made me feel like I absolutely had to win, that I couldn’t let these two little girls go through this. Viewing this footage made it much more real and significant to me, making it less of a theoretical argument and more of a practical reality.”

Paying It Forward

For Shanghai-born Houston associate Victor Zhao, asylum work carries a special significance. As a child, he and his family came to the U.S. and overstayed a tourist visa; they avoided deportation and ultimately attained legal status through a special immigration provision that was enacted in the wake of Tiananmen Square. Since joining the firm, Zhao has sought to “pay forward” the benefit that he and his family received by working on two asylum cases that first came to the attention of Houston counsel Dena Palermo. Palermo serves as the Houston office’s administrator for asylum cases and works closely with Catholic Charities’ St. Frances Cabrini Center for Immigrant Legal Assistance.

One of Zhao’s asylum cases partnered him with fellow Houston office associate Yasmin Yavar under the supervision of partner Terry Kernal. The team represented a Colombian woman who suffered a number of threats against her life, including a bombing attempt that nearly succeeded, due to her work with a municipal government program in Medellin that attempted to reorganize the city’s street vendors.



Yasmin Yavar

As Zhao noted, “[It] was a very nuanced case as far as fitting it into one of the five grounds under which one can seek asylum.” Although the judge denied the asylum application after



Victor Zhao

a November 2006 trial, the decision is currently under appeal before the Board of Immigration Appeals, with a ruling expected later this year.

Zhao’s other asylum case paired him with associate Brian Trachtenberg under Palermo’s supervision, representing a Salvadoran teenager who had illegally entered the U.S. to be with her mother and stepfather after a gang assaulted her and threatened to kill her if she reported the incident. While the team initially filed an asylum application on her behalf based on her fear of persecution, the teen’s stepfather, a U.S. citizen, ultimately opted to sponsor a petition to grant legal status to her. An adjustment of status application was granted after a hearing on the merits in December 2006, allowing the teen to become a permanent U.S. resident.

In both cases, Zhao and his teammates put in extensive preparation time learning immigration law, which he described as “the second most complicated type of law after tax law.” He also found himself empathizing with the plights and causes of his clients, lending the cases an emotional component that further strengthened his resolve. “You realize that in these cases you’re going against the U.S. government, and they have a significant advantage in terms of resources and familiarity with the law over the respondent. The disparity in resources is incredible,” he commented. “You know that your duty is to give them zealous advocacy, and that you have to do your part to make sure that the adjudication process is as fair as possible.”

Keeping a Christian Convert Safe From Harm

Mounting a successful asylum defense presents a daunting challenge. Fortunately, a wide range of specialists and organizations are available to assist with background information, case preparation and witness location. Such a network proved very useful to the Houston-based team of partner Diana Hoover and associates Hutson Smelley and Gayle Hanz, who helped an Egyptian man win asylum in part due to the help they received from academics and others while preparing for the case and from the testimony provided by expert witnesses.

After visiting the U.S. and attending a Christian church, the man, a former armed services officer, wanted to convert from Islam to Christianity. He feared, however, that doing so in Egypt would subject him to hostilities and leave him at risk of becoming the victim of an “honor killing.” He returned to the U.S. in 2006 and requested political asylum at the Houston airport, which led to his being placed in a detention center and fast-tracked for a trial. After a half-day trial in November 2006, the court issued a lengthy opinion and granted asylum, with the government waiving its right to appeal.



Brian Trachtenberg

“You know that your duty is to give them zealous advocacy, and that you have to do your part to make sure that the adjudication process is as fair as possible.”

Victor Zhao

Hutson Smelley and Gayle Hanz with client, center.



"It's one of the main reasons why I'm as happy working for this firm as I am, because I'm afforded the opportunity to do this kind of work."

Gabrielle Butcher



Gabrielle Butcher



Heidi Steiber



Catherine Bernard

"We were able to win this case, but we didn't do it alone. So many people contributed to it, and if they had not done so, the defense wouldn't have worked," Smelley concluded. "[The case was] about trying to help someone stay in the United States and have a whole new life, as opposed to being sent back home where he may in fact get killed. That's a whole lot to have riding on how you do."

Gaining Valuable Experience While Making a Difference

Bernard, Zhao and Smelley are but three of the many U.S.-based Mayer, Brown, Rowe & Maw lawyers who have worked tirelessly on asylum matters. Nearly every office has seen an increase in this area.

When she joined the firm, Washington, D.C., associate Gabrielle Butcher was interested in performing pro bono work focused on women's issues. She contacted Marcia Tavares Maack, the firm's assistant director of pro bono activities, which led to Butcher working on the successful 2006 affirmative asylum application of an Ethiopian woman who was a member of the country's main opposition party.

The woman had been detained, beaten, tortured and raped by members of the police and government security forces as a result of her political activities. Working under the supervision of partner Jeffrey Robertson, Butcher and her fellow associate Heidi Steiber prepared the client for her interview with the asylum office. Because the client's testimony established a well-founded fear of future persecution by the Ethiopian government, her asylum application was approved in December 2006, pending a background check.

"This was definitely the most rewarding and fulfilling assignment that I've worked on thus far in my professional life," Butcher commented. "It's one of the main reasons why I'm as happy working for this firm as I am, because I'm afforded the opportunity to do this kind of work."

Chicago associate Catherine Bernard was drawn to asylum work by her belief in the spirit of America's founding. "My ancestors were all immigrants, and I truly believe that immigration is what makes this country great," she commented. "I fear that we're destroying this country by closing ourselves off and making it so difficult to be allowed here."

Bernard recently represented an asylum seeker who was targeted by the Zimbabwean government due to her membership in the country's main opposition party and her familial connection to other persecuted party members. After being harassed, threatened, beaten and nearly raped by members of a notorious youth militia and being beaten and threatened by her estranged husband, a retired army officer and member of Zimbabwe's ruling party, the woman fled to the U.S. in March 2005.

The defense became an international effort, with the firm's London office helping to obtain an affidavit from one of the woman's previously tortured cousins who had since established residence in England. A hearing was held in December 2006, and the Chicago Immigration Court ruled that the woman's testimony, the defense team's pre-hearing memorandum and the submitted evidence collectively established a well-founded fear of future persecution. The judge granted asylum and the Department of Homeland Security waived appeal.

"I think asylum work is particularly rewarding pro bono work for young attorneys because it gives them the opportunity to get experience to do a lot of the things a litigator needs to do," Bernard concluded. "The chance to interview a client, to help the client tell her story, to take that story and put it into a form that helps your argument, to synthesize a very complicated area of law — all these important skills are developed."

Associate Michelle Annunziata from the New York office agrees. She recently worked with Joseph De Simone on a matter related to a successful political asylum case he had handled prior to joining the firm. More than a decade earlier, De Simone won political asylum for a Bangladeshi national who subsequently applied for permanent resident status to bring his family to the U.S. The man's son received derivative asylum as a minor under the grant, but ran into complications after applying for his green card as an adult. De Simone and Annunziata filed a *nunc pro tunc* asylum application in October 2005 seeking to extend the original asylum grant to include the son. He interviewed with the asylum office in April 2006, and the application was granted several months later.

Annunziata feels that her asylum work has assisted her on other matters. "It was helpful in the sense that I sat down with the client and interviewed him and talked to him and became his main contact," she commented. "It gave me the chance to have direct client contact and manage client expectations, which is valuable experience."

Pro bono asylum case work has enriched the careers of many Mayer, Brown, Rowe & Maw lawyers. "Just about everybody I have known who has done human rights work of this sort, especially asylum cases, has said that it's probably the most satisfying kind of professional experience," Philip Lacovara concluded. "There is the personal sense that the lawyer has really achieved something for a client and made a difference in the client's life that is of incalculable importance."

Mayer, Brown, Rowe & Maw continues to work pro bono on a range of asylum and other human rights cases on behalf of oppressed and persecuted individuals all over the globe.

"There is the personal sense that the lawyer has really achieved something for a client and made a difference in the client's life that is of incalculable importance."

Philip Lacovara



Joseph De Simone and Michelle Annunziata, center and center right, with Bangladeshi client and parents.

“*The time has come,*” the Walrus said,
“To talk of many things:
Of shoes—and ships—and sealing-wax—
Of cabbages—and kings—
And why the sea is boiling hot—
And whether pigs have wings.”

~Lewis Carroll



To Talk of Many Things

by Marc Kadish

WHAT IS PRO BONO AND WHAT COUNTS

American Lawyer magazine article

Last July’s issue of the *American Lawyer* magazine contained an article by Carlyn Kolker entitled, “The Good Fight.” The article raised a number of issues:

- 1) Is free legal work always pro bono?
- 2) Just who is too poor to afford legal services?
- 3) Can a law firm do legal work for a well-endowed non-profit institution and still call it pro bono?
- 4) Does volunteer work for a struggling for-profit institution count?
- 5) Can a firm help a local district attorney’s office and call it pro bono?
- 6) What about free representation of major museums, well-funded private schools or large cultural institutions?

