

Pro Bono Update

Fall • 03

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AP/Wide World Photos

The Patriot

In the aftermath of September 11, the INS took a hard look at many of the foreign nationals it had earlier permitted into the country—a reasonable precaution, many would agree, given the threats we still face from terrorists. They detained a certain Burmese national in July 2002. Ahn (a pseudonym) had been a pro-democracy activist in Burma and had accepted exile for the cause. But his past political actions also included something that suddenly took on an entirely new dimension to the U.S. government. (continued inside on page one)

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Cover Photo: Pro-democracy demonstration in the streets of Burma, September 1988.

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The Patriot (continued from front cover)

Not long after enrolling at the prestigious Rangoon Institute of Technology at the age of 16, Ahn became involved in the pro-democracy movement sweeping much of Europe and Asia in the late 1980s. The Burmese movement opposed the corrupt ruling dictatorship that had destroyed the national economy and gutted the middle class. Dissidents were imprisoned and faced torture and/or death. After months of such repression and a bloody nationwide crackdown in August and September 1988, Ahn—along with thousands of other persecuted Burmese students—fled Rangoon for a jungle encampment of political dissidents on the Burmese-Thailand border. There he lived amidst poverty and disease with fellow activists while monitoring Burmese developments and pressing for the outside world’s help. After a year passed without any improvement in Burma—and following the dictatorship’s arrest of Aung San Suu Kyi, leader of the pro-democracy movement and Nobel Peace Prize winner—it became clear to Ahn and his friends that they must do “something external to



Inset: General Than Shwe, leader of Myanmar’s ruling junta. (AP/Wide World Photos)

The Burmese movement opposed the corrupt ruling dictatorship that destroyed the national economy and gutted the middle class. Dissidents were imprisoned and faced torture and/or death.

Burma” to get the world’s attention. They eventually agreed upon the desperate idea of commandeering a Burmese airliner to publicize Burma’s plight.

Gambit

In late 1989, Ahn and a colleague boarded a domestic Burmese flight and diverted the plane, without violence, to Thailand, where they publicized their “demands”—the dictatorship’s release of all political prisoners, the lifting of martial law, and UN peacekeeping intervention in Burma. They had no weapons and nobody was injured. They cooperated with Thai authorities and were ultimately convicted in Thailand and sentenced to six years

in prison (half the usual sentence), but served their time under minimum security and were released after only 30 months.

In 1995, Ahn applied for a Burmese Refugee Scholarship, sponsored by the U.S. Information Agency. In his scholarship application and disclosures to the U.S. government, he discussed at length his pro-democracy activities in Burma, including the airplane incident. In 1996, based on his dedication to the pro-democracy movement in Burma and his potential for contributing to the development of a democratic Burma, he was granted the scholarship (one of only six from a pool of 100). The INS concluded that he was no danger, granted him a form of immigration status, and permitted him to enter the United States and study at Indiana University. In what might have been an omen, Ahn was detained by

**“One of the most
challenging and compelling
pro bono cases ever to
come through our agency’s
doors.”**

**Mary Meg McCarthy
Director
Midwest Immigrant and
Human Rights Center**



1988: Uniformed members of Burma’s Customs Department march in anti-Government protests, joining students, workers and Buddhist monks in calling for a return to democracy. (AP/Wide World Photo)

the INS a year later, based on the airline incident, but was released a month later after U.S. authorities again reviewed his background and determined that he was no danger.

After graduating with an economics degree in 2000, Ahn decided to study for a second degree, this one in computer technology. He excelled at it and was carrying a GPA of 3.7 in July 2002 when he was again arrested.

Political

It is uncertain what triggered the latest arrest. Many assume the new War on Terror cast his earlier political activities in a different light. Whatever the underlying reasons, the INS revoked his immigration status without explanation and brought him to a Chicago-area INS staging center for deportation proceedings. During the year that those proceedings were pending, he was held in various jails in Illinois and Wisconsin.

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DNA Tests Free Maryland Man Jailed 18 Years for Two Murders



AP/Wide World Photos

Chris Conover (center) hugs his mother Diana Conover (left) while standing outside the Baltimore County Courthouse in Towson, Md., June 18 with his sister Holly Saunders (right).

Chris Conover maintained his innocence for 18 years while in prison serving multiple life sentences for two murders in drug-related killings.

He is now free after new DNA tests showed that two hairs that were a critical part of the prosecution's case were not his. Mayer, Brown, Rowe & Maw partner Lee Rubin, associate Bill Olsen, and summer associate H. Ron Davidson represented Mr. Conover, 48, in presenting the new evidence and gaining his freedom.

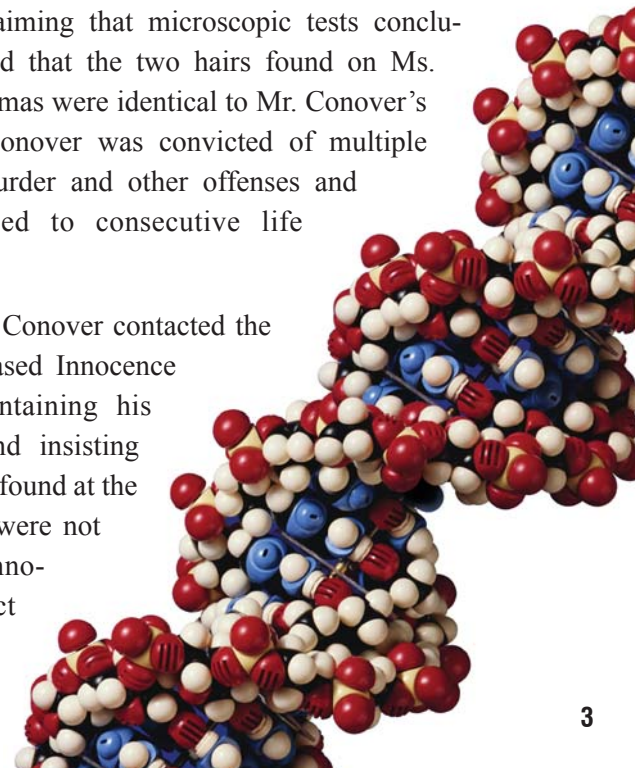
Resemblance

Mr. Conover had been arrested for the 1984 murder of heroin drug dealer Charles Jordan and Mr. Jordan's 18-year-old stepdaughter, Lisa Brown. According to Mr. Jordan's wife, Linda, who survived the attack, the crime was perpetrated by a black man and two white men. Soon after the murders Ms. Jordan identified another drug dealer as the shooter. Two months later she was shown Mr. Conover's photo as part of a photo lineup and said he "resembled" one of the

white assailants. In a subsequent photo array, she identified Mr. Conover and later picked him out of a line-up.

At Mr. Conover's trial, the government relied principally on Ms. Jordan's identification testimony and FBI expert testimony claiming that microscopic tests conclusively showed that the two hairs found on Ms. Brown's pajamas were identical to Mr. Conover's hair. Mr. Conover was convicted of multiple counts of murder and other offenses and was sentenced to consecutive life terms.

In 1996, Mr. Conover contacted the New York-based Innocence Project, maintaining his innocence and insisting that the hairs found at the crime scene were not his. The Innocence Project



undertook a lengthy investigation to locate the hairs in police files and to obtain consent from the State's Attorney to test the hairs. In 2001, DNA testing showed the two hairs came from two different white men, and neither hair belonged to Mr. Conover.

Innocence Project

Mayer, Brown, Rowe & Maw had developed a working relationship with the Innocence Project through Pro Bono Director Marc Kadish and New York partner Andy Schapiro; Marc had known its cofounder, Barry Scheck, since the mid 1980s. After the State informed the Innocence Project that it would agree to vacate the conviction based upon the new DNA evidence but would insist on trying Mr. Conover again, Mayer, Brown, Rowe & Maw agreed to represent Mr. Conover.

For several months, Lee negotiated with Maryland prosecutors, resulting in a deal in which the government dropped six of seven counts of the original indictment (including all of the murder and attempted murder charges) and Mr. Conover entered an Alford plea to a single count of robbery with an agreed upon sentence of time served and immediate release from jail. Under this arrangement, Mr. Conover maintained his innocence but acknowledged that the gov-

ernment could present evidence at trial which could lead a jury to find him guilty. While Lee regarded the prospects of an acquittal to be quite high, Mr. Conover, who already had spent 18 years in jail, did not want to take a chance on a new trial and being wrongly convicted again.