To address all of these questions would entail writing an article the length of a law review piece. However, because our work with the Corporation for Supportive Housing (CSH) was specifically discussed in the article...

Some firms regularly handle institutional legal work for well-endowed non-profits, arguing that the mission of the groups is enough to qualify the work as pro bono, even if the group’s annual budget is blessed with many zeroes....

MAYER, BROWN, ROWE & MAW, for example, handles real estate closings for the Corporation for Supportive Housing, a national housing organization....

I will limit my discussion to the representation of “well-endowed” non-profit organizations and why I believe our continued representation of CSH is proper.

Our Work with the Corporation for Supportive Housing

CSH helps communities create permanent housing with social services to prevent and end homelessness. We have worked with CSH since 2004, primarily representing the organization with their loans and grants. However, we have also represented them on corporate, employment

and litigation matters. We funded an Equal Justice Fellowship and a Public Interest Law Initiative Fellowship with the organization. I serve on their Board of Directors. We are now engaged in discussions with one of our clients, TIAA-CREF, about partnering on CSH work. Prior issues of the Pro Bono Update have included articles about our work with CSH. These articles, as well as a PowerPoint presentation about CSH, can be found on our pro bono web site at www.mayerbrownrowe.com/probono.

CSH has offices in nine states. They have committed more than \$124 million in loans and grants to support the creation of approximately 16,000 units of permanent supportive housing, with an additional 10,500 units in the pipeline. The units already in operation have ended homelessness for over 21,000 adults and children.

To deny pro bono representation to CSH would punish them for their success. The grants and loans that CSH receives are placed in their revolving loan funds. None of it pays for fancy offices or high salaries. Ironically, if CSH began paying legal fees, this could hurt their future fundraising efforts. This is because legal costs are considered administrative expenditures. The greater an organization's administrative costs, the less efficient it appears, which in turn hurts its fundraising efforts.

The group's effectiveness, alone, would justify our continued pro bono representation. However, their success also has contributed to the growth of our pro bono program.

Our pro bono efforts in the litigation area have concentrated on sophisticated "impact" work: Supreme Court cases, the Seventh Circuit Project, death penalty cases on both the trial and appellate level, Guantanamo Bay cases, political asylum immigration work and the Limited Appointment Settlement Project. We needed to find the same type of "impact" projects in the transactional area. Our work with CSH mirrors the type of projects we try to do in the litigation area: it is an ongoing project with an established organization with a clear mission—to end chronic homelessness. Further, our involvement has helped to grow both their organization and our own pro bono program.

We have helped create more than 2,800 housing units since 2004. We have worked on 102 transactions through the end of 2006, closing 40 of them. Our engagement with CSH has increased the involvement of our real estate group in pro bono. Out of the 85 lawyers listed as part of the real estate group in our U.S. offices,

54 have done work for CSH, including 12 partners, 8 counsel and 34 associates, some of them on multiple deals. The group has devoted more than 2,200 hours to CSH matters in 2006. Indeed, due to their participation with CSH, the total hours devoted to pro bono work by the real estate group increased from 1,467 hours in 2005 to 2,521 hours in 2006.

As the pro bono hours have grown, so too has the sophistication of the legal work. This makes it an even better training opportunity for our lawyers. Initially, John Gearen, who was instrumental in establishing our relationship with CSH, re-drafted the organization's loan documents to make the closings simpler and more efficient. However, CSH's grants and loans have recently grown larger and more complex. Young associates are still given the opportunity to do their own real estate development projects under the supervision of a more senior lawyer, except now, we have an experienced lawyer, Susan Proffitt, who oversees all of the projects, and a real estate project assistant, Clayton Stanfield, who helps to coordinate and keep track of our work. Doug Wisner, a Firm Practice Leader in the real estate area and a member of the New York office's pro bono committee, also helps to oversee the project.

The Definition of Pro Bono and the 3M Test— "Mission, Means and Matter"

I believe our pro bono representation of CSH fits into the definition of pro bono that we, and most other large firms, follow:

As used in this statement, the term pro bono refers to activities of the firm undertaken normally without expectation of fee and not in the course of ordinary commercial practice and consisting of (i) the delivery of legal services to persons of limited means or to charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; (ii) the provision of legal assistance to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties or public rights; and (iii) the provision of legal assistance to charitable, religious, civic, community, governmental or educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's

economic resources or would be otherwise inappropriate (Law Firm Pro Bono Project of the Pro Bono Institute).

However, Ms. Kolker's article raises some valid concerns with respect to certain non-profit organizations. The pro bono representation of "successful" non-profit organizations has been the subject of lengthy discussions at the annual gathering of Pro Bono Directors in New York, at the annual conference of the Pro Bono Institute and in meetings of a new organization, the Association of Pro Bono Counsel.

A three-stage inquiry has been discussed at these gatherings:

- 1) What is the organization's mission?
- 2) Does the organization have the means to pay for legal assistance?
- 3) What is the specific matter that a law firm has been asked to handle on a pro bono basis?

I believe that our representation of CSH qualifies under each of these inquiries.

CSH's mission is to help provide supportive housing for the chronically homeless—the population that traditionally shuffles through homeless shelters without any permanent improvement in their lives.

Does CSH have the means to pay for legal assistance? CSH had an in-house counsel to handle some of their legal work. But even then the organization had to pay outside counsel to handle the real estate closings. The in-house position was eliminated for budget reasons before our relationship began. However, they were still paying outside counsel for the closings. Our work as general pro bono counsel has eliminated their legal expenses so the fees are no longer a drain on their administrative expenditures. This savings permits the money to be used for more grants and loans.

The third part of the test—what is the specific matter—is a non-issue with regard to our representation of CSH. All the matters we have handled for CSH involve projects that increase the number of supportive housing units available to the indigent throughout the United States.

Do We Need Yet Another Definition of Pro Bono?

Ms. Kolker wants to establish a new definition of pro bono and detailed guidelines for what work counts. I don't think we need

another definition of pro bono. The many different definitions that already exist make our reporting obligations difficult enough. The current definition used by the Pro Bono Institute is fine except the phrase "public rights" in section (ii) is very open-ended, but I don't know what to substitute. I also would suggest eliminating the phrase, "or would be otherwise inappropriate" in section (iii) because it is meaningless.

The Pro Bono Institute publishes a pamphlet entitled, "What Counts." While it's not perfect and should be updated, it does serve as a type of generally accepted precedent. If the "Three M" test is added to "What Counts," we will have made progress. I also suggest that a uniform system of whose hours count should be employed. Summer associates, paralegals and foreign office hours don't count in some external reporting systems while they do in others.

I hope my thoughts and comments move the dialogue forward.

ONE MAN'S THOUGHTS ABOUT IMMIGRATION

Elpidio Villarreal

Elpidio "PD" Villarreal is head of Litigation for Schering Plough. He is a third-generation Mexican American. He gave a speech at the Puerto Rican Legal Defense and Education Fund dinner in New York in October 2006. People told me it was one of the most heartfelt and emotional speeches they ever heard.

We reprint a small portion of the speech on the following page and invite people to view the complete speech on our pro bono web site at www.mayerbrownrowe.com/probono in the spotlight on participants section.

The speech complements our lead article on the increasing popularity of asylum cases with lawyers in the firm. The speech helps to explain why this work has become so popular within the firm.

Excerpted Immigration Speech by Elpidio “PD” Villarreal

I want to spend just a few minutes sharing my personal opinions (not necessarily those of my employer), on an issue dividing the nation in this election year—immigration. In particular, I want to talk about how my own history and that of my family colors my view of this issue.

I will not suggest that this nation does not have a right to control and police its own borders. This right is, in fact, an essential attribute of nationhood. Nor do I mean to suggest that immigration is not a legitimate subject of national debate, it surely is. But I think it is important that the debate be framed by facts not fictions. Underlying the ongoing debate over immigration is one central idea—that somehow the current wave of Mexican immigrants coming to this country is fundamentally different from prior waves of immigrants.

...

My late grandmother, Elena Villarreal, who came to this Country as a refugee from political violence during the Mexican Civil War, had eleven children—nine sons—one of whom died in childhood. Six of her sons served in this Country’s armed forces. My uncles have fistfuls of medals to prove their bravery, but I want to talk about the bravest one of all—the one who didn’t want to go.