When Mr. Conover walked out of the courtroom as a free man on June 18, "It was a very emotional, moving experience" said Lee. "Fortunately, he has been offered a chance to build a new life."

Since his release Mr. Conover has lived with his mother, a lifelong friend has hired him at a title company, and he has taken the basic steps necessary to start over.

Shortly after his release, he told a reporter, "I just want to be normal ... a regular old person."



Lee Rubin

Heartland Alliance's Midwest Immigrant & Human Rights Center (MIHRC) presents Marc Kadish, Director of Pro Bono Activities and Litigation Training at Mayer, Brown, Rowe & Maw, an award honoring the law firm's support of MIHRC's Equal Justice Works Fellow and efforts to strengthen protection of unaccompanied immigrant children. Pictured are, from left: Sid Mohn, President of Heartland Alliance; Marc Kadish, Director of Pro Bono Activities at Mayer, Brown, Rowe & Maw; Mary Meg McCarthy, Director of MIHRC; Carmel Clay Thompson, Deputy Director of the Office of Refugee Resettlement; and Ken Tota, from the Office of Refugee Resettlement.

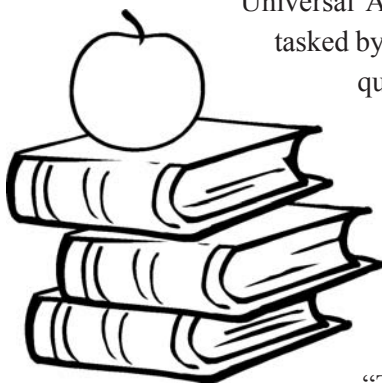


Launching Universal Preschool in Los Angeles

Los Angeles civic and community leaders are in the midst of an ambitious campaign developed by First 5 LA, a county commission, which has allocated \$100 million towards realizing the dream of quality preschool education for every child in Los Angeles County.

A Million Children

Mayer, Brown, Rowe & Maw partner Bob Hertzberg and Nancy Daly Riordan, founder of United Friends for Children and spouse of the city's former mayor, are co-chairs of the



Universal Access to Preschool Advisory Committee, which has been tasked by the commission with developing organizational design and quality standards for the universal preschool program. Los Angeles County has more than one million children under the age of six—greater than the population of children those ages in 43 states.

“We believe that this will develop into a signature project of the firm that will do tremendous good for young kids and families in Los Angeles,” said Bob.

“This program is unprecedented and may have significant national implications. It has the possibility of serving as a model for communities across the country.”

Although there are challenges in providing such a program in a county the size and complexity of Los Angeles, Ms. Riordan said the advisory committee “recognizes the rare opportunity we have been given to help create a brighter future for our children.”

Bob Hertzberg, Ken Kohler, and Joseph Byrne are serving as lead pro bono attorneys to the advisory committee working with Fredrick Levin, Stephen Blevit, Theresa Cummings, Allen Erenbaum, Karen Tang, and Lana Vernon of our Los Angeles office.

“We are planning to advise the committee on its governance structure and a variety of other issues as they arise,” said Joe. This could involve questions as to whether to incorporate as a 501(c)(3), general legal advice, and drafting of any legislation that may be needed to implement recommendations.

Powerful Support

The advisory committee draws experts from education, child development, business, healthcare, philanthropy, and social services. Representatives of the David and Lucile Packard Foundation, UCLA, KCET, the California Endowment, the Annenberg Foundation, and various public education and children's groups participated at the first planning meeting this spring.

Bob comes to the committee following lengthy service in the California Assembly where he served as Chairman of the Rules Committee from 1998 to 2000 and Speaker of the Assembly from 2000-2002. While in public office, he was instrumental in directing record investments in public schools and oversaw reforms in the state's foster care system.

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First 5 LA (also known as the Los Angeles County Children and Families First—Proposition 10 Commission) was established following a voter-passed initiative in November 1998 led by Rob Reiner. Proposition 10 mandated a 50-cents-per-pack tax on cigarettes to fund education, health, child care and other programs to promote early childhood development for expectant mothers and children up to age five.

Graduated Growth

Current estimates indicate that about 50,000 of Los Angeles County’s four-year-old children do not receive early care and education services. The commission plans initially to target four-year-old children while developing a 10-year plan for providing preschool learning experiences for all children birth to age five in Los Angeles County.

Last November, First Five LA’s Board of Commissioners named Karen Hill-Scott, a nationally recognized leader in the field of early childhood development, to design a master plan and to coordinate the efforts of the advisory committee into the initial planning process.

“We will not be lacking for great ideas,” Bob Hertzberg explains. “The challenge for us will be to bring all these great ideas to a consensus on what is the best system for delivering preschool and early education.”



Bob Hertzberg

Frankfurt CEELI Program



The Frankfurt program (with Cologne participating via audioconference) was organized by partner John Faylor, a member of the firm’s Pro Bono Committee. The program was organized to introduce the concept of pro bono to our German offices.

Steven Austermiller (at right), head of the CEELI (Central and Eastern European Law Initiative) office in Croatia, discusses pro bono opportunities for European-educated lawyers with their organization.



U.K. Pro Bono Week

For the second year running, the Solicitors Pro Bono Group (in conjunction with the Law Society and Bar Council amongst others) organised a National Pro Bono Week in the United Kingdom, to highlight pro bono work already being done and to encourage others to get involved.

The week started on 9 June with an official launch at the Law Society in London, followed by an exhibition of pro bono work by leading law firms (including Mayer, Brown, Rowe & Maw) and not-for-profit organisations. In the evening, the Young Solicitors Group presented its pro bono awards, and Nerissa Warner-O'Neill of the London office

received an award for her work at the RCJ Advice Bureau (situated at the High Court in London) and for handling a case referred by the Bureau.

The week continued with a variety of events throughout the U.K., some public (such as the Ball organised by the SPBG on 12 June) and some organised by law firms and charities for their own staff and/or contacts. At the firm's London office, the children from Malmesbury Junior School (in the Tower Hamlets district of the East End of London), who are assisted with reading and numeracy by some 40 volunteers from the office, came to pay a visit and have lunch with their partners, an event much enjoyed by everyone who took part.

Some of the Mayer, Brown, Rowe & Maw volunteers enjoying lunch with children from Malmesbury Junior School at the London office.



Julie Dickins (pro bono partner at the London office) with Naslee Parker of Cancer Research UK (a pro bono client of the London office) at the launch of UK Pro Bono Week at the Law Society, London.

Death Penalty Updates

Madej Case

When Illinois Governor George Ryan granted blanket clemency to all 167 inmates in the state's death row last January, the last thing one might have expected was for any of them to object. But for Gregory Madej, still residing in Stateville Prison in Joliet, the Governor's commutation of his death sentence to life in prison was a let-down.

Mr. Madej, a Polish national, was convicted of murder and felony murder in 1982 for rape, deviate sexual assault, and armed robbery. He was sentenced to death. He spent the next two decades appealing his conviction and sentence. In March 2002, Judge David Coar of the Northern District of Illinois granted him a writ of habeas corpus, because he had received ineffective counsel at his original sentencing. The court vacated Mr. Madej's death sentence and ordered that the state re-sentence him within 60 days of the March order, as supplemented on September 25, 2002.

In August 2002, when he was represented by the Chicago office of Skadden Arps, Mr. Madej applied for clemency from Governor Ryan. He attempted to file a clemency petition that took into account his vacated sentence. He asked for a commutation to a term of years or no relief at all. Instead, Governor Ryan commuted his sentence to natural life.

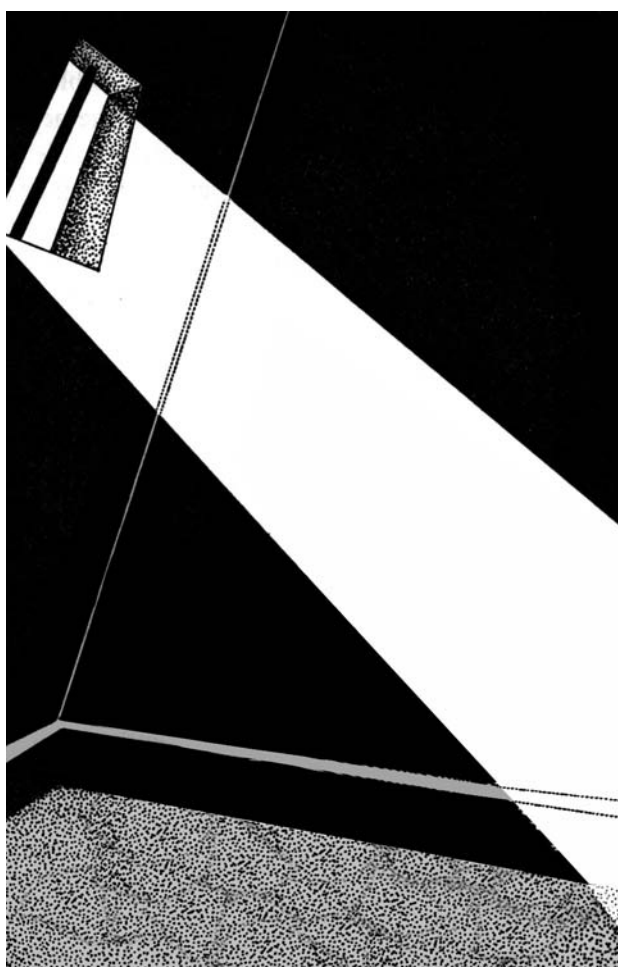
A Further Twist

A new element came into play in February. The new Illinois Attorney General, Lisa Madigan, challenged the clemency order with a writ of mandamus to the Illinois Supreme Court asking it to command the Department of Corrections not to carry out the clemency order. In the case of Madej, Madigan contended that Ryan exceeded the scope of his constitutional authority. With regard to approximately 30 of the 167 inmates granted clemency in January, the Attorney General argued that the Illinois Constitution limits his power to cases of those convicted and sentenced.

After the Attorney General filed the suit in the Supreme Court, Skadden Arps moved to withdraw as counsel because it had another client who was satisfied with the clemency order. Mr. Madej wanted relief from the commutation order. Skadden had a conflict because it could not appear in the Supreme Court and argue to uphold the clemency on behalf of one client and to attack it on behalf of another client. So we were asked to take over the case.

Enter Mayer, Brown, Rowe & Maw

Mr. Madej now enjoys formidable legal firepower: Mike Feagley, Mark Ter Molen, John Touhy, Marc Kadish, and Sean Dailey.



We appeared before both Judge Coar and the Presiding Judge of the Criminal Division, Paul Biebel, asking that Mr. Madej be resentenced. Judge Coar denied the motion until such time as the Illinois Supreme Court acts. Judge Biebel was precluded from conducting a sentencing hearing when the Illinois Supreme Court entered a stay of all the death penalty cases involved in the *mandamus* action.

We did not file any briefs on behalf of Mr. Madej in the Supreme Court because of the uniqueness of his position. Although we agreed with the state's position that Mr. Madej should be resentenced, we did not agree with their reasoning. We believed the brief filed on behalf of the other "unsentenced" petitioners was correct. To our knowledge, all the other unsentenced prisoners received a commutation order setting natural life as the maximum sentence they could receive. We believe Mr. Madej was the only prisoner who received a commutation to natural life. This argument can only be developed before a trial court.

The Supreme Court heard oral arguments on the cases on September 16, and has not yet ruled.

Lupo Case

The State is no longer seeking the death penalty in the case of our client, Samuel Lupo, Jr., who beat to death his live-in girlfriend (a Chicago police officer) during a heated argument in 2000. The State's reasons for its decision aren't entirely clear. The trial itself is expected to start soon. Partners Sheila Finnegan and Craig Woods and Marc Kadish are leading the defense, which includes associates Dorressia Hutton, Zachary Barnett, and paralegal Julie O'Keefe.

Madison Case

The case of Deryl Wayne Madison—who narrowly escaped execution last year when we won the right to habeas corpus

review of his death penalty conviction—stands to benefit from a new case before the U.S. Supreme Court, for which our new Houston office appellate practice has written an amicus brief.

Our argument in the *Madison* case was based on the U.S. Supreme Court's *Penry* cases, which twice overturned a condemned prisoner's death sentence. In those cases, the Court held that the lack of a separate jury interrogatory on mitigation meant that the jury did not have a sufficient opportunity to consider and "give effect to" mitigating evidence. This rule was expected to be followed throughout the United States.

The Fifth U.S. Circuit in Texas, however, has interpreted the *Penry* standards very narrowly—more narrowly than most defense lawyers believe is valid. In Texas alone, the fate of 40 death row inmates might be determined by the Fifth Circuit's narrow interpretation. Brett Busby, newly arrived at the firm and a former clerk for Justices Bryon White and John Paul Stevens, worked with other Houston office attorneys to prepare an amicus brief on behalf of the Harris County Criminal Lawyers Association and the Texas Criminal Lawyer Association in the case of *Robertson v. Cockrell*. The brief argues that the Fifth Circuit's narrow interpretation has multiple flaws, including: it impermissibly confines *Penry* only to cases involving mental retardation; it does not allow the jury to give effect to all mitigating evidence; it introduces an impermissible harmlessness inquiry for *Penry*-type errors; and it allows the court to usurp the jury's individualized sentencing determination.

A decision favoring our position can only help our *Madison* case, which has figured in a larger appellate trend focusing on the adequacy of jury instructions at the sentencing stage.



Mayer, Brown, Rowe & Maw presented a \$40,000 check in sponsorship of the Low Income Taxpayer Clinic at Legal Services of Southern Piedmont (LSSP). The LSSP Low Income Taxpayer Clinic provides legal assistance in tax matters to eligible low-income workers and families in western North Carolina.

Judge Fines N.C. Woman, Shutting Down “Puppy Mill”

More than 250 dogs were kept in squalid conditions at a rural North Carolina “puppy mill” that earned a 77-year-old woman an estimated \$1.9 million over a 10-year period from breeding and selling the dogs. A Union County judge in July fined the woman, ordered restitution and barred her from ever having animals again.

Million Dollar Business

Mayer, Brown, Rowe & Maw partner Rodney Alexander represented the Humane Society of Union County in a civil suit against Delores Perez. Assisting Rodney were Joanna Flanagan, Mary Mandeville, Amy Murphy, Dan Tedrick, and Eric Cottrell, all of the Charlotte office, and Summer Associate Turner Herbert.

The case received national attention after sheriff’s investigators and humane society officials searched the woman’s property and seized the animals in April. “The conditions were horrendous,” said Rodney. “She didn’t care about the animals. This was all about making a profit from selling puppies. She earned \$1.9 million over a 10-year period.”

Over the years, Ms. Perez sold various small-breed canines including Maltese, Pomeranians, Chihuahuas, Yorkshire terriers, Shih Tzus, and mixed-breed small dogs. Earlier this year, the humane society received information from people who had purchased dogs from Ms. Perez that they were suspicious the animals on her property were being neglected or abused.

Heartbreaking Conditions

Inside Ms. Perez’s house, investigators found 15 to 20 dogs, a cat, two kittens, and a parrot living in filthy conditions with animal excrement throughout the house. The rest of the dogs were found packed in animal pens near the house and in rabbit cages in a barn. The dogs did not have adequate food or water, lived in squalor (in their own feces and urine), were infested with fleas and ticks, and suffered from painful and debilitating eye, ear, dental, and other types of infection. One dog’s eye had ruptured from an infection. Another dog had no lower jawbone, it having rotted away due to a massive untreated dental infection. Many of the dogs had deformed feet from living in cages with mesh wire bottoms.

Four of the dogs had to be euthanized to end their suffering, said Rodney. Veterinarians were able to treat the rest of the animals. The humane society has found temporary homes for many of the animals, and is awaiting notice regarding any possible appeals before finding permanent homes.

Combined Civil and Criminal Prosecution

District Judge Chris Bragg had combined the civil suit with a criminal prosecution of Ms. Perez. During the three-day trial, our attorneys presented testimony from 15 witnesses. In the criminal case, the judge placed Ms. Perez on five years supervised probation, fined her

see “Puppy Mill” on page 23

“The conditions were horrendous,” said Rodney. “She didn’t care about the animals. This was all about making a profit from selling puppies. She earned \$1.9 million over a 10-year period.”

Preserving Jewish Heritage



View of New York City's Museum of Jewish Heritage, showing the new wing set to open this fall. Rendering by Kevin Roche, John Dinkeloo and Associates.