My Uncle Guadalupe was drafted during the Second World War. But he didn’t want to go. He became, in fact, a draft dodger. One day, the MPs came to the family house to get him. My Uncle hid in a shed in the back of the yard. The MPs knew he was home and they told my Grandfather that if he persuaded his son to come with them peacefully, they would not hurt him. My Grandfather went to my Uncle Lupe and told him that he had to go. My Uncle said he didn’t want to go because he knew, he *knew* in his heart, that he would die. He had foreseen his own death. My Grandfather told him that it didn’t matter. Even if it were true, and even if he was destined to die, he still had to go because *this was our country now*.

My Uncle Lupe surrendered peacefully to the MPs. On June 6, 1944, he landed at a place called Omaha Beach in Normandy, France. He was killed while leading an attack on an enemy bunker that was pinning down his platoon. He was nominated, but did not receive, the Congressional Medal of Honor. My Grandparents received a photograph of a road my Uncle’s unit built in France. The road had been named Villarreal Road.



Elpidio “PD” Villarreal

Years ago, I was privileged to walk the battlefields of Normandy, including Omaha Beach, and I visited the great American Cemetery there where lie 17,000 Americans who gave the “last full measure of devotion,” as Lincoln so beautifully put it. Simple white marble crosses, interspersed with occasional Stars of David, stretch out for 70 acres. It remains one of the most moving things I have ever seen. I thought about all the brave Americans buried there and of the meaning of their deaths, but I thought especially about my Uncle Lupe, the one who went to war **knowing** he would die for no other reason than that his Country, the one that treated him as a second class citizen, asked him to.

...

About 90 years ago, my Grandfather Francisco, crossed the Rio Grande River illegally, settling eventually in San Antonio, where I was born and raised. He came to America because his father, a policeman, had been assassinated. He worked for many years in a menial job at an Air Force base in Texas. Many times, he was hidden from immigration officers seeking to clear the Base of Negroes and Mexicans by a sympathetic German-American. Today, he and my Grandmother have almost 200 living descendants.

I do sometimes wonder what my Grandfather must have been thinking as he crossed the Rio Grande into a strange new land, just as I sometimes wonder what my Uncle Lupe must have been thinking as he felt his landing boat bump against the beaches of France. I am sure they were both afraid. But both of them found the courage and the strength to keep moving forward—as we all must.

...

One of my greatest fears is that we are seeing the passing of that Great Country—replaced by one governed by fear—of the future, of the present, and of “the other.” Two paths are open to us. One path would keep us true to our fundamental values as a nation and a people. The other would lead us down a dark trail; one marked by 700 mile long fences, emergency detention centers and vigilante border patrols. Because I really am an American, heart and soul, and because that means never being without hope, I still believe we will ultimately choose the right path. We have to.

Gaining Critical Experience through Court-Appointed Criminal Cases



Judge James Linn

Exonerating an Innocent Man

In a recent case before Judge Linn, a team composed of partner Jonathan Medow, litigation associates Doressia Hutton and Shauna Fulbright and summer associate Keonna Carter represented a man accused of criminal sexual assault, a fact that Hutton admits initially gave her some pause.

"The criminal courts are one of the few places where cases are still tried, and where associates can work on a trial."

Marc Kadish

At first, the team expected to assert a defense based on consent. Circumstances changed, however, when the state released the findings from DNA testing in fall 2005, showing that no match was made to the defendant's DNA.

A jury trial was conducted in May 2006, with Fulbright delivering the opening argument, Hutton cross-examining the accuser and Medow questioning several witnesses and delivering the closing. Essentially, the defense team walked the jurors through the state's case and demonstrated how the DNA evidence disproved the prosecution's claims. The three-day trial resulted in an acquittal and the defendant was released after 14 months behind bars.

For Fulbright, the case impressed upon her the need to truly work together in order to succeed. "I learned the importance of teamwork," she remarked. "I thought it was very helpful that we had a nice-sized team on this case so that we could share our different opinions and consider

The Cook County Criminal Courts Building in Chicago is one of the busiest courthouses in the United States, where more than 30 judges hear cases each business day and public defenders routinely juggle dozens of cases at a time. To help alleviate the pressures on the system and provide quality representation to defendants, all while gaining the benefits of trial experience for our associates, Mayer, Brown, Rowe & Maw regularly accepts pro bono criminal defense appointments before Judge James Linn.

The firm began taking cases before Judge Linn in 1999 after Marc Kadish, the firm's director of pro bono activities and litigation training, approached the judge about getting court experience for our associates.

"My goal has always been to combine pro bono and training. Finding trial experiences for our lawyers is a priority," Kadish commented. "The criminal courts are one of the few places where cases are still tried, and where associates can work on a trial. These cases provide experience in every aspect of the development of litigation training. Many first-year associates have had their first courtroom experience by appearing before Judge Linn on everything from status hearings to arguing motions."

To date, the firm has handled 11 cases in Judge Linn's court, including several capital defenses. Typically, the defense teams include Kadish together with one or more partners and associates.

different facets of the case. There were enough people that we could talk through multiple perspectives.”

“It was the highlight of my legal career, actually trying a case before a jury and getting an acquittal,” Hutton commented. “It meant a lot to [the acquitted defendant]; he had been in jail for 14 months at this point, away from his three young sons for a crime that he knew he didn’t commit. That’s 14 months of his life that he missed out on, and 14 months of his kids’ lives that he missed out on. We’re dealing with real people here, and because I work at this great firm I was actually able to help someone who could’ve been convicted of a crime that he shouldn’t have been convicted of.”

Getting a Defendant the Help He Needs

Several members of the firm’s Intellectual Property Group, including counsel Debra Bernard and associates Douglas Sawyer and Aric Jacover, worked on the defense of Norman Derrickson Jr., who was charged with aggravated arson and two counts of first-degree murder after two men died in an apartment building fire that Derrickson started in a suicide attempt.

While the state pursued the death penalty, our defense team argued that Derrickson was mentally ill and only intended to harm himself. Derrickson was ultimately assigned to a mental health unit at the Dixon Correctional Center, where he is serving a life sentence without parole.

While there are no winners in such a tragic case, the team felt some satisfaction in the aftermath. “I was pleased because I think we helped Mr. Derrickson,” Sawyer said. “We hope he has ended up in a place that will help him in the long run with his mental health issues.”

Because he was allowed to take on a major role in the defense, Sawyer also feels that his involvement helped shape him as a lawyer. “The case gave me great hands-on experience taking depositions from police officers and expert witnesses,” he commented. “I went into the field to talk to potential witnesses and follow up with the people the police had talked to, developed theories on the case, hired experts, developed expert reports, and certainly had

Additional cases before Judge Linn:

| | |
|------------------------|---|
| Clifton Carroll | Three murder cases, two not guilty and one conviction. Represented by partner John Touhy on one case and former associates Ken Merlin and Skip Sneeringer on the other two. |
| Larry Filiung | Murder, not guilty by reason of insanity. Represented by former Mayer, Brown, Rowe & Maw lawyers Kaspar Stoffelmayr and Stephen Keeley. |
| Samuel Lupo | Murder, state sought death penalty, sentenced to 50 years after guilty plea. Represented by partners Sheila Finnegan and Craig Woods, associates Doressia Hutton and Zachary Barnett, and former associate Tara Thompson. |
| Deborah Taylor | Murder, not guilty. Represented by associates Charles Harris II and Sheri Drucker Davis. |
| Randy Williams | Murder, guilty of second-degree murder. Represented by associate Josh Kolar and former Mayer, Brown, Rowe & Maw lawyer Maggie Schneider. |
| Alan Love | Kidnapping, pled guilty and received minimum sentence. Represented by partner Vincent Schmelitz III, associate Charles Harris II and summer associate Christine White. |

PENDING CASES:

| | |
|--------------------------|--|
| Quovadis Thompson | Charged with sexual assault. Represented by Nicole Byrd and Brad Stanley. |
| Daniel Lucas | Convicted of murder. Represented for post-trial motions and sentencing by associates Rochelle Outlaw, Greg Deis and Josh Kolar. |
| Aurelia Gonzalez | Charged with kidnapping. Represented by associates Gina Diomedi, Heather Lewis, Sarah Reynolds and Marcela Sanchez. |
| Sean Bloxton | Charged in one case with murder and in a second case involving possession of a weapon. Represented by partner James Barz and associate Shennan Harris. |

Developing Future Leaders through Fellowships

As part of Mayer, Brown, Rowe & Maw's commitment to public service and the development of future leaders, the firm regularly sponsors legal fellowships to support the efforts of lawyers with an inclination toward public service. Among the firm's current fellows are a pair of lawyers, Ezekiel Edwards and Velile Memela, who are working in two very different programs that demonstrate the broad range of public interest work.

Working to Eliminate Wrongful Convictions



Ezekiel Edwards

Edwards is a staff attorney and the Mayer Brown Eyewitness Fellow at the Innocence Project, the national litigation and public policy organization dedicated to exonerating the wrongfully convicted through post-conviction DNA testing.