JewishGen combines the newest technologies to help preserve one of the oldest cultures: it is an Internet-based genealogical information resource tracking Jewish heritage. In only 15 years, the project has grown from a basic Internet bulletin board for compiling and exchanging Jewish family information and history to become, through a recent agreement, a division of New York City's Museum of Jewish Heritage—A Living Memorial to the Holocaust.

On JewishGen, researchers share genealogical information, techniques, research strategies, and case studies. With multiple databases now containing in excess of seven million records, including some material from previous centuries, the website is a forum for the exchange of information about Jewish life and family history, and has enabled thousands of families to connect and re-connect in a way never before possible.

Genesis

Houston partner David Ronn has been involved with JewishGen since its incorporation in 1996. In fact, he advised on the incorporation and has served, pro bono, as its General Counsel ever since. JewishGen was founded in 1987 by Susan E. King, an amateur genealogist using a computer in her Houston home. Today, JewishGen continues to be located in the Houston area, but has moved to a secure facility able to house and monitor the multiple servers required by the extraordinary growth of the organization and its projects.

JewishGen was a pioneering effort both in terms of genealogy and technology. At the outset there were only 150 users, but JewishGen morphed steadily into a major grass roots phenomenon, drawing hundreds of thousands worldwide into an electronic community yearning to rebuild ancestral roots and history.

Houston partner David Ronn has been involved with JewishGen since its incorporation in 1996. In fact, he advised on the incorporation and has served, pro bono, as its General Counsel ever since.

Although he came to JewishGen through a friend of his wife, David Ronn already had a relatively deep background in Jewish genealogy. It so happened that his brother had a passion for family history. At the age of 12, Michoel Ronn began researching family history as part of a school social studies assignment before *Roots* hit the airwaves. By his twenties, Michoel had produced a book on his family's genealogy. David accompanied his brother on interviews with relatives in the United States, Europe and Israel. "My brother got started at such an early age that he was able to obtain first-hand accounts from two and three generations back," David recalls. "By editing and typesetting my brother's book, which we published ourselves, the two of us were also brought closer together."

"Genealogy research is much more than just searching for names, dates and places," said Ms. King, founder and now managing director of JewishGen. "Only in the details of Jewish heritage and history do ancestors come to life, the thinking goes. The affiliation with the Museum," King explains, "allows JewishGen to begin to professionalize what has been an all-volunteer effort."

Special Features

Among the special features of JewishGen is the Family Tree of the Jewish People, which contains data on more

than two million people. A second feature, The Yizkor Book Translation Project, seeks to translate memorial books containing previously unavailable data on the fate of Jewish communities affected by the Holocaust. Perhaps most significant is the Holocaust Global Registry, a central database of and for Holocaust survivors and their families. The Holocaust Global Registry is credited with re-connecting a number of families after more than 60 years of separation.

"For many Jews, knowledge of their family history perished in the Holocaust," says Dr. David G. Marwell, Museum Director. "JewishGen fills in the missing pieces of the puzzle."

Located on the waterfront of Lower Manhattan in Battery Park City, the Museum is configured on three major themes: Jewish Life a Century Ago, The War Against the Jews, and Jewish Renewal. More than 2,000 photographs, 800 artifacts, and 24 original documentary films are on display. The Museum will open its 82,000 square-foot Robert M. Morgenthau Wing in the fall, and it will contain a theater, classrooms, and special exhibition space. You can access JewishGen at www.jewishgen.org where all programs and projects are provided as a public service.

Solicitors Pro Bono Group Annual Conference

The London office was one of the principal sponsors of this year's Solicitors Pro Bono Group Conference, which was held at the Law Society in London on Saturday 29 March.

The theme of the conference was "Pro Bono in the Global Age," and the SPBG invited Marc Kadish to give the closing address.

In the morning, speakers included the Attorney General (Lord Goldsmith Q.C.), the President of the Law Society (Caroline Kirby), and the President of the U.S. Pro Bono Institute (Esther Lardent). In the afternoon, delegates could choose to attend two of a variety of workshops, which covered topics such as "Developing International Pro Bono Opportunities" and "Pro Bono and the Internet."

Marc Kadish spoke at the end of the conference, and received invitations to speak at other pro bono conferences in the U.K.

Marc Kadish



Curious Juror and the Redacted Evidence

The jury was split in the case of Donald Benjamin, on trial in a New York State court for robbery and burglary. The jurors had gone over the evidence carefully more than once, but the gap couldn't be closed. Still, one juror decided to take a closer look at the exhibits they'd been given. He re-examined Defense Exhibit B, the police report. Certain entries had been blacked out with an ink marker, not the more opaque redaction tape-and-photocopy, as is normally done.

Suppressed Information

By holding the paper up to the light, the juror could clearly make out what was written beneath: Benjamin had two prior arrests for crimes almost identical to the one then under consideration and was still on probation for one of them. The juror told his fellow jurors about his discovery, and it wasn't long before the deadlock was broken. The jury convicted Donald Benjamin, who was sentenced to eight years.

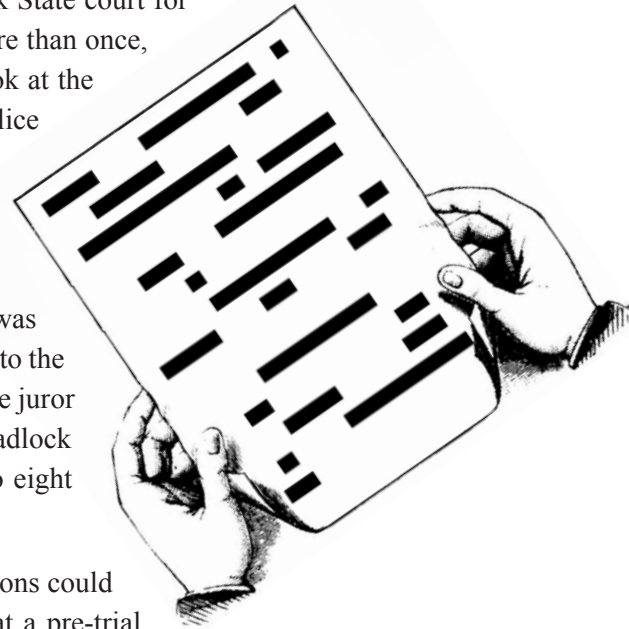
What the juror did, of course, was not legal. Mr. Benjamin's prior convictions could not bear on his new case. The information had been ruled inadmissible at a pre-trial hearing (hence, the redactions).

Three days after the trial, another juror notified both the court and defense counsel of the incident. Defense counsel then entered a motion to set aside the verdict, but the trial court denied it and the state appellate courts affirmed the decision.

Habeas Motion

From jail, Mr. Benjamin took his case to the Legal Aid Society of New York. Through the LASNY, New York associate Joseph De Simone took the case and waged a lengthy appeal with the help of Matthew Mozian, Bejal Shah, and Scott Chesin. He filed a petition for a writ of habeas corpus, arguing that the jury's consideration of Benjamin's two prior, inadmissible convictions during deliberations violated his right to a fair trial, to confront witnesses and to due process.

After several years of appeal (Mr. Benjamin was convicted in 1997), Judge Shira A. Scheindlin of the United States District Court for the Southern District of New York agreed and issued an opinion granting the petition and vacating the conviction and calling for a retrial for Mr. Benjamin. *Benjamin v. Fischer*, __ F. Supp. 2d __, 2002 WL 31873464 (S.D.N.Y. Dec. 23, 2002). The decision was entered as a final judgment on January 2, 2003. The case (which currently is on appeal) was a front page story in the *New York Law Journal* last December.



By holding the paper up to the light, the juror could clearly make out what was written beneath.



Joseph De Simone

Helping Immigrant Women Break Free of Domestic Violence

For the past two years, Camille Carey has represented hundreds of abused immigrant women as an Equal Justice Works fellow at the Legal Aid Society in Brooklyn.

“Battered immigrant women are particularly dependent upon their abuser because without the abuser’s sponsorship, they may have no legal status of their own,” said Camille.

“Holistic” Approach

Camille assists women under the Violence Against Women Act in obtaining self-petitions and battered spouse waivers, which allow certain battered immigrant women who are married to green card holders or citizens to seek legal status without their husband’s sponsorship. Camille also provides legal services to immigrant victims in the areas of family law, public benefits, immigration law, and housing law. This often involves representing a woman in multiple cases.