Recognizing incorrect identification of the accused by supposed eyewitnesses as the single greatest cause of wrongful convictions, the Innocence Project created, and sought the firm's help in funding, a fellowship to manage a new project office dedicated to developing and promoting methods of improving the eyewitness identification process. Edwards was awarded the inaugural two-year fellowship based on his strong credentials, including a pre-law school stint as an investigator with New York City's Capital Defender Office and several years experience as a public defender with the Bronx Defenders.

“My previous experience showed me firsthand what’s wrong with the criminal justice system,” the 2002 University of Pennsylvania Law School graduate commented. “In terms specifically of eyewitness issues, there are a number of things about the way that police conduct eyewitness procedures that enhance the possibility of a misidentification.” One procedural change that the Innocence Project recommends is the retirement of traditional lineups of suspects and “fillers” in favor of sequential presentations. The organization also advocates the use of the so-called “double-blind” technique, which would introduce police officers who do not know the suspect’s identification into the identification process in order to eliminate the possibility of officers influencing the eyewitness to select a particular suspect through non-verbal cues.

“When a misidentification occurs, the police are often led down the wrong path because they’re investigating an innocent person and often lose crucial time and information on the guilty party, who remains free to commit more crimes while an innocent person often spends years in jail unjustifiably,” Edwards said. “There are some very simple, scientifically sound and peer-reviewed steps that can be taken that are not cost-intensive that can improve these procedures. I think the sooner we start doing that, the better.”

Since beginning his fellowship in October 2006, much of Edwards’ initial effort has focused on establishing the Eyewitness Identification Reform Litigation Network, which brings together resources from the Innocence Project, the Public Defenders Service for the District of Columbia, the National Association of Criminal Defense Lawyers and the National Legal Aid & Defender

Association. The network aims to reform eyewitness identification procedures by assisting with individual defenses, advising individual police departments on ways to reform their practices, helping to establish commissions that can act in an advisory capacity, collaborating with attorneys general, who have the power to mandate change in their jurisdictions, and working with state legislatures to enact new laws for the handling of lineups and other such eyewitness identification methods.

“This is a pro-law enforcement and community safety push, not a pro-criminal defense push,” Edwards said, noting that some jurisdictions have already implemented reforms, including the State of New Jersey; Boston and Northampton, Massachusetts; Santa Clara County, California; and Minneapolis, Minnesota.

In coming months, Edwards hopes to begin utilizing Mayer, Brown, Rowe & Maw lawyers on the eyewitness identification project on a pro bono basis as work begins on individual cases, with the expectation that their assistance will be needed at all stages — ranging from pre-trial motions to co-counseling on defenses to appellate actions. After his fellowship ends in late 2008 he hopes to continue working in this field. “I’d like to stay connected to [the eyewitness identification] issue,” he commented. “So much work needs to be done in this area. It’s a fairly long road ahead to get to where I think this country should be on this issue.”

Enhancing Corporate Law and International Practice Skills

Since 2002, the Cyrus R. Vance Center for International Justice Initiatives has run the South African Visiting Lawyer Program, in which black lawyers from that country dedicate one year to a work and training fellowship program with a law firm or banking institution in New York City. The goal is to enhance the corporate law and international commercial practice skills of these lawyers, thus positioning them for future leadership roles in South Africa’s economy. For 2006-2007, Mayer, Brown, Rowe & Maw and Merrill Lynch are jointly sponsoring Velile Memela, who will spend six months with each firm.

“The Visiting Lawyer Program addresses the difficulties that young black lawyers in South Africa have in terms of getting international commercial practice opportunities. The program helps them gain that experience,” commented Joan Vermeulen, executive director of the Vance Center. “We are pleased that an international firm like Mayer Brown has agreed to participate, and we’re confident that the experience Velile gets while he is with the firm in New York will be a valuable addition to his professional development.”

Memela, who received his law degree in 2001 from the University of Natal in Durban, South Africa, specializes in intellectual property law, and spent several years practicing in the Trade Marks Department at Spoor & Fisher. Upon beginning his fellowship in December 2006, he was surprised by the rapidity with which American lawyers begin practicing after finishing law school: lawyers in South Africa apprentice for several years after completing their class work and before writing their board exams. Also new to him was the sheer scale of Mayer, Brown, Rowe & Maw and the other law firms with which he has become familiar,



Velile Memela

“Developing Future Leaders” continued on page 32

Academic Affiliate Eugene Volokh Adds “Pro Bono Counsel” To Lengthy List of Titles

“As an academic, you are often arguing about what the law ought to be. As a lawyer, your goal is problem solving: your clients come to you with results they want to achieve, and ask you how they can do it.”

Eugene Volokh



Eugene Volokh, Academic Affiliate

Newspaper readers know him for the strong opinions he has expressed in a range of publications, including the *Wall Street Journal*, the *New York Times* and the *Washington Post*. Attorneys recognize him as one of the leading constitutional scholars in the United States. Regular visitors to the “blogosphere” think of him as the man behind The Volokh Conspiracy, a popular and highly influential group weblog that he founded in April 2002. While his students at the UCLA School of Law, where he holds the Gary T. Schwartz Chair, appreciate him for the enthusiasm and passion he shares along with his deep understanding of the law.

Now, through his academic affiliation with Mayer, Brown, Rowe & Maw, Eugene Volokh is coming to be known as a practicing attorney, which includes working with the firm’s Pro Bono practice. “I serve as a scholar, teacher, public commentator and practicing lawyer because all are important and interesting to me,” Volokh said. “As an academic, you are often arguing about what the law ought to be. As a lawyer, your goal is problem solving: your clients come to you with results they want to achieve, and ask you how they can do it.”

As part of the firm’s ongoing Seventh Circuit Project, which has seen it accept appointments in more than 100 appellate cases encompassing more than 35,000 hours of pro bono work, Volokh has been appointed to represent appellants Edmund Ingram and Malcolm Rush in a pair of consolidated cases, *Ingram v. McCann* and *Rush v. Kingston*, to appeal the denial of writs of habeas corpus. The appointment is currently limited to the matter of appellate jurisdiction under Fed. R. App. P. 4(c)(1), governing the timeliness of notices of appeal deposited in an institution’s internal mail system. Both Ingram and Rush failed to put first-class postage on the notices they deposited for mailing.

The 39-year-old Volokh took a rather uncommon route to the legal profession. When he was seven, his family emigrated from the Ukraine to the United States to escape the Soviet system. His keen intelligence led to rapid educational advancement, and he earned his bachelor degree in math and computer science from UCLA at age 15.

After founding a software company that continues to operate to this day, Volokh found himself wanting to move on to other challenges. “I wanted to lead a semi-public life,” he commented. “I wanted to participate in public debates. I wanted to write op-eds. I wanted to give legislative testimony and participate in constitutional controversies. Rightly or wrongly, in America it really helps to be a lawyer if you’re going to do these things.” To that end, Volokh made the decision to attend law school at UCLA, and was awarded his J.D. in 1992.

Upon completing clerkships for Justice Sandra Day O’Connor of the U.S. Supreme Court and Judge Alex Kozinski of the Ninth Circuit Court of Appeals, Volokh joined the faculty of the UCLA

School of Law in 1994. But while he was satisfied with his wide range of endeavors, he recently came to feel the desire to add practice to his theorizing. “As a law professor, you spend many years writing some article, and then many more waiting for some evidence that people are paying attention and being influenced. While there’s a great deal of gratification to be had, it’s far from instant,” he said. “In practice, you can get results much more quickly. It’s a very different kind of excitement and intellectual stimulation.”

To quench this new thirst, several years ago Volokh began looking for a firm that he could partner with in a mutually beneficial manner. “When I decided that I was interested in practicing some law, I naturally thought about Mayer Brown because it has a long tradition of top scholars, far more illustrious than I am, who have been academic affiliates,” he offered. “The best examples are Paul Bator, before his untimely death, and Michael McConnell, one of the two leading scholars of religion clauses in the country who is now a federal judge on the Tenth Circuit. In particular, I’ve long known Judge McConnell, respected him, and in a sense tried to model my academic career after him. So when I wanted to choose a firm to work with, Mayer Brown was naturally at the top of the list.”

Since formally joining the firm’s litigation practice as an academic affiliate in early 2006, Volokh has provided his unique insight by consulting on a range of matters with colleagues across the United States. “An academic perspective often provides a slightly different view of the matter, and sometimes that different view will be helpful,” he commented.

“We all have our blinders; the trick is to be conscious of them and to team up with other people whose blinders are a little different,” Volokh concluded. “And then between your field of vision and their field of vision, you’ve got a better view of things.” Volokh also added that he hopes to work on other pro bono cases in addition to *Ingram v. McCann* and *Rush v. Kingston*.

A proud history of association with academics

As Stephen Shapiro, founding member of the appellate practice at Mayer, Brown, Rowe & Maw, noted upon the January 2006 naming of Eugene Volokh as the firm’s newest academic affiliate, “Professor Volokh is part of a rich tradition of leading academics affiliating with Mayer Brown, joining such legal giants as the late Paul Bator, now-Tenth Circuit Judge Michael McConnell, Harvard Law School Professor Arthur Miller, now-Stanford Law School Dean Larry Kramer, Northwestern Law School Professor Martin Redish, and Vanderbilt Law School Professor John Goldberg.”

While Redish and Volokh are the firm’s sole current officially named academic affiliates, the firm continues to work with a range of other academics in a variety of capacities. Morgan Cloud, the Emory School of Law Charles Howard Candler Professor of Law, assists the firm with litigation training. David Scheffer holds an endowed professorship as the Mayer, Brown, Rowe & Maw/Robert A. Helman Professor of Law at Northwestern University. Additionally, incoming Mayer Brown Chairman James Holzhauer joined the firm from the faculty of the University of Chicago Law School.

Chicago Pro Bono Luncheon



Richard Williamson, Marc Kadish, Jane Williamson

The Annual Chicago Pro Bono Luncheon held on October 19, 2006, demonstrated the broad international focus of Mayer, Brown, Rowe & Maw's pro bono efforts. The day centered on two individuals who are both working on issues that cross national borders: Chicago Pro Bono Lawyer of the Year award recipient Richard Williamson and keynote speaker Vikram Akula.

"I was glad to see the firm recognizing the value of doing international pro bono work and human rights work and I hope we can continue to grow on that and lend assistance in parts of the world that really need it," said Williamson, a Chicago-based partner who

was honored for several international endeavors of the sort that he has frequently undertaken during the course of his distinguished career. The body of work for which he was recognized included a nine-month assignment on the seven-person Panel of Eminent Persons on Strengthening the Effectiveness of the Organization for Security and Co-operation in Europe (OSCE). He also led an international observer mission to Afghanistan's presidential election in 2004, and participated as an international election observer to the first-ever free elections in Liberia in 2005.

The OSCE work was aimed at revitalizing the organiza-



Richard Williamson

tion and strengthening its long-term effectiveness as a body that promotes human rights, democracy and the rule of law. Reforms to the organization are now under way based on the panel's report, which was delivered in June 2005. Encompassing 56 European, Central Asian and North American states, the Vienna-based OSCE is the world's largest regional security organization. Williamson received his appointment to the panel based on his numerous contributions to foreign service, including posts as the U.S. Assistant Secretary of State,

Ambassador to the U.N. Offices in Vienna, Ambassador and U.S. Representative to the U.N. Commission on Human Rights and Ambassador and Alternative Representative to the U.N. for Special Political Affairs.

"It was nice that so many organizations for whom the firm does pro bono [work] were able to be there," Williamson said in reference to the award luncheon. "It's an excellent event that gives an opportunity for lawyers at Mayer Brown who do pro bono work to spend time with some of the clients they do work for and meet others that the firm works with."

A highlight of the luncheon was the keynote address by Vikram Akula, who was named one of *Time Magazine's* 2006 People of the Year for his efforts aiding poor women in India through his organization, SKS Microfinance. Akula founded SKS a decade ago to create a large-scale organization to

The firm's 2005–2006 Pro Bono lawyers

| Rex A. Palmer | James A. Parker | Susan R. Proffitt

Lorenzini | Andrew S. Marovitz | David R. Melton | Demetrios G. Metopoulos

NORTHSIDE COLLEGE PREPARATORY HIGH SCHOOL

CORPORATION FOR SUPPORTIVE HOUSING | Kesner Bi

7TH CIRCUIT COURT PROJECT

Jeffrey A. Berger

Christopher Monsour | La

Jeffrey A. Berger | Michael E. Brogan | Vazantha R. Meyers

Takes on an International Flavor



Vikram Akula

provide micro-loans (averaging US\$116) to a population that historically has had no choice but to turn to predatory lenders that charge exorbitant interest. In 2005, Akula met pro bono director Marc Kadish at a conference on non-profit enterprises. This meeting marked the beginning of a fruitful relationship that has seen SKS continue its rapid growth rate with the assistance of Chicago partners David Carpenter and Ashish Prasad, acting as U.S. pro bono counsel, and associate

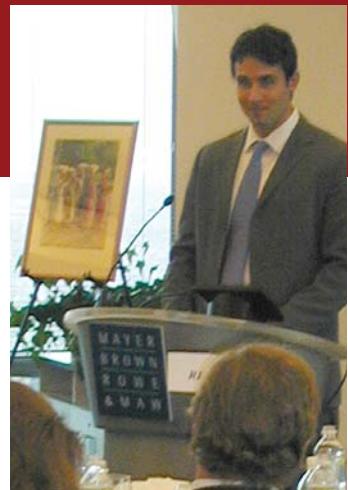
Paul Breloff, a former Public Interest Law Initiative (PILI) Fellow, who completed his fellowship with SKS in India.

Akula's keynote address presented a history of SKS and the microfinance industry, and emphasized that for all the good these organizations have accomplished, the global population of three billion people who could benefit from the assistance of microfinance support continues to be severely underserved, with fewer than one in six having ac-

cess to the service. At the root of the problem are the intertwined challenges posed by capacity and capital—most microfinance providers serve fewer than 10,000 loans while operating at a loss, suggesting that larger, technology-enabled, for-profit organizations like SKS are the future of this industry.

"It has been a great pleasure to work with the Mayer, Brown, Rowe & Maw team. They have provided tremendous valuable input at a time when we really needed it," Akula recently commented. "The firm's legal guidance gave us the platform to raise equity of \$15 million over the last two rounds, which we then leveraged 10 times to get \$150 million in loans for the unbanked poor in India."

"In particular, Dave Carpenter helped us navigate legal issues which were beyond our expertise,' he added. "This has helped us in retain-



Paul Breloff

ing the social dimension of our work, where our borrowers hold a majority stake in the company and are benefited not only as recipients of microfinance but also as shareholders."

"Working on behalf of an organization like SKS is a pleasure," commented Carpenter. "They provide a phenomenal service that improves the lives of everyone with whom they work."

The luncheon also honored the firm's 32 lawyers who participated in recent pro bono projects with the Corporation for Supportive Housing, the Seventh Circuit Project and Northside College Preparatory High School.

Teaching a Clinic on the Supreme Court

The Yale Law School Supreme Court Advocacy Clinic was launched in fall 2006 under the direction of partner Andrew Pincus and counsel Charles Rothfeld from Mayer, Brown, Rowe & Maw's Supreme Court and Appellate Advocacy practice in Washington, D.C. The clinic gives students the opportunity to learn Supreme Court advocacy from renowned practitioners while ensuring quality client representation in pro bono cases.



Members of The Yale Law School Supreme Court Advocacy Clinic's 2006-2007 inaugural class. Charles Rothfeld, left; Andrew Pincus, right.

Pincus and Rothfeld, each of whom has been involved in more than 100 cases before the Supreme Court, first considered establishing the clinic in late 2005. They presented the idea to Dan Kahan, the Elizabeth K. Dollard Professor of Law at Yale Law School and a former associate with the firm, who received it with enthusiasm. A formal proposal was submitted and approved, and the clinic's inaugural class of 12 students was then selected from a pool of applicants for the 2006-2007 school year.

Teaching the Court

Following the formation of Stanford University's Supreme Court clinic in 2003, a number of other university law schools, including Texas, Virginia, Northwestern and Harvard, launched or announced the intent to roll out similar clinics. According to Rothfeld, the Yale clinic has a number of characteristics that make it unique. "Our clinic has an instructional component, giving students some classroom teaching about practicing in the Supreme Court," he said. "And we're bringing in people who are noted experts on various aspects of the Supreme Court to talk to the students over the course of the year." Pincus emphasized that the Yale clinic is a yearlong program and that the students worked on a greater number of filings than those at some other clinics, with most students working on two or three cases.

"Teaching has certainly been very energizing for me and forced me to think a lot about what I do," Pincus commented. "When you've been practicing for a while, some things almost become instinctive. So I've been forced at times to figure out exactly what I'm doing in terms of framing an argument or writing a brief." He also acknowledged that observing the Yale faculty who assist with the teaching of the course in action in front of the class has also been very helpful to him as a first-time university instructor.

"My sense is that the students are finding it to be a rewarding part of their education," Rothfeld shared, discussing the enthusiasm of the clinic participants. "A number of them have said that they are spending much more time on this class than they are on any of their other classes, or even all of their other classes put together."