For example, one of her clients is a woman from Barbados who was stabbed by her husband. Camille assisted the woman in obtaining an order of protection, legal status, and with housing issues. She also is assisting the woman, who has Parkinson’s Disease, in applying for SSI benefits.

Although Camille’s fellowship was due to end this summer, Mayer, Brown, Rowe & Maw has extended funding of the fellowship for another year. Partners Philip Lacovara and Andrew Schapiro have coordinated contact with the firm and support for the program.

Associate Jennifer Mondino is working with Camille in representing a woman from Colombia and another woman from the Dominican Republic in immigration, divorce, and child custody matters. “What Camille is doing is very innovative,” said Jennifer. “She is taking a holistic approach in working with her clients. I very much enjoy being part of it.”

Outreach and Education

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

The work includes conducting regular legal clinics at the Arab-American Family Support Center and the Brooklyn Chinese-American Association.



Associate Jennifer Mondino (left) and Camille Carey worked as a team on the child custody matter.

“Battered immigrant women are particularly dependent upon their abuser because without the abuser’s sponsorship, they may have no legal status of their own.”

see “Immigrant Women” on page 22

Annual Pro Bono Awards Luncheon

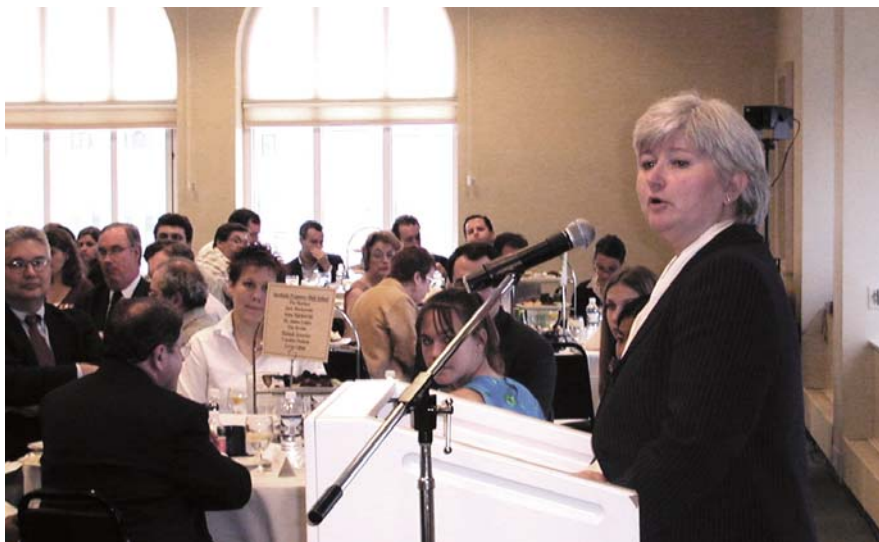
The turnout for this year's Chicago Office Pro Bono Awards Luncheon, held on June 17, was larger than ever before—a good sign for public interest law. Debora de Hoyos's opening remarks called for even greater participation. She noted that that lawyers have a “professional monopoly”: “There is much that can't be done without a lawyer in the U.S.” Therefore, she challenged each luncheon guest to “get one colleague to this lunch next year.”

Fresh Faces and Cases

This year's honorees were all first-time recipients. The Intellectual Property practice was honored for its work on the Community Development Law Project and Lawyers for the Creative Arts. Mike Warnecke accepted the award for the practice.

Pat Sharkey received the firm's annual pro bono award for her work with the Northside College Preparatory High School whose Advanced Placement U.S. Government and Politics class works with our lawyers. The innovative course, which Pat helped start just two years ago (and was discussed in the June 2002 *Update*), has teams of students brief and plead Supreme Court cases. Our lawyers guide them through the process, recreating as closely as possible the actual experience. The program culminates in an all-day session of oral arguments pled before three-judge panels (i.e., Mayer Brown lawyers) in the Illinois Supreme Court chambers. Several students attended the lunch and presented Pat with a gift in thanks for her work.

Drew Worseck was given Indiana University's Distinguished Service Award for his work on behalf of a Burmese political refugee (discussed in “The Patriot” on page one in this *Update*). Mary Meg McCarthy, Director of Midwest Immigrant and Human Rights Center, through which the case was brought, was co-recipient of the award. Drew also won this year's Chicago Bar Association Morris Weigle Exceptional Young Lawyer Award for his work on the Burma case at the CBA's annual luncheon on July 12.



Debora de Hoyos calls the program to order with a few words about the firm's commitment to pro bono.



Mike Warnecke rises to accept an award on behalf of the intellectual property practice. Shown seated at Mike's table is Chicago ABC 7 television newsman Joel Daly (a guest and former student of Marc Kadish).

Adding to the topical atmosphere of the occasion was Richard Ben-Veniste, Washington office partner and former Watergate prosecutor (he noted the date was the 31st anniversary of the break-in). His comments, however, focused on his current responsibilities as a member of the



Richard Ben-Veniste offers insights into the deliberations of the 9/11 Commission.

National Commission on Terrorist Attacks. He stressed the need for a judicious review, unlike the “rush to judgment” that followed Pearl Harbor and that produced, in a scant six weeks, findings that history (and subsequent investigations) has come to repudiate. The 9/11 Commission has been given 18 months to produce a report with the help of a staff of 50 professionals, “two-thirds of them lawyers.”

The 10-member Commission is committed to acting in a bipartisan manner. Indeed, when peppered with questions about the so-called “Bush Doctrine” or whether the Iraq War increased the terror threat, Richard was firm that the Commission will avoid questions of U.S. foreign policy.

The Commission will, however, squarely address concerns arising from law enforcement actions since 9/11. “It is . . . essential that, in making changes, we do not unnecessarily interfere with the personal liberties which define us as Americans,” he said.



First U.K. Pro Bono Luncheon

Taking advantage of Marc Kadish’s presence in London for the Solicitors Pro Bono Group Conference, U.K. Pro Bono Partner Julie Dickins arranged a pro bono lunch at the London office which was attended by some 50 lawyers. Marc spoke about the pro bono program in the States, and gave the audience an amusing foretaste of his address to the Conference the next day, whilst Julie described how pro bono work had evolved in the London office and what current opportunities there are to become involved.

Chicago Legal Clinic Honors Mayer, Brown, Rowe & Maw Pro Bono Program. Mayer, Brown, Rowe & Maw was honored by the Chicago Legal Clinic (CLC) at a ceremony May 2 at the Palmer House Hilton. The firm was honored “for providing exemplary pro bono services through its Seventh Circuit Project. The firm has accepted more than 55 pro bono cases before the U.S. Court of Appeals in Chicago in recent years, more than any other firm, and has seen a number of significant victories as a result of this work. Mayer, Brown also has briefed and argued pro bono cases before the U.S. Supreme Court.” Chief Justice of the Illinois Supreme Court Mary Ann McMorrow was also honored with CLC’s Cardinal Bernardin Award for “action on behalf of social justice, advocacy for the less advantaged, and passionate promotion of the ideal that we are our brother’s keeper.” Pictured here: (L-R) Chicago Legal Clinic President Bishop Thomas J. Paprocki, Mayer, Brown, Rowe & Maw Partner-in-Charge of the Chicago Office, Julian D’Esposito and Firm Managing Partner, Debora de Hoyos, Chief Justice McMorrow, and attorney Philip Corboy.





To Talk of Many Things

by Marc Kadish

*“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

The past summer marked the completion of my fourth year with the firm—a time, inevitably, to take stock. Our development as a practice in that time is undeniable. Our firm’s reputation for pro bono is now stronger than ever, and the practice’s reach has grown as the firm has. With this expansion, though, comes the need to consider where we have become stronger and how we might consolidate such strength.

Progress

We have made much progress in improving the quality of both the pro bono program and the litigation training program. We have a pro bono website. This is the ninth issue of the *Pro Bono Update*. There is an active, firmwide pro bono committee. Pro bono activities now take place in the United States and Europe. With the help of committee member John Faylor, we conducted our first pro bono program in the Frankfurt office at the end of August. I spoke about the concept of pro bono. Julie Dickins provides information about the London office’s recent activities. Steven Austermler, Country Director of ABA-CEELI in Croatia, spoke about ways that German lawyers could assist with this work.

We have contributed \$40,000 to help fund a low income taxpayer’s clinic for one year at the Legal Services of Southern Piedmont through the Charlotte office—one of the many projects and programs to which the firm and its

lawyers are contributing time and money in 2003. Contributions totaled nearly \$800,000 this year. Members of the Charlotte office work with the Tax Clinic. Our work with Equal Justice Works continues. Mirna Adjami is the third Equal Justice Works Fellow in Chicago. Like the two previous fellows, she is working at the Midwest Immigrant and Human Right Center (MIHRC). Learning from the New York office’s successful relationship with Camille Carey, we are establishing an informal advisory committee to work with Mirna.

Passion

We constantly try to increase the number of lawyers, paralegals and other support staff in the firm who are involved with pro bono projects. This issue of the *Update* describes partners and associates from virtually every office in the firm who worked on these cases and projects. Many cases involve major political issues. All of them indicate a personal stake on behalf of the lawyer (note especially a summer associate’s analysis of the Supreme Court’s ruling on the Texas sodomy case last summer). It demonstrates what some might consider a surprising proof: When work is offered that speaks to a person’s interests and guts, few people complain about the time spent.

see “Kadish” on page 25

Opinion:
Historic Tipping Point
by Steve Sanders

The movement for gay and lesbian equality has been energized by the Supreme Court's decision this summer in *Lawrence v. Texas*, which struck down all remaining state sodomy laws as unconstitutional infringements against liberty and privacy. As public interest groups and policymakers sort through the decision's long-term implications, *Lawrence* will almost certainly present lawyers and law firms with new opportunities for cutting-edge pro bono work.

"We've come to an historic tipping point where the majority of Americans now support or accept equality and inclusion" for gays and lesbians, says Evan Wolfson, a veteran gay rights litigator and strategist. "At the same time, as in any civil rights movement, gains are accompanied by resistance and discrimination. As our society sorts out the realities of people claiming their legal rights and building lives together, there will be a need for more resources and allies to complete the job."

As is often the case with high court decisions, *Lawrence* may ultimately be less important for its substantive holding than as a symbol of legal change and a catalyst for public debate. Justice Anthony Kennedy's opinion emphasized modern attitudes toward homosexuality. It rejected moral disapproval and appeals to tradition as justifications for denying same-sex couples the same freedoms heterosexuals enjoy. And it said government may not legislate about the intimate lives of gays in ways that "demean their existence or control their destiny."

In repudiating the 13 remaining state laws that criminalized same-sex relations, *Lawrence* neutralized an argument that

has been used to oppose legal and political equality for gays and lesbians: that their private behavior makes them a criminal class. More broadly, in the view of many scholars and advocates, *Lawrence* mandated an end to the treatment of gays by government as second-class citizens.

Thus, it is widely anticipated that *Lawrence* will be invoked in efforts to protect the custody, visitation, and adoption rights of gay and lesbian parents; to oppose discriminatory enforcement of criminal statutes against solicitation; and to secure for same-sex partners the same privileges enjoyed by married couples, such as immigration preferences and the right to file joint tax returns. Advocates on both sides also expect that the decision inevitably will be used to challenge the exclusion of gays from the military, and to seek equal marriage rights for same-sex couples.

In the private sector, *Lawrence* may add momentum to the trend of corporate policies on non-discrimination and domestic partner benefits. Among the Fortune 500, 322 companies include sexual orientation in their non-discrimination policies, while 198 offer partner benefits, according to the Human Rights Campaign, the nation's largest gay and lesbian advocacy group. Among law firms nationwide, the figures are 118 and 126 respectively. (Mayer Brown has both policies.) *Lawrence* may also spur more state and local laws against discrimination in workplaces, schools, housing, and public accommodations.

Lawrence will encourage "government officials and the private sector to treat gay people and our relationships with respect and equality," said Patricia M. Logue, acting legal director of Lambda Legal, the national gay/lesbian legal



organization that took the case to the Supreme Court. The case also will allow groups like Lambda to “undo past harms inflicted by sodomy laws,” Logue said.

All this is likely to mean growing needs and opportunities for law firms and their attorneys interested in pro bono work on gay and lesbian issues. Some examples:

- **Impact litigation.** Law firms can provide critical expertise in all aspects of litigation when public interest organizations go to court on a wide range of issues, such as upholding the rights of gay parents, protecting gay students from harassment in schools, and challenging discriminatory government policies.

Lawrence was argued by a prominent private firm litigator who worked closely with Lambda Legal. In Massachusetts, where the state high court is expected to rule this summer on same-sex marriage, most of the state’s major law firms have written amicus briefs supporting the gay and lesbian plaintiffs, according to Evan Wolfson. In 2001, a Washington, D.C., firm helped defeat a ballot initiative aimed at repealing Maryland’s law prohibiting discrimination on the basis of sexual orientation.

- **Legislative drafting.** Many Americans—including attorneys—are surprised to learn that while 14 states and 240 local governments include sexual orientation in their civil rights codes, there is no such federal law. Thus, in the large majority of jurisdictions it is perfectly legal to fire someone on the basis of anti-gay bias.

Lawrence likely will energize efforts to add sexual orientation to more state and local non-discrimination laws, as well as to pass new measures punishing hate crimes or creating official registries for domestic partners. Civil rights groups may seek legal and strategic expertise in drafting such laws.

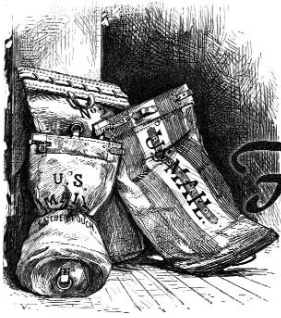
- **Relationship recognition.** Canada is on the verge of legalizing same-sex marriages. Many

experts expect Massachusetts to do so as well. Couples, employers, and state agencies will face novel challenges sorting out what happens when same-sex partners get a Canadian or Massachusetts marriage license, yet find that agencies, employers, hospitals, and enterprises such as health clubs in other states refuse to recognize the legal relationship. “Both businesses and couples will want counsel as to how to solve this problem,” Wolfson says.

- **Counsel to organizations.** As some gay legal groups increase the size, sophistication, and tempo of their operations, they may find they have increasing needs for advice on management, ethical, compliance, or employment issues.
- **Counsel to individuals.** Law firm attorneys can counsel and represent individuals who have been victims of hate crimes, have been denied parental custody or visitation rights, find themselves ensnared in cross-national disputes, or seek to pursue Section 1983 actions.
- **Service to clients and fellow attorneys.** Increased awareness of gay issues may also generate more paid work for law firms. Employers may want expertise on implementing domestic partner benefits policies (and on the tax implications they involve). Banks and foundations may seek to better understand how to serve the unique estate planning needs of same-sex couples. Law firms also can sponsor programs to make local bar associations and other groups better aware of the range of legal issues affecting gays and lesbians.

Pro bono is about lawyers using their special expertise to achieve justice and help more of our fellow citizens enjoy equality and opportunity. Engagement with gay/lesbian issues is a natural part of this work.

Steve Sanders is a law student at the University of Michigan and was a summer associate this year in the firm’s Chicago office.



Feedback

Dear Drew,

Both personally and on behalf of Indiana University, I want to thank you and your colleagues at Mayer Brown Rowe & Maw (especially Marc [Kadish] and Michelle [Gale]) for all that you've done for Ahn [a pseudonym—see “The Patriot”]. Ahn could not have been more fortunate to have you as his legal counsel. The hundreds of hours that you've devoted to his case have helped to correct something which should never have happened. Without your assistance, Ahn might have remained in detention for many more months or years.

I spoke with Ahn this evening and his spirits are high. He plans to join for dinner on Saturday evening the 40+ Burmese Refugee Scholarship Program participants who will be in Bloomington this week for a workshop and reunion. Many are old friends and it promises to be a joyous affair. There are a lot of things to be done to help him put his life back together again, but fortunately there are many people here who are willing to help Ahn both materially and with their time.

I appreciate more than words can express what you've done for Ahn and hope that you will also convey my thanks to MBR&M for lending you to us.