Turning Theory into Practice Before the Court

In its first year, the clinic is undertaking a variety of work on cases before the Supreme Court, drafting petitions for writs of *certiorari*, writing a merits brief for a case argued before the court and representing *amicus curiae* in a number of other cases. "Charles and I are known in the civil rights community, so people have reached out to us with cases for the clinic to consider taking on," Pincus noted. The clinic has also received a number of inquiries

on possible matters involving civil liberties, criminal justice and other public interest causes.

In late February 2007, eight students from the clinic visited the Supreme Court to observe Pincus's oral argument in *Hein v. Freedom from Religion Foundation*, a case that marked the first instance in which the clinic represented one of the named parties before the Supreme Court. In *Hein*, the Freedom from Religion Foundation alleged that certain expenditures made by several federal agencies in connection with the Bush administration's faith-based initiatives program violated the First Amendment's Establishment Clause regarding the separation of church and state.

After the arguments concluded, the students were able to spend some time speaking with Solicitor General Paul Clement, who acted as counsel for the petitioner.

The clinic also filed petitions for certiorari for two cases. The first, *Brooks v. Vassar*, challenges the constitutionality of the State of Virginia's limitations on the importation of wine for personal use. The second, *Golphin v. State*, examines whether police retention of an individual's identification amounts to an investigative detention or seizure requiring reasonable suspicion,

and whether evidence found as a result of the search should be suppressed. Should a writ of *certiorari* be issued for either of these cases, the case work will be performed by a future group of clinic participants. Additionally, the clinic expects to file at least eight *amicus* briefs by the end of its first year.

"It's a great experience for us," Rothfeld summarized. "Yale in particular has a reputation as being a highly academic institution...although they do have a pretty substantial clinical program. What I think makes our clinic interesting and unusual to students is that it really is a bridge to the academic side. I think that the Supreme Court is the most academic court in the country, making for a pretty intense writing experience. But they're doing real cases, [making for] a practical education."

"Our clinic has an instructional component, giving students some classroom teaching about practicing in the Supreme Court...."

Charles Rothfeld

L.A. Office Helps to Finalize Foster Adoptions on National Adoption Day

More than 100,000 children in foster care in the United States are eligible for adoption, including more than 3,000 in Los Angeles County. But when foster parents make the decision to adopt children in their care, they typically have to navigate a highly complex and under-resourced system that can make the adoption process a multiyear endeavor. To help accelerate the process, the Los Angeles-based Alliance for Children's Rights established National Adoption Day, a day when judges, lawyers and court personnel donate their time so that hundreds of families can complete their adoption proceedings in a supportive and celebratory environment.

"Participating in National Adoption Day was among the most rewarding experiences I have had as a lawyer."

Billy DeClercq



Billy DeClercq (right) with Commissioner Catherine Pratt and the Flores family

For the first time in its history, the 2006 National Adoption Day saw events taking place in all 50 states, as well as the District of Columbia and Puerto Rico. In all, more than 250 communities participated on a day that saw more than 3,300 children adopted into permanent families. Lawyers from the Los Angeles office of Mayer, Brown, Rowe & Maw have participated in the event since 2001, and this year helped five families adopt nine children, including four siblings.

"Although the time-commitment in completing the adoption is minimal, the impact on the children and the adopting parents lasts a lifetime," said associate Steven Rich, who acts as the firm's liaison to the Alliance. Joining Rich on National Adoption Day were associates Matt Marmolejo, Billy DeClercq, Yale Kim and Andrew Kugler, along with Assistant Director of Pro Bono Activities Marcia Maack.

“National Adoption Day was a very moving experience for me,” commented Maack. “It was great to be able to participate with the Los Angeles associates in an event that raises awareness of all the foster care children waiting to be adopted.”

One highlight of the firm’s participation in the event came when DeClercq read aloud into the record from letters in praise of the firm, the Alliance for Children’s Rights and the Court that were written by the four sisters whose adoptions he facilitated. “[The couple I worked with] and their four great-granddaughters who are now their adoptive daughters are a very sweet family, and it was truly an honor to be a part of their lives,” he commented. “Participating in National Adoption Day was among the most rewarding experiences I have had as a lawyer.”

Lawyers are generally employed toward the end of the foster adoption process, after the home study work has been completed, to finalize and file the paperwork with the court. The typical case requires approximately 15 hours of a lawyer’s time, though more complicated cases can take longer.

“Adoption work offers a terrific training opportunity for young associates, as it often is their first time setting foot in a courtroom,” Rich added, noting that more than 20 of the Los Angeles office’s lawyers have done work with the Alliance for Children’s Rights over the years. “Working with the Alliance to help create a stable environment for so many foster children, and to give them hope for a bright future, has been tremendously rewarding both professionally and personally.”

For more information on National Adoption Day, visit the web site at www.nationaladoptionday.org.



Steven Rich (left) with Judge Mary Lou Villar and the Castillo family

“Although the time-commitment in completing the adoption is minimal, the impact on the children and the adopting parents lasts a lifetime.”

Steven Rich

Into the Lands of the Pashtuns



Bernd Thalmann

Bernd Thalmann, a corporate partner in the Frankfurt office, traveled to Pakistan in October 2006. As one of the members of the Board of Oxfam Germany, a German charity organization, he visited the northeastern part of the country, which was devastated by an earthquake that killed more than 73,000 people and left more than 3.3 million homeless. He then traveled to the western part of Pakistan, close to the Afghan border, into the core tribal areas of the Pashtuns, a large ethno-linguistic group with populations primarily in eastern and southern Afghanistan and in the north-west of Pakistan. Oxfam works there with its partner organizations to improve the education, health and status of women and girls.

Here are his observations of the trip.

The hospitality of the Pashtuns is said to be legendary. I was not to be disappointed during my travels through the North-West Frontier Province of Pakistan. Wherever we went there was green tea, or a Pepsi. People would offer to slaughter a chicken, prepare dinner for us, even if they had very little to share.

But we came to see the girls and the women.



The local non-governmental organization receiving Oxfam funding, Khwendo Kor (meaning “sister’s home” in Pashto), is operating girls’ schools and is training traditional birth attendants in rural areas of northern Pakistan. We got to see the girls in the community based schools—simple huts with wooden structures and brand-new aluminum walls and roofs. The old mud huts had collapsed when the earthquake hit the region at 9 a.m. in the morning, burying 18,000 school children.

But we did not get to see the women. They are not allowed to leave their homes. Even the female doctor who is accompanying us has difficulties just talking to them, let alone examining their bodies. There are no hospitals anywhere near the villages. No one knows how many women die during pregnancy or delivery. No one knows how many women there are. They have no identity cards. They do not exist in the statistics. They do not vote. They have no rights.

“Women are held as slaves here,” says Meryem Bibi, the founder of Khwendo Kor. Meryem, an energetic woman in her fifties, grew up in a small village near the Afghan border and now is determined to enhance the socioeconomic status of women and children. “This is very convenient for the males. Why would they want to change it?”

Girls are married at the age of 10 or even younger. They move to the house of their husband's family. The girls' fathers have no interest in sending them to school. "It's like watering your neighbor's plants," is the laconic remark of one of them.

We are escorted by police to the rural girls' schools. Educating women and girls is a dangerous business in this part of the world. "They are spreading obscenity, they are spreading Christianity," are the common accusations that have to be taken very seriously. The mere rumor can put the teachers' lives at risk or cause a girls' school to be closed, if not burnt down. And the threat does not always come from the Taliban. Pakistan's landed wealthy certainly have no interest in educating the masses. "All Taliban are Pashtun, but not all Pashtuns are Taliban," adds Meryem Bibi. And (male) Pashtuns just don't like to change their traditional ways of life.

Khwendo Kor has adapted to the situation. The teachers and birth attendants are recruited from the local villages, trained by professional staff. This creates trust. The curriculum also includes the Koran, this calms down the local mullahs.

The children sit on the floor, looking into their (English) textbooks. Most schools in the rural areas do not have books at all, we are told. Most children in these areas do not go to school. So this is real luxury in rural Pakistan, the "Land of the Pure": 60 children of different ages crammed into a mud hut, squatting down on simple mats, looking into basic textbooks, being taught by a village woman who received some basic training a few months ago. And in winter? When it really gets cold in the mountains? I see no stove. Most children only have plastic sandals. "It's tough for the kids," one of the men says. "We somehow manage to survive, but the children often get sick and some do not last through the winter."

We move to a bigger town, closer to the Afghan border. A trading outpost. There are brick houses, the traffic is noisy and chaotic, pick-up trucks dominate the scene. One of the buildings houses a learning center run by Khwendo Kor.