With best regards,

Charles Reafsnyder
Director, Center for
International Education and
Development Assistance
Indiana University

Marc,

I just got a copy of the latest *Pro Bono Update* in the mail. I am simply astounded at the kind of work that MBR&M lawyers are doing these days and am happy to see that, even in this “tough” economy, the firm continues to put its support behind your program. I'm also very impressed with the point/counter-point between Lardent and McIntosh. The fact that you and the firm thought it important to conduct a public debate on the subject speaks volumes for the kind of place that MBR&M is.

Kyle F. Waldinger
Assistant United States Attorney
450 Golden Gate Avenue, 11th
Floor
San Francisco, CA 94102

Dear Marc,

I applaud your and the firm's initiative in making *Pro Bono Update* a forum for substantive discussion of issues of importance both to the legal community and to the broader society. Whether or not large law firms, such as Mayer, Brown, Rowe & Maw, have a liberal bias in the support of pro bono legal work is certainly an appropriate subject for discussion. There are many other subjects which it would be useful to discuss in future issues, i.e., the fairness of the criminal justice system, including capital punishment.

I come to the pro bono debate between Esther Lardent, President of the Pro Bono Institute, and David McIntosh, a Washington partner, with my background of knowledge of large law firms and pro bono work which is relevant and I think, helpful in commenting on this debate as reported in the January, 2003 issue of the MBR&M *Pro Bono Update*.

I was an associate and partner at MBR&M for 38 years, specializing in corporate, bank, and securities law in the Chicago office. I was also President of the Public Law Initiative (PILI) and, after retirement from MBR&M in 1988, Executive Director of PILI for 10 years. My work with PILI put me in constant contact with the pro bono community, both the public interest law organizations and the pro bono partners and coordinators at all of the major law firms in Chicago. I worked with the members of this community every day. It was my full time job. Based on

my knowledge and experience, I think Esther Lardent makes a very convincing case that the pro bono programs of the nation's largest law firms are not biased in favor of "liberal" as opposed to "conservative" clients and causes. Ms. Lardent has written an impressive and highly skilled lawyerly analysis of the Federalist Society Report (the "Report").

By contrast, David McIntosh's statement is unconvincing and does not address the methodology of the Report, which, as Ms. Lardent points out, is critical in its evaluation. Mr. McIntosh's language suggests rather strongly that he personally supports a very conservative agenda. This is his right, of course. But, it does appear to affect his ability to comment objectively on the Report's views of pro bono practice at large law firms. I wonder why he questions that there are "abortion rights," notwithstanding *Roe vs. Wade*, which 30 years ago held that abortion is a legal right as a part of a general right to privacy. Do major firms really line up to represent homosexual rights organizations? And, if they did, would it be wrong to provide legal representation to one of the most discriminated-against groups in the United States?

Is the right to bear arms "constitutionally enshrined" in the Second Amendment as an individual right or only as a group right as part of a militia? My understanding of the weight of legal authority on this issue is that it is not an individual right. Mr. McIntosh apparently agrees with the much criticized position of Attorney General John Ashcroft, who has long supported the National Rifle Association on this issue. Mr. McIntosh should talk to his partner Andy Frey and to retired partner Frank Auwarter, both of whom are experts on the Second Amendment.

Again, Mr. McIntosh has the right to his personal views on all of these issues. However, the use of polemical language is not helpful in trying to determine the question being debated, i.e., whether or not improper bias exists in large law firm pro bono policies and practices.

In my experience, the vast majority of pro bono cases are ideologically neutral, usually involving the many aspects of "poverty" law. In issues cases involving the environment, women's reproductive rights, free speech and other bill of rights issues, it is usually the firm's individual lawyers who

request approval of the pro bono committees to represent individuals or organizations seeking pro bono help. Of course for quality control and administrative purposes, pro bono cases are handled like other regular cases. Proposals for representation are presented by the individual lawyers to law firm pro bono coordinators and committees for approval and approved if they come within the firm's pro bono policy. In a minor matter, a public interest organization may initiate the contact with the law firm. As Executive Director of PILI, I encouraged the adoption of written pro bono policies by law firms. All of the major Chicago law firms have adopted these policies, which are completely neutral in terms of ideology. In all of the years I was active with PILI, I saw no evidence of liberal bias in approval of cases for representation or in the implementation of pro bono policies. This has certainly been true at MBR&M.

John E. Clay

Dear Marc,

As the school year comes to a close, I just wanted to let you know how pleased I am with our partnership with Mayer, Brown, Rowe and Maw. Our students rave about the guidance offered by your team of lawyers; and our teachers, particularly Tim Devine, continue to sing their praises. The Constitutional Law and Global Issues classes have matured with your assistance. Thank you.

Your financial support has been a tremendous help funding staff development programs for our teachers. Several have been able to attend Advanced Placement training programs; two more are scheduled to attend sessions this summer. Your financial support allowed us to enhance computer capacity and add constitutional law and social science books and materials to the library.

Mr. Giles, Chair of the Social Science Department, spearheads our global outreach. This summer he will travel to Korea as a guest of the SAT II Foundation and the Korean Government. Some of the money from Mayer, Brown, Rowe & Maw will allow him to extend his trip to Japan to work with other educators on problem-solving-based and inquiry-based learning.

see "Feedback" on page 23

“Patriot”

continued from page two

At the request of the Midwest Immigrant and Human Rights Center—whose director, Mary Meg McCarthy, describes the case as “one of the most challenging and compelling pro bono cases ever to come through our agency’s doors”—we took up the case in October 2002. It was our contention that the revocation of Ahn’s immigration status was illegal because it was based on facts already cleared by the government and without any new significance, and because no showing was made that Ahn was a danger to the community or to the United States. The federal government—especially the newborn Department of Homeland Security, which has a narrower, post-September-11 tolerance of political zeal—took a hard line and argued that the revocation was within its discretion.

Associate Drew Worseck handled the case from the start, with Marc Kadish’s guidance and assistance from Michelle Gale and paralegal Trudy Doyle.

The immigration judge in the case not only believed Ahn was not a threat but expressed alarm at what deportation would mean for him: forced return to Burma, where draconian reprisals awaited him. The immigration judge found “no evidence that the [INS’s] decision was predicated on any justifiable ground,” that [Ahn] has led a “productive, exemplary life” in the U.S., and that he should not be deported. Despite this ruling, attorneys for the INS appealed the court’s decision and refused to release him.

Finding a Compromise

After we filed a federal habeas lawsuit seeking Ahn’s release and reinstatement of his immigration status, we were able to devise a settlement whereby Ahn was released from federal custody and allowed to return to his student life in the Midwest, and his past actions would no longer be considered against him.

Mary Meg McCarthy stresses the importance of Drew’s work: “The outcome of these cases will be tremendously significant to others who are representing asylum seekers in the post-9/11 era.”

London Office Helps Indonesian Charity

Ilana Menachemson and Bob Hillhouse of the London office have been setting up a UK charitable company, to be known as “Youcan Trust”, as a formal vehicle for the work of Wilfried Ifland. Wilfried began helping Indonesian villagers in 1999 whilst in Java as an I.T. contractor. He realised that although villagers had essential items such as food and clothing, there was a lack of basic hygiene, causing many illnesses, particularly among children. His first project was renovating a house for a family with six children, and this modest beginning has led to many subsequent projects such as drilling a well and training and mentoring young people.

As the projects became more ambitious, Wilfried arranged funding from organisations such as the Reuters Foundation (for whom the London office also do pro bono work and who referred Wilfried to the firm). It is hoped that setting up a charitable company will enable Wilfried to expand the work still further. More details of the charity’s work can be found on www.youtakecare.org.

“Immigrant Women”

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

Camille says she is grateful for the firm funding the project. “Without this project funded by Mayer, Brown, Rowe & Maw there would be hundreds of poor immigrant women who would not be able to exercise their legal rights and who would fall through the cracks ... The clients keep me going and bring a lot of depth to my work as a lawyer.”

“Feedback”

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So thank you and all your associates at Mayer, Brown, Rowe & Maw.

James C. Lalley, Ed.D.
Principal
Northside College Prep

Hello Paul,

Attached is our Mom’s eulogy. Again, thank you from the bottom of my heart. I am also speaking on behalf of our entire family as well.

Best regards,
Julie France

From the eulogy:

Many of you may not know but thirteen years ago, she discovered a lump under her arm which turned out to be Breast Cancer. She won the battle and had an excellent quality of life for 13 years free of cancer. However, in March of last year she discovered another lump under her left arm which was a recurrence of the same cancer. The cancer had spread through her body and she was given only 10%-15% chance of living five years. Stubborn and determined as always, Sue beat the odds and got the cancer in remission in January of this year. However, because it was a fast spreading cancer, Sue had two choices: Chemotherapy for as long as her body would hold out (likely 1-2 years) or an autologous stem cell transplant. She chose the

transplant because it was her best chance at a normal life in which she could enjoy her family and friends to the fullest. However, once again she faced a challenge when the insurance denied her stem cell transplant procedure.

She felt her only chance had been pulled away from her. So, being the intelligent, determined and persevering person she was, she fought it. She found an attorney in Chicago that took pro-bono cases regarding denied claims with stem cell transplants. She presented her case to them and was accepted. With a lot of hard work and research by both Sue and the law firm, they were successful in reversing the denial decision.

Through most of the stem cell transplant process, Sue remained strong and in good spirits. Doctors and Nurses told the family how amazed they were with her strength and positive attitude even during the really difficult times. She fought valiantly, but sometimes the body gives out before the will does. She had many complications and, in the end, the family knew it was time for her to rest. Her children and family take comfort in the fact they were with her through to the end.

Although Paul Drucker was able to intervene with the insurance company on Charmaine Sue Sprinkle’s behalf (referred to in the above eulogy), Ms. Sprinkle ultimately lost her battle with cancer. We extend our condolences to her family and friends.

“Puppy Mill”

continued from page 10

\$10,000, and authorized random searches of her property. In the civil case, the judge granted permanent possession of the seized animals to the Humane Society and barred Ms. Perez from ever possessing animals again, and ordered her to pay veterinary bills and other costs expected to exceed

\$40,000. The judge also ordered Ms. Perez to pay the Humane Society’s attorneys’ fees and expenses.

In 1993, Ms. Perez faced similar charges which were dropped on appeal. Testimony also showed that she had run a similar business in California before moving to North Carolina about 20 years ago.

Race Against Hate

Mayer, Brown, Rowe & Maw LLP had about 80 participants in this year's 4th Annual Ricky Byrdsong Foundation Race Against Hate in Chicago. This was the third time that Mayer, Brown, Rowe & Maw has been a sponsor of the event, which offers diversity programs for Chicago-area youth.

We brought home three team trophies (Fastest Running Corporate Team, Largest Running Corporate Team, and Largest Walking Corporate Team) and two individual trophies: Lisa Zang finished first in her age group with a time of 21:25 and Kim Zielinski finished third in her age group with a time of 21:11. David Grossman was our top finisher with a time of 19:09, 6:10/mile.

The Ricky Byrdsong Foundation is dedicated to continuing the legacy of its namesake, who believed our youth are the key to a peaceful future where diversity is respected and celebrated. Byrdsong was a legendary college basketball coach and crusader of youth programs to develop their full potential, until his murder by a white supremacist on July 2, 1999.



Kent and Robbie Pflederer, John Sagan, Charlie Craven, Ed Schneidman, Buz Craven, Paul Crimmins.



Dennis Pennepacker (our "guidon") and Mark Van Ausdal.



Arthur and Olivia Perce — our youngest team representatives.

“Homelink”

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donated the first 100 computers to Operation Homelink, while many of its customers have already pledged thousands of computers to this cause, said Mr. Shannon.

In addition, the Microsoft Authorized Refurbisher (MAR) program (<http://www.techsoup.org/mar>) is providing Windows operating systems for the donated computers. The MAR Program is a new initiative of Microsoft and CompuMentor (<http://www.compumentor.org>) to provide donated Windows 98 and Windows 2000 operating systems to nonprofit PC refurbishers operating in the United States.

CompuMentor, a San Francisco based nonprofit specializing in technology assistance for community-based organizations and schools, manages the MAR program.

At a minimum, each donated computer is equipped with a Pentium II 233 megahertz processor, 32 megabytes RAM, a 500 megabyte hard disk drive, a 14” VGA monitor and is ready to connect to the Internet. More information about Operation Homelink is available at its Web site: www.operationhomelink.org.

“Kadish”

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Our insurance lawyers got a bittersweet taste of that satisfaction in the case of Charmaine Sue Sprinkle. Paul Drucker and Paul Langer took on an insurance company on behalf of Ms. Sprinkle, a teacher in Evansville, Indiana, who suffered from a fast-moving form of breast cancer, which her doctors believed could benefit from a type of chemotherapy considered experimental and therefore not covered by her insurance. The two Pauls were able to call on their extensive knowledge of insurance litigation to get the insurance company to re-evaluate its decision. Ms. Sprinkle received the treatment but lost her fight with cancer. A thank-you from her daughter and an excerpt from Ms. Sprinkle’s eulogy appear in our “Feedback” section.

Third-Party Accolades

We have also been recognized for our pro bono work. The Illinois Task Force on Unaccompanied Minors recognized us for our work with the Midwest Immigrant and Human Rights Center. The Seventh Circuit recently awarded us the Walter J. Cummings Award because of our Seventh Circuit Project.

The Seventh Circuit Project has accepted appointments in 59 appeals. Forty-one appeals have been completed. Eighteen are still pending. Of the 41, 14 have been successful. The Lawyers for the Creative Arts in Chicago has

also recently recognized us for the Intellectual Property Practice Area’s work with the organization.

More Needed

However good the above sounds, we can do better. Rather than sermonize, moralize, or point out again how pro bono work makes you feel good and contributes to your skills as a lawyer, we are going to do something concrete. Members of the Pro Bono Committee have agreed to undertake a serious evaluation of the entire program.

Adrian Steel, Mickey Raup, Julie Dickins, Trent Anderson, and I will be working with Esther Lardent and Tammy Taylor of the Law Firm Pro Bono Project of the Pro Bono Institute in Washington, D.C. We are also considering whether to work with other outside consultants in this effort to improve our program. We want to examine membership on the Committee and the role of the Committee. We are investigating the establishment of a “Signature Project” in the transactional area. Our goal is to have more people involved in discrete projects rather than having fewer people involved in open-ended projects. We simply want to make sure that we have a program dedicated to quality rather than quantity. If anyone is interested in helping us, working with us, or has suggestions, please contact me.

Operation Homelink Connects U.S. Military Overseas with Families at Home

Operation Homelink's mission is to provide free computers to family members of deployed U.S. military personnel in the junior enlisted ranks (paygrades E1 - E5). With Internet access, the donated computers will enable regular e-mail communication between those serving the U.S. overseas and the families they leave at home.

Deployed military personnel often have access to e-mail through computer terminals or handheld devices, even in remote desert outposts and aboard ships at sea. However, in many cases, their families do not have computers, and must rely on relatively slow postal mail service or expensive long-distance phone calls to keep in touch.

"The goal of Operation Homelink is to provide one free computer to every family that qualifies for the program," said Dan Shannon, founder and president of Operation Homelink. "Some companies have an excess inventory of used computer equipment they need to dispose of, and many families can't afford their own computer. Operation Homelink provides a perfect solution."

Qualifying recipients are the spouse, parent or legal guardian of military personnel with a paygrade of E1 through E5, deployed outside of the continental United States or attached to a ship. Operation Homelink supplies one free computer per family that qualifies for the program and ships the computers directly to the recipients in the United States. Computers are given to families nationwide on a first-come, first-served basis as they become available.

Michael Baney, of the Illinois Air National Guard, said Operation Homelink "will make this year or more of separation from my family a lot easier to bear."

Operation Homelink officially launched its nationwide operations in July. Mayer, Brown, Rowe & Maw LLP lawyers helped the group in setting up a 501(c)(3) not for profit organization, developing agreements with Operation Homelink partners and those receiving computers, and in dealing with various intellectual property and information technology issues involving the donated computers and software.

The firm first became involved with Operation Homelink when Mr. Shannon told partner Alvin Katz of his plans. Alvin said he thought it was a wonderful idea and alerted Marc Kadish, the firm's director of pro bono activities. Marc recruited associates Michael Kalachman, James Kovacs, Brian Nolen, Margaret O'Connor, and Jonathan Wagner to pro-



vide legal services to the organization.

"I thought it was a great project to be part of," said Jonathan.

"I am glad we've been able to do something to help these families."

Various technology partners are donating computers and services to Operation Homelink. Redemtech, the largest computer recovery company in the United States, has

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