The children work during the day in the local businesses - their employers can be convinced to send them to the center once or twice a week where they learn to read and to write, even to operate a computer. The kids love it; the businessmen have begun to appreciate the work, some even come themselves for training.

I ponder. Hundreds of thousands of young men with no jobs, no prospects, no education. And the *madaris*, the religious schools, operating nearby, with plenty of petro-dollars. It doesn't leave me very comfortable.



Back in a small village, we are sitting outside in the pleasant October sun, on carpets under big trees, surrounded by village folk—all men and boys. Sometimes, one of the men would wield a Kalashnikov, but always with a smile, never meant as a threat. “Pashtuns are warriors. They are not happy if they have nothing to fight about,” says my travel guide. I am not so sure.

I see poverty. Unemployment. Frustration. Anger. The Pakistani Government does nothing to improve the situation of the people.

I ponder. Hundreds of thousands of young men with no jobs, no prospects, no education. And the *madaris*, the religious schools, operating nearby, with plenty of petro-dollars. It doesn't leave me very comfortable.

Teaching in Rural Tanzania

Sarah Jones, an insurance lawyer in Mayer, Brown, Rowe & Maw's London office spent three months teaching in the United Republic of Tanzania with Village Africa, a charity focused on improving education and healthcare for the villages in the West Usambara Mountains.

About her time in the village of Milingano, Sarah writes:

I didn't really know what I would be letting myself in for when I signed up for a three-month teaching placement in Tanzania. I had a limited experience of children, and even less of teaching. However, I had little doubt that it would be an experience of a lifetime, and that certainly proved true. I would never have imagined that I would be teaching classes of up to 160 (and survive to tell the tale!), coping without electricity, running water and other such western luxuries, or becoming so involved in local village life that I would be helping out on the farms and carrying water buckets on my head (or at least attempting to!).



My placement was with Village Africa, a project formed by Caroline Johnston in May 2006, whose aim is to alleviate poverty in and around Yamba, a small village nestled high up in the beautiful West Usambara Mountains in northeast Tanzania. The location of Yamba and Milingano (the two villages where volunteers are based) is incredibly rural. It is a good two hours by car on mud "roads" to anything that can be described as a main town, there is no public transport in the area (the nearest bus is a five-hour walk) and, unless they are in the privileged position of having a bicycle, most people have no other option (whatever their age or health) than to walk many miles to reach healthcare facilities, markets and schools. Most of the villagers have no cash income and are dependent on the crops that they grow. For some, therefore, it is very much a "hand to mouth" existence.

Myself and seven other British volunteers were in the unique and privileged position of being the first teaching volunteers and, therefore, "pioneers" for the project. Other than the project founders, the villagers had never seen white people before. Not surprisingly, we were greeted with a mixture of intense excitement and some trepidation—a number of people (particularly



**Not surprisingly, life as
“Mwalimo Sarah” (teacher
Sarah in Kiswahili) was
rather different from being
an insurance lawyer.**

the children) ran away on seeing us for the first time, and one person even thought that Roy (a volunteer in his 60s) was God, owing to his grey hair!

Our arrival in Milingano and Yamba was a very overwhelming experience and something that I will never forget. Everyone in the local area was there to meet us and get a viewing of the “wazungu” (westerner) teachers—we felt like film stars! The welcome ceremony included having a khanga (sarong) wrapped around our heads and bottoms and being carried on the back of women half our size to the sound of African singing and drums. Events like this though soon became part of our daily lives as we became immersed in the community.

My home for the three months was in Milingano, a village in the hot dry valley surrounded by beautiful mountains. The village chairman had given up his house in the center of the village for myself and three others to live in. The house was small but comfortable, made from sticks and mud with a corrugated iron roof. It was certainly more basic than I was used to—water came from the river (in a bucket), light was supplied by kerosene lamp and dinner was cooked on a charcoal burner in the kitchen outside. I won’t describe the toilet facilities!

Not surprisingly, life as “Mwalimo Sarah” (teacher Sarah in Kiswahili) was rather different from being an insurance lawyer. Milingano Primary School has many of the problems that rural schools in Tanzania face. There are large class sizes with insufficient teachers, books, desks, classrooms and other teaching resources. Our arrival there injected some real hope into the school.

I was responsible for teaching English to Standards Four and Five, with students aged from 10 to 19, depending on when they first started school (primary schools only became free in 2003). Standard Four was a particular challenge as 232 children were registered to attend and, although usually only 140 or so turned up, this is a huge number to teach in one go (particularly when there are children sitting on the floor and not enough books to go around). Fortunately, another volunteer took half the class most of the time so we were able to give the children a bit more individual attention (and exercise some classroom control!).

Teaching was great fun, however, despite the challenges that we faced. We attempted to inject some fun and creativity into the lessons, and much of my time was spent making pictures, games and flashcards—my creative side was unleashed! Dressing up and acting also became a regular event, much to the amusement of the children. We also introduced sports into the curriculum—trying to explain the rules of rounders with our limited knowledge of Kiswahili was a real challenge though.





**Teaching African children
was a real pleasure and
I don't think that I have
ever felt so welcomed
anywhere in my travels.**

It is very difficult to sum up all of the experiences that I had. However, it was, without a doubt, one of the most rewarding and fun experiences of my life. Teaching African children was a real pleasure and I don't think that I have ever felt so welcomed anywhere in my travels. Everywhere we went we were greeted and given so many presents that we could have set up our own stall in the local market. Their generosity was amazing. Village Africa is a brilliant project that I cannot recommend highly enough. It has a great ethos and everything that is donated is pumped straight back into the local community where it is most needed. I am very jealous of the volunteers who are starting the new term in Milingano and Yamba and cannot wait to hear back from them with their tales.

* * *

Mayer, Brown, Rowe & Maw's London office has made a donation to help build some toilets at the school where Sarah taught, and Melville Rodrigues, a partner in the Real Estate department, has given pro bono advice to Village Africa, which is in the process of becoming a U.K. registered charity. For more information about Village Africa, please visit their web site at <http://www.villageafrica.org.uk>.



London Office Wins National Pro Bono Award

Mayer, Brown, Rowe & Maw's London office was jointly awarded, with DLA Piper Rudnick Gray Cary, the LawWorks (formerly the Solicitors Pro Bono Group) Award for Best Contribution by a Law Firm in 2005, at an award ceremony held at the Law Society in London in June 2006.

LawWorks is the main pro bono body of the U.K. solicitors' profession, and is an independent charity with a mission to support, promote and encourage a commitment to pro bono by solicitors. It aims to increase the delivery of free legal advice to individuals and communities in need, and runs a number of programs including law clinics and the referral of both litigious and transactional matters to member firms.

The award was given primarily in recognition of the "outstanding regular commitment" by the firm's London office to various pro bono initiatives, including assisting small community groups and charities referred through the LawWorks for Community Groups program, and advising at LawWorks clinics such as the Islington and Battersea Law Centres. The firm's timely response to volunteer help with London Bombings cases via the helpline/web site set up by LawWorks was also cited, as was other community and pro bono work.

The award was accepted on behalf of the firm by Julie Dickins, the partner responsible for Mayer, Brown, Rowe & Maw's U.K. pro bono work, and Laura Rodger, a solicitor in the London office who has given pro bono advice to community groups referred by LawWorks.

Other 2006 Awards



The Pro Bono Center for Disability and Elder Law 2006 Robert A. Michalak Visionary Award



2006 NASABA Outstanding Community Service Law Firm Award



2006 Excellence in Public Interest Service Group Award



NAACP 2006 Champion Award



Inland County Legal Services Award
Left to right: Jerome Jauffret, David Bolstad, California Attorney General Bill Lockyer, and Francisco Ochoa

German Pro Bono Initiatives

Mayer, Brown, Rowe & Maw's Frankfurt office has recently concluded a successful settlement for Trade Plus Aid® (see www.tradeplusaid.com), an English charity that aims, through the promotion of ethical trade, to alleviate poverty and assist disadvantaged communities throughout Africa and Asia to become self-sufficient. Funds were being raised by the charity's founder, Charlotte di Vita MBE, and her trading company, Charlotte di Vita Limited, via the sale of a range of enamelled teapots in certain European countries. Unfortunately, the distributor of the teapots became insolvent and royalties were not being released to the charity. Associates Marco Wilhelm and Malte Richter, supervised by partner John Taylor, succeeded in negotiating a settlement with one of Germany's top insolvency administrators, to the charity's delight.

Charlotte di Vita writes: "how did you guys get to be so amazing?! You've achieved the impossible for us and I'm really eternally grateful, as will be Matthew who runs our Nutritional Outreach Programmes in the squatter camps of South Africa. We really didn't have any hope of a settlement before you helped us. Thank you so so much.... You are definitely the best lawyers in Germany. Outstanding result, outlandish service and impeccable delivery! No doubt in our minds, you definitely win our 2006 hero awards."



Charlotte di Vita with teapot

German pro bono work has recently been the subject of two meetings organised by Dechert LLP and White & Case LLP in Munich and Frankfurt respectively and attended by many international law firms including Mayer, Brown, Rowe & Maw (represented by Frankfurt partner John Taylor, Frankfurt associate Malte Richter and UK pro bono partner Julie Dickins).

The meetings have explored issues such as the legality of performing pro bono work in Germany and the need for pro bono assistance. Clients who cannot afford legal advice are usually entitled to state aid, and firms acknowledged the importance of not taking work away from lawyers who normally help legally aided clients. Indeed in some circumstances it is not permissible to charge less than the minimum statutory fees.

However, it appears that smaller public interest and other non-governmental organizations may be in need of pro bono assistance, and that there may also be a need for specialist advice in some areas. These and related issues will be discussed at further meetings being planned for later this year. Further details can be obtained from Julie Dickins, jdickins@mayerbrownrowe.com.

In Memoriam

Patrick William O'Brien

1928–2006

I believe that the Pro Bono Update should be more than a report of our pro bono activities. It should also detail some of the events in the life of this law firm. The passing of Pat O'Brien in August of 2006 was one such event.

Pat O'Brien was one of the first lawyers I worked with after I joined the firm in 1999. It was the same year that Pat produced the Chicago Bar Association article about his alcoholism and his program of recovery. In those first few months that I was at the firm it seemed like much of our program came from Pat and the people he met and helped while he was attending his program meetings.

Our partner, John Touhy, eulogized Pat at his funeral, and when I read a copy of his remarks I asked John if we could excerpt them here so that others could read them as well.

Marc Kadish

Remarks given at the Funeral Mass of Patrick W. O'Brien

August 15, 2006, by his partner John M. Touhy

His name was Pat. That's what Debbie, his wife of 50 years, called him.

To a lucky few, he was "Dad," and in the great Irish tradition, a lot more than just a few called him "Grandpa."

To many of us he was known as "Pat O."

However, at his office at Mayer Brown, he always answered his phone "O'Brien."

Pat had 3 passions in his life:

- Debbie and his family
- His work as a trial lawyer at the firm he loved, Mayer Brown
- As a recovering alcoholic, being a member of a program that helped him maintain his sobriety and helped others to achieve sobriety

It was in the mid-1980s, in a moment of lucidity, that Pat realized that as a result of his drinking he stood to lose his family and would be fired from his job. He checked himself into the hospital that day.

When he returned to work, as far as we could tell, he was the same Pat O'Brien, just that this version didn't drink.

Pat threw himself into this program in which he was a member, and was always willing to help another person who was struggling with alcoholism.

Many of you know that Pat wrote an article about his struggles with alcoholism: Booze, LAP, the Deb and Me. That article was published in the Chicago Bar Association magazine in September 1999, and was circulated to thousands of lawyers.



The O'Brien Family handed out copies last night, and there are more available at the back of the church. Pick one up and read it – nothing would have made Pat happier than the additional circulation of his article.

Some people were scandalized at what he wrote. Others were in disbelief that he would admit that he was a recovering alcoholic. But Pat was as proud of that article as anything he had ever written. He was not ashamed to tell people that in recovering from alcoholism, one day at a time, he kept that which he most loved.

As far as Pat was concerned, the article wrote itself. It was simply the truth, the unvarnished truth. And if it helped one other person, then the article was a huge success.

Pat loved being a trial lawyer. The lawsuits he worked on were much more than just Smith v. Jones. Pat saw every one of them as a real life drama, with flesh and bones to it. It was from that perspective then, that he harvested the stories that we heard, sometimes more than once.

Often people he worked with did not even realize they were involved in a drama until Pat pointed it out.

- There was “The Wicked Two Sisters” case he worked on with Terry Buehler.
- With Mike Feagley he worked on the “Jam and Jelly” fraud.
- With Gene Gozdecki he worked on the “Booze Monopoly” case.
- It was with Mike O’Rourke that they experienced the “Lascivious Day in Philadelphia” case.
- With Barb Bertok he took on the evil lawyers from New York in the “Bug Spray” case.
- In the Jovan perfume case, after the jury returned a verdict against his client, the judge told Pat that the jury loved him, hated his client. The case was overturned two months later

Anybody who ever worked with Pat was struck by his indefatigable and irresistible optimism. No matter how low the trial team was, no matter what devastation, real or imagined, the trial team felt, Pat refused to become disheartened. He truly believed that everything would be all right.

He would calm the nerves of the rest of the trial team – usually through the laughter he would provoke with stories about the disasters that occurred to him – they were never minor setbacks, always major disasters.

Once the trial team could be trusted not to jump ship, Pat would simply say “Carry On.”

And so Patrick, that’s what we will do, “We’ll carry on.”

time in court and in front of the judge to argue our positions at a fairly early time in my career."

Helping the System

Chicago partner Bennett Lasko led a defense team that included former foreign associate Fernando Elias-Calles Romo and paralegal Eric Baker in the defense of Cuauhtemoc Padilla, a Mexican national who was living in the United States illegally with his wife and two children. Although he was separated from his wife, Padilla came to the residence they had formerly shared in an attempt to resolve a dispute involving the children one evening in June 2004. Upon finding his wife in bed with another man, he used a nearby kitchen knife to attack them both, killing the man and injuring his wife.

Lasko characterized the case as "an unbelievable emotional rollercoaster," while noting that he felt that the outcome was fair. Padilla was charged with first-degree murder and attempted first-degree murder of his wife. He was found guilty of second-degree murder and aggravated battery. He was sentenced to 18 years in prison and will be deported back to Mexico upon his release.

"It was professionally rewarding, and I think I did a service to the client and the community and helped out the courts, which need the assistance of private lawyers like us to move cases through," Lasko concluded. "I think the system works best when defendants are properly represented."

Continuing the Cause

Mayer, Brown, Rowe & Maw has several more pro bono criminal cases pending in Judge Linn's courtroom, making for a situation that continues to benefit all parties involved.

"I think it's a win-win-win. It's a win for the defendants, who get lawyers who are very capable and have a lot of resources available to them," the judge said. "It's a win for me because I know that these people who are in serious trouble with the worst allegations on top of them are going to be well-represented and get the day in court that they're entitled to. I think it's a win for the justice system as well. It's certainly a win for the public defenders; they get a break and can use what resources they have for the many other matters that they have. Everybody comes out ahead."

noting that a large South African firm would only be considered small- or medium-sized in the U.S.

Though he has only been a fellow for several months, Memela has already worked on a number of matters. Most notably, he has assisted on a deal with Merrill Lynch to create a special purpose vehicle to isolate financial risk for an African bank. He has also participated in several pro bono projects, such as drafting a credit agreement for the Corporation for Supportive Housing and preparing a filing to attain tax-exempt status for a newly forming non-profit organization. "I've benefited the most from being exposed to and working on international transactions," he said. "The program is good for young lawyers, and definitely worth investing in a year away. I think it will make me a better lawyer when I return to South Africa."

Though he has many months remaining on his fellowship, Memela already anticipates one action he intends to take upon returning to South Africa. "[I like] the way the information is shared between the offices," he noted. "Databases are available across offices in the U.S., so I can access any document I need, whereas in South Africa we have several offices but no system to access each other's documents electronically. I want to help develop and implement such a system." He also anticipates leveraging the international network of contacts he has been developing during his time working with the firm.

BERLIN
BRUSSELS
CHARLOTTE
CHICAGO
COLOGNE
FRANKFURT
HONG KONG
HOUSTON
LONDON
LOS ANGELES
NEW YORK
PALO ALTO
PARIS
WASHINGTON, D.C.

MEXICO CITY

Independent Correspondent:
Jáuregui, Navarrete y Nader

MADRID

Alliance Law Firm:
Ramón & Cajal

ROME (principal office)

Alliance Law Firm:
Tonucci & Partners

Additional offices:

MILAN, PADUA, FLORENCE,
BUCHAREST, TIRANA

Please see our web site for
comprehensive contact information.

www.mayerbrownrowe.com

M A Y E R
B R O W N
R O W E
& M A W

Copyright © 2007 Mayer, Brown, Rowe & Maw LLP. This Mayer, Brown, Rowe & Maw LLP publication provides information and comments on legal issues and developments of interest to our clients and friends. The foregoing is not a comprehensive treatment of the subject matter covered and is not intended to provide legal advice. Readers should seek specific legal advice before taking any action with respect to the matters discussed herein.

Mayer, Brown, Rowe & Maw is a combination of two limited liability partnerships, each named Mayer, Brown, Rowe & Maw LLP, one established in Illinois, USA, and one incorporated in England.